

**HIERARCHY AND REVELRY AT RESTORATION OXFORD, CAMBRIDGE AND
THE INNS OF COURT**

by

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**A thesis submitted to the Faculty of Graduate Studies and Research in partial fulfillment
of the requirements for the degree of**

Master of Arts

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Carleton University
Ottawa, Ontario
March 1, 2004**

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ABSTRACT

This thesis evaluates historiographical debates concerning the relationships between popular and elite culture and between youth and adult culture in early modern England through a close study of student culture at the universities of Oxford and Cambridge and the Inns of Court after the Restoration. Of particular concern are adult attempts to impose contemporary notions of hierarchy and student attempts to criticize and subvert these notions through revelry and popular festivity. The Restoration period is the main focus, but events and ideas from the late sixteenth century through to the middle of the eighteenth century are canvassed to determine the extent to which attitudes and behaviour changed over the long term.

PREFACE

All dates are New Style, with the year beginning on January 1. Early modern spelling has been preserved in most quotations, but grammar and punctuation have been modernized when necessary.

I would like to thank my supervisor, Professor David Dean, for his suggestions and guidance; my partner, Paul Gardner, for encouraging me and listening to me complain and gnash my teeth; and my parents, Carolyn and Glenn Johnson, for encouragement, much-needed funds and their company on a very enjoyable and useful research trip to England.

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GLOSSARY¹

Brawne: *noun* 1. The muscle or flesh of animals as food.

Buttery: *noun* 1. In the colleges at Oxford and Cambridge: The place where ale and bread, butter, etc., are kept. (The 'residence' of members of the college is recorded by the appearance of their names in the buttery-books.)

Cawdel: *noun* 1. A warm drink consisting of thin gruel, mixed with wine or ale, sweetened and spiced, given chiefly to sick people, esp. women in childbed; also to their visitors.

Commons: *noun pl.* 1. Provisions provided for a community or company in common; the common expense of such provisions; also the share to which each member of the company is entitled.

Cuckold: *noun* 1. A derisive name for the husband of an unfaithful wife.

Discommon: *verb* 1. In the Universities of Oxford and Cambridge: To deprive (a tradesman) of the privilege of dealing with the undergraduates.

Firk: *verb* 1. To beat, whip, lash, trounce, drub.

Lord of Misrule: *noun* 1. One chosen to preside over the Christmas games and revels in a great man's house.

Master of the revels: *noun* 1. A person (permanently or temporarily) appointed to organize or lead revels, esp. in the Royal Household or Inns of Court.

Morris: *noun* 1. A lively traditional English dance performed in formation by a group of dancers in a distinctive costume (usually wearing bells and ribbons and carrying handkerchiefs or sticks, to emphasize the rhythm and movement), often accompanied by a character who generally represents a symbolic or legendary figure (as the Fool, Hobby Horse, Maid Marian, etc.); any of a repertoire of such dances. Hence: any mumming performance of which such dancing is an important feature (now *rare*). Also: a representation of this dance (*obs.*).

Play: *noun* 1. Exercise or action by way of recreation; amusement, diversion, sport, frolic. In early use sometimes in a bad sense: vicious or profligate indulgence, revelling. 2. The carrying on or playing of a game. 3. The playing of a game or games for money or other valuable stakes; gaming, gambling.

Regent: *noun* 1. At Oxford and Cambridge, a Master of Arts ruling or presiding over disputations in the Schools, a duty originally discharged for one, and afterwards for five, years after graduation; hence, in later use, a Master of not more than five years standing.

¹ *Oxford English Dictionary, OED Online* (Oxford, 2004).

Revel: *noun* 1. Riotous or noisy mirth or merry-making. 2. An occasion or course of merry-making or noisy festivity, with dancing, games, masking, acting, or other forms of lively entertainment.

Riding: *noun* 1. A mock-procession in ridicule of a tyrannous husband or wife, or a quarrelsome couple.

Rusticate: *verb* 1. To dismiss or 'send down' from a university for a specified time, as a punishment.

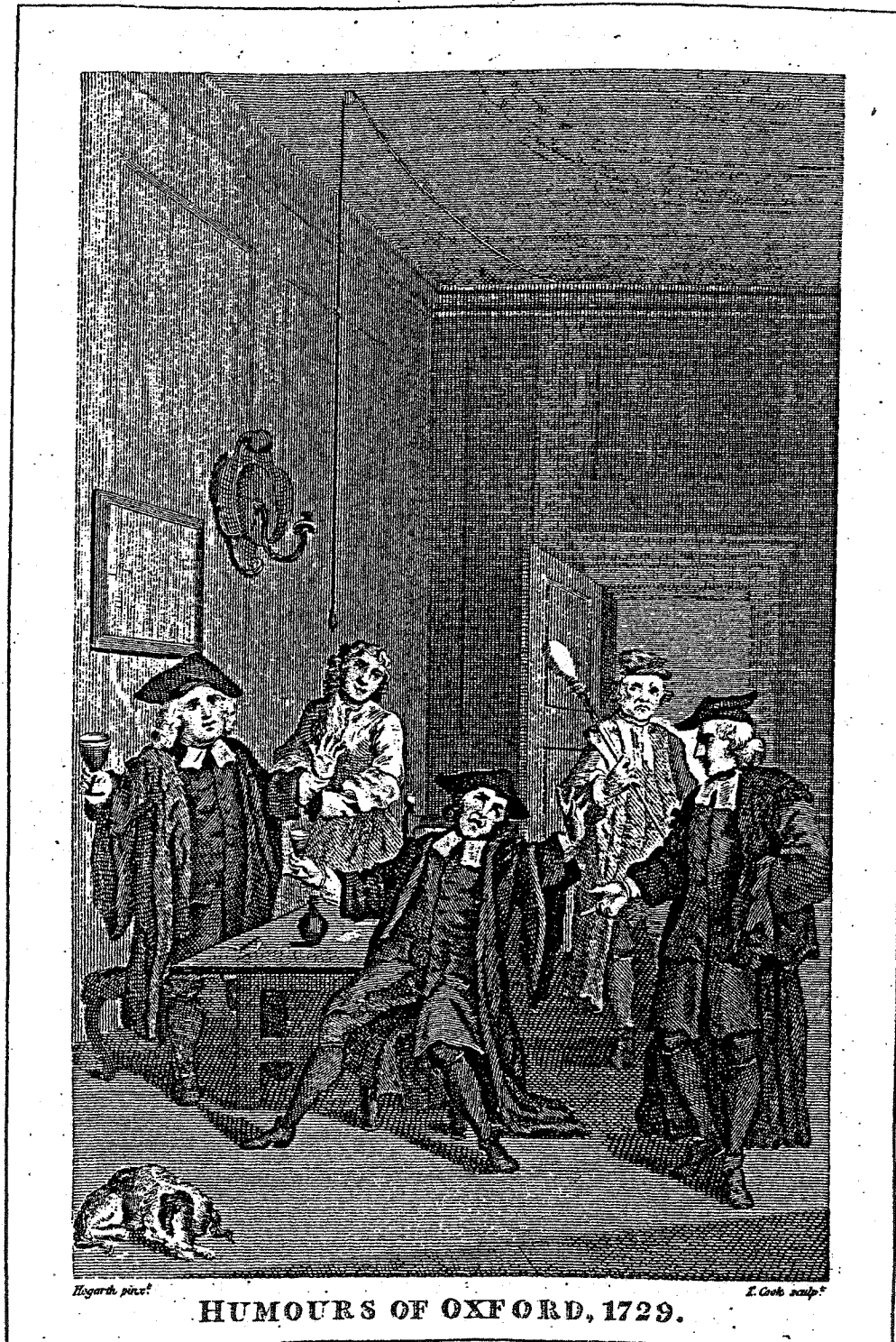
Servitour: *noun* 1. In certain colleges, one of a class of undergraduate members who received their lodging and most of their board free, and were excused lecture fees. Originally the servitors acted as servants to the fellows, and although the requirement of menial services from them gradually fell into disuse, they continued to be regarded as socially the inferiors of the commoners.

Sophister: *noun* 1. At Cambridge, a student in his second or third year. Also in use at Oxford in the latter part of the 17th century.

Tipple: *verb* 1. To drink of intoxicating liquor: in earlier use, to drink freely or hard; to booze; now *esp.*, to indulge habitually to some excess in taking strong drink.

Wassailing: *noun* 1. Carousing, riotous festivity. 2. The action (practiced in English county districts by the poorer classes, esp. by the children) of going from house to house at Christmas-time, singing a song expressive of good wishes for Christmas and the coming year, usually with the addition of carols or other songs.

Figure 1: Frontispiece to the *Humours of Oxford, a Comedy*, by James Millar. "The Vice-Chancellor, attended by his beadle, surprising two Fellows of a college, one of them much intoxicated, at a tavern."¹



¹ John Trusler, ed., *The Complete Works of William Hogarth* (London, 1860-1900), pp. 278-279.

INTRODUCTION

In seventeenth century England university students used to write witty poems mocking their teachers and proctors. One of their number was selected each summer to deliver a speech at Commencement fueled by gossip about the deans, the vice-chancellor and other political figures. Throughout the year students engaged in a wide variety of revelry: gambling, drinking, ritualized processions, fighting, hunting, singing ridiculous songs, violent clashes between colleges or between town and gown, and so on. At the Inns of Court, England's "third university", law students enjoyed gambling, dancing, fencing, plays and masques. They insisted on their rights at Christmas to gamble, to elect a Christmas Prince to preside over their revels, and to hold a student parliament while their elders were on vacation. Yet these young men were attending these institutions primarily to learn good manners, obedience, respect and the importance of hierarchy. The goal of their education was to become capable of operating smoothly within the social milieu of the upper classes, where they could hope to receive patronage, status, power and wealth. Why was it, then, that these students were allowed to adopt customs that often directly contradicted these aims? How did the authorities react to student attempts to challenge the respect, obedience and decorum required of them? And how were their reactions affected by larger changes in English society after the restoration of monarchy in 1660?

These questions must be examined with reference to the larger debates regarding the interaction between popular culture and elite culture and between youth culture and adult culture in the early modern period. These debates have raised many questions about the nature of cultural relationships, the extent of the division between "high" and "low"

cultures, and the relative significance of continuity and change. An examination of these questions and the merits of different methodologies is crucial to the present study. They will be examined under four headings, popular culture, the carnivalesque, childhood and adolescence.

Popular Culture

Anyone writing on popular culture must begin with Peter Burke's famous *Popular Culture in Early Modern Europe* (1978). Although it was not the first book to deal with the culture of the lower classes, it was sweeping in its coverage of time and space and extensively researched, and it provided historians with definitions and a framework for future study. Burke gave a detailed and comprehensive description of the forms of popular culture in early modern Europe from 1500 to 1800. 'Culture' he defined as "a system of shared meanings, attitudes and values, and the symbolic forms (performances, artifacts) in which they are expressed or embodied."¹ 'Popular' simply meant everything that was not already defined as 'elite'.

Arguably the book's most important argument was outlined in the chapter "The Triumph of Lent: The Reform of Popular Culture." Here Burke described the gradual but inexorable process by which elites all across Europe suppressed expressions of popular culture, or, as he put it, "the systematic attempt by some of the educated...to change the attitudes and values of the rest of the population."² This process was triggered by the Catholic and Protestant Reformations, whose agents wished to stamp out the most blatant examples of paganism and license. Pagan customs were believed to be diabolical and pagan gods demons. In Protestant areas Catholic customs were considered pagan as well.

¹ Peter Burke, *Popular Culture in Early Modern Europe* (New York, 1978), p. 1.

² *Ibid.*, p. 207.

Some of the cultural elements to which the reformers objected included: miracle and mystery plays, popular sermons, saints' days, pilgrimages, actors, ballads, bear-baiting, bull-fights, cards, chap-books, *charivaris*, charlatans, dancing, dicing, divining, fairs, folk-tales, fortune-telling, magic, masks, minstrels, puppets, taverns, and witchcraft. A key problem with many of these customs was their tendency to mix the sacred with the profane. "The godly were out to destroy the traditional familiarity with the sacred, because they believed familiarity breeds irreverence," wrote Burke.³

Other factors in the reform of popular culture were the commercial, industrial and scientific revolutions, the rise of literacy and printing, and the "withdrawal of the upper classes", itself a product of the same factors.⁴ Burke argued that the commercial revolution created a golden age of popular culture, as new technologies and commercial practices allowed the lower classes to express themselves in new ways and farther afield. But this same process inevitably led to its destruction, as production methods were standardized and the poorer sort could now buy the objects that they had previously made themselves. They also experienced a shift from spontaneous, participatory entertainment to formally organised, commercialised spectator sports. Burke concluded that by 1650 a series of important changes had occurred, especially in Protestant and urban areas. Catholic regions and Wales and the Scottish Highlands were especially resistant to change, with Wales remaining unreformed until the late eighteenth century.

Upon publication the book was hailed as "a textbook on popular culture"⁵ and "a splendid introduction to the field,"⁶ although its definitions and assumptions, according to

³ Ibid., p. 212.

⁴ Ibid., p. 265.

⁵ Eugen Weber, "Cultures Apart", *Journal of the History of Ideas*, 40(3) (1979), p. 481.

reviewer William Beik, were underdeveloped and it would be up to later scholars to further develop and problematize them.⁷

However, we should not ignore the fact that some important books on popular culture did precede Burke's account, most notably Natalie Davis's *Society and Culture in Early Modern France* (1975). Davis's evidence was similar to Burke's but her greater level of detail allowed her to come to more nuanced, more cautious conclusions and to anticipate many of the criticisms that were later leveled at Burke. In the chapter entitled "The Reasons of Misrule: Youth Groups and Charivaris in Sixteenth-Century France", previously published in *Past and Present* in 1971, Davis showed that the Feast of Fools, a tradition of social inversion celebrated at Christmas, was being excluded from the cathedrals by the late fifteenth century. However, at the same time urbanization and the development of literacy had increased the sophistication of such festivities, leading to a dramatic structure, complex songs of accompaniment, complicated, pre-fabricated costumes and the production of printed accounts of the events. Davis emphasized the ambivalence of reformers towards traditional behaviour, a position that was taken by many scholars after her. She focused on the compromise and agency inherent in cultural interaction. The lower classes were actors, she said, "making use of what physical, social and cultural resources they had in order to survive, to cope, or sometimes to change things."⁸

Published in the same year as Burke's book (1978) were Emmanuel Le Roy Ladurie's *Montaillou: The Promised Land of Error*, Pierre-Jakez Heliès's *The Horse of*

⁶ William Beik, "Popular Culture and Elite Repression in Early Modern Europe", *Journal of Interdisciplinary History*, 10(1) (1980), p. 98.

⁷ *Ibid.*, p. 102.

⁸ Natalie Davis, *Society and Culture in Early Modern France* (Stanford, Calif., 1975), p. xvii.

Pride: Life in a Breton Village, and Robert Muchembled's *Culture populaire et culture des elites dans la France moderne, Xve – XVIIIe siecles: essai* (translated into English in 1985). Ladorie's study used the records of Jacques Arnaud, Bishop of Pamiers from 1317 to 1326, to discover the activities of "a small Pyrenean village" and its farmers, shepherds, woodcutters, priests and nobles. Helias, on the other hand, portrayed a Breton village from the end of the nineteenth century to the middle of the twentieth. Muchembled wrote about "French popular culture over three centuries from the vantage point of his researches into witchcraft and criminality in the north of France."⁹

Having read Burke, Ladorie and Helias, Eugen Weber noted "how many things have survived from 1300 to 1900" and "how radical the change has been."¹⁰ In other words, both continuity and change can be found in the evidence, whether one is writing about a rural, fifteenth century French fishing village or eighteenth century London, but they do not have to preclude each other's existence. This dual emphasis can be found throughout the literature on this topic, although Muchembled's account is the exception that proves the rule. It was criticized for its exaggeration of the power and control exerted by the absolutist state of Louis XIV and its "basic assumption that a late medieval popular cultural synthesis existed to be dismantled later by outside forces."¹¹ The danger of assuming a static and cohesive popular culture that is later inevitably destroyed by a modern era of dramatic change is one faced with different degrees of awareness and skill by these historians.

⁹ Beik, p. 97.

¹⁰ Weber, pp. 482-3.

¹¹ Beik, p. 101.

Martin Ingram addressed Burke's thesis directly in his "Ridings, Rough Music and the 'Reform of Popular Culture' in Early Modern England" (1984). He argued that there is

scope for debating just how profound and far-reaching the postulated changes were, and for considering in more detail – with reference to particular areas of Europe and specific cultural forms – their nature and chronology...the basic concepts of 'popular' and 'elite' culture and of a developing split between them are themselves problematic...account must be taken of variations of attitude and cultural outlook.¹²

Using the case of the *charivari*, Ingram showed that in many cases elites were not wholly hostile to popular custom and that they often shared in the beliefs (like patriarchy) that these customs expressed.

Burke's thesis had stimulated a lot of scholarship on popular culture by the mid-eighties, when the first of two edited collections, Barry Reay's *Popular Culture in Seventeenth Century England* (1985) and Tim Harris's *Popular Culture in England, c. 1500-1850* (1995) appeared. The works reviewed in these collections included *Popular Recreations in English Society 1700-1850* (1973), "Patrician Society, Plebeian Culture" (1974), *Poverty and Piety in an English Village: Terling, 1525-1700* (1979), *English Society 1580-1680* (1982), *The Puritan Moment: The Coming of Revolution in an English County* (1983), *The Civilisation of the Crowd: Popular Culture in England 1750-1900* (1985) and *Cheap Print and Popular Piety, 1550-1640* (1991).¹³ Burke's original picture had certainly undergone a great deal of complication and fine-tuning, but still more

¹² Martin Ingram, "Ridings, Rough Music and the 'Reform of Popular Culture' in Early Modern England", *Past & Present*, 105 (1984), p. 79.

¹³ Robert Malcolmson, *Popular Recreations in English Society 1700-1850* (Cambridge, 1973); E. P. Thompson, "Patrician Society, Plebeian Culture", *Journal of Social History*, 7 (1974); Keith Wrightson & David Levine, *Poverty and Piety in an English Village: Terling 1525-1700* (London, 1979); Keith Wrightson, *English Society 1580-1680* (London, 1982); William Hunt, *The Puritan Moment: The Coming of Revolution in an English County* (Cambridge, Mass., 1983); J. M. Golby and A. W. Purdue, *The*

sophistication was called for. Reay suggested that Gramsci's concept of *hegemony* would provide the most useful frame in which to view the cultural relationship between elites and peasants, while Harris pointed out that the reform of popular culture was not experienced as a series of successes inevitably marching onward, but as a series of phases with their own ups and downs.

Formulating the question in terms of a conflict between elite and popular culture which the elite eventually and (inevitably) won distracts us from considering the degree of interaction between the cultural worlds...as well as the degree of resistance to pressure from above exhibited by those from below.¹⁴

As innovative as some of these revisions were, Burke's original terms still held purchase. A truly radical approach was that of Roger Chartier's *The Cultural Uses of Print in Early Modern France* (1987). Reay argued that Chartier "explicitly rejects the 'popular' in favor of 'fluid circulations, practices shared by various groups, and blurred distinctions'...power is not ignored...but the division between dominant and subordinate is not a primary unit of analysis or a structural principle."¹⁵ This was necessary because that binary opposition "obliterates the bases shared by the whole of society and...masks the plurality of cleavages that differentiate cultural practices."¹⁶

More recent contributions to this debate have included "Social Things: The Production of Popular Culture in the Reception of Robert Greene's *Pandosto*" (1994), "Elizabethan England's Other Reformation of Manners" (1996), and "Profane Pastimes and the Reformed Community: The Persistence of Popular Festivities in Early Modern

Civilisation of the Crowd: Popular Culture in England 1750-1900 (London, 1985); Tessa Watt, *Cheap Print and Popular Piety, 1550-1640* (Cambridge, 1991).

¹⁴ Tim Harris, ed., *Popular Culture in England, c.1500-1850* (New York, 1995), p. 5.

¹⁵ Barry Reay, "The Cultures of the People in Early Modern England", *Journal of British Studies*, 36(4) (1997), p. 468.

¹⁶ Roger Chartier, *The Cultural Uses of Print in Early Modern France*, Lydia G. Cochrane, trans. (Princeton, 1987), pp. 3-5.

Scotland” (2000).¹⁷ These latest studies show that historians of popular culture are still grappling with the same problems and issues that prompted Burke to write his seminal work almost twenty-five years ago. They questioned Burke’s categories and framework, but were hard pressed to come up with alternatives. Reading the historiography, one is struck by the degree to which historians have relied on and cited each other’s work, and to which they have either rehashed evidence that has already been thoroughly exhausted or used new evidence to make arguments that had already been made ten years earlier. Loud calls have been made for new definitions and frameworks of analysis, but few have taken up this task.

Carnavalesque

The historians most willing to throw out old categories and embrace the ideas of other disciplines have often been those studying the carnivalesque. Their topic invites such openness because it is dramatic, ritualistic, psychological – it is a historical phenomenon but also literary, artistic, and anthropological. Many of its historians are literary historians, many of its resources the theories of psychologists, anthropologists, sociologists and philosophers. Yet it has close ties to the more traditional studies of popular culture scholars, and such ties are useful when trying to pin down the historiography of such a disparate and experimental area of study.

The most recent reviewer of the history of the carnivalesque, Chris Humphrey, distinguished between two approaches to what he called ‘festive misrule.’ On the one hand was the thesis that misrule reinforced the status quo by allowing the disaffected to

¹⁷ Lori Humphrey Newcomb, “Social Things: The Production of Popular Culture in the Reception of Robert Greene’s *Pandosto*”, *English Literary History*, 61 (1994); Edwin Davenport, “Elizabethan England’s other Reformation of Manners”, *English Literary History*, 63 (1996); Margot Todd, “Profane

'let off steam' (the so-called 'safety-valve' model), on the other a belief that misrule could achieve real and lasting change and constituted a real threat to the social order. These binaries, Humphrey argued, actually hindered the study of misrule, so this review will maintain a chronological approach, which best reveals the refinement of the historiography over time.

Humphrey drew attention to a very influential study, Mikhail Bahktin's *Rabelais and his World* (1968), which was followed by his less well known *Problems of Dostoevsky's Poetics* (1973). As Humphrey noted, Bahktin's ideas have become so popular in recent years that they are now being used to explain car-boot sales and rock music. His "exuberant descriptions of the festive life of the Middle Ages have concentrated critical minds on how popular culture might work as a force for political change," said Humphrey, even if "recent studies have...raised questions about...the sources that were available to him when he wrote."¹⁸ In defining carnival, Bahktin argued that

a person of the Middle Ages lived, as it were, *two lives*: one was the *official* life, monolithically serious and gloomy, subjugated to a strict hierarchical order, full of terror, dogmatism, reverence, and piety; the other was the *life of the carnival square*, free and unrestricted, full of ambivalent laughter, blasphemy, the profanation of everything sacred, full of debasing and obscenities, familiar contact with everyone and everything. Both these lives were legitimate, but separated by strict temporal boundaries.¹⁹

The same was also true, but to a lesser extent, of the people who lived in the early modern period, as demonstrated by Davis in her description of the Feast of Fools.

Pastimes and the Reformed Community: The Persistence of Popular Festivities in Early Modern Scotland", *Journal of British History*, 39 (2000).

¹⁸ Chris Humphrey, *The Politics of Carnival: Festive misrule in medieval England* (Manchester, 2001), p. 29.

¹⁹ Mikhail Bahktin, *Problems of Dostoevsky's Poetics*, C. Emerson, trans. & ed. (Manchester, 1984), pp. 129-30.

Apart from Bahktin, who was concerned primarily with literature, the ground-breaking essay on misrule, according to Humphrey, was Charles Phythian-Adams's "Ceremony and the citizen: the communal year at Coventry 1450-1550" (1972). It has remained a key text, he said, due to its originality, range of sources and depth of analysis.

As well as offering an extremely full account of the civic year in Coventry in the later Middle Ages, covering ceremonies of oath-taking, dinners, processions, drinkings, dancing, evergreen-decking and plays, Phythian-Adams also considers the social function of the rituals which are described.²⁰

Phythian-Adams concluded that rituals distorted the social order but accepted it in the long run. "Ceremony performed a crucial clarifying role. It was a societal mechanism ensuring continuity within the structure, promoting cohesion and controlling some of its inherent conflicts."²¹

Similarly, Keith Thomas argued in "The Place of Laughter in Tudor and Stuart England" (1977) that

in its affirmation of shared values laughter could be a powerful source of social cohesion. In the close-knit village communities, mockery and derision were indispensable means of preserving established values and condemning unorthodox behaviour.²²

But he also pointed out that

there was also a current of radical, critical laughter which, instead of reinforcing the accepted norms, sought to give the world a nudge in a new direction...any joke...is potentially subversive, because it 'consists of a victorious tilting of uncontrol against control.' It is an attack on hierarchy, a 'triumph of intimacy over formality, of unofficial values over official ones.'²³

Misrule, for Thomas, could be both conservative and subversive simultaneously.

²⁰ Humphrey, p. 15.

²¹ Charles Phythian-Adams, "Ceremony and the citizen: the communal year at Coventry 1450-1550" in P. Clark & P. Slack, eds., *Crisis and Order in English Towns, 1500-1700: Essays in Urban History* (London, 1972), pp. 69-70.

²² Keith Thomas, "The Place of Laughter in Tudor and Stuart England", *Times Literary Supplement* (Jan. 21 1977), p. 77.

²³ *Ibid.*, p. 79.

Another important and influential study, noted by Humphrey, was Mervyn James's "Ritual, drama and social body in the late medieval English town" (1983). James argued that the Corpus Christi plays depicted society in terms of the body and that "the concept of body provided urban societies with a mythology and ritual in terms of which the opposites of social wholeness and social difference could be both affirmed, and also brought into a creative tension."²⁴ It is this idea of the tension between difference and wholeness that has made the works of James and Phythian-Adams so influential, argued Humphrey.

Notwithstanding, it remains possible that this tension was only an early modern phenomenon. In *Carnival and Theatre: Plebeian Culture and the Structure of Authority in Renaissance England* (1985) Michael Bristol argued that the original function of festivity was to reinforce the norms of a given community by providing a source of collective harmony or "benevolent repression."²⁵ By the early modern period this social function had been taken over by the state, which sought to suppress all traditional, collectively sustained techniques of social organization. Festivity could no longer reinforce or clarify social rules because it was now subordinate to them, so it began to take on a new function, that of a parodic, self-conscious mimesis of older forms which produced a new solidarity through resistance to the state.

Humphrey's review also included contributions such as *The Politics and Poetics of Transgression* (1986), *Mock Kings in Medieval Society and Renaissance Drama* (1991), *Growing Up In Medieval London: The Experience of Childhood In History*

²⁴ Mervyn James, "Ritual, drama and social body in the late medieval English town", *Past & Present*, 98 (1983), p. 4.

²⁵ Michael Bristol, *Carnival and Theatre: Plebeian Culture and the Structure of Authority in Renaissance England* (New York, 1985), p. 32.

(1993), *Writing and Rebellion: England in 1381* (1994), and “Rituals of Exclusion: Feasts and Plays of the English religious fraternities” (1996).²⁶ Like historians of popular culture, some of these writers have called for a new paradigm to replace the older binary categories. Peter Stallybrass and Allon White have argued that

it actually makes little sense to fight out the issue of whether or not carnivals are *intrinsically* radical or conservative, for to do so automatically involves the false essentializing of carnivalesque transgression. The most that can be said in the abstract is that for long periods carnival may be a stable and cyclical ritual with no noticeable politically transformative effects but that, given the presence of sharpened political antagonism, it may often act as a *catalyst* and *site of actual and symbolic struggle*.²⁷

Humphrey’s own book, *The Politics of Carnival: Festive misrule in medieval England* (2001), was essentially an extended argument with the old model and a self-conscious attempt to construct a new methodology. “We cannot realistically know or deduce the meaning of misrule merely by reference to explanatory models like that of the safety-valve approach,” he said. “Instead it is more appropriate and constructive to investigate the function of a custom through a closer study of its context and effects.”²⁸

Childhood

The present study is most concerned with adolescents, but they have rarely been the subjects of historical monographs, and when one limits the search to English youth in the early modern period, the pickings are very slim indeed. However a great deal of information about early modern youth can be discovered scattered throughout the pages of the more general studies on childhood across the ages. Therefore a review of the

²⁶ Peter Stallybrass & Allon White, *The Politics and Poetics of Transgression* (London, 1986); Sandra Billington, *Mock Kings in Medieval Society and Renaissance Drama* (Oxford, 1991); Barbara Hanawalt, *Growing Up in Medieval London: The Experience of Childhood in History* (Oxford, 1993); S. Justice, *Writing and Rebellion: England in 1381* (London, 1994); S. Lindenbaum, “Rituals of Exclusion: feasts and plays of the English religious fraternities” in M. Twycross, ed., *Festive Drama: Papers from the Sixth Triennial Colloquium of the International Society for the Study of Medieval Theatre* (Cambridge, 1996).

²⁷ Stallybrass & White, p. 14.

literature on childhood is necessary before we turn to what has been written on adolescence.

It is widely acknowledged that Phillippe Ariès provided the first great impetus to a history of childhood with his *L'Enfant et la vie familiale sous l'ancien régime* (1960), translated into English as *Centuries of Childhood* in 1962. Like other classics in history the book has received a great deal of criticism tempered with praise for its groundbreaking nature. Ariès argued that a *sentiment de l'enfance*, an awareness of the particular nature of childhood, was not present in the medieval period but developed gradually throughout the early modern period, achieving fruition in the seventeenth century. Until that time children were ignored and neglected before the age of seven and then were thrust suddenly into the adult world where they participated fully in adult culture, work and play, without receiving special treatment or being subjected to special rules or taboos. Ariès's evidence included the fact that medieval art depicted children as miniature adults, that children were dressed in adult clothing, that they left home early to work as apprentices or servants, and that sex was discussed and sometimes performed openly in their presence. Although Ariès's conclusions have been enthusiastically embraced by some modernists and medievalists, early modernists have "expressed reservations and a great deal of skepticism about his ideas and historical methodology."²⁹ As one historian puts it, "sniping at Ariès is all too easy. His sweeping assertions on childhood may dazzle the intellect, but they also give numerous hostages to fortune."³⁰ Ariès, a self-confessed "weekend historian", has been accused of naivety in his handling

²⁸ Humphreys, p. 35-6.

²⁹ Ilana Krausman Ben-Amos, *Adolescence and Youth in Early Modern England* (New Haven, Conn., 1994), p. 4.

of sources, particularly his large body of visual art, which he allegedly assumed to be a direct representation of attitudes, rather than a cultural product whose style was dictated by fashion. He has also been accused of 'present centredness.' "By this they [his critics] mean that he looked for evidence of the twentieth-century conception of childhood in medieval Europe, failed to find it, and then jumped to the conclusion that the period had no awareness of this stage of life at all."³¹ Other critics argued that he made conclusions about all of Europe from evidence largely limited to France and that he failed to distinguish sufficiently between the attitudes of men and women and of elites and ordinary folk. Despite the book's failings, wrote one of his reviewers, its place

as a document in the history of historiography...seems secure...He did not cultivate what he first explored; he misconceived some of its basic features; later settlers will doubtless remove to more comfortable habitations further into the interior. All the same, he was there first.³²

According to this same reviewer, Richard Vann, "the most extensive effort to provide an alternative account of the development of childhood" was *The History of Childhood* (1974), edited by Lloyd DeMause.³³ This account, said Vann, was dominated by issues of nurturance and infant mortality and the interpretation of attitudes surrounding them. DeMause's alternative chronology contained six epochs: infanticidal (antiquity to the fourth century AD); abandonment (fourth to thirteenth centuries); ambivalent (fourteenth to seventeenth centuries); intrusive (eighteenth century); socialization (nineteenth to mid-twentieth centuries); and helping (mid-twentieth century on). DeMause's ingenuity, argued Vann, lay with his interpretation of the psychological

³⁰ Colin Heywood, *A History of Childhood: Children and Childhood in the West from Medieval to Modern Times* (Cambridge, 2001), p. 12.

³¹ Heywood, p. 13.

³² Richard Vann, "The Youth of Centuries of Childhood", *History and Theory*, 21 (1982), p. 297.

³³ *Ibid.*, p. 291.

mechanisms present in parent-child relations, including the projective, reversal and empathic reactions of adults to their children.

In the English arena, Lawrence Stone's influential *The Family, Sex and Marriage in England 1500-1800* appeared in 1977. This book described the logical progression of the English family from the "Open Lineage Family" (1450-1630) through the "Restricted Patriarchal Nuclear Family" (1550-1700) to the "Closed Domesticated Nuclear Family" (1640-1800). This progression was essentially a gradual turning inward of the family as ties of friendship and kinship were replaced with those to immediate family members living under the same roof. This turning inward initially gave the father greater control over his wife and children, since they could no longer turn to kin and friends for support or advice (the Patriarchal Nuclear Family), but later this same process gave children and wives more freedom than they had experienced before. Children were increasingly allowed to marry for love and companionship rather than political ties and money, resulting in family units based on equality and mutual respect rather than deference and discipline. Stone's chronology accorded quite well with Ariès's, in that the family was seen as moving progressively towards a self-contained unit with the children at the centre, resulting in a more child-oriented society. Both accounts agreed on the basic facts about child-rearing, attitudes towards swaddling and breastfeeding, infant mortality and its effects on attitudes towards children, and the ages at which children were weaned, educated and sent out to work. However, although Stone implicitly agreed with Ariès that children were treated with neglect, ignorance and even revulsion at the beginning of the early modern period, he did not conclude from this that there was no conception of childhood. One critic has characterised Stone's book as "a particularly radical

interpretation of the patriarchal and authoritarian nature of parental rule in the period between the medieval and modern era”³⁴, and this is what it is most remembered for, but such criticisms overlook the greater freedom and equality that he depicted for the later part of the period.

Notable studies of childhood during the 1980s and 1990s have included *Children and English Society* (1969-83), “Children in Early Modern England” (1989), *The Discovery of Childhood in Puritan England* (1992), and *Growing up in Medieval London: The Experience of Childhood in History* (1993).³⁵ Keith Thomas’s “Children in Early Modern England” is valuable because he is virtually the only historian who is interested in the history of children, not the history of attitudes towards them. He argued that “a true history of childhood must tell us how children themselves saw the world, what *they* did and what *they* felt.”³⁶ Such a history is not as impossible as it may at first seem, he argued. We can use autobiographies, schoolboy diaries and letters, miniature biographies of children who died young, and accounts of children’s behaviour in the sermons, treatises, letters and diaries of adults. Using these sources, Thomas concluded that children were ubiquitous, rambunctious and difficult to control, but their behaviour was not anarchic – it was subject to its own rules, rituals and codes of honour. But more importantly, he asserted the importance of finding evidence of this neglected group. Just because children’s culture, like popular culture, was ignored or reviled by contemporaries, does not mean that historians should treat it with similar distaste.

³⁴ Ben-Amos, p. 7.

³⁵ Ivy Pinchbeck and Margaret Hewitt, *Children and English Society*, 2 vols. (London, 1969-83); Keith Thomas, “Children in Early Modern England” in Gillian Avery and Julia Briggs, eds. *Children and Their Books: A Celebration of the Work of Iona and Peter Opie* (Oxford, 1989), pp. 45-77; C. John Sommerville, *The Discovery of Childhood in Puritan England* (Athens, Georgia, 1992); Hanawalt, *op. cit.*

³⁶ Thomas, p. 48.

We must readily accept the need to explore, however imperfectly, the mental worlds of all subordinate groups, whether women, children or the poor...for it was within the confines of these subordinate groups that all the people of the past spent some of their lives and the majority spent all of them.³⁷

More recent works on childhood include *Medieval Children, Family Life in Early Modern Times, 1500-1789* and *A History of Childhood: Children and Childhood in the West from Medieval to Modern Times*, all published in 2001.³⁸ These volumes indicate that the same concerns are still with us in the twenty-first century. Their reviewer, Mary Armstrong, criticized the first for sanitizing childhood by breezing over wet-nursing, infanticide, child abuse and pedophilia, and for the author's ignorance of psychology. The second was praised as "a useful reference book for psychohistorians. The emphasis on demographics would fit well in any psychohistorian's library."³⁹ Her review of the last book mentioned DeMause and Ariès, calling them "ground-breaking" and "seminal", and praised the author for not shrinking "from including the unpleasant aspects of child-rearing."⁴⁰

All of the above studies have referred to adolescence here and there, some in more detail than others. The issues raised by their authors, especially those concerning what ages childhood, adolescence, youth and adulthood encompassed, and in which century a conception of childhood developed, are as important to understanding adolescence as they are to understanding childhood. But other issues of greater relevance to the study of adolescents, like education, work and sexuality, have been discussed in greater detail in

³⁷ Ibid., p. 71.

³⁸ Nicholas Orme, *Medieval Children* (New Haven, 2001); David Kertzer and Marzio Barbagli, eds., *Family Life in Early Modern Times, 1500-1789* (New Haven, 2001); Heywood, *op. cit.*

³⁹ Mary Armstrong, "A Review of Three Recent Books on the History of Childhood", *Journal of Psychohistory*, 30(1) (2002), p. 101.

⁴⁰ Ibid., p. 102.

the books and articles that have taken adolescence or youth as their primary focus. It is to these studies that we will now turn.

Adolescence

Given the heavy influence of Aries, the key challenge for early modernists writing about adolescence was first to establish that such a category was recognized in their period. One of the first to do so was Natalie Davis, whose “The Reasons of Misrule: Youth Groups and Charivaris in Sixteenth-Century France” (1971) has already been discussed. In outlining the carnivalesque activities of the Abbeys of Misrule in France and the ambivalence felt toward them by the authorities, Davis also noted that these abbeys were comprised of youth, primarily young men. As Richard Vann commented, they “shared a common unreadiness for marriage or full working status,” but their revelrous defence of communal norms through activities like the *charivari* gave them “an integral place in the community.”⁴¹ According to Vann, Davis showed that adolescence was distinguished from other phases of the life cycle in medical literature and other pre-seventeenth century sources. “Rather than using Aries’s terminology of the ‘discovery’ of childhood or adolescence,” wrote Vann,

Davis advocates starting out from S. N. Eisenstadt’s contention that every culture has some notion of childhood and of an age of transition from it to full adulthood. It then remains to establish empirically the limits and characteristics of childhood and adolescence, whether it be in Tonga, twelfth-century France, or contemporary Princeton.⁴²

Steven R. Smith did this for seventeenth-century London in his “The London Apprentices as Seventeenth-Century Adolescents” (1973). Apprentices, he argued, were identified by contemporaries as adolescents and were treated as a distinct social group.

⁴¹ Vann, p. 288.

⁴² Ibid.

They participated in distinctive activities and found leisure time to play and pray together and to organize themselves politically. Despite differences of wealth and rank, they shared the common experience of apprenticeship and of adolescence. Smith generalized and expanded this argument in his "Religion and the Conception of Youth in Seventeenth-Century England" (1975). Here he showed that English adolescents were the subjects and recipients of a wide variety of prescriptive religious literature. This was because youth was considered the best time for a religious awakening and religious writers recognized that the special experiences of young people required a distinctive approach to their religious training. Autobiographical sources also reveal that adolescence was a period of exceptional religious and moral struggle and anxiety.

Keith Thomas's "Age and Authority in Early Modern England" (1976) argued that early modern England was gerontocratic – the old were to rule, the young to serve. Various legal means were increasingly used to exclude those under 21 from the political and economic spheres, including the rights to sit in parliament, inherit property, run a business, and practice law, which they had formerly possessed. This rule of the old was challenged, however, by the carnivalesque activities associated with the young, and the movement to control these aspects of plebeian culture did not coincide with the greater restriction of adolescents' political freedom by chance. Thomas argued that the campaigns for the Reformation of Manners were attempts to suppress "all the great obstacles to the subordination of youth," like holidays, theatres, alehouses, gaming, maypoles, dancing, sabbath-breaking, "and all the annual rites of misrule when youth temporarily inverted the social order."⁴³ However, like these attempts to suppress popular

⁴³ Keith Thomas, "Age and Authority in Early Modern England", *Proceedings of the British Academy*, 62 (1976), p. 13.

culture, attempts to suppress youth progressed slowly over a period of centuries and were often met with resistance and the stubborn continuity of old traditions.

Bernard Capp's "English Youth Groups and *The Pinder of Wakefield*" (1977) was the English historian's answer to Davis's *Abbeys of Misrule*. The only example of a cohesive and structured youth group like the abbeys to be found in England was a fictional one, that of the youth group organized by the Pinder of Wakefield in the early-Stuart chapbook of the same name. Like the members of the abbeys, the Pinder's friends gather to eat and drink and make merry, but also instigate carnivalesque activities to defend their community and enforce its moral standards. Capp noted the young men's "self-appointed jurisdiction over public morality" and argued that the existence of such a group in a fictional account "points at least to the strong probability" that they existed at one time in reality.⁴⁴

Barbara Hanawalt urged a move out of this superficial debate over the existence or non-existence of adolescence prior to the modern period in "Historical Descriptions and Prescriptions for Adolescence" (1992). As she argued,

the issue is not a nominalist one of existence or non-existence in one historical period or another, but rather it is how Europe changed its cultural definitions and perceptions of adolescence. Working with the biological realities of puberty, European society manipulated the cultural attributes that surrounded it.⁴⁵

What is most interesting for our present study is her use of the anthropologist Victor Turner's idea of

the passage from one life stage to another as being in a liminal state...As such, adolescence carries with it a sense of becoming rather than a sense of full participation. The adolescent has absence of status versus status of the adult,

⁴⁴ Bernard Capp, "English Youth Groups and *The Pinder of Wakefield*", *Past & Present*, 76 (1977), p. 133.

⁴⁵ Barbara Hanawalt, "Historical Descriptions and Prescriptions for Adolescence", *Journal of Family History*, 17(4) (1992), p. 343.

absence of property versus property, silence as opposed to speech, sexual continence compared to sexuality, and so on.⁴⁶

Here we can see the obvious similarities between the social position of the adolescent and that of the popular. Both are perceived as lacking what their superiors possess and it is this lack that causes them to be maligned and mistreated. As Hanawalt went on to argue, “the most consistent issue” in the history of adolescence

is the struggle between adults and youth; it cuts across national, class, gender and time lines. The basic issue was whether adults or youth controlled entrance to or exit from the liminal stage. As long as adults could manipulate access to the economic advantages of the adult world, they had a powerful tool for social definition of adolescence as a life period...the greatest shift in the definition of adolescence came when adults were not the only conduit to economic independence.⁴⁷

For the historian of popular culture these issues of struggle and control and disparities in status, wealth and independence will be very familiar.

In her *Growing Up in Medieval London* Hanawalt argued that the separation of apprentices into separate households under the close, quasi-familial supervision of their masters was a strong obstacle to the formation of a distinct youth culture. This view is supported by Michael Mitterauer's *A History of Youth* (1993), in which he maintained that “in service...there was no such thing as a private sphere independent of working relationships...[the] leisure activities of young people [were] completely under the control of the householder.”⁴⁸

Turning to early modern England, *Adolescence and Youth in Early Modern England* (1994) attempted to create a middle ground between what the author, Ilana Krausman Ben-Amos, called the “fast transition” model of Phillippe Ariès and the

⁴⁶ Ibid.

⁴⁷ Ibid., p. 344.

⁴⁸ Michael Mitterauer, *A History of Youth*, Graeme Dunphy, trans. (Oxford, 1993), p. 115.

“prolongation of childhood” model supported by most early modernists. We are already familiar with the Aries model. As for the prolonged childhood model, Ben-Amos argued that it has been supported by three strands of investigation, demography, the family, and youth culture. Demographers have shown that marriage occurred very late in the early modern period, and since marriage was required to set up a separate household, which was the primary economic unit and the single most important criterion of entry into adult life, therefore childhood was prolonged. Historians of the family, including Lawrence Stone, have depicted early modern families as extremely patriarchal; this patriarchy was “exercised not only over younger children but also over older servants and apprentices by masters who acted *in loco parentis*.”⁴⁹ Ben-Amos disliked the prolonged childhood model because she was offended by the earlier practice of calling twenty-somethings adolescents, boys or children. She also disliked these historians’ focus on “the passivity and dependency of servants, and their teenage tendency towards rebellion, insubordination and turmoil.”⁵⁰ But as we have seen, historians have recognized that young people in this period petitioned the government, met together to pray and seek salvation, consumed a variety of publications presenting models for their spiritual and material success, and organized themselves to represent their interests and enforce the morality of their communities. Ben-Amos also clearly opposed the argument for a distinct youth culture, arguing that there were too many divisions among youth based on gender, class, wealth, geography and so on, for them to ever share any common experiences.

⁴⁹ Ben-Amos, p. 6.

⁵⁰ *Ibid*, p. 7.

A second monograph took direct aim at Ben-Amos's account. In *Youth and authority: formative experiences in England, 1560-1640* (1996), Paul Griffiths argued that one's position on the existence of a distinct youth culture hinges on how one defines that term. As he pointed out, youth need not gather in formal, organized youth groups like the Abbeys of Misrule to share in a common culture. He also criticized Ben-Amos's sources, primarily autobiographies and the records of only one town, Bristol. "It is... unrealistic to require youth culture to cross borders of rank, occupation, and gender, and even the territory of a single town," he wrote.

Like its older (historiographically speaking) cousin popular culture, youth culture will prove to be a term which is riddled with all kinds of conceptual and methodological problems. Just as interpretations of popular culture should be refined to accommodate elite participation, so youth culture is affected by contact with other age-groups.⁵¹

In contrast with Ben-Amos, Griffiths sought "to recover the creative potential of youth in early modern society by exploring some of the problems raised by attempting to socialize young people of the lower and middle ranks," rather than focusing on the prescriptive norms of adults.⁵² He was interested in how youth reacted to their "appointed inferiority."⁵³ He also insisted on discovering and using contemporary definitions of the words "child", "youth", "infant", "boy" and so on. By doing this he hoped to clarify "linguistic and conceptual muddles," depict the distances between youth and other age groups as perceived by early modern people, and demonstrate the significance of formative experiences of youth.⁵⁴ His book covered such topics as the Reformation and its special appeal to young people, recreation and youth culture, the drift to urban and

⁵¹ Paul Griffiths, *Youth and authority: formative experiences in England, 1560-1640* (Oxford, 1996), p. 116.

⁵² *Ibid.*, p. 2.

⁵³ *Ibid.*, p. 13.

industrial areas, experienced largely by youth, illegitimacy and infanticide, which has been seen as a result of poor household discipline, and servant suicide and physical abuse. He consciously focused on lower class youth and servants rather than middle and upper class apprentices, and to do this he relied more on judicial records than diaries and autobiographies.

Conclusion

It is clear then that there are many points of contact between the histories of popular culture, the carnivalesque, childhood and adolescence. The historians of one often write about another, and some of the most important articles, like Davis's study of youth groups, defy categorization. The issues of human agency and change over time will always be of importance to historians, no matter what their subject matter. But agency is especially important when one is dealing with people whom the historical record has largely ignored. Lacking power in their own time, the poor and children often lack the power to make themselves heard to historians writing hundreds of years later. But when historians delve into the evidence they discover that these marginalised groups possessed a surprising resilience and self-sufficiency. They practiced their own distinct lifestyles in defiance of the attempts of others to control them and tell them what was good for them. While change is inevitable, traditions do not die easily.

That these people have received attention in the last forty years has a lot to do with the considerable influence of the *Annales* movement, so it should not come as a surprise that many of the historians discussed here have been associated with that school. Ladurie and Chartier were key figures in the movement, and Aries's *Centuries of Childhood* is considered a key example of the *Annales'* developing interest in the cultural

⁵⁴ Ibid., p. 12.

superstructure of society. Burke called himself a “fellow-traveler of *Annales*... an outsider who has... been inspired by the movement,”⁵⁵ (as is Davis) and he wrote its history in 1990. According to him, the *Annales*' interests include: problem-oriented analysis, the whole range of human activities, including childhood, dreams, the body and even smells, collaboration with disciplines other than history (i.e. psychohistory), and, most famously, the history of mentalities. These ideas have had a profound influence on the histories of popular culture and childhood.

From Burke and Aries we have learned that the big picture makes change appear more dramatic. When later historians have subjected their conclusions to more detailed scrutiny, studying small samples of people, say one village in a ten-year period for example, or only London apprentices, continuity has largely held the day. When sufficient scrutiny reveals our subjects as real people not self-consciously participating in dramatic historical processes or events but merely trying to live generally happy and fulfilling lives, then their actions and beliefs can come into focus. This has been the overwhelming drift of these two historiographies. From the first tentative, general and necessarily flawed attempts, historians have subjected themselves and each other to a more and more rigorous regimen of analysis as they have become increasingly aware of the particular problems of their subject. Greater detail, attention to hitherto neglected sources, a greater skepticism towards these sources, a willingness to break down categories, interrogate labels and employ the methods of other disciplines, these are the general trends in these historiographies.

As important as they are, these studies have largely left out the history of formal education. Even histories of youth have focused mostly on those classes who were too

⁵⁵ Peter Burke, *The French Historical Revolution: The Annales School, 1929-89* (Cambridge, 1990), p. 4.

poor to send their children to institutions of higher learning. Therefore, the history and structure of these institutions will be discussed in the first chapter, as well as an overview of the early modern education system and some of the debates surrounding its study by historians. The remaining chapters will discuss the evidence of revelry at Oxford, Cambridge and the Inns of Court. Chapter Two will introduce the variety of activities engaged in by the students and their relationship to the stated aims of educators. Chapters Three and Four will examine two case studies, Christmas celebrations and Commencement ceremonies. Finally, the conclusion will relate these findings to the larger context of the time period and place them within the historical debate.

CHAPTER ONE

BACKGROUND: THE HISTORY AND STRUCTURE OF EARLY MODERN EDUCATION

Education

Much of the work on early modern education has been of a demographic nature, and for good reason. The impact of any education system on the surrounding society is heavily determined by the degree to which that society participates in and is served by it. Using statistical data for the numbers and social and regional origins of students at Oxford and Cambridge, Lawrence Stone declared an “educational revolution” in England from 1540-1640. In a 1964 article in *Past and Present* he argued that there was greater participation in higher education in the early seventeenth century than at any other time until the late nineteenth century.¹ He elaborated the significance of this participation in “The Size and Composition of the Oxford Student Body 1580-1910.”² In this article Stone used demographics to explain, among other things, the university’s economics, architecture, teaching arrangements, and intellectual life. Demographics was so important because the bigger the university, the bigger its role in English society. During its expansion the university moved to the centre of developments in humanist scholarship, religion, political thought and natural science. At the height of the numerical boom Oxford was very active in the theological dispute between Arminians and Calvinists and had expanded Bodley’s library and created new chairs in astronomy, geometry, moral philosophy, history and music. But when attendance fell, Oxford became introverted and

¹ Lawrence Stone, “The Educational Revolution”, *Past & Present*, 28 (1964), pp. 41-80.

² Stone, “The Size and Composition of the Oxford Student Body 1580-1910” in Stone, ed., *The University in Society. Vol. I. Oxford and Cambridge from the fourteenth to the early nineteenth century* (Princeton, 1974), pp. 3-110.

withdrawn. Cut off as it was from the flow of young men and the interchange of ideas and values, Newtonian physics and the Enlightenment of the eighteenth century passed it by.

Stone's key source was the Matriculation Register, available for the years 1580-1659, which gives each student's name, father's status (later father's occupation), place of birth, age, and the college or hall that he is entering. Stone found growth in admissions from 1500-1530s, 1550s-1580s, 1615-1639, 1660s, 1809-1820, and 1860-1909. Periods of decline were the 1530s-1550s, 1590-1615, and 1670-1809. Causes for change were internal and external. Internal causes included the university's exclusion of Catholics from 1581 and of Dissenters from 1661; college restrictions on the numbers of undergraduates they could support and the numbers they could accept from particular counties or dioceses; the supply of dormitory space; the standards of teaching and the curriculum – did they meet student needs; and the incentives to fellows to take on more students to supplement their income.

External causes for demographic change, which Stone argued were of far greater importance, were demographic growth in groups with the means and motivation to send their sons to university; the supply of jobs for university-trained men relative to the output of those men (generally in the clergy, teaching or the professions – the demand for a university degree changed with social conventions); the cost of education; the numbers of classically trained schoolboys available to enroll; and the ease of communications and travel. Elite attitudes towards a university education depended on its reputation in relation to the available alternatives, such as a private tutor, French academy or foreign university. From 1580-1660, the universities were regarded as useful seminaries in

conventional morality, established religion and sound political judgement, but at other times they were believed to be seducers of the young into debauchery, idleness and radical opinions (Puritanism in the early seventeenth century, Jacobitism in the early eighteenth). From the 1680s the nobility no longer valued a university education, either as training for a career or a general preparation for life. They feared the harmful effects of the decline in college discipline and the growth of idleness and dissipation. Stone argued that this change was part of a general hardening of class lines present in many other aspects of English life at this time. There was a great fear of subversive ideas. Thomas Hobbes famously denounced the universities as a breeding ground of left-wing radicalism and the prime cause of the civil wars. The Duke of Newcastle advised Charles II to cut back undergraduate enrollment because he was disturbed by the flood of puritanically inclined graduates who, unable to find a ministry within the church, were lecturing to congregations and, discontented by their prospects and alienated from the clerical and secular establishments, were preaching radical subversion.

As Victor Morgan argued in "Approaches to the History of the English Universities in the Sixteenth and Seventeenth Centuries" (1978), it is useful to keep in mind the larger European dimension to discover the extent to which superficially continent-wide phenomena may have had different internal characteristics and consequences in different nations.³ For example, the expansion in university attendance experienced by England was a European phenomenon, but the English expansion exhibited peculiar characteristics. While England had only two universities and the Inns of Court at this time, Spain alone had 33, and there were many others in northern Europe,

³ Victor Morgan, "Approaches to the history of the English universities in the sixteenth and seventeenth centuries", *Wiener Beiträge zur Geschichte der Neuzeit*, 5 (1978), pp. 138-164.

because of confessional differences. Colleges had a particular importance in England; to cope with the expansion, new colleges were built, not new universities. These colleges were objects of loyalty and sources of friendships and patronage, and possessed a separate legal and corporate existence.⁴ Another important peculiarity was that in England the Renaissance state was served by laymen with humanistic training, not lawyers as on the Continent. Consequently this period saw a contraction in faculties of law rather than an expansion, and English education remained predominantly theological. Lastly, the English universities remained extremely insular in composition throughout the period.⁵

It is key to remember, said Morgan, that the expansion in university attendance was caused by fortuitous circumstances more than any desire or deliberate design on the part of the authorities. For example, the endowment of scholarships to colleges was usually made for selfish reasons, to immortalize the family name, rather than out of true philanthropy, and was part of the wider system of patronage that was developing in Elizabethan society. Likewise, the decline in attendance from the Restoration on was a specific embodiment of broader changes in the values and structures of society. A linguistic and pedantic education became increasingly useless to the new careers for elites created by war (in the army, navy, financial institutions, colonial administration, and tax collection). Also, a shift occurred in the values of the elite, creating new models for emulation and rejection. There was a reaction against the enthusiasms of the Puritans and Cavaliers responsible for the civil wars, accompanied by an openness to continental

⁴ G. F. Lytle, "Patronage Patterns and Oxford Colleges c. 1300-1530" in Stone, ed., *The University in Society*, pp. 111-150.

⁵ Stone, "The Size and Social Composition."

influences carried to England by the Caroline exiles, including Thomas Hobbes and the Duke of Newcastle. In addition, the elite became divided by demographic, economic and administrative changes. Ownership was concentrated among a smaller group of large land owners, and power was concentrated in the hands of lieutenants, the militia and land tax commissioners at the expense of quarter sessional benchers. There was also an increased intimacy between country magnates and London financiers of war. Therefore metropolitan and cosmopolitan culture replaced the scholasticism of the universities. Newspapers, coffee shops and salons increased in number and popularity. Elites avoided the universities or concentrated in a few prestigious colleges so less patronage was available to the lesser gentry and the poor, decreasing their incentive to attend as well.

As well as these dramatic demographic changes, Stone has drawn attention to the intense social stratification of the English educational system.⁶ This system reserved a different level of education for each social group to serve its particular needs, and was designed to reinforce class distinctions and reduce social mobility. Today, Stone argued, England is still the most highly stratified modern western society partly because of its highly elitist education system, developed first in the late seventeenth century and reinforced in the nineteenth. In this system, Latin was originally studied because it was a means of international communication, but by the seventeenth century it was used to reserve the monopoly of high culture to the elite. These elites gradually drew away from the lower classes and kept their children at home or at exclusive schools such as Eton, Westminster and Winchester. The practices at these schools consisted of “the instruction of the upper classes by bachelors in the mysteries of the tribe and the wisdom of their ancestors, expressed in a dead secret language”; “sexual and peer-group segregation in an

isolated compound”; “futile enforcement of sexual abstinence”; “deliberate cruelties such as the flogging of the buttocks”; “severe incomprehensible taboos”; “physical exercise, cold baths, a spartan diet, primitive living conditions, severe routinized discipline, [and] moral and religious exhortation,” all designed to produce endurance, courage and leadership skills. In other words, elite schooling was a “prolonged male puberty rite” controlled by adults. But this rite was limited to elites, who thus earned all the important positions of power and a sense of their own natural superiority.⁷

The more stratified education is, said Stone, the more likely it is that change at one level will operate independently of change at the other levels. And because education is such a powerful force in preserving social distinctions, when change comes it becomes a highly explosive political issue that is bitterly resisted and resented. This system always makes allowance for upward mobility by a handful of the lower classes, but this mobility is regulated by scholarships controlled by upper class patrons. When elites perceive a threat to their power, they exercise their control over mobility with greater enthusiasm. For example, with the onset of industrialization access to education was severely restricted, and in the seventeenth century fears of lower class competition in a restricted job market led to hostility to free grammar schools.

But these fears were always tempered by the acknowledged utility of education. During the Reformation different Christian sects struggled for control over the minds of the poor, which led to a growth in popular education. While Puritans believed a national education system would be the foundation of a reformed Commonwealth, it was Protestants who first saw the value of school and printing as religious weapons.

⁶Stone, “Literacy and Education in England, 1640-1900”, *Past & Present*, 42 (1969), pp. 69-139.

⁷ *Ibid.*, pp. 72-3.

Education was blamed for the civil wars and it was argued that it would make the poor unsuited for the long, hard, boring, manual work required to run society. But others argued that literacy would lead to Bible-reading, civilization, morals, political obedience and factory discipline. Ignorance, on the other hand, would lead to evil, Popery, superstition, moral depravity, insubordination and rebelliousness.⁸

Many historians have described the Restoration period as stagnant and conservative, even reactionary, said Rosemary O'Day, but only relative to the perceived revolution of the pre-1660 period.⁹ Recent work indicates conservative trends throughout the early modern period. Elites were already reacting against academic education for all classes before the civil wars, which merely strengthened their conviction. Some were critical of the relevance of a classical curriculum to certain social sectors and recommended a more practical and vocational course of study.

Nevertheless O'Day agreed that from 1660 the greatest decline in university attendance was experienced by plebeians. Fellowships and scholarships were becoming dominated by clerics and the gentry while the cost of an education was rising twice as quickly as the general cost of living and wages. Also the career prospects for the clergy were in decline. These factors in turn led to a decline in the demand for a classical education in the grammar schools. The universities contributed to their own numerical depression by refusing to cater to the needs of new professionals interested in commercial, industrial and scientific enterprise, instead continuing to focus on training men for the ministry. They barred non-conformists until 1858 (later at Oxford) and continued to tie scholarships to particular schools, counties or families. Servitors and

⁸ Ibid.

⁹ Rosemary O'Day, *Education and Society 1500-1800* (London, 1982).

sizars (lower class students who ate for free in return for performing menial tasks for other students) were treated contemptuously and made to feel inferior through separate uniforms and rigid codes of behaviour. Overall, the higher costs and deficiencies in the curriculum for those desiring a more modern education guaranteed the decline of the universities as centres of scientific and modern scholarship. Professionals and businessmen therefore trained at dissenting or Anglican academies, followed by a period of apprenticeship.

Oxford

The most recent history of the University of Oxford is the extensive eight volume *The History of the University of Oxford* (1984-2000), edited by T. H. Aston. The editor of the volume on the seventeenth century, Nicholas Tyacke, broadly agreed with the findings of Lawrence Stone.¹⁰ The seventeenth century was a period of long-term expansion despite the interruption of the Interregnum. During this period Oxford experienced a golden age of academic endeavour and an extraordinary spate of building to cope with rising student numbers, including the construction of the Bodleian Library, which opened in 1602. However, the fortunes of the universities were closely tied to the regime in power. From the fifteenth century the chancellor of the university had been effectively a royal appointment. In return for its loyal service, Oxford gained patronage and protection. In 1604 it received the right to elect representatives to parliament. In 1636 William Laud, chancellor and archbishop of Canterbury, drew up new statutes for the university, and it was granted a royal charter in the same year. But its general prosperity in this period was interrupted by the civil wars, when over £10,000 was loaned to Charles

¹⁰Nicholas Tyacke, "Introduction" in his ed., *The History of the University of Oxford, Volume 4. Seventeenth-Century Oxford* (Oxford, 1997), pp. 1-24.

I and not repaid. James I and Charles I were often directly involved in university affairs because the universities filled an important role as seminaries and tools of religious uniformity.

In a period of religious turmoil, the universities were more important than ever. During the 1620s Calvinist episcopians (those who supported the Elizabethan settlement) were dominant while Puritans (those who opposed the settlement) were in the minority at Oxford, but from the 1630s anti-Calvinism gained ascendance with the support of Chancellor Laud.¹¹ During the civil wars Oxford gave generously to Charles I and served as the royalist headquarters. Consequently, when it was visited by the victorious parliamentarians in 1647, nearly half of all college fellows were expelled for refusing to acknowledge the authority of parliament. Oliver Cromwell was elected chancellor in 1651, resulting in a resurgence of Calvinism and a vigorous attempt at moral reformation. After the Restoration the Cavalier Anglicans gained power but a significant Calvinist and dissenter presence was maintained. The Anglicans allied with Charles II despite his toleration of dissenters and Catholics, their position reinforced by the Popish Plot and the emergence of whiggery. They opposed the exclusion of James II but were later appalled at the rise of Catholicism during his reign.

Despite religious conflicts, teaching continued. The humanistic curriculum emphasized classical languages and literature but also aimed at providing an encyclopedic survey of all knowledge, tailored to the needs of the nobility and gentry. Studies in logic, ethics, mathematics, philosophy, oriental studies (Hebrew and Arabic), and medicine expanded while civil law was in decline. Methods of study included competitive oral exercises and disputations, private reading, lectures and tutorials. During

their leisure time students enjoyed music, plays in both Latin and English, riding, hunting, tennis, bowls, dancing, gymnastics, fencing, drinking, gambling and sex.

Socially, Oxford was fairly diverse but highly stratified.¹² In the dining hall, each rank of student exercised its own set of rights and privileges. Fellow or gentlemen-commoners were sons of lords, knights, or gentlemen and were allowed to wear elaborate dress and to dine at their own or the fellows' table. Commoners received the same quantity and quality of food as the fellows but at their own table. The battelers or servitors ate the leftovers, waited on the commoners at meals and performed domestic tasks in return for a small amount of money. There were also college servants and personal servants who were part of the university but not students. Just over one per cent of males in England and Wales studied at Oxford or Cambridge at the peak of enrollment, and the social elite amounted to less than three per cent of matriculants at Oxford from 1650-1689. Nevertheless, education was considered an essential part of nobility and a source of respect and status. A stay at university was better than studying under a tutor because it introduced the young to the wider world, refined their manners, and provided them with useful contacts with others of their generation. Alternatives included service in a great household or at the royal court, a continental tour, or a stay at the Inns of Court. For the younger sons of the nobility and gentry and the sons of the lower classes, the universities offered professional training or a career in teaching or the church, which could offer a limited amount of upward mobility.

Being such a minority in this period, elites tended to band together. They wished or were instructed to associate with youths of their own quality and needed to counteract

¹¹ *Ibid.*, pp. 7-8.

¹² Stephen Porter, "University and Society" in Tyacke, ed., pp. 25-104.

the isolation, loneliness and boredom caused by their preferential treatment. Also they were usually a year or two younger than the other students due to patronage or their superior access to early education, further isolating them. They often concentrated in a few colleges where they could find accommodation of a quality and scale suitable to their rank, such as Christ Church (30 % of all elites) and Trinity, Queen's and Magdalen (27 % combined).

Tutors oversaw the instruction, finances, religious observance and general conduct and deportment of their charges, acting *in loco parentis*. Therefore the relationship with the tutor was an important influence on the student's day-to-day life at Oxford. Most tutors were not much older than their students so they were familiar with and sympathetic to student life, but tutors were often dismayed at their students' lack of discipline or intelligence. Likewise students could be upset by a tutor's neglect or antagonism. Some tutors had too many students and assigned their duties to an under-tutor, to the chagrin of parents who wanted proper supervision for their sons. Parents and tutors provided a constant source of advice and instruction, both academic and moral. Students were told not to indulge overmuch in recreation, especially in their first few years, to socialize only within their own society (college) and not during designated study periods, and to avoid such vices as cards, dice, billiards, backgammon and chess, which led to gambling and a waste of time and money. Many upper class parents were especially afraid that their sons would become too friendly with lower class or dissolute students and would be distracted from their studies and tempted into debauchery. They complained about the surplus of alehouses and coffeehouses and the influences of Catholicism, Puritanism and atheism, and even worried their sons would pursue a rash

marriage. To head off these dangers, tutors were instructed to protect their charges and disobedient sons were threatened with removal from the college. But the supervision of conduct was one of the hardest duties a tutor had, especially if his student were of a higher status than he. The most common means of control was the tutor's ability to restrict the student's access to his money. In addition, university discipline consisted of corporal punishment (in decline), suspension from commons (meals), fines and expulsion. The exercise of these measures varied between colleges and over time.

As well as friction and disobedience within the university, there was a great deal of conflict between the university and the town.¹³ This was inevitable where two constitutionally separate but closely dependent communities had co-existed since the thirteenth century. Often the university's perspective was highly coloured by class considerations. Oxonians believed themselves to be superior to the 'mechanical persons' of the town and were therefore unwilling to give up their privileges over them. Conflicts in the seventeenth century were less violent but more frequent than in medieval times and influenced by the wider political context. When Laud was in power there was little the town could do, but during the civil wars it took advantage of the university's weakness to challenge ancient customs. From 1642-1661 the city refused to swear its traditional oath of loyalty to the university or to participate in the obeisance of the St. Scholastica's Day ceremony. However, in general the university benefited from its influence with the court, judges and king, better legal resources and its ability to provide citizens with a captive body of consumers. In fact one of its key weapons against malcontents was the practice of discommoning, which deprived the victim of all trade or contact with scholars and privileged persons of the university. Key issues of contention included: the annual oath

and obeisance; control of the market, crafts and trades; the chancellor's jurisdiction; the night watch; the licensing of alehouses and taverns; the taxation of privileged persons; the right to felon's goods; the building of slum property; and responsibility for street cleaning and poor relief. The 1636 royal charter confirmed the university's existing privileges and added more: the right to appoint coroners, sole control of wine licensing, the right to make certain by-laws binding on all inhabitants, the right to search for corrupt victuals and suspect persons, the right to veto cottage-building, sports and pastimes and feats of arms, and greater market rights such as piccage, stallage and toll. After the Restoration there was a clear political division between town (Whig) and gown (Tory). The freedom of the city was presented to Titus Oates, the duke of Monmouth and to John, Lord Lovelace, a prominent Whig. In 1681 St. Scholastica's Day was attacked as a great relic of popery and in 1683 a full-scale riot developed out of a tavern brawl between townsmen supporting Monmouth and scholars who were for the duke of York (the future James II). Nevertheless cooperation between town and gown existed. Tavern owners often frustrated proctors by providing posterns for students to sneak out at night, encouraging gaming and prostitution, and granting students easy credit.

Such licence was the target of Puritan reformers under Cromwell, the most zealous of whom was John Owen, vice-chancellor.¹⁴ Among his targets were alehouses, brothels, hunting, tennis, bowling, powdered hair, exotic clothes, boots, spurs, ribbons on hats, waists and breeches, and superstition, images of Christ, the Virgin or the saints and organs. Yet Owen's reforms were shortlived, for after the Restoration Oxford resumed its pre-war status as a key element of the church and state under a reinvigorated Anglican

¹³ Alan Crossley, "The City and the University" in Tyacke, ed., pp. 105-134.

¹⁴ Blair Worden, "Cromwellian Oxford" in Tyacke, ed., pp. 733-772.

monarchy.¹⁵ By the Act of Uniformity of 1662 the state church was defined as episcopal, staffed by bishops, priests and deacons required to conform to the doctrine and discipline of a revised prayer book. Anglicans were granted a monopoly of offices in education, religion, local and central administration and the armed forces, and dissenters were officially excluded from attending Oxford. The universities would be instrumental in raising the next generation of loyal Protestants, bringing peace through uniformity, and providing a vehicle of religious, social and political conservatism. Restoration Oxford was characterized by Stuart loyalism, an elevated concept of episcopacy, a single-minded attachment to the liturgy and an intense hatred of fanaticism (Puritanism). Its key figure was John Fell, vice-chancellor, deacon and bishop. Fell worked hard to reintroduce Laud's policies, to bring about an Anglican renewal and to reform discipline. In 1666 he issued new orders to regulate academic dress and gave the city's tailor precise instructions and patterns to follow, on pain of fines or discommuning. The wearing of proper dress appropriate to one's rank was critical as a mark of belonging to a well-ordered and disciplined society, where observance of degree, priority and place was highly prized. After the civil wars there was great reason to strengthen the traditional hierarchy. Fell's revival of academic dress paralleled the revival of proper vestments among the clergy.

Cambridge

The Cambridge equivalent to Tyacke's history of seventeenth century Oxford is still being written¹⁶, so for this period we must rely on John Twigg's *The University of Cambridge and the English Revolution 1625-1688* (1990), which is understandably

¹⁵ R. A. Beddard, "Restoration Oxford" in Tyacke, ed., pp. 803-862.

politically focused.¹⁷ Nevertheless, it provides a useful general overview of the century and, in any case, many of the social, cultural and economic elements of life at Oxford discussed above can also be applied to Cambridge. It experienced the same dramatic expansion in numbers in this period, resulting in the same pressures on university resources. The basic structure, of colleges, tutors, disputations, chancellor and vice-chancellor, etc. was similar, and Cambridge was as much a concern to the government, as one of the great seminaries of the nation, as its somewhat larger and older counterpart. Some of the traditions and officers peculiar to Cambridge were outlined in Elizabeth Leedham-Green's *A Concise History of the University of Cambridge* (1996).¹⁸

As at Oxford, the mayor and bailiffs of the town were required to swear an oath before the chancellor to uphold the privileges of the university. This ceremony was called the Magna Congregatio by the university, the Black Assembly by the townsmen, and was the focus of the town's hostility until the nineteenth century. A chancellor had been nominated from the 1220s and elected from 1401 by the teaching masters for a one or two year term. After 1450 it became customary to elect an absentee chancellor who would uphold the university's privileges at court; therefore the vice-chancellor became the chief administrative officer of the university. The other key officers were the proctors, elected annually to represent each college. They were responsible for enforcing the statutes; organising lectures, disputations, the rituals of graduation and other ceremonies, funerals, and liturgical exercises; collecting fees and fines; and after 1381, overseeing the 'court leet', which enforced the regulation of townsmen concerning street cleaning, Lent, Sabbath, and so on. The proctors were assisted by three bedells, who played a ceremonial

¹⁶ Victor Morgan, ed. *A History of the University of Cambridge. Volume 2. 1546-1750* (forthcoming).

¹⁷ John Twigg, *The University of Cambridge and the English Revolution 1625-1688* (Cambridge, 1990).

role at congregations, funerals, exequies, and disputations. They were guardians of procedure and protocol and were elected for life. The chaplain conducted masses for the dead, fulfilled other liturgical obligations and had custody of the university library.

At the beginning of Edward's reign (1548) the visitation drew up new statutes prohibiting fencing schools, dicing taverns, and the Christmas 'Dominus ludorum' (a cousin to the Lord of Misrule), and recognising the responsibility of tutors for their charges' moral conduct. The subsequent Elizabethan statutes, in force from 1570 to the nineteenth century, recognised the powers of the vice-chancellor and heads of colleges by granting them the sole right to interpret the statutes. The vice-chancellor and proctors would now nominate people to a new body, the Caput, who would be elected by the heads, doctors, proctors and two scrutators from the non-regent house. The statutes also enforced the celibacy of the college fellows.

According to Leedham-Green, early seventeenth century Cambridge was full of wit and theatricality and boasted such students as Cleveland, Randolph, Milton, Marvell, and George Herbert. Verses and ingenious in-jokes were exchanged, the *Praevaricator's* scurrilous speeches were regularly censured, and plays and salting were revived.

During the tenure of Archbishop Laud, a report was prepared, probably by John Cosin, on the state of religious practices at Cambridge.¹⁹ It noted widespread non-attendance at college services by MA fellows and fellow-commoners, non-observance of fast days, neglect of prescribed clerical-academic dress, disorderly behaviour at lectures and disputations, and the use of the church as a theatre for scurrilous speeches at commencement and to store lumber. It was a widely held belief after the Restoration that

¹⁸ Elisabeth Leedham-Green, *A Concise History of the University of Cambridge* (Cambridge, 1996).

¹⁹ Twigg.

a university education had corrupted the members of the Long Parliament and directly contributed to the overthrow of monarchy. Thomas Hobbes claimed that the ruling classes had been corrupted by classical, republican ideals and clergymen had acquired Presbyterian notions. Twigg has accused some modern historians, including Lawrence Stone, of accepting this view, which has never been substantiated, arguing that they underestimate the hostility aroused by Charles I's personal rule and the Laudian innovations. The assertion that the universities produced more graduates than could be absorbed by the church, creating a class of alienated intellectuals, also does not stand up to scrutiny.²⁰ Far from being republican, university men were largely royalist during the wars.

Nevertheless, parliament was successful at imposing Puritan fellows, who pursued a moral reformation of the university as zealously as their counterparts at Oxford. In 1646 the Lords issued an order that young nobles and gentry should attend diligently on all sermons and university and college exercises and perform all disputations and declamations as students of 'inferior rank' did. In 1647 students performing disputations were banned from giving private feasts afterwards. The heads of the colleges also tried to enforce discipline. Hill at Trinity concerned himself with the proper performance of college exercises, piety and learning. In 1646 he abolished salting nights, when entertainment was had upon the matriculation of freshmen, and the hospitality offered by Trinity BAs to St. John's BAs on Port Latin Day. In 1648 he restricted the consumption at table of fee-paying students and abolished the old feast days, which were seen as Catholic.

²⁰Mark Curtis, "The Alienated Intellectuals of Early Stuart England", *Past & Present*, 23 (1962), pp. 25-43 refuted by I. M. Green, "Career Prospects and Clerical Conformity in the Early Stuart Church", *Past &*

In a time of upheaval and anxiety the universities came under fire for their perceived failure to fulfill their crucial role of ensuring the stability of the nation by indoctrinating future leaders of the church and state with the right attitude and ideology. Yet as long as their function was seen in such narrowly political terms, change and innovation was impossible; in fact it was seen as a dangerous instrument of social disintegration. Most critics believed that the problems lay not with the institutional structure or purpose but with the hearts and minds of the individual teachers and students. This perspective Twigg called 'personalization'. For such people the solution was simply greater discipline and control. This belief was central to royal policy towards the universities in the late Tudor and early Stuart periods, but was also adopted by the revolutionary governments and the college heads imposed by the Long Parliament.

The Inns of Court

The 'third university' in England during the early modern period consisted of four societies, Gray's Inn, Lincoln's Inn, and the Inner and Middle Temples. Together they had formed the principal institutional home of English common lawyers since medieval times.²¹ Early examinations of the Inns include Sir John Fortescue's *De Laudibus Legum Angliae* (1470), Sir William Dugdale's *Origines Juridicales* (1666), Frederic Maitland's *English Law and the Renaissance* (1901), W. S. Holdsworth's *Some Makers of English Law* (1938), and S. E. Thorne's "The early history of the inns of court with special reference to Gray's Inn" (1959).²² More recently, Wilfred Prest, J. H. Baker, and C. W.

Present, 90 (1981), pp. 71-115.

²¹ David Lemmings, *Gentlemen and Barristers: The Inns of Court and the English Bar 1680-1730* (Oxford, 1990), p. 1.

²² Sir John Fortescue, *De Laudibus Legum Angliae* (London, 1917); Sir William Dugdale, *Origines Juridicales* (Eltham, 1969); Frederic Maitland, *English Law and the Renaissance* (Cambridge, 1981); W. S. Holdsworth, *Some Makers of English Law* (Cambridge, 1938); S. E. Thorne, "The Early history of the inns of court with special reference to Gray's Inn", *Graya*, 50 (1959).

Brooks have written on the pre-civil war period, and D. Duman has examined the eighteenth and nineteenth centuries.²³ To fill in the gap, David Lemmings discussed the Augustan period in his *Gentlemen and Barristers: The Inns of Court and the English Bar 1680-1730* (1990). While concentrating on post-Restoration England, Lemmings' book provided an excellent overview of the previous period as well.

A legal profession existed in England from the end of the thirteenth century. Within this profession there were two classes of lawyers, pleaders, who spoke for their clients in court and addressed the substance of the issue, and attorneys, who acted as agents and had the power to bind their clients in the process of the case. By 1318 the Common Bench, later called Common Pleas, had been confined to senior pleaders who had been called there by the judges. This process was formalized in 1382 with a royal writ and an elaborate ceremony granting admission to the degree of "serjeant at law." Serjeants were distinguished by their sole rights to plead in the most important and most profitable court in the land, by their multi-coloured robes and white linen coifs, and by their monopoly of promotion to the Judiciary in the common law courts and circuits. Those below the serjeants were called "apprentices at law."

The Inns began as places of accommodation for lawyers attending the courts in London, who probably clubbed together so as to afford a house, servants and food. Eventually the pre-eminent houses came to be called the Inns of Court, the lesser the Inns of Chancery (these came to be used by attorneys, clerks and the youngest law students). Gray's Inn and the Temples were dominant by 1388, Lincoln's Inn by 1422. Lectures and

²³ Wilfred Prest, *The Inns of Court under Elizabeth I and the Early Stuarts 1590-1640* (London, 1972) and *The Rise of the Barristers: A Social History of the English Bar, 1590-1640* (Oxford, 1986); J. H. Baker, *Introduction to English Legal History* (1979); C. W. Brooks, "The Common Lawyers in England, c. 1558-1642" in Prest, ed., *Lawyers in Early Modern Europe and America* (1981); D. Duman, *The Judicial Bench*

disputations were held during the thirteenth and fourteenth centuries but not systematically until 1450, when moots (case arguments) and readings (a series of lectures) were developed. The ranks for these exercises and readings formed the basis of the Inns' membership and governance and eventually were recognized outside the Inns as well. Inner barristers sat within the bar, utter barristers, those who had studied at the Inns for a few years, sat outside it, and benchers, the most senior members, sat on the bench, governed the Inns, and delivered the readings. By 1590 the rank of utter barrister was required to plead in the superior courts and the 'call to the bar' became the main qualification for admission to the upper branch of the profession.

Most students at the Inns never practiced the law; like the universities, the Inns were used in the seventeenth century as 'finishing schools' for the elite. This was accepted because the presence of the gentry increased the prestige of the profession. Like the universities, the Inns experienced phenomenal growth during the late sixteenth and early seventeenth centuries, but admissions were down again by the mid-1680s. The greatest decline was among elites but the Inns remained predominantly elite in composition, much more so than the universities. Even after the Restoration the Inns continued to play a central role in the education and cultural formation of the later Stuart gentry. They were socially exclusive because they had fewer resources than the colleges. They had no land or endowments so they could not grant scholarships or admit the poor as servitors; they relied exclusively on fees to cover their expenses.

Forty-five per cent of their students between 1688 and 1714 had also attended Oxford, Cambridge or Trinity College, Dublin. Most came from Oxford because both

in England 1727-1875: The Reshaping of a Professional Elite (1982) and *The English and Colonial Bars in the Nineteenth Century* (1983).

Oxford and the Inns drew most of their students from the south and the west of England, the exception being Gray's Inn, which had more admissions from Cambridge students. The combination of a university and an Inns education provided both academic and social skills, yet most lawyers studied at university for less than a year and did not receive a degree. The benchers encouraged university students to enroll by allowing them to stay at college for a while after admission to an Inn, and by calling some of them to the 'bar of grace', by which means they were excused from some of the requirements for the bar. Fees were not high but other expenses were on the rise during this period as students felt obliged to adopt the lifestyle of a gentleman. The greatest expenses were for dancing, fencing, personal servants and clothing. The social aspects of the Inns were emphasised after the Interregnum when the provision of legal education was in decline. The readings and exercises had ceased altogether between 1642 and 1647 and attempts to revive them had failed by 1684. The exercises continued into the early eighteenth century but were treated as mere formalities. Despite a continued fall in attendance, students still learned from private reading and conversation with other students, relatives and patrons. Prest has argued that the fall in numbers can be explained by the withdrawal of the elite, part of the reaction against the enthusiasm for institutionalized learning of the Elizabethan and early Stuart periods, but Lemmings said that their withdrawal should not be exaggerated. Other reasons for their disinterest were a demographic crisis felt especially among the landed elite, the costs of war with France, and the greater opportunities available in the military, navy and civil service occasioned by that war.

A crucial element of the Inns' internal governance and the basis of its finances was the requirement that all students and barristers live and dine together during the four

law terms of Hilary, Easter, Trinity and Michaelmas, each about three weeks long. Communal living would develop professional solidarity and transmit ancient traditions, but more practically, the Inns depended on the fees charged for chambers and commons. Thus they were very vulnerable to falls in admissions and residence. They experienced a serious crisis of non-residence and insolvency in the late seventeenth and early eighteenth centuries. In addition to the decline in admissions, more and more students were taking rooms in the city and dining out. The societies survived by renting rooms to non-members, including shopkeepers, but they were preserved at the cost of their transformation into dormitories and places of business for a wide variety of Londoners, many of whom had no connection whatsoever with the law. Although students were required to buy a chamber and to 'continue in commons' for a given number of terms to pass the bar, these orders were easily evaded and of no consequence to students who did not wish to become practicing barristers. Peak attendance was in the middle of each law term, when lawyers were in London to attend the courts and it was convenient to at least eat at the Inns. But those classified as 'in commons', about 100-200 men per week, might eat there daily, twice a week or only occasionally. Although 75 % of barristers bought a chamber from 1688-1714, many chambers went unused or were sub-let to all manner of people. With less residents there was less business to do so the benchers took a *laissez-faire* attitude to the rules and the government of the Inns declined to such a point that some meetings of their 'parliaments' or 'pensions' were attended by only one person. Membership in the bench was now regarded as an investment for private advantage, a convenience, and not an obligation of service to the Inn or the legal profession. As the Inns lost their solidarity, their *esprit de corps*, they were no longer societies and their role

in the legal world was increasingly peripheral. Also the presence of 'strangers' (non-members) increased crime and disorder.

Under these conditions, the quality of those admitted to the bar inevitably suffered. Not only was the provision of education in decline, but qualifications for the bar were being commuted for money to counter the financial crisis. The benchers realized that their exclusive right of admission to the bar was a marketable commodity. Even for those who would not become lawyers, the bar was treated as a general qualification for the civil service, including the offices of prothonotary, master in Chancery, and clerk of assize. The peak in calls to the bar was at the Restoration; subsequently they fell until the 1750s. The key qualifications were seniority (seven years since admission), residence, and performance of a minimum number of legal exercises. Although the professional (practicing) bar was becoming more socially humble in this period, more elites were becoming barristers. Forty per cent of barristers were sons of peers, knights or esquires, while 30 % were sons of professionals or lower. In comparison, at Cambridge from 1701-1720 80 % of graduates were non-gentry, and at Oxford 95 % were not peers or esquires. Consequently, by 1700 the rank of utter barrister was no longer regarded as an intent to practice the law or as proof of learning and expertise.

This is not to say, however, that it was impossible to learn the law or to become a successful and eminent lawyer. There were alternatives to the traditional methods of study, but firstly, what were those methods? Prior to 1660 readings, twice-yearly orations on a particular statute, were delivered during the Lent and autumn 'learning vacations.' Students were obliged to attend and at their peak popularity lawyers and judges also attended. After the oration formal arguments were staged between the reader and the

barristers. The event lasted for three or four days a week for two to three weeks and was followed by feasting and ceremony, paid for by the reader. The delivery of a reading was the principal qualification for becoming a bencher. After 1660 one could be admitted to the bench before performing a reading, but the obligation remained.

The exercises consisted of the moot, the bolt, case-putting and the imparlance. The moot, the most common form, was a formal argument or mock trial with the students and barristers as counsel and the benchers as judges in term time, the students as counsel before the barristers as judges during vacation (when the benchers were absent). The bolt involved students only, case-putting was an informal moot, and the imparlance, only used at the Inner Temple, was a ritualised argument held over several days. Lastly the bench elected junior members twice-yearly to lecture at the Inns of Chancery and to participate in their 'grand moots'. The purpose of all this was to accustom the students to formal public argument and to develop their skills in oral expression.

When did the system begin to decline? Sir William Holdsworth indicated the mid-sixteenth century, Kenneth Charlton the late-fifteenth, Wilfred Prest the civil wars. Whenever the decline began, by 1660 the barristers were becoming increasingly unwilling to read, even if refusing meant turning down a seat on the bench. Why? Some were very old and only now being asked to read due to the interruption of the civil wars. The costs of the lavish feasts hosted by the readers were rising fast due to the need to compete with crown appointees. The benefits of the bench had decreased. Also, Restoration barristers had been trained during the civil wars so they had never experienced the value of readings and exercises. Faced with this reluctance and the fiscal crisis, the Inns increasingly accepted money in place of a reading. The exercises declined

for related reasons: the general decline of communal life, the decreased incentive to attend during vacations without readings, the lack of benchers available to participate, and the fact that it was now much easier to pass the bar without attending the exercises. The alternatives to the defunct exercises and readings included a year or two at university, apprenticeship with an attorney or clerk (popular with parents because it provided the close supervision and discipline lacking at the Inns and universities), books, the advice of relatives and patrons, commonplacing, attendance at court, and mooting and discussions with other students at coffee-houses. By 1700, then, training was almost entirely self-directed with no official connection with the Inns, and the call to the bar was merely a recognition of having eaten a sufficient number of meals and paid for a sufficient number of exercises, not of the successful conquest of the mysteries of the law.

Conclusion

Some general trends for the seventeenth century are now apparent. Education was only available to a tiny minority of early modern men, although during this period attendance at the universities and the Inns expanded a great deal. The universities were surprisingly diverse in social composition, the Inns much less so. Higher education always provided a source of upward mobility for a few of the luckiest and brightest of the lower classes (sons of professionals, clergymen or artisans, not labourers). Elites, however, did not usually pursue a degree; they were there to improve their manners, acquire a smattering of knowledge in a variety of areas, and make important contacts with the future leaders of the nation. When the universities and Inns fell out of fashion with elites after the civil wars, due to perceived deficiencies in the curriculum and discipline and the presence of Catholics, Puritans and radicals, attendance began to fall.

Nevertheless, the government continued to take an active interest in these institutions because of their crucial role in the reconstruction of a loyal Anglican polity. It seems clear that the Restoration period was profoundly conservative in a wide variety of areas, but we must not underestimate the continued influence of a significant radical minority.

CHAPTER TWO

DISCIPLINE AND REVELRY IN EDUCATION

As we have seen the universities and Inns of Court were only two of many options available to the gentry and professional classes for the education of their young sons. But regardless of where their sons were to be educated, Restoration parents had very definite expectations about the values and skills their sons should have received by the time they left. Parents exercised some control over the curriculum and lifestyle at the universities and Inns through correspondence, both with their sons directly and with their sons' tutors and supervisors. More indirectly, their values, which they shared with others of their social status, were reflected in the advice manuals and courtesy literature of the day, which were often directed at the young sons of the gentry, and the regulations enforced by the institutions their sons attended.

Despite these instruments of control much went on in these institutions that did not fall in line with the ideal. Like the lower classes whom they were taught to abhor, young students found ways to exercise autonomy and reverse, if only symbolically, the hierarchy that sought to keep them in check. Often using the same cultural forms employed by their social inferiors, albeit modified to suit their own needs, these students mocked and twisted the social structures that enforced their obedience, even as they accepted their necessity. While such revelrous inversion had long been an accepted part of the English "ritual year", their implicit attack on hierarchy, not to mention accompanying violence and destruction, were often more than the authorities could tolerate. By the end of the seventeenth century the repression and control of these rituals was becoming increasingly common and increasingly effective.

Discipline

Virtue

The first thing to note about Restoration ideas of education is that the acquisition of knowledge was rarely a high priority. Even professionals and the clergy sent their sons to university as much to allow them to mix with influential people as to earn a degree, but among the gentry this tendency was even more pronounced. In fact too much scholarly knowledge was often considered beneath a gentleman since he, unlike his inferiors, did not need to work to support himself. And time spent reading books in a musty chamber was time not spent refining the more important social graces. That being said, in general the most important element of education was virtue. Birth might make a gentleman, the writers said, but virtue would improve him; without it he was imperfect, incomplete. God had elevated gentlemen above other men for their outstanding moral qualities and exemplary conduct, so it was their duty to Him to maintain them. The elements of this virtue were both classical (heroism, patriotism) and Christian, with the Christian element now gaining primacy over the classical under the influence of Puritanism. Such texts as Richard Brathwait's *The English Gentleman* (1630), Richard Allestree's *The Gentleman's Calling* (1660), Clement Ellis's *Gentile Sinner* (1660), William Darrel's *The Gentleman Instructed* (1704) and Thomas Foxtton's *Serino* (1721) demonstrated great piety and Puritan ideas despite being written by non-Puritans.¹

The courtesy literature used insistent language, moral examples and Biblical references. It encouraged honesty and discouraged lying, avarice, covetousness, pride,

¹George C. Brauer Jr. *The Education of a Gentleman: Theories of Gentlemanly Education in England, 1660-1775* (New York, 1959).

glory, sexual misconduct, drunkenness, gaming (gambling), and dueling. The authors included gentlemen, military officers, clergymen, tutors, schoolmasters, university teachers and literary authors. Both gentle and non-gentle authors often criticized the upper classes for their viciousness and wickedness, which were exemplified in the courts of Charles I and Charles II. Gentlemen were considered so prone to vice that drunkenness, gaming and sexual misconduct were termed the “genteel vices.” To counteract these tendencies, moral discipline and religious direction were required almost from birth and were to be implemented by parents, governors, tutors and schoolmasters.² Oxford’s Laudian Code reflected this attitude in Title XV, where it forbade visits to the houses of townfolk (particularly at night) the wine district and the inns and restaurants of vintners and other individuals. These houses were considered dangerous because in them were sold wine, tobacco and nicotine. Undergraduates and those under 18 would be publicly scolded if caught, graduates and those over 18 fined 6s. 8d. (first and second offence), jailed for a month (third offence) or expelled (fourth offence). The townsmen who hosted these students would also be punished: 10s. for the first offence, 20s. for the second, and discomoning after that.³

To further discourage vice, the statutes prohibited gambling games and dangerous sports. These included Dice, Oblong Dice, Coloured Paper, all public games already prohibited by royal statute, and all games resulting in danger, injury or misfortune, such as hunting for deer, hare or rabbits with dogs and snares. The students were also prohibited from owning hunting equipment of the firearm or catapult type or hawks for

² Ibid.

³ John Griffiths, ed. *Statutes of the University of Oxford Codified in the Year 1636 Under of the Authority of Archbishop Laud, Chancellor of the University* (Oxford, 1888), Tit. XV.

fowling. Punishments ranged from corporal punishment to a fine of 6s. 8d. to incarceration. The period of incarceration was significant; it would last until the offender had taken steps to discourage others from taking up such games. The weapons would be confiscated and the dogs hanged. Other unwanted activities included tightrope-walking shows, professional plays, gladiatorial combat, football, and cudgel play with sticks or foils ("from which very dangerous arguments break out"). In regards to football and cudgel play, only clerics and initiates to sacred orders were to be expelled; everyone else would be punished at the discretion of the vice-chancellor and proctors. Probably violence was seen as especially offensive among the clergy and therefore they were punished more severely.⁴

It was not only through its own statutes that the university was able to exercise control over its students. As mentioned earlier, both Oxford and Cambridge enjoyed extensive powers over those who lived in the surrounding area. For example, the vice-chancellor of Cambridge issued a series of ale-house licenses in 1694 with the following conditions: no scholars, neighbouring children, servants or anyone living in the parish were allowed to tipple in the house; no-one was allowed to drink on Sunday holidays or thanksgiving days during sermon time or after 9 p.m.; no carding, dicing or gaming was allowed; all vagabonds, suspicious persons and solicitors were to be brought to the attention of the university's officers; no drunkenness or disorder was permitted and any that occurred was to be brought to the attention of a constable; beer was to be drawn by the quart or pint, not the jug or cup; and finally, no ale-house was to brew its own beer or

⁴ Ibid.

ale.⁵ Since so many scholars spent a good portion of their time in these alehouses, the university's power to issue alehouse licenses was significant indeed.

Tutors also exercised control over student behaviour and once such, James Duport, fellow of Trinity just before the Restoration, compiled a set of rules for his charges. These rules promoted "diligent and constant" attendance at chapel, thoughtful walks in the fields, and disputations in logic and philosophy with one's chamber-fellow. Conversely, they warned against sleeping during prayers and sermons, laughing, lolling, leaning and whispering in the tutor's chamber, carding and dicing, football, swimming and fishing, the last because "some under colour of going a fishing, drop into a blind house and there drink like fishes."⁶ Vitue, then, was encouraged through a variety of means, most of which used negative rather than positive reinforcement of student behaviour.

Hierarchy

In addition to virtue, other elements of education included worldly experience (participation in society), good breeding (manners), travel and knowledge. But no matter what the young gentleman was being taught, he was always learning the importance of hierarchy. For example, one element of virtue was the ability to control one's passions. When discussing this skill, Richard Allestree wrote that "the inferior and more brutish part of the man" must be guided by his rational faculty. "A bridle" must be put "in the mouths of these head-strong passions" until they are rendered "not only captivated slaves, but good subjects, obedient to the laws of Reason."⁷ Here Allestree compares a man's

⁵ C. H. Cooper, *Annals of Cambridge*. Vol. IV (Cambridge, 1842-1853).

⁶ Helen and Laurence Fowler, eds., *Cambridge commemorated: an anthology of university life* (Cambridge, 1984).

⁷ Richard Allestree, *The Gentleman's Calling* (London, 1677), pp. 32-33. Cited in Brauer, p. 25.

passions to a brute and then a horse that must be bridled. They are also likened to slaves and good, obedient subjects. Thus the hierarchy of reason over passion is likened to the hierarchy of man over animals, of freemen over slaves and of rulers over ruled. One must also remember the double meaning of the word "inferior." The passions originate from "the inferior and more brutish part of the man", which is perceived to be inferior both morally and physically. So the hierarchy of the body is also employed in this argument. In the early modern period all of these hierarchies were accepted as common sense and the use of them in conjunction must have made for a compelling argument. It has often been said of this period that the hierarchy of husband over wife, when accepted, reinforced the hierarchy of a monarch over his/her subjects. So it is that all hierarchies are mutually reinforcing. Thus when one is threatened, all are. George Chapman used a similar technique when writing that a child "should not allow his lower appetites, or selfish passions, to usurp that place in his breast which is due to the nobler and more refined..."⁸ Again the passions are described as "lower", both in estimation and in physical origin, and the use of the word "usurp" is particularly telling of Chapman's attitude.

Hierarchy is even more evident in the advice on social interaction. Conversation, argued some, was only useful if it was had with cultivated and intelligent people. A boy's choice of company was crucial because he was likely to imitate and come to resemble his friends.⁹ Edward Bentham warned that social inferiors might flatter a young gentleman for selfish reasons and be "ever ready to attend him in his diversions, --to encourage him

⁸ George Chapman, *A Treatise on Education* (London, 1784), pp. 31-34. Cited in Brauer, p. 27.

⁹ Brauer, pp. 118, 120.

in his follies, -- to join in the ridicule of college-discipline, and to villify the assertors of it as men of narrow thinking, low breeding, and ignorance of polite life."¹⁰

That this was not an empty threat is seen in the case of one Robin Verdun, "a student penitent of 1695."¹¹ He wrote to his sister Lucy in November saying that he wished "to improve my mind, but also to be able, by good manners, to take my place among the quality."¹² Yet ten days later he was urged by the Rev. Nathaniel Dod, fellow of St. Peter's College, "to look closely into the characters of those with whom you are forming intimacies... There are young men of mean temper in all colleges, who curry favour with any new-comer of good birth, and fair prospects."¹³ By January he was spending "most nights" at Ginger's, a coffee-house that "has not found favour of late with the Proctors," and his friend "poor Ned Crawley" had been dismissed from the college "in consequence of that business at Ginger's."¹⁴ Robin's friend Norman Darcy then wrote to his father to warn him that his friend Chowler "is deep and artful, and is thought to get men into trouble, and to keep out of it himself."¹⁵ By February he was dying of an infection in his leg, the result of a misguided attempt to escape the college at night through an upper storey window, followed by a secret visit to a "knavish fellow, a herbalist and compounder of drugs... who has a reputation among the lower orders as a bone-setter."¹⁶ The author of this account, Francis E. Paget, claims it to be true but admits

¹⁰ Edward Bentham, *Advices to a Young Man of Fortune and Rank* (Oxford, 1760), pp. 14-16. Cited in *Ibid.*, p. 127.

¹¹ This was not his real name. It was changed by the author to protect his family's reputation. Francis E. Paget, *A Student Penitent of 1695* (London, 1875), "Explanatory Notice."

¹² *Ibid.*, p. 33.

¹³ *Ibid.*, p. 36.

¹⁴ *Ibid.*, p. 47.

¹⁵ *Ibid.*, p. 50.

¹⁶ *Ibid.*, p. 54.

that it was compiled for a moral purpose.¹⁷ The moral purpose in this case is clear: to scare students into avoiding bad company by threatening them with dire consequences, not only shame and punishment by the authorities, but also sickness and even death.

Paget was only one of many writers who associated misfortune with the company of the lower classes. Aubrey argued that “a cobbler’s son may have a good wit, and may perchance be a good man, but he would not be proper for a friend for a person of honor.”¹⁸ Stephen Penton wrote in support of separate schools for the children of the elite, saying, “the inconvenient mixture of persons of quality in the same school with tinker’s and cobbler’s children...may perhaps teach them base dirty qualities.”¹⁹

Clarendon was of the same opinion. “Their [upper class graduates] manners are so rude when they come from thence [the universities], that a man would think by their behaviour that they had never been amongst gentlemen.”²⁰ Influenced by these opinions, many parents advised their sons to keep their distance from the lower classes. In his *The Compleat Gentleman* (1622), Henry Peacham recommended

for the companions of your recreation, consort yourself with gentlemen of your own rank and quality; for that friendship is best contenting and lasting. To be over free and familiar with inferiors argues a baseness of spirit, and begetting contempt.²¹

Ambrose Bonwicke, born 1691, was as concerned about being spoiled by bad company as his father, who didn’t want him rooming with someone with an ungenteel dialect. To

¹⁷ Ibid., “Explanatory Notice.”

¹⁸ Lawrence Stone, “The Size and Social Composition of the Oxford Student Body 1580-1910” in Stone, ed. *The University in Society Vol. I. Oxford and Cambridge from the fourteenth to the early nineteenth century* (Princeton, 1974), p. 53.

¹⁹ Ibid.

²⁰ Ibid.

²¹ Rosemary O’Day, *Education and Society, 1500-1800* (London, 1982), p. 90.

his father's relief, young Ambrose preferred praying to sports and diversions, and books to attendance at Stourbridge Fair.²²

These attitudes towards the lower classes lay behind the statutes forbidding association with the townsfolk. In section two of Title XV Oxford students were forbidden from prowling about the city or its suburbs, and standing or loitering in the street, market or crossroads or by the guild workshops of the townsfolk. The penalty for an undergraduate was to be decided by the vice-chancellor or proctors. Graduates would be fined 2s. for a first offence and jailed for subsequent offences. Another statute forbade students from attending the Sessions and Assizes (judicial hearings), probably for similar reasons.²³ The Cambridge statutes insisted that BAs be accompanied by an MA when venturing into town, second year BAs by another BA of second year or higher standing.²⁴

There were dissenting opinions, of course, and we have already seen that certain vices were often associated with gentlemen. William Harrison wrote in his *Description of England* (1577) that

most of them [students] study little other than histories, tables dice and trifles... Besides this, being for the most part either gentlemen or rich men's sons they oft bring the university into much slander. For standing upon their reputation and liberty, they ruffle and roist it out, exceeding in apparel and hunting riotous company, (which draweth them from their books into another trade) and for excuse [when] they are charged with breach of one good order think it sufficient to say that they be gentlemen which grieveth many not a little.²⁵

This attitude to gentle behaviour soon became a well established stereotype, so we must be aware that seventeenth century descriptions may have been based more on prevailing opinion than on actual observations. But whether or not gentlemen actually behaved this

²² J. E. B. Mayor, ed., *Life of Ambrose Bonwicke by his father* (Cambridge, 1870).

²³ Griffiths.

²⁴ George Peacock, *Observations on the Statutes of the University of Cambridge* (London, 1841).

²⁵ O'Day, p. 90.

way, the perception that they did certainly had a big influence on attitudes towards discipline in the education system. Also, some men confessed their indulgences and argued that they retained some merit. Defending his enjoyment of popular recreations, Lord Cateret of Christ Church, Oxford, later Earl Granville and a great patron of learning, told his friend,

these pastimes, may be, will seem insipid to you, Sir, who are wholly taken up with the Beauties of authors, but tho' you despise these diversions, yet don't think the worse of those people who take pleasure in them; for 'tis a very excusable weakness, and I think a man may be allowed to spend some time about horses and cocks, since Xenophon writes a book about bringing up puppies. Homer now and then compares a strutting hero to a cock, and no man can understand the justice of the similtude without going to Butler's [cock-pit].²⁶

Bentham too defended the lower classes, despite his comments quoted above. "If you mistake lowness of fortunes for meanness of manners," he said, "and so confine your acquaintance to persons of your rank in understanding because they are so in fortune, you certainly lose the most valuable benefit of a public education."²⁷

Not only class hierarchy but also age hierarchy was emphasized at the universities. For example, among the statutes listed in Title XV, many distinguished between undergraduates and graduates and minors and adults and among different degrees when it came to the punishment due. The youngest students were often punished corporally, if this was deemed appropriate to their age. At Trinity College, Cambridge, this was inflicted every Thursday at 7 pm in front of all the undergraduates.²⁸ Under Title XV, section six, which forbade walking outside the college or courtyard after the gates were shut, graduates would be fined 40s. or jailed by the proctor, but MAs and BLs

²⁶ Percy Manning, "Sport and Pastime in Stuart Oxford" in H. E. Salter, ed., *Surveys and Tokens* (Oxford, 1923), p. 102.

²⁷ Bentham, p. 15.

²⁸ Peacock.

would be jailed by the vice-chancellor. Probably the involvement of a higher-ranking officer in the latter case demonstrates a higher level of respect for the offender. The punishments for minors, conversely, reflect a lower level of respect. Shaming and physical abuse were clearly considered appropriate ways to discipline children but not adults.²⁹

Obedience

There was one other important and related benefit of an education to the sons of the gentry. With the emphasis placed on hierarchy, virtue and good manners, a critical skill to be learned was obedience. For although they were at or near the top of the social order in terms of nobility and wealth, as long as they were students and under the age of majority (21), they had to answer to parents, tutors, proctors and other university authorities. More importantly, as future leaders and officers of the state, these young men had to develop their loyalty to the Crown and the Church until it became second nature. Thus the Duke of Newcastle wrote, "it is a great matter in a state or kingdom, to take care of the education of youth, to breed them so, that they may know first how to obey, and then how to command and order affairs wisely."³⁰ In his 1630 *Orders For the Government of the Inns of Court and Chancery*, the King highlighted the importance of reverence and respect as the basis of good government. The utter barristers and younger sort were to pay due reverence and respect to their readers, benchers and ancients or the government of the Inns would be slackened by neglect. Proper attire would reflect proper respect. Decent habits and dress were "an ornament to any society" that would keep "young men in the bounds of civility and order"; therefore, no gentleman of any house

²⁹Griffiths.

was to enter the hall, chapel or place of public prayer with a hat, cloak, boots, spurs, sword, dagger or long hair.³¹ After the civil wars Thomas Hobbes argued there would not be peace “till the Universities here shall bend and direct their studies to...the teaching of absolute obedience to the laws of the King, and to his public edicts.”³² Christopher Wase, a former fellow of King’s College, Oxford, said in 1678, “now that universities flourish, and schools are in many populous towns erected, from these places of public education especially, persons are sent into all parts of the land engaged in the strictest bonds of allegiance.”³³ This was still stressed in the eighteenth century. Sir John Eardley Wilmot, Chief Justice of the Common Pleas, argued,

obedience is one of the capital benefits arising from a public education, for though I am very desirous of having young mingsds impregnated with classical knowledge, from the pleasure I have derived from it, as well as the utility of it, in all stations of life, yet it is but a secondary benefit in my estimation of education; for to break the natural ferocity of human nature, to subdue the passions and to impress the principles of religion and morality, and give habits of obedience and subordination to paternal as well as political authority, is the first object to be attended to by all schoolmasters who know their duty.”³⁴

Revelry

The statutes and advice literature cited above were intended to promote virtue, encourage obedience and reinforce the social hierarchy of the period. It is not surprising, therefore, that the authorities reacted violently when they were flouted. But flouted they certainly were. Contemporaries constantly complained about the debauchery of the universities and Inns, particularly after the Restoration, when the extravagance and

³⁰ John Twigg, *The University of Cambridge and the English Revolution, 1625-1688* (Cambridge, 1990), p. 212.

³¹ British Library, London, Hargrave Ms. 311/32. Miscellaneous Papers.

³² Twigg, p. 213.

³³ *Ibid.*, p. 212.

³⁴ O’Day, p. 207.

indulgence of the upper classes was perceived to be on the rise. Oxford was “a debauched place, a rude place, a place of no discipline,” complained the mayor of Oxford in 1679.³⁵

In no places of education are men more extravagant; in none do they learn to drink sooner; in none do they more effectively shake off the firm sensibilities of shame and learn to glory in debauchery; in none do they learn more extravagantly to dissipate their fortunes,

said Vicesius Knox in 1780.³⁶

As the evidence will show, student recreations were disliked for a variety of reasons; they were violent, destructive, noisy, immoral, disrespectful and sometimes illegal. Most significantly, they always carried a hint of subversion; they represented a grasp for power by a subordinate group. To different degrees they inverted the traditional hierarchy, albeit temporarily and mostly symbolically. In doing so, they often employed the tropes, rituals and bawdy humour associated with the traditional popular culture of the lower classes, the carnivalesque. Because of the significance of ritual to these recreations, they will be grouped for discussion according to their degree of ritualisation. The first will be plays and masques, the second calendar rituals, then everyday activities, and finally books and pamphlets.

Plays and Masques

Educators made a distinction between amateur drama performed by the students, which was considered an important element of education, and professional drama performed by visiting acting troupes, which was treated with suspicion because its content could not be predicted or controlled. The professional stage was attacked from the pulpit and the bench and charged with corruption of morals and encouragement of vice. John Evelyn in 1661 went to see *Hamlet* in London but later complained “now the

³⁵ Stone, “Size and Composition”, p. 52.

old plays began to disgust this refined age, since his Majesty's being so long abroad."³⁷ Seven years later he saw *The Evening Lover*, "a foolish plot, and very profane; it afflicted me to see how the stage was degenerated and polluted by the licentious times."³⁸ One playwright, Thomas Baker, whose play *An Act at Oxford: A Comedy* was banned from performance, defended the stage, saying it merely reflected the decay already present in society. Plays could be used to warn people of what not to do, he said, and what would people, especially youth, get up to if there were no plays to see?³⁹

On the other hand, the student plays put on at Oxford and Cambridge were a useful arena for aspiring writers who were perhaps ignorant of the rules of art or lacking in originality. They were often performed in Greek or Latin and modelled on dramas of the classical period, although there was also a high demand for comedy. They were most often performed on the occasion of royal visits or joyous celebrations, which increased the expectation for humour and jollity and allowed for loosening of classical models. Often contemporary allusions and jests were inserted into older forms; the resulting anachronisms and absurdities only increased the audience's amusement. Some of the many student plays performed at Oxford in the seventeenth century include *Hamlet*, *The Queen's Arcadia*, *The Raging Turk*, *Love's Hospital*, *The Lady Errant*, and *Flora's Vagaries*.⁴⁰

Anthony Wood, a student at Oxford, recorded a variety of plays performed there, both professional and amateur, and the disorders they sometimes caused. In July 1660 he claimed that *The Guardian*, acted by "young loyall scholars" at the new dancing school

³⁶ Ibid., p. 52.

³⁷ William Bray, ed., *The Diary of John Evelyn* (New York, 1925), Vol. I, p. 365.

³⁸ Bray, Vol. II, p. 34.

³⁹ Thomas Baker, *An Act at Oxford. A Comedy* (London, 1704), pp. 5-9.

by St. Michael's Church, was put on to spite the Presbyterians "who had been bitter enemies to these things [plays]." ⁴¹ In December *The Ordinary*, acted at Gloucester Hall, was also put on out of spite. ⁴² The consequences of female actors, introduced for the first time after the Restoration, were felt in July 1661 when the Duke of York's company came to Oxford. The scholars ran after the actresses to "take ill courses" and Edward Hyde of All Souls was hanged for his part. These were the first public plays by professionals since the Interregnum and, like the amateur plays performed earlier, they were encouraged in order to spite the Presbyterians. ⁴³ Obviously the adoption of a formerly maligned and outlawed recreation had great political and religious significance. The attraction of spiting the Presbyterians was so great that sometimes it overtook other considerations. When *The Tricks or Flora's Vagaries* was acted at Christ Church by the undergraduates in January 1664 windows were broken in the hall and in Canterbury College, the actors were given over to "drunkenness and wantonness" and Dean John Fell was laughed at by the students. Fell responded by giving the actors supper, Dr. Richard Allestree gave each a book and Dr. Jasper Mayne commended them for their ingenuity. ⁴⁴ As time passed plays became more suspect although no one could keep them from being performed. Wood condemned them in 1667 along with whores, pimps, bawds, buffoons, atheists, papists and rogues and in 1672 discussed them in the same sentence as fooleries, poems, buffooning and "drolling books." ⁴⁵ In 1701 they presented a source of contention between town and gown at Cambridge when the mayor gave a company of actors leave to

⁴⁰ Margaret Lee, ed., *Narcissus* (London, 1954), "Introduction."

⁴¹ Anthony Wood, *The Life and times of Anthony A. Wood, antiquary, of Oxford, 1632-1695* (Oxford, 1889-1900), 19 July 1660.

⁴² *Ibid.*, 19 Dec. 1660.

⁴³ *Ibid.*, July 1661.

⁴⁴ *Ibid.*, 8 Jan. 1664.

⁴⁵ *Ibid.*, Dec. 1667, Jan. 1672.

perform at Stourbridge Fair without the sanction of the vice-chancellor. In response the senate passed a grace upholding the privileges of the university and conferred the authority of the proctors on 62 undergraduates to prevent a breach of discipline. Doggett, an actor, was sent to the gaol and the booth built for a theatre was demolished.⁴⁶

Although the Inns of Court also hosted plays, they were more often associated with masques, which were usually performed for the king and a selection of nobles. These masques were considered polite relaxations in which even the gravest lawyers and statesmen could participate without loss of dignity. They were pleasurable but would also elevate the literary taste and rhetorical powers of the students who participated. Masques were performed by the Inns in 1602, 1612, 1613 and 1634, as part of the Christmas festivities, at the Reader's Feast, or to celebrate a royal wedding or birth.⁴⁷

Masques featured dances, songs, an antimasque, disguises, and audience participation, even by the king. The antimasque included carnivalesque elements such as clowns, rustics and grotesques.⁴⁸ They were highly symbolic of hierarchy as they were preceded by a procession from a staging location, usually the house of a prominent noble, to the place of performance, usually Whitehall Palace. The procession of 1613 was headed by "fifty gentlemen, richly attired and as gallantly mounted, with foot-men particularly attending." These were followed at "a fit distance" by a

mock-maske of baboons, attired like fantastical travellers, in Neapolitane suits and great ruffles, all horst with asses and dwarf palfries, with yellow foot-cloathes, and casting cockle-demois about, in courtesie, by way of largess; torches boarn on either hand of them, lighting their state as ridiculously as the rest nobly.⁴⁹

⁴⁶ Cooper.

⁴⁷ Robert Pearce, *A History of the Inns of Court and Chancery* (London, 1848), p. 81.

⁴⁸ F. S. Boas, *An Introduction to Stuart Drama* (London, 1948), p. 385.

⁴⁹ W. P. Baildon, ed., *Records of the honorable society of Lincoln's Inn*. (London, 1897-1968), Vol. II, p. 435.

The close juxtaposition of the fifty gentlemen with the dressed up baboons (actually young boys) must have struck some in the audience (for great crowds of Londoners were drawn to these processions) as both hilarious and meaningful. Whether the actual intention was to mock the extravagance of the nobility can only be guessed at. Certainly the procession must have had the simultaneous effect of impressing upon observers of all ranks the wealth and power of the participants. In fact the Inns had to dig deeply into their resources and the pockets of their members to fund these elaborate displays. The masque of 1633 required a contribution of £600 from each Inn⁵⁰, which was taxed at the Inner Temple at the rate of £5 from each benchler, 50s. from each utter barrister of seven years standing, 40s. from each utter barrister under seven years, and 20s. from each inner barrister.⁵¹

After the Restoration plays gradually replaced masques at the Inns (the Inns' relative poverty in this period must have been a factor) and by custom were put on at All Hallows and Candelmas. Twenty plays were recorded at the Inner Temple between 1660 and 1688, usually combinations of a tragedy or comedy with a farcical subplot. There plays were usually performed by the king's players, sometimes the duke's. The actors received about £20 per play.⁵² Sometimes this money was collected from the students, as in May 1598 when each student at Lincoln's Inn was ordered to contribute 3s. 4d. per term to the actors who had performed the previous Christmas.⁵³ Only once in the seventeenth century were plays banned at the Inns; that was in 1611 at the Inner Temple.

⁵⁰ Charles Hopwood, ed., *A Calendar of the Middle Temple Records* (London., 1903), 11 Oct. 1633.

⁵¹ F. A. Inderwick, ed., *A Calendar of the Inner Temple Records* (London, 1896-1936), 12 Nov. 1633.

⁵² *Ibid.*, "Introduction".

⁵³ Baildon, 12 May 1598.

The benchers issued the order because "great disorder and scurrility is brought into this House by lewd and lascivious plays", but it was repealed nine months later.⁵⁴

Calendar Rituals

Another rich source of recreation and entertainment at the universities and Inns of Court were celebrations associated with the ritual calendar, which was packed with Christian festivals, national celebrations, pagan rites and rituals peculiar to the universities and Inns. These were celebrated annually on specific days of the solar and lunar calendars with specific activities, dress and food dictated by long-standing tradition. They commemorated past events, some more distant than others, and no doubt evoked strong feelings of patriotism, joy, solemnity, and Christian devotion. But at the same time they constituted a welcome escape from the rigid restrictions of a highly stratified society. Thus they were occasions of a great deal of revelry, mirth, violence and destruction of property, often to the dismay of the authorities and the more sober students. These rituals will be discussed as much as possible in chronological order. A summary of their dates and significance is given in Appendix A.

The early part of the year from Shrove Sunday to Easter Sunday was given over to Lent and Easter. At Oxford the Saturday before Ash Wednesday was Egg Saturday. According to Wood, on this day the Collectors of the Determining Bachelors gave an entertainment, which was associated with the Lent Disputations required by the university towards the completion of the BA. Thomas Baskerville reports that the food on this occasion included muscadine (a type of wine), eggs, figs, almonds and wine and that the students were all dressed in their formalities (gowns and caps). The feasting was followed by a speech given by the Collector, who then collected his fees. After this

⁵⁴ Inderwicke, 10 Feb. 1611, 24 Nov. 1611.

everyone went to St. Mary's (the university church) to pray.⁵⁵ This custom seems to have been in decline after the Restoration, as in 1678 Wood reports there was only one Collector and the entertainment was suppressed by the proctors. The Collectors had been accustomed to spending over £100 on the clothes and entertainments on this day, so perhaps this custom, like many others in this period, was a victim of the rising expense of entertainments associated with the increased extravagance of the nobility.⁵⁶

The following Tuesday was Shrove Tuesday. On this day at Oxford the undergraduates held their Salting Night, a ritualized initiation of the freshmen. Wood provides a detailed description of his Salting Night at Brasenose College, which he experienced in 1648 at the age of sixteen. A fire was made in the common hall before 5 p.m. and supper was had at 6 so that the fellows might leave the hall to the undergraduates, with instructions to keep good order. A container of cawdel was placed on the fire. Then each freshman, according to his seniority, removed his gown and band and made himself look like a "scoundrel." He was made to stand on a platform by the high table and make a speech. If it was well done, he received a cup of cawdle, if indifferently, some cawdle and some salted drink, if dull, nothing but salted drink or salted beer. Next the senior cook administered to him in Latin an oath over an old shoe, a parody of the oath required by the university. One part of the oath required the freshman to swear not to visit Penniless Bench, a seat near St. Martin's Church for "butterwomen and hucksters" (a place of ill repute often subject to ridicule). Having delivered the oath the boy kissed the shoe, replaced his gown and band and took his place with the seniors.⁵⁷

⁵⁵ H. Baskerville, ed., "Thomas Baskerville's Account of Oxford, Written in 1683-6, ed. by H. Baskerville" in Charles Fletcher, ed., *Collectanea, First-Fourth Series.* V. 47 (Oxford, 1905).

⁵⁶ Wood, 9 Feb. 1678.

⁵⁷ *Ibid.*, I, p. 140.

The oath over the old shoe and the compulsion to present a speech for the judgement of others were appropriate parodies because they mocked ceremonies that were actually required of each student by the university authorities. To the freshman, initiation into the company of his peers must have been as, if not more, important than official admission into the university by the vice-chancellor. The manner of this initiation is very telling since unity among the students was often maintained through opposition to the authorities in an "us" versus "them" mentality.

The next day being Ash Wednesday, the bachelors at Balliol College, Oxford treated the dean, the fellows and the Aristotles (those who disputed with the dean in a declaiming bachelor's place) to wine, meat and other food.⁵⁸ At Cambridge since the thirteenth century there had been a tradition of great animosity between northern and southern students, which was expressed through martial processions on festival days, particularly Ash Wednesday. By a long-standing statute each side had elected captains, giving them the names of the principal university officers, and summoned partisans with horns, trumpets and bells. These activities sometimes leading to bloodshed, they were forbidden on the feasts of St. Hugo, St. Edward, St. Cuthbert and St. William of York by a later statute, under pain of excommunication.⁵⁹

Another Oxford tradition during Lent was coursing, disputations by college. Because the students were divided by college a great deal of rivalry was created, often resulting in scuffles and fights. In Wood's time the coursing was often neglected by the vice-chancellor, probably to avoid these fights.⁶⁰ At about the same time the new proctors were formally admitted to their offices. Being the principal symbols and instruments of

⁵⁸ Baskerville.

⁵⁹ Peacock.

day-to-day discipline at the universities, they inspired both fear and ridicule. Often their inaugural parade was greeted with disrespectful hoots and humming. In 1665, Wood reports, the undergraduates were so impudent that they kicked a barrel up the street “abreast” of the proctors as they paraded to the colleges. The vice-chancellor, Robert Say, walked on and did not reprove them.⁶¹ The next year the undergraduates laughed, stared the proctors in the face and cried “Hum Bury but Hum as and Thom as” because the outgoing proctors were named Phineas Bury and David Thomas.⁶² It was a tradition in some of the colleges on this occasion for the students to receive biscuits and drinks in the hall, but this too was not respected and in 1673 the undergraduates of Trinity and Wadham scrambled for their biscuits and stole the bottles and glasses.⁶³

May 1 was May Day, a spring festival celebrated widely in England by all classes of people. The key symbol of the festival and object of Puritan anger was the maypole. Just three weeks after Charles II was proclaimed King of England on May 10, 1660, Wood counted 12 maypoles and three morrises in the town of Oxford set up in opposition to the Puritans.⁶⁴ On May 1 the vice-chancellor, John Conant, with his beadles and servants, had tried to saw down a maypole set up next to the Bear Inn, but was forced to leave.⁶⁵ Sometimes a maypole could serve a more personal cause, as in 1670 when one was put up in Cat Street by Short, the owner of a coffeehouse and the churchwarden. A paper mounted on it said that the street should be called, as anciently, Gratian Street.⁶⁶ The fact that a church warden would set up a maypole and use it for political purposes

⁶⁰ Wood, 7 April 1666, 23 March 1678.

⁶¹ *Ibid.*, 6 April 1655.

⁶² *Ibid.*, 26 April 1666.

⁶³ *Ibid.*, 9 April 1673.

⁶⁴ *Ibid.*, 31 May 1660.

⁶⁵ *Ibid.*, 1 May 1660.

⁶⁶ *Ibid.*, 12 May 1670.

reminds us that not all religious figures were opposed to this spring rite, pagan though it was. Wood reports that with the decline of the Puritans after the Restoration the zeal of the opposition flagged and subsequently there were only one or two maypoles each year in Oxford.⁶⁷ One exception was 1693 when Wood reports as many maypoles in England as in 1660 and 1661.⁶⁸ Likewise the traditional May Day song sung at Magdalen since 1660 was neglected by 1688 for want of choristers and clerks.⁶⁹

At the other end of the summer were the customary fairs, including Stourbridge Fair near Cambridge. Despite its reputation for encouraging disorder among the students and its association with plays, the fair was proclaimed and attended by the vice-chancellor and wine and cakes were provided by the senior proctor.⁷⁰ “Greenhorns” were admitted to the freedom of the fair by “Lord Tap, the ancient functionary ‘arm’d all over with spiggots and fossets, like a porcupine with his quills, or looking rather like a fowl wrapt up in a pound of sausages.” “Lectures and everything gave way” to the fair and “everyone gulped down his dinner to hurry to it.”⁷¹

At the Inns of Court revels or Grand Days were usually held on Candelmas Day, Ascension Day and All Saints Day. One or more Masters of the Revels were chosen annually by the Bench to oversee the revels and particularly to obtain the food and drink and ensure the provisioners, the brewer, baker, butcher, chandler and others, were paid. This does not seem to have been a very rewarding task as frequently Masters were fined

⁶⁷ Ibid., 31 May 1660.

⁶⁸ Ibid., 1 May 1693.

⁶⁹ Ibid., 1 May 1688.

⁷⁰ Adam Wall, *An account of the different ceremonies observed in the Senate House of the University of Cambridge* (Cambridge, 1798).

⁷¹ Christopher Wordsworth, *Social Life at the English Universities in the Eighteenth Century* (Cambridge, 1874), p. 187.

for neglecting their duties, particularly after the Restoration.⁷² Over 100 years the fine at Lincoln's Inn increased from £11 6s. 8d. to £20, reflecting an inflation of currency but perhaps also a more serious approach to enforcement.⁷³ The barristers also showed a reluctance to participate in the revels, perhaps, as one historian has suggested, because the dances maintained by the benchers were considered old-fashioned.⁷⁴ In 1610 the utter barristers of Lincoln's Inn were put out of Commons for refusing to dance on Candelmas Day when the Judges were guests at the revels "according unto the ancient order of this Society." If it were to happen again, warned the benchers, they would be fined or disbarred.⁷⁵

The revels sometimes led to disorders. In 1629 women entered Lincoln's Inn so the bench ordered that the door leading to the gallery be locked each revel night. The Chief Butler was to enforce this order and give a copy of it to the Master of the Revels.⁷⁶ During the Interregnum the revels were suppressed by order of Parliament but revived in response to a student petition in 1655.⁷⁷ Evidently the students did not always neglect or scorn the revels, yet by 1682 the benchers again felt the need to enforce their observance, saying,

Whereas the festival days in Michaelmas and Hilary Terms, formerly solemnized in this Society, have not of late so been, whereby the gentlemen of this Society are discouraged to capacitate themselves to be revellers; The Masters of the Bench of this Society in Council...do declare that such gentlemen as will fit themselves for that exercise, and will give in their names to the Chief Butler that they will be revellers upon occasion, and shall perform the same, shall have all privileges and other encouragements that revellers in this Society formerly had.⁷⁸

⁷² Baildon, 1588, 1677, 1682, 1685, 1687.

⁷³ *Ibid.*, 1588, 1687.

⁷⁴ Wilfred Prest, *The Inns of Court under Elizabeth I and the Early Stuarts 1590-1640* (London, 1972). Their solemnity was mocked by Shadwell in *The Virtuoso*. Inderwicke, III, "Introduction."

⁷⁵ Baildon, 3 Feb. 1610.

⁷⁶ *Ibid.*, 24 Nov. 16229.

⁷⁷ *Ibid.*, 28 Nov. 1649, 19 Nov. 1655.

⁷⁸ *Ibid.*, 17 Feb. 1682.

The deliberate encouragement of student recreation by the benchers may seem to contradict the general trend of opinion of educational authorities towards entertainment, but these revels were hardly rowdy or subversive popular recreations. They mostly consisted of feasting, proper and decorous dancing, and a sermon, since they took place on Christian holy days. For example, for the Grand Day held at Lincoln's Inn at Candelmas 1705 the benchers invited Lord Haversham, speaker of the House of Commons, the Judges and Serjeants of the Inn and Sir Thomas Cook, an Associate of the Bench, to dinner, for which the steward was to prepare appropriate fare. The Master of the Revels was to attend and a sermon would be preached.⁷⁹ It may in fact be that the revels were encouraged in the hope that they would take the place of other, less acceptable, activities.

Returning to Oxford, a significant custom at All Souls College was Mallard Night. Thomas Baskerville, a contemporary of Wood, says it was held around All Souls Day,⁸⁰ but another, nineteenth century, account places it on January 14.⁸¹ It may be that the date changed sometime between the seventeenth and nineteenth centuries. Otherwise, however, the two accounts are nearly identical. Describing the justification for this custom, which was a type of "fresh night" for the fellows of the college, Baskerville writes,

For the grave Judges have sometime their festival days, and dance together at Sergeants Inn; The Country people will have their Lott-meads, and Parish feasts; And Scholars must have some times of mirth to meliorate their great sobriety, for

There is a time
When wit and wine

⁷⁹ *Ibid.*, 27 Jan. 1705.

⁸⁰ Baskerville.

⁸¹ "Fresh Nights 1648-61", *The Oxford Magazine*, 10(22) (June 1892).

Will tickle the pate with pleasure
 And make one breathe
 And vent with ease
 The debates o' the mind at leisure.⁸²

Here Baskerville explicitly compares this college entertainment with the revels of the Inns of Court and the popular recreations of the common folk. Regardless of their differences in rank, he argues, all people have in common the need for relief from sobriety and work. In fact the Mallard Night was very “popular” in its format. Six electors nominated the Lord of the Mallard (a cousin of the Lord of Misrule and the Boy Bishop) to supervise and pay for the ceremony. He then appointed six officers to march before him with white staves and wearing medals strung on blue ribbons. The medals featured the Lord of the Mallard and his officers on one side, a mallard on a pole on the other. Sitting on a chair or mounted on a coule-staff (the pole used to carry a coule or bucket between two men), the Lord was carried around the college quadrangle by his officers. The use of the pole gives the ceremony the flavour of a popular riding or skimmington.⁸³ The riding was accompanied by a ridiculous song, the first verse of which goes as follows:

Griffin Turkey Bustard Capon
 Let other hungry mortals gape on
 And on their bones with stomachs fall hard
 But let All Souls men have the mallard
 Hough the blood of King Edward, by the blood of King Edward
 It was a swapping swapping Mallard.⁸⁴

⁸² Baskerville, p. 201.

⁸³ John Ray reports that scholars at Cambridge were forced to ride a “stang”, a “colt-staff or pole”, for missing chapel. *A Collection of English Words Not Generally used* (London, 1674), p. 14. The stang was also used as a punishment for husbands who beat their wives. James Halliwell, *A Dictionary of Archaic and Provincial Words* (London, 1855).

⁸⁴ Baskerville., p. 202.

Like many of the songs, speeches and jokes passed around the university, this song featured sexual humour, which is socially significant because it elevates the “lower bodily stratum” above its normally subservient and hidden position.⁸⁵ For example:

Swapping he was from bill to eye
Swapping he was from wing to thigh
His Swapping tool of generation
Out swap'd all the winged Nation...⁸⁶

In fact the riding itself, with its phallic pole, also employed sexual humour. After the song the students knocked at the doors of the seniors and demanded crowns, which were readily given. Then they took twenty to thirty torches and sang before the college heads. Plenty of wine was drunk in the common room and the buttery as well as the blood of the mallard chops. By the time everyone retired to bed the sun was up. The custom of Mallard Night is one of the most clearly popular traditions at either university or the Inns of Court, which makes it all the more surprising that it lasted into the nineteenth century.⁸⁷ I have found no evidence of its ever being suppressed by the authorities.

All Souls Day falls in November, which was a great season of bonfires in seventeenth century England. Usually bonfires were used to burn things: effigies of the Pope or Guy Fawkes, cats or other animals (because their cries of pain were considered entertaining), or outlawed books. On Guy Fawkes Night 1674 John Evelyn noted that “this night the youths of the City [London] burnt the Pope in effigy, after they had made procession with it in great triumph, they being displeased at the Duke [of York] for altering his religion, and marrying an Italian lady.”⁸⁸ Wood reports that on the same date four years later, shortly after the Popish Plot was discovered in London, the Pope was

⁸⁵ Mikhail Bahktin, *Rabelais and his World* (Bloomington, 1984).

⁸⁶ Baskerville, p. 202.

⁸⁷ “Fresh Nights”.

burned in effigy at Edmund Hall and Brasenose College and a white cross was burned at St. Clement's. Richard Langhorne and Edward Coleman, two of the alleged plotters, were also burned in effigy.⁸⁹ In November 1682 bonfires on Elizabeth I's birthday were prohibited by the king to prevent "tumult", "yet the factious people being hindered from burning the pope, they drowned him."⁹⁰ Later that month the Tories (which most at Oxford were) lit bonfires to celebrate Lord Norris's having been made Earl of Abendon. His health and the healths of the king and the duke of York were drunk and guns were discharged by the trained bands.⁹¹

Also in November or December the senior dean of Merton sometimes gave the bachelors a "black night." There is little evidence of what happened on these occasions but in 1676 a "great rudeness" was committed and in 1685 ten "colliers of brawne" were lost and part of "Okely's victuals."⁹² November ended with St. Andrew's Day, which was celebrated at Christ Church with food and strong beer provided by the brewers and cakes provided by the bakers. Also the well-off students gave money to the under butlers.⁹³ The final festival of the year was Christmas, which will be discussed in the next chapter.

Everyday Activities

Although seasonal rituals were a rich source of amusement and disorder at the universities and Inns of Court, many students found opportunities to entertain themselves and irritate their elders on a daily basis. If we are to believe the record keepers, who, it must be said, were largely disapproving observers rather than enthusiastic participants (or wanted posterity to see them that way), debauchery, immorality and disobedience were

⁸⁸ Bray, p. 92.

⁸⁹ Wood, 5 Nov. 1678.

⁹⁰ Ibid., 15, 17 Nov. 1682.

⁹¹ Ibid., 27 Nov. 1682.

rampant after the Restoration. Given the austerity and solemnity of the Puritan Interregnum, it is not surprising that the Restoration period appeared to contemporaries (and historians) as extravagant in comparison.

Anthony Wood was a particularly meticulous and disapproving recorder of the “vices” of his day. Every December he appended to his journal for the year just ended a summary of the progress of debauchery at Oxford thus far. In 1660 he noted that in response to the restoration of monarchy and Anglicanism the fellows of the university had brought back “prelaticall garbe”, symbols of the monarchy, the Common Prayer and surplices, and were trying to make “the intervall-way” (Puritanism) look ridiculous. The Presbyterians had countered with discourses, libels and pamphlets comparing the organ to the whining of pigs and the singing of hymns to that of “a jovial crew in a blind ale-house.” They called Anglican prayers and preaching superstitious and so formal that one misplaced word caused them to begin again. They called Anglican surplices hypocritical because they were worn by slovens, scoundrels and drunkards. Religious conflicts always provided entertainment and food for gossip at Oxford through pamphlet wars, jokes and public insults, and the students sometimes benefited from disagreements over discipline. As noted earlier, actors were deliberately invited to Oxford to annoy the Puritans. Wood reports that loitering, walking, riding and drinking on Sundays, may-games, morrises, revels, drunkenness, swearing and wenching were also permitted for that reason and libels and speeches abusing Presbyterians were encouraged. Dissenting conventicles were silenced while meetings of Papists were overlooked. On the other hand, during the Act in 1661 surplices were mocked and it was said that “the devill appeared severall times in a

⁹² Ibid., 29 Nov. 1676, 16 Dec. 1685.

⁹³ Baskerville.

surplice in Magdalene College cloyster.” In January 1661 “some varlets of Christ Church” put some surplices down the privy and used long sticks to push them into the excrement. The Presbyterians were so pleased that they offered “an encouraging gratuity” to those who had done it. This act was followed by a lampoon by Thomas Smith of Christ Church entitled “Lowe’s Lamentation” after Edward Lowe, the college’s organist. It began,

Have pittie on us all, good Lairds,
For surely wee are all uncleane;
Our surplices are daub’d with tirds,
And eke we have a shitten Deane.⁹⁴

Here we can see the use of scatological humour for political purposes as well as amusement. The act of covering the surplices in excrement was a dramatic physical demonstration of a particular attitude towards the Anglican Church and a daring subversion of religious protocol.

Wood continued to report the abuses of his colleagues until his death in 1695. In December 1661 he lamented the “decay of learning” as students now lived like gentlemen, kept dogs and horses, turned their studies and “coleholes” into “places to receive bottles” and wore long periwigs and swords. The masters had lost their respect because they were scandalous and kept company with undergraduates. However, fresh nights, caroling and Christmas sports had vanished.⁹⁵ The following year the university was in decline because Puritans and Papists were sending their children elsewhere. Studiosness was laughed at in an age given to brutish pleasure and atheism.⁹⁶ In 1665 he reported that the principals of the halls were rarely resident and if so, were not good

⁹⁴ Wood, Dec. 1660.

⁹⁵ Ibid., Dec. 1661.

⁹⁶ Ibid., Dec. 1662.

governors. For example, Dr. John Lamphire of Hart Hall was “given to his pleasures.” In his hall doors were left open all night and neither religion, the law nor the gospel was observed. Exeter College was also debauched by a drunken governor.⁹⁷ In 1666 many things were in need of reform. Bawdy houses and “light” housewives were spreading the pox until it was so common that its victims gloried in it. Corrupters of youth lurked in the town; seminary priests walked openly in the streets without gainsay or opposition; many alehouses allowed dice, cards, skittles, shuffle-board and billiard tables; extravagant clothes, lying, swearing and atheism prevailed. Fresh nights apparently had revived because Wood reported a jeering speech made that year in Brasenose, which declared “an ounce of Popery is better than a shillingsworth of Armin[ian]isme”, referring to William Chillingworth of Trinity.⁹⁸

According to Wood, by 1674 commoners in town were wearing excessive clothing, including lace, false hair, aprons, petticoats and laced shoes. The gentlemen scholars were wearing square caps with the permission of the vice-chancellor. As noted previously, sumptuary regulations and particularly those concerning dress were very important to such a hierarchical society. Also coffeehouses had become popular by this time and students now neglected their learning in favour of attending them to hear and tell gossip and deride their superiors.⁹⁹ The following year Wood noted that it was considered pedantic to speak in Latin or to use it in book titles, to dispute theologically at meals or to be zealous and earnest (all things, one suspects, that he did himself). Wood complained in 1678 that scholars were buying pamphlets rather than serious books, hanging out in coffeehouses to gossip and banter, drinking in their chambers and studies

⁹⁷ Ibid., Sept. 1665.

⁹⁸ Ibid., Dec. 1666.

and at taverns and alehouses, and neglecting their disputations.¹⁰⁰ He also compiled a list of the jokes then circulating at Oxford. They consist of a fascinating mixture of scholarly wit, Latin puns and scatological and sexual references, providing an excellent example of the complicated nature of the relationship between “popular” and “elite” culture in this period. Many took aim at the authority figures of the university, such as this story attributed to Alexander Fisher of Merton College:

In the year 1603 were proctors of the University of Oxon, Mr. Christopher Dale, of Merton College, and Mr. William Laud, of St. John's. The former was a very severe man in his office, and thereby got hatred of many: The other was a very little Person in Body but civil and moderate. Whereupon Dale, when he made a Speech in Convocation at the giving up of his Office, was not only hissed and hooted at by the Undergraduates there, but in his way home; and thereupon it was said by a Merton College man, that he was *Proctor cum parva Laude*.¹⁰¹

Another that used a Latin pun went as follows: “When a Dunce was created Master of Arts R. S. said it might well be, for *Omnes Creatio est ex nihilo*.”¹⁰² A sexual joke that refers to a popular figure of fun, the cuckold, recounts how

a Scholar coming to a Townsman's Wife, enquir'd earnestly for her Husband, telling her, he was surely fallen into the Fire: She looking, and finding no such Matter, demanded what made him think so? Why, saith he, there is such a stink of Horns before the Door, that I durst have sworn he had burnt his Head.¹⁰³

A most direct and crude joke, and yet still with a scholar as its object, was told thus: “Dr. Kettle would say of Seneca's Style that he wrote, as a Boar pisses, -- by Jerks.”¹⁰⁴ These jokes have a low, bawdy flavour but they are dusty as well. That is, they are funniest to those people who spend most of their time reading, studying and speaking Latin and would have been incomprehensible to most of the population of England at the time.

⁹⁹ Ibid., Dec. 1674.

¹⁰⁰ Ibid., Dec. 1678.

¹⁰¹ *Modius Salium* (Oxford, 1751), p. 5.

¹⁰² Ibid., p. 7.

¹⁰³ Ibid., p. 12.

¹⁰⁴ Ibid., p. 18.

They are a very interesting blend of the high and low, as are many of the scholars' pastimes. As discussed earlier, the upper and lower classes were familiar with each other's cultures and held many things in common, but each element was adapted to meet the specific needs of those using it.

As well as his semi-annual summaries of debauchery, Wood recorded many incidents of disorder as they happened, which tend to support his conclusions about the dreadful state of the university. However, he does not often report the occasions when students were obedient, attentive to their studies and dutiful followers of the church, as these were largely uninteresting to him and less noticeable. Keeping in mind that disorder was rather the exception than the rule, it can still provide some insights into student attitudes towards the authorities and the cultural mores they were trying to instill. For example, on Michaelmas Day 1662 several scholars were caught stealing geese at Wolvercote. While one was pursued, one wounded and one captured, forty others returned, rescued him, broke all the windows, stuck a goose on the end of a staff and marched through the town and home in triumph.¹⁰⁵ They had rebelled against attempts to punish them and proclaimed their success with a triumphal procession complete with a symbolic trophy or prisoner-of-war. This was a typical feature of popular rebellions; often when peasants rioted over bread prices, for example, and rioters were taken to the gaol, the crowd would rise up and rescue the prisoners and march through the streets with an appropriate trophy, like a loaf of bread, on the end of a pike or pitchfork.¹⁰⁶ On another occasion eight scholars broke windows and shutters in Kennington Wake and four were taken by the townsmen and imprisoned in the Bull Inn all night. The vice-

¹⁰⁵ Wood, 29 Sept. 1662.

¹⁰⁶ John Stevenson, *Popular Disturbances 1700-1870* (London, 1979), p. 105.

chancellor made them repair the damage and sent them to the country for a while, but he did not expel or whip them. Wood speculates that his lenience was due to their belonging to a particular college, probably his own.¹⁰⁷

The importance to the university of the distinction between town and gown is demonstrated by an incident in July of 1672. Robert Pauling, an attorney, Edward Cole, his servant, and Marsh, a butcher, were made to stand at the door of the convocation house wearing gowns inside out and backwards and holding papers reading "For wearing scholars gowns, affronting the proctors, and raising of tumults." Next to them, *sans* gowns and caps, stood the two servitours of All Souls who had lent the townsmen their gowns and had done mischief and assaulted people at night "during the Act."¹⁰⁸ The choice of punishment was significant. Normally the wearing of a gown inside out and backwards, like the world-upside-down motif of popular literature and art, would have demonstrated a shocking disrespect for the gown and the academic community it represented, but in this case it was likely used to make the offenders look ridiculous and shame them into obedience in the future. This example shows how apparently subversive elements of popular culture could be co-opted by elites to maintain the social hierarchy and their authority.

There were many other disorders at Oxford whose causes and consequences were less significant. Often they merely resulted from excessive drinking and the aggressive nature of students in a time when it was still acceptable among the elite for a boy of eight or ten to carry a sword.¹⁰⁹ Undergraduates assaulted women in town¹¹⁰, fought with each

¹⁰⁷ Ibid., 20 July 1668.

¹⁰⁸ Ibid., 17 July 1672.

¹⁰⁹ Phillipe Aries, *Centuries of Childhood: a social history of family life* (New York, 1962).

¹¹⁰ Wood, 6 June 1681.

other and with townsmen¹¹¹, came to chapel drunk and vomiting in their hats¹¹², broke windows, robbed¹¹³ and laughed during vespers.¹¹⁴ There were so many robberies in October and November 1687 that a special watch of 24 men was appointed by the vice-chancellor and the mayor to keep the streets clear and keep an eye on the suspects.¹¹⁵

The students at Cambridge were no better behaved. The Senior Sophister of Peter House was suspended for disturbances and uncivil actions, including blowing a horn in the school when the sophisters were huddling (hurrying through formal exercises).¹¹⁶ Scholars were forbidden from entering various taverns and houses of bad reputation.¹¹⁷ The master of Magdalene, J. Peachell, had to order the seniors not to force the juniors to bring them cherries, berries or other fruit.¹¹⁸ And Zacharius Conrad Von Uffenbach, who visited Cambridge in 1710, reported that students rang the church bells when they pleased and sometimes had accidents as a consequence.¹¹⁹

At the Inns of Court many disorders took place during the four vacation terms when the benchers were absent from the Inn. To address this problem the benchers often ordered their servants, the butlers, paniermen, cooks and undercooks, to watch the Inn during vacation, and gave them extra pay and rewards for doing so.¹²⁰ One of the reasons for disorders at vacation time was that by custom the utter barristers exercised some degree of authority in the benchers' absence, but what precisely this authority consisted of was a matter of much contention. Sometimes the inner barristers tried to take

¹¹¹ Ibid., Jan 1682, 15 Sept. 1673, 11 April 1683.

¹¹² Ibid., Jan. 1682.

¹¹³ Ibid., 18, 19, 24 Oct. 1687.

¹¹⁴ Ibid., 20 Nov. 1687.

¹¹⁵ Ibid., 21 Nov. 1687.

¹¹⁶ Fowler, 19 Dec. (no year given).

¹¹⁷ Ibid., 1675/6.

¹¹⁸ Ibid., 1679.

¹¹⁹ J. E. B. Mayor, *Cambridge Under Queen Anne* (Cambridge, 1911).

advantage of this disagreement. For example, in 1629 at the Middle Temple the “Masters of the Bar fined George Oglander 10s. for taking away a buckler-piece from the Steward serving up to the Bar table, and he being convented before them, came to the upper end of the table, clapt his hat on his head, and used unbecoming speeches.” When the fine was entered in the Buttery Book he snatched it away and, “accompanied by all the gentlemen under the Bar, then in Hall...blotted out the order, telling the Masters they had no power to fine him, and that ‘they would be Benchers before their time.’” The benchers considered his conduct worthy of expulsion but since he demeaned himself respectfully in parliament he was only fined 10s. and put out of Commons.¹²¹ An analysis of the parliamentary records of the Inns between 1700 and 1800 reveals that the benchers hardly ever adhered to their punishments and any student who was willing to apologize and humble himself before them was almost guaranteed to be pardoned or granted a lighter sentence.

Sometimes a pardon was demanded by the offender’s fellows, resulting in further disorders at the Inn. At Lincoln’s Inn in 1635, for example, some students rushed the Bench Table at dinner and demanded that Edward Heron be restored to Commons. The Bench agreed to consider the matter but reprimanded the students for their rude manners. They called a council after supper and invited no more than five or six representatives to attend. Nevertheless, more than that number arrived and pressed into the room “in a bold manner.” They demanded an immediate resolution and broke the Bench Table, trestles and forms in the hall. When the judges heard of the incident they ordered some of the offenders to appear before them. They decided such a public offence deserved public

¹²⁰ Baildon, 27 May 1593, 26 Jan. 1626.

¹²¹ Hopwood, 27 Nov. 1629.

punishment so they sent Heron, Coe, Garland and Selwood to the King's Bench prison. In addition the benchers suspended Coe, Garland, Selwood, Scroope, Southcott and Medhop.¹²² Although Heron was not restored to Commons, Selwood, Garland and Coe were five months later after they had submitted a humble petition and visited each of the benchers individually to apologize.¹²³

The most infamous of the barristers' recreations was dicing and carding, since gambling was considered a sin by many and a waste of money and time by others. But its place at the Inns was maintained not only by long-standing tradition but also by economic necessity since the Inns, like modern day casinos, managed to keep a lot of the money generated thereby for themselves. As mentioned previously, the Inns were particularly poor after the Restoration when admissions to chambers dropped considerably.¹²⁴ Nevertheless attempts were made to reduce or abolish gambling. In October 1629 at Lincoln's Inn an order was passed forbidding dicing and carding in the hall on Saturday nights to better prepare the students to keep the holy Sabbath the next day.¹²⁵ The next month the Chief Butler and the Second Butler petitioned for compensation for loss of income due to this order. It would remove "the greatest part of the avayles belonging to his office," claimed the Chief Butler. He was granted £30 a year, the Second Butler 20 marks.¹²⁶ Since some of the servants of the Inns benefited from student gambling they may have been supporters of its maintenance rather than enforcers of the orders against it.

¹²² Baildon, 17 June 1635.

¹²³ Ibid., 4 Nov. 1635.

¹²⁴ See above, pp. 47-48.

¹²⁵ Baildon, 29 Oct. 1629.

¹²⁶ Ibid., 3 Nov. 1629, 24 Nov. 1629.

The following January the third and fourth butlers followed suit and were each granted 20 nobles a year.¹²⁷

William Prynne, author of *Histrion-Mastix: the Player's Scourge and Actor's Tragedy* (1633) and an utter barrister of Lincoln's Inn, wrote in 1654 of his great frustration at the barristers' attachment to their traditional customs. It

being a great corasive to my spirit, grief to my heart, and scandall to many religious lawyers, students and our lecturers, I used my best endeavours to reform this long continued abuse; and by my interest in some pious benchers of Lincoln's Inne procured them by an order of council to suppress all publike gaming and dicing in the hall, with all Grand Christmasses and disorders in that abused season; and likewise to restrain the length of their revels on Saturday nights, by confining them to a certain houre; though they could not totally suppress them, as they and I desired, being over ruled therein by the majority of benchers, pleading long prescription, custome, and unwillingnesse to displeas the revellers and young students, for their continuance.¹²⁸

Suspicious of the economic justification for dicing, he asked:

Was it of purpose to enrich the Butlers, or to defray their Christmas expenses; as if Inns of Court Gentlemen were so beggarly, that they could neither maintain their Officers, nor Christmas Commons, without the infamous Alms or *turpe lucrum* of their Dice-boxes?¹²⁹

Although he had a point in that the barristers were largely wealthy, it was notoriously difficult to get any money out of them.

Books and Pamphlets

William Prynne's opinions did not make him popular with the barristers or the state. *Histrion-Mastix* was considered a seditious, infamous and scurrilous libel by the benchers of Lincoln's Inn. For its publication Prynne was expelled from the Inn and

¹²⁷ *Ibid.*, 26 Jan. 1630.

¹²⁸ David Lemmings, *Gentlemen and Barristers: The Inns of Court and the English Bar 1680-1730* (Oxford, 1990), p. 217.

¹²⁹ William Prynne, *Histrion-Mastix* (London, 1633), "Dedication" cited in Baildon, II, p. 289, n.

fined, imprisoned and beaten by order of Star Chamber.¹³⁰ However, it was by no means the only publication authored by a student that was considered inappropriate, disrespectful or rude. Wood reports a flood of pamphlets at Oxford in 1679 after the lapse of the Licensing Act upon the dissolution of the Cavalier Parliament. Many were attacks on papists, he says, and “some verie silly.”¹³¹ Two examples will be discussed: *A Hue and Cry After Good Friday, Lost in the Oxford Almanack* (1672) and *The Servitour: A Poem* (1709). Libels associated with the *terrae filii* will be discussed in Chapter Four.

A Hue and Cry, by an anonymous author, was presumably written after the *Oxford Almanac* was published with Good Friday missing. Similar publications lamented the loss of other days of the year¹³², so it seems that the publishers of the *Almanac* often made errors, giving the students a delightful opportunity to mock their elders. The poem is silly, funny and irreverent but also clever and politically relevant. For example, it refers to the constant religious battles of the Stuart period in the lines: “If Romanists succeed, they’l whip about / The Hereticks, which left *Good Friday* out.”¹³³ The opportunity is taken to mock academics where they should excel, in scholarship:

Return to Grammer School again; come, come,
Learn to decline *Bonus, bona, bonum*.
What learn’d in Arts; and yet forgotten *Good*
Which vulgar in science hath understood
Mechanicks Rusticks that same day could name,
And can’t learn’d Artists? out upon’t for shame.¹³⁴

And they are warned that there are plenty of students ready to publicly mock those who make even the slightest mistake in print:

¹³⁰ Baildon, 24 April, 1634.

¹³¹ Wood, July 1679.

¹³² For example, J. A. Wallis, *A Treatise Concerning St. Matthias Day, Misplaced in the Oxford Almanack for 1684 at Feb. 24.* (1719).

¹³³ *A Hue and Cry after Good Friday, Lost in the Oxford Almanack* (1672), ll. 17-18.

¹³⁴ *Ibid.*, ll. 11-16.

And th' *Terrae filius* will in time prepare
 For these *Saturnine* Sculls a *Jovial* Jeer.
 For if they hit but right their own *Act day*,
My Planets do foretell what one will say [...]
 See, what a *Cloud* you bring upon your Schools,
 Your selves in *Folio* to proclaim for Fools.¹³⁵

The Servitour is interesting because it was allegedly written by a servitour, yet it is a very unflattering depiction of one. Perhaps it was intended to be ironic or sarcastic, a mockery of conventional opinions of servitours meant to demonstrate how ridiculous those opinions were. On the other hand, perhaps it was a serious demonstration of the author's opinion of servitours and was not written by a servitour at all. I am inclined to see it as ridicule because it contains many ridiculous and nonsensical words, not known even to the editors of the *Oxford English Dictionary*. These include "cheesy-pouch", "shon-ap-shenkin", "brown-shellens" and "coneur."¹³⁶ The poem plays on the traditional hierarchy of the college community, which placed the humble servitour at the bottom because of his poverty and low rank. As the narrator's friend explains it:

Some Husbandmen aspiring high,
 Who scorns each paltry Dignity,
 Thinks Clerk o'th' Parish, or Church-Warden,
 Or Constable, not worth a Farthing:
 Tho' he has scarce a Rag his Arse-on,
 Resolves to make his Son a Parson.¹³⁷

It is clear that the speaker considers hierarchy justified and those who seek to rise above their place ungrateful. There is no sense that some of the poor deserve a place at university based on merit. They are described as "stupid", "disabled", "lumpish" "oaf[s]"

¹³⁵ *Ibid.*, ll. 97-100, 109-110.

¹³⁶ *The Servitour* (London, 1709), ll. 26, 43, 211.

¹³⁷ *Ibid.*, ll. 69-74.

and “idiot[s].”¹³⁸ Indeed the crude methods by which the servitour’s father gets him a place are hinted at but left to the reader to imagine:

His father comes to Buttock-firker,
And brings a Present to the Jerker:
Zur, here’s a Pig – I hope my Zon
Minds his Book, gwo’s bravely on:
Indeed, Good *Roger*, says the Master,
I’ve forty Boys, but none learn faster;
He’s fit for *Oxford*: now your *Dick*
May come to get a Bishoprick.¹³⁹

This poem is much less clever than *A Hue and Cry*, relying on scatological humour rather than Latin puns for its effect. For example, not long after his arrival at Oxford, the servitour “bids farewell to short-liv’d Pride; / Which, Fart like, came from dung-founded, and dy’d.”¹⁴⁰ And when the narrator investigates the poor boy’s room he finds it has “but one Chamber-Pot to Squirt-in.”¹⁴¹ But the poem’s language is suitable to its subject matter since the servitour is considered a mere “animal”¹⁴² whose servile behaviour, submissive attitude, weak intellect, torn clothing and rank smell offend any who have the misfortune to encounter him. In fact one could even speculate that since the author was allegedly a servitour himself, he is using language appropriate to his own class.

Conclusion

This selection of the activities and habits of the students of the universities and Inns of Court in the seventeenth century demonstrates that the reality of their education did not entirely match the ideal put forward by their parents and teachers. Although hierarchy, obedience and virtue were emphasized by courtesy literature, university

¹³⁸ *Ibid.*, ll. 119, 120, 124, 122, 57.

¹³⁹ *Ibid.*, ll. 91-98.

¹⁴⁰ *Ibid.*, ll. 139-140.

¹⁴¹ *Ibid.*, l. 187.

¹⁴² *Ibid.*, l. 160.

regulations and the orders of the king, these values were often subverted, mocked and ignored by students. Although the vast majority of these students would go on to accept and enforce the social hierarchy from which they largely benefited, for a short time during their teens and early twenties they enjoyed numerous recreations that tested and questioned it. In this period of their life, at least, they knew what it was to be subordinate to others. As they experienced some of the same tensions and contradictions as the lower classes, they borrowed and manipulated popular customs for their own purposes.

Yet as elites withdrew from popular culture, student participation in popular customs was increasingly controlled and punished and revelrous inversions of an increasingly fragile hierarchy began to fade away. Yet efforts at control were not systematic or widespread. In a still highly personalized bureaucracy, different officers enforced regulations with greater or lesser enthusiasm and rapid and confusing waves of religious conflict brought with them different attitudes to student behaviour. As Thomas Baker remarked in 1704, the object of the nation's scorn changed frequently according to the prevailing fashion.

There seems a humour peculiar to the English to have a sort of National Football; that is, something ever serves for the Object and Theme of the then reigning antipathy. After the Restoration, the general cry was, down with Presbytery and knavery, to which succeeded popery and tyranny; they being sufficiently mawl'd off, up starts immorality and prophaness, which have been toss'd about ever since, and are like to continue, 'till relieved by some more modish aversion.¹⁴³

This variance in attitude will be examined in greater detail through two case studies of the customs associated with Christmas and the university commencement ceremony.

These will constitute the substance of the remaining two chapters.

¹⁴³ Baker, p. 9.

CHAPTER THREE

CASE STUDY: CHRISTMAS

Introduction

In northern Europe, where it was too cold to have a full-blown Carnival in the spring, the Christmas season was the biggest festival of the year. It was long, beginning on Advent Sunday, the closest Sunday to November 30, and ending on the Epiphany (Twelfth Night) on January 6. It had a definite shape and came with a host of traditional foods, drinks and activities. Samuel Pepys, the typical middle-class Londoner, treated the season as an opportunity to express his social obligations to his family, neighbours, colleagues, even old enemies. Similarly, a country gentleman like John Evelyn felt a duty at this time of the year to dispense hospitality to his tenants and poor neighbours. Pepys enjoyed turkey, beef, mince-pies, plum porridge, evergreen decorations, wassailers singing carols, games late at night and plays. Each segment of the season came with its own traditions, some solemn, some gay. On Christmas day he attended church; the next day he distributed boxes of money to tradesmen, porters and the like. At the end of the year he paid his bills, made up the accounts and made his New Year's vows. New Year's Day was a day of feasting and Twelfth Night a day of music, dancing and feasting with guests. A special Twelfth Night cake was baked with a pea and a bean concealed inside. The man who received the bean was king of the revels, the woman who received the pea the queen.¹

This last custom was typical of many Christmas customs that involved the election of a mock king or queen for a day or for the whole season. With the temporary

¹ Robert Latham and William Mathews, eds., *The Diary of Samuel Pepys* (London, 1970-1983), X, "Christmas and Twelfth Night."

relaxation of everyday rules and obligations people of all classes and ages enjoyed the opportunity to make fun of the hierarchies, gender differences and other social conventions that normally bound them. The sense of festivity and insubordination discussed in the previous chapter prevailed at Christmas also, but then even more so because of the great length of time given over to the festival. Because Christmas customs were so ancient and deeply embedded they could never be eradicated, but as we shall see, their treatment by educational authorities was not always positive or encouraging. This will be examined first at the Inns of court, then the universities.

The Inns of Court

A disproportionate number of the orders passed by the benchers of the four Inns concern Christmas. How the season would be observed was extremely important to the authorities, not least because a majority of disorders, insolence and destruction of property happened during this time. More students were expelled for Christmas-related offenses than for any other offense. To make sense of the vast amount of Christmas legislation, I have divided it into four categories. There were orders modifying the keeping of Christmas (some loosened restrictions, others tightened them or imposed new ones), orders canceling Christmas altogether, and orders passed following Christmas dealing with any disorders that had occurred. In addition to the orders passed by the benchers, there are sporadic references to orders passed by the barristers, who sometimes held their own parliaments during the vacation, with or without the benchers' approval. When these four types of legislation are charted over the period of a century from 1600 to 1700, a few patterns do emerge (see Appendix B).

Firstly, the Temple was far more active in passing legislation than the other two Inns, particularly in the period 1664-1700, when no Christmas orders were recorded by Gray's Inn or Lincoln's Inn at all. Of course orders may have been lost or Christmas may have been dealt with outside of parliament or the bench table, but the absence of any recorded legislation at these two Inns is significant nonetheless. Another period when no orders were passed, this time at all four Inns, was from 1643 to 1659. This can easily be explained by the fact that very few students or benchers were in residence because of the turmoil of the Interregnum. Another observation, which is hardly surprising, is that legislation generally came in bursts of fervent activity followed by long periods of nothing, during which we may assume either great obedience on the part of students, or a *laissez-faire* attitude on the Bench. Often two or three different types of orders were made in the same three- or four-year period. Frequently the passage of a new set of restrictions on Christmas activity in a given year was not well received by the students, resulting in disorders and a spate of expulsions or fines. Many of the orders passed were meant to remain in force indefinitely, but when they were broken too often they were passed again and it was usually then that disorders occurred. One suspects that the spirit of discipline that prompted the benchers to reaffirm past orders was also at work when those who breached them were punished. In other words, disorders or the breaking of rules likely occurred almost every year but it was only when a particularly zealous Bench was in place that they were noticed, recorded and punished. This theory is supported by the fact that many orders refer to a general unruliness and disrespect among the students and to past disorders that have occurred "of late" but are not pinned down to any particular year. One last item of note is the fact that in 1614 the same orders modifying

the keeping of Christmas were passed at all four Inns; this was in response to a set of orders for the government of the Inns drawn up by James I with their consent.

When examining the orders passed canceling Christmas commons, one first notices that it was not always cancelled because of disobedience or fears of disorder. In 1630² and 1634³ it was cancelled because of plague or "sickness." However, a distinct motivation was not always clear. The order canceling commons in 1630 at the Middle Temple cited the "danger of infection [plague] from the resort of all sorts of people to the House, in respect of play there, as lately it has been used contrary to the ancient custom."⁴ It seems as if the danger of infection was perceived as a punishment of the students for their proclivity towards gambling. At the Inner Temple, commons was cancelled because of sickness⁵ in the same year in which a committee was struck to investigate "divers great and insufferable misdemeanours and disorders" committed the previous year.⁶ In fact the benchers were still trying to collect money owing from that Christmas at the same parliament at which they passed the order canceling the coming one. As the reference to "ancient custom" in the Middle Temple order shows, it was a common, almost incessant, technique of the benchers to cite custom to back up their orders and this same technique was also used by the students. Many orders anticipated such attempts by stating directly that they were not to be considered precedents. Conversely, anything that was novel and not customary was suspect.

² Charles Hopwood, ed., *A Calendar of the Middle Temple Records* (London, 1903), 26 Nov. 1630; F. A. Inderwicke, ed., *A Calendar of the Inner Temple Records* (London, 1896-1936), 28 Nov. 1630; W. P. Baildon, ed., *Records of the honorable society of Lincoln's Inn* (London, 1897-1968), 30 Nov. 1630.

³ Inderwicke, 23 Nov. 1634.

⁴ Hopwood, 26 Nov. 1630.

⁵ Inderwicke, 23 Nov. 1634.

⁶ *Ibid.*, 27 April 1634.

However, the majority of cancellations of Christmas commons were unequivocally intended to prevent disorder, like those passed in 1627, 1632, 1639, 1683, 1684, 1687, 1698, 1699 and 1700.⁷ The Middle Temple order of 1632, for example, was passed because “the order of 25 Nov, 1631, for redressing disorders at Christmas time has produced no good effect...”⁸ These disorders were unwanted because they lowered the Inns’ reputation among the general population, particularly the judiciary and the civil service. “Disorders...in later years have more and more crept in, and have grown to such a height that the misgovernment of these times is becoming a public scandal, whereof the Judges and State take notice,” declared the benchers of the Middle Temple in 1639.⁹ But that was only one of many undesirable consequences. Disorderly commons was also

extremely contrary and repugnant to the ancient orders and good government of this House, to the great offence of Almighty god..., the most dangerous infection and corruption of the civil company and the members thereof, and to the manifest prejudice of the House in divers respects tending to the ruin and subversion thereof.¹⁰

When we keep in mind the stated goals of educators, such as the inculcation of virtue and a respect for hierarchy, we can clearly see the significance of this statement.

Although Christmas commons was sometimes cancelled because it resulted in disorders, it may have originally been created to prevent them. The Judges’ Orders of 1614, which were ostensibly drawn up in consultation with the benchers of all four Inns, defend Christmas commons. They argue that

for that disorders in the Christmas time may both infect the minds and prejudice the Estates and Fortunes of the young Gentlemen in the same Societies; it is

⁷ Baildon, 29 Nov. 1627; Hopwood, 23 Nov. 1632, 22 Nov. 1639; Inderwicke, 24 Nov. 1639, 25 Nov. 1683, 27 Nov. 1684, 27 Nov. 1687, 29 Nov. 1698, 1 Dec. 1699, 23, 27, 29, 30 Nov. 1700.

⁸ Hopwood, 23 Nov. 1632.

⁹ Ibid., 22 Nov. 1639.

¹⁰ Inderwicke, 24 Nov. 1639.

therefore ordered that there shall be Commons of the House kept in every House of Court during the Christmas...¹¹

Presumably if proper discipline were maintained, the young barristers' bodies and souls would be safer inside the Inns at Christmas than roaming the streets of London, if, given the state of the early modern transportation system, the vacation was not long enough to warrant returning home. But proper discipline was not maintained and by 1664 the judges had changed their tune. Now they wrote,

for that it is found by experience that by the neglect of commons in the vacations the gentlemen of the Inns of Court are often drawn to frequent ordinaries, gaming-houses, and other places of disorder, whereby the neglect of their studies, if not the corruption of their manners, is occasioned, it is ordered that the benchers of every Inn of Court take care that commons be constantly kept...except as is hereinafter mentioned...And for the prevention of dishonour to the societies by the great disorders and mischief which happen by gaming and other licentious courses lately used in the time of Christmas, no commons shall be kept in any Inns of Court in the time of Christmas or in one week before or after. And if this order shall not be observed or if any shall presume to break open the hall, kitchen or cellar doors...that complaint be made thereof to the Lord Chief Justices...who will take a speedy...course for the suppressing and punishment thereof.¹²

Nevertheless, vacations were an integral part of the educational curriculum because it was then, in the absence of the benchers, that the utter barristers presided as judges at their moots and bolts while the inner barristers argued cases. Their importance was reflected in the fact that a certain number of vacations were required for the call to the bar.

Usually, therefore, Christmas was allowed, but with caveats. As noted in Chapter Two, dicing and carding were a great nuisance to the benchers and a disgrace to the Inns. The Judges' Orders of 1614 state that at Christmas "none shall play in their several Halls at the Dice, except he be a Gentleman of the same Society and in Commons; and the

¹¹ Baildon, II, p. 442.

¹² Inderwicke, "Orders of the Lord High Chancellor and Judges of the Exchequer", 18 June 1664.

Benefit of the Boxes to go to the Butlers of every House respectively.”¹³ It was common for the benchers to pass orders allowing gambling but specifying that it was only allowed among the fellows; this was to prevent the resort of strangers to the Inns to join in the play. Obviously the presence of strangers increased the likelihood of disorder and they were harder to punish since they were not under the benchers’ authority. An order of Lincoln’s Inn passed in 1663 noted “the manifold inconveniences and ill consequences usually attending public gaming at cards or dice in this and other societies” and banned play with strangers at Christmas on pain of expulsion. In addition, the Inn’s officers were strictly charged to keep strangers out.¹⁴

Pepys reports being taken to watch the gaming at the Temple when he was a small boy.

I having in my coming from the playhouse stepped into the two Temple-halls, and there saw the dirty prentices and idle people playing – wherein I was mistaken in thinking to have seen gentlemen of quality playing there, as I think it was when I was a little child, that one of my father’s servants, John Bassum I think, carried me in his arms thither.¹⁵

He watched because he delighted in seeing

the different humours of gamesters to change their luck when it is bad – how ceremonious they are as to call for new dice – to shift their places – to alter their manner of throwing; and that with great industry, as if there was anything in it... To see how persons of the best quality do here sit down and play with people of any, though meaner.¹⁶

Pepys’ editor notes that dicing was so popular in the Temple that when the floorboards of the Middle Temple Hall were lifted c. 1764 nearly 100 pairs of dice were found.

¹³ Baildon, II, p. 442.

¹⁴ Ibid., 27 Nov. 1663.

¹⁵ Latham, 1 Jan. 1668.

Gambling was such an integral part of Christmas, and not only at the Inns, that it could only be controlled, not eradicated. Even the King indulged in play. On January 6, 1662, John Evelyn reported that

this evening, according to custom, his Majesty opened the revels of that night by throwing the dice himself in the privy-chamber, where was a table set on purpose, and lost his 100 li....sorry am I that such a wretched custom as play to that excess should be countenanced in a Court, which ought to be an example of virtue to the rest of the kingdom.¹⁷

As we saw in Chapter Two, gambling provided an important source of income for the butlers who supervised it. Thus at Gray's Inn in 1575 the second and third butlers were allowed 12 d. from each ancient and 8 d. from everyone else in commons because no commons had been kept the previous Christmas.¹⁸ Four years later they were allowed 12 d. from each bencher and 6 d. from each fellow because there had been no play in the past two years "as was accustomed in Christmas and other tymes."¹⁹ In 1628 dice and cards were forbidden in the hall, buttery and butler's chambers (demonstrating the butlers' integral role), but the twenty days of Christmas were exempted.²⁰ The following year play at Christmas was to cease at midnight on Saturdays, probably to avoid gambling on the Sabbath.²¹ Play was so important to the butlers that it was they, not the barristers, who were allowed fifteen nights play in 1633 at Gray's Inn, five at the end of the present term, five at Christmas and five after Christmas. In respect of the benchers' generosity, the butlers would forfeit their usual £40 allowance for that year, by their own offer.²² This order was repeated the next year upon the petition of John Pecke and James

¹⁶ Ibid.

¹⁷ William Bray, ed., *The Diary of John Evelyn* (New York, 1925), 6 Jan. 1662.

¹⁸ Reginald J. Fletcher, ed., *The Pension Book of Gray's Inn* (London, 1901), 21 Feb. 1575.

¹⁹ Ibid., 26 May 1579.

²⁰ Ibid., 19 Nov. 1628.

²¹ Ibid., 18 Nov. 1629.

²² Ibid., 15 Nov. 1633.

Joyner, two of the butlers.²³ Astonishingly, the income from play was so great that in 1637 when Pecke and Joyner complained they had lost their play the previous Christmas due to the sickness, they each received a chamber for life in recompense.²⁴ The only Inn to ban gaming at Christmas outright was the Middle Temple, which did so in 1642, 1661, 1662, 1670, 1671, 1672, 1683 and 1688.²⁵ In the latter case it was apparently done in obedience to a ruling of the Court of King's Bench.

Another important subject of legislation was the traditional Christmas lord or prince. Despite his popularity among both the upper and lower classes at this time of year, his activities at the Inns were not looked on too kindly. At Gray's Inn it was ordered as early as 1586 that no gentleman of the society, nor any other person by appointment of the gentlemen, was to use the name, place or commandment "of Lord or similar", break open any chamber or molest or abuse any fellow or officer of the house in the house. The penalty was expulsion for abuse of a fellow and suspension for abuse of an officer.²⁶ The breaking open of chambers and abuse of fellows was a common feature of lordship. At the Inner Temple "the gentlemen have heretofore elected and chosen a lord who accompanied with some of the House used to go abroad in the night and break open gentlemen's chambers in their absence, whereby many inconveniences have ensued." The lord was banned there as well, also upon pain of expulsion.²⁷ At Lincoln's Inn the lord was called a lieutenant and his presence was deemed

contrary to the ancient Orders and usages of the House, and is found to be inconvenient and very chargeable to the House and the gentlemen...it is therefore

²³ Ibid., 12 Nov. 1634.

²⁴ Ibid., 10 Feb. 1637.

²⁵ Hopwood, 25 Nov. 1642, 31 Jan. 1661, 21 Nov. 1662, 25 Nov. 1670, 24 Nov. 1671, 22 Nov. 1672, 23 Nov. 1683, 23 Nov. 1688.

²⁶ Fletcher, 26 Nov. 1586.

²⁷ Inderwicke, 26 Nov. 1607.

ordered that from henceforth no gentleman of this House shall be chosen or take on him to be Lieutenant in the Christmas time...²⁸

Despite the orders, lords and other officers were elected quite frequently. John Evelyn was elected Comptroller of the Middle Temple in 1641 but turned it down to spend Christmas in Wotton.²⁹ In 1662 he was invited to

the solemn foolery of the Prince de la Grange, at Lincoln's Inn, where came the King, Duke, &c. It began with a grand masque, and a formal pleading before the mock Princes, Grandees, Nobles, and Knights of the Sun. He had his Lord Chancellor, Chamberlain, Treasurer and other Royal Officers, gloriously clad and attended. It ended in a magnificent banquet. One Mr. Lort was the young spark who maintained the pageantry.³⁰

It was "solemn foolery" indeed. Although the Inns of Court princes were mock rulers, they were taken seriously enough to be attended by the king, the duke and their courtiers, and their festivities always featured extravagant banquets and costumes. They serve to remind us that young and subservient to their elders as these students were, they were still, by and large, the sons of the rich and powerful and destined for important positions in state and society. Their Christmas games can be seen as dress rehearsals for their adult life.

In 1697 Evelyn attended the Temple Church. "It was very long before the service began," he writes, "staying for the Comptroller of the Inner Temple, where was to be kept a riotous and revelling Christmas, according to custom."³¹ Evidently memories of the nature of custom varied from person to person, particularly from bencher to barrister. In 1662 the Middle Temple Bench fined Lumley Thelwall 20 marks for assuming the name of Lord of Misrule at Christmas, going with strangers into Fleet Street, demanding

²⁸ Baildon, 28 Nov. 1616.

²⁹ Bray, Dec. 1641.

³⁰ Ibid., 1 Jan. 1662.

³¹ Ibid., 12 Dec. 1697.

money, and breaking open the doors of those who refused and taking their money and goods. He was ordered to make restitution within a fortnight. The Lord of Misrule, said the benchers, was against the Inn's ancient orders and had never been practiced but once, when it had been severely punished. In the future it would result in expulsion.³²

Despite this claim, the tradition of mock rulers at the Inns held a long pedigree. Robert Pearce, author of *A History of the Inns of Court and Chancery* (1848), cites an order of Lincoln's Inn passed in the reign of Henry VIII stating that whoever was chosen king on Christmas Day was to come at once or another would be chosen in his place.³³ Another order from that period instructed the King of Cockneys, who held a service on Childermas Day, to "use honest manner and good order, without any waste or destruction making in wine, brawn, chely, or other victuals." He and his marshal, butler and constable marshal were to have their lawful and honest commandments delivered by the officers of Christmas and were not to meddle with the buttery or the Christmas Steward (a Bench appointee).³⁴ Early in Elizabeth's reign Lord Robert Dudley, a student at the Inner Temple, was chosen Palaphilos, Prince of Sophie, High Constable Marshal of the Knights Templars, and Patron of the Honourable Order of the Pegasus. Christopher Hatton was made his Master of the Game. The prince was attended by a retinue and a mimic court that participated in days of feasting, dancing, masqueing, tilting and processions with fifes, drums and trumpets. He conferred knighthood on 23 men.³⁵

A particularly famous prince was the Prince of Purpoole elected at Gray's Inn in 1594. He was elected on December 12 and enthroned on December 20,

³² Hopwood, 7 Feb. 1662.

³³ Robert Pearce, *A History of the Inns of Court and Chancery* (London, 1848), p. 115.

³⁴ *Ibid.*, p. 115.

³⁵ *Ibid.*, p. 120.

his champion riding into the hall and proclaiming his titles as Prince of Purpoole, Archduke of Stapulia and Bernardia, Duke of the High and Nether Holborn, Marquis of St. Giles and Tottenham, Count Palatine of Bloomsbury and Clerkenwell, Great Lord of the Cantons of Islington, etc.³⁶

On Holy Innocents' Day he received an ambassador from the Inner Temple but "then arose such a disordered tumult and crowd upon the stage" that the ambassador could not present himself and thus "retired in a huff." Because of the crowd nothing was offered but "dancing and revelling with gentlewomen; and after such sports a Comedy of Errors... was played by the players."³⁷ The prince entertained the Lord Treasurer and many earls and lords at the revels on January 3, then the Lord Mayor and his aldermen the following day. At Shrovetide he was invited to Greenwich Palace by the Queen and received with a salute from the Tower guns.³⁸ The Queen liked his masque.

Particularly she thanked His Highness for the good performance of all that was done; and wished that their sports had continued longer, for the pleasure she took therein: which may appear by her answer to the courtiers that danced a measure immediately after the Masque was ended; saying, 'What? Shall I have bread and cheese after a banquet?'³⁹

Obviously an audience with the Queen was a great honour for the Inn, so the benchers were quick to pass orders taxing the fellows to pay for the shows.⁴⁰ To counter the solemnity of receiving ambassadors and entertaining the Queen, an anti-masque was performed on Twelfth Night with mountebanks and humorous songs, such as:

Maids of the chamber or the kitchen,
If you be troubled with an itching,
Come give me but a kiss or two,
I'll give that shall soon cure you:
No Galen or Hippocrates,
Did ever do such cures as these.⁴¹

³⁶ Fletcher, 11 Feb. 1595, n. 1.

³⁷ Ibid.

³⁸ Pearce, p. 125.

³⁹ Fletcher, op. cit.

⁴⁰ Fletcher, 11 Feb. 1595, 8 May 1595.

⁴¹ Pearce, p. 126.

The frivolity continued into the seventeenth century. In 1623 Simonds d'Ewes "came into commons at the Temple where there was a lieutenant chosen, and all manner of gaming and vanity practiced, as if the church had not at all groaned under those heavy desolations which it did."⁴² Garrard reported in 1635 that

The Middle Temple House have set up a prince who carries himself in great state...He hath all his great officers attending him, lord keeper, lord treasurer...[and] two chaplains who on Sunday last preached before him, and in the pulpit made three low legs to his excellency before they began, which is much laughed at.⁴³

References to elaborate ceremonies, banquets, retinues and courtiers and audiences with royalty are largely confined to the first half of the century, so it may be that the benchers were justified in arguing that misrule was not being kept according to custom by the 1660s. If the solemn masques of the past were being replaced by violence and robbery under the guise of tradition, then it is no wonder the benchers were upset.

At some of the Inns the Christmas prince was accompanied by a Christmas parliament. While the prince held banquets and masques and demonstrated the barristers' wealth and power symbolically, the parliament conducted genuine business.⁴⁴ With the benchers absent, the barristers were allowed by tradition to exercise a certain degree of authority over the Inn. How much power they were allowed was the object of much negotiation. Vacation barristers at the Inner Temple argued in 1693 that

it was the fundamental right of the vacation barristers during the vacations, to order all things relating to the society and government of the House, even to the alteration and reversal of orders made by the bench in term time, excepting only what relates to the treasury and revenue of the House.⁴⁵

⁴² *Ibid.*, p. 127.

⁴³ *Ibid.*

⁴⁴ The Prince of Purpoole did admit a Dudley Digges to Gray's Inn in 1617-18. "This perhaps being deemed irregular," he was admitted again a few days before his promotion to the Bench. Fletcher, 7 Feb 1631, n.

⁴⁵ Inderwicke, 14 Nov. 1693.

However, the barristers had to compete with the officers appointed by the benchers, who, fortunately for the barristers, were often negligent in their duties. At the Inner Temple three marshals, three stewards and three butlers were appointed annually between 1604 and 1660 as “officers of the grand Christmas”, with a lapse only from 1643 to 1648, for obvious reasons.⁴⁶ Their fines for non-appearance were postponed in 1605, 1611, 1622, 1628, 1631, 1633, 1635, 1637, 1638 and 1641.

Nevertheless, conflict between the officers and the barristers was common. In 1621 the Inner Temple’s Christmas parliament ordered the watchmen and butlers to stop announcing the hour of 12 before it had come to defraud the house of its due. Presumably it was only after 12 that the butlers were allowed the gambling revenue. Also, no “waiter in any ordinary” was to keep any box or bet or “come among us”; if he refused to leave he would be committed to the Tower.⁴⁷ In 1663 the barristers gave the marshal and butlers 2s. 6d. for each fraudulent box keeper they turned in and a committee was appointed to search any box keeper suspected of fraud.⁴⁸ It was not uncommon for the barristers to imprison or physically assault the Inn’s servants, but they were sometimes caught and punished for it.⁴⁹ In 1622 the benchers of the Inner Temple discovered that the butlers had not been reporting vacation disorders out of fear of being put out of commons at Christmas by the barristers. So an order was passed forbidding any fellow to put a butler out of commons at Christmas or threaten to do so, on pain of himself being put out of commons.⁵⁰

⁴⁶ Inderwicke, 5 Nov. 1604, 1605, 1606...1660.

⁴⁷ Ibid., “Christmas Account Book” 1621.

⁴⁸ Ibid., 24 Dec. 1663.

⁴⁹ See below p. 116.

⁵⁰ Ibid., 32 June 1622.

Other orders passed by the Christmas parliaments were more banal. Some merely ensured that napkins would be distributed in the hall at mealtimes.⁵¹ Records were kept of money spent on food, drink and other “necessaries.” Some of this money was granted by the Bench, and when one observes the extravagance of the Christmas diet, as compared to the mutton and fish eaten the rest of the year, one can see why this power of the Bench was so crucial to its ability to enforce discipline. Short of canceling Christmas commons altogether, the Bench could also reduce the funds allowed or order that Christmas “be not grand”, meaning, presumably, that it would be a small and solemn affair and not extravagant.⁵² In 1614, when the Inner Templars received £20 for Christmas “apparel”⁵³, they ate on one single day three loins of mutton, thirty-nine marrow bones, nineteen mallards, five pounds of suet, milk, one bushel of onions, eggs, flour, eighteen shoulders of mutton, twenty dozen larks, five pounds of butter, spice, fruit, sugar, and one peck of salt. The total expense for that day was £5 6 s. 11 d. On other days they ate plovers, ducks, woodcocks, partridges, widgeon, teal, geese, oysters, lobsters, fresh salmon, gurnards, oranges, lemons, apples, currants, potatoes, tripe and pigs’ feet. The sum for the first week was £34 6 s. 5 ½ d. Their “necessaries” included thirty-four dozen dice, twelve-and-a-half dozen cards, a padlock for the tower, wine, music, sawdust, rushes, coal, candles and pots.⁵⁴

The Christmas parliaments also appointed people to keep the gambling boxes⁵⁵, elected officers, including a lieutenant, controller, speaker and treasurers⁵⁶, suspended

⁵¹ Ibid., 22 Nov. 1667.

⁵² Hopwood, 22 Nov. 1661, 21 Nov. 1662, 25 Nov. 1664.

⁵³ Inderwicke, 27 Nov. 1614.

⁵⁴ Ibid., “Christmas Account Book” 1614.

⁵⁵ Ibid., Dec. 1621, 19 Dec. 1622.

⁵⁶ Ibid., 18 Dec. 1624.

and readmitted troublemakers, gave alms to the poor, controlled noise levels⁵⁷, and appointed committees.⁵⁸ The parliaments of the 1660s and 70s collected and distributed money, tried to minimize gambling by limiting hazard to one table in the upper library, audited their accounts⁵⁹, chose a Lord of the Inner Temple⁶⁰ and collected rents on his behalf.⁶¹ The latter may have been the source of the violence and robberies cited above in connection with the Christmas lord or prince, as Bench orders of November 23 1628 and November 27 1631 forbade going out to break open any house or chamber or take anything *in the name of rent or distress*.⁶² Sometimes the occasion of Christmas could be used for personal or political purposes, as in 1663 when the Christmas parliament appointed a committee to petition the benchers to restore a Mr. Ledgingham to the Inn.⁶³ At other times the advice of the other Inns was sought. In 1668 men were sent to the Middle Temple to find out when they intended to “leave off play.”⁶⁴ The ambassadors of the Middle Temple replied that they would keep Christmas “this week” but clarification was required.⁶⁵ The Inner Templars finally decided to end both play and Christmas commons on January 18.⁶⁶ The popularity of Christmas parliaments may have depended on the enthusiasm and daring of the particular barristers resident at any given time, or the political climate both inside and outside the Inn. Whatever the reason, parliaments were held often in the 1620s, 1660s, late 1670s and early 1680s, but not at any other time.

⁵⁷ Ibid.

⁵⁸ Ibid., 30 Dec. 1628.

⁵⁹ Ibid., 22 Dec. 1662.

⁶⁰ Ibid., 6 Jan. 1663.

⁶¹ Ibid., 9 Jan. 1663.

⁶² Ibid., 23 Nov. 1628, 27 Nov. 1631.

⁶³ Ibid., 10 Jan. 1663.

⁶⁴ Ibid., 4 Jan. 1668.

⁶⁵ Ibid., 7 Jan., 1668.

⁶⁶ Ibid., 17 Jan. 1668.

Their records and accounts have been preserved at the Inner Temple only, although there is evidence they were held at the Middle Temple as well.⁶⁷

As well as gambling, Christmas lords and Christmas parliaments there were many smaller problems to be addressed. Many committees were appointed over the years to examine Christmas abuses and disorders and recommend their solution, which was usually new sets of orders designed to head off any and all imminent immorality and disobedience. In 1628 the Inner Temple benchers, on the advice of a Christmas committee, restricted commons to three weeks, made the Christmas treasurers and stewards responsible for paying the provisioners, excluded strangers or fellows absent from commons for more than two years from Christmas commons, forbade healths and wine other than at meals, disallowed the attendance of vintners or strangers, and forbade the sale or use of tobacco.⁶⁸ These orders were revived three years later, after the appointment and report of a committee charged with examining the misgovernment and disorders "lately grown in private commons" at Christmas and how to reduce them to their "ancient course."⁶⁹ Additional orders banned the appointment of treasurers as an innovation, limited wine to one "pottle", forbade knocking with boxes or calling aloud for gamesters, and urged the fellows not to side with disturbers of the peace but punish them according to old custom.⁷⁰

At the Middle Temple the orders of 1637 stated that the students should not suspend or "evil intreat" the officers, spend more than 15 s. per man per week, play during divine service, buy wine or tobacco, drink healths or take tobacco in the hall,

⁶⁷ See below pp. 115-116.

⁶⁸ Inderwicke, 23 Nov. 1628.

⁶⁹ Ibid., 3 Nov. 1631.

⁷⁰ Ibid., 27 Nov. 1631.

allow “unworthy” persons to enter the hall or play in any room, or allow strangers to keep the dicing box. The masters of the bar (utter barristers) and eight ancients would be in charge.⁷¹ The benchers allowed Christmas commons in 1642 without music, gaming, public noise or show “in respect of the danger and troublesomeness of the times.”⁷²

One additional problem, apparently unique to the Inner Temple, was private commons. This referred to dining in one’s chambers or anywhere other than the dining hall. It was perceived as a primary contributor to disorders and debts owed to the provisioners. In January 1607 it was banned

for the avoiding and quite abolishing of those great and many disorders which...have sprung up and increased in this House in great measure and height...because that then the good orders and government of this House are neglected.⁷³

This order was “respited” (postponed) in November but then re-cited with the observation that “divers debts were formerly left unpaid to the baker and brewer by those who kept private commons.”⁷⁴ Private commons was again banned in 1611⁷⁵, but in 1614 those who had kept it at Christmas 1613-14 were allowed £4 if they settled their debts for that Christmas and “a former disorderly Christmas.”⁷⁶ The benchers’ ambivalence towards this custom was most evident in 1621, when they ordered the stewards for private commons to pay the provisioners and receive each man’s commons beforehand, according to ancient custom.⁷⁷ Perhaps they were willing to allow private commons as long as it was properly paid for. However, the following January they turned around and “amerced” all gentlemen in commons the last half week at Christmas 6s. 8d. because

⁷¹ Hopwood, 25 Nov. 1637.

⁷² Ibid., 25 Nov. 1642.

⁷³ Inderwicke, 29 Jan. 1607.

⁷⁴ Ibid., 22 Nov. 1607, 26 Nov. 1607.

⁷⁵ Ibid., 10 Feb. 1611.

⁷⁶ Ibid., 30 Jan. 1614.

private commons had been kept for three and a half weeks, contrary to custom and without leave of the Bench.⁷⁸ The issue here seems to be the length of commons, not that they were private, but why the change of heart? No further orders were passed concerning private commons during the seventeenth century, and yet at one time it was considered a key cause of trouble and disorder. This demonstrates that no matter how much the benchers used the rhetoric of tradition and ancient custom, the administration of Christmas was constantly being modified. Orders were invented, repealed, changed, postponed, ignored and renewed over time, according to the beliefs, attitudes and whims of their enforcers. And even when they were enforced, the offenders could often escape punishment by confessing, apologizing and properly humbling themselves. Let us now take a closer look at some of these offenders and their offences.

Often the benchers recorded the occurrence of disorder and excess but did not follow up on it. Sometimes when they referred the matter to a committee or to a later parliament it disappeared from the records.⁷⁹ Therefore, although all references to disorder are charted in Appendix B, only those that resulted in disciplinary action will be discussed in the following section. A committee that did make a report was that appointed by the Inner Temple benchers to investigate “divers great and insufferable misdemeanours and disorders” perpetrated at Christmas 1633.⁸⁰ It reported in October 1634 that money had been found on the Christmas stewards and treasurers. They were ordered to relinquish it and those who did not lost their chambers if they had any, were

⁷⁷ *Ibid.*, 25 Nov. 1621.

⁷⁸ *Ibid.*, 27 Jan. 1622.

⁷⁹ Inderwicke, 29 Jan. 1632, 4 Nov. 1632; Baildon, 28 Jan. 1617, 11 Feb. 1617.

⁸⁰ Inderwicke, 27 April 1634.

put out of commons if in, and were assigned a “ne recipiatur” (no readmittance) if out.⁸¹ The following year another committee was appointed to investigate how long commons was kept at Christmas 1634 and by whom, given that commons had been cancelled that year due to plague.⁸² It reported in April that some fellows, strangers, discontinuers (former fellows long out of residence) and expelled fellows about December 17 had broken in and held the hall for five weeks (commons normally being three to four weeks), contrary to ancient customs and orders and in a disorderly manner. Henry Cholmley and William Hare, the principal actors, were expelled and William Thomas and Richard Lloyd, lesser actors, were put out of commons and expected to pay £5 before presenting their suit for restoration (which was obviously anticipated). Lastly, a committee was appointed to inquire who else was involved in this incident.⁸³ Hare was restored in 1638 but not the others.⁸⁴

Following up on Christmas 1633, an order of May 1635 ordered the gentlemen holding Christmas money to give it to the chief butler before the next parliament or forfeit their chambers.⁸⁵ At the next parliament it was reported that Peter Temple had been asked on June 6 by the chief butler for his Christmas money but had made an “unfitting answer.” The next day at dinner when summoned to attend the bench table he had struck the chief butler and had attended the Bench in a riding coat and sword and in an “insolent manner.” Therefore he was expelled, his chambers seized and a warrant for his arrest delivered to the Lord Chief Justice so he could be made an example of in Star Chamber. But upon his petition of apology the benchers decided to take security for his

⁸¹ Ibid., 28 Oct. 1634.

⁸² Ibid., 25 Jan. 1635.

⁸³ Ibid., 19 April 1635.

⁸⁴ Ibid., 14 Oct. 1638.

appearance in Star Chamber at the beginning of Michaelmas Term and suspend all prosecution against him until then.⁸⁶ This incident progressed from a request for money by the chief butler to Star Chamber in one week: evidently the benchers could be harsh on occasion, although Temple was readmitted in November.⁸⁷ It is worth noting that barristers, unlike university students, were not exempt from city and county jurisdiction. Therefore the benchers could turn their students over to the courts if they felt the offense warranted it or if they wished to make an example of them.

The barristers were certainly aware that they were part of a larger, external hierarchy, to which they sometimes appealed for protection. Their perception of their place and their rights within this hierarchy can be found in the *Remonstrance of the Society of the Inner Temple to the Council of State as to Keeping Christmas* (January 5, 1640). Its content and its date of creation (during Christmas) suggest it was written by the barristers. They refer to the three parts of the society, the benchers, the utter barristers, and the inner barristers, then argue that their government and privileges are “grounded only upon ancient custom.”⁸⁸ This custom dictates that the benchers govern in term time, the barristers in vacation, and the gentlemen at Christmas.

In the keeping of this Christmas we conceive that we have not offended or brought in any innovation, or permitted the least disorder whereby our Christmas should be suppressed, or our ancient privilege taken from us.⁸⁹

Notice again that innovation is treated as a fault and how jealously the Inns guard their autonomy within the city of London, given that it was only based on custom and not

⁸⁵ Ibid., 10 May 1635.

⁸⁶ Ibid., 14 June 1635.

⁸⁷ Ibid., 22 Nov. 1635.

⁸⁸ *Remonstrance of the Society of the Inner Temple to the Council of State as to Keeping Christmas* in Inderwicke, II, p. 369.

⁸⁹ Ibid.

guaranteed by any charter or statute. Then the substance of the issue is addressed. We wanted to reform Christmas, declare the authors, but

because we conceived music could not be paid for, nor our butlers rewarded and our other expenses of entertainment defrayed, without excessive charge to the gentlemen in commons, therefore we conceived it fit to allow of play of dice in the libraries, provided none but such as were invited or well known...should be admitted to play, and this order being punctually observed would redress the disorder complained of.⁹⁰

With this explanation for their behaviour, the authors ask the Lords to

suffer us to begin commons and proceed in our usual way of play for the time to come; and for the loss of the time past, since our desisting upon his Majesty's command, we may keep a week longer than our limited time.⁹¹

They promise a true reformation the next Christmas and if it is not made the Lords may dissolve "all future Christmasses." In conclusion, "we beseech your Lordships to have that honourable regard to the entire preservation of our ancient privilege as to give us leave to be the sole reformers of our own disorders."⁹² The message is clear. The gentlemen are logical, mature and perfectly capable of managing themselves, but, most importantly, they have the right to do so through ancient custom. If one questions ancient custom, one doubts the wisdom of one's predecessors, and on what grounds can one do that?

With this in mind, let us examine some further disturbances at the Inns. At the Middle Temple in 1630 some of the fellows opposed the order breaking up Christmas commons because of the plague. They said their liberties were infringed but the benchers argued "no liberty may exempt them at any time from being governed by the orders of

⁹⁰ Ibid.

⁹¹ Ibid.

⁹² Ibid., p. 370.

the Bench.” Therefore Deyer, Lisle and Oglander⁹³, the “most forward”, were fined £5 each.⁹⁴ In February their crimes were enumerated as

assembling under the title of a Parliament, and entering an order to that effect in a book called their Parliament Book, and the keeper thereof their Clerk of Parliament, and for fining the Steward 40s., to be cast into Commons, awarding him to the Tower for an hour, and then by strong hands putting him into stocks for refusing to provide them Commons.⁹⁵

Instead of submitting, the young gentlemen had approached the bench table and demanded a repeal of their fine. Being “fairly treated” by the Bench they had retired but then returned and “with insolent speeches pressed for the repeal.” It being denied, they threw pots at the Bench “and struck divers Masters.” “Of this notorious outrage, the like whereof had not previously been known in any Inn of Court, the Masters complained to the Lord Chief Justice,” who called Deyer, Lisle, Oglander and Turner before him. Deyer and Oglander were sent to the King’s Bench prison and Lisle and Turner bound for good behaviour. The benchers had intended to expel them all but were moved by the justices and the offenders’ petition to “remit their fines, and receive them into Commons.” However, their order was damned and their book burned and it was ordered that “hereafter [it] be *ipso facto* expulsion for any one to claim any power to govern otherwise than as subordinate to the orders of the Bench.”⁹⁶ As usual, the Bench’s words were strong but their actions soft. Suspension from commons and expulsion were used mostly as a threat and deterrent, not a permanent solution.

In 1631 the barristers of the Middle Temple again held a parliament and passed an order encouraging the drinking of healths with loud music, despite the order passed that

⁹³ Oglander had been the cause of a disorder in 1629. See above p. 87.

⁹⁴ Hopwood, 28 Jan. 1631.

⁹⁵ Ibid., 11 Feb. 1631.

⁹⁶ Ibid.

November that Christmas was not to be kept grandly. In response, fines were inflicted.⁹⁷

In 1639 the benchers reported that

insufferable enormities have multiplied, to the shame of the Society, far exceeding all preceding Christmases in admitting base, lewd, and unworthy persons into the Hall, and under pretence of gaming, etc., the Masters find themselves slighted, and their authority through their tenderness growing into contempt.

They expelled Walter Pigott, Treasurer of the Bar, suspended Robert Wright, Treasurer under the Bar, and discharged William Lane, the steward, for “providing excess of diet.”⁹⁸ Commons was cancelled that year and the hall doors locked⁹⁹ but some fellows, with swords drawn, broke into the hall, the buttery and the kitchen and set up commons and play. William Llander was Treasurer of the Bar and Nicholas Lechmere Treasurer under the Bar. They were called before the Lord Chief Justice and Llander was fined 40 marks, the others 20 each. Of the servants involved, one was discharged, the others fined.¹⁰⁰

All was fairly peaceful until 1671 when twelve fellows were fined £20 or expelled for breaking open the doors at Christmas 1670 and setting up gaming.¹⁰¹ Apparently they refused to pay because the fines of four of them were reduced to £5 in February, then to 20 nobles in May.¹⁰² In June the fines of the other eight were reduced to £5.¹⁰³ The benchers’ leniency did not pay off. The following year they had to expel and fine at £20 four other fellows for gaming at Christmas 1671, when it was expressly banned under pain of expulsion. Information against them and their assistants was exhibited in the

⁹⁷ Ibid., 25 Nov. 1631, 10 Feb. 1632.

⁹⁸ Ibid., 25 Jan. 1639.

⁹⁹ Ibid., 22 Nov. 1639.

¹⁰⁰ Ibid., 24 Jan. 1640.

¹⁰¹ Ibid., 27 Jan. 1671.

¹⁰² Ibid., 10 Feb. 1671, 12 May 1671.

¹⁰³ Ibid., 2 June 1671.

Crown office.¹⁰⁴ Another offender, John Carpenter, was also expelled and fined £20 in February.¹⁰⁵ Further orders against gaming were passed in this period and precautions taken against disorder¹⁰⁶, but in 1684 fellows were again expelled for breaking open the hall and setting up play.¹⁰⁷

In one case we have a record of the barristers' defence of their actions, which sheds some light on their relationship with the Bench. The document, entitled *A Vindication of the Proceedings of the Gentlemen of the Inner Temple*, was published in 1662 and attributed to Publicola Anticlassicus. It claims that the benchers

in a Parliament at Allhallontide last make an Act for keeping of Christmas, and in order to that choose some of the Noblemen of the House (according to custom) grand officers. In the close of the term the fickle gentlemen wheel about, and begin to see a vanity in keeping that festival, and therefore make a thing called an Act, whereby they dissolve (for so the words of the Act are) the Commons from the Saturday before Saint Thomas day, till the Saturday after Epiphany.¹⁰⁸

Although it seems inconsistent for the benchers to appoint Christmas officers only to cancel Christmas commons a few weeks later, the claim is accurate. They appointed three marshals, three stewards and three butlers as "officers for the grand Christmas" on November 3, 1661.¹⁰⁹ Then on November 24 they dissolved commons from the Saturday preceding St. Thomas Day to the Saturday following Epiphany, arguing that

the liberty formerly granted to the gentlemen of this society in time of Christmas, intended only for civil and moderate recreation, hath for many years past degenerated into licentiousness and disorder, to the great offence of Almighty God, the scandal and dishonour of this society...and unless timely prevented, may endanger the total subversion of the good government thereof, and although great care hath been taken and divers good acts from time to time made for regulating

¹⁰⁴ Ibid., 24 Nov. 1671, 26 Jan. 1672.

¹⁰⁵ Ibid., 10 Feb. 1672.

¹⁰⁶ Ibid., 23 Nov. 1683.

¹⁰⁷ Ibid., 9 May 1684.

¹⁰⁸ Publicola Anticlassicus, *A Vindication of the Proceedings of the Gentlemen of the Inner Temple* (Cambridge, 1662), p. 3.

¹⁰⁹ Inderwicke, 3 Nov. 1661.

of Christmas commons and redress of such shameful disorders, yet they have always proved fruitless and unsuccessful.¹¹⁰

Virtually the same wording was used in 1683, 1684 and 1687.¹¹¹

The document compares the faults of the benchers with the sins of Catholics, saying,

that the priests who live by the altar should extinguish the incense, and demolish the altar, this may lawfully raise our admiration: and this is our case... The way then to vindicate the Society is to separate the innocent sheep from the gray bearded goats, and lay the sin at the right door, and then perchance the sense or shame of it may cause amendment.¹¹²

With the severity of the benchers' sins established, the offending order is described. It, Anticlassicus says, prescribed expulsion and forfeiture of chambers as punishment for being in commons at Christmas. Worse, in the same parliament another act was passed ordering that anyone expelled or put out of commons or anyone who advised or helped anyone to leave commons could not be called to the Bar.¹¹³ The benchers deemed this necessary because

of late times divers fellows of this society have upon occasion of imposing any the said punishments, endeavoured to raise a mutiny by giving countenance to the person or persons so deservedly punished, and in order thereunto, have not only put themselves out of commons but persuaded other fellows of this society to do the same.¹¹⁴

The pamphlet further complains that these orders were passed at the end of term when few were in commons to protest.¹¹⁵

In response, reports the pamphlet, "many grave and prudent persons" argued that they had a right to keep Christmas that could not be impeded by an act of the Bench and

¹¹⁰ Ibid., 24 Nov. 1661.

¹¹¹ Ibid., 25 Nov. 1683, 27 Nov. 1684, 27 Nov. 1687.

¹¹² Anticlassicus, pp. 1-2.

¹¹³ Ibid., p. 3.

¹¹⁴ Inderwicke, 24 Nov. 1661.

¹¹⁵ Anticlassicus, p. 4.

that the barristers now had the government of the house. The neglect of this privilege would weaken or ruin it (the wording makes it unclear whether they mean the house, its government, or the privilege will be ruined). Armed with these arguments, the barristers, to be cautious, informed “the solicitor” of their intentions to keep Christmas and asked his advice. He was ignorant of the order recently passed but resented it when told of it. He told them that he knew the precedents for its creation and those for its rejection. The fellows took these comments as tacit consent and proceeded to celebrate “that solemnity” (Christmas).¹¹⁶

The following term, continues Anticlassicus, the Bench expelled one student and put two others out of commons. These “heroical persons” must be defended by the rest of the gentlemen. Their defence is that (1) the Bench has no authority to make such an act and (2) if it does have this authority, the present case does not fall under it and therefore the penalty is unjust and illegal. Regarding the first argument, the question is asked, where does the Bench’s authority come from? It comes from either the society’s constitution, a pact, or custom.¹¹⁷

If it comes from a constitution, says Anticlassicus, which one? The Inner Temple is a voluntary society and has never been incorporated. Until the “grant of the fabric” given by James I, the Inns were merely tenants of the king and places of reception and conversation, like the hostels of Cambridge and the halls at Oxford or the religious guilds. None of these bodies have tried to impose laws on their fellows without their consent, argues Anticlassicus. It is absurd for the few to rule the many when all are equal. If there is no consent rules will not be followed and the house will fall into ruin. Some

¹¹⁶ Ibid., p. 5.

¹¹⁷ Ibid., p. 6.

will say the distinctions between the Bench, the Bar and the under bar reveal inequality, but these denote differences in time and standing not in power and jurisdiction. After all, all acts of the Inn refer to the “fellows of the society.”¹¹⁸

If the Bench’s authority comes from a pact, Anticlassicus continues, then where, when, by whom and upon what grounds was it made? Even if one did exist, it was made by our ancestors, not the present gentlemen.¹¹⁹ So it must come from custom, but custom is too weak to support so large a power. Usually custom concerns particulars not universals. Custom says that people can do such-and-such but not anything they like. We respect our elders, writes Anticlassicus, but

they must pardon us if we endeavour to stop their custom when it comes to invade our purses, and take away our money without our consent; drive us out of the Society and disseize us of our freehold, disgrace us in the face of the Nation, and injuriously throw us into prison.¹²⁰

There has been no tacit consent because not three years pass without complaints against the Bench, yet barristers are not allowed to speak in parliament and all decisions are already decided at the bench table before a parliament is held. There had been a custom of two barristers, one utter and one inner, sitting upon the accounts with one bencher, but that has now lapsed. In fact it was the same “martyr” who is now expelled who earlier pointed out this lapse. The Bench did not abuse its powers in Fortescue’s time.¹²¹

Regarding the second argument, that the act is legal but this case does not fall under it, Anticlassicus argues that the benchers allowed Christmas the previous year and contributed money to it.¹²² They initially permitted Christmas this year as well. So if

¹¹⁸ Ibid., pp. 6-8.

¹¹⁹ Ibid., pp. 9-10.

¹²⁰ Ibid., p. 11. There is no evidence in the pamphlet or in the Inner Temple’s records that anyone was thrown into prison for their part in this incident.

¹²¹ Ibid., pp. 12-14.

¹²² Ibid., p. 15 (but numbered “1”).

Christmas is unfit, were the benchers wrong before in permitting it? Also, the act against Christmas was presented in public for only two hours, then hidden away, so the barristers hardly had time to read it. Why was the Bench so surreptitious, he asks.¹²³ The act was passed at the end of term, when the barristers thought they were in power and so could ignore it. Further, they had asked the advice of a solicitor and obtained his consent. Although they had to break into the hall because they had no keys, there was no disturbance or inconvenience.¹²⁴ In fact, they ended commons earlier than usual, voluntarily, "that they might not in the least transgress."¹²⁵ Moreover, Anticlassicus argues, the punishments of expulsion, loss of chamber and imprisonment are excessive for the crime. Finally, Anticlassicus claims the benchers have more respect and care for their own grandeur and honour than for the credit, reputation and peace of the house. They eat and drink more than the barristers are allowed to, sleep in the church, get the best chambers, do not pay their commons, and so on.¹²⁶

This document reminds us that the barristers, although young and untrained, were articulate, politically aware and capable of acting logically. Their "disorders" were not always drunken acts of violence and vandalism resulting from high Christmas spirits; often they were deliberate symbolic demonstrations of their desire for, and perceived right to, power within the Inns. In this pamphlet there are many examples of areas of tension between the Bench and the Bar: Christmas commons, but also the manner of holding parliaments and bench tables and passing orders, the operation of hierarchy in the

¹²³ Ibid., p. 16.

¹²⁴ Ibid., p. 17.

¹²⁵ Ibid., p. 18.

¹²⁶ Ibid., p. 19.

Inn, and the special privileges the benchers enjoyed. These form the backdrop to the disorders at the Inns and perhaps explain their frequency.

The 1680s was a particularly volatile period at the Inner Temple. John Champion, Richard Ruth and John Bagot were suspended January 31, 1683 for

keeping the hall and other offices of this society against the present government of this House, and hallooing and shouting with their guards and other rabble of people at the treasurer, the attorney general, and solicitor general...who...did demand the possession of the said hall; and they did accordingly keep possession thereof, and...continued gaming...until seven of the clock the next morning, being Sunday, and then prepared for a ball on the same day.¹²⁷

After the order for their suspension was entered in the buttry book "the said persons or others by their appointment" crossed it out and therefore Champion and Heath Edwards were "absolutely expelled and no longer reputed members."¹²⁸ The Christmas accounts show that John Champion was elected controller of the Christmas parliament, December 14, 1682, and Heath Edwards its speaker.¹²⁹ Edwards was readmitted as early as February 14, Champion not until November 27 1684.¹³⁰ Christmas commons was cancelled in 1683 and 1684¹³¹, resulting in a petition in 1685 presented by John Bagot, Thomas Yarburgh, Maurice Connell, Samuel Morris, Henry Oxburgh, Henry Dowdall and Dennis Egan. They said that

believing that continuing in commons in the Christmas time has been a custom and tolleration that was formerly allowed to the gentlemen under the bar of this society, your petitioners did presume the last Christmas to continue in commons, contrary to an act made by your masterships...they are sensible of the error they committed and pray forgiveness for the same and a remission of the penalties.

¹²⁷ Inderwicke, 4 Feb. 1683.

¹²⁸ Ibid.

¹²⁹ Ibid., 14 Dec. 1682.

¹³⁰ Ibid., 14 Feb. 1683, 27 Nov. 1684.

¹³¹ Ibid., 25 Nov. 1683, 27 Nov. 1684.

The petitioners were ordered to visit the benchers to acknowledge their faults; this being done their case would be considered further.¹³²

Thomas Yarburgh, Edward Robey, John Aston and Edward Floyd were the next to be expelled for riotous Christmas behaviour, in 1690. The treasurer and Solicitor Farrer were appointed to ask the Lord Chief Justice for aid against them and against Goodrich, John Money, a stationer, and others who assisted the students in

keeping a riotous and disorderly Christmas, contrary to the rules and orders of the House, whereby Strangers were introduced and gentlemen of the House excluded and the officers and servants of the House abused.¹³³

Money was exempted from this order on February 6, Robey's expulsion was annulled February 8, and Edward Floyd's expulsion was respited to the next term on February 13.¹³⁴ A petition on the offenders' behalf was rejected February 7, but Aston was restored in May¹³⁵ and Yarburgh in April 1692.¹³⁶ In 1691 an Edward Lloyd, probably Edward Floyd, was ordered to pay 50s., his portion of 32 barrels of beer drunk at Christmas 1689, before being sworn.¹³⁷

Therefore the barristers of all four Inns, most particularly the Temple, were an unruly bunch but not entirely anarchic. They took their revelry, their "solemn foolery", seriously and were even known to pass orders restricting their fellows' fun. They clearly saw their Christmas powers as rights guaranteed by long-standing tradition and fought long and hard to keep them. Unfortunately, the benchers fought just as long and just as hard to keep their own powers safe. Thus the fancy costumes, the dicing and cards, the breaking down of doors, the tedious keeping of accounts and records, even the lavish

¹³² *Ibid.*, 4 Feb. 1685.

¹³³ *Ibid.*, 31 Jan. 1690.

¹³⁴ *Ibid.*, 6 Feb. 1690, 8 Feb. 1690, 13 Feb. 1690.

¹³⁵ *Ibid.*, 31 May 1690.

feasting on pies, birds, mutton and wine, were more than just fun and games. They constituted weapons in a constant battle over power between students and teachers. The words of the benchers demonstrate again and again that despite the immorality, danger, destructiveness and shame of the barristers' actions, it was their disrespect that was most important. It was a threat to the order, reputation and good government of the Inns. It would literally bring about their ruin and destruction because it represented a disregard for the hierarchy within the Inns, which was only one of many hierarchies crucial to the maintenance of English society in the early modern period. The sooner their students, the future leaders of that society, learned this lesson, the better.

The Universities

At the universities Christmas was a less important holiday. It was not a "learning vacation" as at the Inns and, consequently, most students spent it at home. Nevertheless, some customary celebrations were held. One of the most cited is the singing of the boar's head at Queen's College, Oxford. Percy Manning says this custom was held to commemorate the death of a famous wild boar in the royal forest of Shotover "by strenuous application of Aristotelian method."¹³⁸ By Anthony Wood's account, every year a boar's head was provided by the manciple on Christmas day. It was boiled or roasted or perhaps carved in wood and covered with bays or laurels. A taberder (a bachelor supported by the foundation) laid his hands on it and sang the traditional song and at the chorus everyone joined in. The song went as follows:

The Boares head in hand bear I
Bedeck'd with bays and rose-mary

¹³⁶ Ibid., 21 April 1692.

¹³⁷ Ibid., 23 June 1691.

¹³⁸ Percy Manning, "Sport and Pastime in Stuart Oxford." in H. E. Salter, ed., *Surveys and Tokens* (Oxford, 1923), p. 87.

And I pray you, Masters, merry be
 Quotquot estis in convivio.
 Caput Apri defero
 Reddens laudes Domino.

The Boares head, as I understand,
 Is the bravest dish in all the land,
 Being thus bedeck'd with a gay garland
 Let us servire cantico.
 Caput Apri...

Our steward hath provided this
 In honour of the King of bliss
 Which on this day to be served is
 In Reginensi atrio.
 Caput Apri... ¹³⁹

Thomas Baskerville cites the account of Dr. Hide of the college. Hide said on Christmas day a boar's head was served at the beginning of dinner. It had formerly been a real head but was now made of wood and was dressed with bay and rosemary. Burning pitch was placed before its mouth to simulate foam. Then the song was sung by the butler or the man with the best voice and the strength to carry the head. The taberders were expected to sing so they practiced for a week before and were given beer. The boar's head song was the only song allowed in the college; otherwise it was an offense to sing aloud. The song was sung at the entrance to the hall and at the middle and high tables.¹⁴⁰ Another tradition at Queen's was for the students to play cards in the rooms of each fellow starting with the most senior in residence. On St. Stephen's Day (December 26) the provost was invited by the fellows and masters to supper and cards.¹⁴¹

¹³⁹ Anthony Wood, *The Life and times of Anthony A. Wood, antiquary, of Oxford, 1632-1695* (Oxford, 1891-1900), Dec. 1660.

¹⁴⁰ H. Baskerville, ed., "Thomas Baskerville's Account of Oxford" in Charles Fletcher, ed., *Collectanea, First-Fourth Series*. V. 47 (Oxford, 1905).

¹⁴¹ Manning, p. 125.

The most common Christmas pastime was the performance of stage plays. These were so popular that when John Evelyn attended a comedy at Exeter College in 1637 there were so many people there that he was injured and confined to his study until Easter.¹⁴² They were even popular with some of the authorities. When *Yuletide* was performed at Christ Church in 1608 President Buckeridge found the hall filled with a stage, scaffolds, broken windows and snow. He responded by proroguing term for a week so more plays could be performed.¹⁴³ *Yuletide* was a parody of St. John's College's *The Christmas Prince* (1607) and "a medley of Christmas sportes, by which occasion Christmas lords were much jested at."¹⁴⁴ It was preceded in 1602 by *Narcissus*, also performed at St. John's. These plays formed part of an attempt to revive the old custom of the Christmas lord, which had been neglected at Oxford since 1577. Referring to this neglect, the porter says at the beginning of *Narcissus*, "Christmas is now at the point to be past; / Tis giving up the ghost and this is the last; / And shall it pass thus without life or cheer? / This hath not been seen this many a year."¹⁴⁵ According to John Elliott Jr., after the civil wars there were neither serious nor comedic plays at Christmas until the nineteenth century. In 1664 Christ Church tried to revive the Christmas revels by putting on *The Tricks* but it led only to damage, drunkenness and wantonness.¹⁴⁶

Narcissus, which has been preserved in a Bodleian manuscript, was first recorded in the commonplace book of an Oxford man. It was written by a member of St. John's and told the story of Narcissus as written in the third book of Ovid's *Metamorphoses*. It was given its title not by its authors, who gave it none, but by its modern editor. Its

¹⁴² Bray, Christmas 1637.

¹⁴³ John R. Elliott Jr., "Drama" in Lawrence Stone, ed., *The University in Society* (Princeton, 1974), I, p. 644.

¹⁴⁴ *Ibid.*, p. 643.

resemblance to Ovid's Latin is so close as to imply a knowledge of Latin by the author, yet it used a "rough-and-ready" style typical of the period. Its author imitates and ridicules the naïve realism typical of English comedy at the time. Its absurdities are intentional; it is a burlesque, less skillful and humorous than Shakespeare, but a good, average specimen of its class, according to its editor. Its realism is heightened by the porter's pleas on behalf of the "youths of the parish" who are waiting with their wassailing bowl for admittance, song and other "sport." This scene is followed by a song, then an altercation between the porter and the players, who are ostensibly too shy to perform. Next the Prologue enters and the play proper begins. The dialogue of the play is smooth in contrast with the intentional doggerel of the porter's speech and epilogue.¹⁴⁷ His reference to the wassailing "youths of the parish" is an allusion to the Christmas customs this play parodies, such as the morris presented in *The Christmas Prince*.

S. Steevens day was past over in silence, and so had S. John's day also; but that some of the princes honest neighbours of S. Giles presented him with a maske or morris, which though it were but rudely performed, yet it being so freely and lovingly profered it could not but be as lovingly received.¹⁴⁸

The comedy and realism are maintained by inverted and nonsensical epithets like "So cruel as the huge camelion, / Nor yet so changing as small elephant."¹⁴⁹ Also employed are sarcastic allusions, facetious mistakes in word forms, naïve devices and direct appeals to the audience to excuse the players' lack of costumes and scenery. Sometimes the characters even describe their missing costumes and props.¹⁵⁰

¹⁴⁵ Margaret Lee, ed., *Narcissus* (London, 1954), "Introduction".

¹⁴⁶ Elliott Jr., p. 654.

¹⁴⁷ Lee, p. xx.

¹⁴⁸ Frederick Boas, ed., *The Christmas Prince* (Oxford, 1922), p. 25.

¹⁴⁹ Lee, ll. 360-361.

¹⁵⁰ *Ibid.*, p. xxix.

The play's editor identifies the porter as Francis Clarke of St. John's, who can be found in A. Clark's *Register of the University of Oxford*.¹⁵¹ He was probably a shrewd, combative wit, popular with the undergraduates but not so with their superiors. The college wags composed apologies for him, which he memorized and recited before the college head. One apology, preserved in the same commonplace book as the play, was addressed to "Master President, that had sconc't [fined] him 10 groats for letting the fiddlers into the hall at Christmas."¹⁵² The fine probably resulted from a mock trial and sentence at Christmas time.

The Christmas Prince has also been preserved in manuscript form, in *An Account of the College Revels from 31 October 1607 to 13 February 1608*, possibly written by Griffin Higgs, BA. It is an untitled anthology of eight plays written and performed by the students of St. John's at Christmas and modeled on the revels of the Inns of Court. The plays marked the stages in the festivities, including the election, coronation, reign and abdication of a Christmas prince. Everyone was expected to participate and money was raised from senior members of the college, including William Laud. The actors were mostly bachelors and undergraduates and their audience consisted of students from the other colleges. So many attended that sword-bearing ushers, called whiflers, were needed to lock the rowdiest in the porter's lodge and carry out those who had fainted or been trampled.¹⁵³ For the performance of *Periander* some could not get into the hall and a riot ensued. Stones were thrown and windows broken and the St. John's officials drew their swords and arrested the ringleaders.¹⁵⁴ The revels of 1607-8 played a conspicuous place

¹⁵¹ A. Clark, ed., *Register of the University of Oxford Vol. II 1571-1662* (Oxford, 1888), Part 1, p. 398.

¹⁵² Lee, p. xxxi.

¹⁵³ Elliott Jr., p. 643.

¹⁵⁴ Frederick Boas, *An Introduction to Stuart Drama* (London, 1948), p. 390.

in the swift rise of St. John's as a centre of academic acting, which aroused jealousy from the colleges of Magdalen and Christ Church, which had longer theatrical traditions. Five of the plays were in Latin, demonstrating the then common prejudice against the use of the vernacular in academic plays. Their description resembles the *Gesta Grayorum* or the *History of the High and Mighty Prince, Henry Prince of Purpoole*, which recounted the revels at Gray's Inn in 1594-5.¹⁵⁵

The two interludes, *Ara Fortunae* and *Ira Fortunae*, presented in dramatic form the elevation and dethronement of the mock sovereign. They also provided an opportunity for a discussion of the merits of monarchical rule. Like England's real monarchs, the prince ruled by divine right as he was chosen by the goddess Fortuna. He reigned from St. Andrew's Day (November 30) to Shrove Tuesday (February 9). His abdication combines the pangs of abdicating royalty with a quarrel between philosophy and poetry. The revolt against him is started by Philosophus with the support of Fortuna, who is incensed at the prince's neglect of her shrine. His councillors, seeing popular feeling turn against him, resign. Only Stultus remains faithful but his devotion is mingled with reproof. When the prince pulls back the curtain hiding Fortuna's shrine he reveals a tomb. The councillors, terrified, throw their emblems of office into it and take flight. This scene bears similarities to *King Lear*, which was published in the same year and acted at Whitehall December 26, 1606. At the conclusion, Minerva comes to the prince's rescue and helps him to enter a new reign.¹⁵⁶

Saturnalia was acted on Christmas Day. It features inverted relationships; the slave changes place with the master according to the Roman custom. In the prose

¹⁵⁵ Boas, *The Christmas Prince*, "Introduction."

¹⁵⁶ *Ibid.*

epilogue a parallel is drawn between the Saturnalia and Christmas. Another comedy was *Philomathes*, performed on January 15. It is set in Megara and Athens, a transparent disguise for Oxford. This allows the actors to sketch satires of the vain and frivolous undergraduate coxcombs who studied there. *Time's Complaint* was a failure; unfortunately it was performed in the college hall before the whole university. It featured a racy, drunken cobbler and an alewife who spoke in a coarse vernacular, but their scenes were marred by mishaps. *Seven Days of the Week* was a "mock play" acted privately in the President's lodging by those not suited to public acting. The actors gave ridiculously naïve descriptions of their parts yet it was so successful that it was repeated on January 17 for the vice-chancellor and Lord Clifford. According to Frederick Boas, its author also wrote *Narcissus* and *A Wassall called the five bells of Magdalen Church*, which was performed at Candelmas.¹⁵⁷

The prince, of course, featured in many of the plays and the manner of his election is "faithfully" described. His name was Thomas Tucker, but on election he was dubbed

Prince of Alba Fortunata, Lord of St. John's, high Regent of the Hall, Duke of St. Giles, Marquesse of Magdalens, Landgrave of the Grove, County Palatine of the Cloisters, Cheife Bailiffe of the Beaumonts, high Ruler of Rome, Maister of the Manor of Waltham, Governor of Gloster greene.¹⁵⁸

Naturally all of his many titles had local significance. For example, Alba Fortunata was the name of Sir Thomas White's foundation given to the college, St. Giles was the Oxford street on which St. John's fronted, and the Beaumonts refers to land belonging to

¹⁵⁷ Ibid.

¹⁵⁸ Ibid.

the college and housing the ruins of the palace of the Beaumonts built by Henry I in 1128.¹⁵⁹

The prince was elected as follows. On the 31 of October, 1607 (All Saint's Eve) a fire was made in the hall according to custom and by statute. The students gathered to begin Christmas, the seniors, graduates and undergraduates to see the sports, the "poulderlings" (second years) and "freshmen punies" (first years) to "make" them. As an initiation, the younger students were not allowed to watch unless they had participated. This year the freshmen thought the poulderlings too busy and nimble and the poulderlings thought the freshmen too dull and backward. The spectators considered both too forward and violent. For fear of tumult, the fun was ended early.¹⁶⁰

The next day it was hoped that a night's sleep had abated the youngsters' rage but it had only increased it. They had consulted on how to increase their strength and had bred new quarrels. Their strife and contention would have "set men together by the ears" and ended all Christmas sports for the whole year. To avoid this it was suggested that they appoint a Christmas lord or Prince of the Revels who would moderate the games and punish offenders who interrupted the free and quiet passage of their ancient and allowed sports. We can see here that this account of the revels is not merely a description but a defence and justification as well. Because a prince had not been known for thirty years everyone was interested and their jesting was forgotten. Therefore thirteen senior undergraduates (seven "of the body of the House" and six commoners) withdrew and debated whether to choose an undergraduate or a graduate. They could not decide so they eventually selected the first man they saw, Joanes Towse, but he refused the office. They

¹⁵⁹ Ibid.

¹⁶⁰ Ibid., "Election of the Prince."

then realized the house did not want an undergraduate as prince because they wanted “earnest sport”, not a “scoffing jest.” So the electors withdrew again and made their selections in writing and by seniority.¹⁶¹ There was great expectation and some, “to make sport”, “had their names loudest in their mouths, whom they least thought of in their minds.”¹⁶² When the top two names, Joanes Towse and Thomas Tucker, were read out by the Dean there was a general and loud cry of “Tucker Vivat.” The “younger sort” cried it in the streets and Tucker, hearing it in his house, secretly went to his chamber. He was looked for in the town and the college and when found he was carried by violence around the hall, then back to his chamber for the night, by his request.¹⁶³

On November 5 the Lord Elect, with the bachelors and senior undergraduates, made speeches on monarchy, some in favour, some against, and on sports and revels. Then, to give notice of the election of a lord and to determine his authority, jurisdiction and funds, the bachelors sent two bills to the Masters’ Fire, one craving their duty and allegiance, the other money and maintenance. The first bill expressed their expectation that “no Tutor, or Officer whatsoever shall at any time...intermeddle, or partake with any scholar, or youth whatsoever, but leaving all matters to the discretion of ourselves, stand to those censures and judgements which we shall give of all offenders that are under our government.”¹⁶⁴ They received the masters’ allegiance but not their money, which they said they did not have the authority to give. Thus the bill was sent on to the President, who wanted to know what the sports would be, what their quality and expense and who would be responsible for each night. Finally he ratified the Act for Taxes and Subsidies

¹⁶¹ This electoral method closely resembles that used by the university.

¹⁶² Boas, *The Christmas Prince*, p. 5.

¹⁶³ *Ibid.*, “Election of the Prince.”

¹⁶⁴ *Ibid.*, pp. 7-8.

passed by his predecessor in November 1577. He further enacted that no man should hide his estate or ability to pay. Each man's contribution was listed below the act. Still there was not enough money so the bachelors sent out requests to alumni. They are worded very seriously and argue, for example, that money is necessary to preserve the peace of the kingdom.¹⁶⁵

To what degree the students took themselves seriously and to what degree it was all a farce we cannot know. Certainly the use of ambassadors, royal titles, diplomatic correspondence and the like evokes the paraphernalia of the Christmas princes elected at the Inns. With the importance of the monarchy in English society at this time, is it any wonder that it appeared in so many different festive customs, both popular and elite? Like the Inns, the universities were microcosms of the outside world and their customs dress rehearsals for, and parodies of, adult life.

Conclusion

Whether a student at Oxford or Cambridge or a barrister at one of the Inns of Court, a young, well-born man in the seventeenth century knew the importance of hierarchy. Whether the hierarchy of man over woman, man over beast, rich over poor, or adult over child, he lived and breathed it from the day of his birth. But that does not mean that he blindly obeyed it without question. At various times of the year, but especially during the long festival of Christmas, when day-to-day rules were put aside and the world was turned upside down, the student tested his limits. He mocked his superiors by setting up alternative hierarchies with himself at the top and demonstrated his power and wealth in the same way they did, with extravagant clothing, food, parades, masques and games. Although this tradition boasted a long heritage and was widely practiced at this time of

¹⁶⁵Ibid., "Subsidies Granted, Privy Seals Sent forth."

year, educational authorities kept a close eye on it. Excessive gambling, violence, vandalism, immorality and insolence were forbidden and their partakers punished. In the constant battle for authority between student and teacher, every possible weapon was employed. Servants were manipulated and bribed, ancient custom was cited again and again, external authorities, from the judges on up to the king, were applied to, and sometimes pots were thrown. Reams of legislation were passed throughout the seventeenth century but to little effect. Christmas customs were neglected, revived, persecuted and changed, but did not die. A less happy fate, on the other hand, befell the university jokers, the *Terrae Filius* and *Praevaricator*, who are the subject of our final chapter.

CHAPTER FOUR

CASE STUDY: COMMENCEMENT

The preceding chapters may have given the impression that the universities constituted little more than a social club for wealthy youngsters intent on mixing with the rich and powerful by way of riding, dancing, fencing, hunting and dressing up as royalty. In fact they were still important seminaries and educational institutions and some, at least, of their students did seek to complete their degree. To prove their mastery of the curriculum students were required to deliver a certain number of disputations, arguments on a given topic, usually theological or philosophical. These speeches, combined with the formal granting of the degree and a great deal of ceremony and celebration, constituted the university Commencement or Act. There were two during the year, the Lent Disputations, called the *Tripes* or *Minora Comitia* at Cambridge, held in January or February, and the summer Commencement, or *Majora Comitia*, held in early July. These ceremonies were highly visible demonstrations of the universities' wealth, prestige and scholarship and were attended by alumni and dignitaries from across England and the Continent.

And yet, as formal and serious as they were, they were also occasions of mirth and celebration. At Oxford the "Act time" was a time of fairs, plays and student pranks. Alumni attended as much to socialize and drink with their boyhood friends as to listen to learned speeches. The most notorious manifestation of this festival attitude was the appearance of the *Terrae Filius* at Oxford and the *Praevaricator* and *Tripes* (or Bachelor-of-the-Stool) at Cambridge. Their humorous and often shocking speeches were well loved by many spectators for whom they constituted the primary reason to attend

Commencement, but for others, particularly the university authorities, they were a shameful nuisance. Like other elements of the carnivalesque, they were attacked and restricted throughout their existence and finally eradicated in the eighteenth century. Their part in the ceremony will be examined first, followed by their history, from their first appearance to their eventual demise.

Commencement, like many public spectacles, suffered during the Interregnum, but Colley Cibber writes in his *Autobiography* that after the Restoration there

began again to be politically troublesome, publick Acts at *Oxford*...more frequently held than in later Reigns...these Academic Jubilees have usually been looked upon as a kind of congratulatory Compliment to the Accession of every new Prince to the Throne, and generally as such they have attended them. King *James*, notwithstanding his Religion, had the honour of it; at which the Players, as usual, assisted.¹

Indeed commencements were often held on an especially grand scale on the accession of a sovereign, the installation of a new Chancellor or the visit of some person of note.²

Some sense of the excitement felt at this time of year is conveyed by Bloom in Baker's *An Act at Oxford* (1704). "Why faith," he says,

this public Act has drawn hither half the Nation, Men o'Fashion come to show some new French cut, laugh at learning, and prove their want of it; Men o'rapture to smuggle a fresh country girl, as if the youth, and fire o'the University had left a Maidenhead i'the Country; with wagon loads of tailors to equip us, fiddlers to set us a capering, country school-masters, and vacation whores, which the proctors are very busy in discovering, first to – examine 'em, and then cart 'em out o'Town. – The Company, the diversions have raised us a pitch above ourselves; the doctors have smuggled up their old faces, powdered their diminutive bobs, put on their starched bands, and their best Prunello Cassocks, with shining shoes that you may see your faces in. – The young Commoners have sold their books to run to plays. – The serviters have pawned their beds to treat their shabby acquaintance, and every College has brewed such store of strong stupifying belch, in hopes to level sheer wits to their own mediocrity.

¹ Colley Cibber, *Autobiography* (1740), p. 382 in Christopher Wordsworth, *Social Life at the English Universities in the Eighteenth Century* (Cambridge, 1874), p. 283.

² Wordsworth, p. 258.

“But what’s the Nature of this public Act?” asks Bloom’s companion, Captain Smart.

“The pretence of it is florid orations, and philosophical disputes, which few understand, and fewer mind, but in fact, ‘tis to bring honest fellows together.”³ The richer sort enjoyed the Act as well. In 1628 James Howell sent his brother, Dr. Howell of Jesus College, Oxford,

four brace of Bucks, and a Stag; the last Sir Arthur Manwaring procured of the King for you, towards keeping of your Act, I have sent you a Warrant also for a brace of Bucks out of Waddon Chace; besides, you shall receive by this Carrier a great Wicker Hamper, with two joulds of Sturgeon, six barrels of pickled Oysters, three barrels of Bologna Olives, with some other Spanish commodities.⁴

The jester’s role in all of this was central. In fact, the right of the *Terrae Filius* to appear was guaranteed by the Laudian Statutes under Titles 7.4 and 7.13, although Title 7.3 was passed to prevent obscenity and profanity in his speech. When Oxford’s Vice-Chancellor commanded the congregation to vote for or against the *Terrae Filius* in 1658 he was unsuccessful as he couldn’t legally get rid of him without changing the statutes. The usual means of control, therefore, was either to cancel the Act, for more or less justifiable reasons, or to force the jester to recant and apologize afterwards. According to Christopher Wordsworth the office “was at one period almost essential to the proceedings towards some of the academical Degrees” and may “have had some prototype in the ancient continental Universities.”⁵ Indeed there is evidence that this phenomenon was not limited to England. Norbert Elias reports that prostitution was a common topic of comic speeches at continental universities in the early modern period. In 1500 at Heidelberg

³ Thomas Baker, *An Act at Oxford: A Comedy* (London, 1704), pp. 2-3.

⁴ Letter, James Howell to Doctor Howell, London, 20 June 1628, *Epistolae Ho-Eliaanae*, I, 5, p. 197 cited in Wordsworth, p. 284.

⁵ Wordsworth, p. 207.

students delivered speeches “On the fidelity of courtesans to their paramours”, “On the fidelity of concubines” and “On the monopoly of the guild of swine.”⁶

The term *Terrae Filius* is of unknown origin, although he was only one of many *fili* at Oxford. A dictionary of 1661 defined the term as “the fool in the Acts at Oxford”, which does little to further our knowledge.⁷ Interestingly, the term was occasionally used in other contexts, which demonstrates a widespread familiarity with the Oxford ceremony. Anthony Wood reports that in 1649 a Mr. Anthony Hodges, rector of Wytham, often came to visit the royalists staying at Mr. Tipping’s house, where Wood’s mother was living. He so delighted them with his mirth, buffooning and bantering that “they esteem’d him their *Terrae Filius*.”⁸ Smith and Ehninger maintain that this “son of the earth” originally played a solemn role in the Act but later began to attack the questions (of the disputations) in a humorous way, then moving on to poke fun at the institution and everyone connected with it. There were actually two *fili*, the junior, appointed by the Junior Proctor and appearing on Act Saturday, and the senior, appointed by the Senior Proctor and appearing on Act Monday. The earliest recorded speech of a *Terrae Filius* was made by Thomas Tomkins in 1607. John Ayliffe said this jester’s wit emerged at the Reformation, when he exposed the abuses of the Roman church, but after that period he became scandalous and abusive.⁹ The *Terrae Filius*’s speech drew attention to the sins and failings of the heads of colleges, such as dicing, popery and

⁶ Norbert Elias, *The Civilizing Process*. Vol. I. *The History of Manners* (Oxford, 1994), p. 145.

⁷ Thomas Blount, *Glossographia* (1661) cited in B. Smith and D. Ehninger, “The terrafilial disputations at Oxford,” *Quarterly Journal of Speech* (1950), pp. 333-339.

⁸ Anthony Wood, *Athenae Oxonienses* (London, 1813-1820), I, 1649.

⁹ Smith, p. 334.

illiteracy, and was a welcome relief from a tedious and highly intellectual program (for not everyone in the audience was a university student or graduate).¹⁰

The *Praevaricator* and *Tripes* at Cambridge served the same purpose. "Under the pretence of maintaining some Philosophical question," writes Wordsworth, "they poured out a medley of absurd jokes and personal ridicule. By the statutes they were directed to confine themselves to the exercise of refined and classical wit, and all vulgar jesting was prohibited: but in process of time the statutes were constantly set at defiance."¹¹ The *Praevaricator* or *Variar* may have been so-called because he "varied" the question, but Archbishop Trench says the word alludes to a shortlegged straddler who appeared at the Roman law courts. He was bound by his office to prosecute a charge but was in secret collusion with the opposite party, "and betraying the cause which he affects to support, so manages the accusation as to obtain not the condemnation, but the acquittal of the accused; a 'feint pleader', as, I think, in our old law language, he would have been called."¹²

George Peacock and Christopher Wordsworth provide some insight into the *Praevaricator's* role by quoting from the books of Mathew Stokes, Beadle at Cambridge during the sixteenth century, and John Buck, Beadle in 1665. Stokes' account reveals that St. Mary's Church was used for Commencement and provided with stages for the participants to stand and sit on. This location was used until 1740 (when what was left of the ceremony was moved to the senate house) despite Archbishop William Laud's complaint that "St. Mary's Church at every great commencement is made a theatre, and the praevaricator's stage, wherein he acts, and sets forth his profane and scurrilous jests,

¹⁰ Ibid.

¹¹ Wordsworth, p. 277.

besides divers other abuses and disorders.”¹³ In the church the *Praevaricator*, the youngest regent who had commenced the previous year, answered the Son and the Father. After the Proctor had called an end to their argument, the non-regent answered the *Praevaricator* and he answered all three. The *Praevaricator* was the youngest regent because he was sworn last. He was required to preface his argument with a speech and in this speech he was allowed by custom a certain freedom in his language. But this privilege was often abused and decrees against it were issued by the college heads. Often the speech’s humour resulted from a variance of the question, such as a pun or transposition of terms.¹⁴

Buck’s account of 1665 is similar. On the first Monday in July were held the *Vesperii Comitiorum*. The participants were called to the Commencement House by a bell at 3 pm. The Proctor gave a short speech, followed by the speech of the Father in Philosophy. Then the Proctor called up the *Praevaricator* to give his speech and dismissed him afterwards. On the Tuesday the Proctor swore in the Inceptors in Divinity and made a speech. The Father in Philosophy made a speech, then created his eldest son by placing his cap on his head. After the *Praevaricator*’s speech, the eldest son made a speech and disputed with the *Praevaricator*. At the end of the Act the next year’s *Variar* took an oath to settle the question at the next *Comitia*: “*Jurabis etiam quod sequenti Anno in proximis Comitiiis per te, vel per alium variabis, determinabis Questionem...*”¹⁵

Buck also describes the Lent Commencement, which began “on Monday, Tuesday or Wednesday either in the next or the next week save one after the said 12 day

¹² Ibid., pp. 257-8.

¹³ George Peacock, *Observations on the Statutes of the University of Cambridge* (London, 1841),

“Appendix A”, pp. xxv-xxvi.

¹⁴ Ibid., “Appendix A.”

of Jan.” After being examined by the Proctors, Posers and other Regents and admitted by the Vice-Chancellor, the Questionists (the Determiners) were required to answer a question from Aristotle’s *Priorums*. Then on Ash Wednesday they went to St. Mary’s accompanied by the Proctors, Father, *Tripes*, bachelors, sophisters and other scholars.

After a little Pause the senior Proctor beginneth his Speech, and towards the end thereof, speaketh to the Father, to make an exhortation to his Sons; which, when the Father hath done, the senior Proctor calleth up the *Tripes* and exhorteth him to be witty, but modest withall. Then the *Tripes* beginneth his speech or Position, made for the Illustration and Confirmation of his first Question.

The *Tripes* was answered by the Senior Brother and then the Junior Brother and his verses were delivered to the Vice-Chancellor, noblemen, doctors and others. The Act was ended with a commendation by the Proctor of the *Tripes*, “if he deserves it.”¹⁶

According to Wordsworth,

the speeches of the *Tripes* and his two *Brothers* – though originally intended to exhibit genius, rather than frivolity, and serving (it may be) in the first instance merely to raise the old standard ingenious fallacies and logical quibbles, which admitted of a certain degree of humour – tended, especially after the Restoration, to become boisterous and even scurrilous.¹⁷

One *Tripes*-speech that has been preserved in the Bodleian Library is contained in a publication called *News From Both Universities* (1714). The Oxford contribution, *The Brawny Priest: or the Captivity of the Nose*, Wordsworth deems “quite unworthy of type.” The *Tripes*-speech, however, he is willing to quote and discuss. It was made by Samuel Cobb of Trinity College, who entered dressed “probably in fantastic costume” and attended by the two brothers who carried catalogues for the auction of the doctors. Cobb received his BA in 1698 and his MA in 1702, and delivered the speech on February 19, 1702. He began with a comment on his role as *Tripes*, saying,

¹⁵ Ibid., “Appendix B.”

¹⁶ Wordsworth, pp. 217-219.

'Twas well when our Forefathers did agree
 That the grave Doctors should sit there and see
 Their Follies banter'd by a Knave like me,
 And wisely manag'd to begin their *Lent*
 With one who swears he'll make you all repent.¹⁸

Wordsworth describes the next segment as “a ludicrous satire on several characters in the University...in English doggerel, alternating with Latin prose and scraps of verse.”¹⁹

One of Cobb's complaints was against the Taxors, officers originally appointed to prevent unattached students from being charged too much for their hostels or lodgings in town. He also attacked a proctor who disapproved of the *Tripes*-speech, an ex-proctor who was fond of looking at himself in the glass, and a “King's man, ‘Judge’ Bullock, ‘a mathematician, and broad platter-fac'd Fellow’ who was supposed to be in love.” He pretended to knight a proctor and mocked the master of Benedict College, who “when he was Vice-Chancellor forbad Plays, even so much as Puppet-Shows:”

The Wise will say 'twas done with reason,
 For *Punch* was Jackish, and talk'd Treason...
 But who can any Harm acquire
 From a small Gentleman in Wire?
 And what can e'er proceed that's odd
 From tiny things like Master *Modd*?²⁰

Finally, Cobb held a mock auction of doctors complete with catalogues distributed by his brothers. He then confessed, begged pardon “for his freedom” and disposed of his effects. His brothers assisted him to his “execution” but the Sophisters began to cry for a pardon. The pardon, printed on “a monstrous sheet of paper,” pardoned “our Trusty and well-beloved *Sam. Cobb*, for all and every Offence he has committed against the Upper and

¹⁷ Ibid., p. 220.

¹⁸ Ibid., p. 221.

¹⁹ Ibid.

²⁰ Ibid., p. 224.

Lower House.” For good measure Cobb also apologized verbally to the senior members of the university and the Vice-Chancellor:

That I’ve been honest, you must needs confess,
 You’ve heard with how much innocence I spoke,
 No scurril Satire or ill-natur’d Joke;
 How far from Obscenity I could decline,
 Which always grates a Doctor’s ears and mine;
 How nothing tended to malicious Ends.
 Then let us all shake Hands and so part Friends.²¹

As will become evident later in this chapter, it was common for university authorities to require the jester to publicly recant and apologize for his speech to avoid punishment. It is interesting that in this case the apology, which had become an annual ritual rather than a reaction to exceptional scurrility by this time, was incorporated directly into the speech. While this allowed Cobb to dispense with a formality that would almost certainly have been required of him anyway, it also played a part in his act. His words indicate that he trod a fine line between the humility and sobriety required by the Vice-Chancellor, and the disrespectful satire appropriate to his role as *Tripes*. He both made an apology and criticized the custom that made one necessary simultaneously. By making the apology a part of his act, he denied the university the ability to demand it, thus diminishing the element of shame it was supposed to entail. And its close association with the other elements of his mocking speech degraded it and called its sincerity into question.

The university’s concern with the *Tripes* is demonstrated by the legislation passed on the subject. A regulation of 1576 declared it an

ancient and laudable custom...that all those persons which should sustain the person of the Father, the Eldest Son, the Bachelor of the Stool [*Tripes*], and the disputers should keep their rooms [places] and functions in the *latter* act and not

²¹ Ibid., p. 226.

to be changed but upon great and urgent causes, to be approved and allowed by the V. C.

The Father and Bachelor were also not to change the two questions they were to defend.²²

Orders for Ash Wednesday 1638 forbade the students from climbing on the windows or making noise by clapping, shuffling, beating, laughing, or hissing.²³ In 1667, instead of their usual humorous speech, the *Praevaricator* and *Tripus* were required to defend a serious position, having first shown that position to the Vice-Chancellor.

If either the praevaricator or Tripus shall say any thing upon the pretence of his position but what hee hath before shewn to the Vicechancellor and what hee hath allowed; or the opponents shall obtrude any sort of speech, or other arguments then serious and philosophical, hee shall bee punished with the censure of expulsion.²⁴

Wordsworth says the nearest thing to the Cambridge *Tripus* verses at Oxford were the Lent Verses, or *Carmina Quadragesimalia*. They were verses recited publicly in the schools on the first days of Lent by the determining bachelors of each college, and composed on the theme of the disputation. They were epigrammatic illustrations of the subject, "not always very philosophical, but elegant." Nicholas Amherst, editor of *Terrae Filius* (1721), said the "constitutioners" (members of the Oxford Constitution Club of 1715) often

met with unjust and scandalous usage: St. Mary's Golgotha, the Theatre, Convocation-house, and Schools echo'd with invectives and anathemas against them. The most scurrilous reflections on them were constantly thrown out in the *Lent verses*, sermons, declamations, and other publick exercises.²⁵

One other source of amusement at Commencement was the Music Speech, which Wordsworth says was similar to the *Tripus* speech, but only appeared at the public

²² Ibid., p. 227.

²³ Ibid.

²⁴ Ibid., p. 229.

²⁵ Ibid., p. 309.

commencements (those held to mark royal births, visits of dignitaries, and so on). The famous Music Speech of Roger Long of Pembroke Hall, delivered in June 1714, consisted of a medley of Latin prose and English verse.²⁶

Because Commencement, particularly at Oxford, was such a grand social occasion, many contemporaries have left valuable accounts of their attendance there. The prolific note-taker Anthony Wood went so far as to collect programs and special orders passed for the occasion, as well as keeping track of who played the role of *Terrae Filius* each year and how his speech was received. Equally important are his records of when the Act was cancelled and for what reason and when and how the jester was punished or made to recant. His accounts are confirmed and supplemented by those of a less antiquarian nature, including the diaries of John Evelyn and Symonds D'Ewes. These records show that the university jester was the object of great controversy; he was either loved or hated and seldom ignored. Although his place in the ceremony was guaranteed by custom and statute, eventually the pressure of constant criticism and restriction killed him off and he was not seen again after 1763.

The first *Terrae Filius* recorded in *Oxoniana* is J. Hoskyns of New College, who was expelled in 1591 for being so "bitterly satirical."²⁷ Nothing more is recorded until 1620, when D'Ewes gave the following "concise summary" of the Tripos at Cambridge: "The *Proctors* orated: the *tripos* jested: the *Bachelors* replied: and the *Masters of Arts* disputed."²⁸ The *Tripes* that year was Sir Barret of St. John's, a friend of D'Ewes and the author of a Latin comedy acted in St. John's Hall the preceding Christmas. D'Ewes reported that "both in his position, and in his extempore answering, he [Barret] made a

²⁶ *Ibid.*, p. 259.

²⁷ *Ibid.*, p. 296.

great deal of sport, and got much credit.”²⁹ The Senior Brother was another of D’Ewes’s friends, Saltonstall of Jesus, and the Junior Brother was Sir Tutsham of Trinity. At the Great Commencement in July D’Ewes attended the Music Act, in which a Sophister

came up in the schools bringing with him a viol: and he commenced his proceedings by playing upon this viol an original *lesson* or exercise... When the opponents had left him master of the field he played another piece, probably in a triumphant strain; which gave the *Moderator* occasion to observe that *ubi desinit philosophus, ibi incipit musicus* [Where the philosopher stops, the musician begins].

D’Ewes called this “a very pretty jest.”³⁰ It was not unusual for jokes to be made in Latin; in fact many of the academics’ jokes, particularly their puns, would not have worked in English. Irreverence is perhaps all the more effective when practised within a normally serious and intellectual milieu. The co-opting of a discourse constructed to debate the great questions of theology and philosophy to the task of mocking that discourse’s representatives and sometimes the utility of the discourse itself was the essence of the *Terrae Filius*’s art; the more adeptly and subtly he manipulated the tools of rhetoric given him by the very men he criticised, the more applause and fame he could accrue.

On Sunday July 2 D’Ewes found himself “amid the throng in St. Mary’s church [where] the only seat he could find was upon the highest part of the scaffolding behind the pulpit; ‘very commodius,’ but an indifferent place for hearing.”³¹ On Monday “the competition for seats was so eager” that D’Ewes had to “rise betimes and take an early breakfast, and pass onwards to St. Mary’s with as little delay as possible.”³² The *Praevaricator* arrived in the afternoon after an oration by each of the proctors. D’Ewes

²⁸ *Ibid.*, p. 277.

²⁹ *Ibid.*, p. 279.

³⁰ Wordsworth, p. 280.

³¹ *Ibid.*

³² *Ibid.*, p. 281.

considered his wit “indeed pitiful.”³³ The following day the *Praevaricator* again spoke as part of the Philosophy Act. The Senior Brother (the senior commencing MA) disputed with him and then followed the oaths and investiture. The festivities in the evening were not over until 10 pm and D’Ewes did not go to bed until midnight, thus sleeping through chapel the next morning.³⁴

Although D’Ewes did not report any adverse reaction to the jester’s speeches in 1620, eight years later the Vice-Chancellor and heads of colleges decreed that “prevaricators, triposes, and other disputants should thereafter abstain from mimic salutations and gesticulations, ridiculous jokes and scurrilous jeers, at the laws, statutes or ordinances of the University, or the magistrates, professors or graduates.”³⁵ Ridicule and mockery continued to present themselves, however. At about this time a Mr. Vintner punned on the question “Whether celestial bodies are the causes of human actions.” According to William Costello (who underlines the academic nature of “prevarication humour” by discussing it in a chapter entitled “The framework of Scholasticism”),

in this typical varier’s speech, Vintner offers a completely inconsequential syllogism, puns on Aristotle’s being a star because of his *De Coelo*, calls Aquinas a meteor, and allows that the dons present may also be called stars, since, as the stars are the denser part of the heavens, so may they be called the denser part of the academic world.³⁶

Costello considers Vintner’s work “insulse and heavy-handed.” A more subtle humour was made by Fuller on the question of whether the spirit of man is a blank slate. He used “some delightful verses in medieval Latin” to show that “love is the only proper logic, cosmography, poetics, physics, and mathematics.” Costello says the humour was so

³³ Ibid., p. 282.

³⁴ Ibid., p. 283.

³⁵ William T. Costello, *The Scholastic Curriculum at Early Seventeenth-Century Cambridge* (Cambridge, Mass., 1958), p. 27.

subtle that it contained “only a breath of the risqué, which evaporates in the translating.”³⁷

The *Praevaricator* in 1631 was James Duport, who wondered whether “gold can be produced by chemical art.” He punned on the Aristotelian principles of origin, generation, corruption and privation, saying that gold produced by generation is “meretricious...spurious and adulterate.” Then he mocked the medical profession with the following syllogism:

Gold is produced either by art or by science. Yet, not by science, for it is easily produced without science, as in the case of a doctor, who, if he have practice, can produce gold without science. Therefore, it remains that gold is produced by art.³⁸

Falling back on the *Praevaricator*'s original task, that of exposing the faults of the Catholic Church, Duport presented the following method for making gold by chemistry:

Let a man take a grain of merits, ten ounces of absolutions, six pounds of indulgences, together with a fascicle of reliquaries, oil, salt, saliva, well-mixt, and let all be poured upon the hair of a Cardinal and cooked together in holy water upon the fire of purgatory, which is kept going by the incendiary Jesuits by their spirit of sedition, and so boiled until reduced to nothing.³⁹

The following year the *Terrae Filius*, Masters, was expelled for his speech but was restored in 1638.⁴⁰ In 1640 Seth Ward of Sidney, *Praevaricator*, was suspended from his degree but restored the next day.⁴¹ Even during the Interregnum the jesting continued. In 1648 it seems that there was no oral performance, but the *Terrae Filius*'s speech appeared in print and denounced the slowness of parliament in executing the king.⁴² In 1652 Morland of Wadham College, Oxford, pointed out that “the Cantabrigians call us

³⁶ Ibid.

³⁷ Ibid.

³⁸ Ibid., p. 29.

³⁹ Ibid.

⁴⁰ Wordsworth, p. 296.

⁴¹ Ibid., p. 229.

⁴² Ibid., p. 296.

Oxonians boys: we generously confess that the Cantabrigians are senile old men to rave so madly.”⁴³ Also in that year Oxford’s Vice-Chancellor, Daniel Greenwood, issued a paper threatening severe punishment to those who would disturb the Act with “humblings and other clamorous noises.”⁴⁴

John Evelyn attended the Act at Oxford in 1654. The day was spent, he said, “in hearing several exercises in the schools and after dinner the Proctors opened the Act at St. Marie’s (according to custome) and the Prevaricators their drolery. Then the Doctors disputed. We supped at Wadham College.”⁴⁵ The following year the *Terrae Filii* were John Glendall of Brasenose and R. Whitehall of Christ Church. Apparently the Act was so popular then that “there was a great rudeness committed, both by [the students] and by the concourse of people who attended, in getting into places and thrusting out strangers, during the time of the solemnity.”⁴⁶ Vice-Chancellor Greenwood, “a severe and choleric governor”, summoned “several guards of Musquetiers, out of the Parliament garrison then in Oxford,” to keep the doors shut, but there was fighting between the students and the soldiers “and thereupon blows and bloody noses followed.”⁴⁷ Despite the disorder, Wood reports that Glendall, a good friend of his, was so liked by many in the audience that they paid his “tavern reckoning.” He was a great mimic and had acted in several plays that were secretly performed in a stone house behind Pembroke College or in Kettle Hall, Halywell Mill or the refectory at Gloucester Hall.⁴⁸

⁴³ Costello, p. 30.

⁴⁴ Anthony Wood, *The Life and times of Anthony A. Wood, antiquary, of Oxford, 1632-1695* (Oxford, 1891-1900), 5 July 1652. It may be recalled that humming was a popular sign of disrespect among Oxford students. See above p. 73.

⁴⁵ William Bray, ed., *The Diary of John Evelyn* (New York, 1925), 8 July 1654.

⁴⁶ Wordsworth, p. 296.

⁴⁷ *Ibid.*, p. 297.

⁴⁸ Wood, *Life and times*, July 1655.

Glendall's plays had to be acted in secret because by now the puritans had gained power over the country and the universities. Thus Greenwood was replaced by John Owen, who was so intent on puritan reformation that he once removed the *Terrae Filius* from the stage with his own hands. He tried to end the frivolity of the Act and to make it into "a serious philosophicall exercise." He set up working parties of puritan fellows and tutors to guarantee godly worship and punished "such who scoffe at sermons, public ordinances, and ministers."⁴⁹ Owen's attempts at reform were evidently unpopular. Many of his proposals were rejected by convocation⁵⁰ and at Cambridge in 1657 the *Praevaricator* told the Oxonians present that Owen "had as much powder in his haire that would discharg eight cannons."⁵¹ In reply, Daniel Danvers, *Terrae Filius*, told the Cantabrigians that "he wondred how that powder could make such a report, seeing that it was white for white makes no report." Danvers also wondered about Dr. George Marshall, Warden of New College, "of what religion they supposed him to be, for he [Danvers] nor any else [ever] saw him at Church." Wood remarks that after this occasion Marshall "was a constant follower [of the church]."⁵²

Owen had his revenge the following year when he expelled Thomas Pittys of Lincoln, whose speech was "much disliked by the godly party"⁵³, and compelled Lancelot Addison of Queens to read the following submission in Latin on his knees:

I, Lancelot Adison, acknowledge myself to have gravely offended good morals and the university, with this shameful indecency whereby yesterday I wounded my reputation and that of the university; for my most disgraceful crime on bended knees I humbly ask forgiveness from this honoured sect, and I pledge that in the

⁴⁹ Blair Worden, "Cromwellian Oxford" in Lawrence Stone, ed., *The University in Society Vol. I. Oxford and Cambridge from the fourteenth to the early nineteenth century* (Princeton, 1974), pp. 744-45.

⁵⁰ *Ibid.*

⁵¹ Wood, *Life and times*, July 1657. Wood notes in MS. E 32, fol 28 that Christ Church, of which Owen was Dean, was founded for "a Dean and eight Canons."

⁵² *Ibid.*

⁵³ Wordsworth, p. 297.

next Act by me anything that offends innocent ears will be banished: Lancelot Adison.⁵⁴

On July 30 Owen went so far as to command congregation to vote for or against maintaining the *Terrae Filius* but he failed because the jester's role could not be modified without changing the statutes.⁵⁵

In the year of the Restoration the Act at Oxford was cancelled by the Chancellor "by reason of the present discomposure of the University" and by the heads of houses because of a lack of inceptors and opponents.⁵⁶ But at Cambridge "the whole University was [so] outrageous in its mirth... that the Praevaricator's jibes were launched forth at all present without mercy and without distinction."⁵⁷ The jester ridiculed the undergraduates, doctors and proctors and bantered with those who had waited through the "Troubles" for their MA degree. At the end he "begged for quarter from his hearers."⁵⁸ Henry Newcome noted in his diary that "we had excellent recreation by the Prevaricator, Mr. Darby of Jesus, who was so witty and so innocent that everybody was pleased with him."⁵⁹

An Act was held at Oxford in 1661 but the *Terrae Filius*, Robert Field, was made to apologise on his knees in August.⁶⁰ Also during this Act Thomas Grigg of Trinity said the devil had appeared at Magdalen College in a surplice. Two years later Gower, the *Praevaricator* at Cambridge, had to beg pardon for his speech⁶¹. At Oxford John Edwards of Trinity and Joseph Brooks of Christ Church mocked the fierce quarrels then raging in Magdalen College. John Dobson said of Brooks: "in many years there has not

⁵⁴ Wood, *Life and times*, 13 July 1658.

⁵⁵ *Ibid.*, 30 July 1658.

⁵⁶ *Ibid.*, 30 June 1660.

⁵⁷ Wordsworth, p. 278.

⁵⁸ *Ibid.*

⁵⁹ Thomas Baker, *History of the College of St. John the Evangelist, Cambridge* (Cambridge, 1869), p. 648.

⁶⁰ Wood, *Life and times*, 6 August 1661.

⁶¹ Wordsworth, p. 229.

been a more courageous or a more comical *Terrae Filius*,” and of Edwards: he appeared on Act Saturday and “was loudly hist.” Wood notes that Brooks’ speech “was not of his own making. It was composed by a club of pretended wits.”⁶² Then in August 1664 the proctors at Oxford stopped all congregations planned for the next ten days in an attempt to end the “regency” of the *Terrae Filii*, William Cave of Magdalen and Richard Wood of St. John’s. Anthony Wood says false information was given indicating that the proctors had abetted the jesters in their use of abusive language at the Act. The Chancellor ordered the Vice-Chancellor to force the proctors to submit within three days or answer to the king at court, but the proctors cleared up the misunderstanding with the Chancellor and took care of the *Terrae Filii* themselves. One of the speeches this year characterised Dr. John Fell, a long mean man, as “the jack”, Dr. John Dolben, a fat round man, as “the chubb” and Dr. Richard Allestree, a lean man with a red face, as “the red herring.”⁶³

The next two Acts were cancelled because of plague in London⁶⁴ and then Archbishop John Sheldon gave the university some money to build a great theatre, so all Acts were adjourned until the theatre was complete.⁶⁵ The Act of 1669, when the Sheldonian Theatre was consecrated, was often remembered by contemporaries as a “great and splendid act.” Wood says the players who acted in the Guild Hall yard made £1500 and scholars pawned their books, bedding and blankets to attend the plays. Two hundred Cambridge men were there and 84 MAs were created.⁶⁶ John Evelyn attended

⁶² Wood, *Life and times*, “List of *Terrae Filii*”, 1681.

⁶³ *Ibid.*, August 1664.

⁶⁴ *Ibid.*, 23 June 1665, 2 June 1666.

⁶⁵ *Ibid.*, 22 June 1667.

⁶⁶ *Ibid.*, 9 July 1669.

and liked the jesters no more than he enjoyed stage plays or the king's gambling. "The assembly now returned to the Theatre," he wrote,

where the *Terrae filius* (the University Buffoon) entertained the auditory with a tedious, abusive, sarcastical rhapsody, most unbecoming the gravity of the University, and that so grossly, that unless it be suppressed, it will be of ill consequence, as I afterwards plainly expressed my sense of it both to the Vice-Chancellor and several Heads of Houses, who were perfectly ashamed of it, and resolved to take care of it in future. The old facetious way of rallying upon the questions was left off, falling wholly upon persons, so that it was rather licentious lying and railing than genuine and noble wit. In my life, I was never witness of so shameful entertainment.⁶⁷

John Wallis was also shocked by the Act. He reported to the Honourable R. Boyle that

the *terrae filii* for both days were abominably scurrilous; and so suffered to proceed without the least check or interruption from vice-chancellor, pro-vice-chancellors, proctors, curators, or any of those who were to govern the exercises, which gave so general offence to all honest spectators, that I believe the university hath thereby lost more reputation than they have gained by all the rest; all or most of the heads of houses and eminent persons in the university with their relations being represented as a company of...dunces...During this solemnity (and for some days before and since) have been constantly acted (by the vice-chancellor's allowance) two stage-plays in a day (by those of the duke of York's house) at a theatre erected for that purpose at the town-hall; which (for aught I hear) was much the more innocent theatre of the two. It hath been here a common fame for divers weeks...that the vice-chancellor had given 300l. bond (some say 500l. bond) to the *terrae filii*, to save them harmless whatever they should say, provided it were neither blasphemy nor treason. But this I take to be a slander. A less encouragement would serve the harm with such persons. Since the act (to satisfy the common clamour) the vice-chancellor hath imprisoned both of them: and it is said he means to expel them.⁶⁸

In fact the *Terrae Filii*, Thomas Hayes of Brasenose and Henry Gerard of Wadham, were expelled but Gerard still had the nerve to show his speech around the colleges.⁶⁹ That same spring a fellow of Clare Hall, Cambridge was suspended and forced to make a public recantation in the Bachelors' Schools for his *Tripes* speech.⁷⁰

⁶⁷ Bray, 10 July 1669.

⁶⁸ Letter from John Wallis to Hon. R. Boyle, July 17, 1669 in Wordsworth, pp. 288-289.

⁶⁹ Wood, *Life and times*, 22 July 1669.

⁷⁰ Wordsworth, p. 230.

Sheldon having bought enough land to maintain his theatre, Chancellor Ormond said the Act would continue annually⁷¹ but the very next year it was cancelled because of the death of the Duchess of Orleans, sister to the king. There was much grumbling at this because the new theatre would go unused. Cambridge held its Commencement regardless and jeered at the Oxonians. Even the Archbishop and Bishop of Oxford wondered why they had no Act. Wood says it was all Dr. Peter Mew's idea and that the doctors wanted any excuse to cancel it.⁷² No doubt the decision had something to do with the "common clamour" of the previous year. The authorities relented in 1671 but the Vice-Chancellor passed strict orders that no one should pass within the "rail" unless required by the Professor of Music. Despite this the Music Act was interrupted by that very behaviour. Also Nicholas Hall, *Terrae Filius*, was forced to recant on July 11.⁷³

The Act of 1673 was notable, at least for Wood, because he was a chief object of the jester's wit. John Shirley of Trinity "spoke a speech full of obscenity and prophaneness." He said Wood liked to peer at old walls, altars and tombs, had threatened to geld his translator for gelding his book⁷⁴ and did his research in privy houses, where it was fit to return. He said Merton College would not let Wood live there for fear he would tear it down in search of antiquities; in fact Wood loved antiquities so much that he preferred to live in a cottleloft than in a spacious chamber. Wood was a *vir caducus* (a vain man) who wanted to put in his book pictures of Mother Louse and Mother George, two alewives. He was so vain that he did not want the book printed because it would be new and common. Wood claims few in the audience understood these jokes and they

⁷¹ Wood, *Life and times*, 3 June 1670.

⁷² *Ibid.*, 29 June 1670.

⁷³ *Ibid.*, July 1671.

⁷⁴ *Athenae Oxonienses*, for the second volume of which he was eventually expelled in 1693.

received no applause; in fact everyone was looking at Dr. Wallis but none at Wood, who was sitting only two seats away from him. Later Shirley was expelled for drinking and for having a “wench” in his room.⁷⁵ At Cambridge Benjamin Johnson, a proctor, made an apology and John Turner confessed his fault as *Praevaricator*.⁷⁶

During the Act of 1674 the *Terrae Filii* did not mention Wood’s book but the Vice-Chancellor, Ralph Bathurst, did and “[very] honorably.”⁷⁷ The Act of 1675 was celebrated despite an outbreak of smallpox⁷⁸ and the Act of 1676 was reportedly “a very great Act, as many if not more company then in the great Act 1669.”⁷⁹ Afterwards a bannimuss was posted on the university gates banishing and expelling Balthazar Vignes of St. Alban Hall, *Terrae Filius*, “for egregiously abusing the Doctors and not submitting.” John Crofts of St. Mary Hall, the other *Terrae Filius*, had submitted and Richard Blackmore of St. Edmund Hall, “senior of the Act,” had recanted.⁸⁰ In 1678 convocation again voted to cancel the Act, saying there were not enough Doctors of Divinity proceeding, but Wood heard in Bath that the town and the university were at odds and the university did not want to contribute to the town’s wealth (by drawing many visitors). Also soldiers were quartered at the university and it was feared they would abuse the visitors.⁸¹

After the Popish Plot was discovered the political implications of the *Varier*’s speeches subjected him to even greater scrutiny. When the *Praevaricator* at Cambridge ridiculed the plot in 1680 the university was sharply reprimanded and threatened with the

⁷⁵ Wood, *Life and times*, 14 July 1673.

⁷⁶ Wordsworth, p. 230.

⁷⁷ Wood, *Life and times*, 13 July 1674.

⁷⁸ *Ibid.*, 9 July 1675.

⁷⁹ *Ibid.*, 5 July 1676.

⁸⁰ *Ibid.*, 17 July 1676.

⁸¹ *Ibid.*, 10 June 1678.

interference of parliament.⁸² Wordsworth thinks it absurd that parliament would punish someone for “depreciating” popery, but perhaps the *Praevaricator* came too close to revealing the weakness of the evidence against the plotters. Peter Dixon’s speech at Oxford that same year reflected on Obadiah Walker and Francis Nicolson, who had preached a controversial sermon in favour of popery at St. Mary’s in June.⁸³ Despite the delicate subject matter, neither jester was expelled and the following year the wits returned to more personal matters. John Mower of Merton College, Oxford, reflected on Sir Thomas Spenser’s activities with Souche’s wife and afterwards Souche’s son assaulted Spenser in Row-buck yard. Mower was apparently “verie dull” but Matthias Hanville of New Inn Hall, who performed on Monday, “made up what was wanting on Saturday” although he was “full of waggery and roguery but of little wit.”⁸⁴

The *Terrae Filii* in 1682 were Henry Boles of New College, who spoke against Christ Church on Saturday, and James Allestree of Christ Church, who spoke against New College on Monday. Boles got the last word, however, because he was pro-proctor or “umbra” for William Dingley, Junior Proctor, on Monday, and so had the right to speak. Unfortunately his victory was fleeting, as he had to recant at the end of July.⁸⁵ The following year Thomas Brooks of Magdalen, described as “a fat fellow who spoke well,” and Michael Smith of Oriel jeered the Whigs at Oxford because a Presbyterian plot had been revealed.⁸⁶ At Cambridge three members of Sidney College, one of Jesus and one of Caius were rusticated “for their outrageous combination to disturb the exercises at the

⁸² Wordsworth, p. 279.

⁸³ Wood, *Life and times*, 12 July 1680.

⁸⁴ *Ibid.*, 9 July 1681, 11 July 1681.

⁸⁵ *Ibid.*, 7 July 1682, 31 July 1682.

⁸⁶ *Ibid.*, 6 July 1683.

latter Act.”⁸⁷ Peter Redmayne, *Praevaricator* in 1684, was expelled for “miscarriages” during his speech but was restored in October after the king sent letters citing his former good behaviour.⁸⁸ Few came to the Act in Oxford that year because there were no plays but the *Terrae Filius*, Robert Bell of Magdalen, “came off excellently well.”⁸⁹ He paid for his wit, however, when he and his fellow jester, Thomas Easton, were expelled and Bell was accompanied out of town by many scholars three days later.⁹⁰ Michael Smith, *Terrae Filius* in 1683, was also expelled that summer, not for his speech but for trying to “ravish” a maid.⁹¹

Oxford had no Act in 1685 and in 1686 it was put off due to the small number of proceeders and the small pox, but the Vice-Chancellor permitted the plays regardless, to please the people.⁹² It was again cancelled for lack of proceeders in 1687, although there were five doctors in each faculty, and Cambridge had no Commencement either. The authorities considered the Act inappropriate at the time and feared the *Terrae Filii* would reflect on papistry and the king’s toleration of Catholics, thus bringing the university into danger. They also feared that priests and Jesuits would come and criticize the divinity disputations while the proceeders did not have the liberty to argue against popery. On top of this, it was not fit to be merry when the church was under threat.⁹³ A lack of proceeders and the “general indisposition of this season” were cited when the Act was cancelled again the next year.⁹⁴

⁸⁷ Wordsworth, p. 230.

⁸⁸ *Ibid.*

⁸⁹ Wood, *Life and times*, 11 July 1684.

⁹⁰ *Ibid.*, 16 July 1684.

⁹¹ *Ibid.*, 26 Aug. 1684.

⁹² *Ibid.*, 8 July 1685, 28 June 1686, 3 July 1686.

⁹³ *Ibid.*, 23 June 1687.

⁹⁴ *Ibid.*, 25 June 1688.

Perhaps the university authorities grew too fond of the peace and quiet resulting from the Act's cancellation. By 1690, when Oxford again had no Act but Cambridge did, Wood was complaining that "laziness and covetuousness [is] the reason of our Act being put off."⁹⁵ He cited sloth, idleness and covetuousness again the next year, when there were six Doctors of Divinity, five Doctors of Medicine and one Doctor of Law proceeding but still no Act was held. The authorities just wanted to avoid the exercises and the expense of entertaining, he said.⁹⁶ They became more creative in their excuses as time went on, saying they could not have an Act in 1692 because it would fall within the monthly fast. Also, such a great "confluence" of people could lead to plotting against the state and would debauch the young scholars. If they feared a "confluence" of people, mused Wood, why did they not cancel the horse race at Woodstock? Among the students, he said, these six years of neglect of the Act were imputed to the laziness and covetuousness of John Lwyd and John Edwards of Jesus College, the Vice-Chancellors.⁹⁷ Perhaps the students were right, for after Dr. Henry Aldrich was installed as Vice-Chancellor in October 1692 an Act was finally held. Over 2000 people filled the Theatre, as many as in 1669. Robert Turner of Wadham did not meet their expectations but Henry Aldworth of Christ Church did well.⁹⁸

By the turn of the eighteenth century the *Terrae Filius* was in decline and his wit increasingly turned from oratory to the written word. Faced with the increasing hostility of university authorities, he sometimes had to content himself with spreading his jokes in print when he was not allowed to speak publicly. In this period he was often the author or

⁹⁵ Ibid., 25 June 1690.

⁹⁶ Ibid., 8 July 1691.

⁹⁷ Ibid., 3 June 1692.

⁹⁸ Ibid., 8 July 1693, 10 July 1693.

the subject of plays, newspaper articles and pamphlets. These writings contain a certain element of nostalgia, an awareness that the days of the academic jester were numbered and his performances lacked the wit and class they had once had.

The severity of opposition to the *Terrae Filius* is demonstrated by the fact that Thomas Baker's play *An Act at Oxford: A Comedy* (1704) was banned from performance before it was even published. Baker, who dedicated the play to Edward, Lord Dudley, resigned himself to the order but said he had the play published so it might be judged by the populace. It was his great misfortune, he wrote, to be accused of lacking sense and manners and of rudely treating "that learned body for which I have the highest deference and esteem [Oxford]."⁹⁹ The problem with the play, for the authorities, was probably its frank acknowledgement and celebration of the baser elements of the university community and its Commencement ceremony. As noted earlier, Baker's main character, Bloom, "a gentleman commoner of a good estate"¹⁰⁰, is quick to point out that although "the Pretence of [the Act] is florid orations, and philosophical disputes, which few understand, and fewer mind," its real purpose is "to bring honest fellows together."¹⁰¹ For Squire Calf it is to "to be drunk with my old Fellow-Collegiates, and to hear the *Terrae filius*, they say he designs to be violently witty, and I love an Oxford *Terrae filius* better than Merry Andrew in Leicester Fields."¹⁰² Deputy Driver, a "reformer of manners," pretends to be shocked by these confessions, but he is a hypocrite and a voyeur of the underworld he claims to reform: "Why, you pert Coxcomb... What! You are coming up

⁹⁹ Baker, *An Act at Oxford*, p. 3.

¹⁰⁰ *Ibid.*, p. 1.

¹⁰¹ *Ibid.*, p. 3.

¹⁰² *Ibid.*, p. 7.

too, to make a pretty figure at the play, talk lusciously to Madam in a Mask, brag the next day you had a maidenhead, and the day after take Physic for 't!"¹⁰³

Baker also describes many of the carnivalesque features of the Act-time. He has Lampon, the fool, say, "well, this Act Medely would make one die with their Latin speeches, and puppet shows, the Terrae-filius, and the dancing of the Ropes, they should e'en put a false hide upon one o'the senior aldermen, and show him for the Lincolnshire Ox."¹⁰⁴ True to his nature, Lampon later boasts that he was

turned out for ridiculing people of rank, which I thought as honourable, as a witty Terrae-filius here that's expelled the University for fear of infecting the Men of burdened learning, and prodigious memory."¹⁰⁵

He calls the art of ridicule "honourable"; no wonder the play was banned.

The key offence, however, was most likely the long speech made by Bloom as *Terrae Filius* in Act Five. It has many of the usual elements, including mockery of those present, smatterings of poetry and intervals of Latin, but is more self-referential than most of the real *Terrae Filius* speeches we have discussed. Perhaps this indicates nostalgia for a role in decline, or a perceived need to explain and defend this role to an audience now less familiar with it, or more hostile. Perhaps the recent decline in the quality, as well as the importance, of the *Terrae Filius* is being alluded to in Bloom's first lines, when he declares: "You expect a great deal, and shall have – very little, that is, -- little Wit, -- for the sake of the Grave Dons – less Scandal – for that of the Ladies, -- and no Latin – to oblige the Bean students."¹⁰⁶ But it is difficult to amuse the masses when the university seems to have lost its sense of humour. Bloom continues:

¹⁰³ Ibid., p. 5.

¹⁰⁴ Ibid., p. 6.

¹⁰⁵ Ibid.

¹⁰⁶ Ibid., p. 49.

A *Terrae filius* uses to abuse everybody, -- but himself; unless you'll say he abuses himself most in being a *Terrae filius*, for he must either be superlatively impudent, -- and so expelled, -- or emphatically dull, -- and condemned to the university, -- *Utrum horum*, choose you whether, -- why faith I'll be both -- in a different way, -- A young man should be impudent in private to recommend him to the ladies, -- and very dull -- in public to qualify him for preferment.¹⁰⁷

Continuing in this vein, he next explains what a *Terrae filius* is, as if his audience does not know.

He's the university jester, -- the terror of fudling doctors, and fornicating commoners, a serviter in scandal, -- and harlequin of the sciences. He has the modesty of -- an informer, the manners of -- a dutch trooper, the learning of -- a mountebank, and the wit -- of a projector, who obliges the public, and perfects his own ruin, -- his continual railing at the university looks as if he were -- married to her, and his expulsion proves he's -- divorced from her.¹⁰⁸

This description is unapologetic but hardly complimentary; it describes the eighteenth century jester, who has sunk to base humour and rude manners to please his dwindling public. He is a poor descendant of the original *Varier*, whose wit was clever and full of art. "He aims at wit, and loses fame, / Secures contempt, attempting at a name."¹⁰⁹ His speech is

an anti-panegiric, where as much pains is taken -- to detract, as in the Other -- to flatter, 'tis the reverse of a funeral sermon, where the whole care is to bespatter the living, as that is to bedaub the dead, -- 'tis an incongruous medley of flash, invective, grimace, and front, a sort of Law oratory without truth, or modesty, -- 'tis generally made by a club, consequently -- good for nothing, -- therefore 'tis like a confederacy, where they all rely upon one another, and nothing's done.¹¹⁰

From the examples that have been preserved, it seems that the jesters' speeches at this time were indeed more scurrilous and less clever than previously. One made at Oxford in 1703 by a Mr. R-----s of Magdalen Hall, contained these verses:

They took so many Bumpers in a Hand,

¹⁰⁷ Ibid.

¹⁰⁸ Ibid., pp. 49-50.

¹⁰⁹ Ibid., p. 50.

¹¹⁰ Ibid.

That neither He nor She could speak or stand:
 The panting Nymph inflam'd with Love and Wine,
 To her charg'd Stomach clapt the sleek Divine,
 Till the crude Treat disgorg'd, his Heat allays,
 And damp't the Passion she designed to raise.¹¹¹

This speech is more a collection of dirty poetry and Latin doggerel than a humorous response to a serious question, although it begins by asking “whether a Fool and a Physician be the same.”¹¹² It was published in 1713 in a collection called *The University Miscellany, or More Burning Work for the Ox-f---d Convocation*. The collection was so entitled because in that year, at the ceremony admitting the new Vice-Chancellor, a previous publication, *The Speech that was intended to have been spoken by the Terrae-Filius in the Theatre at Ox-d* (1713) was publicly burned as a libel.

This “libel” is prefaced by a dedication to “the Revd. Dr. G---r, V. C----r of O---d and the Head and Governors of Colleges and Halls.” The dedication makes it clear that the *Terrae Filius* did not intend to give up his customary right to mock his betters simply because his “mouth [was] stopp'd by the [Vice-Chancellor].” “You will, I believe, be surprised to hear from me,” he writes,

so long after I have been dead: But I could not rest at quiet in my Grave, till I had let the World know how I came by my Death... For my part, I was ready with the following Speech, as I hope every one will be now convinced, Since I am at the pains of travelling from another World, only to get it dispersed in this.¹¹³

The proctors

were directed by their Consciences, to break thro' the most Solemn Oaths, by giving up a Statutable Office, in order to oblige the V. Ch---r, &c. But both they and you, Gentlemen, shall dearly repent it. For... I will haunt you every Year... till ye have all had your Turns as ye deserve. So that you will be forced to have an Act and a Terrae-Filius hereafter in your own Defence, and consequently will be obliged to mend your Manners. To bring about which Work is the only Aim of

¹¹¹ *The University Miscellany, or More Burning Work for the Ox-f---d Convocation* (London, 1713), p. 4.

¹¹² *Ibid.*, p. 1.

¹¹³ *The Speech that was intended to have been spoken by the Terrae-Filius* (London, 1713), “Dedication”.

your Friend to serve you, From the Elysian Fields, Aug. 20th, 1713. *Terrae-filius*.¹¹⁴

According to this writer, the university authorities were thoroughly terrified of the Act by this time.

Some of them were afraid their Friends should come and see them; others were afraid because they had Exercise to perform; and all in general were afraid of the *Terrae-Filius*. They said he was a Whig, and consequently an Atheist; besides that he had Horns, and God knows what.¹¹⁵

Therefore the university had “employed the University Orator, to give me directions by the Guardian, how to behave my self in this important Post...I...shall so far observe his Directions, as to be witty only on the Pope, the Turk, and a few Papists.”¹¹⁶ But in fact one of his first targets is the Vice-Chancellor, whom he pretends to vindicate by saying,

I remember a saying quoted by the Tatler, that He must inevitably be damned, whom all Men speak well of. Now if there be anything in this; by the Rule of Contraries, I am sure this same worthy Gentleman [the Vice-Chancellor] has a better chance of going to Heaven, than any one that I know. For never certainly was Poor Man more bespattered: There’s scarce a Person living that will give him a Good Word. Not only his Honesty and Learning, but even his Manhood too has been called in Question.¹¹⁷

The *Terrae Filius* supports this argument by telling a story about the Vice-Chancellor’s having been cuckolded, followed by jokes at the expense of Lincoln College, Jesus College, Dr. C---k of C---ns and benefactor to A---s College, and N---d P---H, a non-juror. The “receipts” at the end of the speech include mock books under consideration for printing, advertisements, and the following “Recipe for a Head of House”:

There are Two Sorts, The G---r Kind and the Dobson Kind. To make up the latter, an old heavy country parson, extract all remains of common sense, and common honesty; and then put in gravity, formality, hypocrisy, and pretended conscience, of each a large quantity. Add of stupidity q. suss...Give him the degree of Doctor

¹¹⁴ Ibid.

¹¹⁵ Ibid., p. 3.

¹¹⁶ Ibid.

¹¹⁷ Ibid., p. 4.

in Divinity, and then, S. Caput Mortuum. N. B. The Use of this Sort is to vote and act as the others bid them.¹¹⁸

Wordsworth says the Act for which the above speech was intended “created considerable excitement in the country.”¹¹⁹ In June the *Guardian* printed “several whimsical notices of the migration of the Players to Oxford, and some anxious reflexions as to the probable conduct of the *Terrae filius*,” including these comments of a Mr. Ironside (the “University Orator” mentioned above):

In my time I remember the *Terrae-filius* contented himself with being bitter upon the Pope, or chastising the *Turk*; and raised a serious and manly Mirth, and adapted to the Dignity of his Auditory, by exposing the false Reasonings of the Heretick, or ridiculing the clumsy Pretenders to Genius and Politeness. In the jovial Reign of King *Charles* the Second, wherein never did more Wit or more Ribaldry abound, the Fashion of being arch upon all that was Grave, and waggish upon the Ladies, crept into our Seats of Learning upon these occasions. This was managed grossly and awkwardly enough, in a Place where the general Plainness and Simplicity of Manners could ill bear the Mention of such Crimes, as in Courts and great Cities are called by the specious Names of Air and Galantry.¹²⁰

Although Thoresby says the *Praevaricator*'s speech at Cambridge in 1714 was “smart and ingenious, attended with volleys of hurrahs,”¹²¹ the jester became more and more a symbolic representation in print and less and less a real person. Nicholas Amherst named his irreverent periodical of 1721 *Terrae Filius: Or, the secret History of the University of Oxford; in Several Essays*, and seems to have used it to accomplish what the journal's namesake no longer could. Significantly, he writes in the first issue,

It has *till of late* [my emphasis] been a custom, from time immemorial, for one of our family to mount the *Rostrum* at *Oxford* at certain seasons, and divert an innumerable crowd of spectators, who flocked thither to hear him from all parts, with a merry oration in the *Fescennine* manner interspers'd with secret history, raillery, and sarcasm, as the occasion of the times supply'd him with matter.¹²²

¹¹⁸ *Ibid.*, pp. 23-25.

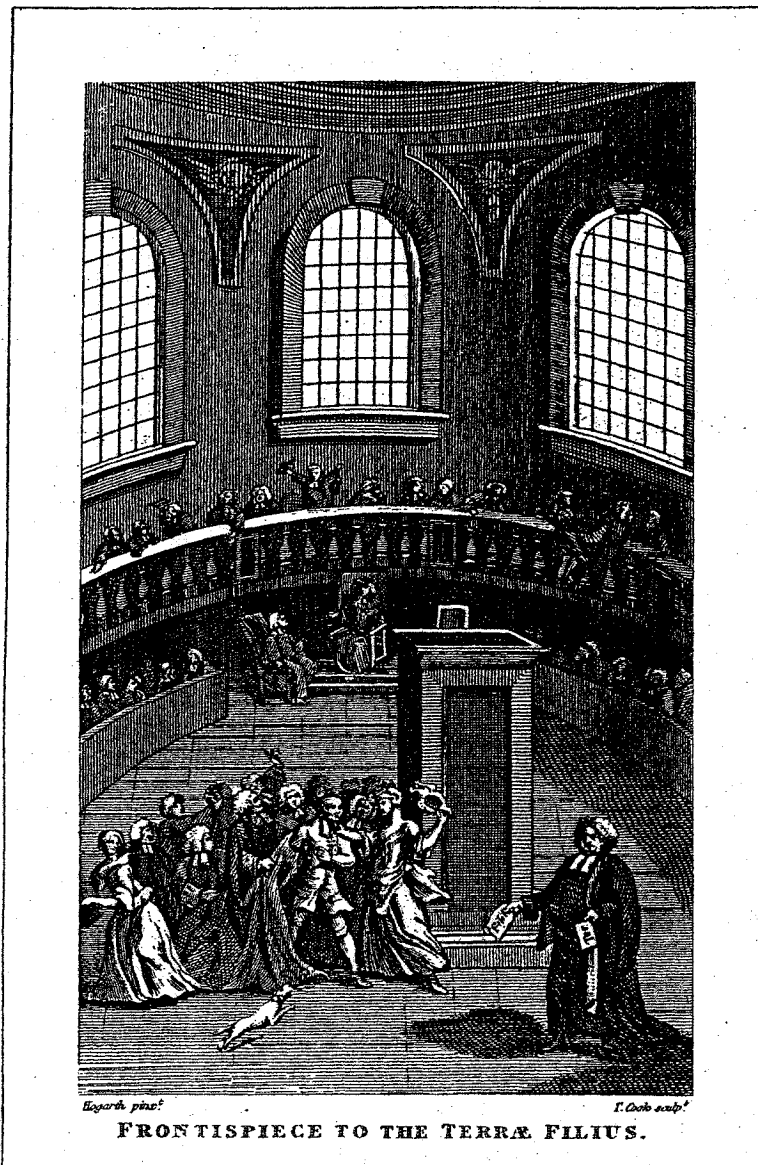
¹¹⁹ Wordsworth, p. 298.

¹²⁰ *Ibid.*, p. 299

¹²¹ *Diary*, 6 July 1714, ll. 250-1, in J. E. B. Mayor, *Cambridge Under Queen Anne* (Cambridge, 1911).

¹²² Wordsworth, p. 302.

Figure 2: Frontispiece to the *Terrae Filius*. "This work was printed in two volumes, 12 mo., at Oxford, and is a satire on the tory principles of that University. It was written by Nicholas Amherst, author of the "Craftsman," and was originally published in one volume."¹²³



Published by Longman, Hurst, Ross & Orme, Junr., 1766.

¹²³ John Trusler, ed., *The Complete Works of William Hogarth* (London, 1860-1900), pp. 284-285.

The *Terrae Filius* was also represented in art. An engraving by William Hogarth of 1726 depicts the interior of the Sheldonian Theatre (see Figure 2).

In the gallery is a crowd of academical personages, one of whom is waving his arm and yelling: another climbs down over the railings. The Vice-Chancellor is seated on a throne, and in a chair on his right hand below the steps is a proctor (perhaps); while others are sitting in the seats below the gallery. In the foreground is a structure which may be intended for 'that antiquated *machine*'...the *rostrum* of the *terrae filius*. On this side stands a portly *don* who has torn the *Terrae filius* speech, while the miserable culprit is being attacked by a crowd of doctors and infuriated *toasts*, one of whom has laid hold of his cap, another of his wig, while two *dons* ungown him, and a dog is barking at the noise.¹²⁴

There was no Act at Oxford from 1713 to 1733 and by this time the Vice-Chancellor had the power to seize any participant suspected of using

Reproachful, or Defamatory language...in any Speech or Argument at Disputations...and command a Copy of his Speech; and if he pretends that he has no Copy, he may convict him by oath, and punish him according to the Heinousness of the Offence, in respect of Persons and other Circumstances, either by publick Recantation, Imprisonment, or Banishment from the University.¹²⁵

At Cambridge, meanwhile, a Mr. William Law was suspended for his *Tripes* speech in 1713 and in 1740 "a strongly expressed grace was passed...against scurrility and the use of the English language in *Tripes* speeches."¹²⁶ The Act of 1733 was noted for its "brilliancy" but the *Terrae Filius* "was no better behaved" than in 1713 and his speech was suppressed. As late as 1763 a *Terrae Filius* "stood up to assert 'the privilege of his family'," but he was "not...a veritable descendant."¹²⁷

Though announced as a mere out-door actor, [he] produced by the programme of his intended performances, no little consternation among unmatriculated, as well as matriculated...It was rumoured that the Mayor and Corporation were first seized with the panic, and were for taking steps; but, upon its being held to be an University business...'the cause was removed, by a new kind of *certiorari*, to the

¹²⁴ Ibid., pp. 302-303.

¹²⁵ Ibid., pp. 301-302.

¹²⁶ Ibid., p. 231.

¹²⁷ Ibid., p. 306.

body academical.' Yet...[he] proved in the end a harmless satirist, and did nothing seriously to disturb the usual course of the solemnities and festivities.¹²⁸

This was the last *Terrae Filius* to appear in person and by now the term had definite negative connotations. In a play called *Who's the Dupe?* (1779) an awkward wooer announced, "There is something in her eye so sarcastic, I'd rather pronounce the *terrae filius* than address her."¹²⁹ As for the *Tripes*, the term came to signify the list on the back of which the verses were printed and then the examination that resulted in that list.¹³⁰

The historical trajectory of the academic jester, then, is much clearer than that of the Christmas monarchs, plays and other festive rituals discussed in previous chapters. He emerged at the time of the Reformation and was clearly dead by the middle of the eighteenth century. According to his contemporaries, he started life as a clever and relatively harmless wit and an important element of the Commencement ceremony, but by the Restoration he had become scurrilous, rude and a threat to the university hierarchy. He undermined respect for their authority by pointing out their foibles and was sometimes seen as a threat to the larger hierarchy of the realm as well. Particularly during the Exclusion Crisis and the era of the Popish Plot his tendency to discuss current affairs and politics in a frank and abusive manner threatened to put the universities at odds with their king. At first the content of his speech was monitored and controlled and he was made to recant and apologise if he went too far, but increasingly as time passed he was suspended or expelled or bypassed by the cancellation of the Act. Despite the excuses of plague, political and religious events, or a lack of inceptors, students and the wider

¹²⁸ Ibid., p. 307.

¹²⁹ Ibid.

¹³⁰ Ibid., p. 254.

community were well aware of the underlying motives behind the cancellations. As the jester was increasingly pre-empted in the early eighteenth century, he appeared to a greater degree in pamphlets, plays and art, but these appearances make it clear that he was a dying breed by this time. He was a hybrid figure who straddled the cultures of high and low, but eventually his association with the carnivalesque proved his undoing. He became less clever and more scurrilous and then he was gone.

CONCLUSION

Oxford, Cambridge and the Inns of Court served a critical purpose in early modern England. Although less than one per cent of the country's men attended these institutions, they constituted an important element in the education of the sons of the gentry, clergy and middling sort. They nurtured theological, philosophical and scientific learning. More importantly, they inculcated the ideals of virtue, good manners and obedience to hierarchy. The latter was perceived as crucial to the maintenance of a highly stratified social order that was considered natural and sanctioned by God. It was taken for granted by people at all levels of society that everyone had his place and that place fitted below some and above others.

In passing on these values, the universities and Inns of Court sought to enforce obedience and respect for authority through their statutes, regulations and orders as well as those passed by the king and parliament. Their task was aided by the publication and distribution of conduct manuals aimed specifically at young men, and by the advice given to these men by their friends, relations and tutors. All of these different media emphasized the importance of obedience, respect and virtue and the evils of drunkenness, gambling, violence and "debauchery." In many cases these sins were associated with the company of the lower classes, so parents often directed their sons to restrict their friendships to their own "sort." At the same time, however, a certain extravagance and carelessness was associated with the upper classes, who had more money and time to spend on leisure since they seldom intended to take their degree or pass the bar. Whether it was the radical ideas of republicans and puritans, the evils of Catholicism and Dissent, or the extravagance of the rich, there was a general opinion after the Restoration that

England's educational institutions were becoming both irrelevant to the needs of a modern career and dangerous to the minds and souls of their students. Therefore the behaviour of these students was watched carefully by the nation and controlled with varying degrees of success by educational authorities.

A particularly contentious area of student behaviour was their participation in the ritualized revelry characteristic of the popular culture of the lower classes, especially those activities that inverted, twisted and criticized the traditional hierarchy and bred violence, destruction, disobedience and disrespect. These activities were controlled to a certain extent and punished when they got out of hand, but they could not be eradicated because they were customary and often considered a right by the students. They included plays, masques, initiation rites, seasonal festivals, national and religious holidays, riots, games, and the publication of humorous pamphlets, poems and periodicals. Of particular importance during the year were the Christmas season at the Inns of Court and the Commencement ceremony at the universities.

These activities, and the authorities' reactions to them, were complicated expressions of a variety of emotions, desires and ideas. They should not be oversimplified. Not all, nor even a majority, of students participated in them; many observed and recorded disgust and disapproval. Authorities were not consistently opposed to them; their degree of opposition and regulation varied over time and between individuals. Some periods, particularly the Interregnum and, in some cases, the 1670s and 80s, saw increased vigilance and control by the authorities, which, in turn, spawned increased anger and opposition on the part of students. Regulations and statutes may have been written on paper and guaranteed by oath, but they could not anticipate every

eventuality and had to be interpreted and enforced by individuals, each of whom had his own motives and agenda.

This brings us back to Peter Burke and his descendants. They have warned scholars of popular culture to be wary of imposing preconceived frameworks of analysis onto the events of the past. Although it is tempting to look for the seeds of the eventual demise of popular rituals in the Restoration universities and Inns of Court, this can only be done by ignoring variations and inconsistencies within the evidence. When all the evidence is given its proper weight, it is clear that there was no systematic repression of popular culture or withdrawal from it at these institutions. Attitudes towards the popular varied considerably. For example, while the institution of the *Terrae Filius* at Oxford was clearly dead by the mid-eighteenth century, there is no evidence that the authorities intended to get rid of him. They merely sought to control him and restrict his use of rude or politically indiscreet language. Moreover, his demise was as much his own doing as theirs. He became increasingly rude and belligerent over time and therefore began to lose his audience. He had been celebrated initially for his wit and rhetorical skill; when he began to rely on scurrility to get his laughs, he was less well liked as well as less congenial to the university. One must not forget, also, the influence of the rise of printing and literacy and the concomitant decline in the art of oratory. This process would later result in the substitution of written examinations for the disputations so central to seventeenth-century university life. As for the other aspects of popular revelry among students, many were still quite healthy in 1700. Amateur drama did not survive the civil wars but professional plays continued to draw large crowds, particularly at Act time. Salting nights and Christmas princes disappeared but the very popular Mallard Night

lasted into the nineteenth century. Christmas parliaments, with their associated feasting and disorder, were still held at the Inns of Court.

When it comes to the wider context of the relationship between popular and elite culture, there are still many questions and debates in the literature. The early modern period was a time of great change but also great continuity. Perceptions of the social order were based on concepts of a "Great Chain of Being" and a "body politic," but hierarchical relationships were "mediated by vertical ties of patronage and clientage and softened by additional horizontal ties of kin and neighbourhood."¹ This social structure was lived out in everyday activities and represented dramatically through civic rituals. Most historians agree with Anthony Fletcher and John Stevenson, who argue that "this mental world did not suddenly collapse at some point during the period between 1500 and 1800 but, in the face of changes in thinking about man, God, science and the natural environment, it was slowly being dissolved."² The operative word is "slowly." Local differences were becoming blurred as administrative and cultural integration increased the spread of national standards and fashions, but at the same time the gentry and some of the middling ranks were withdrawing from the traditional culture of the poor, "a culture imbued with symbolism, magic and superstition."³

The relative significance of the various economic, cultural and political processes that contributed to this withdrawal has not yet been established. How can we determine how fast literacy was spreading through the lower ranks when the records we use, mostly marriage registers and wills, often only reveal the ability to sign one's name, which does

¹ Anthony Fletcher and John Stevenson, "Introduction", in their eds., *Order and Disorder in Early Modern England* (Cambridge, 1985), p. 2.

² *Ibid.*, p. 3.

³ *Ibid.*

not necessarily indicate the ability to read or write fluently? How can we account for the ambiguous position of the middling sort, who “belonged neither to the patrician culture nor wholly to the plebeian one?”⁴ Were the new workers groups and riots and strikes of the eighteenth century “fleeting expressions of solidarities” foreshadowing a class society, as E. P. Thompson has argued?⁵ How was it that the demands for an expanded franchise, regular parliaments and even the abolition of private property expressed during the civil wars were so utterly crushed after the Restoration that they did not emerge again in any significant way until the late eighteenth century? To what degree was the cultural extravagance of the upper classes during the eighteenth century a reaction to the threat of these ideas? Fletcher and Stevenson argue that “a whole range of artistic and intellectual interests...marked off the gentry of Georgian England from the people.”⁶ These included new styles of architecture and sculpture, the consumption of new luxury commodities, such as tea, spices, sugar and tobacco, and new leisure activities, including balls, spas, circulating libraries, county antiquarianism, ballooning and pleasure gardens.⁷ These interests had in common a new confidence in man’s mastery of the natural environment, as opposed to elements of popular culture, which was “rooted in a view of life as hazardous and uncertain.”⁸ Was this new confidence a result of advances in science, which Fletcher and Stevenson argue “prompted the ruling elite to favour secular explanations of insanity and to repudiate all magical and religious methods of healing”?⁹

⁴ Ibid.

⁵ E. P. Thompson, “Eighteenth-Century English Society: Class Struggle Without Class?” *Social History*, 3 (1978), p. 157.

⁶ Fletcher, p. 5.

⁷ Ibid.

⁸ Ibid., p. 6.

⁹ Ibid., p. 12.

What about the influence of changes in the administration of government as it became more bureaucratic and less personal?¹⁰

There are many questions in the study of youth culture as well. Is the concept of youth a purely modern phenomenon? What was the perception of childhood and youth in the past? How effective were adult attempts to control this stage of life and the transition into full economic and social independence? The current study clearly demonstrates that adolescence was a socially relevant category in the seventeenth century. The young men who attended the universities and Inns of Court were separated from other age groups socially and physically. Many different age groups were present, it is true, but the majority was between the ages of 16 and 21. These students were sent away from their homes and families for a specific purpose, to be properly prepared for adulthood, which was just on the horizon. They were perceived as a separate group by contemporaries, often because of their undesirable behaviour, and were addressed as such by courtesy literature and institutional regulations. Even within this narrow age group there was a further vertical division by age and/or time spent in education. At the universities students were divided into freshmen, sophisters and seniors, and into undergraduates and graduates. These divisions affected social relationships and also rights and punishments under the statutes. As we have seen, only the youngest undergraduates received corporal punishment for their misdemeanours. Transition between these divisions was often marked by an initiation rite, such as the Salting Night for freshmen and the Mallard Night at All Souls College, Oxford for new fellows. At the Inns of Court there was a strict hierarchy of inner barristers, utter barristers and benchers, which correlated with both age and length of tenure. One's rank dictated one's rights and privileges not only within the

¹⁰ Ibid., p. 21.

inns' government, but also within the law profession as a whole, as the 'call to the bar' became the primary qualification to argue before the courts. Conflicts between benchers and barristers were, therefore, primarily conflicts between adults and youth.

This study also demonstrates that youthful rebellion, 'juvenile delinquency', adult anxiety about adolescents, and conflicts about control over transition into adulthood are not solely modern phenomena. Adolescence was a time of struggle, anxiety and traumatic psychological growth in the past as well. Youths did not always agree with the rules and attitudes of adults. Their exuberant participation in "carnavalesque" culture can be seen as a ritualized expression of this disagreement. As their parents and teachers tried to "civilize" them, to socialize them in ways appropriate to the culture of their social rank, which was becoming increasingly distant from that of the lower ranks, they deliberately embraced some of the most violent, scatological and disrespectful elements of the culture they were meant to reject. Yet they continued to operate within elite culture as well, which most came to accept as they reached maturity.

Given these issues and problems, it is not particularly useful to look for repression of popular culture at the universities and Inns of Court. There was no popular culture as such there; student culture was a hybrid of popular and elite forms, as we have seen in the *Terrae Filius's* speeches, student poetry and literature, and the elaborate masques and processions put on by the Christmas lords at the inns. The authorities, then, did not seek out and destroy popular customs *per se*; rather, they sought to uphold the ideals of the contemporary education system: virtue, good manners and obedience. They uncovered and punished incidences of laziness, drunkenness, debauchery, rudeness and, most of all, disrespect. Often these "sins" were associated with laughter, revelry and popular rituals,

but the connection was not exclusive. Drinking, hunting, gambling and extravagance of dress were also disapproved of and these were primarily "genteel vices." The common element among all of the activities that were, at one time or another, controlled and punished at these institutions, was their implicit or explicit threat to hierarchy. As this was the key element of the education system, and society at large, it is no surprise that it was upheld with such vigour. That the students often mocked and inverted hierarchy should not lead one to believe that they did not subscribe to it. Their anti-hierarchical sentiments were limited to specifically sanctioned times and places associated with specific rituals, and they, like the customs of the lower classes, did as much to reinforce hierarchy as to undermine it. As many historians have pointed out, the inversion of hierarchy does not dismantle it, it merely changes one's rank within it.

Any analysis of inversion must take into account another important factor as well. Popular rituals do not invert hierarchy merely by placing subordinate people in positions of temporary power, as in the case of the Christmas prince. All hierarchies are mutually reinforcing, including the hierarchy of man over woman, man over animal, reason over passion, head over genitals, and so on. As Peter Stallybrass and Allon White see it, the opposition between high and low is a fundamental mechanism of ordering and sense making in European cultures. It is expressed through the human body, psychic forms, geographic space and the social formation, which are constructed within interrelating and dependent hierarchies. Therefore divisions in one domain are structured, legitimated and dissolved with reference to the others and transgression in one domain may have major consequences in the others.¹¹ Thus apparently banal things like clothing, eating and table manners can express support or opposition to politically and socially significant

structures. The gorging on meat and drink associated with fairs, carnivals and holidays elevates the stomach and its appetites above reason, which usually dictates moderation in one's diet and even, on occasion, fasting. Likewise, sexual incontinence and sexually explicit language and imagery elevate the sexual appetites above reason. References to excretion and other bodily functions implicitly deny the prevailing taboo against mentioning these "base" actions in public. As Pierre Bourdieu explains,

If all societies...that seek to produce a new man through a process of 'deculturation' and 'reculturation' set such store on the seemingly most insignificant details of dress, bearing, physical and verbal manners, the reason is that, treating the body as a memory, they entrust to it an abbreviated and practical, i.e. mnemonic, form the fundamental principles of the arbitrary content of the culture. The principles embodied in this way are placed beyond the grasp of consciousness and hence cannot be touched by voluntary, deliberate transformation...The whole trick of pedagogic reason lies precisely in the way it extorts the essential while seeming to demand the insignificant.¹²

The Restoration was a period of intense struggle in this arena. The upper classes at this time were involved in "the civilizing process" described by Norbert Elias, in which the "trend-setting class" constantly has to advance the "threshold of embarrassment" as its "customs, behavior, and fashions...continuously penetrat[e] the upper middle classes, where they are imitated and more or less altered in accordance with the different social situation."¹³ By advancing the "threshold of embarrassment" the upper classes created a sense of self through an explicit rejection and denial of the "low", but this denial was not complete. There remained a desire for the low, which expressed itself in symbolic forms. "The Restoration is strewn with the evidence of a great reform, a re-territorialization of places and bodies, a realignment of domains, discourses, manners and states of mind,"

¹¹ Peter Stallybrass and Allon White, *The Politics and Poetics of Transgression* (London, 1986).

¹² Pierre Bourdieu, *Outline of a Theory of Practice* (Cambridge, 1977), pp. 94-5, in Stallybrass, p. 88.

¹³ Norbert Elias, *The Civilizing Process*. Vol. I. *The History of Manners* (Oxford, 1994), p. 100.

write Stallybrass and White.¹⁴ But the more the grotesque was repudiated in practice, the more it was represented in fantasy. When Paris closed the Commedia dell'Arte in 1697 Parisian painters immediately began to depict its pierrots, players, tumblers and ropedancers.¹⁵ Hogarth often painted scenes of popular festivity, including the engraving of the *Terrae Filius* discussed in the previous chapter. As we have seen, the *Terrae Filius* began to appear in print with regularity at the same time that he was being excluded from the stage. When the Christmas prince was in decline at Oxford in the early 1600s he appeared in a play of that name. *The Servitour* also demonstrates this phenomenon. The author is clearly disgusted by this figure and yet he devotes line after line to describing in graphic detail his appalling smell, clothing and living conditions. He is both revolted and fascinated by a lifestyle that incorporates great suffering and humiliation but also a degree of freedom from the constraints of manners.

The "civilization" of the upper classes became even more pronounced in the eighteenth century. The Hanoverians introduced a new political calendar designed to inculcate loyalty and a national consensus.¹⁶ Christopher Wordsworth attributes to them "a sort of triumph of Pudding, Turnips, and muddy Ale, over the Lace, Maypoles, Champagne and Burgundy of the preceding period."¹⁷ By the nineteenth century, as Burke pointed out, the upper and middle classes of Britain had reached a peak of ambivalence to the "low." Their fascination with the culture of the lower classes that they had earlier repudiated led to a "rediscovery" of popular rituals and "folklore", resulting in a vast amount of literature on the subject.

¹⁴ Stallybrass, p. 90.

¹⁵ Ibid.

¹⁶ Ibid.

The ideas of historians like Stallybrass and White, drawing on theorists like Mikhail Bakhtin and Norbert Elias, provide useful tools for the analysis of cultural interaction and change. Their recognition of the profound ambivalence of the “civilized” towards the “uncivilized” goes a long way towards explaining inconsistencies in the proscription and suppression of popular rituals and the slow pace of “civilization.” They also help us to understand how popular motifs can be found in elements of a distinctly elite discourse, particularly one as exclusive as the Latin-centred, theologically coloured intellectual discourse of the English universities. And they indicate how the sons of the gentry could engage in the inversion of hierarchy while attending institutions specifically designed to uphold that hierarchy at all costs, and get away with it.

It is evident, then, that when studying the culture of a subordinate group, be it the poor or the young, four key things become clear. Firstly, continuity is as much a feature of the past as change. Although in the long term historians can discern the triumph of hegemonic forces, in the shorter term, as revealed by detailed case studies, the fortunes of cultural elements rise and fall frequently and efforts at control and repression are neither systematic nor consistently effective. Secondly, the agency and rationality of subordinates must be recognized. Resistance can be discovered in unlikely places and it has its own inner logic, even if that was not evident to contemporaries. Even those who are illiterate and uneducated can effectively communicate their attitudes to change to historians if we use the right tools to “read” their actions. Thirdly, dominant groups were often complicit in and ambivalent towards the culture they outwardly rejected. Many cultural forms were taken from one culture and adopted by another and different groups

¹⁷ Christopher Wordsworth, *Social Life at the English Universities in the Eighteenth Century* (Cambridge, 1874), p. 163.

participated in the same activities in different ways, sometimes side by side, sometimes at a distance. Lastly, we need to make greater use of the theories and methods of other disciplines, such as psychology, literary analysis and anthropology.

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APPENDIX A: THE ENGLISH RITUAL YEAR¹

Day	Date	Significance
New Year's Day	January 1	The first day of the year (New Style)
Epiphany or Twelfth Night	January 6	Commemorates the first manifestation of Jesus Christ to the Gentiles, represented by the Magi, and the manifestation of his divinity, as it occurred at his Baptism in Jordan.
Candelmas Day	February 2	The feast of the purification of the Virgin Mary (or presentation of Christ in the Temple) celebrated with a great display of candles.
Egg Saturday	Saturday before Ash Wednesday	
Shrove Sunday	Sunday before Ash Wednesday	Also known as Quinquagesima
Shrove Monday	Monday before Ash Wednesday	Also called Rose Monday
Shrove Tuesday	Day before Ash Wednesday	From 'shrive', an ancient word meaning to seek for forgiveness. Originally a day of repentance in preparation for the period of Lent. Later it became a time to feast and use up food stocks before the Lenten fast.
Ash Wednesday	46 days before Easter	The Day of Ashes. This is the first day of Lent, occurring forty days before Easter not counting Sundays. The ancient custom on this day is for the faithful to receive on the forehead the sign of the cross marked with blessed ashes. The palms from the previous Palm Sunday are burned and the ashes are

¹ *Oxford English Dictionary, OED Online (Oxford, 2004); Encyclopedia Britannica, Britannica Online (Chicago, 2004).*

		blessed for the ceremony before the Mass.
Good Friday	Friday before Easter	The anniversary of the crucifixion of Christ. Also known as Holy Friday.
Easter Sunday	The first Sunday after the calendar full moon which happens on or next after 21 March.	The celebration of Christ's resurrection.
May Day	May 1	Spring festival featuring maypoles, greenery, dancing, parades, etc.
Ascension Day	10 days before Pentecost	Commemorates the Ascension of Christ
Pentecost or Whitsunday	Seventh Sunday after Easter	A festival commemorating the descent of the Holy Ghost upon the apostles. Also known as Whitsunday, meaning "white Sunday", probably due to the white baptismal robes worn on that day.
Michaelmas Day	September 29	Feast of St. Michael
All Saints Day	November 1	The festival on which there is a general celebration of the saints, instituted early in the seventh century, when the Pantheon was transformed into a Christian church. Also called All Hallows Day.
Gunpowder Treason Day	November 5	Commemoration of the foiling of the Gunpowder Plot in 1605. Celebrated with bonfires and burning the pope in effigy.
Advent Sunday	Closest Sunday to November 30	The beginning of Advent, a period of preparation for the celebration of the birth of Jesus Christ at Christmas and for the Second Coming of Christ.
St. Andrew's Day	November 30	Feast day of St. Andrew, one of the Twelve Apostles and brother of St. Peter. He

		is the patron saint of Scotland and of Russia.
St. Thomas Day	December 21	Feast of St. Thomas, one of the Twelve Apostles. His name in Aramaic (<i>Te'oma</i>) and Greek (<i>Didymos</i>) means "twin."
Christmas Day	December 25	Commemoration of the birth of Jesus Christ.
St. Stephen's Day	December 26	Feast of St. Stephen, Christian deacon in Jerusalem and the first Christian martyr, whose apology before the Sanhedrin points to a distinct strand of belief in primitive Christianity. His defense enraged his hearers, and he was taken out of the city and stoned to death.
Childermas Day or Holy Innocents' Day	December 28	The festival of the Holy Innocents commemorating the slaughter of the children by Herod.

APPENDIX B: CHRISTMAS COMMONS AT THE INNS OF COURT¹

Legend: Modified: One or more orders were passed dictating how Christmas would be observed.

Cancelled: Commons was dissolved by order.

No commons: Commons was not held but not dissolved by order.

Disorder: The Bench reported rule breaking, disorder, destruction of property, etc.

Parliament: The barristers held a parliament.

YEAR	GRAY'S INN	LINCOLN'S INN	INNER TEMPLE	MIDDLE TEMPLE
1600		No commons		
1601				
1602				
1603				
1604		Cancelled		
1605				
1606			Disorder	
1607			Modified	
1608				
1609				
1610				
1611			Modified	
1612			Modified	
1613				
1614	Modified	Modified	Modified	Modified
1615		Disorder	Disorder	
1616		Modified Disorder		
1617				
1618				
1619				
1620				
1621			Modified Parliament Disorder	
1622			Modified Parliament	
1623	No commons	No commons	Modified	
1624		Cancelled	Parliament Disorder	
1625			No commons	

¹ W. P. Baildon, ed., *Records of the honorable society of Lincoln's Inn*. Vols. II & III (London, 1897-1968); Reginald J. Fletcher, ed., *The Pension Book of Gray's Inn*. Vols. I & II (London, 1901); Charles Hopwood, ed., *A Calendar of the Middle Temple Records* (London, 1903); F. A. Inderwick, ed., *A Calendar of the Inner Temple Records*. Vols. II & III (London, 1896-1936).

YEAR	GRAY'S INN	LINCOLN'S INN	INNER TEMPLE	MIDDLE TEMPLE
1626		Modified Disorder		
1627		Cancelled Disorder		
1628	Modified		Modified Parliament	
1629	Modified	Modified		
1630		Cancelled	Cancelled	Cancelled Disorder
1631			Modified Disorder	Modified Disorder
1632				Cancelled
1633	Modified		Modified Disorder	Modified
1634	Modified		Cancelled Disorder	
1635				
1636				
1637				Modified
1638				Disorder
1639			Cancelled	Cancelled Disorder
1640				
1641			Modified	
1642				Modified
1643				
1644				
1645				
1646				
1647				
1648				
1649				
1650				
1651				
1652				
1653				
1654				
1655				
1656				
1657				
1658				
1659				
1660		Disorder		

YEAR	GRAY'S INN	LINCOLN'S INN	INNER TEMPLE	MIDDLE TEMPLE
1661			Cancelled	Modified Disorder
1662	Modified	Disorder	Parliament	Modified
1663		Modified		
1664				Modified
1665				
1666				
1667			Parliament	
1668				
1669				
1670				Modified Disorder
1671				Modified Disorder
1672				Modified
1673				
1674				
1675				
1676				
1677			Parliament	
1678				
1679				
1680				
1681			Parliament	
1682			Parliament Disorder	
1683			Cancelled Parliament	Modified Disorder
1684			Cancelled	
1685				
1686				
1687			Cancelled	
1688				Modified
1689			Disorder	
1690				
1691				
1692				
1693				
1694				
1695				
1696				
1697				
1698			Cancelled	

1699			Cancelled	
1700			Cancelled	