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Author(s): Peter Marshall

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## PAPIST AS HERETIC: THE BURNING OF JOHN FOREST, 1538\*

PETER MARSHALL

*University of Warwick*

**ABSTRACT.** *This article examines the circumstances surrounding the condemnation and burning for heresy of the Observant Franciscan John Forest in 1538. Forest's principal 'heresy' was his adherence to the papacy, making him the only Englishman to be burnt for this offence by any Tudor regime. His fate, however, can be placed in the context of an increasing willingness of Henrician apologists in the 1530s to identify papal claims as heretical, particularly over the issue of the authority of a general council, to which Henry VIII had appealed over the divorce. The papal convocation of the council of Mantua in 1536–7, and Henry's need to impugn its authority, provides the immediate context for Forest's condemnation. The article also demonstrates how the harshness of Forest's treatment was related to his avowed equivocation over the oath of supremacy, and how Forest and a number of other conservative priests and laypeople were able to employ strategies to subvert the government's attempts to bind their consciences. It concludes by suggesting a number of reasons, political and theological, why the policy pursued with Forest was not repeated.*

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Chronicling the burnings which took place in England in 1538 proved to be a ticklish assignment for the martyrologist John Foxe. According to the *Acts and monuments*, five Englishmen suffered the penalty for heresy in that year, but none of these was, from Foxe's point of view, entirely unproblematic. In one of the cases, Foxe clearly knew very little of the circumstances involved. In another two, those of William Collins and William Cowbridge, Foxe had to admit that the victims were probably mad: the latter 'a man more fit to be sent to Bedlam, than to the fire in Smithfield'. The case of the sacramentarian John Lambert, burned at Smithfield in November 1538, provided Foxe with a more dependable witness for the Protestant cause, but at the same time it raised distinctly uncomfortable questions about the role of Archbishop Cranmer, not to mention the reforming credentials of Henry VIII, who had presided over the trial clad in the white of theological purity.<sup>1</sup> The other condemned heretic of that year posed problems of a different kind, for, in Foxe's terms, John Forest was not really a martyr at all, 'unworthy of place, and not to be numbered in this catalogue'. His unworthiness was exemplified by the manner of his death. In marked contrast to the serenity and steadfastness with which Foxe's

\* I wish to thank Dr Susan Brigden, Professor Tom Freeman, Dr Steve Hindle, and Dr Diarmaid MacCulloch for reading and commenting upon an earlier draft of this paper.

<sup>1</sup> J. Foxe, *Acts and monuments*, ed. S. R. Cattley and G. Townsend (8 vols., London, 1837–41), v, pp. 179–80, 229–34, 251–4. For modern consideration of these cases, see S. Brigden, *London and the Reformation* (Oxford, 1989), pp. 117, 273, 259–60, 296–8; D. MacCulloch, *Thomas Cranmer: a life* (New Haven and London, 1996), pp. 232–4.

Protestant martyrs invariably face the end, Forest squirmed and struggled to elude the flames ‘as never any man that put his trust in God, at any time so ungodly or unquietly ended his life’.<sup>2</sup>

If Forest’s execution disturbed the equilibrium of Foxe’s Protestant martyrology, it poses equal difficulties for the modern historian, for Forest’s was a heresy of the ‘right’, rather than of the sacramentarian ‘left’. The first and most substantial of the heresy charges on which he was condemned was that he had maintained ‘the Holie Catholike Church was the Church of Rome, and that we ought to beelevé out of the same’.<sup>3</sup> If revisionist historians of the English Reformation are only half-right, this belief was held by thousands of Forest’s fellow countrymen and women throughout the sixteenth century, but no other English Catholic ever went to the stake for holding it. By the manner of his trial and execution, therefore, Forest appears to undermine one of the most immutable paradigms of state persecution in sixteenth-century England: namely, that those out of step with the religious policies of the Henrician, Edwardian, or Elizabethan regimes because of their support for advanced Protestantism were liable for the traditional penalties for heresy, while those who continued to regard the pope rather than the monarch as head of the church risked execution for the rather different crime of treason. In the Elizabethan period, it was to become one of the central planks of government propaganda that Catholics, in particular missionary priests, were punished not for reasons of spiritual conscience, but for their political disloyalty to a queen who famously did not want to make ‘windows into men’s souls’.<sup>4</sup> To the victims, such reasoning must sometimes have seemed sophistical; the sixteenth-century penalties for treason and for heresy were equally appalling. Indeed, as much was admitted by Thomas Cromwell in the course of his interrogation of Thomas More in June 1535. In an attempt to break down More’s notorious silence over his reasons for refusing to recognize the royal supremacy, Cromwell reminded the ex-chancellor that he himself had forced suspected heretics to affirm or deny the pope’s supremacy, and dismissed More’s protestation that the cases were different with what can only be called gallows-humour: ‘they were as well burned for the denying of that as they be beheaded for denying of this, and therefore as good reason to compel them to make precise answer to the

<sup>2</sup> Foxe, *Acts and monuments*, v, p. 180. Foxe’s account of Forest’s end is derived substantially from that of Edmund Hall: *Hall’s chronicle* (London, 1809), pp. 825–6. Other contemporary, or nearly contemporary, descriptions are C. Wriothesley, *A chronicle of England during the reigns of the Tudors*, ed. W. D. Hamilton (2 vols., Camden Society new ser., 11, 20, 1875, 1877), 1, pp. 78–81; *Chronicle of the Grey Friars of London* (Camden Society, 53, 1853), p. 42; Bodleian Library, Ashmole MS 861, fo. 335; *Chronicle of King Henry VIII of England*, tr. and ed. M. A. S. Hume (London, 1889), pp. 77–81.

<sup>3</sup> Wriothesley, *Chronicle*, 1, p. 79.

<sup>4</sup> William Cecil, *The execution of justice in England*, ed. R. M. Kingdom (Ithaca, NY, 1965), pp. 1, 7–10, 20–1, 36–7; P. McGrath, *Papists and puritans under Elizabeth I* (London, 1967), pp. 55, 177–8. See here the remark of G. R. Elton that ‘no conforming English protestant in the reign of Elizabeth ever called popery heretical...the question of applying the treatment prescribed for heretics – burning at the stake – could not arise over papists’: ‘Persecution and toleration in the English Reformation’, in *Studies in Tudor and Stuart politics and government* (4 vols., Cambridge, 1974–92), iv, p. 185. I am grateful to the *Historical Journal’s* reader for this reference.

one as to the other'.<sup>5</sup> Yet the remark served a polemical rather than a philosophical purpose. In general, the government Cromwell served, like all Tudor governments, was as determined as the Mikado's Lord High Executioner to 'let the punishment fit the crime'. Burning for heresy was felt to mirror the punishment of hell-fire, while the 'cumulation of deaths' enacted in the hanging and dismemberment of traitors was intended to assert the uniqueness of treason as the most heinous of crimes.<sup>6</sup>

A little over five years after the exchange between Cromwell and More, this taxonomy of execution received its definitive expression. On 30 July 1540, a mere two days after Cromwell's own execution, six notables were executed together at Smithfield. The reformers Barnes, Garrett, and Jerome were burned as heretics, while three of Catherine of Aragon's old supporters, Abell, Featherstone, and Powell were hanged, drawn, and quartered in a grotesque assertion of theological even-handedness and judicial proportionality.<sup>7</sup> The incident brings into sharper focus the apparent incongruity of the burning of Forest a little over two years before. While a number of commentators have noted en passant the discrepancy involved in the manner of Forest's execution,<sup>8</sup> none has attempted to explain it, nor to draw out the implications for the theological and political concerns of Henry VIII's church, and its attempts to monitor and control religious dissent. In what follows, I will seek to argue that investigating the construction of Forest's 'heresy' reveals a considerable amount about the sensitivities of the government in the early months of 1538, a government riven by conflicting visions of which route the English church should follow, and faced with threats on both international and domestic fronts. Moreover, it will be suggested that an attempt to unravel Forest's own apparently inconsistent behaviour over the crisis period of the mid-1530s can take us some way towards understanding both the potential and the limitations of the means of coercion and persuasion open to the Henrician authorities as they sought to secure compliance with a wrench of allegiance of unprecedented magnitude.

<sup>5</sup> *The correspondence of Sir Thomas More*, ed. E. F. Rogers (Princeton, 1947), pp. 557–8, cited in G. R. Elton, *Policy and police: the enforcement of the Reformation in the age of Thomas Cromwell* (Cambridge, 1972), p. 417.

<sup>6</sup> R. C. Finucane, 'Sacred corpse, profane carrion: social ideals and death rituals in the later middle ages', in J. Whaley, ed., *Mirrors of mortality: studies in the social history of death* (London, 1981), pp. 50–1, 58.

<sup>7</sup> Wriothesley, *Chronicle*, 1, pp. 120–1.

<sup>8</sup> See M. Aston, *Faith and fire: popular and unpopular religion, 1350–1600* (London, 1993), p. 276; Brigden, *London*, p. 290; E. Duffy, *The stripping of the altars: traditional religion in England, 1400–1580* (New Haven and London, 1992), p. 404; P. Marshall, 'The Rood of Boxley, the Blood of Hailes and the defence of the Henrician church', *Journal of Ecclesiastical History (JEH)*, 46 (1995), p. 695; MacCulloch, *Cranmer*, p. 214. The fullest modern account of Forest's career is in K. Brown, 'The Franciscan Observants in England, 1482–1559' (D.Phil. thesis, Oxford, 1986), but this notes merely (p. 216) that Forest was condemned 'uniquely and ironically on a charge of heresy'.

## I

The salient features of Forest's career prior to 1538, and the immediate circumstances of his trial and execution can be fairly briefly rehearsed.<sup>9</sup> John Forest was a senior figure in the Franciscan Observant community at Greenwich, perhaps already sixty years old in 1530. In the early 1530s he was well known as a regular preacher at Paul's Cross, and like many of his confrères he had strong links with the household of Catherine of Aragon, though there appears to be no direct contemporary evidence for the later tradition that he was her confessor. At the same time he was increasingly the subject of a series of complaints directed to Cromwell by two malcontented friars of the house, John Lawrence and Richard Lyst, who accused him *inter alia* of opposing the king's proceedings.<sup>10</sup> As a result, in the spring of 1533 Forest was exiled from Greenwich to one of the northern houses of the order, either Newcastle or Newark. Shortly after this the storm broke over the Observant houses in the capital. In the spring and early summer of 1534 the friars of Greenwich and Richmond, along with the rest of the religious, were required to swear acceptance of the king's new position as head of the church. The Observants' refusal led to the imprisonment of many of the friars, the suppression of the order in England, and the dispersal of the former Observants among the priories of their despised Conventual Franciscan rivals, where individual resistances to the oath seem in the main to have been broken down. Franciscan tradition has Forest arrested and imprisoned in 1534, perhaps in connection with the activities of Elizabeth Barton, the Nun of Kent, but it is impossible to confirm that this took place.<sup>11</sup> All that is known for certain is that by early 1538 Forest had turned up again in London, domiciled at the house of the Conventual Franciscans, and that in the meantime he, like the great majority of his brethren, had submitted to the royal supremacy.<sup>12</sup>

By March or early April of that year, Forest had been arrested for encouraging sedition in the confessional, and a decision had been made to try

<sup>9</sup> For Forest's activities before 1538, see D. Knowles, *The religious orders in England*, vol. III *The Tudor age* (Cambridge, 1959), pp. 206–11, 369–70; Brown, 'Franciscan Observants', pp. 153–67, 211–14, 258–9; idem, 'Wolsey and ecclesiastical order: the case of the Franciscan Observants', in S. J. Gunn and P. G. Lindley, eds., *Cardinal Wolsey: church, state and art* (Cambridge, 1991), pp. 219, 230.

<sup>10</sup> *Letters and papers, foreign and domestic, of the reign of Henry VIII*, ed. J. S. Brewer, J. Gairdner, and R. H. Brodie (1862–1932) (*LP*), vi, 116, 168, 309, 334, 512 (reference is to document numbers).

<sup>11</sup> The English Franciscan martyrologist, Thomas Bourchier, included in his *Historia ecclesiastica de martyrio fratrum ordinis minorum* of 1582 a series of letters supposedly written from the imprisoned Forest to Catherine of Aragon and members of her household. These are calendared in *LP*, vii, 129–34, and printed in translation in J. M. Stone, *Faithful unto death: an account of the sufferings of the English Franciscans during the sixteenth and seventeenth centuries* (London, 1892), pp. 54–61. Their authenticity is fairly convincingly impugned in Brown, 'Franciscan Observants', pp. 212–13, though Brown is perhaps unduly sceptical about Bourchier's claim that Forest had written a work, *De auctoritate ecclesiae et pontificis maximi*, attacking the royal supremacy: in the 1530s a number of Catherine's partisans succeeded in having works published abroad.

<sup>12</sup> *LP*, xiii (1), 1043 (2); Public Record Office (PRO), SP 1/132, fo. 155 (*LP*, xiii (1), 1043 (1)).

him on heresy charges. Though the formal proceedings relating to the case do not appear to survive, it seems most likely that this action was taken by virtue of a commission to Cranmer issued on the vicegerential authority of Thomas Cromwell, rather than through the ordinary jurisdiction of the archbishop.<sup>13</sup> On 6 April Cranmer wrote to Cromwell for instructions on the case, and suggested that if everything was to be above-board ‘there must be articles devised beforehand, which must be ministered unto him’.<sup>14</sup> This was duly done, and a record survives of Forest’s answers to the questions put by the tribunal, answers which served only to incriminate him. Forest’s conviction on heresy charges promised a propaganda coup for the evangelical agenda which Cromwell and Cranmer had been seeking to promote: in the past evangelical supporters had been forced to read humiliating abjurations at Paul’s Cross; now a papist friar would do the same.<sup>15</sup> In the event, the plan backfired. In Newgate, Forest was incarcerated with the Carmelite Laurence Cooke and the Carthusian William Horne, who seem to have talked him into a final act of defiance: at his abjuration on 12 May he refused to read his recantation, and thus condemned himself to the only course open for relapsed heretics, death by burning.<sup>16</sup> The heresies which Forest was to have abjured were none the less recited by Bishop Latimer:

First that the Holie Catholike Church was the Church of Rome, and that wee ought to beleeve out of the same. Second, that wee should beleeve on the Pope’s pardon for remission of our sinnes. Thirdlie, that wee ought to beleeve and doe as our fathers have donne aforetyme fowertene yeares past. Fourthlie, that a priest maie turne and change the paines of hell of a sinner, truly penitent, contrite of his sinns, by certaine pennance enjoyned him in the paines of purgatorie; which said articles be most abhominable heresies, blasphemie against God... and to abhorr any true Christian hart to thinck.<sup>17</sup>

Forest’s stubbornness was a disappointment to his persecutors. Requested to preach again at the execution, or as he put it, ‘play the fool after my customable manner’, Hugh Latimer expressed to Cromwell his wish that Forest ‘would yet with heart return to his abjuration’.<sup>18</sup> But if Forest’s was a burning that should never have taken place, Cromwell contrived none the less to turn it into an extraordinary piece of political theatre. The crowd of

<sup>13</sup> For evidence that such trials could and did take place, see S. E. Lehmborg, ‘Supremacy and vicegerency: a re-examination’, *English Historical Review*, 319 (1966), pp. 225–35; Brigden, *London*, pp. 236, 271; P. Ayris, ‘Thomas Cranmer’s register: a record of archiepiscopal administration in diocese and province’ (Ph.D. thesis, Cambridge, 1984), pp. 32, 100.

<sup>14</sup> T. Cranmer, *Miscellaneous writings and letters*, ed. J. E. Cox (Parker Society, Cambridge, 1846), pp. 365–6 (*LP*, XIII (1), 687).

<sup>15</sup> On Protestant abjurations, see Brigden, *London*, pp. 91–2; S. Wabuda, ‘Equivocation and recantation during the English Reformation: the “subtle shadows” of Dr Edward Crome’, *JEH*, 49 (1993), pp. 224–42.

<sup>16</sup> Knowles, *Religious orders*, p. 371; Hugh Latimer, *Sermons and remains*, ed. G. E. Corrie (Parker Society, Cambridge, 1845), p. 392. As a means of psychological coercion, imprisonment of Elizabethan seminary priests together could prove similarly counter-productive: P. Lake and M. Questier, ‘Prisons, priests, and people in post-Reformation England’ in Nicholas Tyacke, ed., *England’s long Reformation, 1500–1800* (London, 1998), pp. 195–233.

<sup>17</sup> Wriothsley, *Chronicle*, I, p. 79.

<sup>18</sup> Latimer, *Sermons and remains*, pp. 391–2.

thousands gathered at Smithfield on 22 May included, in addition to Cromwell, Cranmer, and Latimer, the dukes of Norfolk and Suffolk, the earl of Sussex, the earl of Hertford, the bishop of London and other councillors, the lord mayor and sheriff.<sup>19</sup> Forest was suspended from a gallows on a nest of chains and the fire lit beneath him. Extra fuel for the pyre was provided by the ‘abused image’ of Dderfel Gadarn, a great wooden statue from the pilgrimage site of Llandderfel in North Wales. After Latimer had preached, and Forest reiterated his defiance, friar and wooden image burned together in what has been called ‘the ritual wedding of the anti-papal cause with that of radical iconoclasm’.<sup>20</sup> Specially commissioned verses were hung on the scaffold mocking both ‘David Darvell Gatharn’ and ‘Forest the friar’.<sup>21</sup> The tradition that the Welsh had a prophecy that Dderfel Gadarn would one day set a forest on fire seems likely to be a subsequent invention.<sup>22</sup> But the conjoining of the judicial execution with the iconoclastic spectacle was not merely fortuitous and opportunistic. On the day Cranmer had written to Cromwell about procedure in the Forest trial, a letter about the idolatry attending the cult of Dderfel Gadarn had been sent to the vicegerent by Elis Price, commissary-general of the diocese of St Asaph. Price reported that ‘there is a commyn saying as yet amongist them that whosoever will offer anie thinge to the saide image... he hathe power to fetch hym or them that so offers out of hell when they be dampned’.<sup>23</sup> The parallel with the heresy attributed to Forest – the power of clerically imposed penances to convert the pains of hell to those of purgatory – suggests that some version of the Welsh belief may have been put to Forest at his trial, and that the friar’s response had obligingly enabled Cromwell (and Latimer in his sermon?) to establish a connection between the pretensions of the reactionary clergy and the unscriptural superstitions attendant upon image-worship.<sup>24</sup> The apparent

<sup>19</sup> Wriothesley, *Chronicle*, 1, p. 80; Bodleian Library, Ashmole MS 861, fo. 335.

<sup>20</sup> Duffy, *Stripping of the altars*, p. 404. On Dderfel Gadarn, see Wriothesley, *Chronicle*, 1, p. 80; Hall, *Chronicle*, p. 826; T. Wright, ed., *Three chapters of letters relating to the suppression of the monasteries* (Camden Society old ser., 26, 1843), pp. 190–1. On the related iconoclasm of 1538, see M. Aston, *England’s iconoclasts, 1: Laws against images* (Oxford, 1988), pp. 234–6; idem, *Faith and fire*, pp. 266–70, 276–7, 304–7; Marshall, ‘Rood of Boxley’.

<sup>21</sup> Foxe, *Acts and monuments*, v, p. 180; Hall, *Chronicle*, p. 826. The author of the verses was Thomas Cromwell’s protégé, William Gray, who recycled them in a longer ballad, *The fantasie of idolatrie*: Foxe, *Acts and monuments*, v, pp. 403–9; J. Morris and J. H. Pollen, *Lives of the English martyrs*, 1 (London, 1904), p. 307. For Gray, see E. W. Dormer, *Gray of Reading: sixteenth-century controversialist and ballad-writer* (Reading, 1923).

<sup>22</sup> The ‘prophecy’ has been accepted as contemporary by some modern authorities: Brigden, *London*, p. 290; Aston, *Faith and fire*, p. 303; greater scepticism is exercised by K. Thomas, *Religion and the decline of magic* (Harmondsworth, 1978), p. 502. The earliest allusion to the prophecy seems to be Hall’s *Chronicle*, p. 826. The fact that heresy proceedings against Forest had been instigated before the authorities in London had heard of Dderfel Gadarn means the existence of any prophecy can be discounted as the motive prompting the unique handling of Forest’s case.

<sup>23</sup> Wright, *Three chapters of letters*, pp. 190–1.

<sup>24</sup> That the two statements might be connected was first suggested by Morris and Pollen, *Lives of the English martyrs*, 1, pp. 304–6. For the possibility that such beliefs may have been widely diffused in pre-Reformation culture, and might relate to misapprehensions about the nature of indulgences, see Duffy, *Stripping of the altars*, pp. 290–1. Forest’s own view most probably resembled the orthodox position taken by John Fisher that a sinner who deserved eternal pain could ‘mytygate them in to

linking of the cases should alert us to the possibility that the charges against Forest represented more than a random list of outdated conservative attitudes.

## II

Rather than suggesting a casual act of vindictiveness, the decision to proceed against Forest as a heretic can be fitted into a pattern dating back to the very inception of the break with Rome. From the first session of the Reformation parliament in 1529, issues relating to the definition, delation, and prosecution of heresy proved highly contentious, with members of the lower house acutely sensitive to any suggestion that their own grievances against the clergy might stem from 'lack of faith'.<sup>25</sup> In the early part of 1534, parliamentary unease about the case of the suspected heretic, Thomas Philips, who was widely believed to have been victimized by Bishop Stokesley, and about ex officio procedure in heresy cases in general, culminated in the creation of a new heresy law which received royal assent on 30 March.<sup>26</sup> One of the most frequent complaints about the old heresy law had been the vagueness and elasticity of the concept, allowing the church to frame heresy charges against those who had merely attacked corruption, or opposed the excessive power of the clergy.<sup>27</sup> In repealing the act of Henry IV's reign, the new statute complained that 'it doth not in any parte therof declare any certeyne cases of Heresy' which subjects could recognize and avoid. But the new act remedied this defect in a negative sense only: henceforth 'noo maner of spekyng, doing, comunicacion or holdyng agenste theseid Bisshop of Rome... shalbe deemed, reputed, accepted or taken to be Heresie'.<sup>28</sup> There was as yet no official suggestion that the converse might be true, that those upholding the pope's supremacy might themselves be guilty of heresy. But among the king's more evangelical advisers there was clearly a growing mood to that effect. When John Hale, vicar of Isleworth, was arrested in 1534 for treasonable conversations about the Boleyn marriage, Cromwell's endorsement of a letter relating to the case referred to 'one Hale in his heresie atteynted'.<sup>29</sup> Thomas Cranmer was still more

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temporall paynes in this lyfe by penaunce, and after they be deed to make full satisfaccion in purgatory': Fisher, *The English works*, ed. J. E. B. Mayor (Early English Text Society, extra ser. 27, 1876), p. 10. Protestant writers continued to insist, however, that priests claimed to deliver souls from hell: Thomas Cranmer, *Writings and disputations*, ed. J. E. Cox (Parker Society, Cambridge, 1844), p. 354; J. Veron, *The huntyng of purgatorye to death* (London, 1561), fo. 96<sup>r</sup>.

<sup>25</sup> S. E. Lehmborg, *The Reformation parliament, 1529-1536* (Cambridge, 1970), pp. 83-4, 117-8; J. A. Guy, *The public career of Sir Thomas More* (New Haven and London, 1980), pp. 118-19.

<sup>26</sup> Lehmborg, *Reformation parliament*, pp. 186-7; J. A. Guy, 'The law of heresy', in Thomas More, *The debellation of Salem and Bizance*, ed. J. Guy, R. Keen, C. H. Miller, and R. McGugan (Yale edn of the complete works of St Thomas More (CW), x, New Haven and London, 1987), pp. lxii-lxvii.

<sup>27</sup> For expressions of this belief, see P. Marshall *The Catholic priesthood and the English Reformation* (Oxford, 1994), pp. 219-21.

<sup>28</sup> *Statutes of the realm* (11 vols., London, 1810-28), III, pp. 454-5 (25 Henry VIII c. 14).

<sup>29</sup> L. E. Whatmore, *The Carthusians under King Henry VIII* (Analecta Cartusiana, 109, Salzburg, 1983), p. 67. It may be relevant to note here that when the Londoner, Elizabeth Tyse, was brought



convinced that opponents of the gospel could be classed as heretics. In a stinging letter to the conservative Kentish gentleman Sir Thomas Cheyney in October 1537, Cranmer threatened to proceed against those of Cheyney's servants who upheld images, saints, and purgatory 'as against heretics'.<sup>30</sup> More pertinently, Cranmer had employed the accusation of heresy against the Nun of Kent and her adherents at the end of 1533, making sure that the term was included when the sermon of denunciation preached against her at Paul's Cross in November by John Salcot was reprised in Canterbury in December by Nicholas Heath.<sup>31</sup> Although Elizabeth Barton and her associates were to meet their deaths as attainted traitors in the following year, Heath's sermon implied strongly a different path of retribution might have been pursued: the books of the Nun's revelations compiled by her spiritual director, Edward Bocking, were said to contain manifold 'erroneous or heretical propositions... of which heresies and errors it will be hard for you... to avoid if they shall be laid to your charge'.<sup>32</sup> It is relevant to note here that the Nun's revelations were said to have been spread abroad by certain priests and religious, 'specially by friar Observants'. Moreover, the Nun's recorded revelations spoke of the soul of a certain man 'delivered from that place... where he was punished – a place of no salvation – unto purgatory, a place of salvation' – an intriguing foreshadowing of the motif we have noted linking Dderfel Gadarn to Forest's claim that 'a priest maie turne and change the paines of hell... in the paines of purgatorie'.<sup>33</sup> By the mid-1530s the trail which would lead Forest to the stake was already being mapped out.

The growing identification of conservative disaffection with heretical belief was not, however, solely a reflection of the reformist convictions of Cromwell and Cranmer. It emerged also from two evolving and inter-connected processes set in motion by Henry's breach with the papacy in the early 1530s: the need to establish a coherent ecclesiology and *locus* of spiritual authority for the *Ecclesia Anglicana*, and the need to locate the English church theologically within the wider Christian community. In other words, it related to the problem of defining 'Catholicism without the pope'. Never far from the heart of this process was that elusive body which appeared alternately to Henrician hopes as *deus ex machina* and *dies irae*: a general council of the church.<sup>34</sup> The

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before the aldermen in autumn 1537 for saying 'the pope should bear as great authority as ever he did', she was told she deserved to be burnt: Brigden, *London*, p. 277.

<sup>30</sup> Cranmer, *Miscellaneous writings*, p. 352; MacCulloch, *Cranmer*, p. 207. By contrast, Cranmer seems to have been extremely reluctant to apply the label 'heretic' to anyone on the evangelical end of the religious spectrum: *ibid.*, pp. 101–2.

<sup>31</sup> L. E. Whatmore, ed., 'The sermon against the Holy Maid of Kent and her adherents, delivered at Paul's Cross, November the 23rd 1533, and at Canterbury, December the 7th', *English Historical Review*, 109 (1943), pp. 463–75; MacCulloch, *Cranmer*, pp. 105–7.

<sup>32</sup> Whatmore, 'Sermon', p. 470.

<sup>33</sup> *Ibid.*; Wriothsley, *Chronicle*, 1, p. 79.

<sup>34</sup> For Henry's appeal to a general council against Clement VII, see J. J. Scarisbrick, *Henry VIII* (London, 1968), pp. 262–3, 319; for Cranmer's abiding interest in conciliar theory, see MacCulloch, *Cranmer*, pp. 27–9, 105, 151, 592.

notion of an appeal against the pope to a general council had first surfaced during the campaign for the divorce, and rapidly emerged as a major theme in the government's propaganda of the early 1530s. The government-sponsored tract of 1532, the *Glasse of the truthe*, for example, adduced the 1415 decree of the Council of Constance that the pope was subject to a general council in matters of faith, an argument reiterated by the 1534 tract *A litel treatise ageynste the mutteryng of some papists in corners*.<sup>35</sup> The possible implications of this had been more explicitly drawn out by a third official publication produced towards the end of 1533, the *Articles devised by the holle consent of the kynges most honourable counsayle*. This aligned itself with the most extreme manifestation of fifteenth-century conciliarism, the Council of Basle, in holding that whoever opposed the superiority of a council to the pope 'is to be taken by all true Christian people as an heretic'. By upholding Pius II's decree *Execrabilis* (1460) condemning appeal to a council from papal pronouncements, the current pope, Clement VII, was thus 'determined by a general council *Vere haereticus*, that is to say an heretycke'.<sup>36</sup> From here it was but a short step to concluding that all who supported papal pretensions were heretics as well.

The failure of the heresy legislation of 1534 to provide any map of the contours of orthodoxy in the new national church was addressed in 1537 with the appearance of the first full statement of belief of the Henrician church, the *Institution of a Christian man* or Bishops' Book. Here orthodoxy was defined clearly and conventionally as acceptance of the twelve articles of the creed, with the stern monition that 'whosoever being once taught will not constantly believe them... be very infidels or heretics, and members of the devil, with whom they shall perpetually be damned'.<sup>37</sup> This definition of right faith meant, of course, acceptance of the twelve articles as glossed by the Bishops' Book itself. In its exposition of the ninth article – 'I believe that there is one holy Catholic and universal church' – the Bishops' Book located the Catholic church in the sum of 'particular churches', none of which enjoyed 'superiority, preeminence or authority' over any other. It followed therefore that 'the church of Rome is not, nor cannot worthily be called the Catholic church, but only a particular member thereof'.<sup>38</sup> In terms of the theology of the Bishops' Book, there seems no doubt therefore that Forest was legitimately convicted of heresy. But this in itself does not explain why such reasoning was brought to bear in his particular case, and the drastic course pursued with Forest may have had much to do with a number of more urgent developments impinging on the political consciousness of the government in 1537–8.

In the first place, the issue of a general council, which Henry had made so free with in his propaganda campaign against Clement VII, had returned to

<sup>35</sup> Both tracts are reprinted in N. Pocock, ed., *Records of the Reformation: the divorce, 1527–33* (2 vols., Oxford, 1870), relevant passages at II, pp. 407, 540–1. See also S. W. Haas, 'Henry VIII's *Glasse of truthe*', *History*, 64 (1979), pp. 353–62.

<sup>36</sup> Pocock, *Records of the Reformation*, II, pp. 526–7, 530. For the texts of the conciliar and papal decrees, see H. Bettenson, ed., *Documents of the Christian church* (Oxford, 1943), pp. 188–90.

<sup>37</sup> C. Lloyd, ed., *Formularies of faith put forth by authority during the reign of Henry VIII* (Oxford, 1825), p. 61.

<sup>38</sup> *Ibid.*

haunt the king and his ministers. In June 1536, Clement's successor Paul III issued the bull *Ad dominici gregis curam*, summoning a general council to meet at Mantua in May the following year, an event which provoked a flurry of written responses in circles around the Henrician court, designed for both domestic and international consumption.<sup>39</sup> In the view of G. R. Elton, with France and the Empire at war in 1537, England could comfortably attend to its own affairs, and the convocation of the Mantuan council was 'easily ignored' by Henry VIII.<sup>40</sup> But this is to take too sanguine a view – the prospect of a council attended by some or all of the Catholic powers was pregnant with dangers for Henry at a time when strong measures against England appeared to Paul III as one of the most important tasks facing a council, and when newly appointed papal legate Reginald Pole was doing his utmost to urge concerted military action against his errant homeland. The convocation of a council was said to be the thing 'the King dreads most'.<sup>41</sup> It thus became a Henrician imperative not only to reprise the theme that the pope was subject to a general council, but also to stress that any council summoned on the authority of the pope rather than the pooled authority of Christian princes was *ipso facto* illegitimate. In *A treatise concerninge generall councilles, the byshoppes of Rome and the clergy* (1538), this campaign produced the most emphatic statement to date of the heretical nature of papal claims and the bad faith of those who supported them:

If a man wylle say, and abydingly stand in it, that the byshop of Rome is heed of the universalle church of Christe: it is not onely untrue, but it is also heresy, and is directly agaynste scripture, Ecclesiastes. v. where it is sayde: *Universe terre rex imperat servienti*, that is, the kynge commaundeth the hole countrey as his subiecte. Whereupon it foloweth, that the emperour, whiche is kynge in Italye, may commaunde the byshoppe of Rome as his subiecte. And if the byshoppe of Rome shuld be heed of the universall church: then he shulde be heed over the Emperour... And also it is sayd Sa. vi. here ye kynges and understande: lerne ye that ye be iudges of al partes of the worlde... It is heresie, therefore, to say that the byshope of Rome is heed of the universall church.<sup>42</sup>

It was John Forest's misfortune to be found proselytizing for the pope at a moment when the Henrician authorities were more than usually sensitive to the illegitimacy, not to say the impiety, of papal claims. Indeed, Forest's trial may well have taken place at almost the same time that the *Treatise concerninge*

<sup>39</sup> H. Jedin, *History of the Council of Trent*, tr. E. Graf (2 vols., London, 1957–61), 1, pp. 288–318; P. A. Sawada, 'Two anonymous Tudor treatises on the general council', *JEH*, 12 (1961), pp. 197–214; MacCulloch, *Cranmer*, pp. 193–4. In the spring of 1538 it emerged that the authority of Mantua had been treasonably endorsed by the abbot of Woburn: *LP*, XIII (1), 981.

<sup>40</sup> G. R. Elton, *Reform and reformation: England, 1509–1558* (London, 1977), p. 276.

<sup>41</sup> Jedin, *History of Trent*, 1, pp. 303, 352; C. Höllger, 'Reginald Pole and the legations of 1537 and 1539; diplomatic and polemical responses to the break with Rome' (D.Phil. thesis, Oxford, 1989); S. Brigden, "'The shadow that you know': Sir Thomas Wyatt and Sir Francis Bryan at court and in embassy', *Historical Journal*, 39 (1996), p. 8. Henry's concern is palpable in his correspondence with his ambassadors at the French and Imperial courts: *LP*, XI, 151; XIII (1), 279, 695, 709, 891, 915, 917.

<sup>42</sup> Alexander Alesius [?], *A treatise concerninge generall councilles, the byshoppes of Rome, and the clergy* (Berthelet, 1538), sigs. c iii<sup>v</sup>–iv<sup>r</sup>. The identification of Alesius as the author is suggested by Sawada, 'Two anonymous treatises', pp. 210–11.

*generall councilles* was being printed, and it is at least plausible that Cranmer's request for articles be drawn up in the Forest case may have prompted Cromwell to draw directly on the arguments of the treatise.<sup>43</sup> Moreover, the papers relating to Forest's examination and confession reveal a clear determination to force the accused to commit himself on the issues of papal and conciliar authority. Alongside the heresies for which he was ultimately condemned, Forest was supposed to have asserted that the first Council of Nicaea (325) was summoned by 'an heretic Bishop who applied unto him certain other Bishops, whereat was neither the Pope nor the Emperor, where was made a certain ordinance whereby the Church of Rome should have no power over them, and the same was taken for no council because it was not full.'<sup>44</sup> During the campaign for the divorce and subsequently, Henrician propaganda had repeatedly alluded to Nicaea, alleging it to have established the immutable principle that ecclesiastical causes should be settled in their province of origin.<sup>45</sup> Most likely Forest found himself manoeuvred into denying the catholicity of the council in response to some such anti-papal interpretation of its teaching.

### III

That Forest's fate needs to be seen in the context of the Henrician response to the threat of a papal council seems beyond question. This, however, is to tell only part of the story. From the point of view of the authorities, Forest was a troubling figure not merely because he was a papalist friar whose views contradicted the quasi-conciliarist theology of the new regime. Equally, if not more seriously, he could be viewed as a symptom of a disease which some feared racked the Henrician body politic and threatened to destroy it from within: the virus of deceit and dissimulation.<sup>46</sup> Forest's notoriety among Protestants of his own day was due not so much to his papalist sympathies, but to the fact that he was an avowed equivocator. The verses affixed to Forest's gallows in May 1538 epitomized him as 'Forest the Freer, that obstinate lyer'.<sup>47</sup> Twelve years

<sup>43</sup> Internal evidence suggests the final version of the *Treatise concerninge generall councilles* must have been composed after September 1537, and it must have been printed in or before April 1538 when ambassadors were instructed to take copies with them to Spain: Sawada, 'Two anonymous treatises', p. 211. A MS extract from the *Treatise* may survive among the state papers. J. H. Froude cited from it the passage quoted above in his *History of England* (12 vols., London, 1858–70), III, pp. 107–8, and (though he was unaware of its provenance) suggestively linked the document with the Forest trial. I have been unable to identify or consult this MS in the PRO.

<sup>44</sup> PRO, SP 1/132, fo. 155 (LP, XIII (1), 1043 (1)).

<sup>45</sup> Pocock, *Records of the Reformation*, II, pp. 402–3, 525; LP, XI, 124 (8). See also V. Murphy, '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. 157–8; MacCulloch, *Cranmer*, pp. 59–60. Ironically, dispute over whether or not Nicaea had been summoned by papal authority was to play a part in bringing about Cranmer's temporary recantation in 1556: *ibid.*, pp. 586–7.

<sup>46</sup> For an important general discussion of the theme of dissimulation, see P. Zagorin, *Ways of lying: dissimulation, persecution, and conformity in early modern Europe* (Cambridge, MA, 1990). For the identification of Catholicism with dissimulation and hypocrisy in English Protestant polemic, see J. N. King, *English Reformation literature: the Tudor origins of the Protestant tradition* (Princeton, NJ, 1982), pp. 157–8.

<sup>47</sup> Hall, *Chronicle*, p. 826; Foxe, *Acts and monuments*, v, p. 180.

after he preached at Forest's execution, Hugh Latimer touched on the theme of dissembling in a sermon before Edward VI, and spoke of an unnamed bishop who had held that while laws were to be obeyed outwardly, 'my heart in religion is free to think as I will'. The idea triggered an instant association in Latimer's mind: 'so said Friar Forest, half a papist, yea worse than a whole papist'.<sup>48</sup> The undiluted contempt which Forest evoked represented a reaction to a circumstance that emerged in the course of his trial. Forest confessed that he had told a penitent that when he had sworn the oath of supremacy, 'he had denied the busshope of Rome by an oth given by his outwarde man but not in thinward man'.<sup>49</sup> The temptation perhaps is to dismiss this formula as a piece of meaningless sophistry, yet to do so might well be a mistake. The separation of the inward and the outward man may have been regarded by Forest as profoundly meaningful. In reacting to it with such undisguised fury, his enemies perhaps understood all too well its significance in exposing the fragility of the popular 'consent' upon which Henry's royal supremacy presented itself as resting.<sup>50</sup>

Early sixteenth-century England was a society long familiar with oaths, and oath-taking, but in requiring the whole realm to swear to accept the Boleyn marriage and succession, and subsequently in imposing a more explicit repudiation of papal authority on clergy (especially the regular clergy) and on officeholders, the Henrician authorities sought to invoke an unprecedented symbolic demonstration of acquiescence in the royal will: 'never before had a spiritual instrument of commitment been used as a political test'.<sup>51</sup> The fact that those required to take the oath overwhelmingly agreed to do so has been interpreted variously as a symptom of moral spinelessness on the part of the English clergy, of widespread indifference to the institution of the papacy, or, more realistically perhaps, of the effectiveness of the deterrents with which the regime could threaten dissidents: on the day Londoners were summoned to take the oath of succession the dismembered corpses of the Nun of Kent and her adherents were affixed to the city gates.<sup>52</sup> Yet acquiescence need not signal

<sup>48</sup> Hugh Latimer, *Sermons*, ed. G. E. Corrie (Parker Society, Cambridge, 1844), p. 266. For a further instance of Latimer's uncompromising attitude to lies and deceit, see *ibid.*, pp. 500–3.

<sup>49</sup> PRO, SP 1/132, fo. 155 (*LP*, XIII (1), 1043 (1)).

<sup>50</sup> Gardiner's *De vera obedientia* of 1535 suggested that the whole realm, both learned and unlearned, had consented to Henry's new title: *Obedience in church and state: three political tracts by Stephen Gardiner*, ed. P. Janelle (Cambridge, 1930), p. 156. C. S. L. Davies has plausibly suggested that this passage refers to the oaths taken in 1534, rather than to any act of parliament: 'The Cromwellian decade', *Transactions of the Royal Historical Society*, 7 (1997), pp. 177–96.

<sup>51</sup> The enforcement of the succession and supremacy oaths of 1534 is discussed by Elton, *Policy and police*, pp. 223–30; Brigden, *London*, 222–31 (quote at p. 223). For a sensitive discussion of the centrality of oath-taking in pre-Reformation civic culture, see *idem*, 'Religion and social obligation in early sixteenth-century London', *Past & Present*, 103 (1984), pp. 86–92.

<sup>52</sup> See the various perspectives offered in P. Hughes, *The Reformation in England, 1: The King's proceedings* (London, 1956), pp. 270–9; A. G. Dickens, *Reformation studies* (London, 1982), pp. 65, 69, 77–9; R. Rex, *Henry VIII and the English Reformation* (Basingstoke, 1993), p. 21. The likelihood that the execution of Elizabeth Barton and her supporters was intended to send an unmistakable message about refusal of the oath is persuasively presented in *idem*, 'The execution of the Holy Maid of Kent', *Historical Research*, 114 (1991), pp. 216–20.

acceptance, and resistance could take passive as well as active forms. Those charged with the administration of the oaths were well aware of the degree of enthusiasm with which they might be embraced. Writing to Cromwell in June 1534, John Hilsey reported that he had not found any religious who had refused, but that some had sworn with an ill-will and ‘slenderly hathe takyn an othe to be obeydyent’.<sup>53</sup> It deserves to be more widely recognized that such recalcitrants, Forest undoubtedly among them, could have had recourse to a range of strategies, not merely to salve their consciences over the oath, but to nullify its binding power. In other words, they may have taken the oath casuistically.

It is important here not to equate casuistically with lightly or cynically. The problem of how to reconcile one’s duty to properly constituted secular authority with one’s duty to God and conscience was common to persecuted minorities across early modern Europe. In the English context, a number of recent studies have sought to explore how both pre-Elizabethan Protestants and Elizabethan Catholics could justify dissembling their true opinions in the face of official intolerance.<sup>54</sup> By contrast, relatively little attention has been paid to the dilemma of what may well have been a much larger body of opinion in the mid-1530s.<sup>55</sup> Indeed, in the most thorough recent analysis of these themes it has been argued that as far as England is concerned, the Catholic casuistical techniques of equivocation and mental reservation were not in evidence until the later sixteenth century, and the story ‘begins with the Catholic missionary priests’.<sup>56</sup> As I shall argue, this judgement requires significant qualification.

Both ‘equivocation’ and ‘mental reservation’ represented legitimate means of misleading an unjust interrogator, while remaining within the confines of an absolute Augustinian prohibition on lying. Broadly defined, equivocation involved making a statement which could bear two meanings, that which the speaker wished the hearer to take, and that which he himself ‘intended’ in a purely technical sense. Mental reservation involved making assent to an unpalatable proposition with the addition of a silent subsequent clause.<sup>57</sup> These

<sup>53</sup> PRO, SP 1/84, fo. 239 (*LP*, vii, 869).

<sup>54</sup> Wabuda, ‘Equivocation and recantation’; A. Pettegree, ‘Nicomemism and the English Reformation’, in idem, *Marian Protestantism: six studies* (Aldershot, 1996), pp. 86–117; E. Rose, *Cases of conscience: alternatives open to recusants and puritans under Elizabeth I and James I* (Cambridge, 1975), pp. 71–102; P. J. Holmes, ed., *Elizabethan casuistry* (Catholic Record Society, 67, 1981); Zagorin, *Ways of lying*, pp. 186–220; A. Walsham, *Church papists: Catholicism, conformity and confessional polemic in early modern England* (Woodbridge, 1993), ch. 4.

<sup>55</sup> The only satisfactory approach to this question is the brief discussion in Brigden, *London*, pp. 226–31. By contrast, huge attention has been paid to the scruples of the only English layman to refuse the oath of succession, Thomas More. For a useful and incisive treatment, see R. Marius, *Thomas More: a biography* (London, 1985), pp. 460–70.

<sup>56</sup> Zagorin, *Ways of lying*, p. 186; cf. Rose, *Cases of conscience*, p. 101: the science of casuistry was ‘virtually a creation of the late sixteenth century’.

<sup>57</sup> Useful definitions and discussion in Rose, *Cases of conscience*, pp. 89–90; Zagorin, *Ways of lying*, pp. 163–4; J. P. Sommerville, ‘The “new art of lying”: equivocation, mental reservation, and casuistry’, in E. Leites, ed., *Conscience and casuistry in early modern Europe* (Cambridge, 1988), pp. 159–84.

techniques reached their fully developed form in the *Enchiridion* of the Spanish casuist Martin de Azpilcueta (known as Navarrus) in 1549, and their apotheosis in the works of Navarrus's Jesuit followers, but their roots were firmly in the central canonical tradition of the middle ages. A vital *locus classicus* was to be found in a passage from Gregory the Great's *Moralia*, incorporated into Gratian's *Decretum*:

The ears of men judge our words as they sound outwardly, but the divine judgement hears them as they are uttered from within. Certainly he is one that knows, who explains from the words of another his will and intention, because the intention should not serve the words, but the words the intention.<sup>58</sup>

The distinction between outward and inward, words and the true intentions of the heart, strikingly prefigures Forest's bifurcation of his conscience and allegiance in 1534/5. None of the medieval or early modern authorities suggested that one could dissimulate at will. The Italian Dominican Silvestro Mazzolini da Priero (known as Sylvester) argued in 1515, for example, that mental reservation was permissible in the case of a man forced by thieves to swear an oath to bring them more money. His great Dominican predecessor, Thomas Aquinas, had argued that a man was not bound to admit the truth to a judge proceeding unlawfully.<sup>59</sup> How far either case could be applied to the actions of Henry VIII was a nicely balanced point. Could the king be considered an unjust judge; the oath he imposed an unlawful one which Christians might swear equivocally without committing perjury? In the Tower in 1534 or 1535 Thomas More's thoughts turned inexorably to such questions as he composed for himself a short sequence of notes on the theme of perjury.<sup>60</sup> Without exception, perjury was a mortal sin, but More defined the sin closely as the 'violation of a lawful oath'. An oath, particular or general, was unlawful if it bound anyone to reveal 'such a secret as can and should be kept hidden'. Such an oath should be refused, and if anyone was forced to swear in such circumstances, he would not only be not bound to discharge what he had sworn, but 'bound not to discharge it'. More's lonely vigil in the Tower in April 1534, as the London clergy trooped to take the oath of succession, stands as famously eloquent testimony to his integrity. But the reasons why More refused to swear were kept 'secret in my conscience'.<sup>61</sup> In a real sense, More's silence was itself a form of equivocation: his life depended on the inability of his persecutors to place a construction on it which could condemn him. At one of his interrogations at Lambeth, More neatly laid open the contradictions inherent in the government's use of compulsion to secure an ostensibly free declaration of assent: he was willing, he said, to swear that his reasons for

<sup>58</sup> Cited in Zagorin, *Ways of lying*, p. 169.

<sup>59</sup> Ibid., p. 171; Sommerville, 'New art of lying', p. 172.

<sup>60</sup> R. S. Sylvester, ed., 'More's discussion of perjury', in More, *A dialogue concerning heresies*, ed. T. M. C. Lawler, G. Marc'hadour, and R. C. Marius (CW, vi, New Haven and London, 1981), pp. 763–9.

<sup>61</sup> E. F. Rogers, ed., *St Thomas More: selected letters* (New Haven and London, 1961), p. 219; Brigden, *London*, p. 228.

refusing the oath were good ones 'which if they trusted not, what should they be the better to give me any oath?'<sup>62</sup>

Less sophisticated minds than Sir Thomas's clearly shared his sense that the oaths the government was seeking to extract were rendered unjust and unbinding by the element of compulsion. In February 1536, the Crutched friar, George Rowland, told a penitent (unwisely as it transpired) that 'an othe loslie made may loslie be brokyn'. His stance was justified by analogy: if a friend were to press him, with 'importynate suete', to take drink with an enemy, and under pressure he promised on his faith to do so and took the drink, 'trowe you that I wyll forgyve hym with mi harte? ... and so in lyke wise uppon this othe concernyng the abiuracyon of the pope I wyll not abiure hym in my harte'.<sup>63</sup>

At his trial in 1538, John Forest too made clear why he believed the oath he had sworn had been an unlawful one. He accepted the proposition that by the laws of God, no subject might make any profession withdrawing them from their obedience to their prince, but at the same time he insisted that he was bound by a prior obedience: it was not lawful for him to change his Observant habit as it was against the rule he had professed. Uneasily Forest sought to reconcile the conflicting claims: his obedience, he said, was a double one, 'firste to the kinges highnes by the lawe of god and the seconde to the bussshop of Rome by his rule and profession'.<sup>64</sup> Not the least ironic aspect of the enforcement of the Henrician oaths was the authorities' insistence that all such long-standing professions of obedience to the papacy represented unjust and unlawful oaths which could with a clear conscience be laid aside. The *Glasse of the truthe* had argued in 1532 that the archbishops might settle the divorce in England 'their unjust oath made to the Pope notwithstanding'.<sup>65</sup> In March 1533 the new archbishop of Canterbury, Thomas Cranmer, took an oath of loyalty to the papacy, but did so with casuistical intention: his oath was immediately followed by a solemn protestation that it could not override the law of God, or his loyalty to the king.<sup>66</sup> Forest was by no means alone among religious conservatives in taking a very different view of the inviolability of a prior affirmation: in December 1533 Catherine of Aragon's servants reportedly refused to take a new oath to her bereft of her royal title on the grounds that no man sworn to serve her as queen might change that oath without committing perjury.<sup>67</sup> Among the propositions discussed by the 'pilgrims' gathered at Pontefract in December 1536 was that of whether 'if one othe be made, [an]d

<sup>62</sup> Rogers, *Selected letters*, p. 218.

<sup>63</sup> PRO, SP 1/102, fo. 73<sup>v</sup> (*LP*, x, 346). Rowland also claimed that he had said as much to Archbishop Cranmer at a previous interview, and had been told he might pray for the pope secretly, but not openly, an allegation treated sceptically in Elton, *Policy and police*, p. 29, and more agnostically in MacCulloch, *Cranmer*, pp. 97–8. It is worth noting here the claim made in Elizabeth's reign that the apologist of Henrician supremacy, Stephen Gardiner, justified his volte-face under Mary by arguing that the oaths he had taken to Henry and Edward were 'Herod's oathes': T. E. Hartley, ed., *Proceedings in the parliaments of Elizabeth I, 1: 1559–1581* (Leicester, 1981), p. 352. I owe this reference to Susan Brigden.

<sup>64</sup> PRO, SP 1/132, fo. 156 (*LP*, xiii (1), 1043 (1)).

<sup>65</sup> Pocock, *Records of the Reformation*, II, pp. 418–19.

<sup>66</sup> MacCulloch, *Cranmer*, pp. 88–9.

<sup>67</sup> *LP*, vi, 1541.



after one oder othe to the contrary, and by the latter othe the partie is sw[orn to] repete and take the first oath voyde, whether it may be so by...law or noo'.<sup>68</sup>

Clerical opponents of the king's proceedings in 1534–5 lacked the systematic training in casuistry later imparted to Elizabethan seminarists at the college at Douai, and thus could not manifest the same sophisticated employment of equivocation and mental reservation that a number of those priests later displayed on the English mission.<sup>69</sup> Yet Henrician papalists in the mid-1530s did not find themselves entirely without pointers as to how they might swear an unjust oath without committing the sin of lying. An important precedent in this respect had been established in 1531 when, in return for pardoning the English clergy from a charge of praemunire, Henry had sought to secure from the convocation of Canterbury recognition of his status as 'supreme head' of the English church. The articles to which convocation ultimately assented, however, accepted the new title 'as far as the law of Christ allows'.<sup>70</sup> While this addition has usually, and rightly, been seen as a limiting formula, temporarily putting off the evil hour for the clergy, it deserves to be noted also that it was an unmistakable case of equivocal swearing. Conservatives assenting to the proposition did so knowing that their construction of its meaning did not correspond to that of the king.<sup>71</sup> Three years later the tactic could to an extent be repeated in the face of a much more inflexible attitude from the government. In May 1534 Prior Houghton and the London Carthusians were with great reluctance prevailed upon to take the oath of succession, but with the reservation 'as far as it was lawful'. According to the community's chronicler, Maurice Chauncy, an attempt to employ the same reservation in swearing to the supremacy in the following year was swept aside by Cromwell.<sup>72</sup> None the less, when the master and fellows of Balliol College, Oxford, subscribed to the supremacy in August 1534 they added the proviso that by doing so they did not 'intend anything against divine law, nor against the rule of orthodox faith, nor

<sup>68</sup> PRO, SP 1/112, fo. 26 (*LP*, xi, 1182 (2)). The issue was pertinent to the Pilgrimage of Grace in another way: the rebels were themselves bound to their enterprise by oaths, conceivably inspired by the mass-swearing of 1534. On this aspect, see M. Bush, *The Pilgrimage of Grace: a study of the rebel armies of October 1536* (Manchester, 1996), p. 12 and passim.

<sup>69</sup> Holmes, *Elizabethan casuistry*, pp. 1–6. The most notorious case, at the time and subsequently, was that of John Ward in 1606. In captivity, Ward denied that he was a priest, or that he had been across the seas, but was later induced to confess that he had mentally reserved 'of Apollo' to the question about his priesthood, and 'Indian' to that about seas: Sommerville, 'New art of lying', p. 160.

<sup>70</sup> For divergent views of Henry's motives in 1531, see J. A. Guy, 'Henry VIII and the praemunire manoeuvres of 1530–1', *English Historical Review*, 97 (1982), pp. 481–503; G. W. Bernard, 'The pardon of the clergy reconsidered', *JEH*, 37 (1986), pp. 258–82.

<sup>71</sup> This much was obvious to Chapuys, who wrote to Charles V that 'as to the king himself, the restriction is null and void': *Calendar of letters, despatches, and state papers relating to the negotiations between England and Spain*, ed. P. de Gayangos et al. (15 vols., London, 1862–1954), iv (2), 635 (p. 63). The possibility that the additional clause was in fact suggested by Cromwell or Audley suggests the government may have been prepared to collude in an equivocal acceptance of the royal supremacy at this stage: Lehmberg, *Reformation parliament*, pp. 113–14.

<sup>72</sup> Knowles, *Religious orders*, pp. 229–31; Whatmore, *Carthusians*, p. 27.

against the doctrine of our mother, the holy catholic church'.<sup>73</sup> The most elaborately equivocal oath-swearing of all may have taken place in the household of Catherine of Aragon in May 1534. Our account here depends upon an anonymous Spanish chronicle which is unreliable in some respects, but whose author was resident in London in the mid-1530s and may have had information at first or second hand from a Spanish member of Catherine's household. When Bishop Tunstall and Archbishop Lee came to Buckden to require subscription to the oath, Catherine herself would not consider submission, but secretly instructed her *maestrasala*, Francisco Felipez, that he should offer to swear on behalf of the rest of the household, a compromise accepted by the commissioners. Felipez thus swore 'que el rey se ha hecho cabeza de Iglesia' – that the king has made himself head of the church; identical in sound but distinct in meaning from 'sea hecho' – he may be made.<sup>74</sup> Conceivably, this may represent a *post hoc* presentation of how things ought to have been, rather than how they actually were, but the incident fitted precisely the canonists' model of legitimate equivocation in the face of unjust questioning, and recalled a famous exemplum in Raymond of Peñaforte's thirteenth-century *Summa de casibus conscientiae*: the householder asked by a murderer if his intended victim was within could reply 'non est hic' – 'he is not here', but meaning also, 'he is not eating here'.<sup>75</sup>

How many subscribers to the oath of supremacy went one step further from such verbal equivocation and mentally reserved a formula such as 'as far as the law of Christ allows', we cannot ever hope to know, though it should now be clear that John Forest must have done so in considering himself bound by the outward man only. A draft treatise against treason drawn up in 1539 laid the charge against the recently executed abbot of Reading, Hugh Cooke, that he 'did not use the same evasion as Friar Forest, but said that when sworn to the king's supremacy, he added, in his conscience, 'of the temporal Church, but not of the spiritual'.<sup>76</sup> Perhaps some similar evasion was employed by the chancellor of Chichester, George Croftes, who had subscribed to the oath, but proclaimed defiantly in 1538 that 'he is in his stomach the same man in all opinions that he was xx yeares past'. But outward conformity had a psychological price: Croftes confessed that 'there was none act or thing that ever he did more grieved his conscience than the oath which he took to renounce the bishop of Rome's authority'.<sup>77</sup> None of the papal loyalists making a casuistical subscription to the oath can have found it easy, but for the London Carthusians who had seen their prior martyred in 1535 it must have been harder than most. When the remnants of the Charterhouse finally subscribed to the act of supremacy in May 1537, they did so making a tacit reservation.

<sup>73</sup> T. Rymer, *Foedera* (20 vols., London, 1704–35), xiv, p. 498 (my trans.).

<sup>74</sup> Hume, *Chronicle of King Henry VIII*, pp. 39–41. Some of Katherine's servants were not prepared to swear any kind of oath, among them her chaplain, Thomas Abell, one of the three 'traitors' executed at Smithfield in July 1540: *ibid.*, p. 42n.

<sup>75</sup> Sommerville, 'New art of lying', p. 167; Zagorin, *Ways of lying*, p. 177. On Raymund, see T. N. Tentler, *Sin and confession on the eve of the Reformation* (Princeton, NJ, 1977), pp. 31ff.

<sup>76</sup> *LP*, XIII (2), 613.

<sup>77</sup> *LP*, XIII (2), 829.

One of their number, Maurice Chauncy, later remarked ruefully that ‘in this we are not justified’.<sup>78</sup>

## IV

Though they may have anticipated by half a generation the development of a full-formulated Catholic moral theology of casuistry, papalist clergy taking the oath had one immensely important point of reference for their attempts to evade its consequences: their experience in the confessional. In many ways, the similarities between the enforced oath-swearing of 1534–5 and the mandatory attendance of all adult Christians at auricular confession are striking ones: both were potent symbolic gestures of social cohesion, involving the inscription of an at least notional voluntary undertaking within a structure of ideological control. Swearing and confessing intersect in another significant way: the early development of the ‘science’ of casuistry grew directly out of the literature designed for confessors: Raymond of Peñaforte’s *Summa de casibus conscientiae*, Sylvester’s *Summa summarum*, Navarrus’s *Enchiridion, sive manuale confessoriorum et paenitentium* were all designed to guide the priest in administering the sacrament of penance.<sup>79</sup> Moreover, the legitimate techniques of dissimulation – equivocation and mental reservation – were originally admitted to enable priests to preserve intact the seal of the confessional. Many later commentators, including Sir Thomas More, followed Aquinas in reasoning that a confessor could legitimately employ a mental reservation in denying he had knowledge that had come to him in confession: the knowledge was his only as God’s minister, not as a man.<sup>80</sup> It may not be too fanciful to suggest that the functional, even ontological, duality implicit in this rationalization may have evoked in experienced confessors like Forest a heightened awareness of the distinctive obligations of the ‘inward’ and ‘outward’ man. Yet priests’ administration of confession provided them not only with a set of categories to help negotiate their own responses to the abrupt demands of the new supreme head, but also with an ostensibly hermetic forum for the formation and direction of the individual consciences of others. Confession might thus function as the antithesis, perhaps even the antidote, to the public and communal binding of conscience at the heart of the oath-taking of 1534–5. The potential of the confessional for encouraging disaffection to the Henrician reforms has, of course, been noted before.<sup>81</sup> One of the charges against Forest was that ‘he used and practized to induce men in confession to hold and stick to thold fashion of

<sup>78</sup> Whatmore, *Carthusians*, p. 180.

<sup>79</sup> Zagorin, *Ways of lying*, p. 159. Raymond’s *Summa* was not printed in the fifteenth or sixteenth centuries, but was heavily plagiarized by the *Manipulus curatorum* of Guy de Monte Rocherii: Tentler, *Sin and confession*, p. 31. The *Manipulus* may have been the most widely diffused confessional manual in pre-Reformation England: see Marshall, *Catholic priesthood*, pp. 8n, 114.

<sup>80</sup> More, *Dialogue concerning heresies*, pp. 281–2; Somerville, ‘New art of lying’, p. 169; Zagorin, *Ways of lying*, p. 171. For a discussion of the seal of confession, see Marshall, *Catholic priesthood*, pp. 19–23.

<sup>81</sup> Brigden, *London*, pp. 242–3; Elton, *Policy and police*, pp. 27–30; Marshall, *Catholic priesthood*, pp. 28–9; Rex, *Henry VIII and the English Reformation*, p. 36.

bilve'. Similarly, George Rowland ordered a penitent to steer clear of the preaching of Latimer, 'for so shall all my gostly chyldrene'.<sup>82</sup> Yet to assume that conservative priests always took the initiative in stiffening the resolve of their penitents may be to risk typecasting the transactions of the confessional too much in terms of clerical agency. Sixteenth-century laypeople understood that they could go to their confessor, not merely to confess their sins, but 'to desire him of his ghostly counsel'.<sup>83</sup> At his trial in 1535, the Bridgettine Richard Reynolds protested that he had never declared his opinion about the royal supremacy 'unless it was asked me in confession, when I could not refuse for discharge of my conscience'.<sup>84</sup> Reynolds had done this with a vengeance in 1532 when he had been sought out by Sir George Throckmorton, currently engaged, with the encouragement of More and Fisher, in attempting to frustrate the government's legislative programme in parliament. Throckmorton later admitted that he had showed Reynolds his conscience 'in all thies causes and other as they came to my mind at that time... and [he] advised me to stick to the same to the deth, and if I did not, I shulde surely be dampned'.<sup>85</sup> The fact that a number of treasonable utterances by priests in confession were clearly relayed to the authorities via *agents provocateurs* reinforces the impression that confessors may not have been unduly surprised or have exercised suitable caution if penitents were to raise issues of considerable political sensitivity: it was just such a betrayal which seems to have led to the arrest of Forest in 1538.<sup>86</sup> Though such betrayals account for virtually all the cases we know about, they were by definition exceptional: collusion must have been the essence of the vast majority of those unknowable seditious exchanges which took place under the protection of the seal. In 1535, a St Albans priest urged a penitent (fruitlessly as it transpired): 'whatever I have sayd unto the reporte it not, but speke lyke a goostly chylde by me, and I shall report lyke wysse by the'.<sup>87</sup> In countless similar cases the admonition must have been heeded, or was simply implicit in the transaction.

Throughout the 1530s, the Henrician authorities were acutely sensitive of the dangers posed by confession, particularly in the hands of reformed religious orders like the Observants and Bridgettines. In the early part of 1534 Cromwell received a report from Sir John Markham about seditious preaching by an Observant at Newark, and with it the observation that great hurt might ensue if such men were suffered to preach and 'to move & styr men in comunycacions & in theyr confessions, consydering the credyt they be in emongest the

<sup>82</sup> PRO, SP 1/132, fo. 156 (*LP*, XIII (1), 1043 (1)); SP 1/102, fo. 73<sup>r</sup> (*LP*, x, 346).

<sup>83</sup> *LP*, xviii (2), 546 (p. 310).

<sup>84</sup> *LP*, viii, 661.

<sup>85</sup> PRO, SP 1/125, fo. 255. Throckmorton's confession is printed in Guy, *Public career of Thomas More*, pp. 207–12. For arguments as to whether Throckmorton can be considered part of an 'opposition group', see Lehmborg, *Reformation parliament*, p. 180; G. R. Elton, 'Sir Thomas More and the opposition to Henry VIII', in R. S. Sylvester and G. P. Marchadour, eds., *Essential articles for the study of Thomas More* (Hamden, CT, 1977), pp. 79–91; G. Walker, *Persuasive fictions: faction, faith and political culture in the reign of Henry VIII* (Aldershot, 1996), pp. 4–14.

<sup>86</sup> PRO, SP 1/102, fos. 73–4 (*LP*, x, 346); SP 1/132, fo. 155 (*LP*, XIII (1), 1043 (1)); SP 1/91, fos. 105–6 (*LP*, viii, 406).

<sup>87</sup> *Ibid.*, fo. 105.

peopl'.<sup>88</sup> At the Bridgettine house at Syon in 1535, Cromwell's agent Thomas Bedyll prohibited the less conformable of the monks from hearing the nuns' confessions, and threatened Richard Whitford, an acknowledged expert in the arts of spiritual counsel, that 'he myght be the occasion that shrift shalbe layed downe throughe England'. Bedyll was particularly concerned that the Bridgettine fathers had been hearing confessions not merely of the nuns in their charge, but of all comers, and proposed that the place where such confessions were heard should be walled up: 'ffor that hering of utward confessions hath been the cause of mucche evyl, and of mucche treson whiche hath been sowed abrode in this mater of the kinges title, and also in the kinges graces mater of his succession and mariage'.<sup>89</sup> Similar concerns provoked the new bishop of Rochester, John Hilsey, to inhibit a number of the Crutched Friars from hearing confessions in Lent 1536, and Ambassador Chapuys became convinced that the king intended to forbid the greater part of the religious from hearing confessions, leaving the task to the secular clergy.<sup>90</sup> The increasingly apparent linkage between confession and sedition was grist to the mill of those evangelicals who detested the traditional theology of penance. In Bale's play *King Johan*, first performed in Cranmer's residence a few months after Forest's death, confession was presented in unequivocal terms as an insidious instrument of papal power. In the confessional 'Nobility' is sworn to silence by his father confessor, 'Sedition', when he is told of the pope's plan to depose the king.<sup>91</sup>

Of all the potential stirrers of dissent in the confessional, none were more suspect than the dispersed remnants of the Observant Franciscans. London's pious *cognoscenti* had long been in the habit of seeking out Observant confessors, and for some the habit survived the Observants' absorption into the ranks of the Conventual Franciscans.<sup>92</sup> The government was well aware that Observants, including Forest, had continued to confess members of the household of Catherine of Aragon,<sup>93</sup> and after Catherine's death there were still those in court circles who determinedly sought out former Observants to make their confession. One such was John, Lord Mordaunt, whose confession to Forest at the London Franciscans in Lent 1538 precipitated his own

<sup>88</sup> PRO, SP 1/81, fo. 126 (LP, vi, 1664). On the dissidents at Newark, see Brown, 'Franciscan Observants', pp. 181–3.

<sup>89</sup> Wright, *Three chapters of letters*, p. 49. Whitford's credentials as a confessor were impressive: despite the threats of Bedyll he went on to publish a *Dialogue or comunicacion bytwene the curate or ghostly father & the parochiane or ghostly chyld for a due preparacion unto howselyng* (1537), discussed by Marshall, *Catholic priesthood*, pp. 15–16.

<sup>90</sup> Wright, *Three chapters of letters*, p. 37; LP, x, 494.

<sup>91</sup> *The complete plays of John Bale*, ed. P. Happé (2 vols., Cambridge, 1985–6), 1, pp. 59–60, illuminating discussion in G. Walker, *Plays of persuasion: drama and politics at the court of Henry VIII* (Cambridge, 1991), pp. 211–14; P. W. White, *Theatre and reformation: protestantism, patronage, and playing in Tudor England* (Cambridge, 1993), p. 36. It is relevant to note here also that William Marshall's 1535 translation of Marsilius's *Defensor pacis* added a marginal note that 'to absolve the subiecte from the bonde and othe of his alleageaunce is manyfeste heresy': *The defence of peace* (R. Wyer, 1535), fo. 59<sup>r</sup>. See also S. Lockwood, 'Marsilius of Padua and the case for the royal ecclesiastical supremacy', *Transactions of the Royal Historical Society*, 6th ser., 1 (1991), pp. 104–7.

<sup>92</sup> W. Tyndale, *Doctrinal treatises*, ed. H. Walter (Parker Society, Cambridge, 1848), p. 337; Brown, 'Franciscan Observants', p. 61. <sup>93</sup> PRO, SP 1/142, fo. 201 (LP, xiv (1), 190).

interrogation and Forest's arrest.<sup>94</sup> Forest had, of course, been under suspicion for some time, but the catalyst for his arrest may have been a shocking report which reached Cromwell sometime in March. Robert Crewkerne, rector of Dennington in Suffolk, a priest who had previously been in trouble for his outspoken defence of shrines and pilgrimage, had been openly preaching that a priest was bound to conceal treason revealed to him in confession, and had affirmed that all the clergy would agree with him 'that have not utterly in contempe the cure of mans soule'.<sup>95</sup> This must have seemed at once a confirmation of all the authorities feared was happening, and a shameless incitement to further disloyalty. In such circumstances determined action against a suspect friar with court connections was hardly surprising.

## V

It should now be possible to acknowledge that John Forest's conviction for heresy in the spring of 1538 brought together, and attempted to exorcise, a remarkable number of the spectres which had been haunting the government of Henry VIII in the middle years of the 1530s. The abjuration which Forest was intended to have recited at Paul's Cross would have stressed the error of supposing the Catholic church to be coincident with the church of Rome, at a time when papal authority appeared to be on the international ascendent and threatened to appropriate to its own purposes the conciliar ideal to which Henry had paid repeated lip-service. At a time when the authorities were all too painfully aware of the damage priests could do in the confessional, Forest's recantation would have sought to discredit the inflated claims made in this context for the sacramental powers of priests, and to have associated them with the repudiated 'pardons' of the pope, and the idolatry and error adhering to cults like that of Dderfel Gadarn. It is hard to believe also that the recantation would not have highlighted the hypocrisy and dissimulation with which he had attempted to evade the crown's legitimate claims upon his obedience. Those who conceived and carried through this conviction and execution for heresy, principally Cromwell, Cranmer, and Latimer, intended it as a powerful ritual of exclusion, a reformulation of the traditional boundaries of heresy in order to proclaim and vindicate the orthodoxy of a self-confident, evangelically renewed church. Yet the precedent was never to be repeated, and within months of Forest's death the former classification of papalism as a species of treason had been unequivocally restored. The three Benedictine abbots executed towards the end of 1539 were all accused of upholding papal supremacy, but went to the gallows rather than the stake.<sup>96</sup>

<sup>94</sup> *LP*, XIII (1), 880, 1043 (2).

<sup>95</sup> PRO, SP 1/130, fo. 215 (*LP*, XIII (1), 633). For Crewkerne's previous brush with the authorities, see Wright, *Three chapters of letters*, pp. 36–7.

<sup>96</sup> Elton, *Policy and police*, pp. 155–60; Knowles, *Religious orders*, pp. 376–82. Proceedings for heresy do seem to have been instigated against another conservative ex-friar, William Watts, in October 1539, though the case was not pursued to its conclusion: MacCulloch, *Cranmer*, pp. 260–1.

What had occasioned this volte-face? Quite possibly the spectacle of Forest's burning had not turned out to be the propaganda triumph for which Latimer, Cranmer, and Cromwell had hoped. It is remarkable that no attempt seems to have been made, then or subsequently, to preserve the words of what must have been one of Latimer's most high-profile set-piece performances, not even by Augustine Bernher, Latimer's old servant and the industrious collector and editor of his sermons.<sup>97</sup> Perhaps Latimer's attempt to discredit Forest in the eyes of the crowd badly misfired: the anonymous Spanish chronicle provides a blow-by-blow account of how Latimer was bested by Forest in debate.<sup>98</sup> The provenance and hagiographical intentions of this account render it suspect, but it is noteworthy that even the hostile Wriothesley chronicle reported that Forest had defied Latimer 'with a lowde voyce', making his own the words of St Paul that 'if an angell should come downe from heaven and shew him any other thing then that he had beleved all his liffe tyme past he would not belevee him'.<sup>99</sup> We have no evidence as to how the crowd reacted at the death of Forest, but it is clear from the evidence of other sixteenth-century burnings that spectators might seek to comfort the victims, rather than to jeer at them.<sup>100</sup> Latimer's sermon must have invited the onlookers to make the connection between heresy and what had until only recently been commonplace and orthodox beliefs. It would be surprising indeed if all were prepared to do so.

Whether or not the execution of Forest for heresy had played badly on the domestic stage, there can be little doubt that a return to the status quo ante was once again influenced by developments on the international scene. A mere week before Forest's execution, representatives of Charles V and Francis I had met at Nice and begun negotiations which by July had blossomed into a personal meeting between the sovereigns, and a pledge of lifelong friendship. By the end of the year the papal bull of excommunication (suspended since 1535) had been openly promulgated, and frantic preparations were underway in England to counter a threatened invasion.<sup>101</sup> In such circumstances the instincts of the king, and of his more conservative counsellors such as Bishop Gardiner (returned from France in September) were to re-emphasize the traditional orthodoxy of the English church, and to do nothing to cause gratuitous scandal to the Catholic powers. A draft 'Declaration of the faith' drawn up in 1539 and clearly intended for an international audience, stressed that More, Fisher, the Carthusians, and the 'freres obstinate' had been justly condemned as traitors, and added the disingenuous claim that 'the king never caused any man to be put to dethe *auctoritate absoluta*, but by ordinary process'. No one at all had been condemned 'but by xii of his peers'.<sup>102</sup> There was clearly

<sup>97</sup> I am indebted to Tom Freeman for this insight.

<sup>98</sup> Hume, *Chronicle of King Henry VIII*, pp. 78–81.

<sup>99</sup> Wriothesley, *Chronicle*, I, pp. 79–80.

<sup>100</sup> C. Haigh, *English reformations: religion, politics, and society under the Tudors* (Oxford, 1993), p. 233.

<sup>101</sup> Scarisbrick, *Henry VIII*, pp. 361–2; Walker, *Plays of persuasion*, pp. 195–7.

<sup>102</sup> PRO, SP 1/143, fo. 205 (*LP*, XIV (1), 402). The treatise is discussed by Elton, *Policy and police*, pp. 195–8, though arguably Elton was somewhat over-eager to accept the regime's own version on this point.

nothing to be gained from flaunting the fact that Henry's pro-papal subjects might be considered heretics in their homeland, for if believing in the papal supremacy was heresy in England, must it not also be so in Italy, France, and the Empire? On reflection it may have occurred to leading churchmen in England that the designation of papalism as heresy threatened not only to cause unnecessary offence abroad, but to unravel the already tenuous coherence of the ecclesiology espoused in the Henrician formularies. Could Henry continue to maintain that his church was but one of a multitude of co-equal 'particular churches' comprising the Catholic church spoken of in the creed, if the greater part of the others were peopled by heretics, excluded by definition from belonging to the Catholic church?<sup>103</sup> Moreover, given that less than twenty years before the traditional powers of the pope had found no more fervent defender than the king himself, rendering the arguments of the *Assertio septem sacramentorum* heretical as well as merely wrong-headed threatened to create a remarkable hostage to fortune. There is no doubt that Henry was acutely sensitive to aspersions of this sort: the treason act of 1534 had made it a capital offence to name the king 'infidel', 'schismatic', or 'heretic'.<sup>104</sup> To attempt to identify a high-water-mark of the advance of the Reformation in Henry VIII's reign may well be a fruitless exercise, and there is no sense in which the progress of reform stopped dead in its tracks in 1538.<sup>105</sup> Nevertheless, it is hard not to detect something powerfully, if symbolically climactic in the conjunction of motives and circumstances that made for the unique handling of Friar Forest in the early summer of that year.

## VI

Despite the uniqueness of his case, and the complexity of meaning which it presents, Forest's fate has not much interested recent historians of the English Reformation. Neither of the two most recent general studies, those of A. G. Dickens and Christopher Haigh, make any mention of the affair; nor, surprisingly, does G. R. Elton's magisterial account of the enforcement of the Henrician Reformation, *Policy and police*.<sup>106</sup> Perhaps a Thomas Cromwell who orchestrated gruesome *autos-da-fé* did not conform to the approved Eltonian model. None the less, it has been the argument here that the resistance of Friar Forest, and the treatment meted out to him in 1538, provide an intriguing set of clues to the febrile religious and political atmosphere of the late 1530s. Forest's punishment points to a different, yet more dogmatic and doctrinaire route the Henrician church might have taken; yet it also illustrates the acute

<sup>103</sup> Lloyd, *Formularies of faith*, p. 61.

<sup>104</sup> H. Gee and W. J. Hardy, eds., *Documents illustrative of English church history* (London, 1896), p. 248. A number of Englishmen were reported in the 1530s for calling the king a heretic: Elton, *Policy and police*, pp. 341n, 354, 367.

<sup>105</sup> For caveats to this effect, see MacCulloch, *Cranmer*, p. 235; G. Bernard, 'The makings of religious policy, 1530-47: Henry VIII and the search for the middle way' (unpublished paper delivered at the Institute for Historical Research, May 1996).

<sup>106</sup> A. G. Dickens, *The English Reformation* (2nd edn, London, 1989); Haigh, *English reformations*.



sensitivity of the authorities to how that church was perceived from outside, as does the rapid abandonment of this radical extension of the heresy law. It underlines the ruthlessness of the authorities in dealing with dissent, particularly when it was seen to emanate from the religious orders,<sup>107</sup> but at the same time, Forest's recidivism illuminates the degree to which conformity to the Henrician settlement could be contorted, conditional, contingent. The attitudes and activities of this 'obstinate friar' revealed all too clearly how the binding intention of oaths could be casuistically evaded, how loyal subjects might be subverted, or disloyal ones confirmed in their disloyalty by secret persuasions, how recantations could be recanted. Implicit in the savagery with which the 'outward man' was dealt with in 1538 was a recognition that the 'inward man' could prove a more subtle and elusive adversary.

<sup>107</sup> For Cranmer's particular hatred of the Observants as an incorrigible papal 'sect', see D. MacCulloch, 'Archbishop Cranmer: concord and tolerance in a changing church', in O. P. Grell and B. Scribner, eds., *Tolerance and intolerance in the European Reformation* (Cambridge, 1996), p. 209; idem, *Cranmer*, pp. 112–13, 143–4.