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THE ENGLISH CHURCH AT THE COUNCILS, 1409-1436

Reform, Heresy, and Nationalism

A Thesis by

Malcolm Spencer

A Thesis submitted to the Department of Ecclesiastical
History, St Mary's College, in fulfilment of the
requirements for the degree of Bachelor of Philosophy
in Divinity

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The English Church at the Councils 1409-1435
REFORM, HERESY and NATIONALISM.

A thesis submitted to the Department of Ecclesiastical
History, St. Mary's College, University of St. Andrews in
fulfilment of the requirements for the Degree of Bachelor
of Philosophy in Divinity.

DECLARATION

I hereby declare that the following thesis is based on results of work undertaken by me, and not submitted for a higher degree at this University of St. Andrews or any other.

October 1st. 1975.

I was admitted to St. Mary's College under ordinance 350 General no. 12), St. Andrews University, resident from October 1st. 1974. The research into the activities and issues of the English Church in the Fifteenth Century conciliar period is embodied in this thesis submitted, "The English Church at the Councils 1409-1435 Heresy, Reform and Nationalism."

October 1st. 1975.

I certify that Earl Malcolm Spencer has fulfilled residency conditions set forward in the resolution of the University Court 1970 no. 3, under General ordinance no. 12, and that he is qualified to submit this thesis for the Degree of Bachelor of Philosophy in Divinity.

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PREFACE

Although the 'You are Peter, and upon this rock I will build my church' passage dominated the proceedings of the General Councils in the first half of the fifteenth century, the great subjects of the Papacy and Conciliarism were interwoven with other issues which foreshadowed the great disruptions of the sixteenth century. Reform, Heresy and Nationalism are still issues which face the Christian community. Institutional reform, greater lay participation and the development of simpler life styles are aspects of church life in Europe and North America, as well as in the second and third worlds. New openness to 'heresy' and discussions with other religions have led to a fresh approach to old issues, and has provided more breadth to the Christian experience of brotherhood. The socio-ethical aspects of the Lollard and Hussite heresies have become more important for both Catholics and Protestants as we examine our Christian roots, in the face of the challenge to the Church to work for a qualitatively better society, to help end oppression and our longstanding alliance with ruling classes. The growth of the national state also challenges the theologian in our time as we have seen the demonic force of State patriotism in action and have begun the exploration of a 'people's cultural identity' in so far as it is related to human dignity.

The English Church today, as with all of the Western Church, is faced with many of the same questions as five centuries ago. The Spirit's power is needed also in our day to meet the challenges for The faith of Jesus Christ and ^{to} bring light to a world so much in need of hope.

CHAPTER I

THE CONCILIAR ACTIVITY

Although the General Councils of the early fifteenth century took place just before printing was destined to sweep across Europe, many documents and records remain from those important meetings. These help to illuminate the issues the Fathers dealt with at sessions and the situation of the church in the age. The English church was represented by many Bishops, Abbots and theologians as well as lay diplomatic delegates. Records of both the sessions and papers and correspondence provide sources for an examination of the role of these English delegations.

The Sources

Older collections of diaries and treatises of the Councils are the base of material transcribed from manuscript sources. The compilations of Mansi, Hardt and Martene and Durand contain many of the Conciliar documents (of Pisa and Constance particularly). Modern collections such as the Monumenta Conciliorum Generalium, and Haller's Concilium Basiliense, for Basle, and, Finke's Acta for Constance (parts of it, with some selections from Hardt, now translated into English by Louise Loomis) and the Hus material collected by Palacky, (in English see - Matthew Spinka) have filled out the material. Vol. VII of Hefele's great History of the Council remains the best survey of the conciliar events.¹

The particular contribution of the English has been examined by Jacob in various studies, and an older study by Zellfelder on the English

1. Mansi, J.D. Sacrorum Conciliorum Nova (Venice, 1784); Hardt, H. vonder Magnum Oecumenicum Constancientie Concilium IV Vols. (Frankfurt and Leipzig 1700); Martene, E. and Durand, V. Veterum Scriptorum (Paris, 1733); Monumenta Conciliorum Generalium (Vienna, 1858); Haller, J. Concilium Basiliense, several Vols. (Basle, 1896) Finke, H. Acta Concilii Constanciensis IV Vols. (Munster, 1896-1928); Loomis, L.R. The Council of Constance (Columbia New York, 1961); Palacky, F. Documenta Mag J. Hus (Prague, 1869); Spinka, M. John Hus at the Council of Constance (Columbia, New York, 1965); Hefele, C.J. (trans. by H. Leclercq) Histoire des Conciles (Paris, 1916).

contribution (with documents) at Basel has now been corrected and supplemented in articles by Schofield; Pisa and Constance have been the subject of theses by Harvey and Crowder.¹ Chapter three of Fliche and Martin's Histoire de Eglise (Vol. XLV) represents a good summary of the English church history in the period and provides a good bibliography of printed sources.²

The State of the Church

The church in the late medieval period was no stranger to internal self criticism. Much of the literature common to English laity and priesthood alike, such as Richard Rolle's 'Prick of Conscience', painted very vivid contrasts between heaven and hell and abounded in moral advice.³ Preaching stressed the shortness of human life and the need to shun the temptations which led to unhappiness and damnation.⁴ Bernard de la Planche, a Gascon Benedictine and English envoy at the Council of Constance, preached a sermon in 1417, before the highest prelates of the church, in the last year of the schism, in which he pointed to the scandal of a corrupt and divided church. Following many others he lashed out against the clergy who practice arrogance and avarice. War and division were a result of the shame of a corrupt church and there were only a few clerks

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1. Jacob, E.F. Essays in the Conciliar Epoch (Manchester, 1943); Zellfelder, A. England und Das Basler Konzil (Berlin, 1913); Schofield, A.N.E.D. 'The First English Delegation to the Council of Basle' Journal of Ecclesiastical History Vol. VII, 1961, pp. 167-196, and, 'The Second English Delegation to the Council of Basle' Journal of Ecclesiastical History Vol. XVII, 1966 pp. 29-64; Crowder, C. 'Some Aspects of the English nation at the Council of Constance' Unpublished thesis-D. Phil., 1953 Oxford (Bodleian) and Harvey, M. 'English views on the reforms to be undertaken in the General Councils 1400-1418', Unpublished thesis - Oxford, 1963 for D. Phil. (Bodleian)
 2. Fliche, A. and Martin, V. (eds.) Histoire de l'Eglise Vol. XLV (Delaruelle, Labande, Ourliac, L'Eglise au Temps du Grand Schisme (Louvain, 1962).
 3. Wells, J. E. A Manual of the writings in Middle English (Yale, 1916) p. 448
 4. Examples in Owst, G.R. Preaching in Medieval England (Cambridge, 1926)

who did not seem subject to the devil.¹ All over Europe, church members looked to the Councils to help overcome these problems of morale, to renew the institution of the church and to strengthen Christian life.

For most of the fourteenth century, the papal court was located in Avignon, France. Most churchmen did not consider it a time of inspired leadership, in fact, it tended to be a court more well known for its splendour than for its zeal for reform. "The papal court outshone all the other courts of Europe by the extravagance of its living and the splendour of its feasts."² Wars to regain the Papal possessions in Italy were a constant drain on the hub of Christendom. Mollat has noted that the papal treasury was always in deficit at that time, and to remedy the situation imposed more "taxes on ecclesiastical benefices...those paid to the curia and those levied on the spot by agents of the papal treasury."³ This caused widespread resentment in the church at large and many hoped that, when the church could bring the Papacy back to Rome, things would improve. The Romans themselves, who had seen the degeneration of their city, were anxious for the return of the Papal court. Petrarch cried out in lament for the eternal city, once head of the world and now a place of shame while the Avignon court was a "sink of vice, the sewer of the world."⁴

1. Gascony was part of English territory in France, so the clergy sat with the English group. Bernard was prior of Souillac until made Bishop of Dax before the council of Basle. He returned to Basle after the English departure, and was made a cardinal by Felix V, antipope, and was later reunited to the Roman obedience. Bernard died in 1444. See Dom P. Piolin, Gallia Christiana (Paris, 1870) Vol.1. col. 1054. Sermon found in Hardt, H. von der, Magnum Oecumenicum Constanciense Concilium (Frankfurt-Leipzig, 1697-1700) Vol. 1. col. 881
2. Mollat, G. The Popes at Avignon 1305-1378 (Trans. Janet Love) (Nelson, Edinburgh, 1963) p.310
3. Ibid. p.319
4. Previte-Orton, C.W. A History of Europe 1198-1378 (Methuen, London, 1971) p.243- a striking passage is found in Petrarch Prose Vol. VII (Milan, Naples, 1955) p.772.

Although the Papacy returned to Rome in 1378, the election of a new pope that year sparked a schism and a constitutional crisis in the church. After the death of Gregory XI, the last of the Avignon Popes, the Romans, impatient for an Italian Pope, stormed the conclave demanding a Roman or an Italian Pope. After a confusing election, amid this civil tumult in the city, Bartholomew Prignano, Archbishop of Bari and Chancellor of the curia, emerged as the new Pope. He was proclaimed Urban VI, in early April 1378, but the joy of the occasion was soon shattered as the Cardinals found the new Pontiff's short temper and blunt reforming zeal impossible to handle. By August, most of the College had withdrawn from the Pope and later in their 'Declaratio', the Cardinals claimed to have never actually accepted Urban as Pope.

"From this time onwards, the Cardinals treated him as Pope and paid homage to him, but never in the intention that he be the true Pope." 1

The Cardinals seized upon the plan to rule Urban's election invalid and thus pave the way for a new Pope. Robert of Geneva became Clement VII, in an election the Cardinals believed was quite canonical. He soon established his court at Avignon and now there were two Popes. Western Christendom was divided. France, the Spanish dominions and Scotland became supporters of Clement while Italy, parts of the Empire, and England supported the election of Urban.

English Reaction to the Schism

Urban VI was accepted by Crown and Church of England as soon as news reached the country of the new Pope's election. Wyclif, the radical reformer from Oxford, was to write favourably of the Papal election, especially of the early reform vigour which seemed to characterize this austere Papacy. At the opposite pole of the English religious community, Henry Despenser, the Bishop of Norwich, fresh from having defeated many of the rebels in the famed 1381 Peasant's Revolt, led a crusade against the Clementine obedience in 1383.

1. Ullmann, Walter, Origins of the Great Schism (London, 1949) p.75
Declaratio translated into English.

Papal reform had not been quite so pressing for England as the King and Parliament had acted to protect the Royal interest and limit papal provision to benefices and appeals to the curia. English ecclesiastical interest in this period was also turned toward the problem of heresy at Oxford. The nation was still embroiled in war with France. The King was able to exploit the situation of schism and hostility with France to take over appointments to benefices which were in French hands and to Anglicise French orders and their property. The effect of both the Avignon Papacy and the schism had been to strengthen royal control over the English church.

The credibility of the church everywhere in the West was in question during the schism. How could the seamless garment of Christ be rent? What was the solution? Many ways presented themselves to the church and were tried in the years before a settlement finally came in 1417.

Military Solution

The Voie de fait, or way of arms, had little support as the best solution to end the schism. Papal armies of a continental size could hardly be envisaged and this was not a situation like the crusades when the enemy was hostile to the faith. Despenser's failure in his continental adventure was the effective end to support for a military solution in England although some may have cherished the thought of the forces of the true allegiance triumphant over the anti-pope. Perroy, in his discussion on the English position in the schism, quoted from a letter sent as late as 1397 from an unknown clerk to Wenceslas in the Empire. It called on Benedict XIII (successor to Clement VII) to attend a council called by Boniface IX (Successor to Urban VII). If he did not attend, he faced the charge of heresy, and the lands of his supporters, particularly the French, would be forfeit immediately to the Plantagenets. It was one

1. Perroy, Edouard. L'Angleterre et le grand Schisme d'Occident (Etude sur la politique religieuse d'Angleterre sous Richard II, 1378-1399) (Monnier, Paris, 1933) pp.50-61, pp.94-95.

2. Ibid. pp.373-375.

way to baptise the political struggle in France! Early in 1391, however, English and French agreement was reached. It declared the voie de fait to be inappropriate as a means to heal the schism. This [REDACTED] came in ¹ time to prevent French armies leaving on a planned march on Rome that year.

The theological objections to conflicts between Christian brothers might have seemed obvious, but this was an age in which it was popular to excommunicate your rival and use any means for his reduction. Violent solutions to heresy were not unusual. The great crusades to recover the holy land testify to the willingness of many in the church to defend the faith by the sword. The Albigensian crusades in Languedoc about the time of the fourth Lateran Council in 1215 were particularly cruel in their results. The dreaded method of inquisition and its methods were to be remembered unhappily through the entire history of the church since that ² time. The medieval principle of unity seemed to justify the overriding of humane considerations when dealing with the supposed enemy. In England, under the pressure of the Wyclif heresy, burning heretics became part of the law at the beginning of the fifteenth Century. Whole nations and Obediencies were not as easily brought to heel, however, as were a few wayward individuals. Other solutions were sought.

The Way of Resignation

One other way to cure the schism was for each Pope to resign and allow the election of another by all the Cardinals. (Via Cessionis) John of Gaunt, uncle of Richard II, was reported to have included this suggestion as one of the results of a peace settlement between England and France in 1392. He declared at that time, (in opposition to official English Church policy) "when there is peace between England and France, we shall have one Pope, not before. The Roman Pope was not the true Pope,

1. Palmer, J.J.N. England, France and Christendom 1377-1399 (Routledge and Kegan Paul, London, 1971) p.193.

2. Previte-Orton, A History of Europe (1198-1378) (Methuen, London, 1971) pp.55-56

but then neither was Clement properly elected: both would have to resign in favour of a third candidate." ¹ France, from that time onwards, exerted pressure on Benedict XIII to come to some terms of settlement and resign.

Paris University took the lead in initiating discussion on various ways to end the schism, particularly championing the via cessionis. They sent out a letter to other nations and universities seeking their reactions and opinions. When Benedict XIII was elected in mid 1394, one of the conditions of his election was that he agreed to a mutual resignation with the Roman Pope. England and other supporters of the Roman Obedience were to put similar pressure on Boniface IX and his successors, but it was not until the pontificate of Gregory XII in 1406 that the Roman Pope was pledged to the way of resignation. The Masters at Paris had argued, in their letter, that there were many good reasons to support Papal resignation and a new election. Christ's example of sacrifice was the theological basis for this action by the Papal claimants. It was the easiest way, more secure and morally superior to other methods, and thus was to be preferred. ² The simplicity of this way, however, did not seem to attract enthusiasm in either obedience, although lip service was paid to this way until the opening of the Councils.

The via cessionis raised controversial canonical questions. Could a Pope legally resign, once elected? Was he not bound as Christ's vicar to recognize his responsibility and authority and refuse to participate in his own deposition except in extreme cases of his loss of sanity or heresy? The controversy over ^{The} resignation of the hapless Peter of Morrone, Celestine V, had engendered considerable debate. He had been Pope for only a few months of 1294, although some recognized his pontificate until his death a few years later. His successor, the unpopular Benedict Caetani found ³ that his papacy was in question by many canonists and others. It was not

1. Palmer, England p.194 (From the Apparicion de Maistre Jehunde Mehu)

2. For discussion of the letter, see Jacob, E.F. Essays pp.60-62

3. See Seppelt, F.X. Studien zum Pontifikat Papst Coelestin V (Abhandlung zur mittleren und neuern Geschichte) H.27 (Berlin,1911)

at all clear what would be the position of a Pope who resigned or the legitimacy of his actions while he was the Pope. Benedict XIII told Pierre D'Ailly when he asked him on one occasion to agree to cession, "I have never accepted the way of cession, and I shall never accept it. I believe that if I were to follow that way I should sin mortally." ¹ Beside the fact that the Spirit was not limited by the canon law, the cessionists argued that this was an extreme situation. What if the Pope was incapable of rule or heretical or his position was in doubt as was the case in this present schism when two contended for the tiara? Were the same canons, as in normal times, applicable? It seemed to many that resignation was quite justifiable in the light of the distress in the Christian Community.

If voluntary resignation appeared difficult, could local churches and nations withdraw their obedience, and, by isolating the Pope, force his resignation? This way was adopted by France in 1398 in her relations with Benedict XIII, but only lasted a short time. This programme was also urged on England and seemed to have gained some Royal favour. Richard II was unable to bring his plans and French policies to fruition as the usurpation of the throne by the Lancasters in 1399 changed the direction of Royal Policy. ²

The via cessionis might have been effective had both parties been able to agree on a settlement which would have protected the actions and the laws of each. If negotiations were so arranged that neither contender was placed in any jeopardy, then, perhaps both colleges of Cardinals could have elected a new Pope. In fact meetings were arranged for this purpose, and by 1407-1408, a settlement looked possible as both Popes moved ever closer in search of a mutually acceptable meeting place. No place was ever found although at one stage only a few miles separated them. The Colleges became exasperated as negotiations broke down and at last as Gregory broke another oath (not to create any more Cardinals), his Cardinals deserted him. (May, 9, 1408). The English envoy at the Papal court at that time,

1. Smith, J.H. The Great Schism (Hamilton, London, 1970) p.160

2. Palmer, England. p.222

Richard Dereham, Chancellor of the University of Cambridge, was at Lucca¹ that Spring and sent home the news, and later testified against Gregory at Pisa.

A General Council

Gregory's Cardinals moved to Pisa, and there, joined with the group from Avignon who had abandoned Benedict, they decided to call a General Council.² To the charge that they had not the power to call a General Council, as only the Pope could authorise the meeting, they replied that the schism demanded action, citing limitations of the Papal function found in canon law. The way of a Council seemed the only way left to the church. When Cardinal Ugucione in his sermon at Westminster on 28-29 October, 1408, invited the English to the Council, he called for a broad interpretation of the law and the scriptures.

"But this is important, that if we wish to judge through the laws of the scriptures, we should consider not only the way of the word of the law as it was made for the Jews but also the reason and mind of the law itself."³

This conciliar way, however, was not just another way to end the schism or another option in canon law. It involved a different way of looking at the church itself. The voie de fait and the via cessionis were merely tactics to end the schism but a General Council sitting in judgement upon a Pope and working for the reform of the church^{meant} a change from the monarchical ecclesiology which was so common through the history of the church.

High Papal claims of authority and superiority made in the thirteenth and early fourteenth centuries tended to obscure the other tradition in canon law which provided the church with a corporate nature of authority and provided conciliar solutions to times of crisis. Tierney has taken

1. Jacob, E.F. The Fifteenth Century 1399-1485 (Clarendon, Oxford, 1961) pp.91-93.

2. Cardinal Orsini and others supported a council from the beginning of the schism-see-Franz Bliemetzrieder Das General Konzil in Grossen Abendlandischen schisma (Schoningh, Paderborn, 1904) p.4.

3. Galbraith, V.H. The St. Albans Chronicle (Clarendon, Oxford, 1937)p.149

examples of Canon law sources from Gratian and others to demonstrate that there was a considerable base in the canonistic tradition for a conciliar theory.¹ In response to the Schism, a great deal of conciliar literature was produced on the Continent. This material ranged from Conrad of Gelnhausen's Epistola Brevis in 1379, through the works of Henry of Langenstein, Pierre D'Ailly, Jean Gerson, Dietrich of Niem, Cardinal Zabarella to Nicholas of Cusa and others.² Far from being out of the mainstream of ecclesiastical practice, these thinkers attempted to weld conciliar practice to the tradition of the church and place it at the very heart of the church's ecclesiology. Christ's body was its members, not just Pope and Cardinals. The mystical body when concretely gathered with representatives from its several members was to be regarded as the highest court of the church. Not only radical thinkers like Marsilius of Padua and William Ockham, of a generation earlier, inspired these new theories, but traditional canonists, and the practical situation facing the church of the schism.

The Canonistic Debate

Although Huguccio of Pisa (1190), in his discussion of Gratian's Decretals and the passage, 'Tu es Petrus', claimed that the Pope had superior power in the administration and jurisdiction in the church, in matters of faith, the Council was superior to the Pope.³ The first four Councils of the church were compared to the four Gospels.⁴ Huguccio continued Gratian's interpretation which asserted that the Pope could be deposed for heresy or lack of faith.⁵ The church was a corporate structure and members of the body had some right in the policy and direction of the community. This had

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1. Tierney Brian, Foundations of the Conciliar Theory (Cambridge University Press, 1955)
 2. Spinka, M. (Ed) Advocates of Reform (Library of Christian Classics) (SCM, London 1953) pp.95-96 - good summary of the literature.
 3. Tierney, Foundations p.33
 4. Ibid. p.49
 5. Ibid. pp.62-63

particular relevance in practice to collegial and Cathedral churches. Hostiensis, the Bishop of Ostia (1251) saw a complex set of relationships between a Bishop and his Canons. The consent of the Canons was necessary in matters which affected the "vital interest of the whole corporation." The Bishop "... had freedom in administration while his administration was good, but not so far as to despoil the church." ¹ This was applied to Pope and Cardinals so that the Cardinals were said to share in the plenitude of power of the Papacy.

Against this conciliarist theory was the assertion of Papal sovereignty. The Papacy must be hedged with such power because it was dominically established and it must be free from the influence of one powerful faction or group so as to be the guarantor of the unity and fidelity of the church on earth. The oneness of the body of Christ was represented, in its single head which was Christ himself, by his vicar on earth, the Pope. The vision of a united, basically Christian society was at the basis of theories of supreme papal authority, spiritual and temporal. Augustinus Triumphus (1320) stressed the good of the community as over against the good of individuals. The Christian community was greater than the individuals which comprised it. "... all justice is ordained for the good of the community and for the promotion of the republic ... not consideration of private good..." ² The Pope represents the community and was interchangeable with it -- with the whole Christian society. Wars, national rivalry, heresy, language, rites, customs could not ultimately divide the community of faith. The model of absolute monarchy seemed the best mode of constitution to ensure this unity. Michael Wilks has noted, in his study of the ideas of sovereignty in the period, that "seen through the eyes of the papalists, the arguments in favour of monarchy are overwhelming and irrefutable..." A Christian society needed some "final authority which determines what exactly constitutes faith."

1. Tierney, Foundations p.124, "*... Respondet liberam administrationem habet dum bene administrat non quando ecclesiam spoliat...*"
2. Wilks, Michael The Problem of Sovereignty in the Later Middle Ages (Cambridge University Press, 1963) p.242.
3. Ibid. p.43

This view had been challenged by John of Paris (1302) who asserted that while the Papacy was of divine origin, the individuals who filled the office were humanly elected and thus might be deposed. Papal authority was a function for the good government of the Christian community, and must be exercised in responsibility to the community. "...should a Pope betray his trust in taking the property of churches for reasons other than the common good, he can be deposed, should he not, on admonition, make amends." Marsilius of Padua in his Defensor Pacis of 1324 made a strong protest against the Papal tyranny of his time, the Avignon period. He had seen his home country, Italy, ravaged by the armies of the Pope attempting to regain temporal dominion. He was led to conclude that when a Pope was wayward and lacked charity or worked to the detriment of the church, the secular princes could intervene and reform the church. Final authority was vested most appropriately in a General Council which had full ecclesiastical powers. The church had no temporal power, and in fact the prince could call the Council if necessary. "Only the faithful Legislator, or the ruler by authority in communities of Believers may assemble through coercive power a general or partial council of priests, bishops and other believers..." At the same time William of Ockham and other Franciscans attacked the Pope's condemnation of their practice of poverty. Ockham wrote to Pope John XXII:

"Let him know that, by the general legislation, it is not considered to him by any means to command (imperare) by austerity or force. Let him know, therefore, that not the Lordship (Dominium) but the ministry (Ministerium) is given; let him know that he is prelate over all, not just for himself but for the benefit of others... let him know that he received the powers of the Lord for edification, not for destruction and perturbation and to diminish the rights of others." 3

1. ED. Watt, J.A. (trans.) John of Paris on Royal and Papal Power (Pontifical Institute of Medieval Studies; Toronto, 1971) p.101
2. Gewirth, A. (trans.) Marsilius of Padua, The Defender of Peace. Vol. II (Columbia, New York, 1956) p.430. Previté-Orton C.W. (ed.) The Defensor Pacis of Marsilius of Padua (Cambridge, 1928) p.498
3. Ockham Au Princeps (translated and quoted in P. Boehner Collected Articles on Ockham (ed.) Buytaert E.M. Franciscan Institute (Bonaventure, New York, 1958) p.254.

Ockham's view of the Council was not merely as a negative force against the powers of an evil Pope. He used the figure of Mary to represent the church and contrasted her faithfulness to that of Peter at the time of the Passion. "At the time of Christ's passion, ...the whole Christian¹ faith of the church remained in the mother of Christ." He called for a General Council with wide representation of the whole church which included the laity who themselves "could summon a General Council and themselves² take part in it."

This tradition was not unknown to those advancing the vis concilii, and, in spite of much of the writing having been condemned, it remained a part of theological literature. One of the orthodox decretalists, Hostiensis, was used by the chapter in Lincoln in their claims against the Bishop³(1313). English churchmen were acquainted with the theory of corporation rights, but the notion of a General Council as something more than an expedient way of settling the schism was to be worked out by continental theologians. To many of these, this solution meant a fundamental revision in the constitution of the church. The Council had a permanent share of power, in fact, greater power than the Pope in matters of faith and legislation for reform. During the schism the former paper war of ideas and assertions became part of what Tierney has called the actual contest "for the practical control of the machinery⁴ of church government."

The Paris Activity and the Role of the Cardinals

Interest was already growing in 1379, in Paris, for the via concilii. Conrad of Gelnhausen appealed to the Emperor and the French King to unite both obediences in a Council. A year later he wrote in his Epistola

Concordia:

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1. Tierney op. cit., p.44 n5
 2. Gierke O.F. Von Political Theories of the Middle Ages (Trans: F.W. Maitland) (Cambridge,1900) p.51
 3. Tierney Foundations p.172
 4. Ibid. p.1

"Since only the church as a whole could be certain of receiving Christ's unfailing guidance, the authority of the universal church was superior to that of any organ of ecclesiastical government within it, including the Papacy." 1

Henry Langestein argued, in 1391, for a Council. The Cardinals by themselves were unable to solve the problem. What if the Pope had fallen into heresy or died and the Cardinals had all died as well, or if together they had become heretical or if by reason of compulsion the Cardinals were unable to call a Council, could a General Council be called? Of course, since it was the function of the papacy to call a Council but not part of the essential nature of the Council that it be called by the Pope, as the "taking of something belonging to another person without the owner's consent, as the taking of bread in order to live, is not theft." ² ἐπιείκεια, a greek term used by Aristotle which stresses equity or the intention of the law rather than the literal interpretation was used to justify the General Council. The goals of peace and salvation, the reason for the Canons, must be served rather than the letter of the law. Conciliarists such as Pierre D'Ailly and Dietrich of Nelm took this assertion of conciliarism into the debates at the Councils themselves.

The most significant factor in achieving the conciliar solution and the actual organisation of the Councils themselves was due to the work of the Cardinals. Since the days of the Avignon Papacy, they had a part in the Papal policy making process and it was as much his high handed autocratic method as his crude manner that had caused them to withdraw from Urban VI and move to Fondi in 1378 where they had first considered ³ calling a Council. In many ways they had initiated the idea of a limitation ⁴ on Papal power, proposed a Council and carried it through. Ullmann has

1. Tierney, Foundations p.4

2. Spinka, Advocates Translation J.K. Cameron - Henry Langestein 'Letter on behalf of a Council of Peace' pp.129-130

3. Bliemetzrieder, Das General Konzil p.6 Quotes Orsini in 1379 who supported the utility of a Council, "pro me et pro tota Christianite"

4. see Jacob, E.F. Essays pp.3-7 and Cameron, J.K. unpublished thesis 'Conciliarism in theory and Practice' Hartford Seminary Foundation Library. 1953.

suggested that the implications of this fact suggest that, far from the conciliar movement being an attempt at a broad democratisation of the church, "monarchy versus oligarchy was the real issue of the schism."¹

The eleventh and twelfth centuries had seen the Cardinal's function change to become more representative as well as to resemble a chapter in status.² By 1239, the Emperor Frederick II, in one of his many confrontations with the Pope,³ appealed to the Cardinals. Cardinal Zabarella, a leading figure at the Council of Constance, wrote that the Pope and the Cardinals stood in a close relationship, not only the Pope but also the Cardinals were "partes corporis Papae."⁴

The Road to the Council

In early 1395, as ^{the} assembly of the French clergy agreed to pursue the way of Cession (the voie de fait and voie de persuasion were dropped from consideration). They wrote to England and to the Empire to solicit support.⁵ Richard II, in the midst of peace negotiations, wished to include an ecclesiastical settlement. This settlement was to be sealed by Richard's marriage to the young daughter of Charles VI. King Richard sent the letter off to Oxford University for a reply to the suggestion that both Popes resign and permit a new election. In the light of the direction of English diplomacy, their reply seemed rather conservative and uncompromising, as it contained a firm assertion of the Urbanist claims of sole legitimacy.⁶ It was presented to the King in the spring of 1396.

The Masters expressed their lack of faith in the via duplicis

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1. Ullman, Origins of the Great Schism p.4
 2. Tierney, Foundations p.70
 3. For events and literature in this controversy see Tierney, Foundations pp.77-80 and especially Berthold Sütterlin, Die Politik Kaiser Friedrichs II und die Römischen Kardinale in den Jahren 1239-1250 (Heidelberger Abhandlungen Heft 58 Heidelberg 1929)
 4. Ullman, Origins p.203
 5. Valois Noel La France et le Grand Schisme D'Occident (Paris 1901) Vol.III pp.34-35
 6. Bulaeus, C.E. Historia Universitatis Parisiensis 1300-1400 (1668) Tomus 4 pp.776-784

renunciation as unity would not follow automatically in the wake of the vacancy occasioned by the resignation of both Popes. If both parties of Cardinals did decide to hold a new election, where might they find a safe place to meet? Fear would not help to find an agreement. The schism, in the first place, was caused by the antipope and his faction and if the true Pope resigned the problems would then only focus themselves on the legitimacy of the Cardinals. The only solution was a General Council (aliquod concilium compromissum). Resignation further posed the problem of the legitimacy of provisions to benefices, or ordinations celebrated under the schism. The Council would prove more just and safe. Even when Israel was astray and Elijah was left alone in the cave, 7,000 men remained who did not bow the knee to Baal (I Kings 19:18). There were always ones left who followed the Lord.

As to the assertion that the way of double resignation was more holy and sacrificial, scripture gave no evidence of that claim. Did Moses or Paul resign when they faced division in the community? The teaching of Jesus in Matthew (5:40) that one should give up one's cloak as well as the tunic was a precept which applied to the preparation of the heart, teaching patience and benevolence. Nowhere did it follow that the via duplicis sessionis was right or perfect for the church. If resignation led to further dissent and division in the church, was that in accordance with the example of Christ?

The shortest way to end the schism was by a General Council. It had the most utility and effectiveness. Christ gave an example in the gospels how to treat the sinful brother, first, admonition in private, then public correction with witnesses (Matthew 18:15-17) and a General Council was an extension of that process. They pointed to Gregory's opinion that the first four councils of the church were to be compared to the four Gospels. The Council might be made secure if the secular princes could guarantee security in the chosen place. After all, they pointed out, the church had the promise of her Lord that wherever

two or three gather in His name, He was present with them. (Matthew 18:20)
The Council was certainly the most scriptural, practical and appropriate way to achieve unity in the church.

The first round of French suggestions were not received favourably anywhere, and amid cooling relations with Benedict XIII in August 1396, the French clergy held a new convocation in Paris. They decided not to break off relations with the Avignon Pope but to pursue a joint action with the English and the Castilians and send a team to negotiate, with both Popes, the terms of their resignation. The English Government approved the plan and sent an embassy. One of the incidents in this mission demonstrated the firm attitude held by the English church, for William of Colchester, the Abbot of Westminster, felt so unable to give the customary homage to the Pope at Avignon that he went home early. In spite of letters to both Popes from Richard II, the joint declarations, delegations and international pressure failed to move either Pope. At the next Paris Church Council in 1398, it was decided to apply total withdrawal of obedience from Benedict XIII and this was followed up by putting Avignon under siege to apply further pressure on the Clementine Pope. Richard had instructed the English delegates and envoys to discuss the via cessionis, in particular to try to enlist the support of the Emperor. ("... the King hopes that this way is the easiest way to the peace and unity of the church, more acceptable and best for the Roman King seeing that more Ambassadors yield to this way of ending the schism..."). Richard responded to another appeal from the University of Paris and canvassed the Universities of Oxford and Cambridge on ways to end the Schism.

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1. Valois, La France et Le grand Schisme pp.104-108
 2. Ibid. pp. 117-125 The delegation also went to the Diet at Frankfurt in 1397
 3. Weizsacher, Julius (ed.) Deutsche Reichstagsakten Band II 1388-1397 (Vandenhoeck et Ruprecht, Göttingen, 1956) p.461 (My translation.)

In their reply, February 1399, the Oxford theologians rejected the via cessionis again.¹ It was not approved by canon law or the precedents of church history as was the way of the Council. They reaffirmed their declaration that a Council called by the Roman Pope was more canonical and the most appropriate method to follow than to accept the ways suggested by those who had caused the schism in the first place. The other obedience must bind themselves to the Council to settle the question. Cambridge University in a milder note also supported the notion of a Council.² For the ecclesiastical leaders in England, the commitment to a conciliar solution was not merely tactical, Jacob has pointed out.³ Remaining firm in the Urbanist cause flew in the face of royal diplomacy. Theological reasons outweighed the national need at this time even if it was somewhat politically naive to expect the other obedience just to abandon its claims.

Outside of the universities and the official position of the church, other discussions were prepared on the schism. The Archdeacon of St. Albans, Nicholas Radcliffe discussed the schism in his Quaestion&s (1396-1399).⁴ The utility of the church, he argued, seemed to be served by the resignation of both Popes, a laudable sacrificial act, but what of the indulgences and ordinations of Boniface? What of the two colleges of cardinals following the vacancy in Rome and Avignon? Even if bishops did share in the power of administration, was it not true that the Pope need only surrender his tiara for heresy? A General Council was the appropriate solution, but the best answer was the resignation of the antipope. In another response, we have already noted, the strong feelings engendered in the Hundred Years War did tinge the suggestions made to King Wenceslas in a note from an English cleric.⁵ A punitive and warlike theme, however, was not basic to

1. Raynaldus, Annales Ecclesiastici, (Vol.27) pp.34-35
see also Appendix 2a infra.

2. Ullmann, W. 'The University of Cambridge and the Great Schism' Journal of Theological Studies (Oxford, 1968) New Series Vol.IX p.53

3. Jacob, Essays p.70

4. Ibid. pp.65-68

5. Perroy, L'Angleterre pp.373-375

the English position on the via concilii. Church loyalty to Boniface IX did not prevent participation in negotiations and the various attempts that were made at a solution to the schism in the period 1395-1398. Palmer has called the Anglo-French policy towards the church, at this time, a "triumph of moderation and cooperation,"¹ and the conservative views of many of the churchmen did not prevent the exercise of the Royal diplomatic initiative, and as many of the diplomats were clergy, the church was kept well informed of these moves.

In the years following the Bolingbroke Usurpation, the church was taken up with the problems of heresy and the nation torn with revolt in the North and the West, but diplomatic activity on the schism began again in earnest after the election of Pope Gregory XII in 1406. France, by this time, had declared neutrality and Benedict was near isolation again. The Clementine Pope did agree to try to meet the Roman Pope to reach a settlement. As for Gregory XII, Angelo Corario, he had declared immediately after his election that he was prepared, "to hurry to the place of reunion by sea, in a fishing boat, if necessary, or, by land, with a pilgrims staff in my hand...."² The University of Paris urged the Archbishop of Canterbury, in late October 1406, to adopt a more neutral position with respect to the Roman Pope, as this would help to encourage a more worthy council.³ Just prior to the arrival of the letter, King Henry IV had sent Sir John Cheyne, a member of the King's Council, with the Chancellor of Salisbury diocese, Henry Chichele, to Rome to encourage the then Pope Innocent VII to negotiate. The Pope had died before they arrived in Rome but they remained in Rome to talk with the new Pope and represent the English interests before the curia, with Richard Derham, a papal notary, who worked in the court at that time. The new Pope was

1. Palmer, England p.197

2. Smith, J.H. The Great Schism p.165

3. Wilkins, D. Concilii Magnae Britanniae et Hiberniae ab anno MCCL Annum MDXLV (London 1737) Vol. III p.292

ellected on 30 November 1406 but as the news was late arriving in Britain,¹ Henry wrote on January 8, 1407 and urged the Cardinals to defer the election, pending a settlement, and ten days later he asked Cheyne and Chichele to intercede to hold up the election.² The embassy had to turn their attention to the new situation, however, and await events.

In early 1407, Thomas Arundel, Archbishop of Canterbury, sent a letter to Gregory XII in which he deplored the continuing schism and expressed confidence that a general Council provided the best way to peace. This present time of trouble in the church was a time of testing, just as the potter proved the pots in the kiln so the church will be purified by the experience.³ English church tactics were also discussed at the summer convocation of Canterbury, (23 July 1407) at which time a debate took place on the subject of the withdrawal of obedience and the withholding of papal taxes.⁴ No action was taken that summer but the church was kept informed of the progress of the two Popes/^{who were} moving to arrange a meeting.⁵ In a letter to Rome that same year, Richard Yonge, the Bishop of Rochester, requested a Council. He assured the Pope that he had nothing to fear, and having recounted the history of the Urban election and its unassailable canonicity, he cited the famous case of Symmachus, an early Pope who was challenged, concluding with the assertion that there ^{were} ⁶ certainly ample traditional sources to support a conciliar solution.

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1. Adam of Usk described a journey to Rome from England in 1402 that took forty seven days - see Thompson E.M. Chronicon Adae de Usk A.D. 1377-1421 (Froude, London 1904) pp.242-243
 2. Valois, La France et le Grand Schisme p.478 n.2
 3. Wilkins, Concilia III pp.302-303
 4. Ibid. p.309
 5. Bliss, W.H. & Twenlow, J.A. Calendar of Papal Registers (Letters) Vol. VI 1404-1415 pp.95-97 (Rolls series London 1906)
 6. Martene & Durand, Amplissima Collectio Vol. VII pp.748-750 IN 501, Theodoris, the Roman Emperor called together a synod to settle a dispute between Symmachus and Laurentius over the papacy. see - Louise Loomis, The Book of the Popes (Octagon, N.Y.1965) pp.115-123

The Council of Pisa

In early January 1408, the two Popes were close together, Benedict XIII at Porto Venere, and Gregory XII at Lucca. The expected meeting did not take place, and when Gregory decided to appoint new Cardinals, breaking his oath, the old Cardinals abandoned him and went to Pisa. At Pisa, the Roman Cardinals met with their confreres from Avignon and from Pisa sent out a call to a General Council for March 1409. This was to be a full Council, including both obediences, the whole Western church, and it was to aim at a peaceful solution to the schism. Word of this action reached England early in the summer of 1408, and if doubt about the wisdom of the Council called by the Cardinals still persisted, it seemed dispersed after the autumn visit of one of the Cardinals.

Francesco Uguccione, the Archbishop of Bordeaux, spoke to the King and a group of the clergy and lay notables at Westminster on 28-29 October 1408. He took his text from IV Kings IX, 'My word is to you, O Prince.'¹ He traced the history of Israel from the Creation to the time of the Judges and the Monarchy and reminded his hearers of a statement of Innocent III who claimed that Christ chose apostles and chiefly Peter to show this same unity in the new Israel. Now the unity has been broken. He pointed to recent events, how Gregory had refused to keep his meeting with Benedict and how he created new Cardinals in spite of a stormy protest from the College, and how he had even *forbiddē* the Cardinals to continue further negotiations with the other obedience. Uguccione then related how the Cardinals, having realised that Gregory did not accept the via cessionis, retreated to safety in Pisa as they chose to be parties to the schism no longer. There, the Cardinals carefully considered the questions posed by the Canon Law and together with members of the Clementine College, they decided to call a Council. In answer to the charge that a General Council cannot judge a Pope, he stated that it was licit whenever a Pope was

1. Galbraith V.H. St. Albans Chronicle p.136 The Cardinal noted the many clerical and royal personages present - see Letter in Vinke, J. Briefe zum Pisaner Konzil (Bonn, 1940) pp.222-223

heretical or if he would not himself resign or judge himself unworthy. As to the legality of the Cardinals calling the Council, he admitted that the Pope had the power to call the Council, just as Bishops had the power to call a synod, but a time of crisis called for a tempering of the rigor of canon law in order to uphold the unity of the church. That was the intention of the canon law. At a time of disunity and special peril as in the case of Symmachus (Pope 498-514), the general aim of the law must be kept in mind rather than its particularised statements which were meant to govern the church in normal times. The Cardinals chose the Council to reform and unite the church. Nothing was found in the law or history to match this present case and no other way seemed more honest or useful than for the church to gather its members together to effect reformation. He said that some way had to be found to bring both obediences together and concluded by quoting from *Hostiensis* on the power of the Cardinals, issuing an invitation to the English to send a delegation to meet with the other nations in a Council at Pisa.

In response to this call, a royal delegation was planned almost immediately. On the Continent the French were anxious to attend the Council¹ but the Empire was divided in opinion. Henry wrote to Rupert of Bavaria to commend the work of the Council and the vision of the Cardinals, asking the cooperation of the Emperor.² In a letter to Gregory XII (12 November 1408), the King asked him to work with the Cardinals as they were of one mind with the many princes of Europe, and in a letter sent to the Cardinals at the same time he requested that they treat Gregory fairly and that they seek only peace.³ On St. Andrews day, Arundel called a meeting of

1. Wilkins, *Concilia III* pp.292-293. The French hoped the Council would bring both ecclesiastical and civil peace.

2. Weizsacker, Vol. VI n.202. For Rupert's Policy at Pisa - see Hofler, Karl, A.K. *Ruprecht Von der Pfalz 1400-1410* (Freiburg 1861)

3. Mansi, cols. 108-111 Vol. xxvii

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Convocation which met on 14 January 1409, in London. Robert Hallum, Bishop of Salisbury, formerly a Chancellor of Oxford and zealous reformer was chosen to lead the delegation. Henry Chichele, back from Gregory's court, was also sent along with Thomas Chillendon, the Prior of Christ Church, Canterbury and other delegates and their attendants. Sir John Colville and Nicholas Ryssheton, veteran diplomats were sent on ahead as Royal delegates. They visited Gregory first to ask him to attend the Council, but that had no effect, although he did promise to answer the King. Then, they journeyed to Pisa to join the ecclesiastical delegation. 2

The ecclesiastical delegation stopped off in Paris on the way to Pisa and there^{they} were addressed by the notable French theologian, John Gerson. 3 He spoke to the group of the importance and appropriateness of the Council, beginning with a text from Hosea (Hosea 2:3 or I.II), "The sons of Judah and of Israel will be gathered together as one again and choose themselves one single leader, and they will spread (rise) far beyond their country, so great will be the day of Jezreel." He applied this text to the current hope for reunion. He congratulated the delegates on their zeal and devotion to union. He made several points about unity using a fourfold scheme. He considered the natural unity and coming together of everything, each thing in itself, as a lesson from philosophy. The church needed one head to express her unity, as Christ was one and head of the church. The papacy and the priesthood were the guarantors of that unity on earth. Just as the sons of Israel were raised from the influence of earthly concerns so the spirit can enliven the

1. Wilkins, Concilia III p.311 Thomas Langley, Bishop of Durham, went to represent York - see R.L. Storey, Thomas Langley and the Bishopric of Durham 1406-1437 (S.P.C.K., London 1959) pp. 25-27 Arundel's 30 Jan. 1409 Letter to the Cardinals with authorisation for the Delegation printed by Vincke, Briefe pp.135-139

2. Jacob, E.F. The Fifteenth Century p.92

3. Gerson, Jean. Deuvres Completes (ed. Glorieux) Vol. VI L'œuvre Ecclésiologique (Tournai, 1965) pp.125-135 Analysis is found in Morrall, J.B. Gerson and the Great Schism (Manchester University Press, 1960) p.79

Christian community as it gathers in a time of crisis. The two Universities of Oxford and Paris, deserve congratulations for being in agreement on the solution to the schism. Gerson used the words of the apostle Paul in Ephesians iv: "I beg you to serve in the unity of the spirit, in the bond of peace, one body and one spirit, as you are called in one hope...one Lord, one faith, one baptism, one God and Father of us all who is above all and through all and in all..." The Spirit of this God of Unity was dispersed through all the church. The gifts of the Spirit were given to build up and unite the Christian fellowship. These gifts were given to be present in all the grades of administration and service in the church including among the Laity.

True unity also meant an integration between the offices of the church and the persons who held them. There were two aspects to the see of Peter, the Pope and the Papacy. The Papacy is permanent but the Pope can change. The power of the keys was given to the church for its mission and only secondarily entrusted to the Petrine authority. The Pope was not permitted to introduce essential changes or irregularities in the church's faith or mission, neither could any Pope destroy the Papacy. The office must be used for the edification of the church and for its utility. If abused, the universal church might seek a remedy such as a Council as was most common in the past. If the Pope has lost his reason or is a heretic or if a vacancy existed in the Papal see, or if the Pope refused to call a Council when scandal and schism imperilled the universal church, the church membership must call a Council and take action.

The greater part of the English delegation arrived at Pisa on April 24, 1409. They were introduced to the other members of the Council at the end of the month. There were many prelates, theologians and noble representatives and their retinues from all over Europe at the Council, and already sessions had been held in March and April. A history of the Schism had been prepared, read out to the assembly and discussed. Objections to the Council were heard from Gregory's partisans, Rupert of

Bavaria, and Charles ¹ Malatesta of Rimini. When the English arrived at the crowded cathedral church in Pisa, the Council was in the midst of establishing a commission to examine the charges to be brought against the two recalcitrant Popes. Nicholas Ryssheton, an able Oxford clerk, and former Flemish envoy, was a representative of the English delegation on that commission. He also was involved in the planning for the election of a new Pope later in the summer, and prepared a treatise on the subject for the Council's consideration. ² Both Richard Bereham and Sir John Colville were able to give evidence about Gregory's refusal to attend the Pisan Council during the commission's inquiries. ³

One of the chief contributors from the English nation was Robert Hallum, Bishop of Salisbury. On 30 April, at the sixth session of the Council, he preached a long sermon which exhorted the members of the Council to proceed to the high goal of unity. His text was, "Righteousness and justice support your throne" (Psalm 88) and he concluded by informing the other delegates of the interest of the King in the proceedings and the support of the whole English nation. ⁴ Ten days later, he intervened to protest the fact that the Colleges of Cardinals were being reunited before the Avignon group had been required to forswear their allegiance to Benedict XIII. An agreement was soon worked out and the Bishop participated in the announcement of the joint declaration of union, along with the veteran French ecclesiastic, Simon de Cramaud, the Patriarch of Alexandria. It was decreed that the union of the Cardinals was complete and the General Council was canonical and legal, with the right

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1. Hefele C.J. (Translated into French by H. LeClercq) Histoire des Conciles Vol. VII (Paris 1916) pp.3-5 Description of the impressive entry of the English at Pisa - note by an observer in Bellaquist, M.L. (trans) Chronique de Religieux du Saint-Denis Vol.IV (Paris, 1842) Book 30 p.222
 2. See Margaret Harvey's paper in Cuming & Baker, (eds.) Councils and Assemblies Studies in Church History Vol.VII (Cambridge University Press, 1971) pp.197-207
 3. Jacob, The Fifteenth Century p.93 For lists of theologians and delegates present note Mansi Vol.27 cols: 348ff and 401 and especially M.M.Harvey thesis. App.I.
 4. Mansi, Vol.27 Col:1139

to judge the two Papal contenders in May. One unofficial Englishman present objected to the break with Gregory but he was silenced by the others.¹ Hallum and the other English delegates pressed on at the Council in spite of pressure from Gregory to abandon it. The Pope had written to the English nation at Pisa to adopt a similar position as had Rupert and to urge support for his demand for a change of location. Rejecting this overture, the delegates, with the whole Council supported the deposition of the two rival Popes in early June.²

Peter Philarghi, the Cardinal of Milan, (who had once studied at Oxford) was elected Pope, and, on 1 July he promised to establish a representative commission to discuss reform. As Alexander V, he confirmed all the decrees and decisions of the Council, and in early August, just before the breakup of the Council, the Fathers decided to hold another Council to work on reform. This was insisted on by the French, German, Polish and English Bishops.³ Before the summer was out, delegates were on their way home. England allowed the Papal collector to resume duties in early August and the King wrote off to Alexander V in October that he wished the reform work promised at The Council to proceed with haste.

"I beseech you, therefore, to persist with the Council, for as it is continued, we have faith in the Lord, that through its meeting the universal good of the Church may be re-established, and certain detestable abuses cease through the most worthy reformation of many errors by God's will." 4

Haste in the Councils deliberations and actions at Pisa proved to be its undoing. It did not bring about unity or reform.. Now there were three Popes and the Western Church was further divided. Spain, Portugal and Scotland remained loyal to Benedict XIII. Gregory XII was supported by Italy and many parts of the Empire while the French, English, many German and others supported the Pisan Pope. Gregory XII

1. Hefele-LeClercq, Vol. VII pp.40-41

2. Ibid. pp.45-47

3. Ibid. p.67

4. Jacob, Essays pp.74-75

held his own Council that same summer and Henry Beaufort, Bishop of Winchester, the King's brother, was appointed his legate to England, now estranged from his cause.

The Council of Constance

The Pisan decision for a Council was put into effect by Alexander's successor John XXIII. He opened a small Council in Rome in late 1412, but lack of support caused its adjournment in early 1413. The main business of interest to the English was the decree condemning Wyclif's works. The mandate was sent out from Rome for the burning of the books in February 1413.¹ Soon after the breakup of this Council, King Ladislas of Naples, occupied Rome and John XXIII was forced to flee. He eventually sought refuge with the Roman Emperor, Sigismund of Hungary. Sigismund insisted that John call a Council to settle the schism and reform the church. The Council was called for All Saints day 1414. In October of that year the English church, in the midst of heresy trials, decided to send a delegation along with the Royal delegation dispatched by Henry V. Among the delegates were the experienced churchmen and diplomats, Robert Hallum, John Ketterick, the Bishop of St. Davids (later Lichfield) and Nicholas Bubwith, Bishop of Bath and Wells leading civil servant, with Bishop Richard Younge of Bangor (but sitting for the French), For Ireland, Bishop Patrick Foxe of Cork and from Gascony, Bernard De La Planche.²

The Council began to work on 5 November, under the auspices of John XXIII and the Emperor, Sigismund. It was to prove the largest and longest "ecclesiastical assembly that had hitherto met."³ It deposed Popes, burnt heretics, passed reform laws, and was attended by many of the highest ecclesiastical and civil personages of Western Europe. Union was achieved under one Pope but Bohemian Christians were alienated from

1. C.P.L. 4 February 1413 Vol. VI p.174

2. The delegation to the Council of Constance has been examined by Christopher Crowder in an unpublished thesis for D.Phil. at Oxford (1953) 'Some Aspects of the English nation at the Council of Constance to the Election of Martin V 1414-1417'

3. Waught, W.T. in the Cambridge Medieval History Eds: C.W. Previté-Oaten and Z.N. Brooke, (Cambridge, 1969) p.3 Vol.viii.

the Roman Church, through the condemnation of Hus and the rejection of their demands for reform. Claims were made for conciliar authority at Constance that would exceed any earlier or later pronouncements from such a body. For two years 1415-1417, it was the highest authoritative body in the church and it has been regarded as one of the most significant events in Western ecclesiastical History. The English church took part in the proceedings along with representatives from all over Europe. Robert Hallum, the ecclesiastic who came from Pisa armed with a keen interest in reform and sharp homiletical skill, was a guiding hand for the English delegation until his death late in 1417.

When the delegation arrived at the Council it was Hallum who preached a timely sermon a week later (23 January 1415). His text was from I Peter 4:17; "it is time that judgement begins at the House of God." ¹ The English group included other notable preachers. Among them were Richard Fleming, a leading Oxford graduate and the Gascon, Bernard de la Planche along with Henry Abendon, a proctor from Wells. The themes were on reform and it was Fleming who preached the funeral oration for Bishop Hallum in September 1417. The English were given the Franciscan Monastery for their place of meeting together as a nation. All the nations were close to one another in this small city of Constance so there must have been many opportunities for an exchange of ideas across the whole spectrum of the medieval church.

The French, Italians, Germans and the English were part of the Council from the beginning and representatives of the Spanish dominions arrived after the Narbonne capitulation in late 1415. At the beginning, the Council was faced with a challenge to the national system of conducting business and voting, the procedure used at Pisa, and this was to become a very important issue for the nationally conscious English group for the remainder of the conciliar period and it caused considerable debate at Constance and Pavia-Sienna finally contributing to the split at the

1. Finke, H. Acta Concilii Constanciensis Vol. II (Munster 1896-1928) p. 395

Council of Basle. By 1415 (February) the system of 'Nations' was adopted and the Council turned to the question of an end to the schism and the abdication of the Popes. John XXIII was pressured to accept resignation and to appoint proctors to plan the details. John proved slow at complying with the wishes of the Council, and in mid-March, Hallum, with some others from the English delegation and the Germans, took a strong stand on the question of the Pope's responsibility to the Council. They insisted that John act to appoint his proctors or the Council would take steps against him. ¹ Hallum was particularly critical of the Pope, perhaps because of his immorality which was said to have characterised his life, rather than for reasons of conciliar privilege. John, frightened by these intimations, fled the Council on 19 March 1415, but in spite of a little initial confusion, the Council managed to stay meeting and affirm itself in the absence of its Pope. The Fathers, not wishing a repeat of the Pisan situation, maintained the negotiations with the Pope over his resignation. Gerson spoke to the French delegation soon after John's flight and assured them of the legitimacy of the Council and in fact of its superiority over the Pope. The noted Conciliarist Cardinal Zabarella, preached to the Council, on the 26 March, stressing the legitimacy of the meeting and encouraging the Fathers to work together for eventual unity. ²

Conciliar authority was officially proclaimed in the decrees of 6 April 1415. It was proclaimed that the assembly was lawful, gathered together with the help of the Holy Spirit and constituted a General Council of the Church having its power directly from Christ. It further proclaimed that "all persons of whatever rank or dignity even a Pope, are bound to obey it in matters that relate to faith and the ending of the

1. Hefele-Leclercq, Vol. VII p.193

2. ibid. p.202. Gerson had said a Council was superior to a Pope when he refused to call a Council in a crisis, or in the case of an attempted evasion of the Pope of his duty to call a Council at the proper time as laid down by a previous Council; and/a dispute for the Papal Office." Morrall, Gerson p.97

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present schism." The nations each appointed members to a commission to arrange the abdication of John XXIII. Thomas Polton, a royal envoy and papal protonotary and Bernard de la Planche were the English representatives on the delegation that went to interview the Pope. Other delegates from the English nation were involved in the deposition hearings which went on until late May. Bishop Patrick Foxe of Cork served on the commission which judged the elaborate charges that were lodged against Baldassare Cossa, John XXIII.² At the same time the issue of the Bohemian reformer, Hus, came before the Council and the English having strong feelings about the cousin heresy in England were active in the hearings which led to the reformer's condemnation in the mid summer.

After Hus was condemned, Sigismund departed on a peace making tour and to attempt to negotiate the abdication of Benedict XIII. Benedict refused to yield but his allies in Spain and the southern parts of France agreed to withdraw their obedience and join the Council. They sent their first delegates in early 1416. The Emperor, though on a financial shoestring, managed to travel to London and Paris where he was unsuccessful in bringing about peace between England and France, but was warmly received in England where he signed the treaty of Canterbury.³ This alliance was to prove a force at the Council and was to help England protect her interests when attacked by the French for being too small to

1. Diary of Fillastre in Loomis, L.R. (Trans) The Council of Constance (eds.) J.H. Munday & K.M. Woody, (Columbia, 1961) p.228 The decrees of Constance 'Haec Sancta' and 'Frequens' later repudiated by the Church have again found relevance in the Catholic world. Compare Karl Rahner 1966. Questions now raised on how much the universal episcopate^{is} given, "even apart from its role in Council, a share in the supreme government of the Church..." Theological Investigations (Trans D. Bourke) (Darton, Longman, Todd, London 1973) Vol. X p.69 Strong views held earlier in the century by historians such as Salembier reveal the vast change in sixty years. He commented on the Constance Decrees; "there is every reason to believe that the human spirit in its weakest inspirations had a greater share in all these deliberations than the Spirit of God!" L. Salembier, The Great Schism of the West (Kegan, Paul & Co., London 1907) p.302

2. Hefele-Leclercq, Vol. VII p.249

3. Weizsacher, Vol. VII pp.332-345

constitute a true 'nation'. John Wells, a Wells proctor, Hugh Holyach, a Canon of Salisbury were the two English representatives on the Council delegation that travelled with Sigismund. Early in 1416, the Council heard from Bernard de la Planche, returning from the area, how Benedict had fortified himself at Peniscola.¹

In the long delay, (July 1415--late January 1417) during Sigismund's diplomatic travels, the Council considered various items of business concerning disputes in the church and worked on an agreement about which reforms could be passed. The reform commissioners met all through this period. The Bishop of Salisbury and the French ecclesiastic Jean Mauroux, the Patriarch of Antioch, were the leaders of this commission, which was not successful in developing a very comprehensive reform programme. Hallum preached on reform several times and maintained a hopeful attitude. The Council also condemned Jerome of Prague. The vexing problem of tyrannicide in the 'Petit.' affair was a source of division in the French group and was brought before the Council as was the William of Diest affair regarding rights to the see of Strasbourg, a German church dispute to come before the Council. The English church submitted the Fountains Abbey election controversy which was settled at the Council.² The spectacular win of the English forces at Agincourt in 1415 had immediate effects in France and at the Council. The Duke of Bedford, the French regent, was to have control over more of northern France and the claims of Henry V to be 'Kynge of England and of Fraunce' seemed to be more plausible, and must have provided the delegates at Constance with more enthusiasm in their fight to remain a separate nation.

The nations agreed to the deposition of Benedict XIII in May 1417, when Sigismund had returned and there was some Spanish representation at the Council. The proceedings against Pedro de Luna, Benedict XIII,

1. Heffele-Leclercq, Vol. VII pp.428-429

2. Wylie, J.H. The Reign of Henry the Fifth Vol.I 1413-1415 (Cambridge 1914) pp.334-335

were read out on 5 June 1417, by John Ketterick, the Bishop of Lichfield. Gregory XII had resigned just after reconstituting the Council, significantly in his name, somewhat earlier. This meant that there was no recognised contender for the Papal throne for the first time in thirty eight years, but the anticipation of this blissful state was not to go unrecognised and it was only after stormy sessions involving Sigismund, the Burgundians and the English storming about the town that the anti-Pope was finally deposed on 26 June 1417. The issue of contention was whether reform was to come before a new papal election. This was crucial to the Germans who wanted some protection from Papal taxation powers as well as Papal provision to benefices within the Empire. It might be too late to effect major reform if a new Pope was elected. England supported the Germans in this demand for an immediate promulgation of reform decrees. The English nation had been divided that summer on policy, however, and Henry V had written to urge unity. England was protected from the excesses of Papal power by her acts of Provisors and Praemunire, and perhaps had less reason to oppose the election of the Pope, and in September after Hallum's death, they adopted a more moderate position towards the election issue.

John Ketterick announced that England was prepared to appoint her

1. Fillastre, in Loom's, C.C. p.366 and in Finke, Acta Vol. II p.111
2. Henry had advised democracy - the minority should yield to the majority. Rymer, T. foedera Vol. IX (London, 1709) Col.466
3. Hallum's personal commitment to reform had characterised his episcopal career, from his days at Salisbury and his collaboration with Richard Ullerston, who produced a series of Reform proposals, to his participation at Constance where he was controversial but an inspiration at the Council. Jacob has written this tribute to the Bishop. "There was nothing of the extremist about the Lancashire man who was to become Arundel's Archdeacon before his promotion to Salisbury. He could argue with Hus in his rooms at Gottleben Castle. He yielded to none in his abhorrence of Lollardy, though characteristically, he would not have the death penalty inflicted for heresy. We can almost hear him with his compatriots as Ulrich von Richental depicts them in his Chronicle, singing mass so sweetly as to provoke the wonder of all the people of Constance." Essays p.76. See also unpublished thesis of F.D. Hodgkiss; 'Robert Hallum, Bishop of Salisbury' M.A. Thesis for the University of Manchester at the University of Manchester Library (1936)

proctors to the election planning commission. He himself, Nicholas Bubwith, Thomas Polton and Richard Flemming served on this commission. They also helped to mediate in the dispute between Sigismund and the Cardinals. The Cardinals sought an immediate election but the Emperor was still adamant for reform. An agreement was reached through the intervention of another Englishman, the indefatigable Henry Beaufort, who happened to be on a pilgrimage nearby when relations at the Council over the election controversy were so strained. 'frequens' was passed 1
9 October 1417, a decree which provided for frequent meetings of the 2
Council to make the process a permanent part of the church's life and administration. Attention then turned to the election of one undisputed head. The English participated along with the other nations and the Cardinals in the election. The rules laid down provided for six deputies from each nation to assist the Cardinals and there must be two-thirds of 3
these in agreement with the Cardinals before the election was valid. Robert Clifford, the Bishop of London, John Ketterick, John Wakering, Bishop of Norwich, Thomas Polton and Nicholas Bubwith, and Thomas Spofford 4
the Abbot of St. Mary's, York were the English delegates to the conclave and they together with the others in conclave chose Odo Colonna who was 5
crowned in November and took the name Martin V.

A mission was sent off by Martin V almost immediately after his election to work out a peace agreement between England and France and

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1. Fillastre in Loomis C.C. pp.403-406 and in Finke, Acta Vol.II pp. 144-147. For Beaufort and his subsequent actions see K.B. McFarlane 'Henry V, Bishop Beaufort and the Red Hat, 1417-1421' in the English Historical Review Vol.LX 1945 (Longmans, Green, London) pp.316-438
 2. Hefele-Leclercq, Vol. VII pp.459-466
 3. Fillastre, in Loomis C.C. p.417 in Finke, Acta Vol.II p.152
 4. Leidinger, G. Andreas von Regensburg Sämtliche Werke Quellen und Erörterungen zur Bayerischen und Deutschen Geschichte neuer Folge Band I (Neudruck der Ausgabe, München 1903-Scientia Verlag, Aalen, 1969.) p.226
 5. Galbraith, St. Albans Chronicle pp.108-109

several reform decrees were issued. The next Council was set for Pavia and before the summer had reached its full glory, the delegations were on their way home. A new instrument was introduced by the papacy at this time. It helped to facilitate reform in each country when broad international agreement was not possible but as it provided a means for each nation to deal separately with the Papacy, the novelty did not work in the interest of the conciliarist position, or suit conciliar activity. Already the Papacy was dealing with growing nationalism in a way which the Council seemed unable to do, by recognising the different aspirations operative in each nation at any one time. Such a system enhanced the prestige and the power of the Papacy while bitter wrangling at the Council and inability to make major decisions had weakened its credibility as a suitable higher authority. The English concordat was the last published and was issued in July 1418. It provided for a more representative Cardinalate, more control over indulgences and respect for local episcopal rights. In contrast to the other national agreements the English document was to be permanent, having no fixed time limit. One immediate effect, not wholeheartedly approved of in England, by the Royal household, was that Henry Beaufort was made a Cardinal and Papal legate to England.

At home, support for the Council had been continuous through the four years of its meetings. The delegation to Pisa had been financed by a general levy of fourpence on the pound but much of that was still in arrears by late 1415 when the convocation of Canterbury took up the question of support for the delegates at Constance. They decided to apply the arrears from Pisa to the expenses of the clerics at Constance. It was an expensive matter, they commented, for Hallum and Bubuith and the others to work for the reformation of the church. To pay this expense they voted a new levy

1. Hafele-Leclercq, Vol.VII pp.562-564

2. Ibid.

3. Wilkins, Concilia Vol. III pp.310-312 York took up the matter, January 1415, at convocation Wilkins III p.370

4. Jacob E.F. The Register of Henry Chichele, Archbishop of Canterbury 1414-1443 (Clarendon, Oxford 1945) Vol. III p.6

of twopence on the pound to help the ecclesiastical group who were not as handsomely paid as those knights who served in the King's service. The group at the Council did seem to be able to live a reasonable life style as the Council tried to protect itself against high prices; and the English in 1417 sponsored two elaborate banquets for the officials of the town which did not fail to be noticed by the good burghers.¹

Letters of encouragement were sent from the Archbishop of Canterbury to the delegates, and a new delegation was sent in 1416 to assist those who had been at the Council from the beginning.² The Council delegation also wrote to the Church at home and sent reports of its time in Germany. The Council delegates sent back reports of the event of the Council but few of the letters remain. One such letter was written in late 1415 and referred to the condition of the Council during Sigismund's long absence. The authors noted the matter of reformation and that it seemed the only question at that time worthy of being taken in hand, "and treated of."³ News of continental happenings was reported as well, with news of the Turkish threat to Europe in the East, a constant concern for the West in this period.

The English at Constance put forward a fierce defence of their right to be recognised as a separate nation. They were also participants in the reform discussion and the heresy trials. These issues did not require a conciliar context for their settlement as did the question of unity and the election of one Pope, and it soon became evident after the election of Martin V that the English interest in conciliarism was not divorced from its use as a practical method of dealing with problems/^{and} was limited.

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1. Richental in Loomis, C.C. p.147 and in Hardt, Vol.IV Col. 1089
 2. See an appendix in Crowder's thesis for a list of Correspondence.
 3. Munro, C. (ed.) Letters of Margaret of Anjou (Camden, Society 1963) p.9. The major and Alderman seemed to have missed Bishop Clifford a great deal as they wrote "quomodo filii lingue sunt in absentia patris spiritualis" Catalogue of the Manuscripts preserved in the Library of Cambridge University (Cambridge University Press, 1956) Vol. I pp.148-149 MSS Dd III, 53.

Papal absolutism reasserted itself quite early after the Council and the Pope refused to agree to the earlier pronouncements about the superiority of the Council made at Constance. By the time of the Pavia-Siena Council, Richard Fleming¹ for the English was urging the Fathers not to go against the Pope's wishes, much to the dismay of many of the French clerics and others at the Council.

The Council of Pavia-Siena

The five year period after Constance was to encourage preparation for another Council. The English were called by the Archbishop of Canterbury, without mention of the Frequens decree of Constance, to a convocation in July 1422 to discuss Council delegates to the new Council, among other matters. The group approved a delegation and a grant to cover their expenses.¹ The English were present at the Council near the beginning of its deliberations in April 1423. Richard Fleming², the Bishop of Lincoln, Henry Beaufort and Nicholas Frome, the Abbot of Glastonbury, among others were present at Pavia for these early spring meetings.² John of Ragusa, who recorded the events of the Council, informs us that there was little chance for its success as the Pope had, from the beginning, set his heart against it. He made no attempt to attend the meetings although he promised to take part. In its early stages, the Council was not particularly active and John of Ragusa reported that a few months after he had delivered the opening sermon, little had been done.

1. Jacob, Reg. Chichele Vol. III p.84

2. Hefele-LeClercq, Vol. VII p.625. John of Ragusa Initium et prosecution Basiliensis Concilii In Monumenta Vol. I p.27. see also Walter Brandmüller, Das Konzil Von Pavia-Siena 1423-1424 2 Vols. (Aschendorff, Munster, 1968) Vol. I pp.29-30 for list of other delegates: these included; Bishops - Philip Morgan of Worcester and John Langdon of Rochester; and Thomas Polton of Chichester with clerics Robert Gilbert, Nicholas Bideston, Bernard de la Planche and William Gray, Deacon of York; and Lay representatives from the King, Henry Percy, Earl of Northumberland, Lord Ferrers, Sir John Tipft, Walter de la Pole. See also appendix list in Ferguson, John English Diplomacy 1422-1461 (Clarendon, Oxford, 1972) pp.116-119

"Since the opening of the Council up until All Saints day, we have done nothing, only obtained with great difficulty a safe conduct from the city of Siena because of the convention it had already concluded with the Pope." ¹

Few clerics were present for the early summer gatherings of the Council with England and Italy having the fullest contingents. Prelates were to filter into the meetings throughout the summer and early autumn period but it was never to be a grand assembly on the scale of Constance. This was one of the reasons given by the Pope for the adjournment of the sessions later when he wrote to King Henry V in 1424. After a turbulent discussion in Pavia that summer about the location of the Council, it was decided to move to Siena, partly on the behest of the Pope and partly because of the plague danger in Pavia. The Fathers sent a delegation to Rome to attempt to convince the Pope to take part but they had no success even with this new location.

The Bishop of Lincoln preached the opening sermon at the first session in Siena. At that same session, the members agreed to work in national groups as they had at Constance and Pisa but to allow a wide representation in the nations, of Prelates, theologians, other clergy and knights. National identity was stressed, even above the personal contributions of members, as delegates were instructed to work for the good of the Church but also for the honour of the nation. ² The English delegation did not always show solidarity as a group at the Council. According to John Whetmanstede, the Abbot of St. Albans, who in reporting on his long arduous trip to Siena also mentioned the slow progress of the meeting in most things save that "the Bishop of Lincoln recently in his nation made an intemperate attack upon the religious, especially the exempt, but to the joy of the whole of his nation, he has fallen sick of a fever." ³ Fleming was a firm Papal supporter at the Council as well as reform

1. Monumenta Vol. I. p.27

2. Jacob, Essays p.45 Hefele-LeClercq, Vol. VII pp.619-620

3. C.P.L. Vol. VII p.27 Jacob, Essays p.45

preacher. He became a Papal Chamberlain at Pavia and was encouraged by Martin V to keep him informed on the activities of the Council. "of what is done but also of what is attempted to be done."¹ He was advised by the Pope to use "such circumspection both in public and in private as to give no occasion for evil speaking or even suspicion and that his good behaviour will silence all Obloquy."² The Bishop was part of the delegation that went from the Council to the Pope in October.

On 8 November 1423, the Council passed four decrees. They reaffirmed their desire for reform and their condemnation of Wyclifism and the heresy which had swept Bohemia. They condemned the successor to Benedict XIII and agreed that the forthcoming discussions with the Greek Church on reunion made the need for reform that much more urgent.³ The nations placed four members each on a reform commission which soon became stalemated by French demands for more far reaching reforms than the others were prepared to accept. The Papal legates, alive to the disunity in the French group, urged the members to dissolve the Council. This Papal offensive had eloquent spokesmen. Jerome of Florence, a noted preacher, claimed in January 1424, that Councils were not necessary for reform, in fact, that frequent celebration of Councils would hurt the church.⁴ At the same time, Richard Fleming⁵ declared to the Council that they must accept the authority of the Pope. "You are not to judge the Pope unless he is deviant in faith and in fact Schismatic."⁵ This orthodox view of conciliar authority (Viz; that it should not challenge the legitimate Pope) as having superiority in the church only in times of Schism or Papal heresy informed the English position. The Council, in normal circumstances, was called by the Pope and worked under his tutelage and guidance.

1. C.P.L. Vol. VII p.27

2. Ibid. p.35

3. Monumenta Vol.I p.22

4. Hefele-LeClercq, Vol. VII p.632

5. Monumenta Vol. I p.64

It was not to presume to defy the Roman see. The English did not change this conservative stance for the remainder of the conciliar period.

The valiant attempts of Thomas Morrow, Abbot of Paisley in Scotland and William de Monte, French Royal delegates, to prevent dissolution by the Papal legates was unsuccessful, and by March the Council was finished. Just before dissolution, the delegates decided on Basle as the next location for the General Council. That same month, Martin V wrote to Henry VI of England to explain the reason for the adjournment of the Council. He stated that the delegations were too small, there was a problem of security in Siena and the nations were quarreling among themselves. He had no alternative but to close the Council, but he promised to work to continue the reform that the Commission had begun at Siena. The young King replied urging the Pope to continue reform and to accelerate the Council of Basle to that purpose. He promised an active delegation from England, a promise, as it turned out, not so easy to keep.¹

The English nation may have been divided over the questions of reforms and not always impressed by the views of their leader the Bishop of Lincoln but the reputation of Richard Fleming, as a church statesman grew considerably. He along with Philibert of Amiens, a leading French delegate, achieved quite a reputation for preaching in the late summer of 1423.² Although his bid for the province of York failed to pass Royal approval, Fleming, advanced considerably from his days at Oxford when he was uncertain of the question of Lollardy. He has left as a legacy Lincoln College at Oxford (which was then part of his large diocese) and a Carthusian Monk, Stone, has left an epitaph, to which Flemming is said to have contributed himself. It provides us with a description of his life and work and leaves a few thoughts on ³ ~~the~~ vanity and the nearness of death, a common theme of the period.

1. Monumenta Vol. I p.65

2. Valois Noel, Le Pape et le Concile 1418-1450 (Librairie Alphonse Picard, Paris, 1909) Vol. I pp. 12-13

3. Salter, H.E. (ed.) Snappes Formulary (Clarendon, Oxford, 1924) Vol. LXXX Oxford Historical Society series p.138

The Council of Basle

The seven year interval between the Council of Pavia-Siena and the Council of Basle produced a further decrease in widespread respect of an independent, sovereign Council of the church. Jacob has remarked that, "people had forgotten the arguments of Gerson and O'Ailly, and as Nicholas of Cusa observed, were thoroughly divided and confused in their ideas about Papal authority."¹ Nicholas of Cusa, the Conciliarist theoretician of the Basle period, defended the Council of Basle in its early period and its rights in relation to the Pope. He was a canon lawyer and friend of the papal legate who was in charge of the Council, Cardinal Julian Cesarini. In De Concordia Catholica (1432-1433), he re-examined the whole position of the Papal claims to sovereignty alongside the conciliar claim, both in law and in convention. He argued for Basle's continuance in spite of Papal pressure to transfer it or dissolve its meetings.² The Pope has the power to call the Council, but once called, he should recognise its authority. The same issue that had run through the Pavia-Siena Council was to permeate the Basle assembly. Other conciliar literature, as in the pre-Constance days at Paris, was not in evidence. Dr. Figgis suggested that part of the reason for this was that the forces at work in the political climate meant that Papal absolutism would triumph.³ The church seemed unable to stand outside the secular forces even if it had experienced, if only briefly, a resurgence of the view of the spiritual power of the community. National identity was strongly linked to loyalty to a single sovereign monarch who rose above all the baronial feudal lords. "Whilst ecclesiastical scholars and thinkers were endeavouring to change the ancient constitution of the church by basing her government on a 'broader basis'", Ullmann has remarked, "secular

1. Jacob, Essays pp.15-16

2. Kallen, G. (ed.) Nicholas de Cusa omnia opera XIV (Academy of Letters, Heidelberg) (Hamburg, 1959-1968)

3. Figgis, J.N. 'Politics at the Council of Constance' Transactions of the Royal Historical Society (New Series) XIII p.189

scholars and thinkers were doing their best to strengthen the constitutional and legal position of the monarch.¹ The theological questions raised so eloquently by Gerson about the gifts of the spirit in the days of Pisa, the arguments of the canonists and exegetes on the interpretation of the Petrine passages and the texts concerning the promises of the Spirit given to the early Christian community were to be held in abeyance, at least in so far as they counselled change, until after the time of the reformation. Only in Lollard thinking and in the Bohemian communities did forms other than the model of Papal absolutism take root.

It was not merely the 'frequens' decree' that provided an impetus to the calling of the Basle Council. The Hussite schism was now chronic. The armies of the Empire had been unsuccessful in their crusades to reduce the Czechs to the Roman obedience. In spite of internecine battles the Hussites were able to unite as a nation against the western Catholic world and come to terms with the prelates who sought to negotiate a settlement. This was to be the first important matter for the Council. How to find peace with the Hussites. The English, too, had an interest in peace, and it was the Council of Arras, which was called to bring an end to the Hundred Years War that eclipsed English diplomatic interest in Basle in the summer of 1435. The Continental War had gone badly for England in the pre-Basle period. The inspired French victories at Orleans and Patay under the influence of Jeanne d'Arc had turned the tide in favour of the Valois cause, Burgundy was soon to desert her English ally and the beginning of the end of the English presence on the Continent was at hand. The English had been prevented from significant participation in the Hussite crusades because of the pressure on the French front, and even Cardinal Beaufort's crusade in 1429 was too great a drain on the British side that they were forced to withdraw the contingent.

When the time came for the Council of Basle to open in 1431, the

1. Ullmann, Origins of the Great Schism p.189

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Canterbury convocation discussed sending a delegation. That same year Eugenius IV was elected as Pope and it was his legate who opened the Council. The English knew of the Pope's uncertainty about the Council, however, and were unclear as to how to respond. This was true for many of the other nations as well. From the outset, the pattern of Pavia reasserted itself. Events make clear John of Ragusa's (historical analysis, the Council attempting to meet, the Pope attempting to introduce dissolution. The opening decrees were optimistic, nonetheless. They called for "...extirpation of heresy, the re-establishment of peace among Christian people and the reform of the church." They assured all members of the Council of the freedom of speech and renewed the decrees of the Council of Toledo in 670, relative to the discipline which was appropriate to the Synod meeting.
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The Hussite crusade had collapsed in 1431 and the Council began to canvas everyone for support including the Bohemians.
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Over the next year the Council grew steadily in size, an agreement was reached with the Hussites regarding their participation and the Czechs came to Basle in late 1432 to begin the process of debate with the Council. The same year the French came to the Council in a large force and the Council encouraged the Pope to recognise and support its sessions. In September 1432, Bishop Landriani of Lodi journeyed to Britain on behalf of the Council and was able to address a large gathering of clergy and notables. In spite of the presence of the influential Papal legate for England, Peter de Mera, some interest in Basle was engendered. Landriani reminded the group of the royal interest in the Council soon after the breakup of the Pavia-Siena Council, and stressed the Council's plans for reform. The Conciliar

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1. Jacob, Reg. Chichele Vol.III pp.236-252 For discussion and subsidy arrangements.
 2. Hefele-LeClercq, Vol.VII p.693 see also Hefele-LeClercq Vol.III pp. 311-316
 3. Cambridge Medieval History Vol. VIII The Question posed; by W.T.Waugh; Was the Council saved in these early stages by the presence of the Bohemians? p.24

Party found Humphrey, Duke of Gloucester, the King's uncle, to be well disposed to their cause. Henry, himself, had written to Sigismund in July and promised a high powered delegation.¹ At the Convocation of Canterbury, immediately after Landriani's appeal (2 September), it was decided to send an embassy to the Council and collect an additional one penny on the pound for the delegation along with the Pavia arrears. It was also decided to send a delegation to Eugenius IV to investigate his position with regard to the Council.

Robert Fitzhugh, Bishop of London and Thomas Polton, Bishop of Worcester led the delegation which included Sir John Colville, Thomas Brouns, Dean of Salisbury, Peter Partridge, Chancellor of Lincoln, Alexander Sparrow, Archdeacon of Berkshire, Archdeacon John Symondesburgh of Wiltshire, William Worstede, Prior of Holy Trinity in Norwich, John Salisbury, sub-Prior of Christ Church, Canterbury and Robert Burton² Precentor of Lincoln. They were never officially incorporated into the Council but took some part in the Hussite negotiations. This first delegation left England for Basle in late autumn 1432 and arrived in early 1433 only to find the Council was not working in national divisions, and this was unacceptable to them.

In the meantime the Council was finding it difficult to achieve Papal recognition. Sigismund remained loyal to the Council and the Papal president desired it to continue. Some Papal legalists had argued that since the Council was not held in accordance with the decree 'frequens' as seven years had passed before it was officially opened it lacked a legal base. Such an argument seemed strange coming from Rome who had taken other Constance decrees as being not binding on the church. Julian Cesarini became very concerned in the summer of 1432. He urged the Pope to withdraw his dissolution and to join the Council. If he contested

1. Schofield, A.N.E.D. 'The First English Delegation to the Council of Basle' 1961, p.175 see also Zellfelder, A. England p.58

2. Schofield, 'The First English Delegation....' p.177 see also his article in Cuming and Baker, Councils and Assemblies pp.268-277

the legality of the Council, he would be led to contest the validity of Constance and thus the validity of his own election.¹ The Fathers were not content with the offer made by Eugenius that they constitute an unofficial body, an assembly gathered to discuss the problems of heresy and peace and then make recommendations to the Pope. They continued to press the Pope on this matter and raised many of the historical and canon law arguments that were popular in the days before the Council of Constance.² As the Council attracted more and more delegates, the discussion with the Bohemians began, on the subject of communion in both kinds and other issues. On the 14 February 1433, Eugenius called the Council officially but this was still not at all acceptable to the Fathers who wanted the Pope's personal presence to assure them of the Council's future.

In these early stages the Council organised itself into deputations rather than using the 'national' divisions that had been used in earlier councils. These deputations were on Faith, Peace, Reform and General business. All members of the Council took part in the deputation discussions and other conciliar activities. They were also required to take an oath which bound them to the decisions that were made by the Council. The English refused to accept these conditions and this mode of procedure and so their entrance to the Council was delayed. Henry VI wrote to his delegation on their way to the Council to encourage them to cooperate in the programme for the reunion of the Bohemians with the Church. He also stipulated that the envoys were to wait for reinforcements before taking a very active part in negotiations and they were to declare English freedom from all the decisions of the Council that were taken before they had arrived or before their incorporation.³

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1. Hefele-LeClercq, Vol. VII pp.731-732 for various commissionings to Basle see Rymer, Vol. X pp.542-601
 2. Ibid. pp.746-748
 3. Schofield, 'The First English Delegation....' p.181 Other delegates were also to use the Council to achieve benefits "For their respective secular Lords" - see D.L. Bilderback, 'The membership of the Council of Basle' unpublished thesis University of Washington, Seattle Ph.D. 1966 p.122

In January 1433, the debates with the Hussites began but it was not until late March that the English intervened in the debate. The English like the Czechs remained on the edges of the Council continuing their protest on the oath of incorporation, the system of voting in deputations rather than nations and declaring their unwillingness to accept any decrees not in keeping with English statutes and usages.¹ These protests came at a time when the Council was still in the midst of its bitter dispute with Eugenius over its utility and legality.² The other members were not able to accept a change back to the national system of voting as it might serve to weaken their position vis-a-vis the Papacy. Thus alienated from the French, German and Italian members of the Council, the English took no part in the Conciliar-Papal discussions that summer but did express their fear that if Eugenius did not recognise the Council, it might lead to a grave Schism.³ In July 1433, Henry wrote to the Council asking them to respect Eugenius and reaffirmed his desire that his embassy be received as a 'nation', that this be the procedure for the other delegations, and that they be free from affirming all the conciliar declarations.⁴ English investment in the Council continued to sink, however, as Royal interest turned towards ways of settling the war with France.

Many of the English delegates left Basle that summer. The delegates who remained were instructed to look after the interests of the King and to watch especially for conciliar action which might relate to the King's interests in France. It was suggested that they continue to protest the terms of entry to the Council. The envoys who remained were Thomas Brouns, William Worstede with others who had joined the first delegation,

1. Monumenta Peter of Zatec Vol.I pp.343-344

2. Haller, J. (ed.) Concilium Basiliense (Studien und Quellen zur Geschichte des Concils von Basle) (Basle, 1896) Band I Studien und Dokumente 1431-1437) p.44

3. Valois, Le Pape et le Concile Vol.I p.235

4. Williams, G. (ed.) Bekynton Official Correspondence (London, 1872) Rolls series Memorials of the Reign of King Henry VI pp.63-65

John Clidrow, Bishop of Bangor, Henry Abendon, Chancellor of Wells,
and Robert Burton of Lincoln. ¹ Thomas Polton, long time delegate and curial notary, Bishop of Worcester, died at the Council, 23 August 1433.

Landriani made a return journey to England in later 1433 to request a new delegation. The Council was concerned to win the support of all the nations and princes in order to force the Pope to recognise its existence and assure its security. In the late summer of that year the Pope had declared that a General Council was not superior to the Pope. He had called such a view heretical and insisted on the final right to approve any decrees. ² A stormy confrontation ensued in which the Pope denied his position only to reassert it again. The Pope wished to translate the Council to a new location in Italy but this was not acceptable to members of the Council. The convocation of Canterbury that same year took up the question of the tension between Eugenius and the Council. They had agreed a year earlier (September-October 1432) to raise a subsidy for the Basle delegations but by late November 1433, it was time to review the situation. The English church felt that the Council was on a reckless course and the situation was serious. If a new Pope was elected he could not be recognised. ³ On dissolution of the Council they promised support for Eugenius IV and they urged all nations to reaffirm present and future obedience to the Roman Pope. They renewed their pledge to dissent from further participation at the Council of Basle if the Council proceeded without dividing into nations. They agreed on the priority of the 'reduccione' of the Bohemian heretics and planned another embassy granting an unenthusiastic 'quarta decime'. ⁴ In December, Peter Partridge from Lincoln who was back from Basle, recounted to the convocation his debates with Peter Payne and the other Bohemian heretics at the Council. ⁵

1. Schofield, 'The First English Delegation...' pp.193-195

2. Hefele-LeClercq, Vol.VII pp.823-824

3. Jacob, Reg. of Henry Chichele Vol. III p.246

4. Ibid. p.249

5. Ibid. p.250

In the summer of 1432, a new English delegation was sent to Basle. Robert Fitzhugh led the group who arrived in early autumn. The Bishop addressed the Council and stressed the delegation's willingness to cooperate but also their mandate from the King. They were to protect the honour and customs of the crown's jurisdiction as they were a Royal delegation not only an ecclesiastical one.

Later the Bishop preached a sermon before the Council in which he repeated the greetings of the king, reaffirming his desire for the health of the church and its meeting, and hopes for the reunion of the Eastern church. Fitzhugh also spoke of the king's desire for cooperation to end heresy and to bring about peace. The delegation used the title 'King of England and France', continuously when referring to Henry VI, which angered many of the delegates from the Valois-French territories. This action was hardly calculated to win the support of the Council to England's point of view on the national system of voting and deliberations as this claim worked so much resentment. The French raised questions about the entrance of French Bishops from the north as members of the English delegation.² The envoys were instructed this time, however, to make a serious attempt to become an active part of the Council. They were to be communicative, not abrasive, but converse in a patient, benign, modest and peaceful manner but they were not to take the oath

1. Zellfelder, England p.257

2. Dickinson, J.G. The Congress of Arras 1435 (Clarendon, Oxford, 1955) p.26
For Norman church participation and the Duke of Bedford's policy - see
G.T. Allmand, 'Normandy and the Council of Basle' Speculum Xll 1965
pp. 1-14. Pierre Cauchon, Bishop of Lisieux and Zano de Castiglione,
Bishop of Bayeux, were two delegates.

of admittance and to continue to raise the question of the 'National' system of deliberations.¹ The embassy was requested, as at Constance, to work closely with the Emperor. If the Council acted in some way against the Pope, they were to put into effect the decision of Convocation and withdraw from the Council. The King's ordinances and statutes must be protected, the 'customary things', referred to by the Bishop of London at the Council and this included the Statutes of Provisions and Praemunire in particular. They were also given the power to negotiate with respect to peace with France and were to assure that no decree was passed at the Council which did not have the assent of those nations whose interests were affected.²

The Castilian group joined the Council in October 1434, along with the English under a new modified oath of incorporation. Relations with Castile at the Council proved rather stormy for the English as they both contended for precedence.³ At the time this second embassy joined the Council, the issue facing the assembly was the problem of the negotiations with the Greek Church on reunion. The Pope was near agreement on a mutually acceptable site for the talks, either in Constantinople or in Italy. The Council preferred to have the Greeks join them at Basle if possible.⁴ The English group was not recorded in relation to these discussions but William Sprever, an English notary who compiled records on the Basle meetings and the Congress of Arras, was active in the Council that winter and in the spring. He represented the opinion of the English church on the question of national recognition as well as serving on Conciliar delegation deputations.⁵ The Council published some reform decrees in January designed to curb clerical concubinage and limit the use of excommunication.⁶

1. Bekynton p.261

2. Ibid. p.269

3. Zellfelder, England p.260

4. Hefele-LeClercq, Vol. VII pp.880-882

5. Dickinson, Arras p.45

6. Hefele-LeClercq, Vol. VII pp.883-884

In early June 1435, while considering reform in the area of Simony, the Council dealt with the thorny reform issue. Papal taxation by way of the annates charges was raised and by consent of most delegates¹ abolished. This action of depriving the Papacy of funds was followed by other measures to regularise appointments to vacant benefices and to introduce certain changes in the liturgy. The debate on the Annates Decree erupted into a major confrontation between the conciliar side and the Papists. Robert Fitzhugh read out a protest to the Council in late May and this was followed by another protest on Annates from Robert de Poers, the Archdeacon of Lismore on 3 June, the same day as the Bishop of Lubeck, the Papal legate made his objection to the abolition of the annates.² A few days later, when the annate decree was passed, the English withdrew from the Council.

Attention in English diplomatic circles in the summer of 1435 turned towards the attempt to find a peace settlement with France. High ecclesiastical involvement was also present in these negotiations at Arras. The Archbishop of York led an impressive embassy including Cardinal Beaufort and many other royal envoys. Some of the Basle delegates went from Basle to Arras to take part. Others went home and only a few³ remained on at the Council. Schofield has suggested that by the summer of 1435, English interest in Basle had dropped considerably. "There is no evidence," he asserts, "of English sympathy with conciliarism and England's fundamentally loyal relations with the Papacy were carefully safeguarded."⁴ At home, Piero da Monte, the Papal collector did much to⁵ strengthen and improve Anglo-Papal relations in the following years.

1. Hefele-LeClercq, Vol. VII pp.885-887

2. Zellfelder, England p.101

3. Dickinson, Arras p.49

4. Schofield, 'England, the Pope and the Council of Basle' 1435-1449 in Church History Vol. XXXIII 1964 (American Society of Church History) p.252

5. Ibid.

As it was, England found little satisfaction that summer as the Congress of Arras proved barren ground, "a triumph for Burgundy....somewhat¹ disastrous for the other parties." In the wake of the breakup of the Burgundian alliance, the English had little to admire in the peace making² efforts of either the Pope or the Council of Basle.

Bernard de la Planche and Robert Burton, Lincoln cleric, remained at the Council of Basle and represented the English interest unofficially for a time. When they defended Henry's title and claimed English precedence over the Castilean group, the matter led to a violent fracas in which Bernard was actually thrown from his seat by the Castilean³ delegation. Bernard, now Bishop of Dax, left in May 1435, but Robert de Poers for some time defended the English position taken at the Arras⁴ meetings. There were also a number of English delegates who were at Basle, who were members of the official delegation or independent of it at various times. Some of these were incorporated in the Council. John Kenninghale, the Carmelite Provincial, John Gels, Proctor for several Bishops, and William Swan, from the papal curia were early such participants in the⁵ Council. A few York and Irish delegates were incorporated and took part⁶ in the deputations in 1433-1434, and as noted, the attempt to incorporate the Laocastrian French Bishops of Lisieux and Bayeux met with strong French objections.

Fatefully, on the 7 May 1437, the papal legates asked the Council of Basle to move to Italy to pursue Union talks with the Greeks and continue their reform work. The Council split over this issue and a minority of the Fathers went to Italy to negotiate a place of meeting with Eugenius.

1. Dickinson, Arras p.197

2. Schofield, 'England, the Pope.....' pp.253-254

3. Ibid. p.255

4. Dickinson, Arras p.26-27

5. Schofield, in Councils and Assemblies pp.223-224

6. Schofield, 'The First English Delegation....' p.183

Eugenius called the Council to meet at Ferrara in September but the Basle Fathers considered this action by the Pope dangerous and they again argued for their authority. The English King wrote to the Pope to assure him of English support for his new Council and wrote to Sigismund and the electors of the Empire as well as to the Basle Council that he wished cooperation in the matter of the peace and unity of the church but he was critical of the anti-papal stance adopted by the Council.¹ The Southern convocation shared Henry's enthusiasm for the Ferrara Council and met in the Spring of 1438 to discuss a delegation but were forced to plead poverty.² Interest was still alive in many of the wider issues of the church and a Papal Council was an acceptable forum for these discussions. The English had not the resources left to mount another large delegation and worked through regular royal diplomatic channels.

The Council of Basle sent another delegation to England, Abbot Wericus of Bonmont addressed the King and some of the notables on the 5 May 1438 in London. He assured the King of the Council's concern for peace between England and France just as Solomon was interested in bringing peace. He cited the reforming decrees of Basle as proof of the conciliar desire for reform and asserted the legality of the Council claiming that scripture and the canonists both upheld the worthiness of the Council. He urged the group not to attend the "pretentious Council of Ferrara" but to adhere to the holy Council of Basle that schism be prevented and reform be carried through. He urged a thorough reading through of the Papal-Council correspondence to determine the truth, reason and justice behind the Basle case.³ The Abbots party was received rather coolly by the Archbishop but Wericus reported back to the Council later in the year that he sensed a growing move towards neutrality on the part of the English.⁴

1. Bekynton, P.81; 83-86

2. Jacob, Req. of Chichele p.262

3. Zellfelder, England pp.339-356

4. Monumenta III p.103 For the French neutrality declaration in the Pragmatic Sanctions of Bruges" - see section in Hefele-LeClercq, Vol. VII pp.1054-1061

At the same time, the new Emperor, Albert, and his electors had moved from support for Basle to a more neutral stance. They adopted many of the reforms that were passed at the Council and supported the Father's right to meet. They wrote to Henry VI to seek support for this policy, and after May 1438, a royal embassy was sent to the Empire to hear the views of the Germans.¹ When, in the summer, the Council deposed Eugenius, Henry wrote to Basle and reminded them of this danger to the faith and the duty of Catholic princes to keep the unity of the church warning against this schism which threatened to return the church to its previous condition, before the Councils.² The King wrote to Eugenius to congratulate him on his announcement of agreement with the Greek church announced at Florence in 1439.³ (The Ferrara Council had been moved to Florence). At Basle the Fathers elected a new Pope, Felix V,⁴ and sent off delegations to seek support for their move. Felix's nuncio was coldly received in England in 1440 and the Archbishop of York announced to him on 23 April that England intended to stay loyal to Eugenius IV.⁵ The King then assured Eugenius by letter of the nation's obedience and support.⁶ The convocation of Canterbury considered the whole matter and had sought remedies but the stubbornness of both Pope and Council made a settlement almost impossible.

In the 1440-1442 period, the crown made fitful attempts through diplomatic channels and in consultation with the Emperor, now Frederick III, for a settlement of church affairs. It wasn't until 1448 that the Empire finally withdrew all support from Basle and English representatives were present for the negotiations that led to the withdrawal from Felix on 7 April 1449, and the prorogation of the Council that same month.⁷ Thus

1. Ferguson, Diplomacy pp.116-119

2. Zellfelder, England pp.260-263

3. Bekynton pp.49-51

4. Hefele-LeClercq, Vol. VII pp.1071-1079

5. Zellfelder, England pp.363-365

6. Ibid. pp.366-370

7. Schofield, 'England, the Pope.....' pp.266-267

ended this long troubled Council and the last opportunity for conciliarism for some time in Church affairs.

Conciliarism and the English Church

The English church, at its top at least, was unable to embrace the conciliar ideal in the earlier fifteenth century. There appear to be a number of aspects which are involved in this position. Her own national relations with the papacy were to some extent protected by legislation and thus the issue of papal absolutism was less acute than it might have been for the continental nations. Her very distance from the Roman court meant that decisions would have to be taken at home and the expense of appeals made trivial and continual sending of cases to the Roman curia for settlement almost impossible. This distance also isolated England from much of the Southern Europe political situation and the near presence of the Papacy as a political force.

The theologians of the English church seemed to share with the Western church in general, a conservative ecclesiology. Literate churchmen standing in the 'realist' tradition of philosophy and theology found high papal claims defensible as the publicists had pointed out. Theologians saw the constitution of the church as complementary to the feudal and aristocratic models found in secular society. They sensed danger in limiting the power of the prince or the King, and church polity of a conciliarist type not only would overturn the church but perhaps suggest to serfs, burghers in towns, or the small gentry, they too could share in royal power, as the social unrest in England early in the Schism proved, or the experiments in Bohemia under the abortive communities in the pre-¹ Basle days showed.

1. In 1436, the Pope raised the secular issues of conciliarism with the kings and princes of Europe. "This is fatal for the whole estate of Catholic princes; for in exactly the same way their own peoples by assembling together could claim power over them. This would turn upside down at once the episcopal order and the Christian polity - which is unspeakable and insufferable." Quoted in A.J. Black Monarchy and Community (Cambridge, 1970) p.88
Taken from Raynaldus, Vol. XXVIII p.197

There was no major conciliarist thinker in English theology, in these days, such as an Ogilvie in Scotland or the Paris group and a Cusa on the continent. Perhaps the divisions between orthodox and heretical views caused in the wake of the Wyclif movement ^{it difficult} made/for such an opinion to grow in orthodox circles. Although there was no pleasant feeling about the Avignon papacy or the scandal of the Schism, Wyclif's later scathing criticism of the papacy and the labelling of it as the seat of the antichrist was perhaps enough to frighten serious criticism of the role of the institution in relation to a Council.

In spite of the basic conservative position of the English church^{men} on the issue of Council prerogatives over the Papal powers, clear in their position from Ryssheton's Questiones at Pisa to their withdrawal at Basle, they were certainly in favour of councils as such. This the Oxford group had argued for in the first round of correspondence with Paris, and the willingness of both King and Church to send delegations, and for the delegates to take part in the proceedings giving them authority to legislate reveals an acceptance of the model. They tended, however, to see the councils as meetings to deal with practical problems under papal direction and supervision, with the proviso that in the case of extreme urgency such as the schism they could be constituted extra-papally. The Council's first task was to establish one undoubted head of the church, then, under his direction, to act as a representative forum to work out policy and legislation on ^{(matters of heresy and reform.} It was the practical issues of how to face these issues that seemed to characterise the English involvement in the councils, not the issue of Conciliarism itself. Consciousness of the church as 'national' was also to be a preoccupation of delegates to the councils, which seemed to be ⁱⁿ opposition to views of the church as an international assembly represented by the prelates, indifferent to geography and nation.

Perhaps the naivety of the conciliar position made it unpopular in a West of growing nationalism but the tasks for which the theory and practice of councils was developed, unity and reform, were pressing in the days of schism. The councils managed to achieve unity under one Pope and almost the unity of East and West Christianity although even in that the initiative was taken by the Pope ultimately. In the area of reform, an important English concern, however, the church, in assembly, seemed unable to bring it about.

CHAPTER II

REFORM

A chancellor of the university of Oxford in the mid fifteenth century wrote, in his history, of the state of the Church, that it was in need of reform, corrupt and failing in its mission. When Henry VI asked him why he did not seek the office of Bishop, Thomas Gascoigne replied, "Sir, if I wished to make my fortune honestly, I would rather be a skillful cobbler than the most learned doctor of Divinity while things are in their present state in England."¹ Many attempts had been made to introduce reforms to church life and practice but had had little success. Part of the story of the councils was the story of an attempt to legislate reform. Some of the issues and the Council activity will be examined below, especially the English contributions to the debate.

The Context of the Reform

The schism had not brought to an end the Avignon abuses. Adam of Usk reported that in the Rome of 1402, "everything was bought and sold so that benefices were given, not for desert, but to the highest bidder."² This situation, whereby ecclesiastical offices were treated as commodities or investments, was one of the many complaints of both the Lollards and the orthodox reformers. The Church had emerged from the plague suffering demographic alteration, but none the less safe in its position as a great feudal power. Churchmen were as much concerned with the politics in the great schism as they were with the theological demension, and prelates often supported narrow self interest. At the top of the hierarchy, bishops and theologians were often so busy with national and international affairs that diocesan work went unshepherded. Nor was it evident that

1. Translated in Capes, W. The English Church p.212 from T. Gascoigne Loci e' libro Veritatis was edited by J.E. Thorold Rogers (Oxford, 1881)

2. Ed. Thompson E.M. Chronicon Adae de Usk (A.D. 1377-1421) (Froude, London, 1864) p.247

they exercised a vital critical role in this civil and diplomatic work. They seemed to have been as convinced of the values of the feudal and aristocratic order as the knights who worked beside them and the Kings they served. W.A. Pantin, in his survey of the English church at this time, suggested that we might look at these churchmen in an entirely secular light, "...the caesarian prelates, whom Wyclif denounced were not spiritual men arrogantly seizing secular power, that bogey man of the anti-clerical, but for the greater part they were secular administrators for the convenience of the government distinguished as spiritual men."¹ Archbishop Chichele's impassioned plea to the English parliament in 1428, on the subject of Provisors, in this context, seemed superfluous. The text, 'Render unto the Caesar, the things that are Caesar's', assumed some underlying difference between the interest of the church and the state, yet in Chichele's world, it was difficult to tell the difference between the interests of the leaders in secular society and the interests of the leaders in the Christian community. Part of the reason for the killing of Archbishop Sudbury in the rising of 1381 was because of the identification the church had with the baronial class, and it was for his part in a revolt of the northern nobles against the King that the northern Archbishop Scrope was beheaded at York in 1405.

The accusation was also levelled at the leaders of the church that they failed to improve the standards of Christian life and worship at the parish level or in the convents. Bishops often failed to carry out their visitations and Archdeacons would pass over an examination for a fee. The ordinary clergy, curates and chantry priests, were often poor and demoralized. Programmes for upgrading and literacy were used but often weakly applied. Many of the lower clergy felt the effects of the Statute of Labourers which had sought to curb wage demands in the face of the population decrease during the period of the plague. It seems to be not

1. Pantin, W.A. The English Church in the Fourteenth Century
(Cambridge, 1955) p.44

the case that the despised curates always commanded the market after the Black Death, as Coulton has contended, rather, many of them were still paid low wages and took part in the peasant revolt, even providing leadership while others joined the Wycliffite band. Complicating the situation for many of the clergy and the cause of reform, were the controls on preaching that were introduced by Archbishop Arundel as part of his attempt to stamp out heresy. Gascoigne thought these curbs on critical exposition worked considerable damage on the reform programme.

The holding of more than one benefice, often many, at the same time, was a common practice, especially among the higher clergy, as a way of increasing their income. It was a practice^{which} when introduced, seemed to have some merit. A Hereford cleric, Roger Otery, defended the system of plurality in 1366.

"...a good and literate person can govern two or even ten churches better than another can govern one, and both he who resides and he who does not reside are understood to serve the altar, so long as they live a good life and expend well the income they derive." 3

The stress here, however, is one of the administrative side of parish life, not the pastoral. It was neglect of the pastoral office, by the pluralists, that caused the complaints. It was a major problem in the later middle ages for the church. A quick glance through Emden's Biographical register can reveal how widespread the practice was in England. The simultaneous holdings of many of the graduate churchmen of the time are listed neatly in their bibliographies. Many of the English delegates to the general Council such as Bubwith of Bath and Wells and Polton of Worcester were pluralists who derived their income from many benefices.

1. Coulton, G.C. Ten Medieval Studies (Cambridge, 1930) p.151 The role of the clergy in the rising is discussed by Rodney Hilton in Band Men Made Free (Temple Smith, London, 1973) Population drop figures have been estimated high and low. Russell put the totals of British population at c.3,700,000 in 1348 and in 1410 at 2,100,000. British Medieval Population (University of New Mexico, Albuquerque, 1948) p.235
2. Capes, The English Church pp.211-212
3. Thompson, A.H. The English Clergy and Their Organization In The Later Middle Ages (Clarendon, Oxford, 1947) p.246 Appendix IV
4. Translation by Pantin in his The English Church p.44
4. Emden, A Biographical Register of the University of Oxford A.D.1500 Vols.III (Oxford, 1957-1959)

Monastic Life

Even the great reform wing of the church, the monastic community, had engendered considerable resentment for its failure to live up to the high ideals which led to the foundation of the orders. Abbeys, in many instances, were large landlords. The people of St. Albans and Bury St. Edmunds were involved in a constant struggle with their overseen Abbots to grant them the status of free cities and greater freedom from the constraints of their serfdom.¹ Even an order with such early zeal for piety as the Cistercians who had set such high standards of poverty, loyalty to worship, and reform, had exhausted their potential for being a reforming agent and had become in need of reform.²

A moderate reformer like Gerson saw no hope for reforming the mendicant orders from within. What was needed was legislation and supervision from outside the communities.³ One of the reasons for monastic decline, it was claimed, was because of their exempt status. Ironically, they had been given that status by the Pope to enable the monks to carry out reform and to preach renewal without suffering at the hand of unreformed or worldly bishops. This meant, however, that a reforming bishop was unable to assist the monks in internal reform if they had neglected their worship and discipline, as he could the other bodies of the faithful in his diocese. Common charges brought against many of the monks were that they neglected their worship, they lacked charity to the poor, they extracted money from local churches appropriated to their care by excessive tithes while neglecting both ministry and repair of property. Resentment grew between the diocesan clergy and the monks over the latter's exempt status and hearing of confessions. Archbishop Fitzralph in the mid-fourteenth century complained bitterly about the practice of confession.

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1. Trevelyan, G.M. England and The Age of Wycliffe (Longmans, Green, London, 1899) p.162
 2. Cook, G.H. English Monasteries In The Later Middle Ages (Phoenix, London, 1961) pp.145-153
 3. Pascoe, L.B. Jean Gerson: Principles of Church Reform Vol. VII Studies in Medieval and Reformation Thought (Ed: Oberman) (Brill, Leiden, 1973) p.164

"I have in my diocese of Armagh 2000 persons a year (as I think) who are excommunicated for wilful homicide, public robbery, arson and similar acts, of whom scarcely forty in a year come to me or my parish priests for confession."¹ This concern over the monks dispensing cheap grace (and reducing the rector's fees) was also characteristic of the lollard protests against the mendicants. Wyclif had claimed that the mendicants were both neglectful and simoniacal.

The system whereby monasteries appropriated local parishes for the purpose of providing them with service and ministry, served rather to weaken the local congregation. Tithes were not used at the local level but went to the monasteries to replenish their coffers and cover their costs of building, entertainment, poor relief and study. Coulton has cited many examples of the results of appropriation and in many reform tracts of the conciliar period, complaints were lodged concerning this practice. By 1425, petitions were still coming to parliament against this practice, "mickle people lacks both ghostly food and bodily and other relief against the old true foundations of such parsonages."² The monks did use much of the revenue for poor relief, agriculture and the support of ministry, but the charges were often true. A.H. Thompson has summed up the case against the policy of appropriation thus, "The parish church was the remedy whereby the poverty of the monastics might find succour, not an additional burden upon the funds of the community which was faced with strains upon its resources."³ Contemporary tracts in the wake of the lollards, were critical of monastic practice. In 'Dives and the Pauper' which appeared c.1400, monks were criticised for their selfish attitudes, "...he may not give a halfpenny for God's love nor help his father and mother at need."⁴

1. Trevelyan, op. cit. p.139 England

2. Coulton, G.C. Five Centuries of Religion Vol. III Getting and Spending (Cambridge, 1936) pp.220-229 and p.658, from Rot. Par. IV, p.290

3. Thompson, Clergy p.128

4. Cook, English Monasteries p.49

Wyclif, William Langland, (Piers the Plowman) and Chaucer were to paint a bleak picture of the spiritual health of the monks, especially the friars. All these, remarked Knowles, "witness to a corruption among the mendicants and a worldliness among the black monks which were only too real."¹

Relations with Rome

Another aspect of English church life and reform was the relationship of the church to the papacy. It was noted at the good parliament of 1378 that papal revenues from England were five times greater than the King's total revenue from his realm.² The annates tax was a particularly onerous burden on church revenues. This was a first fruit tax on the first years income of a new incumbent to a benefice. It was first begun in England in 1306 by Clement V.³ Fees payable for curial appeals, installations of Bishops and Abbots and various other transactions with the Roman Court led to resentment by many who rejected the need for papal extravagance and saw it as an unnecessary drain on provincial revenues. Papal indulgences were another means of finance which were the focus for some criticism by various reform treatises.

Papal appointments to offices in the church had been curtailed in England by the statute of provisors in 1351 and rights of appeals to Rome were limited by the statute of Praemunire (1353). These effectively placed many English church appointments under Royal control. In spite of this protection, provision was still made, in some cases, by Rome. Complaints about this practice were expressed to the Commons in 1377.

1. Knowles, David The Religious Orders in England (Cambridge, 1948-59) (III Vols.) Vol. II p.114

2. Perroy, Eduoard L'Angleterre et le Grande Schisme d'Occident (Paris, 1933) p.50.

3. Lunt, William E. Financial Relations of the Papacy with England (Medieval Academy of America, Cambridge, Mass, 1962) 1327-1534 Vol. II p.307ff.

Charges were laid that the Pope was providing to vacant benefices by reservation.¹ Parliament then began to agitate that stronger measures² be taken against those who would accept papal provision.³ At the 1388 parliament, a law was passed which called for the licensing of all Englishmen who sought provision from the Roman see.³ In 1390, Provisors renewed although the actual numbers of appointments made by Rome was decreasing.⁴ This act of Provisors was to rest secure in spite of demands of many in the English church and the Popes from Boniface IX through to Martin V who tried to have it repealed.

One of the products of papal provision was the appointment of Cardinals and others from foreign lands, as non resident prelates in the church. In 1378, parliament registered a strong complaint about this kind of appointment.⁵ The numbers of foreign prelates, Cardinals holding benefices or positions in Cathedrals was declining by the conciliar age and French influence over monastic houses and appropriated churches was limited as many alien priories had been taken over or anglicised.⁶ By the opening of the Council of Pisa in 1409 there were only a few such appointments. In three large dioceses in England, for example, there were only five such appointments and most of these were disputed. There is no evidence of large numbers.⁷ The value of the positions were often the cause of the

1. Rot. Par. IV p. 19

2. Ibid. IV p.83

3. Statutes of the Realm II, p.60 Lunt, op. cit. pp.389-390

4. Stat. R. II pp.69-74.

5. Rot. Par. p.19

6. Lunt, op cit pp.307ff

7. Le Neve, Fasti Ecclesiae Anglicanae 1300-1541

Vol. I H.P.F. King, Lincoln Diocese (University of London, 1962)

Vol. III Joyce M. Horn, Salisbury Diocese (Univ. of London, 1962)

Vol. VIII B. Jones Bath and Wells, Diocese (Univ. of London, 1964)

complaint. Again as in the case of the provision controversy it is ironical that a reform measure of the papacy, designed to encourage better appointments based on commitment, learning and merit, had turned into a system that "caused bitterness at the intrusion of foreigners in order to endow members of the Roman curia."^{1.} The struggle to encourage a better quality of priest, to place him into a benefice and promote him was a common theme in church life at this period. The universities themselves often raised the issue of the promotion of their graduates.

Papal schism, taxation and interference in appointments were to be issues in reform demands made at the councils. Call for reform came from many quarters in the church, from the universities, the radical reformers, and from the dioceses across the country. Could it be brought about? The historian Trevelyan, in his account of the age, pointed to the difficulty which faced the English church in 1400.

"She was no longer led by such fiery saints as Grosseteste and Hugh of Lincoln. Her modern bishops had risen to the bench by the diligent accumulation of offices in the church and state. They were tolerant of all the ways and means by which they themselves had risen. 2

Ullerston's Petitions and Hallum at Pisa

Out of this ailing medieval church came specific demands and programmes for reform and for unity. The schism had served to highlight the general malaise in the body of Christ, and stimulated new hope for reform. When Hallum and Chichele were at Pisa, they had with them a long list of grievances which were drawn up by the Salisbury cleric, Richard Ullerston. These dealt with items for national and conciliar

1. Previte-Orton, A History of Europe p.51. Pantin has remarked, "The real tragedy of Papal provision was that it was a great opportunity lost, it might have been used as an instrument of reform by giving to the church prelates, who would not have been promoted by the normal means." English church in the Fourteenth Century, p.96

2. Trevelyan, op. cit. p.120

action, and formed a broad statement of the major reform issues. Ullerston had addressed the document to the King for consideration and action. It called for an end to the schism and for church unity, and an end to simony, plurality and non-residence. He condemned monastic appropriations and exemptions and the worldliness of the clergy generally. Ullerston gave suggestions for the reform of appeal procedures and was critical of the abuse of privileges. What was needed in the church was not the ways of man but the exaltation of the law of Christ.

Armed with this list of reform and with the Lollard threat in the background, Hallum, Ryssehton, Chichele and the others in the English group at Pisa were able to participate in the discussions in the summer of 1409. Robert Chaudesolles, prior of Celsa, wrote to the Abbot of Cluny in his report on the council, that the English, particularly Hallum had launched an attack on the exemption of the religious and had other complaints. Besides this controversial reform item the English teamed up with delegates from France, Poland, Bohemia and provinces in an active appeal for reform at Pisa. They expressed a desire that the conciliar process be recognised and the false popes suppressed. They wished also to see the council legislate several other reforms. Reservations, confirmations and elections to dignities should be properly handled. Only fit persons should occupy positions and this could be achieved through the promotion of University graduates. Annates and minutia servitia, they claimed, worked a hardship on benefices and the clergy as did the fees for the visitation to Rome related to episcopal elevation, and must be reduced. They urged improvements in the appeal system in the

1. Hardt, I cols. 1126-1171. See F.D. Hodgkiss, 'Robert Hallum Bishop of Salisbury', Unpublished thesis M.A. Manchester University Library, and A.H. Wood, 'Richard Ullerston, Canon of Salisbury' Manchester University Library, 1936, M.A. Unpublished thesis and M.M. Harvey's Thesis - an excellent study.

2. Martene & Durand, Vol. VII cols. 1117-1118

curia with simpler procedures. The curia needed to be able to handle appeals more cheaply and better arrangements were urged for local handling of cases as distance created an extra expense in those provinces far from Rome. They recommended that no more alienation of property from the Roman jurisdiction be made, and that church property be not used as a pledge or security. Provincial Councils were recommended by the nations and another General Council. The Benedictines¹ it was felt should hold their statutory triennial councils.

Harvey has shown that the English were badly split on the question of reform. Delegates who were with Hallum and his reform drive were Chillendon, Thomas Netter of Waldon and Thomas Spefforth, Abbot of York, and against him, Polton and Richard Gowers, Abbot of York, who were not particularly reform minded. The attitude of the delegation in seeking dispensations and grants, in contradiction to the letter and spirit of the petitions of Ullerston also created an ambiguity in the English attitude to reform.² The group did co-operate with the others at the council in the preparation of the Libellus Supplex, reform resolutions.

The new Pope Alexander V answered their twenty-two demands in July. He set up a committee of Cardinals and Deputies from each nation to consider the question of reform and make recommendations. He undertook to guarantee that there would be no unjust translations, that proper canonical elections would be confirmed and to give more opportunity for Bishops to exercise the right of provision. The Pope also agreed that taxation should not cripple benefices and that episcopal right of consultation would be respected. Alexander promised not to engage in nepotism in making appointments and to protect all church property. The Committee on reform remained active and the Pope agreed at the end of July to three reforms. He surrendered any financial claims due from the beginning of the schism, the rights to the goods of deceased prelates

1. Martene and Durand, Vol. VII Cols. 1126-1130

2. Harvey, M. Thesis cited pp.138-140 and 152-153

and the income from vacant benefices. He insisted that the Cardinals follow his example. On July 27 and August 7, reform decrees were passed which had the assent of all the nations. These assured the rights of all those who adhered to the council to their own benefices, set a new date for a Council, ordered provincial synods and monastic meetings, and granted plenary absolution for all at the Council.¹ This was not at all an answer to the reform demands raised by Ullerston.

The Oxford Articles and the Council of Constance

Pope John XXIII was not a reform minded Pope, but the English had continued their work on reform proposals after the failure of the Pisan Council to make any substantial progress in either unity or reform. After the abortive Council of Rome in 1412-1413, and in preparation for the Council of Constance, the University of Oxford drew up a reform charter dealing with diocesan, national and papal conciliar levels of reform. These forty-six articles were presented to the King in 1414. The masters included a letter to explain their intentions. Part of it read, "We are distinguishing and making clear the most notable defects in the most holy law of the church."² There were general articles which urged unity and a General Council and insisting that the King return church property confiscated in the War, viz, the French priories which had been taken into Royal trust. Many articles dealt with papal and curial practice. Unworthy priests ordained in Rome for the English church were not acceptable and neither was nepotism. Papal indulgences, the document pointed out, were too frequent, and the fees charged for the appointment or translation of Bishops along with other curial charges were also too high. The masters had a number of recommendations for the improvement of the life and work of parish churches. Simony and plurality were condemned, as was the practice of foreign held benefices. Bishops were enjoined to reduce their fees and to conduct proper visitations in their

1. Martene and Durand, Vol. VII 1126-1132; Hefele-Leclercq, Vol. VII pp. 65-57

2. Wilkins, Vol. III pp.360-365. printed articles and letter. Harvey discussed the MSS used by Wilkins, pp.63, 160 and has long discussion on the articles and how they were used at Constance and put into practice at home. pp.161-215

dioceses. Reforms in the handling of indulgences and dispensations were requested, as in the keeping of holy days and showing proper hospitality to the poor. Fornication by priests was lamented as was the immodest dress of many of the clergy.

The articles on monastic life, not surprisingly, included a strong denunciation of appropriations and a plea for the protection of the rights of the local incumbents who seemed to be in competition with the monks, who were preaching and hearing confessions. Monks should be examined, the reformers insisted, and reference was made to the particularly deplorable state of the Cluniac and Cistercian orders. Settlement of the friars' right to hear confessions must be made by the whole church. Abbots, it was insisted, were not equal in status to bishops and the practice of removing children without their parents consent to the monasteries was condemned. Other matters taken up by the articles included the high fees charged for students serving their statutory period as Canons in Cathedrals, a plea for the respect of property of Jews who have been baptised, as some had claimed that upon baptism, a pagan's property was forfeit. There was also a request for local officials to help the church bring the lollards to trial and to stop the traffic in unlicensed English books, ending with a request that the King protect the church from the oppression of lay patrons,^{and} the right of the clergy under the law.

When Hallum, Bubwith, Ketterick and the others arrived in Constance in late 1414, they no doubt had in mind the implementation of at least part of this modest programme. After the deposition of John XXIII and the burning of Hus the council turned to reform. Reform was one of the major themes of the council which had been called to bring about unity and to reform the church in head and members. Von der Hardt gave over the first volume of his collection of Constance documents to many of the reform tracts that were presented. These ranged from Theodore Vrie's impassioned cry for reform in his history, "Alas, the land is thrown into
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the melancholy company of Job," to the reform proposals of Gerson and

D'Ailly and the German nation's articles on reform along with a copy
of Ullerston's petitions.¹

At the Council of Constance, the slow process towards international agreement on reform was begun by the first reform commission in the summer of 1415. The English nation was allowed four members on this commission as were the other nations. The next year in October, the Spanish came into the Council and a new commission was established which gave them representation. Again they met for a year and attempted to work out an agreed formula for reform legislation. Nicholas Bubwith, Bishop of Bath and Wells and Robert Appleton, a York cleric, were active on the reform commissions along with Robert Hallum and Bernard de la Planche. In an undated document presented on September 27, Bubwith put forward requests for an end to exemptions of privileges for lower clergy and the examination of candidates for consecration. He also contributed, when president of the Council, to the discussion on the question of the property of Jews at the time of baptism, a particular English concern.² The work of the second reform commission culminated in the famous reform decrees of the 9th October 1417, although the agreement to promulgate the decrees was not an easy one.

The English and their allies at the Council, the Germans, had pushed for reform to come before the election of a new Pope, as it would be difficult to ensure the status of the work of the commissions after the Pope was elected. They settled for an immediate promulgation of a list of reforms and the promise that more work would be undertaken following the papal election. English policy had changed after the death of Bishop Hallum and they agreed to an election. The reform degrees of October called for a General Council every ten years after the next two Councils, a provision for the calling of a General Council in case of

1. See also Mansi, especially Cols: 264-494

2. Finke, Acta II pp.526 and 666. Two members of the reform commission not appreciated by the Cardinals were Hallum and Bernard de la Planche. They asked in 1417 for their removal; Finke, Acta II pp.134 Loomis, C.C. p.391-392

urgency as the present schism, a Papal oath was prescribed, forced translations checked and Papal rights to reserve benefices vacant on the death of an incumbent were denied if contra juris formam.¹

The English were also represented on the third reform commission which was established on 21st November 1417, with six members from each nation and six Cardinals. Dissention among the nations as to the scope of the reform soon threatened to prevent any real progress. Italy and Spain were not as anxious as France and Germany to wholeheartedly cleanse the Papacy and defend the interest of the local church. The commission's work was ultimately incorporated into the seven reform measures passed in March 1418, the national concordats, and the Papal measures for curial reform. The seven provided that:-

(1) All post schism exemptions and incorporations were declared invalid and the Pope agreed to a further curtailment in Papal rights in this matter. The Oxford articles had spoken of the grave poverty of parishes and hospitals as a result of appropriations, so this went some small way to meet English demands.

(2) Pluralism by unions were forbidden.

(3) Papal taxes on vacant benefices were abolished.

(4) Simony was condemned and all simoniacal appointments ruled invalid.

(5) The dispensation for appointments to benefices without consecration was forbidden. Again articles raised in English reform documents were not dealt with significantly.

(6) Papal taxes were to be levied, in the main, after consultation with the local Bishops.

(7) A more rigorous code of dress and behaviour for the local clergy was

1. Hefele - LeClercq, Vol. VII pp.459-465

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laid down.

To supplement the meagre list of reforms and to overcome the national differences in reform priorities, each nation signed a concordat with the Papacy. This was an instrument whereby the Papacy and the national church could agree on reforms tailored for each nation, as in the French desire for urgent action on the question of the Annates tax. The English concordat was signed in July 1418, in perpetuity. It provided for a better distribution of Cardinals as England was unrepresented on that body, limitations were placed on Papal indulgences, incorporations and unions of benefices were forbidden and Bishops were not permitted to wear pontifical insignia. There was a limit put on dispensations and more Englishmen were to be placed in positions at the Roman court. Characteristic of the English agreement and reform concern was the little attention paid to taxation or financial matters. This was perhaps because they felt more sure of legislative protection than the other nations and because, as at Pisa, there was no unanimity of purpose in the English delegation on the issues of reform or the Papal election. Jacob has called the contribution, "personal and individualistic rather than organised and controlled." This may help explain why many of the Oxford reforms and Ullerston articles did not find their way into reform legislation at the Council. Certainly the high profile delegates like Hallum, Abendon, Bubwith, Chillendon and Bernard de la Planche had some mutual vision of reform, unfortunately as with their colleagues in other delegations, they were unable to harness that potential for renewal.

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1. Hefele-Leclercq, Vol. VII pp.529-534
 2. Ibid, Vol. VII pp. 560-565 for Concordat see note in Jacob Reg. Chichele Vol. I pp. clx clxi
 3. Jacob Essays in the Conciliar Epoch p.53
 4. They were also divided on appeals such as the case of a dispute involving New College, Oxford: see Harvey Thesis p.194

The individual enthusiasm for unity and reform was certainly evident among members of the English nation. At the beginning of this paper we noted the preaching of one of the delegates to Constance, Bernard de la Planche. He highlighted the corruption of the church and the need for reform. Hallum's homiletical skill was often turned to an exposition of this theme. In January, 1415, the Bishop of Salisbury urged the Pope and the delegations to work together for reform so that the church would become free of scandal and evil.¹ Later in the year, he preached on the text, "there will be signs in the sun and moon" (Luke 21:25). The brightness of the sun had been blotted out by eclipse in the life of the church. The metaphor carried through to a dawn of the brightness when the darkness ended and the Spirit renewed and purified the church. Jacob has used an English manuscript of the sermon and extracted some of Hallum's hopeful phrases;

"Igne quodam spiritus sancti sese cunctis communicabit per liberalem compassionem, mentes unificabit per actualem dilectionem, ac corda et corpora prificabit per criminalem abstractionem..."²

The bishop declared that by joining hands with Sigismund, the church could bring about justice with Imperial support.³

Hallum pointed out the responsibility of the clergy, in his preaching, to set an example in reform by their life style. In this he was not alone for all the preaching at Constance stressed the need for immediate reform, and the seriousness of the moment. The Viennese, Peter Pulka, the German, Dietrich of Niem, Moritz of Prague, Vitalis of Toulon, Stephen of Prague, Jean Gerson and Pierre D'Ailly, all stressed the almost apocalyptic state of the times and warned of the danger of the failure to reform the church, to curb excess fees, greed, simony and

1. Finke, Acta 11 p.394

2. Jacob, Essays p.84

3. Finke, Acta 11 p.425

¹
Immorality.

Henry Abendon, the Wells cleric, preached a sermon on reform which covered a broad range of reform topics, on May 10th 1416. He spoke of the seven daughters of simony, pluralism, unworthy promotions, neglect of the divine cult, excessive appropriations of churches, indiscreet dispensations, illegal exemptions and frivolous appeals. All these had the flavour of the Ullerston petitions and the Oxford articles about them. Cataclysm would befall the church, Abendon went on, unless the clergy ceased superfluous show, were called back from secular offices, their excess privileges restrained, inordinate fees were prohibited and the "Law of Christ, faith, hope and charity, is finally understood to prevail over human law."²

In February of the next year, an English master, Gilbert, preached on reform but urged that the law itself was not enough. It must be introduced with caution to bring the church back to its pristine state.

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1. Arendt, P, Die Predigten des Konstanzer Konzils (Freiburg, 1933) p. 228
 2. Finke, Acta II pp. 442-444: Arendt, op Cit 239, 241, 242: and Harvey Thesis p. 180 My translation for Abendon's 27th October, 1415.
See C.G.F. Walch, Monimenta Mediae Vol I Gottingen, 1757: Vol I BK 2 pp.181-205

The power of the spirit, he proclaimed, was as available to the church
now as it was to the early church.¹

Richard Fleming also extolled the power of the Council and reminded the assembly of the example of the former Lincoln Bishop, Robert Grossetesta, who was not afraid to confront the Pope as Paul had not been afraid to confront Peter. This was his message on January 6th 1417, when he preached on the text, "Rise, Shine, Jerusalem" (Isaiah 60). In September of that year he pointed back to the leadership of Robert Hallum, at the Bishop's funeral mass. He reminded the assembly that the Bishop had always put reform before union under one Pope. (Prius est reformatio et postea erit unio!) He went on to say that now the process of finding agreement on reform was dragging on and threatened to go on endlessly. It seemed that among themselves or separately, Emperor, the Nations, and the Cardinals were unable to achieve reform. Perhaps now the church should be united, then reformed.² The change / came with the Beaufort agreement between the Cardinals and Sigismund soon after that September.

Interest at home was also high in the matter of reform. The new Archbishop of Canterbury, Henry Chichele, who had been with Hallum and the others at Pisa, kept in touch with the delegation and urged their support for the mission. In an undated letter he counselled action on reform.

"Maximum light should be directed to the greatest possible scandal in the church, inferior prelates accepting avariciously, simoniacal contracts, darkened by the whirlpool of earthly life. For indeed the lord of men sits in sadness now, probably, inconsolable. Rise up I ask you beloved brothers and continue to ~~exactly yourselves~~ to this, that our mother church can not only be united but reformed and her honour restored in virility. I say this because of the many exemptions obtained

1. Finke, Acta II p. 486f

2. Ibid, Finke, II pp 482-483 for Jan. 6 sermon; for Hallum eulogy see Vidal, J. M. 'Un recueil manuscrit de sermons prononcés aux concilii de Constance et de Bale!' In Revue d'Histoire Ecclésiastique Vol. X 1909 p. 510

in virility, . . . " 1

Chichele had also a keen interest in the promotion of university graduates. One of the reform documents presented by the English to the Council was a proposal for ensuring promotions of graduates.²

Eventually the delegates seemed to weary of reform, inspite of the fact that all preaching was in some way or other directed to that theme, and delegations were encouraging the process in their presentations of avisamenta. Peter Pulka declared at one time that preaching seemed ineffective. "I am convinced it is a joke, the admonition never goes to the heart. One must be astonished at how frivolous the spoken word can be."³

In spite of the decline in reform interest by the English at the death of Hellum, they had been persistent in reform and had taken the task seriously, serving on the commissions and putting forward suggestions.⁴ Men like Richard Fleming^{ing} were diverted into spending time into defending the national status, and the Emperor and the Germans after losing the battle of reform before election, tired of leading the way.

Reform issues at Pavia-Siena

In accordance with the frequens decree, the nations again assembled for a Council in Pavia in 1423. The English at this Council were proportionately a little better represented because of the lack of widespread interest in the Council. The Council was called to bring about reform and this was to be a main theme on the agenda. The English at this

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1. Royal MS 10 B IX "Quid enim magis plures vobis nulla melius satis potest in ecclesia fore scandalum quam luminare maximum quo inferiora queque dirige deberet symonacis contractibus personarum acceptis avarice voraginibus vite immundus obfuscari. Sedit quippe et diu sedit in tristitia domina gencium iam verisimiliter vel nunquam postea consolanda. Assurgite *pro terea queso, reate guardissimicy et manum extensam ad hoc extendite et sciam vobis, quoniam potius poterit reformari mater nostras, et ad summ honestam virilibus redintegari...*"
 Jacob in Essays p.76 n 1 (my transcription)
 2. Hardt, I cols. 1076-1077 see infra appendix 2b. For Chichele and the graduates see Jacob, Archbishop Henry Chichele (Nelson, London 1967) pp. 73-86
 3. Finke, Acta II p.466 Arendt, Predigen p. 231
 4. Harvey, Thesis esp. pp. 217 and 254

Council took a considerable part in the debates but again were involved in a defence of their status. They were by no means united in reform at Pavia-Siena either. Richard Fleming, at that time, Bishop of Lincoln tangled in debate with Abbot Whethamstede of St. Albans over the issue of monastic exemptions. Many of the delegates seemed to share the Abbot's concern for the protection of these privileges.¹ Progress was slow to reform, and in May, after a few weeks of work, Robert Fitzhugh, Chancellor of the University of Cambridge, wrote home that little was being done in reform to "cultivate the Lord's vineyard."²

The Council was in some difficulty in achieving credibility. Pope and Cardinals were suspicious of her proceedings, and her claim of being an instrument of reform was difficult to maintain as it was not a large enough assembly to stir vast numbers of dioceses to change or the Papacy to agree to reform projects. In spite of these handicaps, reform programmes were submitted. The German province of Rheims sent a delegation with instructions to continue the fight for exemptions and the liberty of the church in the region, to help extinguish heresy and to oppose the taxation of vacancies by the Pope. They also urged an end to absenteeism and the creating of unions for churches in depopulated areas.³ Some of these reforms were debated by the English and the other nations, but few decrees were passed.

On the 8th November, 1423, decrees dealing with heresy and the Greek church and reunion were passed. All that, added practically nothing to Constance legislation, and in spite of French initiatives in

1. Brandmüller, W. Das Konzil von Pavia Siena Vol. II pp. 93-94

2. Ibid. Note 42

3. Brandmüller, 'Kirchenheit and Kirchenreform' in Baumer, R(ed) Von Konstanz nach Trient (Festgabe für A Franzen) (Schöningh, Munich, 1972) pp. 69-71

the last weeks of the Council, nothing more was done to further reform. Again, as at Constance, fiery preaching by John of Ragusa, Jerome of Florence and Richard Fleming was not enough to spur the Council on to a more thorough handling of reform issues. They all agreed to attend a Council in Basle in seven years and went home. Martin V and the Cardinals announced their findings on reform in 1425 and took some steps to reform the Roman court. The Pope ruled that the lives of the Cardinals should be exemplary, their pompous train reduced and stipulated that they must take part in the worship of their titular churches as well as remaining politically and nationally neutral. Protonotaries were to be reduced and abbreviators' work more closely supervised. Archbishops and other prelates were encouraged to live circumspect lives and to be resident in their provinces and sees, holding provincial Councils and restraining the tax burden upon the benefices. Some Papal reserve rights were also withdrawn.² It was obvious that this Papal reform was inadequate but the Councils had also failed to provide a strong lead.

The reforms had little effect in England. Her cardinal was a major political figure at home and Canterbury and York had been quite faithful in holding convocations. Official English policy continued to favour reform but was hostile to Martin V's attempt to reform the English law of Provisors. The 1426 attempt by the Pope ended in the jailing of the Papal collector, Giovanni d'Obizzi, and tough words from the Pope who none-³ the-less gave in eventually.

Reform at Basle

English expectations of Conciliar activities by the time of the Council of Basle were mixed. Many delegates represented a new generation

1. Hefele-Leclercq, Vol. VII pp. 622-633

2. Ibid. Vol. VII pp. 645-667

3. Haller, England and Rome under Martin V pp. 8ff, p.28ff
and Ferguson, Diplomacy pp. 126-128

from the days of the Council of Pisa. Heresy was still an issue at home as well as aflame in Bohemia. The 1420's had been characterized by major problems in the English relationship with the Papacy, but an accommodation seemed to be reached by the end of the decade. Royal diplomatic interest was turned to a settlement in France. Veteran churchmen and politicians like Chichele and Beaufort, who had survived the various Councils, were apt to be less anxious to urge major changes especially as they may upset the delicate balance between church, state and Pope, that had been achieved since the end of the schism. It was with hesitancy that England sent a delegation to Basle and then it was largely to protest the Bohemian Heresy, to protect national interests and to work for peace with France. England soon was to withdraw her delegation to work for the King elsewhere. The continental mood was equally mixed. In regard to reform, Coulton in his survey of the period, has given examples of both optimism and pessimism.¹

There seems to be only one treatise on reform taken to the Council by the English in late 1432. They arrived too late for the reform discussions on provision that had taken place in the summer, but during the debates with the Hussites in early 1433, when French and German proposals for reform were put forward, they took part in the discussions, and the second delegation took part in the debate the next year on various proposals. In the English Memorandum de Reformandis in Consilio Basiliensē, they stressed seven points mostly in relation to monastic abuses. The treatise wanted action on :-

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1. Cesarini wrote to Eugenius in 1432 that there was a great urgency for reform. It was in the interest of the clergy to work for it. "It is greatly feared that if the clergy do not amend, the laity will then fall upon the whole clergy, even as the Hussites have done... so many Councils have been held in our days, without any consequent reform! The peoples did at last hope for some fruit from this.."
From Coulton in Five Centuries Vol. III p. 79 and Coulton cited the discourse of the Dominican John Nider who wrote just after the Council that the time was not right for reform..."both because goodwill is lacking in the subjects, and because the wickedness of the church authorities impedes it, and also because it is not expedient for the sake of God's elect who are tested by the persecutions of wicked folk." p.174

1. Confessions heard by the free floating Friars.
2. Exemption restrictions.
3. The use of pontificals.
4. The granting of Episcopal honours to the abbots should cease.
5. Mendicants who heard confessions should apply for Episcopal licenses.
6. Curbs were urged on non-residence dispensations
7. Ordination and appointments of those under canonical age. ¹

Articles 22 and 26 of the Oxford proposals on exemptions and mitred Abbots were mirrored in these proposals as were articles 32 and 34 on confessions heard by Friars and articles 12 and 13 on nepotism.

Much of this document also appeared in the 44 items for reform put forward by the Norman cleric, John Beaupere, who represented the University of Paris. His first 38 reforms dealt with the University and its faculties of arts, law, medicine and divinity and local parish reforms, but points 39-44 of the avisamenta dealt with the issues similar to the English treatise. He called for general indulgences to cease as they caused many to hold ecclesiastic dignity incompetent. Proper licenses should be sought for Friars to hear confessions. Beaupere also condemned non-residence and dispensations for minor aged clerics and adds a final note on appropriations, along an issue for the English, and his wording about the poverty of parishes and hospitals due to this practice was almost identical to the Oxford article 20. Schofield suggests that Beaupere's points were taken from the English documents, which would not be unusual as the Norman group worked with the English. ²

There was then a continual thread of reform programme, from Pisa to Basle but at the same time the monastic sections were critical of the desire for an end to appropriation and exemption. Many of the monastic

1. Haller, E.S. Vol. VIII pp. 175-182

2. Schofield, 'Second Delegation' pp. 60

group at Basle were as alarmed as they had been at Pavia-Siena about the reform intentions of the Council. William Wells, Abbot of York and John Fornsete, a black monk from Norwich, reported to Abbot Curteys of St. Edmunds that more help was needed to defend the religious at the Council.¹

Cesarini, the Papal president at Basle managed to achieve enough unity at the Council in these early years to have some reform decrees passed. These were passed on January 25th, 1435, and provided some limitations on the use of interdict and excommunication and the abolition of frivolous appeals to the curia. Harsher measures were brought in to cope with the problem of clerical concubinage and theatricals and entertainments were banned from churchyards.² There was nothing about the problems of pluralities, exemptions, low clerical morale-just nibbling at the edges. When on June 9th, 1435, the Council tackled a problem which struck deep at the heart of the Papal prerogative and finances, the English protested along with the Papal legates. The Council passed the resolution to suppress the ^{annates} tax and along with it ^{another} ^{for} reforms in the Mass. The Papal coffers depended heavily on the tax and the English nation saw this as an insult to Peter's see, to deprive it so suddenly of sustenance.

After the English left that summer, many more reforms were passed at the Council. Even though it did pass out of the mainstream of European Christendom, the Council's reforms lived on as some of them were incorporated in the Pragmatic sanction of Bruges in 1438 and the Vienna Konkordat made by Frederick III with the Papacy in 1448.³

Reformation was always part of the aim of the Councils but never a fiery concern. Many of the reformers, English and Continental, must

1. Schofield, 'Second Delegation' pp. 61-62

2. Hefele-LeClercq, Vol. VII pp. 1053-1061

3. Ibid. pp. 1130-1137

have been disappointed in the activities and legislation that resulted. The scene switched after the transfer of Basle to Italy, eventually to Florence, to conversations with the Greeks on reunion, while at home, men like Thomas Gascoigne continued to describe ~~an~~ unreformed church. The more radical reformers, the Lollards and the Hussites, called also for serious institutional renewal. They sought simplicity and an end to corruption. They might have had a great deal in common with the reforming wing of the conciliarists but it seemed the Councils had stiffened their resolve to root out heresy and so closed off the route of an alliance with heretics and their reform enthusiasts.

CHAPTER III

HERESY

Heresy is not always clearly distinguishable from reform, although Heresy is most often used to describe doctrinal or creedal error. It has also been used to characterise many practices and tenets when simply "condemned by the church." ¹ The Council and Papacy alike, along with most of the clergy in the Western church, knew that Wyclifism and Hussitism were Heresy although perhaps they were not clear on the line between their reforming zeal and their Heresy. What was most disturbing about the Wycliffite and Hussite heresies seemed to be the call for lay interference in the church and lay control of the clergy, not simply the points on the Eucharist or the predestinate nature of the church itself. The echoes of the Avignon days of Marsilius of Padua and Ockham appeared to be present. The church was equally, in the new age, unwilling to find accommodation for more radical viewpoints and instead sought to suppress the new teachings. They were seen as a challenge to faith, as a lamentable poison. Archbishop Arundel in his preface to the preaching constitutions revealed his sorrow as he referred to Oxford University, a year before the Council of Pisa. It was once a "fruitful vine" but lately has polluted the whole province "with a new and damnable name ² of Lollardy to the great reproof and offence of the said university."

John Wyclif

The primary spark to this activity and concern on the part of the English Lollard group was the Oxford Master, John Wyclif (1324-1384). He was a philosopher, theologian and pastor of some renown who had in his voluminous writing, in the last decade of his life, covered a vast

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1. Leff, G. Heresy in the Later Middle Ages: The Relation of Heterodoxy To Dissent c.1250-c.1450 (Manchester University Press, 1967) Vol. I p. 1. Leff's discussion on Wyclif and Hus is in Vol. II. A good Bibliography on studies of Heresies is on pp.276-278. Revue d'Histoire Ecclésiastique (Louvain, 1970) Vol. LXV
 2. Wilkins, III pp. 314-319 for constitutions; trans. by Foxe, Acts III p.246

range in church reform and doctrine. He had, in this period, been engaged in bitter controversy with many in Oxford and with the church hierarchy. He had been summoned to answer charges but was never fully tried for Heresy although his opinions were condemned by Rome and he was called to Rome. By that time, however, he was too weak and old to travel. Wyclif had caused a stir when he had raised, as had Marsilius of Padua, the possibility and usefulness of lay reform of the church.

"That the King or realm should obey no prelate unless it agrees with the faith of scripture in obedience to the Lord Jesus Christ.

For all obedience which is not in Christ is in anticrist, because of Luke XI, 23, "Whoever is not with me is against me." 1

Wyclif had worked for the Government in negotiations with Papal representatives in Bruges. He defended the national purse and the church's resources against the encroachments of Papal taxation in 1374-75 (ie: John's tribute) and a grateful John of Gaunt, the Duke of Lancaster, protected him from his own ecclesiastical masters. The teachings of Wyclif came to the notice of Avignon quite early, and in a somewhat alarmist mood, the Pope issued no less than five bulls in the summer of 1377 to urge some action against Wyclif and to condemn his opinions as Marsilian. The bulls insisted that Wyclif be examined on these matters of Lay reform of the church, 2 and his views on Lordship (Dominion) were condemned at Lambeth soon after the Bulls. Wyclif had taught that only a man possessed of Grace was truly possessed of Lordship. Men have all things by grace and not by natural right. "Men should beware that all the goods they have be goods of their God, and they naked servants of God." 3 With a vision of a simple, primitive, propertyless church, he was led to expound the notion of disendowment, "...the highest privilege conceded

1. Dziewick M.H. (ed) Joannis Wyclif De Blasphemia (Wyclif Society, London, 1893 p.270 My translation. "Quod rex aut regnum auli sedi vel patrie obediant, nisi de quanto ex fide scripture sonat in obedientiam domino Jesu Christo... omnis enim obedientia que non sit Christo, sit anticristo, quid Lucae II^o Qui non est mecum adversum me est".
2. Workman, H.B. John Wyclif A Study in the English Medieval Church (Oxford University Press, 1926) Vol. I pp 209-300 for copies of the Bulls in English see Dahmus, J.H. The Prosecution of John Wyclife (Archon, Yale, 1970) p.39-50
3. Workman, Vol. I p.260

to a Christian is the way that means living without property, it is the same as Christ ^{outward} in the/practice of a Christian." ¹ The Church, he believed, had sank from its initial glory, and "after the donation of Constantine too many aspired to the rank of Pope, Bishop or Caesarian prelate, and through this, the devil incited many to be ² Canons, Monks and Friars..." The Church militant had become 'buried under the accumulation of human novelty', the clergy greedy. The real eternal church was composed of the predestinate who were married to Christ. Those who were in the Church, the militant, were not sacrally exempt and could be chastised by the Royal authority. The many gifts to the church, the endowments, were conditional, given for charitable purposes, and if abused, if used to enrich prelates, could be taken away from the Church by the original lay patrons. Lambeth condemned these views and other teachings of Wyclif on the accountability of Papal authority and the unworthiness of most excommunications. ³

Such views had a certain appeal to the Lords in Parliament and the Royal Court. Many lay magnates saw the Church enriching itself on their taxes .., especially the Papal exactions, and they had amassed a legislative record in regulating Papal influence and the life of the church. ⁴ Wyclif's record on Lordship in the church, his attack on Papal abuses, indulgences, the political clergy, lack of lay education and the withholding of the vernacular Bible seemed to be enough to have condemned him in the eyes of the conservative prelates of the English Church, but then he launched an attack from his realist standpoint in Philosophy, on the doctrine of transubstantiation. This move was destined

1. Loserth, Johann Johannis Wyclif De Ecclesia (London, Wyclif Society, 1886) p. 169 My Translation.

2. Farr William: John Wyclif as Legal Reformer (Leiden, Brill, 1974) Studies in the History of Christian Thought Vol. X p. 54 from Opera Minora (ed. by Loserth in 1913)

3. Wilkins III p. 123 Foxe Acts III p. 72

4. Articuli Cleri 1316 St. R. 1: 171-174; Provisors 2 Edward III St. R. 4, 1351; Criminous Clerks 25 Edward III St. R. 6C1, 1353; Praemunire, 27 Edward III St. R. 1C1 Abolition of John's Tribute Rot Parl II, 290; In Chrimes and Brown, pp. 19, 72, 78, 80, 89.

to put him beyond the pale for almost all churchmen of his age. It had been called the "key to his failure".¹ In the ^{act of} consecration, the doctrine taught, the substance of the bread changed into the body of Christ, only the accidental properties of the material bread remained in the consecrated bread. Wyclif challenged this notion of the sacrament by asserting that the 'substance' of the bread cannot be annihilated in that way; "the substance of the material bread remains in the consecrated bread"² To further alienate many in the church who originally supported his reform ideas and poverty ideals, he attacked bitterly the monastic community especially the mendicants whom he accused of lacking charity and harbouring abuses.

The teaching of Wyclif was popular at Oxford for some time, when he was still in residence and much later. Masters and Students, Philip Repington, later Bishop of Lincoln, Nicholas Hereford, Leicester Canon, and John Purvey, Wyclif's secretary (who did so much work on the translation of the Bible), were all Oxford supporters of the Rector of Lutterworth. The rising of 1381 and the continued growth of Lollardy prompted the Archbishop of Canterbury, William Courtney, to summon a synod at Blackfriars in London, and there Wyclif's works were again³ condemned and steps were taken to correct the Universities opinions. Twenty-four articles which were extracted from Wyclif's books were condemned. Workman has characterised this list as, in the majority, "a fair presentation of Wyclif's thoughts, although their shortness made⁴ them susceptible to being wrenched from their context." They ranged over his doctrine of ~~transubstantiation~~ in the Eucharist, the superfluity of

1. Wilks, M. 'Wyclif and Hus as Leaders of Religious Protest Movements' in (Ed) D. Baker, Schism, Heresy and Religious Protest Studies in Church History (Cambridge, 1972) p. 111

2. Workman, John Wyclif II, p. 35 from De Blasphemia p. 248

3. Ibid., pp. 246-293 and (Ed) W.W. Shirley, Fasciculi Zizaniorum (Rolls series London, 1858) p. 275ff.

4. Workman, John Wyclif II p. 267

auricular confession, his concepts of dominion and Church endowments,
and his condemnation of Monastic life.¹ These were to begin the corpus
of the 45 articles which were condemned at Constance.

Lollardy

Lollardy did not disappear in the wake of these findings at
Blackfriars or after Wyclif's death in 1384. Many of his 'poor priests'
and others continued his teaching and by 1394-1395 the Lollards and their
supporters were lobbying in London for Parliamentary support. Richard II
was told of the danger while in Ireland and came home.² Twelve conclusions
were posted on the doors of St. Pauls and Westminster Abbey in 1395.

These covered the range of Lollard objections to the church life of the
day and the solutions offered. The document boldly proclaimed that:-

- (1) With the endowment of the Church with temporalities, faith, hope
and charity fled.
- (2) The priesthood now existing in the Church is not the one intended
by Christ,
- (3) The law of continence for the clergy has introduced hypocrisy and
sin into the priesthood, particularly in the religious orders.
- (4) The body of Christ cannot, outside of Heaven, be put miraculously
into common bread by the priests.
- (5) The blessing of lifeless things, and exorcisms are necromancy.
- (6) Since no one can serve two masters, Priests who hold secular office
are false, they might well be styled, hermaphrodites or ambidextrous
- (7) Prayers said for the dead are false and wrong as a means of extorting alms.
- (8) Pilgrimages, prayers and offerings to crucifixes or images of stone
are idolatry.

1. Wilkins, III pp. 157-158 Foxe, Acts III pp. 21-22 Workman,
John Wyclif II, 416-417

2. (ed) Riley, H.T. Thomae Walsingham Chronica Monasterii S. Albani
AD 1381-1422 (Roll Series, London, 1864) p. 216

(9) The confessional is only an occasion for sin and for intimidation by the priest.

(10) The commandment 'you shall not kill', and the saying 'who lives by the sword will perish by the sword', provide a reason for Christian opposition to war and capital punishment.

(11) Women's fragile and imperfect nature makes a mockery of a nun's vows of chastity.

(12) Nature in her simplicity should suffice as art and ornate multiplication of the arts is wasteful.

"We ask God, therefore," the petitioners continued, "of his great goodness that he reform the Church totally, beyond the present to her initial and primal perfection."¹

Lollard preaching began to take in wider elements than its original Wyclifian base, but retained a strong puritan and anti-clerical strain. Convocation and Parliament alike were concerned for action to restrain this heresy. The burning of heretics began in 1401 when the secular arm,² through Parliament, made it a capital offence to hold heretical opinions. In 1406, another bill went through Parliament which enacted provisions for the arrest and examination of those who urged disendowment of the Church or who stirred up rumours of the appearance of Richard II.³ The focus of Lollard opinion remained at the University of Oxford for much of the period following Wyclif's death and it was here that the Church sought to eradicate the cause.

The crackdown on the University was to come in an examination of the Masters and students in order to systematically cull all Heretical opinions. In 1407, Archbishop Arundel appointed a committee of twelve

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1. Fasciculi Zizaniorum pp. 360-369 Foxe's trans. Actg III 203-206 A reply made by Roger Dymock, discussed by M. E. Aston in 'Lollardy and Sedition' Past and Present Vol XVII 1960, stressed the aspects of disendowment and tended to popularise the notion that Lollards were seditious and destructive. pp 1 - 9.
 2. De Haeretico Comburendo Henry IV (St. R., 11, 125-128) p.203-205 Chrimes and Brown.
 3. Gairdner, J. Lollardy and the Reformation in England (MacMillan, London, 1908) Vol. 1 pp.56-57

to judge Heresy and with some difficulty even managed to visit the University itself. The work of bringing back orthodoxy to Oxford was slow, but successful, and by 1412, the University was clearly wholly a champion of orthodoxy. ¹ In that year, a group of theologians sent to Arundel, a list of heretical opinions for condemnation. These were a further 267 articles gleaned from various works of Wyclif. ² Just four years before that, a group of renegade members of the University had used the seal of the University to write a note which commended to all the memory of John Wyclif.

"God forbid, that our prelates should have condemned a man of so great probity for an heretic, who in the University has not his equal, as they believed, in his writings of logic, philosophy, divinity, morality and the speculative sciences." ³

Recantations, abjurations and flights brought an end to heresy in Oxford, and as shall be seen, it was from the milieu of these controversies at Oxford that many of the English Conciliar delegation came.

At the diocesan and parish level, the Bishops were charged with the task of pressing heresy cases and ^{with the} ~~with~~ ^{trial of} ~~examining~~ suspects fully and carefully. Preaching Constitutions were laid down by Arundel in 1409 to limit the right to preach and grant licenses to prevent the spread of Lollard doctrine through the pulpit. All teaching must be approved by the Bishop and no unexamined or unapproved writing of John Wyclif ⁴ was to be read.

The Council of Rome

Attention at the time of the Pisan Council was centred around the activities of Hus in Prague and Alexander V, after the Council sent a Bull to Prague to restrain the former. The Oxford Masters, in the meantime prepared more material on Wyclif. Much of the material gathered

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1. Mallet, C.E. A History of the University of Oxford Vol. I (Methuen, London 1924) pp. 231-240
 2. Wilkins, III pp. 339-348
 3. Lewis, J. The History of the Life and Sufferings of John Wyclif D.D. (Oxford 1820) p. 228
 4. Wilkins, III pp. 314-319 Foxe, Acts III. 242-248 discussed by Gairdner, Vol. I pp. 61-62.

by Oxford in 1411-1412 was sent to Rome for a full condemnation of the books of Wyclif by the Pope. John XXIII called a Council in Rome for 1412 but it was a small, unpopular meeting. At a public session in early 1413, the Council passed a firm condemnation of Wyclif's works. A few English clergy were said to be present at this meeting. Thomas Polton was a Papal abbreviator in Rome at the time and the memory of this Council must have remained with him when, as Bishop of Worcester much later, he was confronted with heretical individuals in his own diocese.¹ The decree passed at Rome was aimed at England but also to the steadily growing teaching in Bohemia where Wyclif's writings had enjoyed a great popularity. The pope and the Fathers ordered that the books be burned for the protection of the faithful.²

This decree was communicated to England by Papal letter, and immediately followed by a mandate to carry out the an inquisition to discover those who were holding any of the heretical books and those who were teaching the views of the Oxford heretic.³

Heresy in Bohemia

England's Bohemian Queen, Anne, provided the opportunity for more movement and exchange between the realm of Richard II. and the court of Wenceslas. Many members of the reform party at the University of Prague

1. C.P.L. VI p.175

2. Raynaldus, XXXII(1397-1423) p.345 Mansi, XXVII col. 500

3. C.P.L. VI p.174

were able to obtain copies of Wyclif's books and add them to their own arsenal of critical work of Church life and practice growing in the Czech Church since the "fresh spiritual breath", under the enlightened reforms of Charles IV in the mid-fourteenth century.¹ Jan Hus, a preacher and master, who succeeded to the Rectorship of the reform centre, Bethlehem Chapel in Prague (founded by students of a previous reformer, Milic of Karměříž)² became a leader of the reform party at the University of Prague. Hus's condemnation of clerical laxity was followed by criticisms about abuses of authority and an approval of some of Wyclif's articles.³ In 1403, Hus was accused of holding articles that were condemned at the Blackfriars Synod of 1382. Hus had been influenced greatly by a student of Milic's, Matthew of Janov, who stressed the primacy of scripture in faith, the doctrine that there were two sorts of Christians, the predestinate (for heaven) and the foreknown (for damnation), an emphasis on frequent communion and an opposition to corruption in the church, from the top of the hierarchy down to the lowliest monks.⁴ Behind Matthew's notion was the belief in a return to the simple gospel as the means to achieve true reform. One can see how easily such a doctrine fitted well with the ideas of John Wyclif.

Complicating the situation at Prague, unlike Oxford, was a separate question of C^{zech} nationalism. Many Czechs belonged to the Reform party and linked reform ideas with their struggle against a German dominated University. The Bohemian Masters and students became strong enough to block Archbishop Zbynek's repression of Wyclif doctrines. Hus opposed the burning of Wyclif's books and the prohibition of free preaching in 1410, and appealed his case to the Pope. By 1411, Hus was still in Prague

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1. Vooght, Paul de L'Hérésie de Jean Huss (Louvain, 1960) Bibliothèque de la revue d'histoire ecclésiastique Fascicule 34 p.5
 2. Spinka, Matthew John Hus A Biography (Princeton Univ. Press, 1968) p.47
 3. Spinka, M. John Hus's Concept of the Church (Princeton, 1966) pp.17-21
 4. See M. Spinka's, John Hus and the Czech Reform (Univ. of Chicago Press, 1941) and R.R. Betts, Essays in Czech History (London, Athlone, 1941) for Hus, Wyclif and the Czech background.

defending his reforms and Wyclif, but the next year he was forced to retire to the country. His opposition to the sale of indulgences for the war against Ladislaus of Naples brought about even more resentment in Rome and difficulties at home. In May 1413, Hus completed his De Ecclesia, in which he claimed that the Roman Church was not identical with the Catholic Church, that the Pope's leadership was conditioned by his spirituality, that the church has only spiritual power, no temporal dominion, that preaching should be free and that excommunication, interdict and measures of that sort were harsh and largely unscriptural.

"Let the disciples of the Antichrist blush, who living contrary to Christ speak of themselves as the greatest and proudest of God's Holy Church, they, polluted by avarice and arrogance of the world, are called publicly the heads and bodies of the Holy Church and according to Christ's gospel, however, they are called the least." ¹

The same year that Jan Hus wrote his De ecclesia, the convocation at Canterbury was much taken up with heresy cases, particularly the one of Sir John Oldcastle, a Knight from Hereford, who was questioned that summer because of Lollard ideas he held, and books in his possession. ² Archbishop Arundel and Bishop Richard Clifford of London were in charge of these cases. On September 25th., 1413, Oldcastle, now a prisoner in the tower, declared his belief that the sacrament was truly the body of Christ but was also true bread, that confession to a priest was unnecessary for salvation, that the Pope was the Antichrist and that no obedience was due him unless he truly imitated the life and faith of Jesus and ³ Peter. He was condemned, but escaped and was part of an abortive rising ⁴ in January 1414 which had attracted some popular support. After the

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1. Spinka, Hus's Concept of the Church p. 33 taken from S. H. Thompson's edition Magistri Johannis Hus Tractatus de Ecclesia (Univ. of Colorado Press, 1956) p. 33
 2. Walsingham, pp. 291-296 Wilkins, III, 351-353
 3. Gairdner; Lollardy Vol. I p. 76-78
 4. Walsingham, pp. 297-299 For discussion of Oldcastle, see W.T. Waugh, 'John Oldcastle' English Historical Review (Longmans, Green, London, 1905) XX 1905 pp 436-456, pp.637-668. Oldcastle's career included representing England in a tournament at Lille in 1409 to planning 'Root and Branch' destruction of the existing organisation of church and state before his trial and execution.

suppression of the revolt, in May 1414, Parliament passed another statute against heretics. This was made urgent, they declared, because of "grandes rumours, congregaciones et insurreccions cy en Engleterre par diverses lieges le roy."¹

Constance, the 45 Articles and the Trial of Hus

When the English delegation assembled at Constance, the recent events in London and elsewhere in the country were still fresh in their minds and John Oldcastle was still at large. At the same time, John Hus came to the Council with a safe conduct from Sigismund. Both England and Bohemia were no strangers to Heresy by this time, and considerable work had gone into the process of gathering together the Heretical passages in Hus and Wyclif for selection and condemnation by the Fathers. After the deposition of John XXIII, the Council turned to the question of Heresy. By the time William Corfe, an Oxford scholar, went on the commission to examine Hus in April 1415, the Bohemian priest had been imprisoned, accused and pre-examined by an ex colleague Eugene Palacz and Jean Gerson² who had prepared a series of errors from his books.

Two weeks after the new commission on Heresy was established on May 4th, 1415, the Council assented to the condemnation of Wyclif's writings and condemned 45 articles which had become associated with his teaching. The English group put forward their 260 (266,267) articles of a more detailed accusation but these were tabled by the meeting. It was the 45 articles Hus was required to abjure, among his own statements, and they were standard tests for the Heresy for some time. This list was an amalgam of the Blackfriars Twenty Four articles with additions.

1. The substance of the material bread and wine remains in the sacrament of the Altar.
2. The accidents of the bread do not remain without its subject in the same sacrament.

1. Henry V st. 1. c.7 Stat. R., II, 181-183, in Chimes and Brown, pp.239-241

2. Palacky, F. Documenta Magister Johannis Hus (Prague 1869)
p. 185-188. Mansi, Vol. 27, col. 610, Workman, John Wyclif II
p. 319 n.3. The University of Paris had a hand in Tabling the 260
Thesis of Oxford. Was this related to the deposition of John XXIII?
Edith Tatnell examined this question in her discussion 'Wyclif and the
Council of Constance' pp 212-214 in Cuming and Baker, (eds) Councils
and Assemblies pp.209-218

3. Christ is not, identically, really in his proper corporal presence in the same sacrament.
4. If a Bishop or Priest lives in mortal sin, he does not ordain, nor consecrate, nor baptise.
5. It is not fundamental in the Gospel that Christ ordained the Mass.
6. God must obey the devil.
7. If a man is properly contrite, all exterior confession is superfluous and useless.
8. If the Pope is foreknown and evil, and thus a member of the devil, he has no power over the faithful given to him by another, unless by the power of Caesar.
9. After Urban VI, no other is to be received as Pope, but it would be better to live as is the custom of the Greeks, under their own law.
10. It is against sacred scripture that ecclesiastical men have possessions.
11. No Prelate should excommunicate anyone, unless he knows first that same one is excommunicated by God, but whoever thus excommunicates is a heretic or excommunicated because of this.
12. A Prelate, excommunicating a cleric, who has appealed to the King and to the Council of the Kingdom, is himself a traitor to (God), King and Kingdom.
13. Those who cease to preach or hear the word of God on account of the excommunication of a man, are excommunicated, and in the day of Judgement, they are held traitors to Christ.
14. It is lawful for any priest to preach the word of God without authority of the Apostolic See or a Catholic bishop.
15. No one is a civil Lord, neither Prelate nor Bishop while he is in mortal sin.
16. Temporal Lords can arbitrarily carry off temporal goods of the church - from possessioners (ecclesiastics) habitually delinquent.
17. The people can, ad arbitrium, correct their Lords.
18. Tithes are purely alms and parishioners can, on account of the sins of the prelates, confer them freely.
19. Special prayers applicable to one person by prelates or the religious profit the same, not more, than the general in other parts.
20. The one who confers alms on a friar is excommunicated as is the one receiving.
21. If someone enters whatever private religion, whether possessioners or mendicants, he is rendered more unfit and unable to observe the law of God.
22. The holy men who instituted religious orders have sinned in so instituting.

23. The religious, living in private religion are not of the Christian religion.
24. It is held that the Friars should acquire food by the work of their hands not by begging.
25. All are simoniacal who oblige themselves to pray for others for temporal assistance.
26. Prayer for the foreknown is invalid.
27. All things occur of necessity.
28. The confirmation of Youths, Ordination of Clerks, consecration of a place is reserved to the Pope, and Bishops on account of their greed for money and honour.
29. Universities, Studia, colleges, graduates and Masters, are vain introductions to vain gentility and as such avail the church as the Devil.
30. The excommunication of the Pope or of another prelate is not salutary because it is merely the censure of the Antichrist.
31. The founders of the cloisters sin, and those entering them are men of the devil.
32. To endow a clerk is contrary to the will of Christ.
33. Pope Silvester and the Emperor Constantine erred in the donation to the Church.
34. All the mendicant orders are heretical and those giving them alms are excommunicate.
35. Whoever enters the orders or other religions is unable to observe divine precepts and consequently cannot reach the realm of heaven unless he becomes apostate from the same.
36. The Pope, with all clerks who have possessions are heretical he that has possessions and all who consent to the fact, especially the secular Lords and other laity.
37. The Church of Rome is the Synagogue of Satan, neither is the Pope the immediate and proximate Vicar of Christ and of the Apostle.
38. The decretal letters are apocraphal and they seduce from the faith of Christ and clerics who study them are made stupid.
39. The Emperor and secular Lords are seduced by the devil when they give the church temporal goods.
40. The election of the Pope by the Cardinals is an introduction by the devil.
41. It is not necessary for salvation to believe that the Roman Church is supreme among other Churches.

42. It is foolish to believe in the indulgences of the Pope or a Bishop.
43. Oaths are unlawful if they are made to strengthen human contracts and civil commerce.
44. Augustine, Benedict and Bernard are damned unless they have done penance that they held possessions and instituted and entered orders, as from the Pope down to the weakest of the religious are all heretics.
45. All orders are introduced by the Devil, indifferently.

William Clynt, a former chancellor of Oxford, assented for the English group on the vote taken that day. Most of the English were no doubt present for the session, particularly William Corfe, a heresy commissioner, and the Bishops who were listed as present for the next day's session (Sunday 5th May), the public humiliation of the Duke of Austria for harbouring John XXIII, viz., Hallum, Bubwith and Ketterick.

On June 7th., 1415, during the examination of Hus, Cardinal D'Ailly questioned him closely on his ideas concerning the Eucharist. He attempted to pin him down to a denial of transubstantiation on the basis of his philosophical realism. Hus denied that his position on the sacrament was the same as Wyclif, but the English pressed him still further. In Matthew Spinka's translations of Peter Mladonovice's narrative of the events, we see how Hus handled these probings by the English.

"Then a certain Englishman wished to prove by an exposition of the subject that the material bread remained there. The Master said; 'That is a puerile argument that the schoolboys study' - and acquitted himself therby. Then again, a certain Englishman standing beside Master John, wished to prove that after the consecration there remained the form of the substance of the material bread and the primal matter while that bread was not annihilated. The Master responded that it was not annihilated but that the particular substance ceased by being transubstantiated in the body of Christ." 3

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1. Hefele-Leclercq, Vol. VII pp. 224-225 n.2; Palacky, Documenta pp. 328-330; 24 articles listed in Workman, John Wyclif II pp. 416-417.
 2. Hefele-Leclercq, Vol. VII p. 223 Mansi, 27 col. 637
The English had waited at the Council for six months for this decision. Thomas Pelton had petitioned the Council strongly on December 7th. 1414 for action, "whereas that heretic of damnable memory, Wyclif, did revive many heresies and errors already condemned of old, a petition that his books and lesser writings with their author and his heresies and other errors previously condemned by the church and supreme pontiffs, be condemned yet again as a plentiful precaution..." Loomis, C.C.p. 471 and Finke, Acta II pp. 197-198.
 3. Spinka, M. John Hus at The Council of Constance (Columbia University Press, N.Y. 1965) p.168-169 Palacky, Documenta p.277

Then a Master William (perhaps Corff) said that John Wyclif had even used the whole chapter, 'We Firmly Believe' (1215 - Lateran Council definition) to prove his theories by evasion. Hus denied that he had evaded the issue. "But I ask you Master John, whether the body of Christ is there totally, really and manifoldly?" Hus answered affirmatively and his questioner admitted he spoke correctly of the sacrament. John Stokes then raised the question of Hus's sincerity. He referred back to their meeting in Prague (1411) when, as Ambassador to Sigismund's court, he had encountered Hus and challenged him to debate the question of Wyclif's opinions. He added, "I saw in Prague, a certain treatise ascribed to this Hus in which it was expressly stated that the material bread remains in the sacrament after consecration." Hus answered this charge simply, "Salva reverentia, non est verum!"¹ In a letter written that same day Hus recounted his encounter with the English group and the noisy nature of the session and noted that one of the English Theologians had also spoken to him privately about the heresy of Wyclif who he said had wished to destroy all science and that, in the English cleric's view, even Wyclif's logic book was full of errors.²

Hallum questioned Hus, later in the interview, on the proposition that tithes are merely alms. Hus referred to the six works of mercy and the rich man's duty to the poor. Hallum then commented, "If we are obliged to perform the six works of mercy, it follows that Paupers having not whence to give, ought to be damned. And he replied that he limited it to those who, having (the means) and being able to give, were, by the Gospel, obligated on point of damnation to give alms."³

The English took part in the questioning the next day as well. They produced a copy of a letter reported to be officially from the University of Oxford which praised Wyclif, (1408). Hus had shown it and

1. Palacky, Documenta p. 447-448.

2. Palacky, Documenta p. 207

3. Spinke, Constance p.173 Palacky, Documenta p.279

used it in a sermon in 1411 to prove that Oxford supported Wyclif. The English delegates wished to know the names of the students who had brought it from Oxford to Prague. Hus said that he remembered Nicholas Faulfiss but had forgotten the other one. Palacz noted that Hus had known also that the students had carried chips of stone from Wyclif's tomb to Prague and venerated them as religious relics. The English then produced yet another letter showing the university's condemnation of the errors in the books of Wyclif in which were included the 260 articles which they had examined and sent to Constance for condemnation.¹

From the little we know of the English intervention in these hearings, we can note a desire to attack rather than persuade or to engage in dialogue. They seemed to wish to justify themselves rather than meet the theologian Hus on his own ground or participate in realistic discussion. Jacob has remarked on this evidence, "the first concern of the ecclesia Anglicana in the General Council, after due steps had been resolved upon or taken to secure one undoubted head, was to vindicate the orthodoxy and re-establish the purity of its faith above all suspicion."² The other theologians also shared with England in this lack of willingness to take Hus seriously and the attempt was made to tar him with the same brush as Wyclif on his sacramental or 'Lordship' views. Even the great theologian Jean Gerson seemed to be unaware of the issues raised by Hus and the difference between the two reformers. Failure to appreciate the vision behind both Wyclif and Hus and their followers seemed to lie at the back of the ecclesiastical objection to their points of view rather than doctrinal heresy which no doubt could have been worked out, in an atmosphere of mutual trust and willingness to incorporate new ideas in the Church.³

1. Palacky, p. 279

2. Jacob, Essays p. 52

3. Spinka noted Gerson's approach to the Trial -- He declared that Hus's most pernicious error was his "assertion that the foreknown man in mortal sin does not have dominion or jurisdiction over the community. Since Hus never thought or wrote that, it seems probable, as both Sedlak and De Vooght suppose, that Gerson assumed that Hus shared Wyclif's view without taking the trouble to note Hus's qualification of it." Hus at Constance p.171 n.25

A week later at the session, when the practice of communion in both kinds was condemned, (to the further distress of the Czechs) a new commission was set up to examine matters of Faith and heresy. William Corff and William Clynt were selected to represent the English on this commission, along with Hugh Holbach, who had been a member of Arundel's commission of 1411 which administered the anti-Wyclifite oaths to members of the University of Oxford and John Wells, who had presided over the 1409 convocation at Oxford which had condemned the Wyclifite literature.¹ On the eve of Hus's execution (July 5th., 1415), Bishops Hallum and Bubwith went with a conciliar delegation which visited Hus to plead with him to recant. The group was led by Duke Louis of Bavaria, with Hus's Bohemian friends, John of Chlum and Wenceslas of Duba and others of the Council.² On 6th July, Hus was condemned on the basis of his unsatisfactory abjuration of Wyclif's 45 articles, his views on the predestinate church, his assertion that Papal validity was tested against Peter and Christ's example and his views on the unworthiness of a priest in mortal sin.³ Bishop Patrick^{Foxe} of Cork, himself a canon lawyer, gave the 'Placet' for the English nation to the sentence. Richard Younge, Bishop of Bangor, took part in the ceremony degrading Hus from various ranks in the priesthood.⁴

Jerome of Prague, noted preacher and disputant, who was one of Hus's staunchest supporters was apprehended by the council but he had made a retraction of his views of September 1415.⁵ Patrick^{Foxe} of Cork was present at these proceedings and on 24th February 1416 when a commission was established to examine the matter of Jerome, after doubt had been raised

1. Mansi, 27 col. 729 Hefele-LeClercq, Vol. VII p. 295

2. Mansi, 27 col. 764

3. Thirty Articles in Spinka, Hus: Church pp. 371-375 Spinka, Constance p. 400-409 Hefele-LeClercq, Vol. VII pp. 316-323, Palacky, Documenta pp. 225-234

4. Mansi, 27 col. 749-765

5. Mansi, 27 col. 796

on the sincerity of his retraction, Cork again, this time in concert with Thomas Polton, represented the English nation in the examination of Jerome's teaching.¹ This commission under the leadership of the French prelate, John Cramaud dealt with Jerome's case in May 1416. John Wells, who had also been involved in the Oxford heresy disputes, assisted the commission in its work (23rd. May)² on the day of an uproarious interview with Jerome.³ Three days later the matter was again taken up with Thomas Polton speaking for the English Church.⁴ Jerome addressed the Council that day and sketched the history of the German-Czech feuds at the University of Prague referring to the sermons of Hus against the corruption of the clergy and the injustice that was done to him. He condemned the corruption of Pope and Cardinals and the abuses in collations of Benefices, but this courage was regarded as foolhardy by his judges in the Council. Nevertheless Jerome proclaimed that the basic motive of his master was charity. We read in Foxe's narrative;

"and persisting in the praise of John Huss, he added, moreover, that he never maintained any doctrine against the state of the church, but only spoke against the abuses of the clergy, against the pride, pomp and excess of the prelates; for-as-much as the patronies of the church were first given for the poor, then for hospitality, and thirdly to the reparations of the church."⁵

1. Hefele-LeClercq, Vol. VII p. 376 Mansi, 27 col. 837

2. Hardt IV p. 750 Hefele-LeClercq, Vol. VII p. 396

3. Hefele-LeClercq, Vol. VII p. 397

4. Hardt, Vol. VI p. 755

5. Foxe, Acts III p. 522 Hefele-LeClercq, Vol. VII pp. 398-399
Hardt IV pp. 752-762.

Compare sermon of John Wyclif on the centrality of charity in the Sacrament "For no man cometh to Christis Fest gif he have this clothing" Winn, Select English Writings of Wyclif (Oxford, 1929) p.86
Around that central theme Conciliarists, Pope and Reformers alike could have discovered community and purpose! Ecumenists and those concerned with the renewal can lose sight of charity when tied to rigid positions and being unwilling to serve rather than condemn the neighbour.

On the 30th May, 1416, Jerome was condemned and burned.¹

The new Pope, Martin V, promulgated a Bull,

(22nd. February 1418) against heresy. Included in its documentation were the 45 articles and the 30 articles, with articles² for inquiry into the orthodoxy of suspects. On March 8th., 1418, letters³ were dispatched to the Bishops in England for implementation.

Another decade of Heresy

Early in 1418, Sir John Oldcastle was finally captured and condemned,⁴ but, Lollard tracts and preaching were still abroad at this time.⁵

Walsingham reported that there were tracts in districts of Northampton⁶ and St. Albans, but early in the years of Henry VI the problem of Lollardy⁷ seemed to abate. Many cases of heresy were to come before the Bishops and Archbishop Chichele in the decade 1420-1430, but they seemed largely individual cases and did not represent any large scale movement, although there were many followers of the Lollard opinion. In one notable case,⁸ William Taylor, a longstanding Lollard was burned in March 1422. A year before this, Archbishop Bowet of York had delivered John Bilton, a most⁹ unorthodox layman, to the secular arm. By the time the English arrived at Pavia for the Council in 1423, the Bohemian nation was in the hands of the Hussite Heresy. Under the leadership of John Zizka, the various reform groups united in national spirit and under the banner of the chalice, scored major victories over the German armies. Sigismund could

1. Hefele-LeClercq, Vol. VII p. 400-403

2. Ibid. pp. 507-529

3. C.P.L. VII p. 22

4. Walsingham, pp. 326-328

5. Walsingham, p. 326 - Wilkins, III p. 371-375 for Cleydon's trial in 1415, and Gairdner, Lollardy I p. 90-92 'Lantern of Light' etc. Thomson, Later Lollards pp.140-142

6. Thomson, Later Lollards pp. 18-19, Walsingham, p. 317

7. Thomson, Later Lollards pp. 18-19.

8. Jacob, Reg Chichele III pp. 160-172, Wilkins, III p. 397-413.

9. Thomson, Later Lollards p. 196.

not bring the country under submission. The English with the others at Siena, nevertheless, passed a decree which urged a crackdown on heretics. (8th. Nov. 1423).

"Because of the negligence of certain Bishops and inquisitors, diverse heresies are perpetuated in various countries. This is the reason that all Bishops and inquisitors must, without fear, and according to canonical prescription, apply themselves to the discovery and extinction of heresies, and to imprison and punish the heretics." 1.

Two years after the Siena Council broke up, in Advent, the Pope wrote to his chamberlain, Richard Fleming to order the disinterment and the burning of the bones of Wyclif, to finalise the long delayed sentence of condemnation. 2 Even after this sentence was carried out, some Lollard activity flared up in Kent and East Anglia. The last word was not to be pronounced by the Pope or the Bishop of Lincoln. 3

Dialogue with the Czechs at Basle

The linking of the Abingdon rising of 1431 under William Perkins with the Lollard Heresy may have actived to increase concern over the continuing threat of Lollardy in England but it was to be a number of years before a series of cases were heard in Episcopal courts. 4 Lollardy had not been able to attract any widespread appeal after the death of Oldcastle, unlike the progress of Hussite reform in Bohemia, where nobles and commoners alike united under the banner of Procopius the Bald and were again victorious over the crusading armies led by Cardinal Beaufort with the troops of the Empire. The last crusade prior to the Council of Basle was led by the young Cardinal Julian Cesarini who suffered defeat on the borders of Bavaria. 5 Clearly, negotiations must follow now that the voie de fait had failed. This was a powerful background to the Council's

1. Hefele-LeClercq, Vol. VII, pp. 624-625, My Translation.

2. C.P.L. 5th. Dec., 1427: p. 23. On 13th. March the same year a general letter was sent out forbidding Wyclifite teaching. Vol. VII. p. 23. Workman John Wyclif II. p. 320

3. Thomson, Later Lollards p. 175, 120-130. Wilkins III p.493-502

4. Thomson, pp. 146-147, and table at pp. 237-238

5. Heymann, F.G. John Zizka and the Hussite Revolution (Princeton, New Jersey, 1955) pp. 456ff.

discussions in the early days. One of the factors in understanding the English role at Basle and in the English attitude to the Bohemians was that perhaps due to the mild nature of the heresy threat in England and the easy compliance with the law, they failed to grasp the nature of the Hussite revolt which had assembled vast support across the whole nation and in fact, Jacob has suggested, "if the Church, after the victories of Prokop and Zizka had continued to rely upon force and had declined to argue with the Hussites, the West would have suffered the greatest military disaster of Middle Ages."^{1.}

After the December 14th., opening of the Council of Basle in 1431, the process of negotiations with the Czechs went on all the next spring until an agreement was worked out at Eger in May, 1432, in which the Hussites were guaranteed safety and the possibility of reciprocal debating rights at the Council (Unlike Hus and Jerome, 17 years earlier) in order to pursue the questions of doctrine and reunion with the Roman Church on acceptable terms.² The English delegation, planned also in 1432, were instructed to pursue the question of the reunion of Hussites. The Council's aims were set out as 'reduction of the Bohemians to the unity of holy mother church, the reform of the church and the search for peace between the Christian princes.'³ Both the English and the Bohemians stayed outside official membership in the Council in early 1432 and Peter of Zatec's report shows the English in a few of the dialogues with the Hussites.

The debates began in January 1433 and centred around the four articles of Prague which were at the heart of the Czech position. These have had various forms but might be summarised thus:-

1. Jacob, 'The Conciliar period in Recent Study' p. 49

2. Hefele-LeClercq, Vol. VII pp. 728-732

3. Rymer, X pp. 529-530. Schofield's article on the first delegation cites another letter to the Canterbury reps. 16th. September 1432, which reaffirmed their mandate to deal with heresy at the Council p. 173

1. The administration of the Sacrament to the laity in both kinds (bread and wine) must be permitted.
2. There must be free preaching of the word of God.
3. All priests, from the Pope down should shed greed, superfluous goods and temporal Lordship to lead model lives.
4. There should be a cessation of all public mortal sins and an end to evil slander in the nation. 1

John of Rockycany, a leading Czech ecclesiastic and theologian, along with two others including the Englishman now Hussite theologian Peter Payne, defended the four articles, and John Palomar, the Spanish Theologian, led the members of the Council in the debates. In the replies² at the end of the first round (late March-April 1433), the English group clashed with Peter Payne, like many of them a former Oxford graduate but now committed to the Czech reform movement.

On Tuesday, 31st. March, Payne had been pointing to the fact that the clergy in the church seek comfort and flee martyrdom preferring temporal goods to their calling, but Peter Partridge an ex-colleague at Oxford, challenged him on his own personal example, after all, he had

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1. Keminisky, Howard: A History of the Hussite Revolution (University of California, 1967) p. 369 another version Foxe, III p. 578
 2. Spinks, M. John Hus at the Council of Constance p. 314 See also Jacobs article in R.W. Seton-Watson, Essays

fled England fearing his heresy trial.¹ Partridge again intervened on the Friday of that week during a session (punctuated with humour) between John of Ragusa and Peter Payne, again to accuse Payne of being a heretic on the run.² On the 6th. April, after Guy Charlier, Canon of Arras, had spoken for the Council on the questions of the exemption of the clergy from civil jurisdiction, the goods of the clergy, compulsory tithes and the cult of relics, the English again set out to attack Payne. One member of the delegation levelled three charges against Payne, firstly that he was cited for heresy in England and secondly that the excommunication issued against him was still valid, and because of English law on Heresy, he was also guilty of treason. Payne denied these charges claiming that he was out of the country when the citation was made. Then Peter Partridge again stepped in to inform Payne that he must have been in England at the time since he had seen him facie ad faciem at the same time the citation was issued.³ He further accused Payne of inducing Lord Cobham, Sir John Oldcastle, to rebellion against the King and was untrustworthy. Payne denied this charge and said that it was Partridge who first introduced him to Wyclif's books, "but he veered right round after he became a prebendary..." To this Partridge replied that he had tried to rescue Payne from the heresy, "Counselling you to relinquish them as heresies, because you were ruining yourself."⁴ Rockycana came to the aid of Payne and assured the assembly that Payne was perfectly worthy in the eyes of the Bohemians.

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1. Monumenta p. 335
 2. Ibid. p. 340
 3. Ibid. p. 343, and Emden An Oxford Hall/Medieval Times (Oxford 1927) pp. 152-153, and Cook, W.R. 'Peter Payne, Theologian and Diplomat of the Hussite Revolution.' Unpublished thesis at Cornell University (Ph.D) 1972. Payne's flight was some time in 1413.
 4. Monumenta Vol. I p. 344 Emden, (Translations) An Oxford Hall pp. 135-136.

Persistently, Partridge again rose in the debate the next day (April 7th.) during Payne-Palomar discussions on the civil dominion of the clergy and argued that the church was not able to give up its goods as the example of Ananias and Saphira showed, and another English delegate rose to show how Wyclif had been condemned in his book De blasphemia for the heresy Payne was elaborating, then hurled the book down on the desk in disgust in a show of disdain.¹ The English contribution was certainly not to the credit of the delegation, seeking as they did to discredit Payne and not to engage in meaningful discussions on the issues. It was part of their embarrassment at having to admit the English roots to much of the Bohemian trouble, at least the English encouragement and their old Oxford school's involvement of which Payne, a former principal of St. Edmunds Hall, was a reminder.

In mid-April, the Czech group left the Council in order to continue the discussion at home with representatives of the Council. This commission arrived in Prague in May and among the group was Alexander Sparrow of Berkshire representing the English.² The commission met with the Czechs for all of June but were unable to find a formula of agreement on the four articles so they returned to Basle in July to report to the Council. There they stressed the division they saw among the Hussite faction.³ Negotiations with the Czechs were continued and eventually the Compact of Iglau was signed in 1436. It allowed for limited utraquism in Bohemia and for the reintegration of the Hussite Church into the Roman obedience.⁴ As noted in Chapter I, the English had proclaimed the suppression of heresy as one of the aims they intended to pursue with the

1. Monumenta Vol. I p. 347

2. Ibid. pp. 361, 788

3. Hefele-Leclercq, Vol. VII pp. 816-819

4. Ibid. pp. 907-917

Council, but the Council's attention was soon turned to Papal antagonism and the union discussions with the Greek Church. The English Church at home continued its policy of trying heretics in the dioceses when cases came to light.

Heresy or Reform

The fathers at the Councils saw nothing in common with the followers of Hus or Wyclif even though both groups aimed at a reformation of the church. Junghanns' view was that the question of political models taken from secular government had some relevance for conciliar action, after all, if a King can be deposed via Parliament, could not a monarchical Pope be deposed through an ecclesiastical Parliament.¹ However, this was at a time of great schism and scandal not for every occasion of unworthiness which Wyclif might apply, nor applied broadly to the church constitution. In spite of Gerson's belief in the scattered nature of the Spirit's gifts, conciliarists were one with their age in failing to see any potential in leadership among the many, or the whole group.

To take seriously the heretical demands for a social change would have meant a major revision in medieval patterns, which to many seemed incredible at the time. As it was, the Papal party as we have seen at Basle, saw danger in the comparatively mild threat of a general Council. How much more threatening was the Taborite model of priestless, propertyless, rulerless society or the social vision the English had inherited from John Ball and the 1381 rising. Engels pointed to the difference in kind between the strands of moderate ecclesiastical reform elements in Bohemia and the more radical Taborite demands as with the Lollard anticlericalism in England and the Ball political vision of an earthly society with goods pooled in common, not merely a dethroned, purified church.² Wyclif saw only a humble propertyless church, and the supremacy

1. Junghanns, H. Zur Geschichte der Englischen Kirchengeschichte von 1399-1413 (Freiburg im Br, 1915) p. 6

2. Engels, F. The Peasant War in Germany Moscow, 1956 pp. 55-60 as quoted in R.B. Dobson, The Peasant's Revolt (MacMillan, London, 1970) pp. 399-404.

of scripture in faith, Ball saw the social significance of that doctrine. Froissart has preserved this sermon revealing the programme of the rebels in 1381.

"Ah, ye good people, the matter goeth not well to pass in England, nor shall do till everything be common, and that there be no villains nor gentlemen, but that we may be all united together, and that the lords be no greater masters than we be. What have we deserved, or why should we be kept thus in servage? We be all come from one father and one monther, Adam and Eve: whereby can they say or show that they be greater lords than we be, saving by that they cause us to win and labour for that they dispend." 1

The fathers of the church, so much a part of the social fabric, saw such sentiments as dangerous as did the secular masters who had so much to fear from such views. That is the reason that the medieval church could not make peace with the Taborites in Bohemia who expressed similar radical sentiments.

"As in Hradiste or in Taber nothing is mine and nothing thine but all is common to all forever, and no one shall have anything of his own; because whoever owns anything himself commits a mortal sin...even now, at the end of the ages, all shall see Christ bodily descend from heaven to accept his kingdom here on earth..."

In this time no King shall reign nor any Lord rule on earth, there shall be no serfdom, all dues and taxes shall cease, nor shall any man force another to do anything because all shall be equals, brothers and sisters!" 2

Jan M Lochman, a Czech theologian, has recently called for the reform Church to recover some of its tradition that comes from the Hussite period. In these days of liberation theology, new discoveries of the biblical social imperative make this history more revelant for ecclesiastical reflection today. "A biblical-radical reform movement has it irrevocable, ethical, even political dimension. Lacking this dimension Christian renewal's relationship to reality is not fully developed, and reformation is not radically enough understood." 3 That

1. Dobson, Revolt p. 371 Trans. Berners in (ed) Macaulay, G.C. Froissart pp. 250-251

2. From Macek, J. The Hussite Movement pp. 130-133 as quoted in Denis Waley, - Later Medieval Europe (Longmans, London, 1968) p. 136.

3. Lochman, Jan 'Not Just one Reformation' in The Reformed World Vol. 33, March 1975. n.5 p. 222

seemed the process to follow the plight of reform after the Council of Basle and through the reformation, as much of the ethical dimension moved into puritan personalist trends, having little political reflection save often supporting the status quo. In the 14th and 15th century moral disorder, personal and social, was seen in terms of its Christian remedy,¹ not split as so often in later times.

Marxist historians ² have recognised elements of the Hussite movement as important in the national and political self understanding of the Czech experience, it was, in fact, a "starting point for the people's democratic struggles and the source of its revolutionary traditions." Kaminski assessed the Marxist view of the Taborite events and suggested, "although modern Marxist scholars are right in emphasising the element of actual and ideological class war in the Taborite congregations...it would be wrong to think of Tabor as essentially but a higher form of class warfare; it was a religious congregation that had taken on social existence, and as such was a new formation."³ Why, as a religious formation were either the Taborites or the Lollards so despised as heretics by their fellows in the Christian Community? Does the answer lie in the conception of the Church and faith, as well as in their political vision?

Certainly in the vision of the church as the only vessel of salvation, the earthly, recognisable, hierarchial structure as the only way to safe passage to heaven, the heretic who defied the teaching or practice of that body was in grave danger and imperilled the faithful members of the body. Heresy was seen as a fearful schismatic thing rather

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1. Betts, R.R. - Essays in Czech History (London Athlone, 1941) p. 100
The course of Bohemian history showed a history of reaction as serfdom was introduced into the nation soon after the Hussite star had faded. Heymann, F.G. Zizka p. 480
 2. Kavka, Frantisek An Outline of Czech History (Orbis, Prague, 1960) p.53
 3. Kaminski, - A History p. 283

than a voice of complaint or as an alternate theological opinion or interpretation. This touches the very heart of the question of the view of the church as an exclusive institution holding the correct doctrine.¹ This view of the church was shared by Martin V and Pierre D'Ailly, Archbishop Chichele and Robert Hallum and was only questioned by some of the Wyclif followers and the Bohemian reformers. Perhaps it is salutary for us to reconsider the question of heresy.

The Christian community changes its view on heresy from time to time and what once was heretical becomes reformist or the cause for renewal, and the line between reform and heresy is blurred as the reformation has proved in canonising many of the heresies of Wyclif and Hus. (Though few political ones) An Indian theologian, M.M. Thomas calls for a new image of heresy and its ever present reality.

"Indeed in the past, the heretic (defined as one sided) has often been a better Christian and invariably a better evangelist than others who held to the orthodox definitions of faith. This was and still is so, because he is in a particular frontier in dialogue with the world of men there." 2

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1. These problems have been discussed recently by Don Cupitt in Crisis of Moral Authority (Lutterworth, London 1972) pp. 69-85
 2. Thomas, M.M. The Acknowledged Christ of the Indian Renaissance (C.I.S.R.S. Bangalore) (C.L.S. Madras, 1970) p. 317

CHAPTER IV

NATIONALISM

By the end of the fourteenth century, the English national consciousness was beginning to flourish. Parliament was opened with the English language in use in 1362 and Latin was less and less used in state documents. At the same time ecclesiastical affairs became more and more linked to royal initiative and supervision. In fact the State treasury was able to look to convocation as a more secure source of income for War and the King's household than parliament.¹ Ambassadors were abroad busily concluding treaties with many nations and much of this work was done by the clergy. At the Councils of Pisa and Constance, the decision to meet in nations and to include England as one of these large regional groupings in the western church served to accentuate the clerical sense of the English nationality. It would act as a stimulus for many in the delegations to stress the relative importance of their nation in the emerging European ethos. In fact this issue of the right of the English to constitute a full region of the western church was one raised at Constance, Siena and again by the English at Basle. In 1417 and again in 1424, the English indulged in the preparation of a flurry of papers defending their position and in the summer of 1435 at Basle and Arras, they were determined to be recognised.

The use of National divisions was common in university practice (ie. Paris, Prague) and merchants in foreign towns would often gather in their 'nation' in order to be able to converse and practice their customs with their own countrymen. The church, itself, had used national groupings and large regional divisions for taxation purposes and administrative convenience, in fact, at previous Councils, nations were consulted by the

1. Keen M. H. England in the Later Middle Ages A Political History (Methuen, London 1973) p. 207

Pope on their opinions as a nation rather than as individual theologians or prelates.¹ The use of the word 'nation' in the general Councils, however, did not correspond to our modern sense of 'Nation-state', although (meant as wide regional groupings) the regions so designated foreshadow the states of modern Europe. The national groupings, England, Spain, France, Germany and Italy, although they were regions with some linguistic and cultural unity, (with the exception of the German nation) were nevertheless, composed of many political sovereignties and languages. The English, it was claimed, hardly merited the distinction of 'Nationhood' in this particular sense because of the small size of the Island Kingdoms. The English and her neighbours, the Scots, Welsh and Irish belonged to the German nation along with the Scandinavian church, it would be contended.

The Challenge at Constance

At Constance, in early February 1415, the system of voting in nations² was approved, but late in 1416, after the difficult negotiations were concluded with Aragon in relation to its incorporation into the Council and the problems of precedence had been raised, Cardinal D'Ailly lodged³ a formal protest against the English having the status of a nation. The French were already unhappy about the prospect of a majority of nations forcing its will on the other or others fearing that the English-German alliance at the council was a threat to full discussion and consensus decisions.⁴ Fillastre pictured that as the main confrontation of the

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1. Finke, H: 'Die Nation in den Spätmittelalterlichen Allgemeinen Konzilien', in Historisches Jahrbuch (Bonn 1937) ^{Vol. VII} pp. 323-327 and Loomis Louise R. Nationality at the Council of Constance in American Historical Review (New York, 1938-39) pp. 508-527, and Ehler, Sidney 'On applying the Modern Term 'State' to the Middleages!' in (Eds) Watt, Morrall, Martin, Medieval Studies Presented to Aubrey G.wynn (Dublin, 1961) pp. 492-501. For Nations in Universities - see study by P. Kibre, 'The Nations in the Mediaeval Universities' (Mediaeval Academy of America) (Cambridge, Mass., 1948).
 2. Cerretano's Journal in Loomis, C.C. p. 483. Finke, Acta II p. 210-211. Finke, 'Die Nation' p. 330.
 3. Fillastre's Diary in Loomis, C.C. p. 289-302. Finke, Acta p. 65ff
 4. Ibid. C.C. p. 288, Finke, Acta II p. 64. French proposals to amend the procedure of the Council at this time are printed by Finke, Acta II p. 742-747 with French-Italian proposals to p. 750

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summer but peace and unity were essential to complete the deposition proceedings against Benedict XIII as they had been in the case of John XXIII's removal from the Papacy. The Cardinal of Cambrai's De Potestate ecclesiastica was read out on October 1st, 1416. In this paper he cast doubt on the whole process of deliberation in nations which he said imperilled the unity of the Church. The English group, D'Ailly asserted, was too small and should be put in with the Germans as had been the case when Benedict XII (1332-42) had divided the Roman obedience for administrative purposes. Then, the Pope lumped Navarre and Majorca with the French nation, England, Hungary, Poland, Norway, Denmark and others in the German nation, Greece and the Southern Islands in the Italian nation and the Iberian Kingdoms together in the Spanish nation.²

Soon after that declaration, the English at the Council found themselves in a dispute with the Aragonese over the question of precedence. Who should affix the seal of their nation first on official documents was the immediate cause célèbre. This was resolved by the other nations shifting their position but the resentment and rancour was not eliminated.³ Then the Cardinal of Cambrai intended to read out another protest in early November declaring the English group to be too small to be a nation. D'Ailly also released his Canones ecclesiam reformandi on All Saints' day and in them he advocated that at another General Council, deliberations on matters should not take place in nations or Kingdoms, "such methods being more secular than ecclesiastical."⁴ The English group with some German support went to the Cardinals to have them suppress D'Ailly's reading of his protest

1. "They wished to preserve their domination" Fillastre in Loomis, CC p. 288 Finke, Acta p. 65

2. Hardt VI, 15-78, Loomis, 'Nationality' p. 516-517 and Agnes Roberts, C. Pierre 'D'Ailly and the Council of Constance' Transactions of The Royal Historical Society 4th Series XVIII, p. 132-138. She traces D'Ailly's ideas on the Council and shows how he had long advocated an episcopally controlled Council with prelates voting individually.

3. Fillastre Loomis, C.C. p. 302 Finke, Acta II p. 77

4. Hardt, I col. 409-433, esp. col. 431

planned for the 5th November. They agreed to this and the French protest was read out to the Cardinals alone. On that day, however, Aragon again protested the English precedence and walked out on a vote on the commission to draw up the final accusations against Benedict XIII.¹ That night the dispute took on a Carnival-like yet near violent aspect, as members of the English delegation appeared armed and, with some German supporters, roamed menacingly about the city. Pierre D'Ailly went to see the Duke of Bavaria, a protector of the Council, to insist that he would not be intimidated by this behaviour as the rules of the Council guaranteed the right of free speech. The French were restrained in the wake of the incident, however, and no action was taken for over a month.² Then on Tuesday, December 18th., the French brought before the Council figures to show that the English, with only 25 dioceses out of the 735 in the whole church, had no right to be construed to be equivalent to one fifth of the Council which represented the whole church.³ Feelings ran high that month and Richental in describing the scene two days before Christmas in 1416, noted it was far from tranquil. "The nations met in the assembly together at the barefoot friars and sat until after eight at night. The English, French and Spanish quarrelled so violently angrily with one another that the other Lords were much troubled."⁴

Although some peace was secured on this issue over the Christmas season, the return of Sigismund to the Council in January 1417 tended to stir up the problem again and give the English courage to continue their defence. The open show of the Anglo-German alliance was odious to the French, and Sigismund was not afraid to dangle his lack of partiality in front of the group. Hefele, in his history remarked, very much in the spirit of Cardinal Fillestre himself, "naturally this event stirred up the hatred of the French as all his fine plans which would lead to the

1. Fillestre-Loomis, C.C. p.303 Finke, Acta II p.77

2. Ibid. C.C. p.304 Acta p.78-79 Hardt, IV col. 960-961

3. Ibid.

4. Richental-Loomis, C.C. p.146

union of the church and the solving of the Turkish affair came to nothing. He brought a thousand presents from the King of England and dressed in the precious insignia of the order of the garter." ¹ On January 17th, Hallum managed to secure the pulpit and preached a sermon in praise of Sigismund, entitled 'he shall be great in the presence of the Lord.' The English-German alliance would preserve the English status from harm but not from controversy.

Meanwhile the French group prepared yet more protests and on March 3rd, 1417, John Champagne, proctor for the King of France, rose to read a protest against the English status at the Council. He was shouted down by many members of the assembly but the text of his address was preserved in the records. ² The French repeated some of the material from their earlier protests and went on to stress the four nation theory suggesting that since the Spanish nation was now present at the Council and there should be only four nations by tradition, the English could go back to the German nation. After all, Champagne argued, if England was to be treated as a separate nation, why shouldn't the separate regions of France be treated in the same way, as many of them are larger than England by themselves? Also, now that the Spanish group was present, was it not better to begin afresh and work out more reasonable procedural arrangements? He asserted:-

- (1) That the English should join the German nation, and failing that
- (2) The other nations be divided up proportionately to the English nation, and if that was not acceptable
- (3) Common law and ancient practice be adopted, that is, voting by head without the cumbersome national divisions.

Champagne went on to outline some of the differences in size between

1. Hefele-Leclercq, Vol. VII p.426. For discussion of Anglo-Germany policy and Constance events, see C.M.D. Crowder, 'Henry V, Sigismund, and The Council of Constance' Historical Studies IV, 1963 pp.93-110

2. Hardt, V 57-75 Trans Loomis, C.C. pp. 315-324

England and the other nations. He reiterated the earlier French claim that the English 25 Bishoprics out of the 735 in all Christendom, along with the body of 22 Cardinals, hardly entitled the nation to 20% of the voting power in the assembly. Benedict XII, when he divided up Europe for the purpose of ordering the Black Monks to hold provincial meetings granted only one such province to England out of thirty six over the whole Benedictine world.

"Justice forbids, reason disapproves, and the mind refuses to believe that so small a portion of the lands of Christendom and the Universal Church as the Kingdom of England...should stand in the General Councils and in the conduct and determination of ecclesiastical affairs on the level of any other of the nations aforesaid, which do so far excel it. No sane man certainly would claim that it should. 1

The 'Insane' English clerics presented a treatise in reply on Wednesday 31st. March, 1417. It was handed to the notaries but not read out in the assembly. It contained a vigorous assertion of Nationhood.

"This renounced nation's title to and possession of its right should not be at all called into question since they are notorious to the whole world and especially to the Universal Church assembled through its representatives in this sacred Council." 2

The treatise answered the French points raised in Benedict XII's Bulls Extravagans Vas electionis and Extravagans Statuimus. The lists of regions drawn up in these documents had nothing to do with a General Council nor with the purposes of the Bulls. The first dealt with the fees paid by the visited churches to the various visiting prelates and the regulations of these fees. In fact, for most Papal matters there were only two divisions of the Roman obedience, the Ultramontane and the

1. Loomis, C.C. p.323

2. Loomis, C.C. p.336 Text at Hardt, V cols. 76-101 and trans. by Loomis, C.C. pp.335-349

Cismontagne. In the case of the provinces for the Black Monks, the issue was not the divisions themselves but the holding of meetings and in that list England's name appears nowhere near Germany, rather between Languedoc and Spain. Statistically, they went on to claim, England was much larger than the French sketch suggested. There were eight Kingdoms and 110 dioceses in the British nation, as Wales, Scotland and Ireland were all part of the same nation even if ruled separately, just as in other nations there are many Kingdoms included under the one name. England compared favourably with France, and was "superior in the antiquity of its faith, dignity and honour and at least equal in all the divine gifts of regal power and numbers and wealth of clergy and people".¹ Was not England the home of St. Helen and her famous son Constantine? The English have the more ancient baptism as the faith was bought by Joseph of Aramathea while France had to wait until St. Denys before her conversion. The English had more dioceses than the French, 110 against 101, and 32 large counties, the main Island being so large it takes forty days to travel the 800 miles north to south. There were vastly more parish churches than in France.

The document went on to enumerate the various qualifications of nationhood that the English possessed, such as uniformity of race, rule and language although they boasted of having five languages in the British dominions. As for the argument about the four divisions of the Papal obedience, they suggested a more just way would be to follow the directions laid out by Albertus Magnus. His divisions were by direction, the Northern Region was composed of England and the Scandinavian lands, the

1. Loomis, C.C. p.341

Western nation composed of France and Spain, the Eastern Region, composed of the Empire, Hungary, Poland and Bohemia and the Southern Region composed of Italy and Greece. As to the charge that the English wished to exclude the Cardinals, that was untrue, and the argument about the size of the English delegations (although not an issue since the size of the constituency was important, not the size of the delegation) could not stand for, in spite of distance and hazard, well over 200 delegates of various grades and ranks were at the Council's deliberations. They also rejected the French plan to return to individual voting.

"But in these days it does not seem reasonable that a horde of prelates from one region, with insignificant dioceses and titles, brought up here for the purpose of outnumbering the rest of the assembly, should subject all parts of the world, with different habits and modes of lives, to theirs in the Council". 1

The English concluded their reply with proofs ranging from Moses calling out the tribes in the book of Numbers to the practice of the universities and the guilds who were divided into nations, and then rested their case. "Behind the English boasts of King and Church", Loomis concluded, "there is evident a consciousness of solidarity and character as a people"². This certainly could be termed a classic text of English nationalism and pride in church which although complicated by the long war with France seemed a natural reaction to a people's growing sense of importance. The debate had little place, however, in the positive achievements of the Council, but pointed up the forces at work in the assembly.

1. Loomis, C.C. p.347

2. Loomis, 'Nationality' p.526

After this statement, all through the summer of 1417, the Anglo-German alliance continued in evidence and the 'national' pattern of procedure was used in the choosing of additional members of the conclave to elect the new Pope, and again that year, national concordats were signed with the Papacy in order to foster reforms which couldn't be agreed on by the whole assembly. The best English argument, however, for the use of 'nations' for deliberations and voting at the General Council, the one about the 'horde of prelates' swamping the Council, was losing its validity. The divisions made it possible for the delegations to concentrate on national issues such as the John Petit affair in France or the Bishop of Strasburg in Germany, and more important for the life of the conciliar system of church administration, it became obvious after the election of a strong Pope like Martin V, that he could take advantage of the weaknesses in a Council divided by nations. By the time the system of nations "was perfected," remarked Kennerly Woody, "political rivalries between the nations had immobilized it and the New Pope took control."¹

Another Challenge

The system of national voting and deliberations was also used at the Council of Pavia-Siena, 1423-1424, but again the English group found their status was challenged. Two days before the major reform session was held in Siena, on 6 September, 1423, Thomas Morrow, the Cluniac Abbot of Paisley,^{near} Glasgow, launched an attack on the English right to be considered a nation at the Council, raising again the questions of the four nation theory put forward by the French at Constance.² Richard Fleming, Bishop of Lincoln, having just returned a few days earlier with

1. Woody Kennerly, 'The Organisation of the Council' Loomis, C.C. pp.52-61 p.61

2. Brandmüller, Vol. II pp.216-217 from the text of the "Protocol of Guillermo Agramunti." Brandmüller calls Morrow: Murray. For Morrow see: Burns, J, "The Conciliarist Tradition in Scotland" Scottish Historical Review 1963, Vol.XLII, pp.87-104 p.90 N.3.

the delegation that went to see the Pope, opposed the statement, "verbotenus rigorose". Thomas Morrow and Richard Fleming were to keep up this exchange through to the dissolution of the Council early in the Spring. Morrow's next protest came on 26th. January, 1424, when he laid out the French claim that the English had no right to national recognition because of size and belonged properly to the German nation.¹ The Abbot then tacked his protest (as became the custom for most protests and replies) on the doors of the largest church in Siena, on February 6th. 1424. He seemed determined to keep the pressure on Fleming not only because of the subject matter but likely because of the suspicion current that Fleming was in league with the Pope and those of his representatives who wished to dissolve or translate the Council. The reply to the Abbot came on 12th. February when Fleming, at that time, Archbishop Elect of York, (a post he never achieved because of Royal interests) defended the rights of his nation.² He sketched (Britain and England/^{were terms} often used interchangeably) out the British territorial claims and claims of precedence made at Constance and suggested the four divisions of Albert Magnus again. The Bishop asserted that the 52,000 parish churches and the great multitude of dioceses made England a proper nation and as to the question of the similarity of the German and the English languages, raised by Abbot Morrow, what of the similarity among the Spanish, Italian and French languages? The English, he protested, wished to work for peace and the well-being of the Council and all the nations. The next day the Paisley Abbot again published a protestation about the dissolution threat and, in reply to Fleming, he challenged the English claim that Scotland was a part of their nation raising the question of the proper four nations again.³

1. Brandmüller, Vol. II pp. 261-265 from the text of the "Protocol of Guillermo Acramunti"

2. Ibid. pp. 292-297

3. Ibid. pp. 297-301

Enricus Schulte, a notary from the Spanish nation, read out another protest three days later. He spoke on behalf of the Spanish group demanding that in the future, the Council recognise only the four nations, France, Germany, Italy and Spain.¹ An Oxford scholar, Thomas de Villa answered these protests, particularly the one put forth by Marrow,² but the Spanish kept up their attack. That same week the English signatories to the instrument approving the next Council at Basle were Thomas de Merdona, noted scholar, Canon of Skara, Sweden, the Bishop of Dax and Bernard de la Planche. This Gascony to Sweden breadth, served to give the English nation a wide geographic range, at least in procedure and for that moment. Lawrence Stafford, a Lincoln cleric and one of the Apostolic notaries witnessed that same document.³

During the uproar over the impending dissolution of the Council, and the negotiations with Sienese, on 28th February, the Bishop of Chiusi (Siena), President of the Italian nation attacked the English claims of national status at the Council and urged a return to the four continental based nations.⁴ On that same day Juan Martinez de Conteras, Archbishop of Toledo, published yet another protest.⁵ In his schedule, he asserted that Spain had the right to the most ancient conversion, the larger territory and number of dioceses. Historically, Spain was always listed first or second among Christian nations, England or Britain, never. Spain deserved a place among the four nations rather than Britain. The Archbishop protested his desire not to cause a breakdown in the harmonious relations with the British but the English must recognise their accessory-nation role and attach themselves to the German nation. In Richard Fleming's

1. Brandmüller, Vol. II pp. 302-304

2. *Ibid.* pp. 309-311

3. *Ibid.* pp. 312, 314.

4. Hefele-LeClercq, Vol. VII pp. 636-642

5. Brandmüller, Pavia-Siena II pp. 365-367

6. *Ibid.* pp. 373-378

reply, the next day, he drew out the Spain-Britain comparison pointing out that it was territorially in Britain's favour and called all protests frivolous which claimed that the English had no nationhood, Kingdom, territories or race.¹

Less than a week later (5th March, 1424), Scottish members of the Council issued a protest against English membership as a nation. Andrew Hawyk, a Canon of Dunkeld, Nicholas Atholia, precentor of Dunkeld and William Croyser, Archdeacon of Teviotdale, Glasgow, suggested that the English, being Saxon, had close ties with Germany. France and Scotland have had a better record of faithfulness in the past and the English pretence of nationhood in the ecclesiastical context was unfounded.² Fleming replied on 8th. March, in detail to the Spanish charges. He called them frivolous verbosity and set out a further comparison between Britain and Spain as the English group had done vis a vis the French nation at Constance. He used geographic texts such as Bartholomaeus Anglicus to prop up his arguments. The arguments about Vas electionis were again dismissed and the presence of Joseph of Aramathea at Glastonbury was restated to prove the English claim for a more ancient faith. Statistically, the Bishop pointed out, the Spanish Kingdoms were smaller than *The outlying parts with the main islands of* Britain and Britain's 110 dioceses and many provinces compared favourably with Spain's 56 dioceses and six provinces. What can Spain offer to compare with English learning and faith? Had not the venerable Bede expressed his admiration for his country? "O England" he said "O England, you are worthy of paradise on earth, with your many holy colleges in their illustrious heavenly serenity". The Emperor Claudius saw Britain as a nation in her own right, so Spain should do the same and cease in her arrogant claim to be one of the original 'four' of Christendom.³

1. Brandmüller Pavia-Siena II pp.367-372

2. Ibid. pp.397-400

3. Ibid. pp.405-417

The same day, Thomas Morrow presented a paper on this subject. He claimed ^{seemed to} point out, ^{were} that the English/ indeed as much Saxon as English as Bartholomeus/ ¹ out, Morrow. His tone was as strong as that of John Champagne at Constance when Morrow declared that the English position at the Council was "against God, justice, the Church of God and all reason". Scotland was a large part of this so-called nation, he continued, but had a much cleaner record of faith, as the recent problems of the Wyclifite heresy in England have shown, not to mention the English participation in an unjust war against France and the anti-papal legislation on the English law-books that restricted Papal rights to collation. He followed up this attack with a rehearsal of all sorts of events relating to Scottish-English-French relations in which he even cited the victory of Robert the Bruce against Edward II (1314) and the usurpation of the Lancasters.

The next day, Fleming and Stafford prepared a reply, a Responsio finalis. It consisted largely of a defence against the Scottish accusations about Saxon origin and nationhood status. Scotland was part of the British nation and the aims of the English were peaceful.

"Is it not lawful that although we are diverse Kingdoms yet on the excellent Island of Britain, we are one as a people, having one language and one clerical and martial rite? But if this is said to be temporary they do not know their chronicals and as we see from the history of the Brut, the Kingdom Albanactum which is Scotland, owes fidelity and vassalage to the Kingdom Leogrie which is England." 2

Their reply would leave the case at the Siena Council closed.

Basle: The Problem of the Deputations.

Defence of the national spirit was just as alive at Basle where the English life as a 'nation' was very short. Zellfelder noted that from the end of October 1434 to early June 1435, there was a sort of English national participation in the Council, as they were incorporated for only that brief period. ³ The English had some sort of representation in

1. Brandmüller, Pavia-Siena, II p.419 note 3, text at pp.418-430

2. Ibid. pp.430-433

3. Zellfelder, England p.102

this period as the appointments to the deputations were on a national basis and English or Burgundian representatives were appointed on each deputation.¹

Earlier, however, at the time of the first English delegation to the Council at Basle, the Embassy was under firm royal orders not to incorporate and to work to re-introduce the system of voting by Nations. In his 28th. January 1433 instructions for the Embassy already on the way, Henry VI wrote, "however since we have heard that the same Council has decreed to proceed not by nations but deputations, we perceive in such cases it is to be feared the decrees of the said Council must proceed from and be enacted by a majority not of nations but by persons."² Although, at the time of the deposition of John XXIII, this fear was more popular, by the time of Basle Council, the English seemed alone in their desire to go back to voting by nations. This concern for the 'national' interest was to be characteristic of the English attitude at Basle, the delegates acting straightforwardly as Ambassadors of the King, even more than at the previous Councils, rather than as independent churchmen.

In late April, 1433, Thomas Polton, Bishop of Worcester, William Worstede, Prior of Norwich, Thomas Brouns, Dean of Salisbury and John Symmondsburgh, Archdeacon of Wiltshire, presented a protest to the Council on behalf of the King, from the Duke of Gloucester. It stressed the English desire to be loyal to the Council and its aims, and a willingness to adhere to the decrees that were passed provided they did not prejudice the liberties, prerogatives, honour, dignity, customs and privileges of the Kingdom or the ecclesiastical see of Canterbury, and that no legislation was passed without the approval of a nation it might affect

1. Schofield, 'Second Delegation' *JOURNAL OF ECCLESIASTICAL HISTORY*, Vol. XVII, 1966, pp.29-64. Schofield has discussed the material examined by Zellfelder and a contemporary student, Lazarus, who had noted this representative nature of the various committees of the deputations; see: p.50

2. Schofield, 'First Delegation' p.181

when it was able to be present for the decision. The system of deliberations by deputations was condemned and the 'nation' system of procedure and voting was urged.¹ Peter Partridge, Chancellor of Lincoln, presented a similar protest to the English group of Basle on 5th. May.² The English were still not prepared at that time to be incorporated into the Council as the oath of incorporation was as odious to the English as was the system of Deputations. Henry VI wrote in July to the Council protesting this oath and again to the remainder of the delegation left in Basle in August 1433, in which he was also critical of the oath and outlined the withdrawal strategy.³

The English had difficulty in handling their case at Basle as they were late in their initial arrival and could find little support for a change back to the old system of a division by nations, as the need had become to find the maximum unity in the face of threats of Papal dissolution. They faced a drastically altered situation from Constance. "At Constance", Schofield has pointed out, "the English nation had played a decisive part, but now the new procedure neutralized, to a large extent, the bargaining power and influence of the national group. The ceremony of incorporation also brought the individual Ambassador or delegate well within the Council's control."⁴ Undaunted at home, however, William Lyndwood, the collector of provincial ecclesiastical constitutions, read a protest in Parliament against the procedure at Basle. England was equal to the other four nations and each should have an equal voice rather than be dissolved in the deputation procedure.⁵

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1. Schofield, 'First Delegation' pp.181-182; Zellfelder, England pp.248-250 for text
 2. Zellfelder, England pp.250-252. See Appendix 2d. Infra
 3. Bekynton II pp.62-65; Schofield 'First' pp.182,193 - part of the letter to the Embassy is printed by Schofield on p.194 at notes 1 and 2.
 4. Schofield, 'First Delegation' p.183
 5. Zellfelder, England pp.252-256

Basle: Dispute over Precedence

The second delegation to Basle in 1434 was ordered, among other things, to assure that national consent was achieved before any measure was passed which touched that particular nations interest and especially the dignity of the Church in the English¹ King's parts of France. The English took some part in the work of the deputations that winter but, from the very first days of their participation in the Council in the Autumn of 1434, they became embroiled in a controversy with the Aragonese delegation from Castile about seating arrangements and precedence. The English, traditionally, had occupied places to the left of the French, but in the deputations their position was being challenged. It was decided to refer the matter to a special committee composed of the Presidents of the four deputations and three members from each deputation.²

Alfonso Garcia, Dean of Compostella and Segovia, did not await the committee's findings before he set forth his protest on behalf of Castile's claim to precedence over England in the seating arrangement.³ He presented his treatise in early September, 1434 and a few days later Robert Fitzhugh, Bishop of London replied by asserting the English claim to precedence on the strength of her more ancient baptism.⁴ Not only were the English of more ancient conversion than Spain, he contended, but the Royal House was descendent from Helen and Constantine. English monarchy was sacrally endowed with unctuous power. English Bishops had been well regarded in Rome having special privileges and Roman ceremony recognised the precedence

1. Bekynton II p.269; Schofield, 'Second Delegation' p.38

2. Schofield, 'Second Delegation' p.51 notes

3. Ibid.

4. Haller, Concilium Basiliense Vol. III p.207, Zellfelder, England pp.284-292, Schofield p.52; Schofield noted that the speech printed by Zellfelder and dated 31st. May, 1435 was probably given at this time.

of England as did former conciliar practice.¹ From Pisa onwards the English had held this position in the Councils. Where was Spain in the Pisa Council and in the early days of Constance? The Bishop was sure that the position of the English group was clear to all.²

On the 20th November, 1434, Robert Fitzhugh again protested the English position after the Archbishop of Lyons had urged Castilian voting precedence. Fitzhugh recognised who was behind this suggestion and declared "that the Dean of Compostella should not assert through doctors and others that the King of Castile should precede the King of England."³ But it was in February 1435 that the matter would cause the most ambitious flurry of exchanges. Fitzhugh, replied on the 10th. of February to the Castilian demand that the matter of voting precedence be re-examined by the reform deputation. The order of procedure should be observed as laid down, he argued, or it would disturb the English King.⁴ Two days later the Bishop of Parma with several Italian and German delegates suggested that the whole issue ought to be referred back to the committee who were to examine the case. Fitzhugh then began to argue that it was the wrong place to determine matters of precedence as they were secular concerns not religious ones.⁵

The English and the Castilians remained locked in controversy at the end of the month. On the 28th. February, the matter was again taken up by William Wells, the Abbot of York, along with Bishop Fitzhugh. They protested ^{that} Castile had no claim to the seats on the left of the French. They were disturbing the peace of the Council with their claims and should rest content.⁶

1. Schofield, ^{second delegation} There was an incident at Rome at Easter 1422 when England and Castile argued over precedence. p.51

2. Ibid. p.53: Note 3

3. Haller, C.B. III p.256

4. Haller, C.B. III p.310

5. Ibid. pp.312-313: This point was made in an undated document printed by Zellfelder, England at pp.292-293: Raciones contra supplicationem Hispanorum.

6. Haller, C.B. III p.320

Wells and Fitzhugh reminded the Council of the fact that England had occupied their positions in the seating arrangement, "peacefully and quietly", and that they intended to hold their place. They went on to suggest that the French and Castilian protests should be dropped and the seating plan be left as it had been set out with the English to the left of the French.¹ The question was again raised on the 18th. March, at the general congregation when William Wells protested the presence of a Spaniard on the committee, examining the question of precedence, and he received support for this position from the Bishop of Nevers who represented the Duke of Burgundy. At this same session, the French delegates, the Archbishop of Lyons and Nicholas Gehe, took exception to the continual English use of the title, king of England and France, when referring to the English monarch, although the English were determined to use this controversial title in diplomatic usage.²

At the 1st. of April general congregation, the Spanish urged again the adoption of the request of two deputations who had reported earlier their desire to give Castile precedence. This was immediately opposed by Fitzhugh and from the German side, the bishop of Lubeck suggested that it was up to the Emperor to choose the disposition of seats at the Council. Both the Bishop of London and John de Silva of Spain rejected that idea, however, declaring that while they honoured the Emperor, they did not believe his power extended to the settlement of

1. Zellfelder, England pp.265-266

2. Haller, C.B. 111 p.321; Schofield, 'Second Delegation' p.54

questions of precedence in cases such as these. No action was taken on the matter that spring as the Presidents' committee could not agree on a solution. The case was left to fester in the background of the Council. ¹ Twice more in the year, the case was to break out in controversy at the Council.

On the last day of May 1435, Alfonso Garcia, Dean of Compostella was claiming again that the matter of seating was an open question. This forced Robert Fitzhugh, supported by others of the delegation, Bernard de la Planche, William Wells and Thomas Launcelyn Knight of the Order of St. John, to ^{approach} the deputation for general affairs with a schedule out-
lining afresh the English case. ² Most of the English withdrew from Basle that summer but on November 12th, the Bishop of Dax and Robert Burton, Lincoln cleric, who had stayed behind to represent the English, were attacked physically by members of the Castilian delegation. Bernard de la Planche was thrown down from his seat and Burton kicked and beaten. The scene threw the whole assembly into an uproar and disciplinary action was taken against the Spanish. Their penitence, however, did not make them any less determined to achieve their goal of possession of the new near empty English seats. ³ In the next summer, the Castilians took their places in the English seats unimpeded, and on the day the general congregation accepted the arrangement, (28th July 1436) lone English spokesman, Robert de Poers, the Archdeacon of Lismore, supported by ⁴ Simon de Theramo and Stephen of Novaria, protested in vain the action. At home in England, it did not register much impression as Pietro de Monte had been successful in turning the English diplomatic attention to the

1. Haller, C.B. III pp.354-355: Zellfelder, England pp.376,279-280

2. Haller, C.B. III p.401: Schofield, 'Second Delegation' p.55

3. Monumenta II: p.833: Haller C.B. III p.568

4. Schofield, 'Second Delegation' p.55

Papal cause and the prospect of a new Council in Italy.

Delaruelle, Laband and Curliac in their summation at the end of a chapter on the English church at this time of the Councils suggest, "one can say that the English Church became, in the fifteenth Century, L'église du Roi; and if the King is the head, how can he be resisted?"¹ The process was well begun before the squabbles over status at Pavia-Siena or Basle as the documents show a well thought out sense of nation by the clerics who represented England abroad. A century before, another Englishman had warned against the process of debate and arguing without love which seemed to characterise this national controversy. Whether it be at General Councils or in everyday life, it still rings true.

"So it behoves us to make sure that the love of Christ is in us and burning. This, rather than that we should indulge in futile discussion! For it is when our minds are giving way to unbridled curiosity that we lose the sweetness and delight of heaven... an old woman can be more expert in the love of God - and less worldly too - than your theologian with his useless studying. He does it for vanity, to get a reputation, to obtain stipends and official positions. Such a fellow ought to be entitled not 'doctor' but 'fool'." 2

1. Fliche & Martin, Vol. 14 p.395

2. Walter Clifton, (Trans) Richard Rolle, The Fire of Love (Penquin, 1972) p.61 (Chapter 5)

CONCLUSION

Many records and documents exist which illuminate the story of the Conciliar period of church history. The English church has preserved many of the official documents related to the decisions of convocation and the delegates to the Councils. Many of the letters, sermons and treatises of the period have been edited and translated. Many more need translation into English for the general reader of ecclesiastical history and some texts require editing. Rich as this period is in secondary material and interpretation, no separate English study exists on the relationship of the English church to, and its participation in the Pavia-Siena Council (1423-1424) and much biographical work highlighting the contribution of English ecclesiastics would be useful.

Studies of the wider activities and issues of the church can obscure the fact that the life of the church in England as all over Europe was characterised by the witness of many humble clerks and laymen who rendered as faithful a service as grace and vision permitted. The delegations to the Councils had among them many minor clerks and servants who aided the lay lords as well as the higher ecclesiastics. Part of the reason for the obscurity of good service is the fact that official documents often portray the sensational or the life of the well known and powerful. Capes remarked in his historical survey of this period, "Episcopal registers tell us of clerical delinquents, of the non-resident and the contumacious but have no word to say of those who spent themselves in the unobtrusive work of common duty."¹ The men at the Councils and in synod were not unaided. The sacerdotal clergy were, of course, male, but many of the great saints of the period were women. The castic Bridget of Sweden (1303-1373), the busy Katherine of Siena (1347-1380), the generous Frances of Rome (1384-1440) and the

1. Capes, The History of the English church p.254

warrior Joan of Arc, (d.1431) testify to the vigour of faith persistent in the church in spite of the Avignon abuses, low morale, schism and failing councils. One strong willed English woman of the period was Margery Kempe (1373-1440). Although her constant weeping and desire to preach made her suspect of heresy, she remained a loyal daughter of the church. A sample of her enthusiasm in defence of women's rights in the church has been preserved, and still has a force in the present life of the church in England. She was bold enough to refuse silencing in the presence of Archbishop Arundel himself.

"Nay Sir, I shall not swear," she said. "for I shall speak of God and rebuke those who swear great oaths wheresoever I go, unto the time that the Pope and the Holy Church hath ordained that no man shall be so bold as to speak of God, for God Almighty forbiddeth not, sir, that we shall speak of Him. And also the gospel maketh mention that, when the woman had heard our Lord preach, she came before Him with a loud voice said:- 'Blessed be the womb that bore thee and the teats that gave you suck,' then again our Lord said to her, 'forsooth, so are they blessed that hear the word of God and keep it.' Luke 11:27-28 And, therefore, Sir, methinketh that the gospel giveth me leave to speak of God." 1

Bishops and lay lords in England were unable to reform the church in the fifteenth century even according to their own plans and by participation in the great councils, nor was the memory of the great saint Thomas of Canterbury able to protect the church from further royal control and identification with the nation. They did manage to restrain heresy although incidents of Lollardy were to pop up until the reformation. It would be in the next century after the conciliar age that the explosive potential of the issues which were current for the English church at Constance and Basle would be made evident. Reform, heresy and nationalism again arose as issues in the reign of Henry VIII and caused a break with Rome by the ecclesia anglicana that has continued for centuries.

1. Butler-Bowden, W. (ed.) The Book of Margery Kempe 1436
(Cape, London, 1936) p.189

ABBREVIATIONS

- C. P. L. Entries in the Calendar of Papal Registers relating to Great Britain and Ireland Papal Letters (London, 1906) (eds.) Bliss, W.H. and Tremlow, J.A.
- Finke, Acta Acta Concilii Constanciensis (4 Vols.) (Munster, 1896-1928) Finke, H. (ed.)
- Haller, C. B. Concilium Basiliense (Vols. I, II, III, VIII) (Basle, 1896-1936) Haller, J. (ed.)
- Hardt Magnam Oecumenicum Constanciense Concilium (4 Vols.) (Frankfurt and Leipzig, 1700) Von Der Hardt, H. (ed.)
- Hefele-Leclercq Histoire des Conciles (Paris, 1916) (Vol. VII) Hefele, C. J. (Translation Leclercq, H.)
- Loomis, C. C. The Council of Constance (Columbia, New York, 1965) Translations by Loomis, L. R., Mundy, J.H. and Woody, K. M. (eds.)
- Mansi Sacrorum Conciliorum nova et Amplissima Collectio (Venice, 1784) Vols. XXVII & XXVIII Mansi, J.D. (ed.)
- Martene and Durand Veterum Scriptorum et Monumentorum historicorum, dogmaticorum, moralium, Amplissima Collectio (Paris, 1737) Vol. VII. Martene, E. and Durand, U. (eds.)
- Monumenta Monumenta Conciliorum Generalium Saeculi Decimi Quinti Vols. I-III (Vienna, 1857-1896) Caesar Concilium Basileense Scriptorum edited by members of the Academy of Science.
- Raynaldus Annales Ecclesiastici Post Baronium (Paris, 1874) Vol. XXVIII Raynaldus, Odoricus. (ed.)
- Rot. Parl. Rotuli Parliamentorum (1767-1777) Record Commission
- S. R. Statutes of the Realm (1810-1828) Record Commission
- Rymer Foedera, Conventiones, littera (London, 1709) Vols. IX-XI Rymer, T. (ed.)
- Wilkins Concilia magnae Britanniae et Hiberniae ab anno MCCCL ad MDXLV (London, 1737) Vol. III, Wilkins, D. (ed.)

APPENDIX I

A. Note on the Delegates to the General Councils

1. The Council of Pisa 1409

Biographies and lists of the delegates are well set out on pages 258-283 of M.M. Harvey's unpublished D.Phil. thesis, (Oxford, 1963) 'English views on the reforms to be undertaken in the General Councils 1400-1418 with special reference to the proposals made by Richard Ullerston.'

2. The Council of Constance 1414-1417

Biographies and lists of the delegates to Constance are well set out in appendix to his unpublished D.Phil. Thesis (Oxford, 1953) by C.M.D. Crowther, entitled 'Some aspects of the English nation at the Council of Constance to the election of Martin V 1414-1417.'

3. The Council of Pavia-Siens 1423-1424

See lists in Ferguson, English Diplomacy pp.214-218 and in Brandmüller, Das Konzil Pavia-Siens Vol. 1. pp.29-39.

The list of those present included:

| | |
|--------------|--|
| Bishops: | Richard Fleming of Lincoln John Langdon of Rochester William Barrow of Carlisle Philip Morgan of Worcester |
| Abbots: | Nicholas Frome of Glastonbury John Whe Kamstede of St. Albans |
| Theologians: | Dr. Nicholas Bildeston, Canon of St. Pauls Robert Fitzhugh of Cambridge Robert Gilbert, Rector of Prescott, Archdeacon of Durham William Gray, Deacon of York Master Thomas de Villa of Oxford with the |
| Lay Lords: | Henry Percy, Earl of Northumberland Lord Edmund Ferrers Walter de la Pole, and Lord John Tiptoft |

4. The Council of Basle 1432-1436

For the delegates to Basle see the articles of A.N.E.D. Schofield cited in this paper, especially, 'Some aspects of English representation at the Council of Basle' at pages 219-227 of Councils and Assemblies Vol.VII in Studies in Church History, (eds.) Cuming and Baker.

APPENDIX IIa

Extracts from a letter to Richard II by members of the University of Oxford dated February 5 1398, (text is printed in Raynaldus, Annales Vol. XXVIII pp.34-35 (Translation by P. George, Humanity Department, St. Andrews University),

"Most victorious of Princes:

Whereas the French and Spanish have withdrawn their allegiance to their supposed master,

Whereas they seek to impose compulsory withdrawal, and, 1

Whereas they have made their aforementioned idol swear an oath that he would resign both before and after the election if he were elected...

Let them repent of their sins and be truly penitent, and let them, in their future conduct, try to follow the path which is not a cloak for manifest error; for obedience is due to secular and ecclesiastical rulers even when they are ill-deposed, and we do not read that God ~~predicts~~ permits withdrawal of obedience even from evil princes and priests. On the contrary, according to the canons, even when doubt is properly cast upon the authority and entitlement of a ruler, an order given over that disputed title should nonetheless be obeyed, so what effrontery is this to say that obedience should be withdrawn from a pope whose title is not in doubt and whose title is recognised by a two thirds majority! This Pope, therefore, who, having concern for the salvation of his flock does not adhere to new fangled ideas, but follows the footsteps left by the ancient fathers in the canons for the settlement of a schism, he should keep his see. It is he who is trying to strive to eliminate this scandal from the church, who is openly doing and encouraging any action which might entirely remove and put an end to the perversion and destruction of the church. And let it be seen which of the two aforementioned contenders this man is! One of them has

1. Benedict XIII, while Cardinal Peter de Luna promised in the conclave of 1394, that he would renounce the papacy, if necessary, to end the schism.

offered and continues to offer a compromise method which is universally condemned; the other has chosen the just holy way and canonical method of a General Council, a method which is not, in itself, impossible and is not even difficult to any great extent, except insofar as it is made difficult or impossible by them and their perversity.

But how can a General Council be convened, when even if one party is trying to convene it, the other is prolonging discussions and raising objections to the arrangements? Consultation on the matter of presidency has not led yet to any clear decision on procedures: could not the secular rulers by common consent, remove the difficulty of finding a safe venue, and other difficulties which they say arise? For the ease of execution in the above mentioned matters which they claim as a virtue, has never improved the prospects of arriving at the desired end, and when everyone is intent on what has been done so far, and is wishing to proceed, progress towards a successful conclusion is more difficult and less possible if all their methods of operation have to be followed then it would be to convene a general or universal council.

As concerning the chronicles of Anastasius and Guido,¹ which they have used to support the basis of their case: when a heresy has been condemned by the authority of the universal church or by any other legal means, as indeed is the case; in the present instance, which is not dealt with by the chronicles these events have already taken place and if the facts had been different, they should not be dragged in as a parallel; since we are concerned not with what has been done, we do not think such emphasis should be placed on the analysis of such passages...

On the practical methods, it apparently needs to be said that our Lord Boniface,² the true high apostolic pastor, who is declared as the rightful occupant of the throne of his predecessors by the unity of

1. Pope Anastasius II had been challenged at the end of the fifth century; Guido, Archbishop of Vienne had led the French opposition to Pope Paschal II at the Council of Vienne 1111-1112. See: W. Ullmann, 'Cambridge and the Great Schism' pps. 58-59.

2. Boniface IX 1389-1404

his election and the priority of possession and seniority, is convening a General Council for the settlement of this seditious schism, calling to it by decree not only those who adhere to him as subjects, but also his heretical opponent, Peter de Luna, who at this time usurps the title of Benedict, together with the anti-cardinals and the anti-prelates who adhere to him; and in the name of the universal church, he summons them also to be present at the council, and he is seeking privately and by public edict, a suitable time and place and offering safe conduct on the journey both ways and during the council, and freedom to make any decision or decree on the aforementioned matter and that the decision shall be binding. And if their obvious stubbornness (rebellion) is held to be proven, then this same Boniface exhorts, advises and commands, in the bowels of the mercy of God, those princes and authorities who loyally adhere to him according to their debt of loyalty and the oath which they took at their own coronations in the presence of a Bishop of the Roman Church, that they shall as far as possible induce by their advice those secular rulers who refuse obedience to himself to compel him (Benedict) and his Cardinals and his prelates to submit to the judgement of the same Council. But if the opposing princes reject this advice or neglect to implement it, then let the catholic powers rise up with the strength of their armies and the sword of vengeance, and let it be fully stated in the letters giving them the summons (to the Council) and notice of arrangements, that notwithstanding the discussions on the matter of the schism and questions of law, proceedings will be taken against those who stubbornly resist, in accordance with the judgement of the Council. But if the opposing side, including the prelates who follow their schism and error, consent to participate in the General Council, then both the parties in contention should submit themselves to the ruling of the Council, in particular as regards the principle item on the agenda, viz: the authenticity of the papacy; and they should bind themselves solemnly with a corporal oath not to be suborn witnesses or corrupt the judges by devising any deception or intrigue....."

APPENDIX IIb

An English reform document at the Council of Constance.

Text is printed in Hardt, Vol.I pp.1076-1077

"On the Appointments to Benefices: From the English Nation

From the time of the Apostles, and afterwards, church doctrine and example grew up both by the care of watchful prelates and fit, knowledgeable and honest living ministers and by the marvellous favour of divine grace. But, alas, now this same church, through the failure of preaching and of good example, the negligence of pastoral care of the prelates and unqualified ministers, this church is lamentably dashed and broken in pieces. These days this holy synod wishes, as far as it is able to employ the best remedy from its part; it decrees and ordains that the Pope of the day, in his provision to the prelatal state and other benefices of the church give special attention to doctors in theology, canon and civil law and that he provide for them, according to their abilities and qualifications to govern in spiritual and temporal things, among others.

Item: Archbishops, bishops, abbots, priors and all others of the spiritual estate should confer on or present to doctors in theology, canon or civil law, masters of arts, and licentiates in canon and civil law even bachelors in theology whatever benefices with cure outside existing cathedral churches as long as these doctors, masters or licentiates, born in the dioceses where such vacant benefices exist and have not been promoted, at all times to one of these benefices either now or in succeeding vacancies, in legal form from time to time.

Those who are doctors in theology and others aforesaid, being thus promoted, should reside in the benefices and by their doctrine and example instruct the people in the law of Christ, this is the impulse of their ordination etc.

Item: Archbishops, bishops in collations to benefices in cathedral and collegiate churches should recommend doctors in theology and canon law for reading the law in the same churches as the foundations intended, in order that these doctors in the theology and canon law and / no others of any sort, according to the nature of the foundations of the same benefices, occupy these positions

Those who are doctors of theology and canon law in the churches, according to the nature of their foundations, should read personally, and be continually engaged in reading lectures.

Next, these Archbishops and bishops should confer other dignities, canonries and prebends in each of their cathedral and collegiate churches so that as long as these doctors, bachelors or licentiates, born in their dioceses and not promoted, have cure of one such benefice, fitly appointed. Among four of these dignities or prebends vacated by death or resignation in the same cathedral churches one of the same should be conferred.

Likewise others, doctors, licentiates and bachelors, according to their merit, knowledge and ability, born outside their dioceses should have, in their other collations, recommendations to the vacant dignities and prebends in the same cathedral churches according to their conscience and what seems expedient and useful to these churches.

And all doctors, licentiates, masters and bachelors aforesaid, actively presented for ordination or decreed promoted should be resident in these benefices, according to the nature of their foundations, unless they have a judicial or reasonable cause for their absence.

And finally, that these premisses might be effectually carried out, from time to time, the chancellors or rectors of their universities should certify the names of these doctors, licentiates, masters and bachelors to the ordinaries of the places where they were born."

APPENDIX IIc

Council of Basle 1431-1437

From Jean Beupere's Avisamenta (no. 39-44)

Text is printed in Haller's Consilium Basiliense, Vol. VIII pp.181-182

"Some other advice follows concerning reform matters:

First, powers of hearing confessions in particular places, conceded to some by indulgences; and given to other persons than the appropriate confessing curate, should all be revoked, or in some harmonious way restrained, especially where such power is general and of doubtful authenticity. Such confessors dubiously absolve, even in cases earlier reserved for the bishops not only by the written law but also in the court of human opinion, because these outrages have strongly confounded ecclesiastical discipline and have brought contempt upon ecclesiastical censure and much peril has arisen for souls.

Next, as such confessors have the power through the bull to absolve in each case what major penitentiaries can, may it be expedient that pertinent cases be declared to the Pope simply and to the penitentiaries major and minor on account of the confession cases aforesaid and for the salvation of souls.

Also, the mendicant friars according to 'super Cathedram'² are admitted freely to every place they push themselves in order to hear confessions and some of them pretend to be admitted to this yet they are not, having usurped power audaciously in public, may it be provided concerning this that no friar be considered admitted to such a right unless he shows letters of the diocesan bishop conceded to him freely

1. Gregory IX granted rights to hear confessions to Dominicans and in 1227 and later to franciscans - the controversy is well summarised by H.C. Lea, Auricular Confession Vol.I pp.299-301
2. The Council of Vienne in 1312 re-established rules for the episcopal licencing of monastic preaching and confession rights but the Pope was allowed to overrule and grant these rights if denied by the bishop.

without any financial payment and that these friars not enter parishes to hear these confessions not even hearing in public without the licence of the curates.

Let it be borne in mind that much evil has been caused especially in these days from the dispensations conceded for non residence, nowadays unrestrained, because in the absence of the curates, who were obligated¹ to diligently watch over their flocks, heresies and errors abound ... which would not dare arise in the presence of the curates.

Next, let it be borne in mind, in the matter of the dispensations conceded for those who are inducted at a more minor age than that required by canon law,² that this be ended, especially for those having episcopal dignities of jurisdiction or requiring personal residence as, because of this practice, the church is scandalised beyond measure. May penalties be ordered against those procuring these dispensations.

Next, may it be ordered that appropriations of parish church be ended unless such places by chance are constituted within the boundaries of the same parish where parishioners should be received in hospital and be able to meet together easily for the divine service.¹¹

1. Latin order is ... - Haller's text runs -
(...conventiculeque private hereticorum libros et opuscula
errores continencia et in privatis locis et abditis suis
sodalibus publicancium)

2. Twenty-five for a priest and thirty for a bishop.

APPENDIX II

Extract from a protest of Peter Partridge made at Basle, 5 May 1432. The text is printed in Zellfelder, England pp.250-252 based on a Ms Sprever, and Ms Bodleian Digby 66 fs. 5-6.

"In the name of God, Amen. I, Peter Partridge, Chancellor of Lincoln, in the presence of notaries and witnesses named below, through the Reverend Father and Lord, Henry, with the Lords, his brother bishops and prelates of the province of Canterbury, by the full assent and will of the clergy, with some others unperwritten under certain ways and forms, on behalf of the most Reverend Father in Christ with the lords confraternity of bishops, adequately empowered and legally constituted as fully contained in the letters drawn up with the seal of St. Thomas Martyr, given in London at St. Pauls on the 16th. day of September 1432 in the nineteenth year of the translation of the said most Reverend Father in Christ, the lord Archbishop, on which I depend as is expedient, and there has been included in these writings what I wish, I say and allow to set forth:

- (1) That my said Lords of the Holy Roman and truly Universal Church will adhere to and obey, publicly publish and introduce, with the people obedient, as devout sons of the Holy Roman Church, the legitimate decrees with such decrees of the Roman Pontiffs and these Councils in so far as these decrees do not contradict the constitution and custom of the said province of Canterbury legally published and put into effect by the apostolic see and confirmed by the church and nation of England and those not made against the usages and observances of the church and nation aforesaid, they will accept and put into law in the future.

- (2) In so far as he has^{not} been and is not, from his part, the most supreme prince and Lord in Christ, Henry, by the grace of God, King of England and France, my supreme Lord, in agreement with decisions or future decisions, decrees or future decrees, statutes or future statutes, in this Basle Council in so far as these statutes, decrees and decisions can be prejudicial to the rights, laws, honours, dignities and privileges of his kingdoms of England and France and his other dominions of his church and nation of England. My Lord King legally protests on behalf of his subjects and those who wish to adhere to him the decision and attempted decision on the procedure of deputations to the prejudice of the English church and nation, against the form, mode and observance of former General Councils which proceeded by nations, and the continuance of this procedure to strengthen its intention, in this manner of proceeding, so that This Council of Basle not be dissolved or moved from this place unless by the express consent of a majority in each deputation, and has named the day and place accepted for the publication of enactments, decrees and others..."

Quod, principum invictissime, ab obedientia sui praetensi capitis Hispani vel Gallici recesserunt, quod coactum cessionem imponunt, quod ad cedendum antequam eligeretur et post suam electionem, dictum suum idolum corporeale juramentum praestare fecerunt... Doleant igitur de commissi et vere poeniteant, et viam, quae non includit errorem manifestum in progressu imitari conentur; nam obediendum est praelatis et praepositis etiam dñscolis, et reprobatis a dño principibus et sacerdotibus subtractam obedientiam non legimus; imo iis, quorum in dubium probabiliter versum est jus et titulus, quousque fiat super titulo dubio declaratio, secundum canones est parendum. Qua ergo fronte a papae indubitati obedientia, qualem utraque pars suam asserit, erit recedendum? Servare debet igitur ille cathedram, qui ne suus grex pereat, non novis opinionibus inhaeret, sed antiquorum Patrum vestigia, quae pro schismatis sedatione reliquerunt in canonibus, insequitur, qui scandalum ab Ecclesia praescindere nititur, qui id notorie facit et praecipit, per quae turbatio, subversio Ecclesia vel destructio cesset et penitus vacuetur: et videatur quis sit ille praedictorum contendendum, quorum unus dumtaxat viam compromissi, quam universaliter damnant, offert et obtulit, et alter viam Generalis Concilii justam, sanctam et canonicam inquiri et eligit, non aliter impossibile, imo nec in magnis difficile, nisi quatenus ex eorum protervia, impossibilem aut difficilem reddunt eandem.

At vero quomodo convocaretur Generale Concilium, etiam si id convocaret una pars vel altera requisita tantum distulerit aut noluerit? Et de praesidentia in eodem consultatio ea onum nobis modum et formam aperit et (p.35) demonstrat; an vero locum tutum constituere, et alia quae dicuntur difficilia, ad facilitatem reducere poterunt ex unanimi assensu principes saeculares? Nunquam enim in supra dictis executionis, alias

excusatio^{nis}, facilitas quam extollunt, eujusdem melioritatem et finem intentum recte concludit certe attendis omnibus quae facta vel gesta sunt in hac materia, volentibus cedere difficulior imo impossibilior est progressus et exsecutio quam Generalis seu Universalis Concilii convocatio, cum cunctis suis mediis practicanda: Quod vero ad Chronicas de Anastasio et Guidone, quas pro foundationis corroboratione sumpserunt: cum forsan auctoritate universalis Ecclesiae, vel alia justa causa, utpote haeresis damnata, sicut est de facto, in casu propositio quem non exprimit Chronica, haec facta fuissent aliter, non ad exemplum trahenda, cum non quae fuit, sed quae fieri debent admittimus, pro solutione talium motivorum non multum duximus insistendum...

Pro practica videtur dicendum, quod dominus noster Bonifacius Apostolici culminis versus pastor, quem secundum praedecessores electionis Unitas, temporis et possessionis prioritas, jure possessorio dilucidant et decernant, pro sedatione tam seditosi schismatis Generale Concilium convocet per decretum non solum sibi subditos adhaerentes, quin etiam suum adversarium apostolicum Petrum e Luna, jam se Benedictum temere nominantem, cum suis anticardinalibus et antipraelatis adhaerentibus universalis Ecclesiae nomine pariter atque suo ad interessendum in ipso concilio citet, maneat et requirat private vel publice per edictum congruis die et loco, et cum ^{suavitate} ~~suavitate~~ veniendi, standi et redeundi, statuendi et assignandi firmiter ad praemissa; de quorum manifesta contumacia si probabiliter poterit apparere, tunc ipse Bonifacius principibus et potestatibus sibi fideliter adhaerentibus sub debito fidelitatis et juramenti, quod in ipsorum coronatione et promotione Romanae Ecclesiae praestiterunt, per viscera misericordiae Dei suadeat, ^{praecipiat} ~~praecipiat~~ et injungat, quatenus alios principes suae obedientiae resistentes exhortationibus, consiliis commoveat et

et inducant, ut ipsum cum cardinalibus et praelatis ejusdem Concilii judicium subire compellant. Quod si principes adversantes iis contradixerint adimplere, Catholicae potestates exurgant ultore gladio, brachio militari, ac etiam in ipsis litteris requisitoriiis et citatoriiis plenius inseratur, quod in partes adversantes contumacia propterea non obstante super ipso negotio schismatis ac juris discussione Concilii judicio procedetur. Verum si pars adversa cum praelatis sequacibus ^{schismatis et} sui/erroris Generali Concilio consentiat interesse, tunc utriusque contendentes ipsius definitioni, praesertim quoad papatus titulum, de quo principaliter agitur, se submittant, corporale juramento se solemniter adstringentes, quod nullius fraudis aut machinationis commento testificantium seu judicantium animos distorqueant seu subornent."

Latin text for appendix 11b- Reform document at Constance
Hardtq. Vol. I pp.1076-1077

De Collationibus Beneficorum pro Natione Anglicana

"Quia, sicut tempore Apostolorum, et postmodum successive, Ecclesia doctrinis et exemplis, ac cura pervigili Praelatorum et ministrorum idoneorum, scientificorum et honeste viventium, divina gratia favente mirabiliter crevit: Sic proh dolor eadem Ecclesiae per defectum praedicatorum et bonorum exemplorum, ac negligentiam cure praelatorum, et insufficientiam ministrorum ipsius Ecclesiae, lamentabiliter conculcatur et laceratur: His diebus haec sacrosancta synodus, volens, quantum in ipsa est, remedium in ea parte adhiberi optimum, ordinat et decernit, quod Papa, pro tempore existens, in suis provisionibus ad praelaturas, et alia beneficia Ecclesiae, mentem habeat et gerat specialem ad Doctores in theologia, Jure canonico et civili, et ipsis juxta eorum habilitates et sufficientias ad gubernandum

in spiritualibus et temporalibus provideat inter alios.

Item quod Archi-Episcopi, Episcopi, Abbates, priores, et alii quicumque spiritualibus, beneficiorum collatores, Doctores in Theologia, jure canonico et civili, ac magistros artium et licentiatos in jure canonico et civili nec non Baccalaureos in Theologia, ad quaecunque beneficia, cum cura, extra Ecclesias Cathedralis existentia, quamdiu aliqui hujusmodi Doctores, Magistri, sive Licentiatii, nati in diocesisibus, ubi hujusmodi beneficia existunt, non promoti fuerint, semper unum ex omnibus hujusmodi beneficiis, ex nunc simul vel successive vacaturis, conferant, seu ad ea praesentent, in forma juris de tempore in tempus.

Quidem Doctores in Theologia et alii praedicti sic promovendi, super eisdem beneficiis suis resideant, et suis doctrinis et exemplis populum informant in lege Christi. Et ad hoc per suos Ordinarios impellantur etc.

Item Arch-Episcopi et episcopi in collationibus beneficiorum in Ecclesiis Cathedralibus et collegiatis Doctores in theologia et Jure canonico sic habeant recommissos, quod in Ecclesiis Cathedralibus et collegiatis dignitates et beneficia, pro theologia sive Jure canonico in eisdem Ecclesiis legendis fundata, per hujusmodi Doctores in theologia et jure canonico, et non per alios quovismodo occupentur, juxta naturas et fundationes eorundem beneficiorum.

Qui quidem Doctores Theologiae et Juris canonici in eisdem Ecclesiis juxta easdem naturas et fundationes personaliter et continue legant.

Praeterea, idem, Archi-Episcopi et Episcopi alias dignitates, canonicatus et praebendas in singulis suis Ecclesiis Cathedralibus et collegiatis sic conferant, quod, quamdiu hujusmodi Doctores, Baccalauri sive Licentiatii, in suis diocesisibus nati et non promoti, seu unicum beneficium tantum et hoc curatum habentes, reperiri poterunt idonei: Inter quatuor hujusmodi dignitates seu praebendas, per mortem sive resignationem in eisdem Ecclesiis Cathedralibus, et collegiatis vacaturis, unam conferent alicui eorundem.

Et praeterea alios hujusmodi Doctores et Licentiatos, et Baccalauros juxta sua merita, scientias et habilitates, extra suas dioeceses natos, habeant in aliis collationibus suis, ad hujusmodi dignitates et praebendas in eisdem Ecclesiis cathedralibus vacaturis, recommissos, juxta suas conscientias, et secundum quod utilitati Ecclesiarum videbitur expedire.

Et omnes Doctores, et Licentiatum et Magistri et Baccalaurei praedicti vigore praesentis ordinationis sive decreti promovendi, super beneficiis hujus juxta naturas et fundationes eorundem reser^{ed}vant et morentur. Nisi habeant causam juridicam sive rationabilem absent^{iae} suae.

Et ad finem, ut praemissa effectualiter exequi valeant, Cancelarii vel Rectores universitat^{um} pro tempore existentes, de nominibus hujusmodi Doctorum, Licentiatorum ac Magistrorum et baccalaureorum, Ordinariis locorum, in quibus nati existunt, certificent de tempore in tempus."

Latin text for appendix 11c- Basle reform document 1431-1437

Found in Haller's Consilium Basilensis Vol.VIII pp. 181-182

"Secuntur quedam alia advisamenta reformationem tangencia.

Primo quod potestas aud^{endi} confessiones in locis, quibus nonnullae conceduntur indulgentiae, data aliis personis quam curatis confitecium propriis, omnino revocetur vel sub arto moderate refrenetur et praesertim, ubi potestas talis est generalis et incerta consideracio, quod tales confessores indistincte absolvunt quoscumque etiam in casibus episcopis superioribus reservatis et non solum a sententia iuris sed etiam hominis lata in foro iudiciali, ex qua ^{confunditur nervus ecclesisticae disciplinae et censurae ecclesiasticae} exorbitancia/contempnuntur ac plurima inde oriuntur pericula animarum.

Item quod tales confessores habeant postestatem per bullam ad absolvendum

in singulis casibus, in quibus maiores penitenciarum possunt; expediens est, quod declarentur casus pertinentes ad papam simpliciter et ad maiorem penitenciarum et honores penitenciarum propter confessionem casuum predictorum et ^{salutem} ad animarum.

Item quod Fratres Mendicantes iuxta c. Super cathedram admissi indifferenter ubique locorum se ingerunt confessionibus audiendis et nonnulli ipsorum pretendunt se ad hoc admissos, cum non sint, potestatem in foro anime temere usurpando: provideatur circa hoc, quod de cetero nullus frater huiusmodi ad talia censeatur admissus, nisi super hoc litteras episcopi diocesis ostendat, que sibi gratis absque aliqua pecunie exactione concedantur; et quod fratres huiusmodi parrochias non ingrediantur ad audiendum confessiones huiusmodi nec ipsas publice audiant absque licencia curatorum.

Item memorandum de dispensacionibus concessis super non residencia plus solito non frequendis, quia curatorum absentia, qui super greges suos vigilare diligenter tenentur, multa mala causant(ur) ut presertim his diebus, quibus hereses et errores plus solito pululant, conventiculeque private hereticorum libros et opuscula errores continencia et in privatis locis et abditis suis publicancium, quod facere non audent in presencia curatorum.

Item memorandum de dispensacionibus concessis in minori etate constitutis quam a canone requisita, quod de cetero non fiant et presertim in episcopatibus et dignitatibus iurisdictionem habentibus vel residenciam personalem requirentibus, quia ex his ultra modum scandalizatur ecclesia; et ordinetur pena contra procurantes huiusmodi dispensaciones.

Item ordinetur, quod appropriaciones ecclesiarum parrochialium de cetero non fiant nisi forte locis talibus, qui infra limites eisdem parrochie constituta sunt, ubi parrochiani ad hospitalitatem et ad divina audienda recipi debeant et faciliter concurrere queant."

Latin text for appendix IId-*protest of Peter Partridge-Basile 1433.*

Found in Zellfelder, England pp. 250-252

"In Dei nomine amen. Coram vobis notariis et testibus infrascriptis ego Petrus Bertrich ecclesie Lincolniensis cancellarius per reverendissimum patrem et dominum dominum Henricum permissione divina Cantuariensem archiepiscopum totius Anglie primatem et apostolice sedis legatum ac dominos co-episcopos confratres suos et prelatos provincie Cantuariensis de consensu assensu et voluntate cleri ejusdem cum nonnullis aliis infrascriptis sub certis modo et forma pro ipso reverendissimo in Christo patre ac dominis confratribus co-episcopis et prelati et pro ecclesia nacioneque Anglicam procura sufficiente et legitime constitutus, prout in literis inde confectis plenius continetur sigillo Sancti Thome martyris sigillatis, quarum liferarum data est hec: Londonii in ecclesie Sancti Pauli XVI. die mensis septembris anno domini MCCC. tricesimo secundo et translacionis dicti reverendissimi in Christo patris domini archiepiscopi, anno XIX, ad quas me refero et quatenus expediat, pro insertis hic haberi volo, dico allego et in hiis scriptis propono: ⁽¹⁾ quod dicti domini mei sacrosancte Romane ecclesie ac ejus et universalis ecclesie vero summo pontifici conciliisque generalibus cum omnibus suis subditis et subjectis ut devoti sancte Romane ecclesie filii adhererunt et obedierunt ac tam decreta Romanorum pontificum quam conclitorum hujusmodi, quatenus decreta hujusmodi constitutionibus et consuetudinibus dicte provincie Cantuariensis legitime editis admissis et approbatis et auctoritate sedis apostolice confirmatis ecclesieque et nationi Anglicane non contrariant et contra usum et observanciam ecclesie et nacionis predictarum non faciunt, acceptarunt et admiserunt sicque acceptare et admittare intendunt in futurum.

(2) Et quamquam fuerit et sic pro parte serenissimi in Christo principis et domini Henrici Dei gracia regnorum Francie et Anglie regis domini mei suppremi de non consenciendo appunctuatis sive appunctuandis, decretis

sive discernendis, statutis sive statuendis in ipso concilio Basiliensi, quatenus statuta decreta et appunctuata hujusmodi juribus legibus consuetudinibus honoribus dignitatibus privilegiis regnorum suorum Francie et Anglie et aliorum dominiorum suorum ecclesieque et nationis Anglicane prejudicari possunt, pro ipso domino meo rege et omnibus sibi adherentibus seu adherere volentibus legitime protestatum, sacrosancta tamen sinodus sive concilium Basiliense, cui de premissis constabat seu constare poterat saltem, in prejudicium ecclesie et nationis Anglicane contra modum et formam ac observanciam in conciliis generalibus et retroactis/^{temporibus} usitatos procedendi per nationes per deputaciones/^{processit} ac in dies procedit et modum procedendi per deputaciones corroborare intendens ipsum concilium Basiliense minime dissolvi nec locum hujusmodi mutare deberi nisi per expressum consensum majoris partis cujuslibet deputacionis statuit decrevit et ordinavit ac statuta decreta et ordinationes hujusmodi certis die et loco, ut accepi, publicari fecit."

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