#### CHAPTER TWELVE

# NEW WINE INTO OLD BOTTLES

The doctrine and structure of the Elizabethan church

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Elizabeth I inherited an island kingdom on the scattered western outskirts of Christendom which for little short of 1,000 years – indeed, almost until the moment of her birth in 1533 – had remained in thrall to the dominating influence of the church of Rome.

When her grandfather, Henry VII, took the throne by conquest in 1485, the structure and official doctrine of *Ecclesia anglicana*, although challenged by the 'Lollard' followers of the English reformer John Wycliffe earlier in the century, remained precariously intact. Yet Lollards still skulked in corners, and it had become clear that wholesale reform of the church could not be far off. The new king's mother, Margaret Beaufort, Countess of Richmond, herself encouraged 'humanist' scholars who were attempting to remedy perceived abuses within the church and to purge it of superstition and obscurantism. Desiderius Erasmus, for example, spent three years at Cambridge (1511-14) working on his Greek New Testament.

Elizabeth's father, Henry VIII, and his chief minister, Cardinal Thomas Wolsey, showed sympathy to the 'New Learning' but none at all to Martin Luther's fullfrontal attack in 1517 on traditional Catholic doctrine and upon papal pretensions and corruptions. Indeed, Henry's Assertio septem sacramentorum (1521), condemning Luther's theological position, earned him Pope Leo X's gratitude and the title 'Defender of the Faith' - ironically, one used by English monarchs to this day and enshrined in the abbreviation 'FD' (Fidei Defensor) on both British and Commonwealth coinage. Henry's break with the papacy a decade later had nothing to with doctrine and worship and everything to do with his overmastering desire to annul his first marriage to Katherine of Aragon and to provide England with a male heir. Pope Clement VII, under the thumb of Katherine's nephew the Emperor Charles V, could not or would not grant Henry an annulment on the grounds of affinity in canon law. After 1529, parliamentary legislation little by little loosened England's ancient ties with the papacy, even as the hapless Pope Clement sanctioned the appointment as Archbishop of Canterbury of Henry's chosen candidate, Thomas Cranmer, a reformer waiting in the wings.

Much was to flow from Henry's pragmatic discarding of Clement VII. Clearly the original 'Reformation', which he and his advisers forced through successive parliamentary sessions after 1529, was in the first place an act of state: England was declared to be an 'empire', subject to no superior earthly authority, and Henry himself always to have been 'Supreme Head of the Church of England', a title usurped by the Bishop of Rome time out of mind. Harnessing the widespread disaffection with Roman hegemony which was the groundswell of the European Reformation, Henry unwittingly paved the way for the gradual introduction of increasingly advanced reformist doctrines. Since he himself was little disposed to embrace any of them, the 1530s and 1540s saw a bewildering number of sea changes in the theological position of the English church. Despite all alarms and excursions and the adoption of an English bible and litany, Henry was to die in 1547 as an essentially Catholic monarch, who, in the name of his newly recovered supremacy, simply denied the authority of the pope.

Thereafter, Archbishop Cranmer and the reforming party, largely muzzled during Henry's last years, finally came into their own. Evangelical advances under the bovking Edward VI culminated in 1552 in the adoption of a fully Protestant prayer book. Had not Edward died in July 1553 there would undoubtedly have been further ecclesiastical reform according to the latest Continental models. The accession, however, of the Roman Catholic Mary I meant that the realm was returned to papal obedience for five and a half increasingly violent years. Manv Protestants departed into exile in Europe or else lived fugitive lives within England. Five Edwardian bishops, including Cranmer, were burnt at the stake, as were several hundred hapless men and women throughout the English shires who refused to renounce their Protestant beliefs. Widespread revulsion at this policy of repression was coupled with mounting fears that, after Mary's marriage to Philip of Spain in 1554, England would fall under the domination of the Habsburg Empire should she give birth to an heir. None materialised, and, after the loss of Calais in January 1558, a body blow to English pride, Mary was to measure out her last ten months of life as a bitterly disappointed woman. Amidst scenes of universal rejoicing within the ranks of England's anti-Catholic survivors, Elizabeth was unreservedly accepted as Mary's successor. Philip, automatically stripped of his empty title 'King Consort', had been long absent from England and made no attempt to encourage English Catholics to resist the inevitable.

#### DOCTRINE AND WORSHIP TO 1603

As Anne Boleyn's daughter, Elizabeth was the living symbol of her father's break with Rome, and, with congratulations pouring in from every evangelical quarter, she can have been under no illusion that much was expected of her. Although by temperament and upbringing undoubtedly a convinced Protestant, she never displayed that sense of zeal which had propelled her half-sister into wrecking the Edwardian Settlement of religion and returning her realm to papal obedience. Whilst hers, like Edward's, was to be a 'reformed' church, it was to be neither doctrinaire nor dogmatic. In the first place, therefore, it must be emphasised that the Elizabethan Settlement did not create 'Anglicanism' as that term is now used. No contemporary churchman would have understood the word, and it cannot be meaningfully applied until, in the early nineteenth century, the English Protestant tradition began to spread throughout an increasingly English-speaking world. In 1559, the new leaders

of the church began their pastoral work, if not with a blank sheet, at least with very considerable latitude of interpretation in doctrinal matters:

The genius of the Elizabethan Settlement was its vagueness. Emphasizing the community of Christians, it remained carefully indistinct about the specific theological models that undergirded its liturgy, and which might have divided Christians from one another. This allowed the English to agree on justification by faith alone without defining how grace worked.

The theological background that informs this 'vagueness' has come increasingly under the microscope, and Henry VIII's break with Rome has been recently described as part of a widespread movement to create a 'third way' in religion 'that was neither in thrall to Luther nor the pope'. This concept may or may not prove useful in the long term, but certainly there was to be no shortage of alternatives to Luther's stridently pessimistic polemic, harping constantly on man's inability to fend for himself and his consequent need to rely on God in all things. Huldrych Zwingli of Zurich (d. 1531) was equally clear about the paramountcy of the Bible, the legality of clerical marriage, the parasitic invasion of the Church by monasticism and the idolatrous use of images as an aid to worship. Yet he insisted that man had a right to exercise his God-given reason in worldly matters. Zwingli's son-in-law, Heinrich Bullinger, had, through his reception of English exiles during Mary's reign, and then through his writings, a more lasting, 'rational' effect on Elizabethan churchmanship than Luther.

Other traditions had sprung up. Archbishop Cranmer covertly forged links with numerous evangelicals abroad whose views on images, eucharistic doctrine and a raft of other issues nudged Henry's secular Reformation in the direction of a very individual relationship with the burgeoning community of Europe's reformed churches. Given his head by Edward VI's government, Cranmer went head-hunting on the Continent and scored a notable string of successes, Martin Bucer of Strasbourg and the Italian reformer Peter Martyr Vermigli accepted professorships at Oxford and Cambridge. Other visitors included Bernadino Ochino of Siena and John à Lasco (Jan Laski) of Poland, who was permitted to create a 'stranger church' in London for fugitive Protestants from abroad. This experiment was to provide a useful blueprint and model for beleaguered English Protestants, who, during Mary's reign, managed to maintain a clandestine congregation there under the government's very nose. Bucer died in 1551; Martyr, Ochino and Laski survived the reign, departing hastily at Mary's accession. Despite the hopes expressed by Elizabeth's leading ecclesiastics at the beginning of the new regime, the Oueen never invited Martyr back to England - a distinct disappointment to his English disciples, in particular John Jewel, who returned from exile to become Bishop of Salisbury and to write his Apologia ecclesiae anglicanae (1562).

Until the appearance of Richard Hooker's Ecclesiastical Polity (1593–1604), this short Latin treatise became the mainstay of the English 'third way' for two generations. Despite the tremendous importance attached to it by contemporaries and by later commentators, Jewel had little to say about recent theological developments abroad, insisting only that a True Church should be based on what could be gleaned from Scripture and the writings of the ancient fathers. He eschews the

nice distinctions which increasingly divided Lutherans from the new orthodoxies of Zurich, Strasbourg and, above all, Geneva.

Although the subterranean influence of Bullinger, Bucer, Martyr and Ochino on the first generation of Elizabethan divines remains incalculable, it was the teachings of John Calvin of Geneva that, during the 1550s, came to dominate Protestant belief and practice in the Netherlands and Switzerland, as well as parts of France and Germany. The Geneva Bible (largely the work of English exiles living there during the Marian years) as well as Calvin's own writings (most notably The Institutes of a Christian Man) combined to enjoy an influence unequalled by any other theological tradition which had moved beyond that of Luther. Elizabeth herself deeply distrusted the Genevan ascendancy for she could never forget that it had spawned John Knox's The First Blast of the Trumpet against the Monstrous Regiment of Women (1559), inveighing against female rulers, and she correctly discerned that its theocentric tenets were at the core of 'puritan' opposition to her Erastian Settlement. It is, however, current wisdom that by 1590 the English and Welsh clergy, along with their (largely Presbyterian) Scottish brethren, were yoked together in a 'Calvinist consensus'. Who precisely coined that phrase remains hotly disputed.

Calvin accepted the proposition enunciated by Luther that the justification of ever-sinful man was to be measured by faith *alone*. The grim consequence of his glossing of Luther was the notion of 'predestination': all men and women had been marked out in the mind of God before their birth for 'election' or damnation. From that followed the even more chilling hypothesis that Christ had died *only* for 'the elect'. Even before Elizabeth's death such doctrines came under threat from a new generation of theologians, variously described as 'anti-Calvinist', 'anti-predestinarian' or, to simplify more complex issues, 'Arminian' (the Dutch Calvinist Jakobus Arminius having come to doubt that Christ can have died only for 'the elect'). Thus, despite its towering influence for more than a century, Calvinism was never the official creed of the Church of England but rather the most strident of several competing traditions of reformed theology available to committed Protestants.

In any case, the first generation of 'Elizabethan' clerics necessarily embraced a very mixed bunch of men, most of them ordained under the Roman rite. If many who had contrived to survive from the reign of Henry VIII were convinced 'Romanists' at heart, concerned above all to retain their benefices through thick and thin, they were not necessarily cynical time-servers. What could they do except soldier on in the face of yet another U-turn in governmental policy? If the new 'godly' derided them as 'old mass priests' they were not deterred from their conscientious duty to minister to their congregations according to the new rules.

Evangelicals who had first learnt their Protestantism under Henry or Edward might cast a backward glance towards the original tenets of Luther or Zwingli. There were also those who knew something of the teachings of Bucer and Peter Martyr under the boy-king or, at least, had been ordained according to the first English Ordinal between 1550 and July 1553. A significant and influential band of brothers had sniffed the exciting air of Zurich, Strasbourg and Geneva during exile in Mary's reign; an unquantifiable number had engaged in clandestine resistance to her regime throughout the British Isles during the same period. Leavening

the lump was a substantial body of men who had taken advantage of the Edwardian government's endorsement of clerical marriage, had been deprived of their benefices under Mary as a result and, in 1559, were entitled to reclaim them. If marriage was not precisely the badge of an evangelical churchman – many clergy had taken the opportunity to legitimise a liaison with their 'housekeepers' – it is a reasonable assumption that the majority of married clergy broadly welcomed the Elizabethan Settlement.

The latter was based wholly on parliamentary legislation, hinging upon acceptance of the Oath of Supremacy and the Act of Uniformity. Any ordained man who refused to acknowledge that Elizabeth, rather than the Pope, was 'Supreme Governor' of the Church of England – upon advice she accepted that, for a woman, the title was more appropriate than 'Supreme Head' – was suspended from all ecclesiastical functions and deprived of his preferments. Minor Catholic orders, from the tonsure to subdeacon, ceased to be valid. The Roman Missal was once again set aside, and after midsummer 1559 public worship was conducted in the vernacular by means of the new Book of Common Prayer and the Bible in English translation.

Give or take a handful of doctrinal nuances, these measures returned the Church of England to the point on the Protestant map which it had occupied from 1552 until Edward VI's death one year later. The new Prayer Book was perhaps as much as could have been expected from a queen who, it was to prove, would always proceed with caution in religious matters. Yet clearly it required some amplification if parliamentary principles were to be translated into parochial practice. In the first place, therefore, Elizabeth authorised a royal visitation of the English and Welsh parishes, conducted in late 1559. It was modelled on that carried out a decade earlier by the government of Edward VI, when visitors traversed the country distributing copies of Cranmer's First Book of Homilies (1547), Erasmus' Paraphrases upon the Gospels in English (1548) and a set of injunctions. In 1559, fifty-six brief articles of enquiry were drawn up, as well as a more amply worded set of fifty-three injunctions. They were intended to establish the Supremacy and the new prayer book as the basis of a revived Protestant regime which, although not disdaining their influence, held aloof from Continental models.

The Royal Supremacy, ordered to be proclaimed from the pulpit, was paramount. 'Superstitious' and 'idolatrous' practices, heresies and sorcery were all comprehensively condemned and orders made for their extirpation. The preaching of the gospel was emphasised: a quarterly sermon was to be delivered by the incumbent or else by a qualified preacher at his appointment. Additional sermons by (duly licensed) visiting preachers were approved and encouraged. Failing all else, incumbents were ordered to read from the pulpit one of Cranmer's homilies. If there were to be no sermon, the Lord's Prayer, the creed and the Ten Commandments should be recited so that parishioners might gradually learn them by heart. Within three months of the visitation the parish was to acquire an English Bible 'of the largest volume in English' and, within twelve months, Erasmus' Paraphrases, both to be available for study in the church outside the time of divine service. The royal injunctions were to be read out at least once a quarter, and all clergy were ordered to obtain a New Testament both in Latin and English and a personal copy

of the *Paraphrases* for 'conferring the one with the other': thus they could be examined 'how they have profited in the study of Holy Scripture'. There followed numerous injunctions concerning the regulation of parish life (see below).

The royal visitation set the tone for England's 'third way' in doctrine and worship for the rest of the reign. The new bench of bishops used the injunctions as a blueprint for the subsequent oversight of their dioceses and, apparently with Elizabeth's tacit consent, proceeded to draw up a list of 'considerations' and 'interpretations' in order to fine-tune them for practical purposes. It was to prove the only time that the Queen sanctioned any modification of the 1559 legislation. The primary result of the bishops' deliberations was that the Prayer Book's 'ornaments rubric', enjoining the use of the ancient canonical vestments, was effectively abandoned: Elizabethan controversies concerning clerical dress would focus only on the use of the surplice during divine service and the wearing of the tippet, square cap and long gown in public.

Iron was pumped into the blood of this fledgling Church with the appearance of Jewel's Apology in 1562 and then in 1563 of a more extensive catechism, written by Alexander Nowell, Dean of Saint Paul's, and a Second Book of Homilies. masterminded by Jewel. Early in 1563, convocation - the Church's governing body. which sat conterminously with Parliament - thrashed out a definitive set of regulations, known today as the Thirty-Nine Articles, 'for the Avoiding of Diversities of Opinions, and for the Establishing of Consent touching True Religion'. They reiterated the implicit assumptions of the injunctions of 1559 regarding received Protestant notions of salvation and good works, condemning 'Romish' doctrines of 'Purgatory, Pardons, Worshipping and Adoration ... Images ... Reliques, and also invocation of Saints' as 'fond thing[s] vainly invented'. Only two of the seven sacraments sanctioned by Rome (as defended by Henry VIII in 1521) remained valid: those of baptism and the Lord's Supper, which was to be received 'in both kinds', whereas, under Roman obedience, the laity had received bread only and not wine. 'Those five commonly called Sacraments . . ., Confirmation, Penance, Orders, Matrimony and extreme Unction, are not to be counted for Sacraments of the Gospel'. The remaining articles emphasised the 'Erastian' nature of the Church - that is, its dependence on the temporal power - as well as such matters as clerical marriage, the regular use of the homilies and the consecration and ordination of bishops and clergy.

Elizabeth ratified the Thirty-Nine Articles by statute following the Parliament of 1571. Yet they were merely the skin and bones of what would develop into an English Protestant tradition. How to bind the hearts and minds of Elizabeth's subjects to this halfway house of a 'reformed' Church – fully Romanist in structure and discipline and yet vehemently anti-Romanist in sentiment and in its theological stance? John Foxe (d. 1587) was determined to show that there was a common bond between the survivors of the Marian regime: the inspiring example of the Protestant martyrs. That many of the humbler men and women whose deaths he chronicled would have been hard put to it to define their beliefs beyond a detestation of the pope and the mass was beside the point. Actes and Monuments, a comparatively slim volume on its appearance in 1563, was revised and expanded thereafter, reaching a fourth edition of massive breadth under Foxe's supervision in 1583. It became the most influential gloss ever published on the history of English

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religion, spawning myriad abbreviated versions for over 300 years. Where families could afford it, the 'Book of Martyrs' became a household treasure, piously bequeathed – often to daughters, in order that they should read it to their children, thus firmly implanting Protestant values in the minds of succeeding generations.

Foxe's work exerted a unique impact on his contemporaries and thus in creating a 'national' church. Otherwise, the evidence of books bequeathed by Elizabethan clergy - a useful index of what was being taught to the average parishioner presents an eclectic round-up of all the reforming traditions which had sprung up since Luther nailed his theses to the door of Wittenberg Cathedral in 1517. If the works of Calvin and Bullinger's Decades loom largest, Erasmus' Paraphrases had, as we have seen, become required reading in clerical households, and many clergy also owned a copy of the Lutheran Wolfgang Musculus' Commonplaces. The most frequently reprinted guides to godliness under Elizabeth included the works of the early English evangelist Thomas Becon and two volumes by celebrated Marian martyrs: John Bradford's Godlie Meditations upon the Lordes Prayer and Hugh Latimer's collected sermons. The Genevan tradition yields treatises by Calvin's successor, Theodore Beza, and the sermons of Edward Dering, whose outspokenness before Elizabeth ruined his career. Henry Bull's Christian Prayers (1568) and James Cancellar's The Alphabet of Prayers (1564) proved two of the most successful homegrown guides to lay piety. Later there sprang up a 'sociological' tradition of popular theology, often written in the form of dialogue for the 'better instruction' of the 'unlearned'. This was spearheaded by two Essex clergymen, George Gifford and Arthur Dent. Dent's A Sermon of Repentance (1582) was reprinted thirty-nine times up to 1642, and his other best-seller, The Plaine Mans Path-way to Heaven (1601), a major influence on John Bunyan, achieved twenty-seven editions by 1682.

A judicious mingling of reforming doctrines – humanist, Lutheran, Zwinglian, Bucerian and Calvinist (the latter at first imbibed wholesale but finally likewise consigned to the melting pot) – was to shape the course of a practical, pragmatic theological tradition that gradually eschewed fanatical extremes. Elizabeth herself may well have approved of such a cautious mode of doctrinal 'pick and mix', tempered as it necessarily was by the retention of a modified 'Romanist' conception of hierarchy (bishops, priests and deacons). What she cannot have foreseen was that the tensions precariously held in check within her very personal vision of Ecclesia Anglicana would burst forth in the socio-political cataclysm of the Civil Wars of the 1640s. Charles II's restoration to his father's throne in 1660 proved the most significant watershed between the Elizabethan settlement and the ecclesiastical reforms effected under Victoria. Charles's settlement of religion bade farewell to 'puritanism' by consigning its most intransigent adherents to a more-or-less-tolerated 'Free Church' substratum of British society. This was the springboard from which the 'Anglican' tradition of the last 200 years would finally emerge.

## THE STRUCTURE OF THE CHURCH: (1) THE DIOCESES

What above all marked out Elizabeth's settlement from the majority of reformed churches abroad was its strong sense of identity with the (idealised) early church that existed before the days of Romish corruptions. Thus it would continue to be

governed by bishops – men, often from the humblest of backgrounds, who at the stroke of her pen ceased to be private citizens and became instead members of the House of Lords, possessors for life of landed estates and active leaders – moral judicial, financial and military – of provincial society.

Under papal hegemony, western Christendom had evolved a complex hierarchical structure. 'Provinces' – modelled on those of the Roman Republic – were placed under the supervision of an archbishop directly responsible to Rome. These in turn were divided into smaller units ('dioceses') governed by a bishop responsible to his archbishop. The bishop presided over the local communities within his diocese, the parishes.

Since the seventh century, England had been divided into two provinces. Canterbury and York. Rivalry between the two incumbent archbishops, theoretically equals under Roman obedience, had long been resolved by the sixteenth century, and it was accepted that the Archbishop of Canterbury took precedence, with the additional title 'Primate of All England'. The Archbishop of York had to remain content with the lesser designation 'Primate of England'. Nor, if Canterbury was vacant, was he entitled to exercise jurisdiction in the south. As 'dean' of the southern province, it was the Bishop of London who exercised de-facto 'metropolitan' rights and, at the heart of Elizabeth's reign, this was to have profound consequences. In 1577, the Queen suspended Edmund Grindal, her second Archbishop of Canterbury, for refusing to suppress clerical meetings known as 'prophesyings'. Thereafter, John Aylmer, Bishop of London, was saddled with the burden of discharging Grindal's duties as archbishop and metropolitan until the latter's death in 1583 and the appointment of John Whitgift as his successor.

When Henry VIII succeeded his father in 1509, the diocesan structure and ecclesiastical landscape of England and Wales had remained virtually unaltered for nearly 300 years. Things were to change dramatically during Elizabeth's childhood. Having reclaimed his usurped Supreme Headship, Henry and his advisers - most notably Thomas Cromwell, appointed 'vicegerent in spirituals' - headed off in several directions, which proved more secular than doctrinal. The dissolution of the monasteries (1536-40) wrought the most drastic revolution in the social life of the English people since the Norman Conquest; approximately one-third of all landed estates in England and Wales were transferred from direct obedience to Rome to the economic control of the Crown. Given this vast accumulation of wealth, Henry was in a position to lay one of the ghosts that haunted him; the potentially fatal re-emergence of a still-powerful feudal aristocracy, which, with various degrees of reluctance, had accepted his father's assumption of the Crown fifty years earlier. His 'new men' - royal servants - or else local gentry with a vested interest in backing the Tudor status quo were rewarded with landed estates out of this massive windfall, either by royal grant or by purchase at advantageous prices. Not a few were granted peerages as a result of their enhanced economic status. Such scions of the ancient nobility as Henry felt he could trust were likewise granted substantial pickings, and henceforth the Tudor regime was largely assured of loyal support in the provinces.

Along with the pacification of what remained of the ancient aristocracy (after a string of judicial murders) went the curbing of the economic power of the realm's prince-bishops. Measures – often underhand and punitive – were put in place to

Insure that, while still enjoying landed estates during their tenure, they remained for the future subordinate to the Crown as ecclesiastical civil servants in lawn sleeves, ather than as independent operators with access to the Roman Curia. The cult of Archbishop Thomas Becket, the 'saint' who had defied Henry II in the name of the pope and whose shrine was the objective of generations of 'Canterbury pilgrims', was ruthlessly destroyed.

At the same time, it was recognised that many dioceses, whose contours had temained unaltered since the creation of the Welsh sees and those of Ely and Carlisle in the twelfth century, were too large to be administered efficiently even by the most conscientious of bishops. The plan was therefore conceived of creating a number of new sees and converting some of the abandoned abbey churches into cathedrals to serve as their ecclesiastical centres. Only six such dioceses – all in the event poorly endowed and henceforth permanently underfunded – finally came into being: Bristol, Chester, Gloucester, Oxford, Peterborough and Westminster (suppressed in 1550). The most ambitious ecclesiastical project of Edward VI's reign, the division of Durham by the creation of a diocese of Newcastle, fell to the ground with Edward's death, and thereafter episcopal boundaries remained undisturbed until the reign of Victoria.

At Elizabeth's accession, therefore, the Church of England and Wales consisted of twenty-seven dioceses on the mainland, plus the curious island jurisdiction of Sodor and Man, which had remained a small, independent outpost of Christendom until incorporated by Act of Parliament (1542) within the province of York. Otherwise, the northern province consisted only of York itself along with Durham, Carlisle and Chester (after 1541). The remaining dioceses, including all four in Wales, fell to the jurisdiction of the Archbishop of Canterbury.

With two exceptions, and despite a vast disparity in income between them, the twenty-eight dioceses were equal in the eyes of the English law. Those exceptions were Sodor and Man, whose bishop (effectively appointed at the nomination of its feudal overlord, the Earl of Derby) was not entitled to a seat in the House of Lords and of whose financial affairs the Exchequer never seems to have taken cognizance; and the palatine see of Durham, still known as 'the land of the prince-bishops'. The County Palatine jealously preserved a range of ancient privileges which it had gradually amassed from the Crown as a 'buffer state' between England and Scotland. When, at the beginning of Elizabeth's reign, the government attempted to 'detain' some of the demesnes of Durham and Winchester by annexing them to the Crown, it discovered to its cost that it was riding roughshod over legal rights, the existence of which it could not ignore. Compromise was effected: the estates in question were finally restored to their bishops in return for a 'pension' to the Crown, equivalent to the income they would have yielded had they been 'detained'.

A bishop's ancient duty was to oversee his 'flock', his pastoral staff symbolising his role as good shepherd. One of the most potent weapons in the armoury of the early reformers was a general perception that this ideal had been virtually lost to sight. Throughout Christendom, bishops were widely regarded as no more than 'great lords' or 'lordly prelates'. Thus, the vital difference between Elizabeth's bishops and their Roman Catholic predecessors was that they were expected to be fully resident chief pastors whose primary function was to direct the spiritual life of their dioceses. Gone were the days when bishoprics would be bestowed on

absentees - senior government officials or career diplomats - as a convenient was of providing them with an income. Mary I's two lord chancellors - Stephen Gardine Bishop of Winchester, and Nicholas Heath, Archbishop of York - were the last of the line. No member of Elizabeth's episcopal bench was ever appointed to high political office, and only one - John Whitgift, her third and last Archbishop of Canterbury - was admitted to the Privy Council. The business of central government became the preserve of laymen. Only on their sporadic visits to London to attend parliament were Elizabethan bishops invited to play any positive role in it, and even then their influence was marginal. Their principal function was to preside over the upper house of convocation and to consider motions from the elected lower house (usually concerning taxation and leases or else petitions for liturgical reform) and if appropriate, to pass them on to the House of Commons. Since, as Supreme Governor, Elizabeth consistently parried all parliamentary attempts to introduce measures which would in any way modify the 1559 Settlement, little came of their deliberations beyond their acquiescing in grants to the Crown of clerical 'subsidies' (monies over and above direct taxation).

An Elizabethan bishop's first duty on appointment, therefore, was not to wade into the political fray but rather to face reality by settling with the court of Exchequer for his tax liability to the Crown during his tenure of office. His principal burden was to discharge his 'first fruits' – one year's income from his estates, payable by six-monthly instalments. He 'compounded' with the remembrancer of first fruits and tenths, when dates were set for such payments and, with sureties to guarantee his 'bonds', was expected to meet his deadlines on pain of distraint for default. In practice no Elizabethan bishop was ever suspended because of debts owing to the Crown, and, as the reign wore on, the valuable concession of paying by yearly, rather than half-yearly, instalments became the norm. After 1560, few bishops were required to produce sureties, compounding on their own recognisances, while some privileged recruits to the bench were excused their first fruits entirely. 'Tenths' – 10 per cent of the taxable value of the see – became payable as annual income tax from the date of the last instalment for first fruits.

### THE STRUCTURE OF THE CHURCH: (2) THE PARISHES

Within the English and Welsh parochial system, beneficed clergy were technically described as either 'rector' or 'vicar'. A rector – colloquially known as 'parson' – enjoyed for life the freehold of the benefice, financed principally by his parishioners in the shape of 'great', 'small' and 'mixed' tithes – that is, one tenth of all yearly profits from agricultural land, produce and livestock. Where the great tithes were legally 'appropriate' to some other ecclesiastical authority (such as a cathedral chapter), or 'impropriate' to a layman who had acquired them by grant or purchase, the parish was served by a vicar (never referred to as 'parson'), who received a guaranteed stipend from the small and mixed tithes.

The dissolution of the monasteries added a third category to the roll-call of incumbent clergy. Many parishes had been part and parcel of the freehold of monastic foundations, who were therefore entitled to collect their tithes and, in exchange, appointed a monk or some other cleric to 'serve the cure'. When at

the dissolution such 'cures' passed into the hands of laymen the latter were obliged, the their monastic predecessors, to make provision for a resident pastor. Such clerics came to be known as 'perpetual' or 'donative' curates, receiving a stipend – usually minimal – from the new freeholder. Having no legal claim on the tithes, they were regarded as non-taxable wage-earners. Rectors and vicars were by contrast obliged like their bishops to pay tax by compounding for the discharge of their first fruits at six-monthly intervals over two years. Benefices deemed to be virtually impoverished – vicarages rated for tithes in the Valor ecclesiasticus (1535) at under f10 per annum and rectories at under 10 marks (£6 13s. 4d.) – were, however, exempt.

The day-to-day running of the parishes fell to (usually two) laymen, known as churchwardens, who were elected annually. The office of churchwarden was not one to be envied and many qualified to hold it did their best to avoid the responsibility. It was necessarily the preserve of the local elite – yeoman farmers, established tradesmen, members of gentry families – since it required competence in the 'three Rs': reading, writing and arithmetic. It also involved two heavy responsibilities. Incoming churchwardens could look forward between them to the compilation, over twelve months, of a minute inventory of parish disbursements (6d. to Smith for clearing the churchyard, 3d. to Mother White for washing the church linen, etc.) as well as the tricky business of reporting regularly to the ecclesiastical authorities on the activities of their clergy, schoolmasters, friends and neighbours (see below).

#### THE BISHOP IN HIS DIOCESE

With one exception (Anthony Kitchin, Bishop of Llandaff), the bishops who had served Mary refused the Oath of Supremacy and were accordingly deprived. Thus committed Protestants were swept into the highest echelons of power. And yet, by authorising no reshaping of the administrative structure of the Church, Elizabeth was effectively asking them to pour new wine into old bottles. They were expected to graft revived Protestant doctrines onto an irrational agglomeration of episcopal, decanal and 'peculiar' jurisdictions owing allegiance to a bewildering and sometimes competing network of church courts which had straggled into being over the previous 500 years. The officials appointed to run them were by and large laymen trained in civil law, administering as best they could such portions of the ancient Roman canon law as remained valid in the wake of Henry's break with the papacy.

A new diocesan was in the first place confronted by his dean and chapter, the permanent staff of his cathedral church. It was they who had formally invited him to accept his new office, if by a convenient fiction. Once the Crown had decided to appoint, a licence (congé d'élire) was issued to the chapter, authorising a free and unprejudiced election to its vacant see. By the same post there arrived a separate letter naming the Crown's official candidate. Following royal assent to the unsurprising denouement, the dean and chapter formally welcomed the bishop to his cathedra (cathedral chair) by solemn enthronement.

Cathedral chapters had rights and privileges which might conflict with the best interests of the see as a whole or with the personal agenda of their bishop: there are many examples of chapters defending their corner on principles which sometimes

added up to no more than bloody-mindedness. Contention could be particularly acrimonious when bishops claimed the right to 'visit' their chapters and correct perceived abuses within them.

Such disputes stemmed in part from the question of what was meant by the exercise of 'ordinary jurisdiction'. In all sees this fell principally to the bishop, who thus had full powers to regulate the spiritual, moral and (in so far as it involved church property) the economic and legal life of the bulk of parishes within the diocese. If a benefice was in his personal gift as 'ordinary', he 'collated' a new incumbent to its 'spiritualities', directing the appropriate subordinate - an archdeacon or commissary - to 'induct' to the 'temporalities' (the freehold rights). If the right to present to the benefice (the 'advowson') lay elsewhere, he was obliged instead to 'institute' the candidate presented to him by the 'true patron' (verus patronus) - the legal owner of the advowson or else temporary possessor of it 'for that turn' (pro hac vice) by grant or purchase from the owner. Patronage disputes - who in truth was true patron 'for that turn'? - were frequent and could lead to months of hearings in the church courts before a new incumbent was finally installed. Even then, appeal to a higher authority might overturn the institution of a man whose patron's title to the benefice was subsequently challenged. The Crown itself was not exempt from such procedures and is often found submitting to the decisions of its own courts in the matter of ius patronatus.

The process could be further complicated by the ancient law of 'lapse'. If a lay patron failed to present a satisfactory candidate within six months from its voidance a benefice 'lapsed' to the *collation* of the bishop. If the bishop failed to collate within six months the right of collation fell to his archbishop. If the archbishop similarly failed to collate, then the right to *present* was deemed to 'lapse' to the Crown.

Within the geographical confines of his diocese, moreover, a new bishop was to discover that ordinary jurisdiction in certain parishes was exercised by some other ecclesiastical authority. Such 'peculiars' were most commonly in the hands of his dean and chapter, a fellow bishop or a collegiate foundation such as Westminster Abbey. All appointed 'commissaries' to oversee such parishes on their behalf. Those of the Archbishop of Canterbury were dignified by the title of dean. The commissary responsible for his peculiars in Essex and Suffolk, for example, was known as dean of Bocking; that for his peculiars in London as dean of the Arches.

Thus, historians who confront a diocese and attempt to interpret what was happening within it, at any given period, face many problems of interpretation. In a very real sense there is actually no such thing as a diocese at all: within its geographical boundaries lay a network of competing jurisdictions, and the bishop himself was essentially *primus inter pares*, first among equals. His diocese, moreover, was for administrative purposes subdivided into smaller geographical units called archdeaconries. An archdeacon was known to the lawyers, if not necessarily to laymen, as *oculus episcopi* – the 'little eye of the bishop'. (He had once been responsible for the oversight of 'rural deaneries' – even smaller local units – but by 1558 no rural deans had been appointed within living memory.) Between them, the dioceses were subdivided into nearly sixty archdeaconries. The vast see of Lincoln embraced no fewer than seven; London, Norwich and York five each. The Bishop of London also appointed two personal commissaries with full jurisdiction

over certain parishes and probate jurisdiction in others which otherwise fell to the archdeacon.

The vital legal difference between archdeacons and commissaries was that the former were collated to a cathedral stall for life or until resignation, whereas the latter, as the title implies, were appointed by revocable commission. This nice distinction mattered little to Elizabethan parishioners. Their local archdeacon or commissary was the most familiar figure in the ecclesiastical hierarchy who ever swam into their ken, and he had a regular impact on their lives. He and his officials travelled the countryside, annually or bi-annually, as a roving court, his 'apparitor' – a special messenger – having visited every parish in order to summon its clergy, schoolmaster(s) and churchwardens to the church where the court would sit. His powers of coercion and correction were identical to those of the bishop in many respects but strictly subordinate to the bishop's own disciplinary and administrative directions.

The bread-and-butter work of all church courts – and their principal source of income – was the regular granting of probate or else of letters of administration for the estate of those dying intestate. The probate jurisdiction of archdeacons and commissaries was restricted to the wills of testators who left estate *only* within parishes under their control: all others had to be proved 'in consistory' or, if there was estate in more than one diocese, in the 'prerogative' courts of Canterbury or York.

#### THE CONSISTORY COURT

The bishop's consistory court, which met regularly in the cathedral city during the established legal terms (Michaelmas, Hilary, Easter and Trinity) was the fount of episcopal authority. The bishop himself might choose to preside, particularly if an important case was to be heard, but routine business was generally left to his chancellor – commonly known as 'vicar general' – and to the court's permanent officials, acting in concert with the bishop's examining chaplains in clerical matters.

The act books of the church courts have been comprehensively ransacked for evidence concerning religious developments during the reign, from Roman Catholic recusancy to the most extreme forms of Protestant nonconformity. To examine them *in toto*, however, is to discover that their daily work was rarely contentious in a doctrinal sense. 'Office' business (prosecution under canon law for moral or religious offences) pales into comparative insignificance when compared to the courts' other legal responsibilities. 'Instance' cases (the settling of party versus party disputes under civil law) loom larger in the records, the bulk of them concerned with tithe disputes and testamentary matters. And from such ostensibly routine hearings much might flow. A will could be challenged on technical grounds while those named as executors or overseers might formally renounce their obligations. Matrimonial causes, from breach of contract through to the extremity of divorce a mensa et toro – judicial separation in the modern sense of the phrase, rather than freedom to remarry – were another constant strand in the courts' activities.

Judicial orders and *licences*, therefore, in every conceivable form, were the most frequent concern of the consistory court. From cradle to grave Elizabeth's subjects were inexorably tethered to ecclesiastical rules and regulations. Although, because

of its urgency, baptism always remained a parish affair, midwives required a licence to practise: midwifery thus became the first official occupation open to women. Their licences conferred the right to baptise in extremis – a contentious issue in Protestant theology. Parish schoolmasters likewise received a licence to teach only after due examination. Whilst most men and women were married in the bride's parish after 'banns' had been duly proclaimed three times from the pulpit, the consistory court books contain swathes of special licences for the wedding to take place elsewhere.

A clergyman jealously guarded his letters of orders, issued by the bishop(s) who had ordained him, and had to exhibit them on demand when he went before any ecclesiastical court. Trusted incumbents might be allowed to preach within their own cures but as the educational qualifications of the clergy improved dramatically throughout the reign (by 1603, few beneficed men, at least in the home counties; did not possess an Oxbridge degree) it became de rigueur for a man to hold a licence to preach elsewhere, either from his diocesan, his archbishop or his university.

In many parishes the incumbent was an absentee. Although it was one of the bedrocks of the Protestant ethic that every community should have a resident pastor, wholly committed to his flock, 'pluralism' – the holding of more than one preferment – remained endemic in the Elizabethan church and was officially condoned, by letters of plurality, if a man's two parishes were within reasonable distance of each other, provided that he appointed a 'stipendiary curate' to serve the parish in which he did not regularly reside. Such curates received a quarterly payment out of the incumbent's emoluments as their stipend. They required a licence to serve, granted only after due examination of their credentials by the bishop's officials.

During the vacancy of any rectory or vicarage letters of sequestration were issued – usually to the churchwardens – so that the parish's income should be legally overseen until a new incumbent was installed. The sequestrators were then obliged to account to him for their stewardship since the voidance. Similarly, letters of sequestration would automatically be issued by his ordinary, following a communication from the exchequer, if an incumbent failed to compound for his first fruits. A resident curate or some other local clergyman was ordered to serve the cure during a vacancy or period of suspension. Thus variations on the theme of regularising parish life – as much secular and practical as spiritual – were legion.

#### **VISITATIONS**

The consistory court was most active during the weeks following the bishop's visitation of his diocese, his principal means of pastoral oversight and also an extra source of income, deriving from fees payable by the clergy. In canon law he was obliged to carry out a primary visitation within eighteen months of appointment and to conduct visitations every three years thereafter, except within York (every four years) and Norwich (every seven years). Conscientious diocesans undertook such visitations personally, health and circumstances permitting, but subordinates might be delegated to visit in their name. The process began with the issuing of visitation articles to every parish in which the bishop exercised ordinary jurisdiction,

delivered to the churchwardens by apparitors. There followed a strenuous series of journeys by the bishop and/or his officials as they convened in recognised ecclesiastical centres throughout the shires within his jurisdiction.

It has been emphasised that all Elizabethan episcopal visitation articles derived ultimately from those of the royal visitation of 1559 which, emphasising the ground rules of Protestant worship above all, thereafter imposed a stream of directives concerning the duties of the clergy and the proper use of ecclesiastical resources. A fortieth part of parochial revenues should be assigned to the poor while every clergyman with an income of £100 a year was expected to provide an 'exhibition' (yearly stipend) worth £3 6s. 8d. so that a poor scholar might attend university. All extraneous revenues were likewise to be diverted to the use of the poor and a church 'poor box' set up to encourage charitable giving by the better-off. Such outdoor relief was more pleasing to God than the bestowing of money on 'pardons, pilgrimages, trentals, decking of images, offering of candles, giving to friars, and upon other like blind devotions'.

The parish register of baptisms, marriages and burials was to be regularly written up and kept in a parish chest with two sets of keys, one for the incumbent and one for the churchwardens. The yearly practice of 'beating the bounds' in order to proclaim a parish's geographical identity was to be maintained (all other 'superstitious' processions to cease) as well as due observation of rogationtide (the reading in church during Ascensiontide of the litany of saints acceptable within Protestant worship).

As to the clergy, some had formerly embraced 'fond phantasies rather than God's truth' but all were to be treated with respect. They were to wear 'such seemly habits, garments, and such square caps, as were most commonly and orderly received in the latter year of King Edward VI'. Their right to marry was recognised but the frequenting of alehouses was not. Rather, they should engage in 'honest exercises' because they 'ought to excel all other in purity of life' as an example to their flocks 'to live well as Christianly'. They were to admit none to communion who were not in love and charity with their neighbours; to preach against any violation of the 'laudable ceremonies of the Church'; and to instruct the young for half an hour before evening prayer, encouraging them to learn the catechism. Public prayers were to be conducted on Wednesdays and Fridays and parishioners should be exhorted to kneel reverently and bow their head at the name of Jesus. All readers should peruse their texts beforehand so that they might read 'leisurely, plainly, and distinctly'. Except in certain collegiate foundations and cathedrals there was to be no choral singing but rather 'modest and distinct song' so that the words might be plainly understood.

As to parishioners, church attendance was obligatory, and all should attend their own parish church and no other. They were to receive communion three times a year (Easter, Whitsuntide and Christmas). Their tithes were to be paid to the incumbent according to custom. No alehouses were to remain open during the time of divine service, nor should anyone disturb the preacher or dispute 'rashly and contentiously' about Holy Scripture. All were duty-bound to report any manifestations of Roman Catholic recusancy, and 'three or four discreet men' were to be appointed to 'denounce' all who proved 'slack or negligent in resorting to the

church'. Schoolmasters should teach only from authorised texts and instil in their pupils a sense of true religion. It was with all these directives in mind that the bishop drew up his articles.

He and his visitors arrived in the church where the visitation was to be conducted with a pre-prepared 'call book'. For every parish this listed the clergy and school-masters who were believed to be in place. Incumbents and their churchwardens were then summoned in due order, along with any resident curate and school-master(s), according to the rural deanery into which their parish fell. Clergy then exhibited their letters of orders and any licences for preaching and plurality; stipendiary curates and schoolmasters their licences to serve. Should any previously unrecorded curate or schoolmaster present himself his name was duly entered in the call book with a marginal note that his credentials for serving in the parish be examined and a licence issued to him.

Clergy and churchwardens were then questioned on oath on the basis of the latter's 'presentment' – their written answers to the bishop's articles. What was the condition of the church fabric (the patron was responsible for the upkeep of the chancel), the state of the churchyard and of the 'parsonage house'? Did the parish have everything necessary for the proper conduct of holy communion – a chalice, a patten for the wafer-bread, a 'fair linen cloth' for the communion table? Was the parish register properly kept in the parish chest along with the chalice and patten? Was there, as directed in the royal injunctions of 1559, an English bible, the two books of Homilies and the *Paraphrases* of Erasmus?

So much for the bricks and mortar of parish life. What of its actual conduct? Most crucially, was the incumbent resident, and, if not, did he provide an adequate curate to serve in his stead? Were the prescribed quarterly sermons duly preached and, conversely, had any unauthorised preacher occupied the pulpit?

Beyond these routine but vital enquiries, the bishop's articles were partly dictated by his own proclivities and preoccupations. He might be concerned to know whether the youth of the parish were not only catechised but prepared for confirmation (though in truth we know little about confirmation at this period). Visitation articles pinpoint infinite variations on local concerns which by turns were religious, social and moral.

As the reign wore on, much more emphasis came to be laid upon strict observance of the Book of Common Prayer in all points. By the time of John Whitgift's appointment to Canterbury in 1583, the charge of 'ritual nonconformity' could ensnare any clergymen who had reservations about its doctrinal or liturgical provisions. Bishops of Whitgift's stamp were concerned above all to know whether they used the cross when baptising, insisted on the ring at marriage ceremonies and wore the surplice during divine service. Not all diocesans, however, were so prescriptive and might frame their articles with a 'get out' clause: did the incumbent *usually* use the surplice etc.? Thus, many puritan clergy were able to salve their consciences with promises of 'partial conformity'.

Once clergy matters had been dispatched, the court examined cases concerning the laity, and it was here that parish tensions could most easily show themselves. Churchwardens' presentments might be suspect on two fronts: a natural reluctance to incriminate friends and relations on the one hand; on the other, a chance to settle old scores and isolate those whom the parish elite considered to be undesirable

members of the community. Absence from church and, more particularly, from communion aroused suspicions of recusancy which in the last analysis might result in criminal prosecution. Disturbances in church or churchyard before, during or after divine service also attracted the court's attention, as well as seating arrangements within the nave and 'superstitious' ringing of bells. More serious were charges of holding or attending 'conventicles' – irregular religious meetings conducted either by laymen or else by unauthorised ministers. These raised the spectre of 'separatism', the ultimate threat to the Elizabethan religious establishment, which could tolerate a certain strain of 'moderate puritanism' but not the outright rejection of all directives concerning religious observance.

The churchwardens were finally expected to report any known sexual irregularities within their parish. Since many presentments were based merely upon rumour or 'common fame', the ecclesiastical courts came to be widely resented and dubbed 'bawdy courts'. Bridal pregnancy, adultery and 'whoredom' were the most commonly reported offences, homosexuality and incest appearing only rarely in the records. The former was virtually undetectable if the parties were discreet while incest seems not to have excited the horror and disgust which later generations increasingly exhibited towards it. (Indeed, the extent to which it has been tolerated or simply ignored within the 'nuclear family' was not properly understood until the 1970s.) Contemporaries were by contrast more aware than might have been anticipated of the dangers of venereal disease: even within marriage a man or woman might be accused of 'burning' his or her partner. Predictably, however, many of the churchwardens' concerns were as much practical as moral. Prostitution and the harbouring of unmarried mothers could lead to a burden on the poor rate. Spouses who lived apart might foment social discord within the parish.

#### THE AFTERMATH OF VISITATION

Once the bishop's officials had finished their work throughout the diocese the 'call book' was closed and an 'act book of office' created to take further cognizance of its scribbled memoranda. Thereafter, all parties involved in cases which the visitors elected to pursue were personally examined in the consistory court. The records of such proceedings are of great value to historians since they often preserve statements and depositions taken down verbatim: the closest we can ever get to an Elizabethan 'tape recording' and the rhythms of common speech. Many cases dragged on interminably, constantly prorogued or delayed by the non-appearance of the parties summoned. Others simply petered out for reasons unknown. The judge's canonical duty of reconciliation out of court probably accounts for many party-versus-party disputes; referral to a higher authority for some of those concerning the clergy.

Thus we finally reach the ecclesiastical courts' Achilles' heel: they possessed few powers of punishment and coercion, having no right to arrest or imprison. They might impose penance in church, before the whole congregation, particularly in the case of sexual misdemeanours. They could and did excommunicate for all offences, including failure to answer a summons, but such knee-jerk response to routine matters triggered widespread resentment as an unacceptable misuse of what was meant to be a solemn ritual. Judges were often thrown back on the ancient procedure known as 'compurgation', the bringing before them of 'honest' friends and

neighbours who duly swore on oath to the innocence of the accused. Obviously the process was open to flagrant abuse. Neither is it clear what further steps the judge was entitled to take if such abuse was suspected or effectively proven.

In such circumstances it is hardly surprising that, from the 1570s, there evolved a more draconian method of dealing with serious misdemeanours. The royal commissioners for ecclesiastical causes, appointed by letters patent, began sitting as a regular court, with rights of arrest and imprisonment in cases of recusancy and defiant nonconformity. 'High Commission' proved a deeply divisive innovation since it was in effect a kangaroo court, using the oath ex officio mero, by which the accused was expected to swear to tell the truth before he knew what charges were to be brought and was thus pledged to incriminate himself. This tactic was fiercely opposed by common lawyers, flying as it did in the face of the cherished English legal principle that a man was innocent until pronounced guilty by a jury. The High Commission was abolished by parliament in 1649 and – a disaster for historians – its records ordered to be destroyed. Like the outmoded, medieval tomfoolery of compurgation, its dubious legal procedures were not revived at the restoration of Charles II.

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