

False Oaths

The Silent Alliance between Church and Heretics in England, c.1400-c.1530

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## ABSTRACT

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This dissertation re-examines trials for heresy in England from 1382, which saw the first major action directed at the Wycliffite heresy in Oxford, and the early Reformation period, with an emphasis on abjurations, the oaths renouncing heretical beliefs that suspects were required to swear after their interrogations were concluded. It draws a direct link between the customs that developed around the ceremony of abjuration and the exceptionally low rate of execution for “relapsed” and “obstinate” heretics in England, compared to other major European anti-heresy campaigns of the period. Several cases are analyzed in which heretics who should have been executed, according to the letter and intention of canon law on the subject, were permitted to abjure, sometimes repeatedly. Other cases ended in execution despite intense efforts by the presiding bishop to obtain a similarly law-bending abjuration. All these cases are situated in the context of the constitutions governing heresy trials as well as a survey of the theology and cultural standing of oaths within both Wycliffism and the broader Late Medieval and Early Modern world. This dissertation traces how Lollard heretics gradually accepted the necessity of false abjuration as one of a number of measures to preserve their lives and their movement, and how early adopters using coded writing carefully persuaded their co-religionists of this necessity. Furthermore, it will argue that the bishops who conducted the trial system deliberately constructed it to encourage this type of perjury, even suppressing attempts to alter heretics’ actual convictions, for the sake of social order and stability.

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I write these thanks with full heart, on my own behalf and that of the seventeen million silent ones, of whom so many lack the belief and help that came to me, on my tenth awareness day for a debilitating disease of which too few are aware.—May 12, 2016.

To my parents, Drs. Victor Raskin and Marina Bergelson Raskin

To all my family who were martyred for their religious identity

To all my family who lived in the shadows

(as I, because of my parents' courage, never have)

## Introduction

Medieval heretical movements were necessarily clandestine. Much energy has gone into efforts to uncover what they really believed and what they did when church officials were not looking. I believe, however, that the greatest mystery, as well as the most neglected area of research, surrounds their most direct public statement and the centerpiece of their trials: the oaths of abjuration and/or compurgation that erased their crime or declared it non-existent and returned the vast majority of heretics to the society of the faithful. The function of this type of speech is obvious: it turned a suspected deviant into an officially orthodox member of the body of the Church and prevented his or her execution for relapse or obstinacy, along with all the upset and upheaval in their communities that an execution would have entailed. The beliefs, cultural imperatives, and machinations that led to this happy result, however, are anything but obvious. The issue is especially obscure in the case of heretics who had been accused repeatedly, had retained close links to other heretics (after swearing to break off all contact with them), had left prosperous homes to start their lives anew in an unknown place, and had sometimes aided violent rebellions. It seems odd that people so committed would yield to the demands of an ecclesiastical hierarchy they considered the source of all evil in the church, through an act, that of swearing an oath, which they considered intrinsically suspect. It seems downright incredible that church officials, knowing all the details of the cases and indeed after having expended considerable time and energy to collect them, would not merely allow but actively assist such lifelong heretics to find legal loopholes that would enable them to swear such an oath more than once. Why would the devout risk damnation by publicly denying



their faith and humiliating themselves before institutions and procedures that were abhorrent to them? Why would the guardians of Christendom knowingly risk leaving a “parasite” and source of “poison,” as heretics were often called,<sup>1</sup> ensconced within the body of Christ forever? In fifteenth and early sixteenth century England, however, this is exactly what happened, and it happened, as I will demonstrate, so often as to be the norm rather than an exception. My aim, then, is to expose the machinations, origins, and consequences of a system of regulating—not suppressing—heresy, a system that was entirely built around sanctioned perjury.

The first major heresy trial in medieval England was an utter failure.<sup>2</sup> The notoriously combative John Wyclif, already called “the heresiarch” by his theological opponents, had been condemned and excommunicated by the pope (at least, by the one to whom England was nominally loyal at the time). An ambitious and well-connected bishop, having expended considerable time and energy drawing papal attention to what the rest of Europe then still regarded as a local English matter, was eager for a public denouement at St. Paul’s Cathedral. Wyclif, however, was the protégé of one or possibly both of the co-regents (John of Gaunt and Joan of Kent) during Richard II’s minority, and was protected both publicly—John of Gaunt and a number of other officials entered at his side—and, when a further trial was attempted, more quietly.<sup>3</sup> The results were unsatisfactory all

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<sup>1</sup> E.g. Rogeri Dymmok, *Liber contra XII errores et hereses Lollardorum*, ed. Rev. H. S. Cronin (London : Pub. for the Wyclif Society by K. Paul, Trench, Trübner & Co., Ltd., 1922). Much anti-Lollard writing used these metaphors.

<sup>2</sup> All of the events of the succeeding two paragraphs, see the highly hostile chronicle of Thomas Netter, *Fasciculi Zizaniorum Magistri Johannis Wyclif cum tritico*, ed. Walter Waddington Shirley (London: Longman, Brown, Green, Longmans, and Roberts, 1858), 272-340.

<sup>3</sup> See Joseph H. Dahmus, “John Wyclif and the English Government,” *Speculum* 35:1 (Jan., 1960): 51-68, and *The Prosecution of John Wyclif* (New Haven: Yale University Press, 1952). Dahmus argued that a subsequent attempt to try Wyclif again was quashed by behind-the-scenes machinations on the part of John of Gaunt and his co-regent, Richard’s mother, Joan of Kent.

round. The episcopacy was humiliated, with the heresiarch still free and functioning, with an enhanced national profile; Wyclif, though returning triumphantly to Oxford for a while, was probably made painfully aware that his career and possibly his life, as well as those of his many students and like-minded colleagues, depended on a single patron; and John of Gaunt, whose public intervention had provoked a murderous and financially devastating riot, was forced to face the consequences of his unpopularity.

The bishop, William Courtenay, got another chance when, in the wake of the Peasants' Revolt of 1381 (which, among its other effects, killed the Archbishop of Canterbury, whom Courtenay succeeded, and drastically reduced Gaunt's influence), two of Wyclif's Oxford students preached highly provocative sermons in the face of episcopal injunctions against them. This time, Wyclif himself, who had retired, was not targeted, but a church council was convened to conduct a massive trial of every like-minded don at Oxford, from the chancellor of the university on down. Most of the suspects initially tried a combination of academic argument, equivocation, and partial confessions, but when that failed to get them off, the preachers who were the *casus belli* for the Blackfriars Council, tried to obtain Gaunt's protection, and apparently failed—though I will argue that, not for the last time in English heresy trials, appearances here were deceiving. Nicholas Hereford then fled the country, attempted a papal appeal, and bounced around Europe for well over a decade before losing heart and coming home to abjure. Philip Repingdon returned, after a short period of hiding, to Oxford, where he abjured fully and publicly, with much ceremony, in company with his other colleagues. He then left the university to embark on an highly successful administrative career as an abbot, royal chaplain (to Gaunt's son, Henry IV), and finally Bishop of Lincoln, the immense diocese that included Oxford and where most early

Lollards lived. In that job Repingdon was, as we will see, extremely influential in shaping future proceedings on heresy.

The pattern set throughout this series of events was repeated on a larger scale through the subsequent century and a half of Lollard trials. A few of the next generation of Wycliffites attempted, like Hereford, to resist the process, fleeing and/or expressing their beliefs openly and aggressively, but they were always a minority, and this kind of defiance did not last long. The majority, like Repingdon, abjured without too much fuss and were reabsorbed into their communities, or, if necessary, found places in another one and generally prospered there. Repingdon had set the tone, even before he began to write the rules, and from 1382 on, abjuration was the order of the day. Margaret Aston has suggested that at Oxford and Cambridge colleges, “the renunciation of heresy itself become something of a convention, alongside the expectation that in the best-ordered houses, inmates would not hunt, fish, or keep in college a ‘monkey, bear, fox, stag, or hind, or any other unwonted or rarely seen wild beasts or birds.’”<sup>4</sup> I will argue that the convention was far broader than that, and was not so much developed organically as installed deliberately.

Initially, individual academics and preachers were targeted. Bishops, who continued to take all the initiative in starting and conducting heresy trials, developed and recorded a fairly elaborate form for abjurations by such individuals in 1428. The basis and implications of this formula will be discussed in depth in chapter 4, but I quote it in full here, so that the reader may keep in mind throughout what the gold-standard abjuration was like.

...I, N.B., parishioner of church N., am conscious, understand, and perceive that at this time I hold, teach and affirm none of the following articles and

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<sup>4</sup> Margaret Aston, chapter “Bishops and Heresy: The Defense of the Faith” in *Faith and Fire* (London: The Hambledon Press, 1993), 85.

opinions, repugnant to the Catholic faith and the ruling of the sacred Roman church, such as that revered images are not to be venerated or ordered, whether that pilgrimages to the glorious martyr St. Thomas and other holy places are not licit, etc., or whether the books, heresies, and and errors therein that I rashly wrote, compiled, and retained by me, and the writings therein that I approved and affirmed. On the occasion when I was before you, Most Reverend Father, etc. and the judicial assembly, when you showed such care for my soul that I was sufficiently informed and truly knew that the above articles and books, and the doctrines I had followed, were and are false, heretical, and erroneous, and I stepped back from all depraved heresy and spontaneously and truly voluntarily returned to the unity of the Church, hoping that the Church does not hide its bosom from those who willingly return, and that God does not desire the death of the sinner but rather that he should convert and live, professing a pure heart; and detesting my heresy and error as follows, that the articles and opinions I confessed above are heretical, perverse, false, erroneous, and repugnant to the rulings of the holy Roman Church. And because of the above things that I taught, approved, and affirmed, I showed myself corrupt and unfaithful, in order to determine that I show myself in other things incorruptible and faithful and not the reverse [?], I promise to faithfully observe the doctrines of the Catholic faith; I abjure all heresy and error and also depraved heresy, doctrine, and opinion in any way contrary to the Catholic faith and the rulings of the holy Roman Church, and especially that is raised in the above articles. And I swear on this book that I will not hold, preach, dogmatize about, nor teach heresies or the heretical, errors or the erroneous, nor perverse doctrines contrary to the rulings of the holy Roman Church, nor will I pertinaciously defend anything like this in any other way, neither teaching nor dogmatizing, nor unnaturally deveoping [? tubeor] my personal interpretation in public or in secret. I will not be a host, patron, counselor, or defender of heretics or of suspected heretics, nor will I associate with those believed or known [to be heretics], nor will I devote myself to fraternizing with, counseling, or favoring them, nor will I send gifts to their houses, nor will I in any way console them. I will bring any books, whether quartos of rotararies [?], containing heresies, errors, or erroneous material, those I recently wrote and those that I have in my possession, or that I know to be in any other hands, whether those books happen to be received by me or by others and whether they are written or known to be dictated—[I will bring them] to you, Most Reverend Father, or to your

deputies, as swiftly as I am able to reach your presence or the men who are your deputies, without any trick, fraud, or bad device whatsoever.<sup>5</sup>

This detailed and thorough repudiation was intended to meet the requirements of canon law while incorporating the bishops' bureaucratic requirements for future trials (hence the emphasis on books, preaching, and informing) and, as we will see, their unique standards for re-integration of heretics.

Later, the bishops instituted mass trials in which suspects, most of them lay people, were questioned individually but abjured together.; suspects who were considered less important and against whom the charges were not proven (an important point in the event

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<sup>5</sup> In Dei nomine Amen. Coram vobis etc. ego N.B. etc. parochianus ecclesie N. etc. sciens et intelligens et perpendens quod ante hanc horam nonnullus articulos et opiniones fidei catholice et determinatione sancte Romane ecclesie repugnantes ten[ui], docui et affirmavi, videlicet quod venerabiles ymagines non sunt venerande seu adorande, ac etiam quod peregrinationes ad gloriosum Thomam martirem et alia loca pia non sunt licite etc., quodque etiam libros, hereses, et errores continentes, temere scripsi, compilavi et penes me retinui, et scripta in eisdem approbavi et affirmavi, ac ea occasione fuissem coram vobis reuerendissimo patre etc. iudicialiter constitutus; per vosque qui curam anime mee geritis satis sufficienter sum informatus et veraciter sciam articulos supradictos ac libros fuisse et esse hereticos falsos et erroneos et sequi doctrinam et ab omni heretica recedere prauitate ac ad vnitatem ecclesie spontanea et proua voluntate redire, attendens quod ecclesia nulli claudit gremium redire volenti, et quod Deus non vult mortem peccatoris sed potius vt conuertatur et viuat, puro corde profiteor et detestor meos heresim et errorem in premissis, ac articulos et opiniones supradictos fateor esse hereticos, peruersos, falsos, erroneos ac determinationi sancte Romane ecclesie repugnantes. Et quia per predictam que tenui, docui, approbavi et affirmavi, exhibui me corruptum et infidelem, vt de cetero incorruptum et fidelem me ostendam ac ne similate reuersus existimere, catholicam fidem et doctrinam me obseruaturum fideliter promitto; omnemque heresim et errorem ac hereticam prauitatem, doctrinam et opinionem quaecumque aduersus catholicam fidem et determinationem sancte Romane ecclesie se extollentem et presertim articulos supradictos abiuro. Et iuro [su]per hunc librum quod de cetero non tenebo, predicabo, dogmatizabo nec docebo hereses sue heresim, errores aut errorem, seu doctrinam peruersam contra fidem catholicam et sancte Romane ecclesie determinationem, nec quouis alia aliquo modo pertinaciter defendam, nec docentem seu dogmatizantem per me vel interpositam personam tubeor publice vel occulte. Non ero hereticorum aut de heresi suspectorum receptor, fautor, consiliarius aut defensor, nec eis credam aut scienter associabor, nec familiaritatem aut consilium impendam, seu fauorem, dona sue munera eis non mittam, nec eos quouis modo consolabor. Libros sive quaternos ac rotulos, hereses, errores siue erronea continentes, quod me scripsisse noiu et quos penes me habeo, vel in aliorum manibus esse scio, ipsoque libros huiusmodi quod penes me habeo, vel in aliorum manibus esse scio, opusque libros huiusmodi quod me recipere seu quod ab alijs recipi, scribi seu dictari scire me continget, vobis reuerendissimo patri sue deputatis vestris cum ad vestri sue sep[er]atorum viriorum presenciam cicius peruenire possem, absque dolo, fraude vel malo ingenio quocumque, liberabo... (followed by more on banned books that will be discussed later.) Anne Hudson, *Lollards and Their Books* (London: The Hambledon Press, 1985), 135-6. Translation mine.

of a subsequent trial, as we will later see) signed a single abjuration in groups of up to eight or ten. For lay people, especially those whose proven connection to Lollardy was slight, the above detailed abjuration was considered impractical and a simpler version, though never formally codified, was devised through trial and error and, by the early sixteenth century, was honed into something like this:

Where I the forseid N., truly and fiethfully enfourmed, nowleage and know well that the articles above rehersed with other concerning them been errours and agesnt the true bileve, feith and determination of all holy churche and right evyll soundeng to the eres of well disposed cristen men. Willing with pure hert and free will to forsake tose erroures and articles and all other erroures, heresies and erroneous opynyons being agenst the feithe and determination of the seide holy churche and turn to the unyte and determination of the seid churche, the same erroures, heresies and erroneous opynyons with all other contrary to the true faith and determination of all holy churche, I utterly forsake, renounce, and abjure and swer upon this book that after this hour I shall never openly ne prively holde, declare, or teche heresy, erroures, ne ony maner of doctrine agenst the feith or determinatin of all holy church.<sup>6</sup>

This declaration went with a recitation of a list of Lollard beliefs that was often, though not always, standardized for each batch of trials, and therefore did not always match exactly the beliefs that the abjurer had been accused of or had confessed in interrogation. The focus here was not on theological or logistical detail, but rather went straight the core of matter, the return of the errant believer to the Church.

It has been estimated that ninety-eight percent of all people tried for heresy in England, from Wyclif's rise to fame until the Reformation, abjured.<sup>7</sup> That rate is extraordinarily high; no other medieval heretical movement showed a comparable level of

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<sup>6</sup> Based primarily on the abjurations in Shannon McSheffrey and Norman Tanner, *Lollards of Coventry, 1486-1522* (Cambridge, UK: Press Syndicate of the University of Cambridge for the Royal Historical Society, 2003), see especially 260-85.

<sup>7</sup> Anne Hudson, *The Premature Reformation* (Oxford: Oxford University Press, 1988), 158-60.

yielding to the apparently inevitable, even on the verge total annihilation. Even during the Albigensian Crusade or the crackdown on spiritual Franciscans, far more than two percent of adherents tried to flee or felt compelled to resist.<sup>8</sup> Lollardy, however, was not annihilated. It not only persisted until the Reformation, but in fact the highest volume of trials and of executions throughout its history came in the 1510s and early 1520s, one hundred and fifty years after John Wyclif's theology started to attract interest outside Oxford. Such persistence strongly implies that most people who abjured did not abandon their beliefs, but rather continued to raise their children in them and probably to recruit others. In other words, many Lollards, perhaps most over a certain age, were relapsed heretics. Why, then, were the number of convictions and executions for relapse so low?

When these data on the high rate of abjuration draw notice, is it often from "revisionist" historians who use it to support their contention that pre-Reformation England was a united, enthusiastically Catholic place, where Lollardy was a fringe movement with low levels of commitment. This view is aided by uncertainty about what exactly a Lollard was and what he or she needed to believe to be so called. Many scholars have tried to glean a distinct theology from trial records, with limited success. In general, people tried for heresy in fifteenth century England tended to reject, and not uncommonly to make fun of, transubstantiation, pilgrimage, the worship of sacred images, and the authority of their priest and/or bishop: most of them owned banned books or had

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<sup>8</sup> For general sources with detailed figures, see Malcolm Lambert, *Medieval heresy: popular movements from the Gregorian reform to the Reformation* (Cambridge, MA: B. Blackwell, 1992) and James Given, *Inquisition and Medieval Society: Power Discipline, and Resistance in Languedoc* (Ithaca: Cornell University Press, 1997).

extensive contact with someone who did.<sup>9</sup> The latter point was often used as an investigative shortcut (legally entrenched in the constitutions of 1428, as we will see in chapter four),<sup>10</sup> suggesting that the bishops conducting the trials were themselves not confident of uncovering a set of beliefs that matched those of their formularies. That list included over sixty articles, but it was rare for investigation of any one person, especially of any one layperson, to turn up evidence of belief in anything close to a majority of these. Often even the much shorter list above would be scattered among a group of suspected heretics, without any single interrogation producing evidence for even that handful of positions. Attempts to identify a distinct set of Lollard practices or social origin have proved even more confusing. There have been extensive and unsettled debates over whether or not Lollards read together in conventicles, the relative weight they attached to reading versus preaching, what social background they tended to come from, the extent to which they were integrated into or ostracized from their communities, and how much of a role they provided

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<sup>9</sup> Edited and published trial records, with detailed charts of the beliefs revealed therein, see the works of Norman Tanner, particularly *Kent Heresy Proceedings, 1511-1512* (Kent Archaeological Society: Kent Records xxvi, 1997); (with Shannon McSheffrey) *Lollards of Coventry, 1486-1522* (Cambridge, UK: Press Syndicate of the University of Cambridge for the Royal Historical Society, 2003); and *Heresy Trials in the Diocese of Norwich, 1428-31* (London: Butler & Tanner for the Royal Historical Society, 1977).

<sup>10</sup> Text of the constitutions in Anne Hudson, *Lollards and Their Books* (London: Hambledon, 1985), 133-9. On banned books, 139.



for women.<sup>11</sup> Many trials did not show any explicit link to Wyclif's thought, either. As a result, there is no scholarly consensus on what Lollardy was, on who belonged to it and who did not, and on whether it was an important social movement with long-lasting and far reaching consequences, or a label of convenience that was entirely meaningless in the real world. Eamon Duffy considers Lollardy merely a term used to dignify village idiots, and consequently the priests who disciplined them, in official records.<sup>12</sup> Richard Rex finds an incoherent and locally isolated protest movement, with no commonalities between one small group and another beyond the fact that they were tried in a similar fashion.<sup>13</sup> Jeremy Catto, concentrating on Oxford, has unearthed a significant but purely academic movement, properly called 'Wycliffism' rather than Lollardy, with little connection to any of the laypeople accused of being followers of Wyclif.<sup>14</sup> Margaret Aston detailed a set of literary and pedagogical predilections, distinctive and progressive, but uniting its adherents through commitment to method more than to content.<sup>15</sup> Most recently, in a work broadly

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<sup>11</sup> E.g. Margaret Aston, *England's Iconoclasts* (Oxford: Oxford University Press, 1988), *Lollards and Reformers: Images and Literacy in Late Medieval Religion* (London: Hambledon Press, 1984), and (edited, with Colin Richmond), *Lollardy and the Gentry in the Later Middle Ages* (New York: St. Martin's Press, 1997), Peter Biller and Anne Hudson, eds., *Heresy and Literacy, 1000-1530* (Cambridge: Cambridge University Press, 1994), Patrick Collinson, "The English Conventicle," in *Voluntary Religion*, ed. W. J. Shiels and Diana Wood, *Studies in Church History* 23 (1986): 223-260, Anne Hudson's entire opus, including *Lollards and Their Books*, *The Premature Reformation*, and (with Pamela Gradon), *English Wycliffite Sermons*, 5 vols (Oxford: Clarendon Press, 1983-96), Robert Lutton, *Lollardy and Orthodoxy in Pre-Reformation England* (Royal Historical Society, Boydell press, 2006), K.B. McFarlane, *Lancastrian Kings and Lollard Knights* (Oxford: Clarendon Press, 1972), Shanon McSheffrey, *Gender and heresy : women and men in Lollard communities, 1420-1530* (Philadelphia: University of Pennsylvania Press, 1995), Peter Spufford, "The Comparative Mobility and Immobility of Lollard Descendants in Early Modern England" in *The World of Rural Dissenters: 1520-1725*, ed. Margaret Spufford (Cambridge: Cambridge University Press, 1995).

<sup>12</sup> Eamon Duffy, "Religious Belief," in *A Social History of England, 1200-1500*, ed. Rosemary Horrox and Mark Ormrod (Cambridge: Cambridge Univ. Press, 2006), 324-332 and *The stripping of the altars : traditional religion in England, 1400-1580* (New Haven: Yale University Press, 1992).

<sup>13</sup> Richard Rex, *The Lollards* (Houndmills, Basingstoke, Hampshire ; New York : Palgrave, 2002).

<sup>14</sup> Jeremy Catto, "Fellows and Helpers: The Religious Identity of the Followers of Wyclif," in *The medieval church : universities, heresy, and the religious life : essays in honour of Gordon Leff*, ed. Peter Biller and Barrie Dobson (Rochester: Boydell Press, 1999), 141-62.

<sup>15</sup> Aston, *England's Iconoclasts* and *Lollards and Reformers*.

considered state-of-the-field, Patrick Hornbeck writes of Lollardy as something epistemically impossible to define.<sup>16</sup> Lollardy may be the most extensively studied movement for which close to half the specialists on the period do not entirely believe that it really existed.<sup>17</sup>

These debates have been a dominant issue in Lollard studies for the past ten or fifteen years, to the point that the main piece of evidence, the distinctive statement produced by almost every person tried for heresy throughout the period, has been largely sidelined. I propose to reverse this focus, concentrating on the abjuration: on its language, its purpose, the mentality of the people demanding it, making it, and recording it. From this point of view, the exact definition of the abjurers is immaterial. I call them heretics because they were abjuring heresy and Lollards because, for the clerics conducting their trials, heresy meant Wyclif. Therefore, I use the terms “Lollard” and “heretic” interchangeably up to the chronological point, about the mid- to late 1520’s, when this identification was no longer possible even in the minds of the bishops. Wycliffism is customarily used to refer more specifically to late fourteenth- and early fifteenth-century clerics, usually Oxford-trained theologians, sometimes taught by Wyclif himself or by one of his former students, who were often involved in illegal preaching that hewed closely to Wyclif’s own teachings. I will use the term in the same way, but will examine Wycliffite beliefs only as they bear on early responses to the problem of abjuration. For this purpose, the experience and behavior

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<sup>16</sup>J. Patrick Hornbeck II, *What is a Lollard?: Dissent and Belief in Late Medieval England* (Oxford: Oxford University Press, 2010).

<sup>17</sup> There is an excellent summary of the debate—though now slightly outdated as it was published before Hornbeck’s book—in Andrew Larson, “Are All Lollards Lollards?” in Fiona Somerset, Jill C. Havens, and Derrick G. Pitard, eds. *Lollards and Their Influence in Late Medieval England* (Woodbridge, Suffolk; and Rochester, N.Y.: Boydell Press, 2003), 59-72. See also Andrew Cole, “William Langland and the Invention of Lollardy” *ibid.*, 37-58, and Somerset, “Heresy, Orthodoxy, and English Vernacular Religion 1480-1525,” *Past & Present* 186 (Feb. 2005), 47-80.

of suspects with a tenuous connection to Wyclif are as revealing as that of the pillars of the movement. My subject is an interaction between heresy suspects and an ecclesiastical bureaucracy that shaped the procedure and that defined all heretics as at least possible Lollards.

The difficulty in pinning down what a Lollard was is very suggestive, as it would be difficult for such a level of diversity and flux to persist over so long a period if their existence had precipitated any kind of real crisis. If it had, people would have sorted themselves, or been sorted whether they liked it or not, relatively quickly into two or three broad but quite distinctive affiliations, as they were in the decades following the Reformation. Many scholars have drawn the same conclusion as to the normalcy and relative peacefulness of fifteenth century England, and those who emphasize it the most, such as Richard Rex and Eamon Duffy,<sup>18</sup> have tended to assert, firstly, that the great battle between persecuting Church and persecuted heretic was largely an illusion, and, as a consequence that the “revisionist” school tends to consider inevitable, that heretics did not really exist. Others, like Paul Strohm, who argue that there was a crisis, but of a purely political rather than a religious origin, go still farther, arguing that a heretical enemy was deliberately invented to serve particular interests.<sup>19</sup> This idea that there were no real heretics, just a tactless preacher or village drunk here and there, is a problematic one, since after all, Wycliffite writings show that there were people who believed some very unusual things (though not always exactly the same ones). Furthermore, as we will see in chapter three, there were a few accused Lollards, though not many, who showed considerable

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<sup>18</sup> Duffy, *Stripping, Rex, Lollards*.

<sup>19</sup> Paul Strohm, *England's Empty Throne* (Notre Dame: University of Notre Dame Press, 2006).

reluctance to get with the program and allow their trial to flow smoothly on to the abjuration in the usual way. There is clearly no reason to pretend to be part of a persecuted minority that does not exist, since the only result would be to get oneself persecuted without actually defending anything. On the other hand, if all the resistance were trumped up by the Church to showcase its might, surely they could have done a better job of it than inventing a dangerous enemy of whom forty-nine out of fifty meekly gave in as soon as they were caught. A simpler way out of the conundrum, though it may not seem so at first glance, is that it is not the heretics, but the attempt to crush them that was illusory. That is the case that I will make here.

With a single major exception—the *Confutacio Lollardorum* of the abjured Lollard doctor John Barton, which I will argue was a coded attempt to promote false abjuration to Lollards under the guise of an anti-Lollard treatise—all of the sources and most of the people I will examine are well known to scholars of Lollardy and/or of the early Reformation. I intend to re-examine, with an intensive focus on oaths sworn at heresy trials, the interactions of John of Gaunt and Wyclif, Gaunt and Philip Repingdon, and Repingdon and the two primates he survived under when he reached the episcopate, Thomas Arundel and Henry Chichele. Both were eager to take his advice and copy his techniques. More crucially, I will consider, with more attention than most of these cases have received to date,<sup>20</sup> those Lollards who, according to the

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<sup>20</sup> Ian Forrest has considered the case of Richard Hoke in some detail, but considers it a testament to the thoroughness, not the leniency, of the episcopate. Ian Forrest, *The Detection of Heresy in Late Medieval England* (Oxford: Oxford University Press, 2005), 203-4. Anne Hudson has briefly commented on the cases of Barton, Drayton, Hoke, and Mybbe and has expressed surprise at the fact that Drayton, a high-profile case, was permitted to repeat abjuration, but has not offered a reason. Hudson, *Premature Reformation*, 90, 125. Shannon McSheffrey has examined in depth Alice Rowley's extensive connections and apparent importance in her community, but considers her second abjuration only as one result of that. Shannon McSheffrey, *Gender and Heresy* (Philadelphia: University of Pennsylvania Press, 1995), 123-4. Barton's and Mybbe's cases, which I consider the most revealing of the group, have received only glancing mentions.

letter of the law, should have been executed as relapsed, obstinate, or both, but instead were spared and allowed to abjure, in some cases more than once. Among what might be considered the second generation of Wycliffite clerics, in the 1410's and '20s, Thomas Drayton, William Emayn, and Robert Hoke all abjured multiple times.<sup>21</sup> John Barton abjured after having fled a previous trial and continued in Lollard activities for years afterwards.<sup>22</sup> John Mybbe, after his abjuration, was considered a reliable character witness for other heretics, and he, a party of others arrested with him, and separately, Thomas Novery were allowed to abjure despite suspected involvement with armed insurrection.<sup>23</sup> Each of these complex cases involved Philip Repingdon at some point, but all the final acts of law-bending leniency also required the cooperation of at least one and in most cases several other bishops and/or other high-ranking diocesan officials who were free of any hint of Lollard sympathies. Similar 'exceptions' may be found once heresy trials had been standardized and focused mostly on laypeople. Each of the major groups of trials included at least one person who had been previously tried yet was not executed, such as John Fynch and John and Margery Baxter in Norwich in 1428-31, and Alice Rowley in Tenterden in 1486 and again in Coventry in 1511.<sup>24</sup>

Equally significant are the cases of those who, as I will argue, could have found a road to repeat abjuration and for a variety of reasons chose not to try. Thus the "Lollard martyrs," including William Sawtre (the first person to be executed under the 1401 statute *de Haeretico Comburendo*) Henry Crumb, William White, Alice Grebill, and Joan Warde will

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<sup>21</sup> *Registrum Henrici Chichele*, ed. E.F. Jacobs (Oxford: Oxford University Press, 1945) III: 427.

<sup>22</sup> *Ibid.* 15-16.

<sup>23</sup> *Register of Philip Morgan, Bishop of Worcester, 1419-26* (Worcestershire Record Office), 18. *The register of Bishop Philip Repingdon, 1405-1419*, ed Margaret Archer, III (Hereford, Printed for the Lincoln Record Society by the Hereford Times Ltd., 1982): 70-1, 73.

<sup>24</sup> Tanner, NHT, 144-51, 181-8.

also be up for re-examination as exceptions that prove the rule. William Thorpe, the argumentative writer who, by his own account, bested Archbishop Arundel in theology and then fled to avoid abjuration, will in his vituperations be a witness to the build-up of false abjuration as a social structure. A small selection of the most famous Protestant martyrs, such as Anne Askew, Thomas Bilney, and Thomas Cranmer, demonstrate the gradual collapse of this system despite the efforts of bishops very unwilling to let it go. The orthodox bishops had one exception among them, too. Reginald Pecock, who wanted to replace what he saw as cavalier disregard for Catholic doctrine and its anointed upholders with intense education on why Lollardy was wrong, was tried and convicted of heresy by his fellow bishops, and for him there was no rehabilitation after abjuration. The problem was that he had meant his oath, and wanted the real heretics to believe theirs.

I do not mean to imply that every bishop throughout the fifteenth century was completely knowing and disillusioned about false oaths, or that they were always in complete harmony about the proper purpose of the system. Arundel either believed Repingdon's return to orthodoxy to be sincere or wished it to be thought that he did, and promoted him as an example of how good for one abjuration was.<sup>25</sup> Chichele, whether he believed in Repingdon or not, was only too happy to adopt wholesale his techniques of encouraging false abjuration as a convenient way of processing large numbers of rebels at once.<sup>26</sup> Repingdon himself and his right hand man and successor, Richard Fleming, who also had Lollard associations in his student days, were trying to insert themselves as deeply as possible into heresy cases in order to protect the culprits, at both the individual and the

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<sup>25</sup> "The Testimony of William Thorpe," *Two Wycliffite Texts*, ed. Anne Hudson (Oxford: Oxford University Press for the Early English Text Society, 1993), 42.

<sup>26</sup> *Reg. Chichele* III: 18-19.

systemic level.<sup>27</sup> Henry Despenser was also an interventionist but was mainly interested in making a dramatic appearance of some kind at every heresy trial he participated in, and appeared indifferent as to whether the outcome was abjuration or execution.<sup>28</sup> A century later, Henrician bishops were trying to balance the old order of false abjurations and few to no executions against royal and political pressure for a genuine crackdown.<sup>29</sup> It was only at that point, when the bishops themselves had to lie to skeptical royal advisors about whether they were permitting perjury, that the layers of deception started to be too much to handle.

In searching sources for statements that by their very nature and purpose could not be made directly, it is necessary to cast a broad net, in terms of both time and place, and to extrapolate from comparable situations in which the participants were less inhibited. English historiography (as indeed that of most other countries, but perhaps to a greater extent) has often been mocked for insularity. A trend persists to a degree, including among scholars who are neither English nor trained in Britain, of discussing continental Europe only as the source of occasional papal pronouncements or as a kind of black box into which religious dissidents taking the “third option” of exile, a kind of intermediate state between abjuration and martyrdom, disappeared.<sup>30</sup> This thesis is certainly not one of the full comparative treatments that the subject ought to have, but whenever relevant it will

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<sup>27</sup> See chapter 2.

<sup>28</sup> D. Wilkins, ed., *Concilia Magnae Britanniae et Hiberniae* (London: R. Gosling, in vico, dicto Fleet Street... 1737), III: 255. Ian Forrest, “The Dangers of Diversity: Heresy and Authority in the 1405 Case of John Edward” in *Discipline and diversity*, ed. Kate Cooper and Jeremy Gregory (Woodbridge : Boydell Press, 2007), 230-40.. Strohm, *England’s Empty Throne*, 52-3.

<sup>29</sup> See chapter 5.

<sup>30</sup> It would probably be impolite to cite specifically. Instead I will mention that the trend in the field is going in the other direction, towards considering symbiosis between Lollardy and continental heresies, particularly the Hussites, e.g. Michael Van Dussen, *From England to Bohemia: Heresy and Communication in the Later Middle Ages*, (Cambridge: Cambridge Univ. Press, 2012).

discuss similar conflict surrounding induced confession and customary conformity in other parts of Europe both before and after the Reformation, including early sixteenth century Venice (chapter three), Southern France during and after the Albigensian crusade, Poland at the appearance of both Hussitism and Lutheranism, and Spain (all in chapter 4). Unsurprisingly, due to printing and the post-Reformation confessionalization process that made such work of wide interest, there are many more sources dealing with trials of religious minorities, and their conduct therein, from the sixteenth and seventeenth centuries than from the fifteenth. Most of chapter one, and portions of every chapter (plus all of chapter five, which deals entirely with the sixteenth century) will use early modern sources to explore issues of sincerity that were equally present, but less discussed, in the late medieval context.

There are, nevertheless, limits to both geographic and chronological extrapolation, for the English system of trying heretics from the advent of Wycliffism until the Reformation was unique—more so, indeed, in both structure and objectives, than has been generally recognized. Some distinctions are clear. Dominicans, who took the lead in anti-heresy discipline on the continent, often moving around following reported outbreaks, were essentially absent from the scene in England, with Franciscans, particularly Carmelites, taking the lead in anti-Wycliffite polemic. Greyfriars, the Franciscan house at Oxford, was the locus of early academic opposition to Wyclif's program, and Carmelites supplied nearly all the notable anti-Lollard preachers of the early to mid-fifteenth century (with the exception of Pecock). However, neither the Carmelites nor any other religious order had any stake at all in the actual prosecution of English heretics, which was entirely under the purview of bishops and their subordinates and conducted as a kind of adjunct to



the existing system of ecclesiastical courts and, often, in the case of heretical clerics, within the context of episcopal councils. In exploring the mechanics of this episcopal-controlled system, I will follow the lead of Ian Forrest, who has written about the bishops' methods with great depth and clarity, but I will suggest that the full implications of it have not been grasped.<sup>31</sup>

Here are a few of those implications. First, a heretic who had been caught and abjured could move to a new diocese without fear of being pursued. If he (or occasionally she) got into trouble again in the new diocese, the new bishop was usually ready to start the proceedings against them from scratch—sometimes, as we shall see, even when he was aware of the prior abjuration. Secondly, using the norms of ecclesiastical courts meant a greater reliance on compurgation, that is they could “purge themselves” of the charge by having reliable witnesses swear that they believed the suspect’s oath. Compurgation was canonically required for clerics accused of heresy, but in England it was extensively used by lay suspects as well. This amounted to additional opportunities to clear oneself without abjuring, and therefore did not require the penalty of execution for relapse. The compurgators, or character witnesses, were often themselves abjured Lollards, frequently ones who had moved from another diocese as described above, or sometimes, in prominent cases, they were church officials serving a bishop with an interest in not having a case for relapse proceed. That leads to the third major difference from continental inquisitors: unless they were actively fomenting rebellion (as in the case of the notorious Oldcastle revolt), bishops generally had no vested interest in executing heretics and a good deal in not rocking the boat. Spoils were not in question—natural heirs still inherited the estate of

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<sup>31</sup> Ian Forrest, *The Detection of Heresy*.

an executed heretic (in fact we will see a sad case in chapter three when siblings accused their mother of relapse precisely for that purpose), that is when there was any estate, and given that most executed Lollards were clerics there generally was none. What most Lollards did have were families, or neighbors, or patrons—sometimes quite important ones, and sometimes including the bishop himself—in the same diocese. These supporters' displeasure after an execution would remain the bishop's problem, while an abjured heretic who was free to move, often would not. There were also more high minded reasons for leniency, which will be discussed in depth in chapter four. For now, it suffices to say that in contrast to a roving mendicant inquisitor, who might have incentives of ambition, corruption, or genuine conviction to increase the rate of relapsed heretics he uncovered and did not have to deal with the social consequences, an incumbent bishop was inclined both by circumstances and training in a long line of pastoral literature to keep the peace. It took a completely loophole-free case, a very unpastoral desire for drama and self-advertisement, or a heavy dose of political interference, or sometimes a combination of these factors, to push the bishop to convict someone of relapse.

Proving any statement to be a lie when, as if often the case with Lollards, that statement and the questioning that led up to it is the only extant source about the speaker, can be awkward. This dissertation aims to prove that almost every one of the hundreds of abjurations produced in late medieval England was a lie and that the bishops managing its production knew it to be a lie. Furthermore, the methods of conducting heresy trials in England were deliberately designed, through the joint efforts of orthodox bishops, secretly heretical bishops, and heretical clerics, to produce such lies. This system, once fully fleshed out about half a century after the first, dramatic, failed or nearly failed trials of Wyclif and

his students, was maintained for an additional century through the nearly universal commitment to it of both bishops and lay Lollards. With good reason: I would suggest that reliance on false abjurations made England the most successful of all medieval heresy inquisitions, if success in this context can be defined as preserving social stability, avoiding violent unrest, keeping religious minorities technically within the shelter of the Church, and generally projecting uniformity and tranquility. The Lollards, too, were, thanks to their embrace of perjury, much better able to survive and transmit their beliefs than might otherwise be expected. It has been noted that many visitors to medieval England tended to note both the peaceableness and enthusiasm of the devotional atmosphere while another mentioned the presence of “many religions.” The false abjuration system shows not only how both observations could be true, but also that neither could have been true if the other were not. Despite the notorious wars of fifteenth century England, all that lying opened the door to a good deal of truth and peace—until a very different understanding of truth came to rudely shatter the peace.

Chapter one will broadly explore the place of oaths and perjury in the law and culture of late medieval and early modern Europe. I will argue that practical attitudes towards this form of speech were far more lax than polemics and educational literature on the seriousness of the offense would suggest (or perhaps, exactly as lax as the vast number of such works suggest). There was a good deal of daylight between official and popular understandings of perjury, and a large space in which someone might swear to things that were self-evidently untrue without facing either social or legal condemnation as a person forsworn whose word was not to be trusted. This chapter will begin to examine the

consequences for religious dissidents and the ways they could take advantage both of legal loopholes and of cynical assumptions that everyone was a bit of a liar.

Chapter two will examine the very different careers of two bishops who were both tried for and convicted of heresy in order to illustrate the priorities of the episcopate as a group when it came to trying heretics. I will argue that the one who successfully lived down the accusation, Repingdon, remained secretly committed to Wycliffites his entire life, exerting all the influence he subsequently acquired to save his co-religionists from being convicted of relapse. On the other hand, the one medieval bishop who died imprisoned for heresy (Pecock) was in fact impeccably orthodox, and I will make the case that his crime was to try to instruct Lollard-leaning laypeople in capital T-truth instead of encouraging them to lie. The other bishops did not desire a fight for hearts and minds, but rather were committed to dealing with Lollards in the by-the-motion fashion initiated by Repingdon himself.

Chapter three will explore the steps towards moral and theological acceptance of abjuration among the early Wycliffites and the spread of the practice among the lay Lollards of later generations. Here we will see Repingdon again, struggling to transform his personal interventions into an established system of false abjuration that would survive him and serve to protect repeatedly relapsed Lollards even in the absence of any pro-Lollard patron. I will suggest that Lollards were instructed in this method through heavily coded texts disguised as anti-Lollard polemic, and that the exceptions, those Lollards who resisted abjuration and fled or were executed, were consciously rejecting an already extant web of social fabric pushing them into perjury.

Chapter four will focus on the role and motivations of the bishops, demonstrating how they formalized the custom of false abjuration and designed procedures for mass trials of lay Lollards that implicitly encouraged it. I will compare the English trials with the other major medieval heresy inquisitions. In particular, laying the English constitutions for heresy examinations side by side with the manual of the Spanish inquisitor Nicholas Eymerich will show that apparently slight differences in understandings of the same theologies and canonical precedents produced drastically different objectives and results.

Chapter five will outline the gradual and ugly collapse of the false abjuration system during the Reformation period. It collapsed under the combined pressure of secular Catholic authorities who had gotten wise to such tricks and demanded sincere contrition, and of no-longer-Lollard heretics who were developing an ethic of shame about concealing their true beliefs. I will argue that the violence of the period and the behavior of the bishops through the time of the “Marian martyrs” is fully explicable only if false abjuration had previously been normal and expected, and tacitly enshrined in both custom and law.

## Chapter 1

### False Heretic

At the center of the late medieval heresy trial, as of any other judicial procedure, indeed any kind of official proceeding at the time, was the oath. Through this form, witnesses both human and divine were called upon. Accusers might come forward, swearing to the veracity of evidence that showed guilt (though in heresy trials, accusations were anonymous, or, more often omitted altogether). So, in many cases, did compurgators, testifying to their neighbor's, their subordinate's, or sometimes, as we will see, their fellow criminal's good repute.<sup>1</sup> In purging themselves, the suspects would swear to never having held heretical beliefs; in the abjuration, often taken by the same person at the same proceedings, that they had previously held such a set beliefs, but now held another, in accordance with the teachings of the Church. These were particularly fraught types of a fraught kind of speech: oaths to the truth of which there could be no witnesses, as the subject of that oath was what was going on at that moment in the head of the person taking it. Ethan Shagan has concisely summarized the problem that "oaths occupied a liminal position between outward behavior and inward belief, where people were required by law to align their words with their thoughts."<sup>2</sup> This problem becomes still more complex if one considers that in late medieval and early modern culture, popular, legal, and theological, oaths were often assumed to be divorced from the actual intentions of the person swearing

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<sup>1</sup> For detailed exploration, see Edwin Craun, "The Imperatives of Denunciatio: Disclosing Other's Sins to Disciplinary Authorities," *The Culture of Inquisition in Medieval England*, ed. Mary C. Flannery and Katie L. Walter (Cambridge: D. S. Brewer, 2013), 30-44, and Henry Ansgar Kelly, "Inquisition, Public Fame and Confession: General Rules and English Practice," in the same collection, 8-29.

<sup>2</sup> Shagan, "The English Inquisition and Constitutional Conflict and Ecclesiastical Law in the 1590's, *The Historical Journal* 47 (2004): 543.

them. This chapter will explore the contradictions of a culture in which total reliance on the oath as a tool of establishing social order, and a high degree of concern about how casually the form could be used and misused, fed each other. It will further begin to lay out the place of Lollardy in this culture, particularly with respect to abuses of the process or purgation, as a foundation for methodical false abjurations discussed in later chapters. On the basis of these oaths, the suspect could be released back into the society of the faithful.

Oaths were intrinsically a religious procedure, regardless of the social situations in which they were used. The Ordinary Gloss on Gratian's *Decretum* claimed that "swearing is to some extent, calling God as a witness," referring St. Augustine's idea that if someone swears falsely by God, he is drawing God into becoming a false witness, or, as the fourteenth century poet Robert Manning put it in his translation of the popular *Manuel des Pechiez*, "Whan þou yn ydylnes sweryst hys name, þou dost hym bere wytnes of blame."<sup>3</sup> Sacred personages—God, Christ, the virgin Mary, the saints—were called on in every conceivable transaction, whether it was recording a contract, joining a guild, or asserting one's innocence in a court of law.<sup>4</sup> The near universal use of a sacred form of speech in everyday business made for a good deal of confusion and casual blasphemy, despite extensive

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<sup>3</sup> "Iurare est aliquid Deo teste dicere." *Glossa Ordinaria, Editio Romana, C. XXII, q. 1, c. 1. Decretum Gratiani emendatum, et notationibus illustratum : una[m] cum glosis, Gregorii XIII Pont. Max. iussu editum. Ad exemplar Romanum diligenter recognitum* (Venetiis : Sub signo Aquilae renouantis, 1604). Augustine, *Ennarationes in Psalmos*, 109.17. Robert Mannyng, Handlyng Synne, ed. Idelle Sullens (Binghampton, NY: Medieval and Renaissance Texts and Studies, 1983), 609-10 (18).

<sup>4</sup> Below, an example of a standard guild membership oath, from the Gild of St. Katherine in Stamford, 1494, in *English Gilds: The original ordinances of more than one hundred English gilds*, ed. Tomlin Smith (London: N. Tubner Smith for the Early English Text Society, 1870), 188-89. The words "I swear" or "I promise" do not occur in this example, but the appeal to God and the scriptures make it an oath nonetheless.

*"This here ye, Alderman:—I shall trewe man be to god almighty, to oure lady Seynt mary, and to that holy Virgyn and martir Seynt Kateryn, in whos honoure and worshippe this Gilde is ffounded; and shal be obedyent to the Alderman of this Gilde... so helpe me god and hollydome, and by this boke:—"—And then kys the Boke, and be louynglye receyued wt all the Bredern; and then drynke aboute; and, affter that, departe for that nyghte.*

attempts by the Church to regulate what types of oaths, taken in what sort of circumstances, were legitimate or illegitimate. The gradations between cursing, using Church-sanctioned forms of oaths as emphasis in informal situations, uttering the solemn oaths at the heart of both secular and religious ceremonies, and making a private vow were a major bone of contention, as well as a source of despair for those charged with promoting public morality. Jacques of Vitry, in one of his exempla, told of a woman, a prolific curser, whose confessor orders her to abstain from swearing from that day forward. Her response was, "Father, so help me God, I will not swear," and she continued to swear not to swear with increasingly emphatic oaths as the priest reprimanded her responses. The story ended with a pun, calling her *maledicta*, which echoes the word *maledica*, or foul-speaking, while actually calling her accursed, and so swearing within a sermon against swearing.<sup>5</sup>

Despite being the standard way of emphasizing one's sincerity, there is a good deal of evidence, not only from trial records but also from popular legends and fables, that oaths were not regarded as binding or unbreakable in all circumstances. The same holy beings who gave oaths their potency possessed the power to release someone from an oath without culpability: medieval versions of the Faustian legend, such as the story of Theophilus, featured Mary or one of the saints releasing the penitent from his pledge to the devil.<sup>6</sup> More earthy examples of shrugging off oaths made under duress can be found too. One of the fables of the thirteenth century English preacher Odo of Cheriton featured a cat rescuing a mouse who falls into a vat of boiling beer, after first making the mouse swear to come out whenever the cat calls it. The mouse, of course, breaks its word, explaining from

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<sup>5</sup> *The exempla or illustrative stories from the sermons vulgares of Jacques de Vitry*, ed. Thomas Frederick Crane (London: Published for the Folklore Society by D. Nutt, 1890), 91-2.

<sup>6</sup> E.g. Rutebeuf, *Le Miracle de Theophile*, ed. Grace Frank (Paris: Champion, 1969).



the safety of its hole, “I was drunk when I swore the oath.”<sup>7</sup> The moral, which condemns making vows at times of peril and abandoning them when normal life resumes, is clearly aimed at not following through on votive offerings, pilgrimages, and the like. Nevertheless, if we continue the conceit and analyze this act of perjury as if it were a real one governed by the prevailing laws, the preacher might be in conflict with canonical insistence, that incautiously promising to do something bad (presumably including suicide by cat) did not come under the category of legitimate oaths.<sup>8</sup> Theological opinion would have been divided: Angelo Carletti, in the late fifteenth century, summarized the debate on whether breaking an oath sworn out of fear was a mortal sin or not, leaning towards the negative.<sup>9</sup> On the other hand, if the law about forcing someone over whom you have power to perjure himself were followed here, both animals might find themselves doing penance with forty days on bread and water.<sup>10</sup>

Oaths, then, were simultaneously seen as a serious obligation and a source of great moral risk, and as things that were often lightly put aside. The potential seriousness is underlined by the number of perjurers (as well as liars and slanderers) that drop dead in medieval morality tales shortly after their offense. It is noticeable, though, that most compilers of these exempla felt the need to strengthen these exempla by ensuring that the problematic speech in question involved concealing some other kind of sin more immediately recognizable as such. Robert Mannyng wrote of a rich man who, in the process

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<sup>7</sup> Odo of Cheriton, “De mure et catto: contra non implentes votum,” in Léopold Hervieux, *Les fabulistes latins: Études de Cheriton et ses dérivés* (Paris: Librairie de Firmin-Didot, 1896), 227-28. Another version, by Johannes of Schepeya, uses the verb “promittere” rather than “iurare,” but the meaning is clearly the same (Hervieux, 425-6).

<sup>8</sup> Gratian, *Decretum* C. XXII, q. 4, c. 16.

<sup>9</sup> Angelo Carletti, *Summa de casibus conscientiae* (“*Summa Angelica*”) (1497), c. 7, “Periurium.”

<sup>10</sup> Gratian, *Decretum* C. XXII, q. 5 c. 1. Same penance cited in *Dives and Pauper*, 236.

of trying to steal a piece of land from a poor man, collapsed in the witness stand; Etienne de Bourbon recounted a similar fate for an adulteress lying about the identify of her child's father.<sup>11</sup> The latter work adds to the uncertainty about the gravity of perjury relative to other sins by featuring a motley array of other things for which people were struck dead, such as a monk (felled by diabolic vision, no less) who fell asleep during Matins.<sup>12</sup> A further complication comes in an approving tone and total lack of punishments for other monks who lied and stole from a usurer and a hoarder.<sup>13</sup> The message, perhaps unintentionally, seemed to be that perjury was very, very bad—if you were using it to help accomplish or hide some other misdeed.

This situation suggests the contradictory status of perjury in medieval society. On the one hand, it was both a serious sin, as the recommended penance suggests and as the law unambiguously declared: *peierare peccatum est, non iurare*, perjury is a sin whereas swearing, in itself, is not.<sup>14</sup> It was also a threat to the social fabric, since every transaction and organization depended on oaths being made and kept. At the same time, the frequency with which it came up in standard and relatively minor legal cases suggests that it was regarded as something commonplace. Because perjury came under the jurisdiction of canon law, contract disputes in fifteenth century England were often handled in ecclesiastical court, the suit being over breaking the oath that sealed the contract rather

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<sup>11</sup> Mannyng, *Handlyng Synne*, 2700-20 (70-1). Mary MacLeod Banks, ed., *An alphabet of tales: an English 15th century translation of the Alphabetum narrationum of Étienne de Besançon* (London: K. Paul, Trench, Trübner & Co. for the Early English Text Society, 1904-1905).

<sup>12</sup> *Alphabet of Tales*, 285 (p. 197).

<sup>13</sup> *Ibid.* 260-1 (181). Edwin Craun examined these examples (aside from the sleepy monk) and other similar ones, but considers them evidence that lying was taken extremely seriously if it was definitely intentional. Edwin Craun, *Lies, Slander, & Obscenity in Medieval English Literature: pastoral rhetoric and the deviant speaker* (Cambridge: Cambridge University Press, 1997), 146-8.

<sup>14</sup> Gratian, *Decretum* C. XXII, q., 1, c. 3, citing Augustine, *Epistles*, 54.

than the contract itself.<sup>15</sup> The same ambiguity is evident when perjury was referred to in the context of a curse. To call someone perjured or, synonymously, foresworn, was a serious affront, serious enough to provoke lawsuits for slander,<sup>16</sup> yet the very frequency of the term's use seemed to threaten to withdraw the sting and make it meaningless. Shakespeare sometimes poked fun at the abuse of the term and at the old (by his time) legal and theological debates about it, as in this passage from *As You Like It*:

**Touchstone.** No, by mine honour; but I was bid to come for you.

**Rosalind.** Where learned you that oath, fool?

**Touchstone.** Of a certain knight that swore by his honour they were good pancakes, and swore by his honour the mustard was naught. Now I'll stand to it, the pancakes were naught and the mustard was good, and yet was not the knight forsworn.

**Celia.** How prove you that, in the great heap of your knowledge?

**Rosalind.** Ay, marry, now unmuzzle your wisdom.

**Touchstone.** Stand you both forth now: stroke your chins, and swear by your beards that I am a knave.

**Celia.** By our beards, if we had them, thou art.

**Touchstone.** By my knavery, if I had it, then I were. But if you swear by that that is not, you are not forsworn; no more was this knight, swearing by his honour, for he never had any; or if he had, he had sworn it away before ever he saw those pancakes or that mustard.<sup>17</sup>

The humour depends on the audience understanding, first, that oaths that were either false or meaningless were a normal manner of speaking, secondly, that a great deal of scholarly ink had been spilled on trying to classify them,<sup>18</sup> and above all, that the more anyone tried to pin down and regulate perjury the more ubiquitous it became. The layered attempts to

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<sup>15</sup> R. H. Helmholz, *Roman Canon Law in Reformation England* (Cambridge: Cambridge University Press, 1990), 23-4.

<sup>16</sup> *Ibid.*

<sup>17</sup> William Shakespeare, *As You Like It*, Act I, Scene 2, lines 196-211.

<sup>18</sup> The play on academic debate in this passage, “knowledge,” “wisdom,” etc. strongly suggest that the debates on the exact meaning and seriousness of various types of perjury, outlined below, had to an extent entered popular culture and remained a part of it well into the post-Reformation period.

“swear by that that is not” are quite similar to the morass that de Vitry’s swearing (non-) penitent got herself into, except that here, the paradox is deliberate and turned into a kind of competitive sport. Expecting people to laugh at this kind of joke strongly implies both that by the sixteenth century, at least, the term had lost much of its sting, and that the people of early modern England considered most of their neighbors habitual, casual liars.

It was Thomas More, far and away the most famous case of a layman killed for refusing to perjure himself, who most succinctly summed up the doubts of his Church towards its own laws against perjury when it came to implicating oneself or others in a crime. More was (though he did not say so) extrapolating from Raymond of Peñafort, as well as the canonical tradition concerning coerced oaths, when, imprisoned in the Tower, he made a memorandum headed, “Every act of perjury is (as it seems to me) a mortal sin without any exception whatsoever,” but arguing that

If therefore any lawful secret is entrusted to anyone outside of confession, and if it is of such a kind that the revelation of it might harm the person who entrusted it, then he is bound by a double bond to conceal it: both the thing was entrusted to him for safekeeping as a deposit, and because he is bound to conceal everything which, if it were not concealed, would harm his neighbor, no matter how it came to his knowledge, provided it is not a misdeed which it would benefit the state to reveal. No one has the power to tender an oath to anyone else binding him to reveal such a secret as can and should be kept hidden... he ought to refuse this oath as unlawful, no less unlawful than if he were constrained to swear to kill a man. If, overcome by force, he swears, nevertheless he is not only not bound to discharge what he has sworn, but on the contrary he is bound not to discharge it.<sup>19</sup>

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<sup>19</sup> R.S. Sylvester, “More’s Discussion of Perjury” in More, *A Dialogue Concerning Heresies, Complete Works* 6 (Yale, 1981), 764-6, translation Sylvester’s. Original: *Si quid ergo secreti liciti extra confessionem cuiusquam fidei committatur, et sit eiusmodi, ut eius reuelatio nocere possit ei, qui fidei eius dedit, duplici vinculo stringitur ut coelet. Et quia commissa res est eius fidei servanda velut depositum, et quia coelare tenetur omne, quod non coelatum noceret proximo vndecunque rescuerit: dummodo non sit malificium, quod proditum esse reipublicae intersit. Nemo habet potestatem ut alij de tali arcano quod coelari potest et debet iuramentum cuiquam deferat, de prodendo... debet hoc iuramentum recusare, quia illicitum, non minus illicitum, quam si adigeretur iurare occideret hominem. Si vi victus iuret, tamen non solum non tenetur praestare quod iuravit, sed etiam tenetur non prestare.*

If a moral obligation to commit what looks just like perjury (though he insisted it was not) was going out on a canonical limb, More's opinion on self-incrimination was hanging off a twig by its little finger.

Mary trouth it is that a mannys oth recreceyueth interpretacyon & is not alway bounden precysely to y<sup>e</sup> wordis. As yf a iuge wold swere me generally in a courte to make trew answer to such thyngis as shuld be asked of me & after myne othe gyuen he wolde aske me certayn questions of maters nothing be longing to hym I were not by myn othe bounden to make hym answeere for as mych as no such thyng was in myn oth intended.<sup>20</sup>

That bundle of what certainly looks like equivocation came, it should be noted, in the context of accusing a Protestant of endorsing perjury and under the thesis "that a man may neuer lawfully be forsworne."<sup>21</sup> Taking a strong line against false oaths seemed to entail defining legitimate oaths almost out of existence.

If laymen, scholarly and otherwise, were a bit cynical about perjury, though, the Church and its courts as institutions certainly were not. As hinted in the de Vitry exemplum, perjury was often seen as a kind of extreme form of blasphemy. Probably the most frequently quoted *mot* on the subject was Augustine's statement that if someone swears falsely by God, he is drawing God into becoming a false witness.<sup>22</sup> Robert Mannyng illustrated this idea with an anecdote about a habitual false swearer (it is not entirely clear whether in ordinary hyperbolic speech, business dealings, or both) who repented after seeing a grisly vision of a mutilated Christ child who, the Madonna holding him announced,

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<sup>20</sup> Thomas More, *A dyaloge of syr Thomas More knyghte... Wyth many othere thyngys touching the pestylent sect of Luther and Tyndale, by the tone bygone in Sarony, and by tother laboryed to be brought in to Englonde* (Enprynted at London : By J. Rastell at the sygne of the meremayd... 1529), lxxviii.

<sup>21</sup> *Ibid.*

<sup>22</sup> Augustine, *Ennarationes in Psalmos*, 109.17.

had been made so by the sinner's "oþys wykkyd & wyld."<sup>23</sup> Guillaume Peraldus, in his widely used confession manual, elaborated by comparing perjury unfavorably to fornication, suggesting that the implied blasphemy made the former sin worse: "If someone wants to fornicate when he is inside a church, he leaves, if he is in a cemetery he leaves; if he is near a cemetery or church, he distances himself from them. Truly, if he wants to perjure himself, he enters the Church, if he had been outside; he approaches the altar and commits the sin of perjury..."<sup>24</sup> For good measure, Peraldus described perjurers as hanging themselves with their own hands and offering their hands to the devil, eloquent expressions of fairly standard sentiments.<sup>25</sup> Even here, however, it may be noted that the usually milder Carletti declared that a breaking an oath made without deliberation or partly in jest, as seemed to be the issue with Mannyng's rich blasphemer, only constituted a venial sin.<sup>26</sup>

Mortal sin or venial, the Church clearly had an interest in reducing the chances of the sin being committed, particularly in court, which offered both the greatest temptation and the greatest possibility of control. Custom and law both dictated a dizzying number of restrictions on who could swear in court and under what circumstances, meant to weed out potentially questionable oaths. The version in the anti-Lollard Franciscan pedagogical

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<sup>23</sup> Mannyng, *Handlyng Synne*, 689-800 (20-2). Quotation line 714. Mannyng, unusually in a popular work that rarely employed citations, explicitly mentioned St. Augustine to open the anecdote (664).

<sup>24</sup> *Si quis vult fornicari si est intra ecclesiam, ipse exit inde; si est in cimeterio, ipse exit inde; si propinquus est coemeterio vel ecclesiae, elongat se ab eis. Ille vero qui vult peierare intrat ecclesiam, si ipse erat extra; intrat ad altare et committit peccatum periurii, quandoque super altare, quandoque super evangelium, quandoque super ipsum corpus Christi, quod horrendum est dictu.* Peraldus, *Summa de vitiis* C. 4, IX, de peccato periurii... (Lyon, 1688).

<sup>25</sup> *Ibid.*

<sup>26</sup> *Summa Angelica*, 3, "Periurium."

dialogue *Dives and Pauper*, perhaps ironically in a section intended to clarify what giving false witness meant, would have eliminated most potential witnesses.

DIVES: May all manner of folk bear witness in doom [judicial proceedings?]?  
PAUPER: Nay, for bond servants shall not bear witness in the causes of their lords... No women shall bear witness of proof in causes of felony, but in matrimony and in causes of purgation of women's evil name they may bear witness of proof, and women may accuse in causes of felony. Also no young folk without fortune, no fools, no beggars, no very poor folk, no heathen men, no Christian men reputed (? losyd) of falsehood or any taint [as] false and forsworn, nor open wicked liars and [those] or evil name--none of these is able to bear witness in doom before a judge.<sup>27</sup>

Apart from reflecting a consistent preoccupation with social unrest—"If persons of dignity could lightly be damned by simple folk, the people should be bold against their sovereigns," says the same author a few pages later—these rules also demonstrate the difficulty of determining whose oaths were trustworthy.<sup>28</sup> Perjurers in particular were banned from testifying in ecclesiastical courts even after repenting.<sup>29</sup> In fact, special exceptions had to be made to accept testimony against heretics from excommunicates, criminals, and heretics who had previously asserted their own or other people's innocence on oath and were "correcting" the perjury.<sup>30</sup> The climate of suspicion was such that Lucius III, not a pope known for being soft on suspect persons—he decreed that a "favorer of heretics" could not be a witness and that a noble insufficiently active against heresy in his domain be

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<sup>27</sup> *Dives and Pauper* (anonymous c. 1405), ed. Priscilla Heath Barnum (Oxford: Oxford University Press for the Early English Text Society, 1980), vol. 1. part 2, 222.

<sup>28</sup> *Ibid.* 232.

<sup>29</sup> *Liber Sextus* 5.2.8

<sup>30</sup> *Ibid.* 5.2.5 and 5.2.8. Discussed in Henry Ansgar Kelly, "Inquisition, Public Fame and Confession," 15.

excommunicated<sup>31</sup>—felt it necessary to instruct a bishop not to hold compurgators, those testifying a suspect’s innocence, to too high a standard.<sup>32</sup>

The use and misuse of the practice of compurgation in ecclesiastical courts, and still more so in heresy trials, added to ambiguities concerning oaths and oath-takers. The practice of having the accused “purge himself” through witnesses, or compurgators, who could swear to his innocence, became so entrenched in ecclesiastical courts that there are several rulings in the Decretals that clerics or nuns facing serious charges, such as simony or, more relevantly for us, heresy, always had to purge themselves.<sup>33</sup> A priest or deacon, it was specified, could, with his own oath and that of three other clerical compurgators, “expunge” or “excuse himself of” a crime he was accused of that could not be proven against him.<sup>34</sup> Though technically optional for laypeople, most who could use it did, since for them, too, it provided a kind of tie-breaker between suspected guilt and unattainable acquittal, a way to turn the suspicion of guilt into a kind of soft “not proven.” Often the suspect would then get off without penance or penalty if he or she swore not to offend in similar fashion again, an oath that did not constitute admitting guilt and in fact was sometimes accompanied by emphatic professions of innocence.<sup>35</sup> For this reason, accused heretics could and often did both abjure and purge themselves, with neither procedure considered to undermine the other. As J.A.F. Thomson has noted, taking all the Lollard trials together,

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<sup>31</sup> Decretal *Ad abolendam*, *Liber Extra* 5.7.9. As below, the prohibition on people with ties to heretics testifying on behalf of other heresy suspects was often not observed.

<sup>32</sup> *Liber Extra* 5.34.9.

<sup>33</sup> X.5.34.5 and 5.34.1. For discussion of the origins of the compurgations system, particularly as a means of avoiding violence, see Robert Bartlett, *Trial by Fire and Water: The Medieval Judicial Ordeal* (Oxford: Clarendon Press, 1986), 31-32 and James Eugene Moriarty, *Oaths in Ecclesiastical Courts: a historical synopsis and commentary* (Washington, DC: Catholic University of America, 1937), 12-22.

<sup>34</sup> Gratian, *Decretum* C. 12, q. 5, c. 2.

<sup>35</sup> E.g. see the cases of the Lollards (or non-Lollards) with far too many compurgators, 5 pages down.



only a small minority made use of purgation,<sup>36</sup> but its near universality in the first half century of the trials <sup>37</sup> ensured that it shaped future proceedings, and, as we shall see, canny well-connected lay Lollards continued to take advantage of the practice into the sixteenth century.

If suspected persons had every reason to take advantage of compurgation, the Church had equally strong reasons for encouraging it, as a preserver of social peace and of its own reputation. Persistent rumors of guilt might lead to popular vengeance or social ostracism, or in the case of an accused cleric, the situation with which the canon law on the subject was primarily concerned, to diminished moral authority and or even inability to perform his function.<sup>38</sup> Someone who had successfully purged himself or herself, on the other hand, was to be re-accepted into the heart of the flock, and treated as a person nobody in their community could look askance at, at least not with any legal justification. In practice, things often did not work according to plan. Richard Helmholz has identified an overwhelming caseload of frivolous slander accusations in late medieval England as a major factor in delegitimizing canon law in general in the period just prior to the Reformation, and by the Elizabethan period, the routine threat of suing informers for defamation was, Peter Iver Kaufman has noted, a major obstacle to enforcing conformity.<sup>39</sup> A trivial accusation before the ecclesiastical court became a normal means of harassing opponents

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<sup>36</sup> J.A.F. Thomson, *The Later Lollards, 1414-1520*, (Oxford: Oxford University Press, 1965), 230.

<sup>37</sup> This was because nearly all suspects through the early 1420s were clerics, who, as noted above and further discussed below, were required to purge themselves whenever accused of almost any offense.

<sup>38</sup> This care for ecclesiastical reputation, individually and collectively, extended to clerks, who, like priests, were encouraged to purge themselves for almost any type of crime, for instance, for stealing a white horse, or in another case, three bulls and two cows: *The Register of William Bothe, Bishop of Coventry and Lichfield, 1447-1452*, ed. John Condliffe Bates (Woodbridge, Suffolk: The Boydell Press for the Canterbury and York Society, 2008), 53, 61. A plurality of early Wycliffites were clerks.

<sup>39</sup> Peter Iver Kaufman, *Thinking of the Laity in Late Tudor England* (Notre Dame, IN: Notre Dame University Press, 2004), 87.

in any personal dispute, and as the presiding clerics knew it, the accused generally got off with only purging themselves and swearing “not to do it again.” The problem, apart from time-wasting, was that genuine and repeated offenders could do that too, and did so, often having other frequent slanderers serve as their compurgators.<sup>40</sup>

According to the letter of canon law, compurgators were to be acceptable to the Church, honest, of good reputation, not accused of a crime themselves, not motivated by affection for or hatred of one of the parties in the case, not taking bribes, and they were to truly believe the oath of the person on whose behalf they were swearing.<sup>41</sup> In fact, the quality of compurgators was a persistent problem, especially when it came to repeat offenders. For instance, in fifteenth century England, networks of prostitutes served as compurgators for each other, even though many had previously been accused of the same crime (though having similarly purged themselves, they were technically no longer accused and so could legally serve as compurgators).<sup>42</sup> Wycliffite clerics, as the next chapter will further demonstrate, seem to have developed similar networks, with someone who had abjured and purged him or herself frequently turning up as a compurgator for someone else accused of the same offense a few years later. Usually this took place in a different diocese than the one where the compurgator had been tried; moving was a common tactic to try to avoid being accused of relapse, and in these cases had the added benefit that the

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<sup>40</sup> Defamation cases, e.g. William Lyndwood, *Provinciale seu constitutiones Angliae continens constitutiones provinciales quatuordecim archiepiscoporum Cantuariensium...* (Oxoniae : Excudebat H. Hall ... : Impensis Ric. Davis, 1679), 313 (*purgatio*), 347 (*crimen*), discussed Helmholz, 6-7, 20-27. It is not explicitly stated that compurgation or other normal procedures hold if the slander in question is an accusation of perjury, but neither is it explicitly excepted. It is also noteworthy, in this context, that Edwin Craun has written about the regularity with which Lollard and orthodox polemicists accused each other of slander. Edwin Craun, “Discarding Traditional Pastoral Ethics: Wycliffism and Slander,” *Wycliffite Controversies*, ed. Mishtooni Bose and Patrick Hornbeck (Brepols, 2011), 227-42.

<sup>41</sup>X 5.34.7,9,13. I have listed the conditions mixed up in no particular order.

<sup>42</sup> Ruth Mazo Karras, *Common Women* (Oxford: Oxford University Press, 1996), 99, 174 n 69.

bishop accepting the purgation often did not know the compurgator's history. A particularly egregious case was that of John Mybbe, who had abjured in Lincoln, was cited again and actually spent some time in the custody of the secular authorities (usually a prelude to execution), managed to move to Worcester and there was a compurgator for Thomas Drayton, who himself was tried thrice and purged himself every time.<sup>43</sup> For heretics, compurgation was a tool almost ideally suited to help them get off the hook as easily as possible and as often as necessary. It was not until the sixteenth century, when, as we will see, the purpose and process of heresy trials began to undergo significant change, that presiding bishops became suspicious or concerned enough about such networks that even a small minority of those Lollards who tried to purge themselves were not permitted to do so.<sup>44</sup>

Technically, as mentioned, those suspected of heretical sympathies were not to be accepted as witnesses, except of their own or their fellow heretics' guilt. However, the gap in harshness between Lucius' twelfth century ruling to this effect and the assertion in the fifteenth century *Dives and Pauper* that a heretic could bear witness to help a "Christian" person but not against him, suggests that the trend was drifting towards fewer and fewer

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<sup>43</sup> *Reg. Repingdon* III, 73; *Reg. Chichele* III, 427; Hudson, *Premature Reformation*, 90, 125; Register of Philip Morgan, Bishop of Worcester, 1419-26 (Worcestershire Record Office), 18; *Records of Convocation V: Canterbury, 1414-1443*, ed. Gerald Bray (Woodbridge: The Boydell Press in association with the Church of England Record Society, 2005), 165-6. We will meet both these men again in the next chapter in the context of their connections to the Lollard bishop Philip Repingdon. However, as will become more evident in chapter three, even heretics without extremely high ranking patrons used this tactic, especially by the end of the fifteenth century.

<sup>44</sup> For instance, in one of the several mass trials in 1511-12, three out of fifty three convicted heretics failed to purge themselves. Norman Tanner, "Penances Imposed on Kentish Lollards by Archbishop Warham, 1511-1512," *Lollardy and the Gentry in the Later Middle Ages*, ed. Margaret Aston and Colin Richmond (New York: St. Martin's Press, 1997), 241. Tanner adds there is no explanation of why the attempted purgations failed, and that it made a great difference to their cases, as all three suffered imprisonment as a result. I would hazard a guess that any compurgators who came forward had particularly obvious ties to Lollardy themselves, and that Warham realized it and disqualified them.

restrictions.<sup>45</sup> It was not that the Church was unaware that conflicts of interest due to various social ties among witnesses could be a problem—*Dives* also recommended a large number of restrictions in that area—but that little could be done about it in practice.<sup>46</sup> Witnesses and especially compurgators were, by definition, socially tied to the accused in some manner, and how could a busy court verify that it was an appropriate one?

Compurgation could further undermine trust in the oath by thus giving an impression that what really mattered was not what was being sworn but who was swearing, to whom, and on whose behalf. Such problems of authority are most dramatically evident when, in 1377, John Wyclif himself was cited for heresy and put on trial at St. Paul's. Wyclif made his appearance in the entourage of John of Gaunt, Duke of Lancaster, then co-regent for young Richard II (along with Richard's mother Joan of Kent, also a Lollard sympathizer) and effective sole ruler of the realm, along with the marshal, Lord Percy, and an armed retinue. In the event, such a display of force prevented the trial from taking place at all: a shouting match between Gaunt and the Bishop of London (William Courtenay, who a few years later, as Archbishop of Canterbury, called the Blackfriars Council to initiate the first mass prosecution of Wycliffites) was followed by the Duke's entire party storming out with Wyclif in tow. To put an exclamation point on the confusion, a major riot broke out, that began as a protest against Gaunt, but quickly devolved into a xenophobic affair targeting the Genoese, London's largest resident minority at the time.<sup>47</sup> Suppose, however,

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<sup>45</sup> *Ad abolendam*, X 5.7.9. *Dives and Pauper*, 236.

<sup>46</sup> *Dives*, 234-37.

<sup>47</sup> Events of the 1377 trial and aftermath, Thomas Walsingham, *Chronicon Angliae*, ed. E.M Thompson (London, 1874), 112-119, 183-207. Joan of Kent's involvement in a second successful intervention to spare Wyclif a trial, see John Dahmus, "John Wyclif and the English Government," *Speculum* 35 (1960), 51-68. Wyclif died as a third attempt was gathering steam, and suffered only posthumous penalties, as will be described in chapter 4.

that Courtenay had accepted the presence of such threatening enforcements and the trial had gone ahead, which is most likely what Wyclif's party anticipated, since they could not have depended on any of the bishops putting up enough of a protest to give them an excuse to leave. In that case, the proceedings would have been rendered equally meaningless in a different way, because Gaunt's presence would have prevented the swearing of any oath other than ones asserting Wyclif's innocence. By walking in at his protégé's side, the royal prince and de facto king, as well as the marshall, were declaring their willingness to serve as compurgators for Wyclif, and under those circumstances, refusal to allow the Wyclif to purge himself, or an insistence on abjuration that would imply the compurgators' oaths were insufficient, would have become an insult to the crown.

Smaller scale versions of this took place in every part of England with any significant Lollard presence all through the fifteenth century. K.B. McFarlane famously argued that there was a broad coterie of knights associated with the Lancastrian cause who held Lollard views (as evidenced by the language in their wills) and patronized Lollards, often preferring Wycliffite clergy to benefices, and in at least one case, that of the Lollard preacher John Wodward, actively interfering in a heresy trial.<sup>48</sup> Obviously a layman, with no claim of representing the crown, had no real legal grounds to do such a thing, but in the case of a locally important and assertive figure such as Wodward's patron, Sir Thomas Latimer, the intimidation effect might well have been just as effective as what the Duke of Lancaster managed at St. Paul's. This may be one of the reasons that proceedings against heretics slowed almost to a standstill during the Wars of the Roses, when the influence of

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<sup>48</sup> K.B. McFarlane, *Lancastrian Kings and Lollard Knights* (Oxford: Clarendon Press, 1972). Wodward's case, 194-95.

these knights was at its height. For the most part, however, patrons supported their Lollard clients by serving as compurgators at their trials. In later chapters we will encounter one accused Lollard (who probably really was not one) with ten compurgators, including a prominent local knight,<sup>49</sup> and another (who very definitely was) who had sixteen, including well-placed municipal officials.<sup>50</sup> It is true that in these two cases, as in almost every heresy trial when compurgations were used, such wide backing was not sufficient to secure acquittal: the accused still had to abjure. However, and the distinction is an important one, they were abjuring as people under suspicion of heresy, not—as were most of the people tried alongside them—as convicted heretics. This meant that if they were ever cited again, they could argue that they were not relapsed, since the abjuration was not of beliefs they were ever shown to actually hold but merely an administrative matter that they went along with in obedience to their bishops. In the second case, Alice Rowley successfully used this line of reasoning and was allowed to abjure again, having gotten her first abjuration declared void.<sup>51</sup> If such tactics did not work and the matter did go before secular authorities, more brazen legal maneuvering to avoid execution came into play through the networks of Lollard lawyers uncovered by Maureen Jurkowsky: their methods included forgery and the outright purchase of pardons for people involved in the Oldcastle revolt.<sup>52</sup>

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<sup>49</sup> Anne Hudson, “Who is my neighbor?” in *Wycliffite Controversies*, ed. Mishtooni Bose and Patrick Hornbeck (Brepols, 2011), 84-89.

<sup>50</sup> Shannon McSheffrey, *Gender and Heresy*, (Philadelphia : University of Pennsylvania Press, 1995), 123-4.

<sup>51</sup> Shannon McSheffrey and Norman Tanner, *Lollards of Coventry* (Cambridge: Cambridge University Press for the Royal Historical Society, 2003), 241-2.

<sup>52</sup> Maureen Jurkowsky, “Lancastrian Royal Service, Lollardy and Forgery: The Career of Thomas Tykhill” in *Crown, Government, and People in the Fifteenth Century*, ed Rowena Archer (Stroud: Sutton, 1995), 35-50. Jurkowsky, “Lawyers and Lollardy in the early fifteenth century,” *Lollards and the Gentry*, ed. Margaret Aston and Colin Richmond (New York : St. Martin's Press, 1997), 162-3.

This was where the Lollards should have run up against the official Church line that oaths were a serious business and perjury and intolerable offense. Here all confessors, harsh or mild, agreed: Peraldus called perjury in matters of religious doctrine the worst kind and a mortal sin, and Carletti said the same more broadly of someone who swears he believes something that he does not believe.<sup>53</sup> In fact, it was not until the post-Reformation period that English religious minorities were called out, and loudly so, on their dubious oaths about their beliefs.<sup>54</sup> If late medieval ways of coping with oaths in legal settings could be summarized as open trickery, the post-Reformation period, particularly in England, brought still more open, extensive, and often vituperative debate on the legitimacy thereof. The issue became so prominent on account of the government's reliance, from the early 1530s, on *ex officio* oaths (that is, those imposed solely based on the authority of the person imposing them with no need to prove a crime or even suspicion of one) to enforce ever-changing standards of religious conformity. This trend drew considerable opposition, including from the top levels of both the government and the established Church, which not infrequently found themselves on opposite sides of a multi-generational debate about how great dependence on such a blunt instrument should be. In the early Henrician Reformation, the Lord Chancellor Thomas Cromwell was all for imposing *ex officio* oaths on practically every person imaginable, whereas Archbishop of Canterbury Thomas Cranmer sometimes advocated greater leniency, for instance in the cases of Thomas More and John

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<sup>53</sup> Peraldus, *Summa de Vitiis*, c. 5, Tract. IX, "De peccato linguae," Carletti, *Summa Angelica*, c. 4, "periurium."

<sup>54</sup> This change of tone and the debates concerning it will be discussed in more detail in chapter 5.

Fisher.<sup>55</sup> Half a century later the positions were reversed, with Lord Burghley, with authority more or less equivalent to Cromwell's, admonished Archbishop John Whitgift:

But now, my good Lord, by chance I am come to the sight of an instrument of twenty-four articles<sup>1</sup> of great length and curiosity, found in a Romish style, to examine all manner of ministers in this time, without distinction of persons. Which articles are entitled, *Apud Lamhith, May 1584, to be executed ex officio mero, &c.* . . . Which I have read, and find so curiously penned, so full of branches and circumstances, as I think the inquisitors of Spain use not so many questions to comprehend and to trap their preys. I know your canonists can defend these with all their perticels, but surely, under your Grace's correction, this judicial and canonical sifting of poor ministers is not to edify or reform. And, in charity, I think they ought not to answer to all these nice points, except they were very notorious offenders in papistry or heresy.<sup>56</sup>

The comparison to the Spanish Inquisition was a common criticism, though by the time the process reached its climax in the early seventeenth century with the proceedings of the notorious Star Chamber against Catholics and Puritans. Essentially a government-controlled trial-by committee, it perhaps more closely resembled, in impunity and harshness, the most enthusiastic of the medieval continental inquisitors. Certainly, the experience of early modern English dissidents was closer to that, than anything the Lollards had faced.

Almost as soon as the *ex-officio*-based process got under way, however, voices from almost every theological faction put forward ways of swearing the required oaths without excessive damage to conscience, or even to appropriate them to their own ends. For example, Alec Ryrie has explored the extensive and often agonized debate among the

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<sup>55</sup> Letter from Cromwell to Cranmer, 1534, quoted in Jonathan Michael Gray, *Oaths and the English Reformation* (New York: Cambridge University Press, 2013), 122.

<sup>56</sup> Letter of Lord Burghley, to Archbishop Whitgift, 1st of July, 1584. G. W. Prothero, ed., *Select Statutes and Other Constitutional Documents Illustrative of the Reigns of Elizabeth and James I* (Oxford: Clarendon Press, 1894), 213-214.



reformists of this period about the morality of publicly upholding the 1539 Act of Six Articles, which they considered too conservative, finding fairly unpredictable patterns of decisions in favor of conforming or resisting, but with most opting for the former on the grounds of loyalty to the king.<sup>57</sup> Often this ultimate justification for this decision was merely the venerable blame-shifting tactic of attributing reprehensible oaths to king's near-proverbial bad advisers—or as the reformer George Joye put it, “these pestilent persuasions of his wiked rulers.”<sup>58</sup> Other religious dissidents tried to establish rival oaths of their own. Edward Vallance has pointed out that by the late sixteenth century, Presbyterians and other anti-hierarchical Protestants were becoming increasingly reliant on oaths of federation that would eventually provide a rationale for deposing the monarch—for breaking his oath of office—in the Civil Wars.<sup>59</sup> These drew heavily on the oaths used by earlier sixteenth century rebel movements, both Catholic and Protestant.<sup>60</sup> All of that was going on despite the fact that many reformers, like John Bale, considered oaths a power reserved only for divinely sanctioned magistrates, similar to the power of executing criminals.<sup>61</sup>

Part of the battle to claim the legitimacy inherent in the oath as such was an attempt to smear the other side as nothing better than a set of perjurers. This was the point of the

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<sup>57</sup> Alec Ryrie, *The Gospel & Henry VIII: Evangelicals in the Early English Reformation* (Cambridge: Cambridge University Press, 2003).

<sup>58</sup> George Joye, *The exposition of Daniel the Prophet*, (RSTC 14823: Antwerp, 1545), fo. 225, 26-44, cited Ryrie, *Gospel and Henry VIII*, 65. Detailed discussion of the issue, see Ryrie, *Gospel* 58-89.

<sup>59</sup> Edward Vallance, *Revolutionary England and the National Covenant: State Oaths, Protestantism and the Political Nation, 1553-1682* (Woodbridge, Suffolk: Boydell Press, 2005).

<sup>60</sup> *Ibid.* and Anthony Fletcher and Diarmaid MacCulloch, *Tudor Rebellions* (Harlow: Longman, 2004).

<sup>61</sup> John Bale, *A Chirsten exhortacion vnto customable swearers. What a right & lawfull othe is; whan and before whom, it owght to be* (RSTC 1280: Antwerp, 1543), fo. 6, cited Ryrie, *Gossip and Henry VIII*, 77. RSTC W.A. Jackson, FJ Ferguson, KF Pantzer... *Short-Title Catalog of books printed... 1475-1640* (revised) 1986.

casuistry debates that began in the late fifteenth century and reached their height in the early seventeenth. The most controversial form of equivocation was the idea of mental reservation, epitomized by Sylvester's famous example of a person attacked by (touchingly credulous) robbers who agree to let their victim go if he swears to bring them more money later. Sylvester argued that if the oath were made "with the unheard [clause] in his mind, "if I owe you," then there is no moral obligation to return with the money, since it is not actually owed to the robbers.<sup>62</sup> (They might disagree, but the criminals were rarely allowed a point of view in this type of example.) Both the use and criticism of this reasoning reached its height a hundred years later, when the issue was closely linked to the situation of recusant Catholics and especially of clandestine missionary priests operating in England. The expatriate English Jesuits who founded and trained at the seminary in Douai used mental reservation to justify denying that they were priests if directly questioned about it. Unfortunately for some of them, since several members also published expositions of mental reservation for the use of their recusant flock, the authorities were not only prepared for this technique but used it to their advantage, successfully establishing a popular image of Catholics as "Jesuitical" schemers. This label proved an enduring one, obscuring not only the fact that there were Protestant and Catholic propagandists on both sides of the controversy, but also that the English Jesuits' methods of dealing with oaths,

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<sup>62</sup> *Summae Sylvestrinae...* (Venetiis, *Ad Signum Concordiae*, 1593). Sylvester's robbers were an adaptation of Raymond of Peñafort's even more famous murderers: the correct response when hiding their intended victim was "*non est hic*," sounding like "he isn't here" but meaning "he isn't eating here." Mental reservation is more likely to be a feature of Lollard oaths than wordplay, hence the choice of featured example.

and the contradictions in which those methods entangled them, had much earlier roots.<sup>63</sup> Alice Dailey has shown that in late medieval English passion plays, it was not unusual for Christ himself to use equivocation, for instance refusing to reply directly when asked if he is the son of God, answering instead, “Sir, þou says it þiselffe”<sup>64</sup>--a response that could have come from the notes of the French inquisitor Bernard Gui, discussing the attempts of a Vaudois or Beguin to evade justice.<sup>65</sup> Dailey argues that evasion (or silence) of this kind, understood as holy and placing the defendant above the authorities questioning him, was a major model of how to be a martyr that continued to be influential into period of the Civil War.<sup>66</sup>

One of the best known defenses “...of the lawfulness of dissimulation... [and] of the cases wherein a man may sweare, or not sweare lawfully, or not be bound to keep his oath,” began with a complaint that “...this doctrine of *Equivocation* is ascribed, as a new thing to the Jesuits, whereas many ages before their name was heard of in the world this doctrine

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<sup>63</sup> Discussions of casuistry, see especially Johann P. Somerville, “The ‘new art of lying,’” in *Conscience and Casuistry in Early Modern Europe*, ed. Edmund Leites (Cambridge: Cambridge University Press, 1988), 159-184; John Spurr, “A Profane History of Early Modern Oaths,” *Transactions of the Royal Historical Society* sixth series vol. 11 (2001), 37-63; Alexandra Walsham, “Ordeals of Conscience: Casuistry, Conformity and Confessional Identity in Post-Reformation England” in *Contexts of Conscience in Early Modern Europe, 1500-1700*, ed. Harald E. Braun and Edward Vallance (New York: Palgrave Macmillan, 2004), 32-48; Lawrence Witchel, *English Protestant Casuistry: with Special Emphasis on Conscience and Oath-Taking* (Unpublished dissertation, City University of New York, 2005); and Perez Zagorin, *Ways of Lying: Dissimulation, Persecution, and Conformity in Early Modern Europe* (Cambridge, MA: Harvard University Press, 1990).

<sup>64</sup> Alice Dailey, *The English martyr from reformation to revolution* (Notre Dame University Press, 2012), 62. Quotation from “Christ before Annas and Caiaphas), line 293, in *The York Plays*, ed. Richard Beadle (ETS 23-24, OUP), 2009.

<sup>65</sup> Bernard Gui, *Practica*, part V (trans. in *Heresies of the high middle ages*, Wakefield, Walter L. (Walter Leggett), Evans, Austin P. (Austin Patterson). Columbia University Press, c1991.), 397, 435-6.

<sup>66</sup> Dailey also identifies an opposing model glorifying outspoken martyrs: “In the trial scenes of *The Golden Legend*, bold, unequivocating speech is used as a sign of sanctity; in the passion plays, silence or riddling speech is a marker of Christ’s divinity...” (62).

was known, taught, and held.”<sup>67</sup> Robert Parsons, in arguing that a Catholic being “unlawfully” questioned by a Protestant judge

*...then in that case he is not obliged to sweare according the intention of the said Judge, that offereth the oath; nor on the other syde may he lye, or sweare against his own intention, or true meaning, for that he should synne deeply, and incurre perjury; but he may when he is thus pressed, and cannot otherwise avoid the violence, and injury offered unto him, so accomodate his wordes, as they may be true according to his own intention, and in the sight of God, though they be false according to the intention of him that doth unjustly exact the oath; and in so answering he lyeth not, nor incurreth perjury, though the said Judge be deceived.*

knew his precedents well, but there were some that he would hardly have chosen to cite. According to all the inquisitors who dealt with them, the Waldenses (or Vaudois) considered all oaths blasphemous and illegitimate, yet, as Euan Cameron has said, “...even outside the context of a heresy trial, the Vaudois used the formal, sacramental oath to make covenants one with another as regularly as anyone,” and sometimes swore one another to secrecy about the identity of their barbes, or (illegal) priests.<sup>68</sup> There is a strong, though not exact, parallel to the English Jesuits, who endorsed “equivocation,” including a seemingly false oath, to protect priests, while trying to immunize themselves from suspicion of lying in the course of everyday business, which obviously could have made their situation far more difficult. The need to maintain both communal ties with neighbors loyal to the orthodox or established Church, and the secret identities that held their coreligionists together, involved otherwise very different types of religious minorities in similar complications.

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<sup>67</sup> Robert Parsons, *A treatise tending to mitigation tovvardes Catholike-subiectes in England. VVherin is declared, that it is not impossible for subiects of different religion, (especially Catholikes and Protestantess) to liue together in dutifull obedience and subiection ...* (Saint-Omer: Printed by F. Bellet, permissu superiorum, 1607), 7. The main section on why equivocation in swearing is not perjury, 427-30.

<sup>68</sup> Euan Cameron, *The Reformation of the Heretics: The Waldenses of the Alps, 1480-1580* (Oxford: Oxford University Press, 1984), 115, cf. Gui, *Practica* V, 397.

Some Waldenses, evidently wishing to transfer responsibility for the sin of swearing to the inquisitor, a device not dissimilar to the reasoning of Ryrrie's 1540's Protestants, would carefully claim, "I will swear willingly, just as you direct... but I don't know how."<sup>69</sup> The sixteenth-seventeenth century Protestant scholar Jacob Gretser, writing at the height of the casuistry debates, called attention to a thirteenth century text that considered the medieval Waldenses who had used this technique "imperfect," using these methods "so as to convince his own conscience that he is not swearing, but merely reporting the judge's oath."<sup>70</sup> An incident in which a Vaudois swore not to swear by God is matched in its absurdity only by the difficulties that followed when another English Jesuit, Robert Garnet, argued in writing that it was acceptable to use mental reservation in an oath renouncing mental reservation.<sup>71</sup> The result was to make the authorities more suspicious of moderate Catholics who agreed to swear the oath of allegiance. In analyzing the interrogation of a priest, George Blackwell, who took this position, Perez Zagorin has remarked that the examiners were so attuned to the possibility that Blackwell might be using mental reservation in anything he said that "it is hard to see how any answer he gave could ever have been considered satisfactory."<sup>72</sup> Attempts to deal with oaths that would have contradicted faith without actually endorsing perjury seemed to lead to a nesting doll

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<sup>69</sup> Euan Cameron, *Waldenses: Rejections of Holy Church in Early Modern Europe* (Oxford: Oxford University Press, 2000), 116.

<sup>70</sup> Jakob Gretzer, quoting the Passauer Anonymous manuscript, *Lucae Tedensis episcopi, scriptores aliquot succedanei contra sectam Waldensium...* quoted Cameron, 106.

<sup>71</sup> *Ibid.* 115-116. *A treatise of equivocation wherein is largely discussed the question whether a Catholicke or any other person before a magistrate being demaunded upon his oath whether a Prieste were in such a place may (not withstanding his prefect knowledge to the contrary) without Periury and securely ins conscience answere, No...* ed. David Jardine (London: Longman, Brown, Green, and Longmans, 1851), 102-05. The treatise was written by Garnet in 1598, but not attributed to him until the twentieth century. Discussed in detail by Zagorin, 193-7.

<sup>72</sup> Zagorin, 206. Blackwell's trial, see *A Large Examination Taken at Lambeth, according to his Maiestie's direction, point by point, of M. G. Blakwell, made Arch-priest of England...* (London: by Robert Barker, printer to the Kings most excellent Maiestie, 1607).

phenomenon that threatened both to undermine the group identity and to set its members further apart from their community.

Parsons, after all, was hardly recommending swearing the oath of the allegiance to show off his mental agility in devising excuses for it: they were a deeply distasteful but unavoidable fact of life for the Jesuit missionaries, whose work could not continue if they failed to comply with the legal norms. They paid a heavy reputational cost for their tactic: the OED's definition of the derogatory term "jesuitical" actually includes "practicing equivocation, prevarication, or mental reservation of truth" with the first citation, not coincidentally, from 1613, a few years after Blackwell's trial established an official policy of pillorying the tactic. This policy firmly linked deceit (also included in the definition) to Catholics in general and Jesuits in particular, but was in fact the continuation of a well-established polemical device of associating religious dissent with lying. During the Henrician period, accusations of lying were thrown at opposing theological factions very freely. Thomas More made such a point of associating perjury with heresy that the Oxford's English Dictionary's earliest example of the broadest use of word (the breaking of any type of promise) is from his in-print arguments with Tyndale,<sup>73</sup> and More consistently laid great stress on the essential deceptiveness of heretics. "The mesenger moueth a questyon it a man be sworne by a iudge to say the trouth of him self in a cryme wherof he ys had suspect whether he may not lawfully on hys othe swere vntrewth where he thynkyth y<sup>e</sup> treuth can not be prouyd against hym. wherunto thauthor answeyryth y<sup>t</sup> he is bounden vpon perell of

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<sup>73</sup> Thomas More, *The Confutation of Tyndale's Answer, The Complete Works of St. Thomas More*, vol. 8 (New Haven: Yale University Press, 1973), 28. *OED*, "Perjury." Additional discussion, R.S. Sylvester, "More's Discussion of Perjury" in More, *A Dialogue Concerning Heresies, Complete Works* 6 (Yale, 1981), 768-69.

periury to say & confes trouth,"<sup>74</sup> he wrote of one opponent, and of Tyndale, that he believed "brekyng of vowys... & periury were no synne at all."<sup>75</sup> On the other hand, when Franciscan John Forest was burned a few years later, the compliment was returned in an anonymous satirical poem nailed to the stake, including the lines, "Forest the freer, that obstinate lyer."<sup>76</sup> Peter Marshall, making the Forest case exhibit A, has gone so far as to suggest that the period was permeated by official and popular terror of "the virus of deceit and dissimulation,"<sup>77</sup> and we will later see what such sentiments did to the kind of formalized and accepted perjuries discussed here.

These kinds of accusations and paranoias developed because if what every religious group said (other than the established one of the moment) was understood as a lie, it could not achieve its purpose of shielding them from persecution, but would merely add dishonesty to the crimes attributed to them. The reason that the strategy endorsed by Parsons, Garnet, and their colleagues, and those of other religious dissidents who swore oaths they plainly did not mean to follow, tended to backfire was that, in the terms of modern linguistics, it was violating the co-operative principle of language. H.P. Grice argued that the basis of normal speech is that it is supposed to be true, informative, clear, and relevant. He dealt with the fact that most conversations are not actually concise, robotic exchanges of information through his theory of implicature, that is, the presuppositions or

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<sup>74</sup> A dyaloge of syr Thomas More knyghte... *Wyth many othere thyngys touching the pestylent sect of Luther and Tyndale, by the tone bygone in Sarony, and by tother laboryed to be brought in to England*, (Enprynted at London : By J. Rastel... 1529), iii: lxxviii.

<sup>75</sup> More, *The second parte of the co[n]futacion of Tyndals answere...* (Prentyd at London: By Wylyyam Rastell, 1533), viii: cccccxxxvi.

<sup>76</sup> *Hall's Chronicle, containing the history of England...* (London: J. Johnson, 1809), 826. Detailed discussion of this case, see Peter Marshall, *Religious Identities in Henry VIII's England* (Aldershot, Hants.: Ashgate, 2006), 199-226.

<sup>77</sup> Marshall, *Religious Identities*, 211.

extra information that underlies the speech and can change its meaning.<sup>78</sup> In this theory, implicature is what makes figurative or ironic speech possible. For instance, if someone announces on a cold winter day, “My head is a tub of ice,” or alternately, “I’m burning up from all the beach time,” those who hear them will automatically look for the underlying information (it’s cold out) that makes it possible for the statement to conform to the co-operative principle, and will thus decode the metaphor or sarcasm rather than assuming the speaker is lying or insane. Mental reservation is clearly a type of implicature—it is unstated information that is vital to correctly understand the speaker’s meaning—but the whole point is that the speaker does not want his true meaning understood, and is deliberately hiding the fact that he is using implicature in the hope that his hearers will assume that the literal meaning of his statement is true. This breaks a kind of social contract in which everyone is assumed to be more or less following the co-operative principle, and essentially makes the speech meaningless. It is no wonder that once Blackwell’s examiners got wind of mental reservation, they refused to believe anything he said even though it conformed to his published writing. He could (and did) swear himself blue in the face and it would be treated—correctly so, from Grice’s point of view—as nothing but hot air.

To avoid getting trapped in the nesting doll pattern that led to more rather than fewer persecutions, religious minorities of the late medieval and early modern periods needed a way to perjure themselves without violating either the co-operative principle or

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<sup>78</sup> H. Paul Grice, *Intention and Uncertainty* (London: Oxford University Press, 1972).



the sanctified status of the oath in contemporary social mores and legal thought.<sup>79</sup> They needed to speak falsely without deceiving and swear falsely without being foresworn. Zagorin argued, with thorough descriptions of the varieties of dissimulation used and the justifications presented for them, that every persecuted religious group in the period was trying to develop a strategy for doing this. The one group to get short shrift in his account and indeed in most discussions of the issue are the Lollards.<sup>80</sup> One possible reason for this omission may be that Lollards were not generally thought to be deceptive, certainly not in the way that seventeenth century Protestants considered Jesuits to be so. In fact, there is some evidence that the popular stereotype of a Lollard among their contemporaries involved not connivance and duplicity, associated though these often were with the concept of heresy, but rather of directness and simplicity, in the sense of being a little too honest and a little stupid about it. Chaucer's Shipman's comment about the Parson, "I smelle a Loller in the wind," has been much discussed in this respect, and one of the few literary associations between Lollardy and hypocrisy, John Audelay's complaint that if people meet a particularly devout priest, "Pay likon hym to a lollere and to an epocryte," contains the

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<sup>79</sup> A good overview of various English dissenting groups' techniques can be found in Alexandra Walsham, *Charitable Hatred: Tolerance and Intolerance in England, 1500-1700* (Manchester: Manchester University Press, 2006), 188-206. Discussion of techniques in medieval France, Germany, and Spain, see chapter 3.

<sup>80</sup> Zagorin, 67, notes that "the Lollards, the proto-Protestant English heretics who sprang from the teachings of John Wyclif, also probably harbored a doctrine of dissimulation," but does not describe it. The identification as "proto-Protestant" has been largely rejected, or at least drastically complicated, since the 1970's (see introduction).

same idea.<sup>81</sup> The elements of the caricature, if it was one, seem to have been an unusual clean-spokenness, a possibly uncomfortable level of piety, and more education and interest in books than was necessary for one's station; one might speculate that the absent-minded academics and scrubbed up Mormon missionaries of twentieth-twenty first century cartoons are both distant descendants. Lying was difficult to square with this picture, which may be why early Lollards themselves seem to have made use of and perhaps deliberately helped create it, by claiming, often not very credibly, to be simple folk incapable of understanding the convoluted theological queries of their interrogators. Oxford theologian John Aston complained of inquiries about the nature of the Eucharist, at the first mass proceeding against Wycliffites in 1382, that "speculacioun þer passes in heght my understandinge," and the rebellious William Thorpe, in his account of his interrogation, asserted that his pure and almost childlike faith inspired his sophisticated responses.<sup>82</sup>

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<sup>81</sup> Geoffrey Chaucer, Alfred William Pollard, *The works of Geoffrey Chaucer* (London: Macmillan, 1913), 79, line 1173. Debate over whether the Clerk was actually intended to represent a Lollard (and whether Chaucer was sympathetic to Lollardy) has been ongoing for decades. Contributions include: Alan J. Fletcher, "Chaucer the Heretic," *Studies in the Age of Chaucer* 25: 53-121, 2003; Katherine C. Little, *Confession and Resistance: Defining the Self in Late Medieval England* (Notre Dame: Notre Dame University Press, 2006), 79-100; Frances M. McCormack, "Chaucer and Lollardy," in Helen Phillips, ed. *Chaucer and Religion* (Cambridge: Brewer, 2010), pp. 35-40; Fiona Somerset, "Here, There, and Everywhere? Wycliffite Conceptions of the Eucharist and Chaucer's 'Other' Lollard Joke," in Fiona Somerset, Jill C. Havens, and Derrick G. Pitard, eds. *Lollards and Their Influence in Late Medieval England* (Woodbridge, Suffolk; and Rochester, N.Y.: Boydell Press, 2003), pp. 127-38; Paul Strohm, "Chaucer's Lollard Joke: History and Textual Unconscious," *Studies in the Age of Chaucer* 17 (1995): 23-42; Douglas J. Wurtele, "The Anti-Lollardry of Chaucer's Parson," *Mediaevalia* 11 (1989, for 1985): 151-68. Regardless of the merits of these arguments, the "Lollard joke" is clear evidence that there existed a fifteenth century stereotype of Lollards as bookish, preachy, simple, and disapproving of oaths, here in the sense of profanity. John Audelay, *The Poems of John Audelay* (London: EETS 184, 1931), 15; further discussion, see Ian Forrest, *Detection*, 167-8. Audelay was decidedly not sympathetic to Lollardy.

<sup>82</sup> Aston, see Margaret Aston, *Faith and Fire: Popular and Unpopular Religion, 1350-1600* (London: Humbledon Press, 1993), 70-1. For discussion of John Aston's character and strategies, see Joseph H. Dahmus, *The Prosecution of John Wyclif* (New Haven: Yale University Press, 1952), 117; K.B. McFarlane, *John Wycliffe and English Nonconformity* (London: English Universities Press, 1952), 115; and Diane Vincent, "The Contest over the Public Imagination of Inquisition, 1380-1430," in *The Culture of Inquisition in Medieval England*, ed. Mary C. Flannery and Katie L. Walter (Cambridge: D. S. Brewer, 2013), 62-4; also chapter 2. Thorpe, "The Testimony of William Thorpe," *Two Wycliffite Texts*, ed. Anne Hudson (Oxford: Oxford University Press for the Early English Text Society, 1993), 27-8 (and throughout). Detailed discussion in chapters 3 and 4.

Anti-Lollard polemic indirectly acknowledged this image fairly early on, using it to tar Lollards as hypocrites. Roger Dymmok wrote around 1395 that

And in order to more effectively finish off this malicious preconception, concealed by the heretical serpent under various distorted colors of truth and many images of sanctity, that simple people may seize on and become tinged with... Now the perilous times approach of which the apostle prophesied, that "People will be lovers of themselves, lovers of money, boastful, proud, abusive, disobedient to their parents... having a form of godliness but denying its power. Have nothing to do with them" (2 Timothy 3), when the creations of these current heretics, so distinctly predicted, have attempted, as presaged, [to fulfill] their malice...<sup>83</sup>

The language about venomous vipers and unnatural offspring (terminology that Dymmok defended at some length) was standard for the genre,<sup>84</sup> so much so that we will later see a Lollard concealing coded messages to his co-religionists in the guise of an anti-Lollard treatise using similar phrases. The idea that the apparent "godliness" and purity of many heretics' demeanor and life styles was in itself a form of dissimulation was also common; Nicholas Eymerich included it in his detailed catalogue of methods of heretical equivocation.<sup>85</sup> Nevertheless, there does seem to be a distinct idea here of a gulf between popular perception of Lollards as pious and honest, and clerical perception of them as

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<sup>83</sup> Rogeri Dymmok, *Liber contra XII errores et hereses Lollardorum*, ed. Rev. H. S. Cronin (London : Pub. for the Wyclif Society by K. Paul, Trench, Trübner & Co., Ltd., 1922), 14. *Et ut efficacius maliciam contra eam preconceptam perficiant, venenum pestiferum heretice pravitatis sub variis coloribus veritatis et diversis ymaginibus sanctitatis abscondunt ut uipere, ut simplices capiant et inficiant... Iam instant tempora periculosa de quibus prophetavit apostolus dicens, quod erunt homines ses amantes cupidi, elati, superbi, blasphemii, parentibus inobedentes... habentes quidem speciempietatis virtutem autem eius abnegantes et hos deuita (IIth ad thimo. III), ubi condiciones hereticorum presencium ita distincte predixerat ac si ipsorum maliciam presencialiter conouisset...* Translation mine, except for the biblical quotation, from the New International Version.

<sup>84</sup> *Ibid.* 5-6, 11-15. Possibly the earliest application of this language was from Archbishop Courtenay in 1382, calling on the residents of Oxford to "flee and escape the unlicensed preacher as if he were a venomous snake spitting poison," *tanquam serpentem venenum pestiferum emitentem fugiat et euitat*. From the manuscript register of Thomas Braybroke, Bishop of London, f 296r, quoted and translated in Ian Forrest, *Detection*, 156. Alexandra Walsham also mentions the association between heretics, particularly Waldenses and Lollards, and serpents: *Charitable Hatred*, 189.

<sup>85</sup> Nicholas Eymerich, *Directorivm Inquisitorvm R. P. F. Nicolai Eymerici, Ord. Præd. S. Theol. Mag. Inquisitoris hæreticæ prauitatis...* (Romae: In Aedibvs Pop Rom, 1578), part 3, 291.

ready to lie about anything. This gulf would come in highly useful in making false abjurations acceptable: nobody suspects holy fools of perjury. At the same time, the distinction shows ecclesiastical awareness, dating from before standardized procedures for heresy trials were firmly in place, that Lollard conformity might not be what it appeared. It should be emphasized that the views of the polemicists did not necessarily reflect those of the bishops and diocesan officials actually handling heresy trials; the two groups only occasionally overlapped, and those who did try to fill both roles sometimes came to grief, as the next chapter will show. Nevertheless, the degree of emphasis on heretical mendacity does suggest that for parts of the Church at least, it was *caveat emptor* when it came to Lollard oaths, even more than for other people's.

Reading—of the Wyclif Bible and other texts—was undoubtedly an important feature of Lollard religiosity, but the idea of Lollard as bookish simpleton probably owed more to the fact that possession of suspect books was frequently used as a shortcut by swamped bishops looking for evidence as heresy—to the point that orthodox readers were occasionally caught in the net. This association is still widespread in Lollard studies, even though Patrick Collinson thirty years ago cast doubt on the centrality of reading to Lollard identity and recently, Rob Lutton has posited that Lollardy was more an “imagistic,” experiential type of a religion than a “doctrinal,” text-centered one.<sup>86</sup> Lutton further finds a strong correlation between intensity of commitment among Lollards to that of their orthodox neighbors in the same towns, arguing that the religious culture of the town,

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<sup>86</sup> Patrick Collinson, “The English Conventicle,” *Voluntary Religion* ed. W. J. Sheils and Diana Wood (Worcester: Published for the Ecclesiastical History Society by Basil Blackwell, 1986), 223-259. Follow-up: Collinson, “Night Schools, Conventicles, and Churches: Continuities and Discontinuities in Early Protestant Ecclesiology” in Peter Marshall and Alec Ryrie, *Beginnings of English Protestantism* (Cambridge: Cambridge University Press, 2002), 209-234. Rob Lutton, “Lollardy, Orthodoxy, and Cognitive Psychology,” in *Wycliffite Controversies*, 197-219.

strong of weak, affected all strands of belief found within it. This is possibly the strongest case within a growing body of work suggesting that Lollards were not as isolated from or rejectionist towards the cultural currents of their world as previously believed.<sup>87</sup>

If Lollards were full participants in their culture, that clearly includes both the vexed and the relaxed elements of their world's views on lying and perjury, and there is no reason to think their relationship to officialdom less dependent on falsehood than that of Henrician heretics or Jacobean Jesuits, of prostitutes or foul-mouthed fishwives, of greedy fat-cats or even felines in fables.<sup>88</sup> One thing that these otherwise rather disparate examples have in common is that such groups were, on the whole, expected to be mendacious. It is one of the ironies and great achievements of Lollardy that the conscientious Churchmen who puzzled and sometimes despaired over the ubiquity of perjury were prepared to overlook false oaths in the group whose survival most depended on them.

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<sup>87</sup> As a small selection in this growing area, see Laurence M. Clopper, "Franciscans, Lollards, and Reform," in Somerset, Havens, and Pitard, *Lollards and Their Influence...* (2003), Fiona Somerset, *Feeling Like Saints: Lollard Writings after Wyclif* (Ithaca, NY: Cornell University Press, 2014) and "Wycliffite Spirituality" in Helen Barr and Ann M. Hutchinson, *Texts and Controversies from Wyclif to Bale: Essays in honour of Anne Hudson* (Turnhout: Brepols, 2005), 375-86. There is similar movement in the study of other medieval heresies to place them more firmly in the cultures their adherents live in. See for instance, Cameron, *Waldenses*, and R.I. Moore, *The War on Heresy: Faith and Power in Medieval Europe* (London: Profile Books, 2012).

<sup>88</sup> In the Cheriton fable, it was of course the mouse who was lying while the cat represented the authority figure, but in general, there was an association between cats and lying, and also between cats and heresy, e.g. Irina Metzler, "Heretical Cats: Animal Symbolism in Religious Discourse," *Medium Aevum Quotidianum* 59 (2009), 16-32.

## Chapter 2

### The Tale of Two Heretic Bishops

Every major medieval heresy inquisition except the English one was shaped by former adherents who became star preachers or inquisitors working to expose their former co-religionists. These men were known for their enthusiasm for their work and their zeal for orthodoxy. Some all but gave their name to the procedures they implemented, like the notorious converso inquisitor Torquemada; some were sanctified, like the formerly Cathar inquisitor St. Peter Martyr. There were no former Lollard saints, however, and therefore no hagiographies to elucidate spiritual aspects of a conversion to orthodoxy. Even the theological defense of orthodoxy against Wycliffism was rarely a role undertaken by Wyclif's former followers, despite the fact that many of them were trained theologians. There were no true converts, I argue, because English inquisitorial institutions were deliberately structured so as to discourage them. This chapter will explore the work and experiences of two bishops, one a prominent Lollard who abjured, one a vocal anti-Lollard writer and preacher, to demonstrate that English bishops, far from rewarding eager converts, actively suppressed all attempts to make any, privileging insincere recantation over genuine conversion. One bishop, Philip Repingdon, Bishop of Lincoln 1405-1424, manipulated elements of the system, including many that he himself instituted, to ensure that he and his heretical co-religionists could, at the price of a false abjuration, or several, easily rejoin the Church with no requirement for genuine penitence and little pretense thereof. The other, Reginald Pecock, Bishop of St. Asaph, 1444-1450 and then of Chichester,

1450-1458, was trying to re-orient the system towards conversion, but found himself caught in its snares.

Philip Repingdon could have been a model heretic, and in an odd way, perhaps he was. A star student of Wyclif's, after his mentor's forced retirement, he entered and seems to have been winning a friendly competition with several colleagues and fellow protégés to succeed him as Oxford's leading provocateur. The university's response to the May 1382 opening of the Blackfriars Council, convened explicitly to root out heresy at Oxford, was to choose Repingdon to deliver the Corpus Christi sermon, in which he vigorously denied transubstantiation. The controversy surrounding this sermon provides a snapshot of the first major transition in the way that English heretics and their sympathizers dealt with attempts to suppress them. The occasion was made into a show of force and influence. Repingdon arrived with an armed escort and left arm in arm with the university's chancellor. This demonstration echoed Wyclif's own first aborted trial, when he was accompanied to St. Paul's cathedral by his patron, the Duke of Lancaster, with a heavily armed retinue. When such displays proved insufficient to stifle the Council's activities, however, protection became more subtle. Repingdon and his colleague Nicholas Hereford, who was facing a similar charge, rushed to Gaunt's house and stayed the night, only to be pursued the next day by a group of clerics demanding custody of them back in Oxford. Gaunt refused and started arguing with the theologians, but when the two heretics rushed in to join the fray, their patron suddenly switched sides and started to upbraid them for their rebelliousness, upon which the renegades meekly promised to appear before the council. This episode has usually been interpreted as the end of Gaunt's connection with Lollardy. It seems far more likely, however, that the heretics and the Duke had agreed on

some plan of pretended submission the night before and he was attempting to remind them of it. At their interrogation, these two offered equivocal responses and subsequently remained at large, unlike their colleague John Aston, who gave an impassioned defense of Wyclif and was imprisoned. (Hereford, as we have noted, took the opportunity to flee.) This appears to be part of a general shift in Wycliffite strategy away from the open or near-open defiance of episcopal authority that had prevailed up to that point. One after another of the main Oxford partisans made an about-face, probably coordinated, to pretended submission. The university chancellor who had been so active on the heretics' behalf was evidently not willing to lose his job or to put his entire university outside the law. He, soon followed by Repingdon and Aston, became the first Lollards to abjure.<sup>1</sup>

This rather melodramatic sequence of events comes from the 1439 chronicle *Fasciculi Zizaniorum Magistri Johannis Wyclif*, the product of a Carmelite house that maintained a particularly intense feud with Wyclif and his followers.<sup>2</sup> In it, each "conversion" came on suddenly, at the moment of maximum opposition to the church, reversing as sharply as possible a momentum of ever increasing defiance. Thus the great protector of the heresiarch switched in mid-paragraph to silencing his erstwhile protégés; Aston, imprisoned for his obstinate refusal to change his views, received some visitors and

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<sup>1</sup> *Fasciculi Zizaniorum Magistri Johannis Wyclif cum tritico*, ed. Walter Waddington Shirley (London: Longman, Brown, Green, Longmans, and Roberts, 1858), 272-340. These events are discussed in more detail than I have included in Joseph Henry Dahmus, *The Prosecution of John Wyclif* (Hamden, CT: Archon Books, 1952) 103-118, Anne Hudson, *The Premature Reformation* (Oxford: Oxford University Press, 1988), 69-73 and "Wycliffism in Oxford 1381-1411" in *Wyclif in his Times*, ed. Anthony Kenny (Oxford: Clarendon Press, 1986) 68-85, and Malcolm Lambert, *Medieval Heresy: Popular Movements from the Gregorian Reform to the Reformation*, 2<sup>nd</sup> ed. (Oxford: Blackwell, 1992) 243-251, 260.

<sup>2</sup> However, most of the chronicle covers 1376-1386 and was probably first written not long after; dating and authorship issues, see FZ I lxx-lxxxv. Carmelite treatises against Wyclif 4-103; role of a Carmelite informant, Peter Stokys, 300-303. Wyclif, who was opposed to religious orders, unsurprisingly maintained disputes with members of every order with any presence at Oxford. For a detailed discussion of another one, see W. A. Pantin "A Benedictine Opponent of John Wyclif," *The English Historical Review* 43 (1928): 73-77.



offered to recant the same day.<sup>3</sup> Even so, neither the narrative nor the included recantations, in this or any other fifteenth century chronicle dealing with Lollardy, make any reference to miraculous or divine intervention. Instead, the changes of heart among heretics are presented as the seemingly inevitable end of the process being documented, in a blow-by-blow narrative that shared little with the theological treatises contained in the same text. Conversion was not being dramatized, but institutionalized.

Accordingly, after his abjuration, Repingdon chose to make his name as an administrator and back-room politician. He left Oxford for Leicester Abbey,<sup>4</sup> where he eventually become abbot, subsequently became Henry IV's confessor, and ended up as bishop of Lincoln, one of the largest and wealthiest dioceses not only in England but in all of Western Europe. It stretched south to include his old home of Oxford, and as well as all the areas known to have had significant Lollard infiltration at the turn of the fifteenth century.

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<sup>3</sup> Lancaster's about-face, FZ 318: "Sed et cancellarius praedictus postquam feria quinta habuit mandatum praedictum ab archiepiscopo, et praeceptum concilii regni, venit, ut dictum est, Oxoniam sabbato proximo; qui intimavit Phillippo [Repingdon] et Nicolao [Hereford] suas suspensions; qui statim feria secunda proxima Londonias venerunt quaerentes dominum ducem Lancastriae Johannem. Cui invento apud Totenhale juxta Londonias suggerebant conclusionum praedictarum damnationem, et cleri convocationem, ad deconstructionem esse et enervationem domini temporalis et regum temporalium. Ad quem in crastino sic informatum, venerunt plures doctores in sacra theologia ei supplicantes ut dignaretur manu sua ad depressionem haereticorum agree. Inter quos statim sicut Sathan affuerunt magister Nicolaus et magister Phillipus. Unde in prima facie ostendit praedictus dux magistris catholiis vultum et verba satis autera: sed utraque parte audita, judicavit dominus dux praedictors Philippum et Nicolaum laicos, vel demoniacos: et ibi palam audivit quails eorum opinio fuit de sacramento altaris detestabilis; et ex tunc eos exosos habuit." John Aston's confession, in which he attributes his change of heart to a colleague, Nicholas Radcliffe and the Abbot of St Albans, FZ 329-333.

<sup>4</sup> Repingdon was remembered as late as 1440 as an exceptionally efficient and admired abbot, with his tenure marking the high point of Leicester Abbey's school, in particular. A. Hamilton Thompson, ed, *Visitations of Religious Houses in the Diocese of Lincoln* (Canterbury and York Society, 1919), II: 206-217, cf. Simon Forde, *Writings of a Reformer: A look at Sermon Studies and Bible Studies through Repyngdon's Sermones super Evangelia Dominicalia*, unpublished thesis, Univrsity of Birmingham, 1985, 58. This abbey produced one of the most important of the early Lollard preachers, William Swinderby, whom John of Gaunt tried to persuade to a false abjuration as he had done with Repingdon and Hereford, as well as the virulently anti-Lollard chronicler Henry Knighton, who was still there when Repingdon became abbot. Henry Knighton, *Chronicon*, ed. J.R. Lumby (London: Eyre and Spottiswoode, 1895), II: 189-97 (on Swinderby.)

Repingdon occupied a prominent place in what seems to have been an extensive network of heretics and sympathizers ranging from clerks all the way up to John of Gaunt. Abjurations usually included a pledge to break with heretical associates, but this was not a simple thing to do, nor necessarily useful in terms of avoiding future trouble.<sup>5</sup> Repingdon himself was never suspected of relapse; apart from the protection afforded by his relationship to Henry IV, he may have simply been too valuable as a kind of standard bearer and magnet for “conversions.” He established a unique niche as a negotiator and facilitator who encouraged his former colleagues to follow his own path and be reconciled with the church. At the same time he engaged with every influential figure he could to ensure that the penalties would be minimized. He most often intervened in the cases of former co-religionists who ostensibly seemed the least likely to be treated leniently, including some who relapsed again and again. He led the Church with which he had formally reconciled to find, through loopholes in its own laws, a way to accept sons even more wayward than himself, and in the process created a cadre of perpetual prodigals.

Repingdon often intervened in heresy proceedings to take custody, on any excuse, of Lollards who seemed on a highway to the stake, and so dictated their subsequent treatment. These present an unusual reversal of what was supposed to be the normal pattern, in which a convicted heretic might be taken from his bishop’s purview to appear before the Archbishop of Canterbury (to be tried for relapse) or be handed over to the secular authorities (to be executed). In one particularly dramatic instance, when a man called John Barton was accused at a 1416 convocation, a council of all the bishops,

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<sup>5</sup> Such pledges feature prominently in what is considered the standard form for a Lollard abjuration, in Norman Tanner, *Heresy Trials in the Diocese of Norwich*, 1428-31 (London: Royal Historical Society, 1977). This and other collections of lay Lollard abjurations will be explored in detail in chapters 3 and 4.

Repingdon jumped in, announcing that he himself had investigated Barton for heresy years earlier, that Barton had fled instead of showing up for his trial, and was consequently excommunicated.<sup>6</sup> This kind of incident gave Repingdon a reputation as a dedicated prosecutor of heresy, yet this intervention worked entirely in the heretic's favor. The bishop's evidence showed not only that Barton technically had not relapsed—because he had not abjured the first time—but also that there was an open case against him that had to be completed before the new one could proceed. In this way, Repingdon managed to get Barton transferred from the Archbishop's custody to his own, and quickly turned out not only an abjuration from the doctor, but also a written disavowal of his beliefs, with arguments in favor of orthodox positions.<sup>7</sup> The Archbishop's case against him was dismissed, and, like the men who gave those sermons, he never subsequently appeared in any record as a heretic.

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<sup>6</sup> *Registrum Henrici Chichele*, ed. E.F. Jacobs (Oxford: Oxford University Press, 1945) III, 15-16. Cf. *Records of Convocation V: Canterbury, 1414-1443*, ed. Gerald Bray (Woodbridge: The Boydell Press in association with the Church of England Record Society, 2005), 42.

<sup>7</sup> *Ibid* III: 15-16, 25-26. All Souls MS 42, ff 308-314. See also Forrest, *The Detection of Heresy* (Oxford: Oxford University Press, 2005), 100, Hudson, *The Premature Reformation* (Oxford: Oxford University Press, 1988), 132. It should be noted that while it is not absolutely certain that the renegade priest, Sir John Barton, in whose case Repingdon intervened is the same John Barton who abjured before the council six months later under the generic title "Magister" (*Reg. Chichele* III: 25) and was subsequently given a testimonial as a physician in good standing with the church (*Reg. Chichele* IV: 168-9), or the same who apologized, in his *Confutacio Lollardorum* (MS as above), for writing as a layman, it seems likely. Even though the council had handed the case over to Repingdon, it would have needed to reach some resolution on it, and according to Repingdon's statement that the priest had fled his diocese six or seven years earlier, he would have been disconnected from the institutional church and from theological debates, and presumably practicing medicine, for at least twelve years by the time the *Confutacio* was dedicated. This would account for the self-description as a layman, along with some noticeable sloppiness in biblical citations, alongside evident academic training in theology. There have also been more dubious identifications with several other John Bartons, a London chaplain, two London lawyers, and an Oxford master, all of whom, however, appear to have been at least a generation older and to have had firmly orthodox views and connections. A. K. McHardy, ed., *The church in London, 1375-1392*, London RS, 13 (1977), 100: 14; H. O. Coxe, ed., *Catalogus codicum MSS qui in collegiis aulisque Oxoniensibus hodie adservantur*, (1852), II: 13.

Repingdon played a similar trick for the preacher Robert Hoke two years earlier. Hoke was being investigated both by royal deputies and by the bishops' convocation at Lambeth for his role in supporting the Oldcastle rebellion in 1414. Repingdon testified that he had tried Hoke, heard his abjuration, and assigned him to do public penance in Lincoln Cathedral, but that he had never actually performed the penance. Even though Hoke had abjured, the penance hanging over him made it enough of an open case to demand that it be settled before either the crown's or Archbishop Arundel's case proceeded, and a second abjuration and duly performed penance made the cases void.<sup>8</sup> Hoke learned enough from this to manage to create another kind of open case for himself when he made his third and final abjuration, after Repingdon's death.

Protecting Lollards in 1414 was no easy feat, as it involved removing them from secular justice, and the death that awaited rebels and heretics at its hands, but Repingdon managed it repeatedly, all the while continuing to reap plaudits as an activist anti-heretical bishop simply by virtue of being involved in so many cases. He allowed Thomas Noverly to purge himself on the grounds that Noverly had denied in an ecclesiastical forum all the evidence that was being offered against him in the royal court.<sup>9</sup> Even Ian Forrest, who considers Repingdon the bishop to have been a committed anti-Lollard, has remarked on the leniency of characterizing all the evidence secular justice had gathered against him as "infamy said to exist against Thomas."<sup>10</sup> Furthermore, Repingdon's order that "...if anyone

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<sup>8</sup> *Reg. Chichele* III: 105-12. Cf. *Records of Convocation V: Canterbury, 1414-1443*, ed. Gerald Bray (Woodbridge: The Boydell Press in association with the Church of England Record Society, 2005), 163-70.

<sup>9</sup> *The Register of Bishop Repingdon*, ed. Margaret Archer (Lincoln: Lincoln Record Society, 1982) III, 70-1.

<sup>10</sup> *Ibid.* "...contra ipsum Thomam super premissis infamia dicitur labore..."translation Ian Forrest, *Detection*, 181.

else wants to voice an objection against this purgation or these compurgators or to oppose this process, that they should appear and whoever among them wishes should appear before our court or our deputies on the aforesaid day..." when the purgation was to be completed, while not in itself remarkable, definitely has the appearance of a turf war, given that any such objections were likely to come from the king's officers.<sup>11</sup> In fact, nobody did appear to object and the assertion of prerogative, and Novery's compurgation, were successful.

Repingdon acted similarly a few years earlier, when he got a group of Lollards tied to the 1414 Oldcastle rebellion handed over from the king's justices to his subordinates and moved to a castle that he controlled, thus preventing their execution.<sup>12</sup> One of the group, a clerk called John Mybbe, was later installed in a vicarage in another diocese, where, as we have seen, he was considered respectable enough to be the compurgator for Thomas Drayton at the second of Drayton's three trials for heresy.<sup>13</sup> This sequence is typical of how Repingdon gamed the system: he set things in motion so that his co-religionists could turn the laws of heresy prosecution into a method of protecting one another.

Repingdon's network of clients and subordinates seems to have been particularly active in protecting serial abjurers from the Diocese of Lincoln, such as William Emayn, who was tried four times, Hoke (three times, as has been mentioned), and Thomas Drayton

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<sup>11</sup> Reg. III: 71, "...aut alius quicquam contra ipsius purgacionem seu compurgatores per ipsum ad tunc producendos dicere obicere seu opponere voluerint quod compareant et eorum quilibet compareat coram nobis aut commissariis nostris precictis die..."

<sup>12</sup> Ibid. 73-4.

<sup>13</sup> *Reg. Repingdon* III, 73; *Reg. Chichele* III, 427; Hudson, *Premature Reformation*, 90, 125; *Register of Philip Morgan, Bishop of Worcester, 1419-26* (Worcestershire Record Office), 18; *Records of Convocation V: Canterbury, 1414-1443*, ed. Gerald Bray (Woodbridge: The Boydell Press in association with the Church of England Record Society, 2005), 165-6.

(twice). Repingdon's commissary, Henry Ware, who had heard Drayton's earlier abjuration in 1415, provided security in chancery for Hoke and Drayton in 1425, after the bishop's death.<sup>14</sup> Ware was a career clerical administrator who was never suspected of heretical leanings, and it is clear that coming forward on behalf of relapsed heretics in no way jeopardized his reputation. The participation of orthodox officials in Repingdon's system is particularly significant because Repingdon personally shaped English inquisitorial procedures and the hierarchy of control over them to a very high degree, as Ian Forrest has convincingly demonstrated.<sup>15</sup> A 1416 statute ordered all dioceses to follow the methods that Repingdon had pioneered. These were: to have the bishop and his archdeacons conduct regular investigations into possible heresy cases twice a year, to appoint reliable local witnesses (*fidedigni*) to report possible heresy suspects directly to the bishop, and, crucially, to have the entire trial process conducted by the bishop personally or by his commissaries.<sup>16</sup> Notably, the new regulations also declared the Church's right to keep suspects in the custody of the relevant bishop for the duration of the proceedings against them instead of turning them over to temporal authorities.<sup>17</sup>

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<sup>14</sup> Ibid. Chichele.

<sup>15</sup> Forrest, *Detection*, 86-90.

<sup>16</sup> *Reg. Chichele* III: 18-19. Forrest considers the *fidedigni* particularly important and discusses them at length: *Detection*, 171-206.

<sup>17</sup> *Reg. Chichele* III: 119. "Et si quas personas convicas forsan curie seculari non relinquunt, ipsas ad carceres perpetuas sive temporales prout rei qualitas exigerit ad minus usque ad proximam prelatorum et cleri Cantuarien' provincie convocacionem duraturas realiter committant..."

The timing and direction of this intervention are suggestive: it came in the wake of the revolt led by Sir John Oldcastle.<sup>18</sup> It might have been expected that the Church's reaction to armed rebellion against it would be to cede more control to the secular authorities.<sup>19</sup> Instead, the effect of implementing Repingdon's rules was to give the bishops total control over the entire process and everyone concerned in it. The state was excluded, even, as with Noverry and Mybbe, where there were also treason cases against the suspects; the mendicant orders and their polemical agendas were not guaranteed any role.<sup>20</sup> Diocesan officials were thus protecting their own turf in protecting Lollards. Repingdon's great achievement was to create, first in his own diocese, then nationally, a culture in which it was as normal for orthodox officials as for those with ties to heresy to direct the trials in such a way as to avoid execution whenever possible.

While nationalizing Repingdon's heresy investigation mechanisms offered protective advantages for Lollards that would not be fully realized until after his death,<sup>21</sup> he may have initially started using them in order to shield his co-religionists more directly. Repingdon was, as Forrest notes, unusually insistent that the advance preparations for his visitations should include detailed public explanations of the heresy procedures that were about to

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<sup>18</sup> There is considerable debate over whether and to what extent Oldcastle actually had ties to Wycliffite preachers. The best known skeptical view is Paul Strohm's argument that Oldcastle was not a heretic, but tarred as one so that the Church could fill a power vacuum. Paul Strohm, *England's Empty Throne* (Notre Dame: University of Notre Dame Press, 2006), 32-62. The crucial point is that the bishops, considered him to be a Lollard, shaped his trial accordingly, (FZ 433-450), and inaugurated new procedures—that is, Repingdon's—for investigating Lollardy at the next convocation after the revolt was put down.

<sup>19</sup> Especially since, according to Forrest, things had already been drifting in that direction. Forrest, *Detection*, 106-7.

<sup>20</sup> Mendicant examiners were sometimes given a supporting role: Repingdon himself included them in the examination of the books (but not apparently, the actual opinions) of John Bagworth, vicar of Wilsford, in 1416, the first investigation that Repingdon's register records after the passage of the statute. He ordered the books to be burned. *Repingdon's Register* III: 118-19. There is no record of what happened to Bagworth after his citation, *Ibid.* III: 130-1.

<sup>21</sup> See chapter 4 on the 1428 formulary for heresy trials.

take place.<sup>22</sup> What use the potential targets made of this information, we can only speculate, but it would have provided time, sometimes up to several months, to get rid of material evidence. If they were so inclined, the Lollards also had time to establish among themselves who was to be named and whose participation concealed.<sup>23</sup> Alternately, it would have given the accused parties an opportunity to flee the diocese before being accused and tried. This option is particularly relevant as Repingdon started using this procedure of advance notice the year after the Oldcastle revolt,<sup>24</sup> when Lollards faced the highest probability of being caught and the highest risk of being executed. Little is known about the backgrounds of the *fidedigni* that Repingdon appointed: it is possible that he selected Lollard sympathizers for the role. It would not really have mattered, however, even if they were, according to statute, impeccably orthodox, because every suspect they reported to him was a person he could save from the severest penalties.

Interpretations of Repingdon's motivations have been limited to debate between those who considered him a cynical careerist and those who found in him a genuine convert to orthodoxy. This debate has continued virtually unchanged from his own contemporaries into current scholarship. Suggestions, like those made in his own lifetime by the defiant Lollard William Thorpe and echoed most recently by Geoffrey Martin that Repingdon's "conversion" was a cynical attempt to save his career, driven by ambition or fear, do not stand up when that career is considered as a whole.<sup>25</sup> At the beginning of his

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<sup>22</sup> *Reg. Repingdon* II: 371, Forrest, *Detection*, 138. As discussed below, Forrest does not see any of Repingdon's activities and models as being intended to protect Lollards.

<sup>23</sup> These kind of agreements will be further discussed in chapters 3 and 4.

<sup>24</sup> Forrest, *Detection*, 138.

<sup>25</sup> "The Testimony of William Thorpe," *Two Wycliffite Texts*, ed. Anne Hudson (Oxford: Oxford University Press for the Early English Text Society, 1993), 39. Geoffrey Martin, "Knighton's Lollards," in *Lollardy and the Gentry in the Later Middle Ages*, ed. Margaret Aston and Colin Richmond (New York: St. Martin's Press, 1997), 32-3.



rise to prominence, between completing his doctorate and taking his degree, he delivered a sermon controversial enough to draw a pre-emptive royal ban, nearly provoke armed conflict, and contribute to the archiepiscopal decision to take disciplinary action that nearly destroyed his university. Nineteen years later, when he had just become chancellor of Oxford, he corresponded with the future Henry IV in exile, urging him to revolt well before the future king had made up his mind to do so.<sup>26</sup> As bishop he famously befriended and protected the mystic Margery Kempe when she was suspected of heresy.<sup>27</sup> These were not the actions of a man afraid of risk, or of one who placed career security above personal loyalties.

Repingdon had a reputation in his own lifetime as an activist anti-Lollard bishop: Archbishop of Canterbury Thomas Arundel said that “noo bischop of this londe pursueth now scharplier hem that holden that wei [Lollardy] then he doith.”<sup>28</sup> “The zeal of the convert” has been invoked as an explanation of Repingdon’s actions ever since, and still tends to prevail as the dominant interpretation.<sup>29</sup> Late medieval Europe hardly lacked examples of converts of various stripes who became aggressive prosecutors of their former co-religionists, for example the ex-Cathar inquisitors Peter of Verona and Rainier Sacconi, and more famously Spanish converso inquisitors such as Torquemada. These men made no attempt to hide the details of their activity; rather, they promoted it. Sacconi’s *Summa*, detailing and refuting beliefs of Cathars and

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<sup>26</sup> Forde, 24, and ch 1 5-43 generally.

<sup>27</sup> *The Book of Margery Kempe*, ed. Barry Windeatt (Woodbridge: Brewer, 2004). For examination of Kempe’s beliefs, and their connection or lack thereof to Lollardy, the best of many sources is Robert Swanson, “Will the Real Margery Kempe Please Stand Up!” in *Women and religion in medieval England*, ed. Diana Wood (Oxford: Oxbow, 2003).

<sup>28</sup> *Two Wycliffite Texts*, 42. The opinions of Arundel and Thorpe will be examined in detail in chapter 3.

<sup>29</sup> Forrest is one of the few who says this in so many words; it is usually just assumed. The exception is scholars who see him as a thoroughly cynical careerist.

Waldenses whom he had encountered, is exactly the type of work Repingdon might have done if he really had been a zealous convert.<sup>30</sup> Repingdon would have seemed an obvious choice for this kind of work, but although he continued to be a prolific writer of sermons after his abjuration, and not coincidentally a vocal advocate of preaching at a time when it was being greatly restricted,<sup>31</sup> he rather carefully stayed away from making himself into a banner bearer again. That is not to say that he avoided controversial positions altogether; the mere fact that the sermons focused on detailed exposition of the Gospels suggests that he had not abandoned his old ways of thinking.<sup>32</sup> Had he wished to, Repingdon could have made himself into a kind of ex-Lollard Torquemada, preaching against Wycliffism with the same fervor and success with which he had preached for it, but he apparently had no interest in that kind of thing. He chose instead to leave anti-heresy preaching to the Carmelites.

Repingdon's activism is notable considering his suggestive omissions and silences. Only a handful of trials are recorded in his otherwise detailed register, none of them of relapsed heretics.<sup>33</sup> There are more announcements of upcoming investigations noted than actual trials.<sup>34</sup> The only person specifically mentioned as having been discovered in one of these investigations was tried for witchcraft, not Lollardy, and his case is described in far more detail than any of the

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<sup>30</sup> Ranier Sacconi, "Summa de Catharis et Pauperis de Lugduno," in *Heresies of the High Middle Ages*, ed. Walter Wakefield and Austan Evans (New York: Columbia University Press, 1991), 329-345.

<sup>31</sup> Arundel's Constitutions of 1407-09 (British Library, MS Harley 1319, fol. 12, also online <http://www.umilta.net/arundel.html>) forbade unauthorized preaching entirely. Repingdon, of course, was authorized to preach after his abjuration and once he became bishop was in a position to authorize others. There is no record of him having given a preaching licence to any such firebrand as he had been, but McFarlane, Hudson, and Forde all consider him to have been on the lenient end among his contemporaries in allowing preaching.

<sup>32</sup> Detailed analysis, Forde.

<sup>33</sup> Apart from Bagworth (see note above), Mybbe and his fellow prisoners, and Noverly, these include John Bond and Nicholas, a chaplain whose last name is not given (*Reg. Repingdon* III: 69-70), and John Langley (*Ibid.* 260-1).

<sup>34</sup> *Reg. Repingdon* I: 7-8, II: 371-2, 379-80, III: 156-9, 185-6. 193-4.

few Lollard cases.<sup>35</sup> None of the many repeat abjurers we have considered, who all began the habit in Repingdon's diocese, are mentioned at all; it seems as if, perhaps, they had been struck from the record when it became clear that their presence there might become dangerous for them. Repingdon, it seems, could expunge his own records as carefully as he restructured those of the non-traitorous rebels and non-relapsed perpetual prodigals whom he plucked out of the fire. What emerges about Repingdon's methods is hardly what one would expect from someone eager to demonstrate his service to his newfound convictions. They are, however, exactly what one might expect from someone using his influence and connections to save co-religionists from the worst consequences of open adherence to views he still secretly shared.

A true zealot, and one not prone to silence about anything, can be found in our second heretic bishop, Reginald Pecock of St. Asaph and Chichester—much smaller, poorer, and more marginal dioceses than Lincoln. The relative obscurity of Pecock's preferments may have contributed to his sense that clergy in general and bishops in particular were routinely abused and exploited by their flock and subordinates. Like Repingdon, Pecock was also tried for heresy (in 1457), abjured, and went into an abbey, but this is where any similarity ends.<sup>36</sup> For him, the abbey was the end of the road, not a stepping stone. Deprived of his see, he was forbidden by his Archbishop, Thomas Bourghier, to leave his cell, to speak to anyone without the abbot's permission, or to use writing materials, and it took

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<sup>35</sup> John Smith, in *Reg. Repingdon* III: 194-6.

<sup>36</sup> Pecock's trial, see John Foxe, *Acts and Monuments...* (1576 edition, <http://www.hrionline.shef.ac.uk/foxe/>), 673-75. Gascoigne, 212-18. See also V.H.H. Green, *Bishop Reginald Pecock* (Cambridge: Cambridge University Press, 1945), 49-107, Joseph. R. Patrouch Jr., *Reginald Pecock* (New York: Twayne Publishers, 1970), 28-46.

royal intervention to ensure he had money for food and firewood.<sup>37</sup> These were much harsher conditions than those imposed on Lollards sentenced to perpetual imprisonment.<sup>38</sup> He died within two years after his imprisonment began. Pecock's beliefs, together with his writing patterns, his dealings with Lollards, and his relationships with his fellow bishops and theologians, present as great a contrast to those of Repingdon as do the two men's ultimate fates, and it is in these startling differences that the true priorities of the English episcopate, when it came to controlling dissent, can be found.

Pecock seemed to be the consummate churchman, one whose main sin was taking too expansive a view of the privileges and prerogatives of the ecclesiastical hierarchy. These arguments were always aimed squarely at Lollard concerns. For instance, a typical chapter of his best known work, *The Repressor of Over Much Blaming of the Clergy*, begins,

The iiij principal gouernaunce or point to be tretid in the iiij principal partie, for which gouernaunce summe of the lay peple vniustli and unworthili blamen and vndirnymen the clergie, is this: In the clergie ben dyuerse statis and degrees of ouerte and netherte; as that aboue manye preestis soortid to gidere in to oon cuntre or diocise is oon bischop forto ouer se and attende that alle tho preestis lyue... Al this now rehercid gouernaunce and policie in the clergie summe of the lay peple deemen and seien to be nau3t, and that it is brou3t yn bi the deuel and anticrist...

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<sup>37</sup> Conditions of Pecock's imprisonment, letter from Bourghier to the abbot of Thorney Abbey, Oxford, Bodleian Library, MS. Ashmole 789, f. 326. Henry VI's offer of a pension for Pecock, which was on the condition that he acknowledge his successor in his see and renounce his claim to it even though the Pope had sided with Pecock in the matter, MS. Ashmole 789, f. 323. Both letters also in Wendy Scase, "Reginald Pecock," in *Authors of the Middle Ages: English Writers of the Late Middle Ages*, vol. 3 no. 7-11 (Brookfield, VT: Ashgate, 1996), 137-140.

<sup>38</sup> Such sentences for Lollards, usually local leaders in the early sixteenth century, were more like a type of parole, in which the heretic was required to report daily to a religious house but was not actually confined in it; e.g. Norman Tanner, "Penances Imposed on Kentish Lollards by Archbishop Warham, 1511-1512," *Lollardy and the Gentry in the Later Middle Ages*, ed. Margaret Aston and Colin Richmond (New York: St. Martin's Press, 1997), 240-2; A.F. Thomson, *The Later Lollards, 1414-1520*, (Oxford: Oxford University Press, 1965), 232-3. This type of penance will be discussed in detail in chapter 4.

...and then launches into a detailed argument against the Lollard position.<sup>39</sup> The first time he got into hot water was for a sermon he had preached at St. Paul's Cross in 1447. Here he defended, of all things, bishops' rights to not preach sermons, as well as non-residency and an expansive view of episcopal authority over other clergy.<sup>40</sup> His declaration to his Archbishop defended the motivation behind the sermon: that bishops were being vilified by popular opinion and their own subordinates, that they invented non-existent obligations for themselves out of excessive scrupulosity, and that this incited ill will among the laity towards episcopal legal authority.<sup>41</sup> Pecock concluded this episode by being acquitted and promoted (to Chichester). The subsequent trial, however, concluded with a public humiliation at St. Paul's Cross, the site of his notorious sermon, where he threw his own

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<sup>39</sup> Reginald Pecock, *The Repressor of Over-Much Blaming of the Clergy*, ed. Churchill Babbington (London: Longman, Green, Longman, and Roberts, 1860), II: 416-17. Babbington, the nineteenth century editor, not unjustifiably summarized this chapter in the table of contents as, "The Lollards object to the government of the church by bishops, archbishops, patriarchs, and the pope, and would have no other orders except those of priests and deacons. The ecclesiastical polity complained of is not forbidden by Scripture," (*Repressor*, I: xciv), and similarly for much of the rest of the work. While a modern editor might be a little more circumspect in identifying the unnamed opponents so boldly, there is no disagreement that the entire corpus of Pecock's work was anti-Lollard.

<sup>40</sup> The main points of the sermon are outlined in his defense, "Abbreviatio Reginaldi Pecok," in *Repressor*, II: 615-619, correctly titled "Abrenunciatio Reginaldi Pecok," Oxford, Bodleian Library, MS. Bodley 117, ff. 11-13, in Scase, 130-32. The text of *The Repressor*, which came out in 1449, is an elaboration of the sermon. See also Thomas Gascoigne, *Loci e Libro veritatum: passages selected from Gascoigne's theological dictionary illustrating the condition of the church and state, 1403-1458*, ed. James Edwin Thorold Rogers (Oxford: Clarendon Press, 1881), 26-40.

<sup>41</sup> Ibid. 618. Prima videlicet haec; contraria vel opposita quarundum ipsarum conclusionum a retroactis temporibus errant a plurimis viris opinata et in pulpitis seape praedicta. Unde episcopi non praedicantes populo, et episcopi a suis ciocesibus propter rationabiles causas absentes detractionibus vulgi crebrissumis subjacebant ac suis subditis vilescabant a quibus debuissent reverari. Immo et ad corripiendum, mandandum, regulandum suos subditos ipsi errant tanto inhabiliores sue tanto impotentiores effecti; quanto in tantam infamiam secundum reputationem hominum fuerant dejecti. Quod nullus sapiens negabit esse malum digne et merito remediandum, cum indignarum personarum succurrendum est infamiae; et ideo multo magis infamiae episcoporum.

Insuper et pro secunda causa. In multis episcopis perinde generabatur scrupulosa conscientia quasi super sua obligatione in qua tamen secundum veritatem ipsi non errant obligati; quod maxime periculosum erat illis, potissime cito et statim morituris.

Tertia causa erat, quia laici etiam in tam sinistre et temarie de episcopis judicando et perinde in malas and indignas affectiones incidendo aut a bonis et debitis affectionibus recedendo suas animas saepissime foedaverunt, et in peccatis se involverunt.

books into a bonfire and was stripped of the symbols of his office in front of twenty thousand people. The sentence of perpetual imprisonment which he began immediately afterwards ensured that this degradation constituted his last public appearance. The contrast suggests that the first accusation had been meant as a warning, one that he had chosen to ignore.<sup>42</sup>

The bishops were clearly trying very hard to put their dealings with Pecock into the context of normal heresy trial procedure, a perspective that the sources on his trial also promote. Thomas Gascoigne, an Oxford chancellor who was one of Pecock's fiercest academic opponents, had an interest in delegitimizing the bishop's theology. John Foxe, partly because, as he admitted, he had been unable to get his hands on Gascoigne's text, invented a completely different theology for Pecock to turn him into a Lollard martyr.<sup>43</sup> This shoe does not fit at all: it is evident that both of Pecock's trials differed from Lollard ones in several suggestive ways. Pecock's statement in the first round was unusual among the accused heretics of fifteenth century England both in its assertiveness: he repeatedly claimed that everything he had preached or written was "true, sacred, right, and orthodox." Also unusual was the fact that, for a while, he got away with open defiance.<sup>44</sup> Responding to the charge of heresy with non-compliance and explicit explanation of one's beliefs was not new: several of Pecock's political and theological opposites, including, most famously, John Oldcastle as well as other figures who will be discussed in the next chapter such as Ralph

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<sup>42</sup> A detailed and exultant description of Peock's humiliation, Gascoigne, *Loci e Libro Veritatum*. The crowd estimate (216) is probably exaggerated.

<sup>43</sup> Ibid. Gascoigne. Foxe, *Acts and Monuments*, 1563 ed., 415-421.

<sup>44</sup> *Repressor* 615.

Mungyn, William Thorpe, and William Sawtry, had done so.<sup>45</sup> Such conduct, however, as we will see in the next chapter, was practiced only by a small minority of Lollards and had ceased altogether decades before Pecock's trial. Lollard defiance of this kind usually yielded death sentences, unless the accused managed to flee before sentencing. Conversely, many Lollards, like Repingdon and his protégés, were able to use past heresy recantations to advance their careers, but Pecock met with no such leniency.<sup>46</sup>

Pecock's abjuration was far more obviously coerced than most. His Archbishop, Thomas Bourghier, offered him a blunt choice between recantation and the stake.

Choose, therefore, for yourself one of these things: whether you had rather retract from your errors, and make a public abjuration, and so, for the future agree with the rest of Christ's faithful in your opinions; or whether you will incur the penalty of the canons, and not only suffer the reproach of degradation, but also, moreover, be delivered over to the secular arm, that, because you have attempted to plunder the treasury of faith by force, you may become, according to the saying of the prophet, the fuel of the fire as well as the food of the burning.<sup>47</sup>

This was consistent with the letter of the law, but it was rare for the dilemma created by the demand to abjure or burn to be made so explicit.<sup>48</sup> At his public penance, Pecock was not permitted to preach a sermon on his recantation, as so many Wycliffite clerics had done,

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<sup>45</sup> Oldcastle, FZ 433-450; *Registrum Johannes Trefnant, herefordensis, MCCCLXXXIX-MCCCCIV*, ed. William W. Capes (London: Canterbury and York Society, 1916): 238. On Sawtry (Sautre), FZ 408-414; D. Wilkins, ed., *Concilia Magnae Britanniae et Hiberniae*, III (London: R. Gosling, in vico, dicto Fleet Street... 1737): 251-58, cf. Strohm 40-53. Discussed in more detail in chapters 3 and 4.

<sup>46</sup> See the cases Barton, Drayton, Hoke, and Mybbe, above, and the career of Richard Fleming, below. There will be a detailed discussion of the intersection between Barton's convictions and his careerism in the next chapter.

<sup>47</sup> Gascoigne, *Liber Veritatum* (M.S., 118, Lincoln College, Oxford), 546-7, quoted in Green, 55 and partially in *Repressor*, xlv. See also *Registrum Thome Bourghier, Cantuariensis archiepiscopi, 1454-86* ed. Du Boulay (Oxford, 1957).

<sup>48</sup> Some of the few Lollard trials where such a warning was issued also involved people who had been previously tried and technically should have been sent to the stake rather than given another chance; e.g. the case of John Fynche at Norwich, in Tanner, *Heresy Trials... Norwich*, 187.

but was reduced to silently kneeling in front of his fellow bishops and carrying his books to the fire—hardly an image calculated to quash the lofty views of the episcopal status that were at the heart of his opus. Being stripped of his see was so unprecedented that Pecock’s appeal to the pope over it was initially granted, although the English bishops ignored the order to restore him, and eventually persuaded the next pope to reverse it. By that point Pecock was dying in any case.<sup>49</sup> Finally, very few remained incarcerated after having abjured, and even the prisoners who refused to abjure—such as Aston, before his change of heart—were not usually deprived of writing materials, as Pecock’s sentence explicitly stated.<sup>50</sup>

Pecock’s name and fate come up in almost every work on Lollardy, yet just as with Repington’s supposed conversion, explanations of his harsh treatment are meager and unsatisfying. Many specialists have assumed that he was a victim of court politics in the lead up to the Wars of the Roses, even though other bishops who were as or more deeply involved never suffered similar fates. One of Pecock’s several biographers noted that the trial actually occurred during a period of attempted reconciliation; another biographer that he was not, as had been previously assumed, closely tied to either of the main patrons at

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<sup>49</sup> *Calendar of Papal Registers: papal letters XI*, ed. J.A. Twemlow (Edinburgh: Scottish Record Office, 1921), 77-78, 529. Corresponding to *Registra Vaticana Calixti III*, vol. 462, ff. 326-7, and Pii II, vol. 499, ff. 63. Also quoted in Scase, “127-29.

<sup>50</sup> Other post abjuration imprisonments, see Tanner, “Penances,” 241, J.A.F. Thomson, *The Later Lollards, 1414-1520*, (Oxford: Oxford University Press, 1965), 232-3, and chapter 4. Aston, FZ 329-33. Pecock’s sentence, Oxford MS Ashmole 789, f. 326r, cf. Scase, “Pecock,” 140, *Repressor*, lvii.



court.<sup>51</sup> Margaret Aston has pointed out, moreover, that Pecock's most dedicated patron was not a court personality but rather a London politician called John Carpenter, who had a very successful career without ever abandoning Pecock. In fact, after the bishop's demise, Carpenter founded several educational institutions to promote his protégé's ideas.<sup>52</sup> Jeremy Catto and Wendy Scase consider Pecock's downfall to be part of a power struggle between secular and ecclesiastical elites, suggesting that the other bishops had nothing against Pecock at all and were unwilling participants in a political vendetta against him.<sup>53</sup> Heavy-handedness on the part of important officials was of course hardly unknown, but it would be truly remarkable, given how thoroughly the bishops entrenched themselves to sole arbiters of heresy trials, if any temporary political upheavals could compel them to abandon that position and sacrifice one of their own.

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<sup>51</sup> Babbington, introduction to *Repressor*, xii, believed that Pecock was the client of Humphrey, Duke of Gloucester, and that his downfall was part of an organized strategy to bring Humphrey down by legal means, including the trial of his wife, Eleanor Cobham, for witchcraft over a decade earlier, Thomas Kelly argued that there was no such connection: Thomas Kelly, *Reginald Pecock: a contribution to his biography*, unpublished masters thesis, Manchester University, 1945. Patrouch is the only one of the biographers who believed the issue was solely religious: *Reginald Pecock*, 25-28. Further discussion on this question, see Jennifer Tran, *Reginald Pecock and Vernacular Theology in Pre-Reformation England*, unpublished dissertation, University of California, Los Angeles, 2012, 17-18. Further discussion of possible political aspects, see Charles W. Brockwell, *Bishop Reginald Pecock and the Lancastrian Church: securing the foundations of cultural authority* (Lewiston: Edwin Mellen Press, 1985), E.F. Jacob, "Reynold Pecock, Bishop of Chichester," in *Proceedings of the British Academy* 37 (1951), 121-53, Green, J.L. Morison, *Reginald Pecock's Book of Faith: a fifteenth century theological tractate* (Glasgow: James Maclehose and Sons, 1909).

<sup>52</sup> Carpenter had previously appointed Pecock head of Whittington College in London, whose board he controlled as the executor of founder Richard Whittington (the Lord Mayor of London, of cat legend and nursery rhyme fame). Margaret Aston, "Bishops and Heresy: The Defense of the Faith" in *Faith and Fire* (London: The Hambledon Press, 1993), 90-3.

<sup>53</sup> Jeremy Catto, "The King's Government and the Fall of Pecock, 1457-58," *Rulers and Ruled in Late Medieval England: Essays Presented to Gerald Harriss*, ed. R. Archer and S. Walker (London: Hambledon, 1995), 201-22. Catto has uncovered in great detail the machinations of several important secular politicians against Pecock, particularly a subsequent Lord Mayor, Thomas Canynges, and Lord John Beaumont. Wendy Scase, "Reginald Pecock," 102. Scase believes the main problem to have been Pecock's tactless outspokenness on foreign policy matters, particularly in opposition to the ongoing war in France (Ibid. 83).

Some literary scholars such as Kantik Ghosh and Karen Winstead consider Pecock more a case of legalism gone amok, tying his experience to the censorship imposed by Archbishop Arundel's Constitutions of 1409.<sup>54</sup> These were intended to catch Lollards and banned unauthorized preaching, teaching of scripture, and discussion of the sacraments and other central matters of doctrine.<sup>55</sup> Here the assumption is that the Constitutions were so broad that they backfired, haphazardly catching orthodox polemicists in their net as well as heterodox ones. The most recent scholarship, however, has questioned this assumption. Kirsty Campbell has argued that Pecock saw himself as part of Arundel's campaign against unlicensed preaching and that much of his work was an attempt to create an alternate religious education program for laypeople to replace preachers.<sup>56</sup> Jennifer Tran has pointed out that the articles Pecock abjured, even if he had actually held them, would not have violated the Constitutions, which in any case did not apply to bishops but rather were intended to boost their authority.<sup>57</sup>

Is it possible that any of Pecock's contemporaries actually believed he was a Lollard? Pecock did sometimes seem to co-opt Lollard language. For instance, he not infrequently used the phrase "good christen men," which, as Anne Hudson has noted, was a favorite of Wycliffite preachers that they added to their obligatory recantation sermons to indicate to their followers that the conversion was not real.<sup>58</sup> It is possible, indeed likely that this kind

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<sup>54</sup> Kantik Ghosh, *The Wycliffite Heresy: Authority and the Interpretation of Texts* (Cambridge: Cambridge University Press, 2002), Karen A. Winstead, *John Capgrave's Fifteenth Century* (Philadelphia: University of Pennsylvania Press, 2007).

<sup>55</sup> Text of constitutions, Archbishop Arundel, British Library, MS Harley 1319, fol. 12, also online <http://www.umilta.net/arundel.html>.

<sup>56</sup> Kirsty Campbell, *The Call to Read: Reginald Peock's Books and Textual Communities* (Notre Dame: Notre Dame University Press, 2010), 8-9.

<sup>57</sup> Tran, *Vernacular Theology*, 57-60.

<sup>58</sup> Hudson, *Premature Reformation*, 165-75.

of language was simply seeping into common use—by the 1520s, Thomas More was also referencing "good christian men" in work decidedly meant to crush heretics rather than to court them.<sup>59</sup> The educational reforms Pecock proposed had some superficial methodological similarity to Lollardy because they emphasized literacy and theological texts in English, as well as individual reasoning. Aston and Campbell think they could have been confused with Lollardy for that reason.<sup>60</sup> In a similar vein, Tran has argued that Pecock's theology was simply too radical and unusual to be easily understood, so that it was easier to write it off as heresy.<sup>61</sup>

A comparable case exists of a thoroughly orthodox text being misinterpreted, perhaps deliberately, as a Lollard one. Ownership of *Dives and Pauper*, the early fifteenth century dialogue on the ten commandments, written (as will become clearer in the next chapter) in explicit opposition to Wyclif's commentary on the same subject and glorifying the mendicant life that Lollards despised, was sometimes used as damning evidence in heresy trials. Anne Hudson has highlighted one such case in which a well-connected former (not even current) possessor of the work, caught up in one of the large group trials of the late 1420s, was convicted on that evidence alone, at precisely the same time that an abbot of impeccable anti-Lollard credentials was commissioning a copy for his community.<sup>62</sup> The "heretic," a chaplain called Robert Bert, was unusual in that he tried to get off using compurgation before being compelled to abjure (most of his fellow accused, as we will see,

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<sup>59</sup> Thomas More, *The apologye of syr Thomas More knyght* (Prynted by w. Rastell in Fletestrete in saynte Brydys chyrch yarde, 1533; Huntingdon Library copy on eebo), 87.

<sup>60</sup> Aston, *Faith and Fire*, 85-93. Campbell, *Call to Read*, 23-4.

<sup>61</sup> Tran, *Vernacular Theology*, 201-7.

<sup>62</sup> Anne Hudson, "Who is my neighbor?", *Wycliffite Controversies*, ed. Mishtooni Bose and Patrick Hornbeck (Brepols, 2011), 84-89.

abjured without any fuss). His compurgators show him to have been a member of a completely different patronage network than any of the others. One of them was a staunchly orthodox knight.<sup>63</sup> Bert's behavior was that of a man who felt himself innocent and believed he could prove himself so, who perhaps found it important to protect his reputation and distinguish himself from the nasty heretics all around him, and who definitely did not understand the purpose and functioning of the abjuration system. In other words, it was the behavior of an orthodox person with no previous connection to Lollards, and it is not credible that the bishop, Alnwick, and his immediate subordinates, some of whom who presumably knew or knew of the chaplain and his patron, did not realize the fact. It is possible, admittedly, that Alnwick forced the abjuration simply to avoid admitting a mistake; but given the appearance of *Dives* at several other trials under other bishops, it seems probable that the book broke some unwritten rule that declared it safe for knowledgeable, well regulated communities<sup>64</sup> and unacceptable in private hands. Hudson believes this incident to demonstrate confusion within the church as to what was or was not orthodox.<sup>65</sup> I would suggest instead that the treatment of *Dives*, as of Pecoock, showed an episcopacy that had drawn firm lines for what to do in case of any doubt, and stuck to them.

A useful analogous case is Annabel Patterson's argument that seventeenth century polemicists, such as the Puritan William Prynne, got into trouble not for the substance of their views, which were often shared and expressed by establishment figures, but for

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<sup>63</sup> Tanner, *Norwich*, 98-102.

<sup>64</sup> Hudson has also pointed out, here and elsewhere, that the libraries of many Oxford colleges in the fifteenth century included not only suspect books but banned ones, including Wyclif's own: "Who is my neighbor?" 91-94, *Pre-Reformation*, 85.

<sup>65</sup> "Who is my neighbor?" 79-96.

violating a code dictating appropriate formulae for criticizing the monarch.<sup>66</sup> It is, of course, dangerous to impose a parallel too literally, given the difference between the late medieval context of a dominant Church containing a heretical minority and the Caroline one, with a political regime insisting on divine right on the brink of civil war. (Pecock's disgrace did take place on the brink of a dynastic war, but not one with obvious religious overtones.) Nevertheless, one can see a clear similarity between the tactless, stalwart moralist Prynne and Pecock, the equally tactless defender of episcopal privilege. Both ignored repeated warnings because they misinterpreted a demand to temper their language as an attempt to suppress their beliefs; both paid a terrible price that no-one really wanted to impose (Prynne lost an ear). Here we have at least a possible explanation for why bishops who had proved most adept in finding ways to bend the law decided to impose it rigidly on one of their own.

What linguistic-cultural code was it, then, that Pecock had violated so egregiously? This is not so straightforward a question as it sounds, both because there are no truly comparable cases, and because most of the views he was made to abjure were not ones he had ever actually believed or expressed. They were also quite different and far more formal

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<sup>66</sup> Amabel Patterson, *Censorship and Interpretation: the conditions of writing and reading in early modern England* (Madison, WI: University of Wisconsin Press, 1984). It should be noted that Patterson's argument is controversial among specialists on censorship and several more recent works have suggested that the rules were much less obscure, e.g. Cyndia Susan Clegg, *Press Censorship in Jacobean England* (Cambridge: Cambridge University Press, 2001), Kathryn Kerby-Fulton, *Books under suspicion: censorship and tolerance of revelatory writing in late medieval England* (Notre Dame: University of Notre Dame Press, 2006).

and technical than those that usually appeared in Lollard abjurations.<sup>67</sup> These usually included multiple detailed variants of denying the Church's power, specifying disbelief in priests, bishops, and the pope, the status of which Pecock had consistently upheld.<sup>68</sup> Some of the other heresies he recanted, which were painted in broader strokes, sound somewhat Lollard—notably that the Church could err and that it was not necessary for salvation to believe in it—it is not clear that he had actually ever said or written anything of the kind. In fact he was consistently more adamant about the need to submit to authority than any other topic. A major premise of his last work, *The Book of Faith*, produced shortly before his final trial, is that even if the Church errs, everyone must follow its teaching, because there is no higher authority that could confirm that it was in error, and because it has enough merit stored in heaven to make up for it.

Therefore nedis folowip, if 3e bileeven and holden in tho maters as the chirche bileeveþ and holdip, 3e ben excusid; and not oonli excused, but 3e serven to God, and plesen God, and deserven mede in hevене. Who may avoide or azenstonde this proof? And þane ferþer, who ever witiþ that he stondip in a sikir case and wei fro synne, and in wey of servyng and plesen God, he synnyþ deedli, and is worþi dampnacioun if he bowe þerfro, and sette him silf, witingli and willingly, into perel of the contrarie; wherfore folowip, if 3e not conforme 3ou þus, as is now seid, to the chirche but disseveren 3ou silf, and putten 3ou in contrarie, 3e putten 3ousilf fro it of which 3e be sure and sikir,

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<sup>67</sup> Text of Pecock's abjuration, Oxford, Bodleian Library, MS. Ashmole 789, ff 303-304, also in Foxe, 674, Scase, 132-34, etc. Green, 60-61, and Patrouch, 30-35, also note the discrepancy. The list of heresies he recanted (put into modern English by Green, 59) is, "1) It is not necessary for salvation to believe that our Lord Jesus Christ descended into hell after death. 2) It is not necessary to salvation to believe in the Holy Spirit. 3) It is not necessary for salvation to believe in the Communion of Saints. 5) That the Universal Church can err in matters of faith. 6) It is not necessary for salvation to believe and hold that those things which a general council of the universal church determines, approves, or legislates in favor of the faith and for the salvation of souls, must be held and approved by the whole of those faithful to Christ, and that that which it reproves or condemns or holds to be contrary to the catholic faith or goodly customs are thereby held and believed to be reproved and condemned. 7) It is quite lawful for anyone to interpret holy scripture in the literal sense, nor is it to be maintained for salvation for anyone to cleave to any other sense."

<sup>68</sup> E.g. Tanner, *Norwich*.

and into a perel of the contrarie. Wherfore it mute nedis be that þerynne 3e synnen deedli, and be worþi dampnacioun.<sup>69</sup>

Statements like this could hardly be more orthodox, and of course Pecock was not called on to recant anything like this. His fellow bishops could not censor anything he had actually said, so they fabricated a heresy for him.

*The Book of Faith*, completed a few months before his indictment and almost certainly the catalyst for it, was a rebuttal of Lollard views on the primacy of scripture over Church tradition. Like *Dives and Pauper*, it was accessibly framed as a dialogue, and though not humorous, like that work, it took a tutorial (the characters are a father and son) and non-polemical tone, with a title squarely aimed at the interests of Lollard readers. The themes and language, the emphasis on the interplay of faith and scripture in an individual conscience, with salvation and damnation ever contingent on them, echo Wycliffite sermons and treatises to some extent, as does the rather slow very methodical reasoning. Pecock's criticism, however, targeted the self-help aspect of Lollardy, which encouraged its adherents to read scripture, interpret it according to their own reason, and to maintain their interpretation, if they were fully convinced of it, against Church tradition if the two conflicted.<sup>70</sup> Beyond Pecock's epistemological argument, which is essentially that no human being's reason is good enough to justify that kind of confidence in it, he came very close to

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<sup>69</sup> *Book of Faith*, 209-210.

<sup>70</sup> There is a large body of work on Lollard readership. This topic is mostly outside the scope of this dissertation, but for some prominent examples, see Margaret Aston, *Lollards and Reformers: Images and Literacy in Late Medieval Religion* (London: Hambledon Press, 1984), Peter Biller and Anne Hudson, eds., *Heresy and Literacy, 1000-1530* (Cambridge: Cambridge University Press, 1994), Hudson, *Lollards and Their Books* (London: The Hambledon Press, 1985), and Patrick Collinson, "The English Conventicle." *Voluntary Religion*, ed. W. J. Shiels and Diana Woods, *Studies in Church History* 23 (1986): 223-260. Further discussion, see chapters 1 and 4. Pecock's views on scripture and self-education, see especially *The Book of Faith*, 234-270.

saying that true believers should follow the Church even if they knew, for an absolute certainty, that it was wrong about something.<sup>71</sup>

We do not know whether many, or any, Lollards were in fact converted by *The Book of Faith*. Bourgchier ordered searches for Pecock's books, similar to the searches for Lollard books that accompanied episcopal visitations, but few seem to have been found, although, of course, they could have been hidden.<sup>72</sup> Pecock did have acolytes at Oxford, one of whom, John Harlowe, merited a royal letter to the chancellor demanding his expulsion. Harlowe subsequently became the head of a new Pecock-centered college in Bristol founded by John Carpenter<sup>73</sup> and does not appear to have been prosecuted again, suggesting that the Church was more concerned about publicly distancing itself from Pecock's views than about their actual proliferation. In a way, Pecock's public abjuration and humiliation seems to have been aimed at Lollards as much as his books were. His fate informed them that his attempt at real conversions was not Church policy and false abjurations were still welcome. Judging by reports of the large crowd enthusiastically cheering his humiliation, it is not a stretch to suppose there were in fact some Lollards present.<sup>74</sup> In order to silence him, and even more importantly, to make sure his heretic targets knew that he had been silenced, his peers were willing to cast aside not only any connection to reality in the charges, not only their loyalty to one of their own, but also generations of their own precedents in dealing with heresy. They would only have done this if they considered Pecock's continued functioning to be an even greater threat to those precedents—especially the one Repingdon had started

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<sup>71</sup> These arguments are primarily in Part I, ch. 4 and 7, *Book of Faith*, 153-62, 181-94.

<sup>72</sup> E.g. letter from Bourgchier to rectors and preachers in Canterbury ordering book confiscations, Oxford, Queen's College, MS. 54, ff 341-342, printed in Scase, 124. Cf. Bourgchier's register.

<sup>73</sup> Aston, *Faith and Fire*, 92.

<sup>74</sup> Gascoigne, 216.



of encouraging Lollards to make false abjurations readily, without feeling that their beliefs were seriously threatened by the process.

I have juxtaposed Repingdon and Pecock because they are representatives, perhaps extreme ones, of two very different models for how a bishop should deal with heresy, and in the opposite trajectories of their careers, we can see the English ecclesiastical authorities choosing one model and suppressing the other. Pecock was explicitly trying to make heretics thoroughly re-examine the premises of their beliefs. Although he conducted no heresy investigations that we know of, his work was in the same mold as the kind of inquisitors on the continent who devoted hours to arguing one on one with heretics, trying to get them to rethink their views. There are no such parallels in medieval England, which is telling in itself, but among the Waldenses, Peter Zwicker, a century before Pecock, and Archbishop Jehan Baile, a generation later, are examples of this mentality.<sup>75</sup> Repingdon did generate some high profile “conversions”—Swinderby’s, Barton’s, and of course, his own—but we have seen how in each case, he acted only at the last minute to save the persons in question from the most dire punishment, and made sure that no record of his theological reflections on the subject remained. The purpose of these abjurations was to expunge the heretic’s record and rehabilitate him as quickly and fully as possible, and Repingdon never showed the slightest interest in their sincerity. Repingdon’s model, which was fully embedded at all levels in the English Church by the time Pecock appeared, was deeply threatened by his activities. Would Lollards continue to quickly turn out standardized abjurations whenever they were caught, if they had read an attempt to convert them, attacking their most sacred principle, with the imprimatur of a bishop author? People who

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<sup>75</sup> Euan Cameron, *Waldenses: Rejections of Holy Church in Medieval Europe* (Oxford: Blackwell, 2001), 125-144, 181-4, 200.

thought the Church was arguing with them might decide to argue back. This was what Pecock's accusers and judges were so determined to prevent, and why they went to such lengths to de-legitimize his work, and ensure that it would never be associated with episcopal authority and policy.

The man who linked Repingdon and Pecock was a perfect demonstration of how a heretic was supposed to be absorbed into the episcopacy; so perfect, in fact, that he managed it without ever actually abjuring. Repingdon's hand-picked successor, Richard Fleming, was the bishop who ordained Pecock. Long before that he had been cited for heresy at a subcommittee of the Canterbury Convention of 1409.<sup>76</sup> Initially, he was entirely uncooperative: he appealed to the full convocation, wrote to the king, made as much noise as possible, and generally did exactly the opposite of the quick, quiet, by-the-book abjuration expected of him. Within two years, however, he was on the body tasked with identifying errors in Wyclif's work, and a few years after that he was sent as a representative to the Council of Constance, a post that entrusted him, among other responsibilities, with bringing back and explaining new anti-heresy regulations.<sup>77</sup> In-

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<sup>76</sup> *Snape's Formulary and other Records*, ed. H. E. Salter (Oxford: Oxford Historical Society, 1924), 123-3, 125-8. Salter and many subsequent scholars believed Fleming to be an orthodox academic with an aggressive style who was accused by mistake, and that the charge died out when the mistake was realized; *Snape*, 95-100. This interpretation would be more convincing were it not the case that orthodox people who were caught in the net invariably had to purge themselves and many, like Robert Bert in the *Dives and Pauper* case, had to abjure also. Fleming did neither. The suggestion that the trial was a mistake also fails to account for Repingdon's subsequent interest in him. Anne Hudson suggests the episode was mostly a power struggle between the university and the bishops; *Premature Reformation*, 102, including overview of the debate. Ian Forrest considers Fleming a Lollard who genuinely converted; *Detection*, 95.

<sup>77</sup> Ulrich Richtental, *Chronicle of the Council of Constance*, Cardinal Guillaume Fillastre, *Diary of the Council of Constance*, both in *The Council of Constance: The Unification of the Church*, ed. L. R. Loomis, J. H. Mundy, and K. M. Woody (New York: Columbia University Press, 1961), 104, 403. Fleming was one of a large English delegation; nevertheless, it was an important position and he took an activist view of his diplomatic responsibilities, getting involved in a number of political disputes. *Ibid.* 403-7; T. E. Morrissey, "Surge, illuminare: a lost address by Richard Fleming at the Council of Constance," *Annuaire Historiae Conciliorum*, 22 (1990), 86-130; V. Murdroch, "John Wyclif and Richard Flemmyng, bishop of Lincoln: gleanings from German sources," *Historical Research* 37 (1964), 239-45.

between his trial and his establishment as the point man for understanding heresy, the accusation against him had been kicked from one committee to another and gradually disappeared into the bureaucratic maze, never to resurface. How this happened becomes obvious when we consider another of his appointments: examining and licensing preachers in Oxford as a deputy of Repingdon's.<sup>78</sup> In other words, Repingdon protected him through administrative loopholes, as he did Barton and Hoke and many others, and then placed him in a position to systematically protect other heretics. This was Repingdon's typical *modus operandi*, the same pattern he used in setting up compurgation networks for the repeat abjurers, using men like Mybbe, and one we will see repeated still more dramatically with Barton in the following chapter.

Fleming more than justified Repingdon's trust, and like his mentor, mostly ignored heresy in his own diocese<sup>79</sup> while intervening in cases at convocation. Sometimes, as in the cases of William Taylor and Richard Monk, Fleming's methods closely followed Repingdon's: a last minute presentation of additional evidence that allowed him to take control of the case.<sup>80</sup> Fleming's personal pleading seems to have swayed Monk and another initially defiant Lollard, Robert Hedgerly, to abjure:<sup>81</sup> a rare medieval English application of Zwicker's methods with entirely the opposite motivation. Fleming extended his network of protection even to the dead: among the rulings he brought home from Constance was the

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<sup>78</sup> *Repingdon's Register*, II: 293-4.

<sup>79</sup> *The register of Richard Fleming, Bishop of Lincoln, 1420-1431* ed. Nicholas Bennett (Woodbridge: Boydell for the Canterbury and York Society, 1984, 2009).

<sup>80</sup> In the case of Taylor, in 1423, he could not claim a prior open case as Taylor had not lived in his diocese, but Fleming's addition of several further articles changed the sentence from perpetual imprisonment to degradation and deprivation, technically a heavier punishment but one that a Lollard preacher might find easier to endure. *Reg. Chichele* III: 166-73. Monk's 1428 case, *Ibid.* 197-8, 202-208.

<sup>81</sup> *Reg. Chichele* III: 189-90, 197-8. He failed, however, to persuade Rudolph Mungyn (*Ibid.* 197-204). This case will be discussed in more detail in chapter 3.

posthumous papal sentence against Wyclif, ordering his body to be exhumed and burnt.<sup>82</sup> Repingdon found excuses for delay for several years, and after he resigned his see in Fleming's favor, the latter continued to evade the directive for nearly a decade. The year, 1428, when he finally gave in and the deed was done, was, as we shall see, the same that Repingdon's abjuration system went truly national. It may have been galling to acquiesce in the humiliating destruction of the founder's corpse, but Fleming did so only once all Wyclif's followers had an established, officially sanctioned route to avoiding a similar fate.

Fleming may have overreached himself a little when, at around the same time, he founded Lincoln College, Oxford, with the expressed intention of training scholars to combat heresy. After his death, that is precisely what the college began to do, in a very unexpected fashion: its library become the main repository for the works of Pecock.<sup>83</sup> Pecock apparently had true acolytes there including Harlowe, whose expulsion, not unlike the actions against Oxford Lollards some eighty years earlier, only spread Pecock's views farther afield.<sup>84</sup> In this matter, and in this way only, the least fortunate of the heretic bishops, the one who always went against the grain instead of carefully polishing it in his own direction, had the last laugh.

Repingdon and Pecock were both among the most noted scholars and preachers of their respective generations, and neither is in the least representative of anybody else, certainly not of ordinary believers of any stripe. As theologians, they were not even typical bishops, who were usually trained as canon lawyers. Nevertheless, considering Repingdon and Pecock side by side, and exploring the inconsistencies that both of their experiences

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<sup>82</sup> Encyclical of May 4, 1415.

<sup>83</sup> Aston, *Faith and Fire*, 86.

<sup>84</sup> Aston, *Faith and Fire*, 92.

with heresy reveal, demonstrates that the fifteenth century English ecclesiastical authorities worked within, and were ready to defend, a system that decoupled abjuration from conversion and confession from penance. It relied on an unspoken consensus that false abjurations were to be readily accepted without requiring either penance or repentance, and that any episcopal-level efforts to convert heretics were to be forcefully stopped. Without Repingdon, there would have been no system, and without Pecock, who almost brought the system to an end in more ways than one, it would be impossible to uncover its persistence, long after the man who had first shaped it was gone.

## Chapter 3

### Learning to Lie

So far, we have seen the origins of false abjurations, their systematization as the way of dealing with heretics in England, and the consolidation and defense of that system by Church authorities at the diocesan and the national level. This chapter examines the reception and spread of the system of false abjuration among the Lollards themselves. Educating people that the best way to protect their beliefs was to swear an oath publicly rejecting those beliefs was a tricky proposition that encountered unique challenges. Bishops and their subordinates obviously could not simply tell the people they were interrogating to swear whether they meant it or not, since that would be officially sanctioning perjury, and clerical participation in the system depended on preserving the genteel fiction that actual conversion was taking place. Lollard preachers faced a parallel difficulty: their message of steadfast opposition to Church institutions and doctrines would have been undermined had their sermons included a rider that the best thing to do, when confronted by those institutions, was to appear to give way and accept the very doctrines that the sermons condemned. Furthermore, instructing adherents to lie for their lives was not the most obvious way to attract and retain wholehearted believers. We will examine such push and pull within the movement more or less chronologically, beginning with attempts to find a theological justification from a reading—probably a misreading, but a not completely implausible one—of Wyclif’s own work; early, failed attempts at an equivocation strategy; Philip Repingdon’s attempts to use one of the men he saved to spread his own abjure-everything strategy; opposition from a committed core to abjuration and to Repingdon personally; and how, by the early sixteenth century, Lollards in the know

could deftly manipulate their multiple abjurations to consistently avoid real trouble, even as a few, under exceptional circumstances, still chose not to use these tricks. The most difficult step, as well the most difficult to prove, was the first: the early Wycliffites had to make a major revision of their moral code, coming up with a way to be simultaneously a Lollard and a liar.

It is not surprising that it took time for lying under oath to become the standard Lollard procedure when on trial. The first generation of abjurers (as suggested by the fact that they are usually referred to as Wycliffites rather than Lollards) were almost all clerics, most of whom had spent time at Oxford, studying under one of the great man's students if not under Wyclif himself. They would have been thoroughly familiar with the founder's reputation for brutal plain speaking: "On þis schuld here witnes hang þat þei witnes not aȝens God, nor be not disseyuid hemsilf, nor disseyue not oþer men."<sup>1</sup> More to the point, they would have had more than passing familiarity with his Latin works, including *De Mandatis Divinis*, in which he appeared to state unambiguously that truth was the first condition of a legitimate oath that would not break the second (third by the Jewish or Protestant count) commandment against taking the Lord's name in vain.<sup>2</sup> The narrow restrictions with which Wyclif girded a legitimate oath were no minor point in his theology; he emphasized that to break any of the Ten Commandments was to break them all,<sup>3</sup> and of

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<sup>1</sup> *An Apology for Lollard Doctrines attributed to Wicliffe*, ed. John Henthorn Todd (London: Camden Society, 1842), 40.

<sup>2</sup> John Wyclif, *Tractatus de Mandatis Divinis*, ed. Johann Loserth and F.D. Matthew (New York: Johnson Reprint Corp, 1966), 187-206. This commentary seems to have been widely read in the fifteenth century; Anne Hudson notes its presence in the collection of an apparently orthodox reader, a not uncommon fate for Wyclif manuscripts. Hudson, *Premature Reformation*, 150.

<sup>3</sup> Wyclif, *de Mandatis*, 25-32. Cf. *Apology*, 82.

course, in Wycliffism no ecclesiastical official had any power of absolution.<sup>4</sup> Nevertheless, there are ways to read these restrictions that make them more permissive and less clear cut than at first appears, and that have never been fully elucidated nor their practical implications explored.

To gauge just how much opposition formulaic lying would have faced from the Wycliffite theologians who constituted the first group to use it, it is helpful to compare Wyclif's standard for a permissible oath, point by point, to a Lollard abjuration. In addition to truth, the most fundamental conditions for an oath not sworn in vain, drawn from Jeremiah,<sup>5</sup> are juridical necessity (*iudicio*, or sometimes just *utilitas*) and consonance with higher, that is divine, justice (*iusticia*).<sup>6</sup> It is not difficult to see how an adherent might fit his abjuration to the last requirement; if Wyclif was writing the truth, then ultimate justice, and indeed the divine plan, would require that that truth be preserved and spread, and therefore that those who believed it, as receptacles of that truth, be spared execution to continue spreading it. Furthermore, Wyclif cited the establishment of peace and social compacts (*amicicia*, suggesting in context a formal truce rather than genuine friendship) as good reasons for swearing an oath, citing several examples from Genesis that were effectively peace treaties (Abraham and Abimelech, Jacob and Laban).<sup>7</sup> Truces between the patriarchs and their perfidious and powerful enemies could match well with a self-image as lonely vessels of the truth trying both to change and to hold themselves apart from the church that was trying to make him conform. This is once again to project a Reformation-

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<sup>4</sup> Johannis Wyclif, *Tractatus de Blasphemia*, ed. Michael Henry Dzeiwicki (London: published for the Wyclif Society by Trubner & co., 1893), 130, among many other places.

<sup>5</sup> *Jeremiah* 4:2.

<sup>6</sup> Wyclif, *de Mandatis*, 195-96.

<sup>7</sup> *Ibid.* 196-97.



period idea backwards, just as later we will need to look to the Reformation to demonstrate by contrast just how effective false abjurations were as a method of keeping social tensions manageable, but the projection does not seem a far-fetched one. It is not insignificant that honesty is used as a synonym for higher justice and as a separate category from truth (the three requirements are restated as “*veritas, utilitas, et honestas*”). Indeed, Wyclif even adds that “an illicit and dishonest truth does not constitute an oath.”<sup>8</sup> An honestly sworn oath, then, referred to the motivations of the swearer more than to the content of the oath.

*Iudicio* caused rather greater problems, since, as we will shortly see, the minority who refused recantation utterly denied the legitimacy of the ecclesiastical courts in which they were interrogated. Wyclif himself, however, was notably careful not to specify what constituted a legitimate court in this context, merely saying that swearing “...is permitted [when] required by human jurisprudence and thus is necessary to put things in their place and is useful to the accepted occasion.”<sup>9</sup> In other words, the necessary criteria are usefulness, appropriateness, and custom rather than the inherent worth of the judge or the court. This attitude explains why he gave, as further examples of acceptable oaths, not only those required for civil order, such as feudal oaths and oaths of office, but also those of priests to their superiors—even though Wyclif notoriously did not accept the legitimacy of the ecclesiastical hierarchy. *Iudicio* is separated from *iusticia*, then, not just as a matter of separating human from divine justice or social concerns from religious ones, but because it means, “swear when it is customary to swear” as opposed to “swear when it is good to

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<sup>8</sup>...*veritas illicita aut inhonesta non est iuranda...* (195)

<sup>9</sup> Continuing the quotation from the previous note, ...*licet in humano iudicio requiratur et sic necessitate suppositionis necessaria et utilis occasione accepta*. 196.

swear.”<sup>10</sup> Wyclif further emphasized the distinction by using as his prime example of swearing “by reason of good consequences” (a phrase he repeated often), that “Christ, moreover, and the apostles swore in order to confirm the truth of spiritual salvation,” the ultimate example of beneficial consequences but also of someone offering an oath to people who would seem have no business to require it of him.<sup>11</sup>

The abjuration, then, was declared in a legal tribunal that required it, and was made by reason of its excellent consequences, namely the continued existence of those who believed what Lollards held to be the Truth with a capital T, as well as placing a patch in the fabric of peace, civil order, and social harmony that inquisition must otherwise tear. So far, so good. Nevertheless, if the beneficial consequences that provided a reason to swear were truth, peace, amity, and obedience, what to do when the first conflicted with the other three?<sup>12</sup> While there is little indication that Wyclif anticipated such a dilemma, his text, if massaged just a little, was not without possible loopholes for this situation as well. To begin with, he made clear that he was dealing not so much with factual as with underlying truth, *substrata*.<sup>13</sup> This, admittedly, would serve better for someone swearing his innocence of

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<sup>10</sup> This incidentally is somewhat of a stretch from the original Hebrew in Jeremiah, משפּט, mishpat—judgement vs. צדקה, tzedekah—righteousness/justice/charity. In the Hebrew Bible and still more so in Jewish prayer, both ancient and medieval, these terms are frequently coupled in describing the good ruler or judge, divine or human.

<sup>11</sup> *Iuretur autem licite nunc ratione boni consequendi et nunc ratione mali fugiendi. Ratione boni quadrupliciter, pro veritate, pace, amicia vel obediencia. Christus autem et Apostolus iuraverunt pro veritate spirituali confirmanda, ut Ioh. III, 3: Amen, Amen dico vobis, nisi quis renatus fuerit ex aqua et Spiritu Sancto non potest introire in regnum Dei. Et in tali causa iuravit apostolus, ut patet in locis superius allegatis.* 196. Wyclif previously specified, citing Hugh of St. Victor, that “Amen, amen I say to you” constituted the equivalent of an oath. 195 [This is a standard medieval position that also appears in the Glossa Ordinaria.] The importance of consequences also featured in his initial definition of swearing in vain: “...quod omnis peccator in vanum accipit nomen Dei... et specialitier omnis iurans SINE CAUSA RACIONABILII nomine Dei sui.” 187.

<sup>12</sup> See full text in note above.

<sup>13</sup> *Oportet primo quod iuramenta substrata sit veritas; immo quod sit in iurantis consciencia ut iuretur.* 195.

beliefs he in fact held, on the grounds that the underlying truth was that he was not (in his eyes) a heretic, than for insincerely recanting them. Here it matters that that first generation of Wycliffite clerics, the ones who would have read *de Mandatis* and formed their views on oaths according to it, often did swear this type of oath, more often for each other than for themselves. We saw in the previous chapter how, once formally reconciled to the Church, the heretic joined a network of compurgators serving their co-religionists who were caught later. Wyclif asserted that compurgation was a legitimate form of swearing for the purpose of establishing one's own innocence, an objective elevated by comparison to the heifer sacrifice for the same purpose in Deuteronomy 21.<sup>14</sup>

Using this as justification to purge somebody of something they really were guilty of could have been somewhat problematic. However, this difficulty could have been got over by the fact that Wyclif focused almost all of his discussion of false witness on slander, specifically on the harm that it does. Avoiding harm to others was an overriding objective for him, just much as preserving order. This is the case even in the paragraph on compurgation, in which he gave the example of a female plaintiff deceptively attacking another or the other deceptively defending herself as a case when it was acceptable to swear to prevent the harm of slander.<sup>15</sup> The language (*calumpniose* and specifying women) suggests he was thinking of the innumerable slander cases that clogged ecclesiastical courts and brought them into disrepute, as discussed in chapter one.<sup>16</sup> Later, he added (in

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<sup>14</sup> *Secundo modo iuratur pro expurganda infamia; ut Deut. XXI docetur quomodo in crimine occulto ut in occisione hominis persone suspecte iurabunt quod manus sue non effuderunt hunch sanguinem nec oculi viderunt.* 197.

<sup>15</sup> *Primo modo iuratur in principiis causarum, ne pars actrix alteram calumpniose impetat nec altera calumpniose defendat.* 197.

<sup>16</sup> See R.H. Helmholz, *Roman Canon Law in Reformation England* (Cambridge: Cambridge University Press, 1990), 23-7.

the discussion of murder, no less) that, "...Words given to us for the edification of our neighbor we may not stupidly turn into poison. For we are thus convicted as murderers of our neighbors by treacherous poison, and such bringers of death are to be struck down and detested by the faithful."<sup>17</sup> Furthermore, "...nor is talkativeness as damnable as treacherous silence, especially in prelates, because even indiscrete talkativeness awakens sleepers, and its exercise is beneficial by accident... speech was given to man to be used; therefore one who incurs guilt through keeping quiet [and] does not use his tongue directly obviates the purpose of speech."<sup>18</sup> Putting these passages together, the loyal Wycliffite reader could hardly avoid the conclusion that a failure to speak up and save someone was worse than slander, which was equivalent to murder, and was tied logically to compurgation, and that the whole thing was even worse if one were a priest responsible for the cure of souls! It would hardly be surprising if, under that kind of pressure, Wyclif's early clerical followers concluded that avoiding the harm to their like-minded friends that would ensue if they refrained from swearing on their behalf—harm that could literally amount to murder—outweighed the sin of a false oath that in any case met nearly all the strict criteria for swearing a true one.

Lollards did not immediately connect all of these dots to form a picture of falsely swearing away their true beliefs. Initially, some tried the opposite tack. One instruction manual for Lollards laid out sixteen doctrines commonly brought as accusations against

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<sup>17</sup> *...quod voces datas nobis ad edificacionem proximi non transferamus fatue in venenum. Nam ut sic convincimur proditorie venenosi prosimi occisores, et tales letiferi sunt occidendi et a fidelibus detestandi.* 341.

<sup>18</sup> *Venenum ergo lingue est abhominabile Deo et homini, nec est loquacitas lingue tam dampnabilis sicut proditoria taciturnitas, et specialiter in prelati, quia loquacitas eciam indiscerta evigilat soporatos, et exercitando prodest per accidents; mutitas autem est non esse et rei infructuose propinquior. Lingua autem datur homini ad exercicium; ideo qui tacendo culpabiliter linguam non exercitat directe obviat fini lingue.* 404.

them, explained in detail why each was partly true and partly false, and strongly hinted that, being partly false, they could all be denied without lying!

“Whoever schal see þes sixtene poyntis, be he wele ware þat in eueriche of hem i[s] hidde trewþe and falsehed, and who þat euer grantiþ al, grantiþ myche falsehed, and who þat euer denyeþ al, denyeþ many trewþes. Þerfore witte welle þis þat, wane a coupulatif is madde, þou3 þer be many trewþes, if it afferme a falshed, it schal be denied al togidur; falsenes is so venemus. Trewe cristen men schulden answere here aviseliche, troweliche and mekeliche to þe poyntis and articles þat ben put azens hem: aviseliche þat þei speike not vnkonningliche, trwliche þat þei speike not falseliche, and mekeliche þat þei speike not prowdeliche in her answere, and þan schal[!] be grace in þer speiking or answering be þe helpe of Crist.”<sup>19</sup>

The advice on demeanor--“mekeliche,” “not prowdeliche”--echoes the strategies of earlier heretical movements throughout Europe. The fourteenth century French inquisitor Jacques Fournier noted that some Cathars, such as a woman called Condors Marty who was interrogated in Carcassone, acted extremely humble, even kissing the inquisitor’s feet, with the intended result that, “Later the inquisitor released her although... she had not confessed the half of what she had done and what she knew about others.”<sup>20</sup> Nicholas Eymerich, the fourteenth century author of the most widely used inquisition manual, enumerated, among other heretical techniques of evasiveness, claiming to be too simple to understand the question or too humble to dare to contemplate such a deep issue.<sup>21</sup> However, the tactic of entirely denying every accusation, without verbal equivocation or mental reservation in the classic sense, on the theological justification that it contained a kernel of falsehood, appears

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<sup>19</sup> “Sixteen Points on which the Bishops accuse Lollards,” *Selections from English Wycliffite Writings*, ed. Anne Hudson (Medieval Academy of America, 1997), 20.

<sup>20</sup> Jean Duvernoy, ed., *Le Registre de Jacques Fournier (1318-1325)*, (Toulouse, 1965), II: 71-2, trans. James Given, *Inquisition and Medieval Society: Power Discipline, and Resistance in Languedoc* (Ithaca: Cornell University Press, 1997), 109-10.

<sup>21</sup> Nicholas Eymerich, *Directorivm Inquisitorvm R. P. F. Nicolai Eymerici, Ord. Præd. S. Theol. Mag. Inquisitoris hæreticæ prauitatis...* (Romae: In Aedibus Pop Rom, 1578), part 3, 290.

to have been a uniquely Lollard innovation. Despite all the language against “venumus” “falsenes,” this goes a good way towards the endorsement of outright lying.

The strategy of the “sixteen points,” could hardly be misunderstood by any Lollard who read it. Unfortunately, it was not likely to be misunderstood by any bishop who got hold of it, either, and opened the door to a perjury charge against any Lollard who simply denied everything (a tactic used with some success by another continental inquisitor, Bernard Gui, against the spiritual Franciscans).<sup>22</sup> Subtler methods were called for. Anne Hudson has described in detail how prominent Lollard clerics, in the highly publicized recantation sermons they usually had to give subsequent to their abjurations, used a coded language, easily comprehensible to their followers while sounding neutral to other lay listeners, in particular the use of the terms “knewn men” and “cristen men”<sup>23</sup> (which also appears in the “Sixteen Points” above and in most Lollard writing). Hudson convincingly speculates that these terms, even when used seemingly in endorsement of orthodox doctrine, would have been a clear signal to any Lollard in the audience that the apparent conversion was not what it seemed. Such coded sermons killed several birds with one stone: they allowed the preacher to continue doing his duty to his flock without sacrificing himself, let the faithful know that their leaders had not abandoned them, and, above all, taught them by example that abjuration was acceptable. The only problem was that the Wycliffite clerics who were likely to find themselves in the position of delivering such a sermon had to be educated first on what to do. This was not a simple matter, as by the early fifteenth century, most suspect preachers were living at least partly in hiding and often on

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<sup>22</sup> Bernard Gui, *Practica*, part V (trans. in *Heresies of the high middle ages*, Wakefield, Walter L. (Walter Leggett), Evans, Austin P. (Austin Patterson). Columbia University Press, c1991.), 435-6.

<sup>23</sup> Hudson, *The Premature Reformation* (Oxford: Oxford University Press, 1988), 165-75.

the run. It could by no means be guaranteed that someone who knew the stratagem would have a chance to talk to them privately, as Repingdon had probably done with Barton. The code was far too valuable to be risked in writing, as any evidence of it reaching orthodox episcopal hands would have shut the whole thing down. However, Repingdon, no slouch in subtlety, turned, I argue, to Barton in an attempt to spread the word in a nearly undecipherable fashion.

Philip Repingdon attempted to use the people on whose behalf he had intervened to spread the word, but there were limits to those efforts, especially when it came to communicating with lay Lollards. Furthermore, even the most successful transmission could not silence a minority of heretics who were uncomfortable with or downright opposed to false abjuration, nor could it prevent people who wanted to commit suicide by bishop from doing so. However, these cases, despite having received the lion's share of scholarly attention, were exceptional. This chapter will attempt to demonstrate just how exceptional, partly by looking at the circumstances and motivations of most of the few heretics who were executed from about 1400 through the 1510s, but primarily through two pairs of cases, each pitting a person who followed the abjuration system against one who rejected or was unaware of it. The first pair considers the fragmentary *Confutacio Lollardorum* of John Barton<sup>24</sup> and defiant *The Testimony of William Thorpe*, detailing his real or imagined debate with Archbishop Arundel. I argue that the former should be read as an attempt to spread knowledge of false abjurations, and the latter as a direct argument against them. The second pair consists of two women, apparently friends, who were tried

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<sup>24</sup> Barton was one of the people saved from a conviction for relapse by the direct intervention of Repingdon; see chapter 2. *Reg. Chichele* III: 15-16. Cf. *Records of Convocation V: Canterbury, 1414-1443*, ed. Gerald Bray (Woodbridge: The Boydell Press in association with the Church of England Record Society, 2005), 30-1, 42.

for relapse within weeks of each other in the same city, but while Alice Rowley carefully and successfully paved her way to her second abjuration, Joan Warde did almost everything possible to ensure that her bishop could not give her a second chance. These dualities serve to highlight the difficulty of initiating people into the secret of false oaths, but also how broadly accepted they were despite these problems.

Barton's *Confutacio* has hitherto been considered a standard anti-Lollard polemic.<sup>25</sup> Considered in detail, however, the text shows numerous features that are very non-standard, and contains passages that make little sense at all unless, as I argue, Barton was trying to make two contradictory points at once—a superficial anti-heretical argument for orthodox readers and a hidden argument for Lollard ones in favor of false abjuration. In other words, Barton, like Jesuits under oath two centuries later, was exploiting what Grice called implicature.<sup>26</sup> He put in indications that his true meaning was different from what he appeared to be stating, but counted on the likelihood that these markers would go over the heads of any non-Lollard.

Only a single, incomplete copy of Barton's *Confutacio Lollardorum* has survived, but it speaks to the conflict he experienced as a scholar evidently trained in distinctly Lollard

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<sup>25</sup> Ian Forrest mentions it briefly in this light, "English Provincial Constitutions and Inquisition into Lollardy," in *Culture of Inquisition in Medieval England*, ed. Mary C. Flannery and Katie L. Walter (Cambridge: D. S. Brewer, 2013), 58. Anne Hudson considers it as a straightforward evidence of Lollard beliefs, *Premature Reformation*, 309. No scholars have dealt with this document in depth or considered it as being in any way unusual.

<sup>26</sup> H. Paul Grice, *Intention and Uncertainty* (London: Oxford University Press, 1972).



habits of thought and writing.<sup>27</sup> Dedicated to Henry V, it is ostensibly a polemical appeal to parish priests to learn more about Lollardy for the purpose of combating it more effectively. Barton claimed deep knowledge of the subject without explaining how he acquired it, even though, as the examples of illustrious “former” Wycliffites such as Repingdon and Fleming show, admitting to having fallen into heresy himself would have been an advantage for getting the ecclesiastical establishment’s attention. Presumably then, the establishment was not the intended audience. Barton went to some length to portray himself as outsider, mentioning no clerical patron (including Repingdon) and no position of authority to support his self-proclaimed expertise. He even claimed to have been threatened by unnamed forces for trying to convert heretics.<sup>28</sup> This odd self-presentation is the first indication that this text and its author were not what they seem. Who in the nominally perfectly orthodox Church hierarchy would try to stop someone from writing against

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<sup>27</sup> All Souls MS 42, ff 308-314. It should be noted that while it is not absolutely certain that the renegade priest, Sir John Barton, in whose case Repingdon intervened (*Reg. Chichele* III: 15-16) is the same John Barton who abjured before the council six months later under the generic title “Magister” (*Reg. Chichele* III: 25) and was subsequently given a testimonial as a physician in good standing with the church (*Reg. Chichele* IV: 168-9), or the same who apologized in the *Confutacio* for writing as a layman (f313v), it seems likely. Even though the council had handed the case over to Repingdon, it would have needed to reach some resolution on it, and according to Repingdon’s statement in 1416 that the priest had fled his diocese six or seven years earlier, he would have been largely disconnected from the institutional church and from theological debate for at least twelve years by the time the *Confutacio* was dedicated. This would account for the self-description as a layman, “*Quasi diceretis, laicus es, nos ante clerici. Et ego respndeo: Scio que estis viri aptis [or apsis?], sed si siri tacueritis.*” There have also been more dubious identifications with several other John Bartons, a London chaplain, two London lawyers, and an Oxford master, all of whom, however, appear to have been at least a generation older and to have had firmly orthodox views and connections. H. O. Coxe, ed., *Catalogus codicum MSS qui in collegiis aulisque Oxoniensibus hodie adservantur*, (1852), II: 13; A. K. McHardy, ed., *The church in London, 1375–1392*, (London: Royal Society 13, 1977), 100: 14; Michael Wilks, *Oxford DNB*.

<sup>28</sup> *Et eos ad fidem convertere satago suis mendaciis et minis pro viribus prosecuntur sed per dei gratiam sub timore et amore, hic scribo*, f311r. This sentence will be analyzed in detail below.

heresy, and why would anyone who undertook such a mission find himself ostensibly without patrons?<sup>29</sup>

A second indication of something unusual is the presence of profoundly Wycliffite ideas that seem no less out of place in an anti-Lollard screed than a sudden mention of “True Christian men” in a recantation sermon. To be sure, there was cross-pollination between heretical and orthodox ideas through the fifteenth century.<sup>30</sup> Reginald Pecock as well as the readers of *Dives and Pauper* got themselves into trouble partly on that account, or at least it served as the excuse for disciplining them.<sup>31</sup> Here, however, Wycliffism permeates the work to such an extent as to mark the conversion that lay, unmentioned, behind it as somewhat suspect or incomplete. The dedication is to Henry V, with no mention of any clerical patron (including Repingdon). The responsibility of priests to the king for maintaining the order of the realm, coupled with distrust of clerics in position of temporal power, were of course at the heart of Wyclif’s worldview.<sup>32</sup> Accordingly, Barton based his claim to expertise on heresy not on any official position or endorsement but solely on years of study; an echo of the Lollard position on scripture that authority could be based only in deep reading.<sup>33</sup>

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<sup>29</sup> I am omitting detailed consideration of the possibility that the document is simply the product of an unstable person with both a messiah complex and a persecution complex, which is sometimes what it reads like to twenty-first century eyes. As explained below, Barton had managed, though certainly with help, to navigate ecclesiastical politics very skillfully, and the fact that his work did end up at All Soul’s College, albeit in a miscellany, suggests that some of his contemporaries at least thought it meaningful and worth reading.

<sup>30</sup> This is a topic that has attracted great interest: the most recent overview is Vincent Gillespie and Khantik Ghosh, *Religious Writing in Fifteenth Century England* (Turnhout: Brepols, 2011).

<sup>31</sup> See chapter 2.

<sup>32</sup> Wyclif discusses this most fully in *de Civili Dominio*, but it comes up everywhere.

<sup>33</sup> Also a pervasive idea in all of Wyclif’s and Wycliffite works; the most thorough survey is Anne Hudson, *Lollards and Their Books* (London: The Hambleton Press, 1985). See also chapter 1.

Furthermore, Barton detailed Lollard beliefs with great precision and elegance--he could almost be said to have dwelled lovingly on them. Even the context of a fairly concise list, he managed to describe not only the beliefs but the logic behind them. As a few examples,

“The Lollard believes that practicing the rites of the Church is necromancy and that the Roman Church is rebellion by having determined that these have merit... that auricular confession is not necessary, but rather a great sin that causes fornication... [that] is it not permissible to worship images so as not to commit idolatry... [that] there is not purgatory after death but [it is said] to be so for the sake of future money... [that] it is in no way permissible to endow a church, indeed the sanctuary is despoiled by his money.”<sup>34</sup>

This was not yet a standard list; Anne Hudson has noted that Barton’s is the earliest known mention in an anti-Lollard text of rejecting purgatory, for instance.<sup>35</sup> This could be part of his stated agenda of teaching orthodox clerics how to recognize Lollards, but it could equally well be a pointer to Lollard readers that he really was one of them and knew what he was saying. By contrast the section on orthodox beliefs is a sloppily composed throwaway without any background reasoning: for instance, “Adoring the saints is very pleasing to God,” full stop.<sup>36</sup> The whole section containing the orthodox positions on the points he raised about Lollardy contains the same number of points in about a third of the space.<sup>37</sup> The similarity in proportion to a heresy trial, with an elaborate examination of the

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<sup>34</sup> *Credit Lollarduo, primo, obsequia ecclesie praticum nigromancia et ecclesiam romanam cum eius determinacione meritorie rebellandum... et tertio confessionem auricularem non necessariam, sed magis peccatorum ut prodicionis fornicacionis seminatricem... , et sexto non licere adorare sanctos ut [att] ne ydolatrissetur... et octo, purgatorium non esse post mortem sed sic pro pecunia futura... et ecclesiam dotari (et) nullo modo licere, sed suis posse monibus etiam sacram spoliare... f311v.*

<sup>35</sup> Hudson, *Premature Reformation*, 309. By the end of the decade, the official, standardized questions for examining Lollards would echo Barton’s list: see Hudson, *Lollards and Their Books*, 133-9, and extensive discussion in my chapter 4.

<sup>36</sup> “Sanctos adorare deo multum placere,” f312v.

<sup>37</sup> ff312v-313r.

heretic's views followed by a short standard abjuration, is very suggestive.<sup>38</sup> It might be said that this is because Barton assumed his readers were familiar with the orthodox positions on these subjects, but in that case he would have done better to omit the section altogether. In fact it has no apparent purpose at all unless he were trying to teach Lollards on trial what to say.

The sharpest and most animated language in the "Credit catholicus" section, too, strongly echoes Lollard language. For instance, an exhortation to priests to "return to the fold" and resume their neglected pastoral responsibilities,<sup>39</sup> uses the metaphor of wolves in the sheepfold. This was a standard figure of speech in Lollard sermons criticizing the mendicant orders or non-preaching parish priests. Wyclif had started the trend himself: "Crist biddeth vs be waar thes false prophetis that comen in clothing of sheepe and ben wolues of rauening, and thes be specially men of thes new ordris."<sup>40</sup> Still more striking is the similarity between Barton's language and that of Robert Lynchlade in a late erupting of Wycliffism at Oxford in 1395. Here is Lynchlade:

The ferocious wolf of secular power [that is, as illegitimately exercised by the Church] rages, but rare is the dog that barks, the pastor who confronts the wolf and resists, and rarest of all a David who, tending his father's flock, when a lion or bear comes and tears a ram of the flock, pursues them and strikes them, and tears the sheep from their mouth... but alas, nowadays priests and prelates care little or nothing about preaching God's word...<sup>41</sup>

Barton, on the other hand, proclaimed: "You fear what is written above. I fear it myself, lest it fail you. Now the judgment of God smites among us, so that only [?] are dragged from the

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<sup>38</sup> See chapter 4.

<sup>39</sup> repeated many times ff313v-314r.

<sup>40</sup> *Tractatus de pseudo freris*, cited in Wyclif's *Apology*, ix-x.

<sup>41</sup> *Lupus ferax secularis potencie seuit, set raris est canis qui oblatret, rarior postor qui occurat et obstet, rarissimums David qui patris sui gregem pascens, leone uel urso et grege arietem tollente, sequator ut perseciat ouesque eruat de faucibus eorundum: qui eciam aduersus se consurgant, mentum earum apprehendens ipsas suffocet et extinguet. [8] Set heu, iam diebus sacerdotes aut prelati nihil mocicum curant de predicacione verbi Dei...* Siegfried Wenzel, "Robert Lynchlade's Oxford Sermon of 1395," *Traditio* 53 (1998), 211-15, translation Wenzel's.

fold; now the wolf of heresy tears the sheep.”<sup>42</sup> It should be noted that “the wolf of heresy” is not a common phrase. Anti-Lollard sermons, as noted in the discussion of Roger Dymmock in chapter one, nearly always referred to heretics as poisonous snakes, not wolves.<sup>43</sup> The Barton fragment does not mention snakes at all. It is possible, of course, that this choice of fauna and the use of Lollard language generally merely reflects old habits: Barton had been a Lollard, Lollards often called their theological and rhetorical opponents wolves, so he simply continued to call his opponents wolves regardless of who they were. Preaching, however, as Simon Forde has noted, was a major priority of Repingdon’s; he continued to practice and to promote it throughout his Wycliffite and orthodox, academic and administrative phases.<sup>44</sup> This is one of several subtle hints that the document was not, as it appeared, an idiosyncratic individual attempt to influence heresy policies, but rather was thoroughly tied to Repingdon’s agenda.

The circumstances of the *Confutacio*’s production hint strongly at Repingdon’s unacknowledged involvement. As we have seen, Repingdon interfered in Barton’s trial as a relapsed heretic in 1416, claiming the original case against Barton was still open, and taking custody of him on the strength of it. This custody presumably lasted six months, until Barton’s abjuration before the full convocation. There is apparently no evidence as to where Barton was kept during this period, but I would suggest it as at least a possibility that he

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<sup>42</sup> All Souls MS 42 f 314r.

<sup>43</sup> Rogeri Dymmok, *Liber contra XII errores et hereses Lollardorum*, ed. Rev. H. S. Cronin (London : Pub. for the Wyclif Society by K. Paul, Trench, Trübner & Co., Ltd., 1922), 5-6, 11-15. Cf. Ian Forrest, *Detection*, 156; *Charitable Hatred: Tolerance and Intolerance in England, 1500-1700* (Manchester: Manchester University Press, 2006), 189 for additional discussion of serpent imagery.

<sup>44</sup> Simon Forde, *Writings of a Reformer: A look at Sermon Studies and Bible Studies through Repyngdon's Sermones super Evangelia Dominicalia* (unpublished thesis, University of Birmingham, 1985).

was simply living in Repingdon's household.<sup>45</sup> It is certain, at any rate, that in early 1417, he was given a testimonial, signed by every bishop present at the Provincial Council at St. Paul's.<sup>46</sup> This document stated that John Barton, physician of London, had purged himself of heresy before the council (meaning that he was technically not reconciled but innocent from the beginning); that the reader was to hold him innocent of heresy; and that the bishops had restored his pristine reputation.<sup>47</sup> Other bishops occasionally issued testimonials individually, but something on this scale, with every bishop on board, is unique.<sup>48</sup> Only Repingdon, it is safe to say, could have managed to obtain it for him. Thus, Repingdon had physical control of and possibly continual contact with Barton for a considerable period and entirely determined his future career in a very different direction from the way it was otherwise likely to go. It is not unreasonable to suppose that any major project Barton began at this time would have been conceived under Repingdon's influence and possibly his orders. Barton does not say when he began writing the *Confutacio*, which he completed in 1421, and as only a thirteen page fragment survived, it is impossible to

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<sup>45</sup> Barton's case, as I have previously noted, is not mentioned in Repingdon's register at all. Episcopal registers certainly did not necessarily record every person sent to the bishop's prison(s), but Repingdon's does seem fairly scrupulous about noting unusual cases, for instance, the group of rebels including Mybbe. There is also no evidence that Barton was sent to Leicester Abbey, for instance, which might have been a reasonable place for Repingdon, as former abbot, to use for a lighter confinement. While absence of evidence is never conclusive, it is possible that he was not under restraint at all.

<sup>46</sup> *Reg. Chichele* III: 25.

<sup>47</sup> "Quocirca universitatem vestram requirimus et rogamus quatinus eundem Johannes Barton' sic ut premittitur purgatum sinceris affectibus amplectentes ipsum virum bone fame et quo ad premissa innoxium de cetero heabeatis, quem eciam nos sue fame pristinae quantum in nobis est reducimus et restituimus per presentes sigillo nostra consignatas." *Reg. Chichele* IV: 169. This document also states that Barton had asked for the restoration of his reputation [I think?]: "...dictis confratribus nostris humiliter supplicavit quatinus ipsum ad purgacionem suam de et super infamia hujusmodi recipere et admittere dignaremur," which was unusual and may have been suggested by Repingdon. The testimonial was given a year after his initial appearance before the council, and he had apparently spent half that time in Repingdon's custody, (*Ibid.* III:15) which would have certainly affected his medical practice.

<sup>48</sup> Notebook of Master William Symond, 1440s. H.G. Richardson, "An Oxford Lawyer's Notebook," in *Formularies which Bear on the History of Oxford*, ed. H.E. Salter, W.A. Pantin, and H.G. Richardson (Oxford: Oxford Historical Society, 1942), II: 453-6. These kinds of testimonials, and their use and acceptance by clerics never suspected of heresy, will be discussed in chapter four.

know how long the finished document was. His repeated complaints about the scale of the work, however, using words like “tediously” and “patiently” compiled, suggest a project of considerable duration which could very well have been begun or first thought of in 1416-17, when his person, career, and for a little while his life itself lay entirely in Repingdon’s hands.<sup>49</sup>

What, then, was the message that Repingdon desired Barton to convey? It can be excavated I argue, from the layers of meaning within a single sentence, apparently merely a bit of self-aggrandizement, “*Et eos ad fidem convertere satago suis mendaciis et minis pro viribus prosecuntur sed per dei gratiam sub timore et amore, hic scribo,*” “And I do my best to convert them to the faith[;] they pursue me in force with their lies and threats but, by the grace of God under fear and love, I write this.”<sup>50</sup> This statement is problematic from the outset. No open Lollard at this time, or indeed at any time since 1382, could have possibly been in a position to threaten him. It is equally unlikely that any orthodox person could have been after him, out of concern that he was still too close to heresy; his extravagantly signed testimonial explicitly stated that it was written to prevent any such suspicion. If anyone thought all this was protesting too much, they would have been involving every bishop in England in the same cloud of suspicion. There is a slight possibility, I should acknowledge, that Barton genuinely converted to orthodoxy, perhaps at some point subsequent to his close dealings with Repingdon, that Repingdon himself was trying to shut his former protégé down, and that Barton was afraid to name him (or did so only in the part

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<sup>49</sup> See especially 3010r, “*Et ego Johannes Barton maximus omnium peccatorum et minimus omnium christianorum, horum tu verus confessor articulorum, plus quiter septem annos, et tediose et patientur audivi lollardus. Tediose inquirer, cum semper planam theodocus essem veritatem quiter non semper plane ausus eram consiteri. Ut callidus tamen christi explorator patientur exspectare diu dispositum.*”

<sup>50</sup> f311v.

of the document that is missing). If that were the case, it would be powerful evidence of Repingdon's involvement in protecting Lollards into the last years of his life. The heavily Wycliffite language and tone of the piece, however, make this interpretation less likely in my opinion than the alternative that the piece was in effect a coded message to Lollards.

The code for the strange little sentence might run something like this. (To repeat it for convenience: "And I do my best to convert them to the faith; they pursue me in force with their lies and threats but, by the grace of God under fear and love, I write this.") The key words and phrases are "taking trouble—or being in trouble—to convert," "lies," "persecuted," and perhaps, "grace" and "under fear and love," and "write." The word choice stands out a little. "Satago," "I make an effort," or "I take trouble over" or "I am hard-pressed about," is a rather unusual verb with a useful uncertainty about its meaning. "Fear and love" clearly references St. Augustine—particularly the famous passages about fear proceeding from the threat of losing what one loves and the superiority of penitence out of love to that which derives from fear.<sup>51</sup> Putting these words together in a different way, one could get, "If you are in trouble/are hard-pressed to convert, if you are pursued and threatened, use lies, and you will be given grace; under fear, still love what is written." Lollards, as has often been noted, defined themselves very much by their books.<sup>52</sup> The Augustinian subtext further suggests that if a Lollard lied—even under oath—about his faith, from fear of losing all about it that he loved, then love of his (Wyclif) Bible and his other good books, and of his God, combined perhaps with true penitence for what a false abjurer had to do, that was a way to rise above the persecution that made him do it. This interpretation turns the

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<sup>51</sup> Augustine, QQ 83; Letter CXLV to Anastasias, 413.

<sup>52</sup> See Note 23.



sentence from a purposeless whine about the difficulties of the unsanctioned heresy hunter to a promise of divine forgiveness to heretics who lie when they are caught.

This coded interpretation is signaled, I argue, by the choice of biblical quotations that surround this sentence. This section follows, without a break, the list of Lollard beliefs, with the link being, “God save us from their deceit.” Thus the Lollard reader, having gone through an unusually knowledgeable and careful account of his beliefs, is alerted that the next section is about handling lies. Immediately before *Et eos ad fidem convertere...* Barton cited Proverbs 9:7 [correctly, as with all the citations in this section]: “Correct an insolent person, and you earn abuse; reprove a bad one, and you will acquire his faults.”<sup>53</sup> This ostensibly refers to the threats Barton complained of, but in context could equally well be a suggestion that it is pointless for a Lollard to try to argue with the bishop trying him. Immediately after our coded sentence comes, “One whose life is pure lives in safety, but one whose ways are crooked is brought low (Proverbs 10:9).”<sup>54</sup> The concept of a pure life was a favorite one with Wyclif and his followers; their favorite self-perceived identity as “known men” and “true Christian men” implicitly referred to it. The liar feeding on the winds is a reference to Hosea 12:1: “Ephraim feeds on wind, he pursues the east wind all die; he piles up treachery and havoc, he makes a treaty with Assyria...”<sup>55</sup> Read not as a contrast, as it appears, but as a single set of instructions, Barton was telling his co-religionists that in order to continue living purely as true Christian men, and to avoid being brought low, they needed to lie and make a covenant with Assyria, i.e. the ecclesiastical hierarchy. This idea

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<sup>53</sup> *Sed qui erudit derisorem ipse sibi iniuriam facit et qui arguit impium generat maculam sibi, Proverbi 9, f312r.* Translations from *The Oxford Study Bible*.

<sup>54</sup> *Qui vititer mendaciis, hic pascit ventos. Idem artem sequitur aves volantes. Et qui ambulat simpliciter ambulat confidenter, qui artem depravat vias suas manifestas erit, Proverbia 10, f312r.*

<sup>55</sup> Another translation, “He multiplies lies and violence,” from the *New International Version*, is still more to the point.

was repeated near the point where the document breaks off, “You will lie with crying and grieving and nobody will pity you. Fear therefore what I tell you of Babylon, Revelations 18.”<sup>56</sup> In the coded interpretation this would come out as, you are facing a bad Babylonian order that is powerful and pitiless, therefore you will lie, because you must.

Viewed in this light, the document acquires a good deal of coherence and sense it otherwise lacks. Its odd instability of authorial voice resulted from Barton's efforts to balance multiple, conflicting aims. The elegant exposition of Lollard beliefs, including ones not yet known to most anti-Lollard polemicists, was a signal, to those who held those beliefs, that Barton was one of them and that he was addressing a hidden message to them. The curt and disjointed opposing list of orthodox beliefs was a suggestion for things it was permissible to say when abjuring. Every mention of lying and deceit was not only a flag for the double meaning of the whole text but also a specific example of what a Lollard might practice deception about, such as preaching, their belief that they were in a state of grace whereas those questioning them were not, and the overarching fact that they were lying in response to persecution. Even the royal dedication might perhaps have been intended as a reminder of the way that Henry's grandfather, John of Gaunt, had protected the earliest Lollards by publicly urging them to abjure and then continuing his patronage when they did. Indeed, a Lollard reader might conclude from that association that Repingdon, the first subject of this strategy and closely associated with the Lancastrian princes for three generations, had endorsed the text and that there was a parallel, unwritten dedication to

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<sup>56</sup> “Cum flentes et lugentes mendicabit et nullus miserebitur vobis. Timete igitur iam quod de Babilone sic scribitur. Appocalipsis 18.” f314r. In fact this quotation is nowhere to be found in the cited chapter, and all of the biblical quotations in this section, just before the document and folio are miscited or even, apparently, invented. It is not clear whether this was deliberate or whether the copyist intentionally stopped at this point, perhaps suspecting something fishy.

him. Everything was aimed at explaining to Lollard readers that false conversion was a useful and acceptable way to respond to trials literal and spiritual.

The greatest problem with instituting the system was to ensure that Lollards knew how they were supposed to behave on trial. It is fairly obvious that instructions could not be delivered explicitly: if a single orthodox person anywhere heard a sermon stating something to the effect of, "Abjure falsely, pretend to convert, then carry on as normal," the whole thing could no longer work. On top of that, some of the true believers might rebel against being pushed into quiescence by their own leaders. This last problem was by no means unique to Lollardy. Silvana Seidel Menchi depicts how, in mid-sixteenth century Italy, Protestant sympathizers were divided between an "attack strategy," including pamphleteering, interrupting sermons, showing up to trials with armed guards (much as Wyclif had done with John of Gaunt in the 1370s),<sup>57</sup> and even occasionally beating up inquisitors;<sup>58</sup> and "a type of *omertà* (her word) which reduced the inquisitors... to a state of impotence."<sup>59</sup> In medieval England as in early modern Italy, *omertà* proved by far the more effective strategy and eventually won out, but, again similarly, the tension took several decades to resolve itself, and the process included a few dramatic conflagrations in which a heretic thought he could bludgeon the authorities, verbally if not literally, into submission.

Barton's inconsistencies are fully evident and interpretable only when highlighted against the unusual circumstances of his encounters with the law: his initial resistance to abjuration, as evidenced by his having fled the diocese rather than face trial, and the

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<sup>57</sup> FZ xxvii.

<sup>58</sup> Silvana Seidel Menchi, "Inquisizione come Repressione o Inquisizione come Mediazione? Una proposta di periodizzazione," *Anuario dell'Instituto storia italiano per l'età moderna e contemporanea* 35 (Jan 1983): 56; 59-63.

<sup>59</sup> *Ibid.* 56-57.

personal intervention in his case by a very high ranking cleric. These were also features of a much better known case with a very different tenor and outcome, the 1407 interrogation by Archbishop Arundel of William Thorpe, who consistently refused to abjure despite heavy pressure and even entreaties to do so. It is significant not only that at this early date, a heretic presented himself not only as resisting abjuration, but also that he did so in explicit opposition to the Repingdon model, whose moral legitimacy he strongly disputed. Thorpe complained to Arundel of:

*"how Filip of Repintoun pursueth now cristen peple, and þe feynynge þat þese dissimulen/now þoru3 worldli prudence, kpyngge so couertli in her prechingge, and comownynge wiþinne þe boundis and þe teermes whiche wiþouten blame mowen be spoken ..."*<sup>60</sup>

It is probable that Thorpe, who called his abjuration, and those of other famous Wycliffites, "sclaundres," did not fully understand Repingdon's strategy or the motivation behind it, attributing his actions, instead, to "temperal profit," "worldly worschip," and fleischly lusts.<sup>61</sup> There is no evidence that the two ever met, and Thorpe's mention of having been imprisoned in Shrewsbury suggests that (supposing he was a real person) he did not live in Repingdon's diocese.<sup>62</sup> Nevertheless, well before Barton's coded message went out, he clearly understood the implications of what Repingdon was doing: that it encouraged dissimulation and self-censorship.

Interestingly, Katherine Little has suggested that Thorpe associated his interrogation with auricular confession--a person claiming authority shut up with him in a small space

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<sup>60</sup> "The Testimony of William Thorpe," *Two Wycliffite Texts*, ed. Anne Hudson (Oxford: Oxford University Press for the Early English Text Society, 1993), 39, lines 507-10, cf. Bodley, MS Rawlinson C.208, ff 21v-22r

<sup>61</sup> *Ibid.* "Scandalous," *ibid.*, worldly motives, 89. He also mentioned Hereford and Purvey by name, as well as the less famous Robert Bowland, in both passages.

<sup>62</sup> *Ibid.* 24, fl.

trying to probe his soul, and making use of a deceitful informant precisely on the subject of the legitimacy of confession.<sup>63</sup> This is a view consistent with some of Wyclif's statements about confession, for instance, speaking of the public confession of the good thief, "Truly no one could find such an authentic and solemn auricular confession in scripture,"<sup>64</sup> but it should be noted that Thorpe and other fifteenth century Wycliffites went further than Wyclif himself in condemning the practice. For him it was not illegitimate per se, merely flawed and "superfluous", claiming, like other *rites privates*, as an exclusive authority for the ecclesiastical hierarchy that it could not genuinely possess.<sup>65</sup> Somewhat along similar lines, but from the opposite point of view, Helen Barr contrasts Thorpe's attitude with an early fifteenth century poem supporting the sacrament of confession, a work that, she argues, was an attack on Lollards even though it never mentioned them, and was trying to devalue heresy by silencing it.<sup>66</sup> In both cases, silence and secrecy had not yet become part of the Lollards' defense but were seen, positively or negatively, as tools of the Church to control them. For a rather literal-minded reader of Wyclif, Repingdon's exploitation of such vehemently condemned practices was as great a betrayal of the master as there could be. In this context, the venom of his criticism is easily understandable, and provides further evidence that there existed a policy of what he would consider lying, that it was generated

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<sup>63</sup> Katherine C. Little, *Confession and Resistance: Defining the Self in Late Medieval England* (Notre Dame University Press, 2006), 63-69.

<sup>64</sup> "*Tam vero autenticam et solempnem confessionem auricularem nemo inveniet in scriptura*," Wyclif, *De Blasphemia*, 121.

<sup>65</sup> *Ibid.* 111-171. Cf. "On the Twenty-Five Articles" in *Select Works of John Wyclif*, ed. Thomas Arnold (Oxford: Clarendon Press, 1869-71), III: 461 (this piece is no longer considered to be by Wyclif).

<sup>66</sup> Helen Barr, "The Deafening Silence of Lollardy," *Wycliffite Controversies*, ed. Mishtooni Bose and Patrick Hornbeck (Brepols, 2011), 243-260. The poem is the *Digby Lyrics* from 1413 (Bodleian Library MS Digby 102; *The Digby Poems*, ed. Helen Barr, Exeter: University of Exeter Press, 2009).

by Repingdon, and also that it did not become standard Lollard practice without some initial pushback.

Not all Lollards, especially in the first half century or so into the movement's existence, considered false abjurations a morally permissible option. Thorpe was one of several combative heretics whose writings and biographies/hagiographies were promoted by John Bale, John Foxe, and other sixteenth century scholars eager to establish a pedigree for Protestantism in England. During the twentieth century, especially, it has become well established that these were a tiny minority with limited influence on the behavior of the much greater number of abjuring Lollards, but it has been less acknowledged that they were fighting the abjuring majority of the heretics as much as the established church. Repingdon was in effect the leader and shaper of that majority, as Thorpe admitted by singling him out for special criticism in his rejection of recantation, and as Arundel underlined by putting him forth as model:

*...as touching Filip of R[e]pintoun, þat was first chanoun and aftirwarde abbot of Leycetre, whiche is now bischop of Lyncolne, I telle to þee þat... he neiþer holdiþ now, neiþer will holde, þe loore þat he tauzte whanne he was no but chanoun of Leycetre...<sup>67</sup>*

Arundel's confidence that Repingdon would never again "holde þe loore þat he tauzte" suggests that he understood the model the Bishop of Lincoln was trying to establish at least as well as, probably better than, the heretic he was interrogating, and clearly, he approved of it. The reasons for a champion of orthodoxy to take such a position will be examined in the next chapter.

It is evident that any debate about the legitimacy of abjuration was necessarily also a debate about Repingdon, and although he was not similarly mentioned by name in the

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<sup>67</sup> *Two Wycliffite Texts* 42 (ff 26-7)

proceedings against other defiant heretics, there are indications that their resistance to repeating their first abjurations represented a transition from the Repindon-sponsored majority position towards what later emerged as a purist minority one. Indeed William Sawtre, in his second and final trial, copied Repingdon's strategy at his first interrogation almost to the point of quotation, for instance by assenting to Church doctrines "where such a determination is not contrary to divine will," but where Repingdon was moving from open defiance to modified defiance to eventual abjuration, Sawtre and a similar case, Henry Crump, went in the opposite direction, from modified defense to defiance, and were consequently executed.<sup>68</sup> Modified defense had become the same thing as open defiance, so that in the future there would be no models for heretics to follow except the encouraged one of Barton (along with Drake, Mybbe, and the other repeat compurgators and abjurors encountered in the last chapter) or a stand of total rebellion as embraced by Thorpe. The failure of a middle ground is exemplified that by the fact that John Oldcastle himself made an equally unsuccessful attempt at a partial abjuration.<sup>69</sup>

Probably the last people in the fifteenth century to attempt the half-way strategy at re-trial were Ralph Mungyn at the 1428 Canterbury convention, the same that cemented the abjuration system, and William White at the Norwich trials later that year. Mungyn was the subject of a massive, failed effort to get him to abjure, organized and led by Richard Fleming, Repingdon's protégé and successor, with the assistance of several other bishops

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<sup>68</sup> "Ad ipsam interrogationem dictus dom. Willelmus dixit, quod vellet stare determinationi ecclesiae, ubi tallis determinatio non esset divinae voluntati contraria," D. Wilkins, ed., *Concilia Magnae Britanniae et Hiberniae* (London: R. Gosling, in vico, dicto Fleet Street... 1737), III: 256. Paul Strohm considers Sawtre to have been a political pawn and "dupe" (*England's Empty Throne*, 40-45); in fact his argument was subtle, his language humble, full of "submitting" to neutral things, and explicitly aimed at arguing that he was not relapsed. The bishops did not respond not because they were determined to burn him but because they had decided that they wanted full abjurations, not partial ones. Crump, see *FZ* 438-9. Other unusual details of these cases will be examined in chapter four.

<sup>69</sup> Oldcastle trial in *FZ*, 433-50.

and numerous theologians and lawyers.<sup>70</sup> Too many cooks may have been part of the problem: Mungyn may not have recognized Fleming's intervention as friendly when in such company. The trials of a large Lollard circle in Norwich led by White were, interestingly, the first proceedings in which dozens, rather than a handful, of abjurations were churned out.<sup>71</sup> White, an influential preacher and writer, had previously used other tactics, including abjuration and moving to different dioceses several times (he started out in Tenterden, Kent, which became another Lollard hotbed).<sup>72</sup> It can be stated with some confidence, then, that White was far from ignorant of the conventions of heresy trials, and that his defense was a conscious decision to attack the authorities trying him, in a manner that showcased his theological knowledge as equal to theirs.<sup>73</sup> White's execution, along with those of his colleagues Hugh Pye and John Waddon, were among the last burnings of high profile Wycliffite preachers the fifteenth century.<sup>74</sup>

A mark of the transition from even limited defiance to the full triumph of abjuration, however, is that although these men did not ultimately follow through with abjurations a second time, it is quite possible that they had instructed their lay adherents not to follow their example. Fifty-five Lollards in Norwich abjured, without any recorded hesitation or attempt to deny the charges, in the three years following White and Pye's own trials and

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<sup>70</sup> *Reg. Chichele* III: 198.

<sup>71</sup> White's final trial in FZ, 417-32.

<sup>72</sup> First trial, *reg. Chichele* III, 85; declared unable to be found, *Ibid.* IV: 297.

<sup>73</sup> White's final trial, including his defiant defense, in FZ, 417-32.

<sup>74</sup> There are mentions of Pye's and Waddon's final trials and executions in *Annales Monasterii Sancti Albani a Johanne Amundesham conscripti* ed HT Riley (Rolls Series, London, 1870-1), I:29 and *The Records of the City of Norwich* ed W Hudson & J Tingey (Norwich, 1906-10), II:66, but not accounts of their conduct. Cf. Foxe, *Acts*, Book 6 (1570 ed), 803-809. Pye was an iconoclast who had previously admitted throwing a cross into a fire (Foxe, 803), so it is not improbable that he also behaved defiantly. See Margaret Aston, *Lollards and Reformers* (London: Hambledon Press, 1984), 81-94, on White's and Pye's leadership roles. There was one execution of a Lollard preacher in the 1440s, Richard Wyche.



executions.<sup>75</sup> There appear to have been a similar number around the same time in Bury St. Edmunds, also under their influence.<sup>76</sup> Every one of the Norwich fifty-five abjured the same list of beliefs: rejection of baptism, confirmation, confession, church-sanctioned matrimony, tithes, fasting on festivals, pilgrimage, and worship of images; that censure from a priest or bishop only backfires on himself; and acceptance of work on Sundays and festivals.<sup>77</sup> There were occasional variations in the order in which these were mentioned, and some people's recantations included additional items, such as the priesthood of--once again--"every good christene man,"<sup>78</sup> rejection of the Eucharist,<sup>79</sup> or, again and most ironically in the circumstances, "that it is not leful to sware in ony case."<sup>80</sup> However, these were among the last traces of individuality to appear in English heresy trials for quite some time. It appears that within half a century of the first Wycliffite trials at Oxford, just as the bishops' policy on the matter had become settled,<sup>81</sup> assembly-line style abjurations had become an accepted part of Lollard strategy.

There are other hints that by the 1420s, abjuration was so broadly understood as the only appropriate response to a heresy charge that even people with dubious if any connection to Lollardy were aware of it. In 1427, the year before the above group trial, a prioress in Norwich, Isabella Hermyte, was removed from her post after being convicted of a variety of offenses, including several types of financial mismanagement, incontinence, not

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<sup>75</sup> Norman Tanner, *Norwich Heresy Trials* (London: Royal Historical Society, 1977).

<sup>76</sup> Contemporary records of these trials have not survived, but Foxe claimed there were one hundred and twenty trials between the two cities during this period. Foxe, *Acts*, Book 6 (1570 ed), 804.

<sup>77</sup> Tanner, *NHT*

<sup>78</sup> e.g. Thomas Mone of Ludney, in Tanner, *NHT*, 179.

<sup>79</sup> e.g. John Pert of Ludney, *ibid.*, 170.

<sup>80</sup> e.g. John Fynche of Colchester, *ibid.*, 185.

<sup>81</sup> In the 1428 formulary on heresy that will be considered in depth in the next chapter.

observing feast days and other regulations, and Lollardy.<sup>82</sup> She denied most of the charges and attempted, unsuccessfully, to contest them, but confessed to two of them: having allowed the convent to become dilapidated, which was the most minor offense in the list, and heresy, which she abjured, immediately and without making difficulties. This is all the more notable as it is even less clear in her case than in most whether she was actually a Lollard. The accusations of not keeping chaplains or observing feast days, and of living with her bailiff, are consistent with Lollardy, but it would not make her embezzle or mistreat her nuns, and as most of the evidence came from one of the novices who had been caught sleeping with a married man and claimed to be following the prioress's example, the whole story was a bit fishy. Regardless, when it came to heresy, this otherwise unlucky woman, despite being inclined to be combative and probably having had limited opportunities to interact with Lollards in her community, obviously knew exactly what she was supposed to do.

Nevertheless, there were exceptions to this near-universal understanding, even in the sixteenth century, when the abjurations system had been in place for many generations. The only heretic executed in a spate of trials in Coventry in 1511-12 was Joan Warde, a relapsed woman of sixty, who, cruel as it sounds, seems to have partly invited her fate in a series of errors in handling the problem of her previous abjuration.<sup>83</sup> It should be noted that on that occasion she had suffered the somewhat unusual penalty of being branded,<sup>84</sup>

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<sup>82</sup> *Visitation of Religious Houses in the Diocese of Lincoln, 1436-1449*, Part 2, ed. A. Hamilton Thompson (London: Canterbury and York Society, 1969), 414-417.

<sup>83</sup> Warde's trial, see Shannon McSheffrey and Norman Tanner, *Lollards of Coventry* (Cambridge: CUP for Royal Historical Society, 2003), 178-182, 238-240, 252-258. It should be noted that a dozen of the other people investigated at the same time did not abjure, but the authorities concluded that they could not be proved to be heretics and said they should be "enquired against further" (243-9). There is no evidence that any such follow-ups took place.

<sup>84</sup> *Ibid.* 239.

and bearing such an obvious sign of her relapse may have been what led her to believe that her situation was hopeless, and to answer her interrogators with less care than she might have done. In fact, even such a disability as that probably could have been gotten around, as may be illuminated by comparing her appearances with those of her fellow relapsee (and, according to Warde's testimony, the person who taught her heretical beliefs), Alice Rowley.<sup>85</sup> Both admitted the fact of their relapse promptly. However, Rowley, who had purged herself the first time, got around it by claiming that her compurgation was false, and therefore was allowed to abjure!<sup>86</sup> This was not a new strategy; it had been deployed in exactly the same way by a man called John Fynche in Norwich eighty years earlier, the same person who had abjured belief in the illegitimacy of oaths. As with Rowley, claiming to be a perjurer rather than a relapsed heretic saved him when less flexible co-religionists ended up on the stake,<sup>87</sup> and the tactic bears an obvious family resemblance to the case that Repingdon had created for Barton. Warde, having an undeniable prior abjuration, could not have followed this strategy exactly, but she could have joined her husband Thomas, along with another relapsee, Matthew Markelond, in a kind of inverse take on it, claiming that the first abjurations were genuine, and that all subsequent contact with other accused Lollards (Thomas Warde had a long list that conveniently did not include Markelond) was purely commercial or social.<sup>88</sup> It was not a terribly believable claim, especially given his wife's conduct, but it worked: he was allowed to join a group abjuration and given a lesser penance than the other members.<sup>89</sup>

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<sup>85</sup> Rowley's trial, *ibid.*, 123-4, 155-161, 230, 241-2, 273-6.

<sup>86</sup> *Ibid.* 241-2

<sup>87</sup> Tanner, NHT, 181-8

<sup>88</sup> Tanner, *Coventry*, 152, 202-4. Tanner believes these claims of having given up Lollardy may have been genuine; 47.

<sup>89</sup> He did not have to carry a faggot. *Ibid.* 205-7, 273-6.

That was not Joan Warde's only bad decision. Both women named more names of fellow heretics than most of those accused with them, but Rowley, in common with most of the people on trial, took care to claim ignorance of the activities of the people who, besides herself were most central to the circle, Roger Landesdale and his family and Robert Silkby.<sup>90</sup> This not only reduced the danger to them, but also made her seem less connected within the movement than she really was. The fact that she had sixteen compurgators at her previous trial, instead of the usual one or two, suggests just how connected.<sup>91</sup> Warde, on the other hand, not only admitted knowing all about Landesdale and Silkby, including their real names (both were living under aliases, suggesting a previous abjuration in another diocese), but even to circulating a book that one of them had given her, making her seem a lynchpin of the circle.<sup>92</sup> Even worse, Warde initially tried to avoid naming others, saying, "Since it is certain that I will die for my faults, do not disturb my spirit,"<sup>93</sup> encapsulating the unnecessary fatalism with which she treated the whole proceeding, further demonstrated by her refusal to say anything at all at her last appearance, and so helping to assure precisely that outcome. She could not have reached the conclusion of the proceedings still believing execution inevitable: the second half of her trial, when she admitted everything, was left until the very end of the proceeding, so she had plenty of opportunity to learn from the way her husband, mentor, and other co-religionists conducted themselves. It is unclear why she did not change her tack at that point; possibly she thought it was too late. It is all

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<sup>90</sup> "Asked whether since 1506 she had conversed with Roger Landesdale and others named above, or had heard any of them reading heretical books, or had supported their beliefs, she said no," *ibid.* 124. Silkby, along with seven others from this group, was in fact executed for relapse nine years later in what was, as we shall see, a very different climate, *ibid.* 6, 9-10.

<sup>91</sup> More on Rowley's social connections, see McSheffrey, *Gender and Heresy*, 123-4.

<sup>92</sup> Tanner, *Coventry*, 10, 123-4, 155-61, 78-82.

<sup>93</sup> Tanner, *Coventry*, 181.

too sadly clear that she lacked the will to fight, when fighting meant the thoughtful strategizing and careful lying that was necessary for the already abjured to set up a repeat performance.

Another obvious case of refusing to play by the rules appears to have been driven by intra-family strife, to the extent that it might be called a juridical matricide rather than an execution for heresy, a phenomenon that had some precedent in continental inquisitions.<sup>94</sup> One of the Tenterden circle in Kent, Agnes Grebill, was a relapsee who had evidence given against her by her husband and sons.<sup>95</sup> While the former may have been trying to lessen her guilt by saying that he had converted her to heresy himself (though if so, he undermined it by declaring how long she had held such beliefs), the sons' claim that she had tried to convert them since they were teenagers, and that they had initially resisted, was damning, as Grebill herself realized, declaring "that she repented the tyme that ever she bare those children of her body."<sup>96</sup> Her reaction was to deny everything, which was tantamount to throwing wood on the fire her sons had lighted under her, and gave the bishop trying her no option. She seems to have been more driven by despair than by

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<sup>94</sup> For examples of families killing each other by heresy trial, see Bernard Gui, *Liber Sententiarum* 95-6, cf. Given, *Inquisition and Medieval Society*, 142, quoting Célestin Douais, ed. *Documents pour servir à l'histoire de l'inquisition dans le Languedoc* (société de l'Histoire de France Paris 1900), 2: 214-15.

<sup>95</sup> *Kent Heresy Proceedings, 1511-1512* (Kent Archaeological Society: Kent Records xxvi, 1997), 18-25. John Foxe, *Acts and Monuments*, 1570 ed., book 8, 1493-4. See also Robert Lutton, *Lollardy and Orthodoxy in Pre-Reformation England* (Royal Historical Society, Boydell press, 2006), 159-165; Shannon McSheffrey, *Gender and Heresy* (Philadelphia: Univ of Pennsylvania Press, 1995), 110-112.

<sup>96</sup> Foxe, 1570 ed., 1494.

ignorance of how easy it would be to abjure again.<sup>97</sup> It is interesting to speculate that she and Warde may have known each other previously, or at least known of each other, as Warde was also originally from Kent (Maidstone), and they were the same age and might well have encountered the same preachers earlier in their lives. If either were aware of the other's concurrent trial, that knowledge might have contributed to the fatalist attitude of the one or the downright suicidal denials of the other. It is not unlikely that, had they not given up in this fashion, both might have been permitted to make a second abjuration, as so many others had done.

It is possible that Grebill's family's betrayal may have been partly caused by a mistaken belief that they needed to give serious evidence against others to be permitted to make their own abjurations without further trouble. Several people in the early fifteenth century had in fact used such a tactic successfully. Robert Bert, the indignant *Dives and Pauper* owner we encountered in chapters one and two, was able to insist on purging himself not only on account of the dubiousness of the accusation and his sterling orthodox connections, but also by blaming suspect marginalia in his book on a previously convicted heretic, Robert Dykkes.<sup>98</sup> Margery Baxter, a lynchpin, along with her husband, of the Norwich circle, seems to have made a specialty of witness intimidation. At her first citation, she threw doubt on a previous accusation against her by accusing the Carmelite friar who

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<sup>97</sup> It should be noted, however, that Foxe claimed that Grebill wished to abjure again and was not allowed to, (*Acts and Monuments*, 1583 ed., 1277), but there is no evidence of this in the original sources, which record that she consistently denied all accusations against her. Lutton also points out the conflict with Foxe, *Lollardy and Orthodox Religion*, 165 note 82. Foxe was very clearly aiming for a narrative of the Catholic Church being particularly cruel to women and families: "Here hast thou (Christian reader) before thine eyes, an horrible spectacle of a singular, yea of a double impietie, fyrst of an vnnaturall husband, wytnessing against hys own wyfe: and of as vnnaturall children, accusing and wytnessing agaynst their owne naturall mother... And yet the greatest impietie of all resteth in these pretensed Catholickes and Clergiemen, whych were the authors and causers of all this mischiefe" (1493).

<sup>98</sup> Tanner, *Norwich*, 98-102. Cf. Forrest, *Detection*, 177-8, and Hudson, *Premature Reformation*, 207, and "Who is My Neighbor?" in *Wycliffite Controversies*, 84-9.

made it of having sexual designs on her, frightening him into withdrawing the accusation. She boasted of the scheme to the main witness against her at her the second trial, Joan Clifland, threatening to similarly accuse her of an unspecified offense if she (Clifland) reported her (Baxter's) openly expressed heretical opinions to the bishop.<sup>99</sup> Despite Clifland exposing the entire machination, it worked: Baxter was not convicted at either trial.<sup>100</sup> Ian Forrest has presented these two cases as evidence of a "system of fear" induced by the bishops' investigations, but this interpretation, apart from assuming that Bert and Clifland were actually Lollards despite some evidence to the contrary, overlooks the result of this fog of back and forth accusations, which is that nobody was executed.<sup>101</sup>

The great point about the theological gimmicks and verbal twists that built the abjuration system was not merely saved the lives of those who correctly employed it, but further, that it did so without compromising their religious identity. It is true that uttering the abjuration caused a total reversal in legal status, from outlaw and outcast to reconciled penitent, and that in practical terms, the trials and their aftermath could cause inconvenience and upheaval for the newly abjured, especially if they subsequently chose to relocate. Nevertheless, there are strong indications that the Lollards did not perceive

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<sup>99</sup> Tanner, *Norwich*, 48.

<sup>100</sup> *Ibid.*, 22. No record of the first trial survives, but it is likely that in such contested circumstances, she would have purged herself. That was the rule after the 1428 formulary (see Hudson, *Lollards and Their Books*, 139, and detailed discussion in chapter 4), although since her second trial actually occurred in 1428, it is probable that the first was before the formulary was written. Baxter's husband William was a previously convicted heretic and evidently still alive, since she had invited Clifland to join his reading circle, but he was not included in Norwich trials (Tanner, 26, 47-8). One may speculate that he fled the diocese and that Margery joined him once she realized that Clifland would testify.

<sup>101</sup> Ian Forrest, *The Detection of Heresy* (Oxford: Oxford University Press, 2005), 174-8. Bert's compurgators were Orthodox, not the abjured Lollards who usually served in this role for other Lollards, and Hudson considers the accusation against him a mistake ("Who is My Neighbor?"). Clifland was never accused of heresy and testified against Baxter along with her two maids, Joan Grymle and Anges Bethom (Tanner, *Norwich*, 44, 47, 49-51), who likely constituted her entire household, suggesting it was a perfectly orthodox one and Baxter had simply gone recruiting in the wrong place.

abjurors any differently than before their trials and therefore, it is probable that they did not consider themselves changed by the experience in any significant way. The fact that migrating abjurors reconstituted their circles in new cities and attracted new members to them, and that the abjured were sought after as compurgators, indicates that those who had formally renounced Lollardy, far from becoming in any way suspect, were highly respected by other heretics. Those who were "knewen men" and "trew christen men" before taking the oath were no less true Christians after they were technically foresworn; nothing about them, that really mattered to them, had changed. This stability is in contrast to the handful of men and women we have seen who rejected abjuration and clearly saw it as highly significant. Thorpe considered it a betrayal and himself as a heroic truth teller in resisting it. Grebill appears to have considered it a symbol of her failure to pass her beliefs on to her children, who had informed on her. Warde's understanding of abjuration is more difficult to pinpoint, in part because she seems to have had doubts about a repeat abjuration's permissibility or efficacy, but perhaps she saw in it a feature of a life on the run of which she was so dead tired that she preferred to be actually dead. For these people, abjuration was a terrible Rubicon on whose far bank lay death, treason, the unravelling of a mother's body and purpose. For the confident abjurors, though, such as Rowley with her sixteen compurgators and Baxter with her witness blackmail scheme, it is evident that abjuration was a game, about which they felt nothing except, in Baxter's case at least, a little too much pride in her proficiency at it. The success of false abjuration and its relatively rapid adoption among Lollards depended partly on the emotional distance from the process that it offered. A choice between treachery and martyrdom would have drawn a different response, as we know because a century later, choices framed this way frequently did get a



different response. Repingdon and those who followed him, however, managed to frame it instead as a leap into death versus remaining utterly unchanged, and in that case, the choice was obvious.

By the early sixteenth century, most Lollards, certainly most who had encountered the abjuration system before, were expert at manipulating it. Carefully following the letter of the law, they sculpted their testimony to ensure that they and any of their friends who were vulnerable to the accusation would technically not be guilty of relapse. This subtlety, not only among their lay leaders but through the rank and file, is perhaps the best evidence that a century earlier, the layered interpretations of Wyclif and hidden meanings of Barton that I have posited, really were made and absorbed. Even so, the system had no means of defending itself against those who simply refused to go along, and that would eventually be part of its downfall.

## Chapter 4

### The Subtleties of Prelates

The overwhelming majority of heresy trials in England from the 1420s to the 1520s (98%) ended in recantations rather than in execution.<sup>1</sup> Such trials followed a precise formula, originally written by a convocation of bishops in 1428. This formulary introduced a standardized abjuration that barely varied from one case to another, regardless of the facts the preceding investigation had uncovered. While there were clear cultural, pragmatic, and theological reasons for Lollards to abjure falsely, it is less evident, and still less studied, why the presiding bishops or their commissaries did not challenge obvious perjuries. It might seem, on the face of it, especially given the popularity of heretic-as-snake metaphors in anti-heretical texts,<sup>2</sup> that sending a lying heretic back into the heart of the Church, bearing, moreover, the imprimatur of a penitent properly (and often publicly) purged of his sin, was putting the souls of the community in danger. There was thus a very strong motivation for the court to ensure that the questioning and even the abjuration had some connection to reality. It does not follow that there was equal interest in the sincerity of the abjuration. To be concerned for the accuracy of the official record is not necessarily the same thing as to be concerned for the soul of the suspect. English bishops, doubling as inquisitors, had to balance a complex set of agendas, including informing themselves about the spiritual workings of their dioceses, their own self-image as generous and honest

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<sup>1</sup> This calculation is Anne Hudson's, from *The Premature Reformation* (Oxford: Oxford University Press, 1988), 158-60.

<sup>2</sup> E.g. the Roger Dymmok sermon examined in chapter 1. Rogeri Dymmok, *Liber contra XII errores et hereses Lollardorum*, ed. Rev. H. S. Cronin (London: Pub. for the Wyclif Society by K. Paul, Trench, Trübner & Co., Ltd., 1922), 14. Cf. Ian Forrest, *The Detection of Heresy in Late Medieval England* (Oxford: Oxford University Press, 2005), 156, and Alexandra Walsham, *Charitable Hatred: Tolerance and Intolerance in England, 1500-1700* (Manchester: Manchester University Press, 2006), 189.

investigators, management of Lollard networks, and above all maintaining unity and harmony, or at least the appearance of it. This task was made the more difficult because it was governed largely by externally imposed legal formalisms written for a very different kind of investigatory regime. This chapter will argue that bishops manipulated these forms, and created parallel ones of their own, to mold the heresy trial into a tool to promote the social reintegration of Lollards, through a blend of conscientious interrogation combined with tepid enforcement.

It should be emphasized, first of all, that any cleric with experience presiding over heresy trials was perfectly well aware of the possibility that the suspect could be lying and that the theology and culture of the movements the inquisitor was trying to unmask often encouraged lying to Church officials. The meticulous--and devious--French inquisitor Bernard Gui noted the different attitudes of the various heretical groups he came across towards oaths and lying, a subject that interested him primarily as it related to prospects for obtaining a confession. For instance, Waldenses, as we have seen, relied on “the tricks and double meanings of the words they use in their testimony”<sup>3</sup> and needed dispensations from their leaders to swear an unambiguous oath, so he recommended threatening to make them swear an infinite number of oaths, as they could not obtain dispensations for so many.<sup>4</sup> On the other hand, Gui noted that “Pseudo-Apostles,” meaning spiritual Franciscans, used mental reservation: “In order to escape the power of the inquisitor they may deny the truth about the sect with their tongues, provided they keep it in their hearts,” unless they thought the situation hopeless, in which case, “they are to openly profess and defend their

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<sup>3</sup> Bernard Gui, *Practica*, part V (trans. in *Heresies of the high middle ages*, ed., Walter L. Wakefield and Austin P. Evans (New York: Columbia University Press, 1991), 397.

<sup>4</sup> Gui, *Practica*, 400.

doctrine.”<sup>5</sup> The ensuing recommendation was to keep suspected members of this sect in solitary confinement, if necessary for years, until they became desperate enough to turn at bay.<sup>6</sup> A third group, the Beghards (whom Gui called Beguins), followed a hybrid tack: professing their beliefs but using verbal tricks, similar to the Waldenses, to avoid swearing to them. The thing to do was to “force from them an oath to tell simply and absolutely... they are to use words in the sense intended by the investigator,” backed by the threat of a perjury charge, which, unlike some of the other groups, they apparently considered meaningful.<sup>7</sup>

A century later, Nicholas Eymerich, the head of the Inquisition in Aragon and author of the most widely used medieval inquisition manual, codified still more thoroughly the complex attitude towards perjury in ecclesiastical judiciary forums that characterized medieval society generally and many heretics in particular. For instance, he stated in his catalogue of heretical “evasions and sophistries:”

...if it is asked, ‘Do you believe that it is a sin to swear to tell the truth in court?’ he answers by turning his back [on the question], ‘I believe that he who tells the truth does not sin.’ He thus does not reply concerning the oath about which he is being questioned, but about telling the truth, about which he is not being questioned. Or if he is asked, ‘Do you believe that all swearing is a sin?’ he answers, ‘it is a great sin to swear in vain.’<sup>8</sup>

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<sup>5</sup> Gui, *Practica*, 407.

<sup>6</sup> *ibid.* 409.

<sup>7</sup> *ibid.* 435-6.

<sup>8</sup> *...ut si interrogetur; credis tu quod iurare de veritate dicenda in iudicio sit peccatum? respondet tergiuersando: credo quod qui dicit verum, not peccat: non respondet de iuramento, de quo quaeritur, sed de dicendo verum, de quo no nquaeritur. Vel si interrogetur: credis tu quod omne iuramentum sit peccatum? respondet, magnum peccatum est iurarum in vanum.* Nicholas Eymerich, *Directorivm Inquisitorvm R. P. F. Nicolai Eymerici, Ord. Præd. S. Theol. Mag. Inquisitoris hæreticæ prauitatis...* (Romae: In Aedibvs Pop Rom, 1578), part 3, 290. Translation mine, but note a slightly variant one (with “tergiuersando” rendered as “shifting meaning”) by James Given, *Inquisition and Medieval Society: Power Discipline, and Resistance in Languedoc* (Ithaca: Cornell University Press, 1997), 94.

By choosing this example, Eymerich showed he understood that many religious dissidents distrusted the concept of oaths and encouraged swearing falsely before inquisitors. Further, he understood that equivocation was part of a belief system as well as a pragmatic strategy, and apparently found equivocation about equivocation to be a common experience. Gui was not widely read in England, though Eymerich was more so, and an English bishop in the fifteenth century encountered a less diverse set of beliefs than either an itinerant inquisitor in Southern France in the thirteenth or an official of the Spanish Inquisition at any period in its existence. The differing circumstances between continental and English inquisitions led English bishops to exercise greater leniency.

A roving mendicant might have incentives of ambition, corruption, or genuine conviction to increase the rate of relapsed heretics he uncovered and did not have to stay to deal with the social consequences of a significant number of people being dispossessed and/or executed; a Spanish inquisitor's primary allegiance was to his order and his mission. A bishop-inquisitor, however, was doing many other things at the same time and trying to balance them to promote order in his diocese. Thus the most significant practical difference between a heresy trial conducted by a bishop within the context of his normal duties and one run by an independent or semi-independent investigator with no other job is the increased reliance on the standard procedures of an ecclesiastical court. Edward Peters and Henry Ansgar Kelly have noted in particular detail the extent to which heresy inquisition was only a small corner of the vast business of *inquisitio*, better translated as investigation than inquisition, before an ecclesiastical court.<sup>9</sup> A busy bishop could not take time off from

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<sup>9</sup> Edward Peters, *Inquisition* (New York: Macmillan, 1988), 122-54. Henry Ansgar Kelly, "Inquisition, Public Fame and Confession: General Rules and English Practice," in *The Culture of Inquisition in Medieval England*, ed. Mary C. Flannery and Katie L. Walter (Cambridge: D. S. Brewer, 2013), 8-29.

running his diocese to invent new procedures for cracking down on every crime under his jurisdiction, even if he could be sure any such measures would be considered legal and legitimate.<sup>10</sup> Thus compurgation continued to be used even though its abuses were widely known. It was natural, therefore, for the bishop, when functioning as judge, to do as his predecessors had done: accept compurgation and hope it was accompanied by genuine repentance. This applied to heretics just as it did to adulterers or to neighborhood tattletales. Furthermore, bishops had the reputations of their dioceses to consider. Admitting that a heretic had relapsed meant turning him over to the secular authorities for execution: a loss of control and an admission of failure. The rare burning of a heretic was a highly publicized occasion attended by large numbers, some of whom were very influential: Henry V, as Prince of Wales, famously went to one, that of John Badby in 1410, saying he wanted to see what it was like.<sup>11</sup> The effect, therefore, was to announce at the highest volume that this diocese had a problem. No matter how active the bishop had been in uncovering the culprit, a heresy execution was not something likely to add luster to a bishop's reputation, whereas both compurgators and abjurors returning to the flow of normal society simply presented an example of ecclesiastical jurisprudence working as intended.

Mundane or selfish reasons, however, seem insufficient to fully explain the English bishops' leniency. After all, while the Church could not kill, it had other means of coercion at its disposal. While the Spanish Inquisition did not use torture at anything like the rates its

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<sup>10</sup> In opposition to this argument, it should be noted that Ian Forrest has suggested that English ecclesiastics regarded building the legal basis for heresy inquisition as a kind of fun creative exercise: Ian Forrest, "English Provincial Constitutions and Inquisition into Lollardy," in *Culture of Inquisition*, 45-59. Perhaps a few did, but if everyone were treating it as a competitive intellectual sport, one would expect the procedures ultimately developed to show more variety.

<sup>11</sup> Thomas Walsingham, *Historia Anglicana* ed. Henry T. Riley (London: Longman et al., 1863), II: 282; Hoccleve, *The Regement of Princes*, ed. F.J. Furnivall (London: Early English Text Society, extra series 72, 1897) I: 281-329. It should be noted that Paul Strohm attributes far more complex, not to say nefarious, political motives to this gesture: *England's Empty Throne*, 146-151, 172-3.

popular image implies, it was used, with Eymerich writing as a major advocate for it. In England there are no instances of religious dissidents being tortured, even though torture for heresy was explicitly permitted.<sup>12</sup> That changed only in the Reformation period, when they were charged with treason, a crime for which the practice was usual. At the other extreme of the spectrum from accommodation to crackdown, upwards of forty percent of the continental heretics in Bernard Gui's records were sentenced to imprisonment.<sup>13</sup> During the Albigensian crusade, inquisitor Jean Galand so incensed local authorities with his reliance on the harshest form of imprisonment, *murum strictum*, complete with shackles, insufficient food, and no furniture (all the accoutrements of the medieval dungeon of popular imagination and all at the prisoners' own expense) that a papal investigation was launched against him.<sup>14</sup> Every bishop had facilities for incarceration available to him—indeed, we have seen that Repingdon used them to protect those who were in danger of falling into secular hands—yet anything comparable to *murum strictum* was unknown at episcopal hands, and no English heretic suffered imprisonment after purgation. There are a few cases in the sixteenth century of people who attempted and failed purgation and were subsequently imprisoned, but the settings were invariably religious houses, not dungeons, and in fact were more of a parole-like sentence, with the culprits being required to report themselves regularly, but not necessarily to live there. Even these sentences came with the

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<sup>12</sup> “Si vero crimen non est plene probatum sed semiplene tunc potest torqueri inquisitus si negauerit...” 1428 Canterbury formulary for the examination of Lollards, which will be discussed in depth below. Anne Hudson, *Lollards and Their Books* (London: Hambledon, 1985), 138.

<sup>13</sup> McGiven, *Inquisition and Medieval Society*, 70.

<sup>14</sup> *Ibid.* 63-6. Original complaints and conclusions of the investigating cardinal—namely, that the conditions of imprisonment should be improved: Jean-Marie Vidal ed *Bullaire de l'inquisition française au XIVe siècle jusqu'à la fin du grande schisme* (Paris 1913), 40-41; Célestin Douais, ed *Documents pour servir à l'histoire de l'inquisition dans le Languedoc* (Paris: Société de l'Histoire de France, 1900), 331-2. Cf. Jacques Fournier, *Registre*, 430.

possibility of being remitted at the bishop's discretion.<sup>15</sup> The aim clearly seems to be not punitive, but rather a type of re-socialization into the rhythms of orthodox religion.

In further pursuance of this aim, bishops occasionally offered testimonials to assist Lollards' re-integration into their communities and professions after a longer-than-average case. Barton got one signed by the entire provincial council stating that the reader was to hold him innocent of heresy and that the bishops had restored his pristine reputation.<sup>16</sup> Similarly, Fleming, when Bishop of Lincoln, wrote on behalf of someone who had been examined for heresy, identified only as "Richard D from parish A, in the Chilterns," stating that he was of good fame and free of suspicion.<sup>17</sup> It is notable, certainly, that both these letters were written by bishops with early and formative ties to Lollardy, and who seem to have acted throughout their careers to protect the lives, standing, and even corpses of other heretics.<sup>18</sup> Others, however, who, as far as we know, lacked such patrons, were sometimes treated similarly: another physician Lollard called William James got a testimonial much like Barton's from his bishop, explicitly permitting him to practice medicine after his

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<sup>15</sup> These kind of sentences were given to seven Lollards in the Tenterden circle in Kent, out of fifty three who were tried at that time. Norman Tanner, "Penances Imposed on Kentish Lollards by Archbishop Warham, 1511-1512," *Lollardy and the Gentry in the Later Middle Ages*, ed. Margaret Aston and Colin Richmond (New York: St. Martin's Press, 1997), 240-2.

<sup>16</sup> "Quocirca universitatem vestram requirimus et rogamus quatinus eundem Johannes Barton' sic ut premittitur purgatum sinceris affectibus amplectentes ipsum virum bone fame et quo ad premissa innoxium de cetero habeatis, quem etiam nos sue fame pristina quantum in nobis est reducimus et restituimus per presentes sigillo nostra consignatas." *Reg. Chichele IV*: 169. This document also states that Barton had asked for the restoration of his reputation [I think?]: "...dictis confratribus nostris humiliter supplicavit quatinus ipsum ad purgacionem suam de et super infamia hujusmodi recipere et admittere dignaremur," which was unusual and may have been suggested by Repingdon. The testimonial was given a year after his initial appearance before the council, and he had apparently spent half that time in Repingdon's custody, (*Ibid.* III:15) which would have certainly affected his medical practice.

<sup>17</sup> Notebook of Master William Symond, 1440s. H.G. Richardson, "An Oxford Lawyer's Notebook," in *Formularies which Bear on the History of Oxford*, ed. H.E. Salter, W.A. Pantin, and H.G. Richardson (Oxford: Oxford Historical Society, 1942), II: 453-6. Discussion, Forrest, *Detection*, 95-6. Forrest identifies "parish A" as Amersham, partly based on J.A.F. Thomson's description of a Lollard circle there: J.A.F. Thomson, *The Later Lollards, 1414-1520* (London: Oxford University Press, 1965), 54.

<sup>18</sup> See chapter 2.



abjuration.<sup>19</sup> Even the gestures of protection that originated within Lollard networks could not have worked unless the broader ecclesiastical world had been ready to accept them. Every bishop in England signed the letter for Barton. Fleming's was included in a formulary collection and was, as Ian Forrest has pointed out, intended as model for future, similar testimonials,<sup>20</sup> implying both the perfect respectability of the reference and the expectation that similar ones would continue to be written and accepted. This was the upmarket version of Lollards purging themselves with the assistance of Lollard compurgators. Not only the clients of two particularly important "former" heretics, but at times the entire elaborate network of the Lollard world, seems to have been treated almost as if it were above serious suspicion.

This kind of trust became even more evident when a standardized set of rules for handling investigation and abjuration was produced in 1428. This document was written at Chichele's urging, in the name of processing heresy suspects more efficiently, and was used primarily for lay Lollards. It adapted canonical procedures against heresy to English circumstances, not only in the details of the sixty-plus articles recommended for detailed examination by both a canon lawyer and a theologian, but also, and more significantly in the ways it subtly adapted the formalities of heresy prosecution to encourage acceptance of false abjuration. Any abjuring heretic was technically assumed to now hold orthodox positions on all subjects, including oaths. By including the articles, "Whether it is permitted to swear upon a book," and "whether oaths may be legitimate in any forum, whether

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<sup>19</sup> *Registrum Thome Spofford, Episcopi Herefordensis 1422-1448*, ed. A. T. Bannister (London: Canterbury and York Society, 1886), 153. Cf. Forrest, *Detection*, 166.

<sup>20</sup> Forrest, *Detection*, 96. The abbreviations suggest that for Symond, it was the way the testimonial was written, rather than who it was written for, that was important.

ecclesiastical or temporal, in ordinary cases, and as a habit [or] custom,"<sup>21</sup> in the interrogation list, the formulary indicates rising awareness of the inherent contradiction.. The latter article was a later insertion in what appears to be the original or at least the earliest extant copy of the formulary,<sup>22</sup> suggesting that someone at the Canterbury Convocation, where the formulary was written, had brought it up only after all the procedures interrogation had been agreed. Subsequent experience supported the editor's carefulness: John Fynche, one of the not-technically-relapsed from the Norwich trials that immediately succeeded the issuing of the formulary, abjured the belief "that it is not leful to sware in any case."<sup>23</sup> While drawing attention to the problem, it is clear that no one found in it any reason to reconsider making the oath of abjuration, including the words, "I swear on this book," also almost the exact phrase on which the heretic had been questioned,<sup>24</sup> his or her ticket to reintegration.

That unity was the function of abjuration was made entirely explicit: "...if he wishes to seek mercy and return to the unity of the Church, then let him abjure all the articles and

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<sup>21</sup> *Item an iurare super librum sit licitum. Itam an iuramenta in vtroque foro, videlicet ecclesiastico et temporali, in casibus consuetis et more solito prestanda sint licita.* Anne Hudson, *Lollards and Their Books* (London: The Hambleton Press, 1985), 134. Full text of formulary, 133-39. All translations from this document are mine. The exact number of articles varies slightly among the three extant copies of the document, but the longest has sixty one of them, forty for examination by a lawyer, including the two on oaths, and twenty one for examination by a theologian.

<sup>22</sup> The insertion may or may not be in the same handwriting. This is the version in the register of Thomas Polton, Bishop of Worcester, at St. Helen's Record in Worcester, which is also the one Hudson published. It is signed by Chichele's chancellor, Thomas Brouns. For discussion of the authorship and date, see Hudson, *Lollards and Their Books*, 128, and Thomson, *Later Lollards*, 225. In the other two copies, this article is included in the main text, not as an insertion. British Museum, Harley MS. 2179 ff 157-9 and *Reg. Thomas Bekynton, bishop of Bath and Wells, 1443-65*, ed. H.C. Mawell-Lyte and M.C.B. Dawes (Somerset Record Society, xlix-1, 1934-5), I: 170-7. Detailed discussion of all the slight differences among the versions, Hudson, 126-39.

<sup>23</sup> John Fynche of Colcester, Norman Tanner, *Norwich*, 185; see more detailed discussion of this case in chapter 3.

<sup>24</sup> *Et iuro per/super hunc librum...* Hudson, *Lollards and Their Books*, 136. The early version with Brouns' signature has "super," like the examination article, the later versions have "per."

conclusions that he held and affirmed and all errors and heresies generally in the form of the oath above.”<sup>25</sup> In fact, not all errors and heresies were to be abjured: Anne Hudson has noted that some apparently defining Lollard views, such as support for unlicensed preaching, were rarely included, and Ian Forrest has argued that the focus of heresy trials, in both interrogation and abjuration, was on practices rather than beliefs.<sup>26</sup> The practice most emphasized in the formulary, however, and by implication being turned into the most distinctive Lollard behavior (or so the bishops apparently hoped), was that of returning to the Church’s embrace. The idea was echoed with elaboration in the formula for the abjuration itself, in which the heretic was to claim that he or she was

wishing to follow Catholic doctrine and to withdraw from depraved heresy so as to return to the unity of the Church with spontaneous and proven desire, expecting that the church does not wish to close its womb to willing return, and that God does not desire the death of a sinner but prefers that he be converted and live...”<sup>27</sup>

The themes of return (*redire*), unity, and avoidance of execution are so repeatedly emphasized in this short document as to leave little doubt that they constituted the main purpose of the entire procedure.

The additional emphasis on voluntary return in the last quoted passage might make it appear that the bishops were trying to exclude insincere abjurations, but appearances can be deceptive. It is helpful to compare the language to that in Eymerich’s *Directorium*,

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<sup>25</sup> ...*si vult petere misericordiam et redire ad unitatem ecclesie, tunc abiuret omnes articulos et conclusiones quod tenuit et affirmavit et generaliter omnem errorem et heresim vt supra in forma iuramenti*, Hudson, *Lollards and Their Books*, 137.

<sup>26</sup> *Ibid.*, 131-2. Forrest, *Detection*, 60-76, 143-68.

<sup>27</sup> ...*volens catholicam sequi doctrinam et ab omni heretica recedere pravitate ac ad unitatem ecclesie spontanea et proua voluntate redire, attendens quod ecclesia nulli claudit gremium redire volenti, et quod Deus non vult mortem peccatoris sed procius et conuertatur et viuat...* Hudson, *Lollards and Their Books*, 136. This sentence is one of the few to have no variation at all among the extant copies.

which was well known throughout fifteenth century Europe, and may have influenced Brouns and the other contributors to the 1428 formulary.

The heretics said to be truly penitent are those who, although they once held errors in their mind about the faith, and at one time had a stubborn will in act, word, or proposition, but afterwards were led away from it and placed themselves under better council and guidance; recoiled from error in their hearts; abjured that [heretical] work; *and presented themselves to the satisfaction of the bishop and of the inquisitor* (italics mine).<sup>28</sup>

This definition presents the same focus on voluntary return as the English formulary, with mention of the heart and the will, and a number of re- verbs.<sup>29</sup> This version, however, also specifies exactly how the voluntariness is to be assessed: it is entirely up to the discretion of the bishop and the inquisitor.

The same prerogative was understood, though not explicitly expressed, at the Canterbury convocation, as becomes evident when we look at the massive round of trials in Norwich that immediately followed. These trials produced sixty abjurations, all nearly identical both to each other and to the formula set out in 1428. There were only three people executed, all of them clerical leaders of the circle, even though two of the lay

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<sup>28</sup> *Haeritci vero poenitentes dicunt illi, qui etsi aliquando habuerunt eorum, quae sunt fidei, errorum in mente, & ad tempus facto, verbo, vel proposito pertinaciam in voluntate: tamen postmodum ad se reducti, & sui miseri, ac saniori consilio edocti, ab errore cordis resilierunt, & opere illum abiurunt, & ad arbitrium episcopi & inquisitoris satisfactionem congruam exhibuerunt.* Translation mine. Eymerich, *Directorium Inquisitorum*, 259.

<sup>29</sup> There are several additional ones in the preceding and succeeding paragraphs that develop the same idea, e.g. *relebuntur, recipiat, revertere*

members, Margery Baxter and John Fynche, had also been previously cited.<sup>30</sup> Bishop Alwnick, however, chose to use his episcopal and inquisitorial discretion<sup>31</sup> by merely warning Fynche that he would be executed if he were cited yet again in the future.<sup>32</sup> According to the just issued standards, this meant that the bishop was technically ruling Fynche's abjuration to be voluntary and sincere while simultaneously announcing that he believed it to be at least possibly insincere, by anticipating the likelihood of a future lapse. When the voluntariness of the abjuration and the possibility of returning to the flock were transparently in conflict, return won every time.

Further hidden conflicts within the idealized heresy trial outlined by the 1428 formulary emerge from comparison with Eymerich's much longer version. For instance, there is the question of what to do with someone whose heresy is strongly suspected but cannot be proven. Eymerich said that such a person "must be ordered to abjure all heresies

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<sup>30</sup> Complete trial records including text of abjurations, see, Norman Tanner, *Heresy Trials in the Diocese of Norwich, 1428-31* (London: Butler & Tanner for the Royal Historical Society, 1977), except for the trial of the executed and very prominent preacher William White, which is in *Fasciculi Zizaniorum*, 383-407. The two other clerics, Hugh Pye and John Waddon, were executed at a later date (Tanner, 8; *Annales Monasterii Sancti Albani a Johanne Amundesham conscripti* ed HT Riley (Rolls Series, London, 1870-1), I:29 and *The Records of the City of Norwich* ed W Hudson & J Tingey (Norwich, 1906-10), II: 66). John Fynche claimed that he had perjured himself in his original abjuration in order not to be considered relapsed, (Tanner, *Norwich*, 22, 183-6), a claim which throws an additional question mark on any possibility of Alwnick having considered all these abjurations genuine. Margery Baxter was claimed to have boasted of having thrown doubt on a previous accusation against her by accusing the Carmelite friar who made it of having sexual designs on her and to have threatened the main witness against her at this trial with a similar false accusation; as a result, she was never convicted (Tanner, *Norwich*, 22, 39-51). Baxter's husband William was also a previously convicted heretic and evidently still alive, since she was inviting people to his reading circle, but he was not included in the trials (Tanner, 26, 47-8). Possibly he had fled the diocese. More detail on these cases, see chapter 3.

<sup>31</sup> Ian Forrest has convincingly argued that there was no meaningful legal distinction between the English bishops' claim to both these roles. *Detection of Heresy*, 51-9.

<sup>32</sup> Tanner, *Norwich*, 187. *Et deinde prefatus pater intimavit dicto Johanni periculum sibi venturum si imposterum in dictum crimen heresis fuerit relapsus, dicens eidem hec verba in effectu. 'Johannes, ab hac hora in antea abstineas te ab omni specie heresis iuxta effectum abiuracionis tue. Quia indubie, si deinceps relapsus fueris in eandem, propter tuam incorrigibilitatem in hac parte sancta Ecclesia te extunc derelinquet. Et, secundum iura regni, te comburendum potestatis secularis iudicium condempnabit.'* Fynche failed to appear on the next occasion when ordered to do so, which suggests he may have read more of a threat into the warning than intended; 188-9. A similar warning was subsequently offered to a few other heretics, not under any suspicion of relapse, by a subordinate, John Execestr; 190-91, 197.

generally, and especially the one he is vehemently suspected of having committed.”<sup>33</sup> The 1428 formulary agreed, but narrowed what was meant by suspicion: “Note that when someone against whom a crime is not proved is vehemently suspected because he has communicated with heretics or has suspect books in English, he must abjure all heresies and errors,” an echo of a statute from an earlier convocation.<sup>34</sup> Here anyone displaying one of two identifying signs was being herded into the general abjuration. This is significant because Eymerich also clearly stated that, “When someone is found to be vehemently suspected of heresy, it is not possible to condemn him as a heretic. Nobody can be condemned of such a crime only on suspicion, even vehement...”<sup>35</sup> Thus, if other evidence were not absolutely damning, it was possible to have someone in a Lollard network abjure merely as a suspected person without being convicted.<sup>36</sup> It is true that Eymerich also said that when someone who had been vehemently suspected was accused again, they should be considered relapsed. On the other hand, if the suspicion were “light” or “moderate,” they would not be, and determining the seriousness of the suspicion was again left up to the

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<sup>33</sup> *Quid ergo fiet suspecto de haeresi vehementer debet sibi mandari, quod abiuret generaliter omnem haeresim, et specialiter eam, in quam comissit, tanquam vehementer suspectus, per c. allegat.* Eymerich, *Directorium*, part 3, 259.

<sup>34</sup> *Nota eciam quod vehementer suspectus contra quem crimen non est probabum quia forte communicauit cum hereticis vel habiuit libros in Anglico suspectos; debet abiurare omnem heresim et errorem...* Hudson, *Lollards and Their Books*, 139. In 1416, Chichele had ordered the bishops to regularly question reliable witnesses about several markers of Lollardy including ownership of suspect books in English and social ties to suspected heretics: “sive libros suspectos in lingua vulgari anglicana conscriptos habentes, aut personas de heresibu sive erroribus suspectas recepantes, eisdemve faventes, aut infra loca hujusmodi habitare conversari sive ad eadem recursum habere sciverint,” *Reg. Chichele*, III, 18.

<sup>35</sup> “Et ubi quis sic invenitur de haeresi vehementer suspectus, nec potest ut hereticus condemnari. Nullus enim pro suspicionem etiam vehementi est de tanto crimine condemnatus...” Eymerich, *Directorium*, 259.

<sup>36</sup> Or to purge him or herself without abjuring at all. E.g. Tanner, *Norwich*, 22, 39-40, 192-3, 201, 210-16.

discretion of the inquisitor.<sup>37</sup> That at least some Lollards understood the implications is suggested by the fact that, as Shannon McSheffrey and Norman Tanner have noted, several members of the Coventry circle in 1511-12 claimed to have previously confessed their heresy to their priests.<sup>38</sup> All were being tried for the first time. Provided that none of the evidence against them postdated their real or claimed absolution, they were all technically innocent of the sin of heresy, and therefore abjured as “lightly suspected,” signing a single abjuration with several other people in the same position.<sup>39</sup> McSheffrey and Tanner attribute these claims to a (successful) attempt to avoid being part of a general excommunication of all heretics in the diocese,<sup>40</sup> but I believe it was primarily insurance against being pronounced relapsed if they were ever caught a second time.

While the English trials did occasionally use the term “vehemently suspected,” the distinction was not always so clear cut, and “suspected” was often used without any modifying adverb. Eymerich’s third and most serious category, “violently suspected,” does not seem to have been used, at least in the numerous cases reviewed for this study. This

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<sup>37</sup> *Accusatus de haeresi vel suspectus, contra quem de hoc crimine magna & vehemens suspicio orta erat, si haeresim, in iudicio abiurat, & postea committit in ipsa, censeri debet quadam iurisdictione relapsus, licet ante abiurationem suam haeresis crimen probatum not fuerit contra ipsum. Si autem levis & modica suspicio illa fuit, quamvis ex hoc sit graviter puniendus, non tamen debet in haeresim relapsorum poena puniri haec ibi. Directorium, 259.*

<sup>38</sup> McSheffrey and Tanner, *Lollards of Coventry*, 45, 132, 210, 222.

<sup>39</sup> Abjurations, *ibid.* 248-51, 273-6.

<sup>40</sup> *Ibid.* 45-6.

loose usage<sup>41</sup> offered opportunities both to offer compurgation<sup>42</sup> to people who might not have really qualified and to allow repeat abjurations for people who should have been ruled relapsed. Knowledgeable Lollards had been exploiting this kind of vagueness even before 1428. In 1425, Robert Hoke, the triply-abjured preacher we met in chapter two, denied the existence of vehement suspicion against him, before both his first trial in 1405 and his second one in 1414.<sup>43</sup> He did acknowledge himself vehemently suspected in his abjuration, in English, without specifying a date, but apparently referring only to the period between 1414 and his final appearance in convocation in 1425.<sup>44</sup> Apparently this threw enough doubt into the 1425 proceedings, even in the absence of Hoke's protector, Repingdon, who had died the previous year, to enable him to abjure yet again. Eymerich's detailed categorization was intended to account for every heretic, but in English practice, it became a loophole large enough for an elephant--or a crowd of Lollards--to walk through it.

It might be suggested here that the exploitation of such loopholes was a one-sided affair on the part of the best-prepared and best-connected Lollards, and that the bishops

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<sup>41</sup> Forrest, on the other hand, considers the bishops' language of accusation to be extremely careful but also in the Lollards' favor, at least contrasted to secular juries who condemned many people after the Oldcastle revolt with blunt language like, "he holds various Lollards opinions contrary to the faith," *Detection*, 180-1.

<sup>42</sup> Compurgation was the appropriate treatment for the lightly suspected. Eymerich, *Et vbi sic inuenitur de haeresi leviter suspectus, nullatenus est hereticus, nec habedis sed debet sibi indici canonica purgatio, vel iniungi tanquam pro levi abiuratio... ita quod si per annum excommunicationem persisterint, ex tunc velut haeretici condemnatur*, 259. Cf. the 1428 formulary, *Unde notandum est quod nunquam procedendum ad recipiendum purgacionem hereti nisi formis istis precedentibus, vbi crimen est negatum et deficientibus probacionibus...* without the deadline, immediately preceding the note on vehement suspicion. *Lollards and Their Books*, 139.

<sup>43</sup> *Reg. Chichele*, III: 105-107. Forrest and Hudson also discuss this case, oddly with the wrong dates; *Detection*, 203-4, *Premature Reformation*, 164. The phrase "vehemently suspected" is repeated many times in the accusation against him. The material from Chichele's register is also in *Records of Convocation V: Canterbury, 1414-1443*, ed. Gerald Bray (Woodbridge: The Boydell Press in association with the Church of England Record Society, 2005), 163-70.

<sup>44</sup> *Reg. Chichele* III: 111-112. The admission of vehement suspicion immediately succeeds a confession of having hidden and kept some of the books banned in 1414, whose discovery was apparently the cause of his latest citation.



did not intentionally create them. After all, Robert Grosseteste said that heresy is by definition “publicly avowed and obstinately defended.”<sup>45</sup> Once the majority of Lollards had learned to do neither, as described in the previous chapter, there were limits to what the most zealous ecclesiastic could do to them. Still, if many (or any) bishops had in fact been burning to suppress heresy, there should be evidence of some effort to do so, perhaps by manipulating the law to produce more convictions of relapse. In fact, all such legal maneuvering points the other way. Why were clerics, who had often put in months of conscientious labor to extract painstakingly detailed accounts of the precise nature of the suspects' heretical beliefs, content with short formulaic abjurations that might include things the swearer did not actually believe and often omitted much of what been uncovered? In 1428, Archbishop Chichele embarked on a wide-ranging personal visitation aimed at uncovering Lollards, involving a substantial amount of riding of which the elderly cleric half-boasted, half-complained to a friend.<sup>46</sup> He ended up arresting over thirty people, so many that Margaret Aston has argued he pushed through the formulary on heresy trials later that year primarily to empty his overcrowded prisons by processing the suspects' abjurations expeditiously.<sup>47</sup> While this particular effort was spurred by rumors of another imminent Lollard revolt, the contrast between the energetic investigation and the rush to

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<sup>45</sup> Quoted in Matthew Paris, *Chronica majora*, ed. Henry Richards Luard, 5 vols. (Rolls ser., London, 1880), v, 400; see also Gratian, *Decretum*, C. 24, q. 3, cc. 27-31, *Corpus iuris canonici*, ed. Aemilius Friedberg, 2 vols. (Leipzig, 1879-81), i, cols. 997-8. cf. Somerset, “Heresy, Orthodoxy, and Vernacular Religion,” 47.

<sup>46</sup> Letter to William Swan, from Swan's letter book, BL, Cotton MS Cleopatra C.iv, cited in Margaret Aston, *Faith and Fire* (London: The Hambledon Press, 1993), 81. A few of those arrested confessed to the planned rebellion and were hanged, obviously for that rather than for heresy; J.A.F. Thomson, *Later Lollards*, 175. Chichele also tried to relieve the overcrowding problem by unsuccessfully persuading monasteries to house the prisoners (*Ibid.*).

<sup>47</sup> Aston, *Ibid.*

get the suspects off his hands, and back into the general population where he found them, seems emblematic of the way almost every heresy trial in England was conducted.

What calculus of salvation could possibly trump a bishop's responsibility for the souls of his flock? It could have started with the protection of his own. St. Augustine, always the automatic reference on questions of heresy, had declared that there was no obligation to see through a heretic's false profession of orthodoxy.

For it is no receding from the catholic rule, if, when a heretic lyingly professes the catholic doctrines, one believes him to be a catholic: and therefore it is not pernicious to him; because he is mistaken in the mind of a man, of which, when latent, he cannot judge, not in the faith of God which it is his duty to keep safe planted within him.<sup>48</sup>

Augustine did not subscribe to consequentialist ethics, to put it mildly. This passage absolves the heretic-hunter from any culpability for the harm that follows from assuming sincerity. Furthermore, in asserting the impossibility of seeing the unexpressed thoughts of another person, it implies that it is blameworthy to assume someone is lying. A possible reason that the English bishops and their subordinates rarely probed suspect abjurations may have been a desire to retain moral superiority over the heretics. The saint heightened the spiritual stakes still further with many warnings against lying in the process of discovering heretics and the assertion that believing a lie is better than uttering one.

Whence it is gathered, that it is more pernicious, or to speak more mildly, that it is more perilous for Catholics to lie that they may catch heretics, than for heretics to lie that they may not be found out by Catholics. Because, whoso believes Catholics when they tell a lie to tempt people, is either made or

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<sup>48</sup> *A regula quippe catholicam non recedit, qui haereticum catholica dogmata mendaciter profitentem catholicum credit. Ac per hoc non est ei perniciosum, quia in hominis mente, de qua latente non potest iudicare, non in dei fallitur fide, quam debet insitam custodire.* Augustine, "S. Aurelii Augustini Hipponensis Episcopi Contra Mendacium ad Consentium," in Migne, *Patrologia Latina*, vol. 40, col. 521. Translation, Philip Schaff, *Saint Augustine: Treatise To Consentius: Against Lying*, Kindle Edition (Kindle locations 99-102).

confirmed a heretic; but whoso believes heretics when they tell a lie to conceal themselves, doth not cease to be a Catholic.<sup>49</sup>

A cleric who took this problem seriously would have been torn between handling heretics with kid gloves, to avoid any lying in the investigation apart from the suspects' own, and treating them like a hot potato to get rid of the potential danger to his own soul and his moral authority. Such grave personal consequences could well make him loath to pry too closely into oaths asserting orthodoxy. This may explain the central paradox in English heresy trials: why careful, thorough, and scrupulous investigations were invariably succeeded by a rush to mass abjuration that the most corrupt and booty-minded of independent inquisitors could hardly equal.

However great his influence, not many continental inquisitors seem to have shared Augustine's high-mindedness concerning methodologies of interrogation. Karen Sullivan has posited a grand, multi-century debate between “zealous” medieval inquisitors like Eymerich, Gui, and Conrad of Marburg, and “charitable” ones like Dominic and Peter of Verona, over how much dishonesty was justified.<sup>50</sup> In most of Europe, the first camp clearly won. Eymerich advocated ten traps (*cautela*) to induce full confession from heretics who denied the accusations against them, including wooing them over, good cop fashion; threats of indefinite imprisonment; confusing them by introducing complicated additional articles, beyond their comprehension; and pretending to possess proof that was in fact lacking.<sup>51</sup> Many of his suggestions would be familiar to casuists trying to escape similar nets two

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<sup>49</sup> *Ibid.* *Ex quo colligitur perniciosius aut, ut mitius loquor, periculosius mentiri catholicos, ut haereticos capiant, quam mentiuntur haeretici, ut catholicos lateant, quoniam quisquis credit catholicis mentiendo temptantibus, aut efficitur aut confirmamatur haereticus, quisquis autem credit haereticis mentiendo sese occultantibus, non desinit esse catholicus.* Translation, Schaff, loc 112-14.

<sup>50</sup> Karen Sullivan, *The Inner Lives of Medieval Inquisitors* (Chicago: University of Chicago Press, 2011), 198-9.

<sup>51</sup> Eymerich, *Directorium*, 291-3.

centuries later. Like them, Eymerich played with multiple meanings of words in the manner of Raymond of Peñafort, by, for instance, promising reprieves and early releases without any intention of granting them.<sup>52</sup> In fact, Sullivan has also noted how Eymerich's sixteenth century editor, Francis Peña, helped to later destroy the reputation of the Inquisition by noting approvingly that the when the inquisitor promised reprieve, he was talking not about release from prison but only about the penances he had yet to impose. If those ended a feather lighter than his original intention, it would still count as fulfilling his promise.<sup>53</sup>

Such techniques went directly against Augustine's many injunctions against committing blasphemy, as he considered lying to be, for the sake of catching heretics.<sup>54</sup> Augustine argued that using lies against heretics would deter them from naming each other, and also that, by establishing a kind of moral equivalence between orthodox and heterodox behavior, it would prevent true conversions.

...nor do we find how we can believe them, when converted, to whom, while perverted, we have lied; lest haply what was done to them that they might be caught, they do to us when caught; not only because to do it hath been their wont, but because in us also, to whom they come, they find the same. And, what is more miserable, even they, already made as it were our own, cannot find how they may believe us. For if they suspect that even in the catholic doctrines themselves we speak lyingly, that we may conceal I know not what other thing which we think true...<sup>55</sup>

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<sup>52</sup> Eymerich, *Ibid.* Raymond of Peñafort, *Summa de Paenitentia*, ed. Xavero Ochoa and Aloisio Diez (Rome: Commentarium pro religiosis, 1976), col. 385.

<sup>53</sup> Sullivan, *Inner Lives*, 174; Peña, *Commentarium...* (Rome: 1578), 437.

<sup>54</sup> E.g. "...we bring this so great bane, that, for the sake of catching heretics, we first become, which is certain, blasphemers of God..." Saint Augustine; Schaff, Philip (2011-08-03). *Treatise To Consenius: Against Lying* (Kindle Locations 175-176). Kindle Edition.

<sup>55</sup> ....*quemadmodum eis conversis credere valeamus, quibus perversis mentiti sumus, ne forte, quod ut parerentur sunt passi, faciant capti, non solum quia facere consuerunt, sed quia et in nobis, ad quod veniunt, hoc inveniunt. (IV. 7.) Et quod est miserabilius, etiam ipsi iam quasi nostri effecti, quemadmodum nobis credant, reperire non possunt. Si enim suspicentur etiam ipsa catholica dogmata nos mendaciter loqui, ut nescio quid aliud occultemus, quod verum putamus...* Augustine, *Contra Mendacium*, Migne, MPL 40 col. 523. Translation, Schaff, loc 142-48.

In this case, he argued at length, the heretic would not believe anything the inquisitor says. Such words might well have prompted conscientious ecclesiastics a millennium later to do the opposite of what was intended, that is, to permit insincere abjurations now in the hope of not preventing a potential true conversion later.

Here we have an explanation, albeit a complex and sometimes internally inconsistent one, to the bishops' apparent lack of suspicion. The reluctance to assume someone was lying started with their own peers: why alienate them and potentially push them back to open heresy when they could be absorbed into the system? Furthermore, if the kind of tricks Eymerich recommended were somehow to be married to Augustinian trustfulness, then Repingdon's and Fleming's past experience with heresy would be considered not a cause for suspicion but a valuable piece of expert knowledge. This was why, according to William Thorpe, Archbishop Arundel said of Repingdon, "...for noo bischop of þis londe pursueþ now scharplier hem þat holden þat wei þan he doiþ."<sup>56</sup> Thus, Repingdon's centralized heresy investigation methods could be widely adopted, and Fleming sent as an English representative to the Council of Constance.<sup>57</sup> The more precisely these men were used to deal with heresy, the more the English Episcopacy as a whole could pride itself on being both clever and above the trickery associated with heretics. Thorpe seems to have indirectly recognized this attitude and tried to point out the paradox, laying some emphasis on contrasting the arrogance of "þese tirauntis and enemyes of truþe" with those who "ben not enhauncid into veyn glorie þoruþ presumcioun of her [the world's]

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<sup>56</sup> "The Testimony of William Thorpe," *Two Wycliffite Texts*, ed. Anne Hudson (Oxford: Oxford University Press for the Early English Text Society, 1993), 42, lines 605-7.

<sup>57</sup> Forrest, *Detection*, 86-90, 95. Ulrich Richtenal, *Chronicle of the Council of Constance*; Cardinal Guillaume Fillastre, *Diary of the Council of Constance*, both in *The Council of Constance: The Unification of the Church*, ed. L. R. Loomis, J. H. Mundy, and K. M. Woody (New York: Columbia University Press, 1961), 104, 403. See full discussion in chapter 2.

wisdom... but meke and patient.”<sup>58</sup> In fact, these particular “enemyes of truþe,” Repingdon and Fleming, maintained and aggressively protected the Lollard circles to which they had previously belonged in such a way as to carry this trust down the layers of their patronage networks. If once-heretical bishops were trusted, then their testimonials could be depended on also. Furthermore, if one abjured heretic could vouch for another, then there was no reason to check if someone stepping forward as compurgator for a Lollard had themselves been a Lollard (as they almost always were).

Naturally, not all bishops were afflicted by Augustinian scruples and there were various motivations in dealing with heretics that occasionally came out in somewhat divergent treatment of them. The St. Albans chronicler Thomas Walsingham referred to Henry Despenser, the contemporary bishop of Norwich, as the only bishop who was taking serious action against Lollardy.<sup>59</sup> This revealing commendation reflected Despenser's penchant for dramatic flourishes at heresy proceedings, turning trials into spectacles highlighting his own role. It was he who produced the last minute, damning evidence against William Sawtre that forced him to be convicted as a relapsed,<sup>60</sup> an exceptional case discussed further below. Despenser also staged a grand public abjuration in Norwich for a Lollard named John Edward. This ceremony, as Ian Forrest has pointed out in his in-depth examination of it, allowed Despenser to publicly mend several local feuds, allowed him to appear in his favorite retro role as a crusading cleric, and, more charitably, was “an attempt

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<sup>58</sup> “Thorpe,” *Two Wycliffite Texts*, 28 (125-6), 27 (115-17).

<sup>59</sup> Thomas Walsingham, *Historica Anglicana* (London : Longman, Green, Longman, Roberts, and Green, 1863-1864) 2: 188-9.

<sup>60</sup> D. Wilkins, ed., *Concilia Magnae Britanniae et Hiberniae*, (London: R. Gosling, in vico, dicto Fleet Street... 1737), III: 255.

by Despenser to *present* a united front in order to help *create* a united front.”<sup>61</sup> Despenser’s military forays may have left him with a special animus towards Lollards. His successful action against a branch of the 1381 revolt that spurred the Blackfriars council may have given him the idea that heretics were useful both for spectacles of unity and for letting him present himself in a heroic light. However, a subsequent plan to campaign in Flanders, under the guise of targeting the French-supported Avignon “anti-pope,” was humiliatingly undermined by John of Gaunt, the original Wycliffite patron.<sup>62</sup>

It is notable, nevertheless, that whether the presiding bishop(s) regarded heresy proceedings as a method of healing communal strife, a pretext for self-promotion, a dangerous temptation to moral turpitude that had to be carefully and quickly skirted, or an opportunity to protect people whose opinions he secretly shared, does not seem to have affected the outcomes. Edward would have still abjured if another bishop had been handling him, though it might have been before just the prelate and some clerks, or in front of his parish church, rather than before the whole city. Sawtre, as will be argued, partly forced his own conviction, and would still have been executed had the evidence against him been put forth in a mind-numbingly procedural fashion rather than a startlingly melodramatic one.

Debate about motive and procedure in recent scholarship has tended to swamp out the observations of the social historian J.A.F. Thomson, the most prominent specialist on

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<sup>61</sup> Ian Forrest, “The Dangers of Diversity: Heresy and Authority in the 1405 Case of John Edward” in *Discipline and diversity : papers read at the 2005 Summer Meeting and the 2006 Winter Meeting of the Ecclesiastical History Society*, ed. Kate Cooper and Jeremy Gregory (Woodbridge : Boydell Press, 2007), 230-40; quotation 233. The account of the trial comes from a letter from Despenser to Arundel, in Arundel’s register.

<sup>62</sup> Margaret Aston, “The Impeachment of Bishop Despenser.” *Bulletin of the Institute of Historical Research* 38 (1965): 127-48. *Chronicon Henrici Knighton*, ed. J. R. Lumby (London: Eyre and Spottiswoode, 1889-95), II: 198.

Lollardy in the 1960's, on "the trust which the churchmen appear to have had in their penitents," and the fact that "the willingness of the authorities to forgive was remarkable."<sup>63</sup> Since then, the pendulum swung back to seeing the bishops as harsh persecutors. This idea has led to two entirely different interpretations of the bishops' role, usually, but not perfectly, following disciplinary divisions between historians and Middle English literature specialists. The former tend to characterize the bishops as highly intelligent, professional, and knowledgeable administrator-detectives who were thoroughly dedicated to uncovering pockets of Lollardy in their diocese, with the aim—it is usually assumed rather than argued—of stamping it out. The latter argue that the Lollard trials were just a piece of political theater, in which the bishops were auteur-directors with no interest in the actual beliefs of the suspects, who were little more than props. The culture of perjury we have examined and the Lollards' elaborate engagement with it offer a way to reconcile these images. The bishops, I will suggest, were thorough and dedicated when it came to interrogation, yet willing to accept facsimile when it came to abjurations. The result was a kind of conscientious leniency, allowing the bishops to see themselves as both exemplary inquisitors and the princely restorers of peace and social unity.

There is ample evidence that bishops took their inquisitorial duties seriously. Concluding a single complex case, such as Barton's, could take up to a year, and once mass trials began, it usually took two or sometimes three years to interrogate several dozen suspects.<sup>64</sup> Recent historical scholarship has embraced an image of fifteenth century English bishops as competent and careful investigators of heresy. Ian Forrest has

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<sup>63</sup> J.A.F. Thomson, *The Later Lollards, 1414-1520*, (Oxford: Oxford University Press, 1965), 235.

<sup>64</sup> E.g. the Norwich trials of 1428-31, and the flurry of trials in 1511-12, including those in Coventry, Winchester, and Tenterden, Kent.



reconstructed the whole system of post-Arundel heresy prosecution--the legal basis, the use of the archdeacons, the construction of the questions, the use of witnesses and compurgators—in great detail, showing just what a well-oiled machine it was.<sup>65</sup> Patrick Hornbeck has further argued, explicitly as a response to any suggestion that abjurations were formulaic, that the typical clerk, never mind bishop, at a heresy trial, “a conscientious scribe, was genuinely concerned for the accuracy of his record.”<sup>66</sup> He bases this picture on elements such as passages in English documenting unusual or eccentric beliefs that appear to be verbatim quotations from suspects or witnesses, corrections in the records (such as an article being crossed out), and slight variations among abjurations within a single group.<sup>67</sup> It is not quite true, however, that conscientiousness is the only possible motive for caring about these elements. It was hardly an unknown phenomenon for inquisitors to be drawn to oddities and sometimes to devote a good deal of time to them, whether out of curiosity, boredom, or checking if they had uncovered a new heresy: Carlo Ginzburg’s miller Menocchio is the best known example.<sup>68</sup>

Furthermore, Hornbeck’s interesting suggestion that it did not matter, except as a question of accuracy, what exactly a suspect abjured because a subsequent accusation for any heretical belief, whether or not it was the same one, would count as relapse,<sup>69</sup> while true in theory, does not hold water in practice. We have seen that fighting an accusation of

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<sup>65</sup> Ian Forrest’s *Detection of Heresy* is the state of the art on the mechanics of heresy trials.

<sup>66</sup> J. Patrick Hornbeck II, *What is a Lollard?: Dissent and Belief in Late Medieval England* (Oxford: Oxford University Press, 2010), xv.

<sup>67</sup> *Ibid.* xiii-xvii.

<sup>68</sup> Carlo Ginzburg, *The Cheese and the Worms: the Cosmos of a Sixteenth-century Miller* (Baltimore: Johns Hopkins University Press, 1980). Stephen Justice has made a similar point, arguing, based on the same case as Hornbeck, that the scribe was simply bored. Stephen Justice, “Inquisition, Speech, and Writing: A Case from Late Medieval Norwich,” *Representations* 48 (1994): 8. Cf. Hornbeck, xvi.

<sup>69</sup> Hornbeck, xv.

relapse by challenging the validity of the earlier abjuration was often a successful strategy, cleverly employed by knowledgeable Lollards such as Fynche and Rowley. If such a defense were based on sloppy procedures during the earlier trial, such as including an article of which the abjurer had not actually been accused, the Church would look foolish, and all the other abjurations, usually numbering several dozen, obtained at the same proceedings would become questionable. On the other hand, if the first abjuration were claimed to be invalid on the ground that the abjurer was not genuinely repentant and had not believed his or her renunciation, then it only showed that the authorities in the first instance had been good inquisitors exercising Augustinian restraint. The current bishop could do the same by accepting the assertion of prior insincerity.

There is an alternate line of scholarship holding that the entire heresy trial process was merely for show, "...a performance of inquisitorial question and answer" that was essentially a "legal fiction," as Diane Vincent has called it, that both bishops and accused exploited in a kind of propagandistic theater.<sup>70</sup> Vincent, while noting the focus on re-integration and the formulaic character of the Norwich abjurations, bases this claim on the abjurations of two early, prominent, and highly exceptional heretics: John Aston, the most emphatic of the holdouts at the 1382 Blackfriars Council, who changed his mind about abjuring after a prison visit, and Sir John Oldcastle, head of the eponymous revolt in 1414.<sup>71</sup> In fact, both men were subject to lengthy and minute investigative processes, Aston's (along with Repingdon and the other first generation Oxford Wycliffites), in the form of a full academic debate. They ultimately made extremely non-standard confessions, Oldcastle's so

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<sup>70</sup> Diane Vincent, "The Contest over the Public Imagination of Inquisition, 1380-1430," in *The Culture of Inquisition*, 76.

<sup>71</sup> *Ibid.* 60-76.

partial and apparently confused that it was probably at least somewhat genuine.<sup>72</sup> Other literary scholars have sometimes taken the dramatic twists and turns that tend to happen in high profile trials (arguably of any kind) to be indicative of a theatrical unreality inherent in the whole proceeding of trying heresy. Most famously, Paul Strohm has argued that the Lancastrian monarchs and their agents subverted or even created the heresy trial system in order to use highly public executions of men who might not even have been Lollards (including Oldcastle) to establish the dynasty's legitimacy as bulwarks against an internal religious menace.<sup>73</sup> This argument disregards the Lancastrians' multi-generational connection with Lollardy, from founder John of Gaunt's patronage of Wyclif and Henry IV's of Repingdon to the knights and magistrates who protected suspect local preachers during the Wars of the Roses, and relegates the bishops who shaped the trial system to pawns of the crown. An element of theatricality was present, no doubt, but it was achieved, not by skimping on investigation or ramming through a false verdict, but rather by the voluntary, temporary inarticulacy of its purported victims, with the collusion of the churchmen running the show.

The clerics, Strohm argues, were not only uninterested in genuine investigation of heresy but were actively fabricating evidence against people pre-selected for execution. Strohm points to two trials, those of Henry Crumb and William Sawtre, that featured last minute "accidental" discoveries proving recidivism, thus preventing a repeat abjuration or an acquittal.<sup>74</sup> Crumb, tried in council presided over by Courtenay in 1392, was trying to talk his way out of some of the charges against him, and appeared willing to abjure some

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<sup>72</sup> *FZ* 329-33 (Aston), 333-50 (Oldcastle).

<sup>73</sup> <sup>73</sup> Paul Strohm, *England's Empty Throne* (Notre Dame: University of Notre Dame Press, 2006).

<sup>74</sup> *Ibid.* 52-3

other, less grave ones, when documentation from an earlier trial was presented to the court. The same thing happened to Sawtre, who had just petitioned for his defense to be heard by King and Parliament, in 1399, when Dispenser produced evidence that he was relapsed.<sup>75</sup> Strohm argues that the damning evidence was brought in to bolster otherwise weak cases against men whom the Church, and even more so the crown, were determined to make examples of. However, the fact that acquittals, though rare, did happen,<sup>76</sup> and still more so the fact that Wycliffites at least as prominent, such as Hoke, were allowed to repeat their abjurations, suggests a different interpretation. If execution had been the aim all along, surely the documents that made it unavoidable would have made their appearance at the beginning of the proceedings, whereas instead those proceedings were drawn on and on because the accused attempted to defend themselves. The dramatic late stage discoveries are as absurd as Strohm implies, perhaps more so, given the excellently connected “finders,” but that suggests exposing recidivism was the respective archbishops’ last resort, not their first choice. The situation implies that abjuration was established so quickly as the standard method of dealing with Lollards that there were no options but execution left when the accused showed even the slightest reluctance to tread that already well worn path.

When functioning as inquisitors, then, the bishops’ twin imperatives were to investigate diligently and to avoid excessive suspicion. Nothing more clearly demonstrates this careful balance than the penances they assigned and the manner in which they were, or

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<sup>75</sup> Ditto. Crumb, see FZ 348-9. Sawtre, FZ 408 on petition, D. Wilkins, ed., *Concilia Magnae Britanniae et Hiberniae* (London: R. Gosling, in vico, dicto Fleet Street... 1737), III: 255 on the finding of the evidence.

<sup>76</sup> The first acquittal was Lawrence Bedeman’s in 1382. The high point was fourteen who purged themselves without being required to abjure in Norwich in the 1428-31 trials. F. C. Hingeston-Randolph, ed., *The register of Thomas de Brantyngham, bishop of Exeter* (Canterbury and York Society, 1901). Tanner, *Norwich*, 22, 39-40, 192-3, 201, 210-16.

were, not enforced. Significant effort went into making the punishment, or rather the rehabilitation, fit the crime, at times to the point that the penance was sometimes simply accepting a sacrament that the heretic had expressed doubts about, usually confession or the Eucharist, which were of course required for all conforming Christians in any case. Similarly, people were often ordered to perform an enhanced version of some recommended practice that they had mocked, such as weekly church attendance, feast day services, fasting and associated forms of self-denial (one woman was ordered not to wear linen on Fridays), adoring the cross, offering candles, or saying the Pater Noster, Ave Maria, and the Creed.<sup>77</sup> These were often, but not always, joined by more distinctive penances that at first glance seem quite punitive, but in practice may have been less burdensome than they appeared. The most common was public humiliation, walking and/or standing, usually barefoot and semi-clothed, holding a faggot of wood, or sometimes, a candle. Afterwards the heretic was sentenced to wear a badge showing a faggot. This penalty was usually for life, though it was typically accompanied by a rider that it could be revoked at the bishop's discretion.<sup>78</sup> Removing this badge without permission, as Lollards who moved to a different diocese after their trial routinely did, was technically punishable by death.<sup>79</sup> However, as this crime was not likely not be discovered by a different bishop in a different diocese

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<sup>77</sup> Norman Tanner, "Penance Imposed on Kentish Lollards by Archbishop Warham, 1511-1512," *Lollardy and the Gentry in the Later Middle Ages*, ed. Margaret Aston and Colin Richmond (New York: St. Martin's Press, 1997), 235-6. J.A.F. Thomson, *The Later Lollards, 1414-1520*, (Oxford: Oxford University Press, 1965), 234.

<sup>78</sup> See Tanner, *Heresy Trials in... Norwich*, 197-200 and nearly all other trial records, Tanner, "Penance," 237-8, and Thomson, *Later Lollards*, 233. In the Norwich trials, many of the defendants were also whipped around the square (e.g. *Heresy Trials* 35-8, 80, 83, 168, 208), but Thomson noted that while Bishop Alnwick and another, later bishop, Gray of Ely, seem to have been fond of this practice, it was not a common one (232). Carrying candles was more common in fifteenth century trials, e.g. *Reg. Repingdon*, III: 169-70, Forrest, *Detection*, 139, Tanner, *Norwich*, 23 (and throughout), whereas carrying faggots became the norm in the early sixteenth century, see McSheffrey and Tanner, *Coventry*, 7 (and throughout) and Tanner, "Penance," 237.

<sup>79</sup> Thomson, *Later Lollards*, 233.

unless the heretic were being tried for relapse, which was also supposed to be punishable by death, this rule would have had no real effect on enforcement. It might, however, have been an additional psychological burden on the despairing, essentially self-convicted heretics we met in the last chapter, such as Joan Warde.

There has been some debate over whether such penances constituted strong action against heresy. J.A.F. Thomson, as we have mentioned, considered them extremely light. On the other hand, Eamon Duffy has argued that such humiliation was accompanied by an almost unbearable level of social ostracism that was a sufficient deterrent to prevent Lollardy from becoming a mass movement.<sup>80</sup> This idea, however, presupposes, first, that the Lollards' neighbors were previously unaware of their opinions, which seems unlikely, given how many of them were accused of publicly mocking orthodox practices, and second, that a good standing with their neighbors was sufficiently important to the Lollards, emotionally, socially, or financially, that its loss would be a heavy blow. The latter point is more difficult to assess, but the Lollard networks uncovered by scholars such as Maureen Jurkowski, Rob Lutton, Shannon McSheffrey, Norman Tanner, and Jeremy Catto (on Wycliffite academics) seem dense enough to constitute almost a self-sufficient village

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<sup>80</sup> Eamon Duffy, "Religious Belief," in *A Social History of England, 1200-1500*, ed. Rosemary Horrox and Mark Ormrod (Cambridge: Cambridge Univ. Press, 2006), 324-332.

within a town.<sup>81</sup> Moreover, when Lollards, usually the most committed ones, chose to move to a different diocese after their trials in an attempt to avoid being tried again as relapsed, they were able to retain or reconstitute those networks, even after changes of name and occasionally of profession. Wycliffite clerics retained their patrons, as we have seen with Repingdon's network; lay people tried en masse tended to move en masse too, as with all the Kentish Lollards that were uncovered in Coventry in the early 1510s.<sup>82</sup> True believers may have seen enduring petty humiliation, public participation in despised practices, moving, and aliases as the normal costs of their commitment and identity as "good cristen men" and women, just as false abjuration itself was.

Bishops were not unaware of the existence of Lollard networks, and dedicated a good deal of their investigatory time to trying to understand them. Questioning of suspects usually began with whom they knew among more important accused heretics, and interrogations in mass trials sometimes devolved into a dizzying map of who knew whom. The abjuration formula established in 1428 technically required the oath-taker to abstain from all contact with heretics and to report them. The bishops showed some understanding of how (un)seriously that was likely to be taken by additionally appointing certain abjurors as informers, as part of their penance. However, judging by the two Coventry men who

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<sup>81</sup> Maureen Jurkowski, "Lollard Networks," *Wycliffite Controversies*, ed. Mishtooni Bose and Patrick Hornbeck (Brepols, 2011), 261-78. Rob Lutton, *Lollardy and Orthodox Religion in Pre-Reformation England: Reconstructing Piety* (Woodbridge, Suffolk: Boydell Press for the Royal Historical Society, 2006), Sharon McSheffrey, *Gender and Heresy: Women and Men in Lollard Communities, 1420-1530* (Philadelphia: University of Pennsylvania Press, 1995), Shannon McSheffrey and Norman Tanner, *Lollards of Coventry, 1486-1522* (Cambridge, UK: Press Syndicate of the University of Cambridge for the Royal Historical Society, 2003), Tanner, *Heresy Trials in... Norwich*, Jeremy Catto, "Fellows and Helpers: The Religious Identity of the Followers of Wyclif," in Peter Biller and Barrie Dobson, *The medieval church : universities, heresy, and the religious life : essays in honour of Gordon Leff* (Published for the Ecclesiastical History Society by the Boydell Press, 1999), 141-62. It should be noted that Tanner and, to a lesser extent, McSheffrey consider this kind of characterization slightly too strong, and scholars who emphasize a unified Catholic society, such as Duffy and Rex, would entirely disagree with it.

<sup>82</sup> McSheffrey and Tanner, *Lollards of Coventry*. See also chapters 2 and 3.

reported back that they could not find a single heretic who had not already been tried, in a city apparently swimming with them,<sup>83</sup> this directive was aimed at producing an appearance of conformity rather than actually obtaining additional information. Indeed, the record notes that “the names these inquisitors are reserved,”<sup>84</sup> suggesting fears for their safety, and a sense that it was perhaps more damaging for the supposed turncoat’s prospects for the rest of network to believe that he was actually informing, than for his bishop to know that he was not.

In the early sixteenth century, other penances that posed a greater threat to the networks began to be imposed more frequently.<sup>85</sup> These included a kind of probationary arrangement in which the abjured heretic was required to live in the vicinity of a religious house and report there daily to attend services, sometimes for a set term of a year or more and sometimes for life. These sentences, like the ones involving badges, carried the possibility of remission at the bishop’s discretion, which sometimes in fact happened.<sup>86</sup> Norman Tanner has noted a 1511 case in which six people identified as the ringleaders of a Lollard circle were each assigned to a different monastery or convent, in an apparent attempt to break the network.<sup>87</sup> This aim and the fact that those sentenced to this arrangement were not actually living in confinement slightly distinguishes it from

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<sup>83</sup> McSheffrey and Tanner, 251.

<sup>84</sup> *Ibid.*

<sup>85</sup> The sentences became more severe mostly because bishops were under significant pressure from secular authorities and public figures to improve anti-heresy enforcement. This change in climate will be discussed in detail in the next chapter.

<sup>86</sup> Tanner, “Penances,” 241; cf. Thomson, *Later Lollards*, 232-3.

<sup>87</sup> Tanner, “Penances,” 240-1. These included John Grebill, the husband of Agnes Grebill, from the last chapter, who, like her, was accused by their sons. It is possible that the sentences for the whole circle, not just the executed Agnes, would have been lighter were the Grebill sons not forcing the diocese to take part in their property grab.



Eymerich's recommendation of life imprisonment for obstinate heretics to prevent them from preaching.<sup>88</sup>

Another, less common penance for ringleaders was to witness the execution of another member of their group. Such a sentence certainly acknowledged the networks, though whether the effect was to attack or reinforce them is debatable. Most such sentences also date from the 1510s, probably because executions had become less rare. One notable such instance was that of Alice Rowley and Joan Warde, whom we met in the last chapter: Rowley's penance was to carry a faggot alongside Warde and to watch her burning.<sup>89</sup> Tanner considers this unusually severe,<sup>90</sup> but it could equally be interpreted as a reprieve for Rowley, who had so cleverly escaped a conviction for relapse, and a gesture of mercy for Warde to have her friend by her at the end. Surviving heretics sometimes needed to be separated from one another, but a dying one did not. Such an interpretation is consistent with the general trend of making penances as merciful as possible without openly disregarding ecclesiastical law, except in cases where leniency would promote Lollards' further self-segregation. Re-integration remained the ultimate purpose, and it was usually best served by the most tepid sentences possible.

"Tepid" is not a word commonly associated with the prosecution of heretics, but England was hardly the only European country in which enforcement was often a matter of going through the motions. The same was true, far more transparently, in fifteenth and sixteenth century Poland, where multiple royal proclamations prescribed harsh penalties for heresy, but were, as Janusz Tabir has argued, almost never enforced and never intended

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<sup>88</sup> *Directorium*, 507.

<sup>89</sup> McSheffrey and Tanner, *Lollards of Coventry*, 273-6. The penance was for her officially one-time heresy, not the confession of perjury in her original abjuration that saved her from a conviction of relapse.

<sup>90</sup> *ibid.*, 9.

to be so.<sup>91</sup> Hussites, a significant presence there, were sometimes tried, but rarely faced significant legal or social penalties after abjuration. When Lutheranism appeared, the authorities seemed to become still more blasé, with investigations that reported searching suspects' houses for banned books and finding none.<sup>92</sup> Presumably Polish Protestants were accustomed to ample warning to pass their incriminating materials to a friend beforehand. The Church's passive acceptance of this practice is reminiscent of the Lollards' rule, followed even by those who were technically informers, not to name anyone who was not already accused. Indeed, some minority offshoots of Hussitism, and later, Calvinism, became popular among the Polish nobility, and even among the parts of the episcopate, in much the same way that the niche sect the Familists, while technically banned, found most of its English adherents in fashionable young Elizabethan and Jacobean courtiers.<sup>93</sup> K.B. McFarlane's notorious Lollard knights might have moved in the same direction, were it not that by that point, the English system was so dependent on subtlety that open expression of their faith could be made only in their wills, and then sometimes ambiguously.<sup>94</sup> Indeed, the main difference between Poland and England seems to be that in the latter country, ecclesiastical leniency and elaborate networks of protection were better concealed.

Accommodation went farther in sixteenth century Poland than in pre-Reformation England. Nobles and even kings could marry Protestants, especially Calvinists, and it was

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<sup>91</sup> Janusz Tazbir, *A State without Stakes: Polish Religious Toleration in the sixteenth and seventeenth centuries* (New York: Kościuzko Foundation, Twayne Publishers, 1973), 31-9. Sometimes the legislative assembly or secular courts actually issued injunctions against the enforcement of ecclesiastical courts' judgments against heretics, 64-72. Nobles were allowed to choose their religion after the Warsaw Confederation of 1573 (90-112), but commoners were technically under the jurisdiction of the Catholic Church throughout the period.

<sup>92</sup> *Ibid.*, 124-8.

<sup>93</sup> Tazbir, *State*, 54-59, 119-21. Christopher Marsh, *The Family of Love in English Society, 1550-1630* (Cambridge: Cambridge University Press, 1993), 179-197.

<sup>94</sup> K.B. McFarlane, *Lancastrian Kings and Lollard Knights* (Oxford: Clarendon Press, 1972).

possible for some of those nobles to openly protest the arrest of a married priest whom they considered under their protection.<sup>95</sup> There were, nevertheless significant structural similarities in the reliance of the banned sects on transparent subterfuges, on mutual protection networks within their communities, and on high-reaching patronage networks. Collectively, the often Protestant-leaning Polish nobility at this period were as influential as John of Gaunt during Richard II's minority, and Repingdon, let it not be forgotten, was Henry IV's chaplain before he became bishop. Interestingly, both sets of patrons sometimes faced accusations of betrayal. In the cases of Lancaster and of course Repingdon, these accusations came for apparently giving up those they should have been protecting to archiepiscopal councils. Among the Poles, Protestant artisans and merchants complained of lordly indifference from higher ranking co-religionists to their mundane struggles to keep the faith without getting into trouble.<sup>96</sup> In fact, we have seen how the visible distancing of client from patron could mask an effective, if more subtle form of protection. These echoes further point to the conclusion that the English system of heresy regulation was, in fact, a framework for accommodation.

In codifying procedures for interrogating Lollards and guiding their abjurations, English bishops formalized and entrenched the same kind of false conversion that had been advocated by Philip Repingdon and negotiated by other Wycliffite clerics in the preceding decades. Ecclesiastical officialdom consciously sought a form of accommodation based on perjury, partly for practical reasons and partly for high-minded ones. An expectation that each trial would end with a false abjuration, followed by penances that were usually either evadable or light enough to be acceptable, might make heretics more willing to tell the

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<sup>95</sup> Tazbir, *State*, 59-64.

<sup>96</sup> Tazbir, 100-102, 196.

truth, at least partially, about their beliefs. A cooperative heretic was helpful, and a well-informed inquisitor-bishop need not act unnecessarily suspicious. On the contrary, he would best serve his diocese by molding the trial to fit into the same pattern that governed lesser canonical offenses, with the same outcome of returning the culprit, with his or her reputation restored as much as possible, into the community of the faithful. Formal penitence served this purpose better than seeking sincere penitence would have done; therefore, the bishops took refuge in formalism and did not closely examine sincerity. A now classic Monty Python joke claims that “No one expects the Spanish inquisition!” In fact, the English system of inquisition adapted the rules of continental ones, including the precursors to the Spanish Inquisition, to make the end of each trial as predictable as possible. With the vast majority of heretics accepting the necessity of false abjuration, and the bishops satisfied with it as means of understanding what was going on in their dioceses, being thorough but generous inquisitors in the Augustinian model, and keeping the peace through the reintegration of heretics, mass false abjurations seemed set to continue indefinitely. Predictability brought its own difficulties, however, because it made the system less opaque. Once the quiet deceit inherent in it was exposed outside the symbiotic partnership of careful bishop and well-integrated heretic, it was bound to be challenged.

## Chapter 5

### Into the Fire

False abjuration was a mostly hidden phenomenon, a point of stealth cooperation between heretics and ecclesiastical authorities, whose function as the lynchpin of English heresy trials depended on both sides keeping quiet about what was really happening. By contrast, the disintegration of the false abjuration system was noisy and violent, yet this process, too, has been partly concealed within the iconic confrontations and conflagrations of the Reformation period. We have seen how complex stew of widely divergent motives led to the development and gradual consolidation of the false abjuration system, and similarly, its fall from status quo was far from immediate and farther from inevitable. Rather, it appears to have resulted from a convergence of several cultural and political trends. Influential lay critics began to better understand the system and to condemn it, and heretics and bishops alike began to respond, at least in limited ways, to pressure to alter their behavior. Intervention from secular authorities became more frequent and confusing. Heretics themselves began to feel more doubt about whether their abjurations were morally justifiable, and to demand more say in writing their content. Most bishops remained committed to the status quo and made great efforts to maintain it, but ultimately failed as the alliance on which their heresy regulation system depended frayed. The result, over a period of about fifty years, 1510-1560, was the replacement of a reasonably functional, cooperative relationship between bishops and heretics with a volatile, antagonistic one between heretics and influential Catholic laity, with the bishops caught in-between as an increasingly rusty hinge. The result over a longer term was the near

impossibility, in Anglophone Protestantism and in the English speaking world that was later to develop, of conceiving that a belief could be simultaneously sincere and silent.

This chapter will discuss several factors that ultimately led to the collapse of the abjuration system, of which the presence of Protestantism, Lutheranism, or evangelical leanings is only an indirect one. In fact, I will use these terms only in reference to the work of scholars who regularly deploy them. Partly, this is to avoid terminological quicksand. The debate over the definition and usage of the term “Lollard,” mentioned in the introduction as something of a distraction from the essence of what was happening, is dwarfed by debate over appropriate labels in the pre-Reformation period. Recently, Alec Ryrie and Peter Marshall, in particular, have encouraged the use of “evangelical” for the entire range of early sixteenth century ‘pickle bottles.’ Even this non-specific theological label tends to suggest a misleading image of the chronology and of the drivers of the change that occurred in heresy trials. Firstly, the number of heresy investigations and the severity of punishment increased noticeably from the early 1510’s, well before anyone in England had heard of Luther or most people had heard of Tyndale. From this point on, laypeople were significantly more likely to face multiple investigations in their areas within their lifetimes (the previous lay relapsees we have encountered were nearly all in their sixties and had gone through their first trial decades earlier), so that the uneven awareness and acceptance of the abjuration system outlined in chapter 3 became a more widespread problem. Secondly, as best outlined in Robert Lutton’s study of Tenterden, Kent, Lollard and “reformist” tendencies ran in families and were maintained and quietly expressed, more by what they refrained from doing or saying—skipping church rather often, not mentioning saints or leaving bequests for masses in their wills—than what they did say or do, in the same way for many

generations, without any sharp break in the 1520's or '30s.<sup>1</sup> Indeed, the first open expression of such commitments often occurred when the official church had veered to their side and the erstwhile Lollards had occasion to complain about a Catholic.<sup>2</sup> Finally and most importantly, the bishops who were conducting the examinations did not acknowledge that they were dealing with a new or different heresy and, as we shall see, refused to significantly alter their proceedings for trials and abjurations despite considerable pressure to do so.

Perhaps the most destructive of the secular interventions that overturned the delicate balance of the abjuration system was the pressure brought to bear on its lynchpin, the oath. The government's reliance on oaths—the Henrician oaths of succession and supremacy, the multiple iterations of the articles of faith under both Henry and Elizabeth—made policing of perjury the primary method of enforcing religious conformity. Thomas Cromwell waged something of a one-man campaign against attempts to manipulate the oaths of succession and supremacy by omitting or adding phrases, complaining, of Thomas More and John Fisher that, "...in case they be sworn to the succession and not to the preamble it is to be thought that it might be taken not onelie as a confirmacion of the Bishop or Rome his auctorytie and but also as a reprobacion of the kinges second mariage" and to Princess (or rather, Lady) Mary, that she must assent to her disinheritance "so as you will in semblable manner conceive it in your heart without dissimulation... declaring that you think in heart, that you have subscribed with hand."<sup>3</sup> These concerns about insincerity

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<sup>1</sup> Robert Lutton, *Lollardy and Orthodox Religion in Pre-Reformation England: Reconstructing Piety* (London: Boydell, 2006), 149-201.

<sup>2</sup> *Ibid.*, 202-5.

<sup>3</sup> Letters to Cranmer (1534) and Mary (1536) quoted in Jonathan Michael Gray, *Oaths and the English Reformation* (New York: Cambridge University Press, 2013), 122, 137; original to Mary in Thomas Hearne, *Sylloge epistolarum, a variis Angliae principibus scriparum* (Oxford, 1716), 142-3.

were not baseless paranoia: John Forrest, a Catholic executed (like every case of any theological persuasion in this chapter) after long flirtation with false abjuration and ultimate rejection of it, said at his trial that “he had denied the busshope of Rome by an oth given by his outwarde man but not in thinward man,” and was unusual only in admitting it so bluntly.<sup>4</sup> In fact, the Henrician government had so many problems with equivocation in swearing the Oath of Supremacy in 1534 that the following year they added an additional oath on the same subject for problem communities, such as religious houses (this was shortly before the dissolution) and universities with added language trying to ensure sincerity. The universities, apparently marked as particularly likely to try to undermine the oath’s legitimacy later on, got a clause about being “persuaded and seduced to this, not coerced by force or fear, nor with any trick or other sinister machination, but from certain knowledge, with resolved minds and just and voluntary wills, purely, willingly, and absolutely.”<sup>5</sup>

The obvious problem was that the more the required oaths were hedged by such verbal precautions, the more the swearers were being pushed from subtle means of justifying the oath to themselves into outright perjury, undermining the whole procedure and reinforcing cultural skepticism about oaths in general. This may be partly why, a generation later, the church and government felt it necessary to assert the validity of oaths in general, in terms closely copying Wyclif, nearly two centuries before. According to the last of the Elizabethan Thirty-Nine Articles (without which it would be pointless to swear adherence to the others), “...Christian religion does not prohibit, but that a man may swear

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<sup>4</sup> Quoted in Peter Marshall, *Religious Identities in Henry VIII’s England* (Aldershot, Hants.: Ashgate, 2006), 211, from The National Archives: Public Record Office, SP 1/132, f. 155. Comment also summarized in Foxe (1583 ed.), 1124.

<sup>5</sup> Gray, *Oaths and the English Reformation*, 141; full text in Latin, 240.



when a magistrate requireth, in a cause of faith and charity, so be it done in the prophet's teaching in justice, judgment, and truth."<sup>6</sup> This ruling was (as Edward Vallance has pointed out) necessary to ensure that the oath affirming all the others was not meaningless.<sup>7</sup> The language, as in several of the articles, was apparently aimed at Anabaptists, who, as Diarmaid MacCulloch has argued, were used as bogeymen to unite traditionalists and more radical Protestants/evangelicals/etc.<sup>8</sup> More subtly, this article attempted to dissociate the formal and mandatory oath from more frivolous varieties, such as the kind in the proliferating slander suits (hardly a cause of faith and charity) and more explicitly from the "vain and rash swearing" that by this time was as noxious to Puritans as it had been to Lollards. Furthermore, the emphasis on justice and truth shows considerable awareness of broader public skepticism about swearing, and an attempt. Although Christopher Hill identified the late seventeenth century as the point at which oaths became essentially meaningless,<sup>9</sup> it is likely that the Elizabethans were already too late. A degeneration into absurdity was already visible in Marian proceedings, particularly in high profile ones such as those against Cranmer, featuring a disputation in which the archbishop and his opponent each accused the other of forcing him to commit perjury.<sup>10</sup> Beyond bringing to the fore all the mixed feelings about perjury that were already prevalent, the once implicit lies at the heart of the heresy trial were being made obvious even to people outside the central actors, the bishops and the heretics.

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<sup>6</sup> The Articles of Religion, XXXIX, <http://www.fordham.edu/halsall/mod/1571-39articles.asp>

<sup>7</sup> Edward Vallance, *Revolutionary England and the National Covenant: State Oaths, Protestantism and the Political Nation, 1553-1682* (Boydell, 2005).

<sup>8</sup> Diarmaid MacCulloch, *The Boy King: Edward VI and the Protestant Reformation* (Berkeley: University of California Press, 2002), 69-73.

<sup>9</sup> Christopher Hill, *Change and Continuity in Seventeenth Century England* (New Haven: Yale University Press, 1991).

<sup>10</sup> MacCulloch, *Thomas Cranmer: a life* (New Haven, CT: Yale University Press, 1996), 578.

Bringing oaths so firmly to the center of royal jurisdiction was part of a pattern of increased secular interest in religious dissent that threatened to overturn the delicate balance that bishops and heretics had established over the preceding century. The number of mass trials increased sharply immediately after the ascension of Henry VIII, then eager to present himself as a champion of orthodoxy, who notoriously wrote an anti-heresy treatise to obtain the title "defender of the faith." Executions, though still rare, became a little less so; it is not an accident that almost all the executed heretics we have seen so far, after the early Oxford-trained Wycliffites, were from the 1510s. More rigorous penances, such as permanent residence near and reporting to a religious house (as discussed in the previous chapter) started to be imposed regularly. More importantly, as it ultimately proved, was the fact that it became fashionable and advantageous to campaign for aggressive action against heresy. Perceived laxity in enforcing orthodoxy became something of a cause celebre. As heresy trials received more attention from the kind of well-connected orthodox laity who would previously have had no interaction with such forums and no particular reason to think about them, the abjuration inevitably came under increased scrutiny. The crisis came in the late 1520s and early 30s, when men with both the king's ear and the reading public's, Henry's former tutor, the poet John Skelton, and then-chancellor Sir Thomas More, began to see false abjurations, at least partly, for what they were, and set out to expose them.

The repeated partial abjurations of men like Thomas Bilney and Edward Crome (discussed below) were the red flag to Skelton, who attacked, in addition to a fairly standard list of heretical beliefs, what he calls the "madde Ipocrisy" of their abjuration. Skelton noted in particular that Bilney's penances were evidently meaningless to him, and that therefore both real punishment and real conversion had yet to be achieved.

One of you there was  
That laughed when he dyd pas  
With his fagot in processyon  
He counted it no correction  
But with scornefull affection  
Toke it for a sport  
His heresy to support  
Where at a thousand gased  
As people halfe amased  
And thought in hym smale grace  
Hys foly so to face.  
Some iuged in this case  
Your penaunce toke no place  
your penance was to lyght  
And thought if ye had right  
ye shulde have further payne...<sup>11</sup>

Skelton evidently had not fully understood the Church's complicity, as his suggestion for a harsher penance is recantation sermons at the places the abjured men had originally preached. He was apparently unaware that this had been common practice a century earlier, and was certainly unaware that such sermons could be made equally meaningless to both the supposed penitent and his audience. Nevertheless, he was getting there, and in pointing out the essential emptiness of the procedure, as well as its uselessness for educating the public, he was going where far more theologically sophisticated--and banned--fifteenth century rebuttals of Lollardy, including those of Pecock and *Dives and Pauper*, would not go. The use of the terms "heretic" and "abjured" as essentially synonymous, rather than representing a spiritual progression as they were theoretically intended to be, was novel and highly significant.

Thomas More went still farther in identifying the abjurations of heretics as intrinsically suspicious and likely to be false. In his 1533 *Apology*, a rebuttal of a claim that

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<sup>11</sup>John Skelton, *A replycacion agaynst certayne yong scolers abiured of late*, (Impri[n]ted by Richard Pynson, 1528, Huntingdon Library copy on eebo), 6.

executed heretics might, “by good and charytable handelyng of the clergy, haue ben better re+formed, and peradventure in soule and body saued,”<sup>12</sup> he continually equated heresy with lying, writing “to thentent evere man may se y’ these good bretherne lytle care how lowde they lye...”<sup>13</sup> This association of heresy with falsehood was, as we saw in chapter one, hardly new, but More used this idea to cast doubt explicitly on the main elements of the episcopally-controlled legal process, the examination and the abjuration, and implicitly on the very possibility of true conversion, or at least of the bishops achieving it. In a startlingly early recognition of heretics’ tendency to take over their interrogations as a platform to proselytize,<sup>14</sup> More described the manner “with whych those heretykes fyrst deceyue men & women in corners secretely, and after sprede them abrode in audience by defence of those heresyces in theyr examinacion openly.”<sup>15</sup> This passage is tied, like Skelton’s “Replycacion,” to an endorsement of sermons denouncing the beliefs being abjured. It is striking, however, that More recommended they be delivered by a preacher other than the heretic himself. This idea, in conjunction with recurring comments such as a remark about Tyndale that ““thys precher wold couertly colour in hys sayde wordes,” that More understood how a coded recantation sermon could also be used to spread the views of the not-truly-converted.<sup>16</sup> Furthermore, he noted that that abjurations were not trustworthy because the abjured could backtrack on them and question the process that led to them:

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<sup>12</sup> Thomas More, *The apologye of syr Thomas More knyght* (Prynted by w. Rastell in Fletestrete in saynte Brydys chyrch yarde, 1533; Huntingdon Library copy on eebo), 148.

<sup>13</sup> *Apologye* 9

<sup>14</sup> This tactic, though certainly extant in the early Henrician period, did not in fact become the norm until twenty years later, as discussed below. For detailed analysis of this practice from the Henrician through the Marian period, see Sarah Covington, *Trail of Martyrdom* (Notre Dame, IN: Notre Dame University Press, 2003), 134-43

<sup>15</sup> *Apologye*, 210.

<sup>16</sup> *Apologye*, 47. More had made similar, extensive attacks on Tyndale a year earlier in *The Confutacion of Tyndales Aunswere* (1532).

Other haue besydes thys complayned, that they haue ben vntrewly and vniustely handeled and thys haue they not letted to do after that they haue ben conuoycted and ab[...]red, and theyr iuste condemnacyons after theyr open examynacyons and playn and clere proues, so well and openly knowen, y<sup>^</sup> they haue by theyr shamelesse clamoure nothyng goten, but rebuke and shame. And yet were some of theym yf theyr ordynaryes had ben so sore & so cruell as this boke of this pacifyer maketh them, fallen agayne in the daunger and parell of relapse... And suche haue these folke euer be founden and euer shall. For when they fall to a false fayth in herte theyr wordes can not be trew.<sup>17</sup>

In other words, heretics were always liars, including during and after their trials, and their abjurations did not genuinely change them. In an earlier work, More, like Skelton, had pointed the finger at Bilney, accusing him of perjury in so many words, citing a rumor that Bilney had said, “Let us preche and set forthe our way. And yf we be accused lett us saye we sayd not so.”<sup>18</sup>

Two things were happening here. First, More was observing, quite accurately, the declining commitment of heretics to the abjuration system, but secondly, he used these observations to go beyond other lay critics of his generation by criticizing the bishops’ control of the system as well as its focus on avoiding executions. This criticism was somewhat *sub rosa*, given the necessity of maintaining some fig leaf of humility before the spiritual lords and the fact that he spent much of the document attacking his target for questioning their judgment. It can be found, however, in careful remarks such as “And some men saye some prelates haue not done all theyr partes, in the repressynge and dewe punysshment of them.”<sup>19</sup> More notably, More told an anecdote from his time as chancellor

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<sup>17</sup> *Apologye*, 213-14.

<sup>18</sup> Thomas More, *A Dialogue Concerning Heresies*, in *The Complete Works of St. Thomas More*, ed. Thomas M. C. Lawler, Germain Marc'hadour, and Richard C. Marius, vol. 6 (New Haven, CT: Yale University Press, 1981), 257. Perjury, *ibid.* 279. Cf. E. Gow, “Thomas Bilney and his relations with Sir Thomas More,” *Norfolk Archaeology* 32 (1958–61), 292–310.

<sup>19</sup> *Apologye*, 219.

in which he had not merely questioned but actively pre-empted the prerogative of the Bishop of London, Cuthbert Tunstall, to question a heretic.<sup>20</sup> More said he had sought and obtained royal intervention to move an obstinate heretic from the bishop's prison to the Tower; on the grounds, first, that the culprit was a "person suche that I coulde fynde no trowth, neyther in his worde, nor his othe,"<sup>21</sup> and secondly, that the man was a suicide risk in the bishop's prison. The barely concealed implication is that the bishop was an incompetent custodian who would undermine the aim of getting the man to abjure, which he portrayed Henry as urging on the heretic,<sup>22</sup> and that any oath that episcopal functionaries did obtain would be inadequate.

The point was that the secular rather than the episcopal authorities were best suited to take charge of a heretic and "laboured about his amendment,"<sup>23</sup> a point made as plain as it reasonably could be by putting the injunction to "not stande styll in his obstynacye" into the king's mouth.<sup>24</sup> More concluded the *Dialogue* with the assertion that "in y<sup>e</sup> condemnacyon of heretyces y<sup>e</sup> clergye might lawfully do mich more sharpely than they do," with several heavy hints about the canonical status of princes as the legal inflictors of punishment.<sup>25</sup> The *Apologye* proceeded to a barely veiled threat to destroy the reputations of bishops who were soft on heretics :

I pray god that some of the spyrytualtye haue not in some thynges gone aboute our myche to appease that sort of pple, by whose meanys they haue thought that all theyr isase hath come those folke aye of whome by good

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<sup>20</sup> Tunstall, as noted in chapter one, was also the bishop who oversaw Bilney and Crome's abjurations, and seems to have been a favorite for accusations of laxity.

<sup>21</sup> *Ibid.* 214.

<sup>22</sup> *Ibid.* 214-16.

<sup>23</sup> 214

<sup>24</sup> 216

<sup>25</sup> More, *Dialogue Concerning Heresies*, 433.

informacyon they haue had deteted vnto theym for ery starke hereikes in dede whom yt for any fere of suche other folkes false suspycyon spryngynge vppon suche slaunderouse lyes as thys pacyfyer speketh of, and groundeth hys conclusyons vpon, the clergy begynne to spare and for any uce causes begyn to slak, and be the moe remisse in the callynge attachyng, and cramynyge, and of the ferther odrynge of heretykes, god wyll not fayle to make fall in theyr neckes the dowble slaunder of that from whyche they fle.<sup>26</sup>

The fact that several recently executed people from multiple dioceses (including Bilney) were named at another point as people who should have been burned sooner suggests that excessively lenient bishops actually meant all bishops.<sup>27</sup> More was arguing, without quite saying it outright, that bishops as a group were too focused on abjuration as opposed to execution, and were not even performing well in obtaining abjurations. He did not quite say that the bishops had come to an agreement with the heretics to use the abjuration as a shield, but he did correctly pinpoint the way abjurations were administered and regarded as the source of the leniency he found so objectionable. Both the basis of the bishop's false abjuration system and their authority to implement it were now in doubt.

A growing awareness, in the early sixteenth century, that ecclesiastical systems for controlling heresy could, in fact, enable its survival was not limited to England. In 1532, Gian Pietro Carafa (later Pope Paul IV, a name synonymous with Counter-Reformation harshness, and never known for tact), wrote a memorandum to the current pope, Clement VII, accusing Clement's leniency and personal interventions of spreading heresy among conventual Franciscans in and around Venice, where he was then working. Many of the friars, he wrote, claimed to have papal permission to read banned books, and one, Bartolomeo Fonizio, was rumored to be in correspondence with Clement and "dared to

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<sup>26</sup> More, *Apology*, 183.

<sup>27</sup> *Ibid.* 157

boast of frightening the Pope.”<sup>28</sup> As for the ringleader, Alexander of Pieve di Sacco, Carafa could only vaguely threaten that, “ ...some day His Holiness could grieve and repent of the immunity which is said to have been granted [to Friar Alexander] and of so many briefs and favors which the latter boasts of having received from His Holiness.”<sup>29</sup> Interestingly, the individuals named as particularly egregious braggarts about special papal accommodation were all imprisoned; the use of prisons as a kind of center of heretical learning was also an issue in England, as we will shortly see. Some of the Venetian heretics appeared to be negotiating the details of their apparent re-conversions, leading Carafa to a similar suspicion about heretics’ willingness to change their ways:

Lowering himself by writing to them or by speaking gently and permitting certain favors for them to be extorted from His Holiness could accidentally succeed in [returning] one of them [to the fold]; but ordinarily this is the way to make heretics grow more obdurate and to increase their number daily. Already the evildoers boast that this is the way to be honored, appointed to office, and benefited by His Holiness, which is most shameful and dangerous.<sup>30</sup>

Encouragement of the dubiously orthodox in Venice was not limited to a single pope. Carafa also repeatedly lamented the leniency of the city’s secular authorities (a well-attested fact well into the 1560s), and four years later found himself in the uncomfortable position of being on a reform panel with a number of Spirituali clerics whose ideas on the subject bore more resemblance to the heretics he was trying to police than to his own.<sup>31</sup>

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<sup>28</sup> Translations, Elizabeth Gleason, *Reform Thought in Sixteenth Century Italy* (Chico, CA: Scholars Press, 1981), 57-59; original, Ioannes Pietro Carafa, “De Lutheranorum haeresi repirmanda et ecclesia reformanda ad Clementum VII,” in *Consilium Tridentinum: Diariorum Actorum Epistularum Tractatum nova collectio* (Freiburg: Herder, 1901), 67.

<sup>29</sup> *Ibid.*

<sup>30</sup> *Ibid.*

<sup>31</sup> *Ibid.* and John Jeffries Martin, *Venice’s Hidden Enemies: Italian Heretics in a Renaissance City* (Baltimore: Johns Hopkins University Press, 2003), 38-9.



English bishops, facing a climate significantly and increasingly less tolerant of accommodation, made some efforts to adapt to criticism of insincere abjurations and to heretics' increasing inclination to nitpick about what precisely they were abjuring. Nevertheless, the *modus operandi* of heresy trials did not change significantly in that abjuration was still the main goal, and if fudging of various sorts was necessary to achieve that goal, so be it. It was the fact that Bilney was permitted to write his own abjuration, in which he explicitly abjured beliefs of which he was "suspected and convicted" to indicate he was not giving up any he actually held, that prompted More's and Skelton's criticism in the first place. In another instance, as Susan Wabuda has pointed out, Edward Crome was allowed to use various contextualizations and "mental reservations" in the first three of his four abjurations and also gave multiple coded recantation sermons, all of which he was required to explicitly repudiate in his final one.<sup>32</sup> His real inclinations were perfectly clear to his audience: James Bainham remarked at his own trial that "And when hee heard M. crome preach and say, that he thought there was a Purgatory after this life, he thought in his minde, that the sayd M. crome lyed, & spake against his conscience..."<sup>33</sup> Wabuda argues that this shows a concern by his examiners in the sincerity of the abjurations they were overseeing. Given that they were still allowing multiple abjurations by a person they knew to be a master at equivocation, however, it is at least equally possible that they were primarily interested in making it appear that way in order to silence complaints that they were being soft on heresy. The policy of allowing prison visits from likeminded friends to people who were resisting abjuration, in the hope that their fellow (abjured) heretics would

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<sup>32</sup> Susan Wabuda, "Equivocation and recantation during the English Reformation: the 'subtle shadows' of Dr Edward Crome," *JEH* 44 (1993), 224-42.

<sup>33</sup> Foxe, *Acts and Monuments* (1583 ed.), 1052. Cf. Wabuda and John F. Davis, *Heresy and Reformation in the South-East of England, 1520-1559* (London: Royal Historical Society, 1983), 32-4.

persuade them to change their minds, also suggests a very good understanding of the word-of-mouth transmission of the abjuration system that we examined in chapter three. Admittedly, this no longer always worked quite the way the authorities had envisioned: although prisons were not yet scenes of the complex ritualistic dramas of conversion vs. martyrdom that developed in the late sixteenth century,<sup>34</sup> prisoners were as likely to get encouragement to strengthen their resistance as to yield.<sup>35</sup> In fact all kinds of complicated webs of suggestion were possible: when Hugh Latimer (the later Marian martyr) visited a lawyer named James Bainham, he did try to get him to abjure, not on the grounds that it was just what one did, but because Latimer did not agree with all of the beliefs Bainham had confessed.<sup>36</sup> As we have seen, Thomas More criticized at least one bishop for not being in control of his own prisoners.<sup>37</sup> Like the lay critics, the bishops could discern some of what was happening, but not all of it.

Such partial adaptation was already evident in another set of trials that Bishop Tunstall, who drew such opprobrium for Bilney's abjuration, conducted, of a group of Colchester Lollards in the late 1520s.<sup>38</sup> The abjurations went beyond the usual formula of rejecting pilgrimage and priestly authority and owning banned books (though all still included these points) to encompass highly specific details, different for each individual, that had emerged from their interrogations. For instance, Thomas Bowgas' abjuration included the comments that he had previously stated "that I wold owr lady of grace were in

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<sup>34</sup> Peter Lake and Michael Questier, *The Anti-Christ's Lewd Hat* (Yale, 2002).

<sup>35</sup> e.g. Covington, *Trail*, 88-95

<sup>36</sup> Foxe, 1563 ed, 531; cf. Davis, *Heresy & Ref in SE England* (RHS 1983), 33; Ryrrie, *Gospel*, 73; etc.

<sup>37</sup> *Apologie* 215

<sup>38</sup> John Strype, *Annals of the Reformation and establishment of religion...* (Oxford: at the Clarendon Press, 1824), IV: 51-61. By this period, the Lollard/Protestant distinction was highly fluid, though Strype, in the early eighteenth century, followed Foxe in using the term.

my bakehouse" and that "to sett a taper before the sepulchre... was nothing, but to sett a candell before the Devyll."<sup>39</sup> Such deviations from convention attest the bishop's interest in ensuring that these abjurations were, or at least would sound as if they were, in the authentic voices of the accused. While much of this change can be attributed to a bishop known for patience and flexibility with a political standing to defend, there are signs he met equal willingness to play with the rules. Several men broke the long established embargo on naming any fellow heretics who were important in their circle or who were not already detained, in particular a priest and a married friar, who was on the run, and furthermore mentioned these as having called various other accused "knowne man" or "true Christen man."<sup>40</sup> (This incidentally showed that the coded language Lollards used to identify each other still held at this point, even while anti-heretical polemicists like More were starting to co-opt it.<sup>41</sup>) This unusual breaking of ranks may be partly due to dissension within this particular circle, or even a single problem member. John Tyball, who named over a dozen people, including his own wife and mother (and was unsurprisingly named by everybody else), seemed to be particularly upset by his failed attempt to convert two other priests as a kind of insurance scheme: "For he thowghte that yf he might bring a Priste once into his learning and heresies, he were suer and strong enowghe," and instead he seemed to believe they had turned him in.<sup>42</sup> It is hard to escape the conclusion, however, that if the bishop was newly willing to let the heretics' real beliefs and prior lives into the abjuration, he met with an equally new willingness to let him into those lives. At this point, the collaboration

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<sup>39</sup> Strype IV: 57.

<sup>40</sup> *Ibid.* 60-61

<sup>41</sup> E.g. More, *Apologye*, 87.

<sup>42</sup> Strype, *Annals*, IV: 52.

between ecclesiastic and heretic was intact, but it was veering towards a different end than it had served before.

The period of the 1520s on was marked by increasing hesitation and reluctance on the part of religious dissidents to swear the required oaths exactly as prescribed, though most people affected still ended by doing so, more than once if necessary. This development was most obviously apparent in the recantation sermon, which the abjurer had always had a role in crafting. As we have seen, Crome made multiple partial recantations and Thomas Bilney required a great deal of negotiation with Bishop Tunstall in 1527 over the exact terms of his abjuration before he agreed to make it. Bilney afterwards expressed a good deal of guilt about it, even though, in accordance with More's account of him,<sup>43</sup> he had carefully avoided saying that he had actually held any of the articles he was abjuring, limiting himself to the necessary legal formality that "articles folowyng whereuppon I am now diffamyd noted vehemently suspected and convicted."<sup>44</sup> The vehement suspicion was of course what made it impossible to avoid executing him when he relapsed in very public fashion.<sup>45</sup> In the 1540s, Robert Wisdom, a two-time abjurer, found a simpler way to signal that his oath was a false one: "Howe soever I have counterfett before, thyncke not that I counterfett nowe!"<sup>46</sup> These recantation sermons were no longer relying on code words to signal their insincerity; they began by effectively stating that everything to follow was a lie, and sometimes, as in the case of Robert Barnes in 1540, ended with recanting the

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<sup>43</sup> As above, *Dialogue*, 257-279.

<sup>44</sup> Guildhall Library, MS 9531/10 fol. 120r, see Greg Walker, *Persuasive Fictions: Faction, Faith, and Political Culture in the Reign of Henry VIII* (Brookfield, VT: Ashgate, 1996). Cf. G. Rupp, "The 'recantation' of Thomas Bilney," *London Quarterly and Holborn Review* 167 (1942), 180-86.

<sup>45</sup> See chapter 4 on the implications of vehement suspicion. Bilney's final trial and execution, Foxe, *Acts and Monuments* (1583 ed.), 1022-36. He not only had been (illegally) preaching but used his sermons to recant his recantation.

<sup>46</sup> Emmanuel College, Cambridge MS 261; see Davis, Ryrie, Wabuda.

recantation.<sup>47</sup> Consequently, this format was no longer a get out of jail free card: Bilney, who resumed unlicensed preaching for the explicit purpose of undoing his recantation sermon, was subsequently executed.<sup>48</sup> Paroxysms of guilt about abjuration began appearing, especially among those who had already recanted and felt they could hardly bear to repeat the experience. Wisdom's friend Thomas Becon, wrote after his first abjuration that "No tyranny ought so to be feared, that God & hys trueth shoulde not be confessed," but still abjured a second time.<sup>49</sup>

The 1530s and -40s witnessed the interesting spectacle of both Protestants and Catholics trying to weave a path for newly sensitive consciences through the existing abjuration system, and doing so in very similar ways. Often these involved trying to separate obedience to secular authority from religious obligation. Scholars who disagreed with Henry VIII's pullback from reform starting in 1536 justified obedience to his laws restricting their religion by a variety of convoluted arguments about the privileges of monarchs, as Alec Ryrie has pointed out.<sup>50</sup> A little earlier, many Catholic clerics and religious tried to qualify the oath of supremacy they were required to swear by adding such phrases as, if it "not concern the faith nor reformation of sin," "with the protestation that we intend to do nothing against the divine law," "in all things they would willingly obey the king as long as divine law permitted."<sup>51</sup> Such addenda were practically never accepted and most

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<sup>47</sup> Foxe (1583), 1222.

<sup>48</sup> Foxe (1583), 1036.

<sup>49</sup> Thomas Becon, *A Potaction or drynkyng for this holi time of Lent (1543)*; see Alec Ryrie, *The Gospel & Henry VIII: Evangelicals in the Early English Reformation* (Cambridge: Cambridge University Press, 2003), 72.

<sup>50</sup> Ryrie, 58-92.

<sup>51</sup> Michael Gray has collated an extensive number of similar equivocations, the majority of them citing subservience to divine law. These examples are from Gerald Bray, *Records of Convocation* (Woodbridge: Boydell, 2005-6), VII: 187, quoted Gray, 129; Gray 130; Maurice Chauncey, *The Passion and Martyrdom of the Holy English Carthusian Fathers* (1570), 79, quoted Gray, 3.

fell back on forms of mental reservation (“...vppon this othe concerning the abiuration of the pope I wyll not abiure hym in my harte.”)<sup>52</sup> Nevertheless it is significant that the formulaic oath was no longer automatically accepted. Even Sir Thomas More, for all his excoriation of the likes of Bilney and Crome for exploiting mercy through manipulation of language, famously tried to swear only part of the oath of succession.<sup>53</sup> Defendants in heresy trials were no longer content to follow the approved form and help the proceedings speed along to the abjuration as soon as possible, but sought some control over the language, not only of the abjuration, but also of what exactly they admitted during questioning. Sarah Covington has analyzed the various strategies used in detail, such as asserting they believed in all the doctrines of the Creed<sup>54</sup> while refusing to name specific ones, Catholic or heretical, questioning minor details of the charges against them,<sup>55</sup> and claiming they were too “simple,” to understand the charges against them.<sup>56</sup> All are echoes not only from the early days of Wycliffite prosecutions, when the false abjuration strategy was not yet fully established or universally accepted,<sup>57</sup> but also of the tricks elucidated in the inquisition manuals of Jacques Fournier and Nicholas Eymerich in the fourteenth century.<sup>58</sup> Equivocation was making a serious comeback, but the abjuration system was not

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<sup>52</sup> A priest, Sir George Roland, quoted Gray, 133.

<sup>53</sup> See above, cf. Gray 121-2.

<sup>54</sup> Covington 145.

<sup>55</sup> *Ibid.* 117.

<sup>56</sup> *Ibid.* 137.

<sup>57</sup> See chapter 3.

<sup>58</sup> Nicholas Eymerich, *Directorivm Inquisitorvm R. P. F. Nicolai Eymerici, Ord. Præd. S. Theol. Mag. Inquisitoris hæreticæ prauitatis...* (Romae: In Aedibvs Pop Rom, 1578), part 3, 290. Jean Duvernoy, ed., *Le Registre de Jacques Fournier (1318-1325)*, (Toulouse, 1965), II: 71-2. Discussion, see James Given, *Inquisition and Medieval Society: Power Discipline, and Resistance in Languedoc* (Ithaca: Cornell University Press, 1997), 93-110. See chapter 3.

designed for carefully negotiated, individuated confessions, and the result, increasingly often, was the one that nobody wanted: refusal to recant, and consequently, execution.

All of these trends are well illustrated in one of the most famous trials of the period, that of Anne Askew in the 1540s. Apart from Thorpe's possible case a century and a half earlier, this is the only other self-reported English heresy trial (though her account was edited by Bale with an eye to make her appear more heroic), and therefore contains great detail on the interactions between the accused and her interrogators. One of the many ways in which Askew's responses are uniquely revealing, is that they provide quite a precise reflection of changing attitudes towards abjuration. She did in fact abjure at her first examination, but only after an attempt to alter the conventional formula. Her excuse that the document she was given to sign was too long for her to remember its contents would, if true, be very unusual; in fact, the part of it she quoted was a fairly standard affirmation of the sacraments.<sup>59</sup> Additional tactics, such as trying to add, "I beleve so moche therof, as the holye scripture doth agre to," or "I Anne Askew do beleve all maner thynges contayned in the faythe of the Catholyck churche," to the abjuration before she signed it, are simultaneously typical of the equivocation techniques just outlined and remarkably reminiscent of Sawtre and Crumb in the early fifteenth century, and even of Repingdon and his colleagues in 1382.<sup>60</sup> Apart from using her gender to push the "simple" defense to the fore (as a woman, she did have some special treatment, including in the presence of politically influential male relatives through much of her interrogation),<sup>61</sup> this looked so far

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<sup>59</sup> *The Examinations of Anne Askew*, ed. Elaine V. Beilin (New York: Oxford University Press, 1996), 58-9.

<sup>60</sup> *Examinations* 60, 62

<sup>61</sup> Covington, 137

like the standard procedure of the changing, less certain, but still mostly functioning system of producing abjurations that prevailed through the Henrician period.

That the ultimate result, which was of course execution, was so untypical—or rather, an early indication of what was to become more common a decade later—owed much to episcopal confusion in the face of heretics insistent on molding the proceedings to the limits of their consciences. Askew reported that her bishop, Edmund Bonner (who would later be heavily involved in the Marian prosecutions and star as one of Foxe’s arch-villains), stormed out of the room in frustration on more than one occasion. This was happening even during the first examination; after her last mentioned addendum to her abjuration, “because I did adde unto it, the Catholyck church, he flonge into his chambre in a great furye.”<sup>62</sup> It is very clear, despite later portrayals and Bale’s editorializing, that this was not due to bloodthirstiness but to Bonner’s, and every other bishop’s, training in how to handle a heresy trial, which had taught him to expect an abjuration that was not forthcoming. Indeed, by this time, regardless of the efforts of Thomas More, even the secular branch appeared to have accepted repeat abjuration as the norm: in another echo of Thorpe and Arundel (who had been Lord Chancellor as well as Archbishop of Canterbury), Askew reported that after her second examination, “After that [being tortured and fainting] I sate ii. longe houres reasonyng with my lorde Chauncellour [Lord Wriothesley, not a cleric] upon the bare floore, where as he with manye flatteryng wordes, persuaded me to leave my opinion.”<sup>63</sup> Even as the authorities, both secular and episcopal, were more set than ever on abjurations, as many as necessary, being the way to handle heresy, heretics were

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<sup>62</sup> *Examinations*, 62.

<sup>63</sup> *ibid* 130.



beginning to be ashamed of them. Not only did Askew refuse to recant a second time, leading to her execution, but she emphatically denied that she had ever done so:

I have redde the processe, whych is reported of them that knowe not the truthe, to be my recantacyon. But as sure as the lorde lyveth. I never ment thynge lesse, than to recant. Notwithstandynge thys I confesse, that in my first troubles, I was examyned of the Byshopp of London aboute the sacrament. Yet had they no graunte of my mouth but thus. That I beleved therin, as the worde of God ded bynde me to Beleve. More they never had of me.<sup>64</sup>

Here she was turning the strategy of another predecessor, Rowley, on its head, denying the legitimacy of her first recantation not to avoid being accused to relapse, which nobody had any intention of executing her for, but because she regretted having made it. Abjuration had gone from something routine, of little moral significance--"For it was no great matter, they [the bishops] sayd"<sup>65</sup>--to a shameful deed to be avoided. There was at least one case of suicide prompted by guilt about abjuration,<sup>66</sup> and quite a number who recanted or were heading that way and changed their minds. Once this way of thinking about abjuration became established, the collaborative system based on it was dead in the water.

With the collapse of collaboration between heretics and their interrogators, bishops were stuck in an impossible position where anything other than an unquestionably sincere abjuration would leave them with red faces. Urge recantation, and the heretics might resist, either to the end or to the last possible moment, having made as much trouble as they could. Accept insincere recantations, and the heretic might take pains to show not merely his co-religionists, but everyone, that the whole thing was a farce. Execute, and risk inciting a riot that would showcase the tenuousness of both episcopal and secular authority. To

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<sup>64</sup> 135-6

<sup>65</sup> 136

<sup>66</sup> John Snell of York, in the 1550s, Foxe (1583) 1623, cf Covington, 144.

avoid this, by the Marian period, they were obliged to schedule burnings at inconvenient times (early morning) and out of the way places (the reason the Oxford martyrs were in fact killed in Oxford, which by this point retained no affiliation with any heresy and was, as it remained through the Civil War, a center for religious reactionaries.). Attempts to evaluate the potential risk of any individual heretic often proved a fiasco. Permitted visitors who had themselves abjured urged prisoners to do as I say, not as I did;<sup>67</sup> abjurations already made were withdrawn, Cranmer's statement on the day of his execution being only the most famous example; publicized recantations, such as Crome's or again, the third of Cranmer's six, which was written by a Spanish Dominican, were disbelieved by the public because they did not follow the old formulas.<sup>68</sup> At the same time, just enough people were sticking to the old norms to maximize the uncertainty, and the carefully selected audiences that were sometimes let in would urge the accused to abjure,<sup>69</sup> creating an echo chamber in which the Repingdon system still seemed to be working.

The bishops, it seems, were ultimately more committed to the abjuration system than either the heretics whose lives it was intended to save or the society whose fabric it was meant to keep intact. At any rate, they certainly clung to it, to adapt Jane Austen's description of a woman lover, "longest, after all hope is gone."<sup>70</sup> As the sixteenth century went on, they were faced with an ever-increasing number of heretics who resisted the rules, by transparently equivocating, by arguing with the bishops, and more and more often, by choosing martyrdom, yet the episcopal response was to increase the emphasis on

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<sup>67</sup> Examples, see Covington, *Trail*, 89-92.

<sup>68</sup> MacCulloch, *Cranmer*, 594-8.

<sup>69</sup> Covington, 150-1.

<sup>70</sup> Jane Austen, *Persuasion*. I had to.

abjuration, not to lessen it. Though swamped with proceedings that, with all the attempts at resistance, could go on far longer than the typical Lollard trial, as well as requiring individual attention to the heretics that they were not used to having to give, bishops and other presiding officials often slowed down to beg the accused to abjure. Tunstall caused multiple delays in Bilney's case every time the preacher appeared to be getting himself into deeper trouble.<sup>71</sup> Bishop Gardiner had devoted a great deal of time and, according to his own account, of emotional energy as well, to conversations with Barnes, one-on-one, with small groups of theologians, and once with King Henry, trying to convince the accused to abjure,<sup>72</sup> quite in the style of Peter Zwicker among the German Waldenses over a century earlier.<sup>73</sup> Gardiner and Barnes had been law students together, but this kind of intensive intervention was becoming the rule in English trials even when the bishop and the accused had no history together. In the Marian trials, such extracurricular efforts become part of the trial process itself. When George Marsh's sentence was read, the Chancellor (himself a bishop) stopped the presiding bishop every few lines to give Marsh a chance to recant, with the support of (probably handpicked) Catholic crowd.<sup>74</sup>

This stubborn persistence in a failing strategy seems bizarre if, as argued by Eamon Duffy on behalf of Reginald Pole and by Richard Rex for John Fisher, the top Marian officials were actually capable and creative administrators, who initially achieved some success in

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<sup>71</sup> Foxe (1583), 1027-31. Cf. Walker, *Persuasive Fictions*, 180-6.

<sup>72</sup> Stephen Gardiner, *A declaration of suche true articles as George Ioye hath gone about to confute as false* (London: In Aldersgate strete by Iohannes Herforde... 1546), British Library, STC (2nd ed.) 11589 (eebo).

<sup>73</sup> Euan Cameron, *Waldenses: Rejections of Holy Church in Medieval Europe* (Oxford: Blackwell, 2001), 125-144.

<sup>74</sup> Foxe (1576), 1509, cf. Covington, 150.

re-Catholicizing the country at the ritual and parish level.<sup>75</sup> It is what allowed martyrologists such as Foxe and Bale to portray them as the early modern equivalent of deer in the headlights, trying to hold up the showy antlers of their failing church as it was being run over. Without taking into account of the fifteenth century false abjuration model for heresy trials, there is no reasonable explanation for such behavior. One is left to try to swallow either the miraculous dispensation that Foxe claimed, or an impossible level of ignorance, for an internationally-minded set of humanist scholars, about what had been happening in much of Europe for almost their entire adult lives. That is most likely why sectarianism and insularity have continued to haunt English Reformation studies and have proved such stubborn ghosts to lay. The situation makes sense only if Marian bishops held a commitment to abjuration at least as extraordinarily strong as their victims' rejection of it. The level of insistence on abjuration even when facing recalcitrant Protestants who would clearly never agree to it suggests that the bishops considered abjuration the only proper end of a heresy trial, and believed that they had failed when they did not achieve it.

The desire to save the heretics' souls, a constant with orthodox clerics throughout the period, does not, on its own, explain such a belief, since burning heretics was also intended to achieve this. Neither does the wish, strong as it might have been, to save the process from the theoretically more brutish hand of the state--already a lost cause. Lord Chancellors had been actively interfering since Wolsey. By the Marian period many of the trials, like Cranmer's, were for the state crime of treason rather than the canonical crime of heresy. The irascibility of certain bishops, such as Gardiner and Bonner, that lead the

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<sup>75</sup> Eamon Duffy, *Fires of Faith: Catholic England under Mary Tudor* (Yale, 2010); Richard Rex, *The Theology of John Fisher* (Cambridge, 2003).

accused, or at least their commemorators, to famously tar them as their main villains,<sup>76</sup> very evidently arose, as in Askew's case, from the unexpected difficulty they faced in getting the heretics to abjure, as they believed it was the heretic's role to do. Merely defending a duty or privilege of their rank would have led the bishops to adapt, not to resist adaptation so dramatically. It appears they really could not get their heads around the idea that any competent person, however misguided, might rationally choose not to abjure. The last person in the fifteenth century to refuse abjuration, Thomas Bagley of Essex in 1431, was in fact remarked on as insane.<sup>77</sup>

The way the bishops circled of the wagons around a system that was literally going up in smoke suggests that they were defending a culture as important to them as the traditional religious practices they were simultaneously trying to restore, or rather that they considered these things part and parcel of the same culture. They understood that peace in the parishes depended in part on a certain level of Nicodemism, of pretending to accept orthodoxy, among the heretics. Considering the dismantlement of the abjuration system in the context of the debate about Nicodemism will further explain aspects of the English experience that make it distinct from the parallel confessionalization process taking place in continental Europe, such as the length of the transition and the survival of elements that seem to have appeared, even to early modern contemporaries, as "medieval."

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<sup>76</sup> More detailed discussion of the origins of Foxe's caricature, see Michael Riordan and Alec Ryrie, "Stephen Gardiner and the Making of a Protestant Villain," *Sixteenth Century Journal* 34:4 (2003): 1039-1063.

<sup>77</sup> *Reg. Chichele* III:221-2. The word "insanum" is in fact in the record. The views Bagley was recorded as confessing were in fact extremely incoherent, though it not clear whether that is because his statements were disjointed or because the clerk recording the trial did not understand an unusual set of positions. These included some Unitarian-sounding statements, several against the authority of the Church, an assertion of allegiance to Wyclif (who would have been as horrified by anti-Trinitarianism as the most orthodox Catholic), and an expression of Bagley's willingness to die. Sane or not, it looks, as with Joan Warde, very much like a case of suicide by heresy trial.

Brad Gregory's *Salvation at Stake* makes the case that martyrdom was idealized across all the main sixteenth century theological groups as the only fully genuine expression of faith and the only guarantee of salvation.<sup>78</sup> Gregory's self-declared purpose is to defend early modern martyrs from a tradition of secular history that ignores or marginalizes their motives, but his work has come under some criticism for going too far in the other direction and ignoring the experience those who could have died for their beliefs but chose not to. Many suffered for their faith in other ways, for instance exile, which, as Euan Cameron has pointed out in a commentary on *Salvation at Stake*, constitutes "the deliberate avoidance of martyrdom,"<sup>79</sup> but it is also questionable whether those whose sacrifice was to keep quiet were universally regarded as less than fully fledged believers. What they clearly did not believe in was the phenomenon Gregory calls "anti-Nicodemism," after Calvin's notorious *Excuse a Messieurs les Nicodemites...*, the condemnation of those who lived in Catholic areas while secretly holding reformed ideas.<sup>80</sup> Anti-Nicodemism, as Gregory demonstrates, was not exclusive to Calvinists, but was a movement and base value underlying theological differences among early modern Christians, even as it made them more likely to be killed by one another.

The question of whether anti-Nicodemism was a real movement is complicated not only by Calvin's habit of masking his attempts to replace a social order as attacks on a few individuals, but also by significant uncertainty over what exactly Nicodemism was and who, if anyone, really supported or practiced it. Carlo Ginzberg made a case for it as both a

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<sup>78</sup> Brad Gregory, *Salvation at Stake: Christian martyrdom in early modern Europe* (Harvard, 1999).

<sup>79</sup> Euan Cameron, "Was Martyrdom a Necessary part of the Religious Experience? Some thoughts on Brad Gregory's *Salvation at Stake*" (conference paper, 2009).

<sup>80</sup> Jean Calvin, *Traité des reliques, suivi de l'Excuse à messieurs les Nicodémistes*, ed. Albert Autin (Paris: Éditions Bossard, 1921).

rigorous academic theory and a well-developed belief system, associated with the Strasbourg theologian Otto Brunfels.<sup>81</sup> Unfortunately, this early effort at legitimizing Nicodemism tended to leave the impression that it was the product of a single person's eccentricity, and so may have had the opposite of its intended effect. Erika Rummel's work takes a different approach, tying it firmly to Erasmian humanism and its practitioners at universities throughout Germany, France, and the Low Counties, who often found themselves working at institutions that were pushing them in the opposite direction from their personal religious inclinations.<sup>82</sup> They tried to function and maintain collegiality by concealing their beliefs, sometimes representing themselves as reformers to Lutheran friends and traditionalists to Catholic ones, justifying this flexibility on the basis of the quintessential Erasmian technique of *aptus*, or adapting to one's audience, and the ultimate Erasmian value of concord. However, these efforts did not save most of them from either being eventually run out of their universities or practicing an emasculating level of self-censorship in their writing and teaching. Rummel argues that Nicodemism never had a chance to become a fully-fledged system in either the theoretical or the spiritual sense, being doomed from the start by the mutual disciplinary misunderstandings of theologians and humanists and given the coup de grace even as a semi-acceptable professional practice by the Treaty of Augsburg. Thus her definition of Nicodemism is actually narrower than Ginsburg's, and although she expanded its scope significantly, we are still left with a strictly scholarly subculture confined to the few decades when the Reformation was taking root.

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<sup>81</sup> Carlo Ginsburg, *Il nicodemismo. Simulazione e dissimulazione religiosa nell'Europa del '500* (Torino: G. Einaudi, 1970).

<sup>82</sup> Erika Rummel, *Confessionalization of humanism in Reformation Germany* (Oxford: Oxford University Press, 2000).

The reason that studies of Nicodemism, even the most subtle and interesting ones, have tended to be limited is obvious: a successful Nicodemite would be someone who left no trace of the difference between his or her expressed and actual beliefs, and the more widespread the practice, the less evidence there would be of it. The situation is analogous to the bemusement of twentieth or twenty-first century western media whenever an authoritarian regime collapses: the failure to spot any signs of the approaching revolution is a testament, not to the success of the regime's ideology, but to its subjects' ability to master the concept of mental reservation while mouthing whatever is necessary. Calvin himself understood very well that the decision of long-standing Nicodemites to end their silence could lead to more violent rupture than almost anything else, and made that a key point in his argument against them:

I admit to them [the supporters of accommodation] that Nicodemus, before being enlightened, sought the shadows. But after the sun of justice above caught him, did he remain forever in hiding? On the contrary, we see the declaration he made, at the most desperate time.... [after the crucifixion] The pharisees and scribes and priests were on the alert to see if anyone dared speak aloud... Nevertheless he made his profession openly in front of everyone. He no longer feared shame and opprobrium. He no longer feared hatred. He no longer feared tumult. He no longer feared persecution.... After having been taught, he confessed openly, on the day, even at the hour at which he was in the greatest danger ever. That is why those who cover themselves with his example do him a great injury, and do not profit from it any more than a persecutor of Christianity who justified himself using St Paul.<sup>83</sup>

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<sup>83</sup> Calvin, *Excuse*, 240-243. "Je leur confesse que Nicodème, devant qu'être illuminé a cherché des tenebres. Mais depuis que le soleil de justice eut lui sur lui, à savior s'il demeura toujours en sa cachette? Or, au contraire, nous voyons la déclaration qu'il fit, voire au temps que tout été désespéré. (...) Les pharisiens et les scribes et les prêtres sont aux ecoutes pour voir si quel'un osera sonner mot. (...) Néanmoins il en fait profession evidente devant tous. Il ne crainte pointe l'honte et l'oppobre. Il ne crainte point la haine. Il ne crainte point le tumulte. Il ne craint pas les persécutions. (...) Après avoir été instruit, il le confesse apertement du jour, voire a l'heure qu'il y avait plus grand péril que jamais. Par quoi ceux qui se couvrent de son exemple lui font grande injure, et ne profitent non plus que si un prosécuteur de la chrétienté s'excusait sur saint Paul."



The not fully hidden subtext is not only that no-one can keep it all in forever, but also that if they try to do so until the strain is unbearable, they will only make things worse trouble for themselves then if they out with it now.

The polemical reformer George Joye made a similar point, mocking Nicodemists by attributing attitudes like this to them:

We se it dayly that where this newe lerninge is preached, there foloweth myche trouble, inquietnes tumult sondri sectes diuerse opinions. Truth it is. For neuer was the sead of gods worde sowde & begane to aryse, Satan beinge a sleape. And therefore trede downe this blessed sead with your filthy feet, suffocate it, burne it, thrust it from you with swerde and fyer, and nourisse still emonge you rather a legion of deuilis compellinge men to recant and renye the truthe openly & oft preched, orels burne them. Compell them to sayt. This is a realme of ryghtwysenes where in is ministred all inste execucion and uo persecucion.<sup>84</sup>

Trying to establish a righteous and just society based on recantation for the purpose of avoiding violence, in other words, is to do greater violence to divine decree. There could be no more direct indictment of the false abjuration system that medieval heretics and medieval bishops had developed between them. When a system so dependent on concealment and the unspoken word was exposed to criticism so open, it was by definition ended, broken beyond repair. Even if the majority still favored false abjuration, they could no longer use it unchallenged.

The importance of martyrs to post-Reformation confessional identity and sectarian historiography relies on a narrative in which capital-T Truth suddenly blazes forth. That assumption has long obscured how martyrdom only gradually became, first comprehensible, then laudable, and finally normal, in England as elsewhere in Europe.

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<sup>84</sup> George Joye, *A present consolation for the sufferers of persecucion for ryghtwysenes* (Antwerp : S. Mierdman, 1544), British Library STC (2nd ed.) 14828, eebo, 4.

Recent work, especially on England, has done much to remedy this problem and expose how many conscientious religious dissidents pulled back from the brink and how hesitantly and through what external pressures a few stepped over it.<sup>85</sup> Early sixteenth century understandings of what to do if one was accused of heresy, have remained almost completely hidden by the drama of what followed and the entirely different understanding of religious conformity and nonconformity that were subsequently established. Fifteenth century England was hardly idyllic or religiously united,<sup>86</sup> but it did have a form of accommodation that, for the most part, allowed heretics to be “trewe christen men” and women, bishops to be careful stewards of their flock, and the majority to remain undisturbed in their observances, all without deep injury to bodies or consciences. It is that society, the one “seeking the shadows,” free of “tumult” and “inquietnes,” that needs to be pieced together from its Reformation-era wreckage.

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<sup>85</sup> Most notably Peter Lake, Alec Ryrie, and Michael Questier.

<sup>86</sup> Pace, Eamon Duffy.

## Conclusion

English heresy trials were intended not to extinguish heresy but rather to formally re-integrate heretics into Church and society, without the necessity of changing their real beliefs. Lollards developed an interpretation of their theology that allowed and encouraged perjury about their beliefs when on trial, and took pains to spread this interpretation in coded writing and through their rich informal networks. Bishops, both those sympathetic to Lollardy and the majority who were anything but, coaxed canonical regulations on heresy into a form that led inexorably towards abjuration, manipulated every possible loophole in awkward cases to ensure that abjuration was technically permissible, and reserved their most forceful interventions against any attempt to examine the abjurations too closely. The result was a system of heresy regulation that preserved the life of the heretics, the appearance of uniformity, and a genuine if brittle social harmony that, with relatively few interruptions, perpetuated itself from before the late fourteenth century into the early sixteenth.

I have been arguing that once the false abjuration system was in place, it continued to operate with almost no hitches until the Reformation. There is, however, a large gap that needs to be accounted for. After about 1440, large prosecutions petered out, not to resume until the 1480s. This long hiatus has usually been blamed on the Wars of the Roses eclipsing other priorities, an explanation itself requiring some explaining. It is certainly true that many bishops were deeply involved in dynastic politics and directly in the war, but by and large the essential business of their dioceses, even if entrusted to underlings to a greater extent than usual, continued to function. That implies that heresy investigations were considered inessential, a position apparently incompatible with the

scrupulous focus on accurate interrogation we considered in chapter four. Furthermore, the drop preceded the Wars of the Roses; bishops who could have been trying heretics were not, well before their time and attention were critically required elsewhere. It does not seem to be a sign of episcopal dissatisfaction with the model, since if that had been the case, they could have made some effort to come up with a new one, and there was no sign of any interest in doing so either before or after the wars. (Mass trials also resumed slightly before the Wars of the Roses ended: Warde's and Rowley's original trials in Kent took place in 1486.) Neither did the inaction appear to result from any broad dissatisfaction with mass trials; on the contrary, the mid-fifteenth century saw a wave of mostly Carmelite anti-Lollard preachers who tried to link Lollardy to the various revolts of the period: an inaccurate contention, but one that drew large audiences. Occasional state interventions, such as in Pecock's case, were always on the side of toughness against any nonconformity with the false abjuration model. Why, then, did the trials stop?

The answer, I argue, lies in returning again to the priorities of the bishops in instituting large trials in the first place: fulfilling personal responsibilities and promoting order through the re-integration of schismatics. In the dioceses that saw proceedings culminating in mass abjurations, these aims were already accomplished; the heretics were back in the fold and the Augustine-reading bishop was not to act as if constantly suspecting lies. The impact of such a broad round-up, however, would not be limited to the diocese where it took place; we have seen that Lollard leaders and preachers often moved in the wake of their trials, carrying news of what was going on. The bishops may have hoped (though as we saw with White in the 1420s and the series of Kent trials in the 1490s and early 1500s, that hope was often not fulfilled) that any new adherents would be more

careful to stay in the woodwork, remaining more fully part of the Church without the need for abjuration. During the wars, moreover, as K.B. McFarlane famously argued, many of the knights who fought on the Lancastrian side had Lollard tendencies and protected Lollards on their lands, some of whom presumably joined their patrons in the ranks.<sup>1</sup> A Lancastrian bishop would have no political or theological imperative to pursue them; mixed with the orthodox fighters on the same side, they too were no threat and had already achieved full integration just as if they had abjured. If the bishop were a Yorkist, the situation was less ideal, but at least any Lancastrian knights and their followers were likely to leave the diocese to fight on the other side. Abjuration was not an end in itself, but merely selected as the best peace-time means to an end, which during war could be replaced by other means and then resumed as necessary.

The messy unravelling of the system through the first half of the sixteenth century, then, constituted not merely the retirement of a legal mechanism but more importantly, the replacement of two fundamental assumptions about what kind of a thing religious dissent was. One assumption was the idea that what one ought to do with a heretic was to reintegrate him or her into the body of the faithful, sparing no effort on the part of the establishment to achieve this end, but, if necessary, sparing the culprits a good deal of what was supposed to be coming to them. As we have seen, the bishops—almost all bishops, conscientious or self-promoting, secretly heretic or militantly orthodox—held fast to this principle. Secondly, false abjurations depended on an understanding that one could sincerely hold a set of beliefs, and live accordingly as a “trewe christen” without publicly

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<sup>1</sup> McFarlane, *Lancastrian Kings and Lollard Knights*. Cf. Maureen Jurkowski, “Lancastrian Royal Service, Lollardy and Forgery: The Career of Thomas Tykhill” in *Crown, Government, and People in the Fifteenth Century*, ed Rowena Archer (Stroud: Sutton, 1995), 44-72.

expressing those beliefs in a hostile environment and even while publicly denying them. This notion took time to build and faced some resistance from diehards like Thorpe, but was also remarkably firm, and turned Lollardy into a movement that could in theory have survived any persecution indefinitely, even if it had ever faced ecclesiastics who were interested in genuinely persecuting. The real revolution of the sixteenth century, starting, as we noted, before the Reformation and encompassing people with thoroughly incompatible theologies, was the introduction of alternate assumptions to re-integration and public silence. Now, what one did with a heretic was to get rid of them—whether through prison, exile, execution, or sincere conversion—and that what one did (and does) with a sincere and deeply held belief is to talk about it and promote it as loudly as possible. These trends have been widely discussed in the context of confessionalization, but it has not been fully understood how complete a reversal they represented. The end of false abjuration meant one could no longer lie and still be considered a true believer.

This is an additional reason for the hold that confessionally limited martyrologies have had on the study of the Reformation, which many have grumbled at but few have shaken. It became nearly impossible for people in the modern West to conceive of such a thing as a silent devotee or a sincere liar. That began to change only in the twentieth century, when not merely dissenting minorities but also whole societies hid their real opinions and beliefs behind opportunistic phraseology: the phenomenon Timur Kuran dubbed “preference falsification.”<sup>2</sup> Autobiographies of the Stalin era were full of episodes, in which functionaries quietly left silent deviations from the orthodoxy unexposed—at least

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<sup>2</sup> Timur Kuran, *Private Truths, Public Lies: The Social Consequences of Preference Falsification* (Cambridge, MA: Harvard University Press, 1995).

as long as their own bosses did not hear about them.<sup>3</sup> There are also anecdotes of the Gestapo hauling people in to tell them to turn down the volume when listening to the BBC.<sup>4</sup> In the twenty-first century waves of self-evidently false conversions have re-appeared, imposed by forces entirely lacking medieval bishops' subtlety or benign motivations. The rapid rise and still more rapid fall of such regimes is rarely foreseen because it is difficult for members of societies where freedom of speech and freedom of conscience are considered one and the same to understand the other kind of society, in which silence and ceremonial perjuries can be both normal and heroic.

Such parallels, however, go a long way from the medieval English bishops who, like the Queen of Hearts, "never executed nobody." What I have described is, in a sense, a *Through the Looking-Glass* world, where apparent suppression saved and supported, and apparent persecution protected and preserved. It is so, however, only because protection, and the vague and much-abused concepts of accommodation and toleration, were applied to real and not apparent, that is spoken, beliefs. The pretend suppression and persecution had achieved their purpose once they met an apparent recantation. An abjured Lollard was formally reconciled to the Church whether the abjuration was sincere or not. Lightly suspected heretics who purged themselves technically had no stain on their name, no matter if every last one of their compurgators had been cited for heresy half a dozen times. Officially, there was nothing to see here; the heresy had been expunged just as the laws of

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<sup>3</sup> E.g. Vassily Grossman, *Жизнь и судьба* (Москва: Самиздат, 1960) /*Life and Fate*, trans. Robert Chandler (New York: NYRB Classics, 2012). Nadezhda Mandelstam, *Воспоминания* (Москва: Самиздат, ок. 1963) /*Hope Against Hope: A Memoir*, trans. Max Hayward (Modern Library, 1999). Varlam Shalamov, *Колымские рассказы* (Москва: Самиздат, 1956-1973) /*Kolyma Tales*, trans John Glad (Classic 20<sup>th</sup> Century Penguin Books, 1995).

<sup>4</sup> Robert Gellately, *The Gestapo and German Society: Enforcing Racial Policy 1933-1945* (New York: Oxford University Press, 1992).

the Church said it should be. The most private thoughts of the newly reconciled, officially orthodox members of the Church were beyond the bishop-inquisitor's power or interest to discover—and as Reginald Pecock found out to his great loss, woe betide the one who pried too deep. Woe betide the prelate who failed to sufficiently investigate, also: that might lead to armed rebellion, as negligence had done before. At least, that was clearly how the bishops interpreted both the Peasants' Revolt and the Oldcastle one. Therefore, an aging, grumpy Archbishop Chichele rode around Kent in bad weather rounding up more heretics than he could comfortably hold or question in order to make them swear an oath that he knew—and they knew that he knew—that they did not believe.

I have intentionally avoided, at the expense of some circumlocutory phrasing, calling the procedures we have been examining “anti-heresy trials”—they in fact ensured the perpetuation of heresy—or from referring to the bishops’ “power,” because they were scrupulously refraining from exercising any, as the word is usually understood in such a context. English heresy trials were constructed and conducted with the immediate aim of producing a false abjuration from every suspect, no matter how many times relapsed, no matter how certain to return to subversive activities as soon as the oath was out of his or her mouth. This aim was supported by all parties, and the mechanisms to achieve it were created by heretics and bishops working together. A secretly heretical bishop was the catalyst for and original inventor of the false abjuration system, but it was orthodox bishops and lifelong committed heretics who preserved it so effectively and so long.



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