

PAUL SPICKER (ed.)

The Origins of Modern Welfare

JUAN LUIS VIVES, *De Subventione Pauperum*,
and CITY OF YPRES, *Forma Subventionis Pauperum*



PETER LANG

This book presents new translations of the earliest known studies in Social Policy. Juan-Luis Vives's *De Subventione Pauperum* (*On the Relief of the Poor*) is an academic report on the organisation of social welfare, prepared for the senate of Bruges and published in 1526. *Forma Subventionis Pauperum* (*The government of poor relief*), published in 1531, is an anonymous evaluation report. It reviews the system of poor relief in the city of Ypres, five years after the policy was introduced.

These reports lay out methods and approaches for the delivery of social services within their cities. Unemployed people should be found work or helped to start a business. People with disabilities or mental illness should be treated seriously and recognised for what they can do. Migrants should be helped, even if it is not possible to assist everyone. Special efforts should be made to help people who are reluctant or too proud to claim. Services have to be properly organised, records have to be kept and the use of funds has to be publicly accountable and subject to audit.

The sophistication of the arguments developed in these studies will surprise many readers. They deserve to be read by everyone with an interest in social policy or public administration.

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Cover illustration: *The proclamation is read at Ypres.*

A 19th-century copy, by Hubert Meyer, of an original mural by Jan Swerts.

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Contents

Introduction	vii
PART I Juan Luis Vives	
<i>De Subventione Pauperum</i> (1526)	I
On the relief of the poor, or of human need <i>translated, with commentary, by Paul Spicker</i>	
Preface	3
Book 1	7
Book 2	65
PART II City of Ypres	
<i>Forma Subventionis Pauperum</i> (1531)	101
The government of poor relief <i>translated by William Marshall (1535) and Paul Spicker</i> <i>commentary by Paul Spicker</i>	
The government of poor relief	103
The poor in Ypres	
The response of the censors of the School of Theology in Paris	141
Afterword: a note on the translations	145
References	149
Index	155

Introduction

The two books included in this volume are probably the earliest studies ever written in the field of Social Policy, and among the earliest written about public administration. Social Policy is the study of welfare, policy and administration. The field of study developed mainly to meet the needs of professionals and policy makers working in related subject areas, and although the subject has seen considerable expansion and development in recent years, the core of its area of interest continues to be an understanding of the nature, purpose and methods through which welfare is delivered.

There have been various social policies since ancient times, and of course there were things written about welfare and charity. However, most of what had been written before these documents appeared – in the Bible or the Talmud, Maimonides in the *Mishneh Torah* (Maimonides, 1180), or Luther's *Ordinances on a common chest* (Salter, 1926) – were laws, policies or instructions, rather than discussions of the subject. For principles, people might have referred to classical texts like Cicero's *De Officiis*, or Seneca's *De Beneficiis*. Neither however is really about social welfare: Cicero's work is a consideration of moral duties, and Seneca's book is an extended discussion of giving, receiving and the role of gratitude. Aquinas's discussion of beneficence and almsgiving in the *Summa Theologica* is also relevant (Aquinas, c. 1274, II–II, questions 31 and 32), but it is still mainly about the moral duty of charity, not about social welfare. None of these works is recognisable as a study of the social policy in the contemporary sense. The books translated and presented here are.

The first book, by Juan-Luis Vives, is a commissioned academic report on the organisation of social welfare provision. It was written for the Senate of Bruges, by the request of a former Prefect, and despite a nominal date of 1525 it was published early in 1526 (Mattheeussen, 1986, p. 88). It combines a set of theoretical arguments and a literature review, with detailed prescriptions for the management and administration of social welfare

provision in the city. The second is an anonymous report, reviewing the operation of poor relief in the city of Ypres, written to explain and justify its pioneering scheme for public assistance. It was published in 1531, just over five years after the introduction of the scheme in 1525. It reviews the background, aims, methods and outcomes of the policy.

Both texts were written at the time of the early Reformation, when several European city-states were seeking to change both their systems of governance and the moral and philosophical basis on which governments operated. At the time they were written, there was nothing remotely like them. Few people currently working in this field, coming to these books for the first time, imagine that this sort of thing could possibly have been produced nearly five hundred years ago.

Reformation and reform

These works were written at a time of major social change, reflected in the development of a new theology and the birth of Protestantism. The social organisation of the cities was not a new development; they had emerged over a long period. In part, this reflected the slow growth of a mercantile class; in part, too, the cities were defensive communities, which needed to protect themselves from the instability caused by war, disease and consequent displacement from the land. The development of the new industrial practices – reflected in some of the examples given in these works – was linked both to expansion of the cities and to their growing importance.

The defensive character of the cities created some tensions with the traditional approaches to welfare and begging supported by the Christian church. Charity, in mediaeval times, was a duty to God rather than to the poor. Religious foundations offered indiscriminate support to itinerant beggars, which facilitated the movement of people, often in unstable times. Charitable donations were a practical way of ensuring reciprocal support and the ability to travel for clerics, especially those in the mendicant orders.

They were also a major source of income for the Church, at a time when it was increasingly criticised for corruption and excess.

Luther posted his theses at Wittenberg in 1517; the Diet of Worms, the critical meeting which established his opposition to the Church, was in 1521. Protestantism was a challenge to many of the practices of the Church; it was taken up in several city-states, particularly the cities of Germany and Switzerland. The protestant movement may have offered an ideology that appealed to the new bourgeoisie (Weber, 1904), but it did more than that: it also offered a programme of practical reform for those who resented the financial burdens that the Church imposed. On poverty and begging, Luther had written:

One of our greatest necessities is the abolition of all begging throughout Christendom. Among Christians no-one ought to go begging! It would also be easy to make a law, if only we had the courage and the serious intention, to the effect that every city should provide for its own poor, and admit no foreign beggars by whatever name they might be called, whether pilgrims or mendicant monks. Every city could support its own poor, and if it were too small, the people in the surrounding villages also should be exhorted to contribute, since in any case they have to feed so many vagabonds and knaves in the guise of mendicants. In this way, too, it could be known who were really poor and who not. There would have to be an overseer or warden who knew all the poor and informed the city council or the priests what they needed; or some other better arrangement might be made. In my judgment there is no other business in which so much knavery and deceit are practised as in begging, and yet it could all be easily abolished. Moreover, this free and universal begging hurts the common people. (Luther, 1520, s.21)

Luther issued his ordinance for Leisneck on the organisation of welfare in 1523; Zwingli wrote his for Zurich in 1525 (both in Salter, 1926). Luther prescribed the creation of a common chest, administered weekly by ten guardians, but also directed:

It is neither permitted nor allowed that any monk, loiterer or church beggar shall himself beg or instigate begging in our parish, in town or village. ... No male or female beggar shall be allowed in our parish, in town or village; for such as do not suffer from age or sickness must work or be driven away from our parish, from town and village alike, with the aid of the authorities. (Salter, 1926, pp. 90–1)

Zwingli's ordinance, similarly, was restrictive in tone. Its content is highly specific – it even names the officials who will carry out the duties. More generally, he specified that

The following types of poor citizens and country folk are not to be given alms: any persons, whether men or women, of whom it is known that they have spent and wasted all their days in luxury and idleness, and will not work, but frequent public-houses, drinking-places and haunts of ill-repute. Such folk shall be given nothing in the way of Poor Relief until they arrive at the last stage of destitution ... (Salter, 1926, pp. 100–1)

Given the context, it might be expected that arguments and prescriptions for welfare reform in Bruges and Ypres could be seen as part of the same development. The arguments made by Luther are certainly paralleled in both reports, but the relationship is not straightforward. Neither report is Protestant in form, even if at times there are some trenchant criticisms of the Catholic Church. The principle of community funds to help the poor was established in the Low Countries; the city of Douai had had a community chest for over two hundred years (Nolf 1915, pp. xviii, lviii). Both reports share a conviction that making provision for the poor should be the responsibility of the secular authorities. Although begging was restricted and controlled, the approach to welfare is far more inclusive than might have been expected.

The De Subventionem Pauperum

Vives's text was written in two "Books" or parts. Book 1 is labelled, in the 1530 Paris edition, as being about private relief; Book 2, about public relief organised by the city. This is more or less true, but it is only part of the story; it is no less true that Book 1 is concerned with general principles, and Book 2 with practical administration. Most writers and commentators have only referred to the second Book, and until very recently only the second Book was available in an English translation.

Vives had moved to Bruges at the age of 20, after a period at the Sorbonne, and from 1517 he held a position at Louvain. Vives first expressed an interest in poor relief in a letter in 1522, which shows, Mattheeussen argues, that he had formed an interest while still at Bruges (Mattheeussen, 1986, pp. 91–2); but in the period when the reform of welfare provision was being most actively debated, from 1523 to 1525, Vives was mainly in England, where he had a post in Cardinal College, at Corpus Christi, Oxford. During this period, he travelled frequently between England and Flanders and he returned to Flanders in the summer of 1524 to be married. He most probably learned about the plans for Ypres while he was still in England: Tobriner suggests that Lauwereyens, a former mayor of Ypres, and Vives were in London together in the Spring of 1525 (Tobriner, 1999, p. 16). The suggestion, however, that Vives was working on the *De Subventionē Pauperum* much earlier (Norena, 1970, p. 96n) is tenuous; he said in a letter in 1525 that he was working on something stunningly ambitious, but several of his later works (particularly *De Disciplinis*, which seems to have had the same kind of aspiration as the French Encyclopaedia of the 18th century: see Watson, 1913) were far more adventurous intellectually than this book is, and there is no good reason to suppose that it is the project on welfare reform that he was talking about.

Before this commission, Vives was already an established and respected academic writer. Though relatively young, he had published some major works, including *De institutione feminae Christianae* (On the education of Christian women) in 1523 and *Introductio ad sapientiam* (Introduction to wisdom) in 1524. He had an unusually wide range of academic interests. Few people had written about the subjects that Vives was ready to tackle – for example, love, marriage, education and the role of women.

A considerable emphasis has been put on Vives's practical approach and his apparent experience as an administrator. Vives certainly had a strong belief in applied knowledge or "practical wisdom" (see Watson, 1913). (Practical wisdom, the "phronesis" of Aristotle, has become a subject of renewed interest in contemporary social science: see Flyvbjerg, 2001). There are aspects of Vives's writing, like his understanding of the situation of people with mental illness, that he probably could not have written if he had not had some direct contact with the people he was writing about.

However, Vives was a full-time scholar and writer: even if he had some experience, which is uncertain, he was clearly an academic rather than a practitioner.

It is possible that the request to review welfare in Bruges was a recognition of Vives's personal interests, and that he had a free hand as to how to interpret his brief. However, it seems unlikely that Vives was working wholly by his own lights. He was not directly paid for the work – he was rewarded with a silver cup, and the city paid for a translation of the book into Dutch (Watson, 1913, p. lxvii) – but he was engaged on the basis that the work needed to be done, and he did do the work as a service to the city. Any working researcher in public policy is likely to be familiar with the issues around the “research relationship” (see e.g. Wenger, 1987; Percy-Smith et al., 2002) – the relationship between the researcher and the body sponsoring research. The question that should come to mind is what Lodewijk van Praet, formerly the prefect or mayor of Bruges, could have expected to see when he invited Vives to write his report – and, indeed, why the city should have paid to make the work accessible to the public afterwards.

Policy makers may sometimes engage academics because they want ideas about what to do, but that is unusual. More typically they commission work because they want justifications for action, because they want a reason to delay a decision, because they want an independent view about whether a policy is working, or because they want the seal of approval or legitimacy which comes from academic authority. The timing of the commission, when Mons and Ypres were to introduce schemes and Bruges was not, sets aside some of these possible reasons; it suggests that the commission was intended to review arguments for change, or to add legitimacy to the process of making decisions. The first of these, that Vives was simply asked to review the arguments, is possible. There were certainly disputes at the time within the polity at Bruges: Vives's scheme was not adopted there, and it was thirty years before Bruges set up a municipal system. Vives could, then, have been commissioned in the expectation that he would present the arguments for extending the Senate's powers and role. The revised edition of Vives's work, published in the Paris version adds these words to Book 2, Chapter 7: “Political rivalry, the cruel plague of every city, must be especially avoided.” (Mattheeussen, Fantazzi, 2002, p. 127)

Beyond that, though, the structure of the *De Subventionem Pauperum* served a wider political purpose. In a period when the reform of welfare was strongly associated with a challenge to the authority of the Church, a proposal to invest the role in the secular authorities was highly controversial, and strongly linked to Lutheranism. Catholics as well as Protestants, however, wanted to see reforms in welfare (Pullan, 1976). Vives presented mounted a defence of welfare reform that could still be accepted within the Catholic Church.

Vives was an unusual theologian. Mattheeussen and Fantazzi describe his work as “thoroughly Christian” (2002, p. xv), but there are reasons to question that judgment, which will become apparent later in the notes to the text. If Vives was hardly a faithful adherent of the doctrines of the Catholic church, however, nor was he remotely sympathetic to Luther’s negative, condemnatory view of humanity (Norena, 1970, pp. 292–3). Erasmus wrote of him, in a letter to Thomas More, that “no other man is more fitted to utterly overwhelm the battalions of the dialecticians in whose camps he served for a long time.” (cited Watson, 1913, p. xxiii) If anyone could present the material in a way that could satisfy the religious authorities, it was Vives. He set out to show that reform had a good theological grounding, and he devoted the first book to the purpose. He was certainly aware of the political sensitivity of what he was writing: he commented privately that he had had to approach the subject with caution, “for fear of contradicting the happy effect that I was hoping for, for so many thousands of beings” (cited Guy, 1972, p. 138). “Rather than initiating change”, Kingdon suggests, “intellectuals often justified the changes engineered by the practical business leaders of the community. ... [Vives’s treatise] may thus be regarded ... as more a consecration of reform already under way than an impetus to new reform.” (Kingdon, 1971, p. 68) Ultimately, it was legitimacy, more than any plan for action, that Vives’s arguments supplied.

The *Forma Subventionis Pauperum*

The *Forma Subventionis Pauperum* has its origins in a defence of the scheme of poor relief, written for the judgment of the Faculty of Theology at the Sorbonne. Although the arguments had to stand up to religious examination, there is rather less emphasis on Christianity here than there is in Vives's work. This report is more practically oriented – it includes, for example, considerations about the management of incomers or the audit of accounts. The first half, which aims to justify the policy, offers reasons and some arguments, and it cites classical literature, but there are far fewer quotations and literary allusions than there are in Vives – it is altogether a less scholarly work. The authors condemn poor people, and they tend to emphasise the harsher, disciplinary elements of policy that are associated with early provision for the poor. The later sections include a number of short, pithy sections on both practical issues and issues of principle. By comparison with the opening sections, it is progressive, emphasising the need to be inclusive and the challenges of practical management. There is a later point when the text goes back to general principles, and the style changes again.

There are three main contemporary sources containing versions of the report. The first is the submission made by the magistrates at Ypres to the Sorbonne. That document, dated December 1530, was produced in Dutch and Latin (Nolf, 1915, documents 9 and 10). Then there is the full published report in Latin, published in 1531, which is the basis for this edition. The full report is much longer than the submission to the Sorbonne, and although it uses material from the submission at some points, it was very substantially rewritten. There is also what seems to be an intermediate version, a somewhat abbreviated translation into French, published in 1531 (Nolf, 1915, document 18). It contains many of the same headings as the full report, but it consists mainly of short paragraphs. It might be an abridgement or summary of the full report.

The scheme at Ypres was not as innovative as the report claims. The first draft of the scheme is very similar to the scheme introduced in January 1525 at Mons; both schemes are based on the prevention of begging, a

requirement to work, and the payment of funds into a common chest. Nolf sets the draft side by side with the ordinance from Mons (Nolf, 1915, document 1). Although the Mons scheme is longer, the ordering is similar and there are lengthy passages in almost the same words, which could not have happened without direct copying. He concludes that the Ypres scheme is “nothing more than the reproduction of the first with some modifications of detail” (Nolf, 1915, xxvi). By the time the Ypres scheme was published in December 1525, however (see Nolf, 1915, document 4; Lindberg, 1993, 202–5), the clauses and practical implementation had been worked out in some detail, more thought had been given to the relationship with private charity, and there was little direct resemblance between the documents.

The reason for subsequently justifying and presenting the scheme in the form of a report has its origins in a dispute with the religious authorities. The mendicant orders in Ypres objected to the scheme, complaining both of its harsh treatment of the poor and the suspicion that it was tainted with Lutheranism. Nolf suggests that the scheme directly threatened their main source of income (Nolf, 1915, p. lv). The magistrates protested that nothing in the scheme applied to religious mendicants, but that was not strictly true; the finalised order specified that only alms established for the purpose should go to religious mendicants, and all funds intended generally for the poor should go into the common fund (Nolf, 1915, document 4 para 5; translated in Lindberg, 1993, p. 203, para 7).

The dispute was referred to the Sorbonne for judgment. There are conflicting accounts in commentaries as to who took the initiative in the appeal (contrast Ashley, 1906, p. 169 and Salter, 1926, p. 33), but it seems that both did. Following a public disputation, the referral was made jointly to the Sorbonne by Jean Crocius, on behalf of the mendicant orders, and “Jacobus Papus”, possibly Jean Passe (Vandenpeereboom, 1878, pp. 305–6) or Jacques de Pape (Nolf, 1915), a preacher in favour of the reform. The submission was written in 1530, and the judgment followed rapidly in 1531. The Faculty of Theology described the scheme as “pious and salutary, and not inconsistent with either the word of the Gospel or the example of the Apostles and our forefathers.” The Sorbonne’s decision led to enough inquiries, including one from Emperor Charles V (the Low Countries were at that time subject to the Spanish Empire). The city rulers consequently

asked the Provost of St Martin's Cathedral in Ypres to prepare an account for publication (Ashley, 1906, p. 170). The report was published in 1531, along with the judgment. This is the document presented in this volume.

The Senate also proudly commissioned a mural by Jan Swerts, to show the proclamation of the scheme in the town square. The mural was destroyed in the bombardment of Ypres during the Great War, but a copy of it was made by Hubert Meyer, and published in Vandenpereboom's *Ypriana* (1878). The image is shown on the cover of this book. Vandenpereboom identifies the four main figures behind the town crier as being, from left to right, Colard de Wulf, who first proposed the Ypres scheme; Philip van Houtte, the town's advocate; a doctor of the Sorbonne; and the Provost of St Martin's. Behind them stand the assembled officials, prefects and sub-prefects of the city.

Despite the uneven presentation of the argument, aspects of this report foreshadow the standard elements of any report on policy. The task was to show both that the scheme was right, and that it worked. The report presents a series of small sections covering, if not quite systematically, the background, causes, methods, implementation and outcomes of policy – many of the staple elements of policy analysis (Spicker, 2006). There are sections on the benefits of the policy, its future development, challenges and overall evaluation. Every generation of academics and researchers in public policy likes to think it has invented these structures for itself; it is a little unnerving to see something clearly recognisable in modern contemporary terms as a policy analysis, in a document published in the sixteenth century.

The relationship between the texts

Presenting the two books together helps to understand each of them. The Ypres report shows that Vives's scheme is not, as it might otherwise have seemed, a piece of utopian speculation. Vives's book gives the Ypres report intellectual weight and helps to explain some of the more condensed

arguments. However, there are no indications that there was any direct connection between the two documents. The idea that Vives inspired the scheme in Ypres, which used to be widely supposed (e.g. Catholic Encyclopaedia, 1913; Tobriner, 1999, pp. 14–5), is inconsistent with the chronology (Vandenpeereboom, 1878; Fehler, 1999, p. 14; Mattheeussen, Fantazzi, 2002, p. xxiii). The scheme at Ypres was introduced in December 1525, supposedly for a trial of five or six months (Vandenpeereboom, 1878; Nolf, 1915); Vives's treatise appeared in 1526. There is nothing in the documentation to show that the authors of the Ypres report were even aware of Vives's work – both the submission and the later report cite the authority of John Major, a leading Scottish divine, but not that of Vives.

Vandenpeereboom suggests however that the reaction to Vives did play an indirect part in developments in Ypres. Vives expressed concern about the possibility of being thought a heretic, and commented in a letter in 1527 that the *De Subventionem Pauperum* had been attacked as “heretical and Lutheran” by a cleric within the diocese of Tournai (Mattheeussen, 1986, pp. 93–4). The reaction to Vives in the University of Louvain prompted concern in Ypres about their own scheme. A disputation was consequently arranged in Ypres in September 1527. It was only following this discussion that the Ypres scheme was submitted for consideration by the Sorbonne (Vandenpeereboom, 1878, pp. 305–6).

The link between Vives's work and the Ypres report, then, rests in the political context. Both texts can be seen as part of the same social movement, shifting the focus of charity from individual beneficence to collective, secular social organisation. Both schemes risked the charge of heresy. The mendicant orders in Ypres had suggested that the scheme had the taint of Lutheranism (Nolf, 1915, p. 51 and p. 69); the need to distance the scheme from that charge was the driving force for what ensued. The willing engagement of the magistrates in the request for judgment was shrewd, and possibly the same political nous may have served the magistrates in other ways: one of the doctors from the Sorbonne wrote back to a representative from Ypres to thank him for the cheeses (Nolf, 1915, document 20). The judgment of the Sorbonne led to a request from the Emperor to review the scheme, and it was the Ypres report, not Vives's,