NOTES on The Church in England:
The Struggle for Supremacy, 1529-1547.

Contents

INTRODUCTION

Before 1529, indeed before 1534, there was no such thing as the *Ecclesia Anglicana*…the Anglican Church

There were two autonomous provinces of the Western Church, …Canterbury and York, each with its own Archbishop, Convocation, and judicial system.

After a bitter dispute in the early middle ages, York conceded precedence to its southern neighbour, so that whereas the
Archbishop of York was styled 'Primate of England', ..the
Archbishop of Canterbury was styled 'Primate of All England'. ..
the designations remain reconised.

Although there was not an enormous discrepancy in terms of area, the northern province comprised only three sees – York itself, Durham and Carlisle.

The other nineteen sees (including four in Wales) were subject to Canterbury, with Sodor and Man in dispute between York and Glasgow.

Both provinces were subject, without dispute, to the papacy in all spiritual matters, and administered the canon law of the western church.

The provincial convocations made what would now be called 'bye laws', or local canons for the regulation of the detailed affairs of churches, but these were not permitted to contravene the canon law proper.

Scattered around the countryside were some 500 religious houses, monasteries and nunneries, some subject to Episcopal authority and some exempt.

The exempt houses were usually controlled by the Provincials (the Heads) of their own order, the jurisdiction of continental mother houses having been removed over a century before.

This apparently straightforward structure was confused by one major factor.

The church was a great land holder, and all issues relating to real property belonged to the jurisdiction of the Crown.

All dioceses and all religious houses had landed endowments, which varied in value from under £100 a year to upwards of £3,000.

Every parish had its glebe land, and minor foundations like colleges, chantry chapels and alms houses, each had its modest estate, from which it derived income.

Many of these endowments were very ancient, and because they had involved taking land out of circulation had been subject to control by the Statutes of Mortmain in the thirteenth century.

Ecclesiastical institutions did not die, or run out of heirs, so there was no prospect of land, once granted, coming back into circulation by way of escheat or forfeiture.

Much of this land, particularly parochial glebe, had been granted by lay patrons before the Statutes of Mortmain, but since that time a royal licence had been required by anyone contemplating giving or bequeathing land to the church.

This was one of the reasons why major endowments had fallen off by the fifteenth century, except in the case of the Crown itself.

The possession of land, however, also meant disputes.

At the highest level both **Bishops and Abbots** were **also temporal Lords,** who owed feudal obligations on their estates, and the manner in which these duties were to be discharged caused endless friction.

The property rights attendant upon parish glebe were also controversial, because the Rectors who held these rights might well be laymen, or religious houses, and disputes with neighbouring tenants over who held exactly what were endless.

All such disputes involved the King's courts, and quarrels between the spiritual and the temporal jurisdiction were very frequent.

Even purely spiritual matters, such as the payment of tithe, could sometimes involve the lay courts, because issues of custom could be invoked; and the clerical tendency to strike back at vexatious litigants by using its own courts, and issues such as heresy, was much resented.

Most causes of anti-clericalism during the early sixteenth century can be traced either to tithe disputes, or to cases where persistent opponents before the common law were sued in the Archdeacon's court for some ecclesiastical misdemeanour which might be largely or wholly imaginary.

Convocations were the ecclesiastical parliaments, and were in theory called at the same time, but whereas the bishops sat in the House of Lords (by virtue of their temporal Lordships) as well as in the Upper Houses of Convocation, the lower clergy were not represented in the House of Commons.

Deans and Archdeacons sat of right in the Lower Houses of Convocation, and the remaining benefice holders were represented by proctors.

Similar attorneys sat in for the bishops in the Upper Houses if they were otherwise occupied, and indeed the Upper House of York, which met in the north, must often have been composed only of such delegates while the parliament was in session.

One extremely important consequence of this arrangement was that there was no House of Clergy in the Parliament proper, unlike most European Estates.

The defence of ecclesiastical independence, when that came under threat, was made only by the bishops and mitred abbots in the Lords, and many of them were primarily royal servants, because of an understanding with the papacy reached long before, over rights of provision.

A secular statute had decreed as long ago as 1390 that the Pope could not provide to any ecclesiastical benefice in England without the King's consent, because of the property rights involved, and although this was resented in Rome, it had led to a *modus operandi* which worked well enough in practice.

If the pope had a strong reason for wanting to appoint one of his servants to an English see, as happened with Geronimo de' Ghinucci at Worcester in 1522, then a licence would be granted, and in return the pope would confirm without asking too many questions, any of Henry's servants whom he wished to promote.

In spite of this, there was a sense in which all clergy were subject to a dual allegiance, because in principle the church was entirely independent of the monarchy, and needed to be if it was to retain its moral authority.

This was the main reason why all kings (including Henry VIII) in their coronation oaths, swore to uphold the liberties of the church.

It was also the reason why Henry, long before there was any question of his challenging the papacy, expressed doubts over whether the clergy within his realm were really his subjects.

The king, who was a man of strong conventional piety, had inherited a good relationship with Rome, and too much should not be made of his remark made in the context of the Richard Hun affair in 1514, that he recognised no superior authority on earth.

If he was thinking of the pope, then he was not thinking of the *potestas ordinis*, to which he gave fulsome acknowledgement only a few years later when he wrote (or rather had ghosted) *De Septem Sacramentorum.*

Unusually for a monarch, Henry was a competent theologian, and he knew his Bible, but there is no reason to suppose that before about 1527 he was entertaining any doubts about the lawfulness of papal jurisdiction.

He was not prepared to admit papal claims to feudal suzerainty over England, but that was an issue which had not been seriously raised for generations, and on the whole, as he faced his problems with Catherine of Aragon – (his Great Matter), he would have had every reason to expect a sympathetic hearing in the Curia.