

ABSTRACT

ALMS FOR THE POOR: A SIXTEENTH-CENTURY DEBATE ON ALMSGIVING AND THE REGULATION OF BEGGING IN CASTILE

by Justin Chmiel

This thesis examines the 1545 treatises published in Salamanca on the topic of poor relief and almsgiving by the theologians Domingo de Soto and Juan de Robles. Placing the two documents in conversation with each other, it provides a novel reading of the debate. Rather than emphasizing the distinction between public and private charity or consigning the debate to a mere theological disagreement, this thesis shows that the debate turns on the use of poor relief as a means of discipline and social control. In his critique of the 1540 poor law, Soto objected to the limitations placed on beggars and the elements of compulsion contained in the law such as the requirement to confess and receive communion in order to be licensed to beg. Robles, in contrast, argued in defense of the law that these restrictions worked toward the common good and provided significant benefits which outweighed the drawbacks.

ALMS FOR THE POOR:
A SIXTEENTH-CENTURY DEBATE ON ALMSGIVING AND THE REGULATION
OF BEGGING IN CASTILE

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I. Introduction

On August 24, 1540 Cardinal Juan Tavera (1472-1545), acting as regent of Castile, proclaimed a law on behalf of Charles I (1500-1558) restricting and regulating begging in the cities and towns of Castile. This poor law responded directly to concrete circumstances within Castile; it was also in line with changes in poor relief that were being implemented throughout Europe in the sixteenth century. In the early years of the sixteenth century, the municipal representatives in the Cortes had been petitioning the king to adopt measures to enforce a fourteenth-century prohibition of vagabondage more effectively. Despite carrying the weight of a royal proclamation and being accompanied by a lengthy instruction, the 1540 law relied heavily on local authorities for its implementation.

One city that was prompted by the 1540 law to adopt a more comprehensive program of poor relief was Zamora. The new Zamora statutes prohibited public begging and provided a daily sum to be distributed among the poor for their support, developing the suggestion of the 1540 law that “if it could be done that the poor be supported without having to beg in the streets, it would be much in the service of God.”¹ Likely in an attempt to forestall objections, the Zamora statutes were submitted to the faculty of theology at the University of Salamanca and approved “with hardly a one dissenting.”² Despite this approval, the statutes seem to have caused some controversy since Tavera requested in November of 1544 that Domingo de Soto (1492-1560), *catedrático de vísperas* at the University of Salamanca, and Juan de Robles (1492-1572), abbot of the Benedictine monastery in Salamanca, write their opinions regarding the 1540 law and its implementation.

¹ “Instrucción de las leyes que hablan sobre los pobres” [August 24, 1540], in Pedro Rodríguez Campomanes, *Apéndice a la educación popular, parte segunda* (Madrid: D. Antonio de Sancha, 1775), 266.

² Juan de Robles, “De la orden que en algunos pueblos de España se ha puesto en la limosna, para remedio de los verdaderos pobres,” in *El gran debate sobre los pobres en el siglo XVI: Domingo de Soto y Juan de Robles 1545*, edited by Félix Santolaria Sierra (Barcelona: Editorial Ariel, 2003), 159.

This thesis examines the exchange of diverging opinions expressed by Soto and Robles as part of the controversy surrounding the proclamation and implementation of the 1540 poor law. In order to understand the basic core of the disagreement between the two theologians, the analysis starts with a close reading of two treatises published by the press of Juan de Junta in the early part of 1545: the *Deliberación en la causa de los pobres* written by Soto and published in January, and *De la orden que en algunos pueblos de España se ha puesto en la limosna, para el remedio de los verdaderos pobres* written by Robles and published, less than two months later, in March. Although intimately connected to the circumstances of Castile, these two treatises represent part of a much more widespread debate that was occurring throughout Europe in the sixteenth century regarding how best to support the poor.

Despite disagreeing on the means by which the poor were to be assisted, Soto and Robles share the same fundamental belief that poor relief is a manifestation of charity and mercy. By placing the two treatises in dialogue with each other, this thesis aims to provide a clearer perspective on the theoretical approaches to poor relief in sixteenth-century Castile. Rather than relegate the debate to an abstract theological dispute or frame the discussion as a debate about the merits of public versus private charity as other authors have done, this thesis attempts to show that the core of the debate was a disagreement about the methods of discipline and social control contained in the 1540 poor law.

1. Historiography of Poor Relief

Beginning even in the period of their implementation, sixteenth-century changes to poor relief were considered to be driven by Protestant theology. One of the most widely read treatises on poor relief in the sixteenth century, *De subventionem pauperum* by Juan Luis Vives, was accused at the time of being “heretical and Lutheran.”³ This assumption has made its way into modern scholarship on the subject. In his classic work

³ Juan Luis Vives to Francis Cranvelt, cited in Natalie Zemon Davis, “Poor Relief, Humanism and Heresy,” in *Society and Culture in Early Modern France: Eight Essays* (Stanford: Stanford University Press, 1975), 17-64, at 17.

of historical sociology, *The Protestant Ethic and the Spirit of Capitalism* [1905], Max Weber explored the connection between the Reformation-era changes to poor relief and Protestant theology. According to Weber, Protestant theology, which deemphasized the importance of good (i.e. charitable) works and saw “unwillingness to work as symptomatic of lack of grace,” was the driving force behind the prohibition of begging and the shifting of poor relief to centralized municipal institutions.⁴ In the last few decades, however, historians have argued that these changes were due instead to various other factors, including Christian humanism, common social and economic pressures, and political centralization.

Although many of the sixteenth-century changes to poor relief did occur in Protestant cities, Natalie Zemon Davis’s study of Lyon gave an example of similar changes in a Catholic city.⁵ There, both Protestants and Catholics participated in the effort, but Davis argued that Christian humanists were among the most active supporters of the changes. In his extensive study of the poor in Venice, Brian Pullan noted a similar influence of humanism in the workings of poor relief in that city.⁶ By showing that the reality of sixteenth-century institutions of poor relief did not accurately reflect Weber’s theoretical assertions, both Davis and Pullan illustrate the necessity for a theoretical approach that does not tie the changes in poor relief to Protestant theology. This approach has, instead, framed the development of poor relief as part of a humanist program for creating an ideal society.

In the following decades, historians developed an alternative explanation for the similarities between Protestant and Catholic efforts at poor relief: according to them, both Protestants and Catholics adopted these changes as a response to similar social and economic pressures. This approach has been followed notably by Thomas Max Safley in his study of orphanages in Augsburg, in which he argued that the changes within the

⁴ Max Weber, *The Protestant Ethic and the Spirit of Capitalism* (Lexington, KY: BN Publishing, 2008), 159.

⁵ Davis, “Poor Relief Humanism, and Heresy.”

⁶ Brian Pullan, *Rich and Poor in Renaissance Venice; the Social Institutions of a Catholic State, to 1620* (Cambridge, MA: Harvard University Press, 1971).

orphanages were due to an emerging culture of capitalism that sought more efficient management of resources and control over the labor pool.⁷ Rather than trying to link capitalism to Protestantism, as the older Weberian historiography had done, this analysis has placed more emphasis on social and economic concerns than on religious and intellectual trends. One of the more recent developments in the socio-economic approach has been to look at poor relief as a means of addressing concerns of public health.⁸

Additionally, some historians have argued that these European trends were part of a political consolidation and centralization of power. Based on the observation that the sixteenth century saw the transfer of control of charitable revenues from the hands of monasteries and confraternities to centralized municipal systems, this approach sees the changing nature of poor relief as a component of a larger process of state-building. John Henderson describes this process beginning in late medieval Florence when “philanthropic activities [of confraternities] came to be incorporated into a much wider State policy of social control of the poor.”⁹ Some authors have connected this process to Protestantism since Protestants often dissolved monasteries and confraternities, organizations that had traditionally provided much of the relief of the poor. Adopting this approach does not, however, necessarily imply a return to an older model that linked changes in poor relief to Protestant theology. An alternative model has been applied in the case of Bologna by Nicholas Terpstra, who argued that the experience of members of confraternities actually contributed to the municipal systems of poor relief.¹⁰

⁷ See Thomas Max Safley, *Charity and Economy in the Orphanages of Early Modern Augsburg* (Atlantic Highlands, NJ: Humanities Press, 1997).

⁸ See *Health Care and Poor Relief in Protestant Europe 1500-1700*, eds. Ole Peter Grell and Andrew Cunningham (London: Routledge, 1997) and *Health Care and Poor Relief in Counter-Reformation Europe*, eds. Ole Peter Grell and Andrew Cunningham with Jon Arrizbalaga (London: Routledge, 1999). This is also addressed in Michele Clouse, *Medicine, Government, and Public Health in Philip II's Spain: Shared Interests Competing Authorities* (Burlington, VT: Ashgate, 2011).

⁹ John Henderson, *Piety and Charity in Late Medieval Florence* (Chicago: University of Chicago Press, 1997) 442.

¹⁰ See Nicholas Terpstra, “Apprenticeship in Social Welfare: From Confraternal Charity to Municipal Poor Relief in Early Modern Italy.” *Sixteenth Century Journal* 25 no 1 (1994) 101-120.

Reacting to the studies that shifted focus away from the religious motivations behind changes to poor relief, Andrew Cunningham and Ole Peter Grell argued for a renewed focus on the role of religion, specifically Protestantism, in organizing early modern poor relief. In two volumes deliberately divided to address poor relief in Protestant and Counter-Reformation Europe separately, these scholars argue that “the speed and thoroughness with which they [changes to poor relief] were undertaken would not have been imaginable without the theological rationale which the Protestant reformers gave to these reforms.”¹¹ Although acknowledging that poor relief became more organized in countries that were officially Catholic as well as those that adopted Protestantism, these volumes call for an increased emphasis on the importance of Protestant theology in this process.

In response to the call for an increased focus on the religious motivations behind early modern approaches to poor relief, *The Reformation of Charity* compiled a series of essays dedicated to exploring the variety of approaches, both secular and religious adopted in Protestant and Catholic countries. As Thomas Max Safley put it, commenting on the neo-Weberian approach of Grell and Cunningham, “these essays... demonstrate the inadequacy of what one might call the Weberian trope.”¹² In other words, while it is important to understand the concrete religious motivations that may have been present in any particular situation, a return to an understanding of poor relief that links the tendency to centralize and organize poor relief to Protestant theology, does not accurately reflect the circumstances that scholars have analyzed in various places throughout Europe. It has, in fact, become common to integrate reform movements within the Catholic Church into the study of the Reformation and speak less of opposing Reformation and Counter-Reformation and more of analogous Protestant and Catholic Reformations.

¹¹ Ole Peter Grell and Andrew Cunningham, “The Reformation and Changes in Welfare Provision in Early Modern Northern Europe” in *Health Care and Poor Relief in Protestant Europe 1500-1700*, edited by Ole Peter Grell and Andrew Cunningham, 3. See also *Health Care and Poor Relief in Counter-Reformation Europe*, edited by Ole Peter Grell and Andrew Cunningham with Jon Arrizbalaga.

¹² Thomas Max Safley, Introduction to *Reformation of Charity: the Secular and the Religious in Early Modern Poor Relief*, edited by Thomas Max Safley (Boston: Brill Academic Publishers, 2003) 4.

In light of this recent scholarship that has reassessed the Reformation and Counter-Reformation not as thesis and antithesis, but as analogous movements, it is worth asking what the implications of this reassessment are for the study of sixteenth-century poor relief.¹³ As both Catholic and Protestant Reformations have been analyzed as part of a trend toward confessionalization, new systems of poor relief can be characterized as a means of social control in emerging confessional states. This approach has come under various critiques and scholars such as Ute Lotz-Heumann have noted its shortcomings. In a recent overview of the critiques of confessionalization, Lotz-Heumann points out several weaknesses of the paradigm. Most importantly she notes that there are many areas of life that were not affected by confessionalization and that attempts to enforce confessional discipline on the part of elites were not always successful.¹⁴ With regard to the study of poor relief, the framework of confessionalization and social discipline provides a new avenue to analyze the disputes between the supporters of various systems of poor relief in the sixteenth century. Rather than argue that changes were caused by either Protestant or Catholic theology, this approach illustrates the way in which the changes to poor relief enforce certain behaviors or practices and how they are oriented toward confessional discipline.

The analysis of poor relief as a mechanism of social control has not, however, been limited to seeing it as an attempt to reinforce confessional uniformity. In his recent study of the changes in charitable activities in Bologna, Nicholas Terpstra noted that while those in charge of charitable activities were often male, the female poor were most often the recipients of charity. Terpstra examined the interplay of gender, religion, and politics and shows how the discipline promoted through charitable institutions was often aimed at reinforcing gendered expectations for poor women.¹⁵ Terpstra built on the paradigm developed by Mary Elizabeth Perry in her study of gender in Seville. By

¹³ See Wolfgang Reinhard, "Reformation and Counter-Reformation, and the Early Modern State: A Reassessment" *Catholic Historical Review* 75 no. 3 (1989) 383-404.

¹⁴ See Ute Lotz-Heumann, "The Concept of 'Confessionalization': a Historiographical Paradigm in Dispute," *Memoria y Civilización* 4 (2001): 93-114.

¹⁵ See Nicholas Terpstra, *Cultures of Charity: Women, Politics, and the Reform of Poor Relief in Renaissance Italy* (Cambridge, MA: Harvard University Press, 2013).

positioning poor relief as a means of discipline and social control, it is possible to evaluate when and how the attempt on the part of elites to enforce certain standards of behavior clashed with the reality of the needs of the poor.

In the specific context of Castile, the study of poor relief has developed in many ways similar to trends in the historiography in other countries. In *Historia de la asistencia social en España en la edad moderna*, María Jiménez Salas provided an important overview of early modern poor relief in Spain. In an attempt to draw attention to the Spanish efforts in the reform of charitable giving, contradicting the perception that poor relief in Spain remained essentially medieval, Jiménez Salas analyzed the principal early-modern Spanish theoretical works on poor relief, including the treatises of Soto and Robles. In addition to her examination of the theory of poor relief, Jiménez Salas also gives an overview of the institutions of poor relief in early modern Spain, including a valuable appendix which contains a list of institutions dedicated to the care of the poor in cities throughout Spain. By providing an expansive overview, Jiménez Salas's work is an essential reference for studies examining either the theoretical or institutional history of poor relief in early modern Spain.¹⁶

In the 1980s two important case studies were published that examined the care of the poor in two Castilian cities. In *Poverty and Welfare in Habsburg Spain* Linda Martz examined Castilian approaches to poor relief and charitable institutions in Toledo.¹⁷ Maureen Flynn's case study *Sacred Charity* analyzed the confraternal system of Zamora and their charitable activities.¹⁸ Although both Martz and Flynn acknowledge the contested role of Protestant theology and Christian humanism, both are more concerned with examining the particular situation of the cities which are the subjects of their respective case studies. Both Martz and Flynn also reference the debate between Soto and Robles as part of the context in which methods of poor relief were changing. In particular

¹⁶ See María Jiménez Salas, *Historia de la asistencia social en España en la edad moderna* (Madrid: Instituto Balnes de Sociología, 1958).

¹⁷ See Linda Martz, *Poverty and Welfare in Habsburg Spain, the Example of Toledo* (Cambridge: Cambridge University Press, 1983).

¹⁸ See Maureen Flynn, *Sacred Charity: Confraternities and Social Welfare in Spain, 1400-1700* (Ithaca: Cornell University Press, 1989).

Flynn cites Robles's treatise as the "only information on [the] existence" of the Zamora statutes that were submitted to the faculty at Salamanca and were central to the controversy surrounding the 1540 poor law.¹⁹ Martz described the debate as "pivot[ing] round the theological niceties of almsgiving."²⁰ Flynn, on the other hand, framed the debate as a controversy "over public versus private welfare."²¹ Although both scholars mentioned the restrictions placed on the poor, neither stressed the centrality of the question of discipline and social control in the debate between Soto and Robles.

Although much of the research into the discipline of belief and practice in Spain has focused on the Inquisition, scholars have recently begun looking at other methods of social control. Mary Elizabeth Perry pointed out how "charity also came to be seen as a means to strengthen the moral order," and that "[g]ender ideology permeated the moral charity that developed in Seville during the sixteenth and seventeenth centuries."²² In a recent essay Lu Ann Hozma argued that in contrast to the Inquisition's public approach that made use of trials and denunciations bishops often favored "private chastisement of malefactors through individual confession and the private expiation of sin."²³ The use of charity and poor relief as a method of social control, especially when considered in connection with the requirement to confess in order to be eligible for benefits, makes an interesting case for the study of changes to poor relief as part of an increasing control exercised in disciplining the poor.

The debate between Soto and Robles has also recently received some attention from Spanish scholars. A new edition of the debate with a short introductory study providing historical context for a basic understanding of the texts by Félix Santolaria Sierra was published in 2003.²⁴ Published a year later, the brief study by José María

¹⁹ Flynn, *Sacred Charity*, 91.

²⁰ Martz, *Poverty and Welfare*, 25.

²¹ Flynn, *Sacred Charity*, 94.

²² Mary Elizabeth Perry, *Gender and Disorder in Early Modern Seville* (Princeton: Princeton University Press, 1990) 153.

²³ Lu Ann Homza, "The Merits of Disruption and Tumult: New Scholarship on Religion and Spirituality in Spain during the Sixteenth Century," *Archiv für Reformationsgeschichte* 100 (2009) 228.

²⁴ Félix Santolaria Sierra, "Estudio Introductorio" in *El gran debate sobre los pobres en el siglo XVI: Domingo de Soto y Juan de Robles 1545* ed. Félix Santolaria Sierra (Barcelona: Editorial Ariel, 2003).

Garrán Martínez, *La prohibición de la mendicidad*, gives an overview of the two treatises as well as a short commentary on the theoretical and legal precedents for the 1540 law and the ensuing controversy.²⁵ Garrán Martínez developed his analysis in the context of legal history and concluded that neither Soto nor Robles, "developed a critique of the political or economic order or of the regulatory character of the measures of political and religious control practiced in the distribution of alms which supposed an evident violation of the individual liberties of the poor."²⁶ Although it is no revelation that Soto opposed changes to the existing systems of poor relief, Garrán Martínez made an important contribution by noting that despite his support for new methods of poor relief, Robles was far from advocating a rejection of the current social order.

In contrast to these works on Spanish poor relief, which have either drawn on Soto and Robles's works to illuminate a particular case study (Martz and Flynn) or analyze these treatises in a specific legal or historical context (Santolaria Sierra and Garrán Martínez), this thesis attempts to place the two works in conversation with each other to illustrate the centrality of discipline and social control in the debate over methods of poor relief in sixteenth-century Castile. A close analysis of the two works, will make it possible to understand better not only the points of disagreement between Soto and Robles, but also the common ground on which they base their assessments of the 1540 law and its implementation and thus identify the central controversy of the debate.

2. Context of the Debate

Like many other prosperous cities throughout Europe, the cities of sixteenth-century Castile faced the problem of what to do with the influx of beggars and growing number of urban poor. The Cortes had long been petitioning the king to regulate begging and reform poor relief, and the systematic reform introduced by the 1540 law and its accompanying instruction was part of a trend across Europe to criminalize begging and institutionalize poor relief. Although similar laws had been introduced in various cities in

²⁵ See José María Garrán Martínez, *La prohibición de la mendicidad: la controversia entre Domingo de Soto y Juan de Robles en Salamanca (1545)* (Salamanca, Ediciones Universidad de Salamanca, 2004).

²⁶ Garrán Martínez, *La prohibición de la mendicidad*, 135.

the Netherlands and parts of the Holy Roman Empire as early as the 1520s, Emperor Charles V preferred to leave such matters to the local authorities and did not actively promote the adoption of these foreign reforms in Castile. The royal decree regarding poor relief was proclaimed in the name of Charles I (as the Holy Roman Emperor was known in Castile) by his regent, Cardinal Juan Tavera, archbishop of Toledo, on August 24, 1540. The Castilian law was one of the more moderate reforms of the time, requiring that beggars be licensed rather than prohibiting begging, and suggesting the establishment of general hospitals for poor relief rather than appropriating charitable revenues outright.

Addressed to the officials of the cities and towns of Castile, the decree was largely devoted to restating and affirming past laws prohibiting vagabondage. The first precedent cited was the law of King Juan outlawing vagabondage in 1387. This law cited the “grave harm [caused by] many vagabonds and bums who could work and live from their toil and do not do so.”²⁷ By providing penalties of a month of unpaid labor or sixty lashes and exile, the fourteenth-century law attempted to curb vagabondage and idleness. There was, however, no mention of begging.

The 1540 proclamation then cited three sixteenth-century petitions from the Castilian Cortes, all of which addressed the relief of the poor and regulation of begging as a means to control vagabondage. In 1523 the Cortes of Valladolid had requested that the poor be required to beg in their place of origin.²⁸ In 1525, the subject was again addressed at the Cortes of Toledo when a petition was put forward to establish general hospitals for the relief of the poor.²⁹ In the Cortes of Madrid of 1534 the representatives of the cities requested that officials be appointed to examine and license the poor.³⁰ By citing the various petitions of the Cortes, the 1540 proclamation made clear the need for a comprehensive regulation of public begging, given the failure of the previous measures to limit vagabondage.

²⁷ Spanish Royal decree regarding poor relief in *Legislación Histórica de España* (online database) 4th edition, July 2010 at <http://www.mcu.es/archivos/lhe/>.

²⁸ See Petitions of the Cortes of Castile in *Legislación Histórica de España* (online database) 4th edition, July 2010 at <http://www.mcu.ed/archivos/lhe/>, Valladolid, August 24, 1523 (Petición LXVI).

²⁹ See Petitions of the Cortes of Castile, Toledo, August 4, 1525 (Petición XLVII).

³⁰ See Petitions of the Cortes of Castile, Madrid, December 22, 1534 (Petición CXVII).

While the proclamation provided the legal basis for the reforms, the details were contained in an instruction that accompanied the proclamation. The major policy regarding begging was to license beggars in order to ensure that only those who were truly poor begged and that they only begged in their native place. The instruction then outlined how the licenses were to be given: only those who were truly poor and who confessed and received communion were to receive them. The rest of the instruction was taken up mainly by outlining exceptions to the licensing requirement. The instruction concluded by stating that each diocese or civil jurisdiction should establish a general hospital as a means of providing for the poor so that they did not need to beg.³¹ This final point suggests that the ultimate goal of these reforms was to eliminate begging altogether. Thus it is possible that the licensing of beggars was aimed at something more than the enforcement of laws prohibiting vagabondage. With both religious and secular elements mingled together, the law blurred rather than defined the roles of church and state in poor relief.

Acting on this suggestion, the city council of Zamora approved a set of ordinances late in 1540 or early in 1541 that prohibited public begging and provided support for the “truly poor” through a municipal system of almsgiving.³² Although this ordinance went beyond what was required by the law, it was in line with many sixteenth-century reforms which sought to implement organized municipal systems of poor relief in place of multiple existing charitable institutions and public begging. Likely with the hope of forestalling objections which had accompanied similar efforts—most notably the 1525 Ypres statutes—the ordinances were submitted to the faculty of theology at Salamanca and approved by nearly everyone including, to his later regret, Domingo de Soto.³³ The ordinances were then implemented in Zamora and later in Salamanca and Valladolid. This was not done without opposition, and although Robles asserts that enough alms were

³¹ See “Instrucción de las leyes que hablan sobre los pobres (August 24, 1540),” 266.

³² Flynn, *Sacred Charity*, 91.

³³ Ibid.

taken in to provide for the truly poor, he implied that the implementation of the new system was hindered by those who objected to the changes in poor relief.³⁴

Despite his approval of the Zamora statutes, Soto soon became known for his opposition to the restrictions it placed on begging. Not only was begging central to the mendicant tradition of the Dominicans, but he was personally involved in the relief of the poor both as a representative of the University, when he was sent to Toledo in 1540 to request assistance from Cardinal Tavera in supporting the poor students after the 1539 famine, and as prior of San Esteban, where he preached to encourage contributions for the assistance of the poor.³⁵ Furthermore, he lectured on the topic of almsgiving in the academic year 1542-1543, a lecture that would later serve as the basis of his treatise.³⁶ Although Soto, by virtue of his position of *catedrático de vísperas*, was required by the University to give a repetition lecture known as a “relectio” each academic year, he delivered only three such lectures between 1539 and his departure for Trent in 1545. He was fined in the academic years 1539-1540 and 1543-1544 for not delivering the relectio, and in 1542-1543 for skipping the previous topic and lecturing on almsgiving instead.³⁷ This relectio on almsgiving would serve as the basis of his critique of the 1540 law published in 1545.

It was likely due to the opposition of Soto and others that Tavera requested in November of 1544 that Soto and the humanist scholar, Juan de Robles—who was the abbot of the Benedictine monastery in Salamanca and a supporter of the Zamora ordinances—write up their opinions of the 1540 law and the Zamora statutes. Soto published his treatise on almsgiving on January 30, 1545. This was followed within two months by the treatise written by Robles and published on March 20 of the same year.

³⁴ See Robles, “de la orden,” 165.

³⁵ See Vicente Beltrán de Heredia, *Domingo de Soto: estudio biográfico documentado* (Madrid: Ediciones Cultura Hispánica, 1961), 81 and 91.

³⁶ Martz, *Poverty and Welfare*, 23.

³⁷ José Carlos Martín de la Hoz, “Relecciones teológicas de Domingo de Soto: cronología y ediciones,” *Scripta Theologica* 16(1984): 439.

Although the 1540 poor law had the weight of royal authority, it relied on municipal government to implement the restrictions on begging and explore alternative methods of poor relief. While Soto addressed elements of the 1540 law itself, he was clearly concerned with the methods by which municipalities were implementing the royal decree. Not only did he directly withdraw his approval of the Zamora statutes, but when asked by Tavera what his opinion was regarding the matter, he affirmed that he “did not agree with everything that was being done.”³⁸ In contrast to Soto’s more theoretical work, Robles devoted his treatise to explaining and defending the specific measures adopted by several Castilian municipalities. It seems that Tavera asked Robles to write up a defense of the new measures since he “had been informed that it was by my [Robles’s] counsel and preaching that it was begun in the city of Zamora.”³⁹ Both treatises were addressed to Prince Philip, who by this time had replaced Tavera as regent, but were also intended for a larger audience.

Both authors made clear that they were writing both in Latin and in Spanish since this was a topic that concerned everyone, many of whom did not speak Latin. Since all were in agreement that no one could be forced to give alms, the cities were dependent on the contributions of the rich to support whatever system of poor relief they chose to implement. A system of poor relief that could not draw on taxes, levies, or fines for the funds to support the poor was particularly susceptible to popular opposition, since it relied on free will donations. By publishing treatises debating the topic in the vernacular, both the supporters and opponents of the law seem as focused on influencing the opinion of wealthy almsgivers as they were on advising Philip on the virtues of various systems of poor relief.

Soto’s treatise raised objections to the restrictions that the 1540 poor law placed on the poor because he did not see them as corresponding to the virtue of mercy. Soto contended that in order to accomplish its stated goal of more effectively enforcing the prohibition on vagabondage, the law overstepped the bounds of justice and placed undue

³⁸ Soto, “Deliberación en la causa de los pobres,” in *El gran debate sobre los pobres en el siglo XVI: Domingo de Soto y Juan de Robles 1545* ed. Félix Santolaria Sierra (Barcelona: Editorial Ariel, 2003), 55.

³⁹ Robles, “De la orden,” 117.

burden on the rightful poor. Since he was mainly concerned with the way in which the principles of the law were not in line with Christian charity and almsgiving, Soto did not offer a clear program of poor relief. He did, however, seem to suggest that the needs of the poor would best be provided for if they were left to seek alms on their own without the restrictions imposed by the 1540 law.

Robles, in contrast, dedicated his treatise to explaining and defending the Zamora statutes as an effective means of providing for the poor and distinguishing between those who were truly poor and worthless, lazy vagabonds. Although he acknowledged that almsgiving is an act of mercy, Robles argued that justice “should interfere at times by taking away the liberties of individuals or particular estates of people.”⁴⁰ A more organized system of poor relief, according to Robles, would not only care for the truly poor more effectively, but would also make it harder for the false poor to survive on alms that they were able to obtain through deceit. Because he based his argument on the most effective means of poor relief, Robles provided a much more concrete assessment of poor relief, even examining many of the details of the Zamora statutes as well as the principles which motivated them.

The Salamanca debate represents a disagreement regarding the new methods of poor relief that were being implemented in Castile. Throughout Europe similar changes were being accused of being an innovation, or even heretical. Although both protagonists of the debate were certainly aware of what was being done in other parts of Europe, their writings shed light on opinions prevalent in Castile. Not only is it possible to discover the nature of the controversy and the measures of poor relief that were being debated, but also to come to a better understanding of the framework of almsgiving and Christian charity that both the supporters and opponents of the 1540 law held in common.

⁴⁰ Robles, “De la orden,” 179.

II. The Defender of the Rights of the Poor: Domingo de Soto and the *Deliberación en la causa de los pobres*

Soto's objections to the 1540 poor law are crucial for understanding Castilian attitudes toward the poor. A well-known theologian, both within Spain and throughout Europe, Soto has come to personify the Castilian attitude toward poor relief. Although Soto's opposition to change has cast him as a traditionalist, his opposition to discipline and social control was developed in a specifically early modern context. When placed in direct contrast to the response offered by Robles, Soto's treatise will not only illustrate the support that traditional methods of poor relief received in the sixteenth century, but also define the basic premises of sixteenth-century poor relief—premises that were often shared even by the supporters of the new methods. Soto discussed the principles of poor relief and based them on Christian charity and the virtue of mercy. Soto represented, then, not simply a nostalgic look toward the past, but a detailed critique of the new methods of poor relief that pointed out how these changes conflicted with Christian principles of charity.

Soto's objections to the poor law can be divided into three main points. First, he objected to the restrictions placed on the free movement of the poor. Second, he examined the role of Christian practices and principles in poor relief. Finally, Soto engaged with the issue of institutionalization of the poor, examining whether they were best provided for in institutions or through public begging. Soto's treatment of these issues not only sheds light on his concern for the rights of the poor, but also on his concern for the increasing centrality of the state and the changing role of the Church in society.

1. The Worthless Lazy Poor: The Prohibition of Vagabondage

Many sixteenth century approaches to poor relief followed the same model as Martin Luther's *Ordinance for a Common Chest* of Leisnig which stipulated that "no

male or female beggar shall be allowed in our parish, in town or in village.”⁴¹ The 1540 Castilian poor law, in contrast, allowed “people who are truly poor...to seek alms in the cities, towns, places of our kingdom in which they are natives or residents.”⁴² By excluding only transient beggars, the law of 1540 attempted to regulate the movement of the poor in order to eliminate the vagabondage that so infuriated the municipal authorities of Castile. In 1523 the Cortes had petitioned that the transient beggars be excluded from the cities because “otherwise much damage is caused and it gives rise to many vagabonds and lazy people.”⁴³ Vagabondage clearly continued to be a problem since the 1540 law restated and emphasized that foreign beggars were to be excluded and that the poor were only to beg in their native place.

In his treatment of vagabonds, Soto emphasized the dangers of laziness and commended the impulse to eliminate vagabondage concluding that “those who are not legitimately poor should not be permitted in the state.”⁴⁴ According to Soto, punishing vagabonds was the responsibility of the mechanisms of justice, and should play no part in charitable acts which benefited the poor. The way in which Soto articulated his support for the law’s goal of eliminating vagabondage is important to understanding his later objection to the limits placed on the free movement of beggars.

Citing scripture, Christian and pagan philosophers, and both Roman and Spanish law codes, Soto drew on divine law, natural law, common law, and the laws of the kingdom to support his argument.⁴⁵ In so doing, Soto seemed to support measures aimed at eliminating these “lazy” vagabonds and give backing to the impulse to regulate begging. On the contrary, however, Soto was establishing a deep and comprehensive

⁴¹ Martin Luther, “Ordinance for a Common Chest (1523),” in F. R. Salter (ed.) *Some Early Tracts on Poor Relief* (London: Methuen and Co, 1926), 91.

⁴² “Instrucción de las leyes que hablan sobre los pobres (August 24, 1540),” 258-259.

⁴³ Petición LXVI Corte de Valladolid, August 24, 1523 “Petitions of the Cortes of Castile” in *Legislación Histórica de España*.

⁴⁴ Soto, “Deliberación,” 61. Here I translate “república” as “state.” Soto is operating within the more classical understanding of *res publica* and does not intend to argue for a republican form of government as an alternative to the monarchy.

⁴⁵ See Soto, “Deliberación,” 59-61.

legal precedent for the criminalization of vagabondage in order to argue that the restrictions placed on the free movement of the poor in the 1540 law unnecessarily restricted the right of the poor to move about. In contrast to the provisions of the 1540 poor law, Soto stressed that these precedents focused on “lazy” vagabonds, specifically exempting those who were truly poor.

Soto’s insistence that there was a profound legal precedent for the penalties against “lazy” vagabonds set up his argument regarding the rights of the poor. Soto, in effect, argued that it was essential to distinguish between those who moved from place to place to beg because they were lazy and those who were truly poor. According to Soto, for someone to be judged as truly poor, “it is not necessary to be sick, but it is enough to be advanced in years, or weak, or have some other impediment by which he cannot take on enough work to support himself or his family.”⁴⁶ In this regard, Soto objected to the law because, in its effort to eliminate the problem of vagabondage, it went too far in restricting the rights of legitimate beggars.

2. Pilgrims and Wanderers: the Free Movement of the Poor

Following his discussion of vagabondage, Soto developed his objection to the restrictions placed on the free movement of the poor. Soto stressed that while vagabonds should be punished, the truly poor should be “allowed to stay in the city without harassment.”⁴⁷ Unlike the legislation aimed at punishing lazy vagabonds (who presumably could support themselves by working), extending the measure to restrict those who were truly poor from begging outside their birthplace was unjust because these poor were forced to beg for their survival. If they could not provide for themselves in their native place and were prohibited from begging elsewhere, they would be forced to die of starvation.

According to Soto, an additional implication of the policy was to force each region to fully support its native poor (a provision which the law did not contain and to

⁴⁶ Ibid., 84.

⁴⁷ Ibid., 63.

which Soto would have objected on the grounds that no one may be forced to give alms). Yet even if the law had required each locality to support their own poor, Soto said that “as soon as a city should fail to do so, the poor would be free to go where they will in search of support.”⁴⁸ Soto’s opinion here not only extrapolated from the current law and instruction what he saw as the implicit obligations of each city vis-à-vis the poor, but also asserted that, even if the law were carried to what he saw as its ultimate consequence, it would have still encroached on the rights of the poor.

Soto further argued that because some places are richer than others and some places show more charity than others, the poor should be allowed to beg where they can best provide for themselves and that “one should not ask of the poor more justification for why he leaves his land than he asks of the rich.”⁴⁹ Soto’s objection that the poor could not be limited to begging in their birthplace could not be easily overcome by lifting the restriction in the case of extreme necessity since the rights of beggars demanded not only that they be permitted to beg outside their birthplace if their needs were not being satisfied, but for any other reason which might be legitimate. According to Soto, the poor should be allowed to move about to seek alms in richer or more generous areas not only within the kingdom, but must even be permitted to beg in another kingdom for as Soto said, quoting Paul’s letter to the Corinthians, “all Christians are members of one body.”⁵⁰ By invoking the image of the body, Soto revealed his understanding of the mutual responsibilities of the members of society.

In speaking of mutual responsibilities, Soto’s critique went beyond considering the law’s infringement on the rights of the poor to consider how it affected the responsibilities of the rich. Soto stated that “just as rich neighbors of one city should give alms to their poor neighbors, so to do rich bishoprics owe their alms to the beggars of the poor bishoprics.”⁵¹ From this statement it is clear that Soto was not merely concerned with the right of the poor to move from place to place in search of alms, but also saw the

⁴⁸ Ibid., 65.

⁴⁹ Ibid., 66.

⁵⁰ Ibid., 65. Soto references 1 Corinthians 12:27: “Now you are Christ’s body and individually parts of it.”

⁵¹ Ibid., 65.

limitations placed on the poor as a measure that undermines the responsibility of the rich to support those in need. If only the poor who were native to a place were permitted to beg, then the rich could not be expected to assist anyone besides those who are from their native place. This element of Soto's argument was developed further in his discussion of the arguments in favor of the 1540 law.

3. The Law's Supporters: Response to Objections

After discussing his reasons for objecting to the law, Soto put forth arguments that could have been made on the opposite side. True to the scholastic method, Soto attempted to forestall any objections to his treatise by refuting what he saw as reasons that could be given to support the poor law. Setting the prohibition on begging up as a novelty, Soto dismissed the assertion that the Ypres scheme of poor relief could serve as a precedent and expressed his doubts that the prohibition of foreign beggars was actually approved by the Sorbonne. Soto did, however, provide several older approaches to poor relief that could have been put forth as precedents for the Castilian law of 1540 and proceeded to point out how none of them adequately supported the limitations that the law placed on the movement of the poor.

First, Soto mentioned the ruling of the second council of Tours that "each city should fully support its poor."⁵² Rather than admitting that the decree of the council supported the restriction of begging to the natives of a place, Soto noted that "there is no prohibition in it [the decree] against the poor leaving their land, but rather it only admonishes each city to maintain its own poor."⁵³ Similarly, Soto cited the admonition of Paul to the Galatians to "do good to all, foremost to those of our household and our neighbors."⁵⁴ Here again Soto underscored the fact that Paul did not prohibit anyone from begging, but rather admonished the Galatians to offer charity. Significant here is that although Paul told Christians to give first to those who are closest, his comment was

⁵² Cited in Soto, "Deliberación," 69.

⁵³ Ibid.

⁵⁴ Ibid., 71. Soto references Galatians 6:10 "So then, as we have opportunity, let us do good to all men, and especially to those who are of the household of faith."

prefaced by an exhortation to do good to all. This, it would seem, supported the contention of Soto that it was not right to prohibit the foreign poor from begging since the rich were responsible for providing charity not only to their neighbors, but to all. Although Soto certainly pointed out that none of these precedents provided justification for the limitation on beggars, he also stressed that each spoke directly to the responsibilities of the rich.

4. Measures of Control: the Requirement of Confession and Communion

Soto continued his critique by commenting on the use of the sacraments in the process of licensing beggars. As Flynn has noted, the judgment of recipients of relief based on their moral comportment applied to confraternal giving as much as to centralized municipal poor relief.⁵⁵ In the instruction that accompanied the 1540 poor law, magistrates were instructed not to give begging licenses “without [the poor] having first confessed and received communion.”⁵⁶ For Soto, to deprive the poor of the right to beg unless they confessed violated the freedom required for the sacrament of confession. Since those who were truly poor relied on begging for their sustenance, “to oblige beggars to confess and unless they do they may not beg is to oblige them to confess under pain of death.”⁵⁷ Furthermore, Soto argued that since many of the poor were not sufficiently instructed in the faith, many of them “in order to avoid dying of hunger, would confess falsely violating the sincerity of the sacrament.”⁵⁸ Soto was clearly arguing that the poor had the right to beg regardless of their moral comportment and that they could not be forced to follow the precepts of the Church as a prerequisite for begging. This does not, however, mean that Soto objected to instructing the poor in the Christian faith since he stated that “it could be added [to the law] that the poor be compelled to listen to sermons or that they be preached to individually to teach them the law of Christians and be admonished to keep it.”⁵⁹ Nevertheless, Soto believed that to

⁵⁵ See. Flynn, *Sacred Charity*, 79.

⁵⁶ “Instrucción de las leyes que hablan sobre los pobres (August 24, 1540),” 261.

⁵⁷ Soto, “Deliberación,” 93.

⁵⁸ *Ibid.*, 93.

⁵⁹ *Ibid.*, 94.

make the ability of the poor to beg contingent on their moral behavior is to confuse justice and mercy.

Soto argued that since almsgiving pertains to mercy it should be given without regard to the qualifications of the recipient. In his view, the poor should be provided for regardless of their morality. Since poverty can often be an occasion of sin, to deny someone alms because of their sin denies them the possibility to avoid that very same sin. In this regard Soto said “in order to bring [the poor] to virtue, it would be better to give them alms than to deny them.”⁶⁰ Here, again, Soto was concerned not exclusively with the right of the poor to beg and the sanctity of the sacrament of confession, but with the obligation that the rich not only have to show mercy to those who follow the precept of the Church, but must even provide alms to those who find themselves in sin occasioned by poverty. Soto argued that if the rich were prohibited from giving alms to those without a license, they would not be able to fulfill their responsibility to help the poor avoid sin.

This element of Soto’s critique is particularly important since it shows his objection the element of the law that was most clearly aimed at the social control of the poor and the enforcement of confessional discipline. Linda Martz notes that, out of the critiques that Soto made of the 1540 law, this was one that failed to change when Philip II proclaimed a new poor law in 1565.⁶¹ Even though Soto’s critique may have stalled the development of municipal systems of poor relief similar to those adopted in other parts of Europe, later changes to poor relief in Castile continued to contain measures of discipline and social control.

5. The Charity of the Rich: Christian Almsgiving

Soto spoke most directly to responsibilities of the rich in his treatment of the Christian precept of almsgiving. After criticizing many theologians for expounding on various criteria that must be accomplished before the rich are obliged to help the poor, Soto stated “it is not necessary that the poor suffer great need nor that the rich have such

⁶⁰ Ibid., 95.

⁶¹ Martz, *Poverty and Welfare*, 33.

great abundance before they are obliged to give alms under the pain of mortal sin.”⁶² The responsibility to give alms extends, according to Soto, not only to those who have great wealth, but to anyone who has extra and these alms are to be given not only to those who are in extreme need, but to anyone who lacks anything. Although Soto did not address the law directly, his discussion of almsgiving illustrates the framework on which he thought poor relief should be based.

Despite not following the “scholastic mode” Soto drew heavily on the scriptures and the Fathers of the Church to articulate the responsibility of the rich toward the poor building an effective argument that the responsibility of the rich to give alms was not dependent on the origin or the virtue of the recipient. Although Soto declined to develop his treatment of almsgiving fully, he concluded with a reflection on the nature of all people, both rich and poor, as children of God. If the poor were not provided for, he said, “The rich should be considered cruel and faithless people, who were entrusted by God with so many good things to distribute among their brothers yet who have gone off with these things breaking the trust which they owe God.”⁶³ Soto’s understanding of the responsibility of the rich to give alms to the poor goes a long way in explaining his critique of the limits placed on begging. In restricting the begging of the poor, the rich ignored their responsibility to give to the poor regardless of their birthplace or moral behavior. An understanding of Soto’s perspective of almsgiving provides key insight into the basis of his critique of the 1540 poor law.

This section of Soto’s treatise is central to placing his critique of the 1540 law in the context of his understanding of poor relief as charity. More than the elements of his treatise that examine whether specific measures of the 1540 law are appropriate or useful, his treatment of almsgiving demonstrates his understanding of the role that poor relief should play in society. Soto clearly conceived of poor relief as an element of almsgiving and not simply a question of providing for the needs of the poor. Although the most evident consequence of almsgiving was that the poor are provided for, almsgiving also

⁶² Ibid., 80.

⁶³ Ibid., 82.

benefited the rich by giving them an opportunity to practice charity as well as giving them the benefit of the prayers of the poor who they supported with their alms.

6. Works of Charity: the Purpose of Institutions of Poor Relief

Finally, Soto examined the institutions of poor relief, exploring whether the suggestion of the 1540 poor law that the poor should be provided for without needing to beg best fulfilled the purpose of these institutions. As Linda Martz has pointed out, one alternative left open by Soto was to “give beggars a hospital of their own.”⁶⁴ Soto objected, not to the existence of beggar’s hospitals, but to how these institutions were run. Although the law did not go to the extreme of forcing all the poor into institutions, it made clear that one objective of these reforms was “that they poor may be able to sustain themselves without wandering through the streets to beg.”⁶⁵ In keeping with the importance he placed on the responsibility that the rich have toward the poor, Soto stated that “the purpose of this enterprise should not be the hatred and frustration toward the poor nor the punishment of the sinners among them, but rather love, pity, and compassion toward this miserable estate of people and to provide order so the needy might be best provided for.”⁶⁶ From this it is evident that Soto was thinking of the poor as members of society with specific needs, rather than considering poverty as a social problem to be eliminated.

Acknowledging that many proponents of the law may have acted out of a desire to help the poor, Soto warned that “it must be determined whether among the principal instigators there were some, for we do not suspect everyone, who desired these reforms more to escape the multitude of the poor than out of a desire to better direct their alms to the few.”⁶⁷ Pointing out that the poor are especially favored in the teaching of Jesus Christ, Soto contended that if instead of establishing laws meant to limit the poor from begging, the rich were encouraged to better fulfill their responsibility to give alms, the

⁶⁴ Martz, *Poverty and Welfare*, 28.

⁶⁵ “Instrucción de las leyes que hablan sobre los pobres” (August 24, 1540), 266-267.

⁶⁶ Soto, “Deliberación,” 75.

⁶⁷ *Ibid.*, 75.

poor would be better provided for and not looked down upon as a burden. He even went so far as to say that if what was saved by exiling the vagabonds was not properly employed to support the poor, “I would hold it to be more damaging to the estate of the rich to exile the vagabonds than to allow them [to remain].”⁶⁸ The problem of poverty, as Soto laid it out, was not that there are too many beggars, but that the rich were not generous in their alms.

Examining the purpose of the law thus became another argument against it since rather than encouraging the rich to give more, it cast suspicion on those who begged by requiring that they be examined and licensed. Since the objective of charitable institutions was to help the poor in their temporal needs, “this is where the laws regarding the poor should be directed.”⁶⁹ That the purpose of these institutions was not to correct the poor is evident from the fact that “if they [the poor] had the power, they would find as much to punish in us as we find in them.”⁷⁰ Soto’s instance that the purpose of charitable institutions was to help the poor in their temporal needs and not to correct their behavior frames his discussion of the centralization of poor relief.

7. In the Poor House: the Enclosure of Beggars

Engaging directly with the law’s stated goal of replacing public begging with institutional poor relief, as developed in the Zamora statutes, Soto examined whether the poor would best be provided for if they were enclosed in institutions of poor relief and if others sought alms in their place. By putting forth various arguments that denied the efficacy of the institutionalization of beggars, Soto stressed the need for the poor to be allowed to beg without restrictions. Soto’s main argument rested on the fact that the rich cannot be forced to give alms. Without the ability to force the rich to give, the relief provided by institutions of poor relief would be less effective than beggars providing for themselves.

⁶⁸ Ibid., 77.

⁶⁹ Ibid., 78.

⁷⁰ Ibid., 78.

Building on his theoretical point about the impossibility of forcing the rich to give alms, Soto examined several practical difficulties that arose from the institutionalization of the poor. First, Soto noted that the needs of the poor are not equal and that some may require more food or other goods and that “one cannot determine what rule should be put in place to make these distributions to the poor that will keep them from begging.”⁷¹ Soto went so far as to say that the poor should be allowed to seek out charitable gifts that go beyond basic necessities and even to accumulate wealth in order to improve their condition. “Of this they would be deprived” he concluded “should they be hindered in their begging.”⁷²

Soto went on to say that not only would the right of the poor to improve their condition be violated, but the poor would be much more effective in requesting alms for themselves than if another were to beg in their place. First, Soto argued, that the rich who beg on behalf of the poor are less effective than the poor “who depend on it for their food and their life, [for whom] it is not enough to ask, but to insist until they can soften the heart from which they can draw even a penny.”⁷³ Although Soto believed that the rich should help the poor, the fact that some rich people may beg on behalf of the poor did not overcome the need for the poor to be able to beg for themselves.

Not only were the poor more effective in begging on their own behalf, there were several logistical problems that Soto used to argue against the regulation and enclosure of the poor. First he said that “if only one or two can judge the poverty of the poor, it might be that they could be at times too merciful and at times too just.”⁷⁴ In addition to the possible faults of individual judges, there were difficulties such as the many steps the poor had to go through to get a license and the fact that many alms were given in kind and could not be distributed easily through centralized institutions. Finally, Soto pointed out that alms were given not only for the corporeal well-being of the poor, but for the spiritual well-being of the rich. If the rich gave to the poor directly they would feel

⁷¹ Ibid., 99.

⁷² Ibid., 101.

⁷³ Ibid., 102.

⁷⁴ Ibid., 100.

greater pity than if they contributed to a centralized institution and “although there are among the poor some people with evil habits, there are many just men who repay with their prayers the good they have received.”⁷⁵ Both the rich and the poor, therefore, would receive greater benefit if the poor were allowed to beg for themselves than if they were enclosed in institutions while others went out to seek alms on their behalf.

8. The Argument for Order: Reasons in Favor of Enclosure

Just as he examined possible reasons in favor of the limitations placed on the free movement of beggars, Soto also examined reasons that could be given to support the enclosure of the poor in relief institutions. There were two main examples that could be used to argue in favor of institutionalization of beggars, the command of Deuteronomy that there “should not be among you anyone in need or any beggars,” and the example of the early Christians who seemed to have some organized system of poor relief.⁷⁶ These examples seemed to suggest that a system of relief in which the poor were taken care of through institutional systems of relief, rather than through public begging, might be preferable.

In response to these objections, Soto pointed out that the command of Deuteronomy was not concerned with keeping the poor from begging in the streets, but “that there would not be among them anyone who did not have what was necessary to maintain himself without asking for alms every day.”⁷⁷ Here the scriptures spoke not of a prohibition on begging, but of the abundance of good that would enable everyone to survive without begging. Furthermore, with regard to the practice of the early Christians of supporting the poor so that they did not need to beg, Soto again pointed out that this was done not through prohibitions against begging, but by providing the poor with what they needed. While religion could be used to exhort people to support the poor and to

⁷⁵ Ibid., 106.

⁷⁶ Ibid., 107. Soto cites Deuteronomy 15:4: “there will be no poor among you” and Acts 11:29: “and the disciples determined, every one according to his ability, to send relief to the brethren who lived in Judea.”

⁷⁷ Ibid., 107.

preach to sinners (both rich and poor), Soto objected to the elements of compulsion that are explicit or implied in the poor law of 1540.

9. Opposition to Discipline: the Basis of Soto's Critique

Soto's critique was based on a traditional understanding of poor relief as something that is fundamentally rooted in Christian charity. Most of his critiques centered on the fact that the provisions of the 1540 law did not line up with the Christian understanding of charity. When addressing arguments in support of the law, Soto did not attempt to argue that the regulation of begging would not serve the common good or eliminate lazy vagabonds who took advantage of alms to avoid working. Rather he argued that to put limits on alms was to betray the spirit of Christian charity with which they were to be given. In his conclusion Soto seems to concede that he could be persuaded to accept the new methods of poor relief if it could be shown that they did a better job of providing for the needs of the poor. Nevertheless, given the nature of his objections to the 1540 poor law, this new method of poor relief would, presumably, no longer be called almsgiving.

According to Soto, one purpose of almsgiving and institutions for the relief of the poor was to provide for the needs of the poor. Nevertheless, it was important in his opinion to take into account the benefits that the rich received by freely giving alms and by engaging directly with the beggars who received their charity. Because of the nature of Christian charity, these alms were to be given freely and without conditions. If a system was to be devised whereby the needs of the poor were to be met by forcing the rich to give or by restricting benefits to those from a particular place who also met certain criteria of behavior, it could no longer be called Christian charity or almsgiving.

The supporters of the 1540 law were thus set with the task, not only of proving that the new system did a better job of providing for the poor, but also that it was consistent with Christian principles of charity and almsgiving. Placing Soto's critique of the 1540 law in conversation with Robles's treatise defending the law not only illustrates

the disagreements between these two theorists of poor relief, but also the common ground that was held by both the supporters and opponents of the new poor law.

III. The Advocate of Reform: Juan de Robles and *De la orden que en algunos pueblos de España se ha puesto en la limosna*.

On the other side of the debate over the 1540 poor law was the abbot of the Benedictine monastery in Salamanca, Juan de Robles. A noted humanist, Robles argued in favor of replacing public begging with a centralized municipal system of relief. In this regard, Robles fell in line with some of the most prominent supporters of new changes to poor relief in the sixteenth century, including Valencian expatriate humanist Juan Luis Vives, whose treatise *De subventionem pauperum* is one of the classic treatments of the problems of municipal poor relief in the sixteenth century. Vives spoke of the responsibility of the municipal authorities to provide support for the poor as analogous to the responsibility of the father to support the members of his family.⁷⁸ Although Robles, like many other sixteenth-century humanists, supported the participation of municipal authorities in poor relief, he shared with Soto the assumption that all alms must be given freely. Despite this shared concept of almsgiving, Robles justifies the measures of discipline and social control contained in the 1540 poor law and put into action by the Zamora statutes.

In November of 1544, Cardinal Juan Tavera requested that Robles write up the principles of the Zamora statutes which were “informed by [his] advice and preaching.”⁷⁹ Although Zamora was well ahead of the reforms instated by the 1540 poor law, the ordinances which were established in late 1540 or 1541 take up the suggestion of the royal decree that cities take measures to provide for the poor so that they do not need to beg publicly. In his introduction, Robles discussed the reasons in favor of a systematic approach to poor relief, which aimed specifically to “remove the shame and danger that begging brings.”⁸⁰ Although Robles acknowledged that it was good for individuals to give alms indiscriminately, he argued that, as a means of good government, the state

⁷⁸ Juan Luis Vives, “De subventionem pauperum,” in *The Origins of Modern Welfare: Juan Luis Vives, De subventionem pauperum, and City of Ypres, Forma subventionem pauperum*, ed. Paul Spicker (Oxford: Peter Lang, 2010), 5.

⁷⁹ Robles, “De la orden,” 118.

⁸⁰ *Ibid.*, 122.

should “ensure that no one begs for alms but one who has need and reason to beg.”⁸¹

Rather than concern himself with theoretical rights and responsibilities, Robles argued in support of the 1540 poor law by emphasizing the practical advantages of the reforms.

Robles’s treatise began by outlining the reforms instituted in Zamora as a system that carried out the suggestion of the 1540 law to eliminate begging and institute a municipal system of poor relief. Although this first section of the treatise did not directly address the objections of Soto, Robles very clearly had him in mind since he explained the measure of the Zamora statutes in a way that addressed some of Soto’s objections. The second part of the treatise was more directly aimed at Soto and was structured as a defense of the law in the face of objections raised by “certain learned men.”⁸² Finally, the last part of Robles’s treatise listed the benefits of the reform measures and tried to argue that the reform had been successful in addressing the needs of the poor. Robles often seemed to make his case based on concrete practical measures, in contrast to Soto’s often very theoretical treatment of the law’s provisions. By basing his argument on the Zamora statutes, Robles addressed the 1540 law less directly.

1. The Law’s Implementation: the Zamora Statutes

Robles provided, with his discussion of the Zamora statutes, the most comprehensive surviving account of the city’s attempt to implement the suggestion of the 1540 law that the poor be provided for without needing to beg. In his discussion of the Zamora statutes, Robles addressed some of the Soto’s objections by emphasizing that, despite the limitation of benefits to natives of a place, foreigners were eligible for benefits under certain circumstances. Since Robles began by discussing the Zamora statutes, it seems clear that the controversy was focused as much on the practical measures taken by various cities as the principles laid down by the royal decree. Given the role of Robles in the drafting of the statutes and Soto’s withdrawal of his approval, it seems that the Zamora system of poor relief was at the center of this debate.

⁸¹ Ibid., 123.

⁸² Ibid., 159.

Regarding the eligibility of foreigners for relief, Robles stressed that the primary obligation is to natives of a place. Furthermore he pointed out that those who passed through the city were given enough to continue on their way, those who wanted to live in a city according to the established order were to be treated the same as natives and the sick were to be cared for until they were healthy.⁸³ Although the restrictions being placed on poor relief being debated do not apply in cases of extreme necessity (e.g. when a beggar would die of starvation if not given alms) limits were imposed on when and how foreigners were eligible for relief. In addition to the reasons that Soto gave to support encouraging cities to support their own poor, but not to place restrictions on foreigners, Robles asserted that “justice intervenes justly to take away certain liberties from certain persons or estates of people for the common good.”⁸⁴ Rather than treating the issue on the level of individual rights and liberties, Robles stressed the role of the state in providing for the common good. The key to Robles’s argument is not simply that he favors the involvement of municipal authorities in almsgiving, but that these authorities intervene to impose order and discipline in poor relief.

These new ordinances were more beneficial to the state as a whole because in addition to providing for the poor while eliminating their need to beg, a more effective management of alms could provide for those who were needy, yet did not receive aid through public begging. The Zamora statutes stated that, after the true poor were provided for, left-over alms should be dedicated to addressing the most urgent needs of the “shame-faced poor.” First and foremost, the ordinance stated that alms should be directed toward the care of the sick who did not have the means for treatment in their own homes. Secondly, orphans were to be taught a trade so that they could be productive and not rely on public almsgiving. Finally, after the needs of the living were provided for, those who had no estate or will were to be provided with a Christian burial.⁸⁵

⁸³ Ibid., 131.

⁸⁴ Ibid., 179.

⁸⁵ Ibid., 147.

2. The Opponents of the Law: the Argument Against the Poor Law

After outlining the program of poor relief instituted in Zamora, Robles directly addressed the objections brought against the law by its opponents. Although he did not name Soto specifically, it is likely that he was responding to Soto's treatise. Since Soto's treatise was published two months before his own, Robles may have even consulted a copy when writing. Although, in line with the pragmatic nature of his argument, Robles claimed that the fact that the poor were well taken care of should be enough to support the new program of poor relief, he recognized that it was important to address the detractors of the law. In support of the law, he cited the approval of similar programs in Bruges by the University of Louvain and in Ypres by the Sorbonne, and reiterated that the Zamora statutes were approved "almost unanimously" by the theology faculty at the University of Salamanca.⁸⁶

To set up a principle by which to judge the effectiveness of the law, Robles asserted that it was necessary to "accompany justice with mercy and alms with truth."⁸⁷ Although the purpose of almsgiving was to show mercy, by combining mercy with justice, it became possible to judge the law not by how it came in line with the purpose of almsgiving, but by how it served the good of the poor and, more importantly the common good. Thus, the criteria that Robles established to judge the new system of poor relief was "to weave together the advantages and disadvantages from the one and the other and to leave that which is found to have more disadvantages and take up that which has more advantages."⁸⁸ In Robles's mind it was impossible to have a law that was entirely free of downsides. Among two options, the one with the least detriment and most benefit must be chosen above the other.

In his treatment of the disadvantages of the law that were put forward, Robles did not deny the legitimacy of certain objections, but rather pointed out mitigating factors or exceptions that limit the disadvantages of the reforms. Since "there is no human law that

⁸⁶ Ibid., 159.

⁸⁷ Ibid., 160.

⁸⁸ Ibid., 160.

is so just that there do not follow from it certain disadvantages,” this alone should not be a reason to oppose the law. Robles reminded the prince that it is his task to choose “among evils the least, and among goods the best” and proceeded to outline the five major objections brought against the law.

3. The Old and the New: the Novelty of the Law

This first argument against the reforms was that it was an innovation. In his response, Robles first attempted to determine what exactly was new about these reforms. Even the opponents of the law acknowledged that from the earliest days of Christianity the poor were provided for without needing to beg. Furthermore, it was also nothing new to forbid from begging those who have no need to do so. Nor was it new to charge cities and towns with the maintenance of their own poor to limit vagabondage and keep the poor from wandering from place to place. Given that there were well-established precedents for the various elements of the law, it was hardly fair to accuse the systematic institution of being a novelty.

After pointing out that there was very little new about the law, Robles continued by arguing that something should not be abandoned just because it was new. Robles noted that the monastic and mendicant orders were new when they were established. It was undoubtedly with his principal opponent in mind that Robles remarked that “the order that blessed Saint Dominic founded for preachers of the Church was a new thing.”⁸⁹ Just like the various orders were simply a way to renew the principles of the Gospel in a given time, the systematic relief of the poor was an “honest means to... remedy the needs of their brethren.”⁹⁰ As times changed, so did the needs of the poor, and the means to provide for them needed to change accordingly.

Finally, Robles supported the law by arguing that maintaining the poor systematically was in line with the approach of Christ in the gospels and that of the first Christians. Pointing out that, although his disciples clearly had money for the poor, the

⁸⁹ Ibid., 162.

⁹⁰ Ibid.

only thing that Jesus gave to those who begged publicly was bodily healing. In the same way, Robles took Peter's words to the cripple in the temple "I have neither gold nor silver to give you," to mean that "the silver and gold that the Church has to maintain the poor is not for just any poor person," giving support to the system of establishing certain criteria for those who receive public relief.⁹¹ Robles argued that, not only were the individual elements of the law not novelties, but the purpose of the law—to eliminate public begging—was consistent with the example set by Jesus and the first Christians in the scriptures.

4. The Challenge of Change: Diminishing Alms

The second disadvantage brought up by the opponents of the law was that it caused alms to diminish and that there would be, as a result, not enough to support the poor. Robles did not directly refute the charge that alms had diminished, but he did point out that even with fewer alms, the law was able to accomplish its goals. Here again, Robles showed his concern that the law fulfill the end for which it was established.

First and foremost, Robles counselled patience since "all beginnings are difficult and much more so when there are objections and obstacles."⁹² Rather than denying that alms have diminished, Robles shifted the blame to the opponents of the law, saying that the criticism has caused some to save for themselves what they previously would have "given poorly or employed doubtfully."⁹³ By placing the cause of diminishing alms on the opposition to the law, Robles opened up the possibility that as opposition died down and people saw that the new system was more effective in providing for the needs of the poor, alms would return to their previous state or even increase.

Secondly, Robles asserted that the alms which were collected had been sufficient to accomplish the objective behind the reorganization of poor relief "that those who had or have a legitimate reason to beg are provided for... that the sick or other shamefaced

⁹¹ Ibid., 165.

⁹² Ibid.

⁹³ Ibid.

poor and orphans have their needs met, and to provide for those who die without enough [money] for a Christian burial.”⁹⁴ Since the alms collected were directed toward those in most need and not to illegitimate beggars, the judgment of the law should be not how many alms were collected, but whether or not the needs of those who were truly poor were met. By saving the funds that had previously gone to false beggars, the new system was able to accomplish relief more effectively and, in addition to providing for the needs of those who are truly poor, take away the support of a lazy and idle class of people.

In defense of the systematic management of alms, Robles underscored the ways in which the new system served the common good. First, it would not benefit the common good for rich to give alms if these alms were drawn from them “by deception and insistence.”⁹⁵ By eliminating public begging, the new system of relief undermined the support worthless and lazy of a class of people. In this way, “a few alms well-employed are worth more than many disorganized [alms] employed in raising people harmful to the state.”⁹⁶

Related to the objection that alms diminish, Robles also countered the charge that the new system could not ensure that the needs of the poor were always met since no one could be forced to give alms. Robles pointed out that “this is an argument that is made by those who attack the life of the mendicant friars” and cited the defense of Thomas Aquinas in which he said “there is no way of life by which the maintenance of men can be ensured because all temporal goods are subject to a thousand elements of fortune.”⁹⁷ Once again Robles pointed out that nothing is free of downsides and alluded to the inconsistency of a mendicant friar criticizing the new system of poor relief for having problem that exists within his own order.

⁹⁴ Ibid.

⁹⁵ Ibid., 166.

⁹⁶ Ibid.

⁹⁷ Ibid., 169-170.

5. Charitable Thoughts and Actions: Works of Mercy

Another charge brought against the system of poor relief that eliminated public begging was that it deprived people of the pity that they felt for beggars and the opportunity to perform acts of mercy that this provided. Although Robles did not deny that public beggars moved people to pity, he asserted that “it is better to remedy their labors and fatigues than to leave them so that they move us to pity.”⁹⁸ To allow the misery of the poor to continue when it was possible to remedy it was a violation of mercy. The judgment of the new system of poor relief should not be whether it eliminated a few opportunities for individuals to show mercy, but whether it actually provided better for the needs of the poor. Robles argued that the law should “not look to the advantage of individuals, but rather to the common good.”⁹⁹ It was according to this principle that the law was to be judged.

Supporting his argument with scripture, Robles quoted the command of Deuteronomy that there should be no beggars together with the words of Jesus in the gospel that there will always be poor for his disciples to attend to “as if [the Lord] were saying ‘although you lack beggars, you will never lack the poor.’”¹⁰⁰ Robles asserted that even if the poor did not beg publicly, the rich would still have plenty of opportunity to show mercy.

In Robles’s view there are two parts to mercy: first, is the feeling of “sadness before the misery of others,” the second is the attempt “to remedy that misery.”¹⁰¹ Since the only purpose of the feeling of sadness is to move a person to action, it is “a more excellent act of mercy that which [simply] shows compassion.”¹⁰² If the objection to the new system was that it did not promote mercy, Robles argued that it actually accomplished the second of the two parts of mercy better than the previous methods of

⁹⁸ Ibid., 173.

⁹⁹ Ibid.

¹⁰⁰ Ibid., 174.

¹⁰¹ Ibid.

¹⁰² Ibid., 174-175.

poor relief. Rather than relieving misery, public begging actually encouraged it, since “parents often injure or maim their children to obtain money [by begging]”¹⁰³ Robles asserted that it was cruelty rather than compassionate to want misery to continue simply so people can feel compassion.

Regarding the objection that people would not feel compassion if they were not confronted by the miseries of the poor who begged publicly, Robles countered that “preachers and confessors will not cease to admonish [people to show mercy].”¹⁰⁴ The disadvantage of not having the poor begging in the streets was offset, according to Robles, by the more effective relief of the misery of the poor and made up for by preaching. Even though under the new system people were not directly confronted by the misery of the poor, the poor would have their needs met more efficiently and those who were charged with collecting alms on behalf of the poor and the spiritual welfare of the people would encourage them to show mercy.

6. The Rights of the Poor: Limitations of Freedom

The fourth disadvantage that the opponents of the new system of poor relief pointed out was that it deprived the poor of their liberty through no fault of their own. Robles countered this by framing the system not as a new way of gathering and distributing alms, but rather within the context of justice and the law. Robles affirmed that “almsgiving (as it is said) does not interfere in taking away liberties. Justice, however, justly interferes and should interfere at times taking away the liberties or a particular estate of persons for the common good.”¹⁰⁵ Although almsgiving itself pertains to mercy, the system of regulating begging falls under justice and must be ordered first and foremost to the common good.

Here Robles expressed clearly his conception of the state ordered for the common good. Furthermore he stressed that, although “every day free men are deprived of a

¹⁰³ Ibid., 175.

¹⁰⁴ Ibid., 178.

¹⁰⁵ Ibid., 179.

thousand liberties, it is not without cause.”¹⁰⁶ This is not simply a pragmatic assertion, but something that Robles conscientiously placed within Christian teaching. In support of his view of the state, Robles quoted St. Paul’s words to the Corinthians “do not seek your own benefit, but rather the common good.”¹⁰⁷ In Robles’s view this applied not only to individuals within a given place, but to the various cities and towns within a kingdom. It was in this spirit of seeking the common good that “the common law of these kingdoms takes away the liberty of those who can work and get by without begging, [and commands] that they not beg for a few reasons pertaining to the good of the whole kingdom, although without fault.”¹⁰⁸ The state, and especially the Christian state, must operate with the common good in mind.

Robles, however, went beyond the common good to consider the good of the beggars themselves, which he claimed was also served by the law limiting public begging. He pointed out that “there are those who carry infirmities and do not want to be cured of them so that they can go out and beg.”¹⁰⁹ Furthermore, by allowing public begging, people were encouraged to be idle and lazy and “although it could benefit some, it would be so damaging to many and to the common good.”¹¹⁰ What is significant here is that, according to Robles, the majority of those who did beg publicly would be better off themselves if they were not allowed to beg.

Robles also confronted the objection that by prohibiting public begging, the poor were being deprived of the ability to improve their station. The freedom to improve one’s state in life was not, according to Robles, absolute and this was not to be done by any means. In addition, this seemed a rather weak objection and Robles challenged those who objected to the law to “give me one person who has improved his station in life by

¹⁰⁶ Ibid.

¹⁰⁷ Cited in Ibid.

¹⁰⁸ Ibid., 180.

¹⁰⁹ Ibid.

¹¹⁰ Ibid., 181.

begging.”¹¹¹ It was rather the case that, having the ability to gain what they need through begging, they were content to remain idle and lazy and stay in a state of poverty.

7. Goodness and Kindness: the Treatment of those on Public Assistance

The last objection which Robles addressed was that those who were provided for through public alms were treated poorly. His primary response to this objection was that “in the execution of these ordinances there are a few faults.”¹¹² Robles did this not to accept the objection as a legitimate cause to do away with the reforms, but rather to place the focus on the implementation of the law and not on the principles behind it. In the bigger picture, whether the poor were treated better under the old system of relief or the new was “something easy to determine whether that is or is not the case.”¹¹³ There were several elements which had been critiqued, but which Robles refuted as untrue or exaggerated. In several ways Robles stated that the poor were better provided for and happier with their treatment under the new system of relief than they were when allowed to beg publicly.

8. The Advantages of the Law: the Foundation of Robles’s Argument

Finally, Robles concluded his treatise with a list of benefits derived from the law. He did not go into great detail, but rather set the benefits as a counterweight to the few disadvantages which had been brought up by the opponents of the law.

The advantages which Robles listed are the following:

1. That the poor who are maintained without begging have the security that they will be supported.
2. That those who are sick and cannot pay for their care are cared for.
3. That orphans are given a job or apprenticed to a master.

¹¹¹ Ibid.

¹¹² Ibid., 183.

¹¹³ Ibid.

4. That the poor have been freed of evil people who brought with them a lazy lifestyle.
5. That the truly poor have been spared the dangers of poverty and the loss of shame.
6. That children are no longer brought up in evil ways that lead to the brothels or being hanged as thieves.
7. That Christian societies can no longer be criticized for not caring for the needy.
8. That tricksters no longer have the opportunity to take on the false disguise of the poor to live as lazy vagabonds.
9. That there is less of a shortage of laborers.
10. That people no longer harm their own bodies or maim their children to solicit alms.
11. That foreigners no longer take alms while passing through and return to their own lands as rich men.
12. That lazy vagabonds no longer cause damage to the habits of the poor.
13. That there will not be as much contagious disease.
14. That the doorways of churches and temples will be without the clamor of the poor.
15. That good Christians will be made of those who formerly wandered about and gave no regard to God.
16. That alms are more meritorious and given more freely than when they were extracted by the clamor of beggars.
17. That the poor will be relieved of the necessity of wandering through half the town to get what they need.
18. That the scruples of the conscience of the rich will be removed.
19. That hospitals will no longer be filled with vagabonds, but will be able to devote their resources to the truly poor.

Robles noted that there were, to be sure, “many other great advantages that have been discovered and are discovered each day of experience which follows from following this holy ordinance.”¹¹⁴ Referring the question to Prince Philip, Robles concluded with an

¹¹⁴ Ibid., 194.

exhortation to encourage the rich to give generously and put effective means in place to provide for the poor as a fulfillment of Christian charity and good government.

In his explanation of the Zamora statutes and his refutation of the objections to the law, Robles argued in favor of a more systematic approach to poor relief. He argued that, not only would the poor be better provided for, but that the disadvantages of the system were not as great as the opponents of the law alleged. It was, moreover, important that Robles established the authority of the government to interfere with almsgiving as a measure of justice in promoting the common good. Nevertheless, Robles was not able to completely deny the disadvantages of the new system and his overall argument can largely be summarized by the assessment that the benefits of the new system outweighed its costs.

IV. Conclusion

One of the important benefits of analyzing the arguments of Soto and Robles is that it makes it possible to point out the common ground that they shared as well as what they disagreed on. This provides a more comprehensive picture of the way theorists of poor relief in sixteenth-century Castile thought about and supported various methods of caring for the poor. Both Soto and Robles saw the support of the poor as an important responsibility of society. Both men agreed that alms should be given freely, and for both this was an essential aspect of Christian charity. Since both perceived almsgiving in this context, neither Soto nor Robles argued that the management and solicitation of alms be taken out of the hands of the clergy or from religious orders and confraternities.

Nevertheless, the positions of the two clerics did diverge in many important respects. Soto objected strongly to the restrictions placed on the poor, especially the requirement that the poor confess and receive communion in order to obtain a begging license. For Soto, this was a blatant violation of the sacrament of confession. On the other hand, in Robles's mind it was not a question of forcing the poor to confess, but of ensuring that alms were given to those who were most worthy of charity. While Soto objected to the exclusion of foreigners on the grounds that it denied the poor the freedom to beg wherever they chose and limited the ability of the rich to show generosity, Robles recognized this as a reasonable limitation that facilitated the discrimination between those who were truly poor and those who were able to work, but chose instead to support themselves by begging. Contained in these disagreements were differing thoughts about the role of charitable giving in society and the relationship between church and state that had greater implications than a simple theological disagreement.

Despite their different views regarding the methods of poor relief, both Soto and Robles addressed the principles of Christian almsgiving. Their arguments did not deal primarily with public order or the health of the population, although these were concerns which motivated many of the advocates of sixteenth-century changes to poor relief. The debate between Soto and Robles was a theological one, but not one without very real practical implications. The common ground shared by both Soto and Robles provides

context to how people in sixteenth-century Castile conceived of poor relief. The differences that they expressed, however, allow for an understanding of how perceptions were changing and which notions were being contested. The poor were increasingly being seen not simply as the object of charity, but as presenting a problem for the health of society. Although poor relief was framed in terms of almsgiving, both authors reflect an increase in the desire to manage alms in a way that will provide for the poor most efficiently.

Although much has been written about the debate between Domingo de Soto and Juan de Robles, this thesis provides a novel reading that brings the history of poor relief in Castile into the context of discipline and social control. While scholars have certainly examined the role of discipline in the distribution of alms, rereading the debate between Soto and Robles in this context highlights the attention that was given by contemporaries to the problems of discipline and social order in reorganizing methods of poor relief. The central question of the debate between Soto and Robles was whether or not the 1540 poor law was just in imposing limitations on the poor of Castile (or poor foreigners who made their way into Castile for that matter). Soto objected to the licensing of beggars, the requirement of confession and communion, and the exclusion of foreigners not merely because he thought these measures went against the Christian spirit of almsgiving, but because he saw them as unjust impositions. Robles, on the other hand, justified these limitations because, although they might have infringed on the rights of individual paupers, they promoted the common good of society.

The respective influence of Soto and Robles is not limited to the theological treatment of alms and charity, mercy and justice, nor is it simply a question of whether charitable giving should be handled by government authorities or should be left to private individuals. The main disagreement between Soto and Robles was whether or not the charitable giver had the ability to impose standards of behavior on those who received their alms. Soto, certainly the more well-known of the two, is generally credited with having put forth the more influential theory of almsgiving. This is often based on the fact that the Catholic perspective on almsgiving continued to emphasize the benefits of charity for the giver as well as the recipients and that charity in Spain continued to be

administered by confraternities and through personal almsgiving. By emphasizing Soto's objection to the use of poor relief as a means of discipline and social control, the parameters for judging the reception of his argument change significantly. The continued existence of charitable confraternities and individual almsgiving does not completely validate the assertion that Soto's position predominated. Further research must be carried out to the details of the relief that was provided to the poor through private or confraternal almsgiving.

This examination of two different perspectives on sixteenth century poor relief provides, not simply an insight into how people thought about poor relief, but perhaps more importantly, a starting point for assessing how these theories of almsgiving were applied to institutional or private practices of poor relief. Although the 1540 poor law remained the law of the land, Philip II eventually proclaimed another poor law in 1565. It would seem that the opinions of Soto had some effect since this law "did not attempt to prohibit begging and it did not suggest that the place where a pauper was born was responsible for maintaining him."¹¹⁵ Confession and communion did, however, remain a requirement to receive a begging license. Further examination of the actual methods employed by municipal authorities as well as confraternities and other organizations in the relief of the poor is needed to test the hypothesis that comparing the view of Soto and Robles to the actual practices of poor relief in Spain "that Soto's position predominated."¹¹⁶ It would be particularly interesting to examine what changes, if any, were implemented in poor relief as a direct response to either Soto or Robles.

Although both Soto and Robles were certainly familiar with the discussion of poor relief that was going on throughout Europe, a broader comparative study is needed to examine how the debate between Soto and Robles relates to what was written regarding poor relief in the Netherlands, England, Italy, France or Germany among other places. It is not unreasonable to assume that Robles was familiar with Vives's *De subventionem pauperum*; and Soto professed at least an awareness of the judgment

¹¹⁵ Martz, *Poverty and Welfare*, 33.

¹¹⁶ Flynn, *Sacred Charity*, 98.

pronounced by the Sorbonne regarding the Ypres poor law. This comparative analysis is beyond the scope of this thesis, but remains a fruitful line of research. This is especially true regarding the identification of any concrete evidence that either Soto or Robles would have read what their contemporaries were writing regarding poor relief.

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