FASHION, COMMERCE, AND MEMORY: EARLY MODERN AND VICTORIAN PERSPECTIVES ON SUMPTUARY LAW

by

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During the early modern period in Europe, a series of laws were passed that restricted what people could wear based on their class, gender, religion, etc. These were called sumptuary laws. The earliest were promulgated in the thirteenth century and continued through the seventeenth century, although near the end it was rarely enforced. Throughout the early modern period, several letters and pamphlets were made arguing for the repealing of these laws. After the era of sumptuary laws had passed, moreover, they remained a topic of discussion in the form of political rhetoric that did not leave the laws fully in their original context and ultimately formed the collective memory of sumptuary laws.

In early modern and Victorian Britain, literary elites discussed the legacy of sumptuary laws to craft a sense of collective identity and its relationship to the past – recent, in the case of Tudor-Stuart authors, and distant for Victorian writers. Among other things, sumptuary laws restricted what people could wear, based on their class, gender, religion, and so on. The earliest laws were promulgated in the thirteenth century and continued through the seventeenth, although near the end they were rarely enforced. Early modern pamphleteers argued for their repeal. Even after their repeal, however, they remained a topic of discussion in the form of political commentaries that contrasted the enlightened, nineteenth-century present with a benighted past. Both discourses were concerned with relationships between law, morality, identity, and

collective memory. In this paper, I compare and contrast these literatures and argue that the discussion around sumptuary laws was taken out of context and turned into a rhetorical device around the mid-Victorian era.

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Chapter 1: Introduction

In political rhetoric, historical events are often used to invoke some sort of point. In the case of Victorian England, sumptuary laws were turned into rhetoric to signify a government overstep or political failing. This rhetoric showed how the view on these laws changed over the years, becoming viewed as a dark age relic; however, there was significant debate around them at the time.

During the early modern era, governments across Europe enacted so-called "sumptuary laws." Sumptuary laws regulated how people were allowed to dress according to social estate, gender, or religion.

After the early modern era, the Victorian era came about in 1837. The Victorians had a lot of interest in history but were also often known to define their era by contrasting it with earlier, less "enlightened" historical periods. Many Victorians also subscribed commonly to the "Whig interpretation of history," which presented the march of time as a journey out of medieval darkness into a glorious present. This view was such a driving force that it was considered to have "expanded until it dominated the history degrees of nearly all British universities," the influence of which lasting until about the 1960s.[1] This is something that is common of the Victorian era and how they interpreted history, and their interpretations of sumptuary laws were no exception.

This paper will explore the history of sumptuary laws in early modern England and the discussion between people in early modern and Victorian times on them. It will also examine collections of laws and writings that discuss the benefit of sumptuary laws in the early modern

[1] Neil McCaw. *George Eliot and Victorian Historiography : Imagining the National Past*. St. Martin's Press, 2000. http://catdir.loc.gov/catdir/toc/hol051/00024679.html. 35

period; and papers that mention sumptuary laws, often for political benefit from the Victorian era. Overall, the early modern political writers took an approach around regulating the over expenditure on luxury goods, particularly foreign goods with the intent of protecting the economy and benefiting the poor. The Victorian writers, however, spoke of sumptuary laws as a piece of political rhetoric and only brushed over the ideas around it. During both eras, critics viewed sumptuary law as an example of excessive governmental power. What is especially notable is how the narrative changed over time from the context it was in. The way people discuss historical and contemporary events does naturally change over time, but there is a tendency for these narratives to shift as time passes. Historical events tend to get taken out of their original context by people speaking on it outside of historical writing, but it is interesting to see how and why.

When talking about historical events in the past, it sometimes happens where events get viewed as a rhetorical tool by people in politics to prove various needs of the present and not given the full depth or context each event has. On a similar note, people do not often think about how people in the past viewed events even further in the past. The history of politics and fashion is particularly vulnerable to this. There is a tendency for people to look at movements as a prologue and to view the present day as the one that is an amalgamation of the past. However, every moment in history was filled with people also looking at history before then. Analyzing the way people in a certain time period viewed an aspect of their past helps us in the present day to understand our own existence on the timeline and the knowledge that history was not inherently filled entirely with differences, but with people just like us with their own conceptions of the past.

First, this paper will dive into the debates around sumptuary laws that happened during the early modern period. There will be examples of the laws and reasons for their passing amongst government officials for the side of the debate in favor of sumptuary laws, specifically focusing on the reign of King James II (r. 1603-1625) which is when there was a revival of sumptuary laws, but also taking examples from earlier periods. One of the latter, for example, is a document made in 1559, near the beginning of the reign of Elizabeth I (r. 1558-1603) that presented a historical list of sumptuary laws and exceptions to them. For the opposing side of the debate this paper will focus on a pamphlet by John Evelyn entitled *Tyrannus, or, the mode in a discourse of sumptuary laws*. Evelyn is best known today for being a prolific diarist, but he was also a gardener and wrote frequently about preserving nature. He was also a minor government official, mostly a commissioner, promoting the construction and reconstruction of various streets and buildings. He had significant familial wealth due to gunpowder production and wrote a significant number of letters addressing his opinions on political topics.[2]

Next, this paper will move to the Victorian period. Throughout the research about a dozen examples came up within the collection of pamphlets in the Bristol archive, referred to as the Bristol Selected Pamphlets, of people not necessarily talking about sumptuary laws but referring to them as a quick aside, sometimes even as a punchline to a joke. A few examples of this that gather the broad range of ways it is referred to in passing have been selected for analysis. This includes Rigby Watson, Jos Cowen, Edwin Chadwick, and an anonymous pamphlet printed by J.C Durent. The speech by Cowen is slightly cut off but being a Victorian era member of parliament it was still worthwhile to include. Before diving into that, there needs to be some background on sumptuary laws.

[2] John Evelyn 1620-1706. *The Diary of John Evelyn,* Internet Archive." 2026. Internet Archive. 2026. https://archive.org/details/diaryofjohnevely01eveliala.

Sumptuary laws were common across all Western Europe one of the earliest examples being in 1215 with the Fourth Lateran Council that set a required distinction for Jewish individuals. This involved Jewish people having to mark themselves with a badge on top of their clothing called “the wheel” and a pointy hat, so they could not corrupt the Christians in any way due to being visually distinct.[3]



Figure 1: Depiction of Required Jewish Garments

Image shows multiple Jewish men in the required garments to delineate them, including a badge and a pointy hat.4

England began enacting sumptuary laws around the same time as France and Germany. The earliest sumptuary laws in England were promulgated during the reign of Edward III (r. 1327-1377). Most of the sumptuary regulation across all countries were about establishing morality and hierarchy and the official reasoning behind England’s passage aligns with this. The English argument in favor of sumptuary laws came from thinkers who were arguing that

[3] “BADGE - JewishEncyclopedia.com.” 2021. Jewishencyclopedia.com. 2021. https://www.jewishencyclopedia.com/articles/2317-badge.
[4] “BADGE - JewishEncyclopedia.com.” 2021.

overspending on luxury clothing items was damaging to the economy and directly harmed the poor both as an active threat to the economy and an example of sinful decadence.[5] While this is what it said on paper, the actual legislation of these laws did not seem to follow this logic. The restrictions still seemed to resemble the hierarchical methods of most sumptuary laws where higher ranked families were given access to more luxurious goods while lower classes felt the actual restrictions of the laws. A difference that was substantial between England and many other places though, is that the sumptuary laws in England only specified men, not bothering with what women wore. These laws were repealed in 1604, however there was still some debate on whether they would be still valuable for the economic benefits.[6]



Figure 2: Depiction of Victorian Era Fashion

[5] Giorgio Riello and Ulinka Rublack, eds. *The Right to Dress : Sumptuary Laws in a Global Perspective, c. 1200-1800*. Cambridge University Press, 2019. 96

[6] Riello and Rublack, eds. "*The Right to Dress,"* 97

Image shows multiple nobles dressed in styles of the time. [7]

While these laws were no longer in effect during the Victorian era, there was still a memory of what sumptuary laws were like in a historical perspective. The idea of collective memory was most investigated by Maurice Halbwachs and Pierre Nora, both French philosophers. Nora focuses on the mythos of France as a nation. He focuses on what is considered ultimately defining of France in the wider mindset of the nation and things that people commonly associate with it.[8] Meanwhile, Halbwachs approached it from an autobiographical view. On a similar note, there is documentation of what people consider to be commonly associated with sumptuary laws throughout both the early modern and Victorian eras. This paper with its focus on collective memory is not necessarily an individual statement of what this event was but instead the public mindset of it.

Out of the major figures in the formation of collective memory is Maurice Halbwachs. In his discussion about the relationship between history and memory, Halbwachs often takes a different approach than Nora. The historical memory spoken about by Halbwachs is about autobiographical memory and its relationship with history. He says that people's memories are stamped by history in ways that make them relatively accurate, due to the attitudes of the past being present in the individuals, even if there is factual dissonance. However, this paper works with a jump in time greater than a few generations, making the ability for autobiographical memory to be considered far less possible.[9] Some of the theories around collective memory were popularized by Pierre Nora. However, some parts can be complex through a historical lens, for

[7] 2026. Historic-Uk.com. 2026. https://www.historic-uk.com/wp-content/uploads/2018/11/fashion-1.jpg
[8] Pierre Nora and Lawrence D Kritzman. *Realms of Memory : Rethinking the French Past*. Columbia University Press, 1996. http://www.h-net.org/review/hrev-a0a8o1-aa.
[9] Halbwachs, Maurice, and Internet Archive. 1980. *The Collective Memory*. *Internet Archive*. New York : Harper & Row. https://archive.org/details/collectivememory00halb/page/2/mode/2up

example the very first assertion he makes is that "memory is constantly on our lips because it no longer exists."[10] This assertion presents a claim that memory is a complete fixture that takes place entirely in the past, and that is why people seek to find places that it freezes and embodies things like tradition or artifacts. However, looking at memory from a historical perspective, people sometimes make a harsh distinction from where the past ends, and the present begins. With that assumption that the only thing that matters is the present, and the only thing the past has to offer is how it affects the present. From the perspective of history, the notion made by Nora becomes more complicated, because the past does not only affect the present but also other parts of the past, as seen through looking in this paper from the current state of the 21st century, at the Victorians' perception of sumptuary laws, and the fact that even those in the early modern period seeing sumptuary laws in a historical sense. Memory is not entirely gone when the moment is passed but always in motion of being created when it comes to history. Our behaviors and broad perceptions of history are formed by collective memory, but our memory is also part of history. While this is addressed with the argument that history and memory are not entirely compatible; memory and history do not need to be entirely separate spheres but instead interact quite frequently and form each other. This memory in the context of history does continue to exist. This is why this paper will not only examine one particular point in history, but it will examine the debates around sumptuary laws itself from the Early Modern Era, the Victorian perspective, and inevitably since all writing is from the perspective of when it is written, the perspective of now on these two.

[10] Pierre Nora and Lawrence D Kritzman. *Realms of Memory: Rethinking the French Past*. 1996.

Chapter 2: Early Modern Perspectives

This section will introduce the perspective on sumptuary laws from the early modern era. It also discusses why these laws were placed in the first place and some biases surrounding clothing that exist to this day. Early modern people were somewhat mixed on the value of sumptuary laws. Some leaders thought that they were vital in keeping the moral and economic health of the country, while some critics found it to be a frivolous regulation that many simply would not follow.

Fashion is a form of many things; it can be a form of expression, a way to symbolize being part of a certain group or social class, a method of protest, an expensive collection, and many more. It is one of the first things we see when interacting with people and the primary way people today will express themselves. However, fashion is also often a discussion of morality, in every era there are groups of people that will show distaste for the dress styles of others. Today and in recent decades this is particularly in alternative scenes or any other fashion sense that could be perceived as queer. Many who dress within societal norms will see someone dressed outside of it and think there is some moral failing on that individual's part. For example, there was a huge panic for decades around people who dress in the "goth" style for being hypothetically satanist, although this fear has become less common lately. Despite how fears around gothic subcultures have died down, there is still a lot of public ire towards queer fashion. Gender roles have had a very large role in fashion in western cultures for centuries with the assumptions of "women dress like this" and "men dress like this" any deviation from these norms will generally be viewed as queer which in turn is viewed as morally bad as queerphobia runs rampant. For example, there has been a lot of recent targeting of drag including laws

proposed to ban it in certain states.[11] This stems from religion, particularly Christianity, as people cite the Christian Bible as the main argument against things like crossdressing or deviating from gender norms.

So, as much as it is still a problem today, in the hyper-religious times of early modern Britain, the morality of fashion is often influenced by religion as well. According to Alan Hunt, creating a regulation on morality usually comes from a handful of places "it may present itself as a medical project, a sanitary undertaking, a religious imperative or as a political strategy."[12] This analysis by Hunt is relatively in line with what happened during the early modern period in England. Many of the reasons given by Hunt are reasons that appear during the original and resurgence of sumptuary laws in England. The examples used do not bring up religion as the collection of pamphlets selected focus more on the political debate; however, many secondary sources show that this was still a major factor, and it is important to note that a broader search into primary sources would show religion as a major factor more. This is also largely due to this paper focusing on the secondary resurgence of sumptuary laws under King James II.

The rise in sumptuary laws in England resulted from a combination of moral and economic factors. On the religious aspect, early modern sumptuary laws were less strict than the morality regulations of Victorian England. Ironically, a time after sumptuary laws were a thing of the past, but there were still a lot of societal expectations around clothing, particularly modesty. This is both because showing too much skin can be viewed by the Victorian public as lustful and as wearing expensive fabrics, jewelry and overall decadence by anyone who was not

[11]"Topical Guidance | Covering Anti-Drag Legislation." 2025. https://www.nlgja.org/wp-content/uploads/2025/06/Covering-Anti-Drag-Legislation.pdf.
[12] Alan Hunt. *Governing Morals: A Social History of Moral Regulation*. Cambridge University Press, 1999. 1-20

part of the nobility or upper class is viewed as wasteful.[13] The idea of purchasing imported clothing being wasteful comes from the concept that those who were too poor to purchase fancy clothes would only become more impoverished if left to their own devices to continue spending so therefore there must be restrictions. There was also significant concern about expenditure on imported clothes among the lower class would shut down the self-sustaining aspects of the British economy. The worry was that people buying said imported clothes would put the money overseas rather than back into the economy and there was a strong push towards supporting the British economy by limiting imports during the era.[14] There is a possible aspect of paternalism to this. The legislation is coming from the top saying that they are placing restrictions on the poor for their own good, because they cannot possibly make smart financial decisions on their own. At least this is the interpretation presented by the government figures in favor of sumptuary laws.

The 'political strategy' aspect of sumptuary laws comes from the hope that they will keep the economy afloat enough to uplift the poor out of their situation. The bulk of these laws come from around the same time as the Elizabethan era's Poor Relief policies around the middle of the sixteenth century. These policies were intended to ease the burden on the impoverished population of Britain, and they showed an overall shift from local parishes being the ones to assist the poor to the government, although they were not super effective.[15] Despite the economic impact being slim, this is something that government officials were thinking quite a lot about at the time, which makes sense that the passage of sumptuary laws would show similar intent.

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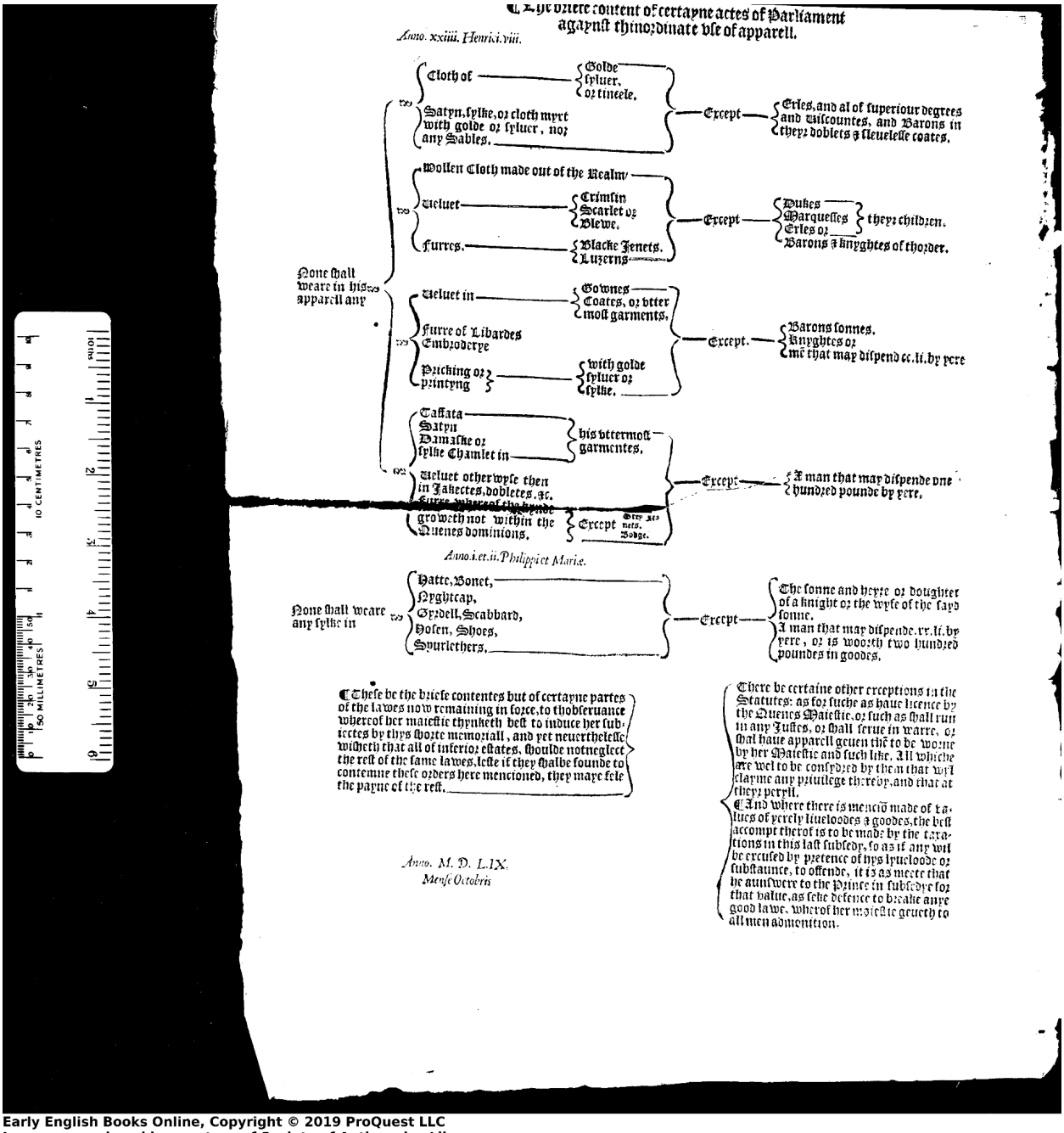
[13] Maria Hayward, "'Outlandish Superfluities':Luxury and Clothing in Scottish and English Sumptuary Law from the Fourteenth to the Seventeenth Century," *The Right to Dress; Sumptuary Laws in a Global Perspective c 1200-1800,* 2019. 96-119

14 Hayward, "Outlandish Superfluities," The Right to Dress

15 Marjorie K McIntosh. "Poor Relief in Elizabethan English Communities: An Analysis of Collectors' Accounts." The Economic History Review 67, no. 2 (2014): 331–57. http://www.jstor.org.uoregon.idm.oclc.org/stable/42921736.

The main intention of sumptuary laws came from a desire to relieve the poor, so they mostly did not apply to the nobility of the era. This exemption for nobility is apparent in a list of sumptuary laws from England, published in the year 1559. Each item in the list describes a set of restrictions on clothing, followed by the word "except" and a description of the people to whom the restriction did not apply. Nobles did, of course, adhere to standards of dress to express their power and status, but were not beholden to sumptuary legislation, which governed the behavior of mere commoners. While most of these laws referred only to commoners, a few included a middle category for those with a status between common and noble. In 1673 in London, England, close to the end of sumptuary legislation, a proclamation was sent out by the City of London to their employees titled *the order of my Lord Mayor, the Alderman, and the sheriffs for their meetings and wearing of their apparel throughout the whole year*. It was addressed toward having members of the court and other political positions, keeping the standards of dress high. The proclamation requires specifically the wearing of cloaks to all court meetings and goes through the other various bits of uniform throughout the year. While not at the same level of restriction that most legislation has as this is intended for professional use, it is a case of sumptuary laws specifically and only targeting those with a higher power level, despite most of the research coming up with documents showing sumptuary law targeting those with less power.[16] When looking at sumptuary legislation, class is a big factor in who is affected by it, and this is one aspect that many Victorian political thinkers would later take notice of.

16 City of London (England). (1673). The order of my lord mayor, the aldermen, and the sheriffs for their meetings and wearing of their apparel throughout the whole year. London: Retrieved from https://uoregon.idm.oclc.org/login?url=https://www.proquest.com/books/order-my-lord-mayor-aldermen-sheriffs-their/docview/2240876358/se-2



Early English Books Online, Copyright © 2019 ProQuest LLC
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Figure 3: Scan of Collection of Sumptuary Laws from 1559

Image shows a list taken at a historical perspective of the various laws and exemptions that had been passed to this point. [17]

Later in 1686, King James II, gave a proclamation to reinforce sumptuary laws under the same idea of it being for the protection of the economy. What he doubled down on was the previous banning of the import of luxury clothing. This declaration happened specifically in Scotland at a time between the English Civil War and the Seven Ill Years, so tensions were high and the economy in Scotland was not in a good place. The declaration was also made during a time in which sumptuary laws were abolished in England but still well in place in Scotland despite being under the same king.

> Ratifying and Approving the same, Given all Encouragement to Manufacturs within this Kingdom, by Prohibiting the Importing of these things which might Discourage the same, and for Promoving the Interest thereof, in manner at length mentioned in these Proclamations and Act of Parliament; Yet understanding that the same hath not received that due Obedience which was required, and by Us designed to the end foresaid: As We hereby with Advice of Our Privy Council, Revive and Renue, all the foresaids Laws, made in favours of Manufacturs, and for Prohibiting and Discharging the Importing or Wearing what is thereby prohibited[18]

The main goal of this message is to encourage the use of local products and to discourage the use of imported products. The government attempted to meet these goals by cracking down on imports though and it is unclear if there were any incentives to buy products from the United

[17] England and Wales. (1559). The briefe content of certayne actes of parliament agaynst thinordiante vse of apparell [Laws, etc.]. London: Retrieved from https://uoregon.idm.oclc.org/login?url=https://www.proquest.com/books/briefe-content-certayne-actes-parliament-agaynst/docview/2248547286/se-2

18 Scotland. Privy Council. 1686. *A Proclamation Anent the Sumptuary Law*. Edinburgh: https://uoregon.idm.oclc.org/login?url=https://www.proquest.com/books/proclamation-anent-sumptuary-law/docview/2240896949/se-2.

Kingdom other than just imported luxury items being outlawed. It is also notable that the proclamation mentions encouragement of purchasing from Scottish manufacturers, however no policy to create encouragement seems to be present. The only mentioned policy is punitive, so while the intent was to remove some of the burden on the poor, the actual proclamation did so through punitive measures.

The laws surrounding poor relief follow a similar trend where they are not considered to have been effective; however, it does mark a major transition from the burden of helping the poor shifting from the duty of the church to the duty of the government, although at this point only marginally and still mostly in the realm of the parish. Parliament promulgated most of the poor relief laws during the reign of Queen Elizabeth I (1558-1603). Parish records show that between 1404 and 1546, sixteen churches contributed to assisting the poor in their area. Compared with the poor law boom under Elizabeth I, this number is still extremely low, although it is possible the other churches contributed while not being able to be indicated on the record, and that the actual amount of relief provided was minimal. In the eyes of the Elizabethan government, there had to be proper policy in place if poverty were to be mitigated in fact. The policies put in place in the 1550s required the churches to take collections from their parish and distribute it to those in the most need.[19] To be sure, these collections were minimal in terms of solving the needs of the poor and still came from people who were at a lower class in society, so little wealth distribution was concentrated. Despite the lack of effect, a precedent was set shifting the responsibility of taking care of the poor from the church to the government. This precedent is also what allowed for late sumptuary laws to be considered an aspect of poor relief.

[19] Marjorie K. McIntosh "Poor Relief in Elizabethan English Communities: An Analysis of Collectors' Accounts." *The Economic History Review* 67, no. 2 (2014): 331–57. http://www.jstor.org.uoregon.idm.oclc.org/stable/42921736. 332

Despite the intent of sumptuary laws being to balance the economy, they were rightly criticized for imposing an unreasonable standard upon people and were quite difficult to enforce. One major critic was John Evelyn, a writer and minor government official, primarily known for his detailed diaries, but also as an early advocate for reforestation of places used for lumber. While certainly wealthy he was only a minor government official so as far as voices went, he was far closer to the public than the parliamentary decision makers. In 1661 he wrote an essay criticizing sumptuary laws that he titled *Tyrannus*, the title showing his thoughts towards the real function of sumptuary laws. He uses a quote from *Malvezzi; i vestimenti negli Animali sono molto sicuri segni della loro natura, negli Huomini del lor cervello* stating that "Garments (sayes he) in Animals, are infallible signes of their Nature; in Men of their Understanding. Though I would not judge of the *Monk* by the Hood he wears; or celebrate the humour of *Iulians* Court where the Philosophie Mantle made all his Officers appear like so many Conjurers; 'tis worth the observing yet..." and goes on like this.[20] But the point he is making here is that while there is value in how people clothes themselves. The quotation also does not really define how effective an individual person would be at their position, meaning it would be nonsensical to judge one's clothing choices if they could perform their job all the same. Evelyn presents sumptuary laws in this way as a frivolous formality that really does not need to be enforced since it will not make any difference to who is underneath it. Another major point he raises is that the habits of people are not something that can be controlled. He brings up how in other nations and dynasties of rulers, a major sign of a ruler overstepping their power is when they infringe on citizens in this way, stating that regardless of the intent, regulating one's personal life is never a trivial law.

[20] John Evelyn, *Tyrannus, Or, the Mode in a Discourse of Sumptuary Lawes* [Tyrannus. The mode.]. London:. https://uoregon.idm.oclc.org/login?url=https://www.proquest.com/books/tyrannus-mode-discourse-sumptuary-lawes/docview/2240941059/se-2. 1620-1706. 1661.

Evelyn does not bring up poor relief laws, but his concern for the increasing power of the United Kingdom's government also does align with a shift in the government's ideals which came not long after the period of sumptuary laws, of poor relief from local parishes to having some government involvement. Overall, Evelyn sees this shift to the government policing things that previously would have been handled locally or just within an individual's preference as a dangerous overstep of government power, while this is different from the poor laws since they were only partial government involvement. However, in how Evelyn refers to sumptuary laws he takes a libertarian approach in avoiding government restrictions or involvement.[21] There is still complication to this though, as Evelyn never mentions the reasons given for the implementation on the laws, which is part of why poor laws are relevant here as he does not address in his criticisms that the argument in favor of the laws is balancing the economy. While it is impossible to know if the intentions of assisting the poor given by the official statements in favor of sumptuary laws were said in full clarity about the intentions of sumptuary laws, there is still some merit to be afforded to the attempt, however flawed, to deal with the issue of massive poverty within the country if that was the case. Regardless of whether he addresses the reasons given in favor of sumptuary laws, his criticism does show a lot of major flaws in the legislation.

Evelyn is also not shy to say how he feels about sumptuary laws describing them as causing suffering to the people. His perspective is in line with his general perspective that sumptuary laws are an absurd overstep of government power. It is the idea of not being able to buy imported clothing he takes particular issue with, he talks for a while about how much he loves French fashion, referring to it as a "characteristic of their fertile genius," and the French in general, so restricting his ability to buy their clothing is awful. He also goes on to say "For a

[21] John Evelyn, Tyrannus, Or, the Mode in a Discourse of Sumptuary Lawes. 1620-1706. 1661

Man cannot say now as when *Lucian* scoff'd at *Cinicus, Quid tu tandem barbam quidem habes, & comam, tunicam non habes* [So you actually have a beard and hair but no tunic]? On the Reverse, All Men now wear coats, and no Beards. O Prodigious Folly. *Foedius hoc aliquid quandoque audebis amictu [*you will someday dare this foul thing with a cloak]. And I am even astonish'd at the scandal of it."[22] This really shows how increasingly absurd he finds it also with the fact that people would be significantly harder to distinguish in terms of individuality with everyone dressing the same, because while sumptuary legislation would create a visual difference between class, it dulls the distinction from person to person. Also, seemingly he is implying that he enjoys critiquing clothing choices, which seems to be a little bit of an unusual reason. However, it is possible that since he got out his complaints on sumptuary law being government overstep early in the letter, he is also trying to show how frivolous the laws are by creating this idea of clothing not being a big deal through an almost satirical statement. This is also possible as earlier in his letter he uses a quote that also implies that the physical appearance of someone should not affect their ability to do their jobs. He adds the few anecdotes of inconvenience the sumptuary laws have brought upon him due to the amount of prices for clothing has risen. As the paper goes on, the anecdotes he gives continue to show the frivolity of the laws and that the laws only serve to raise the prices of imported clothing with no benefit.

Overall, the early modern debate around sumptuary laws was defined by the juxtaposition of what is too much government power and what is best for the people as seen particularly through the reasons of King James II and the criticisms of John Evelyn. The economic and moral well-being of the nation is the main justification on the side in favor of sumptuary laws, while the opposition challenges that it is an overreach of government power and impossible to enforce.

[22] John Evelyn, Tyrannus, Or, the Mode in a Discourse of Sumptuary Lawes. 1620-1706. 1661

On top of this, critics like Evelyn viewed these laws as silly due to regulating something that harms no one. Overall, his stance was against the moral regulation of sumptuary laws as his argument centered on the idea that the government is exerting too much of itself into peoples' business. During the moment that the debates on sumptuary laws were happening, these were the two main sides and how it was viewed. However, the way sumptuary laws are viewed changes in the Victorian era.

Chapter 3: Victorian Perspectives

A concept that was brought up in the introduction was that a lot of self-perception of the Victorian era involves comparing where they are now to where they were in the past, in particular how much better things are at the current time in history. This is partially because they were living in a different world. The American, French and Industrial revolutions had completely changed the perception of what politics and technology, and the present could be. The Victorian era was filled with all sorts of exciting new views and technology. The industrial revolution made a big mark; production is now faster than ever and the future looks bright. This is the Victorian perception of time. They are not alone in this, today in this fast-moving world, a lot of people still hold this Whiggish perception of time. In this view everything is linear and separated into two chunks, the past and the present. Time is very often conceptualized linearly across many western cultures, and the linear upward trajectory is an especially common view during the Victorian era. A frequent example of collective memory is national traditions, for example independence celebrations and national identity. These celebrations are often viewed as entirely in the past and to be celebrated now, and that has a lot of merit because, yes, that is in the past. Memory, on the other hand, is more ongoing than that, because when talking about something like the independence of a country it is impossible not to consider the effects that the time before independence brought through each point in the history of the nation and forming of national identity. Along with this each step along the way changes and adds to it. Collective memory can be difficult in this way, because it is not the individual memory of a person, so it is especially vulnerable to taking historical events out of their context.

Also similar to what we see in how the Victorians perceived history and what will be present in their interactions with sumptuary laws, those in the 21st century is not immune to

taking events out of context for a rhetorical device either. It can be almost impossible to leave something within its exact context without the intent of framing it historically. However, this hyperlinear perception of time coupled with the idea that everything in the past must be an inclining slope of progress can lead to less than accurate depictions of events. Another major fallacy in the perception of history is that everything gets progressively better, this sentiment was common among the educated class in Victorian England following the industrial revolution, and it is common as well now in the age of technology. The predominant belief view of history was Whiggish. This partially became so popular due to the comforting idea that everything would smooth itself out and "'triumph over chaos', and in a way which history converges 'beautifully' on the present."[23] Especially off the cusp of multiple revolutions, the Victorian's outlook on time was that everything falls into place better than how it used to be, placing themselves, as the present, above everyone in the past. This idea was so common that beyond even just the Whig party the idea that history constantly progresses is considered an idea credited to the Victorian era. The Whiggish outlook on English history also creates a narrative with Anglo-Saxonism and the idea that the particular ethnic group has full and unique rights to Britain and English identity. Mixed with the idea that England in particular had made more improvements on cultural progression than any other nation, there becomes this idea that Victorian English identity is synonymous with the present and leaving the past behind, of course with the exception of clinging to Anglo-Saxonism, religion, and rigid moral values.[24]

One piece of evidence on Victorian attitudes toward sumptuary laws arose during a debate over the consequences of criminal legislation in Ireland. Rigby Watson, a lawyer who spoke for Irish rights used sumptuary laws as an example of government oversight. A bit after

[23] Neil McCaw. *George Eliot and Victorian Historiography : Imagining the National Past*. 2000. 36
[24] McCaw. *George Eliot and Victorian Historiography*. 40

the Final Emancipation in 1829 another debate came about on what to do about the Irish not paying money to the landlords that had come and acquiesced this land for small amounts of money under the Irish Penal Laws. Critics of these laws also suggested that maybe they should not be forced to pay and be granted "fixity of tenure" due to the burdens caused by the laws. During this debate in a paper by lawyer Rigby Watson, he suggests finding an equitable way to deal with the land disputes in Ireland, largely involving repatriating a lot of the land, to avoid recreating the "evil of sumptuary laws."[25] This is an interesting comparison made by Watson, because this letter centers entirely around disputes of land and who owns it, otherwise not at all talking about laws that would restrict clothing nor similar types of personal freedoms. Yet, it is brought up as an example. If sumptuary laws were mentioned here despite reasoning for them to be mentioned, it shows something about the Victorian perspective on sumptuary laws. The laws also seem to be a common enough example, at least in the legal community, as a great enough faux pas to be brought up casually and as the first example that pops into mind about government overreach. Sumptuary law being a rhetorical shorthand to imply government overstep is interesting, because it recalls the concerns brought up by Evelyn in the 1660s, but it also seems somewhat disconnected.

This is not the only time it was used in this way, either. During an annual political speech in 1883, Jos Cowen uses sumptuary laws as a punchline to a joke. Unfortunately, the existing scans in the archives are cut off but what can be made out is "Some are unconsciously… sections of Sumptuary Law. Whenever… run to the government, clamour for new…and fresh restrictions. (Laughter)."[26] Again, this is a little tricky to make out due to the scans, but it very much seems to

[25] Wason, Rigby. *Justice to Ireland, or Peace Cannot Be Rationally Expected: A Letter to the Right Hon. Chichester Fortescue, M.P...* Pamphlets. E. Truelove, 1869. https://jstor.org/stable/60241454.
[26] Cowen, Joseph. *Speech Delivered by Mr. Jos. Cowen, M.P., in the Circus, Newcastle-Upon-Tyne, on Saturday, December 22nd, 1883.* Pamphlets. A. Reid, Printing, 1883. https://jstor.org/stable/60229996.

have been a joke about sumptuary laws being an almost humorous example of a government desperate to place restrictions. Jos Cowen was a member of parliament who was a new combination of a radical and a liberal.[27] Cowen delivered this speech as a yearly address on behalf of the mayor of Newcastle, Dr. Henry William Newton. He represents Victorian sensibilities and culture being a high up politician but also because he is considered a liberal and uses the sumptuary laws as a punchline to the joke without really any other acknowledgement or background of them. It also brings into question whether the previous example where sumptuary laws were brought up was also intended to be humorous. It is difficult to tell, but it seems that during the mid Victorian era sumptuary laws were also somewhat of an inside political joke. It is unclear exactly when the use of sumptuary laws as a political joke disappeared, but it went from multiple speeches made where it was just casually mentioned to a law that most people today have never heard of. It is also unclear what specifically made this a joke during the mid-Victorian era, about a hundred years after the laws had been repealed. While there are numerous casual mentions of sumptuary law in the mid Victorian period, there also are not any of this nature during the early parts.

It is also interesting that the two previous people write about sumptuary laws in this way because there is not really a lack of historical knowledge around them. On the contrary, there is evidence that Victorians understood the pro side of the debate as well as the con, despite the con being much more in line with their current beliefs. Two political documents arguing about economic changes illustrate the point that the pro side of the debate is also used. Here the laws are mentioned partially as a piece of rhetoric to prove a point but this time they are mentioned as

[27]"Election to Parliament." 2019. Parliament.Uk. 2019. https://www.parliament.uk/about/living-heritage/transformingsociety/electionsvoting/case-study-radical-politicians-in-the-north-east/introduction11/about-the-case-study111/.

an example of a type of tax that could be imposed. The document on tenant-rights also seems to be using the pro side in the debate of sumptuary laws, specifically stating that they were used for economic purposes, which is a side of the argument on sumptuary laws that is rarer to be presented.[28]

The other document on railway imports classified sumptuary laws, or taxes as the document calls them, as a type of import tax which is also more in line with the original arguments made around them. This document was written by Sir Edwin Chadwick, who was a social reformer known for his efforts to help better the unsanitary labor conditions of the poor. He initially studied law before moving into social reform, specifically focusing on the science of public health. He was also a major figure in the poor reform of Victorian England, which is why He focuses on the side of the sumptuary law argument saying it is a necessary law for economic purposes. This aspect of the debate around sumptuary law, while not being directly part of the Poor Relief laws, was very similar to the debate in favor of sumptuary laws, and being someone also invested in the wellbeing and betterment of the poor, he is very in line with that side.[29] In his paper, he uses sumptuary laws as an example of a law that leadership sometimes must implement to balance the economy.[30] However, there is still a major flaw, because the use of criticisms of sumptuary laws that portrayed it as ineffectual and a massive overstep of government power were not necessarily wrong. This was true that it was difficult to enforce; many ignored it, and some were appalled at the overreach. These economic documents were not necessarily pro sumptuary laws to be fair, but they still also just give a half history. However,

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[28] *Payment for Value Received - the True Principle of Tenant-Right.* Pamphlets. Printed by J.C. Durant, 1877. https://jstor.org/stable/60244508.

[29] Pooja Mary, Vaishali, and Nisha Boopathy. 2024. "Edwin Chadwick: A Pioneer of Public Health Reform and His Role in Sanitary Awakening," July.

[30] Chadwick, Edwin. On the Economical Principles of a Reform of the Legislation and Administration for the Conveyance of Passengers and Goods on Railways. Pamphlets. National Association for the Promotion of Social Science, 1865. https://jstor.org/stable/602S44035.

with both of these mentions of the laws it shows that there was never a piece missing in the knowledge of the laws, the Victorians still had all of the same and possibly more of the pamphlets during the height of the debate for there to still be acknowledgments of the intention of these laws and criticisms that call back to the ones given. The lack of knowledge is not the reason for the shift in usage of sumptuary laws in discussions.

Both documents examine sumptuary laws out of the context in which they existed as a quick example of the current arguments being made. The examples shown here are a handful of lawyers, politicians, and one anonymous pamphlet, but these are mostly people who are members of Victorian high society. All of them are politically involved in some ways as well. They all show slightly different ways of mentioning and brushing over sumptuary laws to create a quick piece of rhetoric using the historical event. These authors are all Victorian progressives also, who generally strive towards societal improvement in their work. This group of forward-thinking people falls particularly into not giving full context to the past. The way that the Victorians approached sumptuary laws was not a full approach but a cursory one. This brushing over the past is something common in Victorian society, but in general a trap that people fall into when referring to history. It is not inherently a bad thing, but it does happen that the second something has passed people only care about what it means for the future. In the case of these documents analyzed, these people were not historians, but economists and politicians, which is admittedly an extremely small percentage of Victorian society. It is a very narrow view of history to only see it as rhetoric, and Victorians commonly relied on historical revisionism to prove a point, this is certainly not an honest way to approach history. However, these people really were not historians, the knowledge of what sumptuary laws existed but also it is not possible to know the full extent of the knowledge of these individual actors.

In this aspect of viewing history, one cannot fully blame the Victorians and their politics for their diluting historical events, because in the 21st century, this is still happening

Chapter 4: Conclusion

The idea that this is a problem exclusive to the Victorians should be taken critically, as seen with how the Victorians' points of history can become taken out of context and turned into rhetorical devices for whatever is being argued. This is a problem in the current era too and one could argue that any look at historiography faces similar issues including this paper, however what is seen with sumptuary laws is a continuation of a pattern. The Victorians had a view of history that moves in an upward linear direction and the use of sumptuary laws as a political device aligns with this idea of the past being lesser. The arguments made within the early modern era were centered on a couple major factors, the pro side citing economics and morality and the con side citing difficulty of enforcement and freedom. These themes, while sort of brushed upon with the implications of the papers in the Victorian era were not given, leaving a legislative debate that spanned most of the early modern era as just a footnote used to imply something. Whether the implications be tax, laughable laws, or a restriction on freedoms, the figures of Victorian politics that went into this are not ever given depth. While it is impossible to expect every discussion of a historical event to be given pages and pages of nuance, it is still very clear when an event is taken out of its nuance. The Whiggish way in which Victorians viewed the progression of time led to difficulty exploring the full context of events, as they had a consistent idea that history would always progress to be better than the past.

Victorians were not alone in this. One collective memory is of the ways collective memory is formed through political speech, and this is what happened to sumptuary laws. A constant repetition turning it into a shorthand is part of why the perception became what it did, and when people in one trust tell them something like that, it becomes part of what people truly believe. For example, the story of Thanksgiving had become so twisted by politicians and

footnote history that people are only now remembering that it was a genocide. While what happened to sumptuary laws is nowhere near as serious, it does show a tactic of history being changed for political gains. Through this the public memory changes, and the collective memory is formed, usually completely antithetical to or a watered-down version of the actual history. It is important when looking at depictions of history made for political gain to be wary of what the actual history is and how much the public perception of what is true had been enforced by repetition. Overall, collective memory can be a potent tool, but a fightable one, history can be learned, and memory can be fixed.

Appendix:

Full Transcription of the 1559 Text in the Image:

Content of certain acts of Parliament against the ordinate of apparel

A Table of the Statutes made for Apparell, made in the first yere of the Reigne of King Henry the VIII. and in the first and second yeres of the Reigne of King Philip and Queene Mary.

None shall wear in his apparel any	Cloth of	Exemptions
	Cloth of Golde syluer, or tincele.	Cries, and all superior degrees and wilcounts and Barons in their goblets and fluerelle coats
	Satyn, sylke, or cloth myxt with golde or syluer, nor any Sables.	Cries, and all superior degrees and wilcounts and Barons in their goblets and fluelle coats
	Wollen Cloth made out of the Realm	Dukes, Marquis, Cries (and their children), barons and knights of the order
	Veluet, Crimsin, Scarlet or Blewe.	Dukes, Marquis, Cries (and their children), barons and knights of the order
	Furres- black ferrets or luzerns	Dukes, Marquis, Cries (and their children), barons and knights of the order
	Veluet in Gownes Coates, or vtter most garments	Barons sonnes, knights, or me that may dispende cc. ti. by pere
	Furre of Libardes Embroderye	Barons sonnes, knights, or me that may dispende cc. ti. by yere
	Pricking or printing with golde syluer or sylke.	Barons sonnes, knights, or me that may dispende cc. ti. by yere

	Taffata, Satyn, Damaske or sylke Chamlet in his vttermost garmentes.	A man that may dispende one hundred pounde by yere.
	Veluet otherwyse then in Iakectes, dobletes. &c.Furre whereof the kynde groweth not within the Quenes dominions. Except •rey •enets. Bodge.	A man that may dispende one hundred pounde by yere.
None shall wear any sylke in	Hatte, Bonet, Nyghtcap, Gyrdell, Scabbard, Hosen, Shoes, Spurlethers.	The sonne and heyre or doughter of a knight or the wyfe of the sayd sonne. A man that may dispende. xx. li. by yere, or is woorth two hundred poundes in goodes.

These be the briefe contentes but of certayne partes of the lawes now remaining in force, to thobseruance whereof her maiestie thynketh best to induce her subiectes by thys shorte memoriall, and yet neuerthelesse wisheth that all of inferior estates, shoulde notneglect the rest of the same lawes, leste if they shalbe founde to contemne these orders here mencioned, they maye fele the payne of the rest.

There be certaine other exceptions in the Statutes: as for suche as haue licence by the Quenes Maiestie, or such as shall run in any Iustes, or shall serue in warre, or shal haue apparell geuen thē to be worne by her Maiestis and such like. All whiche are wel to be consydred by them that wyl clayme any priuilege thereby, and that at theyr peryll.

¶ And where there is menciō made of values of yerely liueloodes & goodes, the best accompt therof is to be made by the taxations in this last subsedy, so as if any wil be excused by pretence of hys lyueloode or substaunce, to offende, it is as meete that he aunswere to the Prince in subsedye for that value, as seke defence to breake anye good lawe, wherof her maiestie geueth to all men admonition.

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