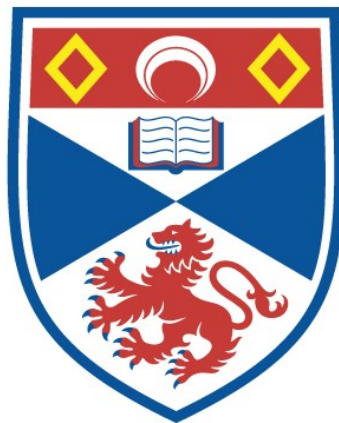


THE INFLUENCE OF 'LOLLARDY' AND REFORMIST  
IDEAS ON ENGLISH LEGISLATION, C.1376 - C.1422

Nicholas E. Foulser

A Thesis Submitted for the Degree of PhD  
at the  
University of St Andrews



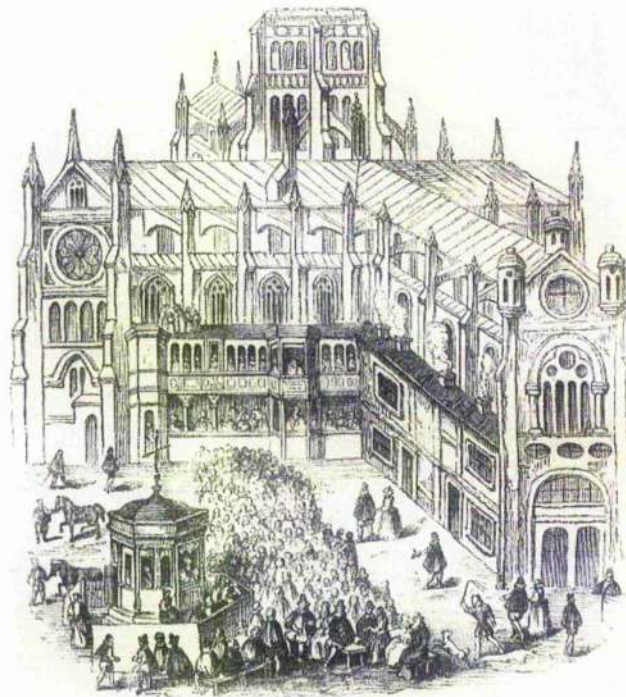
2005

Full metadata for this item is available in  
St Andrews Research Repository  
at:  
<http://research-repository.st-andrews.ac.uk/>

Please use this identifier to cite or link to this item:  
<http://hdl.handle.net/10023/13641>

This item is protected by original copyright

**The Influence of 'Lollardy' and  
Reformist Ideas on English Legislation  
c.1376 – c.1422**



Nicholas E. Foulser

Thesis Submitted for the Degree of Ph.D.

Department of Mediaeval History

University of St Andrews

October 2004



ProQuest Number: 10166790

All rights reserved

INFORMATION TO ALL USERS

The quality of this reproduction is dependent upon the quality of the copy submitted.

In the unlikely event that the author did not send a complete manuscript and there are missing pages, these will be noted. Also, if material had to be removed, a note will indicate the deletion.



ProQuest 10166790

Published by ProQuest LLC (2017). Copyright of the Dissertation is held by the Author.

All rights reserved.

This work is protected against unauthorized copying under Title 17, United States Code  
Microform Edition © ProQuest LLC.

ProQuest LLC.  
789 East Eisenhower Parkway  
P.O. Box 1346  
Ann Arbor, MI 48106 – 1346

TK E916

### *Declarations*

I, Nicholas E. Foulser, hereby testify that this thesis which is approximately 100,000 words in length, has been written by me, that it is the record of work carried out by me and that it has not been submitted in any previous application for a higher degree.

Date 25/4/05

Signature of Candidate --

I was admitted as a research student in September 1999 and as a candidate for the degree of Ph.D. in September 2000; the higher study for which this is a record was carried out in the University of St Andrews between 2000 and 2004.

Date 25/04/05

Signature of Candidate --

I hereby certify that the candidate has fulfilled the conditions of the Resolution and Regulations appropriate for the degree of Ph.D. in the University of St. Andrews and that the candidate is qualified to submit his thesis in application for that degree.

Date 25/4/05

Signature of Supervisor -

In submitting this thesis to the University of St. Andrews I understand that I am giving permission for it to be made available for use in accordance with the regulations of the University Library for the time being in force, subject to any copyright in the work not being affected thereby. I also understand that the title and abstract of the thesis will be published, and that a copy of the work may be made and supplied to any bona fide library or research worker.

Date 25/4/05

Signature of Candidate --

Dedicated:

*To My Family*  
*and the Memory of Joseph Collins:*  
*A Man of Insatiable Curiosity*

## *Table of Contents*

<i>Declarations</i>	
<i>Dedication</i>	
<i>Acknowledgements</i>	<i>i</i>
<i>Abstract</i>	<i>ii</i>
<i>Abbreviations</i>	<i>iii</i>

### **Introductory Section: 'Lollardy', Parliament and Its Members**

General Introduction.....	1
1) A Brief Historiography.....	5
2) Defining 'Lollardy' in the period c.1376-c.1422.....	9
3) Reading Between the Lines in the Rolls of Parliament	
a. The Influence of its Members.....	21
b. The Attitudes of its Members.....	27

### **Section One: The Debate over the Parliamentary Reform of the Church, 1388, and the Establishment of Counter-Reformatory Principles**

#### **Chapter 1 Papal Provisions**

Introduction.....	67
Part A) Historiography	
1) Historians and Provisors.....	68
2) Chronicles and Papal Provisions before the onset of 'Lollardy'.....	70
3) Chronicles and Papal Provisions post-1377: The Spectre of 'Lollardy'? 71	
Part B) The Legislation.	
1) Pre-Blackfriars.....	75
2) Post-Blackfriars.....	98
3) Cambridge 1388: A Second Turning Point?.....	100
4) Post-Oldcastle.....	133
Conclusion.....	137

#### **Chapter 2 The Social Legislation**

Introduction.....	140
1) Pre-Blackfriars.....	141

2) Post-Blackfriars.....	157
3) Post-1388.....	166
4) Post-Oldcastle.....	184
Conclusion.....	185

**Section Two: The Spirit of 1388 and the Misuse of Tithes**

General Introduction.....	188
---------------------------	-----

**Chapter 3 Appropriation**

Introduction.....	189
Part A) Historiography and Historical Background.....	189
1) Historiography.....	189
2) The History of Appropriations.....	191
3) The Process of Appropriation.....	198
Part B) The Legislation.....	201
1) Pre-Blackfriars.....	202
2) Post-Blackfriars.....	208
3) Post-1388.....	211
4) Post-Oldcastle.....	227
Conclusion.....	230

**Chapter 4 Non-Residence and Pluralism**

Introduction.....	233
Part A) The History of Non-Residence and Extra-Parliamentary Complaint.....	234
Part B) The Legislation	
1) Pre-Wyclif and 'Lollardy'.....	238
2) Early 'Lollardy'.....	239
3) Post-1388.....	240
4) Post-Oldcastle.....	264
Conclusion.....	273

**Chapter 5 Hospitals**

Introduction.....	275
-------------------	-----



Part A) The History of the Debate over Hospitals	
1) Pre-‘Lollardy’ .....	276
2) ‘Lollardy’ .....	277
Part B) The Legislation.....	286
Conclusion.....	294

**Section Three: The Spirit of 1388 and the The Friars**

**Chapter 6 Fraternal Recruitment Practices**

Introduction.....	295
Conclusion.....	310

<b>General Conclusion.....</b>	<b>312</b>
--------------------------------	------------

Appendices.....	320
-----------------	-----

Bibliography.....	325
-------------------	-----

## *Acknowledgements*

### *Thanks to my family and friends*

My parents' unending support and constant devotion to my health, happiness and education has been indispensable. Thanks to my sister for her encouragement, to Araminta for being a little ray of sunshine, and the bump for giving me extra motivation to finish. Thanks to my Grandparents and Great Aunts, whose care and achievements have both nurtured and inspired me and given me an example by which to strive to live. Thanks to my Great Uncle, John Lynch, who has reminded me of the fundamental basis for historical research – curiosity – and the light at the end of the tunnel that must be traversed. Thanks to my Grandpa, Joseph Collins, for providing a shining example of curiosity. Thanks to my friends who have helped make this current journey to feed my curiosity so enjoyable, especially Mo, James, Craig, Manish and Ana and everyone who has been there for me over the years. Special thanks to Claire for her constant faith, support and encouragement, and thanks to her family for their logistical help.

Thanks to everyone in the School of History, Department of Mediaeval History, and University Library who have helped in so many ways over the years, especially to Berta, Anne and Elsie. Thanks to Dr Norman Reid and the Special Collections Staff for all their help. Thanks to all the postgraduates in the department, especially Bill Campbell, Dave Santiuste and Kris Towson (a.k.a. the 'Given-Wilson posse') for their many helpful comments on earlier drafts of my work. Thanks to all my teachers and tutors at both school and university level who in their different ways have helped to encourage my love for history and develop my skills as a historian, especially Mr Stephen Damman, Fr Edward Corbould, Dr Peter Marshall, Ms Ann Kettle and Dr Frances Andrews. Finally, special thanks to Professor Chris Given-Wilson, under whose unfailing guidance and support I hope I am continuing to improve as a historian. His sheer commitment to making himself available at any time to give advice has been both unbelievable and much appreciated. I only hope this dissertation reflects a fraction of what has inspired it.

### *Abstract*

This thesis explores the potential influence of 'Lollardy' and reformist ideas on English legislation in the period c.1376 to c.1422. It focuses on a comparison between the ideas expressed in a variety of Wycliffite works, most especially the tracts that were reportedly presented to parliament, and the ideas contained within parliamentary legislative activity. The aim of the thesis is to shed light on the extent to which the political community shared the ideas expressed in 'heterodox' works and the extent to which the debate over 'Lollardy' informed the debates over other issues within parliament. It begins with an introductory section which explores the nature of 'Lollardy', the potential of the parliamentary and statute rolls as sources for the impact of reformist ideas, and an examination of what can be gleaned from other sources as regards the attitudes of the political community to reform. It then moves on to explore legislative activity on a variety of issues – including papal provisions, vagrancy, appropriation, non-residence and pluralism, hospitals and fraternal recruitment practices - on a primarily chapter by chapter basis, exploring the ideas and arguments as they developed chronologically and mapping these, as far as possible, against the known chronology of 'Lollardy'. It also makes comparisons between the petitions and the government's response, in order to determine the dynamics of 'Lollardy's' influence. Did the commons have an underlying programme of reform? If so, did this programme bear any relationship to the programme of reform advocated by the Wycliffites and the protagonists of disendowment? How committed were the commons to the ideas they espoused? Did the Church accept a level of parliamentary interference to stave off the threat of 'Lollardy'? What was the government's attitude to reform? These are some of the central questions of this thesis.

*Abbreviations*

<u>Anglo-Norman Dictionary</u>	<u>Anglo-Norman dictionary</u> , ed. L. Stone and W. Rothwell (London, 1977-1992)
<u>Annales</u>	<u>Walsingham, Thomas, Annales Ricardi Secundi et Henrici Quarti, in J. Trokelowe et Henrici De Blandeforde, Chronica et Annales</u> , ed. H.T. Riley, (London, 1866)
Arnold	Arnold, J., ed., <u>Select English Works of John Wyclif</u> (3 vols., Oxford, 1868-71)
<u>BIHR</u>	<u>Bulletin of the Institute of Historical Research</u>
<u>BJRL</u>	<u>Bulletin of the John Rylands Library</u>
<u>CCR</u>	<u>Calendar of Close Rolls</u>
<u>CFR</u>	<u>Calendar of Fine Rolls</u>
<u>Chronicon Angliae</u>	Thomas Walsingham, <u>Chronicon Angliae</u> , ed. E.M. Thompson (Rolls Series, London, 1869)
<u>CPR</u>	<u>Calendar of Patent Rolls</u>
<u>Cal. Papal Letters</u>	<u>Calendar of Papal Letters</u>
<u>Cal. Papal Registers</u>	<u>Calendar of Papal Registers</u>
<u>De Civili Dominio</u>	John Wyclif, <u>De Civili Domino</u> , ed. R.L. Poole and J. Loserth (4 vols., London, 1885-1904)
<u>De Ecclesia</u>	John Wyclif, <u>De Ecclesia</u> , ed. J. Loserth (London, 1885)
<u>De Officio Regis</u>	Wyclif, John, <u>De Officio Regis</u> , ed. A.W. Pollard and C. Sayle (London, 1887)
Dymmok	Dymmok, Roger, <u>Liber Contra Duodecim Errores et Hereses Lollardorum</u> , ed. H.S. Cronin (London, 1922)
EETS	Early English Text Society
<u>EHR</u>	<u>English Historical Review</u>

<u>Eulogium</u>	<u>Eulogium Historiarum</u> , III, ed. F.S. Haydon (RS, 1863)
<u>Fasc. Ziz.</u>	<u>Fasciculi Zizaniorum Magistri Johannis Wyclif cum Tritico</u> , ed. W.W. Shirley (RS, 5, London, 1858)
<u>Foedera</u>	<u>Rymer, T. Foedera, Conventiones, Literae etc.</u> , ed. G. Holmes (20 vols., London, 1704-1735)
<u>Hist. Angl.</u>	<u>Walsingham, Thomas, Thomae Walsingham Historia Anglicana</u> , ed. H.T. Riley (2 vols., RS, London, 1863)
<u>HOC</u>	<u>The House of Commons, 1386-1421</u> , ed. J.S. Roskell, L. Clark and C. Rawcliffe (Stroud, 1992)
<u>JEH</u>	<u>Journal of Ecclesiastical History</u>
<u>JMH</u>	<u>Journal of Medieval History</u>
<u>Knighton</u>	<u>Knighton, Henry, Knighton's Chronicle 1337-1396</u> , ed. and trans. G.H.Martin (Oxford, 1995)
<u>LL</u>	<u>The Lanterne of Light</u> , ed. L.M. Swinburn (EETS, os.151, London, 1917)
<u>Opera Minora</u>	<u>Wyclif, John, Opera Minora</u> , ed. J. Loserth (London, 1913)
<u>PBA</u>	<u>Proceedings of the British Academy</u>
<u>Pol. Works.</u>	<u>Wyclif, John, Polemical Works in Latin</u> , ed. R. Buddenseig (2 vols., London, 1883)
<u>P&amp;P</u>	<u>Past and Present</u>
<u>RP</u>	<u>Rotuli Parliamentorum</u> , ed. J. Strachey <i>et. al.</i> (6 vols., London, 1767-1832)
<u>RS</u>	Rolls Series
<u>Reg. Brantyngham</u>	<u>Registrum Johannes Trefnant, Episcopi Herefordensis</u> , ed. W.W. Capes (Canterbury and York Society, 20, London, 1916)

- Reg. Chichele                      The Register of Henry Chichele, Archbishop of Canterbury 1414-1443, ed. E.F. Jacob (4 vols., Canterbury and York Society, 42, 25, 16, 47, Oxford, 1938-47)
- SEWW                                Hudson, A., ed., Selections from English Wycliffite Writings (Cambridge, 1978)
- Sermones                            Wyclif, John, Sermones, ed. J. Loserth (4 vols., London, 1886-89)
- St. Albans                            Walsingham, Thomas, St Albans Chronicle, 1406-1420, ed. V.H. Galbraith (Oxford, 1930)
- The St Albans Chronicle        Walsingham, Thomas, The St Albans Chronicle: The Chronica Maiora of Thomas Walsingham, 1 (1376-1394), ed. J. Taylor, W.R. Childs and L. Watkiss (Oxford, 2003)
- SR                                        Statutes of the Realm, ed. A. Luders et al. (11 vols., London, 1810-1828)
- TRHS                                    Transactions of the Royal Historical Society
- TWT                                    Hudson, A., ed., Two Wycliffite Texts (EETS, o.s. 301, Oxford, 1993)
- Usk                                        Chronicle of Adam of Usk 1377-1421, ed. and trans C. Given-Wilson (Oxford, 1997)
- Ypodigma Neustriæ                Walsingham, Thomas, Ypodigma Neustriæ, ed. H.T. Riley (London, 1876)
- Westminster Chronicle        The Westminster Chronicle 1381-1394, ed. and trans. L.C. Hector and B. Harvey (Oxford, 1982).
- Wilkins, Concilia                Wilkins., D., ed., Concilia Magnæ Britanniae et Hiberniæ (4 vols., London, 1737)
- Workman                                Workman, H.B., John Wyclif: A Study of the English Medieval Church (2 vols., Oxford, 1926)
- Works of a Lollard Preacher    Hudson, A., ed., The Works of a Lollard Preacher (EETS, o.s. 317, Oxford, 2001)

*Introductory Section:*

*'Lollardy', Parliament and its Members*

## *General Introduction*

The influence of 'Lollardy' has long been controversial. The reasons for this are numerous but all boil down to the fact that 'Lollardy' itself has always been controversial. From the outset 'Lollardy' involved furious partisan debate and this colours the sources involved in that debate. Propaganda looms large in the writings of the protagonists of external Church reform and in the writings of those who sought to defend the 'liberties of the Church'. Meanwhile, such interpretative problems are compounded by our own reactions to such sources. From the sixteenth to the nineteenth centuries historians tended to exaggerate the significance of 'Lollardy' as they felt Wyclif was the 'morning star of the Reformation' and that the Catholic Church had evidently been in need of reform long before that Reformation. Such historians naturally emphasised the writings of the protagonists of external Church reform over those who set out to defend the record of the Church. In the twentieth century there was then an almost inevitable reaction as historians set out to defend the record of the Catholic Church. As a result much valuable work was done which demonstrated the strength and vitality of the Church.<sup>1</sup> However, in the process the significance of 'Lollardy' was inevitably belittled: a trend that was also partly fuelled by the 1485 divide between medieval and modern scholars which served to diminish the long term significance of medieval developments.<sup>2</sup> The result was that historians began to discountenance the writings of the critics and emphasise the writings of the defenders.

---

<sup>1</sup> See, for instance, E. Duffy, *The Stripping of the Altars: Traditional Religion in England 1400-1580* (London, 1992).

<sup>2</sup> For an interesting discussion of such historiographical trends, see R.G. Davies, 'Religious Sensibility', *An Illustrated History of Late Medieval England*, ed. C. Given-Wilson (Manchester, 1996), 103-26.



This partisan approach to late medieval reform has left its mark on our perceptions of contemporary attitudes to reform. Reformers have often been negatively branded as either 'Lollards', or 'anticlericals' or 'heretics' whilst their opponents have often been portrayed as 'hammers of heretics' or 'defenders of orthodoxy'. However, much valuable research has now been done which points to the complex subtlety of late medieval religious attitudes and this suggests that such labels may well be distorting our understanding of late medieval attitudes to reform.<sup>3</sup>

Perhaps nowhere is this more clearly seen than in our understanding of the attitude of parliament to Church reform. Historians have long been interested in the fact that parliament intervened in the affairs of the Church in this period. As subsequent chapters will discuss, an earlier generation of historians often pointed to the fact that parliament felt the need to do so as a sign of the decrepit state of the pre-Reformation Church: an idea that seemed to be supported by the temporal and financial practices of the late medieval Church. To these 'Protestant' historians the commons were seen as the champions of reform: an attitude which also suited the sensibilities of a period when Britain was emerging as an increasingly democratic state. However, the later defenders of the Catholic Church uncovered a significant amount of valuable evidence which suggested that the laity benefited financially from such parliamentary reform. As a result they followed contemporary propaganda in labelling such men as self-interested politicians and 'anticlericals', and less and less attention was paid to the potential influence of reformist ideas upon the legislation.

It is the contention of this thesis that this situation needs rectifying given the amount of evidence which suggests that the debate engendered over 'Lollardy' and the reformist ideas connected with this may well have at least informed the parliamentary

---

<sup>3</sup> See below, 27-66.

debate over Church reform and other reformist issues. As well as the wealth of extant reformist tracts which appealed to parliament and the testimony of contemporary chroniclers who claim that certain reformist ideas and reformers were influencing parliament, there are numerous reformist petitions and statutes contained within the official records. One thus finds petitions and statutes touching such subjects as vagrancy, poor relief, papal provisions, fraternal recruitment practices, appropriations, hospitals, non-residence and pluralism. Indeed, the rolls of parliament and the statutes of the realm are potentially useful and relatively underused sources of information on late medieval attitudes to reform. As recent studies have suggested, the ideas and arguments contained within this legislative activity may well have developed over the years which indicates that we need to give consideration to the possibility that the members of parliament were responding to contemporary debates such as those involving the Wycliffite preachers and their opponents.<sup>4</sup> It therefore seems sensible to examine such developments within the legislation in order to understand the influence of the debates as they developed: a task which has been made considerably more feasible by the pioneering work of Anne Hudson and others who have recently done so much to open up the works and ideas of contemporary reformers.<sup>5</sup> Since the petitions were designed to persuade parliament to create legislation they might well be able to give valuable insights into what influenced the petitioners and what they thought might influence parliament. Meanwhile, we can perhaps learn much about the rest of parliament's attitude to such reform by studying the

---

<sup>4</sup> C. Given-Wilson, 'Service, Serfdom and English Labour Legislation, 1350-1500', *Concepts and Patterns of Service in the Later Middle Ages*, ed. A. Curry and E. Matthew (Woodbridge, 2000), 24-37; C. Given-Wilson, 'The Problem of Labour in the Context of English Government, c.1350-1450', *The Problem of Labour in Fourteenth-Century England*, ed. J. Bothwell, P.J.P. Goldberg and W.M. Ormrod (Woodbridge, 2000), 85-100; M. Aston, "'Caim's Castles": Poverty, Politics, and Disendowment', *The Church, Politics, and Patronage in the Fifteenth Century*, ed. R.B. Dobson (Gloucester, 1984), 45-81.

<sup>5</sup> See, especially, A. Hudson, *The Premature Reformation: Wycliffite Texts and Lollard History* (Oxford, 1988). For a bibliography of Wycliffite studies which includes many of the contributions of Hudson, see D.G. Pitard, 'A Select Bibliography for Lollard Studies', *Lollards and their Influence in Late Medieval England*, ed. F. Somerset, J.C. Havens and D.G. Pitard (Woodbridge, 2003), 251-320.

response to the petitions, whether in the form of a refusal or a statute.<sup>6</sup> Statutes often differed in form from the common petitions that lay behind them and such differences can often be telling.

However, this is not to say that such a study is without its methodological problems: far from it. For a start, it must be noted that the dearth of earlier research on the reformist ideas contained within the legislation has left considerable scope for research – a scope that is no doubt too wide to be satisfactorily covered by one thesis. The context of both 'Lollardy' and the legislation stretched very far indeed. 'Lollardy' was not simply an isolated English phenomenon, but a development that, to a certain degree, found parallels on the continent in terms of some of the issues it tackled, the reformist ideas that were espoused, and the responses that were made to these. The Church, meanwhile, was an international institution with international experience of dealing with such issues and this ability and experience was brought to bear on 'Lollardy' – a fact which was highlighted by Wyclif's condemnation by the papacy in 1378, but which also worked in much more subtle ways. All this undoubtedly helped to shape 'Lollardy' and its impact. One of the most exciting new advances in the study of 'Lollardy' has thus been the move to contextualise what we have discovered from our recent in-depth studies of 'Lollardy' in its native English context, by placing this beside what other scholars have uncovered about similar phenomena on the continent and there is certainly a great deal of potential for further research in this area.<sup>7</sup> This will surely be the case with the reformist ideas contained within the legislation since this legislation emerged (as indeed did 'Lollardy') when similar social and ecclesiastical problems –

---

<sup>6</sup> For extended discussion of this, see below, 21-27.

<sup>7</sup> See, for instance, J. Arnold, 'Lollard Trials and Inquisitorial Discourse', *Fourteenth Century England II*, ed. C. Given-Wilson, (Woodbridge, 2002), 81-94. This looks at the similarities used between the language used in the Norwich heresy trials and that used a century earlier in Languedoc in the trials of Cathars.

notably schism, plague, revolt, vagrancy, and the Hundred Years War - were affecting Europe as a whole. Furthermore, beyond such comparative work, there is also still much work to be done in exploring the direct impact of such phenomena on the legislation. In particular, it might well be possible to write an entire thesis based upon the influence of the schism alone, given the impact this had upon English attitudes to the Church. It must therefore be stressed that such research may inevitably qualify the arguments of this thesis. However, before a large part of such work may properly be undertaken, a start must be made at opening up the ideas in the legislation. This thesis will thus restrict itself to this task and to explaining how these ideas might fit into their direct English 'Lollard' context – a context which is complex enough in itself.

Indeed, as already noted, any study of the influence of reformist ideas is confronted by the twin problems of propaganda and our own reaction to that propaganda and one must always be aware of this when taking on such a study. This is certainly the case with a study of late medieval legislation and this problem, combined with the relatively recent historiographical move towards a study of reformist ideas, may well help to explain the lack of a comprehensive study to date. However, late medieval English legislative activity is potentially too useful a source of information for the attitudes of political society to 'Lollardy' and reformist ideas to be ignored, and the aim of this thesis is to overcome these problems as far as possible.

### ***1) A Brief Historiography of Recent Views:***

Perhaps the best starting place towards overcoming these problems is to briefly explore the diversity of recent views on the influence of 'Lollardy' in the hope of

'standing on the shoulders of the giants' that have done so much to open up the field of 'Lollard' studies.

In recent times perhaps the most diverse views have been expressed by Michael Wilks and Paul Strohm. For Wilks 'Lollardy ... was official policy' whilst for Strohm 'Lollardy' was in many ways simply the creation of Lancastrian propaganda and offered very little threat to either Church or realm.<sup>8</sup> Other academics meanwhile have been understandably perplexed. Thus even the eminent K.B.McFarlane was forced to change his mind on the matter, between writing his monograph on Wyclif and his lectures on the 'Lollard' knights. Whilst in the former McFarlane was fairly dismissive about the extent of 'Lollardy's' impact, in the latter he went so far as to argue that the established tradition 'hopelessly ... underrates the importance of Lollardy in high places throughout the reigns of Richard II and Henry IV and misconceives the attitude of members of the ruling classes – both lay and ecclesiastical – towards the secretaries and their powerful protectors'. He then went on to conclude that 'there was widespread sympathy with at least the moral content of the Lollard teaching' amongst the noble and knightly classes of England and that even some members of the higher clergy could be classed as 'Lollard' sympathisers.<sup>9</sup>

The key question, of course, is exactly how such academics arrived at such different conclusions? The first reason, as touched on above, is the problematic nature of the evidence. McFarlane himself argued that 'the evidence upon which a judgement must in any case be based is so slight that a few scraps of fresh evidence may be sufficient to give the whole subject a new look; and that, it seems to me, is what has

---

<sup>8</sup> M. Wilks, 'Royal Priesthood : The Origins of Lollardy', *Wyclif Political Ideas and Practice: Papers by Michael Wilks*, ed. A. Hudson (Oxford, 2000), 106; P. Strohm, *England's Empty Throne: Usurpation and the Language of Legitimation, 1399-1322* (London, 1998), 32-100.

<sup>9</sup> K.B. McFarlane, *John Wycliffe and the Beginnings of English Non-Conformity* (London, 1953), 186-88; K.B. McFarlane, *Lancastrian Kings and Lollard Knights* (Oxford, 1972), 139-40, 225.

happened.<sup>10</sup> McFarlane became fascinated by the links between the men termed 'Lollards' by the contemporary chroniclers Walsingham and Knighton and by the self-deprecating and charitable concerns expressed in their wills: concerns that could also be found in wills of men from a wide spectrum of society including Archbishop Arundel. This latter fact led later historians to qualify McFarlane's views. Further studies of late medieval wills suggested that the infamous 'Lollard wills' were actually a pointer to the fact that such men shared religious sensibilities common to many others during this period.<sup>11</sup> Such men may have been interested in reform but they were not all necessarily 'Lollards'.

The labelling of reformers as 'Lollards' thus posed a further stumbling block for those who sought to establish the true influence of reformist ideas during this period. As long ago as 1978 Michael Wilks, who was also convinced about the influence of 'Lollardy' in high places, warned that:

It would probably be a great deal easier to come to an accurate appreciation of the Lollard movement if we could avoid the use of this term 'Lollard' altogether and recognise it for what it was: a term of abuse intended to be deliberately misleading.<sup>12</sup>

Although (as will be discussed in more detail later in this introductory section) there was plenty of evidence which was suggestive of the influence of reformist ideas in political society, problems emerged when attempting to define the nature of 'Lollardy'. A number of academics consequently began to move away from the study of those labelled as 'Lollards' by hostile sources to a study of reformist writings themselves. Anne Hudson has been a remarkable pioneer in this direction with a significant range of edited reformist tracts, petitions, and sermons now available to students in this area as well as

---

<sup>10</sup> McFarlane, *Lollard Knights*, 139.

<sup>11</sup> For a discussion of late medieval wills and 'Lollardy', see, for instance, A. Brown, *Popular Piety in Late Medieval England: The Diocese of Salisbury 1250-1550* (Oxford, 1995), 202-22.

<sup>12</sup> M. Wilks, 'Royal Priesthood', 111.

an impressive number of scholarly articles.<sup>13</sup> We now have a far better understanding of the ideas espoused by contemporary reformers and of the ideological nature of the movement that was inspired by Wyclif. This, of course, makes a study of the impact of these ideas more feasible and this is the aim of this thesis.

However, despite the efforts of Hudson and others interpretative problems still remain. The term 'Lollard' is still used with great regularity to describe specific reformist ideas and reformers despite the perceived problems surrounding it. The fact that it was a creation of contemporary propaganda has helped some critics to launch attacks on the notion of a reformist movement with a significant influence in late medieval England. Paul Strohm's criticism is thus based on deconstructing the idea of 'Lollardy' as a threat by pointing to the fact that the 'Lancastrians' deliberately portrayed 'Lollardy' as such a threat in order to prop up their regime. Strohm's approach is instructive and serves to remind us that we must always be aware of the effects of propaganda in assessing the influence of 'Lollardy' and reformist ideas. However, it does not seem to pay enough attention to a number of important factors, not least exactly who it was that was labelling the reformers as 'Lollards', when they did so, and why. Strohm's picture is of a 'Lollardy' designed by the Lancastrian regime for its own purposes, whereas the reality is surely that 'Lollardy' had been emerging due to a combination of factors many of which pre-existed the Lancastrian regime. The Lancastrians may have exploited 'Lollardy' and even distorted it but they did not create it. Indeed, Strohm's picture is undermined by the earlier research of Margaret Aston who in a seminal article pointed out the role of the Church in labelling the reformers as seditious in the years following the Peasants' Revolt and persuading the lay power to

---

<sup>13</sup> See above, fn.5.

take action: a picture that has been developed more recently by other scholars.<sup>14</sup> Whilst we must therefore always be aware of the role played by propaganda we must also fully explore all the reasons behind its creation.

## **2) Defining 'Lollardy' in the period c.1376 – c.1422**

The question of what 'Lollardy' was is thus crucial to any understanding of what influence it played. The term 'Lollard' was apparently first used on the continent in c.1300 when it was applied to members of a branch of the Alexian or Cellite fraternity who devoted themselves especially to the care of the sick and the funeral rites of the poor. As the fourteenth century progressed it was then applied to other semi-monastic orders – particularly those given impetus to by the plague - and sometimes to the Franciscans by their opponents. It was a term of opprobrium with implications of pretensions to piety and humility and views more or less heretical whilst the term itself derived from the Old Dutch 'lullen' to sing and literally meant wandering 'praise-God', 'chanter', or 'canter'.<sup>15</sup> By the time it arrived in England in the 1380's it was therefore ripe to be applied to any wandering group of religious men whose views were at odds with those of whoever used it.

When the term did finally arrive in England it was first applied not by the Lancastrian or any other dynastic regime. Instead it appears to have surfaced in the clashes between the academic supporters of Wyclif and their fraternal opponents at Oxford. Wyclif originally seems to have been on friendly terms with the fraternal

---

<sup>14</sup> M. Aston, 'Lollardy and Sedition, 1381-1431', *P&P*, 17 (1960): 1-44; See below, 9-15.

<sup>15</sup> *Oxford Reference Dictionary*, ed. J.M.Hawkins (Oxford, 1986) 487; E.W. McDonnell, *The Beguines and Beghards in Medieval Culture* (New Brunswick, New Jersey 1954), 266-67.



orders<sup>16</sup> and in the 1370's joined a number of friars in attacking clerical dominion and endowment and even defended the fraternal way of life from monastic attacks.<sup>17</sup> The breach seems to have come in about 1379 when Wyclif's views on the Eucharist put him increasingly at odds with the friars who took the lead in refuting his arguments.<sup>18</sup> As a result Wyclif began to use old fraternal stereotypes in his arguments against the friars and, in particular, attempted to associate the friars with the vagrancy problems which, as this thesis will go on to examine, were becoming increasingly topical during these years.<sup>19</sup> Wyclif thus tagged the friars as *trutanni* (rascally beggars)<sup>20</sup> and as strong beggars.<sup>21</sup> In doing so Wyclif's actions resembled the actions of fellow contemporary critics of the friars such as John Gower who denounced the friars as *faux faitours* (false beggars). Wyclif's arguments were then taken up by other Oxford academics such as Nicholas Hereford. By 1382 the issue of vagrancy was particularly sensitive given the Peasants' Revolt of the previous year. Hereford evidently understood this and consequently worked hard to blame the friars for the revolt. As part of this process he seems to have denounced them as 'Lollers' – which appears to be a variant of the term 'Lollard' – in his Ascension Day Sermon of 1382, in order to infer that the friars were both heretics and vagrants.<sup>22</sup> In retaliation academic polemicists amongst the fraternal orders blamed Hereford and other supporters of Wyclif for the revolt and began to tag them as 'Lollards'.<sup>23</sup>

<sup>16</sup> However, James Crompton ('Fasciculi Zizianiorum', *JEH*, 12 (1961), 163) claims that the Carmelites had always been hostile to Wyclif.

<sup>17</sup> See social legislation chapter 152-53.

<sup>18</sup> Hudson, *Premature Reformation*, 348.

<sup>19</sup> For a fuller discussion of what follows, see social legislation chapter, 162-63.

<sup>20</sup> *Sermones*, II, 342; W. Scase, 'A Wycliffite Libel and the Naming of Heretics' *Lollards and their Influence*, 23.

<sup>21</sup> See Aston, 'Caim's Castles', 58.

<sup>22</sup> See social legislation chapter, 162.

<sup>23</sup> The date at which they began to do so has recently been called into question by both Wendy Scase and Andrew Cole. See social legislation chapter, 163 fn.81.

Since such contemporary critics decided to term Wyclif's followers as 'Lollards' one might suggest that it seems safe enough for modern historians to also use such a label for such a purpose. After all as Anne Hudson has demonstrated, from her study of contemporary writings, there certainly was an ideological movement inspired by Wyclif and we do need some way of describing those who followed such ideas.

However, the stigmatic and propagandistic nature of the term means that it carries more connotations than a simple ideological debt to Wyclif. The fact that it carried connotations of vagrancy meant that it came to be used against vagrants whose religious views had nothing in common with those of Wyclif. Moreover, in our period the ecclesiastical authorities were keen not simply to denounce the original academic contributions of Wyclif but also to prevent the influence of dangerous ideas which Wyclif admittedly promoted but by no means originated. In particular the Church was keen to prevent the influence of arguments concerning clerical endowment and dominion: ideas which had been promoted by those within the orthodox fold in the 1370's. Perhaps nowhere was this more clearly seen than in the actions of the Austin friars Thomas Ashborne and John Bankin. Having championed the right of the laity to disendow the clergy in the 1370's these two men went on to subscribe to the condemnation of two of Wyclif's errors concerning the withdrawal of temporalities and tithes in the Council at Blackfriars in 1382. Following this condemnation such views were not just painted as heretical but also increasingly as 'Lollard' views. A 'Lollard' was therefore anybody who held views which were seen as a threat to the established ecclesiastical order.

Indeed, the term 'Lollard' seems to have risen to prominence in the writings of clerics and friars before it did so in secular writings. By the late 1380's it began to permeate chronicles and the official registers of bishops. Admittedly, the authors of such

works seem to have blamed the *vulgus* for using the term. Thus both Knighton and Walsingham claim that the Wycliffites were called Lollards by the *vulgus*.<sup>24</sup> a view that is echoed by official sources such as the register of Bishop Trefnant in 1389.<sup>25</sup> However, the frequency with which such writers recorded the term suggests they were doing more than simply reporting a common usage. Instead they seem to have been deliberately reinforcing the notion that those who advocated ideas such as disendowment were 'Lollards'. The likes of Trefnant and Walsingham had a vested interest in defending the Church from the attacks of those who advocated disendowment and to label all such men as dangerous 'Lollards' was a powerful tool in their armoury.

It was not then until the fifteenth century that the secular power appears to have become more comfortable with the use of the term. Most relevantly, whereas there are no examples of its use in either the rolls of parliament or the statutes of the realm during the reign of Richard II, it begins to appear with increasing regularity in the reigns of the Lancastrian Kings. Significantly the Lancastrians initially still seem to have felt uneasy about the introduction of the term. Its first appearance is thus not in an officially governmental section of the rolls but rather in a common petition of 1401 which at first sight could be mistaken as the impetus behind the 1401 statute *De Heretico Comburendo* since it asked for 'Lollards' to be suitably punished. However, in reality this statute was most likely the brainchild of Archbishop Arundel and was a response to a petition of the clergy in the same parliament – a petition which merely used the term 'heretics'.<sup>26</sup> It is therefore possible that the government – inspired by the clergy – was attempting to defer blame for use of the term and perhaps the statute on the *vulgus* whilst still making their

---

<sup>24</sup> *Chronicon Angliae*, 377; Knighton, 299: 'Sicque a vulgo Wyclyf discipuli et Wyclyvyani sive Lolardi vocati sunt'.

<sup>25</sup> *Reg. Trefnant*, 232: 'predicadores videlicet, quia verius prevaricadores execrabilis nove secte Lollardos vulgariter nuncupatos'.

<sup>26</sup> A.K. McHardy, 'De Heretico Comburendo, 1401', *Lollardy and the Gentry in the Later Middle Ages*, ed. M. Aston and C. Richmond (Stroud, 1997), 118.

point: the new statute could be used against 'Lollards' and the commons were supposedly fully behind this. What better way to deter the commons from supporting dangerous reformist ideas than to make them present a petition against 'Lollards' that appeared to ask for a statute which brought in the ultimate sanction?

The government itself meanwhile seems to have deliberately avoided use of the term in the resultant statute and in their condemnation of William Sawtre.<sup>27</sup> Indeed, Sawtre is merely described as a heretic in his parliamentary condemnation. One might suggest that this was because Sawtre was not a clear follower of the ideas espoused by Wyclif and that the government was actually trying to carefully delineate a difference between followers of Wyclif's ideas and other heretics. However McNiven, who discusses him in some detail calls him 'a priest of undeniable Lollard tendency' and that he was evidently accused of holding views that were 'patently Lollard'— by which he means Sawtre was a follower of ideas that could be shown to be derived from Wyclif.<sup>28</sup> He was also apparently being used by Arundel as an example to scare off support for disendowment within parliament. That the government seems to have chosen not to openly brand him a 'Lollard' in parliament therefore seems rather significant. It might further suggest that the Lancastrians were still not prepared to fully adopt the term 'Lollard' - in public at least.

Indeed, its next use in parliament was in 1406. Once again the government refrained from using the term directly. Instead the speaker of the commons is recorded as presenting a petition against the 'Lollards' on behalf of the Prince of Wales. The petition itself does not mention the word 'Lollard' at all but instead focuses on those who 'at the instigation of the enemy' propose clerical disendowment, those who try to 'sow

---

<sup>27</sup> *SR*, II, 126-27. The statute instead uses phrases such as 'diversi perfidi et perversi cuiusdam nove Secte' and 'huiusmodi nephandas sectam'.

<sup>28</sup> P. McNiven, *Heresy and Politics in the Reign of Henry IV: The Burning of John Badby* (Woodbridge, 1987), 81.

dissension, divisions and discord amongst the lords spiritual and temporal and the faithful lieges and subjects of your kingdom' those who spread rumours that Richard II is still alive, and those who spread false prophesies to cause unrest in the realm.<sup>29</sup> It is thus not aimed so much at extirpating heresy as at challenging political threats to Church and state.<sup>30</sup> Once again the commons were being used to not only promote the term 'Lollard' but also to introduce legislation that was designed to discourage the commons themselves from supporting plans for disendowment.

Moreover, the term 'Lollard' was evidently now being extended to incorporate enemies of the secular power as well as those of the ecclesiastical power. This development ties in more closely with Strohm's picture of a Lancastrian 'Lollardy', but it is important to note that this 'Lollardy' emerged from the debate between clerical reformers and their enemies and was not simply invented out of nothing. Indeed, it also tallies with Margaret Aston's picture of the Church winning lay support in their attempts to defend the Church from lay incursions. After all it was the clergy that was first prepared to use the term in written sources. Moreover, the government, following the clergy, persistently deferred responsibility for use of the term to the *vulgus*. Thus in the April 1414 opening speech one finds the phrase *eresies appelez Lollardes*, in the April 1414 'anti-Lollard' petition one finds phrases such as *secte de heresie appellee Lollardrie* and *heresies et erreurs appellez vulgairement Lollardries*, whilst in the 1417 parliament there are the phrases *lollardos vulgariter nuncupatos* and *lollardi vulgariter nuncupati*.<sup>31</sup> The government was surely being disingenuous since it was most probably complicit in the development of the 'Lollard' tag. Indeed, it is rather suspicious that the term should first appear in the governmental section of the rolls at the very time Henry

<sup>29</sup> RP, III, 583-84.

<sup>30</sup> For a more in depth discussion of this statute see M. Jurkowski, 'The Arrest of William Thorpe in Shrewsbury and the Anti-Lollard Statute of 1406', *Historical Research*, 75 (2002), 273-95.

<sup>31</sup> RP, IV, 15, 24, 108.

was trying to exploit his victory over the 'Lollards' for political reasons. Such methods suggest that the government was being influenced by clerical arguments and methods.<sup>32</sup>

However, whilst Aston presents a picture of the Church winning governmental support by invoking a fear of the connection between sedition and 'Lollardy' amongst the lay power there might well be a need to balance this against Strohm's arguments that the Lancastrians deliberately exploited a fear of 'Lollardy' rather than necessarily being fully taken in by such a fear themselves. Anne Hudson is most probably right to take issue with Paul Strohm for reducing 'Lollardy ... to a mere tool in the armoury of Lancastrian propaganda ... [since] contemporary ecclesiastical legislation makes it clear that this was not how it seemed on the ground in England between the 1380's and 1530's'.<sup>33</sup> However, at the same time, the point about such legislation is that it reflects the fear of the Church not the government. As far as the 1406 bill goes, whilst the government may well have genuinely feared those who spread rumours about the survival of Richard II, they may not have necessarily feared the protagonists of disendowment as being genuine threats to the realm. Instead they may have simply agreed to the parliamentary anti-Lollard legislation in order to join forces with the Church to fight off their respective threats: a possibility which is raised by the development of the 'Lollard' tag in this parliament. A close examination of the behaviour

---

<sup>32</sup> An interesting parallel to this use of the commons to introduce potentially contentious vocabulary that had first been used by the clergy can be found in the increasingly high blown forms of address which were used by the commons to address the monarchs in this period. As Saul has argued these reflected the influence of the monarchs more than the commons who were evidently keen that the commons should address them in the manner that only the clergy had done in the past. Most significantly, as argued in my M.Litt thesis, these forms of address were then introduced into the governmental section of the rolls as parliament became more accustomed to them. In fact, just like the term 'Lollard' they first appear in the opening speeches to parliament in Henry V's reign. The monarchs were seemingly keen to make it look as if they were simply responding to developments initiated by the commons. See N. Saul, 'Richard II and the Vocabulary of Kingship', *EHR*, CX (1995), 854-77 and N. Foulser, 'The Opening Speeches to Parliament in Late Mediaeval England' (unpublished M.Litt thesis, University of St Andrews, 1999), 19-58.

<sup>33</sup> A. Hudson, 'Preface' in *Lollards and their Influence*, 2.

of the government towards reformist ideas is called for. Did the government respond in a fearful or exploitative way? This will be a central question of this thesis.

Thus far the 'Lollardy' that has been emerging seems to be one of a furious debate between those who wished to see the Church reformed from without and those who wished to protect its liberties: a debate which then widened to incorporate the propagandist needs of the Lancastrian regime, and which was inextricably connected with the idea of disendowment. It involved a significant use of propaganda and counter-propaganda with the term 'Lollard' consequently being more a term of abuse rather than an accurate description of a person's beliefs. In this thesis it will thus not be used to describe specific reformist beliefs.

However, Wilks did perhaps go too far in suggesting it should be entirely abandoned. Whilst its propagandist nature does cause problems in some areas, in others it can perhaps be rather useful. Since a 'Lollard' idea is one which has been stigmatised one would expect that the very process of stigmatisation is a potential source of influence. As we have already seen, the Church and government seem to have been sensitive about the use of the term and this is suggestive of its potential to influence behaviour. One of the greatest contributions to recent scholarship on 'Lollardy' has been the move to study the writings of the reformers rather than simply their persecutors, but it is important not to ignore the latter as a result. There was more than one side to the 'Lollardy' debate and hence 'Lollardy' could be influential in more than one way. Giving the oxygen of publicity to those who threaten one's way of life is highly topical at the moment with the current debate over whether acts of 'terrorism' should receive the full publicity they seek lest they become more influential as a result and whether we should change our way of life in response to the threats we face. Strohm is most probably right in arguing that the Lancastrians overplayed the threat 'Lollardy' posed,

but in so doing they may have made it even more influential. Whilst partisan behaviour can mask the true nature of an individual's beliefs it can also surely serve as an important mode of transmission and influence. A key aim of this thesis will therefore be to trace the influence of such propaganda and such partisan behaviour. Did the records of parliament display any special sensitivity to 'Lollard' ideas? How influential was the response to Wycliffism in parliament?

If 'Lollardy' was the debate and 'Lollard' ideas were the stigmatised views which the Church wished to curtail, how then should we describe the specific reformist ideas inspired or promoted by Wyclif? This is a difficult question to answer. As Anne Hudson has demonstrated there certainly seems to have been a central corpus of ideas contained in the writings of those who followed Wyclif. In order to assess the influence of these writings and their often anonymous authors we regrettably need some form of tag. Although not ideal the chosen tag in this thesis for such writings, their authors, and ideas that can be positively identified as deriving only from such sources will be 'Wycliffite'. As Hudson has pointed out this term was less loaded than the term 'Lollard'.<sup>34</sup> Although it was used as a term of abuse by contemporaries it was done so in the specific sense that the recipient was a follower of Wyclif in contrast to the various uses discussed above for the term 'Lollard'.

However, it must be remembered that many of the ideas promoted by such 'Wycliffites' were not original to Wyclif – a fact which means that giving a tag to such ideas often does little justice to their true nature and influence. Indeed, Anne Hudson, who knows more than most about such things, has recently pointed out that 'to discriminate between orthodox and heterodox anticlericalism can be an impossible

---

<sup>34</sup> Hudson, *Premature Reformation*, 3.



task'.<sup>35</sup> This should probably be expected in a period when the Church was being forced to define heresy on an *ad hoc* basis in response to the threats it faced. As a result it should not necessarily be lamented since, in the final analysis, the influence of the idea is more important than that of the tag and the presence of ideas in this 'grey area' between heresy and orthodoxy simply serves to underline their powerful influence. To take a modern analogy, many modern political parties have found themselves marginalised by the adoption of their ideas by their political opponents. The Green Party were stigmatised as 'left wing loonies' but many of the ideas they promoted struck a chord with society and so were adopted by the very people that stigmatised them. Similarly 'New Labour' has adopted so many of the ideas promoted by the Conservatives that many commentators describe Tony Blair as the ultimate Tory, whilst the Tory party has found itself increasingly marginalised.<sup>36</sup> The ideas themselves though are arguably more influential than ever.

Indeed, studies can flounder on the notion that we should simply attempt to point out the differences between the ideas espoused by those tagged as 'heretics' and those tagged as 'orthodox' rather than to point out the similarities. One of the problems is that 'Lollardy' has often been seen as an extremist movement which should be identified by its most extreme ideas such as a denial of transubstantiation, or the total disendowment of the clergy. However, staged reform and practical compromise actually seem to be a key feature of 'Lollardy' and Wycliffite writing: a feature that is so implicit that it is easy to miss. The ideal of Wycliffism may have been total disendowment yet many of the reforms the Wycliffite tracts urge, including the withdrawal of tithes from non-resident priests, were only relevant to an endowed Church, which suggests that they saw total

---

<sup>35</sup> Hudson, 'Preface', 4.

<sup>36</sup> Indeed, it is interesting to compare this with the fact that Henry V has sometimes been described as the ultimate 'Lollard': see below, 53.

disendowment as the end-goal rather than the immediate prize, if indeed they wanted it at all. Even the Lollard Disendowment Bill stopped short of full disendowment, only suggesting that there was more to come.<sup>37</sup> In fact one of the key features of 'Lollardy' which distinguished it from earlier criticisms of the clergy was that it involved a comprehensive programme of practical reform that appealed to parliament, a programme which tackled the very subjects which became the subject of parliamentary reform: non-residence, pluralism, the behaviour of the friars, hospitals, appropriation, papal influence in the realm, social morality and responsibility for the poor. Although not all these issues were new to parliamentary debate, many were and this hints at the fact that parliament's attitude to reform might have become similarly comprehensive in this period. It will therefore be important to track how such shifts in parliamentary behaviour developed. In this thesis the aim is thus to compare the similarities between the ideas expressed in works which are recognised to have been influenced by Wyclif and promoted by heretics, and those contained in ostensibly 'orthodox' parliamentary petitions and statutes. Did the advent of 'Lollardy' herald any shifts in the use of ideas in such legislative activity? Was there an underlying programme of reform in parliament? If so how did the general Wycliffite programme of reform compare to this programme? Was there a similarly staged attitude to reform? If so what was the manner of 'Lollardy's influence? Did its controversial nature help or hinder its development during this period? These will be some of the central questions that will inform the subsequent chapters.

Of course, one point can perhaps already be made. Whilst parliament may well have concerned itself with a programme of social and ecclesiastical reform, it did stop short of doctrinal reform. As Anne Hudson has demonstrated there was a degree of doctrinal cohesion to Wycliffite writing, albeit with a significant variety of opinion, and

---

<sup>37</sup> See appropriation chapter, 227; non-residence chapter, 262-63; hospitals chapter, 281-82.

this doctrinal dimension played a significant role in defining the nature and success of the movement.<sup>38</sup> However, this doctrinal dimension does not seem to have directly influenced legislation in terms of the issues it tackled. Thus whilst numerous Wycliffite tracts, stemming from their belief in the primacy of the Scripture, questioned the doctrine of the Church, one finds no hint of this in the parliamentary rolls. One thus does not find petitions discussing the sacrament of transubstantiation or questioning the efficacy of confession and prayers to the saints. For this reason it must be stressed that this thesis will be primarily concerned with the social and ecclesiastical dimension of 'Lollardy' rather than its important doctrinal side: the latter only really being referred to in terms of the fear it invoked and the importance of this as a means of influence. The fact that parliament did shy away from becoming embroiled in the doctrinal debate is, of course, not insignificant since it suggests that there were clear limits to which parliament was prepared to go. It may be that there was a greater fear that such actions would be seen as heretical given the Church's clear condemnation of such views as heretical. On the other hand, as we shall see, there was no doubt that many of the social and ecclesiastical reforms that the Wycliffites were advocating were also deliberately tainted with the brush of heresy, and parliament's determination to pursue these issues in such a climate certainly requires some explanation. Indeed, this perhaps adds strength to the arguments of those that argue that it was more the social and moral content of the Wycliffite teaching that struck a resonance with the gentry and nobility rather than their doctrinal teaching. They may well have sympathised with the former due fact that it struck a chord with them and the problems they were experiencing, but they were not necessarily committed Wycliffites.

---

<sup>38</sup> See, in particular, Hudson, *Premature Reformation*, 278-313.

### **3) Reading Between the Lines in the Parliamentary and Statute Rolls**

#### **i) The Influence of its Members**

In order to more fully understand how parliament may have reacted to the reformers, however, it is first important to discuss the manner in which the various groups represented in parliament might have reacted to 'Lollardy' and how they might have influenced the legislation based on our current knowledge of their attitudes and their roles in parliament. Essentially there were four main groups in parliament – the commons, the lords spiritual, the lords temporal and the king and his advisers in government. Assessing their relative influence on legislation in general is not a precise science since it varied from piece to piece depending on the nature of the legislation and the political situation. However, a number of general points can be made.

By the beginning of this period the common petition had generally gained acceptance as the preferred method by which issues of common importance to the realm were presented to parliament.<sup>39</sup> Even the most powerful men in the realm resorted to this method. For instance, in 1406 the Prince of Wales and the lords spiritual and temporal used a common petition to present a bill against the 'Lollards'. Since it was the commons who presented common petitions this meant that they could exercise a significant degree of influence over the parliamentary agenda. By presenting petitions concerning their own grievances combined with promises to grant taxation they could hope to persuade parliament to implement new legislation.

If one were to accept the official version of events recorded in the rolls, it might appear at times that a bill only needed the assent of the monarch to then become

---

<sup>39</sup> See A.L. Brown, 'Parliament, c.1377-1422', *The English Parliament in the Middle Ages*, ed. R.G. Davies and J.H. Denton (Manchester, 1981), 126-29; H.L. Gray, *The Influence of the Commons on Early Legislation* (Cambridge, 1932); A.R. Myers, 'Parliamentary Petitions in the Fifteenth Century', *EHR*, 52 (1937), 385-404, 590-612; D. Rayner, 'The Forms and Machinery of the 'Commune Petition in the Fourteenth Century', *EHR*, 56 (1941), 198-233, 549-70.

legislation since many bills appear to have simply appealed to and to have been responded to by the king. For instance, the petition behind the 1390 statute of provisors was presented to 'our lord the king to ordain and decree in this present parliament' whilst the response was, on the face of it, from the king and the king alone.<sup>40</sup> This does not give an accurate picture since it totally omits the role of the lords and the king's advisors. Indeed, on other occasions it is clear from the rolls that the lords and the king's advisors did play an important role in legislation. Thus, for instance, in 1393 the commons pointed out that the prelates and the lords temporal had assented to an ordinance concerning the alien priories, whilst in 1414 they asked the king to assent to a petition concerning hospitals with the assent of the lords spiritual and temporal.<sup>41</sup> The reason for the difference in phrasing may well be the fact that whilst in the former case there was a need to deflect attention away from the fact that the English spiritual lords had played a role in the creation of a bill which limited the power of their spiritual master – the pope – in England, in the latter cases the commons wanted to emphasise the role of the spiritual lords in the creation of legislation which allowed the English government to intervene in the affairs of the English Church. This sort of editorial practice also explains why in these cases, and in fact in all statutes, very little information is given out about the way the Lords debated the bills. It did not suit the dignity of the Lords or the monarch to publicly record any disagreements they may have had or the amount of input which they may have had in legislation.

Yet they surely did exercise a significant degree of influence. As this thesis will go on to discuss, many petitions were most likely manipulated to suit the needs of the government and the input of the Lords before the bills which they accepted finally became statutory legislation. It is thus by examining the differences between the

---

<sup>40</sup> *RP*, III, 266-67.

<sup>41</sup> *RP*, III, 301; *RP*, IV, 19.

petitions and the statutes that one can establish the input of the lords and the king and his advisers in government. Obviously, distinguishing between the respective influences of the lords and the government can at times be difficult, if not impossible, but it is often possible to read between the lines by means of context and other sources. The role of the lords spiritual and temporal is most apparent in cases where the common petition affected their own interests. For instance, in 1388 a bill concerning wandering vagrants was altered so that servants travelling on the business of lords would not be affected.<sup>42</sup> More generally, in much of the legislation discussed in this thesis the relationship between the temporal and secular powers was at stake and the tensions this caused are visible in the compromised response of the king. There are times when it seems that the resultant legislation was balanced to meet the concerns of the Church and other times when the king rejected legislation in defence of the Church.

Indeed, there were times when petitions concerning the Church were rejected without even being enrolled on the official roll. Most significantly, in 1371, 1385, 1410 and during at least one parliament between those of 1399, 1402 and October 1404, petitions were seemingly presented to parliament concerning the disendowment of the Church with no official record on this on the rolls.<sup>43</sup> The reason for this is most probably the controversial nature of the issue since the rolls were generally keen to present a

---

<sup>42</sup> See social legislation chapter, 170.

<sup>43</sup> *Hist. Angl.*, II, 139-40; *St. Albans*, 52-56; Aston, "Caim's Castles", 95-131; Aston, 'Lollardy and Sedition', 1-44; B.P. Wolffe, *The Royal Demesne in English History: the Crown Estate in the Governance of the Realm from the Conquest to 1509* (London, 1971), 245-47. There were also some rumours that the Lollard Disendowment Bill was revived at the April Parliament of 1414. According to Robert Fabyan 'certeyne bysshopes and other hedde men of the churche', who were concerned that the king might give it 'any comfortable audyence [favourable hearing]', reminded the king of his claims in France and offered financial assistance for these. Consequently the Bill was 'agayne put by': R. Fabyan, *New Chronicles of England and France*, ed. H. Elliss (London, 1811), 573. Meanwhile the chronicler John Strecche ('Chronicle of John Strecche for the reign of Henry V 1414-1422', ed. F. Taylor, *BJRL*, 16 (1932), 147) claims that 'in illo parlamento (April 1414) multa alia secretius fuerant proposita que postea patuerunt'.

sanitized version of events.<sup>44</sup> Often this was done to protect the image of the king as in May 1421 when Henry V is known to have asked for a tax but was rebuffed with no record of this in the rolls.<sup>45</sup> However, on other occasions as with the proposals concerning disendowment this seems to have been done to protect the Church – a fact that was recognised by contemporaries. For example, Walsingham praised Richard's loyalty to the Church for ordering the destruction of the 1385 proposal for disendowment, which had been submitted to the king in a short text.<sup>46</sup> At times the government also seems to have gone to the point of falsifying the assent of the commons to legislation in order to meet its own needs and the Church's needs. Thus in the September parliament of 1382 the commons complained that they had not assented to the anti-heretical legislation of earlier that year (May 1382) and in 1401 they complained that they had not agreed to the wording of the modification concerning papal provisions.<sup>47</sup> Meanwhile, the records of parliament also make no reference to numerous incidents when Wycliffites and other reformers are known to have played significant roles in parliament, privately petitioned parliament or preached sermons and posted bills whilst parliament was in session. Yet there are numerous such incidents: in 1377 Wyclif appears to have clashed with Thomas Brinton, Bishop of Rochester, in the October parliament where Brinton publicly informed him of the condemnation of his works at the papal curia;<sup>48</sup> in 1378 Wyclif played an important role in the Haulay and Shakyl affair;<sup>49</sup>

<sup>44</sup> See C. Given-Wilson, 'The Rolls of Parliament, 1399-1421', *Parchment and People: Parliament in the Middle Ages*, ed. L. Clark (Edinburgh, 2004), 63-64.

<sup>45</sup> See Harriss, 'Management of Parliament', 149-51 and Foulser, 'Opening Speeches', 13-15 and 54-55.

<sup>46</sup> *Hist. Angl.*, II, 139-40.

<sup>47</sup> See chapters on social issues and papal provisions, 164, 119.

<sup>48</sup> *De Ecclesia*, 354.

<sup>49</sup> For accounts of the Haulay and Shakyl affair, see Workman, I, 314-24; McFarlane, *John Wycliffe*, 86-87; J.H.Dahmus 'John Wyclif and English Government', *Speculum*, 35 (1960), 51-68; Hudson, *Premature Reformation*, 64, 364, 379; P.J. Horner "'The King Taught Us the Lesson": Benedictine Support for Henry V's Suppression of the Lollards', *Medieval Studies*, 52 (1990), 195.

in May 1382 Wyclif apparently petitioned parliament himself;<sup>50</sup> at some point after 1382 a tract addressed to parliament petitioned the king, the duke of Lancaster and the great men of the realm concerning various articles including two concerning clerical possessions;<sup>51</sup> in February 1388 the Lords and the commons were said to have petitioned parliament concerning heretical opinions, the 'Lollards' were apparently summoned to parliament, and the Wycliffite William Swinderby is said to have petitioned parliament;<sup>52</sup> in 1391 Swinderby then apparently sent a letter to parliament;<sup>53</sup> in 1395 the 'Lollards' posted the Twelve Conclusions to the door of parliament and apparently received the backing of several of the lords, the 'Lollard knights', Thomas Latimer and Sir Richard Sturry, are alleged to have openly commended their views before parliament, and a move to condemn the translation of the Bible into English is said to have been stalled by the intervention of John of Gaunt and a petition from the 'Lollard knights' calling for ecclesiastical reformation;<sup>54</sup> in 1397 the archbishops apparently pushed for a parliamentary measure which sought the death penalty for heretics;<sup>55</sup> in 1399 Archbishop Arundel claimed that the commons were preparing statutes which would 'destroy the clergy' and he may have had the 'Lollard Knight' who was Speaker of the Commons removed;<sup>56</sup> in 1401 the 'Lollards' apparently assembled in London at the time of the second parliament of this year with the intent to destroy the clergy but Arundel had prepared 'suitable counter-measures';<sup>57</sup> in 1399 William Sawtre attempted to petition

<sup>50</sup> Workman, II, 250; *De Blasphemia*, 270-71; *Hist. Angl.* 51-52.

<sup>51</sup> Arnold, III, 508-23; Aston, 'Caim's Castles', 52-53.

<sup>52</sup> Knighton, 432-38; *Fasc. Ziz.*, 340. For a discussion of these events, see H.G. Richardson, 'Heresy and the Lay Power under Richard II' *EHR*, CCI (1936), 11.

<sup>53</sup> *Reg. Trefnant*, 275.

<sup>54</sup> *SEWW*, 24-29; *Annales* 173-82; *Hist. Angl.*, II, 215-17; 'A Lollard Tract: On Translating the Bible into English', ed. C. Bühler, *Medium Aevum*, VII (1938), 167-83.

<sup>55</sup> 'Parliamentary Documents from Formularies', ed. H.G. Richardson and G.O. Sayles, *BIHR*, 11 (1933-4), 153-54; McNiven, *Heresy and Politics*, 67.

<sup>56</sup> Wilkins, *Concilia*, III, 242; Aston "'Caim's Castles'" 54. See non-residence chapter, 233.

<sup>57</sup> *Usk*, 9.



parliament and to send them a list of his beliefs;<sup>58</sup> in 1406 the Wycliffite preacher William Taylor preached a sermon at St. Paul's Cross which was deliberately designed to coincide with parliament;<sup>59</sup> and in 1410 the author of the *Continuatio Eulogii* claims that parliament overturned the acts of parliament and the Oxford Constitutions concerning preaching so that mendicant preaching would not be affected and the mendicants could be used against the 'Lollards', whilst Walsingham claims that the 'Lollards' were so powerful in this parliament that they petitioned Henry IV to change one of the articles of *De Heretico Comburendo*.<sup>60</sup> Not one of these incidents is referred to in the parliamentary rolls, which in addition to the incidents concerning disendowment makes a notable number of omissions. Some of these can be explained in terms of the fact that they were circumstantial details which one would not usually expect to be enrolled but they are nevertheless significant. Others, however, were seemingly omitted due to their controversial nature. This may well have been recognised by the Wycliffite preachers who seem to have chosen moments of political weakness to present their bills and stoke up activity. Indeed, one of these – Richard II's expedition to Ireland in 1395 – was highlighted by Walsingham who claimed that the 'Lollards' were emboldened by Richard's absence.<sup>61</sup> However, there were many more. Thus in 1399 there had recently been a usurpation; in 1401 there was a significant political crisis;<sup>62</sup> in 1406 the king was ill; in 1410 there was a power struggle between the king and his son, whilst Knighton and

<sup>58</sup> *Fasc. Ziz.* 408-11; The date is given in Wilkins, *Concilia*, III, 257.

<sup>59</sup> *TWT*, xi-xxvi, 3-23; *St. Albans*, 1-2.

<sup>60</sup> *Continuatio Eulogii*, 417; Walsingham, *Ypodigma Neustriæ*, 429-30; B. Kedar, 'Canon Law and Local Practice: The Case of Mendicant Preaching in Late Medieval England', *Bulletin of Medieval Canon Law*, New Series 2 (1972), 28-29.

<sup>61</sup> For Walsingham's account of the posting of the Twelve Conclusions, see *Annales*, 173-82 and *Hist. Angl.*, 215-17.

<sup>62</sup> See A. Rogers, 'The Political Crisis of 1401', *Nottingham Medieval Studies*, 12 (1968), 85-96.

Walsingham also claim that the 'Lollards' were particularly active in 1388 – the year in which the Appellants had seized control of government and parliament.<sup>63</sup>

All of this means that tracing the precise nature of ideas within parliament at times may be difficult since the clerks of parliament are likely to have been very scrupulous in editing out any heretical or controversial influence. However, the evidence is so suggestive that it seems sensible to compare the ideas that the Wycliffites attempted to promote to parliament and the ideas which can be found in the legislation. Attempts will therefore be made in this thesis to chronologically map the development of such ideas against known incidents of 'Lollard' activity. Moreover, all this once again points to the sensitivity of parliament to 'Lollardy' and 'Lollard' ideas and by reading between the lines much should be able to be made of the way ideas were transmitted and influenced those within parliament during these tense times. In particular it will be important to determine if the phases in which we know Wycliffite and reformist ideas became increasingly hereticized or stigmatised – post 1382 and the Council of Blackfriars and post 1414 and the crushing of 'Lollardy' - had any impact on the openness of the parliamentary rolls to reform.

## ***ii) The Attitudes of its Members:***

### ***Reform, Counter-Reform and Parliament***

In order to facilitate our reading between the lines, however, it is first important to look more closely at our current understanding of the attitudes of the groups that made up parliament to reform. As suggested above, this is problematic given the effects of propaganda and stigmatic titles on the religious views of these groups. It is easy to pigeonhole the religious views of these groups as either 'Lollard' or 'anticlerical' or

---

<sup>63</sup> For a discussion of their accounts, see provisions chapter, 103-4.

'orthodox' in a manner which suggests that their religious views were formed purely by partisan loyalties. However, whilst it is important to appreciate the influence that such partisan allegiances could play, it is also important to understand that their personal views may have been more complex.

**a) *The commons***

Indeed, this seems to be the case with the commons. Contemporary propagandists often portrayed them as financially motivated politicians and 'anticlericals' - a stigma which they still bear today.<sup>64</sup> They also, as we have seen, pointed to the influence of 'Lollards' over the commons - an assertion which is also still made today.<sup>65</sup> However, the problem is that such contemporary propagandists cared little for the need of future historians to carefully delineate the origins and influence of contemporary ideas. Instead they seemingly wanted to stigmatise reformers and their ideas in the hope that they could curtail their influence. Meanwhile, our understanding of the popularity of Wycliffite and reformist ideas amongst the groups from which the commons were drawn is also complicated by such evidentiary problems. The gentry may well have escaped prosecution for heresy due to their status and there is little trial material relating to them. As a result one is left mainly with the testimony of chroniclers to even establish such men as stigmatised 'Lollards'. Admittedly, important research has been done which discusses the gentry's role in protecting 'Lollard' communities and at the associations between various members of the 'Lollard' gentry.<sup>66</sup> However, whilst new advances are being made in this area, this sort of 'Lollardy by association' evidence

---

<sup>64</sup> See, provisions chapter, 70-74.

<sup>65</sup> See, for instance, P. Heath, *Church and Realm: 1272-1461* (London, 1988), 215.

<sup>66</sup> See, for instance, McFarlane, *Lollard Knights*, 139-232; M. Jurkowski, 'Lollardy in Oxfordshire and Northamptonshire: The Two Thomas Compworths', *Lollards and their Influence*, 73-95; and C. Kightly, 'The Early Lollards, 1328-1428' (unpublished PhD Thesis, University of York, 1975), 1-588. For a discussion of this sort of evidence see M. Aston and C. Richmond, 'Introduction', *Lollardy and the Gentry*, 7-22, and R.G. Davies, 'Lollardy and Locality', *TRHS*, Sixth Series I (1992), 191-211 which concludes that 'if Wyclifitism was what you knew, Lollardy was whom you knew'.

can be problematic and has its limits. Although it significantly suggests that groups of the gentry may have acted in a partisan way in order to promote reformist ideas which were seen as dangerous by the ecclesiastical hierarchy, we are often left with little indication of exactly which ideas these groups were interested in or of the extent to which such ideas influenced the gentry. Although there is more evidence connecting townsmen with 'Lollardy', this again primarily comes from hostile sources.<sup>67</sup>

As a result, few members of the commons have ever been positively identified as 'Wycliffites' or even as stigmatised 'Lollards' or 'anticlericals'. This fact has been highlighted by the biographers of the commons who despite thoroughly examining the available evidence could find not one knight and only one burgess from that well known 'hotbed of heresy' Leicestershire, who could 'be shown to have had Lollard sympathies'.<sup>68</sup> Moreover, the one burgess concerned – Roger Goldsmith – was identified from the basis of hostile sources and so his 'Lollard' identity must be seen in the stigmatised context of the term discussed above rather than in any specific ideological sense. Similarly, when Margaret Aston attempted to identify 'Lollards' amongst the parliament of 1395 – the year in which 'Lollards' were reputed to have posted a reforming bill known as the Twelve Conclusions to parliament – she could only come up with one name: Sir Thomas Brooke.<sup>69</sup>

Indeed, if one examines the biographies of the commons for three other key parliaments held at times during which there was reputed to be heightened 'Lollard' activity – those of September 1388, October 1404, and 1410 – whilst there is certainly a certain amount of evidence which suggests that there were MP's who might have been influenced by partisan allegiances or who may have come into contact with Wycliffite

---

<sup>67</sup> See, for instance, Kightly, 'The Early Lollards', *passim*.

<sup>68</sup> *HOC*, I, 476.

<sup>69</sup> Aston and Richmond, 'Introduction', 4.

ideas, one can find very few suspects who can be demonstrably identified to have been either committed Wycliffites or even as stigmatised 'Lollards'. Starting with the members of the 1388 Cambridge parliament, the most that can be said is that a few MP's had connections with notorious 'Lollard' suspects. At the head of this list is John Aston, one of the two MP's for Leominster, Herefordshire. According to the commons' biographies he was probably the John Aston who in 1395 was alleged, together with the notorious Wycliffite preacher Walter Brute and another man Hugh Maune, to have broken the peace at Leominster and seriously wounded John Hakluyt in Whit week of 1394. The accused then made a counter-charge against the prior of Leominster. The biographer suggests that 'since Brute was a notorious Lollard, who had been tried for heresy before Bishop Trefnant two years earlier, these activities at Leominster may be seen as an attack on the ecclesiastical authorities there'.<sup>70</sup> This John Aston may also have been the John Aston who was associated with Sir John Oldcastle in February 1413 when Peter atte Vynne promised to cease all legal actions against him.<sup>71</sup> However, there is no direct evidence that he was tagged a 'Lollard' or that he held Wycliffite views.

Meanwhile, the evidence for other MP's in the parliament of Cambridge 1388 being Wycliffites is even more tenuous. Walter Aston, the other MP for Leominster may well have been John's brother and could feasibly have shared some of his sympathies. Sir Laurence Sebrooke of Filton, Gloucestershire was a member of Richard II's mother's household which many scholars have suspected played host to Wycliffite sympathies. There he came into close contact with the 'Lollard knights' stigmatised by Walsingham and Knighton, and discussed by McFarlane: Sir Lewis Clifford, Sir Richard Sturry, Sir Thomas Latimer and Sir Philip de la Vache.<sup>72</sup> Another MP who seems to have been

---

<sup>70</sup> *HOC*, II, 80.

<sup>71</sup> *HOC*, II, 80; *CCR*, 1409-13, 425.

<sup>72</sup> *HOC*, IV, 329.

connected with Sturry was Sir Thomas de la Poyle, MP for Oxfordshire (a key centre of Wycliffism) in 1388. In June 1360 De La Poyle's wardship was granted to none other than Richard Sturry who is described very simply as 'one of the king's yeomen' in De la Poyle's biography.<sup>73</sup> This must surely be Sir Richard Sturry who was a yeoman of Edward III from 1349-63. If so then some of his formative years were spent in the household of one of the famous 'Lollard Knights': a household which also played host to one of Knighton's 'Lollards', Sir John Peachey, who was another ward of Sturry's.<sup>74</sup> Another potential associate of a 'Lollard' was Thomas Mapperley, alias Holt who was the MP for Nottingham. Indeed, he provided securities for a 'Lollard' suspect in this very year (1388): a practice which has been associated with 'Lollard' sympathies.<sup>75</sup> This may not be that significant, however, as Mapperley was a successful lawyer who was often briefed in ecclesiastical suits.<sup>76</sup> Similarly, Geoffrey Clerk, MP for that hotbed of Wycliffism Leicester, attended a trial of seven local 'Lollards' in this very same year 1388 but this could be evidence for Clerk being opposed to certain reformist ideas as much as it could be for him being an ardent supporter of Wycliffism.<sup>77</sup>

The same sort of thing can also be said about the MP's for October 1404. Indeed, it is very difficult to ascertain who the 'Lollard knights' that proposed disendowment in 1404 might have been since the only suspected 'Lollards' to have been members of parliament in this year – Sir John Oldcastle, Sir Thomas Brooke and Sir John Trussell – all attended the January parliament rather than the October parliament. This might well strengthen B.P. Wolffe's argument that Walsingham mistakenly attributed the disendowment proposal to this parliament. Wolffe felt that Walsingham's account fitted

---

<sup>73</sup> *HOC*, III, 131.

<sup>74</sup> Yet another ward of Sturry's, Sir John Lisle, was MP for Hampshire in January 1404.

<sup>75</sup> *HOC*, 679-80. Aston and Richmond, 'Introduction', 20 and M. Jurkowski 'Lawyers and Lollardy in the Early Fifteenth Century', in Aston, *Lollardy and the Gentry*, 155-71.

<sup>76</sup> *HOC*, II, 680.

<sup>77</sup> *HOC*, II, 586-87.

the parliament of 1399 better, particularly since Walsingham claimed that it was Sir John Cheyne as speaker of the commons who led the attack on Church temporalities – a claim that was undermined by the fact that Sir John Cheyne was speaker in 1399 rather than 1404. Wolffe argues Walsingham may well have been attempting to create a better story by conflating the proposal of disendowment in the 1399 parliament with the proposal for the general resumption of crown lands in October 1404.<sup>78</sup> In fact it is arguable that Walsingham was actually deliberately intending to do somewhat more than that. By conflating these stories he would emphasise the greed of the commons and the notion that disendowment was associated with financial rather than reformist reasons as well as the fact that 'Lollardy' was a threat to the lands of the laity as much as it was a threat to the lands of the clergy – a well worn trick in the battle against such reformers. One must thus always be wary of the chronology supplied by the chroniclers.

Indeed, it is quite possible that disendowment was in the air in a number of parliaments in this period but that the chroniclers deliberately focused on certain parliaments for their own propagandist purposes. After all, the 'anti-Lollard' statute of 1406 which targeted the supporters of disendowment and which also attempted to identify the interests of the crown and nobility with those of the Church is indicative of the fact that such support was seen as an ongoing problem.<sup>79</sup> It is therefore probable that the presence of men such as Oldcastle, Brooke, and Trussell in the parliament of January 1404 would have made the clergy uneasy. Knighton was seemingly uneasy where Trussell was concerned and consequently tagged him as a 'Lollard knight' although when McFarlane investigated him he could find no evidence beyond Knighton's accusation and his association with other knights accused of 'Lollardy' which suggested

---

<sup>78</sup> Wolffe, *The Royal Demesne in English History*, 246.

<sup>79</sup> See above, 13-14.

that he was a committed Wycliffite.<sup>80</sup> Oldcastle's later Wycliffism, on the other hand, is generally accepted. That such views are likely to have roots stretching back before 1404 is hinted at by the fact that he was chosen as one of the executors of the will of the 'Lollard knight' Sir Lewis Clifford, who died in 1404, and more significantly by the fact that there is evidence that he derived his beliefs from the Wycliffite Swinderby who preached at Almeley during Oldcastle's youth in the 1390's.<sup>81</sup> Oldcastle was linked to Brooke through marriage. The marriage settlement between Brooke's elder son and Sir John Oldcastle's stepdaughter was made at the time of the 1410 parliament when Oldcastle was a member of the Lords (he first sat in the upper house only late on in the previous year – on the 26<sup>th</sup> October 1409)<sup>82</sup> and Brooke was a member of the commons. Apparently this settlement led to a charge of 'Lollard' sympathy which was proven in the case of the son and strongly suggested in the case of Brooke himself. Could we thus at least have found two Wycliffites in the parliament in which the Disendowment Bill was proposed?

Unfortunately, as McFarlane found with the infamous 'Lollard knights', it is extremely difficult to actually pin such a man down as a Wycliffite. Admittedly his will, which was drawn up at Holditch on 25 May 1415, was of a type once thought to indicate Wycliffite beliefs. In it Brooke describes himself as a 'wretched sinner' and asks God to 'vouchsafe to receive his unclean soul into his mercy and keep it from damnation'.<sup>83</sup> Whilst having no feasts at his funeral, and neglecting to leave a single penny to the Church or the established religious orders he stipulated that £100 should be left to his poorest tenants and another £100 to the blind and lame – stipulations which tie in fairly

---

<sup>80</sup> McFarlane, *Lollard Knights*, 152-59.

<sup>81</sup> HOC, II, 867.

<sup>82</sup> A fact which might help to explain the appearance of the Disendowment Bill and which is suggestive of the importance of the support of the lords for legislation.

<sup>83</sup> HOC, II, 379.



closely with the stricter definitions of the three groups deserving of charity used by Wyclif and the Wycliffite preachers and polemicists.<sup>84</sup> However, none of this is cast iron proof that Brooke was a dedicated follower of Wyclif since similar wills were used by a whole range of contemporaries including the supposed 'anti-Lollard' Archbishop Arundel, whilst similar definitions of the deserving poor had been used before Wyclif by the likes of FitzRalph. Indeed, there is evidence that Brooke did not follow all Wyclif's teaching since in 1410 he and his wife made provisions for masses to be said for the soul of Richard Cheddar, for the welfare of Richard Cheddar and themselves, and for prayers to be said for them at Barlinch priory – provisions which hardly accorded well with Wycliffite teaching on 'soul-masses'. It is hardly surprising that the authorities failed to pin him down as a 'Lollard'. However, what can be said is that Brooke may well have been interested in some of the ideas promoted by the Wycliffites – most probably those concerning disendowment and the Church's use of its wealth for charitable provision – and that he had links with others which would allow him to form partisan alliances in order to attempt to push through such reform. These were ideas which the Church was attempting to stigmatise as 'Lollard' since they greatly feared the spread of such ideas particularly in parliament from where such reform could be made, and this is presumably why they had been so keen to prosecute him.

Indeed, the point is that much of the propaganda and partisan behaviour that has resulted in the commons being straitjacketed as 'anticlericals' or 'Lollards' was the product of the clash between those who sought to reform the Church through parliament and those who wanted to prevent or limit such reform. The reformers were evidently critical of the Church and so it was easy to present them as 'anticlerical' even if in reality their interest in reform stemmed from their love for the Church and the high expectations

---

<sup>84</sup> For more on these definitions see social issues chapter, 149, 167.

which they had for it. Equally the lack of interest they demonstrated in supporting the 'anti-heretical' legislation of the day need not necessarily indicate a sympathy for 'heresy' – whatever that means - but instead a sympathy for reform.

If one thus stops thinking about the Lollard Disendowment Bill and other reformist activity in parliament as being simply 'Lollard' or 'Wycliffite' or 'anticlerical' or 'heterodox' and instead asks whether there were those who might have been interested in such religious reform who may have worked together in an attempt to push it through, one begins to have more luck.

Indeed, throughout the years there are MP's who may well have had a vested interest in many of the ideas which the Wycliffites were promoting: a vested interest which involved more than just finances. For instance one might well suspect that Laurence Drew, MP for Berkshire in September 1388, was the sort of man who may have sympathised with the notion of disendowment since his will showed a notable lack of interest in the established Church.<sup>85</sup> Similarly, Thomas Coventre MP during several parliaments including those of 1410 and 1416 made provision in his will for the poor in an almshouse which he had founded on the north side of St John's Church Devizes, and John Barton MP for Buckinghamshire on several occasions, left 200 marks to St Bartholomew's Hospital for its relief and his siblings tenements in Buckingham on condition that they paid a priest ten marks a day for daily prayers and supported the foundation of a group of almshouses for six poor persons.<sup>86</sup> Such MP's may well have been interested in what the Wycliffite preachers had to say about the reform of hospitals and almshouses and the support seen in parliament for such reform in 1410, 1414, and 1416 may therefore be seen as more than simply a mask for greedy 'anticlericalism'.<sup>87</sup>

---

<sup>85</sup> *HOC*, II, 797.

<sup>86</sup> *HOC*, II, 675-77.

<sup>87</sup> See hospitals chapter, *passim*.

Indeed, whilst it is perhaps impossible to prove the widespread presence of Wycliffites amongst the gentry, a substantial amount of research has pointed to the gentry's interest in reformist ideas during this period. Thus scholars who have been convinced about the influence of 'Lollardy' amongst this social group have tended to use terms such as 'Lollard sympathies' whilst others have redefined the Wycliffite 'movement' as not so much a heretical movement but a reformist movement – pointing out that much of what the Wycliffites promoted and which was popular with contemporaries centred around returning the Church to its original state.<sup>88</sup> A number of historians have consequently become less focused on rigid definitions of 'Lollard' members of the gentry and instead looked more closely at what areas of contemporary religion and reformist ideas they might have been interested in.<sup>89</sup> The picture of the gentry that has emerged is no longer the one-dimensional one of a greedy truculent 'anticlerical' gentry that was so popular with contemporary propagandists and many later critics of the commons. Rather, it is now generally accepted that the gentry took an active involvement in the lay piety of the time: a lay piety that involved a more individualistic approach to religion, a greater interest in newer perceptibly less worldly religious orders and in vernacular religious works.<sup>90</sup> It is surely appropriate that this new understanding of the gentry should at least inform our views of the knights who met in parliament. Margaret Aston's comment that 'the accommodation we have to make in the members of the commons of 1395 is one between their hard-nosedness and their capacity

---

<sup>88</sup> See, for instance, Allmand, *Henry V*, 282.

<sup>89</sup> See, for instance, J.I. Catto, 'Sir William Beauchamp between Chivalry and Lollardy', *The Ideals and Practice of Medieval Knighthood III: Papers from the Fourth Strawberry Hill Conference 1988*, ed. C. Harper Bill and R. Harvey (Cambridge, 1990), 39-48.

<sup>90</sup> See, for instance, M. Vale, 'Piety, Charity and Literacy among the Yorkshire Gentry, 1370-1480', *York Borthwick Papers*, 50 (1976), 1-32; C. Carpenter, 'The Religion of the Gentry in Fifteenth Century England', *England in the Fifteenth Century*, ed. D. Williams (Harlaxton, 1987), 53-74 and A. Brown, *Popular Piety*, 202-23.

for theological as well as devotional thought<sup>91</sup> is most probably applicable to the commons of many of the parliaments of this period. Thus, for instance, one finds numerous MP's throughout this period with portable altars: a sign of the more individualistic piety of the age. Such facts have sometimes been used as evidence that MP's like Thomas Brooke (who purchased a papal bull for such an altar in 1403) and Thomas Mapperley (who obtained one in 1399) could not have been 'Lollards' but it is perhaps more important to note that they were open to this new direction in knightly piety than to use such a fact as part of a checklist of 'Lollard' or 'orthodox' behaviour.<sup>92</sup> The key point to make about the knights of parliament is that whilst they were politicians who were most probably partly motivated by worldly or factional considerations, they were also men of their day who could have been influenced by religious trends and contemporary reformist ideas. It is important to recognise that contemporary propagandists most probably increasingly pigeonholed religious views precisely because they were becoming more individualistic. An 'orthodox' MP may well have been interested in what the Wycliffites had to say on tithes or hospitals whilst a Wycliffite MP may not have been so keen on what some Wycliffite preachers had to say about pilgrimages. However, this is not to say that either man was not committed to his beliefs. One must guard against thinking that an MP who did not display every characteristic of Wycliffism could not have been interested in disendowment or other reforms out of genuine reformist intent. By examining the actions of the commons' in parliament and their justifications for this we might well be able to learn more about their commitment to reform, which ideas proved most popular, which ideas were most sensitive and the extent to which factional considerations may have motivated or influenced such men.

---

<sup>91</sup> Aston and Richmond, 'Introduction', 5.

<sup>92</sup> *HOC*, III, 680-81; J.A.F. Thomson, 'Knightly Piety and the Margins of Lollardy', *Lollardy and the Gentry*, 103.

**b) The Lords Spiritual**

Appreciating the attitude of the lords spiritual to reform in parliament is also complicated by the partisan role they necessarily had to take. The clergy have thus often been represented as using parliament to persecute 'Lollards' and 'heretics', and as the opponents of the commons in parliament. However, whilst it is undeniable that they often had to take an aggressive attitude to reform and reformers, one must guard against painting one-dimensional pictures of these men. Indeed, there is a significant amount of evidence which suggests that the attitudes of leading clerics to reformist ideas were more complex.

Before moving on to look at this evidence, however, it is perhaps worth looking a little more closely at the reasons why such men have been portrayed as such 'anti-Lollards'. As far as their contemporary image is concerned, the most basic reason is that the threat of certain reformist ideas to the established ecclesiastical hierarchy forced those within that hierarchy to take action and stigmatise those ideas and those who held them. As part of this process those within the ecclesiastical hierarchy lumped together all those who held such ideas and, as we have seen, tagged them as 'heretics' and 'Lollards'. Thus, for instance, the official chroniclers of abbeys such as Leicester and Westminster – whose abbots were represented in parliament – devoted many pages to stigmatising reformers and reformist ideas. Meanwhile, such propagandists labelled their own leaders as champions against the 'Lollards' and 'heretics'. Thus, for instance, Adam Usk declared that Archbishop Arundel achieved *multa bona contra Lollardos et hereticos*.<sup>93</sup> As time went on the propagandist tradition was developed, by Arundel's opponents as well as his supporters. According to one Wycliffite tract, he was *pe grettist*

---

<sup>93</sup> Usk, 248.

*enmy pat Crist hap in Ynglond*<sup>94</sup> whilst the Wycliffite preacher William Thorpe built up the idea of Arundel as a bloodthirsty persecutor of heretics by declaring that after the burning of William Sawtre, *the Archebishop thirstide yit aftir the schedyngge out of more innocent blood*.<sup>95</sup> Posthumously Arundel then became known as 'the hammer of heretics':<sup>96</sup> a relatively common name for the opponents of heretics during the middle ages throughout Europe.

This tradition was admittedly not without some foundation. As Hudson suggests, we need to be careful not to follow the arguments of Strohm to the extent that we deny the idea that the Church was worried about 'heresy' and some of the ideas being circulated by contemporary reformers.<sup>97</sup> It almost certainly was and leading clerics such as Arundel worked assiduously against those reformers who seemed to threaten the Church. Indeed, they played leading roles in the condemnation of numerous erroneous and heretical ideas at the 1382 Council of Blackfriars, the investigation of heretics, the backing of counter-polemic produced by friars such as Roger Dymmok and William Woodford,<sup>98</sup> the promotion of inquiries into the spread of heresy at the universities and the restriction of preaching through closer regulation of preaching licences. Most relevantly, they also played a key role in the development of legislation designed to persecute 'Lollards' and 'heretics'. Scholars such as Margaret Aston have thus shown the efforts the clergy went to in order to take action against heresy and to persuade the lay power to intervene, whilst others such as Alison McHardy, Peter McNiven and Maureen Jurkowski have discussed the role played by the bishops in the great 'anti-

<sup>94</sup> *Works of a Lollard Preacher*, 167/405-6.

<sup>95</sup> *TWT*, 36/417-19.

<sup>96</sup> See M. Aston, *Thomas Arundel: A Study of Church Life in the Reign of Richard II* (Oxford, 1967), 334.

<sup>97</sup> See above, 15. Strohm argues that Arundel deliberately built up the picture of 'Lollardy' as a threat to help his own career advancement. Strohm, *England's Empty Throne*, 34.

<sup>98</sup> See, McNiven, *Heresy and Politics*, 61 for Arundel's sponsorship of Woodford.

heretical' and 'anti-Lollard' statutes such as those of 1401 and 1406.<sup>99</sup> Archbishop Arundel was seemingly at the forefront of much of this activity and the tough line taken in his Constitutions seems to have provoked much of the propaganda which created his uncompromising reputation.

However, the propagandist notion that Arundel or any of the bishops were totally uncompromising does surely go too far. Indeed, it seems that such men were not entirely intolerant to reformers or reform. It made sense for certain contemporaries to sensationalise the bishops as bloodthirsty persecutors of the followers of Wyclif but such a picture is most probably far removed from the truth. Despite the growth of ideas that were deemed heretical in the 1380's it was not until 1397 that the bishops seem to have asked for the death penalty and not until 1401 that any heretic was actually burned. Moreover, only this heretic – William Sawtre – and one other – John Badby – were then burned in the reign of Henry IV.<sup>100</sup> Even when heretics were burned, moreover, it was seen as a last resort. Heretics were given every chance to recant, the point of heresy trials being to demonstrate the strength of orthodoxy and the ability of the Church to bring the stray back into the fold rather than to persecute for persecution's sake. Indeed, even the most celebrated of Wycliffite preachers were allowed to rejoin the Catholic Church. One therefore finds the examples of Nicholas Hereford, Philip Repingdon, and John Purvey. These three men were seemingly instrumental in the spread of Wyclif's ideas and as such were three of the greatest threats to the established Church hierarchy. Yet all three were not only allowed back into that hierarchy, but were also actively utilised by the Church in their fight against heresy. For a start, Hereford, by the late

---

<sup>99</sup> Aston, 'Lollardy and Sedition', 1-44; McHardy, 'De Heretico Comburendo', 112-26; McNiven, *Heresy and Politics*, 63-78; Jurkowski, 'The Arrest of William Thorpe', 273-95.

<sup>100</sup> According to McNiven Badby was the first victim of the statute 'De Heretico Comburendo' since technically speaking Sawtre was not burned by the power of this statute. See McNiven, *Heresy and Politics*, 88.

1380's was actually speaking out against his former companions, the Wycliffite preachers. Thus one of the clerks in the trial of the Wycliffite preacher William Thorpe observed, when attempting to demonstrate the good example that had been set by Hereford, Repingdon, and Purvey, that Hereford was more enthusiastic in his new task than he had ever been in holding Wycliffite opinions.<sup>101</sup> Philip Repingdon, meanwhile, underwent a radical transformation from religious outcast to the Bishop of Lincoln – a bishop who evidently gained a reputation as an opponent of heretics himself.<sup>102</sup>

The reason for such tolerance was most likely that bishops were intelligent men of their times and understood the appeal of reformist ideas. McFarlane was left baffled by the similarity of Archbishop Arundel's will to the so-called 'Lollard' wills he had examined since he could not understand why an arch-enemy of the 'Lollards' should act in such a 'Lollard' way.<sup>103</sup> However, it is now widely accepted that the wills were not so much Wycliffite as manifestations of the more introspective piety of the age and the fact that both 'Lollards' and 'anti-Lollards' left them suggests that we need to recognise the similarities between those within the Church and those who wished to reform it from without. Indeed, whilst Wycliffism as a whole was evidently threatening to the ecclesiastical hierarchy, it is important to recognise that certain aspects of it, such as the curtailment of papal influence in England, or the reform of abuses within the Church, may well have been appealing to that hierarchy. Since the bishops surely understood its appeal they probably realised that the best way of preventing support for the more dangerous ideas, and the appeal of those who wanted to reform the Church from without, was to persuade the reformers themselves to work within the Church hierarchy. As Margaret Archer has pointed out Repingdon's 'early Lollard zeal and his later rigid

---

<sup>101</sup> McNiven, *Heresy and Politics*, 112.

<sup>102</sup> On Repingdon's reputation as an opponent of heretics and on the actions he took against heretics in Lincoln diocese, see Kightly, 'Early Lollards', 114-52.

<sup>103</sup> McFarlane, *Lollard Knights*, 219.



orthodoxy were not necessarily inconsistent; his enthusiasm for the reform of abuses in the Church, which had earlier led him to support Wyclif, is reflected in his subsequent disciplinary campaign'.<sup>104</sup> He was seemingly a man of genuine convictions leaving all his goods to the poor on his deathbed.<sup>105</sup> Indeed, whilst Repingdon never strayed back into heterodoxy, there are signs that he never fully gave up on reformist ideas.<sup>106</sup> As Catto has observed, a huge part of the Wycliffite onslaught had been to question religious practice and not simply religious doctrine. The Wycliffite preachers thus challenged, for the first time, key forms of traditional popular religion: pilgrimages, images, indulgences, the cult of the saints and the Virgin, 'and, above all the Eucharist, a cult object in the fourteenth century even outside the mass, in the Corpus Christi cult and in manifold outdoor processions.'<sup>107</sup> In place of these the Wycliffites offered a heterodox religion that appealed to contemporary lay piety's interest in the inner religious life. The Church recognised this and in response the old key forms of public religion were not only more vigorously promoted but also had new life breathed into them by the infusion of a new potential to meet the demands for an inner religion. In this the ex-Wycliffite preacher Repingdon worked hand in hand with his fellow bishops. Thus Bishop Repingdon insisted that all local clergy should take part in the Corpus Christi day procession at Lincoln 'for increase of devotion'.<sup>108</sup> As Catto notes,

<sup>104</sup> M. Archer, 'Philip Repingdon, Bishop of Lincoln, and his Cathedral Chapter', *Birmingham University Historical Journal*, 5 (1953-54), 81.

<sup>105</sup> See Aston, "'Caim's Castles'", 66-67, 80.

<sup>106</sup> See J.I. Catto, 'Wyclif and Wycliffism at Oxford 1356-1430', *The History of the University of Oxford*, II, ed. J.I. Catto and T.A.R. Evans (Oxford, 1992), 226-27. Hereford also seems to have maintained an interest in reformist ideas. See J.I. Catto, 'Fellows and Helpers: The Religious Identity of the Followers of Wyclif', *The Medieval Church: Universities, Heresy and the Religious Life. Essays in Honour of Gordon Leff*, ed. P. Biller and B. Dobson (Woodbridge, 1999), 146-49.

<sup>107</sup> Catto, 'Religious Change', 99.

<sup>108</sup> Wilkins, *Concilia*, III, 396 cited in Catto, 'Religious Change', 109. On Archbishop Arundel's efforts to bolster the cult of the Eucharist to counter Wyclif's challenges see J. Hughes, *Pastors and Visionaries: Religion and Secular Life in Late Medieval Yorkshire* (Woodbridge, 1988), 232-36.

It is striking that the many new feasts with accompanying indulgences which found their way into the service books of fifteenth-century English churches offered frequent opportunities for corporate expression of the same personal contemplative prayer as Repingdon intended. In the new occasional offices of the Five Wounds, the Crown of Thorns (*Corona Domini*), or the Compassion of the Virgin, meditations on the Passion of Christ were given liturgical expression, drawing on the same language as the Revelations of Julian of Norwich.<sup>109</sup>

This strongly suggests that one of the reasons Repingdon was given episcopal authority was to take the sting out of popular Wycliffism by persuading his flock that the Church was meeting the genuine grievances of those who supported the Wycliffite preachers through internal reform or 'counter-reform' – he was the living symbol of that.

Indeed, there are signs that the leaders of the Church were attempting to formulate a counter-reformist strategy that involved not simply persecution and repression, but also the adoption of some of the more populist ideas and methods of their opponents. Thus, for instance, instead of simply repressing popular reformist works in the vernacular that were deemed dangerous to the Church, Archbishop Arundel also seems to have encouraged the translation and promotion of a number of orthodox works. In 1410 the Carthusian Nicholas Love's translation of the pseudo-Bonaventuran *Speculum Vite Christi* was a beneficiary of this policy as Arundel 'by his metropolitan authority ... decreed and ordered it to be made public to the edification of the faithful and to the confounding of heretics and Lollards'.<sup>110</sup> As Hudson has pointed out 'Arundel had realised that orthodoxy must appropriate the tools of the heretics – that the medium of the vernacular could not be allowed to become a dominant part of the message of heresy, but

<sup>109</sup> Catto, 'Religious Change', 109.

<sup>110</sup> Cambridge UL Ms. Additional 6578, fol.2v cited in A. Hudson, "'Laicus Litteratus": The Paradox of Lollardy', *Heresy and Literacy 1000-1530*, ed. P. Biller and A. Hudson (Cambridge, 1994), 234: 'auctoritate sua metropolitana utpote catholicum publice communicandum fore decrevit et mandavit ad fidelium edificacionem et hereticorum sive Lolladorum confutacionem'.

must be brought back for legitimate use'.<sup>111</sup> Arundel recognised the increased desire for devotional works in the vernacular due to the spread of literacy and was determined that the available works should be approved orthodox ones rather than the dangerous heterodox ones that had been circulating.<sup>112</sup> Similarly, he ordered the bishops to copy and publish 'in a loud and intelligible voice, and in the mother tongue' the record and process of Oldcastle's trial in the cathedral cities and parochial churches so that the truth concerning Oldcastle's erroneous opinions could be known.<sup>113</sup> Arundel appears to have seen heresy trials as educational rather than simply persecutory and, as Margaret Aston has demonstrated, this belief that education was vital in the defeat of heresy was shared by his fellow bishops.<sup>114</sup>

Since the bishops recognised the value of such counter-reformatory activity outside parliament, this begs the question whether they did so inside parliament. As we have seen much research has been done into examining the role the bishops played in the formation of persecutory legislation but is this the full picture? Could the statutes on issues such as appropriation, hospitals and fraternal recruitment practices be the parliamentary equivalent of Nicholas Love's translation or Repingdon's procession, in the same way that the infamous 'anti-Lollard' legislation reflected the Church's more persecutory side? That Archbishop Arundel may have recognised the benefits of such a tactic are seen by his actions in 1401 when he advised convocation that the commons' 'antiergicalism' could be forestalled by action taken against pluralism and non-

<sup>111</sup> Hudson, "Laicus Litteratus", 234.

<sup>112</sup> In 1408 Arundel issued the decree *Pericula res est* which enacted that no one could translate any holy text into English on their own authority, and that no such translation made since the time of Wyclif could be read until it was approved by the local bishop. Wilkins, *Concilia*, II, 284-86; See Hughes, *Pastors and Visionaries*, 230-31.

<sup>113</sup> Wilkins, *Concilia*, III, 357; M. Aston, 'Bishops and Heresy: The Defence of the Faith' in her *Faith and Fire: Popular and Unpopular Religion, 1350-1600* (London, 1993), 79.

<sup>114</sup> Aston, 'Bishops and Heresy', 76-93.

residence.<sup>115</sup> The Church was always wary of the idea that an outside body could interfere in its affairs but if they were willing to allow parliament to pass legislation which would allow the government to intervene in the prosecution of heretics for the first time would they also be willing to compromise on legislation aimed at reforming abuses in the Church?<sup>116</sup> If so, how did it tread the line between protecting its liberties, discouraging the more extreme forms of reform, and allowing a more moderate level of reform? Tracking this sort of sensitive behaviour will be a key aim of this thesis.

### *c) The Lords Temporal*

The parliamentary lords both individually and collectively have perhaps been less stigmatised over the years than the commons or the clergy. Part of the reason for this was probably that their position and influence made them dangerous individuals to target,<sup>117</sup> and the fact that the lords as a group are, as discussed above, rather anonymous in the official records of parliament. However, both contemporaries and historians have raised suspicions over the religious attitudes of a number of lords who could have had a significant influence over the legislation of this period. Some of these – most notably Oldcastle, Henry Bolingbroke (the future Henry IV) and prince Henry (the future Henry V) – are discussed in other sections in this introductory section and so they will only be referred to rather briefly here. However, two others – John of Gaunt and Thomas of Woodstock, both uncles to Richard II – are significant enough to merit more lengthy discussion here.

---

<sup>115</sup> See non-residence chapter, 233.

<sup>116</sup> On the novel aspects of the anti-heresy legislation and a discussion of how it put heresy inquiries under lay supervision for the first time, see Richardson, 'Heresy and the Lay Power', 1-25.

<sup>117</sup> See, for instance Knighton, 294-95. Here, Knighton happily names the knights who he felt were the chief supporters of heresy, but does not name the dukes and earls he claims were also chief supporters of heresy.

**John of Gaunt**

John Of Gaunt, duke of Lancaster, was not simply an influential member of the House of Lords. Indeed, his primary significance lies in the fact that he was probably the most powerful individual in the realm during the last days of Edward III and the minority of Richard II and hence exercised a significant degree of influence over parliament during the early years of this period (c.1376-c.1382). It is thus not immaterial that contemporaries like Walsingham and Knighton raised suspicions over his attitude to the 'Lollards'. After all, Gaunt was patron of Knighton's house, Leicester abbey, and it would be unwise to ignore his comment that the duke of Lancaster:

was always ready to help the Lollards ... He believed them to be God's saints, because of their bland words and expressions, though he was deceived in them, as were many others.<sup>118</sup>

Knighton, admittedly, was keen to tarnish the reputation of those he termed 'Lollards' but he surely would not have mentioned Gaunt's relationship with such men if it had not been common knowledge that he had supported them. After all, even the 'Lollards' whom he was accused of being associated with apparently claimed Gaunt as an ally.<sup>119</sup> In fact it is probable that Knighton, writing some years after Gaunt's relationship with these 'Lollards' was known to have deteriorated was attempting to extricate Gaunt from responsibility for such behaviour.

Indeed, it is generally accepted that Gaunt did protect Wyclif and a number of prominent Wycliffite preachers during the late 1370's and early 1380's until he finally abandoned them after the council of Blackfriars (May-June 1382).<sup>120</sup> Wyclif was thus apparently protected by Gaunt during his trials in February 1377 in St.Paul's and in

<sup>118</sup> Knighton, 313.

<sup>119</sup> Thus, according to Archbishop Courtenay, Philip Repingdon claimed that Gaunt supported Wyclif's followers and his arguments, in a sermon delivered at Oxford: *Fasc. Ziz.*, 299-300.

<sup>120</sup> See, for instance, A. Goodman, *John of Gaunt: The Exercise of Princely Power in Fourteenth-Century Europe* (London, 1992), 241-43.

March 1378 at Lambeth whilst his success at evading excommunication until his death also indicates the presence of a powerful protector.<sup>121</sup> Wyclif's followers evidently recognised this and appealed for his protection. Indeed, Philip Repingdon and Nicholas Hereford both protested to the duke about their condemnation at the Blackfriars council which they argued would lead to the 'destruction and weakening of the temporal dominion and of temporal kings'.<sup>122</sup> Initially Gaunt appears to have criticised the doctors who had condemned Hereford and Repingdon, but having heard their arguments, he publicly turned on Repingdon and Hereford and attacked them for their view on the Eucharist. Historians have consequently often tended to see the Wycliffite preachers increasingly extreme views on the Eucharist as being the crucial factor in the split between Gaunt and the Wycliffites.<sup>123</sup> However, Knighton's report that Gaunt helped Hereford escape suggests that whilst Gaunt may publicly have wanted little to do with the Wycliffites following their condemnation, he may still have sympathised with them.

Politically speaking this may seem of little significance – if Gaunt no longer publicly supported them, he was no longer such an important political ally – a fact compounded by the end of Richard II's minority. However, it is important if we are to determine the true nature of Gaunt's support for the Wycliffites in the preceding years. To what extent did Gaunt actually support their ideas and what did he see in them?

One key area in which Gaunt may have used Wyclif is in his battles with the papacy. Gaunt evidently did not always follow an 'anti-papal' policy.<sup>124</sup> He was seemingly prepared to negotiate with the papacy in the 1370's, whilst he was also the executor of crusading bulls against schismatics in the 1380's. However, Gaunt did not necessarily have to reject the papacy *per se* in order to be interested in much of what

<sup>121</sup> Hudson, Premature Reformation, 110.

<sup>122</sup> Fasc. Ziz. 318-19.

<sup>123</sup> See, for instance, McNiven, Heresy and Politics, 28-30.

<sup>124</sup> See, for instance, Goodman, John of Gaunt, 243-44.

Wyclif had to say about the papacy. Much of Wyclif's criticism centred on the relationship between the bishop of Rome and the English Church and the effects of this - issues which had a great resonance at the time. There were many reformist and practical reasons why it would have made sense for Gaunt to listen to Wyclif on these issues, and as we shall see the papacy seems to have feared his influence. He was certainly used by the English government on embassies to the papal court in the early 1370's. Moreover, if Gaunt was prepared to protect Wyclif and his fellow advocates of the parliamentary reform of the Church, this might mean that the commons would have felt freer to use reformist ideas connected with this debate during these years. It will therefore be important to determine if Wyclif's hand can be seen in any of the parliamentary activity on this subject in the years of Gaunt's influence.

Gaunt also seems to have used Wyclif in his domestic clashes with the English episcopate in parliament. Indeed, as Wilks has argued a key reason why Gaunt defended Wyclif against the bishops was the fact that 'the prosecution of Wyclif was an oblique attack on his own position'.<sup>125</sup> Gaunt's ministry had come under attack in the Good Parliament of 1376 by William Wykeham, bishop of Winchester and his clerical allies. Gaunt thus used Wyclif to preach a series of sermons in London in the autumn of 1376, in which his arguments concerning clerical authority and the role of clergy in government were turned against Wykeham. Wyclif was thus increasingly drawn into partisan politics and Wyclif's fate became increasingly dependent on his alliance with Gaunt: a problem that was compounded by the enemies he had gathered due to his attacks on clerical endowment and was about to gather in his attacks on the Eucharist and the friars.

---

<sup>125</sup> M. Wilks, 'Reformatio Regni: Wyclif and Hus as Leaders of Religious Protest Movements', *Studies in Church History*, 9 (1972), 123.

As a number of historians have pointed out, Wyclif may therefore have been on thin ice in terms of his attacks on the clerical hierarchy since there is little evidence that Gaunt objected to 'Caesarean clergy' *per se*.<sup>126</sup> Similarly, it is questionable whether Gaunt would have followed Wyclif in his later attacks on the friars. Hereford and Wyclif himself both attempted to turn Gaunt against the friars in the early 1380's but there is little evidence that this policy bore fruit. Indeed, when Hereford attempted to do so by blaming the friars for the Peasants' Revolt, the four orders of friars in Oxford evidently felt that they could turn Gaunt against Hereford by complaining about Hereford's accusations in a letter.<sup>127</sup> Meanwhile, Wyclif's accusation that the friars had participated in a plot to kill Gaunt appears to have fallen on deaf ears.<sup>128</sup> In fact, one of the aspects of the Wycliffite preachers like Swinderby that may initially have made them attractive to Gaunt was their ideal of an ascetic and eremitic lifestyle – an ideal which they shared with the Carmelite friars. As Goodman has suggested, Gaunt's personal piety may well have been influenced by his confessors who were Carmelites and he certainly seems to have favoured the order.<sup>129</sup> He also gave patronage to a number of hermits including Swinderby. Such patronage combined with his support for a number of poor scholars and hospitals suggests that he may have supported Wyclif's attacks on clerical wealth, power and responsibilities for more than just political or financial reasons.<sup>130</sup> Whilst there is little evidence that he followed Wyclif and his followers to the very extremes of his arguments on clerical and monastic endowment, it is possible that he sympathised with the notion that the clergy should live a simpler life, be better educated and that the

---

<sup>126</sup> See, for instance, McNiven, *Heresy and Politics*, 21.

<sup>127</sup> *Fasc. Ziz.*, 292-95.

<sup>128</sup> *Pol. Works*, I, 227/4.

<sup>129</sup> Goodman, *John of Gaunt*, 244-48.

<sup>130</sup> Thus, for instance, in 1383 he provided alms for one Thomas de Asshebourne and patronised a number of hospitals including Our Lady of Rouncivall near Charing Cross and the Savoy. See Goodman, *John of Gaunt*, 253.



Church should fulfil its duties regarding the poor. It will thus be important to determine whether the attacks on the clergy in these years were simply based upon negative 'anticlerical' or financial motivations, or whether they were constructed at least partly upon genuine reformist plans. Even if Gaunt was simply using Wyclif, one might expect that he might have felt obliged to adhere to some of the reformist arguments he used.

### **Thomas of Woodstock, Duke of Gloucester**

As for Gaunt's brother, Thomas of Woodstock, he was also not simply an influential member of the Lords. He was also one of the leading Appellants. Indeed, Nigel Saul has described him as their 'unofficial leader'. He thus exercised a significant degree of influence over the agenda of the Merciless Parliament of 1388 which sought to meet the grievances of the realm and the Cambridge Parliament of 1388 which implemented numerous reforms, including a number which affected the Church. Moreover, since Richard needed to form a political rapprochement with Woodstock and his fellow Appellants in order to reunite the realm under his own leadership, the Appellant agenda was not insignificant in the following years. Part of this agenda may have been counter-reformist since Archbishop Arundel was also a significant influence amongst the Appellants. In this light it is important to highlight the possibility that Woodstock himself may have had a degree of interest in Church reform.

For a start, there are the usual 'Lollardy by association' links since Woodstock was known to have connections with Sir John Cheyne, Sir John Montagu and Sir Richard Sturry – three of the knights who were accused of being 'Lollards' or 'anticlericals' by Walsingham.<sup>131</sup> He would also have come into contact with their co-accused knights, Sir

---

<sup>131</sup> For his links to Cheyne, see J.S. Roskell, 'Sir John Cheyne of Beckford, Knight of the Shire for Gloucestershire in 1390, 1393, 1394, and 1399, when Elected Speaker', *Transactions of the Bristol and Gloucestershire Archaeological Society*, 75 (1976), 79-80. For his links to Montagu and Sturry see J.C.

William Neville, Sir Lewis Clifford, Sir John Clanvowe, and Sir Thomas Latimer at the court of Richard II. It has further been postulated that Woodford may have been one of the unnamed dukes and counts who according to Knighton also supported the 'Lollards'.<sup>132</sup> It is thus important to note that Jill Havens has recently pointed to some evidence which suggests that Woodstock deliberately erased the names of the 'Lollard knights' in his own copy of Walsingham's Short Chronicle.<sup>133</sup> This hints at the possibility that he was upset by their stigmatisation as 'Lollards'. Whilst there is little evidence that any of these men were committed Wycliffites, there is evidence which suggests they may have been interested in reformist ideas – particularly the translation of devotional works in the vernacular - and it is thus feasible that Woodstock objected to their stigmatisation due to a shared interest in such ideas.<sup>134</sup> Indeed, as Jeremy Catto has observed, Woodstock's 'library, with its magnificent English Bible in the Lollard translation, books of prayers and mediations and theological works, is that of a man of intellectual tastes and probably independent views'.<sup>135</sup> Woodstock seems to have at least partially welcomed the challenge that the Wycliffite preachers posed to the Church and thus staged a debate between Wycliffite spokesmen and their opponents. That the Wycliffites themselves recognised this quality in him is suggested by the fact that a Wycliffite manuscript based around a dialogue between a friar and a secular clerk is addressed to him.<sup>136</sup> Significantly this dialogue, in which a series of short assertions by the friar are thoroughly refuted by the clerk, targets sin, the temporal possessions of the friars, and voluntary mendicancy. Given the rumours concerning the influence of the

---

Havens, 'A Curious Erasure in Walsingham's Short Chronicle and the Politics of Heresy', in *Fourteenth Century England II*, ed. C. Given-Wilson (Woodbridge, 2002), 103-4.

<sup>132</sup> Knighton, 294-95 and n.1.

<sup>133</sup> Havens, 'A Curious Erasure', 95-106.

<sup>134</sup> Havens, 'A Curious Erasure', 106.

<sup>135</sup> J.I. Catto, 'Religion and the English Nobility in the Later Fourteenth Century', *History and Imagination: Essays in Honour of H.R. Trevor-Roper*, ed. H. Lloyd-Jones, V. Pearl, and B. Worden (London, 1981), 54.

<sup>136</sup> The original manuscript, MS: Trinity College Dublin 244 ff. 212v-219, is currently being edited by Fiona Somerset.

debate over endowment in parliament in these years, and the fact that the Cambridge parliament of 1388 dealt with the issue of mendicancy, it may thus be that Woodstock played some role in the debate over these issues in parliament. If Arundel was prepared to allow a certain amount of parliamentary counter-reform from this point as part of his post-1388 strategy of dealing with heresy in parliament, a man like Woodstock who evidently was prepared to listen to both sides of the debate may have made a crucial input, and perhaps have used his influence to gain concessions from Arundel and the Church. If so he could also have been joined by his fellow Appellants the young earl of Derby (the future Henry IV) whose views will be discussed below whilst the earl of Warwick, whose brother Sir William Beauchamp is known to have been interested in a number of Wycliffite ideas, and the earl of Arundel who was Archbishop Arundel's brother may not have been entirely unsympathetic.<sup>137</sup> It will thus be important to determine if there were any shifts in the attitude of the government to reform in parliament during these years.

#### *d) The Monarchs*

Assessing the attitudes of the three monarchs whose reigns covered the majority of this period to parliamentary reform of the Church is particularly problematic since all three have been touted as 'Lollard sympathisers' or enemies of the Church by some, and as 'orthodox' monarchs or defenders of the Church by others. Whilst Archbishop Arundel thus praised Richard for his opposition to the 'Lollards', historians such as Nigel

---

<sup>137</sup> On Sir William Beauchamp's religious attitudes see Catto, 'Sir William Beauchamp', 39-48. The earl of Warwick also retained the parliamentary 'Lollard knight' Sir John Trussell in his affinity. This association with an Appellant seems to have led to a summons to appear before the royal council in 1398. See *HOC*, IV, 667.

Saul have suggested that he may have held 'Lollard' sympathies,<sup>138</sup> whilst Henry IV was described as *zelator iusticie et fidei catholice cultor* during his reign, he was accused of being an 'enemy of the Church' during Richard II's reign by Richard himself,<sup>139</sup> and whilst Henry V was portrayed as the divinely anointed destroyer of the 'Lollards' by contemporary propagandists,<sup>140</sup> a number of recent historians have pointed out how 'Lollard' some of his actions were.<sup>141</sup>

One of the key reasons for this confusing picture is, once again, the role played by contemporary propaganda. Monarchs had long realised the importance of presenting a strong image of orthodox kingship but there are signs that the monarchs may have been making particularly significant strides in this direction in this period. Nigel Saul has demonstrated how Richard II developed a particularly elevated image of orthodox kingship in the 1390's through such methods as a grander vocabulary of kingship, whilst Henry V arguably took royal propaganda to a new level in the development of his image as God's champion, an image that perhaps comes out most clearly in the *Gesta Henrici Quinti*.<sup>142</sup> Henry IV, meanwhile, was possibly less innovative but certainly appreciated the value of orthodox propaganda in propping up his newly established regime. Most significantly, all three monarchs played upon the threat of heterodoxy to bolster their regimes in dynastically insecure times. In order to do so they not only presented themselves as the defenders of orthodoxy but attempted to demonise their rivals as the

<sup>138</sup> *Litterae Cantuarienses*, ed. J. Brigstocke Sheppard (London, 1889), III, 49: 'qualiter contra Lolladorum insultus, in exaltationem fidei catholicae, resistencia magnificenciae vestrae indies se murum defensionis opponit'. N. Saul, *Richard II* (London, 1997), 298-300.

<sup>139</sup> Richardson, 'Heresy and the Lay Power', 23; *Annales*, 304.

<sup>140</sup> Horner, 'Benedictine Support', 214-15.

<sup>141</sup> See, for instance, J.I. Catto, 'Religious Change under Henry V', *Henry V: The Practice of Kingship*, ed. G.L. Harriss (Oxford, 1985), 115; Horner, 'Benedictine Support', 190-91; Allmand, *Henry V*, 304-5.

<sup>142</sup> Saul, 'Vocabulary of Kingship', 854-77. On Henry V's image building in the *Gesta* see, for instance, Allmand, *Henry V*, 409-12.

enemies of the Church who dabbled with heresy or witchcraft.<sup>143</sup> It was thus in response to the notion that Henry (at that time the duke of Hereford) might succeed him that Richard II declared that 'Hereford is an utterly worthless man, and will always remain so. Besides, if he were to rule the kingdom, he would want to destroy the whole of God's holy Church'. Not surprisingly, when Henry came to power he countered such propaganda by asserting his own credentials as defender of the faith and questioning those of the former king. He thus declared that

he would show any such prediction to be quite false, for he had taken a vow to uphold, protect and support God's Church with as much zeal as any of his predecessors. He did say, however that he hoped to see men chosen as rectors of churches who were worthy of their position, unlike many of those who had been appointed in his predecessors' times.<sup>144</sup>

These efforts to stigmatise and counter-stigmatise resembled the methods used by those who wished to reform the Church from without against those within the Church hierarchy and vice-versa and so it is interesting to note Henry's stress on the need to reform the Church.

Indeed, one of the reasons historians suggest that the monarchs of this period might have been influenced by 'Lollards' was their closeness to a number of men associated with 'Lollardy' and hence Church reform. It has thus long been pointed out that Richard II grew up in the court of the Black Prince which played host to a number of

---

<sup>143</sup> See the comments of Simon Walker: 'between 1397 and 1406 ... there was a sudden rash of accusations and counter-accusations of reliance on prophecy and magic'. S. Walker, 'Political Saints in Medieval England' in *The McFarlane Legacy: Studies in Late Medieval Politics and Society*, ed. R.H. Britnell and A.J. Pollard (1995), 88. These accusations accelerated during the reign of Henry V. Thus, for instance, in 1419 Henry V claimed he was the intended victim of a magician's plot and required the prayers of his diocesans to fight it. Such political accusations had been seen before on the continent but were relatively new to English political debate. It is thus worth pointing out that in the same timeframe as the Church borrowed continental methods of stigmatisation towards heretics, the monarchy borrowed continental methods of stigmatisation towards their political opponents.

<sup>144</sup> *Annales*, 304.

'Lollard' suspects, and that his own court and that of Henry IV also did so.<sup>145</sup> Archbishop Arundel criticised Henry IV on more than one occasion for tolerating the presence in his household, and at his parliaments, of men whom he accused of being profoundly hostile towards the Church.<sup>146</sup> Henry V meanwhile was known to have close ties to Sir John Oldcastle before his reign.<sup>147</sup> Added to this was the fact that Richard II was perceived to have taken few actions against 'Lollardy' until the 1390's, and thereafter the measures he and Henry IV took have sometimes been seen as a little half-hearted. A number of theories have thus been postulated including the idea that Richard II's religious sympathies may have shifted in the late 1380's, that Richard II and Henry IV may have both retained some sympathy towards the 'Lollard' agenda, and that Henry V may have dabbled with heterodoxy before he became King.<sup>148</sup>

## Richard II

However, once again, it is important to look beyond the propaganda and the 'Lollardy by association' approach and to examine the individual monarch's approach to religion and reform. As far as Richard II is concerned, Richard Davies has thus taken other historians for task for presuming that Richard must have had heterodox tendencies because his reign coincided with 'Lollardy'. As Davies points out Richard's public relationship with the Church was 'a setpiece in conventionality' from the beginning to the end of his reign.<sup>149</sup> By looking at various aspects of Richard's relationship with the Church and his religious observances – his relationship with the religious hierarchy and the monastic orders and his actions in the sphere of the saints, almsgiving and church

<sup>145</sup> See, for instance, McFarlane, *Lollard Knights*, 149-76, 221; Saul, *Richard II*, 297-99.

<sup>146</sup> *Annales*, 373-74; 395-96; *St Alban's Chronicle*, 2-3.

<sup>147</sup> See McNiven, *Heresy and Politics*, 155.

<sup>148</sup> See Saul, *Richard II*, 300; McNiven, *Heresy and Politics*, 155.

<sup>149</sup> R.G. Davies, 'Richard II and the Church', *Richard II: The Art of Kingship*, ed. A. Goodman and J.L. Gillespie (Oxford, 1993), 84.

building – Davies has shown that there is nothing that could be termed heterodox. However, at the same time, numerous historians have uncovered evidence which suggests that one must guard against painting Richard as a one-dimensional traditional 'orthodox' king. Indeed, although Richard's outward relationship with the Church seems to have been conventional, it must be pointed out that he also seems to have had his own personal tastes – tastes which were shaped by the times through which he lived and the needs of his own reign. For a start, he was seemingly receptive to the more introspective piety of the day. He had a series of private confessors, most of whom were drawn from the ranks of the Dominicans and encouraged the preaching of the Carmelites who were renowned for their asceticism.<sup>150</sup> He also followed contemporary trends in giving his patronage to the Carthusians: an order who almost certainly partly owed their popularity to the fact that they placed great emphasis upon personal asceticism and the individual contemplative life. Thus, Richard II and his courtiers played key roles in encouraging the foundation of new Charterhouses including those of Coventry, Mount Grace and Epworth.<sup>151</sup> Such patronage stood out at a time when there was little enthusiasm for the other monastic orders – the last Benedictine foundation was the Priory of Upholland, founded in 1319 – and so might also indicate a preference for the more austere nature of the Carthusians at a time when the worldliness of the Benedictines was the target of reformers such as the Wycliffites. It is thus feasible that Richard II may have been interested in what the Wycliffite preachers had to say about the disendowment of such orders for reformist reasons.

At the same time his more general attitude to the monastic orders suggests that the idea of disendowment may also have appealed to Richard on a more base level.

---

<sup>150</sup> Saul, *Richard II*, 320-22.

<sup>151</sup> J.A. Tuck, 'Carthusian Monks and Lollard Knights: Religious Attitudes at the Court of Richard II', *Studies in the Age of Chaucer, Proceedings, I, 1984: Reconstructing Chaucer*, ed. P. Strohm and T.J. Heffernan (Knoxville, 1986), 156-60.

Rather than unilaterally offering out his wealth to support the health of the monastic orders Richard seemingly took whatever he could get from them. Of the King and Queen's tour of abbeys in the summer of 1383 Thomas Walsingham quipped *non offere sed auferre*.<sup>152</sup> Indeed, there are a number of signs that Richard took a rather pragmatic and personal approach to religion. Thus the only abbey that greatly benefited from Richard was Westminster Abbey. As Saul has noted 'he made the embellishment of its fabric the supreme expression of his religious and architectural patronage.'<sup>153</sup> This had everything to do with the fact that this was the burial place of his forebears – most especially of Edward the Confessor whose cult he was attempting to promote – and the focal point of his own cult of kingship.<sup>154</sup> Richard II's favourite saints tended to be his saintly forebears whom he also harnessed to bolster his regime. Thus of the pre-Conquest English saints St Edmund of East Anglia, St Edward the martyr (who like Richard had been a boy king and was canonised following his death at the hands of assassins in 979) and most especially Edward the confessor received his personal attention.<sup>155</sup>

Those who wanted to influence Richard seem to have also recognised this pragmatic approach and desire to strengthen the royal prerogative. Thus a study of those works which are known to have sought or received Richard's patronage by Patricia Eberle has demonstrated that whilst only a minority of these works are concerned with political theory, the majority of them seem to appeal to the king's desire to strengthen the royal prerogative and boost the image of kingship.<sup>156</sup> Indeed, this is the most common

---

<sup>152</sup> *Hist. Angl.* II, 96-97, 103

<sup>153</sup> Saul, *Richard II*, 315.

<sup>154</sup> See, for instance, E. Scheifele, 'Richard II and the Visual Arts', *Richard II and the Art of Kingship*, ed. A. Goodman and J.L. Gillespie (Oxford, 2003), 262. Scheifele demonstrates how Richard made 'a most personal dynastic statement' by his commission of the double effigy tomb at Westminster Abbey for his wife and himself.

<sup>155</sup> Saul, *Richard II*, 308.

<sup>156</sup> P.J. Eberle, 'Richard II and the Literary Arts', *Richard II and the The Art of Kingship*, 232-53.



theme they possess. The most interesting of these works for our purposes is Roger Dymmok's *Liber Contra XII errores et hereses Lolladorum* – a work presented to Richard in May 1395. The point of the treatise was evidently to enlist Richard's support in the fight against the reformers who reputedly posted the Twelve Conclusions on the door of parliament, and hence to prevent his support for ideas such as the parliamentary disendowment of the clergy. Significantly, instead of simply focusing on the threat that such ideas posed to the Church, Dymmok instead decided to present them as a direct threat to the royal prerogative. Thus when tackling the Wycliffite denial of transubstantiation, Dymmok extended the logic of the argument to point out that

if this Lollard argument should hold it would destroy all the sacraments of the Church, all the oaths of the Kings, and the political association of men with one blow ... I ask, what sensible change do you see in a boy or man newly baptised, in a man who has confessed, in a boy or man who has been confirmed, in consecrated bread, in a man ordained into the priesthood, in marriageable persons betrothed or joined? All receive a new virtue, except the bread, which simply ceases to exist without any kind of sensible change, and is transubstantiated into the body of Christ. *In what way also is the body of a king changed when he is newly crowned or anyone similarly advanced?*<sup>157</sup>

The leaders of the Church who sponsored Dymmok also seem to have understood this aspect of Richard's character. Thus in the Revenge Parliament of 1397, Archbishop's Arundel's answer to Richard's question concerning whether or not his brother's pardon could be revoked is rather telling. According to Walsingham he stated that 'the person of the king, from whence such a pardon derived, was so sublime and lofty that he did not dare say that such charters were revocable'.<sup>158</sup> Arundel appears to have understood Richard's attitudes to orthodox kingship and how to play on them. Indeed, it is worth remembering who it was that built up the image of Richard as the orthodox defender of

<sup>157</sup> Dymmok, 130.

<sup>158</sup> Cited in R.G. Davies, 'Richard II and the Church in the Years of Tyranny', *JMH*, I (1975), 338.

the faith and supreme sovereign monarch. From 1389 onwards when Arundel attempted to patch up the differences between his fellow Appellant Lords who had seized power from Richard, it was Arundel who evidently did most to build up this new image of Richard. Thus the grander vocabulary of kingship used in the parliamentary rolls from the early 1390's was almost certainly influenced by Arundel who was chancellor for much of this period.<sup>159</sup> Moreover, Arundel's speeches as chancellor were evidently designed to set out a new vision of Richard as a powerful orthodox leader who deserved obedience.<sup>160</sup> Most striking is Arundel's speech in 1395 which, in Richard's absence (he was in Ireland), spoke at some length of the need to honour the King.<sup>161</sup> This was the same year in which Richard seems to have taken a greater personal stand against 'Lollardy' and 'Lollards', following the posting of the Twelve Conclusions on the door of parliament. According to Walsingham, he took action against his 'Lollard' courtiers for the first time, apparently forcing the 'Lollard knight' Richard Sturry to swear an oath to abjure his heresy after his alleged involvement in the promotion of 'Lollard' views in parliament.<sup>162</sup> Arundel's portrayal of the powerful orthodox king was thus followed by the 'reality' of a king rushing home from Ireland to stamp out heterodoxy. Indeed, all the significant moves made against heresy by the secular power seem to have come after 1388 and Arundel's rise to a position of greater political influence. Thus, as Richardson observed many years ago, the council only really became involved in the supervision of heresy proceedings after 1388, despite the anti-heretical legislation of 1382.<sup>163</sup> It is therefore possible that Richard II's post-1388 moves against heterodoxy were more the result of the relationship between Arundel and Richard in these years than any change in

---

<sup>159</sup> See above, 15 fn.32 and 53-54.

<sup>160</sup> Foulser, 'Opening Speeches', 19-36.

<sup>161</sup> *RP*, III, 608.

<sup>162</sup> *Annales*, 183. Sturry was, in fact, ordered to appear before Richard at Eltham on 15 August to answer 'certain matters objected to him': Saul, *Richard II*, 302, fn.29.

<sup>163</sup> Richardson, 'Heresy and the Lay Power', 16-17.

his personal religious attitudes. Arundel probably realised that the best way to persuade Richard to make such moves was to demonstrate how the king himself might benefit if he made them or suffer if he did not. At the same time he may have felt it would help to patch up the differences between Richard on the one hand and the Appellants and himself on the other since it would help balance the damage done to the king's ego and image in the years of Appellant rule. The question, of course, is if Arundel managed to persuade Richard to take more action against heresy and the parliamentary protagonists of church reform after 1388, did this include counter-reformatory actions of the sort discussed above? If he was prepared to allow the lay power to intervene more regularly in heresy proceedings, was he also prepared to allow it to intervene in other areas of the Church's affairs? After all, as we have seen, Arundel's counter-reformatory policy may have been part of the Appellant Lords' programme. Once again it will thus be important to look for signs of counter-reformatory legislation being produced after 1388. This should help to clarify Richard's attitude to reform.

#### **Henry IV**

Henry IV, of course, had been one of the Appellants – a fact which may further hint at the possibility that he too was interested in counter-reform. Like his father, John of Gaunt, he seems to have shared in the introspective piety of the age, his will – the first royal testament in the vernacular – bearing some of the characteristics of the so-called 'Lollard' wills, including the same emphasis upon the testator's own unworthiness.<sup>164</sup> His choice of the Carmelites, Hugh Herle and Robert Mascall, as personal confessors also hint at his personal interest in the inner contemplative life, whilst another of his personal confessors – Philip Repingdon – was, as we have seen, seemingly interested in

---

<sup>164</sup> McFarlane, *Lollard Knights*, 218-19.

counter-reform and, according to Usk, was certainly not afraid to share his views with Henry.<sup>165</sup> Meanwhile, if one examines the men in Henry's household whom Arundel accused of being profoundly hostile to the Church then they seem to have had one thing in common: they wished to see the Church reformed and were prepared to impose such reform on the Church by means of parliament. Most notably Sir John Cheyne – who was a member of Henry IV's household – was seemingly forcibly removed from his position as Speaker of the Commons in 1399 because Archbishop Arundel feared he was planning to stir the commons into proposing new statutes against the clergy and, as B.P. Wolffe has noted, there is a strong possibility that the idea of disendowment was aired in this parliament.<sup>166</sup> That Henry IV apparently did not impose such reform on the Church has often been postulated against the notion of Henry as a reformer, but this last incident perhaps also hints at one of the reasons why Henry IV had to act with restraint in this regard: he needed the support of Arundel. As Storey has pointed out, Archbishop Arundel played a crucial role in the usurpation of Henry IV and the ecclesiastical sanction he gave Henry IV was vital in the establishment of his new regime.<sup>167</sup> In normal circumstances it is perhaps questionable whether an Archbishop could have had the Speaker of the Commons removed – especially if he was close to the king – but these were hardly ordinary circumstances. Everything had to be subjected to the needs of the Lancastrian regime and this would include any reformist inclinations on the part of Henry IV. Just like Richard II, it is thus probable that he took a pragmatic approach to reform. Nevertheless, as we have seen Arundel seems to have been interested in the idea

<sup>165</sup> Usk's Chronicle contains a letter reportedly sent by Repingdon to Henry IV. In this Repingdon describes himself as a 'true friend' to Henry and complains about many of the problems that afflicted the land, most notably the oppression of the poor and other social ills such as adultery: issues which the Wycliffite preachers also dealt with as part of their attacks on the record of the Church, and which found their way onto the parliamentary agenda. *Usk*, 137; see social legislation chapter, 174, 181.

<sup>166</sup> Wilkins, *Concilia*, III, 242; *Annales* 391-94; Roskell, 'Sir John Cheyne', 86-88; Aston, "'Caim's Castles'", 54. See above, 31-32.

<sup>167</sup> R.L. Storey, 'Episcopal King-Makers in the Fifteenth Century', *The Church, Politics and Patronage in the Fifteenth Century*, ed. R.B. Dobson (Gloucester, 1984), 83.

of counter-reform and it is therefore possible that Henry sought some sort of working compromise with Arundel on issues that were close to his heart – such as the quality of rectors. It will thus be useful to examine whether Henry IV's usurpation affected legislative activity on such reformist issues or whether Arundel's influence meant that continuity was more the order of the day.

### **Henry V**

Henry V's attitude to religion and reform is perhaps most interesting of all. It is, of course, tempting to follow contemporary propaganda into depicting Henry as the archetypal orthodox King. His reign stood out from his predecessors' in terms of the repressive actions taken against 'Lollardy' with the crushing of Oldcastle's supporters and a marked increase in burnings. It is thus not surprising that historians have suggested that, if Henry had held 'Lollard' sympathies before his accession he soon dropped them.<sup>168</sup>

It has thus also often been postulated that the political message of 'Lollardy' died in the mainstream after 1414 since Henry V's draconian measures were enough to reduce political support for the movement to feeble plots and conspiracies until it was finally crushed in 1431.<sup>169</sup> To some extent this may well be true – Henry V would almost certainly have been a lot less receptive to the idea of the commons openly criticising the Church in his parliaments. He was very adept at managing parliaments and seems to have used parliament to promote an image of himself as an orthodox sovereign monarch.<sup>170</sup> Indeed, there are certainly less rumours concerning the promotion of reformist ideas to parliament during the years after 1414 and so a key aim of this thesis

---

<sup>168</sup> McNiven, *Heresy and Politics*, 221-26; Hudson, *Premature Reformation*, 119.

<sup>169</sup> See, for instance, G. Leff, *Heresy in the Later Middle Ages* (Manchester, 1967), 601-5.

<sup>170</sup> See Foulser, 'Opening Speeches', 47-55 and G.L. Harriss, 'The Management of Parliament', in his *Henry V: The Practice of Kingship* (Oxford, 1985), 145 and above fn. 32.

will be to determine if the commons did begin to take a more cautious approach.<sup>171</sup> Moreover, given the message of support for the Church's fight against ideas such as the parliamentary disendowment of the clergy which the crushing of Oldcastle's rebellion would have given the Church, it will be important to determine if the Church's attitude to compromise and counter-reform within the parliamentary sphere changed in any way.

However, as with Richard II, the notion of Henry V undergoing a change of religious attitudes based upon his outward actions towards 'Lollardy' is perhaps undermined by its reliance on activities that were used for propagandist purposes. Since Henry apparently exploited his victories against the 'Lollards' to boost his image of kingship and, as numerous historians have pointed out, many of the so-called 'Lollards' of his reign were in fact seditious rebels rather than actual heretics, it is again important to look beyond the propaganda and the concept of Henry as 'heterodox' or 'orthodox' and look more closely at what Henry V's attitudes to religion, reform and counter-reform might have been.<sup>172</sup>

Indeed, while Henry V may well have taken a more repressive line against reformers than his predecessors, he rather conversely appears to have promoted Church reform in his reign more actively than either Richard II or Henry IV. Instead of killing off reform he seems to have worked hard with a close circle of bishops in order to transform the direction of reformist fervour from dangerously disunifying attacks on the Church into positive reform within the Church. In this he developed many of the counter-reformatory trends which the clergy had apparently been promoting in his predecessors' reigns. Jeremy Catto has thus demonstrated the important role Henry played in promoting various forms of public worship which were designed to appeal to

---

<sup>171</sup> See above, 23-27.

<sup>172</sup> On Henry V's use of 'Lollardy' as propaganda and the stigmatisation of rebels as 'Lollards' see in particular Strohm, *England's Empty Throne*, 32-127 and Horner, 'Benedictine Support', 190-220.

the more introspective piety of the age and hence diminish the appeal of Wycliffism. Whilst the likes of Archbishop Chichele were thus working on liturgical developments Henry himself planned to spend unprecedented sums in this direction. Most striking were his religious foundations which were the clearest expression of this 'vital relation between public worship and private devotions'. As Catto relates:

There was nothing random about these foundations; they were planned as a group, and they were to be palace monasteries, almost an Escorial, encapsulating the restored palace at Sheen. In the event the third project, the Celestine house, was abandoned, and the palace itself was demoted in importance after 1422, leaving only the Charterhouse at Sheen and the house of Brigittine nuns with their accompanying community of priests over the river at Syon. In conception however it was by far the most ambitious monastic foundation attempted by an English King, and one designed to place the monarchy at the spiritual centre of English life.<sup>173</sup>

Of course, this too is evidently propaganda but it is propaganda which appears to betray Henry V's personal tastes for a reformed unified Church under himself as King. Henry's obsession with his own sovereignty resembled Richard's with the key difference that Henry apparently knew how to take charge and provide substance to his dreams. He also seems to have more fully understood the need to unify the realm and whilst Richard and Henry IV for that matter may thus have exploited the Church's weaknesses on an *ad hoc* basis to further their own aims, Henry V probably realised he needed to strengthen the Church in order to truly benefit. He thus made it clear, once and for all, that he would not allow attacks on the Church and instead presided over the internal reform of the Church. It is for this reason that historians have identified Henry V as the King who

---

<sup>173</sup> Catto, 'Religious Change', 110.

ironically fulfilled the trends that 'Lollardy' had set in motion. As Catto has observed 'In all but name, more than a century before the title could be used, Henry V had begun to act as the supreme governor of the Church of England'.<sup>174</sup> The Church had begun to relinquish control in Richard's reign with the anti-heretical legislation which gave the lay authority the power to supervise the examination of heretics.<sup>175</sup> Now a monarch was apparently supervising internal Church reform. The question of course is whether this pattern is reflected in the legislation. Did reformist parliamentary legislation end up being supplanted by monarchically implemented reform? It is now time to turn to that legislation.

### ***The Legislation***

In order to do justice to the complex ideas and issues at stake in the various areas of legislation, the thesis will be divided thematically chapter by chapter. The first two chapters deal with legislation on provisors and social issues since these cover the longest time periods, address central issues, and will introduce material and ideas that are relevant to the other areas of legislation. Given the importance of chronological shifts in the use of ideas, these chapters will be sub-divided chronologically into four phases in order to determine if any of the potential patterns discussed above can be seen in the legislation. Firstly, pre-Blackfriars (1382) and the hereticization and stigmatisation of 'Lollardy'; secondly post-Blackfriars up to the new drive against heresy taken after the political rapprochement between the Appellants and Richard II from 1388 onwards; thirdly post-1388 up to the supposed crushing of political 'Lollardy' in 1414; and fourthly post-Oldcastle. The thesis will then move on to look at three chapters which

---

<sup>174</sup> Catto, 'Religious Change', 115.

<sup>175</sup> See Richardson, 'Heresy and the Lay Power', 1-25.



deal with areas of legislation that concern the misuse of alms and tithes: appropriation, non-residence and pluralism and hospitals. Again these will be looked at in chronological phases as applicable. It will then finally look at the legislation concerning fraternal recruitment practices. Extensive use will be made of cross-referencing in order to help point out parallel developments in the legislation: developments which will then be summed up in the conclusion. The thesis has also nominally been divided into four sections in order to help point to the general direction of the legislation. Chronological lists of the most extensive areas of legislative activity can be found in the appendices.

*Section One:*

*The Debate over the*

*Parliamentary Reform of the Church,*

*1388,*

*and the Establishment of*

*Counter-Reformatory Principles*

**Chapter 1:*****Reformist Ideology and Papal Provisions******Introduction***

The current understanding of the influence reformist ideas had on the development of legislation against papal provisions is seemingly in need of supplementation. Little has been written on the nature of the ideas that are contained within key pieces of evidence such as the petitions and statutes themselves, since there has been a historiographical tendency to dismiss or at least downplay the significance of such ideas in comparison to the influence played by financial factors. Thus Richard Davies sums up the opinions of many when saying 'it is quite evident, when the context of the complaints is examined, that it was always the financial aspect, no other, that was the nub of the laity's grievance'.<sup>1</sup> As a result most studies have tended to focus on the financial context of the legislation. Whilst accepting that finances were crucial, it is the contention of this chapter that this historiographical trend has perhaps gone too far. The commons were surely influenced by the financial problems of the times, but few would deny that other 'crises' within the Church and society might also have played some part. It is surely not immaterial to examine what people thought about papal provisions and how their arguments were formed. A closer examination of the ideology and *ideological context* may thus help to add more detail to the picture of what motivated and inspired the various parties who were behind the legislation. This chapter aims to shed some

---

<sup>1</sup> R. Davies, 'The Anglo-Papal Concordat of Bruges, 1375: A Reconsideration', *Archivum Historiae Pontificae*, 19 (1981), 99.

light in this direction with specific reference to the role that the debate engendered over 'Lollardy' may have played in influencing and informing that over provisors.

## ***A) Historiography***

### ***1) Historians and Provisors***

Before going on to do so it is worth exploring the historiography in a little more detail to understand the prevalent approach. Undoubtedly, one of the most influential works of the last century on this subject was Barraclough's Papal Provisions.<sup>2</sup> Barraclough's major thrust was that previous historians had been too dependent on the writings of the critics of the Church, and too preoccupied with the notion that the Reformation was destined to happen. In order to rectify this Barraclough set himself to trawl through the administrative records of the papacy to shed light on the other side of the story. In so doing he set the trend for twentieth century studies of papal provisions, with far more research clearly now being put into administrative records in the hunt for statistical evidence – supposed hard facts - rather than opinion. Thus the history of English provisions was to benefit from Lunt's study into the financial relations of England with the papacy.<sup>3</sup> This study gave a statistical framework against which one could check the accusations of the Church's accusers. Similarly, W.A. Pantin wrote an overview of the system of papal provisions in the fourteenth century with the same ideas in mind. Talking about the grievances found in works of contemporary criticism such as

---

<sup>2</sup> G. Barraclough, Papal Provisions: Aspects of Church History, Constitutional, Legal and Administrative in the Later Middle Ages (Oxford, 1935): see in particular pages 19-23 for his historiography of papal provisions and his concern that the reformatory intentions of the commons expressed in acts of parliament needed to be checked by other evidence.

<sup>3</sup> W. Lunt, Financial Relations of the Papacy with England (2 vols., Cambridge, Mass., 1939, 1962). The first volume covered the period up to 1327 and was first published only four years after Barraclough's work.

the preamble to the Statute of Provisors (1351), Pantin wrote 'Historians have sometimes taken these complaints at their face value. What we really need, however, are facts and statistics, to test the effects of papal provisions.'<sup>4</sup> Pantin's work was based on the Birkbeck lectures given at Cambridge in the spring and summer of 1948 (thus written before the second volume of Lunt's work covering the majority of the fourteenth century), and so the despair he felt at the lack of research that had been done into materials such as the bishop's registers is all the more understandable. He thus clearly made some efforts to conduct original research on the matter. However, despite realising that his own research required a lot of supplementing he did come to some rather firm conclusions about the motivation behind Provisors and Praemunire: 'The legislation of Provisors and Praemunire in effect aimed at defending the rights of the Crown and the laity against ecclesiastical encroachments, but it cannot be considered as being genuinely a defence of the rights and liberties of the English Church, for it was the Crown which was likely to benefit'.<sup>5</sup> This sums up the sort of approach that thus became the norm in twentieth-century studies of provisions: because the statistics suggested that it was the king who was benefiting and that the abuses created by papal provisions had been greatly exaggerated, the desire for reform seen in parliamentary petitions, chronicles, letters and other such documents began to be rather discountenanced. In a rather inverse way to the recent historiography of 'Lollardy' works of contemporary criticism came to be less studied than the official records. The result is that even those historians who have seen the importance of reformist ideas behind pieces of legislation dealing with papal provisions have tended to be rather imprecise about exactly what sort of reformist ideas they are talking about and

---

<sup>4</sup> W.A. Pantin, *The English Church in the Fourteenth Century* (London, 1955), 53.

<sup>5</sup> Pantin, *English Church*, 96.

negatively loaded terms such as 'anticlerical', 'antipapal', and 'Lollard' abound without any real definition. Thus one finds precise pieces of legislation such as the 1390 Statute of Provisors and 'its savage penalties' as being 'surely informed' by 'lollard antipapalism'.<sup>6</sup> There has been little attempt to describe the actual nature of the 'antipapalism' seen behind the numerous pieces of legislation that span over a century from the Statute of Carlisle in 1307.

## ***2) Chronicles and Papal Provisions before the onset of 'Lollardy'***

This historiographical disposition has been compounded by the nature of the narrative sources, especially in the period covered by 'Lollardy'. For a start, criticism of papal provisions in Richard II's and his successors' reigns in the chronicles is thin on the ground in comparison to those of his predecessors. Indeed, such criticism seems to be rather abundant in the first half of the century. Thus, for instance, Adam of Murimuth (writing in 1345) made the provisions or elections to bishoprics one of the central themes of his chronicle.<sup>7</sup> He complained that the papacy and aliens were probably receiving more of the wealth of England than the king, that the king's enemies were profiting from this money, and that the prelates were too afraid to complain since they owed their promotions to the papacy.<sup>8</sup> The author of the *Vita Edwardi Secundi* also devoted lengthy passages to discussing the ill effects of papal provisions. He similarly claimed that the papacy was receiving more taxation from and authority over the clergy than the lay power did from and over the laity, and pointed to the case of the vacancy in

---

<sup>6</sup> P. Heath, *Church and Realm: 1272-1461* (London, 1988), 215.

<sup>7</sup> Pantin, *English Church*, 71.

<sup>8</sup> Adam Murimuth, *Continuatio Chronicarum*, ed. E.M. Thompson (London, 1889), 173-76. This seems to foreshadow the later behaviour of the archbishops in 1390. See below, 112-13.

the see of Lincoln in 1320 to show that the papacy was overriding the judgment of local canons to appoint incompetent and illiterate men in place of worthy candidates at the behest of powerful men.<sup>9</sup> Later chroniclers were also not entirely averse to including criticisms of papal provisions made in Edward III's reign. Thus Knighton was prepared to discuss the impositions of the pope in 1343, which he claimed, were 'to the great prejudice and oppression of the whole realm' and in 1345 which he claimed amounted to 'an astonishing sum of money'.<sup>10</sup> Similarly the author of the *Anonimale Chronicle* could present the embassy sent to negotiate on provisors in 1373 as an act motivated purely by the king's desire to safeguard the interests of English lay and ecclesiastical patrons.<sup>11</sup>

### 3) *Chronicles and Papal Provisions post 1377: The Spectre of 'Lollardy'*

However it is important to note that the chronicles seem to either stop passing comment on the rights or wrongs of papal provisions in Richard II's and his successors' reigns or become critical of the legislation against them. Thus the Westminster Chronicler, who took enough interest in the 1390 Statute of Provisors to include its lengthy passages in full in his work, described it as 'the detestable statute against provisors'.<sup>12</sup> Meanwhile Walsingham, whilst discussing the statute itself quite dispassionately, later summed up the year as an 'odious' one to the Roman curia and English provisors.<sup>13</sup> Similarly, under his account of the year 1404 Usk criticised the provisors legislation, implying that it was based on a desire for money:

<sup>9</sup> *Vita-Edwardi Secundi: Monachi Cuiusdam Malmesberiensis*, ed. and trans. N. Denholm-Young (London, 1957), 45-8, 103-7.

<sup>10</sup> *Knighon*, 47, 53. Knighton was writing this part of the chronicle in 1386 or soon after according to Geoffrey Martin (*Knighon*, xxv).

<sup>11</sup> *Anonimale*, 75. This part of the chronicle was probably written between 1396-99.

<sup>12</sup> *Westminster Chronicle*, 412: 'statutum odiosum contra provisores'.

<sup>13</sup> *The St Albans Chronicle*, 899, 903.

There occurred at this time a vacancy in the church at Hereford, to which the pope provided me, the compiler of this present work; however, this appointment was opposed out of envy by the English, who wrote letters to the king and poisoned his mind against me, so that, far from being promoted, I was humiliated, and spent the next four years undergoing dreadful hardships, condemned to suffer like an exile by land and sea, stripped of all my benefices and goods, reduced to the depths of poverty, and forced like Joseph to live amongst strangers whose languages I did not know – although I was at least paid for my counsel. Meanwhile in England several parliaments were held, in which even stricter decrees against papal provisions were passed, and even harsher taxes than usual were imposed on the clergy and the people; and no wonder, for they were hard pressed to hold their own in the wars against France, Scotland, Ireland, Wales and Flanders, and were, as a result of the war, deprived of sixty thousand pounds of revenue which they used to receive from Wales<sup>14</sup>

From such writings, one can see how historians may have been tempted to downplay the importance and validity of reformist feeling in the later provisors legislation. However, they need to be read in context. For a start, both the *Westminster Chronicler* and Adam Usk had personal reasons to support papal provisors. The abbot of Westminster had been involved in a longstanding dispute with the clergy of St. Stephen's chapel in which he had sought papal help to strip them of their benefices.<sup>15</sup> Usk, of course, was an absentee pluralist whose hopes of papal provision to a bishopric had been dashed by the English monarch's intervention.<sup>16</sup> Indeed, it is important to note that modern day historians were not the first to question the motivations of those who wished to reform

---

<sup>14</sup> Usk, 177.

<sup>15</sup> *Westminster Chronicle*, 38 fn., 378-82, 380 fn.

<sup>16</sup> The way Usk goes about suggesting the motivations behind the provisors legislation is rather telling. He makes no attempt to tackle the reformist claims of the legislation directly. Doing so might have highlighted his own absentee pluralist ways. He thus chooses simply to infer that the financial plight of the nation had a lot to do with it.



the system of papal provisions. Contemporaries also claimed that such actions were based purely on financial considerations. Thus Roger Dymmok claimed that the 'Lollards' desire for reform sprang from a desire to share the spoils.<sup>17</sup> However, such accusations should not necessarily be taken at face value. Dymmok was, in fact, responding to Wycliffite sermons and tracts which claimed that the whole system of papal provisions was financially motivated and that the papal curia was rife with simony: tracts that he evidently feared were influencing parliament. These arguments thus sprang from partisan debate and it is therefore important not to believe either side of the propaganda too readily. After all few, if any, would now accept the picture of a decadent papacy consumed with expanding its authority and filling its coffers in the lead up to the inevitable Reformation. Why then should we allow the equally one-dimensional picture of a greedy and truculent commons who always put finances before religious concerns to permeate our writings, especially when such a picture conflicts so strongly with our understanding of the religious sensibilities and charitable concerns of the age?<sup>18</sup>

Moreover, the sudden change in attitude to provisors shown by chroniclers in general also requires explanation. Why did Knighton not discuss the papal exactions of Richard's reign at all when they were clearly so topical? Why did the clamour against papal exactions wither away in the chronicles so quickly? The best answer to this may well be that suggested by Pantin who notes that chroniclers tended to be 'particularly outspoken critics [of papal provisions] in the days before the Lollard menace tended to close the ranks of the clergy'.<sup>19</sup> The likes of Knighton may well have felt that a

---

<sup>17</sup> Roger Dymmok, 39.

<sup>18</sup> See introductory section, 27-36.

<sup>19</sup> Pantin, *English Church*, 71. One must also remember that some chroniclers were writing after the stricter implementation of the Statute of Provisors and this may well have affected their opinions. However, the general change in opinions does seem to occur before this stricter implementation, and

criticism of the contemporary Church hierarchy side by side with a criticism of 'Lollardy might well detract from the latter.<sup>20</sup> His actual opinions on the papacy are unlikely to have changed during the course of his writing the chronicle.<sup>21</sup> The Church hierarchy itself certainly recognised the need for its members to stop criticising one another now that all those within that hierarchy faced a collective threat from lay reformers. Indeed, this was enshrined in Arundel's Constitutions which ordered preachers to adapt the content of their sermons according to their audience: the vices of the clergy should only be dealt with in sermons to the clergy.<sup>22</sup> Thus, far from reformist ideas becoming less significant to the provisors' debate, they actually became more so. They were now seen as being so pervasive and influential that many of those within the Church decided they were too dangerous to utter.<sup>23</sup>

#### **4) *The Parliamentary Rolls and the Spectre of 'Lollardy'***

As discussed in the introductory section, this fear of the 'Lollard' phenomenon also helps to explain the difficulties posed in attempting to determine the exact nature of the reformist ideology that lay behind the petitions and statutes.<sup>24</sup> The enrollers of the parliamentary rolls and statute rolls were likely to have been rather scrupulous in editing

---

following the condemnation of Wyclif's ideas on papal dominion at Blackfriars. On the more rigorous implementation, see below, 106ff.

<sup>20</sup> An alternative possibility is that control of the narrative following 1389 passed out of Knighton's hands and that the decision to omit reference to the Statute of Provisors was taken by someone else (see *Knighton*, lix). However, this still would not explain Knighton's seeming indifference for the rest of Richard's reign.

<sup>21</sup> Since the whole chronicle was written up in Richard's reign: see *Knighton*, xxviii.

<sup>22</sup> B. Kedar, 'Canon Law and Local Practice: The Case of Mendicant Preaching in Late Medieval England', *Bulletin of Medieval Canon Law*, New Series 2 (1972), 29. The ironic result of such constitutions combined with the lay legislation on preaching was that the content of sermons was made more subject to both ecclesiastical and lay supervision than ever before. The Wycliffites seem to have recognised the fact that the Church hierarchy was closing its ranks. See, for instance, *Works of a Lollard Preacher*, Egerton/713ff.

<sup>23</sup> This adds to the significance played by Wyclif's followers in promoting reformist ideas. If the majority of those within the English Church had now decided to refrain from promoting reformist ideas these preachers were left as one of the main sources for their dissemination from the pulpit.

<sup>24</sup> See introductory section, 22-27.

out any hint of heretical influence or even reformist influence that could be mistaken for heresy. However, the fact that the Church was now closing its ranks should make the presence of any sort of reformist influence all the more remarkable. In an atmosphere where reformist ideas could easily be taken as a sign of heresy or sympathy with heresy, it would seem those ideas were strongly held.<sup>25</sup> In this sort of environment one might expect that if the parties involved in petitioning and implementing the provisors legislation were driven mainly by financial considerations then they would stick to financial arguments and drop the potentially more controversial reformist arguments. What actually occurred?

## ***B) The Legislation***

### ***1) Pre-Blackfriars and the hereticization of 'Lollardy'***

In order to form a point of contrast it is best to start off by examining what the situation was like before 'Lollardy'. The debate over papal authority was certainly not new to parliament, and can be seen as early as the 1307 parliament of Carlisle. The topic of papal provisions itself became an increasingly hot topic in the 1340's with a statute on provisors finally emerging in 1351, and tightened up in 1352.<sup>26</sup> However, between 1353 and 1372 there was actually very little discussion of papal provisions

---

<sup>25</sup> Contemporary descriptions of 'Lollards' often include traits that were not necessarily seen as heretical before this period. For instance, Usk notes that the Lollards preached 'in favour of things that were pleasing to the rich and powerful, such as the withholding of tithes and oblations, the confiscation of temporalities from the clergy, and the immorality of the young': *Usk*, 7. Indeed, it is clear that attempts were being made to stigmatise ideas that pre-dated Wyclif as 'Lollard'. Thus William Woodford identified FitzRalph as the 'wellspring of Lollardy' and suggested that his works should be proscribed. See J. Catto, 'Wyclif and Wycliffism at Oxford 1356-1430' *The History of the University of Oxford*, II, ed. J.I. Catto and T.A.R. Evans (Oxford, 1992), 230.

<sup>26</sup> *RP*, II, 228; *SR*, I, 316-88. *RP*, II, 243; *SR*, I, 323-24.

recorded in the parliamentary rolls, the parliament of 1365 in which the Statutes of Provisors and Praemunire were re-enacted being the notable exception.<sup>27</sup> In the parliament of November 1372 the commons re-opened the parliamentary discussions on the subject in a short petition that appealed to the basic financial argument that money was being sent out of the realm. It thus asked for exports to beneficed non-resident aliens to be blocked and the money put towards the war effort in the same way as had been done with alien abbots and priors.<sup>28</sup> The king responded that he had forbidden it and could forbid it at his will. In the following year the commons then presented a petition complaining about the reservations and expectations made by the pope.<sup>29</sup> This again primarily appealed to financial arguments, which supports the claims of historians that finances were at the heart of the commons' complaints in the early 1370's at least. However, it must be noted that the petition does also demonstrate a concern that works of charity ordained by the founders were not being fulfilled. One might dismiss this as mere rhetoric used to disguise the commons' financial motives. However, this would be a mistake since the petition does not make any real attempt to disguise such motives but instead overtly appeals to the common financial interests of the realm (as did Wyclif).

<sup>27</sup> *RP*, II, 283-85; *SR*, I, 385-87. On the immediate circumstances which led to the 1365 Statute of Praemunire, see C. Given-Wilson, 'The Bishop of Chichester and the Second Statute of Praemunire, 1365', *HR*, 63 (1990), 128-42 and Heath, *Church and Realm*, 133-34. As Given-Wilson (page 139) points out 'the statute of 1365 is usually seen as one of that series of 'anti-papal' statutes passed in fourteenth-century English parliaments, and in some senses it obviously was. Yet it is worth noting that [not] throughout the entire proceedings of the parliament ... was there a single word of criticism directed at the pope in person'. There was also some discussion on other issues concerning papal dominion in the mid-1360's, most notably on Peter's Pence in the parliament of 1366 (*RP*, II, 298-99; *Eulogium*, III, 239). On this, see Lunt, *Financial Relations*, 66-73. However, once again there was very little in the way of attacks on the papacy, with the blame being put on King John for first agreeing to Peter's Pence without the assent of the realm. Moreover, there was no sustained discussion of papal provisions in parliament during this period. On England and the papacy in the 1360's in general, see J.J.N. Palmer and A.P. Wells, 'Ecclesiastical Reform and the Politics of the Hundred Years War during the Pontificate of Urban V, 1362-70', *War, Literature and Politics in the Late Middle Ages* (Liverpool, 1976), 169-89 and J.J.N. Palmer, 'England, France, the Papacy, and the Flemish Succession, 1361-9', *JMH*, II (1976), 339-64. Interestingly, Palmer ('Ecclesiastical Reform', 175) argues that there may have been some discussion of papal reservations in the parliament of 1363 as a result of which the papacy was warned of the threat of disendowment.

<sup>28</sup> *RP*, II, 312.

<sup>29</sup> *RP*, II, 320.

Moreover, as this thesis will demonstrate, there is plenty of evidence to suggest that the commons took the rights of lay patrons and the issue of charity rather seriously.<sup>30</sup> The financial concern of these petitions may, in part, be connected to the fact that in March 1372 Gregory XI, the new pope, sought a subsidy from the English clergy, although there is no mention of it in the petitions.<sup>31</sup> Edward III successfully blocked the subsidy by seizing papal bulls on the subject and in the following year sent envoys to Avignon to discuss this and the abuses of papal provisions and expectancies. A draft agreement was reached with subsequent negotiations taking place at Bruges between 1374 and 1375.<sup>32</sup> At this point the government seems to have felt comfortable enough with Wyclif's ideas to employ him as their official theologian in the Bruges negotiations. Indeed, he was the only theologian sent in the embassy to Bruges in 1374. However, he was not included in the 1375 embassy and it may be that the government temporarily found him too unaccommodating to deal with negotiations between the monarchy and pope given the more conciliatory attitude which Holmes argues the English took in this embassy.<sup>33</sup> Nevertheless, Hanrahan's suggestion that Wyclif's presence was no longer required at the final drafting of the agreement because there was no longer any need for a theologian may be equally valid. Indeed, Wyclif was not replaced by any other Doctor of

---

<sup>30</sup> See, for instance, appropriation chapter, 202-6.

<sup>31</sup> Moreover, according to Davies, the parliament of November 1373 'was the first parliament to meet since Gregory XI had called for the clerical subsidy' which would mean that the petition of November 1372 could not have been, in any sense, a reaction to the subsidy. However, since the pope made his initial demand for the subsidy on 10 March 1372 Davies' claim may be unfounded. Perhaps Davies meant that the parliament of November 1373 was the first to meet following the pope's attempts to push forward his claims for the subsidy in 1373: see Davies, 'Anglo-Papal Concordat', 98, 112.

<sup>32</sup> Lunt, *Financial Relations*, 352-53; Davies, 'Anglo-Papal Concordat', 97-100. For the text of the negotiations, see 'The Anglo-French Negotiations at Bruges, 1374-77', ed. E. Perroy, *Camden Miscellany*, XIX (London, 1952).

<sup>33</sup> G. Holmes, *The Good Parliament* (Oxford, 1975), 33-56. For an alternate view see Davies, 'Anglo-Papal Concordat', especially 134-35.

Theology.<sup>34</sup> Whatever the case, this was seemingly not the last time that the government had recourse to Wyclif's abilities.

Moreover, in the years immediately preceding the condemnation of Wyclif's ideas, the government and parliament certainly did not shy away from openly using reformist ideas to support their case. For a start, in the most openly aggressive parliament of the period in terms of attacks made against the papacy itself<sup>35</sup> - that of 1376 (the first parliament to meet since 1373) - the commons complained that the pope was breaking the terms of what they called the 'treaty': the concordat recently made in 1375.<sup>36</sup> The pope was giving too many benefices to aliens. The Court of Rome 'which should be the fountain, root and source of holiness and destroyer of covetousness, of simony and of other sins' was subtly and gradually destroying the ideal Church founded in England by the progenitors of the king and nobles, by the 'conspiracy of the wicked'. The pope now received 'five times the tax of all the profits which pertain to the king each year in his realm'. In the past benefices were given by 'true election' to 'men more worthy of the clergy, of as clean life and of as holy conversation as could be found, who would reside in their benefices, preach, visit and confess their parishioners and spend the goods of Holy Church for the honour of God, in such works of charity as is said above, and according to the devotion and intent of the donors'. Now, however, 'there are many who have purchased a Benefice from the Court of Rome, and paid the tax, and to the brokers of benefices residing in the sinful city of Avignon, for them they put their

<sup>34</sup> T.J. Hanrahan, 'John Wyclif's Political Activity', *Medieval Studies*, 20 (1958), 155.

<sup>35</sup> The period covered by the thesis: c.1376-1422. The fact that this was the most openly aggressive parliament of this period, despite the fact that more stringent legislation concerning the papacy was issued later on, further suggests that a more cautious approach to the open use of reformist ideas was taken following the hereticization and stigmatisation of 'Lollardy'.

<sup>36</sup> *RP*, II, 336 (c.90). This comment seems to run in the face of Holmes' argument (*Good Parliament*, 33) that the 1376 commons were reacting against the financial and diplomatic settlements made in the 1375 treaty. Here, the commons seem to respect that treaty but feel that the pope is breaking it. Meanwhile, the clergy later asked the king to enforce the treaty (see, fn.93). Lunt (*Financial Relations*, 355) believes that the 'English' felt that the Pope was breaking the terms of the 1375 concordat but Davies ('Anglo-Papal Concordat', 137 fn.101) argues that there is no substantial evidence for this.

Benefices to farm' with the result that 'by way of simony and of brokerage a wretched man, that no one knows, and no one wants, is advanced to churches and prebends of the value of 1000 marks; whilst a Doctor of Degree and a Master of Divinity are happy to have a benefice of 20 marks.<sup>37</sup> And thus clerks lose hope to be advanced by their clergy and talent to learn. And for the same reason, men stop sending their children to school, and in this way the Clergy, the substance of Holy Church and of our holy faith, go into decline and destruction.'<sup>38</sup> All this represents a significant revival of reformist ideas concerning the papacy and papal provisions in parliament. Where had these ideas come from?

### **Tradition or Novelty? Papal Provisions and the Universities I**

Many of them were undoubtedly traditional. Ever since the days of the 1307 statute of Carlisle a parliamentary tradition had been developing whereby the picture of an ideal early Church in England founded by the progenitors of the king and the lords was being gradually undone by papal provisors. However, this tradition had not been fully expressed in parliament since the 1340's.<sup>39</sup> Who was leading the revival? A strong clue can be found towards the end of the quote from the petition above: 'men stop sending their children to school'. For an infamously 'anticlerical' parliament, the level of concern for clerics at university stands out. The nature of the 'anticlericalism' in this parliament seemingly needs sharper definition. The clerics being attacked in this parliament were the non-resident and incapable. The virtues of learned clerics were actually being extolled. According to this petition papal provisions were promoting the

---

<sup>37</sup> For the relevance of the petition's use of figure, see below, 83-88.

<sup>38</sup> *RP*, II, 337.

<sup>39</sup> Most notably in the parliaments of 1343 (when the petition behind the Statute of Carlisle was rehearsed) and 1346 when the effects on universities were also noted (*RP*, II, 144-45, 162). Meanwhile this tradition was also not expressed in the chroniclers' accounts of this period: see above, 70.

former and hurting the latter.<sup>40</sup> What was behind such a stand? Who exactly would have been persuaded by such arguments and who would have come up with them? After all, many modern accounts would have it that papal provisions were good for students and that graduates themselves felt they were more likely to be advanced to benefices by the pope. Why would anybody argue the opposite? Perhaps the best answer lies in a reappraisal of our own assumptions. The evidence upon which such assumptions are based is perhaps rather fragile. For a start, examples of graduates defending the virtues of papal provisions seem to occur only after such provisions had virtually ceased.<sup>41</sup> Up to this point criticism was more the norm. Moreover, the statistics on church promotions compiled by Guy Lytle and Barrie Dobson seem to suggest that there had been a decline in the percentage of English graduates appointed to benefices during the first half of the fourteenth century which was only reversed some time after 1400 – after papal provisions had effectively dried up. As Dobson notes, ‘In view of the fact that the proportion of ... [cathedral benefices at the disposal of English university graduates] only rose again after the previous spate of papal provisions had been reduced (by the 1400’s) to a trickle, it seems hard to accept the recently popular defence of papal provisions as a

---

<sup>40</sup> The potential decline of the University of Oxford in the years following the arrival of the Black Death has been the subject of much debate. See, for instance, R.N. Swanson, ‘Universities, Graduates and Benefices in Later Mediaeval England’, *P&P*, 106 (1985), 28-61; R.N. Swanson, ‘Learnings and Livings: University Study and Clerical Careers in Late Medieval England’, *History of Universities*, 6, (1986-7), 81-103; T.A.R. Evans ‘The Number, Origins and Careers of Scholars’, *The History of the University of Oxford*, II, ed. J. Catto (Oxford, 1992), 485-538.

<sup>41</sup> These defences tend to increase as the provisors legislation becomes more strictly enforced. It is hardly surprising that some people (especially those who may have felt they had been personally affected such as Adam Usk) would bemoan the passing of such a huge system in the teething years of a new system, or indeed, before a new system had been implemented or even properly devised (for more on this new system, see below, 122-24, 135 fn.217). After all between 1301 and 1348 some 48 per cent of graduates received at least one papal presentation whilst 26 per cent received their first known presentation by this means. These figures decreased slightly in the second half of the century and then almost completely fell away by the beginning of the fifteenth century (for more on this see G.F. Lytle, ‘Patronage Patterns and Oxford Colleges, c.1300-c.1530’, *The University in Society*, I, ed. L. Stone (London, 1975), 128). A lot more emphasis seems to have been placed on research into statistics rather than the attitudes of the graduates themselves, or for that matter on the attitudes of others to graduates. This is an area where more research might reap dividends.



major instrument of securing satisfactory promotion for the university scholar'.<sup>42</sup> The pope was thus seemingly less likely to promote English graduates than lay patrons. Dobson is most likely correct in his assertion that a key reason for this must have been the pope's tendency to appoint aliens to English benefices. We thus need not necessarily dismiss the sentiment in the 1376 parliament as being non genuine. It must surely have held a ring of truth to contemporaries: hence its use.

### Wyclif's Contribution?

Curiously, however, the argument itself was in some ways rather novel to parliamentary legislation. The commons had long complained about how papal provisions and alien benefices had led to an inadequate clergy. Once, in 1346, they had even argued that the growth in alien priories had resulted in young scholars leaving their studies 'day by day'.<sup>43</sup> However, the 1376 petition was the first time that the pope had been directly blamed for the crisis facing the universities. Who was behind this novel adaptation of an old argument? The most obvious contemporary who we know was making similar claims during the same time frame was John Wyclif. At some point in early 1376 he was deprived by the pope of the canonry and prebend of Lincoln, which he had been granted by the pope in 1371, and probably received in late 1375 after the death of its previous incumbent.<sup>44</sup> Wyclif felt all the more hard done by because the pope still insisted on charging him £45 first fruits. Indeed, he complained about the situation in Book III of his *De Civili Dominio* (parts of which were also probably written in this year) where he was keen to describe the man the pope gave his prebend to as *uni*

<sup>42</sup> B. Dobson, 'Oxford Graduates and the so-called patronage crisis of the later Middle Ages', *The Church in a Changing Society* (Uppsala, 1978), 214.

<sup>43</sup> *RP*, II, 162 (c.30).

<sup>44</sup> Most likely after 14 January 1376 and most certainly before 6 March 1378. See Holmes, *Good Parliament*, 176.

*iuveni transmarino* and an *alienegene ydiote* who was incapable of doing any service.<sup>45</sup> All this is reminiscent of the contrasts made in the 1376 petition. One may well suspect Wyclif's hand in this novel twist to an old argument.<sup>46</sup>

Indeed, Wyclif was doing all he could to reinvigorate the debate over papal authority at this time. In doing so he did not simply point to an obvious tradition but rather painstakingly drew one out from a variety of sources: the deeds of the English kings, the early English Church, and the role-models provided by some later English bishops like Grosseteste and Pecham and, most importantly, English legal statutes and precedents.<sup>47</sup> Moreover, he then developed this tradition and added his own spin to it. Thus, significantly, in Book II of his *De Civili Dominio* (c.1376-7) Wyclif bemoaned the fact that the clergy had been allowed to appropriate more than one third of the realm, without paying heed to how this may be against Christ's laws, or how necessary this property was to defend the realm against its enemies.<sup>48</sup> As Tatnall notes, this demonstrates 'two aspects of Wyclif's argument in favour of lay control of the temporal property of the Church Militant. He dignified the English secular law and historical example in connexion with the problem by giving it a theological foundation in "the law of Christ"'.<sup>49</sup> The figure given (one third of the realm) is the same as that given in

<sup>45</sup> *De Civili Dominio*, III, 134. For a discussion of the dating of the three books of *De Civili Dominio*, see J.I. Catto, 'Wyclif and Wycliffism at Oxford 1356-1430', *The History of the University of Oxford*, II, ed. J.I. Catto and T.A.R. Evans (Oxford, 1992), 202-7.

<sup>46</sup> Wyclif's views on graduates reflect, on the one hand, his respect for learning, and on the other his use of 'antifraternal' stereotypes. Thus in his later clashes with the friars he adopted the old 'antifraternal' tradition of criticising false learning. However, he was careful to make the distinction between this and true learning. See, for instance, *Opera Minora*, 323-24, 439. He also seems to have held the universities of Oxford and Cambridge in high esteem though he was unhappy about what had happened to them: *Opera Minora*, 325, 441.

<sup>47</sup> Thus, for instance, he infamously quoted from the second Statute of Westminster: *De Civili Dominio*, II, 39; *SR*, I, 92.

<sup>48</sup> *De Civili Dominio*, II, 6.

<sup>49</sup> E.C. Tatnall, 'John Wyclif and Ecclesia Anglicana', *JEH*, XX (1969), 25.

petitions of 1376 and 1380 and again it would perhaps be no surprise if there was some connection to Wyclif's arguments.<sup>50</sup>

### The Threat of Calculated Disendowment?

Indeed, one of the differences between the earlier petitions and these petitions seems to be a greater emphasis on calculating the figures that papal provisions cost the realm. Before the late 1370's the financial arguments concerning papal provisions in the parliamentary rolls tended to be rather non-specific in terms of the actual sums at stake. Thus, for instance, a petition concerning papal reservations in the parliament of January 1352 stipulated that the sums going to the Court of Rome amounted 'annually to more than the king carries from his realm'.<sup>51</sup> In doing so it was reflecting the sort of arguments that were circulating in contemporary works such as the chronicle of Adam Murimuth.<sup>52</sup> However, similar arguments in the petitions of the 1370's were rather more specific in terms of the sums involved. Thus the commons of 1376 also make the assertion that the pope takes to him the collations of benefices 'which amounts to more than five times the tax of all the profits which pertain to the king each year in his realm' and complained that no king in all of Christendom had even one quarter as much treasure as left the realm of England for the benefices of Holy Church: which seem to be new twists on the old accusation that the pope receives more than the emperor.<sup>53</sup> Admittedly, there had been the odd petition before the 1370's which referred to the specific value of the benefices of individual alien cardinals and abbots.<sup>54</sup> However, it

<sup>50</sup> *RP*, II, 377; *RP*, III, 89-90. In the 1380 petition the commons claim that since the clergy occupied one third of the land they should contribute one third of the war tax.

<sup>51</sup> *RP*, II, 228: 'Et si amount ele annuelment plus q(ue) le Roi emport de son Roialme.'

<sup>52</sup> See above, 70.

<sup>53</sup> *RP*, II, 337, 338.

<sup>54</sup> The instances on which they did so seem to be restricted to two parliaments: those of 1343 and 1346. In 1343 the commons calculated the value of the taxes that would be raised 'in such a general and covert

was not until the late 1370's that the commons seem to have discussed the overall value of such benefices in their arguments. Thus, in addition to the above examples, the commons of 1376 also complained that clerks and cardinals, both foreign native, were not residing in their benefices but instead stayed in the court of Rome and got their procurators to send the rents coming from their benefices to Rome. Again they specified a sum: these rents amounted to 20,000 marks not including the amount sent to Rome by English clerics to purchase benefices.<sup>55</sup> A similar petition was then presented in the January parliament of 1377 when the commons complained that alien cardinals were reserving all the vacant benefices in the provinces of Canterbury and York to a tax of 20,000 or 30,000 gold florins a year.<sup>56</sup> Moreover, a petition on alien benefices in the October parliament of 1377 claimed that alien benefices amounted to £10,000 or more.<sup>57</sup> The sheer volume of figures quoted during these years is thus also noticeable. Where had these figures come from?

Perhaps the best answer is the development of the debate over papal dominion and disendowment during the 1370's. Although, as Margaret Aston has demonstrated, the idea of a general disendowment of the clergy stretched back at least as far as the 1350's, it was not until the 1370's that the issue seems to have come before parliament.<sup>58</sup>

---

manner' from the benefices granted to the new cardinals (RP, II, 141, 143-44: the petition is written down twice in the rolls). In 1346 the commons complained that the apostle had ordained two advancements for cardinals to the value of 2000 marks, and that the pension of £2000 given to the abbot of Cluny should be annulled (RP, II, 162, 163).

<sup>55</sup> RP, II, 339. The figures given by the commons in 1376 were not simply restricted to financial figures. They also point out that there were now 30 cardinals when there should only be 12 (RP, II, 339). This sort of argument may be derived from the idea of FitzRalph that there should be finite numbers of clergy within the Church: an argument taken up by Wyclif and his followers. On FitzRalph's argument and the Wycliffite use of this see P. Szittyá, *The Antifraternal Tradition in Medieval Literature* (Princeton, 1986), 221-30.

<sup>56</sup> RP, II, 338. The commons also complained that the pope's collector was an alien who held a great house in London which cost the English clergy £300 per annum and who also sent a great sum of money overseas, sometimes 20,000 marks, sometimes 20,000 florins.

<sup>57</sup> RP, III, 19.

<sup>58</sup> M. Aston, 'Caim's Castles': Poverty, Politics and Disendowment', *The Church, Politics and Patronage in the Fifteenth Century*, ed. R.B. Dobson (Gloucester, 1984), 50-56. See also V.H. Galbraith, 'Articles laid before the Parliament of 1371', *EHR*, 34 (1919), 579-82.

Disendowment was thus proposed by two friars, John Bankin and possibly Thomas Ashborne, for the first time before parliament in 1371, although with no official record of this in the parliamentary rolls.<sup>59</sup> Then in 1373 two friars spoke against the temporal claims of the pope at a great council. As Aston has noted, the circumstances were different 'but some of the underlying questions were the same, and it is possible that one of the disputants may have been at both meetings, for John Mardisley (Franciscan), the main spokesman against the temporal claims of the pope, was supported by the Austin, Thomas Ashborne.'<sup>60</sup> Meanwhile, the Benedictines Adam Easton, Thomas Brinton, and Uthred de Boldon attempted to defend the possessions of the regulars whilst Uthred was also involved with defending papal dominion and taxation alongside another Benedictine William Binham.<sup>61</sup> It was in response to challenges made against Wyclif at Oxford by the latter two monks that Wyclif seems to have written his first works which were designed to defend English interests vis-à-vis those of the papacy. Thus, most probably in late 1373, he replied to their arguments in two *Determinationes*, arguing that:

Since I am one of the king's own clerics (*peculiaris regis clericus*) I gladly accept the role of replying [to a critic of English law], defending the view that the king may justly govern the kingdom of England, by denying tribute to the Roman pontiff, and that the errors imposed upon the kingdom are false and without the support either of reason or of law.<sup>62</sup>

<sup>59</sup> See introductory section, 11.

<sup>60</sup> Aston, 'Caim's Castles', 51.

<sup>61</sup> See W. Scase, *Piers Plowman and the New Anticlericalism* (Cambridge, 1989), 11-13, 66 and Szittyá *Antifraternal Tradition*, 109-12.

<sup>62</sup> *Opera Minora*, 432, translated in Holmes, *Good Parliament*, 168-69. The date is that given by Holmes. The dating of these works has long been the subject of debate. However, recent historians are all agreed that they were written between 1373 and 1377, with most settling for a date between late 1373 and 1374. See also Hanrahan, 'John Wyclif's Political Activity', 158 and Scase, 'New Anticlericalism', 13, 179 fn.67.

One of the opinions Wyclif was challenged to discuss by Uthred was that no one should teach that priests could be deprived of tithes or oblations. In response Wyclif argued that laymen could judge whether their endowments to the clergy were being misused and could remove them if they were. Meanwhile, in the *Determinatio* against Binham Wyclif seems to have referred to arguments used by the friars in the Great Council of 1373.<sup>63</sup> Thus already by 1373 Wyclif had apparently joined the aforementioned friars in attacking papal dominion and clerical endowment. As Aston has noted Wyclif gave this issue a 'new prominence, more publicity, and the edge of a fresh theoretical basis'.<sup>64</sup> Wyclif thus seems to have spent the next couple of years working on the first book of his *De Civili Dominio*, in which he developed his ideas on dominion.<sup>65</sup> There is no specific evidence linking Wyclif or the friars with activity in the Good Parliament, but given the significance of their ideas for the commons' arguments and their attempts to influence parliament and government, their influence cannot be dismissed. Indeed, there is evidence that Wyclif had begun preaching to mixed audiences of laity and the clergy outside the schools from at least February 1376.<sup>66</sup> By the parliament of January 1377, meanwhile, Wyclif had been summoned to London by Gaunt and had preached in the streets of London.<sup>67</sup> The figures in the petitions thus might reflect part of an attempt to turn the idea of disendowment partially into practice or at least to threaten to do so if genuine reform was not initiated. Indeed, it is important to note that the 1376 commons

---

<sup>63</sup> *Opera Minora*, 425. For a discussion of this point, see Holmes, *Good Parliament*, 168-69 and Scase, 'New Anticlericalism', 13. For a discussion of the older view that Wyclif was referring to arguments he had heard as a supposed member of parliament in 1366, see Hanrahan, 'John Wyclif's Political Activity', 154.

<sup>64</sup> Aston, "'Caim's Castles'", 13.

<sup>65</sup> Holmes, *Good Parliament*, 170.

<sup>66</sup> A. Hudson, *The Premature Reformation* (Oxford, 1988), 65.

<sup>67</sup> *Issues of the Exchequer*, ed. F. Devon (Record Commission, London, 1837), 200 cited in Hanrahan, 'John Wyclif's Political Activity', 159; *The St. Albans Chronicle*, 74-77. On Gaunt, see above, 46.

also claimed that that a letter had been sent to the pope 'as previously was ordained in parliament' to ask him to give consideration to their grievances in order that:

people can have the devotion to maintain what was given to Holy Church  
by way of increase, and not to take away what was given.<sup>68</sup>

This seems to be a threat of disendowment and it is thus interesting to note that the parliament being referred to was that of 1373 (the year in which the friars were reported to have spoken out against the temporal claims of the pope) since in that parliament (the last parliament to meet before 1376) the king declared he had sent messengers to the court of Rome in answer to the common petition on papal provisions.<sup>69</sup> The commons may thus have attempted to threaten the idea of disendowment to the papacy in 1373 after having heard about the arguments of the friars and then returned with more detailed threats in 1376, thanks perhaps to the input of Wyclif. After all, as we have seen, Wyclif seems to have been interested in figures, whilst his followers infamously made attempts to calculate the value of English benefices in the Lollard Disendowment Bill. Interestingly, the number 20,000 seems to have been a particular favourite in both this bill, in Wycliffite sermons aimed at Parliament, and the petitions of the late 1370's. Indeed, the Lollard Disendowment Bill uses the figure 20,000 no fewer than 18 times. Similarly, William Taylor's sermon, which was preached at St Paul's Cross on 21<sup>st</sup> November during the sitting of the 1406 parliament, argued that pluralist clerics held benefices which took 20,000 pounds worth of poor men's alms.<sup>70</sup> Meanwhile, as we

<sup>68</sup> *RP*, II, 338: 'le poeple puisse avoir devocioun de meyntener ceo q'est done a seint esglise par voie d'encres, et non pas de toler ceo q'est done'.

<sup>69</sup> *RP*, II, 320.

<sup>70</sup> *TWT*, Taylor/484-88: 'And summe of þese han in her ordynance of poore mennys almes, what in moeblis and unmoebliis, twenty þousand pound, waastyng þat in worldly vanytees, suffren poore men þat owen þese goodis to perishe in body as we seen, and also in soule as it is to drede.' Significantly, the

have seen a petition of 1376 also uses it, whilst a petition of January 1377 curiously states that 'the pope's collector ... each year sends a great sum of money overseas, sometimes 20,000 marks, sometimes £20,000' in addition to claiming that the cardinals had reserved benefices up to the tax of 20,000 or 30,000 gold florins a year. The notion that the collector sent money in groups of 20,000 regardless of denomination makes little sense unless this number was derived from a developing reformist stereotype rather than an entirely accurate assessment.<sup>71</sup> This seems to strengthen Aston's general argument that the detailed plans seen in the Disendowment Bill had roots going back a lot further than 1410 in the English parliament. It is thus interesting to note that such moves were made in a parliament during which John of Gaunt was protecting and sponsoring the likes of Wyclif.<sup>72</sup>

### Richard II's Reign

The government seems to have entertained few qualms about adopting Wyclif's ideas for their purposes in the October parliament of 1377 with the minor, Richard II, now on the throne.<sup>73</sup> Thus, presumably in connection with the common petition concerning papal provisions, the council apparently asked the advice of Wyclif:

---

issues of pluralism, non-residence and papal provisions were taken up by the commons in this parliament. For more on this, see below, 126 and non-residence chapter, 252-53.

<sup>71</sup> This is not necessarily to say that the figures were entirely random. Walsingham (*Hist. Angl.*, II, 283) claims that the figures given in the Disendowment Bill are inaccurate but Anne Hudson (*SEWW*, 205) believes that although the sums in the Lollard Disendowment Bill are clearly round figures only, they were probably based on reasoned estimates.

<sup>72</sup> See introductory section, 46-47.

<sup>73</sup> However the chancellor, who was a bishop, evidently had certain reservations about getting too involved in the proceedings. Robert Aston, the chamberlain of the king, had to speak on behalf of the king instead since these things 'could not be said by a prelate, because they touch Our Holy Father the Pope': *RP*, II, 363 (c.13). The government seems to have been sensitive to the needs of the clergy to distance itself from the provisors legislation. For instance, in 1390, the King granted the archbishops' request to have their protest to the Statute of Provisors enrolled in the parliamentary rolls. See below, 112-13.



whether the kingdom of England may lawfully in case of necessity, for its own defence, detain the treasure of the kingdom so that it is not carried away to foreign nations, the pope himself demanding the same under pain of censure and by virtue of obedience.<sup>74</sup>

The Carmelite compilation Fasciculi Zizaniorum contains a document entitled *Responsio Magistri Johannis Wycliff ad dubium infra scriptum, quaesitum ab eo per dominum regem angliae ricardum secundum, et magnum suum consilium: anno regni suo primo* which seems to be a response to this request.<sup>75</sup> In it Wyclif appealed to three laws. He first pointed to the law of nature which gives England the right of self-defence. He then turned to the laws of the gospel (*leges evangelicae*), which showed that all almsgiving in case of necessity ceases of itself to be a duty binding by the law of love. (It was a major part of Wyclif's theory that all endowments had been given in free alms to the Church and so this effectively meant that a ruler could disendow the Church in case of necessity).<sup>76</sup> Lastly, Wyclif appealed to the law of conscience (*de lege conscientiae*), which he describes as the kings' and governors' duty to concentrate on the national welfare. He argued that the secular lords gave all their possessions, from which the Pope drew his revenues, not to the Church at large *sed singulariter ecclesiae Anglicanae*. If these endowments went elsewhere, damage would be done to their souls in purgatory.<sup>77</sup> The curia would become arrogant and profligate whilst England would

<sup>74</sup> Fasc. Ziz., 258. See Workman, I, 302-4.

<sup>75</sup> Fasc. Ziz., 258-71.

<sup>76</sup> This, of course, was not factually the case. William Farr discusses the fact that, in reality, endowments were made to the Church in one of three ways: 'frankalmoign' or free alms, divine service, and by barony or knight service. Wyclif seems to either have been ignorant of this or fudged over the issue in order to present his case. See W. Farr, John Wyclif as Legal Reformer (Leiden, 1974), 113-14.

<sup>77</sup> This emphasis on the actual damage done to souls seems to be a novel addition to the older argument that can be seen in pieces of legislation as early as the 1307 Statute of Carlisle. For Wyclif and his followers' views on purgatory see Hudson, Premature Reformation, 309-10. For other petitions which were concerned about damage done to souls, see below, 124-25, 131.

be impoverished and her enemies would be able to injure her with English money.<sup>78</sup> Englishmen would become a laughing stock abroad because of their 'asinine stupidity'.<sup>79</sup> Wyclif seems to have again been using traditional arguments combined with his own ecclesiological input. Thus he appeals to old nationalist arguments and the well-rehearsed donors argument and added his own spin to them.<sup>80</sup>

Interestingly the commons may also have been influenced by Wyclif in the October parliament of 1377 since they accuse the pope of reserving vacant benefices against the terms of the treaty and *encontre la ley escript*.<sup>81</sup> According to the Anglo-Norman dictionary *la ley escript* could be translated either as the 'law of scripture' or the 'written law'.<sup>82</sup> If the commons did mean 'the law of scripture' it is particularly apt since, as we have seen, it was Wyclif who was trying to bring in Christ's law to bolster the case against provisors. As part of this method, he used the papal theory of the *apostolatus* to highlight the fact that the pope was deviating from the simple ways of apostolic life.<sup>83</sup> It may thus be no coincidence that this petition against provisors and that of the earlier parliament are the first provisors petitions for thirty years to refer to the pope as the apostle. Even if the commons simply intended *la ley escript* to mean 'the written law', it may still owe something to Wyclif's influence since, as we have also seen, he liked to refer to statutory law too. Whilst, admittedly, the commons were not themselves averse to appealing to parliamentary precedent this is seemingly the first example of the use of this term in connection with provisors in the rolls of parliament. Thus once again parliamentary reformist arguments were being developed in this period.

<sup>78</sup> For all this see *Fasc. Ziz.*, 258-71 and Workman, *John Wyclif*, I, 302-3.

<sup>79</sup> This seems to be a traditional argument as a similar claim was also made by Adam of Murimuth in 1345: 'Unde inter curiales sedis apostolicae vertitur in proverbium quod Anglici sunt boni asini, omnia onera eis imposita et intolerabilia supportantes.' Murimuth, *Continuatio Chronicarum*, 175.

<sup>80</sup> The appeal to the three laws, especially gospel law also seems typical of Wyclif's approach.

<sup>81</sup> *RP*, III, 19.

<sup>82</sup> *Anglo-Norman Dictionary*, 257, 382.

<sup>83</sup> For more on this, see below, 110-12.

### **Papal Fear of Wyclif's involvement**

The fact that the papacy seemed to fear Wyclif's influence is demonstrated by a papal bull dated 22 May 1377. This ordered the archbishop of Canterbury and the bishop of London to warn the king and the magnates of England not to show any favour to Wyclif or to support him in any way.<sup>84</sup> Moreover, Pope Gregory also condemned a number of Wyclif's proposals concerning dominion and clerical endowment. Significantly Walsingham's account of these proposals places Wyclif's attack on papal authority at the top of the list:

1. Since the time of Christ no one in the whole human race has had the absolute power of ordaining that Peter and all his successors should exercise political power over the world for ever.<sup>85</sup>

The papacy was thus seemingly uneasy about the effects of Wyclif's teaching on its authority in England and reacted by attempting to assert that authority to quash Wyclif. This condemnation may have caused Wyclif a little unease in the October parliament of 1377. According to Wyclif himself, Thomas Brinton, bishop of Rochester, publicly told him in parliament that his conclusions had been condemned by the curia. The bulls had not, in fact, yet been published (they were published in December 1377) and this may explain Wyclif's comment that Brinton's accusation drew suspicion on him and his brethren as the authors of the accusation. Wyclif may also have been suspicious of Brinton due to Brinton's role in defending clerical possessions given the fact that the

---

<sup>84</sup> *The St. Albans Chronicle*, 180-81; Wilkins, *Concilia*, III, 123-24.

<sup>85</sup> *The St. Albans Chronicle*, 193.

papacy also condemned Wyclif's teaching on this.<sup>86</sup> Wyclif also had to appear before the bishops at Lambeth early in 1378. However, in the end he was merely warned to stop preaching the condemned conclusions in public. According to Walsingham the new king's mother had intervened by sending Lewis Clifford (later named by Walsingham as a 'Lollard knight') to forbid the bishops from pronouncing sentence. This combined with the intervention of a number of Londoners, who apparently poured into the chapel of the archbishop at Lambeth to speak on Wyclif's behalf, seems to have rendered the bishops toothless.<sup>87</sup> Wyclif thus evidently continued to enjoy the protection of influential lay figures. How did all this translate in terms of his influence and the general influence of reformist ideas on provisors legislation?

Judging by the evidence of the October parliament of 1378, one might suggest that parliament had decided to take a more cautious approach. The commons thus refrained from attacking papal provisions in general and instead made one short protest against alien benefices that appealed to financial and reformist arguments and another concerning schismatic benefices.<sup>88</sup> However, the fact that the government continued to use Wyclif is demonstrated by his role in the Haulay and Shakyl affair in this parliament.<sup>89</sup> Moreover, it is important to note that Pope Gregory was now dead and there were now two popes, Clement VII based at Avignon officially recognised by the French, and another, Urban VI, based at Rome officially recognised by the English in

---

<sup>86</sup> *De Ecclesia*, 354-55; Workman, *John Wyclif*, I, 304. Margaret Harvey has pointed to some interesting evidence which suggests that Brinton's fellow Benedictine Adam Easton (who was also key defender of clerical endowment from the attacks of Wyclif) may have played a significant role in drawing up the conclusions. See M. Harvey, 'Adam Easton and the Condemnation of John Wyclif, 1377', *EHR*, 113 (1998), 321-34.

<sup>87</sup> *The St. Albans Chronicle*, 197, 211.

<sup>88</sup> *RP*, III, 46-48.

<sup>89</sup> *RP*, III, 10, 37, 50; *De Ecclesia*, 142-274; *Anonimale*, 123-24. For a discussion of this affair, see Hudson, *Premature Reformation*, 364, 379.

this parliament, who had a reputation as a reformer.<sup>90</sup> Wyclif himself initially seemed to have held high hopes for Urban and it seems that the commons were content not to attack papal authority itself until they saw whether the new pope would be more favourable to English demands and to reform.<sup>91</sup> They may also have been appeased by the government's decision to seize the benefices of the cardinals loyal to Clement which would have partially sated the apparent desire for the disendowment of the alien cardinals reflected in the January parliament of 1377.<sup>92</sup> Unfortunately their hopes were dealt something of a blow in 1380 when they heard that Urban had provided two Frenchmen to English benefices. Their response was swift and passionate. In a lengthy petition to the January parliament of 1380 they dwelt on the effects that alien provisors had on the English Church.<sup>93</sup> They argued that the benefices were founded and endowed by the king's noble predecessors so that God could be honoured and served more devoutly, for hospitality to be held, to inform and teach the people, and for other things pertaining to the cure of alms. They were founded with the intent and purpose that they would be given to honest and suitable persons of the realm. Such a situation had reigned for a long time but lately had been disturbed – especially since the time of Clement V - by the provisions, expectations and reservations of the Court of Rome. The result was that such benefices were being given in the Court of Rome to *gentz d'estrangle lange*, and often to enemies who do not reside in their benefices and neither want or are able to perform the necessary duties. Furthermore, divine service is greatly diminished, the cure of souls is neglected, the treasure of the realm carried away into

---

<sup>90</sup> RP, III, 78.

<sup>91</sup> Wyclif did seem relatively happy with the election of Urban VI: see, Sermones, IV, 500/1; Polemical Works, II, 574/10; Opera Minora 2/18, 401/27 and EWS, IV, 99.

<sup>92</sup> See above, 83-88.

<sup>93</sup> RP, III, 82-86. Interestingly, the clergy also made a petition (RP, III, 86) concerning provisors in this parliament asking that the accord made between Edward III and Pope Gregory in the fiftieth year of Edward's reign should be upheld. See above, fn.36.

foreign hands, and the whole of the Church brought into lesser reverence. Edward III and Pope Gregory had an accord on this but now Pope Urban was making new alien provisions which were of a novel variety that no other realm had had to suffer. This line of attack contains numerous elements and it is noticeable that financial considerations only form part of a number of grievances that are appealed to. Meanwhile, it would be a mistake to assume that the commons' arguments over issues such as non-residence and insufficient priests were a mask for anti-alien feeling and financial concerns. Once again there is actually little attempt to cover up such feelings and concerns and as this thesis will discuss the commons do seem to have taken a genuine interest in the issues of non-residence and unsuitable priests during this period.<sup>94</sup> Moreover, whilst many of the elements in the commons' arguments are traditional, it should be pointed out that some were evidently new additions and that the picture as a whole had been developed. Thus earlier petitions on the subject did not include such elements as 'to inform and teach the people'.<sup>95</sup> Again one must suspect the influence of the likes of Wyclif who extolled the virtues of preaching and teaching people about the gospel.<sup>96</sup> Whatever the case,

<sup>94</sup> See chapters on non-residence and appropriation, *passim*.

<sup>95</sup> Some petitions had used the term 'enfourmer', (e.g. *RP*, II, 162, c. 32) but the phrase 'enfourmer et enseigner' and even the term 'enseigner' were apparently new to the parliamentary provisors debate. The term 'enseigner' is later used in a 1394 petition (*RP*, III, 321) which asked that all manner of patrons should be obliged to provide sufficient and wise curates to dwell on their benefices: another petition which demonstrates that the commons were not simply being 'anticlerical' or 'antipapal' or financially motivated during this period. For more on this petition, see non-residence chapter, 240.

<sup>96</sup> This is not to say that the petition itself was outrightly heterodox. It also stresses that non-residency meant that confessions were not being heard and, of course, Wyclif's later denial of the need for confession was one of his and his supporters key heresies. However, at the same time, such inclusions do not preclude the possibility of Wyclif's or Wycliffite influence. For a start, Wyclif had not yet reached this stage in his teaching. Indeed, even in his *De Blasphemia* (c.1381-1382) he taught that people were obliged to confess as often as necessary provided one could find a 'predestined priest', not living in sin, for confessing to an 'idolatrous leprous, simoniacal heretic' who only thought of the monetary gain would be no better than confessing to the devil (*De Blasphemia*, 133-4, 144). Moreover, as Hudson argues (*Premature Reformation*, 23), 'Sympathy with Lollard opinion and practice was evidently not limited to those who would have subscribed to a rejection of transubstantiation and oral confession ... one of the contributions that can be made by the study of texts is the identification and mapping of that 'grey area' that exists between clear orthodoxy and outright Lollardy. This was an area that Arundel, Chichele, and their like hoped to eliminate by legislation and by lists of questions that appeared to offer clear choices of belief, but which continued, in however attenuated a form, to be inhabited.'

whoever was behind this was not simply repeating old arguments in order to get their way. Unfortunately for the commons, it appears that the government was only prepared to support them in so far as it suited its needs. They thus enacted a statute which forbade anyone from acting as proctor, farmer, or attorney for an alien holder of a benefice without a royal license given with the consent of the council.<sup>97</sup> The government was thus seemingly manipulating the sentiment of the commons to increase its own influence on the provisors' system. However, as we shall see, the commons soon demonstrated that their own interest in alien provisors was not quite so cynical and this system of licences was to become one of the most contentious issues of the provisors debate.

### 1381-2: The Growth of Factionalism, Stigmatisation, and Counter-Stigmatisation<sup>98</sup>

Thus in the second session of the parliament of November 1381 which met back on 24 January 1382 the commons continued their protest against alien provisors.<sup>99</sup> They claimed that there were now more papal provisions than ever before, that this was destroying free elections,<sup>100</sup> the rights of lords and patrons, and the religion of Holy Church throughout the realm, and that there were now as many aliens, *mendinantz*, apostates and other unworthy people occupying benefices as in France and Italy. According to the Anglo-Norman Dictionary *mendinantz* can be translated either as mendicants, mendicant friars, or beggars.<sup>101</sup> Whatever the case the inclusion of this word is noteworthy. For a start, this is the first time that this term is used in conjunction with provisors in the parliamentary rolls as, indeed, is the case with the entire

<sup>97</sup> *SR*, II, 14-15.

<sup>98</sup> For a parallel in the vagrancy legislation, see social legislation chapter, 157ff.

<sup>99</sup> In the meantime the commons of 1380 had delivered a petition concerning first fruits in the November parliament of 1380 (*RP*, III, 95). The petition was undoubtedly based on financial concerns given the fury over war taxation in this parliament and the fact it refers almost entirely to financial arguments. However, once again, it must be stressed that no attempt was made to disguise this.

<sup>100</sup> There seems to be part of the text of the petition missing here.

<sup>101</sup> *Anglo-Norman Dictionary*, 414.

comparison with France and Italy. If the term does mean mendicant friars here then this would tally in with the heightening of tensions between the supporters of Wyclif and the friars in early 1382.<sup>102</sup> Thus as discussed in the introductory section, there seems to have been a breakdown in relations between the Wycliffites and the fraternal orders at this point, as even those friars who had once shared Wyclif's goal of persuading parliament to disendow the clergy turned on him.<sup>103</sup> These friars were now defending papal dominion and clerical endowment in the face of Wycliffite attacks and it is thus important to note that this petition contains a novel demand: that people be forbidden from speaking in favour of papal provisions. In many ways this appears to mark a watershed in the development of opinions to the provisors legislation. Up to this point, as we have seen particularly in regards to chronicles, the majority of criticism seems to have been aimed at papal provisions and the inadequacy of legislation against it. Now, however, it seems as if an opposition to provisors' legislation had grown sufficiently audible to cause concern in parliament. This watershed may well be partly explained by the polarising effects of 'heresy' and the move towards the parliamentary reform of the entire English Church rather than simply the papacy. Those within the Church may well have closed ranks with the papacy to fight the threat of heterodoxy, disendowment and the lay reform of the Church. The fact that the Wycliffites recognised this development is suggested by the Wycliffite text known as 'The Thirty Seven Conclusions of the Lollards' which also complains about critics of the legislation:

Murmur not men of faith and good will or any other in this realm against our statute made so often and so strongly confirmed in many parliaments, which statute hinders provisions and other advancements by the pope, and

<sup>102</sup> This is probably deliberately vague.

<sup>103</sup> See introductory section, 9-11. See also, *Fasc. Ziz.* 286; Aston, 'Caim's Castles', 52.



makes prelates free to give their benefices to their clerks within the realm, whom they know to be able to perform spiritual office and cure of men's souls.<sup>104</sup>

Meanwhile, even if the commons intended *mendinantz* to mean 'beggars' it is a significant example of a new form of stigmatisation being brought into the parliamentary provisors debate at a time when Wycliffite preachers were apparently branding the friars as 'lollers' (false beggars) in a bid to exploit the vagrancy issue.<sup>105</sup> As will be discussed in the next chapter, this hints at a cross-fertilisation of ideas in the legislation with mental links being made between the various problems in society: links that may well have been partly inspired by the 'Lollardy' debate.

A few months later Wyclif seems to have attempted to appeal to parliament whilst the Blackfriars council was meeting. Thus Walsingham reports that Wyclif put forward a series of reformist proposals before the parliament of May 1382 on issues which were central to the provisors and disendowment debate. These included one which asked that no man should enjoy any benefice in England unless resident and employed legitimately *in causa regni*, one which insisted that no one should send money to the papal court and another concerning the confiscation of temporalities.<sup>106</sup> The fact

<sup>104</sup> 'Grutche not feithful men and of good wil neithir oni othir in oure rewme for oure statute maad so ofte and so strongli confermid in manie parliamentis, which statute lettith provisions othir avauncementis of the pope, and makith prelati fre to geue here beneficis to here clerkis withynne the rewme, whiche thei knewen able to gostli officis and cure of mennis soulis': J. Forshall, ed., *Remonstrance against Popish Corruptions in the Church* (London, 1851), 154-55.

<sup>105</sup> See social legislation chapter, 163.

<sup>106</sup> *Hist. Angl.*, II, 51-52. The text is also in *De Blasphemia*, 270-71. Workman (II, 250-52) suggested that these proposals were associated with an English Wycliffite tract (Arnold, III, 508-23) which was addressed to parliament in Richard II's reign but Aston ("Caim's Castles", 72 fn.39) has argued that there is no substantial evidence for linking these texts since they only overlap on one point (confiscation of temporalities).

that this petition is not mentioned in the parliamentary rolls<sup>107</sup> and, moreover, that there is no mention that the issue of papal provisions was brought up at all perhaps suggests that the government was beginning to take a more cautious approach in its dealings with reformist ideas - especially those connected with Wyclif - now that they had to contend with the danger of being associated with heresy.

## **2) *Post-Blackfriars: The Spectre of Lollardy?***

Such a cautious approach may well have restricted the commons from promoting reformist petitions: there was certainly a sudden dearth in enrolled petitions concerning papal provisions. Indeed, between Blackfriars and 1388 there were no petitions in the parliamentary rolls which openly spoke out against papal provisors. Rather one finds one petition which purely concerns First Fruits and others which vaguely talk about benefices being given to aliens in spite of past statutes. Thus in October 1382 and 1383 there are two petitions which are almost word for word recitals of one another.<sup>108</sup> Neither mentions the pope or the Statute of Provisors directly but both ask that the statutes and ordinances should be put into proper execution and that free elections should be held as they once were. The 1382 request was dismissed with the comment 'Let the statutes made thereon remain in force' but the 1383 request resulted in new legislation.<sup>109</sup> This statute stipulated that the statute of 1380 should be kept in force and put into proper execution and added that any alien purchasing a benefice in England

---

<sup>107</sup> This parliament seems to have been particularly contentious on the matter of heresy. The rolls claim that an anti-heretical preaching bill was made in this parliament, but the commons denied ever giving their assent in the following parliament. See social legislation chapter, 164.

<sup>108</sup> They are also curiously similar to a petition on alien benefices in the November 1381 parliament: *RP*, III, 117 (c.91).

<sup>109</sup> *RP*, III, 138, 162-63; *SR*, II, 34-35.

without special permission of the king would incur the penalties of the 1351 statute ‘against those who purchase provisions of abbeys and priories’: again no criticism, or even mention, is made of the papacy.

### The Problem of Licences I

The commons then asked the king to refrain from giving licenses during the wars. In response, the king asked his subjects to abstain from asking for such licenses and that he would stop granting them during the wars with the exception of the Cardinal of Naples *ou autre especiale persone, a qi le Roy soit pur especiale cause tenuz*.<sup>110</sup> Effectively then the king had ceded none of the theoretical power he had gained in 1380.<sup>111</sup> Seemingly, however, he felt pressured enough by the commons to make certain policy changes. In 1384 the bishops were ordered by the government to certify the benefices held by aliens whilst after 1384 the number of licenses issued to foreigners seems to have declined.<sup>112</sup>

By 1386 the commons seem to have been able to present a fairly critical petition openly. They thus made reference to the *court de Rome* in their petition concerning alien benefices. They pointed out that a large number of the prebends and other *grosses benefices* were in the hands of cardinals and ‘other persons residing in the Court of Rome and elsewhere overseas’. Financial arguments seem to be emphasised over more reformist arguments but the commons’ reformist intent should perhaps not too readily be dismissed. They were, after all, still probably playing it rather cautious in the post Blackfriars world and their extreme demands – that no cardinal or other foreigner should be allowed to hold a benefice and that those who took the benefices of aliens at farm

<sup>110</sup> RP, III, 163.

<sup>111</sup> See above, 93-95.

<sup>112</sup> Lunt, *Financial Relations*, 388.

should be outlawed – would have surely done more than save the commons money if they had been met. The commons seem to have been attempting to abolish the system of licences for alien provisors. As it is, the government was apparently in no rush to relinquish its theoretical controls over alien benefices and thus simply stated that the earlier statutes on alien provisors should be firmly held and kept.<sup>113</sup>

### ***3) Cambridge 1388. A Second Turning Point: The Move Towards Counter-Reform?***

However, it was in 1388 that the parliamentary and statute rolls really begin to reveal a return to more open reform.<sup>114</sup> Although the vehement attacks on the papacy of the 1370's are not seen again in this period, papal practices and influence do once again become the subject of more sustained legislative activity. In the first parliament of the year the commons successfully petitioned against the carrying of papal bulls to raise impositions or other novelties inside the realm without the special permission of the king. Nevertheless, the real watershed seems to have come in September when the commons finally switched their attention back to English provisors in a petition that resembles the 1365 Statute of Praemunire:

Also be it ordained that no man of whatever estate or condition he be, great or small, shall pass over sea to the court of Rome out of the realm of England, with or without licence, to provide for himself any benefice of Holy Church, with or without cure, in the said realm. And if any do so, and by virtue of such provision accept or cause to be accepted any benefice in the said realm that thereupon such provisor shall be outside the king's

<sup>113</sup> RP, III, 222.

<sup>114</sup> However, it must be pointed out that in the case of the Cambridge parliament of 1388 our only record of proceedings is that included in the Westminster Chronicle. Nevertheless, this is generally accepted to be an honest and accurate version. See J.A. Tuck, 'The Cambridge Parliament of 1388', EHR, CCCXXXI (1969), 225-43.

protection and such benefice void so that it shall be entirely lawful for the patron of such benefice, spiritual or temporal, to present to the same a competent clerk at his will.<sup>115</sup>

The commons were thus effectively attempting to move towards an abolition of the entire system of papal provisions to Englishmen, and remove the royal prerogative to issue licences. The move to target English provisors was a significant one since it meant that anti-alien feeling was no longer such a driving force in the provisors legislation. Moreover, it seems to have ushered in an era in which perceived abuses within the English Church itself were now targeted instead of simply those connected with the papacy or with aliens. This legislation was thus followed by petitions directly concerning appropriation in 1391 and 1401, and 1402; non-residence and pluralism in 1401, 1406, 1410 and 1425 and hospitals in 1414, 1416 and 1425: legislation which demonstrated a clear desire that alms and tithes should be used to provide a high level of pastoral care.<sup>116</sup> This suggests that the criticisms of historians such as Davies who has argued that 'whatever pastoral deficiencies did arise when the incumbent was alien, absentee, or inappropriate, the English clergy had too many skeletons in their own closet to make anguish on that score [by the commons] really touch the heart' are perhaps less valid in this period at least.<sup>117</sup> Admittedly, there was still a very important financial element involved since all papal provisions involved the export of English money to the curia and by limiting the funds the papacy received from English as well as foreign provisors, the commons must have realised that they would have significantly reduced the papal income from English benefices. However, the 1388 petition notably targeted papal influence rather than papal fees and did not appeal to financial arguments. The

---

<sup>115</sup> *The Westminster Chronicle*, 367.

<sup>116</sup> See chapters on social legislation, appropriation, non-residence and hospitals *passim*.

<sup>117</sup> Davies, 'Anglo-Papal Concordat', 100. It must be noted that Davies makes these comments in an article concerning the 1370's.

competing claims of elected and papal appointees often caused great strife within benefices and this may well have informed the commons petition. Indeed the commons also issued a separate petition which asked that the justices of assize and justices of the peace should have the power to inquire and determine into 'all manner of maintenance, extortions and oppressions' by various groups including those who 'maintain and support false provisors or others in their churches or prebends with great power, to the disturbance of the law or the intimidation of the people'.<sup>118</sup> This suggests that the polarising effects of papal provisions were high on the commons' agenda (although they evidently took a one sided view of this) and that there may well have been more to the commons' thinking than finances alone.

However, the petition was passed with one difference: if a subject had special leave of the king then he was exempt from the above stipulations.<sup>119</sup> If, as seems quite probable, the Westminster account reflects the petition of the commons then it seems this is another case of the government taking advantage of sentiment within the commons to affirm a theoretical right which it could use or bypass at will. That this clearly occurs at a time when the king was not in control of government is interesting since it serves as a reminder that it was not only the king who was interested in the king's rights. The governing body consisted of a coalition of lords temporal and spiritual who collectively seem to have come to the decision that this was a right worth having.<sup>120</sup> It could be argued that they had caved into overwhelming commons' pressure at a time when they really needed the commons' support but the nature of their reaction

---

<sup>118</sup> *Westminster Chronicle*, 359.

<sup>119</sup> *SR*, II, 60.

<sup>120</sup> This seems to parallel the Appellants' arrangements over episcopal appointments, translations and demotions in 1388. As Davies notes 'it is noteworthy how easily the papacy acquiesced in these arrangements in which patently he had not been formally consulted and which lacked the approval of the king'. The 'king's' rights were clearly useful to whoever was in power. See R.G. Davies, 'The Episcopate and the Political Crisis in England of 1386-1388', *Speculum*, 51 (1976), 693.

as with their reaction to other petitions in this parliament suggests a calculated manipulation.<sup>121</sup> At this point it is important to note that Thomas Arundel was now chancellor, and that he and his brother exerted a considerable deal of influence over proceedings. The question of Arundel's role in such manipulations thus raises its head. Why would Arundel, a supposedly vehement opponent of those who sought to reform the Church from without, help to ratify the first petition that directly dealt with the pope's right to appoint Englishmen to benefices since 1377?

The answer to this must lie alongside the answer to why the commons were now able to openly petition for this statute. The government's overall concern in this parliament was clear - law and order - and part of this concern was surely the perceived growth of the 'Lollards' and their influence. A number of chroniclers certainly suggest that 'Lollardy' was a key issue in 1388. For a start, Walsingham notes that the 'Lollards' had been causing disturbances in London in the previous year.<sup>122</sup> Then the Westminster Chronicler suggests that 'Lollardy' had been a hot topic in the February parliament of 1388 and that the 'Lollards' were influencing 'even some of the well to do from up and down the country'.<sup>123</sup> Since the February parliament took place in Westminster, this chronicler was particularly well placed to report on the fervour of that parliament. Indeed, it is feasible that these 'well to do' people from around the country were in fact those men who had come to attend parliament since these were possibly the influential travellers the chronicler was most likely to meet in Westminster. Meanwhile Knighton reports that the 'Lollards' had 'grown in number by 1388, and that some of them were summoned to parliament'.<sup>124</sup> One needs to be careful since the term 'Lollard'

<sup>121</sup> For this and Arundel's role, see social legislation chapter, 171-72.

<sup>122</sup> *Hist. Angl.*, 159.

<sup>123</sup> *Westminster Chronicle*, 319.

<sup>124</sup> *Knighton*, 435.

may simply be a tag and cannot be assumed to denote a person of set beliefs. However, Knighton usefully goes on to list the errors of the people in question and interestingly places three errors concerning the papacy at the top of the list and ends it with errors concerning unsuitable priests and disendowment:

First opinion, that the present pope, Urban VI, is not the blessed Peter's vicar on earth but the son of Antichrist, nor has there been a true pope since the days of St.Silvester. (2) Also that neither the pope nor the bishops can grant any indulgences, and that all who trust in such indulgences are accursed. (3) Also that the pope cannot make canons, decrees, or constitutions, and that no one is bound to obey those that he does make ... (22) Also that no rector, or vicar, or any prelate ought to be excused from residing personally in the benefice which he holds while he is in the service of a bishop, archbishop, or pope. (23) Also that it is unlawful for a priest to hire out his services. (24) Also that rectors and vicars who do not celebrate or administer the sacraments of the Church ought to be removed and others put in their places, because they are unworthy, and dissipaters of the church's goods. (25) That clerics ought not to ride fine horses, nor ought the clergy to enjoy so many fine jewels, or such expensive clothes, or fine food as they do, but ought to renounce all that they have, and give it to the poor, and go about on foot with a staff in their hands, in the fashion of poor men, to set an example to others by their lives.

The positioning of these views may well be significant since this does not seem to be a standardised checklist of Wycliffite heresies and errors.<sup>125</sup> Indeed, such checklists do not seem to have become commonplace until the fifteenth century and tended to begin with

---

<sup>125</sup> For a discussion of these checklists see A. Hudson, 'The Examination of Lollards', in her *Lollards and their Books* (London, 1985), 125-40.



the Eucharistic heresies. Admittedly, some of the views expressed here were more extreme than those openly recorded in the parliamentary rolls. However, taken in combination with the Westminster Chronicle's statement, Knighton's apparent focus on these issues may well reflect fears that such an ideology could influence the commons because of their evident concerns over papal practices and their effects on pastoral life, as well as other more financial motives. There do seem to have been reformist tracts addressed to parliament during the 1380's which advocated similar things.<sup>126</sup> Moreover, Walsingham says that disendowment had been mooted in the parliament of 1385 despite there being no official record of this in the rolls.<sup>127</sup> Rumours were thus evidently circulating that the commons were prepared to take a more extreme stance. Meanwhile, the issue of provisors was apparently continuing to polarise the realm and the commons were taking the opposite stance to the chroniclers. The Church authorities and the government may well have decided to diffuse the situation by manipulating the reformist sentiment within parliament and allowing a more moderate level of reform on some of these key issues. They had used the 'stick' approach with the commission against 'Lollard' books earlier in the year, now they turned to the 'carrot' approach by offering to meet some of the commons grievances concerning papal provisions. As the chapter on the social legislation will demonstrate, this also seems to be the case with other areas of legislation passed within this parliament.<sup>128</sup> In fact they may have been attempting to bluff the commons since the Westminster Chronicle claims that, although the papacy was deeply concerned by the ordinance, it was never actually carried out.<sup>129</sup>

---

<sup>126</sup> See, for instance, Arnold, 507-23. The notion, seen in Knighton, that the clerics should give up their horses, jewels and fine clothes and give them to the poor is present within this tract. See appropriation chapter, 208-9 and above, 104.

<sup>127</sup> *Hist. Angl.*, II, 139-40.

<sup>128</sup> See social legislation chapter, 171-77.

<sup>129</sup> *Westminster Chronicle*, 383. This may, however, reflect the Westminster Chronicler's misunderstanding of the statute's clause concerning licences. An unprecedented number of licenses were

Nevertheless, by switching the attention back to English provisors this legislation did at least appear to be an important step towards reforming many of the abuses which seemed to feed Wycliffite and disendowment sentiment. Moreover, as we shall see it ushered in a wave of provisors legislation that focused on the problems caused by papal authority in England and was also followed by legislation that, for the first time, dealt directly with pastoral issues such as non-residence and appropriation.<sup>130</sup> In many ways it thus seems to mark the beginnings of a new counter-reformist strategy, and hence seems to confirm some of the points raised in the introductory section concerning Arundel and his fellow Appellants.<sup>131</sup>

### **Licenses II: The Second Statute Of Provisors and the Attempt to Restrain the Royal Prerogative.**

In the January parliament of 1390 the commons followed the 1388 bill by successfully petitioning for the enactment of the second statute of provisors.<sup>132</sup> Though the statute imposed less severe penalties than those asked for by the commons, it was still more severe than the statutes of 1351 and 1365. It stipulated that anyone who accepted a benefice contrary to the statute was to be exiled and his lands and chattels were to be forfeited to the king. The commons had wanted punishments of life and limb and had attempted to impose all sorts of restrictions that betrayed a distrust of the monarch and the government and an almost fanatical desire to see the legislation implemented. Thus, for instance, they asked that no treaty or composition should be

---

granted to Englishmen following the passing of this statute (see below, 107-8). If even a man of the Westminster Chronicler's intelligence and perceptiveness could be misled by the legislation, this reinforces the notion that the government had manipulated the reformist sentiment of the commons.

<sup>130</sup> See subsequent chapters, *passim*.

<sup>131</sup> See introductory section, 38-45, 50-52.

<sup>132</sup> *RP*, III, 266-67; *SR*, II, 69-74.

made between the king and pope in contravention of the statute, that no one should attempt to persuade the king or his heirs to annul the statute, and that the chancellor should implement the statute on pain of losing his office, never again holding his office, being fined £1000, and attainted by due process.<sup>133</sup> The commons were apparently suspicious that the government would simply continue to use the provisors legislation as a flexible negotiating tool with the papacy and as a means to affirm its own influence on provisions. Unsurprisingly, the government was evidently not prepared to meet all the commons' demands but did seemingly make its own move to help ease concerns about the use of the royal prerogative. It thus added a clause which stipulated that anybody who got the king to write to the pope on their behalf to do anything contrary to the Statute of Provisors then that person would incur punishment. This move may well have been designed to placate a commons who in 1380 had seen the government add a clause to a statute concerning alien provisors to allow the use of licences, and in 1388 a similar clause added to a statute concerning English provisors.<sup>134</sup> Following the latter there had apparently been a large increase in the number of these licenses, which may well have incensed the commons.<sup>135</sup> That Richard was evidently paying heed to the commons' wishes is shown by a sudden drop in the number of licences issued after 1390: a number which only rose significantly in the years of his arbitrary rule between 1397 and 1399.<sup>136</sup>

The king, however, would also have probably felt overwhelmed by the numbers asking

---

<sup>133</sup> Their sense of mistrust might have been heightened by the fact that the chancellor in 1390 was William Wykeham. In 1371 he removed from the office of chancellor at the behest of the commons. They wanted their ministers to be more answerable in the courts for their conduct. In 1376 Wykeham lost his temporalities at the behest of John of Gaunt. In November 1389 he crossed Richard by refusing to issue letters patent in accordance with his command. Richard consequently ordered him to hand over the seal to the prior of the Order of St. John so they could authorize it instead. For more on Wykeham, see N. Saul, *Richard II* (London, 1997), 254.

<sup>134</sup> See above, 93-94.

<sup>135</sup> Lunt (*Financial Relations*, 389-90) states that 'previous to 1388 few licences to seek papal provisions ... issued to Englishmen were entered on the patent rolls ... after the enactment of the law of 1388, the number of licences to Englishmen grew rapidly'. Unfortunately, no precise figures are given.

<sup>136</sup> Lunt, *Financial Relations*, 401, 408; Heath, *Church and Realm*, 262. Unfortunately, no precise figures are given.

for licenses. Though he liked having the power to issue them he surely would have preferred to deal with provisions as and when he liked. Thus his promise in the October 1383 parliament when he stated that he would stop granting licences if people stopped asking for them.<sup>137</sup> The solution in the 1390 statute was thus hardly entirely bad news for the king. It not only meant that he placated the commons but meant that he could retain the royal prerogative whilst getting the crowd of petitioners off his back.<sup>138</sup> Moreover he would soon have even more leeway in its implementation.

However, despite the significance of the statute it is noticeable that the petition is far less aggressive in tone than the petitions of the 1370's which aimed for and achieved less. Thus the 1390 petition simply refers to the fact that in the time of the king's predecessors they made statutes to counter 'the intolerable troubles which arose through provisions of the court of Rome' and argues there were more such provisions than ever before in order to persuade the government to implement these statutes with stricter penalties. Thus rather than focusing on contemporary problems and developing a reformist ideology to counter the practices of the contemporary papacy as the 1370's petitions did, the 1390 petition focused heavily on precedent. The commons were still seemingly not quite as able to have petitions which attacked the contemporary papacy and its practices so vehemently enrolled in the parliamentary and statute rolls in the post Blackfriars era.

---

<sup>137</sup> *RP*, III, 163. See above, 99.

<sup>138</sup> Thus the added clause said nothing about the king's right to write to the pope on anyone's behalf of his own volition. It was only if this was done 'al excitation dascune' that anyone would incur punishment. This effective loophole seems to have received little attention from historians but may help to explain why the king felt so free to recommend his kinsman Edmund Stafford for provision to a bishopric as early as 20 August 1390. This could be seen as an example of Richard's blatant disregard for the statute, but the fact is that Richard's use of papal provisions to bishoprics stands out against a comparatively good record for observing the terms of the statute. He thus probably felt that the statute allowed for the use of the royal prerogative at moments of his own choosing though not at those of others. The only problem with this loophole was that it might have been too subtle for the commons to recognise.

Indeed, that the commons still evidently held such passionate ideas is revealed by a letter, which was sent by Richard and numerous Lords and knights informing him of the Statute of Provisors and explaining the reasons for it.<sup>139</sup> One first becomes suspicious of an aggressively reformist influence over this document when one notes the names of 'Lollard Knights' amongst the signatories.<sup>140</sup> This suspicion is increased when one reads the Westminster Chronicler's description of the ambassadors sent with this letter 'some of them clerics and some knights, but all persons bound by no religious rule, so that in their disregard of ecclesiastical preferment they would be the more emphatic in their dealings with the pope over this matter.'<sup>141</sup> The ambassadors were Alan de Newerk, clerk, and William Farindon and Sir John Cheyne, knights. Sir John Cheyne had, in fact, been a knight in the parliament of 1390, and given Arundel's later concern over his leadership of the 'anticlericals' in the 1399 parliament, he may well have played a prominent role in whipping up the reformist sentiment against papal provisions in 1390.<sup>142</sup> It has long been pointed out that he personally benefited from the suppression of the alien priories and so his motives may not have been entirely pure in nature. However, this does not preclude the strong possibility that he was interested in reformist ideas. He certainly seems to have been interested in the issue of papal provisions and was chosen to go on several embassies to the papal court. Moreover it is notable that

<sup>139</sup> *Foedera*, VII, 672-75; *CCR*, 1389-92, 140.

<sup>140</sup> The infamous 'Lollard knights' Lewis Clifford and Richard Sturry were signatories along with William Beauchamp who has also been suspected of some connection with Lollardy. Both Sturry and Clifford invested in alien priories, but both seem to have been interested in reformist ideas (although more research in this area might be valuable). They were named as 'Lollards' by both Knighton and Walsingham. See McFarlane, *Lollard Knights*, especially 164-65, 191, 207-12. On Beauchamp's 'Lollardy' see J. Catto 'Sir William Beauchamp between Chivalry and Lollardy', *The Ideals and Practice of Medieval Knighthood III. Papers from the Fourth Strawberry Hill Conference 1988*, ed. C. Harper-Bill and R. Harvey (Suffolk, 1990), 39-48. Gaunt and Woodstock were also signatories. For their views, see above, 46-52.

<sup>141</sup> *Westminster Chronicle*, 413.

<sup>142</sup> *Annales*, 290. For Sir John Cheyne's background, see J.S. Roskell, 'Sir John Cheyne of Beckford, Knight of the Shire for Gloucestershire in 1390, 1393, 1394, and 1399, when Elected Speaker', *Transactions of the Bristol and Gloucestershire Archaeological Society*, 75 (1976), 65-94 and McFarlane, *Lollard Knights*, especially 163, 168-71, 192.

Arundel chose to undermine Cheyne's influence in 1399 by proposing internal reforms on the issues of non-residence and appropriation.<sup>143</sup>

In contrast to the legislation, the letter's contents are replete with reformist ideas. The overall theme of the letter is that the ideal conditions that existed in the English Church have been undone by papal exactions. This is a traditional theme but the way it is exposed bears a number of the hallmarks of the reinvigoration supplied by Wyclif and his supporters. It begins by expressing hope that the apostle will remove the errors and scandals in the government of the Church.<sup>144</sup> It then goes on to say that this ideal situation is now being destroyed by impositions, provisions and general and special reservations of the Apostolic See, which does not appoint suitable pastors but selects them to increase income from annates, and usurps the treasure of England.<sup>145</sup> All this causes intolerable cataclysms and means that the alms of the faithful are being used against the intentions of the founders.<sup>146</sup> Ecclesiastical dignities and other benefices, both with and without cure, are conferred on aliens, some of whom are England's enemies, and do not reside, whilst those that do reside do not know the language or their flock.<sup>147</sup> Christ's religion is destroyed, popular devotion perishes, alms cease and

<sup>143</sup> See non-residence chapter, 233.

<sup>144</sup> 'speramus quod apostolatus vestri Discretio studebit in omnibus Animarum Saluti consulere, Errores & Scandala de Regno Ecclesiae remove, fovere Justitiam, Aususque Temerarios amputare, & ut ad unum dicamus, nulli omnino velle nocere, set omnibus in Comuni prodesse, ut non quae sua sunt, set quae Jesu Christi quaerere videatur.'

<sup>145</sup> 'de Modernis Agriculis qui, mittentes manum ad Aratrum ceperunt retro respicere, quorum Ignaviâ Ager Dominicus sterilescit incultus, non cessans Spinis & Tribulos germinare, immò quasi Pigri Hominis Ager esset, aut Vineae Viri Stulti, totam miserè replent Urtice, operiunt Superficiem ejus Spinis, & Materia Lapidum flebiliter est destructa; dum per Impositiones, Provisiones, & Reservationes, tam generales, quam speciales, per Sedem Apostolicam, non ad Pastores idoneos in Ecclesiis deputandos, set ad Primos Fructus cumulatus aggregandos, & Regnum Angliae suo Thesauro Privandum, ut Fructus operis verisimiliter indicat usurpatos'. On these impositions, see Lunt, *Financial Relations*, 114-18.

<sup>146</sup> 'Quarum intolerabilis Cathaclismus hodie processit in Lucem, Ydola Pastorum & Mercenarii sibi captant introitus ad Ovile Dominicum, Oves Christi fiunt praeda Luporum, & piae Progenitorum nostrorum ac Procerum & Fidelium Eleemosinae, contra eorumdem Intentiones, in Voluptatem transeunt & Delitias Indignorum'.

<sup>147</sup> 'Caeterum in tantum processit provisionis & Reservationis Abusio, quod Dignitates Ecclesiasticae Regni nostri & Beneficia Pinguiora, Curata & non Curata, Alienigenis conferuntur, interdum fortassis

literate men who are suited to the cure of souls have no hope of promotion. Papal provisions are again blamed for students abandoning their studies. Throughout pastoral language is used to demonstrate the pope's deviance from the true apostolic path. This is reminiscent of Wyclif and his followers who, as well as rehearsing the old arguments, extolled Christ's law and turned the pope's claims to be an apostle against him by stressing how the apostle was supposed to live. As Wilks has noted, Wyclif:

made full use of the papal theory of the apostolatus, not to grant the pope any real measure of authority over Christian society, but simply for his own purposes ... He was astute enough to grasp that the whole notion of the apostolate could be turned to the advantage of the lay monarchs. In the first place, the title could be used to subject the pope to a whole series of arguments in favour of limited papal authority. Further, it enabled him to make obedience to the Roman see conditional upon the personal qualities of its occupant. But above all he was able to use the theory which lay behind the apostolic title to prove that there was no necessary connexion between the bishop of Rome and the true source of faith.<sup>148</sup>

The influence of this sort of thinking on Wyclif's followers can be seen in works such as *Of Mynistris in þe Chirche* which dates to around 1382 or 1383:

þei schulden be moste pore men and moste meke men in spirit, and moste profi3te to Cristus chirche; for so dude Petre in Cristus name.<sup>149</sup>

---

Nobis feraliter Inimicis, & aliis nunquam Residentibus, nec residere valentibus in eisdem, qui Linguam non intelligunt, nec cognoscunt Oves suas, nec a suis Ovibus cognoscuntur'.

<sup>148</sup> M. Wilks, 'The Apostolicus and the Bishop of Rome II,' *Journal of Theological Studies* 14 (1963), 353.

<sup>149</sup> *EWS*, II, 'Of Mynistris in þe Chirche', 54-56.

Once again, it might be suggested that the commons were simply using reformist arguments to attack the papacy and further their financial motives. However, it is noticeable that all the reformist issues discussed in the letter – universities, non-residence, papal intervention, the misappropriation of alms from charitable causes, the suitability of priests, and the rights of the founders – were those which, as noted above, were the subject of direct reformist legislative activity during the years that followed. Moreover, it must once again be stressed that these issues were not simply ‘antipapal’ or ‘anti-alien’ since much of this legislative activity targeted the English Church as well as the papacy.

**The Archbishops Protest: A case of ‘the lady doth protest too much’?<sup>150</sup>**

Not surprisingly, however, this letter was not signed by the archbishops. Indeed, the archbishops made sure that their protest to the Statute of Provisors was enrolled in the parliamentary rolls. Historians have often seen this protest without suspicion. However, if the hierarchy of the English Church had vehemently opposed this statute one wonders whether it would really have been passed. The protest stands out like a sore thumb in a work which was usually tailored to give the impression of royal authority. Whilst other incidents of commons agitation – such as the Disendowment Bill in the 1410 parliament – seem to have deliberately been wiped off the record, here the aggressive reformist attitude of the commons, the apparent helplessness of the king in the face of this, and the despairing protest of the archbishops all seem to have been

---

<sup>150</sup> William Shakespeare, *Hamlet*, Act III, Scene II.



deliberately highlighted.<sup>151</sup> The reason for this is most probably that the king and archbishops wished to present an image to both the English Church and the papacy of their being overawed in the fight against 'antipapalism'.<sup>152</sup> To do otherwise was to risk being rebuked, translated or even excommunicated, which is exactly what the papacy threatened to do in 1393. Partially, of course, this was true. As the protest of the archbishops makes clear, it is not only the Papacy's rights but the *Ecclesiastice Libertatis* that are being affected by the legislation, and they would have more vehemently blocked such legislation had it not been for this parliamentary pressure, despite the fact that as bishops they were the main losers in the system of papal provisions.<sup>153</sup> However to present themselves as being helpless was surely disingenuous. Rather one may well suspect that the monarchy and the bishops had collectively decided the best way of dealing with the parliamentary pressure: creating a piece of legislation which gave the king some leverage, the bishops some hope that the king might have further power to protect them against papal incursions and a valuable weapon in the fight to prevent reformist sentiment from spilling over into support for disendowment and even heresy.

---

<sup>151</sup> However, the exact nature of the commons' reformist attitude is perhaps smudged over.

<sup>152</sup> Indeed, the king and his government seem to have employed such a strategy in their correspondence. Thus in 1394 a letter written by the Duke of York, the chancellor, the treasurer, the keeper of the privy seal and 'others of the king's council' to the king on behalf of Bartholomew of Navarre, the papal lawyer, referred to the Statute of Provisors as being made 'a linstigacion du malveys esprit': *Proceedings and Ordinances of the Privy Council of England* vol.1, 10 RII-11 HIV, ed. H. Nicolas (London, 1834), 53-55. This may also indicate a split in the council over provisors. A similar split in the council can be seen in 1404 over the issue of disendowment. See 'Sir John Cheyne of Beckford' 87-88. A direct example of the king blaming the Commons is seen below, 115, fn.157.

<sup>153</sup> RP, III, 264.

### The 'Moderation' of the Statute/Papal Provisions and the Universities II: Genuine Reform and Bargaining Power

Moreover, they may have already planned the next move: the 'modification' or 'moderation' of the Statute of Provisors. Indeed, in the following parliament - which met on November 1391 and during which the chancellor was one Archbishop Arundel - the commons reluctantly agreed that the king could *faire tielle soefferance* to the statute as seemed reasonable and profitable to him, saving the right to disagree with it in the next parliament. Two monastic chroniclers - Walsingham and the Westminster Chronicler - claim that the king and the duke of Lancaster had attempted to persuade the commons to annul the statute in response to requests by two papal nuncios.<sup>154</sup> However, it seems unlikely that they would have wanted to succeed in such a task. Indeed, in many ways the moderation provided the ideal situation for the king and the English Church hierarchy. They were now perhaps in an even better position to bargain with the papacy on the matter of exactly which papal provisors were presented to benefices in England. The government may thus have manipulated the pressure applied by the pope to find the perfect solution for itself. Both chroniclers thus hint that the commons may have been prepared to compromise in order not to dishonour the king or pope. Unfortunately, the pope, at this point seemed unwilling to compromise. It was rumoured that he planned to translate certain prelates out of the realm as a result of their role in the 1390 Statute: he evidently did not trust the archbishops' protest. Both Arundel and Courtenay thus staged a remarkable volte-face and supported the new Statute of Praemunire that gave the king the theoretical power to resist such attacks.<sup>155</sup> Indeed, Courtenay went so far as to extol the king's imperial authority stating that:

<sup>154</sup> Westminster Chronicle, 480-82; The St Albans Chronicle, 915.

<sup>155</sup> SR, II, 84-85.

la Coronne d'Engleterre q'ad este si frank de tout temps, qe n'ad ceu nule  
terrene Sovereynne, mes immediat susgit a Dieu en toutes choses touchantz  
Regalie de mesme la Corone & a nule autre<sup>156</sup>

In fact it is possible that the Statute of Praemunire was actually created by the archbishops, since, although Courtenay claimed that it was petitioned for by the commons, there is no enrolled commons petition. Meanwhile the commons again agreed that the king could 'modifier' the Statute, though these modifications would be subject to the approval of the next parliament. According to a letter Richard sent to the pope in 1393 this assent was extremely reluctant.<sup>157</sup> It is quite probable that Richard was deliberately highlighting the commons' reluctance to persuade the pope to comply. However, there was surely more than an element of truth to it. The question is how did the monarchy persuade the deeply entrenched commons to give their assent?

Perhaps the best answer is not simple pressure, but a mixture of pressure and persuasion. It is noticeable that in 1391 the commons secured the success of a petition concerning appropriation, whilst in 1393 they made sure to stipulate that the king considered the needs of the Universities of Oxford and Cambridge in the modification.<sup>158</sup> The commons were thus seemingly not acting out of simple self-

<sup>156</sup> RP, III, 304.

<sup>157</sup> 'Est ita, benignissime pater, quod licet dictus populus noster in eodem parlamento, ad evitanda dampna corone nostre, predicto statuto ferventer adhererit, ad maximam tamen nostri et prelatorum ac procerum regni nostri excitationem, statuti predicti moderacio fuerat nostre discrecioni et consilii nostri licet cum difficultate relicta, sub illa tamen intencione et confidencia quod que nostre corone preiudicialia fuerint nequaquam admitteremus, quinimo iura dicte corone ex debito iuramenti per nos in coronacione nostra prestiti curaremus illibata servare, ad quos nos idem populus noster instancius requirebat': *The Diplomatic Correspondence of Richard II*, ed. E. Perroy (London, 1933), no. 194.

<sup>158</sup> It is interesting to note that the appropriation bill may have helped secular graduates whilst hitting those from the monastic and fraternal orders. One of the key reasons for the so-called 'crisis in patronage' was the effect of appropriations on the number of vicarages left to graduates. Monks and friars may have been compensated by the fact that it was their orders who did most of the appropriating of such vicarages. Perhaps realising this some Wycliffite texts maintained that appropriation was not excused by the needs of

interest. Nor did financial motives apparently always override all other considerations. The commons seem to have been prepared to make sacrifices for certain principles. In their petition of 1376 they had claimed to be on the side of the universities and they were sticking by their word. This does not mean to say that they had abandoned their quest to totally abolish papal provisions: only that they now realised that in this sphere reform had to be gradually phased in. The system of papal provisions was too important to the universities to be abolished overnight.<sup>159</sup> For now they were prepared to compromise. As we shall see, however, alternatives were clearly being sought: alternatives which the Wycliffites and their opponents were fighting over to provide.

The pope finally accepted the notion of a compromise following the commons' third assent to a modification in 1397. The terms of what became known as the 'moderation' were settled on 25 November 1398. They also seem to reveal that the commons had more than self-interest on their minds. For the moderation seems to have sensibly been designed to meet at least some of the interests of the various different parties, including the commons. Indeed, whilst it clearly aimed to ensure the king's influence over provisions it also intended to make sure that the commons' complaints about matters such as non-residence, elections and novelties were met. It thus stipulated that cardinals were not to be provided to an elective dignity, to the headship of a collegiate church, to a benefice which by law or custom required residence or personal exercise of administration, or a benefice with cure of souls whilst foreigners other than cardinals were not to be provided at all.<sup>160</sup> This indicates that the commons' demands

---

colleges. See, for instance, Matthew, 427/16ff. The notion of a 'crisis' may well have been stoked up by the rivalry between the seculars, the friars, and the monastic orders for patronage. Both FitzRalph and Wyclif certainly blamed the friars. See appropriation chapter, 213-14 and friars chapter, 303-5.

<sup>159</sup> See above, 80 fn.41.

<sup>160</sup> 'Set tamen dominis cardinalibus non providebitur de dignitatibus electivis quibuscumque principalibus in collegiatis vel aliquibus beneficiis curatis seu residenciam vel personale administracionis exercicium de iure vel consuetudine requirentibus; aliquibus tamen alienigenis nisi cardinalibus infra regnum nullatenus

were not necessarily mere rhetoric masking a desire for cash. The king seems to have expected that they would agree to a moderation that, rather than getting rid of aliens from the fatter benefices of cardinals, only allowed cardinals, out of all the aliens, to keep their benefices as long as they did not affect the cure of souls. At the very least Richard must have felt that the commons were bound by the ideas that they had adopted. Unfortunately we shall never know for sure whether the commons would have confirmed this moderation as Henry's usurpation intervened.

### **Henry IV's Reign**

#### **The Moderation of the Statute II: Governmental Manipulation and the Protest of the Commons**

The fact that the commons were not happy to simply allow the provisors legislation to be used in the king's interests was highlighted by the events of the next two parliaments. The official record of the parliament of 1399 relates that parliament gave Henry the power to moderate or even to annul the Statute of Provisors. Evidently the moderation agreed with Boniface IX was now dead in the water as there was no effort made to ratify this.<sup>161</sup> However the most fascinating aspect of this parliament regarding provisors was revealed by the next parliament. Indeed, in the parliament of January 1401 the commons pointed out to the king 'that the article dealing with the moderation of the statute of provisors made in the last parliament held in the first year of his reign had been enacted and entered on the roll of parliament in a style that had not

---

providebitur': the moderation is printed in E. Perroy, *L'Angleterre et le grand schisme d'occident* (Paris, 1933), 419.

<sup>161</sup> Lunt, *Financial Relations*, 400.

been agreed upon in this last parliament'.<sup>162</sup> It seems likely that the phrase the commons were objecting to was one that had never appeared in discussions of the moderation before. Thus as well as relating that the commons had given assent to the king to 'make any sort of relaxation, ordinance or modification' of the Statute of Provisors, the roll claims that the commons also gave the king the power to 'quash, repeal, invalidate and completely annul the same statute'.<sup>163</sup> Such assent seems unlikely given the commons' previous record over provisors, especially given the 'anticlerical' fervour that is reported to have existed within that parliament.<sup>164</sup> Indeed, the 1401 commons clearly did not believe that their predecessors agreed to the total annulment of the Statute of Provisors since the parliamentary rolls of 1401 also record that earlier on in the proceedings the commons had fully agreed 'to the same relaxation, ordinance and moderation, according to that which is contained in the roll of the last parliament, requesting of our same lord the king that no relaxation, ordinance or moderation be made in any other way, or take its place, for cardinals or any other aliens'.<sup>165</sup> At this point they thus cannot have been aware of what the rolls said about quashing the statute.

Indeed, the only interest the commons seem to have had in a moderation was to benefit graduates. Hence their petition in this year which asked the king to remember the universities in the moderation.<sup>166</sup> It must be stressed that the government did share this concern. Thus Henry IV seems to have had a personal interest in ensuring the promotion of educated graduates to benefices, telling the 1399 parliament 'that he hoped to see men chosen as rectors of churches who were worthy of their position, unlike many

<sup>162</sup> *RP*, III, 465-66.

<sup>163</sup> *RP*, III, 428-29.

<sup>164</sup> *Annales*, 391-94; Wilkins, *Concilia*, III, 242. See non-residence chapter, 233.

<sup>165</sup> *RP*, III, 458-59.

<sup>166</sup> Usk has an interesting account of this petition in which he states that the bishops did not want to lose their right to collations to benefices but the commons held out for papal provisions. The result was that the prelates 'promised of their own free will to provide worthy clerks to benefices within the kingdom': *Adam Usk*, 126.

of those who had been appointed in his predecessors' times'.<sup>167</sup> Moreover, in 1403 he personally agreed to the use of the moderation to allow the universities to send a *rotulus* of eligible graduates to the papacy at the request of his wife.<sup>168</sup> Nevertheless, the government does seem to have manipulated the commons' concern for the universities in 1399 to seize for itself these extra powers. It most probably felt that these powers were necessary for successful negotiations with the papacy and to maintain and affirm its own influence over papal provisions. It had then seemingly tailored the 1399 parliamentary rolls to attempt to fool the commons of 1401 that the commons of 1399 had granted such assent. Such behaviour finds a parallel in 1382 when the commons complained that the statute concerning preachers was made without their permission.<sup>169</sup> They thus asked that this piece of legislation be destroyed.<sup>170</sup> The English government seems to have felt that, at times, overriding the views of the commons and even manufacturing their assent was justified in the interest of protecting their relationship with and influence over the Church. Indeed, the government seem to have gone so far as to get the lords spiritual and temporal and the king's advisers to testify that the moderation had been entered correctly.<sup>171</sup> The split in parliament over this issue could not be more obvious.

### Licences III: The Commons Move to End the System

The commons, however, would not be entirely cowed in this parliament and set about doing whatever they could to limit the king's prerogative and assert parliamentary sovereignty. They were clearly anxious to try to stop the king from sidestepping the

<sup>167</sup> *Annales*, 304.

<sup>168</sup> *CPR*, 1402-5, 324; Lytle, 'Patronage Patterns', 325. For more on these 'rotuli', see below, 134, fn.217.

<sup>169</sup> 'La quel ne fuist unqes assentu ne grante par les Communes, mes ce qe fuist parle de ce, fuist sanz assent de lour': *RP*, III, 141.

<sup>170</sup> See social legislation chapter, 164.

<sup>171</sup> *RP*, III, 465-66.

Statute of Provisors by issuing licences and pardons. In one petition they thus asked the king to inflict the penalty stated in the Statute of Provisors against anyone who used the king's pardon to take possession of a benefice by virtue of papal provision that was already in the possession of someone whom a person of Holy Church had presented.<sup>172</sup> The use of the royal prerogative combined with the king's right to modify that statute had been causing a major problem in this respect and the commons were evidently keen to deal with it.<sup>173</sup> That Henry IV shared the commons feelings on this matter is shown by his unreserved acceptance of this petition.<sup>174</sup> However, the commons clearly wanted to go further still. They thus issued another petition in which they asked that the king refrain from issuing licences and pardons altogether and that henceforth all benefices that became vacant should be subject to the full enforcement of the Statute of Provisors.<sup>175</sup> This desire to bind the king to the full enforcement of the Statute of Provisors is paralleled in a number of Wycliffite Texts, which urged that the king himself should be fully bound by the provisors legislation. For instance the Thirty-Seven Conclusions states that the whole of parliament, including the king, are obliged to hold the provisors legislation:

If any bishop of Rome will interdict our clergy and realm to get control of whatever provisions he wishes to the most grievous prejudice of our realm both in terms of its souls and bodies as of its treasure, all faithful men of our realm are obliged to stand steadfastly

---

<sup>172</sup> RP, III, 458-59.

<sup>173</sup> The fact that Richard had issued such licenses more freely in the final years of his reign may well have exacerbated this problem in the years leading up to this parliament, although he is not specifically blamed. Henry was actually rather conservative in the issue of licences and pardons at the beginning of his reign. He issued one licence in 1399 and one pardon in 1400, six licences and pardons in 1401, and ten in 1402 up to 23 April. He then abstained from granting any more until 4 March 1403. See Lunt, *Financial Relations*, 402.

<sup>174</sup> RP, III, 465. However, see previous footnote. He did issue more licences in 1402. The king then promised again not to issue such licences in the parliament of 1402 after which he was true to his word until at least the following year.

<sup>175</sup> RP, III, 465-66.



against him and this, by the virtue of God and of his law, as Paul stood against Peter before all men, for the freedom of the gospel to be kept, in the second book of Galatians.<sup>176</sup> This obligation is proven by the following, that both kings and lords, clerks and commons, in parliament, are strongly bound to do so by their own statute according to God's law and reason, and underpinned by strong oaths and punishments.<sup>177</sup>

Unfortunately the arguments used in the petition – that it would be better for the preservation of the tranquillity and treasure of the realm – are rather too dry to determine any specific ideological influence. However, it is clear that these arguments were evidently designed to gain this more sweeping concession from the problems that lay behind the argument used in the former petition concerning the use of royal pardons. The squabbling that ensued from dual claimants to benefices (of which there are plenteous examples in the calendars of patent rolls) would surely have affected the 'tranquillity of the realm' and no doubt the quality of the cure of souls.<sup>178</sup> The commons were once again highlighting the effects of the factional nature of the provisors controversy to push through their vision of reform. Indeed, had this petition been passed it would most likely have pleased those, such as the Wycliffite preachers, who sympathised with the notion that papal dominion in England should be curtailed: one of the last bastions of such authority would have been removed. Henry, however, would only commit himself to stating that he did not wish to issue such licences and pardons in the future, though he reserved the power to do so. At the same time he once again

<sup>176</sup> Galatians, II, 11.

<sup>177</sup> Forshall, ed., *Remonstrance*, 86: 'If ony bisshop of Rome will enterdite oure clergie and rewme to gete maisterfulli of hem sich provision at his wille in most grevous preiudice of oure rewme in soulis and bodies of oure lige men and in treesour of the rewme, alle feithful men of oure rewme owen to agenstonde him stidefastli and in the face bi the vertu of God and of his lawe, as Poul agenstoode Petir in the face bfore all men, for the fredom of the gospel to be kept in the II. c<sup>o</sup> to Galat. This sentence is open bi this, that bothe kingis and lordis, clerkis and comouns in the parlement ben strongli bounden herto bi here owne statute acordinge with Goddis lawe and resoun and undirset with ful strong oth and peynis'.

<sup>178</sup> For a discussion of this phenomenon, see Heath, *Church and Realm*, 262-63, Zein El-Gazar 'The Parliament of 1406', (unpublished PhD Thesis, University of St Andrews, 2001), 240-41.

pointed out that in the last parliament he had been granted the power 'to make such relaxation, ordinance, and moderation touching the statute of provisors as would seem to him most profitable and reasonable, as may be seen from the entry regarding this on the roll of parliament'. However, the fact that he made no mention of quashing the statute (which, as we have seen, was also mentioned in this entry) perhaps suggests that the king was now tacitly admitting this was not acceptable.

### **Papal Provisions and the Universities III: Arundel's Counter-Reformatory Plans?**

Interestingly, there are signs that the Wycliffite preachers may well have been working to develop plans to further reduce the number of papal provisions by undermining the need for them amongst one of the last major groups of recipients: the graduates. Most significant are the actions of Archbishop Arundel, who in 1402 seems to have made another one of his moves partly aimed at dislocating reformist sentiment from the more dangerous outright heterodoxy of the Wycliffites. Thus, in this year, the man who in 1390 had openly stood against the Statute of Provisors fostered the king's support for a plan that was clearly aimed at finally replacing the system of papal provisions to graduates. Whilst in 1393 and 1399 Richard II had granted dispensation for the dispatch of rolls of the universities containing requests for papal provisions for their graduates, this new initiative planned to install a committee of bishops which would recommend graduates to ecclesiastical patrons for preferment.<sup>179</sup> Arundel's support for this plan has often been seen in terms of him being a graduate and hence being concerned for the fate of graduates. There may well be a significant amount of truth in this, but the picture is perhaps rather more complex. If Arundel's only concern

---

<sup>179</sup> On the first occasion Richard had done so with the consent of parliament, on the latter without: *RP*, III, 301; *CPR*, 1396-9, 547, 561. On the new initiative, see *Reg. Chichele*, vol.I, clii; Lytle, 'Patronage Patterns', 132-33 and Evans, 'Number, Origins and Careers of Scholars', 534-35.

had been the fate of graduates he could have pushed for the maintenance of papal provisions to graduates.<sup>180</sup> The commons had been prepared to accept this whilst there were no serious alternatives. That Arundel himself was providing the alternative seems to suggest that he was, in fact, responding to the threat of possible other alternatives. In this light it should be remembered that the idea of a parliamentary disendowment of the clergy was evidently growing in strength during this period. There are reports that a number of knights proposed a disendowment of the clergy in parliament at some point between 1399 and 1404.<sup>181</sup> Could it be that these plans included suggestions that disendowment would allow for the creation of new universities and support for graduates? Certainly the 1410 Lollard Disendowment Bill made such suggestions:

Thus throughout the realm it will be possible to have fifteen earls and 15,000 knights and esquires more than are now adequately endowed, and in addition fifteen universities in which there will be 15,000 priests and clerks adequately supported by temporal alms.<sup>182</sup>

<sup>180</sup> Indeed, in 1399 convocation had pushed for the repeal of the 1390 Statute because of its adverse effects on graduates. The 1402 plan thus appears to have represented a significant shift in policy by the leader of the English Church. See Wilkins, *Concilia*, III, 275.

<sup>181</sup> See introductory section, 23.

<sup>182</sup> *SEWW*, no.27/66-69. These high numbers are also contained in the list of heresies and errors of John Purvey in *Fasc. Ziz.*, 393. Interestingly, a later manuscript of the Disendowment Bill has no mention of the universities and refers to these priests as 'goode prestes and perfyzt clerkys to preche þe worde of Godde wythoute flateriung or beggyng or worldly mede to seke þerfore' Hudson (*SEWW*, 206 n.64) speculates that this may in fact preserve the original form of the text as this description fits the 'Lollard model'. However, owing to the later date of this manuscript this may instead be evidence of a changing audience for the Lollard Disendowment Bill. The Wycliffites tended to adapt their views on graduates to meet the expectations of their audience. Kantik Ghosh (*The Wycliffite Heresy: Authority and Interpretation of Texts*, (Cambridge, 2002), 112-13) has noted the great tonal variation in the Wycliffite sermon cycle. Sometimes the sermons seem to assume a learned audience and so include learned and recondite jokes, whilst at other times the sermons are designed for an audience that would sympathise with the denigration of academics. Similar observations have been made of other sermons. The reality is that the Wycliffites, like Wyclif, had adopted some of the older 'anticlerical traditions' such as the mockery of false learning, in order to castigate their opponents, especially the friars. They remained, however, conscious of the benefits their own learning had granted them. Moreover, they apparently realised that those in parliament sympathised with the plight of the academics, or at least had to find solutions for them, and so they seem to have designed their preaching to suit these men accordingly. However, once

As discussed above the detailed disendowment plans seen in 1410 had roots which stretched back well before 1402.<sup>183</sup> It thus seems plausible that Arundel's university plans were a reaction to more dangerous Wycliffite plans. It would have been typical of a man who a year earlier had told convocation that action should be taken against non-residence and pluralism in order to forestall the commons' plans to bring in new statutes against the liberties of the Church. He clearly would have wanted to do all that was possible to avoid the threat of disendowment. Unfortunately the plan, for the moment, did not even get off the ground. However similar plans were rather more successful in the reign of Henry V.<sup>184</sup>

### **First Fruits and the Souls of Papal Provisors**

The next piece of provisors legislation came in the parliament of October 1404. A commons petition complained about a novel custom in the papal court of not only having to pay the first fruits for bishoprics and archbishoprics but also for lesser services in the same court.<sup>185</sup> It is a generally cautious petition in which many of the traditional arguments were spun out and developed. Thus as well as arguing that this was a novelty and that the sums demanded were at least two or three times the amount asked for traditionally (note once again the calculations), it pointed out that it meant vast sums were leaving the realm and that English bishoprics and archbishoprics were being harmed. Most interesting is its suggestion – seemingly novel to the parliamentary provisors debate during this period - that all this was dangerous to the souls of those who

---

'Lollardy' became a more lower class movement, the Lollard Disendowment Bill may have been adapted to cater for an audience who would not have cared for academics and their learning.

<sup>183</sup> See above, 83-88.

<sup>184</sup> See below, 136.

<sup>185</sup> *RP*, III, 557. The archbishoprics, bishoprics and abbasies who owed services were, along with universities, the main recipients of licenses for provision.

should be advanced to these bishoprics.<sup>186</sup> This petition does not seem to make it entirely clear whether this was because such men were failing to get the posts they deserved owing to the costs or because they were having to collude in acts of simony in order to get them. However, this latter interpretation seems more likely if one compares it to a petition of 1407 which is rather clearer.<sup>187</sup> It is also perhaps a little reminiscent of a Wycliffite sermon which condemns the practice of first fruits and points out that simony should be avoided if one desires the blessing of God.<sup>188</sup> Similarly a number of Wycliffite tracts concentrated on the damage the system of papal provisions did to souls.<sup>189</sup> Whilst it must be stressed there is nothing specifically heterodox about this, this novel aspect of the petition may owe something to the contribution made to the reinvigoration of the parliamentary provisors debate made by Wyclif and his followers. Moreover, it was most probably not simple rhetoric, since as Benjamin Thompson has demonstrated the issue of the damage done to English souls was crucial in determining which alien priories were quashed and which were saved.<sup>190</sup> Apparently financial decisions could thus often be informed by spiritual considerations.

<sup>186</sup> 'les parils des almes de ceux qui deussent estre avancez a aucuns ercheveschies et eveschies deinz voz ditz roialme et seignuries'.

<sup>187</sup> See below, 131.

<sup>188</sup> *EWS*, II, CS83/68-72: 'for 3if thei wolen have þanc of God, þei schulden here flee symonye, and neyþur sulle þer prechyng, ne oþur werkys þat þei don. And þis for3eton monye men, boþe more preestus and lasse; for popus wolon have þe furste fruytus for beneficis þat þei 3yvon.'

<sup>189</sup> See, for instance, quote on page 120-21.

<sup>190</sup> B. Thompson, 'The Laity, the Alien Priors and the Redistribution of Ecclesiastical Property', *England in the Fifteenth Century: Proceedings of the 1992 Harlaxton Symposium*, ed. N. Rogers (Stamford, 1992), 28-29. However, it must be pointed out that the souls in question in such cases were generally those of lay founders, patrons or parishioners rather than ecclesiastics. Nevertheless, this is still suggestive of a concern for the spiritual over the financial.

### **Licences IV: The Long Parliament, the Royal Prerogative and the Problems caused by Dual Claimants to Benefices Continued**

The question of licenses was then reopened with a vengeance in the long parliament of 1406.<sup>191</sup> Henry IV had ended his abstention from licence and pardon giving in October 1404, and there followed a dramatic rise in the numbers issued. Thus in the final months of 1404 there were four, in 1405 twenty-seven,<sup>192</sup> and then in 1406 sixty-four.<sup>193</sup> According to Dr El-Gazar, these sixty-four broke down into thirteen during the first two months of the year, up to the point when parliament assembled; one during the first session of parliament, and one during the adjournment; ten during the second session of parliament; seventeen during the parliament's second adjournment; and twenty-two during the third session of parliament.<sup>194</sup> The result of this rapid increase was a series of petitions on the issue. Again one of the key problems seems to have been the granting of licenses for papal provision to benefices already occupied by ecclesiastical appointment. Theoretically the legislation and king's promises of 1401 and 1402 should have dealt with this but the king's recent licence-giving spree had evidently engendered a need for reassurance amongst the commons. Whilst the fact that the legislation itself was generally being enforced meant that papal provisors were not actually succeeding in ousting ecclesiastical appointees, the fact that the king was granting such licences meant that there were nevertheless a significant number of troublesome disputes. In particular retrospective licences seem to have been a

<sup>191</sup> The Wycliffite preacher William Taylor gave a sermon before St. Paul's Cross on 21 November 1406 whilst parliament was sitting. He preached against papal dominion and clerical endowment but did not discuss the topical licenses. For this sermon, see *TWT*, 1-23. For the uproar it caused, see *St Albans*, 1-2. Significantly the 'anti-Lollard' statute of this year targeted reformist ideas concerning papal dominion and endowment as well as sedition suggesting the prince of Wales who sponsored it was keen to associate such ideas with heretical and seditious behaviour (*RP*, III, 583-84). This seems to be a taste of what was to come.

<sup>192</sup> These are the figures given by Lunt, *Financial Relations*, 403.

<sup>193</sup> This latter figure is given by Dr. Zein El-Gazar ('The Parliament of 1406', 240) for the whole of 1406. Lunt (*Financial Relations*, 403) states that there were 54 in the year up to 6 November.

<sup>194</sup> El-Gazar, 'Parliament of 1406', 240.

problem.<sup>195</sup> The commons thus petitioned that the king should not grant any retrospective licences in the future. In doing so it concentrated on the arguments that this was unlawful and resulted in the disturbance of the tranquillity of the realm.<sup>196</sup> Henry's response was to say that he would not grant licences in cases where the benefice was already occupied. This does not seem to have satisfied the commons who in another petition made specific reference to the fact that the king had already agreed on 17 June 1402 to 'revoke generally and universally' all such licences.<sup>197</sup> They thus asked him to confirm this and to promise that in future all licences granted by him should only apply to benefices falling vacant after the date they were granted.<sup>198</sup> The commons again used generally practical arguments - that this was necessary for the tranquillity of the realm and to avoid any dissensions that might arise - which highlighted the factional nature of the provisors controversy. After some consideration, the result of these petitions was a statute which ordained that no licence or pardon granted for a papal provision either before or after the passing of the statute should be valid for any benefice that was occupied before the granting of the licence or pardon.<sup>199</sup>

### Partisan Politics Continued

The factional nature of the provisors controversy was also highlighted in another petition of this parliament. Thus the commons also asked that the Statute of Provisors should be fully enforced against anyone who attempted anything contrary to the king's laws or his regality in the court of Rome. Intriguingly they stated that the *notories*,

<sup>195</sup> Licences gained by the papal provisors after they had already gained papal provision from Rome without permission.

<sup>196</sup> RP, III, 596 (c.119); SR, II, 153 (c.viii).

<sup>197</sup> RP, III, 599 (c.134).

<sup>198</sup> He had promised in the letter of 1402 to ordain remedy in the parliament of that year but never actually did so, choosing to simply enrol the letter in the rolls of parliament: CPR, 1401-5, 105; RP, III, 490-91.

<sup>199</sup> SR, II, 153.

*procuratours, executours, fautours, maynteignours, recettours* of such men should also be punished according to the penalties laid out in the same statute. What is interesting about the words *fautours, meynteignours, and recettours* is that they were increasingly being used in the prosecution of heretics. Indeed, John Arnold has argued the use of the term *fautour*, particularly in collocation with *recettours* in the trials of English heretics during this period is a sign that the ecclesiastical authorities in England were looking to continental inquisitorial discourse as a guide to their dealings with heretics.<sup>200</sup> To some extent the records of parliament support Arnold's claims since the term was used in the 1382 statute against heretics and the 1414 statute against the 'Lollards'.<sup>201</sup> However, the term was used in England before the period of 'Lollardy' and until 1414 the commons never used the term against heretics or 'Lollards' directly.<sup>202</sup> In fact, they almost exclusively used it against the supporters of papal provisors and first did so in the 1365 Statute of Praemunire.<sup>203</sup> Meanwhile the commons also seem to have often used the term *meynteignours* against seditious lawbreakers.<sup>204</sup> By using words traditionally associated with heresy and sedition the commons seems to have been deliberately attempting to portray an image of seditious, secretive, factional and heretical behaviour upon papal appointees and their supporters. Protagonists of the provisors legislation

<sup>200</sup> John Arnold, 'Lollard Trials and Inquisitorial Discourse', *Fourteenth Century England II*, ed. C. Given-Wilson (Woodbridge, 2002), 81-95. The term 'fautour' had a number of alternate spellings including 'fautor'.

<sup>201</sup> *RP*, III, 141; *RP*, IV, 24. The fact that it was never used by the commons against the 'Lollards' until 1414 reinforces the idea, discussed below and in numerous chapters, that after 1414 the commons had to disassociate themselves from 'Lollardy' and the threat of disendowment.

<sup>202</sup> The commons never agreed to the statute of 1382 and protested against its introduction, repeating its terms and terminology, in the process. *RP*, III, 141.

<sup>203</sup> They used it in the 1365 petition that led to the Statute of Praemunire, and 1373, 1390, 1406 and 1407 petitions against papal provisions, papal provisors, or their supporters (*RP*, II, 283-85, 320; *RP*, III, 266-67, 595, 615). They also used it in a 1378 petition concerning commissions of the peace (*RP*, III, 144), and a 1410 petition concerning wrongful indictments (*RP*, III, 624). The term can also be found in a few clerical, private and one lords' petition. It is thus found in the 1323 and 1397 Bills concerning the Dispensers (*RP*, II, 93; *RP*, III, 364), a 1376 lords' petition concerning the governance of the cities (*RP*, II, 347), a 1382 speech by the Bishop of Hereford concerning Dispenser's Crusade (*RP*, III, 134) a 1382 petition by Walter Sibil on behalf of the fishmongers (*RP*, III, 143) and a 1391 petition by the abbot of St. Osyth (*RP*, III, 287).

<sup>204</sup> See, for instance, *RP*, II, 237: a petition concerning riots and enemies of the land in 1352.



faced excommunication from the papacy and the commons evidently reacted by using the language of heresy and sedition against the supporters of the papacy: a process that accelerated with the stigmatisation and counter-stigmatisation of reformers and opponents during the period of 'Lollardy'.<sup>205</sup> Thus, whilst seemingly beginning in 1365, this process began to pick up speed during the period of 'Lollardy' with the term *fautour* also used in 1373, 1390, 1406 and 1407 petitions against papal provisions, papal provisors, or their supporters and, on the other side of the debate, the 1382 statute against heretics and the 1414 bill against the 'Lollards'. Moreover, as we have seen, the factional nature of the papal provisors debate became especially pronounced from 1382 when the Church hierarchy condemned various reformist ideas associated with Wyclif concerning papal dominion and endowment which had played an important role in this debate, and the commons asked that people should be forbidden from speaking in favour of provisors.<sup>206</sup> That this process seems to have started in 1365 is a reminder that, as with so much else to do with 'Lollardy', we often have to look beyond its official *terminus a quo* for the roots of developments connected with it.

Further indications of partisan reformist involvement can perhaps be seen in the extremism of this petition. It asked that the king himself should grant no licenses for any suit brought in the court of Rome. No letters of pardon should also be granted until the aggrieved party had received full restitution. The commons were thus once again effectively trying to further restrict the royal prerogative to the point where he would not be able to issue licences or pardons in this regard, even if he chose to do so without their asking. Henry, not surprisingly, gave an answer that left every bit of his royal prerogative intact. He stated that the previous statutes on this should be upheld and

---

<sup>205</sup> See introductory section 9-11, and social legislation chapter 161-64.

<sup>206</sup> See above, 95-98.

protected, saving his own prerogative and liberty, and the modification reserved for him on this matter by parliament. Just as Richard had done on numerous occasions, Henry was publicly affirming his personal freedom from the terms of the provisors' legislation.

Consequently Henry seems to have felt fairly comfortable to continue issuing licences after the end of this parliament. Not surprisingly in the next parliament – that of October 1407 - the issue was thus raised yet again. In one petition the commons asked that anyone who ousted an incumbent of a benefice by a process not instituted by a summons instituted within the realm, and their *procuratours, fautours, et conseilours*, should incur the penalties laid down by the statutes of 1351 and 1390.<sup>207</sup> The petition argues that these incumbents are being damaged by 'secret and furtive' processes started at the Roman curia.<sup>208</sup> This sort of seditious language is again reminiscent of that used against the Wycliffites and other reformers lumped together with them as 'Lollards'. The king's response betrayed his deep desire to retain the royal prerogative and could scarcely have satisfied the commons. He stated that the council should have the power to deal with the case of anyone who felt aggrieved until the next parliament saving the prerogative and liberty of the king. Perhaps partly in response to this the commons then attempted a major assault on this liberty and prerogative. In another petition the commons used a multi-layered argument to ask that licences and pardons be done away with altogether, that all the previous provisors' legislation should be held and kept, notwithstanding the modification of these statutes previously granted to the king and that free elections should be held to archbishoprics, bishoprics, abbacies, priories, deaneries, and other dignities without being disturbed by the papacy or royal mandate.<sup>209</sup> According to the commons all this was necessary to stop the impoverishment of the

---

<sup>207</sup> *RP*, III, 615.

<sup>208</sup> 'prives et embles processes.'

<sup>209</sup> *RP*, III, 621.

realm, the growth of disputes, the ousting of incumbents, the disinheritance of the true patrons, and the 'peril of the souls of the said provisors (whose intention may more readily be understood as being to have their provisions made and enforced through simony rather than through grace)'. Thus once again we find a new adaptation of this developing argument concerning the souls of papal provisors.<sup>210</sup> The commons had therefore gathered together a series of arguments, some old and some new to the parliamentary debate, in order to try finally to rid themselves of all papal provisions bar those they had expressly agreed upon in the moderation. The petition again uses the language commonly used against heretics when it stipulates that the provisors legislation should be held against all the *executours, procuratours, notoirs, fautours, mainteinours, et receptours* of the papal provisors. It seems fairly clear then that old 'anticlerical' traditions were being reinvigorated with new arguments and a new language and that all this was aimed in an increasingly extremist stance against papal provisions.

Who could have been behind such a development? Again key suspects must be the Wycliffite preachers who surely wanted to see a total end to papal provisions, who were clearly reinvigorating old traditions by the use of new arguments including those used here, and who were well aware of the language of heresy and sedition and the power to be had by its use. Undoubtedly, however, they would have been a little disappointed by the response of Henry IV. He approved the petition saving that he 'should enjoy his liberties and prerogatives as freely as have any of his noble progenitors before this time, or as he himself has up until the time of the making of this statute.' The statute itself contained this clause which effectively nullified the whole point of the statute. Henry IV and his successors continued to use the royal prerogative to manage

---

<sup>210</sup> This latter argument helps to clarify the meaning of a previous petition: see above, 125.

the elections of bishops through papal provisions.<sup>211</sup> On a brighter note for the commons, however, there was a significant reduction in the number of licenses and pardons issued for other provisions, which may have been the reward for their zealous persistence on this matter. This was the final piece of legislative activity on the subject in Henry IV's reign.

### **Henry V's Reign: Signs of Change?**

Matters were then only briefly reopened in the reign of Henry V. One commons petition of 1413 asked that all the statutes made against provisors in the time of Edward III, Richard II, and Henry IV should be firmly held and kept 'saving at all times the prerogative of the king'.<sup>212</sup> The brevity of the petition and the fact that this clause was included in the petition make it look as if the king's government probably wrote up this petition. However, it may simply be that the commons were acknowledging the start of a new reign and so attempting to hold the new king to old statutes as far as was respectfully possible. A more significant petition of the same year noted how alien Frenchmen still held benefices in England, even though the statute of 1390 had forbidden this. It therefore asked that the statute be put into full execution. No attempt is made to argue that this should be done for anything other than reasons of security and finance. This lack of a reformist stance stands in contrast to the last provisors petition of Henry IV's reign. One possible explanation for this is the commons may have realised Henry V was set on a policy of religious conformity and any suspicions of reformist influence that could be mistaken for heterodoxy now had to be avoided. At the same time they may also have realised that Henry V felt he had every right to meddle with the

---

<sup>211</sup> Except for a brief period during the council of Constance when no pope was recognised: Lunt, *Financial Relations*, 405.

<sup>212</sup> *RP*, IV, 8.

affairs of alien benefices for non-religious reasons. Indeed, the petition was duly accepted with the proviso that the priors of alien conventual priories and some other priories should be excused.<sup>213</sup>

#### **4) *Post-Oldcastle: The Victory of Counter-Reform?***

The history of medieval provisors legislation comes to a close with the parliament of October 1416. One petition, put forward by the commons on behalf of 'the dean and all the chaplains in our lord the king's household', noted that the legislation of 1406 concerning licences did not always prove effective. Apparently some incumbents who had been presented by the 'true spiritual patrons' were being 'deceitfully removed' from their benefices by provisions and licences.<sup>214</sup> Henry consequently granted a new statute which basically repeated the statute of 1406 and added that licences and pardons for provisions to benefices already occupied by incumbents presented by spiritual patrons should be void and no more should be granted.<sup>215</sup> The other petition concerning provisors in this parliament, however, was rather more novel. It noted that 'since the statute concerning provisions and against provisors was enacted' the clergy have been forced to leave university, and graduates are unable to find promotion. This was the first time the crisis facing the universities had been blamed on the statute of provisors in parliament.<sup>216</sup> While previous petitions had asked that the universities be considered in the moderation of the statute – thus implying they were having problems – they had always stopped short of saying that the

<sup>213</sup> SR, II, 172-73.

<sup>214</sup> RP, IV, 80.

<sup>215</sup> SR, II, 193-94.

<sup>216</sup> RP, IV, 81. However, even this petition was rather cautious in the way it phrased this, noting how the crisis had arisen since the time of the Statute of Provisors.

universities were in an actual state of crisis. Part of the reason for this may be that the problems the universities were facing had only reached crisis proportions by this stage. However, if there was a crisis one would expect it would have hit earlier. Certainly the requests of the commons and the plans of Arundel suggest that by the early 1400's universities were facing serious problems. Moreover, it seems that the moderation stopped helping the universities after 1404. Thus one finds no *rotuli* of eligible graduates sent from Oxford to the pope after the one presented on 15 November 1404.<sup>217</sup> Since Arundel's alternative plan proved abortive any crisis would have to have been in full flow soon after this. It certainly seems the critics of the provisors legislation had been pointing to this crisis for some time and had been rather faster to point the finger at this legislation. Thus, for instance, a diatribe against Henry IV attributed to Richard le Scrope, archbishop of York, before his execution in 1405, blamed Henry IV for ratifying a statute which had been renewed at the parliament of Winchester, claiming it was ruining the universities since local prelates gave insufficient attention to the learning of those they collated.<sup>218</sup> The notion of a 'crisis' caused by the provisors legislation was thus a partisan issue. Those opposed to such legislation built up talk of a crisis, whilst those who supported provisors legislation ignored all mention of it – at least until 1416 that is.

Why the change in 1416? Perhaps the best answer again lies in Henry V's crushing of 'Lollardy'. Until 1414 sections amongst the English commons may have held hopes that disendowment could alleviate the problems caused by the provisors

---

<sup>217</sup> Reg. Chichele, cliii; On the monarchy's use of the moderation to allow such *rotuli* to be sent to the papacy, see Lytle, 'Patronage Patterns', 132-33. On these rolls in general, see D. Watt, 'University Clerks and Rolls of Petitions for Benefices', Speculum, 34 (1959), 213-29. On earlier rolls, see above, 119.

<sup>218</sup> Lunt, Financial Relations, 406. It is likely that someone other than Scrope actually wrote this document. However, it was evidently written by one of Henry IV's enemies and thus most likely comes from his reign. The author has also confused the 1393 Statute of Praemunire which was made at Winchester with the 1390 Statute of Provisors which was made at Westminster.

legislation. The 1410 Lollard Disendowment Bill is indicative of this.<sup>219</sup> At the very least the commons felt they could adopt certain elements of the Wycliffite agenda without too much fear of reprisal. However, once the failure of Oldcastle's rebellion had demonstrated that such plans would never be carried out in full and that those associated with such ideas would be crushed then other avenues had to be followed. As argued in the introductory section, Henry V's government sought a rapid integration of some of the most populist elements of 'Lollardy' into a new orthodox regime and this was the arena in which all solutions would now have to be found.<sup>220</sup> The approach would now have to be as outwardly orthodox as possible. The commons started to distance themselves from 'Lollardy' and became complicit in asserting the language of heresy against those who questioned the Church, rather than against the Church itself.<sup>221</sup> It is thus no coincidence that this provisors petition was also the first one to mention heretics – blaming the growth of heresy and sedition on the problems in the universities. It thus argued that because graduates were not being

encouraged and supported, great and intolerable sins and heresies against God and man, and rebellion and defiance against you, most sovereign lord, among the common people of your realm have recently arisen, against the ancient doctrine of our holy fathers and the teaching of all Holy Church.

---

<sup>219</sup> See above, 122-24.

<sup>220</sup> See introductory chapter, 62-66.

<sup>221</sup> They thus may have applied the term 'fautours' and 'Lollards' against those who questioned the Church's authority for the first time in the petition which lay behind the anti-Lollard bill: *RP*, IV, 24. On the use of the term 'fautours', see above 128-29. On the use of the term 'Lollards', see introductory section, 11-13. Such attempts at disassociation can also be found in the other areas of legislation examined in this thesis.

This stress on graduates not being supported is seemingly a subtle twist on the attacks on the supporters of papal provisors. It was now no longer acceptable to criticise such supporters for fear of being labelled seditious or heretical. At the same time however, the petition demanded new solutions regarding the universities, though made no suggestion that it wished to see the Statute of Provisors scrapped. The provisors legislation had now been fully adopted into the orthodox fold and factionalism would no longer be tolerated. Not surprisingly the solution that was devised harked back to Arundel's plan of 1402: the plan that was seemingly designed to dislocate the advocates of provisors from more radical heterodoxy. After dismissing a proposal sent out by Robert Gilbert, warden of Merton, because they were uneasy in their consciences about certain dangers contained within it, a committee of the provincial assembly unanimously settled on a scheme by which it would secure benefices for graduates provided they fulfilled certain conditions.<sup>222</sup> From 1416 onwards there was apparently no more discussion of the issue of papal provisions in parliament in the fifteenth century, except for an abortive attempt by the papacy to persuade the commons to quash the statute.<sup>223</sup> The vociferous complaints of the commons ceased and the issue of provisions was left to the lay power and the Church. Counter-Reform had seemingly won through.

---

<sup>222</sup> *Reg. Chichele*, cliii.

<sup>223</sup> Wilkins, *Concilia*, III, 283-4. There is no record of this in the parliamentary rolls apart from a request by the commons that an embassy should be sent to the court of Rome on behalf of the archbishop of Canterbury. For a discussion of the background to this appeal, see R.G. Davies, 'Martin V and the English episcopate with particular reference to his campaign for the repeal of the Statute of Provisors', *EHR*, 92 (1977), 309-44 and Lunt, *Financial Relations*, 418-28.



## ***Conclusion***

Overall then it seems that ideology and ideological context played a significant role in the shaping of the provisors legislation. It is quite clear that the parliamentary debate over provisors was being developed ideologically and that the legislative activity betrays a sensitivity to reformist ideas. In the earlier part of this period - before the Council of Blackfriars in 1382 - the English parliament evidently entertained relatively few qualms about openly adopting reformist ideas in order to push through such legislation.<sup>224</sup> In particular the ideas advocated by John Wyclif may have been influential. The petitions of the commons thus reflect a developing reformist ideology in which various arguments concerning papal dominion and clerical endowment were used to drive through reform for a mixture of financial and ideological motives. However, as we have seen, many of these ideas found parallels in the writings of Wycliffite preachers, and the Church hierarchy and all those with a vested interest in papal provisions and clerical endowment were evidently keen to hereticize and marginalize these ideas in order to diminish their influence. The partial success of this policy seems to be reflected by the fact that in the years that followed Blackfriars the common petitions tended to hide the commons' reformist intent behind financial arguments rather than vice-versa as so often has been maintained. Nevertheless the fact that the commons were evidently still being influenced by a reformist agenda is shown most clearly in their actions - for instance towards the universities and the question of licences - and in their general drive to abolish all papal provisions. There is also plenty of non-parliamentary evidence, such as diplomatic correspondence, which points in this direction. Moreover, the fact that their reformist ideology bubbles back up to the

---

<sup>224</sup> However, it still held some reservations: hence the lack of any overt mention of the actions of the friars in 1371.

surface in numerous petitions suggests the general strength of their feelings. The commons were seemingly prepared to risk tarnishing themselves with the taint of heresy in order to pursue their cause. Indeed, they fought back and stigmatised the supporters of papal provisions: the factional war was only just beginning to hot up. They were also helped by the fact that the Church hierarchy feared that the commons were still attracted to the more populist elements of the Wycliffite agenda. This comes out clearly from the actions of Archbishop Arundel. He was surely far from being a one-dimensional hammer of heretics (another creation of contemporary propaganda). Rather he was a man of his times who seems to have understood the attraction of Wycliffism and was apparently astute enough to realise the value of a counter-reformist strategy. Thus from 1388 onwards he was seemingly prepared to collude in the implementation of certain pieces of legislation and the creation of counter-reformist schemes in order to prevent the commons from supporting disendowment and being led down the road that led to outright heresy. Exploiting this situation was the monarchy. Richard II and Henry IV appear to have been reasonably happy to allow it to fester in order to gain a better bargaining position with the papacy and perhaps, more notably in the case of Henry IV, due to a personal interest in reform. However, neither king clearly ever intended to totally abandon papal provisions. The system, properly managed, was too useful to them. Their ambiguous stance towards heresy and reform and the failure of Arundel's plans during the reign of Henry IV may well help to explain why certain members of the commons felt compelled to propose the Lollard Disendowment Bill in 1410. However, Henry V succeeded where Arundel had failed and managed to bring back the dissident commons into the outright orthodox fold by a mixture of pressure, persuasion and the threat of something far worse: as witness the executions after the Oldcastle rising. The Statute of Provisors would now be more fully

implemented and the graduate question would be tackled, but no more attacks on the Church would be accepted in this sphere at least. The Church was now Henry's Church and an attack on the Church threatened the unity of his regime.

*Chapter 2:****'Lollers', Labourers and 'Lollards':******The Contemporary 'Crisis' in Society and the Cross-Fertilisation of Ideas in the Social Legislation******Introduction:***

The social legislation of late medieval England has often been portrayed as a response to what contemporaries perceived as a crisis in society. Historians have long argued that the governing classes reacted to the socio-economic effects of the plague by creating legislation designed to strike at what they apparently saw as the root of the problem: the greed of the peasantry. However, it is only recently that the scope and vitality of that legislation has been recognised and the extent of the perceived 'crisis' has been more fully appreciated. This social legislation did not merely consist of continuous reiterations of the original labour ordinance of 1349. Rather, the labour laws were continually debated and modified and supplemented by legislation that struck at other perceived problems in society including deportment, pastimes, vagrancy, poverty, adultery, and, most significantly, heresy.<sup>1</sup> The crisis perceived by contemporaries in parliament thus stretched beyond simple labour shortages to one of morality, religion and society itself. All this suggests that the governing classes' response requires further study. One must be careful not to simply denounce the late medieval parliament as a self-serving body. To fully understand its response its actions need to be seen, as far as possible, through the eyes of a contemporary. More research needs to be devoted into examining how the justifications for this legislative activity relate to contemporary

---

<sup>1</sup> See C. Given-Wilson, 'The Problem of Labour in the Context of English Government, c.1350-1450', *The Problem of Labour in Fourteenth-Century England*, ed. J. Bothwell, P.J.P. Goldberg, W.M. Ormrod (Woodbridge, 2000), 85-100 and C. Given-Wilson 'Service, Serfdom and English Labour Legislation, 1350-1500', *Concepts and Patterns of Service in the Later Middle Ages*, ed. A. Curry and E. Matthew (Woodbridge, 2000), 21-37.

thought and into exploring any possible mental links that may have been made between the various problems in society. As part of this process this chapter aims to examine to what extent the debate over 'Lollardy' may have informed the debate over other issues in society. This chapter will thus look at some of the legislation on vagrancy, heresy, wages, villeins and adultery whilst subsequent chapters will go on to look at other potentially connected issues such as appropriation, non-residence, the friars and hospitals.

### ***1) Pre-Blackfriars***

#### **Vagrancy**

A significant amount of the earliest legislative activity concerning social issues in our period was ostensibly directed at the problem of vagrancy.<sup>2</sup> Thus one finds petitions on this subject in 1376 (x2), 1377, 1378, 1379, 1382, 1383, 1388 and 1414.<sup>3</sup> As the response to the first of these petitions (a 1376 petition on sturdy beggars) attempts to make clear, the issue itself was not entirely novel. It thus says that the Statute of Winchester and other statutes of robbers should be upheld and duly executed.<sup>4</sup> By doing so it was deliberately placing itself in a line of legislative activity that stretched back to the 1285 statute against strangers and nightwalkers, and was thus attempting to infer that it was simply a reinforcement of this type of vagrant legislation.<sup>5</sup> However, it dealt more closely with issues that had been surfacing since 1348: the supposed idleness of servants and their unwillingness to serve. This idea was brought up in the immediate aftermath of the plague, and is present in both the 1349 ordinance of labourers and the

<sup>2</sup> i.e. that covered by the thesis c.1376-c.1422.

<sup>3</sup> See appendix B.

<sup>4</sup> *RP*, II, 332.

<sup>5</sup> For this statute, see *SR*, I, 97. For the legislation that followed, see *SR*, I, 268, 347.

1351 statute of labourers, where it became linked with concepts of vagrancy and beggary.<sup>6</sup> The 1349 ordinance declared that no one should give alms to beggars who were able to work because they were deliberately 'giving themselves to idleness and vice, and sometimes to theft and other abominations', whilst the 1351 statute gave sheriffs the power to arrest fugitive labourers. In 1361 this power was transferred to the justices of the peace.<sup>7</sup> The notion of idle and malevolent servants being the root cause of the economic problems of the realm was developed in a number of labour petitions, but it was not until 1372 that the issue of vagrancy was raised once again in the context of fugitive labourers, and not until 1376 that vagrancy itself seems to have become a key issue on a regular basis.<sup>8</sup> Moreover, it seems clear that the post-1376 petitions brought in arguments and ideas that were new to the parliamentary vagrancy debate.

Thus, rather intriguingly, two petitions on this subject were submitted in 1376. The first of these, mentioned above, is a short petition which focused entirely on able-bodied beggars.<sup>9</sup> As well as displaying an apparently novel concern that such men were pretending to be down on their luck gentlemen, which perhaps betrays a more deep-seated unease with social mobility, this petition introduced a vocabulary of vagrancy that was to be a feature of the petitions for the next few years.<sup>10</sup> It speaks of the many *fortz ribauds* (able-bodied scoundrels) who would not work but who through *faiterie* (idleness) hide in cities and towns for the ease of their bodies.<sup>11</sup> It implores the bailiffs

<sup>6</sup> *SR*, I, 307, 311-13. For the petition behind the 1351 statute, see *RP*, II, 233.

<sup>7</sup> *SR*, I, 364. No roll survives for this parliament.

<sup>8</sup> This seems to confirm recent historical scholarship which suggests that the economic and social problems associated with the plague did not reach their peak until the 1370's. See A.R. Bridbury, 'The Black Death', *Economic History Review*, 2<sup>nd</sup> series, XXXVI, (1973), 577-92 and J. Hatcher, 'England in the Aftermath of the Black Death', *P&P*, CXLIV (1994), 3-35.

<sup>9</sup> *RP*, II, 332.

<sup>10</sup> This language has been noticed by a number of scholars. See, for instance, Given-Wilson, 'Service, Serfdom and English Labour Legislation', 29-30.

<sup>11</sup> This is the translation of 'faiterie' given by the Anglo-Norman Dictionary citing this one example. However, it might be better translated as 'trickery' given the context and its probable roots from the Old

of cities and boroughs to inquire into this matter and arrest any found to be such *faux faitours* (idle tricksters).<sup>12</sup> Such harsh language (though not, it must be noted, exactly the same language) is also found in a far longer petition of 1376 which also carries this notion of cunning design and adds it to the now traditional malice of labourers, servants and artisans by noting how they *sont sotilez par grande malice purpense d'eschure la penance des dites ordenances* by fleeing to places unknown to their masters.<sup>13</sup> It goes on to complain that many of these labourers become *mendivantz beggeres* in order to *mesner ocious vie*, leaving their regions to beg in towns.<sup>14</sup> Others become *stafstrikers* who also *mesnent auxint ocious vie* and *communement desrobent la pitaille en symple villages et malement sont soeffert en lour malice*. Most become *fortes larounes*, 'laroune' being a word which significantly can mean either robber or deceiver.<sup>15</sup> Vagrant labourers are thus now seen as tricky thieves in addition to being idle, who threaten all classes in all places including townsmen and poor villagers, not just the landholding elite.<sup>16</sup> Where had such depictions and language come from?

### Vagrants and Friars: Stereotyped attacks?

Such novelties in the nomenclature and representation of the lower orders seem intriguingly close to the much older stigmatic representations of the fraternal orders.

---

French term 'faiteor' meaning 'swindler' or 'criminal'. See *Anglo-Norman dictionary*, 293 and *Old French-English Dictionary*, ed., A. Hindley, F.W. Langlely and B. Levy (Cambridge, 2000), 310.

<sup>12</sup> The terms 'faitour' and 'faiterie' were later to expand in meaning to incorporate the notion of feigning infirmity as part of developments in the anticlerical debate in the 1380's. However, there is no obvious sign that they carry such meaning in this petition. On the development of the terms 'faitour' and 'faiterie', see Scase, *New Anticlericalism*, 69-72.

<sup>13</sup> *RP*, II, 340.

<sup>14</sup> The collocation of two words 'mendivantz' and 'beggeres' meaning very similar things here is rather striking. Perhaps this was done for emphasis or perhaps a special sense of mendicancy was meant to be conveyed.

<sup>15</sup> It also seems to be the only use of the word in the Rolls of Parliament from 1275 up until at least the beginning of the sixteenth century.

<sup>16</sup> The accusation that vagrant labourers were becoming thieves was not new. It can be found in the Ordinance of 1349: *SR*, I, 307. However, the deliberate attempt to combine accusations of theft with accusations of trickery through a subtle use of language was seemingly a novel departure.

Friars had long been stigmatised by their critics as not just idle itinerant beggars but as subtle tricksters and thieves as well. As early as the mid-thirteenth century William of St. Amour devoted the second *distinctio* of his *Collectiones* to denouncing the beggary of the friars using derogatory terms similar in meaning to those used in the 1376 petitions in its title: *de Otiosis, et Curiosis et Gyrovagis qualiter vivant contra doctrinam Apostoli* (concerning idlers, meddlers, and vagrants, how they live against the teaching of the apostle).<sup>17</sup> For William the friars were false prophets whose begging pointed to such falsity since it showed that they preached for material gain rather than the spiritual good of the faithful.<sup>18</sup> He despised itinerant able-bodied beggars.<sup>19</sup> He also stigmatised them with the tag of *penetrantes domos* which symbolised the way in which the friars were supposed to deceive their way into influencing the minds of both men and women.<sup>20</sup> Citing John 10:1: *qui non intrat per ostium in ovile ovium, sed ascendit aliunde, ille fur est, et latro* (He who enters not by the door into the sheepfold but climbs up another way is a thief and a robber), he also denounced them as thieves.<sup>21</sup> Some of these ideas seem to have influenced writers in the British Isles. Most famously Richard FitzRalph, who shortly after the outbreak of the plague became a very outspoken critic of the friars, took up elements of William's arguments. FitzRalph argued that since the friars were voluntarily needy they were thus false beggars and that all able-bodied beggars were thieves.<sup>22</sup>

<sup>17</sup> *Collectiones Catholicae et Canonicae Scripturae* in *Opera Omnia*, (Constance, 1632), 213 cited in P. Szittyá, *The Antifraternal Tradition in Medieval Literature* (Princeton, 1986), 48.

<sup>18</sup> Szittyá, *Antifraternal Tradition*, 52.

<sup>19</sup> Szittyá, *Antifraternal Tradition*, 98.

<sup>20</sup> Szittyá, *Antifraternal Tradition*, 58.

<sup>21</sup> *Collectiones*, 197-99 cited in Szittyá, *Antifraternal Tradition*, 60-61.

<sup>22</sup> W. Scase, *Piers Plowman and the New Anticlericalism* (Cambridge, 1989), 67 citing Richard FitzRalph, *Defensio Curatorum*, trans. Trevisa, in *Trevisa's Dialogus inter Militum et Clericum. Sermon by FitzRalph and The Beginning of the World*, ed. A.J. Perry (Oxford, 1925), 84; Szittyá, *Antifraternal Tradition*, 140. Interestingly, Trevisa uses the term 'faytour' in his translation.



It thus seems feasible that the commons in the parliament of 1376 were adopting the stereotyped tags associated with the friars to target the labouring classes. Ever since 1349 they had seemingly associated the socio-economic effects of the plague with the sins of the peasantry. In 1376 they carried on this tradition but were now using more specific ways of explaining the vagrancy issue from a moral perspective. This should serve as a reminder that we should not castigate the commons' too quickly. It was quite commonplace for fourteenth-century people to look for moral rather than factual explanations and whilst the commons' explanations conveniently served the purposes of the governing classes this does not necessarily mean they were not moral from their perspective. However, it also highlights the point that we need to treat the commons' assertions with care in terms of their factual content. For instance, the idea that the vast majority of fleeing labourers became robbers may well be exaggerated. Though most probably based on a certain element of factual truth – that some fleeing servants did become robbers – the commons were perhaps seizing on any sign of immorality that corresponded with the traditional signs connected with false begging in 'anti-mendicant' writings.<sup>23</sup> To some extent this calls into question the scale of problems associated with vagrancy in the late 1370's. The increased fervour of the commons might be taken as a sign that such problems had exploded during this period but it is extremely difficult to determine whether this was truly the case. It may actually be a further sign that the commons were growing increasingly frustrated with the labour shortages caused by the repeated bouts of plague in the 1370's.<sup>24</sup> Indeed, it is doubtful whether all the seditious

---

<sup>23</sup> An interesting parallel is Henry Knighton, who applies the signs William of St. Amour used against the friars to Lollards. The signs Knighton quotes do not directly refer to false begging although he points out there are many more signs. See *Knighton*, 245-51.

<sup>24</sup> In fact there may be signs that the burgesses in parliament did not entirely agree with the notion that increased mobility amongst villeins was causing such problems. In 1391 a petition was unusually submitted not by the knights alone but specifically by 'the knights of the counties', (*les chevaliers des*

vagrants labelled as such by the commons really were seditious vagrants rather than simply labourers who had left their original occupations and found new occupations elsewhere. There is no way of statistically measuring the extent to which villeins and labourers were turning into criminals reliably since contemporaries did not keep records of all reported crimes. The only statistical evidence we might have is records of prosecutions and this could only prove that people had become more interested in prosecuting such problems. Thus an examination of the attitudes of contemporaries may be useful for a fuller understanding of this phenomenon.

### **A growth in 'antifraternalism'?**

The extent to which the commons may have been over-reacting can perhaps be partly measured by assessing the extent to which such 'anti-mendicant' ideas had become influential by 1376. If contemporaries were over-reading the situation to the point that there was no real increase in such problems, but rather only an increase in the perception of such problems, then such ideas would themselves have had to have become more widespread during this period. Most particularly such ideas would have had to have been rapidly gaining influence amongst the lay elements of society that were represented in parliament. It does seem likely that such stigmatic ideas were becoming more influential in England in the second half of the fourteenth century. Whilst only one work of William of St. Amour is known to have been in an English library before 1350, numerous manuscripts of his 'antifraternal' works are found after this point, 'in the period of the particularly English antifraternalism of Richard FitzRalph, Uthred de

---

*countees*), who claimed that townsmen were obstructing their attempts to reclaim their villeins. See below, 180.

Boldon, Wyclif and the Lollards.<sup>25</sup> However, there is a question over which groups were being influenced during which periods. The vast majority of these manuscripts tended to be housed in either monasteries or universities, especially Oxford.<sup>26</sup> Richard FitzRalph, himself, tended to preach mainly to clerical audiences, whilst Uthred de Boldon's 'antifraternalism' was based within Oxford and was primarily intended to defend ecclesiastical and monastic property against fraternal arguments.<sup>27</sup> Wyclif meanwhile was, at this point, an ally of the fraternal polemicists who attacked clerical dominion and endowment. Given parliament's apparent willingness to listen to the fraternal side of this debate in 1371 it seems unlikely that the commons were driven by passionate 'antifraternalism' at this time.<sup>28</sup> Indeed, there seems little evidence to suggest that parliament took an aggressive attitude towards the friars during these years. The commons do not appear to have attacked the friars in their petitions in the period 1348-1376. In fact, the only petitions which concerned the friars during this period were those put forward by the four orders of friars themselves and the universities of Oxford and Cambridge in their dispute over the age of entry of friars to university in 1366. Parliament ruled in favour of the friars but insisted that the papal bulls they had procured against the universities should hold no value – suggesting that that it was more

<sup>25</sup> Szittyá, *Antifraternal Tradition*, 64.

<sup>26</sup> Szittyá, *Antifraternal Tradition*, 65.

<sup>27</sup> Fitzralph did, however, preach a few sermons in London to the laity. Significantly, the second and fourth (1356-1357) of these discussed voluntary begging and he took a far more eschatological approach than usual, in an evident bid to feed off post plague apocalyptic sentiment. However, his ideas do not seem to have directly influenced the commons in his own day or in 1376. See below, 148 ff. and Scase, *New Anticlericalism*, 63. On Uthred, see Szittyá, *Antifraternal Tradition*, 109.

<sup>28</sup> In 1371 two Austin friars apparently proposed disendowment in parliament. One of these was John Bankin, an Oxford theologian, and the other was possibly Thomas Ashborne. Then, in 1373 two friars, John Mardisley (Franciscan) and Thomas Ashborne spoke against the temporal claims of the Pope. The background to this was the Council at Bruges in which the issue of papal provisions was discussed. Wyclif was the English theologian at this Council and his own arguments against endowment are known to extend at least as far back as this year. For more on this see V.H. Galbraith, 'Articles laid before the Parliament of 1371', *EHR* (1931), 579-82; M. Aston "'Caim's Castles": Poverty, Politics, and Disendowment', *The Church, Politics, and Patronage in the Fifteenth Century* ed. R.B. Dobson (Gloucester, 1984), 51; J.I. Catto, 'An alleged Great Council of 1374', *EHR*, LXXXII (1967), 764-71; *Eulogium*, III, 337-39 and introductory section, 11.

concerned by papal influence in the realm than the practices of the friars. As we have seen, the parliament of 1376 itself took a very aggressive attitude towards some of the practices of the contemporary papacy. Indeed, to this end, it was the most openly aggressive parliament of the period in terms of the language and fervour of the petitions.<sup>29</sup> However, there is no hint of any ill feeling towards the friars. The friars themselves were not targeted until 1377 and only in the context of aliens that should be removed from the realm. It was not until at least late 1381 that the commons seem to have become more concerned by their behaviour.<sup>30</sup> Thus the reformist debate influencing the commons was one that primarily looked to the issues of papal and clerical dominion rather than 'antifraternalism'.

It thus seems very unlikely that the growth of 'antifraternalism' was so pervasive by this point that it led the commons to overemphasise the problems associated with vagrancy. However, stereotyped 'anti-mendicant' ideas associated with the debate over fraternal poverty were still seemingly influencing their petitions, and these may still have distorted the scale of such problems. It was thus perhaps not so much that 'antifraternalism' was influencing them to introduce more novel petitions, but that they were looking for moral explanations to the problems they saw and looked partly to the tradition of 'anti-mendicancy' contained within the debate over fraternal poverty to help provide them. They could thus still have been influenced by the ideas of FitzRalph and Uthred. However, the distinctive nature of FitzRalph and Uthred's arguments on begging seems to be missing from the petition. One of FitzRalph's key innovations was

---

<sup>29</sup> See provisions chapter, 78.

<sup>30</sup> See provisions chapter, 95-96.

to argue that Luke 14:12-14 should be understood in a particular way.<sup>31</sup> The fraternal Appellacio discusses his position succinctly:

‘When you have a feast invite the poor, crippled, lame, and blind’, ought to be construed thus, so he maintained: ‘... invite the poor crippled ones, the poor lame ones, the poor blind ones’.<sup>32</sup>

It was thus not enough for FitzRalph for recipients of alms to be poor or infirm. They had to be poor and infirm. William of St. Amour had attacked able-bodied begging as well but he had not challenged the traditional reading of this verse. Instead, he challenged the friars on the basis of other biblical precepts. He argued that St Paul had stressed that anyone who did not want to work should not eat and that the friars’ voluntary poverty was not a genuine imitation of the life of Christ and the apostles since they had held possessions in common. FitzRalph used his new interpretation in the second of his London sermons of 1356-7 (his London sermons, significantly, were the only sermons he preached to the laity) and defended it in the fourth.<sup>33</sup> It was later taken up by Uthred de Boldon and became commonplace in Wycliffite writings on

<sup>31</sup> Scase, New Anticlericalism, 63. However, Scase concedes there is a very slight possibility that Thomas de Wilton may have used a similar interpretation in the early fourteenth century in England. She notes that Szittyta accepts the attribution of the ‘quaestio’ on mendicancy De Validis Mendicantibus in MS Bodley 52f. 144v. to Thomas de Wilton an English theologian who lived in the latter half of the thirteenth and the former half of the fourteenth centuries. This ‘quaestio’ states: ‘Item, mendicacio istorum est in preiudicium et iniuriam proximorum; scilicet pauperum cecorum, pauperum claudorum, et pauperum infirmorum’ (Item mendicancy in such as these [voluntary beggars] is harmful and unjust to their neighbours, that is to say, to the poor blind, the poor lame, and the poor sick). However, Scase points out that the ‘authorship given in Bodley 52 is not secure: Wilton is not otherwise known as an antifraternal polemicist ... and the MS said by Szittyta to be the earliest (Bod. Lib. MS Rawl. A 273 ...) is datable from its contents at least as late as the mid-fourteenth century’. Scase, New Anticlericalism, 63, 195 fn.71. See also Szittyta, Antifraternal Tradition, 94-99.

<sup>32</sup> “Cum facis convivium voca pauperes debiles claudos et cecos” sic, ut asseruit, debuit construi et intelligi: “voca pauperes debiles, pauperes claudos, pauperes cecos”, Cambridge, Sidney Sussex MS 64 f.4r cited and translated in Scase, New Anticlericalism, 63. The Appellacio was the response of the four principal orders of friars to FitzRalph’s London Sermons of 1356-1357 and was delivered to FitzRalph’s London home by Friar John of Arderne, prior of the London Austins.

<sup>33</sup> He also then defended it in his Defensio Curatorum which he read aloud at the Papal Court in Avignon in 1357.

mendicancy.<sup>34</sup> However, it is clearly absent from the 1376 petitions. The first petition does not discuss almsgiving to mendicants at all whilst the second, longer, petition despite addressing the subject at some length resorts to a more traditional distinction between able and non-able beggars. It thus asks that parliament should:

prohibit on a certain penalty that food and alms be given to such wrongdoers and indigent beggars, inside and outside franchises, who could serve and labour to the great profit and ease of the said commonalty, and to give their alms only to such as cannot assist themselves or work.<sup>35</sup>

This more generic sort of distinction which did not explicitly exclude those who were poor but not infirm from the various classes of deserving poor, nor adopt the novel use of Luke 14:12-14 which would have added more of the desired moral backbone to the demands of the commons, had more in common with the distinction made in the Ordinance of 1349, and the arguments of William of St. Amour, than the more specific distinction of FitzRalph. That Ordinance had declared that:

none upon the said pain of imprisonment shall, under the colour of pity or alms, give anything to such, which may labour, or presume to favour them so that thereby they may be compelled to labour for their necessary living.<sup>36</sup>

The notion here, as in 1376, is that those who could work should work and that those who do not work are not worthy recipients of charity. However, it is perhaps significant that the 1376 petition deliberately used the term 'alms' where the 1349 ordinance had not. It was thus more overtly appropriating for parliament the Church and canon law's

<sup>34</sup> Scase, *New Anticlericalism*, 63.

<sup>35</sup> *RP*, II, 340: 'defendre sur certain peyne les sustenances et aumoynes estre donez as tiels fautores mendivantz et beggeres, deyns franchise et dehors, queux purront servir et laborer a grant profit et eise de la dite commune, et doner lour aumoynes as tieles qe ne purront lour mesmes eider ne purchacer'.

<sup>36</sup> *SR*, I, 308.

traditional role in defining the deserving and undeserving poor.<sup>37</sup> The 1376 commons were therefore looking to more traditional 'anti-mendicant' ideas than those of FitzRalph, but with a sharper edge linguistically than those found in the earlier common petitions and statutes.

### **Wyclif and the debate over papal dominion and clerical disendowment: echoes in the vagrancy petitions?**

Having thus eliminated FitzRalph and Uthred from direct responsibility for the new linguistic edge found in these petitions one is left with few suspects. One possibility is that the commons were influenced by contemporary literature. However, texts which contain similar language seem to date from shortly after 1376. Thus John Gower's *Confessio Amantis* which makes reference to *faitours* and *faiterie* is believed to date from 1377.<sup>38</sup> Meanwhile, Wendy Scase has argued that Langland was actually reacting to the parliamentary petitions in his use of similar language.<sup>39</sup> The evidence for this is quite complex and relates to the introduction and shifts in meaning of terms such as *ribaudie*, *roberdes knaves*, *over-land strikares* and *faitours* through the various versions and manuscripts of *Piers Plowman*. For the most part the evidence does seem

<sup>37</sup> Canon law had been used to define the deserving and undeserving poor since at least the time of Gratian's *Decretum* when canonists began to argue that charity to all was only possible during times of abundance. In times of scarcity one could give preference to family and friends over strangers. Clearer distinctions between able-bodied and idle beggars were then introduced in the mid-thirteenth century when the *Glossa Ordinaria* to the *Decretum* stated that the Church should not give aid to able-bodied or idle beggars 'for strong men, sure of their food, without work, often do neglect justice'. These arguments were developed in the thirteenth century debate over voluntary poverty which appears to have been informed by the growth of the friars and the works of 'antifraternal' and fraternal writers such as William of St. Amour and Thomas Aquinas. They also began to seep into civil legislation from the mid-thirteenth century when Castilian legislation started to make similar distinctions. The rate of the spread of such ideas does not seem to have been uniform across Europe but was dependent on local circumstances. For more on this see J. Brodman, *Charity and Welfare: Hospitals and the Poor in Medieval Catalonia* (Pennsylvania, 1998), 2; C. Dyer, *Standards of Living in the Later Middle Ages* (Cambridge, 1989) 234-57 and B. Tierney, 'The Decretists and the "Deserving Poor"', *Church Law and Constitutional Thought in the Middle Ages*, ed. B. Tierney (London, 1979), 360-73.

<sup>38</sup> *The complete works of John Gower*, ed. G.C. Macaulay (4 vols, Oxford 1899-1902), lines 174, 689. The term 'faiterie' is used at line 179.

<sup>39</sup> Scase, *New Anticlericalism*, 70.

to support her thesis that Langland did change his use of such language after 1376 and so Langland cannot be seen as the prime source of such terminology in the petitions. However, it must be noted that we have no authoritative manuscript of the pre-1376 A-version.<sup>40</sup> It is thus impossible to know with absolute certainty that he did not use any elements of such language prior to 1376. The term *ribauds* can be found in numerous manuscripts of the A-versions and it is not beyond reason to suppose it may have been present in a lost pre-1376 manuscript. After all the term can be found in earlier English works.<sup>41</sup> Langland could thus feasibly have partially influenced the 1376 petition as well as being influenced by it. It may thus be helpful to think of Langland as being part of an active multi-faceted debate in which he played a part in influencing, as well as being influenced by contemporary thought.

Indeed, seeing the 1376 petitions as part of a developing contemporary debate rather than simply as an abstract reaction to a phenomenon that was supposedly unique to the 1370's or to one particular theorist may well hold the key to a fuller understanding of them. The petitions may not have been directly influenced by FitzRalph or Uthred but they could have been influenced by the debate in which these two men were embroiled. Thus, although Uthred de Boldon did not directly influence parliament in the 1370's, his opponents – the fraternal polemicists and Wyclif – did deliberately include parliament in their debate with Uthred. Though the key battleground was over the issue of papal dominion, the issue of mendicancy was almost inevitably brought up. Uthred responded to fraternal attacks by attacking the friars' mendicant way of life and the friars and Wyclif had to defend it. Significantly, in 1375-77 Wyclif wrote the three

---

<sup>40</sup> Piers Plowman: The A version. Wills visions of Piers Plowman and Do-Well. An edition in the form of Trinity College Cambridge MS R.3.14 corrected from other manuscripts with variant readings, ed. G. Kane (London, 1988). Kane bases his version primarily on the earliest extant (c.1400) manuscript.

<sup>41</sup> According to the Middle English Dictionary it was used in c.1325 (Harleian 2253). All other English examples from the Middle English dictionary do, however, come from after 1400. Electronic Middle English Dictionary: <http://ets.umdl.umich.edu/m/med/>.



books of his De Civili Dominio which were designed to counter Uthred's defence of papal dominion. In the third of these Wyclif argued that the friars' begging was lawful since it was *innuitiva* (non-vocal begging through the direct manifestation of one's poverty and need through one's appearance).<sup>42</sup> However, he was careful to point out that not all begging was lawful and that alms should only be given to those in misery.<sup>43</sup> Indeed, Wyclif actually attacked the endowed orders for their false begging.<sup>44</sup> In the second book of the De Civili Dominio Wyclif subtly turned FitzRalph's arguments concerning necessary begging and voluntary begging against the possessioners in order to argue that the crown could legitimately seize the goods of the clergy in times of necessity.<sup>45</sup> He did this through a fable concerning an owl which he claimed was used by a lord against the possessioners in a certain parliament at London.<sup>46</sup> The argument over the use and misuse of alms vis-à-vis beggars had thus become embroiled with the debate over dominion and endowment. Given the importance of this debate to parliament in the 1370's it seems quite likely that the government and the commons would have been influenced by such arguments. As discussed in the chapter on provisors, Wyclif may have influenced the complaints concerning the papacy at the parliament of 1376.<sup>47</sup> Moreover, 'anti-mendicant' vocabulary may well have seeped into the provisors debate which implies there was some sort of cross-fertilisation of ideas.<sup>48</sup> It thus may be no coincidence that the most linguistically novel and vociferous

<sup>42</sup> De Civili Dominio, III, vol.2, 7: 'innuitiva quando sine vocibus egenus ostendit alteri propriam egenciam, ad finem quod alius pie ipsam relevet.'

<sup>43</sup> De Civili Dominio, III, vol.2, 306.

<sup>44</sup> De Civili Dominio, III, vol.2, 307.

<sup>45</sup> De Civili Dominio, II, vol.2, 7. Wyclif's reliance on FitzRalph was recognised by the-Franciscan William Woodford who, seeing the danger, issued the De Dominio Civili Clericorum c.1376 as an almost immediate response to Book II of Wyclif's De Civili Dominio; Scase, New Anticlericalism, 66.

<sup>46</sup> 'Unde audivi religiosos possessionatos in quodam parlamento Londonie illud expetere et unum dominum periciorem ceteris secundum quandam fabulam respondisse.'

<sup>47</sup> See provisions chapter, 81-88.

<sup>48</sup> Thus in 1382, the term 'mendingantz' can be found in a petition concerning alien provisors. See provisions chapter, 95-97.

vagrant petitions of this period occur in the same parliament as the most linguistically novel and vociferous petitions concerning the papacy. The debate Wyclif was involved in may well have partly informed both.

Indeed, this concept of 'antipapalism' and 'anti-mendicancy' becoming entwined in the debate which lay behind the reformist attitudes of the parliament of 1376 is strengthened by the use of another term in the second 1376 vagrancy petition: '*fautores*'. As discussed above it asked that alms should not be given to *fautores mendivantz et beggeres*. The term *fautor* could mean either 'wrong-doer' or 'adherent'. It thus not only gave these vagrants the quality of 'wrong-doing' but of being part of a party or group. Admittedly this was quite apt since the petition does seem to play on a fear of sedition noting how beggars gang together and arguing that a remedy is required to prevent the 'malice and riot' of fleeing servants and labourers.<sup>49</sup> However, as discussed in the chapter on papal provisions, the term *fautor* may also have had certain key religious and factional undertones.<sup>50</sup> Whilst the Church was keen to use the term against heretics the commons tended to almost exclusively use it against the supporters of papal provisors.<sup>51</sup> The use of the term in the 1376 petition thus hints at an association by the commons of two of their key targets - vagrants and provisors - as immoral factions who endangered the realm's interests, an association which, as we shall see, became clearer in 1388.<sup>52</sup> In this light it is interesting to note that in his c.1377-8 De Officio Regis Wyclif warned that appropriation of goods into the dead hand of the Church encouraged revolt.<sup>53</sup> The reformers who wished to curtail papal influence and

<sup>49</sup> RP, II, 340.

<sup>50</sup> See provisions chapter, 127-29.

<sup>51</sup> See provisions chapter, 128 fn.203.

<sup>52</sup> See below, 176.

<sup>53</sup> De Officio Regis, 97/34. Hudson notes that this was a continuation of Wyclif's argument concerning poverty in his De Civili Dominio and that the De Officio Regis may have intended to directly follow on from the former work in his Summa theologie. She also believes that the De Officio Regis may have been

clerical dominion may well have deliberately attempted to connect their debate to the vagrancy debate in order to push forward their goals.<sup>54</sup>

### **Seditious Labourers to blame?**

However, although the commons seem to have been influenced by the debate in which Wyclif was embroiled, and to some extent backed Wyclif in his arguments concerning the papacy, they evidently did not seem to want to go as far as Wyclif in apportioning all the blame to the Church at this stage. In terms of the vagrancy issue the majority of their arguments were aimed firmly at labourers, servants and artisans, as they had been since 1349. Their vitriolic attacks were backed by the most comprehensive proposals concerning vagrancy ever seen up to this point. The commons had evidently put a great deal of thought behind a series of proposals designed to prevent servants and labourers escaping their duties and occupations. These included the punishment of anyone who received fleeing labourers and servants, the arrest of all such men, and their forced return to their former regions and occupations. In order to achieve this the commons proposed investigative work, entrapment and cooperation between the authorities of the areas in which the servants were found and those of the areas from which they originated.<sup>55</sup> However, the government seems to have felt there was no need for such ambitious and repressive measures and instead insisted that the previous statutes should be enforced.

---

directed towards the young Richard II. A. Hudson, 'Poor Preachers and Poor Men: Views of Poverty in Wyclif and his Followers', *Häresie und vorseitige Reformation im Spätmittelalter*, ed. F. Šmahel and E. Müller-Luckner (München, 1998), 49.

<sup>54</sup> Such fears were certainly present by 1377 when a petition was put forward concerning villeins who were forming confederacies against their masters. See below, 156-57. The links between vagrancy and rebellion were, however, also seen in earlier petitions. Thus the petition behind the 1351 Statute of Labourers refers to those who would break the statute as 'rebelles': *RP*, II, 233.

<sup>55</sup> *RP*, II, 340-41.

The commons continued to blame the labouring classes in 1377. In a petition concerning villeins who were withdrawing customary service by purchasing exemplifications of Domesday Book, the links between such men and revolt were made far more obvious.<sup>56</sup> A direct appeal was thus made for a suitable remedy to prevent a repeat of the *Jacquerie* in England and the villeins are described as forming *confedres et entrealies* (leagues and confederacies) to intimidate their lords. How far this was true is unclear. The commons may have been influenced by the likes of Wyclif into overplaying such notions because of their need to repress social mobility: a possibility strengthened by the fact that similar language was used to repress other perceived threats to society such as heretics, and that this was the year in which Wyclif built up talk of revolt.<sup>57</sup> It is easy to read history backwards and assume that the commons were perceiving the seditious roots of the 1381 revolt, but as has been well documented it was this sort of repressive attitude that was probably a key cause of the revolt. Nevertheless, the government responded by granting special commissions to aggrieved lords. Meanwhile, there was also another petition concerning vagrancy which asked that able-bodied vagabonds who refused to serve should be jailed for a quarter of a year. The government, however, again felt that the previous legislation was sufficient.

Perhaps as a consequence the commons in 1378 and 1379 toned down their demands. In 1378 they thus asked that loyal men should be appointed to arrest fleeing labourers and servants, whilst in 1379 they asked that officials should have the power to force able-bodied vagrants to work in accordance with the 1351 Statute of Labourers.<sup>58</sup> To a large extent they were thus simply seeking the government to make good on its

---

<sup>56</sup> *RP*, III, 21.

<sup>57</sup> For an example of the use of the term 'confederacy' applied against 'Lollards', see below 163 fn.81.

<sup>58</sup> *RP*, III, 45; *RP*, III, 65.

promises to enforce previous legislation. However, the 1378 petition also seems to have made an original demand concerning the certification of vagrants. It thus states that:

May it please you to ordain that certain people in each county from amongst the most loyal shall be appointed to arrest all such fugitives, both within franchises as well as without, if they shall not have [     ]<sup>59</sup> sealed by those appointed in the county in which the said servants ceased to serve. Which seal shall be sent by the council of our lord the king to those thus appointed in each county, so that our lord the king shall be answered by one in respect of each return.

Although it is slightly unclear because of gaps in the text, the implication of this seems to be that the commons wanted a licensing system for vagrants to help root out those who had left their master's service without permission. The commons must have felt that it was their over elaborate and work intensive plans of 1376 which put the government off supporting their demands and so had devised an alternative method of distinguishing such vagrants. However, in both 1378 and 1379 the government yet again decided that the previous ordinances and statutes were sufficient. It may well be that the government felt the commons' fear of vagrancy and sedition was actually a distorted reflection of their fear of social mobility.

## ***2) Post-Blackfriars: The stigma and fear of 'heresy', revolt, and parliamentary Church reform and the statutes of 1382 and 1383***

Indeed, it was not until after the Great Revolt that the government seems to have taken the vagrancy issue more seriously. Significantly the first action they took was not against vagrant labourers but vagrant preachers. In the May parliament of 1382 they issued a statute against:

---

<sup>59</sup> Blank in manuscript.

divers evil persons within the realm, going from county to county, and from town to town under dissimulation of great holiness, and without the licence of the ordinaries of the places or other sufficient authority, [preaching] daily, not only in churches and churchyards, but also in markets, fairs and other open places, where a great congregation of people is, divers sermons containing heresies and notorious errors<sup>60</sup>

These preachers were engendering 'discord and dissent between divers estates' of the realm and through 'subtle and ingenious words' were encouraging people to hear their sermons who would maintain them in their errors by 'strong hand and by great routs': arguments which seem to reflect those which had earlier been used against lay vagrants. The statute thus declared that royal commissions should be put at the disposal of the prelates who could raise them from time to time against such preachers and their *fautours*, *maintenours*, and *abettours* on certification in chancery. The government was thus effectively implementing the sort of system the commons had requested against lay vagrants in 1378 – licensed vagrancy enforced by secular officials – against religious vagrants, and they were using the terminology that the commons had used against lay vagrants and the supporters of papal provisors. This should raise doubts as to the true nature of the preachers that the legislation was aimed at.

Indeed, propaganda may well have played a significant role in the creation of the bill. Thus the reason why the government implemented such a move against religious vagrants, rather than lay vagrants at this time may partly lie in the thesis born out of Margaret Aston's 'Lollardy and Sedition' article: the Church deliberately linked the concepts of heresy and sedition to enlist the government's help.<sup>61</sup> Much play was made of the role of preachers such as John Ball in the revolt and the monastic chroniclers were

---

<sup>60</sup> *SR*, II, 25.

<sup>61</sup> M. Aston, 'Lollardy and Sedition, 1381-1431', *P&P*, 17 (1960), 1-44.

keen to connect him to the Wycliffites. Ball was denounced as a heretic and even a follower or precursor of Wyclif by both Knighton and Walsingham.<sup>62</sup> Though they wrote some time after the event these links seem to have been made from an early stage. Thus William of Rymington's XLV Conclusiones, which were written between the revolt and the autumn of 1383, accused Wyclif's teachings of being the cause of the recent disturbances in London, including the revolt on Corpus Christi Day.<sup>63</sup> Similarly a letter of February 1382 written by the four Mendicant Orders in Oxford to John of Gaunt blamed Nicholas Hereford for stirring up the discord that pitted servant against lord and argued that he was now stirring up all ranks against the friars.<sup>64</sup> It is this notion of seditious preachers that can be picked up in the legislation. Did the government thus accept this idea and hence implement the legislation?

The answer to this may be partly yes, and partly no. They may have felt it unwise to totally ignore the connection between such 'heretical' preachers and the revolt and this may have informed their decision. They also presumably thought it prudent to distance themselves from 'heresy'. However, as has been well documented, it took many more years for the government to fully back the Church in its fight against heresy, which does raise a question mark over the extent to which they really did accept the Church's propaganda at face value. Indeed, Richardson long ago argued that the government did not put their full force behind the prosecution of heretics immediately after 1382 – a fact which may well help to explain Walsingham's curious comment about legislation in the year 1382:

---

<sup>62</sup> *Hist. Angl.*, II, 32-33; *Chronicon Angliae*, 320-22; *Knighton*, 277.

<sup>63</sup> A. Hudson, *The Premature Reformation* (Oxford, 1988), 68.

<sup>64</sup> *Fasc. Ziz.*, 292.

There were many other topics upon which decrees were made during that session. But what is the point of parliamentary statutes, when they have absolutely no subsequent effect? For in fact the king and his privy council were accustomed to either change or to abolish all the decrees which not only all the commons of the realm but also the nobility itself had made in the parliaments that had been held by them.<sup>65</sup>

Indeed, the government may have been manipulating the Church's need for their support in order to gain a theoretical right which it could use or bypass at its will: a familiar trick during these years.<sup>66</sup> Thus the legislation did give the secular power a supervisory role over the Church's regulation of the key ecclesiastical practice of preaching.<sup>67</sup> Given the importance of preaching for the spread of ideas the government may well have recognised that this was a useful right to possess. The Church was evidently reluctant to cede this power and so this role was limited by a clause which stipulated that commissions should be raised sporadically on the bishop's requests. This serves as a reminder that the Church never accepted lay interference unless absolutely necessary. At the same time, the legislation still marks something of a watershed: why was the Church now prepared to let the secular power intervene through parliamentary legislation? Was it simply because the Church believed that Wyclif and preachers of similar 'heretical' opinions were at fault for the revolt?

---

<sup>65</sup> H.G. Richardson, 'Heresy and the Lay Power under Richard II', *EHR*, CCI (1936), 16-17; *The St. Albans Chronicle*, 579. Walsingham mentions this whilst discussing the resumption of the November parliament of 1381 which had been prorogued until 24 January 1382, but the general point he makes may have been partly influenced by a distant memory of the enforcement of the heresy legislation of this year.

<sup>66</sup> See, for instance, provisions chapter, 102.

<sup>67</sup> Through the use of secular officials to arrest heretics and the need for the bishops to certify the chancellor to obtain a writ for the sheriff. Richardson, however, has observed that the terms of the commissions removed the clause requesting the bishops to do so. Nevertheless, the commissions insisted that the accused could appeal to the king's council thus giving the final judgement to the lay power. Richardson, 'Heresy and the Lay Power', 8. The text of this commission is printed in *Reg. Brantyngham*, 466-67 and a brief abstract in *CPR*, 1381-5, 150.



The answer to this is most probably not. Indeed, the Church was not simply attempting to enlist the government's support against heretics *per se*, but more specifically against those who wished to reform the Church through parliament. In fact it is possible that they were more worried about those preachers who were attempting to persuade parliament to disendow the Church and curb ecclesiastical dominion, than they were about the rabble rousing John Ball types they attempted to associate them with. It was surely these preachers who threatened the Church politically and who the Church needed political support in order to combat. Thus all those who associated Ball, Wyclif and his followers and denounced such preachers as key factors behind the revolt had underlying motives to blacken their names. The chroniclers at wealthy houses such as St. Albans had serious reasons to fear the growth of anti-possessioner sentiment within parliament, whilst the friars, now enemies of Wyclif and his followers, needed to defend their way of life from Wycliffite attacks. It was surely no coincidence that clerical accounts such as that in the Anonimale Chronicle claimed that Wat Tyler was an advocate of disendowment.<sup>68</sup> Nor was it a coincidence that the ecclesiastical authorities declared Wyclif's views on papal authority, clerical dominion and the temporal possessions of the clergy as heresies in the Council at Blackfriars which met whilst parliament was sitting.<sup>69</sup> As soon as the Council was over Archbishop Courtenay sent the Carmelite friar Dr Peter Stokes to read out its judgments at Oxford.<sup>70</sup> The chancellor of the university, Robert Rigg, was forced to allow the publication of the Blackfriars judgement and to threaten Wyclif, Hereford, Aston, and Bedeman with

---

<sup>68</sup> Anonimale, 147.

<sup>69</sup> Fasc. Ziz., 278-79: In particular items nine: 'Item quod post Urbanum sextum non est aliquis recipiendus in Papam, sed vivendum est, more Graecorum, sub legibus propriis'; and ten: 'Item asserere quod est contra sacram Scripturam, quod viri ecclesiastici habeant possessiones temporales'. Wyclif is not specifically named but these views were surely his.

<sup>70</sup> Fasc. Ziz., 275-82.

suspension if they refused to conform.<sup>71</sup> They appealed to Gaunt but in vain as he, like the rest of the government, began to turn his back on his former protégés. In May 1382 the Church was thus seemingly looking to use the vagrancy issue in order to cut off the movement for parliamentary reform of the Church at its roots.

Moreover, it seems clear that the Church's attempts to associate heresy, the parliamentary reform of the Church, and sedition was propaganda deliberately written in response to Wycliffite propaganda that blamed the Church for the revolt. Indeed, the letter sent by the friars to Gaunt blaming Hereford for the revolt was, in fact, written in response to Hereford's accusation that the friars were responsible for the revolt themselves. He argued this on the basis of three reasons.<sup>72</sup> Firstly he claimed that the friars had impoverished the people by making them support and sustain them.<sup>73</sup> Secondly he argued that the friars had set an example of idle mendicancy to the *rustici*.<sup>74</sup> Thirdly, he noted that friars as the general confessors of the people might have prevented the rising.<sup>75</sup> These arguments were based on the basic premise that the friars were both economically and morally responsible for the vagrancy problems and the revolt: a premise which underlies a great deal of Wycliffite polemic from 1381. Wyclif himself blamed the revolt on the temporal wealth of the clergy and the Church's refusal to pay taxes. He argued that even partial disendowment of the clergy would have prevented the

<sup>71</sup> For the background to Blackfriars, see P. McNiven, *Heresy and Politics in the Reign of Henry IV: The Burning of John Badby* (Woodbridge, 1987), 36-38.

<sup>72</sup> *Fasc. Ziz.*, 293-94.

<sup>73</sup> 'Primo siquidem nobis imponunt quod nos nostra mendicatione dolosa fallaciter bona populi spoliamus, in tantum, ut fingunt, quod multo amplius nostris mendicationibus depauperatur communitas, quam taxis communibus aut aliis quibuscunque tallagiis aliunde. Unde concludunt nos esse causam totius indigentiae plebis, qua compulsi fuerunt insurgere contra proceres, ut fecerunt.'

<sup>74</sup> 'Secundo nobis imponunt quod nos, quia non de opere manuali, sed de sola mendicatione nostrum, ut fingunt, victum acquirimus otiosi, dedimus occasionem servis dominorum, et rusticis conformiter evagandi. Unde concludunt eos, nostro exemplo perverso, contemptis laboribus consuetis, contra suos dominos rebelasse.'

<sup>75</sup> 'Tertio quoque nobis imponunt quod major pars dominorum et populi, sicut nobis praecipue confitentur, ita et nostro, ut fingunt, consilio in agendis potissime regulantur. Unde et concludunt nos maxime dominos contra populum, ac populum contra dominos incitasse.'

revolt.<sup>76</sup> As part of this process Wyclif and his followers labelled their enemies with terms that associated them with vagrants. Wyclif thus denounced the friars as *trutanii* (rascally beggars)<sup>77</sup> and as strong beggars,<sup>78</sup> whilst Hereford seems to have described them as 'lollers' in his Ascension Day Sermon of 15 May 1382.<sup>79</sup> Swinderby, meanwhile, took a less subtle approach and denounced the friars for their able-bodied begging, which he argued was not sanctioned in evangelical law and, rather significantly, forbidden by secular law.<sup>80</sup> The friars and the Church also seem to have responded with similarly unsubtle tactics until they themselves branded their enemies collectively as 'Lollards' although this may have not happened until 1387.<sup>81</sup> It seems highly unlikely that the government – containing as it did figures such as Gaunt who had apparently previously sponsored the likes of Wyclif and Hereford - was unaware of this

<sup>76</sup> *De Blasphemia*, 190-91: 'Nec dubium quin moderate et prudenter preonans temporalia posset totum hoc malum facilliter extinxisse'.

<sup>77</sup> *Sermones*, II, 342; W. Scase, 'A Wycliffite Libel and the Naming of Heretics', *Lollards and their Influence in Late Medieval England*, ed. F. Somerset, J.C. Havens and D.G. Pitard (Woodbridge, 2003), 23

<sup>78</sup> See Aston, 'Caim's Castles', 58.

<sup>79</sup> S. Forde, ed., 'Nicholas Hereford's Ascension Day Sermon, 1382', *Medieval Studies*, 51 (1989), 240/111-12. The Latin record of Hereford's sermon which was originally in English records Hereford as calling the friars 'lurdici et loselli'. Wendy Scase has argued that this was a translation of the English 'lollers and losels'. See, Scase, 'A Wycliffite Libel', 23 and a fuller discussion in Scase, *New Anticlericalism*, 152-53. Andrew Cole, however, takes a more sceptical view: A. Cole, 'Langland and the Invention of Lollardy', *Lollards and their Influence*, 41.

<sup>80</sup> Aston, 'Caim's Castles', 64

<sup>81</sup> The date at which they began to do so has recently been called into question by both Wendy Scase and Andrew Cole. Traditionally, scholars believed that the friar Henry Crump was the first to term Wyclif's followers Lollards. This is based on a reading of a passage in *Fasciculi Zizaniorum* which states that Crump was reprimanded by the chancellor 'quia vocavit haereticos Lollardos' which scholars translated as 'because he called the heretics Lollards'. Scase, however, has now pointed out that this could equally be translated as 'because he called the Lollards heretics'. She also notes that this section was in fact not one of the original records recorded by the compiler but a narrative section written by the compiler himself some years after the events recorded and the compiler routinely calls uses the term 'lollardus' to denote Wycliffites. See Scase, 'A Wycliffite Libel', 19-21 and for a slightly different but equally hostile approach, Cole, 'Langland and the Invention of Lollardy', 40-5. Our first definite known use of the term 'Lollard' to describe Wycliffites was an anti-Wycliffite mandate of 10 August 1387 against members of the 'Lolladorum confederati'. For the mandate see Wilkins, *Concilia*, III, 202-3. The fact that it was collocated with the word 'confederacy' is especially interesting since this term was also used regularly in parliament against all manner of seditious groups during this period, including villeins, and again highlights the attempts to associate heresy with other social problems. The term 'confederacy' was also used in the peace commissions. For the post 1380 commissions, see R. Sillem, 'Commissions of the Peace 1380-1485', *BIHR*, X (1932-3), 81-104. For earlier commissions, see B. Putnam, 'The Transformation of the Keepers of the Peace into Justices of the Peace, 1327-1380', *TRHS*, 4<sup>th</sup> ser. XII (1929), 19-48.

propaganda battle and this may well partly explain their half-hearted attitude to the enforcement of the 1382 legislation. They evidently did not feel the need for a significant drive against such 'heretical' preachers because they probably did not really believe that such men would provoke a second Peasants' Revolt. Moreover, they may well have had to balance the needs of the Church with those of the commons – a group who were probably listening to the other side of the debate.

Indeed, the commons – who more than any group had built up the vagrancy issue in parliament – were seemingly not terribly convinced by the Church's attempts to associate such preachers with revolt. In the September parliament of 1382 they complained that the statute against preachers:

was never assented or granted by the commons, and although it was spoken of, it lacked their assent

They therefore demanded that:

this statute be annulled, since it was certainly not their intention to be controlled by nor obliged to the prelates more than their ancestors had been<sup>82</sup>

The response was that it pleased the king which presumably meant the 1382 statute was supposed to be rendered invalid – a fact which also helps to explain Walsingham's comments about the legislation of this year. However, whilst the government did not put its full force behind the statute, commissions against preachers were issued both before and after the parliament of October 1382 and so the government again seems to have deliberately deceived the commons, although quite how they hoped to do so in the

---

<sup>82</sup> *RP*, III, 141.

long term remains unclear. After all the justices of the peace and the commons were drawn from the same social groups.

Perhaps the government hoped to 'buy off' the commons with something they really wanted. Thus in the next parliament (1383), after years of petitioning, a statute against lay vagrants was finally drawn up. Indeed, it is rather striking that the government implemented a statute against lay vagrants a year *after* they had seen fit to do so for religious vagrants. They seemingly did not consider lay vagrancy to be such a pressing concern as vagrant preaching – again suggesting that they did not necessarily accept the links between 'vagrancy' and the revolt. This fact is underlined by the terms of the statute, which did not go as far as the statute against heretical preachers. It thus simply asked that vagrants should find sureties for their good behaviour on pain of imprisonment.<sup>83</sup> Admittedly, this would not have been easy for those of no fixed abode, but it hardly matched the earlier demands of the commons. However, it did match the requests of the commons in 1383 who did ask for exactly this.<sup>84</sup> The vituperative language of the 1370's was still present with the vagrants described as *vagarants et faytours* but the demands had clearly been restricted. Yet as later petitions make clear the commons had not really given up on their earlier plans.<sup>85</sup> The statute thus smacks of a pre-planned compromise. The government had evidently already agreed to the statute of 1383 before the petition itself was actually presented on the understanding that the commons did not ask for more than the government were prepared to accept. It is also feasible that the government gave the commons the statute they wanted, and even went further than the commons in their use of vituperative language, on the basis that the commons would not present any more objections to the statute on preachers.

---

<sup>83</sup> SR, II, 33.

<sup>84</sup> RP, III, 158.

<sup>85</sup> See below, 166.

### 3) Post-1388: A 'New' Attitude Towards Poverty and the Poor?

#### The Cambridge Parliament and vagrancy: a Wycliffite or 'Lollard' petition?

This agreement seems to have held until 1388<sup>86</sup> when the commons presented a petition aimed at curbing the movements of various groups with the sort of licensing system that they had seemingly wanted since 1378.<sup>87</sup> They firstly asked that no labourer or servant, of whatever estate or condition, should be allowed to leave their hundred or wapentake without letters patent under the assigned seal.<sup>88</sup> If any such labourer or servant was found with forged or false seals then they would be imprisoned for forty days. If such a man or woman could not produce a letter at all they would be arrested and forced to remain in the nearest gaol for forty days. Proclamation would then be made through the counties where the fugitive was taken in case anyone wanted to claim him or her as their servant. All unclaimed fugitives would be forced to serve the person who captured them if that person so wished. The commons then asked that any person who *va mendinant* and was able to serve or labour should receive the same punishments as those found outside their towns without letters, except people of religion. Moreover, even impotent beggars were to face restrictions. The petition thus asked that:

no beggar impotent to serve shall go out of the town where he was born and that all those who in cities and other towns harbour or retain such beggars, with the exception of people of religion, the blind, lepers, and such

<sup>86</sup> They did, however, present a petition in October 1385 concerning villeins who fled to cities such as London and then brought suits against their lords to make themselves free, which was accepted. See RP, III, 212 and SR, II, 38.

<sup>87</sup> The text of the petition was not enrolled in the parliamentary rolls but can be found in the Westminster Chronicle, 356-69.

<sup>88</sup> These seals were to be delivered by the J.P.'s to the man best qualified in each hundred.

as lie in their sick beds, shall be amerced before the justices of the peace or the mayors, bailiffs, or constables of the place and that the said justices, mayors, bailiffs, and constables shall be sworn to inquire according to the law and to make due execution of the foregoing.<sup>89</sup>

All of these stipulations seem to be driven by the overriding belief that all who could work should work and that the movements of certain groups should be restricted. Indeed, a further clause added pilgrims who went begging to the list of those affected. However, it is interesting to note the classes that were exempted. The 'blind, lepers, and such as lie in their sick beds' bear a resemblance to the tripartite definition of the deserving poor introduced by FitzRalph. As we have seen, this division does not seem to have directly influenced the commons in the time of FitzRalph or the vagrancy petitions of the 1370's. Its sudden appearance may thus lie in the development or popularisation of the poverty debate during the time of 'Lollardy'. Significantly this tripartite definition, which specified that only the poor blind, poor lame, and poor crippled should be given alms, became very popular with Wycliffite writers and preachers.<sup>90</sup> Many of these men acknowledged their debt to FitzRalph and called him a saint. Thus, for instance, Nicholas Hereford, described FitzRalph as 'Saint Richard' in his Ascension Day sermon of 1382. Moreover, he argued that the efficacy of FitzRalph's attack on the friars was greater now than at the time he made it – implying that he and his fellow Wycliffite preachers had raised the profile of FitzRalph's ideas.<sup>91</sup> Could this be a sign of Wycliffite influence on the petition? One difficulty with such a

<sup>89</sup> Westminster Chronicle, 363.

<sup>90</sup> For instance, see Arnold, 372/8-14.

<sup>91</sup> Forde, 'Hereford's Ascension Day Sermon', 237/16-27. In calling FitzRalph a saint, the Wycliffites followed Wyclif who named Richard 'sanctus Ricardus' and 'sanctus Armachanus' in his De Civili Dominio and his De Blasphemia. See K. Walsh, A Fourteenth Century Scholar and Primate: Richard FitzRalph of Oxford, Avignon, and Armagh (Oxford, 1981), 457.

theory is that a similar use can also be found in the B text of *Piers Plowman*.<sup>92</sup> However, if this late 1370's text was the key influence on the 1388 petition then one might have expected it to have also influenced the earlier petitions. Moreover, this interpretation of Luke 14 12:14 seems to have become associated with 'Lollards', 'Lollardy', and heresy. Buckingham's register records that in 1393 a group of Northampton 'Lollards' were accused of the following:

Item, they are reported to say that it is vain to give alms to any beggar except only to the lame and crooked and blind who are frail or lying paralysed, and that all who give such alms are supporters and sustainers of such mendicants in their sins, and whoever gives such alms serves the devil<sup>93</sup>

By 1388 it thus seems to have been stigmatised as a 'Lollard' idea: a fate shared by many of FitzRalph's ideas now that the Church as a whole felt politically threatened by 'Lollardy'.<sup>94</sup> Indeed, the controversial nature of this tripartite division was apparently recognised by the government in 1388 who removed it from the resultant statute, referring only to *mendinantz impotentz de servir*.<sup>95</sup> The commons were thus, at the very least, taking the risk of associating themselves with 'Lollardy' in 1388.

<sup>92</sup> Scase, *New Anticlericalism*, 63.

<sup>93</sup> 'Item dicunt ut dicitur quod est cassum dare alicui mendicanti elemosinam nisi solummodo claudis et curvis et cecis que fuerint debiles aut paralitice iacentes et quod omnes contribuentes huiusmodi elemosinam sunt fautores et sustentatores ditorum mendicancium in peccatis et qui ita dat elemosinam servit diabolo'. This and fourteen other alleged opinions of the Northampton group are quoted in C. Kightly, 'The Early Lollards: A Survey of Popular Lollard Activity in England, 1382-1428.' (unpublished D.Phil thesis. University of York, 1975), 110iii-110v.

<sup>94</sup> Apparently FitzRalph was identified as the wellspring of 'Lollardy' by fraternal polemicists such as William Woodford who suggested FitzRalph's work should be proscribed. See J. Catto, 'Wyclif and Wycliffism at Oxford 1356-1430' *The History of the University of Oxford*, II, ed. J.I. Catto and T.A.R. Evans (Oxford, 1992), 230.

<sup>95</sup> *SR*, II, 58.



### 'Heresy' and 1388

The fact that they were willing to do so is even more noteworthy given the fact that (as discussed more fully in the previous chapter) 'heresy' seems to have been a key issue in 1388 - particularly in parliament.<sup>96</sup> The chroniclers seem to hint at the fact that there was a growing concern over the influence of 'Lollard' ideas – most notably those that involved the parliamentary reform of the Church. The Church thus seems to have persuaded the lay power to take new initiatives against 'heresy' in this year. A commission against heretical books was thus issued on 30<sup>th</sup> March 1388 which specified that books written by Wyclif and Hereford should be sought out and brought before the Council.<sup>97</sup> Indeed, Richardson identified 1388, and not the preaching legislation of 1382, as the real turning point as regards the lay power's intervention in the warfare against heresy.<sup>98</sup> From this point on, he argues, the council began to take an increasingly interventionist stance in this arena. The commons in the September parliament of 1388 were thus taking a risk by using ideas that could have been construed as sympathetic to such writings.

This might explain why there are aspects of the petition which, on the face of it, seem less Wycliffite in inspiration. It has thus been suggested that the Wycliffites would not have been happy with the addition of *gentz de religion* to those who would be allowed to *va mendinant* since they attacked the beggary of the religious orders.<sup>99</sup> This, of course, is a valid point since the focus of the Wycliffite argument against unnecessary begging was aimed squarely at the friars. However, it is also clear that many Wycliffite texts, following the teaching of Wyclif, allowed preachers the right to beg as long as

<sup>96</sup> See provisions chapter, 103-5.

<sup>97</sup> CPR, 1385-9, 430.

<sup>98</sup> Richardson, 'Heresy and the Lay Power', 16-17.

<sup>99</sup> Aston, 'Caim's Castles', 74 fn.60.

their begging was *innuitiva* (begging through the direct manifestation of one's poverty and need though one's appearance).<sup>100</sup> Indeed, the Wycliffites' enemies pointed out the fact that many Wycliffite preachers begged. Netter, for instance, pointed out the hypocrisy of the 'Lollards' in criticising the friars for receiving money after their sermons whilst they themselves were taking collections in their conventicles for the maintenance of their preachers.<sup>101</sup> Moreover, if the commons had not included this term, they must have realised that the ecclesiastical hierarchy would be able to use the resulting legislation to get the secular authorities to summarily arrest any wandering preacher they suspected of Wycliffite or dangerous reformist views on the pretext that they were beggars. This would have been made easier since it is likely that the preachers would not have had to have actively 'begged' to be arrested. This is hinted at by the government's decision to exclude servants travelling on their masters' business from the need to carry letters testimonial.<sup>102</sup> The lords in parliament evidently feared that their own servants might be arrested as vagrant labourers and beggars on the simple basis that they were travellers.<sup>103</sup> All this would make it far easier to arrest heretical preachers since the arrest would not carry the same burden of proof associated with the preaching legislation. It would also be a piece of legislation which would not just have

<sup>100</sup> *De Civili Dominio*, III, v.2, 7; for a Wycliffite text that follows this line of argument see, for instance, *EWS*, I, E32/104-23.

<sup>101</sup> On Netter's criticisms of Wycliffite begging, see Hudson, *Premature Reformation*, 345.

<sup>102</sup> *SR*, II, 56.

<sup>103</sup> Such fears may have been heightened due to the highly charged dispute between the commons and the government over the issue of livery and maintenance in this parliament. The Westminster Chronicler records that the commons bitterly complained about the issuing of badges arguing that 'those who wear them are, by reason of the power of their masters, flown with such insolent arrogance that they do not shrink from practicing with reckless effrontery various forms of extortion in the surrounding countryside; fleecing and discomfiting the poor in every court, including those of the greatest, and indiscriminately robbing the middle and other classes of their rights and reducing them to helplessness wherever justice is dispensed ... and it is certainly the boldness inspired by their badges that makes them unafraid to do these things and more besides.' *Westminster Chronicle*, 355. The commons were evidently not simply concerned with the disorder that vagrant members of the lower orders might cause. The commons' concern for the poor and their moral arguments designed to blame the nobility for the plight of the lower orders also stands out. This supports what is said below (175-80) concerning the 'new' attitude to the peasantry.

the commons' assent but their advocacy behind it as well. Many Wycliffite texts, following Wyclif, express their complete revulsion at the practice of licensing preachers, and by not including the *gentz de religion* amongst the groups that would be allowed to go begging without a licence this is exactly the sort of system the commons would have been backing.<sup>104</sup> Rather than suggesting that this petition could not have been Wycliffite in inspiration, this element thus once again hints that the commons had a soft spot for those who advocated the parliamentary reform of the Church.

### **An 'anti-Lollard' statute?**

The government, however, was seemingly not happy with allowing this group to escape supervision and so subtly twisted the petition to suit its own purposes. In the statute that resulted from the petition only *gentz de religion* who had licences from their ordinaries were allowed to beg.<sup>105</sup> Since known Wycliffite or 'Lollard' preachers would have found it impossible to obtain such licenses, the legislation could thus be used to prevent them from *va mendinant* and hence from preaching. This change may well have been partly promoted by Thomas Arundel, who was elevated to the archbishopric of York in 1388. As discussed in the introductory section, he seems to have held a considerable degree of influence with the Appellant government and this influence was probably increased during the Cambridge parliament due to the lay lords' need for allies in their battle with the commons over the issue of livery and maintenance and the fact that he was chancellor.<sup>106</sup> Moreover, his interest in controlling preaching, extirpating heresy, and quashing the commons' support for the parliamentary reform of the Church

---

<sup>104</sup> For Wyclif's views on licences see *Pol. Works*, II, 405/1. For Wycliffite views see, for instance, Arnold, 273/18 – 274/31 which significantly complains that the prelates authorise false beggars to preach rather than true poor priests.

<sup>105</sup> *SR*, II, 58.

<sup>106</sup> See above, 170, fn.103.

was to be well demonstrated in the years following 1388 culminating in his infamous constitutions of 1408. The fact that the ecclesiastical authorities probably intended to use the 1388 legislation against the likes of the Wycliffite preachers is also perhaps testified to by another change in the statute. It stipulated that university scholars who *va mendinant* should also carry letters testimonial. To some extent this may be connected with the tensions which, according to Usk, broke out between northern and southern scholars at Oxford in this year and apparently involved numerous riots and murders.<sup>107</sup> However, whilst this would have made a good pretext, an act that forbade scholars from wandering and begging does not seem to have been designed with such tensions primarily in mind. It was perhaps rather better suited to dealing with those wandering preachers that Courtenay and Arundel believed were emanating from Oxford in a bid to convert the gentry.

At the same time, however, it is interesting to note that - as in the January parliament of 1388 which seems to have dealt with heresy - no reference was actually made to heresy. In a crisis-ridden parliament which spent so much of its time implementing a 'law and order' policy to appease the commons, it is noteworthy that the one group of miscreants who were not mentioned in the official rolls were heretics. Given the chroniclers' obsession with them in this year, and the actions taken against 'Lollard' books, it cannot be because heresy was not a significant issue. The most likely explanation - as with the other notable omissions concerning 'Lollardy' in the rolls - is surely that the issue was in fact too controversial.<sup>108</sup> The term *gentz de religion* was probably used by both sides to mask their true intentions. The commons, of course, did use ideas that could be construed as sympathetic to Wycliffite and other dangerously

---

<sup>107</sup> Adam Usk, 15.

<sup>108</sup> See introductory section, 23-27.

reformist views. However, they may have done so to persuade the ecclesiastics within government into conceding their demands and they did so in a rather subtle way. By using ideas on the borderline between orthodoxy and heresy they may have hoped to play on Courtenay's and Arundel's fears that Wycliffism was influencing their agenda to get what they really wanted. To actually defend those condemned as heretics would have been something quite different. The ecclesiastics amongst the government, meanwhile, may have been happy to avoid the use of the term 'heretic' in order to avoid any direct confrontation with the commons on such a delicate issue.

### **The 1388 Statute and Church reform: Another Post-1388 Counter-Reformatory Principle?**

The commons may well have been appeased by other changes made in the statute.<sup>109</sup> In response to their request that impotent beggars should remain in the villis where they were born, the government introduced a very thoughtful provision. This stipulated that:

Beggars impotent to serve shall abide in cities and towns where they be dwelling at the time of the proclamation of this statute; and if the people of cities or other towns will not or may not suffice to maintain them, that then the said beggars shall draw them to other towns within the hundreds, rape

---

<sup>109</sup> The commons may also have been given reason to believe the statute would be applied against other wandering preachers such as the friars. As the *Eulogium* reports, even the more blatantly anti-heretical Constitutions of 1408 were seen by some as 'antifraternal': 'erat ordinatum contra Lollardos et limitatores illiteratos et fratres vitiosos': (*Eulogium*, III, 412). The friars themselves complained that their preaching was restricted by such licenses. Since Thomas of Woodstock – who seems to have taken an interest in Wycliffite attacks on the friars – was a key figure in the Appellant government the commons may thus have hoped that the legislation would be used more against the friars than against the reformers whose ideas they were interested in. On the use of such legislation against the friars see B. Kedar, 'Canon Law and Local Practice: The Case of Mendicant Preaching in Late Medieval England' *Bulletin of Medieval Canon Law*, New Series 2 (1972), 26-30 and Hudson, *Premature Reformation*, 356. On Woodstock, see introductory section, 50-53.

or wapentake, or to the towns where they were born, within forty days after the proclamation made, and there shall continually abide during their lives.<sup>110</sup>

The statute was thus designed not just to restrict the movement of beggars, but to ensure that charity was distributed to those who needed it at locations that could provide it. It also effectively insisted that charity should be provided at a local level and should cater for the local poor. This concern for the poor was evidently designed to appease the complaints of the commons. Both Knighton and the Westminster Chronicler suggest that the commons attacked ecclesiastical and secular officials for failing the poor in 1388. Indeed, Knighton included a fascinating document in his account of the January parliament which he entitled 'The commons seek a remedy from the king for their sufferings'.<sup>111</sup> In this the commons focused on the problems that had come about:

by the rising and the disturbance lately amongst the lesser people of the kingdom, together with the perils and damage which will appear from one day to the next if they be not soon redressed, to the destruction of Holy Church within your realm<sup>112</sup>

However, rather than pointing the finger at wandering preachers, the letter targets secular and ecclesiastical officials for oppressing the poor:

because the peace and true justice of your land, which you are bound to maintain, has not been upheld equally as between rich and rich, poor and poor, and particularly between rich and poor, as God and right demand, your poor people are crushed by the extortions of your officials in the counties, such as escheators, and other commissaries of officials, and

---

<sup>110</sup> SR, II, 58.

<sup>111</sup> Knighton, 443-51.

<sup>112</sup> Knighton, 443.

ministers of Holy Church, by officers of other lords in the counties such as seneschals and clerks of courts baron, and especially by the three or four within each county who are known as second Kings, so that your poor people are scarce able to survive, or to support their charges in aid of you and your kingdom when there is need, by which defects you and your kingdom are much defamed in every land.<sup>113</sup>

Walsingham meanwhile says the commons in the Cambridge parliament blamed secular lords for issuing badges to men who oppressed the poor.<sup>114</sup> Moreover, the commons' interest in reformist ideas concerning charity has already been highlighted in the discussion on the distinctions they used concerning the deserving poor. By stating that charity should be provided at a local level the government were thus attempting to give them reassurance that their concerns would be met. They did not say how this charity was to be distributed but since a large proportion of the charitable institutions that did cater for the local poor - parishes, almshouses and hospitals<sup>115</sup> - were ecclesiastical establishments there was an implication that these institutions should fulfil their duty under lay supervision. This implication became clearer after 1388 as legislation on appropriation, non-residence, and hospitals was created, on the initiative of the commons.<sup>116</sup> As we shall see in subsequent chapters, this legislation was designed with precisely this purpose in mind. The commons thus seem to have been following the arguments promoted by the Wycliffites in the 1380's - that the fault for the social problems of the time lay with the Church, and that the lay power needed to take responsibility and intervene.

---

<sup>113</sup> Knighton, 443-45.

<sup>114</sup> *Westminster Chronicle*, 355. A quote from the relevant passage can be found above at fn.102.

<sup>115</sup> This is not to say that all hospitals and almshouses were ecclesiastical but rather that a large proportion of those who catered for the local poor were run by ecclesiastics. See chapter on hospitals, 283.

<sup>116</sup> Given-Wilson, 'Service, Serfdom and English Labour Legislation', 32-34.

Indeed, as pointed out in the chapter on papal provisions, the commons seem to have linked contemporary social problems with those aspects of the Church which they wished to see reformed. They consequently asked that the justices of assize and justices of the peace should have the power to inquire and determine into 'all manner of maintenance, extortions and oppressions' including those who 'maintain and support false provisors or others in their churches or prebends with great power, to the disturbance of the law or the intimidation of the people'.<sup>117</sup> This is reminiscent of the use of the term *fautores* in the second 1376 petition on vagrancy.<sup>118</sup> Once again an attempt was being made to associate the supporters of papal provisions with the contemporary social problems. Only this time it was far less subtle.

In this light it is interesting to note that the so-called Lollard Disendowment Bill looked very fondly upon the principle of local supervision for the poor enshrined in the Statute of Cambridge. It stated that:

and also for to ordain that every town throughout the realm should keep all poor men and beggars which may not travail for their sustenance, after the statute made at Cambridge, and, in case that the foresaid commons might not extend for to sustain them, then the foresaid houses of alms might help them.<sup>119</sup>

The argument behind this was that if the Church was disendowed the poor could be helped by the creation of 100 almshouses with the proceeds. The parliamentary protagonists of disendowment were thus arguing their case by suggesting that disendowment would provide a remedy for the concerns firmly expressed by the government and commons since 1388. In fact they present disendowment as the logical

<sup>117</sup> Westminster Chronicle, 359.

<sup>118</sup> See above, 154.

<sup>119</sup> SEWW, no.27/19-23.



conclusion of the principle of local responsibility enunciated in 1388. Given the similarity between the implications of this principle and their own attacks on the Church's record over charity it is easy to understand why they might have felt the government would have been prepared to listen.

However, the government's actions in 1388 were most probably accepted by the Church hierarchy in a bid to hamper, rather than promote, the Wycliffites. Courtenay and Arundel could not have failed to notice the similarity between the commons' attitudes on poverty and those of the Wycliffites. They would also have been aware of the connections between their arguments on poverty and disendowment, connections which looked all the more worrying given the knights' alleged support for disendowment in the parliament of 1385.<sup>120</sup> It thus made sense for them to demonstrate to the commons that they were willing to implement reform in this area. Thus just as they had accepted the principle of parliamentary supervision over the begging of preachers to stave off the threat of heresy, so they accepted the principle of parliamentary supervision of ecclesiastical charity. One may also suspect the hand of Thomas of Woodstock in influencing this part of the legislation. Given his interest in Wycliffite attacks on the friars, he cannot have failed to be aware of Wycliffite views on poverty.<sup>121</sup> Thus, at the very least, he would have been in a position to highlight the popularity of such ideas amongst the well to do and to consequently persuade Courtenay and Arundel of the need for counter-reform. As with the provisors legislation then, the year 1388 seems to have ushered in a new counter-reformatory policy, based upon key counter-reformatory principles.

---

<sup>120</sup> See introductory chapter, 23-24.

<sup>121</sup> See introductory chapter, 50-53.

### **Wages, Villeins, and Adultery: A shifting attitude towards the Church and the Peasantry?**

Interestingly, the corollary to the more aggressive line taken against the Church may have been a less aggressive attitude to the peasantry. Indeed, odd though it might sound, given the firm action that the 1388 petition took to ensure the lower orders met their obligations, the commons appear to have placed less blame on the labouring classes themselves. As we have seen, the letter contained in Knighton pinned the blame for the social problems of the 1380's on secular and ecclesiastical officials rather than the poor.<sup>122</sup> Meanwhile the 1388 vagrancy petition sheds all of the vituperative language concerning the idleness and malice of servants that had been such a feature of the earlier petitions. The commons do not seem so much to be blaming the labouring classes as taking the moral responsibility to ensure society met its allotted functions.

This can be seen in other aspects of the labour legislation. Thus 1388 also saw the return of penalties against both the givers and takers of excessive wages after a thirty-seven year absence.<sup>123</sup> Ever since the 1351 Statute of Labourers, the takers alone had been held accountable. However, in 1388 the givers and takers were threatened with equal financial punishments.<sup>124</sup> Though this part of the statute seems to have been an addition by the government, the government may well have again been responding to the mood of the commons. This is hinted at by a commons petition of 1402 which asked that a penalty of 20 shillings should be paid by both givers and takers of wages on feast days: a move which suggests that the commons were interested in punishing givers as well as receivers. The government, on the other hand, would only accept punishments

---

<sup>122</sup> See above, 174.

<sup>123</sup> Given-Wilson, 'Labour in the Context of English Government', 87.

<sup>124</sup> It must be noted, however, that these would be considerably harder for a labourer to pay. This fact is recognised by the statute which states that if the taker was unable to pay he should have forty days imprisonment: *SR*, II, 58.

against receivers which suggests they had reservations about such a policy. It has been argued that the commons probably did not intend the legislation to apply to themselves and that they may instead have intended to use the legislation to give themselves an unfair advantage against the richer peasant employers.<sup>125</sup> Indeed, there is most probably some truth to this. However, the commons may still have felt morally justified in their stance. As we have seen, they were seemingly attempting to take the moral high ground and to switch their attacks to those higher up the social order. Since they were adopting reformist ideas concerning the deserving poor they may also have been influenced by arguments in reformist texts which suggested that in cases where it is wrong for the receiver to accept goods, the giver is equally to blame. For instance, Epistle Sermon 32:

The third word that John speaks of here is that 'a man suffers need', as do hungry men and thirsty, naked men and the homeless. But men do not perceive these things in friars and strong beggars. And so these words of John do not stir wise men to maintain these beggars against the law that Christ has given; for they are not patient, nor have they need of such goods, but they are harmed by them and become traitors to God thereby. *And thus both the giver and the taker are acting entirely against Christ, for they sustain blasphemous liars against God and his law*<sup>126</sup>

Though this text was obviously not talking directly about wages, it does set out a basic principle: a man that does not have need of certain goods should not take or be given

<sup>125</sup> Given-Wilson, 'Service, Serfdom and English Labour Legislation', 27.

<sup>126</sup> 'The þridde word that Ioon spekiþ heere is þat 'a man suffre nede', as ben hungri men and þursti, nakid men and herborowles. But men parseyven not þes þyngis of freris and of strong beggeris. And so þes wordis of Ioon stiren not wise men to mayntene þus þes beggeris a3en the lawe þat Crist haþ 3oven; for þei ben not pacient, ne have nede to þes goodis, but þei ben harmed bi hem and bicomen Goddis traytores herbi. *And þus boþe þe beggere and þe 3evere ben ful unkynde a3enus Crist, for þei susteynen blaspheme lieres a3enus God and his lawe*': *EWS*, I, E32/ 121-29. See also *EWS*, I, E32/107-9 and E32/53-5 which declares that not giving goods to friars helps them spiritually: thus placing the moral guardianship of a religious order under lay responsibility.

them. If he does then both he and the giver are morally to blame. It would not be hard for this principle to become associated in the commons' minds with the problem of wages. After all this text dealt with another of the concerns that was high on the commons' minds in 1388 - that of voluntary poverty - a problem that was also associated in its causes with that of wages. It is interesting to note that during the period of 'Lollardy's' greatest influence in parliament - between 1388 and 1414 - this policy against both givers and receivers was maintained.

The commons' developing attitude concerning the labouring classes can also be seen, to some extent, in elements of the legislative activity concerning villeins. For a start, there seems to have been some disagreement between the knights and the burgesses over who was responsible for villeins once they had left the countryside. Thus, unusually, in 1391 a petition was submitted not by the commons collectively, but specifically by the 'knights of the counties' (*les chivalers des countees*) who claimed that townsmen were forcibly preventing them from recovering their villeins.<sup>127</sup> Both groups thus seem to have been asserting some sort of guardianship. Moreover, the commons as a whole then targeted the Church. Thus, in the same parliament, the commons put forward a petition which asked that no villein or bondman of any religious person should be allowed to purchase land or tenements in fee on pain of forfeiture of these lands to the king. Their argument was that 'it has always been found that these purchases fall out of the hands of temporality into spirituality, which is to the great destruction of the lay fee of the kingdom'.<sup>128</sup> There were most probably elements of truth in this, and the passing of lay lands into the hands of the Church had long been a concern of the laity. Indeed, this parliament also saw the presenting of a petition which

---

<sup>127</sup> *RP*, III, 296; Given-Wilson, 'Service, Serfdom and English Labour Legislation', 23-24.

<sup>128</sup> *RP*, III, 296.

directly concerned mortmain.<sup>129</sup> However, it is noticeable that the link with the land of villeins had never been made before. It is also significant that this legislative activity took place in the same parliament that passed a statute concerning appropriation which, as we shall see, focused on the responsibilities of the vicar to his poor parishioners.<sup>130</sup> The commons were thus both taking a closer look at the way the Church discharged its responsibilities towards the poor and at the way it used the poor to defraud the realm in the same parliament. The government, however, only promised the commons that they would look into the matter further (although they did accept the petition on mortmain).<sup>131</sup> In 1394 the commons then came back with another petition which claimed that villeins were marrying free women and that the lands which went to their descendants were being seized by the Church.<sup>132</sup> They were again unsuccessful but their focus was seemingly beginning to turn more towards the morals and moral responsibilities of those who should be responsible for the poor - particularly the English Church - and perhaps less towards those of the poor themselves.

In fact, the commons even began to question the way the Church disciplined her flock for its immorality. In May 1413, in the first ever common petition on the subject of adultery, they thus criticised Church courts for punishing adultery and lechery with monetary fines arguing that such punishments impoverished the people and actually encouraged sins. They thus demanded that Church courts should follow the 'law of God' in punishing such sinners with corporal punishment.<sup>133</sup> Such arguments most probably bordered on the heterodox since the implication was seemingly that lay men were better at interpreting the bible than the ecclesiastical authorities. Indeed, this

---

<sup>129</sup> *RP*, III, 291.

<sup>130</sup> See appropriation chapter, 211 ff.

<sup>131</sup> *SR*, II, 79-80.

<sup>132</sup> *RP*, III, 319.

<sup>133</sup> *RP*, IV, 9.

argument bore a striking resemblance to arguments made in Wycliffite texts.<sup>134</sup> Thus in the tract 'On the Seven Deadly Sins' (a tract which significantly extolled the virtues of good labourers) the argument is made that the gentry and parish priests should rectify the sins of adultery and lechery rather than the Church courts. It claims that the bishops draw men from their labour to take silver from them. The only remedy is for lords to punish the third estate through corporal punishment and for parish priests to preach the word of the gospel. This way good labour will not be lost:

And this falsehood lords should impede, and publicly punish such people through corporal penance, such as fasting or shameful beating; in this way their labour will not be lost, but their sin will be quenched. By the gospel medicine priests should preach to them, and move them by God's law to leave such sin ... Lord where sleeps this good law, and when shall it be wakened? Certainly not before the covetousness of these clerks is quenched.<sup>135</sup>

The emphasis here on the use of God's law stands out, as does the appeal to the laity's concerns over labour. Such elements distinguished the Wycliffite argument from more general criticisms of the greed of Church courts by contemporaries such as Chaucer.<sup>136</sup>

The Wycliffites were evidently attempting to associate the labour problems with the

---

<sup>134</sup> According to Walsingham the 'Lollards' were certainly able to influence lay legislation concerning morality which impinged upon the rights of the Church. Walsingham thus claims that the 'Lollards' influenced the mayor of London's statutes against fornication which encroached on the bishop of London's jurisdiction of these offenders: *Chronicon Angliae*, 349-51; *Hist. Angl.*, II, 65.

<sup>135</sup> 'And þis falshed schulden lordes lette, and make þis puple be punischid by opun penaunce in hor body, as fastyng, or schameful beetyng; and þus were not hor laboure lettid, but hor synne wil quenchild. But by þo gospel medicyn prestis schulden preche to hom, and move hom by Gods lawe to leve suche synne ... Lord, where, slepis þis gode lawe, and when schal hit be wakened? Certis, not bifore coveytise of þese clerkes be quenchild': Arnold, 166/21 - 167/4.

<sup>136</sup> Chaucer thus satirises the greed of the church summoner through the voice of the friar (perhaps as a way to disassociate himself from charges of heresy). There is no suggestion that corporal punishments should be used instead or that the gospel law should be followed. See Geoffrey Chaucer, *The Canterbury Tales*, ed. and trans. N. Coghill (London, 1977), 292-303.

immorality, and lack of moral responsibility emanating from the Church authorities.<sup>137</sup>

The petition of 1414 may well have been inspired by such considerations.

Moreover, the whole attempt to shift the blame for the social problems of the times onto the shoulders of the clergy bore a close resemblance to the strategy employed by the Wycliffite preachers. As discussed earlier, Wyclif, Hereford and Swinburn all argued that the clergy were culpable for the revolt. In doing so they were not unique. Indeed, it is important to note that these preachers were evidently playing on and encouraging wider feelings in society. Langland certainly extolled the virtues of ploughmen whilst criticising the clergy and associating them with the revolt. However, although it would be foolish to discount the likes of Langland from any influence (once again he surely played a role in the wider debate) his arguments and methods such as labelling the friars *faitours* and 'lollers' seem to have been influenced by the debate over 'Lollardy', and the debate over labour within parliament.<sup>138</sup> Moreover, Langland shied away from directly advocating disendowment and the abolition of the ecclesiastical hierarchy to parliament.<sup>139</sup> The Wycliffites, of course, did not. This is what made them so dangerous, and this was surely a key factor in why the Church agreed to counter-reformatory legislation.

---

<sup>137</sup> Indeed, a parallel to this can be found in the legislation concerning fraternal recruitment practices. See fraternal legislation chapter, 307-10.

<sup>138</sup> For the influence of the 1370 anti-vagrant petitions on Langland, and his use of the terms 'faitour' and 'Loller' see Scase, *New-Anticlericalism*, 47-83. For the influence of the Statute of Cambridge on Langland, see A. Middleton, 'Acts of Vagrancy: The C Version "Autobiography" and the Statute of 1388', *Written Work: Langland, Labour and Authorship*, ed. S. Justice and K. Kerby-Fulton (Philadelphia, 1997), 208-93.

<sup>139</sup> Although Langland does seem to echo the idea of disendowment in *Piers Plowman* B.XV.564-7. See P. Gradon, 'Langland And The Ideology Of Dissent', *PBA*, LXVI (1980), 186-88.

#### 4) *Post-Oldcastle: Henry V's Quest for Unity?*

However, as with the legislative activity on papal provisions, there seems to have been a dip in the successful presentation of bills concerning such social issues in Henry V's reign. Henry V's preference for internal Church reform under his own supervision can be detected, even before Oldcastle's revolt, in the response to the 1413 petition on adultery. This stated that king had charged the lords spiritual to ordain a remedy and that if they did not do this he 'would keep it firmly in mind, and cause it to be rectified in time to come'.<sup>140</sup> Moreover, after this point the commons did not present another petition on the subject in the fifteenth century. In a similar fashion the commons also seem to have become more compliant with the government's way of thinking as regards wages. Thus in 1416 they asked that receivers only should be punished. They argued that the givers were refusing to bring charges against the takers in order to avoid their own punishment.<sup>141</sup> This was probably true, but it seems unlikely that it would have taken until 1416 for this problem to become apparent – after all it was probably this fact which had long underlain the government's preference for punishments on receivers only. Meanwhile, the only vagrancy bill presented in Henry V's reign was that presented in April 1414 and was the last such bill presented for 32 years. Whilst Henry was seemingly keen to tighten up the regulation of vagrants by means of parliament he rejected the commons' request that an ordinance should be made concerning the deportment of labourers.<sup>142</sup> He was seemingly more interested in the legislation as a means of controlling his subjects than as a means of social reform. It was probably no

<sup>140</sup> *RP*, IV, 9.

<sup>141</sup> *RP*, IV, 103; *SR*, II, 196. The commons' desire for givers to be punished as well does appear to have bubbled back to the surface shortly after Henry V's reign in 1423 and a statute was passed to this effect but by 1425 the government's preference for receivers only to be punished was once more enforced in legislation. *SR*, II, 225; *SR*, II, 227. This resurfacing of the commons' reformist agenda for a brief period in the 1420's following Henry V's death can also be seen in other areas of the legislation. See, for instance, non-residence chapter, 264.

<sup>142</sup> *RP*, IV, 20; *SR*, II, 176-77.



coincidence that in the same parliament he passed a statute against riots and a statute concerning the 'Lollards' which gave him greater powers in the arrest of those who might challenge either the Church or his own regime.<sup>143</sup> Indeed, the fact that the latter statute targeted 'heretics and Lollards' suggests that Henry wanted to be able to use this statute not only against those the Church defined as heretics but against anyone who threatened the unity of his regime.<sup>144</sup> Following hot on the heels of Oldcastle's rebellion such legislation would serve as a reminder to the commons that Henry would not support the implementation of the 'Lollard' programme of reform in parliament. Henry did not want parliament to become a talking-shop for disunity between the social classes or the laity and the Church. He had crushed talk of disendowment, and there was now seemingly little room for the discussion of other potentially contentious and seemingly related issues.

### ***Conclusion:***

Indeed, the debate over social issues within parliament does seem to have been informed by the debate over clerical endowment and clerical dominion from the 1370's onwards, and the fear of the growing popularity of attacks on these within parliamentary circles. Initially Uthred's clashes with fraternal polemicists and Wyclif over clerical endowment and papal authority appears to have stoked up old arguments over voluntary poverty. Because of the importance of this debate to parliament it may well have informed the commons' vigorous attacks on mendicancy and vagrancy that contained elements, which though novel to parliamentary debate, resembled earlier attacks on the friars: a fact which highlights the point that the commons assertions concerning the

---

<sup>143</sup> *RP*, IV, 25; *SR*, II, 184-86. *RP*, IV, 24-5; *SR*, II, 181-84.

<sup>144</sup> For a discussion of the extension of the term 'Lollard' in parliament, see introductory section, 11-14.

vagrancy problems perhaps need to be seen as the moral truths which the commons drew from the crisis they perceived rather than the factual truths, and which might explain why the government did not feel the need for a statute in the 1370's. Then in the 1380's the Church, growing fearful of the threat of clerical disendowment and 'heresy', ceded power to the government through legislation that closely resembled the anti-vagrant measures proposed by the commons. They seem to have feared that the commons were increasingly being influenced by reformist ideas promoted by the Wycliffites, a possibility that was highlighted by the disendowment proposals of 1385, and – in the Cambridge parliament of 1388 – the commons' use of ideas on poverty that were promoted by the Wycliffites and that had been stigmatised as 'Lollard'. Indeed, this parliament seemed to usher in a wave of petitions which reflected a 'new' kind of concern for the poor (in parliamentary terms at least) – a concern which focused more on the responsibilities of the laity and the Church for the poor and perhaps less on the responsibility of the poor themselves for their own faults. Given the fact that the likes of Wyclif and other protagonists of disendowment and the parliamentary reform of the Church had focused their assaults on blaming the Church for the vagrancy problems this must have been particularly worrying. In this parliament the Church – perhaps influenced by the likes of Woodstock – thus helped develop measures which they most probably hoped would both strike at such preachers and steal their thunder. They seem to have realised that the commons were interested in reform and so that counter-reformatory measures were necessary to deal with the attraction of the 'Lollard' reform programme: a reform programme which advocated disendowment as the solution to vagrancy and poverty. Such disendowment had to be prevented at all costs. Thus just as they had accepted the principle of lay supervision over the arrest of 'heretical' preachers to stave off the threat of heresy and disendowment, so they accepted the principles of the

lay supervision of *gentz de religion* who *va mendinant* and the lay supervision of ecclesiastical charity by means of legislation. This reflects the provisors legislation where they seem to have accepted the principle of increased lay intervention in the affairs of the English Church through legislation from this point onwards. By 1414, however, Henry V's crushing of 'Lollardy' seems to have once again been reflected in a significant reduction in legislative activity on these issues. Such debate would apparently no longer be tolerated.

***Section Two:***

***The Spirit of 1388 and the Misuse of Tithes***

### *Sectional Introduction*

As discussed in the chapters on papal provisions and social issues, the Cambridge Parliament of 1388 seemed to usher in an era in which parliament took a greater interest in reforming the English Church, with legislation concerning English provisors, the fraternal orders, appropriations, non-residence and hospitals. The latter three issues all concerned the misuse of tithes and alms and followed on logically from one of the principles which underlay the vagrancy statute of 1388 - that poor relief should be provided at a local level under lay supervision and hence that the laity should ensure that the mechanisms of local poor relief, including those of the Church, were functioning properly - as well as the spirit of the post-1388 provisors legislation which focused on the abuses of the English clergy which arose from papal provisions. The aim of the following three chapters is to explore the reasons for this development in greater detail by exploring these areas of legislation, and to explore just how closely they fit into the pattern of counter-reformatory legislative activity that has been emerging in this thesis.

*Chapter 3:**Appropriation and Legislation**Introduction*

The period of this thesis undoubtedly stands out in terms of parliamentary interest in appropriations. Before this period there was no legislative activity which primarily concerned appropriations. Indeed, the only common petition which even mentioned the reform of appropriations before 1376 was that which lay behind the Statute of Praemunire in 1365. In comparison, after 1376 one finds petitions which were entirely focused on appropriations in 1391, 1401, 1402, and 1404 with statutes in 1391 and 1402.<sup>1</sup>

*A) Historiography and Historical Background**1) Historiography*

Perhaps the best starting place towards an understanding of this development - and in particular the influence of 'Lollardy' and reformist ideas upon it - is an examination of our general understanding of appropriations. This mirrors, to some extent, our understanding of papal provisions. For an earlier generation of historians the practice of appropriation, whereby a parish church was taken over by a corporate rector (usually a monastery, cathedral, collegiate church, or hospital: often referred to as the appropriator), who would thus gain control of the parochial revenues, was seen as an assumed evil. Anybody reading Hartridge's History Of Vicarages<sup>2</sup> (1930) - which

---

<sup>1</sup> See appendix C.

<sup>2</sup> R.A.R. Hartridge, A History of Vicarages in the Middle Ages (Cambridge, 1930).

remains one of the most extensive surveys of appropriations – today will most likely be struck by the moralising of its author. However, as discussed in the provisors chapter, in the 1930's historians then began to turn against the notion that the Reformation was destined to happen because the pre-Reformation Church was in dire need of reform. Thus whilst Geoffrey Barraclough began to question the evil effects of papal provisions, Kathleen Wood-Legh began to question the extent to which appropriations were really as devastating as had previously been made out.<sup>3</sup> Although she did not immediately succeed or even intend to fully rehabilitate the reputation of the late medieval Church on this issue,<sup>4</sup> her arguments did seem to lead to the popular late-twentieth-century trend of either discountenancing the problems associated with appropriations or skirting around the subject entirely. Thus those late-twentieth and early-twenty-first century historians who have discussed the subject have often tended to follow her arguments and stressed the extent to which earlier historians were misled by the significant amount of contemporary criticism concerning appropriations.<sup>5</sup> Meanwhile, the general focus on the strength and vitality of the late medieval Church means that little space is devoted to discussing the topic and little new research has been done in this area. There are only a handful of articles on the subject covering small time periods (generally in the twelfth century) and small areas. Most monographs and textbooks on the late medieval Church only include a few pages that actually refer to appropriations. How then have historians arrived at such conclusions?

---

<sup>3</sup> K.L. Wood-Legh, 'The Appropriation of Parish Churches During the Reign of Edward III', *Cambridge Historical Journal*, 3 (1929-31), 15-22. This article was then extended and incorporated into her monograph *Church Life in England under Edward III* (Cambridge, 1934), 127-53.

<sup>4</sup> See, for instance, G.G. Coulton, *Five Centuries of English Religion*, III, (Cambridge, 1936), 163ff. which was written shortly after Wood-Legh's work and takes a rather dim view of appropriations. However, he did take on board Wood-Legh's revisions of the overall picture.

<sup>5</sup> For instance, Christopher Harper-Bill has noted how 'the real damage to the religious life of English parishes may have been exaggerated': C. Harper-Bill, 'English Religion after the Black Death', *The Black Death in England*, ed. M. Ormrod and P. Lindley (Stamford, 1996), 94.

## **2) The History of Appropriations: The Destruction or Resurrection of Charitable Works?**

Assaults on the system of appropriations and subsequent defences or revisions have usually surrounded their origins. Unfortunately these origins seem a little clouded in the mists of time and historical debate. Those historians who criticised appropriations tended to follow the lead of medieval critics in arguing that appropriations removed alms and tithes from parishes and parishioners in favour of monasteries (the most common appropriators). The fact that such appropriators took a substantial portion of the parish's income was indisputable and this seemed to support the claims of the medieval critics. However, Wood-Legh sensibly pointed out that even before parishes were appropriated this income may have been diverted from the parish.<sup>6</sup> This was because many of the appropriated churches may previously have been in the hands of lay patrons who may have extracted a similar or even higher percentage of the parish's income. Canon law dictated that a third part of the tithes should be set aside for the vicar but the suggestion is that lay patrons may have been less obedient to such regulations than monastic appropriators. Following a similar line of argument, Professor N. G. Pounds has recently argued that monastic appropriation of parish churches emerged as part of a Church response to problems associated with lay patronage of such churches. According to Pounds monastic orders became increasingly influential within reforming Church synods throughout the eleventh century. One thus encounters such great reforming personalities from monastic backgrounds as Pope Stephen XI and Peter Damian. Through such men the Church became increasingly hostile to the lay possession of ecclesiastical benefices and the apparent evils that arose from it – unfit

---

<sup>6</sup> Wood-Legh, 'Appropriations', 19.



priests and the revenues which had been 'given to God' being used for lay purposes. The papacy was seemingly very alarmed by the former problem and in the First Lateran Council in 1123 asserted that 'priests are to be appointed to parish churches by the bishops'<sup>7</sup>. In England, however, the Church was forced to accept a compromise whereby the priest would be instituted by a bishop but nominated by the lay patron. Moreover, the problem of lay control over parish revenues still remained. To combat this, from the time of Pope Urban II (1088-99) the Church began to persuade the lay patron to allow a religious body to appropriate the benefice (in return for spiritual benefits), sometimes with the advowson (the right to nominate the parish priest) and sometimes without.<sup>8</sup> Seen in this way then appropriation was actually a reformist development which emerged as a result of problems caused by the increase in lay control over the parish (sometimes referred to as lay impropriation).

In a similar fashion historians also undermined the other key criticism of appropriations: that the new corporate rector did not install a suitable pastor to ensure that an adequate level of pastoral care was provided in the parish. They pointed out that many parishes which had not been appropriated were in the hands of non-resident and pluralist rectors who may have been no less exacting in their financial demands on the parish than monasteries and who may also have not provided a suitable pastor.<sup>9</sup> Indeed, such parishes were crucial in supporting the financial needs of the realm's graduates and bureaucrats who needed to be absent from their parishes and to receive a significant income from them. Thus appropriated parishes may have been no worse off than those which had not been appropriated.

<sup>7</sup> 'in parochialibus ecclesiis presbyteri per episcopos constituentur': Conciliorum Oecumenicum Decreta, ed. Joseph Alberigo et al., 3<sup>rd</sup> edn, (Bologna, 1973) cited in N.J.G. Pounds, A History of the English Parish: The Culture of Religion from Augustine to Victoria (Cambridge, 2000), 49.

<sup>8</sup> Pounds, English Parish, 50.

<sup>9</sup> A point made by Wood-Legh, Church Life in England, 139 and taken on board by the likes of Coulton, Five Centuries, 174.

However, such arguments should not lead one into believing that appropriations were not without their problems or that the critics of appropriation had no basis for their complaints. Whilst it is only right that we should not automatically follow the critics of appropriation into demonising the Church, we need to be careful not to demonise the critics as a result. For a start, to argue that the problems caused by appropriations may have been no worse than those caused by non-residence and pluralism is an implicit admission that problems did exist. Indeed, as the next chapter will demonstrate, the late medieval commons were certainly no less aware of the problems caused by non-residence and pluralism and were quick to point the finger. It was not always a case of contemporaries advocating one system as a solution for the other: the same critics attacked both - in our period at least. Indeed, in the late fourteenth and early fifteenth centuries the commons presented petitions against appropriations, non-residence and pluralism: a fact which suggests that they were pursuing a general campaign against the problems experienced by parishioners rather than against simply the monks or the clergy. It is thus important that we take chronological issues into consideration. The problems caused by appropriations may well have been getting worse in our period. Thus as Miri Rubin has pointed out in her survey of medieval Cambridge the value of vicarages were set in the thirteenth century, which meant that by the mid-fourteenth century there was not a sufficient proportion of the tithes set aside for poor relief. Moreover, the percentage of churches that were appropriated was surely increasing and this would also have exacerbated the problems associated with the practice.<sup>10</sup> The problem was that the only real solution to these problems was a dramatic rethinking of

---

<sup>10</sup> It is difficult to assert a precise figure since our statistics are incomplete. However, scholars have estimated that by our period at least 20 per cent of parishes were appropriated; a figure that had risen to about 33 per cent by the sixteenth century. However, these figures could vary wildly from location to location. See, M. Rubin, *Charity and Community in Medieval Cambridge* (Cambridge, 1987), 243 and below, 215.

the way the government and universities were funded: a point that, as will be argued below and in subsequent chapters, is key to the understanding of the legislation of our period.

Furthermore the notion that parishes may have been better off than before they were appropriated has never really been substantiated. Wood-Legh did attempt to explore the pre-history of a selection of appropriated parishes to establish whether they were served no better before appropriation. However, she could only find enough evidence to establish that 25 of the 75 churches she examined were served by non-resident rectors before appropriation and could only posit that 'if more complete information were available the number of churches having unsatisfactory rectors would be considerably higher'.<sup>11</sup> Since she defined 'unsatisfactory' as 'non-resident' she was also implicitly criticising the system of appropriations. Indeed, she recognised that there were many problems with it. The reality was that whilst some appropriations may have helped parishes others may have caused problems. The system was by no means perfect.

Meanwhile, the notion that the system of appropriation was simply a reformist development overlooks the rapid growth of monasticism itself in the late eleventh and twelfth centuries. Janet Burton's regional study of Yorkshire has pointed to the explosive growth in monasticism in that county and the urgent need for resources that followed. Whilst there were no monasteries in Yorkshire in 1066, there were over fifty by 1200.<sup>12</sup> Yorkshire was probably affected more than any other county but the trend was seen throughout England. These monasteries had to be supported and thus patronage had to be sought. The original ideal of monasticism was to live apart from

---

<sup>11</sup> Wood-Legh, 'Appropriation', 21-22.

<sup>12</sup> J. Burton, 'Monasteries and Parish Churches in Eleventh- and Twelfth-Century Yorkshire', *Northern History*, 23 (1987), 39.

the secular world and the best form of patronage would have been that which would have allowed them to live up to this ideal: land. With land the monks could live off their own resources and avoid too much secular interaction. However, land was a precious commodity and the landed classes could not afford continually to grant away enough land to support the ever-burgeoning number of monasteries. Monasteries thus had to seek other means of patronage and parish churches with their associated assets were an obvious source. Parish churches involved less of a personal financial sacrifice for the patron yet could still offer substantial rewards for the appropriator.<sup>13</sup> The income generated through the cure of souls could be quite substantial and was usually more than was needed to support a parish priest. Institutions such as monasteries saw this and exploited this form of revenue. This helps to explain the simultaneous growth in monasteries and in church appropriations. However, it also explains the criticisms of those who pointed out that the monks were not living up to their ideals and the apparent disenchantment the laity felt towards such orders in our period. In fact, as has often been pointed out, it was such disenchantment that helped to feed Wycliffite sentiment.

Indeed, whilst it would be unwise to discount the idea that reformist intent played an important role in the increase in appropriations, it would be equally unwise to ignore more material motives and the genuine reformist intent of those who opposed appropriations. The very fact that monks were prepared to get more involved in secular affairs by appropriating parishes suggests that their idealism was being sacrificed to a certain degree. This is particularly true in cases where a monastery attempted to fulfil its duties as corporate rector by deputing one of its own members to say mass and hear confessions: a problem which received enough attention to be roundly condemned by the First Lateran Council of 1123. Meanwhile orders of regular canons, Augustinian and

---

<sup>13</sup> Wood-Legh, 'Appropriation', 16-17.

Premonstratensian, did use members of their own orders to serve their appropriated churches more regularly and over a much longer period.<sup>14</sup> This was generally seen as more acceptable since pastoral care was deemed to be an important function of the canon.<sup>15</sup> However, this was not seen as ideal. In a decretal addressed by Pope Alexander III (1159-81) to an English house, the pope wrote *nolumus quod in ecclesiis Dei annui sed perpetui vicarii debeant constitui*.<sup>16</sup> The Fourth Lateran Council (1215) insisted that where possible the rector was to reside within the benefice but otherwise:

he should take care to have a *perpetual* vicar canonically instituted, who (as is aforesaid) should have a fit portion of the profits of the church.<sup>17</sup>

Discontent had evidently been growing at the quality of the priests being installed by the regular orders. Their choice of incumbents was often influenced by financial considerations. A vicar, often referred to as a perpetual vicar, held office for life. He had a title to share in the benefice. The regular orders, however, were increasingly installing removable canons or chaplains who had no such security and only received what the monasteries were prepared to pay. The Fourth Lateran Council was clearly concerned that this was not enough and that one result was a poorly educated clergy:

A vicious custom that must be extirpated has grown up in certain parts, where patrons of parish churches, and certain other persons claiming the profits for themselves leave to the priests deputed to the service of them, such a scanty portion that from it they cannot be suitably (congrue) sustained. For as we have learned for certain, there are some regions where the parish priests have for their sustenance only the fourth of a fourth, to wit, the sixteenth part of the tithes ; whence it cometh that in those regions scarce any priest can be

<sup>14</sup> Pounds, *English Parish*, 55.

<sup>15</sup> Hartridge, *Vicarages*, 164.

<sup>16</sup> Cited in Pounds, *English Parish*, 56.

<sup>17</sup> Canon 32 of Fourth Lateran Council cited in Hartridge, *Vicarages*, 21.

found who is even moderately well-educated. Since therefore it is not lawful to muzzle the ox that treads the corn, but he who serves the altar should live of the altar : we have ordained that by a certain custom of the bishop or patron, notwithstanding any other, a sufficient portion be assigned for the priest.<sup>18</sup>

This hint that regular orders were exploiting appropriations for financial reasons to the detriment of the parish is given weight by Harper-Bill's discoveries in a regional study of twelfth-century East Anglia. Apparently 'the religious, to whom so many local churches were surrendered, assiduously imitated their lay predecessors in the effort to extract therefrom financial profit, to the extent even that they sanctioned hereditary succession to benefices when it was to their advantage; and that the advowson itself came to be regarded by monks, canons and nuns as a marketable commodity'.<sup>19</sup>

However, the Fourth Lateran Council did prove to be something of a turning point. From this point on 'perpetual vicars' apparently increasingly became the norm.<sup>20</sup> Nevertheless, the papacy reserved the right to grant dispensations for more temporary appointments - of monks as well as canons - and so complaints did continue, from within as well as outwith the ecclesiastical hierarchy. Most famously Robert Grosseteste was virulent in his condemnation of appropriations. Thus in 1250 he preached a sermon before the General Council in Lyons in which he did not hold back his feelings. He noted how pastoral care involved more than just the administration of the sacraments. It also involved moral guardianship and works of charity:

<sup>18</sup> Canon 32 of Fourth Lateran Council cited in Hartridge, *Vicarages*, 20-21.

<sup>19</sup> C. Harper-Bill, 'The Struggle for Benefices in Twelfth-Century East Anglia', *Anglo-Norman Studies*, XI (1988), 113.

<sup>20</sup> Pounds, *English Parish*, 56; Hartridge, *Vicarages*, 36-76, 162; I.B. Cowan, 'Some Aspects of the Appropriation of Parish Churches in Medieval Scotland', *Records of the Scottish Church History Society*, XIII (1959), 205. The statistics, however, are incomplete to say the least.

It consists also in the feeding of the hungry, in giving drink to the thirsty, in clothing the naked, in receiving guests, in visitation of the sick and prisoners, and especially of one's own parishioners to whom belong the temporal goods of the churches. The people should be instructed and informed by the examples of these works in the holy exercises of an active life, but to do these works is not within the power of this kind of mediator and mercenary.<sup>21</sup>

According to Grosseteste, such deeds were being undermined by the appropriation of churches by the religious:

How by them, who hardly receive enough from the goods of the churches for them to sustain their own lives, the aids (adminicula) and organs of office, rule and government, being separated and drawn away from the acts of ruling and government, shall the acts of office be fulfilled? ... when there is an appropriation of churches to religious, it is a confirmation and perpetuation of these aforesaid evils.

Grosseteste evidently blamed the papacy for such problems:

Let not anyone say that the Curia does such things for the common usefulness of the Church.

### ***3) The Process of Appropriation: Competing influences?***

To some extent Grosseteste's criticisms and the papal reforms may reveal tensions over the competing jurisdictional influences over appropriations between the papacy and the English Church. In order to appropriate a benefice the would-be appropriator needed the permission of various parties. For a start the permission of the patron and holder of right of advowson of the benefice would be required in order for

---

<sup>21</sup> E. Brown, *Fasciculus Rerum Expetendarum*, (O. Gratius), II, 253 (London, 1690) cited in Hartridge, *Vicarages*, 76.

the relevant rights to be transferred.<sup>22</sup> At times the impetus for such appropriations probably came from such patrons as an act of patronage towards a monastery, hospital or college which would make this permission a formality. However, at other times it seems likely that such monasteries, colleges or hospitals would have been more proactive in their hunt for patronage and would thus have had to seek out such permission. From the early fourteenth century the appropriation then also required the permission of the king. This was because from 1304 the monarchy began to use the Statute of Mortmain (1291) in order to insist that appropriations required royal licences, since a church, once appropriated, would never again be vacant.<sup>23</sup> This meant that the king would lose his right of advowson on it, which he held during vacancies. As Pantin has demonstrated this sort of 'windfall' patronage was essential to the king and the running of his government, since the number of offices at the king's disposal by this means far outweighed the amount of patronage he held *pleno iure* (in his own right).<sup>24</sup> Rights of advowson during vacancies were thus essential to the king and he often came into conflict with the papacy over the provision to such benefices. It was thus little surprise that he insisted on the use of a licence to give up such rights. In return he often received masses for his soul as well as a royal fee. Monarchs also seem to have used licences to help their favoured religious houses and works.<sup>25</sup> Monarchs could thus exploit them for spiritual as well as financial profit.

---

<sup>22</sup> This would depend on whether the appropriator was appropriating just the temporal profits of the benefice or the right of advowson as well. However, generally speaking, the appropriator tended to appropriate both and the patron of the benefice usually held the right of advowson.

<sup>23</sup> Some historians have argued that the Statute of Mortmain automatically made the acquisition of a licence a requirement. See, for instance, Wood-Legh, *Church Life*, 127 and A.D.M. Barrell 'Papal Involvement in Appropriations in Scotland and Northern England, 1342-78', *Northern History*, 24 (1988), 35. However, Frederick Cheyette has pointed out that the statute made no mention of appropriations and that the first attempt to subsume the appropriation of churches under the activities proscribed by the statute was made in 1304: an attempt that failed due to the refusal of the council. See F.L. Cheyette, 'Kings, Courts, and Sinecures: The Statute of Provisors and the Common Law', *Traditio*, XIX (1963), 305 fn.37.

<sup>24</sup> W.A. Pantin, *The English Church in the Fourteenth Century* (London, 1955), 30-31.

<sup>25</sup> Wood-Legh, 'Appropriations', 19.



The appropriation also required ecclesiastical sanction and it is here that the competing tensions between the English Church and the papacy may have been particularly fraught. Until the fourteenth century this sanction could be granted by either the local ordinary or the papacy. The choice was often made for the appropriator by circumstance: if the local ordinary or a member of the laity happened to be in possession of the right of advowson the appropriator would seek episcopal sanction, if the papacy held it then papal sanction was asked for. However, on occasion papal sanction was sought due to opposition from diocesan authorities. Thus in 1347 Queen Isabella petitioned the pope for the appropriation to Topholme abbey of the church of Stretton, near Randeley, 'notwithstanding that the diocesan and archdeacon assert that during its voidance certain parts of its rents and profits belong to them'.<sup>26</sup> This must have heightened tensions between the episcopate and the papacy and may in part account for the claims made by either side that the appropriations made by the other were damaging to the parishes affected. Both the episcopate and the papacy made significant financial gains by granting appropriations and thus there was a lot to play for.<sup>27</sup>

However, at the same time, this fact may have made ecclesiastical sanction too easy to obtain with the result that appropriations were granted in cases where the appropriation was not really necessary. The appropriator needed to justify the appropriation and often cited financial hardship as a factor. In a large proportion of cases during our period the effects of the plague are cited. However, as Harper-Bill has noted there is little evidence that the onslaught of plague dramatically increased the number of appropriations and it thus unlikely to have been the key factor behind the

---

<sup>26</sup> *Cal. Papal Registers*, I, 107 cited in Wood-Legh, *Church Life*, 129.

<sup>27</sup> For instance, the Bishop of Rochester was receiving nearly £9 *per annum* in 1344 – significantly more than a vicar's income – for allowing the appropriation of fourteen parishes: Coulton, *Five Centuries*, 183.

need to appropriate.<sup>28</sup> Indeed, the papacy had no real means of assessing the truth of such claims given the volumes of appropriations it granted and its distance from the parishes involved.<sup>29</sup> Meanwhile, both the papacy and the episcopate also had the motive to, at times, be less than zealous in ensuring their validity.<sup>30</sup>

## B) *The Legislation*

### **Papal Incursions and the Beginnings of The Commons' Interest in Appropriations**

Moreover, as the fourteenth century progressed the papacy attempted to increase its income from and control over appropriations. For a start, all benefices appropriated by papal authority incurred annates from 1344 onwards. Despite this there seems to have been 'a rush of grants to appropriated churches in the 1360's'.<sup>31</sup> This may well have played a part in the creation of one of the clauses of the 1365 Statute of Praemunire. This clause stipulated that no one should procure provisions to chapels, churches, offices, and benefices, pensions or rents appropriated to religious institutions, before such appropriations were annulled by due process.<sup>32</sup> In the petition behind this statute the commons had complained how appropriations made in the Court of Rome helped contribute to the customs and laws of the realm being confounded, the king's

<sup>28</sup> Harper-Bill, 'English Religion', 94-96.

<sup>29</sup> For a case in which the papacy granted an appropriation to an unworthy candidate that was noted by parliament and the English ecclesiastical authorities, see below, 222.

<sup>30</sup> Nevertheless the papacy recognised that there were serious problems with appropriations. Thus, for instance, in 1392 the pope sent a mandate to the archbishop of Canterbury to summon the Cistercian abbot and convent of Thame concerning the perpetual vicarage of Chalgrove, in the diocese of Lincoln. Apparently the abbot and convent had extorted an oath from the vicar not to increase his portion from the tithes even though the value of the church was 60 marks. According to the papal letter the vicar 'fears them greatly and with reason (*merito perhorrescens*) and cannot meet them with safety in the city or diocese'. The papacy seemed to be accepting this state of affairs on the testimony of the vicar but nevertheless ordered that the oath was to be relaxed and the fruits increased until they were sufficient: *Cal. Papal Letters*, IV, 1362-1404, 430.

<sup>31</sup> Barrell, 'Papal Involvement', 35.

<sup>32</sup> *SR*, I, 386.

crown being diminished, his person being defamed, the kingdom's wealth being carried away, its inhabitants impoverished, the benefices of Holy Church destroyed, divine service, hospitalities, alms and other works of charity being abandoned, the lords, commons and other subjects of the realm being harmed and damaged in goods and bodies.<sup>33</sup> Though there is little direct evidence that the statute was enforced the king did uphold provisions made in his authority vis-à-vis those made by the Pope.<sup>34</sup> Thus in 1374 he ordered an inquisition against all those who had been provided by the papacy to the rectories of Keyingham, Easington and Skipsea, which had been appropriated to Meaux by royal licence.<sup>35</sup> Pope Urban V, meanwhile, decided to revoke all ineffective appropriations and forbade the ordinaries to make any more for ten years after 1366. He had thus theoretically given the papacy a temporary hegemony in issuing appropriations: a hegemony that was then renewed by Urban's successors. Thus later Popes repeated this decree. Boniface IX did so in 1402 (again following legislation concerning appropriation), Innocent VII did so in 1404 and Calixtus III did so in 1445. This can only have exacerbated the tensions between the English Church and the papacy.

***1) Pre-Blackfriars: The Alien Pories and Appropriations: The Concern for the Provision of Spiritual Services, the Need for New Justifications and John Wyclif***

Despite this, the next significant legislative activity concerning appropriations did not come until 1377 – the first such activity in our period - and only concerned alien pories.<sup>36</sup> In this year the commons prayed that alien enemies, whether religious or not,

<sup>33</sup> *RP*, II, 284.

<sup>34</sup> Barrell, 'Papal Involvement', 35.

<sup>35</sup> *CPR*, 1374-7, 55-56; Barrell, 'Papal Involvement', 35.

<sup>36</sup> There was one petition in 1376 which demanded an affirmation of the Second Statute of Westminster concerning lands appropriated to abbeys, colleges and hospitals but this did not touch appropriated parish churches: *RP*, II, 333.

should be expelled and that the profits should be put towards the war.<sup>37</sup> Though their primary aim seems to have been financial and ‘anti-alien’, they were careful to state that an Englishman should be put in all those places where divine service needed to be made.<sup>38</sup> The response which was longer than the petition – perhaps suggesting a significant amount of input by the government – was seemingly quite radical in intent. There had been numerous calls for aliens to be expelled during the Hundred Years War. However, the King had always stopped short of expelling alien men of religion. Thus in 1346 a request of the commons to do so had been met with the reply:

Regarding the alien religious, these are spiritual persons, and are in their houses by institution, *which thing cannot be decided by parliament*. And concerning their lands and benefices, they have been taken into the hands of our Lord the King, and the King takes the profits from them; And no man can oust them without advising the King<sup>39</sup>

As far as Edward III and his government were concerned then, parliament had no right to interfere with the positions of alien men of religion. In the October 1377 parliament, however, the government actually consented to decreeing that all alien religious should leave the country by Candlemas unless they held conventual priories or other life benefices and were known to be loyal to the King.<sup>40</sup> Parliament was thus now seemingly appropriating the right to eject men of religion based on their status and their perceived

<sup>37</sup> *RP*, III, 22.

<sup>38</sup> The petition makes the interesting claim that ‘no one of our mother tongue, of whatever condition he be, would be allowed to so spend any length of time, in the land of our enemies, for any purpose whatsoever, on danger of his life’ and thus argues, in a tit for tat way, that the aliens should be expelled from England. For the financial motivations behind this bill, see A.K. McHardy, ‘The Alien Priors and the Expulsion of Aliens from England in 1378’, *Studies in Church History*, 12 (1975), 133-41.

<sup>39</sup> *RP*, II, 162: ‘Quant a les Aliens Religious, les parsones sont espiritels, & sont en lour maisons par institucion, quele chose ne poet estre trie en Parlement. Et quant a lour Terres & Benefices, ils sont pris en la mayn nostre Seigneur le Roi, et le Roi ent prent les profitz : Et de les oustier, homme ne le poet faire saunz aviser le Roi’.

<sup>40</sup> *RP*, III, 22: ‘horpris les Priours Conventuelle, & autres personnes q’ount tite a terme de vie en leurs benefices ou offices, & conuz pur bones personnes & loiaux, & nyent suspectes d’espiaille ne d’autre prejudice au Roi ne au Roialme’.

loyalty to the king. Whilst it was confirming that those who held life benefices had special rights it also implied that even these men could be removed if their loyalty could not be proven: thus effectively claiming that it could interfere with episcopal institution.<sup>41</sup> At the same time its recognition of the status of conventual priors and men of religion with life benefices once again demonstrates a concern that those institutions which were thought to provide a genuine spiritual benefit to English patrons should be upheld. This was because a conventual prior or man of religion with a life benefice would not be removable at the will of a foreigner or foreign institution who could exploit the benefice for financial gain. Apparently the institution of a non-removable prior 'was thought to provide some guarantee that the priory was an autonomous institution, rather than merely a grange or an office for the exploitation of lands and churches'.<sup>42</sup> The problem stemmed from patronage patterns following the Conquest. Whilst some Norman families had tended to endow new monasteries in England staffed by French monks and affiliated to continental houses, others had wanted to use the newly acquired English lands to increase the endowment of monasteries in Normandy. Thus whilst some alien priories were proper convents which supported spiritual activities in England, others were mere cells which supported foreign religious houses and their activities abroad: a distinction often made in the parliamentary petitions concerning the alien priories. Due to the effects of time and political circumstance – most notably the Hundred Years War – the links between these foreign houses and English families had greatly diminished and hence the

---

<sup>41</sup> Although it does this in a rather vague fashion (see previous footnote). This was most probably designed to cause as little offence to the Church as possible.

<sup>42</sup> For a fuller discussion of this and what follows, see B.J. Thompson, 'The Laity, the Alien Priories, and the Redistribution of Ecclesiastical Property', *England in the Fifteenth Century: Proceedings of the 1992 Harlaxton Symposium*, ed. N. Rogers (Stamford, 1992), 21-23. Indeed, as we shall see, it was not simply foreign religious houses which were treated in this way. Thus the 1391 appropriation bill insisted on the need for perpetual vicars who could not be removed at the will of the appropriator. The commons were evidently concerned that financial interests whether alien or native should not interfere with the service of God and the cure of souls. See below, 211-13.

cells were no longer providing useful spiritual services to the English. Parliament was evidently keen to restrict the cells without overly harming the convents and the rights of the patrons who expected spiritual services in return for their patronage. Significantly, the definition of these spiritual services had shifted by our period. Thus whilst in the eleventh and twelfth centuries the founders usually made no specific provisions for spiritual services, during our period patrons expected specific acts of liturgy and alms in return for their patronage.<sup>43</sup> It was thus perhaps not all that surprising that parliament became more concerned that these specific acts were being fulfilled: parliament was reflecting the laity's growing interest in the provision of such services. As far as the convents were concerned 'anti-alien' feeling and financial factors were thus subjugated to spiritual interests. It was not so much that the commons were not prepared to contribute to the spiritual upkeep of the realm. Rather, as urged by many Wycliffite tracts, they felt that alms and tithes should not be wasted by the Church and that the laity needed to step in and ensure that this did not occur.

This concern for spiritual service was also seen in a clause which stipulated that provision was to be made that such service was maintained in those benefices that were affected. It thus ordained that good and honest English people should be put into the vacated benefices so that divine service could be maintained. Furthermore, the local bishop should accept, at the presentation of the patron, and install honest religious persons from English houses, or good and honest secular chaplains, in the vacant priories with reasonable sustenance to perform divine service. Parliament was effectively insisting upon the fulfilment of canon law.

Most significantly for our purposes, the government also stipulated that during the war churches appropriated to alien houses should be put to farm by sufficient men of

---

<sup>43</sup> See Thompson, 'Alien Priors', 24-25.

Holy Church who could find sufficient surety to sustain the divine service, churches, priories, houses, woods and other appurtenances if the possessors of these, residing in the realm by this agreement, could not or did not wish to take them on reasonable farm from the king.<sup>44</sup> The government was thus evidently keen to maintain pastoral care in the parishes appropriated to alien houses. Meanwhile, the stipulation concerning woods and other appurtenances is noteworthy since it suggests a concern for the upkeep of the key sources of tithes. All in all then the government was promising to go a lot further than it had ever done in the past. In terms of detail it was actually surpassing the commons' requests: again suggesting a significant amount of input by the government. It was attempting to appropriate for parliament rights which the English government had previously conceded it did not possess. It thus needed new justifications.

In this light it is worth remembering that this was a parliament in which Wyclif – under the protection of John of Gaunt - seems to have been influential. Indeed, as we have seen, during the October parliament of 1377 the council sought his advice concerning the legality of preventing treasure being sent out of the realm to the curia and Wyclif seemingly responded by providing both a material and a theological justification for ensuring that alms were put to the use of the founders and the English Church rather than aliens.<sup>45</sup> Wyclif was also concerned, however, to make sure that the money saved from the curia would not be put to evil use in the realm of England.<sup>46</sup> His solution was

---

<sup>44</sup> *RP*, III, 22: 'Et si aucunes Priories y soient qe sont droitement fonduz de Spiritualtee, ou autrement Esglises Parochiales appropriiez a tieux Maisons Aliens, & les Priours, ou autres possessours de ycelles qi demurront deins le Roialme par cest accord ne vorront ou ne purront les prendre a resonable ferme de notre Seignour le Roi, adonques soient celles Priories & Esglises durant la Guerre lessez a ferme as autres suffisantz gentz de Seint Eglise, troefsantz seurtee suffisante d'y sustenir le divin Service acustume, & sustenir & garder les Priories, Esglises, Maisons, Boys, & autres apparten' sanz gast, exil ou destruction, & a les ditz Priours ou autres tielx possessours, & a lour Moignes ou Chapeleins, lour sustenaunces & vesture convenablement'.

<sup>45</sup> *Fasc.Ziz.*, 258-71. See provisions chapter, 88-90.

<sup>46</sup> *Fasc.Ziz.*, 267: 'Secundum periculum ex hoc insurgeret, quod temporalia ecclesiae anglicanae extracta per curiam, supposito quod detinerentur in Anglia, de facili forent genti nostrae occasio petulantiae, lubricitatis et avaritiae'.

to restore endowments to the founders and to apply the remainder to establish the 'true peace of the church'.<sup>47</sup> By this Wyclif evidently meant supplying the clergy with enough alms to perform their tasks and no more. It is thus interesting to note the parallels with the government's response. In attempting to justify its novel actions in ejecting the clergy from their spiritualities and temporalities it was evidently concerned to stipulate that provision should be made for sufficient pastoral care - an equally novel act. This would most likely have pleased Wyclif who, though it must be remembered had not yet reached the full extent of his radicalism, was evidently looking to the government to make sure the Church lived up to its responsibilities. The government had thus perhaps been empowered by Wyclif's ideology but consequently felt the need to adhere to the reformist intent of the ideology it had embraced.

The next parliament in which the subject of appropriations seems to have come up was that of 1381. In this year the commons complained that some men of religion, and others at their instigation and procurement, were causing the king to purchase both lands and tenements and advowsons of churches, with intent to exclude the mesne lords, and take their feoffment of such lands and tenements and appropriations of churches thus into mortmain directly from the king.<sup>48</sup> Seemingly these men were bypassing the rights of patrons contrary to the Statute of Mortmain. Consequently the king asserted that the Statute of Mortmain should be upheld saving the king's prerogative. There was nothing particularly radical about this, but the commons' concern with the rights of patrons, and mistrust of men of religion, may reflect increased tensions between the

---

<sup>47</sup> *Fasc. Ziz.*, 268: 'Quantum ad istud periculum, patet quod in hoc stat remedium, ut bona ecclesiae sint prudenter, postposita cupiditate praelatorum et principum, ad Dei gloriam distributa, restitutis eleemosynis fundatorum ecclesiae ad statum pristinum, et residuo servato ad verae pacis ecclesiae fulcimentum'.

<sup>48</sup> *RP*, III, 117: 'gentz de religion, & autres a leur excitation & procurement, font le Roi de purchacer si bien terres & tenementz come avoions des esglises, a l'entente d'esteindre les Seigneurs plus bas, & de prendre lour feoffement des tielx Terres & Tenementz & apropracions des esglises issint en mortmayne immediat du Roi'.



clergy and the laity in the leadup to Blackfriars and parallels the sort of partisan behaviour seen in the provisors petitions during these years.<sup>49</sup>

## *2) Post-Blackfriars: Appeals to Parliament for Disendowment over the issue of Appropriations*

In the years that immediately followed this there does seem to be a certain amount of evidence that the promoters of disendowment were attempting to stir up the issue of appropriations in parliament. Thus a tract that dates from 1382 or after petitioned ‘King Richard, the noble Duke of Lancaster, and the other great men of the realm ... gathered in the parliament’ to assent to four articles.<sup>50</sup> The second of these claimed that the king and his nobility could confiscate the temporalities of erring clergy, whilst the third argued that parishioners could withhold tithes from priests who misused them. It aimed its fire directly at appropriation, condemning the practice in no uncertain terms. According to the author – who pays great reverence to Robert Grosseteste, that famous earlier critic of appropriations – appropriations were made by ‘false suggestion’ that the appropriators did not have enough to live on. They were also made through simony since a great deal of money had to be paid to get a fat benefice. Moreover, the tithes and offerings that came with them were ‘superfluous to such men’.<sup>51</sup> They spent them in ‘pomp and pride, covetousness and evil, gluttony and drunkenness and lechery, in simony and heresy’ and on ‘fat horses, gay saddles, and bridles ringing’, whilst such ‘tithes and offerings should be given to poor needy men’.<sup>52</sup> We are unsure of the

<sup>49</sup> See provisions chapter, 95-97.

<sup>50</sup> Arnold, 507-23.

<sup>51</sup> Arnold, 519/16-17: ‘þei ben superflu to siche men’.

<sup>52</sup> Arnold, 519/37- 520/2: ‘pompe and pride, coveitise and envye, glotonye and dronkenesse and lecherie, in symonye and heresie’ wip fatte hors, and jolye and gaye sadeles, and bridelis ryngynge’; Arnold, 519/17-18: ‘þe tithes and offringis shulden ben 3ove to povere needy men’.

authorship of the English version of this document but the Latin version has been attributed to Wyclif.<sup>53</sup> There have been attempts to link this document with the reforming proposals said by Walsingham to have been put forward by Wyclif in the May 1382 parliament. However, they only overlap on one point: the removing of temporalities.<sup>54</sup> Nevertheless they do share one other thing in common: they were both ignored by the official record of parliament. This may be evidence of the sensitivity of the rolls to reformist ideas in the post-Blackfriars world. It thus seems that the advocates of disendowment were playing on the commons' fears concerning appropriations and that those in authority may have been keen not to publicise this fact. Indeed, it is noticeable that there were no enrolled petitions concerning appropriations for several years after Blackfriars: a situation that echoes the lack of openly reformist petitions concerning provisors between 1382 and 1388.

Indeed, it was not until the January parliament of 1390 that the question of appropriations was once again raised in the context of alien priories and on this occasion it was the alien priors rather than the commons who were the petitioners. They complained that the government had not been living up to all its promises of 1381.<sup>55</sup> They turned many of the government's earlier arguments back on them by noting how their houses were founded to perform divine service, almsgiving and other duties. However, the occupation of these by *seculers* was destroying their houses and churches, and undermining such duties, because they were being ousted from their benefices at the demand of these *seculers*, even though it was agreed that they should still have their priories and possession as long as they paid the king the sum of money that they would

<sup>53</sup> M. Aston, '“Caim's Castles”: Poverty, Politics and Disendowment', *The Church, Politics and Patronage in the Fifteenth Century*, ed. R.B. Dobson (Gloucester, 1984), 72, fn.39. I.H. Stein, 'The Wyclif Manuscript in Florence', *Speculum*, V (1930), 97. If Wyclif were directly responsible for the appeal then it must have been made before 1384.

<sup>54</sup> Aston, "Caim's Castles" 72 fn.39.

<sup>55</sup> *RP*, III, 276. The government's official response to this petition can be found at *RP*, III, 262.

have paid overseas. They thus prayed for a remedy as a work of charity and for God and asked that the alien priors who had patents and been wrongfully removed should be restored. The government's response was to state that the ordinance made in the king's first year should be kept and firmly held. However, it added to this that those alien priors who had been instituted by the bishop, or who had been exempted by their abbies, before the schism, or conventuals and collegials, who had lifetime titles, should have and enjoy their priories at a reasonable farm without being ousted no matter how much others might be willing to pay. The government was thus once again recognising the importance of the spiritual services provided by certain aliens. In particular it recognised the important pastoral care provided by the churches attached to some alien priories by adding that no alien priory, office, or bailliwick, which had any church or other spirituality annexed thereto should be in lay hands, nor in the hands of religious or clerics for the use and profit of lay persons, but only in the hands of honest persons of holy church, religious or secular, at a reasonable farm to support divine service and other reasonable services according to the intent of the founders. In 1393 parliament then confirmed this ordinance and stated any prior who had a patent from the king and was ousted contrary to the ordinance would be restored by the authority of parliament.<sup>56</sup> Parliament had thus had to re-emphasise its commitment to the ideas expressed in 1377. The service of God and parishioners would be put in front of lay financial profit.

---

<sup>56</sup> *RP*, III, 301.

### ***3) The Post-1388 Common Petitions on Appropriation and the Governmental Response***

#### ***i) The 1391 Appropriation Bill: An Underlying Programme of Pastoral and Academic Reform and its End Goal of Disendowment?***

However, it was not until 1391 that parliament, and in particular the commons, really began to turn its attention to the question of appropriations directly. Indeed, a statute was made in the parliament of that year which ordered that henceforth all licences for appropriation made in chancery should include a stipulation that a suitable sum of money, according to the value of the appropriated churches, should be set up to be distributed and paid annually from the fruits and profits of the same churches by those who have the said churches and their successors, to the poor parishioners in aid of their sustenance.<sup>57</sup> Moreover, it also stipulated that the vicar should be suitably endowed. As historians have pointed out this petition undoubtedly needs to be seen in relation to the 1388 Statute of Cambridge given the latter's concern over poor relief and its implicit principle concerning local responsibility for such relief.<sup>58</sup> Indeed, as the chapters on provisors and the social legislation have suggested, the 1388 Cambridge Parliament ushered in an era in which parliament took a greater interest in pastoral care and the reform of the English Church partly in a bid to stave off the wider threat of heresy and disendowment. Moreover, they also pointed to the fact that the appropriation legislation also needed to be seen in relation to the provisors legislation. How exactly then did the 1391 appropriation bill fit into this pattern?

---

<sup>57</sup> SR, II, 80.

<sup>58</sup> B. Tierney, *Medieval Poor Law* (London, 1959), 129; C. Given-Wilson, 'Service, Serfdom and English Labour Legislation, 1350-1500', *Concepts and Patterns of Service in the Later Middle Ages*, ed. A. Curry and E. Matthew (Woodbridge, 2000), 32.

The 1391 bill itself provides further hints pointing towards an underlying programme of reform and indeed counter-reform that transcends various areas of legislation. For a start, it must be stressed that the bill took a subject – appropriation – which, as we have seen, had previously been touched upon in petitions concerning alien benefices and focused upon it. This demonstrates that the 1391 statute does need to be seen in relation to the earlier legislation concerning alien priories and not just the vagrancy and provisors legislation. The principle of local responsibility seen in the 1391 Statute evidently had roots that went further back than 1388. Indeed, the alien priories ordinances discussed above did seem to imply that the government would enforce the provision of pastoral care in parishes associated with alien priories at least. In this light it is important to note that the opening line of the 1391 petition argues that according to *la Ley Divine, Ley Canoun, & Ley Humaine* the benefices of Holy Church were founded for the honour of God, the sanctity and remedy of the founders, the governance and assistance of the parishioners, and the promotion and advancement of the clergy.<sup>59</sup> All this is reminiscent of Wyclif's response to the council's requests in 1377 which also appealed to three laws and which seems to have played an important role in the 1377 ordinance and 1377 provisors legislation discussed above and in the provisors chapter.<sup>60</sup> These ordinances themselves were the sudden result of many years of parliamentary pressure. What the statutes of 1388 and subsequently 1391 did was to spell out the principle of local responsibility more fully and apply it to a more extensive area of benefices. Thus just like the 1388 provisors legislation the 1391 bill heralded an era in which not just alien benefices but English benefices would be put under the scrutiny of parliamentary legislation. The laity would now be responsible for ensuring

---

<sup>59</sup> *RP*, III, 293-94.

<sup>60</sup> See provisions chapter, 88-90 and above, 206-7.

that the English Church met its charitable duties at the local level. Such reform cannot be simply tagged as ‘anti-alien’ or ‘antipapal’.

The story does not stop here however. Indeed to put the 1391 legislation more fully into context we also need to look at various other areas of legislation. For a start, it is important to note that the parliament of 1391 also saw the passing of a bill concerning the related subject of mortmain.<sup>61</sup> The petition behind this bill shares the same sort of mistrust of the clergy as that behind the appropriation bill.<sup>62</sup> Thus whilst the mortmain petition talks of men of religion adding various lands and tenements to their churches without licence against the Statute of Mortmain ‘by subtle schemes, plots and devices’ with the support of apostolic bulls, the appropriation petition talks about the religious appropriating benefices by papal provision ‘by various tricks and ruses against the Statute of Provisors’.<sup>63</sup> This sort of wording is reminiscent of the seditious secretive language used against the supporters of papal provisors described in the provisors chapter and so it is interesting to note the links made with the papacy and papal provisions.<sup>64</sup> As we have seen the papacy had extended its controls over and income from appropriations in the fourteenth century and to some extent the appropriation petition must form part of the drive to limit papal influence and papal income from annates. After all, the petition did openly complain that such appropriations resulted in the religious grievously ‘carrying off the treasure of the realm in great quantities, which they secretly send to the court of Rome’. At the same time, however, it also links in with the factional nature of the provisors debate and the new focus on abuses within the

<sup>61</sup> *SR*, II, 79-80. On the subject of mortmain legislation, see S. Raban, *Mortmain Legislation and the English Church 1279-1500* (Cambridge, 1982), *passim*.

<sup>62</sup> *RP*, III, 291.

<sup>63</sup> ‘par subtille ymaginacioun, arte, et ingenio’ (*RP*, III, 291); *RP*, III, 293 ‘par diverses colours et cautels puis et encontre l’estatut de provisours’ (*RP*, III, 293).

<sup>64</sup> See provisors chapter, 127-29.

English Church. After all, it must be remembered that the commons did allow the government to 'moderate' the Statute of Provisors in this year for the sake of reform.

Indeed, as we have seen, it is noticeable that the petition and, in particular, the statute (which does not mention the papacy or its financial exactions at all) also focused on such abuses. One of the key thrusts was that appropriations had led to the destruction of 'divine service, hospitality and other works of charity'. This concern for the misuse of the alms of the English Church by appropriators parallels a number of Wycliffite tracts. For instance, the English tract known as *De Civili Dominio* claimed that appropriators wasted poor men's goods and did not fulfil the office of a curate 'neither in teaching, nor preaching, nor giving of sacraments, nor receiving of poor men in the parish; but instead install an idiot as vicar or parish priest, who cannot and may not perform the office of a good curate'.<sup>65</sup> As was common with Wycliffite writings, it looked back to a tradition of attacks on appropriation by referring to Robert Grosseteste's assault on the system but added the solution of disendowment. As noted above, earlier critics were confronted by the problem that the English university system was very dependent on the system of appropriations. Now, however, there were those who were advocating disendowment as a solution to parliament. Thus the problem of appropriations is given as a key reason for disendowment in Wycliffite writings: a fact which must have caused the Church great concern given the commons apparent interest in the issues of both appropriation and disendowment during this period.

Indeed, the timing of the legislation is perhaps instructive. As argued in the chapter on provisions, a key reason for the commons accepting the modification of the

---

<sup>65</sup> Arnold 216/1-8: 'And þis appropinge is geten bi false suggestion maad to Anticrist, be lesyngis maade to lordis, and covetise and symonye, and wastynge of pore mennis goodis. And 3it þei don not þe office of curatis, neiper in techynge, ne prechynge, ne 3evynge of sacramentis, ne resceyvynge of pore men in þe parische; but setten þere an ydiot for viker or parische prest, þat kan not and may not do þe office of a good curat, and 3it þe pore parische fyndiþ hym'.

statute of provisors in the parliament of 1391 – a modification which actually reduced the limitations on papal influence and papal income, thus demonstrating that they would sacrifice such goals for certain principles - was the commons' concern for the effects of the provisors legislation on graduates. Traditionally defenders of the system of papal provisions and appropriations tended to argue that appropriations were necessary for graduates and so it may come of some surprise that the commons should wish to petition against appropriations in this year. However, a number of Wycliffite tracts pointed out that the system could actually be detrimental to graduates, an argument which had some basis in fact.<sup>66</sup> Appropriations tended constantly to erode the number of benefices available to secular graduates, at least, since most appropriations were held by monasteries who would tend to prefer supporting members of their own orders rather than the seculars. This would have been particularly problematic since in the university cities the percentage of parishes that were appropriated was significantly higher than elsewhere. Thus whilst the national average in this period may have been 20 *per cent*, the amount of parishes that were appropriated in Cambridge is known to have been 100 *per cent* and Oxford may have experienced similar levels of appropriations given the needs of colleges and monastic and fraternal graduates there.<sup>67</sup> This may well have influenced the Wycliffite complaints since a number of the Wycliffite preachers came from the ranks of the secular clergy and had studied at the universities. That a commons who were evidently concerned to protect graduates should choose to petition for a bill that could restrict the flow of funding from appropriations suggests that they may well

---

<sup>66</sup> For instance, Matthew 427/25-30: 'heere men seyn þat many goodis han comun bifore of siche studies, but neuere so myche siþen collegies weren dowid as dide bifore þer rentis weren proprid ; and þefore it were good þat þes studies and collegies þat ben in hem stooden in as myche as þei acorden to goddis lawe and lyven wel, & as myche as þei discorden fro cristis lawe þat þey weren mendid'.

<sup>67</sup> Rubin, *Charity and Community*, 243. One wonders whether it was more than simple coincidence that the Statute of Cambridge was made in a town whose local system of poor relief may well have suffered more than most from the problem of appropriations, and in which there may have been many disenfranchised secular graduates.



have been influenced by the arguments of such men.<sup>68</sup> Indeed, the petition makes the interesting comment that benefices with cure of souls were 'originally instituted and established to the honour of God, the sanctity and remedy of the founders, and the promotion and advancement of the clergy' and that those who appropriate such houses 'forever forbar the clergy from promotion'.<sup>69</sup> Given the importance of such benefices to graduates (and bureaucrats) it is likely that the commons had these particular groups of secular clergy in mind. Once again then the commons were taking a partisan view of Church practices but it is also once again noticeable that they were not being simply 'anticlerical'. Here they were attacking appropriators (particularly 'religious' appropriators) but defending the rights of the secular clergy to promotion and advancement. In other words they preferred to see educated permanent vicars providing pastoral care rather than removable canons or vicars (or 'idiots' as the Wycliffites put it). Meanwhile, the commons' focus was thus not simply on the lamentable effects on charity and pastoral care or on the financial exactions of the papacy but seemingly on the promotion and development of graduates: all of which were issues that the protagonists of disendowment appealed to. All in all then the common petition seems to have formed part of an underlying programme of reform: a programme which reflected that of the protagonists of disendowment.

### **The Government Response: An Insignificant Statute or a Key Part of a Counter-Reformatory Response?**

It has, however, been pointed out that the resultant statute really simply aimed at enforcing canon law.<sup>70</sup> For this reason historians such as Tierney have raised the

---

<sup>68</sup> For evidence of the commons' concern for graduates, see provisions chapter, 114-17.

<sup>69</sup> Interestingly, the commons suggest that this is damaging to the souls of the clergy: a claim which was similar to that made in some provisors petitions of this period concerning the effects on the souls of those who lost their due promotions to papal provisors, and which was also similar to arguments made in Wycliffite tracts. See provisions chapter, 124-25.

<sup>70</sup> For more on the relevant piece of canon law, see above, 196.

question whether it really reflected 'a radically new attitude to poverty, or was it essentially an application by the secular government' of older concepts?<sup>71</sup> Tierney's answer to his own question was that it 'was merely using the authority of the secular government to secure more efficient enforcement of the existing canon law ... when it became clear that the canon law was being broken too flagrantly, parliament acted to ensure its more effective enforcement.'<sup>72</sup>

However, although it is true that the statute was enforcing a concept enshrined over a century and a half earlier in canon law, this was surely no simple development. The Church fiercely guarded its independence and the concept that parliament could interfere to ensure the Church obeyed its own laws was hardly an established one. Indeed, this is precisely the point. This concession was noteworthy and finds parallels in other pieces of legislation in this period discussed in this thesis.<sup>73</sup> Once again the Church had conceded ground on an issue that fed Wycliffite and disendowment sentiment. The appropriation bill thus once again seems to fit into the pattern of counter-reformatory legislation outlined in this thesis. It should thus be of no surprise that this again occurred in a parliament during Archbishop Arundel's period as chancellor.

The government meanwhile probably consented to the 1391 appropriation legislation partly as a further incentive to the commons to accept the modification of the Statute of Provisors.<sup>74</sup> The bill evidently did not meet all the commons' concerns but it is important to note that the commons had not been specific about what they wished to see done to the system of appropriations. Their petition suggested they thought the

---

<sup>71</sup> Tierney, *Medieval Poor Law*, 110.

<sup>72</sup> Tierney, *Medieval Poor Law*, 129.

<sup>73</sup> For instance the statute of 1402 concerning fraternal recruitment and the 1382 preaching legislation. See social legislation chapter, 155-62 and fraternal legislation chapter, 304-7.

<sup>74</sup> See provisions chapter, 115, fn.158.

whole system of appropriations was unjustified (since they argued that benefices were founded for the benefit of God, the founders, the parishioners and the clergy rather than the appropriators and the papacy) and hence that they ideally wanted a total ban on appropriations. However, the fact that they did not actually ask for this suggests that they had reservations about whether this would be feasible without disendowment. Although they argued that the system of appropriations was harmful to the universities they most likely also realised that under the current funding arrangements it was irreplaceable. They had thus merely asked for the king to provide 'a suitable remedy'. The government's response did therefore at least mark a step towards meeting one of their key concerns: the level of pastoral care in parishes. Meanwhile the moderation would help the universities.

*ii) The Parliament of 1401. A More Ambitious Petition: Further Evidence of the Development of Disendowment Plans?*

However, perhaps unsurprisingly given the fact the 1391 statute did not meet all their concerns, the commons revisited the question in the crisis ridden parliament of 1401.<sup>75</sup> This time they took up a more extremist stance, asking that no appropriations should henceforth be made with the exception that those who had amortised possessions should be able to make exchanges and give any such amortised possession into secular hands, in return for any such appropriated benefice, by licence of the king, patron, lord or founder.<sup>76</sup> This demand for an abolition of future appropriations was certainly a significant move by the commons and would have fitted in with the views of those who proposed disendowment. It was thus understandably refused by the government. Was anything, in particular, stirring this petition?

---

<sup>75</sup> On the exploitation of political crises, see introductory chapter, 26.

<sup>76</sup> *RP*, III, 468.

To some extent, of course, the demands were a natural progression from the concerns stated in 1391. However, it was one thing to say that they were unhappy with the system of appropriations, to criticise its effects on the Church and realm, and to seek remedy, quite another to take that important step and demand an abolition of the future process of appropriation. The level of commitment was significantly higher and this requires some explanation.

One possible factor could be the ineffective enforcement of the 1391 bill. However, Katherine Wood-Legh argued that the bill was actually rather well enforced. She points out that in the remaining years of Richard II's reign royal licences were issued for the appropriation of seventy-eight benefices. In forty-five of these

provisions both for the vicar and for the poor are mentioned; in two other licences relating to the appropriation of rectories, the distribution to the poor is mentioned [though nothing is said as to how the churches were to be served;] and in nine other cases, in which the appropriating religious were to have the cure of souls of the parishioners, it was required that a fit sum of money should be distributed annually among the poor of the parishes. It is true that in eleven licences for the appropriation of vicarages, the poor were not mentioned, and that eleven licences for the appropriation of rectories or portions of rectories contain no reference either to the poor or vicar. But these omissions may not have been made deliberately, and it is possible that when the actual appropriations took place the conditions of the statute were fulfilled.<sup>77</sup>

Indeed, there is evidence which suggests that appropriators felt the permission of the lay power was now needed to secure an appropriation without the stipulation to help the poor parishioners. Thus, for instance, the monastery of Kirkstead appealed to the council in parliament in order to gain exemption from the 1391 statute.<sup>78</sup> This appeal

---

<sup>77</sup> This is from a summary of research done by Katherine Wood-Legh sent to Geoffrey Coulton and cited in the appendix to his *Five Centuries of Religion*, 653.

<sup>78</sup> *CCR*, 1392-6, 125-6.

was duly granted on the grounds that the churches had insufficient revenues to provide for the poor and the vicar as well as the monasteries. On the face of it then it seems that the government was doing its best to enforce the statute. However, whether the commons would have been happy about the government's grants of exemptions on the basis of the poverty of the churches is another matter. One expects they may have been happier to suggest that the appropriation should not go through at all: precisely what was demanded in 1401.

Moreover, it is also questionable whether one can survey the effectiveness of the enforcement of the 1391 bill purely on the evidence of royal licences. Wood-Legh was very keen on this form of evidence since, writing in the 1930's, she felt this was an untapped form of evidence for appropriations. She pointed out that that they were in fact more numerous than the appropriations mentioned in the calendars of papal letters and petitions and that since they were required by the Statute of Mortmain they were hence a more reliable guide to the number of appropriations that were granted.<sup>79</sup> However, problems arise when one considers that would-be appropriators may have attempted to avoid the royal licencing system for one reason or another. Indeed, after 1391 this may have seemed to be a more attractive option given the insistence on valuable revenue being diverted to the poor. That this may have occurred is suggested by papal activity with regard to appropriations. They had multiplied significantly during the pontificate of Boniface IX (1389-1404). He granted 155 dispensations in this period, 130 of them to religious, and 56 of them permitting a religious inmate to serve the appropriated parish church.<sup>80</sup> His dispensations formed about 93% of the total number

---

<sup>79</sup> Wood-Legh, 'Appropriations', 15-22.

<sup>80</sup> P. Heath, *Church and Realm: 1272-1461* (London, 1988), 264. Heath makes no indication whether these religious were monks or canons but an examination of a number of the relevant papal letters reveals they were both monks and canons.

(163) granted during the period 1378-1408, and he granted the large majority during the period 1397-1402.<sup>81</sup> For some of these there are no recorded royal licences. Indeed, only 50 of the total appropriations granted by the King or Pope during the period 1378-1408 received both a royal licence and a papal grant.<sup>82</sup> Thus for instance on 12 September 1395 Pope Boniface granted the appropriation of the church of Homulton to the Benedictine prior and convent of St. Mary's Worcester stipulating that on the resignation or death of the present rector it might be served by 'one of the monks or by another fit priest appointed and removed at the sole pleasure of the prior'. Similarly, two days later on 14 September 1395 the Pope then granted the appropriation of the church of Croxton to the Augustinian prior and convent of Bromhill stipulating that it might be served by one of the canons or by a fit priest in the same manner as the aforementioned appropriation of the church of Homulton.<sup>83</sup> In both cases no record of a licence can be found in the patent rolls. It may be that the appropriations failed and that the would-be appropriators simply did not succeed in getting a licence. However, because of the Statute of Provisors it would have been illegal for such appropriators to sue to Rome without a licence from the King. It would thus have been logical to have applied for a royal licence before applying to the Pope.<sup>84</sup> The fact that they did not suggests that they were deliberately attempting to avoid the royal licencing system. This may have been due to the general costs involved in getting such a licence but may also be because they feared they would not receive a licence to appropriate unless they

---

<sup>81</sup> E.F. Jacob, 'A Note on The English Concordat of 1418', *Medieval Studies Presented to Aubrey Gwynn*, ed. J.A. Watt, J.B. Morall, F.X. Martin (Dublin, 1961), 357.

<sup>82</sup> Jacob, 'English Concordat', 357. Jacob notes that there were 191 royal licences granted during the period 1378-1402 which brings the total number of appropriations to over 250.

<sup>83</sup> *Cal.Papal.Letters*, IV, 1362-1404, 519. The former case may well have been particularly irksome to the commons given the fact that Benedictine monasticism was not pastoral in origins.

<sup>84</sup> Even before the Statute of Provisors this was the usual practice although there were occasional exceptions when the appropriator obtained papal dispensation before seeking a royal licence. See Barrell, 'Papal Involvement', 20.

appointed a suitably endowed perpetual vicar in light of the 1391 bill. There thus seems to have been evasion of the 1391 bill that cannot be picked up by the royal records alone. If this was the case it might at least partially explain why the 1401 commons took the further step of asking for an abolition of future appropriations.<sup>85</sup>

Such a possibility is strengthened by the events of the parliament of the following year (1402). For a start, the men of three Cornish villages - Liskeard, Linkinhorne, and Tallard - approached parliament and complained that until recently they had three perpetual vicars residing in the three respective churches of these places, but now the priory had unjustly appropriated their churches with papal permission.<sup>86</sup> The canons had claimed that the priory had to do so for financial reasons but according to these men the convocation of the clergy had discovered they had an annual income of £1000 and so revoked the appropriation. The English ecclesiastical hierarchy was thus keen to address the complaint that the papacy was granting appropriations to unworthy applicants.<sup>87</sup> The canons were now attempting to get the bulls of revocation annulled by the papacy contrary to the Statute of Provisors. The king responded by asserting that he had already ordained a suitable remedy for this in parliament, which was most probably a reference to the 1402 statute on appropriation, which resulted from a petition of the commons.

---

<sup>85</sup> The 1401 commons were certainly worried about papal incursions in the context of pluralism and non-residence at least. They presented a petition which demonstrated a concern that people should not use papal bulls to be non-resident or hold pluralities. See non-residence chapter, 244.

<sup>86</sup> *RP*, III, 505. Interestingly, in 1411 a vicar of Linkinhorne was actually found murdered after quarrels with his parishioners. Apparently, the parishioners had subscribed to maintain a priest to celebrate in their parish church but the vicar had prevented his ministrations 'with no reasonable cause'. As a result the parishioners complained to the Bishop who ordered the vicar to appear before him and show cause for his refusal and granted the request of the parishioners. Nevertheless 'sad to relate' the vicar, who as was clear from the above 'was on bad terms with a large number of his parishioners' was brutally murdered within a month. Evidently the maintenance of pastoral care in this parish was a highly contentious issue. *Reg. Stafford*, 242.

<sup>87</sup> See above, 200-1.

In this petition the commons actually asserted that many men of religion 'heedless of the fear of God' were appropriating churches without putting in perpetual vicars.<sup>88</sup> They claimed that this was contrary to the 1391 bill which asserted that 'a perpetual vicarage ought to be appointed in the same appropriated benefice and endowed with the profits arising from it, or otherwise adequately endowed, and a perpetual vicar canonically inducted and instituted to it, who should minister to the cure of souls, remain in residence, and sustain the other charges'. In fact the 1391 statute simply asserted that the vicar should be suitably endowed – which may have led to varying interpretations – but the commons evidently interpreted this as meaning that there should be a perpetual resident vicar receiving a suitable portion of the tithes. Not surprisingly, in this year they consequently asked for what they saw as a reaffirmation of this principle. Henry IV evidently agreed and responded by reaffirming the 1391 statute and stating that if any church had been appropriated by licence of Richard II or himself against the terms of the 1391 statute then that appropriation should be invalidated. Henry IV was thus acknowledging that even he may have misinterpreted the 1391 bill and granted licences for appropriation without the need for a perpetual vicar. Indeed, Wood-Legh's list suggests that there were a number of royal licences granted for appropriation without the need for a perpetual vicar: another evasion of the bill which she apparently, albeit understandably, missed. However, it is noticeable that neither this petition nor the 1401 petition made any mention of a growth in papal exemptions or even of the papacy which one might expect they would if they were petitioning primarily as a result of novel papal activity. Indeed, it is questionable whether even such evasions can fully explain the commons' requests of 1401. Their request in 1402 – to reaffirm the 1391 bill in clearer terms – clearly matches the scale of the problem: hence their pointing to this problem in

---

<sup>88</sup> *RP*, III, 499-500.



their request. The 1401 request, however, was altogether more radical and makes no mention of this problem. This thus appears to be an unlikely primary cause of the common petition in this year. What other explanations are there?

Perhaps the best answer is that hinted at above. The concerns of the commons in 1391 suggest that they wanted to see an abolition of the system of appropriations but felt uneasy about asking for this given the perceived importance of the system to funding universities. However, as discussed in the chapter on provisors, there is evidence to suggest that the proponents of disendowment may, by the beginning of the fifteenth century, have developed their plans to ease worries about the funding of universities in a post-provisors world and this would naturally have extended to a post-appropriations world. Indeed, the fact that the problem of appropriations was central to the development of these disendowment plans is demonstrated by the evidence of the Twelve Conclusions: the document posted on the doors of Westminster when parliament was in session in 1395 and which formed part of the developing appeal for parliamentary disendowment of the Church.<sup>89</sup> The first clause of this document infamously stated:

When the church of England began to dote in temporality after her stepmother the great church of Rome, and churches were slain by appropriation to diverse places; faith, hope, and charity began to flee out of our church<sup>90</sup>

Appropriations were thus seen by such protagonists of disendowment as one of the chief evils of clerical endowment. The possibility that such protagonists were again active in 1401 is strengthened by the fact that Adam Usk reports that 'Lollards' had assembled in London during the meeting of the 1401 parliament with the intention to 'utterly destroy

---

<sup>89</sup> See Aston, "Caim's Castles", 55-56.

<sup>90</sup> *SEWW* no.3/7-10.

the clergy'.<sup>91</sup> Moreover, that the commons were interested in the issue of university funding in 1401 is suggested by the fact that they once again asked for the moderation of the statute of provisors to take the universities into consideration.<sup>92</sup> Of course this might suggest that the commons' minds were not totally at ease but once again it must be remembered their disendowment proposals had not been accepted yet. This may well explain why they did not go for a retrospective bill but only asked that there should be no future appropriations. The 1401 request thus perhaps marks another step on the road to the fuller unveiling of their plans in 1410.<sup>93</sup> It should be noted that both these 'radical bills' were presented during years of crisis. Once again the commons, just like the protagonists of disendowment, had seemingly attempted to exploit the political situation to advance their programme of reform.<sup>94</sup>

### *iii) The 1402 Statute: Another Counter-Reformatory Bill?*

However, it was actually in 1402 that the commons seemed to receive an unexpected response to their wishes. For in reply to the common petition of this year discussed above, the king did not simply revoke all appropriations that failed to install a perpetual vicar since 1391. He actually exceeded the commons' demands of this year and stated that all appropriations made since the first year of Richard II – despite the fact that the appropriators were in possession of the vicarages – should be annulled.<sup>95</sup> This was a dramatic move and suggests the king was responding to the general mood of the

<sup>91</sup> Usk, 9.

<sup>92</sup> RP, III, 459.

<sup>93</sup> On the 1410 bill and appropriations, see below, 227.

<sup>94</sup> For parallels, see for instance, above 26-27, 173-77, and below, 244-51, 260-63.

<sup>95</sup> SR, II, 136. There may have been an element of political point scoring here since in the 1399 parliament Henry had claimed he wanted to provide a better level of pastoral care than his predecessor: *Annales*, 304. If so this parallels his actions in 1406 as regards non-residence. See non-residence chapter, 260.

commons since 1391 rather than simply to the petition of 1402. This would have affected a significant proportion of the Church – particularly, as we have seen, in towns like Cambridge - and it is surely inconceivable that such a move could have been made without the consultation and agreement of leading figures within the Church such as Archbishop Arundel. As noted in the provisors chapter he had devised his own solution to the post-provisors funding problem in 1402 and now he seemed to be conceding ground on appropriations.<sup>96</sup> He most probably felt this was a price worth paying to steal a march on the critics of the church. Nor was he alone apparently. Indeed, the bill received the backing of the bishops and seems to have prompted Boniface IX into annulling all bulls of appropriation granted by himself and his predecessors which had not yet taken effect and issuing no further bulls of appropriation.<sup>97</sup> In 1403 the king sent a letter to the Pope asking him to revoke all appropriations and in 1404 a petition of the commons which asked parliament to reaffirm the legislation and to declare all letters patent which ran contrary to the legislation null and void was met with the response that all statutes should be enforced.<sup>98</sup> Meanwhile in 1408 the English Church sent petitions to the Council of Pisa concerning appropriation which reflected Wycliffite concerns.<sup>99</sup> Both the English government and the English Church were thus evidently keen to be seen to be taking the commons' concerns seriously and understandably so. This policy seems to have worked to some extent since there were no more petitions which primarily concerned appropriations in Henry IV's reign. However, the Church was in no way off the hook on the issue of the misappropriation of tithes. Indeed, having gained these victories the commons seem to have turned more of their attention to the misuse of tithes

---

<sup>96</sup> See provisions chapter, 122-23.

<sup>97</sup> Although he did confirm a number of appropriations: see Heath, *Church and Realm*, 264.

<sup>98</sup> *RP*, III, 542.

<sup>99</sup> *Works of a Lollard preacher*, Egerton/2192 and 289fn. The petitions can be found in *Magni et Universalis Constantiensis Concilii*, ed. H. von der Hardt (Helmstedt, 1697), at 1140-3.

through non-residence, pluralism, and the ‘destruction’ of hospitals: topics which will be discussed in the following chapters. Furthermore, one of the non-residence petitions – that of 1410 - also asked that the king should take half the profits from all the benefices which had appropriated through untrue claims to either the papacy or the king with insistence yet again being made that the necessary amounts should be devoted to pastoral care.<sup>100</sup> Meanwhile, the Lollard Disendowment Bill’s proposals to the same parliament concerning university funding suggests that at least some members of the commons still sought a total abolition of appropriations. Indeed, the Bill went on to say: ‘And yet we have not dealt with colleges ... and churches appropriated into the houses of monks’.<sup>101</sup> The plan was probably to annul all appropriations once the funding for universities had been secured by the bill. However, both petitions were turned down, the former claiming that the matter belonged to Holy Church, and the latter being wholly ignored by the official record.

#### ***4) Post-Oldcastle: The Victory of Counter-Reform Again?***

Moreover, once again, Henry V’s execution of ‘Lollard’ leaders in the wake of Oldcastle’s revolt may well have played a part in persuading the commons that such ambitious plans would never be accepted. As with papal provisions the ‘carrot and the stick’ approach seems to have been taken and English Church leaders continued to demand reforms from the papacy. Thus in response to Martin V’s questions of 20 January 1418 which he put forward to various nations in a bid to seek some sort of

---

<sup>100</sup> *RP*, III, 645.

<sup>101</sup> *SEWW*, no.27/77-80.

consensus on the reforms they demanded, the English seem to have asked for reforms on the system of granting benefices to graduates and on the system of appropriations.<sup>102</sup> Their proposals concerning the promotion of graduates centred around the idea of ensuring that educated clerics received promotion. Indeed, the proposals insisted that one benefice in every four should be given to people with doctorates in theology and canon law. However, only one clause actually concerned the papacy. Instead the proposals concentrated on improving local provision for benefices: a fact which most probably reflected the impact of the Statute of Provisors on the way graduates were provided.<sup>103</sup> The actual concordat that resulted from Martin's questions thus centred around the issue of appropriations. It stipulated that there should be no appropriation of churches *motu proprio* (direct from the papacy in its own right) but that bishops could grant appropriations if on inquiry the appropriator's reasons for appropriation were found to be reasonable: a stipulation surely designed to meet complaints that the papacy had no way of knowing whether there were genuine grounds for appropriation. The concordat continued that:

all unions, incorporations, appropriations and consolidations of perpetual vicarages in parish churches, for whatever cause made from the time of the Schism (1378) are to be revoked without discrimination (indistincte), and perpetual vicars are to be ordained and instituted in them on this occasion by the ordinaries; and in each parish church let there be one perpetual vicar who is to attend to the care of souls, well and sufficiently endowed to maintain hospitality there and support the obligations incurred; apostolic letters,

---

<sup>102</sup> It may also have asked for reforms on other issues but unfortunately only the demands concerning universities have survived. We know about the proposals concerning appropriations because they form the bulk of the final concordat.

<sup>103</sup> For more on this, see provisions chapter, 136.

compositions made by the ordinaries, statutes and customs and other things to the contrary notwithstanding.<sup>104</sup>

Here then the papacy was making stipulations designed to meet the English desire to ensure that appropriations did not lead to an inadequate level of pastoral care. The large spate of appropriations made since the schism were to be revoked and each parish was to have its perpetual vicar. However, the final clause meant that the various influential parties – the papacy, the ordinaries, and most significantly parliament – could still deal with individual cases based on their merit. This was not the wide-sweeping reform envisaged by the petition of 1401 but given the turn of political events since 1414 it was the best that could be hoped for. Without disendowment the system of appropriations could never be entirely done away with. Parliament had at least gained a degree of influence in proceedings and appropriations would now be more tightly regulated. However, the medieval commons never again repeated their demands of 1401. In 1432 – a year after the final ‘Lollard’ rebellion had been crushed – the commons did issue one final petition concerning appropriations. Nevertheless, this simply wanted greater punishments for evasion of the 1391 bill.<sup>105</sup> The call for a complete ban on future appropriations was not seen again in the fifteenth century. In fact Edward IV deliberately exempted appropriations and other church temporalities from his 1461 act

<sup>104</sup> Von der Hardt, *Magnum Oecumenicum Constantiense Concilium*, I, 1150 translated in Jacob, ‘English Concordat’, 355.

<sup>105</sup> *RP*, IV, 404. It claimed that since the 1391 bill did not stipulate any punishments on those who did not insist on a resident vicar, many vicarages were unserved. It contains a number of arguments that had not been used before in the appropriations parliamentary debate such as children dying without receiving baptism and the elderly dying without receiving confession or taking another sacrament of holy church. The punishments it demanded were the revocation of the appropriation if a vicar was not appointed within six months of the appropriation. The government simply agreed to consider the matter further. These arguments parallel developments in arguments used in the non-residence petitions in the 1420’s. See non-residence chapter, 264-72.

of resumption.<sup>106</sup> Wyclif and the parliamentary advocates of clerical disendowment would have been turning in their graves.

### ***Conclusion:***

The appropriation legislation like the provisors legislation should thus not be dismissed as simply the product of an 'antipapal' or 'anti-alien' or even 'anticlerical' commons who did not have any genuine reformist intentions. Admittedly, financial concerns most probably did play a part given the desire to reduce the papal income from annates but, as witnessed by the moderation of 1391, the commons were apparently prepared to modify their demands for the sake of true reform. Indeed, the reality was surely more complex. The system of appropriations had long had its problems: problems which had been recognised by those within as well as outwith the Church hierarchy. It was clearly not a perfect system but given its importance to the Church and to the universities it was one which could not be dispensed with without a total rethinking of the way monasteries, hospitals, and most relevantly the universities were funded. However, as the fourteenth century progressed the papacy may have exacerbated the problems by its demands for annates on appropriations and the number of dispensations it granted. In England opponents of the system perhaps consequently followed the likes of Wyclif in advocating disendowment as the solution to the long held problems. That the commons were attracted to such a solution is demonstrated by their general interest in disendowment and their particular proposals concerning appropriation: their attacks on the benefits of appropriations to universities and their campaign to prevent all future appropriations fitted in to the arguments and programme

---

<sup>106</sup> *RP*, V, 490.

of reform advocated by the protagonists of disendowment. Indeed, the appropriation petitions were seemingly part of an underlying programme of reform that transcends the various areas of legislation. The government and Church authorities seem to have recognised this and so accepted a more moderate level of reform, the Church probably doing so to stave off heresy and disendowment and the government probably doing so to gain more bargaining power with the papacy. The result was that – as in so many other areas in this period – the Church conceded authority to the lay power. As far as appropriation was concerned the Church thus started conceding ground in our period in 1377 when parliament acquired the right to eject alien men of religion – a right it had admitted it did not possess in 1346 – thanks perhaps to the input of Wyclif and the backing of John of Gaunt. Having gained this right, however, the government had to be seen to be adhering to the reformist intent of the ideology which it had embraced and so also promised to interfere with the provision of pastoral care. As with provisors there was a lull in such activity in the 1380's: a fact which perhaps reflects the more cautious approach taken in the post-Blackfriars world. The process then gathered speed after 1388 when parliament began looking beyond aliens and to the reform of the English clergy, with the first appropriation bill being made under the watchful eye of Archbishop Arundel as chancellor. The legislation thus fits into the pattern of counter-reformatory legislation that has been emerging in this thesis: counter-reformatory legislation which may well have played a part in saving England from the fate of Bohemia if you accept Gascoigne's rating of the appropriation issue.<sup>107</sup> Whatever the case, such counter-reformatory activity combined with Henry V's crushing of Lollardy meant that whilst a

---

<sup>107</sup> According to Gascoigne, the evil of appropriations was a key cause of the destruction of the kingdom of Bohemia since, although the University of Prague wrote to Martin V on this subject, no remedy was forthcoming and the Hussite Wars followed. Whilst this is most probably an overly simplistic analysis it does hint at English concerns over the dangers of not reforming the system. See Thomas Gascoigne, *Loci e Libro Veritatum*, ed. J.E. Thorold Rogers (Oxford, 1881), 5.



certain amount of the commons' appetite for reform had been sated it was clear that their more extreme proposals would never be accepted, and so the parliamentary petitions on appropriation withered away. Nevertheless, the corollary to all this was that the lay power now had yet more responsibility to meet the needs of its subjects in the areas of pastoral care, the universities, and Church reform.

*Chapter 4:**Non-Residence and Pluralism**Introduction*

According to Walsingham, Archbishop Arundel advised the 1399 convocation that the commons' 'anticlericalism' might be forestalled by action taken against non-residence and pluralism.<sup>1</sup> This story is supported, to some extent, by the records of convocation which note that Arundel argued that since the laity were wholly inimical to the clergy they planned, under the influence of the 'Lollards', to introduce new statutes against the liberties of the Church.<sup>2</sup> That Arundel may well have had a good understanding of the mood of the commons is supported not only by the well-discussed rumours that the idea of disendowment was being mooted in 1399 but, as this chapter will demonstrate, in the general shift in parliamentary activity in this period on these very issues of non-residence and pluralism.<sup>3</sup> Thus the commons' focus began to move from foreign shores to the heart of the English Church with the first ever petition targeting English clerics who were non-resident from their benefices yet living in England in 1394 followed by similar petitions in 1401, 1402, 1406, 1410, 1425 and 1426; the 1401, 1410, 1425 and 1426 petitions also being the only petitions to ever directly target the related problem of pluralism.<sup>4</sup> Meanwhile Henry IV apparently told the parliament of 1399 that he hoped to see more worthy candidates presented as rectors

---

<sup>1</sup> *Annales*, 391-94.

<sup>2</sup> Wilkins, *Concilia*, III, 242. There are some errors in this text pointed out by M. Aston, "'Caim's Castles": Poverty, Politics and Disendowment', *The Church, Politics and Patronage in the Fifteenth Century*, ed. R.B. Dobson (Gloucester, 1984) 73, fn.43.

<sup>3</sup> See introductory section, 31-32.

<sup>4</sup> See Appendix D.

in his time than in the time of his predecessor.<sup>5</sup> The Church, the commons and the monarchy were thus all demonstrating their interest in the behaviour of clerical incumbents during this period. The aim of this chapter is to explore the reasons for this development and discern to what extent these important petitions fit into the pattern of counter-reformatory legislative activity that has been emerging in this thesis.

### ***A) The History of Non-Residence and Extra-Parliamentary Complaint***

The problems of non-residence and pluralism had long been the subject of extra-parliamentary complaint and action by the time the English parliamentary commons finally addressed the subject. A.H. Thompson traced this tradition at least as far back as the council of Chalcedon in 451, which forbade clerks from holding offices in the church of more than one city at a time.<sup>6</sup> One must be a little cautious, however, since his sketch up to the twelfth century, which contains references to actions taken by Gregory the Great (590-604) and the council of Nicaea (787) against pluralism, is necessarily reliant upon a later compilation, the *Decretum* of Gratian, which was partially based on forged documents.<sup>7</sup> This was compiled by a Bolognese jurist in the twelfth century, during a period when the problems of non-residence and pluralism may well have been growing particularly prominent. Indeed, the rise of the universities and the growth of bureaucracy during the twelfth-century renaissance meant that increasing numbers of clerics were able to take degrees and work in the administration of a secular or ecclesiastical lord, most especially those of the secular monarchs and the papacy. These

---

<sup>5</sup> *Annales*, 304.

<sup>6</sup> A.H. Thompson, 'Pluralism in the Mediaeval Church; with notes on Pluralists in the diocese of Lincoln, 1366.' Part 1, *Associated Architectural Societies Reports and Papers*, 33 (1955), 36.

<sup>7</sup> On the *Decretum's* use of forged documents see G. Coulton, *Five Centuries of English Religion*, III (Cambridge, 1936), 154.

men needed to leave their benefices and often required more than one benefice to support their new lifestyles.

Whatever the case, the twelfth and thirteenth centuries certainly saw a significant amount of canonical legislative activity on pluralism. The Lateran Councils of 1139, 1179 and 1215 all seem to have dealt with the issue.<sup>8</sup> The latter resulted in the constitution *De multa providentia* which, as well as summing up the contents of the 1179 decree (which had forbidden bishops to suffer the custom of pluralism) went on to declare that 'whosoever shall have received any benefice which has a cure of souls annexed, if he has held a similar benefice previously, be deprived thereof *ipso jure*; and, if perchance he endeavour to keep his former benefice, he be stripped of the other also'. However, this constitution inserted a 'get-out clause' for the very groups who were most likely to be non-resident pluralists: 'Nevertheless, as regards noble, and lettered persons, who ought to be honoured with larger benefices, there shall be power of dispensation by the apostolic see, whenever reason shall require.'<sup>9</sup> This constitution provided the foundation stone for later legislation on pluralism for the next century. The holding of more than one benefice with cure of souls would henceforth be canonically illegal without papal dispensation. Thus just as with the licensing of appropriations, the papacy was attempting to assert a legal hegemony over the system of pluralities. However, in practice the papacy had a significant battle on its hands to enforce this, due to local resistance and legal technicalities. Most significantly, the monarchy insisted that clerics in royal service should be exempt.<sup>10</sup> In the fourteenth century the papacy thus attempted to assert a more effective control of the system, dealing with disputed

---

<sup>8</sup> Thompson, 'Pluralism', 38-43.

<sup>9</sup> Conc. Lat. IV, c.29 cited in Thompson, 'Pluralism', 43.

<sup>10</sup> R.E. Rodes, *Ecclesiastical Administration in Medieval England: The Anglo-Saxons to the Reformation* (London, 1977), 112.

details in John XXII's constitution *Execrabilis* (1317). Significantly this defined benefices with cures of souls as referring to benefices

wherein the cure of souls should be exercised not by perpetual vicars, but by the rectors or ministers of the same benefices, or their temporal deputies, as well as those to whose ministers, by reason of such benefices, it belongs by custom or law to make visitation or inquiry, to receive procurations, to suspend, excommunicate, or absolve from the sentences of excommunication and suspension, while other laws referring to the cure of souls are to remain unaltered in other respects.<sup>11</sup>

Papal dispensations were thus needed for pluralism involving multiple rectories of parish churches, ministries exercised in cathedral or collegiate churches, and offices involving visitation or quasi-episcopal rights. Matters came to a head in England in the early 1360's when Pope Urban V issued his bulls *Horribilis* (1363) and *Consueta* (1366). The former banned even the holding of sinecures in plurality whilst the latter demanded lists of all benefices held in plurality. As Palmer and Wells have noted:

The object of all previous legislation on this subject had been to limit the number of benefices with cure of souls that could be held by a clerk, whereas the object of Urban's legislation was to limit the number of sinecures that could be held by a clerk. Earlier legislation had been designed to keep the pastoral benefices of the Church out of the clutches of excessive greedy pluralists, in order to promote the spiritual welfare of parishioners; Urban's legislation was designed to prevent the concentration of the fat prebends of the Church in the hands of a few favoured clerks, in order to distribute the wealth of the church more widely among the lettered clergy.<sup>12</sup>

Since so many of England's bureaucrats were dependent on pluralities the English reaction was understandable.<sup>13</sup> The Statutes of Provisors and Praemunire were re-enacted in 1365, in a manner that was deliberately designed to frustrate the papal

<sup>11</sup> Extrav. Joan. XXII., tit. III., cap. un. cited in Thompson, 'Pluralism', 63.

<sup>12</sup> J.J.N. Palmer and A.P. Wells, 'Ecclesiastical Reform and the Politics of the Hundred Years War during the Pontificate of Urban V, 1362-70', *War, Literature and Politics in the Late Middle Ages* (Liverpool, 1976), 170.

<sup>13</sup> Although there also seems to have been an element of diplomatic wrangling on the king's part at least: Palmer and Wells, 'Ecclesiastical Reform', 169-89.

reforms since they effectively stipulated that no benefice rendered vacant by papal legislation against pluralists could be filled by papal provisors.<sup>14</sup> Consequently the pope would not be able to give the benefices to lettered men as he intended, and the king might even have been able to increase the proportion of benefices in the hands of bureaucrats. The pope responded with more draconian measures in *Consueta* but this seems to have worked against him as the English clergy 'employed every conceivable device to thwart the pope', most notably exploiting crucial flaws in the drafting of *Consueta* to their own advantage when making their returns.<sup>15</sup>

Meanwhile, the Fourth Lateran Council (1215) also dealt with the related issue of non-residence. Indeed, canon 32 insisted that where possible the rector was to reside personally within the benefice but otherwise:

he should take care to have a perpetual vicar canonically instituted who (as is aforesaid) shall have a fit portion of the profits of the church.<sup>16</sup>

In 1274, the Council of Lyons added that the rector must look after his flock personally, but that the ordinary could give a temporary dispensation for a reasonable cause.<sup>17</sup> Thus whilst only the papacy could give legal dispensation for pluralism, it was primarily down to the local ordinary to do so for non-residence.<sup>18</sup>

<sup>14</sup> Palmer and Wells, 'Ecclesiastical Reform', 178.

<sup>15</sup> Palmer and Wells, 'Ecclesiastical Reform', 182-86.

<sup>16</sup> Conc. Lat. IV, c.32 cited in R.A.R. Hartridge, *A History of Vicarages in the Middle Ages* (Cambridge, 1930), 21.

<sup>17</sup> Conc. Lugd., c.13 cited in Thompson, 'Pluralism', 47.

<sup>18</sup> However, there are rare incidents of the papacy doing so for non-residence. See A.D.M. Barrell, 'Abuse or Expediency? Pluralism and Non-Residence in Northern England in the Late Middle Ages', *Government, Religion and Society in Northern England, 1000-1700*, ed. J.C. Appleby and P. Dalton (Stroud, 1997), 119.

## ***B) The Legislation***

### ***1) Pre-Wyclif and 'Lollardy'***

Despite this, it was the fourteenth-century debate over the extent of papal influence in England which first brought the issue of non-residence on to the open agenda of the parliamentary commons. Thus the commons in the infamous Carlisle parliament of 1307 are reported to have complained that the papacy was granting prebends, dignities, and churches to men who had never resided in England and to cardinals and other aliens and denizens who cannot reside there. The result was that alms, hospitalities and prayers were withdrawn.<sup>19</sup> These complaints were repeated in the parliament of 1343, which again primarily concerned the extent of papal influence in English benefices and led to the Ordinance of Provisors.<sup>20</sup> In 1344 the council then assented to the commons' demand that the benefices of the enemies of the land residing in 'places of enmity to our Lord the king' could be seized into the hands of the king, with the profits from the benefices being used by the king for the defence of the land and Holy Church 'saving the necessary costs for the edifices and divine service'.<sup>21</sup> Essentially then the king would become a great lay impropiator for the sake of the war effort. The issue of non-residence had become closely connected with anti-alien feeling in parliamentary discourse, and subsequent petitions reflect this.

Indeed, rather than attacking the general practice of non-residence the petitions of Edward III's reign targeted alien provisors or benefice holders residing abroad. Thus a petition of 1346 complained that the Pope was granting benefices with cure to aliens:

who do not know or understand the language of England, nor the commons of England, because of which they cannot know how to assist or help or

---

<sup>19</sup> *RP*, I, 217; *SR*, I, 150-52.

<sup>20</sup> *RP*, II, 144.

<sup>21</sup> *RP*, II, 154.

advise their subjects, through prayers, confessions, or other understandable manner; which default can be the universal cause of loss and damnation of alms of Christians. And also there where the receivers of benefices of Holy Church with cure of souls by common law should live, and spend the goods of Holy Church between their poor parishioners, the alien provisors carry away all the profits, without residing in or profiting and improving the benefices.<sup>22</sup>

## 2) Early 'Lollardy'

Following this there was an absence of petitions which touched on the subject for almost three decades. In the 1370's, however, the commons' interest was reawakened and a series of petitions were put forward which complained about the practice.<sup>23</sup> As discussed in the chapter on provisors, these petitions were undoubtedly partly motivated by financial concerns but the concerns expressed within them over the misuse of tithes and the rights of the patrons and founders should not be dismissed as mere rhetoric. As noted in the previous chapter, patrons were becoming increasingly interested in the specific religious acts that would be performed in return for their patronage.<sup>24</sup> It is thus perhaps not surprising that they would have been concerned that the funds of their benefices were being diverted to aliens or use overseas rather than to spiritual services in England which would benefit the patron. The commons like many Wycliffites (and so many critics and reformers before them) never complained about the theory of tithes – only what they perceived to be their misuse.<sup>25</sup> Nevertheless, in the 1370's and 1380's

<sup>22</sup> *RP*, II, 173.

<sup>23</sup> These petitions were in 1372, 1376, 1378, January 1380 and October 1383: *RP*, II, 312, 336-39; *RP*, III, 46, 82, 163. The influence of 'Lollardy' and Wycliffism on these has been dealt with in the chapter on papal provisions.

<sup>24</sup> See appropriation chapter, 204-06.

<sup>25</sup> For a discussion of attitudes to tithes in the Middle Ages see G. Constable, 'Resistance to Tithes in the Middle Ages', *JEH*, 13 (1962), 172-85. For Wycliffite views in particular, see A. Hudson, *The Premature Reformation: Wycliffite Texts and Lollard History* (Oxford, 1988), 340-46.



the commons were left open to the charge that there was a xenophobic or merely 'antipapal' element to their complaints. This was because, as in Edward III's reign, all the petitions in these years either focused on aliens or Englishmen residing abroad because of the resultant export of money. The abuses of those living in England were not targeted at all.

### ***3) Post-1388: The Move to Target the Non-Resident Clergy in England and the attempted Exploitation of 'Lollardy'***

However, in 1394, the commons then presented a fascinating petition concerning presentations to benefices.<sup>26</sup> They asked that 'all types of patrons of churches' should present sufficient and wise curates who will 'remain in their benefices, to inform and teach their parishioners'<sup>27</sup> to all benefices with cure of souls. This was a novel departure. Rather than simply attacking the papacy and presentees who were either foreign or residing overseas, the commons were attempting to create a piece of legislation that would affect all types of patron and all types of presentee. Thus the papacy, bishops, monasteries, lay patrons and even the king himself would have their patronage affected. Similarly, all those who wished to be non-resident for whatever reason would now be confronted by a piece of secular legislation if this bill was successful.

What lay behind such a change in direction? Such a bill can hardly be blamed on 'antipapalism' or xenophobia. Nor can it be blamed on simple 'anticlericalism' given its implicit attacks on irresponsible secular as well as ecclesiastical patrons. The commons'

---

<sup>26</sup> RP, III, 321.

<sup>27</sup> This phrase, as discussed in the chapter on provisions, was itself a novel addition to the provisors debate which first appeared in a petition concerning non-residence in 1378. It may have been influenced by Wycliffite discourse. For more on this, see provisions chapter, 93-95.

themselves claimed their actions were necessary so that ‘by lack of such Curates remaining in their benefices the parishioners are not taken by lack of good doctrine.’<sup>28</sup> The implication of this seems to be that if parliament does not take action, people will be led into error or perhaps even heresy.<sup>29</sup> Significantly they do not refer to ‘Lollards’ or even ‘heretics’: a fact which fits in with their general partisan behaviour whereby they tended to distance themselves from any criticism of those who – like themselves – were interested in the lay reform of the Church, whilst often implying that it was the Church authorities who were in fact erring.<sup>30</sup> However, at the same time, they seem to have been playing on the fears of those within the Church that such criticisms were linked. After all the Church authorities were not unaware of the circulation of ‘heretical’ tracts: many of which proposed disendowment and which also fed off concerns over non-residence. Thus for instance the Wycliffite tract *De Officio Pastoralis* argues that parishioners should withdraw tithes from priests that openly fail in their office and goes on to criticise priests who take alms when non-resident. In fact giving tithes to such men is equivalent to assenting to sin.<sup>31</sup>

In appealing to such fears the commons thus, once again, seem to have been employing the strategy that had become increasingly visible since 1388. In Archbishop Arundel they realised they had an adversary who could also be an ally in implementing reform. In 1388 and then 1391 – at parliaments held whilst Arundel was chancellor - the Church had conceded ground on issues of pastoral care in the vagrancy and

<sup>28</sup> *RP*, III, 321: ‘si qe par default de tielx Curates & lour demurer sur leurs Benefices les Parochiens ne soient priz pur defaute de bone doctrine’.

<sup>29</sup> This seems to parallel their behaviour in a 1390 bill concerning hunting (*RP*, III, 273; *SR*, II, 65) when they spoke of men hunting at times when good Christian men should be at church: another bill that seems to play on the fear of a growth in ‘heterodox’ activity but which does not specifically name ‘Lollards’ or heretics. Incidentally, this is also another bill which seems to link heterodoxy with seditious behaviour, implicitly blames the Church for this, and suggests that the lay power needs to intervene.

<sup>30</sup> See, for instance, introductory section, 12-15, 35; social legislation chapter, 164 provisions chapter, 127ff.

<sup>31</sup> *Matthew*, 418-19.

appropriation bills whilst the direction of provisors legislation suggested that the English Church itself was now open to a level of parliamentary reform. It is thus perhaps not surprising that the commons decided to chance their arm on the key issue of non-residence. After all they had gained a concession on the issue of corporate non-resident rectors now they turned to gaining concessions on all types of presentees and all types of patron.

In proposing the bill the commons were thus revealing some of the elements of Wycliffism which they might have been attracted to and hence which fed disendowment sentiment. Indeed, the authors of Wycliffite tracts and sermons did not restrict their polemic to attacking presentees chosen by popes and monasteries. Thus, for instance, sermon 87 of the Wycliffite Sermon series edited by Anne Hudson and Pamela Gradon discusses the quality of priests chosen by various types of patron, both lay and ecclesiastical.<sup>32</sup> The author of this sermon, who was most probably writing in the early 1390's and hence not too long before the creation of this petition, warns that neither popes nor bishops may appoint curates.<sup>33</sup> As in other sermons,<sup>34</sup> tracts and the works of Wyclif himself, it is not just the ecclesiastical authority that is at fault but secular men for colluding with them.<sup>35</sup> The author thus goes on to note that the pope appoints priests 'for money or for the prayers of princes, many men that are unable to bear holy water in churches'.<sup>36</sup> The author's solution seems to have been that 'free' elections should be allowed: a solution that was proposed in numerous provisors petitions and

<sup>32</sup> Meanwhile the tract 'Hou men schullen fynde prestis' is devoted to advising laymen on the qualities they should look for when nominating priests: Arnold, III, 202-3.

<sup>33</sup> *EWS*, II, no.87/10.

<sup>34</sup> For instance, see sermon 83 which notes that lords expect *long servyse* for provision to a Church (*EWS*, II, no.83/71); the tract 'Why Poor Priests have no Benefice' complains that curates have to waste their tithes and offerings on their patrons who are described as 'my3tty & riche men & ydell' (Arnold, III, 249/28-36); and the tract 'De Officio Pastoralis' denounces the claims of Popes, bishops and lay patrons to choose priests. The solution given here is to disendow the Church (Matthew, 450/4ff.).

<sup>35</sup> See, for instance, *Sermones*, 424/18.

<sup>36</sup> 'for money or for prey3er of prynces, monye men þat ben unable to bere haly watur in chirches': *EWS*, II, no.87/107.

enshrined in the 1351 Statute of Provisors.<sup>37</sup> Indeed, as we have seen, the commons, like the Wycliffite preachers, were evidently unhappy at the way the monarchy colluded with the papacy in the provisors system and the ideal of 'free' elections was appealing. However, whether the commons wanted elections to be truly 'free' without disendowment is debatable. The solution devised in this petition whereby patrons retained their right of advowson exercised under the strict supervision of parliamentary legislation was a more practical compromise: a compromise which the commons may have felt the Church would be willing to take in order to stave off the threat of heresy and disendowment.

However, on this occasion the government turned down the commons' request. That the Church felt that such parliamentary intervention was too high a price to pay is hinted at by the government's response:

This pertains to the office of bishops; and the king wishes that they duly perform their office.

The government evidently felt that the Church would accept a parliamentary admonition to keep its own house in order but not a statute. Supervision of the quality of presentees was seen as an exclusively episcopal matter. Whilst lay patrons had long held the right to nominate to benefices – a right protected by the common law - it was up to the bishop to ensure the candidates were worthy.<sup>38</sup> Such a stand should serve as a reminder that the Church did not lightly concede jurisdiction: a fact which makes legislation such as the 1391 appropriation bill – which subjected the supervision of pastoral care and the

---

<sup>37</sup> *EWS*, II, no.87/114-6. For a discussion of the commons' attitude to 'free elections' see R. Davies, 'The Anglo-Papal Concordat of Bruges, 1375: A Reconsideration', *Archivum Historiae Pontificae*, 19 (1981), 124-31.

<sup>38</sup> On the division of rights and responsibilities see F. Cheyette, 'Kings Courts and Sinecures: The Statute of Provisors and the Common Law', *Traditio*, XIX (1963), especially 301.

provision of pastors in appropriated benefices to parliamentary legislation - all the more remarkable.

### **The Parliament of 1401: Partisanship and Reformist Restraint**

However, in the crisis-ridden parliament of 1401<sup>39</sup> the commons presented another petition on the matter. Indeed, as noted above, this parliament saw the first petition that directly addressed both non-residence and pluralism together. Whilst all previous petitions that mentioned these related topics were overtly aimed at other issues, mainly papal provisions, alien benefices, and in the case of 1394, the appointment of priests, the focus of this petition was on these issues. Moreover, rather than attempting to control the patrons it aimed to control the recipients of benefices themselves. It thus firstly asked that anyone who accepted a benefice that was incompatible with his original benefices<sup>40</sup> should be subject to punishment by the Statute of Provisors. The reason given was to avoid 'the abuses and errors in Holy Church such as the pluralities granted by our holy father the Pope'.<sup>41</sup> The commons thus appeared to be damning the system of sanctioning pluralities as devised by *De multa* and tightened up in later bulls such as *Execrabilis* (1317) as an abuse and an error and hence declaring that the papacy had been in error ever since 1215.<sup>42</sup> This sort of behaviour once again smacked of the sort of partisan behaviour, increasingly demonstrated by the commons in this period, whereby they attempted to taint the supporters of papal provisions with the language of heresy. Indeed, it is interesting to note that this seems to be the first use of the phrase 'abuses and errors' in connection with the papacy in the parliamentary rolls. Moreover,

---

<sup>39</sup> See introductory section, 26-27.

<sup>40</sup> i.e. accepted more than one benefice with cure.

<sup>41</sup> RP, III, 468.

<sup>42</sup> However, in reality they were actually attempting to regulate it - in this parliament at least - since they allowed exceptions: see below, 247-49.

this behaviour mirrored the actions of many 'heretical groups', including the Wycliffites themselves, who turned the tables on the ecclesiastical authorities declaring that it was these authorities that were in fact erring.<sup>43</sup> Most relevantly, the Wycliffite Tract, 'The Church and her Members', argued that the rules of canon law about patronage used by the papacy had no divine sanction and the Pope blasphemed by using them.<sup>44</sup>

The petition also went on to deal directly with the question of non-residence. For a start, it stipulated that dispensations for non-residence granted by the pope to vicars should no longer be used whether granted now or in the past.<sup>45</sup> These were particularly odious forms of dispensation since the papacy tended to only grant dispensations for non-residence (as distinct from sanctioning pluralism) in exceptional cases where the bishop would not do so. Most significantly, papal dispensation seems to have been sought by perpetual vicars for non-residence since bishops rarely sanctioned absences by such men.<sup>46</sup> Thus for instance Thomas Brantingham, Bishop of Exeter (1370-1394), only granted three licences for non-residence to vicars out of a total of 273 such licences.<sup>47</sup> The whole idea behind the appointment of a vicar was to ensure that a church had a resident priest in the absence of the rector and so it was understandable that the commons saw the non-residence of such men as unjustifiable. This seems to be recognised in the petition, which specifically targeted the non-residence of vicars and stipulated that whoever henceforth enjoyed papal provision to be 'non-resident in a way

<sup>43</sup> Thus, for instance, *EWS*, I, E10/67-69 accuses the Pope of heresy; Arnold, III, 514/11-14 claims that those who dispute the king's right to deal with temporalities are in error; Arnold, III, 406/21-407/11. argues that the laity should suppress the prelates' erroneous teaching on the Eucharist; Arnold, III, 424/10-425/8 disputes the notion that popes and cardinals are immune from error, and Arnold, III, 345/3-24. disputes the notion of papal infallibility.

<sup>44</sup> Arnold, III, 357/1-26.

<sup>45</sup> It also aimed to control episcopal licences for non-residence: see below, 247.

<sup>46</sup> For extended discussion of this, see Barrell, 'Abuse or Expediency?', 127-28 and C.J. Godfrey, 'Non-Residence of Parochial Clergy in the Fourteenth Century', *Church Quarterly Review*, 162 (1961), 441-42.

<sup>47</sup> Godfrey, 'Non-Residence of Parochial Clergy', 442.

other than the law of Holy Church demands' should incur the penalties of the Statute of Provisors'.

To a certain extent, of course, this petition was another way to attack papal influence in England. Indeed, whilst the Statute of Provisors aimed to prevent people from receiving benefices from the papacy, this petition aimed to prevent people receiving papal dispensations for non-residence and pluralism. However, for a start, its focus on clamping down on pluralism was seemingly a novel departure. As we have seen, in Edward III's reign, the papacy had actually been rebuffed by the English parliament in its attempts to curb pluralism; or at least pluralism not sanctioned by the papacy. Now the English commons were implying that the papacy had not gone far enough and were attempting to remedy this.

This change in direction may partly have been down to an increase in the number of papal dispensations for pluralism during this period. According to Andrew Barrell, 'there is a striking contrast between the number of licences for pluralism of benefices with cure in the fifteenth century and the situation before the Great Schism'.<sup>48</sup> Unfortunately Dr. Barrell does not provide any statistics to support this or provide a precise chronology but it would help to explain the commons' increased interest in the problem. The papacy's own actions were thus seemingly feeding reformist sentiment.

Moreover, the bill would not only apply to those who received papal dispensations of pluralism but anyone who attempted to take on incompatible benefices or who was non-resident. Indeed, the petition also aimed to curb episcopal dispensations. It thus asked that the ordinaries should 'make and compel by their censures all parsons and vicars to maintain continual residence in their benefices'. The commons thus wanted to curb non-residence by rectors as well as vicars. Once again the

---

<sup>48</sup> Barrell, 'Abuse or Expediency?', 120.

reasoning behind this was evidently the need to provide an adequate level of pastoral care since the petition went on to stipulate that 'if they do not reside there, then the ordinaries shall have the power to take the profits from them for one year and distribute them amongst the parishioners there'. The commons were thus once more attempting to ensure the proper provision of poor relief by means of parliamentary legislative enforcement of the Church's own poor relief system. 'Antipapalism' was seemingly not the sole rationale behind this bill.

The commons did, admittedly, make a number of exceptions from their stipulations. They thus excluded 'persons of the Church in the service of our lord the king, archbishops, bishops, patrons, or those attending the schools at Oxford and Cambridge, as well as those who celebrate divine service continually in the chapels of the great lords' from the petition's stipulations concerning residence. This might suggest that the commons' interest in reform was perhaps not all that genuine. However, once again the opposite seems to be the case. As we have seen the commons took a serious interest in the needs of the universities and the exemption of students is thus a further demonstration of the commons' desire to balance such needs against those of the parishes. In fact the two were closely connected. They wanted a highly educated clergy and the only way to achieve this under the current funding arrangements was to allow their rectors leave to study: a fact also recognised by numerous Wycliffite tracts. Thus, for instance, the tract *De Officio Pastoralis* argues that though it is safer to reside, one cannot blame a student who does not reside in order to study God's law. Indeed, as pointed out in the introduction staged reform and practical compromise actually seems to be a key feature of 'Lollardy' and numerous Wycliffite writings.<sup>49</sup> Meanwhile, the

---

<sup>49</sup> Matthew, 454/33 – 455/6. Some tracts went further and criticised bishops for not allowing curates leave to study without paying for it with gold. See Matthew, 250/25-28.



exemption concerning those who celebrate divine services in the chapels of the great lords is particularly interesting since the commons were thus demonstrating their interest in ensuring the provision of spiritual services. It also perhaps serves as a hint that the commons were not entirely happy with the presence of clerics in noble houses for any other reason. Nevertheless, the petition also evidently excluded those in the service – by which it surely meant (although perhaps significantly did not specify) bureaucratic service – of patrons and bishops and the king. As the commons realised, such clerics were crucial to the bureaucracies of such men and hence their non-residence was a necessary ‘evil’. Bureaucracies needed to be paid for and benefices were the key source of income under the current funding arrangements. The government could thus not have accepted the petition without this stipulation. However, as will be seen, it was perhaps the reform of such ‘evils’ and not simple greed that attracted the commons to the concept of disendowment.

### **The 1399 Counter-Reformatory Proposals and the Commons’ Concerns over Bureaucratic Non-Residence**

Indeed, at this point it is worth recalling Archbishop Arundel’s reported counter-reforms at a convocation which met less than a year and a half before this parliament, in October 1399.<sup>50</sup> Significantly Arundel also excluded scholars from his proposed actions against non-residence.<sup>51</sup> As we have seen in the preceding chapters, he apparently understood the needs of graduates and the mood of the commons on this issue. However, he deliberately targeted those in the service of lords. Given that his aim was

---

<sup>50</sup> The 1401 parliament met in January.

<sup>51</sup> *Annales*, 391-94. Arundel seems to have targeted those all those who sought pluralities apart from graduates; and all those who were non-resident because they were in the service of lords ‘Statuit igitur in primis ne clerici pluralitates obtinerent, nisi forte forent Sacrae Paginae Professores, aut in Jure Doctores, vel Bacalarii in Jure formati; et ne Episcopi vel clerici beneficiati morarentur in curiis Dominorum, sed apud sua beneficia residerent’.

to prevent the commons from supporting new statutes at the instigation of 'Lollards', this suggests that he felt the commons were not comfortable with clerics absenting themselves for reasons of bureaucratic service. The commons had not fully articulated such a desire – as yet at least – but they were somewhat restricted by the fact that any bill they proposed needed the assent of the lords. Arundel, of course, was not so restricted. Meanwhile, those who proposed disendowment certainly appealed to the problem of clerics in bureaucratic service and offered disendowment as a solution. Indeed, the Twelve Conclusions nailed to the doors of parliament in 1395 had petitioned parliament that 'all manner of curates both high and low be fully excused of temporal office, and occupy themselves with their cure and nothing else.'<sup>52</sup> Arundel evidently recognised the danger of such appeals and so proposed internal reform.

The commons, however, were evidently not satisfied with the enforcement of such reform. Understandably they did not feel such reform could work without the involvement of parliament and the support of the government. Consequently they exploited a turbulent parliament (a feature of reformist activity in this period) to propose legislative supervision of non-residence reform albeit with exemptions designed to sway the government.<sup>53</sup> They had seen Arundel's continued concern with heresy and 'Lollardy' with the enactment of *De Heretico Comburendo* and thus chanced their arm once again. They may well have sensed that Arundel was once again fearful that parliament might be swayed by 'Lollard' agitation.<sup>54</sup> After all Usk reports that 'Lollards' had assembled in London during the meeting of the 1401 parliament with the

---

<sup>52</sup> *SEWW*, no.3/70-72: 'alle manere of curatis bope heye and lowe ben fulli excusid of temperel office, and occupie hem with here cure and nout ellis.' For a discussion of Wycliffite views on clerks in secular service, see A. Hudson, 'Hermofodrita or Ambidexter: Wycliffite Views on Clerks in Secular Office', *Lollardy and the Gentry in the Later Middle Ages*, ed. M. Aston and C. Richmond (New York, 1997), 41-51.

<sup>53</sup> On the exploitation of political crises, see introductory chapter, 26-27.

<sup>54</sup> *Usk*, 9.

intention to 'utterly destroy the clergy'. Indeed, it was surely no coincidence that the commons also proposed the rather radical bill on appropriation in the same parliament.<sup>55</sup> However, as with that petition and the 1394 petition on the quality of priests discussed above, the commons found the Church unwilling to make such a significant compromise. The king promised to ordain a remedy with the advice of the prelates but no statute was forthcoming. This was perhaps not that surprising given Henry IV's reliance on Arundel, which was particularly strong in the early years following his usurpation. As Arundel had shown in 1399 he preferred internal Church reform to any statute that affected the 'liberty of the Church' on this particular issue and he, rather than the commons, held the trump card as regards the political situation.

#### **1402 Parliament: Greater Demands, Exemptions and the Universities: Further Signs of Disendowment Plans?**

Nevertheless, as with appropriations, the commons soon returned to the issue of non-residence with a petition in the parliament of 1402.<sup>56</sup> However, unlike appropriations, the commons did not tone down their demands. In fact their requests in 1402 were, on the face of it, more substantial. For a start they demanded that all persons preferred to benefices of holy Church who farm out their benefices and 'live in London and other places, taking annual payments and salaries as unpreferred chaplains, contrary to the law of Holy Church ... [should] dwell in their said benefices, on pain of incurring the penalty ordained against provisors'. Moreover they also requested that all other persons promoted to benefices of Holy Church should dwell in their said benefices, to

---

<sup>55</sup> See appropriation chapter, 218-19.

<sup>56</sup> *RP*, III, 501.

provide hospitality there, on the same penalty, except for king's clerks and the clerks of the great lords of the realm'.

The first of these requests perhaps hints at a concern that some vicars (whose non-residence, as discussed above, was understandably seen as 'contrary to the law of Holy Church') were leaving their benefices in search of additional revenues. This may have seemed particularly attractive to those who were left with an insufficient portion of tithes by their rector, especially given the inflation in chaplains' wages in the post plague world. Indeed, it was surely not coincidental that the same parliament saw the enactment of a bill on appropriation which was designed to ensure the vicar received a fair portion of the tithes and a petition which aimed at restricting chaplains' wages.<sup>57</sup> The commons were evidently attempting to tackle the perceived effects of the plague on the parish. Concerns over vagrancy thus once again naturally linked in with concerns over the provision of pastoral care.

It is, however, in the exemptions made in the second of these requests that the commons seems to have made their most substantial leap. The clerks of the king and the great lords are still included in the list of those exempted from the need for residence but those attending the universities are not. Such a move cannot be explained by a sudden lack of interest in the fate of the universities on the part of the commons. As we have seen in previous chapters this was certainly not the case. In fact 1402 was seemingly a key year in the debate over the funding of the universities with Arundel and the proponents of disendowment offering competing plans.<sup>58</sup> Given the fact only the latter offered a plan in which university study could be funded in the absence of papal

---

<sup>57</sup> The latter petition immediately preceded the non-residence petition in the rolls of parliament: *RP*, III, 501 (c.57). See appropriation chapter, 222-23.

<sup>58</sup> See provisions chapter, 122-24.

provisions, appropriation and non-residence, it is tempting to suggest that this is further evidence that the commons were moving towards the idea of disendowment.

Perhaps understandably then no legislation was forthcoming on non-residence from this parliament either. Instead the king stipulated that the prelates should make remedy in between this and the next parliament.<sup>59</sup> The government was thus once again recognising the Church's desire to protect its sovereignty in this matter and perhaps indicating its intentions to support Archbishop's Arundel's solutions rather than those who supported disendowment. However, that the Church still required lay intervention on this issue was indicated by the fact that the king further stipulated that 'henceforth no request should be made to the contrary by any secular or other person against this remedy when it is made'. The lay power was promising to enforce any solution devised by the episcopate.

#### **1406 Parliament: A Significant Leap? William Taylor, the 1406 'Crisis' and the Manipulation of the Clergy for the sake of Reform.**

However, such a solution did not appease the commons. They thus returned to the subject of non-residence in 1406.<sup>60</sup> This time their demands were, on the face of it, greater still. They asked the king to ordain a statute that would encompass all non-resident curates of unappropriated benefices with cure. There was no saving clause that excluded those in the service of lay or ecclesiastical patrons. Seemingly, the only sorts of benefices that would have thus been left to such men would have been those without

---

<sup>59</sup> The official records of convocation do not appear to mention this but such records are anything but complete: the 1403 convocation being summed up in two short lines (Wilkins, III, 274). Arundel did make a general 'monitio pro reparationibus ecclesiarum et domorum ecclesiasticarum' in 1403 which was concerned with such problems as the deaths of incumbents and the withdrawal of hospitality but no mention is made of non-residence or pluralism (Wilkins, III, 276-77).

<sup>60</sup> *RP*, III, 594.

cure.<sup>61</sup> How had the commons made such an apparently significant leap in just four years?

The answer to this, to some extent, lies in the events surrounding the parliament of 1406. The ill health of the king and the financial problems of his reign helped plunge the realm into political crisis. The commons felt they were in a strong bargaining position and refused to concede any form of aid until the administration had been substantially reformed. Increased pressure was put on the clergy to provide a grant. A delegation of parliamentary knights which may have included the 'Lollard knight' Sir John Cheyne, who was a member of the new council, went to the Canterbury Convocation to secure it.<sup>62</sup> The commons were thus using the crisis to both push through reform and to apply pressure to the clergy.

This sort of behaviour is reflected in the petition. The commons appealed to the financial needs of the king himself as well as those of the realm. They argued that 'for the relief of our lord the king and the defence of his kingdom' the king should take half of all the issues and profits from the churches in which the curates are non-resident.<sup>63</sup> They further added that the king should have all the issues and profits from any benefice, with cure or not, held by any aliens residing outside the realm 'who do not bring to the kingdom any temporal and spiritual benefit, and in whose benefices divine service has been completely abandoned'.

---

<sup>61</sup> However, as suggested below (see below, 255, fn.70), this was not necessarily the case and the true nature of the bill's significance may lie elsewhere.

<sup>62</sup> Convocation granted a tenth and a special subsidy from the clergy not subject to the tenth: E.F. Jacob, 'The Canterbury Convocation of 1406', *Essays in Medieval History Presented to Bertie Wilkinson*, ed. T. Sandquist and M.R. Powike (Toronto, 1969), 350. P.J. Horner speculates that this subsidy was given to stave 'off the disendowment threatened by the Lollards and their supporters'. P.J. Horner, 'The King Taught Us the Lesson': Benedictine Support for Henry V's Suppression of the Lollards', *Mediaeval Studies*, 52 (1990), 199.

<sup>63</sup> 'que en relevacioun de nostre seignour le roy, et defence de soun roialme'.

As this last clause implies, however, the commons were not just appealing to the king's greed. They were once again returning to the well-rehearsed reformist principle that benefices should provide spiritual benefits to England. Indeed, the petition is full of reformist arguments. Significantly many of these are phrased in ways that are apparently novel to parliamentary discourse. The petition thus complains that the reason the curates are absent is 'because they do not intend to distribute their goods amongst their poor parishioners, which is a wicked and damnable thing to other Christians'. They waste 'the goods of Holy Church, to the great peril of their souls and those of the parishioners, and also to the great shame of other persons spiritual of the Holy Church, in contempt of God, thereby stifling and destroying the divine service'. In this light, it is important to note that an infamous Wycliffite preacher, William Taylor, preached at St Paul's Cross on 21 November during the sitting of this parliament.<sup>64</sup> In this sermon Taylor criticised clerics who took on several benefices and temporal office for material gain arguing that they brought more damnation on their souls with every benefice they neglected.<sup>65</sup> He also argued that their lack of charity was forcing the needy people to beg against the law of Christ.<sup>66</sup> By wasting poor men's alms they were causing them to suffer both in body and in soul.<sup>67</sup> This seems rather similar to the argument in the

<sup>64</sup> The parliament sat in various sessions between 1 March and 22 December.

<sup>65</sup> 'But if a clerk have getun him a benefice þat is worþ þe rule of þe apostle, þat is to seie liiflode and cloþing, þanne getiþ he him a pluralitee and traveliþ day and ny3t bi flateringe, presentis and 3iftis and a3ens þe lawe of God acumbriþ him [silf] in seculer ocupacioun to plese men and to encreece his goodis. Notwiþstondinge þat he woot weel þat he shal be dampned for negligence aboute þat lital cure þat he haþ, but if he do betere his diligence, 3it he multipliþ him cure upon cure as he wolde have depper dampnacioun. And sich oon may not glose himsilf wenyng þat he be excusid bi his viker': *TWT*, Taylor/380-88.

<sup>66</sup> 'bi her covetise þei constreyneþ þe nedy puple to begge a3een þe lawe of God': *TWT*, Taylor/498-99.

<sup>67</sup> 'And summe of þese han in her ordynauce of poore mennys almes, what in moeblis and unmoeblis, twenty þousand pound, waastyng þat in worldly vanytees, suffren poore men þat owen þese goodis to perishe in body as we seen, and also in soule as it is to drede': *TWT*, Taylor/484-88. The figure of 20,000 given here seems to be a favourite of the Wycliffites. It also features prominently in the Lollard Disendowment Bill: see provisions chapter, 83-88.

petition and it is thus feasible that Taylor, who had most probably timed his sermon to exploit the political crisis, was directly influencing the commons.<sup>68</sup>

The manner of this influence is, admittedly, still open to question. Were the commons manipulating Taylor's ideas purely for financial considerations, or were they at least partly influenced by a genuine interest in reform? Given the commons' increasing interest in the issue of pastoral care and the provision of specific spiritual services in the realm the latter option is perhaps more likely. Moreover, whilst on the face of it the petition seemed to be giving the revenues to the crown rather than the parishioners the petition did, in fact, have a clause, which implied that the parishioners should benefit. It thus stipulated that the king:

might wish to ordain and establish such an ordinance and statute concerning the non-resident curates of your kingdom of England as is ordained for the curates who are not resident on their benefices, but live elsewhere, in the lordship of Ireland, and overseas, beyond the realm.

This seems to be a reference to the ordinance of January 1380 concerning those absent from their Irish benefices which the commons attempted to extend to those who were absent from their English benefices in October 1383.<sup>69</sup> The 1380 ordinance effectively extended the principle behind the 1344 alien benefices petition discussed above – that the king could take the income from non-resident clerics – to include subjects of the king and not just his 'enemies'.<sup>70</sup> In doing so it followed the 1344 ordinance in specifically

---

<sup>68</sup> On the exploitation of political crises, see introductory chapter, 26-27.

<sup>69</sup> *RP*, III, 85; *RP*, III, 163. The king agreed to consider the latter petition further but no statute resulted.

<sup>70</sup> The 1380 ordinance also exempted those in the service of the king and those attending universities which could explain why the commons did not feel the need to include such a saving clause in the 1406 petition – thus making it look rather less radical than it appears at face value on this issue at least. However, the presence of the clause protecting pastoral care in benefices with cure in the 1406 petition



asserting that a sum should be set aside for the edifices and divine services. The idea in 1406 must then surely have been for the king to ensure that the parishes had enough income for pastoral care.<sup>71</sup> This would help explain their claim that their petition was designed 'for the salvation of the souls of the kingdom, and also to relieve all the ordinary people of the same kingdom'. It had thus also gone a step further than the 1401 petition in the way it intended poor relief to be handled. The ordinaries were now to have their role as intermediaries removed. This may have resembled the practice of 1344 and 1380 but in attempting to extend this practice to cover all benefices the commons were effectively saying that the government should take overall supervision of the Church's system of pastoral care and poor relief. It was thus perhaps not simply the apparent lack of exemptions that makes this bill so significant but the scope of its plans for such supervision.

The commons, of course, seem to have been eager to bluff over this point and simply point to the precedent. In doing so they were following a strategy employed by the parliamentary protagonists of disendowment. Thus the tract 'A Petition to the King and Parliament' which was addressed to parliament at some point after 1382 and which discussed issues such as the withdrawal of tithes, was keen to point out the fact that the king with the consent of parliament had taken away the temporal goods of the Church on many previous occasions.<sup>72</sup> The commons seem to have stopped short of openly

---

seems to indicate that the commons did not intend the 1380 exemptions to naturally extend to benefices with cure since the 1380 ordinance did not concern itself with such distinctions. Such exemptions may thus have been restricted to benefices without cure.

<sup>71</sup> A possibility strengthened by the fact that a non-residence petition of 1410 makes such stipulations: see below, 261.

<sup>72</sup> 'Ffor summe freris writen þus in Coventre, among articlis þat þei dampned as heresy and error, þat it is errour to saye þat seculer lordis may leuefully and medefully taken away temporal goodis, 3oven to men of þe Chirche. But siþ oure kyng hap don so, and opere kynges his predecessours han don so manie tymes, by laweful cause, as perteynyng to here regalie, and of comun lawe, by counsail of pieres of þe rewme, it sueþ þat not oonly oure kyng now present hap errid, but also his predecessours, and generally al his counseillores, as lords and prelati, and alle men of þe Parlement counceilinge þerto'. Arnold, III, 514/21-31 For further discussion of this tract see appropriation chapter, 208-9, fn.53.

petitioning for disendowment in this parliament but they once again seemed to be using the implicit threat of heresy and disendowment in order to push through their reforms. By using ideas that seemed to echo Taylor's – ideas which Taylor was using to advocate disendowment - they may well have unnerved the ecclesiastical hierarchy.

Fortunately for that hierarchy they had a champion in the shape of prince Henry who asserted his influence in parliament. The prince sponsored a petition, which was presented on the final day of the final session, and as Maureen Jurkowski has recently argued, was evidently designed by Archbishop Arundel in response to Taylor's sermon.<sup>73</sup> This was the infamous 'anti-Lollard' statute of 1406. As has been pointed out this petition was not aimed so much at extirpating heresy, as at dealing with those who advocated disendowment. It thus seems likely that prince Henry and Arundel were attempting to discourage support for disendowment that had been whipped up by Taylor amongst the commons.

If so then the government's response to the common petition on the matters of non-residence and pluralism was a calculated compromise most probably designed to be the 'carrot' to the Lollard Bill's 'stick'. Instead of taking the direct action asked for in the petition it once more claimed that the responsibility lay with the bishops and the papacy. The ordinaries were asked to perform their duties on non-residence and the government<sup>74</sup> said it would ask the king to write a letter to the papacy asking him to revoke all pluralities and to grant none in future 'because the pluralities which have been granted before this time are and have been the main reason for the absence of such

---

<sup>73</sup> M. Jurkowski, 'The Arrest of William Thorpe in Shrewsbury and the Anti-Lollard Statute of 1406', *BIHR*, 75 (2002), 273-95.

<sup>74</sup> The wording is interesting. Normally, even when the king is not in control, the parliamentary records tend to give the impression that the king is responding to every single petition and making all the decisions. Here, however, the impression given is that the king still needs to be consulted on this matter: 'y plect au roy notre seignour, de l'advys et asset des seignours en parlement, escrire par ses honorables lettres a nostre seint pier le pape'.

curates'.<sup>75</sup> Moreover, the king declared that no plurality should be granted in the future thus putting the force of the lay power behind the drive to end pluralism: a move which could also perhaps be interpreted as a promise that the monarchy would no longer claim exemptions for its own officials. Given the focus on benefices with cure in the petition and on the papacy's dispensations (which, it should be remembered, were used for pluralities involving more than one benefice with cure) in the response, the intention was presumably for the government to be seen to be putting an end to the practice of non-residence in such benefices. Although this would not have been as destructive to late medieval bureaucracies as a total end to non-residence, it would still have had a significant effect. Perhaps because of this, there is little evidence of this plan being carried out. Indeed, as noted above, the fifteenth century was a period in which the number of pluralities granted by the papacy increased rather than declined. Meanwhile the government made no moves to prevent bishops using their dispensations for non-residence.

However, the commons were rather more successful in getting the government to agree to a statute concerning bulls of exemptions from tithes in the same parliament (that of 1406). They asked that any person who used a papal bull, purchased but not executed before the first year of Richard II's reign, to be quit from tithes pertaining to churches, prebends, hospitals or vicarages, in order to prevent any person of Holy Church – whether parson of a church, prebendary of a prebend, warden of a hospital, vicar, or other person – to enjoy tithes belonging to the said benefices should be punished by the process and penalty laid down in the 1401 Statute against Cistercians.<sup>76</sup> This statute was designed to put the full force of the writ of *praemunire facias* and the 1390 statute of

---

<sup>75</sup> The emphasis on 'before this time' is particularly interesting since it perhaps hints that Henry was once again blaming his predecessor for problems in the church.

<sup>76</sup> *RP*, III, 594.

Provisors against the Cistercians for purchasing such bulls and to prevent similar mischiefs in the future.<sup>77</sup> However, the commons evidently felt that such legislation was currently ineffective against the specific problem of tithe exemptions for those outside the Cistercian Order and hence asked for a remedy. Meanwhile, the reference to the first year of Richard II seems to suggest the commons were concerned that Edward III's 1376 renewal of the practice whereby the archbishops and bishops were obliged to send the king and the council any bulls or other writings prejudicial to the kingdom which they received, and to suspend their publication and execution until they heard from the king and council,<sup>78</sup> left a loophole whereby those purchased before this point could still be used. Such specific aims further suggest that the commons were concerned with more than just curtailing the jurisdictional and financial influence of the contemporary papacy. Instead the commons were once again demonstrating their commitment to ensuring

---

<sup>77</sup> SR, II, 121-22 (c. iv). The particular problem with the Cistercians seems to have been the extent of their normally tithable holdings within the boundaries of benefices. The commons noted that sometimes the tithes affected exceeded a quarter of the total value of the benefices meaning that patrons might 'lose their advowsons of the same benefices' and the king would lose his cognizance. The king's courts had long recognized that such advowsons could be seriously affected by decisions concerning the disposition of tithes. Since tithes could form a substantial or even the total value of a benefice, they realised that judgments by the Church concerning the possession of such revenues could reduce or even annul the actual right of patronage. Royal courts did not want to interfere with the Church's traditional responsibilities as regards to tithes and the Church would certainly have fiercely resisted such. A working compromise was thus reached in the writ *Circumspecte agatis* in 1285 and the Articles of the Clergy in 1316 which gave cases concerning pensions, oblations, obventions, mortuaries, and tithes of less than a quarter of the value of the benefice to ecclesiastical courts. More than a quarter affected the right of advowson and hence should be tried in a lay court. Royal courts could also hear cases involving tithes where the litigant could prove that the tithes in dispute had become lay chattels by sale, severance or composition or where he could prove that the lands and chattels sought by men of religion had not previously been tithable: a problem which was topical in parliament in our period with regards to tithes of wood and *silva cedua*. Apart from this the royal courts conceded that tithes were spiritualities and that cases involving such spiritualities should be dealt with by spiritual courts. On this see W.R. Jones, 'Relations of the Two Jurisdictions: Conflict and Cooperation in England during the Thirteenth and Fourteenth Centuries', Studies in Medieval and Renaissance History, VII, ed. W.M. Bowsky (Lincoln, 1970), 157-65 and N. Adams, 'The Judicial Conflict over Tithes', EHR, CCV (1937), 1-6. Similar concerns may have partly lain behind the 1406 petition but there is no direct evidence of this within the petition. Meanwhile, the Cistercians had been the subject of controversy since the beginnings of the debate over papal provisions in parliament with the Statute of Carlisle owing much to their export of money to their mother house of Citeaux. On this see Heath, Church and Realm, 53; L.A. Desmond, 'The Statute of Carlisle and the Cistercians, 1298-1369', Studies in Medieval Cistercian History Presented to J.F.O'Sullivan, Cistercian Studies Series 13 (Shannon, 1971), 138-62.

<sup>78</sup> On this practice see W. Lunt, Financial Relations of the Papacy with England, II (Cambridge, Mass., 1962), 351.

English benefices received a sufficient proportion of the tithes to fulfil their spiritual duties and to protect the rights of patrons. By assenting to their requests the government may thus partly have been attempting to sate the commons' desire for reform and hence offering them a further 'carrot' not to support disendowment.

Indeed, the king actually went a little further in his response. He thus agreed that no person should execute any such bull purchased before or since the first year of Richard II, or any bulls purchased in the future. Given Henry's feelings about the state of the Church under Richard II, it is tempting to suggest that there may also have been an element of settling old scores here, with Henry perhaps underlining the fact that he intended to ensure the Church would provide a better level of pastoral care now that he was in charge.<sup>79</sup> Whatever the case, Henry promised that if anybody did use such bulls to prevent any person enjoying their due tithes then that person should incur the process and penalty ordained by the 1401 Statute against the Cistercians. All this was then enshrined in a new statute.<sup>80</sup> Evidently parliament still found it easier to create legislation designed to restrict the papacy than it did to do the same to the English Church.

#### **1410: Disendowment, the Exploitation of the Political Crisis and the Move to Quash or Tighten Up Exemptions?**

Nevertheless, the commons did not give up. They seemingly had little faith in the government's promises of 1406 regarding non-residence and pluralism. Thus in 1410 they presented another petition concerning non-residence, pluralism and

---

<sup>79</sup> This parallels the appropriation legislation of 1402, which was also retrospective to the beginning of Richard's reign. See appropriation chapter, 225.

<sup>80</sup> *SR*, II, 152 (c.vi).

appropriation.<sup>81</sup> This time the commons were somewhat more open and directly attacked those who were non-resident or pluralists who held offices in the courts of the king and lay lords, or were residing in London, Oxford and Cambridge, or in abbeys, priories, and various other places. They did not specifically say that they wished to see an end to exemptions for graduates and bureaucrats but there was no mention of the need for such exemptions and the commons seemed to imply they were growing tired of such reasons being used as excuses for non-residence and pluralism by singling out incumbents who 'leave their charge on some pretext or feigned excuse'.

To some extent this openness seems to be a natural progression. As we have seen, there are signs the commons may have been trying to move away from such exemptions in the petitions that led up to 1410. However, given the fact that Henry IV's renewed illness in 1410 meant that Prince Henry – the man who most likely had rejected the 1406 solution - managed to assert a significant amount of influence on this parliament, the timing of this openness does require further explanation. If he had been unhappy with the implicit threats made in that petition he would not have been particularly enthralled by the more open nature of this petition. Nor would he have been likely to be swayed by the argument that there were those who were non-resident in the service of the king who were risking 'damnation' by neglecting their duties to support their parishioners. The similarities to the disendowment arguments of William Taylor were again too close for comfort.

Part of the answer to this must be that the commons were once again exploiting a period of crisis in which to push forward their aims. Indeed, it is noticeable that they attempted to build up a picture of crisis, complaining that those who should be able to defend the realm are not able to do so because they are not being properly sustained, and

---

<sup>81</sup> *RP*, III, 645. The latter aspect of the petition has already been discussed in the previous chapter.

the common people 'because of the scarcity of corn and because of the deaths of animals' cannot afford to pay the taxes that would sustain them.<sup>82</sup> The petition thus offered a financial solution for the crown. Half the revenues of all the benefices with cure (after the removal of the 'necessary charges') in which the incumbent was non-resident because of 'some pretext or feigned excuse', and of all the benefices held by those who held more than one benefice with cure, and of all the benefices falsely appropriated<sup>83</sup> should be given to the king for his 'use and profit'. This solution harked back to that of 1406 and it is thus interesting to note the stress on the necessary charges being deducted. This reinforces the idea that the commons planned to ensure that pastoral care was delivered in that petition.<sup>84</sup> However, a similar solution had effectively been rejected in 1406. What had changed since then?

In this light it is important to remember that another controversial bill, the infamous Lollard Disendowment Bill, is supposed to have been presented in this parliament: a bill which surely was also presented to exploit the political crisis in 1410.<sup>85</sup> This bill, which advocated the disendowment of the Church, actually discussed the sums that could be raised from removing the temporalities of 'worldly clerkes'.<sup>86</sup> Indeed, it specifically targeted such men and stopped short of disendowing parochial churches in general thus following the pattern set in the petitions on non-residence and appropriation.<sup>87</sup> Apparently these 'worldly clerkes' were wasting 100,000 pounds worth of temporalities. The bill suggested that the revenues of disendowment could then be used to support 15,000 earls, 15,000 knights and squires and 15 universities which could

<sup>82</sup> *RP*, III, 645.

<sup>83</sup> See appropriation chapter, *passim*.

<sup>84</sup> See above, 255.

<sup>85</sup> For a transcript of this bill, see *SEWW*, no.27.

<sup>86</sup> *SEWW*, no.27/62-5.

<sup>87</sup> *SEWW*, no.27/77-82. See appropriation chapter, 226-27; hospitals chapter 282. The bill also left the clergy their spiritualities. The petitions of 1406 and 1410 make no distinction between temporalities and spiritualities but they do leave the non-resident clergy half the 'issues and profits' of their benefices.

hold 15,000 clerks and priests supported by temporal alms, whilst the king would receive 20,000 pounds a year.<sup>88</sup> The money could also be used to create 100 almshouses, which could support 'all the neediest poor men at no cost to the town'. The bill was thus openly providing the government with financial incentives to disendow the Church to offset its worries over how to support graduates and a bureaucracy in a world without non-residence and pluralism. Interestingly, the commons left the final decision up to the king on where the money should be spent,<sup>89</sup> but given the reformist justifications for disendowment the government, in reality, would have had little choice. In both the 1410 petition and the Lollard Disendowment Bill then, the intent was to persuade the government of the financial benefits of reform.

All this helps to explain why the commons felt more open to express their reformist ideas in 1410. They may well have felt they had taken on board the government's reservations over their earlier proposals and had now come up with the solutions. They had handpicked another moment of political crisis to put forward their plans and may well have been more confident of success. Moreover, the commons may have contained more members of an openly radical mindset in 1410 than 1406.<sup>90</sup> There is also, of course, the possibility that the commons in 1410 were exploiting Wycliffite activity in 1410. The 1410 non-residence petition may have been presented as a less radical alternative to the Lollard Disendowment Bill. The onus would thus have again been on the likes of Prince Henry and Archbishop Arundel to accept the commons' demands in order to prevent them from supporting the more radical proposals made in that bill. However, given the difficulties of funding bureaucracies and the universities it

---

<sup>88</sup> *SEWW*, no.27/66-76.

<sup>89</sup> *SEWW*, no.27/69-70: 'yif yt lyke the Kyng and lordes to spenden hem in that use'. This is reminiscent of the 1406 petition which argued that the king 'might wish to rectify' (*voilietz stablement faire*) the problems ensuing from non-residence.

<sup>90</sup> See introductory section, 32-35.



is difficult to envisage the 1410 petition being feasible without the passing of the Disendowment Bill.

Indeed, the commons were denied the full extent of their demands. The government once again referred the issue to the Church authorities. It argued that 'this matter belongs to Holy Church' and that a remedy for non-residence had been provided at the last convocation. It did concede that the king would consider the 'rest' further, which presumably refers to pluralism and appropriation, but no more parliamentary action was taken. As far as Prince Henry was concerned the commons would have to accept internal Church reform on the issues of non-residence and pluralism. Archbishop Arundel's plan had gained a new supporter.

#### ***4) Post Oldcastle: The Effects of Repression and the Weakness of the Commons' Position***

Nor did this situation change when Henry became king. There are no more petitions on these subjects recorded in the parliamentary rolls until 1425. Given the vociferous nature of this petition it seems unlikely that this meant the commons had been placated. Rather, they had perhaps realised that given Henry's reaction to the 1410 petition and the Disendowment Bill, and his subsequent actions towards 'Lollardy', it would be unwise to pursue the matter any further under his leadership. Alternatively he may have refused the enrolment of any such petitions. However, Henry VI's accession seems to have heralded new hope and this helps to explain the appearance of the 1425 petition.

The 1425 petition itself resurrected a number of the old demands as well as adding some new ones.<sup>91</sup> For a start, it asked that all kinds of rectors and vicars, and hospitallers and all those who have cure of souls or care of the infirm should be resident in their rectories, vicarages, and hospitals on pain of losing the value of their benefice, one half to the king, and the other half to the patron. The commons further stipulated that all, rectors, vicars, and hospitallers who hold pluralities should be resident as required by their benefice upon the aforesaid penalty. The commons were thus reiterating their concerns over the proper provision of the cure of souls and extending the financial penalties in the 1406 and 1410 petitions to the extent that the 50 *per cent* of the value of the benefice that the erring incumbent would have been left with by those petitions would now be transferred to the patron. The idea behind this was evidently to make non-residence even more undesirable and presumably the commons expected the patrons to put the funds to better use. Meanwhile, the extension to include hospitallers was a natural progression from the move to ensure the proper use of hospitals that will be discussed in the following chapter.

The most novel aspect of the petition concerned the acquisition of priest's orders by the incumbent. It thus stipulated that any man having any spiritual benefice should receive priest's orders within twelve months after the end of this parliament, or else his patron would not be allowed to make a new presentation, notwithstanding that he has held the benefice for six months. It then added a prospective element by stating that any man receiving any spiritual benefice in future, by any man's presentation, should receive the order of priest within twelve months after his induction, upon the same penalty. The particular problem of non-professed priests holding benefices had not been seen before in such parliamentary discourse, but the principle which underlay this stipulation had

---

<sup>91</sup> *RP*, IV, 290.

emerged in the preceding years. Thus just as in 1394 the commons were asserting that no type of patron, whether lay or secular, should escape their duty to provide 'sufficient and wise curates'.<sup>92</sup>

In asking for such action to be taken, the commons focused primarily on the effects of such actions on pastoral care. According to the petition non-residence resulted in many people being 'in need of both spiritual and physical sustenance, and other relief, contrary to the old, true, foundations of such benefices'. Thus having dealt with the duty of patrons to their benefices, the petition switched to tackling the duties of the incumbents. In some ways this was a return to the argument rehearsed in provisors petitions since the parliament of Carlisle that benefices were being used contrary to their original foundations. However, in terms of detail the petition still supplied numerous novelties indicating a developing reformist tradition once again. Thus the petition specifies not only that divine services and sacraments were not being performed in the generic way of many previous petitions but adds interesting details such as children dying unchristened, burials being delayed and women in childbirth perishing. The petition similarly relishes in making the novel comparison that:

whereas ancient custom was that a third part of the goods of Holy Church should be spent within the same parish on the poor and needy of the parish, now in recent times, all that can ever be raised from such benefices is collected up and taken by rectors wherever they are: to such an extent that contrary to good reason, if a poor man defaults on even one penny of his tithes, at the time he ought to receive holy communion and his sacraments, his holy communion and sacraments are denied him, against charity or God's kindly love, as a true shepherd should do for his flock.

---

<sup>92</sup> *RP*, III, 321: see above, 240-41.

Such detailed concerns can also be found in another petition in this year concerning chapels. The commons thus complained that many people who were living a long way from parish churches and who were hence dependent on 'sufficiently endowed' chapels for their 'masses, sacraments, and divine services' were now suffering because the vicars and rectors of many such parishes were wrongfully withdrawing such services. They thus asked for a commission addressed to 'sufficient persons of the same area where the chapels are' to inquire into these matters. Anyone who felt aggrieved in this regard should be able to have a writ of *scire facias* against the parson or vicar returnable before the justice of the king's bench. If found guilty he should be sent to prison 'until he has found sufficient surety to perform the divine services and the ministration of the sacraments'. In short, the commons in 1425 were seemingly happy to launch a new verbal assault on the pastoral record of the English Church that was every bit as vociferous as those seen before Oldcastle's Revolt and which also dealt with Wycliffite concerns.<sup>93</sup> Furthermore, they were still looking for the lay power to make significant incursions into the supervision of pastoral care.

However, this does not necessarily mean the commons now felt totally at ease to do so. In fact they seemed to be testing the waters and letting off built up steam after years of repression. They thus noted that 'because no sermon is preached, or other good doctrine taught, none of these defaults are being corrected or amended'. This may well be a reference to the effect of Arundel's Constitutions whereby preaching was strictly licensed and preachers were forbidden from criticising the vices of the clergy before lay

---

<sup>93</sup> Thus numerous tracts criticise similar simoniacal practices (see, for instance, Matthew, 166/27–167/4), whilst the analogy of the 'trewe sheperde' is commonplace in Wycliffite writing. Indeed, the Wycliffites saw themselves as 'trewe men' who followed the 'trewthe' of the gospel. Likewise the claim that 'whereas ancient custom was that a third part of the goods of Holy Church should be spent within the same parish on the poor and needy of the parish' is reminiscent of the Wycliffite tendency to back up their arguments with historical precedent and statistics discussed in the papal provisions chapter, 79–80.

audiences.<sup>94</sup> The commons may well have been arguing that such repressive tactics meant that there was nobody left to keep the parish ministry in check. If so they were echoing similar complaints by the targets of such moves: the Wycliffite preachers. Indeed, these licences and regulations became the subject of much vitriol in Wycliffite texts since the legislation was specifically targeted at preventing them from preaching and criticising the record of the Church.<sup>95</sup> Equally it is easy to understand why the commons may have felt hard done by, by an apparent echo of these constitutions in parliamentary debate. Just like the Wycliffites they had seemingly been increasingly gagged ever since Henry V's reign saw the more effective enforcement of Arundel's policy.

Indeed, the commons were still apparently keen not to be associated with 'Lollardy' in the post-Oldcastle world. The previous year had seen the condemnation of William Russell OFM for his views on the withdrawal of tithes from erring clerics: a condemnation which owed much to a hardening of attitudes in response to Wycliffite views on the issue.<sup>96</sup> Consequently, just as with the provisors legislation, they began to position themselves firmly on the side of the Church in the fight with the 'Lollards'.<sup>97</sup> Whilst previously only ever alluding to the spectre of evil doctrines – most notably in the 1394 petition concerning presentations to benefices - the commons began to identify the 'Lollards' as a sect and to disassociate themselves from them. They thus further added that Henry V at the Leicester parliament of 1414 had promised that this matter should have been enforced 'if the see of Canterbury had been occupied, whereas it was

---

<sup>94</sup> For a discussion of the effects of Arundel's Constitutions upon preaching see B. Kedar, 'Canon Law and Local Practice: The Case of Mendicant Preaching in Late Medieval England', *Bulletin of Medieval Canon Law*, New Series 2 (1972), 26-29. For the preaching elements of Arundel's Constitutions, see Wilkins, *Concilia*, III, 315-19, sections 1, 2, 10, and 12.

<sup>95</sup> See, for instance *LL*, 17/25 which specifically refers to Arundel's Constitutions.

<sup>96</sup> *Reg. Chichele*, I, cxlii-cxliv.

<sup>97</sup> See provisions chapter, 134-35.

vacant at that time, because of such matters of Lollardy and of that sect'.<sup>98</sup> Whereas the commons had once attempted to play on the Church's fears that they were being influenced by 'Lollards' – the protagonists of disendowment<sup>99</sup> – in order to push through reform, the commons were now restricted to pleading alliance with the Church against the 'Lollards'. In doing so the commons were also implicitly distancing themselves from support for disendowment: the threat of which was perhaps the strongest political weapon they had possessed vis-à-vis the Church until Oldcastle's Revolt.

Probably sensing the post-Oldcastle weakness of the commons' position, both the non-residence and chapels petitions were rebuffed. Once again the government argued that parliamentary reform was unnecessary. Thus, in the case of the non-residence petition, the government responded that the king with the advice of the lords spiritual and temporal had delivered the petition to the Archbishops of York and Canterbury and ordered them to ordain remedies for their provinces. Meanwhile the chapels petition was met with the reply that 'the king considers, by the advice of his lords spiritual and temporal, that there is sufficient means of redress elsewhere in spiritual or civil law'. The government was thus once again reaffirming its commitment to internal Church reform rather than parliamentary reform.

Nevertheless, in 1426 the commons presented another petition concerning non-residence in which this attempt to distance themselves from 'Lollards' became even

---

<sup>98</sup> 'Concideryng that to oure soverayne lord the King Henry, fader to oure lord the kyng that now ys, qwos God assoil, in the parlement atte Leycestr', hit was said and promised, that execution of yche mater shold have ben don, hade hit ben so that the see of Cauntebury had ben pleyn, ther as hit was at that tyme voyde, for syche materz of Lollardie and of there secte, as in that parlement was declared.' The official roll of parliament records no such promise, though Henry V did take action on hospitals and was very concerned with 'Lollardy' in this parliament. Perhaps this omission partly explains the comment of the chronicler John Strecche who notes of the April 1414 parliament that 'in illo parlamento multa alia secretius fuerant proposita que postea patuerunt' ('Chronicle of John Strecche for the reign of Henry V 1414-1422', ed. F. Taylor, *BJRL*, 16 (1932), 147).

<sup>99</sup> On the increasingly strong links between 'Lollards' and the concept of disendowment in the parliamentary rolls under the Lancastrians and especially Henry V – as witnessed, for instance, in the 1406 Lollard Bill – see introductory chapter, 12-14.

clearer.<sup>100</sup> The commons thus opened with the argument that because of non-residence from benefices with cure of souls ‘parishioners and others have not been taught about the laws of God but have fallen into Lollardies and heresies for lack of instruction’. Once again the commons were pointing to the threat of ‘Lollardy’ yet distancing themselves from it in a way which – unfortunately for their goals - underlined the fact that the threat was now politically impotent.

Nevertheless, having then added that such non-residence also resulted in sacraments not being administered, last rites not being received, and hospitality not being maintained the commons then went on to make some novel demands. They thus asked that the king ‘by the assent of his lords spiritual and temporal’ should ordain by the authority of parliament that any man of Holy Church, ‘who has cure of souls, or responsibility to perform divine service in his benefice’ who was absent from his benefice in which he had cure of souls for six continuous weeks then that benefice should become vacant and that it should be lawful for the patron to present another suitable clerk to it. The commons were thus once again attempting to assert parliamentary authority in order to ensure the provision of pastoral care, divine services and spiritual benefits to the patron. The stress on the assent of the lords spiritual is noteworthy and suggests the commons were attempting to provide a justification for such intervention: parliament had representatives from all parties and so was the supreme lawgiver of both Church and state. They had seen parliament intervene in other areas of Church affairs and they were trying to further that trend.

Meanwhile, the commons once again demonstrated that they were interested in more than just the rights of lay patrons by further stipulating that ‘if the patron does not present to the said benefice within six months after the said six weeks, then let it be

---

<sup>100</sup> *RP*, IV, 305-6.

lawful for the ordinary of the same diocese to collate to it, as if the benefice was vacant, by the death of the incumbent of the same'. The commons had thus evidently moved away from the position that the lay authority should intervene to ensure that the incumbents performed their duties and distributed a fair portion of their tithes on pain of financial penalties, to the idea that legislation should instead be used to forcibly remove those who did not. Thus having apparently abandoned the notion that the state could interfere in the system of tithe distribution the commons were advocating the notion that parliament could interfere with the process of institution which was arguably just as contentious. As we have seen, this was not entirely novel, as parliament had moved towards this position as regards aliens in October 1377.<sup>101</sup> However, once again the difference was that the commons were now attempting to interfere with the English clergy. The commons had thus not abandoned the principles of parliamentary Church intervention that had developed over the height of 'Lollardy'.

At the same time, the commons had climbed down somewhat from their earlier hopes and aspirations concerning exemptions. For a start, they accepted that those at the universities needed to be exempt from such stipulations. However, their earlier concerns that residence at Oxford and Cambridge might be used as an excuse were evidently still present. They thus stipulated that such residence should be 'for their education, and not as a result of avarice or other vices, and who do not exceed the age of 40'. Meanwhile the other groups exempted were also more tightly defined than before. The list of those exempted thus included prebendaries of cathedral and collegiate churches 'for the time that they are resident at the said cathedral and collegiate churches'; masters of the chancery who were actually 'working in chancery'; clerks in the service of the king

---

<sup>101</sup> See appropriation chapter, 203-4.



‘who have licences under his great seal for non-residence’,<sup>102</sup> clerks who ‘for the time being, are needful for the service of the prince, dukes, and bishops of this realm, having the same licences’; clerks ‘who have pluralities, provided they are resident on one of their benefices’; and clerks who are absent from their benefices ‘by the demands of the laws of Holy Church, or of our said sovereign lord, without their assent or agreement’. The commons were thus keen that provision for the cure of souls should be made by those responsible and that exceptions to this should be tightly regulated. However, they had finally accepted that such exceptions would be necessary given the failure of the plans of the parliamentary protagonists of disendowment.

Unsurprisingly however, the government did not bend to such pressure. Instead it took the commons on at their own game replying that ‘the king considers, by the advice of the lords spiritual and temporal, that there is adequate provision for redress elsewhere in spiritual or temporal law, if it is enforced’. The very authority the commons had appealed to had thus ruled that the existing balance between spiritual and temporal laws on this matter was sufficient and that no new assertion of parliamentary authority was necessary. Instead the lords spiritual promised to enforce the spiritual laws ‘and to summon their subjects to be resident, unless they have reasonable and lawful reasons for being absent, and to punish lawfully the non-residents for their absence.’ The Church’s liberties would be left intact. If it had not ceded influence on this issue in the years when the threat of disendowment loomed large it was not going to do so now. The commons seem to have finally accepted this since the issue was not raised again in parliamentary debate in the fifteenth century.

---

<sup>102</sup> The commons seem to be recognising the monarchy’s claim to exemptions from the stipulations of canon law.

### ***Conclusion***

Thus whilst the legislative activity on non-residence and pluralism generally conforms to the pattern that has been emerging in this thesis in terms of the commons' petitioning, it also stands out from that pattern, to some extent, in terms of governmental response. Whilst in other areas the government had been prepared to enact a certain amount of legislation that affected the liberties of the Church - albeit carefully balanced against such liberties - it was evidently never prepared to do so on the particular issue of residence. The reason for this is most probably an alliance of interests between the needs of the Church and the needs of the government. As suggested by his reported 1399 counter-reforms, Arundel may well have felt that this issue, more than any other, was at the heart of 'Lollardy'. It was at the level of the parish that people came most regularly in contact with the Church and hence the most likely level at which the Church would be judged. The effects of non-residence would thus have hit a particular chord with many: a fact which was very dangerous for the Church in a period in which there were those who were advocating disendowment as a solution to such problems. The Church thus needed to fight tooth and nail to preserve its liberties on this issue whilst being seen to take action towards reform. Meanwhile, the governmental bureaucracy was so dependent on the temporalities of the Church that the only parliamentary solution for non-residence which might appeal to the government was a separation of such temporalities from the spiritualities: in other words disendowment. That the government was not prepared to take such drastic action is suggested by the lack of any legislation on this issue. Henry IV may well have had a personal interest in the reform of pastoral care but his hands were tied on this particular issue and all he could do was put pressure

on the Church to reform itself and 'hope' that this would work. The commons themselves remained hopeful for more than this until 1414 but the monarchy never swayed. After 1414 the repressive actions taken against 'Lollardy' in Henry V's reign seem to have deterred the commons from taking any action until Henry VI's reign. In 1425, they returned with developed arguments, but by 1426 they had conceded there was little hope of parliamentary reform on this issue. Their attempts to disassociate themselves from 'Lollardy' revealed the weakness of their position. Without the genuine threat of disendowment the Church had little need to cede authority and the government no incentive to force it to do so.

**Chapter 5:*****Hospitals and the Misappropriation of  
Alms and Tithes******Introduction***

Parliamentary interest in pastoral care and the misappropriation of alms and tithes in this period can also be found in another area of legislative activity. In the Leicester parliament of April 1414 the commons put forward their first ever petition for the reform of hospitals.<sup>1</sup> The government duly obliged with a statute but the commons then presented a further petition on the subject in 1416. According to the commons themselves, they had become concerned with hospitals because a great number of these houses had 'now ... collapsed'.<sup>2</sup> To some extent this may have been true but there is, however, no significant statistical evidence to suggest that this period was a particularly troublesome one in the history of hospitals in that respect.<sup>3</sup> Hospitals did tend to collapse from time to time due to insufficient endowment but this was not a particularly novel development. Moreover the commons suggested that the hospitals had in fact been generously endowed to maintain the elderly, the poor, pregnant women and lepers. The key concern seems to have been that their endowments were being 'put to other

---

<sup>1</sup> However, the commons did present a petition in 1406 against bulls to be quit from tithes which, though not concerned with the reform of hospitals, did mention them. Significantly it asked that nobody, whether lay or secular, should prevent any person of Holy Church including hospital wardens from duly receiving their tithes. For a discussion of this petition, see chapter on non-residence, 258-60. For the statute see SR, II, 121-22.

<sup>2</sup> RP, IV, 19.

<sup>3</sup> The standard list of medieval hospitals which is currently in use is that in D. Knowles and R.N. Hadcock, ed., Medieval Religious Houses: England and Wales (London, 1971). This suggests that there was no significant decline in the number of hospitals in the years leading up to 1414. There are, however, a number of problems with this list which are discussed in N. Orme and M. Webster, The English Hospital: 1070-1570 (London, 1995), 10-11. Significantly, they point out that this list cannot take into account those hospitals which were converted to other uses yet still called hospitals. This further suggests that the commons were more concerned with the misuse of hospitals than their actual collapse.

uses' by both spiritual and lay men. Once again then the commons were demonstrating their post-1388 commitment to ensuring that tithes and alms were put to their proper uses by Englishmen as well as aliens, laymen as well as ecclesiastics. Meanwhile, the acceptance of the 1414 petition suggests that the resultant statute might also fit into the pattern of counter-reformatory legislation that has been emerging in this thesis. How far was this true?

### ***A) The History of the Debate over Hospitals***

#### ***1) Pre-'Lollardy'***

The tradition of hospitals complaint in England does seem to indicate that the politics of disendowment played a significant role in raising the issue on the commons' agenda. For a start, this tradition was not only new to common petitioning in 1414 but also relatively new to English debate of any type. The complaint that those who ran hospitals were misappropriating alms was admittedly present in European debate as early as 1311. In that year Pope Clement V issued the decree *Quia Contingit* at the General Council of Vienne in France. The decree observed that many of those who were in control of *hospitalia*, *eleemosynarie*, *xenodochia* and *leprosarie* were often failing in their duties, allowing their houses to fall into ruin, neglecting the poor and leprous, and misappropriating the profits for their own purposes.<sup>4</sup> However, such complaints do not appear to have become prominent in England at this time. Indeed, most significantly, the hospitals debate only began to make a significant impact in England in the 1390's in the context of the more general debate over clerical endowment.

---

<sup>4</sup> Orme and Webster, *English Hospital*, 131; *Decrees of the Ecumenical Councils*, I, ed. N. Tanner (Washington, 1990), 374-76.

## 2) 'Lollardy': Destruction or Reformation?

### *Dymoke's Counter-Reformatory Propaganda and the Manipulation of Definitions*

Thus in 1395 one finds the issue of hospitals playing a prominent role in England for the first time in the debate over 'Lollardy'. Roger Dymoke in his response to the Twelve Conclusions of this year argued against a 'Lollard' plan to disendow the Church and to reduce the number of colleges and hospitals to a hundred arguing that it would cause civil war in the realm.<sup>5</sup> According to Dymoke the 'Lollards' had demonstrated their simony by making the dangerous suggestion to parliament that the English Church should be disendowed to the king's benefit.<sup>6</sup> Dymoke argued that if the inhabitants of the houses were criminals they should be tried and punished but the houses themselves should not be destroyed or their revenues seized because they were consecrated to God and were held in trust for his service and the good of the poor.<sup>7</sup> Dymoke was thus proposing a counter-reformatory measure in response to an apparent threat from the 'Lollards'. The hospitals should be reformed to counter the destructive disendowment proposed by the 'Lollards'. Given Dymoke's employment in the fight against the 'Lollards' it is tempting to suggest that he may well have been one of the architects of the overall counter-reformatory strategy.

<sup>5</sup> 'Destructio collegiorum et domorum hospitalium, et eorum redactio usque ad numerum centenarium in regno Anglie verisimiliter causaret ipsius regni excicium, intestinum bellum et tocius regni maximum detrimentum': Dymoke, 175/15-19.

<sup>6</sup> 'Sic insidiatores, quasi alter Symon, Parlamento suggerebant, ut ecclesiam Anglicanam spoliarent, essetque possibile terras et tenementa ecclesiasticorum diripienda sub regis cadere potestate': Dymoke, 178/26-29.

<sup>7</sup> Dymoke, 175-76.

The protagonists of disendowment themselves do, in fact, seem to have been proposing the disendowment of some forms of religious houses at this time. The Twelve Conclusions themselves, which it must be remembered were posted at the doors of parliament, do discuss the proposed disendowment of one hundred 'alms houses' (two words rather than one):

for it was proved in a book that the king heard that one hundred 'alms houses' sufficed for all the realm,<sup>8</sup> and from this the laity shall receive the greatest profit<sup>9</sup>

These one hundred 'alms houses' must be the one hundred hospitals Dymoke was referring to. However, it is interesting to note the use of the term 'alms houses' rather than hospitals. This term had been used in its Latin form *domus elemosinarie* from at least the twelfth century and the distinction between this and a *hospitale* or hospital (used in English from about 1300) was often blurred.<sup>10</sup> This distinction is even more complex to unravel in the Twelve Conclusions given the fact that this was one of the earliest uses of the term recorded in the Middle English Dictionary. There was a Latin version of the Twelve Conclusions which uses the term '*domus ellemosynarum*'.<sup>11</sup> However, this version does not seem to be the original version but rather a simple translation.<sup>12</sup> Nevertheless, the authors evidently had one particular group of houses in mind. They were targeting those houses founded to pray for dead men's souls arguing that 'all the alms houses of England' were wickedly founded upon the idea that such

<sup>8</sup> It is tempting to speculate that this might be a reference to the alien cells that were the subject of so much parliamentary complaint owing to the fact that they exported English alms for the use of foreign religious houses with no benefit to the realm. On this, see appropriation chapter, 204-6.

<sup>9</sup> 'for it was providid in a bok pat þe kyng herde pat an hundrid of almes housis suffisede to al þe reme, and þerof schulde falle þe grettest encres possible to temporel part': *SEWW*, no.3/90-92.

<sup>10</sup> Orme and Webster, *English Hospital*, 39.

<sup>11</sup> This version can be found in *Fasc. Ziz.*, 360-69.

<sup>12</sup> Both the Latin and the English versions were extant by 1396 since they both appear in Roger Dymoke's *Liber Contra Duodecim Errores et Hereses Lolladorum* which was presented to Richard II on his return from Ireland in 1396. It seems more likely that the English version was written for the benefit of parliament, and the Latin version translated for the purposes of Dymoke's Latin work.

prayer was a work of alms. They complained that the realm was greatly burdened by its support for the mendicants, possessioners and 'other soul priests ... maintained in idleness'.<sup>13</sup> It was these 'alms houses' that they evidently wished to disendow and to reduce to one hundred in number. There is no hint in the Twelve Conclusions of a desire to disendow hospitals that were founded to serve the poor. Where had Dymoke's version of 'Lollard' disendowment plans come from?

One possible answer is that Dymoke was genuinely confused by 'Lollard' plans and was himself misled by the Wycliffite use of the term 'alms houses'. However, this seems unlikely given his thorough riposte to the Twelve Conclusions and Wycliffite teaching. Indeed, Margaret Aston has argued that Dymoke actually knew more about 'Lollard' disendowment plans than what was contained in the Twelve Conclusions alone.<sup>14</sup> Another possibility is thus that Dymoke was responding to more detailed plans. It is plausible that the Wycliffite preachers also attacked those hospitals that were founded for the poor but were now being misused by erring clerics. Indeed, a number of Wycliffite tracts complained that the misuse of charitable foundations should be amended.<sup>15</sup> Moreover, as discussed below, the later Disendowment Bill did argue that priests and clerks had almost destroyed all the almshouses within the realm.<sup>16</sup> This would also explain Dymoke's response that the inhabitants of such houses should be tried if they were erring, a response which makes little sense based solely on the

<sup>13</sup> SEWW, no.3/89-90.

<sup>14</sup> M. Aston. "'Caim's Castles": Poverty, Politics, and Disendowment', *The Church, Politics, and Patronage in the Fifteenth Century*, ed. R.B. Dobson (Gloucester, 1984), 56.

<sup>15</sup> See, for instance, Matthew 279/3-9: 'þat þe almes of lordis zoven to prelatis & religious, up certeyn condicions to fede certeyn pore men & oþer hospitalite & certeyn noumber of good prestis, be wisly amendid bi þe kyng & lordis whanne þes goodis beþ turned in-to pompe, glotonye & lecherie & meyntenynge false purchases; for þe kyng and lordis ben patrons & meyntenours of many synnes to destruction of þe lond'.

<sup>16</sup> SEWW, no.27/17-23; see below, 283.



evidence of the Twelve Conclusions which concentrates on the mistakes of the founders rather than those who inhabited such houses.

However, given the dedication of Wycliffite tracts to the cause of the genuine poor, it seems unlikely that they would have proposed the actual disendowment of houses that served the poor. In all probability Dymoke deliberately conflated the Wycliffite plan to reduce those almshouses which were simply chantries to a hundred in number with another Wycliffite plan to reform hospitals. He evidently realised that if he could present disendowment as something inimical to the poor he would be undermining the reformist claims on which it was based. Whereas the protagonists of disendowment claimed that disendowment was necessary to reform pastoral care and counter simony,<sup>17</sup> Dymoke was insinuating that such plans were based on simony and destructive to such pastoral care. Both sides in the debate were thus attempting to appeal to the commons' desire for reform, or at least to play on their reformist claims.

In the years following 1395, perhaps as a result of this manipulation of their aims, the protagonists of disendowment do seem to have made attempts to make clear the fact that they actually desired to create more institutions that helped the poor rather than destroy them. Thus the list of John Purvey's errors contained in *Fasciculi Zizaniorum* notes that Purvey argued that the Church should be disendowed so that the king, lords and commons should benefit. They would be able to use the revenues to have fifteen universities and 15,000 priests and clergy with sufficient victuals, and a hundred 'alms houses for the bedridden'.<sup>18</sup> Interestingly the term 'alms houses' is thus used again but this time explicitly qualified to leave no doubt what sort of houses were

---

<sup>17</sup> For Dymoke's accusations that the 'Lollards' were guilty of simony, see above, 277.

<sup>18</sup> *Fasc. Ziz.*, 393/12-19: 'Et ultra, rex, domini, et communes, possunt invenire, vel sustentare de novo quindecim universitates, et quindecim millia presbyterorum et clericorum, cum sufficienti victu, et centum domos eleemosynarias pro decumbentibus, et quilibet dominus habere valorem centum marcarum de terris. Et omnia haec bene possunt levare seu capi de praedictis temporalibus absque ullo sumptu regni'.

in question. Unfortunately we cannot precisely date this list of errors but a similar plan was most likely put before parliament in 1410. This, of course, was the infamous Lollard Disendowment Bill. In this bill the authors make it clear that a hundred *extra* almshouses could be made from the revenues of Disendowment and that these almshouses would help the poor.<sup>19</sup> Indeed, they link this plan with the parliamentary programme of pastoral reform stemming from the Statute of Cambridge. They thus plead that:

it should be ordained that every town throughout the realm should support all the poor men and beggars who cannot work for a living, in accordance with the statute made at Cambridge, and in case the aforesaid commons cannot sustain them, then the aforesaid almshouses can help them<sup>20</sup>

These almshouses would be given:

a hundred marks of land for each house in order to feed all the needful poor men, at no cost to the towns, but only from the temporalities amortised and wasted by proud and worldly clerks<sup>21</sup>

As discussed in the chapter on vagrancy, the question of how the poor were to be sustained had very much been left open by the Statute of Cambridge and so yet again the protagonists of disendowment were providing the commons with a solution through their disendowment programme.<sup>22</sup> Indeed, they present disendowment as the logical outcome of that statute and the commons' own programme of reform.

Intriguingly, however, the authors of the bill were seemingly planning to disendow what it describes as *spytells*, a late medieval term for hospitals. The bill points

<sup>19</sup> SEWW, no.27/9: 'c houses of almesse mo thanne he [the king] hath now at this tyme'.

<sup>20</sup> SEWW, no.27/19-23.

<sup>21</sup> SEWW, no.27/70-72.

<sup>22</sup> See social legislation chapter, 175.

out that it has not yet computed the amount to be raised from these or from other institutions including chantries:

And yet we still have not touched colleges, chantries, White Canons, cathedral churches with their temporalities, churches appropriated into the houses of monks, of Charterhouses, nor the French monks, nor glebes, nor the Bonhommes, nor hospitals, nor hermitages, nor the crouched friars<sup>23</sup>

At first sight this seems a little confusing considering the Bill's expressed desire to increase the number of almshouses and the general Wycliffite concern for the poor. Why would the authors wish to dispose of one type of charitable institution whilst increasing the number of another kind?

The answer to this question must lie in the distinction between an almshouse and a hospital. However, as noted above, such distinctions were often blurred during this period and this problem is compounded by the lack of a consistent 'Lollard' or Wycliffite definition of either almshouses or hospitals. In 1395, as we have seen, the Twelve Conclusions used the term 'alms houses' to describe what were essentially chantries whilst in 1410 the Bill was talking about houses for the poor. In the meantime, whilst one finds numerous Wycliffite tracts devoted to the subject of the misuse of alms and which show a concern for providing shelter and succour to the poor, it is difficult to find any which use the terms 'alms houses' or 'hospitals'. To determine the distinction made between 'alms houses' and 'hospitals' in the Disendowment Bill one is thus primarily left with the evidence of the Bill itself. What can be made from this?

One emerging distinction perceived by modern historians between almshouses and hospitals which may be present within the Bill is the fact that the later medieval

---

<sup>23</sup> SEWW, no.27/77-82.

almshouses tended to be run more along secular lines than the older hospitals. As Orme and Webster point out 'most even of the larger almshouses supported only a single master or chaplain, whilst serving brothers and sisters under religious rules gave way to inmates and servants governed by statutes'.<sup>24</sup> It has been suggested that this factor may well have been key in the Bill's preference for almshouses since the 'Lollards [believed that] ... poor relief ... should be provided by a mixture of organised local self-help and secular (which ideally meant state) intervention'.<sup>25</sup> Indeed, the Wycliffite tracts which do touch on this subject seem to have preferred secular control (although they were also often quick to blame the failings of the laity as well). Moreover, the key to the Wycliffite programme of reform, and indeed the parliamentary programme of reform, was evidently the lay supervision of charity, pastoral care and the Church itself. Most significantly the Bill itself stipulates that the hundred almshouses should be run 'by oversight of good and true seculars'.<sup>26</sup>

However, at the same time, this also implies that the authors of the Bill were concerned that the almshouses might not be run by seculars. After all they also argued that this was necessary 'because of priests and clerks that have almost destroyed all the almshouses within the realm'.<sup>27</sup> A secular run almshouse was thus their ideal rather than something that to them was already clearly distinct from an ecclesiastically run hospital. One thus again needs to be careful not to rely on set definitions of 'almshouses' and 'hospitals' in a period when such terms were still ill defined.

Indeed, it seems that the authors of the Bill were attempting to define the nature of such institutions themselves. As we have seen they intended their almshouses to look

<sup>24</sup> Orme and Webster, *English Hospital*, 138-39.

<sup>25</sup> C. Given-Wilson, 'Service, Serfdom and English Labour Legislation, 1350-1500', *Concepts and Patterns of Service in the Later Middle Ages*, ed. A. Curry and E. Matthew (Woodbridge, 2000), 34.

<sup>26</sup> *SEWW*, no.27/17.

<sup>27</sup> Note the similarity between this and the 1414 petition's argument that a great number of hospitals within the realm 'have collapsed'.

after vagrants and the poor – which presumably included the local poor. According to Orme and Webster it was the older hospitals which tended to take care of such people whilst the post-Black Death almshouses ‘did little for the sick, wayfarers or the local poor’.<sup>28</sup> The Bill’s ideal of an almshouse was thus something of a cross between an older hospital which cared for the local poor and the later medieval almshouse which was run by seculars. What then were the ‘hospitals’ mentioned in the Bill?

This is a very difficult question to answer. The earliest Middle English version of the Bill contained in BL MS Cotton Julius B.ii, ff, 61-63v, simply uses the term ‘spytell[s]’ without any further explanation.<sup>29</sup> However, help may well be at hand in the Latin version of the Bill recorded in the St Albans Chronicle under the year 1410. Here the houses are described as ‘leper houses called hospitals’.<sup>30</sup> This description does make sense since the term ‘spytel’ could be used for leper houses alone as well as hospitals that catered for a wider variety of people. It is thus plausible that the Bill intended to disendow these leper houses rather than hospitals in general.

A key question that thus emerges is why the authors targeted these houses? It seems highly unlikely that they did so out of any ill feelings towards lepers. There is no other evidence of this in the bill or in other tracts which proposed disendowment to parliament. Leprosy does not seem to have been a popular topic for Wycliffite discussion and Wycliffite tracts certainly did not attack lepers on a regular basis. It is perhaps feasible that their belief in predestination led some of Wyclif’s followers into believing that leprosy was an outward sign of predestination to hell. There were some Wycliffite preachers who argued that one could perceive the state of a soul’s health from

<sup>28</sup> Orme and Webster, English Hospital, 138.

<sup>29</sup> This version can be found in SEWW, no.27. The term ‘spytell[s]’ is at line 81.

<sup>30</sup> St Albans, 55: ‘domibus leprosororum scilicet spiteles’. Curiously, half a line is then left blank after ‘spiteles’. The one item in the middle English that is missing from the Latin is ‘Bonehommes’.

outward signs.<sup>31</sup> Moreover, there had long been those who connected leprosy with sinfulness and who looked to biblical examples to support this.<sup>32</sup> A few Wycliffite tracts followed this tradition, associating leprosy with such sins as simony and lechery.<sup>33</sup> However, they tended to do so in a manner designed to attack the latter sins rather than leprosy itself. Moreover, given the overwhelming number of tracts which suggested that the poor infirm were one of the classes of people who should be the recipients of charity, it seems unlikely that they would have singled out lepers on this occasion.

A more likely explanation may be found in the history of leper houses at this time. It has been well documented that the fourteenth century saw a decline in leprosy.<sup>34</sup> This decline saw a concomitant decrease in the number of leper hospitals and a conversion of many of those which did survive to other purposes. Thus many such hospitals became little more than chantries or chapels: a development compounded by the financial hardships many hospitals found themselves in during the latter half of the fourteenth century.<sup>35</sup> It was these houses that the authors of the Bill were really attacking just as they had in 1395. They had simply used different terminology to describe them. All this makes the presence of hospitals in the list of houses to be disendowed far easier to understand. Such 'hospitals' hardly looked out of place amongst chantries, colleges and appropriated churches. The authors of the bill were not planning to reduce the number of charitable institutions. Far from it - they actually planned to increase the number of these whilst disendowing all those which they felt had misappropriated alms or tithes.

---

<sup>31</sup> See, for instance, *EWS*, no.52/7.

<sup>32</sup> On this see, S.N. Brody, *The Disease of the Soul: Leprosy in Medieval Literature* (London, 1974), especially 107 ff.

<sup>33</sup> *Matthew*, 67, 205, 343, 377.

<sup>34</sup> On this decline and its effect on leper hospitals, see C. Rawcliffe, *The Hospitals of Medieval Norwich* (Norwich, 1995), 33-60.

<sup>35</sup> See Orme and Webster, *English Hospital*, 129.

## ***B) The Legislation***

### **The 1414 Legislation, the 'Lollard' Debate over the Misuse of Hospitals and Continued Attempts at Disassociation**

This finally takes us back to the parliamentary legislation itself. It seems almost certain that the commons were influenced by the debate that had been stirred by 'Lollardy' over hospitals. Indeed, we know of no other contemporaries who attempted to stir up similar concerns during this period. Chaucer and Langland, who had so much to say on other contemporary issues, were surprisingly silent when it came to hospitals.<sup>36</sup> Chaucer admittedly attacked the friars for their disregard of the poor and lepers but only as part of his general argument that the fraternal orders only catered for the rich.<sup>37</sup> He does not seem to have devoted any room to the misappropriation of hospital funds. Langland meanwhile, through the voice of Truth, did suggest that merchants should use their wealth to repair hospitals amongst other things but once again did not apparently discuss their misuse.<sup>38</sup>

Moreover there are direct similarities between the arguments used in the petition and those used in Wycliffite tracts. As we have seen, the 1414 petition also focused its discontent on the misuse of alms. Mirroring many Wycliffite tracts and the works of Wyclif himself it voiced its concern at the 'peril' that such misuse would bring to the souls of those who wasted the goods of poor men.<sup>39</sup> Meanwhile, echoing the more sophisticated definition of the deserving poor found in the 1388 Statute of Cambridge

<sup>36</sup> Orme and Webster, *English Hospital*, 132.

<sup>37</sup> Geoffrey Chaucer, *The Canterbury Tales*, ed. and trans. N. Coghill (London, 1977), 9.

<sup>38</sup> 'amende mesonsdieux': Langland, *The vision of William concerning Piers the Plowman*, 2 vols., ed. W.W. Skeat (Oxford, 1969) B.vii 99-103.

<sup>39</sup> See, for instance, Arnold, 311/14-20.

and the general post-1388 shift towards a more detailed focus on the specific duties expected in return for alms and tithes from the English Church itself, the petition specified the deserving recipients of hospital care quite tightly. The petition thus argues that the hospitals were founded and generously endowed to maintain 'old men and women, leprous men and women, those who have lost their senses and memory, poor pregnant women, and men who have lost their goods and have fallen on hard times'.<sup>40</sup> Significantly it thus included lepers in the list of those the hospitals were founded to support yet did not spell out the 'other uses' to which such houses were now being put. Given that we know that such leper houses were being converted into chantries and chapels it seems possible that the commons may well have shared the Wycliffite concern about this but were once again deliberately attempting to avoid association with 'Lollardy'.<sup>41</sup> After all the shadow of Oldcastle's Revolt in January of the same year loomed large. Similarly, their detailed definition of the deserving poor may have echoed the controversial tripartite definition of 1388 but it was distinct enough from it that it could not be so easily mistaken for a 'Lollard' definition.<sup>42</sup> Just as in other areas of legislation the commons were thus now having to more carefully balance their reformist

---

<sup>40</sup> 'veigles hommes et femmes, lazars hommes et femmes, hors de lour senne et memoir, poveres femmes enseintez, et pur hommes q'ount perduz lour biens et sont cheiez en grande meschief'. This focus on women as well as men seems to be another novel contribution to the parliamentary tradition concerning the misuse of alms.

<sup>41</sup> In 1402 the commons had been more open in complaining about tithes being misappropriated to the use of private chaplains in a petition concerning vagrant vicars. See non-residence chapter, 250-51.

<sup>42</sup> Indeed, it is, interesting to note the differences between the commons' definitions of deserving beggars and deserving recipients of hospital care. The 1388 bill thus effectively defines the deserving poor as the blind, the sick and lepers whilst this petition includes the lepers and adds the pregnant and the down at their luck, whilst quite tightly defining the sick as the mentally impaired. They also included either the 'old' or the 'blind' or the 'impotent' depending on how one translates 'veigles'. The *Anglo-Norman Dictionary* (868-69, 884) appears to suggest either of the former two options (although this precise spelling does not appear to be present), whilst Orme and Webster (*English Hospital*, 135) translate 'veigles' as the impotent and suggest that such 'impotent' people would include 'both the aged and those suffering from disablement, such as cripples and the paralysed'. This would fit in more closely with the definitions of the deserving poor in the Statute of Cambridge.



ideas and intentions against the need for restraint in the more repressive era that was dawning.

Indeed, such concerns help to explain why the petition, in a similar way to many of the petitions concerning non-residence and pluralism, takes a fairly compromising attitude to reform. For a start, it is hardly surprising that there are no overt calls for disendowment. Rather it followed the Disendowment Bill in asking for reform of the 'collapsed houses'.<sup>43</sup> Moreover, unlike the pre-Oldcastle petitions which concerned the misuse of tithes discussed thus far in this thesis, it did not directly attack the clergy for their misrule - which is again suggestive of a more cautious approach in these years of repression. However, such accusations were surely implicit. Like the Disendowment Bill it also called on a lay authority - parliament - to ensure that the charitable institutions were run correctly. Once again it hinted at the justification for such intervention by stipulating that this should be done 'with the assent of the lords spiritual and temporal' - thus continuing the commons' quest to establish parliament as the pre-eminent authority in the land in both lay and spiritual matters. However, it notably left 'the manner and form' of the inspections it demanded up to the king.

This loophole was immediately seized upon by the government who granted the commons' request but on the basis that the ordinaries would be the inquisitors. The king thus ordered the ordinaries to make inquiry into the manner, foundation, administration, condition, 'and all other necessary and requisite matters' of all hospitals which were of the king's patronage and foundation. These inquisitions were to be made 'by virtue of the royal commissions addressed to them' and were to be 'certified in the king's chancery'. Meanwhile, the ordinaries were to make inquiry into the manner, foundation, condition, administration and all other relevant aspects and issues of all other hospitals

---

<sup>43</sup> c.f. the bill's argument that the clergy have destroyed almost all the almshouses within the realm.

and to thereupon 'bring about correction and reform in this, in accordance with the laws of the Holy Church, as pertains to them'.<sup>44</sup> The government was once again seemingly attempting to balance the commons' desire for lay reform of the Church with the need to protect the liberties of the Church. Evidently the government felt that it could use the king's position as patron in order to implement a greater degree of lay intervention in those hospitals which were of his patronage and foundation, whilst at the same time stressing its recognition of the rights of the Church.<sup>45</sup> In doing so the government was simply reaffirming the *de facto* situation in England whereby the monarchy held the rights of visitation over hospitals of its patronage and foundation and the bishops held the rights of visitation over all other hospitals.<sup>46</sup> Moreover its overall reliance on the bishops as inquisitors – which most probably also owed something to practicalities given the expense involved in so many visitations<sup>47</sup> – meant that ultimately the whole operation was reliant upon the honest cooperation of the Church. Indeed, even the most important government officials involved in the inquisitions – the Chancellor and the

---

<sup>44</sup> 'facent ent correccion & reformation solonc les loies de seinte esglise, come a eux app(ur)tient': *SR*, II, 175-76. Orme and Webster (*English Hospital*, 32) point to the use of the phrase 'come a eux appurtient' in the Rolls of Parliament (which they translate as 'it belongs to them') to argue that the commons were recognising the jurisdiction of the Church over the reform of hospitals. However, this recognition is made by the government - not the commons - since this phrase appears in the governmental response to the petition rather than the petition itself.

<sup>45</sup> However, there may be evidence to suggest that the monarchy, on rare occasions, was prepared to override the rights of the Church. Thus Orme and Webster (*English Hospital*, 34) note that the crown sometimes made general enquiries into non-royal hospitals when 'a plaintiff pleaded for justice against a hospital in the king's courts'.

<sup>46</sup> However, this situation itself did not arise without controversy, with strong opposition voiced by numerous bishops to such royal rights over visitations in the thirteenth century. Nevertheless, by the beginning of Edward III's reign they had, tacitly at least, recognised the exemption of royal hospitals from episcopal supervision. On this see K.L. Wood-Legh, *Studies in Church Life in England Under Edward III* (Cambridge, 1934), 38-60.

<sup>47</sup> Royal visitations of hospitals were quite rare and hospitals under the king's jurisdiction were 'seldom, if ever, troubled by the visitors so long as they remained of good report' (Wood-Legh, *Church Life*, 41). The government would have been quite unprepared to take on the visitation of all royal hospitals whatever their general reputation. Episcopal visitations of hospitals under episcopal jurisdiction were far more common and the government would thus have been glad of their expertise. However, even bishops would not have been used to visiting all the hospitals of the land in one exercise and the statute, if fulfilled, would surely have been a massive and unprecedented exercise. This may well explain why the bill does not stipulate time limits, and why ultimately it does not seem to have been fulfilled.

officers of chancery – were likely to be members of the clergy.<sup>48</sup> Meanwhile, no stipulations were made about the date by which such inquisitions should be made. The bill could thus not have been wholly satisfactory to those who had demonstrated such a deep mistrust of the Church in the preceding years. It was clearly a statute born of compromise.

#### **1416 Petition and its Aftermath: Ineffective Counter-Reforms and Repression?**

It may well have been this fact which helps to explain the appearance of a second petition on hospitals in the parliament of March 1416. Indeed this petition complained that the statute of 1414 ‘has never been put into effect, nor has anything been done by the ordinaries or others that should have been done as regards the correction and redress of the governance and resources of the aforesaid hospitals.’<sup>49</sup> How far this was true is difficult to answer. The government, for its part, does seem to have made further significant moves concerning hospitals in 1414. Thus Henry V sent a series of proposals for the reform of the Church to the University of Oxford in 1414, one of which concerned ‘the reform of the hospitals’. In this Henry V followed the spirit of the common petition in attacking the misuse of the alms which truly belonged to the poor:

Whereas hospitals were founded and endowed to support the poor and feeble, these objects have been cast away. Masters and wardens of hospitals convert the goods to their own uses and consume them, and the same happens in not a few

---

<sup>48</sup> Perhaps because of the fact that Chancellors were generally ecclesiastics, their rights over the supervision of royal hospitals were strictly maintained against other royal officials. On this see Wood-Legh, *Church Life*, 39-40.

<sup>49</sup> *RP*, IV, 80.

abbeys, priories and collegiate churches which have possessions to distribute to the poor and destitute.<sup>50</sup>

These were replied to in a list of forty-six desirable reforms for the Church submitted to Henry by the university of Oxford in the same year.<sup>51</sup> The choice of Oxford is interesting given its earlier protection of men branded as 'Lollards'. The involvement of such an institution in the reform of the Church seems to parallel other concessionary moves made to former critics of the Church – such as the appointment of Philip Repington as Bishop of Lincoln – and thus may have been another part of the counter-reformist strategy. Indeed, a large number of these reforms were aimed at dealing with the issues that were so close to both the commons' hearts and the Wycliffite agenda: pluralism, alien benefices, papal indulgences, the failings of bishops, the appointment of cardinals and the problem of 'false' preachers. This latter reform is particularly interesting. Given that this was the year of Oldcastle's revolt one might interpret 'false preachers' to be the followers of Wyclif but the reforms themselves are probably deliberately vague. They could equally be interpreted to be the 'false' preachers that were the subject of so much Wycliffite vitriol.<sup>52</sup> The reforms thus seem to have been designed to appeal to those who may have been attracted to reformist ideas promoted by the Wycliffites by hinting that many of these ideas were now part of mainstream reform. At the same time a reminder is then made at the end of the risks of supporting 'Lollardy'. Secular officials are thus called upon to assist the bishops (whose

<sup>50</sup> Wilkins, *Concilia*, III, 365, trans. Orme and Webster, *English Hospital*, 135-36.

<sup>51</sup> 'Articuli concernentes reformationem universalis ecclesie' printed by Wilkins in his *Concilia*, III, 361-65. A brief discussion of these is given in E.F. Jacob, 'A note on the English Concordat of 1418', *Medieval Studies presented to Aubrey Gwynn*, ed. J. Watt, J. Morall and F. Martin (Dublin, 1961), 353.

<sup>52</sup> Indeed, it was not only Wycliffite preachers who were affected by the more repressive attitude to preaching. Their fraternal opponents who they saw as 'false preachers' were also hit hard. See B. Kedar, 'Canon Law and Local Practice: The Case of Mendicant Preaching in Late Medieval England', *Bulletin of Medieval Canon Law*, New Series 2 (1972), 26-32.

competence, it must be remembered, had been called into question) in arresting heretics and 'Lollards' and in confiscating 'Lollard' books lest the simple might be deceived. Once again both the carrot and the stick were to be used. Reform would be implemented but heresy and disendowment were not acceptable.<sup>53</sup>

Meanwhile, Henry V also seems to have taken the hardships of hospitals into consideration when raising funds for his French campaigns in 1415. Thus the Canterbury convocation, which met in November of this year, records that hospitals were to be excluded from the religious houses to be taxed.<sup>54</sup> He had thus gone to some lengths to be seen to be dealing with the hospitals issue. However, there is little evidence that the bishops put any inquisitions into action or that Henry forcibly pushed them to do so.

The commons must have realised this and consequently asked for more rigorous checks on the bishops in 1416. They requested that 'every ordinary throughout his jurisdiction, by the authority of this present parliament only, and without any other commission', should make enquiry into the endowments of all the hospitals under the king's jurisdiction, and whether or not they were living up to their responsibilities. These 'same ordinaries should provide two certificates in our lord's chancery concerning all they have done on this matter, before the first day of March next, each ordinary on pain of £100 to be paid to our lord the king'. The commons were thus attempting to increase the lay pressure on the episcopacy to carry out reform by adding rigid time stipulations and penalties. They were evidently suspicious of the episcopate's willingness to carry out these reforms and were keen to assert parliamentary authority to

---

<sup>53</sup> On the associations made by the Lancastrians, and in particular Henry V, between 'Lollardy' and disendowment, see introduction, 11-14.

<sup>54</sup> *Reg. Chichele*, II, 6: 'Prelati et clerus provincie Cant' concedunt domino nostro regi duas decimas de bonis et beneficiis suis ecclesiasticis ad decimam taxatis et ad decimam solvere consuetis, exceptis bonis et beneficiis pauperum monialium et hospitaliariorum beneficiisque in partibus Wallie'.

ensure they were carried out.<sup>55</sup> They were also evidently suspicious of all ecclesiastics who held jurisdiction over hospitals, insisting that such men certified and corrected their hospitals on pain of losing their jurisdiction. However, they did pay some respect to the rights of the Church by saying this should be done 'according to the laws of Holy Church' and by stipulating that in cases where jurisdiction was removed it should be yielded to the ecclesiastical overlord. Nevertheless, even this gesture implied widespread fault amongst the ecclesiastical hierarchy since even bishops were included in the list of those who should be deprived. Moreover the commons also asked that all patrons should have the right to remove unfit incumbents and replace them by writ of *scire facias*. The government, however, was evidently not prepared to go this far and simply responded that the 1414 statute should be kept and duly enforced.

Intriguingly, however, the 1416 petition was the last petition that asked for such inquisitions to be put into force. There does not seem to have been any great reform of the hospitals in the years which immediately followed, so the commons' silence cannot be put down to satisfaction. Indeed, nine years later the commons of Henry VI's reign were evidently still concerned by the misappropriation of hospital funds. Thus the non-residence petition of 1425, discussed in the previous chapter, which concerned the misuse of tithes by various non-resident members of the clergy included hospitallers amongst these.<sup>56</sup> Just as with non-residence, repression appears to have played an important role in damping down parliamentary debate on this issue.

---

<sup>55</sup> Such suspicions parallel those of the commons behind the 1390 statute of Provisors who insisted that the chancellor should implement the statute or suffer extreme penalties. See provisions chapter, 106-7.

<sup>56</sup> See non-residence chapter, 265.

***Conclusion:***

The legislative activity on hospitals thus helps to confirm a number of observations made in other chapters. Most significant is the fact that it underlines the link between the programme of pastoral reform that was evidently being developed by the commons - a programme that transcends various areas of legislation - and a similar programme of reform developed in tracts which proposed disendowment of the Church to parliament. The commons again took a cautious approach and were prepared to compromise, but this was even more understandable in the wake of Henry V's crushing of Oldcastle's revolt. Indeed, their attacks on the Church were less aggressive than they had been in other areas before 1414. Meanwhile, the government and the Church, perhaps partly inspired by the counter-reformatory suggestions of Dymoke in 1395, seem to have appreciated the links to 'Lollardy' and to have realised the value of counter-reform in this area. Consequently they both agreed to a statute in 1414 and worked with that previous 'hotbed of heretics' the university of Oxford to propose a whole series of Church reforms. However, it was one thing to agree to reforms, quite another to deliver them. The practical problems involved in such an all-embracing enquiry into all hospitals and the government's desire to keep the Church happy meant that a great deal of reliance was put on the Church to put its own house in order. In the end the Church appeared unwilling or perhaps more likely unable to offer more than false promises and thus had to rely on the other string to its bow: repression with the support of the lay power. The stick would eventually succeed where the carrot had apparently failed.

*Section Three:*

*The Spirit of 1388 and the The Friars*



**Chapter 6:*****Parliament and the Reform of  
Fraternal Recruitment Practices******Introduction***

Parliamentary reform of the English Church can also be found in a statute of 1402. In this year parliament, for the first time, set limits on the age of entry to the fraternal orders and on the methods of fraternal recruitment.<sup>1</sup> This legislation did not result from an appeal by men of religion but from a petition ostensibly put forward by the secular commons. Once again the English Church itself was being subjected to parliamentary interference in a manner that had been unusual before this period. Was this a mere coincidence or does this piece of legislation fit into a discernible pattern?

The possibility that this piece of legislation was simply an *ad hoc* reaction to contemporary circumstances is raised by the immediate background to the statute. Earlier in 1402, certain groups of friars had been implicated in conspiracies against Henry IV. Walsingham, who demonstrated a clear dislike for the friars, records the execution of nine Franciscans for plotting against the king during 1402, and claims that they were suspected both of Welsh sympathies and the use of magical devices.<sup>2</sup> Meanwhile, the author of the Continuatio Eulogii (who was himself most likely a Franciscan) relates the interrogation and subsequent execution of eleven Franciscans from Leicester, Aylesbury and elsewhere, for disseminating rumours that Richard II lived on. Apparently Henry was forewarned that such reports, which were causing him a great deal of discomfort in the early years of his reign, would not die down until the friars were

---

<sup>1</sup> The 1402 parliament met between 30 September and 20 November.

<sup>2</sup> Annales, 340-43.

silenced.<sup>3</sup> In such a context it might be argued that Henry IV decided to introduce this legislation in 1402 partly as an act of revenge. The fact that nine of the other statutes from this parliament concern people who had rebelled against the king, namely the Welsh, could perhaps be interpreted as an indicator of the political nature of this statute.

However, it must be noted that there is no clear-cut evidence that friars from any of the other fraternal orders were involved in rebellion against Henry IV. Indeed, all the friars rumoured to have taken part in seditious acts against Henry by various chroniclers are apparently described as Franciscans or simply as friars.<sup>4</sup> Meanwhile, Henry seems to have aimed his retaliation at the Franciscans – and in particular the Franciscans at Leicester – since all the friars he executed were Franciscans, and he also issued a prohibition against speaking openly to the prejudice of the king at a general chapter of the Franciscan order at Leicester. Moreover, there is little evidence that Henry was particularly ill disposed towards the friars in general. Indeed, as discussed in the introduction, he seems to have favoured the Carmelites.<sup>5</sup> It thus seems improbable that he would have deliberately introduced a statute that would have affected all the orders of friars out of simple revenge.

In fact it is quite possible that Henry decided to bring in this statute more as an act of reform than revenge. One of the Leicester rebels, the Franciscan theologian Dr. Frisby, after being condemned to be hanged, told the king ‘You have never favoured the Church. On the contrary, you greatly disparaged it before you became king, and now you are destroying it.’<sup>6</sup> As discussed in the introductory section Henry IV fought off similar

---

<sup>3</sup> *Eulogium Historiarum*, III, 388-94. See P. Morgan, ‘Henry IV and the Shadow of Richard II’, *Crown, Government and People in the Fourteenth Century*, ed. R. Archer (Stroud, 1995), 12-13.

<sup>4</sup> For a discussion of these seditious acts, see P. McNiven, ‘Rebellion, Sedition and the Legend of Richard II’s Survival in the Reigns of Henry IV and Henry V’, *BJRL*, LXXVI (1994), 93-117.

<sup>5</sup> See introductory section, 60-61.

<sup>6</sup> *Eulogium Historiarum*, III, 392.

slander in the 1399 parliament, claiming that he planned to reform not destroy the Church.<sup>7</sup> Reading between the lines it thus seems that Henry had been a critic of contemporary Church practices before 1399 and was now apparently looking to reform the Church. The 1402 statute could therefore have been part of such plans.

In this light it is important to note that Walsingham makes special mention of three statutes passed by this parliament, the first of which being the fraternal recruitment statute, the second of which dealt with apprenticeship, and the third of which concerned an abuse of sanctuary.<sup>8</sup> In fact, the latter two do not appear to have been enacted as statutes but relevant commons petitions<sup>9</sup> were recorded in the parliamentary rolls. The former of these requested that no child whose parent received an annual income of less than forty shillings a year or possessed less than forty pounds worth of goods should be taken on as an apprentice.<sup>9</sup> What is interesting about this piece of reformist legislative activity for our purposes is that it, rather than the legislation designed to crush the Welsh rebels (with whom, as we have already seen, he associated the friars), was possibly linked in the chronicler's mind to the legislation concerning the friars. It thus might well be that for the chronicler at least, the legislation appeared to be reformist rather than a simple instrument of political revenge.

One reason this might be so was because of the content of the petition and legislation. Neither the petition nor the legislation was overtly designed to clamp down on political indiscretions of friars. In very simple terms the petition requests that:

no liege of the king, nor any foreigner, should enter into any of the houses of the four orders, that is to say the Friars Minor, Augustinian, Preachers and Carmelites, under the age of twenty-

---

<sup>7</sup> See introductory section, 54.

<sup>8</sup> *Annales*, 349-50.

<sup>9</sup> *RP*, III, 501. Legislation on this subject did eventually follow in 1406: *SR*, II, 57.

one years, nor that any of the said orders of friars should receive or accept them into the order, or in the habit, or profession, on pain of the penalty specified in the statute of provisors, to be incurred by the provincials, wardens and priors of the orders and houses of the said friars, following any suit which anyone might wish to sue in the name of the king.<sup>10</sup>

This, ostensibly, has very little to do with rebellion or sedition. The fact that it requests restrictions on the age of entry to the fraternal orders makes it unsurprising that the St. Albans chronicler should discuss this petition alongside that concerning apprenticeship rather than those involving the Welsh. They both clearly share the theme of reform. The petition is also clearly very short. Indeed, the fact the king's response was almost four times as long as the petition suggests the government may have played a key role in promoting the legislation. Since it also contains more reformist ideas than the petition, it also seems that the government was keen that its actions were seen to be reformist. One question thus springs to mind. Why was this particular issue picked on?

An answer to this might be found in the statute. The statute seems to imply that the friars had been unscrupulous in their recruitment habits. Over and over, in typical legalistic fashion, it stresses how the permission of parents and guardians is needed for recruitment, how infants should not be taken away from the place where they first entered the order for at least a year, and should not be held against the will of their parents or guardians.<sup>11</sup> The words used to describe the actions now forbidden to the friars: *embesillez* and *esloignez* reinforce this image of unscrupulous behaviour. One reason for this might be the catastrophic effect of the Black Death in 1348-9. Up to half

---

<sup>10</sup> *RP*, III, 502.

<sup>11</sup> *SR*, II, 138.

of England's men of religion may well have died.<sup>12</sup> As a result English monks of all orders petitioned Rome for at least twenty years after 1349 asking that the age of ordination might be lowered to help with the problems caused by the plague.<sup>13</sup> The Cistercians certainly seem to have adapted their recruitment practices.<sup>14</sup> The friars may have been particularly hard hit with some estimates indicating that their numbers had fallen from 5,331 friars just before the initial bouts of plague, to 2,197 friars in a matter of months. The friars were thus likely to have been desperate to recruit more members and this may well have had an impact on their recruitment policies. By our period in England, the friars' numbers had apparently made somewhat of a recovery, up from 2,197 in 1350 to 2,995 in 1422.<sup>15</sup> Szittyta argues that these figures do not seem suggestive of a new and rigorously unscrupulous recruitment drive given the fact that this amounts to 'an average increase of ten or eleven a year, or two or three new members in each of the four orders'.<sup>16</sup> However, this does not take into account natural replenishment rates, or the potential impact of further bouts of plague. Indeed, one must be cautious since these figures give no indication of the stages in which this increase was achieved. It is feasible that the friars became increasingly proactive and flexible in their recruitment practices in the years directly preceding 1402, in the same manner as employers may have given increasingly high wages during this period. Nevertheless, Szittyta does find some support from Carrolly Erickson who argues that 'the charge of stealing children conflicts with other evidence. The Franciscans seem to have been

---

<sup>12</sup> For the effects of the plague on the religious orders, see C. Harper-Bill 'The English Church and English Religion after the Black Death', *The Black Death in England*, ed. M. Ormrod and P. Lindley (Stamford, 1996), 79-123.

<sup>13</sup> D. Knowles, *The Religious Orders in England*, II, (Cambridge, 1955), 11-12.

<sup>14</sup> See Harper-Bill, 'English Religion', 94-95.

<sup>15</sup> The statistics are from D. Knowles and R. N. Hadcock, *Medieval Religious Houses: England and Wales* (London, 1971), 489-92.

<sup>16</sup> P. Szittyta, *The Antifraternal Tradition in Medieval Literature* (Princeton, 1986), 223.

unusually scrupulous ... Pressure [to join the order] seems to have come most often not from Minorites anxious to recruit them but from parents, friends, or tutors.<sup>17</sup> Whilst it must be noted that the evidence is not clear for all the fraternal orders, it must also be conceded that there seems to be no clear-cut evidence to support all of the statute's implicit accusations.

In this light it must be noted that (paralleling the charges made against lay vagrants) such accusations may have had their roots in traditional stereotypes used to denigrate the friars. The recruitment practices of the friars had been under scrutiny since the time of William of St. Amour. He argued that the friars brought an 'infinite and uncertain number of persons' (*infinitae et incertae personae*) into the Church who were not successors of the twelve apostles or the seventy-two disciples and thus not part of the fixed ecclesiastical order.<sup>18</sup> These arguments proved influential and were still present in writings which criticised friars at the time of the 1402 legislation. Indeed, the curious thing about the charges against the friars' numbers is that such charges actually became more common from the middle of the fourteenth-century, most especially so from the time of Wyclif. As Szittyá has noted, these charges would have been much more appropriate in thirteenth-century England when the mendicant orders grew rapidly at the expense of their monastic counterparts whose numbers fell during the same period.<sup>19</sup> Rather they became prominent just after the biggest catastrophe ever to hit mendicant numbers. FitzRalph, Chaucer, Gower, Langland, Wyclif and his Wycliffite followers all complained about the number of friars, and their child-stealing ways. However, the point was that it was not necessarily the friars' actual numbers that bothered these writers. It

---

<sup>17</sup> C. Erickson, 'The Fourteenth-Century Franciscans and their Critics', I, *Franciscan Studies*, 35 (1975), 113, fn.19.

<sup>18</sup> Szittyá, *Antifraternal Tradition*, 46-47.

<sup>19</sup> Szittyá, *Antifraternal Tradition*, 223.

was the fact that they took part in the same spiritual activities in the secular world as the secular clergy. According to such writers the Church had a finite number of offices for a finite number of persons, as it had done since Christ ordained the twelve apostles. The secular clergy were the successors of the twelve apostles, and were thus within the ordered Church hierarchy and were hence 'numbered'. The friars, however were unlimited and 'unnumbered' and thus threatened the order of the Church.<sup>20</sup> In the general disorder that followed the plague it is not hard to see why old arguments concerning the friars' numbers and their recruitment practices may have been spun out and developed. The friars clearly made obvious scapegoats. In particular the need to replenish fraternal, monastic and clerical numbers may well have fuelled increased rivalry between the fraternal orders and the rest of the Church over the recruitment of new members. The friars may well have been fuelling the accusations levelled against them by their own actions, but such rivalries and stereotyped ideas may have distorted the nature of their recruitment policies.

### **University Numbers, 'Lollardy', and Fraternal Recruitment: A Counter-Reformatory Statute?**

Arguments over fraternal recruitment may also have been fuelled by the perceived late medieval crisis within the universities. Although modern historians have reached no firm conclusions about this crisis from the incomplete statistical evidence,<sup>21</sup> many medieval contemporaries seem to have felt convinced that the universities were in

---

<sup>20</sup> For a fuller discussion of the above, see Szittyá, *Antifraternal Tradition*, 222-25.

<sup>21</sup> See T.A.R. Evans, 'The Numbers, Origins and Careers of Scholars', 485-538 and J.I. Catto, 'Wyclif and Wycliffism at Oxford 1356-1430', 175-261 both in *The History of the University of Oxford*, II, ed. J.I. Catto and T.A.R. Evans (Oxford, 1992). See also R.N. Swanson, 'Universities, Graduates and Benefices in Late Medieval England' *P&P*, 106 (1985), 28-61 and G.F. Lyttle, 'Patronage Patterns and Oxford Colleges, c.1300 - c.1530', *The University in Society*, I, ed. L. Stone (London, 1975), 111-49.

a state of decline as regards their numbers. As discussed in the chapter on provisors, the opponents of papal provisions often suggested that this decline was the fault of papal provisions whilst their enemies argued that the provisors legislation was actually more harmful to the universities. A number of critics, however, suggested that the friars were to blame.<sup>22</sup> Thus, as early as 1344, Richard de Bury complained that the friars were luring boys away from the schools 'with summer fruits ... to the annoyance of their parents, the danger of the boys, and the detriment of the order'.<sup>23</sup> However, once again such arguments grew in prominence after the onset of the Black Death. FitzRalph certainly seems to have attempted to tap into concerns over university numbers in his 1357 *Defensio Curatorum*. In this work FitzRalph (who had been Chancellor of Oxford between 1332 and 1334) claimed that during his time at Oxford the student population fell from 30,000 to 6,000. According to FitzRalph this was the fault of friars who stole children from their fathers and mothers. This greatly damaged the people because 'for many men, what they love best in the world is their own children', and the clergy because parents now withheld their children from going to university. Apparently, this was because they felt it was better 'to make them earth tillers and keep them than send them to university and lose them'.<sup>24</sup> In the labour starved post-plague world, it is notable that FitzRalph should choose to stress that these children were being lost to labour. He may thus have been tapping into a real sense of crisis within the universities: a crisis which he felt outweighed the labour crisis in the minds of his curial audience.<sup>25</sup> This

---

<sup>22</sup> The Carmelites, Franciscans, Dominicans and Austins had all settled in the University by the mid-fourteenth century. See M.W. Sheehan, 'The Religious Orders 1220-1370', *The History of the University of Oxford*, I, ed. J.Catto (Oxford, 1984), 193-94.

<sup>23</sup> Richard de Bury, *Philobiblon*, trans. E.C. Thomas, ed. M. Maclagan, 188-89; J.R.H. Moorman, *The Grey Friars in Cambridge, 1225-1538* (Cambridge, 1952), 107.

<sup>24</sup> Richard FitzRalph, 'Defensio Curatorum', in E. Brown, *Fasciculus Rerum Expetendarum*, II, 473-74.

<sup>25</sup> The 'Defensio Curatorum' was initially presented before the papal curia in Avignon in 1357. However, according to Walsh, it did become 'the most influential piece of anti-mendicant polemic published during the



suspicion is strengthened by a University of Oxford Statute that has been ascribed to the year 1358. This forbade the admission of boys under the age of eighteen into any of the mendicant orders.<sup>26</sup> The preamble states that:

nobles of this realm, those of good birth, and very many of the common people are afraid, and therefore cease, to send their sons and relatives and others dear to them in tender youth, when they would make most advance in primitive sciences, to the University to be instructed lest any friars of the orders of mendicants should entice or induce such children, before they have reached years of discretion, to enter the order of the said mendicants.<sup>27</sup>

The University of Cambridge seems to have passed a similar statute though no record of it has survived. Thus, in November 1364 the Pope ordered the Archbishop of Canterbury to summon the Chancellor of Cambridge and others concerned and, if the friars' (who had evidently complained about the statute) accusations were verified, to force them to annul the statutes and penalties made against the entry into the mendicant orders of students under the age of eighteen.<sup>28</sup> This evidently had little effect as the friars then appealed to parliament in 1365. After a hearing before the great council (significantly with no involvement from the commons)<sup>29</sup> the government duly upheld the friars' complaints concerning this and other 'antifraternal' statutes made by the university, ordering them to be quashed. However, it also ordered the friars to suspend all the bulls it had procured from the Court of Rome, and notably insisted that the king 'shall reserve to himself power to redress and make amends for the outrages and trespasses done to any

---

later middle ages', surviving in no fewer than eighty-four manuscripts: K. Walsh, *A Fourteenth Century Scholar and Primate: Richard FitzRalph of Oxford, Avignon, and Armagh* (Oxford, 1981), 413, 469.

<sup>26</sup> The editor of the statute ascribes it to 1358 but admits that he cannot be sure. This could be evidence for the influence of FitzRalph but the argument would be circular as FitzRalph's *proposicio* of 1357 is one of the key reasons the editor ascribes it to 1358.

<sup>27</sup> *Munimenta Academica*, I, (London, 1968), 204-5; translation in Moorman, *The Grey Friars in Cambridge*, 108.

<sup>28</sup> *Cal. Papal Registers*, IV, 91; Moorman, *Grey Friars*, 109.

<sup>29</sup> See below, 309-310.

individual person whatsoever because of the controversies and disputes'.<sup>30</sup> The account given in the *Annals of Cambridge* goes further and records that it was stipulated that the 'king should have power to redress all future controversies between the parties'.<sup>31</sup>

This raises the possibility that the 1402 statute was the result of a continuation of the earlier dispute and that the government was stepping into an area in which it had previously asserted its sovereignty. The perception of a crisis in the universities was certainly still present by 1402 and, if anything, had probably grown. As discussed in the chapter on provisors, increased concern with problems over the patronage of graduates had led the commons to ask for a modification of the statute of provisors to help the universities.<sup>32</sup> The year 1402 seems to be quite significant since in this year Archbishop Arundel had attempted to foster a plan to help relieve the crisis: a plan which also seems to have aimed at dislocating and preventing support for the more extreme reformist plans of the Wycliffites who advocated disendowment as the solution to the crisis.<sup>33</sup> The legislation of 1402 may thus be part of this attempt to steal Wycliffite thunder, since the complaints against the friars had certainly been kept alive at Oxford in the years following 1365, most prominently by John Wyclif.<sup>34</sup> He also criticised fraternal recruitment policies arguing that the friars corrupted young boys.<sup>35</sup> He went even further than FitzRalph in his claims concerning universities arguing that by the 1370's the university only numbered some 3,000 men where there had once been 60,000.<sup>36</sup> The

---

<sup>30</sup> *RP*, II, 290.

<sup>31</sup> *Annals of Cambridge*, I, ed. C. Cooper (Cambridge, 1842-55), 108-9.

<sup>32</sup> See provisions chapter, 115.

<sup>33</sup> See provisions chapter, 122-23.

<sup>34</sup> This is not to say that all opponents of the friars at Oxford were supporters of Wyclif. However, the ecclesiastical authorities were evidently worried about the growth of Wycliffism and ideas which challenged the Church's authority within Oxford, and this fear led them to be more concerned with the reformist ideas emanating from the university and with the spread of reformist ideas which pre-dated Wycliffism, such as those of FitzRalph. See Catto, 'Wyclif and Wycliffism', 175-261.

<sup>35</sup> *Opera Minora*, 333-50.

<sup>36</sup> *De Ecclesia*, 374.

danger of Wyclif's and his followers' views were recognised by his sometime Oxford colleague and opponent the Franciscan William Woodford, who devoted the 59<sup>th</sup> *quaestio* of his *Responiones Contra Wiclevum et Lollardos* to defending the friars from the charge of child stealing.<sup>37</sup> According to Woodford, Wyclif and his followers had accused the friars of beguiling youths who had not yet reached the age of discretion into joining orders that had no foundation in the law of God and against the will of their parents and friends. Indeed, many Wycliffite tracts argued exactly this. Thus, for instance, sermon eighty-six of the Wycliffite sermons series edited by Hudson and Gradon claims that the friars: 'with diverse and little gifts and false words deceive children; for they are not of full age, as were Andrew, Peter and Philip, but before men have discretion, in their childhood, are they thus beguiled.'<sup>38</sup> Meanwhile a number of Wycliffite tracts claim that young converts are never able to leave the fraternal orders once professed and are often secreted away to places where their friends cannot find them.<sup>39</sup> At first sight all of these concerns seem to be met in the statute which insists that no friar should receive a child under the age of 14 without parental permission and that no friar should 'remove, entice or lead away' any child from the place they were first received to another place for a whole year. Moreover, the chancellor would have the power, by authority of parliament, to summon and punish any minister, provincial, warden or prior who refused to hand over a child who was received or professed against the terms of the statute to his parents' on their request. Meanwhile the leaders of the four main orders of friars were made to swear an oath before parliament to observe the

<sup>37</sup> William Woodford, 'Responiones Contra Wiclevum et Lollardos', ed. E. Doyle, *Franciscan Studies*, 21 (1983), 172-74.

<sup>38</sup> EWS, II, no.86/101-4: 'wiþ dyverse and luytule 3iftus, and false wordus, dysseyvon chyldron; for þei abyde not to ful age, as weron Andrew, Petre and Philip, but byfore men han discrecion, in þer childhede, be þei þus bygylude'.

<sup>39</sup> See, for instance, Matthew, 223/24-30, 269/18-27, 278/19-28; Arnold, III, 369/31-36.

statute.<sup>40</sup> The friars were thus dramatically being made subject to parliamentary authority in a way that was most likely partly designed to assuage the fears of the commons: fears that could feed pro-Wycliffite and reformist sentiment.

However, whilst Arundel and the English Church may have been prepared to put up with a certain amount of lay intervention in order to help their fight against 'heresy' and the threat of disendowment, they once again showed there were limits to this attitude. The statute was thus, like much of the legislation already discussed in this thesis, built upon a spirit of compromise. For a start, the stipulation protecting converts from being secreted away for one year after they had been received may not have fully satisfied the critics who claimed they were secreted away once professed, since friars were not usually professed for one year after they had been received in any case: the legislation was holding the friars to their own legislation but going no further. Moreover, it is important to note that fourteen was the normal age of entry into university. This meant that the government was effectively once again ratifying the rights of the friars at Oxford and Cambridge to recruit university students to their orders. Indeed, although the friars would have had to suffer the embarrassment of external legislation and the indignity of lay intervention and supervision they would still be allowed to continue their own normal practices within the terms of their own laws. After all fourteen was also the age of entry set by the Franciscans at the General Chapter of Assisi in 1316 when they lowered it from eighteen and none of the orders officially recruited anyone under the age of fourteen.<sup>41</sup> The statute would thus not have fully met the earlier demands of the universities or the current demands of the commons who had appealed for the age to be

---

<sup>40</sup> *SR*, II, 138.

<sup>41</sup> Moorman, *Grey Friars*, 106-7. However, according to Erickson the Dominicans were admitting boys as young as ten during this period. See Erickson, 'Fourteenth-Century Franciscans', 107.

set at twenty-one in their petition. The government and Church must have thus hoped that the universities and commons would be satisfied by Arundel's funding plan whilst the statute would hopefully take the sting out of reformist arguments. After all, William Woodford had actually countered Wycliffite accusations by asserting that the fraternal orders did not recruit anybody under the age of fourteen.<sup>42</sup> Now there was a parliamentary statute to legally ensure that.

### **'Lollardy', Labour and Fraternal Recruitment**

However, there may well have been more behind the common petition than a desire to help the universities alone. As noted earlier, the St. Albans chronicler mentioned this statute alongside two other statutes, including one concerning labour and apprenticeship. In this light it is important to note that the Wycliffites may well have adapted old arguments concerning fraternal recruitment to play on fears concerning the labour market. In his *Defensio Curatorum* FitzRalph had pointed out that the law forbade the stealing of an ox or a sheep in order to argue that the friars should be punished for the more grievous crime of stealing a child.<sup>43</sup> This comparison became a favourite of Wyclif and his followers who often combined it with a quotation from Matthew 23:15 - 'Woe to thee Scribes and Pharisees, hypocrites! Because you traverse land and sea to make one proselyte; and when he has become one, you make him twofold more a child of hell than yourselves' - which had been used by those who criticised fraternal recruitment practices since the time of William of St. Amour.<sup>44</sup> We can see this in action in the Wycliffite sermon known as *Vae Octuplex*:

<sup>42</sup> Woodford, 'Responiones', 172.

<sup>43</sup> FitzRalph, 'Defensio Curatorum', 473-74.

<sup>44</sup> On the traditional use of this verse, see Szittyá, *Antifraternal Tradition*, 205-6.

The third time said Christ unto these false folk: 'Woe to thee, scribes and pharisees, that go about water and land to make a child of your order,<sup>45</sup> and when he is made you make him a child of hell double more than you.' These words tell openly of the making of friars, how they come like thieves, both by water and by<sup>46</sup> land, to rob men of their children that are better than oxen.<sup>47</sup>

The most interesting aspect of the Wycliffite use of this argument for our purposes is the stress on the cost to fathers in particular. Thus, for instance, sermon eighty-six of the Wycliffite sermon cycle edited by Hudson and Gradon states that:

For such theft is taking of other men's things against the will of the lord, it seems that this taking of children, that friars should have by no law, is taking of other men's thing, the taking of fathers' thing and mothers'. *And this treasure is most precious and full costly to these fathers.*<sup>48</sup>

The reason for this stress on fathers is clearer in other Wycliffite works such as Upland's Rejoinder:<sup>49</sup>

But thus to steal a child is a greater theft  
 than to steal an ox, for the theft is more.  
 Daw,<sup>50</sup> for thou say ye rob him from the world,

<sup>45</sup> Note the Wycliffite translation of 'proselyte' as a 'child of your order' thus emphasising the fact that the convert was a child.

<sup>46</sup> This word is inserted above the text.

<sup>47</sup> *EWS*, II, VO/48ff: 'The þridde tyme seiþ Crist unto þes false folc: 'Woo worþe 3ow, scribes and pharisees, ypocrites, þat gon abowte boþe watur and londe to make a childe of 3owre ordre, and whan he is maad 3e makon hym a chyld of helle, dowble more þan 3ow.' Þese wordis tellon oponly of making of freerys, how þei comen þeefly, boþe by watur and bi londe, to robbe men of þer children þat ben betturre þan oxon.' According to Hudson, the basic interpretation of the text of Matthew 23 is very close to that of Wyclif's 'Exposicio textus Mathei xxiii' in *Opera Minora* 312-82 and his 'De Antichristo' in *Opus Evangelicum* II, books III and IV: See *EWS*, V, 277.

<sup>48</sup> *EWS*, II, no.86/134-37: 'For siþ þeste is takyng of oþre mennys þingus apenus þe wyll of þe lord, it semeþ þat þis takyng of children, þat frerus schulden haue by no lawe, is takyng of oþre mennys þing, for takyng of fadrus þing and modrus. And þis tresour is moste precious and ful costly to þes fadrus.'

<sup>49</sup> On the Wycliffite nature of this work, see A. Hudson, *The Premature Reformation* (Oxford, 1988), 20.

<sup>50</sup> Daw was the name given to the friar in the 'debate' staged between a friar and a critic of the friars (Jack Upland) in *Friar Daw's Reply* and *Upland's Rejoinder*. For the texts, see *Jack Upland, Friar Daw's Reply, and Upland's Rejoinder*, ed. P.L. Heyworth (London, 1968).

Ye make him more worldly than ever his father –  
 Indeed, though he were a ploughman living true life,  
 Ye rob him from the true rule and make him an apostate,  
 A beggar and a sodomite, for many of them are such.  
 Ve vobis qui facitis unum proselitum. Suple,  
 filium gehenne duplo quam vos.<sup>51</sup>

The sentiment here appears to be that a child is worth more than an ox to a father because of the labour he can do as a ploughman. According to the author the friars were converting valuable ploughmen into useless beggars. The Wycliffites thus seem to have been promoting the notion that the labour shortages and vagrancy problems were the fault of the friars' child stealing ways.<sup>52</sup> This makes perfect sense given the general Wycliffite strategy to blame the friars for these problems.<sup>53</sup> It obviously contrasted strongly with FitzRalph's argument that the friars were stealing the children from education to labour discussed above. However, FitzRalph's argument was designed primarily to convince a curial audience whilst Wyclif and his followers were attempting to persuade the lay power and parliament. Given the commons' concerns over labour and beggary it is not difficult to see how they may have been swayed by such arguments into promoting the 1402 bill. Indeed, it may help to explain the dichotomy between their keen interest in this issue in 1402 and their apparent lack of involvement with the controversy over fraternal recruitment in the 1365 parliament.<sup>54</sup> In this light it is important to note that just as Arundel was keen to be seen to be attempting to create an

---

<sup>51</sup> *Upland's Rejoinder*, 257-65: 'But þus to stele a childe is a gretter theft þan to stele an oxe, for þe theft is more. Dawe for þou saist 3e robbe hym fro þe worlde, 3e maken hym more worldly þan euer his fadir, 3ee, þow3 he were a plowman luyng trwe lyf, 3e robbe hym fro þe trwe reule & maken hym apostata, A begger & a sodomit, for suche þai ben many, Ve vobis qui facitis unum proselitum. Supple, filium gehenne duplo quam vos'.

<sup>52</sup> For other examples of Wycliffite tracts which linked fraternal recruitment to the vagrancy and labour problems, see, for instance, *Matthew*, 11/11-17, 51/3-4.

<sup>53</sup> See social legislation chapter, 162-63.

<sup>54</sup> See above, 303.

alternate solution to the problems of the universities, so the government was evidently keen to be seen to be creating solutions to the labour crisis. Having effectively created a compromise statute over fraternal recruitment, they then turned to create a compromise agreement with the commons over their concerns that labourers were being lost to apprenticeships. Thus, they did not dismiss the commons' suggestions out of hand but instead agreed that previous statutes should be firmly held and that the petition's requests concerning fines should be upheld.<sup>55</sup>

### ***Conclusion***

The statute of 1402 thus appears to be more than a simple *ad hoc* reaction to contemporary circumstances. It is certainly unlikely that such a potentially controversial statute would have seen the light of day if Henry IV had not at least partially supported it. However, Henry IV's motives were most probably not primarily based on revenge. Indeed, the reformist nature of the petition, and most especially the statute suggests that Henry was tapping into concerns that had been growing more and more prominent since the middle half of the fourteenth century, most significantly in Wycliffite writings: concerns that once again demonstrate that mental links that were being made between various 'crises' in society, including those involving labour, clerical and fraternal recruitment and the universities. Meanwhile, as we have already seen in various chapters, the English Church was keen to lessen the attraction of the overall Wycliffite agenda by offering its own solution to the late medieval crisis in the universities. Given the timing of this solution, it seems likely that the English Church condoned the passing of the 1402 statute, which smacked of compromise, as part of this process. Similarly, as

---

<sup>55</sup> *RP*, III, 501.



we have already seen in the chapter on social issues, the English Church also appears to have been willing to collaborate with the government in the passing of new social legislation that affected the Church in order to stave off the threat of 'heresy' and disendowment. The 1402 statute on fraternal recruitment, which appeared to give parents' more secure rights over their children's futures, in combination with the king's response to the statute on apprenticeship seem to have been designed with these concerns in mind. In short, the 1402 statute once again appears to fit in with the pattern of counter-reformatory legislation that has been emerging in this thesis.

### *General Conclusion*

Overall then, a pattern does seem to have emerged from this thesis and this pattern does appear to fit into what we already know about the development of the 'Lollardy' debate as discussed in the introduction. Indeed, it is probable that this debate informed other debates within parliament. For a start, it appears that the commons were making mental links between various problems or 'crises': dynastic, academic, economic, occupational, demographic, societal, moral, pastoral, ecclesiastical, and religious. Many of these 'crises' seem to have underlain more than one area of legislation. Thus, for instance, the 'crisis' over the universities can be perceived in the legislative activity concerning provisors, fraternal recruitment, appropriation, non-residence and pluralism; the occupational 'crisis' can be perceived in the legislative activity in various areas including those concerning vagrancy, fraternal recruitment and wages; whilst the moral, ecclesiastical and religious 'crises' underpinned the arguments used in much of the legislation. All of these were notably 'crises' which the protagonists of disendowment had been playing on and associating in their tracts addressed to parliament, which were themselves often put forward during periods of 'crisis'.<sup>1</sup> This phenomenon is also paralleled in the presentation of more extreme reformist petitions on the part of the commons during times of 'crisis'.<sup>2</sup> Meanwhile, this overall notion of 'crisis' was also built up by the opponents of such protagonists who associated all these problems with the 'Lollards'.

---

<sup>1</sup> See introductory section, 26-27.

<sup>2</sup> See, for instance, appropriation chapter, 216-17 and non-residence chapter, 244, 252-55, 261-64.

That the commons were listening primarily to the former side of the debate is suggested by their response to such problems. They thus appear to have been gradually developing a programme of reform which resembled the programme of reform advocated by such propagandists in terms of its aims, ideas and justifications. Just like the advocates of disendowment, the commons seemingly wanted to see an end to papal provisions, appropriations, non-residence, the misuse of hospitals and the fraternal recruitment of youths, whilst they wanted to find solutions to the problems of vagrancy, pastoral care and the universities. As the period progressed they also increasingly laid the blame for the problems in society at the feet of the Church and most significantly the English Church itself. Whereas before 1388 the commons' reformist intent could be questioned on the basis that it was specifically targeted at the abuses caused by the papacy or aliens, after 1388 they were evidently prepared to regularly question the perceived abuses in the English Church itself, whether they were caused by the Pope, the English clergy or even the laity themselves. They evidently felt that the laity had a moral responsibility to ensure the Church met its functions and responsibilities. Such thinking paralleled that of the Wycliffites. Indeed, on numerous occasions in the years between 1388 and 1414 the commons used ideas that were promoted by the Wycliffites and that had been stigmatised as 'Lollard'.

However, it must be noted that the commons were not so trenchantly 'anticlerical' or 'antipapal' that they did not realise that pastoral care, the government and the universities were too dependent on the Church for reform to be implemented overnight. Just like many tracts which advocated disendowment, their petitions betray an implicit belief in staged reform and they were not 'anticlerical' or 'antipapal' *per se*. Rather they wished to see the reform of perceived abuses and the return of the Church to some idealised state, by gradually dismantling many of the perceived 'novelties'. The

notion of disendowment appears to have been fundamental to their plans, since the direction of many of their reforms would have led to circumstances that necessitated a redistribution of clerical wealth. The universities and bureaucracies were too financially dependent on the systems of non-residence and appropriations for such systems to ever be fully abolished under the funding arrangements as they stood; yet this seems to have been the end-goal for the commons. Such a situation cannot be explained by a lack of interest in such issues on the part of the commons, since many of their members were involved in the governance of the realm, and they had demonstrated their preparedness to make financial sacrifices on behalf of the universities: a fact which suggests that their commitment to reform could override financial interests at times, and that they were looking to disendowment to overcome the problems that would ensue.

Indeed, it is important to note that the commons' interest in disendowment seems to have been influenced by more than just greed. It is perhaps ironic that the modern defence of the Church and the strength of late medieval religion has undermined the genuine reformist intent of the laity, when their criticisms may themselves be seen as part of the vitality of late medieval religion. The laity were a vital part of the Church, and their concern to ensure that the Church was living up to its spiritual duties is surely a sign that spiritual life was central to late medieval society. If the representatives of the laity in parliament really had been so consumed with greed to the total exclusion of spiritual life, then the Church really would have been in trouble. At the very least the commons evidently felt obliged to stand by the ideas they professed. As suggested in the Disendowment Bill, they do appear to have been committed to the idea of using the Church's wealth to relieve not simply the realm's financial problems but its perceived pastoral, social and academic problems too. To do so they had apparently been looking to detailed calculations of the Church's wealth since at least the 1370's: calculations

which resembled those of the protagonists of disendowment rather closely in terms of the figures cited.<sup>3</sup> In one particular case it also seems that the editors of the parliamentary rolls failed to erase a threat of disendowment made by the commons.<sup>4</sup>

Moreover, it seems probable that the threat of disendowment, and the all out parliamentary reform of the Church that was associated with it, explains the clergy's reaction to the commons' petitions. In the early part of the period – up to 1382 – the commons appear to have enjoyed a certain amount of freedom in their attacks on the practices of the Church, which were mainly focused against the papacy and alien men of religion. However, by 1382 the English Church seems to have grown wary of the threat the Church as a whole faced from preachers such as the Wycliffites, and they began to make more stringent efforts to persuade the lay power to repress attacks on the Church both inside and outside parliament. This seems to be echoed by a lull in legislative activity which directly criticised the Church between 1382 and 1388. However, by 1388 the Church seems to have developed a more sophisticated approach to countering the threats it faced. Thus, in addition to a more rigorous enforcement of the principle that had supposedly been enshrined in 1382 – that the lay power would be allowed to oversee key religious practices such as preaching – the Church also agreed to another key principle in order to stave off the threats it faced: the Church's poor relief system would also be made more open to lay supervision. Moreover, the English Church itself would now be open to a certain degree of parliamentary reform, whilst it also made some efforts to demonstrate that it was putting its own house in order. Some legislation was thus allowed on issues such as appropriation, fraternal recruitment practices and hospitals, whilst Arundel worked hard to persuade convocation that actions needed to be

---

<sup>3</sup> See provisions chapter, 83-88.

<sup>4</sup> See provisions chapter, 87.

taken against non-residence and pluralism. Moreover, he also devised a possible solution for the university funding 'crisis', perhaps partly in response to alternative solutions being drafted by the parliamentary protagonists of disendowment.

In all of this it must be stressed that there were clear limits. Thus most of the legislation that was passed was aimed at ensuring that the Church's own regulations were kept rather than attempting to impose regulations upon the Church, with the notable exceptions of the 1402 appropriation legislation and the provisors legislation. Moreover, the Church never showed any signs of conceding ground on the crucial issues of non-residence and pluralism as far as parliamentary legislation was concerned. The commons were evidently not happy with this situation but an alliance of interests with the government seems to have sealed the Church's victory in this area.

This, of course, brings us to the input of the secular lords, the government, and the monarchy. Gaunt's protection of Wyclif and other reformers in the period up to 1382 might help to explain the openness of the parliamentary rolls in this period. Equally Gaunt's withdrawal of official support for such reformers and his decline in influence might help to explain the cautious nature of petitioning in the period 1382 to 1388. Following this, the implementation of Arundel's counter-reformatory policy may well have been encouraged by his fellow Appellants such as Woodstock, and the political rapprochement between the Appellants and Richard does seem to be echoed by a continuance of this policy in the 1390's. Thus in the years in which Richard was reputed to be most 'orthodox', he passed more legislation which affected the liberties of the English Church than he had done before 1388: a fact which strengthens the idea that the more stringent moves which Richard made against heresy after 1388 were based more on political necessities than a shift in religious beliefs.

Indeed, both Richard and Henry do seem to have been more bound by the pragmatic needs of their reigns than by idealism. The legislation in the years 1388 to 1414 thus betrays a governmental exploitation of the tensions between the commons and the Church. Most notably the government seems to have gained much from the provisors legislation since it continued to utilise papal provisions to its own advantage throughout the period whilst using the legislation and the moderations to bargain with the papacy. This policy seems to have been maintained in those parliaments in which the king was not in charge: a fact which, once again, suggests that the needs of the government were usually put first.<sup>5</sup> Equally the lack of any legislation on the key issues of non-residence and pluralism probably owed much to the government's dependence on such systems. Meanwhile, Henry IV and Richard evidently relied upon Arundel's ideological support to help prop up their reigns in troubled times and this may also explain the government's attempts to strike a careful balance between utilising the situation to its own advantage whilst not yielding to the commons' more extreme demands. However, Henry IV may have had a somewhat freer hand in the 1402 appropriation and fraternal recruitment legislation and these bills may owe something to Henry's professed aim to provide a better quality of clerical incumbent than his predecessor.

Of all the monarchs Henry V seems to have made the most dramatic personal impact upon the legislative activity. From the beginning of his reign he was evidently keen to promote the notion of a united realm, and this meant there was less room for the 'divide and conquer' policy of his predecessors as regards parliamentary reform. There was far less discussion of issues which revealed divisions within the realm, whether between the social classes or the laity and the Church. He seems to have made great

---

<sup>5</sup> See, for instance, provisions chapter, 102.

strides to both repress the idea of parliamentary reform of the Church and disendowment whilst emphasising the fact that he was taking action to reform the Church himself. This was most clearly demonstrated on the one hand by his crushing of Oldcastle's Revolt, and on the other by his ambitious plans to build new religious foundations: foundations which embraced the new inner religious life but implicitly rejected the concept of disendowment. The commons consequently appear to have taken a far more cautious approach in terms of the ideas and arguments they used. They also began to pointedly distance themselves from 'Lollardy' and the concept of disendowment. Moreover, they did not submit any petitions concerning the reform of the Church after 1416 in Henry V's reign. In the mid 1420's they did return with developed arguments but to no avail. Once again they were forced to disassociate themselves from the idea and indeed threat of disendowment. Without this threat the Church had little incentive to concede authority and the government no incentive to force it to do so. Henry V had thus effectively sealed the fate of such parliamentary reform in 1414. It had now been supplanted by monarchically implemented reform. The realm was no longer in crisis. It had found its saviour.

Overall then it seems as if 'Lollardy' exercised a complex influence upon the political community. The commons were not as materialistic as some contemporary propagandists maintained and they do seem to have been interested in the reform of the Church for more reasons than simple greed. Equally the clergy were not quite as uncompromising as the Wycliffites maintained and they do appear to have accepted a certain degree of parliamentary and internal reform in order to stave off the greater threat that they faced from the protagonists of disendowment. Meanwhile the government may have exploited the situation, but it did help to implement reform, and in the case of Henry V a very definite personal mark was made. Whilst parliamentary reform of the



Church ultimately failed to reach its end goals, it did succeed in promoting many reformist ideas to the fore. Indeed, even after 1414 the political message of 'Lollardy' did not fully die since many ideas had been adopted into the 'orthodox' fold. Whilst many of these pre-dated 'Lollardy', the debate over 'Lollardy' seems to have played a significant role in promoting these ideas to the parliamentary agenda and in persuading the Church that action needed to be taken. The irony is therefore that whilst the controversial nature of 'Lollardy' has long obscured the precise nature of its influence, it was this very same controversial nature that helped to make it so influential.

## APPENDIX A

*Provisors and Parliament:**Petitions and Statutes Chronology: c.1343-1504*

<b>Year</b>	<b>Petition</b>	<b>Petitioner</b>	<b>Statute</b>
1343	<u>RP</u> , II, 144	Commons	
1344	<u>RP</u> , II, 153-54	Commons	
1346	<u>RP</u> , II, 162	Commons	
1346	<u>RP</u> , II, 171-73	Commons	
1351	<u>RP</u> , II, 228	Commons	<u>SR</u> , I, 316-18
1352	<u>RP</u> , II, 241	Commons	
1352	<u>RP</u> , II, 243	Commons	<u>SR</u> , I, 323-24
1353	<u>RP</u> , II, 252	Commons	
1365	<u>RP</u> , II, 283-85	Commons	<u>SR</u> , I, 385-87
1372	<u>RP</u> , II, 312, 320	Commons	
1376	<u>RP</u> , II, 336-39	Commons	
1377 (October)	<u>RP</u> , III, 19	Commons	
1378	<u>RP</u> , III, 46-48	Commons	
1380 (January)	<u>RP</u> , III, 82-86	Commons	<u>SR</u> , II, 14-15
1380 (January)	<u>RP</u> , III, 86	Clergy	
1381	<u>RP</u> , III, 117	Commons	
1382	<u>RP</u> , III, 138	Commons	
1383 (October)	<u>RP</u> , III, 162-63	Commons	<u>SR</u> , II, 34-35
1383 (October)	<u>RP</u> , III, 163	Commons	
1386	<u>RP</u> , III, 222	Commons	
1388 (September)	<u>Westminster Chronicle</u> , 359	Commons	
1388 (September)	<u>Westminster Chronicle</u> , 367	Commons	<u>SR</u> , II, 60

<b>Year</b>	<b>Petition</b>	<b>Petitioner</b>	<b>Statute</b>
1390 (January)	<u>RP</u> , III, 266-67	Commons	<u>SR</u> , II, 69-74
1391	<u>RP</u> , III, 285 (Moderation)	Commons <sup>1</sup>	
1393	<u>RP</u> , III, 301 (Moderation)	Commons <sup>1</sup>	
1393	Praemunire (Not enrolled)		<u>SR</u> , II, 84-85
1399	<u>RP</u> , III, 428-29 (Moderation)	Unclear	
1401	<u>RP</u> , II, 458-59 (Moderation)	Commons <sup>1</sup>	
1401	<u>RP</u> , III, 465-66 (Moderation)	Commons	
1401	<u>RP</u> , III, 465	Commons	
1401	<u>RP</u> , III, 465-66	Commons	
1404 (October)	<u>RP</u> , III, 577	Commons	
1406	<u>RP</u> , III, 595	Commons	
1406	<u>RP</u> , III, 596, 599	Commons	<u>SR</u> , II, 153
1407	<u>RP</u> , III, 615	Commons	
1407	<u>RP</u> , III, 621	Commons	<u>SR</u> , II, 161
1413	<u>RP</u> , IV, 8	Commons	<u>SR</u> , II, 172-73
1416	<u>RP</u> , IV, 80	Commons	<u>SR</u> , II, 193-94.

---

<sup>1</sup> Record of assent given by commons rather than petition

*'Vagrancy' and Parliament:**Petitions and Statutes Chronology c.1349-1500*

<b>Year</b>	<b>Petition (Main Subject)</b>	<b>Petitioner</b>	<b>Statute</b>
1349	-	-	<u>SR</u> , I, 307
1351	<u>RP</u> , II, 233 (Labour)	Commons	<u>SR</u> , I, 311-13
1361	Not enrolled	-	<u>SR</u> , I, 364
1372	<u>RP</u> , II, 312 (Labour)	Commons	
1376	<u>RP</u> , II, 332 (Vagrancy)	Commons	
1376	<u>RP</u> , II, 340 (Vagrancy)	Commons	
1377 (October)	<u>RP</u> , III, 21 (Villeins)	Commons	
1378	<u>RP</u> , III, 45-46 (Labour)	Commons	
1379	<u>RP</u> , III, 65 (Labour)	Commons	
1382 (May)	Not enrolled (Preaching)	Unknown	<u>SR</u> , II, 25
1382 (October)	<u>RP</u> , III, 141 (Preaching)	Commons	
1383	<u>RP</u> , III, 158 (Vagrancy)	Commons	<u>SR</u> , II, 32-33
1385	<u>RP</u> , III, 212 (Villeins)	Commons	<u>SR</u> , II, 38
1388 (September)	<u>Westminster Chronicle</u> , 363	Commons	<u>SR</u> , II, 58
1414 (April)	<u>RP</u> , IV, 20 (Labour)	Commons	<u>SR</u> , II, 176-77
1445	<u>RP</u> , V, 112-13 (Labour)	Commons	<u>SR</u> , II, 337
1495	<u>RP</u> , VI, 508 (Vagrancy)	Commons	<u>SR</u> , II, 569
1504	<u>RP</u> , VI, 548 (Vagrancy)	-	<u>SR</u> , II, 656-67

## APPENDIX C

*Appropriation and Parliament:  
Petitions and Statutes Chronology: c.1300-1504*

<b>Year</b>	<b>Petition (Main Subject)</b>	<b>Petitioner</b>	<b>Statute</b>
1365	<u>RP</u> , II, 284 (Praemunire)	Commons	<u>SR</u> , I, 386
1377 (Oct)	<u>RP</u> , III, 22 (Alien Priors)	Commons	
1381	<u>RP</u> , III, 117 (Mortmain)	Commons	
1390 (Jan)	<u>RP</u> , III, 276; <u>RP</u> , III, 262 (Alien Priors)	Alien Priors	
1391	<u>RP</u> , III, 293-94 (Appropriation)	Commons	<u>SR</u> , II, 80
1393	<u>RP</u> , III, 301 (Alien Priors)	Alien Priors	
1401	<u>RP</u> , III, 468 (Appropriation)	Commons	
1402	<u>RP</u> , III, 499-500 (Appropriation)	Commons	<u>SR</u> , II, 136
	<u>RP</u> , III, 505 (Appropriation)	Villagers	
1404 (Jan)	<u>RP</u> , III, 542 (Appropriation)	Commons	
1410	<u>RP</u> , III, 645 (Non-Residence)	Commons	
1432	<u>RP</u> , IV, 404 (Appropriation)	Commons	

## APPENDIX D

*Non-Residence and Parliament:**Petitions and Statutes Chronology c.1307-c.1504*

<b>Year</b>	<b>Petition (Main Subject)</b>	<b>Petitioner</b>	<b>Statute</b>
1307	<u>RP</u> , II, 217 (Alien Provisors)	Kingdom	<u>SR</u> , I, 150-2
1343	<u>RP</u> , II, 143-44 (Alien Benefices)	Commons	
1344	<u>RP</u> , II, 154 (Enemy Benefices)	Commons	
1346	<u>RP</u> , II, 173 (Alien Provisors)	Commons	
1372	<u>RP</u> , II, 312 (Resident Abroad)	Commons	
1376	<u>RP</u> , II, 336-9 (Alien Benefices)	Commons	
1378	<u>RP</u> , III, 46 (Alien Benefices)	Commons	
1380 (Jan)	<u>RP</u> , III, 82 (Alien Provisors)	Commons	<u>SR</u> , II, 14-16
1380 (Jan)	<u>RP</u> , III, 85 (Irish Benefices)	Commons	
1383 (Oct)	<u>RP</u> , III, 163 (Living Abroad)	Commons	
1386	<u>RP</u> , III, 222 (Alien Benefices)	Commons	
1394	<u>RP</u> , III, 321 (Presentations)	Commons	
1401	<u>RP</u> , III, 468 (Non-Res./Pluralism)	Commons	
1402	<u>RP</u> , III, 501 (Non-Residence)	Commons	
1406	<u>RP</u> , III, 594 (Non-Res./Res. Abroad)	Commons	
1406	<u>RP</u> , III, 594 (Disp. from Tithes)	Commons	<u>SR</u> , II, 152
1410	<u>RP</u> , III, 645 (Non-Res./Pluralism)	Commons	
1425	<u>RP</u> , IV, 290-91 (Non-Residence)	Commons	
1426	<u>RP</u> , IV, 305-6 (Non-Residence)	Commons	

## ***Bibliography:***

### ***Primary Sources:***

An Apology for Lollard Doctrines Attributed to Wicliffe, ed. J.H. Todd (Camden Society, o.s. 20, London, 1842).

'The Anglo-French Negotiations at Bruges, 1374-77', ed. E. Perroy (Camden Miscellany, XIX, London, 1952).

Anglo-Norman Dictionary, ed. L.Stone and W.Rothwell (London, 1977-1992).

Anglo-Norman Letters and Petitions, ed. M.D.Legge (Anglo-Norman Text Society, III, 1941).

Annals of Cambridge, I, ed. C. Cooper (Cambridge, 1842-55).

The Anonimale Chronicle, 1333-1381, ed. V.H. Galbraith (Manchester 1970).

Arnold, J., ed., Select English Works of John Wyclif (3 vols., Oxford, 1868-71).

The Book of Margery Kempe, ed. S.B. Meech with prefatory note by H.E. Allen (EETS, o.s. 210, London, 1940).

Calendar of Close Rolls, 1377-1422 (London, 1914-1932).

Calendar of Entries in the Papal Registers Relating to Great Britain and Ireland: Petitions to the Pope 1342-1419 (London, 1896).

Calendar of Entries in the Papal Registers Relating to Great Britain and Ireland: Papal Letters, 1362-1431, vols., IV-VII (London, 1896).

Calendar of Fine Rolls, 1377-1413 (London, 1926-33).

Calendar of Inquisitions Miscellaneous (Chancery) preserved in the Public Record Office, 7, 1399-1422 (London, 1916).

Calendar of Patent Rolls, 1377-1422 (London 1895-1910).

Catholic England: Faith, Religion, and Observance before the Reformation, ed. and trans. R.N.Swanson (Manchester, 1993).

Chaucer, Geoffrey, The Canterbury Tales, ed. and trans. N.Coghill (London, 1977).

Chronicles of the Revolution 1370-1400: The Reign of Richard II, ed. and trans. C. Given-Wilson (Manchester, 1993).

Chronicle of Adam of Usk 1377-1421, ed. and trans C. Given-Wilson (Oxford, 1997).

'Chronicle of John Strecche for the reign of Henry V 1414-1422', ed. F. Taylor, BJRL, 16 (1932).

Chronicles of London, ed. C.L. Kingsford (Oxford, 1905).

The Chronicles of Rome, ed. D. Embree (Woodbridge, 1998).

Clanvowe, John, The Works of Sir John Clanvowe, ed. V.J. Scattergood (Cambridge, 1975).

Compston, H.F.B., ed., 'The Thirty-Seven Conclusions of the Lollards', EHR, 26 (1911), 738-49.

Councils and Synods, ed. F.M. Powicke and C.R. Cheney (2 vols., Oxford, 1964).

De Bury, Richard, Philobiblon, trans. E.C.Thomas, ed. M.Maclagan (Oxford, 1991).

Decrees of the Ecumenical Councils, I, ed. N.Tanner (Washington, 1990).

The Diplomatic Correspondence of Richard II, ed. E.Perroy (London, 1933).

Dives and Pauper, ed. P.H. Barnum (2 vols, EETS o.s., 275, 280, Oxford, 1976, 1980).

Dobson, R.B., ed., The Peasant's Revolt of 1381 (2nd edn., London, 1983).

Dymmok, Roger, Liber Contra Duodecim Errores et Hereses Lollardorum, ed. H.S. Cronin (London, 1922).

Electronic Middle English Dictionary: <http://ets.umdl.umich.edu/m/med/>.

Enactments in Parliament specially concerning the Universities of Oxford and Cambridge the Colleges and Halls therein and the Colleges of Winchester, Eton and Westminster, ed. L.L. Shadwell (4 vols., Oxford, 1912).

English Historical Documents IV: 1327-1485, ed. A.R. Myers (London, 1869).

English Wyclif Tracts 1-3, ed. C. Lindberg (Studia Anglistica Norvegica, 5, Oslo, 1991).



Epistolae Academicae Oxon. I: 1421-1457, ed. H. Anstey (Oxford, 1898).

Eulogium Historiarum, III, ed. F.S. Haydon (RS, 1863).

Fabyan, R., New Chronicles of England and France, ed. H. Elliss (London, 1811).

Fasciculi Zizaniorum Magistri Johannis Wyclif cum Tritico, ed. W.W. Shirley (RS, 5, London, 1858).

FitzRalph, R., Defensio Curatorum, in E. Brown, Fasciculus Rerum Expetendarum, II (London, 1690), 473-74.

FitzRalph, R., Defensio Curatorum, trans. Trevisa, in Trevisa's Dialogus inter Militum et Clericum, Sermon by FitzRalph and The Beginning of the World, ed. A.J. Perry (Oxford, 1925).

Forde, S., ed., 'Nicholas Hereford's Ascension Day Sermon, 1382', Medieval Studies, 51 (1989), 205-41.

Forshall, J., ed., Remonstrance Against Romish Corruptions in the Church Addressed to the People and Parliament of England in 1395 (London, 1851).

Gesta Henrici Quinti: The Deeds of Henry V, ed. and trans. F. Taylor and J.S. Roskell (Oxford, 1975).

Gascoigne, Thomas, Loci et Libri Veritatum, ed. J.E. Thorold Rogers (Oxford, 1881).

Gower, John, The English Works of John Gower, ed. G.C. Macaulay (2 vols, EETS e.s. 81, 82, London, 1900).

Gower, John, Tales of the Seven Deadly Sins: Being the Confessio Amantis of John Gower, ed. H. Morley (London, 1889).

Gower, John, The Complete Works of John Gower, ed. G.S. Macaulay (4 vols., Oxford, 1899-1902).

Gower, John, The Major Latin Works of John Gower, ed. and trans. E. Stockton (Seattle, 1962).

Gower, John, The Mirour d l'Omme, trans. W.B. Wilson (East Lansing, 1992).

A Handbook of British Chronology, ed. F.M. Powicke and E.B. Fryde (London, 1961).

A Handbook of Dates: For Students of British History, ed. C.R. Cheney (Cambridge, 2000).

Heresy and Authority in Medieval Europe: Documents in Translation, ed. E. Peters (Philadelphia, 1980).

Higden, R., Polychronicon, ed. C. Babington and J.R. Lumby (9 vols., RS, London, 1865-86).

Historical Poems of the Fourteenth and Fifteenth Centuries, ed. R.H. Robbins (New York, 1959).

Historia Vitae et Regni Ricardi Secundi, ed. G.B. Stow (Philadelphia, 1977).

The House of Commons, 1386-1421, ed. J.S. Roskell, L. Clark and C. Rawcliffe (Stroud, 1992).

Hudson, A., ed., Selections from English Wycliffite Writings (Cambridge, 1978).

Hudson, A., ed., Two Wycliffite Texts (EETS, o.s. 301, Oxford, 1993).

Hudson, A., ed., The Works of a Lollard Preacher (EETS, o.s. 317, Oxford, 2001).

Hudson, A. and Gradon P., ed., English Wycliffite Sermons (5 vols., Oxford, 1983-1996).

Jack Upland, Friar Daw's Reply, and Upland's Rejoinder, ed. P.L. Heyworth (London, 1968).

Johannis Amundesham Annales Monasterii Sancti Albani, ed. H.T. Riley (2 vols., RS, London, 1870-1).

Knighton, Henry, Knighton's Chronicle 1337-1396, ed. and trans. G.H. Martin (Oxford, 1995).

Knowles, D. and Hadcock R.N., eds., Medieval Religious Houses: England and Wales (London, 1971).

Langland, William, Piers Plowman: The A version. Wills visions of Piers Plowman and Do-Well. An edition in the form of Trinity College Cambridge MS R.3.14 corrected from other manuscripts with variant readings, ed. G.Kane (London, 1988).

Langland, William, Piers Plowman: An Edition of the C Text, ed. D. Pearsall (Berkeley, 1979).

Langland, William, Piers the Ploughman, ed. and trans. J.F. Goodridge (Baltimore, 1966).

Langland, William, The Vision of William Concerning Piers the Plowman, ed. W.W. Skeat (2 vols., Oxford, 1969).

The Lanterne of Light, ed. L.M. Swinburn (EETS, os.151, London, 1917).

Lavynham, Richard, A Litol Tretis on the Seven Deadly Sins, ed. J.P.W.M. van Zutphen (Rome, 1956.)

Literae Cantuarienses, III, ed. J. Brigstocke Sheppard (London, 1889).

Lollard Sermons, ed. G. Cigman (EETS, o.s. 294, Oxford, 1989).

'A Lollard Tract: On Translating the Bible into English', ed. C. Bühler, Medium Aevum, VII (1938), 167-83.

Lychlade, Robert, 'Robert Lychlade's Oxford Sermon of 1395', ed. S. Wenzel, Traditio, 53 (1998), 203-30.

Matthew, F.D., ed., The English Works of Wyclif (EETS, o.s. 74, London, 1880).

Medieval Handbooks of Penance: A Translation of the Principal Libri Poenitentiales and Selections from Related Documents, ed. J.T. McNeill and H.M. Garner (New York, 1990).

The Metropolitan Visitations of William Courtenay, Archbishop of Canterbury, 1381-1396: Documents Transcribed from the Original Manuscripts of Courtenay's Register, ed. J. Dahmus (Urbana, 1950).

Mirk, John, John Myrc: Instructions for Parish Priests, ed. E. Peacock (EETS, o.s. 31, London, 1868).

Munimenta Academica, ed. H. Anstey (2 vols., London, 1868).

Murimuth, Adam, Continuatio Chronicarum, ed. E.M. Thompson (London, 1889).

Old French-English Dictionary, ed., A. Hindley, F.W. Langley and B. Levy (Cambridge, 2000).

'Parliamentary Documents from Formularies', ed. H.G. Richardson and G.O. Sayles, BIHR, 11 (1933-4), 147-162.

'Parliamentary Petitions Relating to Oxford', ed. L.T. Smith in Collectanea, ed. M.A. Burrows (Third Series, Oxford, 1896).

The Peasants' Revolt of 1381, ed. R.B. Dobson (London, 1983).

'The Peasants' Rising and the Lollards', ed. E. Powell, and G.M. Trevelyan in the latter's England in the Age of Wycliffe (London, 1909).

Piers Plowman: The A version. Wills visions of Piers Plowman and Do-Well. An edition in the form of Trinity College Cambridge MS R.3.14 corrected from other manuscripts with variant readings, ed. G.Kane (London, 1988).

Preaching in Medieval England: an Introduction to Sermon Manuscripts of the Period, c1350-1450, ed. G.R.Owst (New York, 1965).

Proceedings and Ordinances of the Privy Council of England, ed. H. Nicolas (3 vols., London, 1834-1837).

The Register of Thomas de Brantyngham Bishop of Exeter (1370-1394), ed. F.C. Hingeston-Randolph (2 vols., London, 1901-1906).

The Register of John Catterick, Bishop of Coventry and Lichfield 1415-1419, ed. R.N. Swanson (Canterbury and York Society, 77, Woodbridge, 1990).

The Register of Henry Chichele, Archbishop of Canterbury 1414-1443, ed. E.F. Jacob (4 vols., Canterbury and York Society, 42, 25, 16, 47, Oxford, 1938-1947).

The Register of Robert Hallum, Bishop of Salisbury 1407-1417, ed. J.M. Horn (Canterbury and York Society 72, 1982).

The Register of Edmund Lacy, Bishop of Exeter 1420-1455, ed. G.R. Dunstan (4 vols., Canterbury and York Society, 60, 61, 63, 66, 1963-1972).

Register of Bishop Philip Repingdon, 1405-1419, ed. M. Archer (3 vols., Lincoln Record Society 57, 58, 74, 1963).

The Register of Edmund Stafford, 1395-1419, ed. F.C. Hingeston-Randolph (London, 1886).

Registrum Johannes Trefnant, Episcopi Herefordensis, ed. W.W. Capes (Canterbury and York Society, 20, London, 1916).

Royal Writs addressed to John Buckingham, Bishop of Lincoln, 1363-1398 Lincoln Record Society.

Rotuli Parliamentorum, ed. J. Strachey *et. al.* (6 vols., London, 1767-1832).

Rymer, T. Foedera, Conventiones, Literae etc., ed. G. Holmes (20 vols., London, 1704-1735).

Statutes of the Realm, ed. A. Luders *et al.* (11 vols., London, 1810-1828).

Vita-Edwardi Secundi: Monachi Cuiusdam Malmesberiensis, ed. and tr. N.Denholm-Young (London, 1957).

Walsingham, Thomas, Annales Ricardi Secundi et Henrici Quarti, in J.Trokelowe et Henrici De Blandeforde, Chronica et Annales, ed. H.T. Riley (London, 1866).

Walsingham, Thomas, Chronicon Angliae, ed. E.M. Thompson (RS, London, 1869).

Walsingham, Thomas, Historia Anglicana, ed. H.T. Riley (2 vols., RS, London, 1863).

Walsingham, Thomas, St Albans Chronicle, 1406-1420, ed. V.H.Galbraith (Oxford, 1930).

Walsingham, Thomas, The St Albans Chronicle: The Chronica Maiora of Thomas Walsingham, 1 (1376-1394), ed. J. Taylor, W.R. Childs and L. Watkiss (Oxford, 2003).

Walsingham, Thomas, Ypogdima Neustriae, ed. H.T. Riley (London, 1876).

The Westminster Chronicle 1381-1394, ed. and trans. L.C.Hector and B.Harvey (Oxford, 1982).

Wilkins., D., ed., Concilia Magnae Britanniae et Hiberniae (4 vols., London, 1737).

Wimbledon, Thomas, 'Thomas Wimbledon's Sermon: "Redde rationem villicationis tue."', ed. N.H. Owen, Medieval Studies, 28 (1966), 176-96.

'The Trial of Richard Wyche', ed. F.D. Matthew, EHR, 5 (1890), 530-44.

Woodford, William, 'Responsiones Contra Wiclevum et Lollardos', ed. E.Doyle, Fransican Studies, 21 (1983).

Wright, T., ed., Political Songs and Poems Relating to English History (RS, London, 1859-61).

'An Unpublished Fragment of Wyclif's Confessio', ed. I.H. Stein, Speculum, 8 (1933), 503-10.

Wyclif, John, 'The Latin Text of Wyclif's Complaint', ed. I.H. Stein, Speculum, 7 (1932), 87-94.

Wyclif, John, De Apostasia, ed. Michael H. Dziewicki (London, 1883).

Wyclif, John, De Blasphemia, ed. Michael H. Dziewicki (London, 1893).

Wyclif, John, De Civili Domino, ed. R.L. Poole and J. Loserth (4 vols., London, 1885-1904).

Wyclif, John, De Dominio Divino Libri Tres: To which are added the first four books of the Treatise De Pauperie Salvatoris by Richard Fitzralph, Archbishop of Armagh, ed. R.L. Poole (London, 1890).

Wyclif, John, De Ecclesia, ed. J. Loserth (London, 1885).

Wyclif, John, De Mandatis Divinis . . . with an Appendix De Differentia inter Peccatum Morale et Veniale, ed. J. Loserth (London, 1922).

Wyclif, John, De Officio Pastoralis, ed. G.V. Lechler (Leipzig, 1863).

Wyclif, John, De Officio Regis, ed. A.W. Pollard and C. Sayle (London, 1887).

Wyclif, John, De Potestate Pape, ed. J. Loserth (London, 1907).

Wyclif, John, De Simonia, ed. Herzberg-Frankel and M.H. Dziewicki (London, 1898).

Wyclif, John, On Civil Dominion. The Cambridge Translations of Medieval Philosophical Texts, vol. 2: Ethics and Political Philosophy, ed. and trans. A.S. McGrade, J. Kilcullen, and M. Kempshall (Cambridge, 2001).

Wyclif, John, On the Duty of the King, tr. C. Nederman, Medieval Political Theory: A Reader, ed. C. Nederman and K.L. Forhan (London, 1993).

Wyclif, John, On the Eucharist and On the Pastoral Office, ed. and trans. F.L. Battles in M. Spinka, ed. Advocates of Reform from Wyclif to Erasmus (Philadelphia, 1953), 61-88.

Wyclif, John, On Simony, tr. T.A. McVeigh (New York, 1992).

Wyclif, John, On Universals (Tractatus de Universalibus), tr. A. Kenny, intro. by P.V. Spade (Oxford, 1985).

Wyclif, John, Opera Minora, ed. J. Loserth (London, 1913).

Wyclif, John, Opus Evangelicum, ed. J. Loserth (4 vols., London, 1895).

Wyclif, John, Polemical Works in Latin, ed. R. Buddenseig (2 vols., London, 1883).

Wyclif, John, Sermones, ed. J. Loserth (4 vols., London, 1886-89).

Wyclif, John, Triologus, cum Supplemento Trialogi, ed. G.V. Lechler (Oxford, 1869).

**SECONDARY SOURCES:****Books and Articles:**

Adams, N., 'The Judicial Conflict over Tithes', EHR, CCV (1937), 1-22.

Anglo-Norman Dictionary, ed. L.W.Stone and W.Rothwell (London, 1977-1992).

Archer, M., 'Philip Repingdon, Bishop of Lincoln, and his Cathedral Chapter [1405-1419]', University of Birmingham Historical Journal 4 (1953-54), 81-97.

Arnold, J., 'Lollard Trials and Inquisitorial Discourse', Fourteenth Century England II, ed. C. Given-Wilson (Woodbridge, 2002), 81-94.

Aston, M., 'Bishops and Heresy: The Defence of the Faith' in her Faith and Fire: Popular and Unpopular Religion, 1350-1600 (London, 1993), 73-93.

Aston, M., "'Cain's Castles": Poverty, Politics, and Disendowment.', The Church, Politics, and Patronage in the Fifteenth Century, ed. R.B. Dobson (Gloucester, 1984), 45-81.

Aston, M., 'Corpus Christi and Corpus Regni: Heresy and the Peasants' Revolt', P&P, 143 (1994), 5-47.

Aston, M., 'The Impeachment of Bishop Despenser' BIHR 38 (1965), 127-48.

Aston, M. and Biller, P., 'Introduction', Lollardy and the Gentry in the Later Middle Ages, ed. M.Aston and C.Richmond (Stroud, 1997), 1-27.

Aston, M., 'John Wycliffe's Reformation Reputation', P&P, 20 (1965), 23-51.

Aston, M., 'Lollardy and Sedition, 1381-1431', P&P, 17 (1960), 1-44.

Aston, M., Thomas Arundel: A Study of Church Life in the Reign of Richard II (Oxford, 1967).

Barracough, G., The Medieval Papacy (Norwich, 1968).

Barracough, G., Papal Provisions : Aspects of Church history, Constitutional, Legal and Administrative in the later Middle Ages (Oxford, 1935).

Barrell, A.D.M., 'Abuse or Expediency? Pluralism and Non-Residence in Northern England in the Late Middle Ages', Government, Religion and Society in Northern England, 1000-1700, ed. J.C. Appleby and P. Dalton (Sutton Stroud, 1997), 117-30.

Barrell, A.D.M., 'Papal Involvement in Appropriations in Scotland and Northern England, 1342-78', Northern History, 24 (1988), 18-37.

Britnell, R.H., 'The English Economy and the Government, 1450-1550', The End of the Middle Ages?, ed. D. Watts (Stroud, 1998), 90-110.

Brodman, J., Charity and Welfare: Hospitals and the Poor in Medieval Catalonia (Pennsylvania, 1998).

Brody, S.N., The Disease of the Soul: Leprosy in Medieval Literature (London, 1974).

Brown, A., Popular Piety in Late Medieval England: The Diocese of Salisbury 1250-1550 (Oxford, 1995).

Brown, A.L., 'The Commons and the Council in the Reign of Henry IV', EHR, 79 (1964), 1-30.

Brown, A.L., 'Parliament, c.1377-1422', The English Parliament in the Middle Ages, ed. R.G. Davies and J.H. Denton (Manchester, 1981), 109-140.

Brundage, J.A., Law, Sex and Christian Society in the Medieval Europe (Chicago, 1987).

Brundage, J.A., Sex, Law and Marriage in the Middle Ages (Aldershot, 1993).

Burgess, C., 'Late Medieval Wills and Pious Convention: Testamentary Evidence Reconsidered', Profit, Piety and the Professions in Late Medieval England, ed. M. Hicks (Gloucester, 1990), 14-33.

Burton, J., 'Monasteries and Parish Churches in Eleventh- and Twelfth-Century Yorkshire', Northern History, 23 (1987), 39-50.

Cannon, H.L., 'The Poor Priests: A Study in the Rise of English Lollardy', Annual Report of the American Historical Association for 1899, I (Washington D.C., 1900).

Carpenter, C., 'The Religion of the Gentry in Fifteenth Century England', England in the Fifteenth Century, ed. D. Williams (Harlaxton, 1987), 53-74.

Catto, J.I., 'An alleged Great Council of 1374', EHR, LXXXII (1967), 764-71.

Catto, J.I., 'Dissidents in an Age of Faith? Wyclif and the Lollards', History Today, 37 (1987), 46-52.

Catto, J.I., 'Fellows and Helpers: The Religious Identity of the Followers of Wyclif', The Medieval Church: Universities, Heresy and the Religious Life. Essays in Honour of Gordon Leff, ed. P. Biller and B. Dobson (Woodbridge, 1999), 141-61.



Catto, J.I., 'A Radical Preacher's Handbook', EHR, 115 (2000), 893-905.

Catto, J.I., 'Religion and the English Nobility in the Later Fourteenth Century', History and Imagination: Essays in Honour of H.R. Trevor-Roper, ed. H. Lloyd-Jones, V. Pearl, and B. Worden (London, 1981), 43-55.

Catto, J.I., 'Religious Change under Henry V', Henry V: The Practice of Kingship, ed. G.L. Harriss (Oxford, 1985), 97-115.

Catto, J.I., 'Sir William Beauchamp between Chivalry and Lollardy', The Ideals and Practice of Medieval Knighthood III: Papers from the Fourth Strawberry Hill Conference 1988, ed. C. Harper Bill and R. Harvey (Cambridge, 1990), 39-48.

Catto, J.I., 'Wyclif and Wycliffism at Oxford 1356-1430', The History of the University of Oxford, II, ed. J.I. Catto, and T.A.R. Evans (Oxford, 1992), 175-261.

Cheyette, F.L., 'Kings, Courts, and Sinecures: The Statute of Provisors and the Common Law', Traditio, XIX (1963), 295-350.

Cheyney, C.R., From Becket to Langton: English Church Government 1170-1213 (Manchester, 1956).

Clark, E., 'Social Welfare and Mutual Aid in the Medieval Countryside', Journal of British Studies, 33 (1994), 381-406.

Cole, A., 'Langland and the Invention of Lollardy', Lollards and their Influence in Late Medieval England, ed. F. Somerset, J.C. Havens and D.G. Pitard (Woodbridge, 2003), 37-58.

Constable, G., Monastic Tithes From their Origins to the Twelfth Century (Cambridge, 1964).

Constable, G., 'Resistance to Tithes in the Middle Ages', JEH, 13 (1962), 172-85.

Coulton, G.G., The Death Penalty for Heresy, 1184-1921 (London, 1924).

Coulton, G.G., Five Centuries of English Religion, III (Cambridge, 1936).

Coulton, G.G., Medieval Village, Manor, and Monastery (Cambridge, 1925)

Coulton, G.G., Social Life in Britain from the Conquest to the Reformation (Cambridge, 1918).

Coulton, G.G., 'Some Chapters in the History of Vicarages' History Teacher's Miscellany, III (1925), 171-181.

- Cowan, I.B., 'Some Aspects of the Appropriation of Parish Churches in Medieval Scotland', Records of the Scottish Church History Society, XIII (1959).
- Crompton, J., 'Fasciculi Zizianiorum', JEH, 12 (1961), 35-35, 155-65.
- Crompton, J., 'John Wyclif: A Study in Mythology.' Transactions of the Leicestershire Archaeological and Historical Society, 42 (1966-67), 6-34.
- Crompton, J., 'Leicestershire Lollards' Trans.Leics. Arch and Hist.Soc., XLIV (1968-9), 11-44.
- Cullum, P.H., '“For Pore People Harberles” : What was the function of the Maisonsdieu?', Trade, Devotion, and Governance, ed., D.J.Clayton, R.G.Davies, and P.McNiven (Stroud, 1984).
- Curry, A., The Hundred Years War (Basingstoke, 1993).
- Dahmus, J.H., The Prosecution of John Wyclif (New Haven, 1952).
- Dahmus, J.H., 'John Wyclif and the English Government', Speculum, 35 (1960), 51-68.
- Dahmus, J.H., 'Richard II and the Church', Catholic Historical Review, 39 (1953), 408-33.
- Dahmus, J.H., 'Thomas Arundel and the Baronial Party under Henry IV', Albion, XVI (1984), 131-49.
- Dahmus, J.H., William Courtenay: Archbishop of Canterbury 1381-1396 (University Park, 1966).
- Davies, R.G., 'The Anglo-Papal Concordat of Bruges, 1375: A Reconsideration', Archivium Historiae Pontificae, 19 (1981), 97-146.
- Davies, R.G., 'Martin V and the English episcopate with particular reference to his campaign for the repeal of the Statute of Provisors', EHR, 92 (1977), 309-44.
- Davies, R.G., 'Richard II and the Church in the Years of “Tyranny”', Journal of Medieval History, I (1975), 329-61.
- Davies, R.G., 'Richard II and the Church', in Richard II: The Art of Kingship, ed. A. Goodman and J.L. Gillespie (Oxford, 1993), 83-106.
- Davies, R.G., 'Lollardy and Locality.' TRHS Sixth Series, 1 (1992), 191-211.
- Davies, R.G., 'Religious Sensibility', An Illustrated History of Late Medieval England, ed. C.Given-Wilson (Manchester, 1996), 103-26.

- Davies, R.G., 'Thomas Arundel as Archbishop of Canterbury, 1396-1414', JEH, 14 (1973), 9-21.
- Deeley, A. 'Papal Provision and Royal Rights of Patronage in the Early Fourteenth Century', EHR, CLXXII (1928), 497-527.
- Desmond, L.A., 'The Statute of Carlisle and the Cistercians, 1298-1369', Studies in Medieval Cistercian History Presented to J.F.O'Sullivan (Cistercian Studies Series, 13, Shannon, 1971), 138-62.
- Dipple, G.L., 'Uthred and the Friars: Apostolic Poverty and Clerical Dominion Between FitzRalph and Wyclif', Traditio, 49 (1994), 237-58.
- Dobson, B., 'Oxford Graduates and the so-called Patronage Crisis of the Later Middle Ages', The Church in a Changing Society (Uppsala, 1978), 211-16.
- Duffy, E., The Stripping of the Altars: Traditional Religion in England 1400-1580 (London, 1992).
- Dyer, C., Standards of Living in the Later Middle Ages: Social Change in England c.1200-1520 (Cambridge, 1989).
- Dyer, C., 'Work Ethics in the Fourteenth Century', The Problem of Labour in Fourteenth-Century England, ed. J. Bothwell, P.J.P. Goldberg and W.M. Ormrod (Woodbridge, 2000), 21-42.
- Eberle, P.J., 'Richard II and the Literary Arts', Richard II and the Art of Kingship, ed. A. Goodman and J.L. Gillespie (Oxford, 2003), 231-54.
- Emden, A.B., A Biographical Register of the University of Oxford to A.D. 1500 (3 vols., Oxford, 1957-59).
- Erickson, C., 'The Fourteenth-Century Franciscans and their Critics', I and II, Franciscan Studies, 35-36 (1975-6), 106-35, 108-47.
- Evans, T.A.R., 'The Number, Origins and Careers of Scholars', in The History of the University of Oxford, ii, ed. J.Catto (Oxford, 1992), 485-538.
- Farr, W., John Wyclif as Legal Reformer (Leiden, 1974).
- Fines, J., 'William Thorpe: An Early Lollard', History Today, 18 (1968), 495-503.
- Fletcher, A.J. Preaching, Politics and Poetry in Late Medieval England (Dublin, 1998).
- Forrest, I., 'Anti-Lollard Polemic and Practice in Medieval England', The Fifteenth Century 3: Authority and Subversion, ed. L. Clark (Suffolk, 2003), 63-74.

- Galbraith, V.H., 'Articles laid before the Parliament of 1371', EHR, 34 (1919), 579-82.
- Geremek, B., 'Criminalité, Vagabondage, Paupérisme: La Marginalité a l'Aube des Temps Modernes', Revue d'Histoire Moderne et Contemporaine, XII (1974), 337-75.
- Geremek, B., 'Renfermement des pauvres en Italie (XIV --XVII siècle): Remarques Préliminaires', Melanges en l'honneur de Fernand Braudel: Histoire Économique du Monde Méditerranéen, 1450-1660 (Toulouse, 1973).
- Ghosh, K., 'Manuscripts of Nicholas Love's The Mirror of the Blessed Life of Jesus Christ and Wycliffite Notions of Authority', Prestige, Authority, and Power in Late Medieval Manuscripts and Texts, ed. F. Ridy (Woodbridge, 2000), 17-34.
- Ghosh, K., The Wycliffite Heresy: Authority and the Interpretation of Texts (Cambridge, 2002).
- Given-Wilson, C., 'The Bishop of Chichester and the Second Statute of Praemunire, 1365', Historical Research, 63 (1990), 128-42.
- Given-Wilson, C., 'The Problem of Labour in the Context of English Government, c.1350-1450', The Problem of Labour in Fourteenth-Century England, ed. J. Bothwell, P.J.P. Goldberg and W.M. Ormrod (Woodbridge, 2000), 85-100.
- Given-Wilson, C., 'Service, Serfdom and English Labour Legislation, 1350-1500', Concepts and Patterns of Service in the Later Middle Ages, ed. A. Curry and E. Matthew (Woodbridge, 2000), 24-37.
- Given-Wilson, C., 'The Rolls of Parliament, 1399-1421', Parchment and People: Parliament in the Middle Ages, ed. L. Clark (Edinburgh, 2004), 57-72.
- Godfrey, W.H., The English Almshouse (London, 1955).
- Godfrey, C.J., 'Non-Residence of Parochial Clergy in the Fourteenth Century', Church Quarterly Review, 162 (1961), 433-46.
- Godfrey, C.J., 'Pluralists in the Province of Canterbury in 1366', JEH, 23-41.
- Goodman, A., John of Gaunt: The Exercise of Princely Power in Fourteenth-Century Europe (London, 1992).
- Gray, H.L., The Influence of the Commons on Early Legislation (Cambridge, 1932).
- Gradon, P., 'Langland And The Ideology Of Dissent', PBA, LXVI (1980), 179-205.

- Graves, E.B., 'The Legal Significance of the Statute of Praemunire of 1353', *Haskins Anniversary Essays in Medieval History*, ed. C.H. Taylor and J.L. La Monte (New York, 1929).
- Hanrahan, T.J. 'John Wyclif's Political Activity', *Medieval Studies*, 20 (1958), 154-65.
- Hansen, M.H., 'The Peasants' Revolt and the Chronicles', *JMH*, 6 (1980), 393-415.
- Harper-Bill, C., 'The English Church and English Religion after the Black Death', *The Black Death in England*, ed. M. Ormrod and P. Lindley (Stamford, 1996), 79-123.
- Harper-Bill, C., 'The Struggle for Benefices in Twelfth-Century East Anglia', *Anglo-Norman Studies*, XI (1988), 113-32.
- Harriss, G.L., 'The Management of Parliament', in his *Henry V: The Practice of Kingship* (Oxford, 1985), 137-58.
- Hartridge, R.A.R., *A History of Vicarages in the Middle Ages* (Cambridge, 1930).
- Harvey, M., 'Adam Easton and the Condemnation of John Wyclif, 1377', *EHR*, 113 (1998), 321-34.
- Harvey, M., 'Lollardy and the Great Schism: Some Contemporary Perceptions', *From Ockham to Wyclif*, ed. A. Hudson and M. Wilks, *Studies in Church History*, Subsidia 5 (Oxford, 1987), 385-96.
- Harvey, M., *Solutions to the Schism* (Verlag, 1983).
- Havens, J.C., 'A Curious Erasure in Walsingham's Short Chronicle and the Politics of Heresy', in *Fourteenth Century England II*, ed. C. Given-Wilson (Woodbridge, 2002), 95-106.
- Heath, P., *Church and Realm: 1272-1461* (London, 1988).
- Helmholz, R.H., 'Canon Law and the English Common Law: Selden Society Lecture delivered in the Old Hall of Lincoln's Inn, July 5<sup>th</sup> 1982', Selden Society (London, 1983).
- Helmholz, R.H., *Canon Law and the Law of England* (London, 1987).
- Helmholz, R.H., *Marriage Litigation in Medieval England* (Cambridge, 1986).
- Helmholz, R.H., *Select Cases on Defamation to 1600* (London, 1985).
- Holmes, G. *The Good Parliament* (Oxford, 1975).

- Horner, P.J., ' "The King Taught Us the Lesson": Benedictine Support for Henry V's Suppression of the Lollards', Medieval Studies, 52 (1990), 190-220.
- Hudson, A., 'Additions and Modifications to a Bibliography of English Wycliffite Writings' in her Lollards and Their Books (London, 1985), 249-52.
- Hudson, A., 'The Examination of Lollards' in her Lollards and their Books (London, 1985), 125-40.
- Hudson, A., 'Hermofodrita or Ambidexter: Wycliffite Views on Clerks in Secular Office', Lollardy and the Gentry in the Later Middle Ages, ed. M. Aston and C. Richmond (New York, 1997), 41-51.
- Hudson, A., 'John Purvey: A Reconsideration of the Evidence for his Life and Writings' in her Lollards and their Books (London, 1985), 85-110.
- Hudson, A., 'The King and Erring Clergy: A Wycliffite Contribution', The Church and Sovereignty, c.590-1918. Essays in Honour of Michael Wilks, ed. D. Wood, Studies in Church History, Subsidia 9 (Oxford, 1991), 269-78.
- Hudson, A., ' "Laicus Litteratus": The Paradox of Lollardy', Heresy and Literacy 1000-1530, ed. P. Biller and A. Hudson (Cambridge, 1994), 222-36.
- Hudson, A., 'Poor Preachers and Poor Men: Views of Poverty in Wyclif and his Followers', Häresie und vorseitige Reformation im Spätmittelalter, ed. F. Šmahel and E. Müller-Luckner (Munich, 1998), 41-53.
- Hudson, A., 'Preface', Lollards and their Influence in Late Medieval England, ed. F. Somerset, J.C. Havens and D.G. Pitard (Woodbridge, 2003), 1-8.
- Hudson, A., The Premature Reformation: Wycliffite Texts and Lollard History (Oxford, 1988).
- Hudson, A., 'Some Problems of Identity and Identification in Wycliffite Writings' Middle English Prose: Essays in Bibliographical Problems, ed. A.S.G. Edwards and D. Pearsall (New York, 1981), 81-90.
- Hudson, A., 'Wyclif and the English Language', Wyclif in his Times, ed. A. Kenny (Oxford, 1986), 85-103.
- Hudson, A., 'Wycliffism in Oxford, 1381-1411', Wyclif in his Times, ed. A. Kenny (Oxford, 1986), 67-84.
- Hudson, A., 'A Wycliffite Scholar of the Early Fifteenth Century', Studies in Church History, Subsidia 4 (1985), 301-15.

Hughes, J., Pastors and Visionaries: Religion and Secular Life in Late Medieval Yorkshire (Woodbridge, 1988).

Hughes, J., The Religious Life of Richard III (Stroud, 1997).

Jacob, E.F., 'The Canterbury Convocation of 1406', Essays in Medieval History Presented to Bertie Wilkinson, ed. T. Sandquist and M.R. Powike (Toronto, 1969), 345-53.

Jacob, E.F., 'A note on the English Concordat of 1418', Medieval Studies presented to Aubrey Gwynn, ed. J. Watt, J. Morall, and F. Martin (Dublin, 1961), 349-58.

Jacob, E.F., Archbishop Henry Chichele (London, 1967).

Johnson, I., 'Language and Literary Expression', An Illustrated History of Late Medieval England, ed. C. Given-Wilson (Manchester, 1996), 127-51.

Jones, W.R., 'Relations of the Two Jurisdictions: Conflict and Cooperation in England during the Thirteenth and Fourteenth Centuries', Studies in Medieval and Renaissance History vol. VII, ed. W.M. Bowsky (Lincoln, 1970), 79-210.

Jurkowski, M., 'The Arrest of William Thorpe in Shrewsbury and the Anti-Lollard Statute of 1406', BIHR, 75 (2002), 273-95.

Kedar, B., 'Canon Law and Local Practice: The Case of Mendicant Preaching in Late Medieval England', Bulletin of Medieval Canon Law, New Series 2 (1972), 17-32.

Kemp, B.R., 'Monastic Possession of Parish Churches in England in the Twelfth Century', JEH, 31 (1980), 133-60.

Kenny, A., 'Realism and Determinism in the Early Wyclif', From Ockham to Wyclif, ed. A. Hudson and M. Wilks, Studies in Church History, Subsidia 5 (Oxford, 1987), 165-77.

Kirby, J., Henry IV of England (London, 1970).

Knight, S., 'The Voice of Labour in Fourteenth-Century English Literature', The Problem of Labour in Fourteenth-Century England, ed. J. Bothwell, P.J.P. Goldberg and W.M. Ormrod (Woodbridge, 2000), 101-22.

Knowles, D., The Religious Orders in England, II (Cambridge, 1955).

Leff, G., Heresy in the Later Middle Ages (Manchester, 1967).

Little, A.G., The Grey Friars in Oxford (Oxford, 1892).

Little, A.G., 'Personal Tithes', EHR, 60 (1945), 67-87.

Lunt, W., Financial Relations of the Papacy with England (2 vols., Cambridge, Mass., 1939, 1962).

Lytle, G.F. 'Patronage Patterns and Oxford Colleges, c.1300 – c.1530', The University in Society, i, ed. L. Stone (London, 1975), 111-49.

Mallet, C.E., A History of the University of Oxford 1: The Mediaeval University and the Colleges Founded in the Middle Ages (London, 1924).

Martin, G., 'Knighton's Lollards', Lollardy and the Gentry in the Later Middle Ages, ed. M. Aston and C. Richmond (Stroud, 1997), 28-40.

McDonnell, E.W., The Beguines and Beghards in Medieval Culture (New Brunswick, New Jersey 1954).

McFarlane, K.B., John Wycliffe and the Beginnings of English Non-Conformity (London, 1953).

McFarlane, K.B., Lancastrian Kings and Lollard Knights (Oxford, 1972).

McHardy A.K., 'The Alien Priories and the Expulsion of Aliens in 1378', Studies in Church History, 12 (1975), 133-41.

McHardy, A.K., 'Clerical Taxation in Fifteenth Century England: the Clergy as Agents of the Crown', The Church, Politics and Patronage in the Fifteenth Century, ed. R.B. Dobson (Gloucester, 1984), 168-92.

McHardy, A.K., 'De Heretico Comburendo, 1401', Lollardy and the Gentry in the Later Middle Ages, ed. M. Aston and C. Richmond (Stroud, 1997), 112-26.

McHardy, A.K., 'The Dissemination of Wyclif's Ideas', From Ockham to Wyclif, ed. A. Hudson and M. Wilks, Studies in Church History, Subsidia 5 (Oxford, 1987), 361-68.

McHardy, A.K., 'The Effects of Warfare on the Church: The Case of the Alien Priories in the Fourteenth Century', England and her Neighbours: Essays in Honour of Pierre Chaplais (London, 1989), 277-95.

McHardy, A.K., 'The English Clergy and the Hundred Years War', Studies in Church History, 20 (1983).

McHardy, A.K., 'John Wyclif's Mission to Bruges: A Financial Footnote', Journal of Theological Studies (1973), 521-22.



- McHardy, A.K., The Age of War and Wycliffe: Lincoln Diocese and its Bishop in the Later Fourteenth Century (Lincoln, 2001).
- McIntosh, M.K., Controlling Misbehavior in England, 1370-1600 (Cambridge, 1998).
- McNiven, P., Heresy and Politics in the Reign of Henry IV: The Burning of John Badby (Woodbridge, 1987).
- McNiven, P., 'Rebellion, Sedition and the Legend of Richard II's Survival in the Reigns of Henry IV and Henry V', BJRL, LXXVI (1994), 93-117.
- McNiven, P., 'The Problem of Henry IV's Health 1405-13', EHR, 100 (1985), 747-72.
- Middleton, A., 'Acts of Vagrancy: The C Version "Autobiography" and the Statute of 1388', Written Work: Langland, Labour and Authorship, ed. S. Justice and K. Kerby-Fulton (Philadelphia, 1997), 208-317.
- Mollat, G., The Popes at Avignon (London, 1963).
- Mollat, M., The Poor in the Middle Ages (West Hannover, 1986).
- Moorman, J.R.H., The Grey Friars in Cambridge, 1225-1538 (Cambridge, 1952).
- Morgan, P., 'Henry IV and the Shadow of Richard II', Crown, Government and People in the Fourteenth Century, ed. R. Archer (Stroud, 1995), 1-31.
- Musson, A., 'New Labour Laws, New Remedies? Legal Reaction to the Black Death "Crisis"', Fourteenth Century England I, ed. N. Saul (Woodbridge, 2000), 73-88.
- Myers, A.R., 'Parliamentary Petitions in the Fifteenth Century', EHR, 52 (1937), 385-404, 590-613.
- Orme N. and Webster M., The English Hospital 1070-1570 (London, 1995).
- Ormrod, W.M., 'The Personal Religion of Edward III', Speculum, 64 (1989), 849-977.
- Owst, G.R., Literature and the Pulpit in Mediaeval England: a Neglected Chapter in the History of English Letters and of the English People (Cambridge, 1933).
- Palmer, C.F.R., 'The King's Confessors', The Antiquary, XXII (1890), 114-120, 159-61.
- Palmer, R., English Law in the Age of the Black Death: A Transformation of Governance, 1348-1381 (Chapel Hill, 1993).

Palmer J.J.N. and Wells, A.P., 'Ecclesiastical Reform and the Politics of the Hundred Years War during the Pontificate of Urban V, 1362-70', War, Literature and Politics in the Late Middle Ages (Liverpool, 1976), 169-89.

Palmer, J.J.N., 'England, France, the Papacy, and the Flemish Succession, 1361-9', JMH, II (1976), 339-64.

Pantin, W.A., The English Church in the Fourteenth Century (London, 1955).

Pearsall, D., 'Piers Plowman and the Problem of Labour', The Problem of Labour in Fourteenth-Century England, ed. James Bothwell, P.J.P. Goldberg and W.M. Ormrod (Woodbridge, 2000), 123-32.

Perroy, E., L'Angleterre et Le Grand Schisme d'Occident (Paris, 1933).

Pitard, D.G., 'A Select Bibliography for Lollard Studies', Lollards and their Influence in Late Medieval England, ed. F. Somerset, J.C. Havens and D.G. Pitard (Woodbridge, 2003), 251-320.

Pollock F., and Maitland F.W., The History of English Law Before the Time of Edward I (2 vols., Cambridge, 1968).

Poos, L.R., 'The Social Context of Statute of Labourers Enforcement', Law and History Review, I (1983).

Pounds, N.J.G., A History of the English Parish: The Culture of Religion from Augustine to Victoria (Cambridge, 2000).

Putnam, B., 'The Transformation of the Keepers of the Peace into Justices of the Peace, 1327-1380', TRHS, 4<sup>th</sup> ser. XII (1929), 19-48.

Putnam, B., The Enforcement of the Statute of Labourers in the first decades after the Black Death, 1349-1359 (Columbia Studies in the Social Sciences, 85, New York, 1908).

Raban, S., Mortmain Legislation and the English Church 1279-1500 (Cambridge, 1982).

Rayner, D., 'The Forms and Machinery of the 'Commune Petition in the Fourteenth Century', EHR, 56 (1941), 198-233, 549-70.

Rawcliffe, C., The Hospitals of Medieval Norwich (Norwich, 1995).

Renna, T., 'Wyclif's Attacks on the Monks', From Ockham to Wyclif, ed. A. Hudson and M. Wilks (Studies in Church History, Subsidia 5, Oxford, 1987), 267-80.

Rex, R., The Lollards (Basingstoke, 2002).

- Renouard, Y., The Avignon Papacy, trans. D. Bethell (London, 1970).
- Richardson, H.G., 'Heresy and the Lay Power under Richard II', EHR, CCI (1936), 1-28.
- Rodes, R.E., Ecclesiastical Administration in Medieval England: The Anglo-Saxons to the Reformation (London, 1977).
- Rogers, A., 'Clerical Taxation under Henry IV, 1399-1413', BIHR, XLVI (1973), 123-41.
- Rogers, A., 'The Political Crisis of 1401', Nottingham Medieval Studies, 12 (1968), 85-96.
- Roskell, J.S., 'Sir John Cheyne of Beckford, Knight of the Shire for Gloucestershire in 1390, 1393, 1394, and 1399, when Elected Speaker', Transactions of the Bristol and Gloucestershire Archaeological Society, 75 (1976), 65-94.
- Rouse, H., and Rouse M.A., 'The Franciscans and their Books: Lollard Accusations and the Franciscan Response', From Ockham to Wyclif, ed. A. Hudson and M. Wilks, Studies in Church History (Subsidia 5, Oxford, 1987), 369-84.
- Rubin, M., Charity and Community in Medieval Cambridge (Cambridge, 1987).
- Saul, N., Richard II (London, 1997).
- Saul, N., 'Richard II and the Vocabulary of Kingship', EHR, CX (1995), 854-77.
- Scase, W., 'A Wycliffite Libel and the Naming of Heretics', Lollards and their Influence in Late Medieval England, ed. F. Somerset, J.C. Havens and D.G. Pitard (Woodbridge, 2003), 95-106.
- Scase, W., Piers Plowman and the New Anticlericalism (Cambridge, 1989).
- Scheifele, E., 'Richard II and the Visual Arts', in A. Goodman and J.L. Gillespie, ed., Richard II and the Art of Kingship (Oxford, 2003), 255-272.
- Sheehan, M.W., 'The Religious Orders 1220-1370', The History of the University of Oxford, I, ed. J. Catto (Oxford, 1984), 192-223.
- Sillem, R., 'Commissions of the Peace 1380-1485', BIHR, X (1932-3), 81-104.
- Smith, D.M., Guide to Bishop's Registers of England and Wales (London, 1981).
- Stein, I.H., 'The Wyclif Manuscript in Florence', Speculum, V (1930), 95-97.

Storey, R.L., 'Episcopal King-Makers in the Fifteenth Century', The Church, Politics and Patronage in the Fifteenth Century, ed. R.B.Dobson (Gloucester, 1984), 82-98.

Storey, R.L., 'Gentlemen-Bureaucrats: Profession, Vocation, and Culture in Later Medieval England', Essays Dedicated to the Memory of A.R.Myers, ed. C.H.Clough (Liverpool, 1982), 90-129.

Strohm, P., England's Empty Throne: Usurpation and the Language of Legitimation, 1399-1322 (London, 1998).

Swanson, R.N., 'Learnings and Livings: University Study and Clerical Careers in Late Medieval England', History of Universities, 6 (1986-7), 81-103.

Swanson, R.N., 'Universities, Graduates and Benefices in Late Medieval England', P&P, 106 (1985), 28-61.

Swanson, R.N., Church and Society in Late Medieval England (Oxford, 1989).

Szittyá, P., The Antifraternal Tradition in Medieval Literature (Princeton, 1986).

Tatnall, E.C., 'John Wyclif and Ecclesia Anglicana', JEH, XX (1969), 19-43.

Taylor, J., English Historical Literature in the Fourteenth Century (Oxford, 1987).

Thompson, A.H., 'Pluralism in the Mediaeval Church; with notes on Pluralists in the diocese of Lincoln, 1366.' Part 1, Associated Architectural Societies Reports and Papers, 33 (1955), 35-73.

Thompson, B.J., 'The Laity, the Alien Priors, and the Redistribution of Ecclesiastical Property', England in the Fifteenth Century: Proceedings of the 1992 Harlaxton Symposium, ed. N.Rogers (Stamford, 1992), 19-41.

Thomson, J.A.F., 'Knightly Piety and the Margins of Lollardy', Lollardy and the Gentry in the Later Middle Ages, ed. M. Aston and C. Richmond (Stroud, 1997), 95-111.

Thomson, J.A.F., 'Orthodox Religion and the Origins of Lollardy', History, 74 (1985), 39-55.

Tierney, B., 'The Decretists and the "Deserving Poor"', Church Law and Constitutional Thought in the Middle Ages, ed. B. Tierney (London, 1979), 360-73.

Tierney, B., Medieval Poor Law: A Sketch of Canonical Theory and its Application in England (Berkeley, 1959).

Tuck, J.A., 'The Cambridge Parliament, 1388', EHR, CCCXXXI (1969), 225-43.

Tuck, J.A., 'Carthusian Monks and Lollard Knights: Religious Attitudes at the Court of Richard II', Studies in the Age of Chaucer, Proceedings, i, 1984: Reconstructing Chaucer, ed. P. Strohm and T.J. Heffernan (Knoxville, 1986), 149-61.

Ullmann, W., 'This Realm of England is an Empire', JEH, 30 (1979), 175-203.

Vale, M., 'Piety, Charity and Literacy among the Yorkshire Gentry, 1370-1480', York Borthwick Papers, 50 (1976), 1-32.

Valente, C., 'Simon de Montfort, Earl of Leicester, and the Utility of Sanctity in Thirteenth Century England', Journal of Medieval History, 21 (1995), 27-49.

Walker, S., 'Political Saints in Later Medieval England', The McFarlane Legacy: Studies in late Medieval Politics and Society, ed. R.H. Britnell and A.J. Pollard (New York, 1995), 77-106.

Walker, S., 'Rumour, Sedition and Popular Protest in the Reign of Henry IV', Past and Present, 166 (2000), 31-65.

Walsh, K., A Fourteenth Century Scholar and Primate: Richard FitzRalph of Oxford, Avignon, and Armagh (Oxford, 1981).

Waugh, W.T. 'The Great Statute of Praemunire', EHR, XXVII (1922), 173-205.

Waugh, W.T., 'The Great Statute of Praemunire', History (1924), 289-92.

Waugh, W.T., 'The Lollard Knights', Scottish Historical Review, 11 (1914), 55-92.

Weske, D., Convocation of the Clergy (London, 1937).

Wilks, M., 'The Apostolicus and the Bishop of Rome' Journal of Theological Studies 14 and 15 (1963, 1964), 290-317, 311-356.

Wilks, M., 'Reformatio Regni: Wyclif and Hus as Leaders of Religious Protest Movements', Studies in Church History, 9 (1972), 109-30.

Wilks, M., 'Royal Patronage and Anti-Papalism from Ockham to Wyclif', Studies in Church History, Subsidia 5 (1987), 135-63.

Wilks, M., 'Royal Priesthood: The Origins of Lollardy', in Wyclif Political Ideas and Practice: Papers by Michael Wilks, ed. A.Hudson (Oxford, 2000), 101-16.

Wilks, M., 'Thomas Arundel of York: the Appellant Archbishop', Studies in Church History, Subsidia 12 (1999), 57-86.

Wolffe, B.P., The Royal Demesne in English History: the Crown Estate in the Governance of the Realm from the Conquest to 1509 (London, 1971).

Wood-Legh, K.L., 'The Appropriation of Parish Churches During the Reign of Edward III', Cambridge Historical Journal, 3 (1929-31), 15-22.

Wood-Legh, K.L., Studies in Church Life in England under Edward III (Cambridge, 1934).

Workman, H.B., John Wyclif: A Study of the English Medieval Church (2 vols., Oxford, 1926).

#### **UNPUBLISHED DISSERTATIONS:**

Dingwall, L.A., 'Matilda De Vere, Countess of Oxford and the Rebellion of 1403-04' (unpublished M.Phil Thesis, University of St Andrews, 1992).

El-Gazar, Z., 'The Parliament of 1406' (unpublished PhD thesis, University of St Andrews, 2001).

Foulser, N., 'The Opening Speeches to Parliament in Late Mediaeval England' (unpublished M.Litt thesis, University of St Andrews, 1999).

Kightly, C., 'The Early Lollards: A Survey of Popular Lollard Activity in England, 1382-1428.' (unpublished D.Phil thesis, University of York, 1975).