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DPhil thesis in the Faculty of History

ENGLAND AND THE GENERAL COUNCILS, 1409–1563

## **SHORT ABSTRACT**

My doctoral thesis examines the intellectual and political relationship between England and the general councils of the Church from the Council of Pisa until the Council of Trent. It illuminates the hitherto unexplored features of the revolution that was the end of universal papal authority. With the transfer of spiritual authority to Henry VIII, the heads of England's Protestant regimes inherited the papacy's distrust of the general council, which had the potential to interfere with the course of the reformation in England.

At the same time, the thesis examines the changing nature of public commitment to universal decision-making in the Church in the face of resistance by hierarchs (papal or royal). It finds a widespread support for the general council over the period, but also a plurality of views about how conciliar government could be reconciled with monarchical rule in the Church. In the fifteenth century, conciliarism had to contend with the suspicions of those who wished to shore up the Church hierarchy against Wycliffite attacks. In the sixteenth century, there was still competition between the establishment's defence of an hierarchical Church, directed by the monarchy, and theories which stressed the importance of conciliar government. These arguments took different shapes when used by popular rebels in favour of traditional religion grounded on conciliar consent, or by Protestants in favour of synodal government by the godly. But they were both outcomes of enduring instabilities in the ideology of Church government, which had their roots in the fifteenth century.

## **HISTORY FACULTY ABSTRACT**

This thesis will challenge the historiographic tendency to regard the general council as a peripheral issue in English thought in the period 1409–1563. Instead it will be shown that the general council was integrally related to definitions of catholicity—of what it meant to be a member of the Christian community. It also became involved in discussions about the legitimacy and the limitations of hierarchical government in the Church. These issues were as relevant in England as they were elsewhere in Europe. They were also as relevant at the end of this period as they were at the beginning. Yet England's relationship to European intellectual trends has been misunderstood, and the continuities of the period denied. These assumptions will be challenged.

The first chapter will examine the practical aspects of the English engagement with the general council in the fifteenth century. It will rebut the claim that England had no need of general councils. Conciliar participation could serve the ends of the crown and of other interest-groups within the Church. The apparent cooling of the crown's enthusiasm for the councils was rather a product of its diminishing influence at the Council of Basel than of a principled defence of the papal monarchy. Chapter 2 will then confront the contradiction which seems to emerge from this account: if the English were committed to the general council, why did England produce no vocal champions of the conciliarist theories? The answer will be found in England's troubled engagement with the Wycliffite heresy. The conciliarists' sharp qualifications of papal power seemed too close for comfort to the theories of the Wycliffites, who manipulated the same scriptural and canonistic texts in order to argue that obedience should not be given to priests and prelates who were predestined to damnation. There were, of course, great differences between the conciliarists and the Wycliffites, but in an intellectual climate of self-censorship their arguments

appeared to converge in threatening the ecclesiastical hierarchy. Nevertheless, the English silence did not amount to a full-scale rejection of conciliarism. The core ideological materials of conciliarism were too well-embedded in fundamental Christian texts. Rather we should acknowledge that the English unease towards conciliarism resulted from the tensions which it had revealed in the pre-existing theories of Church government. These instabilities lived on even after the papacy had quelled the challenge of Basel. There was still no agreement about the circumstances under which a pope could be called to account by an autonomous general council. The meaning of the Constance decrees *Haec sancta* and *Frequens*, was debated heatedly across the period. Some thought that they authorised the council's supremacy over the pope and their ongoing role in Church government, and others interpreted them merely as emergency measures used to bring an end to the schism.

A consideration of these fifteenth-century debates is of vital importance to an understanding of the transfer of spiritual authority which took place under Henry VIII. The instabilities of the foregoing period in no way necessitated the break with Rome, but they provided the Henrician regime with ideological tools that could be used to justify their unprecedented activities. Chapter 3 will explore the manipulation of ideas about the general council by the regime and its defenders. The regime wished to align itself with the cause of the general council, and the conciliarists were cited in propaganda works in order to legitimise its act of rebellion against the pope. This harmonised with the king's attempts to portray himself as a Catholic monarch, committed to traditional religion, even though no longer obedient to the papacy. But the elaboration of these conciliarist ideas was inconsistent. The fundamental conciliarist tenet, that authority inhered in the Church as a *congregatio fidelium*, was repeated by the propagandists, but it was far from clear how this was to be reconciled

with their other contention that the king derived his spiritual supremacy from God alone. In addition, the nature of the general council to which the regime and its defenders continually appealed was left deliberately obscure. It began life in official pronouncements as an assembly along the lines of Basel, acting autonomously of the pope in order to judge his verdict on the king's marriage. But the general council rapidly changed shape in official discourse. In 1536 the regime declared that only secular princes had the right to summon councils, and that laymen as well as clerics had the right to assemble there. This broke with the moderate conciliarist conception of the general council as an overwhelmingly clerical assembly. There was also a growing caution in official statements about the reliability of the council's judgements on scripture.

The diversity of opinions about the status of the general council (inherited from fifteenth-century thought and exacerbated by the propaganda campaign) was to have several important consequences for the magisterial Reformation in England. In the short term, it provided opponents of the regime with an ideological platform on which to resist the king's assumption of supremacy over the Church. The nature of the public response to the regime's claims will be analysed in Chapter 4. It will be seen that the regime's strategy of appealing to the council was occasionally successful: some parties were prepared to defer their judgment on the king's divorce and supremacy until a council had met to decide the issues. This demonstrates that there was some support for the claim that councils could judge erring popes. However, there were many others who argued that the regime's position was hypocritical: it claimed to respect the authority of the general councils yet was rejecting the papal supremacy of the Church without conciliar approval. These arguments played a crucial role in acts of resistance towards the regime, including the Pilgrimage of

Grace. The place of the general council in these expressions of discontent has not hitherto received sufficient attention. It has been assumed that resistance to the royal supremacy stemmed from a belief in the immutable, divinely ordained nature of the papacy. Chapter 4 will demonstrate that, although this attitude was certainly present, opposition to the supremacy was also motivated by the conviction that conciliar government was threatened by the regime's actions.

The ideological instabilities of the Henrician era returned to haunt the monarchy even after the rebellions of the 1530s had been suppressed. In later years, the official attitude towards the general council was not just resisted by traditionalists, but by Protestants who were dissatisfied with the outcomes of the magisterial Reformation. Chapter 5 will explore English attitudes towards conciliar government in Elizabeth's reign. It will contend that discussion about the general council was stimulated by the last period of the Council of Trent in 1562–3. Even though no official English delegation was sent to Trent, Protestants were nevertheless forced to define their commitment to the general council in response to Catholic criticisms. The defenders of the regime continued to use the arguments that had been pioneered in the 1530s. But there was growing dissatisfaction at the ambiguities of the official position, which at once affirmed the useful role of a general council in settling doctrinal arguments, and at the same time denied that councils were strictly necessary for the interpretation of scripture (from which sound doctrine and ecclesiastical government would proceed). This displeased those of doubtful loyalty to the Protestant Reformation, who wished to have doctrinal disputes settled decisively by a general council in order to counteract heresy. But the official position also infuriated those Presbyterians who wished to advance the Reformation in the face of the queen's intransigence, and who advocated a new kind of conciliar government operating

independently of the established Church in England. The apex of this structure, the general or ecumenical council, would gather representatives of all Reformed Churches and would be the ultimate judge of doctrinal and disciplinary questions. This project did not share all the ideological roots of the conciliar movement of the fifteenth century, yet it sprang from the same kind of dissatisfaction at the excesses of a monarchical form of Church government.

The thesis will show that the commitment to the conciliar enterprise did not collapse with the English crown's tightening control over the Church in England. Instead, the fissiparous tendencies which caused the English crown to break with the Roman Church in the 1530s and to become separated from the advances of the Reformed Churches in the second half of the sixteenth century, were opposed by parties who were convinced that England had to reaffirm its membership of a universal Church (variously defined). Various parts of this story have been told before. The debt of this thesis to these studies has been indicated in this introduction and will be explained throughout the thesis. But a general survey of English attitudes towards the general council over the period 1409–1563 has not yet been attempted. By concentrating upon the general council over this period we can discover the varieties of English ecumenism, we can trace their intellectual roots, and understand how they were informed by the realities of England's engagement with the conciliar enterprise.

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## ABBREVIATIONS

BL	The British Library
CSPD	<i>Calendar of State Papers, Domestic Series of the reigns of Edward VI, Mary, Elizabeth, 1547–1580</i> , ed. R. Lemon (7 vols., London, 1856–1871).
CSP Spanish	<i>Calendar of Letters, Despatches, and State Papers, relating to the negotiations between England and Spain</i> , ed. G.A. Bergenroth (13 vols., London, 1862–1954).
CSP Foreign	<i>Calendar of State Papers Foreign</i>
DNB	<i>Dictionary of National Biography</i>
LP	<i>Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII</i> , ed. J.S. Brewer et al., 23 vols. (1862–1932).
TNA	The National Archives

## INTRODUCTION

The diary of John Leslie, bishop of Ross, records a dinner conversation with his host, Richard Cox, bishop of Ely, on 2 August 1571. Leslie writes: ‘I dynit with the Bishop of Ely, and efter conferred with him upon dyvers purposes, specially of an union to be maid in the Religioun be a Generall Counsell, quihilk is easy, gif the princes will apply them selves thereto.’<sup>1</sup> Of course, this was no ordinary dinner. As a leading suspect in the Ridolfi plot, Leslie was being kept captive by the English authorities. With the pope’s excommunication of the queen in 1570 and the outbreak of revolt in the Netherlands, the confessional strife of the Reformation was reaching a crescendo. Leslie was at the very heart of the intrigues which aimed to topple the Elizabethan regime.<sup>2</sup> He was also writing eight years after the Council of Trent had failed hopelessly to heal the theological rifts between Protestants and Catholics. Yet despite all this, Leslie was confident that a council could bring an end to the religious turmoil that he saw around him. We know, as Leslie could not, that no general council would perform this feat. Even within the Catholic Church, a council was not called for nearly three hundred years after Trent. With hindsight, the contemporary advocacy of ecumenism seems a doomed enterprise, at odds with the realities of the early modern period. It is perhaps for this reason that historians have too often assumed that the general council was an irrelevance in isolationist Protestant England.<sup>3</sup> But Leslie’s voice should not be ignored. His conversation with Cox on the subject of the general council can be set beside more public debates of the times, which reveal much about

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<sup>1</sup> ‘The Diary of John Lesley, Bishop of Ross, April 11 – October 16, MDLXXI’ in W. Scott, D. Laing and T. Thomason (eds.), *The Bannatyne Miscellany* (3 vols., Edinburgh, 1827-55), iii, 134.

<sup>2</sup> W. MacCaffrey, *The Shaping of the Elizabethan Regime* (London, 1969), 268–9; P. Collinson, ‘The Elizabethan exclusion crisis and the Elizabethan polity: the Raleigh Lecture 1993, *Proceedings of the British Academy*, 84 (1994), 51–92.

<sup>3</sup> The perception of Protestantism as an intrinsically sectarian faith is examined in J.T. McNeill, *Unitive Protestantism: The ecumenical spirit and its persistent expression* (London, 1964), 9.

the confessional divisions of the Reformation. These debates, in turn, can only be fully understood when situated within a long tradition of thought about the general council.

This thesis will challenge the historiographic tendency to regard the general council as a peripheral issue in English thought in the period 1409–1563. Instead it will be shown that the general council was integrally related to definitions of catholicity—of what it meant to be a member of the Christian community. It also became involved in discussions about the legitimacy and the limitations of hierarchical government in the Church. These issues were as relevant in England as they were elsewhere in Europe. They were also as relevant at the end of this period as they were at the beginning. Yet England’s relationship to European intellectual trends has been misunderstood, and the continuities of the period denied. In order to respond to these problems, the following approach will be adopted here. The introduction will first examine why the theme of the general council has been neglected in histories of English religion, and why the period 1409–1563 is not usually treated as a whole. In the process, it will allude to those path-breaking studies which have offered a corrective to this approach, and will show how the present thesis aims to build upon them. Lastly it will propose the gains that can be made by reinstating the general council in an analysis of this period.

The belief that England was isolated from European intellectual and political trends is longstanding. It is partly to blame for the relegation of the general council to the margins of England’s religious history. As Chapter 1 will discuss, England’s relationship with the conciliar movement in the fifteenth century has been unfairly dismissed. It has been contended that England produced no major conciliar theorist because it had no need of one. England was deeply loyal to the papal monarchy, and

the crown's exceptionally tight control over episcopal presentations and ecclesiastical taxation disqualified it as a sponsor of conciliarism.<sup>4</sup> These arguments present an England apparently cut-off from foreign intellectual stimulation and political developments. They do not do full justice to the nature of England's engagement with the general councils, which will be examined in detail in Chapters 1 and 2. In the sixteenth century, too, the progress of the English Reformation has often been portrayed from too insular a vantage-point. In this view, religious change was conditioned almost entirely by domestic preoccupations and an ingrained traditionalism.<sup>5</sup> It has been well observed that when writing about the localised reception of Reformed ideas, 'national historians have a tendency to revert to claims of local exceptionalism.'<sup>6</sup> This thesis does not seek to deny that the Reformation took a different course in England from its direction in other parts of Europe.<sup>7</sup> But by examining the English engagement with the general councils, it will be shown that English Protestants had no desire to be branded isolationists. Instead they wished to affirm and define the nature of their catholicity.<sup>8</sup> Of course, the political pull towards national self-sufficiency in religion was at odds with the ecumenical impulse, but this did not go unnoticed in sixteenth-century England, where various alternatives to the official position on the general council were proposed.

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<sup>4</sup> E.F. Jacob, *Essays in the Conciliar Epoch* (Manchester, 1963); A.N.E.D. Schofield, 'England and the Council of Basel', *Annuaire Historiae Conciliorum*, 5 (1973), 1–117.

<sup>5</sup> D. MacCulloch, 'The Myth of the English Reformation', *Journal of British Studies*, 30 (1991), 1–19, argues, for example, that the longstanding presentation of the English Reformation as a perpetuation of the Catholic past has obscured its indebtedness to Reformed churches elsewhere in Europe, especially Switzerland.

<sup>6</sup> F. Heal, *Reformation in Britain and Ireland* (Oxford, 2003), 7.

<sup>7</sup> These regional variations are surveyed in B. Scribner, R. Porter and M. Teich (eds.), *The Reformation in National Context* (Cambridge, 1994).

<sup>8</sup> Patrick Collinson acknowledges that Protestantism fostered the idea that England was an elect nation, but stresses that, at the same time, 'all English Protestants... were internationalists, conscious of their common identity with the other Reformed churches of Europe.' *The Birthpangs of Protestant England* (London, 1988), 16.

Given that English religion has often been portrayed as inward-looking in both the fifteenth and sixteenth centuries, it comes as no surprise that no historian of England has chosen to examine the period from the Council of Pisa to the Council of Trent as a whole. There was (so the thinking runs) very limited English commitment to the conciliar enterprise in the fifteenth century, and even less in the sixteenth, when its rulers declined to participate in the Catholic councils. The assumption, therefore, is that there is no good reason to think of the years 1409–1563 as a coherent period. This negativity has been exacerbated by the tendency to see the intellectual currents of the Renaissance and the Reformation as sharply separated from medieval patterns of thought.<sup>9</sup> Recently, however, the validity of these chronological barriers has been questioned. Various authors have shown how the Reformation had its roots in scholastic thought.<sup>10</sup> It has also been demonstrated that the arrival of humanism in Europe did not lead to the wholesale destruction of scholastic learning.<sup>11</sup> These conclusions apply to England as much as other areas in Europe. As is well known, England produced a talented crop of humanists. For this reason it is common to write about English intellectual culture in the early sixteenth century as if it were thoroughly steeped in humanist learning and committed to the humanist educational

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<sup>9</sup> The problem is discussed by H. Oberman, 'Reformation: Epoche oder Episode?', *Archiv für Reformationsgeschichte*, 68 (1977), 56–111. An attempt to conceptualise the Reformation as a part of a continuous social transformation dating back to c. 1000 is provided in C. Fasolt, 'Hegel's Ghost: Europe, the Reformation and the Middle Ages', *Viator*, 39 (2008), 345–86.

<sup>10</sup> H.A. Oberman, *The Reformation: Roots and Ramifications* (Edinburgh, 1994); idem, *The Dawn of the Reformation* (Edinburgh, 1986); idem., *Forerunners of the Reformation: the shape of late medieval thought* (New York, 1966); S. Ozment, *The Age of Reform, 1250 – 1550: An Intellectual and Religious History of Late Medieval and Reformation Europe* (New Haven, 1980). J. Pelikan, *The Christian Tradition: A History of the Development of Doctrine. 4. Reformation of Church and Dogma 1300–1700* (Chicago, 1984). A. McGrath, *The Intellectual Origins of the European Reformation* (Oxford, 1987).

<sup>11</sup> J.H. Burns, 'Scholasticism: survival and revival' in Burns and M. Goldie (eds.), *The Cambridge History of Political Thought 1450–1700* (Cambridge, 1991), 132–3, Erika Rummel has shown that polemical contests between scholastics and humanists could be harsh, but contends that neither group had a monopoly on education: *The Humanist-Scholastic Debate in the Renaissance and Reformation* (Cambridge MA, 1995).

programme.<sup>12</sup> It is true that chairs of Greek and Hebrew started to appear at Oxford and Cambridge at the beginning of the sixteenth century, and that the study of scriptural and patristic texts in the original was inculcated.<sup>13</sup> But until the state-sponsored Reformation complicated the engagement with the scholastic past, most scholars, in the words of D.R. Leader, ‘accepted the old along with the new’. John Fisher’s defence of medieval theologians is revealing of contemporary attitudes. Castigating Luther’s contempt for the scholastics in 1523, Fisher told him that if he were to destroy the dialectical method he would abolish the faculty of establishing the truth and of overthrowing error.<sup>14</sup> Even though an admirer of Erasmus, Fisher clearly did not share his friend’s disdain for the supposed opacity and sophistry of medieval modes of enquiry. Indeed, under John Fisher’s direction, the Hebrew lecturer at St John’s College, Cambridge was still given the option of speaking on Duns Scotus.<sup>15</sup> As late as 1549, the statutes of Oxford University prescribed that a master of arts seeking a baccalaureate in theology had to lecture on a book of the Sentences of Peter Lombard.<sup>16</sup> Research on the original library of Corpus Christi College, Oxford—reputedly a powerhouse of humanist learning—has revealed that it was still very traditional in content.<sup>17</sup>

It would be a mistake, therefore, to think that English universities had made a complete transition to humanist modes of learning by the beginning of the 1530s. It is

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<sup>12</sup> Maria Dowling’s account of the growth of humanist studies in the English universities suggests, for example, that they rapidly carried all before them: *Humanism in the Age of Henry VIII* (London, 1986), 112–39.

<sup>13</sup> S.L. Greenslade, ‘The Faculty of Theology’ in J. McConica (ed.), *The History of the University of Oxford, Volume III: The Collegiate University* (Oxford, 1986), 314–8. D.R. Leader, *A History of the University of Cambridge, Volume I: The University to 1546* (Cambridge, 1988), 297–319. E. Leedham-Green, ‘University libraries and book-sellers’ in L. Hellinga and J.B. Trapp (eds.), *The Cambridge History of the Book in Britain, Volume 3: 1400–1557* (Cambridge, 1999), 334–7.

<sup>14</sup> Fisher, *Assertionis Lutheranae Confutatio* (Würzburg: Georg Fleischmann, 1597), 324: ‘Nam tolle Dialecticam, sublata protinus erit facultas, aut subruendi quod falsum est, aut statuendi veri.’

<sup>15</sup> Leader, *History of Cambridge*, 313–4.

<sup>16</sup> Greenslade, ‘Faculty of Theology’ in McConica, *History of Oxford*, 296.

<sup>17</sup> See the forthcoming book by Rod Thomson: *Descriptive Catalogue of the Medieval Manuscripts in the Library of Corpus Christi College, Oxford*.

true that the Henrician Reformation did to some extent mark a break with the past. The royal visitations of Oxford and Cambridge in 1535 did much to change the orientation of learning at the universities, effectively abolishing the institutionalised study of canon law, and, in the case of Cambridge, prohibiting theology lectures on the Sentences. The king's visitors at Oxford, Richard Layton and John Tregonwell, encouraged the removal of scholastic texts from the libraries and noted with satisfaction that on their second trip to New College the quadrangle was 'full of the leaves of Duns'.<sup>18</sup> These must have been intensely destabilising events. But we must recognise that even though scholastic theologians and canonists were being removed from university syllabuses from the 1530s onwards, individual doctors continued to read and quote Aquinas and Scotus, not to mention more recent authors such as Gerson.<sup>19</sup> The ongoing readership of scholastic texts suggests that the preoccupations of the fifteenth-century did not immediately lose their relevance. For the purposes of the present thesis, it should be recognised that the period 1409–1563 did involve intellectual transition, but not a cataclysm of such force that it totally shattered continuity. This is especially true of the 1530s, where humanist ideology was not the gold-standard of public debate that it is sometimes taken to be. As we shall see in Chapter 3, fifteenth-century ideas were prominent in the Henrician regime's propaganda campaign.

These general remarks about the continuities in intellectual culture can be reinforced with reference to ideas about the general council. Studies by Francis Oakley, J.H. Burns and Quentin Skinner have demonstrated that the theories of the

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<sup>18</sup> C. Cross, 'Oxford and the Tudor State, 1509 – 1558' in McConica, *History of Oxford*, 128.

<sup>19</sup> Scotus was, for example, still purchased by scholars even after the 1535 visitations. Leedham-Green, 'University libraries', 346. Leader, *History of Cambridge*, 315. J.M. Fletcher, 'The Faculty of Arts' in McConica, *History of Oxford*, 161.

fifteenth-century conciliarists had a long and rich afterlife in the sixteenth century.<sup>20</sup> These scholars have given further impetus to the view that the intellectual traditions of the late middle ages were not sealed off from those of the early modern period. In their sensitivity towards the continuities of the period, 1409–1563, they provide a model for the present thesis. Yet as these authors progress to the sixteenth and seventeenth centuries they usually switch perspective from ecclesiology to secular political thought. They show how conciliarism was decoupled from the general councils and yoked to the cause of parliaments against monarchs, and of resistance theorists against tyrants.<sup>21</sup> This was indeed an important aspect of the conciliarist legacy, but it was not the only one. This thesis will instead concentrate on the continuing relevance of conciliarist ideas to debates about Church government.

If ideas alone were at stake, however, the period 1409–1563 would still not have an entirely persuasive claim to our attention. Conciliarist ideas continued to be used after 1563; there would be no good reason to lay a study of them to one side at the close of the Council of Trent. This thesis, however, does not seek to concentrate exclusively on conciliarism and its various theoretical offshoots, but on a fuller range of English attitudes towards the general council. These views were shaped not only by abstract theoretical debate: they were informed by the practicalities of the conciliar enterprise. The period 1409–1563 was punctuated by the summoning of general councils. England's participation at the councils was not evenly spread across the period, but the reality of the conciliar project (whether or not the English crown was

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<sup>20</sup> Oakley's articles on this subject are too numerous to list in full here, but an overview of his work is provided in *The Conciliarist Tradition: Constitutionalism in the Catholic Church 1300–1870* (Oxford, 2003), 111–249. J.H. Burns, *Lordship, Kingship and Empire: the Idea of Monarchy, 1400–1525* (Oxford, 1992); idem, 'The Conciliarist Tradition in Scotland', *Scottish Historical Review*, 42 (1963), 89–104; idem. and T.M. Izbicki (eds.), *Conciliarism and Papalism* (Cambridge, 1991). Q. Skinner, *The Foundations of Modern Political* (2 vols., Cambridge, 1978), ii, 36 – 47, 114 – 23.

<sup>21</sup> F. Oakley, 'On the Road from Constance to 1688: The political thought of John Major and George Buchanan', *Journal of British Studies*, 1 (1962), 1–31; Skinner, *Foundations*, ii, 227–35, 321.

committed to it) encouraged debate about the function of the general council in the Church. It is true that ecumenical enterprises did not altogether cease in 1563, but expectations had undergone drastic changes. Within the Catholic Church the conciliar reform movement would be dashed by intransigent papal opposition.<sup>22</sup> Synods of the Reformed churches did meet (the most notable being the Synod of Dort of 1618–9), but the eagerness of national and even provincial interests to retain control over local worship and Church government robbed Calvinist ecumenism of much of its strength.<sup>23</sup> Even within the Reformed community, the decrees of Dort were not ratified by all the territorial Churches which had sent delegates.<sup>24</sup> The confessional divisions of Europe posed great, perhaps insuperable, obstacles to universal ecclesiastical government through a general council. By bringing our examination to a close in the aftermath of Trent, we can advance some explanations about how this situation had arisen, and why another fifteenth-century reform council was not a realistic proposal.

It must be pointed out that this thesis is not alone in conceptualising the period from Pisa to Trent as a meaningful whole. Significantly, Hubert Jedin's monumental history of the Council of Trent does not begin with the outbreak of Luther's rebellion against the pope; it begins with a study of the conciliar movement of the fifteenth century.<sup>25</sup> It is here, Jedin argues, that the roots of Luther's dissatisfaction should be located. The fifteenth-century councils had been given a good opportunity to purge the Church of its abuses and to clarify the nature of papal authority. In this they failed.

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<sup>22</sup> Although it would be too extreme to say, as Robert Bireley does, that 'conciliarism was dead' after Trent, his point about the practical inefficacy of the movement within the Catholic Church is basically correct: *The Refashioning of Catholicism, 1450–1700* (London, 1999), 203.

<sup>23</sup> Alastair Duke writes that within the Netherlands 'the provinces guarded their sovereign powers too jealously in the ecclesiastical, as well as in the political sphere, to allow this supra-provincial body [the national synod] to flourish'. *Reformation and Revolt in the Low Countries* (London, 1990), 282.

<sup>24</sup> The failure of the crown to have the Dort decrees ratified by Convocation in England is noted in W.B. Patterson, *King James VI and I and the Reunion of Christendom* (Cambridge, 1997), 281.

<sup>25</sup> H. Jedin, *A History of the Council of Trent*, trans. E. Graf (2 vols., London, 1957), i, 5.

What is more, their insubordination towards the popes caused them to be sidelined after the end of the Council of Basel. Yet grievances at the corruption of the curia lived on.<sup>26</sup> As a consequence, various corporate groups within the Church, such as the *devotia moderna* movement, had gone about the business of reform themselves, independent of central direction and without waiting for a general council.<sup>27</sup> This independent-mindedness encouraged head-strong reformers such as Luther and Zwingli to take more radical action. Luther's heresy was allowed to take root because those who were confused by the proliferation of theological opinions awaited a general council to resolve the conflict. But such a general council did not appear for more than twenty years. As a result, those who needed guidance were left to drift into Lutheranism.<sup>28</sup> This is Jedin's basic argument. Its greatest strength is its inspiring integration of two previously disjointed periods. But there are also many problems with this interpretation. Jedin writes from the partisan position of a convinced Roman Catholic who frankly rebukes Luther for his errors and laments the spread of Protestantism. These value judgements ought not to intrude upon the task of historical explanation. Jedin also reads the period backwards. The Council of Trent is seen as the model reforming council, and the only cure for the ills of the late-medieval Church. Hence all the fifteenth-century councils are measured against Trent, and, inevitably, they all fall short.

This thesis will not adopt a similarly teleological approach. For one thing it would help us to explain very little in the context of England, where the Council of Trent did not usher in the renewal of Catholicism which occurred elsewhere in

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<sup>26</sup> Ibid., i, 29–31.

<sup>27</sup> Ibid., i, 139–65.

<sup>28</sup> Ibid., i, 177; 187–96.

Europe.<sup>29</sup> Instead the period (1409–1563) will be used to survey the changes which the period wrought to the commitment to ecumenism and the understanding of the ecclesiastical hierarchy in England. The present thesis does not seek to deny that the Reformation involved ruptures (by turns traumatic and liberating) with the past. But it will contend that we need to understand the intellectual legacy of the fifteenth century if we are to understand how the changes were perceived and how they were justified and resisted. The transformations of the Reformation were not necessitated by the intellectual legacy of the fifteenth century, but they were facilitated by the instabilities in late-medieval thought. Once we have analysed how fifteenth-century ideas about the general council were manipulated in the confessional battles of the sixteenth century we will be in a position to measure the changes which the Reformation engendered, without recourse to vague assumptions about the preceding period.

The first chapter will examine the practical aspects of the English engagement with the general council in the fifteenth century. It will rebut the claim that England had no need of general councils. Conciliar participation could serve the ends of the crown and of other interest-groups within the Church. The apparent cooling of the crown's enthusiasm for the councils was rather a product of its diminishing influence at the Council of Basel than of a principled defence of the papal monarchy. Chapter 2 will then confront the contradiction which seems to emerge from this account: if the English were committed to the general council, why did England produce no vocal champions of the conciliarist theories? The answer will be found in England's troubled engagement with the Wycliffite heresy. The conciliarists' sharp qualifications of papal power seemed too close for comfort to the theories of the

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<sup>29</sup> A. Walsham, 'Translating Trent? English Catholicism and the Counter Reformation', *Historical Research*, 78 (2005), 288–310, shows that Tridentine reforms were often successfully adapted to an English environment by seminary priests, but admits that the problems of persecution and the short supply of priests posed major challenges for post-Reformation Catholicism in England.

Wycliffites, who manipulated the same scriptural and canonistic texts in order to argue that obedience should not be given to priests and prelates who were predestined to damnation. There were, of course, great differences between the conciliarists and the Wycliffites, but in an intellectual climate of self-censorship their arguments appeared to converge in threatening the ecclesiastical hierarchy. Nevertheless, the English silence did not amount to a full-scale rejection of conciliarism. The core ideological materials of conciliarism were too well-embedded in fundamental Christian texts. Rather we should acknowledge that the English unease towards conciliarism resulted from the tensions which it had revealed in the pre-existing theories of Church government. These instabilities lived on even after papacy had quelled the challenge of Basel. There was still no agreement about the circumstances under which a pope could be called to account by an autonomous general council. The meaning of the Constance decrees *Haec sancta* and *Frequens*, was debated heatedly across the period. Some thought that they authorised the council's supremacy over the pope and their ongoing role in Church government, and others interpreted them merely as emergency measures used to bring an end to the schism.<sup>30</sup>

A consideration of these fifteenth-century debates is of vital importance to an understanding of the transfer of spiritual authority which took place under Henry VIII. The instabilities of the foregoing period in no way necessitated the break with Rome, but they provided the Henrician regime with ideological tools that could be used to justify its unprecedented activities. Chapter 3 will explore the manipulation of ideas about the general council by the regime and its defenders. The regime wished to align

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<sup>30</sup> These decrees not only provoked divided reactions from contemporaries; their meaning is still being debated by historians and theologians today. For an astute overview: Oakley, *Conciliarist tradition*, 81–99. It seems safe to say that, whether or not they were misguided, some fifteenth-century observers did believe that these decrees meant that popes were generally subject to the decisions of general councils. The activities of the Council of Basel would have been unthinkable without the growth of such an opinion.

itself with the cause of the general council, and the conciliarists were cited in propaganda works in order to legitimise its act of rebellion against the pope. This harmonised with the king's attempts to portray himself as a Catholic monarch, committed to traditional religion, even though no longer obedient to the papacy. But the elaboration of these conciliarist ideas was inconsistent. The fundamental conciliarist tenet, that authority inhered in the Church as a *congregatio fidelium*, was repeated by the propagandists, but it was far from clear how this was to be reconciled with their other contention that the king derived his spiritual supremacy from God alone. In addition, the nature of the general council to which the regime and its defenders continually appealed was left deliberately obscure. It began life in official pronouncements as an assembly along the lines of Basel, acting autonomously of the pope in order to judge his verdict on the king's marriage. But the general council rapidly changed shape in official discourse. In 1536 the regime declared that only secular princes had the right to summon councils, and that laymen as well as clerics had the right to assemble there. This broke with the moderate conciliarist conception of the general council as an overwhelmingly clerical assembly. There was also a growing caution in official statements about the reliability of the council's judgements on scripture.

The diversity of opinions about the status of the general council (inherited from fifteenth-century thought and exacerbated by the propaganda campaign) was to have several important consequences for the magisterial Reformation in England. In the short term, it provided opponents of the regime with an ideological platform on which to resist the king's assumption of supremacy over the Church. The nature of the public response to the regime's claims will be analysed in Chapter 4. It will be seen the regime's strategy of appealing to the council was occasionally successful: some

parties were prepared to defer their judgment on the king's divorce and supremacy until a council had met to decide the issues. This demonstrates that there was some support for the claim that councils could judge erring popes. However, there were many others who argued that the regime's position was hypocritical: it claimed to respect the authority of the general councils yet was rejecting the papal supremacy of the Church without conciliar approval. These arguments played a crucial role in acts of resistance towards the regime, including the Pilgrimage of Grace. The place of the general council in these expressions of discontent has not hitherto received sufficient attention. It has been assumed that resistance to the royal supremacy stemmed from a belief in the immutable, divinely ordained nature of the papacy. Chapter 4 will demonstrate that, although this attitude was certainly present, opposition to the supremacy was also motivated by the conviction that conciliar government was threatened by the regime's actions.

The ideological instabilities of the Henrician era returned to haunt the monarchy even after the rebellions of the 1530s had been suppressed. In later years, the official attitude towards the general council was not just resisted by traditionalists, but by Protestants who were dissatisfied with the outcomes of the magisterial Reformation. Chapter 5 will explore English attitudes towards conciliar government in Elizabeth's reign. It will contend that discussion about the general council was stimulated by the last period of the Council of Trent in 1562–3. Even though no official English delegation was sent to Trent, Protestants were nevertheless forced to define their commitment to the general council in response to Catholic criticisms. The defenders of the regime continued to use the arguments that had been pioneered in the 1530s. But there was growing dissatisfaction at the ambiguities of the official position, which at once affirmed the useful role of a general council in settling

doctrinal arguments, and at the same time denied that councils were strictly necessary for the interpretation of scripture (from whence sound doctrine and ecclesiastical government would proceed). This displeased those of doubtful loyalty to the Protestant Reformation, who wished to have doctrinal disputes settled decisively by a general council in order to counteract heresy. But the official position also infuriated those Presbyterians who wished to advance the Reformation in the face of the queen's intransigence, and who advocated a new kind of conciliar government operating independently of the established Church in England. The apex of this structure, the general or ecumenical council, would gather representatives of all Reformed Churches and would be the ultimate judge of doctrinal and disciplinary questions. This project did not share all the ideological roots of the conciliar movement of the fifteenth century, yet it sprang from the same kind of dissatisfaction at the excesses of a monarchical form of Church government.

The thesis will show that the commitment to the conciliar enterprise did not collapse with the English crown's tightening control over the Church in England. Instead, the fissiparous tendencies which caused the English crown to break with the Roman Church in the 1530s and to become separated from the advances of the Reformed Churches in the second half of the sixteenth century, were opposed by parties who were convinced that England had to reaffirm its membership of a universal Church (variously defined). Various parts of this story have been told before. The debt of this thesis to these studies has been indicated in this introduction and will be explained throughout the thesis. But a general survey of English attitudes towards the general council over the period 1409–1563 has not yet been attempted. By concentrating upon the general council over this period we can discover the varieties of English ecumenism, we can trace their intellectual roots, and understand

how they were informed by the realities of England's engagement with the conciliar enterprise.

## CHAPTER 1. ENGLAND'S INVOLVEMENT WITH THE GENERAL COUNCILS (1409-1447)

This chapter will chart the English crown's experience of conciliar participation. It will analyse the government's motivations and examine its relationship with the English delegates at the councils. It will also identify those individuals and corporate groups who had an interest in the activities of the general councils and will explain how their intentions might harmonise or clash with those of the crown. The leading works on the subject have reinforced a number of mistaken assumptions about the motivations of the English towards the general councils. E.F. Jacob suggested that the English crown did not press for the reform of the centralised system of papal presentments, with its attendant fees and taxes, because it already had significant control over episcopal appointments in England. With heresy rife at home, 'to English eyes unity and orthodoxy were of greater significance than reform.' This distinction between a drive for 'orthodoxy' and a drive for 'reform' is highly questionable. As we shall discuss, a desire for reform was seen as a mark of orthodoxy as well as a means of strengthening the Church against heresy. Jacob admits that the English delegates managed to extract not insignificant concessions from Martin V at the Council of Constance, but he states that after Constance 'reform is not a leading issue for the English'.<sup>31</sup> In his work on the Council of Basel, A.N.E.D. Schofield has reinforced the impression that the English were unenthusiastic participants at the general council. England had no great interest in reform and its natural conservatism made it loath to accept the Council of Basel's independence from papal command. 'During the Council of Basel', Schofield argues, 'England was strongly pro-papal. Supporters of

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<sup>31</sup> Jacob, *Conciliar Epoch*, 52-3.

the Council occasionally claimed to have found sympathisers in England but convincing evidence of this invariably escapes us today.<sup>32</sup> For Schofield, the English crown had no reason to become heavily involved in the Council of Basel: ‘English interest in the Council was confined to the pursuit of specific aims which, apart from that of furthering negotiations for peace, were often of a negative nature; there is no evidence of English sympathy with conciliarism and England’s fundamentally loyal relations with the papacy were carefully safeguarded.’<sup>33</sup> The fact that England produced no notable conciliar theorist has been taken as an additional indication of England’s ideological conservatism.<sup>34</sup>

The suspicion arises that these accounts have taken their hindsight for granted. When the demise of the conciliar enterprise is assumed, the English silence about conciliarism and the crown’s non-committal stance towards Basel become all too explicable as the rejection of a doomed enterprise. This interpretation obscures an important fact: the failure of the conciliar movement would not have appeared an inevitable outcome to those living through the era of the fifteenth-century councils. Adaptability to changing diplomatic circumstances was essential: it precluded an inflexible policy based solely on rigidly conservative principles. A degree of confusion has also crept into the aforementioned studies as a result of their conflation of the motives of the English government and the motives of private parties or corporate groups in England. Thus the very loose category ‘the English’ is constantly invoked, as if the interests of the English government and everyone else in the realm were identical. The English crown’s rejection of Basel is thus read as a symptom of a general English disillusionment with the general councils.

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<sup>32</sup> Schofield, ‘England and the Council of Basel’, 4.

<sup>33</sup> Idem, ‘England, the Pope, and the Council of Basel 1435-1449’, *Church History*, 33 (1964), 252.

<sup>34</sup> Jacob, *Conciliar Epoch*, 84.

This chapter seeks to question these assumptions. It will argue that there was a sense of possibility to England's engagement with the general councils until the collapse of the Council of Basel. Although the English crown did have a large degree of control over episcopal appointments and could restrain papal fiscal demands, it was still keen to use general councils (and the threat of conciliar intervention) to contain the resurgence of the papacy after Constance. The argument that the English crown was innately 'conservative' must be rejected. The ideological content of its diplomatic announcements was adapted to circumstance. The English government only rejected the conciliar enterprise when its influence at the general councils was curtailed. But until then, it had good reasons to make use of the councils. That said, the history of England's involvement with the general councils is not merely the story of the crown's motivations and of its gains and losses. It would be wrong to assume that all the English delegates at the council, and all the interested parties at home, shared the aims of the crown. Although harmony might often prevail, there was plenty of scope for English parties to pull in different directions.<sup>35</sup> The potential for conflict might be thought to have weakened commitment to the general councils in England. But an analysis of these competing interests will strengthen the observation that there were several parties in England with a stake in conciliar business. When the dynamism of England's conciliar participation is taken into account, it becomes increasingly puzzling that very few English authors defended the work of the general councils on a theoretical level during the fifteenth century. The discrepancy between thought and action at the general councils will be the subject of the next chapter. The failure of English writers to proclaim their approval of the conciliar enterprise will be explained

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<sup>35</sup> As recognised by M. Harvey, *Solutions to the Schism: A Study of Some English Attitudes, 1378 – 1409* (St. Ottilien, 1983), 176.

not in terms of a fundamental lack of sympathy, or an outcome of ingrained conservatism, but as a result of their complicated engagement with heresy.

*Problems and possibilities of the sources*

The problem of generalising about English attitudes is to a large extent a result of evidential difficulties. Many of the sources available to us were produced by or addressed to the various organs of English government. Hence it is natural that the interests of government should appear omnipresent, and the views of independent parties obscure in accounts of the period. The fact that independent groups generated fewer documents than government should not, however, be taken as a sign that they lacked an interest in the work of general councils. The present section will explore the problems and possibilities presented by the source base in elucidating the various English motives for conciliar participation.

The correspondence between the English crown and delegates provides the most reliable evidence of the intentions of the crown. Unfortunately it survives only in part. John Prophet, secretary to Henry IV and later Keeper of the Privy Seal, kept a record book, containing royal correspondence between 1400 and 1410.<sup>36</sup> This is a very rich source of information about the crown's intentions regarding the Council of Pisa. Unfortunately nothing similar survives to shed light on the Council of Constance. Thomas Hoccleve's letter-book, although contemporary with Constance, tells us nothing about the council, possibly because it coincided with a spate of his

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<sup>36</sup> Ibid., 117-8. Prophet's record-book is now BL MS Harley 431.

mental illness. In late-medieval England, the crown would usually have dispatched day-to-day diplomatic instructions through the offices of the Privy Seal and Signet.<sup>37</sup>

Unfortunately, record-keeping in the two small seals was lamentable in comparison to Chancery and Exchequer. Government departments would not have had much interest in preserving quotidian documents, such as diplomatic instructions, once they had served their purpose. The historian is, therefore, more or less dependent on the collation of diplomatic letters by contemporaries who wished to preserve them largely as exemplars of style and etiquette. When letter-books do not help us, as they do not for Constance, the array of extant diplomatic documents is drastically reduced. Only 19 letters sent to or by English delegates at Constance are now extant. Perhaps, as Christopher Crowder conjectures, many of the manuscripts relating to the English presence at Constance were consumed by a fire in the seventeenth century, while Ben Jonson was writing a history of the reign of Henry V.<sup>38</sup> For the Council of Basel, on the other hand, we are more fortunate in having several letter-books of Thomas Beckington, who served the crown as a diplomat during the peace negotiations with France in 1433. Many letters from the crown to the English delegates at Basel are preserved in Beckington's collection. The surviving MS, Lambeth Library MS 211, is from the mid-fifteenth century. It is possible that it was produced under the supervision of Beckington himself.<sup>39</sup> What is more, key episodes of the 1420s are elucidated by another of Beckington's letter books, which can be found in Bodleian MS Ashmole 789, fols. 147–359.<sup>40</sup>

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<sup>37</sup> P. Chaplais, *English Diplomatic Practice in the Middle Ages* (London, 2003), 98-102; K. Plöger, *England and the Avignon Popes: The Practice of Diplomacy in Late Medieval Europe* (London, 2005), 180.

<sup>38</sup> All the information here on the survival of diplomatic correspondence from Constance is taken from C.M.D. Crowder, 'Correspondence between England and the Council of Constance, 1414-18' in C.W. Dugmore & C. Duggan (eds.), *Studies in Church History, Volume 1* (London, 1964), 184-206.

<sup>39</sup> *Official Correspondence of Thomas Bekynton*, ed. G. Williams (2 vols., London, 1872), i, p. ix.

<sup>40</sup> W.H. Black, *A Descriptive, Analytical and Critical Catalogue of the Manuscripts bequeathed unto the University of Oxford by Elias Ashmole* (Oxford, 1845), 412–3.

The records which shed light on the motives of the clergy are also plentiful, but they present more interpretative difficulties. The records of Convocation are one important indicator of clerical attitudes. The problem is that the issues discussed by Convocation were often framed by the crown. Although the Archbishops of Canterbury and York summoned the Southern and Northern Convocations respectively, they usually did so partly at the instigation of the crown so as to grant it a subsidy.<sup>41</sup> The records of Convocation rarely tell us much about the content of the discussions which took place in the assembly. The tendency is to emphasise the dutiful service which the clergy offered to the crown. The voices of dissenters do not usually enter the record. Sometimes one can read between the lines. Resistance to the crown's demand for a subsidy can, for example, be inferred from a long delay in making a grant.<sup>42</sup> Very occasionally recalcitrance could harden into a downright refusal to cooperate with the crown and the higher prelates. In May 1438, the Southern Convocation refused the Archbishop's proposal to grant a subsidy for delegates to attend the Council of Ferrara-Florence, for example. But the lower house did not initially account for its behaviour, or if it did, its reasons were not entered into the record.<sup>43</sup> Later it pleaded poverty, but it is possible that this excuse was designed to mask objections to the direction of royal policy. It is possible that the real grounds for the lower house's obstinacy were filtered out by the record.

The proceedings of the general councils also allow us to test the commitments of the English representatives, the great bulk of whom were clerics. The council *acta* sometimes provide us with English delegates' responses to proposals aired at general sessions of the councils. We are presented with evidence of sermons delivered by English delegates, even when the texts of these sermons have been lost. And we hear

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<sup>41</sup> *Records of Convocation*, ed. G. Bray (20 vols., Woodbridge, 2005-6), xix, 8.

<sup>42</sup> R.N. Swanson, *Church and Society in Late Medieval England* (Oxford, 1989), 113.

<sup>43</sup> *Records of Convocation*, v, 380-1.

of private parties making petitions to the councils which would otherwise have been sent to the papal curia. The records also tell us which English delegates participated in the various committees of the general councils. Unfortunately, the sources relating to the deliberations of the committees themselves generally do not survive.<sup>44</sup> We are generally left in the dark about the sentiments of particular English delegates towards various items of conciliar business. It is often difficult to determine the influence of individual delegates. We know, for example, that Nicholas Bubwith was a president of one of the reform committees at Constance, but it is not certain exactly which one.<sup>45</sup> This is less problematic for the charismatic leader of the English *nacio* at Constance, Robert Hallum, whose motives are discussed by one of the diarists of the council, Cardinal Fillastre. Richard Fleming, a major player at the Council of Pavia-Siena, was also well enough known to have been commented upon by the diarist John of Ragusa.

Vital to an understanding of the clerical interests in conciliar reform are the various reform petitions which were produced for use at the general councils of the period. The first of these was produced by Richard Ullerstone in preparation for the Council of Pisa. It was composed at the instigation of Robert Hallum, bishop of Salisbury.<sup>46</sup> The second set of petitions were drawn up by the University of Oxford at the request of the crown in 1414. The circumstances under which these proposals were created is unclear. The royal letter of summons is lost, and it is not clear whether Congregation or Convocation was responsible for its authorship. Many of the items in the Constance petitions are modelled upon Ullerstone's earlier work, as Margaret

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<sup>44</sup> P.H. Stump, *The Reforms of the Council of Constance 1414-1418* (Leiden, 1994), 27.

<sup>45</sup> M. Harvey, 'English views on the reforms to be undertaken in the General Councils (1400-1418) with special reference to the proposals made by Richard Ullerston' (Oxford Univ. DPhil thesis, 1964), 183.

<sup>46</sup> H. von der Hardt, *Magnum Oecumenicum Constantiense Concilium* (Frankfurt and Leipzig, 1700), i, 1126-7.

Harvey has shown.<sup>47</sup> Lastly, a number of anonymous reform proposals were assembled for the Council of Basel. The single manuscript exemplar of these proposals gives no indication of their authorship.<sup>48</sup> A later hand has added the note '14 H VI', i.e. 1435-6, but it is likely, as A.N.E.D Schofield has argued, that the petition was composed to coincide with an earlier period of sustained English involvement at the council.<sup>49</sup> These petitions give us a very clear picture of a set of abiding concerns about reform. As will be discussed, the three petitions have much in common, and their mutual hostility towards the regular orders of the Church suggest that they were the work of secular clerics. It would be a mistake, therefore, to take these proposals as a representative list of clerical grievances. Given that at least two of them were produced in an academic setting, they may provide a stronger indication of scholarly opinion. The significance of these petitions will be discussed later in the chapter.

The historian's most personal contact with the English delegates comes through their sermons. The texts of several sermons delivered at the Council of Constance are still extant. These are a very exciting historical resource. They allow us to relate the sentiments of their English authors to the concerns of the European-wide reform movement. On the question of conciliar authority, which is of especial interest here, they also demonstrate that the English delegates were capable of holding a range of views. We should not forget, however, that the conciliar sermons present their own interpretative difficulties. Their authors did not make their sermons simply as private individuals. They delivered them also as representatives of various corporate groups, of the English Church and of the crown. As we shall see, some of the delegates were

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<sup>47</sup> Harvey, 'Ullerston', 158-9.

<sup>48</sup> BL MS Cotton Cleopatra E. III, fol. 72.

<sup>49</sup> Schofield, 'Basel', 80.

nervous about discussing some controversial questions regarding the government of the Church. This tentativeness is understandable on the part of self-conscious defenders of England's reputation which had recently been tainted by the Wycliffite heresy. The other interpretative difficulty lies in evaluating the extent to which these sermons can be treated as statements of personal conviction as opposed to formulaic contributions to a devotional genre. These problems will be more fully discussed in the section of the chapter relating to clerical attitudes.

The records of Convocation, the proceedings of the general councils and the sermons of the English delegates are all indicators of clerical attitudes. It will have been noticed, however, that the interests of the clergy needed to be constantly reconciled with the dictates of royal policy. The delegates at the councils, as well as the clergy assembled in Convocation, were servants of the crown as well as the Church. English delegates often reminded the general councils that they were acting on behalf of their sovereign. The unusual number of delegates who claimed to be acting as proctors of the English crown at the Council of Pisa may be a sign of poor planning in England or an indication of the especially tight bond between crown and Church in England.<sup>50</sup> Yet, as we shall see, the representatives also had their own views on the reforming work which needed to be carried out in the general councils. So too did other parties who remained behind in England. An attempt needs to be made to disentangle these separate sets of English interests. Before this can be done, the motives of the English crown must be analysed. Without royal support, it was difficult for private business and reforming activities to be accomplished by English agents. The numerous official delegation that was sent to Constance brought many independent representatives in its train, whereas the waning royal presence at Basel

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<sup>50</sup> Harvey, *Solutions*, 152-3.

was reflected in the scarcity of private English representatives. Hence it seems fair to say that royal policy determined the scope for private action at the councils.

### *The attitude of government*

The attitude of the English crown towards the conciliar enterprise was not static. The period under discussion was characterised by the instability of ecclesiastical politics. After the Council of Constance it was not clear what role the general council would play in the life of the Church, and whether it would act as a vehicle for secular sovereigns to consolidate the privileges that they had won from the papacy. The English crown needed to adjust its policy to the vagaries of international diplomacy. E.F. Jacob and A.N.E.D. Schofield have argued that the English crown was deeply loyal to the papacy during this period. According to them, this loyalty precluded an enthusiastic engagement with general councils, because the councils aimed at the restraint of papal authority. These assumptions must be questioned. It has long been noticed that the English crown drove a very hard bargain with the papacy over the admission of papal provisions to English benefices.<sup>51</sup> The papacy also had great difficulties in obtaining subsidies from the English clergy.<sup>52</sup> Whatever the English loyalty to the papacy may have meant – and Schofield and Jacob do not dwell much on the nature of the commitment – it clearly did not entail a slavish obedience to papal demands. There is no reason to assume, therefore, that the English crown was deterred from conciliar participation on the basis of an unchanging set of principled objections. The ideological tactics adopted in the crown's public statements were,

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<sup>51</sup> F.R.H. Du Boulay, 'The Fifteenth Century' in C.H. Lawrence (ed.) *The English Church and the Papacy in the Middle Ages* (London, 1965), 205-6. R.G. Davies, 'Martin V and the English Episcopate', *English Historical Review*, 92 (1977), 309-344.

<sup>52</sup> Swanson, *Church and Society*, 223. Du Boulay, 'Fifteenth Century', 219.

after all, highly flexible. More than once over the course of the century the crown broke its promises towards the papacy. We need to assess the nature of the crown's engagement with the general councils from a more practical perspective, weighing the potential benefits and disadvantages that might accrue from conciliar participation. This is not to say that ideas were not important in the diplomacy of the period. But it is important to acknowledge that ideological commitments could shift in accordance with the drift of international relations and the needs of royal policy. In what follows, the shifts in the crown's attitudes toward the general councils will be described in relation to three broad diplomatic phases.

#### *The first phase: ending the schism*

The Great Schism (1387-1417) had caused the polities of western Europe to be divided along lines of allegiance to the rival papal claimants. Great disruption had ensued. The flow of ordinations and the procedure of ecclesiastical business became confused, as two rival command structures vied for control.<sup>53</sup> The British Isles were not immune from the conflict. Competition between kingdoms prompted antagonism in the ecclesiastical sphere. While England remained loyal to the Roman line of popes, Scotland pledged its fealty to Avignon.<sup>54</sup> But it was the divisions within polities which posed the greatest complications. Owain Glyn Dŵr realised that the English domination of Wales was facilitated by the appointment of English clerics to Welsh benefices. He decided, therefore, to transfer his principality's allegiance to the

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<sup>53</sup> For general studies of the Great Schism: W. Ullmann, *The Origins of the Great Schism* (Hamdon, Conn.; 1967); R.N. Swanson, *Universities, Academics and the Great Schism* (Cambridge, 1979); H. Kaminsky, *Simon de Cramaud and the Great Schism* (New Brunswick, N.J., 1983); J.B. Morrall, *Gerson and the Great Schism* (Manchester, 1960).

<sup>54</sup> D.E.R. Watt, 'The Papacy and Scotland in the Fifteenth Century' in R.B. Dobson (ed.), *The Church, Politics and Patronage in the fifteenth century* (Gloucester, 1984), 115-118.

Avignonese papacy in 1406 on condition that Welsh candidates were appointed to Welsh sees.<sup>55</sup> Ecclesiastical politics were part and parcel of Glyn Dŵr's struggle for Welsh autonomy. Elsewhere the schism threatened to disturb the very fragile bonds uniting England with her French territories. Calais, as part of the diocese of Thérouanne, owed its loyalty to the Avignonese claimant, Clement VII, but the Roman pope placed it under the jurisdiction of Canterbury in 1379 in an attempt to bring it back within his sphere of influence. As the English power in France waxed, the crown had to deal with the Clementist allegiance of Breton and Gascon clerics.<sup>56</sup> Adherence to the Roman papal claimants was not only becoming more politically divisive, it was also becoming more costly. The fracturing of the papal states, the costs of war and the ruinous effects of inflation all rendered the Roman popes increasingly impecunious during this period, and they sought to curb their mounting deficit by increasing the fees demanded of the English clergy, especially the service payments demanded after provision to a see.<sup>57</sup> These mainly took the form of taxes for the provision of benefices, and the extraction of service payments from the newly installed incumbents. As we shall see, the papal regulation of provision caused an outcry from the nobility in England, who saw it as an attack upon their rights of presentment to benefices.

Quite apart from its administrative repercussions, the schism was deeply unsettling in its symbolism.<sup>58</sup> The commitment of Christians to unite as a single body of believers was impeded by the disunity and avarice of the Church's leaders. The

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<sup>55</sup> R.R. Davies, *The Revolt of Owain Glyn Dŵr* (Oxford, 1995), 169-72; G. Williams, *The Welsh Church from Conquest to Reformation* (Cardiff, 1962), 222-6.

<sup>56</sup> Du Boulay, 'Fifteenth Century', 200.

<sup>57</sup> J. Favier, *Les Finances Pontificales à l'époque du Grande Schisme d'Occident 1378-1409* (Paris 1966), 692-701; E.F. Jacob, *Henry Chichele and the Ecclesiastical Politics of his Age* (London, 1952), 5-6

<sup>58</sup> For the ways in which this dismay manifested itself in the European literature of the time, R. Blumenfeld-Kosinski, *Poets, Saints and Visionaries of the Great Schism 1378-1417* (University Park PA, 2006).

sermons of the English delegates to the Council of Constance often interpreted the schism as a curse visited by God upon a corrupt clerical hierarchy. Using a cosmic metaphor, Robert Hallum lamented that during the schism the sun of Christ's redeeming example had been eclipsed by 'the earth of avarice and desire, the cloud of temporal ambition and vanity and the moon of bodily lusts'.<sup>59</sup> In these circumstances, it was natural that the English crown should become involved in ending the schism. It was one of the king's ancient duties, affirmed during the coronation oath, to act as a protector of the Church.<sup>60</sup> Over the previous centuries its influence over ecclesiastical appointments had strengthened, and the English bishops were increasingly perceived as servants of the crown.<sup>61</sup> The crown not only saw it as its obligation to serve the Church in its quest for unity, it also seized the chance to put an end to the confusion which was making its territories more burdensome to govern.

It is clear that the crown's principal aim at the Councils of Pisa and Constance was to end the schism. But was this its only aim? It is very difficult to tell. The crown was evidently nervous that a council might take it upon itself to restore ecclesiastical rights and goods which had been alienated to temporal parties. The proxy given to the Archbishop's representatives at Pisa (Robert Hallum, Henry Chichele and Thomas Chillenden) by the Convocation in 1409 urged them to contradict anything decreed at the council in prejudice of the English crown.<sup>62</sup> This instruction was probably inserted at the crown's prompting. It appears that Hallum, Chichele and Chillenden

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<sup>59</sup> H. Finke (ed.), *Acta Concilii Constanciensis* (4 vols., Munich, 1896-1928), ii, 423: 'Christus Deus noster, radios sui amoris et gracie precipue a tempore scismatis ab ecclesia militante retraxit terra mundialis avaricie et cupiditatis, nube temporalis ambicionis et vanitatis et luna carnalis concupiscencie et voluptatis'.

<sup>60</sup> For the significance of the coronation oath to Church-state relations: Swanson, *Church and Society*, 95-6.

<sup>61</sup> On the symbiosis between Church and crown see B. Thompson, 'Prelates and Politics from Winchelsey to Warham' in L. Clark and C. Carpenter (eds.), *The Fifteenth Century IV: Political Culture in Late Medieval Britain* (Woodbridge, 2004), 81-8. See also: Swanson, *Church and Society*, 103-22 and Jacob, *Ecclesiastical Politics*, 2-3.

<sup>62</sup> *Records of Convocation*, iv, 345.

represented both the crown and the southern province at Pisa, so it is possible that the Archbishop's instruction took into account their dual diplomatic functions.<sup>63</sup> The crown's desire to protect its privileges did not necessarily preclude a commitment to reform. In a letter written to the newly elected Pope Alexander V in 1409 in the name of Henry IV, the king expressed his disappointment that not all Christian sovereigns had been brought to acknowledge Alexander as pope. The king urged the pope to keep the council in attendance, 'for if it is continued, we have hope in the Lord that through its meeting the universal good of the Church may be re-established, and certain detestable abuses cease through the worthy reformation of many errors'.<sup>64</sup> It is interesting that the crown chose to put such emphasis here on the reform of abuses. A preoccupation with reform is not very apparent in the other instructions given to English delegates at the council. It is not impossible, however, that informal arrangements could have been made between the crown and its leading clerical representatives.

Henry V's motives at Constance are similarly ambiguous. The crown's letters to the English delegates contained the familiar, pious exhortations to work for the reformation of the Church in head and members.<sup>65</sup> The English delegates at Constance did prove to be committed advocates of reform, as we shall discuss. Along with the German nation, they championed the implementation of reforming measures before the election of the new pope. They must have embarked upon this policy with royal permission, although the loss in great part of the diplomatic correspondence makes this supposition impossible to document. It is probable that the crown

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<sup>63</sup> Harvey, *Solutions*, 152.

<sup>64</sup> BL MS Harley 431, fol. 42<sup>v</sup> -<sup>r</sup>: 'confidunt quod in sic celebrando concilio procurabitur ecclesie universalis utilitas et nonnulla detestanda quiescerent digna reformatione quamplurime errorum'. Jacob, *Conciliar Epoch*, 74-5.

<sup>65</sup> Thomas Rymer, *Foedera, Conventiones, Literae*, ed. G. Holmes (The Hague, 1740), iv.ii.91. The purpose of the delegates' trip was 'ad tractandum, communicandum et concludendum, de et super reformatione universalis ecclesiae, tam in capite quam in membris'.

supported the policy of reform before election primarily for diplomatic reasons. On his trip to England in 1415 the Emperor Sigismund had made an alliance with Henry V. It is likely that the English king agreed to support Sigismund's lead in the negotiations in Constance, in return for Sigismund's military aid in his war against France.<sup>66</sup> Diplomacy might also have been to blame for the English nation's violent change of tack at Constance, when, from September 1417, it voted to speed the election of the new pope and to push through only those reforms that had been agreed upon by the reform committees. Christopher Crowder has conjectured that Henry V engineered this change of policy in order to release the Emperor from his obligations at Constance so that he would be available to help the English in the field against the French.<sup>67</sup>

It is impossible to be certain whether military strategy was the major determinant of the English crown's conciliar policy in September 1417. If Henry V was gambling on freeing Sigismund for military aid, his tactic failed. After the council had been dissolved in April 1418, Sigismund began preparations to subdue the Hussite uprising.<sup>68</sup> There can be little doubt, however, that the crown was ultimately responsible for the English nation's change of tack at Constance. One contemporary observer, Cardinal Fillastre, was convinced of this, noting in September 1417 that the English nation 'at the command of the English King had ceased to support the King of the Romans.'<sup>69</sup> Although he did not speculate about the king's motives, Fillastre had earlier expressed the concern, during one of Sigismund's absences in July 1417, that the emperor 'had gone as an ally of the King of England to

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<sup>66</sup> C.M.D. Crowder, 'Henry V, Sigismund, and the Council of Constance' in G.A. Hayes-McCoy (ed.), *Historical Studies, IV* (1963), 104.

<sup>67</sup> *Ibid.*, 105-6.

<sup>68</sup> H. Kaminsky, *A History of the Hussite Revolution* (Berkeley, 1967), 266.

<sup>69</sup> Finke, *Acta*, ii, 147: '[natio Angliae], que ad mandatum regis Anglie dimisit in illa materia regem Romanorum, et collegium cardinalium insistebant acceleracionem eleccionis'. Translation from L.R. Loomis, *The Council of Constance: the unification of the Church* (New York, 1961), 406.

fight the King of France.’<sup>70</sup> There is, however, an equally plausible explanation for the English nation’s abrupt change of allegiance in September 1417. By this time, it is probable that Henry V’s government had despaired of the deadlock which had taken hold of the reform negotiations at Constance. By mid-1417 the Anglo-German alliance at Constance was coming under increasingly heavy fire from the other nations. The commitment to reform before election aroused the opposition of those members of the council who wished to safeguard the privileges of the Roman Church. Most of the cardinals were especially keen to have a new pope elected before the powers of the curia could be curtailed by conciliar regulations.<sup>71</sup> Henry V’s plans to invade France only increased the tensions at the council, impeding cooperation between the French and English nations.<sup>72</sup> With the council locked in stalemate, the English king and his advisers probably thought it prudent to expedite the council’s conclusion. G.L. Harriss has suggested that Henry decided to back the party urging immediate election ‘with a good chance of thereby influencing the choice of the new pope and winning his gratitude.’<sup>73</sup> It is possibly with this aim in mind that Cardinal Beaufort was dispatched to the council, under the pretence of a pilgrimage to Jerusalem. Beaufort certainly expedited the complicated process of switching tack at the council whilst retaining friendly relations with Sigismund.

The crown had various reasons to draw its participation at Constance to a close. We cannot be sure what was uppermost in the minds of Henry V and his advisers in 1417, but we can be certain that the English delegates at Constance would not have decided to alter the balance of power at the council without the approval of

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<sup>70</sup> Finke, *Acta*, ii, 131-2: ‘Et credebatur, quod iret ad bellum contra regem Francie pro rege Anglie.’ Loomis, *Constance*, 388.

<sup>71</sup> Stump, *Constance*, 43.

<sup>72</sup> For the tensions between the English and French nations: Finke, *Acta*, ii, 114 where Fillastre notes that several French cardinals armed themselves at night against a possible attack from the English. Loomis, *Constance*, 367-8.

<sup>73</sup> G.L. Harriss, *Cardinal Beaufort: A study of Lancastrian ascendancy and decline* (Oxford, 1988), 92.

the crown. Sigismund was Henry V's ally, and by abandoning his party at Constance, the English crown risked losing his support. But what about the crown's alleged commitment to reform? Had it initially supported the English delegates in their reforming mission only to strengthen its alliance with Sigismund? Possibly. But there were items of reform which it would have suited the crown to support. The English Concordat negotiated with Martin V in 1418 promised that cardinals would in future be chosen indifferently from all the realms and provinces of Christendom.<sup>74</sup> This measure would have been of direct interest to the crown: a stronger English voice at the curia could be used to secure greater leverage over papal policy. Moreover, the crown was not only concerned with such obvious devices to bolster its influence in Church politics. It has been remarked by Jeremy Catto that Henry V was a monarch of more than conventional piety. Through close ties with the leaders of the English Church, such as Hallum and Chichele, he supported a refinement and elaboration of ecclesiastical rites. The use of the Sarum Ordinal was, for example, encouraged by Chichele throughout the Southern Province in the interests of standardization. As Catto and C.L. Nighman have argued, the policy of consolidating traditional worship was, in part, a reaction to the threat of Lollardy.<sup>75</sup> It is entirely possible, therefore, that the king would have looked favourably upon the petitions of the English delegates at Constance to halt the flow of papal exemptions, to reinforce the authority of the ordinaries in matters of ecclesiastical discipline, to prevent excessive pluralism in the holding of benefices, and to encourage the provision of preaching and pastoral care on

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<sup>74</sup> *The Register of Henry Chichele, Archbishop of Canterbury 1414-1443*, ed. E.F. Jacob (4 vols, Oxford, 1937-47), iv, 194.

<sup>75</sup> J. Catto, 'Religious Change under Henry V' in G.L. Harriss (ed.), *Henry V: The Practice of Kingship* (Oxford, 1985), 106-8. C.L. Nighman, 'Reform and Humanism in the Sermons of Richard Fleming at the Council of Constance' (Toronto Univ. PhD thesis, 1996), 2-19.

the part of clerical absentees.<sup>76</sup> These proposals all had the final aim of encouraging popular devotion through pastoral work.

The *prima facie* impression of the crown's indifference towards reform may not be entirely accurate. Admittedly Henry V's diplomacy had undermined the efforts of the English delegates to secure conciliar reform decrees binding on the future pope. Success in the war with France was undoubtedly a more important and pressing aim for him than eliminating ecclesiastical abuses through a general council. Nevertheless, it would be wrong to suppose that the crown was unmoved by the English delegates' desire for reform. An early withdrawal from the council might have implied a recognition on the king's part that a separate arrangement with the pope would be a better solution to the problem of reform than letting the general council stagnate in deadlock. As Philip Stump has argued, the system of Concordats successfully granted relief to a spectrum of reform demands which could not be harmonised in universal measures.<sup>77</sup> As far as the English crown and its delegates were concerned, the Concordat of 1418 offered significant gains. The delegates successfully managed to secure papal condemnations of pluralism and non-residence. The Concordat also granted the ordinaries powers to investigate and, if necessary, suspend quaestors who had abused their right to issue indulgences, and vested local bishops with the authority to approve or disallow future appropriations.<sup>78</sup> This was a striking devolution of power from the papacy to the English Church, especially when one considers that the validity of the Concordat was, in theory, permanent. There is no reason to think that the English crown would have been unappreciative of measures

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<sup>76</sup> These concerns were all raised in the Oxford reform petitions for Constance. Oxford, Corpus Christi College MS 183, fols. 17<sup>r</sup>-21<sup>r</sup>. Printed in D. Wilkins (ed.), *Concilia Magnae Britanniae et Hiberniae* (4 vols., London, 1737), iii, 360-5. For the harmony between crown and delegates over reform: Davies, 'Episcopate in England', 587.

<sup>77</sup> Stump, *Constance*, 48.

<sup>78</sup> *Register of Chichele*, iv, 194-6.

which aimed to root out abuses which were bringing the traditional Church into disrepute.

*The second phase: the years of uncertainty between Constance and Basel*

Although the interests of the crown are not easy to pin down from Pisa to the end of Constance, it would be wrong to assume that it looked unfavourably on the work of the general councils. The most important function performed by Pisa and Constance had been the ending of the schism. But their utility did not end there. The conciliar decree *Frequens* had made provisions for the compulsory decennial assembly of general councils, and noted that the misgovernment of the Church had stemmed from the papacy's failure to call councils.<sup>79</sup> The commandment was not taken lightly by the English Church. In July 1422, the Archbishop of Canterbury, Henry Chichele called upon the Southern Convocation to support an English delegation to the forthcoming Council of Pavia-Siena. His reasons for sending a delegation are highly revealing about official attitudes towards the general council. They are worth quoting in full:

It is to be concluded that our days are so far removed from the early Church that they have fallen into the deep and damnable stubbornness of the wicked. Bearing these and other considerations in mind, the prelates and clerics sought as far as they could to bring about the reformation of the universal Church in head as well as members in the Council of Constance, recently assembled by the power of the Holy Spirit. Nevertheless they were not able to complete all that they had set out to do in the long duration of the council, troubled as it was by many great events. At the same Council of Constance, our most holy lord, Martin V, ordered another general council to be assembled next May in perfect unity for the causes already mentioned, and the publication of this order obliges the faithful of Christ to be present at the said council without any other citation or announcement.<sup>80</sup>

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<sup>79</sup> C.M.D. Crowder, *Unity, Heresy and Reform 1378-1460* (London, 1977), 129. Stump, *Constance*, 104-8.

<sup>80</sup> *Records of Convocation*, v, 130. 'Sane putandum ut dies nostri quanto a nascentis ecclesie primordiis longevitate discedunt tanto duriori service in profundiora malorum contemptu dampnabiliore descendunt. Hiis et aliis consideracionibus prelati et clerus in sacro Constancien' concilio in spiritu

It is perfectly clear that Chichele regarded the work of Constance as unfinished and ongoing. To his mind, Constance had not been a temporary expedient whose *raison d'être* had come to an end with the election of the new pope. Chichele had taken it upon himself to organise an English delegation to the new council without even waiting for papal confirmation that it would occur. This could be interpreted at face value, as a scrupulous observation of Martin V's instructions (which obviated the need for further papal summons); but it could also be seen as an attempt to sustain pressure on the pope to honour his commitment to call a council. Given that Chichele seems to have worked very closely with the king and his chief ministers, his desire to continue the work of Constance was at the very least looked upon indulgently by the crown. It may even have been given more enthusiastic support.

As we have discussed, the crown was not necessarily averse to conciliar reform, as long as this did not interfere with its own privileges over ecclesiastical appointments and meshed with its own designs to strengthen the Church against heresy. There were other reasons to favour conciliar representation. For one thing, the crown needed to adapt its diplomatic tactics to the vicissitudes of Church politics. In the years after Constance it was conceivable that the general council could play an augmented role in the government of the Church. It was by no means certain that the papal monarchy would re-establish its power on the same footing as before.<sup>81</sup> It remained to be seen whether the decrees of Constance would bind the papacy. Martin

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sancto dudum congregato universalis ecclesie reformationi tam in capite quam in membris pro proposito quantum poterant intendebant; verumptamen diutina ipsius concilii duracione variisque eventibus vexati id quod proposuerant ad tunc per singula perficere non valebant. Unione tamen perfecta, sanctissimus dominus noster Martinus quintus in dicto concilio unum aliud concilium generale in mense Maii proxime futuro ex causis antedictis statuit celebrandum, quodque ipsius publicacio jam facta universos Christi fideles dicto concilio interesse debentes absque alia citatione seu intimacione artaret et effectualiter obligaret.'

<sup>81</sup> For a discussion of the challenges which confronted the papal monarchy in the aftermath of Constance, see N. Valois, *La crise religieuse du XV<sup>e</sup> siècle: Le pape et le concile, 1418-1540* (2 vols., Paris, 1909), i, v-xxix.

had not explicitly granted their general validity, but accepted that he would honour those decisions which had been made as a council (*conciliariter*).<sup>82</sup> This left open the possibility that acts concerning the substance of the faith which had not been passed with the consent of all the nations could be disregarded as lacking full catholicity.<sup>83</sup> Would the general council be able to resume any of the functions which it had performed at Constance, now that it had a papal head? This issue had not been resolved. The English crown could not afford to distance itself from the general council, while the council had the potential to make drastic changes to the structure of ecclesiastical power.

Given that so much was at stake, the Council of Pavia-Siena was a huge disappointment: no reforms were undertaken and the status of the general council was left uncertain. The fruitlessness of the council was in large part the outcome of the diplomatic complexities in which it had become embroiled. The Holy Roman Empire was destabilised by the outbreak of Hussite militancy in Bohemia, France was divided by the recent military incursions of the English, and the duke of Anjou and the king of Aragon vied for control of the kingdom of Naples. The polities of Christendom were even more divided than they had been in 1414, and they lacked the shared and pressing goal of restoring obedience to one pope which had allowed consensus to emerge at Constance. The absence of Martin V also allowed the council to descend into chaos more easily.

The prevailing account of the Council of Pavia-Siena has accused the English crown of doing little to avert the premature end of the council. In fact, it has been argued by Noël Valois that John, duke of Bedford used his influence to expedite the

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<sup>82</sup> J.D. Mansi, *Sacrorum Conciliorum nova et amplissima Collectio...* (Venice, 1784-85), xxvii, 1201: 'Quod omnia et singula determinata, conclusa et decreta in materia fidei per praesens sacrum Concilium generale Constantiense conciliariter, tenere et inviolabiliter observare volebat'.

<sup>83</sup> Valois, *Crise religieuse*, i, viii-ix.

council's termination.<sup>84</sup> According to Valois, Bedford was determined to win as much influence as he possibly could over provisions to French benefices under English control. In order to bring this about, he proposed that England and the papacy should share the responsibility for episcopal appointments according to the agreement which the pope had made with the French nation at Constance.<sup>85</sup> By the time of the Council of Pavia-Siena this agreement was due for renegotiation, and Bedford was looking to strike a deal with the pope. According to Valois, Bedford was willing to help Martin V bring an end to the council in return for a favourable settlement over provisions. Bedford calculated that his agent, the Archbishop of Rouen, Jean de Rochetaillée, would, on arriving at Siena, win the presidency of the French nation and then use his influence to withdraw French objections to the dissolution of the council.<sup>86</sup> If we accept this version of events, the English nation was guilty of using 'wrecking tactics' at the Council of Pavia-Siena, as E.F. Jacob has argued.<sup>87</sup>

This interpretation needs to be corrected. It has been accepted without much scrutiny by most subsequent commentators and has badly distorted our understanding of the English crown's motives during the conciliar epoch.<sup>88</sup> In what follows, the weaknesses of the Valois thesis will be exposed. A very different interpretation of royal policy will then be proposed. This reading will leave room for an open-minded attitude on the part of the crown towards the general council.

There is simply no hard evidence to connect Bedford with the plotting that brought an end to the council. Rochetaillée must have had ties with Bedford, who had cooperated with the pope to secure him the see of Rouen, but we do not have to resort

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<sup>84</sup> Idem., *Histoire de la Pragmatique Sanction de Bourges sous Charles VII* (Paris, 1906), xxi.

<sup>85</sup> M. Harvey, *England, Rome and the Papacy, 1417-1464: The study of a relationship* (Manchester, 1993), 131.

<sup>86</sup> Ibid., 141.

<sup>87</sup> Jacob, *Conciliar Epoch*, 54.

<sup>88</sup> Du Boulay, 'Fifteenth Century', 213-4. Schofield, 'England and Basel', 4.

to the explanation that he was acting under orders from his secular master in order to account for his actions.<sup>89</sup> It seems that Rochetaillée was closer to the pope than he was to Bedford. He had worked at the curia as an *abbreviator* of papal letters, had been appointed Patriarch of Constantinople in 1412, then papal legate in Spain in 1413. Afterwards he had won the sees of Geneva and Paris with the help of the pope.<sup>90</sup> Rochetaillée was also linked to the University of Paris, whose representative he had been at Constance. The university was coming to realise, as Valois has shown, that its graduates stood to gain more from papal privileges and preferment than it did from the generosity of private patrons.<sup>91</sup> The embassy which Rochetaillée took to Rome immediately after the close of the council represented the interests not only of England but of the University of Paris as well. Out of the two parties, moreover, the university was the only real winner. Its roll of petitions was signed by the pope in March 1424, and the ambassadors who presented it were rewarded with the personal favours which they had requested. Rochetaillée himself also profited from the arrangement with the pope, winning the right to appoint to six canonries in the chapter of Rouen. Bedford's requests regarding the management of French benefices in English territories were, on the other hand, refused by the pope.<sup>92</sup> Rochetaillée had many reasons, therefore, to cooperate with the pope in dissolving the council. The presumption of Bedford's involvement is not necessary to explain his behaviour.

The problem with the account that presumes an alliance between Martin V and Bedford is that it does not explain the fruitlessness of English diplomacy in the wake of the council. If Bedford had cut a deal with the pope, it could not have been a very

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<sup>89</sup> For Bedford's links with Rochetaillée see C.T. Allmand, 'Normandy and the Council of Basel', *Speculum*, 40 (1965), 3.

<sup>90</sup> C.T. Allmand, 'The Relations between the English government, the Higher Clergy and the Papacy in Normandy, 1417-1450' (Oxford Univ. DPhil thesis, 1963), p. 50. Abbé Christophe, 'Notice historique sur le Cardinal Jean de Rochetaillée', *Revue du Lyonnais*, Nouvelle Série, 9 (1854), 379-82.

<sup>91</sup> Valois, *Pragmatique Sanction*, viii.

<sup>92</sup> *Ibid.*, xxii.

solid understanding for the pope to have denied all the demands made on Bedford's behalf. One should be sceptical, therefore, of the interpretation which blames the English government, and Bedford in particular, for the failure of Pavia-Siena. Richard Fleming, who did play a part in bringing the council to an end, was probably following the instructions of the pope, first and foremost. Two letters from Martin V to Fleming survive from June and July 1424, just after the council had reconvened in Siena. In the first letter, the pope exhorts Fleming 'to seek and do in this present General Council those things which belong to the peace and concord of all the faithful, and to the state, honour and dignity of the pope and the Roman church, and the preservation of its rights'. Martin also asks Fleming to act as his informant about what is being done in the council.<sup>93</sup> These letters strongly suggest that Fleming was doing the pope's bidding at Siena.<sup>94</sup> His close ties with the papacy were fostered with an eye to personal advancement and were not necessarily encouraged by the English government. Indeed, his machinations to secure the Archbishopric of York with Martin V's support backfired because they were undertaken without consulting England. Henry VI's minority council, resentful of his insubordination, quashed his bid and returned him to the see of Lincoln.<sup>95</sup>

There are thus no compelling reasons to believe that the English crown played a prominent role in disbanding the Council of Pavia-Siena. Conspiracy theories are not necessary to explain the premature demise of the council. It was a factious assembly, beset by diplomatic quarrels and there was no predominating power, ecclesiastical or secular, to guide it. No single party was instrumental in its failure.

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<sup>93</sup> *Calendar of entries in the Papal registers relating to Great Britain and Ireland: Letters*, ed. J.A. Twemlow (H.M.S.O., 1906), vii, 27; 34.

<sup>94</sup> Davies, 'Martin V', 322.

<sup>95</sup> *Ibid.*, 322-6. A contemporary observer, John of Ragusa, was aware that Fleming was trying to procure the Archbishopric of York from the pope: *Monumenta Conciliorum Generalium Seculi Decimi Quinti* (4 vols., Vienna, 1857-1935), i, 195.

The presidents of the various nations were not stifling an assembly with any realistic chances of success. They probably felt they were hastening what would have been an inevitable conclusion. All these considerations undermine the force of Valois's argument. His thesis has been refuted here at length, because it has encouraged a very narrow-minded view of the English crown's commitment towards the general council between Constance and Basel. Knowing that the tide would eventually turn against the conciliar cause in the clash between Eugenius IV and the Council of Basel, historians have been guilty of introducing a teleological fatalism into their accounts. No-one who lived through the 1420s would have possessed a similar certainty about the future demise of the general council. It was a time when the traditional balance of power between the papacy and secular rulers was being tested.

In contrast to the Valois thesis, we need to introduce a sense of possibility to our reading of the period. The crown could make use of the general council in several ways. Of greatest immediate utility, it could threaten to call a general council as a useful bargaining chip in diplomatic tussles with the papacy. This was not only an idle threat: it was also a warning that if the pope stepped out of line in his dealings with the crown, he could be brought to heel. But there were other, less cynical reasons why the crown might interest itself in the activities of the general council. It constantly felt the need to defend England's reputation against the damaging accusation that it was a breeding-ground of heresy. It is also conceivable that it supported senior clerics within the government, such as Chichele, in their campaign to reduce the plethora of papal exemptions which made episcopal government so difficult.<sup>96</sup>

An analysis of royal diplomacy in the 1420s shows that the crown was aware that it could make gains from a general council. Indeed, almost immediately after the

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<sup>96</sup> Jacob, *Ecclesiastical Politics*, 8-12. Swanson, *Church and Society*, 17-21. Davies, 'Episcopate in England', 591-3.

Council of Pavia-Siena had been dissolved, the minority council in England began pressing for the gathering of another council. This action has usually been interpreted as a diplomatic manoeuvre.<sup>97</sup> Diplomatic tactics did undoubtedly inform the crown's approach, but it does not follow that the monarchy had no real incentive to see a general council assembled. It is conceivable that it wished to continue the work which had been broken off so abruptly at Pavia-Siena. In April 1424, the pope refused to acknowledge a series of English demands, including arrangements for provisions to benefices in English territories in France, papal recognition of the Treaty of Troyes and the promise of non-interference in the arbitration of Duke Humfrey's marriage to Jacqueline of Hainault.<sup>98</sup> As a diplomatic strategy to weaken Martin's intransigence, Bedford tried to pressure the pope into calling a general council before he was bound to do so by *Frequens*.<sup>99</sup> The expectation, presumably, was that the pope would rather grant Bedford's wishes regarding the control of benefices in France than be confronted with a potentially hostile council. Bedford first sent embassies to King Alfonso of Aragon and the Emperor Sigismund in order to discover whether they would support his demand for an early council. As it happened, both these parties had good reason to intimidate the pope and so acquiesced in Bedford's scheme. The English embassy that was sent to Rome in July 1425 to make the request for a general council included a Frenchman, Jean Picart, abbot of Ourscamp, and two English representatives: Sir Walter de la Pole and William Sulbury, abbot of Beaulieu.<sup>100</sup> There is hardly any evidence to shed light on the views of the two Englishmen, but the speech of Picart to the pope in November 1425 survives.

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<sup>97</sup> Allmand, 'Normandy and Basel', 4. Harvey, *England and Papacy*, 141-2.

<sup>98</sup> Harvey, *England and Papacy*, 140-1.

<sup>99</sup> *Ibid.*, pp. 141-5; *Idem*, 'Martin V and the English, 1422-1431' in C. Harper-Bill (ed.), *Religious Belief and Ecclesiastical Careers in Late Medieval England* (Woodbridge, 1991), 68-9; 72-9.

<sup>100</sup> Harvey, 'Martin V', 72-3. Allmand, 'Normandy and Basel', 2. Evidence of Englishmen's involvement in *Calendar of the close rolls preserved in the Public Record Office: Henry VI* (6 vols., H.M.S.O., 1933-1947), i, 172-3.

Picart's speech is worth examining, for it contains more than just diplomatic bluster. The abbot's case for summoning a council was a plausible expression of the English crown's attitude, and it is probable that he had consulted Bedford about the rough shape that his petition should take. Picart's speech painted a bleak picture of the Church. In his account wars and seditions afflict Christendom, the altars of God are everywhere being destroyed, new heretical sects are springing up and superstition is growing strong. Christianity is so afflicted by sinfulness that its very name is brought into contempt among the infidels.<sup>101</sup> Allowing for the hyperbole characteristic of reform literature, the sentiments expressed here did reflect contemporary anxieties about the growth of heresy in England and Bohemia. Picart claimed that the deformities which he had just described could only be remedied in a general council. The king, clergy and people of England in particular wish to purge the Church of its corrupt manners, to refute the heretics and to unify the Greek and Latin churches. Picart argues that the general council would be the most appropriate forum in which to bring about this correction and he tries to justify his claim by taking a historical tack. The Arian and Manichaean heretics and those rebelling against the authority of the pope were all brought back to the path of reason by the authority of the general council. The role of the general council in bringing about unity in the apostolic church was also vital. Picart points to the questions which arose in the primitive church about which ceremonies in the old law ought to be practised. In this 'the holy apostles, who were filled with the Holy Spirit, did not prefer the judgement of any of their number (Peter aside) to the decision of a general council, and in order to prevent any division arising between Christians, they soon wished to assemble one.'<sup>102</sup>

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<sup>101</sup> O. Gratius, *Fasciculus rerum expetendarum & fugiendarum...*, ed. E. Brown (2 vols., London, 1690), i, xii.

<sup>102</sup> *Ibid.*, i, xii.

When Picart said that England wished to see another general council called so that the heretics could be brought back into the fold, he was not being disingenuous. The English crown had been anxious to refute Wyclif's heresies at Constance, and it would later seek to condemn the views of Peter Payne at Basel. In addition, there was a widespread desire to bring about the union of the Greek Church with the rest of Catholic Christianity in Europe. For those who believed that the Church was the indivisible body of Christ, it was difficult to accept that it should be divided into separate sects. It is true that the calling of a general council became a weapon in the English government's diplomatic armoury. Bedford did use the threat of a council to achieve a favourable settlement over French benefices.<sup>103</sup> But it does not follow that for this reason, the crown's appeal to the general council was bluff alone. It is possible that the royal agitation for a council functioned at various levels, one of which was to keep pressure on the pope to honour his commitment to conciliar reform.

John of Ragusa, a spectator of English diplomacy in the 1420s, was certainly convinced of the crown's sincerity. So convinced in fact, that he was extremely puzzled by the English government's lack of enthusiasm for the Council of Basel.

He described the English embassy of 1425 thus:

After the said dissolution of the Council of Siena, before two years had elapsed, the present King Henry of England sent a solemn embassy to Martin V to hasten the calling of the Council of Basel, but the pope, as was his custom, mollified the ambassadors and sent them back to their lord with no hard information about his real intention. And truly it is remarkable that although King Henry had been working fervently for the hastening of a council for almost three years, when the council did eventually assemble at Basel his fervour cooled, and although the council often begged him through its ambassadors and its letters, no-one appeared to represent him and to be incorporated into the council.<sup>104</sup>

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<sup>103</sup> In this he was successful. Valois, *Pragmatique Sanction*, xxvii; Harvey, *England and Papacy*, 143.

<sup>104</sup> *Monumenta Conciliorum*, i, 65: 'Post dictam vero Senensis concilii dissolutionem, non completo biennio, Henricus modernus rex Angliae solemnem misit ambasiatam ad dictum dominum Martinum

It is noteworthy that, writing after Basel, Ragusa should remember the English crown's attempts to promote the conciliar cause in the 1420s. The embassy of 1425 did not appear to him, as it did to later historians, an ephemeral diplomatic feint. Memories of it lingered in the minds of other supporters of the conciliarist cause as well. In 1432, an emissary from the Council of Basel, Gerardo Landriani, tried to dispel English doubts about the council by reminding Henry VI that he had earlier sent a legation to Martin V to hasten the calling of a council so that the troubles afflicting Christendom might be remedied.<sup>105</sup> There is evidence, then, that the English crown was not afraid, at the very least, to pose as a champion of the conciliar cause in the 1420s.

The impression held by Ragusa and Landriani that England had been an advocate of reform by means of a general council appears less and less surprising when one considers another incident of the 1420s involving the conflict between the English and Martin V. Martin V had fought since his accession to have the Statutes of Provisors and Praemunire repealed in England.<sup>106</sup> These laws effectively prohibited anyone in England from appealing to the papacy to be provided with a benefice, unless they had already sought the permission of the crown. Martin V considered this state of affairs a gross infringement on his prerogative and on the liberties of the Church in general. He clashed several times with the English government over the limitations of his rights in England. In 1426 Martin V sought to have his relation –

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pro acceleratione concilii Basiliensis: sed ipse more solito ambasiatores demulciens, eos vacuos quoad intentionem principalem ad dominum eorum remisit. Et valde admirandum, quod cum praefatus dominus rex pro acceleratione dicti concilii Basiliensis ferventissime laboraverit, nunc jam quasi per triennium, eodem stante et congregato concilio, tempuerit, et licet saepissime per hoc sacrum concilium imploratus fuerit per solemnes ambasiatores et epistolas, nullus tamen adhuc suo nomine comparuit, qui se huic sacro concilio incorporaret.<sup>?</sup>

<sup>105</sup> Mansi, *Collectio*, xxix, 466: 'Memini enim paucis ante annis exactis majestatem vestram ... legationem ad sanctissimum quondam Martinum pontificem destinasse, ut pro summis necessitatibus et periculis reipublicae Christianae... diem futuri tunc concilii anticipare vellet'.

<sup>106</sup> On the dispute see E.F. Jacob, *Archbishop Henry Chichele* (London, 1967), pp. 43-52. See also Davies, 'Martin V', 309-344.

Prosper Colonna, a boy of 14 – provided to the archdeaconry of Canterbury. Chichele cannot have been pleased and rumours of the archbishop's anti-papalism probably reached the pope through the papal ambassador Giuliano Cesarini and Thomas Polton, both of whom were informing him of developments in England.<sup>107</sup>

These tensions culminated in drastic action on the part of pope. In late February or early March 1427 he suspended the Archbishop from his legatine powers.<sup>108</sup> Chichele replied in a letter of 22 March, declaring that he feared that various threats had been made against himself and the liberties, customs and jurisdiction of his church. In order to prevent Martin V from attempting anything in prejudice of his status or the liberties, customs and prerogatives of the church of Canterbury by citation, excommunication, suspension or deprivation, the archbishop called upon a general council representing the universal church and he submitted himself and his jurisdiction to the protection of this general council.<sup>109</sup> Eventually ties were restored between pope and archbishop: Martin annulled his suspension of the archbishop's legateship in August 1428, and Chichele followed Martin's instructions by tearfully beseeching parliament in 1428 to repeal the Statutes of Provisors and Praemunire.<sup>110</sup> Although this may appear an ignominious defeat for Chichele, it was, in fact, a victory. For in the end, parliament refused his entreaties and Martin V did not get his way. As a result, the council and the archbishop got the outcome that they wanted and, at the same time, Chichele's loyalty to the pope had been demonstrated.

When placed in context, Chichele's call to the general council seems to have been no more than sabre-rattling. But to contemporaries its significance was probably

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<sup>107</sup> J. Haller, 'England und Rom unter Martin V', *Quellen und Forschungen*, 8 (1905), 293, 299. G.A. Holmes, 'Cardinal Beaufort and the Crusade against the Hussites', *English Historical Review*, 88 (1973), 730. Jacob, *Archbishop Henry Chichele*, 52.

<sup>108</sup> Jacob, *Chichele*, 52.

<sup>109</sup> Oxford, Bodleian Library MS Ashmole 789, fol. 221<sup>f</sup>. Printed version in Wilkins, *Concilia*, iii, 485.

<sup>110</sup> Wilkins, *Concilia*, iii, 483-4. *Calendar of Papal Registers: Letters*, viii, 64-5.

less clear. Had it been interpreted merely as a convenient, temporising tactic, it is unlikely that it would have been mentioned in the following way by Thomas Gascoigne:

The Roman Pope Martin V recently wrote to bishops known to me, instructing them to condemn publicly certain evil customs and statutes of the realm and to preach against them and to try to create contrary statutes in the parliament of the realm. And because the bishops had not done this, nor had been heard to do this, the same pope Martin excommunicated them and suspended the Archbishop of Canterbury from his legateship... And then the bishops said clearly that the general council was above the pope, and on that account they called upon the next general council to be celebrated [Basel], although several changed their mind before [Basel], saying that the pope was above the general council and could dissolve a council at his pleasure.<sup>111</sup>

No documents survive to substantiate Gascoigne's claim that bishops other than Chichele were involved in his appeal to the General Council. Several bishops did write a letter to the pope, informing him that Chichele was not guilty of the charges made against him, but they made no mention of a general council. The letter was sent under the auspices of John Kempe of York, William Gray of London and Richard Fleming of Lincoln, acting on behalf of their fellow bishops.<sup>112</sup> This is probably the same letter which John Whethamstede was called upon to write at the request of Chichele and others in July 1427.<sup>113</sup> To add to the discrepancy of Gascoigne's account, there is no surviving evidence which indicates that Martin V excommunicated Chichele, let alone anyone else. It is probable that Gascoigne was

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<sup>111</sup> Oxford, Lincoln College, MS Latin 117, fols. 322-3: 'Nuper enim Martinus quintus papa Romanus scripsit Episcopis michi notis ut certas consuetudines malas et certa mala statuta regni publice reprehenderent, et contra ea praedicarent et contraria statuta in parlamento regni decerni et statui laborarent. Et quia episcopi nec haec fecerunt nec haec ausi facere fuerunt idem papa Martinus excommunicavit eos... Et tunc episcopi dixerunt plane quod concilium generale fuit supra papam, et ideo a papa appellaverunt ad consilium generale proximo post tunc celebrandum, quamvis pluries antea mutaverunt sententiam suam, dicentes quod quilibet papa est super consilium generale et illud potest ad libitum suum dissolvere, ut ipsi dixerunt.' Printed edition: J.E.T. Rogers (ed.), *Loci e libro veritatum* (Oxford, 1881), 17.

<sup>112</sup> Wilkins, *Concilia*, iii, 476. Unfortunately there are no copies of the letter in the printed edition of Fleming's register.

<sup>113</sup> *Annales Monasterii S. Albani a Johanne Amundesham... Conscripti*, ed. H.T. Riley (2 vols., London, 1870-1), i, 17.

mistaken about this. The main point to be taken from the comment, however, is that Gascoigne was convinced that, at the time that it was made, Chichele's call to a general council was a serious avowal of conciliarist principles. Perhaps the appeal was understood to be a continuation of Bedford's attempt to have a council called in 1425. This would explain Ragusa's allusion to the English government's efforts to have a council called for three years after 1425.

The evidence of the 1420s demonstrates that senior figures within the English government were prepared to align themselves publicly with the conciliar cause and that this position was understood and discussed by a wider constituency. A number of conclusions can be drawn from this. For one thing, the assertion made by E.F. Jacob and A.N.E.D. Schofield that the English crown interacted with the papacy from a position of comfortable dominance is not correct. The line of popes after Constance were to fight hard for the repeal of the Statutes of Provisors and Praemunire in England. The crown retaliated with equal vigour. As far as it was concerned, the general council was an appropriate arena in which to wage these battles over ecclesiastical privileges. The pope had been forced to make concessions at Constance; with enough international pressure it was possible that he would give further ground at a new general council. Other benefits accrued from conciliar participation. The spread of heresy could be countered with co-ordinated action from the polities of Christendom. Steps could also be taken to remedy the weaknesses in the Church which had provoked the displeasure of the heretics in the first place.

*The third phase: Basel and the alienation of the English crown*

Now that we have set out the case for the English crown's interest in conciliar participation, we must address its strained relations with the Council of Basel.

As John of Ragusa noticed, the crown's public promotion of the conciliar cause in the 1420s cooled dramatically when it was called upon to support Basel. Jacob and Schofield have taken the English monarchy's reluctance to become heavily involved in the Council of Basel as decisive proof of its conservatism and its lack of warmth for the conciliar cause. In their opinion, the English sided with the pope against the Council of Basel.<sup>114</sup> Here, by contrast, it will be argued that the English crown was far more flexible in its relations with Basel than has been acknowledged. More importantly, the tepid response of the crown was not governed by an ingrained antipathy to conciliarist ideology, but by the pragmatic recognition that the system of voting at Basel would deprive any English delegation of influence over the council's proceedings.

When the evidence is closely examined, it becomes apparent that the English crown was initially receptive to the Council of Basel. The dramatic shift in the crown's policy towards the council emerged not after the council had shown the first signs of insubordination towards the pope, but when it realised that the council had abandoned decision-making by nations. Even after Basel had decided to ignore Eugenius IV's bull of dissolution, late in 1431, the English government proved amenable to the idea of conciliar attendance. In the spring of 1432, the duke of Bedford wrote a very warm letter to the Council of Basel, telling the fathers there that

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<sup>114</sup> Jacob, *Conciliar Epoch*, 56. Schofield, 'England and Basel 1435-1449', 252. Subsequent commentators have followed this interpretation: W. Brandmüller, *Das Konzil von Pavia-Siena, 1423-1424* (2 vols., Munich, 1968-74), i, 39; J.W. Stieber, *Pope Eugenius IV, the Council of Basel and the Secular and Ecclesiastical Authorities in the Empire* (Leiden, 1978), 62.

he wished them success. It seems that even at this point he was willing to grant his Norman subjects the freedom to attend the council.<sup>115</sup>

The minority council in England also realised that there were advantages to sending a delegation to the council. The spokesman of the Council of Basel, Gerardo Landriani, bishop of Lodi, was given an audience in England in mid-1432. Landriani argued that the Council of Basel was the most suitable forum in which to condemn the errors of the Hussites and to persuade the heretics to renounce them. He pointed out that heresy was not only dangerous to the Church but also to secular authority, as it gave ordinary people the impression that they were free to rebel against their superiors.<sup>116</sup> The insinuation must have been that the social turmoil that had been unleashed in Bohemia by the Hussite heresy could also flare up in England unless the authorities were careful. The government would have needed no reminder of this, for in 1431 there had been a rising in the Thames valley which was suspected to have been driven by Lollard dissent. The indictments of the ringleaders, carried out after the rebellion had been suppressed, claimed that the disendowment of the Church had been one of their chief goals. The affinities between this and earlier anticlerical proposals made by the Lollards would have been obvious.<sup>117</sup> As well as offering a means of preventing the spread of heresy, Landriani dangled the prospect that the council would offer mediation in the discussions between England, Charles VII and Burgundy over the settlement in France.<sup>118</sup>

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<sup>115</sup> Allmand, 'Normandy and Basel', 6.

<sup>116</sup> Mansi, *Collectio*, xxix, 464: The heretics will incite the ordinary people to hate their princes and kings. 'Sed etiam adversus reges et principes ... plebis et multitudinis imperitae tumultuaria odia concitare conentur'. Ibid., xxix, 464-5: The heretics preach that all are equal and that no duties or taxes are owed to princes. 'Pro concione publica praedicantes omnes homines inter se pares esse, neque alium alio superiorem fore, negantes praeterea vectigalia et tributa principibus dari oportere'.

<sup>117</sup> M. Aston, 'Lollardy and Sedition 1381-1431', *Past and Present*, 17 (1960), 24-30. J.A.F. Thomson, *The Later Lollards 1414-1520* (Oxford, 1965), 61. M. Jurkowski, 'Lollardy in Coventry and the Revolt of 1431' in L. Clark (ed.), *The Fifteenth Century VI: Identity and Insurgency in the Late Middle Ages* (Woodbridge, 2006), 145-63.

<sup>118</sup> Mansi, *Collectio*, xxix, 467.

The English crown accepted the Council of Basel's proposal to put concerted international pressure on the Hussite rebels to desist from their heresy. The crown's decision to send delegates to Basel was justified publicly with reference to its desire to combat heresy. In a letter sent to the pope on behalf of Henry VI in July 1432, bewilderment was expressed that the pope had not given greater support to the council since it aimed to bring the Bohemians back into the fold. The pope was told that it was with this goal in mind that English delegates were being sent to the council.<sup>119</sup> In so doing, the English government was disobeying the commandment of the pope, who had explicitly instructed the Archbishop of York in February 1432 that he should recall any English representatives from Basel and prevent any new ones from arriving.<sup>120</sup> This act did not tell of a rigid and unreflective obedience to the pope on the part of the crown.

The real change in the attitude of the English government came, as already mentioned, with its discovery of the new procedural system that had been set in place at Basel. The so-called system of deputations, or committees, had replaced the system of nations which had been instated at Constance. Organisation by nations had allowed the English to punch above their weight, for they had possessed a much larger say in conciliar decision-making than either the size of their Church or the number of their delegates had merited. At Basel on the other hand, the English delegation was not large enough in absolute terms to make a great impression. It seems that the English government learned about the organisational innovations at Basel only after the delegates had already left England. In January 1433 the king wrote to them as they were making their way to the council, pointing out that if the Bohemians had not yet made their way to the council by the time the English had arrived, they should absent

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<sup>119</sup> Ibid., xxix, 372-4.

<sup>120</sup> *Monumenta Conciliorum*, ii, 154-5: 'nec remanere Basilee qui erant, nec de novo accedere, sed potius ad veniendum Bononiam se parare debuissent'.

themselves from the council so that they would not be obliged to approve its decisions.<sup>121</sup> When the delegates did eventually arrive, they protested against the system of deputations and refused to be incorporated into the council. This would entail being bound by the council's decrees and being unable to leave the council without its permission. Seeing that the English delegates would command so little influence at the council, these were both unacceptable conditions.

Nevertheless, even once the crown had realised that its authority at Basel was drastically weakened, it did not cut ties with the council. Hampered by their late arrival, the English delegates played what little part they could in the refutation of the Hussites in 1433.<sup>122</sup> Most of the English representatives returned home in the summer, after the debates with the Hussites had ended, but the government renewed its dwindling presence at Basel in May 1434 by sending a second delegation. This delegation was even prepared to be incorporated into the council, swearing a modified version of the oath of fealty. The purpose of the second delegation was largely confined to negotiating a peace with France and when the Conference of Arras had begun in the summer of 1435, there was little reason for it to stay at Basel. The English crown's agenda at Basel was, admittedly, minimal. But so far as English receptiveness to conciliarism is concerned, it is important to recognise that its lack of ambition stemmed more from its lack of influence than from any ideological prejudices against the council.

Several incidents in the crown's torturous diplomatic policy have confused our understanding of its motivations. The king's council asked Convocation in October 1433 to discuss whether the papal bulls dissolving the council were valid and whether

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<sup>121</sup> Schofield, 'England and Basel', 28.

<sup>122</sup> E.F. Jacob, 'The Bohemians at the Council of Basel, 1433' in R.W. Seton-Watson (ed.), *Prague Essays* (Oxford, 1949), 110. F. Šmahel, *Die Hussitische Revolution* (3 vols., Hannover, 2002), iii, 1560-1591. F.M. Bartoš, *The Hussite Revolution, 1424-37* (New York, 1986), 86-98.

Eugenius IV was to be considered the true pope. Convocation returned the answer in December 1433 that the papal dissolution had indeed been valid and that Eugenius was to be held as the true pope. This has been taken by Schofield, Jacob and others as a resounding assertion of loyalty to the papal monarchy.<sup>123</sup> But in fact, Convocation's attitude towards the general council was far more flexible than this. After all, it had already considered the validity of Eugenius's original bull of dissolution in September 1432, and had decided to ignore it.<sup>124</sup> It was evidently capable of flouting papal commandments at one moment and declaring them binding at the next. Convocation's announcement of 1433 is best understood not as a statement of unflagging loyalty, but as a reflection of the shift in royal diplomacy. The crown's incentive to send representatives to the council was too great in late 1432 to pay much heed to papal demands. By late 1433, however, the crown had discovered that Basel was not particularly pliant to its needs. Convocation's qualified defence of the papal cause provided the crown with a cloak for its self-interested diplomacy.

Convocation's support of the pope was not so firm as has often been assumed. The clergy were prepared to hedge their bets over the outcome of Eugenius's struggle with the council. When they considered whether obedience should remain with the pope in the case of a new papal election by the council, 'the clergy decided unanimously that as the pope is the true and undoubted pontiff at the present time he should be obeyed now and in the future, and this obedience due to his holiness should not be revoked unless perhaps other things come to light afterwards, which were not believed at the time, in which circumstances it may be necessary according to the holy

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<sup>123</sup> Jacob, *Conciliar Epoch*, 55-6. Schofield, 'England and Basel 1435-1449', 249. Du Boulay, 'Fifteenth Century', 214.

<sup>124</sup> *Records of Convocation*, v, 306.

canons to abandon one's loyalty.<sup>125</sup> Convocation realised that the possibility of another deposition could not be ignored, however distasteful. If the other European powers were to reach a consensus to support the general council against the pope, England might have no option but to follow suit. This comment serves to expose the realism of the crown and clergy's perspective towards the council at this stage.

Further proof of the crown's pragmatism lies in its instructions to the second set of English delegates in May 1434. If the council proceeded against the pope 'with just and legitimate cause by divine law and with the approval of the Church of Canterbury, these ambassadors might do what seems fitting according to their understanding and discretion.'<sup>126</sup> In the event that the English representatives learned on the way to Basel that the trial and deposition of the pope was taking place there with just cause, they were to continue to the council and 'to perform such acts as the necessity and utility of the universal Church requires.'<sup>127</sup> The delegates were only to stop and wait for instructions from the crown if a new pope was elected in Eugenius's place. The government was obviously preparing itself for the worst, and its greatest concern was to avoid being divided from the other European powers by schism. To forego this, it was prepared to overlook its obedience to the pope.

As well as illustrating the crown's pragmatism, the diplomatic instructions reveal an acceptance of the general council as a necessary instrument of Church

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<sup>125</sup> Ibid., v, 329: 'quantum ad secundum dubium, videlicet si procederetur per concilium ad electionem novi summi pontificis numquid obediendum esset domino nostro pape moderno etc., conclusit clerus unanimiter quod domino nostro moderno tamquam vero et indubitato summo pontifici sicut in ipso presenti tempore extitit obeditum ita et in futuro obediendum, nec esset obediencia sue sanctitati debita quomodolibet subtrahenda nisi fortassis alia talia postmodum emergerent, de quibus tunc non credebatur, preter que secundum sacros canones ab obediencia ejusdem discedere oporteret.'

<sup>126</sup> *Bekynton Correspondence*, ii, 263: 'quod ubi ex causis justis, legitimis, jure divino et ecclesiae Cantuariensi approbatis, Concilium procederet contra dominum nostrum Papam, ipsi ambassiatores eo casu facient quod secundum intelligentiam et discretionem eis a Deo datas videbitur eis faciendum.'

<sup>127</sup> Ibid., ii, 263: 'Et si ipsis in itinere versus Basiliam constitutis occurrerit certitudo de processu hujusmodi contra dominum Papam ex causis talibus de quibus praefertur, quod Deus avertat, facto, ipsi nihilominus continuabunt iter suum Basiliam, ad procedendum illic una cum aliis ad actus ultteriores tales quales necessitas et utilitas universalis Ecclesiae exigit et requirit.'

government, to be supported when it worked for the utility of the Church. The government urged its representatives to take part in a potential papal deposition at the council in order that ‘peace, unity and tranquillity will be preserved in the Church and schisms, disturbances and scandals will be removed from it.’<sup>128</sup> This statement supplies a good summation of the crown’s motives. Schofield and Jacob are wrong to have supposed that the claims of conciliar superiority left the English government entirely unmoved. Conciliarism was an ideology which could be turned to its advantage. If its participation in Basel was limited, this was primarily because its influence at the council was curtailed by the system of deputations. If the government had been ideologically opposed to Basel and indifferent to its proceedings, as Schofield alleges, it would not have caused the English delegates to petition for the system of nations to be reinstated at the council when they arrived at Basel in April 1433. These petitions were presented by Thomas Polton, bishop of Worcester, on the part of the king and Peter Partridge on behalf of the Archbishop of Canterbury and the English Church.<sup>129</sup> An undated letter from the crown to the delegates at Basel complained that there were too few English delegates at the council. As a result, the English clergy could not achieve the standing that they had enjoyed at Constance and could not viably argue for the reinstatement of ‘nations’.<sup>130</sup> The government evidently wished to augment its influence over the council. It realised that it stood to gain from conciliar participation, otherwise it would not have bothered to agitate for organisational change.

Even when the tide turned against the Council of Basel in its struggle with the papacy, the English crown did not react by vehemently rejecting the conciliar cause.

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<sup>128</sup> Ibid., ii, 263: ‘ut maneant et conserventur in Ecclesia pax, unitas, et tranquillitas; et removeantur ab ea schismata, turbationes, et scandala.’

<sup>129</sup> A. Zellfelder, *England und das Basler Konzil* (Berlin, 1913), 248-252.

<sup>130</sup> Schofield, ‘England and Basel’, 67.

Instead it tried to act as a mediator between pope and council in order to prevent the outbreak of a new schism. When the majority of the representatives at Basel refused to obey Eugenius's order in 1437 to reconvene in Ferrara so that union with the Greeks could be brought about, the English government wrote a disapproving letter to the council. The crown told the council to moderate its actions towards the pope and to join him in Ferrara.<sup>131</sup> But this did not amount to siding with the pope against the council. The crown was evidently of the opinion that the argument between the pope and the council needed to be resolved through cooperation on both sides. Late in 1437, the crown wrote to the pope, repeating its fears about the emergence of a new schism. It was pointed out that union with the Greek Church and other reforms had been imperilled by the clash between pope and council. On this account, the crown urged the pope to do his utmost to negotiate with Basel in order to find a location for a new council that was mutually acceptable.<sup>132</sup> When the Council of Basel sent an embassy to England in 1438, the papal collector Piero del Monte, feared that the English crown might drift into a policy of neutrality. He was anxious that the demands of diplomacy and the resistance of the clergy would turn the government against the pope. The lower clergy, in particular, needed to be exhorted by the pope so that they did not withhold their support for the papal council.<sup>133</sup> Their failure to grant a subsidy to the emissaries to Ferrara was read by del Monte as a sign of dissent (*seditio*). The ambassadors from Basel also seemed confident that England would adopt the Emperor's policy of neutrality towards the council.<sup>134</sup>

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<sup>131</sup> *Bekynton Correspondence*, ii, 37-45.

<sup>132</sup> *Ibid.*, ii, 47-8: 'Et si fortassis patres ipsi... in Basilea manentes nulla via, nullo pacto ut Ferrariam veniant induci trahive possint, eo casu ... dignetur mansuetudo vestra alteri cuipiam loco ... condescendere'.

<sup>133</sup> J. Haller (ed.), *Piero da Monte: Ein gelehrter und päpstlicher Beamter des 15. Jahrhunderts* (Rome, 1941), 69: 'Videntur itaque aut inferiores per sanctitatem vestram vocandi aut paternis persuasionibus exhortandi, ne tam sancto operi se subtrahant vel nova hec afferant impedimenta.'

<sup>134</sup> *Ibid.*, 276: 'Certi sumus quod rex pari passu ambulabit cum rege Romanorum et electoribus sacri imperii.'

Eventually, the English crown was alienated more fully by Basel's deposition of Eugenius IV in 1439 and its election of a new pope, Felix V. But the crown was not at the forefront of a reactionary movement which aimed to destroy the conciliar enterprise and restore full papal privileges. It failed, for example, to send any official delegation to back the pope at the Council of Ferrara-Florence.<sup>135</sup> Its growing distance from the Council of Basel was part of a European trend. Secular rulers were wary of schism and they realised that the council was impeding union with the Greek Church. Basel was no longer honouring its claim to reform the Church; it was only causing controversy and division.<sup>136</sup> The English government's antagonism towards the Council of Basel in its final phase should not, therefore, be taken as a sign of principled opposition towards the cause of the general council.<sup>137</sup> In this, the English government was not exceptional. Its disillusionment was part of a European trend. The delegates at Basel wished, in the latter stages of the council, to break free from the guiding hands of their secular masters.<sup>138</sup> When the cooperation between the council and the sovereigns of Europe broke down, the enterprise of the general council was doomed to failure. From our vantage point, this parting of ways may seem an inevitable result of the tensions within the conciliar movement. But it did not necessarily look that way to contemporaries. Until Basel changed the rules of the conciliar game, there is no reason to doubt the sincerity of the crown's commitment to the general council.

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<sup>135</sup> Stieber, *Eugenius and Basel*, 40-1.

<sup>136</sup> A.J. Black, *Monarchy and Community: Political Ideas in the Later Conciliar Controversy 1430-1450* (Cambridge, 1970), 112-29.

<sup>137</sup> M. Harvey, 'England, the Council of Florence and the End of the Council of Basel' in G. Alberigo (ed.), *Christian Unity: The Council of Ferrara-Florence 1438/39 – 1989* (Leuven, 1991), 204.

<sup>138</sup> Stieber, *Eugenius and Basel*, 58-60; Black, *Monarchy and Community*, 91.

### *Attitudes of the clerical delegates*

The bond between the higher clergy and the crown was so tight in this period that it would be incorrect to speak of the motives of the clerical delegates as if they were entirely distinct from the crown's. Many of the royal proctors at the councils were clerics, and it is clear that the crown was involved in the planning which led the Archbishops of Canterbury and York to dispatch their own representatives. The overlapping nature of secular and clerical functions is neatly illustrated by Robert Hallum, Henry Chichele and Thomas Chillenden who, as we have seen, represented both the crown and the southern province at the Council of Pisa. Crown and Church collaborated in sending English representatives to the council. In 1431 the Archbishop of Canterbury summoned the southern Convocation with reference to the royal letter which had instructed him to discuss 'urgent matters' facing the Church. These must have included selecting a delegation for the Council of Basel.<sup>139</sup> The efforts of the crown to goad the clergy into action were sometimes very explicit. Representatives of the king, including the dukes of Stafford and Suffolk, instructed the southern Convocation on 5 May 1438 to appoint delegates to the Council of Florence and to provide for their expenses.<sup>140</sup>

There was much pressure on the clerical members of the English delegations to act as obedient servants of the crown. A good example of the general compliance which the crown expected of its subjects is provided by diplomatic instructions which were sent to the leaders of the English nation at Constance in July 1417. The crown told the leaders of the nation that they were to exact obedience from all the king's

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<sup>139</sup> *Records of Convocation*, v, 282

<sup>140</sup> *Ibid.*, v, 380. The privy council had decided upon this course of action as early as 3 February 1438. *Proceedings and ordinances of the Privy Council of England*, ed. H. Nicolas (7 vols., London, 1834-7), v, 87.

vassals at the council. None of the king's subjects were to take part in any committee work at the council without the leaders' permission. If any English subjects disobeyed the crown's instructions or acted against the honour of the king they were to be commanded to desist and to leave the council, if necessary.<sup>141</sup>

Nevertheless, clerics had their own views about the proper ends of conciliar participation. We have already discussed the motives which led the crown to support certain reforms of the Church. We should now examine more fully the attitude of the clergy towards the elimination of abuses in the Church. The most eloquent testimony of the English commitment to reform is provided by the extant sermons from the Council of Constance. There are, however, difficulties involved in the interpretation of these sources. There are good reasons to doubt that the sermons are a straightforward presentation of personal views. Jürgen Miethke has argued that the category of 'reform sermon' and the status of the 'reform movement' are problematic. Expressions of discontent at the corruption in the Church were part of a venerable Christian tradition. The reform sermon was a well-known genre, to which many formulaic contributions were made.<sup>142</sup> Whilst Miethke undoubtedly had a point, the force or sincerity of these utterances is not diminished simply because their rhetoric was derivative. Indeed the very fact that these criticisms had become conventional indicates that they were widely accepted.

It has been argued that the crown saw reform as an important means of answering the heretics in England. This attitude found expression in some of the English delegates' sermons at Constance. C.L. Nighman has shown how the themes

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<sup>141</sup> Rymer, *Foedera*, iv.3, 6.

<sup>142</sup> J. Miethke, 'Kirchenreform auf den Konzilien des 15. Jahrhunderts, Motive – Methoden – Wirkungen' in J. Helmrath, H. Müller & H. Wolff (eds.), *Studien zum 15. Jahrhundert: Festschrift für Erich Meuthen* (2 vols, Munich, 1994), i, 14-6. Lucien Febvre has described the complaints of the fifteenth-century reform literature as 'plaintes rituelles' and 'une littérature qu'il faut lire *cum grano salis*'. *Au Coeur Religieux du XVI<sup>e</sup> Siècle* (Paris, 1957), 20.

of reform and heresy were intimately related in the sermons of Richard Fleming. In his sermon, *Surge illuminare*<sup>143</sup>, Fleming denounced the way that the Church had been polluted through abuses such as nepotism and simony. Ordinary people could, in Fleming's view, justifiably complain about their pastors' wicked lives. The terrible consequence of this disillusionment was that some had left the Church and adopted heresy. Fleming demonstrated that reform of the Church was needed in order to prevent the further spread of heresy.<sup>144</sup>

Fleming was not alone in believing that reform was needed to counter the threat of heresy. Henry Abingdon shared Fleming's views on this score. Abingdon was a fellow of Merton College, Oxford and a representative of the university at Constance.<sup>145</sup> His sermon, *Sitis repleti*, drew a comparison between those who obtained exemptions in order to indulge their sinful ways, and heretics who distorted the scriptures with fallacious interpretations.<sup>146</sup> Abingdon likened these two groups to ungrateful, disobedient children: 'the first kind disorders the proper institution of obedience, and the others pervert the sound faith of the Church.'<sup>147</sup> Corrupt clerics had disobeyed their ecclesiastical superiors in order to obtain exemptions and privileges. Abingdon complained that they had busied themselves with court cases and money-making schemes, slyly extorting ecclesiastical revenues and caring little

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<sup>143</sup> P. Stump and C. Nighman (eds.), *A Bibliographical Register of the Sermons and Other Orations Delivered at the Council of Constance, 1414-1418: Main Sermon Register*, 315. This is an online resource: <http://www.bibsocamer.org/BibSite/Nighman-Stump/index.html>.

<sup>144</sup> For analysis, Nighman, 'Reform and Humanism', 53-7, 78-9, 130. The crucial passages in Fleming's argument can be found in Nighman's edition of *Surge illuminare*: Ibid., 284-5; 306-7.

<sup>145</sup> A.B. Emden, *A Biographical Register of the University of Oxford to A.D. 1500* (3 vols., Oxford, 1957-9), i, 7-8.

<sup>146</sup> Stump & Nighman, *Bibliographical Register*, 304. Paul Arendt discusses Abingdon's preaching alongside reform sermons from Constance with very similar preoccupations: *Die Predigten des Konstanzer Konzils* (Freiburg, 1933), 169-221, esp. 194-6.

<sup>147</sup> C.W.F. Walch, *Monimenta medii aevi ex bibliotheca regia Hanoverana* (Göttingen, 1757-61), i.2, 191.

or not at all for the study of morality or the defeat of heresy.<sup>148</sup> Moral corruption and pastoral neglect were here linked with failure in the battle against heresy. The solution was simple. Not only did the chain of obedience need to be restored in the Church, but bishops needed to fulfil their duty to preach and to lead good lives. Spiritual education was especially important. Although Abingdon emphasised that probity of character was necessary, it was even more important that bishops taught true doctrine to the people. If the ecclesiastical chain of command were to be strengthened, all exemptions needed to be revoked. Abingdon realised that some scandal might arise as a result, but these difficulties ought to be overlooked in the interest of the common good.<sup>149</sup>

Robert Gilbert, the future bishop of London, was also convinced that the rise of heresy and the lapse of clerical morals were connected. In his Constance sermon, *Ascendimus Jerusalem*,<sup>150</sup> Gilbert pointed out that the constancy of prelates was the wall which would protect the Church against the assaults of its enemies. However, the holy behaviour and correct doctrine of these prelates had been compromised, and this rendered the fortress of the Church susceptible to invasion of vices, which injured the Christian people. Especially dangerous to the people was stubborn heresy with its sword of sophistic arguments. It subverted the stability of the faith and was to be greatly feared. It was especially important, therefore, that the prelates and pastors of the Church should ascend to Jerusalem by the road of penitence, so that the people should not be given a bad example to wander from the path of virtue.<sup>151</sup>

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<sup>148</sup> Walch, *Monimenta*, i.2, 200: 'in litigiosis et lucratis scientiis totaliter se immergunt et de praebendarum fructibus et pecuniarum exactionibus profunde se subtiliant; sed de scientia morum ac propugnatione haeresis, nihil; aut parum curant'.

<sup>149</sup> *Ibid.*, i.2, 198-9.

<sup>150</sup> Stump & Nighman, *Register*, 47.

<sup>151</sup> Berlin, Staatsbibliothek, MS theol. fol. 413, fols. 6<sup>r</sup> – 7<sup>r</sup>.

Fleming, Abingdon and Gilbert were the English delegates who most clearly articulated the conviction that the Church needed to be reformed in order to strengthen it against heresy. But it is possible that this view was implicit in the assertions of other delegates. Robert Hallum, the leader of the English representatives at Constance, was just as vehement as Fleming and Abingdon in his call for moral renewal. He set the tone soon after the arrival of the English at Constance in January 1415, in his sermon *Pater beatissime*.<sup>152</sup> Hallum urged John XXIII to bring about the reformation as well as the unification of the Church. If this work was not accomplished rapidly, it was to be feared that the Church would suffer a great setback and an ‘irreparable wound’.<sup>153</sup> In a later sermon, *Erunt signa in sole et luna*, Hallum was more explicit about the dangers which confronted the Church. He complained especially bitterly of those who acquired high office through bribery, comparing their simony to idolatry.<sup>154</sup> Hallum did not explicitly speak about the threat of heresy, but his desire for reform could nevertheless have been sharpened by concerns similar to Fleming’s and Abingdon’s. It is notable that the English delegates generally treated heresy in a rather vague way, though Ian Forrest perhaps goes too far when he observes that if the English bishops were ‘mulling over domestic instances of heresy whilst at Constance, they did in it their own time and kept it to themselves.’<sup>155</sup> Perhaps, as Nighman has argued, they were reluctant to acknowledge *publicly* the validity of some of the heretics’ criticisms of the Church.<sup>156</sup> Granted that the English delegates were present at Constance to redeem their kingdom’s reputation as a

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<sup>152</sup> Stump & Nighman, *Register*, 216.

<sup>153</sup> Finke, *Acta*, ii, 394: ‘Alioquin infra paucos dies, sicut verisimiliter est timendum, ecclesia magnam pacietur eclipsim et, quod Deus avertat, detrimenti irreparabilis lesionem.’

<sup>154</sup> *Ibid.*, ii, 424-5: ‘Auro enim et argento hec simulacra fiunt, quando aliquo interventu pecunie vel aliis modis illicitis et corruptis sicut mortue statue papatum, episcopatum vel aliam prelationem acquirunt’. Stump & Nighman, *Bibliographical Register*, 129-30.

<sup>155</sup> I. Forrest, *The Detection of Heresy in Late Medieval England* (Oxford, 2005), 110.

<sup>156</sup> Nighman, ‘Reform and Humanism’, 16.

breeding-ground of heresy, it is unsurprising that they were wary of admitting the Church's vulnerability to heretical dissent. It is probable, nevertheless, that the connection between clerical corruption and the growth of heresy was perceived by English delegates other than Fleming and Abingdon.

The conviction that the Church needed to be reformed was widespread among the English delegates at Constance. But what role did the general council play in their reforming vision? There was no unanimity among the English delegates on this issue. Few were willing to champion, in clear and decisive terms, the ongoing relevance of the general council to the government of the Church. Their reluctance to engage in a theoretical defence of the general council will be discussed in the next chapter. Here it must be reiterated that the lack of an English conciliarist did not necessarily imply a lack of commitment to the general council on the part of the English clergy. Nor did it mean that the English were squeamish about compromising their obedience to the pope.

The proceedings of the Council of Constance demonstrate that the English delegates were practical conciliarists. Although they were wary of endorsing the council's superiority over the pope in theory, they were firmly committed to the condemnation and trial of John XXIII in practice. Thomas Spofford, Abbot of St Mary's in York, endorsed the decrees that were enacted on 2 May to bring charges against the pope for encouragement of schism, simony and mismanagement of the affairs of the church.<sup>157</sup> What is more, Spofford and John Catterick acted as the representatives of the English nation on the committee which took depositions against the pope. After assisting in the interrogation of the witnesses gathered by the council,

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<sup>157</sup> Hardt, *Concilium*, iv, 141-6. C.M.D. Crowder, 'Some aspects of the English nation at the Council of Constance to the election of Martin V, 1414-17' (Oxford Univ. DPhil thesis, 1953), 230.

both declared the pope to be guilty of the charges levelled against him.<sup>158</sup> They decided that he had squandered the goods of the Roman Church, that he was guilty of simony and had scandalously disturbed the Christian faith and for all these crimes should be suspended from the management of the spiritual and temporal goods of the Church.<sup>159</sup> To seal the fate of the pope, Patrick Foxe, Bishop of Cork, on behalf of the English nation, gave his approval to the decree which deposed John XXIII from the papal office on 29 May 1415.<sup>160</sup>

The English delegates were also whole-hearted advocates of conciliar intervention when it came to carrying out the business of reform. Alongside the emperor, they insisted that reforms had to be set in place before a new pope was elected. Behind their commitment to achieve immediate reform was the implicit recognition that the newly installed papal regime could not be expected to purge the Church of its abuses as effectively as the council. This position did not endear the English delegates to those members of the council who wished to safeguard the privileges of the Roman church. Most of the cardinals were keen to have a new pope elected before the powers of the curia could be curtailed by conciliar regulations.<sup>161</sup> In response, Robert Hallum, the leader of the English nation and one of the most powerful judges at Constance, proposed in June 1417 to form a commission with powers to investigate the activities of anyone obstructing the council and to imprison those it found guilty.<sup>162</sup> Hallum's measures caused a furore and had to be quickly retracted, but they provide an indication of his commitment as a reformer.<sup>163</sup>

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<sup>158</sup> Hardt, *Concilium*, iv, 182. Crowder, 'Aspects', 233.

<sup>159</sup> Hardt, *Concilium*, iv, 182: 'Papam, fore dilapidatorem bonorum Ecclesiae Romanae et universalem Simoniacum, scandalosum et perturbatorem fidei Christianae, et alias talem, quod merito debeat suspendi ab administratione bonorum Ecclesiasticorum, spiritualium et temporalium'.

<sup>160</sup> *Ibid.*, iv, 279, 282. Crowder, 'Aspects', 237.

<sup>161</sup> Stump, *Constance*, 43.

<sup>162</sup> Finke, *Acta*, ii, 118-9; Loomis, *Constance*, 372-3. For an analysis, see Crowder, 'Henry V and Constance', 104.

<sup>163</sup> Finke, *Acta*, ii, 122, 126-7; Loomis, *Constance*, 377, 382.

As we have discussed, the reforming zeal of the English delegates did not go unrewarded at Constance. Philip Stump has shown that the council managed to achieve greater results than has generally been recognised in older scholarship. In terms of papal fiscal abuses, restrictions were placed on the use of tenths, annates and service payments.<sup>164</sup> These general reforms were accompanied by specific packages of concessions granted to each nation at the close of the council: the so-called concordats. The Concordat which was negotiated between Martin V and the English nation at Constance contained remedies for many of the Oxford reform petitions. The English managed to win a striking concession in the case of indulgences, for the pope allowed English bishops to investigate any malpractice in the selling of indulgences and to suspend these if necessary.<sup>165</sup> Likewise, Martin entrusted the English bishops with the responsibility of investigating the worthiness of all incorporations, appropriations and consolidations made during the schism, as well as vetting all future *motu proprio* appropriations.<sup>166</sup> These were significant concessions. It is revealing that the English Concordat survives in several copies, one of which was made for Henry V and another at the request of Robert Neville, canon of the Church of York and the nephew of Henry Beaufort.<sup>167</sup> This suggests that the crown and the senior clergy wished to familiarise themselves with their newly won privileges. Archbishop Chichele even took steps to put the pope's concessions into practice. He launched an investigation in 1420 to determine the legitimacy of the unions and the appropriations made during the Schism in the vacant sees of Exeter, Coventry, Lichfield and Lincoln. Unfortunately the returns do not appear to have survived, but the fact that the

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<sup>164</sup> Stump, *Constance*, 60.

<sup>165</sup> Jacob, *Register of Chichele*, iv, 194: 'committatur diocesis locorum ad inquirendum super qualitate earum cum potestate suspendendi omnino auctoritate apostolica illas quas invenerit scandalosas'. Stump, *Constance*, 71.

<sup>166</sup> Jacob, *Register of Chichele*, iv, 194-5.

<sup>167</sup> *Ibid.*, i, clx.

inquiry was made at all is evidence of the seriousness with which the Concordat was regarded.<sup>168</sup>

The success of the reforming effort at Constance would have convinced at least a section of the clergy that general councils were a viable means of curbing abuses in the Church. It is likely that some of them saw Constance as part of a continuing endeavour to regulate Church government. We have seen how Chichele referred to the unfinished work of Constance in his writ of summons to Southern Convocation in 1422. The archbishop may have spoken for others within the clerical order. Having said this, it must be pointed out that no consensus existed on the precise shape that reform would take. The reforming measures which were secured in the Concordat reflected only one set of interests within the Church: the secular clergy and especially the prelates. These clerics were closer than others to the crown. R.G. Davies has shown that the leading bishops were usually chosen from the king's most important clerical servants. The office of Keeper of the Privy Seal was, for example, often held by a cleric in this period, and it was usual for him to be promoted to a bishopric during or shortly after holding royal office.<sup>169</sup> Hence it was natural that the crown should support the efforts of the higher prelates to remove the tangle of privileges and exemptions which prevented them from uniformly exercising their authority. There were, however, other clerical parties for whom such reforms would have been unwelcome. It is to them and other secular interests that we must now turn. We will discuss how competing ideas about reform complicated the English engagement with the general councils.

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<sup>168</sup> *Ibid.*, i, clxi.

<sup>169</sup> R.G. Davies, 'The Episcopate in England and Wales, 1375-1443' (Manchester Univ. PhD thesis, 1974), 458, 461.

### *Conflict over reform*

Jürgen Miethke has observed that factional infighting was a major problem with the conciliar reform movement. Religious orders were too keen to find fault with their rivals, and were not ready enough to rebuke themselves.<sup>170</sup> There is much truth to these arguments. There was no unanimity among the clergy about how reform of the Church was to be approached. In this section, the conflicts over reform in England will be analysed. It will be shown that clerical divisions did hamper the activities of English parties at the general councils. Nevertheless, the rivalry was not so great that it turned the English clergy in general against conciliar participation. The final section of the chapter will offer a corrective to a largely cynical portrait of sectional self-interest. It will suggest that clerics did not only see the general council as a forum in which to protect their privileges and possessions. They were certainly capable of using the general councils to purge their own orders of corruption.

Before this can be shown, however, we must investigate the potential of conciliar reform programmes to divide the Church. This problem is well illustrated by the three sets of reforming petitions, mentioned in the section on sources. The petitions demonstrate that even within the secular clergy, different interest-groups had different reforming priorities. The Oxford petitions, for example, included various attacks on the prelates of the English Church. The petitions alleged that certain bishops and their archdeacons received excessive fees for providing, exchanging and confirming benefices and for delivering services related to probate and testament. It was urged that fixed charges should be drawn up for these activities. In addition, ordinaries were accused of levying excessive procurations during their visitations.

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<sup>170</sup> J. Miethke, 'Die Konzilien also Forum der öffentlichen Meinung im 15. Jahrhundert', *Deutsches Archiv für Erforschung des Mittelalters*, 37 (1981), 770.

The metropolitans also came in for criticism. The privileges of the archbishops had never been settled by law, the petitions alleged, and as a consequence lesser bishops and ordinaries were greatly disturbed by conflicts over jurisdiction.<sup>171</sup>

The Oxford articles demonstrate that we cannot make glib assumptions about the unity of the secular clergy as a reforming interest. The university's complaints indicate that not all clerics believed that the strengthening of episcopal authority was a sure solution to corruption in the Church. The bishops, just as much as the pope, needed to be kept under check by the law. Oxford's criticisms of the metropolitans may be interpreted as a by-product of its recent quarrel with Archbishop Arundel over his visitation of 1411 and the related issue of the university's freedom from outside interference.<sup>172</sup> It provides just one instance of the way in which dissension within the Church caused fissures among reformers. Competition for career-advancement added to these divisions. At the Council of Pisa, Thomas Polton referred to the animosity which existed between himself and Robert Hallum. According to Polton, Hallum was still resentful at being demoted from the archbishopric of York in 1406 to make way for the crown's candidate, Henry Bowet. Hallum had retaliated by resisting the pope's attempt to promote Bowet's protégé, Polton, to the prebend of Grimstone.<sup>173</sup> This story might have been a fiction concocted by Polton's spite, but even so, it tells of the petty rivalries which complicated the work of the English delegations.

More damage arose from the secular clergy's suspicion of the regular orders. All three reforming petitions criticised the monastic orders for their harmful use of exemptions, which gave subjects leave to renounce their obedience to their ordinaries, thereby destroying good order in the Church. The petitions also complained of abbots

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<sup>171</sup> Corpus Christi MS 183 fol. 19<sup>r</sup>; Wilkins, *Concilia*, iii, 363-4. (Articles 24, 25)

<sup>172</sup> J.I. Catto, 'Wyclif and Wycliffism at Oxford 1356-1430' in J.I. Catto and R. Evans (eds.), *The History of the University of Oxford: Volume 2, Late Medieval Oxford* (Oxford, 1992), 248-53.

<sup>173</sup> Bodleian MS Arch Seld B 23 fol. 53<sup>r</sup>. Harvey, *Solutions*, 163.

who unworthily enjoyed the privileges of bishops.<sup>174</sup> The friars were censured in the most lurid terms by the Oxford reform petitions. They were accused of stealing confessions from the secular clergy. The sins of the laity were so great, it was alleged, that parishioners ‘refuse to make confession to their own curate, but instead are given the kind of absolution that an unknown and ignorant friar can provide.’ The mendicants were reproached for begging as soon as they had finished delivering their sermons and were even accused of abducting children to swell the ranks of their orders.<sup>175</sup> This invective was presumably motivated by envy of the friars’ pastoral successes. It drew heavily upon the clichés of anti-fraternal literature, especially the work of Richard FitzRalph.<sup>176</sup> The criticisms did not die away. The Basel petitions also criticised the friars’ unlicensed preaching and hearing of confessions (albeit in more measured terms) and recommended that these activities be more tightly controlled by the bishops.<sup>177</sup>

The petitions to reform the abuses of the religious orders were not idle threats. The mobilisation of sectional interests at the councils provides evidence of the suspicions which disturbed the unity of the English delegations. At the request of the Archbishop of Canterbury, Abbot Whethamstede travelled to the Council of Pavia-Siena in 1423. There he clashed with Richard Fleming over proposals to curb monastic exemptions. Fleming accused Whethamstede of having frustrated his attempt to conduct a heresy investigation at St. Alban’s during an episcopal visitation. Whethamstede replied with a defence of monastic privileges, claiming that they

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<sup>174</sup> Hardt, *Concilium*, i, 1144-1151 (Articles 6); 1156-7 (Article 10). Corpus Christi MS 183, fol. 19<sup>r</sup>; Wilkins, *Concilia*, iii, 363 (Article 26). BL MS Cotton Cleopatra E III, fol. 72<sup>r</sup>.

<sup>175</sup> Corpus Christi MS 183 fol. 20<sup>v</sup>: ‘parochiani plurimi... curato proprio confiteri renuunt, eis datur absolutio talis, qualis a fratre inscio et ignaro’. Wilkins, *Concilia*, iii, 364 (Article 35).

<sup>176</sup> C. Erickson, ‘The Fourteenth-Century Franciscans and their Critics’, *Franciscan Studies*, 35 (1975), 112-8. A.G. Little, ‘The Grey Friars in Oxford’, *Oxford Historical Society*, 20 (1891), 79. For a general study of FitzRalph’s anti-fraternalism: P.R. Szittyta, *The Antifraternal Tradition in Medieval Literature* (Princeton, 1986), 123-144.

<sup>177</sup> MS Cotton Cleopatra E III, fol. 72<sup>r</sup>. Arundel’s Constitutions (1409) had also condemned unlicensed preaching, in a way that was taken to implicate the mendicants in such activity. Forrest, *Detection*, 31.

alleviated the burdens of episcopal government.<sup>178</sup> At Basel too, efforts were made to mobilise the monastic leaders in England against attacks upon their houses. John Fornsett, a Benedictine from Norwich, wrote to Abbot William Curteys of Bury St Edmund to tell him that the council was proposing to abolish monastic appropriations and exemptions. Fornsett protested that there was little that he could do personally to resist the council's plans, but he beseeched the abbot to send delegates to the council in order to augment the monastic presence there. He observed that in the new procedure of the council, the vote of the multitude always carried the day, so that, by increasing the number of delegates, the council's proposals could be countered. Fornsett's letter is revealing of the animosity which could flare up between regular and secular clerics. He blamed the bishops for duplicitously promoting the council's schemes and secretly planning the destruction of Abbot Curteys's order. Fornsete alludes to another monk, John Salisbury of Christ Church, Canterbury who was trying to goad the abbots of Canterbury and Evesham into action.<sup>179</sup> Abbot Whethamstede also wrote a letter to Abbot Curteys, informing him of the need to resist the many representatives at Basel who were hostile to the monasteries. Whethamstede told Curteys that the Abbot of York was clamouring for further aid at the council, and exhorted his brethren to take action against the secular reformers at Basel in bellicose terms.<sup>180</sup> All these examples indicate that at times of strain the regular clergy probably saw the council as a tool of their clerical opponents.

The battles which were waged between clerical orders at the general councils did not always die down after the councils had come to an end. During the Council of Pisa, a priest representing the Irish Church, John Whitehead, criticised indulgences

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<sup>178</sup> *Annales Monasterii S. Albani*, i, 73-81; 142.

<sup>179</sup> *Memorials of St. Edmund's Abbey*, ed. T. Arnold (3 vols., London, 1896), iii, 254-7. The letter contains no indication of the year in which it was written. For biographical details: Emden, *Biographical Register*, ii, 707; iii, 1631-2.

<sup>180</sup> *Ibid.*, iii, 252-4. Also no indication of year.

that had been granted to the Dominican order at Drogheda.<sup>181</sup> The friars retaliated. A group of Dominicans brought charges against Whitehead in the Southern Convocation of 1410 for having misinterpreted the canon law. One of the erroneous articles attributed to Whitehead stated that confessions made to friars were of uncertain efficacy, and that everyone was obliged to confess to their priest under pain of mortal sin.<sup>182</sup> Whitehead denied all of the charges that were made against him, but he must have done something to inflame the anger of the friars. He had a history of public disputations with mendicant opponents, such as Peter Russell.<sup>183</sup> Whitehead evidently believed that reform of the Church would involve the strengthening of pastoral care through the parish structure. As we have seen, his views were shared by Ullerstone, Fleming and the authors of the Oxford petitions. Whitehead's aims were laudable, and entirely uncontroversial. But the means by which they were to be achieved (the restraint of unlicensed mendicant preaching and hearing of confessions) threatened to upset a major interest group within the Church.

If the Church's house was divided against itself on the issue of reform, it was also vulnerable to the antagonism of secular interests. In one respect, the secular classes in England were potential recruits for the conciliar cause. Like many reformers at the general councils, a vocal section of the upper classes believed that the powers of the papacy ought to be held in check. This lay anti-papalism manifested itself often in parliaments of the period. In 1401, 1404, 1406 and 1413, the House of Commons made petitions to the king about keeping papal provisions in check. It asked for the Statute of Provisors to be enforced, and for new papal fees of provision to be abolished. It also petitioned the crown to revoke its licenses of papal provisions which had been granted before the sees had become vacant (so-called

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<sup>181</sup> *Calendar of Papal Registers: Letters*, v, 432-3.

<sup>182</sup> *Records of Convocation*, iv, 360.

<sup>183</sup> Emden, *Biographical Register*, iii, 2037.

‘expectatives’).<sup>184</sup> In 1407 and 1416, the commons complained about papal provision which had allegedly deprived candidates who had been rightfully installed by the will of the crown and the ordinaries.<sup>185</sup> The upper classes were evidently disturbed that the papacy might interfere with their rights to present to livings and would increase the fees that they would pay for their impropriated benefices. They might have been expected, therefore, to lend their support to the conciliar activities which aimed to curb abuses relating to papal provisions.

Yet, in fact, the anti-papalism of the political élite in England was probably an extension of its anticlericalism. It wanted greater royal arbitration over secular impropriations, not another form of clerical interference through the general council. This anticlerical outlook would only have been confirmed by the hostility which the clergy directed against secular interference in the affairs of the Church. Lords and gentlemen who controlled the revenues of benefices would have been affronted by the conciliar reform petitions’ statements about secular impropriations. Ullerstone complained that the system of appropriations cheated parishioners of good curates, of spiritual education, and of alms. He declared that the practice should be abolished.<sup>186</sup> The Oxford petitions repeated these criticisms, claiming in addition that some lords bullied lesser patrons into appointing their preferred candidate to a benefice. Temporal patrons were also accused of ‘selling presentations to churches and even licenses to exchange one benefice for another in public deals or by fraudulent

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<sup>184</sup> *The Parliament Rolls of Medieval England*, ed. C. Given-Wilson et al. (Woodbridge, 2005), viii, 119, 311-2, 390-1; ix, 16.

<sup>185</sup> *Ibid*, viii, 433-4; ix, 157.

<sup>186</sup> Hardt, *Concilium*, i, 1140-1: ‘per huiusmodi appropriationes parochiani bonis curatis fraudantur pariter et doctrina, fraudatur et eleemosyna’. ‘Petimus ex parte Dei Patris omnipotentis, quod non solum a modo et usque in aeternum praefigatur terminus in ecclesiarum appropriatione.’ (Article 4)

sureties'.<sup>187</sup> There were evidently areas of ecclesiastical reform where the cooperation of secular and clerical parties could not be counted upon.

Admittedly general councils were largely clerical assemblies (aside from the lay proctors of monarchs), and the views of secular parties never made their mark upon reform debates. But the English crown was responsible for guiding English delegates over matters of reform, and it would have been mindful of the discordant interests at home that it needed to reconcile. This may have been an inhibiting factor upon the reforming work of the English delegates at the councils. Although the Concordat of 1418 arranged for all future appropriations to be referred to the appropriate ordinary for his approval, the structure of pre-existing appropriations was left unchanged.<sup>188</sup> This may have resulted from royal pressure on the delegates to restrain the extremism of Oxford's reform proposals.

#### *The residual appeal of conciliar participation*

In the foregoing discussion, a bleak sketch of sectional motives has been provided. It would be dishonest to pretend that the English delegates at the general councils were united behind a single reform programme. But equally, we should recognise that the potential for reform was not utterly inhibited by factional conflict. Nor should we assume that the monastic and mendicant orders were resistant to reform simply because they defended their privileges against the attacks of secular clerics. On arriving at Siena in 1423, Abbot Whethamstede seems to have been genuinely disappointed that the general council had turned out to be fruitless. He lamented that it

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<sup>187</sup> Corpus Christi MS 183, fol. 19<sup>v</sup>: 'quamplurimi temporales patroni maledicto quodam commercio praesentationes ecclesiarum, ac etiam licentias permutandi vendunt damnabiliter pacto publico'. See also fols. 17<sup>r</sup>, 18<sup>v</sup>, 19<sup>v</sup>; Wilkins, *Concilia*, iii, 361, 363, 364. (Articles 3, 20, 30).

<sup>188</sup> *Register of Chichele*, iv, 194-5.

had been fatally compromised by the pope's absence. Most delegates had returned home in frustration, and the few that remained bemoaned the waste of so much effort.<sup>189</sup> Whethamstede's high-flown rhetoric has been the object of E.F. Jacob's gentle mockery.<sup>190</sup> According to Jacob, Whethamstede had been of little use to his nation and had taken no interest in the proceedings of the council. But Jacob failed to consider that it was the deadlock at the council which limited Whethamstede's contribution, and not the narrowness of his self-serving attitudes.

Whethamstede was not given the chance to bring about reform through personal intervention at a general council, but other monks were more successful. The activities of the regular clergy in the general councils were not only confined to defending their wealth and influence against the attacks of other interests. Monks, like priests, saw the general councils as a forum in which to remedy the abuses of their orders. The English Cluniacs, for example, tried to resolve the disruption that had been caused to their order by the schism and the wars with France. The priors of the order met together in Westminster in mid-1414 in order to discuss a reform programme. They concluded that many rights belonging to the Abbot of Cluny should be transferred to a vicar-general of the order in England. They proposed, for example, that the profession of entrants to the order should be heard in England rather than in France to save the cost and dangers of the journey. The heads of the English Cluniac abbeys and priories should also be elected by their own houses. The petitions also suggested that the English Cluniac houses be ruled increasingly by provincial councils. The statutes promulgated by the councils would be sent to the abbot of Cluny for his approval. The English priors were evidently concerned that papal exemptions were allowing too many monks to leave their houses and to enter

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<sup>189</sup> *Annales Monasterii S. Albani*, i, 180.

<sup>190</sup> Jacob, *Conciliar Epoch*, 46.

parochial or private service and they petitioned the abbot of Cluny to remedy this abuse.<sup>191</sup> These proposals, which were probably drafted by Thomas Elmham, were sent by an agent of the crown to the abbot of Cluny at the Council of Constance.<sup>192</sup> They were eventually approved by the abbot of Cluny, Robert de Chaudesolles, and Elmham was appointed vicar-general in England for two terms.<sup>193</sup>

It is likely that the crown decided to promote these reforms at Constance because it saw an opportunity to facilitate its control over the Cluniac houses in England.<sup>194</sup> It would undoubtedly be easier to bring influence to bear upon a native vicar-general than the abbot of Cluny. Elmham was Henry V's chaplain and the king was presumably confident that Elmham could be relied upon to do the royal bidding. But the English Cluniacs did not wish to lose all their independence to the crown, and this was not the primary intention of the petitions. The vicar generals did not always cooperate with the secular authorities. In 1437, for example, the English vicar general of the Cluniacs resisted the crown's appointment of Thomas Pomeray as prior of Montacute, and instead confirmed the election of Robert Montague by the monks of the house.<sup>195</sup> It is plausible that the reform petitions were a genuine attempt to alleviate the disorder of the house. The episode serves to illustrate the utility of the general council as a gathering where influential Churchmen from across Europe could meet in person to conduct business. Even though the reforms of the English Cluniac houses had not been ratified by the council itself, Constance had provided a forum in which the petitions could be brought to fruition.

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<sup>191</sup> G.F. Duckett (ed.), *Monasticon Cluniacense Anglicanum* (2 vols., Lewes, 1888), ii, 22-4. R. Graham, 'The English Province of the Order of Cluny in the Fifteenth Century', *Transactions of the Royal Historical Society*, Fourth Series, 7 (1924), 105-7.

<sup>192</sup> Duckett, *Monasticon*, ii, 17-20.

<sup>193</sup> Graham, 'Cluniacs', 108-10.

<sup>194</sup> For the crown's moves to repossess all property belonging to the alien priories, B. Thompson, 'The Laity, the Alien Priories, and the Redistribution of Ecclesiastical Property' in N. Rogers (ed.), *England in the Fifteenth Century: Proceedings of the 1992 Harlaxton Symposium* (Stamford, 1994), 37-8.

<sup>195</sup> Graham, 'English Province of Cluny', 116.

The variety of international business at the general councils gave the English delegates (and especially members of the religious orders) the opportunity to become involved in the reform of ecclesiastical organisations outside the boundaries of their kingdom. Thomas Spofford, for example, became involved in the reform of the Benedictine order in the province of Mainz-Bamberg which took place under the supervision of the Council of Constance. Spofford was elected one of the four presidents of the reform committee which met at the provincial chapter at Petershausen, near Constance, from 28 February to 19 March 1417. The reforms which it enacted were firmly based on previous conciliar and pontifical measures to renew the order. Many of these articles dwelt upon the enforcement of monastic discipline – the observation of offices, the keeping of times of silence, the restraint from truancy. Measures for stricter visitation of the province's houses were also drawn up.<sup>196</sup> Spofford must have been held in high esteem by the monastic delegates at Constance for him to have been granted such responsibilities. His involvement in the Petershausen reforms demonstrates that conciliar delegates were capable of interpreting their mission to reform the universal Church in a very broad and constructive sense.

The foregoing discussion of monastic reforming initiatives indicates that reform was not always poisoned by sectional conflict. Although reformers often found it all too easy to blame the corruption of the Church on rival interest-groups, all the clerical orders were capable of looking inward and finding faults within their ranks. Even the secular clergy, whose reform petitions and sermons seemed to find fault most easily with others, were capable of recognising their own shortcomings. The Oxford reform petitions rebuked the unworthiness of priest and curates, their lack

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<sup>196</sup> J. Zeller, 'Das Provinzialkapitel im Stifte Petershausen im Jahre 1417', *Studien und Mitteilungen zur Geschichte des Benediktinerordens und seiner Zweige*, 41 (1922), 1-73. For the reform articles, 51-63.

of education and their carnality and avarice.<sup>197</sup> Nor were university graduates spared from blame. The petitions criticised those priests who had abandoned their livings to become private chaplains and called them back to their benefices. The reform proposals also exhorted those ‘occupied worthily in cathedrals, universities and other duties’ to visit their benefices more regularly.<sup>198</sup> When this self-criticism is taken into account, we may wish to see the secular clergy’s censures of other orders in a slightly different light. Undoubtedly influenced by rivalry, the criticisms were also part of a general exercise of fault-finding, which uncovered abuses in all areas of ecclesiastical life. We have seen that the reform sermons of the higher clerics at Constance berated other prelates for their moral failings, which, they claimed, rendered the Church susceptible to heresy. In the penitential mood of the councils, there may have been a greater degree of consensus about the need for reform than the high-profile clashes in the previous section suggest.

### *Conclusion*

It has been argued here that neither the English government, nor the English clergy were indifferent to the general councils of the fifteenth century. They all had good motivations for conciliar participation. Various kinds of reforming activities could be expedited through the international contacts that could be made at general councils. These were of interest not only to monastic orders struggling to maintain discipline, but to clerics and secular rulers who were concerned to protect the Church against the threat of heresy. General councils could be used as a device to contain the aggrandisement of the restored papacy and to strengthen episcopal government in

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<sup>197</sup> Corpus Christi MS 183, fols. 17v-18v. Wilkins, *Concilia*, iii, 361-2. (Articles 9, 12, 13).

<sup>198</sup> *Ibid.*, (Article 16).

England. These functions were of especial interest to the crown and the higher prelates. The path to reform was not always easy and harmonious. Monastic and mendicant interests were prone to attack in these largely priestly gatherings. But this did not cause the presence of the regular clergy at the councils to be withdrawn. In fact, precisely the reverse was true. As we have seen, monastic delegates tried to galvanise their orders to send more representatives to the councils in order to counteract the threats to their privileges. No one during this period doubted the impact of the general councils upon the life of the Church. It was generally acknowledged, therefore, that conciliar participation was a vital means of reforming the Church as well as protecting private interests. Having said this, the interpretation advanced here does raise further questions about English attitudes. If we accept that various English interests were supporters of the conciliar cause in this period and that the intellectual materials out of which conciliarism was built were available to English interests, we are likely to be puzzled at the failure of English authors to defend the status of the council in theoretical works. The next chapter will be devoted to an explanation of the discrepancy between thought and action in the English engagement with the general councils.

## CHAPTER 2. THE RECEPTION OF CONCILIARISM IN FIFTEENTH-CENTURY ENGLAND

There was, as we have seen, a discrepancy between English thought and action at the general councils of the fifteenth century. The English delegates were strongly committed to purging the Church of abuses. Yet they refrained from clearly and publicly advocating a programme whereby the excesses of the papal monarchy could be curbed through the intervention of general councils. We must now analyse why this was so. If we were to conduct a superficial enquiry about the English engagement with conciliarism, we would soon be halted in our tracks by the apparent absence of evidence. There are no surviving works from fifteenth-century England which discuss the work of the major conciliarists explicitly. This silence has usually been taken as a sign of indifference. E.F. Jacob thought that because the English crown retained a great deal of control over provisions in England, there was simply no need for English writers to advocate curbs on papal power. This was the reason that the English were ‘backward and temporizing’ on the subject of the papal monarchy.<sup>199</sup> But the assumption of indifference will not stand up to scrutiny. Plenty of commentators in England, as we have seen, were prepared to express their dissatisfaction with papal government. Recently Margaret Harvey has overturned the impression that the English as a whole were stubbornly opposed to conciliarism. She has uncovered numerous pointers to conciliarist adherence in fifteenth-century England.<sup>200</sup> But she does not seek to explain why these English conciliarists were so reluctant to articulate their views at length. The English silence on the issue of conciliarism is still largely

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<sup>199</sup> Jacob, *Conciliar Epoch*, 52.

<sup>200</sup> Harvey, *England and Papacy*, 214-28.

unexplained. There are several fifteenth-century English texts in which one would expect a discussion of conciliarism to occur. But these texts refrain from such discussion. It is the contention of this chapter that this silence is in itself meaningful. By examining those issues which the authors were prepared to discuss (reading around the silence), we can understand the reticence over conciliarism, and the nature of the English engagement with this ideology.

In the course of this discussion, it will become apparent that the status of the general council in the fifteenth century was a vexed subject: various interpretations of Church government were articulated. This observation has important consequences for our broader argument. Given that there was no single tradition of thought on authority in the Church, but an ongoing dialogue, it became possible for lines of division to open up later when allegiances were tested. In debates about the Henrician Reformation it has too often been assumed that the battle lines were already clearly drawn between evangelicals and Catholics. But this masks the fact that there was still significant doctrinal diversity within both camps. Similarly, we must bear in mind that there was no single hegemonic theory of papal monarchy which gained unanimous acceptance during the fifteenth century. The diversity in opinion arguably facilitated the splintering of the traditionalist opposition to Henry VIII. Having said this, it is not being argued here that the break with Rome was in any sense an inevitable result of ideological strains. Rather, it is being claimed that the diversity of opinion in the fifteenth century influenced the ways in which an unexpected change in Church-state relations in the sixteenth century was justified and resisted. For this reason, an understanding of fifteenth-century intellectual culture must take its due place in a study of the English Reformation.

The approach of this chapter is to treat the complicated ecclesiological ideas under discussion in terms of broad themes. Two central concepts in particular will come under scrutiny: the value of consent in the Church and the conditional nature of religious office. These two themes were of interest to both the conciliarists and the English theorists on Church government. They thus provide us with a means of integrating theories, even where explicit dialogue between them is largely absent. The technicalities of the conciliarists' arguments may have been ignored or badly understood in an English setting, but there is evidence that the basic trend of their thought was grasped, and the repercussions of their ideas considered. In the following discussion it is taken as axiomatic that the scholarly world of the fifteenth century was acutely conscious of the impact that ideas could have upon social relationships. Kantik Ghosh has noted that the establishment's fraught reaction towards Wyclif's heresy stemmed from its inability to contain the heresy within the walls of Oxford university. The freedom of scholastic discussion was being opened to a vernacular audience, and this posed a threat to 'the very *raison d'être* of institutionalised faith.'<sup>201</sup> One of the ideas which the Wycliffite heresy called into question was the legitimacy of hierarchical modes of government in Church and state. Conciliarism, it could be argued, posed similar dangers. It seemed to flout the principle that a monarch could not be judged by his subjects. The numerous popular rebellions of the period proved to many contemporaries that subversive ideas could easily be translated into reality. Margaret Aston's work has shown that several contemporary scholars, rightly or

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<sup>201</sup> K. Ghosh, 'Wycliffism and Lollardy' in M. Rubin and W. Simons (eds.), *The Cambridge History of Christianity: Vol. 4: Christianity in Western Europe, c. 1100-c. 1500* (Cambridge, 2009), 438-9. The permeable nature of the boundaries between university and society is also considered in M. Bose, 'The Opponents of John Wyclif', in I.C. Levy (ed.), *A Companion to John Wyclif, Late Medieval Theologian* (Leiden, 2006), 410.

wrongly, made connections between Wyclif's ideas and popular rebellion.<sup>202</sup> It is not implausible to imagine that they would sense similar dangers in the works of the conciliarists.

Despite its (sometimes alarming) novelty, conciliarism attempted to harmonise pre-existing tenets of ecclesiastical theory. Its ideological raw-materials were, among other things, well-known passages of the canon law. The first part of the chapter will analyse the pre-history of conciliarism in England, showing that English canonists of the fourteenth and fifteenth centuries were well aware of the legal texts upon which the conciliarists were to base their theories. The distinctiveness of the conciliarists' ideas will then be analysed. It will be argued that the conciliarists fused a conditional theory of religious office with a concept of the Church's communal rights. The germ of this theory was available in other sources, but it had never before been developed so coherently. But in an English setting, the reception of this ideology was rendered problematic by the thought of Wyclif. Both Wyclif and the conciliarists had emphasised that the pope held his authority conditionally. If he acted to the detriment of the Church, he forfeited his claims to obedience. Many English observers would have been alarmed to find such a radical theory espoused by the conciliarists. In its Wycliffite manifestation, this theory conjured up the spectre of popular subversion. But the English reaction to conciliarism was not one-sided. At times, English authors put forward an unambiguously hierarchical vision of Church government in which all authority flowed from Christ through the pope to all other ecclesiastical offices. Within this scheme, the Church as a community seemed to hold no real influence. But the same authors at other times stressed precisely those communitarian aspects of Church government which they had earlier denied. The tensions between hierarchical

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<sup>202</sup> Aston, 'Lollardy and Sedition', *idem.*, 'Corpus Christi and Corpus Regni: Heresy and the Peasants' Revolt', *Past and Present* (1994), 3 – 47.

and communitarian theories and the conflict between conditional and absolute readings of ecclesiastical office restrained English observers from giving their full backing to conciliarism. But these ideological conflicts also prevented the influence of conciliarism from being completely effaced in England. The English could not fully lay conciliarism to rest, because its core ideological components were so widely accepted, both in ecclesiastical theory as well as in secular political culture.

### *The pre-history of conciliarism in England*

Our investigation must begin with an analysis of the intellectual building-blocks of conciliarism. It is only once we understand the origin of these constituent parts that we will be able to understand how conciliarism could be assembled. The work of Brian Tierney transformed our understanding of conciliarism. Tierney has convincingly shown that the conciliarists did not evolve an entirely original ecclesiological doctrine, but instead developed lines of argument already pursued in a vast literature commentating on the canon law. Various constitutional themes could co-exist in the collections of law which were daily consulted for advice about the conduct of ecclesiastical business. The juristic theory of papal monarchy which the conciliarists were supposed to have radically undermined was, in fact, a good deal more flexible than had previously been allowed.<sup>203</sup>

The canonists were not all agreed, for example, about the origins of papal authority, and whether disciplinary action could be taken against an erring pope. They

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<sup>203</sup> Tierney, *Foundations*, 15. Tierney points out that ‘within the bounds of that common doctrine, there was room for a variety of theories on the nature of the powers implied by the papal monarchy’. J. Watt, ‘The Early Medieval Canonists and the Formation of Conciliar Theory’, *Irish Theological Quarterly*, 24 (1957), 13–31. J.M. Moynihan, *Papal Immunity and Liability in the Writings of the Medieval Canonists* (Rome, 1961).

all agreed that the pope held his authority from God.<sup>204</sup> But it was commonly held that the gift of unerring faith had not been granted to him personally, but to the universal Church. This view had been advanced by the influential canonist Huguccio in the twelfth century and had thereafter gained acceptance through its inclusion in Johannes Teutonicus's thirteenth-century *Glossa Ordinaria* on the *Decretum*.<sup>205</sup> But problematically for later ecclesiology, the canonists did not construct a coherent theory of representation. At some points they claimed that the general council represented the universal Church, at others they declared that the pope fulfilled this function. The relationship between pope and general council was theoretically unclear. But the canonists did consider the practical question of what should occur in the case of a dispute between pope and council. Adducing the Roman law principle that *quod omnes tangit ab omnibus approbari*,<sup>206</sup> many commentators on the *Decretum* asserted that the pronouncements of the general council on matters of the faith were based on universal consent and were thus to be preferred to those of a pope. The general council could not be contradicted by the pope on these matters. What was more, the pope could not overrule any decree of a general council conducive to the well-being of the Church (*status ecclesiae*).<sup>207</sup> Some canonists even suggested that the pope in some measure derived his authority from the general council. Significantly, the opinion of Huguccio that the pope received his authority primarily from God and secondarily from the council was inserted in the *Glossa Ordinaria*.<sup>208</sup> The canonists qualified the seemingly unlimited authority of the pope in one further way. They

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<sup>204</sup> The belief that the pope derived his authority directly from God was clearly set out at D. 21.3. The authority of the Roman Church was established 'nullis synodicis constitutis ... sed evangelica voce Domini'.

<sup>205</sup> *Glos. ord.* ad C. 24. q. 1 c. 9 ad v. *Novitatibus*. Tierney, *Foundations*, 36-46, esp. 42-3.

<sup>206</sup> Cod. 5.59.5. The wording in the Codex is slightly different, but the inspiration is clear: 'quod omnes tangit similiter ab omnibus comprobetur'.

<sup>207</sup> The preceding argument is wholly indebted to the analysis of Tierney, *Foundations*, 47-50.

<sup>208</sup> *Glos. ord.* ad D. 17 post. c. 6: 'Sed dic principaliter [Romana ecclesia] habuit [primatum] a Domino, secundario a conciliis.' Tierney, *Foundations*, 56.

admitted that he could be deposed not only for the crime of heresy. Huguccio extended the discussion and went so far as to say that if the pope persisted in committing notorious crimes, this could be regarded as tantamount to heresy. Once again, this view was included in the *Glossa Ordinaria*, although the means by which the pope would be brought to trial was not entirely certain.<sup>209</sup>

Before we consider the theories of the fifteenth-century conciliarists, we should analyse the reception of canonistic theories on papal government in England. These ideas were the building blocks of the conciliar theory. By investigating the English awareness of the constitutional possibilities opened up by the canonistic discussions, we can take one measure of their predisposition towards the fully-fledged conciliar theory of the fifteenth century. Unfortunately, there is not a plentiful supply of evidence on which to base our analysis. Although English canon lawyers almost certainly discussed legal texts pertaining to papal and conciliar power in the schools, they did not often codify the results. They were far more concerned with practical issues. One example of English canonistic thinking is presented by William of Pagula's *Summa Summarum*. This work was probably written in the 1320s. It is as unpolemical a text as could be. Its purpose is to provide the clergy with a handbook, explaining their functions as laid down in the canon law. There is hardly any interpolation on the part of Pagula, he merely copies out the laws and glosses which represent, to his mind, the weight of contemporary legal opinion.<sup>210</sup> Remarkably for such a practical manual, Pagula included a detailed section in which papal authority was discussed. The other text under examination is the gloss of the provincial

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<sup>209</sup> *Glos. ord.* ad. D. 40 c. 6: 'si notorium est crimen eius quandocumque, et inde scandalizatur ecclesia et incorrigibilis sit, quod inde possit accusari'. Tierney, *Foundations*, 56-67.

<sup>210</sup> L.E. Boyle, 'The *Summa summarum* and some other English works of canon law' in S. Kuttner and J.J. Ryan (eds.), *Proceedings of the Second International Congress of Medieval Canon Law* (Vatican, 1965), 420. Reprinted in L.E. Boyle, *Pastoral Care, Clerical Education and Canon Law, 1200-1400* (London, 1981).

constitutions of the English Church written by John of Aton, probably in the 1330s. Like Pagula, Aton's brief observations about papal power are peripheral to his main aim of providing practical advice to English clerics. Unlike Pagula, who focused directly on the texts of the *Decretum*, Gregorian decretals and glosses, Aton only discussed these materials insofar as they were relevant to the provincial constitutions at hand. Given that the provincial constitutions made hardly any statements about the nature and origins of papal power, there was no cause for much speculation on this subject. With such scarce evidence, our conclusions about English canonistic opinion on papal and conciliar power will be necessarily tentative.

William Pagula's *Summa summarum* provides a rare glimpse of English views on Church government, and may suggest how the debates of the canonists on papal authority were received in England. He wrote his *Summa* at a time when the claims of the canonists were tending to reinforce an absolutist interpretation of papal rule. The multi-faceted readings of the decretists were not continued in the thirteenth-century commentaries on the Gregorian decretals. Instead a more straight-forwardly absolutist reading of the papal monarchy was presented.<sup>211</sup> Even in the early fourteenth century, a canonist like Joannes Andreae, roughly contemporary with Pagula, 'was typical in his exaltation of the papal authority.'<sup>212</sup> This trend is represented in the selection of texts in Pagula's *Summa*. But crucially, not just one view is represented. Pagula's gloss is a tangle of different interpretations. One does not get the impression of a conclusive or systematic interpretation of papal doctrine, but of an open-ended discussion.<sup>213</sup> Pagula bears out Tierney's assertion that even though the fourteenth-

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<sup>211</sup> Tierney, *Foundations*, 87.

<sup>212</sup> *Ibid.*, 199.

<sup>213</sup> The variety of opinions put forward by Pagula is not given adequate attention in D. Wood, 'Rule from Europe? Four English views of papal authority in the fourteenth century' in J. Mitchell (ed.), *England and the Continent in the Middle Ages: Studies in Memory of Andrew Martindale* (Stamford, 2000), 98–100.

century canonists were engaged in a thorough defence of the papal monarchy, they still left traces of the early decretist open-mindedness in their work.

The strong view of the papal monarchy was certainly in evidence in Pagula's *Summa*. He copied out the passage from Bernardus Parmensis's mid-13<sup>th</sup> century *Glossa Ordinaria* of the Gregorian decretals in which it was said that the pope could make a legal decision at whim without any justification (*de nullo potest aliquid facere*), and that there was no-one who could ask the pope: 'why do you do this', for he was above the laws.<sup>214</sup> The pope could make justice out of injustice, for he had obtained a plenitude of power. Elsewhere, Pagula pointed to legal passages which urged that the Roman Church possessed primacy over all other churches and that everything it commanded should be obeyed, and anyone who disobeyed should be branded a heretic.<sup>215</sup> If we glance over the legal statements chosen by Pagula we might get the impression *prima facie* that he was involved in a full-scale defence of papal absolutism. Pagula asked whether the pope could dispense against the teachings of the apostles and the first four ecumenical councils of the Church. Citing the judgement of Pope Innocent IV, Pagula answered in the affirmative. Innocent had argued that the pope could do this so as long as he did not rule against the articles of the faith and the spirit of these laws.<sup>216</sup>

But the bold legal principle which seemingly gave the popes *carte blanche* to rule arbitrarily was, in fact, a conclusion based on a perfectly harmless case. It concerned a bishop who had renounced his see to take up the monastic life but had

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<sup>214</sup> Bodleian Library, MS Bodley 293, fol. 8<sup>v</sup>. *Glos. ord. ad X.1.7.3*. Edition consulted: *Decretales D. Gregorii Papae IX: suae integritati una cum glossis restituae...* (Paris, 1601).

<sup>215</sup> MS Bodley 293, fol. 9<sup>r</sup>: 'An ab omnibus est observandum quod precipit vel statuit ecclesia romana, dic quod sic et qui non obedit statutis romane ecclesie sit hereticus'.

<sup>216</sup> *Ibid.*, fol. 8<sup>v</sup>: 'An papa potest dispensare contra apostolum et contra quatuor consilia. Dic quod sic dominus cum nichil statuatur contra articulos fidei et ita contra verba evangelii potest facere licet non contra mentem'. For Innocent's opinion, see his gloss ad X.1.9.11 in *Innocentii IV... In Quinque Libros Decretalium... Commentaria* (Venice, 1578), fol. 41<sup>v</sup>. This opinion was incorporated into the *Glossa Ordinaria*.

subsequently got cold feet and wished to take up once again a benefice with cure of souls. Such an action had been explicitly forbidden by the Council of Constantinople, and the monk's case seemed hopeless. But Pope Gregory IX had said that there were certain exceptions to the Council's general rule. If on account of persecution or bodily infirmity a bishop could no longer carry out his duties and became a monk, for example, he could return to his pastoral duties once he had recovered his health or the persecution had come to an end.<sup>217</sup> This was an example of the equitable action that the canonists had in mind when they made their strident assertion that the pope could dispense with the commandments of the councils and the gospels. That there were clear limits on papal authority was in no doubt elsewhere in Pagula's gloss. For example, Pagula copied down a judgement which stated that the pope could not command certain of his ambassadorial staff to take a vow of chastity if they were unwilling. For chastity could only be encouraged and not commanded.<sup>218</sup> More importantly, Pagula reiterated the view of Joannes Teutonicus's *Glossa Ordinaria* on the *Decretum* that a pope could not appoint his successor. To do so would undermine the well-being of the Church.<sup>219</sup> Nor could the pope dispense against those things which guaranteed the well-being of the Church or the articles of the faith.<sup>220</sup> While the canonists made sweeping statements about the pope being freed from the laws, they were very aware of the practical limitations on his power.

So far the reader of Pagula's collection would understand that the pope could do whatever he liked as long as he did not rule against the articles of the faith. But

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<sup>217</sup> X.1.9.11: 'Si enim quisquam persecutionis rabie saeviente, vel praepediente invaliditudine corporis, quum proficere nequeat in regimine pastoralis, de superioris auctoritate ad monasticam vitam descendat, persecutionis vel aegritudinis impedimento cessante ad episcopalem poterit resurgere dignitatem.'

<sup>218</sup> MS Bodley 293, fol. 8<sup>v</sup>: 'An papa potest statuere invitis accolitis quod ipsi contineant. Dic quod non quia castitas suaderi potest imperari autem non potest.' See Joannes Andreae ad VI 5.12 ad v. *quod omnes tangit*. Edition consulted: *Liber Sextus Decretalium* (Lyon, 1485-1494).

<sup>219</sup> *Ibid.*, fol. 9<sup>v</sup>: 'An papa potest facere sibi successorem. Dic quod non quia hoc esset immutare statum ecclesie'. See *Glos. ord.* ad C. 8 q. 1 c. 7.

<sup>220</sup> *Ibid.*, fol. 9<sup>v</sup>: 'An papa potest dispensare contra statutum generale ecclesie. Dic quod non nec contra articulos fidei nam si omnes heretici essent [sic]'. See *Glos. ord.* ad C. 25 q. 1 c. 3.

what could be done if the pope chose to do this? Pagula was obviously interested by this question. He devoted a number of extracts to it. In each of them he reaches a different conclusion. In one he asked whether the pope could be a judge in his own cause. In response, he quoted Bernard Parmensis's *Glossa Ordinaria*: 'Some say that the pope must choose arbitrators or delegate his cause to someone else.'<sup>221</sup> But the general conclusion of the *Glossa Ordinaria* was that the pope could be a judge of his own cause. In a third consideration of the question, however, Pagula unearthed another strand of canonistic thought which presented a far more flexible programme for action against papal criminality. Apparently repeating the same conclusions as before, Pagula branched off in a different direction. It was decided that the pope could not be judged by anyone unless he willingly subjected himself to another, or if he deviated from the faith. But crucially, if the pope's crime were notorious and led to scandal in the Church and the pope persisted in it incorrigibly then he could be accused: 'for stubbornness is said to be tantamount to heresy and the stubborn man is said to be an infidel, and the pope can be accused of secretly holding heretical views.'<sup>222</sup> Pagula here quotes a passage from Joannes Teutonicus's *Glossa Ordinaria*.<sup>223</sup> Joannes was in turn responding to a very famous gloss of Huguccio, who had pioneered the view that notorious crimes could be considered tantamount to heresy.<sup>224</sup> This passage has been singled out for attention, because Pagula was putting before the eyes of his readers a piece of canonistic evidence of central importance to

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<sup>221</sup> Ibid., fol. 8<sup>v</sup>: 'Dicunt quidam scilicet quod super hoc debet eligere arbitros vel delegare causam alicui alii.' See *Glos. ord.* ad X.2.30.4.

<sup>222</sup> Ibid., fol. 9<sup>r</sup>: 'An papa sit ab aliquo iudicandus. Dic quod non nisi se alteri subiciat vel nisi deprehendatur a fide devians quia errat a fide et tunc potest accusari et hoc est verum si non vult corrigi non posset accusari. Dic quod si notorium est crimen eius quodcumque et inde scandalizatur ecclesia et incorrigibilis sit quod inde possit accusari nam contumacia dicitur heresis et contumax dicitur infidelis et de occulta heresi potest accusari sed de alio occulto anime non posset.'

<sup>223</sup> *Glos. ord.* ad D. 40. 6.

<sup>224</sup> For the tradition of canonistic interpretation on this theme, see Tierney, *Foundations*, 60-7. For a full transcription of Huguccio's gloss, see *ibid.*, 248-50.

the theories of the conciliarists. It was used to overcome the objections that a pope could not under any circumstances be judged by any human authority.

What was more, Pagula was careful to note the legal safeguards which prevented a devious pope from dismantling the constitutional restrictions on his authority. He quoted Joannes Teutonicus's opinion that the pope could not create a decree which prevented him from being accused of heresy. If he could then the Church would be placed in jeopardy.<sup>225</sup> Lastly, and perhaps most importantly, Pagula singled out for attention a very important opinion which stated that the pope held his authority primarily from God and secondarily from the general councils.<sup>226</sup> This idea would provide the foundations of the conciliarist view that ecclesiastical jurisdiction fundamentally inhered in the body of the Church. Brian Tierney has suggested that even though Pagula's canonistic authorities did not develop this idea, 'they seem to have assumed tacitly that the Church as a whole was endowed with an authority in its own right which could be used, in exceptional circumstances against the pope.'<sup>227</sup>

All of the key canonistic constituents of the mature conciliar theory are present in Pagula's *Summa*. This is not to say, of course, that Pagula anticipated conciliarism. It was not his intention to provide a blueprint for institutional reform. The foregoing analysis has merely aimed to show that when English observers were eventually confronted with the theories of the conciliarists in the fifteenth century, they were not entirely unprepared for them. Pagula's gloss suggests that English canon lawyers were well aware of juristic statements which suggested that papal jurisdiction was not unlimited. The pope was bound to uphold the *status* of the Church: various legal safeguards had been established to fulfil this purpose. There

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<sup>225</sup> MS Bodley 293, fol. 9<sup>r</sup>: 'Et an papa posset statuere quod non posset accusari de heresi. Dic quod non quia ex hoc periclitaretur tota ecclesia quod non licet'. *Glos. ord.* ad D. 40.6.

<sup>226</sup> *Ibid.*, fol. 9<sup>r</sup>: 'An papa habet auctoritatem suam a consiliis. Dic quod papa principaliter habuit auctoritatem suam a domino sed secundario a consiliis'. *Glos. ord.* ad D. 17. 6.

<sup>227</sup> Tierney, *Foundations*, 212.

was also the suggestion that the pope's authority partially derived from the grant of the general council in which the consent of the universal Church was vested. Pagula's is a particularly important statement in that it was, as far as it can be judged, an influential work: there appear to be at least seventy copies in circulation in England between the time of its composition and the break with Rome. It may not have entered the hands of the poorer parish clergy, for whom it was partly intended, but it seems to have been used quite widely among the ecclesiastical elite. It was present in several cathedral, monastic and college libraries, and personal copies were owned by several bishops and deans. There is even evidence of ownership by two priests in Wales and Norfolk.<sup>228</sup>

Another gloss from this period betrays a more polemical mindset than Pagula's. John of Aton may not have dwelt very long on the subject of papal power, but one of his abrasive glosses makes the point that the strong interpretation of papal monarchy was not necessarily accepted with open arms in England in the fourteenth century. Frederic Maitland in a famous chapter of his study on Roman Canon Law, referred to Aton's commentary as his grumbling gloss. He used it to show that as much as the English might whinge, in the end they did accept Roman decrees as binding statutes.<sup>229</sup> This basic conclusion is not under dispute, even though, as Richard Helmholz and others have shown, it is not particularly helpful to describe papal decretals as analogous to nineteenth-century parliamentary statutes.<sup>230</sup> The scope for legal interpretation and judicial discretion was a good deal wider than in a modern parliamentary system. Maitland also leads us astray in suggesting that Aton had capitulated to the strong monarchical position. It is true that he admitted that in

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<sup>228</sup> For the contemporary diffusion of the work: Boyle, 'Summa Summarum', 426.

<sup>229</sup> F.W. Maitland, *Roman Canon Law in the Church of England* (London, 1898), 8–12.

<sup>230</sup> R.H. Helmholz, *Roman Canon Law in Reformation England* (Cambridge, 1990), 19.

his own day it was held that ‘the dominion over all churches belongs to the pope, as much in the reservation as in the collation of benefices’.<sup>231</sup>

To acknowledge the growth of a legal opinion is not necessarily to approve it, however. The bulk of Aton’s marginal comment, as Maitland acknowledged, was taken up with the citation of earlier legal authorities whose views clashed with the contemporary decretalist position.<sup>232</sup> Aton reiterated that the pope could not change those things which were foundational to the faith: the ten commandments, the seven sacraments or indeed any other substantial point of divine law.<sup>233</sup> For to infringe these precepts would lead to the undermining of the Christian religion and not to its edification. Aton was here repeating commonplaces of canonistic interpretation. But his negative emphasis is interesting. The conventional canonistic phrasing was to suggest that the pope’s competence to dispense was almost total, insofar as he did not infringe the articles of the faith. Aton, on the other hand, chose to emphasise those things that were beyond the pope’s power to touch. His reference to any substantial point of divine law, ‘*aliqua substantialia Legis Divinae*’ was vague and could be conceived in quite extensive terms. To call Aton’s commentary, as Maitland did, a grumbling gloss is to stigmatise its author as a crotchety eccentric. But it is possible that his voice was representative of a wider body of opinion, which was concerned about the abuses to which the growth of papal power might give rise.

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<sup>231</sup> Lyndwood, *Provinciale seu constitutiones Angliae* (Oxford, 1679), (Part 2), 76 ad v. *Summorum pontificum*: ‘Contrarium tamen modernis temporibus tenetur, se Dominium Ecclesiarum tam per reservationem, quam per collationem ad Papam pertinere.’

<sup>232</sup> *Ibid*, 76 ad v. *Summorum pontificum*: ‘in his quae solum veritatem facti respiciunt, nullam potestam obtinet immutandi... nec in his quae fundamentum Ecclesiae nostrae Militantis sustinent: sicut sunt decem Praecepta, septem Articuli vel Sacramenta, imo nec aliqua substantialia Legis Divinae.’

<sup>233</sup> Maitland, *Roman Canon Law*, 11.

### *The theories of the conciliarists*

We have pointed out that Pagula's *Summa* contained most of the juristic components of the later conciliarist theories. But we should not forget that much ingenuity was needed to transform the scattered statements of the canonists into a systematic constitutional theory. In this section, we will describe how the conciliarists provided a coherent interpretation of the discrepant texts of the canon law and theological readings of the Petrine supremacy. There is little that is original in this analysis, but a résumé of the conciliarist theory is needed if we are to understand how it intersected with the reaction to the Wycliffite heresy in England. The theories of Wyclif and the conciliarists, although very different, seemed both to imply a challenge to the normal mode of hierarchical government in the Church. We will explore the way in which these theories seemed to present a connected threat to the Church establishment.

One area in which the conciliarists brought focus to the discordant readings of past theologians and canonists, was their development of a theory of conditional religious authority.<sup>234</sup> This was, in some respects, already a universally accepted idea. No one denied that a pope was guilty of error and sin if he ruled against the laws of the Church and the teachings of the scriptures, fathers and the general councils. Gratian was forthright in his summary of a text from the *Decretum*: 'a pope suffers damnation, who neglects his own salvation and that of his brother'.<sup>235</sup> As we have seen, the canonists accepted that the pope could not overrule the statements of a general council upon matters of the faith. The problem was that the canonists were uncertain about how an erring pope could be brought to justice. Many believed that

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<sup>234</sup> According to Francis Oakley, it was a common principle of conciliarism 'that the pope, however divinely instituted his office, was not an absolute ruler or incapable of doctrinal error, but in some sense a constitutional ruler and therefore susceptible to correction'. Oakley, *Conciliarist Tradition*, 72.

<sup>235</sup> D. 40 dict. ante c. 6: 'Dampnatur Apostolicus, qui suae et fraternae salutis est negligens.'

the pope was only accountable to God for his actions, and that no human authority could discipline him. Although the pope could not dispense from the articles of the faith, it was his responsibility to decide whether his legal ruling touched these matters. Although he could not act against the well-being of the Church, he was in charge of deciding what was in the Church's interests.<sup>236</sup>

One of the original features of conciliarism was the creation of an institutional machinery by which justice could be achieved. This jurisdictional authority was to be wielded by the general council. The conciliarists asserted that the pope was responsible to the Church as a community of the faithful. His authority had been granted to him by God for the edification of the Church and not for its destruction.<sup>237</sup> Talking of the general council's right to reject an erring pope, Jean Gerson pointed out that 'God gave the Church no station, no rank of dignity, no kind of minister whom he did not intend to edify the Church and work for the common good.'<sup>238</sup> Certain rights inhered in the Church which could be exercised against the pope. Gerson pointed out that the keys of power were not given by Christ to Peter alone, but to the unified Church. If the pope failed to perform his duties, his authority could be called into question. The whole Church, represented by the general council, could wield the authoritative jurisdiction of correcting an erring pope. Gerson compared this to the inalienable right of the free community to correct or expel an erring prince, as recognised by Aristotle.<sup>239</sup> Gerson was probably referring to a passage in the *Politics* which considered the dissolution of monarchies. As Aristotle had defined kingship to

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<sup>236</sup> Tierney, *Foundations*, 91.

<sup>237</sup> For an analysis of this important conciliarist tenet, see *ibid.*, 5.

<sup>238</sup> Gerson, *De Auferibilitate Sponsi ab Ecclesia*, Consideratio 10 in *Oeuvres Complètes*, ed. P. Glorieux (10 vols., Paris, 1960-1973), iii, 300: 'Nullum quippe statum, nullum gradum dignitatis, nullam ministracionis genus dedit Deus nisi in aedificationem suam et utilitatem communem.'

<sup>239</sup> *Ibid.*, iii, 302: 'sicut tradit Aristoteles V Politicæ, quod ad communitatem totam spectat principis vel correctio vel totalis destitutio si inemendabilis perseveret. Et hæc potestas inabdicabilis est a communitate libera quæ de rebus suis facere potest ad libitum nec per appellationem vel aliquam legem potest suspendi, quanto magis hoc habebit Ecclesia.'

be a government based on consent, it followed that ‘kings cease to be kings when their subjects cease to be willing subjects’.<sup>240</sup>

Gerson’s line of thought was shared by other thinkers, such as Pierre d’Ailly and Francisco Zabarella. D’Ailly also wished to point out that the general council was not inferior to the pope in its judicial functions. According to him, the universal Church held its authority directly from Christ and not from the pope. In his *Tractatus de Ecclesiae... Auctoritate*, written for the Council of Constance in 1417, d’Ailly argued that Christ had granted the gift of unerring faith to the whole Church and not to the pope alone. In this sense, it possessed greater authority than the pope and could use this authority to judge him not just for heresy, as it was commonly acknowledged, but for a range of crimes, including squandering the goods of the Church.<sup>241</sup> Zabarella shared the outlook of d’Ailly and Gerson and justified it with a detailed array of canonistic evidence. His *Tractatus de schismate* was completed on the eve of the Council of Pisa.<sup>242</sup> In it, Zabarella argued that the plenitude of power did not exist in the pope alone, but fundamentally in the universal corporation (*universitas*) of the Church. Insofar as the pope could claim this authority, he claimed it as a minister of the Church. As such, the pope’s exercise of power was conditional. He was not to be obeyed if he erred. Paul had for this reason legitimately reprovved Peter to his face for having failed in his duties. Zabarella concluded that the pope did possess a plenitude

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<sup>240</sup> Aristotle, *Politics*, v.10, 1312<sup>b</sup>38 (trans. E. Barker, 217). Aristotle only says that monarchies based on force are liable to be overthrown, not that the subjects of these corrupt monarchs possess the right to overthrow their rulers. But a medieval tradition of interpretation used this passage to legitimise resistance to tyrants. J. Dunbabin, ‘Government’ in J.H. Burns (ed.), *The Cambridge History of Medieval Political Thought c. 350 – c. 1450* (Cambridge, 1988), 494.

<sup>241</sup> D’Ailly, *Tractatus de Ecclesiae... Auctoritate* in Gerson, *Opera Omnia*, ed. L.E. Dupin (5 vols., Antwerp, 1706), ii, 943, 951, 953.

<sup>242</sup> The work seems to have been composed in three parts. For its structure: Ullmann, *Origins of Schism*, 195-6 and Swanson, *Universities*, 151.

of power, so long as he did not err, but if he did err, the general council had the power to correct him, for the plenitude of power inhered in it fundamentally.<sup>243</sup>

Common to all these theories was an assertion of the communal authority of the Church.<sup>244</sup> The corporation of the Church was not a legal fiction, it was a real body knit together by the Holy Spirit, and capable of autonomous action. Admittedly it needed a representative institution to give it voice, but the general council supplied this need. All the conciliarists unhesitatingly associated the decisions of the general council with the will of the universal Church. This will could be enforced against an ecclesiastical officer, including the pope, who did not act in the interests of the Church. Combined with this communitarian message was the strong belief that the pope was bound to honour his obligations to the Church. If he did not, he forfeited his right to wield the plenitude of power which God had bestowed upon him for the Church's benefit. The conciliarists fused the widespread belief that the pope held his office conditionally with the conviction that the community of the Church was the fundamental ecclesiastical authority on earth. The combination of these two strands of thought made their message distinctive and powerful.

### *Wyclif and conciliarism*

Unfortunately for the conciliarist cause in England, some of its preoccupations intersected with those of John Wyclif. The conciliarist emphasis on the conditional nature of religious authority, in particular, would have caused alarm in an English setting. To understand why this was so, we must now turn to the thought of Wyclif.

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<sup>243</sup> Zabarella, *Tractatus de schismate* in S. Schardius (ed.), *De Jurisdictione, Autoritate et Praeeminencia Imperiali ac Potestate Ecclesiastica* (Basel, 1566), 703: 'Ex his infertur quod potestatis plenitudo est in papa, ita tamen quod non errat, sed cum errat, habet corrigere Concilium, apud quod ut praedixi, est plenitudo potestatis tanquam in fundamento.' Ullmann, *Schism*, 211-2.

<sup>244</sup> Oakley, *Conciliarist Tradition*, 71-81.

From the outset, we ought to acknowledge that Wyclif's ideas were ambiguous and occasionally contradictory. The subtle distinctions of one passage could be undone in the heated generalisation of the next. This sometimes makes it difficult to summarise his thought accurately. It is clear, though, that his aim was to criticise the hierarchy of offices in the contemporary Church as a human institution, and to condemn its temporal power as anathema to the values of the apostolic Church. The true Church, and hence the true priesthood, comprised only the elect.<sup>245</sup> Those *presciti* who were predestined to damnation could not meaningfully claim the priestly office.<sup>246</sup> But a contradiction soon emerged.<sup>247</sup> Wyclif usually emphasised that God alone could distinguish between those predestined to salvation and those predestined to damnation.<sup>248</sup> This assertion was one weapon against the presumption of clerics who claimed to be God's servants on earth, whilst shamefully ignoring his commandments. But at other times, Wyclif was adamant that a priest's way of life would make it clear whether he was one of the saved or one of the damned. If he were one of the latter, then his commandments were not to be heeded by his flock. Similarly, Wyclif unhesitatingly identified those popes who ignored the scriptures with the Antichrist.<sup>249</sup>

Strictly speaking, Wyclif did not posit a contractual relationship between priests and God. The matter of one's salvation, and by extension one's worthiness for office, was not determined by the fulfilment of one's duties on earth. In fact, the reverse was true. The performance of one's duties was dependent on divine

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<sup>245</sup> Wyclif, *De Ecclesia*, ed. J. Loserth (London, 1886), 2. Wyclif defines the Church as 'congregacio omnium predestinatorum'.

<sup>246</sup> Ibid., 3. Talking of the true Church, Wyclif says 'ista autem ecclesia secundum partem peregrinantem non habet aliquem presciturum partem sui'.

<sup>247</sup> Wyclif's contradictory attitude towards the identity of the elect has been noticed by G. Leff, 'Wyclif and Hus: a doctrinal comparison' in A. Kenny (ed.), *Wyclif in his times* (Oxford, 1986), 115.

<sup>248</sup> Wyclif, *De Ecclesia*, 5: 'homo sine speciali revelacione non assereret sine formidine se esse predestinatum'. For a discussion of this position, A. Hudson, *The Premature Reformation: Wycliffite Texts and Lollard History* (Oxford, 1988), 315, 328; Leff, 'Wyclif and Hus', 112.

<sup>249</sup> Wyclif, *De Potestate Pape*, ed. J. Loserth (London, 1907), 118.

foreknowledge, and was thus, in a sense, beyond human volition. But owing to the practical slant of his teaching, Wyclif appeared to assert that a leader of the Church could only claim the obedience of his flock if he were a member of the elect, and ruled according to the precepts of God. He wrote, for example, that ‘the pope, if he is predestined [to salvation] and exercises his pastoral office, is the head of as great a part of the militant Church as he rules, so that if he rules the militant Church primarily according to the whole law of Christ then he is a particular leader of the Church under the headship of Jesus Christ.’<sup>250</sup> This kind of wording seems to betray a conditional understanding of the pope’s authority. The pope only held his title as long as he performed his duties. If, on the other hand, he, or any other priest, failed to carry out his duties, there was no good reason why he should be accepted as a true pastor.<sup>251</sup> As we shall see, these kinds of statements were deeply troubling to many of Wyclif’s contemporaries. They called into doubt the legitimacy of the Church hierarchy. But Wyclif was not alone in stressing the conditional nature of ecclesiastical authority. This assumption was one of the cornerstones of the conciliarist programme. It allowed the conciliarists to perform the difficult feat of disciplining a monarch who was said to be above human judgment. We will go on to explore the perceived similarities between conciliarism and the ecclesiology of Wyclif and will suggest that they may help to explain the troubled reception of conciliarism in England. But first, some crucial differences between the two ideologies need to be pointed out.

Nowhere was the gulf between Wyclif and the conciliarists greater than in relation to the place of consensus in the life of the Church. In Wyclif’s thought, the

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<sup>250</sup> Wyclif, *De Ecclesia*, 19: ‘dominus papa, si predestinatus est et exercet pastorale officium, est caput tante militantis ecclesie quantam regit, ut si sic regit capitaliter secundum legem Christi totam iam militantem ecclesiam, tunc est eius particularis capitaneus sub archicapite domino Jesu Christo.’

<sup>251</sup> *Ibid.*, 43. Wyclif rejects the papal injunction to assume that one’s priest is a member of the true Church. If he does not give signs of holy instruction and virtuous works then he should not be held as a pastor. ‘Quando ergo subditus non cognoscit talia fructuosa opera sui prepositi [i.e. priest or curate], non tenetur credere quod sit talis [a true pastor].’ See also, Wyclif, *De Potestate Pape*, 64-5.

Church was scattered across time, its members on earth could never be grouped together through sure institutional affiliations.<sup>252</sup> The very uncertainty which shrouded the identity of the Church on earth made it difficult to advocate a framework of government, or even a sure programme of pastoral care.<sup>253</sup> The impracticality of the vision may help to explain why no Wycliffite Church emerged as a counterpart to the Hussite Church in Bohemia. The conciliarists, on the other hand, had very practical goals regarding Church government. Because they believed that the gift of unerring faith had been granted to the universal Church as a corporation, it was only through consensus that decision-making in the Church could be purged of error. This idea was alien to Wyclif. If all authority stemmed from God, any attempt by humans to regulate God's Church was a wicked usurpation of God's authority. Wyclif had described spiritual authority as a power of the spirit which enabled a rational creature to be directed by grace.<sup>254</sup> Precisely because this grant was immaterial, it was not subject to human interference of any kind.<sup>255</sup> This philosophical argument had very concrete repercussions. The visible Church hierarchy could not assume that its decisions reflected those of God. Wyclif pointed out that 'it is not in the power of anyone to declare by Christian constitution, election or acceptance that the pope is the head or even a member of holy mother Church.'<sup>256</sup>

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<sup>252</sup> Wyclif, *De Ecclesia*, 99: 'frequenter putatur ecclesiam Christi esse continuam quoad locum et tempus, dum tamen membra Christi et sponse per vacuitates predestinacionis et operis rarerentur sunt positi.'

<sup>253</sup> J. Catto, 'Fellows and Helpers: the Religious Identity of the Followers of Wyclif' in P. Biller and B. Dobson (eds.), *The Medieval Church: Universities, Heresy and the Religious Life* (Woodbridge, 1999), 149.

<sup>254</sup> Wyclif, *De Potestate Pape*, 10: 'potest dici quod potestas spiritualis est potestas spiritus per se immediate ordinata, ut creatura racionalis secundum bona gracie dirigatur'.

<sup>255</sup> *Ibid.*, 14: 'Item nulla pura creatura cooperatur cum Deo in producendo quantitatem mentis indivisibilem ... et per consequens preter potestatem quam Deus creat in anima non est dare aliam datam ab homine.'

<sup>256</sup> Wyclif, *De Ecclesia*, 19: 'Verumptamen non est in potestate alicuius christiani constitutione, eleccione vel acceptacione statuere quod dominus papa sit caput vel membrum sancte matris ecclesie.'

Wyclif's ecclesiology sought to undermine the human pretensions upon which Church government was based. The Church hierarchy could not claim the gift of unerring faith: this was reserved for those predestined to salvation. There could be no general confidence that the structures of the visible Church carried out the will of God. These gloomy conclusions were never applied to the subject of the general council. For this reason it is problematic to conjecture about any potential affinities or discrepancies between Wyclif's thought and conciliarism. There is good reason to believe, however, that his sceptical views about the legitimacy of human election would have precluded any faith in the cause of the general council. Wyclif's position is difficult to summarise with precision. At points he grudgingly admits that election of a kind is an unavoidable part of Church government. As long as an episcopal election is carried out piously, he concedes, it is done with the permission of God. No-one should presume to declare, however, that such an election had been performed with divine approval or grace. Wyclif's chief quarrel was with those who claimed that a majority decision necessarily indicated that an election had been authorised by God, and that the elected candidate should be obeyed regardless of his life. Nothing was more impious, and subversive of the faith of the Church.<sup>257</sup> No one should believe that God had made a covenant to guide the electors and confirm their election. This would imply that the electors were incapable of sin, whereas in fact they often erred in their decisions.<sup>258</sup>

Wyclif admitted that the apostles had elected one of the faithful to replace Judas, as the twelfth disciple. He made two observations on this score. The first was

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<sup>257</sup> Wyclif, *De Potestate Pape*, 64: 'Si dicatur, quod eo ipso quis eligitur apud Deum autorizantem electionem, quo in eum maior pars consenserit electorum, eo ipso subditi debent sequi eum quomodocumque viaverit, patet quod nichil infidelius'.

<sup>258</sup> *Ibid.*, 66-7: 'Nec aliquis fidelis ad tantum infatuatur, ut credat Deum ex pacto electoribus assistere et suam electionem qualiscumque fuerit confirmare; tunc enim forent electores impeccabiles, cum in eligendo facilius errare potuerunt.'

that the apostles had used lots in order to ensure that their decision was not compromised by human partiality. The second was that the apostles had not chosen the twelfth disciple themselves, but had acted through the revelation of the Holy Spirit. God had made the decision, not they. Wyclif concluded that as long as an election honoured the intention of God it was legitimate, if not then it was corrupt.<sup>259</sup> The problem was that there was no certain way of knowing whether one's intentions were in accordance with the divine will. For Wyclif, the nature of elective ordination, and by extension, the nature of Church government was obscured by doubt. Nowhere in this discussion did Wyclif refer to the doctrinal or judicial deliberation which took place within a general council. But his disillusioned comments about episcopal election make it clear that he had no more faith in collective than in individual decision-making. This aspect of his thought was absolutely alien to the conciliar theory. Nowhere can this be seen more clearly than in the position of Cardinal Zabarella. In his *Tractatus de schismate*, he responded to those who urged that the power of the pope was granted directly by God and could not be removed by man. Zabarella replied that when the council deprived the pope of his authority, the authority was not withdrawn by man but by God, for the decision of the Council could be equated with the divine will.<sup>260</sup>

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<sup>259</sup> Ibid., 71: 'Quando igitur electores spiritu ducuntur, alieni a vento calliditatis humane, tunc est simplex institutio vel multorum electio legitima; et aliter est infecta.'

<sup>260</sup> Zabarella, *Tractatus de schismate*, 709: 'Et non obstat si dicatur quod potestas pape est de iure divino et a Deo immediate ... [et] quod non potest ab homine tolli. Ad quod respondeo quod quando Concilium privat papam, potestas non dicitur sibi auferri ab homine, sed a Deo: cum dispositio concilii sit divina'. Nevertheless, the conciliarist position on the fallibility of councils was subject to great variance. R. Bäumer, *Nachwirkungen des konziliaren Gedankens in der Theologie und Kanonistik des frühen 16. Jahrhunderts* (Munich, 1971), 163–203.

*Perceptions about Wycliffism and sedition*

Wyclif's views coincided with the conciliarists' insofar as the conditional nature of ecclesiastical office was concerned, but diverged from them on the function of consent in Church government. As we shall see, this dichotomy shaped the response to conciliarism in England. But before we embark on this analysis, we must briefly consider the diffusion of Wyclif's thought in England. If Wyclif's teaching had remained sealed-off in academic discussion, the reaction to it would not have been as heated and public as it was. The scale of the transmission is still, however, a matter of debate. There is currently no scholarly consensus on whether Lollardy was a coherent movement or whether it was even an off-shoot of Wyclif's teaching.<sup>261</sup> I do not wish to enter into a discussion of these vexed issues, but I wish to make two points of relevance to the thesis.

It is undeniable that Lollard texts aimed to make the views of Wyclif accessible outside the walls of the universities. How far they succeeded is a matter of dispute, but it is clear that contemporaries took the popularisation of Wyclif's ideas very seriously. Anxieties about Wyclif's influence were very real, and they transformed the intellectual climate in late-medieval England. Nicholas Watson may have exaggerated the efficacy of Thomas Arundel's repressive 1409 Constitutions in stifling religious debate, but an atmosphere of 'self-censorship' did exist in fifteenth-

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<sup>261</sup> Anne Hudson sees the rise of Lollardy as a work of collaboration between Wyclif's academic disciples with the Lollard gentry. Hudson, *Premature Reformation*, 117. Lollard books were produced in an academic milieu and from there were disseminated more widely. The process of 'Lollard education', involving preaching, Bible-reading and devotional exercises, was used to popularise the academic heresy. *Ibid.*, 174-227. Lollard beliefs could depart from Wyclif's teachings, but there was 'amongst the majority of views ... an underlying coherence.' *Ibid.*, 279. R.N. Swanson, by contrast, is highly sceptical that Lollards in general owed their convictions to the influence, however bastardised, of Wyclif. Lollardy could have been the outcome of a 'general reformist current' which coincided with the preoccupations of Wyclif. Swanson, *Church and Society*, 334. More recently Patrick Hornbeck has argued that whilst there was great variance between the beliefs of individual Lollards, 'family resemblances' can be detected: *What is a Lollard? Dissent and Belief in Late Medieval England* (Oxford, 2010), 196-204.

century England.<sup>262</sup> The retreat from speculative theology can be interpreted negatively, as an outcome of repression, or it can be seen as a positive realignment towards more practical modes of devotion.<sup>263</sup> Either way, the purging of heresy involved a process of self-examination which shaped English attitudes towards conciliarism. Secondly, current debates about Wyclif's influence seem to miss the point. Where similarities exist between the opinions of Lollards and the teachings of Wyclif, the question of influence does not greatly matter. Even if we take Wyclif as an academic whose views happened to correspond with independent strands of popular belief – rather than the progenitor of a popular heresy – his importance is not thereby diminished. Whether or not Wyclif bequeathed his views to the Lollards, it is important to recognise that he was not merely an eccentric, but a scholar whose criticisms were shared – and came to be shared – by larger group of disaffected believers within the Church.

The analysis of heresy undertaken here assumes that ideological transmission occurred at least partly according to the model advanced by Hudson, where texts produced by academic Wycliffites were diffused to a wider audience. The success of the enterprise is moot, but the fact that it was attempted, and that so many of its texts survive, helps to explain the contemporary fear that Wyclif's ideas were being popularised. One important text in the history of the early Wycliffite movement is the Latin *Floretum*, later translated into the English *Rosarium Theologie*. It seems likely that the *Floretum*, a theological commonplace book, was compiled by a number of

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<sup>262</sup> N. Watson, 'Censorship and Cultural Change in Late-Medieval England: Vernacular Theology, the Oxford Translation Debate and Arundel's Constitutions of 1409', *Speculum*, 70 (1995), 831. New perspectives on Arundel's Constitutions will be offered in K. Ghosh and V. Gillespie (eds.), *After Arundel: Religious writing in fifteenth-century England* (Brepols: forthcoming).

<sup>263</sup> J. Catto, 'Religious Change under Henry V', 104-5.

Wycliffite scholars at Oxford to be used as a manual for preaching.<sup>264</sup> There are many references to Wyclif (*doctor evangelicus*) throughout the text and it bears the stamp of his teaching. Anne Hudson had shown that it was probably composed between 1384 and 1396.<sup>265</sup> The *Floretum* is particularly interesting, because it makes extensive use of the canon law to illustrate its themes. It extracts canonistic texts to make points about the conditional nature of spiritual office. But in the hands of the *Floretum* compilers canonistic texts were arranged and interpreted in ways unfamiliar to the canonists. This intellectual venture was not dissimilar to the mission of the conciliarists. They too would elucidate the communal rights of the Church by assembling a coherent body of thought from the discrepant texts of the canon law. The *Floretum* showed how unpredictable such an enterprise could be. It used canonistic materials to support a scepticism about the hierarchy of the Church which was anathema to traditional interpretation.

The *Floretum* followed Wyclif's teaching very closely on the conditional nature of spiritual authority. Under the entry 'Papa', the compiler set out the position that episcopal titles were only meaningfully held by those in a state of grace. The compiler used the influential text D. 40. 6, *Si papa* to argue that the occupant of the papal seat should not necessarily presume to call himself the vicar of Peter.<sup>266</sup> The entry went on to emphasise the duties incumbent upon the pope. He should possess a greater zeal for the Christian religion than other believers.<sup>267</sup> The compiler points out that not every pope is holy and popes are sometimes punished in their own life-times

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<sup>264</sup> For the case that the text was the creation of Oxford scholars, see A. Hudson, *Lollards and their Books* (London, 1985), 20–4. Its role in the dissemination of Wycliffite thought is discussed on pp. 24–9. For authorship, localisation and other details see, C. von Nolcken, *The Middle English Translation of the Rosarium Theologie* (Heidelberg, 1979), 29–42.

<sup>265</sup> Hudson, *Lollards and their Books*, 20.

<sup>266</sup> BL MS Harley 401, fol. 209<sup>r</sup>: 'Papa licet sit vicarius petri non defacili debet de eo haberi presumptio'.

<sup>267</sup> *Ibid.*, fol. 209<sup>r</sup>. Reference is made to C. 24 q. 1 c. 8

because they are condemned by God. He then refers to the famous passage of the *Decretum* in which the case of the heretical pope Anastasius is treated.<sup>268</sup> The allusion is to the fate of the pope who was struck down by the will of God for his sins. Reference is again made to the text *Si papa* to demonstrate that the probity of the pope is the guarantee of the well-being of all, whereas his sinfulness will lead to the damnation of an infinite number of his followers. Further canons are cited which declare that the pope cannot create new laws which contradict the Gospel or the words of the Apostles, or grant anything to one church in prejudice of another.

Under the title 'Vicarius', the *Floretum* sets out further duties which it is necessary for the pope to observe. The compilers quote Wyclif's train of logic. If Christ was the poorest and humblest man in the world, and the most obedient to God, then is it not appropriate for the pope to resemble him most closely in all these qualities?<sup>269</sup> The pope can only be accounted a true follower of Christ if he humbly submits to the injuries done to him, if he is a poor man, loath to involve himself in secular business and if he is utterly obedient to the Lord and to divine law. He should not presume to add or detract from this law.<sup>270</sup> If the pope fulfilled all these conditions he could be counted a preeminent follower of Christ, and hence a worthy incumbent. If not, he was reminded that Christ had said that whoever was not with him was against him.<sup>271</sup> This was threatening, but no explicit statement had yet been made about whether an erring pope forfeited his claims to obedience. Under the entry, 'Obedientia', the *Floretum* quoted a text from the *Decretum* which seemed to sustain

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<sup>268</sup> D. 19. 9.

<sup>269</sup> BL MS Harley 401, fol. 316v: 'Item constat autem quod Christus fuit humillimus [sic] pauperimus et domino obedientissimus homo mundi, nonne est conveniens eius vicarium ipsi esse similitum in his rebus'.

<sup>270</sup> Ibid., fol. 316v: 'Iudicet ergo militans ecclesia si papa sit humilimus recipiendo iniurias sibi factas. 2. si sit homo pauperius quoad seculare dominium, maxime odiens se implicari cum negocio seculari et 3. iudicet si sit domino et legi sue obedientissimus maxime de legis sue limitibus contentatus, non presumens ad legem suam addere vel ab ea minuere.'

<sup>271</sup> Luke xi.23.

the most radical Wycliffite interpretation of ecclesiastical dominion. The text was a passage taken from Jerome's commentary on Paul's letter to Titus.<sup>272</sup> Jerome said that if a master (*dominus*) commanded things which were not contrary to the holy scriptures, the servant was subjected to the master. If, on the other hand, he urged things which were contrary to scripture, obedience should be given rather to the spiritual than the fleshly lord.<sup>273</sup> The *Floretum* quoted the passage verbatim, with one notable alteration. It added 'prelate' (*prelatus*) to the subject of the sentence, so that Jerome's injunction seemed to pertain just as much to ecclesiastical as to secular lords.<sup>274</sup> In a text which relies on the selection of authorities to make its point, this small editorial intervention provides a clue to the mindset of its compilers. They wished to advocate the idea of conditional obedience. It could not be assumed that the Church hierarchy would command the same things that God wished to be commanded: there could be a tension between one's obedience to God and one's obedience to the Church. The motto from Acts v.29, cited by Jerome in the passage just referred to, became a constant refrain within the 'Obedientia' entries: obedience was owed more to God than to men.<sup>275</sup>

In some ways the *Floretum* was traditional in its outlook. The canonists had all admitted that popes could fall into heresy, even though the Church as a whole possessed unerring faith. The canonists had also pointed out that the pope did not have the authority to dispense from articles of the faith. As we have seen, these observations had been made before in more guarded terms by William of Pagula. But

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<sup>272</sup> Jerome, *Commentarium in Epistolam ad Titum* in J.-P. Migne (ed.), *Patrologia Latina* (222 vols., Paris, 1844-65), xxvi, 584B.

<sup>273</sup> C. 11 q. 3 c. 93: 'Si dominus iubet ea, que non sunt contraria sacris scripturis, subiciatur domino servus. Sin vero contraria precipit, magis obediat spiritus quam corporis domino'.

<sup>274</sup> Bodleian Library, MS Bodley 55, fol. 242: 'Item si dominus sive prelatus iubet ea que non sunt contraria fidei vel adversa sacris scripturis subiciatur illi servus. Si vero contraria precipi magis obediat spiritus quam corporis domino'.

<sup>275</sup> *Ibid.*, fol. 241: 'Obediendum est domino magis quam hominibus'. This is repeated again on the following folio.

the *Floretum* compilers carefully manipulated these canonistic commonplaces so that they pointed to a different conclusion. The *Floretum* suggested that a pope forfeited his authority as soon as he ceased to perform his duties. However, even this assertion had some canonistic precedent. A passage in the *Decretum* declared that if a bishop did not believe the needs of another to be his concern then his episcopal title was meaningless.<sup>276</sup> Elsewhere, Huguccio had claimed that a heretical pope forfeited his authority *ipso facto*.<sup>277</sup> The *Floretum*, by contrast, laid down an extremely idealistic set of standards against which the pope's conduct had to be measured. It pointed out, for example, that the possession of temporal authority was anathema to the pope's office. This requirement brought the Wycliffite sympathies of the work very clearly to the surface. Although the canonists were not agreed about the origins of property-holding, and whether this right contradicted natural law, almost all conceded that the right to hold property was permissible in fallen humanity.<sup>278</sup> More to the point, they did not seek to call into question the right of the Church specifically to hold temporal possessions.

The *Floretum*'s stress on the primacy and inviolability of the gospel is also pressed harder than it was in the work of most fourteenth-century canonists. They had conceded that the pope could dispense from the letter although not from the spirit of the law. The *Floretum* certainly did not endorse this traditional rider. In fact, its declaration that the pope should not presume to add to the laws of the scriptures can be seen as a criticism of his legislative pretensions. In one respect the *Floretum* can be seen as perpetuating the canonistic teaching on the conditional nature of the papal office. But it did not generally envisage the Church as playing any part in the

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<sup>276</sup> D. 86.6. The bishop who did not show sufficient regard for his flock, 'vacuum episcopi nomen tenet'.

<sup>277</sup> Tierney, *Foundations*, 60-4.

<sup>278</sup> B. Tierney, *The Idea of Natural Rights: Studies on Natural Rights, Natural Law and Church Law, 1150-1625* (Atlanta, GA; 1997), 137-45.

revocation of the pope's authority. Strictly speaking, the life of a worldly pope showed that he had never legitimately possessed authority in the first place. In practice, as soon as a pope's conduct made it apparent that he was predestined to damnation, he was to be ignored by the faithful. In all of this, it was the judgement of the righteous individual rather than the collective judgement of the visible Church that counted. The threat which this teaching presented to the ecclesiastical hierarchy and collective decision-making in the Church was obvious.

The *Floretum* was not the only text to transmit the views of Wyclif on ecclesiastical authority. Many texts inspired by Wyclif followed his slippage from the position that no human could know the fate of the predestined on earth to the confidence that the damned could be identified and associated with the corrupt ecclesiastical hierarchy. Anne Hudson has shown that an academic Lollard work of 1389-1390, the *Opus Arduum*, numbered the greater part of the Church hierarchy among the damned.<sup>279</sup> This implied that there could be little confidence in its commandments. The *Thirty-Seven Conclusions* made the point about conditional authority explicit by stating that it was lawful to obey the bishop of Rome, or any other prelate, only insofar as they commanded 'leful things and spedeful to salvacioun and no ferthere'. If a prelate was not seen to serve Jesus Christ or 'doth not the werkis of the fadir of hevене, withoute doute he is antecrist enhaunsynge hymself above Jhesu Crist.'<sup>280</sup> We catch glimpses of Lollards committing themselves to the kinds of views that were set out in the Wycliffite texts. The Lollard preacher, William Thorpe, insisted in an examination before Archbishop Arundel in 1407 that he would submit

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<sup>279</sup> Hudson, *Premature Reformation*, 325. Hudson quotes the *Opus Arduum*: 'patet quod maior porcio cleri iam existentes in ecclesia antichristi heresibus sacrilegiis et blasphemiiis colligata est de numero dampnandorum.' For further details about the work, see *ibid.*, 265-7.

<sup>280</sup> J. Forshall (ed.), *Remonstrance against Romish Corruptions* (London, 1851), 47-8. See Hudson, *Premature Reformation*, 331.

‘oonli to þe rule and gouernaunce of hem aftir my knowynge whom, bi þe hauynge and vsynge of þe forseide vertues, I *perceyve* to ben þe membris of holi churche.’<sup>281</sup>

With such fragmentary evidence, it is impossible to say whether the kinds of attitudes described above were held by a great number of Lollards. Insofar as Lollardy can be identified as a single movement, it was capable of fostering a wide spectrum of beliefs, not all of which issued from the thought of Wyclif.<sup>282</sup> It is beyond doubt, however, that contemporaries were very frightened by the subversive implications of Wyclif’s teachings. These were felt to be extremely attractive to the lower orders of society. Margaret Aston has shown that there was a widespread perception in late-medieval England that Wyclif’s theory of dominion posed a threat to all hierarchical modes of government. If Wyclif’s ideas were accepted by the common people, social collapse would ensue. His observations about the conditional nature of religious authority were at the very heart of the problem. This view was articulated by William Woodford. Woodford was called upon to condemn a list of heretical articles selected from Wyclif’s work by Oxford Convocation in 1397. In his response, he seized upon Wyclif’s claim that temporal lords were obliged on pain of damnation to remove the temporal goods of churches which habitually erred. Woodford shows that the same logic could just as easily be applied to secular lordship, and the people would feel entitled to confiscate the possessions of the king, their lords and their other superiors, whenever they were habitually found wanting.<sup>283</sup> The Dominican, Roger Dymoke, also pointed out that the doctrines of the Wycliffites were inimical to the secular as

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<sup>281</sup> A. Hudson (ed.), *Two Wycliffite Texts: The Sermon of William Taylor 1406, The Testimony of William Thorpe 1407* (Oxford, 1993), 33; idem., *Premature Reformation*, 321. The italics are mine.

<sup>282</sup> A point acknowledged by Hudson. Ibid., 279.

<sup>283</sup> Gratius, *Fasciculus*, i, 231: ‘Item ex motivo principali pro articulo sequitur, quod populares possunt a Regibus et ducibus et eorum superioribus licite auferre possessiones eorum, quandocunque habitualiter delinquant.’ See Aston, ‘Lollardy and Sedition’, 9.

well as the ecclesiastical hierarchy. The heretics, he alleged, incited the people to rise up against their lords, calling them tyrants, murderers and the usurpers of property.<sup>284</sup>

It was into this charged intellectual environment that the theories of the conciliarists intruded. Their English audience was witnessing the ends to which theories about the conditional nature of ecclesiastical government could be turned. Such theories seemed to call social rank of all kinds into question and to encourage popular rebellion. The fact that similar theories had been called upon by Henry Bolingbroke to legitimise his seizure of Richard II's crown would not have added any solace to the menacing outlook.<sup>285</sup> The foundations of monarchical authority could be seen to have been weakened by various forms of social and political turmoil. In these intellectual conditions, England was not a fertile seedbed for the ideas of Gerson, d'Ailly and Zabarella. The first chapter has suggested that the English tentativeness towards conciliarism was in part a symptom of the uncertainty about the shape that the new ecclesiastical order would take. But the non-committal attitude must also reflect that the English did not want to endorse a controversial ecclesiological theory incautiously. The conciliarists urged that the pope was obliged to honour his duties and could be held accountable if he did not. Although they claimed that they aimed to defend the Church hierarchy and not to weaken it, it seemed to some of their opponents that their ideas posed an implicit challenge to the traditional mode of hierarchical government. The theologian Juan de Torquemada set out the case out that conciliarism was incompatible with a proper understanding of the papal monarchy.<sup>286</sup>

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<sup>284</sup> *Rogeri Dymmok liber contra XII errores et hereses Lollardorum*, ed. H.S. Cronin (London, 1921), 13: 'totum populum contra ipsos dominos inducunt insurgere, ipsos tyrannos, homicidas et rerum alienarum invasores affirmant'. See Aston, 'Lollardy and Seditio', 9.

<sup>285</sup> For J.H. Burns, Henry's usurpation raised destabilising constitutional issues which may be seen as part of a 'crisis of monarchies' in the fifteenth-century Europe. *Lordship, Kingship and Empire*, 2, 5.

<sup>286</sup> T.M. Izbicki, *Protector of the Faith: Cardinal Johannes Turrecremata and the Defense of the Institutional Church* (Washington D.C., 1981), 95 – 106. Idem, 'Papalist Reaction to the Council of Constance: Juan de Torquemada to the Present', *Church History*, 55 (1986), 7–20. Black, *Monarchy and Community*, 58–80.

Although no English author launched a similarly direct attack on the ideas of the conciliarists, there is evidence that the Carmelite Thomas Netter had much in common with Torquemada.

*Netter and the English silence about conciliarism*

Thomas Netter provides us with a crucial source in our search for English responses to conciliarism. His *Doctrinale* is the fullest and most systematic analysis of ecclesiastical government from fifteenth-century England. Unfortunately, it is also one of only a few fifteenth-century texts after the Council of Pisa which discusses ecclesiological issues in any depth. This period produced several Wycliffite texts, and it also produced refutations of Wyclif's heresy, but it hardly produced any texts on Church government which ventured outside the boundaries of anti-heretical discourse. This itself is cause for reflection. Texts on Church government rarely appear spontaneously; they are almost always intended as contributions to political debates. Thus the first wave of medieval ecclesiological texts were occasioned by the contest between popes and secular rulers in the fourteenth century (notably between Boniface VIII and Philip IV of France and between John XXII and Lewis of Bavaria). Pamphlet warfare over Church government was later provoked by the disputes over the meaning of the Franciscan vow of poverty and by the schism of 1378.<sup>287</sup> The fact that few such texts were produced in England during the fifteenth century suggests that there were no causes sufficient to stimulate their creation. It could be argued that no-one in England felt so discontented with the papacy that they sought for alternative modes of ecclesiastical government. This would not provide an adequate answer. As

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<sup>287</sup> Oakley, *Conciliarist tradition*, 63.

we shall see, harsh criticisms of papal misgovernment did not by any means disappear in England during this period. The assumption of a general contentment with the *status quo* will not explain the silence about conciliarism. It could also be argued that Basel had shown the English that they had little to gain from conciliar participation in future. This reason probably goes further towards explaining a disillusionment towards conciliarism in England. But if we look elsewhere in Europe, the collapse of Basel and the subsequent reluctance of popes to make use of general councils did not lead to the extinction of conciliarist ideas.<sup>288</sup> The only convincing explanation of the English silence about conciliarism lies in an analysis of the general retreat from the controversies of speculative theology in the aftermath of Wyclif's heresy.<sup>289</sup> Netter's uniqueness is itself evidence of the trend in England to steer clear of controversial ecclesiological discussions. The content of his *Doctrinale* helps us to explain why this trend emerged.

Netter's work provides evidence that the drive against heresy was responsible for stifling the English response towards conciliarism. Netter had a longstanding interest in defending his faith against the attack of the heretics. He and another Carmelite had arranged to debate several disputed subjects with the Wycliffite Peter Payne in Oxford, probably around 1406-9. He also seems to have given assistance to the Oxford committee of twelve which drew up a list of erroneous conclusions from Wyclif's work from 1409 onwards.<sup>290</sup> It was probably at this time that he began collecting the source material which would act as the foundations of his enormous refutation of Wyclif's heresy, the *Doctrinale fidei ecclesiae*, of which the first four books were presented to Pope Martin V in April 1426. In the preface to the work,

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<sup>288</sup> J.A.F. Thomson, *Popes and Princes 1417-1517* (London, 1980), 14-28.

<sup>289</sup> J.I. Catto, 'Theology after Wycliffism' in Catto and Evans (eds.), *History of University of Oxford: Volume 2*, 264 - 5. Catto notices that there were signs of impatience with the teaching of academic theology elsewhere in Europe.

<sup>290</sup> A. Hudson, 'Netter [Walden], Thomas (c. 1370-1430)', *ODNB*.

Netter hinted that he had been called upon to write it by Henry V. The work was more than a personal act of devotion, it was designed to act as a symbol of England's effort to purge itself of heresy.

There is a dichotomy in Netter's work between his defence of the visible community of the Church, and his vindication of the papal monarchy. The tension is generated by the need to resist Wyclif's teaching on these subjects. Netter's thorough inversion of Wycliffism did not always result in a coherent ecclesiological theory.<sup>291</sup> Indeed the urge of the establishment in England to refute Wycliffism *in toto* led to a marked intellectual unease which caused energies to be directed away from theological controversy.<sup>292</sup> It was tacitly recognised that attacks on Wyclif could themselves reveal weaknesses and inconsistencies in the supposedly orthodox positions that were being championed. It will be argued here that Netter refrained from endorsing conciliarism because he felt that some of its teachings about the papal monarchy verged on heresy. Nevertheless, his statements about the Christian community also demonstrate that he shared many of the conciliarists' preconceptions about the origins of doctrinal legitimacy in the Church. It is important to acknowledge that while Netter did not approve of conciliarism, he did not refute it either. Rather, the constituents of the theory existed side-by-side in his work with an uncompromising defence of the papal monarchy. Netter provides evidence of the instability of ecclesiological thought in fifteenth-century England; the kind of instability that would later facilitate divergent reactions to the Henrician regime's use of conciliarist ideas in the 1530s.

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<sup>291</sup> For the inconsistencies in Netter's hermeneutic approach see K. Ghosh, *The Wycliffite Heresy: Authority and the Interpretation of Texts* (Cambridge, 2002), 174 – 208.

<sup>292</sup> Kantik Ghosh has shown that the traditional modes of speculative scholastic theology came into disrepute as Wyclif's use of them spread to an unsupervised audience outside the walls of the universities. *Ibid*, 209–16.

Let us begin by analysing those aspects of Netter's thought which brought him closest to conciliarism. Like Gerson and Zabarella, Netter sought to affirm the value of communal consent in the framing of doctrine. It enabled him to refute Wyclif's conviction that the sanctity of ecclesiastical institutions could be tested by the scrutiny of the lone believer. Netter quotes the authority of St Bernard who asks: 'what greater pride than that of the man who prefers his own judgment to the decision of the whole congregation, as if he alone possessed the Spirit of God?'<sup>293</sup> In Netter's view, Wyclif has followed the voice of his own spirit into damnation by abandoning the teachings of the whole church. But he is aware that Wyclif has a very pertinent criticism to level against his defence of the sanctity of universal consensus in the Church. In Netter's citation, Wyclif objects that 'it is blasphemy to believe that if the greater part agrees to a conclusion of any kind then it is consequently true, praiseworthy and binding, indeed to be revered by every Catholic'. Did not even the orthodox acknowledge that certain general councils had erred?<sup>294</sup> I have not been able to trace the source of this passage in the Wyclif Society's edition of Wyclif's works.<sup>295</sup> But it is consistent with Wyclif's arguments concerning human election which have been discussed earlier. The text quoted by Netter reveals the same antagonism towards an ecclesiastical regime based on universal values.

In the face of this attack, the legitimacy of the Christian community (represented by the general councils) had to be upheld. Netter first examines Wyclif's belief that the general council should not seek to emulate the apostles who were

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<sup>293</sup> Netter, *Doctrinale Antiquitatum Fidei Ecclesiae Catholicae*, ed. B. Blanciotti (3 vols., Venice, 1757-9; repr. Farnborough, 1967), i, 377: 'Quae major superbia quam ut unus homo toti congregationi iudicium suum praeferat, tamquam ipse solus habeat spiritum Dei?' See *Sancti Bernardi Opera*, eds. J. Leclercq, C.H. Talbot, H. Rochais (8 vols., Rome, 1957-77), v, 107.

<sup>294</sup> Netter, *Doctrinale*, i, 377: 'Ideo blasphema est regula; quod si major pars talium sententiae cuicumque consenserit, tunc est vera, laudabilis, & tenenda; atque eo magis omni catholico reverenda.'

<sup>295</sup> It could have been taken from a work now lost, or in unpublished form. Netter's detailed knowledge of Wyclif's works discussed in Hudson, *Premature Reformation*, 53-4. For Netter's use of earlier compilations of Wyclif's errors, idem., 'Notes of an Early Fifteenth-Century Research Assistant, and the Emergence of the 267 Articles against Wyclif', *English Historical Review*, 118 (2003), 685-97.

‘guided by the Holy Spirit to seek god’s advice, and were harmoniously enlightened by the spirit’. Once doctrinal matters had been resolved by the teaching of the scriptures, it was dangerous to call general councils superfluously. Instead, Wyclif concludes, ‘the word of God, which is holy scripture, and the impulse of the spirit in those living rightly already teaches us sufficiently’.<sup>296</sup> Netter wastes no time in attacking what he sees as the hypocrisy of Wyclif’s position. Why should the priests of the church follow the example of Christ and his apostles scrupulously in so many other respects (to live in poverty, to preach continuously, to hold services outdoors etc.) and yet be barred from the apostolic activity of congregating to settle disagreements among the faithful?

But more importantly, Netter believed that the judgement of the lone spirit should be subordinated to the conclusion of the unified multitude. He alludes to Paul’s greetings in his letter to the Galatians. Paul did not address the Galatians in his name alone, but called upon all his brothers who were with him as witnesses of the faith. Netter quotes from an authority taken to be Jerome in order to establish that Paul did this ‘so that he should not be considered unworthy to bring forth the doctrine alone’.<sup>297</sup> To flesh out this point even further, he calls upon the authority Origen. The reason that Paul had written certain letters not only in his own name, but the name of Sylvanus and Timothy, was that ‘two or three are vested in one, the Holy Spirit calls forth one sense from all these and one voice, so that all those who desire to teach the churches should show that they all unanimously speak one thing and think one

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<sup>296</sup> Netter, *Doctrinale*, i, 378: ‘Non quaeramus ergo superflue Concilium qualiter facere debeamus, cum verbum Dei, quod est Scriptura Sacra et impulsus Spiritus in recte viventibus satis doceat.’

<sup>297</sup> *Ibid.*, i, 379: ‘Ne (inquit) solus indigne ferre putaretur, suam conculcari doctrinam, Apostolus objurgaturus Galatas propter conversationem suam, non tantum ex sua persona scribit ad eos, sed ex omnium fratrum.’ In fact, the passage is not by Jerome, but had been mistakenly attributed to him. See, *Sancti Eusebii Hieronymi... operum tomus primus*, ed. D. Vallarsi (11 vols., Verona, 1734-42), xi, cols. 835-6 for an explanation and col. 980 for the passage itself.

thing'.<sup>298</sup> The private person of Paul was nearly effaced in his teaching, for he was guided by the truth, and in this became one with all other true believers. The nature of this consensus was god-given and it set the true, unified Church apart from the scattered heretical sects.

Netter was in some respects as warm an advocate of conciliar authority as the conciliarists themselves. The general council embodied the unity of the Church, acting as a buttress against heresy. Netter attempted to show historically how dissent in the church had been stifled by submission to the general council. He quoted Augustine's reply to the Donatists, who had alluded to Cyprian's refusal to obey the teaching of the pope about the rebaptism of lapsed Christians. Augustine claimed that Cyprian would have yielded to the decision of the universal church 'if at that time the truth of this question had been placed beyond dispute by the investigation and decree of a general council.'<sup>299</sup> Augustine explained that in the earlier ages of the church, before the Donatist schism, the obscurity of the question of rebaptism had caused such dispute, even among bishops, that 'the several statutes of their Councils in their different districts long varied from each other.' At length, however, 'the most wholesome opinion was established, to the removal of all doubts, by a general council of the whole world.'<sup>300</sup> The few had to yield to the authority of the many. Alluding to Augustine, Netter says: 'Here you see not only how much the voice of the many is

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<sup>298</sup> Netter, *Doctrinale*, i, 379: 'Sed per hoc ostendit, quia duobus vel tribus in uno positus, Spiritus Sanctus unum de eis sensum, atque unum elicuerit sermonem: ut qui Ecclesias docere cupiebant, unum dicere unanimes omnes, atque unum sapere demonstrarent.' See Origen, *Commentariorum in Epistolam S. Pauli ad Romanos* in J.-P. Migne (ed.), *Patrologia Graeca* (161 vols., Paris, 1857-66), xiv, 1262.

<sup>299</sup> Ibid, i, 380: 'ipse [Cyprianus] sine dubio cederet, si jam illo tempore quaestionis hujus veritas eliquata et declarata per plenarium Concilium solidaretur.' See Augustine, *De Baptismo Contra Donatistas* in *Patrologia Latina*, xliii, 129.

<sup>300</sup> Netter, *Doctrinale*, i, 384: 'diu Conciliorum in suis quibusque regionibus diversa statuta mutaverint, donec plenario totius orbis Concilio quod saluberrime sentiebatur, etiam remotis dubitationibus firmaretur.' See Augustine, *De Baptismo*, xliii, 114.

useful, but also that the voice and belief of the few has yielded to the profession of the whole world and the judgment of the latter was strengthened.’<sup>301</sup>

Netter also responded to Wyclif’s claim that the majority could not necessarily be trusted. Wyclif associates the multitude with the infinite number of fools mentioned in Eccl. i.15, the forty priests of Baal and the crowd who stoned Christ.<sup>302</sup> But Netter disagrees with Wyclif’s interpretation. He grants that the multitude may be wicked but they are not always so. Indeed the Scripture praises the multitude of the holy ‘and in this group the greater number always accumulates the authority of the truth, discovered by the few.’<sup>303</sup> Netter refers to the Council of Jerusalem, pointing out that although only Peter and James settled the disputed matters, ‘the multitude of the rest held out their consent, thus by the full authority of the whole Council it was written in the name of all: “we, the apostles and the elders”’.<sup>304</sup> Netter goes further. He quotes a passage from *De Doctrina Christiana*, in which Augustine pondered how the doubtful believer ought to proceed in the event of a controversy over doctrine. If different opinions are held by the more venerable, on the one hand, and the greatest number on the other, then the two disputed doctrines should be held of equal authority.<sup>305</sup> Netter is forced to acknowledge that the authority of the multitude is so great that on occasion it may interfere with the conventional mode of government, where doctrine is settled at the apex of the Church hierarchy. Netter was perhaps embarrassed by the implications of this passage. This is suggested by a small, but

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<sup>301</sup> Netter, *Doctrinale*, i, 384: ‘Hic non solum habes quantam prodest vox multorum, sed quod vox et paucorum confessio, universalis totius orbis professioni succubuit, et sententia ejus firmabatur.’

<sup>302</sup> Netter cites in condensed form a passage in Wyclif, *Dialogus*, ed. A.W. Pollard (London, 1886), 21-2.

<sup>303</sup> Netter, *Doctrinale*, i, 383: ‘semper major numerus auctoritatem accumulatur veritatis, inventae forsitan a paucis.’

<sup>304</sup> *Ibid.*, i, 383: ‘solus Petrus, et tandem Jacobus sententiam Petri confirmans, articulum ibi definitum dictabant; sed tandem quia caetera multitudo praebebat consensum, ideo auctoritate plenaria totius Concilii scriptum est nomine omnium, *Apostoli et Seniores fratres*’.

<sup>305</sup> Augustine, *De Doctrina Christiana*, in *Patrologia Latina*, xxxiv, 40-1: ‘Si autem alias invenerit a pluribus, alias a gravioribus haberi, quanquam hoc facile invenire non possit, aequalis tamen auctoritatis eas habendas puto.’

significant textual alteration. Whereas Augustine had confessed that the hypothetical situation that he had proposed could not easily (*facile*) occur, Netter simply removed the word *facile* so that his quotation indicated that such a clash of opinions was impossible.<sup>306</sup> But even this equivocation did not affect the broader conclusion which Netter drew from the passage, i.e. that the authority of the multitude was of no small moment in the Church.<sup>307</sup>

In what we have seen so far, Netter appears to share many of the conciliarists' guiding principles. True doctrine could only be reached through the consent of the faithful. It was as representatives of the universal Church that the apostles declared their teaching to the faithful. Netter's enthusiastic use of this communitarian language was appropriate in one who had acted as an official delegate at the Council of Pisa and had probably attended Constance as well.<sup>308</sup> The Constance decrees which condemned the Wycliffite heresy would have been well known to him.<sup>309</sup> Indeed, the council had performed precisely those duties which Netter found praiseworthy in the general councils of the early Church: the condemnation of budding heresies and the restoration of the faithful to unity. Although Netter does not discuss Constance in any detail, its successes may explain why he enthused at such length about the importance of communal consent in the life of the Church and the elevated status of the general council in doctrinal matters.

But Netter's treatment of consent was not one-sided. It had to be balanced by a defence of the Church hierarchy. Already we have seen that in his scheme it was the

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<sup>306</sup> Netter, *Doctrinale*, i, 383-4: 'Si autem alias invenerit a pluribus, alias a gravioribus haberi, *quamquam hoc invenire non possit*, aequalis tamen auctoritatis eas habendas puto.' My italics. Compare with the passage in the previous footnote.

<sup>307</sup> *Ibid.*, i, 384: 'Auctoritas ergo multitudinis non erit parvi momenti.'

<sup>308</sup> Netter was not one of the official English delegates at Constance, but there are suggestions that he visited the council. Emden, *Register of Oxford*, ii, 1343-4. In his history of the English Carmelites, John Bale says that Netter was present at Constance: Bodleian Library, MS Selden Supra 41, fol. 177<sup>r</sup>.

<sup>309</sup> Hudson, 'Netter, Thomas', *ODNB*.

few who decided doctrine and the many who approved their determinations. The idea that the leaders of the Church acted as representatives of their brethren was in conflict with the idea that the multitude should obediently accept the pronouncements of their spiritual superiors. Despite allowing the people a place in the acceptance of doctrine, Netter wanted to uphold an intellectual hierarchy within the Church. The tension between hierarchical and consensual values was present in his treatment of Church government in general. In his defence of the papal monarchy Netter made it clear how little authority was vested in the Church as a community. It is in this section of the *Doctrinale* that the discrepancies between his thought and the conciliar theory fully emerge.<sup>310</sup> Netter does not address any of the conciliarists by name. This was beyond the scope of his work, which was first and foremost a condemnation of Wyclif's heresy. An attack on the conciliarists would also not have been very tactful in the aftermath of Constance when the Catholic Church was struggling to restore unity. But it is manifest that his defence of monarchical government in the Church precluded an acceptance of the basic tenet of conciliarism about the conditional nature of spiritual authority. It is difficult to know whether Netter was acquainted with the work of the conciliarists, but an anecdote from the sixteenth-century historian of the English Carmelites, John Bale, suggests that he was. Bale tells us that in the Council of Pisa Netter had responded critically to the conciliar theories of Peter of Candia (later Pope Alexander V).<sup>311</sup> Besides, it seems difficult to believe that a theologian of Netter's erudition and international experience would have been ignorant of what the

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<sup>310</sup> For this reason I would hesitate to call Netter a 'conciliarist' as Kirk S. Smith does in 'An English Conciliarist? Thomas Netter of Walden' in J.R. Sweeney and S. Chodorow (eds.), *Popes, Teachers and Canon Law in the Middle Ages* (Ithaca, 1989), 295. I do, however, agree with Smith's general interpretation, and even he later admits that 'Netter's conciliar thought is highly erratic, at times even contradictory' (p. 298).

<sup>311</sup> Harvey, 'English views on reforms', 53.

conciliarists were saying. I think that it is likely that he was worried by the similarities between some of the conciliarists' tenets and those of Wyclif.

A comparison of Gerson and Netter's treatment of the key texts pertaining to papal authority will show us why the basic contentions of conciliarism were unacceptable to Netter. In Matt. xvi.19, Christ granted Peter the keys of binding and loosing within heaven and earth. Gerson glossed this text to mean that the 'keys were given not to one man, but to the whole church'.<sup>312</sup> Unfortunately for the conciliarist cause in England, Wyclif had made similar use of the same passages of scripture. It must have been with no small unease that Netter read Wyclif's comments on Matthew 16. 18, where Christ told Peter that he was the rock upon which he would build his Church:

It should not be understood that Peter personally was this rock, but that the rock referred to Peter figuratively, so that the true rock upon which the Catholic church must be built is Christ.<sup>313</sup>

This interpretation had originally been advanced by Augustine.<sup>314</sup> But Wyclif and Gerson were both using it to undermine papal pretensions to unlimited authority within the Church. When Netter read Wyclif's comments on Matthew he must have been struck that an argument which had been used by orthodox theologians to solve a very unusual crisis in the government of the church was also being used by a heretic to further his savage attack upon the entire ecclesiastical hierarchy. This was a worrying sign, and Netter could not afford to mince his words in response. He runs through all the texts of the New Testament referring to Peter's place among the

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<sup>312</sup> Gerson, *De Auferibilitate* in *Oeuvres*, iii, 301: 'Claves datae sunt nedum uni sed unitate'.

<sup>313</sup> Netter, *Doctrinale*, i, 262: "non intelligendo quod Petrus erat personaliter illa petra, sed quod Petrus figurative dicebatur a Petra, quae est Christus, super quam petram est Ecclesia catholica erigenda."

<sup>314</sup> Augustine, *Retractiones* in *Patrologia Latina*, xxxii, 618: 'ac sic Petrus ab hac petra appellatus personam Ecclesiae figuraret... Non enim dictum est illi, Tu es petra; sed, *Tu es Petrus*. Petra autem erat Christus'.

Apostles and glosses them to show that, in his own words, Peter is ‘the master of all causes, he is the master of the whole faith ... and there will be no virtue of which Peter is not the guardian and the master.’<sup>315</sup> Netter goes so far as to say that Peter inherited all of Christ’s functions over the Church when the Saviour ascended to heaven. He truly is the vicar of Christ, and Netter affirms that whatever is denied to Peter after Christ, is denied to Christ himself. Thus Peter possessed the three-fold magistracy of teaching, punishing and pardoning which Christ exercised while on earth. Christ conferred these powers over the universal Church and the Apostles on Peter. Netter writes that the Apostles all consulted Peter about their duties to preach, and that the entire authority of preaching the Gospel derived from him. It was for this reason that Paul visited Peter in Jerusalem to confer with him about preaching so that ‘he would not have run in vain’ (Gal. ii.2).<sup>316</sup>

All the authority which, in the conciliarists’ view, resided in the Church, is said by Netter to belong personally to Peter. Gerson had stressed that Christ was truly the head of the Church and that the pope had only held the headship in a limited, conditional sense. It was, for example, possible for the vicarious head of the Church to be divorced from his bride the Church.<sup>317</sup> This was not the opinion of Netter who asserted firmly that Peter took Christ’s place in the Church after Christ’s resurrection. Netter makes it clear just how complete he supposes Peter’s power over the body of the church to be, when he makes a literal comparison between Peter and a human head. Netter poses the following question: ‘If the mind controls the motion and senses of the body (that which cannot happen without the intervention of the animal spirit) what prevents Saint Peter and all his legitimate successors from being the head of the

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<sup>315</sup> Netter, *Doctrinale*, i, 263: ‘Petrus magister ergo est omnis fidei, innocentiae, castitatis, parsimoniae, charitatis, tolerantiae: et nulla erit virtus, cujus custos, cujus magister non fuerit Sanctus Petrus’.

<sup>316</sup> *Ibid*, i, 253.

<sup>317</sup> Gerson, *De Auferibilitate* in *Oeuvres*, iii, 299.

Church, if he will control the motion and senses of the Christian flock, and indeed not he alone, but together with the grace of God?’<sup>318</sup> Peter’s control of the church, in other words, does not derogate from God’s authority, just as the mind’s control of the body is dependent upon the presence of a soul which animates its commands. But the decisions and orders of the head become almost the whole intellectual capacity of the church. Like the limbs of the body, the members of the Church must subordinate themselves to the commands of the pope. Netter’s bodily simile completes the contrast between his thought and the ideas of the conciliarists. They had emphasised that the pope had been granted conditional, vicarious power over the Church, whereas Netter implied that Peter had been vested with almost complete control.

Netter’s divergence from the belief in the conditional nature of papal authority emerged very clearly in his commentary on the scriptural episode where the Apostle Paul had admonished Peter to his face, for having kept the Jewish rites hypocritically. This text has been singled out for mention because it was a scriptural touchstone for the conciliarists. Jean Gerson, for example, had glossed the passage thus: ‘disquiet was caused in the church by Peter’s hypocrisy, and so he was compelled to follow the doctrine that he himself had taught in his writings, and he appeared in front of the church to account for his actions on matters touching the faith. Had he not done so, the church would not have trusted him.’<sup>319</sup> Gerson here takes this rebuke as a clear indication that the pope might be disciplined by his subjects. Other popes have also had to account for their actions to their church, Gerson points out, and he states that

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<sup>318</sup> Netter, *Doctrinale*, i, 265: ‘si mens praestet corpori motum et sensum: quod si non nisi mediante spiritu animali; quid impedit quod Sanctus Petrus non potuit esse Caput Ecclesiae et omnis Successor ejus legitimus, si spirituales sensum et motum gregis Christi praestiterit ipse et quidem non ipse, sed gratia Dei cum ipso?’

<sup>319</sup> Gerson, in *Oeuvres*, iii, 302: ‘Subortum est murmur in Ecclesia ita ut compulsus sit Petrus doctrinam insequi quam scriptis tradidit, ut scilicet paratus esset coram tota Ecclesia rationem reddere de ea quae in ipso erat fide et spe; alioquin non sibi credidisset Ecclesia.’

they did this ‘by no means out of humble condescension as some pretend, but out of necessity and obligation.’<sup>320</sup>

But once again, the overlap between the conciliarists’ concerns and those of Wyclif produced remarkably similar readings of the same text. Netter noticed with alarm that Wyclif had tried to use the passage to question the ecclesiastical chain of command. Unfortunately he did not quote Wyclif, so it is difficult to establish which work he was consulting. It is possible that he was referring to a passage in the sermons in which Wyclif had pointed out that prelates offending against the law of Christ should be resisted as Paul had resisted Peter.<sup>321</sup> Netter’s response to Wyclif is worth quoting in full, because it sheds light on the triangular relationship between conciliarism, heresy and the conservative reaction in England. Wyclif had used the passage to make much the same point as Gerson: papal authority could be overruled if it worked against the interests of the Church. In Netter’s words,

He (Wyclif) recounts how Paul rebuked Peter concerning his deceitful observance of the laws. If he wishes to demote Peter from pre-eminence with this excuse and to equate Paul’s authority with Peter’s, he knows that he has taken no authority away from the true pastors of the church who are occasionally humbly subjected to the reproaches of their subjects, indeed who are willingly laid low... Peter showed his superiority and his humility joined together at one and the same time, for afterwards in his second letter, in the manner of a mild superior and prelate who had been willingly humiliated, he approved and defended the letters of Paul, even those passages in which Paul relates his being rebuked.<sup>322</sup>

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<sup>320</sup> Ibid., iii, 302: ‘sic alii plures iudicium subiere concilii; nequaquam ex humili condescensione, sicut fingunt aliqui, sed ex debito et obligatione’.

<sup>321</sup> Wyclif, *Sermones*, ed. J. Loserth (4 vols., London, 1887-90), ii, 262: ‘in multis tam carnalibus parentibus quam prelatibus nostris quos videmus in legem Christi offendere resisteremus in facie cum Paulo apostolo.’ The point is made often by Wyclif. Another example in Wyclif, *Opera Minora*, ed. J. Loserth (London, 1913), 316.

<sup>322</sup> Netter, *Doctrinale*, i, 255: ‘Commemorat item, quomodo Paulus Petrum reprehenderit de observatione simulata legalium. Quod si velit ex hoc colore Petrum a Principatu dejicere, et aequare illi Paulum, sciat a veris ecclesiae pastoribus nihil autoritativae potestatis imminui, quod subditorum suorum interdum increpationibus humiliter sunt subjecti, sponte prostrati... immo significans Petrus majoritatem suam simul et humilitatem esse conjunctas, postmodum Epistola sua secunda, Pauli autorizat et defendit Epistolas, tamquam Major mitis, et Praelatus sponte dejectus, etiam illas, in quibus eum Paulus commemorat reprehensum.’

Gerson may have agreed with Netter's basic assertion here: that no power was taken away from Peter by Paul's act of criticism. But he would not have agreed that Paul's rebuke was only validated by Peter's acceptance of it. As we have seen, Gerson had emphasised in direct contrast that on occasion popes were obliged to account for their actions. Netter and the conciliarists were thus at odds in their understanding of the constitutional nature of the papal office. For the conciliarists, the pope was accountable to the Church for his actions. For Netter, he was the guiding intelligence of the Church, who could only be legitimately rebuked by his subjects if he willingly submitted himself to them.

Thomas Netter's *Doctrinale* presents a dualist account of religious authority in the Church. His defence of the general council stems from a vision of the Church as a community of the faithful, where the leaders act as representatives of the multitude and in solidarity with them. But he does not follow Zabarella and the other conciliarists in claiming that spiritual authority inheres in this community fundamentally. Instead, all authority in the temporal Church is derived from its hierarchy, the pope. Netter defended the ecclesiastical hierarchy so zealously because he feared giving too much away to the heretics. If he joined the conciliarists in emphasising the conditional nature of office-holding in the Church, he risked conceding too much to the extreme Wycliffite view that authority was forfeit in clerics living wicked lives. Netter kept his scepticism towards conciliarism muted. There were good reasons for this. As it has been argued in Chapter 1, there was still great uncertainty in the aftermath of Constance about how the restored papal monarchy would operate. After the collapse of the Council of Pavia-Siena, the duke of Bedford agitated the pope to call another council. In 1427 Chichele appealed to the general council to adjudicate his dispute with Martin V. The crown's attitude towards

conciliarism remained undecided until the conclusion of Basel. In addition, Netter would not have wished to give any impression to the heretics that his own side was weakened by divisions.

*Eugenian politics: the connection between conciliarism and sedition reinforced*

Netter's work helps us to understand why the crown and the leading churchmen in England shied away from a firm commitment to conciliarism. These suspicions would only have been reinforced with time. The fiasco of the Council of Basel seemed an alarming confirmation of the subversive character of conciliarism. Antony Black has demonstrated that during the turmoil of Basel a group of papal apologists around Eugenius IV aimed to show that the ecclesiastical and secular hierarchies stood or fell together.<sup>323</sup> These polemical arguments were put forward to wrest the loyalty of secular rulers from the council. The most famous of the papal apologists were Juan Torquemada, Antonio Roselli and Piero da Monte. Like Netter, Torquemada imagined all authority in the ecclesiastical hierarchy to flow from its monarch, the pope. The pope was granted his jurisdictional authority directly from God and it was from the pope that all other inferior jurisdictional authority derived.<sup>324</sup> In order to win support for these ideas, the propagandists stressed the analogy between ecclesiastical and secular government.

Eugenius IV was the first to announce that conciliarism was a doctrine inimical to monarchical government, and that if secular rulers embraced it their subjects would feel empowered to rebel against them. In his *Libellus apologeticus* of 1436, Eugenius pointed out that conciliarism aimed to annihilate the power of pope

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<sup>323</sup> Black, *Monarchy and Community*, 86-7.

<sup>324</sup> *Ibid.*, 62-3.

and to place it in the hands of the multitude. The pope pointed out that the actions of the Council of Basel presented a grave threat to Catholic princes, for in the same way an assembly of their peoples could claim to have power over them.<sup>325</sup> Torquemada made the same point at the Diet of Nuremberg in 1438 when urging the German princes to reconsider their policy of neutrality towards Basel. He argued that the principle of sovereignty applied just as much to the papacy as to secular monarchies. Secular monarchs were undoubtedly superior to corporate assemblies within their kingdoms, such as colleges. Torquemada argued that the same logic should hold true of the papal monarchy, which held supreme jurisdiction over a general council. If princes rejected this logic, their own claims of superiority over representative institutions might be open to question.<sup>326</sup>

In England, the threat of subversion was a polemical weapon used by both papal and conciliar publicists. In Chapter 1 we saw that the envoy of the Council of Basel, Gerardo Landriani, urged the English crown in 1432 to send representatives to the council by stressing the dangers of leaving the Hussite rebels unanswered. If heresy were to be ignored, he argued, all kinds of social sedition would follow. In the same way, the envoy of the pope, Piero da Monte, suggested that the Council of Basel's disobedience towards the pope would give the English king's subjects the impression that they could disobey him. In the battle for loyalty during the Council of Basel, both pope and council sought to win allegiance by playing on fears of social insurrection. There is evidence that this position found sympathetic ears in official circles in England. In 1442 the English crown sent an embassy to the Emperor Friedrich and the electors of the Holy Roman Empire in order to convince them to

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<sup>325</sup> Eugenius IV, *Libellum apologeticum* in Baronius, *Annales Ecclesiastici*, ed. A. Theiner (37 vols., Barri-Ducis, 1864-83), xxviii, 197: 'imo toto statu Catholicorum principum valde perniciosum, quoniam pari modo possent eorum populi, si congregarentur, supra eos praetendere potestatem'.

<sup>326</sup> Black, *Monarchy and Community*, 95-6.

give up their policy of neutrality towards the Council of Basel. The ambassadors argued that Basel's disobedience towards the pope flouted monarchical principles and should be abhorred. They likened the situation of the Church to that of a secular monarchy, claiming that the government at Basel would be absurd and unacceptable in any human polity. If a number of conspirators usurped a king's throne it would be the duty of the king's subject to resist them. So it should be at Basel, urged the ambassadors.<sup>327</sup>

The failure of Basel was to have profound repercussions for conciliarist allegiance in England. It alienated those, like Netter, who were doubtful of the conciliarists' theories. The work of papal publicists, like Piero da Monte, would have strengthened the scepticism of conservatives. But the collapse of Basel also affected those who were more sympathetic to the conciliarist cause. It caused the council's supporters to despair about the practicality of the conciliar programme. But the fear of subversion, fed by apparently heretical uprisings at home and by conciliar insubordination abroad, did not totally silence complaints about the misuse of Church government. The basic conviction that spiritual office was held conditionally, so important to both Wyclif and the conciliarists, was also present in the work of a later author, the Oxford don, and sometime Chancellor, Thomas Gascoigne, whose *Theological Dictionary* was set down at some time after 1456.<sup>328</sup>

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<sup>327</sup> *Deutsche Reichstagsakten* (Munich, 1867-), xvi, 553.

<sup>328</sup> For Gascoigne's biography, W.A. Pronger, 'Thomas Gascoigne', *English Historical Review*, 53 (1938), 611-8; A.B. Emden, *A Biographical Register of the University of Oxford to A.D. 1500* (3 vols., Oxford, 1957-9), ii, 745-8.

*Thomas Gascoigne and the fading hopes of conciliar reform*

Gascoigne's work provides an important measure of the changing nature of the English engagement with conciliarism. Like Netter, he is one of the few English authors of the fifteenth century to enter into a systematic consideration of ecclesiological issues. Gascoigne also has a strong claim to our attention, because he appears the kind of person who elsewhere would have been an ardent supporter of the conciliar cause. He shared the conciliarists' indignation at abuses in the Church and gossips about these at length in his dictionary. Yet he does not seem to set much store in the general council's ability to root out corruption. The reasons for his failure of confidence will be explored here.

Gascoigne's sources and modes of argument are quite different from those of the constitutional debate which we have so far been discussing. He does occasionally refer to the texts of the canon law, but they do not form the intellectual foundation of his *Theological Dictionary*. Instead the works of the fathers, most importantly Jerome, and the texts of the scripture take the fore. Gascoigne often imposes his own eccentric, allegorical reading, without overmuch concern for accepted canons of interpretation. One gets the impression of a thwarted reformer—someone with much to complain about, but with no means of putting an end to abuses. The apparent fruitlessness of the conciliar enterprise probably discouraged him from seeking constitutional answers to the Church's ills.

One of the intellectual components of conciliarism is, however, prominent in his work. Gascoigne's disenchantment with the ecclesiastical authorities is often expressed in terms which reveal a conception of the conditional nature of religious authority. These outbursts are not worked into a systematic theory by any means. Nor,

as we have argued, was a theory of conditional authority necessarily controversial or unorthodox. No one denied that the pope, or any other cleric, would be held accountable by God for his actions. There was thus always understood to be a direct and binding contract between clerics and God. But in the aftermath of the Wycliffite heresy, it is surprising that these ideas find such vehement expression. Although a professed admirer of Netter, Gascoigne's analysis of the papal monarchy was very different in tone. Whereas Netter had depicted the pope as the brain of the Church – its guiding intelligence on earth – Gascoigne has a much dimmer view of the papal office.

Under the entry 'Ecclesia Romana' Gascoigne likened Rome to the wild beast of Ps. lxxix.14<sup>329</sup> which lays waste to the field.<sup>330</sup> He did this on the authority of Jerome's commentary on the book of Isaiah.<sup>331</sup> Here the wild beast of the Psalms is associated with a passage in Isaiah where it is foretold that the strong and beautiful city will be laid waste, and the calf will feed upon the ruins (Isa. xxvii.10). Jerome interprets the town as Jerusalem, brought low for its rejection of Christ and likens both the calf and the wild beast to the Roman army (*exercitus Romanus*). It will feed upon the vine of the city, eating all the shoots and robbing it of life. The commentary is somewhat opaque, but it appears that Jerome was alluding to the suppression of the Jews by the Romans. This interpretation is substantiated by another section from Jerome's commentary on the Book of Daniel, where he likens the wild beast of the Psalms to the beast of Daniel's dream which kills all others (Dan. vii.7). Both these animals represent the Roman Empire which destroyed all other nations so that all

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<sup>329</sup> Ps. lxxx.13 in the *New Revised Standard Version*.

<sup>330</sup> Oxford, Lincoln College, MS Latin 117, fol. 291: 'Ecclesia. Singularis ferus de pastus est eam scilicet vineam ... ferus signifiat Romam ut dicunt hebrei et sanctus Jeronimus super daniellem.'

<sup>331</sup> Jerome, *Commentariorum in Isaiam Prophetam Libri Duodeviginti in Patrologia Latina*, xxiv, 311A-B.

peoples would be subsumed within one empire.<sup>332</sup> In Gascoigne's gloss, the nuances of Jerome's commentary are lost. The wild beast of the Psalms is not identified with the Roman Empire, but with the city of Rome. When the beast feeds upon the vine, this is no longer a symbol of the prosperity of Jerusalem, but of the Church itself. The fact that this comment was lodged under the entry 'Ecclesia Romana', is itself a strong indication that Gascoigne associated the papacy with the exploitation of the Church.

Gascoigne possessed none of Netter's confidence that the pope would faithfully direct the Church. Instead he dwelt (as had the conciliarists) upon Paul's injunction to the Corinthians (2 Cor. xiii.10) that all authority in the Church had been granted for edification and not for destruction. It followed that 'the Roman pope, the vicar of Christ, should use his delegated authority in order to do those things which God gave him to be done'.<sup>333</sup> Throughout the text, Gascoigne's lamentations at the abuses which stemmed from papal licenses, indulgences and appointments made it clear that the pope did not always act in the Church's benefit. Like the conciliarists, Gascoigne was not afraid to point out that popes did not personally possess the gift of unerring faith. St Peter himself had fallen from the faith, and his successors, such as Pope Liberius, had also been implicated in heresy.<sup>334</sup> The limitations on papal rule were clearly enunciated by Gascoigne. He did not take an expansive view of Christ's granting of the keys to the Peter. He glossed Christ's words to Peter, that 'whatever you bind on earth will be bound in heaven' (Matt. xvi.19) thus: 'to bind something means that only that may be bound which is bound by God or by his teaching. The

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<sup>332</sup> Jerome, *Commentariorum in Daniele Prophetam ad Pammachium et Marcellam, Liber Unus* in *Patrologia Latina*, xxv, 530B-C.

<sup>333</sup> Oxford, Lincoln College, MS Latin 118, fol. 157.

<sup>334</sup> MS Latin 118, fol. 160.

contrary may not and must not be bound by man.’<sup>335</sup> Citing Augustine of Ancona, Gascoigne pointed out that ‘the pope cannot dispense in those matters which are against divine institution, against the ordination of nature and against the obligation of divine precept’.<sup>336</sup>

With his acute awareness of the shortcomings of the Church, Gascoigne had obvious affinities with the conciliarists. He too was convinced that the pope was bound to promote the well-being of the Church, and that these duties were too often shirked. Like the conciliarists, and like Wyclif, Gascoigne had a strong sense of the conditional nature of religious authority. Some passages of his *Theological Dictionary* resemble the kinds of interpretation found in the *Floretum*. Under the entry ‘Abusus potestatis contra voluntatem dei’, Gascoigne showed in unambiguous terms that the authority granted by God to the rulers of the Church was revocable if they did not honour his commandments. Gascoigne cited Hugh of Saint-Cher’s interpretation of the scriptural example of Eli the priest.<sup>337</sup> God had granted Eli and his heirs the right to minister in his sight for ever (1 Sam. ii.30). But on account of the wickedness of Eli’s sons, who had profaned the sacrifices of the temple, God had withdrawn the priesthood from Eli’s successors. This action made it clear that God’s original consent had all along been conditional (*permissum condicional*).<sup>338</sup> Similarly, the prophet Samuel had told King Saul that since he had rejected the word of God, God had rejected him and revoked his temporal authority. Gascoigne drew two general conclusions from the evidence that he had assembled. The divine will was only

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<sup>335</sup> Ibid., fol. 160: ‘Ligare enim aliquid arguit hoc esse ligabile quod enim a deo est ligatum vel preceptum suum contrarium non est ab homine ligabile nec ligandum.’

<sup>336</sup> Ibid., fol. 167: ‘Non potest dispensare in hiis que sunt contra divinam institutionem contra nature ordinationem et contra divini precepti obligationem’. Gascoigne is probably alluding to a passage from Augustine of Ancona’s *Summa de Ecclesiastica Potestate* translated in A.S. McGrade, J. Kilcullen and M. Kempshall (eds.), *The Cambridge Translations of Medieval Philosophical Texts, vol. 2: Ethics and Political Philosophy* (Cambridge, 2001), 448-9.

<sup>337</sup> Hugh of Saint-Cher, *Postilla* (Basel, 1498-1502), ad 1 Reg. ii.30; a.v. ‘Propterea ait dominus’. This edition is unpaginated.

<sup>338</sup> MS Latin 117, fol. 63.

permissive to the creatures of the earth on a conditional basis, as long as it pleased God and the will of God was fulfilled.<sup>339</sup> The upshot was manifest: ‘on account of abuse or sin, God can revoke or withdraw the power granted to any earthly authority: the pope, the king or whoever else.’<sup>340</sup>

There was little in Gascoigne’s treatment of religious authority that could have been rejected by his peers. The idea that spiritual office was held conditionally was undisputed. But it is significant that Gascoigne should articulate this concept so stridently, after Wyclif had brought it into such disrepute. Gascoigne’s vision of Church government was not far from Wyclif’s: he seemed at points to indicate that those who disdained God’s commandments forfeited their authority. But he did not touch upon the highly controversial question of whether earthly subjects could pass judgement on the worthiness of their superiors. The contract to govern according to God’s will was a private agreement between the ruler and God himself. Only God could intervene to correct abuses. It was upon this point that Gascoigne diverged drastically from the thought of conciliarists. Never in the *Theological Dictionary* is the Church imagined in conciliarist terms as a corporation with the right to enforce the contract between the pope and God. The failure to discuss corporate rights stemmed from Gascoigne’s anxieties about the nature of the temporal Church. Like Wyclif, he was cautious about identifying the Church as a coherent community of believers on earth. Many wicked people were esteemed to be part of the congregation of the faithful when in fact they were not: the doubt would only end at the Final Judgment.<sup>341</sup> Gascoigne’s silence about the Church’s rights as a community probably

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<sup>339</sup> Ibid., fol. 63: ‘Omnis permissio domini supra creature in terris est condicionalis, scilicet, quam diu deo placitum est et intentio et voluntas dei impleatur’.

<sup>340</sup> Ibid. fol. 63: ‘Ex quibus manifestum quod propter abusus sive peccatum deus potest revocare et retrahere potestatem datam cuicumque viatorum in terris scilicet a papa, rege et quolibet altero homine terreno’.

<sup>341</sup> Ibid., fol. 291.

stems from his pessimism (akin to Wyclif's) about the claims of any human authority to represent that Church. It is tempting to link this disenchantment with the failure of the Council of Basel. Basel's claim to represent the universal Church had been rendered suspect by its partisanship, its immersion in political battles and above all by the divisions which it had unleashed.

Gascoigne was well aware of the recent history of the general councils. He repetitively describes the papal depositions which occurred at the Councils of Pisa and Constance, with no apparent disapproval or distaste. What is more, Gascoigne drew his reader's attention to a copy of Constance *acta* bequeathed to Durham College by Robert Burton in which they could find these events described.<sup>342</sup> There are times when he seems to give an approving nod to the activities of the councils. He was conscious that the Council of Basel had taken a stand on the kind of issues that were dear to his heart. After having condemned the fiscal abuses of papal government, Gascoigne pointed out that the Council of Basel had recently tried to abolish the payment of annates. But in England, despite the bitterness that annates aroused, this decree had proved a dead-letter. Gascoigne observed that, 'we do not see this remedy being put into place, and whether it is being carried out in France, I do not know.'<sup>343</sup> For Gascoigne, the conciliar enterprise pointed in the right direction, but it was not a theme about which he could become very excited, because the prospect of its success seemed so remote. The effectiveness of conciliar decrees could not even be guaranteed in places like France where secular rulers were most sympathetic towards them.

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<sup>342</sup> MS Latin 118, fols. 165, 169-71, 172-3, 175-6.

<sup>343</sup> MS Latin 117, fol. 438: 'Consilium enim basiliense ... statuit et ordinavit remedium contra ista annata que anglici vocant primos fructus episcopatum, sed illud remedium non vidimus exsecutum [sic] an sit exsecutum in francia nescio'.

The hope that the general council could put an end to abuses in the Church was largely lacking from Gascoigne's work. In Gascoigne's world-view, wicked rulers (spiritual or otherwise) had to be suffered as a providential curse. In an entry under the heading 'Papa', Gascoigne beseeched his readers to pray to God 'that we should not merit through our sins that our leaders rule us wickedly'. Gascoigne pointed out that God had often permitted the rule of tyrants on account of the sins of the people. To punish the wickedness of the people of Israel, God had granted the idolatrous king Manasseh to rule over them (2 Kgs. xxi).<sup>344</sup> This was not an outlook which was conducive to action. For all its anger at abuses, Gascoigne's *Theological Dictionary* was highly pessimistic about the Church's ability to bring about reform. In this it differed profoundly from the optimistic programme set forth by the conciliarists, which held that the Church possessed the power to correct misrule through the general council. In Gascoigne's work no allowance was made for the institutional machinery by which a third party might enforce the contract between religious governors and God. The only means of change was the direct intervention of God.

*The survival of conciliarism in related ideologies of community*

Gascoigne's work may suggest that conciliarist ideology was dormant in England by the mid-century, but it does not prove that it was incapable of revival. As we have seen, the communitarian vision of the Church was still very much present in the thought of Netter. The beliefs and the practices of the Church were legitimised by the universal consent which they had won. The multitude acted as an important witness of

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<sup>344</sup> MS Latin 118, fol. 188.

Catholic truths. These statements provided a reproof to the heretics who cut themselves off from the body of the Church, preferring their own judgment to the collective judgement of the universal Church. This communitarian ideology harmonised well with the kinds of public messages disseminated by the English government in order to combat heresy. The various channels of propaganda in late-medieval England – such as legal statutes, sermons, and public rituals – generated public awareness of the Church as a community of the faithful. The public were taught to suspect as potential heretics those who separated themselves unusually from the community in private gatherings.<sup>345</sup> In more striking visual terms, heresy was seen as a social disease which could quickly infect the body of the Church.<sup>346</sup> Ian Forrest has shown that, both in theory and in practice, the solidarity of the community was inculcated in order to counteract the threat of heresy.<sup>347</sup>

But the prevalence of communitarian ideology did not entail a concomitant awareness of a theory of rights. In the work of Netter, the Church possessed no rights against its head. The possibility of judicial action against the pope was simply ignored in Gascoigne. This conciliarist tenet seems to have fallen out of debate in late-medieval England. But its survival, like that of the communitarian ideology in general, could not be ruled out. The persistence of a constitutional analysis of the Church was made possible by the highly permeable boundaries between secular and ecclesiastical thought. We have already seen the analogies that could be drawn between the government of the Church and secular rule. The fear that the supposedly anti-hierarchical ideas of the conciliarists and Wycliffites would be applied to the secular sphere was a trump card in the hand of traditionalist theologians, who hoped to turn secular rulers against both. It has recently been pointed out that the later

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<sup>345</sup> Forrest, *Detection*, 163-4.

<sup>346</sup> *Ibid.*, 155-7.

<sup>347</sup> *Ibid.*, 233-4.

generation of conciliarists in Europe, such as Jacques Almain, reacted to this trend by declaring that the Church could not be fittingly compared to secular government. Whereas secular governments were prone to constitutional development and decay, as Aristotle had pointed out, the Church was immutably monarchical, although the community within it possessed certain rights.<sup>348</sup> Almain's approach seems to herald a break with an earlier tradition of conciliarism. Gerson, d'Ailly and Zabarella had all made fruitful connections between the nature of ecclesiastical and temporal government. But the tactic of the later conciliarists could not become permanent. For one thing, the conservatives had been too successful in arguing that secular and ecclesiastical hierarchies operated on similar principles. Once this assumption had been accepted, there was nothing to prevent secular constitutional concepts from escaping their categorical confines and being applied to the Church.

In the secular sphere, moreover, communal consent was an important constituent of political discourse. The theoretical recognition that legislative power was vested in the people went hand in hand with the development of parliament as a source of law.<sup>349</sup> The justice and political theorist, Sir John Fortescue, could confidently declare in his *De laudibus legum Angliae* (1468-71) that 'statutes in England are granted not just by the will of the prince but with the assent of the whole realm, so that they are incapable of doing injury to the people, or of failing to procure their advantage.'<sup>350</sup> Admittedly the value of consent in government was rarely articulated unambiguously by theorists: it was a vexed question whether monarchical

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<sup>348</sup> Burns, *Lordship*, 141. Oakley, *Conciliarist Tradition*, 75.

<sup>349</sup> Dunbabin, 'Government', 507. Burns, *Lordship*, 66-70. In the English context, W.M. Ormrod identifies the growing stature of the House of Commons with the emergence of the phrase 'the community of the realm' during the fourteenth century: *Political Life in Medieval England, 1300-1450* (Basingstoke, 1995), 33.

<sup>350</sup> Fortescue, *De laudibus legum Anglie*, ed. S.B. Chrimes (Cambridge, 1949), 41: 'Sed non sic Angliae statuta oriri possunt, dum nedum principis voluntate sed et totius regni assensu ipsa conduntur, quo populi laesuram illam efficere nequeunt vel non eorum commodum procurare.'

government could legitimately persist without it. But the daily practice of politics in England seemed to confirm the importance of public approval: the consent of representatives in parliament was required by the crown in order to collect taxes. In the words of Jean Dunbabin ‘the co-operation of the ruling classes in the shires was a *sine qua non* of governmental action; that co-operation could not be obtained without formal consent.’<sup>351</sup>

But a communitarian ideology did not receive its only encouragement from the work of parliament, nor was it only available to the political elite who were present there. Recent work has shown that the extension of central government in late-medieval England led to wider popular participation in activities such as local tax collection, and the carrying out of royal justice.<sup>352</sup> Prosperous members of the peasantry acted as ‘jurors and oath-helpers, as militia-men and coast-guards, as constables as church wardens’.<sup>353</sup> They were in close contact with central government, and this integration lent reality to the concept of the community of the realm. What was more, those with an active stake in local government were especially concerned to ensure that the crown honoured its commitment to rule in the common interest. John Watts has shown that various parties in late-medieval England competed to position themselves as arbiters of the common wealth of the realm. The rebels of 1450 claimed to be acting in the interests of the ‘comyn wele of the realme of Ingelonde’.<sup>354</sup> It is tempting to make associations between this political consciousness and the political ideology conveyed by literature of the period. Rising literacy undoubtedly caused texts to be diffused more widely than before, but locating

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<sup>351</sup> Dunbabin, ‘Government’, 519.

<sup>352</sup> G.L. Harriss, ‘Political Society and the Growth of Government in Late Medieval England, *Past and Present*, 138 (1993), 28–57. Ormrod, *Political Life*, 42–3.

<sup>353</sup> J. Watts, ‘The Pressure of the Public on Later Medieval Politics’ in *The Fifteenth Century vol. IV*, ed. L. Clark and C. Carpenter (Woodbridge, 2004), 171.

<sup>354</sup> For a printed edition of this petition, I.M.W. Harvey, *Jack Cade’s Rebellion of 1450* (Oxford, 1991), 189.

specific audiences is still very difficult. Despite these difficulties, it is surely significant, as John Watts has noted, that the same sentiments were expressed in political pamphlets and rebel manifestos. National politics seems to have created a 'common discursive space... but also a treasury – or perhaps an emporium – of acceptable language.'<sup>355</sup>

Within the shared language of national politics, communitarian concepts featured strongly. Vitaly, the idea that the community possessed rights which could be defended against encroachment was gaining credibility. Whether or not the rebels of 1450 were aware of contemporary political literature, they were nonetheless convinced of the constitutional restrictions on the king's authority. One reason that they had assembled was, according to one of their petitions, that 'they say that our sovereign lord is above his laws to his pleasure, and he may make them and break them as he will, without distinction'.<sup>356</sup> For the rebels, this was an unacceptable interpretation of royal authority, and they had come to counsel their lord against it. The grievance implied that there were fundamental laws which the king was ill advised to ignore. Their actions represented a secular parallel to the work of the conciliarists, who claimed that the community of the Church possessed certain rights against its head and could take advantage of these rights to ensure that the well-being of the Church was not overridden.

This chapter has set out to show that political concepts were not confined within static and self-contained categories. Conciliarism was an amalgam of widely accepted concepts. It gained currency because its basic assumptions about the conditional nature of spiritual office and the value of consent within the Church were widely accepted in late-medieval Europe. Conciliarism had, however, arrived at a bad

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<sup>355</sup> Watts, 'Pressure of the Public', 161.

<sup>356</sup> A.R. Myers (ed.), *English Historical Documents, 1327-1485* (London, 1969), 266.

time in England. In an intellectual climate of doubt and self-censorship, it appeared more subversive than its exponents intended it to be. But just as popular rebellions did not cause communitarian ideology to be rejected, even though they had revealed its potentially subversive connotations, so the theories of the conciliarists did not lose all legitimacy. As long as Christians subscribed to the idea that the government of the Church was based on consent (as the example of the apostolic Church and the patristic interpretation of it suggested), conciliarist sympathies would be latent. If little was said in England about the general council in the period from Gascoigne until the 1530s, it was simply because the possibility of achieving a general council seemed so remote. But the silence should not necessarily be read as a loss of sympathy. John Colet, preaching to Convocation in 1512, urged the Church to renew those laws ‘that commaunde provinciall councils to be oftenere used for the reformation of the churche. For there never hapneth nothyng more hurtefull to the churche of Christe than the lacke both of councell generall and provinciall.’<sup>357</sup> Colet’s comment suggests that the papacy’s failure to call general councils during this period was not necessarily shrugged off as a sign of the times; instead it could be seen as a detriment to the Church. Even though it is difficult to tell whether the conciliarists were much read in late-fifteenth century England (see the discussion in Chapter 4), their ideas could be easily and effectively resurrected, because they seemed so congruous not only with a tradition of thought within the Church, but with secular political theory.

In the next chapter we will explore how ideas about the general council were used to justify the break with Rome under Henry VIII. It must be stressed that the traversing of chronological boundaries (over the apparent wasteland of the late fifteenth century) is not being undertaken with a teleological agenda in mind. It is not

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<sup>357</sup> Colet, *The Sermon of Doctor Colete made to the Convocation at Paulis* (London, 1530, STC 5550), fol. C2<sup>r</sup>.

being argued here that the Henrician Reformation was an inevitable consequence of the ideological strains explored in this chapter. It must be recognised, however, that the Henrician regime made use of theories about the general council which had been pioneered in the fifteenth century. As we shall see in Chapter 4, not all of these arguments were accepted in the sixteenth century. But they provoked a variety of responses which confirm this chapter's assertions about the volatility of fifteenth century thought on the general council. In the fifteenth century the English had, by and large, refrained from taking sides in the conflict between the conciliarists and defenders of the papal monarchy. During the 1530s they could no longer afford to be so detached, for the nature of England's membership of the Catholic community was called into question. As part of their reaction to the break with Rome, Henry VIII's subjects were forced to engage with the competing theories of fifteenth-century ecclesiology and to decide what function the general council played in the government of the Church, whether it was superior to the pope and whether the king's attempt to align himself with the cause of the general council was justified. It is necessary, therefore, that we interpret their responses within the long intellectual tradition outlined here.

### CHAPTER 3. THE GENERAL COUNCIL IN THE HENRICIAN PROPAGANDA

#### CAMPAIGN

The events of the 1530s transformed the relationship between Church and state in England. In this period of religious upheaval, the English crown had to justify its assumption of responsibilities that had hitherto been held by the papacy. One aspect of this strategy involved an appeal to the general council. The regime's scramble to defend its actions resulted in theories of Church government which, in the eyes of some historians, were drastically out of keeping with hitherto accepted positions. It has been argued that when the regime employed Lutheran theories of obedience towards the magistrate, it manifestly broke with tradition, for Luther departed radically from medieval thought on this subject.<sup>358</sup> Even when the defenders of the regime strove to present the break with Rome as an outcome of past concerns and appealed to medieval theology and the canon law, they were, in the view of some historians, engaged in distorting the evidence so as to justify the unjustifiable.<sup>359</sup> Where surveys of late-fifteenth century intellectual culture have been included in studies of the break with Rome, they have served the purpose of portraying Henrician propaganda as utterly implausible to the pious heirs of a quiescent faith.<sup>360</sup> These arguments seem to imply that there is little point in seeking to locate the Henrician

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<sup>358</sup> R. Rex, 'The Crisis of Obedience: God's Word and Henry's Reformation', *The Historical Journal*, 39 (1996), 866-71.

<sup>359</sup> Pierre Janelle, refers to Henry VIII's 'rouerie persévérante' in his official statements: *L'Angleterre Catholique à la Veille du Schisme* (Paris, 1935), 202. Philip Hughes writes of the arguments defending the royal supremacy: 'Did anyone ever really believe this blasphemous rubbish? Did Gardiner, or Cranmer – or Henry himself?' *The Reformation in England* (3 vols., London, 1954), i, 342.

<sup>360</sup> Janelle, *L'Angleterre Catholique*, 48 – 55. Hughes, *Reformation*, 90–104. It is notable that Geoffrey Elton in *Policy and Police* (Cambridge, 1972) and Ethan Shagan in *Popular Politics and the English Reformation* (Cambridge, 2003) do not attempt to compare the theories of the propaganda campaign with the ecclesiological debates of the fifteenth-century. Similarly, Eamon Duffy does not address attitudes towards the papacy and the general council at any length in *The Stripping of the Altars: Traditional religion in England c. 1400 – c. 1580* (New Haven, 1992).

Reformation within a continuous intellectual tradition, for it was so obviously a cataclysmic rupture with the past.<sup>361</sup>

This thesis will take a different approach. It will be argued that we must understand the official ideas about the Church disseminated in the 1530s against the background of fifteenth-century attitudes towards the papacy and the general council. The Henrician regime did put forward highly contentious ideas about the nature of the Catholic community and the role of secular authorities within it. But it often tried to portray its policies as a perpetuation of traditional grievances against papal misgovernment. It is not assumed here that the government's interpretation was correct. In fact, it will be shown that the regime manipulated fifteenth-century ideas about the Church to suit its own needs. In so doing the crown was following the basic strategy of its predecessors. Chapter 1 has shown that in the fifteenth century the English crown's policy towards the general council was constantly adapted to the vicissitudes of international diplomacy and the stresses of Anglo-papal relations. But the content of these ideas did change radically during the 1530s. It is only if we view these developments against fifteenth-century discussion that we can evaluate how great the change was.

There are a number of reasons why an understanding of the preceding period is necessary to appreciate the events of the 1530s. Conciliarism had been a controversial theory in England. But, as we have seen, the legitimacy of the general council in the declaration of doctrine and the elimination of heresy had been widely recognised. It was these associations which the Henrician regime tried to exploit in positioning itself as a champion of the general council. However, the assumption that the general council and the pope should work in unison was now challenged. We will

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<sup>361</sup> Janelle presents the most extreme form of this sceptical attitude, when he says: 'Les ennemis les plus déclarés de la papauté n'ont donc pu découvrir à la théorie de la religion d'état, tel qu'elle fut établie par les Tudors, le moindre précédent anglais.' (*L'Angelette Catholique*, 236.)

consider the reception of these ideas in Chapter 4. The present chapter will analyse the propaganda campaign's treatment of the general council. This topic, very abstruse at first sight, will help us understand how fundamental issues pertaining to spiritual authority – the right to interpret scripture, for example – were changed by the Reformation. It will also allow us to see to what extent fifteenth-century ideas remained in place in Reformation debates. The presence of the general council in religious discussion was often problematic, especially for Protestants, but it could not simply be banished.

Recent work has explored the complicated nature of religious debate in the Henrician period. Evangelicals could not openly admit their adherence to the doctrines of Luther, many of which were regarded as heretical by the king and the conservatives in the political establishment. Traditionalists also chose to make compromises. They countenanced the king's rejection of papal authority, his meddling with Church government as well as his attacks on the monasteries, 'superstitious rites' and prayers for the dead. Diarmaid MacCulloch's study of Thomas Cranmer has emphasised how painful the compromise between reform and reaction could be.<sup>362</sup> Factions within the English Church competed and plotted against one another, alternating between backsliding and entrenchment, as their fortunes wavered. Glyn Redworth and Lucy Wooding have, by contrast, placed more emphasis on the common ground that existed between different kinds of reformers.<sup>363</sup> Wooding, in particular, has argued that the king's *via media* helped to bridge divisions between evangelicals and traditionalists. The Henrician reform programme with its Bible translation and educational enterprises, honoured widely-held humanist principles which transcended confessional conflict. The problem with Wooding's account is its

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<sup>362</sup> D. MacCulloch, *Thomas Cranmer: A life* (New Haven, CT, 1996).

<sup>363</sup> G. Redworth, *In Defence of the Church Catholic: The life of Stephen Gardiner* (Oxford, 1990); L.E.C. Wooding, *Rethinking Catholicism in Reformation England* (Oxford, 2000).

failure to appreciate the role played by royal intimidation in the compliance of conservatives.

Nevertheless, despite their disagreements, the historians mentioned above do agree that in the game of Henrician politics all parties had to align themselves with the king's policy of 'moderation' in order to advance their interests. Peter Marshall has provided a particularly illuminating exploration of the process of self-identification, by analysing the use of the term 'Catholic' in the reign of Henry VIII.<sup>364</sup> Defenders of the royal supremacy stressed that the Catholic Church was something altogether different from the Roman Church. They argued that the pope had erroneously described his own Church as 'Catholic', so as to pretend that his localised authority was, in fact, universal. This line of argument was pursued by conservatives, such as Stephen Gardiner, Cuthbert Tunstall and John Stokesley, as well as evangelicals such as Thomas Swinnerton, Richard Morison and others. Nevertheless, the apparent consensus about the meaning of the term masked bitter rivalry. Marshall demonstrates that conservative prelates could attack English Lutherans for having left the fold of the Catholic Church, while evangelicals criticised conservatives for confusing the Catholic Church with the clerical estate. Here we see competing groups struggling to justify their views using terms which were acceptable to the regime.

Discussion about the general council in the Henrician period functioned in a similar way to discussions about catholicity (indeed they were two manifestations of a shared acceptance of Christian universalism). The general council became a symbol of legitimacy, which both evangelicals and traditionalists sought to champion. To understand why this was so, some understanding of the fifteenth-century intellectual

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<sup>364</sup> P. Marshall, 'Is the Pope Catholic? Henry VIII and the semantics of schism' in E.H. Shagan (ed.), *Catholics and the 'Protestant nation': Religious Politics and Identity in Early Modern England* (Manchester, 2005), 22-48.

inheritance is necessary. This chapter will show that the regime's emphasis on the need for consent in the framing of doctrine and the institution of religious law grew from earlier concerns. Although fifteenth-century ideas were transformed as they were deployed in the regime's propaganda campaign, the instability of the ideas themselves facilitated manipulation. Many recent commentators have argued that pre-Tridentine Catholicism was not doctrinally rigid.<sup>365</sup> This was especially true of opinions about Church government. It is also widely acknowledged that the late middle ages produced no conclusive definition of the papal monarchy's authority, and this encouraged a great deal of argument about the general council's role as a corrective to the excesses of papal government.<sup>366</sup> Chapters 1 and 2 have shown that England was not insulated from these discussions. The tensions which were present in debates between conciliarists and their opponents, were reflected in the ambiguities of English theologians, such as Thomas Netter.

The Henrician regime manipulated the diversity of opinions about Church government by attempting to align itself with the conciliarist cause. It hoped initially that its dispute with the papacy would be understood as a perpetuation of conciliarist resistance towards papal misgovernment. Several historians have observed that the espousal of conciliarism was an important component of the regime's propaganda campaign.<sup>367</sup> Studies by John Guy and Thomas Mayer have illustrated the influence

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<sup>365</sup> Redworth, *Church Catholic*, 48-9; P. Marshall and A. Ryrle (eds.), *The Beginnings of English Protestantism* (Cambridge, 2002), 5-7. Wooding, *Rethinking Catholicism*, 5-15.

<sup>366</sup> Thomson, *Popes and Princes*, 4 – 5. Burns, 'Scholasticism: survival and revival', 146. J.-P. Moreau, *Rome ou l'Angleterre? Les réactions politiques des catholiques anglais au moment du schisme, 1529–1553* (Paris, 1983), 21.

<sup>367</sup> F. Le Van Baumer, *The Early Tudor theory of kingship* (New York, 1966), 49-56. F. Oakley, 'Constance, Basel and the two Pisas: the conciliarist legacy in sixteenth and seventeenth-century England', *Annuaire Historiae Conciliorum*, 26 (1994), 87-118. P.A. Sawada, 'Das Imperium Heinrichs VIII. und die erste Phase seiner Konzilspolitik' in E. Iserloh and K. Repgen (eds.), *Reformata Reformanda: Festgabe für Hubert Jedin* (2 vols., Munich, 1965), i, 476-507.

of conciliarism upon Thomas Starkey and Christopher St German.<sup>368</sup> In addition, Graham Nicholson has undertaken groundbreaking work on the ideological content of the early Henrician propaganda works, charting their genesis from manuscript materials.<sup>369</sup> He has also noticed the presence of conciliarist ideas in the texts. Some justification may be required for undertaking a further examination of this theme. A new work of synthesis is required in order to update the older works (such as Baumer's) which examine the theme of the general council in the propaganda campaign as a whole, with the newer studies which concentrate on particular authors. In addition, few of the authors mentioned above have analysed the use of conciliarism in the 1530s as part of a longer process of ideological engagement with the general council, and the related issues of consensus in the framing of doctrine and condemning heresy. What is more, these works have not been properly related to the public debates over the supremacy in the 1530s. The propaganda campaign has not been sufficiently analysed as a process of public ideological transmission, with important consequences for the English Church. This is the aim of the following two chapters. Chapter 3 will explore the use of the general council in the regime's propaganda campaign, while Chapter 4 will explore how the ideas were received by the public.

This approach opens itself to a number of criticisms. Perhaps it is best to give these some preliminary attention to clarify our aims. Sceptics might argue, for example, that the hypocrisy of the Henrician regime hardly makes its ideological utterances a fruitful object of study. Seeing that Henry VIII precipitated the break with Rome without any attempt at international consultation, his appeals to the

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<sup>368</sup> T.F. Mayer, 'Thomas Starkey, an unknown conciliarist at the court of Henry VIII', *Journal of the History of Ideas*, 49 (1988), 207–27. J.A. Guy, *Christopher St German on Chancery and Statute* (London, 1985), 35–6, 40, 43–4, 51, 72–3, 87.

<sup>369</sup> G.D. Nicholson, 'The nature and function of historical argument in the Henrician Reformation' (Cambridge Univ. PhD thesis, 1977).

general council were utterly hollow. This mendacity, it might be argued, applied just as much to the pretence that the Reformation was instituted with the consent of Henry's subjects. This chapter does not wish to deny that the regime's propaganda was often contradictory and hypocritical. But it does wish to argue that contradictions and hypocrisies were no less powerful an influence over public debate for all that. They reinforced a series of expectations about politics which, when frustrated, provided opponents of the regime with grounds for resistance. Furthermore, the confusions about religious authority which the Henrician era created and then left unresolved helped to destabilise future phases of the magisterial Reformation in England.

A second line of criticism towards my approach would call into question the nature of the ideological transmission. C.S.L. Davies has attacked the tendency of cultural historians and literary scholars to infer that their own textual interpretations were shared by contemporaries: "Scholars can too easily show themselves 'too clever by half' in assuming reactions by contemporaries who lacked either the resources or the leisure for the ingenious analysis of texts possible in a modern scholarly library. As it is, scholars tend to assume an audience which was at once extraordinarily erudite and yet somewhat naïve in its readiness to admire and 'interiorise' the message aimed at it."<sup>370</sup> This is, in many ways, salutary advice. We should ask hard questions about the nature of the audience or the public that we are talking about. In speaking about the public for which the Henrician propaganda was intended, this chapter does not suppose that the texts under discussion were readily available to the general populace. Nevertheless, they were circulating among a highly literate élite. There is evidence of contemporary engagement with these works, both approving and

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<sup>370</sup> C.S.L. Davies, 'Representation, Repute, Reality', *English Historical Review*, 124 (2009), 1444.

disapproving. It is significant that the assertions of the propaganda works (no matter how dubious to sceptical scholars today) became part of the intellectual foundations of the Protestant establishment in England. The material from the Henrician propaganda campaign was used, for example, by the regime to justify its punishment of missionary priests in the 1570s. The Henrician propaganda works are not as ephemeral, therefore, as they might seem at first glance.

### *The nature of the sources*

The main body of source material analysed by this chapter consists of printed propaganda texts. For our purposes, propaganda texts will be defined as works commissioned by or offered to the crown in defence of royal policy. These sources allow us to identify how the regime wished its rejection of papal authority to be interpreted. The diffusion and reception of these texts will be considered in Chapter 4. Aside from printed sources, this chapter will examine notes and treatises in manuscript form, mostly found in the State Papers. Many of these documents presumably came from Thomas Cromwell's files. The presence among the State Papers of a large number of letters addressed to Cromwell suggests this. As we shall see, some of these papers exist in multiple copies, which suggests that they were intended to circulate among members of the king's council and the leading bishops. Unfortunately the Victorian compilers of the State Papers left almost no description of their method in grouping papers together, and so it is extremely difficult to ascertain the exact provenance of many of the papers. Nevertheless, it is unlikely that ideas for propaganda works should have been preserved among these official papers had they not passed over the desks of influential servants of the crown.

Any analysis of the propaganda campaign is bedevilled by the problem of anonymous authorship. Many pertinent manuscript and printed sources leave no explicit indication about the circumstances of their composition or the identity of their author. Further discussion about the attribution of authorship will be made in another section of this chapter. But in some ways, textual anonymity may not be as great a problem as it first seems. It will be argued here that many key arguments and pieces of evidence were recycled in the Henrician propaganda works. The emergence of a set of homogenous arguments in the propaganda campaign had several causes. It is possible that traditionalists, such as Tunstall and Gardiner, who were reluctantly drawn into defending the supremacy, used the reasons of others to hide their own lack of conviction in the king's cause. Those who did not enthusiastically take up their pens may also have been afraid to deviate from the 'official version'. Another possibility is that royal advisors, such as Cromwell, were responsible for coordinating a uniform presentation of government policy.

There are many suggestions about the impact that Cromwell's planning could have had upon the shape of the propaganda campaign. A memorandum entitled, 'Thynges necessary as it semethe, to be remembered before the brekyng up of the parliament', contains suggestions about the defence of the royal supremacy.<sup>371</sup> Its author frets that two scriptural texts are being used by the clergy 'to prove the power of Bisshopes to be egall or above the power of kyngs and prynces'. These two texts were John xx.21 ('Sicut misit me pater et ego mitto vos') and Acts xx.28 where Paul tells the elders of the Church in Ephesus that they must look after their flock ('Attendite vobis et universo gregi in quo posuit spiritus sanctus Episcopos regere et

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<sup>371</sup> *LP* vii.1383, BL MS Cotton Cleopatra E VI, fol. 330<sup>r</sup>. For another copy of the same memorandum, see *LP* xi.83 and TNA SP 1/105, fol. 55. Elton mentions this memorandum alongside others composed (to his mind) by Cromwell, although he hesitates to make an ascription of authorship. He did not notice the connection between the memorandum and the clergy's reply. Elton, *Policy and Police*, 185.

ecclesiam dei quam acquisivit sanguine suo.’) It is tempting to associate this memorandum with Cromwell or with one of his agents. The possible link is suggested by an undated letter written by the clergy to Cromwell, volunteering, if he wished, to demonstrate the validity of a list of articles. Number twenty on the clergy’s list reads: ‘That this text of Actuum xx. *Attendite vobis et universo gregi* [etc] was not ment of suche bisshops only as be now of the clergie, but was aswell ment and spoken to every ruler and governor of the Christien people.’<sup>372</sup> It is tempting to see the clergy’s letter as a response to the quandaries which had been expressed in the memorandum. Cromwell’s influence is further demonstrated by the action which the higher prelates took in this matter. After having consulted Cromwell, the bishops included in their declaration on the general council in 1536 responses to the two texts mentioned by the memorandum: ‘Sicut misit me pater’ and ‘Attendite vobis’. The bishops obligingly demonstrated that these texts ‘hath no respecte to a kynges or a princes power, but onely to shewe how that the ministers of the worde of god, chosyn and sent for that intente, are the messingers of Christ, to teache the trueth of his gospell’.<sup>373</sup> If we accept that the anonymous memorandum was written by Cromwell, or someone close to him, we can see how strongly Cromwell’s suggestions influenced the content of the regime’s official declarations. It is probable that Cromwell gave advice to other propagandists with links to the regime about the messages that their texts should contain.

One might ask what purpose would be served by giving attention to manuscript sources. None of them were printed and they played no part in publicising the government’s position. Nevertheless, the manuscript sources can still cast light on the way that the propaganda works were constructed. Some of them provide lists of

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<sup>372</sup> LP xi.84. BL MS Cotton Cleopatra E VI, fol. 233r.

<sup>373</sup> TNA SP 1/105, fol. 77v. LP xi. 124.

theological citations which could have provided raw material for some of the printed texts and sermons. The scraps suggest what was on the mind of the advisers who were involved in drawing up the works. The fuller propaganda tracts contained in manuscript form show us some of the directions in which the propaganda campaign threatened to develop. As we shall see, some of these avenues were blocked by the crown. But the fact that these works were not printed is in itself an indicator of what the government wanted to achieve with the propaganda campaign.

### *Official pronouncements about the general council*

Before discussing the themes in the propaganda campaign, I want to provide a chronology of the propaganda works which appealed to the general council, putting them in their political setting. Most of the works under discussion were produced between late 1533 and 1536. The starting date is provided by the king's appeal to the general council on 29 June 1533. On this date, at his palace in Greenwich, Henry referred adjudication over his disputed marriage to a general council. He did so before the archbishop of York, Edward Lee, as witnessed by Richard Sampson, Sir William Fitzwilliam and Thomas Cranmer. The appeal was made in fear that the pope would excommunicate the king. The king stressed that his appeal to a general council was not made in contempt of the authority of the apostolic see, but in order to defend the truth of the gospel and for other reasons.<sup>374</sup> In taking this action, and defending it publicly in the *Articles*, the king and his advisers were presumably gambling that an appeal to the general council would cause their readers to suspend their judgement over the validity of the king's marriage. The reasons for their strategy will be

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<sup>374</sup> Rymer, *Foedera*, vi.2, 188: 'non tamen in Contemptum sacrosanctae Sedis Apostolicae, sed pro Tutamine ut praefertur Veritatis Evangelicae aliisque Causis superius expressis'. *LP*, vi. 721.

discussed at greater length later in the chapter. The king's ambassador, Edmund Bonner, was given a copy of the king's provocation of a general council in August 1533,<sup>375</sup> and he presented this to the pope in November.<sup>376</sup>

The king's appeal to the general council was soon backed by an official publication entitled the *Articles devisid by the holle consent of the kynges moste honourable counsayle*. This was published late in 1533. The text alerted the public that 'our prince and kynge ... hath both provoked and appeled to the general counsayle nexte ensuinge, rightfully congregate, from the usurper of goddes laws'. It also repeated the conciliarist claim that the general council was superior to the pope. Until a general council had met, the pamphlet proclaimed, it would be illegal for the pope to take any further legal action and any threats and condemnation should be ignored as the slanders of an interested legal party. While the king's case was under appeal, the pope 'is bounde by the lawe neither to do, ne attempt any further proces, in preiudice of the appellant, whiche, if he do, by the forsayde lawes, his doinges can not preiudice the appellante'.<sup>377</sup> But the appeal to the general council did not take full account of the way in which the king's great matter had been resolved. Held in tension with the appeal to the general council was an assertion of provincial self-sufficiency in spiritual jurisdiction. Hence it was argued that the African and Nicaean Councils, among others, had declared 'that causes of stryfe or controversie, being ones begon in any region, shal there, and in the sayde region, be finally determined, and none other where'.<sup>378</sup> The claim was extremely vague and it clashed with the king's avowed desire to have his dispute resolved at a general council. Nevertheless the *Articles* were

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<sup>375</sup> For the sections of the text explicitly calling on the general council, TNA SP 2/O, fols. 62<sup>f</sup>, 65<sup>f</sup>. *LP* vi. 998.

<sup>376</sup> *LP* vi. 1425.

<sup>377</sup> *Articles devisid by the holle consent* (London: Berthelet, 1533), STC 9177, fol. 6<sup>v</sup>.

<sup>378</sup> *Ibid.*, fol. 3<sup>v</sup>.

careful to ground the claim of jurisdictional autonomy on the authority of the general councils.

The *Articles* attempted as strenuously as possible to distance the king's action from heresy. Indeed, to borrow Peter Marshall's analytical point, the *Articles* described the king as a Catholic monarch and insinuated that the pope was the heretic. The terms on which it did this are revealing. It claimed that the general council's superiority over the pope was accepted by all Christian people. This belief was enshrined in the decrees of the Council of Basel which, according to the authors, declared that 'who so ever opponeth himself obstinatly ageinst this truth is to be taken by all true christen people as an heritike'.<sup>379</sup> Acceptance of conciliar supremacy was now being taken as a yardstick of orthodoxy.

We can gain some further insights into the intentions of the authors of the *Articles* by looking at a manuscript draft of the work.<sup>380</sup> The identical structure of both texts as well as the occurrence of precisely the same phrases in both documents make the connection between them clear.<sup>381</sup> The changes between the draft and the printed version indicate some of the assertions which the government had to rethink. The most notable changes concerned the treatment of the general council. The draft declared that

the generall counsaile, lawfully gathered is, and ought to be superior to all Jurisdictions, either usurped and suffred as the Papall is, or iustly holden; as kynys in all matiers concernyng the faithe, and direction of the whole churche of Christe, and also ought to be iudged thereby, and by theyr decrees onely, they beyng consonant to the law of Christe.<sup>382</sup>

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<sup>379</sup> Ibid., fol. 5<sup>v</sup>.

<sup>380</sup> It exists in at least two copies: BL MS Cotton Cleopatra E VI, fols. 333<sup>r</sup> ff. and TNA SP 1/83, fols. 78-79. See *LP* vii. 462. Paul Sawada has noticed that it formed part of the draft materials for the printed text: 'Das Imperium Heinrichs VIII', 496 n. 99.

<sup>381</sup> Article 2 of the *Articles devised by the holle consent* and Article 3 in the MS draft contain, for example, substantially the same text.

<sup>382</sup> TNA SP 1/83, fol. 78<sup>r</sup>.

This definition explicitly made the general council superior to princely jurisdiction in spiritual affairs. This phrase was modified in the *Articles* to read ‘the general counsel (laufully gathered) is superiour and hath power over al byshoppes and spirituelle powers, not exceptynge the bysshope of Rome’.<sup>383</sup> By changing the phrase, the authors were making the point that the general council was only superior to purely spiritual powers, such as bishops, and not necessarily to imperial powers, such as the king’s. The authors evidently realised that there was a potential clash between royal and conciliar claims to jurisdictional pre-eminence. This realisation is also reflected in the reordering of the articles. Whereas the declaration of conciliar supremacy and the notification of the king’s appeal to the general council occurred in the first two articles of the draft manuscript, they were demoted to the fourth and fifth articles of the printed text. The point about provincial self-sufficiency was on the other hand brought forward from the third article to the second in the printed treatise.

Even though the regime was wary of exaggerating the authority of the general council, the appeal to the council was still a central focus of the early propaganda campaign. Judging by the agenda of a council meeting of 2 December 1533, the king and his advisers even considered orchestrating an episcopal preaching campaign to reinforce the printed defence of his call to the general council. It was proposed that all the bishops of the realm should preach that ‘the saide bisshop of Rome called the pope is not in auctoryte above the generall counsaile, but the generall counsaile is above him and all bisshopes’.<sup>384</sup> It is not clear, however, whether this suggestion was

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<sup>383</sup> *Articles devised by the holle consent*, fol. 5<sup>v</sup>.

<sup>384</sup> BL MS Cotton Cleopatra E VI, fol. 325r-7v. *LP* vi. 1487(2). For other copies of the document, see TNA SP 1/80, fol. 164 and TNA SP 6/3, fol. 85r.

ever backed up with an official order.<sup>385</sup> Until 1535, it seems that the management of the preaching campaign was left to the discretion of the bishops.<sup>386</sup>

Despite the initial caution of the regime in launching a preaching campaign, another official paper demonstrates an interest in defending the king's referral of his case to a general council. Although it is undated, it is likely that it was intended to accompany the king's provocation of a council in mid-1533. The paper is labelled by the editors of the State Papers, 'A Preamble to a Proclamation'.<sup>387</sup> Its declaratory tone makes this a plausible conjecture. Its wording appears very close to the Latin text of Henry's official provocation of the general council at Greenwich. Perhaps it was intended as a revised translation to publicise the king's cause. It makes much the same points as the *Articles devisid by the holle consent*. It laments the perverse censures that Pope Clement has levelled against the king. These were apparently 'voyde and of noone affecte in law', and the king had no need to take any action against them. Nevertheless, 'his highnes vouchesavyng to have his actes and affayres tryed by thinfallible iudgement of thuniversall church militant hathe in due tyme lauffullye provoked and appealed from the sayde decrees and sentences to the holy counsell generall nowe nexte to be holden by the consent of christen princes'. In the mean time, any injurious decrees and sentences on the part of the pope were to be ignored.<sup>388</sup> It is significant that this document associates the infallibility of the universal Church with the general council of the Church. This unguarded statement, which deviated from the regime's more cautious declarations on this subject, may

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<sup>385</sup> For what are probably the resolutions of the same council meeting, see BL MS Cotton Cleopatra E VI, fol. 329. The council decides to wait upon 'Mr. deane and almoner (Edward Fox) and oother doctors to serche their books'. *LP* vi. 1486.

<sup>386</sup> In 1535 a royal proclamation obliged all bishops personally to defend the supremacy from the pulpit every Sunday throughout the year. The proclamation also insisted that the spiritual authority of the pope be denied, but made no mention of the general council. *Tudor Royal Proclamations*, ed. P.L. Hughes and J.F. Larkin (3 vols, New Haven, 1964-69), i, 229-32.

<sup>387</sup> *LP* vii. 3.

<sup>388</sup> TNA SP 1/82, fol. 1<sup>r</sup>.

explain why the document was never directly incorporated into any official decrees or pronouncements.

The appeal to the general council was designed first and foremost to convince the king's subjects to withhold their judgment while Henry implemented his divorce. But it remained on the diplomatic agenda even after the king had remarried. It has been argued by Paul Sawada that the first phase of the regime's conciliar politics swiftly came to an end. By mid-1534, he argues, the king had abandoned his policy of appealing to a general council. Sawada arrives at this interpretation by pointing to a letter from the imperial ambassador, Eustace Chapuys, in May 1534, stating Chapuys's opinion that Henry had no intention of having his case resolved by a general council.<sup>389</sup> Sawada acknowledges, however, that this periodization may be too neat. Indeed, as late as March 1535, Cromwell told Chapuys that his master wished to bring about unity in Christendom with his help of his princely brother, Francis I and Charles V. These princes would make an agreement to call a general council to settle matters of religion and to prepare an army against the Turks.<sup>390</sup> But the regime's official stance towards the general council was constantly shifting during this period, and was described in different ways to different parties. It was rumoured by the Venetian ambassador in April 1535 that the king had no intention of attending a general council for he could regulate the religious affairs of his kingdom autonomously.<sup>391</sup> Sure enough, agreements were made with foreign powers in 1535 in order to block any council summoned by the pope. The most important of these was made secretly with France, in May 1535.<sup>392</sup> The treaty included a statement that neither France nor England would heed the papal call for a council. Henry was also in

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<sup>389</sup> Sawada, 'Das Imperium Heinrichs VIII', 498. For Chapuys's comments, *LP* vii. 690.

<sup>390</sup> *LP* viii. 355.

<sup>391</sup> *LP* viii. 590.

<sup>392</sup> *LP* viii. 725.

the process of negotiating an agreement with the Schmalkaldic League in December 1535. The League proposed that neither it nor the king should send representatives to a general council, unless 'it shal appere certenly by iust arguments and reasons both to his maiestie and the saide confederates that a Cristien free counsaile may be indicted *in loco etiam omni parte tuto* that then that counsaile shall not be by him or them refused.'<sup>393</sup> However the outcome of these negotiations was uncertain, as the king pleaded in early 1536 for more time to consider the proposals.<sup>394</sup>

Henry presumably had no intention of submitting to the judgment of a general council over the validity of his marriage to Anne and his assumption of supremacy over the English Church. Luckily, diplomatic conditions played into his hands. Even though the Holy Roman Emperor, Charles V, strove during this period to have a general council called in order to put an end to the religious discord in the German principalities, various parties obstructed his efforts. France was anxious that if the Holy Roman Empire were united under Charles V's control, the Habsburg's global monarchy would be consolidated. Francis I made it his mission to frustrate any attempts to have a council called.<sup>395</sup> In addition, Pope Clement VII was highly reluctant to see a council assembled. His objections to a general council were summarised in diplomatic instructions of December 1530 for a papal embassy to the emperor.<sup>396</sup> The document emphasised the impossibility of reaching a dialogue with the Protestants, but more revealingly, perhaps, it also expressed the fear that a council would press its claims of supremacy over the pope, and would lead to a schism even more dangerous than that precipitated by the Council of Basel. Eventually the pope

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<sup>393</sup> TNA SP 1/199, fols. 145v-146r. *LP* ix. 1016. R. McEntegart, *Henry VIII, the League of Schmalkalden and the English Reformation* (Woodbridge, 2002), 37-8.

<sup>394</sup> McEntegart, *League of Schmalkalden*, 61-4.

<sup>395</sup> R.J. Knecht, *Renaissance Warrior and Patron: The Reign of Francis I* (Cambridge, 1994), 301, 330.

<sup>396</sup> *Concilium Tridentinum Diariorum, Actorum Epistularum... Nova Collectio: Tomus Quartus: Actorum Pars Prima*, ed. S. Ehses (Fribourg, 1904), lii-lv.

sent a list of demands to the emperor (including the requirement that any future council would meet in Italy in a place designated by the pope) which amounted to a rejection of the emperor's efforts to make a council acceptable to the estates of the empire.<sup>397</sup> Indeed there were several diplomatic moments between 1530 and 1536 when France and the papal curia seemed to have reached a secret agreement to block the emperor's attempts to have a council called.

There was thus an informal system of European alliances, between France and England, between France and the papacy, and between England and the Schmalkaldic League, which sought to prevent a general council from meeting. It is significant, nevertheless, that all these parties publicly declared their faith that a general council was the correct forum in which to bring about Christian unity. In effect, they were perpetuating the pragmatic strategy that had been employed in the fifteenth century (as seen in Chapter 1). It is clear, however, that conceptions of the general council were diverging during this period. The Henrician regime was deliberately ambiguous in 1533 when it came to describing what kind of council it wished to see convened. The king's official provocation of the council stated that the council should meet in a fitting place, with the approval of Christian princes, not in contempt of the apostolic see.<sup>398</sup> *The Articles devisid by the holle consent* was vaguer, stating that the king had 'provoked and appeled to the general counsayle nexte ensuinge, rightfully congregate'.<sup>399</sup> These statements did not make it clear whether the general council to which the king had appealed would be summoned by the pope or whether it would convene automatically according to the decree *Frequens*. The confusion was probably

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<sup>397</sup> Jedin, *Council of Trent*, i, 268-9.

<sup>398</sup> Rymer, *Foedera*, vi.2, 188: 'de consensu Christianorum Principum et aliorum quorum intererit Convocandum et Celebrandum, quod infra breve ut creditur futurum erit, non tamen in Contemptum sacrosanctae Sedis Apostolicae'.

<sup>399</sup> *Articles devisid by the holle consent*, fol. 6<sup>v</sup>. For the use of this work in diplomatic missions, T. Sowerby, "'All our books do be sent into other countreys and translated": Henrician Polemic in its International Context', *English Historical Review*, 121 (2006), 1278.

allowed to stand in order to placate traditionalists, who might infer that the king was appealing to a council under papal presidency. But the king soon began to make it clear that the only kind of general council acceptable to him would not involve papal headship. As early as 1530 Henry had told Chapuys that the papal decrees of Pius II (including *Execrabilis*), which asserted papal dominance over a general council, made the council an ineffective tool for the reform of the Church.<sup>400</sup> So it would seem that Henry, insofar as he was serious at all about conciliar participation, was originally aiming at an autonomous council along the lines of Basel.

The ambiguity which shrouded the regime's policy towards the general council could not last for ever. Although it was initially useful for the regime to leave open the possibility that the pope might be involved in the reforming council to which it appealed, it eventually had to admit that it would not tolerate a council summoned by the pope. The event which galvanised the regime into clarifying its position was the summoning of a general council to Mantua in 1535 by Pope Paul III. It was imperative that the regime disassociate itself from this council and explain why it could not attend. The first official step taken in response to the pope's action were two declarations by the clergy on the nature of the general councils. These were codified in two separate, but related documents. One was made by a group of prelates, including nine bishops, the abbot of Westminster and two archdeacons on 20 July 1536.<sup>401</sup> The other was made on the same day by convocation.<sup>402</sup>

The prelates stated that the first four ecumenical councils of the Church had all been assembled by Christian emperors. This power had, nevertheless, 'by the negligence aswell as of the emperour as other princes' been usurped by the bishop of

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<sup>400</sup> *CSP Spanish 1529-30*, no. 492., 802 – 803.

<sup>401</sup> *LP* xi. 124. This document exists in multiple copies: BL MS Cotton Cleopatra E VI, fol. 331r-v. TNA SP 1/105, fols. 77r-78r. Lambeth Palace MS 1107, fol. 163.

<sup>402</sup> *Records of Convocation*, vii, 241-4.

Rome. The problem was that no single secular authority possessed the authority of the original Roman emperors. Instead ‘many princes have absolute power in their awn realmes and an hole and entire monarchie’. According to the prelates, this entailed that

no one prince may by his auctoritie call any generall counsaile, but if that any one or moo of theis princes for the establisshing of the faith, for the extirpation of scismes etc. lovingly charitably with a good syncere intente to a sure place require any other prince or the reste of the great princes to be content to aggre that for the wealthe, quyetnes and tranquillitie of all christen people, by his or ther fre consent, a generall counsaile myght be assembled.<sup>403</sup>

Convocation followed the higher prelates in observing that neither the bishop of Rome nor any single prince could summon a general council ‘without the express consent, assent and agreement of the residue of Christian princes’.<sup>404</sup> This was the first time that the regime had made it clear that it only belonged to the secular powers to summon general councils.

The line taken by the bishops was reinforced in 1537 by an official publication written in the king’s name: *A protestation made for the most mighty and moste redoubted kynge of Englande*.<sup>405</sup> The king was careful to profess his wish to see a true council summoned: ‘We wolde have a councelle, we desyre it, ye and crave nothyng so ofte of god, as that we maye have one.’<sup>406</sup> Nevertheless, he objected that the pope should summon the council to Mantua. It was in an inconvenient place to which Christian princes would not be able to come. More importantly, it was unacceptable that the pope should act as a judge in his own cause at a general council. The pope did

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<sup>403</sup> TNA SP 1/105, fol. 77<sup>r</sup>.

<sup>404</sup> *Records of Convocation*, vii, 242.

<sup>405</sup> *A protestation made for the most mighty and moste redoubted kynge of Englande* (London: Thomas Berthelet, 1537), STC 13090, 13090.3. This was followed by *Illustris. ac potentis. regis, senatus, populi que Angliae sententia, et de eo concilio...* (London: Berthelet, 1537), STC 13081.7, 13082, 13082.3. For the production of this work see Sowerby, ‘Henrician Polemic’, 1282-7.

<sup>406</sup> *A protestation*, fol. A6v.

not even have the right to summon general councils. In the past, all councils were called by the authority of the emperor, kings and princes.<sup>407</sup> The regime remained consistent in its policy. Even though the Council of Mantua never materialised, Henry VIII refused to send delegates to the first period of the Council of Trent (1545-7), with the excuse that he would only participate in an assembly summoned by Christian princes and in which the pope was stripped of his presidency.<sup>408</sup>

The insistence by the regime that a general council could not be called by the pope drastically changed the scope of its policy. It could no longer expect to allay the fears of traditionalists, such as More and Chapuys, who hoped that the king would be brought back to unity with Rome, if a deal over his new marriage could be arranged at a general council. Now the regime admitted that it would only attend a council summoned by secular princes. Not only did this look highly unrealistic, it smacked of unorthodoxy as well. The only fifteenth-century council not to have been summoned by the pope was the Council of Pisa (and this had been called by the cardinals of the Church). Even the more recent *conciliabulum* of Pisa in 1511 had been gathered by a group of dissatisfied cardinals. The idea that secular rulers alone should have the right to congregate a council showed that the regime now envisaged the general council in a very different light to sixteenth-century conciliarists, such as Jacques Almain. It was now claiming to emulate the councils of the late-Roman empire from Constantine onwards. Nevertheless, even though the nature of the king's appeal to a general council had been drastically qualified, the regime never rejected its professed desire to see a council gather. It might be argued that so long as its terms were so patently unrealistic, the regime's appeal was no more than verbiage. This chapter does not wish to deny the regime's hypocrisy on this score. It will be argued, however, that the

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<sup>407</sup> Ibid., fols. A2v-A3r, A7v, A8r.

<sup>408</sup> Jedin, *Council of Trent*, ii, 399-401.

king's purported allegiance to the general council did cause the regime problems in defining the ultimate source of doctrinal authority in the Church. These difficulties would haunt his successors, for the insincerity of the regime's claims did not neutralise their force in public discussion.

### *The propaganda works*

We must now enter into a consideration of the propaganda works authored by private authors. There are a number of reasons why the following propaganda works are being analysed separately from the official statements. Although it is likely that all of them were promoted by the regime, they were not issued in the name of the king or his council. They were thus not tied as intimately to royal policy as the works discussed in Part 2. The propaganda works all sought to defend the regime, but the terms in which they did so were experimental; they purported to be the works of private parties and the regime was not in any way obliged to respect their claims. Nevertheless, as we shall see in Chapter 4, they helped to shape perceptions about the regime's policy, and especially its policy towards the general council.

The regime's official statements about the general council provide a framework within which the propaganda works should be analysed. The texts examined here were written between 1533 and 1537, and between these dates, as we have seen, the king was laying public emphasis on his appeal to a general council. During this period it was also conceivable that the regime might make good its promises to participate in a general council. After all, the estates of the Holy Roman Empire (both Catholic and Protestant) were putting much pressure on the emperor to have a general council summoned. The emperor may have hoped that he could bring

Henry back into the Catholic fold along with the Lutheran rebels. With the pope in a position of great weakness, it was also a possibility that he could be pressured into calling a council on the emperor's terms. However, even during this period, the regime's appeal to the council was highly ambiguous. As we have seen, it was contradicted by the claim that the king's marriage could be resolved in a provincial council of the Church. The propagandists had to stay faithful to the regime's self-identification as a supporter of the general council. But they also had to account for the autonomous action in rejecting papal authority and reforming the English Church.

In what follows, it will be argued that there were various ways in which ideas related to the general councils could play a part in the propaganda campaign. We have seen that the regime appealed to the general council in order to legitimise its apparently schismatic rejection of papal authority. But the appeal to a council was not the only way that the regime could seek to exploit perceptions about the significance of the general council. The decrees of the Councils of Constance and Basel and the work of the conciliarists provided a useful storehouse of material which qualified the pope's monarchical pretensions. As we shall see in later chapters, these examples continued to be mined by Protestant writers in the later part of the century, even though the Protestants had come to regard Constance's treatment of Wyclif and Hus with disgust. There was also a widespread recognition in the Henrician propaganda campaign that general councils were competent to decide doctrinal disputes over scripture. These comments often emerged from historical observations about the value of general councils in the early Church, yet they left a shadow of uncertainty over the legitimacy of the magisterial Reformation in England.

The first of them, *De vera differentia regiae potestatis et ecclesiasticae* was produced by the king's almoner, Edward Fox in 1534.<sup>409</sup> Fox was one of the king's most trusted advisers. He had moved from being one of Wolsey's protégés to working as a diplomat on the negotiations with the pope over the king's divorce case in 1528. He had also worked on collecting the opinions of the European universities on Henry's marriage. He was entrusted in 1533, as we have seen, with investigating the sources which discussed the general council's superiority over the pope.<sup>410</sup> He had also been one of the authors involved in the compilation of a crucial sourcebook for the early propaganda campaign, the *Collectanea satis copiosa*, which was intended to be read by the king.<sup>411</sup> It is likely that *De vera differentia* went through a similar process of revision and interrogation by the king and his advisers. The earliest extant draft of the work now appears in British Library MS Royal 10 B III. The copy is written in a very clear secretary hand with few abbreviations; the headings are in bold, and there are marginal references to the authorities cited in the text. This copy should be paired with a manuscript now kept at Harvard, and which has not been mentioned by any recent scholarship on the propaganda campaign.<sup>412</sup> The two are written in the same script and their presentation is nearly identical. The majuscule 'C' at the incipit of both texts ('Cum ea sit dignitatis') is decorated in much the same style. It is clear that both MS copies are preliminary drafts of the printed work: a quotation of Gerson in the printed text of *De Vera Differentia* is, for example, absent from both MS copies.<sup>413</sup> There are also, however, textual variations between the two MSS.<sup>414</sup> A

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<sup>409</sup> Fox, *Opus eximium de vera differentia regiae potestatis et ecclesiasticae* (London: Berthelet, 1534), STC 11218. The work was reissued in 1538 simply as *De vera differentia...* (London: Berthelet), STC 11219.

<sup>410</sup> See note 385 above.

<sup>411</sup> Nicholson, 'Nature and function of historical argument', 74-156.

<sup>412</sup> Houghton Library MS Eng 978. The manuscript derives from the collections of the seventeenth-century antiquary: Sir Henry Spelman.

<sup>413</sup> The passage from Gerson can be found in *De vera differentia*, fol. 13<sup>v</sup>. It is, however, absent from MS Royal 10 B III, fol. 9r and from the Houghton MS Eng 978, fol. 248<sup>r</sup>. Further, the text on fol. 248<sup>r</sup> of

preliminary investigation of the two texts puts the Royal MS as the earlier of the two drafts. It contains, for instance, an extended quotation of Chrysostom which has been truncated identically in both the printed text and the Houghton MS.<sup>415</sup> It appears that the Houghton MS is closer to the final state of the printed text, and thus the later of the two drafts. Like the *Collectanea*, the Houghton MS contains marginal comments in the king's hand and in the hands of at least two other readers.

There is a further manuscript copy of *De Vera Differentia* in the Beinecke Library at Yale.<sup>416</sup> This is also in an early sixteenth-century hand and is an abbreviated version of the printed work. The ordering of the text appears faithful to the final product, and there are no phrases which can be found in the manuscript which cannot be found in the printed work. This makes it difficult to tell whether it is another early draft or whether it was condensed from the final draft for ease of consultation. Lastly, there is another manuscript version of the work in the British Library, which contains only the section of the printed work devoted to royal power.<sup>417</sup> The number of manuscript drafts suggests that *De vera differentia* was considered an important work by the regime. Its development was monitored by the king, and the fact that it was copied very neatly at various stages indicates that it may have been circulated among the king's advisers. This may be one reason to account for its influence upon the other propaganda works, which will be seen below.

*De vera differentia* was divided into two sections: one which dealt with the authority of the Church and the other with the authority of the king in spiritual causes.

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the Houghton MS has been broken up and included in two different sections in the printed text: *De vera differentia*, 12v-13r; 15<sup>v</sup>-16<sup>r</sup>.

<sup>414</sup> Passages from the Houghton MS (fol. 248) have, for example, been taken out on fol. 8<sup>v</sup> of the Royal MS.

<sup>415</sup> The extended quotation of Chrysostom is in BL MS Royal 10 B III, fol. 8<sup>v</sup>. It is truncated in Houghton MS Eng 978, fol. 248<sup>r</sup> and in *De vera differentia*, fol. 12<sup>v</sup>-13<sup>r</sup>.

<sup>416</sup> Beinecke Library, Osborne MS fa. 36, fols. 2<sup>r</sup> - 55<sup>v</sup>. Dr Tracey Sowerby kindly brought this manuscript to my attention.

<sup>417</sup> BL MS Cotton Cleopatra E VI, fol. 1<sup>r</sup>-15<sup>r</sup>.

The first used an arsenal of canonistic, patristic and scriptural sources to prove that the pope had never possessed the authority to make binding laws in England, nor to claim headship of the universal Church. To prove the latter point, Fox appealed to the work of the conciliarists. The second part of the work set out a vigorous defence of the king's imperial authority over spiritual causes. Fox showed that from the time of the Britons, kings had been granted the care of the gospel in Britain by the pope. He then illustrated the sacral nature of the English monarchy from the earliest times.<sup>418</sup> As we shall see, Fox's defence of Henry's imperial kingship did not always harmonise with his rejection of papal authority.

Another work appeared in 1534 which defended the king's supremacy over the Church in a more accessible manner: Thomas Swinnerton's memorably-named *A litel treatise ageynste the mutterynge of some papistis in corners*.<sup>419</sup> Elton believed that the work was written at Cromwell's prompting, although the evidence he cites is flimsy.<sup>420</sup> In his *Litel treatise* Swinnerton sought to prove that the pope had never possessed the authority to make laws to regulate the Church. Like Fox, he used the work of the conciliarists to buttress his arguments. Around the time that Swinnerton's treatise was published, another work was produced which defined the authority of the general council. Paul Sawada refers to this treatise on the general council by the name

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<sup>418</sup> For the development of Protestant narratives of the early Church in Britain, F. Heal, 'What can King Lucius do for you? The Reformation and the Early British Church', *English Historical Review*, 120 (2005), 593–614, esp. 600 and eadem, 'Appropriating History: Catholic and Protestant Polemics and the National Past', *The Huntingdon Library Quarterly*, 68 (2005), 109–132, esp. 118–27.

<sup>419</sup> Swinnerton, *A litel treatise ageynste the mutterynge of some papistis in corners* (London: Berthelet, 1534), STC 19177.

<sup>420</sup> Elton, *Policy and Police*, 183. Here Elton argues that Swinnerton's work was written in response to a memorandum by Cromwell (LP vi. 738). The anonymous memorandum may well have been written by Cromwell, but it proposes that a work be written by the Archbishop of Canterbury to defend himself from the accusations that he had encouraged the king to remarry. The author of the memorandum suggests that the proposed work should be addressed by the archbishop to the clergy. This suggestion does not at all correspond with the structure of Swinnerton's text.

‘Hatfield House MS 46’.<sup>421</sup> He has attributed the work to Henry Cole, on the basis of evidence contained in a letter from the crown to Thomas Wyatt in 1538. This letter entrusted Wyatt with a treatise on the general council for use during his diplomatic mission to the emperor.<sup>422</sup> Sawada has conjectured that the work was drawn up as part of the regime’s reaction to the summoning of the Council of Mantua in 1536, but it is possible that it was written earlier than this. The fact that it is less explicit about the role of secular rulers in the summoning of the council makes it possible that it was written in 1533-1534, before the regime had been forced to clarify its definition of the general council.

Whether Cole’s work on the general council and the Hatfield House treatise are the same work is, however, a matter of speculation. But for want of a better solution the attribution has been left to stand by other scholars. The work’s canonistic learning and familiarity with conciliarism fit with what we know of Cole’s education and contact with conciliarist currents at the University of Padua.<sup>423</sup> There is further evidence which favours the ascription of authorship to Cole. One is a note found in the State Papers.<sup>424</sup> This was first noticed by Graham Nicholson, who observed that it contained extracts from D’Ailly’s *Tractatus de Ecclesia*. Nicholson did not point out that the excerpts could also have been taken from Gerson’s *De Potestate Ecclesiastica*.<sup>425</sup> Nor did he notice that the handwriting appears to be that of Henry Cole. Given that Gerson’s name crops up several times in Hatfield House MS 46, it is tempting to think of this note as part of Cole’s preparatory material for his treatise on

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<sup>421</sup> The label is, however, confusing, because it does not relate to an absolute numbering system of the Hatfield House MSS, but only an entry number in the first calendar of the Hatfield House collections. The work can be found in the Cecil Papers, vol. 137, fols. 36<sup>r</sup>–75<sup>v</sup>. I have only consulted the microfilm version kept at the British Library.

<sup>422</sup> LP xiii(1).695.

<sup>423</sup> T.F. Mayer, ‘Henry Cole’ in the *Oxford Dictionary of National Biography*; R. Rex, ‘New Additions on Christopher St German: Law, Politics and Propaganda in the 1530s’, *Journal of Ecclesiastical History*, 59 (2008), 281–300.

<sup>424</sup> LP vi. 1489. TNA SP 6/13, fols. 129<sup>r</sup> – 130<sup>r</sup>.

<sup>425</sup> Gerson, *De Potestate Ecclesiastica* in *Oeuvres*, vi, 247-8.

the general council. We know that Gerson was an important influence on Cole's ecclesiological thinking. In his debate with John Jewel early in Elizabeth's reign, Cole admitted that he believed that the general council was superior to the pope, 'for I hold herein rather with Gerson'.<sup>426</sup>

In 1535, Cromwell further consolidated the appeal to conciliarism by sponsoring William Marshall's translation of Marsilius of Padua's *Defensor Pacis*.<sup>427</sup> It may at first sight be surprising that Marsilius was not more frequently cited in the propaganda works, but it will later be suggested that his heresy would have made him an unattractive authority in a propaganda campaign that was striving to give an air of orthodoxy to the king's actions. No detailed examination of Marshall's translation will be provided here, for this has already been provided by Shelley Lockwood, but we should be aware that it added further substance to the regime's conciliarist pronouncements. The attack on papal authority was continued in Thomas Starkey's *A preface to the Kynges hyghnes* of 1536. Starkey showed that not all customs in the Church were invariable, for there were 'matters indifferent' which could be changed by common consent.<sup>428</sup> The papal headship of the Church was one such temporary institution which could be undone once it had outlived its usefulness. Thomas Mayer has shown that Starkey was a devoted conciliarist over the course of his career.<sup>429</sup> Starkey expresses his admiration for the general council in his early work *The Dialogue between Pole and Lupset* (composed between 1529 and 1532). Forced to rethink his interpretation of the general council in order to make it acceptable to the official position, Starkey confessed in *A preface to the Kynges hyghnes* that the

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<sup>426</sup> J. Ayre (ed.), *The Works of John Jewel* (4 vols., Cambridge, 1845-50), i, 62.

<sup>427</sup> For Cromwell's involvement in funding the printing of the work, *LP* vii. 422, 423. S. Lockwood, 'Marsilius of Padua and the case for the royal ecclesiastical supremacy', *Transactions of the Royal Historical Society*, 6<sup>th</sup>. Ser., 1 (1991), 90. Elton, *Policy and Police*, 186.

<sup>428</sup> Starkey, *A preface to the Kynges hyghnes* (London: Berthelet, 1536), STC 23236.

<sup>429</sup> Mayer, 'Thomas Starkey, an unknown conciliarist', 207-227.

decrees of the general council were not said to be binding unless they were accepted by ‘common policy’. Nevertheless Starkey still recognised the power of the general council to interpret scripture. After the *Preface* had been written, he reverted to his original respect for the moral legitimacy of the general council, urging the king in private correspondence to justify his defection from the Rome in a general council.

The acknowledgement that scriptural disputes should be decided in general councils was widely made in the Henrician propaganda campaign. It was reiterated in an anonymous text of 1538, named *A treatise concernynge generall councilles, the byshoppes of Rome and the clergy*.<sup>430</sup> This was originally attributed by Paul Sawada to the Scottish evangelical, Alexander Alesius. This ascription has recently been challenged by Richard Rex, who has argued that the book was the work of Christopher St German.<sup>431</sup> Although the nature of the source material makes this assertion difficult to prove, it rests on one suggestive piece of evidence. The printed treatise is clearly related to a dialogue between doctor and student found in the State Papers (TNA SP6/2, fols. 33<sup>r</sup> – 71<sup>v</sup>). Many passages occur identically in both works.<sup>432</sup> It has also been noticed that the manuscript dialogue contains corrections in the hand of Christopher St German.<sup>433</sup> This would suggest that St German had some role in its authorship. Bearing in mind the relationship between the manuscript dialogue and the printed treatise it seems plausible to claim, as Rex does, that St German was the author of both texts. The other virtue of Rex’s case is that it makes sense of John Bale’s inventory of St German’s works, which included a hitherto unattributed entry on the general councils. Rex has suggested another attribution

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<sup>430</sup> *A treatise concernynge generall councilles, the byshoppes of Rome and the clergy* (London: Berthelet, 1538), STC 24237.

<sup>431</sup> P.A. Sawada, ‘Two anonymous Tudor treatises on the general council’, *Journal of Ecclesiastical History*, 12 (1961), 210. Rex, ‘New Additions’, 292-300.

<sup>432</sup> Nicholson, ‘Nature and function of historical argument’, 226-7; 236.

<sup>433</sup> Guy, *Christopher St German*, 49 n. 153.

which seems to tally with Bale's list of St German's works; he identifies a work listed by Bale as *Quod clericus non conderet leges* with the anonymous printed text: the *Dyaloge betwene Clemente and Bernarde*.<sup>434</sup> As John Guy has shown, St German played a notable role in the propaganda campaign. Thought by Elton to have been on the periphery of Cromwell's coterie of writers, he has assumed a larger role in our understanding of the regime's activities in the 1530s. He is certainly the most experimental of the propagandists. In what follows, the frequent changes in St German's attitude towards the general council and the origins of spiritual authority will be analysed across his various printed and unprinted texts.

These are by no means all of the texts that were published with the help of the regime during this period. This chapter will not enter into any in-depth discussion of the works of Richard Morison, who was one of the major propagandists of this period.<sup>435</sup> Nor will it examine many of the sermons which were published during the 1530s by conservative bishops such as Richard Sampson and Cuthbert Tunstall.<sup>436</sup> This is not because these works were any less important or influential than the works under discussion. But they do not contain the same detailed discussion of the nature of Church government. They rely heavily on the call to obedience. Obedience to one's monarchy, the texts argue, is a duty commanded by scripture and it is not to be rationalised.<sup>437</sup> This attitude could be used to disguise a deep sense of scepticism towards the supremacy. By stressing the need for obedience above all else, conservatives hoped that they could honour their obligations to the king whilst steering clear of heretical pronouncements about ecclesiastical authority. In the same

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<sup>434</sup> Rex, 'New Additions', 282, 287-91.

<sup>435</sup> T.A. Sowerby, *Renaissance and Reform in Tudor England: The Careers of Sir Richard Morison* (Oxford, 2010), 41-171.

<sup>436</sup> For Sampson, see A. Chibi, 'Richard Sampson, his "Oratio" and Henry VIII's Royal Supremacy, *Journal of Church and State*, 39 (1997), 543-60.

<sup>437</sup> For the theme of obedience in the Henrician era: Rex, 'Crisis of Obedience', 863-94.

manner, conservative prelates attacked the papacy on an *ad hominem* basis, without committing themselves to a repudiation of its institutional legitimacy. As Richard Rex has argued in relation to the work of Stephen Gardiner and Henry Parker, Lord Morley, conservatives could attack particular popes for their violation of kings' political rights, whilst steering clear of an attack upon the Petrine texts, which constituted the theoretical foundations of the papal monarchy.<sup>438</sup> Some evangelicals also found the insistence upon loyalty to the monarchy a useful polemical strategy, because it eliminated the thorny problem of justifying the king's supremacy historically. Writers like Richard Sampson could prove the supremacy with reference to the sacral functions of the kings of the Old Testament and justify obedience with reference to Rom xiii.1-7, without having to confront the fact that the royal supremacy represented an unsettling break with the past.<sup>439</sup>

Richard Rex and others have focused on the bolder interpretations of the royal supremacy, which manipulated the stark theories of Luther and Tyndale about obedience. But we should not forget the extent to which the Henrician propaganda was shot through with ambiguity. There was the potential for tension between those theories which argued that spiritual authority was transmitted directly from God to the king, and those which argued that the source of this authority resided in the Christian people. This tension was amplified by the ambiguities in the statutory recognition of Henry's supremacy. Geoffrey Elton has argued that the king's 'dignity as supreme head he owed to God and God's law; the reality of his powers as supreme head he owed to the common law, enlarged for his purpose by the relevant legislative

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<sup>438</sup> Idem., 'Morley and the Papacy: Rome, Regime and Religion' in M. Axton and J.P. Carley (eds.), *'Triumphs of English': Henry Parker, Lord Morley, translator to the Tudor court* (London, 2000), 92; 96.

<sup>439</sup> Sampson, *Oratio* (London: Berthelet, 1535?), STC 21681, fol. A4<sup>r</sup>: 'Mandat deus ut regi obedias... neque illi aut verbo aut facto resistendum est, quia potestatem habet a deo'.

authority.<sup>440</sup> Not only did this tension blur the boundaries between secular and ecclesiastical authority, it also suggested that the community of the realm, as represented by parliament, had consented to the royal supremacy.<sup>441</sup> The following section will develop some related observations. Ideas about popular consent and representation in the propaganda campaign have usually been explored with reference exclusively to parliament. This chapter will argue that these ideas were of equal significance in discussions about the general council. Indeed the logic of the regime's appeal to the general councils caused the propagandists to focus upon the authority of the Church as a community of believers. This was to have important consequences for the understanding of spiritual authority in Henry's reign and beyond.

#### *Conciliarism as a precedent for the attack on the pope*

One of the most pressing obligations facing the propagandists from late 1533 onwards was to account for the dismantling of papal authority in England. This had been set in train by the Act in Restraint of Appeals of April 1533 (24 Henry VIII c.12) which prohibited the sending of English legal pleas to the curia. A series of statutes enacted between 1534 and 1536 consolidated this transfer of authority. The Dispensations Act of 1534 (25 Henry VIII c. 21) outlined the way that the English Church court system would provide the licences and dispensations previously granted by Rome. In the same year, the Act for the Payment of First Fruits (25 Henry VIII c. 20) transferred the payment of clerical taxes from the pope to the king. In 1536 the anti-papal legislation was sealed with the Act Extinguishing the Authority of the Bishop of

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<sup>440</sup> G.R. Elton, '*Lex Terrae Victrix*: The triumph of parliamentary law in the sixteenth century' in his *Studies in Tudor and Stuart Politics and Government* (4 vols, Cambridge, 1974-92), iv, 46.

<sup>441</sup> J.J. Scarisbrick, *Henry VIII* (London, 1968), 393-5; C.S.L. Davies, 'The Cromwellian Decade: Authority and Consent', *Transactions of the Royal Historical Society*, 6<sup>th</sup> Ser., 7 (1997), 184-7.

Rome (28 Henry VIII c. 10) which prohibited any attempt to implement papal authority in England.

Some consideration of the wording of the statutes is necessary if we are to understand the purpose of the texts under discussion. The propaganda works aimed to reinforce the statutes, and, as we shall see, made use of the rhetorical subterfuge employed in the preambles to the anti-papal laws. These tried to disguise the radical changes in jurisdiction which they were enacting. A classic instance of this approach was provided by the Act of Appeals. The act did not provide any systematic refutation of papal authority, but claimed to extend the scope of pre-existing statutes which limited papal interference in England. The new measures were required on account of ‘daungers not provided for playnly by the said formar actes’ (i.e. the Statutes of Provisors and Praemunire).<sup>442</sup> The abolition of papal authority in England was dressed up as an act of legal regularisation. Of course, the Act of Appeals was only passed in the teeth of great resistance from the Commons.<sup>443</sup> This helps to explain why its drafters needed to disguise, as far as possible, the apparent threat to tradition which it entailed.

The propagandists took up their defence of the regime where the Act of Appeals had left off. They too aimed to strengthen the conviction that no transfer of jurisdiction was taking place, because the papacy had never really possessed the authority to which it had laid claim. Just as the Act of Appeals had sought to provide English legal precedents for its restraint upon papal jurisdiction in England, the propagandists looked to a wider range of authorities to prove that the pope had never possessed the authority to issue binding laws in England. Thomas Swinnerton, for example, addressed those who were alarmed ‘that we shulde so sodeynely

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<sup>442</sup> *The Statutes of the Realm* (10 vols., London, 1810-28), iii, 428.

<sup>443</sup> S.E. Lehmborg, *The Reformation Parliament 1529-1536* (Cambridge, 1970), 174-6.

relynysshe and forsake that custome, that had so longe continued, and some were so blynded, that they thought it shulde be ageynste our feythe, to forsake the pope'. In response, Swinnerton tried to show that the power of the pope had not been accepted by his audience's ancestors. He argued that

al our forefathers, as many as were lerned and wyse, knewe it for certyene, that all suche auctorytie and power, as the pope had, more then al other byshops or over and upon the same, was not immediately gyven hym by god, but he had it granted him by kynges and princis, and the consente of men, or els came by it by wronge usurpation and turrannye.<sup>444</sup>

Likewise, Henry Cole concluded from his study of the canon law that 'a man may well gesse that all men were not agreed upon those things that men of our tyme a long season have geven the bishop of Rome'.<sup>445</sup>

Edward Fox also positioned his attack on the papacy within a tradition of criticism. But he took a slightly different approach, admitting that there existed discrepant attitudes towards papal authority. He claimed that there were two schools of thought on the scope of ecclesiastical power. According to Fox, one group of men, using scripture as a rule, define and limit the ecclesiastical power to be the ministry of the word, and affirm that the pontiff and the bishops should observe the word of God, and should teach and preach what is taught in the scriptures, not adding or taking away anything from it. Others extend the limits of the ecclesiastical power to include heaven and hell, and allow it to encompass all things, sacred and profane, divine and human. They take the Bishop of Rome not as a minister and servant of the word, but as a vicar of God and they grant him the power of dominion, so that he does not have to do anything which is not pleasing to him; he can judge all men and must not be judged by anyone; he rules over emperors and kings, in brief over all; and he is

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<sup>444</sup> Swinnerton, *A litel treatise*, fols. A2<sup>r</sup>; A3<sup>r</sup>.

<sup>445</sup> Hatfield House MS 46, fol. 37<sup>r</sup>.

superior to the general council.<sup>446</sup> Fox then sets out to prove that those who attribute unlimited authority to the pope have erred in their interpretation of his authority, whilst those who have limited his authority to the teaching and preaching of the scripture are correct. Needless to say, his framing device presents a misleading summation of ecclesiological opinion. We have explored the complexity of canonistic views in Chapter 2 and have seen that even the most zealous defenders of the papal monarchy admitted that under certain circumstances the pope could be judged. Nevertheless, the structure of Fox's work allowed him to present his argument in a disinterested manner, not as a set of novel opinions, but as an adjudication of pre-existing debates.

The early propaganda works tried to give the impression that their attack on papal authority was not unprecedented. It was here that the work of the conciliarists was of most use to them. As Graham Nicholson has pointed out, conciliarism 'could be plundered in an opportunistic fashion for arguments and precedents.'<sup>447</sup> Swinnerton tried to prove that previous generations had recognised that the pope was subject unto 'holye scripture and the generall counsell, and [the pope] may by the auctoritie of the same as wel be deposed for sufficient causes, as any other byshoppe may'.<sup>448</sup> He reiterated that the king has 'appeled unto the generall councell, and is herin (lyke a tru christened and good catholike prince) very well contented to abyde suche determination, as the sayd councelle nexte to be assembled in our savioure Jesu Christe, shall ordeyne'. Because the general council truly represented the Church, the pope was bound to appear before it and to account for his actions.<sup>449</sup> The *Litel treatise* followed the regime's position of late 1533 very exactly. Henry was to be understood

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<sup>446</sup> Fox, *De Vera Differentia*, fols. 7<sup>r</sup>-7<sup>v</sup>.

<sup>447</sup> Nicholson, 'Nature and function of historical argument', 52.

<sup>448</sup> Swinnerton, *A litel treatise*, fol. A3<sup>r</sup>.

<sup>449</sup> *Ibid.*, fols. B2<sup>r</sup>-B3<sup>r</sup>.

as a good Catholic king who was entrusting his case to the universal Church, as represented by the general council.

Likewise, Fox's *De Vera Differentia* made use of conciliarism to prove that the pope was not infallible and was not immune from the Church's judgment. Nor was the papacy the ultimate source of moral legitimacy in the Church. Fox's work was the printed tract which made the most direct reference to the work of the conciliarists. He found the conciliarist glosses of the Petrine texts most suitable for his purposes. The conciliarists had argued that instead of granting the keys of heaven and earth to Peter, Christ had granted them to the whole Church, understood as the congregation of the faithful. Aeneas Silvius Piccolomini was cited to prove that when Christ instructed his disciples to take disputes with their brothers to the Church, he meant the general council. The reason for this (according to Silvius) was that popes should not refuse to recognise another power in earth above them. The general council ought to be consulted by popes in matters of great importance and the council's determinations should be accepted by them.<sup>450</sup> A passage from Gerson's *De Auferibilitate Sponsi ab Ecclesia* was reproduced (nearly verbatim) in order to show that popes were compelled to account for their actions to the Church. Incidentally, this is the same passage that has been discussed earlier in relation to Netter.<sup>451</sup> The liability of popes to the judgement of their inferiors was demonstrated clearly by the fact that Paul had resisted Peter to his face for having kept the Jewish rites hypocritically. What was more, Peter had had to resolve the disquiet that had been caused by his acceptance of a centurion into the Church by justifying his actions to the whole Church. Popes Symmachus, Marcellinus and Gregory had also been

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<sup>450</sup> Fox, *De Vera Differentia*, fol. 13<sup>r</sup>.

<sup>451</sup> See pp. 126–7 above.

subjected to the judgment of the council. Gerson was quite clear that they had not done so only out of humility, but because they had been obliged to do so.<sup>452</sup>

The same arguments were applied by Henry Cole in his treatise on the general councils. He made the observation (classic to canonistic discussion) that unerring faith had not been granted to popes as individuals, for popes had sometimes fallen into heresy. This had been the case with Pope Liberius. Augustine was cited to prove that when Peter had been granted the keys to heaven and earth, he was 'iuged to beare but the image of the hole churche'.<sup>453</sup> This implied that fundamental authority resided not with the pope but with the universal Church. Cole also cited the cases of popes Damasus, Sixtus and Leo who had been obliged to account to general councils for their immoral behaviour. These examples were adduced so that the 'bishops of Rome may well see it is not against the lawe of god that they shuld submitte them selfs unto the Councile'. Cole then pointed to the opinion of the canonists that a heretical pope was of lesser status than any other Christian, and could be judged by any of them. In accordance with canonistic discussion, Cole argued that heresy could be understood not only as a deviation from the faith, but any scandalous crime stubbornly held.<sup>454</sup> He referred more explicitly to the conciliarists in proving that the pope was inferior to the general council. He cited a divine at Basel who had said that 'the pope was but the vicar of the Churche immediately and soo all his power he hath of the churche the whiche the churche may lymite and restrayn'. Likewise, 'the concile of Constance hath determyned it and the divines of Paris also that the bishop of Rome is under the concile'.<sup>455</sup>

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<sup>452</sup> Fox, *De Vera Differentia*, 13<sup>v</sup>. The passage from Gerson can be found in *Oeuvres*, iii, 302.

<sup>453</sup> Hatfield House MS 46, fol. 45<sup>v</sup>.

<sup>454</sup> *Ibid.*, fol. 48<sup>r</sup> – 49<sup>r</sup>.

<sup>455</sup> *Ibid.*, 55<sup>r</sup> – 56<sup>v</sup>.

*The general council as an interpreter of scripture*

It was a common strategy of the propaganda campaign to argue that the general council was superior to the pope and could judge him if necessary. But what did the propagandists mean by the general council? What functions were performed by a general council? These questions produced very complex answers. Before the summoning of the Council of Mantua in 1536 it was useful for the propagandists to refrain from discussing the proper constitution of a general council. Their readers might imagine that the king was appealing to a clerical council, similar in composition to one of the fifteenth century. Seeing that it was hoped that the council would dispute the pope's sentence, it was implied from the beginning that the council would enforce its judicial superiority over the pope. Nevertheless, no clear statement about the preferred leadership of the council was initially supplied by the regime. After 1536, however, the presidency of the pope over a council had to be strenuously denied. By this stage, the nature of the regime's quarrel with the pope had changed. It was no longer merely the pope's judgment on the king's marriage which was being challenged, but his authority *tout court*. The regime felt it necessary to provide some public justification for the new-found autonomy of the English Church in regulating the ceremonies of the Church. It now had to be even more cautious in its definition of conciliar authority. On the one hand, the king still wished to maintain that he was a loyal son of the Catholic Church. A pledge of allegiance to the general council was a necessary component of this claim. On the other hand, the regime had to protect the English Church's distinctive interpretation of the faith from international interference. Given these contradictory impulses, it is understandable that after 1536 the propagandists' statements about the general council are sometimes confused and often

surrounded by qualifications. Through all their doubts, however, they acknowledged that the council could settle matters of doubt about scripture. This was a very important concession.

Henry Cole's treatment of the general council is symptomatic of the confusion which beset the issue. He allowed the council a role in determining doubtful matters of scripture. He also admitted that it could determine heresy and to cast out heretics from the Church.<sup>456</sup> Cole stipulated, however, that matters of faith determined by general councils should be 'tryed onely by the word of god and his apostols and not by mens traditions'. Cole acknowledged that councils had contradicted one another and that some conciliar decrees of the greatest councils had fallen out of practice. He admitted that 'the divines of Paris and all other do hold that nother general concils nother all the men in the world can make no newe article of our feith whiche is not found in holy scripture.' Scripture was undoubtedly the only valid source of Christian doctrine. But what part did the council play in its interpretation? Cole's final standpoint was one of doubt: 'I woll not yet pronounce what credence ought to be geven to general conciles for I tell you playnely I can not bring miself out of doubte herein for all that I can doo hitherto.'<sup>457</sup>

Starkey's *Preface to the Kynges hyghnes* provided a clearer portrayal of conciliar authority—one which recognised the moral legitimacy of general councils, but still safeguarded the right of the monarch to regulate the affairs of his Church. At first, Starkey appeared to be dismissive of the councils, arguing that their decrees required the consent of the 'princely power and common counsell' in particular realms in order to become effective there. General councils were not necessary for the conservation of the faith, 'yet for bycause it was of wise men and politike brought

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<sup>456</sup> Ibid., fols 59<sup>r</sup>; 61<sup>v</sup>.

<sup>457</sup> Ibid., fol. 66<sup>v</sup>.

in, to the avoydyng of schisme and heresie, and stablynge of christen unitie, I thinke it not to be reiected.<sup>458</sup> Starkey's occasionally cool appraisal of general councils rested on his distinction between those things which had to be believed as necessary for salvation and those matters which were indifferent (*adiaphora*). Into the latter category fell most ecclesiastical rites and customs, for these had changed over time. Starkey seemed to grant political authorities the discretion to modify these *adiaphora*. But he took a different line towards articles of faith. In doctrinal definition, the general council had an indispensable role to play. Starkey condemned those who scorned the general councils' interpretation of scripture. 'For to this succeedeth in a manner the ruine of scripture it selfe, the authoritie wherof declared to man comonly, hangeth moch uppon generall counsell.'<sup>459</sup> Starkey explained that the reason for this was that general councils had been responsible for determining the canon of scripture in the first place: 'these whiche we have and take to be the true gosselles, and to conteyne the veray doctrine of Christ, we knowe not surely so to do, but onely by feyth and confidence that we gyve to the definition of generall counsell and consent of the same'. Starkey envisaged a situation in which various polities might reach different interpretations of scripture. In such a case there would be no means of reconciling their opinions unless some obedience were given to general councils.

Christopher St German's treatise of 1538 put forward a very similar interpretation of the general council. Like Starkey, St German declared that general councils could 'declare the trewe catholyke fayth, accordyng to the rules and groundes of scripture: and to declare also, what is to be iuged to be agaynste scripture, and what not: and to expounde the doubttes therof: and also to determine what bokes

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<sup>458</sup> Starkey, *A Preface*, fols. 8<sup>v</sup>; 9<sup>v</sup>.

<sup>459</sup> *Ibid.*, fols. 29<sup>v</sup> – 30<sup>r</sup>.

are to be obeide and taken as bookes of scripture, and what not.<sup>460</sup> St German also allowed the council a role in the determination of heresy. But in common with this treatment of all ecclesiastical institutions, St German allowed the general council no coercive authority. The correction of those who disobeyed the general councils was left to kings and princes. Likewise, the regulation of ceremonies, and holy days was to be entrusted to kings and not to general councils.<sup>461</sup> Although St German did not use the term ‘matters indifferent’, his position was effectively the same as Starkey’s.

Absent from both Starkey and Cole’s analysis was a consideration of the means by which a general council should be summoned and administered. Cole had argued that the natural factiousness of man made the presence of a single head necessary at a council in order to bring order to proceedings. He argued at length that the pope could not be this head, but he did not make any suggestions about who should take his place.<sup>462</sup> He did occasionally allude to the calling of councils by the early Christian emperors, such as Constantine and Theodosius, but he did not indicate whether this power was inherited by the Holy Roman Emperor or whether it had fallen collectively to all the secular rulers of Europe. Cole’s insistence that a single head was required at a council seemed to clash with the bishops’ declaration of 1536 that general councils should be gathered with the collective agreement of secular rulers.<sup>463</sup> Perhaps his uncertain description of conciliar authority prevented his work from passing into print.

St German provided clearer (but by no means entirely cogent) recommendations about secular participation in general councils. He lamented the erroneous belief that ‘the bysshop of Rome shuld be heed of the unyversall church:

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<sup>460</sup> St German, *A treatise concernynge generall councilles*, fol B7<sup>v</sup>.

<sup>461</sup> *Ibid.*, fols. C2<sup>r</sup>; B8<sup>r</sup>; C2<sup>v</sup> – C3<sup>r</sup>.

<sup>462</sup> Hatfield House MS 46, fols. 44<sup>v</sup> – 52<sup>v</sup>; 70<sup>v</sup> – 76<sup>r</sup>.

<sup>463</sup> *Ibid.*, fol. 43<sup>v</sup>.

and that he shuld have power to sommon general councilles: and that byshoppes and pristes shuld have the voices in them: (& have power to expounde the doutes of scripture.’<sup>464</sup> St German instead argued that Christ has ordained a two-fold historical scheme for the government of the Church. From the time of his passion until the conversion of kings, he left it under the direction of the apostles. But after the conversion of kings, the power to see the ‘testament of Christe to be duely executed, was devolute to kynges and princis’.<sup>465</sup> St German criticised the pope for taking it upon himself to summon general councils, and for admitting no laymen to them. This fault sprang from the erroneous pretence that the universal Church comprised only the clergy, when in fact it included the whole congregation of the faithful.<sup>466</sup> But after having criticised the clergy for pretending to have the exclusive control of general councils, St German did not proceed to clarify the role that princes should take in the summoning and management of general councils. In a manuscript draft of the printed treatise, St German was a little more specific about the authority of secular parties in the government of the general council. The manuscript draft, unlike the printed text, was constructed as a dialogue between a doctor and a student. When asked by the student what kind of general council he would see in place of a papal council, the doctor replied: ‘I wolde have a generall counsaile gatherd and kepte by auctorite of kings and princes and wherin notable men of the temporaltie as they be callede shulde have voices.’<sup>467</sup> In keeping with the general tenor of the printed treatise, the doctor declared that general councils should determine the canonical books of scripture and resolve doubts arising from them, but should steer clear of ordering the ceremonies of the Church.

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<sup>464</sup> St German, *A treatise concernynge generall councilles*, B4<sup>v</sup>.

<sup>465</sup> *Ibid.*, fol. B7<sup>r</sup>.

<sup>466</sup> *Ibid.*, fol. C5<sup>v</sup>.

<sup>467</sup> TNA SP 6/2, fol. 48<sup>v</sup>.

### *Councils and consent in the propaganda campaign*

The propagandists were in the process of rethinking received wisdom about the organisation of the general council and its authority in the interpretation of scripture. In canon law, the general council's status as an interpreter of scripture had been defended with reference to its representation of the universal Church. Because the soundness of the Church's doctrine affected all believers, it was important that they were all represented by the authority which resolved doctrinal disagreement. It is the argument of the present thesis that the issue of consent was an important theme in the Henrician propaganda campaign. In various ways, legitimate Christian doctrines and rites were said to rest on popular consent. However this premise did not entail only one set of conclusions. On occasions the regime and its defenders stressed that the universal consent of the Church, as represented by a general council, was necessary to approve Christian doctrine. At others, the consent of the people in particular kingdoms was declared sufficient for the implementation of various rules of Christian conduct.

Through its reliance on conciliarist arguments, Henry Cole's treatise often gave the impression that the general council received its powers of doctrinal interpretation by virtue of representing the universal Church. Cole quoted approvingly the testimony of Gregory the Great, who had placed his trust in the general councils. The reason for Gregory's confidence was that the general councils 'are agreed upon by the hole consent of the worlde'. Hence anyone 'destrueth hym self and not the conciles that presumeth to lose that they bynde or bynde that they lose'.<sup>468</sup> Cole also

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<sup>468</sup> Hatfield House MS 46, fol. 41<sup>r</sup>.

used arguments about the centrality of popular consent to sanction the demotion of the papacy from a position of pre-eminence over general councils. He pointed to the Old Testament and showed that, although God had originally decided to appoint judges to rule the Jews, he gave in to their pleas and granted them a king. Presumably Cole is referring to the anointing of Saul as king, in spite of warnings from God (1 Samuel viii). Cole argued that this example proved that ‘god will suffer that thing to be doon that the people fervently desire if the common weale stand with the same’.<sup>469</sup>

The same constitutional reordering could, in the opinion of Cole, be carried out in the Church. It was vital, however, that it receive universal assent: for ‘every man may not be suffred to make this chaunge, but other the hole people must do it as it was in Israel aforesaid or ells those who have the power of the people.’ Cole claimed that Gerson was of this opinion, ‘for he saith it is not necessary the bishop of Rome be he that shal rule as the highest prest in Christendom. But it may be otherwise ordeyned that any other bishop may doo the same’.<sup>470</sup> This was a misrepresentation of Gerson’s thought. He had admitted that the ecclesiastical constitution had varied from age to age, but was a firm advocate of the papal monarchy, which he defended against the attacks of heretics like Wyclif and Marsilius of Padua.<sup>471</sup> We see here one of the central assumptions of the conciliarists (i.e. that authority fundamentally resided in the congregation of the faithful) being developed in ways which would have been unacceptable to them.

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<sup>469</sup> Ibid., fol. 46<sup>v</sup>.

<sup>470</sup> Ibid., fol. 47<sup>r</sup>.

<sup>471</sup> Gerson points out that Christ founded the Church as an immutable monarchy. He mentions Marsilius of Padua as deviating heretically from this doctrine. *Oeuvres*, iii, 299. Nevertheless, it is easy to see how Cole could have been misled about this point. See, for example, Gerson’s reply to those who pointed out that Peter had first ruled in Antioch: ‘dicamus quod Ecclesia Romana est illa diocesis, provincia vel sedes quae peculiariter habet regi per auctoritatem papalem et eam complectitur. Sic veritatem habet vulgata vox: ubi papa, ibi Roma.’ *De Potestate Ecclesiastica* (*Oeuvres*, vi, 223).

Thomas Starkey's defence of the general council also owed something to his belief that the unity of Christendom required universal agreement about the articles of the faith. In a letter to the king written in 1536, Starkey pleaded that Henry would defend his rejection of papal authority before the general council. 'For sory I wold be', said Starkey, 'that your hyghnes here in your reame wyth your lernyd conseyl shold be iugyd any thyng to decre, which myght not be iustfyd in the face of the hole church openly'. Starkey was saddened by the controversy that had erupted over the issue, and confessed that 'al chrystun hartys I thynke are much desyrouse in our tyme to see a conseyl general that both in thys mater and in many other we may yet see through chrystundome a general concord and unytye'.<sup>472</sup> Thomas Mayer has shown that Starkey was a committed conciliarist. He demonstrates this by examining Starkey's annotations of an ecclesiological work by the Dutch theologian, Albert Pighius. In his annotations, Starkey defended the assertions of conciliarists such as Gerson against Pighius's attacks. One of Starkey's conclusions was that 'in all human societies it is certain that the people has the authority of correcting human errors, in as much as they have been made by men'. Although Starkey acknowledged that there were differences between secular political communities and the Church, the Church was nevertheless a free, self-sufficient community (*societas perfecta*) with the power to correct its head.<sup>473</sup> Thomas Mayer has argued that Starkey's political thought was largely devoted to a defence of aristocracy, and that he placed very little emphasis in the value of consent within political communities.<sup>474</sup> Nevertheless, in his defence of Gerson's vision of the Church as an Aristotelian mixed constitution, Starkey

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<sup>472</sup> TNA SP 1/105, fols. 137<sup>v</sup>; 138<sup>v</sup>.

<sup>473</sup> Mayer, 'Thomas Starkey: An Unknown Conciliarist', 218 – 20.

<sup>474</sup> Idem, *Thomas Starkey and the Commonweal: Humanist politics and religion in the reign of Henry VIII* (Cambridge, 1989), 133-4; 143-4.

acknowledged that power was vested not only in the head of the Church but in the whole Christian community.

In St German's view, the force of universal consent legitimises the decisions of the general council. His treatise on the general council provides the most elaborate justification of the general council's right to interpret scripture, and at its centre is an appeal to the value of communal consent in framing scriptural interpretation. St German wrestles with the problems imposed by his assumption that doctrine needs to be based on the testimony of scripture alone. In the classic Lutheran exposition of scriptural hermeneutics, no single human authority was granted the right to arbitrate in scriptural disputes. It would be arrogance for this authority to pretend that it alone was capable of mediating God's word. St German was clearly, to some measure, persuaded by such an outlook. In his dialogue, the doctor is adamant that only the witness of scripture constitutes a sufficient basis for true doctrine. This view prompts the student to ask how one can be sure that the scriptures are indeed the word of God. How have the books of the Bible been canonised? The doctor is forced to admit that there is no certain evidence which tells how and when the books of scripture (and especially the books of the Old Testament) were written down. The doctor adds, nevertheless, that 'it is no doubt but that they were sufficientlie auctorised by them that had auctoritie to do it, but that auctourising is not recorded by any auctentique wryting, so that the common assente of the people is at this daye the moste chief recorde therof, and their recorde in this caase suffisethe'. This communal assent was inspired by nothing less than the Holy Spirit. The doctor explains that it 'is the working of the holy ghoste wherby a full assente hath risen yn the herts of the people

to bileve and to thinke theym self bounde to bileve suche things as were written of the instincte of the holy ghost'.<sup>475</sup>

The doctor is sure, however, that there are limits to what general councils may and may not do. The scriptures contain all that is necessary for salvation. No doctrine based on extra-scriptural evidence should be accepted. The determinations of general councils should only be heeded as long as they are consonant with scripture and not otherwise. This argument has affinities with the Lutheran position. What sets St German's treatise apart is its treatment of the function of consent. The only certain evidence about the Christian faith is provided by the scriptures. But how can there be any certainty that the texts taken for the holy scriptures are indeed the word of God? The reason, St German argues, is that the god-given consensus of the early Church has validated them. In this scheme, consent is at the very heart of Christian doctrine.

#### *Consent and the path to autonomy*

The assumption that ultimate power was vested in the Christian community was, however, applied in various ways by the propagandists. It did not only result in a defence of conciliar authority. We have seen how Cole appealed to the work of the conciliarists in order to argue that the pope could be replaced by any other bishop as president of the general council. This was a common technique of the propaganda campaign. Some of the assumptions of canonistic and conciliarist writings were endorsed but then applied in unfamiliar ways to new political problems. This was true of the idea that fundamental authority in the Church resided with the congregation of the faithful. In the works of the conciliarists it was used to defend the right of the

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<sup>475</sup> TNA SP 6/2, fol. 58<sup>v</sup>.

Church, represented by the general council, to regulate the affairs of the papal monarchy. But the propagandists managed to manipulate the idea in order to defend the provincial self-sufficiency of the English Church.

Edward Fox, as we have seen, glossed Christ's granting of the keys to Peter with reference to the conciliarists. He argued that Peter should not be understood as one man but as a representation of the whole Christian community. This statement was then used by Fox to make the larger claim that papal decrees rested on popular consent. He argued that in the primitive Church the canons of the Church were not compulsorily observed. They were suggestions about Christian conduct which were accepted freely by various congregations. In a similar fashion the laws of bishops of Rome were accepted only as long as they seemed pious and in accordance with the teaching of Christ. They were not in any way accepted as binding laws. Over the course of time, however, the bishop of Rome had come to pretend that these instructions were compulsory.<sup>476</sup> That they were not could easily be proved, argued Fox. He showed that papal laws were often ignored in the Church at large, and specifically in an English context. He cited a decree of Pope Telesphorus, which was included in the *Decretum*. This law forbade priests from eating meat seven weeks before Lent. Gratian had declared, however, that this law was no longer enforced against transgressors because it did not sit with popular custom.<sup>477</sup> From this example, Fox drew the conclusion that papal canons did not oblige compulsory observance from anyone, because they obtained their force not from the authority of the popes who decreed them, but from the will of the people accepting them.<sup>478</sup> Fox also

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<sup>476</sup> Fox, *De Vera Differentia*, fols. 34<sup>v</sup> – 35<sup>r</sup>.

<sup>477</sup> D. 4 dict. post c. 3. 'Unde illud Telesphori Papae ... quia moribus utentium approbatum non est, aliter agentes transgressionis reos non arguit.'

<sup>478</sup> Fox, *De Vera Differentia*, fols. 35<sup>v</sup> – 36<sup>r</sup>: 'Unde constat canones necessitate neminem obligare: ut iam vim suam non obtineant ex autoritate statuentis pontificis canonica iura (quae vocantur) sed recipientis populi voluntate.'

commented that the pope's right to appoint to all episcopal benefices had been ignored in England and statutes had been created to restrict this papal privilege. The papal law conferring immunity on all clerics from secular prosecution had also not been accepted in its fullest application in England. Once again Fox argued that papal canons took effect in various places only to the extent that the people approved them.<sup>479</sup>

Fox's assertions soon became a standard feature of propaganda texts in the 1530s.<sup>480</sup> They surface in St German's *Dyaloge betwene Clemente and Bernarde*. This work was framed as a discussion between Bernard, an MP, and Clement, a cleric from Convocation. Throughout the dialogue, Bernard is scornful of the pretensions of the clergy to regulate secular affairs. Clement accuses Bernard of trying to destroy the canon law. Bernard replies that this is not his intention; he wishes not to dispute the moral value of the canons, but to deny that they are laws.

For in the begynnyng they were called but onely canons, which is but a rule ... to bryng the people to the observyng of the lawes of god. And than they ordered nor assygned no correction for them which brake those rules nother by bodely ponysshment nor by losse or mynyshyng of theyr goodnes or landes.<sup>481</sup>

Bernard goes on to show that several canons regarding religious festivals and other matters were not observed by the people, and he takes it as a sign that the canons in general are not binding. He tells Clement that the 'auctorite that ye have nowe in suche causes which ye call spiritaull causes came to you by the grauntes of the kynges of this realme and the consente of the people.'<sup>482</sup> St German's argument here is in precise accord with Fox's. Indeed his citation of a great deal of evidence from *De*

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<sup>479</sup> Ibid., fol. 37<sup>r</sup>: 'Que [canones] prout populus admiserit et approbarit aut reiecerit, ita demum locum solent obtinere.'

<sup>480</sup> Janelle, *L'Angleterre Catholique*, 272.

<sup>481</sup> St German, *A dyaloge*, fols. C6<sup>v</sup> – C7<sup>r</sup>.

<sup>482</sup> Ibid., fol. D2<sup>v</sup>.

*Vera Differentia* has been noticed.<sup>483</sup> Starkey also echoed Fox's point about the nature of ecclesiastical canons. Interestingly, he applied the reasoning not just to papal canons but to conciliar canons as well. He argued that 'suche thinges as were propounded in the fyrste counsels longe and many a day, were not called lawes, byndynge man with autorite, but only canons and certayne rules, wherwith man frely customing him self, might be gentilly induced to folowe the trade of vertue and honestie.'<sup>484</sup> The similarities between his and Fox's arguments have been noticed, and it has been argued that the two might have enriched each other's opinions about the Church while working together in Paris to obtain a favourable opinion from the university on the king's marriage.<sup>485</sup>

The argument that ecclesiastical canons were not binding complicated the regime's profession of allegiance to the general council. For it suggested that in various polities, the secular authorities could take it upon themselves to approve or reject rules of Christian conduct agreed upon in general councils. Admittedly Fox, St German and Starkey, in the works examined, appeared to leave the general council's role in the determination of doctrine untouched. But their arguments showed that an emphasis upon the role of popular consent in ecclesiastical government could weaken their defence of the general council. They struggled to reconcile the regime's desire to strengthen its Catholic image with its actual tendency towards autonomous action in religious affairs. The reconciliation of these two conflicting demands produced highly unstable results. Thomas Mayer has argued that Starkey was forced to modify his defence of the general council by the demands of the regime.<sup>486</sup> St German was evidently also forced to rethink his views on the general council. In *An Answer to a*

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<sup>483</sup> Rex, 'New Additions', 290-1.

<sup>484</sup> Starkey, *A Preface*, fol. 70<sup>v</sup>.

<sup>485</sup> Mayer, 'Thomas Starkey: An Unknown Conciliarist', 214-5.

<sup>486</sup> *Ibid.*, 216.

*Letter*, St German offered a different interpretation of the council's role in doctrinal interpretation.

In *An Answer*, St German put forward the case that the secular authority in England was competent to interpret scripture.<sup>487</sup> St German began by asserting that the interpretation of scripture lay with the Catholic Church. As in his treatise on the general council, he identified the Church with the whole congregation of the Christian people, lay as well as spiritual. He inferred, therefore, that the interpretation of scripture belonged to all the princes of Christendom along with their people. The problem was that 'the unyversall catholique people can nat be gathered togyther to make suche exposycion'. The only solution was that 'kynges and princes whom the people have chosen and agreed to be their rulers and governours and which have the whole voyces of the people maye with their counsell spirityuall and temporall make exposycyon of such scripture as is doutfull'.<sup>488</sup> In England, the proper forum for such a business would be parliament. St German alluded to John Fortescue's opinion that England was a *ius regale et politicum* in which princes could not make laws without the assent of their subjects. He then declared that 'the parliament so gathered togyther representeth the estate of al the people within this realme, that is to say of the whole catholyque churche therof'. This left open the possibility, which St German tentatively proposed, that parliament might expound scripture.<sup>489</sup> Uncertainty about the dating of *An Answer to a Letter* makes it difficult to know whether it was a preliminary treatment of the problems of scriptural interpretation, or whether it was meant to supersede St German's treatment of the subject in his treatise of 1538. Either

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<sup>487</sup> J.A. Guy, 'Scripture as Authority: Problems of Interpretation in the 1530s' in A. Fox and J.A. Guy (eds.), *Reassessing the Henrician age: Humanism, Politics and Reform, 1500 – 1550* (Oxford, 1986), 207-8.

<sup>488</sup> St German, *An Answer to a Letter* (London: Thomas Godfray, 1535?), STC 21558.5, fol. G5<sup>r</sup>.

<sup>489</sup> *Ibid.*, fol. G6<sup>v</sup>.

way, the discrepancies between the two works demonstrate that the ideological loose ends in the theories of the royal supremacy could be resolved in different ways.

*Distancing the regime from heresy: Marsilius of Padua and John Wyclif in the propaganda campaign*

St German's *An Answer* shows how easily the propagandists could slip from the position that general councils were the proper interpreters of doctrine to an admission that secular rulers should undertake this duty. It also shows how easily ideas about representative authority could be blurred. In order to attack the papal headship, the propagandists had made use of communitarian ideas about Church government, long embedded in the canon law and most recently exploited by the conciliarists. These ideas seemed at points to clash with the king's assertion of divinely ordained supremacy over the Church. How could fundamental authority in the Church reside in the congregation of the faithful, when it was also said to belong to the king, as head of the Church? The propagandists occasionally tried to eliminate this distinction, by claiming that the will of the ruler and people were one. As Christopher St German put it, kings were chosen by the people, and 'have the whole voyces of the people'. Likewise Cole had argued that the removal of the papacy could be carried out either by the 'hole people or ells those who have the power of the people', leaving open the possibility that princes could act as representatives of the people.

It is likely that the propagandists were here adapting the theories of Marsilius of Padua. Like him, they denied coercive jurisdiction to spiritual authorities, but instead reserved it for the human legislator. Like him, they recognised that the summoning of general councils belonged only to the human legislator. The

propagandists had echoed Marsilius in stressing that laymen as well as priests should act as representatives at general councils, and they agreed that the decrees of the general councils could only be given coercive force by the legislator.<sup>490</sup> In all of these assertions, the propagandists distanced themselves from the position of the conciliarists, such as Gerson, whose work they were citing. Most of the ‘mainstream’ conciliarist authors had been defenders of predominantly clerical assemblies, and had certainly not accorded secular powers such a large measure of discretion in the implementation of conciliar decrees.

The idea that Marsilius of Padua exercised an influence over the propaganda campaign is an old one.<sup>491</sup> Caution is, however, urged by Thomas Mayer who has rejected the claim that Marsilius of Padua exercised any meaningful influence over the thought of Thomas Starkey. Mayer argues instead that many of Starkey’s supposedly Marsilian ideas could have been drawn directly from Aristotle and the widespread traditions of Aristotelian interpretation.<sup>492</sup> Mayer’s point may hold true to some extent of Marsilius’s communitarian concepts.<sup>493</sup> It is also possible that the propagandists’ ideas about secular influence over the Church could have been adapted directly from a reading of the Roman civil law and the early councils of the Church, which emphasised the Roman emperor’s presidency over the Church.

Nevertheless, Marsilius’s interpretation of the human legislator’s authority over the affairs of the Church was an unusually coherent statement, and we must confront the possibility that the propagandists were influenced by it. To the extent that

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<sup>490</sup> For the right of the human legislator to call general councils and to give coercive force to their decrees: Marsilius of Padua, *The Defender of the Peace*, II. c. 21, ed. and trans. A. Brett (Cambridge, 2005), 376-90. For lay representation at general councils, II. c. 20, 368.

<sup>491</sup> F.L. Baumer, ‘Thomas Starkey and Marsilius of Padua’, *Politica*, 2 (1936), 188-205; Janelle, *L’Angleterre catholique*, 275; Hughes, *Reformation*, i, 332-5. Elton suggested that Marsilius could have been an important influence on Thomas Cromwell: ‘The political creed of Thomas Cromwell’ in his *Studies*, ii, 228-30.

<sup>492</sup> Mayer, *Thomas Starkey and the Commonwealth*, 139-47.

<sup>493</sup> Burns (ed.), *The Cambridge History of Medieval Political Thought*, 364-6; 533-5.

Marsilius was being consulted, his ideas were, however, being reshaped to suit the purposes of the regime. Shelley Lockwood has shown how William Marshall selectively translated the *Defensor Pacis* to remove those passages which asserted that the human legislator held his authority from the people (the *universitas civium* or the *valentior pars* thereof). Marshall's emendations gave parliament some role as a representative of the people, but it was firmly subjugated to the authority of the monarchy, who had the right to rule without it. It was the king, not parliament, who was to be equated with Marsilius's *legislator humanus*.<sup>494</sup>

The propagandists discussed in this chapter were making similar kinds of alterations. The most notable was their departure from the universalism of Marsilius's account. George Garnett has made a strong case for reading the *Defensor Pacis* as a defence of the Holy Roman Emperor's right to rule the Church as the faithful human legislator. Although other provincial legislators might have a role in electing representatives to a general council, the summoning of the council belonged to the emperor alone and it was only he who could give the decrees of the council coercive force.<sup>495</sup> The propagandists, on the other hand, attributed the right of summoning the council collectively to all the secular princes of Christendom. Particular princes could, *pace* Marsilius, give coercive effect to conciliar decrees in their realm.

Marsilius's influence can also be detected in Christopher St German's account of the king's spiritual authority. The origin of the king's power over the Church was handled ambiguously in the propaganda campaign. In the work of Fox, the popular legitimisation of papal canons was left to stand alongside a defence of divinely ordained imperial kingship without much explanation. Starkey and Cole shied away from identifying the origins of the king's supremacy. It was only St German who

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<sup>494</sup> Lockwood, 'Marsilius of Padua', 93-101.

<sup>495</sup> G. Garnett, *Marsilius of Padua and 'the Truth of History'* (Oxford, 2006), 160-71.

made a clear attempt to reconcile the communitarian arguments which had been used to attack the papacy with a defence of the royal supremacy. In his view, the king in parliament could act as an interpreter of scripture, because he represented the congregation of the faithful in his realm. In St German's work, and to a lesser extent the treatises of the other propagandists, the communitarian foundations of the Henrician reformation were sketched in. This line of thought may bear affinities with Marsilius's theory of popular sovereignty, which could be seen, in the words of Jeannine Quillet, as 'an artifice designed to provide the theoretical foundations of the political power of the Empire, against the temporal monarchical structures of the papacy'.<sup>496</sup> St German was claiming for Henry VIII within his own realm what Marsilius had been claiming for the emperor within the whole of Christendom. St German's emphasis upon parliament's role seemed to honour the communitarian foundations of Henry's authority. This line of thought helped to make sense of the institutional implementation of the Henrician reformation, which had been strongly reliant on parliament.<sup>497</sup>

Supposing that Marsilius was a major influence on the theories of the propagandists, it may surprise us that he is not cited in any of the works discussed here. The reason for this silence probably lies in the regime's strenuous attempts to associate itself with orthodox theological authorities. Marsilius was a heretic, and even if his ideas were important to the propagandists, they could not be acknowledged without doing some damage to the regime's public image. The same was true of John Wyclif, whose abhorrence of the papacy and the clergy's temporal power could have been a useful ideological resource for the propagandists. Instead the regime attempted to distance itself as far as possible from Wyclif's memory.

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<sup>496</sup> J. Quillet, *La Philosophie politique de Marsile de Padoue* (Paris, 1970), 85.

<sup>497</sup> Elton, 'Lex Terrae Victrix', 46–7.

In August 1530 Edward Leighton presented letters from the king to a meeting of Convocation at the University of Oxford, asking the assembly to send him a copy of the university's list of articles in condemnation of Wyclif and the confirmation from the Council of Constance.<sup>498</sup> This request must surely be related to a document in the State Papers which discusses the Council of Constance's condemnation of Wyclif. The note examines Article 37 from the council's working list of the 45 Articles condemned at Prague in 1403.<sup>499</sup> Article 37 included the statement: 'the Church of Rome is the synagogue of Satan and the pope is not the immediate vicar of Christ and the apostles.' It also contained the declaration that it was not necessary for salvation to believe the Roman Church to be superior to other Churches. The regime was obviously anxious that its own refutation of the Roman supremacy could be seen as a perpetuation of Wyclif's heresy. In response, the author of the note tried to explain why the Council of Constance had condemned these opinions. He wrote 'To thes oppynyons the councell in thys sort as folowyth dothe answer and hym condemnyth thoughe not so effectuelly as som estemyth'. The note alleged that Constance had declared Wyclif's opinions erroneous only inasmuch as the Roman Church was understood to refer to the universal Church or the general council. Furthermore it was wrong to deny the primacy of the pope if this referred to his supremacy over particular Churches.<sup>500</sup> The author concluded that 'we well perceyve by thys sentence that he [Wyclif] was not condemnyd for callyng the se of Rome the synagoge of Sathan except he ment the unyversall church of christ or generall councell nor he was not condemnyd by the sayd councell of errour because he denied

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<sup>498</sup> BL MS Lansdowne 446, fol. 61r-76r. *LP* iv. 6546.

<sup>499</sup> For the council's use of different sets of articles in condemnation of Wyclif, A. Kenny, 'The Accursed Memory: The Counter-Reformation Reputation of John Wyclif' in idem, *Wyclif in his Times*, 150-1.

<sup>500</sup> TNA SP 1/105, fol. 83r: 'Error est si per Romanam ecclesiam intelligatur universalis ecclesia aut concilium generale. Aut pro quanto negare primatum summi pontificis super alias ecclesias particulares.'

the superiorite of the church of Rome to be above all others but because he dyd denye that yt was above none.<sup>501</sup>

Here, as in many of the propagandists' citations, texts were being distorted by the regime. No phrase from the council's two sets of commentaries on the 45 Articles matches the statement cited by the note in the State Papers.<sup>502</sup> Perhaps the statement attributed to Constance in the note was really a gloss made by the University of Oxford. In any case, the inaccuracy is indicative of the regime's techniques of obfuscation. Both the Constance commentaries had rejected Article 37 not merely as erroneous, but as heretical. The author of the note was covering up an uncomfortable fact. The first Constance commentary had asserted, in a surprisingly vigorous way, the sanctity of the Roman Church. No salvation could be found outside it, and it had obtained its primacy directly from Christ. The second commentary was more subtle, declaring that popes as individuals could err, but that the Roman Church as the mystical body of Christ could not. This opinion was clearly linked to the canonistic tradition which saw the Roman Church as synonymous with the universal Church.<sup>503</sup> One can see how this position could be compressed into the summary citation of the note. But unlike the note, the Constance commentary made it clear that the pope was the monarch of the Roman Church. The separation between the universal Church and the Church of Rome which was implied by the note was not present in the statement from Constance.

Two important tasks were being performed in the note, both of which are revealing of official attitudes. On the one hand, the regime was making an attempt to associate itself with the conclusions of the Council of Constance. It was trying to

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<sup>501</sup> Ibid., fol. 83r.

<sup>502</sup> The first and second commentaries can be found respectively in Hardt, *Concilium*, iii, 202-5; 308-13.

<sup>503</sup> Tierney, *Foundations*, 40-1.

establish the king's Catholic credentials, by showing that his denial of papal supremacy was not a heretical or even an erroneous statement in itself. The king's faith was in the infallibility of the universal Church and not of the pope. Second, the regime was demonstrating that its rejection of Rome should not be equated with Wyclif's supposed rejection of the authority of the universal Church. This was part of a broader strategy. A propaganda work of 1532, *A Glasse of the Truth*, which defended the king's decision to divorce Queen Katherine, argued that the general councils had condemned dispensations from the Levitical prohibition: 'the counsels for the most parte (which speaketh of hit) dothe utterly dampne hit. Specially (as semeth me nowe) Constance counsell, in disapprovyng the opinions of Wycliffe.'<sup>504</sup> Wyclif's opinions on marriage were not recited in the work, but his name was mentioned so that the regime could build connections in the minds of its readers. It was telling them that the Council of Constance was for the king, and against Wyclif, thus reinforcing the king's legitimacy and distancing him from heresy.

#### *The influence of Lutheran thought*

No matter how strenuously they tried to portray Henry as a good Catholic monarch, the propagandists must have been pressed by 1537 to disguise the radical nature of their teachings on the general council. The kind of general council which they were recommending was very distinct from the councils of the fifteenth century, even the Council of Basel which had disputed the pope's presidency. The principal difference was that secular powers were to summon the council and preside over it, in place of the pope or the clerical delegates. Secular delegates were also to be admitted on a far

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<sup>504</sup> *A Glasse of the Truthe* (London: Thomas Berthelet, 1532?), STC 11918, fol. C1v.

wider scale than before. This vision of the general council could have been inspired by Marsilius of Padua. But it is also possible that the propagandists were influenced by the thought of the Lutherans on this subject. Because the regime could not openly admit the influence of Lutheran ideas, the chains of ideological influence had to be kept hidden. We know that several of the propagandists, such as Fox and Swinnerton, were committed evangelicals by 1534 (Swinnerton had even been educated at Wittenberg). Cole and Starkey's views are less easy to classify, but in adapting their views to the official position they could have made use of Lutheran sources (directly or indirectly).<sup>505</sup> We know that papers were being circulated between the propagandists, often with the help of Thomas Cromwell.<sup>506</sup> Tracey Sowerby has also shown that many of them were also being copied widely for use on diplomatic missions.<sup>507</sup> Lutheran texts would certainly have come into the hands of Fox who played a major role in the theological negotiations with the representatives of the Schmalkaldic League in 1535-6 and 1538.<sup>508</sup> The proximity of other Lutherans such as Robert Barnes and Alexander Alesius to central figures in the regime, such as Cromwell, Cranmer and Fox, would surely have acted as an additional channel for the circulation of texts and ideas. Lutheran opinions about the general councils need to be examined, for they may help to explain the development of a new scepticism about the value of collective action in resolving doctrinal doubts.

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<sup>505</sup> Starkey apparently tried to steer a course between a conservative adherence to the Roman Church, and strong evangelical views: Mayer, *Thomas Starkey*, 186-7. Cole was later a defender of the Marian Catholic establishment, but as we have seen this did not preclude an adherence to moderate conciliarism in the 1530s.

<sup>506</sup> Edward Fox, for example, received a copy of Stephen Gardiner's 'Oration' (presumably *De Vera Obedientia*) from Thomas Cromwell. Fox revealed that as his scribe was not with him he was not able to have the work copied (which suggests that this was his usual practice). BL MS Cotton Cleopatra E VI, fol. 204.

<sup>507</sup> Sowerby, 'Henrician Polemic', 1271-99.

<sup>508</sup> MacCulloch, *Thomas Cranmer*, 136, 153, 161-3, 213-6. Sowerby, 'Henrician Polemic', 1282-7.

In his initial dispute with the papacy Luther had submitted his cause to the arbitration of a general council in both November 1518 and November 1520.<sup>509</sup> It was, in part, an expedient tactic which gave Luther breathing space to plan his next move. It is, on the other hand, possible that he felt he could manipulate imperial politics at a general council in order to obtain concessions, rather as the Hussites had brought the Council of Basel to a grudging acceptance of their beliefs. Very soon, though, Luther had turned his back on his plea to be heard by a general council. When the pope summoned a general council to Mantua in 1536, Luther responded in the so-called *Schmalkald Articles* of 1537 and a short treatise *On the Councils and the Church* of 1539. His new position contained notable equivocations.<sup>510</sup> On the one hand he protested that he was committed as much as ever to presenting his cause to a general council. He stated that ‘he should be very happy to see a true council assemble in order that many things and many people might derive benefit from it.’<sup>511</sup> What he objected to was not the principle of a general council, but to a council in which the pope would have control over his opponents. He objected that the pope had shown his partiality by condemning his opponents’ views in advance. The proposed council ‘is already determined, before it even convenes ... not to undertake any reforms.’<sup>512</sup>

On the other hand, Luther seemed to show no enthusiasm for bringing another representative institution into being which could more truly claim to be a general council.<sup>513</sup> He made two sets of points on this score. Firstly, Christians would do

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<sup>509</sup> D. Martin Luthers Werke, ed. J.C.F Knaake (Weimar, 1883-), ii, 36-40; vii, 75-82. H. Schneider, *Der Konziliarismus als Problem der neueren katholischen Theologie* (Berlin, 1976), 49–50.

<sup>510</sup> As noticed by Schneider, *Der Konziliarismus*, 51.

<sup>511</sup> Luther, ‘Schmalkald Articles’ in T.G. Tappert (ed.), *The Book of Concord: the confessions of the Evangelical Lutheran Church* (Philadelphia, 1959), 290.

<sup>512</sup> Luther, *On the Councils and the Church* in *Luther’s works*, ed. J. Pelikan (55 vols., St Louis, 1955-1986), xli, 9.

<sup>513</sup> M. Brecht, *Martin Luther: The Preservation of the Church 1532-1546* (Philadelphia, 1993), 177-8.

better to remedy the faults they saw around them than to waste time formulating vague solutions to general problems which would have little chance of success at a local level. The Lutherans themselves had no need of a council, for through God's grace they had already been enlightened and 'have no reason to hope or expect that a council would improve our conditions.'<sup>514</sup> Luther grumbled (as had many medieval reformers before him) that the Church already had too many laws. What was needed was not a new string of directives, but a renewal of heart: 'What is the use of adopting a multitude of decrees and canons in a council, especially when the primary things, which are commanded by God are neither regarded nor observed?'<sup>515</sup> Secondly, and more subversively, Luther pointed out the general council was a flawed institution. The pronouncements of various councils did not harmonise; they had made mistakes and had contradicted themselves. The general council could not be relied upon, he pointed out, to extirpate the errors which had proliferated under papal government. This was a more grievous blow against conciliar legitimacy. It demonstrated Luther's scepticism that discussion and co-operation over doctrinal matters would allow the Church to get any closer to the truth. This attitude seems to be related to Luther's conviction that the Church is an embattled community of true believers, surrounded by the multitude of the impious.

It is surprising in some ways that Philipp Melanchthon, who went to great efforts to broker an end to religious schism in Europe through negotiations and compromise, shared Luther's ambivalence towards the general councils. On one hand, Melanchthon professed his fervent desire to see a synod gathered in which doctrinal disputes could be resolved.<sup>516</sup> In a letter to the Duke of Saxony in 1537, Melanchthon

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<sup>514</sup> 'Schmalkald Articles', 290.

<sup>515</sup> 'Schmalkald Articles', 291.

<sup>516</sup> C.S. Meyer, 'Melanchthon, Theologian of Ecumenism', *Journal of Ecclesiastical History*, 17 (1966), 194–7.

explained why the Lutherans refused to attend the council recently proposed by the pope. He claimed that the papal council was not the free general council which the emperor had originally been working towards. This council had been called so that errors and abuses in the heads and members of the Church would be corrected and the authority of popes and human traditions would not be preferred to the word of God. The council summoned by the pope could not fulfil these expectations, because popes would not suffer anything to be said against their authority or traditions. Nevertheless Melanchthon claimed that his co-religionists had offered sincerely, as it became good Christians, to attend a free Christian synod, which they desired with all their hearts for the good of the universal Church.<sup>517</sup> In his desire to achieve some reconciliation with reform-minded Catholics, Melanchthon even appended to Luther's *Schmalkald Articles* an offer to recognise the pope's supremacy over other bishops on condition that he recognised the teaching of the Gospel.<sup>518</sup> Melanchthon's ecumenicism was also evinced in the preface to the 1538 edition of the *Loci Communes* which was addressed to Henry VIII. Melanchthon admitted that the method of scriptural exegesis was such a complicated and perilous enterprise that it should not be the work of one man, but of a synod in which the best and most learned men should collectively discuss those articles which frequently gave rise to controversy, judge them and draw up a pure and complete statement of religious doctrine.<sup>519</sup>

Yet these statements can be contrasted with Melanchthon's unease about the fallibility of general councils. In his 1539 treatise, *De Ecclesia et De Auctoritate*

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<sup>517</sup> *Corpus Reformatorum*, ed. C.G. Bretschneider and H.E. Bindseil (101 vols., 1834-), iii, 302: 'Et tamen obtulimus nos honeste et sicut christianos decet ad liberam et christianam synodum, quam propter universae Ecclesiae salutem saepe omnibus votis optavimus'.

<sup>518</sup> Meyer, 'Melanchthon', 198.

<sup>519</sup> Melanchthon, *Loci communes* (Wittenberg, 1538), A3<sup>v</sup> – A4<sup>v</sup>: 'Itaque cum tantum et difficultatis et periculi sit, componere methodum, saepe mihi venit in mentem, id non unius hominis opus esse debere, sed Synodi, in qua doctissimi et optimi viri, re communiter deliberata, de omnibus iis articulis, de quibus saepe oriuntur controversiae et quaedam in ipsis veteribus dissimilitudo est, diligenter iudicarent et integram doctrinam religionis ederent.'

*Verbi Dei*, he was highly critical even of the first four ecumenical councils, which usually commanded the respect of evangelicals as well as adherents of the papal Church. He pointed out that the Council of Nicaea had come close to ordering priests to abstain from intercourse with their wives, and had approved the canons of penitence which had led to many errors in the Church.<sup>520</sup> Clearly the pronouncements of no council were to be taken as sacrosanct in themselves, unless they confirmed the teachings of scripture.<sup>521</sup> Melancthon believed that the true Church had existed for most of its history as a society of struggling, persecuted believers. The multitude, by contrast, had been responsible for introducing error into the Church. Superstitions such as masses for the dead and the cult of the saints had arisen in this way. Melancthon stressed that the universal church, understood as the multitude of those ruling the Church, could err, just as the priests and high priests had erred in the time of Christ and Jeremiah.<sup>522</sup> It was clear to him that the authority of the multitude had no power to contradict the word of God.<sup>523</sup>

Melancthon and Luther were, of course, confronted with the troublesome consequences of the anti-authoritarian aspects of their teaching: without an undisputed power in the Church to resolve doctrinal disputes, anyone could claim scriptural support for his or her erroneous opinions, as the Anabaptists were doing in Münster. Melancthon raises the problem in his treatise. He points out that one should always listen to the Church, understood as the body of those united under the word of God. Discussing Augustine's statement 'evangelio non crederem, nisi me catholicae Ecclesiae commoveret auctoritas', Melancthon pointed out that the true

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<sup>520</sup> Melancthon, *De Ecclesia et De Autoritate Verbi Dei* (1539) in *Corpus Reformatorum*, xxiii, 601.

<sup>521</sup> For the Lutheran rejection of the infallibility of general councils, *Realencyklopädie für protestantische Theologie und Kirche begründet von J.J. Herzog*, ed. D.A. Hauck (24 vols., Leipzig, 1896-1913), 'Synoden', xix, 273. Schneider, *Der Konziliarismus*, 50.

<sup>522</sup> Melancthon, *De Ecclesia*, xxiii, 602. 'Ecclesia universa, quae est multitudo dominantium in Ecclesia, potest errare, sicut errabant Pontifices, et sacerdotes, Ieremiae aut Christi tempore.'

<sup>523</sup> *Ibid.*, xxiii, 603. 'Non igitur multitudinis auctoritas alleganda est contra verbum Dei'.

Church should be respected in its functions of teaching and admonishing, but that its teaching should not be accepted on the basis of its authority alone, for the Church did not author the articles of faith.<sup>524</sup> The Church, in other words, should only be obeyed insofar as it honoured the teaching of the scriptures. Melanchthon put the matter pithily: ‘Synods of the Church must be heeded, when they discuss and teach the word of God... but we believe an article not on account of the synod, but because we see it taught in the word of God.’<sup>525</sup>

This still left the problem of how the believer could be sure whether any one authority was in fact expounding the scriptures correctly. Melanchthon was persuaded that humanistic methods of scriptural exegesis would enable scholars to arrive at a proper understanding of the Bible.<sup>526</sup> He was adamant that one could only properly interpret the word of God when one had been given a proper training in the dialectal and rhetorical arts. Since the Holy Spirit taught humans through words, one had to understand the nature of language in order to understand the word of God.<sup>527</sup> When learned men had reached agreement about the proper exegetical methods to be applied to the Bible, they would, in theory, concur about the resolution of doctrinal problems. Such agreement would certainly be necessary to restore peace within the Church. But was collective decision-making on scriptural interpretation necessary in order to arrive at a true understanding of the word of God? Despite Melanchthon’s profession in the 1538 edition of the *Loci Communes* that a godly synod would be better suited to the task than a single man, his vision of the Church in history sometimes pointed in a

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<sup>524</sup> Ibid., xxiii, 603. ‘Audiamus igitur docentem et admonentem Ecclesiam, sed non propter autoritatem Ecclesiae credendum est, nam Ecclesia non condit articulos fidei, tantum docet ac admonet.’

<sup>525</sup> Melanchthon, *Commentarii in epistolam Pauli ad Romanos* (Strassburg, 1540), fol. 357: ‘Audiendas esse Ecclesiae synodos, cum de verbo Dei disputant, docent et monent nos... sed articulum credimus non propter synodum, sed quia videmus sic traditum esse in verbo Dei.’

<sup>526</sup> T. Wengert, *Human Freedom, Christian Righteousness: Philip Melanchthon’s Exegetical Dispute with Erasmus of Rotterdam* (New York; Oxford, 1998), 99.

<sup>527</sup> Melanchthon, *Scholia in Epistolam Pauli ad Colossenses iterum ab autore recognita* (Wittenberg, 1545), fol. 30<sup>v</sup>: ‘Et tamen, quoniam Spiritus sanctus docet nos per verbum, sermonis natura cognoscenda est.’

different direction. Isolated believers had arrived at a correct understanding of the scriptures, even though they had had to dissent from the synods of the ungodly multitude. There was nothing intrinsically sacred about gatherings of the learned. In theory, individuals who were learned in the art of letters and inspired by the Holy Spirit could arrive at an adequate understanding of the scriptures on their own. This caution towards the councils represented a departure from the attitude commonly expressed in the fifteenth century, i.e. that the universal Church possessed the collective gift of unerring faith. By contrast, Lutheran and Melanchthon had no such confidence that the majority of the faithful would believe the Gospel.<sup>528</sup>

We can see Melanchthon's caution towards the general council appearing in the thought of Thomas Cranmer at around the same time. Diarmaid MacCulloch has convincingly argued that Cranmer showed much enthusiasm for the general council, from his early marginal comments against Luther's attacks on the general council in his copy of John Fisher's *Assertionis Lutheranae Confutatio*, to his efforts to hold a Protestant synod which would put an end to confessional divisions in the 1540s.<sup>529</sup> Yet this enthusiasm was balanced, as it was in the case of Melanchthon, by a scepticism about the efficacy of councils. Cranmer's doubts can perhaps be illustrated from a folio in one of his commonplace books. It is entitled: *Conciliarum decreta sine verbo dei non accipienda pro articulis fidei*.<sup>530</sup> The folio includes statements from Eusebius and Gregory of Nazianzus which condemn general councils called by proud and quarrelsome bishops. No good could be expected of such assemblies. The same statement from Nazianzus was cited in Convocation's statement on the general

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<sup>528</sup> M. Brecht, *Martin Luther. Shaping and defining the Reformation 1521-1532* (Philadelphia, 1990), 230.

<sup>529</sup> MacCulloch, *Thomas Cranmer*, 27-9; 394-5; 501-4.

<sup>530</sup> BL MS Royal 7 B XI, fol. 23<sup>f</sup>.

council in 1536, possibly as a result of Cranmer's influence.<sup>531</sup> This attitude did not necessarily betray a caution about synods in general; it could be taken as an attack on papal councils in particular. Yet the mood of scepticism ran deeper. Cranmer cited a comment from Gerson which declared that a man learned in the scriptures and preferring catholic authority should be trusted more than the general council.<sup>532</sup> Most of the conciliarists, including Gerson, acknowledged that particular councils could err, but they believed that the sequence of general councils, taken collectively, provided a reliable indicator of Christian doctrine. Cranmer has selected a phrase which, insofar as it is an accurate citation, was presumably designed as a qualification of Gerson's faith in the general council to represent the universal Church and to determine doctrine. But taken alone, it seems to suggest that general councils were no more reliable than the righteous individual in the interpretation of scripture. This scepticism was present in the propagandists' attitudes towards the general council, as we have seen, but it was not so accentuated as it was in the work of the Lutherans.

### *Conclusion*

The Henrician propaganda campaign had many sources of intellectual inspiration and, as we have seen, it was not entirely faithful to any one of them. On occasion, it gestured to Jean Gerson and other moderate conciliarists as its supporters. Yet in rejecting the authority of the papal monarchy it was anathema to those thinkers. It is likely that some of the propagandists were influenced by Marsilius of Padua, but they substantially modified his statements about the nature of legislative and coercive authority. The caution which crept into the regime's pronouncements on the general

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<sup>531</sup> *Records of Convocation*, vii, 241-4.

<sup>532</sup> 'In sacris litteris erudito excellenti, atque auctoritatem catholicam preferenti, plus est credendum quam generali concilio.' I have not been able to locate this statement in Gerson's writings.

council from 1536 onwards was probably influenced by the propagandists' exposure to Lutheran ideas. The bishops' statement of 1536 made it clear that councils had erred in the past, and this admission was also present in Cole's treatise. Starkey even admitted that the meeting of general councils was not necessary for the maintenance of the faith. This was a significant departure from the confidence shared by Marsilius and the other conciliarists that the universal Church could not err, and that general councils, by virtue of representing the universal Church, shared in this gift. Yet the caution towards the general council was only one aspect of the propagandists' message; at other times they admitted that authority resided in the Church as a community: this was certainly their consistent response to the papalist gloss of the Petrine texts.

After a consideration of the many ambiguities of the Henrician propaganda campaign we might ask ourselves why we ought to give this confused jumble of arguments serious attention. One explanation lies in the importance of the ideological tensions to the future of the magisterial reformation in England. No clear consensus was ever attained about which human authority should properly undertake the interpretation of scripture. St German was adamant that Convocation should not assume this function. As an assembly of the clergy alone, it could not claim to represent the whole Church in England.<sup>533</sup> As it happened, Convocation did not assume a central place in the determination of doctrine in England. Although it approved the Ten Articles of 1536, Convocation was given no significant role in doctrinal negotiations until 1563. The crucial theological discussions were instead undertaken by committees of bishops and other select clerics.<sup>534</sup> In Edward VI's reign the Forty-Two Articles were published by the king's authority and claimed to have

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<sup>533</sup> St German, *An Answer to a Letter*, G6<sup>v</sup>.

<sup>534</sup> MacCulloch, *Thomas Cranmer*, 165.

been approved by Convocation, but in fact Convocation had played no formal part in the decision-making process.<sup>535</sup> To complicate the picture, formulations of doctrine were occasionally acknowledged by parliamentary statute. The conservative Six Articles of 1539 were approved by parliament.<sup>536</sup> This step was probably undertaken only so that conformity to the articles could be enforced with penalties. Nevertheless, it may have given the impression that parliamentary support was an important constituent in the promulgation of reformed doctrine in England, as it certainly was in regulating discipline within the Church.<sup>537</sup> The scuttling of Cranmer's project to reform the canon law in the 1553 parliament is a powerful reminder of the influence which the lay political élite could exercise over the progress of religious change.<sup>538</sup>

A contradiction had, therefore, opened up between the propaganda announcements of the 1530s in which the general council had been entrusted with the resolution of disputed doctrine and the actual state of affairs in England, where the higher clergy (supported by the king) framed officially accepted doctrine. Was the ideal of international decision-making over doctrine abandoned as a consequence of Henry's reformation? Not entirely. MacCulloch has argued that doctrinal formulation was delayed in Edward VI's reign because Cranmer was waiting for international Protestant consensus to emerge on vexed issues such as the nature of the eucharist. Cranmer's efforts to organise an international synod demonstrate his conviction that England could not remain isolated from Protestant opinion on the continent.<sup>539</sup> As we shall see in Chapter 5, Protestants felt compelled to explain England's autonomous action in reordering its Church. In most of the Protestant declarations of the 1560s,

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<sup>535</sup> Idem, *Tudor Church Militant: Edward VI and the Protestant Reformation* (London, 1999), 164.

<sup>536</sup> J. Guy, *Tudor England* (Oxford, 1988), 185. G. Redworth, 'A Study in the Formulation of Policy: The Genesis and Evolution of the Act of Six Articles', *Journal of Ecclesiastical History*, 37 (1986), 42-67.

<sup>537</sup> Elton, 'Lex Terrae Victrix', 46-7.

<sup>538</sup> MacCulloch, *Thomas Cranmer*, 533-5.

<sup>539</sup> *Ibid.*, 503.

room was still left for an international synod to determine doubts about scripture. In the final chapter we will explore how the ideological ambiguities of the 1530s became a lasting source of instability for the Church.

There were, however, more immediate problems which the Henrician regime had to face as a result of the confused messages which it was putting out in the 1530s. Its attempt to align itself with the cause of the general council could be challenged by its opponents. Those who resisted the break with Rome and the abolition of traditions could argue that these rites and institutions had rested on conciliar support, and could not be overruled by the regime without the approval of a general council. This was the case which Thomas More made against the king. But it was also the argument of some of the rebels during the Pilgrimage of Grace. The regime had helped to establish the general council as a symbol of legitimacy in religious debates. Yet it was a source of authority that could easily be turned against the government. Thus we find the regime urging rebels to temper their faith in the general councils both in 1536 and 1549. The reception of the propagandists' ideas and the resistance towards them will be the subject of the next chapter.

## CHAPTER 4. THE GENERAL COUNCIL DEBATED: REACTIONS TO THE HENRICIAN REGIME'S POSITION.

The Henrician regime attempted to legitimise its rebellion against the pope by claiming that it was remaining faithful to the general councils. The faith of the regime in the universal Church was stressed even as it acted autonomously to cement the monarchy's control over the English Church. It goes without saying that its pronouncements about spiritual authority were not accepted by all the king's subjects. In his *Policy and Police*, Geoffrey Elton produced detailed evidence of the seditious talk that greeted the implementation of the supremacy.<sup>540</sup> Ethan Shagan has analysed similar cases from the State Papers in his study of popular politics.<sup>541</sup> Many of the dissenters expressed a loyalty to the pope, and declared in no uncertain terms that the king was acting heretically in rejecting papal authority. It is evident that the regime's efforts to distance itself from heresy were not always successful.

But the nature of the non-conformists' loyalty to the papacy has not been subject to searching examination. The implication of Shagan's account is that John Fisher, Thomas More and Reginald Pole all refused to subscribe to Henry's supremacy for the same reasons. Reginald Pole is made to speak for the other two, with hardly any reference to Fisher or More's works. Shagan admits that there was no single Catholic position on the royal supremacy, 'but rather a wide spectrum of opinions ranging from passionate loyalism to passionate opposition, with all shades of ambiguity and expediency in between'.<sup>542</sup> But he does not illustrate this variety in his account, which instead concentrates on only one strand of Catholic non-conformist

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<sup>540</sup> Elton, *Policy and Police*, esp. 83-170.

<sup>541</sup> Shagan, *Popular Politics*, 29-60.

<sup>542</sup> *Ibid.*, 51.

opinion. This saw the rejection of the papacy as heretical in no uncertain terms. The result of this single-sided analysis is inadvertently to render the non-conformity of the 1530s monolithic. In this chapter, by contrast, some of the nuance will be restored to the debates. As we have seen, fifteenth-century attitudes towards the papacy were not uniform. Thomas Netter was a firm defender of the papal monarchy, but even within his account the concept of the Church as a community clashed with the concept of the Church as a hierarchy, thoroughly subordinated to its papal head. Thomas Gascoigne, whilst loyal to the papacy, was coruscating in his criticisms of its short-fallings and made highly charged comments about the rightfulness of deposing wicked popes. Loyalty to the pope could be rationalised in various ways. We shall see how the divergent trends in fifteenth-century ecclesiology resulted in a range of opinions towards the supremacy in the 1530s.

The regime justified its Catholicity by claiming that it remained faithful to the general councils. Whereas the power of the pope had been subject to change in the history of the Church, the legitimacy of the general council had always been recognised. What did the regime's audience make of these claims? Reactions towards conciliar themes in the propaganda campaign have not yet received sustained attention. This task will be performed here. In the course of discovering attitudes towards the general council, the effectiveness and weakness of various aspects of official policy can be grasped. The regime hoped to win loyalty by pretending that one could reject the papacy whilst still remaining loyal to the council. Yet this claim was rejected by many of the regime's critics. The papacy had been legitimised by the general councils and its authority could not be rejected without conciliar approval. In the course of our discussion, a spectrum of views will be delineated. There were those, like Fisher, who viewed the papal monarchy as an intrinsically sacred mode of

Church government, ordained by God. There were others, however, who were not so certain. This chapter will build upon Richard Marius's argument that Thomas More's loyalty was above all to the general council. The regime could not reject the papal monarchy, in More's view, because the papal monarchy had won the universal assent of the Church, as represented by the general councils. This position needs to be distinguished from the strong case for a divinely ordained papacy made by both John Fisher and Reginald Pole. More admitted that the supremacy of the pope was not an essential article of faith. To this extent, he was at one with the regime. Unlike them, he believed that no changes to the Church could be made without universal assent. As we shall see, this position was taken up by rebels during the Pilgrimage of Grace. It was also later espoused by rebels in the West Country in 1549. The so-called 'Prayer Book rebels' argued that traditions which had been sanctioned by the general councils should be restored. In this interpretation doctrines and ceremonies received their legitimacy not from papal fiat but from conciliar approval. Conciliar legitimacy was in some respects as important an ideological battleground as papal authority, and in many cases the relationship between the papacy and the councils in public perceptions needs to be understood if we want to understand cases of compliance and resistance.

*The penetration of conciliarist ideas in late fifteenth and early sixteenth-century England*

It would be dangerous to assume that the ideas about the general council espoused by the regime were representative of public attitudes. In the 1530s the king and his advisers were desperate to find any arguments that suited their political needs: it is possible that they exhumed ideas which had lost their relevance in England. It is

difficult to know how credible the regime's arguments would have looked to the educated public, because it is difficult to know how widely conciliarist ideas were accepted. The problems in interpreting the reception of conciliarism have been considered at the end of Chapter 2. But some further attempt must be made to gauge the extent to which the conciliarists were read in learned circles in England on the eve of the Reformation. We know that there were several manuscript copies of the *acta* of the fifteenth-century general councils available for consultation during this period. A complete set of Constance *acta* belonged first to the English proctor at the papal curia, Thomas Polton, and then to Duke Humfrey of Gloucester.<sup>543</sup> As we have seen in Chapter 2, Thomas Gascoigne was able to consult copies of Pisa and Constance *acta* at Durham College, Oxford which had been brought back from the continent by the English delegate, Robert Burton. The proceedings of later councils were also available in English libraries.<sup>544</sup> There is evidence that the works of conciliarist authors, such as John of Paris, Pierre d'Ailly and Jean Gerson, also circulated among scholars.<sup>545</sup> Thomas Gascoigne owned a copy of Marsilius of Padua which he bequeathed to Lincoln College, Oxford and William Gray bought copies of Basel speeches and other conciliarist works from Cologne in 1442.<sup>546</sup>

With the advent of the printed book, access to conciliarist texts grew. Gerson was relatively widely available. We know that at least four Cambridge dons present at the university during the 1530s or immediately before owned copies of Gerson.<sup>547</sup> Furthermore one don owned a copy of Nicholas of Cusa's work, three separate dons

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<sup>543</sup> C.M.D. Crowder, 'Constance *Acta* in English libraries' in A. Franzen and W. Müller (eds.), *Das Konzil von Konstanz* (Freiburg, 1964), 477–517.

<sup>544</sup> M. Harvey, 'John Whethamstede, the Pope and the General Council' in C.M. Barron and C. Harper-Bill (eds.), *The Church in Pre-Reformation Society* (Woodbridge, 1985), 112–3.

<sup>545</sup> Harvey, *England, Rome and the Papacy*, 217.

<sup>546</sup> Gascoigne's copy of Marsilius is now BL MS Royal 10 A XV. For details of Gray's manuscripts (now at Balliol College, Oxford), R.A.B. Mynors, *Catalogues of the Manuscripts of Balliol College, Oxford* (Oxford, 1962), 146–72.

<sup>547</sup> E.S. Leedham-Green, *Books in Cambridge Inventories: Book lists from Vice-Chancellor's Court probate inventories in the Tudor and Stuart Periods* (2 vols., Cambridge, 1986), i, 3, 25, 34, 86.

owned works by Marsilius of Padua and two more owned the commentaries of Francisco Zabarella.<sup>548</sup> A Fellow of Exeter College, Oxford during the 1530s also owned a copy of Gerson's work.<sup>549</sup> We know about these books because inventories of the scholars' possessions were made by the universities at their death. It is probable that further books were circulating which have left no trace in the records. It is also probable that college and university libraries would have owned copies of the conciliarists' works, although the present state of record-keeping does not allow us to determine this comprehensively. At the very least, we know that Corpus Christi College, Oxford was left a copy of Gerson by its founder Richard Fox on his death in 1528.<sup>550</sup> All Souls College, Oxford was also granted a copy of Gerson's works by William Warham (presumably on his death in 1532).<sup>551</sup>

The not inconsiderable presence of conciliarist texts on scholarly bookshelves suggests that conciliarism may have been quietly considered in highly literate circles in England, even though its readers did not make their views on the subject publicly felt. But an analysis of the religious conflict of the 1530s will reveal the diversity of attitudes towards the general council that had emerged from an earlier period of relative stability. In this moment of change these ideas attained heightened relevance, and were articulated by parties who otherwise would have had no pressing reason to talk or write about them. The fact that the general council entered into so many reactions towards the supremacy suggests that it had an importance for the English which has been overlooked by previous studies.

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<sup>548</sup> Ibid., i, 149, 165, 178, 293, 352, 382.

<sup>549</sup> R.J. Fehrenback and E.S. Leedham-Green (eds.), *Private libraries in Renaissance England: a collection of Tudor and Early Stuart book-lists* (7 vols., Marlborough, 1992), iii, 161.

<sup>550</sup> Gerson, *Opera* (Lubeck: Johann Koelhoeff, 1483-4) in Corpus Christi College, Rare Book Collection, phi.E.2.3.

<sup>551</sup> Gerson, *Opera* (Strasbourg: Martin Flach, 1494) in All Souls College Library, LR.4.a.13-4.

### *The diffusion of the propaganda campaign*

Before we can analyse the responses to the regime's arguments, we should consider how its ideas were publicised. In so doing, it is not being argued that all responses to the regime were based upon a thorough awareness of the theories of the propagandists. In many cases, the regime's actions alone were more than enough to elicit a response; it is unlikely that all objectors to royal policy felt it necessary to hear out the king's excuses or anyone else's. On the other hand, there were probably some who did. The propaganda campaign affected public attitudes, whether intentionally (as a means of winning approval, or at least staving off resistance) or unintentionally (fortifying opposition). Some attempt must now be made to analyse the scale of this impact, which has been neglected in many accounts of the propaganda campaign.<sup>552</sup>

The extent to which propaganda texts informed public awareness of the king's supremacy is extremely difficult to measure. It is unclear how many copies of the propaganda works were printed. John Rastell urged Thomas Cromwell in 1534 to fund the printing of 10,000–12,000 copies of one of his treatises.<sup>553</sup> This was a highly unrealistic target. Cromwell only managed to have 8,500 copies of Coverdale's Bible printed with the greatest trouble; printing 2,500 copies in Paris and a further 6,000 in England.<sup>554</sup> Admittedly, the Bible was a longer and more expensive text to produce than a short propaganda tract, but Cromwell could be confident of a larger market, seeing that the 1538 injunctions obliged each parish in the realm to purchase a copy of the authorised Bible. It is possible that Cromwell sponsored the printing of some of

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<sup>552</sup> Elton recognises the difficulties of estimating the distribution of these texts, and only enters into a brief discussion: Elton, *Policy and Police*, 207. Shagan seems not to be interested in the effects of propaganda on the reception of the supremacy. J.P.D. Cooper's *Propaganda and the Tudor State* (Oxford, 2003), 220–37, enters into a valuable discussion of the distribution of books of homilies in the West-country, but does not consider the kind of text discussed here.

<sup>553</sup> TNA SP 1/85, fol. 113<sup>r</sup>.

<sup>554</sup> A.J. Slavin, 'The Rochepot Affair', *Sixteenth Century Journal*, 10 (1979), 16.

the propaganda works discussed here, but being unsure of a similarly large and certain market, his intervention would surely have been more limited. We know that Cromwell promised to pay William Marshall £20 to help him print his translation of Marsilius of Padua's *Defensor Pacis*.<sup>555</sup> This probably would have financed something like one hundred copies. It is probable that publishers and authors also would have risked some of their own capital if they felt that returns could be made. Full texts were not, however, the only means by which written propaganda might be transmitted. The preambles to the Reformation statutes conveyed many of the same ideas as the propaganda books, and these achieved a wider distribution. We know that the king's printer, Thomas Berthelet, printed the statutes of parliamentary sessions in batches of 500 in 1542-3.<sup>556</sup> These printed sheets were to be distributed to JPs who would publicise them in the localities.

Aside from limited distribution, access to these books would have been restricted by literacy and wealth. Most books in the 1530s cost between one and four shillings, depending on their length, and the cost of the binding.<sup>557</sup> Luxury editions could cost as much as ten shillings. If we assume that an average labourer of this period earned about four pence a day (the statutory maximum), a book would cost the equivalent of between three and twelve days' labour.<sup>558</sup> The low levels of literacy would also have further narrowed the direct audience of such books. The propaganda works would thus have been accessible only to wealthy and highly educated members of society. Nevertheless, within this élite audience there are indications of ownership.

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<sup>555</sup> *LP* vii. 423.

<sup>556</sup> G.R. Elton, 'The Sessional Printing of Statutes, 1484-1547' in E.W. Ives, R.J. Knecht and J.J. Scarisbrick (eds.), *Wealth and Power in Tudor England: Essays presented to S.T. Bindoff* (London, 1978), 78.

<sup>557</sup> H.S. Bennett 'Notes on English Retail Book-prices', *The Library*, 5<sup>th</sup> Ser., 5 (1951), 172-8. For examples of Henry VIII's own outlay on books, *LP* xvii.2, 211.

<sup>558</sup> D. Woodward, 'The Determination of Wage Rates in the Early Modern North of England', *Economic History Review*, 47 (1994), 26.

Edward Fox's *De Vera Differentia* was owned by several Cambridge dons in the sixteenth century: John Chekyn (d. 1535/6), Miles Eglesylde (d. 1545), William Buckmaster (d. 1546).<sup>559</sup> We know that they possessed Fox's work, because inventories of their books were made at their deaths by the university. It is likely that some other of their contemporaries who did not leave their books to Cambridge also owned copies.

Despite the note of caution that has been sounded at the outset, we must allow for a measure of engagement and even enthusiasm towards the tracts under examination. The fact that propaganda works like Fox's *De Vera Differentia* and Stephen Gardiner's *De Vera Obedientia* later appeared in printed translations suggest that they must have enjoyed some degree of success in the 1530s and the ensuing decades. In fact the reading of *De Vera Differentia* had such an effect upon John Philpott (who would later become a Protestant martyr under Mary), that he produced a translation of the work which he hoped would be of interest to Henry VIII. In a letter which seems to have escaped the notice of recent scholars, Philpott told the king that he considered Fox's work

most worthy to be readen and to be prayسد of all men above all wryters that hath wryten in my tyme, not onely for the hygh eloquence thereof, with the whych hit doth flow and is notable but also for the syncere iugement and playne settinge forthe of the trewth, the which at the fyrste readyng did so delyght me, that I wyshed hit to be in oure moder tonge that all owre nation myght have the understandynge thereof.<sup>560</sup>

Nothing seems to have come of the project, but Philpott's enthusiasm for the work is notable.

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<sup>559</sup> Leedham-Green, *Books in Cambridge Inventories*, i, 3, 48, 81.

<sup>560</sup> Bodleian MS Jones 3, fol. 2<sup>f</sup>.

It should also be recognised that the diffusion of printed texts was only one aspect of the propaganda campaign. Preaching was another significant means by which the government's defence of the supremacy could be advertised to the people.<sup>561</sup> Susan Wabuda has shown how the Henrician regime orchestrated preaching campaigns in order to promote the supremacy.<sup>562</sup> Admittedly there are signs that the defence of the king's spiritual authority took place very unevenly across the kingdom. It has been argued that the small number of effective preachers and the conservatism of the people made the preaching of the supremacy difficult in Lancashire.<sup>563</sup> Bishop Goodrich of Ely also complained of the lack of adequate preachers to declare the supremacy in the diocese of Lincoln. Nevertheless, Bishop Longland had tried to diffuse 2,000 copies of Cromwell's 1535 instructions about the supremacy to be read in local churches.<sup>564</sup> In her study of the diocese of Lincoln, Margaret Bowker contends that 'few in the diocese saw the marriage and the supremacy as important issues in themselves'.<sup>565</sup> It was only when they were used to uproot traditional worship that they became a problem. She recognises that it was difficult for conservative prelates to secure reliable preaching on the supremacy, because the most willing candidates were also those most likely to promote heresy. Passivity in the face of government action was a major problem for the regime. William Pheleppott told Thomas Cromwell in March 1537 that the reaction of his parish of Newark-on-

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<sup>561</sup> The importance of preaching in the propaganda campaign has been acknowledged by Cooper, *Propaganda and the Tudor State*, 216–220. This ties in with recent work which has emphasised the importance of oral culture in the dissemination of news and political opinions. Adam Fox, *Oral and Literate Culture in England, 1500 – 1700* (Oxford, 2000), esp. 335–405.

<sup>562</sup> S. Wabuda, *Preaching during the English Reformation* (Cambridge, 2002), 10–1, 53–6, 94–9.

<sup>563</sup> C. Haigh, *Reformation and Resistance in Tudor Lancashire* (Cambridge, 1975), 98–117.

<sup>564</sup> M. Bowker, *The Henrician Reformation: The Diocese of Lincoln under John Longland 1521–1547* (Cambridge, 1981), 142–3.

<sup>565</sup> *Ibid.*, 138.

Trent to the royal injunction to defend the supremacy had been to preach nothing at all.<sup>566</sup>

By concentrating on the failures of the preaching campaign, we can too easily lose sight of its successes. Despite resistance and non-compliance towards preaching the supremacy, some advances were made. Cromwell, as vicegerent of spirituals, licensed preachers whom he expected to promote the royal supremacy. A letter from one such agent, Richard Croke, shows how the government's message might have been diffused in places by word of mouth. Croke claimed that since being licensed by Cromwell, he had preached over thirty sermons 'ayenste the usurped power off the bushoppe off Rhome'.<sup>567</sup> A list appended to the letter claimed that Croke had given sermons in thirty-six towns and villages dotted around Northamptonshire, Buckinghamshire and Oxfordshire. The content of these sermons was in close accord with the themes of the propaganda campaign. Croke argued to his audiences that the pope had not been given supremacy over the Church by God. In keeping with the conciliarists and many of the Henrician propaganda texts, he claimed that spiritual authority had been vested in the Church as a community and not the person of Peter. According to Croke, many laymen and priests were receptive to his message: they lamented their ignorance and asked him to repeat some of his arguments. This led Croke to speculate that 'yff al prechars at the leste in those places where they never did preche before wolde syncerely and effectually teche these maters I dougt not but the people wolde be sone enducyd to be utter enymyes unto the bushoppe of Rhome and al his cloysters [i.e. "cloysterers"]'.<sup>568</sup> It is possible that Croke exaggerated the effectiveness of his preaching in order to assure Cromwell of his usefulness as a client. Nevertheless, his letter demonstrates that government-

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<sup>566</sup> *LP* xii.1, 741.

<sup>567</sup> TNA SP 1/117, fol. 154<sup>r</sup>.

<sup>568</sup> *Ibid.*, fol. 154<sup>v</sup>.

sponsored preaching did have the capacity to disseminate the ideas of the propaganda campaign to an audience whose access to printed texts was limited.

### *The general council and negotiations with the regime*

The nature of the public's engagement with the regime's pronouncements must now be analysed. In particular, this chapter will analyse how the general council fitted into public responses to the religious changes of the 1530s. As we have seen in Chapter 3, the Henrician regime hoped to boost its Catholic credentials by its appeal to the general council and the theories of the conciliarists. To what extent did this strategy have an impact upon public consciousness? One would expect a spectrum of responses towards the regime's public alignment with the general council, ranging from acceptance to disagreement. Strangely, acceptance is in many ways the hardest of these responses to chart. The regime was more concerned to record and to police the actions of objectors than to monitor those who acquiesced. Nevertheless, there are a handful of responses whose inadvertent survival allows us to reconstruct some of the ways in which the king's subjects interpreted his appeal to the general council.

Some conservatives attempted to reinforce the regime's defence of the general council as a means of steering it in the direction of Catholic orthodoxy. In a session of parliament in March 1533, while the bill to end appeals to Rome was being debated, a London burgess proposed that parliament offer the king £200,000 in return for scrapping the bill and for submitting his marital cause to a general council.<sup>569</sup> It has been suggested that this was a ploy to prevent a Catholic embargo of English wool,

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<sup>569</sup> *LP* vi.324; *CSP Spanish*, iv(2).1058.

but it is equally possible that it was motivated by a horror of schism.<sup>570</sup> Either way, it is significant that the general council was seen as a viable intermediary between the king and the pope. As we shall see, Thomas More could even hint to Cromwell that a general council might depose a pope and overturn his ruling on the king's marriage. Whether or not More or the London burgess believed in the good faith of the regime, they both seized upon its profession of allegiance to the general council: if the king could make good his early promises to honour the decision of a general council, England could be kept within the Catholic fold and perhaps even restored to papal obedience.

The regime's appeal to the general council could also be met by quiescence. This was the most desirable outcome as far as the king and his advisers were concerned. We can see it at work in the testimony of John Dakyn, the vicar general of the diocese of York, about his role in the Pilgrimage of Grace. During the rebellion, Dakyn counselled two other clerics that it would be rash to discuss the royal supremacy 'seing it is discussed all readie in this realme, but rather desire it to be referred to a generall cownsell, and as it were opteigned there to remayne firmelie for evre, which my reason they bothe alowed'.<sup>571</sup> Dakyn's statement indicates that the regime's appeals to the general council were capable of convincing waverers that they could defer passing judgment on the marriage and the supremacy until a general council had resolved doubts. Dakyn was a traditionalist in religious matters. When he was interrogated by agents of the crown about his participation in the Pilgrimage of Grace, he had the temerity to remark that he had been horrified at the dissolution of the monasteries.<sup>572</sup> Yet he had not wished to make a fuss when the changes of the 1530s had been unleashed, and had been implicated in upholding the royal

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<sup>570</sup> Lehmborg, *Reformation Parliament*, 174-5.

<sup>571</sup> TNA SP 1/117, fol. 194<sup>r</sup>. *LP* xii. 786.

<sup>572</sup> TNA SP 1/117, fol. 194<sup>v</sup>.

supremacy. When he heard of the rising at Beverley in October 1536, he fled to his parish of Kirkby Ravensworth. Perhaps he had more reason than most to be afraid. When he was taken by the rebels to Mashamshire to act as a secretary, one of the rebels threatened him with a great bow, and accused him of being ‘a maker of the new laws and a putter down of holidays.’<sup>573</sup> In this context, Dakyn’s willingness to leave the royal supremacy to be judged by a general council was a means of remaining loyal to the regime, even as he clung to a traditional understanding of the faith. Perhaps Dakyn’s attitude was shared by other troubled, but nevertheless cooperative, servants of central government. After all, we only know about Dakyn’s views because he was caught up in a popular rebellion and interrogated afterwards by the regime. Others who refrained from opposing the crown may have held similar convictions, but these have escaped the historical record.

In their different ways, the responses listed above envisaged the general council as a court of appeal against the pope’s judgment, suggesting that it was an alternative locus of ecclesiastical authority. This indicates that the assumptions of the conciliarists were not merely a useful storehouse of anti-papal ideology for the propagandists: members of the educated public did admit that the council was superior to the pope. But as we shall see, the admission of conciliarist ideas did not necessarily entail an acceptance of the royal supremacy. Instead, they were also used to buttress support for the papacy. In the following section we will see that regime’s rejection of papal authority was resisted precisely because it flouted the decrees of the general councils.

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<sup>573</sup> M.H. Dodds and R. Dodds, *The Pilgrimage of Grace, 1536-1537 and the Exeter Conspiracy, 1538* (2 vols., Cambridge, 1915), i, 201-6. *LP*, xii(1). 789.

*The distinct positions of More and Fisher on the papal primacy*

It may be assumed that acquiescence (often grudging) was the most typical response to the assertion of the royal supremacy during the 1530s. This leaves us in the paradoxical situation where we often know more about the minority which resisted the regime than the majority which cooperated. The nature of this opposition and the place of the general council within it must now be considered. It is important to recognise, as it was argued in the introduction to this chapter, that the defence of the papal headship of the Church was not ideologically uniform. The highly contentious nature of fifteenth-century ecclesiology made this an impossibility. Among those who denied the supremacy in the 1530s, two broad bodies of thought can be perceived. One considered the papal monarchy an intrinsic and irrevocable part of the Catholic Church, and the other considered papal government the result of tradition, sanctified by universal consent expressed in general councils. These differences are well illustrated by the thought of John Fisher and Thomas More. We will begin our analysis with them, for the theoretical detail which they supply can help us to understand the more fragmentary responses which we will consider thereafter. Being the first and most famous objectors to the supremacy, they were also lodestars for others contemplating dissent.

Of the two, it was John Fisher who clearly defended a divinely ordained papal monarchy, which was central to the government of the Church. As Richard Rex has shown, Fisher consistently came to the papacy's aid against the attacks of Luther and then the Henrician regime. In his *Assertionis Lutheranae Confutatio* (1523) he showed that the Petrine texts confirmed Peter's personal supremacy over the Church. As Fisher put it at the end of his discussion of Peter's special privileges: 'why would

Christ have conferred so many remarkable things to Peter alone over the others, unless Peter was destined to be Christ's vicar and was granted the position of prince and head of the whole church?'<sup>574</sup> Fisher claimed the pope possessed the same status as supreme and omniscient judge that Aaron and his successors had held over Israel. He also attributed to the pope 'the power to interpret not only papal and conciliar decrees, but even scripture itself.'<sup>575</sup> Nevertheless, Fisher acknowledged the widely accepted view that heretical popes could be disciplined by the Church. Fisher's interpretation of the papal monarchy accords with generally accepted canonistic views, which have been described in Chapter 2. William Lyndwood, the most influential English commentator on the canon law in the fifteenth century, also acknowledged that a heretical pope was liable to judgement by a general council.<sup>576</sup> But, in general, the pope was, in Fisher's view, the supreme head of the church militant, whose authority derived directly from Christ.

The general council was certainly not absent from Fisher's vision of the Church. Indeed, he sought to refute Luther's criticisms, showing that the general councils were divinely inspired. After having argued that the Church was continuously guided by the Holy Spirit, Fisher asked: 'who can doubt that when the greatest number of bishops from every part of the world assembled up till now (sometimes two hundred, sometimes three hundred, and even occasionally six hundred strong): who can doubt, I say, that among so many fathers, outstanding in erudition as well in sanctity of life, gathered with such eagerness for piety and charity, the Holy Spirit did not shine forth?' Seeing that Christ had promised to help any

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<sup>574</sup> Fisher, *Assertionis Lutheranae Confutatio*, 534: 'Cur, inquam, uni Petro prae ceteris tot insignia contulisset Christus, nisi quia vicarius eius esset futurus et toti ecclesiae ceu princeps et caput praeficiendus?'

<sup>575</sup> R. Rex, *The Theology of John Fisher* (Cambridge, 1991), 106.

<sup>576</sup> Lyndwood, *Provinciale*, 95 (ad v. *se defendant*). Here Lyndwood discusses the pope's liability to judgement by an external party: 'si agatur de haeresi Papae, potest judicari ab aliis. 40. di. si Papa [D. 40.6] et in hoc casu erit Judex Concilium'.

gathering of the faithful, even of two or three people, Fisher asked how any one could doubt that Christ would not be present in an assembly of so many.<sup>577</sup>

But the discussion became more complicated when the subject of the Council of Constance was raised. In his *Assertionis Lutheranae Confutatio* (1523) Fisher provided a detailed refutation of Luther's tract on *The Babylonian Captivity of the Church*. Luther had argued in the Leipzig disputation with Eck that some general councils had disagreed with others. For Luther, this demonstrated that not all councils could claim to be divinely inspired. Luther asserted, by way of example, that the Council of Constance had contradicted the Council of Nicaea in attributing supremacy to the pope. Fisher explained that the apparent disagreement was nothing of the kind. Even though the papacy had possessed the supremacy in the time of Constantine, it did not wish this supremacy to be openly proclaimed, on account of its humility. There was thus no contradiction between the pronouncements of Constance and the ancient councils. Fisher's argument strongly resembled Netter's line of thought on this subject. Netter had claimed that Peter's immediate successors possessed coercive authority, but did not use it until a later age.<sup>578</sup> There are many similarities between the two theologians, though it is difficult to know whether Netter was an influence on Fisher: he is hardly mentioned at all in Fisher's works. Like Netter, Fisher was wary of endorsing the claim that councils were infallible. He is critical of the fifteenth-century councils, admitting that these assemblies had not been entirely free from acrimony and self-interest:

Just as we have said of the prophets and the apostles and the holy doctors that, left to themselves, these have sometimes gone astray, so it is with councils, especially the most recent which were gathered during the schism, where perhaps there was not the greatest harmony of souls, nor the purest innocence

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<sup>577</sup> Fisher, *Assertionis Lutheranae Confutatio*, 291.

<sup>578</sup> Netter, *Doctrinale*, i, 251.

of minds. Certain men were driven by factions and their private passions whilst others were eager to obtain gifts from the pope. And is it really a surprise they were blind in a certain article not greatly relevant to this matter, considering that they were human?<sup>579</sup>

It is a pity that Fisher did not state which article he was referring to. Did he mean the supremacy decree of *Haec sancta*? In any case, the imperfections of the fifteenth-century councils did not mean that confidence should be forsaken in conciliar decisions in general. The error of one council could easily be condemned when the decrees of other superior councils along with the sacred scriptures and the commentaries of the learned were taken together.

As important as the general councils are in Fisher's defence of the Church hierarchy, there is no tension in his thought between the authority of the pope and the authority of the general councils. The latter reinforce papal power. There is no recognition that the councils are a more suitable interpreter of Catholic doctrine than the pope. Indeed, from the very beginning of Henry's dispute about the validity of his first marriage, Fisher proclaimed that the judgement of the pope should not be questioned. He did not at first admit that the papacy's case was intrinsically superior to Henry's in its scriptural or canonistic merits. In fact, in his original consideration of the king's 'great matter' in 1527 (undertaken at Wolsey's behest), he admitted that the arguments of the king and of the pope were finely balanced, indeed suspended on the scales of justice.<sup>580</sup> But precisely because there were no intrinsic merits to either side which allowed the case to be settled, Fisher put his entire trust in the spiritual and

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<sup>579</sup> Fisher, *Assertionis Lutheranae Confutatio*, 292: 'Sed quemadmodum de prophetis & Apostolis, ac sacris doctoribus antè diximus, eos sibi derelictos nonnunquam aberrasse, sic & de conciliis, praesertim postremis, quae tempore schismatis erant coacta, ubi non summa fortè fuerat animorum concordia, neque sincera mentium simplicitas: Sed quidam suis factionibus, & privatis affectibus, quidam captandae summi Pontificis gratiae studuerunt. Hi quid mirum est, si in articulo quopiam ad rem non magnoperè pertinente caecutierint, utpote quiddam humanum passi?'

<sup>580</sup> TNA SP 1/42, fol. 48<sup>r</sup>: 'pares utriusque partis esse rationes et neutras alteris praeponderare, sed velut in equilibrio stare suspensas'.

jurisdictional power of the pope who had the authority to make rulings over ambiguous scriptural passages.<sup>581</sup> The fact that the pope has previously ruled that marriages such as Henry's might lawfully be permitted is enough to convince Fisher that they were not contrary to the law of nature.

Fisher's stand against Henry had at its centre a defence of the pope's plenary jurisdiction within the Church. Thomas More's was different. He was silent on the divorce question, probably because, as he implies in his justificatory letter to Cromwell of 5 March 1534, his 'pore opinion in the mater' did not follow the official line. Nevertheless, according to More, Henry graciously took 'in gre' his tender conscience and allowed him to be 'used in his other busynes', for the king 'never was willing to put eny man in ruffle or trowble of his conscience'. Such was More's obedience that he 'wold not so mych as loke nor wittingly lett lye by me eny booke of the thother perte'. He insinuates that he had not touched Fisher's books. Nor did he openly dispute the legitimacy of Henry's annulment of his first marriage.<sup>582</sup>

In the same letter to Cromwell, More explains that he had once held a lesser estimation of the pope's authority than the king himself, for he 'was my selfe some tyme not of the mynd that the prymatie of that see sholde be bygone by thinstiution of God, untill that I redd in that mater those thingis that the Kyngis Highnes had written in his moost famouse booke agaynst the heresyas of Marten Luther'. He was nevertheless convinced of the pope's primacy, although his avowed reasons are revealing: 'for that primatie is at the leist wise instituted by the corps of Christendom and for a great urgent cause in avoiding of scysmes and corroborate by continuall succession more than the space of a thousand yere'. The pope's authority must be

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<sup>581</sup> Ibid., fol. 48<sup>r</sup>: 'me tamen istud impelleret, ut sim in partes pontificis inclinacior, atque propensior quod sciam istud ab utraque parte tributum amplitudini potestatis pontificie, nimirum ut ambiguous scripturarum locos auditis in ea re Theologorum et iurisperitorum sententijs liceat interpretari'.

<sup>582</sup> E.F. Rogers (ed.), *The Correspondence of Sir Thomas More* (Princeton, 1947), 496-7.

legitimate, argues More, because it has been accepted as such within the Church which is guided by the Holy Spirit. But the pope's position is, he implies, representative: it is founded by the whole body of the Church to bring about union. This view was not dissimilar to Gerson's, who also believed in the divinely sanctioned primacy of the papacy, but who imposed constitutional limitations on the pontiff's power.<sup>583</sup> More also follows Gerson in arguing that the pope must be prepared to submit to the authority of a general council for heretical or worldly behaviour: 'never thought I the Pope above the generall counsaile.'<sup>584</sup>

More's views on the supremacy of the pope, and the authority of the General Council were always kept guarded in his polemical career. In his *Confutation of Tyndale's Answer* (1533) More admitted that in his first reply he had deliberately skirted the question of papal supremacy in the Church. He granted that all nations had long acknowledged the pope to be the successor of St Peter, but conceded 'yet dyde I never put the pope for parte of the dyffynicyon of the Churche.'<sup>585</sup> More implies that the office exists for the convenience of the Church, and is in some way contingent upon the consent of the body of Christendom. It is significant that he states that the pope is acknowledged to be the successor of Peter, rather than stating baldly that the pope without any doubt *is* the successor of Peter. His supreme authority did not assume the same fundamental, definitive role within the Church, that, for example, the eucharist did. More refuses to discuss the question of whether the pope is the necessary head of the Church: 'yf it be brought in questyon, were a mater to be treated and dysputed besyde.'<sup>586</sup> The hints that are scattered throughout More's polemical tracts (and which were written with the aim of offering pithy rebuttals, rather than the

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<sup>583</sup> Gerson, *De Potestate Ecclesiastica in Oeuvres*, vi, 217.

<sup>584</sup> Rogers, *Correspondence*, 498-9.

<sup>585</sup> More, *The Confutation of Tyndale's Answer* in L.A. Schuster, R.C. Marius, J.P. Lusardi (eds.), *The Complete Works of St Thomas More: Volume 8* (New Haven, 1973), 576.

<sup>586</sup> *Ibid.*, 577.

systematic exposition of a doctrine) suggest, as Richard Marius has convincingly argued, that More tended towards conciliarism.<sup>587</sup> When Tyndale alleges that popes may act as they please and lead other Christians into sin, because they may not be judged, More counters with the assertion that ‘There are orders in Christes church, by which a pope may be bothe admonished and amended and hathe be for incorrigible mynde and lacke of amendement, finally deposed and changed.’<sup>588</sup> He also admitted, as we have just seen, that he never thought that the pope was above a general council.

More and Fisher possessed very different opinions about the nature of papal primacy in the Church. It is unsurprising, therefore, that their acts of resistance towards the king were justified in different ways. Fisher’s rebellion took the defence of the papal monarchy as its guiding principle. More’s refusal to consent to the king’s ecclesiastical revolution was, on the other hand, justified with such restraint that it is difficult to determine his motives. More was convicted first in April 1534 of refusing to swear an oath affirming the whole contents and effects of the first Act of Succession (1534), and second, in July 1535, for refusing to affirm the Royal Supremacy as entailed by the Second Act of Succession and the accompanying Act of Treason (1534).<sup>589</sup> More’s resistance was based on his refusal to open his conscience to scrutiny. He would not tell his interrogators why he would not swear to the oath, but he said that to do so would threaten him with ‘perpetual damnation’.<sup>590</sup> More’s refusal to affirm or to deny the supremacy is very difficult to read. This explains why it has been interpreted by later Catholic apologists, including his son-in-law, William Roper, as a defence of the sacred and immutable status of the papal headship. In

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<sup>587</sup> R.C. Marius, ‘Thomas More’s View of the Church’ in *Confutation of Tyndale’s Answer*, 1294-1315.

<sup>588</sup> More, *Confutation of Tyndale’s Answer*, 590.

<sup>589</sup> J.A. Guy, *Thomas More* (London, 2000), 169-70.

<sup>590</sup> E.F. Rogers (ed.), *St Thomas More: Selected Letters* (New Haven, 1961), 218.

Roper's account of the treason trial of July 1535, More asserts that an act of parliament cannot take away the pope's supremacy over the Church: 'a spiritual pre-eminence by the mouth of Our Saviour himself... only to Saint Peter and his successors ... by special prerogative granted.'<sup>591</sup> This profession is, however, at variance with the statements which we know More to have made. Nowhere else in his polemical writings does he clearly admit that the papacy was founded by Christ. He usually points out, in conciliarist mode, that it was established by the Church for its own convenience. It is possible that Roper altered the emphasis of More's utterance to bring loyalty to the papacy centre-stage.

But it was the general council rather than the papacy which was the central source of moral legitimacy to More. His thoughts are captured by the justifications which he offered the authorities in April 1534, when he was imprisoned for refusing to swear the oath which accompanied the first Act of Succession. The abbot of Westminster, William Benson, asked More whether he 'had cause to fear that mine own mind was erroneous when I see the great council of the realm determine of my mind the contrary'. More replied that the only proper source of guidance over the validity of the royal supremacy was the opinion of the whole body of the Church. More readily admits that 'if there were no mo but myself upon my side and the whole Parliament upon the other, I would be sore afraid to lean to mine own mind only against so many.' He goes on to say, however, that 'on the other side, if it so be that in some things for which I refuse the oath, I have (as I think I have) upon my part as great a council and a greater too, I am not then bounden to change my conscience, and confirm it to the council of one realm, against the General Council of

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<sup>591</sup> Roper, *The Life of Sir Thomas More* in R.S. Sylvester and D.P. Harding (eds.), *Two Early Tudor Lives* (New Haven, 1962), 248.

Christendom.<sup>592</sup> More gave the same reason in June 1535 for refusing to swear the oath. When Cromwell put it to him that he had compelled heretics to answer whether they held the pope to be the head of Christendom, More replied that his present case was different, and did not require the same commitment. He reasoned that ‘a man is not by a law of one realm so bound in his conscience, where there is a law of the whole corps of Christendom to the contrary in matter touching belief’<sup>593</sup>. More also insinuated that the general council could even overturn the pope’s judgment on the king’s divorce, thereby reinforcing his other comments about conciliar supremacy. In the letter of March 1534 to Cromwell, he suggested that ‘in the next generall counsaile it may well happen, that this pope may be deposed and a nother substituted in his rome, with whom the Kyngis Highnes may be very well content’.<sup>594</sup>

#### *The general council and the opposition to the supremacy*

Very few of Henry VIII’s subjects left so rich a testament to their views as Thomas More and John Fisher. Nevertheless, there is reason to believe that Fisher and More’s views can help us to understand other responses towards the royal supremacy which were not so fully articulated. In reaction to the revolutionary changes of the 1530s, conflicting ideas about Church government which had circulated in the fifteenth century were reconstituted in different ways. In what follows, evidence will be taken from official documents in order to delineate the variety of attitudes towards the general council. It will be argued that the general council was an important symbol of legitimacy in the religious debates of the 1530s and later decades. By neglecting to analyse the place of the general council in public reactions to the supremacy,

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<sup>592</sup> Rogers, *Selected Letters*, 221–2.

<sup>593</sup> *Ibid.*, 252.

<sup>594</sup> Rogers, *Correspondence*, 499.

historians have not hitherto done full justice to the priorities of the regime's opponents.

One group of opponents predicated their objection to the supremacy on an understanding of the divine and immutable nature of the papal monarchy. Their resistance was akin to Fisher's. It was alleged, for example, that Friar Pecock of the Observant Franciscans had complained that 'dyverse hathe preched and daily do preche that synte petir hadd never more power ne auctoryte geven unto hyme by godd than any other of the apostels, and that the poope sholde have no more auctoryte power or iurisdiction oute of Roome than a busshopp hathe with oute of his diocesse'. In response Pecock apparently took out a book and read 'five or sixe places approvyng primatum petri'.<sup>595</sup> Similar allegations were made of another friar, Robert Augustyn, who had said in 1535 that if anyone wrote books attacking the pope, he 'wolde take hime and regarde hime no otherways than he wolde a scysmatyke, payneme or Jue'.<sup>596</sup> Elizabeth Barton, the maid of Kent, claimed to have had a vision in which an angel instructed her to go to the king and to tell him, among other things, to take 'none of the popis right nor patrymony from hym'.<sup>597</sup> It is not necessary to multiply these examples, for they have already been thoroughly analysed elsewhere.<sup>598</sup> These utterances appear to spring from the belief that the pope derived his authority from Christ's granting of the keys to Peter. The special authority of the pope is demonstrated by Pecock with reference to Peter's primacy over the apostles and Christ's gift of the keys to Peter is probably the 'patrimony of the pope' to which Barton refers. Augustyn's claim that attacks on the papacy were tantamount to heresy indicates that the papal primacy was for him an article of the faith.

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<sup>595</sup> TNA SP 2/P, fol. 150<sup>r</sup>. *LP* vii. 449.

<sup>596</sup> TNA SP 1/92, fol. 107<sup>r</sup>. *LP* viii. 624.

<sup>597</sup> BL MS Cotton Cleopatra E IV, fol. 87<sup>r</sup>. *Three Chapters of Letters Relating to the Suppression of Monasteries*, ed. Thomas Wright (London, 1843), 14.

<sup>598</sup> Elton, *Policy and Police*, 12; 14-5; 17-9; 28-9. Shagan, *Popular Politics*, 40-4.

These responses are silent about the relationship between pope and general council. But other authors writing in a similar vein denied the regime's argument that the general council could be decoupled from the pope's authority and turned against it. Like Netter and Fisher, some commentators in the 1530s saw the council as an adjunct of the papal monarchy and one which held no independent authority. One can detect a dismissive attitude towards the conciliarist theories on which the propaganda works relied. It is clear that fifteenth-century suspicions towards conciliarism were still present in the 1530s. In the State Papers there exists a translation and refutation of Fox's *De Vera Differentia*. The author is, unfortunately, anonymous. The text translates and refutes Fox's book, passage by passage. The author is at pains to reject Fox's interpretation of ecclesiastical authority and of conciliar superiority. He does not disagree with the assertion that the general council is superior to the pope, but wishes to explain how this is so. It does not mean that a headless council is superior to the pope, but only that the authority of the pope-in-council is superior to the authority of the pope alone. There is an obvious parallel with the theory of parliamentary sovereignty in England, which the author makes explicit:

for no parliament can be in thys realme without the kyng and so is hyt of the cownsell and the pope. And yet although the whole parlyament be above the kyngs owne person in auctorite or else shuld he never nede to adhibite and call a parliament, yet is the kyng in hys commune person the hed of the parlyament and above the parliament. In like maner is hyt of the pope an the cownsell generall.<sup>599</sup>

This ignored the headless fifteenth-century councils of Pisa and Constance, but presumably the author regarded them as emergency measures. His text suggests that theories about the general council were highly unstable and could be reshaped in various ways. He acknowledges the council's superiority to the pope, but made it

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<sup>599</sup> TNA SP 6/3, fols. 18<sup>r-v</sup>.

clear that it could not be considered legitimate without a pope as its head. In rejecting Fox's assertions about conciliar supremacy, the anonymous author was not simply rejecting Fox's manipulation of conciliarist ideology, he was also refuting a tradition which attributed autonomous powers to the general council over the pope.

Other opponents of the regime stressed that the general council and the papacy were mutually reinforcing, but their arguments did not necessarily suppose that the general council was a subsidiary branch of the papal monarchy. Instead their positions rested on the assumption that the papal monarchy was legitimised through conciliar assent rather than specifically through Christ's granting of the keys to Peter. In such a scheme, the Act of Appeals represented an unacceptable derogation of conciliar authority. As we have seen, this was the view of More, but it was shared by others. John Morres, the receiver general of Syon, was questioned by Cromwell in April 1535 about his views on the general council. Morres admitted that he had talked to Stephen Gardiner about the nature of the papal primacy and had asked him whether 'if it [the papal primacy] proceded of man his polecie and made by generall councell, whereunto, as it is saied, the holy goost is assistent, how may then the contrary be used without offense of conscience?' According to Morres, Gardiner had then replied that that the decree of a general council could be overturned by an act of parliament. Cromwell's suspicions were clearly aroused. He asked Morres why he had been talking to Gardiner about the power of parliament to overturn the laws of the general council. Morres replied that 'the cause why I demaunded that question of my lorde of Wynchester was for that I harde it (as I am nowe well remembred) moche spoken of in the parliament house and taken amongst meny there to be a doubte as ye Mr. Secretarie best knowe.'<sup>600</sup> Morres's statement indicates that the divine origin of the

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<sup>600</sup> TNA SP 1/92, fol. 54<sup>v</sup>. *LP* viii. 592.

papal monarchy was not the only issue at stake in the debates of the 1530s. The conciliar origins of papal power was another contested issue. Despite the regime's professions of loyalty to a Christendom bound together by respect for the general council, its autonomous rejection of papal authority could be seen to indicate an indifference to conciliar government.

The crown's apparent contempt for the general councils was one of the crucial grievances to surface during the Pilgrimage of Grace. When the Yorkshire rebels met at Pontefract in December 1536 to draw up their petitions to parliament, they replicated the offices and procedures of parliamentary government. This included the creation of a 'pseudo-convocation' to accompany the meeting of the pseudo-parliament. The pseudo-convocation was, like its original at Westminster, a clerical assembly. Most of its members were highly educated with doctorates in divinity or law.<sup>601</sup> A draft agenda for the pseudo-convocation's deliberations appears to have survived in the State Papers.<sup>602</sup> The agenda consisted of a list of articles which put forward a range of interpretations of the papal supremacy. One article asked whether there was one head and high priest of the Church militant, as there was in the synagogue of the Jews under the old law. This was the view of Fisher. The fact that it appeared in the agenda may not be coincidental, for we know that Robert Aske presented a book by Fisher to the convocation for their consideration.<sup>603</sup> Another of the pseudo-convocation's articles asked whether the Roman bishop had greater power and jurisdiction in England and in all other realms by divine right, implicitly or explicitly from the scriptures or by human law, or neither of the above.<sup>604</sup> Whoever

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<sup>601</sup> R.W. Hoyle, *The Pilgrimage of Grace and the politics of the 1530s* (Oxford, 2001), 345.

<sup>602</sup> *LP* xi. 1182.

<sup>603</sup> Hoyle, *Pilgrimage of Grace*, 345.

<sup>604</sup> TNA SP 1/112, fol. 23<sup>r</sup>: 'Quere utrum episcopus romanus habet maiorem potestatem et iurisdictionem in hoc regno anglie et quocumque alio regno preterq. romano de iure divino et sacris libris explicite vel implicite vel habet de iure humano vel neutro'.

drafted the agenda realised that papal power could be justified in various ways. The distinction between More and Fisher's positions vis-à-vis the papacy and the general council would have been intelligible to him. Indeed, the question which troubled More was also on the agenda of the pseudo-convocation's meeting: 'Item. wheder holy canons made by generall councell and admittyd in a realme may be advodyd by eny means bott by generall councell or noo'.<sup>605</sup> This was the dilemma which had faced More and the MPs confronted with the Act of Appeals. It may be that the discussions that were taking place in the capital were relayed to the political elite in the provinces through MPs and clerics who had been present in Convocation. Indeed, three members of the pseudo-convocation at Pontefract (Friar John Pickering, Dr John Brandsby and Dr Marmaduke Waldby) had been in Convocation when the king's supremacy was acknowledged there.<sup>606</sup> Perhaps they had been privy to the conversations about the relative weight of parliamentary and conciliar authority mentioned by Morres.

It is noteworthy that the pseudo-convocation chose to defend the papacy with reference to the consent that it had won in the general councils, rather than through any reference to a direct grant of power from Christ to Peter. We can see from the range of positions under consideration in the pseudo-convocation's agenda that this was an informed decision. The assembly stated that 'we think that by the laws of the church, general councils, interpretations of approved doctors and consent of Christian people, the pope of Rome hath been taken for the head of the church and vicar of Christ and so ought to be taken.'<sup>607</sup> The emphasis here was not on Christ's grant of the keys to Peter, and the divine and immutable status of the papacy, but on the consent which underlay the pope's headship of the Church. Even Archbishop Edward

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<sup>605</sup> TNA SP 1/112, fol. 24<sup>v</sup>.

<sup>606</sup> TNA SP 1/117, fols. 193<sup>v</sup>-194<sup>r</sup>.

<sup>607</sup> TNA SP 1/112 fols. 116<sup>r</sup>-117<sup>v</sup>. *LP* xi. 1245. Hoyle, *Pilgrimage of Grace*, 464.

Lee could not escape the logic of pseudo-convocation's statement. It is likely that Lee privately sympathised with the religious grievances of the rebels, but realised that being seen to side with them was a risky business. He had wisely refused Aske's request to draft a series of petitions for the pseudo-convocation at Pontefract in late 1536, and on 3 December preached a sermon against the insubordination of the rebels at the priory church at York. When Lee was asked to give his approval to the articles produced by the pseudo-convocation, he balked at the article regarding the supremacy of the pope. According to Dakyn, Lee refused to acknowledge that the pope's headship of the Church was a necessary part of the faith. But in Dakyn's account he eventually gave in, admitting that it expressed 'the consent of the Christian people'.<sup>608</sup>

Lee's admission was an interesting reconfiguration of the propagandists' arguments. They had argued that the papacy and its laws had survived only so long as they had won the assent of the people in England. For this reason, the king, acting in conjunction with the representatives of the realm in parliament had been capable of rejecting papal authority. According to the propagandists, the consent on which papal authority had always been founded was simply being withdrawn. But the pilgrims argued in response that the weight of universal consent could not be overturned in this way. By acknowledging that the papacy's headship rested on popular consent, Lee may have been hedging his bets. This statement was not dissimilar to the propagandists' position, but what the pseudo-convocation was calling into question was whether the English parliament's decision was enough to overturn an institution grounded on *universal* consent.

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<sup>608</sup> TNA SP 1/117 fol. 195<sup>v</sup>.

The regime itself realised that the cause of the general council was an important rallying point for the rebels. In response to the Pilgrimage a propaganda work was drawn up which may be found in draft form in the State Papers. The work, entitled 'Against Rebellion', began in familiar fashion by stressing the obedience that subjects owed their king. When confronted by a prince ruled by 'evill affeccion', subjects should trust in the king's councillors to set their monarch on the path of righteousness. They should certainly not act as the Israelites had done in violently resisting their wicked kings, for they had been guided by the voice of God, whereas the age of revelations had now passed. Alongside these familiar warnings, was the admonition that infallibility should not be attributed to general councils. The author of the treatise addressed the belief that Christ would always be present with 'bishops and pastors whansoever they preach and teache, or whan thei be assembled in generall cownsailes'. From this it might be inferred that if the clergy 'assembled in a generall counsaile do decre that it is lefle for subiects to rebell ageinst ther prince, their preachings, decrees, must be accepted and taken for the vere worde of god, necessarili to be beleved of all men, under peyn of dampnacion.'<sup>609</sup> But clerics and councils could not claim infallibility when they departed from Christ's teaching in the scriptures. Seeing that Christ had manifestly taught his followers to obey the temporal powers, any instruction to the contrary was evidently a deviation from the true faith.

The point about conciliar fallibility betrays the regime's awareness of the rebels' respect for the general council, and also its fear that the council summoned by Paul III to Mantua might incite the English to rebel against their monarch. Its preoccupations are apparent in its interrogation of Robert Hobbes, the abbot of Woburn Abbey. In 1538 Hobbes and other monks of Woburn were interrogated about

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<sup>609</sup> TNA SP 6/13, fols. 53<sup>v</sup> – 54<sup>r</sup>.

their views on the royal supremacy. The abbot admitted that he had read and copied a text, entitled *De Potestate Petri*, which collected the verdicts of various authorities on the subject, and had lamented the fates of More and Fisher. William Shurborne, the curate of the Lady Chapel at Woburn, reported that he had had a conversation with Hobbes about the Council of Mantua. According to Shurborne, Hobbes had said that the council was ‘gatherid for the reformation of the universall church’. He showed a book to Shurborne which contained the Germans’ reasons for refusing to attend the Council of Mantua ‘by which we may knowe what heretiks they be, for if they were catholike and trewe christen men as they pretende to be they wold never have refused to cum to a generall counsaile.’<sup>610</sup> When cross-examined, Hobbes confessed that he had spoken these words, but was quick to point out that he had never made the same accusations about the realm of England.<sup>611</sup> The regime was obviously not convinced of Hobbes’s loyalties, for it tried and executed him on charges of denying the supremacy in violation of the Treason Act of 1534.<sup>612</sup> The interrogations had revealed that in the abbot’s mind the refusal to attend a general council was a crucial litmus test of a realm’s commitment to the Catholic Church. Such a conclusion could only have problematic repercussions for the regime, which by this date had firmly declared its refusal to attend the proposed Council of Mantua.

The preoccupation with universalism and the general council persisted after the suppression of the Pilgrimage of Grace. The decisions of the general councils, rather than the decrees of the pope were being cited in public debate as the preeminent source of correct doctrine. The attempt to align oneself with the cause of the general council was a potent strategy in confessional battles, because both conservatives and

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<sup>610</sup> TNA SP 1/132, fol. 81<sup>r</sup>.

<sup>611</sup> LP xiii(1). 981. BL MS Cotton Cleopatra E IV, fol. 106<sup>r</sup>.

<sup>612</sup> G.S. Thomson, ‘Woburn Abbey and the Dissolution of the Monasteries’, *Transactions of the Royal Historical Society*, 4<sup>th</sup> Ser., 16 (1933), 137-8.

evangelicals recognised the validity of the institution. The Western rebels of 1549 required ‘that we will have the general counsell and holy decrees of our forefathers observed, kept, and performed and who so ever shal agayne saye them, we hold them as heretikes’.<sup>613</sup> The rebels were implying that the religious changes of Edward VI’s reign were out of keeping with the interpretation of the faith laid down by the councils. Cranmer could not let this accusation drop and his insistence on refuting the rebels’ assertions about the general councils gave his tract an awkward opening.<sup>614</sup> Cranmer pointed out that many councils had contradicted one another. It was rash of the rebels to pretend that all the councils provided a consistent explanation of Christian doctrine. Nevertheless, Cranmer’s main aim was to show that the councils were on his side, rather than the rebels’. He took issue with the rebels’ demand, in their second article, to have the Act of Six Articles reinstated: did this not contradict the demand of their first article, to honour the decrees of the general councils? Cranmer proceeded to show that the decisions of the first ecumenical councils of the Church could not be reconciled with the Act of Six Articles. The Council of Nicaea, he contended, had decreed that priests could not divorce their wives, whereas they had been instructed to do this by the Act of Six Articles.<sup>615</sup> Although the rebels claimed to respect the pronouncements of the general councils what they actually held dear were the laws of the bishop of Rome. Cranmer tried to outflank the rebels by alleging that their real allegiance was to Rome. This may have been the case, but it is notable that the rebels’ petitions did not ask for a reinstatement of papal authority in England. They were only asking for the restoration of traditional religion which had been approved by the councils.

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<sup>613</sup> F. Rose-Troup, *The Western Rebels of 1549* (London, 1913), 220 for a transcription of the set of rebel demands to which Cranmer replied. J. Youings, ‘The South-Western Rebellion of 1549’, *Southern History* 1 (1979), 114.

<sup>614</sup> MacCulloch, *Thomas Cranmer*, 439.

<sup>615</sup> J.E. Cox (ed.), *Miscellaneous Writings and Letters of Thomas Cranmer* (Cambridge, 1846), 169.

## *Conclusion*

The Henrician regime's attempt to associate itself with the general council could easily be turned against it by its opponents. The propaganda campaign had attempted to desacralise the papacy by contending that it was the product of human rather than divine will and that its laws had been accepted on a voluntary rather than compulsory basis. This position was open to a number of objections. It could be rejected, as Fisher did, by pointing out that the papacy was divinely ordained and an essential component of the Church. But it could also be argued, along with More, that the legitimisation of the papacy through the consent of the universal Church, as represented through general councils, was at once a human and a divine act, for it was guided by the Holy Spirit. Opponents of the regime accepted the importance of universal consent in establishing traditions of the Church, but argued that, for this very reason, the rejection of the papacy could only be carried out by universal consent, and not through the particular jurisdiction of parliament.

The general council was a potent symbol of religious legitimacy. But it was coming to mean different things to different people. The uncertainties which had pervaded fifteenth-century thought on the subject were being exploited by various parties in the 1530s. There was no single, unquestioned statement about how general councils should be organised and what influence they should have over doctrine and discipline in the Church. When More and the anonymous burgess suggested in 1533-4 that the king's marriage and title of supreme head be referred to a general council, they seemed to imagine the council as a court of appeal against the pope. More even implied that the general council might depose a pope who refused to cooperate with

the king. These kinds of statements envisaged the general council acting independently of the pope, even against his wishes. There were others, such as the anonymous translator and refuter of Fox's *De Vera Differentia*, who stated that councils could not act independently of the pope, rather as English parliaments could not act without the king. Evangelicals, however, wished to exclude the pope altogether from a position of authority over the general councils. By 1536, the regime stated that the pope could not act as the head of the council, the function had to be assumed by the secular princes of Christendom.

The plurality of views about the general council were a legacy of the diverse trends in late-medieval thought. In Chapter 3 we have discussed the influence of Marsilius of Padua over the theories of the propagandists. Marsilius called for an end to exclusively clerical councils, and had advocated the emperor's presidency over their proceedings. More, on the other hand, appears to draw upon the 'mainstream' conciliarist theories of the fifteenth century, in admitting that the council was superior to the pope, and by contemplating a potential papal deposition at the council's hands. Fisher and others seem to have followed the path of Thomas Netter and Juan Torquemada in denying that the determinations of the papacy could be subjected to conciliar judgement, except in the case of a heretical pope. Many of these views about the general council outlasted the crisis over the royal supremacy in Henry's reign. However, the advances of the Reformation in England transformed the public debate about conciliar legitimacy. New views were added to the spectrum of opinions that have been discussed here. These developments will be charted in the next chapter. Although the terms of the debate were often different, the new proposals for Church government by general councils were a legacy of the inconsistencies in the official Henrician position on conciliar government.

## CHAPTER 5. THE COUNCIL OF TRENT AND ENGLISH ATTITUDES

### TOWARDS THE GENERAL COUNCIL

It might be thought that there would be little point in examining England's engagement with the general council once the religion of the realm had been steered decisively in the direction of Protestantism. There was a tendency in the second half of the sixteenth century for regional Reformed churches to become increasingly self-sufficient.<sup>616</sup> Protestant magistrates zealously guarded the right to administer public worship; there would be little reason to suspect that they would surrender this privilege to an ecumenical assembly. The breakdown in dialogue between Catholic and Protestant theologians also provided a bleak outlook for those who hoped that a general council could reunite Western Christendom.<sup>617</sup> Some of these reasons may account for the curious silence about Elizabethan England's engagement with the Council of Trent.<sup>618</sup> It is true that the Elizabethan regime refused to send delegates to the council. But this fact should not mislead us into thinking that English Protestants were dismissive of Trent. They may have regarded it with abhorrence, but at the same time they often acknowledged its importance for the Catholic community and the dangers that it presented to the Protestant powers of Europe. Even though there were probably few in Elizabethan England who believed that the Council of Trent could

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<sup>616</sup> E. Cameron, *The European Reformation* (Oxford, 1991), 361.

<sup>617</sup> The failures of Catholics and Protestants to achieve concord at the Diet of Regensburg (1541); and the recognition at the Diet of Augsburg (1555) that their disagreements could not be bridged are narrated in D. MacCulloch, *Reformation: Europe's house divided* (London, 2003), 226–30, 270–6.

<sup>618</sup> Christopher Haigh does not discuss the Council of Trent's immediate impact on Elizabethan England, but his assertion that 'there was no Tridentine Counter Reformation in England' suggests that, in his view, it could not have been great for the Catholic community. See his 'The Continuation of Catholicism in the English Reformation' in idem (ed.), *The English Reformation Revised* (Cambridge, 1987), 204. J. Bossy, *The English Catholic community, 1570–1850* (London, 1975) analyses the period after Trent, and thus the immediate effects of the council are not considered. M. Questier, *Catholicism and Community in Early Modern England* (Cambridge, 2006), focuses on localised networks of Catholics whose views on the council, for the early period at least, are very difficult to fathom. Nor is Trent's effect on Protestant thought analysed by P. Collinson, *The Elizabethan Puritan Movement* (London, 1967) or P. Lake, *Moderate Puritans and the Elizabethan Church* (Cambridge, 1982).

heal the European schism, we should not for this reason underestimate its significance for the English, nor the interest of this subject for the historian of ideas.

This chapter will analyse the English response to Trent from the point of view of various interest-groups. The Elizabethan regime's attitude will first be examined. It will be shown that there were some advisers (notably Robert Dudley) who advocated sending English delegates to Trent, but that they were outflanked by William Cecil, who wished to deter the queen from participating in the council. This stance was not a product of Protestant triumphalism, but instead an indication of Cecil's anxieties about the threat which the council presented to the regime. Cecil was not alone. Protestant concerns about Trent led to the publication of a number of works attacking the council. The chapter will then show how Trent acted as a springboard for debate about the role of the general council in the life of the Church, and particularly in the interpretation of scripture. The council forced Protestants to grapple with unresolved ideas about the role of collective decision-making in ending doctrinal disputes. The positions which had been developed by Lutherans in the 1530s were adopted by most defenders of the Elizabethan regime. But the tensions within these accounts (which seemed simultaneously to affirm and to deny the need for general councils) led to dissatisfaction. The official position on the general council might provoke resistance from those who sought some kind of rapprochement with the Catholic Church. But it also elicited disagreement from those Presbyterians who wished to advance the English Reformation through synodal government. In the process, we will see that the transformations of the Reformation period had not stifled free thought about the general council. Nor had the intellectual legacy of the 1530s convinced all Protestants that the monarch was the legitimate governor of the Church.

Some justification may first be necessary for the chronological jump from the 1530s to the beginning of Elizabeth's reign. It is not being argued here that between these dates the theme of the general council disappeared from religious thought. But opinions about the general council were more likely to be articulated when they fed into political struggles. Judging by the scarcity of sources, the general council was not a useful ideological tool in the conflict between traditionalists and evangelicals before the 1560s. Henry VIII's refusal to send delegates to the first sessions of Trent in 1546-7 did not raise any notable reaction at home. Some favourers of traditional religion might have privately sympathised with the council (insofar as they were aware of its existence), but they did not wish to risk their safety by opposing the king's diplomacy. In the period after the Act of Six Articles, most conservatives believed that their cause could be salvaged by negotiating with the king: challenging him over Trent was not worth the risks.<sup>619</sup>

The Edwardian regime's hostility towards Trent took much the same form as its predecessor's. But the sessions of Trent in 1551-2 were plagued with divisions, and were cut short by the military advances of Moritz of Saxony against Charles V.<sup>620</sup> There was little cause for evangelicals to decry the council or for traditionalists to champion it. It is interesting that the general council hardly features at all in debates between Catholics and Protestants in Edward's reign.<sup>621</sup> Perhaps traditionalists felt

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<sup>619</sup> C. Haigh, *English Reformations: Religion, Politics and Society under the Tudors* (Cambridge, 1993), 155, 161-2.

<sup>620</sup> Hubert Jedin describes the animosity of the Spanish and German delegates towards the leadership of the council: *Geschichte des Konzils von Trient* (4 vols., Freiburg, 1949-75), iii, 292. On the outbreak of war and the suspension of the council: *ibid.*, iii, 387 ff. The second period of Trent was also troubled by the absence of French delegates: A. Tallon, *La France et le Concile de Trent, 1518 -1563* (Rome, 1997), 219-47.

<sup>621</sup> There is, for example, no significant discussion of the council's role in the interpretation of scripture in Henry Joliffe and Robert Johnson's responses to John Hooper or in the reactions of traditionalists to Peter Martyr Vermigli's assertions about the Eucharist in Oxford in 1549. *Responsio Henrici Joliffi et Roberti Jonson ad illos articulos Ioannis Hoperi in quibus a Catholic fide dissentiebat...* (Antwerp, 1564); Vermigli, *Tractatio de Sacramento Eucharistiae, habita in celeberrima universitate Oxoniensi...* (London, 1549).

uncomfortable that they had not leapt to the defence of the councils summoned by the pope in Henry VIII's reign.<sup>622</sup> Nevertheless Trent was not totally ignored. The Edwardian regime did take the precaution of codifying the Henrician position on the general councils in the articles of faith of 1552. Article 22 stated that 'Generall counsailes maie not be gathered together, without the commaundemente, and will of Princes'. It was also pointed out councils were liable to err and that none of their pronouncements should be accepted unless taken directly from scripture.<sup>623</sup> It has already been noted that Archbishop Cranmer wished to summon an international council of evangelical divines in order to provide a Reformed response to Trent.<sup>624</sup> But his schemes did not attract any firm commitment from leading divines abroad, nor to have been championed by other English Protestants.<sup>625</sup> The Church under Mary I made use to a limited extent of draft decrees from Trent, but the council had not yet fully defined its pastoral and disciplinary programme.<sup>626</sup> It was not the beacon for reformed Catholicism which it would later become. In fact, Cardinal Pole's programme for the renewal of the Marian Church anticipated some of the decisions that would be made in the final sessions of the council (especially regarding the use of homilies and catechisms).<sup>627</sup> From the traditionalist perspective the need for a council during Mary's reign was less urgent; and, in any case, an outside possibility given the intransigent opposition of Pope Paul IV to any such assembly.<sup>628</sup>

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<sup>622</sup> Their silence about the general council could, therefore, be linked to their discomfort in defending the papacy. MacCulloch, *Tudor Church Militant*, 118–9.

<sup>623</sup> C. Hardwick, *A History of the Articles of Religion*, 3<sup>rd</sup> ed. (London, 1876), 318–9. These statements remained in place in the Articles of 1563.

<sup>624</sup> See p. 209 above.

<sup>625</sup> MacCulloch, *Thomas Cranmer*, 394–5; 501–4.

<sup>626</sup> D.M. Loades, *The Reign of Mary Tudor: Politics, government and religion in England, 1553 – 1558* (London, 1991), 294.

<sup>627</sup> T.F. Mayer, *Reginald Pole: Prince and Prophet* (Cambridge, 2000), 235–51; Heal, *Reformation in Britain and Ireland*, 181–2, 184.

<sup>628</sup> Bireley, *Refashioning of Catholicism*, 51–2.

Only in the reign of Elizabeth did the general council reappear in public debate on a significant scale. Most of the texts which discussed Trent were written from a Protestant perspective and defended the refusal of the Protestant powers to participate in the council. There was a need—real or perceived—to rebut the claim that the Protestants had cut themselves off from theological dialogue and had no commitment to universalism in the Church. The content of these works will shortly be discussed. But seeing that they were intended to defend official policy, we should first examine the circumstances in which the Elizabethan regime announced its opposition to Trent. The details of this story have been ably told elsewhere; there is no need to repeat them here in any great depth.<sup>629</sup> In March 1561, the papal nuncio, the Abbot of Martinengo, was dispatched to England with the aim of persuading the queen to support the council. The most prominent advocate of conciliar participation at court was the royal favourite, Robert Dudley. Dudley sought the approval of Philip II of Spain whom he hoped would support his bid for the hand of the queen.<sup>630</sup> Cecil, however, advised against sending delegates to the council. The queen herself temporised, until in April it was discovered that secret masses were being heard by former counsellors to Mary I, including Sir Edward Waldegrave.<sup>631</sup> This scandal was orchestrated by Cecil in order to turn the queen against Trent, and his strategy was successful.<sup>632</sup> On 1 May the Privy Council announced that the papal nuncio would not be granted entry to England. It declared that ‘noe one thing could be thought more happy then that she [the queen] might have to hear of such a Generall Councell as might tend to make an unity in Christendome in the matters of religion’. But various

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<sup>629</sup> S. Doran, *Monarchy and Matrimony: the courtships of Elizabeth I* (London, 1996), 47–51 and MacCaffrey, *Shaping of the Elizabethan Regime*, 79–80.

<sup>630</sup> Doran, *Monarchy and Matrimony*, 46–8. *CSP Spanish, 1558–1567*, 179.

<sup>631</sup> TNA SP 12/16, fols. 117<sup>r</sup>–8<sup>v</sup>. *CSPD, 1547–1580*, xvi. 49. G.G. Bayne, *Anglo-Roman Relations, 1558–1565* (Oxford, 1913), 99.

<sup>632</sup> TNA SP 70/26 fol. 61. *CSP Foreign 1561–2*, no. 187. Doran, *Monarchy and Matrimony*, 50–1.

aspects of the Council of Trent made it unacceptable to the queen. Whereas other Christian rulers had been consulted in advance about the calling of the council, Elizabeth had not. The queen was not convinced that it would be able to unify Christendom as it purported to do. The Privy Council also declared that the queen was ‘not subject to any Potentate Spirituall or temporall under god’, thereby hinting that she could not consent to participate in a council where she would be subordinated to the pope’s authority.<sup>633</sup> The content of the Privy Council’s statement manifests an official attitude towards the general council which is continuous across the period. The crown based decisions about conciliar participation on diplomatic considerations. This was as much the case in the reigns of Henry V and Henry VI as it was in the time of Elizabeth I. In the present instance, the crown was honouring its diplomatic alignment with the Protestant powers of Germany.<sup>634</sup> Reconsidering the English policy towards Trent in March 1562, a meeting of six councillors, including Cecil and Nicholas Bacon, decided that it would not be expedient to send delegates to the council unless the Protestant princes of Germany did so first.<sup>635</sup>

#### *Protestant attitudes towards Trent*

The regime’s decision to remain absent from Trent has been described as a ‘snub’ to the council.<sup>636</sup> It seems to indicate a dismissive attitude on the part of Elizabeth and her advisers. In fact, there is evidence that key players in Elizabethan politics were acutely aware of the council’s importance. The extensive documentary evidence left by William Cecil gives us an unusually rich testimony to his views on the council.

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<sup>633</sup> TNA SP 12/17, fol. 4<sup>r</sup>. *CSPD 1547-1580*, xvii. 1.

<sup>634</sup> H. Horie, ‘The Lutheran Influence on the Elizabethan Settlement, 1558–1563’, *The Historical Journal*, 34 (1991), 526–9.

<sup>635</sup> The conclusions of the meeting are printed in Bayne, *Relations*, 287.

<sup>636</sup> MacCulloch, *Reformation*, 303.

One is left with the impression that Cecil was convinced that Trent posed a threat to the Protestant establishment in England. It is true that he manipulated the scandal of Waldegrave's mass-hearing in order to convince the queen that Trent should be avoided. But he was also nervous that the Waldegrave circle's activities concealed a more ambitious Catholic conspiracy which aimed to restore traditional religion in England. This is evident from the list of questions which were drawn up for the interrogation of those implicated in the scandal. The prisoners were to be asked what they knew about the general council and by what means they had heard it. More searchingly, they were asked: 'Whatt ordre thought you wold be divysed and put in use for the reformation of such as wold not come nor send to the counsaill nor obey the orders and decrees thereof?'<sup>637</sup> The last question betrays the regime's fears that its refusal to participate at Trent might provoke the resistance of foreign powers, and perhaps even of the English Catholics as well.

Cecil's anxieties did not abate with time. He believed that the Council of Trent represented an extremely dangerous moment of resurgence for the papacy, and was suspicious that English Catholics would take the pronouncements of the council, its clarification of doctrine and its reinforcement of papal power as a clear clarion call for the overthrow of Protestantism in England. In a short document of 1569 Cecil cast the Catholic threat to England almost in terms of a theatrical synopsis. Under 'persons' he listed the pope and the kings of France and Spain as 'authors', and Mary Queen of Scots as the 'instrument, whereby the matters shall be attempted ageynst the Queen's Majesty'. Under the heading 'Matters', Cecil wrote: 'the recovery of the Tiranny to the pope, which of late yeres hath bene discoverd and so weakned, as, if the gret monarchees wer not his mayntenors, and intended his recovery, the same had shortly

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<sup>637</sup> TNA SP 12/16, fol. 153<sup>r</sup>. *CSPD, 1547-1580*, xvi. 66-8.

fallen, or bene reformed, and the very title of the quarrell is now the enforcyng of all christian realmes to receave the Consell of Trent.<sup>638</sup> In another memorandum Cecil observed that Spain and France had ‘burryed all other quarrells, and have made an oppen profession under the title of executyng the Counsell of Trent, to recover by the sword the authoryte of the pope, which matter was never in such earnest and playn sort attempted in this age before now.’<sup>639</sup>

Trent’s impact was not to be measured only in terms of its unification of the Catholic powers. In Cecil’s mind, the council had the potential to show up the Protestant cause through its programme for reform. The council’s practical measures for the increase of discipline within the priesthood, the improvement of pastoral care and the spread of Catholic education had to be heeded and outstripped in Protestant England. This conclusion is very strongly implied by Cecil’s summary of decrees from Trent. He noted that every cathedral church was required by the council to have a reader of divinity and a school attached to it. Bishops were bound to preach, and wealthy benefices had to provide poorer ones with the funds to employ priests who could preach every Sunday. The word of God had to be frequently explained to the people. No bishop was to reside in a prince’s court or serve there. Episcopal non-residence would not be tolerated.<sup>640</sup> Cecil was well aware that these aims were as pertinent to England as to Catholic Europe: the Elizabethan Church could not be said to have triumphantly attained all the goals set down in the note.<sup>641</sup>

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<sup>638</sup> Cecil Papers, vol. 157, fol. 2<sup>r</sup>.

<sup>639</sup> Cecil Papers, vol. 199, fol. 14<sup>r</sup>. S. Haynes (ed.), *A collection of State papers, relating to affairs in the reigns of Henry VIII... Queen Elizabeth, from the year 1542 to 1570...* (London, 1740), 579-80.

<sup>640</sup> BL MS Lansdowne 103, fol. 309<sup>r-v</sup>.

<sup>641</sup> Felicity Heal notes, for example, that ‘in the 1560s and even into the 1570s there were simply too few men of any intellectual calibre being ordained to fill the benefices emptied by the crises of the previous decades.’ *Reformation in Britain and Ireland*, 433. For the mixed record of the Protestants in making use of cathedrals for education, *ibid.*, 197-8.

Cecil's concerns about Trent were shared by other Protestants, although they put more stress on its conspiratorial aspect than the reforming agenda. Richard Hilles saw the Council of Trent more as 'a sign of some plot or conspiracy formed against the protestants, than of a synod of faithful catholics simply assembling together in the truth, for the purpose of eradicating ... such abuses as have crept into the Church of Christ.'<sup>642</sup> Bishop Cox remarked in a letter to Peter Martyr in 1562 that 'the papists are wonderfully raising their spirits, since the disorders in France' and added in a coded postscript that 'no one has as yet crushed the furious Hosius.'<sup>643</sup> Stanislaus Hozjusz was a Polish cardinal and Prince-Bishop of Warmia who fought vigorously against the growth of Protestantism in his bishopric. He was also a very capable papal ambassador, who managed to persuade the Emperor Ferdinand to support the Council of Trent. Hozjusz had several polemical works defending Trent by this time, and three of these were among Cox's books at his death, along with one book refuting Hozjusz's work.<sup>644</sup> Cox would write to William Cecil in 1563 saying that 'Hosius bokes flye abrode in all corners, *unica gloriatio omnium papistarum*, who swarme in all corners, saing and doing almost what thei lyste'<sup>645</sup>. Like Cecil, Cox was worried that the Council of Trent and its polemicists were encouraging the subversion of English Catholics.

Even when a jocular, condescending tone was adopted towards Trent, one suspects that scorn was being used to mask concerns. John Jewel claimed that in

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<sup>642</sup> H. Robinson (ed.), *Original letters relative to the English Reformation... chiefly from the archives of Zurich* (2 vols., Cambridge, 1846-7), ii, 83.

<sup>643</sup> *Ibid.*, i, 113.

<sup>644</sup> Fehrenback and Leedham-Green, *Private libraries*, 20-31. Item 1.71 was an unidentified copy of Hozjusz's works. Item 1.109 was an edition of his *Verae, Christianae catholicaeque doctrinae solida propugnatio* (1558-60). Item 1.141 was his *De Origine Haeresium nostri temporis* (Leuven, Petrum Sangrium Tiletanum apud Bartholomaeum Gravium, 1559).

<sup>645</sup> BL MS Lansdowne 6, fol. 202<sup>r</sup>. For Cox's references to Catholic recusancy and the difficulties of linking these to his own (seemingly untroubled) diocese, see S. Wenig, 'The Reformation in the Diocese of Ely during the Episcopate of Richard Cox, 1559-77', *The Sixteenth Century Journal*, 33 (2002), 159-60.

February 1562 hardly anyone was aware of the proceedings of the council in England. He claimed that the English were ‘entirely ignorant’ of the existence or locality of the council and that ‘if it is held anywhere, or had any being at all, it must be very secret or obscure’.<sup>646</sup> Later, in a letter to Heinrich Bullinger, he was more insulting, saying: ‘we hear nothing about what your little Tridentine fathers, and the dropsical Pope are bringing forth. Perhaps the Holy Spirit declines being present, or cannot speak.’<sup>647</sup> Robert Horne, bishop of Winchester, expressed a similar sentiment, also writing to Bullinger. Horne imagined God looking down upon the Council of Trent and observed that ‘he that sitteth in the heavens, and laugheth them to scorn, will disperse it, as he has always made the vain counsels of men of no effect, and brought them to nought.’<sup>648</sup> It is difficult, however, to believe that these men felt quite as insouciant as they claimed. After all, Jewel, who was so dismissive of the council in his correspondence, devoted a great deal of energy to explaining England’s absence from Trent in his polemical works.

### *English Catholic responses to Trent*

Now that Protestant suspicions about Trent have been examined, we should consider whether their fears corresponded in any measure to reality. What did English Catholics make of Trent? Did they view the council as a pretext for sedition against the Elizabethan regime? These questions are difficult to answer, on account of the lack of direct evidence. That which survives indicates that fears of a Catholic conspiracy in 1561 were not founded on a realistic assessment of the situation. We know from the Spanish ambassador that Cecil claimed to have discovered a letter

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<sup>646</sup> Robinson, *Zurich Letters*, i, 101.

<sup>647</sup> *Ibid.*, i, 124.

<sup>648</sup> *Ibid.*, i, 136.

written to Sir Edward Waldegrave in which it was hoped that the Marian bishops would shortly be freed through the intervention of the papal nuncio.<sup>649</sup> There is no extant evidence, however, which implicates any of the suspects in the Waldegrave affair of conspiratorial behaviour in promoting the nuncio's visit. A clue about the connections between the suspects is supplied by a memorandum written by Cecil. It says: 'Examyn Ramridg of his lettre dated 23 September to Bonnar. Examyn Bonnar upon his letter wrytten 2 October.'<sup>650</sup> John Ramridge was one of the Catholic priests imprisoned as a result of the Waldegrave affair. He was the recipient of a letter by Dr Anthony Draycot written in late March 1561. In it Draycot passed on news about the health of David Pole, the former bishop of Peterborough and Edmund Bonner, the former bishop of London. Both men had been, like Draycot, energetic promoters of the restoration of Catholicism under Mary. As Ramridge had formerly been Dean of Lichfield, he would almost certainly have known Pole, who had exercised the jurisdiction of the see of Lichfield, *sede vacante*, at the beginning of Mary's reign. The letter contained no incriminating disclosures, but Draycot did admit that 'we doo here thatt the generall cownsull goathe forward. I pray gode sende hytt gude successe and thatt the princes of germany wylle cum to hytt'.<sup>651</sup> Perhaps the letters which passed between Ramridge and Bonner contained similar expressions of hope and expectation about the negotiations to reconvene the Council of Trent.

Beyond this, there is no evidence that the disempowered Catholic elite gave any active aid to the council. They were well aware that they were in an extremely vulnerable position. The rest of Catholic Europe was equally cautious. The pope and his advisers realised that any move to excommunicate the queen at the Council of

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<sup>649</sup> J.M.B.C. Kervyn de Lettenhove (ed.), *Relations politiques des Pays-Bas et de l'Angleterre, sous le règne du Philippe II* (11 vols., Brussels, 1882-1900), ii, 560. Bayne, *Relations*, 101.

<sup>650</sup> TNA SP 12/16, fol. 29<sup>r</sup>. *CSPD, 1547-1580*, xvi. 14.

<sup>651</sup> TNA SP 12/16, fol. 88<sup>r</sup>.

Trent might involve the execution of the imprisoned Marian bishops.<sup>652</sup> Pius IV and the Council of Trent refrained from making a public statement condemning those English Catholics who attended Protestant church service. The question of whether it was licit for English Catholics to attend the Protestant Church service was referred to a secret committee at Trent in August 1562.<sup>653</sup> It seems that the committee declared that the practice was not licit, but this judgement was not ratified by the full council or ever publicly declared. The pope and the council realised that an official condemnation of the practice ran the risk of provoking a much sterner wave of repression from the Elizabethan regime.<sup>654</sup> A judgement by the Roman Inquisition in October 1562 reinforced the opinion of the secret committee at Trent, but it was 'buried in a similar oblivion.'<sup>655</sup> Pius IV was in a very difficult position. It was unthinkable to give approval to the participation of Catholics in the English church service. Slippage from Catholic to Protestant worship would be inevitable. At the same time, his worries about persecution caused him to operate in secrecy.

*The Elizabethan regime and the promotion of the anti-Tridentine treatises*

The greatest legacy of the Council of Trent in an English context was evidently not to herald the overthrow of the Protestant regime. The failure of the council to galvanise Catholic resistance in England has perhaps helped to obscure its true significance, which was to stimulate debate about the general council's place in the ordering of the Church. The Protestant establishment in England could not afford to ignore the Council of Trent. Despite the objections that they had raised about the traditional

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<sup>652</sup> Bayne, *Relations*, 197.

<sup>653</sup> *Ibid.*, 164-5.

<sup>654</sup> *Ibid.*, 171.

<sup>655</sup> *Ibid.*, 180.

organisation of general councils, Protestants as well as Catholics attached great theoretical value to ecumenicity. No-one denied that a truly universal council was desirable, although Protestants could be contradictory about the value to be attached to conciliar decisions. In the following section, four Protestant treatises on Trent from the 1560s will be examined. These were John Jewel's *Apology of the Church of England* (printed in 1562), Johannes Fabricius Montanus's *Oration on the Council of Trent* (1562), Matthias Flacius Illyricus's *Admonition on the Decrees of the Canons of the Council of Trent* (1564) and Curione Celio Secondo's *Pasquine in a traunce* (1566?). Before the content of these works is scrutinised, we should consider the role of the regime in their publication.

This is easiest to establish in the case of John Jewel, bishop of Salisbury, whose *Apology* was energetically promoted by central figures in the Elizabethan establishment. Jewel completed the work in mid-1561, and the first printed edition appeared in Latin in 1562. The *Apology* was quickly pressed into diplomatic service, especially in France where it was hoped that it would help to turn the moderates at court and among the clergy over to the Protestant side. Speaking of the Colloquy at Poissy, the archbishop of Canterbury, Matthew Parker, wished that 'the apologye had ben scatered in fraunce before thys conference had begonne'.<sup>656</sup> When Parker wrote this comment in August 1561, copies of Jewel's work must already have been on their way to France. The English government must clearly have set some store in the work's potential as a diplomatic tool, for on 1 January 1562 Cecil wrote to Parker, saying that he meant to dispatch five or six copies of the *Apology* to France and Scotland.<sup>657</sup> By 24 January they had arrived in Paris, whence the English ambassador, Nicholas Throckmorton, wrote to Cecil expressing his opinion that the work provided

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<sup>656</sup> TNA SP 12/19, fol. 36<sup>r</sup>. Printed copy in J. Bruce (ed.), *The Correspondence of Matthew Parker* (Cambridge, 1853), 147-8.

<sup>657</sup> Bruce, *Correspondence*, 162.

a sound refutation of the arguments of the papists. His only regret was that the Calvinists who objected to the ceremonies in the English church service were not answered at the same time.<sup>658</sup> In England the *Apology* achieved a very wide distribution. Jewel's *Defence of the Apology* (which contained his rebuttal of the refutations of the Catholic, Thomas Harding) was promoted by Ambrose Dudley, earl of Warwick, who wrote to Matthew Parker in 1568, requesting him to issue an injunction to facilitate the printing of the work. Dudley thought that every minister in the realm should be obliged to own a copy.<sup>659</sup> In 1573 such a scheme was implemented in the diocese of Norwich, where copies of the *Defence of the Apology* were to be distributed to every parish church.<sup>660</sup>

It is difficult to know whether the Elizabethan establishment was involved in commissioning or promoting the other printed works under discussion. Flacius Illyricus's *Admonition* on Trent was published by the printer and bookseller John Day. Day had been one of the chief beneficiaries of the boom in evangelical printing under Edward VI, and at Elizabeth's accession his presses continued to send out a stream of Protestant sermons, liturgical materials and polemical works. He must have had close contacts with government in order to safeguard his lucrative publishing monopolies and Robert Dudley seems to have been one of his protectors at court.<sup>661</sup> Day's efforts to see John Fox's *Acts and Monuments* into production must have helped him to forge further links with the Elizabethan regime. We know that he had a business relationship with Matthew Parker, who asked Day to print a response to a

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<sup>658</sup> *CSP Foreign 1561-2*, no. 839.

<sup>659</sup> Bruce, *Correspondence*, 319.

<sup>660</sup> *Ibid.*, 416–7.

<sup>661</sup> Christopher Barker, the queen's printer, alluded to the fact that Day had his patents on the recommendation of the earl of Leicester. See C.S. Clegg, 'John Day' in J.K. Bracken and J. Silver (eds.), *The British Literary Book Trade, 1475-1700* (Detroit, 1996), 85.

work by the Jesuit, Nicholas Sander, in 1571.<sup>662</sup> Parker also petitioned Cecil to intervene in Day's favour to overcome various legal problems, although it is unclear whether Cecil and he had any firm patronage bonds.<sup>663</sup>

The translation of Curione's work was published by one of Day's rivals: William Seres. Seres was one of the most notable Elizabethan publishers and also benefited from close ties with the political elite. He had been one of William Cecil's clients from as early as 1548 and Cecil was instrumental in granting and renewing Seres's patent to print primers and psalters.<sup>664</sup> Lastly, Montanus's *Oration* was printed on behalf of Henry Toye by John Cawood, who in 1560 was named, along with Richard Jugge, as one of the royal printers. All these publishers were connected in some way with the courtiers and counsellors who were responsible for shaping policy. Whether or not they received any direct encouragement from the regime to print the polemical works attacking Trent is difficult to tell. It is more than possible that they undertook the printing on their own initiative, hoping that public interest in the council would be sufficient to sell their books. In any case, the Elizabethan Protestant establishment could not have been displeased that the private enterprise of these booksellers was stirring support for its refusal to participate at the council. The series of books usefully provided the impression that England was not acting alone, but was part of a united Protestant front. This was certainly Jewel's view. In order to show that England had not been alone in its objections to Trent, he cited, among others, the works of Flacius Illyricus and Fabricius Montanus.<sup>665</sup>

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<sup>662</sup> Clegg, 'John Day', 88.

<sup>663</sup> P. Blayney, 'William Cecil and the Stationers' in R. Myers and M. Harris (eds.), *The Stationers' Company and the book trade 1550-1990* (Winchester, 1997), 21.

<sup>664</sup> *Ibid.*, 25-6.

<sup>665</sup> Jewel, *A defence of the Apologie of the Church of Englande conteininge an answeare to a certaine booke lately set foorth by M. Hardinge, and entituled, A Confutation...* (London: Henry Wykes, 1567), STC 14600.5, 43-4.

*Trent and the meaning of ecumenism in Protestant thought*

The anti-Tridentine works aimed to dispel the accusation of isolationism which was levelled against Protestants by their Catholic opponents. The worry for the opponents of Trent was that the public would accept the council's claims to represent the universal consent of Christendom. Whether or not the Protestant authors themselves believed in the infallibility of conciliar decision-making, they suspected that the idea of a universal, representative body still held a good deal of sway in public opinion. Jewel shared this concern with several other writers, as we shall see. It provided him with a pressing motive to defend the English refusal to participate at Trent. Jewel admitted that seeing as the Protestant side had been publicly condemned by the popes in their bulls summoning them to the Council of Trent, remaining silent would seem to admit that they were guilty of some offence.<sup>666</sup> He also realised that he had to respond to the Catholic objection that the English Church had cut itself off from the rest of the body of Christ and had forsaken the Catholic faith. Although untrue, he recognised that such an accusation appeared true in the eyes of the unlearned multitude.<sup>667</sup> Jewel replied by saying that, in fact, the English had never abandoned the scriptures or the example of the primitive Church. Jewel admitted that the gospel of Jesus Christ had once been correctly expounded in the Roman Church, and the English had not willingly departed from it, but only out of necessity and against their

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<sup>666</sup> Jewel, *Apologia ecclesiae anglicanae* (London, 1562), STC 14581, fol. A6<sup>r</sup>: 'Verum, ne, quia ad hunc modum publice ab illo notati sumus, tacendo videamur crimen confiteri...' For Lady Anne Bacon's English translation see Ayre, *Works of Jewel*, iii, 56.

<sup>667</sup> *Ibid*, fol. D3<sup>r</sup>: 'Illud vero, quod nos dicunt discessisse ab unitate ecclesiae catholicae ... etsi verum non est, tamen speciem aliquam et similitudinem habet veri. Apud populum vero et imperitam multitudinem, non tantum vera et certa fidem faciunt, sed etiam si quae sunt, quae videri possint verisimilia.'

wills.<sup>668</sup> On the other hand, the Roman Church had, in Jewel's opinion, abandoned all vestiges of the primitive Church, so that there was now no thread of continuity which connected the two. Jewel was careful to establish that the Protestant criticisms of the Church were not new. He alluded to a medieval tradition which had criticised abuses in the Church, especially those stemming from the papacy. For even in the thick darkness of superstition and idolatry, God had sent a few men to kindle a spark which would reach those in the shadows.<sup>669</sup> This select group had included St Bernard, Roger Bacon, Marsilius of Padua, Petrarch, Savonarola and Joachim of Fiore. Jewel added Gerson to their number, alleging that he had condemned the profusion of vain ceremonies in the Church. These had sapped the power of the holy spirit and extinguished true piety.<sup>670</sup>

Jewel next defended the English Church from the accusation that it had departed from the Roman Church without waiting for a general council to confirm its decision.<sup>671</sup> He was quick to point out that the English did not despise councils, assemblies and conferences of bishops and learned men, nor had they separated themselves from Rome without bishops or without a council. The matter had been treated in open parliament, with long consultation, and before a notable synod and convocation.<sup>672</sup> Jewel argued that the English should not be criticised for having proceeded with their reformation without waiting for the determination of a general

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<sup>668</sup> Ibid., fol. D4<sup>r</sup>: 'Et certe nos istorum Ecclesiam... in ea Evangelium Jesu Christi aliquando vere, ac pure illustratum fuerit, non ita contemnimus: nec ab ea nisi necessario et perinviti discessionem fecissemus.' *Works of Jewel*, iii, 77.

<sup>669</sup> Ibid., fol. D7<sup>r</sup>: 'Deus enim in media illa caligine tamen voluit esse aliquos, qui, et si non lucem ita conspicuam et illustrem darent, tamen quasi scintillam aliquam, quam homines in tenebris notare possent, accenderent.' *Works of Jewel*, iii, 80.

<sup>670</sup> Ibid., fol. D8<sup>r</sup>: 'Gerson [fatetur], quod multitudine levissimarum ceremoniarum vis omnis Spiritus Sancti, quam in nobis vigere oportuit, et vera pietas sit extincta'. *Works of Jewel*, iii, 81.

<sup>671</sup> Ibid., fol. F4<sup>r</sup>: 'Atqui sine sacro Oecumenico Concilio, nefas, inquiet, fuit ista tentare. Ibi enim esse omnem vim Ecclesiae: ibi Christum pollicitum esse sese semper praesto adfuturum.' *Works of Jewel*, iii, 93.

<sup>672</sup> Ibid., fol. F4<sup>v</sup>: 'Nos quidem Concilia, et Episcoporum, doctorumque hominum conventus et colloquia non contemnimus. Neque ea quae fecimus, prorsus sine Episcopis aut sine concilio fecimus. Plenis Commitiis res acta est, longa deliberatione, frequenti Synodo.' *Works of Jewel*, iii, 93.

council. They had trusted in God's word and the example of the primitive church. It was a sin 'to be too careful and over-cumbered about the judgements of mortal men.'<sup>673</sup>

It was one of the objectives of the *Apology* to show that England was not the enemy of a Church governed by consensus. Jewel declared that the English Church believed in a universal Church dispersed throughout the world, whose faith was available to all peoples. However within this Church, no single man could claim superiority over the universal body of the faithful.<sup>674</sup> England had not refused to send representatives to Trent because it was determined to isolate itself from the rest of Christendom. Instead there were many features of the council which made it entirely unacceptable to the English. Freedom of expression, for example, would be utterly repressed. Jewel claimed that during the second period of Trent, Julius III had declared that no Protestant should be suffered to speak at the council, and he pointed out that the ambassadors and divines of the princes of Germany had been consistently excluded.

Jewel was then quick to seize upon what struck him as the contradictions inherent in the papal position. If the Council of Trent claimed to represent the universal Church, why was it stocked only with abbots and bishops, as if they alone comprised the Church of God? Cyprian of Carthage had shown that in the primitive Church both elders and deacons and certain members of the laity had been called to general councils and had dealt with ecclesiastical matters.<sup>675</sup> Jewel then asked why the Roman Church needed the help of general councils if the pope was indeed infallible, as he and his supporters claimed. In fact, the Council of Trent was only a travesty of a

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<sup>673</sup> Ibid., fol. G5<sup>r</sup>: 'nefas esse duceremus nimium sollicitos esse atque, ancios de sententiis hominum'. *Works of Jewel*, iii, 101.

<sup>674</sup> Ibid., fol. B1<sup>v</sup>. *Works of Jewel*, iii, 59.

<sup>675</sup> Ibid., fol. F5<sup>r</sup>: 'Cyprianus ait, advocabantur ad Ecclesiasticarum causarum cognitionem et Presbyteri et Diaconi et nonnulla etiam pars plebis.' *Works of Jewel*, iii, 94.

free council. The real power still lay with the papacy. Jewel cited the judgement of Pope Paschal who denied that a general council was capable of correcting the papacy. Even at Trent, the delegates had to swear not to infringe the authority of the pope.<sup>676</sup> This was a pernicious commitment, seeing that popes had previously erred against the faith. Pope Liberius, for example, had supported the Arian heretics and Pope John XXII had questioned the immortality of the soul. Jewel then proceeded to condemn the council for excluding secular rulers. He cited the well-worn English evidence pertaining to the imperial authority of kings, pointing out that Constantine and Justinian had summoned and presided over early councils of the Church.<sup>677</sup> The experience of Mary's reign had left its mark, though. Jewel observed that Ambrose had refused to attend the general council when it was in the hands of an untrustworthy emperor who had favoured the Arians. So had John Chrysostom, even though the emperor Constantius had commanded him several times to come to a council dominated by the Arians.<sup>678</sup> Secular rulers, although endowed with the right to rule the Church, were still capable of leading Christianity astray. Jewel was anxious to show that all doctrines of the Church had to be subjected to the rule of scripture: no earthly authority could claim the right to disfigure it.

Not content to criticise the model of the general council adopted by the Roman Church, Jewel proposed an alternative method of conciliar government. He pointed out that when general councils had fallen into error in the early church, righteous men had made use of provincial synods. Ambrose rejected the emperor's call to a general council, and instead appealed to his own clergy and people in a provincial synod. Jewel alluded to the ruling of the Council of Carthage which ordered that the bishops should meet together at least once every year in their province in order to root out

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<sup>676</sup> Ibid., fol. F5<sup>v</sup>. *Works of Jewel*, iii, 94.

<sup>677</sup> Ibid., fol. G2<sup>f</sup>. *Works of Jewel*, iii, 99.

<sup>678</sup> Ibid., fol. F7<sup>v</sup>. *Works of Jewel*, iii, 96.

errors and abuses as soon as they occurred. Jewel alleged that this was an ancient practice in western Christendom and in England as well, where the Church had long been governed according to native laws. Jewel then attacked Trent's claims of universality. In even the most well-attended general councils, only a fraction of Christianity was actually represented. If the Asian, Greek, African and Indian churches were not present, how could Trent claim to be anything more than a private and provincial council? It certainly could not claim to legislate with the consent of Christendom as a whole.

Jewel ended his critique by stressing that the truth and gospel of Christ did not depend upon general councils. But throughout the *Apology* he had taken great care to show that the English were committed to building a Church by deliberation and with reference to learned opinion and the testimony of scripture. England had not refused to participate at Trent through arrogance, or because it had rejected the principle of ecclesiastical government through a universal assembly. But the Council at Trent failed to live up to the standards of the primitive Church which the Protestants took as their guide. Trent was under the thrall of one interested party and incurably prejudiced towards the Protestant cause. In such a case, the English Church would follow the example of Ambrose who had forsaken the Arian councils of the Emperor Valentinian in order to guide his Church through provincial councils. Consensus had not been spurned, but pursued along a different institutional route.

Jewel's voice was consciously part of a chorus of Protestant protest at the Council of Trent. In the same year that the *Apology* was published, a very similar response to the council appeared. This work was written by the Alsatian Protestant,

Johannes Fabricius Montanus.<sup>679</sup> Montanus wrote his first oration on the council of Trent in 1562, and it was quickly translated into English, appearing in print in England in the same year.<sup>680</sup> The English translator of Montanus's work, a certain L.A., had much the same aim as Jewel. With the resummoning of the Council of Trent, he wished 'to strengthen otherwyse the weake consciences of Gods people, who thoughte it theyr bounden duetye to be presente at suche assemblyes there to dyspute of matters of Religion, or at the leaste wyse to propone or make protestacion of theyr faith.' There was enormous public confidence in the ability of general councils to decide doctrinal arguments. The translator noted that 'even thunlearned of our adversaries do so much at thys daye crye out for generall Councils, for theestablishment of religion, and geve so muche credyte and auctoritie to them as to the most holy worde of God.' In response to this confidence, he offered a grim warning that any godly person who attended would be held victim by 'thys denne of theefes and Sinagoge of Sathan where Antichryst himself setteth as Judge'.<sup>681</sup>

Montanus repeated the standard Protestant criticisms of the Council of Trent. It would not be free and fair while the pope was in control and as long as Protestant doctrines had been condemned in advance.<sup>682</sup> Also, the secular aid which the Protestants might look to could not be relied upon. Like Jewel, he saw that the ideological clash between Protestants and the papists would centre upon the place of scripture in the determination of doctrine. Whereas the Catholics believed that the witness of scripture needed to be interpreted in line with the traditions of the Church,

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<sup>679</sup> For biographical details, see C. Bonorand, 'Fabricius Montanus' in *Neue Deutsche Biographie* (Berlin, 1953-), iv, 737-8.

<sup>680</sup> Johannes Fabricius Montanus, *Oratio qua docetur, concilium Tridentinum sine scelere a christianis hominibus frequentari non posse* (Basel: J. Oporinus, 1562). The English translation was printed as *An Oration of John Fabritius Montanus* (London: H. Toye, 1562). See E. Arber (ed.), *A transcript of the registers of the Company of Stationers of London, 1554-1640* (5 vols., London, 1875-7), i.203.

<sup>681</sup> Montanus, *Oration*, fol. A2<sup>r-v</sup>.

<sup>682</sup> *Ibid.*, fol. D2<sup>r</sup>.

the Protestants believed that all disputes needed to be resolved by scripture alone. Montanus reacted to the deceit of the papists who ‘spreade abroade into the common peoples eares, that al theyre disputacion is not about thauthority of the Scripture, but about the maner of thinterpretacion therof’. Actually, the council wished to depart from scripture, leading the Church back to traditions, ‘from a thyng most certayne to a thinge more uncertayne.’ This the Protestants could not accept. By broaching the subject of the council’s attitude towards scripture, Montanus found himself entangled in the web of problems associated with scriptural interpretation and ecclesiastical authority. The supporters of Trent tried to win a propaganda victory by pretending that ‘the true and naturall sence of the Scripture ought not to be taken forth of any mans pryvate brayne but of the consent and agrement of the whole Churche.’<sup>683</sup> They were stigmatising the Protestants as heretics who had wilfully torn themselves from the true Church. Montanus’s response was much the same as Jewel’s. He affirmed the Protestant belief in the true Church: ‘we do not refuse thagremente of the pure Churche consentyng wyth the Scripture, but reverentlye embrace the same.’ The dispute was not about the existence of a universal Church which correctly interpreted scripture. Instead, the argument centred upon the Roman Church’s belief that scripture was imperfect and therefore needed ‘not onelye to be supplied wyth tradicions, but also to be determined and established by the Churche.’ The Protestants on the other hand believed that scripture ‘doth perfectly and sufficiently contayne in it self al the chiefe poyntes of our salvacion’.<sup>684</sup>

Montanus conceded that scripture needed to be interpreted: ‘But (you wyl say) the Scripture hath nede of interpretacion. I agre therto. Againe, it maketh much to the matter what sense every man frameth thereto. True it is in deade.’ But for Montanus,

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<sup>683</sup> Ibid., fol. C3<sup>r</sup>.

<sup>684</sup> Ibid., fol. C3<sup>v</sup>.

scripture needed no human authority to define its meaning. ‘Seing the Scripture doth interprete and expounde it selfe,’ he argued, ‘we wil also use that rule of interpretation which it selfe hath heretofore taught us’.<sup>685</sup> By denying that the Church played any role in scriptural interpretation, Montanus had left himself in a vulnerable position. He was bereft of any persuasive argument to show that the Protestant interpretations of the scriptures were superior to anyone else’s. Nevertheless, the Church occupied a more constructive position in Montanus’s scheme than it sometimes did in the writings of Luther and Melanchthon.<sup>686</sup> Despite having criticised the way in which the Council of Trent was conducted, Montanus was not averse to the meeting of free general councils. Although the Protestants condemned ‘these Romishe Sinagoges, we doe not also therefore abhore and flie from all Christian assemblyes, but we acknowledge and confesse most playnely that if anye excellynge others in Learning Godlynes and Judgement be dewlye called to a lawful Councile, thei cannot refuse this charge laid upon them withoute incurringe the grevous indignacion of God and also the iust displeasure of al estates of men.’<sup>687</sup>

Printed two years after the works of Jewel and Montanus in England, Matthias Flacius Illyricus’s *Admonition of the Decrees and Canons of the Council of Trent* presented substantially the same line of argument.<sup>688</sup> The *Admonition* took the form of a line-by-line gloss of certain decrees of the council, which Illyricus proceeded to

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<sup>685</sup> Ibid., fol. C5<sup>r</sup>. The original Latin reads: ‘Sed cum Scriptura sibi ipsi interpret sit, eam quoque interpretationis regulam adhibebimus, quam ipsa prior nobis dictavit’. Montanus, *Oratio*, 20.

<sup>686</sup> See pp. 204–9 above.

<sup>687</sup> Montanus, *Oration*, fol. D7<sup>r</sup>.

<sup>688</sup> Flacius Illyricus, *A godly and necessarye admonition of the decrees and canons of the Counsel of Trent...* (London: John Day, 1564), STC 24265. This is a translation of the original: *Pia et necessaria admonitio de decretis et canonibus concilii Tridentini: sub Pio Quarto Rom. Pontifice...* (Frankfurt: Brubacchius, 1563). The *Short Title Catalogue* indicates that the translation could possibly be the work of Matthew Parker. The text itself gives no clue as to the translator’s identity. Another candidate is the Protestant author, William Baldwin. Baldwin had before undertaken a translation of one of Illyricus’s Latin works under the title: *Wonderfull newes of the death of Paule the III...* (London: Thomas Gaultier, 1552, STC 10532). Although Baldwin is thought to have died in 1563, just before the *Admonition* was printed, it is possible that the translation was printed posthumously, as was at least one of his other works.

refute. In the preface to his work, Illyricus set down a systematic exposition of his opinions. Like the writers so far examined, he had a high opinion of the general council. He admitted that it was right that a synod should be assembled, containing ‘learned and modest men on eyther parte, and suche as are addicted to nothing but unto the truthe and healthe of the Churche’. To do so was no less than to honour the example of the apostolic Church.<sup>689</sup> If such a general council did not meet, it was to be feared that ‘the multitude and variety of opinions should at length bring no lesse evyll and discommoditye unto the Church of God, than brought the superstition of tyme past.’<sup>690</sup> Like Montanus and Jewel, Illyricus was prepared to pay lip-service to the idea of a conciliar solution to contemporary confessional divisions. Like them, he also denied that the Council of Trent would be capable of performing this function. The decrees which it had already proclaimed showed that the council’s purpose was rather ‘to oppresse sound doctrine, and that being oppressed, stubbornly to defende idolatrye, superstition and abuses which are brought into the Church of God.’<sup>691</sup>

All the works discussed so far tried to portray the Protestants not as bigoted separatists, but as thwarted champions of Christian harmony. In the polemical battle with the papacy, they decided not to reject the presuppositions of their enemies about value of consensus in the Church. Instead they focused their energy on stigmatising the Council of Trent as an unsuitable venue to bring about concord. But their defence of conciliar government was not by any means an inevitable ideological commitment. The general council was still a controversial subject in Protestant thought. Another equally persuasive response to the Council of Trent was to dismiss the need for

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<sup>689</sup> Flacius Illyricus, *Admonition*, fol. A3<sup>r</sup>.

<sup>690</sup> *Ibid.*, fol. A3<sup>v</sup>.

<sup>691</sup> *Ibid.*, fol. B1<sup>r</sup>.

general councils altogether. This was the approach of Curione Celio Secondo, whose *Pasquine in a traunce* was translated at some point in the 1560s in England.<sup>692</sup>

The work took the form of a dialogue between Marsorius and Pasquine. This allowed Celio to distance himself partially from the views expressed in the work, but it seems fair to assume there were affinities between Pasquine's opinions and his own. Here we can detect a sense of pessimism about conciliar government which is absent in the other works. Pasquine begins by saying that the only reason that general councils were called so often in the past was that no one present 'tooke Christes part'. If someone had defended true doctrines, the council would have 'burned him quicke, as they did John Husse and Ierome of Prage, and manye other, bicause they defended the truth of the Gospell against the falsehode of Poperie'. Now that the gospel had found so many defenders, however, the papists 'are so slowe to the counsell, that thoughe the Emperour desire it, and all the worlde looke for it, yet can it not be had'. Pasquine was quick to point out that it was not the case that 'good and Godlye men had neede of counsels, nor of the helpe of men'.<sup>693</sup> He contrasted the worldly and fallible nature of general councils with the counsel of Jesus Christ and the Apostles, inspired by the holy Ghost, 'which counsell shall endure for ever'.<sup>694</sup> This was the only counsel which the godly needed in their search for doctrinal soundness. Celio followed the other Protestant writers in condemning the enslavement of the Council

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<sup>692</sup> The original work was published in 1544 as *Pasquillus ecstaticus, una cum aliis etiam aliquot sanctis pariter et lepidis dialogis...* in both Basel and Geneva. It was rapidly translated into Italian, under the title: *Pasquino in estasi, nuovo e molto più pieno...* (Rome, 1546?). For the profusion of editions, see A. Biondi, 'Celio Curione Secondo' in *Dizionario Biografico Degli Italiani* (Rome, 1985), 446. It was from one of the Italian editions that William Page, its English translator, claimed to be working. He mentioned in his preface that Curione had published the work '25 yeares since (or there upon)'. This would mean that the English translation, without date, would have been published around 1569. Could Curione's translator be the same William Page who was punished alongside John Stubbe for his part in the printing or distributing *The Discovery of a Gaping Gulf* in 1579? For Page's involvement in this episode, and the mystery of his identity, see K. Barnes, 'John Stubbe, 1579: the French Ambassador's Account', *Historical Research*, 64 (1955), 421-6.

<sup>693</sup> Curione, *Pasquine*, fol. 67<sup>v</sup>.

<sup>694</sup> *Ibid.*, fol. 68<sup>r</sup>.

of Trent to the pope and its unshakeable commitment to erroneous doctrine. But unlike them, he did not admit that a truly free and ecumenical council would be able to resolve the confessional deadlock in Europe. Here the value of collective decision-making in the interpretation of doctrine was regarded with the greatest doubt.

### *Disagreements between Catholics over conciliarism*

In all of the works discussed above there was a tension between the acknowledgement that a general council was a salutary means of resolving doctrinal disputes and the denial of the intrinsic merit of collective theological decision-making. Councils in the past had misinterpreted scripture, and the great number of learned men present had made no difference to this outcome. The Protestant authors did not convincingly make the case that an international assembly of divines would provide a better guarantee of doctrinal soundness than an assembly within any one confessional domain. This was a departure from the position of the fifteenth-century conciliarists. The conciliarists had not claimed that councils were infallible, although there were times when they came close to this.<sup>695</sup> But they did believe that the Church as a whole had been granted unerring faith by Christ. Insofar as a general council was assembled legitimately and truly represented the universal Church, it shared in the Church's gift of inerrancy.<sup>696</sup> The series of ecumenical councils, taken as a whole, were thus a sure source of doctrinal guidance. These convictions were shared by a range of thinkers in the fifteenth century, even when there was no agreement about whether councils possessed autonomous authority over popes. Thomas Netter, who did not agree with

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<sup>695</sup> For the conciliarists' views on the fallibility of the councils: Bäumer, *Nachwirkungen des konziliaren Gedankens*, 163–203. See p. 105 above.

<sup>696</sup> Even though their positions on conciliar fallibility shifted, d'Ailly and Gerson were consistent in attributing unerring faith to the universal Church. *Ibid.*, 175–80. Gerson was more positive in his interpretation of the council's claims to represent the universal Church.

the conciliarists on the issue of conciliar supremacy, was nevertheless sure that councils played an indispensable role in the consolidation of Catholic doctrine. Their authority derived from their ability to represent the universal Church.<sup>697</sup> Almost a century after Netter, the representational claims of the general council were reiterated in unequivocal terms by Thomas More in his debate with Robert Barnes in the 1530s.

More said of the general council that

such an assemble gadered to gether, shold represent the whole pople, and sholde haue the selfe same authoryte full and whole, in all lawes after to be made, and all doutes of scrypture or questyons of the catholyque fayth to be declared, that the very whole crysten people sholde haue yf they were all present there man, woman, and chylde.<sup>698</sup>

Protestant authors did not usually discuss the contention that the general council could represent the whole body of the faithful. But this had no great bearing on their attitudes towards the councils, for they did not believe that the multitude worshipping within the visible temporal Church had any claim to unerring faith. As we have seen, Philipp Melanchthon pointed out that the universal church, understood as the multitude of those ruling the Church, could err.<sup>699</sup> An unbridgeable gulf appeared to have opened up between Protestant and Catholic views of the general council. But the situation was more complex than has been outlined here, for ideas about the general council remained highly unstable even within confessional allegiances. Catholics had not laid the fifteenth-century controversies over conciliarism to rest; the relationship between pope and council could still be interpreted in different ways. Within English Protestantism too, not everyone was prepared to accept the official position on the inefficacy of conciliar government in the Church.

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<sup>697</sup> Oakley, *Conciliarist Tradition*, 79–80.

<sup>698</sup> More, *The Confutation of Tyndale's Answer*, 937.

<sup>699</sup> See p. 207 and n. 522 above.

English Catholic authors perpetuated the belief that general councils were guided by the Holy Spirit and shared in the Church's unerring faith, but they were wary of discussing the authority of the council relative to the pope. This caution was probably a response to the polemical tactics of their opponents. Protestants liked to taunt their Catholic enemies with the theories of the conciliarists, for these provided evidence (or so the Protestants thought) of the disagreements over papal authority which existed within the Catholic ranks. This strategy can be seen at work in the arguments between John Jewel and Henry Cole in 1560. We have encountered Cole already in Chapter 3, as a candidate for the authorship of an anonymous manuscript treatise on the general council.<sup>700</sup> In 1560 Cole responded to a challenge sermon preached by Jewel, in which the bishop had dared the opponents of the Elizabethan settlement to disprove the tenets of the Protestant faith by means of scriptural and patristic evidence.

In the course of his argument with Jewel, Cole admitted that the authority of the general council was above that of the pope. This admission was provoked in a complicated exchange, where Jewel tried to show that the Catholic position that general councils could not err was invalidated by the evidence of the Councils of Constance and Basel. These councils had pronounced that they were superior to the pope, even though that doctrine was now considered erroneous by the papists. Did this not prove to them, Jewel quibbled, that councils could err? Cole walked straight into the trap, replying defiantly that he did not consider the superiority of the council to the pope to be an erroneous doctrine. Instead he agreed 'herein rather with Gerson'.<sup>701</sup> In response, Jewel taunted Cole's conciliarism, claiming that he was at odds with his own party: 'if ye take part with Gerson, a great many of your own

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<sup>700</sup> See p. 171 above.

<sup>701</sup> *Works of Jewel*, i, 67.

friends will fall out with you, and ye will be in hazard to be called a heretic.’ The bishop recited the familiar canonistic evidence which declared that the pope, as the fountain of all ecclesiastical justice, could not be judged by any human authority. The nail in the coffin, as far as Jewel was concerned, was that ‘the last general council holden at Trident concluded... that they took the pope to be above the council’. Jewel was trying to probe the inconsistencies in his enemy’s position. He set out to show Cole that if he pledged support for conciliarism, he would find that ‘the chief pillar of your building starts to shake.’<sup>702</sup> The arguments of the conciliarists had shown that no certain faith could be entrusted in the pope’s judgement. Jewel argued that this scepticism entailed a fuller scrutiny of all the pope’s decrees.

With this kind of precedent, it is no wonder that other Catholic polemicists declined to offer any hostages to fortune by discussing conciliarism. In a later battle between the Protestant Thomas Morton and the exiled Catholic, Robert Persons in 1606, a more guarded attitude towards conciliarism is adopted by Persons. Morton levelled the charge that the canon law stated that the pope could not be disciplined by any earthly authority, even if his sins led to the perdition of his followers.<sup>703</sup> Robert Persons replied by glossing the authorities whose words had been, in his view, distorted by Morton. He pointed out that by declaring that the pope was immediately under Christ and had no other judge than Christ, Catholic theologians were only showing that the pope received his spiritual authority directly from Christ. Persons was, however, anxious to reiterate the classic canonistic qualification that popes could still be deposed for heresy. All the doctors quoted by Morton, he alleged, ‘doe expresly affirme that for the Crimes of Apostacy or heresy he may and must be deposed, or rather is *ipso facto* deprived of his office and dignity, and so may be

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<sup>702</sup> Ibid., i, 67-9.

<sup>703</sup> Morton, *A full satisfaction concerning a double Romish iniquitie...* (London: Edmond Weaver, 1606, STC 18185), 38. Morton was evidently alluding to D. 40. 6.

declared by the Church in that case, to wit, aswell by Princes and Potentates both Ecclesiasticall and temporall, as by all Christian people, who in that case are bound to concurre to his expulsion and deprivation.<sup>704</sup> Persons's ecclesiology was more lenient towards the papal monarchy than Cole's had been. It is notable that he made no explicit allowance for the intervention of a general council in the deposition of a heretical pope. By leaving his description of agency in this action very wide and very vague, Persons was obviously keen to avoid entangling himself in the kind of controversy which had befallen Cole.

#### *Protestant disagreements about the general council*

The Catholics were not alone in trying to conceal the divisions which existed within their ranks. The Protestant writers whom we have so far been examined did not hint at the discomfort which their co-religionists might feel at the tensions in their argument. The claim that Protestants were not averse to universal councils seemed to clash with the position that the defence of the Gospel was not dependent upon councils. Jewel had argued that the English had legitimately made use of provincial synods in order to order their Church, seeing that the papal Church could not be trusted. He also admitted that parliament had played an important role in legitimising the break with Rome and the reformation of the English Church.<sup>705</sup> The lack of specificity in Jewel's description indicated the confusion that still surrounded the issue of doctrinal authority in England. His account also did not do full justice to the course of events in England. Provincial synods had not played a notable part in the advance of the

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<sup>704</sup> Persons, *A treatise tending to mitigation towardes Catholike subiectes in England...* (Saint-Omer: F. Bellet, 1607), 180.

<sup>705</sup> See p. 263 above.

Reformation in England, as it has already been noted.<sup>706</sup> Convocation had been effectively sidelined in the reign of Edward VI, and played no part in approving the Elizabethan settlement of 1559, which was the work of the queen and her Protestant advisers, Cecil and Bacon. What is more, not a single cleric voted in favour of the settlement in parliament.<sup>707</sup> Once the influence of the Marian prelates had been neutralised, Convocation was allowed to approve the Thirty-Nine Articles of religion in 1563, but it was never permitted to advance further theological reform by Elizabeth I.<sup>708</sup> The English Reformation had not been as faithful to consultative principles as Jewel pretended.

The role of the Church in the interpretation of scripture was still an unresolved issue in Elizabethan England. In reaction to those who accepted the crown's *de facto* control of the religious settlement, there were others who advocated some kind of conciliar alternative. These took different forms, for a legitimate general council was envisaged in diverse ways. Some still thought of the council as a primarily clerical assembly and hoped that a truly universal council would still be able to unite Catholics and Protestants. Presbyterians, on the other hand, thought that lay elements could also be included in a council, but only made provisions for the activities of a council working narrowly within a Reformed tradition. Ecumenical hopes in such a scheme had been more or less abandoned. More worrying for defenders of the magisterial Reformation, the role of the state in such a council was to be peripheral. It is to these very different defences of the general council that we must now turn.

The instabilities of the official position towards the general council were no better exposed than in the formal theological disputation which took place at Cambridge in August 1564 to celebrate the queen's visit. Matthew Hutton, the Regius

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<sup>706</sup> See pp. 211–2 above.

<sup>707</sup> Guy, *Tudor England*, 262.

<sup>708</sup> Heal, *Reformation in Britain and Ireland*, 310–1; MacCulloch, *Tudor Church Militant*, 192.

Professor of Divinity, took the lead in proceedings and set out to show that the authority of scripture was above the authority of the Church. It seems that the occasion was taken in part as a means of unearthing and refuting the unwelcome views of conservatives within the university. Hutton's first opponent, Dr Hawford of Christ's College, quickly brought the argument to its first crux. If scripture was greater than the church, Hawford asked how the Church's role in the selection of scripture could be explained. It had, he claimed, rejected the gospel of Thomas, even as it had accepted the legitimacy of the other four gospel accounts. Hutton replied that the Church had never had the power of rejecting scripture, but it had received from Christ the power of discerning truth from falsehood so that it would always distinguish the voice of Christ, its husband, from the voice of others.<sup>709</sup>

Andrew Perne, the Master of Peterhouse, Cambridge, then stepped into the ring. He was astonishingly vituperative in his attack on Hutton. After a faltering start, he soon cut to the heart of the debate, declaring that the greatest authority was the one which could be relied upon to settle the meaning of doubtful words. One could not necessarily have recourse to scripture in this case, for heretics would either deny the force of scripture or sully it with their false interpretations. Perne quoted Tertullian who had observed that heretics themselves made use of scripture to defend their beliefs and could not therefore be convinced by the weight of scriptural evidence alone. In contrast to those who argued that the scripture could be relied upon to interpret itself, Perne championed the role of the general council in the exposition of scripture. He pointed out that councils had played a vital role in suppressing the heresies of the early church. The Arian heresy had been condemned at the Council of Nicaea and the Macedonian heresy at the Council of Constantinople, to take only two

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<sup>709</sup> TNA SP 12/34, fol. 100<sup>v</sup>: 'Nunquam habuit ecclesia auctoritatem reiiciendi sacram scripturam sed accepit a Christo spiritum discrecionis ut vocem sponsi internosceret a voce alienorum.'

examples. If these controversies had been determined by the scriptures, Perne pointed out, then the fathers of the council would have seemed of lesser stature than the scriptures and the heretics would have flourished.<sup>710</sup> Hutton replied that the force of the true sense of scripture would be more than sufficient to refute heresies, and that its authority therefore outweighed the Church's. It was not a question of weighing the authority of the Church against the authority of the scriptures as they were erroneously interpreted, but of weighing it against the scriptures as they were correctly interpreted.<sup>711</sup> The fathers of the Church had only performed the task of faithfully confirming the testimony of scripture.

The constrictive terms of the argument necessary exaggerated the claims of both sides. But a rift in attitudes had been revealed. Scripture needed to be correctly interpreted, on this there was no disagreement. But which human authority could take responsibility for this? Hutton believed that the teachings of the Church had to be weighed against the testimony of scripture. The Church could only be considered legitimate insofar as it performed this role. But who was to decide what constituted true and what constituted erroneous interpretation? Hutton's argument turned in circles and, as Perne was quick to point out, rendered the Church vulnerable to further controversy. Perne believed that the final authority in these matters had to be vested in an identifiable ecclesiastical institution, which in practical terms could be equated with a general council.

The feature of the debate of the controversy that has hitherto attracted most attention is Perne's defence of the Roman Church. He tried to save it from what he

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<sup>710</sup> Ibid., fol. 103<sup>v</sup>: 'Si scripturis hae controversiae determinarentur Patres Orthodoxi fuissent inferiores scripturis enim abundabant haeretici'.

<sup>711</sup> Ibid., fols. 103<sup>v</sup>-104<sup>r</sup>: 'Aio tamen in rebus dubiis maiorem esse scripturae quam Ecclesie auctoritatem, et ad hereticos convincendos plus posse scripturam probe intellectam, quam ecclesiam... Non est autem quaestio an maior sit scripturae male intellectae auctoritas, quam Ecclesie, sed an maior sit scripturae vere intellectae auctoritas quam ecclesie.'

saw as the calumny of Hutton, who called it at a whore. Perne, by contrast, wished to establish that the Roman Church had been the apostolic Church, and had passed on the creed and the gospel to later generations.<sup>712</sup> It had erred, he admitted, but it was not to be dismissed in insulting terms as Hutton had done. It is easy to see how this view might shock the zealous Protestants in attendance. But it was not far removed from the opinion of a respectable Protestant like Jewel, who had admitted that he respected the Church of Rome insofar as it had nourished the true faith. Nevertheless, Perne got into deep trouble for his remarks and quickly wrote to Archbishop Matthew Parker to explain himself. He admitted once again that the Roman Church had gravely erred, but that it would be wrong to dismiss all its teachings indiscriminately.<sup>713</sup>

It is probably in relation to this theological dispute that a mysterious letter, not previously mentioned in scholarly discussion of this episode, was written by Perne to William Cecil in April 1565. The letter lists a small number of patristic authorities, which disproved the putative presidency of the pope over the general council. The first piece of evidence concerned the Council of Carthage which had opposed the right of the bishop of Rome to act as the head of the African Church. Another concerned a statement by Gregory of Nazianzus who condemned unnecessary episcopal councils at which the pride of the delegates had given rise to needless disputes. Finally, Perne affirmed that ‘the first four councils of the Church were called by the authority of the emperor and arranged all things according to the rule of holy scripture and did not decide any new dogma of the faith, but repressed new heresies by the authority of the most ancient scripture.’<sup>714</sup> He confessed that if current disputes

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<sup>712</sup> Ibid., fol. 101<sup>v</sup>.

<sup>713</sup> Patrick Collinson, ‘Andrew Perne and his times’ in P. Collinson, D. McKitterick and E. Leedham-Green (eds.), *Andrew Perne: Quatercentenary Studies* (Cambridge, 1991), 10.

<sup>714</sup> BL MS Lansdowne 8, fol. 150<sup>r</sup>: ‘At prima quatuor concilia, Imperatorum auctoritate convocata, omnia ad sacre scripturae normam dirigebant, neque novum aliquod fidei dogma excogitabant, sed novas hereses antiquissime scripturae auctoritate comprimebant.’

in the Church were resolved by this rule, contentions would soon be brought to an end. With a parting greeting to Cecil, the letter abruptly ended. This puzzling fragment is difficult to place. Why was it written? Perhaps Cecil had asked Perne to contribute scholarly material for a work attacking the papacy. But it is unlikely that he would have called upon the highly unreliable Perne when more committed Protestant scholars could easily be found. The letter is far too fragmentary and its evidence too well known for it to be considered a serious contribution to the regime's propaganda effort. Perhaps, more plausibly, the letter was Perne's way of proving his orthodoxy after the previous summer's blunder at the Cambridge disputation. If this is the case, it is revealing that Perne chose to concentrate upon the relationship between the general council and scripture. He affirmed the primacy of scripture: it was to be the rule against which true doctrine was measured. This suggests that he had strained his arguments in the Cambridge disputation so as to conform to the reductive terms of the question being debated (i.e. whether the Church was above scripture).<sup>715</sup> But at the same time, Perne's letter implies that a general council, called by the emperor, was the proper forum in which doctrinal pronouncements should be made. The apparent retraction of this letter could, in fact, be seen as a subtle restatement of the view which he had taken in the Cambridge disputation, namely that a human authority was needed to settle disputes about scripture.

The possibility of Perne's crypto-Catholicism has been broached by several historians.<sup>716</sup> Even though he came to reject the doctrine of transubstantiation in the reign of Edward VI, he quickly made his peace with the Marian regime and was responsible for exhuming and burning Bucer's bones at Cambridge and publicly

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<sup>715</sup> Not even in traditional theology was it usual for the Church to be regarded as superior to Scripture. Y.M.-J. Congar, *La tradition et les traditions* (2 vols., Paris, 1960–3), i, 132.

<sup>716</sup> Collinson, 'Perne', 13. MacCulloch, 'Myth of the Reformation', 17. Collinson postulates that Perne could also 'have displayed many features of what would later be called Anglicanism, high Anglicanism.' MacCulloch likewise sees Perne as a precursor of the Laudians.

denouncing his teaching.<sup>717</sup> But with Mary's death, he just as easily reconciled himself with the new Protestant regime, managing to hold on to the headship of Peterhouse for the rest of his life. His many letters to Cecil suggest that he cooperated readily with the councillor in making suitable college appointments and in resolving disciplinary matters to Cecil's satisfaction. Whatever his private opinions might have been, he turned out to be a loyal servant of the regime, who dutifully tried to persuade John Feckenham, the former abbot of Westminster, to subscribe to the Prayer Book service in May 1578.<sup>718</sup>

If Perne made a very strange Protestant, he made a very strange Catholic as well—his unorthodox remarks on transubstantiation during the first convocation of Mary's reign had provoked a reprimand from the prolocutor.<sup>719</sup> It is more likely that Perne's religious views evaded strict categorisation. As far as they concerned ecclesiastical authority, he was evidently seeking a middle way between a position in which the Roman Church was recognised as the pre-eminent source of doctrine and a position which ascribed no certain authority to the Church in the interpretation of the scriptures. We have seen that other Protestant writers had struggled with the same issues. Johannes Fabricius Montanus had admitted that the scriptures needed to be interpreted, but confessed that scripture itself taught the rules of its exposition. No assembly was strictly necessary to reveal the truth of the Gospel. Although Protestants might confess that a free general council was desirable to put an end to doctrinal disputes (and we have seen how several did) their attitude towards the interpretation of scripture detracted from the impetus towards a conciliar solution to the European schism. It was in this context that Perne wrote: he sensed the contradictions within the Protestant position and expressed his dissatisfaction with them.

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<sup>717</sup> Collinson, 'Perne', 6.

<sup>718</sup> BL MS Lansdowne 27, fol. 36<sup>f</sup>-7<sup>r</sup>.

<sup>719</sup> Collinson, 'Perne', 5.

A more vocal and recalcitrant source of opposition to the Elizabethan regime came from the Presbyterian movement. The Presbyterians, like more moderate Protestants, despaired of the imperfections of the Elizabethan Settlement, and wished to advance discipline within the Church by organising godly ministers within a synodal form of Church government that operated entirely independently of the established Church.<sup>720</sup> The Presbyterian designs were most clearly articulated in the Book of Discipline (1587) drafted by William Travers. Here it was planned that pastors, doctors, elders and deacons from a congregation would be chosen to form a presbytery or consistory which would have control over the discipline of the local church. Consistories would elect representatives to meet at provincial synods, who in turn would provide delegates for national and then universal synods. This chain of assemblies would administer all churches so that ‘all things in them may be so directed both in regard of doctrine and also of discipline, as by the word of God they ought to be’.<sup>721</sup> The universal ecumenical synod would have supreme authority over all the matters decided by the inferior assemblies.<sup>722</sup>

The intellectual roots of this programme were in some respects alien to the conciliarist theories of the fifteenth century. The Presbyterians in England were not directly reliant on the canonistic sources and scholastic argumentation which had inspired the fifteenth-century conciliarists. Nevertheless, they were inspired by the same scriptural texts which showed how the apostolic Church had been governed. There were many affinities between Presbyterian and conciliarist arguments. Although the Presbyterians did not accept the mainstream conciliarist defence of a mixed monarchy in the Church, they shared another assumption dear to the

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<sup>720</sup> Idem., *Elizabethan Puritan Movement*, 298–302.

<sup>721</sup> Walter Travers and Thomas Cartwright, *A directory of church-government* (London: John Wright, 1644, Wing: T2066), fol. A3r.

<sup>722</sup> *Ibid.*, fols. C2r – v; C4r.

conciliarists, i.e. that fundamental authority in the Church was vested in the congregation of the faithful. The Presbyterians also effectively collapsed the distinctions between the visible congregations of the godly united under the discipline and the elect.<sup>723</sup> This was analogous to the confidence of the conciliarists that unerring faith was vested in the visible Church. Hence both Presbyterians and conciliarists believed that a general council representing the congregation of the faithful would be guided by the Holy Spirit and could be relied upon to make reliable decisions on doctrine and discipline.<sup>724</sup>

The defenders of the Elizabethan establishment were not slow to recognise the threat presented by the Presbyterians' schemes. The monarch's control over the Church was imperilled, as was the hierarchy of offices in the Church and the rule of law. In a revealing turn of events, the same Matthew Hutton who had countered Andrew Perne's arguments about the role of the council in the interpretation of scripture had to confront a very different conciliar challenge to the magisterial Reformation in England. In a letter to Cecil of 1573, Hutton complained of the new breed of subversive, vociferous Protestants, 'yong orators', who were emerging from the universities. The cause of their anger had at first been 'but a capp and a surpluse and a typpet, but now it is growen to bishopps, archbishops and cathedrall churches, and the overthrow of order established and (to speake plaine) to the quenes maiesties authoritie in causes ecclesiasticall.' Hutton explained the scheme of Church

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<sup>723</sup> P. Lake, 'Presbyterianism, the idea of a national Church and the argument from divine right' in idem. and M. Dowling (eds.), *Protestantism and the National Church in Sixteenth Century England* (London, 1987), 199 – 202.

<sup>724</sup> The affinities between the ecclesiology of Calvin (who strongly influenced the English Presbyterians) and the thought of the conciliarists have long been recognised. McNeill, *Unitive Protestantism*, 32–3, 56; P.D. Avis, *Beyond the Reformation? Authority, primacy and unity in the conciliar tradition* (London, 2006), 106–8, G. Christianson, 'The Conciliar Tradition and Ecumenical Dialogue' in idem, T.M. Izbicki, C.M. Bellitto (eds.), *The Church, the Councils, & Reform: the legacy of the fifteenth century* (Washington D.C., 2008), 20–4. However, the direct influence of the conciliarists upon Calvin's thought has yet to be demonstrated.

government which these men were proposing. They planned to take the supreme authority over the Church

from the prince and gyve it unto themselves with the grave seyniorie in everie parishe for by them wolde they have everie cause debated when anie ariseth in the congregation. If they can not end it, by the ministers and seyniories of the parishes adioyninge, if they cannot determine it, by a nationall counsell. If it cannot be ended there, then to be referred to a generall counsell of all the churches reformed. Lowe they make no mention of the quenes authoritie I warrant yow.<sup>725</sup>

Hutton was coming to realise that the advocacy of universal conciliar government was not only a tool of traditionalists who wished to see a rapprochement with the Catholic Church; it could serve the ends of those who wished to hasten the pace of change in England in order to bring the English Church closer to reformed models elsewhere.<sup>726</sup> The Presbyterians insisted upon the unity of the faithful and upon the resolution of disputes through international consultation. In so doing, they sought to break the hardening doctrinal and liturgical mould of the Reformation in England. Whilst most moderate Protestants still looked abroad for spiritual guidance, and were also disappointed by the queen's conservatism, they firmly defended the monarch's right to control the English Church. In his letter to Cecil, Hutton made the same assertions about the sacral nature of the English monarchy that had been pioneered in the 1530s: 'the prince is the vicegerent of god, and representhe heare in earthe the persone of god, and in scripture is called by the name of god, and that the maiestie of a prince is a sacred thinge.'<sup>727</sup> As we have seen, the place of an ecumenical council in this scheme was far from clear. The plans of the Presbyterians were one way of putting an

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<sup>725</sup> Cecil papers, vol. 7, fol. 109<sup>r-v</sup>.

<sup>726</sup> The connections between English Presbyterians and the Reformed churches in Scotland and the rest of Europe are pointed out in Heal, *Reformation in Britain and Ireland*, 373–4, 398 and Collinson, *Elizabethan Puritan Movement*, 109–112.

<sup>727</sup> Cecil Papers, vol. 7, fol. 110<sup>v</sup>.

end to the ambiguities which had bedevilled the earlier Protestant formulations on the value of the general council.

## CONCLUSION

We might be struck at first by the immensity of the changes which took place over the course of the period 1409–1563. From being a dedicated member of the Catholic Church in Western Europe, loyal to the papacy and a determined opponent of heresy, England had gone its own way in religious matters, becoming alienated from the Roman Church, and yet less than entirely committed to the worship of the Reformed churches of Europe. This thesis has shown that the constitutional structure of the magisterial Reformation in England created great obstacles for the practice of ecumenical religion. Yet the general council remained central to the religious politics of this period. Given that the originality of this thesis lies in its treatment of a larger than usual time-span, some general conclusions should be made about the period.

From the perspective of the crown, conciliar participation was strongly influenced by pragmatic considerations throughout the period. It would be a mistake to see the crown as a principled opponent of the general councils in the fifteenth century (as Chapter 1 has argued), but it would equally be a mistake to see it as a principled supporter of conciliar government. The crown was only prepared to participate in those assemblies where it could bring its influence to bear. Councils were seen as a means of limiting the abuses of centralised Church government, and this could often be harmonised with royal policy and the strengthening of royal influence over the English Church. However, when the ultimate control of the Church in England passed from the papacy to the English monarchy, it is unsurprising that the crown's practical policy came to resemble the papal aversion to conciliar government. The control of the magisterial Reformation in England would be jeopardised by entrusting binding doctrinal authority to a general council. Nevertheless, the period is

not cleanly bifurcated by the 1530s. The interests of secular governments determined the effectiveness of the conciliar enterprise across the whole period. John Leslie (whom we encountered at the outset of the thesis) recognised that the support of princes was crucial if an ecumenical council were to put an end to confessional divisions.<sup>728</sup> The Council of Basel was wrecked by the withdrawal of princely support, and likewise it was the failure of a united front to emerge among Protestant, or even Reformed rulers, that scuppered Protestant ecumenism in the sixteenth century. The story of the general council over this period tells us a great deal, therefore, about the growth of state control over national Churches and about the limitations which this imposed on ecumenical efforts.

The apparent impracticality of conciliar government in this period was not, however, accompanied by the declining relevance of the general council to contemporary attitudes. Quite the reverse. The thesis has shown that the general council was at the heart of religious debate in both the fifteenth and sixteenth centuries. It was intimately linked with discussions about the function of communal consent in the Church. Throughout the period, the nature of monarchical control of the Church was questioned and forms of conciliar government were proposed either to complement or replace papal or royal control. These ideas must be restored to their proper place in a consideration of ecclesiastical politics. The English may not have provided vocal support for the conciliarist cause in the fifteenth century, but they keenly appreciated the necessity of councils in reforming the Church, reinforcing its doctrine and condemning heresy. Even a devoted supporter of the papal monarchy, Thomas Netter, could write very warmly about the role played by the councils and the multitude in the preservation of the faith. These values had to be re-evaluated when

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<sup>728</sup> See p. 6 above.

Henry VIII assumed supremacy over the English Church. A commitment to the general council played an important part in acts of acquiescence as well as in acts of resistance. Thomas More denied that the king could assume privileges which the general council did not recognise. John Dakyn, on the other hand, was prepared as late as 1536 to defer judgment on the royal supremacy until it had been settled by a council. The discrepancy between their responses was a direct result of the instability of fifteenth-century thought on the nature of conciliar authority—an instability which the Henrician regime sought to exploit. We can only understand the variety of responses to changes of the 1530s and to the developments of the magisterial Reformation in England if we fully understand the intellectual background of the fifteenth-century (and the importance of the general council within it).

This thesis has shown that there were currents within Protestant thought which shook the conciliarist confidence in the doctrinal guidance of councils. Yet the commitment to the general council was never eliminated. It was still held by men such as Perne, who wished to stabilise the interpretation of scripture, and by Presbyterians who wished to unite with their brethren in Reformed churches elsewhere in Europe. As it has been suggested, these diverse proponents of conciliar government (despite their manifest differences) were agreed that authority should be vested in a universal body whose opinions would be sure to embody the unerring faith of the true Church. It was assumed that trust could be placed in visible ecclesiastical institutions, rather than simply *sola scriptura*. This amounted to a reaffirmation of one of the fundamental tenets of conciliarism.

It should be pointed out, however, that the chains of intellectual influence which connected the fifteenth century with the ecclesiological debates of the 1530s are starting to weaken by the end of our period. This is not to claim that the

conciliarists ceased to be read in the late-sixteenth and seventeenth centuries. There is much evidence that they were.<sup>729</sup> But their ideas were now being used by Protestants either to provide analogies for secular political discussion or to embarrass Catholics with evidence of the inconsistency of medieval attitudes towards the papacy.<sup>730</sup> There is very little evidence that fifteenth-century ideas were being directly incorporated into Protestant proposals for reformed Church government. The norm for Protestant theological debates was now to admit evidence only from the scriptures and the fathers.<sup>731</sup> Medieval theologians might occasionally be cited, but only as a means of affirming positions already conclusively demonstrated through scriptural and patristic example. The long argument between Whitgift and Cartwright over the nature of Church government in the 1570s did not include any reference to the conciliarists, even though their theories were in some respects germane to Cartwright's position.<sup>732</sup> The conciliarists were probably thought to be tainted by their defence of Catholic rites and sacraments. The condemnation of Hus and Wyclif at the Councils of Constance and Basel had not, as we have seen, been forgotten or forgiven by Protestant authors.<sup>733</sup> Although conciliar government continued to be defended at the end of our period and beyond, the terms in which this exercise was carried out differed substantially from fifteenth-century debates (especially in regard to the absence of canonistic references).

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<sup>729</sup> To take one example, John Jewel possessed a copy of the works of Nicholas of Cusa, which he thoroughly annotated. N. Ker, 'The library of John Jewel', *Bodleian Library Record*, 9 (1977), 259. Cusa's work is number 24 in Ker's list. The book is currently in the possession of Magdalen College with the shelf mark i.9.14 in the Old Library. Sadly the marginalia usually take the form of summaries rather than an engagement with the text.

<sup>730</sup> Oakley, 'On the Road from Constance to 1688', 1–31; Skinner, *Foundations*, ii, 227–35, 321.

<sup>731</sup> J.-L. Quantin, *The Church of England and Christian Antiquity: the construction of a confessional identity in the 17<sup>th</sup> century* (Oxford, 2009), 22–87.

<sup>732</sup> On this controversy see P. Lake, *Anglicans and Puritans? Presbyterianism and English conformist thought from Whitgift to Hooker* (London, 1988), 13–70.

<sup>733</sup> See p. 271 above.

The continuities in English attitudes towards the general council across our period must thus be traced to the inspiration of sources whose validity transcended confessional disagreement. The scriptural example of collective decision-making in the apostolic Church was central to debates about the council across our period and provided equal impetus to fifteenth and sixteenth-century reform movements. The struggles between the Presbyterians and the bishops during Elizabeth's reign were based on a disagreement about whether the Church should be modelled exclusively on the scriptures.<sup>734</sup> This desire to model the Church upon the example of the primitive Church provides a seam of continuity, for it was also central to conciliarist thought. The apostolic councils provided an important precedent for the kind of autonomous conciliar action that was being defended at the Councils of Constance and Basel, and it was argued that the greatest authority in the apostolic Church was vested in general assemblies and not in individual apostles.<sup>735</sup>

Continuities can thus be perceived, even where the modes of theological argumentation and the forms of admissible evidence were beginning to change. Indeed, setting the question of intellectual traditions to one side, notable structural similarities can be perceived in the conciliar enterprise across our period. Even though Protestants showed great hostility to the clerical nature of Catholic general councils, they themselves tended to envisage learned synods as predominantly clerical affairs. The Presbyterian Discipline made provision for lay attendance at ecclesiastical assemblies, but in practice the tendency was to emphasise the dominance of clerical

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<sup>734</sup> Travers and Cartwright firmly believed that 'the true and lawfull Discipline is to be fetched from thence [holy scripture], and thence alone.' *A Directory of Church government* (1644), fol. A2<sup>r</sup>. John Whitgift contended, on the other hand, that there was no commandment in the scriptures which stated that the apostolic mode of Church government could not be changed as circumstances demanded. *The Works of John Whitgift*, ed. J. Ayre (3 vols., Cambridge, 1851-3), i, 358-68.

<sup>735</sup> Jean Gerson pointed out that general councils had been convened on many occasions without papal approval and that authority had been exercised collectively by the early gatherings of the apostles. *De Potestate Ecclesiastica in Oeuvres*, vi, 234.

elements within the synods.<sup>736</sup> The Synod of Dort, in many ways a model for an international Calvinist assembly, was made up largely of clerical delegates. Although anticlericalism was a useful weapon for Protestant polemicists, there was a tendency within the Protestant churches to protect the rights of the clergy over doctrine and discipline. Calvin struggled to wrest the power of excommunication from the town council in Geneva so that the Consistory could control the membership of the Reformed community.<sup>737</sup> Likewise in Elizabethan England, the clergy had to fight to protect the influence of the Church courts and High Commission from lay interference.<sup>738</sup> This clerical assertiveness had repercussions for the conceptualisation of the general council. The ideal of a council where laymen and clerics could participate side by side was just as alien to conciliar proposals by the end of our period as it was at the start.

There are also indications that the connections between conciliar government and subversion which were perceived in the fifteenth century were still capable of arousing suspicions in the sixteenth. Concluding his objections to the English Presbyterians, Matthew Hutton wrote of their inspiration, Jean Calvin, that ‘as he thought not so well of a kingdome, as of a popular state, so did he like best of that ecclesiasticall policie which agreethe better to a popular state than to a kingdome’.<sup>739</sup> In a monarchy, Hutton added, it was more suitable for the control of the Church to be vested in the monarch. Admittedly, the general council in the Presbyterian Discipline should be distinguished from the fifteenth-century councils: the representative basis was very different. In the Presbyterian schemes delegates were to be chosen from the

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<sup>736</sup> Writing about the Presbyterian Discipline of the 1580s, Patrick Collinson observed that ‘the tendency in Calvinist churches was to progress (or regress?) from a lay to a clerical idea of the eldership.’ *Puritan Movement*, 299. Lake, ‘Presbyterianism’, 197–8.

<sup>737</sup> W.G. Naphy, *Calvin and the consolidation of the Genevan Reformation* (Manchester, 1994), 181–7.

<sup>738</sup> J. Guy, ‘The Elizabethan establishment and the ecclesiastical polity’ in idem. (ed.) *Reign of Elizabeth I: Court and culture in the last decade* (Cambridge, 1995), 126–49.

<sup>739</sup> Cecil Papers vol. 7, fol. 13<sup>r</sup>.

bottom up, rather than handpicked by monarchs and leading prelates, as they had been in the fifteenth century. The elective aspect of the Presbyterian system was responsible in large part for arousing the misgivings of the Elizabethan establishment.<sup>740</sup> Nevertheless, there was also a sense of hostility towards the notion that any universal assembly could derogate from the monarch's God-given control of the form of worship within his or her kingdom.<sup>741</sup> Once again, a conciliar ideology was seen to subvert the established ecclesiastical hierarchy in England, although this time it was the English monarch rather than the pope whose authority was being called into question.

Like the conciliarists, the Presbyterians saw nothing in their schemes which was subversive of the established social order. Instead they envisaged the Church as a mixed monarchy which bore affinities with the Elizabethan body politic. Thomas Cartwright described Christ as the monarch of the Church, the pastors as its aristocracy 'and in respect that the people are not secluded, but have their interest in church-matters, it is a democracy, or a popular estate'. Cartwright pointed out that the Presbyterian Church structure was a mirror-image of the English polity: 'for as, in respect of the queen her majesty, it is a monarchy, so in respect of the most honourable council, it is an aristocracy, and, having regard to the parliament, which is assembled of all estates, it is a democracy.'<sup>742</sup> These comparative readings of Church and state were similar to the observations of the conciliarists who had aligned their

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<sup>740</sup> The 'popularism' attributed to the Presbyterians was in some senses unjust, for the control of local parishes was intended to be largely oligarchic (and hence in keeping with the realities of parochial government by vestries). Collinson, *Puritan Movement*, 299. Lake, 'Presbyterianism', 199.

<sup>741</sup> Peter Lake writes that Presbyterianism shifted 'the Christian prince from the centre to the periphery of protestant concern'. 'Presbyterianism', 196.

<sup>742</sup> *Works of Whitgift*, i, 390.

conception of the ecclesiastical hierarchy with the best form of mixed constitution proposed by Aristotle.<sup>743</sup>

It is clear that parallels between ecclesiastical and secular government were drawn across the period, and that innovations in the former were often seen to threaten the latter. This being the case, it would be worthwhile to know whether the involvement of Protestants in communal organisation and government contributed to their abstract conceptualisation of Church government. Brian Tierney has argued that the development of fifteenth-century conciliarism was dependent on the elaboration of the principles of corporate governance. These ideas were necessary to regulate the proliferating corporate institutions of the late middle ages: colleges, town councils and guilds, etc.<sup>744</sup> Yet a detailed study which relates the abstract theories of the conciliarists with the social realities of late-medieval society is still awaited. There is a similar need for research in the early modern period which links the various Protestant ideas about the general councils with their authors' immediate experience of disciplining the faithful. The scepticism of Protestants towards collective doctrinal decision-making observed in Chapter 3 could plausibly be related to their practical involvement in implementing the Reformation in England. We have seen that from a legislative perspective the English Reformation proceeded without much deference to consultative principles.<sup>745</sup> At a local level too, governing by consensus was difficult in times of confessional division.<sup>746</sup> Further research is needed, however, to determine

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<sup>743</sup> Gerson, *De Potestate Ecclesiastica*, in *Oeuvres* vi, 247–8. D'Ailly, *Tractatus de Ecclesiae Auctoritate*, in Gerson, *Opera Omnia*, ed. Dupin, ii, 946. A. Black, 'The conciliar movement' in Burns, *Cambridge History of Medieval Political Thought*, 579.

<sup>744</sup> B. Tierney, *Religion, law and the growth of constitutional thought 1150–1650* (Cambridge, 1982), 8–13.

<sup>745</sup> See pp. 211–2 above.

<sup>746</sup> It has been noted that there was a rise in oligarchic government in town councils and parishes towards the end of this period. See for example, I.W. Archer, *The Pursuit of Stability: Social relations in Elizabethan London* (Cambridge, 1991); P. Clark and P. Slack, *Crisis and Order in English Towns, 1500–1700: essays in urban history* (London, 1972). For the narrowing involvement in parish government, B. Kümin, *The Shaping of a Community: The Rise and Reformation of the English Parish*

whether the kinds of attitudes towards conciliar government outlined in this thesis were affected by the daily experiences of hierarchy and community.

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*c. 1470 – 1560* (Aldershot, 1996), 29 – 31, 236. P. Collinson, ‘Cranbrook and the Fletchers: popular and unpopular religion in the Kentish Weald’ in P.N. Brooks (ed.), *Reformation Principle and Practice* (London, 1980), 171–202. Some historians have pointed out that the rise of oligarchic government has been prone to exaggeration. Heal, *Reformation in Britain and Ireland*, 440. J. Craig, ‘Co-operation and initiatives: Elizabethan churchwardens and the parish accounts of Mildenhall’, *Social History* 18 (1994), 357–80.

# *Bibliography*

## MANUSCRIPTS

### **Berlin**

Staatsbibliothek, MS theol. fol. 413 (Constance sermons)

### **Cambridge, Massachusetts**

#### *Houghton Library*

MS Eng 978 (Draft of *De Vera Differentia*)

### **Hatfield House**

Hatfield House, MS 46, i.e., Cecil Papers, vol. 137, fols. 36<sup>f</sup>–75<sup>v</sup>. (Treatise on the general council).

Cecil Papers, 7, 157, 199 (Cecil's correspondence and memoranda)

### **London**

#### *British Library*

MS Cotton Cleopatra E III (Basel reform petition)

MS Cotton Cleopatra E IV (Interrogation of suspects in the 1530s)

MS Cotton Cleopatra E VI (Henrician Reformation)

MS Harley 401 (*Floretum*)

MS Harley MS 431 (John Prophet's Letter Book)

MS Royal 7 B XI (Cranmer's Commonplaces)

MS Royal 10 B III (Fox's *De Vera Differentia*)

MS Royal 10 A XV (Gascoigne's copy of Marsilius)

MS Lansdowne MSS 6, 8, 27, 103, 446 (Cecil's papers)

#### *Lambeth Palace Library*

MS 1107 (Cranmer's register)

#### *National Archives*

State Papers, 1, 2, 6, 12, 70.

### **New Haven, Connecticut**

#### *Beinecke Library*

MS Osborne fa. 36 (Draft of *De Vera Differentia*)

### **Oxford**

#### *Corpus Christi College*

MS 183 (Oxford reform petitions)

#### *Bodleian Library*

MS Arch Seld B 23 (William Swann's Letter Book)

MS Ashmole 789 (Beckington's Letter Book)

MS Bodley 293 (Pagula's *Summa Summarum*)

MS Jones 3 (John Philpott's translation of *De Vera Differentia*)

MS Selden Supra 41 (John Bale's History of the Carmelites)

*Lincoln College*

Latin MSS 117 and 118 (Gascoigne's *Theological Dictionary*)

## THESES

- ALLMAND, C.T., 'The Relations between the English government, the Higher Clergy and the Papacy in Normandy, 1417-1450' (Oxford Univ. DPhil thesis, 1963).
- CATTO, J.I., 'William Woodford O.F.M. c. 1330 – c. 1397' (Oxford Univ. DPhil thesis, 1969).
- CROWDER, C.M.D., 'Some aspects of the English nation at the Council of Constance to the election of Martin V, 1414-17' (Oxford Univ. DPhil thesis, 1953).
- DAVIES, R.G., 'The Episcopate in England and Wales, 1375-1443' (Manchester Univ. PhD thesis, 1974).
- HARVEY, M.M., 'English views on the reforms to be undertaken in the General Councils (1400-1418) with special reference to the proposals made by Richard Ullerston' (Oxford Univ. DPhil thesis, 1964).
- JACKSON, J. F., 'The Reformatio Legum Ecclesiasticarum: Politics, Society and Belief in Mid-Tudor England' (Oxford Univ. DPhil thesis, 2003).
- NICHOLSON, G., 'The Nature and Function of Historical Argument in the Henrician Reformation' (Cambridge Univ. Ph.D. thesis, 1977).
- NIGHMAN, C.L., 'Reform and Humanism in the Sermons of Richard Fleming at the Council of Constance' (Toronto Univ. PhD thesis, 1996).

## PRINTED PRIMARY SOURCES

- ABELL, THOMAS, *Inuicta veritas...* (Antwerp, 1532), STC 61.
- AILLY, PIERRE D', *Tractatus de Ecclesiae... Auctoritate* in Gerson, *Opera Omnia*, ed. L.E. Dupin (5 vols., Antwerp, 1706), ii, 925–60.
- Annales Monasterii S. Albani a Johanne Amundesham..Conscripti*, ed. H.T. Riley (2 vols., London, 1870-1).
- ALESIIUS, ALEXANDER, *De Perpetuo Consensu Ecclesiae, Disputatio proposita in celebri Academia urbis Lipsiae, ab Alexandro Alesio Doctore* (Leipzig, 1556).
- *Of the auctorite of the word of god agaynst the bisshop of London...* (Strasbourg, 1544?), STC 292.
- ARBER, E. (ed.), *A Transcript of the Registers of the Company of Stationers of London, 1554-1640* (5 vols., London, 1875-7).
- ARISTOTLE, *Politics*, trans. E. Barker (Oxford, 1995).
- Articles Devised by the Whole Consent of the King's Most Honourable Council* (Thomas Berthelet, London, 1533), STC 9177.
- AUGUSTINE, *De Baptismo Contra Donatistas* in *Patrologia Latina*, xliii, 107–244.
- *De Doctrina Christiana*, in *Patrologia Latina*, xxxiv, 13–122.
- *Retractiones* in *Patrologia Latina*, xxxii, 583–656.
- AUGUSTINE OF ANCONA, *Summa de Ecclesiastica Potestate* translated in A.S. McGrade, J. Kilcullen and M. Kempshall (eds.), *The Cambridge Translations of Medieval Philosophical Texts, vol. 2: Ethics and Political Philosophy* (Cambridge, 2001), 418 ff.
- BERNARD OF CLAIRVAUX, *Sancti Bernardi Opera*, eds. J Leclerq, C.H. Talbot, H. Rochais (8 vols., Rome, 1957-77).
- BERNARDUS PARMENSIS, *Decretales D. Gregorii Papae IX: suae integritati una cum glossis restituae..* (Paris, 1601).
- BEKYNTON, THOMAS, *Official Correspondence of Thomas Bekynton*, ed. G. Williams (2 vols., London, 1872).
- BONORAND, C., 'Fabricius Montanus' in *Neue Deutsche Biographie* (Berlin, 1953-), iv, 737-8.

- BRUCE, J. (ed.), *The Correspondence of Matthew Parker* (Cambridge, 1853).  
*Calendar of the close rolls preserved in the Public Record Office: Henry VI* (6 vols., H.M.S.O., 1933-1947).  
*Calendar of entries in the Papal registers relating to Great Britain and Ireland: Letters*, ed. J.A. Twemlow (H.M.S.O., 1906).  
*Calendar of State Papers Spanish*, ed. P. de Gayangos (London, 1879).
- COLET, JOHN, *The Sermon of Doctor Colete made to the Convocation at Paulis* (London, 1530, STC 5550).  
*Concilium Tridentinum Diariorum, Actorum Epistularum.. Nova Collectio: Tomus Quartus: Actorum Pars Prima*, ed. S. Ehses (Fribourg, 1904).  
*Corpus Iuris Canonici*, ed. E. Friedberg and A.L. Richter (2 vols., Leipzig, 1879–81).  
*Corpus Reformatorum*, ed. C.G. Bretschneider and H.E. Bindseil (101 vols., 1834-).
- CRANMER, THOMAS, *Miscellaneous Writings and Letters of Thomas Cranmer*, (ed.) J.E. Cox (Cambridge, 1846).
- CUSA, NICHOLAS OF, *The Catholic Concordance*, trans. and ed. P.E. Sigmund (Cambridge, 1991).  
*The Determinations of the Universities* (1531) in V. Murphy and E. Surtz (eds.), *The Divorce Tracts of Henry VIII* (Angers, 1988).  
*Deutsche Reichstagsakten* (Munich, 1867-).
- DUCKETT, G.F. (ed.), *Monasticon Cluniacense Anglicanum* (2 vols., Lewes, 1888).  
DYMOKKE, ROGER, *Rogeri Dymmok liber contra XII errores et hereses Lollardorum*, ed. H.S. Cronin (London, 1921).
- ERASMUS, DESIDERIUS, *De Sarcienda Ecclesiae Concordia* (1533) in *Opera Omnia* (Amsterdam, 1969-), v.3, 245–313.  
*English Historical Documents, 1327-1485*, ed. A.R. Myers (London, 1969).  
Eugenius IV, *Libellum apologeticum* in Baronius, *Annales Ecclesiastici*, ed. A. Theiner (37 vols., Barri-Ducis, 1864-83), xxviii, 195–225.
- FINKE, H. (ed.), *Acta Concilii constanciensis* (4 vols., Munich, 1896-1928).  
FISHER, JOHN, *De Causa Matrimonii* (Alcalá de Henares, Spain, 1530).  
——— *Assertionis Lutheranae Confutatio* (Würzburg: Georg Fleischmann, 1597).  
——— *The English works of John Fisher, Bishop of Rochester*, ed. J.E.B. Major (London, 1876).
- FLACIUS ILLYRICUS, MATTHIAS, *A godly and necessary admonition of the decrees and canons of the Counsel of Trent...* (London, 1564), STC 24265.
- FORSALL, J. (ed.), *Remonstrance against Romish Corruptions* (London, 1851).  
FORTESCUE, JOHN, *De laudibus legum Anglie*, ed. S.B. Chrimes (Cambridge, 1949).  
——— *On the Laws and Governance of England*, ed. S. Lockwood (Cambridge, 1997).
- FOX, EDWARD, *De Vera Differentia* (London, 1538), STC 11219.  
——— *The True Dyfferens Betwen the Royall Power and the Ecclesiasticall Power* (William Copland, London, 1548), STC 11220 (trans. Stafford, H.).
- GARDINER, STEPHEN, *De Vera Obedientia* in P. Janelle (ed.), *Obedience in Church and State* (Cambridge, 1930).
- GASCOIGNE, THOMAS, *Loci e libro veritatum*, ed. Rogers, J.E.T. (Oxford, 1881).
- GEE, H. and HARDY, W.J. (eds.), *Documents illustrative of English church history* (London, 1896).
- GERSON, JEAN, *Oeuvres Complètes*, ed. P. Glorieux, (10 vols., Paris, 1960-1973).  
——— *De vita spirituali animae* in *Oeuvres Complètes*, iii, 113–202.  
——— *De potestate ecclesiastica* in *Oeuvres Complètes*, vi, 210–50.  
——— *Auferibilitate Sponsi ab Ecclesia* in *Oeuvres Complètes*, iii, 294–313.  
——— *On the Unity of the Church*, trans. and ed. J.K. Cameron in M. Spink (ed.), *Advocates of Reform: From Wyclif to Erasmus* (London, 1953), pp. 140-8.
- A Glasse of the Truthe* (Thomas Berthelet, London, 1532), STC 11918.
- GRATIUS, O., *Fasciculus rerum expetendarum & fugiendarum...*, ed. E. Brown (2 vols., London, 1690).

- HARDT, H. VON DER, *Magnum Oecumenicum Constantiense Concilium* (Frankfurt and Leipzig, 1700).
- HARTLEY, T.E. (ed.), *Proceedings in the Parliaments of Elizabeth I* (3 vols., Leicester, 1981).
- HAYNES, S., (ed.), *A collection of State papers, relating to affairs in the reigns of Henry VIII... Queen Elizabeth, from the year 1542 to 1570...* (London, 1740).
- HENRY VIII, *Assertio septem sacramentorum*, ed. F. Macnamara, *Miscellaneous writings of Henry the Eighth* (Waltham St. Lawrence, 1924).
- HUDSON, A. (ed.), *Two Wycliffite Texts: The Sermon of William Taylor 1406, The Testimony of William Thorpe 1407* (Oxford, 1993).
- HUGH OF SAINT-CHER, *Postilla* (Basel, 1498-1502).
- Illustris. ac potentis. regis, senatus, populique Angliae sententia, et de eo concilio...* (London: Berthelet, 1537), STC 13081.7.
- INNOCENT IV, *In Quinque Libros Decretalium... Commentaria* (Venice, 1578).
- JACOB, E.F. (ed.), *The Register of Henry Chichele, Archbishop of Canterbury 1414-1443* (4 vols, Oxford, 1937-47).
- JEROME, *Commentarium in Epistolam ad Titum* in Migne (ed.), *Patrologia Latina*, xxvi, 555 – 600.
- *Commentariorum in Isaiam Prophetam Libri Duodeviginti in Patrologia Latina*, xxiv, 17–678.
- *Commentariorum in Daniele Prophetam ad Pammachium et Marcellam, Liber Unus in Patrologia Latina*, xxv, 491–584.
- *Sancti Eusebii Hieronymi... operum tomus primus, ed. D. Vallarsi* (11 vols., Verona, 1734-42).
- JEWEL, JOHN, *The Works of John Jewel*, ed. J. Ayre (4 vols., Cambridge, 1845-50).
- *A defence of the Apologie of the Church of Englande conteininge an answeare to a certaine booke lately set foorth by M. Hardinge, and entituled, A Confutation..* (London, 1567), STC 14600.5.
- *Apologia ecclesiae anglicanae* (London, 1562), STC 14581.
- JOANNES ANDREA, *Liber Sextus Decretalium* (Lyon, 1485–1494).
- JOANNES TEUTONICUS, *Decretum Gratiani... una cum glossis* (Paris, 1601).
- JOLIFFE, HENRY and JOHNSON, ROBERT, *Responsio Henrici Joliffi et Roberti Jonson ad illos articulos Ioannis Hoperi in quibus a Catholic fide dissentiebat...* (Antwerp, 1564).
- KERVYN DE LETTENHOVE, J.M.B.C. (ed.), *Relations politiques des Pays-Bay et de l'Angleterre, sous le règne du Philippe II* (11 vols., Brussels, 1882-1900).
- LESLIE, JOHN, 'The Diary of John Lesley, Bishop of Ross, April 11 – October 16, MDLXXI' in W. Scott, D. Laing and T. Thomason (eds.), *The Bannatyne Miscellany* (3 vols., Edinburgh, 1827-55), iii, 113-156.
- Letters and Papers, Foreign and Domestic of the Reign of Henry VIII*, ed. J.S. Brewer et al. (London, 1862-1932).
- Liber Sextus Decretalium* (Lyon, 1485-1494).
- LONGLAND, JOHN, *A sermonde made before the kynge his maiestye at grenewich* (Thomas Petyt, London, 1538), STC 16796.
- LUTHER, MARTIN, *D. Martin Luthers Werke*, ed. J.C.F Knaake (Weimar, 1883-).
- 'Schmalkald Articles' in T.G. Tappert (ed.), *The Book of Concord: the confessions of the Evangelical Lutheran Church* (Philadelphia, 1959), 287–318.
- *On the Councils and the Church in Luther's works*, ed. J. Pelikan (55 vols., St Louis, 1955-1986), xli, 9–178.
- LYNDWOOD, WILLIAM, *Provinciale seu constitutiones Angliae* (Oxford, 1679).
- MANSI, J.D. (ed.), *Sacrorum Conciliorum nova et amplissima Collectio...* (Venice, 1784-85).
- MARSILIUS OF PADUA, *The Defender of the Peace*, ed. and trans. A. Brett (Cambridge, 2005).
- MELANCHTHON, PHILIPP, *De Ecclesia et De Autoritate Verbi Dei* (1539) in *Corpus Reformatorum*, xxiii, 585–642.
- *Commentarii in epistolam Pauli ad Romanos* (Strassburg, 1540).
- *Scholia in Epistolam Pauli ad Colossenses iterum ab autore recognita* (Wittenberg, 1545).

- Memorials of St. Edmund's Abbey*, ed. T. Arnold (3 vols., London, 1896).
- Migne, J.-P. (ed.), *Patrologia Latina* (222 vols., Paris, 1844-65).
- MONTANUS, JOHANNES FABRICIUS, *Oratio qua docetur, concilium Tridentinum sine scelere a christianis hominibus frequentari non posse* (Basel: J. Oporinus, 1562).
- *An Oration of John Fabritius Montanus* (London, H. Toye, 1562).
- Monumenta Conciliorum Generalium Seculi Decimi Quinti* (4 vols., Vienna, 1857-1935).
- MORE, THOMAS, *The Confutation of Tyndale's Answer* in L.A. Schuster, R.C. Marius, J.P. Lusardi (eds.), *The Complete Works of St Thomas More*, Volume 8 (New Haven, 1973).
- *The Apology*, ed. J.B. Trapp (New Haven, 1979).
- *A dialogue of comfort against tribulation*, ed. L.L. Martz and F. Manley (New Haven, 1976).
- *Responsio ad Lutheram*, ed. J.M. Headley (New Haven, 1969).
- *The Debellation of Salem and Bizance*, ed. J.A. Guy et al. (New Haven, 1987).
- MORISON, RICHARD, *An exhortation to styrre all Englyshe men to the defence of theyr countrey* (Thomas Berthelet, London, 1539), STC 18110.5.
- MORTON, THOMAS, *A full satisfaction concerning a double Romish iniquitie..* (London, 1606), STC 18185.
- NETTER, THOMAS, *Doctrinale Antiquitatum Fidei Ecclesiae Catholicae*, ed. B. Blanciotti (3 vols., Venice, 1757-9; repr. Farnborough, 1967).
- OCKHAM, WILLIAM OF, *Dialogus*, ed. J. Kilcullen, G. Knysh, V. Leppin, J. Scott and J. Ballweg, at <http://www.britac.ac.uk/pubs/dialogus>.
- ORIGEN, *Commentariorum in Epistolam S. Pauli ad Romanos* in J.-P. Migne (ed.), *Patrologia Graeca* (161 vols., Paris, 1857-66), Volume 14.
- The Parliament Rolls of Medieval England*, ed. C. Given-Wilson et al. (Woodbridge, 2005).
- PANORMITANUS, *Commentaria in V decretalium libros* (Lyon: Jacques Sacon, 1516-7).
- PERSONS, ROBERT, *A treatise tending to mititigation towards Catholike subiectes in England..* (Saint-Omer, 1607).
- Proceedings and ordinances of the Privy Council of England*, ed. H. Nicolas (7 vols., London, 1834-7).
- A protestation made for the most might and redoubted king of England* (Thomas Berthelet, London, 1537), STC 13090.
- POLE, REGINALD, *Pro ecclesiasticae unitatis defensione* in J.G. Dwyer (ed.), *Pole's defense of the Unity of the Church* (Westminster, Md., 1965).
- Records of Convocation*, ed. G. Bray (20 vols., Woodbridge, 2005-6).
- Reformation Rhetoric: Thomas Swynnerton's The Tropes and figures of scripture*, ed. R. Rex (Cambridge, 1999).
- ROBINSON, H. (ed.), *Original letters relative to the English Reformation.. chiefly from the archives of Zurich* (2 vols., Cambridge, 1846-7).
- ROGERS, E.F. (ed.), *The Correspondence of Sir Thomas More* (Princeton, 1947).
- *St Thomas More: Selected Letters* (New Haven, 1961).
- ROPER, WILLIAM, *The Life of Sir Thomas More* in R.S. Sylvester and D.P. Harding (eds.), *Two Early Tudor Lives* (New Haven, 1962).
- RYMER, THOMAS, *Foedera, Conventiones, Literae*, ed. G. Holmes (The Hague, 1740).
- SAMPSON, RICHARD, *Oratio* (London: Berthelet, 1535?), STC 21681.
- ST GERMAN, CHRISTOPHER, Doctor and Student, in T.F.T. Plucknett and J.L. Barton (eds.), *St German's Doctor and Student* (London, 1974).
- *An Answer to a Letter* (Thomas Godfray, London, 1535), STC 21558.5
- *A treatise concernynge generall concilles, the byshoppes of Rome and the clergy* (London: Berthelet, 1538), STC 24237.
- STARKEY, THOMAS, *A preface to the Kynges hyghnes* (Thomas Berthelet, London, 1538), STC 23236.
- The Statutes of the Realm* (10 vols., London, 1810-28).
- SWINNERTON, THOMAS, *A litel treatise ageynste the mutterynge of some papistis in corners* (Thomas Berthelet, London, 1534), STC 23551.5.

- *A mustre of scismatyke bysshopes of Rome, otherwise naming them selves popes...* (London, 1534), STC 23552.
- Tudor Royal Proclamations*, ed. P.L. Hughes and J.F. Larkin (3 vols, New Haven, 1964-69).
- TRAVERS, WALTER and CARTWRIGHT, THOMAS, *A directory of church-government* (London, 1644), Wing: T2066.
- TUNSTALL, CUTHBERT, *A sermon of Cuthbert Bysshop of Duresme* (Thomas Berthelet, London, 1539), STC 24322a.
- VERMIGLI, PETER MARTYR, *Tractatio de Sacramento Eucharistiae, habita in celeberrima universitate Oxoniensi...* (London, 1549).
- WALCH, C.W.F., *Monimenta medii aevi ex bibliotheca regia Hanoverana* (Göttingen, 1757-61).
- WHITGIFT, JOHN, *The Works of John Whitgift*, ed. J. Ayre (3 vols., Cambridge, 1851-3).
- WILKINS, D., *Concilia Magnae Britanniae et Hiberniae* (4 vols., London, 1737).
- WYCLIF, JOHN, *De Ecclesia*, ed. J. Loserth (London, 1886).
- *De Potestate Pape*, ed. J. Loserth (London, 1907).
- *Dialogus*, ed. A.W. Pollard (London, 1886).
- *Sermones*, ed. J. Loserth (4 vols., London, 1887-90).
- *Opera Minora*, ed. J. Loserth (London, 1913).
- ZABARELLA, FRANCISCO, *Tractatus de schismate* in S. Schardius (ed.), *De Jurisdictione, Autoritate et Praeeminentia Imperiali ac Potestate Ecclesiastica* (Basel, 1566), 688– 711.

## PRINTED SECONDARY SOURCES

- ALLMAND, C.T., *The New Cambridge Medieval History. Volume VII, c. 1415–c.1500* (Cambridge, 1998).
- ARCHER, I.W., *The Pursuit of Stability: Social relations in Elizabethan London* (Cambridge, 1991).
- ARENDET, P., *Die Predigten des Konstanzer Konzils* (Freiburg, 1933).
- ASTON, M., ‘Lollardy and Sedition 1381 – 1431’, *Past and Present*, 17 (1960), 1–44.
- ‘Corpus Christi and Corpus Regni: Heresy and the Peasants’ Revolt’, *Past and Present* (1994), 3–47.
- *Faith and Fire: Popular and Unpopular Religion 135–1600* (London, 1993).
- AVIS, P.D., *Beyond the Reformation? Authority, primacy and unity in the conciliar tradition* (London, 2006).
- BAKER, J.H., ‘English law and the Renaissance’, *Cambridge Law Journal*, 44:1 (1985), 46-61.
- BARNES, K., ‘John Stubbe, 1579: the French Ambassador’s Account’, *Historical Research*, 64 (1955), 421–6.
- BARTOŠ, F.M., *The Hussite Revolution, 1424-37* (New York, 1986).
- BAÜMER, R., *Nachwirkungen des konziliaren Gedankens in der Theologie und Kanonistik des frühen 16. Jahrhunderts* (Munich, 1971).
- BAYNE, G.G., *Anglo-Roman Relations, 1558–1565* (Oxford, 1913).
- BEDOUELLE, G.; LE GAL, P., *Le ‘divorce’ du roi Henry VIII: études et documents* (Geneva, 1987).
- BENNETT, H.S., ‘Notes on English Retail Book-prices’, *The Library*, 5<sup>th</sup> Ser., 5 (1951), 172–8.
- BERNARD, G.W., ‘The pardon of the clergy reconsidered’, with a reply by J.A. Guy and counter-reply, *Journal of Ecclesiastical History*, 37 (1986), 258-87.
- BIONDI, A., ‘Celio Curione Secondo’ in *Dizionario Biografico Degli Italiani* (Rome, 1985).
- BIRELEY, R., *The Refashioning of Catholicism, 1450–1700* (London, 1999).
- BLACK, A.J., *Monarchy and Community: Political Ideas in the Later Conciliar Controversy 1430-1450* (Cambridge, 1970).
- ‘The conciliar movement’ in Burns, *Cambridge History of Medieval Political Thought*, 573–87.
- BLACK, W.H., *A Descriptive, Analytical and Critical Catalogue of the Manuscripts bequeathed unto the University of Oxford by Elias Ashmole* (Oxford, 1845).

- BLAYNEY, P., 'William Cecil and the Stationers' in R. Myers and M. Harris (eds.), *The Stationers' Company and the book trade 1550-1990* (Winchester, 1997), 11–34.
- BLUMENFELD-KOSINSKI, R., *Poets, Saints and Visionaries of the Great Schism 1378-1417* (University Park PA, 2006).
- BOSE, M., 'The Opponents of John Wyclif', in I.C. Levy (ed.), *A Companion to John Wyclif, Late Medieval Theologian* (Leiden, 2006), 407–55.
- BOSSY, J., *The English Catholic community, 1570–1850* (London, 1975).
- BOWKER, M., *The Henrician Reformation: The Diocese of Lincoln under John Longland 1521-1547* (Cambridge, 1981).
- BOYLE, L.E., 'The *Summa summarum* and some other English works of canon law' in S. Kuttner and J.J. Ryan (eds.), *Proceedings of the Second International Congress of Medieval Canon Law* (Vatican, 1965), 415–56.
- *Pastoral Care, Clerical Education and Canon Law, 1200-1400* (London, 1981).
- BRANDMÜLLER, W., *Das Konzil von Pavia-Siena, 1423-1424* (2 vols., Munich, 1968-74).
- BRECHT, M., *Martin Luther: The Preservation of the Church 1532-1546* (Philadelphia, 1993).
- *Martin Luther. Shaping and defining the Reformation 1521-1532* (Philadelphia, 1990).
- BRETT, A.S., *Liberty, right and nature: individual rights in later scholastic thought* (Cambridge, 1997).
- BRIGDEN, S., *London and the Reformation* (Oxford, 1989).
- BURNS, J.H., 'The Conciliarist Tradition in Scotland', *Scottish Historical Review*, 42 (1963), 89-104.
- (ed.), *The Cambridge history of medieval political thought c. 350- c. 1450* (Cambridge, 1988).
- 'Scholasticism: survival and revival' in Burns and M. Goldie (eds.), *The Cambridge History of Political Thought 1450–1700* (Cambridge, 1991), 132–155.
- *Lordship, Kingship and Empire: the Idea of Monarchy, 1400-1525* (Oxford, 1992).
- and IZBICKI, T.M. (eds.), *Conciliarism and Papalism* (Cambridge, 1991).
- BUSH, M.L., *The Pilgrimage of Grace: A study of the rebel armies of October 1536* (Manchester, 1996).
- CAMERON, E., *The European Reformation* (Oxford, 1991).
- CATTO, J.I. and R. EVANS (eds.), *The History of the University of Oxford vol. 2: Late medieval Oxford* (Oxford, 1984).
- 'Religious Change under Henry V' in G.L. Harriss (ed.), *Henry V: The Practice of Kingship* (Oxford, 1985), 97–115.
- 'Wyclif and Wycliffism at Oxford 1356-1430' in Catto and Evans (eds.), *History of the University of Oxford: Volume 2*, 175–261.
- 'Theology after Wycliffism' in Catto and Evans (eds.), *History of the University of Oxford: Volume 2*, 263–80.
- 'Fellows and Helpers: the Religious Identity of the Followers of Wyclif' in P. Biller and B. Dobson (eds.), *The Medieval Church: Universities, Heresy and the Religious Life* (Woodbridge, 1999), 14–61.
- CHAMBERS, D.S., *Cardinal Bainbridge in the Court of Rome, 1509 to 1514* (Oxford, 1965).
- CHAPLAIS, P., *English Diplomatic Practice in the Middle Ages* (London, 2003).
- CHIBI, A.A., 'Richard Sampson, his "Oratio" and Henry VIII's royal supremacy', *Journal of Church & State*, 39 (1997), 543-60.
- CHRISTIANSON, G., 'The Conciliar Tradition and Ecumenical Dialogue' in idem, T.M. Izbicki, C.M. Bellitto (eds.), *The Church, the Councils, & Reform: the legacy of the fifteenth century* (Washington D.C., 2008), 1–24.
- CHRISTOPHE, A., 'Notice historique sur le Cardinal Jean de Rochetaillée', *Revue du Lyonnais, Nouvelle Série*, 9 (1854), 379-82.
- CLARK, P. and SLACK, P., *Crisis and Order in English Towns, 1500–1700: essays in urban history* (London, 1972).
- CLEGG, C.S., 'John Day' in J.K. Bracken and J. Silver (eds.), *The British Literary Book Trade, 1475-1700* (Detroit, 1996).

- COLEMAN, J., *Ancient and Medieval Memories: Studies in the Reconstruction of the Past* (Cambridge, 1992).
- COLLINSON, P., 'The Elizabethan exclusion crisis and the Elizabethan polity: the Raleigh Lecture 1993, *Proceedings of the British Academy*, 84 (1994), 51–92.
- *The Elizabethan Puritan Movement* (London, 1967).
- 'Andrew Perne and his times' in P. Collinson, D. McKitterick and E. Leedham-Green (eds.), *Andrew Perne: Quatercentenary Studies* (Cambridge, 1991), 1–34.
- 'Cranbrook and the Fletchers: popular and unpopular religion in the Kentish Weald' in P.N. Brooks (ed.), *Reformation Principle and Practice* (London, 1980), 171–202.
- *The Birthpangs of Protestant England* (London, 1988).
- CONGAR, Y.M.-J., *La tradition et les traditions* (2 vols., Paris, 1960–3).
- COOPER, J.P.D., *Propaganda and the Tudor State* (Oxford, 2003).
- CRAIG, J., 'Co-operation and initiatives: Elizabethan churchwardens and the parish accounts of Mildenhall, *Social History* 18 (1994), 357–80.
- CROSS, C., 'Oxford and the Tudor State, 1509–1558' in J. McConica (ed.), *The History of the University of Oxford vol. 3: The Collegiate University* (Oxford, 1984).
- CROWDER, C.M.D., 'Correspondence between England and the Council of Constance, 1414–18' in C.W. Dugmore & C. Duggan (eds.), *Studies in Church History, Volume 1* (London, 1964), 184–206.
- 'Henry V, Sigismund, and the Council of Constance' in G.A. Hayes-McCoy (ed.), *Historical Studies, IV* (1963), 93–110.
- *Unity, Heresy and Reform 1378-1460* (London, 1977).
- 'Constance Acta in English libraries' in A. Franzen and W. Müller (eds.), *Das Konzil von Konstanz* (Freiburg, 1964), 477–517.
- DAVIES, C.S.L., 'Bishop John Morton, the Holy See, and the Accession of Henry VII', *The English Historical Review*, 102 (1987), 2–30.
- 'The Cromwellian Decade: Authority and Consent', *Transactions of the Royal Historical Society*, 6<sup>th</sup> Ser., 7 (1997), 177–95.
- 'Representation, Repute, Reality', *English Historical Review*, 124 (2009), 1432–47.
- DAVIES, R.G., 'Martin V and the English Episcopate', *English Historical Review*, 92 (1977), 309–344.
- DAVIES, R.R., *The Revolt of Owain Glyn Dŵr* (Oxford, 1995).
- DICKENS, A.G., *Lollards and Protestants in the diocese of York, 1509-58* (Oxford, 1959).
- *The English Reformation* (London, 1964).
- DODDS, M.H. and DODDS, R., *The Pilgrimage of Grace, 1536-1537 and the Exeter Conspiracy, 1538* (2 vols., Cambridge, 1915).
- DORAN, S., *Monarchy and Matrimony: the courtships of Elizabeth I* (London, 1996).
- DOWLING, M., *Humanism in the Age of Henry VIII* (London, 1986).
- DU BOULAY, F.R.H., 'The Fifteenth Century', in C.H. Lawrence (ed.), *The English Church and the Papacy in the Middle Ages* (London, 1965), pp.195 - 242.
- DUFFY, E., *The Stripping of the Altars: traditional religion in England, c.1400-c.1580* (New Haven, 1992).
- DUKE, A., *Reformation and Revolt in the Low Countries* (London, 1990).
- DUNBABIN, J., 'Government' in J.H. Burns (ed.), *The Cambridge History of Medieval Political Thought c. 350 – c. 1450* (Cambridge, 1988), 477–519.
- ELTON, G.R., *Policy and Police: the enforcement of the Reformation in the age of Thomas Cromwell* (Cambridge, 1972).
- *Studies in Tudor and Stuart Politics and Government* (4 vols., Cambridge, 1974–92).
- *The Tudor Constitution* (Cambridge, 1982).
- 'Lex Terrae Victrix: The triumph of parliamentary law in the sixteenth century' in his *Studies*, iv, 37–57.
- 'The Sessional Printing of Statutes, 1484-1547' in E.W. Ives, R.J Knecht and J.J. Scarisbrick (eds.), *Wealth and Power in Tudor England: Essays presented to S.T. Bindoff* (London, 1978), 68–86.

- EMDEN, A.B., *A Biographical Register of the University of Oxford to A.D. 1500* (3 vols., Oxford, 1957-9).
- ERICKSON, C., 'The Fourteenth-Century Franciscans and their Critics', *Franciscan Studies*, 35 (1975), 107-35.
- EVENNETT, H.O., *The Cardinal of Lorraine and the Council of Trent* (Cambridge, 1930).
- FASOLT, C., *Council and Hierarchy: the political thought of William Durant the Younger* (Cambridge, 1991).
- 'Hegel's Ghost: Europe, the Reformation and the Middle Ages', *Viator*, 39 (2008), 345-86.
- FAVIER, J., *Les Finances Pontificales à l'époque du Grande Schisme d'Occident 1378-1409* (Paris 1966).
- FORREST, I., *The Detection of Heresy in Late Medieval England* (Oxford, 2005).
- FEBVRE, L., *Au Coeur Religieux du XVI<sup>e</sup> Siècle* (Paris, 1957).
- FEHRENBACH, R.J. and LEEDHAM-GREEN, E.S. (eds.), *Private libraries in Renaissance England: a collection of Tudor and Early Stuart book-lists* (7 vols., Marlborough, 1992).
- FIGGIS, J.N., *Studies in the History of Political Thought from Gerson to Grotius*, 2<sup>nd</sup> edn. (Cambridge, 1916).
- FLETCHER, J.M., 'The Faculty of Arts' in J. McConica (ed.), *The History of the University of Oxford vol. 3: The Collegiate University* (Oxford, 1984).
- FOX, ADAM, *Oral and Literate Culture in England, 1500-1700* (Oxford, 2000).
- FOX, ALISTAIR and GUY, J.A. (eds.), *Reassessing the Henrician Age: Humanism, Politics and Reform, 1500-1550* (Oxford, 1986).
- GARNETT, G., *Marsilius of Padua and 'the Truth of History'* (Oxford, 2006).
- GHOSH, K., 'Wycliffism and Lollardy' in M. Rubin and W. Simons (eds.), *The Cambridge History of Christianity: Vol. 4: Christianity in Western Europe, c. 1100-c. 1500* (Cambridge, 2009), 433-45.
- *The Wycliffite Heresy: Authority and the Interpretation of Texts* (Cambridge, 2002).
- GRAHAM, R., 'The English Province of the Order of Cluny in the Fifteenth Century', *Transactions of the Royal Historical Society*, 4<sup>th</sup> Ser., 7 (1924), 98-130.
- GREENSLADE, S.L., 'The Faculty of Theology' in J. McConica (ed.), *The History of the University of Oxford vol. 3: The Collegiate University* (Oxford, 1984).
- GUNN, S.J.; LINDLEY, P.G. (eds.), *Cardinal Wolsey: Church, state and art* (Cambridge and New York, 1991).
- GUY, J.A., 'Henry VIII and the *praemunire* manoeuvres of 1530-1', *English Historical Review*, 97 (1982), 481 - 503.
- *The Public Career of Sir Thomas More* (Brighton, 1980).
- *Thomas More* (London, 2000).
- *Tudor England* (Oxford, 1990).
- *Christopher St German on Chancery and Statute* (London, 1985).
- 'Scripture as Authority: Problems of Interpretation in the 1530s' in Fox and Guy, *Reassessing the Henrician age*, 199-220.
- 'The Elizabethan establishment and the ecclesiastical polity' in idem. (ed.) *Reign of Elizabeth I: Court and culture in the last decade* (Cambridge, 1995), 126-49.
- HAIGH, C., *English Reformations: Religion, Politics and Society under the Tudors* (Oxford, 1993).
- *Reformation and Resistance in Tudor Lancashire* (Cambridge, 1975).
- 'The Continuation of Catholicism in the English Reformation' in idem (ed.), *The English Reformation Revised* (Cambridge, 1987), 176-208.
- HALLER, J., 'England und Rom unter Martin V', *Quellen und Forschungen*, 8 (1905), 249-304.
- *Piero da Monte: ein Gelehrter und päpstlicher Beamter des 15. Jahrhunderts* (Rome, 1941).
- HARDWICK, C., *A History of the Articles of Religion*, 3<sup>rd</sup> ed. (London, 1876).
- HARRISS, G.L., *Cardinal Beaufort: A study of Lancastrian ascendancy and decline* (Oxford, 1988).

- ‘Political Society and the Growth of Government in Late Medieval England, *Past and Present*, 138 (1993), 28–57.
- HARVEY, I.M.W., *Jack Cade’s Rebellion of 1450* (Oxford, 1991).
- HARVEY, M.M., *England, Rome and the Papacy 1417-1464: The study of a relationship* (Manchester, 1993).
- *Solutions to the Schism: A Study of Some English Attitudes, 1378–1409* (St. Ottilien, 1983)
- ‘Martin V and the English, 1422-1431’ in C. Harper-Bill (ed.), *Religious Belief and Ecclesiastical Careers in Late Medieval England* (Woodbridge, 1991), 59–86.
- ‘England, the Council of Florence and the End of the Council of Basel’ in G. Alberigo (ed.), *Christian Unity: The Council of Ferrara-Florence 1438/39–1989* (Leuven, 1991), 203–25.
- ‘John Whethamstede, the Pope and the General Council’ in C.M. Barron and C. Harper-Bill (eds.), *The Church in Pre-Reformation Society* (Woodbridge, 1985), 108–22.
- HAY, D., ‘The Church of England in the Later Middle Ages’, *History*, 53 (1968), 35-50.
- HEAL, F., *Reformation in Britain and Ireland* (Oxford, 2003).
- ‘What can King Lucius do for you? The Reformation and the Early British Church’, *English Historical Review*, 120 (2005), 593–614.
- ‘Appropriating History: Catholic and Protestant Polemics and the National Past’, *The Huntingdon Library Quarterly*, 68 (2005), 109–132.
- HELMHOLZ, R.H., *Roman Canon Law in Reformation England* (Cambridge, 1990).
- HOLMES, G.A., ‘Cardinal Beaufort and the Crusade against the Hussites’, *English Historical Review*, 88 (1973), 721–50.
- HORIE, H., ‘The Lutheran Influence on the Elizabethan Settlement, 1558–1563’, *The Historical Journal*, 34 (1991), 519–37.
- HOYLE, R.W., *The Pilgrimage of Grace and the politics of the 1530s* (Oxford, 2001).
- HUDSON, A., *The Premature Reformation: Wycliffite Texts and Lollard History* (Oxford, 1988).
- *Lollards and their Books* (London, 1985).
- ‘Notes of an Early Fifteenth-Century Research Assistant, and the Emergence of the 267 Articles against Wyclif’, *English Historical Review*, 118 (2003), 685-97.
- HUGHES, P., *The Reformation in England* (3 vols., London, 1954).
- IZBICKI, T.M., *Protector of the Faith: Cardinal Johannes Turrecremata and the Defense of the Institutional Church* (Washington D.C., 1981).
- ‘Papalist Reaction to the Council of Constance: Juan de Torquemada to the Present’, *Church History*, 55 (1986), 7–20.
- JACOB, E.F., *Archbishop Henry Chichele* (London, 1967).
- *Essays in the Conciliar Epoch* (Manchester, 1963)
- *Henry Chichele and the Ecclesiastical Politics of his Age* (London, 1952).
- ‘The Bohemians at the Council of Basel, 1433’ in R.W. Seton-Watson (ed.), *Prague Essays* (Oxford, 1949), 81–123.
- JANELLE, P., *L’Angleterre Catholique à la Veille du Schisme* (Paris, 1935).
- JEDIN, H., *A history of the Council of Trent* (2 vols., London, 1957-61).
- *Geschichte des Konzils von Trient* (4 vols., Freiburg, 1949-75).
- JURKOWSKI, M., ‘Lollardy in Coventry and the Revolt of 1431’ in L. Clark (ed.), *The Fifteenth Century VI: Identity and Insurgency in the Late Middle Ages* (Woodbridge, 2006), 145–63.
- KAMINSKY, H., *Simon de Cramaud and the Great Schism* (New Brunswick, N.J., 1983).
- *A History of the Hussite Revolution* (Berkeley, 1967).
- KENNY, A. (ed.), *Wyclif in his Times* (Oxford, 1986).
- ‘The Accursed Memory: The Counter-Reformation Reputation of John Wyclif’ in Kenny, *Wyclif in his Times*, 147–68.
- KER, N., ‘The library of John Jewel’, *Bodleian Library Record*, 9 (1977), 256–65.
- KNECHT, R.J., *Renaissance Warrior and Patron: The Reign of Francis I* (Cambridge, 1994).
- KÜMIN, B., *The Shaping of a Community: The Rise and Reformation of the English Parish c. 1470–1560* (Aldershot, 1996).
- LAKE, P., *Moderate Puritans and the Elizabethan Church* (Cambridge, 1982).

- ‘Presbyterianism, the idea of a national Church and the argument from divine right’ in idem. and M. Dowling (eds.), *Protestantism and the National Church in Sixteenth Century England* (London, 1987), 193–224.
- *Anglicans and Puritans? Presbyterianism and English conformist thought from Whitgift to Hooker* (London, 1988).
- LEADER, D.R., *A History of the University of Cambridge, Volume I: The University to 1546* (Cambridge, 1988).
- LEEDHAM-GREEN, E.S., *Books in Cambridge Inventories* (2 vols., Cambridge, 1986).
- ‘University libraries and book-sellers’ in L. Hellinga and J.B. Trapp (eds.), *The Cambridge History of the Book in Britain, Volume 3: 1400–1557* (Cambridge, 1999), 316–53.
- LEFF, G., ‘Wyclif and Hus: a doctrinal comparison’ in Kenny, *Wyclif in his times*, 105–25.
- ‘The Apostolic Ideal in Later Medieval Ecclesiology’, *Journal of Theological Studies*, NS 18 (1967), 58–82.
- LEHMBERG, S.E., *The Reformation Parliament 1529-1536* (Cambridge, 1970).
- LE VAN BAUMER, F., *The Early Tudor Theory of Kingship* (New York, 1966).
- ‘Thomas Starkey and Marsilius of Padua’, *Politica*, 2 (1936), 188-205.
- LITTLE, A.G., ‘The Grey Friars in Oxford’, *Oxford Historical Society*, 20 (1891).
- LOADES, D.M., *The Reign of Mary Tudor: Politics, government and religion in England, 1553–1558* (London, 1991).
- LOCKWOOD, S., ‘Marsilius of Padua and the case for the royal ecclesiastical supremacy’, *Transactions of the Royal Historical Society*, 6th ser., 1 (1991), 89-119.
- LOOMIS, L.R., *The Council of Constance: the unification of the Church* (New York, 1961).
- MCCONICA, J. (ed.), *The History of the University of Oxford, Volume III: The Collegiate University* (Oxford, 1986).
- MACCAFFREY, W., *The Shaping of the Elizabethan Regime* (London, 1969)
- MCCONICA, J. (ed.), *The History of the University of Oxford vol. 3: The Collegiate University* (Oxford, 1984).
- MACCULLOCH, D., ‘Two Dons in Politics: Thomas Cranmer and Stephen Gardiner, 1503- 1533’, *Historical Journal*, 37 (1994), 1-22.
- *Thomas Cranmer: A Life* (New Haven, 1996).
- ‘The Myth of the English Reformation’, *Journal of British Studies*, 30 (1991), 1 –19.
- *Tudor Church Militant: Edward VI and the Protestant Reformation* (London, 1999).
- *Reformation: Europe’s house divided* (London, 2003).
- MCENTEGART, R., *Henry VIII, the League of Schmalkalden and the English Reformation* (Woodbridge, 2002).
- MCGRATH, A., *The Intellectual Origins of the European Reformation* (Oxford, 1987).
- MCNEILL, J.T., *Unitive Protestantism: The ecumenical spirit and its persistent expression* (London, 1964).
- MAITLAND, F.W., *Roman Canon Law in the Church of England* (London, 1898).
- MARIUS, R.C., ‘Thomas More’s View of the Church’ in L.A. Schuster, R.C. Marius, J.P. Lusardi (eds.), *The Complete Works of St Thomas More*, 8: *The Confutation of Tyndale’s Answer* (New Haven, 1973), 1270-1363.
- MARSHALL, P., ‘Is the Pope Catholic? Henry VIII and the semantics of schism’ in E.H. Shagan (ed.), *Catholics and the ‘Protestant nation’: Religious Politics and Identity in Early Modern England* (Manchester, 2005), 22–48.
- and RYRIE, A. (eds.), *The Beginnings of English Protestantism* (Cambridge, 2002).
- MAYER, T.F., *Thomas Starkey and the Commonweal: humanist politics and religion in the reign of Henry VIII* (Cambridge, 1989).
- *Reginald Pole: prince & prophet* (Cambridge, 2000).
- ‘Henry Cole’ in *The Oxford Dictionary of National Biography* (Oxford, 2004).
- ‘Thomas Starkey, an unknown conciliarist at the court of Henry VIII’, *Journal of the History of Ideas*, 49 (1988), 207–27.
- MEYJES, G.H.M. POSTHUMUS, *Jean Gerson, Apostle of Unity* (Leiden, 1999).

- MIETHKE, J., 'Kirchenreform auf den Konzilien des 15. Jahrhunderts, Motive– Methoden– Wirkungen' in J. Helmuth, H. Müller & H. Wolff (eds.), *Studien zum 15. Jahrhundert: Festschrift für Erich Meuthen* (2 vols, Munich, 1994), i, 13–42.
- 'Die Konzilien also Forum der öffentlichen Meinung im 15. Jahrhundert', *Deutsches Archiv für Erforschung des Mittelalters*, 37 (1981), 736–773.
- MORALL, J.B., *Gerson and the Great Schism* (Manchester, 1960).
- MOREAU, J.-P., *Rome ou l'Angleterre? Les réactions politiques des catholiques anglais au moment du schisme, 1529–1553* (Paris, 1983).
- MOYNIHAN, J.M., *Papal Immunity and Liability in the Writings of the Medieval Canonists* (Rome, 1961).
- MURPHY, V., 'The Literature and Propaganda of Henry VIII's First Divorce' in D. MacCulloch (ed.), *The Reign of Henry VIII: Politics, Policy and Piety* (Basingstoke, 1995), pp. 135–58.
- MYNORS, R.A.B., *Catalogues of the Manuscripts of Balliol College, Oxford* (Oxford, 1962).
- NAPHY, W.G., *Calvin and the Consolidation of the Genevan Reformation* (Manchester, 1994).
- NICHOLSON, G., 'The Act of Appeals and the English Reformation' in C. Cross, D.M. Loades, J.J. Scarisbrick (eds.), *Law and Government under the Tudors* (Cambridge, 1988), pp. 19–30.
- NOLCKEN, C. VON, *The Middle English Translation of the Rosarium Theologie* (Heidelberg, 1979).
- NUGENT, D., *Ecumenism in the Age of the Reformation: the Colloquy of Poissy* (Cambridge MA, 1974).
- OAKLEY, F., *The Conciliarist Tradition: Constitutionalism in the Catholic Church 1300–1870* (Oxford, 2003).
- 'On the Road from Constance to 1688: The political thought of John Major and George Buchanan', *Journal of British Studies*, 1 (1962), 1–31.
- 'Constance, Basel and the two Pisas: the conciliarist legacy in sixteenth and seventeenth-century England', *Annuaire Historiae Conciliorum*, 26 (1994), 87–118.
- 'Edward Foxe, Matthew Paris, and the Royal Potestas Ordinis', *Sixteenth Century Journal*, 18 (1987), 347–354.
- *The Political Thought of Pierre d'Ailly: the Voluntarist Tradition* (New Haven, 1964).
- 'Natural Law, the Corpus Mysticum, and Consent', *Speculum*, 56 (1981), 786–810.
- OBERMAN, H.A., 'Reformation: Epoche oder Episode?', *Archiv für Reformationsgeschichte*, 68 (1977), 56–111.
- *The Reformation: Roots and Ramifications* (Edinburgh, 1994).
- *The Dawn of the Reformation* (Edinburgh, 1986).
- *Forerunners of the Reformation: the shape of late medieval thought* (New York, 1966).
- OFFLER, H.S., *Church and crown in the fourteenth century: studies in European history and political thought* (Aldershot, 2000).
- ORMROD, W.M., *Political Life in Medieval England, 1300–1450* (Basingstoke, 1995).
- OZMENT, S., *The Age of Reform, 1250 – 1550: An Intellectual and Religious History of Late Medieval and Reformation Europe* (New Haven, 1980).
- PANTIN, W.A., *The English Church in the Fourteenth Century* (Cambridge, 1955).
- PATTERSON, W.B., *King James VI and I and the Reunion of Christendom* (Cambridge, 1997).
- PELIKAN, J., *The Christian Tradition: A History of the Development of Doctrine. 4. Reformation of Church and Dogma 1300– 1700* (Chicago, 1984).
- PLÖGER, K., *England and the Avignon Popes: The Practice of Diplomacy in Late Medieval Europe* (London, 2005).
- PRONGER, W.A., 'Thomas Gascoigne', *English Historical Review*, 53 (1938), 606–26.
- QUANTIN, J.-L., *The Church of England and Christian Antiquity: the construction of a confessional identity in the 17<sup>th</sup> century* (Oxford, 2009).
- QUESTIER, M., *Catholicism and Community in Early Modern England* (Cambridge, 2006).
- QUILLET, J., *La Philosophie politique de Marsile de Padoue* (Paris, 1970).
- Realencyklopädie für protestantische Theologie und Kirche begründet von J.J. Herzog*, ed. D.A. Hauck (24 vols., Leipzig, 1896–1913).
- REDWORTH, G., *In Defence of the Church Catholic: the life of Stephen Gardiner* (Oxford, 1990).

- REUGER, Z., 'Gerson's concept of equity and Christopher St. German', *History of Political Thought*, 3 (1982), 1-30.
- REDWORTH, G., *In Defence of the Church Catholic: the life of Stephen Gardiner* (Oxford, 1990).
- 'A Study in the Formulation of Policy: The Genesis and Evolution of the Act of Six Articles', *Journal of Ecclesiastical History*, 37 (1986), 42-67.
- REX, R., 'Redating Henry VIII's A Glass of the Truthe', *The Library*, 7<sup>th</sup> ser., 4:1 (2003), 16-27.
- *The Theology of John Fisher* (Cambridge, 1991).
- 'The Crisis of Obedience: God's Word and Henry's Reformation', *Historical Journal*, 39 (1996), 863-94.
- 'The role of English humanists in the Reformation up to 1559', in N.S. Amos, A. Pettegree, et al. (eds.), *The Education of a Christian Society* (Aldershot, 1999), 19-40.
- 'New Additions on Christopher St German: Law, Politics and Propaganda in the 1530s', *Journal of Ecclesiastical History*, 59 (2008), 281-300.
- 'Morley and the Papacy: Rome, Regime and Religion' in M. Axton and J.P. Carley (eds.), *Triumphs of English': Henry Parker, Lord Morley, translator to the Tudor court* (London, 2000), 87-105.
- ROSE-TROUP, F., *The Western Rebels of 1549* (London, 1913).
- RUMMEL, E., *The Humanist-Scholastic Debate in the Renaissance and Reformation* (Cambridge MA, 1995).
- RYNAN, M.J., 'Bartolus of Sassoferrato and Free Cities', *Transactions of the Royal Historical Society*, 6<sup>th</sup> Ser. 10 (2000), 65-89.
- 'Rulers and Justice, 1200-1500' in P.A. Linehan, J.L. Nelson (eds.), *The Medieval World* (London, 2001), 503-17.
- SAWADA, P.A., 'Two Anonymous Tudor Treatises on the General Council', *Journal of Ecclesiastical History*, 12 (1961), 197-214.
- 'Das Imperium Heinrichs VIII. und die erste Phase seiner Konzilspolitik' in E. Iserloh and K. Reppen (eds.), *Reformata Reformanda: Festgabe für Hubert Jedin* (2 vols., Munich, 1965), i, 476-507.
- SCARISBRICK, J.J., *Henry VIII* (London, 1968).
- SCHNEIDER, H., *Der Konziliarismus als Problem der neueren katholischen Theologie* (Berlin, 1976).
- SCHOFIELD, A.N.E.D., 'England and the Council of Basel', *Annuaire Historiae Conciliorum*, 5 (1973), 1-117.
- 'England, the Pope, and the Council of Basel 1435-1449', *Church History*, 33 (1964), 248-78.
- SCRIBNER, B., PORTER, R., and TEICH, M., (eds.), *The Reformation in National Context* (Cambridge, 1994).
- LAUSTEN, M.S., 'Luther and the Princes' in P.N. Brooks (ed.), *Seven-Headed Luther* (Oxford, 1983), 51-76.
- SHAGAN, E., *Popular Politics and the English Reformation* (Cambridge, 2003).
- SKINNER, Q., *The Foundations of Modern Political Thought*, (2 vols., Cambridge, 1978).
- SLAVIN, A.J., 'The Rochepot Affair', *Sixteenth Century Journal*, 10 (1979), 3-20.
- ŠMAHEL, F., *Die Hussitische Revolution* (3 vols., Hannover, 2002).
- SMITH, K.S., 'An English Conciliarist? Thomas Netter of Walden' in J.R. Sweeney and S. Chodorow (eds.), *Popes, Teachers and Canon Law in the Middle Ages* (Ithaca, 1989), 290-9.
- SOWERBY, T.A., "'All our books do be sent into other countreys and translated": Henrician Polemic in its International Context', *English Historical Review*, 121 (2006), 1271 - 1299.
- *Renaissance and Reform in Tudor England: The Careers of Sir Richard Morison* (Oxford, 2010).
- STIEBER, J.W., *Pope Eugenius IV, the Council of Basel and the Secular and Ecclesiastical Authorities in the Empire* (Leiden, 1978).
- STUMP, P.H., *The Reforms of the Council of Constance 1414-1418* (Leiden, 1994).
- and NIGHMAN C. (eds.), *A Bibliographical Register of the Sermons and Other Orations Delivered at the Council of Constance, 1414-1418: Main Sermon Register*:  
<http://www.bibsocamer.org/BibSite/Nighman-Stump/index.html>

- SWANSON, R.N., *Church and Society in Late Medieval England* (Oxford, 1989).
- *Universities, Academics and the Great Schism* (Cambridge, 1979).
- SZITTYA, P.R., *The Antifraternal Tradition in Medieval Literature* (Princeton, 1986).
- TALLON, A., *La France et le Concile de Trent, 1518–1563* (Rome, 1997).
- THOMPSON, B., ‘Prelates and Politics from Winchelsey to Warham’ in L. Clark and C. Carpenter (eds.), *The Fifteenth Century IV: Political Culture in Late Medieval Britain* (Woodbridge, 2004), 69–95.
- ‘The Laity, the Alien Priors, and the Redistribution of Ecclesiastical Property’ in N. Rogers (ed.), *England in the Fifteenth Century: Proceedings of the 1992 Harlaxton Symposium* (Stamford, 1994), 19–41.
- THOMSON, G.S., ‘Woburn Abbey and the Dissolution of the Monasteries’, *Transactions of the Royal Historical Society*, 4<sup>th</sup> Ser., 16 (1933), 129–60.
- THOMSON, J.A.F., *The Later Lollards 1414–1520* (Oxford, 1965).
- *Popes and Princes 1417–1517* (London, 1980).
- TIERNEY, B., *Religion, law and the growth of constitutional thought, 1150–1650* (Cambridge, 1982).
- *Foundations of the conciliar theory: the contribution of the medieval canonists from Gratian to the Great Schism* (Cambridge, 1955).
- *The idea of natural rights: studies on natural rights, natural law, and church law, 1150–1625* (Atlanta, 1997).
- ULLMANN, W., *Medieval Papalism: The Political Theories of the Medieval Canonists* (London, 1949).
- ‘The realm of England is an Empire’, *Journal of Ecclesiastical History*, 30 (1979), 175–203.
- *The Origins of the Great Schism* (Hamdon, Conn., 1967).
- VALOIS, N., *La crise religieuse du XV<sup>e</sup> siècle: Le pape et le concile, 1418–1540* (2 vols., Paris, 1909).
- *Histoire de la Pragmatique Sanction de Bourges sous Charles VII* (Paris, 1906).
- VINOGRADOFF, P., ‘Reason and Conscience in Sixteenth-Century Jurisprudence’, *Law Quarterly Review*, 24 (1908), 373–384.
- WABUDA, S., *Preaching during the English Reformation* (Cambridge, 2002).
- WALSHAM, A., ‘“Domme preachers”? Post-Reformation English Catholicism and the Culture of Print’, *Past and Present*, 168 (2000), 72–123.
- WATSON, N., ‘Censorship and Cultural Change in Late-Medieval England: Vernacular Theology, the Oxford Translation Debate and Arundel’s Constitutions of 1409’, *Speculum*, 70 (1995), 822–64.
- WATT, D.E.R., ‘The Papacy and Scotland in the Fifteenth Century’ in R.B. Dobson (ed.), *The Church, Politics and Patronage in the fifteenth century* (Gloucester, 1984), 115–118.
- WATT, J.A., ‘The Early Medieval Canonists and the Formation of Conciliar Theory’, *Irish Theological Quarterly*, 24 (1957), 13–31.
- ‘Spiritual and temporal powers’ in Burns, *Cambridge History of Medieval Political Thought*, 367–423.
- WATTS, J.L., *Henry VI and the politics of kingship* (Cambridge, 1996).
- ‘The Pressure of the Public on Later Medieval Politics’ in *The Fifteenth Century vol. IV*, ed. L. Clark and C. Carpenter (Woodbridge, 2004), 159–80.
- ‘Public or Plebs: the changing meaning of “the Commons”, 1381–1549’ in H. Price and J. Watts (eds.), *Power and Identity in the Middle Ages: Essays in memory of Rees Davies* (Oxford, 2007), 242–60.
- *The Making of Polities: Europe, 1300 – 1500* (Cambridge, 2009).
- WENGERT, T., *Human Freedom, Christian Righteousness: Philip Melancthon’s Exegetical Dispute with Erasmus of Rotterdam* (New York; Oxford, 1998).
- WENIG, S., ‘The Reformation in the Diocese of Ely during the Episcopate of Richard Cox, 1559–77’, *The Sixteenth Century Journal*, 33 (2002), 151–80.
- WILLIAMS, G., *The Welsh Church from Conquest to Reformation* (Cardiff, 1962).
- WOOD, A., *The 1549 Rebellions and the Making of Early Modern England* (Cambridge, 2007).

- WOOD, D., 'Rule from Europe? Four English views of papal authority in the fourteenth century' in J. Mitchell (ed.), *England and the Continent in the Middle Ages: Studies in Memory of Andrew Martindale* (Stamford, 2000), 97–112.
- WOODING, L.E.C., *Rethinking Catholicism in Reformation England* (Oxford, 2000).
- WOODWARD, D., 'The Determination of Wage Rates in the Early Modern North of England', *Economic History Review*, 47 (1994), 22–43.
- YOUINGS, J., 'The South-Western Rebellion of 1549', *Southern History* 1 (1979), 99–122.
- ZELLER, J., 'Das Provinzialkapitel im Stifte Petershausen im Jahre 1417', *Studien und Mitteilungen zur Geschichte des Benediktinerordens und seiner Zweige*, 41 (1922), 1-73.
- ZELLFELDER, A., *England und das Basler Konzil* (Berlin, 1913).