

Dr. Gairdner on the Reformation.¹

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DR. GAIRDNER is the greatest living authority on the State Papers of Henry VIII.'s reign, and has earned in that field the enduring gratitude of all historical students. Six years ago he dealt also with the ecclesiastical history of the Tudor period in a volume of which it has been truly said that, with all its merits, "its defect is a seeming inability to recognize that there was any popular spiritual impulse behind the Reformation."² In the volumes now under review he has gone farther afield, and with less satisfactory results. Feeling as little sympathy for heresy as Sir Thomas More did, he repeats several of those fatal errors which in More were almost inevitable; and his unfamiliarity with early Church history has betrayed him into other important misapprehensions into which More would never have fallen. If, therefore, after due acknowledgment of his honest intentions, his immense learning in his own proper field, and the great value of this book to the student in spite of all its faults—if, after this, I pass on to lay stress almost exclusively on Dr. Gairdner's misapprehensions and misrepresentations, I must plead in excuse the uncritical and mischievous chorus of praise which has gone up from the High Church papers. His success as a Hammer of Protestantism has been celebrated with equal enthusiasm by the *Church Times*, the *Guardian*, and the *Athenæum*; for all attentive readers of this last paper have learned to expect, in reviews of this kind, not only the shibboleths of the *Church Times*, but even its curiously slipshod style. Moreover, even the *Times* and the *Spectator*, while pointing out very plainly the flaws in Dr. Gairdner's logic and the untenable nature of his main conclusions, have assumed the substantial accuracy of his facts; it is therefore all the more necessary to show how much he leaves to be desired even here.

¹ "Lollardy and the Reformation in England," by James Gairdner, C.B., Hon. LL.D. Edin. Macmillan. 2 vols., 21s. net.

² H. A. L. Fisher, "Political History of England," vol. v., p. 496.

In the first place, there are several small slips which, without much affecting his main arguments, betray nevertheless a certain unfamiliarity with medieval conditions. Dr. Gairdner never doubts but that "Piers Plowman" was written by William Langland; he misapprehends the connotation of the word *suspectus* in medieval law; he does not clearly grasp the meaning of *accipio* and *capitosus*, even though this latter is followed by an easily recognizable English gloss¹ (i. 107, 153, 154, 176). In mistaking locks or bolts (*sevas*) for keys, and the indecorous tight hosen of the period (*caligas*) for boots, he misleads his readers more seriously on important points of monastic discipline (ii. 97; *cf.* 103). On the essential question of burnings for heresy, and the Church's responsibility for such deaths, he not only contradicts himself ludicrously again and again, but shows an ignorance of law which would have been dissipated by an hour's reading in such obvious authorities as Lea, Tanon, or Maitland.² Again, his translation of one of the Lollard articles (i. 48) shows a very serious misunderstanding of the medieval marriage law; for it would not only have been perfectly orthodox to assert, but actually heretical to deny, "that agreement between a man and a woman was *sufficient to constitute wedlock*," without the aid of a priest or attendance at a church; indeed, the Canon Law was in this respect quite as strange to modern notions as the vagaries of any Lollard. A similar unfamiliarity with the marriage law makes Dr. Gairdner unjust to the priest, Richard Wiche, who was burned in 1440. The case which Wiche stated, to the derision of his ecclesiastical judges, was only a perfectly logical consequence from a principle laid down by Innocent III., as may be clearly seen by comparing the passage in the *English Historical Review*, vol. v., pp. 533, 534, with "Fasc. Ziz.," R. S., p. 392, and the passage there referred

¹ "*Capitosus scilicet testis.*" *Testis* is evidently the Bohemian scribe's misspelling of the English *testy*, which is not only the equivalent in sense of *capitosus*, but also derives from it through the French *testu*.

² I. 33 (note) 49, 51. *Cf.* the extraordinary statement on p. 42: "The Church herself had no coercive power."

to from the "Decretals" of Pope Gregory IX. The fact is that Church law and practice in this respect often scandalized the Lollards deeply, and not the Lollards alone. The anti-Lollard Gower, whom Dr. Gairdner has evidently omitted to study, says plainly that it is iniquitous for the Pope first to make a mortal sin of marriage within certain degrees, and then to sell dispensations for such mortal sin ("Mirour de l' Omme," 18,451 ff.). The author of the B text of "Piers Plowman," an orthodox contemporary of Wycliffe's, complained that Church Courts were ready to "make and unmake matrimony for money," and that a man might get rid of his lawful wife for "a mantle of miniver" (xv. 237, and xx. 137). It was in Wycliffe's lifetime, again, that Pope John XXII. amused Paris by decreeing, almost in the same breath, a divorce between a royal pair who had contracted only a *single* spiritual relationship, and a legal marriage between another worthy couple who were impeded by a *double* relationship of the same kind. The world knew well enough that both these contradictory decrees had been bought and sold, and popular derision vented itself in verses, which were chalked up at the street corners of Paris (Baluze, "Vit. Pap. Aven.," p. 700). Dr. Gairdner again flies in the face of these and equally notorious facts when he comes to speak of Henry VIII.'s divorce. He knows the politics of that reign by heart, but of earlier politics and ecclesiastical matters his knowledge is not sufficient to correct his violent prepossessions. He sees, of course, that Henry succeeded in "manœuvring" a verdict from the Universities; but he refuses to see how much easier it might have been, if only the political conjuncture had been favourable, to get a divorce straight from the Pope. When he asserts that "the Holy See . . . was never so corrupt as to pass untrue decisions for mere political reasons," he ignores not only the case which I have just quoted, but others which he himself cites, though he somehow manages to persuade himself that, because the Church stood out theoretically as the champion of morality, therefore the actual practice of ecclesiastical courts was not

corrupt (i. 381, 383; *cf.* 124). Yet the corruption of justice at the Roman Court had been not only a favourite theme for satirists, but a common byword among pious and orthodox Catholics for centuries before the Reformation. Matthew Paris, monk of St. Albans, and Royal Historiographer to our most Catholic Henry III., speaks as strongly on this subject as Wycliffe himself. And even in Great Britain, where justice was probably better administered than elsewhere, we have the most definite evidence of corruption, in these matrimonial cases especially. As the Synod of Dublin complained in 1351, "it often comes to pass that marriages duly and lawfully contracted are damnably divorced through false and feigned reasons and by corrupt and suborned witnesses, to the most grievous peril of men's souls." In 1399, again, Convocation made a similar complaint to the Archbishop of Canterbury, and condemned the abundance of false witnesses in ecclesiastical courts generally. Again, in 1460 the same Convocation complained of the notorious facilities for procuring illegal divorces, "to the scandal of the whole Church" (Wilkins, iii. 19, 240, 242, 579). A history which ignores notorious facts of this kind, and declares roundly that "the men who died to uphold Papal supremacy were martyrs for the sanctity of marriage" (i. 313), can hardly, in the strict sense, be called a history at all.

Equally unhistorical is Dr. Gairdner in dealing with the persecution of heretics and the translation of the Bible. His attitude towards the heretics is frankly and undisguisedly that of the unconverted Paul towards the new sect of Nazarenes; they were rebels, and are therefore beyond the pale of orthodox sympathy. Of poor Sawtre, the first man to suffer burning under the impending shadow of that Statute of 1401 for which even moderate Romanists blush nowadays, Dr. Gairdner writes: "By all accounts, his bearing before the tribunal which condemned him was insolent in the extreme. 'Now, then,' he said to the Archbishop, on hearing the order for his degradation, 'your malice is consummated. What further injury can you do me?'" (i. 51). It was not "modest," he thinks, of Anne Askew to tell the Bishop

who was cross-examining as a preliminary to burning her: "If I show the open truth, ye will not accept it" (ii. 447). Again: "Brother Paris told [Richard Wiche] the Bishop had done a greater act of charity in adjudging him a heretic than if he had fed a thousand poor men at his table. But Wiche would not take this patiently" (i. 179). The question of burning another heretic was "not so much a case of theology as the *reasonable* claims of authority" (i. 274; italics mine). Of Lollards in general, he complains again (with a strange want of humour, seeing that all known Lollards had for generations been mere faggots for the flame): "They were evasive and perfidious. They escaped notice by going from place to place under different names"; and he goes on to support this by a quotation from Sir Thomas More, whose controversial writings he cites habitually without warning or suspicion. Nor is this the worst; for More was extraordinarily honest for a controversialist, and it is only a pity that Dr. Gairdner seems to know so little of his frank admissions against the clergy. But our author pays the same compliment indifferently to nearly every Catholic who has written against the Lollards, even when it is only "a devout youth," of whom we knew practically nothing but that he wrote a letter full of cursing and bitterness against the martyr Frith (i. 405). The *ex parte* assertion of twelve anti-Wycliffite censors is taken as proof positive (i. 65). We are told "it was found" that the Lollard priest, William White, had been guilty of serious embezzlements; yet the story rests only on the word of a determined enemy (i. 157). When, again, we read, "such testimony makes the fact indisputable" (i. 196), "the confession is contained in the work itself" (i. 201); these are only two out of a dozen cases in which Dr. Gairdner is quietly assuming that the assertion of an orthodox controversialist may be taken for gospel without further inquiry. This bias betrays him sometimes into the most absurd exaggerations. Thomas Netter, of Walden, a distinguished friar, who enjoyed the special favour of Henry V. and Henry VI. in succession, and had free access to some of the best libraries in

England, wrote against the Lollards three bulky treatises which, in print, fill three folio volumes. Of these treatises Dr. Gairdner gives a very partial account, taking for granted the accuracy of Walden's statements, and charitably ignoring his worst blunders,¹ after which he adds: "The work was authoritative, and no reply to it was even so much as attempted" (i. 200; *cf.* 201). Yet he himself has described how, by this time, a generation of relentless persecution throughout the Universities and the dioceses of England had silenced all conspicuous Lollards by imprisonment or the stake, and driven the revolt underground among the poor and unlearned. Even though one of these had been willing to waste in the controversy as many reams of parchment as Walden had wasted, how was the thing physically possible? All the libraries were guarded by fire and sword; the mere possession of a religious book in the English language was proof presumptive of heresy; and before any poor heretic could have accomplished a tenth of the necessary task he must have been discovered and burned in God's name. All this Dr. Gairdner knows perfectly well; he knows, for instance, how many centuries elapsed before any man of learning replied even to such gross and palpable fables as the Loretto legend; but whenever his thesis is at stake he has no imagination—one might almost add, no common sense.

It is yet more instructive to note how far his theory leads him astray even on his own peculiar ground of Tudor politics. It compels him to lay enormous stress on the subservience of that Parliament of 1529 which ratified the breach with Rome: "The modern reader, I am well aware, will have some difficulty in realizing that the main work of this 'Reformation Parliament,' as it has been called, could have been entirely dictated by the King himself. Subserviency to this extent is not what we look

¹ *E.g.*, vol. iii., pp. 163, 171 (ed. Venice, 1571), where Walden accuses Wycliffe of gross inaccuracy in speaking of the Carmelite friars as modern, whereas (says he), Elijah founded our order, and the Carmelite friars possessed a "mansio" in Jerusalem, hard by the room in which Christ ate the Last Supper. A great deal more of Walden's Church history, if I may trust my memory, is on a par with this.

for in an English House of Commons" (i. 297). Yet at least one modern reader, whose historical attainments have earned him the high distinction of a place in the British Academy, has recently studied the evidence and come to a very different conclusion: "It [the Parliament of 1529] was not a body of slaves, but a body roughly representative of an orthodox, priest-hating, Crown-loving nation" (H. A. L. Fisher, in "Political History of England," vol. v., p. 292). Mr. Fisher brings definite evidence for his contention, pointing out how the Commons twice threw out a Bill which Henry had much at heart, and how the orthodox imperial envoy, Chapuys, sadly confessed in December, 1529, that "nearly all the people here hate the priests." Dr. Gairdner, who once or twice betrays a faint consciousness of the paradoxical nature of his own conclusions, and who can scarcely have left Mr. Fisher's book unread, was in duty bound to supply some cogent evidence for his own point of view, yet in fact he supplies only the mockery of evidence: "As for the Commons, their subservience in this 'Reformation Parliament' may be shown by many tokens, among others by the following document" (i. 298). This document proves to be simply a list of articles which the King drew up and signed beforehand, anticipating the consent of Parliament; yet of these very articles Dr. Gairdner is obliged to admit, a few lines lower down: "The Commons actually refused their assent to them . . . in fact, the Commons were not so subservient in this particular matter as they were expected to be." It seems incredible that a man of Dr. Gairdner's ability should argue like this; yet such false logic is an inexorable necessity of his position. He starts from the conviction that the Reformation was forced upon an unwilling nation by a capricious tyrant. He is therefore compelled to convince himself that the apparent consent of Parliament was no real consent at all. Having got so far, he easily finds proof of Parliamentary subservience in an occurrence where anyone else would see a proof of independence. Nor is he more fortunate in his second proof. He argues, from the nature of the Acts passed in this Parliament of 1529, that "the work it

did was mainly to gratify the King" (i. 299). One of these Acts did indeed relieve the King from repaying a forced loan; but Dr. Gairdner lays chief stress on the anti-ecclesiastical nature of the other legislation, by way of proof that it can have been prompted by Henry alone. Yet of these twenty-one Acts, only four touched the clergy, and every one of these dealt temperately with abuses which had been complained of for centuries, and were at last growing absolutely intolerable. No. 2 dealt with one of the worst abuses of the sanctuary system; No. 5 moderated the excessive fees taken, by the clerical courts for probates of wills; No. 6 similarly restricted the "mortuary" system, by which the clergy preyed upon their dead parishioners in a fashion which would be tolerated in no civilized country of to-day; No. 13 treated the inveterate abuses of pluralism and clerical trading far more mildly than they had already been treated by Church Synods. There was in these Statutes little or nothing for the clergy to resent, except the fact that they were made by the laity, and made at last in earnest. As Colet said in his famous Convocation sermon of 1511, Church laws would have been amply sufficient to work a reformation if only there had been some pretence of enforcing them; and now, in 1529, their enforcement was taken in hand—very mildly and tentatively, according to modern notions—by the laity. Nor was this the first time that Parliament had interfered in these very matters, as Dr. Gairdner might have gathered even from the preamble to one of these Acts. In 1341 Archbishop Stratford complained that certain persons, "supposing that gain is godliness," transgressed those rules by which Archbishop Meopham had regulated probate fees in 1328; ordinaries (he said) made undue and illegal exactions, "whereby the laity are no little exasperated against the afore-said ordinaries" (Wilkins, ii. 695, 698). In 1415, under the most orthodox Henry V., the Commons recited that they "had often and in divers Parliaments complained that the ordinaries take for probate of a will and other matters thereunto appertaining sometimes £2 or £3, or even more, contrary to right

and law, and otherwise than men were wont to pay for such probate in the days of Edward III.—viz., 2s. 6d., or 5s. at most." The King, therefore, consented to an Act reducing the fees again to this Edwardian scale. This Act was repealed in the next session, upon promise of amendment on the part of the ordinaries; yet things were, in fact, so little amended that in 1530 "Sir Henry Guilford, Knight of the Garter and Controller of the King's House, declared in the open Parliament, of his fidelity, that he and other, being executors to Sir W. Compton, Knight, paid for the probate of his will to the Cardinal and the Archbishop of Canterbury a thousand marks sterling. After this declaration were showed so many extortions done by ordinaries for probate of wills that it were too much to rehearse" (Wilkins, iii. 739). In the face of these quotations, and many more which might be produced, it is really the height of absurdity to treat the "anticlerical" legislation of 1529 as a tyrannical caprice of Henry VIII., forced upon an unwilling people by means of a subservient Parliament.

I have dealt at length with this episode because it is one of many which illustrate Dr. Gairdner's use of the evidence even in the period which he knows so well. His appeals to Sir Thomas More and the monastic visitations of Norwich diocese are (as I hope to show elsewhere in more detail) even more prejudiced and inaccurate than anything which I have yet exposed. And if he is so hypnotized by his preconceived theory as to blink these patent facts which lay under his very eyes, those prepossessions become far more tyrannous and mischievous where he treads upon less familiar ground. It may, indeed, be said that his whole attitude towards the Lollards and the Reformation is not only distorted by, but actually founded upon, his unfamiliarity with important episodes in earlier Church history. Over and over again we find him writing as if Constantine had never existed, and Henry VIII. had been the first Erastian Sovereign in the course of Christian history. In persistently treating Lollardy as a mere mania, without real moral or religious basis, he utterly ignores the emphasis with

which great and orthodox Churchmen, for many centuries before the Reformation, had proclaimed the bankruptcy of the existing Church system, and had only failed to face the logical consequences of their own words as Wycliffe faced them. When he assures us so frequently and so gravely that he finds no serious indications of popular revolt against the Papal authority before 1536, he is simply proclaiming his ignorance of nine-tenths of the period which his book professes to cover. In 1394 (to go no farther), so strong a party of knights and noblemen pleaded in Parliament for lay interference on behalf of the Church of England, seduced by "her stepmother, the great Church of Rome," that Richard II. was obliged to treat it as a great political crisis.

But perhaps the least satisfactory part of Dr. Gairdner's work is his treatment of the monastic question, of which he expressly recognizes the capital importance. When, therefore, he devotes to the question more than 110 ordinary octavo pages, with an Appendix of twenty more in closer print, we have a right to expect that he should have gone very carefully into the English evidence, and at least glanced at the foreign. Yet he simply contents himself with exposing for the dozenth time the iniquities of Henry VIII.'s visitors, and gives us practically nothing new even here. He falls blindfold into the same blunders of fact into which Abbot Gasquet had already fallen: he turns his face utterly away, as Abbot Gasquet did, from the Visitations and General Chapter Acts which supply such abundant evidence of monastic decay during the three centuries before the Reformation. He makes no attempt to explain why an anti-Lollard like Gower, or the Oxford University deputation to the King in 1414, should have complained of monastic morals in terms which justify that unanimous cry of *Down with them!* which Latimer ascribes to the Parliament of 1536. He ignores the fact that, in 1410, the Commons had proposed to the orthodox Henry IV. a disendowment of bishoprics and greater monasteries, because the "life and evil example of them hath been so long vicious that all the common people, both lords and simple commons, be now so vicious and infected through

boldship of their sin, that scarce any man dreadeth God nor the Devil" (Kingsford, "Chronicle of London," p. 64). In all his long summaries of the anti-Lollard writings of Walden and Pecock, he gives no hint of their extraordinarily half-hearted and ineffectual attempts to whitewash monastic morals. So far from alluding to the revelations contained in the reports of orthodox monastic visitors abroad, he seems to lack even the vaguest suspicion that such documents might supplement that dearth of exact evidence for England which (with however little reason, as we have seen) he piously deploras. He does not even seem to know how much the modern Catholic historian Pastor admits against the German monasteries, after all his attempts to soften down the evidence. And even these omissions are pardonable compared with his distortions and suppressions of such evidence as he professes to discuss—a point which, for want of space, I must reserve for exposure elsewhere. Bishop Nicke's first visitation, with which, among others, Dr. Gairdner professes to deal, gives a proportion of monks and nuns accused by their fellows of unchastity which, in terms of present population, would mean at least 3,500 such in the British Isles; yet Dr. Gairdner dares to speak of "the *possibility* that in the whole of England there *may have been a few* ill-regulated monastic houses with unchaste inmates" (xi. 80; italics mine).

There is, indeed, hardly a chapter in this book which does not lend itself seriously to criticism. Dr. Gairdner's evident unfamiliarity with the undercurrents of Church history during the last three centuries before the Reformation is, indeed, enough to account for much that is wild in his theories; but, even thus, it is difficult to understand how he could ever have brought himself to write: "It was not from any protest against real abuses that the Reformation here took its origin." For he has at least read Roger's "Gascoigne," Pecock's "Repressor," and Sir Thomas More's "Dialogue." It is true that, in summarizing these books, he softens or omits in the most inexplicable fashion much of the most damaging evidence. It is true that, while pleading for a greater purity in the matter of indulgences here,

than abroad, he suppresses the assertion of Gascoigne, Chancellor of Oxford University, that English pardoners would go about bartering indulgences for twopence, or for a stake at tennis, or even for the hire of a prostitute, so that "sinners say nowadays, 'I care not what or how many sins I commit before God, for I can get plenary remission of all my sin and penalty, with all ease and expedition, through the absolution and indulgence granted me by the Pope, whose grant in writing I have bought for fourpence.'"¹ Yet even the facts which Dr. Gairdner himself cannot avoid recording ought to raise the following questions in every unprejudiced mind: "If, then, there was no general moral revolt in England against so much open corruption and so much hypocrisy, where can have been the moral sense of the English people? And what, therefore, are we to think of those who, for nearly a thousand years, had practically monopolized moral and religious instruction in these islands?"

NOTE ON MEDIEVAL MARRIAGE LAW.

Canon Law took a far laxer view of the legal essence of marriage than is generally realized by High Churchmen or even Romanists nowadays; compare, for instance, Abbot Gasquet's gross misstatements on p. 207 of his "Medieval Parish Life." By the marriage law under which More and Fisher lived and died, a boy of fifteen and a girl of twelve, if outside the prohibited degrees, might contract a *perfectly legal* marriage simply by word of mouth, without Church intervention or parental consent, at any time or place. It was, indeed, *punishable* to do this without proper witnesses or ecclesiastical rites; and we find one Church synod compelled to fulminate against those who got married at taverns. But such formless marriages did really *constitute wedlock* in Canon Law, though of course this was not a *sufficiens conjugium* to please the Church, if I may contrast Walsingham's own words with Dr. Gairdner's misleading translation. Wycliffe, in his impatience of notorious abuses and hypocrisies in this matter, was perhaps ready to assert that such a clandestine marriage might be equally valid in God's sight even though the parties did not actually pronounce the secret promise with their lips; at least, his adversary, Walden, infers this conclusion from some of his arguments. But all who are really familiar with matrimonial theory and practice in the Middle Ages must smile at Dr. Gairdner's attempts to treat the Lollard attacks as proofs of orthodox morality and heretical immorality. Even the great Canonist Gratian was impelled to remark upon one Papal Decree in this matter: "Here is a case where lechery has more rights at law than has chastity" (*Decretum*, p. 1, dist. xxxiv., c. vii., note A).

¹ "Liber Veritatum," p. 123. Cf. Dr. Gairdner's very mild version, i. 256.