



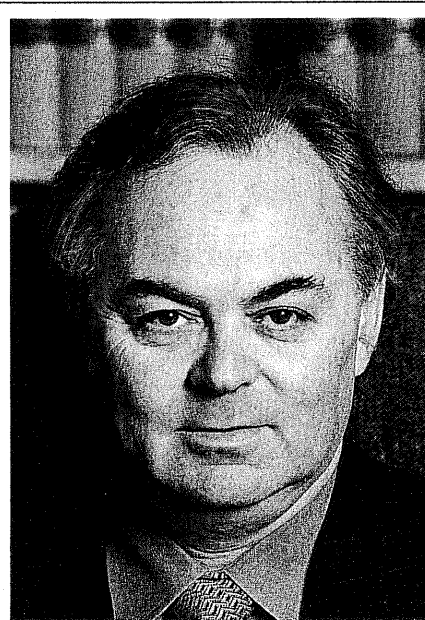
BECKET AND HENRY II: SELECT RUMINATIONS

*Address by The Honourable J J Spigelman
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to the St Thomas More Society
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The relationship between Henry II of England – warrior, Count, Duke and King – and Thomas Becket – clerk, Chancellor, Archbishop, martyr and saint – is a tale with heroic, indeed Homeric, qualities which has acquired the status of myth, a mother lode of parables for subsequent ages, each with their different pre-occupations. Century after century theologians, medievalists, constitutional lawyers, historians, poets and playwrights have returned to rework the original sources – which include no less than eight contemporary biographies and hundreds of letters.

Myth has bred myth: from the astounding fertility of Becket's shrine at Canterbury as a producer of miracles, to the apocryphal tale of Henry VIII disinterring Becket's remains and putting them on trial for treason, before spreading them to the winds and waters of reliquary oblivion. Even two years ago a new book appeared reinvestigating long lost legends as to the continued existence, somewhere in Canterbury Cathedral, of the bones of Thomas Becket.

For advocates of the English monarchy and effective centralised administration of justice, the stiff necked resistance of the Archbishop was treachery. For the religious, the same resistance represents the triumph of the spiritual over the temporal and martyrdom for the church. For the anxieties of a world after the pointless sacrifices of the Great War, T.S. Eliott



The Honourable J J Spigelman

found an ideal statement of the strength of spiritual belief in his play *"Murder in the Cathedral"* expressed in poetic form, save for the speeches of the assassins which are in prose. For Jean Anouilh, writing his play *"Becket"* in Nazi occupied France, there was the theme of resistance to foreign invasion based on the historically inaccurate description of Thomas, in a French biography, as a Saxon resisting the Norman King. In fact Becket was a Norman.

My own attraction to the close study of this period is based on a personal belief that if you try to read everything,

you will learn nothing. Accordingly, it is preferable to organise one's ignorance by investigating a particular subject matter in depth. Like others who have returned to the sources of this Homeric struggle between Archbishop and King, I too have been attracted by the thought that in history one can learn lessons for our own time.

One returns to the first centuries of the second millennium of the Christian era, a millennium which commenced on the 1st January, 1001. Those who propose to celebrate the end of the century and millennium on the 31st December of this year are, of course, proclaiming the twentieth to be the first century that consisted of only ninety-nine years. At the time of the creation of the *anno domini* system, by the sixth century monk, Dionysius Erguus – a rough translation of his name is "Dennis the Short" – the Arab mathematician who invented the zero had not been born, indeed would not be for several centuries. Accordingly 1 BC was immediately succeeded by 1AD and each century ended on the 31st December of the year ending with double zero.

So it was that when Australia became a federation on 1 January 1901 the slogan of the time was 'A New Nation for a New Century'. What has happened in this century is that people have got used to the odometer turning over in motor vehicles where one notices 999 becoming 1,000. We have come to

attribute a new kind of populist significance to the double zero.

I expect that on 31 December 2000 there will be a more muted celebration of the true new millennium, by a significant number of religious fanatics and a few pedants like me.

In the first centuries of this second millennium, the basic fault line of political life in western Christendom was constituted by the conflicting institutional imperatives of the Church on the one hand and secular rulers on the other. This has some similarities to the fault line of politics over approximately the last two centuries, which has been the conflicting institutional imperatives of the centralised state on the one hand and private organisations of various kinds, particularly commercial corporations on the other. In both of these periods, the pursuit of institutional self-interest was a mainspring of social action. Institutional loyalty was a primary social bond. It was so during medieval times and has become so again.

Institutions like individuals have a craving for self esteem. The personal imperative for prestige, recognition and freedom amongst individuals is reflected in institutional demands for autonomy. A preoccupation with institutional loyalties is present in all ages, but in some periods of history it proves to be more central to the issues of the time than in others. The salience of institutional loyalty is something which our own times share with the twelfth century.

Loyalty was the centre piece of the medieval moral framework. Loyalty which overrides all standards of ethical conduct. Loyalty which drove four knights to murder an Archbishop in his cathedral. This was just the kind of behaviour that aristocrats demanded and admired – indeed still demand and admire – from their underlings. They call it honour. On the other hand there was a loyalty of similar force based on the power of ideas and faith. Specifically, in the context with which I am dealing, the sense of loyalty demanded by an organised Church and

by the institutionalised component parts of that Church.

My approach to these issues is that of a secular historian. For those who regard this as inappropriate when dealing with the life of a martyr and Saint, I apologise in advance. It is the only perspective which I am capable of bringing to the events.

Any student of medieval society knows the significance attached to the institutional independence of the corporate groups in which that society was divided. A keyword of the contemporary rhetoric was “libertas” identifying the special rights and privileges of particular institutions. In a sense the Church and the various manifestations of secular authority were each claiming autonomy on their own part. The claim of institutional autonomy by the monarchy and by the Church, is the central theme of the conflict between Becket and Henry.

Over a period of two decades in the middle of the twelfth century a civil war had convulsed England, primarily because of the refusal by a group of barons to accept a woman as monarch. Matilda the daughter of Henry I and grand-daughter of William the Conqueror – so referred to by English historians but still, universally, referred to by French historians with affection as ‘William the Bastard’ – had been deprived of her inheritance by the House of Blois, which put King Stephen on the throne. Matilda abdicated her claim in favour of her son, Henry, product of her union with Geoffrey, Count of Anjou. Count Geoffrey had ruthlessly subjugated Normandy, on behalf of his wife’s claim to succeed her father.

After the death of his own son and heir, Stephen signed a formal treaty adopting Henry on terms that he would succeed as King of England on Stephen’s death, which occurred within a year. This marked a most extraordinary transition for Henry. The 17 year old Henry became Duke of Normandy on his father’s nomination in 1150, Count of Anjou on his father’s death in 1151, Duke of Aquitaine in 1152, by marriage within two months of

the day on which Eleanor of Aquitaine had, for failure to produce a male heir, been divorced by the King of France, and finally, King of England on Stephen’s death in 1154: Henry was 21 years of age.

As part of the peace settlement between Stephen and Henry it had been agreed that all castles which had been erected since the death of Henry I should be destroyed. The reference to the state of affairs at the time of Henry I appears in the young Henry’s actions for the first time. This was to be a central feature of his political rhetoric and programme for his reign. The basis of his legitimacy, and his political strength against the power which the usurper Stephen had obtained from incumbency, was Henry’s assertion of a direct and immediate succession to Henry I. Throughout his reign he continued to assert that the period of usurpation did not create rights enforceable by the barons against him. Nor, though he did not yet articulate it, would he accept the substantial expansion of what the Church perceived to be the rights it had acquired during those years. His rhetoric of restoration was repeated in countless charters, writs and letters as a hallmark, almost, of political obsession.

In the case of the castles described as “adulterine”, because they had not been legitimately licensed by Henry I, Henry was concerned with the practicalities of his future authority. Castles were the basic building blocks of secular authority. Such structures, of varying sophistication, enabled barons to assert independence from the King. A castle enable the castellan to control the surrounding countryside.

Henry’s first task as King was to ensure the full implementation of the treaty by which the barons had bound themselves to destroy or hand over castles. He did so much earlier than any of them could have expected. Even then, there would be 225 legitimate baronial castles against 49 of his own. A ratio of 5:1. Methodically, by continual expansion and improvement of Royal castles and by taking advantage of each domestic accident to remove or reduce

the fortifications of the barons, he and his sons were to reduce that ratio to about 2:1.

This perhaps more than anything else was the foundation of the expansion of Royal justice in England. It is in many ways the definitive measure of Henry's contribution to the development of the legal system. His first act as King was to identify precise time limits for the destruction of the remaining strongholds. He marched north to invest and attack castellans, some of whom had earlier been his allies. He obtained formal recognition that all fortifications were either his property or required his permission, in return for definite feudal services.

Henry II was a passionate man with boundless aggressive energy. He had one overriding passion and that was to control everything around him. His energy was single mindedly channelled into the exercise of power.

A King could do and say what he wanted, when he wanted. That was the ultimate freedom. He alone had it and he wanted everyone to know that he alone had it. Henry never tried to hide his incessant infidelities. He frequently abandoned both in public and private, any semblance of self-control, as his volatile temper flashed from an affable gentleness into an ungovernable blind rage terrifying all around him with blasphemous epithets. Whatever the context, whether trivial or profound, Henry wanted – needed – to be in complete control. This frequently led to carpet chewing rages of infantile self-indulgence.

As the generally admiring courtier Walter Map noted, when listing what he thought were Henry's few defects, Henry was "Impatient of repose, he did not scruple to disturb half of Christendom".

As one hostile, but grudgingly admiring eye-witness, known to historians as Gerald of Wales, recalled:

"He allowed himself neither tranquillity nor repose. He was addicted to the chase beyond measure; at crack of dawn he was off on horseback,

traversing waste lands, penetrating forests and climbing the mountain tops and so he passed restless days. At evening on his return home he was rarely seen to sit down either before or after supper. After such great wearisome exertions he would wear out the whole court by continually standing."

This stocky, barrel chested, bandy legged King continually paraded his considerable physical energy by making everyone keep up with his horsemanship and exploiting the etiquette which prevented anyone sitting unless he sat.

The social framework of the Middle Ages was constituted by a hierarchy of interconnected loyalties created by mutual oaths. Henry sought to create an identity between legitimate authority as stipulated in this framework and the realities of power exercised by physical coercion. Future historians would seek to portray his conduct as representing the interests of the people and of stable government. That was not his intention. He identified his person with the institution of the monarchy and the ultimate virtue was his own independence and authority. His autonomy was an end in itself, not some instrument for achieving the peace and welfare of others.

Henry II was one of the great legal innovators of all time. To understand how Henry's drive for power led to a transformation of the legal system, it is necessary to understand how medieval society was pervaded by a system of rules, not market exchanges. Indeed, its detailed regulation is replicated in the worst bureaucratic nightmares of our own century.

This was a rule which bound society down to the very lowest level. In the manors which were the basic farming units, the manorial courts created rules of considerable detail: for example, specifying the size of the loaves of bread which working villeins would receive for lunch or of the sheaves of corn which they would receive at the end of a working day; the amount of the fee payable if a villein's daughter wanted to

marry and of the fine if she were found to be unchaste; the right of a free meal for servants on the day of the lord's marriage; the gifts that had to be paid to the lord on stipulated religious feast days; the number of days a tenant was obliged to work on the lord's land; how many days he had to mow and carry hay; the area of land he had to plough, sow and harrow and whether or not he had to supply a plough and oxen; the precise amount of corn he must pay for the privilege of using the lord's monopoly over grinding and baking at his nominated mill and bakery; how many times he may have to move the sheep a year and how many days he must spend in washing and shearing sheep. One is reminded of the detailed manuals specifying entitlements in the contemporary welfare state.

Henry's power and authority as Count, Duke and King – and the wealth which brought him military strength – depended on an intricate web of overlapping powers, rights, and privileges and prerogatives. In England, the basic theoretical assumption was that the King owned all the land. He in fact kept direct control of a considerable proportion of England particularly in the area known as "forests", in which a separate, almost totalitarian, legal regime was in force, protecting his extensive property interests in farms and herds of animals as a royal larder, as well as the favourite royal sport of hunting.

In addition to the services, and fees in lieu of services which the King was entitled to receive from his tenants in chief for the land, he permitted them to occupy, the King had a range of rights which entitled him to the profits of land during vacancies – such as before the confirmation of a successor or during the wardship of a minor. This extended to the properties held by the senior ecclesiastics, including the Archbishop of Canterbury. This gave him, of course, a vested interest to delay as long as possible the appointment of any successor to an office particularly, as under the reform papacy, archbishops and bishops, unlike secular barons, were

not themselves entitled to pay key money to hasten an appointment.

In addition the King had a right to consent to certain acts – for which a fee, generally called a “relief”, could be charged. This included the confirmation of heirs to a deceased estate; the marriage of a widow or single heiress or of a ward. Furthermore there were the profits of justice – yes, they were profits in those days – including fines, forfeiture of the estates of convicted criminals, fees of elastic size for providing a forum at all, and for “amercements” – i.e. payment for the King’s mercy – perhaps for failing to perform some public duty like apprehending a criminal, at other times for a breach of a private duty, like taking a wife without permission but often, for merely displeasing the King. Every year a flow of payments were recorded in the Treasury for matters such as this: “for having the King’s benevolence” or his “love” or his “peace” or his “favour” or that “the King’s anger may be allayed” or “abate” or be “put aside”. Henry’s fits of temper were a major royal profit centre.

At every point in the feudal system, there was a detailed list of services and obligations – many of which were commuted for cash payments. These were not only at the level of the monarchy. They were reflected right down through the feudal hierarchy. A bewildering variety of services in addition to or in lieu of a stipulated annual rent were attached to particular grants of land or leases; to feed the animals near the King’s hunting lodge at Woodstock; to keep a certain number of falconers during the mewing and moulting season and deliver them to the King when ready to fly; to provide the King with a meal of roast pork when he hunted in a nearby forest; to supply a new tablecloth worth three shillings at Michaelmas; to supply a pair of scissors at Christmas; to rear one puppy a year for the King; to carry the King’s banner when he visited the area. Nothing was too detailed for specification. Upon the solemn royal crown wearing of Christmas day, Rolland, the tenant of

Hemingstone in Suffolk, was required to attend at court and perform – as the rhythmical Latin of his formal deed of title recorded – “Unum saltum et siffletum et unum bumbulum” namely he was obliged to make ‘a leap, a whistle and a fart’.

The complexity and detail of these arrangements – most of which have implications for the King’s revenue – makes even the *Income Tax Assessment Act* look simple. To maximise the value of all of these various rights and prerogatives required an acute legal mind. This was Henry’s greatest strength. As one of his contemporaries said, Henry was a “subtle devisor of legal processes”. This is an understatement. The writs that he issued are the foundations of a centralised system of royal justice of which we are the beneficiaries to this day.

In such a rule-bound society Henry’s preoccupation with legal detail was the essential foundation of his success. His acute sense of his own position transformed his sense of personal honour into an almost oriental concern with “face”. Perhaps more appropriately – given the Norman heritage of Sicily and southern Italy – a mafia like preoccupation with “respect”.

Henry was never more generous than when others gave him complete face or respect or honour in acknowledgment that he was not beholden to any other person. He reserved his greatest wrath for anyone who seemed to question his authority in any way. This was the case during the conflict with Becket.

Becket’s advancement in the world came about under the personal patronage of Theobald, his predecessor as Archbishop of Canterbury. Theobald was born in the Norman town of Thierville, where Thomas Becket’s father was also born. Theobald had spent the entirety of his adult life in the piety of the Abbey of Bec, four miles from Thierville. That abbey, deliberately located in difficult terrain in the Risle Valley of Normandy, had attracted as its first prior one of the most cultivated ecclesiastical lawyers of the time, the Italian Lanfranc. The school

he established at the abbey rapidly acquired a reputation throughout Europe attracting patronage as well as numerous monks.

The abbey prospered with its Norman sponsors. Lanfranc became Archbishop of Canterbury after 1066, the most powerful figure in England after William the Conqueror himself. The second Abbot of Bec, St Anselm, the dominant theologian of the age, indeed one of the greatest of all time, became Lanfranc’s successor as Archbishop.

Becket joined the personal staff of Theobald as a strapping young man in his early twenties with some education and with experience – unusual for a cleric – in the world of commerce. His particular skills, and quite probably his attractiveness to Theobald, lay in his administrative and financial experience. Becket had been employed as a clerk by a London merchant who relished in the name, Osbert Huit-Deniers or “Eightpence”, in what is recognisable as a rudimentary kind of bank.

Becket’s background in practical affairs is referred to by all his biographers, but not even the most devoted of his biographers attempt to portray him as having an interest in matters of theology or any other form of intellectual activity. Plainly he was intelligent, quick witted and had an extraordinary memory, this is the unanimous opinion of his biographers. However, he was never interested in ideas.

His basic education was at Merton Priory, south of London near contemporary Wimbledon. This was followed by study in Paris at its nascent university and, later, Theobald sent him to the law school at Bologna. He was in Paris at the time of Abelard – an outstanding mind and an early example of the Parisian tendency to treat intellectuals as stars. He went to Bologna at the time of Gratian – one of the greatest legal scholars of all time. There is no record that Becket sought out either Abelard or Gratian or was interested in anything they had to offer. Becket’s time in Paris, according to his

biographers, was spent in boisterous undergraduate dissipation, including participation in the aristocratic blood sports of hawking and hunting.

Within the Archbishop's household, Becket attracted the particular patronage of Theobald's brother, Walter, probably because he worked directly with him in administering the Archbishop's estates. No biographer suggests that Becket made any contribution to the Archbishop's spiritual, educational or charitable functions.

Walter held the office of Archdeacon of Canterbury, the superintendent of the hierarchy of rural deans and parish clergy throughout the diocese. For purposes of administration, the archdeacon was the Archbishop's deputy and alter ego, administering the estates and collecting the fees. The archdeaconry, as a formal office, had its own synod and court for resolving disputes. There were rules of custom as to the proportion of synodal dues or chrism fees or profits of the ordeal which an archdeacon could keep and the proportion he had to pass on to his bishop or archbishop. The income of the Archdeacon of Canterbury was estimated to be 100 pounds a year, which made him a very rich man indeed.

Becket's intelligence and organisational skills marked him for promotion. Theobald took him to witness the workings of the Church at its highest level at the Council of Rheims in 1148. This was an important experience which requires a separate paper. In 1151 Theobald entrusted to Becket the sensitive task of a mission to Rome to forestall the anticipatory coronation by Stephen of his son Eustace as King of England.

Notwithstanding what appears to be defects of his early education including imperfections in his Latin, unfamiliarity with the intellectual intricacies of theology and his need for catch-up schooling in law, Becket proved a skilled negotiator. His intelligence, wit, eloquence — notwithstanding an engaging slight stammer — personal vivacity and ingratiating manner is attested by all his contemporary

biographers. His bearing — handsome, unusually tall, with even features and a slightly aquiline nose — combined with these personal characteristics to make him a pleasant companion, so desirable a quality in a diplomat or a courtier.

Eventually Becket was himself appointed Archdeacon of Canterbury. The position of archdeacon was no role for a sensitive theologian or of a monk preoccupied with salvation. Archdeacons were generally regarded as worldly and mercenary. Theologians of the era debated the ironic question "Is it possible for an Archdeacon to be saved?" One anxious cleric refused appointment as Archdeacon because he feared the temptation of accepting an office with a vested financial interest in the multiplication of sin. Henry II would later voice the common opinion when he complained to Theobald that the archdeacons of England extorted more from the people than he himself could collect in taxes.

Later when an avaricious cleric used Becket as an example to justify taking money from sinners for the computation of penance, the exasperated Bishop declared, "Believe me, it was not that which made him a Saint!" It is no accident that his contemporary biographers do not dwell on Becket's role as archdeacon.

Combining administrative and judicial functions, the archdeacon represented the Bishop in numerous delegated functions: holding courts and synods, going on visitations, searching out married clergy, collecting fines, fees and tithes. Sometimes this was done like tax farming in the manner of the rural office of sheriff — namely paying a fixed annual amount to the bishop or archbishop and keeping anything that could be collected over and above that. Today, this old tradition of tax farming would be called "privatisation".

Theobald had formally consecrated Becket as a deacon prior to his appointment to the archdeaconry. He was then prohibited — as he had not been as a mere tonsured clerk — from pursuing activities inconsistent with that status, such as marrying or bearing

arms. However he had still not heard a call for a vocation as a priest. That call, with its additional restraints, would not come until the time of his appointment as archbishop.

Becket was a practical man of the world with real knowledge of administrative requirements. Immediately upon the coronation of Henry II, Theobald urged the new king to appoint Becket as his Chancellor. That occurred. Becket did not however surrender the other appointments he held at Canterbury including the archdeaconry and a number of other specific appointments together with the profits they brought him.

There can be no doubt that Becket's appointment was in part due to the new king's need for the Church's goodwill, particularly that of Theobald, at a time when his authority in his new kingdom had yet to be established on a firm footing. He was about to launch his attack on the adulterine castles.

The appointment was a triumph.

A close personal bond was quickly created between Henry and his Chancellor. In his play, *Becket*, Jean Anouilh captured the easy, almost fraternal, amity between them, to which all the contemporary biographers testify, as follows:

Becket: I received two forks —

King: Forks? —

Becket: Yes it's a new instrument a devilish little thing to look at — and to use too. It's for roning meat and carrying it to your mouth. It saves you dirtying your fingers —

King: But then you dirty the fork? So are your fingers. I don't see the point.

Becket: It hasn't any practically speaking. But it's refined, it's subtle, it's very un-Norman.

King: You must order me a dozen! I want to see my great fat barons' faces at the first court banquet when I present them with that. We won't tell them what they are for. They won't make head nor tail of them! I bet they'll think they are a new kind of dagger."

Becket emerges as the King's closest confidante and friend at court, not

merely an adviser but a daily companion. They shared a mutual passion for hunting and hawking. Henry was fluent in a number of languages including Latin and, even more unusually for an aristocrat of that time, was even known to read books. The King and his Chancellor even enjoyed what was then regarded as the somewhat raffish game of chess, when the moves of bishops, knights and castles had layers of meaning long since lost and in the words of a contemporary chronicler: *"Where front to front the mimic warriors close,
to check the progress of their mimic foes."*

The relationship was not such as to prevent Henry, on numerous occasions making sure that everyone knew who was boss, including his closest associate Becket.

Later, after the breakdown of their relationship at the moment of a formal reconciliation, Henry's spontaneous outburst revealed his greatest hurt. According to the chroniclers he said: "Oh, if you would only do what I wish." It was almost a cry of pain.

As long as he was Chancellor, Becket did precisely what Henry wished. Becket understood from the closeness of their relationship and by witnessing a myriad of examples of Henry's preoccupation with his own authority, that it would be suicidal to challenge Henry in any way which questioned his ability to freely exercise his will or pursue his own interests as he saw them. When he did so as Archbishop, he knew what to expect.

In the time available to me this evening, it is only possible to give one example. One of the first tasks Becket had to perform as Chancellor involved a conflict of interests between the King and the Church, including Archbishop Theobald. This concerned a jurisdictional conflict over Battle Abbey.

For his victory at the Battle of Hastings in 1066 and in penance for the slaughter, William the Conqueror established an abbey and ordered that the altar stone be laid at the very spot

that Harold fell. Battle Abbey was a sacred site in both a secular and theological sense. It was the Norman cenotaph.

By reason of its unique status as a Royal chapel – like Westminster Abbey – it laid claim to unique privileges, particularly in the form of exemption from control of the local bishop, the Bishop of Chichester. Its claim was based on the circumstances of its creation. It asserted that William as its founder had expressly preserved its independence from episcopal control.

Whether or not a secular ruler could, even by means of a foundation grant for the creation of a religious institution, alter hierarchical relationships within the Church, engaged one of the most important political issues of the time. This is sometimes described as a conflict between Church and State: somewhat anachronistically because the word State does not accurately describe the network of interconnecting mutual rights and obligations upon which secular authority was based. Nevertheless the terminology is convenient.

The claim that such exemption could be given by a lay ruler was entirely inconsistent with the agenda of the reform papacy of the eleventh and twelfth centuries.

There were practical matters involved as well as the principle of autonomy. If the abbey were subject to supervision by the archbishop then it had to attend his court and synod, paying the synodal fees. It also had to provide hospitality to the Archbishop and his entourage wherever he paid a visit.

In the context of the hiatus in secular authority during the reign of Stephen, Hilary, the Bishop of Chichester asserted his authority over Battle Abbey. He excommunicated the Abbot for failure to obey his orders.

The Abbot of that time was a Norman of impeccable heritage. Walter de Luci was the brother of Richard de Luci, a knight who had acquired significant estates in the service of Stephen. Under the truce between

Stephen and Henry, Richard was the custodian of the key castles at Windsor and the Tower of London, to ensure the succession of Henry. At the time of the truce Archbishop Theobald, had to direct Hilary to lift the sentence of excommunication so that Walter, together with all the other Normans who owed an oath of fealty directly to the King for the lands which they held of the King, could renew their oaths in person before Henry and ensure the succession that had been agreed.

The detailed house history kept by the monks of the Abbey, known as the "Battle Chronicle", described Walter as "standing manfully firm to preserve unharmed the treasures of the Church, its lands, liberties and royal customs". Walter relied on a formal charter which purported to be issued by William, together with confirmatory charters in the names of his successors, William Rufus and Henry I. Notwithstanding the assertion of their veracity in the Battle Chronicle, it is quite likely that the charters were forgeries. They had first emerged at a conference in the Royal Chapel of the White Tower in London attended by King Stephen and a group of loyal Barons and ecclesiastics. No-one had apparently heard of them until then. Not even the Battle Chronicle suggests that they had. Their existence is probably inconsistent with the profession of obedience which Walter de Luci himself had made to the Bishop of Chichester upon his appointment to Battle Abbey.

These charters were probably concocted in an active copying centre at Westminster Abbey which, having made its own matrices of the seals of Edward the Confessor and William I had provided a stream of writs and charters for abbeys at Coventry, Gloucester, Ramsay, Bury, St Peters of Ghent as well, of course, for itself.

Forgery was a well established tradition of the era. Monasteries were notorious throughout Europe for practising forgery when it suited them. No doubt it was believed that these documents merely provided documentation for an actual event which

had, 'or should have, occurred but for some reason was negligently conveyed only in oral form or, even worse, had been left to implication.

When arranging a forgery to establish what was no doubt a genuinely held oral tradition of their exceptional status, the monks of Battle Abbey stood in a well established tradition. Their in-house history, the Battle Chronicle, proclaimed:

"Christ did not suffer His Church to be bereft of its ancient and just privileges, but at an appropriate time, by His watchfulness He renewed them stronger than ever before."

To say the least, this is an odd way to describe a jurisdictional conflict between a group of monks on the one hand, and an archbishop and bishop on the other.

Shortly after the Coronation of Henry II, Abbot Walter forwarded the charters to the new King and sought their confirmation by a fresh charter. Henry was not then in a position to act. His authority was not entirely secure after so many years of civil war. He was not prepared to offend the Church.

The Norman nobility undoubtedly supported the Abbey not least in the persona of Richard de Luci, Stephens former right hand man, appropriately called "The Loyal One", whom Henry had just appointed co-justiciar of England, the Crown's most senior administrative post. The critical task for Henry was to confirm his actual authority over the group of regional war lords who had consolidated contiguous areas of territory over which they ruled. The adulterine castles had yet to be suppressed.

The claims of the Bishop of Chichester were supported by the official hierarchy of the Church and, in particular, by Archbishop Theobald of Canterbury. The ideology of the reform papacy rejected such lay interference in the internal affairs of the Church. Furthermore, the Archbishop of Canterbury had a direct interest in ensuring the claims of his own Bishop, who reported to him. Finally, Theobald

himself was engaged in a longstanding conflict of a similar character with the monks of St Augustine's Abbey in Canterbury itself. When the issue of Battle Abbey arose, that conflict had not been resolved.

England was unusual in that some English cathedrals were manned by monks, clergy called "regular" because they lived by a "rule". Christ Church in Canterbury, which was attached to the Cathedral made it one of those cathedrals. A longstanding conflict existed with the neighbouring monastery of St Augustine's, located just outside the Canterbury city walls. It was of course St Augustine who, as a monk leading a band of monks, had executed the mission to convert the heathens of what became known as England.

The celebrity of St Augustine's was based on its relics. St Augustine's body, entombed within the Abbey, was, at that stage, of infinitely greater significance to pilgrims and others than anything which Christ Church or the Cathedral could offer.

Other Abbeys had local patron Saints, such as the Santo in Padua, St Zeno in Verona and St Appolinaire in Ravenna – this was St Appolinaire in Classe, not St Appolinaire Nuova, the former being determined, in a bitter arbitration, by Pope Alexander III to be the true resting place of St Appolinarius. These abbeys were regarded as more sacred edifices than the Cathedrals in their city, and many still are. St Augustine's would remain such, until completely overshadowed by the shrine of St Thomas at Christ Church.

The early Archbishops of Canterbury, many of whom became saints, were buried in St Augustine's rather than the Cathedral – until the ninth Archbishop, Cuthbert, having negotiated the secret permission of the Pope and the King of Kent, directed his remains to be interred in his own Cathedral and that his death be kept a secret until after his burial. Foiled by what they regarded as a conspiracy, on the death of the next Archbishop, the Abbot of St Augustine's tried to storm

the Cathedral at the head of an armed mob but was repulsed.

Throughout Europe there were abbeys which had acquired institutional freedom from the supervision of the Bishop, by asserting a direct, unintermediated subjection to the Pope himself. This was a privilege which successive Popes were not reluctant to grant.

St Augustine's sought to acquire such independence for itself. After all, its Abbot ranked second only to the Abbot of Monte Casino in the Benedictine order.

Theobald became involved in a long legal battle when he attempted to enforce the annual dues which, according to Canterbury tradition, were owing by the Abbey to the Archbishop: two pounds ten shillings and seven pence in cash; two rams; 30 small loaves; two and four units of mead and one of beer. This aspect of the conflict was settled when the monks assigned substantial property to the Archbishop to remove this annual reminder of their bondage.

During Stephen's rule, various aspects of St Augustine's had been conducted in defiance of Archbishop Theobald's instructions. He excommunicated the second and third ranking officers in the hierarchy, the prior Sylvester and the sacristan. Theobald won this case in Rome. Sylvester and the other defaulting officers had to publicly confess their sins and endure a period of humiliation and penance. However, when Sylvester became Abbot, he refused to swear, as all of his predecessors had done, "Canonical obedience in all things" to Theobald and his successors. It took Theobald six years and numerous appeals to the Pope, before he obtained an order that Sylvester make the traditional promise. This issue had not been resolved when the jurisdictional conflict over Battle Abbey erupted. Theobald shared the belief of the Bishop of Chichester of the importance of maintaining the hierarchy of the Church.

When Walter de Luci first raised the alleged charters with Henry II,

Archbishop Theobald appealed to the King not to confirm the charters by reissuing them. He said, according to the Battle Chronicle:

"The King ought not to allow the Church of Canterbury, the mother of all England and the authority by which the King himself had been crowned and the church of Chichester, its suffragan, to be despoiled of liberties and privileges held from ancient times, merely for Battle, a church of no such authority or rank."

This was a direct challenge to the great significance the Norman nobility attached to the Abbey. There can be little doubt that Henry made it clear to the de Luci brothers that as soon as he felt able to stand up to the Church, the Abbey would have its charter.

Within days of the formal submission by the last recalcitrant northern baron on 7 July 1155, at a full assembly of Bishops and Barons at the site of the siege, Henry gave Walter de Luci his charter.

Henry of Chichester had not given up. He approached the Pope who summonsed Walter de Luci to come to the episcopal centre at Chichester to receive orders from the Pope himself. Walter replied with a series of qualifications unknown to the canon law:

"He would obey in all respects, saving the honour of the Lord Pope, his fealty and honour of his own Lord King, his own person and his order and saving the rights of his Church."

The phrase "saving his order" was a phrase which Becket would himself use to Henry and which would trigger the crisis between himself as Archbishop and the King. Walter de Luci's qualifications were particularly fulsome. They were those of a man who was confident of his supporters.

Henry decided to put an end to the dispute once and for all. He called a full council of archbishops, bishops, earls and barons for May 1157. A few days before the formal council was due to commence in Colchester Abbey, Henry summoned a group of Battle Abbey supporters to a secret preparatory

meeting: the Abbot, his brother Richard de Luci, Becket and a few close confidants. At this meeting, Becket took the King through the various charters, including a new version of William's original charter which had just been "discovered". It bore the "signature" of the Bishop of Chichester of the day. At an earlier time Hilary had pointed out the absence of any such acknowledgment by any of his own predecessors in the copies of the charters shown to him. That problem had been overcome.

One of the issues to be discussed was the fact that upon his succession as Abbot, Walter de Luci had made a formal profession of obedience to the Bishop of Chichester. According to the Battle Chronicle, a biased but, as far as one can tell, not inaccurate source, Henry responded:

"Profession is not against the privileges of Churches. For those who make profession do not promise anything beyond what they ought."

A flexible doctrine indeed designed, as so many of Henry's positions were designed, to maximise his own flexibility in all circumstances. He of course had to make such professions to the King of France as a Count and a Duke. During the course of this preliminary meeting, Richard de Luci forcefully put the Norman case:

"This Church should be elevated to the highest rank by you and by all us Normans. For there the most noble King William by God's grace and with the aid of our kin, won that by which you hold the Crown of England at this very moment in hereditary right and by which we have all been enriched with great wealth. We therefore pray your clemency to protect this Church and its privileges and exemptions with the hand of your authority and to command that it, with all its possessions, be free."

Henry made it quite clear that he had made up his mind to do just that.

When the formal trial convened at Colchester Abbey a few days later, Hilary and his key supporters, like Archbishop Theobald, were taken by

surprise by the determination of the King.

Hilary chose to give the King a lecture on the ideology of the reform papacy. According to the Battle Chronicle, he said:

"Jesus Christ our Lord has established two abodes and two powers for the governments of this world: One is the spiritual, the other the material. The spiritual is that to which our Lord Jesus Christ referred when He said to our first shepherd the Apostle Peter and through him, to all his disciples and successors, 'You are Peter and upon this rock shall I build my Church'. As a result the Church of Rome, marked out by the apostolate of the Prince of the Apostles has achieved so great and so marvellous a pre-eminence world wide that no Bishop, no ecclesiastical person at all may be deposed from his ecclesiastical seat without its judgment and permission."

Hilary invoked the doctrine by which each Bishop could trace his authority by a direct line of succession back to the sacred powers conferred by Christ on each of his twelve Apostles. This is the most successful direct lineage of institutional legitimacy that the world has ever known, with the possible exception of the Chinese imperial tradition.

Henry reacted with his usual undisciplined anger to the suggestion that his authority was in any way limited. In response to Hilary's assertion that no ecclesiastical person may be deposed from his ecclesiastical seat, Henry said, "Very true a Bishop may not be deposed". However, gesturing with his hands he added, "But see, with a good push he could be ejected".

Ignoring what the Battle Chronicle describes as "universal laughter", Hilary pressed on:

"It is impossible for any layman, indeed even a King to give ecclesiastical privileges and exemptions to Churches and ecclesiastical authority shows that it is impossible for those arrogated to them by laymen to be valid except by the"

permission and confirmation of the Holy Father by the laws of Rome."

Henry responded in fury:

"You are plotting to attack the royal prerogative given to me by god with your crafty arguments. I command that you undergo just legal judgment for presumptuous words against my crown and royal prerogative."

Becket assumed something of the role of a counsel assisting the Court. He reminded Hilary of the oath of fealty he had taken to the King and said, "You should therefore be prudent", by way of warning.

Then Walter de Luci played his trump card. He presented the new copy of William's charter which purported to be sealed by Hilary's predecessor as Bishop of Chichester. Hilary pointed out that he had never seen or even heard of the charter in the years of disputation.

Becket was called upon to reply to Hilary. He described Battle Abbey as "The King's own chapel" and proceeded on the assumption that the charters were genuine.

At this point a crucial moment in the trial occurred. As I have mentioned the Pope himself had issued a direction to the Abbot to present himself at Chichester and accept the authority of the Bishop. Appeals from any part of the English Church to the Pope, which

occurred without the King's consent, were plainly regarded as a fundamental challenge to the monarch's authority. Indeed in the previous year in the context of the claim for exemption by St Augustines, Pope Adrian, the only English Pope, had accused Archbishop Theobald of conspiring with Henry to "bury appeals to Rome".

Becket directly challenged Hilary on this question of the appeal to Rome and the way in which the papal order had been implemented by officers of the Archbishop when they refused the request for a delay by the Abbot of Battle. Becket is recorded as saying:

"Your clerks kept demanding from him things that were against the royal prerogative. The Abbot prayed that they give him a delay so that he might go to our lord King and hear his advice and his wishes in the matter. They refused and he was unable to get his delay."

At this point, Henry, menacingly demanded to know whether Hilary had procured the papal letter. Perhaps realising the debate was over, Hilary denied it, on oath – to everyone's astonishment. Theobald, according to a malicious aside by the chronicler of Battle, crossed himself.

The King's determination was plain. Theobald made one last effort to obtain a face saving formula which

acknowledged the independence of the Church. He asked the King:

"May Your Excellency command us to reconsider what should be done about this and settle it by the judicial method of Church custom."

Henry replied emphatically:

"No. I shall not command it to be settled that way by you. I shall put a proper finish to it in your company and having taken counsel about it."

After lengthy discussions, Hilary capitulated. He renounced his claim which meant there could be no appeal to Rome from this decision. Archbishop Theobald ratified the agreement both as archbishop and papal legate.

Henry made it quite clear that he was prepared to exercise his authority over the English Church and would not tolerate claims to independence based on the superior status of the papacy. He was determined to restrict the Pope's claim to exercise a legal jurisdiction within his kingdom.

The principles of the independence of the Church enshrined in the canon law were regarded by Henry as an affront to his own status. When, in the years to come, Becket sought to draw on those principles, he knew that this was not a matter on which Henry was likely to compromise.

2000 ANNUAL GENERAL MEETING

Dear Member,

You are cordially invited to attend the 2000 Annual General Meeting of the Society. Arrangements are as follows:-

DATE: Wednesday, 25 October 2000.

MASS: To be celebrated at St Mary's Cathedral, Sydney at 5.30 p.m.

MEETING: The University & Schools Club,
60 Phillip Street, Sydney
Pre-Dinner Drinks – 6.15 p.m.
Annual General Meeting – 6.45 p.m.
Dinner – 7.30 p.m.

GUEST OF HONOUR: George Weigel

TOPIC: POLITICS AND THE CATHOLIC
CHURCH – THE LIMITS OF
ENGAGEMENT

PRICE: Dinner \$70.00 per person.

Andrew O'Sullivan, Secretary

EMAIL: <http://stmsociety@ozemail.com.au>

WEBSITES: <http://www.stms.com-au.com> or <http://www.stms.f2s.com>

SHAKESPEARE, CATHOLICISM AND ST THOMAS MORE

Expanded Version of an Address to the St Thomas More Society, Sydney:

Patronal Feast Day Meeting, Tuesday 22 June 1999

Colin H. Jory

A. INTRODUCTION

I want to start by thanking the St Thomas More Society, which so admirably represents the Catholic legal community, for inviting me to give this address; and to thank you for several reasons.

Firstly, it is most reassuring, and unusual, in these final years of the twentieth century to find an Australian Catholic lay society flourishing, and to be welcomed into its midst.

Secondly, I am indebted to the Society for motivating me to read again that splendid 1935 volume, R.W. Chambers' *St Thomas More*; and to proceed from there to a great deal of related reading. Doing so, as this Society above all will appreciate, has been not only enlightening but spiritually reinvigorating.

Thirdly, the researches which I have done in consequence of the Society's invitation have, I believe, deepened my appreciation of Shakespeare's religious consciousness.

Shakespeare and Lancashire

I will begin my narrative not in the past, nor even in the present, but three weeks in the future.

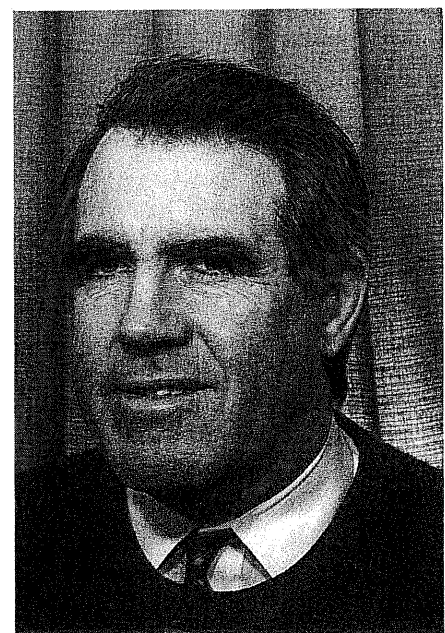
There is scheduled for 12 July this year, at Lancaster University, an academic conference on the theme, "Lancastrian Shakespeare: Religion, Region, Patronage and Performance". Now, this might seem about as potentially exciting as a conference on "Shakespeare and Kakadu"; however, the title is actually in code. The key to that code is the fact that "Lancastrian Shakespeare" means one thing only in Shakespeare academia, and that is "Shakespeare and Catholicism" — because the known and surmised connections between Shakespearean and Lancashire are virtually all Catholic

connections, direct or indirect.

A major inspiration behind the Lancaster Conference is Professor Richard Wilson of Lancaster University, an adventurous scholar who has shown that a long-recognized possibility — that Shakespeare as a youth spent time in the household of the Lancashire Catholic magnate Alexander Houghton, at Houghton Tower — is in fact a probability, and a probability of great significance. An article by Professor Wilson on this theme in the *Times Literary Supplement* of 19 December 1997 gained worldwide attention, and was reported in several Australian newspapers.

I suspect that the Lancaster conference — which unfortunately I shall not be able to attend — will be a watershed in Shakespearean studies. As best I am aware, it is the first prestigious, secular academic conference to be dedicated to the *de facto* theme of Shakespeare and Catholicism; and simply by being held it will, I hope, end one of the most tenacious taboos in academia — the taboo against mainstream scholars' confronting the powerful evidence that Shakespeare was born, lived and died a Catholic. Over the past half-century many excellent books have argued persuasively the case for Shakespeare's Catholicism; but these have predictably been disregarded or sniffily disdained by the Shakespearean "Establishment". I know that the authors of two such books, Father Peter Milward, SJ, and Ian Wilson,¹ have delivered well-received papers in Sydney under the auspices of this Society — the latter speaking last year about his world-famous investigations into the Turin Shroud.

We shall find that Shakespeare's Catholicism goes a long way towards explaining his perspective on Sir Thomas More. As an aside, however, it



Colin H Jory

should be noted that More was a hero not only to Catholics but to ordinary, religiously conformist Londoners; and that he even had grudging admirers among the anti-Catholic Protestant elite. Thus in 1584 John Aylmer, the Bishop of London and the dominant figure in the Commission for Causes Ecclesiastical — the so-called "Court of High Commission", which was in effect the Elizabethan Inquisition — declared in a public sermon that —

*it was commendable for noble men and gentlemen, and a great furtherance to the love of religion, to be devout: he brought an example of Sir Thomas More, a man for his zeale (saith the bishop) to be honored, but for his religion to be abhorred.*²

Since many here might be unaware of the evidence for Shakespeare's Catholic upbringing and convictions, I shall now present the most telling of that evidence. I shall do so because, as I

have indicated, one can only appreciate Shakespeare's perspective on St Thomas More if one appreciates his perspective on Catholicism, and his perspective on his own vocation as a Catholic, counter-Reformation dramatist.

B. THE SHAKESPEARE FAMILY'S CATHOLICISM

John Shakespeare's Spiritual Testament

On 27 April 1757 a bricklayer, Joseph Moseley, was replacing the roof-tiles on the house of Thomas Hart in Henley Street, Stratford-on-Avon, when he discovered beneath the tiles, evidently in a hiding-hole (which is presumably still there),³ a handwritten, itemized testament of Catholic faith, signed at each item by John Shakespeare (as "John Shakspear"). The document comprised five pages of an original six, stitched together; and the articles were numbered to fourteen. However, because the first leaf was absent, the first two articles and part of the third were missing.

John Shakespeare, glover, whitawer (that is, dresser of fine leathers), illegal wool-trader, illegal investor in others' illegal wool-trading, landowner and alderman, was the father of William Shakespeare; and the Hart house was William's birthplace. The dramatist's sister, Joan, had married William Hart; and Thomas was their direct descendant.

The text of John Shakespeare's "Spiritual Testament" was published by the first of the great Shakespearean scholars, Edmund Malone, in his 1790 anthology, *The Plays and Poems of William Shakespeare*. This is fortunate, since the original document was subsequently lost. Malone, however, came to believe that the Testament was a forgery, mainly because the script and the spelling seemed to him to belong to the time of Charles I. However, in the 1920s the document's authenticity was proved by the distinguished English Jesuit scholar, Father Herbert Thurston, who discovered that it was an English version of an original written by

Cardinal (later Saint) Charles Borromeo, Archbishop of Milan — evidently as a devotional aid for that city's Catholics during the plague outbreak of 1576-77. Copies had been brought to England in 1579 by the two famous Jesuits, Fathers Robert Parsons and Edmund Campion; and the document's popularity is indicated by the fact that in 1581 Father Parsons wrote to Dr William Allen at Rheims requesting "three or four thousand more of the Testaments for many persons desire to have them".⁴

Since both of the Jesuits passed near to Stratford on their missionary journeys; and since both stayed with Edmund Arden of Park Hall and his family,⁵ the genteel relatives of Shakespeare's mother — who had been born Mary Arden — it is probable that John Shakespeare obtained his copy of the Testament through the Arden connection.

The Shakespeares' Financial Self-Protection Measures

The fact that John Shakespeare accepted, signed and retained a copy of Borromeo's Testament of the Soul at a time when discovery by the authorities that he had done so would have resulted in severe punishment, shows that the Shakespeare family was not merely casually Catholic but zealously so. This is all the more obvious when it is realised that since the mid-1570s the anti-Catholic persecution had been steadily intensifying, with the most dramatic sign that a new phase of oppression had started having been the execution in 1577 of Father Cuthbert Mayne — the first Catholic martyr of Elizabeth's reign.

Because of this perilous turn of events, John and Mary Shakespeare, like committed Catholics throughout England, had begun during the late-1570s to reorganise their lives and financial affairs in ways intended to minimise their vulnerability to the persecution.

Evidence of this has survived in the form of legal documents concerning two

unusual contracts into which the Shakespeares entered in November 1578, in relation to their landholdings at Wilmcote, in the parish of Aston Cantlow near Stratford.

The first contract was signed on 11 November 1578; and, although it has not survived, most of its terms were registered in the roll of the Court of Common Pleas early the following year. It installed Thomas Webb and Humphrey Hooper as joint tenants of an 86-acre Wilmcote property of the Shakespeares' for just under 23 years; and it prescribed that in return, as the sole payment required of them, they were to sub-lease the property to George Gibbs for the last 21 of these years for an annual rent of four bushels of wheat and four bushels of barley. Without doubt there were linked, confidential terms which were not included in the public record, but which bound Gibbs to make regular payments to the Shakespeares — probably under the guise of loan repayments. However, the terms registered publicly would have ensured that if the government seized the property, it would have been unable lawfully either to evict the tenants and sub-tenant, or to extract any rents from them, until 1601.⁶

Four days after signing this contract with Webb and Hooper, John and Mary Shakespeare signed a similarly devious contract with Mary's brother-in-law, Edmund Lambert, in relation to a holding of 44 acres. Again, some terms of the contract were recorded on the roll of the Court of Common Pleas; and again, other terms were kept confidential. The publicly registered terms made it seem that Edmund Lambert had acquired permanent ownership of the property for £40; however, an unregistered, but nonetheless legally valid, clause prescribed that if on Michaelmas Day (29 September) 1580, John and Mary Shakespeare repaid this sum, the original sale would become void.

When the due date arrived, Lambert refused to accept repayment or to surrender the property to the Shakespeares, and thus triggered

protracted litigation. From the court depositions subsequently made it is evident that the land leased to Webb and Hooper, and sub-leased to Gibbs, substantially overlapped the property supposedly "bought" by Lambert; and that consequently during the years to 1601 the property returned very little income either to Lambert, who died in 1587; or to his son and heir, John.⁷

The general scholarly assumption has been that the Shakespeare-Lambert contract was basically a mortgage agreement, with Lambert lending the Shakespeares £40, when they were in desperate need of funds, on the security of some of their land. However, neither Lambert nor anyone else would have lent money on the security of a property which, in the event of foreclosure, would not yield any significant income for 21 years. The contract makes no financial sense; and for this reason I doubt that any cash ever changed hands – I suspect that it was only "on paper" that Lambert paid Shakespeare £40; and that it was to be only "on paper" that Shakespeare was to pay him back.

Of course, the Shakespeare-Lambert contract makes sense only if it is recognized as a mechanism of deceit, intended to give the impression during the period November 1578 – September 1580 – and probably for an indefinite time after that – that the Shakespeares no longer owned the property in question, when effectively they still did. Given what we know of John and Mary Shakespeare, and of the financial stratagems typical of prosperous English Catholics at this time, the Shakespeares' motive for contriving this deception could only have been to place a valuable family asset beyond the reach of the anti-Catholic persecution.

The 1580 King's Bench Mystery

Yet these measures proved insufficient to protect the Shakespeare family entirely against the persecution, for in 1580 John Shakespeare suffered a heavy fine – disguised as two linked bond-money forfeitures – which seems to have been levied on him for religious non-conformity.

The first relevant evidence was discovered in or shortly before 1914 by Charlotte Stopes, the sister-in-law of Marie Stopes, when she was working through the rolls of the King's Bench Court for 1580. The *Coram Rege* (meaning "in the Presence of the King") roll for Trinity Term (22 May-12 June) records that Shakespeare had forfeited twenty pounds in bail-money for failing to present himself at the Court at Westminster Hall to be sworn to keep the Queen's peace; and twenty pounds for failing to ensure that John Audley, hatmaker of Nottingham – for whom he had been a surety – presented himself to be similarly sworn. A large number of others from all over England – almost all of them members of what we would call the "comfortable lower middle class" – are recorded as having suffered similar exactions (I have determined that there were 96 principals, thirteen of whom served also as sureties for others; and 127 who feature only as sureties). There are copies of these *Coram Rege* entries in the Exchequer roll, where the forfeited sums are signed off as having been paid.

Although some details of these entries, such as the supposed penalization of the supposed sureties, cannot be taken at their face value, my investigations indicate that John Shakespeare did indeed surrender forty pounds. Just how heavy a loss this was can be appreciated from the fact that forty pounds was the total sum he had paid in 1575 for a second and third house, together with their gardens and orchards, in Henley Street. Forty pounds was also two years' salary for the Stratford schoolmaster – an Oxford graduate who was considered well paid (but who received additionally, it must be said, rent-free accommodation).

This King's Bench Court mystery prompted me recently to make a research trip to the Public Record Office in London, assisted by a fieldwork grant from the Australian National University, to try to get to the bottom of the matter. My visit was triggered by my learning that the King's Bench writs for 1580 Trinity Term had recently been

catalogued and were now accessible to researchers; and after two days of working through these – the pile is about a foot thick, strung on a copper wire – I found two returned writs of *scire facias*, previously unknown to scholars, naming John Shakespeare. I also recorded and entered on database the names of all others who were penalised in the same way as Shakespeare – something which apparently had not been done previously.

The writs confirmed what I already strongly suspected – namely, that the whole affair was basically a large-scale government extortion sweep; that those who were penalised had never been genuinely required or expected to present themselves at Westminster to be sworn to keep the peace; and that these individuals had in fact "compounded" with the authorities – that is, they had paid agreed sums in full settlement of the actions initiated against them – even before the writs I had discovered had been dispatched. The writs and the subsequent court-roll and Exchequer-roll entries are merely paperwork designed to balance the books of the Exchequer while concealing the true nature of the scheme.

The key facts which prove that the official entries are bogus are as follows. Crown writs were normally directed to county sheriffs, requiring them to act with respect to individuals in their counties. However, many of the writs in the King's Bench-John Shakespeare affair direct a sheriff of one county to give notice of process to persons in other counties – which no sheriff had either the authority or the administrative facilities to do. Thus the Sheriff of Warwickshire, Edward Boughton, was instructed to give notice of process to John Shakespeare in Warwickshire; to Shakespeare's first surety John Audley in Nottinghamshire; and to Shakespeare's second surety Thomas Cooley in Staffordshire – but he had no power to act in the latter two counties. Clearly, then, the King's Bench officers did not expect or want action to be taken on the writs, and all the sheriffs knew this.

Moreover, it is unimaginable that 96 principals from all over England would have broken their bail-pledges at the same time rather than appear at the King's Bench to be sworn to keep the peace; and equally unimaginable that these 96 would all previously have found sureties prepared to guarantee, with large monetary pledges, that they – the principals – would present themselves at Westminster, if there had been any chance that they would not do so.

A further relevant factor is that in respect of (*inter alia*) King's Bench cases, county sheriffs were personally responsible for ensuring that persons to whom they granted bail, and those whom they accepted as sureties for those bailed, had sufficient wealth to cover their pledges should the bail-terms be dishonoured. If a bail-breach occurred and the pledged sums were ordered forfeited, the sheriffs were personally responsible for collecting those sums; and should they fail to collect, they could be, and normally would be, fined the same amount. Obviously, then, no sheriff would grant bail where there was any evident likelihood of a default; or where in the case of default, collection of the money pledged as bail-security would be uncommonly difficult. Of course, sheriffs might err in judging individuals; however, it is impossible that the sheriffs of (in this case) 27 counties would simultaneously have erred in their judgments of the "bailability" of 96 individuals.

Finally, were the King's Bench writs of *scire facias* which concern us genuine, they would have been accompanied by writs of *venire facias* instructing the sheriffs to apprehend the supposed bail defaulters and deliver them to a nominated London gaol (usually in such cases the Marshalsea) – but no writs of the latter kind were dispatched.

I have found circumstantial evidence that the 96 principals were in fact victims of the Court of High

Commission; and that all or most of them were Catholics who had violated the religious laws (something many other scholars have suspected). I have discovered, for instance, in the minutes of the Privy Council for 29 April 1580, a summary of a petition to the Council by an aggrieved individual complaining that the Court of High Commission was summoning alleged violators of the religious laws to its sittings in London; then, through its Recorder, offering to drop the actions against them in return for a payment.⁸ What would have happened to any who could not or would not pay is that, at the very least, they would have been required by the Court to swear to obey the laws they had purportedly disregarded; and, if they refused, they would have been gaoled for contempt of court.

Those thus incarcerated could remain confined unless and until they purged their contempt by taking the proffered oath; which meant, in practice, that many religious dissidents – overwhelmingly Catholics – remained in prison for five, ten or more years; and that significant numbers died without regaining their freedom. Others who were imprisoned for contempt were eventually released on bonds – mainly because there were so many obdurate Catholics that even by 1580 the gaol-space needed for common criminals was being exhausted.⁹

Probably John Shakespeare and the rest of the 96 paid to escape some harsher penalty which awaited them for some violation of the religious laws of which they were guilty; or else they paid to be dispensed from certain laws for some unknown ensuing period. What I find strangest about the affair, however; and what makes me cautious of speculating on the precise offences of those concerned, is the fact that the 96 are spread near-randomly over those English counties which fell within the ecclesiastical Province of Canterbury (only a handful resided in the other Province, that of York). The single significant cluster is of ten individuals in Usk, in strongly Catholic Monmouthshire.

John Shakespeare's Recusancy

The final piece of evidence for John and Mary Shakespeare's Catholicism which I shall present here consists in two 1592 recusancy lists for the Worcester Diocese – which incorporated Stratford – on each of which John Shakespeare's name appears. A recusant (literally meaning "refuser") was a person who would not obey the law requiring attendance at Established Church services; and although Shakespeare is grouped with nine other Stratford residents of whom, according to the writer of the second document, "it is sayd" that they "coom not to Church for feare of processe for Debtte",¹⁰ there is no doubt that he had substantial assets at this time. It was a common ploy of recusants to claim that they were avoiding services for fear of being served with writs.

The Dramatic Atmosphere in Catholic Circles

From all the above, it is clearly that by the late 1570s the Shakespeare family had developed a strong sense of financial and social insecurity; and a strong sense of being part of a persecuted minority.

We have first-hand evidence in the writings of the poet John Donne of what the atmosphere in committed Catholic families was like at this time. Donne, through his mother, was a great-grand-nephew of Sir Thomas More and a nephew of two Jesuits, the Heywood brothers; however, he apostatized from the Faith in his youth, and later forged a distinguished career as an Established Church clergyman. In a 1608 booklet, writing from his position of comfortable security, he vividly portrayed the terrible insecurity in which devout Catholics dwelt. With mixed pity, contempt and anger he declared to Catholics,

How hungerie of poyson, how Ambitious of ruine, how pervious and penetrable to all meanes of destruction are you....So, after these men...doe but tell you, that you are borne of Catholicke parents, That onely you are in the Arke, That you are in possession of good estates, fit

sacrifices for the Catholicke Church, That you are remarkeable and exemplar men, by whom your Tenants, and Servants, and Children are led and guided, That you are chosen by God for pillars to sustaine his materiall Church, as Priests are for the spirituall: That you are Martyrs apparant, and attended and staid for in the triumphant Church: you prosper no more, but wither in a Consumption, and having headlongly dissipated and scattered your estates, you runne desperately into the danger of the Law, or sustaine a wretched life by the pour Crummes of others pensions.¹¹

As we have seen, long before Donne penned these words John and Mary Shakespeare had in some measure “scattered” their “estates” for religious reasons, through their ill-judged 1578 contractual arrangement with Edmund Lambert; and not only had they been in “danger of the Law” but John had suffered a draconian fine for, apparently, his religious defiance.

In addition, and even more significantly for our purposes, the Shakespeares had known Catholic heroism and martyrdom – and this must have had a powerful impact on the imagination and attitudes of the young William Shakespeare.

Shakespeare's Schoolmasters

William's contact with Catholic heroism, so far as it is recorded, can be dated back to 1575, when he was eleven. In that year his schoolmaster since the age of seven, Simon Hunt, fled to Douai to become a Catholic priest, taking with him one of the older students in the single-room Stratford schoolhouse, Robert Dibdale. The Dibdales were neighbours of the Hathaways at Shottery; and – as we know from legal documents – were their friends; and Robert, after ordination, returned to England, was captured, and in 1586 was hanged, drawn and quartered. Simon Hunt, in the meantime, became a Jesuit.

Shakespeare could have remained at school until either 1578 or 1579; but if he finished in the latter year, his final schoolmaster would have been another Catholic, John Cottam, whose brother,

Thomas, was studying for the priesthood at Rheims. In 1581 Thomas returned to England as a priest, was promptly captured, and in mid-1582 was hanged, drawn and quartered. At this stage, back in Stratford, John Cottam resigned his post; returned to the family territory in Lancashire; and lived openly as a Catholic recusant.

Shakespeare in Catholic Lancashire

What has long been suspected, and what Professor Richard Wilson has shown is highly likely, is that a year or more before Cottam left, William Shakespeare had preceded him to Cottam's own home-region in Lancashire in order to be developed and assessed at either Hoghton Tower or Lea Hall as a potential mission-priest. The first clue that Shakespeare dwelt for a time with one of the great Catholic families of Lancashire was drawn to scholarly attention in 1937 by Oliver Baker, who suggested that a “William Shakeshafte” mentioned by Alexander Hoghton in his 1581 will, in the same place where he gives instructions for the disposal of his players' accoutrements, was actually William Shakespeare. Professor Wilson has pointed out that Father Campion had his library at Hoghton Tower and had spent much time there; and that Alexander Hoghton made his will immediately after Campion had been captured – apparently lest the authorities should shortly descend on Hoghton Tower to arrest him (which they did).

Wilson has also shown that Fathers Persons and Campion, as they passed through the English Midlands on their way to Lancashire and Hoghton Tower, mustered a “children's crusade” of youths from Catholic families who were interested in becoming mission-priests. He has demonstrated, moreover, that it was a common practice of the Jesuits to get such potential recruits to change their surnames as a symbol of their break with their past. Frequently they used the name or surname of their maternal grandparents – as when Father Parsons called himself “Nicholas Dolman”, and Robert Dibdale adopted

the alias “Palmer”. Significantly, we have documentary proof that William Shakespeare's paternal grandfather was sometimes called “Shakestaff”; and so there is every likelihood that the grandfather was also at times called “Shakeshafte”.

Additional evidence which lends weight to the view that Shakespeare spent time at Hoghton Tower is the fact – recorded by Professor Ernst Honigmann – that oral tradition in the area, traceable to before Alexander Hoghton's will was rediscovered or its Shakespearean significance suggested, says that he did;¹² and the further fact that Shakespeare's recorded dramatic career begins with him in the acting-group sponsored by Ferdinando Stanley, Lord Strange – who was well acquainted with the Hoghtons and was the foremost nobleman in their part of England.

The Martyrdom of Edward Arden

Thus far we have focused mainly on the dramatic, inspiring, tragic years for the Shakespeares of 1580-81. We have seen that 1580 was the year of the visit of the Jesuits to the Midlands and the Ardens; of John Shakespeare's acquisition from them of his copy of Cardinal Borromeo's Spiritual Testament; of John's penalization by (presumptively) the Court of High Commission; of William's (presumed) shift to Hoghton Tower preparatory to expected priest-training overseas; of Edmund Lambert's treacherous exploitation of the Shakespeares' arrangements to protect their assets from the persecutors. We have noted that the following year, 1581, saw Cottam's brother's martyrdom; and the arrest and martyrdom of Father Campion.

Two years later, in 1583, the Shakespeares had an even closer, and more tragic, contact with Catholic martyrdom when Mary Shakespeare's second cousin, the afore-mentioned Edward Arden, the **doyen** of the Arden clan, was hanged, drawn and quartered for supposedly being party to the mythical Catholic “Somerville conspiracy” to assassinate the Queen.

In the course of this affair the Privy

Council ordered that “such as shall be in any way akin to all touched” should be arrested, and their houses searched for illegal Catholic items. It was probably at this time that John Shakespeare, being “akin” to those “touched”, concealed his Spiritual Testament beneath the roof-tiles, where it remained unseen for nearly two centuries.

The Martyrdom of Robert Southwell

On the Arden side of the Shakespeare family there were yet more martyrdoms to come.

In 1595 a relative of the Ardens by marriage, and more distantly by blood, the famous Jesuit poet Robert Southwell, suffered martyrdom. The late Father Christopher Devlin, SJ, has argued persuasively that William Shakespeare is the “worthy good cousin, Master W.S.” to whom in 1592 Southwell dedicated one of his final writings from prison. Moreover, as Devlin showed, textual evidence points to Shakespeare being the anonymous, talented poet whom Southwell in a separate verse-plea asks the (tepidly) Catholic Earl of Southampton – Shakespeare’s patron at the time – to influence to turn his talents from frivolous compositions like *Venus and Adonis* (to which Southwell alludes) to “Christian works”.¹³

Richard Davies’ 1688 Assertion

So much for William Shakespeare’s upbringing. The next question which must be asked as we continue to probe for his perspective on Catholic suffering and martyrdom is, did he remain a Catholic? After all, many at this time who were raised Catholics apostatized in later life – for instance, the aforementioned John Donne.

An answer to this question was discovered last century in the diary of a seventeenth-century clergyman and antiquarian, William Fulman. Fulman died in 1688, bequeathing his diary to his friend Richard Davies, sometime Dean of Coventry Cathedral and a sometime chaplain of Corpus Christi College, Oxford. In the margin beside some observations by Fulman on

Stratford-on-Avon, Davies penned a few extra comments on Shakespeare, concluding with the assertion, “He died a papist”.

Davies’ statement must be accorded considerable weight, given his learning, his familiarity with Stratford, and his ready access to the clerical gossip of the region. Nevertheless, the critical reader might wonder whether Shakespeare remained faithful to Catholicism all his life, or lapsed and then repented on his deathbed. He might also wonder whether Shakespeare’s Catholicism had any bearing on his writings.

C. SHAKESPEARE AS CATHOLIC PROPAGANDIST

In fact the dramatist, inspired and goaded in conscience by his life-long acquaintance with Catholic suffering and heroism, operated as a Catholic propagandist throughout his career. I suspect that he suffered from what is now called “survivor syndrome” or “survivor guilt” – an irrational feeling which can beset a survivor of a fatal event that he is somehow at fault for having survived when others did not. Shakespeare seems to have felt guilt that he had suffered comparatively little for his Catholic Faith when many near and dear to him had suffered much for it – including, in several cases, martyrdom; and to expiate this guilt he courted persecution by gratuitously displaying pro-Catholic and anti-Protestant sentiments in his plays – often quite blatantly. Of his thirty-seven recognized dramas (thirty-eight if we include *The Two Noble Kinsmen*), over half contain Catholic “flag-waving”, in that they either present with ostentatious approval Catholic doctrines, institutions or practices; or – less frequently – present disapprovingly Protestant doctrines, clergy, morals or manners.

I will give only a few examples, beginning with Shakespeare’s first tragedy, *Titus Andronicus* (c.1592).

Titus Andronicus

This gruesome drama is set in pre-Christian Rome, with its first scene featuring two of Titus’ sons sacrificing a

Goth prisoner to the Roman gods. Despite this, Shakespeare includes in the final Act two anachronistic allusions to Catholic institutions and practices – allusions clearly intended to awaken nostalgic recollections in his audiences. First, one of the Goth leaders tells Lucius (another of Titus’ sons),

*Renowned Lucius, from our troops I strayed
To gaze upon a ruinous monastery...
(V.i.20-21).*

Then, shortly afterwards, the captured Aaron, the chief villain, declares to Lucius, in explanation of why he is prepared to trust his oath,

*Yet, for I know thou art religious
And hast a thing within thee called conscience,
With twenty popish tricks and ceremonies
Which I have seen thee careful to observe... (V.i.74-78).*

In this second passage Shakespeare is not only being gratuitously complimentary to the Catholic Faith, but is subtly mocking contemporary Protestantism by having the diabolical Aaron employ the Protestant polemical word “popish” when referring to Catholicism. The dramatist thus represents “popish” as a term used by “the bad” to denigrate “the good”.

Romeo and Juliet

Let us move on to two Shakespearean plays which are much better-known today – *Romeo and Juliet* (c.1595) and *Hamlet* (1600).

In the former tragedy, Friar Lawrence is presented as a wise and kindly pastor, and as a worthy confessor for both Romeo and Juliet. Yet in Shakespeare’s source, the long poem *The Tragical History of Romeus and Juliet*, the author, Arthur Brooke, in typical Elizabethan Protestant fashion, deplores in his Preface both “superstitious friars”, whom he characterizes as “the naturally fit instruments of unchastity”; and “auricular confession” – that is, confession of sins to a priest – which he denounces as “the key of whoredom,

and treason”.

In other words, Shakespeare’s play is a pro-Catholic re-working of an anti-Catholic story.

Hamlet

In *Hamlet*, Old Hamlet’s Ghost reveals that it is in Purgatory, a place or state in the Afterlife which Protestants denied existed; and Shakespeare is at pains to demonstrate that it is telling the truth, and is not a lying demon. Also, the Ghost laments that it had died “unhouselled, disappointed, unaneled” (I.v.77) – which is to say, without the Catholic Last Sacraments.

The Falstaff Plays

Nowhere, however, was Shakespeare more provocative as a Counter-Reformation polemicist than in his two *Henry IV* plays (1597-98).

The fat, gluttonous, drunken, lecherous, thieving, cowardly, lovable rogue we all know as Sir John Falstaff did not at first bear that name – he was called Sir John Oldcastle. In the reigns of Henry IV and Henry V there was a Sir John Oldcastle; he was not a coward, but a brave soldier; he was not a profligate, although he claimed to have strayed from virtue in his youth; and above all he was a Lollard.

The Lollard heresy was in some ways a precursor of Protestantism; and Oldcastle was hanged then burned in 1417 for the combined felonies of heresy and raising an armed rebellion against his old friend, the King. In John Foxe’s “Book of Martyrs” (correctly, *Acts and Monuments of These Latter and Perilous Times*), the most influential English Protestant polemical text of the sixteenth century, a long, laudatory chapter is given to detailing Oldcastle’s career and martyrdom.

Shakespeare not only portrayed Oldcastle as a hedonist; he presented him specifically as a proto-Protestant. In the second scene of *1 Henry IV* Oldcastle/Falstaff refers to himself as a “saint” and distinguishes himself from “the wicked” – Protestant jargon for, respectively, those predestined to be saved and those predestined to be

damned. Indeed, so fond is the jolly old hypocrite of deriding other profligates as “the wicked” that in Act II Scene IV of *2 Henry IV* Prince Hal soundly rebukes him for doing so.

The term “the wicked” is used for the predestinately damned in the twenty-ninth of the Church of England’s thirty-nine Articles of Religion; and it was a favourite expression of the puritans.

Shakespeare’s slander of Oldcastle caused such offence in influential circles that the dramatist was forced not only to alter his character’s name to Falstaff, but to include in the Epilogue of *2 Henry IV* an unconvincing, two-clause denial that Falstaff represented the historic Oldcastle – “for Oldcastle died a martyr, and this is not the man”. Nevertheless, in 1599 the Lord Admiral’s Men, the main rival theatre-company to Shakespeare’s Lord Chamberlain’s Men, sought to capitalise on the outrage felt by zealous Protestants by having one of their writers, Anthony Munday, a notorious Catholic-hater, co-write for them a stridently anti-Catholic counter-play, the two-part *The True and Honourable History of the Life of Sir John Oldcastle, the Good Lord Cobham*.

Yet Shakespeare, far from being cowered, in *Henry V* (1599) had the Host of the Boar’s Head Tavern report that as Falstaff lay dying he had deliriously “talked of the Whore of Babylon” (II.iii.39). Since this was a standard Protestant term of derision for the Catholic Church, it is clear that Shakespeare is here indicating that Falstaff remains always Sir John Oldcastle, and always a proto-Protestant.

Shakespeare’s defamation of Oldcastle delighted his fellow-Catholics, as is evident from the fact that the Rome-based Father Robert Parsons, in a volume published in 1604, scoffed that Oldcastle was “a ruffian-knight, as all England knoweth, and commonly brought in by comedians on their stages”.¹⁴ Parsons’ snipe stirred the Establishment historian John Speed, in his *The History of Great Britain* (1611), to couple Parsons and Shakespeare as

“this Papist and his Poet, of like conscience for lies, the one ever faining, the other ever falsifying truth.”¹⁵ A similar denunciation of the two was made in 1655 by Thomas Fuller in his *The Church History of Britain*.¹⁶

D. SHAKESPEARE AND ST THOMAS MORE

The Play *Sir Thomas More*

I have mentioned above Anthony Munday; and I now bring his name to the fore again so he can lead us into one of the most intriguing plays of the late Elizabethan era – and a play of particular pertinence to this paper. I am speaking of *Sir Thomas More*, a drama which apparently was first drafted in 1592 or 1593; and which survives in a messy playhouse manuscript in which an underlying script, mostly in Munday’s handwriting (“Hand S”), has been extensively modified by alterations and additions made in several other hands. Six hands have worked on the script; and there are comments and instructions in a further hand – that of Edmund Tilney, Master of the Revels and the censor of plays-*qua*-acting (as distinct from plays-*qua*-printing, for which the censors were the Archbishop of Canterbury, the Bishop of London, or their appointees).

As best we know, the drama was never acted – although preparations reached the stage of casting;¹⁷ and since Tilney’s demands for various amendments and deletions have nowhere been respected, it seems that either Tilney confiscated the manuscript after he had made his annotations, having decided at the last that the play could never be made politically or religiously acceptable; or else that the manuscript was discarded by the relevant acting company on the grounds that obeying Tilney’s demands would eliminate the play’s potential theatre-appeal. That company was almost certainly Lord Strange’s Men, which flourished in the early 1590s; which alone had sufficient men to perform, with doubling-up, the 59 speaking roles

in the play;¹⁸ and which alone had an actor – Edward Alleyn – of sufficient skill and experience to perform More's role, which, with 800 lines to speak, was "one of the longest in Elizabethan drama".¹⁹

Much has been said on *Sir Thomas More* by first-rate scholars, with the main reason for this being the dual facts that the hand in which one section of the script is written – "Hand D" – is indistinguishable from Shakespeare's and is generally regarded as his;²⁰ and that the thought and language in this section are distinctively Shakespearean.

The prevailing scholarly consensus – which I do not support – is that Munday sketched out the play's basic plot and wrote most of the dialogue; that collaborators composed the rest of the original dialogue; that Munday then transcribed this composite text to produce a "fair" copy; and that this copy was further modified by five others – perhaps soon afterwards; perhaps much later – with the manuscript we possess being the result. Hand A has been discovered to be that of Henry Chettle, a friend and long-term collaborator of Munday's; while Hand E has been identified as that of Thomas Dekker, who also collaborated with Munday on other plays. Hand B – concerned with making comic additions – is generally attributed, though with less assurance, to Thomas Heywood, who similarly worked with Munday on other plays. Hand C has not been palaeographically linked to any known individual; however, it has been found in manuscripts of other plays, and is certainly that of a prompter or "bookkeeper". The three pages in Hand D – that generally regarded as Shakespeare's – seem to have been in the script before the general editing was done, since these pages have been written in apparent ignorance of a character-addition and other changes effected in the course of that editing.

It has been my good fortune – and thus, I hope, the good fortune of the St Thomas More Society – that Ian Wilson has a friend in England, Tom Merriam, a scholar who has developed some novel

and persuasive theories regarding the play *Sir Thomas More*; and who some time back kindly sent me a short manuscript wherein he argues his position.²¹ Tom's theories have been slowly gaining respect in English Literature academia – mainly, it seems, because many of their tenets have been vindicated by the research-findings of others.

The first thing which stands out about the *Sir Thomas More* play when one reads it is the fact that from first to last it is pro-More, presenting him as a champion of the common Londoner, a model of the natural virtues, and a martyr to integrity-of-conscience. The drama is like a down-market version of Bolt's *A Man for All Seasons* – not as dramatically skilful; not as effective in conveying the subtleties of More's intellect; not as censorious of More's adversaries, but just as unreservedly partisan on More's behalf. Furthermore, the play accords similar respect to John Fisher, Bishop of Rochester, who passes briefly across the stage and is likewise portrayed as a martyr to conscience. The "crime" of each is kept discretely obscure: the two are presented as dying because they refuse, on grounds of conscience, to subscribe to the King's "articles"; however, we are never told precisely what these articles are.

King Henry does not appear on-stage; and nobody puts a case for his aspirations or behaviour. In fact, there is no explicit mention of his claim to being Supreme Head of the Church in England; and no allusions are made to his marital adventures. He remains throughout simply an ominous, unseen presence in the background. Although on the relatively few occasions that More, Fisher or other characters speak of him they do so with respect, the play's summative attitude to the King is conveyed none-too-subtly in two short pieces of dialogue.

The first of these pieces is Bishop Fisher's declaration, as he is led into the Tower of London,

...in this breast
There lives a soul, that aims at higher

things

Than temporary pleasing earthly kings.
(Sc.12, 2-4).²²

The second is More's philosophical reflection that the typical prince (no names mentioned!) is one

...in all his sweet gorged maw
And his rank flesh that sinfully renews
The noon's excess in the night's
dangerous surfeits.²³ (Sc.13, 73-75)

The final words in the play, spoken by the Earl of Surrey, represent More as a saint who has wisely preferred to join in a royal progress in Heaven rather than in one on earth (a "progress" was a monarch's formal procession of visitation through his domains).

A very learned gentleman
Seals error with his blood. Come, we'll
to court.

Let's sadly hence to perfect unknown
fates,

While he tends progress to the state of
states. (Sc.17, 119-23)

It is clear from the amount of editing done on the *More* manuscript, and from the number of hands involved, that Lord Strange's Men were keen to stage it; that they anticipated that it would be popular and profitable; and that they knew that the picture it presents of Sir Thomas More accorded with the picture which remained fixed in the imaginations of Londoners sixty years after More had gone to his death.

The great Chancellor's enduring reputation is voiced in the play by, *inter alia*, the Tower of London Warder who says of him,

A wiser or more virtuous gentleman
Was never bred in England. (Sc.14, 10-11)

In similar vein, a poor woman declares as he is led into the Tower,
Farewell the best friend that the poor
e'er had. (Sc.14, 43)

This picture of More accords with that conveyed in a popular ditty of the time which immortalised the fact that More had cleared the backlog of legal cases in the Court of Chancery to ensure speedy justice.

*When More some time had Chancellor
been,
No more suits did remain.
The like will never more be seen
Till More be there again.*²⁴

What Tom Merriam points out – and I concur with his view – is that Shakespeare clearly wrote far more of the play *Sir Thomas More* than is generally acknowledged; and that it is impossible that Anthony Munday could have had any significant part in it.

Merriam's well-known "stylometric" studies of the play – that is, studies based on statistical analysis of stylistic traits – have pointed to Shakespeare as the author of almost the whole. As regards Munday, however, Merriam notes that "one may search in vain for a statistically sophisticated stylistic analysis of *Sir Thomas More* which endorses Munday's authorship of any part of the play."²⁵

Merriam also observes that Vittorio Gabrieli and Giorgio Melchiori, in their critical edition of the play, "provide 150 footnote references to works of Shakespeare, but to Munday's none."²⁶ Although the bulk of the Shakespearean parallels noted in that edition are trivial, it is nonetheless significant that these are spread throughout *Sir Thomas More*, and are not confined merely to the three pages recognized as being in Shakespeare's handwriting.

Let us look at the most famous Shakespearean passage in *More*, and at a passage in the Shakespearean canon which it clearly parallels in thought and rhetoric.

The *More* extract is from the Chancellor's exhortation to the London mob, calling them to order after they have been rioting against the privileges allowed to foreign merchants and tradesmen settled in London. Before More speaks, the Earl of Surrey seeks to capture the rioters' attention with words which might sound vaguely familiar – "Friends, masters, countrymen". More then begins his appeal; and in reply to a shopkeeper who declares that London will be better off if the foreigners are expelled, More declares (II.iii.78ff.),

*Grant them removed, and grant that this
your noise
Hath chid down all the majesty of
England
Imagine that you see the wretched
strangers,
Their babies at their backs, with their
poor luggage
Plodding to th' ports and coasts for
transportation,
And that you sit as kings in your desires,
Authority quite silenced by your brawl,
And you in ruff of your opinions
clothed:
What had you got? I'll tell you: you
had taught
How insolence and strong hand should
prevail,
How order should be quelled, and by
this pattern
Not one of you should live an aged man.
For other ruffians, as their fancies
wrought,
With selfsame hand, self reasons and
self right
Would shark on you, and men like
ravenous fishes
Would feed on one another.*

This passage is clearly from the same mind and pen as Ulysses' great speech on "degree" in the third scene of Shakespeare's *Troilus and Cressida* (c.1602).

*...O! when degree is shak'd
Which is the ladder to all high designs,
The enterprise is sick. How could
communities,
Degrees in schools, and brotherhoods in
cities,
Peaceful commerce from dividable
shores,
The primogenitive and due of birth,
Prerogative of age, crowns, sceptres,
laurels,
But by degrees, stand in authentic
place?
Take but degree away, untune that
string,
And, hark! What discord follows....
Strength should be lord of imbecility,
And the rude son should strike his father
dead:
Force should be right; or rather, right
and wrong –*

*Between whose endless jar justice
resides –
Should lose their names, and so should
justice too.
Then every thing includes itself in
power,
Power into will, will into appetite;
And appetite; a universal wolf,
So doubly seconded with will and power,
Must make perforce a universal prey,
And last eat up himself.*

More's above-quoted speech is in the handwriting regarded as Shakespeare's. However, as I have noted, there are numerous segments of the play which are not in this hand but which are also characteristically Shakespearean. This suggests, as Merriam observes, that the script which Munday transcribed had been written largely or entirely by Shakespeare, then edited by others. Possibly the process which had occurred was the same as I believe begot the earliest *Hamlet* script we possess, that published in the so-called "First Quarto" of 1603, which is also a mix of Shakespearean and non-Shakespearean text. My researches have led me to believe that this Quarto reproduces an early Globe stage-script; and that it was compiled in consequence of Shakespeare's theatre colleagues deciding that the full *Hamlet* script was much too long, then appointing an editor to transcribe this text hastily from dictation, cut it drastically, and restructure it. Similarly, the initial script of *Sir Thomas More* might have been composed by Shakespeare but have been too long to stage; have been cut extensively; then have been partly rewritten by an editor (probably not Munday, for reasons given below) to restore plot-coherence.

What makes Merriam's theory that Shakespeare composed the original *More* script all the more persuasive is the fact, which he points out, that it is inconceivable that Munday would have plotted out a play, or have written dialogue, which is so eulogistic of a Catholic martyr and so implicitly disdainful of the new, Crown-imposed religious regime. Munday was one of

the most famous anti-Catholic activists of the era: he had spent time in 1579 at the English College in Rome, spying on the English priest-trainees there; had betrayed several of them on his return; had written pamphlets relating in gloating detail the cruel executions of a number of priests; and had been appointed a "Queen's Messenger" working under the infamous torturer, Richard Topcliffe, who bore an identical title. Moreover, Munday showed himself eager to write, at every possible opportunity, obsequious praise of the Government's religious policies and indignant denunciations of those who defied those policies.

Here, by way of example, is an extract from Munday's *A Breefe Answer Made unto Two Seditious Pamphlets* (1582). It is in the author's Dedication, which is addressed to Sir Francis Walsingham, Elizabeth's famous Secretary of State. I have modernised the spelling and punctuation.

It is not unknown to your Honour in what occasions past, foretelling an unlooked for cause of danger to my gracious Sovereign and her realm, how not I alone, but I chiefly as one, gave forth such unreprouvable notice of ensuing harms, as bewrayed [i.e., exposed] their secret traitorous intent; and also notably convicted the adversary. For which service, beyond my desert, I have found the plentiful measure of my Princess' [i.e., Queen Elizabeth's] favour and goodness, as also the noble good will of her Honourable Council – of which high calling, as God and her Majesty hath created you one, so am I in duty to pray for your continual welfare, whose Honourable friendship hath exceeded my poor demerit. But when I think on the undeserved ingratitude wherewith mine own countrymen unkindly reward me; I am forced to say, as one sometime said, "A man is nowhere worse esteemed than in his own country." If I had come as their adversaries did, for the subversion of their peaceable estate and bloody overthrow, then might I well

have contented myself to be condemned with reproach and thrust forth into infamy. But coming as I did to open the gap of trouble secretly meant unto them, I find not so much as I have deserved, but yet a great deal more than I am able to suffer. Every man will descant [i.e., dissertate] on matters after his own imagination – commend and condemn as pleaseth his humour – but that which is more, divers prating boys (whereof I can name some) will take upon them to defend their cause who have been found such heinous offenders. If some of them were publicly chastened, it would charm the tongues of a number more who, because they perceive them to be suffered, join with them in evil speeches together for company.

My desire is therefore to your Honour, that some good order may be appointed for such lewd and talkative companions; and that they who are innocent of such wicked crimes, whereby by them they are maliciously slandered, may not be dealt withall after this manner. For the enemy doth very well perceive, and smileth to see, us so shamefully handled. Beside, the lies and fables by such idle fellows imagined, maketh them more bold in their libels, to exclaim and defame even as pleaseth them.

In a second preface dedicated "To the Courteous and Friendly Reader", Munday begs of the perusers of his pamphlet

that although at sundry times thou shalt hear such lewd speeches of me as I were not worthy life, if I were so evil as to deserve them yet that thou wilt not enter into judgment against me before thou be resolved what I am, as also what they are that move the slanders....Behold their dealings, and be warned by them; fear God; honour thy Princess; love those that wish thy welfare; and in all causes commend thyself to the heavenly protection.

Clearly, Munday felt better appreciated for his notorious treacheries by Elizabeth's state dignitaries than by ordinary Londoners. His disposition towards Catholics certainly did not alter

subsequently, as is evident from the fact that the 1599 play *Sir John Oldcastle* – of which, as we have noted, he was the principal writer – is just as grossly and gracelessly anti-Catholic as any of his earlier writings.

A further fact – to which Merriam draws attention – which weighs heavily against the view that Munday had a significant role in the composition of *Sir Thomas More*, is that the play contains a meticulous synthesis of historical information drawn from several sources, some of it unpublished and illegal to possess. The plot and characterization have been woven principally, though not exclusively, from Raphael Holinshed's famous – and anti-Catholic – *Chronicle*, in its 1587 edition; Thomas Stapleton's hagiographic Latin life of More, which had been published in Douai in 1588 but was not openly available in England; and Nicholas Harpsfield's similarly hagiographic life of More, which had not been published anywhere but had been hand-copied and circulated extensively among the Catholic recusants, and was regarded by the Government as subversive literature.

Thus whoever wrote the first draft of the play had access to at least two scarce underground Catholic manuscripts which could only have been in the possession of educated, well-connected Catholics – and the writer must therefore have been regarded by those Catholics as one of their own. Only two dramatists active in the early 1590s clearly had the requisite credentials: Thomas Lodge, a gentleman-writer who had converted to Catholicism in his youth and who occasionally wrote plays; and William Shakespeare. No evidence has yet been adduced to connect Lodge with *Sir Thomas More*; however, as we have seen, Shakespeare was certainly connected with it.

Tom Merriam suggests that Shakespeare probably read the documents in question in Southampton House, the London townhouse of the fervently Catholic Lady Southampton and of her aforementioned, perfunctorily Catholic son, Henry

Wriothesley, Earl of Southampton.²⁷ The latter lord, as we have noted, was Shakespeare's patron during the early 1590s; and the exceptional effusiveness of the dramatist's Dedications to him of *Venus and Adonis* (published in 1593) and *The Rape of Lucrece* (published in 1594) suggests that Wriothesley had given special attention and encouragement to the young literary artist. Moreover, if, as I believe is the case, the "Master W.H." of the Dedication of the first edition of the *Sonnets* (1609) is Sir William Harvey, close friend and eventual third husband of Lady Southampton, then the fact that the publisher, Thomas Thorp, refers to Harvey as "the onlie begetter" (meaning, I would argue, "the peerless initiator") of the poems,²⁸ indicates that Shakespeare was a frequent guest at Southampton House at about the time *Sir Thomas More* was written.

Certainly this House contained a substantial collection of Catholic literature; for, as Merriam relates, when it was raided in 1605, "above two hundred pounds worth" of forbidden Catholic books was seized and burned.²⁹ It would be remarkable if there had not been copies of Harpsfield and Stapleton, and of other writings on More, among these illegal works.

It has been suggested by some who continue to maintain that Munday was the original author of *Sir Thomas More* that he could have used the copy of Harpsfield which Topcliffe had seized in 1582 from More's grandson, also named Thomas More; and that he likewise might have found a copy of Stapleton among confiscated literature.³⁰ However, it is inconceivable that Munday's superiors would have allowed him to use such materials in order to write an unreservedly pro-More, and implicitly anti-Establishment, play. It is also inconceivable that any playwright without a deep admiration for More and a disdain for his persecutors — a profile which scarcely fits the zealous persecutor Munday — would have gone to the trouble of searching out a range of sources, some difficult to obtain and dangerous to possess, to utilise for his

script, when he could have composed a perfectly satisfactory play using only Holinshed and London general knowledge.³¹ *Sir Thomas More* is no mere routine dramatic work: it is a carefully researched, courageous and defiant labour of love.

Once again we must turn our attentions to Lodge and Shakespeare as the only dramatists of the early 1590s who might have been disposed to engage in such a labour; and once again, for the reasons given above, we can eliminate Lodge as a possibility, leaving Shakespeare as the sole playwright who could have been responsible.

Thus it was almost certainly Shakespeare who was the guiding hand, the principal researcher, the principal plotter, and the principal writer of dialogue for the original script of *Sir Thomas More* — that original script which, with whatever non-Shakespearean editings, was ultimately given to Munday to transcribe.

Why was Munday chosen to do the transcription? Certainly his writing is neat, but it is by no means exceptionally so: all the other hands which contributed to *Sir Thomas More* are at least as readable, except for Hand B — purportedly Heywood's — which is untidy.³² I suspect that the leading shareholders of the Lord Strange's Men had two motives for giving Munday his task. Firstly, they doubtlessly hoped that if Tilney believed that the script was in some way connected with Munday, Catholic-hunter extraordinaire, he would assume from the outset that it would be politically acceptable; would consequently give it merely a cursory examination; and would then trustingly license it for acting (Tilney was not an unduly harsh censor³³). Indeed, given Munday's notoriety, it is probable that political considerations, and outside political pressures, had played a part in his being employed by the Company in the first place.

Secondly, since the Company principals must have anticipated that their notorious, blood-tainted hired-pen would detest being associated with the *More* play, by making him transcribe the

amended initial script they were probably playing an unfriendly practical joke on him. After all, Munday believed he was little loved — and we have no reason to doubt his judgment.

Henry VIII

The Merriam thesis that Shakespeare was the author of the initial *More* script finds further confirmation in another of the dramatist's plays in which the great Chancellor is mentioned — *Henry VIII*, which was first staged in 1613 and was probably written shortly beforehand. There has long been a scholarly belief, drawing scholarly opposition for just as long, that this play was a cooperative effort of Shakespeare and the young dramatist John Fletcher — a son of the distinguished Calvinist divine Richard Fletcher, one-time Bishop of London; however, I have found the arguments against this view more persuasive than the arguments for it.³⁴

Henry VIII is so Catholic in its obvious sympathies as to be idiosyncratic. It encompasses a number of loosely connected episodes from Henry's reign, up to the birth of Elizabeth; and even in that regard it is akin to *Sir Thomas More*, which is also structurally loose and episodic. Its most extensively treated and sympathetic character is not Henry but Katherine of Aragon. Henry, Katherine and Anne Bullen are depicted as three nice people who become involved in a sad marriage tangle because of unfortunate circumstances for which none of them are responsible, but which distort the King's conscience. We are led to suspect that these circumstances might have been part-engineered by Cardinal Wolsey — but we are also induced to assume that their destructive effects on the royal marriage are exacerbated by the King's lust for Anne.

Thus when the Lord Chamberlain speculates that the reason for Henry's dissatisfaction is that "the marriage with his brother's wife/ Has crept too near his conscience", the Earl of Suffolk acidly responds,

*Still finest wits are stilling [i.e., distilling]
Venus's rose...*

*Favour my wish, well-wishing works no ill;
I move the suit, the grant rests in your will.*

¹⁴ Robert Parsons (as "Nicholas Dolman"), *Of Three Conversions of England...*, Part III, the first part (1604), p.31.

¹⁵ John Speed, *The History of Great Britaine...* (London: John Sudbury & George Humble, 1611), p.637.

¹⁶ Cited in E. K. Chambers, *William Shakespeare*, II, p.244.

¹⁷ The name of the actor Thomas Goodall has been written into the eighth scene as the "Messenger to Moore". See W.W. Greg (ed.), *The Book of Sir Thomas More* (Malone Society Reprints, 1911, 1961), p.89.

¹⁸ See Scott McMillin, "The Book of Sir Thomas More: Dates and Acting Companies", in T.H. Howard-Hill (ed.), *Shakespeare and Sir Thomas More: Essays on the Plan and Its Shakespearean Interest* (CUP, 1989), pp.61-62, 69. McMillin estimates that, given the "doubling" conventions of the Elizabethan Theatre, a minimum number of 18 actors would have been required to perform these 59 speaking roles (p.69).

¹⁹ *Ibid.*, pp.62-63.

²⁰ Shakespeare's undoubted handwriting survives only as six signatures plus two words in his will – "by me" – and its style is nondescript rather than distinctive. What nonetheless makes credible the identification of Shakespeare as the writer of the *More* section in question is the fact that handwriting from all the other major dramatists of the era, bar John Webster, has survived; and none but Shakespeare's is akin to that of the *More* section.

²¹ Thomas Merriam, *Sir Thomas More: a Play Asking to Be Censored* – unpublished manuscript.

²² Quotations are taken from the Gabrielli & Melchiori text.

²³ Kent, in his disguise as Poor Tom, conveys a kindred image, in similarly antithetical terms, when he professes to have been a serving-man, "proud in heart and mind", who *slept in the contriving of lust and waked to do it*. (*King Lear* III.iv.84; 87-88).

²⁴ R.W. Chambers, *Thomas More* (GB:

Penguin Books, 1963. First published 1935), p.262.

²⁵ *Ibid.*, p.7.

²⁶ Merriam, *op. cit.*, p.6.

²⁷ *Ibid.*, p.21.

²⁸ My opinion, for what it is worth, is that Thorp's Dedication can best be understood if its phrases are rearranged thus: "The well-wishing adventurer in setting forth wisheth to the onlie [i.e., peerless] begetter of these insuing sonnets, Mr. [i.e., Master] W.H., all happinesse, and that eternitie promised by our ever-living poet."

²⁹ *Ibid.* Merriam is here quoting M.D.H. Parker, *The Slave of Life* (London, 1955), p.246.

³⁰ This interesting suggestion was first made by Michael A. Anderogg in "The Book of Sir Thomas More and Its Sources", *Moreana*, XIV, 53 (1977), pp.57-61. For this reference I am indebted to G. Harold Metz, "The Scholars and Sir Thomas More", in Howard-Hill, *op. cit.*, p.31, n.77.

³¹ Merriam implies much the same – *op. cit.*, pp.18-19.

³² Photographs of pages in each hand are provided by Greg, *op. cit.*, following p.xlvi.

³³ See, for instance, Richard Dutton, *Mastering the Revels: the Regulation and Censorship of English Renaissance Drama* (London: Macmillan, 1991), Chs 1 & 2, *passim*.

³⁴ For instance, Tom Merriam, in his "Invalidation Reappraised", *Computers and the Humanities*, 30 (1997), pp.417ff., argues, on the basis of statistical analysis of stylistic features, that Fletcher did write some of *Henry VIII*. The evidence I find the most impressive is that displayed in Table F-1, which gives statistics for each scene of that play, and – for comparison – each scene of *The Winter's Tale*. Other tables and charts compare various Shakespearean plays with plays which have been thought to be only part-Shakespearean, and with plays by other authors – with the statistics used in these instances being for the whole of each play rather than for individual scenes. However, the statistical differences shown in Table F-1 between the putatively Shakespearean and the putatively Fletcherian scenes of *Henry VIII* seem to me to be too small to be conclusive – particularly given that

the scene-by-scene statistics for only one play which is undoubtedly fully Shakespearean are presented for comparison. Further to this, the scenes which are identified as probably Fletcher's – namely, in descending order of probability, IV.i, II.ii, I.iii, V.i, VII.v, II.iii, the second half of III.ii, and possibly IV.ii – are so scattered that I cannot see any "logic of apportionment" in them. After all, when two playwrights cooperated, one would presumably have written one block of scenes – or maybe a couple of blocks – and the other the remaining block or blocks; yet the only consolidated block which can be found among the allegedly Fletcherian scenes is Act V.

A common view among Catholic scholars has been that the play's final speech, made by Archbishop Cranmer over the infant Elizabeth, is non-Shakespearean. Yet the style of this speech seems to me to be typically Shakespeare's; and there is something decidedly Shakespearean about the fact that Cranmer, although historically a zealous Calvinistic Protestant, is permitted by the playwright to prophesy no more about Elizabeth's religious policies than that during her reign "God shall be truly known" (V.v.36). These words are so ambiguous that the contented Elizabethan conformist, the puritan or the Catholic could each have appropriated them to his own cause and endorsed them.

³⁵ The only ill word spoken of the Vatican in the play is Henry's Aside,

I may perceive

These cardinals trifle with me. I abhor
This dilatory sloth and tricks of Rome.
(II.iv.235-37).

This mild aspersion falls well short of vilification. Many an orthodox Catholic, then and since, has said much the same.

³⁶ See Vittorio Gabrieli, "Hamlet and The Supplication of Souls", in *Notes and Queries* Vol. CCXXIV (1979), pp.120-21. Professor Stephen Greenblatt, in a public lecture at the Australian Defence Force Academy in Canberra on Friday 26 June 1998 which I attended, similarly highlighted the parallels between More's picture of Purgatory and that painted by Old Hamlet's Ghost.