



The Making and Meaning of the *Collectanea satis copiosa*: The Origins of Henry VIII's Research Campaign on the Royal Supremacy

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European History, from 1500 to the Present

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....Be it enacted by authority of this present Parliament that the King our sovereign lord, his heirs and successors kings of this realm, shall be taken, accepted and reputed the only supreme head in earth of the Church of England called Anglicana Ecclesia, and shall have and enjoy annexed and united to the imperial crown of this realm as well the title and style thereof, as all honours, dignities, preeminences, jurisdictions, privileges, authorities, immunities, profits and commodities, to the said dignity of supreme head of the same Church belonging and appertaining. And that our said sovereign lord, his heirs and successors kings of this realm, shall have full power and authority from time to time to visit, repress, redress, reform, order, correct, restrain and amend all such errors, heresies, abuses, offences, contempts and enormities, whatsoever they be, which by any manner spiritual authority or jurisdiction ought or may lawfully be reformed, repressed, ordered, redressed corrected, restrained or amended, most to the pleasure of Almighty God....

Unlike the continental movements for religious reform, which arose out of theological opposition to the practices of the Catholic church, the crux of the English Reformation is far less straightforward. Ultimately, an act of Parliament, declaring the king Supreme Head of the Church of England, was the result of a prolonged battle between secular monarchy and papal authority. Conventional understanding, legend, and lore all point to Henry's love for Anne as the catalyst for the divorce campaign. However, the historical evidence, combined with recent scholarship, paints a far more complex picture. Historians have struggled to reconcile the early years of the divorce campaign with the later legislative agenda that effectively severed all ties with the Holy See in Rome. Scholars such as G.R. Elton and David Starkey have attempted to attribute the course of events to the rise and fall of specific factions or figures at court.¹ Others have made the suggestion that the tactics of those supporting the divorce between 1527 and 1534 were unsystematic or were conceived out of necessity.² Yet, neither of these approaches fully explain the road to reformation. Instead, newer scholarship, primarily by Virginia Murphy, suggests that the actions of Henry and those closest to the divorce were consistent with a line of thinking that emerged concurrently to the very questions of the legitimacy of Henry's marriage to Catherine. This is by far the most compelling explanation of the reformation and is fully supported by the evidence which remains. Rather than viewing the reformation as the brain child of reform-sympathetic theologians or of clever political figures, it shifts the focus onto Henry and his participation in all aspects of the case. It suggests that the very act of questioning the legitimacy of his marriage to Catherine in 1527 immediately called into question the validity of the papal bull, which had initially enabled the marriage, and the pope's authority to have created it. The extent of papal authority remained central to the divorce proceedings and ultimately helped shape the legislative agenda of the 1530s. The documents and propaganda of the 1530s served to justify the break with Rome, however, the origins of the idea itself can be found much earlier. By examining the evolution of the divorce proceedings, it becomes clear that the

¹ G. R. Elton, "King or Minister: The Man Behind the Henrician Reformation," *History* 39 (1954); G. R. Elton, *The Tudor Revolution in Government: Administrative Changes in the Reign of Henry VIII* (Cambridge: Cambridge University Press, 1953); David Starkey, *The Reign of Henry VIII: Personalities and Politics* (London: Vintage, 2002); David Starkey, "Representation through Intimacy: A Study in the Symbolism of Monarchy and Court Office in Early Modern England," in *Symbols and Sentiments: Cross-cultural Studies in Symbolism*, ed. I. M. Lewis (London: Academic Press, 1977).

² Richard Rex, *Henry VIII and the English Reformation*, second ed. (Basingstoke: Palgrave Macmillan, 2006), 10.

successive legislative acts of the 1530s and the break with Rome had their origins in the earliest of divorce discussions in 1527.

The English Reformation has often been studied as a series of self-contained historical events, beginning during the reign of Henry VIII and continuing through the reigns of his successors; each of whom defined or redefined England's religious beliefs. Yet, that line of thinking fails to fit the religious changes instigated under the Tudors with the broader medieval narrative of a series of complex and precarious power dynamics that negotiated the balance of power between church and state. A number of scholars have recently begun to reassess the period between the Black Death and the Act of Supremacy in an attempt to explain how the delicate balance of power began to shift more favourably towards the monarchs. It is clear from examining the records of the legal system, *praemunire*, taxes, and church property that the crown was beginning to exert more authority over the church within the realm.

In order to understand the social and political evolution of the relationship between the church hierarchy and the secular government, it is first necessary to understand the ways in which the church was both isolated from and integrated into society. The medieval church was dualistic in nature. On one hand, the church sought to fulfil spiritual needs by separating itself from the world. Clergy were subject to separate ecclesiastical courts and were expected to behave according to a stricter, less worldly, moral code while churches themselves were regarded as separate spaces.³ On the other hand, while attempting to fulfil its spiritual obligations, the church enmeshed itself in secular lay society. Hospitality and almsgiving were fundamental from the Benedictine Rule onwards and banking services were provided to nobles and gentry.⁴ The possession of property which was intended to guarantee the church's independence ironically forced the church to engage with the secular world further; demonstrating the church's need for secular protection to maintain its independence but also the secular implications of its tenure of property.⁵ Moreover, the church's increasing reliance on lay support, most notably lay church wardens, further blurred the lines of ecclesiastical and lay interactions. Appointments to ecclesiastical offices and the collection of clerical tenths jurisdictionally overlapped causing tension between the secular government and the ecclesiastical hierarchy. The boundary between the church which had attempted to carve out a monopoly on all things spiritual, and the monarchy which maintained its sovereignty in temporal matters was impossible to keep from blurring. Just as the body and soul could not be easily separated, spiritual and temporal affairs were intrinsically linked.

The uneasy division led to attempts at limiting or minimizing power. Prior to 1500, the crown already had a number of mechanisms through which it could limit ecclesiastical jurisdiction and power. *Praemunire*, which was an attempt to undermine royal authority, was codified in five statutes passed between 1351 and 1393.⁶ Though initially antipapal, by the sixteenth century *praemunire* was being used to inhibit the exercise of ecclesiastical jurisdiction

³ Benjamin Thompson, "Locality and Ecclesiastical Polity: The Late Medieval Church between Duality and Integration," in *Political Society in Later Medieval England: A Festschrift for Christine Carpenter*, ed. Benjamin Thompson and John Watts (Woodbridge: Boydell Press, 2015), 115.

⁴ Thompson, "Locality and Ecclesiastical Polity," in *Political Society in Later*, 119-120.

⁵ *Ibid.*.,

⁶ P. R. Cavill, "'The Enemy of God and His Church': James Hobart, *Praemunire*, and the Clergy of Norwich Diocese," *The Journal of Legal History* 32, no. 2 (2011): 127.

within England. At around this time, most praemunire actions concerned cases initiated in English ecclesiastical courts that supposedly belonged in royal courts, therefore making the boundary between spiritual and secular jurisdiction a central issue.⁷ Paul Cavill has been able to make a strong case for the decline of ecclesiastical jurisdiction after examining nine distinct praemunire cases between 1501 and 1509 in the diocese of Norwich. Though only one conviction has been discovered in any praemunire case in the King's Bench between these years, the process did not need to be pushed to conclusion either to secure a fine or to assert royal authority.⁸ Further, Cavill's study of the Norwich evidence shows how praemunire prosecutions formed one aspect of Henry VII's fiscal approach to the law.⁹ That is not to say that the attacks went unnoticed by the clergy. In certain circumstances, Norwich in particular, the infringement on ecclesiastical power was contested, but it was not enough to stem the tide of monarchical oversight. Further, by drawing more cases before the king's courts, praemunire contributed to the general affirmation and extension of the Crown's overarching authority.¹⁰

The impetus towards the primacy of the common law courts was primarily secular but it was aided by a number of indirect circumstances. After examining legal records, Robert Palmer has suggested that some of the ways in which the church came to use the king's court and thus become dependent on and vulnerable to the crown were fairly mundane.¹¹ Though the church had its own set of ecclesiastical courts, the church and specifically the clergy were still part of society and society was structured by common law. It elaborated rules and mechanisms which covered a wide variety of societal disputes which meant that common law could easily apply to the clergy as well as the laity. This stemmed in part from the crown's determination to preserve social order in the wake of the Black Death.¹² The effect of the plague made the common law more comprehensive and representative of the social realities of late medieval England. The king's courts were also better suited to handle large volumes of litigation. The court of common pleas became one of the most important legal venues for addressing the mundane issues of the church.¹³ Clerics, vicars, chaplains and religious houses accounted for a significant portion of the volume of litigation and they featured heavily in cases of debt and trespass between 1386 and 1526.¹⁴ Though the actual number of clerical plaintiffs had fallen substantially by 1526, it is likely related to the overall decrease in the volume of litigation during that time.¹⁵ During this time period, the variety of cases brought before common law courts also increased. Litigation concerning tithes, tithe leases, and mortuary fees reflected the way in which common law was used to resolve matters that could have been considered ecclesiastical.¹⁶ This further demonstrates the way in which common law emerged as a regulator and supervisor of church practices. As previously mentioned, the increased reliance on church wardens brought

⁷ Cavill, "'The Enemy of God and His Church,'" 128.

⁸ Ibid., 149.

⁹ Ibid., 148.

¹⁰ Ibid.; P. R. Cavill, *The English Parliaments of Henry VII, 1485-1504* (Oxford: Oxford University Press, 2009), Ch. 3.

¹¹ Robert C. Palmer, *Selling the Church : the English Parish in Law, Commerce, and Religion, 1350-1550* (Chapel Hill: University of North Carolina Press, 2002), 49.

¹² Ibid., 48.

¹³ Ibid., 52.

¹⁴ Ibid., 53.

¹⁵ Ibid.

¹⁶ Ibid., 54.

ecclesiastical issues even more firmly under the king's courts because the lay wardens relied almost entirely on the common law in their handling of church affairs. Since wardens were essential to the running and maintaining of parishes, their reliance on the common law brought crucial elements of parish life under the king's control. Therefore, over time individual clerics and wardens increased the king's oversight of ecclesiastical matters simply by making use of the common law. That is not to undermine the concerted efforts made by the crown to limit ecclesiastical jurisdiction, such as in 1495 when the king's Bench set out to limit the types of cases the church courts could handle.¹⁷ However, it is clear that through means both calculated and mundane, the church was becoming increasingly dependent on and vulnerable to secular oversight.

The appointment of bishops also proved to be a valuable tool for monarchical oversight of ecclesiastical affairs. Similar to that of the church, bishops had conflicting responsibilities. Bishops were expected to be both spiritual shepherds of their flocks and territorial lords. Their spiritual authority was derived from the pope and they were responsible for the spiritual wellbeing of their diocese. However, the lands specifically held by a bishop made him both responsible to and loyal to the king.¹⁸ The duality was compounded further by the way in which bishops were selected. Though the selection of bishops was meant to take place in a free election by cathedral chapters, in reality the king would select a candidate, the chapter would elect him, and the pope would provide him to his see.¹⁹ Henry VII was able to simplify the process further by making a mutual agreement with the pope that eliminated the cathedral chapters from any active role in the election of bishops.²⁰ This de facto reality gave the crown so much control that it became common practice to grant the temporalities before translation or consecration.²¹ Additionally, the late medieval bishops were, as a group, more highly educated than their predecessors; 91% were Oxford or Cambridge graduates and a high proportion had obtained doctorates.²² Those with degrees in law were more likely to receive promotions to the ecclesiastical bench with better sees than those who studied theology.²³ This seems to suggest the prioritisation and promotion of those with skills most suited to the crown's needs. Consequently, by the time Henry VIII took the throne, he inherited a church hierarchy that was more aligned with monarchical needs.

Given the complexity of the balance of power, it does not seem entirely surprising that conflict would occur. That is not to suggest that this tension resulted in outward challenges to conformity or orthodoxy, but rather these issues continued and existed just beneath the surface. The church, which had sought to balance its own independence with its worldly obligations had become too entwined with society and the structures which governed it. As Benjamin Thompson suggests, "perhaps the conceptual and institutional thicket had become so entangled that the only logical outcome was a single overarching authority that could contain the dualities of spiritual and temporal."²⁴ By relying on secular common law, sharing jurisdiction, settling cases of

¹⁷ Ibid., 69.

¹⁸ Christopher Harper-Bill, *The Pre-Reformation Church in England 1400-1530* (London: Longman, 1996), 24.

¹⁹ Malcolm Yarnell, III, *Royal Priesthood in the English Reformation* (Oxford: Oxford University Press, 2013), 50.

²⁰ S. B. Chrimes, *Henry VII* (London: Eyre Methuen, 1972), 241.

²¹ Ibid.

²² Harper-Bill, *The Pre-Reformation Church in England*, 28.

²³ Ibid.

²⁴ Thompson, "Locality and Ecclesiastical Polity," in *Political Society in Later*, 145.

praemunire, and by accepting secular oversight, the church found itself irreversibly dependent on the secular government and social institutions. When ultimately confronted with a determined attack on what was left of its autonomy, the church had already ceded too much ground.

The nature of the church and its role in society cannot completely explain the events of the Henrician Reformation. Though these tensions may have been growing, they were not enough on their own to trigger a break with the see in Rome. These issues were exacerbated, however, by a king who felt not only qualified to make decisions and to intervene on religious matters, but who also had reason to do so.²⁵ The reign of Henry VIII was a period of significant religious flux both in England and on the continent, and Henry saw himself as a central figure. The reasons for this are multifaceted; in many ways Henry was the perfect candidate to challenge the church. His divorce case presented a unique set of circumstances that drew upon the existing tensions between the church and crown in England, further challenged papal authority, and capitalised on the momentum of reform on the continent. Henry himself played a significant role in guiding the divorce campaign largely due to his own convictions and his belief that he was as competent, if not more competent, in theology and scripture than those in the church.

That conviction was in some ways valid given the nature of his upbringing and the quality of his education. Though he was not the heir apparent, Henry received a comprehensive royal education and his early schooling had the hallmarks of classical humanist learning. The poet John Skelton was appointed as his first tutor and provided a foundation in Latin and an introduction into the necessary classical texts.²⁶ Languages featured heavily in his education and by the time he was king, Henry was fluent in English, French, and Latin with a reasonable understanding of Italian.²⁷ Henry would have learned the English and French chronicles as well as stories of military heroes such as Alexander the Great or Henry V.²⁸ Music and sport were also part of the curriculum, focusing primarily on the gentlemanly skills of riding, jousting, tennis, archery, and hunting.²⁹ Henry proved to be an astute and precocious pupil adopting the qualities and stylistic habits of well known humanists. After receiving a letter from the young prince, famed humanist Desiderius Erasmus was so surprised by how well-written it was that Henry's tutor William Blount, Lord Mountjoy had to produce a bundle of drafts to prove that the letter had indeed been written by the prince.³⁰ After the death of prince Arthur, Henry received new tutors and his education became even more comprehensive. The effect of which was an exceptionally well educated monarch.

In addition to the classical humanist curriculum, Henry's education was exceptionally well grounded in theology and philosophy, as demonstrated by his predilection for religious texts. Though there is no evidence to support Lord Herbert of Cherbury's claim that Henry VII

²⁵ This does not suggest that Henry VIII had been looking for an opportunity to create a single overarching authority responsible for the spiritual and temporal. Rather, when a clash was imminent the exertion of royal authority was not an unnatural reaction.

²⁶ David Starkey, *Henry Virtuous Prince* (London: Harper Press, 2008), 121-123.

²⁷ Weir, *Henry VIII King and Court*, 5.

²⁸ Lucy Wooding, *Henry VIII* (Abingdon: Routledge, 2009), 21.

²⁹ Weir, *Henry VIII King and Court*, 5.

³⁰ Starkey, *Henry Virtuous Prince*, 178.

had intended his second son to enter the church,³¹ Henry's education brought him into contact with the scriptures and the religious works of contemporary humanists. Henry developed a fascination for religious tracts, a trend which was reflected in his reading material. The extensive marginalia left in the books that were once a part of Henry's libraries suggest that the king read and disputed religious texts throughout his life. His contemporaries praised him as 'the most learned of kings, not only in theology, but also in philosophy' and he was well read in the Church Fathers and other pious works.³² Often he gave the impression that he thought he knew better than his bishops in matters of doctrine and interpretations of the scriptures, so much so that he earned a schoolmasterly rebuke from Archbishop Cranmer after attempting to edit and improve the Ten Commandments and the Lord's Prayer.³³ Though Henry himself did not write all of the *Assertio septem sacramentorum*, his own enthusiastic reading and refutation of Martin Luther's works make his commitment to theological discourse obvious. It is clear that Henry saw himself as both a theologian and a king.

Henry's interest in theology extended beyond scriptures and religious tracts, but also manifested itself in his personal life and the ways in which he presented himself. As a young prince, Henry was introduced to stories of Old Testament kings and Roman emperors as models to emulate. Henry internalised the stories and modelled his reign on his understanding of theology and the bible, drawing inspiration heavily from examples of Old Testament kingship. Figures like King David and King Solomon featured frequently in court art. Despite already owning two other sets of tapestries depicting the biblical King David, in 1528 Henry commissioned an additional set of ten panels depicting scenes from the story of the Old Testament king. The length of the set was approximately eighty yards and cost more than £1,500, which was equivalent to the cost of a battleship.³⁴ The piece was clearly designed to be a statement and for the courtiers and visitors who saw the piece to link Henry to King David in the way that Henry had come to view himself. The internalisation of these ideas is evident in the way Henry viewed his role as king. The king was divinely ordained to be God's representative on earth. Not only did he consider himself responsible for his peoples' temporal and social well-being, but he also viewed himself as their spiritual leader handing down God's judgments.

Although Henry presented himself as the model of an anointed and learned prince, especially in the area of theology, his early years demonstrated signs of an internal struggle between Christian conformity and the consolidation of power under the crown. Throughout the early years of his reign, Henry gladly participated in conventional displays of orthodoxy. He went on pilgrimage to Walsingham, heard several masses a day at the altars in his palaces, and confessed regularly.³⁵ Henry's horror at Louis XII's rebellion against the pope's authority was cited as the main reason for his first war in France in 1512.³⁶ Further, in 1521, Henry was named Fidei defensor by the pope in recognition of his book the *Assertio septem sacramentorum* and its defense of the catholic faith against Luther. However, Henry's beliefs were far more complex

³¹ J. J. Scarisbrick, *Henry VIII* (London: Eyre & Spottiswoode, 1970), 4.

³² Weir, *Henry VIII King and Court*, 134.

³³ Diarmaid MacCulloch, "Henry VIII and the Reform of the Church," in *The Reign of Henry VIII: Politics, Policy and Piety*, ed. Diarmaid MacCullouch (Basingstoke: Macmillan Press, 1995), 163.

³⁴ Thomas P. Campbell, *Henry VIII and the Art of Majesty: Tapestries at the Tudor Court*, The Paul Mellon Centre for Studies in British Art (New Haven, CT: Yale University Press, 2007), 184.

³⁵ MacCulloch, "Henry VIII and the Reform," in *The Reign of Henry*, 165.

³⁶ Ibid.

than these instances would suggest. Early in his reign the king attacked the benefit of the clergy and sanctuary.³⁷ At the conclusion of the controversy over Richard Hunne in 1515, in front of the assembled notables Henry declared, “by the ordinance and sufferance of God we are king of England, and kings of England in time past have never had any superior but God alone.”³⁸ This phrase does more than just foreshadow events that were to come, it suggests that these strong ideas regarding the superiority of secular authority were present in Henry’s mind well before the 1530s. Further, the war in France fought to defend the pope ultimately brought Henry into direct conflict with Rome. In 1516, after disputes regarding who would be bishop of Tournai, the French city occupied by the English, Henry made the claim that he now had ‘supreme power and lord and king in the regality of Tournai without recognition of any superior.’³⁹ The claim which was clearly directed at the pope resulted in oblique threats of excommunication, which Henry responded to with his own dark threats.⁴⁰ Henry’s catholic beliefs were sincere and strong, in so far as they did not directly challenge his royal authority or power.

Therefore, in light of Henry’s extensive humanist and theological education and his deeply devout nature, it seems difficult to question the authenticity of his ‘scruple of conscience’ in the spring of 1527. Historians have been unable to pinpoint the exact moment when Henry came to believe that his marriage to Catherine of Aragon was invalid, but the revelation is far more complex than the desire to be rid of a barren wife. The union between Henry and Catherine was made possible through a papal bull that dispensed with the impediment of affinity that existed in the first degree due to her marriage with Henry’s elder brother Arthur. Therefore, in questioning the validity of his marriage, Henry is also calling into question the validity of the papal bull. Henry’s reservations were based on a complex theological argument that hinged on two specific verses in Leviticus and whether or not violations of Levitical law could be dispensed with by any human authority. The bull issued in 1503, was produced to remove the impediments created by the Levitical law. However, its strangely worded preamble and its failure to discuss all possible impediments could have provided Henry with a more expedient path to divorce.

The consummation of Catherine and Arthur’s marriage appeared to be an issue almost immediately. The preamble to the bull cautiously deals with this issue by considering the marriage ‘forsan consummatum’ or ‘*perhaps* consummated.’⁴¹ It then proceeds to dispense with the impediment of affinity which would have been created had copulation actually occurred. Though technically both affinity and public honesty are created in this circumstance, by the sixteenth century, the Roman Curia had adopted the view that the dispensation of the impediment of affinity automatically dispensed with public honesty as it was implied.⁴² Since

³⁷ Ibid.

³⁸ John Guy, "Thomas Cromwell and the Intellectual Origins of the Henrician Revolution," in *Reassessing the Henrician Age : Humanism, Politics, and Reform, 1500-1550*, by Alistair Fox and John Guy (Oxford: Blackwell, 1986), 167.

³⁹ T. F. Mayer, "Tournai and Tyranny: Imperial Kingship and Critical Humanism," *The Historical Journal* 34, no. 2 (June 1991): 264-265.

⁴⁰ MacCulloch, "Henry VIII and the Reform," in *The Reign of Henry*, 166.

⁴¹ The full text can be found in Gilbert Burnet, *The History of the Reformation of the Church of England*, ed. Nicholas Pocock (Oxford: Clarendon Press, 1865), 4:15.

⁴² For the most complete and comprehensive discussion of the impediments and their relation to Henry’s case see Scarisbrick, *Henry VIII*, 163-197.

public honesty was the impediment created simply by the contraction of engagement or marriage, it was considered the lesser impediment than affinity which occurred when the marriage took place and sexual union occurred. Despite suggesting in the preamble that the marriage may not have been consummated, the bull does not expressly address this possibility in the dispensation. If the marriage had not been consummated, as Catherine herself vehemently maintained, then only the impediment of public honesty was present by merit of the contraction of the marriage, and would have needed to be dispensed with specifically and independently. While the preamble of the bull hints at the potential absence of affinity, it does not expressly address public honesty and in this circumstance, it cannot be dispensed through implication. Consequently, had Henry accepted Catherine's word, in her attempt to defend the validity of her marriage to him, she would have unwittingly provided him with the simplest avenue to nullifying their marriage.

Despite the obvious simplicity of this line of reasoning, it was not Henry's primary contention with the bull. Instead, he considered his marriage to Catherine invalid because it violated both natural and divine law as laid out in the book of Leviticus. Chapter 18 verse 16 states, "Thou shalt not uncover the nakedness of thy brother's wife: it *is* thy brother's nakedness," and chapter 20 verse 21 goes on to explain the punishment for such an offense, "And if a man shall take his brother's wife, it *is* an unclean thing: he hath uncovered his brother's nakedness; they shall be childless."⁴³ Henry had applied his theological and humanist education and come to the conclusion that the union violated divine law and under no circumstances could be dispensed from by any human authority. Catherine's numerous miscarriages and her failure to produce a living male heir was, to Henry, the evidence that their union was wicked. The wording of Leviticus in the Latin Vulgate suggested the marriage would be *childless*, but that was not expressly Henry's situation, as the union had produced a daughter, Mary, in 1516. However, this detail was cleverly remedied when Robert Wakefield provided a Hebrew translation of Leviticus which stated such a union would not produce *sons*, thus fitting Henry's circumstance perfectly.⁴⁴ This significantly strengthened the scriptural argument, and further strengthened Henry's commitment to the Levitical argument.

The scriptural line of reasoning was drastic because it fundamentally questioned the pope's authority to grant the dispensation; a crucial point which was not overlooked by Cardinal Wolsey upon hearing the king's concerns about his marriage. Wolsey had realised the potential implications of the scriptural argument, and had instead favoured pursuing the inadequacy of the original bull and began exploring it further. However, it was Henry who was determined to pursue the Levitical argument and took a direct part in orchestrating the polemical campaign.⁴⁵ This was by no means the simplest avenue; opposition was apparent immediately. Standing in direct contradiction to Leviticus was Deuteronomy 25:5 which stated, "If brethren dwell together, and one of them die, and have no child, the wife of the dead shall not marry without unto a stranger: her husband's brother shall go in unto her, and take her to him to wife, and perform the duty of an husband's brother unto her."⁴⁶ In addition to the scriptural evidence to the

⁴³ Leviticus 18:16 and 20:21 (King James Bible).

⁴⁴ Virginia Murphy, "The Literature and Propaganda of Henry VIII's First Divorce," in *The Reign of Henry VIII: Politics, Policy and Piety*, ed. Diarmaid MacCulloch (Basingstoke: Macmillan Press, 1995), 139.

⁴⁵ Murphy, "The Literature and Propaganda," in *The Reign of Henry*, 138; Scarisbrick, *Henry VIII*, 194.

⁴⁶ Deuteronomy 25:5 (King James Bible).

contrary stood an extensive history of theological debate, very little of which supported Henry's stance, and papal precedents. Henry's own bishops were divided on the issue; John Fisher Bishop of Rochester being among the most vocally against the king's position. The contentious nature of the issue prompted a wide spread intellectual debate with leading humanists, clerics, intellectuals, and university faculties from across England and the continent offering their opinions and interpretations.

After Henry made his feelings about his marriage known to his closest advisor Wolsey, the pair had different opinions about how best to proceed. Henry wanted to approach the pope directly to have him solve the matrimonial dilemma, while Wolsey preferred to rely upon the complicated political situation in Italy to provide an opportunity to address the matter quietly.⁴⁷ Further, Wolsey was hesitant to pursue the Levitical course with its dangerous implication against papal jurisdiction and instead suggested the technical inadequacy of Julius II's specific bull, an argument which shifted the blame off of the papacy and onto the supplication.⁴⁸ However, it was Henry's conviction to the biblical case that ultimately overshadowed any other possibilities, thereby suggesting that the king followed a coherent policy from the very beginning.⁴⁹ This dedication may have reflected the belief that a legal loophole in the bull was not enough to ease a conscience convinced that God was cursing a union that contradicted divine law. Or it is possible that Henry's conviction stemmed from the fact that the Levitical argument was the product of his own intellectual labours.⁵⁰ What is clear is that the king consistently attacked the validity of his marriage on grounds which disputed the pope's authority to dispense, and continually asserted that the union contravened divine law which under no circumstance could be dispensed from.⁵¹

In an attempt to gain intellectual credence and support for his argument, Henry began assembling the most gifted scholars to aid in making the case for the divorce. Henry enlisted Edward Foxe, almoner and Cambridge theologian, John Stokesley, Bishop of London, and Robert Wakefield, noted humanist and Cambridge lecturer in Hebrew, to compose treatises and promote the necessity of the divorce.⁵² Foxe assumed a central role, becoming increasingly close to the king and knowledgeable about all aspects of the divorce. In fact, it was Foxe who had been involved in enlisting Robert Wakefield, and Foxe also began to study Hebrew to compare the Latin, Greek, and Hebrew translations of the Bible.⁵³ In 1527, Foxe approached Wakefield and requested that he establish three conclusions about the Levitical prohibitions.⁵⁴ Three additional treatises were composed in 1527 and the king himself remained heavily involved in his own campaign, making the effort personally to sway Bishop Fisher and Thomas More. By November of 1527, the king had presented a book 'containing the reasons and causes moving the mind of

⁴⁷ Scarisbrick, *Henry VIII*, 202-203.

⁴⁸ *Ibid.*, 204.

⁴⁹ Murphy, "The Literature and Propaganda," in *The Reign of Henry*, 136.

⁵⁰ Scarisbrick, *Henry VIII*, 195.

⁵¹ Murphy, "The Literature and Propaganda," in *The Reign of Henry*, 136.

⁵² Murphy, "The Literature and Propaganda," in *The Reign of Henry*, 138-142.

⁵³ *Ibid.*, 143

⁵⁴ Virginia Murphy, introduction to *The Divorce Tracts of Henry VIII*, ed. Edward Surtz and Virginia Murphy (Angers: Moreana, 1988), iii.

his majesty' to an assembly of bishops and others skilled in divine and civil laws.⁵⁵ The king sought the advice of bishops and scholars, and remained involved in the production of a book of arguments regarding the divorce.⁵⁶ In these early stages, the king's interest in intellectual discourse on the divorce case was primarily two fold; naturally he wanted to win further support for his argument regarding the validity of his marriage, but he was also attempting to strengthen the case he was presenting to the pope.

In 1527, Henry had no reason to believe that the resolution of this matter would be anything but expedient. However, after a series of attempts throughout 1527, it became clear that the process would not be as simple as he had hoped. Henry's first attempt had been to send William Knight on a mission to Rome to secure a bull, dispensing any impediments to a marriage between the king and Anne Boleyn while also nullifying the king's marriage to Catherine. Though Knight thought he had been successful, the bull he secured only allowed Henry to marry Anne *if* his first marriage was proven unlawful.⁵⁷ Wolsey's attempts were also thwarted by the increasingly volatile political situation in Italy. With the Emperor Charles in Rome and the pope in captivity, Wolsey had been attempting to take over the administration of the church in the pope's effective absence.⁵⁸ Under these circumstances, Wolsey would have been able to quietly settle the divorce and have Clement confirm the sentence after the fact.⁵⁹ However, this never came to fruition; the pope was able to escape his prison and ride to Orvieto.⁶⁰ After sending a series of *ad hoc* missions to Rome, in February of 1528, Wolsey announced a new embassy consisting of Stephen Gardiner and his secretary, with Edward Foxe, the king's almoner. Armed with a book of arguments produced by the coterie of intellectuals working on the king's behalf⁶¹ and an arsenal of threats, the pair sought a decretal commission for Wolsey, and for another cardinal to settle the matter in England.⁶² Though this mission was more successful than its predecessors, it failed to obtain all the necessary documentation needed for the matter to easily be tried in England. Ultimately, Cardinal Campeggio was dispatched to England with conflicting instructions on how to manage the trial.

Wolsey equipped Foxe and Gardiner with an arsenal of threats that reflected the gravity of the situation. The pair were tasked with securing the necessary documents through cajoling or bullying. The sentiments that had been percolating in 1515 and 1516 were brought to the forefront again, but this time they were explicitly taken to their logical conclusion. The pope's refusal to expediently grant the divorce the king sought was a direct assault on royal authority over a matter that was based on Henry's scriptural and spiritual interpretation. This was particularly provoking to a scholarly king who already felt that he had no superior on Earth. In a letter to Foxe and Gardiner, Wolsey expressly stated, "Considering these things, the dangers which would ensue from a disputed succession, and the likelihood in that event of England declining from obedience to the Holy See, he [Wolsey] is glad that the Holy Father sees the

⁵⁵ Murphy, "The Literature and Propaganda," in *The Reign of Henry*, 143.

⁵⁶ Ibid., 144.

⁵⁷ Ibid., 204.

⁵⁸ Ibid., 202.

⁵⁹ Ibid., 203.

⁶⁰ Ibid.

⁶¹ Edward Foxe would have been quite familiar with the contents of the book due to his role in helping to prepare it.

⁶² Scarisbrick, *Henry VIII*, 207.

danger and is willing to provide a remedy.”⁶³ Later in the letter Wolsey continued by saying, “If the king cannot obtain justice in this way he will be compelled to seek it elsewhere, and live out of the laws of Holy Church; and, however reluctant, he will be driven to this for the quiet of his conscience.”⁶⁴ The threat was clear, if the justice the king sought was denied, Henry might be compelled by the dictates of natural and divine law to cast off the allegiance which in the past he had given so generously to the Holy See in Rome.⁶⁵ Not only do these sentiments reflect how precarious the situation had already become, but they also suggest that a break with the church in Rome was not entirely out of the question.

If these statements were an isolated occurrence, or the proverbial trump card in an arsenal of threats, it would be easy to write them off as a heavy handed attempt at bullying the papacy into submission. Yet, that is not the case; in fact, there is strong evidence to suggest the prevalence of this line of thought from 1528 onwards. Wolsey repeated the sentiment on numerous occasions throughout 1528, becoming increasingly fearful of the destructive potential of the situation and the possibility of his own ruin because of it. In discussions with Campeggio, Wolsey continuously made the case for the political necessity of the divorce, and went so far as to say that if it were refused, England would throw off her allegiance to Rome.⁶⁶ By November of 1528, Wolsey fearfully wrote in a letter to Sir Gregory Casale, “he [Clement] will see that the course he now pursues will drive the King to adopt those remedies which are injurious to the Pope, and are frequently instilled into the King's mind.”⁶⁷ Wolsey feared that unless Pope Clement responded as a loving father and true vicar of Christ, the cost might be more than any man could reckon- ignominy and ruin of the church, and the destruction of papal authority in England.⁶⁸ These sentiments are reinforced by the king's continuous commitment to the Levitical argument and its direct attack on papal power. While the propaganda produced on the king's behalf in 1528 lacked the explicit threat contained in Wolsey's statements, it did continue to attack the validity of the marriage on grounds which disputed the pope's authority to dispense.

The propaganda and scholarly campaign of 1528 were the products of the labours of the king and those recruited to strengthen the Levitical argument. In preparation for the legatine court, the king and his team of scholars, which now included Bishop Stephan Gardiner and Franciscan friar Nicholas de Burgo, began drafting the book that would be presented at the trial on the king's behalf. The text, which came to be known by its opening words ‘*Henricus octavus*’, was the first formal public statement in England of the king's position, and it was the most prominent of the eight ‘little books’ exhibited on the king's behalf.⁶⁹ The text was significant in a number of ways. Primarily, it served to articulate the Levitical argument and how the king came to believe that his marriage violated the scripture, the revelation of which troubled his

⁶³ *L&P*, iv. 3913.

⁶⁴ *Ibid.*

⁶⁵ Scarisbrick, *Henry VIII*, 207.

⁶⁶ *Ibid.*, 213.

⁶⁷ *L&P*, iv, 4897.

⁶⁸ Scarisbrick, *Henry VIII*, 216.

⁶⁹ Murphy makes a compelling and convincing case that the treatise previously identified only as a letter from Henry VIII to the cardinals and given to Trinity College Cambridge in the late sixteenth century, is actually the libelli submitted on the king's behalf to the legatine court. See: Virginia Murphy, introduction to *The Divorce Tracts of Henry VIII*, ed. Edward Surtz and Virginia Murphy (Angers: Moreana, 1988); Murphy, “The Literature and Propaganda,” in *The Reign of Henry*, 147.

conscience greatly. It discussed how the prohibitions laid out in Leviticus had emanated from God and were not of human institution, therefore making them divine laws. It further made the case that the king had obviously suffered the penalty prescribed in Leviticus because 'he who has married his brother's wife will be *without sons*'.⁷⁰ The book only addressed the issue of the papal documents at the end, suggesting that even if the pope could have made the dispensation, and if he had done so properly (which he had not), the king did not believe the marriage was valid as he had been convinced by a more powerful reason (Leviticus). Essentially, it made public what had been common discussion within the king's intellectual and diplomatic circles. However, what was more significant about the text was the process of its compilation. Not only does it provide insight into the scholarly processes of those working on the divorce, but it also demonstrates the evolution of the argument of royal supremacy.

Though 'Henricus octavus' was the first public statement of the king's position, it was not originally intended for the legatine trial. Draft fragments of a treatise regarding the king's position date to as early as the first half of 1528.⁷¹ The first of the fragments, section A, written in the first person plural, began with an address supposedly by the king explaining why he was compelled to take up his pen again.⁷² In it, he sought to examine whether the laws of the Old Testament were still in force, and to prove that the Levitical laws were numbered among the moral precepts that bound all Christians.⁷³ The second section of the first fragment, section B, continued from the same first person plural perspective, but made no specific mention of the king's situation. Instead it sought to address and contradict the opinions of certain heretics, particularly John Wycliffe by citing numerous authorities.⁷⁴ It promised to show next that the impediment of affinity in the degree forbidden by Leviticus was binding on Christians because the prohibitions were moral precepts therefore making them divine law. Though these sections reflected the king's stance and were similar in nature to other fragments of the king's book, they were far from the version presented in 'Henricus octavus'.

Instead, a third partial fragment, section C, and the more complete version, referred to as section F, were more similar to the text exhibited on Henry's behalf to the legatine court.⁷⁵ Section C/F was also written in first person plural and after a preface from the king, fell into two parts. The first section dealt with the opinions of certain men regarding Leviticus, and drew upon similar sources to that of section A to refute their claims.⁷⁶ The second part pertained more directly to the king's circumstances and aimed to prove that the laws of Leviticus were divine, moral, and binding to Christians; that knowingly and wilfully violating them was a sin.⁷⁷ It was this early draft that was revised, rearranged, and augmented into 'Henricus octavus'. The final edition featured an initial address to the two judges, Cardinals Wolsey and Campeggio, with additional references to them at appropriate points elsewhere in the text.⁷⁸ Furthermore, certain

⁷⁰ Murphy, "The Literature and Propaganda," in *The Reign of Henry*, 149.

⁷¹ Murphy, introduction to *The Divorce Tracts of Henry*, vi.

⁷² The king makes reference to the assembled group of bishops and clerics he presented his first king's book to in 1527, thereby helping to date the draft. Murphy, introduction to *The Divorce Tracts of Henry*, vi.

⁷³ Murphy, introduction to *The Divorce Tracts of Henry*, vi.

⁷⁴ Ibid.

⁷⁵ Ibid., vii.

⁷⁶ Ibid.

⁷⁷ Ibid.

⁷⁸ Ibid., vii-viii.

authorities appear in different order while others were omitted entirely.⁷⁹ The final product was a text that reflected the evolution of the king's case for divorce.

The changes made to the drafts reflect the intellectual labours of the team of scholars compiling it. In a letter from John Stokesley to Thomas Cromwell, the authorship of 'Henricus octavus' is confirmed. Stokesley explains that the king's book had been written by 'Mr. Ampner [the king's almoner, Edward Foxe], Mr. doctor Nicolas [Nicholas de Burgo, the Italian friar,]' and himself.⁸⁰ In addition to the aforementioned list, another prominent figure may also be added. In one of the drafts of 'Henricus octavus', section C appears to be in the hand of Stephan Gardiner. Their participation is not surprising considering their degree of involvement in the divorce case since the middle of 1527. These figures had been actively involved in the propaganda campaign, producing a succession of king's books.⁸¹ That is not to say that they worked entirely independently or autonomously. Instead, they worked under the direction of the king, who remained actively involved throughout.

Numerous sources have corroborated Henry's personal involvement in the drafting of a book in the summer of 1528. The king was actively working on a treatise which he referred to as 'my book'.⁸² In June of that year, Brian Tuke had written to Wolsey about one particular evening when the king, "commeth by my chamber dore and dothe for the most parte going and commyng torne in for divising with me upon his boke and other thinges occurrent."⁸³ By August, Henry wrote to Anne Boleyn, whom he had left behind in fleeing from the sweating sickness, that "my book maketh substantially for my matter, in writing whereof I have spent above IIII hours this day."⁸⁴ Given the timing of these comments, it is likely that Henry was referring to 'Henricus octavus'. These comments might also suggest that Henry did indeed play a significant role in the specific sections attributed to him. When Cardinal Campeggio arrived in England, he was astonished to find Henry remarkably well-informed about his case, better, in fact, than many theologians and canonists, and highly skilful in argument.⁸⁵ Henry was thoroughly involved in the search for evidence on his behalf. Though he relied on a team of clever scholars to write the book and arrange the arguments, his influence is obvious. The image created by these surviving details contradicts both the idea that Henry handed off the research for the divorce to his advisors, as well as the idea that the strategy for securing the divorce was suggested and guided by Henry's advisors. The king took a very active role in the divorce campaign in 1527 and remained highly involved through the legatine trial.

The drafts of the 'Henricus octavus' also provide a glimpse into how the treatises for the debate were composed. Many of the king's books and treatises borrow extensively from one another, often making reference to a similar collection of authorities.⁸⁶ This would suggest that extensive research had been conducted in order to establish a compendium of sources that supported the king's position. This collection was likely altered, revised, and updated as the

⁷⁹ Ibid., viii.

⁸⁰ SP 1/94, fo. 98.

⁸¹ Murphy, "The Literature and Propaganda," in *The Reign of Henry*, 146.

⁸² Murphy, introduction to *The Divorce Tracts of Henry*, xviii.

⁸³ BL Cotton MS Titus B i, fo. 306; *L&P*, iv. 4409.

⁸⁴ M. St. Clare Byrne, ed., *The Letters of King Henry VIII* (London: Cassell and Company, 1936), 82.

⁸⁵ Scarisbrick, *Henry VIII*, 213.

⁸⁶ Murphy, "The Literature and Propaganda," in *The Reign of Henry*, 146.

circumstances of the debate progressed. Virginia Murphy makes the case that there was likely a *Collectanea*, similar to the one produced to support the case for royal supremacy, that contained all of the source material for the divorce.⁸⁷ The source collection would have contained the same sources mentioned in the king's books, as well as some possible additions. Similar sources would have been grouped together and then arranged in order of authority and strength: scripture (Old Testament before New), followed by popes, general councils, patristic and scholastic writers.⁸⁸ The existence of one agreed upon hierarchy of sources would explain why the same authorities and arguments were often cited in the same order throughout the king's books. This type of collecting activity was not uncommon during this period. It is likely that this compendium would have been modelled on the commonplace-books in use throughout Europe in the sixteenth century.⁸⁹ These books were storehouses of knowledge, as they were made up of extracts from texts considered authoritative, and organised under headings. The king's circle definitely produced a resource of this type slightly later in the divorce campaign. The *Collectanea satis copiosa*, which was a compilation of arguments on topics relating to secular imperium and royal supremacy was composed on the king's behalf around 1530 and utilised this format, therefore making it likely that the missing collection would have been similar.

However, if this were the case, it would have required access to the sources considered to be authorities; sources that were not likely present in the king's libraries prior to 1528. Until recently, there was no concrete evidence to reflect how the search and collection process would have taken place within England. While numerous sources have mentioned the examination of the continental libraries after 1529, the search for material within England prior to 1529 was less well-documented. Yet, such activity must have surely occurred, given the volume of treatises produced on the king's behalf, and their reliance on significant authorities. Therefore, it is possible that one of the sources scholars have previously attributed to the later collecting activity of the 1530s is actually proof of the earlier wave of library exploration. Royal Appendix 69 is the only surviving Henrician booklist of its kind.⁹⁰ The manuscript contains a list of almost 100 books of interest from 32 monastic houses in the diocese of Lincolnshire.⁹¹ Next to 37 of the titles are small crosses signifying that the title is of particular interest. Historians have been conflicted in their assessment of the list based on the nature and content of the texts. Some have suggested that it was compiled around the time of the dissolution of the monasteries, while others believe that the list was compiled for the king as part of his divorce case around the 1530s. However, neither of these explanations entirely fit the evidence.

Authorship of the Lincolnshire list was previously attributed to John Leland, the king's antiquarian in the mid-1530s. This was due in large part to the established precedence of his collecting activities, as well as the rather vague claim that the style superficially resembled that of lists in Leland's *Collectanea* and was strongly reminiscent of Leland's *Latinity*.⁹² However, this theory has numerous flaws; a point which J. R. Liddell hinted at in his introduction to his transcription of the list. Leland's authorship would have dated the list to the period of the

⁸⁷Ibid., 147.

⁸⁸Ibid.

⁸⁹Ibid.

⁹⁰ James Carley, ed., *The Libraries of Henry VIII* (London: British Library, 2000), xxxvi.

⁹¹ BL Royal Appendix 69 f.2-2v.

⁹² J. R. Liddell, "'Leland's' Lists of Manuscripts in Lincolnshire Monasteries," *English Historical Review* 54 (1939): 88; Carley, *The Libraries of Henry*, xxxiii.

dissolution of the monasteries, which given the contents of the list, would be far too late. James Carley disputed the possibility of Leland's authorship, citing a few compelling reasons. The primary issue pertains to the inclusion of a manuscript on the Lincolnshire list from the Carmelite house in Lincoln containing the works of Osbern of Gloucester, a manuscript Leland specifically stated having seen only after its arrival at the royal library.⁹³ Additionally, in Leland's own confirmed list from the mid-1530s, there were entries for six of the monastic houses which also occurred in Royal Appendix 69, with four houses having book listings that directly overlapped.⁹⁴ This would have been a strange oversight had the same author composed both lists. Instead, Leland was the second compiler to visit the libraries of the religious houses of Lincoln. Disproving Leland's authorship left Carley free to date the list to an earlier period, which he did, suggesting around the year 1530.

However, dating Royal Appendix 69 to 1530 presents several problems. The first and most obvious issue relates to two specific entries: those of the Priory of Sixhill and the Boston Augustinian Friars. The entry for Sixhill reads, "Ibidem non interfui causa pestis in eodem prioratu regnantis" and the entry for the Boston friars says, "Bibliothecam ibidem non visitavimus causa pestis ibidem regnantis."⁹⁵ Both references to the plague suggest an earlier date of composition. In June of 1528, a fourth bout of sweating sickness broke out in England. The sweat is mentioned as being in London as early as the 5th of June and it continued well into the summer, easing only towards the end of August.⁹⁶ It is likely that the plague the author of Royal Appendix 69 refers to was this sweating sickness. By this point, the term *peste* had come to refer to a whole host of diseases other than the bubonic plague. In fact, it was used to describe any disease that contemporaries regarded as contagious or widespread, such as the *sudor anglicus*.⁹⁷ In 1529, when Juan Luis Vives was forced to flee Bruges after an outbreak of the English sweat, he referred to disease as *pestis*.⁹⁸ The British Library, which houses the manuscript, has also informally made this suggestion.⁹⁹ This would suggest that Royal Appendix 69 was drawn up at precisely the moment 'Henricus octavus' was being drafted. Further, the numerous titles on the list regarding interpretations of Leviticus and Old Testament Law would correspond to the contemporary intellectual activities of Henry and his scholars. The divorce tracts tended to build upon each other and cite similar sources. By the time 'Henricus octavus' was in its final drafts, many of the authorities on the canon law of the divorce, and particularly on Leviticus, had already been established. Therefore, it would be exceedingly unlikely that texts on Leviticus would have been as useful in 1530 as they would have been in 1528.

⁹³ James Carley, "John Leland and the Contents of English Pre-Dissolution Libraries: Lincolnshire," *Transactions of the Cambridge Bibliographical Society* 9, no. 4 (1989): 331; Carley, *The Libraries of Henry*, xxxiii.

⁹⁴ Carley, "John Leland and the Contents," 332.

⁹⁵ BL Royal Appendix 69 f.2-2v; Liddell, "Leland's Lists of Manuscripts,"

⁹⁶ Charles Creighton, *A History of Epidemics in Britain* (Cambridge: Cambridge University Press, 1891), 251-255.

⁹⁷ William Eamon, "The Canker Friar: Piety and Intrigue in the Era of New Diseases," in *Piety and Plague: From Byzantium to the Baroque*, ed. Franco Mormando and Thomas Worcester (Kirksville: Truman State University Press, 2007), 159.

⁹⁸ S. A. Vosters, "Love Fever: Guevara, Gruterus, Catsius, and 'Schoonhovius,'" *Humanistica Lovaniensia* XLVI (1997): 302.

⁹⁹ "Tabula librorum de histories antiquitatum," The British Library, last modified March 26, 2009, <http://www.bl.uk/onlinegallery/onlineex/henryviii/greatmatter/tabulalib/>.

Although the text of Royal Appendix 69 provides the necessary details to more accurately date it, the text does not provide as much information about a potential author. Circumstantial evidence and other sources suggest possible candidates, either the Bishop of Lincoln John Longland, or someone more closely associated with the scholarly pursuits of the divorce campaign. James Carley has presented a case for Longland's authorship based primarily on Longland's dual position as Bishop of Lincoln and as one of Henry's confessors. It is likely that Henry would have turned to Longland when his conscience first began to trouble him in 1527.¹⁰⁰ Despite his proximity to the king at a crucial moment, and his obvious access to the monastic houses of Lincolnshire, the case for Longland's authorship is not entirely compelling. While Longland openly supported the king in his Great Matter, most notably by helping to secure a favourable decision from the University of Oxford, Longland was not involved in the intellectual activities of those working on the king's behalf. Furthermore, in a letter to Cardinal Wolsey dated June 1528, Longland mentions the sweat, but says that he had travelled from London to his episcopal palace at Wooburn in Buckinghamshire where he intended to stay for the time being.¹⁰¹ Later, he mentions that if Wolsey desired, he might travel to Oxford to attend to issues of heresy. Moreover, Longland's management of the religious houses in his diocese does not support the idea of his personal compilation of Royal Appendix 69. Due to the time consuming nature of his duties both in his diocese and at court, Longland only visited religious houses when there was no other choice. In all other instances he sent others on his behalf.¹⁰² There is of course the possibility that Longland could have sent someone to compile the list, but the nature of the booklist makes this theory also difficult to support. The books recorded were very specifically on matters of history and divinity with particular interest in texts discussing Leviticus and the Old Testament.¹⁰³ Additionally, the titles written down not only address the nature of the debate in 1528, but they also reflect the intended direction of the future of the debate, a point which will be addressed later. Therefore, it seems necessary that the compiler be intimately familiar with the arguments brewing in the king's inner coterie of scholars. Longland was not as involved in his own right, making it incredibly unlikely that he would have sent someone else, someone even further removed from the divorce campaign, on his behalf.

The other possible candidates were figures who were intimately involved in the king's campaign, namely Franciscan Friar Nicholas de Burgo, and Bishop of London John Stokesley. Nicholas de Burgo was a former Oxford lecturer who won royal favour by advocating the royal divorce. By 1528 he had become a part of the intellectual circle producing treatises on the king's behalf. Bishop Stokesley named de Burgo as one of the authors of 'Henricus octavus', and in the autumn of 1529 de Burgo, Cranmer, and Foxe were appointed to advise and persuade Thomas More on the king's case.¹⁰⁴ His involvement continued well into the 1530s and in 1531, de

¹⁰⁰Carley, *The Libraries of Henry*, xxxiii.

¹⁰¹ Henry Ellis, ed., *Original Letters Illustrative of English History* (London, 1846), 1:251-254.

¹⁰² Margaret Bowker, *The Henrician Reformation: The Diocese of Lincoln under John Longland 1521-1547* (Cambridge: Cambridge University Press, 1981), 20.

¹⁰³ Carley, *The Libraries of Henry*, xxxiii.

¹⁰⁴ Jasper Ridley, *Thomas Cranmer* (Oxford: Clarendon Press, 1962); Murphy, introduction to *The Divorce Tracts of Henry*, ix-xxi; Brian Brenchley Wheals, *Theirs Were but Human Hearts: a Local History of Three Thameside Parishes: Wooburn, Little Marlow and Hedsor* (Bourne End: H. S. Publishing, 1983), 61-62.

Burgo's request to return to Italy was refused because he was too deep in the king's secrets.¹⁰⁵ De Burgo's involvement in the propaganda and treatise campaign of the divorce, paired with his proximity to the king, make his authorship possible. Additionally, de Burgo received a payment of £5 from the Treasurer of the Chamber's Account in November of 1528.¹⁰⁶ There is not enough evidence to link the payment with the compilation of Royal Appendix 69, but the payment does at least suggest that de Burgo was being compensated for his contributions to the king's campaign.¹⁰⁷ John Stokesley was also intimately involved in the propaganda and treatise campaign on the king's behalf. Stokesley had been involved in the pamphlet debate from an early date and he, like de Burgo, contributed to 'Henricus octavus'. It was Stokesley, however, who played a critical role in the search for materials on the continent. In his correspondences in early 1531, Richard Croke makes numerous references to a detailed list which Stokesley had prepared containing the names of all of the books he was to locate.¹⁰⁸ It is clear that Stokesley was orchestrating the research on the continent, possibly in an attempt to supplement the research that was already conducted in England. Stokesley's agenda for Croke suggests a familiarity with the source material and an acute awareness of the additional sources needed to compliment the already existing compendium in England. While this is not enough to identify Stokesley as the author of Royal Appendix 69, his knowledge of the source material and the extent of his involvement are enough to warrant further inquiry.

Though the authorship remains in question, it is clear that the list was of interest to Henry and his writers. Of the nearly 100 titles on the list, 37 were marked with a cross and identified as being of potential use to the campaign. The crosses and annotations are in Henry's hand¹⁰⁹, which suggests that the king was involved in the search for materials on his behalf, which again reflects the extent to which he was committed to his own case. Additional markings on the list further suggest that in addition to simply being of interest, the books were marked to be transported to the royal library. The small *Res.* followed by a number meant the number of books from that page that were acquisitioned by the royal library.¹¹⁰ Though it is difficult to date when exactly the books would have arrived, once in the royal library they were examined thoroughly. Several of the texts that appear on Royal Appendix 69 and were brought to the royal library contain marginal annotations on passages relevant to the divorce. For example, William of Malmesbury's *De gestis pontificum Anglorum* contains marginal notes in sections relating to church councils, the authority of the pope, and the question of consanguinity in marriage.¹¹¹ The hand of the marginalia closely resembles that of the king, and could suggest the king's personal participation in the actual research.

¹⁰⁵ Virginia Murphy, "Burgo, Nicholas de (fl. 1517–1537)," in *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004), <http://www.oxforddnb.com/view/article/20094>; Andrew George Little, "Nicholas de Burgo," in *Dictionary of National Biography*, 40.

¹⁰⁶ Murphy, introduction to *The Divorce Tracts of Henry*, xli; *L&P*, iv. 6788, v. p 304.

¹⁰⁷ Robert Wakefield also collected payments from the Treasurer of the Chamber's Account, presumably for his contributions to the divorce campaign as well. See: Murphy, "The Literature and Propaganda," in *The Reign of Henry*, 154.

¹⁰⁸ Murphy, introduction to *The Divorce Tracts of Henry*, xxiv.

¹⁰⁹ Liddell, "Leland's Lists of Manuscripts," 88.

¹¹⁰ James Carley, "Lincolnshire List," e-mail message to author, May 25, 2016.

¹¹¹ Carley, "John Leland and the Contents," 333.

The titles marked for transfer to the royal library also provide insight into the direction of the king's arguments. In 1528 and into 1529, the case revolved around the Levitical prohibitions, which was reflected in the treatises produced during this time. Therefore, it is unsurprising that William of Malmesbury, Ralph of Flaix on Leviticus, Ivo of Chartres, and William de Montibus and Osbern on the Old Testament appear on the Lincolnshire list.¹¹² These texts would have been used to support the king's position and add credence to his interpretation of the scripture. In addition, these arguments were repeated throughout the body of work produced on the king's behalf. The arguments in 'Henricus octavus' are reiterated in the spring of 1531 in the *Grauissimae academiarum censurae*, and were translated into *The Determinations of the moste famous and mooste excellent vniuersities of Italy and Fraunce* in November of 1531.¹¹³ However, what is surprising about Royal Appendix 69 is the presence of texts that hint at secular imperium and royal supremacy. In-between titles that deal with the laws of the Old Testament are: Martin of Troppau, chronicles by Geoffrey of Monmouth, Henry Huntingdon and William of Malmesbury, 'liber statutorum romanorum pontificum', *De legibus et consuetudinibus Angliae*, 'libellus de iuribus et consuetudinibus Normannorum' and 'libellus de libertatibus Anglie'.¹¹⁴ The presence of these titles suggests that the scholars surrounding the king, and even the king himself, were starting to research the nature of the English church and its relationship with Rome, specifically looking for titles that showed a historical independence of the English church from Rome. These texts clearly demonstrate the evolution of the king's argument and the beginning of the search for evidence for the royal supremacy in earnest.

Though many of these titles appeared in the earlier tracts, their handling throughout the divorce campaign evolved, indicating a logical evolution of ideas. The same texts that appeared in the *Censurae* appeared in later divorce tracts, however, there was a clear change in the way in which they were utilised. The Old and New Testaments, church councils, learned 'authors', and English texts and chronicles were being slanted to support a more revolutionary theory regarding English regal power.¹¹⁵ Two collections of piecemeal notes demonstrate the repurposing of the texts of the Lincolnshire list into a more powerful line of argument. The 'Quaedam pertinencia' and the 'Non est novum' were produced prior to 1530¹¹⁶ and served as a link between the earlier research campaign of 1528 and the later campaign for royal supremacy in the 1530s. Based on William of Malmesbury and the 'Abbreviationes Chronicorum' of Ralph de Diceto, the 'Quaedam pertinencia' claimed that because of the scandal and dissension brought into the church by the partisanship of two rival popes, Urban and Clement, the English church had refused to be placed under or obey the pope since the death of Gregory of Hildebrand.¹¹⁷ Granted, it was not the strongest claim for the independence of the English church, but it reveals that the king and his team of scholars were taking their challenges of papal authority further. The 'Non est novum' utilised quotes from Bracton and Britton to show that it was no new thing for the king to be

¹¹² BL Royal Appendix 69

¹¹³ Murphy, introduction to *The Divorce Tracts of Henry*, ix.

¹¹⁴ Carley, *The Libraries of Henry*, xxxv.

¹¹⁵ Guy, "Thomas Cromwell and the Intellectual," in *Reassessing the Henrician Age : Humanism*, 157.

¹¹⁶ Graham Nicholson, "The Nature and Function of Historical Argument in the Henrician Reformation" (PhD diss., University of Cambridge, 1977), 75.

¹¹⁷ Graham Nicholson, "The Nature and Function of Historical Argument in the Henrician Reformation" (PhD diss., University of Cambridge, 1977), 75.

called the vicar of God on earth.¹¹⁸ The claims made in these early drafts were carried further and supplemented, triggering a flurry of research that made the intellectual case justifying the king's defiance of Rome.

The early drafts and the research activities culminated in a sufficiently abundant collection of materials that supported the secular imperium of the church of England, the supremacy of the king, and the right of the English church to decide matters within its own realm. The *Collectanea satis copiosa* was compiled in 1530 and was presented to the king in September of that year.¹¹⁹ It contained a three-pronged argument that freed Henry of his standoff with Rome while simultaneously asserting his authority within his empire.¹²⁰ It suggested that the kings of England had been denied their imperial status by papal machinations. England was an empire; it had been one in the ancient British past, and English imperial jurisdiction was a theological truth which no pope could conscientiously deny.¹²¹ It further asserted the fairly radical principle of provincial self determination which would have given the English church the right to settle its affairs unilaterally in national synods without reference to Rome.¹²² Henry applauded the work of his scholars, who, beginning with the scriptural premises invoked to prove the case for Henry's annulment, had validated the king's regal power from theological and historical perception.¹²³ The *Collectanea* was, in many ways, the logical conclusion of the Levitical argument. It was clear from the beginning that the challenges it made against the authority of the papacy would need to be supported. The authorities assembled in 1527 and 1528 as demonstrated by Royal Appendix 69 lent themselves to both the scriptural argument and the justification of drastic action against Rome. The *Collectanea* made use of the sources on the Lincolnshire list as well as others to cleverly suggest that the king was not pursuing or usurping any new powers, but rather was making use of powers the king had simply forgotten that the monarch had.

Historians have speculated about the extent Henry's role in the royal supremacy and the introduction of the *Collectanea* has often been used as evidence to suggest the king's advisors conceived of the idea and then presented it to the king. However, for a king who was so thoroughly involved in nearly all aspects of his own case, it seems nearly impossible that Henry could have been presented with the *Collectanea* and been pleasantly surprised by the ingenuity of his intellectual coterie. Instead, it is far more likely that Henry was aware of the research activity, if not involved to some degree. By the time the *Collectanea* was presented to the king, Henry would have been aware of the authorities being consulted since his annotations in Royal Appendix 69 prove he had been involved in the process of selecting them. This implies that Henry was not reading the *Collectanea* to be convinced of his own royal supremacy, but rather to see the arguments which justified such a belief. This would explain, in part, his 46 marginal annotations which displayed varying degrees of engagement with the text.¹²⁴ Substantial portions of the *Collectanea* were ignored entirely by the king, prompting Graham Nicholson to suggest

¹¹⁸ Graham Nicholson, "The Nature and Function of Historical Argument in the Henrician Reformation" (PhD diss., University of Cambridge, 1977), 78.

¹¹⁹ Guy, "Thomas Cromwell and the Intellectual," in *Reassessing the Henrician Age : Humanism*, 157.

¹²⁰ For a complete explanation of the three pronged argument of the *Collectanea* see Nicholson, "The Nature and Function,"; and Guy, "Thomas Cromwell and the Intellectual," in *Reassessing the Henrician Age : Humanism*.

¹²¹ BL MS Cleopatra E. vi, fos 16-42.

¹²² Guy, "Thomas Cromwell and the Intellectual," in *Reassessing the Henrician Age : Humanism*, 160.

¹²³ Guy, "Thomas Cromwell and the Intellectual," in *Reassessing the Henrician Age : Humanism*, 157.

¹²⁴ Ibid.

that the king glanced through the collection rather than committing to diligent study.¹²⁵ It would seem that Henry knew what he wanted, but knew better than to impose his will arbitrarily.¹²⁶ The king wanted to support his claims and engaged in a robust propaganda campaign to win support. In 1532, A glasse of the truthe was published in the king's name and sought to make public many of the arguments contained in the *Collectanea*.

For historians, the compilation and presentation of the *Collectanea satis copiosa* to the king has come to represent the turning point in the king's campaign for divorce, suggesting that from 1530 onward the king and his intellectual coterie pursued a course of action that led directly to the break with Rome. However, that is simply not the case; this line of thinking did not appear suddenly, nor was it a clever solution to a perplexing and ongoing problem. Instead, the ideas contained within the *Collectanea* evolved organically, building upon the research from the Levitical argument with its implied attack on papal authority. Henry's conviction to the scriptural argument from the very beginning dictated an irreversible course. A closer examination of the period between 1527 and 1530 reveals not two separate phases of the divorce campaign, but rather a natural progression and cultivation of ideas that were pursued to their logical conclusion. The foundations of the arguments in favour of the independence of the English church and the royal supremacy were present in 1527. The complicated and tangled balance of authority in England between the church and crown created a series of precarious compromises that could not be maintained indefinitely. It would appear that Henry's divorce was the spark that forced this long smouldering issues to the forefront. As demonstrated by his previous confrontations with the church, Henry was a good Christian as long as it did not interfere with his authority as king, an authority he was keen to promote and protect when challenged. Henry's uncompromising dedication to a stance which put him in direct opposition to the papacy meant conflict was inevitable. Further, Henry's continued personal involvement in his own case, as evidenced by contemporary statements and marginal annotations, directly contradicts the previously held view of Henry as the puppet of those closest to him.

The re-evaluation of Royal Appendix 69 forces a re-examination of the period between 1527 and 1530. It challenges many of the previously held beliefs regarding the evolution of the king's case for divorce. The Lincolnshire list bridges the gap between the early divorce treatises, the text prepared on the king's behalf for the legatine court, and the *Collectanea satis copiosa*, suggesting that these texts were all part of a larger more coherent policy that developed in 1527 and evolved in response to the circumstances and the resources available. It is essentially the missing link between Virginia Murphy's historiography of the drafting of 'Henricus octavus' and Graham Nicholson's scholarship on the *Collectanea satis copiosa*, thereby providing a more comprehensive understanding of the intellectual activities of those working on the king's behalf. Further scholarship on the manuscript could unlock more details about the research process and those who were involved. As the authorship is still uncertain, definitively identifying a compiler could also unlock key details about the scope and extent of the researching activities. Royal Appendix 69 has already provided a valuable insight into a key moment in the campaign for divorce. It was composed at a critical junction and indicates evidence of both the state of the

¹²⁵ Graham Nicholson, "The Nature and Function of Historical Argument in the Henrician Reformation" (PhD diss., University of Cambridge, 1977), 292.

¹²⁶ G. W. Bernard, "Reflecting on the King's Reformation," in *Henry VIII and the Court: Art, Politics, and Performance*, ed. Thomas Betteridge and Suzannah Lipscomb (Farnham: Ashgate, 2013), 17.

divorce campaign in 1528, as well as the direction in which it was about to embark, thereby, demonstrating that the intellectual coterie led by the king himself began laying the foundations for the royal supremacy in 1528.

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