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The London Synod of Reginald Cardinal Pole 1555-6

A thesis for the degree of M.A. by
John P. Marmion

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[Vol 1]

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ABSTRACT

From the time when Pole in 1535 agreed to serve on the 'reform commission', until his return to England after the marriage of Philip and Mary, he was a significant figure in the Catholic reform movement in its early days in Italy. During this time he wrote a number of works, some of which were only published later (one of which is still only available in manuscript). His known integrity and his contribution to reform won him a favourable reputation with some of the Lutherans and this in turn led to his being appointed papal legate to the Council of Trent. He eventually left Trent because of ill health and unhappy with the way in which the Council was dealing with the problem of justification.

In all his writings there is both continuity and development of the theme of renewal. The last major literary work with which he was associated was the decrees of the London synod. The synod is incomplete and the decrees were most probably actually drafted by a canonist, but the thoughts of Pole are evident. It is the aim of this thesis to study the synod as Pole's final efforts at reform.

The conclusions reached are that it is possible to identify material coming from Pole's Italian experience, and especially from Giberti at Verona: there is evidence of a rejection of some of the Tridentine developments in theology. Cranmer's attempt to replace the old canon law with a Reformatio legum ecclesiasticarum had been blocked: but there are some echoes of his legislation in the London synod. It is not possible to prove that Pole knew of the text of the Reformatio, but certainly some of the ideas - not found in previous laws - are common to Pole and Cranmer.

As Pole died under suspicion of heresy, and as all his work perished in the Elizabethan settlement of religion the influence of the synod could well have been nil. In fact parts of it entered into the universal law of the Catholic Church through the final session of the Council of Trent and through the influence of Ormaneto (Pole's secretary) as Vicar General in Milan to St. Charles Borromeo.

THE LONDON SYNOD OF REGINALD,

CARDINAL POLE

1555-6

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ΑΡΙΣΤΟΤΕΛΗΣ
ΦΑΡΙΣΤΟΣ ΤΟΥ
ΦΙΛΟΣΟΦΟΥ

ΠΡΟΣ ΤΟΝ
ΚΑΙΣΑΡΑ
ΑΝΤΩΝΙΝΟΝ
ΕΠΙΣΤΟΛΗ

This plaque of Aristotle is in the English College, Rome, and according to the latin inscription on it (dated 9 Oct. 1623) it was given to the college by Roger Baines, once secretary to Cardinal Allen, who in turn had obtained it from Cardinal Pole. Originally it had come from Henry VIII. It is suggested that it may have been obtained by Pole himself (sometime between 1519 and 1527) while he was in Italy, but purchased at Henry's expense. The original of the plaque was the work of Enea Vico.¹

The text reads;

in greek; 'Aristoteles o aristos ton philosophon'. The second inscription is on a separate plaque.

HANC Aristotelis Iconem HEN^{CUS} VIII Angliae
REX dum religionem litterasque coleret summo
tanquam ab ipso Philosopho iam tum spirante ductam
habuit in pretio: litterarum pietatisque studio in
ANGLIA collabente, eam XARD.POLUS unicum
temporis sui lumen feritatem Regis declinans Roman
detulit, quae post aliquod Annorum intervallum felici,
casu ad CARD.ALANUM ingens etiam gentis
Anglicanae ornamentum pervenit, a quo cum fato
concederet ROGERUS BANESIUS qui (illi) tum ab
epistolis erat dono eam accepit, ac vivis exiens Col-
legii Anglicani de Urbe bibliothecae egregium
(am)oris sui MNEMOSUNON reliquit.

+++++++ (A.d.) VII IDUS OCTOB. AN^O MDCXXIII ++++++

1. John Pope-Hennessy, Renaissance Bronzes from the Samuel H. Kress Collection (Phaidon, 1965) p. 103. See also F.A. Gasquet, A History of the Venerable English College Rome (1920) pp. 267., and A. Strong, 'A Bronze Plaque in the Roseheim Collection' in Papers of the British School at Rome, IX (1920) pp. 214-24.

Preface

It is now over twenty years since the posthumous publication of Dr. Wilhelm Schenk's Reginald Pole; Cardinal of England. The decades since then have yielded considerable publications on the early days of the Catholic reform movement in Italy in the first half of the sixteenth century, and Contarini is almost the only major figure who still awaits his biographer. These studies have continued to illustrate the importance of Pole, and also to bring various aspects of his life into greater focus. In the last few years there have been two major studies at Cambridge, the first on Pole and the Evangelical Religion, the other on his legatine registers; the first of these has been published.¹

At the more important moments of his life Pole was apt to respond to the pressure of the situation with a literary work; these often served to clarify his ideas; few of them were initially intended for publication. His last work in this long series was the twelve decrees of the London synod. They were thus his final thoughts on the subject of reform, a matter to which he had contributed for over twenty years. As the format was legal it was not natural to Pole's genius, but in spite of this much of the continuity of his thought is apparent. It might well have been expected that a former Cardinal Legate to the Council of Trent would

1. Dermot Fenlon, 'Reginald Pole and the Evangelical Religion' Cambridge Ph.D. thesis, 1969, published as Heresy and Obedience in Tridentine Italy; Cardinal Pole and the Counter Reformation (1972) Rex H. Pogson, 'Cardinal Pole - Papal Legate to England in Mary Tudor's Reign', Cambridge Ph.D. 1972. I am grateful to both Dr. Fenlon and Dr. Pogson for the loan of typescripts of their theses and for much advice. As Dr. Fenlon's work is now available in print, I have avoided covering the same ground and would hope that the material in chapter one is supplementary to what he has published.

welcome the opportunity to bring the work of that council to his own countrymen; some authors seem to suppose that this is indeed the case. But surprisingly at the very moment when Pole was beginning to come under pressure from Paul IV he showed, in the London synod, an independence of approach, and his decision to look to Florence rather than Trent in matters of doctrine reveals his disappointment with the developments of the Tridentine theologians, and suggests the extent to which he was on a collision course with the autocratic Carafa.

His first work, the De Unitate, clearly indicates the shock which the deaths of Fisher and More had caused him, but his later studies show little if any dependence upon their theological works. The London synod suggests the decisive influence of his experience as a member of the reform Commission of 1535-6, which produced the Consilium, and of one man among the many reformers in Italy, Giberti, whom he described as 'exemplar quodam singulare iusti et veri episcopi'.¹ His Italian days gave him some pastoral experience to which he might never have attained in his own country, and also the conviction which led him to make a stronger stand against simony than did Trent; it also left him with no real policy for dealing with public and adamant heretics, and very little real understanding of the English situation. His pastoral policy was based upon his experience at Viterbo and his advice for Modena in 1542; it was not immediately relevant to the needs of Marian

1. A Prospero, Tra Evangelismo e Controriforma, G.M. Giberti (1495-1543) (Rome 1969) p. 217, no.98.

England. While the more intimate approach in Italy had favoured his talent for friendship, the demands of leadership in England tended to isolate him. He lacked the preachers upon whom he could rely to set the Catholic restoration alight, and finally his loss of the authority of the legatus a latere proved a death blow. The legatine register ceases abruptly, and shows the virtual end of his work in England.

At the end of the first session of the London synod Pole had written to Morone full of hopes and giving an account of the work done so far; a copy was in preparation for Rome. This redraft of the synodal legislation became a longer document, and does not seem to have been known in England at the time. It is convenient to refer to it as the 'Roman text' and the original draft as the 'Cambridge text'. It is part of the work of this dissertation to study the relationship between the two texts.¹ The Roman text was taken for papal approval by Mariano Vittoria of Reate, but it is possible that Ormaneto also accompanied him.² This must have been

1. The shorter text is available in both Wilkin's Concilia and Cardwell's Annals, reproduced there from the Cambridge ms. and Cotton MS Cleop F.2.f.72. The Roman text, first published in 1562, and is available in the Gregg Press reprint of 1966. The full details are in the bibliography.
2. For Ormaneto the evidence comes from Beccatelli who had been Pole's secretary and by 1556 was bishop of Ragusa; but from the correspondence it is clear he was being kept in touch with English affairs. Of the Roman text he writes;

"Cujus exemplar Cardinalis (Polus) ad Pont. Max. misit, ut non priusquam ad eo comprobata fuisset, ederetur. Usus est autem ad eam rem egregia opera, Nicolai Ormaneto Veronensis, viri integerrimi, atque harum rerum peritissimi; qui item reliquis in rebus, cum apud eum Datarum munere fungeretur, in tota illa legatione magno illi usui fuit". L. Beccatelli, Vita R. Pole (London, 1670) p. 70.

For Mariano Vittoria; cf. Ven. Cal. VI.i. 471, 530, 472 and Quirini V.19; "Mi a parso opportuno mandari i decreti che si sono fatti qui a N.S. per il Mariano Vittorio, il quale potra darne particolar conto a S. Sta. et d'ogni altra cosa che accorrese farle intendere et communicara prima il tutto con V.S.Rma. per guovernarsi secondo l'amoreuo et prudente suo consiglio".

in May of 1556 as some time later in June Pole is writing to Scotto, Cardinal of Trani, and mentions that he has sent Mariano with the decrees and another writing on the subject of the synod. It has been further suggested by Tellenchea Idigoras that Mariano and Ormaneto called at Brussels to bring messages to Philip, and that this visit was the occasion for further contact with Carranza; Tellenchea Idigoras writes:

"of necessity, this last one (i.e. the 'Roman text') is the one which is most definitely similar to that of Carranza, which is inexplicably found after his time in the Vatican Archives, This anomaly has persuaded me to venture the hypothesis that Ormaneto (himself known to Carranza in England, and who passed through Flanders on his way to Rome when Carranza was already Archbishop of Toledo) brought both texts to Rome, and that in many Roman retouchings he influenced the autonomous Carranza text and still more the definitive editing of the English Synod concerning pastoral visitation".¹

There is also the distinct possibility that when the text of the English synod was published in Rome in 1562 some editing had been done by Morone, for in a letter to the legates at Trent Borromeo, in July

1. J.I. Tellechea Idigoras 'Bartolome Carranza y la Restauracion Catolica Inglesa' in Anthologica Annua 12 (1964) pp. 159-282; this extract is from pp. 123-4; the Spanish text reads; 'Precissamente este ultimo es el que ofrece semejanza mas rigurosa con el de Carranza, que inexplicablemente se encuentra fuera de su proceso, en el Archivo Vaticano. Esta anomalia me ha inducido a aventurar la hipotesis de que el proprio Ormaneto, concido de Carranza en Inglaterra y que paso por Flandes camino de Roma cuando ya aqual era arzobispo de Toledo, trajo ambos textos a Roma, y que en los amplios retoques romanos influyo aun mas el texto autonomo carranciano e la redaccion definitiva del decreto del Sinodo ingles sobra la vista pastoral.'

1561, stated that Morone did not wish the text of the De Concilio of Pole to fall into anyone's hands until he himself had corrected it. In the event the De Concilio and the Reformatio Angliae were published together with the assistance of Morone.

A number of questions such as these arise, and likewise the matter of the extent of the influence of the synod, which could only be resolved (if at all) by studying the original manuscripts and by recourse to rare books. As a part-time student it has been necessary to do virtually all the work at home, and this has placed limits upon the study, and has also deeply indebted me to the personnel of the Inter-library Loan Service at Keele University. It has also made me most grateful to Father Paul Brassel, S.J. who allowed me to copy some transcripts which he made in 1935, some of which are reproduced with his permission in an appendix.

TABLE OF CONTENTS

THE LONDON SYNOD OF 1555

Chapter one	THE GROWTH OF POLE'S IDEAS ABOUT REFORM	PAGE
	His spirituality and humanism	1
	The <u>De Unitate Ecclesiae</u>	5
	The <u>Consilium de Emendanda Ecclesiae</u>	15
	Various fields of experience	28
	<u>De Reformatione</u>	33
	Trent and the <u>De Concilio</u> ; the <u>Eirenikon</u>	34
	Conclave and <u>De Summo Pontifice</u>	44
	Pole's theology of reform	46
Chapter two	THE RETURN OF THE LEGATE AND REFORM	
	Problems of the return	51
	Initiative in England	56
	Was Pole out of touch?	58
	Pole's household and legatine court	67
	His knowledge of canon law	69
	Carranza	71
	The synod	75
	Pole's sermon	76
	His notes and intentions	79
	Synodal procedure	81
	Draft for Rome	86
	Brief summary	89
Chapter three	LEGISLATION FOR BISHOPS	
	The varying ideals in history and at Trent	90
	The London synod on episcopal residence	98
	the bishop and his household	106
	preaching	
	(Pole's hierarchy)	107
	the bishop and his diocese	109
	publications	109
	seminaries and bishops	111
	celebration of dedications	116
	information at visitation	117
	the bishop and his clergy	121
	exams for ordination	124
	conferring benefices	128
	licencing preachers	131
	visitation articles for the clergy	135
	Pole's final thoughts on the episcopacy	139

Chapter four	REFORM OF CLERICAL LIFE	
		PAGE
	Introduction; the English situation 1555	141
	Residence and pluralities	144
	Life and probity of the clergy	156
	Clerical education	165
	Approach to orders	179
	Provision to benefices	185
	Concessions in presenting	189
	Clergy and simony	192
	Alienation of benefices	199
	Clergy and canon law	202
	Clergy and discipline after 1555	204
	Pole and the Marian parochial clergy	206
Chapter five	DOCTRINE AND DEVOTION	
	Devotions in Marian England	208
	Preaching and catechising	211
	Disagreement among Catholic reformers about defining doctrine	225
	Pole's choice of Florence, not Trent	228
	His general doctrinal statement	230
	Trent and 16th century opinions	234
	The sacraments in general	235
	Baptism	237
	Confirmation	237
	Eucharist; contrast between Trent and Florence	238
 & with the Elizabethan recusants	243
	Penance	245
	Extreme Unction	248
	Cranmer's sacramental doctrine in the <u>Reformatio legum</u>	250
	Conclusions	253
Chapter six	THE SYNOD, APPRAISAL AND RESULTS	
	Strength and weakness	255
	Opinions, Raikes, Dixon, Hughes	259
	Aftermath, Carranza. Pole's rehabilitation Borromeo and Ormaneto	264
	The synod as Pole's final thoughts on reform	272

In a separate volume; various documents

1. The London synod; a new translation of the 'Roman text'
2. Extended notes;
 - a Lectio Divina
 - b The Regulae Cancellarie of 1555
 - c Marian Liturgical Publications
3. Illustrations from the Pontificale Romanum
4. Transcripts of documents;
 - a Ad sacerdotes in synodo
 - b Synodal notes
 - c The 'Hospice' document; Italian text and translation
 - d Italian original, Pole to Morone, 19 Feb. 1556
5. Bibliography

Abbreviations

Cardwell Doc.	Documentary Annals of the Reformed Church of England
Cardwell Ref.	The Reformation of the Ecclesiastical Laws
C.R.S.	Catholic Records Society
Cardwell Syn.	Synodalia, A Collection of Articles of Religion, Canons and Proceedings of Convocation in the province of Canterbury
C.S.P.S.	Calendar of State Papers, Spanish
C,S.P.V.	Calendar of State Papers, Venetian
C.T.	Concilium Tridentinum; Diariorum, Actorum, Epistolarum, Tractatum Nova Collectio
D.	Denzinger, Enchiridion Symbolorum
Dixon	A History of the Church of England
D.T.C.	Dictionnaire de Theologie Catholique
Fenlon	Heresy and Obedience in Tridentine Italy
Fischer	'Essai Historique sur les Idees Reformatrices des Cardinaux Jean Pierre Carafe (1476-1559) et Reginald Pole (1500-58)'
Hughes C.R.	Rome and the Counter Reformation in England
Hughes Ref.	The Reformation in England, ll.
Jedin	A History of the Council of Trent
Jedin Ser	Papal Legate at the Council of Trent: Cardinal Seripando
Lyndwood	Provinciale, seu constitutiones Angliae continens constitutiones archiepiscoporum Cantuariae e Stephano Langton ad Henricum Chichele
Naz	Dictionnaire du droit canonique
Olin	The Catholic Reformation: Savonarola to Ignatius Loyola
Pastor	The History of the Popes
Powicke	Councils and Synods with other documents relating to the English Church
Quirini	Epistolae Reginaldi Poli S.R.E. Cardinalis et Aliorum ad Ipsum

- Schroeder . Canons and Decrees of the Council of Trent
- S.T.C. A Short Title Catalogue of Works printed in England,
Scotland and Ireland 1475-1640
- Wilkins Concilia Magnae Britanniae et Hiberniae ab anno MDXLVI
ad annum MDCCXVII

The works of Pole are cited by the first few words of their titles, but not in full.

THE GROWTH OF POLE'S IDEAS ABOUT REFORM

The life of Reginald Pole divides roughly into three sections, the life of the scholar, of the exile, and of the legate to England. A number of dramatic incidents mark the phasing of these periods, and Pole himself often responded with a literary work to mark an occasion. This chapter is only concerned with the scholar and the exile in as much as they prepared the legate. From his earliest days came ideas and influences which were to help to form the London synod of 1555. The first of these influences is perhaps the most imponderable. Throughout his life Pole showed an affection for the Carthusians, and an interest in monasticism. In his later years his friendship with Gregorio Cortese, the abbot of San Giorgio Maggiore, was important to him, and during his final years in England his efforts to restore traditional monasticism, rather than introduce the newer orders, may well represent a loyalty won by the Carthusians when Pole was but ten or twelve. Of all the orders in England in the early decades of the sixteenth century the Carthusians were the most fervent, and in 1535 they provided the majority of the martyrs who were religious. Doubtless Pole eventually associated these martyrs with his own mother, whom he regarded as a martyr too. We know more of the influence of the Carthusians on Thomas More.¹ A number of facets of his character and

1. B. Fisher, 'The Spirituality of St. Thomas More' in Life of the Spirit V. No.50 (1950) pp. 515-521. E.E. Reynolds (editor), Thomas Stapleton: Life of Sir Thomas More (1966) p. 89. Germain Marc'hadour in his 'Thomas More's Spirituality' distinguishes More's 'huge debt to the Charterhouse' and the many Franciscan elements in his spirituality, noting that 'virtue in the sixteenth century carried essentially religious overtones'. The article is in Richard S. Sylvester (ed), St. Thomas More: Action and Contemplation (1972 Yale USA) pp. 123-159.

the remarkable way in which he organised his home at Chelsea show a Carthusian background. There is the external resemblance, taciturnity and seclusion for study, but the readings at meal times are even more indicative of his outlook on life. This was the ancient practice of the 'lectio divina' which was intended to provide the monk with the substance for his life of prayer and contemplation.¹ It was a custom which More had gained from the Carthusians. While Pole was much younger than More when he left the influence of the monks, he returned to stay with them in 1527 when he came back from studies in Italy, and thus had ample opportunity to gain the same benefits which More did from this association.

This is of importance in the development of Pole's spirituality. The newer orders and religious societies of the sixteenth century were replacing the rather free and informal practice of the 'lectio divina' by a much more controlled form of meditation. This was systematised and disciplined, and is best illustrated by the Ignatian Spiritual Exercises. But to the humanist and scholar the ancient practice would have more appeal. The easy transition from reading and study to prayer and contemplation was natural for the Christian humanist, while the formalized, timed and disciplined approach to meditation is an acquired habit. To those who had no experience of contemplation, the Ignatian Exercises came as a revelation. But to the small minority with the experience of the fruits of the 'lectio

1. As the normal reference books do not cover 'lectio divina' adequately, I give an extended note on this subject in the first appendix.

divina' it would seem to be artificial and unnecessary. Pole's very existence in the traditional monastic spirituality is the first reason why he failed to discover the Counter-Reformation.¹ Of no other order could it be said, nunquam reformata quia nunquam deformata. An appreciation of their spiritual achievement could well lead to the conclusion that it was sufficient to reestablish such men and such values.

Oxford and Padua ensured that Pole was sufficiently well equipped as a humanist scholar to be able to turn easily to scripture and the fathers of the church. But even while he was reading Plato and Aristotle Pole would be in contact with minds which were searching for the 'pax philosophica'. Marsilio Ficino and Giovanni Pico della Mirandola had interested men as diverse as Thomas More and Giles of Viterbo with ideas of renewal. The ancient philosophers had their own ideas on this subject, and often regarded reform as a cyclic process.² More's Utopia has recently been studied as a programme for reform, and as such is a blend of Christian and classical ideas,³ the different path which Erasmus took to that of a Luther or a Calvin may be due to his **background** as a humanist, and the different attitude to reform to which this led. In his formative years at Padua Pole certainly came into contact with ideas upon the subject of reform from different quarters. There was keen criticism of the Roman Curia at this time from Erasmus, and near at hand Bembo could provide detailed information.

1. Dickens of Mary Tudor in A.G. Dickens, The English Reformation (1972) p. 384.
2. G. Ladner, The Idea of Reform (1959) p. 63.
3. D. Fenlon, 'The Counter-Reformation and the Realization of Utopia' an unpublished paper.

Pole's transition from classical studies to scripture does not mark the beginning of his contact with the reform movement: rather it indicates a change of pace and of commitment.

When Pole, by his own choice, became an exile he embraced a new and different line of study. There is a marked change in his style of writing, and theology became his lasting interest. His approach to theology is that of the humanist, a wide reading of the scriptures and the writings of the fathers, usually in the original languages. He never became a professional theologian by studying Peter Lombard and Aquinas, but kept to a literary approach. When he was faced with new questions, the burning issues of the day, justification, the eucharist & the sacrifice of the mass, this lack of formal training was a considerable disadvantage. But the importance which he now attached to theology is made clear in his correspondence with Sadoleto. The treatise on education which Sadoleto had submitted to Pole for his opinion did not meet with unqualified praise. Education is incomplete without theology, replies Pole. And in spite of letters which were intended to close the subject, Pole continued to insist.¹ The same attitude to theology and reform is to be found in Starkey's Dialogue between Reginald Pole and Thomas Lupset, though it is difficult in that work to be sure how accurately it represents Pole's mind.²

1. Quirini, l. letters no. XIII, XIV, XV, XVI, XVII.

2. Kathleen M. Burton (editor), Thomas Starkey. A Dialogue between Reginald Pole and Thomas Lupset. (1948) pp. 126 and 181.

The time of crisis came for Pole with the execution of More and Fisher in the summer of 1535. Not only was it a turning point for Pole, and for members of his household, but it also fragmented the international community of scholars. As the situation clarified into a clear rift between Pole and Henry, men of learning were inevitably called upon to support one side or the other.¹ There is evidence, most especially the internal evidence of the De Unitate Ecclesiae, to suggest that Pole was in a state akin to that of medical shock.² The sudden change of language, on the part of a refined humanist demands an explanation which is best found in this theory. Pole was to consider much later how the two men he most admired, Henry and Caraffa, both turned savagely against him.³ Presumably as he contemplated the situation in England he had been hoping against hope that reason and virtue might prevail with Henry. With the double martyrdom of Fisher and More this hope died: the shock was felt throughout Europe. Erasmus thought that 'England never had two men more saintly', and Charles V said that he 'would have lost the best city of (our) dominion than have lost such a worthy councillor'. Pole also offered his eulogies upon the martyrs, but his thoughts upon the whole situation are his first reform document, the De Unitate Ecclesiae.

1. W. Gordon Zeeveld, Foundations of Tudor Policy (1969) p. 264.
2. Noelle-Marie Egretier, 'Reginald Pole and St. Thomas More' in Moreana 1964, No.3 p. 27.
3. In his APOLOGIA page 141 (as edited by Tellechea Idigoras): 'Mirari me sortis meae genus hac in re, et rationem divinae providentiae, quod, cum duos homines praeter caeteros coluisssem, Regem Angliae Henricum octavum et Sanctitatem Vestram, et honoris utriusque et existimationis cupidissimus ac studiosissimus semper fuisssem;' etc.

The De Unitate has recently been the subject of two translations.¹ It was never intended for publication, but as a private communication it must be rather unique. Pole is clearly torn between his affection for Henry and his horror at the king's actions. To the amazement of those who read the work, he described it to Contarini as 'all about penitence.'² Its latin title is a better description of the contents, for Pole is seeking to answer the treatises in favour of the royal supremacy written by Sampson and Gardiner. While Sampson's work is ephemeral, the De Vera Obedientia of Gardiner is a considerable theological statement, written quickly in the weeks just after the deaths of Fisher and More. Gardiner later told the nuncio at Paris that 'he had written the treatise under duress, lacking the courage to suffer the death that was evidently in preparation for him'.³ It remains a matter of debate whether in this remark Gardiner is justifying his own change of view during the reign of Mary Tudor or whether this is an honest account of the pressures which Henry was mounting upon his bishops in the summer of 1535. But in addition to attempting to answer both these works Pole also intended to try to convert the king himself, hence his remark that the book was all about penitence. The resulting treatise was the most indigestible document ever presented to Henry VIII.

1. Noelle-Marie Egretier, Reginald Pole - Defense de l'Unite de l'Eglise 1967. Joseph G. Dwyer, Reginald Pole; Pole's Defense of the Unity of the Church 1965.
2. J.G. Dwyer, Pole's Defense of the Unity of the Church (1965) p. xvi quoted without reference.
3. From Philip Hughes, The Reformation in England, 1. (1954) p. 338, note 1.

Michael Throckmorton brought Pole's work to England with an assurance that no one had been allowed to see the complete book. Starkey, prompting Pole on behalf of Henry, had suggested that he read the Defensor Pacis of Marsilio of Padua,¹ and so presumably the king hoped for some form of conciliarism, if not of royal supremacy, to be advanced in the work. He is assured by Pole 'willingly would I give up life itself, my Prince, if only I knew what to write or not to write to you on this occasion'. But the indecision did not last for long. Soon Pole is speaking of the difficulties of writing about conversion and reform.

'The very nature of my treatise makes it inevitable that it will become more bitter as I advance my arguments for the care of your salvation I have long been aware that you are afflicted with a serious and most dangerous disease I know your deeds are the source of this evil Many, inspired by the enormity of your actions, are saying that you are not merely ailing, but that you have in fact lost your mind It is a common opinion that when you caused the deaths of these holy men you really breathed forth the last breath of your own mortal life...'²

Many of the comments which Pole proceeds to make show that this was no exaggeration. Who else ever wrote to Henry that the 'succession of the kingdom is called into doubt for the love of a harlot', or that the inscription on his tombstone might be: 'he spent enormous

1. P. Hughes, *The Reformation in England* 1. p. 331, note 5 (which extends to p. 332) W. Gordon Zeeveld, Foundations of Tudor Policy (1969) p. 133.
2. J.G. Dwyer, Pole's Defense of the Unity of the Church (1965) p. 5ff.

sums to make all the universities declare him incestuous'. This is hardly the voice of the humanist of Padua. But Pole had decided that Anne Boleyn was at the root of the evils in England, as he later wrote to Edward of Anne 'quae tūtius mali causa fuisset...'¹ And he saw himself in the guise of an Old Testament prophet. He quotes Isaiah 'Lift up thy voice like a trumpet', and through the four long and wearisome books of his work he wears the prophet's mantle. It is especially when he turns to themes dear to the humanists, or to consider the example of Fisher and More that the work suddenly becomes attractive.

The scriptures are 'these books written in the blood of the martyrs (which) are to be preferred to all others. These were the original books in which the finger of God appeared'. And he finds the finger of God again in the contemporary martyrs in England. 'O my native land! So now God has provided and produced martyrs at this time when so many great storms of dissension have arisen to surround the Church'. Pole is developing his theology both from his studies and the pressure of events. Some of the statements of it are impressive.

'We know that while Christ was engaged here on earth as man that he was occupied with this one object: first to teach us by example and then to teach us by word. The whole mystery of the passion of Christ is contained in this Obedience to the Divine Will is the only way

1. Pole to Edward. Ep. ad. Ed. XLIII: Quirini, IV, 306ff.

for us to obtain happiness without error ... At one glance, the very author of our salvation and happiness manifests all these things, by the compassion of God, in that book of life as He hangs on the Cross. Thus it pleased the compassion of God to explain His Will. He writes this will for us in the blood of His Son. In the blood of His Son all our laws are inscribed, the will of God is declared and the most certain path to happiness is made clear.¹

The De Unitate Ecclesiae has as its main themes the 'divorce' and the papacy. Its main theological basis is about two hundred quotations almost equally divided between old and new Testament: the few fathers of the church who are mentioned are most used in answer to Sampson. There is some evidence of a philosophy of law, and Pole quotes the axioms 'rex eris, si recte facias, si non facias, non eris' and 'propter populum igitur Rex, non populus propter regem.' He does not, however, appeal to the classical texts of canon law, and his approach in this respect is from philosophy rather than from the canonists. This is echoed in the debate described in Vida's De Rei publica dignitate, and seems to have influenced the redoubtable Robert Parsons some decades later, and in certain matters Pole actually seems to be among Parsons' sources.²

1. J.G. Dwyer, Pole's Defense of the Unity of the Church (1965) pp. 233-34.
2. For Vida c.f. Guisepppe Toffanin, L'Umanesimo al Concilio di Trento! for Parsons; Thomas H. Clancy sj. Papist Pamphleteers (1964), pp 113, and 116.

The unusual qualities of the De Unitate Ecclesiae are to be explained by the state of shock in which the author writes, and also by Pole's conviction that Henry was surrounded by sycophants and no longer used to hearing the truth. This seems to have developed from the first confrontation between Pole and Henry; on that occasion Pole had been tongue-tied and frightened, but had finally managed to speak according to his conscience. For a moment Henry clutched his dagger, and Pole thought his life was in danger. Soon afterwards he submitted a memorandum to the king. 'This was written with such wit', according to Cranmer, 'that he might be for his wisdom of the council to the king's grace; and of such eloquence that if it were set forth and known to the common people, I suppose it were not possible to persuade them to the contrary'.¹ Cromwell at this time was trying to educate Pole in the ways of the world, seemingly with a manuscript of Machiavelli. The facts here have been under dispute,² but it is of little significance in this context, since it is quite certain that Pole from early days saw the principles expounded by Machiavelli at work in England, and as the source of the evils there. He later wrote of Il Principe, 'I found this type of book to be written by an enemy of the human race', and he maintained a continued opposition to Machiavelli throughout his life. As he thought that 'flattery has been the cause of all this evil' in England, he decided that the strong medicine of penance was needed.

1. Strype, Memorials of Cranmer (1811) ii. pp. 675-9. This is quoted by Gardiner in the DNB article on Pole.
2. By G.R. Elton, 'The Political Creed of Thomas Cromwell' in TRHS (1956) pp. 69-92 for the criticism of Pole's account.

Pole's view of the papal primacy is based upon the Council of Florence to which he refers.¹ Surtz considers that Pole is indebted to Fisher for the whole of his ecclesiology here,² so that both the example and the thinking of the martyr have influenced the De Unitate. Certainly Pole reminded Henry of his former boast about having in his realm Fisher, a bishop perfect and incomparable on all counts, and in his Apologia to Charles V for this treatise he repeats the story more pointedly and personally.³ At the same time he repeats the argument that the king is 'under the law', an argument which is based upon philosophy and not canon law.⁴ But most of all at this time, Pole seems to have developed his view of the reformation, and to have identified the problem as one about the unity of the church - he sees this as the vital issue, and hereafter constantly speaks of obedience to mother church, to the Holy See. Others were later to consider the fundamental issue of the reformation to be the question of justification, or that of the reform of clerical morals. For Pole the issue, as he saw it, was expressed at length in the De Unitate Ecclesiae. Once he had made this decision, two conclusions followed. The virtues to be encouraged were obedience and repentance: the matter of

1. In his apostrophe to his native country in Book 111. J.G. Dwyer, Pole's Defense of the Unity of the Church (1965) p. 246.
2. E. Surtz, The Works and Days of John Fisher (1967) p. 525, n.34.
3. E. Surtz, The Works and Days of John Fisher (1967) p. 62.
4. Quirini, 1. p. 119 'Quid ergo Princeps' etc.

justification he later came to regard as an open question, and as he did not regard it as the vital issue, he did not commit himself publically on the subject, at least until the decisions of Trent.¹

A further insight into Pole's views upon the reformation in England is suggested by the 'hospice' document. This is thought to be written by Ormaneto after the death of Pole and is concerned with the future of the English Hospice in Rome. It is addressed to the pope and constantly quotes the opinions of Pole, who for many years had been in charge of the hospice. The schism could not have come about, Pole used often to say, 'if the bishops had been of the nobility; or related to the barons of the kingdom'. And the document goes on to assert as the opinion of Pole that the bishops supported the king because they were despised by the nobility; the Cardinal of York, Wolsey, is described as the son of a beccario (a bird of prey?): and his promotion from the lowest to the highest in the kingdom was, according to Pole, 'the reason for all the evils that came to birth in England, with so great a ruin to all Christendom'.² While this document suggests some further refinement of the views which Pole had

1. D. Fenlon, Heresy and Obedience in Tridentine Italy (1973) p. 189
2. Vatican library, Misc. Arm.11. vol. 84, f. 34 r & v. 35 r. This document was found by Fr. P.V. Brassell sj and first printed by Fr. J. Crehan sj in his 'Saint Ignatius and Cardinal Pole' in Archivum Historicum Societatis Iesu (1956) 25, pp. 72-98. On page 85 he suggests Ormaneto as the possible author, and on pages 97-8 gives the Italian text. The important article by George B. Parks 'The Reformation and the Hospice, 1514-1559' in The English Hospice in Rome (Verabile Sexcentenary Issue) (May, 1962) does not use this document. Professor Parks covers 'The Hospice and Pole' in pp. 202-217 Pole buried Marcantonio Flaminio in the chapel of the hospice according to G. Maddison, Marcantonio Flaminio; Poet, Humanist and Reformer (1965) p. 202.

expressed in his De Unitate, it is not in conflict with his outlook. By the time the breach with Henry became final, Pole's opinions were that the king was a victim of lust and evil council, and that the kingdom had been betrayed by weak bishops. Fisher had told his episcopal colleagues 'the fort is betrayed even of them that should have defended it'. Pole was to express the same thought when returning as legate to the remnant of Henry's hierarchy under Mary.¹ He considered that England had in times past been more disposed to loyalty and obedience to the Holy See than any other nation, and that this had been destroyed by the rebellious conduct of its king. The only cure was a return to obedience, and this demanded penitence. Hence Pole's strange remark to Contarini that the De Unitate Ecclesiae was 'all about penitence'. His conviction in this matter would only be strengthened by membership of the reform commission of 1536-37.

The strongest and most official reform document which was drafted before the opening of the Council of Trent was the Consilium. In October 1534 Alessandro Farnese had been elected to follow Clement VIII, and took the name of Paul III. The church which he surveyed from the papal throne revealed grave dangers of breakdown: the international community of the later middle ages was in continual conflict with the new temporal order as expressed in the states and national monarchies: the hierarchical system of the church had broken down, and no one seemed strong enough to carry out the drastic reforms which were necessary. The evil was manifest in clerical non-residence and the holding of pluralities of benefices; in simony, neglect of visitation

1. Pole's instructions to Goldwell in 1553, in Dixon, IV. p. 107.

a low standard of clerical education and considerable religious ignorance on the part of the laity.¹ Heresy was spreading fast in Germany, and other countries seemed to be threatened. The church was attacked from within and without. There were, however, new orders arising, the Theatines, Barnabites, Somaschi, Capuchins and the Ursulines: devotion among the laity was developed in groups like the Oratory of Divine Love which was a specifically lay movement: Christian scholarship from devout humanism in Italy, to Ximenes in Spain,² from Lefevre in France to Erasmus in Northern Europe all looked towards reform. Many of the individuals who had already sought to reform their own dioceses had discovered the extent to which the Roman Curia could actually obstruct their work. Under Leo X it could be accused not just of immorality, but of a totally worldly outlook. Sadoletto, Giberti, Caraffa and Seripando all had experience of the Curia, and many regarded it as the epitome of the evils in the church. The wholesale granting of dispensations had effectively undermined episcopal authority, and much of the church's organisation had been neutralized. The existence of the Roman Curia as a recognised object in need of reform gave a certain unity to the Catholic reform movement, which it did not possess of itself. Those

1. C. Dawson, The Dividing of Christendom, pp. 69 and 127ff. St. Robert Bellarmine later wrote: 'According to the testimony of those who were then (1517) alive, there was an almost entire abandonment of equity in ecclesiastical judgements; in morals no discipline, in sacred literature no erudition, in divine things no reverence. Religion was almost extinct.' Opera, VI (1617) p. 206.
2. For the new orders, H. Outram Evennett, The Spirit of the Counter-Reformation (1968) edited by John Bossy, especially chapters two and four.

within the movement drew their inspiration from a variety of sources: there had been strict scholastic theologians like Cajetan with a deep knowledge both of the teaching of Aquinas and of the scriptures: Giles of Viterbo was greatly interested in a Christian kabbalah:¹ Seripando had a background of Augustinian theology, while Contarini and Pole were both humanists turned theologians. The rival theological schools of the franciscans, dominicans and augustinians had their complement among the devout humanists who were deeply split between Plato and Aristotle. Such differences were bound to result in a variety of approaches when reform was faced with practical decisions: this became apparent in the early sessions of Trent. But in 1536 the Curia provided an objective which gave a deceptive unity to the reform movement in Italy.

Paul III first strengthened the Catholic reform by his appointments and his ordinances.² Then in November 1535 a Commission of Cardinals was appointed to reform morals, and watch over the conduct of the officials of the Curia: this commission was so nicely balanced as to be ineffective. The reform bull it drafted was never published, and a minute of the consistory of July 9 1535 gave as reason that no new law was required; it was sufficient to enforce the existing ones. When the commission was extended in August 1535 the composition was such that the long serving curial cardinals could control the rest.³

1. C. f. 'Kabbalah - Christian' in Encyclopedia Judaica (1971) X c.643-645, and John W. O'Malley, Giles of Viterbo on Church and Reform (1968) pp. 74-5.
2. Pastor, ^{XI.} pp. 508-9 for his episcopal appointments and pp. 589-595 for his ordinances.
3. Jedin, 1. p. 422.

The following year produced yet another commission. But this did not include a single curial cardinal or canonist: on the contrary it was packed with the known advocates of reform in both church and curia. The president was Contarini, who had been made a Cardinal in May 1535. He was a personal friend of Pole's and was responsible for persuading him to join the commission. Most of the others were either friends or acquaintances of Pole: high among his friends and to serve on the commission were Giberti from Verona, and Sadoletto from Carpentras, together with Gregorio Cortese, abbot of San Giorgio Maggiore in Venice. Carafa of the Theatines was able to represent what was the most reforming order active in Italy at the time. To these were added Federigo Fregoso, bishop of Gubbio, Jerome Aleander, nuncio and bishop of Brindisi, and Tommaso Badia the dominican master of the Sacred Palace. All were reformers, though Aleander from purely intellectual motives, and without the same urge as Contarini's group. The commission met in Rome in November 1536 and worked for three months. The opening address by Sadoletto was frank and moving: but the sessions were conducted in secret, and nothing is known of the individual contributions.

In March 1537 Cardinal Contarini formally presented the report of the reform Commission to Paul III in the presence of twelve cardinals, some of whom had worked on the ineffective reform groups in 1535 and 1536. The report was intended to be kept secret, and to be discussed merely by some of the cardinals as advisers to the pope. But the confidential copies circulated among the cardinals eventually led to the report being printed at Rome, Cesena and Cologne in 1538; in the March of that

year a German translation was published, with preface and marginal glosses by Luther, and in April Johann Sturm brought out the latin version with a critical open letter to the authors of the *Consilium*. The document was both well known, and a source of controversy within a year of its presentation to the pope. Its contents reveal why it provoked such interest.

The Consilium is quite uncompromising about the state of the church which is described as 'tottering, nay in fact collapsed; it is a ruin'.¹ This frankness was not totally without precedent. The memorial presented to Leo X by the two Venetians, Tommaso Giustiniani and Vincenzo Quirini in 1513, and the comments of Cardinal Oliviero in the reform decrees of 1498 provide many similarities.² Cajetan had bluntly told Adrian VI 'peccaverunt valde praedecessores tui';³ the opening sermon by Giles of Viterbo at the fifth Lateran Council was a clear statement of the need for reform made by a man who as General of the Augustinians had devoted the previous five years to the reform of his own order.⁴ For Savonarola reform became an article of faith; 'if you are a Christian, you have to believe that the Church must be renewed'. He was never heretical, and his works

1. Olin, pp. 186-197, for an English translation. The latin text in C.T. XII, 134-45

2. Jedin, 1. pp. 128-9.

3. C.T. XII, 31.

4. John W. O'Malley, Giles of Viterbo on Church and Reform (1968) pp.74-5.

continued to be popular after his death. The reasons he offered for the wrath of God which he prophesied were first 'propter pollutionem praelatorum': 'when you see that God permits the heads of the Church to be weighed down by evils and simonies, say that the flagellation of the people is near'.¹ He speaks of the multitude of sinners, the denial of the faith and the ruin of sacred worship, 'perditum cultum divinum'. St. John Fisher would seem to be echoing a phrase of Savonarola when he said that 'if the Pope will not reform the Curia, God will find means to do it for him'. When Savonarola was executed the prophet became a martyr in what was to become the cause of the day.

Although that criticism and plain speaking were not unknown in the recent past, the Consilium provoked a strong reaction from the more conservative curial cardinals, and the situation in Northern Europe created much more scope for the document to be used for propaganda and controversial purposes than had previously been the case.² Jedin comments, 'the historian is fairly staggered when in a document destined for the eyes of a Pope he reads the terrible accusation that the root of the evil lay in an exaggerated theory of papal power'.³ There was a precedent for this in the instructions of Adrian VI to

1. Olin, pp. 4-15
2. Jedin, 1. pp. 427-9
3. Jedin, 1. p. 424.

Chieregati, his legate to the diet of Nuremburg in 1522.

'You will also say that we frankly confess that God permits this persecution to afflict his Church because of the sins of men, especially of the priests and prelates of the Church We know that for many years many abominable things have occurred in the Holy See, abuses in spiritual matters, transgressions of the commandments, and finally in everything a change for the worse (et omnia denique in perversum mutata). No wonder that the illness has spread from the head to the members, from the Supreme Pontiffs to the prelates below them.¹

Adrian's conclusion had been a promise to reform the curia. The difference in the Consilium, which is even more frank, is that the source of the evil is pinpointed as the principle of the canonists that the pope's will is law, with the implicit assumption that the pope's will is good. Contarini and the members wrote;

'And your Holiness, taught by the Spirit of God who (as St. Augustine says) speaks in hearts without the din of words, had rightly acknowledged that the origin of these evils was due to the fact that some popes, your predecessors, in the words of the Apostle Paul, 'having itching ears heaped up to themselves teachers according to their own lusts' (2 Tim. 4, 3), not that they might learn from them

1. S. Lortz, The Reformation a problem for today (trans. Dwyer. 1964) p. 80. The full text of Adrian's instruction is in Olin, pp. 122-27.

what they should do, but that they might find through the application and cleverness of these teachers a justification for what it pleased them to do. Thence it came about, besides the fact that flattery follows all dominion as the shadow does the body and that the truth's access to the ears of princes has always been most difficult, that teachers at once appeared who taught that the pope is lord of all benefices and that therefore, since a lord may sell by right what is his own, it necessarily follows that the pope cannot be guilty of simony. Thus the will of the pope, of whatever kind it may be, is the rule governing his activities and deeds; whence it may be shown without doubt that whatever is pleasing is also permitted (ut quicquid libeat, id etiam liceat).

From this source, as from a Trojan horse so many abuses and such grave diseases have rushed in upon the Church of God that we now see her afflicted almost to the despair of salvation and the news of these things spread even to the infidels (let your Highness believe those who know), who for this reason especially deride the Christian religion, so that through us, through us, we say, the name of Christ is blasphemed among the heathens.¹

1. Olin, pp. 186-7: full text pp. 186-197.

All the thirty-one recommendations which follow the suggestion that the 'cure must begin where the disease had its origin' can be seen as a study of simony in the life of the church of the day. The authors, significantly, have no recommendations in any matter of doctrine. They deal only with matters which concern either the universal church or the city of Rome, but not with the principality of the church. Aristotle's Politics are quoted in support of the principle that law must be supreme, and dispensations from law minimal. The pope's own officials must be properly qualified. As there is no care in the ordination of clerics a start should be made in Rome by the appointment of 'two or three prelates, learned and upright men, to preside over the ordination of clerics'; and at a diocesan level 'each bishop should have a teacher in his diocese to instruct clerics in minor orders both in letters and in morals, as the laws prescribe'.¹ Benefices should be bestowed for the sake of the flock, and not as a reward. Here again Adrian VI's instructions to Chierigati had covered the problems of benefices.

'Also, because we have known that there are in Germany many good and learned men in poverty, even some of outstanding ability, who have been estranged from the Holy Sea because of the character of apostolic appointments which have been customarily given to actors and tavern-keepers rather than to learned men, we desire you to find out who they are, and to send their names to us, so that we can provide for

1. Olin, p. 188.

them on our own initiative when a vacancy occurs in a German benefice. For we know how prejudicial it has been to the honour of God and the salvation of souls that ecclesiastical benefices, especially those involving the care and direction of souls, for so long have been given to unworthy men'.¹

The Consilium recommends that benefices should not be given to people from another country, and that here again someone should be placed in charge of the whole matter. 'Income is joined to benefice as body to the soul'; and from this principle they argue against payments made either to those who have resigned a benefice (with this as a proviso) or to rich absentee clerics. Benefices are exchanged under conditions which are simoniacal. Although the law clearly states that benefices cannot be bequeathed, a great many ways of so doing have been found and the law is mocked; these ways are specified as surrender or resignation, but with the right to regain ('cum regressu'), or with a reservation of the income, or a right of conferring or of administering. An ancient law had been renewed by Clement VII that the sons of priests may not have the benefices of their fathers, but the Commission claim to know of dispensations in this matter. Benefices are assigned before they are vacant (expectatives) or the rights of assigning them are reserved 'and the occasion is given

1. Ibid., pp. 126-7.

to desire another's death'.¹ Although some benefices are designated incompatible, dispensations are granted, sometimes for more than two, and what is worse for bishoprics.

This leads the authors of the Consilium to treat of an explosive issue. They proceed to argue that the offices of cardinal and bishop are incompatible; 'officium cardinalatus et officium episcopi incompatibilia sunt'.² This is a source of bad example to the whole church. It leads to cardinals soliciting benefices from kings 'on whom they are afterwards dependent'. Both bishops and cardinals are absent from their offices.

'Nearly all the shepherds have departed from their flocks, nearly all have been entrusted to hirelings. A heavy penalty, therefore must be imposed on bishops before the others, and then on parish priests, who are absent from their flocks, not only censures, but also the withholding of the income of absentees, unless the bishops have obtained permission from your Holiness and parish priests from their bishops to be away for a short period of time. Some laws and decrees of some Councils may be read in this regard, which provide that the bishop shall not be permitted to be away from his church for more than three Sundays.'³

1. Ibid., p. 190

2. J.B. Kidd, Documents of the Continental Reformation (1911) p. 312.

3. Olin, p. 191.

Contarini, in his De Officio Episcopi had described absenteeism as the calamity of the age.¹ The Consilium is here certainly echoing his views, though Giberti would be equally strong on the subject. The actual definition of a time of absence beyond which a loss of income would be automatic would be the only effective way to enforce residence. The Consilium is practical in this matter, and having suggested a workable law to enforce residence, it then considers some of the problems which the bishop of his diocese will have to face. Dispensations are given to those whom the bishop tries to correct: such a situation would ruin any commonwealth! Religious orders have become relaxed; so the Commission recommends the phasing out of the conventual orders, though not the abolition of monasticism. The appointment of preachers and confessors from among friars needs to be corrected by careful selection on the part of their superiors and by the consent of the ordinary.

Legates and nuncios should not use the 'power of the keys' for profit. Because of the scandal caused by nuns and friars the care of nuns should be taken away from the conventuals. In schools, especially in Italy, many ungodly things are taught, and public disputations are a source of scandal. Care must be taken in printing. The Colloquies of Erasmus should be prohibited in grammar schools. The change in terminology here from 'in gymnasticis publicis' with professors, to boys 'in ludis' indicates a difference between the faculties of philosophy and theology which many of the orders had established, and the grammar schools, although both present problems.

1. Ibid., pp. 94-5.

Renegade friars or religious are given dispensations from the habit and allowed to hold benefices. Pardoners deceive the peasants and simple people with innumerable superstitions. Dispensations are given to those in holy orders to marry, and dispensations of consanguinity are granted. The Commission recommends against such dispensations within the second degree of consanguinity: the members of the Commission must have considered the affair of Henry VIII's divorce. The Consilium then returns to the subject of simony to note that those guilty of this crime often purchase their absolution from punishment.

'We do not say that your Holiness is not able to absolve them of that punishment which has been ordained by positive law, but that he ought by no means so to do, so that opposition might be offered to a crime so great that there is none more dangerous or more scandalous.'¹

No permission should be given to clerics to bequeath ecclesiastical property. Confessional letters and portable altars should not readily be allowed; this cheapens the devotions of the Church. A restriction of indulgences to once a year is argued on the same basis. There had been a custom of altering wills; this practice should be entirely avoided.

Four matters are mentioned concerning the city of Rome. Some of the priests in St. Peter's are both vile and ignorant, 'sordidi, ignari'. Harlots promenade in the city attended by noble members of the households of cardinals. 'Nulla in urbe vidimus hanc corruptionem praeterquam in

1. Ibid., p. 196.

hac omnium exemplari'. There are hatreds and feuds among the citizens: ■ finally as the care of hospitals, orphans and widows is the special care of the bishop, the pope should appoint some cardinals to be especially responsible in this matter. Then the cardinals of the reform commission conclude with an appeal to the pope.

'You have taken the name of Paul; you will imitate, we hope, the charity of Paul. He was chosen as the vessel to carry the name of Christ among the nations. Indeed we hope that you have been chosen to restore in our hearts and in our works the name of Christ now forgotten by the nations and by us clerics, to heal the ill, to lead back the sheep of Christ into one fold, to turn away from us the wrath of God and that vengeance which we deserve, already prepared and looming over our heads.'¹

Though phrases of the document may suggest the drive of Carafa, the idealism of Contarini, or the practical experience of Giberti, the authorship must be regarded as the work of the whole commission.² Fischer has argued on the evidence of a similarity of phrases to be found in the Consilium and Carafa's correspondence that he took a major share in the work.³ The evidence of the correspondence between Pole and Sadoletto on education might suggest that they would be especially

1. Olin, p. 197.
2. So Olin. p. 197 n.23. Pastor, XI. pp. 165-69. Richard M. Douglas, Jacopo Sadoletto 1477-1547, Humanist and Reformer (1959) pp. 105-109.
3. J. Fischer, 'Essai Historique sur les idees reformatrices des cardinaux Jean Paul Carafa (1476-1559) et Reginald Pole (1500-1558)' unpublished, Paris, (1957) p. 159.

interested in the passages concerning schools and theological faculties. A number of similarities between the Consilium and Giberti's diocesan constitutions from 1527 onwards hint at his contribution. Jedin considers that it is easy to detect Carafa's hand, but goes on to add that 'it would be useless to try to ascertain the contribution of individual members of the committee to the final result or to ascribe the whole to one person in particular, even to Contarini himself, as has been done repeatedly'.¹ The real conclusion which follows the arguments about authorship is that many hands were clearly at work. This is significant in that it indicates that Pole's own ideas on reform would be increased from a number of sources. The De Unitate had come from a crisis in Pole's own life and was a very personal statement: the Consilium represents, for Pole, a considerable basic education in the scope of the problems of reform, but with one highly significant omission: the area of legitimate grievances, as seen in the Consilium, did not extend to doctrine.

The authority of the reform commission had been strengthened in late December, 1536, by the elevation of Carafa, Pole and Sadoleto as cardinals. On this occasion the pope had been hesitant about Carafa, and it was Pole's bold speaking which decided the pontiff in favour of this reformer. Whatever the authority of the members of the commission, it was not to be expected that it would be accepted without considerable opposition. The debates which followed led to the production of a further document, the Consilium quattuor delectorum, which was the work of Contarini, Aleander and Badia: it is much concerned

1. Jedin, l. p. 425.

with the exact definition of simony, 'voluntatem emendi vel vendendi spirituale vel annexum spirituale', and the subject is argued with references to Dionysius the Areopagite, the decretals of pope Paschal II, Averroes and Aquinas. The conclusion of the authors was that simony was the buying or selling not only of spiritual things, but also of those matters immediately connected with the spiritual.¹ The problem of simony, and its strict definition and extent, was to be one of the pillars of the reform movement in Italy, and the ideas to which Pole subscribed at this time are prominent in the London synod. As Trent adopted a position which was more of a compromise than that advocated by the reform group, the London synod here clearly looks not to Trent but to the Consilium.

The 'Pilgrimage of Grace' in the autumn of 1536 had raised hopes in Rome that the power of Henry VIII might be effectively challenged. But Rome moved slowly, and it was not until February 18th, 1537 that Pde left the city as a papal legate, in the company of Giberti, charged with the mission of exploiting the situation and forcing Henry back into the Church. He was given Giberti as companion because of his previous experience as a diplomat: in 1521 he had been an envoy to Charles V, and negotiated with the French before the sack of Rome in 1527.

1. The Consilium quatuor delectorum is in C.T. XII, pp. 208-215. From Dionysius 'bonum fit ex integra tota causa, malum vero contingit ex singulis defectibus' the authors argue to a definition of simony which sees the crime in the buying and selling of anything connected with spirituals, quoting Aquinas; 'non est dubium, quod simoniam committeret, si quis aliquid spirituale debitori suo daret, ut, quod suum est, recuperaret'; and concluding 'ex definitione manifestum est quod non tantum spirituale, sed nec etiam SPIRITUALI ANNEXUM vendi potest': (Italics my own). C.f p. 210, for the scripture basis; p. 212 Dionysius, Paschalis and Averroes; p. 213 for Aquinas and the definition of simony. Jedin, l. p. 429, n.2 dates this document as after the 24 Sept. 1537. Contarini was still arguing with the Dataria about the morality of the composition in Nov. 1538: Pastor, XI pp. 130, 175, 180-1.

The papacy may well have considered that the De Unitate of Pole showed a lack of the touch of the diplomat, and sent Pole as the figurehead and Giberti as the expert. But neither prestige nor skill were of avail. Francis refused to see Pole, and the emperor's deputy would not let him come to Brussels. Pole and Giberti waited ineffectively for three months in the territory of the Cardinal Bishop of Liege, and left for Rome in August by unusual routes to dodge the assassins of Henry. The following year as Charles and Francis concluded a ten year truce Pole was again given a diplomatic mission to persuade both to publish the bull of excommunication against Henry. The Emperor criticised the pope's plan and Francis refused even to meet the legate. Pole was learning of the difficulties of reform by diplomacy.

Within ^{just} two years Pole had been through the traumatic experience which led to the De Unitate, through the work of the commission of reform, and finally he had been sent on two diplomatic missions, both of which failed. All these events influenced his experience of the work of reform. His basic theology, however, remained unchanged. Reform was a work of penitence. He now had considerable experience how much this was needed within the church. The reform group had been united by their agreement that the Roman Curia must be reformed, but when they faced the problems of reform in Italy and the correct attitude to the Lutherans differences of opinion soon became considerable. Carafa eventually founded the Inquisition in Rome at his own expense, and became a hunter of heretics, while others, especially Sadoleto, Contarini and Pole were identified with a policy of compassion towards the Lutherans which led to their being

under suspicion of heresy themselves. Pole's attitude at this time may be characterised by his own phrase of the Lutherans, 'si rebelles sunt, filii tamen sunt'.¹ He was very enthusiastic about Contarini's efforts at Regensburg.² But Contarini was sympathetic only until he was faced with the full implications of a Protestant church and a Protestant culture.³ Then he moved towards a more intolerant Curialist position. Pole in Italy was most tolerant with heretics, perhaps because he only met them as private heretics, but later in England faced with public heresy, especially in matters of the eucharist he, like Contarini, became more intolerant. In the years just before Trent they could both reasonably claim that little had been defined about justification, but this was not true to the same extent of the eucharist: as the eucharist played a notable part in their devotional life, they reacted quickly to heresy which attacked this doctrine.

Pole's experience as governor of the 'Patrimonium Petri' and as director of the English Hospice in Rome⁴ brought him into contact with the responsibilities of office, but on a comparatively domestic basis. In this sort of context he was successful in establishing standards so that in both cases he was regarded as a good superior, though at Viterbo he was accused of leniency to heretics by some of his fellow

1. Quirini 11, p. 107.
2. Peter Matheson, Cardinal Contarini at Regensburg (1972) p. 177, n.17, Pole to Contarini on 17 May, 1541.
3. Ditto; who supports this statement with references to Jedin, Hunermann, Ross, Tavard and Guiseppe Agosta, p. 135 etc.
4. The English Hospice in Rome, The Venerabile Sexcentenary Issue, XXI (May, 1962), p. 202ff.

cardinals. He could point to considerable success with Marcantonio Flaminio and Vittoria Colonna, but his public reputation was compromised by the action of Peter Martyr and Bernardino Ochino in 1542. Ochino wrote to Vittoria Colonna on the eve of his apostasy, and as the Capuchins under his leadership were among the first ranks of the preachers in Italy, this may have influenced Pole's attitude to preaching. With the division in the Catholic reform movement, and the complexity of different ideas about reform, the description of Pole's years 'in soft Italy years of learned leisure'¹ is highly inaccurate, but the bishops in England who knew nothing of the Catholic reform movement in Italy could easily have formed such an impression.

Two documents are of special importance in Pole's development in the years before the first session of Trent, the Beneficio di Christo and his much revised manuscript on reformation. With the first of these we are concerned with a work which connected both his own devotional life and the problem of the day, justification. The subject had recently been exhaustively studied.² What is important to note here is that the protestant reformers logically developed from their theories of justification an evangelic approach to christian living which resulted in not only a considerable stress on preaching, but also a notable diminution of sacramental theology. But for the Viterbo circle all the traditional

1. In Tennyson's Queen Mary; the words are put into the mouth of Stephen Gardiner. Quoted in Joseph G. Bwyer, Pole's Defense of the Unity of the Church (1965)p.xli.
2. D. Fenlon, Heresy and Obedience in Tridentine Italy (1973).

sacraments continued to be of importance. The second work, which is by Pole himself, exists only in a much revised manuscript.¹ Fisher has attempted to establish the original order of this document, but because of the extensive revision it is difficult to give a date to the manuscript. In the De Unitate Pole had contrasted the actions of the apostles and early martyrs and 'any other books written by hand'.

'But after Christ, God and man, had been taken to glory through death by the compassion of God, this same way of declaring His will to us ~~was~~ obtained in the other members of His body. I refer to the holy Apostles and disciples of Christ who were all members of Christ. Whatever contains the doctrine of Christ was written in their blood flowing from the wounds of Christ. They were living books in which learned and ignorant, wise and foolish, and finally all mankind might read what was the will of God, what was the path to happiness. The origins of our religion are written down accurately in these men. Through these men the Church can know more about the will of God than through any books written by hand. These things written on paper were dictated by the same spirit, for without doubt the written memorials of the Evangelists and the Apostles that we have written in the New Testament were inspired by the Spirit of God. Nevertheless, as the original always has greater authority than all other things that are then described in books, so also these books written in the blood of martyrs are

1. Vat.lat. 5964, I and II. Fisher, pp. 10 to 12.

to be preferred to all others. These were the original books in which the finger of God appeared. The hand of man appears in all others that were written with ink or paper. Although the hand of man followed the hand of God and could not err, nevertheless it has less dignity and is subject to more accidents. The books can be distorted by the perverse reasoning and interpretation of men and can be imagined in many forms. Those that ~~are~~ written in the blood of martyrs cannot be adulterated.¹

The passage shows how much the martyrdom of Fisher and More had influenced the theology of Pole from the start; it disposed him towards the Pauline theme of the Cross of Christ. He returns to this in the De Reformatione, speaking of two revelations (that of nature, and the second of the Cross) in a manner which was quite traditional, but choosing to stress the folly of the cross. In his 'De prudentia et sapientia humana et ea quae per Christum humano generi Misericordia Dei fuit revelata', again unpublished, he sees philosophy as an obstacle to true theology, and adopts a rather anti-intellectual position.²

In the De Reformatione Ecclesiae he provides a definition:

'Reformari quidem vel ecclesiam vel hominem tum dicimus, intelligimus, cum ad primae formae pulchritudinem vel singuli homines, vel universum ecclesiae corpus revocatur.'³

1. J.G. Dwyer, Pole's Defense of the Unity of the Church (1965), pp. 234-5.
2. In Fischer, Essai Historique etc. pp. 139-140. I am indebted to Fr. P.V. Brassell for a transcript of the De prudentia, of which only fragments still exist. Vat lat. 5966, 1-26.
3. From Fischer, Essai Historique etc. p. 291 ff.

But the original theme of the De Unitate is stressed; 'poenitentiam et legis doctrinam totam reformandam ecclesiam rationem continere'. Reformation is an act of penitence. And just as Christ commenced by the reform of his apostles, so in the church reform must begin with the clergy and the curia. He speaks of the responsibility of bishops in this, and of the primacy of charity: 'amor est fons reformationis'. There is considerable agreement between the ideas of Pole's first work, the De Unitate, and this later work expressly on reform.

The council which was to have been held at Mantua in 1537, Vicenza in 1538, and Trent in 1542, eventually did open in Trent in December 1545. It seemed to justify the comment of Cromwell that 'a General Council begins a day after the Greek kalends'.¹ Pole had been appointed legate in 1542, and had spent six fruitless months awaiting the expected bishops, until permission was granted for Morone, Pierpaolo Parisio and Pole to depart, though as matters turned out Morone stayed on. The emperor and Francis were refusing effective co-operation, and the presence of a mere ten bishops only served to indicate the crisis of events.² So when Pole was again appointed legate with Del Monte and Cervini in February, 1545, he can hardly have been too sanguine. He was the last of the legates to arrive at Trent, and in the months prior to his departure for the council he wrote the De Concilio. This is by no means a complete treatise on conciliar theology, and seems to represent an attempt on Pole's part to clarify his own mind. In his general introduction he considers the place of legates in a council, and then

1. M. Haile, Life of Reginald Pole (1910) p. 225.

2. Jedin, 1, pp. 464 and 509.

continues his question and answer format to consider the place of Christ and the Holy Spirit. Question thirteen asks what in general should a council deal with? The basis of the answer offered is 'in summa quidem tractant ea, quae pertinent ad honorem Dei in Christo, et ad salutem populi in eodem Christo'.¹ This is followed by a series of questions which consider the pope and his authority. The approach is pastoral; to build, not to destroy. Of the many parables of the church he chooses those like that of the tares among the wheat, with the implication of letting both grow until the harvest, catholic and heretic together: the grand inquisitor would have been using favourite texts like 'compelle intrare'.² The ecclesiology of the De Concilio is very balanced, leaning neither to a conciliarist theory nor to an exaggerated ideal of papal authority. The questions from number forty onwards are quite clear on the primacy of the pope, but also suggest some independence for the local churches. There is no trace of that exaggerated view of papal authority which the Consilium had found it so necessary to criticise. The treatise considers the examples of the early councils and the share in a council of emperors and kings. In question eighty three Pole returns to the recognition of abuses, and to his characteristic theme of penitence: the council must recall the church, in head and members, to its former purity in faith and morals from which it has fallen away. It is by penitence that this is to be achieved.³

1. De Concilio. Gregg Press reprint, 1962, f.7.v. Quaestio xiii.
2. Mt.13,24ff. is used in quaestio xl, folio 2lv. Compelle intrare is Jerome's phrase in the vulgate of Luke 14,23 and is not to be found in the De Concilio.
3. De Concilio. f.52r and v. 'cum hac ratione formandae Ecclesiae usum videamus primum ipsius fundatorem, et formatorem, ut per paenitentiam, quae ad omne genus hominum pertinebat, veram formam induceret' etc.

The De Concilio touches upon problems which Pole did not treat in the De Unitate, and ground which was not covered in the Consilium. But his own ideas on reform remain constant throughout. He is equally prepared to call Henry VIII, the Papacy or the Lutherans 'ad veteram disciplinam et instituta', and the path in every case is the same one of true penitence.¹ The treatise, at this stage a private communication, was dispatched to Del Monte and Cervini at Trent before Pole arrived there. They had both been urging him to make a start on the journey and overcome the fear of an attempt on his life;² Pole was aware that the hired assassins of Henry were threatening his existence, but the Parma letters do not show him as unduly worried. The journey was a cloak and dagger affair with a member of his household, suitable attired as the cardinal, taking the customary route, and Pole with an armed escort the devious path. He arrived safely at Trent on 4 May, 1545. It was not until the following December that the council really began its work, and within a week or two of its inception Pole made a major contribution.

The Eirenikon, Pole's sermon for the second session of the council, on 7. Jan. 1546 was read by the secretary, Angelus Mascarelli, but all eyes turned to Pole who was known to be the author. The gathering was not large, for Trent was still in its infancy: there were four cardinals, four archbishops and twenty six bishops present. The bull which had

1. De Concilio f. 57v.

2. Quirini IV, pp. 184 ff. Garrett Mattingly, Renaissance Diplomacy (1955), p. 277. G.B. Parks, 'The Parma Letters and Dangers to Cardinal Pole' in The Catholic Historical Review XLVI (Oct. 1960) pp. 299-317.

summoned the council had defined its terms of reference; the uprooting of heresy, the reformation of ecclesiastical discipline and morals, and the external peace of the whole church. A legate might be expected to develop these objectives: Pole chose rather to follow the approach of the Consilium of 1537 and to identify the source of all these evils in Catholic neglect.

'If we are to speak the truth we cannot do otherwise than confess that we are conscious of having been greatly wanting in fulfilling the duties imposed on us; and indeed of having in no small part been the cause of the very evils we have been summoned to mend.'¹

As he deals with the theological problem of how to renew the Church, Pole makes two points: it is the work of God, and cannot be done by man. The 'causa exemplaris' must be the redemption.

'What, then, shall we do that we now be sufficient ministers of Christ in renewing the Church? The selfsame thing that Christ, the Shepherd of our souls did when he came to found and form his Church Therefore what, in his great love of God the Father and in his mercifulness towards our race, Christ did, justice itself now enacts of us that we should do. Before the tribunal of God's mercy we, the shepherds, should make ourselves responsible for all the evils now burdening the flock of Christ. The sins of all we should take upon ourselves, not in generosity but in justice;

1. V. McNabb, 'Cardinal Pole's Eirenikon' in The Dublin Review, XL (1936) pp. 149-160. The latin text is in C.T. IV. pp. 548-53. The quotation here is from McNabb's translation p. 152.

because the truth is that of these evils we are in great part the cause, and therefore we should implore the divine mercy through Jesus Christ.'¹

The accent is clearly that of the Consilium; the difference is that here Pole is providing a considerable theological basis for the ideas of reform, which are not to be found in the first document. The terms of reference in 1536-7 did not invite a study of theology, at least in the terms in which the document would be presented, although at the committee stage theological principles relevant to reform could well have been discussed. The style of approach here in the Council sermon is similar in theme and development to part of the De Unitate, and the impression grows that that document is decisive in Pole's formation as a theological writer. There he had taken his stand; what followed was consistent development.

In the Eirenikon Pole next proceeds to take the three subjects already identified by the papal bull for the Council's attention and proceeds to conduct a public examination of conscience. Who is responsible for the spread of heresy? Heresies are brambles and thorns in God's garth;

'Even if, as is their wont, these poisonous weeds have spread of themselves, nevertheless if we have not tilled our fields as we ought, if we have now sowed, if we took no pains at once to root up the springing weeds, we are no less to be reckoned their cause than if we ourselves had sowed them; and all the more since all

1. Ibid., pp. 152-3.

these have their beginning and increase in the tiller's sloth.'¹

Pole's consideration of the lack of morals is suitably brief, for the same reason:

'Herein no good is served by a long inquiry, as to who are the causes of these evils, seeing that we cannot even name any other cause but ourselves'.²

When he turns to the issue of the peace of the church Pole offers an opinion which could be found in many of the sermons of Savonarola.

'We are of the opinion that God sends these scourges (wars) to punish our sinning and to turn our gaze towards these very sins by which we greatly offend his majesty.'³

The major theme of the Consilium, simony, is developed:

'It will be found that our ambition, our ~~avarice~~ avarice, our cupidity, have wrought these evils on the people of God; and that, on account of this, shepherds are being driven from their churches, and the churches starved of the Word of God, and the property of the Church, which is the property of the poor, stolen, and the priesthood given to the unworthy and to those who differ from lay-folk only in dress (if even in that!). Which of these things can we deny having done during these latter years? If then the Turks and the heretics do the same

1. Ibid., p. 153.

2. Ibid., pp. 153-4.

3. Ibid., p. 154.

to us, what else are we witnessing than our crimes and at the same time the just judgement of God - a judgement indeed full of mercy? If He punished us as we deserved, we should have been long since as Sodom and Gomorrah

If like our fathers we were suffering for justice' sake, we should be blessed. But because the salt has lost its savour we are suffering justly yet not for the sake of justice.'¹

The fact that the council has at last begun is 'the greatest pledge of the divine mercy'. It is to set up and rebuild an almost ruined church; the phrase he uses is almost a quotation from the Consilium. The struggle will be against those who **scorn** the efforts of the council, against those who try to intimidate them. "Not only is our struggle with flesh and blood but with the 'spirits of wickedness in high places", he writes, and could be speaking of the curial opponents of reform or the lack of co-operation of the christian princes. To conclude his sermon Pole uses a catena of quotations from the Old Testament. He has seen his role in the De Unitate in the words of Isaiah, 'lift up your voice like a trumpet', and once again in the Eirenikon his approach is that of a prophet: he asks for an approach based on penitence, holiness, integrity and peace.

Jedin describes the sermon as 'owing all its inspiration to the Sacred Scriptures, and a masterpiece both in form and matter it was an expression of the deepest sense of responsibility and of a determination to stake all for a cause. Words can be deeds - such were these words.'² Seripando wrote to St. Thomas of Villanova

1. McNabb. op. cit., pp. 154-5.

2. Jedin, 11 pp. 25-6.

that he venerated Pole as a saint and was vastly impressed by his Tridentine address; 'because of this address the Council of Trent transcends all the councils of the holy fathers'.¹ Other preachers strove to follow Pole's example in preaching repentance and responsibility, among them Carranza, who was later to work with Pole in England, and Dominic Soto OP.² He had been appointed to the Council because it was believed in Germany that he alone among the cardinals desired a reforming council. His major contribution to Trent was to stress spiritual values and call the council away from a too narrow attention to politics and rivalries.

Pole was not a great success in the day to day work of the council; he lacked the political flair needed to hold committees together and avoid crises. The diplomat was Cervini, and from the start Pole was somewhat isolated from his more experienced colleagues with their curial experience, while Pole represented the more radical reform group. His attitude to the problem of justification was that it had not previously been treated at conciliar level, and was insufficiently studied by the Catholic theologians.³ When he was worried about Flaminio he had been far more concerned about his view on purgatory and the sacrament of penance than justification. The Beneficio di Cristo which showed both Lutheran and Calvinist influences owed at least its Italian format, if not more, to Flaminio, and Pole was

SER.

1. Jedin, p. 259.
2. Jedin, II, pp. 457 and 460.
3. C.T. X. p.632 Pole seems to have considered that 'no council had treated of justification', but the mediaeval theologians looked to Arles and Orange (D.160 ff and 174 ff) and the influence of Augustine. These councils certainly contribute to the study of the problem; c.f. the articles on justification and original sin in the D.T.C. The complexity before Trent is well illustrated in H.A. Oberman's Forerunners of the Reformation (1967) pp. 123-141 (trans. by P.L. Nyhus). The same author's study of Gabriel Biel in his The Harvest of Medieval Theology (1963) pp. 175-8 suggests that Pole is not entirely correct in thinking that the subject had not been studied by Catholic theologians.

probably very close to the Lutherans in outlook on the matter of justification. His concern at the council was to prevent a too precipitous decision on the problem, which he thought would merely serve to heighten the rift in Christendom. But if he was to achieve this he would have to match the diplomatic skill of Del Monte and Cervini, and as the council proceeded it became clear that the prophet was no diplomat. Soon he felt isolated, and eventually he left the council at a comparatively early date.

Eck had advised the Pope in 1523 'totus enim orbis solidam scripturam audire desiderat'.¹ Scripture was soon considered at Trent, and Pole wished the question of canonicity to be fully discussed; he was defeated.² He took part in the debate about vernacular versions of the bible, and his group was responsible for trying to define what frequency of preaching should be regarded as of obligation; both subjects he was to return to in the London synod. He tried to save Seripando's views on justification for further discussion and again he failed. His final effort, when he was about to leave the council, was to appeal for an unbiased approach to the whole question of justification.

He left on 28 June a sick man. Some have wondered if it was a 'diplomatic illness'. There is adequate evidence to show that he was really ill: his health was never robust. But it is likely that his bad health was accelerated by the constant defeat of his opinions

1. Pfeilschifter (editor) Acta Reformationis Catholicae. 1. p. 143.
2. Jedin. 11. pp. 55-8.

in the council, and by his isolation from the other legates.¹
Seripando later left Trent broken in health and Del Monte had strong
comments about the climate and illness among the bishops. The
pressure of the work is suggested by the code word for the council
in the ciphered correspondence with Rome, la fornace - the furnace.²
Massarelli wrote that Pole had left for Treville 'corporis et animi
recreandi causa', to restore his physical and moral health.³

Finally on October 16th. he was relieved of his responsibilities
of legate to Trent at his own request. Health was one reason; for many
authors the difficulties of his own outlook on justification was another.
He questioned the opportuneness of a dogmatic decision, and personally
held a view distant to that which the Council reached. Two years later
a printed edition of the Conciliar decrees was published at Bologna,
and two copies were sent to Cervini at Rome to get the official seals
of the presiding cardinals. He promised to find out 'whether the
most reverend and illustrious Cardinal Pole will be pleased to do the
same' (i.e. append his seal). If he had doubts, they were well
founded. No copy carries the seal or signature of Pole, and as further
editions were published this must have been an embarrassment to Rome.
The matter is significant in view of what the London synod says, and
fails to say, on the subject of doctrine and devotion.⁴

1. Pole's health c.f. W. Schenk, Reginald Pole Cardinal of England (1950) pp. 113-5 For Seripando c.f. Jedin^{GER} p. 664 and c.f. pp. 425-8. For Del Monte's comments Jedin, ll. p. 238.
2. C.T. Appendix No. 30 pp. 888-9.
3. C.T. l. p. 557 from Dr. Fenlon, Heresy & Obedience in Tridentine Italy (1972) p. 135
4. D. Fenlon, Heresy and Obedience in Tridentine Italy (1972) pp. 196-198.

Paul III died on 10 November 1549, and in the conclave which followed Pole was very nearly elected pope. It was during this time, the conclave lasted some three months, that Pole composed his De Summo Pontifice, which studies both the powers and the duties of the papacy. It is in dialogue form. Christ is the supreme head of the church, the pope the head on earth; as the supreme pastor on earth the pope is responsible above all else for the faith of the people, and to guide them in this the principle virtue is charity. As in the De Concilio Pole speaks of papal authority without either compromising it, or over exaggerating. Some of his propositions were later attacked by the inquisition, but the work was later published at Louvain in 1569 and is to be regarded as orthodox and balanced. He uses the messianic passage of Isaiah (9,5-7) 'unto us a child is born ... the prince of peace ... the zeal of the Lord of hosts will perform this' as a basic text from which to deduce the powers of the pope as the messianic vicar. The pope must be humble, a true pastor and concerned with all the cares of the churches; his authority is unchangeable and his rule one of peace and mercy.¹ He faces the problem posed by the public and unrepentant heretic, and it is clear that the humanists and Catholic reformers in Italy were not prepared to tolerate everything.² They attached limits to the public expression of religious dissent.

1. Fishcer, Essai historique etc. p. 286-288. I have not seen the full text of the De Summo Pontifice.
2. De Summo Pontifice 75v to 76r. "Nec tamen quae de mansuetudine et clementia huius pastoris, sic intelligi volo, ut propterea a subversis and contumacibus, quales in tanto grege multos reperire est necesse, iustas ac meritas poenis excludam. Quod si fieret, non clementia, sed insignis crudelitas esset appellanda. Quin vero id affirmare non dubitamus. nullum alium esse magistratum, qui serverius fontes castiget et puniat, sed non prius, quam omni adhibita benignitate atque clementia, se nihil proficere animaduerit. Quod enim supplicium grauis infligi quiquam potest, quam ut e communi filiorum Dei commercio, in manu Sathanae, tanquam e coelo ad inferos tradatur et abiiciatur?"

Clemency which was Pole's principle in this matter was not for the publically unregenerate. His experience of the problem took a sudden personal turn when Caraffa personally attacked him during the conclave as suspect of heretical leanings, and Pole's reputation for gentleness with heretics was becoming a danger to him. It was ironic that one who had so dedicated his life to the papal cause should be thus attacked. Alas it was only the first of many storm clouds.

Although Pole was connected with the reform work of the Augustinians by Seripando, and the Capuchins and Benedictines, it was two of the newer orders, the Theatines and the Jesuits, who were best known for their assistance at a parochial level in the reform of various diocese, and especially in the work at Verona. Pole had a number of contacts in the Theatines, among them his own countryman Goldwell, and he knew of the assistance which they had given Giberti in his reform programme at Verona. His association with the new Society of Jesus, the Jesuits, was concerned with two special occasions; Bobadilla came to help for a short time at Viterbo, and his work was appreciated by Pole. Together with Morone Pole assisted in the founding of the Roman college, which meant that he was well acquainted with the educational work of the society, and the problems in founding colleges. In the 1540s the Jesuits were but one among a number of young reforming societies in Italy. What often made a difference to their friends was the 'Exercises', aptly called 'the book of the Counter-Reformation'. Rather than a book this is a spiritual experience. Contarini was one of the first prelates to make the 'Exercises', and Morone also had this

experience.¹ There is not the slightest evidence that Pole ever did, which is significant in view of the fact that the early Jesuits were careful to document their activities, and it was not in Bobadilla's nature to suppress such information. Pole is involved in reform activities, but with that reserve and detachment which seem to have been characteristic of him. His own spirituality, based upon the lectio divina, seems to both have satisfied him and inclined him towards the more traditional forms of monasticism.

With this survey of the major works which Pole had written during his years of exile, and a glance at a few of the events which had influenced him in the matter of reform, it is now possible to collect his various ideas into a brief synthesis.² The decisive moment for Pole was the martyrdom of Fisher and More; it led him to his own decision; it gave him his view of the reformation. The issue of the reformation, for Pole, was the unity of the church. It was for this that the martyrs died; it was this which Henry's disobedience destroyed. Pole's first work, the De Unitate is both formative and fixative; though later he develops new lines of thought, they are all complimentary to his first analysis of the issue. Others were to consider justification or the eucharist to be the key issue. The Elizabethan recusant theologian Sanders followed Pole's example and produced his De Visibili Monarchia Ecclesiae in 1571,

1. J. Crehan, 'St. Ignatius and Cardinal Pole' in Archivum Historicum Societatis Iesu, XXV (1956) pp. 72-98. Monumenta Historica Societatis Iesu, Monumenta Ignatii VI, 231 for Pole's financial help to the college. Ignatius always asked Morone and Pole together for help. c.f. also MHSJ Polanco Chronicon 11, 58 for Pole and the college again. Morone is credited with having suggested the college to Ignatius.
2. Yves Congar, Vrai et Fausse Reforme dans l'Eglise (1969) pp. 84-5 mentions only the Consilium and Pole's Trent sermon, but he is attempting to deal with reform over twenty centuries. However the theological structure of the work is exemplary.

but for his fellow recusant Stapleton, the vital issue was justification about which he wrote at great length. As in Pole's diagnosis the unity of the church was the first and principal matter at stake; so he concluded that the vital virtues were obedience to the church and penitence as the means of achieving this. No cardinal who had helped to draft the Consilium could be in any doubt about the real abuses in the church, and in the papacy, so Pole is no advocate of blind obedience. He is able to establish a position between the extreme curialists and canonists to whom the will of the pope was law, and others who advocated either reformed churches on the Lutheran model, or a revival of the conciliar theories of the previous century. This is a position which he is able to maintain even in the time of severest pressure when Caraffa as Paul IV is threatening him as a heretic.

The humanists looked upon a career in church law as fit only for those on the make; many of the abuses described in the Consilium could be traced to legal theories, and the sharp practices of lawyers. Despite this attitude Pole also sees the necessity of law, and like many reformers is concerned to refurbish the ancient canons. In his mind the restoration of the unity of the church is necessarily connected with auctoritas et disciplina, two words which occur quite frequently in his writings.¹ The restituta religio is necessarily for Pole also a 'sui Christi Vicario auctoritas restituta';² so he was in complete

1. E.g. Quirini V. pp. 324-338.

2. Ibid., V, p. 328.

agreement with the instructions of Julius III who sent Pole to England 'ut verus Christianae religionis cultus et sanctae legum observatio restitueretur'.¹ As befits an author of the Consilium Pole is looking for an exemplary practice of the law, and not just a return to the state of affairs before Henry VIII's breach with Rome. He appeals to the 'exemplum veteris ecclesiae', and wishes matters 'in pristinam decorem restituere'.² While the practice of law had often won the canonists the contempt and opposition of the humanists, the Catholic reform in Italy could already look to the considerable body of synodal legislation of Giberti, and recognise that in many ways the ancient canonists had carried the traditions of the church. Abuses among lawyers and law might call for reform, but reform itself was not possible without law.

The six works of Pole which this chapter has considered all make considerable use of holy scripture and sometimes surprising use of the old testament. But with the exception of the De Unitate (especially where he is answering Sampson), Pole makes very little direct use of the Fathers of the Church. As he is known to have read especially Augustine, but also other early writers, this must be by deliberate choice. In this he differs from so many of the writers of his day, and especially from the professional theologians.

1. Raynaldus Annales, 1553, sec. 5 & 6. or Arch. Vat. Arm. 41; 69 fo 24 Julius III to Pole 6 August, 1553. (I owe this second reference to Dr. Pogson).
2. Quirini, V, pp.1, & 11, 12, 14-15, 19, 28. Cal. S.P. Foreign, (1553-58) p. 21 and Cal. S.P. Domestic (1601-03) p. 477 all give the same picture.

His conversion from the classics does not seem to have been to theology in general, but in a rather specific way to scripture. In December 1535 Friar had written to Starkey; 'Pole is studying divinity and meteorologizei, despising things merely human and terrestrial. He is undergoing a great change, exchanging man for God'.¹ The descriptions of his devotional life suggest that this centred on scripture reading, with its opportunity to develop the practice of the lectio divina. Like More he also showed his devotion to the eucharist by serving Mass: Hook writes 'whenever Mass was celebrated in his chapel he himself performed the office of acolyte and condescended to robe and unrobe the officiating priest. He received Holy Communion every Sunday.'² While his devotions suggest the contemplative, so too does his 'prodigious taciturnity' described by Longueil: ~~later~~ a friendly witness at Trent described him as a person 'cui nihil tam erat proprium quam tacere'.³ His own nature disposed him to see reform in terms of penitence and evangelical renewal. His motto could have been peace and security through penance and repentance. His outlook on the church is best expressed in his own phrase; 'the magnificence and majesty of the Church stands not in possessions and pomp, but in stableness and purity of Christian life'.⁴

1. W. Gordon Zeeveld, Foundations of Tudor Policy (1969) p. 117.
2. W.F. Hook, Lives of the Archbishops of Canterbury (1868) VIII, p. 148. He is using Beccatelli.
3. W. Gordon Zeeveld, Foundations of Tudor Policy (1969) p. 104 for Longueil; and C.T. 11, p. 415 for Trent.
4. W. Schenk, Reginald Pole Cardinal of England (1950) p. 44.

Pole's final document on reform is the London synod of 1555. It is the aim of such church laws to define ideals in ways which admit of practical realization. Pole could no longer write a dialogue to discuss what was needed, nor could he speak as a prophet and then depart. The demands of laws are exacting, and Pole was under pressure to reduce his ideals to practical propositions which could be made to work in Marian England. This called for the skill of the canonist to draft, and the tact of the diplomat to implement, both serious demands to make of a contemplative.

RETURN OF THE LEGATE AND REFORM

The news of the death of Edward VI, and of Mary's successful accession to the throne caused excitement throughout Europe; Spain, France and the Papacy were deeply interested. Pole received the news in August 1553 and immediately sent a messenger to the Pope. Meanwhile Julius III had already appointed Pole (in his absence) legate in a general congregation of cardinals, and sent the first four legatine briefs, dated 6 Aug. 1553. Significantly he was appointed legate to the Christian princes, and especially to the new queen.¹ From the start he was given not merely the work of the restoration of Catholicism in England, but such a general title that he could easily be involved in other missions. He was later made legate to Ireland, and Paul IV tended to use Pole as a 'resident agent in north western Europe'.² Thus his mission was threatened by the multiplicity of labours which his brief envisaged. But in the earlier weeks of hope and delight the problem does not seem to have occurred to Pole. He was not only the obvious choice, already called the Cardinal of England, he was also the only possibility, as Goldwell, Pate and Peto could not have been considered in 1553. Not merely did Pole's experience place him in a different category, but so too did the blood of a Plantagenet. There can have been little hesitation over the choice.

1. Wilkins IV p. 87 and Quirini IV p. 109.

2. The phrase is from Dr. Fogson's unpublished thesis 'Cardinal Pole - Papal Legate to England in Mary Tudor's Reign' in Cambridge University Library (1972) p. 109.

The bulls gave Pole ample powers, which were specified as regards to both heresy and clerical marriage, but in other matters he was left to use his own judgement. The scope of these faculties was regarded by the papacy as wide and sufficient, and later Cardinal Allen was granted almost identical powers in a brief which was clearly based on the ones addressed to Pole.¹ In the considerable correspondence which soon centred on Pole there are to be found conflicting opinions offered to him as to how to deal with the affairs of England. The first problem, to return home to England, was to become a sore trial to Pole. He was anxious to begin his work as legate in his own country soon. The interests of Spain suggested a considerable delay. Mary wrote counselling caution and prudence: Pole replied advising faith. Meanwhile the secretary to Cardinal Dandino, papal ambassador for the moment to the emperor at Brussels, had paid a secret visit to England and had a private audience with the queen. On his way back secretary Commendone met Penning the Cardinal's own messenger at Brussels. Penning also paid a secret visit to England and stayed to witness the coronation and parliament in October 1553. Commendone moved swiftly from Brussels to Rome in nine days, and the papacy took a more realistic view of the complex English situation. A long letter from the pope to Pole (20 Sept. 1553) advises him to continue his journey even if he could not yet cross into England: he is to follow the advice of the queen. The rivalry between the ambassadors of Spain

1. CRS.LVIII, pp. 194-5, Allen to Mgr. Gualteruccio, 'mihi dare omnia quae ad Cardinalis Poli legationem pertinent'.

and France in England began to effect the situation; Paget told Renard that the Emperor ought to get the cardinal detained in Flanders, and Renard advised the queen against allowing Throgmorton, Pole's servant,¹ to come to England. But there were other voices too. Bernardino Ferrario wrote on 6 Sept. 1553 to Duke Ercole;

'If the Most Rev. Cardinal Pole comes hither as a private person, I have no doubt but that he will be as well received, as much honoured and caressed as any person who ever came here, and his coming generally desired by all ... generalmento desiderato al tutti.'²

Don Juan de Mendoza eventually wrote asking Pole not to come nearer than Dillingen.³ Pole's own thoughts on the situation may be judged from his letters, which quickly decline from the early optimism. On October 21st 1553 he writes from Dillingen to Julius III.

'How stormy a sea have I to cross who have been hitherto on the mainland in the midst of friends. I must now traverse the towns of the Lutherans, places suspected of plague, or infected with it. If I shall override these obstacles, the Imperial court, at which I shall arrive, is a very gulf of that sea, and there a contrary wind^{is} blowing. Then will come the opposition that I shall meet in England, if it should please God that I ever get there.'⁴

1. Quirini IV p. 111 for Julius to Pole, and for Paget and Renard, c.f. James Gairdner, Lollardy and the Reformation in England, IV (1913) p. 109.
2. From A. Haile, Life of Reginald Pole (1911) 11 p. 391 who is using a document in the Archives Este Moderna.
3. James Gairdner, Lollardy and the Reformation in England, IV (1916) pp. 142-3.
4. Raynaldus Annales 1553, 15, p. 744.

'If it should please God that I ever get there'! in less than three months Pole was beginning to doubt if he was destined to restore England to the Catholic faith. In the December following he seems to have been advised by the pope to take the initiative regardless, to 'go to England, if not as a legate, yet as a private person'.

'Permittimus et damus veniam ut, quam tibi res id
poscere videatur, depositio tantisper legationum
quibus nunc fengeris, nomine atque insignibus,
privato tuo nomine in Angliam te conferre possis.'¹

But to Renard this was an intrigue to strengthen the opposition to the Spanish match;² and for a whole year Charles V consistently opposed every move by either Mary or Gardiner to restore obedience to Rome. Although Philip and Mary were married by Gardiner at Winchester on 25 July, 1554, Pole's return was still delayed till the November. The question of the church lands seems to have been the main issue. For Pole, with his own views on reform, the matter was quite simple. All the parties involved would repent and throw themselves upon the mercy of the papacy; their repentance and trust would be rewarded. The papacy was prepared to be more diplomatic. But the parties concerned in England were asking for absolute assurances before ever Pole returned. The same issue had been a problem to Contarini at Regensburg.³ The Emperor was quite determined that nothing should be

1. CSPV.^v p. 434.

2. E.H. Harbison, Rival Ambassadors at the Court of Queen Mary (Princeton 1940) p. 110 who is relying on SCPS XI p. 471.

3. P. Matheson, Cardinal Contarini at Regensburg 1541 (1972) p. 167. Quirini IV p. cclxxix. On this occasion the bishops feared that the emperor was betraying their hopes of a restoration of the church lands and were correspondingly uncooperative.

left to Pole's discretion; Pole was fighting against anything which looked like a bargain.¹ Renard reported that the Catholics held more church property than did the heretics.² And a theological reply from Rome suggested to Pole that if it could be lawful to alienate church property for the redemption of captives in the hands of the infidel, it could be even more proper to do so for the redemption of a whole kingdom.³

A delicate matter like this was open to exploitation, and eventually a pamphlet came out linking the fear of the foreigner and the danger of some 'sharp practice', in spite of any promises, which would result in the restoration of the abbey lands.⁴ From quite early days in the reign the initiative in the literary warfare was with the reformers, and up to the time of Pole's death it had never been recaptured.⁵ Under Julius the intention with regard to the restoration of the lands is open to the interpretation that once papal

1. E.H. Harbison, Rival Ambassadors at the Court of Queen Mary (Princeton 1940) p. 207, and for Pole's attitude c.f. J. Crehan 'The Return to Obedience' in The Month (1955) p. 224.
2. Renard on 13 Sept. 1554 c.f. J.A. Muller, Stephen Gardiner and the Tudor Reaction (1926) p. 261.
3. Quirini V p. 70 and CSPV V p. 951.
4. J. Strype, Ecclesiastical Memorials 3i (1822) p. 418, on a book entitled 'A Warning for England'.
5. D.M. Loades, 'The Press under the early Tudors' in Cambridge Bibliographical Society Transactions (1964) IV part 1 p. 29 'for five years under Mary the opposition press was more vigorous and prolific than the official, and contributed substantially to the insecurity and unpopularity of her government'. The English translation of Gardiner's De Vera Obedientia came out in Oct. 1553 and the preface of the anonymous translator (John Bale?) names those who the reformers regarded as their opponents at this early date, Gardiner, Bonner, Tunstal, Weston, Fecknam (Feckenham), Smith, and attacks the popish Mass, argues that sola fides iustificat, and uses Gardiner's work for a very good attack on the credibility of some of the Marian bishops. The work is STC No. 11586, and is available in a Scholar reprint (1966).

authority had been restored, some way could be found to recoup the church's interests. But once Paul IV was in control, those who held abbey lands had every reason to fear a reversal of any promises previously made. To Pole who was no professional diplomat the situation must have seemed bewildering. His own final solution was to promise publically that those who held church property would never be subject to ecclesiastical censure on this count. But he made it clear that in his opinion a moral obligation still remained; and it was noted that those in whose hands church lands remained were called not possessors but detainers.¹

The result of these delays was not merely that Pole's own confidence waned. The whole situation in England changed from the first enthusiastic welcome which London had given to Mary to a state of discontent with some very vocal opposition. It is customary to credit much of the deterioration during the reign to the persecutions, the effects of the fires of Smithfield, and later to the loss of Calais. Mary herself was well aware of the national shock which the loss of the channel port had given to national morale. For at least one authority it is 'the Spanish marriage and the losing of Calais, even more than the fires of Smithfield, that lost her the hearts of her subjects.'²

1. The general thesis is that of J. Crehan in 'The Return to Obedience' in The Month (1955) New Series XIV pp. 221-229. For detainers not possessors c.f. J. Strype, Ecclesiastical Memorials 3i (1822) p. 252. For the papal policy under Julius c.f. D.M. Loades, The Oxford Martyrs (1970) p. 142. In general for the details of Pole's return I have relied upon R. Ancel, 'La reconciliation de l'Angleterre avec le Saint Siege sous Marie Tudor. Legation du Cardinal Polus en Engleterre (1553-4)' in Revue d'histoire ecclesiastique X (1909) pp. 521-536.
2. R.B. Wernham, Before the Armada. The Growth of English Foreign Policy 1485-1588 (1966) p. 208.

Certainly whatever was the predominant reason, the decline had already begun in the fifteen months between Pole being appointed legate, and his actual arrival in England. By the time he arrived the initial joy at Mary's accession had gone, and he was faced with a complicated political situation which made his work as legate all the more difficult. War or threats of war with Ireland, Scotland and France did not serve to improve Pole's chances of successful work in England. The rivalry between the French and Spanish ambassadors had already tended to divide the country, and probably contributed to the outbreak of persecution.¹

The delay had also resulted in the initiative towards reform being taken in England by Mary, and especially by Bonner among the bishops. While Pole was consulted, especially in the appointment of bishops, he was in no position to direct the reform of the church in England before he got there. By the time he arrived decisions had been taken which suggested the general direction of the reform, and some of these are to be found in the London synod. Mary's first proclamation about religion in 1553 was concerned to control both teaching and preaching; printing was to require her licence.² This was as early as 18 Aug. 1553. In the same year Convocation disowned the catechism which had recently been published with the authority of Edward VI,³ and Mary wrote to Bonner with a list of eighteen articles

1. Quirini IV pp. 121-3 for the political problems and E.H. Harbison, Rival Ambassadors at the Court of Queen Mary (Princeton, 1941) p. 176 for the division caused in the country by the ambassadors.
2. Cardwell Ann. 1. p. 105.
3. Wilkins IV p. 88.

to be put into effect. These included the question of the admission of 'sacramentaries' or other heretics to benefices, the question of married clergy, a command that the bishops should supply homilies, and other details in preparation of the restoration of papal authority.¹

Eventually Catholic worship was restored. Convocation in 1554 was considering the perennial problems of pluralities, simony, and church goods.² The royal directive to Bonner of 24 May 1554 was very much a Tudor theme; he is told to take such action 'so as through your good furtherance both God's glory may be advanced, and the common wealth the more quietly governed.'³ It was a theme Pole himself would have chosen: but the initiative was in England, and the result of this directive was Bonner's extensive visitation articles of 1554. The delay of well over a year meant that the restoration of Catholicism in England was begun, and the pattern set, before ever Pole crossed the channel.

A further problem which faced Pole was the brittle loyalty of the English bishops. He had crossed swords in the past with Gardiner and Tunstall. They had grounds for regarding him as a traitor, and the Act of Attainder still stood against him. But even those who could understand the attitude which Pole had taken in exile, at least thought of him being out of the struggle, and probably not understanding what the position was in England. In this they were undoubtedly right. The inevitable lot of the exile is to drift out of touch with the homeland, and to tend to

1. Cardwell Ann. 1. p. 109.

2. Wilkins IV. p. 95 ff.

3. Wilkins IV. p. 102.

think of things as they were. Pole's high expectations of August 1553 were not based on an assessment of the religious chaos which had developed during the reign of Edward VI. His hopes were based on his Italian experience, which was to prove deceptive.

This is perhaps best exemplified by his attitude to heretics. While in Italy he had on a number of occasions been accused of favouring heretics, and in some circles he was regarded as a half-lutheran. His attitude differed vastly from that of a Carafa. And when eventually Pole was replaced as legate by Peto, Paul IV seems to have made the choice with this in mind. Writing to Navagro the pope says;

'When we were head of the Inquisition, an office conferred on us by the Pope Paul (III), who gave us the assistance of such cardinals as we asked of him, Peto came to our house daily to give us many valuable hints, and to inform against certain rogues who sinned in heresy.'¹

At Viterbo, and in his speeches at Trent Pole had made it very clear that he was a moderate, and did not favour persecution.² Moreover he was successful in helping various people who were disturbed, especially Flaminio and Vittoria Colonna. This experience probably gave him a quite unrealistic hope as to what he might be able to achieve with his fellow country men who were reformers of one kind or another. For when he returned to England and found that this policy of kindness and reason did not work, he was without a properly formulated plan as to how to deal with the situation. In Italy his policy is defined as charity

1. CSPV. V. p. 1172.

2. Quirini IV pp. 156-7

to those who were neither obstinate or public; 'peccatori non obstinati, ne' publici, erano con carita di far ritornare al buon comino'.¹ He was certainly known for his personal kindness, but he accepted the general premise of the age that heresy was the greatest of sins, and that a public heretic was a public danger. Thus he expresses his philosophy in the De Summo Pontifice of 1550:

'Nec tamen quae de mansuetudine, et clementia huius pastoris, sic intelligi volo, ut propterea a subversis et contumacibus, quales in tanto grege multos reperire est necesse, iustas ac meritas poenas excludam. Quod si fieret, non clementia, sed insignis crudelitas esset appellanda. Quin vero id affirmare non dubitamus, nullum alium esse magistratum, qui severius fontes castiget, et puniat sed non pirus, quam omni adhibita benignitate atque clementia, se nihil proficere animaduerit,. Quod enim supplicium grauius infligi cuiquam potest, quam ut e communi filiorum Dei commercio, in manus Sathanae, tanquam e coelo ad inferos tradatur, et abiiciatur?'²

In many ways his attitude of kindness (and his lack of political skills) was identical with that of Mary. While the Emperor envisaged her at the start of the reign as ready for revenge and instructed his ambassador to counsel clemency, Renard, who knew the queen so much better, feared her natural clemency, and reversed the emperor's orders to advise

1. L. Morandi, Monumenti di varia letteratura tratti dai manoscritti di Mons. Beccadelli (Bologna, 1797-1804) li p. 326.
2. De Summo Pontifice (Louvain, 1569) 75v - 76r.

firmness.¹ It was Gardiner's party which favoured the revival of the old heresy laws, and he was able to see them passed with little difficulty.² Pole himself eventually advises the queen on the need for firmness.

'God has given the sceptre and the sword into her Majesty's hands for no other reason than that ribaldry and disobedience to the holy laws may be punished ... it is not enough that she should honour God, she must compel her subjects to do likewise and punish the disobedient in virtue of the authority she has received from God.'³

And later Pole preached to the citizens of London, rebuking them for favouring heretics.⁴ The differences between the situations in Italy and England were not the presence of heretics, but what they were prepared to do. The problem was a new one to Pole; it was that of public opposition which was prepared to take actions which he judged to be both sacrilegious and scandalous. His experience gave him no assistance here, and the responsibilities of power were such that he had to take some decisions. In the main those decisions had already been made, especially by Mary, Bonner and Gardiner. Pole certainly acquiesced in them, and this suggests that there were limits which even the Christian humanists attached

1. CSPV. V. p. 934, and E.H. Harbison, Rival Ambassadors at the Court of Queen Mary (Princeton 1941) p. 67 for Renard's reversal of the emperor's advice.
2. Harbison (as above) pp. 154-3 and 216. Loades, D.N. The Oxford Martyrs (1970) p. 144. 'Nobody of any influence was going to jeopardise his career in these circumstances by seeking to protect the protestants'.
3. CSPS. XI. 419
4. Strype, J. Eccl. Memorials 111 ii pp. 487-9.

to the public expression of dissident religious views. His injunctions against heretics order that they be gently exhorted to the truth, but if they persist in their errors they are to be handed over to the secular arm.¹ The result is that opinion about his responsibility has varied from Parker's comment 'carnifex et flagellum Ecclesiae Anglicanae'² to Foxe's 'Pole's lightening was for the most part kindled against the dead.'³ Carranza and Paul IV considered, even during the English persecution that Pole was weak with the heretics. But Philip was recommending mercy. His chaplain was inspired to preach against persecution:⁴ however this really suggests little more than that Philip correctly measured the political disadvantages, since neither his career in the Netherlands nor the Spanish theologians suggest that they doubted the principle of persecution.

The contrast between Pole's optimism and kindness with heretics in Italy, and the position which he eventually adopted in England serves to show the extent to which his Italian experience had not prepared him for his duties as legate. His greatest successes there had been in the narrow confines of his own particular circle of friends, especially at Padua and Viterbo. As an administrator, of his own household, of the English hospice and of the 'Patrimony of St. Peter' at Viterbo he would seem to rate a credit for considerable success. This may well be due to his obvious integrity which could be appreciated by the comparatively restricted

1. Wilkins IV pp. 173-4.
2. From A.G. Dickens, The English Reformation (1972) p. 364.
3. J. Foxe, Acts and Monuments (1843-9) VII p. 91.
4. Dixon IV p. 338

circles involved in each of these spheres. As a diplomat he had no victories, and his integrity and bluntness did not serve him so well in this field. He was by temperament more of a contemplative, and the English situation was to demand more of a politician. Granvelle summed up the situation writing to Charles V in June, 1554.

'Speaking between ourselves (Pole) is truly a learned prelate, very virtuous and indeed of holy life. But he does not understand the first thing about the conduct of affairs. I suspect he would be glad to stay here (i.e. Brussels) and not busy himself with the affairs of England, of which he knows very little and about which he can do even less. And so, with all the good zeal that he can put forth, far from improving matters, he would more likely compromise them.'¹

No doubt Granvelle's thinking was still full of the diplomatic preparations for the marriage, even though this was no longer an issue. But his comment that Pole knows very little about the affairs of England is a shrewd one: it would probably have been echoed by many of Mary's own bishops as they awaited the coming of the Cardinal of England.

Pole on his part had equal doubts about the Marian hierarchy at the outset of the reign. He discusses the matter in a letter to Goldwell, who is to go to England as his representative. The question at issue in the letter is the reversal of the title of supreme head of the Church.

1. From Ancel in Revue d'histoire ecclesiastique X (1909) p. 766.

'But who is to do this thing? When I look on the lords spiritual, I see none but that have by sentence and writing defended the contrary cause; among the lords temporal and commons I see none that are not enjoying the goods of the Church through denying the authority of the Church. I see but one person that is able to propose this matter. That person is (the queen) herself!'¹

Pole's sweeping condemnation suggests that he realizes little or nothing of the split which had occurred among the English hierarchy during the reign of Edward VI, and the extent to which Gardiner, Bonner, Heath and Tunstal could be regarded as confessors for the faith. Certainly for the more conservative among the bishops the royal supremacy had been tried and failed during Edward's reign, and they were ready to welcome authority which would support the ancient faith. Pole shows no understanding of their experience, and can hardly have endeared himself to them by the stern ways in which he underlined their previous mistakes.

This probably stems from Pole's own integrity, and from the crisis in which he first formulated his views of reform. In the De Unitate he pondered upon the tragedy in England, and one of the conclusions to which he came was that the king had been betrayed by his counsellors. The account which he gives of Cromwell's attempts to win him over to the king's cause includes the description of the work which Cromwell recommended. Whether this was Machiavelli's Il Principe or Castiglione's Cortegiano need not detain us.² What is certain is that for the rest of his life Pole

1. This on Jan, 1554, c.f. Dixon IV p. 108 and J. Strype, Cranmer (1840 appendix LXXV).
2. W. Schenk, Reginald Pole Cardinal of England (1950) pp. 38-9; Elton does not consider the account reliable and C. Dawson, The Dividing of Christendom (1971) p. 111 does not think that Cromwell could have admitted this as early as 1529.

showed a continuous and strong dislike of all that Machiavelli came to stand for in his eyes, and he came to regard the application of such principles as the root cause of the trouble in England. He can refer to Anne Bolyne as the source of the trouble; 'quae titius mali causa fuisset..'¹ But the name of Machiavelli occurs regularly, and his principles are the source of the trouble, even if Anne Bolyne was a proximate cause.

'I found this type of book to be written by an enemy of the human race. It explains every means whereby religion, justice and any inclination toward virtue could be destroyed For this teaching not only offers poison for princes and their sons to drink for their own fatal destruction, but it also offers even greater destruction to those of you who are subject to kings and princes.'²

Pole is listed as the first critic to attack Machiavellian principles.³ Later the Jesuits were to attack Machiavelli as an enemy of Christianity, while Robert Ascham thought of him as expounding nothing but 'atheism and popery'.⁴ Pole is constant in his attacks: he speaks of Machiavelli's doctrine as 'such a performance that, were Satan himself to leave a successor, I do not well see by what other maxim he would direct him to

1. In his letter to Edward VI, Quirini IV p. 306.
2. Quirini l. pp. 147-8 and W. Gordon Zeeveld, Foundations of Tudor Policy (1969) p. 14 where Pole's comment is 'written by the finger of Satan as the Holy Scriptures are said to be written by the finger of God.'
3. S. Anglo, Machiavelli: A Dissection (1969) p. 278.
4. F. Raab, The English Face of Machiavelli (1964) p. 30. Trent later placed Il Principe on the index, p. 52. A century later Machiavelli was a suitable term of opprobrium. In a ballad against ecclesiastical lawyers comes the rebuke; 'thy Chanclors and officials/Mache Machivill in evell. 'C.F. C. Richie, The Ecclesiastical Court of York (1956) p. 169.

reign.¹ Cromwell had also sent Pole through Starkey a copy of the *Defensor Pacis* while Pole was still at Padua, in the hopes of winning him to the support of the divorce.² But from the frequency of reference Pole seems to have regarded Machiavelli as the chief representative of such principle. He saw the Henrician reformation as a case of the principles in operation, and his own reaction was to demand uncompromising integrity. For those who had compromised, like the hierarchy at the outset of Mary's reign, penance and forgiveness were the only roads to restoration. Understandably Gardiner, Bonner, Heath and Tunstall would have different views of the past and the future restoration.

The experience of the more Catholic members of the hierarchy under Edward VI had centred around the crucial question of the Eucharist. This had led directly both to imprisonment, and also to the writings on the subject by Tunstall (in 1551), and Gardiner (also 1551); and to writings by Richard Smith (1550) who did not suffer imprisonment. In addition to the matter of the eucharist, clerical celibacy was also a key topic, and Smith had a work on this (against Peter Martyr) and also on monasticism and vows.³ For a while the 'Catholic party' believed in the possibility of Catholic doctrine without the papacy: for many of them this theory died during the reign of Edward. They saw many reformers coming from abroad; they saw traditional doctrines attacked, and ancient practices abolished.

1. A. Haile, Life of Reginald Pole (1911) p. 59 who is relying on Zimmermann, Kardinal Pole (1893) p. 46.
2. W. Gordon Zeeveld, Foundations of Tudor Policy (1969) p. 133.
3. Defensio coelebatus sacerdotum, contra P. Mart., and Confutatio quorundam articulorum de votis monasticis Pet. Martyris Itali. Both these works were published in Louvain, 1550.

Clerical celibacy was an important issue here, and led to much bitterness. Thus by Mary's accession there was a group in the country who could well be regarded as traditionalist, in contrast to the strong protestant reformers. Pole does not seem at first to have realized the considerable differences which had developed among the English hierarchy, and tended to think of them all merely as men who had failed to stand up to Henry VIII. A legate who was a skilled diplomat could have quickly capitalized on this; Pole by contrast was normally either silent, or lectured them at length on their sins, in a most uncompromising way.

Even before he actually returned in November 1554 Pole's household had been involved in the negotiations both in England and in Rome. In Priuli, Goldwell, Penning, Throckmorton, Caranza, Ormaneto, de Soto, Pole had many able and skilled men to hand. He had long been accustomed to gather 'professionals' into his service. The Spanish theologian Dr. Juan Morillo, 'mio familiare', worked for him at Trent, although he had come there in the service of the bishop of Chiaramonte:¹ at that time Richard Pate also seems to have helped.² While he was in Flanders Harchius of Mons seems to have been in his service.³ In Ormaneto he had a skilled canonist; while Carranza was both a canonist and theologian. Probably the closest to Pole was Priuli the brilliant Venetian nobleman. Not only was he the closest of friends, but he was also able to carry a lot of the business which fell upon Pole. By 1557, when Pole's often precarious health was failing, it was Priuli who kept matters in hand; Michiel in his report to the Doge and Senate of Venice states:

1. C.T. XII pp. 553-65 and Quirini IV p. 200-1.
2. Quirini IV p. 109 and 189. For Pate's theological position c.f. D. Fenlon, Heresy and Obedience in Tridentine Italy (1972) p. 141 note 3.
3. J. Strype, Ecclesiastical Memorials 31 (1822) p. 258.

'without the assistance of Monsignor Priuli, the Cardinal would be compelled to resign, or would soon die of over-exertion.'¹

From the life he had led in exile, Pole's household was chiefly composed of foreigners, but it was certainly not without its native contribution, with Goldwell, Throgmorton, Penning and Pate available. Back in Rome he had the support of the humanist circle of reformers; Morone was keeping other friends informed, even apart from those Pole was able to write to. While in England he had the sympathy and confidence of Mary. Later he was to come to value the skill of some of the English bishops, especially Gardiner and Bonner. Gardiner's death was a grave loss, as there was no one with the same political skill and ability to evaluate the situation. With Pole's tendency to retire from events, this caused a dangerous vacuum.

Pole also duly established his own legatine court which has been the subject of recent study.² His dispensations in their great emphasis on penance show his own particular attitude to reform. In granting dispensations he is sufficiently exact; there is no suggestion of automatic dispensing. As there are no records of refusals it is impossible to evaluate whether he was acting with rigour. In general he stressed the severity of the laws in order to contrast the gentleness of the pope. He tries through his dispensations to restore respect for Lent, but was prepared to give general dispensations in the Lent of 1555 because of the shortage of beans and fish. In the dispensations for marriage cases which cover both the schismatic marriages already contracted, and requests for dispensations for marriages in the future where there were impediments to be considered, only

1. CSPV. VI p. 884.

2. By Dr. R. Pogson in a Cambridge Ph.D. thesis entitled 'Cardinal Pole - Papal Legate to England in Mary Tudor's Reign' (1972). This is the first study of Pole's administration based on his legatine registers; the seventh chapter deals with Pole's court and administration and from it I take those conclusions which are relevant here.

a small percentage of the requests came from the northern diocese of York, Durham and Chester. The Legatine registers suggest an efficient court, and show Pole trying to reestablish a respect for canon law. Again there is a contrast between the more regular administrative work, which Pole seemed to be able to organise well, and the spheres which demanded diplomatic skills.

In his household Pole would have had to rely on qualified canon lawyers, as he was not a lawyer in any sense himself. He had studied a little civil law at Avignon, where Giovanni Francesco Ripa had followed Alciato and was lecturing on the *Corpus Iuris Civilis*.¹ But according to Sadoletto this was a matter of civil law and philosophy only.² Pole's writings do not show a knowledge of any of the tags of the canon lawyer. In his De Unitate he argues from the principle 'propter populum igitur rex, non populus propter Regem'.³ But this like his other references is a matter rather of philosophy than a detailed knowledge of constitutions. Equally the sort of picture (if it be accurate) which shows in both Starkey's *Dialogue* and Vida's *De rei publicae dignitate* suggests the philosopher rather than the lawyer.⁴ The great administrator bishops of Henry VIII had

1. W. Gordon Zeeveld, Foundations of Tudor Policy (1969) p. 79.

2. *Ibid.*, p. 80.

3. J.G. Dwyer, Pole's Defense of the Unity of the Church (Mayland 1965) p.viii with the other axiom 'rex eris, si recte facias, si non facias, non eris. These principles also occur in the Parma letters; c.f. G.G. Walsh 'Cardinal Pole and the Problem of Christian Unity' in Catholic Historical Review 15, p. 393. These letters were not available to Schenk. Quirini l. p. 119.

4. K.M. Burton (editor) A Dialogue between Reginald Pole and Thomas Lupset (1948) p.vi where the source of Pole's thought is given as Aquinas and it is noted that he has nothing of the Machiavellian approach. G. Toffanin, L'Umanesimo al Concilio di Trento (1955) with Vida's latin text as an appendix. c.f. pp. 83-5.

often been canon lawyers; about half of them had doctorates in law, but only three of the new Marian appointments had training in either civil or canon law, in contrast to fifteen who had degrees in divinity.¹ Among the Henricians who were available to Pole (though not for domestic help) was Tunstal who had a doctorate in both laws, and Bonner and Gardiner,² who were skilled in both laws. The humanists had rather despised the lawyers in an aristocratic way, seeing the law as the path to a career, and tending to regard lawyers as politicians and men on the make.³ Henry had killed the study of canon law, and his propagandists had appealed to another authority than the tradition which they were displacing.⁴ They tried to replace canon law by an appeal to civil law and the law of god. For the more conservative of the bishops this appeal had failed, and been seen to fail, during the reign of Edward VI. They were now ready to restore the ancient canons of the church, and Pole's mandate was precisely this. He was to restore the 'religionis cultum et sanctorum legum observantiam'.⁵ This was not merely the term of his brief; it was also a conclusion at which Pole himself had arrived by this time. Speaking of reconciliation in the De Concilio he uses a similar phrase;

1. Lacey Baldwin Smith, Tudor Prelates and Politics, 1536-58 (Princeton 1953) p. 290 and the appendix.
2. C. Sturge, Cuthbert Tunstal, Churchman, Scholar, Statesman, Administrator (1938) p. 13. For both Bonner and Gardiner the relevant articles in DNB.
3. Lacey Baldwin Smith, Tudor Prelates and Politics, 1536-58 (Princeton 1953) pp. 38 ff.
4. W.F. Maitland, Canon Law in the Church of England (1898) pp. 92-94 and W. Gordon Zeeveld, Foundations of Tudor Policy (1969) p. 266.
5. The repeated formula will be found in the brief of 6 Aug. c.f. Raynaldus Annales, 1553, section 5 and 6.

'omnia fere membra ad veteram disciplinam et instituta a quibus non parum declinarunt, revocentur'.¹ To restore the ancient laws and canons was a work which demanded the skill of ecclesiastical lawyers, so the former attitude of disdain which was characteristic of many of the humanists would now have to yield to the pressure of real life. Pole was fortunate in having a number of skilled men at hand who could provide the knowledge and ability, and do the basic work of drafting for him.

Two members of Pole's household were distinguished in canon law, Nicolo Ormaneto and Bartholomee de Carranza. Ormaneto I prefer to reserve to the final chapter, because of his influence as vicar general to Charles Borromeo. For the moment it is sufficient to note that he qualified in both civil and canon law at Padua, and was probably a contemporary of Pole's there. He came to England as Pole's canonist, and his position at the start of Pole's mission would be sufficient to make him an obvious choice as the draftsman and expert for the work of the synodal legislation. It is necessary, however, also to consider the position of Carranza. This distinguished Dominican had been the Imperial theologian at Trent in the sessions of 1545-47 and 1551-2. He was in England for most of the time from 1554-57, assisting with the Catholic restoration, and travelling to Flanders to keep Philip in touch with developments. As a result of his work Philip constrained him to become archbishop of Toledo in 1557, and within two years he was in the prisons of the Inquisition, to become a cause célèbre. The whole of his career, and his work in England has recently been the subject of considerable study. Among the evidence with regards to the synod, there is Carranza's own testimony that the king ordered him

1. De Concilio 57 v. I owe this reference to Dr. Fenlon's thesis p. 150.

to stay in England for this very purpose:

'to attend to religious matters and the reform of that Kingdom and to be present at the National Council which, by order of his Holiness Pope Julius III must be held and commence by the feast of All Saints. In this, with the agreement of the said Rev. (archbishop of) Toledo, everything agreed concerning the religion of that Kingdom was arranged.

In the said National Council, many decrees regarding the service of God and the reform of England were arranged; these the said Rev. (archbishop of) Toledo set out, by order of the Papal legate, to send to his Holiness, (ordeno en forma, por mandato del Lagado del Papa), giving him the submission and obedience which one, in Synods, is accustomed to give him as Supreme Pontiff and Vicar of Jesus Christ our Lord, according to the translations of the said decrees which were found in the possession of the said Rev (archbishop of) Toledo.

In the said National Council (which was continued until the Lent of the following year, 1556) the same system was arranged with the approval of the said Rev (archbishop of) Toledo, who because it was then Lent ordered the Synod to be postponed until All Saints, so that during this time the Bishops and Clergy might visit their churches and Dioceses with certain instructions that were brought from the said Council, and then return for All Saints, completing their visits, and with the information they had collected. Similarly, the Universities of Oxford and Cambridge could be visited and information brought back regarding the Doctrine and other matters taught there to provide the Synod with suitable knowledge.¹

1. J.I. Tellechea Idigoras 'Bartolome Carranza y la Restauracion Catolica Inglesa' in Anthologica Annua 12 (1964) pp. 159-282; this extract is from pp. 213-4.

Tellechea Idigoras concludes from this and other evidence that the fundamental reason for Carranza's presence in the country was the synod; he finds the pastoral ideas which Carranza had expressed before the synod occur in it, and these are then present in Carranza's own work as archbishop in Toledo two years later. He sees Carranza as the chief organiser, and Pole as the chief arbiter (*arbitro supremo del Sinodo*).¹

Carranza was a key figure. He had the authority of not merely being an expert canonist, but also the author of Summa omnium Conciliorum published in Venice in 1546. This was clearly a competent work, since despite his trouble with the Inquisition, it went through further editions over the next century, and was suitably edited and brought up to date by the jesuits. He was also known to be working on his catechism which was published in Spanish at Antwerp in 1558. However he was not a regular part of Pole's household, and was critical of Pole: he regarded his moderation in the pursuit of heresy as deplorable!² It would also seem likely that both Ormaneto and Bonner played a considerable part in the drafting of the decrees. The great similarity which is found throughout the synod with the themes of the Consilium of 1535 speaks clearly however of the influence of Pole. And while any legate would use canonists to draft the laws, the final acceptance of them made the legate the ultimate authority, and the synod very much his synod.

1. Idigoras (as above) p. 214. "Las ideas pastoral de Carranza, reflejadas en sus escritos anteriores al Sinodo y sobre todo en su actividad pastoral en la sede de Toledo dos años despues afloran en los decretos ingleses. El dio muestras, en teoria y en la practica, de poseer un talento organizador; en ello superaba al cardenal Pole, arbitro supremo del Sinodo, quien otra parte, apreciaba sinceramente las dotes de su colaborador y amigo".
2. Ibid., p. 200 'andaba descontento del Legado, por verle mas blando de lo que el quisiera en el castigo de los herejes'.

It would seem that Pole was taken by the many parallels between his own position and that of Cardinal Otho, legate to England in the thirteenth century. Nor merely did their activities in England have some similarities, but so did their careers. Otho's constitutions of 1237 were central to English canon law, and contributed to the development of the English synods of the thirteenth century.¹ The work of Otho and Ottobuono would seem to be the only 'English' sources which Pole uses directly in his synod. This might suggest that drafting was the work of foreign rather than of English lawyers. Doubtless some of the material had come direct from the group instructed by Bonner in the fourth convocation to examine the canons of the church. These were Christopherson, Weston, Harpsfield, Pye, Cole, Mallet, Jeffrey, Cotrell, Blaxton, and Rixman. While Bonner was president at the convocation, the Bishop of Ely seems to have been in charge of this group.² Their initial work must have contributed something to the legatine synod which followed the convocation almost immediately.

The situation just prior to the synod was that Pole had many able assistants, and his relationship with his bishops was improving, as his comments at the time of Gardiner's death show him becoming more appreciative. Politically the situation was not good, and his position close to the Queen inevitably meant that he would be involved in policy making at a national level. Moreover the actions which Paul IV was already taking (since May 1555) could not inspire confidence in Pole.³ Although his own position as legate

1. Powicke, 11 pp 238 ff.

2. Wilkins IV p. 120 and Dixon IV p. 454. J.W. Joyce, England's Sacred Synods (1855) pp. 524 f.

3. The Regulae of Paul IV includes the instrument by which all other legates (including Morone) had lost their powers; c.f. the appendix on this Regulae.

had been left untouched when others were withdrawn, Pole would know that he could not rely on having the full support of the papal government, and that he would have to struggle with the Roman authorities. But at least on the Consilium commission of 1535 he had been able to find much common ground with Carafa as to what required reform; with this valuable experience Pole approached the London synod with confidence. He had a programme of reform derived (as we shall see in detail) especially from the commission of 1535, and from the example of Giberti. So despite reserves about his bishops and clergy Pole saw the synod as a hopeful development towards true reform.

Pole first obtained on 2 November 1555 a warrant under the great seal from the Queen, which gave him licence to hold a national synod and authorized the clergy to attend such synods and obey their laws.¹ The purpose of this action was clearly to avoid any possible legal danger of praemunire, since some who were to attend would remember Wolsey's synod, the legal attack upon it which Henry VIII had launched in 1529, and the £100000 and recognition of the royal supremacy with which the clergy had bought their freedom in 1531. Once the legality of the proceedings had been assured, Pole ordered Bonner to summon the bishops and clergy of both Canterbury and York; attendance at the King's chapel, Westminster was ordered under canonical penalties.² The absolutions which had been issued to Chambers, Capon and other ex-religious, schismatic bishops in January 1555 had all insisted that they take an oath to the pope which

1. Wilkins IV p. 130.

2. Ibid.

included their recognition of the obligation to attend synods called by the pope's legate.¹ Bonner wrote on 10 November asking for the names of the procurators to be returned to him by the 26th.; two days after this he was able to send the lists to Pole. Meanwhile the legate himself was keeping various people informed, especially the pope, through Morone.² The solemn celebration of St. Andrew's day, 30 November, provided the final preparation.

The opening sermons of the synod were given by Pole and Weston. The legate's is important in that it gives us his own definition of what he hoped to achieve; significantly the very first matter he raised was visitation.³ With references to Ezekial he went on to consider his own pastoral responsibility; 'this ys the relation I loke for now of you that wyth my presençe here I myght the bettre to do my cure that am set here as it were in chrystes place not coming in my name but in hys'.⁴ Characteristically, in a marginal addition, he notes that this calling is not only to know how others treat them, but also to admonish them of their charge. Again Ezekiel is used to speak of pastoral responsibility, which is only possible through obedience to the supreme pastor and through residence with their flock. He quotes St. Paul concerning the coming of 'lupi rapaces non parcentes gregi' and adds sadly that the wolf has already been and has not spared the flock; 'you know also how ther shall bene of you wych

1. From Dr. Pogson's thesis pp. 158-9 based on the legatine register 1, folios, 65-78.

2. There is an abstract only in CSPV^{Vl} p. 347 of a letter of 19 Feb. 1556.

3. Vat. lat. 5968 folio 1 r.

'Imprimis to show them the cause of the calling wych ys thys that wheras every yere by the custom of the lawes of the chirch th' archdeacon ys wont other to visytt them wer they dwel or^{eis} to send for them hither to render counts and make relation how they have served every on hys parische every on hys flocke thys holy tyme of lent. wych ys a preparation to easter to receve the fud of lyffe and how in the recevyng and how afterward. Thys I though best to be don in my presence that have the cure over al wych am com to know and see the chere of my floke. as scripture commandeth saying diligenter agnosce vultum pecoris tui.'

4. Ibid., folio 1 verso

have (taught) new thynges together disciples afterward'.¹ Doubts about important doctrines, he names the eucharist and the primacy, and about ceremonies have arisen from ignorance of the councils.

Covetousness is 'vetus crimen sacerdotium', but according to St. Peter ought to be far from them, but which 'heretykes use agaynst the church to wyn the feble sorte to them puttins before theyr yes abuses and specyally covetosnes of the prestes.'² Despite clerical scandal new doctrine is not justifiable 'as Chrystes wordes be facere quae dicunt', and Pole sees new teachings as arising from human frailty and concupiscence; he considers the need for law to prevent chaos and make it possible for men to live with one another.³

As he develops the theme of the need for law, Pole speaks of the place of true religion as a means of ministering justice and 'refraining' concupiscence, so that the greatest work of spiritual rulers is to supply true doctrine and knowledge of God's law.' 'Thus doying then you shal begyn to feale the frute of thys a peace to enioye it wych ys geven to you not al at once for the feebleness of our nature ...' Peace is another characteristic theme of Pole's and he advises them to win by their pastoral efforts now a peace which will be their consolation at the day of judgement.⁴

1. Ibid., folio 2 recto.

2. Ibid., folio 2 verso.

3. Ibid., folio 3 recto.

4. Ibid., folio 4 verso.

There are obvious resemblances in the sermon to themes from the Consilium and the Eirenikon; simony, clerical discipline and an unyielding attitude against change in doctrine. The heading in the manuscript is 'ad sacerdotes in synodo', and the material suggests that it was an early sermon;¹ the mention of lent in the opening paragraph could refer not to the time when Pole was preaching, but to the customary time of the archdeacon's enquiry. Another sermon from the same source, though entitled the same way would seem to be addressed rather to the bishops reminding them of what god has done 'for yor ordre pontificall to the consolation of the rest of the realme'. He sees the restoration as a miracle of the dead brought to life again, like St. Denis. To be sundered from the spiritual head breeds corruption and though others in history have offended in this matter, their offence is beyond all as done 'publico consensu'.²

1. Ibid., folio 8 recto.

2. Ibid., folio 8 verso.

There are echoes here of the reconciliation sermon of November 1554, and it was rather typical of Pole to lecture his bishops on their sins and god's mercy.¹

A final document concerning the synod seems to represent a schedule of matters which Pole wished to be considered; the legitimate way for bishops to exercise their office, their titles to their sees, the time-servers, the obligation to commend the reconciliation of the kingdom.² The note on the clergy calls for the removal of the unfit and the married; heretics are to be exhorted to return to the church to be taught a correct way of life. While penitents are to be welcomed, they are to be warned that further falls would be met with justice and canonical sanctions. Imprisonment of heretics and deprivation of married clergy had all begun before Pole's return, and since his return some of the Marian martyrs had already been done to death, so that the import of his note is quite clear. He also considers the question of apostates; as they are to be reminded of their vows and to seek through the legate a place in which to observe their religious life: it is clear that, in context, apostate is used in the canonical sense of a religious who has deserted his monastery or order, and that at this date Pole is already actively considering the re-establishment

1. There is a summary of the reconciliation sermon in Dixon IV pp. 268-70.
2. Vat. lat. 5968, folio 10 r. 'que omnia cum episcopis tractanda erunt'; the second paragraph starts; 'hoc uero ut recta fiat in hoc synodo considerando est' etc. He distinguishes between those who were bishops before the schism (and names Durham and Winchester); those made bishop in the time of schism whom he considers 'non intrarunt per ostium' and he names London as a prime example. Any defect in their title to office must be remedied by apostolic authority. The mention of Gardiner suggests Pole drafted this in the summer of 1555 before Gardiner's ill health became too obvious.

of some of the religious houses.¹ Bishops must heed St. Peter's warning to be a true example to their flocks; following the example of Peter they must regard the love of Christ as the only way of entrance to the flock; the true shepherd will show the same charity as Christ. In the interesting passage which follows it is possible to detect Pole's developing notion of a vocation for the priestly life as well as for the religious state.²

Notes tend to be a rather personal form of abbreviation, and neither the sermon notes or the schedule of matters for the synod are in any way complete. Despite this it is possible to see clearly Pole's intentions and order of priorities. Clerical responsibility, and most of all the duties of bishops are central to his thinking; penance and a restoration of the canons is the road to peace; simony is touched upon, and his own theory of the reformation in England as an act of betrayal by the king's counsellors is mentioned. The examples of Pole's readiness to lecture bishops and priests on their grave short-comings may be a further indication of the extent to which he regarded all reform as penitence and of his vision of the church in penance.

1. For apostate in this sense Gratian D.11. c. 22.q.3; and for the monasteries, D. Knowles, Tudor Monasticism (1959)
2. Vat. lat. 5968 f.12 r.
'Quare utrumque est vitandum illi qui vult intrare per ostium. ut neque satis putet legitimam vocationem ab hominibus. si sentiat se res (?) a cupiditate vocari. nec illi qui non sentit hac in re cupiditatem. qui contemnit vel non expectat (?) dum legitime vocetur ab hominibus sed utrumque habet (?) coniunhendum tanquam anima cum corpore ut quis agnoscat se vere per hostium intrasse etc. Quod est verum fundamentum omnium actionum quibus populus poterit edificari. Quod si episcopus in se prestat. et quantum poterit in religione clere ut idem fiat laboret. Inde (?) sequitur maximus fructus in populo. tum vere satis erit exersere canones. quos qui sequitur. non multum indigebit. alio monitete qui modum gubernandi doceat. ad salutem populi. addita praesertim assidua in omnibus diebus festi (ui)s predicatione uerbi cum exemple mutue (?) sui (?) et cleri etc.'

The general intention of Pole is also clear in his letter to Loyola of 15 Dec. 1555.¹ The synod is to deal first with disorders, and then with needs; in other words repentance and discipline come first. In writing to Philip Pole speaks of the matter of the reform of the church in England, and sees the synod as the first step in establishing the laws which bishops and clergy make in their own convocations without the presence of the legate.²

'Quid actum fit in Parlamento, ex Confiliariorum delectorum litteris Majestas Veftr intelliget; quae vero in Synodo, ad meum officium pertinet Majestati Veftrae perscribere, atque illus imprimis, quam neceffe fuerit hoc tempore Synodum, vice Legationis, qua fungor, convocare, non solum Ecclesiae Anglicae reformandae caufa, quae ab omnibus bonis vehementer expectabatur (neque ita commode fieri poterat) sed etiam comprobandi Decreta Epifcoporum, et Cleri, quae ii fine me facere infituerant in ipforum Conventu, quem mos est haberi quoties ad Parlamentum conveniunt.'

The implications here are interesting as they suggest the possibility of much of the material for the synod coming from the previous work done in Convocation, which in turn would reflect much of the work already done both by visitation and also by the early injunctions of the Queen. I have not been able to find any positive evidence that Pole himself was conversant with the details of the Reformatio legum ecclesiasticarum, but the members of the commission which Bonner had appointed in the October Convocation must

1. Quirini V p. 120.

2. Quirini V pp. 50-53; the actual quotation is from p. 51.

have known about these proposed laws. Their work was halted by the preparations for the National synod, but they would have come to it with many ideas already collected and discussed. It is therefore possible to see the synod as a blending of ideas, some from Italy and especially Giberti, and contributed by Pole; some from the English experience; and contributed by many of those participating. In the three following chapters, under the general headings of bishops, clergy and doctrine, I propose to study this mixture. To anticipate the detailed work, I report that I can find no direct dependence upon either Lyndwood and John of Athon. This would suggest that the actual drafting of the laws was probably the work of Caranza or Ormaneto rather than an English canonist.

There is no detailed history of the day to day working of the synod. The meetings seem to have varied between Westminster and Lambeth. The summons had been for the second of December.¹ On the 13th they were considering doctrine and 'the Institution of a Christian Man'; this was divided out for revision. On the 16th the sacraments were treated, the New Testament also was divided out for revision; and the Prolocutor exhibited a list of 'venerable words'. This was an attempt to deal with a problem which dated back to Tyndale, whose translation had introduced many new words. These were seen, by Thomas More and Tunstall among others, as an attempt to

1. Quirini V p. 229; CSPV VI.1 p. 245 ff would suggest that the synod began in November (which would be in conflict with Pole's instructions to Bonner to send the summons for Dec.), and this difference may perhaps be explained by a preparatory group, especially of bishops meeting in November. The convocation of Canterbury had also been in session.

challenge both the sacramental and hierarchical structure of the church.¹ This problem of finding words which were both in keeping with ecclesiastical usage and were good translations was to continue to be a major issue in scriptural studies up to the time of the Authorized Version. Meanwhile the latin vulgate would continue to have considerable authority not merely as an approved translation, but also for its legal influence, since there had been a connection between canon law and the vulgate.² The matter of biblical translation was further considered on the 20th December together with some of the problems of benefices. On January 20th biblical terminology shared place with the important question of cathedral schools, and the maintenance of scholars.

The meeting on the 21st was at Lambeth in the upper chamber 'in superiori Camera', and the subject was the problem of those clergy who neither minister nor attend Mass but obstinately stay away. On the 11th Feb, again at Lambeth, the Constitutions were read, the Mass of the Blessed Trinity celebrated, Watson preached in latin, and among other matters announced the prorogation of the synod to the 10th Oct.³ During all this time the clergy seem to have been meeting twice a week.⁴ There was a double reason for the prorogation; the immediate cause was to enable the clergy to return to their pastoral duties for Lent, but it was also hoped to collect further

1. J.P. Marmion 'Gregory Martin; the Origins and Influence of his Criticisms in Scripture xx (1968) pp. 107-114. The second edition of the Rheims New Testament refers to the 'Blessed confessor Bishop Tunstall' and the hundreds of mistranslations which he had noted. Tunstall preached at Paul's Cross (24 Oct. 1526) that Tyndale's New Testament was 'noughtelie translated'. In 1542 Gardiner was advocating a transliteration as opposed to a translation of the technical biblical terms.
2. The connection between the vulgate and law is noted in W. Ullmann, A Short History of the Papacy in the Middle Ages (1972) p. 13.
3. Quirini V pp. 227-230.
4. C. Wriothesley, Chronicle of England during the reign of the Tudors 2 vols. (edited by W.D. Hamilton for the Camden Soc. 1875 and 77), 11 p. 132.

information, especially on the difficult matters of finance and pluralities of benefices. It may also have been hoped that both the homilies and the catechism might have been ready in draft form for further consideration in the autumn.

Pole's own evaluation of the first session of the Synod may be seen again in his letters. To Philip he writes 17 Feb. 'prelati et il resto del clero hanno mostrato ogni bon desiderio et zelo dell honor et servizio di Dio'.¹ The important letter to Morone of 19 Feb. provided a summary for the benefit of the pope; Morone was able to reply that the pope, when he heard the account was full of praise.² Pole explains that a summary is necessary for the moment, 'perche i decreti, che si sono fatti non sono anchora in ordine per potersi mandare a Nostro Signore'. He sees the royal restitution of ecclesiastical property as a major help to the dioceses and parishes; he follows the decrees of the synod from the celebration of the faith and the authority of all the ecclesiastical laws; 'autorita di tutte le leggi ecclesiastiche, e parso necessario di restituirla con ricevere tutti i Concilii e Epistole decretali de Pontifici, et ogni altra legge, e traditione ecclesiastica approvata dalla Chiesa Romana'.³ In particular he goes on to mention infected books;

1. CSPV. p. 346.

2. Quirini V pp. 100-103. As Pole's letter to Morone in CSPV VI. 1. p. 396 is only a summary in English I give a transcript of the Italian original in an appendix.

3. Vat. Ottobon 3166, fo. 380v and 281 r. c.f. appendix.

his original brief had mentioned the papal bull 'Coena domini', and referred to the discipline of the last Lateran Council in regards to heretical works, and Pole is clearly following this up. He writes of the doctrinal statement and the reservation of the Blessed Sacrament in a tabernacle 'sub sero et clavi, sopra l'altare del modo di Roma'. The abuses in the benefices are touched upon, and the need for homilies to assist those who cannot preach. The whole question of clerical life is referred to, and the need for the dioceses to publish a compendium on the laws for the clergy.

'Si e anche ordinato che li Vescovi faccino osservare dal Clero subbietto a essi, le leggi Ecclesiastiche de vita, et honestate Clericorum riducendo le cose piu necessarie in un breve compendio, e pubblicandolo nelle loro Diocese'¹

The whole trend of the letter suggests that the proposed homilies and compendium of law on clerical life were a priority. Married religious, and collation to orders are covered, and he mentions simony in conjunction with the restitution of ecclesiastical property again; the important decree on seminaries is briefly touched upon and also episcopal visitation of the dioceses. All this is for the Pope's information.

The tone of the letter suggests that Pole sees his work as the reinforcement of existing or neglected laws, Pontifical or local, and the ecclesiastical traditions approved by the Roman Church. There is no suggestion that he intends to introduce new laws. He was faced with suggestions from a number of different quarters, and as he was neither a

1. Vat.Ottobon 3166,f.382r.

professional canonist nor a historian, he was probably not clear which among these suggestions did in fact amount to new legislation. It is also clear that in the middle of February 1556 he saw the necessity for further information about local needs before the legatine synod produced any more legislation. He had reason to hope that these twelve decrees would be the introduction to further laws for the good of the church. And in studying the legislation it is always necessary to keep in mind that it is unfinished.

It seems to have taken about three months to produce the full draft of the decrees for Rome. Some authors have commented upon Pole's latin in the wording of these decrees, but it is extremely unlikely that Pole had any part in it, since the process of drafting is the work of a canonist.¹ This Pole certainly was not. In May the longer version of the synodal decrees was sent to Rome in the hands of Ormaneto.

'Cujus exemplar Cardinalis (Polus) ad Pont. Max. misit, ut non priusquam ad eo comprobata fuisset, ederetur. Usus est autem ad eam rem egregia opera, Nicolai Ormaneti Veronensis, viri integerrimi, adque harum rerum peritissimi; qui item reliquis in rebus, cum apud eum Datarii munere fungeretur, in tota illa legatione magno illi usui fuit.'²

1. Dixon IV p. 459 'ample and florid'; H. Raikes, The Reform of England by the Decrees of Cardinal Pole (Chester, 1839) pp. vi-v 'unadorned ... want of elegance'.
2. L. Beccatelli, Vita R. Poli (London, 1670) p. 70.

Beccatelli who writes thus had once been in effect Pole's secretary, and was by 1556 bishop of Ragusa. We know that he was receiving letters which helped to keep him in touch with developments in England.¹ But this occasion he seems to be incomplete in his information, since we know from other sources that Mariano Vittoria of Reate was actually the bearer of the letter to the pope introducing the decrees.²

'Mi a parso opportuno mandari i decreti che si sone fatti qui a N.S. per il Mariano Vittorio, il quale potra darne particular conto a S.Sts. et d'ogni altra cosa che accorrese farle intendere et communicara prima il tutto con V.S.

Rna. per gouernarsi secondo L'amoreuole et prudente suo consiglio.'³

And later, some time in June writing to Scotto, Cardinal of Trani, he mentions that he has sent Mariano with the decrees and another writing on the subject. It would seem simplest to reconcile this evidence (though that of Beccatelli is the weaker) by presuming that both men went to Rome.

It has been further suggested that en route they called at Brussels to bring messages to Philip, and that there was further contact with Carranza's text. Speaking of the Roman edition of 1562, the longer version of the synodal decrees, Tellenchea Idigors³ writes;

'Of necessity, this last one (i.e. 1562 text) is the one which is most definitely similar to that of Carranza, which is inexplicably found after his time in the Vatican Archives. This anomaly has

1. So Priuli to Beccatelli, 15 Dec. 1556.
2. Quirini V pp. 19-20.
3. CSPV. VI.1. p. 471 c.f 472 and 530.

persuaded me to venture the hypothesis that Ormaneto (himself known to Carranza in England, and who passed through Flanders on his way to Rome when Carranza was already Archbishop of Toledo) brought both texts to Rome, and that in many Roman retouchings he influenced the autonomous Carranza text and still more the definitive editing of the English Synod concerning pastoral visitation.¹

There is also the possibility that in the publishing of the text in 1562 some editing was done by Morone. Borromeo stated in a letter to the legates at Trent in July 1561 that Morone did not wish the text of the De Concilio to fall into the hands of anyone until he himself had corrected it and had it printed. As it was printed together with the Reformatio Angliae, Morone may have been correcting that too.² Only a study of the original manuscripts can give any further light here.

1. By Tellechea Idigoras in Anthologica Annua 12 (1964) p. 215; 'Precisamente este ultimo es el que ofrece semejanza mas rigurosa con el de Carranza, que inexplicablemente se encuentra fuera de su proceso, en el Archivo Vaticano. Esta anomalia me ha inducido a aventurar la hipotesis de que el proprio Ormaneto, concido de Carranza en Inglaterra y que paso por Flandes camino de Roma cuando ya aquel era arzobispo de Toledo, trajo ambos textos a Roma, y que en los amplios retoques romanos influyo aun mas el texto autonomo carranciano en la redaccion definitiva del decreto del Sinodo ingles sobre la visita pastoral'.
2. C.f. Borromeo to the legates at Trent (26 July, 1561) in J. Susta, Die Romische Kurie und das Konzil von Treint unter Pius IV, 4 vols. (Vienna, 1904-14) 1.p.65. I owe this reference to J.A. O'Donohoe, Tridentine Seminary Legislation (Louvain, 1957). He gives an account with detailed references of the printing of the De Concilio and the Reformatio Angliae in pp. 142-5.

Thus after the long delay of his return Pole had at last been able to turn to the work which was most especially his. The detailed study of his laws which now follows will show some worthwhile legislation which in many ways reflects Pole's own outlook, and brings into the English scene influences from abroad which for a change were from neither Wittenburg nor Geneva. As I lack the space to consider the twelve decrees individually, I group them as laws which concern the bishops, then the clergy, and finally a chapter on doctrine and devotion. It is unfortunate that so little is known of the actual synodal procedure, since it would have been instructive to see if this was a forum in which Pole was able to communicate and direct as he had been able to in the Viterbo circle. At least the behaviour of the Marian hierarchy at the accession of Elizabeth suggests that he achieved some real consolidation.

CHAPTER THREE

LEGISLATION FOR BISHOPS

The patristic ideal of the bishop had seen his role as that of the paterfamilias in the Christian community. The lives of many of the fathers of the church exemplified this, and from an early age the picture had a clear monastic element. The Liber regulae pastoralis of Gregory the Great describes equally the life of the priest or the bishop, with the basic maxim applicable to both: *ars est artium regimen animarum*. But from the earliest days there were departures from the ideal. Augustine meditating on the Two Cities also wrote of those who were not true pastors.

'There are some who hold pastoral chairs that they may shepherd the flock of Christ, others fill them that they may enjoy the temporal honours and secular advantages of their office. It must needs happen that these two kinds of pastors, some dying, others succeeding them, should continue in the Catholic Church to the end of time and the judgement of the Lord.'¹

From the earliest time bishops and popes had on occasions been obliged to take a part in civil responsibilities, and the break up of the Roman empire resulted in further pressure upon the spiritual leaders to become political leaders. In the middle ages as *clerici* and *literati* became synonyms, rulers turned to the clergy for their civil administrators. Bishoprics almost became a form of pension for civil servants. The aspiring cleric took his degree in 'utroque iuris' rather than scripture or theology, and the ideal of the bishop as the father of God in the diocese was often vitiated by the almost total absence

1. Augustine, epistle CCVIII, 2, 3.

of the bishop. The situation by the sixteenth century is summarized by Christopher Dawson.

'Throughout Northern Europe the bishops were both too few and too rich, too deeply involved in political activities and too neglectful of their spiritual duties. One of the most eminent English bishops of the early 16th. century admitted these shortcomings when he spoke of 'my cure wherein four several cathedral churches that I have successively had, there are two Exeter and Wells - that I never see and innumerable souls whereof I never see the bodies.' These abuses would not have been so serious if the religious Orders of monks and friars had been as active as they had once been. Now, however, the greater abbeys had become primarily great landowning corporations and the position of abbot, like that of bishop, had become a privilege conferred on the favourites of popes and kings, some of whom, especially in France, were not monks or clerics.'¹

Periodic reforms had tried, unsuccessfully, to remedy this situation. In the twelfth century theologians and lawyers had paid much attention to the qualities demanded of a bishop. With the authority of Gratian this became law, with biblical reference to 1 Timothy and Titus. These Pauline definitions were to become the centre of much controversy in the sixteenth century. But despite periodic attempts at reform the secularisation continued, and the Roman Curia became a prime example

1. C. Dawson, The Dividing of Christendom (1971) p. 70.

of the trouble which affected the whole church. The Catholic reform found in the Curia an objective which served for a time to unite many different reforming views, and the Council of Trent eventually achieved a reestablishment of the ideal of the pastoral bishop. But long before Trent there were a number of examples of this new type of pastoral bishops in Italy, men whose lives presented the ideal better than any legislation could hope to. Preeminent among these was Giberti of Verona. His example was to prepare for Trent in the same fashion as Borromeo of Milan by his example helped to implement the Tridentine legislation. Giberti went to Verona as bishop eight years after Contarini had written his De officio episcopi for his friend Pietro Lippomano in 1516. His contemporaries could see in the work the ideal, in Giberti the realization. Pole himself seems to have written a lost work on the same subject, and the earlier sessions of Trent had already touched upon the office and duties of bishops. Thus by 1555 Pole had no shortage of material. The previous century had produced some serious studies of episcopal responsibilities and duties; St. Antonini had written a Summa between 1440/54 on the duties of state of bishops, their pastoral visits, of collation to benefices and of the examination of candidates to orders,¹ and the first

1. P. Broutin, L'évêque dans la tradition pastorale du XVIe siècle (Bruges, 1953) pp. 23-4. 'The 12th. century had produced theologians and lawyers who paid much attention to the qualities demanded of a bishop. Gratian went beyond earlier canonists in expatiating on the subject, using the patristic material alleged by Ivo of Chartres and constantly referring to the Pauline definitions of 1 Timothy 3 and Titus.' Cheney, C.R. Hubert Walter. 185.

I have seen but not been able to use in detail the important work of Tellechea Idigoras, J.I. El Obispo ideal en el siglo de la Reforma. (Rome, 1963)

patriarch of Venice, St. Lawrence Justinian, (1456) a De Institutione et regimine praelatorum. This is very much a study of the interior life of those occupied with the cura animarum, studying the pastoral virtues of humility, purity of intention and the need for contemplation; 'without preaching prelates can hardly be saved; without exemplary conduct, it is impossible'.¹ Gerson also stressed the pastoral ideal, and the bishops major role in the life of the diocese. But the classical theological statement came from Bartholome de los Martyres as Archbishop of Braga. He wrote his Stimulus Pastorum for Borromeo;² at the same time Louis de Granada (1565) wrote his De officio et moribus episcoporum aliorumque praelatorum. Thus however great the prestige of Saints Antonini and Lawrence Justinian, the sixteenth century became the one in which the pastoral office of the bishop was best studied since the time of Gregory and Ambrose. Apart from the intrinsic value of the writings of Batholome de los Martyres and Louis de Granada this was due to the influence of Trent; in the writings of the Council the theme of the pastoral bishop is constantly found from start to finish. So before we turn to the details of the London synod, it is necessary to consider the teaching of Trent on bishops to 1555.

1. Broutin, op.cit., pp. 23-4.

2. Ibid., p. 97. Bartholome wrote to Borromeo (3 April, 1563) 'votre figure est constamment devant mes yeus; Je vous mi pris pour modele a cause de votre vie a tous egards vertueuse et louse de tous'.
a cause de votre vie a tous egards vertueuse et louse de tous'.

The extent to which Trent returns in 1562 to the problems of residence and ordination, preaching and clerical morals, indicates the grave extent to which the Council was unfinished when Pole held his London synod. Trent had already in the sixth session of the Council decreed that prelates must reside, but when treating of orders after Pole's death in the twenty third session residence again had to be considered. The sixth and seventh sessions of the council saw residence by the local ordinary as the cure for pluralists among the clergy, and the way in which to enforce clerical residence in the parochial benefices. Bishops were to preach, to reform morals, and to promote only the competent to benefices. Episcopal visitation was the key to clerical discipline. The almost monastic approach to episcopal living which was enjoined at Trent was intended at home in the diocese to be the example for the clergy.

'And since it behoves bishops to be blameless, sober, chaste, ruling well their own household, it (i.e. the council) exhorts also that above all things each observe sobriety at table and moderation in diet; and further, since there idle conversations are often wont to arise, that the reading of the Scriptures be introduced at the tables, even those of the bishops.'¹

This represents a restoration of part of the lectio divina, which was fundamental to monasticism, and which many of the devout humanists practised. The fourth session of Trent ordered bishops to control and

1. Schroeder, p. 13.

licence the publications of books within their dioceses; the fifth session considered preaching, describing it as the 'praecipuum munus' of the bishop.¹ But it was only after Pole's death that the council went into details about 'by whom and when the office of preaching is to be performed'.² However the basic principle that bishops are bound personally (if not lawfully hindered) to preach the gospel was already reaffirmed. This was merely repeating an ancient canonical principle, which had been solemnly restated at the IV Lateran council.³ The laws already existed, and there was sufficient principle in law to enable the church both to appoint suitable bishops and to see that they carried out their ministry effectively. But the secularization of authority in the church, and in Rome, and the vested interests of the canon lawyers themselves prevented these laws being effective. The need was for both a restatement of the laws, and new men to implement them. Men like Contarini and Giberti could not reform without papal support. But no council would be more than a dead letter without the bishops of the Catholic reform to bring again the spirit of Gregory VII or Innocent III.

Trent continually recognises these earlier laws.

'It is proper that prelates reside in their churches; if they act otherwise, the penalties of the earlier laws are renewed against them and new ones are prescribed.'⁴

1. C.T. IX, 987 ff.
2. In sessio XXIV cap.4 de ref. and canon 6.
3. IV Lateran c.10 (and c.f. c.15) de off.jud.ord.1.13.
4. Schroeder, p. 46.

It was willing to admit the sad state in which ecclesiastical discipline was in and declared itself as wishing

'to restore a very much collapsed ecclesiastical discipline and to reform the depraved morals of the clergy and the Christian people.'¹

The chief way in which the council envisaged this being achieved was by bishops residing in their dioceses and visiting the parishes. The old canons against absent clergy would then be invoked. Continuous absence for six months would automatically result in the forfeit of a quarter of the year's revenue; the bishop's permission would be required for the absence of a benefice holder.² The council is somewhat vague in the matter of the frequency with which a bishop shall visit, using the phrase 'as often as this is necessary' which is so open to a lax interpretation as to be bad law.³ Trent is much more precise in defining a bishop's duties and obligations in conferring orders and benefices. It also states a definite time within which pluralists must resign all but one of their benefices.⁴ The power of the bishop is considerably strengthened when the council orders bishops' to apply themselves with prudence to reform the morals of their subjects' and goes on to add that 'from the correction of the

1. Schroeder, p. 46. The latin has 'ad restituendam collapsam admodum ecclesiasticam disciplinam, repravatosque in clero et populo Christiano mores emandandis se accingere volens': this phrasing suggests the Consilium of 1536 and Pole's Eirenikon at Trent.
2. Schroeder, p. 48.
3. Schroeder, p. 49. The matter occurs again in Trent in sessions 24 and 25.
4. Schroeder, p. 55. Pluralists are to resign within six months if the benefice is subject to free disposal by the Apostolic See, or within one year for other cases.

bishop there shall be no appeal'.¹ Previously exemptions and privileges granted by Rome so tended to undermine the authority of the ordinary that Giberti and Seripando had both found that reform was impossible without strong papal support. Thus had the earlier sessions of Trent considered in some detail the duties of a pastoral bishop. It was to speak again, and at some length on residence and ordination, preaching and visitation and the life and conduct of clerics, and was even to return to the subject of the households of prelates.² The last reform session of Trent, before the London synod, the fourteenth, was concerned with the bishop's duty to admonish their subjects especially those appointed to the cura animarum. To make this both possible and easier the bishop is given powers to block access to orders, to suspend, and it is made clear that all are subject to the correction of the bishop.³

In considering Pole's legislation as it concerns bishops, it is useful to distinguish the laws which concern the bishop's own life and household, and those which deal with the bishop's government of his diocese. The latter provide the outline of the visitation articles which would be the principle means of making the London synod into effective law. The former give a general picture of the bishop

1. Schroeder, p. 81. The Council bases its law on 1 Peter 5, 2 and C I-9.D.XLV in the Corpus Iuris Canonici.
2. In the 25th and last session of Trent (1563); the council thus returned to a theme which it had treated in its second session some seventeen years previously.
3. The Tridentine legislation on the office of a bishop in admonishing their subjects is based on C 13,X.De off.jud.ord.,1,31 and C.6.D.XXV.

which may be contrasted with that found in canon law, and in pre-Tridentine reform especially in Italy.

The first paragraph of the third decree of the London synod is a clear statement of the most basic principle of the Catholic reform. The decree is on residence, and this first section is addressed to Pole's own hierarchy.

'Whereas the reformation of the Church must begin with the reform of those that are charged with the care of others; and whereas among those also this abuse flourishes, namely, that many of them do not reside in the churches that were committed to them but relinquish them to hirelings; which thing is the cause of almost every evil that has arisen in the Church; wherefore, that this abuse may, in so far as it can be done by the offending parties themselves be taken away. Firstly, all those that do preside over metropolitan and cathedral churches and over churches of inferior rank where there is cure of souls, we do very earnestly exhort in the Lord, and by the bowels of the mercy of Christ we do adjure and oblige them, that taking heed to themselves and to the whole flock, wherein the Holy Spirit hath placed them to rule the church of God, which he hath purchased with his own blood, that they apply themselves to the keeping of their own sheep whose blood will be required at their hands; and they they show themselves to the same flock, as in duty bound; and that refraining themselves from occupation with the solitudes of temporal affairs, they do labour to be vigilant, as the Apostle

enjoins, and in all things to fulfil their ministry. And moreover, since it is often observed that fear of penalties will move to the fulfilment of duties where the fear of God had no effect, we do now republish all those constitutions, whether general or particular to this kingdom, enacted against those who do not reside; the which also are in addition decreed to be extended in such manner as to provide that the contumacious be deprived of their other benefices and compelled to reside; but it shall be lawful for ordinaries to grant temporal dispensations for reasonable cause and in the situations and cases by law allowed, as provided by the canon of Pope Gregory X of auspicious memory, in the Council of Lyons.¹

The sixth session of Trent in 1546 had considered the obligation of residence in the months just prior to Pole's departure from the council; the matter was again debated before the approval of the decree on residence on 12 Jan. 1547. The stricter theologians had followed Cajetan in arguing that the obligation was based on a ius divinum. This was the view which Pole himself supported, and to which he had subscribed in 1537 in the Consilium. Pate was also of the same mind.² There are phrases in this opening section of the third decree of the London synod which are reminiscent of both Trent and the

1. This is my own translation from the Roman text fo.11v and 12r. The Cambridge edition (in Cardwell Syn. 1.p.180) is equally clear and makes it quite definite that this is addressed to 'archiepiscope et episcopi et caeteri curam animarum habentes'.
2. Jedin, 11. 326.

Consilium. The reformers of 1537 had been saying that 'the bishop's duty is to tend his own flock the abuse that first and before all others must be reformed is that bishops above all and then parish priests must not be absent from their churches nearly all the shepherds have departed from their flocks, nearly all have been entrusted to hirelings.' The Consilium had referred to 'some laws and decrees which provide that the bishop shall not be permitted to be away from his church for more than three Sundays'.¹

The general law of the church concerning residence went back as far as Nicaea in 325 and from the council of Agde in 506 had eventually passed into Gratian. At the Lateran Council of 1180, Alexander III had allowed absence for study only: in 1216 Innocent III had legislated on residence as also Gregory X in 1273.² Canon Law certainly enjoined residence. But ecclesiastical practice had hardly upheld the law. So the real test of either Trent or the London synod was whether reforming bishops could enforce the sanctions. This required freedom from papal dispensations which favoured either pluralism or prolonged absence, and also a political situation which left a bishop free to return to his diocese. By 1555 papal dispensations were no longer easily available, and the regulations of Paul IV continued this good policy.³ The political

1. Olin, p. 191
2. From Naz, article on residence in vol.III, with a major reference to Gratian caus.vii q.1.c.19,26,29. Further references are in Jedin 11,317,note 1.
3. This is clear from the Regulae Cancellariæ of Paul IV, 1555, c.f. appendix.

situation in Marian England was such that the total withdrawal of the bishops to their diocese would have been a disaster. And while Pole refused to follow Gardiner as Chancellor because he wished to be a resident bishop, his duties as legate to the county often demanded his absence from his diocese. Regardless of this decree the bishop of Bath and Wells accepted the presidency of the Council for Wales, and the archbishop of York became chancellor on Gardiner's death. Clearly it could create a dangerous vacuum if so many posts which traditionally had been held by clerics were simply abandoned. And the difficult financial situation of the Marian reign did not permit of an alternative source of revenue, so that clerics who were serving the country could be independent of benefices. The Consilium had argued that the office of Cardinal (as consultors in church government) and of bishops (as a pastoral responsibility) were incompatible,¹ and to make the London synod immediately and totally effective some similar distinction was needed. But to bring this about required not legal skill, but considerable diplomacy. Pole's only effort in this particular matter seems to have been his own example of refusing the chancellorship, But as this was taken up by the archbishop of York (with no show of scruple), the legate's example would probably be considered to be merely a matter of personal preference. Others

1. Olin, p. 191. 'In the first place, because the offices of cardinal and bishop are 'incompatible'. For the cardinals are to assist your Holiness in governing the universal church; the bishop's duty however is to tend his own flock, which he cannot do well and as he should unless he lives with his sheep as a shepherd with his flock.'

besides Manutius had seen Pole as 'pure from all ambition'; so his action in regards to the chancellorship was open to easy interpretation in this fashion.¹ His example alone could not be sufficient to break the deadlock between pastoral needs and political expediency. It is difficult to know if time would have been in favour of the law and its better fulfilment by the bishops. Their visitation articles and general reputation in this matter show it was far from ineffective. It was not all that the Catholic reformers would have wished, but this is due to the political situation rather than to any defect in the law. Pole was facing the same difficulties which caused him such trouble at Trent; the gaps between the ideal and real life.

Trent had renewed the old canons against non-residence,² and had decreed an automatic loss of a quarter of the year's revenue for anyone who was contumaciously absent for six months.³ The London synod is considerably stricter in its law.

'If anyone should be absent from his church, archdeanery, or college beyond a short term of absence conceded by church law and custom, then it shall be in the power of his ecclesiastical superior to punish him by subtraction of the fruits that accrue

1. Manutius, Epist.ad Saulium,1, quoted in M. Haile, The Life of Reginald Pole (1911) p. 177.
2. The text is in Schroeder, p. 46, and an account of the prolonged debate in Jedin, 11 chapter IX. pp. 317-369.
3. Schroeder p. 46. The old canons against non-residence are to be found in C.20C.VIII. a.1. ff;tit X De cler.non resid.,III,4 et in VI,III,3. This is covered in Lyndwood pp.130-134. The constitutions of Othobon had demanded an oath of continuous residence from vicars, c.f. Lyndwood, supplement p. 25 ff.

to him by reason of his tenure of such office, dignity or prefecture, in proportion to the time of his said (unlawful) absence, and to convert and apply the said fruits and proceeds to the hospitable purposes of the cathedral church, or to the maintenance of students, where provision is or shall be made for the same.¹

The London synod here is clearly dealing with the absence of the lower clergy, and does not seem to face up to the problem of absentee bishops. But the law is notably stricter than that of Trent; the absence 'ultra uacationem, ftatutis ecclesie fibi conceffam ab eccleflia' is clearly a short absence and may be defined as no more than three weeks.²

The penalty envisaged is proportionate to the absence, and so following Trent's case of one absence for a six months period would double the penalty. Both the Cambridge manuscript and the Roman text use the same term, *vacatio*, here.

With the bishop resident in his diocese, his first concern must be his own obligation to preach. His pastoral duty principally consists in 'preaching the divine word';³ this is a clear echo of the Tridentine

1. Translated from the Roman edition folio 12v.
2. Ditto: compare the Consilium in Olin p. 191; 'some laws and decrees of some Councils may be read in this regard, which provide that the bishop shall not be permitted to be away from his church for more than three Sundays.' As absence and pluralism are connected, it is interesting to note that when Watson (then dean of Durham) was appointed to Winchester Pole gave him a dispensation to hold the deanery as well 'pro tempore in commendam' with his bishopric as the see was too poor to support a bishop (29 May, 1557). C.f. T.E. Bridgett, Sermons on the Sacraments by Thomas Watson (1876) p.xlv.
3. The Roman text, folio 14 v reads 'nifi iidem pafitoris officio fungantur, quod potiffimum in diuina uerbi praedicatione confittit'.

attitude to a bishop's duty. As the Consilium does not treat of preaching as an episcopal duty, Trent is clearly Pole's major source here. Both Trent and the London synod stress that it is a personal duty which can only be delegated if the bishop in question is lawfully hindered. Trent had commanded that those who are lawfully hindered must 'appoint competent persons to discharge beneficially this office of preaching'; the London synod becomes more specific speaking of those who have been negligent in this duty 'for the space of one month',¹ and providing that some other fit person discharge the duty and be paid from the benefice. Both Trent and the London synod envisage preaching on Sundays and feast days. The types of lawful impediment which would hinder a bishop from preaching would include legitimate absence, or physical inability. Giberti at Verona was unable to preach as his voice was too weak, and some of the reports of Pole's sermons suggest that he was hard to hear. But the gravest disability which Pole faced in England was the lack of educated preachers among his clergy. This is a subject which is considered later in the context of the homilies.

Much of the mediaeval laws about preaching is to be found in the tracts on heresy, or in the context of disputes between seculars and regulars about whom may preach and where.² The great change in Trent and the London synod is to place the whole matter again in its rightful pastoral context, and to see it as a prime duty of bishop and priest; the real revolution is not in the law, but in the new outlook.

1. The Roman text, folio 15 r; 'per unius mensis spatium suo defuerit', while the Cambridge text in Cardwell Syn. p. 184 is rather less definite; 'qui vero hoc favere neglexerint'.

2. Lyndwood p. 288 ff, de haereticis et schismaticis, and page 336 de poenitentis et remissionibus.

This was a vast change from the preceding centuries in which an observer might have concluded that preaching was an office more attached to religious orders than to bishops and parochial clergy. It is here seen as the prime duty of the pastoral office.

The household of the bishop was to be a model for the clergy. The picture given in the fifth decree could be that of the household of Giberti or the first thoughts of Trent on the subject;¹ it also contained elements which had been a part of Pole's own household for many years.²

'By the bowels of the mercy of Christ we do admonish, we do adjure and entreat the Archbishops, the Bishops, and every other prelate of the churches of this kingdom, that they do live as the Apostle teaches, blameless, sober and chaste, and their life and conversation be to others an example of virtue and a life of discipline. Let them not use any feasts or luxury, nor any silken clothes, nor fine furnishing. Let their table be spare and frugal, nor more than three courses, or at the most four, by reason of the climate; and this we concede, not because we approve of it; besides fruits, dessert, nuts or confectionery, which may be added if there be guests or visitors at table: and let the condiments thereto be charity and the reading of holy books and pious sermons. Let them not keep many servants, nor many horses; and let them abstain from much luxury.'³

1. Schroeder, p. 13 for the Tridentine text.
2. Quirini, 11 pp. civ-cv; this is considered by W.F. Hook in his Lives of the Archbishops of Canterbury, VIII (1868) pp. 124-5.
3. From the Roman text folio 16 r and v. The Cambridge text, though notably shorter is substantially the same.

The decree goes on to require the bishop to be responsible for the members of his household and their behaviour; surplus income is to be distributed to the poor. The bishop is to be a 'father of the poor, a refuge for orphans and widows, and for the oppressed a shield'; he is to be free from secular business and devote himself to pastoral duties and sacred learning. Like the rest of the clergy the bishop is obliged to make an inventory to protect the property of his benefice.¹

The picture of the pastoral bishop in the London synod is given with greater detail than in the Tridentine legislation. Pole's main inspiration was Giberti. If he knew the more intimate details of the household of St. John Fisher, it could have been a description of that household too. The contrast with a Wolsey is extreme. While many bishops were not princely and worldly magnates, few were saints. On the whole the early sixteenth century had seen few bishops to fit the description of the fifth decree. To achieve it in practice, as distinct from making laws about it, would require spiritual leadership of a high calibre, assisted by some form of spiritual training. Many of the bishops of the Catholic reform in Italy had come from the newer orders; the Theatines were a nursery for bishops. Much of the initial reform at diocesan level, among the secular clergy, was spearheaded by groups of religious. Pole lacked these resources, and there is no indication as to how he hoped to achieve his ideal without their help. But some of his bishops certainly left a reputation which indicates considerable progress towards the ideal. Goldwell

1. From the Roman text folios 22 v and 23 r; the Cambridge text in Cardwell Syn. 1. p. 191 is equally clear.

died in exile in Elizabethan days, after working as a liturgical expert on one of the commissions which followed Trent: his reputation was that of a holy and devoted bishop.¹ William Glyn whom Pole appointed to Bangor was celebrated in Welsh verse as a 'shepherd of souls and a pillar of the faith'.² Seven of the Marian hierarchy had suffered either imprisonment or deprivation during the reign of Edward VI; Bonner, Tunstall, Gardiner, Day, Aldrich, Heath and Thirlby. Those who remained at the accession of Elizabeth were to prove themselves firm in the face of various inducements. Scott, Pate, Christopherson and Clynog, together with Pate became the founders of the group of recusant theologians at Louvain.³

By comparison with many hierarchies of the mid sixteenth century, the Marian bishops were 'respectable' as pastoral bishops. Certainly the grosser abuses were no longer flaunted. If none of them were candidates for canonization, the behaviour of all except one at Elizabeth's accession showed such resolution that they could rightly be regarded as confessors. Their behaviour was a source of embarrassment to both the government and the reformers. Jewel wrote to Peter Martyr;

'The bishops, rather than abandon the Pope, whom they have so often abjured before, are willing to submit to anything. Not, however that they do so for the sake of religion, of which they have none, but for the sake of consistency, which the miserable knaves now choose to call their conscience.'

1. Horton Davies, Worship and Theology in England, 1. From Cranmer to Hooker, 1535-1603 (Princeton, 1970) pp. 136-8.
2. Glanmor Williams, Welsh Reformation Essays (1967) p. 53.
3. C.f. Philip Hughes, 'A Hierarchy that Fought' in The Clergy Review, 18, 25 (1945), and the DNB accounts of the individual bishops.

And he goes on to add:

'the mass priests absent themselves altogether from public worship, as if it were the greatest impiety to have anything in common with the people of God.'¹

And he made a further comment in the same vein after he had made a tour of some of the southern towns, Reading, Abingdon, Gloucester, Bristol, Bath, Wells, Exeter, Cornwall, Dorset and Salisbury.

'If inveterate obstinacy was found anywhere it was altogether among the priests, those especially who had once been on our side. Let them make what disturbance they please, we have in the meantime disturbed them from their rank and office.'²

While Jewel can not be regarded as an unprejudiced witness to the motives and intentions of the bishops, he is certainly clear evidence as to both their constancy, and the effect it had upon some of the lower clergy. The contrast with the Henrician hierarchy is striking. Much of the difference is attributable to experience of reform in the reign of Edward, but in many ways it indicates a development among the bishops towards the ideals expressed in the London synod. Given a decade or two a hierarchy could have developed which would have been comparable with most of the new Counter Reformation hierarchies, and

1. The Zurich Letters or the Correspondence of several English Bishops and others, with the Helvetian Reformers, during the reign of Queen Elizabeth (Parker Soc. 1846), 1. p. 39.
2. Ibid., p. 45.

which could have taken a significant part in the final sessions of Trent.¹

The other aspect of the legislation of the London synod concerns the bishop's work in his diocese. Most of the laws in the synod are for priests and people; it is the bishop's function both to promulgate them and to see they are carried out.² He is also responsible for the general celebration of St. Andrew's Day to mark the restoration of Catholicism.³ And he is also to assist in the general control of printing by issuing an imprimatur (without charge) for any book published within his diocese.⁴ The Decree of the last council of the Lateran in 1512 had by the time of the London synod virtually been replaced by that of the fourth session of Trent. This aimed to control the printing of both scripture texts and of commentaries. It noted that printers often publish with fictitious press names, or

1. C.f. T. Bridgett, Queen Elizabeth and the Catholic Hierarchy (1889), and G.E. Phillips, The Extinction of the Ancient Hierarchy (1905) both of which give details about the Marian hierarchy. However the details of the relation between the legate and the bishops does not seem to have been studied in depth. A.O. Meyer, England and the Catholic Church Under Queen Elizabeth (1914 and 1967) notes that the full rigour of the law was not put into force against the Marian bishops and sees this as political tact on the part of Elizabeth; c.f. pages 26-29.
2. This is in the prooemium of the Roman text.
3. Decree number one.
4. Decree number two.

with none, and often without the names of the author. It went on to decree;

'it shall not be lawful for anyone to print or to have printed any books whatsoever dealing with sacred doctrinal matters without the name of the author, or in future to sell them, or even to have them in possession, unless they have first been examined and approved by the ordinary, under penalty of anathema and fine prescribed by the last Council of the Lateran.'¹

The reference was to the bull 'Inter sollicitudines'. Trent proceeded further to require that in addition the works of regulars carry the approval of their superiors, and that in all cases the approbation was to appear in the front of the book. The bull 'In coena Domini' seems to date from the time of Honorius III (1227), and from the 15th century it was read outside Rome. In 1524 Clement VII had inserted a clause into the bull proscribing, under pain of excommunication, all heretical writings, notably those of Luther.² Pole's own bull from Julius III naming him legate and giving him faculties had referred explicitly to the bull. The step from the discipline envisaged in 'In coena Domini' to a system of imprimaturs is a small one and inevitable in the climate of the 16th century. Had Pole looked to the political scene the guidance was the same. The Royal Proclamation of 16. Nov. 1538 had sought to control printing in England, and the importation of

1. Schroeder, p. 19.

2. For Clement the article 'censorship' in NCE; for the 'In coena Domini' the article in F. Cross, The Oxford Dictionary of the Christian Church (1966) p. 684.

books. Royal authority was thereafter required for the more important religious books, and demanded 'the bringing in of popish rituals',¹ in 1549. The Crown proceeded to exercise authority in this matter immediately after the death of Edward VI. Control of the press was the order of the day in church and state.

It was also to be the duty of the bishop to promote the seminaries envisaged by decree number eleven. Bishops are required to set aside from the fruits of their diocese a fortieth part towards the expenses which the scheme would require; benefices with incomes of twenty pounds and upwards are also to be taxed in the same manner. In both cases allowance is made for tithes, subsidies and feudal dues. It is recognised that this was an additional strain on churches which in some cases were already impoverished.

"Though they be already weighed down by many other burdens, yet we are confident that their love of God and of his church, now much deformed for lack of suitable ministers, will urge them to accept this additional burden, though it be heavy." 2

The financial burden would be enough to check the enthusiasm of many of the bishops, who were also faced with expenses arising from the restoration of Catholicism, and had more than one additional call on incomes which were in some cases meagre.

1. Cardwell Doc. 1. p. 73 (for the order of Edward VI) and p.118 for Pole's Bull. P.L. Hughes and J.F. Larkin, Tudor Royal Proclamations (Yale, 1969) 11. p. 422 for Mary's act.
2. Roman text, folios 24v & 25r. 'Id quod eos, licet aliis multis oneribus grauatos, pro sua tamen erga Deum pietate, & in eius Ecclesiam, quae nunc ministrorum idoneorum penuria magnopere deformatur, officio, & studio haud grautim facturos esse confidimus.' The phrase is not in the Cambridge text. This exhortation is another token of Pole's assessment of the situation and his conclusion that the path to reform is through the improvement of the clergy.

While the school itself is to be governed by the chancellor of the cathedral church or 'some other suitable person', it is very much envisaged as being under the patronage and chairmanship of the bishop and chapter. The graduates of the school, after ordination, will be promoted to the cathedral to work directly under the bishop and the members of the chapter. It is the same authority which is to appoint some officers to actually implement the scheme, while any masters are to be examined by the bishop in person, who will indicate what books are to be studied.

"We do also decree that the bishop, together with the dean and chapter of his cathedral, do undertake the government of the school that is to be established for his youths; and let certain men be appointed that shall require that this present decree be observed by all that are bound so to do, within these boundaries and in those places, and under those censures and penalties, that the said bishop and his chapter shall have determined and decreed."¹

The phrase here 'certisque hominibus negotium dent, ut hunc cenfum ab omnibus, in terminis & locis, ac sub cenfuris, poenis, eorundem Epifcopi, & Capituli arbitrio, Ftatuendis, exigant' would rather suggest that Pole has in mind the creation of a new diocesan official as the promoter, and tax collector for the seminary.

1. From the Roman edition folio 25r.

The picture of the bishop's involvement with the seminary is clearly based on the model of Giberti. The 'Boni pastoris exemplum' of Francisco Zini is not an abstract discussion of principles of pastoral theology but a description of Giberti at work. Broutin's summary of some of the relevant paragraphs reveal Pole's major source.

"Un point domine tout: la presence de l'evêque. Il donne a tout de nouvelles impulsions. Il controle le choeur: par le "sacriste" et les "punctuarii", il exerce une surveillance efficace. Sa sollicitude va avant tout aux sujets en formation. Le seminaire devient sa creation de predilection. L'apres-midi des jours de fete, Giberti invite souvent les seminaristes en sa maison, pose aux clerics des cas de conscience et pique leur point d'honneur. (260) Avant l'ordination, ils sont examines un a un par son vicare general et par lui-meme. Les nouveaux pretres doivent celebrer la sainte messe devant lui pour temoigner qu'ils connaissent les ceremonies et lisent couramment le latin (266); et s'il constate que l'un d'eux est ignorant, il le confie a un pretre experimente et capable de l'instruire (267)."¹

Zini himself sent his Boni pastoris exemplum to England in 1555, and it is possible that Pole is using both his own knowledge of Giberti, for he had stayed at Verona, and also this study of the much admired 'homo apostolicus'. For his seminary Giberti had prescribed the

1. P. Broutin, L'evêque dans la tradition pastorale du XVIIe siècle (Bruges, 1953) pp. 45-6. He refers for Zini to the Giberti Opera of 1733 (pp. 253-296); the work was composed before the death of Giberti (1543), but not printed until 1573. Unfortunately Broutin gives no reference for the copy sent to England in 1555, perhaps to Ormaneto.

Summula peccatorum of Cajetan, and the commentaries of Aquinas on the four books of Sentences of Peter Lombard. Pole's vague reference at the end of the eleventh decree to the bishop examining schoolmasters goes on to add that the master shall 'be instructed concerning those books out of which shall be read in the said schools either for the advancement of knowledge or for the forming of the morals of the young'. The law has here been broadened to cover any school in the diocese, not just the seminary, and so Pole is not able in the law to specify the books to be studied. As he intended in general to add further details to the laws at the next session of the synod, this could well have been on the agenda.

While previous legislation of the universal church or of English provincial synods had contained suggestions about clerical education, there is nothing comparable to the seminary legislation of the London synod, and in particular to the relationship between the bishop and those in training. Giberti had been a living embodiment of a new ideal, and decree eleven attempts to formulate this as law. In the next chapter on clergy and the London synod, it will be possible to consider seminaries in further detail. For the moment the only aspect under discussion is the relationship between the bishop and the seminary. Cranmer and others had come to a similar conclusion in the proposed Reformatio legum ecclesiasticarum. The financing was to be the responsibility of the dean and chapter;¹ but the choice of teachers was a decision for the bishop. Twice a year the ordinary was to visit

1. Cardwell Ref. p. 116 'atque decano et capitulo erit curae, ut vel communibus ecclesiae redditibus, vel ex propria fructibus praebendarum, singulo quoque anno viginti librae numerentur ludimagistro' etc.

the cathedral school to observe the progress of the scholars; this would be a rather serious occasion with the possibility of some students being sent down.

"Bis unoquoque anno loci ordinarius puerorum progressus in studiis explorabit, atque tunc ingenia quae videbuntur ad literas nimis inepta excludet."¹

The control of books is envisaged.

"Mandamus etiam, ut in singulis scholis non alia ratio grammatices in usum assumatur, quam quae jam olim a nobis proposita fuit et approbata".²

The main duty of the bishop with regard to the cathedral school is to control and regulate it. As there are a number of obvious similarities, the question arises as to whether Peter Martyr had also brought some Italian experience of Giberti to the English scene. As the suggestions of the Reformatio legum ecclesiasticarum only existed in manuscript until Foxe published them in 1571, it is not clear to what extent Pole knew directly about them. Clearly his prime source was Giberti, and perhaps more as a result of Pole's own personal contact than from the Boni pastoris exemplum. It will be possible in the next chapter to consider something of the Jesuit contribution in clerical training. But inevitably as an independent order they did not consider the position of the bishop of the diocese and his role in the diocesan seminary at this date. Giberti in practice and Pole in legislation were responsible for this particular aspect.

1. Cardwell, Ref. p. 117.

2. Ibid.

Apart from the general duties of a bishop, especially that of preaching, there are few items in the twelve decrees of the London synod which are concerned with the immediate relationship of bishop and people. The major legislation of the synod is about the bishop and his clergy. Before turning to that, these other items may be briefly dealt with.

At the very end of the second decree a paragraph deals with the celebration of the dedication of churches. This was held annually on the first Sunday in October, and the legislation suggests that the pre-Lent carnival at its worst, speaking of the 'profane and irreligious usage of the multitude, vain spectacles, feasting, dances and acrobatic shows.' In 1536 the English Convocations had ordered that the feast of Dedication 'throughout this realm' should be kept on the first Sunday in October. This practice is still commonly kept in England where the actual date of the consecration of the church is not known, though no such feast is to be found in the calendar of the Book of Common Prayer.¹ Pole clearly regards the action of 1536 as merely a restatement of ancient law 'iuxta antiquum huius regni morem'. The legislation is merely concerned to ensure that the feast is a religious one, and the bishop is ordered to call on the secular arm, if that be necessary, to ensure a proper decorum.

The only other item in the London synod which is directly concerned

1. F. Cross, The Oxford Dictionary of the Christian Church (1966) in the article on dedication of churches, pp. 382-3; compare C.16,17,D.1. de cons..

with the bishop's direction of the laity is to be found in the twelfth decree.

"In each and every place or parish that shall be visited there shall be called out and appointed some four or five persons of good repute (and they may be more, if the number of the clergy and the people do warrant it), that be well acquainted with the lives and manners of the layfolk as well as of the clergy; and these shall be bound by an oath, that they shall lay aside all human respect, and freely make their deposition and report upon the said lives and manners of the layfolk and clergy; but except they be able to prove what they depose, the said deposition shall be rejected."

The Cambridge manuscript of the Synod merely gives some eight and a half lines for the twelfth decree, ordering visitation according to English tradition every three years by the bishop, or if he is legitimately impeded by a suitable delegate. It does not contain either the longer instruction as to how the visitation was to be carried out, or the numerous visitation articles. It would therefore seem that this refinement was not known to the English clergy. Many of the visitation articles from the Marian period are concerned with restoring the churches, and often seek to trace church furnishings which had been looted, for the settlement of the question of the church and abbey lands had not included the church furnishings, and the visitation of the parishes raised the question as to where these articles had gone.

1. Cardwell Syn.1. p. 160. The text then turns to the duty of the archdeacon, with references to Otto, Ottobuono and Innocent III. In 1529 as part of his programme of intimidation of the Church Henry VIII had attacked non-residence and encouraged the laity to inform by the lure of half the fine. Heath, P. The English Parish Clergy on the Eve of the Reformation, p. 49. Elton, G.R. 'Informing for Profit', CHJ XI. 149-67.

It is possible that this was the one of the initial reasons for getting a group of parishoners in each parish to provide information.¹ Bonner's articles in 1554 had been concerned, inter alia, with the repairs of the churches and the reestablishment of Catholic worship.² The Queen had provided the initiative in her instructions to the Bishop of London (March 1554) which had commenced, significantly, by requiring the previous canon law to be effective, and had concluded by asking the bishops to supply homilies, check schoolmasters and 'be seen to favour the restitution of true religion'.³ Bonner in ordering the restoration of Catholic worship had detailed some of the requirements,

"inter caetera, calicem, libras, vestimenta, vasa, ac alia ornamenta pro divinis obsequiis ac servitiis qualitercumque apta et requisita comparare."⁴

Presumably he knew enough to expect that many of these would be lacking, and the only means of finding them was to demand the assistance of the parishoners.

1. CRS.45,46 for Harpsfield's visitation of Canterbury in 1557, and Strype, Memorials, 11, pp. 183, 185, 218.
2. Wilkins, IV, p. 105-8.
3. Ibid., pp. 105-8.
4. Ibid., pp. 88-90.

The ancient canon law on visitation had been much concerned with the number of companions which the archdeacon (rather than the often absent bishop) might choose to bring with him. As the archdeacon might visit yearly this could be a considerable burden and had led to much legislation.¹ The great debate on residence during the early sessions of Trent had led to further study of visitation. In Carranza's instructions for Toledo there is an important parallel to Pole's directive concerning the establishment of a group of elders of the parish to be responsible for informing on the spiritual state. The Toledo document is later than the London synod. Carranza's policy here is either immediately dependent upon Pole's synod, or he suggested it to Pole and then placed it in his own instructions for visitation. He wrote;

"Seniores Parochiae ~~Em~~aminandi. Deinde sevocabit aliquos ex populo viros honestos (seniores) et boni testimonii in vita et moribus, et sacramento constringentur dicere quicquid contra fidem rectam aut leges Dei et ecclesiae in Parochia noverint vel audiverint factum esse, omni humano affectu longe semoto: (et juxta formam antiquam Patrum; iis aut similibus verbis admonebit eos); Videte, fratres, ut Domino reddatis Juramenta vestra, non enim homini jurastis, sed Deo creatori vestro. Nos ministri eius, non terrenam substantiam vestram sed salutem

1. Lyndwood, de Officio Archidiaconi ad v. 'visitatione' on page 49 b.

animarum vestrarum requirimus. Cavete ne aliquid adscondatis et ex alieno peccato vestra fiat damnatio.¹

This mode of procedure would seem to be indebted to the traditions of the Inquisition. Carranza refers to a number of sources in his general instructions for visitation, which include the Spanish Councils of Toledo, Tarragona and Braga, but also the relevant decree in Gratian, Clement V de vita et honestate clericorum, Innocent IV, especially the De Officio ordinarii, and the work of Dominic Soto OP., who had been the imperial theologian at Trent. In addition to this Carranza's own Ecclesiastica Hierarchia, in qua describuntur officia ministrorum Ecclesiae militantis had been written in 1551-52. This had already considered the office, function and obligations of bishops. The dates of this lend probability to the claim of Tellechea Idigoras that Carranza was one of the guiding spirits behind Pole's London synod, and possibly actually responsible for the drafting.²

In addition to the items which are scattered around the twelve decrees of the synod, the final decree contains a normal series of visitation articles, of which about a quarter directly concern the faithful of the parish. In addition to the normal queries about

1. J.I. Tellechea Idigoras, 'El formulario de visita pastoral de Bartolome de Carranza, Arzobispo de Toledo' in Anthologica Annua, IV (1956) p. 424.
2. J.I. Tellecho Idigoras, op.cit., pp. 392, 432-3 and 385. The best summary of pre-Tridentine legislation on episcopal visitation would seem to be A. Slafkosky, The canonical Episcopal Visitation of the Diocese. An historical Synopsis and Commentary (Washington 1941). In the 11th to 13th centuries most of the work of visitation is done by the archdeacon to whom most of the legislation is addressed (pages 18 and 29).

frequenting the sacraments and behaviour in church, there are two articles of special interest. One queries, whether there be any legacies for pious uses that be not yet carried into effect, and may be seeking for endowments which had not been swept away in the final years of Henry VIII or during the reign of Edward VI. The other asks, whether fathers of families do treat their families with generosity, and do train and educate (instituant and gubernent) their children to goodness, and their households to piety. This suggests Pole's continuing interest in education, though the humanists 'principle of 'latine loqui, pie vivere' must have seemed uncertain in the England of 1556. There is one indication, with which chapter three will conclude, which suggests that even Pole was coming to think that salvation was not from education. If this is correct, the accent in this article would be on piety rather than teaching.

As the London synod has little to say on the subject of the relationship between bishop and people, it is obvious that the major work of the bishop in his diocese was to be his direction of the clergy. This work was to begin before the cleric was ordained, when he was still in the process of formation. While in the seminary the student would have some contact with his bishop, and this would increase at ordination when he served in the cathedral church for a while. The authority of the bishop is to be exercised at two vital states in the process, ordination (and the examination leading to orders) and in the conferring of benefices. Apart from this the bishop will be specially concerned in the licencing of preachers, and seeing that catechism is taught at the

parochial level.

The sixth decree makes it clear that next to preaching the bishop's greatest responsibility is in ordaining the future priests.

"Now, next to the preaching of the divine Word, no greater responsibility is enjoined upon the bishop than the bearing in mind of the Apostolic command, 'Lay hands suddenly upon no man'; because where the diligence that such a thing requires is not commonly used, the result is contempt for ecclesiastical order, and a great diminution in the numbers that attend divine worship."

Once the seminary system could be established, it would be easy for a bishop to check upon the suitability of the candidates, and to ensure that they had the necessary education. In the past bishops on occasions ordained considerable numbers of candidates, not unusually running into hundreds; bishop Stapeldon of Exeter once ordained one thousand and five candidates, including acolytes and subdeacons.¹ Clearly under these circumstances in the past there could have been little or no control over the quality of the ordinandi. The sixth decree is concerned to put an end to this, and to ensure that until the more efficient system of the seminary is operative the candidates will be suitably screened. The actual phrasing of the decree directing the bishop to ordain any of his subjects who are suitable and wish to be ordained 'cum omni studio & caritate hoc munus exerventes, statutis a iure temporibus'

1. W.W. Capes, A History of the English Church in the 14th and 15th Century (1900) and John R.H. Moorman, Church Life in England in the Thirteenth Century(1945) p. 223 notes that 'a fairly large proportion of those who were induced into livings were not fully ordained, many of them being only in minor orders'. Ottobuono had legislated against this.

suggests that Pole is considering tightening the law even further. The statutes in force for the time being would allow of the ordination of a man provided he was suitable. The seminary decree speaks of supplying the estimated needs of the diocese.¹ Pole could be moving towards restricting ordination not only to those who were suitable, but also to those who were needed. Clearly a way of raising clerical standards is to restrict ordinations to the number of energy for whom full employment can be provided. Both a surplus and a shortage of clerics were threats to good order.

Pole is aware of the difficulties created by the larger groups of ordinandi. And so with this in mind he legislates concerning the examination of the candidates;

"Wherefore we do exhort and admonish in the Lord and do command that each and every bishop do himself perform this duty with all care and diligence. But where the diocese is large and the number to be ordained very many, the assistance of other persons may be required."²

Archdeacons and other officials are mentioned as being especially suitable to assist. Candidates are not to be sent to another diocese without a grave reason and prior examination. The law is carefully framed

1. Decree number eleven. According to the Roman text, folio 23 v the seminary was to supply 'the estimated needs of the diocese according to its means and its extent'. The Cambridge text (Cardwell Syn.1, p.191) reads 'seminarium quodam pro cuiusque proventu et diocesis magnitudine alere teneantur' with the same suggestion of equating supply and demand.
2. Roman text, folio 18v and the Cambridge text (Cardwell Syn.1.p.187) similar.

to ensure that no one slips through without scrutiny. The examining bishop and his assistants are given a number of criteria to keep in mind. These are basically the requirements of the traditional law, but for the sake of completeness is his drafting of this decree, and because of the frequency of neglect, they needed to be restated.

"In the examination of those who are to be ordained, the principal matter that is to have attention is that the candidates be not infected with heresy; or legitimate birth; and of the age and condition required by the sacred canons; that they be free from every defect that would by law impede their progress to orders; that they are of honourable report (vitae ac morum honestate & probitate commendabiles) as to life and morals, commendable as to their public behaviour; and give hope that they will be able to attain the knowledge requisite for each grade as they proceed to higher orders."¹

The Cambridge text lists the heads upon which the scrutiny is to be based with commendable brevity; fides catholica, aetas, mores, vita, eruditio, affectus, an sint de legitimo matrimonio nati, an in eis aliquis sit defectus.² This has a ring of Lyndwood about it, who had written 'debet enim examinatore inquirere de vita, genere, patria, aetate, institutione sive titulo ordinandi'.³ He is commenting upon the 'Cum quanta Reverentia'

1. Roman text, folios 18 v & 19 r.
2. Cardwell Syn.1.p.187.
3. Lyndwood, lib.1. tit 5 on page 33a in v. 'canonice examinatus'.

of archbishop Walter Reynolds of Canterbury (1913-27). The law follows the general law of the decretals, and had been urged by the legate Otto. Lyndwood notes that the archdeacon especially should share in this work.

To ensure that the examination is not a formality, but can be properly conducted, Pole requires the ordinands first to signify their intention to the bishop a long while before; (multo ante ordinationis tempus). This is to give the bishop time to make his own enquiries. A specified time would have been an improvement in the law. Trent was later to state a month, which is rather short. Five days before the time of ordinations, the candidates are to present themselves to the bishop, submit their names, and be available for examination on the following days. Lyndwood had previously spoken of examinations three days before ordination.¹ After being scrutinized by the bishop, the ordinands were to go to confession and submit to a similar scrutiny 'in foro interno' to see whether "it is be expedient that they abstain from proceeding to orders altogether". And "on the day of ordination they shall also receive the most holy sacrament of the Eucharist".²

It will be noted that this legislation is merely a vigorous restatement of the rather neglected law of the church. This had been called for in the Consilium of 1537, which had asked strongly for 'two or three prelates, learned and upright men, to preside over the ordination of clerics' in Rome and for bishops to be obliged under pain of pressure to follow suit.

1. Lyndwood p. 33a in v. 'canonice examinatus'.

2. Roman text folio 19 r. and Cambridge (Cardwell Syn.1. p.187)

Candidates were to be ordained only by their own bishops. The Consilium had concluded this recommendation with a significant line; "moreover, we think that each bishop should have a teacher in his diocese to instruct clerics in minor orders both in letters and in morals, as the laws prescribe".¹ The notable difference here between the laws and the Counter-Reformation development is in the rather negative approach. It would soon be expected of clerics before ordination to spend some days in prayer and recollection; a development inspired no doubt by the Spiritual Exercises of Ignatius Loyola.

Though in many ways the law is a typical renewal of the canons, it tends to be stricter, and with the changes in the Roman Curia exceptions to the law could not be so easily obtained. In many ways in the past papal dispensations had tended to destroy episcopal authority. ^{at} But/the time of the London synod episcopal authority was being strengthened by papal power, and the laws could thus be brought back into effective use. Pole both states them clearly, and sharpens them to his purpose. The sixth decree, once applied, could stem the ordination of unsuitable candidates, and so contribute towards the establishment of a respectable clergy. Of the nature of things this is rather a negative approach, though one which was badly needed. The positive inspiration could only come from spiritual formation. Examinations could hardly assess this, but the seminaries proposed in the eleventh decree could

1. Olin, p.188.

provide a suitable setting in which such formation could take place. The final problem was who would provide the spiritual leadership. Any view of the Catholic reform in the countries of Italy, Spain and France would suggest that it could only come from the religious orders. Evennet has noted that 'every successful movement of general reform within the traditional framework of Catholicism has invariably been accompanied, if not inspired, by reform and progress in what is technically called the 'religious' life.'¹ This remained the unsolved problem of the London synod. It could exclude; it could not inspire.

Most of the Tridentine legislation on the preparation for ordination, and the examining of candidates came in the twenty third session, after Pole's death. It makes the same requirements. The exam is stressed (diligenti examine praecedente idonei comprobabuntur):² and it is made quite clear that the bishop's work in ordaining the future priests is one of his major responsibilities. As there is little new in this legislation, there is no reason to suspect that it was greatly influenced by Pole's synod. The two decisive momentsⁱⁿ its development had been the Consilium and the work of Giberti of Verona. Nevertheless Pole's decree is significant as a part of the general movement to tackle the problems of the clergy in the right context, namely that of the sacrament of orders, and not (when it was too late) in the context of promotion to benefices.

1. H. Outram Evennett, The Spirit of the Counter-Reformation (1968) p.67.
2. For a summary c.f. L. Cristiani, L'Eglise a l'epoque du concile de Trente (Paris, 1948) pp.206-8. The relevant decrees are in Schroeder.

The seventh decree calls upon bishops to confer benefices without any regard to 'worldly' considerations, but only on spiritual motives. By an interesting piece of exegesis Pole assures his readers that St. Paul's injunction, 'Lay hands upon noone suddenly' applies not to ordaining but also to institution into ministerial office and duty; and so, concludes Pole, to a benefice'. The synod orders the bishop to make again diligent enquiry and examination of the clerics. The phrasing of the Roman version, about this second examination, 'multo quidem magis spectari debent (episcopi)', suggests that it should be even stricter. The Cambridge text does not have this implication. The points of examination are the same, except that the interstices between orders are mentioned, and suitability to the particular task is also to be considered. Further, when the benefice requires personal residence, the bishop must ensure that the candidate is free to reside, and obtain from him an oath so to do.

The bishop is also to keep a register, based on information from the universities and colleges, of those suitable for promotion. Such recommendations are not to be an excuse for not examining the candidates as well, but should assist the bishop to fill vacant benefices quickly and efficiently. Where a benefice has to be left vacant for a time, someone is to be made responsible for the care of the church.

The legislation is concerned to treat a benefice as a spiritual responsibility rather than a material investment. This was a major reform demanded in the Consilium;

"provision is made for the persons on whom the benefices are bestowed, but not for the flock and the Church of Christ.

Therefore, in bestowing parish benefices, but above all bishoprics, care must be taken that they be given to good and learned men so that they themselves can perform those duties to which they are bound, and in addition, that they be conferred on those who will in all likelihood reside."¹

Clearly the essential matter here is the bishop's control of the situation. Previously the multiplicity of patrons, and the ease of appeal to Rome had undermined episcopal authority. Pole was concerned to rationalize the parish finances, and extends to all who promote to a benefice the obligations of his decree. Canonical proceedings are to be instituted against anyone who fails in this matter; 'poenis canonicis contra eos, qui indignos ad beneficia promouerint, innouatis.' As so many benefices were not in episcopal hands, much depended on Pole's being able to enforce this. Even a devout and resident bishop might be powerless if lay patrons were able to scoff at the law. For the time being, with royal support, Pole must have regarded the prospect in this matter as satisfactory.

Mediaeval law had been greatly concerned to define the rights of those being presented to a benefice and of the patron of the benefice, and much of the law indicated the protracted disputes there had been over the subject. Lyndwood does note the requirements on the part of the person being promoted as 'aetas, scientia, mores et ordo'.² But when ordo turns

1. Olin, pp.188-9.

2. Lyndwood, p.139 in v. 'clericus et ordine'.

out to mean at least first tonsure the law is not very impressive, and it does not seem to have been followed up by an examination on strict lines such as Pole proposes.

The principles that Cranmer had elaborated in the Reformatio legum ecclesiasticarum accepted the fact of lay and crown patronage as inevitable, and endeavoured to ensure that candidates were examined. The ^{chapter} 'de admittendis ad ecclestica beneficia' begins stressing the departure from the apostolic ideal expressed by St. Paul to Titus and Timothy, and then even before speaking of the office of patron, there is a short chapter entitled, 'diligenter in ministros inquirendum esse'. It reads:

"omnes quibus aliqua ratione sacerdotium obvenit diligentissime ritu et praescripto legum nostrarum explorentur et pernoscantur, ne temere cuiquam episcopus manum imponat, et alienorum criminum particeps sit; nec admittatur ullus ad Ecclesiam administrandum, nisi prius rite fuerit examinatus."¹

It is not made clear here who has the obligation to conduct the examination of the candidate. But the law goes on to threaten patrons who are negligent in their office, and later to indicate what doctrinal standards are required, with a further chapter 'cognoscendum esse an haeretici sint'. The age required for the various ministries is defined; an oath 'forma juramenti ministrorum' was to cover both their way of life and belief (and to indicate that they never agreed to the tyranny of Rome),

1. Cardwell Ref. p.59.

and to promise (if they were not already in holy orders) that they would proceed to ordination in a specified time.

Because of the powerful position of the patrons, the bishop does not appear as prominent in this scheme of law as in the London synod. Some of the obligations which are stated often appear rather to be that which should be done than an obligation upon a specified person to do it. This could be a danger to the fulfilment of the law. The suitability of the minister would be under consideration at the time of visitation,¹ but a major effort to improve the standards of the clergy had to be made before ordination and before admittance to office. It would appear that the Reformatio legum ecclesiasticarum does not provide as much scope for episcopal action at the formative moments of the clerical life. It does, however, indicate that the problems were being considered on all sides of the Reformation divide, and that solutions (in law) which were at least similar were being developed.

The other major point of contact between bishop and clergy considered in the London synod concerns the matter of preaching. By the fourth decree bishops are to licence preachers within their dioceses, and they are to instruct them with regard to the content of their preaching. The first objective is to move the people to penitence (a favourite theme of Pole's since the De Unitate Ecclesiae): they then are to preach 'against the vices and abuses in faith and morals which have

1. Cardwell Ref. pp. 132-3.

flourished in the time of schism'. These are not specified. But as it is recognised that many are not competent to preach, suitable homilies are to be prepared 'in which care shall be taken to treat of those matters concerning which the sin is greatest here'. The question of the content of Marian preaching may be deferred to the chapter on doctrine and devotion. The concern here is the relation between bishop and clergy in the context of their mutual obligation to preach. It does not state that the obligation to prepare the homilies was an episcopal one, but that they were to be prepared by 'certain learned men'. The Queen had been more specific, asking the bishops to supply the homilies, as in the course of time both Bonner and Watson did. In March 1554 she had written to Bonner:

"I6. Item, That by the bishops of the diocese an uniform doctrine be set forth by homilies, or otherwise for the good instruction and teaching of all people; and that the said bishop and other persons aforesaid, do compel the parishoners to come to their several churches, and there devoutly to hear divine service, as of reason they ought."¹

As Bonner's Necessary Doctrine and Homilies seem to have been ready in 1555, Pole would seem to be thinking of yet another set of homilies. He is following the royal initiative, but would seem to be more inclined to moral than doctrinal preaching.

1. Wilkins IV p.90.

The synod is also concerned that it shall be an episcopal obligation to see that preachers are set around the diocese to cover places which are without an active preacher. Those who neglect the office of preaching for a month or more are to be fined: the obligation is to be fulfilled at least on Sundays and Holy Days, and is to be followed up by private counselling of the individual. This form of 'spiritual direction' would seem to be something new in synodal law. Equally the clergy are to hold catechetical instruction for the young on the same days.

The final matter of concern to the bishops is the presence of unlawful preaching in the dioceses. Kent had been the scene of activity by the Anabaptists in the reign of Edward VI, and London always attracted a selection of religious exiles. The older bishops would see in many of these activities traces of Lollardy. And the synod with this in mind reinvokes the bull 'Inter cetera' of Innocent III. The Provinciale of Lyndwood had treated preaching mostly within the context of heresy. This had immediately given reason for episcopal approval and the need to examine preachers.

"Nullus, nisi legitime examinatus & approbatus, verbi Divini Praedicationem assumat. Curatus autem omnis perpetuus a Jure commissus reputabitur; nec admissus, si suspendatur, ultra fe ingerat. Vicarii autem Curatorum, aut temporales, Curati praedicent solummodo cum precibus consuetis, quae in Constitutione 'Ignorantia' habentur; Examinatio autem gratis fiat. Transgressores & fautores pro Haereticis habeantur & excommunicentur."¹

1. Lyndwood p,288 ff. which is lib.V.tit.5 De Haereticis.

In the gloss Lyndwood makes it clear that it is an episcopal duty to examine and approve preachers, and he draws an interesting distinction between preaching 'per modum praedicationis aut per viam Monitionis (qua quilibet potest facere etiam Monachus)'.¹ The glosses also note that doctors of theology, members of the order of preachers and friars are authorized to preach by the common law of the church.² But once bishops were regularly absent from their dioceses, even if the examination of the preaching clergy was carried out by the archdeacon, the contact between bishop and clergy was lost. By the first half of the sixteenth century preaching at the parish level was not in a good state. The road to reform was rightly identified in the London synod; the resident bishop was to lead the diocese in this pastoral office. The context of the fourth decree, a pastoral one, is an improvement upon considering preaching as a second thought in a tract on heresy. The insistence upon the presence and care of the bishop in the exercise of the office is a return to good pastoral practice. The canons are refurbished and improved.

There remain a number of details, scattered throughout the synod, where the bishop is ordered to take action in matters which will concern his clergy. They are to exhibit dispensations to hold pluralities, and to present their oaths against simony to their bishop. He is to have a copy of their inventory, and is to see to the erecting of the

1. Lyndwood p.288 ad v. 'saecularis'.

2. Ibid., p. 289 ad v. 'auctorizatus est' and 'privilegio speciali'

tabernacle on the high altar.¹ In contrast to these scattered details come the Visitation articles in the twelfth decree. These concern the church in general, the clergy and the people. At the moment we are only concerned with the relation between the bishop and his clergy. In the articles, which are to be found only in the Roman version, the bishop is directed:

"When all these matters which pertain to the church have been carefully considered, enquiry shall be made next concerning the ministers of the church and other clerics: and firstly,
Item, whether they be validly and lawfully ordained?
Item, whether they are established in the orders proper to their office?

Next he shall enquire by what title the clergy do hold their parish or benefice?

Item, whether any of them be intruders?

Item, whether any do hold incompatible benefices without a sufficient dispensation?

Item, whether they do reside, and whether they do render satisfactory service in the duties of the grade of order committed to them, in the administration of the sacraments, in assisting at Mass, and in the celebration of divine office, and the keeping of anniversaries?

Item, whether they do desert their own churches so that they may attend others, especially upon festivals?

1. Roman text folio 11 r (Cardwell Syn.1.p.180) and folio 22 v and 23 r (Cardwell Syn.1.p.191).

Item, whether they do diligently feed their people with the wholesome food of the Divine Word, and whether they do teach the children the first rudiments of the faith?

Item, whether they have the necessary books for this purpose, and for the due performance of all other duties of a cleric?

Concerning their lives, Manners, dress, conversation and household, let enquiry be made;

Item, whether they do practice any servile work, such as is not permitted them? Whether they do resort to taverns or other common houses or places, such as be unsuitable to their state?

Item, whether they do keep watch over, and do carefully guard the goods of the church and her rights therein?

Item, whether they do assist the needy?

Item, whether they be men of peace, and whether they be diligent in putting an end to enmities and hatred?¹

These articles considerably extend the matters already mentioned in the synod, but rather in the matter of detail, than by introduction of new matters for consideration. Together with the material already surveyed they enable us to consider the picture of the pastoral bishop and his clergy in so far as it is sketched in the London synod. The bishop is firmly at the head of the diocesan administration, and his order of priorities is identified as preaching, ordaining and visiting. The immediate programme is to enforce the legislation of the synod, which

1. In the Roman text only, folio 26 r et v.

is mainly concerned with raising clerical standards, and producing a respectable clergy. This is not to be achieved by remote control, but by comparatively frequent contact between bishop and cleric; there is a danger in this that the bishop might be seen by the clergy as an ecclesiastical chief of police. In later years a disenchanted cleric was to attempt to assassinate St. Charles Borromeo. But given the need for clerical reform, there was no other way out of this problem. The bishop had to rule his diocese and his clergy, and this is no path to instant popularity. Yet Pole's attempt to improve the benefice system and make it realistic might have won sympathy, and the continued contact with bishops who were serious and sincere might well have won the admiration of many of the parochial clergy. Certainly the image of the bishop as the pastoral ruler in his diocese is a vast improvement upon that of the bishop as an ecclesiastical baron mostly concerned with matters of state.

There is a marked contrast between these articles and the ones Bonner issued for London in 1554. Naturally there are a number of items in common. Articles from different countries, or articles for Catholics or Reformed were all likely to ask if the clergy frequented taverns or were occupied in buying and selling.¹ But Bonner has three articles about married

1. For Bonner's articles c.f. J. Strype, Ecclesiastical Memorials (1822) 3ii pp.217-224. Article 9 (on p.219) and article 31 (on p.223) concern taverns and servile work.

clergy, and a further one about people ministering who had not been ordained.¹ His articles are much more controversial, and far longer than Pole's, which seen in this context are much more pastoral and detached from the controversies of the day. Clearly the problem posed by religious divisions in the England of 1556 could not be entirely ignored, but the contrast with the articles of Bonner suggest that Pole's articles in the synod are mainly concerned with the reform of his own clergy. The picture of the bishop which emerges from these articles would seem to be that of Giberti. The main difference in the path to Reform in Verona in 1528 and in London in 1556 was not the programme, but that Giberti, who prescribed the subjects for his preachers, was able to bring in many ^{other} preachers from outside his diocese, who were mainly religious. This too had its hazards, and the departure of Ochino in 1542 was a moment of danger.² With the shortage of native preachers

1. I. Ibid., articles, 2, 3 and 29; No. 15 asks; 'whether there be any person that doth serve any cure, or minister any sacraments, not being priest' etc. Elsewhere there is a suggestion of this, c.f. J. Strype, Ecclesiastical Memorials (1822) 31p.483 records from a visitation return that 'Sir Oswald Butler, late rector of Woodsall, still lived with his wife. He was never ordained priest, yet ministered all the sacraments in the late schism. He did penance.' The problems which the bishops faced may be illustrated from 'The Diary of Henry Machyn (1550-63)' edited by J.G. Nichols for the Camden Series in 1848. On page 8 under the year 1551 Machyn notes; 'the xxxvij day of July was the nuw bisshope of w..... was devorsyd from the bucher wyff with shame enog'. And on page 48, (under 1553) 'the xxiiij day of November dyd ryd in a c(art) Cheken, parsun of saint Necolas ~~G~~dabbay, (round) a-bowt London, for he sold ys wyff to a bowcher.' It is not necessary to seek to establish whether these items from Machyn are accurate; they adequately illustrate the situation with which the bishops thought they were dealing. The ancient outlook on clerical celibacy had been tersely stated by John Palmes writing to Cromwell (Jan.1539); 'a wife and a benefice may not stand together'. This is from G.R. Elton, Policy and Policy (1972) p. 42.
2. For Ochino c.f. H.O. Evennett's article 'The New Orders' in The New Cambridge Modern History, II, The Reformation 1520-59 (edited by G.R. Elton, 1968) especially pp.283-5; and for Giberti's prescriptions c.f. Olin pp. 145-6 and also his full constitutions tit.3 cap. 11 in the Giberti Opera.

upon whom he could call, and the growing resentment to the foreigner, Pole opted for the longer process and training a new generation of clergy. The foreign clerics used by Pole either in his own household or at the universities do not disprove this, since the situation is different. At a university level it could be hoped that the intellectual achievements of a Carranza or a de Soto could reasonably be expected to bridge the prejudice against a foreigner, and in the previous reign continental theologians had held posts at the English universities. In the running of Pole's chancery, the officials would be more discreetly placed than preachers moving throughout all the diocese of the country.

There are two final thoughts on the episcopacy from Pole; the first is the list of visitation articles for metropolitans. The archbishop is to establish if the bishop resides, preaches, sets an example, and is exact in ordaining and promoting to benefices. He is also to be careful in the appointment of confessors and punish the excesses of his subjects. His attention to the canons and constitutions is to be considered. Does he correct what he can and refer the rest of his problems to the provincial synod? The picture is entirely that which has already been sketched throughout the synod of the pastoral bishop. In many ways the most searching question is, do they live in conformity with ^{their} own teaching? An easy question to state, a difficult one on which to examine a bishop. It rather hints at the ideal than poses a practical question; it could provide a basis for excluding the more obvious vices, but it is really concerned with the practice of pastoral virtues.

The final thought from Pole on the work of the bishop comes in a letter written in the year of his death. He was no longer legatus a latere, and Cardinal Morone was under arrest in Rome. On the 20 March 1558 Pole wrote to Paul IV, and in this letter he defines his ideal bishop. He is to be a man of exceptional charity, and one who has a contempt for the things of this world; the means by which he will improve his diocese is prayer.¹ Giberti had showed a certain contempt for worldly promotion, and remained faithful to Verona. And Beccadelli in his life of Pole remarks upon his refusal of Soletto and his indifference to the papacy in the election of 1549-50. His gravitas had led a number of his contemporaries to see him as an almost monastic figure, certainly a recollected man of prayer. Pole's final thought on the episcopacy certainly echo some of the values of his own life, and those who, in Italy, had lived that ideal vita pastoralis which he tried to describe in law.

1. Quirini V.p.33 ff. The actual description of the bishop is on p.32.

CHAPTER FOUR

REFORM OF CLERICAL LIFE

An English priest who was in his forties at the beginning of the reign of Mary Tudor had witnessed the breach with Rome by Henry VIII, and then a series of changes which effectively showed what was involved in Royal Supremacy. Doctrinal changes did not occur till a decade or more after the breach with Rome, and it was only then that the full debate on Royal Supremacy really took place.¹ Although the Pilgrimage of Grace shows that the people were beginning to understand the extent of the changes as early as 1536, the full effects were to be seen towards the end of the reign of Henry, and in the theological discussion during the reign of Edward VI. A momentous and perhaps unnoticed change took place when a Royal Injunction of 1535 abolished both lectures and degrees in Canon Law; and the shift in power became clearer in 1536 when Cromwell issued a series of injunctions to the clergy over the heads of the bishops. These injunctions laid down in detail the way in which the new reforming principles were to be applied in the parishes. The bishops did not object and authority clearly belonged both to the crown, and to whom the crown chose to use.² When it came to the matter of surveillance, it would seem that Cranmer believed in the system even more than Cromwell.³ Henry seems to have considered the abuses in clerical life as early as 1529

1. Loades, D.M. The Oxford Martyrs (1970) p. 72.
2. Dawson, C. The Dividing of Christendom (1971) p. 113.
3. Elton, G.R. Policy and Policy (1971) p. 329 'curiously enough there is better evidence that Cranmer believed in a systematic practice of surveillance than that Cromwell did'. Page 256 deals with Henry's policy on reform.

when a statute dealt with both absenteeism and pluralism; offences were to be tried in lay courts, and the laity were encouraged to inform by an offer of half the fine. It is not clear to what extent this was a serious move towards reform or a part of the royal policy of intimidating the Church. But effectively it denied the immunity of the clergy, claimed since the 12th century, and recognised (though often disregarded) since the 15th century. Various Royal Proclamations and injunctions directed the clergy both in their faith, and their way of life: clerical dress was to be maintained; clerical marriage was forbidden; bibles were to be improved and the erroneous regard for Thomas Becket (declared a traitor) was to be dropped.²

The middle aged or elderly cleric at the beginning of the reign of Mary would therefore not have been surprised at the directions which came from the Queen, though these were instructions to the bishops for their control of diocesan life. After Wyatt's rebellion, in March 1554 Mary wrote to the bishops instructing them to deprive the married clergy and not to let ecclesiastical benefices be spoilt by unreasonable leases. She also noted (of the Edwardian ordinal) that the bishops should supply what is wanting in 'those promoted after the new sort and new fashion of orders'. This was followed in September 1554 by Bonner's visitation with a comprehensive series of articles.² When the subject of the queries for visitation is the life of the clergy rather than their teaching, there is considerable continuity over the thirty or forty

1. Heath, Peter. The English Parochial Clergy on the Eve of the Reformation (1969) p. 49 (and p. 119 for criminous clerks and immunity). Also Elton, G.R. 'Informing for Profit' in Cambridge Historical Journal, XI pp. 149-67.
2. Wilkins, IV pp. 86, 93, 140-42, and for Bonner, pp. 105-8 c.f. also Dixon, IV, p. 239ff.

years prior to the London synod. Different authorities were trying to deal with the same problems, and make the same comments about clergy and ale houses, problems of residence or alienation, preaching, debts and clandestine marriages. The country could be England or Scotland, the authority papal or royal, the problem remained basically the same.¹ The cleric who had been subjected to injunctions and rather infrequent visitations could be expected to develop an attitude of scepticism towards the law. What he could hardly be expected to know, on the eve of the London synod, was the detailed prescriptions of the ancient canon law as described by Lyndwood or as practised abroad. It was clearly the duty of a provincial synod to gather from many sources the laws which should govern clerical life, and to repromulgate them in such form that the clergy might be expected to be able to study them, and begin to follow them with the encouragement of visitations and ecclesiastical sanctions. The idea of the 'renewal of the canons' went back to the earliest days of ecclesiastical discipline, and was an established form of renewal and reform.² In seeking to begin his reform of clerical life in this fashion, Pole was acting in a thoroughly traditional fashion. It was a tradition which was both papal and English. For, from the conquest on, legatine synods had been a recurrent feature of English ecclesiastical life, from Herbert in 1072 to Wolsey in 1523, and the resulting legislation had left the names of Otho and Othobon as a major part of the legal 'Provinciale' of Lyndwood. The twelfth century English decretals, especially those of Canterbury had become a part of the general stream of canon law, and were used in all the great systematic collections. Both the legates

1. Compare the Scottish synod, Edinburgh, 1549 (Wilkins, IV pp. 46-60) and that in London, 1550 (Wilkins, IV pp. 60-1)
2. Ladner, Gerhart B. The Idea of Reform (Harvard, 1959) p. 298 ff.

and the decretals had been concerned with clerical life; and the resulting body of law was such that Colet, Fisher, More and Wolsey all regarded it as sufficient to reinforce the existing, but often neglected laws.¹ In view of the existence of this body of law, any addition to it by Pole must be regarded as significant. The English Protestant bishops especially during the reign of Edward VI had looked to Germany for their ideas. Pole had now returned with ideas from the Catholic reformers in Italy. How was this change in authority to effect the life of the English clergy?

In the synodal law, which was incomplete, Pole deals with clerical life under nine main headings; residence and pluralities; life and probity; education; approach to orders; provision to benefices; against concessions in presenting to benefices; simony; alienation of benefices and finally the clergy and canon law. It is necessary to consider his law separately under each heading.

The third chapter of the London synod considers together the question of both episcopal and clerical residence. The obligation of residence is strongly urged both on scriptural grounds (2 Tim, 4;5) and by all previous penalties against absentees being reenacted, but the possibility of a temporary absence sanctioned by the bishop is entertained. It was clearly a practical impossibility to insist on residence without any possibility of even temporary breaches. But Pole's law restricts absences to those provided for in the general canon law. The opening phrase of the third decree speaks of those who do not reside in their churches but relinquish them to hirelings (non residentes eas mercenariis relinquunt); the strong phrase was used in the Consilium (recesserunt a

1. Duggan, Charles, Twelfth Century Decretal Collections (1963) pp. 66 and 135. Cheney, C.R. English Synodalia (1968) p. 34. Heath, Peter The English Clergy on the Eve of the Reformation (1969) p. 124 (for Wolsey).

suis gregibus, commissi sunt omnes fere MERCENARIIS).¹ However in the Consilium the authors go on to mention laws which rule that a bishop may not be absent from his diocese for more than three Sundays; the London synod does not follow this, but is content to republish previous penalties against absenteeism. The special position of archdeacons and canons is considered; those neglecting their office are to suffer a loss of revenue or benefit proportionate to the time of absence. Pole has the problem of the ecclesiastical student in mind, so that he directs the revenue from fines to the support of the schools and explicitly provides for absence for studies, given suitable supervision.

To bring the holdings of incompatible benefices to an end a time limit of two months is set. Within this period anyone with incompatible benefices must resign the benefice or benefices he does not chose to retain. This was to be done publically before witnesses, and the benefice was to be resigned into the hands of the ordinary, who would therefore make new appointments. It was noted in the law, however, that Pole had an indulgence which could allow the holding of incompatible benefices "for a brief term and for a reasonable cause". The resigning of the benefices to the bishop would clearly strengthen episcopal control, and enable the normal structure of diocesan authority to ^{be} reestablished. Those who persisted in trying to hold incompatible benefices were to be deemed incapable of again possessing a benefice.

1. Kidd, B.J. Documents of the Continental Reformation (1911) p. 313; the italics are my own.

The law is strong, contains the necessary sanctions, and could be made to work. However neither the law here, nor the London synod in general faced the major problem of those benefices which had fallen considerably below a subsistence level, and did not in fact provide a living any longer. Pole had often experienced financial problems, and had had to depend on some of his friends to help him finance his household.¹ He had a pension from Giberti, who according to Beccattelli 'knew the straightness of his (i.e. Pole's) fortune:' from Giberti he received a bequest of 2000 ducats per annum out of a pension that bishop enjoyed upon the see of Granada in Spain, with a power of transferring it.² This was uncommonly close to a plurality of benefices on the part of both Pole and Giberti. Sadoletto, who had no private resources, was often in financial difficulties, and on at least one occasion claimed he could not afford the journey to Rome.³ But while Pole was certainly aware of these problems, he was probably unaware of the economic change in society which under lay them, and which demanded a radical solution if benefices were to be realistic. At the turn of the century the price of consumables had begun to rise to a level rarely reached before that date; the destruction of the monasteries

1. Schenk, W. Reginald Pole, Cardinal of England (1950) p. 158, n.37. To Schenk's references add Strype, J. Ecclesiastical Memorials (1822) 3ii.no.XIX, pp. 241-2.
2. Pye, B. The Life of Cardinal Pole by Lodovico Beccattelli now first translated. (London, 1766) p. 135.
3. Douglas, Richard M. Jacopo Sadoletto 1477-1547 Humanist and Reformer (Harvard, 1959) pp. 128-30. Sadoletto's resources were never stabilized he had no private income and feared the ridicule of the college of cardinals who were mostly nobles. Compare Jedin, Ser. p. 463 ff and 466 ff.

had removed much of the traditional social structure handed down from the middle ages;¹ Henry's search for military glory had been a financial extravagance the country could ill afford, and the 1540s had seen the great debasement. The decades of both the forties and fifties were characterized by extreme and frightening variations in food prices. It is suggested that by 1520 prices were some thirty per cent above the level of the 1450s. But among the benefices there was no corresponding increase in value to compensate for the fall in the real value of money. The modern economist recognises the familiar pattern of inflation, and can identify a number of contributory causes. But economics like diplomacy was hardly Pole's strong point. Within the framework of the London synod he did nothing to face this problem. Without some radical changes in the structure of the church's economics a policy of one man one benefice could only have led to starvation.

Although Pole ignored this in the synodal legislation, he was able with the assistance of the Queen to distribute about £60,000 to the poorer benefices. This income came from tenths, first fruits, rectories, glebes and benefices appropriate resigned by Mary. Some time later he was able to tell the bishops that the poorest livings (20 marks and under) were to be free from the payment of tenths. And a year later all parishes were freed from one half of the tenths, and an attempt was made to get some parity between the livings in the various dioceses. A scheme as big as this would clearly take some time to implement fully, and as events

1. For the rise in the cost of consumables; Hill, C. Economic Problems of the Church from Archbishop Whitgift to the Long Parliament (1956) p. 14 ff. Jones, Whitney R.D. The Tudor Commonwealth 1529-1559 (1970) p.3. Heath, Peter The English Parochial Clergy on the Eve of the Reformation (1969) p. 24.

turned out Pole's administration was never to have that time. For the cleric with the poorer living this was tragic. While Henry had despoiled the monasteries, Elizabeth in turn helped herself from the dioceses and parish resources. For Christopher Hill "the plunder of the church developed apace under Edward VI. Half-heartedly checked under Mary, it was resumed in Elizabeth's reign, but more decorously: the golden stream flowed through the court, where the fortunate few grabbed at the lands of the bishops, and of deans and chapter, either by means of long leases, of exchanges, of outright seizures, or by the traditional method of inserting themselves into administrative positions in the church..... By the end of Elizabeth's reign there seems to have been a general realization that a halt must be called to the plunder".¹ Back in 1543 Convocation had submitted a number of petitions to the king for the 'redressing of the evils of the time'. One asked for an act of parliament "to be made in this session for the union and corporation of small and poor benefices through the realm; which for smallness of fruits be not able to find a priest, and so rest untaken by parson, vicar or curate".² Though this plea went unheard at the time, in 1571 the canons forbade ministers to hold more than two benefices and insisted that they must be within 26 miles of each other. This was later extended to 30 miles, the canons of 1604 adding that a curate must be supplied for the living in which the pluralist did not reside.³ Pluralism was thus

1. C. Hill, Economic Problems of the Church from Archbishop Whitgift to the Long Parliament (1956) p. 14
2. Dixon, ll pp. 340-1 and l. p. 190.
3. Hill, C. Economic Problems of the Church from Archbishop Whitgift to the Long Parliament (1956) p. 226.

both limited and legitimated. But it was not until the beginning of the eighteenth century that even a start was made to break the inequalities.¹ There is nothing between Pole's use of Mary's generosity and Queen Anne's Bounty.

To return to Pole's law. Decree number three pays special attention to archdeacons and canons. The reason for this is that Pole regards them as in a position of responsibility, responsible for order in the Church. As they may have to act as inspectors or moderators, they themselves must be examples of the law. He therefore frames the law so as to ensure that they will have to keep it, and expects that the lesser clergy will then be made to follow suit. For general law he looks to Gregory X at the Council of Lyons. Gregory had been with Cardinal Ottobon in England. The Adline edition of the synod later gives Gregory XI a misprint. But the 'Cambridge' and shorter text remains accurate in both references. The Adline text has 170 lines, while the shorter version known in England has 116; there is however in this case no substantial difference between the two texts. Lyndwood in his Provinciale book three, section four deals with 'de clericis non residentibus'. In the four chapters in this section he is commenting upon the decess of Stephen Langton in the Oxford Council (Oseney, 1222), and of John Peckham at Lambeth (1281). But he also duly notes at the beginning of the next section the provisions of Gregory X at the Council of Lyons (1274).² Stephen Langton is concerned that bishops should be present

1. Ibid., p. 305.

2. Lyndwood pp. 130-135.

at least on major feasts and in Lent; and that those they admit to benefices must be prepared to minister there personally. Absentees are to be warned and then deprived. John Peckham is concerned that those absent from benefices make suitable provision in their absence; John Stratford is concerned that religious who obtain benefices should be obliged by the same laws of alms and hospitality as the secular clergy. When Lyndwood glosses these provincial decrees he refers to the constitution 'quid ad venerabiles' of Otho and 'pastor bonus' of Othobono. The 'quid ad venerabiles' deals with the duties, rather than residence, or archbishops and bishops. The major part of the comments of John Ayton (Joannes de Athona) on this are concerned with a bishop's duty of correcting. But the 'pastor bonus' is directly concerned with episcopal residence, and specifies holy days and leave. The constitution touches on the obligation to reside in phrases which were to be widely discussed at Trent. "Sane licet Episcopi ad personalem residentiam circa gregem Domini sibi commissum, tam divinis quam ecclesiasticis praeceptis noscantur astricti, quia tamen in partibus nostrae Legationis nonnulli sunt qui hoc attendere non videntur".¹ And here John Ayton also touches upon the bishop's duty of celebrating Mass, or at least being present, within his diocese.²

Lyndwood's glosses deal with the obligation of continuous residence, and the reasons which permit of absence. The major differences in Pole's

1. Lyndwood p. 117 of the *Constitutiones Legatinae .. D. Othonis et D. Othoboni* (which are separately paginated).

2.

On page 119 of this he comments under c. 'praesentiam suam debitam' *Idi enim debite Episcopus residere, tanquam ad latus sponsae suae. Immo quolibet die Dominico ibi debet divinis interesse; nisi impedimentum habeat rationabile; ut legitur 'de confe. di 3 Episcopus.'* *Ac missas ibi quando poterit celebrando; quasi debitum sponsae suae reddendo.* I have omitted most of Lyndwood's references in this quotation.

legislation are the attention given to those holding incompatible benefices (with a time limit for the resolution) and the system of enforcement with the direction of money from fines into education.

Giberti in 1527 was insisting on the residence of his clergy:

"We decree that no one without our permission or that of our Vicar may absent himself an appreciable distance from the church entrusted to his care or leave the city and diocese of Verona. Within the purview of this constitution we intend to include pastors as well as non-pastors and those ordained in sacred orders as well as those in minor orders. For it is not very fitting that a bishop, the father as it were, (should) not know where his dear and beloved sons are tarrying, and it is important also for a shepherd not to be ignorant where and in what pasture his sheep may to be found and at what times they are to be found, since the shepherded can have no excuse if a wolf devours them and he is ignorant. Such is my decree, custom perhaps and other factors to the contrary notwithstanding."

In addition to this Giberti had also forbidden his clergy to go about at night, and proceeded in the chapter following the above to legislate about the obligation to report the excesses of the clergy.¹ He was conscious of the fact that his continued presence in the diocese was needed to enforce these laws, and used the fact as a reason for refusing to come to Rome.²

1. Olin p. 143 for the quotation and p. 138 for absence at night; p. 143-4 chapter 28 of the constitutions, entitled 'The obligation to report the excesses of clerics and the punishment for failure to report them'.

Pastor, XI p. 190.

2. Giberti's 'continual presence in Verona is indispensable'; both Pole and Contarini were negotiating with Paul III for him.

Cranmer in the Reformatio legum ecclesiasticarum does not have a chapter specifically on clerical life, but meets some of the problems incidentally either under the heading of 'de admittendis ad ecclesiastica beneficia' or under 'de renuntiatione vel desertione beneficiorum' and 'de visitationibus'. Pluralities are to be abolished; the possible reasons for absence are defined; the negligent are to be punished.¹ This code of law derived all its authority from the crown, and effectively under Henry, Edward and Elizabeth the crown refused to make it the law of the land. Patrons would have been empowered to appoint new ministers after an absence of six months, and this together with episcopal visitation could clearly be effective as a legal sanction. But the presence of the bishop is open to two exceptions, ecclesiastical need elsewhere, or the demands of the state ("nisi causa ecclesiastica eos abducant, vel maxima reipublicae necessitas");² given the extent to which bishops in the 15th and 16th centuries were civil servants, this clause might have destroyed the effect of the law.

The opening sessions of Trent from 1545-47 had only dealt with the Bishop's obligation to reside, but this inevitably brought up the question of the residence of the pastoral clergy. Some of the questions arising such as the choice of personnel and the granting of dispensations for pluralities were held over for the final session of Trent. But the way in which the council was moving was enough to cause some German cathedral chapters to see in the enactments against exemptions (incomplete as they were) a threat to their own privileged position. The debates had recognised that the ancient canons on episcopal residence were generally

1. Cardwell Ref. pp. 63 and 163 ff.

2. Cardwell Ref. p. 107.

neglected; and the sanction proposed for failure in the future was to be loss of revenue after six months of absence. The debate on the divine origin of the obligation to reside was much later stopped by order of Pius IV and the presumption of the ancient English constitution that it was 'tam divinis quam ecclesiasticis' was left unresolved. The result was to weaken the law and leave it open to being undermined by curial dispensations as in the past; it therefore represented a defeat for the party of the reformers. But the debate over the matter of the bishop's power over religious who were involved in pastoral work went in favour of strengthening the episcopacy and restricting exemptions. This was a success for the reformers, and in the long run would promote residence.¹ The second phase of Trent (1551-52) found it necessary to return to the subject of residence by bishops; and later in the final phase of Trent (1562-3) once again the question of residence had to be dealt with under the subject of holy orders, and also in conjunction with the decree on clerical formation.

The ideals which had been expressed in the Consilium of 1537 of income and benefice joined like body and soul had to struggle for recognition through the sessions of Trent. Contarini had then thought that only automatic loss of income would be an effective penalty; many had agreed with him that dispensations from residence must be reduced to a minimum. The final outcome at Trent (after Pole's death) did not quite reach this ideal; the twenty third session of the Council stated:

1. Jedin 11 p. 266; on the 'divine precept to reside' p. 336. At Trent in 1562-3 the discussion was stopped by the pope: Jedin Ser. p.610.

"Since by Divine precept it is enjoined on all to whom the cure of souls is entrusted to know their own sheep, to offer sacrifice for them, to feed them by preaching the Divine word, by the administration of the sacraments, and by the example of good works; likewise to have a fartherly care of the poor and other distressed persons, and to apply themselves to all other pastoral duties; all which offices can not be rendered and fulfilled by those who neither watch over nor are with their own flock, but abandon it after the manner of hirelings, the sacred synod admonishes and exhorts such that, mindful of the Divine precept and made a pattern of the flock, they feed and rule in judgement and truth."¹

Despite the phrasing it was quite clear that the Council left open the question as to whether the duty of residence was incumbent by virtue of divine law. This in turn did admit the possibility of pastoral obligations still being fulfilled by a vicar. Predictably because Trent was in many of these matters bringing back into effect the ancient canons, it uses the ancient constitutions, and these included the 'Ordinarii' of Gregory X, but not the 'Audistis' of John XXII which Pole also referred to for the penalties.

The Visitation Articles both before and after the London synod have residence, and so by implcation at least the problem of pluralities, in mind. Bonner's articles of 1554 has 37 articles concerning the clergy, and of these the fifth is concerned with absence, and the twenty seventh with the possession of more than one benefice. The

1. This translation is from the Catholic Encyclopedia (1911) XII p. 785 b.

bishop of Gloucester, who styles himself Pole's subdelegate, has a mere seventeen articles for the clergy: these presume residence but do not deal with the matter explicitly. They do, however, provide for clerical deaths to be reported to the bishop by deans to ensure quick replacements. Pole's own visitation articles of 1557 ran to twenty one for the clergy, number twenty, a rather late thought, asks "do the clergy reside, keep hospitality, and make charitable contributions of ecclesiastical law?" There is no question about pluralities. In the visitation returns of Archdeacon Harpsfield it is possible to follow the implementation of these particular articles. And the matter was continued in the Canterbury Convocation of 1558 under the heading 'de hiis, qui deferta residentia, in cura propria recipiunt stipendia aliunde'.¹

This tradition of visitation articles on residence is to be found later in the work of Carranza in Spain. His article reads;

Si plebanus est vicarius mercenarius primum examinandum quibus causis et qua autoritate absit proprius pastor. Deinde quale stipendium sumit a pastore vicarius et si est sufficiens ad eius congruam sustentationem Ideo providendum quantum sufficiat.²

This has a close parallel in both the text of Gerson, and the Council of Colonia of 1536. Gerson reads.

Item qualia habeat stipendia vicarius ille qui deservit et fiat sufficiens provisio per principalem, sive sit ille curatus

1. Wilkins IV p. 162 ff; pp. 145-8 (for Gloucester) & pp. 169-70 (for Pole). For the Canterbury visitation by Harpsfield c.f. CRS 45. pp. 5-6 give the articles.
2. From J.I. Tellechea Idigoras in Anthologica Annua 12 (1964) who provides at the end of his study a schematic comparison of the laws from Gerson, Council of Colonia (1536), Carranza, the London Synod, and the Synod of Milan (1565).

sive collegium. Et sciatur quo privilegio gaudet curatus non
residens et si juste.

And the Council had;

Interrogandus deinde parochus, num ipse principalis rector sit
aut vicarius mercenarius, ano ordinaria auctoritate admissus,
necne; ubi vicarius praeest parochiae, videndum quo privilegio
absit parochus num illi et honestus victus suppetar seu
digna stipendia exsolvantur

So while Caranza certainly knew the synod well, and probably some of the
visitation articles, in this instance there is no evidence to suggest
he has been much influenced.

It is possible that the life of the English clergy on the eve of the
reformation was more disciplined than that of the clergy in Ireland,
Scotland or Germany;¹ there is no reason to consider that they were notably
worse than the clergy had been a hundred or two hundred years previously.
Significantly, a recent author considers that the system of Eithes was
more likely to be a cause of anti-clericalism than breaches of the law
of celibacy;² if this analysis is correct, the economic changes would
serve to exacerbate the situation. Their condition was also different
from the past in that the critics of the clergy now had the advantages of
printing to spread their comments, and the ground swell of religious

1. Heath, Peter. The English Parochial Clergy on the Eve of the Reformation
(1969) pp. 187-8.

2. Ibid., p. 192.

literature provided both a standard for comparison, and suggestions for alternative ecclesiastical structures. Though the state of the clergy themselves may have changed little over the previous hundred years, the world in which they worked was changing. Pole was concerned that the clergy should be such as to win a good reputation by their regularity of life, and the pattern which he seeks to impose is inevitably tinged with a monastic outlook. For almost a thousand years in England, religious revival had been associated with the great orders, St. Dunstan and the Benedictines, the Cistercians, the Friars had all set standards which had, for a while, been an inspiration to the whole people, clergy included; the spirituality of the parish clergy tended to be an echo of the spirituality of the monk. Celibacy is the prime example of this, but clerical dress, the tonsure, the regular church offices were all in the same pattern. Pole in his fifth chapter continues in this same tradition.

"Exemplum vitae genus est quodammodo praedicandi non minus efficax" ... says the Cambridge text; the Aldine follows the same sentiments with a different wording.¹ A standard of household expenditure is indicated for the bishops; the standards of benefices would be the real law for the parish clergy. But to both bishops and parish clergy the ancient obligation of hospitality and liberality to the poor is urged. The medieval tradition had been that the 'goods of the church' were the patrimony of the poor; this notion had a patristic basis, and represents an interpretation of the prescriptions

1. The two texts vary in length; the Roman is 124 lines and the Cambridge a mere 50; however there is no substantial difference in the law. The Roman text folios 16a to 18a; the Cambridge in Cardwell Doc. 1. pp. 185-186.

of the Gospel. Gregory the great had organised poor relief on a model basis in Rome, and had urged bishops and secular rulers to follow his example. And from as early as the Council of Tours (567) parishes were ordered to maintain their own poor to stop them wandering into other communities. All the monastic communities recognised the obligations of charity; their example became a pattern for the parochial clergy. Church income from the earliest days had been reserved for the clergy and the poor; the religious orders helped to keep this as at least an ideal. It is part of Pole's ideal of the parochial clergy and shows again in the visitation articles. "Whether they do keep residence and hospitality upon their benefices, and do make charitable contributions, according to all the laws ecclesiastical?" asked number 20 of the visitation articles for Canterbury.¹ And for the 'laws ecclesiastical', he could look to Lyndwood's comments on a decree of Bishop John Stratford.² The tradition of the church had also been restated by Giberti in 1527: "whatever is over and above the clergy's needs belongs entirely to the poor"; Pole knew of the example set in Verona, and seems to be following this in legislating about the number of dishes to be served.³ Both bishops agree in recommending the reading of pious books at table.⁴ This again is a typically monastic form of

1. C.R.S. 45 (1950) p. 5.

2. Lyndwood, p. 133 is dealing primarily with the obligations of religious who hold benefices, but his comments on 'pauperibus parochianis' and 'eleemosynae' are much more general.

3. Olin, p. 142.

4. Pole in chapter five of the synod; Giberti in Olin p. 142.

devotion, and is part of the tradition of the 'lectio divina'. When Pole urges that the 'condiments (to meals) be charity and the reading of holy books and pious sermons' he could well be describing More's house at Chelsea or Giberti's household at Verona which exemplified the constitutions of 1527 that 'not frivolous stories but the words of a sacred reading be heard'.¹ All this was in the best of monastic traditions, and was to be carried over into the Counter-Reformation spirituality.

'Sint patres pauperum, sint orphanorum, uiduarum, & oppressorum refugium, ac tutela' admonishes the Aldine text. The text had a liturgical ring about it, and again expresses medieval ideals. In the Vision of Piers Plowman the advice is given to the rich and troubled merchant as to how to win forgiveness of sin and the grace of a happy death;

"And therewith repair hospitals,
 help sick people,
 mend bad roads,
 build up bridges that had been broken down,
 help maidens to marry or to make them nuns,
 find food for prisoners and poor people,
 put scholars to school or to some other craft,
 help religious orders, and
 ameliorate rents or taxes."²

Many medieval foundations were witness to the continued existence of this ideal among various sections of society from the king to the merchant;

1. Olin, p. 142.

2. From Jordan, W.K. Philanthropy in England 1480-1660 (1959) p. 112.
 For the liturgical basis of much of this poetry c.f. Kennedy, Charles W. Early English Christian Poetry (1952) pp. 76-8.

the ideal is also to be found in the Regulae Pastoralis of Gregory the Great and so represents a tradition known in England for nearly a thousand years.

Pole's injunction that the clergy abstain from secular business (a saecularibus negotiis) again goes back to the traditional law of the church. But while he covers himself with general references to all the previous laws, he selects only a few to deal with specifically. Giberti finds it necessary to enlarge on the prohibition against carrying arms,¹ going about with musical instruments,² attending public shows³ and frequenting taverns.⁴ But perhaps the most significant item in Giberti's legislation for which there is no parallel in the London synod is the monthly meeting of rural priests. The custom had arisen in Verona of a monthly meeting of the rural clergy, on something like a deanery basis, with a Mass, hospitality (Giberti recommends moderation), and some opportunity for instruction.⁵

1. Olin pp. 137-8.

2. Olin. p. 138.

3. Olin. p. 139.

4. Olin. p. 140.

5. Olin. pp. 141-2. Giberti (in his 23rd chapter, on the 'monthly meeting of rural priests') mentions 'a praiseworthy custom which has sprung up in our diocese'.

Clearly this custom could have become the basis for much reform work among the parochial clergy, and its absence in the London synod is a defect. The medieval archdeacon may have organized some meetings of the clergy, but there does not seem to have been anything quite as regular as this custom from Verona to be found in England. As a reform structure it offered considerable possibilities.

While Pole's synod orders the publication of the ancient laws and the present synodal legislation in the form of 'a brief compendium' for the use of the clergy, this matter, which would seem necessary to the effective promulgation of the law, did not reach the stage of publication by the time of Pole's death. While there were books of hours, primers, missals (ad usum Saru) and processionales, the nearest to books on church laws were the visitation articles.¹ And while a lot of books were imported, these would hardly include law books giving the previous laws of English provincial synods.

Pole proceeds to deal with two specific cases from which he would seem to anticipate trouble. The first is that of married clergy, religious or secular. He follows the traditional definition of vows or the sub-diaconate as the basis for an obligation to celibacy, and insists on the separation of parties who were in conflict with the laws on this matter. In addition every person that shall defend such a marriage is to be proceeded against according to law. As an approach to a problem which had grown over twenty years this was hardly sympathetic. But the directions given to Cajetan, Contarini and Morone suggest that

1. S.T.C. 10248, 15836, 16058 & 9, 16151-3, 16215, 10249, 10149-50; the STC is at present being revised.

that the Roman Curia was quite unwilling to allow any latitude on this subject. This continued to be Papal policy.¹ Pole's only option would have been to ignore the married clergy who retired from parochial life. But his own personal feelings were probably deeply involved in this issue too.

The other figure is that of the cleric who holds a benefice, but dresses and acts like a layman: he neglects the church offices, and spends his time in secular business. Pole orders both clerical dress and the wearing of the tonsure, and censures any occupation not proper to the clerical state. This is vague and could cover anything from business to clamorous blood sports. The visitation articles merely mention unlawful games, dice or cards, and ask about beards being shaved as well as tonsures kept.² Bonner in previously (1554) had been a little more detailed in his articles, asking whether the clergy were buying and selling as merchants, wearing swords and daggers, and wondering if they rebuked sedition and tumult.³

The penalties which Pole envisages include even the deprivation of the benefice of the law breaker, and loss of clerical privileges for those who are not benefice holders. The fifth chapter of the London synod is merely restating the expected standard of clerical behaviour;

1. Tommaso Campeggio, Bishop of Feltre had dedicated a work on celibacy to Pole as legate in 1554, and Pole had probably seen this in manuscript version somewhat earlier. T. Campeggio de coelibatu sacerdotum non abrogando, Venetiis, ad signum Spei, 1554. The same curial tradition may be seen in Garstein, Oskar, Rome and the Counter-Reformation in Scandinavia (1963); the three demands to make negotiations possible were; chalice for the laity; married clergy; a vernacular liturgy. The Curial reply was 'non possumus' until it was too late.
2. CRS, 45 p. 7.
3. Wilkins IV pp. 105-8.

it is entirely traditional in **outlook**. The spiritual practices which it inculcates are a certain frugality at table, attention to the study of scripture, pastoral attentiveness, and christian hospitality. The main evils which Pole anticipates are clerical marriages and secularized clergy.

The Consilium of 1537 had concentrated on the problems of benefices and simony in the church, but also touched on the life and probity of the clergy in two places. The authors claim to have heard of dispensations for the sons of priests to obtain their father's benefice. They speak of the visitor entering St. Peter's to see priests 'some of whom are vile, ignorant, and clothed in robes and vestments which they cannot decently wear in poor churches.'¹ There was little guidance here for Pole, though many ideas must have been discussed in the sessions which led to the Consilium. By contrast the Giberti constitutions of 1527 for Verona had covered all the relevant details of the daily life of the clergy in some thirty chapters; dress, tonsure, carrying of arms, musical instruments, attendance at public shows, a curfew for the clergy, drinking in or out of taverns, austerity at table, relationship with women, and unlawful absence are all considered thoroughly.² The London synod might have been improved by some further attention to these details, if Pole considered there was a real hope of implementing such laws. It is possible that by 1556 he fully appreciated the problems which he faced with the clergy, and considered that to legislate far beyond that which he might hope to be able to implement could only be to bring the law into disrepute. Law like politics is the art of the possible.

1. Olin, pp. 190 and 196.

2. Olin, pp. 136-45.

Lyndwood has a section 'de vita and honestate clericorum' which deals especially with the colour and style of clerical dress, drunkenness and tonsures. Specifically the clerical dress must be such as to distinguish the wearer from both the military and the laity. Sanctions include the threat of suspension, and after three months loss of benefice. Absence from the benefice, cohabitation, and clerical marriages are treated; then the laws turn to the obligation of residence, with the various exceptions noted. The constitutions of the two legates, Otho and Othobon cover most of this same ground with more attention to the bearing of arms as well.¹

Cranmer's Reformatio legum ecclesiasticarum does not follow the previous tradition of a chapter on the life and probity of the clergy, but treats the subject incidentally under the various headings of admission to ecclesiastical benefices, ecclesiastical offices and suspension from office and benefice.² Predictably preaching is stressed, and synodal government is seen as the means for strengthening episcopal authority and so achieving standards of good clerical behaviour. There is no sign of any connection in this chapter between Pole's synod and Cranmer's legislation.

Trent treated of clerical life in the twenty second session, long after treating of residence, and just after studying the subject of holy orders. There is no reason to consider that Pole's decrees were

1. Lyndwood, pp. 117-125; and under Otho and Othobon p. 86 for John Aton's comments on bearing arms.
2. Cardwell Ref. pp. 59 ff, 99 ff, 159 ff.

of any special significance in this particular subject, unlike that of clerical education.¹ In actual fact the improvement of clerical standards was to come especially from the formation in the seminary and the results of increased episcopal visitation rather than from any decree de vita et honestate clericorum.

The Carranza visitation articles direct;

"Post haec visitandus est clerus et inquirendum de clericorum moribus ut doctrina, si inculpate vivant, ut sint aliis in exemplum, vel si implicantur in aliquo peccato, quo populus scandalizetur."

"Item sunt alia multa probibita clericis Eiusmodi est saecularia negotia exercere; Item officia tabernariorum et macellariorum Item administrationes officiorum temporalium ... etc"

"Deinde diligenter inquirendum quomodo officia divina et horae canonicae parantur in templo, si suo tempore, si rite et devote et si convenient omnes qui sunt in clero."²

The articles go on to consider the educational standards of the cleric, and how he administers the sacraments.

Injunctions and visitation articles could, of the nature of things, only check on externals. It was the Tridentine seminary formation which gave life to the dry bones. Among the many orders, revived or new, those with the least monastic form were to be of most use to the clergy in that their mode of life had more relevance to parochial ways. For a while at least the ideal for many of the reformed secular clergy would

1. For a synopsis of Trent on clerical life; Cristiani, L. L'Eglise a l'epoque du concile de Trente (Paris, 1948) pp. 199-201.
2. Cellechea Idigoras, J.I. in Anthologica Anua 12 (1964)

be that of the jesuit priest, free of monastic ties, and ready for the varying calls of the apostolate.

For the humanists education was the stepping stone to the ideal. It has long been recognised that in his eleventh decree on seminaries Pole was the first in the sixteenth century to make a major contribution to the question of clerical education in synodal law. It is necessary to consider first what Pole actually proposed, and then to look at the background from which he drew at least some of his ideas.

The 'great dearth' of suitable ecclesiastics was one of the themes in the correspondence of Contarini, Cajetan, Morone, and the early Jesuit fathers writing from Germany and reporting to the Roman Curia. To break the vicious circle of unsuitable candidates and then bad parochial clergy, Pole proposes the training of youths and young men on a diocesan basis. A minimum age of eleven to twelve is stipulated together with literacy. Without giving any guide the decree also asks that they candidates should have given some indication of aptitude, and of a firmness of resolution that offers a hope that in the future they will become priests. The 'Cambridge text' is even briefer; qui bonae indolis ac spei sint. It is also specified that considerable preference be given to the children of the poor.

Pole next proceeds to specify, equally briefly, the curriculum. The phrasing of the Roman text suggests that the candidates must first learn grammar, and then afterwards would be admitted to the Cathedral school. 'Hi primum grammaticam discant: post in ipsam metropolitanam

1. C.f. Evennett, H. Outram. The Spirit of the Counter Reformation (1968) esp. pp. 39-40

sive cathedralem ecclesiam adsciti', but the point is not clear in the 'Cambridge text'; it states: erudiendi sunt hii in grammatica, et in ecclesiastica disciplina diligenter instituendi. The subjects to be studied are specified as grammar, and the doctrines and discipline of the ecclesiastical state. The senior and more advanced of the two classes is to be called that of the Acolytes. The students in this group will receive in addition to their board and gowns (common to all) a certain yearly stipend: the system is thus provided with a spur to advancement. The tonsure is to be worn, and the boys will take part in the office in church if they have the opportunity. The responsible authority will be the chancellor of the cathedral or some other grave and learned person. From the class of acolytes, as they attain to canonical age, candidates are to be admitted to holy orders. For a while they can continue to serve at the cathedral, and from this group of young priests the bishop can appoint suitable men to vacant benefices. As those from the lower class are promoted to acolytes, the vacancies are to be filled up with new candidates. It is also envisaged that paying pupils could be admitted, even if not intended for the church, as long as they are of a suitable background.

"Licebit etiam extra hunc numerum aliis ejusdem civitatis et dioecesis pueris una cum his in grammatica et literis erudiri, dummodo honesti sint, eodemque vestitu et moribus utantur, qui item in locum clericorum, qui quocunque modo desiderabuntur, substituentur."¹

1. Cardwell Doc. 1. p. 192. Kidd, J.B. Documents illustrative of the Continental Reformation (1911) p. 192.

The Roman' text here speaks of 'qui ex clericorum numero desiderabitur'. This makes more clearly the interesting suggestion of ordaining men according to the need of the diocese. Some of the bishops in the middle ages are found ordaining over a hundred men at a time;¹ there was little suggestion of controlling ordinations according to known needs. Pole's words here suggest quite a new policy, and one which would help to cure some of the evils of the past. Such a system could also help to reduce the temptation to clerical simony by removing some of the motivation, if there were sufficient benefices for the number of the diocesan clergy.

The financing of such seminaries is to be achieved first by taking the revenues of benefices which are vacant: this was a dangerous suggestion as it might have led administrators to keep benefices vacant unduly, and contrary to the provisions of decree number seven.² The suggestion in the decree that it could come from 'some other source' is even less helpful, and suggests the uncertainty of the legislator on this matter. The order that all ordinaries are to contribute one fortieth of their diocesan income, after deduction of tithes, subsidies and feudal dues is more realistic, but it seems unlikely that this on its own could be sufficient to maintain such seminaries. This tax is further extended to benefice holders (or holders of prebendaries) with

1. Moorman, John R. Church Life in England in the Thirteenth Century (1946) p. 52; John Peckham between 1282 and 1292 ordained 378 seculars; 364 deacons; 343 subdeacons, and 774 acolytes. St. Wulfstan is credited with confirming more than 3000 in a day! Frank Barlow, The English Church 1000-1066 (1963) p. 243.
2. Decree 7 stated; 'since long vacancies in churches are very harmful (valde periculosa), we do exhort in the Lord and admonish each and every bishop that when a benefice falls vacant and when collation thereto does pertain to themselves, and especially when such a vacancy occurs unexpectedly, and not at the due term appointed by the sacred canons that they take care of the same provision' etc. Roman text folio 20 b.

an income of twenty pounds and over (again after deductions). They too are to contribute a fortieth. Pole recognises that this is an additional burden, and he can have had but little confidence in its being received with any enthusiasm. However he had been connected with the founding of the Roman College by the Jesuits, and knew of the financial difficulties which that establishment faced inspite of considerable patronage by some Cardinals, and in a county which he regarded as far more generous than England.¹ He was wise in placing the obligation to finance the seminary within the diocesan structure. Much of the Counter-Reformation legislation was concerned with making the diocesan structure effective, and if the seminary system was ever to raise the standards of the clergy, it had to be seen from the outset as an integral part of diocesan responsibility. But with Pole's efforts to make benefices realistic,² he may well have thought that the seminaries could not really start until a more normal form of economy had been achieved in the dioceses.

1. 'In Italy in two cities only there is more alms given to monasteries and poor folk in one month than in this realm in a whole year'; Pole's sermon to the citizens of London, quoted in Schenk, W. Reginald Pole, Cardinal of England (1950) p. 147 For the financial problems c.f. O'Donohoe, James A. Tridentine Seminary Legislation Its Sources and Its formation (Louvain, 1957) pp. 71-82. As supporters of Loyola in financial matters for the Roman college Pole and Morone are classed together in the Jesuit correspondence of the period.
2. At the beginning of this chapter, p. 147 ff.

The dean and chapter are given responsibility for the government of these schools. Earlier the decree has suggested that the chancellor of the cathedral church might be the superior, or 'some other grave and learned person'. So the mention of the bishop, together with the dean and chapter here, is more to provide something equivalent to a board of governors. The decree recognises that the law is incomplete, and speaks of settling many particular details in the next Convocation. This in fact never took place, and it is therefore important to regard this decree as only a partial exposition of Pole's desire.

Finally the importance of teachers is noted; the Tudor habit of licencing teachers continued. The ordinaries are to examine both new teachers and those already teaching; the unsuitable are to be removed. The bishop is to instruct the teacher as to which books are to be read for the advancement of knowledge and for the forming of morals; teachers who fail to comply with the decree are to be excommunicated, and inhibited from teaching for three years.

The two texts of the decree again vary considerably. The Roman text runs to some one hundred and three lines (excluding the title), while the 'Cambridge' text is slightly over fifty lines. However despite this disparity there is no substantial difference. The text also differs from the more normal decrees in that it gives, (for obvious reasons) no references to previous laws. Here at least Pole is an innovator, and his law is well thought out, and descends to practical reality.

Previous English statutes had asked for clergy who were suitably

educated, and also defined the duty of the parochial clergy to instruct the youth in the basics of the faith.¹ There is some evidence that in the earliest days of the church the bishops household had in many cases also been the centre of education for the future clergy.² The rise of the universities might have been expected to help with the problem of clerical education, but the vast majority of mediaeval clergy were not graduates. In many cases bishops were either active or retired civil servants, so that their households would hardly be a suitable training ground for the parochial clergy. The theological faculties established especially by the Franciscans and Dominicans were almost exclusively for the benefit of their own students, and the secular clergy would have only benefitted indirectly.

Lyndwood opens his glosses with a chapter on the Trinity and the Catholic Faith. He is commenting upon the constitution of John Bechham entitled 'Ignorantia Sacerdotum.' While he considers the extent to which ignorance is a sin, and what is required knowledge in a cleric, he does not deal with how this knowledge is to be obtained. The constitution of the legate Otho, 'Sacer ordo' lists among the impediments to ordination the normal ones like illegitimacy, canonical irregularity and illiteracy.

1. Haddon, A.W. and Stubbs, W. Councils and Ecclesiastical Documents, (1871 and 1964) III p. 364. Powicke II pp. 94, 128, 134, 171 etc. There is a general survey of the monastic contribution to education by Baker, Derek, 'Holy Rusticity and Learned Righteousness' in The Ampleforth Journal LXXVIII pt. 1 (Spring, 1973) pp. 9-31.
2. There is a wide selection of material in Theiner, A. Histoire des institutions d'education ecclesiastiques, (Paris, 1841) 2 vols. trans by J. Cohen. St. Augustine provides an example of education based on the episcopal household; c.f. the article on Augustine by Portalie in DTC, I. pp. 2276 ff. The 3rd Council of Tours (813) provides that before ordination a cleric was to live in the cathedral school and undertake his studies there; c.f. Mansi, J.D. Sacrorum conciliorum nova et amplissima collectio, 31 vols. (Florence 1759-98) XIV p. 85.

The comment on this, *ignorantia sacerdotum est mater errorum*, again fails to lead to the question as to how the clergy were to solve their problems of education.¹ This may be taken to represent the general situation on the eve of the reformation. Church law asked for an educated clergy, but, in law, failed to make adequate provision for the education of the general mass of the clergy. There were of course numerous schools throughout Europe, but there was no universal system designed to ensure the education and formation of the parish clergy. Moreover the lack of such a system was not fully realised even by some of the wisest observers.

"In two directions, education and discipline, intrinsic improvement and the amelioration of clergy-laity relations might have been achieved by the exercise of courage and imagination; the establishment of professional training, the adoption of vernacular texts (particularly of the Bible), a more frequent, though judicious, resort to degradation and deprivation, and the abandonment of benefit of the clergy for those in minor orders should not have been beyond accomplishment. Yet no one, not even the most forceful and able critics, advocated such measures. Colet and More argued, and their contemporaries implicitly agreed, that the strict enforcement of old laws, rather than the adoption of new ones, was all that was needed It was a failure of perception and nerve on the part of the

1. Lyndwood, pp. 1-2 and 16 (of the 2nd pagination)

legislators, rather than any lack of diligence in the administrators, which accounts for the state of the parish clergy at this time."¹ It is not necessary to agree with all the conclusions of Peter Heath to recognise the significance of Pole's eleventh decree. As so many sincere reformers were unable to see the situation clearly enough to suggest new legislation, it is important to try to establish the sources which helped Pole.

Though the Giberti constitutions of 1527 do not seem to envisage anything like a seminary, (his Accademic Gibertina was a fraternity of scholars and poets, to whom he gave hospitality and support,) his acolytes' school at Verona was a seminary in embryo, and this was later recognised at Trent.² The Consilium de emendanda ecclesia of 1537, while expressing concern about the ordination of 'unskilled men of the vilest stock and of evil morals', goes only a little further to ask for more supervision over the admittance to orders. It mentions that "we think that each bishop should have a teacher in his diocese to instruct clerics in minor orders both in letters and in morals, as the laws prescribe".³ It does not take the problem back to the basic stage of making a certain standard of education a necessary prerequisite for admission to even minor orders, and of providing the means for candidates to obtain such an education. However in this phrase we can probably hear the contribution of Pole and Sadoleto to the Consilium, as being the two men on the commission most concerned with this problem.

1. Heath, Peter. The English Parochial Clergy on the Eve of the Reformation (1969) pp. 189-190.
2. Broutin, P. L'éveque dans la tradition pastorale du XVIe siecle (Brouges, 1953) p. 45. According to Dr. Pogson (p.340 in his unpublished thesis 'Cardinal Pole - Papal Legate to England in Mary Tudor's Reign' (Cambridge 1972) this was a revival of an ancient school in Verona. Jedin Ser. p. 23 states of Giberti that 'to ensure the priesthood for the future he built a seminary', but he gives no references. Trent in its debates on seminaries considered the example of Verona; New Catholic Encyclopedia (Washington, 1967) 14 p. 275 b.
3. Olin p. 188.

Sadoleto had at least for a while taken a view of education which Pole regarded as that of an unconverted humanist. In their debate on the subject Pole is arguing that theology is the apex of the system of education, while Sadoleto is surprisingly slow to accept this conclusion fully. His "De liberis recte instituendis" first published at Venice in 1533 does not go as far as the seminary ideal.¹ In Thomas Starkey's 'A Dialogue between Reginald Pole and Thomas Lupset' Pole is depicted as criticising the standard of education of the clergy, and suggesting that no one be ordained priest under the age of thirty. To that age the candidate should have 'spent his youth virtuously in letters, and not in hunting nor hawking and other such idle pastimes'.² This and the need for theology in education may well have been the full development of Pole's outlook until nearly the time of Trent.

Cardinal Morone was associated with St. Ignatius Loyola in the founding of the Collegium Germanicum in Rome, With the formal approval of the Jesuits in 1540 in the bull Regimini militantis ecclesiae the founding of Jesuit colleges began. The bull itself had mentioned the work which the founder members had already done 'instructing children and ignorant persons in the essentials of a Christian education'. The bull actually incorporates a plan of the Jesuit life which the founders had submitted to Paul III, and this already envisages the possibility of

1. Quirini, pl pp. 397-422 and the introduction to Campagnac, E.T. and Forbes, K. Sadoleto on Education (1916) which is a translation of this work. Also Weber, B.C. ~~and~~ 'The Views of Cardinal Sadoleto on Education' in Modern Language Journal, XXVI pp. 452-54.
2. Burton, Kathleen M. (ed.) Thomas Starkey. A Dialogue between Reginald Pole and Thomas Lupset. (1948) pp. 126 and 181.

colleges in Universities. But this is for the training of the future jesuits. "And these students, when their progress in piety and learning has been assured, may be admitted into our Society".¹ The considerable part which the Society was to play both in general and in clerical education is not yet guessed at as early as 1540. During the first sessions of Trent the general question of education came under discussion, the need for catechism for children, and the need for educated preachers. Two jesuit fathers Lainez and Salmeron were acting as papal theologians, and were later joined by Father Claude Lejay. In the debate about lectors and preachers Lejay raised the question of colleges to train suitable men, and at this stage the question is no longer that of training of religious, but of the secular clergy. The result of the first session of Trent was to establish that the proper exercise of episcopal authority was the road to reform. But the general possibility of seminaries had been raised.² Lejay continued to attempt to found colleges elsewhere, and there is some evidence that Pole was thinking in terms of the English hospice being a college for future priests.³ It would seem that while

1. Regimini militantis ecclesiae is translated in Olin pp. 203-208; the references are p. 203 and p. 207.
2. Jedin 1. pp. 88-9. Lejay who was at Trent as proctor to the Cardinal of Augsburg moved an ammendment (6 April, 1546); "circa primum caput, circa lectionem, addam alium abusum, videl.; in aliquibus ecclesiis sunt lectores, sed non auditores; provideatur igitur etiam de auditoribus, quod omnes sacerdotes illius ecclesiae irent ad lectionem. Et si non sunt sacerdotes, erigantur COLLEGIA, ubi scholastici erudiantur et nutriantur". C.T. V. p. 79. (my own capitals)
3. Pole's plans for the hospice are based on a document, attributed to Ormaneto, and addressed to Gregooy XIII about 1572. This may be seen in Crehan, J. 'Saint Ignatius and Cardinal Pole' in Archivum Historicum Societis Jesu, 25 (1956) pp. 72-98; the document is pp. 97-8. Professor Parks[Ⓞ] in his 'Reformation and the Hospice 1514-1559' in The English Hospice in Rome - The Venerabile Sexcentenary Issue (1962) pp. 193-217 For Pole and Morone as supporters of the Roman college MHSJ.MI.436; 11,674. iii,25,49,89. VI, 231. X, 132,259.
[Ⓞ] has missed this document

Pole was aware at an early date of the importance of theology in education, as his debate with Sadoleto shows, the next step, that of the need for theological colleges for the formation of the pastoral clergy did not come until Pole and Loyola were exchanging ideas. "Until the time when Jesuit influence can reasonably be postulated, Counter-reformation ideas on clerical reform ... had been concerned principally with preventing the ordination of the unsuitable rather than providing suitable training" writes Evennett in a review.¹ One further factor has to be considered in the formation of Pole's decree. Burnett writes;

"But above all, that design of his to have seminaries in every cathedral for the planting of the diocese, shows what a wise prospect he had of the right methods of recovering a church, which was overrun, as he judges, with heresy. It was the same that Cranmer had formerly designated but never took effect."²

Cranmer's Reformation legum ecclesiasticarum had two sections which are relevant here: de ecclesiarum gardianis and de academiis, et primum de praefectis collegiorum. These chapters provide for cathedral schools so that the "word of God may be retained in the Church."³ The dean and chapter are in charge; the financing is to be made either from the general funds of the cathedral or from prebendaries assigned for this

1. Reviewing O'Donohoe's work on seminaries in EHR. 73 (1958) p. 348.
2. Burnett, G. History of the Reformation of the Church of England (1829) II p. 524.
3. Cardwell Ref. pp. 115-21.

purpose. There is to be no charge for poor students; the bishop is to have control over the teacher and a twice yearly visitation of the school is suggested. The course has to be approved, and the Latin catechism taught. By contrast no pupil will be admitted without an English New Testament, and a knowledge of the English catechism. The pupils are to be at least eight and no older than fourteen. Some idea of the school routine is laid down; prefects in the school are to help to preserve true religion and sound doctrine. The schools are envisaged as being of a fixed size, which could help with the financing, but does not seem to consider the question of diocesan needs. There are to be penalties for negligence on the part of the students. Once the minister is ordained and has a parochial responsibility he is required to leave the college. Finally there is to be provision for the poor student.

"~~Providendum~~ est, etiam ut ex legatis ad pias causas, et ex eleemosynis extraordinariis aliquid subinde scholasticis pauperibus distribuatur, his praesertim qui operam suam ecclesiastico ministerio addixerunt, et praeter sui collegii stipendium nihil habent, quod est saepenumero admodum tenue. Quoniam si rationibus his non foveantur et excitentur illorum studia, facile suas ad alia detorquebunt, et ecclesia ministris aptis destituetur."¹

1. Ditto, p. 121. Dixon, iii pp. 351-383 does not consider the question of cathedral schools, but is otherwise valuable.

Clearly there are far too many similarities with Pole's London synod for this to be a mere coincidence. It seems that Pole knew of this legislation and was quite prepared to borrow from what in other matters he regarded as an heretical source. Who precisely was responsible for Cranmer's Reformatio is uncertain. Cardwell's conclusion is that Cranmer and Peter Martyr took the whole responsibility and employed Dr. Haddon merely to see that their thoughts were expressed in proper language.¹ And while some sections are lacking in Cranmer's ms. that to do with cathedral schools is present.

In the visitation articles of Carranza there is a heading for the visitation of the school.

Item visitandae scholae puerorum et juvennu et qualite doceantur in religione ... et quibus libris.²

An almost identical query is to be found in the synod of Milan, 1565. But before this the twenty third session of the Council of Trent had taken Pole's eleventh decree, debated it, redrafted it twice, and made it the base of the Conciliar decree on seminaries. The dogmatic context had been that of holy orders, and the corresponding reform decree had made the seminary system an integral part of the Counter-reformation. The details of the twenty third session, in July 1563, do not concern us, as there is agreement that the main immediate source is Pole's legislation.

1. Cardwell Ref. p. viii.

2. Tellechea Idigoras, J.I. 'El formulario de vista pastoral de Bartolome de Carranza, Arzobispo de Toledo' in Anthologica Annua, IV (1956) p. after 437 (in some unnumbered pages of schematic comparisons).

The drafting and rewording has been studied in detail, and the major part of Pole's actual wording remains intact.¹ As a result decree eleven of the London synod virtually becomes conciliar law, and remains so for nearly four hundred years. It is difficult to establish finally the parts played by Pole, Giberti, the early jesuits and Cranmer. Pole certainly thought that this was the system of the early church, and Cranmer and the jesuits were probably of the same mind. But if the system was intended as a return to primitive practise, it was also to be one of the key stones of the Counter-reformation. The English seminary founded by the next English Cardinal, Allen, gives flesh and blood to the legislation of Pole

"Here is a work to be ranked, for its quality, with the Council of Trent, and the Society of Jesus, and the Roman Oratory, and the Carmelite renaissance that we associate with St. Teresa and St. John of the Cross, the greatest religious achievement of Elizabethan England."²

Allen's seminary at Douay in 1568 was not the first seminary, but it was in many ways the completion of the work of Pole: it achieved what he could not.

Decree number six is entitled 'Of collation to orders; and of the examination of those that are to be ordained.' In Pole's legislation this is a directive to the bishops. But it may also be considered again,

1. Brassel, V. Praeformatio reformationis Tridentinae de seminariis clericorum, (1938) pp. 66-70. O'Donohoe, J.A. Tridentine Seminary Legislation (Louvain, 1957) pp. 145-167
2. Hughes, Philip, The Reformation in England, (1954) iii p. 282. There is some indication of a few schools founded in Yorkshire in Marian days in Tate, W.E. A.F. Leach as a Historian of Yorkshire Education (Borthwick Institute, No. 23, 1963), but it would not seem that any of these were seminaries as envisaged in the London synod.

and briefly in its implications for the parochial clergy. Ordination was to be conferred by the candidate's own ordinary. The provision here is to make the whole body of the law effective by defining responsibility, and leaving it in the hands of those who might be expected to be competent to ensure that the candidate was suitable. The legal concept of a 'proper ordinary' is upheld, and anyone who is to be ordained outside his own diocese is to be first examined in his diocese and also to have a suitable reason for not conforming to the law.

Pole desires to associate as closely as possible the office of examining the candidates with that of conferring orders. But he realises that in some cases this could prove to be a practical impossibility, and he therefore envisages especially the archdeacons and other such officials assisting in this office. The aim of their examination is explained with suitable latin brevity in the Cambridge text.¹

"In examatione ordinandorum, imprimis fides catholica, tum astas, mores, vita, eruditio, et affectus spectentur, an sint de legitimo matrimonio nati, an in eis aliquis sit defectus, quo ab ordinibus de jure repellantur, atque inter caetera advertatur, ne fictis aut ementitis titulis promoveantur."

1. Cardwell Doc. 1. p. 187.

The Roman text is strengthened in the first issue, and for 'fides catholica' it asks more pointedly 'ne qua ii sint haeresi infecti'; to the query about the title to ordination, which should be neither fictitious nor counterfeit, the Roman text again elaborates "aut quod maxime nefarium est, sacrosanctum Missae sacrificium quasi venale facere cogatur". Pole is envisaging the situation where a priest, ordained without a suitable livelihood is reduced to trading in Masses. The changes here suggest a growing pastoral awareness, and the law is designed to cut out abuses sufficiently early to be able to check them.

To make such an examination effective the candidate is required to inform his bishop a long time before the date of ordination; 'multo ante ordinationis tempus' says the Roman text; 'aliquot ante tempus ordinationis' says the Cambridge text. Trent eventually decided on a month; the vagueness of the London synod here could have led to administrative problems. However in the matter of the examination Pole's law is definite enough. After the candidate has informed his ordinary, the bishop is to make enquiries about the state and condition of the candidate; five days before ordination the candidates are to present themselves together with testimonials both from their parish priests and their teachers, and others worthy of credit. The examinations follow. There is to be a sacramental preparation by the reception of the sacrament of penance; on ordination day they are to receive the Eucharist. A discipline which is not quite so strict is envisaged for minor orders. The Roman text runs to some seventy-two lines, while the Cambridge text is some thirty-eight lines. But there are no substantial differences in their scope.

Lyndwood is concerned with five constitutions, which he divides under two titles, De temporibus Ordinationum, et qualitate Ordinandorum (four constitutions), and De Scrutino in Ordine faciendo. These cover all the ground with which Pole is concerned; illegitimacy as an irregularity in the candidate together with the other irregularities. The matter of the 'proper ordinary' for ordination is considered and the need for dimissorial letters if a candidate is to be ordained outside his own diocese. Only the suitable are to be admitted, and that after examination. The sacrament of penance is to be received in preparation. Lyndwood comments that while bishops can dispense from illegitimacy as an impediment to minor orders, a papal dispensation is needed for access to major orders.¹ Failure on the part of a candidate to be ordained by his own ordinary to or to get the appropriate licence for ordination by another bishop brought suspension from orders till a dispensation was sought and conceded. The irregularities considered are; homicide; counsellors in blood matters; simoniacs or mediators in simoniacal transactions; those receiving orders from a bishop corrupted by simony; heretics, schismatics, the excommunicate, the bigamous, adulterous, and violaters of virgins dedicated to God. Those who receive orders without examination; fortune-tellers, incendiaries who have attacked churches, are all in need of dispensations. A further list of irregularities is given in a constitution of Archbishop Walter, 'Cum quanta' part of which may be quoted.

1. Lyndwood, pp. 26b and 27a.

"Nullus ad Ordines accedat, vel admittatur, nisi Canonice fuerit examinatus. Minores clerici ad Inferiores gradus non admittantur nisi idoneos habeant Praesentatores, et per Testimonium eorum admittantur. Nullus etiam Simoniacus, Homicida, Excommunicatus, Usurarius, Sacilegus, Incendiarius vel Falsarius, vel alius habens Canonicum impedimentorum, ad quoscunque Ordines praesumat accedere, vel ad eosdem presentetur, aut quomodolibet admittatur."¹

Walter Reynolds, at Canterbury as archbishop from 1313 to 1327 is following the constitution of the legate Otho, who was in England from 1237-41. His decree 'De scrutinio Ordinandorum' is to be found at the back of Lyndwood's Provinciale.² The lists of irregularities vary, but the general picture remains the same. The mediaeval compilations of canon law all went into details about these irregularities.³ It is clear that the London synod is very traditional in its law in this respect. The main contribution of the Counter-reformation developments here was, especially through the seminary system, to ensure that the law really worked, and also through the formation given in the seminaries to develop from a negative principle (of excluding the unworthy) to a more positive one of forming the future priests. As the canon law is so clear here, both in its English exponents such as Lyndwood, and the traditions abroad, there is no point

1. Ibid., p. 33 in the major text.
2. Ibid., second pagination, p. 16.
3. In the Corpus Iuris, C.2,3,5, D.XXXIII etc.

in developing this concept of the approach to orders beyond considering what Cranmer had in mind.

The Reformatio legum ecclesiasticarum has no immediate equivalent to the traditional laws de temporibus ordinationum and de scrutino in ordine faciundo. Cranmer's section De Sacramentis is chiefly concerned with baptism and the eucharist. He avoids referring to Orders as a sacrament, but comments;

"In praeficiendis Ecclesiarum ministris (quales sunt diaconi, presbyteri, et episcopi) ceremoniam manuum imponendarum retineri placet; quoniam illius in sacris Scripturis mentio sit, et perpetuum habuerit usum in Ecclesia."¹

As a result of this attitude he transfers the traditional section on ordination and impediments to orders into a section 'de admittendis ad ecclesiastica beneficia'. Here his second chapter reads;

"Omnes quibus aliqua ratione sacerdotium obvenit diligentissime ritu et praescripto legum nostrarum explorentur et pernoscantur, ne temere cuiquam episcopus manum imponat, et alienorum criminum particeps sit; nec admittatur ullus ad Ecclesiam administrandam, nisi rite fuerit examinatus."²

In the same section he indicates what doctrinal requirements are expected, which include the exposition of the catechism, some of the modern controversy, and a knowledge of the canonical books of scripture.

1. Cardwell Ref. p. 32.

2. Cardwell Ref. p. 59.

The candidate for the benefice must not be a heretic but must be dedicated to the pastoral ministry as described by Paul to Timothy.¹ There is clearly a change of emphasis here. Cranmer has a different idea of Orders, and probably does not regard it as a sacrament; gone are the traditional lists of impediments, and the legal context becomes that of being admitted to benefices. Pole has clearly rejected the whole of this, and returned completely to the more traditional approach. While his law is a little more definite than the previous law, it is open to the same neglect, and any radical change would come rather from the decree on seminaries than from the sixth decree of the London synod.

The London synod deals with the subject of provision to benefices in decree number seven, which like its predecessor is addressed primarily to the bishops: again it is relevant in considering the sort of pastoral clergy which Pole was attempting to form. Taking a phrase from St. Paul, 'lay hands suddenly on no man', Pole offers the interesting exegesis that here St. Paul 'refers not only to collation to order but also to institution into ministerial office and duty'. Modern exegesis collating this text with the previous reference in I Timothy 4;14 sees this as a reference to conferring a function in the church. Medieval exegesis identified it as a specific reference to the sacrament of orders.

"Quid est manus cito imponere, nisi ante aetatem maturitatis, ante tempus examinis, ante meritum laboris, ante experientiam disciplinae, sacerdotalem honorem tribuere? Ed quid est communicare

1. Cardwell, p. 63; 2 Tim.4;5.

peccatis alienis, nisi talem effici ordinatam, qualis est ille qui non meruit ordinari? Sicut enim boni operis sibi comparat fructum, qui rectum tenet in eligendo sacerdote iudicium; ita gravi semetipsum afficit damno qui ad suae dignitatis collegium sublimat indignum".¹

This comment of Leo the Great is probably typical, and some mediaeval commentators would extend the concept to include, as Pole does, the whole idea of institution into ministerial office and duty.

The law rehearses some of the details of decree number six, and asks for further investigation to find out if the candidate is suitable for this particular office, and whether he acts from a suitable motive. This query, 'an ambitione, avaritia ve, aut alio humano affectu ad divina ministeria suscipienda accedat', suggests the beginnings of a theology of a vocation. In early centuries the idea of a vocation meant a religious vocation, and is so discussed in the writings of Cassian, Benedict, Gregory the great and Bernard. The necessity of a special call to the secular priesthood is not discussed by Aquinas. The first real theology of vocations would seem to be that of Suarez, whose De Religione is dated 1608-9. This is certainly in part inspired by the Exercises of Ignatius, and suggests that a theological development may have been beginning in this matter as early as 1540.²

1. Leo the Great; Ep. ad episc. Afric. c.11.
2. For the developing theology of vocations and a detailed examination of many texts c.f. Vermeersch, A. De vocatione religiosa et sacerdotali in the second vol. of his De religiosis institutis et personis (Rome, 1923).

The matter of residence arises with that of benefices, and the candidate is to be examined on the matter and eventually has to take an oath to reside. To ensure a supply of suitable candidates Pole promotes the idea of keeping a register of suitable candidates, based on information from prefects of universities and colleges. This will also assist in avoiding long vacancies in benefices which are to be avoided by immediate action by the bishop. The same rule applies to anyone with a right to present. The Roman text of this decree is some sixty eight lines long, while the Cambridge version is thirty four: again there is no substantial variation.

While Lyndwood necessarily deals with many problems about benefices he does not envisage an examination before collation to a benefice. The main concern is that the party collated to the benefice should be a cleric (at least that he has been tonsured),¹ and that he is not in the possession of an incompatible benefice, and that he be suitable.² The matter of paying for induction is considered, and the archdeacon is seen as the relevant authority actually to induct the new holder of the benefice. But although Lyndwood does not mention examinations before collation to benefices, as distinct from examinations before the reception of orders, the idea was not entirely unknown to English synodal law.³

1. Lyndwood, p. 139b; 'debet namque instituentus in Beneficio an minus habere primam tonsuram, ut sit in Ordine Clericorum in Vicario, quem ad minus oportet esse Diaconum'.
2. Lyndwood pp. 137a and 138b 'nota de idoneitate promovendorum'; he mentions age, suitable knowledge, ability to be ordained priest within the year, already a cleric by tonsure, and a deacon if the benefice requires it.
3. Powicke ll pp. 320, 430, 487-8, 517, 1084.

And as we have already seen, Cranmer because of his doubts on orders as a sacrament had transferred the traditional legislation on admission to orders into his section on admission to ecclesiastical benefices.

The Consilium of 1537 had noted the carelessness in admission to both orders and to benefices, but while it had asked for a small commission in Rome to preside over admission to orders there, it had been content merely to ask that care must be taken in the bestowing of benefices.¹

It asked for a small commission to deal with benefices vacated by resignations as here simony and undue influence might well be at work.

The influence of the mediaeval canonists had been to change the attitude both in law and in clerical esteem so that a parish and its revenue was regarded more as a beneficium than an officium. Part of the work of legislation in the Counter reformation period was to reverse this trend in public opinion. Adrian VI in his instructions to Chierregati in 1522 had noted the abuses in appointments, and had asked for a list, so that when vacancies should occur he could provide for them immediately.²

The London synod continues the policy of stressing the 'officium' by asking for detailed examination both in access to orders and to benefices, so that a benefice would no longer be seen as a reward for one who had managed to get ordained. The stress on suitability and motive would accent the officium rather than the beneficium, while the register of suitable men would help to avoid long vacancies, and perhaps cut out any lobbying for a particular benefice.

1. Olin, pp. 188-9.

2. Olin, pp. 126-7.

After he has tried to provide for the presenting of suitable men to benefices, Pole in decree number eight deals with abuses connected with benefices. These were many and varied, and had led to decrees in the past. Pole is especially concerned with the legislation of the third and fourth Lateran Councils in 1105 and 1215, and the attempts made in England to dispose of a benefice before it becomes vacant. This obviously could result in the present holder of the benefice resigning, but in a way which would continue to be of benefit to him, and which often involved simony. As this had been a problem for many centuries, Pole has no need of any new legislation, and is content to renew the canons, which he considers to have been frequently neglected. The basic principle is that no benefice is to be disposed of before it is vacant. Pole decrees that any attempt to do so is null and void, and those involved in the action are to be deprived of benefices, which shall revert to the superior who is not involved. Anyone presented to a benefice under such illegal circumstances shall not only be deprived, but is also to be declared incapable of obtaining a benefice for a period of five years. He thus legally has a party interested in detecting the abuses, and has a serious sanction, in five years of incapability, against the guilty. The decree is comparatively short, thirty four lines in the Roman text and a mere twelve and a half in the Cambridge version. The longer version gains by being more definite, condemning 'all and every donation ... all and every grant ... all and every promise at the instance of any person whatsoever, by whatsoever authority etc'; but the basic sanctions of the law are identical in both texts.

As the background to these abuses involved simony, there is naturally a considerable section in the Consilium of 1537 which covered this ground. But the terms of reference for the reform commission do not seem to have asked them to specify the legal solution in each case. As a result there are no parallels with the sanctions Pole offers in the London synod.¹ Lyndwood has a series of constitutions to comment upon under the general heading of de concessione praebendae.² But although he has many problems to consider, this particular one of disposing of a benefice before it is vacant is not paramount, and in this instance Pole is certainly not relying upon Lyndwood. Cranmer deals with the case rather from the aspect on parishes not being left vacant nor conferred before they become vacant.³ And under these circumstances he does not detail any sanctions. But in a later section

1. Olin, pp. 1888-190; 'in the bestowing of benefices ... provision is made for the persons on whom the benefices are bestowed, but not for the flock and the Church of Christ.'
Moorman, John R. Church Life in England in the Thirteenth Century (1945) p. 6 note 1. quotes Barraclough, G. Papal Provisions; 'the essentially material interests of the aristocratic classes ... made it normal to regard the religious vocation from the standpoint not of officium but of beneficium' And page 77 'the whole endeavour of the canonists of the classical period was to minimise the difference between the benefice and secular property ... they regarded it ... as the object of private rights, not of public interests'.
2. Lyndwood pp. 141-148.
3. Cardwell Ref. pp. 60-1.

he legislates that benefices must be conferred without any diminution. In this case he considers that those who are guilty are to be permanently excluded, as unworthy of office.

"Ordinarius si certo cognoverit ulla ratione quod quisquam vel beneficium vel quamcunque dignitatem ecclesiastica, iniquis pollicitationibus redemerit, primum evocabit ad se tam patronum aut patroni vicarium, quam ipsum qui vel beneficio vel dignitate sit donatus ecclesiastica: deinde, eum illorum mercaturam manifestis argumentis coarguerit et conticerit, personam donatam beneficio vel dignitate statim de loco dejiciat ad quem deviis et perversis itineribus obrepserat, quoniam quum simoniae labem in se conceperit, in sacris rebus pretium interponens, non solum praesente conditione per scelus occupata carere debet, sed etiam nullius ex tempore illo beneficii vel dignitatis vel muneris ecclesiastici particeps erit."¹

Cranmer's firm stand here seems to be independent of previous legislation, but Pole does not seem to have been directly influenced by it.

It was the final period of the Council of Trent in 1562-3 which dealt with these problems thoroughly, and very much after the fashion set by Pole.

1. Cardwell Ref. pp. 60-1 $\frac{1}{2}$

The cleric who sought to enter into a benefice through methods which involved simony is faced, in decree number nine, with three powerful sanctions; an entry thus acquired is null and void; revenue thus obtained is to be restored; and the perpetrator will be permanently inhibited from holding an ecclesiastical benefice. In addition the party disposing of the benefice is to be dispossessed of the right to exercise patronage. Here again the law is designed to transfer the right to the superior provided he is innocent. As this could apply only to an ecclesiastic, the penalty for a lay person exercising patronage simoniacally is excommunication. Previous laws against simony are renewed, and finally a most considerable oath has to be taken. And while previous legislation envisages the taking of an oath against any practice of simony in the conferring of benefices, the one laid down in the London synod would seem to be by far the most thorough. The person being presented has to swear:-

"I, N, being presented to the benefice known as N., do now swear upon these most holy Gospels of God which I hold in my hand, that neither I, nor any other person on my behalf or in my name, has with my consent or knowledge made any promise in advance to the patron thereof, nor to any other person or persons whatsoever, either in my own name or by any manner of arbitration or private understanding; nor made any gift for the purpose of obtaining entry upon the said benefice or of being presented thereto, nor to gain his or their favour in this matter exchanged, bartered, bought or negotiated anything with any person; nor offered compensation or reward; nor prior to

appointment borne witness or affirmed in favour of any person; nor made any agreement with any person in respect of any purchase; nor let out to farm, or otherwise sublet anything whatsoever; nor made any grant or obtained, procured, borrowed, exchanged, lent or hired anything, for use of myself or any other person; nor offered remission of any kind of debt, nor agreed to reduce the same, nor lightened the terms thereof; nor have I, nor any of us, promised, devised, contrived or made either by my own order or with my knowledge or consent, any gift of tithe or any offering whatsoever out of any right of sanctuary, glebe, building, lands, sureties, bonds, possessions, holdings, or made any gift or any remission out of the revenues or income past, present or future of the church aforesiad; nor have I nor any of us contrived or entered upon any such thing. So help me God, and these holy Gospels of God." 1

This is completely comprehensive, covering all possible forms of simony in the matter of benefices, and suggests the drafting skill of a highly experienced canonist. The two texts of this decree vary, with the Roman text running to some seventy four lines, while the Cambridge one is forty three lines. As both texts have the identical oath (with a few very minor manuscript variations), the Cambridge text is notably shorter in its statement of the law. However both texts have the same sanctions; the Cambridge version has no reference to any previous laws, while the Roman one takes note of the 'Cum detestibile' of Paul II and other laws 'whether general or particular'.

1. Roman text folios 22 r & v. Cardwell Doc. 1, p. 190. This may be compared with the 1604 oath in Bullard, J.V. Constitutions and Canons Ecclesiastical 1604 (1934) pp. 44-5.

The Reform Commission of 1536 had been in the difficult position of having to admit that the criticism of Hus about simony in the church and in the papacy had justification. Hus had written;

"Let us now enquire whether a pope may be a simoniac. It would appear that he can not, since he is the lord of the world, who by right takes whatever he wishes and does as he pleases; moreover, that he is the most holy father who cannot sin. But know that many popes were heretics or otherwise evil, and were deposed from the papacy If someone would defend him by saying that he cannot commit simony or other mortal sin, he would exalt him above Peter and the other apostles. . . .

Finally, be it known to you that papal power is limited by God's law, the law of nature, and the pronouncements of saints which are grounded in God's Word. The law of God constrains the pope to do nothing contrary to it; consequently he should give spiritual gifts freely as the apostles have done. The law of nature, which is an intelligent being's reason, by which he should regulate his life, asserts that the pope should do nothing unworthy

Simony will not be expelled from the holy Church as long as priests do not surrender wealth and rule" ¹

The Consilium lamented that "teachers at once appeared who taught that the pope is the lord of all benefices and that therefore, since a lord may sell by right what is his own, it necessarily follows that the pope cannot be guilty of simony." It is from "this source as from a Trojan

1. Elton, G.R. Renaissance and Reformation, 1300-1648 (1968) pp. 7-8.

horse (that) so many abuses and such grave diseases have rushed in upon the Church of God..."¹ The Consilium then proceeds to investigate the evil of simony in detail and recognises that "another abuse is in the exchanging of benefices which occur under agreements that are all simoniacal and with no consideration except for profit."² Luther's forceful comment upon this was that "this Romish trick was invented by the popes and cardinals themselves, and it is doubtful that they will be reformed therein".³ The reform was a slow process, and the demands made in the Consilium were modified by the Council of Trent, which adopted a compromise position. Evennett comments.

"The great question of the exact definition of simony was much discussed but never officialy answered. A compromise was eventually worked out between the reformers of the Consilium de Emendanda Ecclesia of 1537 on the one hand, who wished for very radical structural change and did not fear to accept the position that much was being tolerated that was simoniacal, and on the other the conservatives, who had a way of defending the status quo by involving the traditional fear of the thin edge of the wedge and the shame of a public admission of papal simony."⁴

1. Olin, p. 187.
2. Olin, p. 189.
3. Olin, p. 189 note 15.
4. Evennett, H. Outram. The Spirit of the Counter-Reformation (1968) p. 106.

Pole in his London synod is clearly standing entirely with the findings of the Reform Commission of 1536, and in this he adopts a much stronger position than that to which Trent finally agreed.

The position adopted by Cranmer in his 'Reformatio' is to be found in two sections 'de renuntiatione vel desertione beneficiorum' and 'de beneficiis ecclesiasticis sine diminutione conferendis'. He is aware of the same problems and seeks to control the situation by declaring that any pacts of agreement against the value of the benefice are null. An oath (not detailed in the text) is to be demanded of the person to be admitted to the benefice to ensure that neither he nor an associate has made any pact. When the bishop identifies a case of a simoniacal agreement, the party concerned is to be permanently barred from future benefices of ecclesiastical offices.¹ Cranmer is in the same line of thought as Pole, though he does not refer to previous ecclesiastic legislation, and does not have the details of an oath specified. Although the legislation is similar, the tone of the London synod would suggest that Pole has the Consilium chiefly in mind. The basic sanctions were to be found in both the general canon law, and in English constitutions, but must have been dead letter laws for a long time.² The Consilium considers an even more horrifying situation.

1. Cardwell Ref. pp. 70 and 87.

2. Lyndwood, pp. 148b to 160b.

"Another abuse concerns the absolution of those guilty of simony. Alas, how this destructive vice holds sway in the Church of God, so that some have no fear of committing simony and then immediately seek absolution from punishment. Indeed they purchase that absolution, and thus they retain the benefice they have purchased."¹

In his tenth decree Pole is concerned with a dual problem, the spoliation of the church, often at secular hands, and the separation of the benefice from the office. In 1537 the Consilium had stated the principle that 'income is joined to the benefice as the body to the soul'.² But to re-establish such a principle would require an economic revolution: benefices must be made real livings, and other means would have to be sought to support church officials who could not reside in a benefice, but were needed to administer the machinery of church government. All this could not be attempted in one synod, and so Pole is content to reaffirm the basic principles, and provide some safeguards.

The constitution 'Ambitiose' of Paul II is to be observed in full details and with all its sanctions effective. This constitution of 1468 was part of the general canon law of the church. The larger question of the abbey lands is in part a background to decree number ten. And when these had been under discussion with the Queen's Council in the December of 1554, Pole had then appealed to the 4th Lateran Council of 1215 and

1. Olin, pp. 195-6.

2. Olin, p. 189.

pope Innocent III. The discussion then was the more philosophic question as to whether any outsider could have a say in the disposition of lands in England without the authority of parliament. The reply, based on Innocent III, was that the authority of civil rulers did not permit them to alienate the lands of the church; to this he was able to add examples of English recognition of the supremacy of the Pope.¹

In this decree however Pole is concerned with the positive law of the universal church on alienation, and quotes the major authority.

However the constitution of Paul IV 'Iniunctum nobis' (14 July, 1555) posited a threat to the agreement which had been worked out about the abbey lands, and had led to further correspondence. Paul IV did not favour the solution which had previously been worked out, and it was feared in many quarters that he might revoke it. Pole is carefully avoiding mention of this in his decree and concentrating on the general canon law. The situation may be presumed to have been still a rather critical one, since according to Renard the Catholics held more church property than did the heretics, and at least for a while those who had the church lands were called detainers rather than possessors.²

Pole's own solution had been to condescend to the retention of this property in such a way that everyone might easily perceive that his dispensation was a mere permission given on account of the hardness of their hearts. Their legal right was to be unquestioned, but parliament's request that the holders might be given to understand that they could do

1. Crehan, J. 'The Return to Obedience' in The Month XIV (1955) pp, 266-7. The information is from Priuli writing to Morone's secretary, 24 Dec. 1554.
2. Strype, J. Ecclesiastical Memorials (1822) 31 p. 252. Renard is writing 13 Sept, 1554.

so 'without any scruple of conscience' was not answered in Pole's dispensation.¹ On the contrary Pole makes it clear in his sermons that the dispensation was given on account of the hardness of their hearts, and the more generous response would be to restore the lands and assist with the restoration of the religious houses.² The problem was quite a general one in the sixteenth century, and had hampered Contarini at Regensburg.³ In the drafting of the tenth decree of the London synod, there was need for a precision lest either too much or too little be read into the law. The Roman text opens "ecclesiarum indemnitatibus in POSTERUM OMNINO prospicere cupientes"; this is clearly looking forward, and not to the problems of the past, which are considered later; "exceptis tamen semper iis, quae circa bona ecclesiastica, ante ab ecclesiis ablata iam auctoritate Apostolica statuta sunt, quibus per hoc nullo modo derogam nolumus". The Cambridge text contains comparable phrases; by the time that Pole was sending his longer text to Rome, he must have known that what he was expressing would be viewed with a jaundiced eye by Paul IV.

1. Crehan, J. 'The Return to Obedience' in The Month XIV (1955) pp. 227-8.
2. To the citizens of London, in Strype, J. Ecclesiastical Memorials (1822) 3ii pp. 482 ff.
3. Quirini, iii, page CCLXXXIX Matheson, Peter, Cardinal Contarini at Regensburg 1541 (p. 167: the local bishops thought that the emperor was betraying their hopes of a restitution of church lands and were uncooperative.

To make his law effective, Pole orders an inventory to be drawn up and properly witnessed by suitable persons, within six months, and in two copies, the second of which is to go to the bishop or metropolitan. Both Heath and Bonner had already been doing this within their dioceses, and the idea was widespread. These inventories are to be the subject of episcopal visitation, and to be renewed every three years, and every time there is a change in the holder of the benefice. He finally notes the legislation of Otho and Othobon, and restricts any form of leasing the income of any benefice for more than a year. Long term farming out of benefices was later to become a serious problem in the Elizabethan church.¹

The Roman text is some fifty one lines, while the Cambridge one is twenty seven. They are substantially the same, both mentioning the constitution 'Ambitiose', and the constitutions of Otho and Othobon.

Lyndwood bases his discussion of alienation of the constitution of Stephen Langton at the Oxford (Oseney) council of 1222, and John Peckham at Lambeth in 1281. He does not mention inventories in this context, though he does elsewhere, but without direct reference to church property.² Indeed according to Boudinhon inventories do not enter formally into canon law before Trent, though many writers previously supposed their

1. Hill, C. The Economic Problems of the Church etc. (1956) p. 16 'in 1584 Thomas Godwin obtained the Bishopric of Bath and Wells only after making a 99 years' lease to the queen for Raleigh's benefit'.
2. Lyndwood, p. 171 where he is treating 'de testamentis' and of inventories as an obligation upon those executing a will. Further details on p. 176 b.

existence without making formal mention.¹ The range of the legislation which Lyndwood is considering covers any change of ownership, and any form of leasing, and the penalties for breach of the law. It provides a definition of alienation, and the extent of the notes on the extent of the law, and the penalties suggests immediately that this was a well studied part of canon law.² However the framework of the law does not suggest that Pole's London synod is in any way immediately dependent upon it.

Visitation articles show an interest in inventories, and in the state of church property. But the scope of these inventories varies. Carranza directs:

"Deinde videndum inventarium de omnibus vestibus et ad ecclesiam pertinentibus idem fiat de missali et aliis libris ad chorum attinentibus. Deinde inquirendum an bona Ecclesiae indebite alienentur ad tempus vel perpetuo locentur ... An mobilia bona distrahantur et dissipentur."³

1. The Catholic Encyclopedia (1907) VIII p.84a; 'it must be admitted however that the old writers on canon law prior to the Council of Trent, though they implicitly suppose an inventory of church property, make no formal mention of it. The only texts that refer to it clearly are those ordering bishops to separate carefully their own property from that of the Church, so that their heirs may not seize the goods of the Church, or the Church lay claim to their proper belongings. The most important document relating to the inventories of church property is the Motu Proprio "Provida" of Sixtus, V, 29 April, 1587'
2. Lyndwood, pp. 149-151 de rebus ecclesiae non aliendandis & pp. 151-160 de locato et conducto.
3. Tellechea Idigoras in Anthologica Annua (1964) 12.

The mention of the inventory here is such as to suggest that its exact role is not yet defined. Perhaps the problems of the 16th century brought the need for an inventory of church property more to the fore and helped to define its exact role. Pole's definition of the scope is good, and the time he allows is strict by comparison with Trent which in allowing a year, doubled what Pole had required.¹

An ancient tradition of the church associated renewal with the canonical process of renewing the canons;² the idea was to reaffirm laws which had fallen into neglect and to so restore discipline. Few synods or councils, if any, would start from a completely new position, but intended to build on past traditions and customs. Pole is clearly of this mind. His twelve decrees are intended to focus attention on what he considers to be the more important headings, but he constantly appeals to past laws and penalties and affirms that they are hereby renewed. To provide that they would be known, he legislates that i) the decrees be formally published; ii) canon law be again publically taught in the schools;³ an abridgement of the laws be made

1. In Trent sessio XXII de Reform. cc VIII, IX, XI, in 1562.
2. Ladner, Gerhart B. The Idea of Reform (Harvard 1959) pp. 298 ff.
3. This is in the proemium to the London synod (Rome version only) folios 4r. where archbishops and bishops are required to promulgate and see to the observance of these laws; in decree number two, entitled 'of receiving and rejecting Constitutions; Canon law to be taught publically', which is common to both texts; in decree number five (life and probity of the clergy) which orders ordinaries to publish a brief compendium of the law lest clergy remain ignorant. This suggestion 'in breve compendium redacta' is common to both texts.

for the clergy. There is no sign of the abridgement ever having been published.¹ Clearly, since the Synod was incomplete, it was originally intended to wait for the rest of the decrees and then supply a digest both of previous laws and the whole synod. But once Pole had ceased to be legatus a latere, he no longer regarded himself as in a position to publish such a volume of law for the whole kingdom, since this would be claiming the power and authority of such a legate, so the projected book of law was postponed, and ceased to be a possibility with the death of Pole. The known Pole manuscripts do not include any drafts of such a synopsis of law, but possibly such yet remains to be found.

Since canon law had not been publically taught since it was forbidden by the Royal Injunction of 1535, a large part of the clergy in 1555 must have been very ignorant of the subject. They would know about the details stressed since the suppression of canon law, and would have acquired many ways of doing things which had a basis in the ancient laws, but probably without knowing of that basis. It would be simply a question of the ways things were done. Under such circumstances, it was clearly necessary for Pole to mount a considerable education campaign in this field. He may have intended the seminaries to be the fulcrum for the change: visitations and the work of the deans would help in this reformation of the clergy. But it was a matter which would take quite some time. Effectively it hardly seems to have got under way. This may be realistically attributed to the result of the withdrawal of Pole's legateship.

1. This conclusion is based on the STC catalogue, using the year by year analysis in the Bodleian.

The provision made in the London synod was adequate, but must be regarded as incomplete, like the synod itself. The priests of a later generation from Allen's seminary at Douay both studied moral theology and canon law through doing exercises in 'cases' and are later found in the possession of law books. A generation or two of Pole's legislation put into effect in England could well have produced a comparable situation. But the seminary priests from Douay were distinguished by a new spirit, and the source of this was not to be found in law. There is no reason to consider that the London synod could have done more than create a certain order and discipline. Spiritual vision and a high clerical esprit de corps is somewhat beyond the aims and objects of canon law.

Finally some indication of matters which would have been the subject of further synodal legislation may be gained from the Convocation of 1558 and various injunctions. It would be a normal development in church law that visitation would produce an accurate knowledge of what further laws were needed. Injunctions might be used to regularize the situation for the time being, and eventually synodal laws would deal with the matter on a more permanent basis. Thomas Goldwell at St. Asaph in 1556 warns his clergy about suspect houses "disinghouses, common bowling allies and other suspect houses or places".¹ Giberti at Verona in 1527 had been very detailed in his instructions about clerical life: so the complete London synod would very probably have taken up this theme again in greater detail. Items about unlawful games, hunting, obligations in the

1. Wilkins IV. pp. 145 ff.

matter of poor relief, further advice on preaching, perhaps an additional catechism to Carranza's, could well have shared place with prescriptions about witchcraft, superstition and heresy. Pole's interest in making the benefices more realistic in their economics suggests that the matter of the union of benefices would have come to the fore. Both his old interest in education, and the details in the 1558 convocation give a probability that eventually a ratio studiorum for the seminaries would have been produced. The 1558 convocation has a section 'articuli de academis et scholis';¹ Aristotle holds the place of orthodoxy in this scheme: he alone is to be used for moral and natural philosophy, while Peter Lombard or another scholastic text for theology. Public disputations are recommended by way of encouragement for the more expert, and three years of study is needed prior to ordination. All these details are among the papers of the convocation, though it is not clear to what extent they were actually adopted, as the convocation had been first prorogued, and then a dissolution ensued following the death of Pole and Mary.² The mention of Peter Lombard and scholastics suggests an influence other than Pole, perhaps de Soto or Carranza; the whole scheme is so brief that there is no reason to envisage anything like the Jesuit ratio studiorum, which did not appear till 1599, though this was after some fifteen years of testing and improving the system.

1. Wilkins IV. pp. 158 ff.

2. Wilkins (IV p. 156) notes; 'in ms. sequuntur nonnulli capita articulo de doctrina, et disciplina ecclesiae, et ecclesiasticorum continentia; item statuta quaedam de eadem materia, quae in hac synodo, si non stabilita, saltem proposita fuisse, valde probabile est.' C.f. Joyce, James Wayland. England's Sacred Synods A Constitutional History of the Convocation of the Clergy (1855) p. 535.

It is hardly possible to assess the result of Pole's legislation upon the clergy of the England of Mary Tudor; an unfriendly comment comes from the beginning of Elizabeth's reign.

"Item, Foreasmuch as in these latter days many have been made priests, being children, and otherwise unlearned, so that they could not read to say mattens or Mass, the ordinaries shall not admit any such to any cure or spiritual function."¹

This early Elizabethan injunction is clearly critical of the Marian clergy. But Elizabeth was probably far from pleased with them as they had voted to a man against any change in religion in the convocation of 1559, with the result that convocation was ignored till 1563.² This act on the part of the lower house, together with the action of the Marian hierarchy (with the exception of Kitchin of Llandaff) suggests that the clergy Pole left in the country at his death were clearly Catholic in outlook, though many of them were later to compromise their faith. He had been in the country for little over four years, and Mary had reigned for five years and four months. Such a brief time is almost too short a period from which to expect any real and permanent change. The implementation of the decrees of the London synod would have produced a disciplined clergy, given time and visitation. The system of seminary education would have begun to change the standards of professional knowledge among the clergy. But even if the seminaries had begun in 1556 (instead of being a victim when Pole ceased to be

1. Wilkins IV p. 186.

2. C.f. A.J. Carlson 'Puritans and the Convocation of 1563' in Rabb, T.K. and Siegel, J.E. Action and Conviction in Early Modern Europe (Princeton, 1969) p. 147.

legatus a latere), it would have been 1560 before any ordinands were ready to move into parochial work, and probably twenty years before they were of sufficient numbers to be notably changing the texture of the clergy of the country. Change by education was a long, though desirable process.

The London synod was also committed to change by visitation, and there are some records of this beginning to take place, in Harpsfield's visitation (for Pole) of Canterbury, in Bonner, Goldwell, and others. This at least could be hoped to produce quicker results than seminary training. The considerable oath required of those being provided to benefices could quickly bring results, if it was reinforced by effective visitation: the same would apply to pluralism, and the existence of the grosser vices among the clergy. A respectable and disciplined clergy could result from the application of the laws of the London synod. But with the exception of seminary training there is nothing which might create a sense of vocation and give some spiritual vision. Even the seminary training would be entirely dependent upon having the right men with which to staff the schools. It is here especially that Pole may be said to have failed to find the Counter-reformation. His own rather monastic spirituality may be the reason why he never accepted the offer of jesuits from Ignatius Loyola. But in the absence of such a force his legislation was rather the letter that killeth than the spirit which quickens.

CHAPTER FIVE

DOCTRINE AND DEVOTION

The devotions of Christian peoples have always been an index both to their faith, and to the vigour of the spiritual life practised by the community. The principle is stated in the formula lex orandi, lex credendi, which may be used as a standard with which to appraise the work of the London synod. To this purpose, it is best to examine the devotions which the synod urges upon the bishops and clergy, and then the doctrine taught by the synod. As the sixteenth century witnessed a number of important changes in devotion, it is possible to use this test as a means of assessing the extent to which the synod is mediaeval or modern.

The Marian restoration was a unique event in the first half of the sixteenth century. Later through the labours of Canisius in Bavaria and Austria, and various jesuits in Poland, other countries either returned to their traditional faith or were consolodated in it after a period of indecision. But in 1553 a restoration of Catholicism was a new event. Pole regarded it as a unique event, and provided for suitable thansgiving for it. This was to take the form of an additional prayer in Masses on both Sundays and feast days. Both texts speak of "post aliis ejus diei collectas, et infrascripta dicantur." But this suggestion that various collects might be provided elsewhere in the legal texts is a false promise.¹ Again it is most probably due to the fact that the synod remains incomplete, and this is another example

1. See the extended note on marian missals in the second volume.

of unfinished business. These collects were also to be duly inserted into the missals as they were afterwards printed. However a good deal of the liturgical books were being imported from abroad, and the London synod would hardly be effective with the printers there.

Pole also legislates for the annual celebration of St. Andrew's day as the day of reconciliation. Here he follows the example (to which he refers) of the legate Othobon. Equally and significantly he follows the style of celebration: solemn procession, Mass and sermon; alms and other pious works are also recommended. The reference to Othobon is peculiar to the Roman text which is three times the fourteen lines of the Cambridge version. The laws however remain basically the same, though there is an additional precaution in the Roman text which concludes by ordering that the ordinary of every place is to be responsible for publishing the law. This law does seem to have been effectively implemented, if the accounts in Machyn's diary are representative of the whole country. But what would its significance be to the people of the land, after the drift from Catholicism under Henry VIII and Edward VI? A great deal would clearly depend upon the quality of the preaching, and the law itself shows uncertainty about this, when in the Roman text it states that -

"where there shall not be available anyone able to preach such a sermon, the parish priest shall read to the people a homily that shall set forth this matter, and provision shall be made for the preparation and publication of this said homily."¹

1. From the latin text, folio 15.

While this wise provision suggests an accurate appreciation of the local difficulties, it also suggests a rather artificial celebration and forced enthusiasm.

The provisions for ordinary parochial life tend rather to be either a matter of restoring good order, (churches properly equipped with the liturgical books, latin bibles, vestments and tabernacles) or negative in indicating which books are to be avoided and what doctrines must not be taught. A positive leadership with some inspirational value at the parish level would require good preachers, and devotions which the people could easily understand. The only other devotion commended by the synod is concerned with the celebration of the dedication of the churches (on the first Sunday in October by an old custom). And the law here is as much concerned to condemn 'profane and irreligious usages spectacles, feasting, dancing and acrobatic shows', as to exhort the people to divine office.¹ The law has a puritanical ring about it, and threatens 'ecclesiastical censures or other remedies of the law with the invocation, if needs be, of the secular arm'. The restoration of the latin liturgy may have pleased those who complained of the Edwardian prayer book, but it necessarily increased the burden placed upon the local clergy to preach and catechise effectively. The ancient support of hallowed custom and time honoured tradition was now broke, and there was need for a new start. It could hardly be made effectively by reading sermons to conscripted congregations.

1. Roman text, folio 11; Cardwell Doc.1.p.180.

The synod deals with the obligation of preaching in conjunction with that of instructing children in the rudiments of the faith.¹ The association is a common one, and had led to discussion in the first session of Trent, where the Council had eventually produced a decree on bible reading and preaching, and seen residence by reforming bishops as a key to the situation.² It is seen as the 'only successful attempt to combine Church reform with what ever was sound in Christian humanism'.³ Pole clearly had all this in mind. The problem was to bring it to birth in the parishes. It is very hard to find evidence about the ordinary parochial sermons, for by the nature of things only the more exceptional sermons survive for posterity. We have some of Pole's own sermons, and a list of the preachers at Paul's Cross, often with information about their subjects, There is the sermon of the boy preacher.⁴ But there is hardly any information about the most important preaching, which is what the people of England heard each Sunday in church. Here was the finest opportunity to reestablish Catholicism. The nearest hint as to how it was used is to be found in Bonner's "Necessary Doctrine and Erudition of a Christian Man" of 1556. Some fourteen years previously he had ordered every clergyman in the diocese of London to buy a copy of

1. The heading in the Roman Text, folio 14 reads; 'ut Episcopi, reliquiq; curam animarum exercentis populo praedicent, parochique PUEROS prima fidei rudimenta doceant' (own italics).
2. Jedin 11 p.99 (on the need for a catechism) and p.106 (for the provision of homilies for those unable to preach).
3. Jedin 11 p.122.
4. This sermon of the boy preacher is the only Marian example in Chandos, John, In God's Name; Examples of Preaching in England, 1534-1662 (1971) pp.45ff.

the Bishops' Book "The Institution of a Christian Man". This was a conservative book in an age which was moving in a protestant direction. The "Necessary Doctrine" of 1556 comprises a tract by Bonner with homilies, mostly by Harpsfield, though with a couple by Bonner himself and also Henry Pendleton. The homilies were also translated into Cornish.¹ The work seems to have been the result of the correspondence between Mary and Bonner in 1554.² The homilies which the synod had promised were to have been produced by Bishop Watson and edited by Brexallus, and this may be the work which Watson published later in 1558.³

Thus Bonner's effort remains as the main and uncertain suggestion as to the subject matter and tenor of ordinary parochial preaching.

Bonner accepted the titles of the Henrician formularies, but produced his own text to meet the needs of Marian England, with criticism of the Edwardian ordinal. After the preface there is a basic exposition of the Creed, the Seven Sacraments, the Ten Commandments, the Pater Noster, Ave Maria, the Seven deadly sins and the Eight Beatitudes. There are a series of collects for the Pope, the legate, for King Philip, the Bishop of London, and finally a prayer in verse for the King's

1. CRS. 45 p.vi with a reference to B.M. Add.Mss. 46397; the translation into Cornish was done by John Tregere.
2. Wilkins, IV p.90; Queen Mary to Bonner March 1553/4 a letter with articles: "16, Item, That by the bishops of the diocese an uniform doctrine be set forth by homilies, or otherwise for the good instruction and teaching of all people; and that the said bishops and other persons aforesaid do compel the parishoners to come to their several churches, and there devoutly to hear divine service, as of reason they ought."
3. Quirini, V p.74.

prosperous voyage and safe return. The Homilies follow;

Of the creation and fall of man by Harpsfield, archdeacon of London.

Of the misery of mankind, by Harpsfield.

Of the Redemption of man, by Harpsfield.

How redemption in Christ is applicable to man, Harpsfield.

Of Christian love and charity by Bonner.

How dangerous a thing the breach of charity is by Harpsfield.

Of the Church, what it is etc. by Henry Pendleton.

Of authority in the church by Pendleton.

Of the primacy ... of the church militant by Harpsfield.

The same by Harpsfield.

Of the true Presence of Christ's body and blood in the Sacrament of the Altar by Harpsfield.

Of transubstantiation by Harpsfield.

Of certain answers against some common objections made against the Sacrament of the altar. No author named.¹

Preaching in Italy in both the fifteenth and sixteenth century was highly moralistic, directed against specific sins; the Passion of Christ was often contemplated with eloquence and with an appeal to imitate his sufferings.² There were implications here for the controversy about justification. Contarini, and later in 1541 the papacy, began to stress the need to deal with matters in dispute with the Protestants, and at

1. Dixon IV pp.376-7 in the note.

2. Bainton, Roland H. Studies in the Reformation (1964) p.109.

the same time to avoid subtilities.¹ Seen in this context Bonner's book is not moralistic, neither is it given over to controversy. But while it is suitably dogmatic, it would hardly be classifiable as inspirational when read to a congregation Sunday after Sunday. It is sound doctrine, but without fire.

It is hardly possible to see the preaching of Weston, Brooks, Glasier, Richard Smith or Henry Cole as in any way representative of the normal English Sunday. Special occasions, whether at Baul's Cross, convocation or the burning of a heretic have always been marked by special efforts, while Court sermons are normally restricted to the more skilled performers. Feckenham, as befits a monk, displays a very mediaeval asceticism. The grave lack of preachers at the outset of the reign of Elizabeth suggests that in the majority of parish churches during Mary's reign preaching was rare, and a latin service was interrupted by the reading of an English homily.² Before the breach with Rome by Henry VIII a good

1. Pastor XI p.200.

2. Preaching in the days of Edward VI is discussed in Dixon lll p.175; "there was never a time in which preaching was so rare as in these years of boasted freedom and enlightenment". Early in Elizabeth's reign (c.1563) a similar comment from Haugaard, W.P. Elizabeth and the English Reformation (1968) p.167; "preaching was clearly in a bad state. Some Cathedrals without a single preacher on their staff". The Marian era was much the same; c.f. Blench, J.W. Preaching in England in the late Fifteenth and Sixteenth Centuries. A Study of English Sermons, 1450-c.1600 (1964). See especially pages 277-292 and the bibliography p.351. Elton considers that Blench has missed the government's campaign in support of the radical's preferred style in his first chapter. (Elton, G.R. Policy and Police (1972) p.233). Watson's homilies have been re-published; Bridgett, R.E. Sermons on the Sacraments by Thomas Watson (1876). Bonner's 'Necessary Doctrine' is not the same as 'The King's Book'; Constant, (G. Constant The Reformation in England 1.p.429,) confused the two.

deal of the preaching had been in the hands of the religious, especially the friars. Pole was without this support, and his helpers from abroad, Priuli, Ormaneto, Carranza and de Soto could have been little help in the vernacular. The best opportunity for restoration must have become monotonous for lack of preachers.

It is useful to consider the implications of Bonner's Book of homilies, the eucharistic writings of Richard Smith, and Thomas Watson's teaching on the sacraments. Richard Smith has recently been studied at some length.¹ His earlier writings on the eucharist were produced between the crucial years of 1545 and 1555. And although he published many more works as an exile in Louvain in 1562 and 1563, his teaching on the eucharist does not seem to have changed at all, or to be significantly influenced by Trent. According to Cranmer, Stephen Gardiner drew on Smith's help in the writing of his own (better known) treatise on the eucharist. Smith wrote in English, drew heavily upon the fathers, especially Augustine and Chrysostom, and was entirely traditional in his outlook. Significantly he shows no knowledge either of Trent or of the newer eucharistic devotions. Though sound and solid in his teaching, he has no very positive contribution to make to counter the protestant innovations. He considered himself simply to be a witness to the Catholic tradition: "I have not spoken anything but such as I am assured is allowed by scripture and approved by Catholic ancient expositors and writers".²

1. Ryder, A. The Eucharistic Doctrine of Richard Smith (Rome, 1970) C.f. also Clark, Francis, Eucharistic Sacrifice and the Reformation (1967)
2. This is quoted by Ryder (p.100) from Smith's Assertion and Defence of the Sacrament (1546)

The extensive teaching of Thomas Watson, who published a book of homilies in 1558, follows much the same pattern.¹ He covers the general sacramental teaching, in a traditional and orthodox manner. But again he knows nothing of the developments of Trent, and still less of the developing devotions which were to become the basis of counter-reformation spirituality. Watson was a professional theologian, master of St. John's College, Cambridge, and a distinguished preacher. On 15 August 1557 he was consecrated bishop of Lincoln, and in June 1559 he was deprived of his see by Elizabeth. His publication of sermons or homilies on the sacraments in 1558 was presumably intended to be of pastoral assistance to his clergy, and to follow out the wishes of the London synod. If we consider it as the type of preaching which the hierarchy were aiming at after the synod, it is open to the two criticisms that it has not taken advantage of the Tridentine developments, and it is using a mediaeval pattern of devotions to deal with a new age. It may be categorized as orthodox but insufficient. And while the developments in Italy were still growing, they were significant enough already and known to Pole, Gddwell, Ormaneto and de Soto. The lack of any sign of notice of Trent and these devotions in Bonner, Watson and Smith suggests the extent to which Pole and his theologians were unable to give effective leadership.

1. Sermons on the Sacraments by Thomas Watson (edited by T.E. Bridgett, 1876); the long introduction gives a detailed account of Watson.

The fourth decree, which considers preaching at some length, concludes with one sentence in the Cambridge version on the subject of instructing children:

"Episcopi etiam provideant, ut curati pueros parochiae suae dominiciis saltem diebus et aliis festis certa hora ad ecclesiam vocent, ibique eosdem in primis fidei rudimentis et pietate christiana diligenter instruant; negligentes in hoc suo arbitrio puniendo."

As usual the Roman text is longer, indeed almost doublet yet it is substantially the same. To some extent the instruction of the young would be even more vital to the cause for which Pole was legislating than preaching to the older members of the congregation. Later the synod is to show concern about schoolmasters, and to follow the Tudor custom of licencing teachers. This is especially evident at the end of decree number eleven on seminaries, though the provision in this matter is universal: "no person whatsoever do receive any appointment to be set over any school or to be appointed in any capacity to teach in any school in any place whatsoever, except he be first diligently examined and tried by the ordinary of the place". And the final decree giving the visitation articles proceeds to ensure that this will be the subject of continued enquiry.

At the end of the reign of Edward VI the forty two articles of religion had been published in the company of a catechism of substantial

1. London synod; 4th. 11th and 12th decrees; Cardwell Doc.1. pp.186 and 192. Roman text folio 27.

length. It veered towards the Swiss doctrine on the sacraments and was critical of Catholic teaching. It was commended to teachers by the king on 20th May 1553. With the king dead convocation proceeded to repudiate it, since in its publication the authority of convocation had been claimed, though the legislative body had never considered it.¹ The discussion which it aroused led to a debate about the eucharist. The catechism had been the work of John Ponet, once chaplain to Cranmer, but at the time of writing ruling in Gardiner's see of Winchester. To repudiate it was a quick act of convocation. To replace it was another matter. And for a year or two this, and other unsatisfactory catechisms, were replaced only by a series of primers with some very brief pages of instruction.² The solution envisaged by Pole was that Caranza's Spanish catechism be translated.³ While this is not mentioned in the text of the

1. Wilkins IV p.88 (and p.78 for Edward VI's approval). Haugaard, W. Elizabeth and the English Reformation (1968) p.17. Thomas Watson in a sermon in August, 1553 commented upon the number of catechisms; "Also, he said, that there hath been in his time that he hath seen twenty catechisms, and everyone varying from other in some points; and well, he said, they might be all false, but that they could not be all true". The Diary of Henry Machyn (1550-63) edited by J.G.Nichols (Camden Soc. xlii, 1848) p.332.
2. STC. 16058,9: 16068 in 1554, and more in 1555. The first authorized versio during Mary's reign is 16060, 4 June, 1555. Buterworth, Charles C. The English Primers, 1529 to 1545 (Philadlephia, 1953) pp. 309-10.
3. Quirini V p.74 "ac te quoque Dei providentia voluit, in hoc Anglicanam nostram Ecclesiam adjuvare tuo illo docto et pio Catechismo, quem, dum hic esses, Hispanice scripisse, qui nunc in nostram linguam vertitur": Pole to Carranza, 27 Sept. 1558. There are various mentions of both Pole and Carranza's catechism in Tellechea Idigoras, J.I. Fray Bartolome Carranza ... Documaitos Historicos, (1962) in the series Archivo Documental Espanol, 11 p.496 and 111 pp. 267, 944-50.

synod, it would seem to have come to a head about the same time and to represent an effort to make the synod effective. Prior to the reformation catechisms had not been widely used, and the instruction in the primer had been the basic text. Pole's intention in this matter represents an acceptance of the new situation, but the delay suggests a lack of appreciation of the importance of the issue. The great work of Canisius in this field coincided with the London synod, since his first edition came out in the spring of 1555. But Pole's Italian experience seems to have given him little assistance in this particular sphere,¹ although Contarini had produced a short catechism of some forty one questions which was certainly in print by 1533.²

The reformation age was highly productive of catechisms. The standards of religious instruction in previous days had varied considerably, but the popular spread of catechisms was necessarily dependent upon printing. In 1281 John Peckham had ordered every parish priest to explain in English and without any elaborate subtleties four times a year the Creed, the Ten Commandments, the two precepts of the Gospel, the seven virtues and the seven sacraments. And synodal constitutions often contained a brief statement of doctrine to ensure that the clergy knew what they were to speak about. In 1357 Cardinal Thoresby, archbishop

1. Broderick, J. Saint Peter Canisius, (1939) pp. 234 ff. For catechisms in general the DTC article 'Catechisms', and Reu, M. 'Religious Instruction of the Young in the Sixteenth Century' in Lutheran Church Review 34 (1915) pp. 566-85, which has a useful bibliography of the older literature pp. 583-5.
2. For Contarini see Gasparis Contarini Cardinalis Opera (Paris, 1571) pp. 533-545. Contarini's work on the sacraments and his catechism were printed in Florence in 1553.

of York produced a lay folks catechism in both latin and English, and as this very much follows Peckham's plan, it would seem ideally suited to fulfil his laws. With the invention of printing Gerson's 'The A.B.C. of Simple Folk' had been made popular, and in England Colet's catechism represents the influence of devout humanism in this field. Though there are comparatively few catechisms designed for children before 1540, quite a number of the mediaeval works, like the Pars Oculi Sacerdotis, the speculum Christiani and the Pupilla Oculi were available for the use of the clergy. Synods had continually insisted on the duty of instructing the young and divided the responsibilities between the parents, god-parents and the parochial clergy. The amount of instruction demanded tends to be small, two or three prayers, and some basic knowledge of the Creed and the Commandments.¹

The sixteenth century has been characterised as an age of grab. This materialism might devalue religious principles. So catechetical instruction had to deal both with the theological confusion of the age, and also with its materialism. Religious instruction came to be much more important in the life of the church, and catechisms were seen as an indispensable instrument. Though Pole accepts the general need, he is not very active in getting ~~yo~~ grips with the task. Harpsfield's visitation of 1557 asks two questions in this context. Of the clergy, the visitor is to find "are the people taught by their parsons the articles of faith and the ten commandments?" And of the laity, "are

1. Frere, Walter Howard. Visitation Articles and Injunctions (1910) 11 pp. 17, 37, 21, 56, 66, 107, 179-80 etc.

the schoolmasters Catholic, and are there any schools kept without licence of the bishop?"¹ By this date an energetic reformer might have had a catechism for children published, and be asking if it was in use in every parish.

The convocation of 1558 has a section headed 'de hiis, quae ad orationem pertinent'.¹ The customary problems of behaviour in church, people talking and walking about, are considered, but we are also given an indication of the devotions which should be edited in both latin and English, and which those in authority were recommending to the faithful. These include the office of our Lady, the penitential psalms, the passion psalms and other prayers, and vigils and the commendation of the dead; and finally to these, grace for meals. All the publications of the time follow this pattern; books of hours, primers, in addition to the normal latin service books of missals, ceremoniales and pontificales. The other devotional books are one or two of the works of Fisher, More and Thomas a Kempis, with a work of Louis of Avila as early as 1555.² At the very end of the reign, Tunstal's prayers were published with an English version "certain Godly and devout prayers made in latin by the reverend Father in God Cuthbert Tunstall".³ A devotional standby of the previous reign had been

1. Wilkins IV pp. 156-7.
2. STC 10897, 23967 and 987.
3. The translation was by Thomas Paynell, an Augustinian friar, once chaplain to Henry VIII. The work has been reissued with modern spelling and edited by Dom Roger Huddleston in 1925.

Erasmus' paraphrases, and though the translation of these had been in the main the work of Udall, the then Princess Mary had taken part in the work. Early in the reign of Edward there was an injunction that they should be placed in all the churches. This Edwardian association would not help once the Catholic restoration began to function, and in Rome Erasmus, long suspect, now had some of his works condemned: Philip and Mary followed the example and Erasmus is among those condemned by name in June 1555.¹

The picture is important mostly because of the devotions which are absent. While he had been at Viterbo, Pole had been able to observe some of the influence worked by the new devotion of the Spiritual Exercises, and his friends, Contarini and Morone, had actually made the exercises. So Pole clearly knew of other possibilities in the matter of devotions for the people. His problem was the same basic one. Where was he to find the necessary preachers through whom he could spread the devotions? In Italy from 1537 onwards the devotion of 'Forty Hours' had come into vogue both to counter the excesses of the carnival season, and also to reaffirm the Catholic faith in the Eucharist challenged by some of the reformers. The names of both Anthony Mary Zaccaria and Giberti are associated with the devotion of the 'Forty Hours', and this indicates that Pole can hardly have been ignorant of this development.² Such a practice in England would have helped to repair some of the damage

1. Wilkins IV pp. 128-9 for the condemned books including the Paraphrases. C.f. also Porter, H.C. Reformation and Reaction in Tudor Cambridge (1958) p. 69 and Lingard, J. A History of England (1838) vii p. 244.
2. Cristiani, L. L'Eglise a l'epoque du concile de Trente (1948) pp. 273-4 and the Catholic Encyclopedia article on 'Forty Hours'.

done by the eucharistic controversies, and might have been expected to have been more effective than processions. Pole may have feared to add to confusion by the introduction of something new, and again the development could not be effected without vigorous preaching. Nearly all the devotional developments in Italy were the work of the religious orders: reforming bishops could bring in preachers from religious societies who would set an example to their secular clergy and establish new patterns of devotions which could then be continued. The newer methods of meditation were spread either by training through the Spiritual Exercises or as a result of preaching, usually by religious. This was to be brought to English Catholics during the reign of Elizabeth by the seminary priests. There seems to be no sign of it in Marian England. There remain some surprising examples of the ancient devotion, such as the legacy of Agnes Badcroft. She had been a nun of St. Mary's abbey, Winton, which was dissolved in 1536. Dying during the reign of Mary, she writes in her will of June 30th. 1556 "I bequeath my professed ring to the Blessed Sacrament for to be sold and to buy a canopy for the Blessed Sacrament in the Church of St. Peter's Colbroke."¹ Had the devotion of the Forty Hours been popular she would probably have left the donation for a monstrance. Naturally a nun from Henrician days looked back with nostalgia to her religious past. She also seems to have benefitted nothing from the rising devotions already to be found in Italy before Pole's return to England. The Theatines, the Capuchins, the Jesuits, the Somaschi, the various

1. Bridgett, T.E. A History of the Holy Eucharist in Great Britain (1908) p. 185.

Oratories were all promoting a newer spirituality. But Pole only seems to have brought with him to England **something** of the devout humanism which he so well represents. It may be argued that it is hardly the work of synodal legislation to develop new forms of spirituality. But ecclesiastical legislation without spirituality is Mosaic rather than Christian.

It is clear from his fourth decree, the preaching decree, that Pole did wish to promote true devotion. He speaks of the obligation of admonishing people privately, in addition to the public sermon, and then he adds; "but they that already live according to the true doctrine and good conduct, he shall encourage and strengthen in their holy state". However if he had anything specific to offer, it would appear in his visitation articles. But the questions there go little beyond demanding correct behaviour. Through the articles he asks that people come 'devoutly to church, hear the whole mass reverently, without walking about or talking'. He has no strongly positive contribution to make. The reason is not hard to find. His considerable experience in Italy had not prepared him for pastoral work. At Viterbo he had been a governor, at the English hospice an administrator, and at Trent a consiliar legate; he had worked in the fields of diplomacy and scholarship. However he lacked pastoral experience, and in spite of his assistants the London synod is lacking in this matter.

The details of Pole's own devotional life are known in some depth from a letter of Priuli describing the regime at Liege in 1537. After a silent morning the group met before dinner for the recitation of the

office and Mass. During the meal there were readings from the rule of St. Benedict, and afterwards a chapter from Eusebius: the day concluded with Vespers and Compline and a lecture by Pole on the Pauline epistles.¹ The regime years later at Viterbo was much the same, with Vittoria Colonna adding to the gathering. This is clearly a monastic structure, inspired immediately by the Theatines, but also looking back to the London Charterhouse. The devotional literature it produced is best seen in Marcantonio Flaminio's Exposition of the Psalms (1537), and in the Beneficio di Christo. It is an educated and intellectual devotion with little popular appeal to the masses. It seems to have been the only form of devotion with which Pole was in sympathy, and it suggests why he was unable to produce any suggestions in his legislation as to devotions which might be of immediate benefit to the majority of his fellow-country men. It is clearly the contemplative way, whereas the Marian restoration called for the active and pastoral life.

From earliest days the Councils of the Church had dealt with both doctrine and ecclesiastical discipline. The English synods of the thirteenth century had nearly all contained considerable doctrinal statements; at Trent there had been an important debate on the order of procedure with the majority of the fathers favouring priority for reform. It was known that the pope wished dogma to be treated first, and Madruzzo had argued strongly that this was the apostolic practice. Cervini had instanced the example of Chalcedon, and at this stage Pole had urged the

1. Quirini 11 pp. civ-cv.

need for the restoration of 'religio', the spirit and practice of genuine religion. The outcome of the debate was that the great majority pronounced in favour of treating both dogma and reform simultaneously. When he was informed of this the pope rejected simultaneous discussion and insisted on priority for dogma. This placed the legates in a most difficult position, in which they made further representation to the pope, played for time, and finally compromised by agreeing in practice to discuss dogma and reform simultaneously but not enshrining this in a decree.¹ This had been the difficult beginning of the actual work of Trent. The basic problem was one of approach to reform. For the authors of the Consilium de emendanda ecclesia had been clear that action in the moral field held primacy, and Pole continued to regard this as essential. He was also eirenic in wishing to restrict the dogmatic questions, and leave open for the Protestant reformers as many avenues of approach as possible. It is clear from some of the debates that he regarded some of the dogmatic definitions as untimely as closing a debate which had not been fully studied, and as erecting barriers against the German reformers. In this Contarini, Sadoletto and Pole had taken an attitude which was widely different to that of Carafa and other rigorous reformers.

"Les pourparlers de Ratisbonne et leurs conclusions d'une portée si vaste ont pour les relations entre les deux cardinaux, Carafe et Pole, la plus grande importance. Pole prend délibérément le parti de Contarini et souhaite un renouveau de la Théologie. Etant donné les erreurs,

1. Jedin 11 pp. 29-32 and 52.

du côté catholique et du côté protestant-la doctrine de la grace devait être d'une importance particulière pour une telle entreprise. Ce ne sont pas des nouveautés que voulait Pole, mais une rénovation; un retour aux sources, à l'Écriture Sainte et à la Tradition.

C'est là pour Pole la première tâche de la réforme.

Mais Carafa se trouve parmi les adversaires de Contarini. Vis-à-vis des Protestants, il est absolument intolérant, il ne se donne même pas la peine de connaître leur doctrine

Carafa était de ceux qui croient que la meilleure manière de combattre l'erreur c'est de passer sous silence le plus possible les "particula veri" et d'affirmer le contraire d'une façon aussi nette que possible: dialectique, et non dialogue! Mais, en général, Carafa parle peu de théologie et il se préoccupe peu de voir celle-ci renouvelée par un concile. Pour lui, tous les dogmes ont été fixés clairement et sans ambiguïté par les définitions antérieures de l'Église; on n'a donc pas besoin d'en promulguer de nouvelles. Carafa garda cette conviction jusqu'à la fin de sa vie. Il en résulte qu'il regarde Pole comme son adversaire et le tient pour un protestant. En définitive, c'est la doctrine de la justification que sépare les deux cardinaux."¹

1. Fisher, Joseph. Essai Historique sur les idées Reformatrices des Cardinaux Jean Pierre Carafa (1476-1559) et Reginald Pole (1500-1558) unpublished Doctorate thesis, Paris 1957 pp. 218-9.

At Trent Pole had stated quite clearly that in his view it was premature to treat of justification without fuller study.

"De iustificatione vero, licet, quod ad rem ipsam attinet, nunquam verus eius sensus defuerit, ecclesiae utpote quae fundamentum sit et caput omnium, ut diximus, dogmatum, tamen sub hac forma, quae nunc proponitur, nunquam fuit tractatus in ullo concilio, quare cum multum intersit, quibus verbis et quo sensu intelligatur quod milla quingentis annis intractum est et quasi in silentio iacuit, huius explicatio non videtur iunius aut alterius mensis spatio debere coactari; praesertim cum adversarii nihil magis studeant, nihil optent magis, quam ut in huius capituli decisione ansam carpenti doctrinam sedis Romanae et concilium habere possint, quo facilius populorum animas ab obedientia sedis apostolicae abducere possint, quod primum quidem tentarunt facere propter abusus in moribus, praeterea vero, cum in argumentum non satis iustam causam deficiendi ab obedientia praebuisse agnoscerent, tum in doctrina nos carpere tertarunt, in nulla vero re magis quam in hoc capite iustificationis in quo examinando iam viginis annos omenes et singuli pene tamquam unus vir vehementissime laborarunt cum scribendo tum disputando et conferendo inter se adeo, ut qui secum in allis non parvi momenti articulis aliquando dissentiant, in huius intelligentia omnes ad unum constentire videantur."¹

1. Cf. X pp. 631ff. Pole's phrase 'nunquam fuit tractatus in ullo concilio' indicates the limits of his theological reading, as the scholastics had often quoted the Council of Orange (D.187-9) on this subject. C.F.Kung, Hans. Justification (translated by Collins and others, 1964) pp. 237 ff together with pp. 167 ff and 227-8. Some indication of the extent of the consideration may be seen in Oberman, Heiko Augustinus, The Harvest of Medieval Theology (Gabried Biel and Late Medieval Nominalism) (Cambridge Mass. 1963), which also provides some interesting consideration of medieval teaching about the sacrifices of the Mass (p.271 ff).

After Trent had decided on justification, Pole refused to sign the official document, and in the conclave of 1549, Carafa's suspicions were publically voiced at the moment when Pole seemed most likely to be elected.

"Postero die ubi illuxit, Theatinus cardinalis, qui inter promos Gallorum candidatus erat, religionisque expugnandae magistratum gerebat, Polum criminis haeresis accusatum et suspectum enuntiavit."¹

At this time it was specifically stated that he had not accepted the decrees of Trent.² And this matter continued to be a subject for discussion among the cardinals as late as April 1553.³ Because of the incidents which this attitude provoked, Pole could be under no illusions as to how Rome would view his doctrinal statement in the London synod. Many, especially Carafa would be looking to see if at last he was prepared to stand by Trent, as a legate might be expected to; especially the doctrine of justification would be regarded as a touchstone.

However, for his doctrinal statement in the London synod, Pole goes to the Council of Florence. The choice of Florence is perhaps eirenic, and certainly an expression of hope. Though the reunion between the Eastern Churches and Western Christendom had not lasted at least it had been proved a possibility at a doctrinal level. Before all the Greeks had left, the

1. CP. 11. p. 43 n.2.

2. CP. 11. p. 47.

3. CP, 11. p. 64; Cervini objects to Pole 29 April, 1553 in Morandi, G. Monumenti di varia letteratura tratti dai manoscritti di Mons. L. Beccadelli, (Bologna, 1797-1804) lii pp. 347-83.

Armenians had arrived in Rome, and the result of the discussions between the Armenians and the Latins was promulgated as a Bull on the 22nd November, 1439. Though the Bull is called Exultate Deo, the document is more normally referred to as the Decretum pro Armenis. It is a lengthy document composed with an eye on the doctrinal history of the Armenians as related by the Dominicans and Franciscans who had been in touch with them. After a suitable introduction there comes the creed of Nicaea - Constantinople with the addition of the Filioque clause. Then there are some Christological definitions from Chalcedon and other early councils and a statement about the authority of the pope. There then follows a long statement on the sacraments, considered in general and specifically; after this the Athanasian creed, the Bull of union with the Greeks, and finally some liturgical matters about the dates of feasts.¹ From this considerable amount of doctrinal material Pole selects the statement about the Roman primacy, from the Laetentur Caeli of 6 July, 1439, and the statement on the Sacraments from the Decretum pro Armenis. While the statement on the primacy is brief, the sacramental theology is introduced in the Bull Exultate Deo as being given "sub hac brevissima formula", which description is presumably an example of theological licence in view of the considerable mass of material which follows. The teaching is an exposition of scholastic theology, seeking to understand the seven sacraments of the New Law through the use of the Aristotelian concepts of matter and form. For the sake of the Armenians there is a

1. D. 691-702 gives an incomplete but adequate text; the full text is in Labbe, P. and Cossart, G. (ed.) Sacrosancta concilia... ad annum 1564 (Paris, 1671-2) XVII, pp. 546 d-550. For the history of the council, Gill, J. The Council of Florence (1959), pp. 307-8, and the decree of union pp. 412-5.

special dissertation on the significance of adding water to the wine in the chalice at the offertory of the Mass, and they are commanded to follow this practice. Other than as an argument for the need for general uniformity, it is hard to see what value this could have had for the Marian clergy in 1556. The rest of the Eucharistic doctrine would be seen as a clear statement of the Real Presence against those reformers who were thought to be challenging this belief. Florence's treatment of the sacrament of orders was a clear comment upon the Edwardian prayer book and ordinal, since it defined the form of the sacrament as "Accipe potestatem offerendi sacrificium in ecclesia pro vivis et mortuis, in nomine Patris et Filii et Spiritus Sancti".

To this doctrinal statement Pole adds a general profession of faith in the teaching of the church, mentioning especially the general council of pope Innocent III, the fourth Lateran Council of 1215, which was by far the most important council of the middle ages. It was concerned with reform, with the heresies of the Albigensians, and with the question of a crusade. It was here that the term transubstantiation was first used by a council. The IV Lateran had also ordered annual provincial councils, especially for the reform of clerical morals, mentioned the matter of schools for clerics, and confirmed the previous legislation about the use of the sacrament of penance in the canon "Omnis utriusque sexus", requiring yearly confession to the parish priest as a minimum. In addition a number of canons dealt with clergy and benefices, marriages and impediments, and finally the matter of peace among Christian princes. Because of its importance it is commonly cited in canon law as the General Council of the

Lateran, or as the Great Council. Pole refers to it as the General Council of Innocent III, which is perhaps necessary as he has also referred to the most recent Lateran Council of 1512-17. The great development of English synodal councils was a result of the fourth Lateran. From one of these, Peckham's Lambeth council of 1281, Pole takes a canon concerning the custody of the eucharist. To the ancient requirement of the tabernacle, Pole adds that the tabernacle be situated in the centre of the main altar.¹ He is also concerned about the use of clean linen, and requires that lamps or candles should burn continually before the tabernacle. Pole refers to this as an ancient custom 'of the English Church'. But while bequests were made from time to time for wax tapers or oil for lamps to burn before the tabernacle, English church law in the constitutions of Walter of Cantilupe 1240 merely say "In churches which can afford it, a lamp must burn day and night before the Eucharist". This suggests that the practice was only to be found in the richer churches.² Pole now requires it to be universal.

- 1 Lyndwood, p. 26 and Powicke ll pp. 894-5. Giberti had favoured a tabernacle hanging over the main altar; Bishop, Edmund. Liturgica Historica (1962) p. 34; but there was probably not uniformity of custom in Verona and some tabernacles were probably on the altar; King, Archdale A. Eucharistic Reservation in the Western Church (1965) p. 179. The matter of the tabernacle was a point of controversy between Harding and Jewel; P. 165. In England the hanging pyxes had been removed in 1549.
2. Bridgett, T.E. A History of the Holy Eucharist in Great Britain (1908) pp. 182-3.

In the treatment of doctrine there is a major difference between the 'Roman' text and the 'Cambridge' one. While the Cambridge version gives the full text of both the decree of John Peckham on the custody of the sacraments and the decree about the feast of the dedication of churches (in slightly briefer wording), the teaching of Florence is referred to but not actually given.

"Et quia contra capitis ecclesiae et sacramentorum doctrinam potissimum hic erratum est, placuit doctrinam de primatu ecclesiae Romanae, et de septem sacramentis, quae in concilio generali Florentiae sub Eugenio quarto explicata est, huic decreto subjicere."¹

Now while clearly the English version suffered from the prorogation of the synod, if the reform depended on good doctrinal preaching, this statement and the proposed homilies were the most important documents to circulate to all clergy. Haste here would be in the cause of reform. The value of a good copy of the decree of Florence in the document intended for Roman eyes is quite another matter. Florence had been a locus classicus in sacramental theology: but under the challenge of the reformers a further development had taken place. Trent had followed its decree on justification with some years of work on the sacraments; session seven of the Council in 1547 had treated the sacraments in general and baptism; ^{and confirmation} session thirteen, in 1551 the Eucharist, followed by penance, (session fourteen) and extreme unction. After the death of

1. Cardwell, Doc. 1. p. 146.

Pole, the council was to continue with the topical problem of communion under both kinds, the sacrifice of the Mass, orders and matrimony. But well over half Trent's teaching on the sacraments had been decided before ever Pole came as legate to England. It has been suggested that in the London synod Pole is introducing Trent to England, or vice versa.¹

Clearly this is not so in the vital matter of sacramental theology. To see the difference it is necessary to contrast the teachings of Florence and Trent on the four sacraments, baptism, confirmation, eucharist and extreme unction.

It is axiomatic that any Council is addressed to the age which called it, and must be understood in the light of the needs of its day. Florence was the great reunion Council; Trent failed as a reunion council, but stated the church's teaching in the face of the challenge of the reformers. As a legate Pole had spent many fruitless months waiting in Trent for both bishops and reformers who never came. He knew well the extent to which it failed to achieve one of its aims. He was also deeply involved in the discussion about justification which necessarily preceded any detailed discussion about the sacraments. He had of course left the council before the completion of the debate on justification, but was kept in touch. When the sacraments came to the fore, Cervini, Seripando, and the jesuits, Lainez and Salmeron, were at the centre of the discussion, and Pole certainly knew what was happening. In the preparation for the first session on the sacraments various propositions, which were considered heretical, were gathered from Luther's writings in the main, but also with some from Melanchthon, Erasmus I. Even Philip Hughes (Hughes C.R. p.76) is somewhat incautious.

and others. Calvin and the English reformers were not considered.¹ This was 1547, and the new English 'Order of Communion' was not published til March 1548, to be followed by the prayerbook of 1549. Luther's theology had undermined the notion of sacraments as elaborated by the early scholastics, and with that the number of seven. He reduced the sacraments to baptism, the Lord's Supper, and, for a while, penance. But from the start he denied any sacramental character to confirmation, extreme unction, matrimony and orders.

The general description of the sacraments differs, at least in accentuation, between Florence and Trent. Florence (and so Pole's London synod) begins with a statement of the number as seven and then differentiates these ceremonies from those of the Old Law by stating that the christian sacraments contain grace and confer it upon those who receive worthily. "Haec vero nostra et continent gratiam, et ipsam digne suscipientibus conferunt." The decree than goes on to distinguish between the five sacraments which bring men to spiritual perfection, and the two, matrimony and orders, which are directly concerned with the government of the entire church. Finally sacraments which confer a character are identified as baptism, confirmation and order: these may not be repeated. The actual structure of this decree of Florence seems to be aiming at establishing some uniformity among the christians who were agreed substantially about the sacraments, and so to establish a similarity of practice in the administration of the sacraments.²

1. Jedin 11 p. 371. The index to CT. contains virtually no references to the English reformers and their theology: Cranmer however was watching the Trent debates c.f. Brookes, Peter, Thomas Cranmer's Doctrine of the Eucharist (1965) p. 55.
2. Roman text folio 7.

Trent begins from quite a different position.

"Ad consummationem salutaris de iustificatione doctrinae, quae in praecedenti proxima sessione uno omnium patrum consensu promulgata fuit, consentaneum visum est, de sanctissimis Ecclesiae sacramentis agere, per quae omnis vera iustitia vel incipit, vel coepta augetur, vel amissa reparatur."¹

After further preliminaries Trent gives the thirteen canons on the sacraments in general. These deal extensively with the topical ideas which were contrary to sacramental theology. By contrast the sacraments are declared to have been instituted by Christ, to be seven in number, to differ radically from those of the Old Law, to be necessary to salvation, to be more than stimulants to faith, but to confer grace 'ex opere operato' to those who worthily receive. The need of a minister with a right intention is dealt with, and adherence to the church's ceremonials in administering the sacraments is stressed. The canons do not prove as readable a form as the Decretum pro Armenis, but they cover the problems of 1555 in a much more thorough manner. It is possible that Pole may not have been happy with the introduction which linked the sacraments so clearly with the treatment of justification. The sacraments viewed as means of justification were what had to be considered in the 16th century, and this is quite a different aspect to questions which the Council of Florence had to consider. It is in this context that Pole's choice is significant.

1. D. 843a.

2. D.844-56.

The tridentine canons on baptism number fourteen.¹ They clearly have in mind both the teaching of Luther and the Anabaptists. Florence had recognised as valid the somewhat different Greek formula of the sacrament, and declared that lay persons, even pagans and heretics, could administer a valid baptism. It stated the effect of the sacrament, and drew the conclusion that no penance could be imposed for sins committed before baptism. Trent borrows little or nothing from the previous decree, as it is concerned to meet the new charges of Luther that the Roman church had obscured the true meaning of the sacrament. So a number of canons attack the idea that grace once received in baptism cannot be lost. Other canons stress that baptism gives us an obligation not only to believe but also to keep God's commandments, in contrast to the Lutheran notion of *sola fide*.² Again the consideration of the sacrament is coloured by the problem of justification, which makes it a better contemporary statement for 1555.

Confirmation had been disparaged by some of the reformers; for Melancthon it was an 'otiosa ceremonia'.³ So in the first of its three canons Trent affirms that confirmation is a true sacrament. The second canon condemns the assertion that it is doing an injury to the Holy Spirit to ascribe an effective virtue to the chrism used in confirmation. The protestant objection to oil is well seen in the letter

1. D. 857-70.

2. Jedin 11 p. 390.

3. Jedin 11 p. 377.

of Jewel to Josiah Simler in 1559.

"As to your expressing your hopes that our bishops will be consecrated without any superstitious and offensive ceremonies, you men, I suppose, without oil, without the chrism, without the tonsure. And you are not mistaken; for the sink would indeed have been emptied to no purpose, if we had suffered those dregs to settle at the bottom."¹

Trent follows the Decretum pro Armenis in stipulating that the ordinary minister of the sacrament is the bishop; Florence however had said the sacrament was to be administered by none but a bishop.² The phrasing of Trent is such as to leave open the possibility that an ordinary priest might be the extraordinary minister of confirmation.³ As Trent's treatment is so brief, the Decretum pro Armenis with its reference to Pentecost was a much better document for the English clergy in Pole's day. This is the one exception in the presentation of the doctrine on the sacraments. When we turn to the teaching on the eucharist, the situation is very different.

At the Council of Florence with the Greeks, and afterwards in Rome with the Armenians, the question of the 'real presence' was never in controversy, but other questions were considered as to whether the species of bread should be 'unfermented or fermented', and whether the consecration

1. Caraman, P. The Other Face, Catholic Life under Elizabeth I (1960) p. 17.
2. Roman text f.8 'hanc non nisi Episcopus debet conferre'.
3. Jedin II p. 377 and 390-1.

of the species of bread and wine was effected by just the words used at the Last Supper or by the whole epiclesis. This seems to have led to some very lively discussions, but eventually agreement was reached.¹ The Armenians had not been accustomed to add water to the wine in the chalice,² though this custom could be traced back to St. Justin among the early fathers of the church.³ The result was that in the Decretum pro Armenis about half the treatment of the eucharist is spent on this one detail alone. Its acceptance was made a condition of the union, and clearly insisted upon.

"We therefore do decree that the Armenians themselves do also conform with the universal Christian world, and that their priests in the oblation of the chalice do admix as directed a little water with the wine."⁴

The treatment of the eucharist thus consists mostly of a study of one ceremonial, followed by a statement about the form of the sacrament (the words of institution), and finally a short paragraph on the effect of the eucharist, union with Christ.

1. Gill, J. The Council of Florenee (1959) p. 227.
2. Cross, F.L. The Oxford Dictionary of the Christian Church (1966) pp. 86-7.
3. Croegaert, A. Les Rites et les Prieres du Saint Sacrifice de la Messe (1949) ll p. 207, for Justin, the liturgy of St. Basil and the 3rd Council of Carthage.
4. Roman text f.9 r.

By contrast with this Trent has eight considerable chapters on the Real Presence, the reason for the institution of the sacrament, the excellence of the eucharist over the other sacraments, transubstantiation, the veneration of the sacrament, reservation and taking the eucharist to the sick, proper preparation for communion, and finally the use of the sacrament. These chapters are followed by some eleven canons.¹ The preparatory work for this session of Trent had begun in 1547, and the decrees were published on 11 Oct. 1551. The work of the theologians in preparation has been described as solid and durable, and the discussions in the sessions of the council were extensive. It was considered necessary to state the Catholic faith in the eucharist against a wide background of heresies, described as the cockle among the wheat.² The Council had in mind the opinions especially of Luther, Calvin and Zwingli, but not immediately those of the English reformers, though by the time the council was discussing the eucharist the Edwardian Prayer book was giving some indication of English views, and in 1550 there came Cranmer's "Defence of the True and Catholick Doctrine of the Sacrament" against Stephen Gardiner's work. Cranmer's opinions of the eucharist seem to have passed through a number of stages, perhaps finally accepting a sumermerian attitude. It is not necessary to establish precisely what Cranmer's final view was.

1. Roman text f.9 r.
D. 873 to 893. Cristiani, L. L'Eglise a l'epoque du concile de Trente (1948) pp. 122-4. The third volume of Peter Crabbe's Concilia Omnia (Cologne, 1551) pp. 965b-1018, conveniently provided the Tridentine material and some of the sermons from the council, so that it is clear that a canonist in 1555/6 would have had no difficulty in quoting Trent if he so wished.
2. D. 873a; the reference is to Mt.13;25 ff.

In opposing Gardiner so strongly, he was opposing the traditional teaching, and he was certainly influenced by Calvin, Luther and Zwingli.

"It will be apparent in our consideration of the Eucharistic controversy that a central figure such as Cranmer will, on growing disillusioned with the Catholic theory, appear to turn to the Lutheran view first and thereafter to the Calvinist of Zwinglian views, which of the two later being a point of contention between interpreters. Also, it seems clear that there was a danger that a Virtualist theory would fall into a Memorialist theory, because of the greater ease of defending the latter on empirical and rational grounds, even if it seems to do less than justice to tradition and Christian experience."¹

The point at issue was that in the five years before Pole's return a number of new theories of the eucharist were being advocated in England. They had a background which was well known to Trent, and the eucharistic teaching of Trent was the church's answer.

The Tridentine statement uses the appropriate scripture texts and contains references to both creeds and canon law. The fathers are referred to but not specified, as they had been in the consiliar discussions. The traditional teaching is clearly stated, though without using the technical terms of substance and accident: substance is used perhaps

1. Davies, Horton. Worship and Theology in England from Cranmer to Hooker, 1534-1603 (Princeton, 1970) pp. 84-5, 107 (Bucer and Cranmer), 111 and 120. In conjunction with this work it is helpful to use; Brooks, Peter, Thomas Cranmer's Doctrine of the Eucharist (1965) especially pp. 108-9.

more after the manner of the Nicean creed, and the other term employed is species. The eleven canons clearly have Lutheran, Calvinist, and Zwinglian teaching in mind, and the last also condemns some of the aberrations of the Anabaptists. But following a general custom in Councils, the errors, but not the names of the persons concerned, are mentioned. The council shows clear signs of the revival in eucharistic practice which was especially the work of the Theatines. It does not treat of the Forty Hours devotion, but it does deal with both reservation and the Corpus Christi celebrations. It also recommends frequent communion" they may believe and venerate these sacred mysteries of His body and blood with such constancy and firmness of faith, with such devotion of mind, with such piety and worship, that they may be able to receive frequently that supersubstantial bread and that it may truly be to them the life of the soul and the perpetual health of their mind: that being invigorated by its strength, they may be able after the journey of this miserable pilgrimage to arrive at their heavenly country, there to eat, without any veil, the same bread of angels, which they now eat under sacred veils."¹

The basis of the counter-reformation piety is already enshrined in this decree of Trent. Its absence from the London synod can only be regarded as a disaster.

1. Schroeder, H.J. Canons and Decrees of the Council of Trent (Herder USA 1955) pp. 78-9. The underlining is my addition

The contrast between Pole's eucharistic teaching and that of the Elizabethan Recusants is considerable. Both the controversialists and later the devotional writers treated the eucharist, often in extenso. There is far more on the eucharist as sacrament and sacrifice in the Rheims New Testament of 1582 than in Pole's synod, [though in the Rheims it is merely incidental notes.] Commenting upon the sixth chapter of St. John the editors of the Rheims New Testament based themselves upon Trent.

38, HE THAT EATETH THIS BREAD.). By this place the holy Council proueth that for the grace and effect of this sacrament, which is the life of the foule, there is no difference whether a man receiue both kindes or one, becaufe our Sauiour who before attributed life to the eating and drinking of his body and bloud, doth here also affirme the fame effect, which is life euerlafting, to come of eating onely vnder one forme. Therefore the Heretikes be feditious calumniators that would make the people beleeeue, the Catholike Church and Priests to haue defrauded them of the grace and benefite of one of the kindes in the Sacrament. Nay, it is they that haue defrauded the world, by taking away both the real fubftance of Chrifft, and the grace from one kinde and both kindes, and from al other Sacraments. The Church doth onely (by the Wifedom of Gods Spirit and by the inftruction of Christ and his Apostles, according to the time and place, for Gods moft honour, the reuerence of the Sacrament, and the peoples moft profite thereby) difpofe of the maner and order, how the Priest, how the people fhall receiue, and al other particular pointes...¹

1. From the Rheims New Testament of 1582; annotations to St. John 6;58

The comments on chapter six contain two direct references to Trent, and a catena of texts from the fathers. The result is a strong statement of the Catholic teaching in the light of the many opinions of the sixteenth century. Pole's statement by contrast bears little relation to the age in which it was made. This is inexcusable given the wealth of material and talent which was available to him. From his experience as a humanist he could have drawn upon a number of figures such as Lorenzo Valla,¹ and the decisive part which the deaths of Fisher and More had played in the production of his De Unitate Ecclesiae could well have directed him to their writings. An understanding of the situation and changes in the time of Edward VI could have led to his using Henry's Defence of the Seven Sacraments, especially since Henry had caused Luther's works to be publically burnt.² While Gardiner was now dead, both Tunstall and Bonner had suffered imprisonment for their eucharistic orthodoxy, could write well on the subject, and so would

1. Trinkaus, Charles. In Our Image and Likeness (Humanity and Divinity in Italian Humanist Thought) (1970) vol. 2 pp. 633 ff.
2. O'Donovan, Louis (ed.) Assertio Septem Sacramentorum (New York, 1908) for both the latin text and an English translation; pp. 212 ff. There is also a Gregg Press reprint (1966) of the Roman edition of 1521. Henry and Luther's books; c f. Meyer, C.S. 'Henry VIII burns Luther's Books, 12 May 1521' in Journal of Ecclesiastical History 9 (1958) pp. 173-182.

have political value.¹ By contrast Florence would excite nobody.

From this failure, we turn to consider his treatment of the sacrament of penance. From the early days of his De Unitate Ecclesiae Pole's own view of reform had developed the theme of penitence. His first book, the De Unitate had been 'all about penitence'; the theme persists in his later writings, and is to be found in his De Concilio, where, speaking of returning 'ad pristinam formam', he explains the means as 'ut per poenitentiam, quae ad omne genus hominum pertinebat, veram formam inducetet'. Both the Consilium of 1537 and his Eirenikon at Trent contain the same theme.² It might therefore have been expected

1. Tunstall's De Veritate Corporis et Sanguinis Domini Nostri Jesu Christi in Eucharistia was the result of his decision taken in the days of Edward VI and was completed in 1551. C.f. Sturge, Charles, Cuthbert Tunstal, Churchman, Scholar, Statesman, Administrator. (1938) p. 336. He regarded it as flagrant heresy to assert that the real presence was only a spiritual presence (p. 333). Some interesting ideas of his eucharistic devotions may be seen in Tunstall, E. Certain Godley and Devout Prayers (1558) (edited by Huddleston in 1925).

Some idea of the outlook of the more traditional clergy of the country may be guessed at from the comments of Robert Parkyn; c.f. Dickens A.G. 'Ms Books of Robert Parkyn Curate at Adwick-le-Street c 1540-1570 (I) in Archiv fur Reformationsgeschichte (1952); Cambridge Antiquarian Society XLVIII pp. 21-29; and English Historical Review LXII (1947) pp. 58-83 for 'Robert Parkyn's Narrative of the Reformation'. P. 75 considers the new ideas on the eucharist to be abhorrent to all faithful Christians: p. 82 rejoices at the restoration of clerical celibacy.

Some indication of how critical the issues concerning the Eucharist were may be gained both from the Royal injunctions and Bonner's articles, and also from the efforts to make these effective at an early date, and before Pole had returned, C.F. Dickens, A.G. The Marian Reaction in the Diocese of York (Borthwick Institute, nos. 11 and 12, 1958) 1 pp.5 ff for a charge of March 1554.

2. c.f Chapter one, pages 17 ff. & 37 ff.

that the sacrament of penitence would be highlighted as a basic and essential part both of Christian life and renewal in England. But the statement from the Ad Armenios gives the briefest and most perfunctory description of the sacrament to an age which had come to doubt its origin from Christ and its value for Christian living. Luther had for a while believed in the sacrament, but eventually reduced the sacraments to two, baptism and the Lord's Supper. In the face of almost universal attack on the sacrament by the reformers, Trent had in November 1551 issued nine chapters on penance, together with some fifteen canons, thus giving it even more extended treatment than the eucharist. A further session of Trent after Pole's death was to treat further of the eucharist, especially as a sacrifice. But at the time of the London dynod, Pole had all the material to hand for a detailed and comprehensive treatment of his own particular theme on renewal. Again his use of Florence instead of Trent can only be regarded as mistaken.

Once again the possible connection between Trent's treatment of penance and the subject of justification may have been the stumbling block for Pole. In its introduction to the chapters on penance the council stated that it had 'in the decree on justification, by reason of a certain necessity induced by the affinity of the subjects, given much consideration to the sacrament of penance'.¹ The Council then went on to treat of the necessity and institution of the sacrament of penance, giving as its prime scriptural basis the twentieth chapter of St. John,

1. Schroeder, H.J. Canons and Decrees of the Council of Trent (Herder, USA, 1955) p. 88 D. 893a.

especially verse twenty two and following. The Ad Armenios is so brief that it gave no scripture references at all, whereas Trent is replete with them and also has references to other councils. A further chapter distinguishes penance from baptism, and the third chapter defines the form of the sacrament, and the necessary acts of the penitent, contrition, confession and satisfaction. The two following chapters consider contrition and confession, with the important distinction between perfect and imperfect contrition (not in the Decretum pro Armenis), and a suitably long analysis of confessions since this was very much under attack by the reformers. There then follows a consideration of the minister of the sacrament and absolution. Chapter seven considers the power of bishops to reserve cases to themselves, which is based extensively on the traditional canon law; the two final chapters are on the necessity and fruit of satisfaction, and the works of satisfaction, both of which relate to the problems of justification. This is most clear in the final chapter.

"It (the council) teaches furthermore that the liberality of the divine munificence is so great that we are able through Jesus Christ to make satisfaction to God the Father not only by punishment voluntarily undertaken by ourselves to atone for sins, or by those imposed by the judgement of the priest according to the measure of our offense, but also, and this is the greatest proof of love, by the temporal afflictions imposed by God and borne patiently by us."¹

1. Shroeder, pp. 98-9. D. 906.

The fifteen canons on penance merely highlight the points in all this teaching which the fathers at Trent considered to be most under attack by the reformers. The long tradition on the subject of 'satisfaction' was recognised by many of the reformers but dismissed. Calvin says he makes little account of what the ancient writers say concerning satisfaction because 'nearly all whose books are extant went astray on this point or spoke too severely'.¹ Some of the reformers had regarded penance as a sort of second baptism, and interpreted it as a further form of imputed justice. So the second canon distinguishes it from baptism, and canons thirteen and fourteen deal with satisfaction. The extensive treatment of the sacrament provided not merely a clear and detailed statement of the church's doctrine, but also a considerable reference to the more important scriptural texts which might be brought into controversy. By contrast the Decretum pro Armenis is so brief in its treatment (compared say with the obligation of adding water to the wine at the offertory of the Mass) that it might almost be overlooked. As a suitable pastoral statement for the needs of England in 1555 Trent has everything to commend it, and the Ad Armenis is singularly lacking.

The only other sacrament which Trent had studied by 1555 was that of the sick,

The council has three chapters and four canons, but there is not the considerable disparity between Trent and the Decretum ad Armenis on this

1. Calvin, Instit. 111, iv, 38; this reference is from the article on 'penance' in The Catholic Encyclopedia.

sacrament, as there is with the eucharist and penance. Typically Trent is concerned to stress that the sacrament was not 'a human contrivance' or merely a 'rite received from the Fathers' but was instituted by Christ. While the Ad Armenis merely describes the grace of the sacrament as "the healing of the mind (*mentis not animae*) and also in so far as it is effective even of the body itself", Trent has a short chapter which gives a more comprehensive description which would have been of pastoral use.¹ One of the canons dealt with the contemporary argument as to whether priest and elder could be interchanged. But while the Tridentine statement was certainly more apposite to Marian England, its loss was not the disaster that the loss of the statements on the eucharist and penance were.

In the two remaining sacraments, that of orders and matrimony, Florence and the Decretum pro Armenis represent the best material available to Pole at his time of writing. As both had been denied by the reformers a more extended statement was certainly needed, but it would be unreasonable to expect this as part of a chapter in a national synod in 1555. His administration shows that he had been grappling with the problem of married clergy, and so of the reformers' attitude to the sacrament of orders. However though Florence is brief, it does stress the doctrine of sacrifice, which would basically be sufficient for Pole's purpose.

The Reformatio legum ecclesiasticarum as 'attempted in the reigns of

1. D. 907-10 and (for the canons) 926-29.

Henry VIII and Edward VI' provides a considerable doctrinal statement, and a most interesting contrast to Pole's chapter. Cranmer opens with a section 'de summa Trinitate et fide Catholica' which contains seventeen short chapters, the last of which is headed 'pereunt qui Catholiciae fidei adversantur, vel ab ea deficiunt'. As Dixon has noted:

"The Reformatio Legum Ecclesiasticarum is put into the mouth of the King, as Supreme Head on earth of the Church of England, The King has not uttered five sentences before he threatens the goods and lives of his subjects who may meditate or do aught against the Christian religion."¹

With this principle in mind the following section of the law is headed 'de haeresibus'. Doctrine is treated again under the heading of sacraments, and there is a considerable body of legislation on matrimony, viewed as a contract rather than as a sacrament. The introduction to the law with the heading 'de summa Trinitate' follows Lyndwood and a considerable legal tradition. The contemporary theological problems are considered, with sections on justification, free will and original sin: the sacrifice of the Mass and the notion of purgatory is attacked. The result is a very controversial document.

"The contents of the code came from the agitated formularies of the sixteenth century or from the minds of Cranmer himself and of those who wrought with him. They speak of an age of

1. Dixon *iii* p. 371. C.f. Hughes, Philip, The Reformation in England (1953) *ii* p. 129.

strife; they bear the traces of a revolution ...

Transubstantiation was repudiated with many insults, which seemed beneath the solemnity of the subject and the dignity of the work."¹

The balance of the doctrinal statement in the Reformatio legum ecclesiasticarum represents a clear move away from sacramental theology and in favour of preaching. This was the general position of the reformers, and so of the doctrinal background in England which faced Pole. As the latin Mass was being restored together with many of the ancient devotions, Pole would have to be concerned with the comments which had recently been passed. Of the mass and purgatory, the Reformatio had written;

"Quorundam nimis est curiosa perversitas, qui veniam quidem peccatorum expectant, sed hanc morte Christi per solam fidem ad nos accommodatam plene non credunt et omnibus partibus impleri. Quapropter alia conquirunt sacrificia, quibus perpurgari possint, et ad hanc rem missas exhibent in quibus sacrificium Deo Patri credunt oblatum esse, nimirum corpus et sanguinem Domini nostri Jesu Christi vere, quomodoque illi dicunt realiter, ad veniam peccatorum impetrandam, et salutem tam mortuorum quam vivorum procurandam; quibus etiam regnum tam latum dant ut illis aliquando minui, nonnunquam omnino tolli purgatorii tormenta statuunt. Qua in re sacrificium illud unicum (quod Christus Dei Filius in cruce Deo Patri repraesentavit

1. Dixon III pp 369 and 373.

et plenissime exhibuit) largiter imminuunt, et sacerdotium quod unius Christi proprium est, ad miserabilem hominum conditionem devolvunt, Verum sacrae Scripturae solam Christi mortem nobis ad delictorum purgationem reservant, nec ullam ponunt, aliud sacrificium quod ad hanc rem valere possit, imo de purgatorio sane ~~ipsorum~~ ne una quidem syllaba sacris in Scripturis invenitur."¹

A little later the Reformatio defines what it has in mind as a sacrament.

"Sacramentum ... signum est institutum a Deo quod videri potest, quo gratio Christi promissis et ~~m~~^{er}itis ad nos profecta, condonatioque peccatorum ipsis promissorum verbis expressa consignatur; quod duplicem in animis nostris vim habet. Primum enim horum externorum sumptio signorum, et attributarum proprie illis virtutum, nobis recuperatae salutis nostrae pretium in memoriam revocat, et id ut aperte profiteamur efficit. Deinde fidem acuit et exsuscitat, et illi robur addit. Praeterea charitate nos mutua conserit, et in mentibus nostris Dei timorem diffundit. Postremo vitam ad sinceram et integram exstimulat. Ex hoc genere circumcisio priscis temporibus erat. Nunc baptismus et eucharistia successerunt".²

Both the eucharist and baptism are seen almost exclusively in terms of faith, and the sacraments are declarations of justification and stimulants to faith. This clearly represents the general outlook of the reformers on the sacraments.³ And while the catechism had spoken of three

1. Cardwell Ref. pp. 12-13.

2. Ibid., pp. 29-30.

3. Leeming, Bernard, The Principles of Sacramental Theology (1960) pp. 12-13.

sacraments, baptism, penance and the sacrament of the altar, the Reformatio legum ecclesiasticarum omits penance, and in this is perhaps following Luther's change of opinion about this sacrament. At least the situation indicates the confusion of the time. It matters little in this context whether Peter Martyr or Cranmer was responsible for the doctrine, or whether the doctrine was Lutheran or Zwinglian.¹ Important doctrinal issues had been raised. People were confused. A clear statement was needed, and on the whole the *Decretum pro Armenis* was not a satisfactory answer. Pole's neglect of the Tridentine material is highly significant.

There is a marked difference between the contents of Pole's legislation in the matters of clerical discipline, and the parts of the synod which deal with doctrine and devotion. Clearly both needed to be restored. Those who had practised their faith in the days before Henry had done away with the monasteries and the authority of the Pope, had lived to see even greater changes at the end of Henry's reign, and during the years of Edward VI. The arguments about the sacraments, and the increase in different teachings coming from abroad could only have brought considerable confusion. The Marian restoration called for a clear statement of the faith, and a firm restoration of clerical discipline. As a restoration of clerical discipline the London synod

1. Ridley, Jasper, Thomas Cranmer (1966) pp. 276, 283-4 and 330. If it could be shown that the Reformatio legum ecclesiasticarum is mostly (if not all) Cranmer's work, then he must rank among the important canonists of the sixteenth century. An American scholar, F.D. Logan, has identified the first Henrician draft of the Reformatio among the Yelverton Mss. in the British Museum (Add. Mss 48040), and proposed to edit this Mss. together with a detailed study; this might reveal the parts played by Cranmer, Peter Martyr and the other possible collaborators. I am indebted to Dr. David Selwyn for this information.

has much to commend it. It asks for residence on the part of bishop and priest; it takes a very strong stand against simony; it makes the first provision in legislation for clerical education. But in contrast to this, the doctrinal statement is a very uncertain answer to the questions which were being asked of the Church in the sixteenth century. Why did Pole prove so hesitant here?

A number of factors seem to have influenced Pole in his selection of the council of Florence for his doctrinal chapters. The first may be eirenic: it was the great council of reunion, and men like Pole, Sadoleto and Contarini viewed it as an ideal. Pole had made it quite clear that he regarded much of the work of Trent, especially its teaching on justification, as premature. He contrasted the years which the Lutheran theologians had spent debating the subject, with the council's consideration, which he thought was too brief. There was an immediate connection between Trent's teaching on justification and its sacramental doctrine. The sacraments were considered as the principle means of justification; this association may well have led Pole to be unhappy about Trent's sacramental teaching. The final factor would seem to be Pole's lack of pastoral experience. The London synod clearly relies heavily upon the Consilium de emendanda ecclesia. This was Pole's practical experience in the field of reform. It was totally concerned with reform of morals and contained no doctrinal statement. As a result Pole was without any experience in the field of formulating doctrine for a pastoral purpose, and this lack of experience results in his treatment of doctrine and devotion being the weakest part of the legislation of the London synod.

CHAPTER SIX

THE SYNOD APPRAISAL AND RESULTS

The London synod, even in its unfinished state, shows both strength and weakness. In its attempt to create pastoral bishops, resident in their dioceses, it is in the best tradition of what was later to be regarded as the Counter Reformation legislation. The authority of the bishop is restored; his attention is firmly directed to his proper vocation. The synod seems to be the first in the sixteenth century to legislate on the basic ideas of clerical formation and education which were to be a major contribution to the Catholic reform. Pole also seems to be the first actually to specify the position of the tabernacle on the main altar, in contrast to the reservation of the eucharist either in a hanging tabernacle or on a side altar. In many ways his strongest stand is that taken against simony; other synods, Cranmer's legislation, and even Trent (when completed) are all feeble compared with the London synod. Pole's laws are especially framed to create a suitably educated clergy and to supervise the work of such a clergy; there is adequate provision for collation to orders, and appointment to benefices. And although it is not actually in the synodal legislation, it is clear that Pole was aware of the problems created by benefices which were not economically viable, and through the patronage of the queen he was seeking to remedy this. For a person of Pole's background, and with his lack of actual pastoral experience (at a parochial level) this represents a considerable achievement.

In marked contrast the doctrinal statement of the synod is a failure; entirely orthodox, but mostly irrelevant to the age and country to which Pole was speaking. This major defect undermines the strength of the disciplinary chapters on preaching and catechising. The context of the Marian restoration called for a clear and definite lead in the matter of doctrine; it was impossible to act as if the confusion of the reigns of Henry VIII and Edward VI no longer existed, to act as if the sacramental system of the church had not been challenged and doubts spread abroad. Questions had been asked, doubts raised; it was clearly the duty of a synod to meet this situation. Some of the spirituality of the Counter reformation which Pole had known in Italy, especially the newer eucharistic devotions, was needed in England. It has been suggested by an eminent authority that the failure in Mary's reign was the failure to discover the Counter reformation.¹ To many Counter reformation means especially the work of the Jesuits, and the question is then resolved into a study of Pole's failure to accept Loyola's offer of help. This has led to a suggested antagonism between Pole and the Jesuits, which is entirely lacking in evidence; his reasons for not accepting Loyola's offer are not clear; they might have included a reluctance to bring in further foreigners, the need for the approval of Philip, or merely the failure of an administrator to keep abreast of all that was happening. He certainly considered that the traditional English orders would be

1. Dickens, A.G. The English Reformation (1972) p. 384.

more easily commended to his fellow countrymen,¹ and his own life had given him a marked predilection to the monastic orders, especially the Carthusians and Benedictines. In 1555 the Theatines could equally well have been judged as the best society to call upon; they had greatly helped Giberti at Verona, and a distinguished member, Goldwell, was one of Pole's household, and in 1555 bishop of St. Asaph. He was an active diocesan reformer and his injunctions of 1556 indicate the implementation of the synod in his diocese. He had been associated with the Theatines only since November 1548: this gave him a little less than five years experience of the society.² The order has been characterised especially for its devotion to the Blessed Sacrament.

"But, more than any other object of the divine cult, the Eucharist, as the centre of religious worship aroused the zeal and enthusiasm of these sixteenth century apostles. The spread of the public adoration of the Blessed Sacrament at this period in Italy was due in large measure to their example and influence....

The frequent exposition of the Sacrament and the brilliantly lighted and elaborately decorated altar to accompany such public veneration - all was due to the initiative of the Theatines, inaugurated and propagated by them during these years when the various innovations in doctrine were endeavouring to destroy it altogether. The love and devotion of the people was aroused again towards the Holy Eucharist,

1. Loades, D.M. The Oxford Martyrs (1970) p. 259 for a comment, and Knowles, D. The Religious Orders in England, iii, The Tudor Age (1959) pp. 424-5, 438 ff: and for an idea of the pace of this the following then seem to have been refounded in about four years; King's Langley (Hertfordshire) and a convent at Dartford (Kent), the college of Manchester, St. Bartholomew's Priory (Smithfield), the Knights of St. John of Jerusalem, the Savoy Hospital, Syon, Sheen, Westminster Abbey and Wolverhampton College (Staffs.)
2. Gillow, J. A Bibliographical Dictionary of the English Catholics, ii (1885) article on Goldwell, especially pp. 514-5. There are also various documents, previously unpublished, concerning Goldwell in The Venerable Sexcentenary Issue (May 1962) XXI entitled 'The English Hospice in Rome': esp. pp. 185-6 and pp. 218-273 (an article by Kenny, A. 'From Hospice to College').

and the reception of the sacraments of Penance and Holy Communion became less rare, due again to the endeavours and activities of the Theatines."¹

Goldwell, an intimate member of Pole's household, and a bishop at the London synod, had the necessary experience to be able to bring the Counter reformation spirituality to England even without the Jesuits.

To Pole's own lack of pastoral experience must be added the blows of the prorogation of the synod, the loss of the legateship 'a latere', and the suspicion of heresy. This gave an incomplete synod a little over two years in which to bear fruit. The experience of Giberti at Verona, or the changes again under Elizabeth suggest that a minimum of about ten years is needed to really establish results.² Certainly Pole's synod had insufficient time in which to prove either its strength or its weakness.

Perhaps the most remarkable fact which emerges from a close analysis of the synod is that there is nothing of Trent in it. It represents entirely the Consilium of 1535. The Consilium's lack of any doctrinal teaching may in part explain Pole's weakness in this respect. Any items which are to be found in both Trent and the London synod are there because they are first to be found in the Consilium. Pole may have felt that Trent was departing from the approach of 1535, and he seems to have regarded that earlier approach as the correct one in order to keep open

1. Kunkel, P.A. The Theatines in the History of the Catholic Reform before the establishment of Lutheranism. (Washington, 1941) pp. 126-7
2. Manning, Roger B. Religion and Society in Elizabethan Sussex (1969) p. 129; he considers that it took a decade to enforce the penal laws, and in chapter nine (pp. 166 ff) he shows all the clerical problems of non-residence, pluralism and uneconomic benefices continue.

the possibilities of a rapprochement with at least some of the protestant reformers. The intellectual position of Sadoleto, and Contarini was no longer tolerated by Carafa as Paul IV; but it seems to have remained Pole's ideal, even though he was unable to cope properly with the problems presented by the English protestant reformers. By a curious paradox while he was involved in burning heretics at home, he was also involved in taking a stand against Paul IV which would culminate in his being considered a heretic himself in Rome. Pole's success with some heretics or waverers in Italy had led him to hope that the same approach would be successful in England. But when this hope failed, he was without a clear policy as to how to deal with the situation, and the man who was accused, or about to be accused before the Inquisition in Rome of being an accomplice of Morone, of having associations with heretics and of being indulgent to heretics, was himself in England implicated in the persecution of his fellow country men.¹ The appraisal of Pole's synod has varied from scholar to scholar. The only English translation is from the hand of Canon Raikes, and was published privately in 1839.² He offered it as a grave warning of what might be expected from popery, and goes on to claim of the decrees that

"their object is simply the full and complete restoration of Popery in its faith, its power, and revenues, accompanied by a few obvious and popular provisions against the insufficiency or immorality of the clergy, such as had already been sanctioned by the

1. I have taken this accusation against Pole from :- Fisher, J. 'Essai historique sur les idées Reformatrices des Cardinaux Jean Pierre Carafa (1476-1559) et Reginald Pole (1500-1558)' an unpublished doctorate thesis. (Paris 1957) p. 324. He is using and quotes from Caracciola 'Vita egesti di Gio Pietro Caraffa, cioè di Paolo IV Pont. Mass. copiata in Roma nell' Anno di nostra salute, 1613' in MS Parma Pal. 638, which I understand remains unpublished.
2. Raikes, H. The Reform of England by the decrees of Cardinal Pole (Chester 1839). This work is not listed in the article on Raikes in the DNB. The copy in the British Museum is an autograph presentation copy; that in Glasgow University commemorated (in an autograph inscription by Raikes) the 'danger & deliverance to both England & Geneva'.

Council of Trent, and which any body of professing Christians that had the power of enforcing would wish to see enacted. Though the greatest scandal of the Church at that epoch, and which now can be scarcely conceived, the holding of benefices by children or foreigners, is not once adverted to."¹

But he reluctantly admits

"of the provisions for Church government and discipline many have been adopted for their real usefulness by subsequent Acts of Parliament, or by the voluntary practice of the Bishops of the Church."²

As this overlooks the decisive influence of the Consilium, and the difficulties later experienced of achieving such reforms in England under Elizabeth and James, it is perhaps best to consider the more judicious opinion of Canon Dixon some forty years later. He has the most comprehensive coverage of the synodal procedure, and notes many of the variations between the shorter Cambridge 'code of twelve decrees of a brief and direct style' and the 'Reformatio Angliae, the revised and extended copy which he [Pole] prepared for the Pope, and sent to Rome ... a more ornate and elaborate composition'. This he also describes as ample and florid.³ Dixon finds much to admire in the synod and calls it a monumental labour, and 'Pole's great instrument of reformation'. In its finished form as designed for Roman eyes, which following Wilkins, he calls the Transalpine

1. Ibid., px.

2. Ibid., p. vii

3. Dixon IV p. 459.

edition, Dixon sees it as one of the 'literary redactions, digests, or disquisitions which were wont to mark the greater action of his life', in the tradition of the De Concilio, the De Summo Pontifice and the De Pace. He offers little or no criticism of the laws, but considers that they were ineffective because 'Pole ... grew weary or disgusted, according to his wont, at the prospect of executing the work itself. All those great measures of reformation, of erection, revision, and translation slept for ever.'¹

Philip Hughes considers the synod in two separate works, though the later of these must be taken to represent his final opinion.² He writes that 'these decrees are much more than any merely formal addition to the immense mass of ecclesiastical legislation. They reveal the soul of the legislator and all the spirit of hope in which his work was done. They bear in every line the impress of a truly apostolic soul, whose only real interest was the salvation of men ...'.³

"If one may judge from the new spirit that inspires this legislation, its simple acknowledgment that things have been very wrong indeed, its severity towards future offenders, and the importance of its constructive proposals - bearing in mind always that the synod's plans are not yet complete - and if one may judge from the whole life of the man whose character is reflected in every decree, and if one may judge from the new kind of bishop that

1. Dixon IV p. 468.
2. Hughes, P. Rome and the Counter-Reformation in England (1942)
Hughes, P. The Reformation in England, 11 (1953)
3. Hughes, P. Rome and the Counter-Reformation in England (1942) p. 75

was now coming to be appointed in England, the Catholic Church in England as reformed by Reginald Pole would have had nothing to fear in comparison with any of the churches of the Continent, not even with Milan itself."¹

The argument from the behaviour of the Marian bishops, especially faced with the reversal of the situation under Elizabeth, is interesting. The bishops after the deaths of Pole and Mary did provide a striking contrast to the hierarchy in 1535. Convocation too was solidly against any change in religion.² This represented a considerable improvement in character, even though it proved ineffective. There was however no sign of either Pole or any of the bishops mounting an opposition to Elizabeth to the extent of bringing up the possibility of another ruler. Faced with the full strength of the Counter-Reformation Elizabeth might also have had to decide if London was worth a Mass. But as it was, while the bishops were firm, they were also negative in policy; they would not co-operate with an heretical ruler.

In his study of the Reformation in England Philip Hughes returned again after eleven years to consider the London synod. He finds the decrees, though incomplete, enough 'to assure us that a new type of mind was, at last, active, in the ecclesiastical affairs of this

1. Hughes, P. Rome and the Counter-Reformation in England (1942) p. 84.
2. Carlson, A.J. 'Puritans and the Convocation of 1563' in Rabb, T.K. & Seigel, J.E. Action and Conviction in Early Modern Europe (Princeton, 1969) p. 147 'One might ask what difference it made, after all, how Convocation voted. In 1559 a lower house still dominated by the Marian Catholic clergy had voted unanimously against any religious changes, and the Elizabethan government had ignored them completely.'

country, a mind zealous, informed, realist, and aware of nothing so much as that a new age had begun, and that the main responsibility for the great misfortunes of the past lay with the Church's own rulers; the mind of Reginald Pole.¹ He notes that the actual substance of the laws is what synodal legislation had been for hundreds of years, but finds the difference in a 'strong new spirit, impatient of mere generalities, that shows itself in outspoken allusions to the source whence the trouble had chiefly come - negligence and sin among the bishops themselves.'² So Philip Hughes concludes that 'such a scheme as these decrees set forth gives the cardinal a high place as one of the earliest of constructive reformers'.³ It is generally agreed that the first principle of the Counter-Reformation was the strengthening of the bishops and their residence and work in their own dioceses. In this matter Pole was setting an early lead. However as the defects of the synod are not considered, the evaluation of Philip Hughes tends towards that of a panegyric. Pole is interesting in his legislation in that he more than any other belongs both to the Middle ages and to the modern world. He stands uneasily at a critical time, and despite of his own diffidence, and lack of pastoral experience, inspite of the complexities of the English political situation, and the brittle loyalty of the bishops of 1553, he does manage to make a positive contribution. As he died under a cloud

1. Hughes, Philip, The Reformation in England (1953) 11 p. 233.
2. Ibid., p. 233.
3. Ibid., p. 235.

of suspicion in Rome, and as his work in England perished, it is remarkable that the London synod did not entirely perish with him. It is to the contribution which the synod made, to universal church law, that we now turn.

At one time it was rumoured in Rome that Paul IV would abandon all except the business of the Inquisition, and from some of his comments it is clear that he regarded Pole as the source and origin of the disaffection in the Church.¹ Morone was in prison, and although the case against him could not be established Paul IV would not release him unless the cardinal asked for pardon: Morone insisted that he asked only for justice.² Priuli, who was so close to Pole, was also attacked as a heretic, and Pole wrote to the pope in his defence. The pope had been reported as saying that many in Pole's household were infected, especially Priuli and Ormaneto. The suspicious mind of Carafa seems to have been haunted at this time by the possibility of heresy in high places, and even the possibility of his own successor being a heretic: (Morone was commonly thought to be an extremely likely successor to Paul IV.) The outlook of Carafa may be seen in his comment;

"Cardinal Pole was the master, and Cardinal Morone, whom we have in the Castle, is his disciple, although the disciple is become worse than the master. Priuli is on a par with them, and Marcantonio Flaminio, who, were he not dead, must have been burned."³

1. Fenlon, Dermot. Heresy and Obedience in Tridentine Italy Cardinal Pole and the Counter Reformation (1972) p. 279
2. Pastor, XIV pp. 300 and 304.
3. CSPV. vi, ii, no. 1067, 1350 and 1173

The accusations against Pole continued from a number of sources.¹ The reform group within the Church was badly split, and at the time of his death Pole was clearly on the losing side. Under this cloud of suspicion the London synod could easily have been forgotten.

But already in Spain Carranza had been establishing himself as a reforming archbishop of Toledo. His synodal legislation is clearly allied to that of Pole's, though it is debated whether this represents his influence on Pole or vice versa.² What is important is that many of the prescriptions of the London synod, especially those concerning episcopal residence, and visitation, were transplanted to the church in Spain, there to become a model for other dioceses. But within nine months of Pole's death, Carranza was also in the prisons of the Inquisition, and although he was about to be released by Pius V, the pope's death intervened. He made some withdrawals of theological statements under Gregory XIII, and died in Rome on May 2nd. 1576. As some amends for the grave injustices which had been done to Carranza, Gregory XIII ordered a laudatory inscription on his grave. His catechism was published in Antwerp in 1558, but the project of translating it into English, which was considered at the London synod, never materialised. His Summa omnium Conciliorum continued to be a popular manual, with further editions being brought out by Jesuits in Jacobean days. These later editions contain all the decrees of Trent, and so some of the London synod in its most lasting form.³

1. Tellechea Idigoras, J.I. 'Una denuncia de las Cardenales Contarini, Pole y Morone per el Cardenal Francisco Mendoza (1560)' in Revista Espanola de Teologia XXVII (1967) pp. 33-5.
2. Tellechea Idigoras, J.I. 'Formulario de visita pastoral de Bartolome de Carranza, Arzobispo de Toledo' in Anthologica Annua XII (1964) pp. 385-437 together with the unnumbered appendices.
3. Tellechea Idigoras, J.I. El Arzobispo Carranza y su Tiempo (Madrid 1968) 2 vols. and Bartolome Carranza y la Restauracion Catolica Inglesa (1554-1558) (Rome, 1964); and the same authors article on Carranza in NCE.

During the last session of Trent, the legates were aware of the attacks on the authority of the Council by Bullinger, and wrote to Cardinal Borromeo suggesting that for an immediate refutation Pole's work on the Council be printed; Borromeo was asked to locate this, and it was suggested to him that it might be found, with other works by Pole, in the possessions of Cardinal Morone. Borromeo was able to reply (19 July, 1561) that the work had been located, and would be forwarded to Trent shortly. Morone claimed the right to correct the work and have it printed. The work in fact was the first to come from the Roman press of Paolo Manuzio, son of the famous Aldo, who had been brought to Rome under the patronage of Pius IV to improve the standard of printing available. So early in 1562 a work became available to the Fathers at Trent which contained both Pole's De Concilio, and also the Reformatio Angliae. Morone apparently sent twenty five copies to Cardinal Gonsaga for use at the Council, and in his acknowledgement Gonsaga asked for larger numbers to be sent for more general use at Trent. A letter from Borromeo on February 22, 1562 states that two hundred copies were being forwarded.¹

A rehabilitation of Pole was the work especially of Morone and Seripando. But once the Reformatio Angliae was available it generated its own support. It is well known that the eleventh decree of the London synod, which suggests the basic structure of seminaries for priestly training, became the main, and almost unique source for the Tridentine decree on the subject. The matter was considered in depth by Fr. P.V. Brassel, in an unpublished thesis, of which some extracts were ^{later} published in

1. For a detailed account; O'Donohoe, J.A. Tridentine Seminary Legislation its sources and its formation. (Louvain, 1957) pp. 142-45. He is using a series of letters to be found in Susta, J. Die Romische Kurie und das Konzil von Trient unter Pius IV (Vienna, 1904-14) 4 vols., especially 1, pp. 42-3, 65 and 80, and 11, p. 45.

latin in 1938.¹ Since then the dependence of Trent on the London synod has been generally recognised in this matter of seminary training, and the matter has been further investigated in 1957 by J.A. O'Donohoe.² What remains an open question is the extent to which the knowledge of the London synod influenced the bishops of the council when they returned to their various dioceses to implement the legislation of the council. In some ways the London synod provided both an abridgement of some of the disciplinary decrees of Trent, and a clear statement as to how they might be made effective, by resident bishops who were spending their time on pastoral visitation. As it is clearly impossible to follow the workings of hundreds of bishops after the close of Trent, we now turn to the bishop who has long been regarded as the example, par excellence, of a Tridentine bishop, Cardinal Borromeo.

Borromeo is an outstanding example of successful nepotism. Carafa, as Paul IV, had elevated a worthless nephew to the dignity of cardinal, and later in a dramatic moment denounced Carlo Carafa in full consistory.³ But despite of the dangers again of youth and nepotism Pius IV elevated

1. Brassel, P.V. Praeformatio reformationis Tridentinae de seminariis clericorum (1938) with a parallel analysis of the London synod and Trent pp. 66-70.
2. In addition to the work referred to on p.266 in an article 'The Seminary Legislation of the Council of Trent' in Il Concilio di Trento e la Riforma Tridentina. Atti de Convengo Storico Internazionale, Trento 2-6 Settembre 1963, 2 vols (Rome, 1965), 1, pp, 157-72.
3. Pastor XIV p. 225.

his own nephew, Charles Borromeo, when he was only twenty two. This time the choice was successful, and Borromeo worked first as secretary of State, with a major share in reassembling Trent. Once the council was again in session he was engaged in a vast correspondence with the legates at the Council. Further universal responsibilities after the council kept him in Rome as an absentee bishop from Milan. To try to remedy this neglect he first sent a sufragan bishop to investigate the needs of his see, and in July, 1564 Pole's old assistant Nicolo Ormaneto arrived in Trent as Borromeo's vicar general, with the specific commission of holding a synod to implement the Tridentine decrees. Bishop Goldwell, now living in exile, had also been appointed a vicar general for Milan in December, 1563, and then had been commanded by the pope to go to Flanders, with a view to returning to England. As he attempted to do this he found that the news had broken, and the English channel ports were being watched: on his return journey to Rome he stopped for a short while in Milan.¹ Also for a while a talented Welsh lawyer, Owen Lewis was vicar general for Borromeo.²

1. Gillow, J. Bibliographical Dictionary of the English Catholics (1885) pp. 519 ff and the article in NCE. Bridgett, T.E. and Know, T.F. The True Story of the Catholic Hierarchy deposed by Queen Elizabeth (1889) which contains a number of Goldwell's letters pp. 242-3 and 257-9. Goldwell was B.A., then M.A. and later B.D. from All Souls, Oxford; but his interests had been astronomy and mathematics; I would suggest that his later knowledge of eucharistic theology was stimulated by the Theatines and his experience at Trent. Horton Davies speaks of 'rescuing from undeserved oblivion the contribution made by the Theatine Bishop of St. Asaph, Thomas Goldwell'; c.f. Davies, Horton. From Cranmer to Hooker, 1533-1603 (Princeton, 1970) which is volume one of Worship and Theology in England; pp. xvii, 127 and 136-38.
2. C.f. Gillow (as above) v. Owen Lewis.

Nicolo Ormaneto was probably an exact contemporary of Pole's, and he left his native town of Verona to go to Padua to study at the suggestion of Giberti. His time at Padua would coincide with Pole's residence and the two may have met at the university. They were attending different faculties as Ormaneto was studying civil and canon law. It is very probable that he worked for Giberti, and by 1538 Pole is found staying with Ormaneto. By 1553 he was chosen as Pole's canonist,¹ apparently on the recommendation of Julius III.² He was thus a figure active in the reform movement in Italy, and from the time of his association with Pole his experience broadened with the work at Trent and with Pole's on diplomatic work. Robinson states;

Beccatelli informs us that the drawing up of this Reformatio was confined by Pole to Nicholas Ormaneto of Verona, and that before its promulgation it was submitted to the Holy Father in Rome for his approval.³

Certainly when Pole lost the position of legatus a latere he sent Ormaneto to Rome. After Pole's death he returned to his parish, later to be taken as a counsellor and companion to Trent by Cardinal Bernardo Navagero, and from Trent he was later sent to Bavaria to consult with

1. Pastor XIII pp. 139 and 167.
2. Phillips, T. The History of the Life of Cardinal Pole (1767) ll. p. 249.
3. Robinson, C. Nicolo Ormaneto A Papal Envoy in the Sixteenth Century (1920) p. 29.

Morone and Canisius.¹ After Trent he returned with Navagero to Verona to help with a diocesan synod. Milan had been without a resident archbishop for sixty years, and at the end of Trent Cardinal Borromeo found himself further involved with the reform commissions in Rome, so he chose Bishop Goldwell and Ormaneto to go to Milan as vicars general. But as the Pope asked Goldwell to go to Flanders, and possibly to England, so Ormaneto became the key figure at Milan. Borromeo expressed his own opinion of his new vicar general in a letter of May 6th, 1564 to his agent Albanese in Milan.

"In a few days Mgr. Nicolo Ormaneto will leave here for Milan. He is one of the greatest men of this time that I can get hold of to supply my place in the government of my church of Milan. He has been the disciple of Cardinal Pole of happy memory in England, and also the principal servant of the late brave and rare man, Matteo (Giberti) Bishop of Verona. He has moreover given many proofs of his own personal worth. I look upon his coming as amply supplying my own enforced absence. He is a man after my own heart, and I am sure that my church of Milan will reap great fruits from his administration. He is deeply versed in the science of the sacred canons, and of theology. I wish to make all this thoroughly known to you for the general satisfaction of the city."²

1. Robinson, C. Nicolo Ormaneto A Papal Envoy in the Sixteenth Century (1920) p. 29 and Broderick, J. Saint Peter Canisius (1938) p. 560.
2. Thompson, E.H. Life of St. Charles (1858) p. 50.

While it must be borne in mind that this eulogy was intended to pave the way for Ormaneto in his difficult task of reform, there is no doubt that Ormaneto by this time was recognised both as a skilled canonist and a convinced reformer. Before the end of the year Ormaneto was quite sure from his experience that real and lasting reform could only be achieved by a resident bishop, and he played a significant part in persuading Borromeo to become the model bishop of the Catholic reform by getting him to actually reside at Milan.¹ He was named bishop of Padua in 1570 and died in 1577. He left a collection of rare codices of canon law to the university, and a reputation which caused St. Teresa in Spain to write in the 'Book of the Foundations' that 'a saintly nuncio died ...'²

The implementation of synodal reform to the clergy in Milan was not without its problems, which were high-lighted when one of the clergy attempted to assassinate the archbishop. This perhaps serves to illustrate the extent to which authority and residence were needed if reform was ever to be achieved. This was a principle which

- 1.9 Robinson, C. Nicolo Ormaneto A Papal Envoy in the Sixteenth Century (1920) p. 53. In view of the importance of Borromeo this was a significant contribution; Evvenett describes Borromeo as 'the acknowledged model bishop for the whole Catholic world, zealous, efficient, ascetic, tireless, charitable, selfless, uncompromising' in Evvenett, H. Outram. The spirit of the Counter-Reformation (1968) edited by J. Bossy p. 138. I have not been able to see 'Nicolo Ormaneto, vicario di San Carlo (1564-1556) in Memorie storiche della diocesi di Milano (1961) VIII pp. 209-590. I have only been able to spend a short time with the ten volumes of synods of Borromeo at Milan (in the Bodleian).
2. Peers, E. Allison A Handbook to the Life and Times of St. Teresa and St. John of the Cross (1954) p. 207 and his The Complete Works of St. Teresa of Jesus (1946) iii p. 150.

Giberti had argued with Paul III through Contarini and Pole, asserting that his continued presence in Verona was indispensable.¹ And it would seem that a quarter of a century later Borromeo still had to learn the same principle. He had said, when sending Ormaneto to Milan 'I look upon his coming as amply supplying my own enforced absence'. But Ormaneto's experience soon showed that there was no adequate substitute for an absent bishop. The relation between Borromeo's legislation and Giberti's has been studied.² It would seem that Pole's London synod provided one of the connections, through the person of Ormaneto, the man with the experience. The twin arms of the pastoral reform of the Counter-Reformation were seminaries, and visitation by resident bishops. The first synodal legislation clearly to state both of these is the incomplete London synod.

Kidd has suggested that the reign of terror and lack of diplomacy of Paul IV finally cemented the Protestant reformers.

"At the death of Paul IV, 18 August 1559, the tide of Protestantism had almost reached its flood. Paul himself was one of its most effectual promoters. In England he recalled Pole and offended Mary. By demanding the restitution of the abbey lands, he threw the nobles into the arms of the Reformers. By asking for the renewal of Peter's pence he lost the favour of the people. By insulting Elizabeth, he drove her, against her will, to become the champion of Protestantism abroad, while she was refusing it

1. Pastor XI. p. 190.
2. In Cattaneo, E. 'Influenze veronese nella legislazione di San Carlo Borromeo' in Problemi di vita religiosa in Italia nel Cinquecento (Padova, 1960) pp. 123-166.

toleration at home. In Scotland, Paul, by espousing the French Catholic interest out of hatred of Spain, created a party at once nationalist and Protestant which, aided by Elizabeth robbed the Holy See of its allegiance. In Germany, Paul's rancour against the Hapsburgs forced the Emperor Ferdinand I to be more conciliatory towards the Protestants. Germany was governed by the moderates of both sides; and, by their consent, the ecclesiastical foundations of Lower Germany passed over into Protestant hands. The temporal power of the papacy thus proved the worst enemy of its spiritual greatness."¹

While there are a number of suggestions in this assessment which might be queried, there will be agreement that the reign of Paul IV was that of an inquisitor and that his policies were harmful. However it must not be forgotten that the Catholic Reform movement which produced the *Consilium de emendanda ecclesia* in 1536 contained in itself the seeds of disunity: there was a wide variety of theological backgrounds and an equally wide range of temperaments. They were united then by a common desire to reform the curia. A common objective gave them a spurious unity which began to crumble as soon as they tried to work out the details of how reforms were to be implemented. By the time of Pole's death the group of more moderate humanists, Sadoleto, Contarini, Morone, Pole and Seripando would seem to have been totally defeated,

1. Kidd, B.J. The Counter-Reformation 1550-1600 (1963) p. 119.

and branded as heretics. Both Feria and Caranza had seen Pole as lacking firmness with the heretics, with Feria commenting that Pole was 'a good man but lukewarm' and he did not believe that the lukewarm went to heaven.¹ Yet to Parker the same man was 'carnifex et flagellum Ecclesiae Anglicanae.'² Clearly it was both difficult and dangerous to be a moderate reformer in the sixteenth century. At least Pole was attempting the difficult task.

Pole's first two works on the subject of reform were the De Unitate Ecclesiae and his share in the Consilium of 1536. The De Unitate he described to Contarini as 'all about penitence' (perhaps not the impression the modern reader gets, but seemingly Pole's intention). One of the basic principles of the Consilium was that of resident bishops; in this the reform commission is accepting a principle which Contarini had laid down in his De officio episcopi in 1516, namely that absenteeism is the calamity of the age. Rarely had simony been so attacked as in the Consilium, and this too remained a firm principle with Pole. Between Pole's earliest works on reform, and the London synod he had gained much in experience, some of it painfully. There were the diplomatic set backs; none of his peace missions were successful. There was the crisis over the justification at Trent. As he was by nature an introvert, he felt these defeats more than many a diplomat might. Dixon has noticed that faced with a major decision, Pole often clarified his own thoughts by a

1. CSPS. XIII, p. 370, 22 March 1558.

2. Dickens, A.G. The English Reformation (1972) p. 363.

literary exercise.

"And now...Pole set forth one of these literary redactions, digests, or disquisitions which were wont to mark the greater actions of his life; and the author of the treatise De Concilio, of the study De Summo Pontifice, of the considerations De Pace, invited the English synod to listen to the constitutions, which he had framed for the edification of the Church of England."¹

It is important to see the London synod as Pole's final thoughts on the subject of reform. There is consistency with the first ideas of 1536, with great stress on episcopal residence, visitation, and a literate and pastorally orientated clergy. Here one can see echoes of his debate with Sadoleto on education and his experience in supporting the earliest of Jesuit colleges. His stand on simony represents the highest ideals of the Consilium, with little or no reference to actual living at a parochial level. It was an ideal to which Trent could not entirely agree, and Pole's synod remains its best monument. His weakness in providing for the implementation of the preaching decrees suggests a caution born of the sad experience of the Italian preachers, and the defection of men like Bernardino Ochino and Peter Martyr Vermigli, and perhaps later some appreciation of the dangers of unorthodox preaching in England. He was clearly prepared to seek peace and order by avoiding much preaching until he had some new clergy to whom he could entrust the task. But a great comment on Pole's final thought on reform comes from his silence. He uses none of the Tridentine doctrine in his synod, and any of the disciplinary

1. Dixon IV. p. 459.

laws which he repeats also have a basis in the Consilium. This clearly tells of his disillusion with the way in which the early sessions of Trent had developed. His opening sermon at Trent, the Eirenikon, had created a great impression. But his duties as papal legate at Trent called for great diplomatic skills and expertise. In many ways Pole proved to be an amateur among some very professional ecclesiastical diplomats, and the experience was very painful to him. He continued to have an effect at the council, through his own holiness and integrity, but he was soon aware that he could not control the council; when he became sick he tactfully withdrew never to return.

Under these circumstances it is one of the ironies of history that Pole was after his death more influential in the final sessions of Trent than he had been during his life time. Principles for which he had worked, especially clerical education, entered into the Tridentine decrees almost in his very words. This strange turn of events represents not only a posthumous recognition of Pole, but also of those who were of his cast of mind, Sadoletto, Giberti and especially Contarini. They did not fully triumph. Yet at the moment of Pole's death they had seemed to be entirely defeated. Their vindication came with Trent's acceptance of the synod of 1555. The London synod certainly helped to keep the ideas of the Consilium of 1536 before the last session of Trent, and before many of the bishops in their diocese as they tried to implement the Tridentine reforms. It remains a point of debate whether Pole entirely failed to find the Counter-Reformation or whether he merely lacked the essential time to develop his own.



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K E E L E
UNIVERSITY

The London Synod of Reginald Cardinal Pole 1555-6

A thesis for the degree of M.A. by
John P. Marmion

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THE LONDON SYNOD OF REGINALD, CARDINAL POLE, 1555-6

Volume 2 Documents

Volume 2

CONTENTS

	PAGES
1. The London synod; a new translation of the 'Roman' text	1-65
2. Extended notes;	
a. <u>Lectio Divina</u>	66-68
b. The <u>Regulae Cancellarie</u> of 1555	69-72
c. Marian liturgical publications	73-76
3. Illustrations from the <u>Pontificale Romanum</u>	76-80
4. Transcripts of documents;	
a. Ad sacerdotes in synodo	81-93
b. Synodal notes	94-99
c. The 'Hospice' document; Italian text and translation	100-105
d. Pole to Morone 19. Feb. 1556	106-112
5. Bibliography	113-127

R E F O R M A T I O A N G L I A E

EX DECRETIS REGINALDI POLI
CARDINALIS, SEDIS APOSTOLICAE LEGATI,

anno M. D. LVI

THE REFORMATION OF ENGLAND ACCORDING TO THE
DECREES OF REGINALD POLE, CARDINAL, LEGATE
OF THE APOSTOLIC SEE, anno 1556

[PROOEMIUM] REGINALD, known by the name of Pole, by the Divine compassion a Cardinal Deacon of the holy Roman Church, by title of S. Maria in Cosmedin, Legate de latere from our most holy lord, the Pope and from the Apostolic See, to their most Serene Highnesses Philip and Mary, Rulers of England, Defenders of the Faith, and to the whole nation of England, for a perpetual memorial of the thing.

When the news was imparted to Pope Julius III, of auspicious memory, that her serene Highness, the Princess Mary (a daughter of King Henry VIII, and at that time a Princess of England, a woman always fervent in her religion and pre-eminent for her constancy), had by common consent and with one voice been declared Queen, he began to entertain great hopes that this kingdom, for so many years separated from the holy Catholic Church, might be recalled to unity with her. That this might be done as soon as possible, he in the exercise of his pastoral office and of his pastoral charity, sent us as Legate a latere from himself and the Apostolic See to that same Queen Mary and to this whole nation.

The which burden, though it was too heavy for our shoulders, we accepted, that we, supported by Divine favour and by grace, might be obedient to his commands, and the more readily since we were urged thereto by the charity due to our native country.

And thanks in the first place be to God, that he has been pleased to look upon this people with the eyes of his mercy; and then to their Serenities Queen Mary and King Philip, whom God has joined in matrimony, and whom he desires to assist in this their noble and holy undertaking; to whom also that same Julius, of his own zeal and by his personal intervention, declared us to be his Legate. And the greatest effect of the goodness of God himself is, that this kingdom should have returned to the unity of the holy Catholic church, and to obedience to the Roman Pontiff. And when moreover first that same Julius, and then Marcelluss II of auspicious memory had departed this life, our most reverend lord, John Peter Caraffa, Bishop of Ostia, was elevated to the Apostolic throne, and called by the name of Paul IV, whom may God long preserve in good health to his Church, it pleased his Holiness that I should persevere in this office of Legate, that those things already done in the business of restoring unity might be the better established, and that this Church in England, so greatly deformed in faith and doctrine by the calamity of the late schism, might be brought back to conformity with the standards of the old Fathers and the norms of the sacred Canons. We therefore, eager to be obedient to this very pious command of his Holiness, declare that the object of this our Legation is, to carry out this very work of reformation, and that the said work is made incumbent upon us by the

very terms of our appointment. When therefore we had communicated our views upon this matter to certain of our bishops, and had taken counsel with them how it might the more easily and conveniently be done, steps were taken to call together all the bishops of this realm, who should both bring to our notice every abuse, and at the same time take counsel with us about the remedies for the same. So both for this purpose and so that a certain transaction and arrangement be made to the glory of God and the good of clergy and people for those goods taken from the church in the recent times of trouble and now restored by an act of grace on the part of their Serenities the King and Queen, especially at this time, when the bishops of the entire kingdom [were to be] assembled in this royal city of London for a parliament, their Serenities the King and Queen heartily approving the same, we, following the example of Otto and Ottobon of their goodness of happy memory, and others our predecessors, and by that Apostolic authority in virtue of which we act, did cause to be called and celebrated a Synod of the Bishops and of such clergy as by right or by custom were entitled to be present. In the which Synod, having settled and arranged most of those matters that pertained to dispensation for alienation of the property of the Church, we turned to those things ordered to be done and seen to be most necessary in the matter of reformation; and this we did with so much the greater care and attention, because it was vehemently ordered by his Holiness in Letters addressed to us and to all our bishops. We then came to such of those things instituted by the holy Fathers as appeared to be according to reason and the infirmities of this present time; and with the counsel and consent of the entire synod, by the help of God we enacted

and strictly enjoined those things that are contained in the Decrees following. We therefore by these writings do strictly charge and command all and singular Archbishops and bishops of this realm, and all ecclesiastical persons, and by the same Apostolic authority we do enjoin, that they take care they do themselves diligently keep and observe these present constitutions in so far as they in any respect apply to themselves.

And the same Archbishops and bishops and all prelates of the Church we do command, that they take care that all persons within their jurisdiction do observe the same; and that the disobedient and the contumacious be restrained by ecclesiastical censure and other lawful remedy, with invocation at need of the secular arm; and we declare to be null and void any other order whatsoever that shall be contrary to these Decrees.

And since it would certainly be difficult to transmit these present Letters to all the places to which they ought to be sent, our pleasure is, and by our Apostolic authority we do hereby decree, that wheresoever these present Letters shall be sent, and where they shall be sealed by any person in ecclesiastical dignity, they shall be given the same credit as would be given to the originals of the same, if the said originals were to be tendered or displayed. And our further pleasure is, that these same decrees and Constitutions be brought to the notice of all, and we strictly charge and command all ordinaries of places, that they themselves, or by some other or others, do publish them in their churches, or have them published; so that once they shall have been so proclaimed, every person to whom they shall pertain shall be as strictly bound to observe them, as though these same decrees had been declared to themselves personally.

DECREE NUMBER ONE

Of giving thanks to God for the return of this Kingdom to the unity of the Church, by the celebration of Masses, which shall be done daily; and of the annual commemoration of this reconciliation.

The cause of all the deformation of the Church in this Kingdom, and of all the many evils that have occurred in recent years was, as we acknowledge, the well-deserved consequence of our withdrawal from the unity of the catholic church and from her teaching of the faith, when we rejected the authority of the Roman Pontiff as Vicar of Christ and successor of Peter, for whose faith Christ himself prayed that it might not fail; to the which Church and teaching we by the great mercy of God have now returned and in order that we be not forgetful of so many benefits, nor be seen to be ungrateful; and that we may make a beginning by imploring the divine assistance, that these blessings may in our time be made secure to us, and may preserve our faith and increase it; we in the first place, with the approbation of this present Synod do determine and decree that throughout this whole kingdom, on all the Sundays and Festivals of the year as well as on all major doubles, in all the Masses that shall be celebrated, there shall also be said after the collects the prayers set out below, the which are to be duly inserted in all the Missals that shall hereafter be printed.

And just as Othobon of happy memory, Cardinal of the Holy Roman Church and Legate of the Apostolic See to these lands, together with all the Bishops of the Kingdom, as may be read in his Constitutions, did

of his goodness appoint and decree thanksgiving for the restoration of peace to this country after much dissension and civil war, and did order that there should every year be solemn processions made throughout the kingdom, in which the people should give thanks to God for the blessing of peace, so we, following the example of the aforesaid Cardinal and Legate, do order and decree that in every city, town and village of this realm, upon the Feast of St. Andrew Apostle, on the which day this kingdom did make peace with God and was reconciled with his Church, solemn processions be celebrated, by which means all the people of the place, whether in the ecclesiastical state or of the secular condition of the faithful, being assembled together, the remembrance shall be renewed of these so great benefits received from God; and the same shall be evidenced by the giving of alms and by other pious works freely done; and that on that same day, in each and every church whencesoever the said solemn procession shall be led, there shall be preached within the solemnity of the Mass a sermon to the people, in which the reason for the solemnity shall be expounded, or where there shall not be available any [person duly appointed and] able to preach such sermon, the parish priest supplying for the same shall read to the people a homily that shall set forth this matter, and provision shall be made for the preparation and publication of the said homily.

And each ordinary shall take care that this decree be solemnly published and made known in each and every place within his jurisdiction, under the pain of such penalty as to the ordinary shall seem necessary, at all times as the case shall require.

DECREE NUMBER TWO: Of receiving and rejecting Constitutions, dogmas and books; and that the Canon law be taught in public.

After obedience to the Roman Pontiff and the Apostolic See had been cast aside, the authority of ecclesiastical law was also abolished; and in consequence, false teachers began to be admitted and given a hearing; books containing corrupt teaching began everywhere to be read; by which means the populace was infected with various errors in faith and doctrine, and especially with regard to the sacraments, which are the principal foundation of the Christian religion. At the same time, the standards of decent living of both clergy and laity, with all those other things that properly belong to the discipline of the Church, were assuredly distorted. With the approbation therefore of the entire Synod, all these holy decrees of Councils, whether General or Provincial, that have been received by the Apostolic See, together with the Constitutions of the Roman Pontiffs, and ecclesiastical laws canonically enacted in this kingdom insofar as they be not changed by any decrees of this present Synod; and all the said Canons, decrees, Constitutions and laws we do now reimpose and restore, with all and every thing therein contained, and in all and every place, and they shall have the same authority, force and application as they had before the schism; and we decree and command that all and everything herein be kept with holy obedience and religiously observed by all those whom these present processes may concern; and that any and every person that shall not so observe and keep them shall be punished as required by the said Canons, decrees, Constitutions and laws; and that the ~~canon~~ law that was formerly in use shall again be publicly taught as

it was in former times.

And whereas those Constitutions that were formerly decreed in their provincial Synods by Otho and Ottobon of happy memory, who were formerly Legates to this kingdom from the Apostolic See, and Archbishops of Canterbury, did make special provision and did thereby contribute to the grounding of the clergy and people of this kingdom in faith and morals, and to preserve them in the same, to the end that those whom these present processes do concern may pretend no excuse for the less careful keeping of the same, we do decree, that not only all and every Archbishop, bishop, Dean, Archdeacon, cleric, and all and every other that do exercise ecclesiastical jurisdiction in any and every place whatsoever, but also every other person to whom cure of souls is or shall be or may be committed, shall have the said Constitutions and these present decrees as published by this present Synod, and in addition a volume of the holy Bible in the old edition translated into Latin, as well as the other books that are necessary for the due performance of his charge; and he and all of them shall diligently study to read and understand them; and if there be any matter therein that be doubtful as to how they are to be understood, let some that be more skilled in the art be appointed to counsel them and to declare to them and expound those things that it is the more urgent the people should know, with imposition of penalty at the discretion of the ordinary upon any that shall do otherwise.

And further, so that in future the people be not corrupted by the reading of books that contain bad doctrine: in conformity with the Apostolic Bull, In Coena Domini, that is read publicly in Rome on Maundy Thursday in every year, we do condemn and anathematize all and every that

shall read, or have, or print, or bring into this kingdom or cause to be brought in, or that shall sell, defend or praise whether in public or in private any heretical books, or any other book or books that be in any respect whatsoever opposed or contrary to the faith, for any reason or upon any pretext whatsoever, except it be done under Apostolic licence; and in order that any that offend be severely punished, we do command, and in conformity with the decree of the last General Council of Lateran we do ordain, that no person do hereafter do dare to print or cause to be printed any book or books or any other [writing] whatsoever, under pain of the penalties contained in the said decree, and also of other and heavier penalties as the nature of the crime may require, except it first be read and carefully examined by the ordinary of the place, or by another or others appointed by the said ordinary for the said purpose, and be by his or their signatures in writing duly approved, and the said signatures shall be appended without payment of fee.

But any and every book that do or shall relate to the tradition, faith and discipline of the holy Roman Church as at this time approved and received, or that shall hereafter be approved and received, shall with complete piety be embraced and accepted, and with reverence received and held; and to the end that the said books and traditions be received by each and all with the like obedience and veneration, we do will and firmly enjoin the same under liability to canonical censures and penalties.

And in order that, when all the errors of the late times have been laid aside, the people may know what teaching they are to follow, and from what teaching they must fly: In union with that same Synod and in conformity with the regulations and teachings of the holy Fathers, we

reverently receive and embrace all that faith that the holy Roman Apostolic Church, the mother and mistress of all churches, holds and teaches; and we decree that the same is to be done and openly professed by all; and all those things that were done in [that same] General Council celebrated under Pope Innocent III of auspicious memory, and in other Councils, and all and singular decrees and injunctions of the Roman Pontiffs; and those Apostolic Letters which it is the custom to read on Maundy Thursday, wherein the holy orthodox Catholic faith exalts herself against all heresy; and whatsoever is alien thereunto do we altogether reject and condemn: every dogma that is in conflict with the said faith, or that does not assent thereto, do we forbid to be believed, practiced or taught; All and every heretic of whatsoever name or kind, who believes or shall believe, hold or teach other than that same Roman Church believes, holds and teaches, do we condemn and anathematize: and further, all those censures and penalties published at large against heretics and their patrons, and against ordinaries of places wheresoever constituted, that of themselves are bound, or that through some other are bound to extirpate heresies and do neglect the said duty, we do renew, and do enjoin upon all and do command, that the said processes be put in hand. We therefore exhort, and by the bowels of the mercy of our Lord Jesus Christ we call to witness all those that in these latter times have fallen into certain errors and are not yet recovered there from, that they withdraw from them and that they acknowledge the truth and embrace it; and they that by the grace of God have maintained the Catholic faith, or that have returned to it, that they persevere in it for ever; and truly, because they have most chiefly gone astray in those teachings that pertain to the Head of

the Church and to the sacraments; we now insert the true tradition of this doctrine, as it was briefly and clearly expounded in the Eighth General Council of Florence, under Pope Eugenius IV, of auspicious memory.

"We define that the Holy Apostolic See and the Roman Pontiff hold the primacy over the whole world, and that the Roman Pontiff is himself the successor of blessed Peter, Prince of Apostles, and that he is the true Vicar of Christ, head of the whole Church, visibly and manifestly the father and teacher of all Christians, and that to the same in blessed Peter was given by our Lord Jesus Christ the full power of feeding, ruling and governing the entire Church, as is contained also in the acts of oecumenical Councils and in the sacred Canons.

"We here set forth the truth concerning the sacraments of the Church for the Armenians themselves, both for the present and the future, in the following very brief formula:

"The sacraments of the new law are seven, namely, baptism, confirmation the eucharist, penance, extreme unction, order, matrimony: and these differ greatly from the sacraments of the old law; for those were not a cause of grace, since grace is to be explained and understood as bestowed only by, through and because of the Passion of Christ: but these do indeed contain grace for us, and do bestow the same upon them that do receive them worthily. Of these the five first-named do of themselves and ipso facto confer upon all men spiritual perfection; the remaining two are ordained to the government of the entire church and to the increase thereof: for in baptism is there a special re-birth; in confirmation, [the Christian] grows in grace and is strengthened in faith; born again, therefore, and grown strong, he is nourished by the divine sustaining food of the eucharist;

but whereas by the debility of [many] sins the soul becomes disordered and troubled, by penance it is spiritually healed; and also again both in soul and body, as necessary to [the life of] the soul, by extreme unction; through order, the church is governed and her souls are multiplied; and by marriage she is increased in numbers. All these sacraments are made perfect by three things; namely, the thing as to the matter; the words as to the form; the person of the minister conferring the sacrament with intention to do what the church does; and if any one of these things be absent, the sacrament is defective. And of these sacraments there be three, baptism, confirmation and order, that do indelibly imprint upon the soul a character, that is, a certain sign spiritual and indelible, which distinguishes these three [sacraments] from the others; wherefore they may not be repeated; but the other four do not imprint a character, and these do therefore admit of repetition.

First in rank of all the sacraments is holy baptism, which is the door to spiritual life; for by [this sacrament] there is contributed another a member to Christ and to the body of the Church: and since by the first man death was introduced into all things, except we be, as the Truth says born again of water and the Spirit, we are not able to enter the kingdom of heaven. The matter of this sacrament is true and natural water; nor is it of consequence whether the said water be cold or warm; and the form is, I baptise thee in the name of the Father, and of the Son, and of the holy Spirit. Not, however, in a negative sense, nor by any such [optional] form of words as: Let such an one be baptised a servant of Christ, in the name of the Father, and of the Son and of the holy Spirit, or, Let such an one be baptised by my hands in the name of

the Father, and of the Son, and of the holy Spirit; For that is true baptism, complete and perfect, where the principal cause, from which baptism hath its virtue, is the holy Trinity, while the instrumental cause is the minister, who perfectly performs the external act provided he express the act whereby his ministry is exercised, by an invocation of the holy Trinity in the course of his action. The minister of this sacrament is the priest, who is competent ex officio to baptise. In case of necessity, however, not only a priest, but a deacon, and also a layman, or a women, and even also a pagan or a heretic, may baptise, provided the form of the Church be used, and the intention be present to do what the Church does. The effect of this sacrament is the remission of all guilt, whether original or actual, and of all penalty incurred by reason of that guilt; wherefore no satisfaction in respect of past sin may be enjoined upon the [newly] baptised; but if they should die before they commit any sin, they straightway come to the kingdom of heaven and the vision of God.

The second sacrament is confirmation: and the matter of this sacrament is the chrism made from oils, which signify brightness of conscience, and balsam, to signify the odour of good repute, and these are blessed by the bishop; the form of the sacrament is, I sign thee with the sign of the Cross, and confirm thee with the chrism of salvation, in the name of the Father, and of the Son, and of the holy Spirit. The ordinary minister is the bishop; and whereas the other anointings may be conferred by an ordinary priest, this sacrament may be administered by none but a bishop: because we read that it was only by the Apostles, in whose place the bishops now stand, that the holy Spirit was given by the imposition of hands, and in what manner it was done may be read in the Acts of the Apostles, where it

is said; "Now, when the Apostles at Jerusalem heard that Samaria had received the word of God, they sent to them Peter and John, who came down and prayed for them that they might receive the holy Spirit; for it had not yet fallen on any of them, but they had only been baptised in the name of the Lord Jesus. Then they laid their hand on them, and they received the holy Spirit." In place of this imposition of hands, the Church now gives confirmation. However we read that later, and occasionally, and by dispensation from the Holy See for reasonable and urgent cause, an ordinary priest may administer this sacrament of confirmation with chrism blessed by the bishop. And the effect of this sacrament is, that in it is given the holy Spirit to strengthen [the candidate], as it was given to the Apostles on the day of Pentecost, in order namely, that the Christian should with boldness confess the name of Christ; and therefore it is enjoined that the candidate be anointed on the brow, because it is the seat or throne of reason, that he blush not to confess the name of Christ, nor in particular, his Cross, which is a scandal to the Jews and to the Gentiles foolishness; and for this reason the candidate is signed with the sign of the Cross.

The third sacrament is the eucharist, of which the matter is unleavened bread and wine of the grape to which, before consecration and with the greatest moderation must be admixed water. And water is admixed in this manner because, according to the testimony of the holy Fathers and the Doctors of the Church, as long ago adduced by them in disputation, it is believed that the Lord himself instituted this sacrament in wine mixed with water; and moreover, because [such admixture] is appropriate to the representation of the Passion of the Lord. For the blessed Pope

Alexander V said to blessed Peter, 'In the sacramental oblations which are offered to the Lord in the solemnity of the Mass, bread only, and wine admixed with water, are offered in sacrifice' Not that either wine alone, nor water alone, ought to be offered in the chalice of the Lord, for we read that both, that is, both blood and water, flowed from the side of Christ. And besides, [this admixture] appropriately signifies the effect of the sacrament, which is the union of the Christian people with Christ; for the water signifies the people, as we read in the same book of the Apocalypse, Many waters, many people. And Julius, the first Pope after blessed Sylvester, says, 'The chalice of the Lord must, according to canonical precept, be offered with commixture of wine and water, that we may see and understand by the water, the people, and in the wine, the blood of Christ; wherefore, when wine and water are commingled in the chalice, Christ is united with his people, and the multitude of the faithful are joined together and united with him in whom they believe. When, therefore, both the holy Roman church, taught by the blessed Apostles Peter and Paul, and all the other churches, Latin and Greek, in which do shine all holiness and enlightened doctrine from the beginning of the birth of the Church have always kept and do still preserve the same, it is seen that it would be most improper that any other region whatsoever should depart from unity with this universal and reasonable observance. We therefore do decree that the Armenians themselves do also conform with the universal Christian world, and that their priests in the oblation of the chalice do admix as directed a little water with the wine. The forms for this sacrament are the words of the Saviour, by which he established this sacrament; and the priest, speaking in the person of Christ, accomplishes and completes this sacrament;

for by virtue of these words [of institution], the substance of the bread is made into the body, and the substance of the wine into the blood of Christ, in such manner that the whole Christ is contained under the species of the bread, and the whole under the species of the wine: under whatever part therefore of the consecrated host or of the consecrated wine, supposing a separation made, is the whole Christ. The effect of this sacrament, operated in the soul that worthily receives it, is the union of men with Christ. And because by grace a man is incorporated into Christ and united with his members, the consequence is, that by this sacrament grace is increased in him that worthily receives it. And every effect that is operated by material food and drink for the sustaining of the life of the body as to its sustenance, growth, restoration and delight, is operated by this sacrament for the life of the soul; whereby, says Pope Urban, we recall with gratitude the memory of our saviour, withdraw from evil, grow strong together for good, and make progress towards the increase of strength and grace.

The fourth sacrament is penance, of which it may be said that the matter is the act of penance: and this act is distinguished into three parts; of which the first is contrition of heart, upon which follows a sorrow for the sin committed, with the resolve not to sin in future; secondly, oral confession of all the sins the penitent can remember, to his priest, and in full; thirdly, satisfaction for the sin, according to the judgment of the priest; which however is principally done by way of prayer, fasting, and the giving of alms. The form of this sacrament is in the words of absolution pronounced by the priest when he says, 'Ego te absolvo etc.'. The minister of the sacrament is a priest having authority to absolve, or the

ordinary, or one appointed by a superior. The effect of this sacrament is absolution from sins. The fifth sacrament is extreme unction; of which the matter is olive oil blessed by a bishop. This sacrament should not be given except to the sick where there is some danger of death; and he is to be anointed in these places: on the eyes, for things seen; on the ears, for things heard; on the nostrils, for the sense of smell; on the mouth, for gluttony, and for sins of the tongue; on the hands, for touch; on the feet, for steps taken; on the ~~limbs~~ limbs, for the following of allurements arising therefrom. The form of this sacrament is: 'By this anointing, and of great goodness and mercy, may the Lord forgive thee whatsoever through things seen', etc., and so on for the other members. The minister of the sacrament is the priest, and its effect is the healing of the mind and also in so far as it is effective, even of the body itself. It is of this sacrament that St. James says: 'Is any among you sick? Let him call for the elders of the church; and let them pray over him, anointing him with oil in the name of the Lord: and the prayer of faith shall save him that is sick, and the Lord shall raise him up; and if he have committed sins, it shall be forgiven him.'

The sixth sacrament is order, of which the matter is that thing, by the handing over of which the order in question is conferred. Thus, priesthood is conferred with the chalice with wine, and the patten with the bread; of the diaconate is conferred with the book of the Gospels; the subdiaconate, with the empty chalice, the empty patten lying upon it; and similarly for the other grades, by assigning in each case the thing or things pertaining to the ministry of each grade. The form to be used

for the ordination of a priest is as follows: 'Receive thou power to offer the sacrifice in the Church for the living and the dead, in the name of the Father, and of the Son, and of the holy Spirit'; and similarly for the forms for the other grades of order, as set out at large in the Pontificale Romano. The ordinary minister of this sacrament is the bishop: and its effect is the increase of grace, that [the candidate] may be a fit and proper minister.

"The seventh sacrament is matrimony, which is a sign of union with Christ and his Church, as the Apostles says: 'This is a great mystery, and I take it to mean Christ and his Church'. The efficient cause of lawful marriage is mutual consent, expressed in words by the parties thereto. And a threefold good is assigned to marriage: first, the procreation of children, and the bringing them up in the fear of God; second, the fidelity of the partners, whereby they serve one another; third, the indivisibility of the marriage, for the reason that it signifies the indivisibility of the union of Christ with his Church; but by the same analogy, it may be lawful to separate for the cause of fornication; and it is not lawful to contract any other marriage; for the bond of a marriage lawfully contracted is perpetual."

Of the keeping and administration of the sacraments, and of dedication of churches on a particular day, and of other feasts to be religiously celebrated.

A Constitution of John [Beckham], Archbishop of Canterbury, of happy memory, decreed in a provincial Council, whereby it is providently and piously enjoined that in each and every parish church there be made a tabernacle with lock and key, well and truly made and of adequate size for the need

of the church, wherein the most holy sacrament of the eucharist may be safely kept, not in a burse or coffer, but [folded] in a very clean linen cloth, and decently enclosed in a pyx, in such manner that it may easily be removed and withdrawn therefrom without peril of fragmentation; and that this venerable sacrament itself be every week renewed, and ~~that~~ there be also decreed a penalty against any priest that be negligent as to the custody of the eucharist; we, by authority of this Council do decree to be renewed; and it is to be kept by all men everywhere; with the addition, that the said tabernacle be located in the midst of the high altar, in such manner that it may be clearly seen by all, and so securely affixed thereto that it cannot by any person be easily removed. But if the said tabernacle cannot be conveniently placed on the said high altar, then let it be set upon some other altar, as near as may be to the said high altar, and let this be done with all possible seemliness.

And when they begin to make provision in their churches for this observance, let all ordinaries of places see to it that that the same thing be done in [their] other churches, and let them also provide that any [priest] that is negligent in this matter be penalized, and forfeit out of his fruits a sum sufficient to cover the cost of providing such tabernacle; and let the ordinary also at need resort to any other remedy in law to compel the observance of this decree. Nor will we exonerate any other person or persons for any reason whatsoever who, besides the rectors of churches, are bound to make their contribution for this purpose. For this constitution is provided to do honour to the Body of our Lord Jesus Christ, the splendour of eternal light, and

to it we now add and do decree, that in conformity with the ancient and laudable custom of the English church, and with other provincial customs, lamps, or candles of wax do continually burn before it.

And where the means of the church make no provision in respect of these things, let the ordinaries of places take care, so far as in them lies, that means be procured from some other place, that thus a custom so worthy and so pious and yet now discontinued, by reason of the damage done in recent times, in nearly all the churches of this kingdom, be renewed. And besides all this, we do now re-enact all those ecclesiastical constitutions, whether general or particular, published or proclaimed with reference to this kingdom, that do relate to the keeping of the font, the chrisms, the holy oils, and the rites proper thereto, that the sacraments be duly and with reverence administered; and we do decree and enjoin that they be inviolably observed and kept by all and singular to whom they do pertain, under pain of the penalties ordered in the said constitutions themselves, and also under other and heavier penalties, as to the ordinaries of the said places may seem proper, and as the gravity of the fault may require.

Of the dedication of churches on a fixed day; and of the devout celebration of the said feast, and of other feasts.

Whereas according to ancient custom in this kingdom the dedication of churches is wont to be celebrated everywhere on the first Sunday in October; and whereas by profane and irreligious usage of the vulgar, vain spectacles, feastings, dances and acrobatic shows and other such things are allowed to be done, we do now decree, that the bishops do

diligently make provision that no such things be done in future on the said day, nor on any other feast-day; but that the people come devoutly to hear the divine office; and that the disobedient be compelled thereto by ecclesiastical censure or other remedy in law, with invocation if need there be, of the secular arm.

DECREE NUMBER THREE: That bishops must reside; and of the residence of the lower grades of the clergy; and of prefects put in charge of scholars and colleges.

Whereas the reformation of the Church must begin with those that are charged with the care of others: and whereas among those also this abuse flourishes, namely, that many of them do not reside in the churches that were committed to them but relinquish them to hirelings; which thing is the cause of almost every evil that has arisen in the Church; wherefore, that this abuse may, in so far as it can be done by the offending parties themselves, be taken away: Firstly, all those that do preside over metropolitan and cathedral churches, and over churches of inferior rank where there is cure of souls, we do very earnestly exhort in the Lord, and by the bowels of the mercy of Christ we do adjure and oblige them, that taking heed to themselves and to the whole flock, wherein the Holy Ghost hath placed them to rule the Church of God, which he hath purchased with his own blood, they apply themselves to the keeping of their own sheep, whose blood will be required at their hands; and that they show themselves to the same, as in duty bound; and that refraining themselves from occupation with the sollicitudes of temporal affairs, they do labour to be vigilant, as the Apostle enjoins, and in all things to fulfil their ministry. And moreover, since it is often observed that fear of penalties will move to the fulfilment of duties where the fear of God has no effect, we do now re-publish all those constitutions, whether general, or particular to this kingdom, enacted against those that do not reside; the which also

are in addition decreed to be extended in such manner as to provide that [the contumacious] be deprived of their [other] benefices and compelled to reside; but it shall be lawful for ordinaries to grant temporary dispensations for reasonable cause and in the situations and cases by the law allowed, as provided by the canon of Pope Gregory X of auspicious memory, in the Council of Lyons.

And whereas dignitaries, persons that are holders of benefices, or any that be instituted to any office or ministry whereby they should keep order in the Church, or that should increase it by acting as inspectors or moderators; for there be many such seen that do receive the emoluments of such dignity and such office yet that are absent from their own churches and that do perform no part of their duty therein, to the no small detriment of their said churches; therefore, that these said [dignitaries and administrators] also be compelled to carry out their duties, and the statutes and customs of [their] churches and colleges be most strictly maintained with all their intended binding force, we do decree that every said archdeacon, shall be personally present in his parish or in his cathedral church, as may by his bishop be seen to be needful, that he may duly carry out the duties of the place. But if any should be absent from his church, archdeanery, or college beyond the short term of absence conceded by church law and custom, then it shall be in the power of his ecclesiastical superior to punish him by subtraction of the fruits that accrue to him by reason of his tenure of such office, dignity or prefecture, in proportion to the time of his said [unlawful] absence, and to convert and apply the said fruits and proceeds to the hospitable purposes of the cathedral

church, or to the maintenance of students, where provision is or shall be made for the same; and where the said dignitary etc. shall be absent for a longer term, and the nature of the case shall require it, he shall be compelled to residence by other remedies in law, and even by deprivation of his said dignity, office or prefecture in conformity with canonical process. Where, however, there be reasonable cause, and where the law allows it, they that do obtain this kind of dignity of office shall be permitted to be absent for a [longer] time by license of superiors and by a majority vote of their chapter or collegiate church or college.

But whereas the reason and cause for the institution of canonries and prebends in churches was this, that those promoted to such dignities should attend on the bishop whenever he performs any pontifical function, and assist him in his official duties by counsel and practical help; and that they celebrate in union with him the divine office in that church in respect of which they receive the fruits; and since there be few at present that do keep this law, so that churches are now reduced almost to solitude: we do now will and do firmly enjoin, that every Canon, whether of a cathedral, a metropolitan, or a collegiate church, that by the terms of foundation, by statute or by custom is obliged to personal residence therein and shall unlawfully be absent therefrom, shall be compelled to such personal residence by subtraction of fruits from his said canonry or prebend or by other remedy in law; in proportion to the term of his said [unlawful] absence beyond the reasonable term allowed by the Church and in default of licence granted by his superiors for reasonable cause, the said reasonable cause having also approval of the majority of the Chapter; and the said forfeited fruits shall be converted and applied to the hospitable

purposes aforesaid; but he who is not compelled to such residence by any of the terms of the foundation, nor by statute or any custom; and where the revenue of the prebend or canonry does not exceed the value of ten pounds per annum and is said as often as they be present for one whole month or more in the church to which his prebend is attached, or as to his superiors may seem proper, and so often as he be present and do wear the habit that is usually worn by the canons residentiary in the said church; and do assist at the office; he shall if he be absent and for each and every such absence forfeit one-sixth part of the fruits of such prebend, and the said sixth part shall be converted to the use of school as aforesaid as often as it shall be forfeited. But where the value of the prebend shall exceed twenty pounds per annum, unless he also continue to serve and be present in the church from which he draws his stipend for the term of at least two months either by continuous duty or by way of supply or by attendance for several periods as required and according to the decisions of his superior and in the accustomed clerical dress, he shall forfeit and be deprived of one-sixth part of the annual value of his prebend, and the proceeds shall be applied to the uses aforesaid, except where the said fruits be the produce of pious usages, and in such case they shall, as his superior may determine, and in conformity with the statutes and customs of the church, be applied to some other pious purpose, as it has been our pleasure to notice in the foregoing parts of these articles where this matter is treated. We add, moreover, that the said daily distributions are to be received in proportion by the parties herein and are not to be allotted to any other party that was not present at the said duties for any reason whatsoever nor however good the reasons

for such allotment may be, unless the claim made by the said other party be proved in law and supported by the statutes of the church. But any who are or who shall be granted an indult for a certain term on account of studies and be not obliged to proceed to those orders in respect of which they hold their titles and in right of which they expect to be promoted to their benefices, shall not be penalised for absence, since said absence is necessitated by said studies, and the fruits they expect shall not be reduced for said absence. And moreover, because it frequently happens that not a few students do not live in any of the universities but in places where no provision is made for studies, and where there is no opportunity to put learning to the test, and so are willing to sink to the level of easy general studies, rather than apply themselves to learning; wherefore, in order that no deception or fraud be practiced in this matter upon any holder of patronage, we command that all ordinaries of places do in future, before he grant any such indulgence to any such person within his jurisdiction, diligently investigate whether the said person be capable of deriving benefit from such studies, of adapting himself to the [intellectual] disciplines he proposes to undertake, whether such discipline be appropriate to the abilities and the prospects of such student, and useful in future to the Church; further, whether there be reason to suspect the applicant of fraud, or whether upon careful consideration the concession may be made. And the ordinary shall thereafter make careful provision that he shall know what places are frequented by said applicant, what manner of life he leads, and what progress he makes in his studies, and if the ordinary see that the [candidate] leads an idle life and that he makes no progress in acquiring knowlege, he shall revoke the said indult

and compel [the candidate] to receive those orders in relation to which the postponement by indult was granted, and he shall compel [the candidate] to reside by means of subtraction of fruits or by other remedy in law.

And since plurality of benefices is the principal impediment to residence, and offers to clerics a pretext for wandering, we do decree that whosoever now holds or shall in fact obtain several incompatible benefices shall retain the one which he prefers (and as to which church he shall retain, and which, whether one or more, he shall surrender, we by the Apostolic authority to us conceded do enable and empower and do leave to his management); and that other or others that by law he cannot retain he shall resign within the term of two months, into the hands of his ordinary, publicly and before witnesses, the said term of two months to be computed from the date of publication of this present decree; and the said benefice or benefices resigned he shall forthwith surrender and leave; if on the other hand he refuse to go, he shall be deemed deprived of all those things which by reason of the present decree he is bound to resign, and we hereby enjoin that he shall be deemed incapable of again obtaining possession of them. But we have brought with us an indulgence, by the same Apostolic authority conceded unto us, for the retention of incompatible benefices for a brief term and for reasonable cause.

Where however in future any shall presume to receive and to retain by way of union for life several benefices having cure of souls, or otherwise incompatible, without the dispensation and authority of the Apostolic See, apart from that method of possession sanctioned by a constitution of Gregory XI and published in the Council of Lyons, or shall receive any such plurality of benefices by any name or title whatsoever and shall

retain them together, shall ipso jure be deprived not only of that second benefice or those benefices, and all and every such additional benefice, but also of his first benefice which he holds of right and canonically. And all those other sentences, censures and penalties decreed by John XXII of auspicious memory in the constitution beginning Audistis and all and every decree published in this kingdom against such as obtain incompatible benefices in this way, or provide for the same, whether enacted by the Apostolic See or by provincial or other Synod, or by decree of Legates to this kingdom howsoever published, do we renew, and we do ordain and command that they be duly executed.

But the ordinaries of those places where any person whatsoever shall obtain and hold a plurality of cures or any other form of incompatible benefices in the Church, shall compel the said person to exhibit his dispensations and other relevant papers, as laid down at the Council of Lyons by Gregory XI in the constitution Ordinaria, which we enjoin shall be observed in full: adding, that the ordinaries shall themselves, or by the appointment of suitable, capable and efficient vicars, provide for the allocation of congruous portions of the fruits, that the cure of souls be in no wise neglected, and that the said benefices themselves be not defrauded of the requisite ministerial services.

DECREE NUMBER FOUR: That bishops, and all other clergy having cure of souls, must preach to the people; and that parish priests must teach to children the rudiments of the faith.

But since no advantage, or at any rate very little gain can be expected, either by the bishops or by other lower grades of clergy having cure of souls, from residence in their churches or upon their cures, unless they apply themselves to their pastoral duty and office, which principally consists in preaching the divine Word; and since certain abuses in this matter have crept in because the bishops have remitted the duty of preaching to other persons, and left this office to be done by others than themselves, which is contrary to the example of the Apostles, who said, It is not fit that we should forsake the word of God, and serve tables, the which duty however, since it was directed to the feeding of the poor, was one of great merit; we therefore with the approbation of this Synod do decree, that all Archbishops and Bishops do themselves personally preach the word of God, as they are bound to do, and as they are commanded by Christ and the holy Apostles, and in conformity with the norms of the sacred canons; but if it should happen that they be hindered by any lawful impediment, and are less able to perform the said duty, then they shall, in conformity with the statute 'inter cetera' published in a General Council by Pope Innocent III of auspicious memory, appoint fit persons to discharge properly this office of preaching rectors, vicars, and any and every other person whatsoever that has or shall have cure of souls shall, if the said archbishops and others aforesaid be lawfully prevented, themselves feed the people committed unto them, and this they shall do by means of this wholesome office of preaching; and if any one aforesaid be negligent of

this necessary duty for the space of one month, they shall be compelled thereto by their superior, by means of ecclesiastical censures, and also by payment of fair remuneration to some other fit person for discharge of the said duty of preaching, said remuneration to be paid out of the fruits of the benefice of the said negligent cleric or clergy, until such time as the principal do repent and do himself discharge his said duty.

But this obligation of preaching will only be discharged in full where in addition to the public sermon the pastor also admonishes in private any and every person of his flock that he shall know to have wandered from true doctrine and good ways; where he shall call such to himself, and shall paternally warn and exhort them, and with all charity teach them; and where, if need there be, he shall deter and discourage them, by calling upon them to submit to the rule of Catholic belief and of right living. But they that do already live according to true doctrine and good conduct he shall encourage and strengthen in their holy state.

And since there be some that be not called to the office of preaching, but that yet do presume to thrust themselves into the same, concerning whom however the Apostle says: "And how shall they preach, except they be sent?" and whom God himself rebukes by the mouth of the Prophet, when he says: "I sent not those prophets, yet they ran"; concerning these we do now ordain that the statute that was published in a General Council by Pope Innocent III of auspicious memory be now observed, wherein it is said that none shall dare to take upon themselves the office of preaching either in public or in private except by authority of the Apostolic See and by concession from the Catholic bishop of the place, who governs the church in the diocese where such person is to preach.

But let him that shall be sent by the Bishop to preach be instructed with all possible zeal and care as to the matter and the manner of his or their preaching (since many abuses are now to be found in the performance of this office) and this especially shall be enjoined them, that first, they exhort the people to penitence, which is the more necessary because we have grievously offended God and still more important, because we have been closely concerned in his benefits, in that we have witnessed the liberation of the kingdom from the most pernicious schism; and then, that they preach against those vices and abuses in faith and morals that have flourished in the said time of schism, and with which many yet remain infected; concerning the which, therefore, let them be diligently instructed and warned.

But since in many churches there are no preachers, and in order that the people be not defrauded of the food of sound doctrine by any of their rectors, vicars, or other person or persons that hath therein the cure of souls, let there be written and published by certain learned men and by mandate from this Synod, certain homilies, in the which care shall be taken to treat of those things concerning which the sin is greatest here, the which homilies may be read to the people instead of a sermon, by such curates as are not capable of preaching.

And since the harvest is great, but the labourers few, let prayers be offered to the Lord of the harvest, that he send forth labourers into his vineyard. And let the bishops meanwhile delegate certain preachers that shall go into every part of their dioceses, so that in no part of their said diocese shall any of their flocks be by any means defrauded of the saving good of the word of God.

Provision shall also be made by the same, that whosoever shall be directors appointed to have cure of souls shall at least on Sundays and festivals and at a fixed time, provided the divine office be not thereby impeded call the children of his parish into the church, and there diligently instruct them in the first rudiments of the faith and in religion, and in obedience to God and to their parents. But they that shall omit this duty shall be compelled thereto by such remedy in law as shall be seen to be appropriate.

DECREE NUMBER FIVE: Of the life of the clergy, and of their good repute.

Now the example of a good life bestows great authority upon the word [that is preached], and is as it were itself a kind of preaching; for this reason, they that be set over others are not only to take care that they also excel those others in their manners and behaviour, and in holiness of life; but also that they may be praised for the good government of their own houses, as the Apostle requires in bishops. Wherefore, by the bowels of the mercy of Christ we do admonish, we do adjure and entreat the Archbishops, the bishop and all and every other prelate of the churches of this kingdom, that they do live as the Apostle teaches, blameless, sober and chaste, and their life and conversation be to others an example of virtue and of a life of discipline. Let them not use any feasting or luxury, nor silken clothing, nor fine furniture. Let their table be spare and frugal, not more than three courses, or at the most four, by reason of the climate, and this we concede, not because we approve of it; besides fruits, dessert, nuts or confectionery, which may be added if there be guests or visitors at table; and let the condiments thereto be charity and the reading of holy books and pious sermons. Let them not keep many servants, nor many horses; and let them abstain from much luxury. Let them be content with such ministrations as are sufficient for the discharge of the cure that is committed to them; for the government of their households, and the usages of daily life. Let them also be solicitous for the manners and the way of life of their servants, lest insane vices give rise to scandal and ill report. And let them make provision that the clothing of the lay people that do serve them be of an appropriate kind and colour, modest and decent. And in order that the said

moderation be not attributed to avarice, let whatever shall be saved out of the fruits of their churches be applied to sustain those that do their menial work. And whatever shall be left, over and above what is necessary for themselves and their household shall all of it be distributed, as is said in the rescript that was sent by the blessed Pope Gregory to Bishop Augustine about dispensing the fruits of the Church, to sustain and feed the poor of Christ, to bring up children in schools, to help the young with their studies, and in other works of charity for the glory of God, in the service of their neighbours and as an example to others. Let them be fathers of the poor, a refuge for orphans and widows, and for the oppressed a shield. Let them assiduously apply themselves to the reading of the holy Scriptures and to those things that relate to the discharge of the cure committed to themselves; but from secular business, and from all those things that according to the institutes of the sacred canons are not in the least appropriate to the clerical order they shall abstain, so that they be seen to live in every respect as befits their office as true pastors of the flock.

These same rules are also to apply, and to be followed by, the lower orders of the clergy (since it is proper that the members should be as the head), and in order that these also shall be of the like pattern, we do ordain that the Ordinaries of places do take care that those things that be of pious and holy institution designed for the [direction of] the life and conversation of the clergy, whether decreed by the sacred canons and general Councils, or by Legates from the Apostolic See, or by the laws of provincial [Synods] in this kingdom, be observed in full by each and every cleric within their jurisdiction under pain of the

penalties therein decreed and of other penalties at the will and pleasure of the said Ordinaries. And so that no person whom these present processes do concern may pretend ignorance thereof, the aforesaid Ordinaries are to take care and make provision that all those things that they shall perceive to be most necessary be published in the form of a brief compendium, which with the addition of suitable penalties and due warning, by public proclamation or by other method or methods shall be brought to the knowledge of all. But in order that certain abuses be taken away (insofar as this can be done by the offenders themselves), that through the depravity of these recent times have constantly crept in throughout the ranks of the clergy to the damage of their life and morals, we do now ordain and decree certain special ordinances thereunto pertaining, as hereinafter declared, Namely:

It is not lawful that any person or persons that have been or are professed in religion, or secular clergy in holy order, that were therein professed or thereto admitted according to the sacred Councils and canons and the ancient praiseworthy custom of the Church, should have a wife; because after profession made or holy order conferred this is neither more nor less than a rejection and neglect of all fear of God and of the law, and may rather be called concubinage, an impure manner of living together, the which to enter upon de facto is not possible without shame, because it is a disgrace, an infamy, a dishonour especially in religious or in the clergy, a scandal to the people, and perdition to their souls: and so that provision be made for past as well as for future cases of this kind of abuse, we do now, this Synod approving the same, condemn and reprove every

marriage of the kind, whether contracted by religious of either sex, or by secular clergy of the degree of subdeacon or above it, as aforesaid; and we do pronounce and declare the same to be by no means according to law, and to be impious and abominable; and we do command that every Ordinary of this kingdom do separate and part all persons of this class that be in fact so conjoined, and that he do proceed against them by ecclesiastical censures and by other remedies in law, and that he do by no means allow them to live together; and that each and every person that shall defend any such marriage, or that shall obstinately desire to persevere in the same, shall be proceeded against with all severity, as the rules of the sacred canons do prescribe. And so that no such thing be done in future, we do hereby will and do firmly enjoin that all those canonical constitutions, whether general, or particular to this kingdom, that have been promulgated against this kind of excess, with all the sentences, censures and penalties therein contained, be here and now put in force and applied, and that universally and without exception.

And further, since many persons of ecclesiastical condition in this kingdom are unmindful of their standing even after they have obtained benefices and have been admitted to holy order, wearing neither the dress nor the tonsure that are proper to their state, but take up secular business, and even become involved in occupations that are menial and dishonourable; not taking part in the canonical hours, nor following their studies, but behaving in a manner quite other than is appropriate to their order, in contempt of the law that applies to clerics, and to the dishonour of the clerical state: we do decree and order that whosoever holds or shall hold or shall obtain any kind of prebend, office,

benefice, style or title, shall wear the clerical habit and the tonsure as required under threat of canonical sanctions, and shall forthwith renounce and abstain from all and every business or occupation that is not proper to the ecclesiastical state, or is forbidden to the said ecclesiastical state by law; and the said persons shall say the canonical hours and shall follow their studies, and shall be bound to the performance of all those other things that do pertain to their person and order, and to their benefice, if they obtain one. And if any one of them, being admonished by his ordinary, do persevere in this kind of abuse, he shall be corrected and compelled to amendment by some appropriate remedy in law, even to deprivation of his benefice. And if he have been admitted to holy order, and even if he have not obtained a benefice, he shall nevertheless be compelled to observance by the remedies in law aforesaid. But let him that is as yet only in minor orders abstain from such occupations as are declared to be for him illicit and prohibited, or else let him be deprived of his clerical privileges by sanctions according to canon law.

DECREE NUMBER SIX: Of collation to orders; and of the examination of those that are to be ordained.

Now, next to the preaching of the divine Word, no greater responsibility is enjoined upon the bishop than the bearing in mind of the Apostolic command, Lay hands suddenly upon no man, because where the diligence that such a thing requires is not commonly used, the result is contempt for ecclesiastical order, and a great diminution in the numbers that attend divine worship; Wherefore we do hereby decree, this Synod approving the same, that each and every ordinary of places do spare himself no labour in collation to ecclesiastical order; but that he do himself perform this duty with all care and charity if he be not legitimately impeded, and he shall in such case delegate this duty to some other Catholic bishop or bishops; and in conformity with the statutes in force for the time being do admit to order any of his diocese that do desire to be ordained and are known to be suitable; but no man shall be sent to the bishop of another diocese for admission to order except for reasons necessary and good, and said reasons shall have been diligently investigated by the applicant's own bishop, and found to be acceptable. Nor do the bishops perform this office to their own satisfaction if they simply lay hands upon a man that has been [already] examined by other [bishops] and by them rejected; because it has frequently happened that some men that are not useful to the Church or not worthy of it, are by some others that have not been directly concerned to investigate them, been deemed worthy of holy order and have by those others been promoted thereto, and that without regard to conscience. Wherefore we do exhort and admonish in the Lord and do

command that each and every bishop do himself perform this duty with all care and diligence. But where the diocese is large and the number to be ordained very many, the assistance of other persons may be required; and then let the bishop make use of such other person or persons as are known to be pious and learned, and upon whose diligence he can rely. And from such duty of assistance we do not exclude any Archdeacon or other official, but rather do desire that these should assist their bishop and be his helpers.

But in the examination of those that are to be ordained, the principal matter that is to have attention is that the candidates be not infected with heresy; of legitimate birth; and of the age and condition required by the sacred canons; that they be exempt from every defect that would in law impede their progress to orders; that they are of honourable report as to life and morals commendable as to their public behaviour; and giving hope that they will be able to attain the knowledge requisite for each grade as they proceed to the higher orders. And it is to be very diligently borne in mind that no person be ordained upon any fraudulent or insufficient title, such as might afterwards reduce such person, though in clerical orders, to disorderly conduct or to begging, or which is an abomination to making the holy sacrifice of the Mass a thing to be bought and sold. Let all [the bishops] therefore be first admonished and exhorted that they do not confer orders upon any that seek to please their own family, nor on any that do but seek their own advantage, but upon them only that do seek Jesus Christ.

And so that all these things may more properly be done, they that are to be promoted, and especially they that seek to be admitted to holy

order must signify their desire to the bishop a long while before the time appointed for ordination, so that the bishop may conveniently make enquiry, and know their state and condition; and thereafter, on the fifth day preceding the day appointed for ordination, they must present themselves to the bishop and give in their names. Upon that day and the days next following, they shall at the statutory time be diligently examined. And there shall be required of all the aforesaid [candidates] certain reliable testimonials, not only from their parish priests, but also from the masters of their schools, and from other persons worthy of credit that do know them well. And so that they may be cleansed from all stain of sin, and go forward to receive holy order with that devotion that is fitting, let them beforehand confess their sins to some suitable priest, who shall carefully scrutinize their manner of life, and shall thus perceive and judge whether any irregularity or other impediment whatsoever do hinder them, and whether it be expedient that they abstain from proceeding to orders altogether, or whether some means may be sought to remove any such irregularity or other impediment. And on the day of ordination they shall also receive the most holy sacrament of the Eucharist.

But for minor orders it shall be lawful to apply a less strict discipline; yet as these persons ascend step by step from the minor orders to enter unto higher orders, all the aforesaid regulations shall be progressively applied.

DECREE NUMBER SEVEN: Of provision to ecclesiastical benefices.

Since ecclesiastical benefices should be conferred upon those persons only that are competent and worthy, and that are accustomed and well able to carry out the duty or duties for the performing of which the benefice is bestowed: as is taught by the example of the Apostles, who when the seven deacons were to be elected, called the multitude of the disciples unto them, and said, Look ye out, brethren, from among you seven men of good report, full of the Spirit and of wisdom, whom we may appoint over this business; wherefore we do admonish and urgently desire that every bishop that it do concern shall lay aside all human respect and, disregarding every other consideration, shall make appointment to ecclesiastical duties, and especially to such as have attached to them the cure of souls, of whomsoever he himself shall judge to be most fit, and shall commit the church to the same, seeking therein not the things that are his own, nor to the interests of his own relatives or connections, nor of any other person whomsoever, that is related however remotely to himself; but [let him seek only those things] that belong to Jesus Christ.

And whereas when speaking on this subject the Apostle says, Lay hands suddenly on no man, he refers not only to collation to order but also to institution into ministerial office and duty; let no bishop promote any cleric or clerics to any ecclesiastical benefice, especially to any such as has attached to it the cure of souls, except he first make diligent enquiry and examination of such cleric or clerics; in the which [examination] he shall consider, but with much greater care and severity, all those things which we have said were to be investigated at the time of collation to order: soundness as to doctrine; mature age;

gravity of manners knowledge of letters; also, whether he or they that shall be promoted have observed the appointed interstices of time according to that grade of order required by the duties appointed to them in the benefice that shall be committed to them in conformity with the canonical sanctions, or the statutes of the churches, or the obligations attached by the foundation constitutions of the benefice; and [he shall further enquire] whether ambition, or avarice, or other human desire do move the said cleric or clerics to proceed to the reception of order. And let each and every one of them be provided with good testimonials from men worthy of credit that do know them well, And let the said cleric or clerics be diligently admonished by the bishop, concerning the duties and burdens that shall by the bishop himself be imposed upon them.

And where any cleric is to be assumed to any benefice that do require personal residence, the bishop shall make enquiry whether he that is to be promoted thereto be such a man as can make himself useful therein, and is able therein to reside; and also whether he has already obtained some other incompatible benefice; or whether there be any other cause whatsoever that would be an impediment to residence; in the which case he shall not admit him; and if there be no such impediment, the bishop shall notwithstanding obtain from him that is to be promoted a promise of permanent residence upon his cure; and the said promise shall be given under oath, and under penalty of deprivation incurred if he do otherwise; the which promise and oath to reside shall be received by the vicars that have been appointed to support the duties of the said vacant church, until provision be made for the same, as declared by us in our provincial constitutions.

And the bishops shall also take care that they have in writing from the prefects of universities and colleges the names of those that they know to be suitable in respect of their manners and doctrine to obtain promotion to benefices; so that if any benefice do fall vacant, they may know upon whom it may at once be conferred; but to these that be named, and to each and every one of them shall the same rule of investigation be applied by men of learning and piety that shall in future be appointed to assist as examiners in the government of their churches.

But since long vacancies in churches are very harmful, we do exhort in the Lord and do admonish each and every bishop that ~~when~~ a benefice does fall vacant and when collation thereto does pertain to themselves, and especially when such vacancy falls unexpectedly, and not at the due term appointed by the sacred canons, the which vacancy may occur suddenly, that they take care of the same by provision of suitable rectors and pastors; and that for the duration of the said vacancy or vacancies, they shall [appoint deputies and thus provide that the said church or churches] be so governed that no harm, loss or damage be done to the said churches, nor to the people thereto committed, if any such there be.

Now, what has been said above of bishops shall be deemed to be said also of all and any that have or shall have the right, not only of appointment, but also of election of institution, or that do possess any other right in law of what kind soever in the disposing of ecclesiastical benefices and against all or any that do or shall promote unworthily to any benefice canonical proceedings shall be inaugurated.

DECREE NUMBER EIGHT: That no benefice shall be transferred before it is void; and that no [alleged] grant in law of the right of presentation or of any advowson or warranty, nor in particular any [alleged] faculty or other authority to dispose of benefices that shall fall vacant, be deemed valid if they be contrary to the regulations of the sacred canons.

Whereas there has been much evasion of a Decree of the Lateran Council ordering that no benefice be disposed of before it is void, and that no promise whatsoever be made to any person whomsoever in respect of any benefice that do or that may in future become void, and whereas many have notwithstanding the said prohibition have transferred and do transfer to others the right of presentation or the power to dispose of benefices that are not vacant, and whereas this abuse is of frequent occurrence here, and since we have ascertained and are assured that it has given rise to many evils, Now, in order that the said abuse may be done away with, we do now, with the approval of this present Synod and for the future prohibit all and every right whatsoever of presentation or of election, all and every grant, advowson or warranty of any benefice that shall fall vacant, and all and every promise or alleged sanction of whatsoever nature to dispose of the same at the [alleged] instance of any person whatsoever, by whatsoever alleged authority, where such alleged authority to institute is contrary to the norms of the sacred canons; and if such things be done, we do declare them to be null and void. And if any person in ecclesiastical order shall [presume to] transfer any the rights as aforesaid to any other person whomsoever, whether by claiming the right to dispose of

such rights for this time and another time, or by permitting or assenting to any such mode of entering upon the benefice, he shall himself be deprived, and the disposal and ordering of the gift of such benefice shall devolve upon and appertain to the superior, who is not found remiss in the matter. And in addition, whosoever shall allow himself to be presented to any such benefice by any person soever, in virtue of any concession or faculty alleged as aforesaid, or shall consent by any other method to be so provided, or shall obtain it by assenting to any such conditions, shall not only be by the fact be deprived of any benefice so obtained, but shall be rendered incapable of obtaining any ecclesiastical benefice whatsoever for the term of five years; and we do moreover inhibit each and every ordinary of places that he do not institute or confirm in any such benefice any person that do present himself for institution or confirmation in virtue of any such alleged concession, institution or other provision, but that they do reject him as an ambitious man that despises the sacred laws; desiring explicitly that the aforesaid statute of the Lateran Council be everywhere and by all men observed; nor shall the said statute be contravened, under penalty, both in respect of the nullity of the act done and also in respect of the person or persons that do offend therein, as noted in the foregoing, either directly, or indirectly, by any device or method or upon any pretext whatsoever.

DECREE NUMBER NINE: Of Simony

Whereas the detestable impiety of simoniacal depravity arises from avarice, which is a form of servitude to idols and the root of all evils; and whereas it is vehemently execrated and condemned by holy Scripture and by the authority of the sacred canons; now, in order that this pestiferous vice, which in recent times has here greatly increased, be taken away, we by this present decree do reject and condemn all gifts of money, any making over of profits, all donations, even though small, out of the fruits, all preconcerted arrangements as to payments out of actual or expected profits, or any pact, promise or agreement whatsoever as to insinuation into any ecclesiastical benefice of what kind soever, and likewise any consideration offered or proposed in relation to any such appointment; because ecclesiastical benefices ought to be given and received without recompense, reward or favour, freely, without conditions of any kind, nor any gift that is base or low. Wherefore we do hereby decree that any and every disposition to any benefice by way of presentation, election, request or claim, wherein by [prior] arrangement [between the parties], confirmation, collation, or any other such device as aforesaid is or shall be interposed either directly or indirectly, whether by those to whom it pertains to dispose of such benefice, or by members of their families, or by any other mediator or intercessor soever, shall for the future be deemed of no effect; in such manner that no person soever shall by any such mode of entry upon any such benefice as aforesaid be deemed to acquire there by any rights whatsoever in the same, but on the contrary

if he do thus obtain any fruits in any such benefice he shall be required to restore such fruits in full; and when he shall have done this, he shall also be inhibited in perpetuity from all and every mode of holding ecclesiastical benefice.

And moreover, any ecclesiastical person or persons, of what dignity soever he or they may be, that do or that shall offend by disposing of any ecclesiastical office or appointment by any of the devices aforesaid, do also work that which is impious, and shall be deprived, and that instantly, of all and every right in law to exercise such patronage, and the said right or rights shall devolve upon and be freely exercised by his superior, provided his said superior be himself without sin in the said disposing of ecclesiastical office or appointment. And any lay [person or persons being] patrons of benefices that shall present [any person to any such office] in consideration of any advantage, profit or emolument whatsoever, as expressed in the form of oath hereto annexed, shall thereby incur sentence of excommunication and other ecclesiastical penalties. Moreover, any person soever that shall in any such collation or appointment act as surety or mediator shall also himself thereby and ipso facto be rendered incapable of any and every ecclesiastical activity; and if he have received anything he shall be compelled by ecclesiastical censures and other remedies in law to make restitution of the same, and it shall be applied to the use of some pious place.

And we further command that all ordinaries of places do also, in conformity with the statutes of provincial Councils, require and receive from each and every person that shall be presented [to any

benefice] an oath in the form set out below; and we also renew the constitution of Pope Paul II of auspicious memory, which begins, Cum detestabile, together with certain other laws of the Church, whether general or national, and applicable to this country in particular, that have been published against simoniacs, not only in respect of provision to benefices as aforesaid, but also of promotion to orders, and the administration of the other sacraments purely and without interpolation; and in order that all this be done and observed without any violation, we do now order that an oath be taken by him that is to be presented, and in the form following: "I, N., being presented to the benefice known as N., do now swear, upon these most holy Gospels of God which I hold in my hand, that neither I, nor any other person on my behalf or in my name, have with my consent or knowledge made any promise in advance to the patron thereof, nor to any other person or persons soever, either in my own name or by any manner of arbitration or private understanding; nor made any gift, for the purpose of obtaining entry upon the said benefice or of being presented thereto, nor to gain his or their favour in this matter exchanged, bartered, bought or negotiated anything with any person; nor offered compensation or reward; nor prior to appointment borne witness or affirmed in favour of any person; nor made any agreement with any person in respect of any purchase; nor let out to farm, or otherwise sub-let anything whatsoever; nor made any grant or obtained, procured, borrowed, exchanged, lent or hired anything, for the use of myself or any other person; nor offered remission

of any kind of debt, nor agreed to reduce the same, nor lightened the terms thereof; nor have I, nor any of us, promised, devised, contrived or made either by my order or with my knowledge or consent, any gift out of tithe or any offering whatsoever out of any right of sanctuary, glebe, buildings, lands, sureties, bonds, possessions, holdings, or made any gift or any remission out of the revenues or income past, present or future of the church aforesaid; nor have I nor any of us contrived or entered upon any such thing. So help me God, and these holy Gospels of God."

DECREE NUMER TEN: That the goods of the Church are not to be alienated; that an inventory of Church goods is to be compiled; and that the official duties of ecclesiastics are not to be farmed.

Whereas we greatly desire that the possessions of the Church should for the future be regarded as entirely safe, we with the approbation of this same Synod do decree that the constitution 'Ambitiose', promulgated by Pope Paul II of auspicious memory and forbidding the alienation of the goods of the Church, is to be observed, under the penalties therein contained all other provisions on the same subject, whether general, or particular and pertaining to this kingdom, remaining in force for the same purpose and with the same intention; and with the same authority as they formerly had.

Item, And all archbishops, bishops, and others that have the charge or the administration of any pious places, and all other ecclesiastical persons that have obtained or that shall obtain any ecclesiastical benefices, by whatsoever name they be known, we do now command that they, within the term of six months, said term to be reckoned from the date of publication of this present decree, do make or cause to be made an inventory of all the goods moveable or immoveable, and of all and every documents whatsoever that do confer rights or powers, and of any such documents or instruments as do in any manner whatsoever belong to, or relate to, or are in the name of any owners or debtors, with their qualities, and the boundaries [of the said property]; and the said inventory shall be drawn up in legal form in the presence of several honest witnesses that be worthy of credit; and it shall be drawn up anew in every third year or as often as another person shall succeed to the said church

or pious place. And of the said inventory there shall be made two copies, the which shall be preserved in perpetuity: one copy in the church or pious place itself; the other: if the church be of metropolitan rank, by the Chapter; if it be the Cathedral, by the metropolitan; and if it be any other inferior church or benefice or pious place, by the bishop. But when they shall make their visitations in their provinces and dioceses, let all metropolitans and other ordinaries of places, or any others that do make visitation in their stead, have the said inventories with them, and let them make enquiry whether any of those things that be described in the inventory anything be missing. And if they shall find that any thing be missing, they shall take steps to recover the same, and they shall see to it that the fault or negligence of that person, whomsoever he be, that hath offended in this matter, be severely punished, with application of canonical sanctions: always however excepting those clerics on whose account, and those properties in respect of which [dispensation] has already been granted by Apostolic authority in the matter of the Church goods in recent times stolen from the churches; from the which Apostolic authority this present decree in no way derogates.

Moreover, we do now renew the Constitutions of Otho and Othobon, of happy memory, Legates to this kingdom from the Apostolic See, which decree that neither the dignities nor offices of deans or archdeacons, nor the income or proceeds arising from the exercise of spiritual jurisdiction be in any way alienated or leased or put out to farm. And we do command that the said constitutions be observed by all men, under the penalties therein contained. And we also add, that it is not lawful for any man, without the consent of the ordinary, to concede for a term of more than one year (or offer hope of renewal) the lease or

farm of any benefice: and the ordinary shall not consent to any such lease or farm before he shall have made careful investigation and do know the reasons for such concession, and the person or persons to whom the said concessions are to be made.

DECREE NUMBER ELEVEN: That in cathedral churches there shall be educated a certain number of [young men], from among whom, as from a seed-bed, some may be selected as worthy to be set in authority over churches.

Whereas there is at this time a great dearth of ecclesiastical persons, and especially of such as be fit to be put in authority over churches, to attend to and take care of the service of churches; and whereas this inconvenience cannot **for** any reason grow any greater, provided there be instituted and maintained at least in cathedral churches a nursery-garden or seed-bed as it were, to provide select and fresh supplies of breeding-stock for the ministry: We therefore, with the approval of this same Synod do now ordain and decree, that in each and every metropolitan or cathedral church of this kingdom, there shall be received and maintained a certain number of boys and young men to supply the estimated needs of the diocese, according to its means and its extent.

And they that shall be selected for admission thereto must be at the least eleven or twelve years of age, and they must know how to read and write; and they should be such as have given some indication of aptitude, and of a firmness of resolution that offers some hope that they will at some future time become priests, and that they have a mind to enter for the duration of their lives upon ecclesiastical duties.

We also desire that the children of the poor be principally selected, although we by no means exclude those that are more wealthy, if they choose rather to serve God and the Church by way of studies. Let those that are selected first learn grammar; and afterwards, being admitted to the metropolitan or cathedral church, let them be

brought up under the care of the chancellor of that church, or of some other grave and learned person appointed for the purpose, and taught the doctrine and discipline of the ecclesiastical state. And of these [candidates] there shall be instituted two classes, whereof the more advanced shall comprise the acolytes, as we desire them to be called, and the senior pupils that are more forward in their studies; and [all] these shall received in each year in addition to their board and the gown, a certain yearly stipend; the other [lower] class shall be of the junior and less advanced boys, and these shall have only their gown and table. But all the youths of both classes shall wear the tonsure and clerical dress, and shall follow the same rule of life; and they shall take part in the office in church as they have opportunity. Then, as in their turn those in the class of acolytes attain the canonical age, and provided they have made sufficient progress in manners and learning, let them be admitted to holy order, and let them serve in the cathedral or metropolitan church, and there be taught how to direct their labours in such office or ministration as may by the bishop and chapter thereof be deemed useful: and let the bishop and chapter make provision for every such cleric as shall be promoted to any benefice soever in the church, according to the merits of each case. And to supply the place of those acolytes that be thus admitted to order and to the duties of the higher grades thereof in the church, there shall be promoted those of the junior class that be suitable by reason of their virtue their age and their learning. ~~To~~ this school there may also be admitted other children from the city and diocese, that may there be taught grammar and other useful things: provided they have been carefully brought

up and are of good behaviour; and they shall wear the same dress and follow the same rule of life as those that are supported by the Church. And of these also, they that be deemed worthy, and that do show a desire and a will to serve the Church, may be brought in to make up the number of clerics that is required. And therefore, because fresh supplies of young boys will need their board it is necessary that certain parts or portions be assigned out of the revenues from benefices that do fall vacant, or from some other source, to support in perpetuity a work so pious. And since our hope is, that measures can shortly be put in hand to provide a yearly sum in good time, that shall suffice to maintain the youths and to pay the stipends of the masters, We do now decree, that all Archbishops and bishops do set aside out of the fruits of their dioceses, after deduction of tithe, subsidies and feudal dues, one-fortieth part [of the said fruits], for the board of the said youths, and also for payment of something in the way of a wage in each year to those masters that do teach the boys their grammar, church doctrine and discipline; and we do likewise now will and command, that all that do hold any prebend or benefice that do bring them, after deduction of tithes, subsidies and feudal dues as aforesaid, an estimated income of twenty pounds or more in the year, or that shall hereafter obtain such prebend or benefice, that they do in like manner contribute for the purposes aforesaid one-fortieth part of the yearly value of the same, to be applied to the said uses in the diocese where they have their benefice(s). And though they be already weighed down by many other such burdens, yet are we confident that their love of God and his church, now much deformed for lack of suitable ministers, will

urge them to accept this additional burden, though it be so heavy. And we do also decree, that the bishop, together with the Dean and Chapter of his cathedral, do undertake the government of this school that is established for his children; and let certain men be appointed that shall require that this present decree be observed by all that be bound so to do, within those bounds and in those places, and under those censures and penalties, that the said bishop and his Chapter shall have determined and decreed. And as for all those other things that tend to preserve and promote the good and happy administration and maintenance of the said school, concerning which many particulars remain to be settled, provision shall be made, God willing, in the next Convocation.

And whereas the best possible contribution to sound doctrine and the preservation of good manners in young men is, that the masters appointed to teach them be as much commended by these same qualities, as by the sufficiency of their learning, we do now on this subject now decree, that no person soever do receive any appointment to be set over any school, or be appointed in any capacity to teach in any school in any place soever, except he be first diligently examined and tried by the ordinary of the place, and be instructed concerning those books which shall be read in the said schools either for advancement in knowledge or for forming the morals of the young. And he that keepeth not this decree shall incur sentence of excommunication, and he shall be inhibited from teaching for three years. The faith, morals and learning of those that be already set in authority over schools shall be strictly examined and if they be such as we by this present constitution do require, they

shall be confirmed in their said places, and admonished concerning all the requirements aforesaid; and if they be not, we do command that they be removed, and other suitable persons appointed in their stead.

DECREE NUMBER TWELVE: Of the visitation of churches

WHEREAS the visitation of churches is not only useful, but also very necessary for the taking away of vices and abuses, the improvement of manners, and the keeping the laws of the Church in force and vigour, WE therefore, with the approval of this present Synod, do now ordain and decree, that each and every bishop and all ordinaries of places neglect not to visit, with fatherly love and Christian zeal, their dioceses and the places that be committed to their charge; [and this they shall do] in person if they be not lawfully impeded, once in every three years, according to the ancient custom of this kingdom; ~~but~~ if however he cannot, he shall appoint suitable persons as substitutes.

And we do in the first place admonish all such visitors, that they take with them only those persons of whose assistance they stand in absolute need, and those moreover such as by reason of their good repute and public credit may be an example to others. Let them be content with frugal diet; and let them carry out their visitation with all possible speed; and they shall not waste their time vainly on other matters that be not relevant.

And their visitation shall be made in the order following: first the city, and then the diocese, unless some necessity require that the order be changed. And in the city a beginning shall be made at the cathedral church, passing thence to the collegiate churches in order, and then to the parish churches, in the which not only the parish priests

but also each and every priest and cleric that do dwell within the parish shall be summoned to appear. Schools and libraries, and finally the hospices, shall be visited, and they shall be thoroughly surveyed and examined.

In his visitation, the bishop shall expound the Word of God, and he shall bestow the sacrament of chrism, or confirmation. And he shall himself, or by means of other persons appointed by himself for this express purpose, absolve in reserved cases and impose salutary penance upon such as stand in need thereof and do humbly ask for it; and he shall, being moved by paternal charity, invite and exhort thereto all them that do desire it.

In each and every place or parish that shall be visited, there shall first be called out and appointed, some four or five persons of good repute, and they may be more, if the numbers of the clergy and people do warrant it, that be well acquainted with the lives and manners of the lay folk as well as of the clergy: and these shall be bound by an oath, that they shall lay aside all human respect, and freely make their deposition and report upon the said lives and manners of the lay folk and clergy aforesaid; and except they be able to prove what they depose, the said deposition shall be rejected.

And in each and every parish church that shall be visited, there shall be careful examination and enquiry made concerning all these matters following: Item, whether the sacramentals be cleanly, decently and safely kept, and in due time renewed? Item, whether they be administered in due form and according to right order? Item, whether the Most Holy [sacrament of] the Body of Christ be carried with due honour and dignity to the sick, with lights and bell, and so forth, as is the custom?

Item, whether marriage be according to law and in church, reverently contracted, and after due calling of banns, and at seasons not forbidden? Item, whether the priests themselves do have books in which the names be written of them that be baptized, with [the names] of their parents; and also of the dead, and of them that do contract matrimony? And if the churches or the altars be not consecrated, let them be consecrated; if they be desecrated, let them be reconciled; and let every thing that is in the church be clean, decent and safe. Let the cemetery be enclosed, so that cattle cannot stray into it, and so that it cannot be fouled in any other way. [The bishop shall also enquire] whether the church, the choir, the belfrey, the sacristy, the [priest's] house, be in need of repair? and [if so] let those whom it shall concern be commanded to put in hand the necessary work, so that what needs repair may by ecclesiastical faculty be repaired, or else by the [people of the] parish and the priest repaired and patched. And let enquiry also be made, Item, whether all things that be needful for the ministry of the altar and for the divine office, as chalices, pattens, corporals, vestments, books and the like, be available and sufficient for the needs of the church? Item, whether the Mass and other [parts of] divine office be celebrated, and that not only with the valid and lawful religious rites, but also with piety and devotion? Item, whether there be at the least one cleric that do attend and assist at the Mass in a clean and decent surplice? Item, whether the books and ancient records, and the other instruments and privileges of the church be diligently kept and preserved [in good order]?

All these things that do pertain to the church having been very carefully examined, enquiry shall next be made concerning the minister of the church and the other clerics: And firstly, Item, whether they be

validly and lawfully ordained? Item, whether they be [in minor orders and] duly instituted into their churches, and do there direct their own labours into the office and the duties that be appropriate thereto? Similarly, [the visitor] shall next enquire by what title the clergy do hold their church or benefice? Item, whether any of them be intruders? Item, whether any do hold incompatible benefices without sufficient dispensation? Item, whether they do reside [upon their cures], and whether they do render satisfactory service in the duties of the grade of order to them committed, in administration of the sacraments, in [assistance at] Masses, and the celebration of [other parts of] the divine office and the keeping of anniversaries? Item, whether they do desert their own churches so that they may attend others, especially upon the festivals? Item, whether they do diligently feed their people with the wholesome food of the divine Word, and whether they do teach the children the first rudiments of the faith? Item, whether they have the necessary books for this purpose, and for the due performance of all the other duties of a cleric? Concerning their [personal] lives, manners, dress, conversation and household, let enquiry be made, Item, whether they do practice any servile work, such as is not permitted them? Whether they do resort to taverns or other common houses or places, such as be unsuited to their state? Item, whether they do keep watch over, and do carefully guard, the goods of the church and her rights therein? Item, whether they do assist the needy? Item, whether they be men of peace, and whether they be diligent to put an end to enmities and hatred?

After these things shall come the teaching of the people and their bringing under discipline, and enquiry shall be made, Item, whether

among the people any be heretics? whether there be any that do not go to confession? whether any be usurers, or do keep women, or do live in sin, or that be filthy? Whether there be any among them that do not keep Lent and the other fasting days, or the rest of the excellent rites of the Church? And in those cases where there be dispensation alleged, or other concession by lawful authority to eat flesh meat, eggs or milk foods at the prohibited seasons, investigation shall be made whether the reason given, and the other things said, be true, and whether the terms of the concession be duly observed? Enquiry shall also be made, Item, whether there be any legacies for pious uses that be not yet carried into effect? Item, whether the people do devoutly come to church, and do hear the whole Mass reverently and with attention? Item, whether they do walk about the church while the divine office is said? Item, whether fathers of families do treat their said families with generosity, and do train and educate their children to goodness, and their households to piety?

Where there be hospices, how they be kept and governed? Item, whether their goods be faithfully dispensed for the use of the poor? Item, whether they that do use them do live holy and pious lives therein?

Where there be schools, let enquiry be made concerning the masters, what books be used and interpreted there, and whether they do carry out their duties as by law they are bound to do? Provision shall at the same time also be made, in conformity with the requirements of this present Synod, that no person soever be admitted to teach, except he first be approved by his bishop; and if any [schoolmaster] be found not to be suitable, let him be removed.

Let enquiry be made concerning libraries, Item, whether there be

in them any heretical books, or whether any such be sold there, or any other such things as be prohibited by law?

Where the churches have Chapters, or where they be collegiate, let enquiry be made concerning all such as do hold offices of dignity therein, or any prebend, or that shall be promoted to the same, Item, Whether they do, as in duty bound, devoutly say the Divine Office, and do also properly and with reverence meet their obligations, and perform such other duties as be appointed?

These things being examined, enquired into, and made known to him, let the visitor commend those things that be well done; and those things that be otherwise he shall condemn; and to the end that such things be corrected and amended, he shall take care to impose censures and other remedies in law; giving due warning, however, that he intends to perform with diligence the duty [of correction] committed to him.

When they do make visitation of their Provinces, each and every Metropolitan shall follow the order and procedure laid down for such visitation by Pope Innocent IV, of auspicious memory, in the constitution which begins, Romana Ecclesia; and they shall, among other things make diligent enquiry, Item, whether the bishops do reside in their dioceses Item, whether they do preach the word of God? Item, whether they do live in conformity with their own teaching? In what manner they do conduct themselves in collation to order? and in promotion to benefice? and in the appointment of confessors? in the punishment of excesses in those that be subject to their jurisdiction? in the visitation of their diocese? in their attention to all those things that do pertain to the episcopal office, to jurisdiction, to

administration whether spiritual or temporal? and then, whether they do observe the general canons, and the constitutions that be in force for this kingdom? and if there be anything to correct that they are able to correct, they are to do it; and if they cannot, they are to refer the case to a provincial Synod; and if there be any case that do require it, and that do appear to be matter for higher authority to correct or to reform, they shall be able to have recourse even to the Apostolic See.

Archdeacons shall likewise visit that part of the diocese committed in trust to their care, and they shall there investigate all those things that do fall within their own jurisdiction, according to the form prescribed. Such of the graver cases as cannot by the said Archdeacons be amended shall be referred by them to the bishop. But they themselves shall labour to ensure that those things be done that have by the bishop been enacted and commanded; and they shall forthwith inform their said bishop of the [due] performance of the same; and where that which he commanded is not done, they shall at once inform their said bishop of the fact, together with the reasons that be given them as impediments preventing the performance of the same. And so that the said Archdeacons, that be called "the eyes of the bishop", may know what their office is, and by what other service and function falling to them they be distinguished, whether in visitation, or in other activities attaching to their said office, We, with the approbation of this present Synod, do now renew the provincial constitutions that were piously and providently published on the subject by Otho and Othobon, of happy memory, Legates to this kingdom from the Apostolic See, and we do command that they be everywhere and by all men observed and kept. And in addition [we

Lectio Divina

The term occurs in the Rule of St. Benedict which provides that the brethren must be occupied at stated hours in manual labour, and 'certis iterum horis in lectione divina'.¹ However the idea of 'spiritual reading' as a constituent part of a rule of life is certainly to be found in the writings of Augustine, Jerome (for virgins), Ambrose, Pelagius and Isidore of Seville.² It does not seem to occur so much in the way of life practised by the Desert Fathers,³ but at least soon afterwards became a regular feature of the various rules for monks.

The first reason given for the importance of this exercise by St. Benedict is that 'idleness is the enemy of the soul'.⁴ But the ultimate reason for this in the contemplative life is that such reading nourishes the life of prayer; as a result the rule of St. Benedict specified holy scripture and the works of the Fathers of the church as the correct source of such reading; in this he is following Ambrose, Augustine and Jerome. Two hours a day are envisaged as the monks' private reading, which would be augmented by the public reading

1. The Rule of St. Benedict, edited Abbot Justin McCann OSB (1972) p. 110 to 113 for both the latin text and an English translation.
2. M.J. Rouet de Journel, Textes Ascétiques des Pères de l'Eglise. (Frigbourg, 1947) nos. 749, 536, 540, 562, 461, 613, and 1361. An interesting selection of texts will also be found in J.B. Scaramelli, sj. The Directorium Asceticum vol. 1. (1908) pp. 133 to 151.
3. Helen Waddell, The Desert Fathers, (1937) pp. 183 and 150 which suggest that these monks had possibly memorized various works.
4. Chapter 48 of the Rule, as in the first reference.

at meal time; this again was a feature from Augustine. The reading is non-academic as its purpose is not scholarship, but preparation for prayer; it is a 'study pursued in prayer and in love'.¹ St. Benedict provides for one or two senior monks in the monastery to check on the use of this practise, and its observance is to be extended during Lent. He mentions a number of works in addition to Scripture, 'the holy Catholic Fathers, the Conferences of Cassian and his Institutes, the lives of the Fathers, as also the Rule of our holy father Basil'.² The concern of the Benedictine rule was to establish a 'school of the Lord's service', but incidentally through this particular provision it also ensured that the monasteries would be places of learning.³

Virtually all religious rules from the time of St. Benedict make provision for spiritual reading as a part of the daily discipline. St. Bernard greatly recommended the practise, and the Cistercians and Carthusians both followed it carefully. As a result a bishop like St. Hugh of Lincoln is found recommending it not only to his monks, but to others as well. The monastic libraries had a clear basis in the rule, and in their development naturally included the English Mystics.

1.

c.f. also Paul Delatte, The Rule of Saint Benedict (trans. Justin McCann, 1921) p.306. Delatte's commentary deals with the lectio divina pp. 306-8, 314-6, 493-5. He defines it as "the organized totality of those progressive intellectual methods by which we make things of God familiar to us and accustom ourselves to the contemplation of the invisible..." p. 306.

2. Rule (as in No. 1.) chapter 73; page 161; McCann also has an interesting note on page 208 on 'the library'.

3. Rule (as in No. 1.) p. 13.

The Carthusians in Tudor England had maintained a fidelity to the rule when neglect had crept into the observance of other orders, and those acquainted with their disciplines would know of the lectio divina and its place in the life of prayer. A modern monk describes it as ...

"spiritual, meditative reading, especially of the Scriptures and the Fathers of the Church. It excludes the intense, analytical application of the scholar and aims less to endow the mind with information than to lead the whole soul to an effective union with God in contemplative prayer. The Cistercians made sure that the two or three hours a day allowed in the Rule for the lectio divina were not replaced by public vocal prayer or other more active occupations, under the guise of giving more glory to God".¹

1. Thomas Merton, The Waters of Silence (1950) p. 23. The Immitation of Christ, Book 1 c.V also speaks of scripture as the prime source for spiritual reading.

The Regulae Cancellariae of 1555

I have a copy of this particular Regulae which would seem to be a rare book, as neither the British Museum, Cambridge University Library nor the Bodleian have this edition. As each pope issued his own regulation handbooks, and as Paul IV seems to have issued more than one, they represent a complicated source for papal policy, which has not yet been much exploited. This present one of 1555 has not been used either by Pastor, nor by Ancel in his study of the secretariate of Paul IV.¹ The regulations were originally 72 norms, which had developed by tradition, and were first reduced to writing under pope John XXII (c.1330). The British Museum has a collection starting from 1472/3 through to 1526; another of 1550, and then a gap until 1665.² And the Bodleian has a number from the same period which are not all identical with those in the British Museum.³ This illustrates the opinion of an expert, Professor Vian, who comments on the existence of a great many editions which 'bibliographically, are a forest labyrinth to get through'.⁴ At least by the sixteenth century the Regulae cancellariae ceased to have effect at the death of the Pope who had given or confirmed them.⁵

1. c.f. R. Ancel 'La secretairie Pontificale sous Paul IV' in Revue des questions historiques, LXXIX (1906) pp. 408-470.
2. The details can be seen in the British Museum Library catalogue 206, under, Rome - Church of, which has a subsection on Regulae Cancellariae; the earliest appears to be IA 17567.
3. MS Lat.Misc.f.13 is a printed book with hand illuminations, Lugduni, 1501.
4. The phrase is from a letter of Professor Vian of the Vatican Library.
5. N.del Re, La Curia Romana (Rome, Edizioni di Storia et Letteratura, 1970, 3rd. edition) pp. 277-291. Also the article 'Regles de Chancellerie' by G. Mollat in Vol VII of R. Nas, Dictionnaire du droit canonique (Paris, 1924 ff)

Some popes published more than one set of regulae, and from the nature of the publication the books suffered from frequent use and consultation.

The regulae in my possession is bound together with the second regulae of Pius IV, but the binding is recent, and as Paul IV also issued more than one set of regulae, the union of these particular issues in one volume is probably accidental. The details of the volume are:-

PAUL IV: REGVLAE / omnes; ordinationes, & consti=tutiones Cancellariae S.D.N. /D Pauli diuina prouidentia/ Papae llll.

Impressum Romae apud Antonium Bladum/ Impressorem Camarelam. (1555)

with

- PIUS IV: NOVAE / REGVLAE / Cancellarie Apostolice., s.l.,s.t. (1562) Sm.8vo; new forrel; l=(44)ff.: A-E⁸F⁴;ll=(40)ff.:E-I⁸; title in red and black, with large woodcut floral wreathed arms of Paul IV; foliated up to leaf 24; ll= title more a half title without imprint than a title proper; in both books Regulae undersigned by A. Lomellinus Custos; bottom edge uncut; Roman letter.

The printer, Antonio Blado (Asolano) is^a known Roman printer from 1520 onwards; in 1538 he published an edition of Pole's Pro ecclesiasticae, in 1548 the Ignatian Spiritual Exercises and in 1555 (?) a Discorso of Pole's.¹ However the studies of printers do not seem to have paid much attention to his editions of various Regulae.²

1. E. Siiber and J. Besicken, Short Title Catalogue of Books Printed in Italy and of Books in Italian Printed Abroad 1501 - 1600: Held in Selected North American Libraries, 3 (..... 1970) p. 449 for Blado and Pole's Pro ecclesiasticae; p. 450 for the Exercises and the Discorso.
2. F.J. Norton, Italian Printers, 1501-20: an annotated list with introduction, (1958) does not reach the date when Blado was printing Regulae, and Siiber and Besicken do not catalogue any of the Regulae which were the work of Blado.

The contents of Paul IV's regulae indicated the definite change of policy which he immediately adopted. The first is dated 23 May, 1555 as approved, and 30 May as published. Among the first of the regulations, all of which concern benefices, is a revocation of 'expectatives'; these had been the subject of a considerable debate since the Consilium of 1536, and one of the main points of contention following the Consilium quatuor delectorum. The debate is here closed in favour of the view of the reforming members of the Consilium. The various instructions with regards to benefices are often similar in tone to the position later taken at the London synod, but the synod does not at any point seem to be directly quoting the Regulae. In the matter of ordination of candidates some of the defects (of age and birth) are taken from the general law of the church and are found in the London synod, but these are so common that there is no reason to suppose that the Regulae was a particular influence in this instance. However a regulae of 10 Oct. 1555 must have suggested to Pole how ruthless Paul IV could be; it revoked the faculties of all legates and nuncios with the solitary exception of Pole himself. This was the juridical act which terminated the mission of Morone in Germany. Its tone could hardly be lost on Pole.

REGVLAE DVAE SANCTISSIMI / Dñi N.D. Pauli diuina prouidētia Papae / 1555.
Vna vcz Reuocatoria omnium & / fingulorum Legatorum & Nuncios=/rum
Apoftolicorum, in quibus-/uis nō tā Angliae, & Hiberniae / Regnis, ac
aliis Prouinciis / in ea espreffis. Et alia / ēt Reuocatoria faculta /
tū conceffarū ordi /nariis Collatori=/bus, quo ad bñ / ficia in men / fibus
apli / cis. / vacantia, aut alias referuata / & affecta.

Sanctifsimus in Chrifto Pater, & D.nī / D.Pauli diuina puidentia Papa 1111 /
cum nuper innotuit, quod Sanctitatis fuae / & fedis apoftolicae Legati,
etiam de latere / etiam Cardinales, ac etiam cum poteftate Legati de
latere Nuncii, praetextu faculta / tum eis tam a iure communi, quam a
Ro;/manis Pontificibus Sanctitatis fuae praede/ cefforibus conceffarum,
forfan ab Prouin/ ciarum, & lororum, in quibus Legati, aut / Nuncii
munere funguntur a Ro. Curia di / ftantiam, ' ex inde ignotam eis,
Sanctita / tis fuae mentem, ea aliquando concedunt, / a quibus Sanctitas
fua abftinet, & abftine/ re decreuit. Volens praemiffis occurrere, / omnes
& fingulos Legatos, etiam de late / re & Cardinales, ac ~~et~~ cū poteftate
Legati / de latere Nuntios, in quibusuis, nō tamen Angliae, & Hiberniae
Regnis, ac aliis qua / S.R.E. aut ante quādraginta annos p / ximae
praeteritos, fimiles Legatos, & Nun / tios habere confuerunt, Prouinciis,
Du / catibus, Dominiis Ciuitatibus, & locis, p / quofcunq Ro. Pont.
praedeceffores fuos, / ex quibusuis quantūuis vrgentibus caufis / creatos,
& conftitutos I egatos, etiā de la- / tere, & Cardinales, ac etiam cum
potefta- / te Legati, de latere Nuncios cuiufcūq di- / gnitatis &
praeminentiae exiftant, ac qua / cūq auctoritate & facultate fungātur
fpe- / cialiter & exprefse reuocauit auferens ab / eis, omnes occafione
Legationum, aut mu/ neris Nuntii, huiufmodi eis quō libet cōcef / fas facultates,
auctoritatem & poteftatem / ac decernens irritum, & inane, quicquid fe / cus
fuper his, a quoq quauis auctoritate / fcienter, vel ignoranter
cotigeri attetari.

This was published 10 October 1555, over the name A. Lomellinus Custos.

The Marian Liturgical Books

The London Synod in the first decree had ordered an annual celebration of the restoration on St. Andrew's day, and that 'in all Masses that shall be celebrated there shall also be said after the collects the prayers set out below the which are to be duly inserted in all the Missals that shall hereafter be printed'.¹ Sarum missals were being printed abroad as early as 1554, in both London and Paris in 1555, and in London in 1557. Those missals which date back to the time of Henry VIII normally have a number of erasures in the calendar; popes such as Gregory, Marcellus, Linus and Calixtus are reduced to bishops; Thomas Becket is normally crossed out, and the name pope in the canon of the mass is also erased.² Some of these early missals also have marginal notes of a highly controversial character.³ In some cases there is sign of further alteration having been made during the reign of Mary to restore the missal to its original state.⁴ However, I have been unable to find any Marian missals which contain the prayers suggested in the Synod.

The missal of 1555 printed in London had a Missa pro Rege, and that of 1557, in the memorie communes the following prayers which take note of both king and queen:

Deus in cui' manu sunt corda regum, qui es humilium consolator
et fidelium fortitudo et protector omnium in te sperantium (m).
da regi nostro R. et regina nostro N. populos christiano triumphis
virtutis tue scienter excolere; ut per te semper repræntur ad veniam.

1. Decree no. 1. Cardwell Doc. 1. p. 144 mentions the collects but not the proposal to print them in future missals, as does the Roman text fo.4 r. 'quæ in missalibus hic posthac imprimendis inferi curabitur'.
2. In B.M. 1C 43967, C.35.i.12 & in a Sarum missal belonging to the Bishop of Shrewsbury.
3. B.M. C.35,i.12 marginal notes to the Office of Our Lady.
4. B.M. 1 C.43967 - the mass of Becket is restored; ditto the start of the canon.

Per dominum ...

Suscipe qs. domine preces et hostias ecclesie tue quas p.
salute famili tui regis nostri (%)regine/, et protectione fidelium
populorum tue maiestati offerimus suplicantes, ut antiqua brachi
tui te operante miracula superatis inimicis, secura tibi seruiat
christianorum libertas. Per dom ...

Presta quesumus omnipotens deus ut p. hec mysteria sancta que
sumpsimus rex noster et regina populusque christianos semper
rationabilia meditantis que tibi placita sunt (%) dictis
exequantur et factis. Per dominum nostrum ...

This missal also contains a missa pro pestilentia mitenda which would
have been needed about this time; it does not seem to have been
incorporated into the Tridentine missal as a votive mass, though there
are some orationes diversae in that missal which cover the same
petitions.¹

The British Museum also has a Sarum missal of about 1500, originating
from Rouen; the only other velum copy of this is in the Royal Library.
On the title page is a ms note, which has been erased, stating that this
copy (of the B.M.) belonged to Cardinal Pole. It was bought from St.
Edmund's college, Ware in 1851 (or '57) and presumably represents some of
Pole's effects which found their way to Douay after his death, like the
Legatine registers, and the plague of Aristotle now in the English
college, Rome.

1. From B.M. C.35.i.1. (London, 1557) among the memorie communes and votive
masses.

Further prayers are to be found in Quirini¹ and among Bonner's papers though not apparently printed in any of the missals. The diversity suggests that perhaps no agreement had been reached and for this reason the printers were not instructed. The most definite prayers are the following;

Deus qui hoc regnum a catholicae ecclesiae unitate and obedientia Satanae malitia alienatum ad eandem sub Philippo et Maria regibus per Romani pontificiis et Sedis Apostolicae legatum totius regni concensu singulari benignitatis tuae privilegio venerasti; concede quaesumus ut tanti beneficii semper memores in verae religionis cultu et Catholicae Ecclesiae unitate atque obedientia te protegente constanter perseveremus, utque reliqui populi qui ab ea recesserunt ad eandem nostro exemplo revertantur. Per ... Deus a quo Salvator noster Jesus Christus ne fides Petri deficeret orans, pro sua reverentia est exauditus; concede precamur omnibus nobis a schismate et erroribus quibus fuimus () tua clementia mirabiliter liberatis eam in fide constantiam quae ab apostolica sede nunquam oberrare sinat. Per eund ... Praesta quaesumus omnipotens deus ut nos qui per immensam misericordiam tuam ad Catholicae Ecclesiae unitatem et vicarii unigeniti filii tui obedientiam a qua Satani fraude delusi longe recesseramus tanquam oves errantes ad pastorem reducti sumus, ita per gratiam tuam in verae obedientiae fructibus crescamus, ut nostro exemplo et quae in ea manent confirmentur et rebelles te miserante ad eandem revocentur. Per ...²

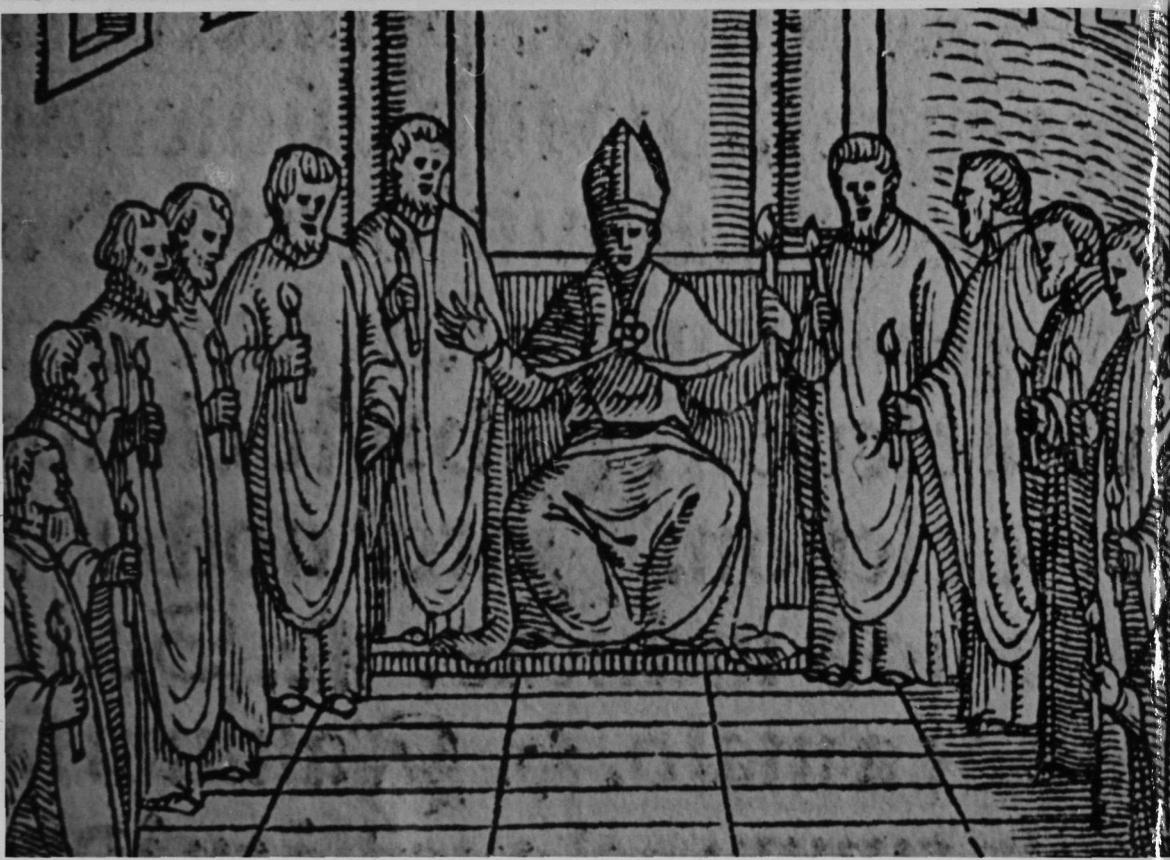
1. Quirini, V pp. 323-4.
2. W.H. Frere and W.W. Kennedy, Visitation Articles and Injunctions of the Period of the Reformation 1910 [Alcuin Club Collection, Vol. 15] II pp. 394 and 404.

It will be noted that these are much more in Pole's style and in keeping with the Roman Edition of the London Synod.

Finally, the illustrations, which come from the Pontificale Romanum published in Venice in 1572,¹ though not contemporary with the synod will provide an accurate picture both of synodal procedure, and also of the process of degradation of a bishop. The previous processions⁴ seem merely to have had symbolic woodcuts to illustrate the position of the various dignatories but no pictures such as these.

There were no doubt plenty of the old mass books still in England at the accession of Mary. Edward VI had written to Cranmer as late as 25 Dec. 1549 ordering the collection of all popish books, naming missals and processions 'and all other books of service'.³ But it is unlikely that this was entirely effective. With Mary's accession foreign printers were quick to identify a new market,⁴ and from 1554 onwards there were regular printings of missals for English use. I have been unable to find any which show directly the influence of the London synod.

1. B.M. L.17.e.6. The illustrations are from the copy in the Oscott library.
2. B.M. C.35,f.13 C.35.f.17. C.121.c.6. C,132.h.38.
3. Wilkins IV pp. 37-8.
4. B.M. C.35e.12 is a Missale ad usum ecclesie Sarisburiensis from Rothomagi (Rouen) in 1554.



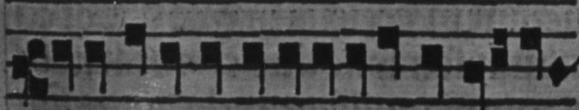
tra incipit epola piquele anax



Graudi nos dñe quoniã beni



gna est misericordia tua: z secũdũ

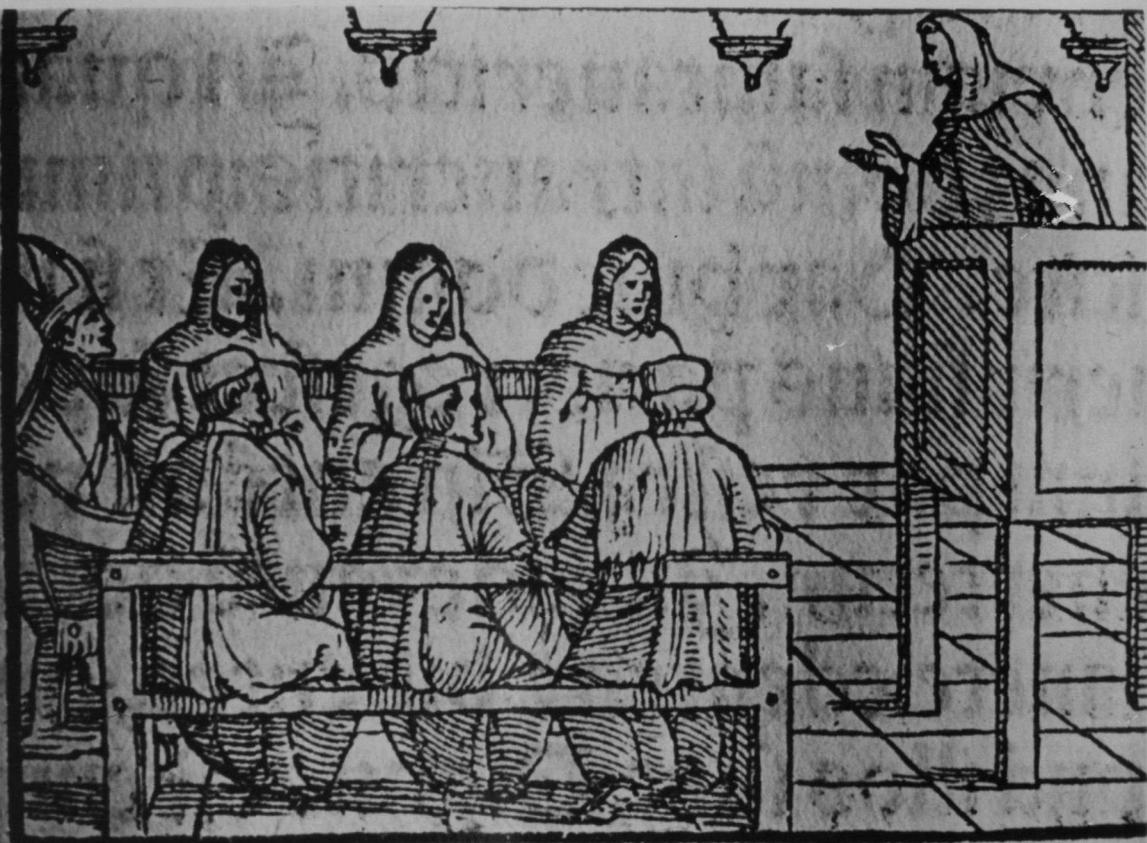


multitudinẽ miserationũ tuarũ



respice nos dñe. *E. v. o. v. a. e. h. s.*

et uiti
 capitis
 Confo:
 me inim
 pui tun
Oeus
 z delicta
 dita.
Non ei
 ctant te
Non ce
 querun
Qũ p
 briũ: op
Axtra
 meis: z
 meę.
Quon
 medita
 tium tib
At ope
 z factum
At post
 z factus
Hduerit
 sedeban
 hant au

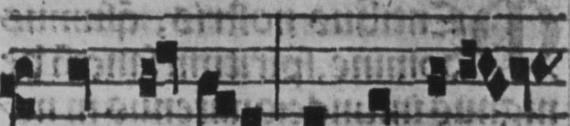


ad lubuerhōne iustitię locū inue-
 niat: neq; iterū in pquirēda veri-
 tate vigor vęstri ordinis, vel solī-
 citudo tepescat. ꝑ ꝑon auocutio-
 ne humuimoi vel pri? put magis
 placuerit pōtifici: sit ꝑ aliquē virū
 doctū idoneuz: sermo, in quo tra-
 ctatur de disciplina ecclesiastica.

schola prosequente antiphonas.



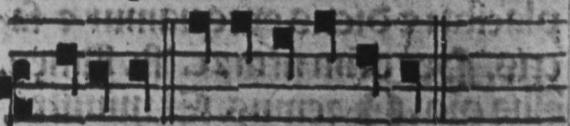
Propitius esto peccatis no-



stris domine nequando di-



cant gen-tes vbi est Deus



eorum. *Ev o v a e.*

ꝑōti. *AA iii Finita*







ILLUSTRATIONS

The woodcuts from the Pontificale of 1572 seem to be among the first to give an actual picture of the ceremonies of a synod; the earlier processions such as that published in Antwerp in 1544 give a diagrammatic scheme to establish the order in processions, but no actual picture.¹

The first three illustrations concern a synod; the first shows the prayer of petition for the synod exaude nos Domine with the kneeling clergy and the text for the plain chant; the next the solemn sermon 'in quo tracatur de disciplina ecclesiastica', and the final synodal one shows the bishop and clergy with lighted candles while the names of those present is read.²

The other three illustrations give the procedure for the degradation of a bishop (or cleric); the removal of the mitre, symbolic penance, and the declaration of anathema. The presence of the 'secular arm' will be noted in the first of these pictures.³ This is clearly the ritual followed with Cranmer on 14 February 1556, and these may be the first illustration of this ceremony in a liturgical book.

1. The illustrations are from Pio V.P.M. Pontificale Romanum, Venice, 1572 (B.M. L.17.e.6); the Antwerp Pontificale is B.M. C.35.f.13 and others in the British Museum are C.35.f.17; C.121.c.6 and C.132.h.38. The Ordo as Synodum in the Sarum Use may be seen in W. Maskell, Monumenta Ritualia Ecclesiae Anglicanae (Oxford, 1882 and Gregg Press reprint, 1970) 1, pp. 266-272. This provides an Admonitio; the general procedure and prayers are similar to the Roman Pontificale.
2. Pages 185b, 187a and 189a.
3. Pages 194a, 197a and 198a. These actual illustrations come from the Pontificale in the library of St. Mary's Seminary, Oscott.

Vat.Lat.5968

f.l.r.

Ad sacerdotes in synodo. To the prestes that be called.

Imprimis to show them the cause of the calling wych
ys thys that wheras every yere by the custom
of the lawes of the chirch th'archdeacon ys
wont other to visytt them wer they dwel
or^{els} to send for them hither to render counts &
make relation how they have served every
on hys parishe every on hys flocke thys
holy tyme of lent. wych ys a preparation
to easter to receve the fud of lyffe &
how in the recevyng & how afterward.
Thys I thought best to be don in my presence
that have the cure over al
wych am com to know & see the chere of
saying diligenter agnosce
my floke. as scripture commandeth
vultum pecoris tui. & much more to know
the chere & behavore of those to whom as
undershephards I have comytted the cure of the
flock. & by whose relation I may know the
chere and state of my flokke * * that wheras any
thyng ys amyss toward the servyce of the honor of
god that may be mendyd. & by yor relation
I may too the bettre performe that is my sarch
wcyh ys the same wych god as the prophete

f.l.v. (contd.)

exechiel doth write doth take to hys owne charge
when he seyde he wold visite hys flocke in hys
owne person to supplye the wants of other shephardes
as chryst dyd at hys coming the wych charge Quod
perierat requiram quod abiectum &c. And thys ys that
relation I loke for you to tell me & showe me who
he that be counted lost &c. who be suficed. and who be fatt
that it may be consumed (?). Thys ys the relation I loke
for now of you that wyth my presence here I myght
the better to do my cure that am set here as it were
in chrystes place not coming in my name but in hys.
And thys you shal do in particulare as you shall be
examined. Now that I have called you together
to speke unto you ys for (to) warne you to gyve you
admonyion of your dewte to god & to yo^r flock
wheryn spekyng to you I speke to myself I warne
& admonshe myself.

(Marginal addition: & thys calling is not only to know
of you how others do but to know how
(you) do what chere you have afore
god & man & to admonshe you of yor
charge first and then what you
have to.)

And this first I admonshe you what a cure every on
hath that have cure of soule. Wych wel don
as your frayltye wyll suffre hath hys reward &
crowns above al * * & neglected hath hys iudgment
soror (? surer) than al other. & be the first be called to

f.l.v. (contd.)

iudgment: as in the forme of iudgment written in
Ezech. doth apper wher first the pastores he
called to render counte of ther charge doying & after
the clocke of ther obedience * * & wher god requy^reth
the blod of the flocke of the pastores not doying ther
dewte &c. wherfor thynk you what a terrible charge thys ys beyng
no man that is hable to rende^r of hys own soule
to be bonde both for hys own & so many other wych
no man that can tell what he doth wold ever take
except for obedience to the highest pastor of all I hope
of hys contynual assystence as he promeseth both to hys
apostels ther successors & al the hole chirch when he sey^d
sendyng hys apostels in lyke charge ecce ego vobiscum in omnibus
diebus &c. And so he is yf we do not resiste hym yf we attend
to our charge: And bettre admonycion I can not gyve you
than S.Paule dyd to them wych had lyke charge at hys
departyng from Asia (?) to Tier(?). When he sey^d to al those
y^t he had commytted cure of soules unto that they shoulde attend
to the hole flocke: warnyng them what was to com when
he sey^d the wold com lupi rapaces non parcentes gregi &c.
& also that ther wold ryse of ther owne body that wold for
ambition tech new thynges to gether disciples &c. That
S.Paule(d) warynd to com. thys you have perceued (?) here &
no realme more: you have sene what wolfes hath bene here
that have not sparyd the flock

for they beyng put away by the powre of god yet they lyf in corners in wood
at all occasions

to com agayne & yf
other(s) dyd lake that You know also how ther shall bene of you wych
gret lyon qui circuit
querens quem levoret have (taught) new thynges to gether disciples aft
doth not lake ward &c.

And agaynst ij S Paule armed them so you must
see to be armed yorself. On maner of armor (was)
as tochyng new maner of doctryne ys to be well
instructe not only in the doctryne of chrystes incarnation
but also to know concilium dei of the doctryne wych in
these dayes ys the grettest of all the heresyas. &c.

And S. Paule had showed the same w^t ought gevyng any sklander
of hys lyffe epecyally of covetosnes & desyre of worldes
gooddes when he seyde he had don hys parte so that yf
ther faulte any he was mundus a snaguine omnium

And I as bishop succedyng in the place of the apostels
perverse

do say unto you that the chefe doctrine that
as that of the sacrament of the aulter &
the primacy & ceremonyes
troubleth the church now comyth of ignorance of the consels (?)
of god & so ioth in a maner al other heresyas

(Margin: M. for poyntes &c as in the sacrament
of the alter &c crepyng to the crosse
&c yn prestes marrages)

And thys now I wyll advertyse you. &c. first in this (?)
& afterward to(o) in another & then in covetosnes al
stondeth in you wyth the grace of god to ensur. but thys hath bene
counted vetus crimen saceriotium. &c. wych owht to be furdest
from them of thys S Peter ioth almonyshe of thys the old
prophetes &c.

The first koletes doth defend the doctryne agaynst al heretykes. The second wych ys yn al our lyffe to do no thyng for lucre defendeth agaynst those yt be lupi. in grege. & S Paule seyeth he dyd forbeare to aske hys dewe not to sklande in suos &c. And thys ys the armes that the heretykes use agaynst the church to wyn the feble sorte to them putting before theyr yes (eyes) the abuses & specyally covetosnes of the prestes. Wherby they labore the flock to plucke from theyr doctryne

Howbeit chryst hath geven warning afore that the(y) fraylte of lyffe in the preste sholde never be taken for a cuase to fle from hys doctryne specyally yf hys doctryne be that he hath recevyd of the chayr as they that taught the law in Moyses tyme dyd sytt in Moyses chayre. & techyng no new doctryne but that they themself recevyd ther. Thoug(h) an yl liffe wer more offence in them than other for the wych they whold have the sorer iudgment. yet to the scolar it is no cause to flee ther doctryne but as chrystes wordes be *facere quae dicunt*. And so now they that (denie (?)) the new law they setting ther lerning *ex cathedra* wych is under Chryst the chefe pastore as moyses was under god or as aaron was under moyses that representyd chryst, they be to be belevyd. What so ever

ys to man beyng borne yn iniquyte & syn the same hath so gret
forse in hym that yf ther wer no stay made by lawes
& gouvernement to resyst to the rages of the concupiscens
on wold devoyre an other
of men one were no more hable to lyve w^t an other
then were able on to lyve in a grownd by the see
bank wher ther ys no obstacle to the water to
wher at every flod
ron over the grownd he dwellyth bye * *

(two lines scored through)

see fluddes
for the betyng on the bankes

steth no more the grownd & yerth of the
bankes wyth tyme wher no repayre
nor obstacle is for to kepe the fury therof from (? for)
eryng the grownd than mannys concupiscens
wold ete an other yf lawes and iustia wer
not in the myddes to beare of the violence
of the cupidite of man. And therfor seyng
mankynd ys so oppressyd wyth hys own cupidition
hymself
to the ruyne of & hys neyghbore what a worke of
mercy what an almes ys thys to put the
custodye of the lawes & iustice betwen on
man & an other to let the furye of the concupiscens
& to mynstere iustice to every man wych ys
the office & vocation of kynges & those y^t

rule over ^{the} people. Wyth who loth take opon
hym & exercyse & laboreth in the same wyth thys
yntent to releve man trobled for lake of justice
wyth ryght admystration of the same he showeth
he hath chryste
he hath god w yn hym. he showeth he hath
Thus doying then you shal begyn to feale the frute of
thys peace to enioye it wych ys geven to you not
al at ones for the feeblenes of our nature were
as it is not hable to abyde chrystes sorow
not habyl to heare it bus as you shal answer
a lyttel go forward folowyng the commandments of
god so shal increase every yere yor hartyes
ease in thys I am set as
a guyde unto you to sey unto you & syng(ing)
for you venite exultemus domino iobilemus deo salutari
nostro preoccupemus faciem eius in confessione et in
psalmis iubilemus ei. here you what the prophet
seyth. what he byddeth me sey unto you
he seyth I sholde exhorte to com wt me in
ioye & x. & preve we the face of god by confession
of hys name What is thys preweyng thys ys
to sey whyle the tyme dureth of mercy afore
we cometo see hys face hys iudge. in that
terrible day when every on shal appere
afore hym to render countes both of word &
dede. & accordyng to that to receve
hys mede who ys that do not tremble

when he heryth of that day what seynt
ther?
is that in thys world that doth not feare
that day when he loketh on hymself
you have harde the prophetes voyce crying
in iudicium cum servo tuo quia (non iustificabitur)
to god non intres in conspectu tuppomnis vivens
but who shal be deliveryd of thys but they
only that do promes to confesse the name of
Chryst for Chryst seyth hymself qui non
confitetur me coram hominibus Xc.
& the prophete seyth in thys psalme that ys now
I speke of wher be ~~the~~ wordes that
we sholde prevewe to(?) confesse the name
of god hodie si vocem eius audieritis nolite
obdurare corda vestra And here now is the
exhortation into
you that you wyl not harden yor hertes now
to folow the word it exhortheth you for what
is the end of yt the same truly that the prophet
seyd to them yt lykewyse dyd obdurate ther
hartes wych ys non introibunt in requiem meam
they shall not be partakers of my rest
they sholde not be partakers of that p ace I send (said?)
by my messengers
unto them & yf they be not partakers what
folowyth that is the same place chryst seyeth tollerabi

lius ~~etit~~ sodom & gomorro &c. yor ponyshment
shal passe al the ponyshment the iews had called
in the land of lotrest (?) you shal have you shal
dy in deth to(o) in thys world & lyve in an other
in eternal torments(?) Wherfor &c.

Vat.Lat.5968
f1r to f4v

A further sermon in this section would seem to be addressed to the bishops

Ad Sacerdotes in synodo

My lordes al you have sene what god hath don for thys
hole reamle & specyally for yor
ordre pontificall to the consolation of the rest of
the realme & of the hole chyrch universal
I sey y^s to you nothyng dowting but you have sene it: how be it
ther be so many benefytttes accumulate in on that the particulars
may fortune that al do not see albeit they see the general
And paraunter nor particular nor general except a gret
light of god. They be so gret above the commen sorte of the
ordinarie benefytttes that we see by natural ordre geven by god.
And sith S Paule seyth accepimus spiritum sanctum ut sciamus ea quae
data sint nobis and surely in the benefytttes now done to the
realme thogh they be so evydent that they may be towched
wt the hond & can not be otherwyse interpretate but they
com by the hand of god. yet we must have a single
to considere themwel as I trust many of you have
& that we may al have we must pray al
to the father of lyght &c.
What it pleasyth god to show me hereyn as some particulare
of hys single & myracolose goodnes I wyl show
that comyth unto me when I thynk what is don: What

and how I saw you these yeres past & how I see you now to be
Wheryn me semeth to see on of the grettest myracles
that hath been showed from the apostles == (?)
wych ys thys. that having cut your hed: after thys
you shold retorne to lyffe. have you not don so.

It is red of S. denyse that after hys hed what (was) cut of
for a good space he bore it (in) hys hand. by
wych wonderfull myracle meny we convertyd.

but that on shold cut of hys owne hed

& wyth that dye & at last to be restored to lyve. thys
was never hard ^{of} thys miracle was never eer showed.

And you be not the first that have offendyd god here

yn for in the hystories ecclesiastical in the east we rede of a
certain secte

that were called : the wych dyd the same that

you dyd denye the hed that chryst had put in the church

but thys was not only on particulare secte of men

but hole contrees dyd the same. as asia &ngrecia

& al the oryent in processe of tyme dyd the

same: & soddonly even

as the corporal body after they hed is of remayneth

in corruption. sy dyd they cuttyng of ther spiritual

hed. so dyd we also more (than) they we were comitted

to funder corruption. the sorer we offendyd god

above al other. yn the maner of cutting therof.

Wych maner never nation dyd use that publico consensu
that by coe consent of the prelates spyritual them self
they shold put to ther hondes to cut of ther spyritual
hed: Wherfor above al other we synned. & above al
other we have bene ponyshed * * we have had the
ponyshment of asia & grecia wych levyng the spyritual
hed put an yron hed apon them. by the wych

Vat.Lat.5968

f10r to 12r

Que omnia cum episcopis tractanda erunt

Sunt uero quae pertinent ad executionem officii eorum.

Quod ut / rite fiat. primum agendum est cum illis
de legitimo modo exequendi officii./ qui modus
considerandus erit in iis quae ad personas illorum
attinent./ in quibus hoc primum considerandum
quo iure ecclesias tenent./ quo pacto intrarunt. uel
recto modo intrantes quo pacto postea in earum/
administratione se gesserunt. cum uero hoc iam sit
compertum et qui/ legitime uel non legitime intrarunt.
omnes tempore veniente fugisse/ tanquam si mercenarii
essent et per ostium non intrassent. hic/ primum
examinandum cum iam fugato tempore redierint.num ipsi/
a priori peccato sunt absoluti.et si absoluti a
peccato/ tantum (?) iterum admissi ad curam gregis num
admissi ad ecclesias/ et qui non sunt legitimo modo
ad illas admissi.antequam/ ad officium exequendum
veniant.autoritate apostolica erunt admittendi etc./
et hic primus actus erit synodi etc./

Hoc uero ut recto fiat in hoc synodo consideranda
est diuersitas ingressus episcoporum in ecclesias hoc
(sic)/ hoc mod.aliqui enim/ inveniuntur qui a summo
pontifice confirmati ingressi sunt per hostium.ut illi
qui aute schisma facti sunt episcopi. ex quorum numero
sunt episcopi hic/ presentes Vintoniensis. et Dunelmensis.
qui postea per scisma.veniente/ tempore.fugientes.
amiserunt ius administrationis ecclesiae.etc. hi/ et

et absoluendi sunt a peccato et/ restituendi al ius
administrationis etc. quem ad modum restitutue est iam/
est (sic) Vintoniensis. Dunelmensis etc.
si uero non sit idem/ cum eo est agendum etc./

Alii uero ut Londinensis et alii qui tempore scismatis
sunt facti episcopi/ non intrarunt per ostium. pro
quibus ut rite fungantur officio. summus/ pontifex uel
sius legatus supplicandus est ut suppleat defectui.
et post absolutionem/ peccati erit committenda illis
ecclesia etc./

Fertii gradus sunt qui a regina (Maria) nominati
sunt episcopi, et auctoritate apostolica/ confirmati. hi
non indigent alia absolutione nisi a communi crimine
sciamatis/ quo in confirmatione erant absoluti. nisi
si qui debitum iuramentum et/ consuetum pontifici
Romano non prestiterunt. quod ab illis exigendum erit./
His ergo hoc modo peractis. quibus iam legitimi
executores officii erunt facti/ tum agendum cum illis
erit de modo. primus uero modus erit/ ut unus quisque
episcopus ueniens ad suam diocesim primum/denunciet
reconciliationem regni cum ecclesia etc. deinde/
imper(t)iant gratiam dabit (?) suis diocisaniis (sic).
quod erit. si/ habeat facultatem absoluendi illos etc.
quae facultas erit/ illis tribuenda. et simul curandum
ut parochi et curati/ qui illorum iudicio inuenientur
idonei. eandem facultatem habeant./ quia ipsi soli tantam

multitudinem quanta in/ omni diocesi invenitur ad eorum
edificationem absolvere non possunt etc./

Tum uero de curatis magna cura est adhibenda. ut idonei
habeantur./ et qui non sunt idonei remoueantur. imprimis
uero coniugati sunt arcendi ab altari. ms. altarari et
separatio facienda a suis mulieribus etc./ et deliberandum
erit de eorum paenitentia./

Item de hereticis erit consiliandum. qui primum sunt
invitandi ut redeant/ ad ecclesiam hertationibus. Deinde
etiam deputandi qui eos doceant rectam/ viam etc. quam
si adierint. et penitentes errorum postulent recipi/ in
gratiam ecclesiae. hi cum indulgentia sunt recipiendi.
et pro/ prima vice godere debent venia generali. quae date
est omnibus/ scismaticis etc. qui tamen acriter sunt
monendi. si iterum/ eadant. ut nihil expectant preter
iusticiam (?) et penas canonibus/ prescriptas etc.

Item de apostatis erit agendum et deliberandum. quibus
ita preterita/ condonentur. ut admoneantur voti et promissio-
nis dei facta/ quam imposterum debent scruari (sic).
remittentes se iudicio/ legati apostolici. profitentes
quotiens erit per eum/ locus deputatus quo conuenire
possint pre obseruantia suae religionis et ordinis/
et semper parates. reliquiam (?) vitam etc.

Item agendum erit de uniuerse (?) populo. que pacto
maxime/ induci possint ut libenter recipiant haec
reconciliationem/ ecclesiae. quod ut fiat maxime inuabit

commemoratio preteritas/ miseriae. statim (?) ut
obedientiam relinq etc./

Deinde in uniuersa (?) vita nulla res magis ees
innabit quam/ vita episcopi etc. Si episcopus
ut monuit (?) ~~¶~~. Petrus prebeat se formam (?)/ gregis.
quod si ille tempore fuit/ necessarium maxime hoc
tempore in tam dissoluta disciplina etc.

Sic uere hoc assoquentur. si aute ecules habeant
suum peccatum/ cum deficerent ab ecclesia. nec enim
selum peccatum illius/ fuit. qui aueter fuit
scismatis. sed maxime illerum qui consenserunt/
non tamen selum eum consenserunt. sed multo ante.
propter/ multa enim eerum peccata. deus hoc permisit
in condemnationem/ illorum etc. nec nere aliud permisit
quam quod predixit emnibus pastoribus ecclesiae/ suae
si seil (icet ?) enenient (?) ad nihil valent ultra etc.
(? cancelled) nisi ut/ eiisiantur et conculcentur. Utrimque
hic factum est ex/ iusticia dei. etc. pars enim eiecta fuit
pars conculeata. monachi eiesti episcopi conculcati./ et
ob ha(u)s causam maxime/ qui sum imperie et seueritato
dominabantur etc. et idee imperium/ et deminium seculare
episcopos imperiose deminabatur et conculeabat/

Hee ergo eerum peccatum semper ante ecules habeant.
etc. quod/ propheta ille in sue peccato dicebat se
facturum cum misericordiam/ imploraret. et ium aspiciant
in verum illum pastorem/ qui se estium appellat (?). et

in see qui per idem estiaum eum se/ ingressi sunt ad
euram gregis etc. in quibus uera/ forma pasteris
set exprimenda. ad quam semper (sic) ecules/
semper dirigere debemus.ut eam imitemur non/ selum in
administratione episcopatus.quam in mode/ intrandi per
estium.nec enim satis est.si/ Christus sit hestium.ut
quis dicat se intrasse per hostium./ etiam si
neminatus uel electus ab iis qui ius habent nominandi/
et eligendi.et confirmatus ab ee qui ius habet/
instituendi et confirmandi episcopes. Si enim quis
intret per ambitionem (sic) per hic
non intrat per hostium.quod est/ Christus etc. talem
uere Christus semper uesabit / et emnes qui
sum (?) ita intrent ut animam suam penat pre euius/
suis. etc./

Ille uere intrat per hostium qui intrat per eam (?)
viam quam/ Christus estendit Petre. cum eum interrogaret
Petre amas me plus iis etc. Amer Christi est vera
porta intrandi/ in euile.hic est maxime eauendum
iis/ qui nondum sunt episcopi ne decipientur (?) hec
merem (?) ouillis (?)/ Christi et presumant deceret
partes episcopi agere./ quod non fecit Christus antequam
vscaretur uoce delapsa/ de cele.que diceret ipsum audite
etc. et testimonie/ Ioannis etc. Hii uere qui non vocati
assumunt sibi/ munus decendi. nolunt estendere maierem
sharitatem/ quam Christus estendit qui tet annos

expectauit vocationem etc./

Quare utrumque est vitandum illi qui vult intrare
per/ estium. ut neque satis putet legitimam vocationem
ab hominibus. si sentiat se res (?) a cupiditate
vocari. nec/ illi qui non sentit hac in re cupiditatem.
qui contemnit/ vel non expectet (?) dum legitime
vocatur ab hominibus/ sed utrumque habet (?) coniungendum
tanquam anima cum serpente/ ut quis agnoscat se vere
per hostium intrasse etc./ Quod est verum fundamentum omnium
actionum quibus populus peterit/ edificari. Quod si episcopus
in se prestat./ et quantum peterit in religiose elere ut
idem fiat/ laboret. inde (?) sequitur maximus fructus in
populo. tum/ vere satis erit exersere canones./ quos qui
sequitur. non multum/ indigebit. alio monitero qui modum
gubernandi/ deceat. ad salutem populi. addita presertim
assidua/ in omnibus diebus festi(ui)s predicatione
uerbi sum/ exemple mutue (?) sui (?) et cleri etc./

Ormaneto (?) to Pope Greogry XIII (c. 1572)

Vatican Library, Misc. Arm. 11, 34r-35r.

Perche intendo che i Preti dell'Hospitio de gl'Inglesi non ubidiscono ni ancho al secondo Motuproprio della Sta.V.ra circa l'accettare nella Casa loro un giovene della loro natione, accioche segua il corso d'suoi studii per addottorarsi; mi sarebbe parso mancare a quel che debbo al zelo che V.S.ta mostra nell acquisto (spirituale ?) delle nationi oltramontane, se io non scoprissi con questa occasione un concetto del Card. Polo, di bo.me., come a me pare, molto a proposito. Egli adunque voluto che quell'Hospitio, che non e ricettacolo d'infermi, ma goduto da harebbe/une certa gente bassa, et tutta d'una fattione dell'Universita, che chiamono de Ossonio (perche della studio di Cantabrigia non accettarebbono veruno nella lor compagna, la quale in Inghilterra et ai medisimi della patria qui in Roma, per quel che intendo, e odiosissima), per questi rispetti et perche i Preti che godono quel luogo vi si mantengono, li xiir et li xiii anni continui senza partirsi mai per dar luogo a gli altri, anzi attendono, per quanto intendo, a procurar beneficii et capellanie, et lasciarle poi ad altri con pensione, con grande scandolo della natione; per questi rispetti et molti altri lunghi a narrare dico che la bo.anima del Card. Polo harebbe voluto che quell'Hospitio fosse stato ridotto al suo principio, et ritornato in forma di scola, come disse essere state instituta dal Re chiamato Offa, et ristorata per uno incendio, che ne segui, dal Re Ethelnoolpho, che venne A Roma al tempo di Leone IIII.

Questo era lo spirito di quel santo huomo, allegando che i Pontefici antichi soleano scrivere ai Re oltramontani, et che Gregorio VII nominatamente havea scritto ai Re di Svetia et di Norvegia che mandassero

qui a Roma alcuni gioveni della nobilta di quei paesi per assuefarsi alla Religione et alla lingua di questa santa Citta, alla cui devotione il Cardinale aggiunse che gl'Inglese, tragli altri, erano molto inclinati, et che i Romani nel tempo dell'Imperio non haveano altri vassalli piu fedeli. Il quale spirito del Cardinale mi e Parso tanto conforme a quello della Santita V.r, che ha fatto qui un Collegio Germanico, et hora instituisce un seminario per gl'Inglesi in Douai, che non ho potuto mancare di exhibire, alla sua consideratione se fosse bene adoperar quel palazzo che ha il solo nome di Hospitio, secondo la mente del suo primo fundatore, cioe, che servisse per scola de nobili Inglesi, et massime di quelle famiglie che si sono mo strate piu constanti in questi scismi, come desiderava il Cardinale Polo.

Il quale disse anchora piu volte che lo scisma del Re Henrico non haverebbe potuto effettuarsi se i Vescovi fossero stati nobili, o arrarentati con li Baroni di quel Regno et Parlamento; ma, trovandosi sprezzati dalla nobilta, secondarono tutti, eccetto il ~~R~~ofense che era gentilhuomo, l'appetito del Re, insino a scrivere ciascun di loro il suo libro contra il Papato, malediciendo tutavia il Cardinale Eboracense, se bene gli havea tutti ingranditi. Percio egli, come figlio che fu di beccaro, era odiosissimo alla nobilita et alla Regina Caterina, et quello odio fu cagione che il Cardinale procurasse il divortio, donde nacque poi lo scisma. Di modo che il Cardinale Polo volea inferire che la bassezza del Cardinale Eboracense, cosi invidiosamente grandita ab ultimo ad primum et di mano in manu, fosse cagione di tutto il male nato dapoi in Inghilterra, con tanta ruina di tutti la Christianita.

Et io, per tonare all'Hospitio, con occasione di questa loro contumacia in resistere al mandato di V.ra S.ta, ricordandomi di questo discorso, che io piu volte da quel santo Cardinale havea udito, l'ho voluto scoprire alla S.ta V.ra accio che consideri, secondo quel zelo che ella tiene della reconciliatione de gli oltramontani, se sara maggior preservatione et aumento della Fede convertir quel palazzo in un seminario degli Inglesi nobili, che lasciarlo come sta con poca satisfattione dell'istessa natione et pochissimo frutto di questa santa Sede.

The general sense of this document may be gathered from the following rough translation. A number of the ideas in the text can be found in Pole's letters and sermons, and an argument could be constructed from internal evidence to support the thesis that this is an accurate account of the Cardinal's opinion, probably by one of his staff. Fr. Crehan¹ has suggested Ormaneto.

Translation.

Because I understand that the priests of the English Hospice do not obey even a second Motu proprio from your Holiness requiring the admission into their house of a young man of their nation, in order that he may pursue his studies for his degree (per addottararsi), it would appear to me to be no more than is due to that zeal which your Holiness shows for the ultramontane nations, if I take this opportunity to communicate to your Holiness a project put forward by Cardinal Pole, of happy memory, since it appears to me to be very appropriate. To come to the point, he appears to have wished that this Hospice, which is not a receiving stations for the sick, but exists to be enjoyed by certain poor people, and is in fact part of the University and is known among us as the 'charnel-

house' (ossorio), because they will not admit into their company any student (reading nessuno) coming from the University of Cambridge; the which conduct is in England and to any of the nations here in Rome, as I am given to understand, most odious behaviour.

For these reasons, and because the priests who are in enjoyment of the place hold on firmly for twelve or thirteen years without a break, without ever leaving to make room for others; also they hang on, as I understand the matter, to procure benefices and chaplaincies, and then bequeath them to other parties, together with their pensions, they bring their nation into great scandal. For these reasons, and many others too long to tell, I say that the revered mind of Cardinal Pole had desired that the Hospice should be restored to its original purpose, and be re-established as a school, as it is said to have been instituted by a King named Offa, and restored after a fire that shortly afterwards occurred by King Ethelwulf, who came to Rome in the time of Leo IV.

Such was the mind of this holy man; he affirmed that the early Popes were in the habit of writing to the Kings beyond the mountains, and that Gregory VII wrote personally to the Kings of Sweden and Norway, who had sent to Rome certain noble youths to be formed in religion and in the language of this holy City; in devotion to this city, the Cardinal added, the English among others were very much inclined, and that even in the time of the Empire the Romans had no vassals more faithfull (than the English). The intention of the Cardinal appeared to me so conformable to that of your Holiness as you have established the German College here, and at this time are setting up a seminary for the English at Douay. So I have not been able to omit the proposal for the consideration of your Holiness as to whether it would be good to adapt the said Palazzo,

which has no other name than that of the 'Hospice', according to the mind of its first founder; that is to say, that it may serve as a school for the English nobility, and especially for those families that have shown most constancy during the schism. This was desired by Cardinal Pole, who used often to say that the schism of King Henry could not have come about if the bishops had been of the nobility, or related to the Barons of that kingdom and the Parliament. But the bishops, finding themselves despised by the nobility, all (except Fisher who was a gentleman) supported the lusts of the king, writing each of them his tract against the papacy and speaking all manner of evil against the Cardinal of York, although it was to the Cardinal of York that everyone of them owed his own advancement. Because he was the son of an upstart,¹ he was hated by the nobility and queen Catherine, and because of this hatred the Cardinal procured the divorce, and so it was the origin of the schism. This was the reason as Cardinal Pole judged the matter how the humble birth of the Cardinal of York (who was so enviably promoted from the lowest to the highest, from hand to hand) was the cause of all the evils which then came about in England with such great ruin to all Christendom.

And I (to return to the subject of the Hospice upon the occasion of the (students') contumacy in resisting the command of your Holiness), recalling to mind the discourse that I more than once heard from the lips of that holy Cardinal (i.e. Pole), have desired to disclose to your Holiness, so that in accordance with that zeal which you have for the reconciliation of the peoples beyond the mountains, you may consider whether there will be a better prospect for the preservation and increase of the Faith, if the Palazzo in question be converted into a seminary for the English nobility, than if it were to be left as it is at present, with

little satisfaction to the said nation, and the smallest possible fruits for this Holy See.

1. The verb beccare; to show disapproval of, to nip, pick up get hold of, catch etc. The noun, reading beccario; a 'fantastic', a bird of prey, one who claws his way out of a net, a sly fellow, an astute manager. Possibly a term used in falconry.

Pole to Morone, 19 Feb. 1556

Ven.Cal. VI.i.pp. 396 ff gives an English summary.

This Italian (original) is from Vat.Ottobon,3166,ff.380r ff. collated with Vat.lat. 6754,ff. 200v-204v. These two mss are copies from the original in the Library of St. Mark, Venice, Cod. xxix,Cl.,x,ff 159-161.

Morone's reply is in Quirini V. pp. 100-103

Essendo conveniente che al principio di Quaresima questi Prelati si torvina alle loro Chiese e parso bene (anchora che non si fossero terminate in tutto le cose alle quali si haveva da provvedere) di licenziare per hora il Sinodo come si e fatto con ordine, che alli X di Novembre prossimo si habbia di rovo a congregar, nel quel tempo havendo i Vescovi visitate de loro Diocesi e informatisi bene d'alcune cose, si potra meglio e piu maturamente provvedere essendosi gia provisto a quello che pareva piu necessario, e perche i decreti, che si sono fatti non sono anchora in ordine per potersi mandare a Nostro Signore, ho indicato conveniente dar hora a sua Santita per mexo di V.S.Rma. una summaria informazione di [380v] quello che si e fatto.

E stato necessario prima che si sia venuto ad altro consumar molti giorni in dar ordine alle cose dei Beni Ecclesiastici resti uiti dalla Corona, cioe in riconoscergli particolarmente in attribuire a ciascuna Diocesi la porzione cosi delli detti Ben come della gravezza delle pensioni, le quali poi con la morte di quei che le hanno, si vanno estinguendo in sgravamento e utilita della Chiesa.

Doppo questo considerando tutti i disordini e mali passati esser proceduti dall' separarsi dall' Unita della Chiesa, e obediencia della Sede Apostolica, si e guidicato conveniente che essendo hora per singular gratia di Dio ritornato ad essa, per la prima cosa si statuisca che ogni anno nel giorno della detta reduttione per tutto il Regno si facciano publiche processioni e solenita ringraziando Dio di cosi gran benefificio,

e che nelle Messe quotidiane si dica Colletta fatta in tal proposito,
che si fara aggiungere in tutti i Messali qui, e perche levata
l'obbedienza fu insieme levate l'autorita di tutte le leggi ecclesiastiche,
e parso necessario di restituirla con ricevere tutti i Concilii e
Epistole decretali de Pontifici, et ogni altra legge [381r]
e traditione ecclesiastica approvata dalla Chiese Romana,
et essendo dalle desobbedienza delle leggi nata la licenza
di leggere di ogni sorte de libri di onde si e cominciato ad
infettare il Populo pero si sono prohibiti tutti i libri
heretici e sospetti e rinovate le pene contro di quelli che li
leggono, impromono, e portano nello Regno, con ordine che
per l'avenire non si stampara cosa alcuna senza la licenza
del Ordinario secondo il Decreto del Concilio Lateranense
ultimo, et accio che il popolo non circumferatur omni vento
doctrina, che quella che approva e tiene la Chiese Romana,
e si sono dannati per heretici tutti quelli che altramente
credono, o insegnino, renovandosi tutte le penne, e provisioni
gia costituite contro quelli tali, et essendosi peccato
qui sopra tutto nella doctrina del Capo della Chiese et
delli Sacramenti, si e decretato di dar al popolo in quelle
due materie la Dottrina breve, e chiaramente esplicata nel
Concilio Florentino, e perche qui sono molti abusi circa
la custodia, et administratione de Sacramenti, si sono
rinovate tutte le leggi e provisioni fatte sopra cio, [381v]
e si e ordinato che il Santissimo Sacramento dell'Eucharistia
sia in ogni chiese parrocchiale tenuto in uno honorevole e

conveniente Tabernaculo sub sero et clavi, sopra l'altare del modo di Roma. Posto questo fondamento della dottrina e delle leggi Canoniche, e dell'administrazione de Sacramenti, si e decretato circa la Residentia de Vescovi e Curati, e di ciascuno, che habbia dignita et officii et administrazioni nelle chiese, e si e provisto anche alla assenza de Canonici, nella quale era tale abuso, che quasi le chiese restavano desolate, e non si vedeva differentia tra una parrocchiale semplice, et una Cathedrale e Collegiata, e si e provisto contro quelli, che senza sufficiente dispensa tengono beneffici incompatibili, e perche di poco frutto sarebbe la residentia non facciendosi l'officio suo, si e ordinato che ogni Vescovo e Curato quando non sia leggitimamente impedito attenda ad insegnare esse, e predicare la parola di Dio, e per i Curati che non sono cosi atti a predicare, si e data cura ad alcuni pii e dotti huomini del Clero che scrivano homilie sopra quelle materie che parevano piu necessarie, et a proposito per l'edificazione del Popolo cavando ogni cosa alli scritti ^{delli} antichi Dottori della Chiesa, con attendere principalmente a levare et estirpare gli errori passati, [382r] le quale homilie si stampanno tradotte en Inglese, e poi saranno distribuite ad ogni Curato da esser in luogo di prediche lette da loro alla sua plebe.

Si e ordinato anchora che nessuno predichi senza autorita appostolica o dell'Ordinario, il quale havra ad informar

bene i predicatori de materia et forma predicandi, e si e dato ordine che i Curati almeno le feste insegnino alli fanciulli delle loro parrocchie prima fidei rudimenta, e perche l'esempio della buona e honesta vita da auctorita e vigore a quello che si predica, si e fatto un decreto in genere genere per la riforma circa la persona dei Vescovi dell vestire, della suppellectile della famiglia, della mensa, e delle dispensationi delle entrate ecclesiastiche.

Si e anche ordinato che li Vescovi facciano osservare dal Clero subbietto a essi, le leggi Ecclesiastiche de vita, et honestate Clericorum riducendo le cose piu necessarie in un breve compendio, e pubblicandolo nelle loro Diocesi, e si e dichiarato, che quelli che hanno ordini maggiori o siano benefidati o no, o quei che hanno i minori essendo beneficiati diano tenuti a far vita conveniente al stato Clericale cosi nel vestire, come nel resto

Si sono in specie dannate

[382v]

le illecite coniunziones matrimoniali de Religiosi professi e di tutti quelli che sono in ordine sacro.

Circa la collatione delli ordini, ne quali si mettono poca cura, si e statuito il modo di habbiano a servare i Vescovi. Similmente nella collatione de beneffici, perche siano conferite a persone degne; Ssi e rimediate ad un abbuso di quelli, che hanno Jus Patronatus che concedevano la facultate del presentate ad altri prima che vacassero i beneffici, di onde nescevano gran disordini.

Si e fatta anche provisione contro la Simonia, che qui regnava grandemente, e massime nel comprar il favor di chi interchiedeva per colui che volesse conseguire alcun Beneficio. per provvedere alla Conservazione de i beni che sono restati alle Chiese si e ordinato che si scrivi la Paulina, e le altre provisioni de rebus ecclesiasticis non alienandis, e che con diligenza siano fatti li Inventarii di tutti i beni delle Chiese.

Si sone rinovate alcune provisioni antiche dei Concilii Provinciali circa il dar i benefisii ad affitto.

Et essendo qui molta carestia de Ministri ecclesiastici con pericolo che non vi si provvedendo ogni di debba essere maggiore, si e dato ordine che ogni Cathedrale secondo la qualita della Chiese e grandezza della Diocesi nutrisca un [383r] certo numero di scolari in Disciplina Ecclesiastica, et che si habbia a dar partolar ordine dei libri che hauranno da leggere, e del modo di studiare, che potra anche servire per altre scuole del regno.

Si e proibito che nessuno piglie carico d'insegnar senza licenza dell'Ordinario il quale dara alli Maestri l'ordine che havranno da tenere nell'insegnare alli suci scolari. Si sono insieme fatte alcune provissioni circa le visite de Vescovi, ad altri che hanno tal carico ridducendo en un compendio quello che debbono fare, e io come legato ho concesso iacoltà alli Vescovi di visitar auctoritate

Apostolica i luoghi essenti (pro una vice tantum) il che faranno elapsa Pasca, e visitando tutte le loro diocesi.

Q Questa e la somma di quanto si e potuto per hora fare e provvedere, avertendo di ridurre le cose quanto piu si e potuto alli antiche ordini et instituti della Chiesa senza innovare cosa alcuna.

Si attendara a mettere in ordine e per mandargli poi a V.S. Rma. chi li Sua Beatitudine, al santo e prudente ^{gui}dicio della quale si rimettera ogni come [come] si vonciene.

Qui si sente tra i piu buoni molta mormoratione de licentie [383v] che facilmente si impetrano a Roma da ciascarduno di mangiar carne ne temoi prohibiti, e di eleger confessori con le quali licientie si abusano poi in ruina propria, e scandolo di molti, e cosi anchora delle dispense ad incompatibilia, nelle quali cose io sono andato, vo non gran rispetto ricercando cosi il servitio di Dio. Io ho certa speranza che sua Santita sia per dar ordine in generale sopra simili cose, e non di meno saria forse bene, che in quelle d'Inghilterra si facessi di presente una particolar provisione.

V.S.Rma. parendole potra parlarne con sua Santia, e per non esserle piu molesto non le diro altro rimettendomo nel resto a quello che si scrive al Gibertho e con basciar humilmente la mano a V.S.Rma. In sua buona grazia mi raccomando.
di Londra li 19 di Febraro, 1556.

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