

## **Christopher St German on Scripture, Councils, and Kings**

**Abstract.** This article explores the idiosyncratic reflections on ecclesiastical and royal power sketched out in a little known manuscript by the Henrician lawyer and publicist, Christopher St German. His *Dyalogue shewing What we be bounde to byleve as thinges necessary to salvacion* investigated the question of ecclesiastical authority with respect to Christian doctrine. Its argument hinged on a unique interpretation of the Matthaean ‘binding and loosing’ texts (Matt: 16:19 and 18:18) which was designed to identify the point in history at which ecclesiastical authority was transferred from bishops to kings. And it is proposed here that the ulterior motive was to insulate Christian monarchs in general – and the king of England in particular – from the impact of any ecclesiastical power, be it papal or conciliar.

**Keywords.** St German, general councils, church, authority, kings

### **A problem of authority**

Henry VIII’s assumption of the supreme headship of the Church of England was designed to safeguard the divorce from Catherine of Aragon that he had wanted so badly in order to be free to marry Anne Boleyn. Thus it was intended to solve a problem, which it did. But the solution created a far greater problem, a problem of authority within the Church of England that has never been solved. The royal supremacy, which began as an expedient and turned almost at once into a principle, had extraordinary and unforeseeable consequences. As a result of its doctrinal content, and in particular of its claim to biblical status, as a result also of its paradoxical genesis as an ecclesiastical truth in parliamentary statute, and finally as a result of its curious dynamic, pulled between the conflicting poles of Henry VIII’s dominating and irresistible personality on the one hand, and on the other the subtle resistance of the English polity to tyranny, it created not only an obvious problem of authority within the Church of England – a problem which that Church is unlikely ever to resolve – but also a less obvious problem of authority within the English polity, a problem which would emerge only slowly, over the ensuing century, in the reigns of Henry’s less powerful successors – a boy, two women, and a Scot. When Charles I endeavoured in a way to refurbish the monarchy of Henry VIII, this problem of authority proved so intractable as to bring about his downfall and destruction.

The purpose of this paper is not to tell that long story, but to explore one of the earliest and most curious responses to the problem of authority in the church, that offered by Christopher St German (c. 1460-1540/41), a Henrician common lawyer and publicist who was closely involved in the changes of the 1530s. St German had helped undermine the moral authority of the English clergy in the early 1530s with a series of anonymous anticlerical pamphlets to which Thomas More had provided some forceful responses. Until recently, it had been thought that St German's common law principles, which had found free rein in his powerful assault on ecclesiastical jurisdiction and privilege, left him out of sympathy with the increasingly absolutist tendencies of Henrician rule from 1535, and that he had therefore withdrawn from public life.<sup>1</sup> However, it has recently been shown that he published a major treatise in support of Henrician policy, *A Treatise concernynge generalle councilles* (henceforth cited as *Generalle councilles*), with the king's printer as late as 1538; and that the State Papers include a substantial corpus of material produced by him through the mid-1530s, presumably on behalf of Thomas Cromwell (c. 1485-1540).<sup>2</sup>

This paper focuses on one of those unpublished later writings found in the State Papers, the anonymous *Dyalogue shewing What we be bounde to byleve as thinges necessary to salvacion and what not* (henceforth cited as *Dyalogue*), which was identified as St German's by John Guy some years ago.<sup>3</sup> The *Dyalogue* furnished vital underpinning for *Generalle*

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<sup>1</sup> See John Guy, *Christopher St German on Chancery and Statute* (London: Selden Society, 1985; Selden Society Suppl. Series, 6), 33-34 and 44-45; echoed by J. H. Baker in his entry on St German in the ODNB.

<sup>2</sup> *A Treatise concernynge generalle councilles* (London: Thomas Berthelet, 1538. STC 24237). For the attribution to St German, correcting an earlier attribution to Alexander Alesius, see Richard Rex, 'New Additions on Christopher St German: Law, Politics and Propaganda in the 1530s', *Journal of Ecclesiastical History* 59 (2008): 281-300 (the further discoveries about St German's writings detailed in this article were first announced in a paper at the Sixteenth Century Studies Conference on 27 Oct. 2002). Some helpful discussion of the argument of the *Generalle councilles* is to be found in Daniel Eppley, *Defending Royal Supremacy and Discerning God's Will in Tudor England* (Aldershot: Ashgate, 2007), 119-36.

<sup>3</sup> TNA SP6/2, fols. 33r-71v. See Guy, *St German on Chancery and Statute*, 17. Not the least remarkable feature of St German's career as an author is that every treatise or dialogue that he wrote, whether published or not, was produced anonymously. The only substantial

*councilles*, and both texts were responding to a serious theological and political threat to the royal supremacy – Pope Paul III’s attempt to convene a General Council in Italy in order to address the problems afflicting the Church throughout Europe.<sup>4</sup> Henry VIII felt doubly threatened by this. To accept the papal summons would be to acknowledge papal primacy, which was no longer compatible with his vision of royal supremacy. But to stand aloof from a council which, should it have taken place, might have been attended by most other princes would be to risk political isolation and even war. Paul III certainly aspired to heal the rift between Habsburg and Valois by uniting them in a crusade against England’s schismatic ruler.<sup>5</sup> It was therefore necessary to produce arguments that would justify absence from a papal council, while also searching for overseas alliances to reduce the political risk. The latter objective was pursued through negotiation with the Schmalkaldic League.<sup>6</sup>

Christopher St German was one of those who sought to resolve the theoretical issues. To understand how he sought to do this, we must first appreciate what we might call the metaphysical or ontological foundation of everything that mattered in English politics at that moment, namely, Henry’s royal supremacy. Although many intellectual currents flowed

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discussion of the *Dyalogue* so far is found in John Guy, ‘The Later Career of Christopher St German’, in Thomas More, *The Debellation of Salem and Bizance*, ed. John Guy *et al.*, (New Haven: Yale University Press, 1987. *The Complete Works of St. Thomas More*, 10), 395-417, at 408-13.

<sup>4</sup> For Paul III’s ill-fated attempts to convene a general council first at Mantua and then at Vicenza, see Hubert Jedin, *A History of the Council of Trent*, tr. Ernest Graf (2 vols. London: Thomas Nelson, 1957-61), vol. 1, 313-54, ch. 7, ‘The miscarriage of Mantua and Vicenza’. For the anxiety that these attempts caused in England, and in particular for Richard Morison’s prominent role in Henry’s propaganda campaign against them, see the excellent study by Tracey Sowerby, *Renaissance and Reform in Tudor England: the Careers of Sir Richard Morison, c. 1513-1556* (Oxford: Oxford University Press, 2010), 64-77.

<sup>5</sup> For Paul III’s somewhat unrealistic hopes of bringing a Franco-Imperial axis to bear against Henry, and especially for Cardinal Pole’s place in the associated manoeuvres, see Thomas F. Mayer, *Reginald Pole: Priest & Prophet* (Cambridge: Cambridge University Press, 2000), 91-95.

<sup>6</sup> See Rory McEntegart, *Henry VIII, the League of Schmalkalden and the English Reformation* (Woodbridge: Boydell & Brewer, 2002).

together to form the doctrine of the royal supremacy, the source to which Henry and his publicists chiefly traced it was nothing other than the Bible itself, Scripture, the Word of God. As Richard Sampson put it in 1535, ‘The Word of God is to obey the king, not the bishop of Rome’.<sup>7</sup> St German aligned himself ostentatiously with this agenda. In the *Dyalogue*, he talks of ‘the power of kinges whiche they haue by scripture’.<sup>8</sup> Yet this lay open to an obvious challenge: who could define and guarantee the authoritative interpretation of the Bible? If scriptural interpretation was ultimately under the control of the pope, or the general council, or both, then it would always be possible for the royal supremacy to be challenged by ecclesiastical authorities that could be presented as Scripture’s ultimate arbiters. It was essential therefore to prise Scripture from clerical control in order to ensure that it could not be used to undermine the new pretensions of royal power.

The *Dyalogue* addresses these problems. It features two interlocutors, the Doctor and the Student (familiar figures from other dialogues by St German). In this text, the Doctor is evidently the one whose views the reader is meant to take on board, and the Student is presented as coming to him in search of wisdom. Though far from a mere stooge – for he gets to pose some quite tricky questions, and raises all the points that common sense would suggest against the Doctor’s position – the Student is nevertheless plainly satisfied with the answers he receives. The Doctor has the lion’s share of the exchanges, uttering over three quarters of the text. And at one crucial moment, St German lets the mask slip, and speaks unmistakably through his character to his readers:

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<sup>7</sup> Richard Sampson, *Richardi Sampsonis, regii sacelli decani, oratio* (London: Thomas Berthelet, 1535. STC 21681), sig. C5r. The original Latin reads ‘Verbum dei est, obedire regi, non episcopo Rho[mano]’. Earlier in that text, Sampson remarks that ‘the king has his supreme power from God, as you have just heard from the Word of God’ (sig. B1r: ‘Cum ergo hanc supremam potestatem habeat a deo, ut iam ex uerbo dei accepistis...’). See Richard Rex, ‘The Crisis of Obedience: God’s Word and Henry’s Reformation’, *Historical Journal* 39 (1996): 863-94, esp. 889-90.

<sup>8</sup> TNA SP6/2, fos. 33r-71v, ‘A dyalogue shewinge What we be bounde to byleue as thinges necessary to saluacion’, at fol. 37r. From now on, references to specific folios of the *Dyalogue* will mostly be given in brackets in the main text, as, e.g.: (37r).

I haue in this writing rehersed dyuers tymes that I haue spoken of the auctoritie of scripture, and that I haue done to the intente that I wolde that the readers shulde perceyue that I thinke the matier is weightie. (63r-v)

The Doctor, then, speaks for St German in a text clearly intended for publication, and the coincidence of his views with those of the anonymous author of the single-voiced *Generalle councilles* confirms this.

The full title of the *Dyalogue*, lengthy and somewhat clunky, is subtly misleading. ‘A dyalogue shewing What we be bounde to byleve as thinges necessary to salvacion and what not’ sounds essentially catechetical in scope and intention. Yet from that point of view it is curiously empty – empty, indeed, to a theologically disturbing degree. The best we get is this: ‘the perpetuel virginitie of oure ladie and all tharticles of the said common crede, be sufficiently proved by scripture and muste therfore of necessitie be beleved’ (37r).<sup>9</sup> This theological emptiness is by no means accidental, for the true focus of the *Dyalogue* is *authority*, as is evident from its rousing peroration, which calls upon kings to overthrow ‘the abused powers of the bisshops of rome’, to ‘punysse also all they that within their domynions will resiste them’, and ‘to haue scripture sette fourthe in as trewe and faithfull a manere as it was in the tyme of Apostles’ (71r-v). Doctrine is reduced at every turn to authority. Thus, all the schisms of the Eastern Churches are explained in terms of their refusal to acquiesce in papal usurpations (39r-v), a move which implicitly brushes aside the delicate theological work of Ephesus, Chalcedon, Constantinople II, etc. St German concludes from this that ‘all Cristen kinges ar boundon in conscience to serche and examyn with all diligence whether the contreyes that I haue named bifore were charitablie haundelid or not and to do that in them is to reforme that is amys in that behalf’ (40r). The casual assumption of the ultimate and collective authority of Christian sovereigns for the governance of the Church is a sign of things to come, and the focus on political process rather theological content is deeply

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<sup>9</sup> The doctrine of the Trinity, one of the few Christian doctrines to merit specific mention in this dialogue, is defended with nothing more than a naïve invocation of the Johannine Comma (whose authenticity had already been called into question by Erasmus) and the blithe assurance that the language of ‘persons’ in which the Niceno-Chalcedonian doctrine was framed was entirely dispensable, because ‘to byleve that god is thre and oon &c suffisethe to salvacion’ (44v). The dual procession of the Holy Spirit (the *Filioque*) is established with a pair of biblical quotations (44v-45r).

revealing. St German's interest is not substantial, but entirely formal, one might even say procedural. What concerns him in this treatise is not what is to be believed as such, but *who is to decide* what is to be believed.

### The clergy and the church

His answer to *this* question is at first sight entirely Catholic and traditional: the Church. As the Doctor says, 'it perteynethe to the churche ... to exponde the doubtis of scripture' (67v-68r).<sup>10</sup> But he is anxious to guard against the misapprehension to which this statement might easily give rise, namely that that power belongs to the clergy. For it is a recurrent theme of the *Dyalogue* that, notwithstanding their alleged pretensions, the clergy 'make not the churche'.<sup>11</sup> In defence of these pretensions, he argues, they had 'expounded many textes of scripture contrary to the mynde of the holie ghoste', not least the notion that 'they and every of theym haue had auctoritie ... to exponde the doubtis of scripture' (53r).<sup>12</sup> The distinction between the clergy and the church was a long-standing bugbear of St German's. As early as 1532 a character in one of his dialogues (a character who speaks as clearly for the author as does the Doctor in the *Dyalogue*) had repeatedly hinted doubts to his clerical interlocutor about 'you whiche call your selfe of the churche'.<sup>13</sup> By 1535 St German was becoming aggressive in his challenge, admitting that 'if the clergy can proue that they be the catholyke churche / than it belongeth to them to expounde it', but adding, more assertively:

But if the emperours / kynges & princes / with their people / as well as of the  
clergy as of the lay fee make the catholique church and the clergy but a

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<sup>10</sup> Compare St German's remark in his earlier *An answere to a letter* (London: Thomas Godfray, [1535]. STC 21558.5), sig. G4v, that 'all men agre that the catholyque churche maye expounde scripture'.

<sup>11</sup> *Dyalogue*, fols. 38r, 49r, 56v

<sup>12</sup> Compare St German's remark in his earlier *Addicions of Salem and Byzance* (London: Thomas Berthelet, 1534. STC 21585), 62r-v, that the 'clergie pretende, that they onely ought to declare scripture to the laye menne'.

<sup>13</sup> *A dyaloge betwene one Clemente a clerke of the Conuocacyon, and one Bernarde a burges of the parlyament / dysputynge betwene them what auctoryte the clergy haue to make lawes* (London: [John Rastell], [1532]. STC 6800.3), sig. B5v.

parte of that church: than may the emperoure / kynges & princes with their people expounde it.<sup>14</sup>

St German not only insisted that the clergy were not ‘the church’. He even insisted that ‘they [i.e. the clergy] represente not the churche *as I have said before*’ (38v; my emphasis). The notion that the bishop represented his local church, and thus that the bishops collectively represented the universal church, was a deep assumption of both the medieval and the early church. St German’s Doctor blithely dismisses it with the implication that he has already dealt with this issue when he is in fact discussing it for the first time. As we shall see, the other crucial step in his argument is taken in exactly the same way. But the idea that the bishops represented the church was a dangerous notion that had to be refuted somehow.

By insisting that neither bishops nor the clergy constituted or represented the church St German was able to argue that to be truly representative of the church, a general council had to include lay as well as clerical delegates:

I wolde have a generall counsaile gathered and kepte by auctoritie of kinges and princes and wherin notable men of the temporalitie as they be callede shulde have voices. (48v).

This raised a problem. From Nicaea onwards, the councils of the church were almost without exception clerical gatherings.<sup>15</sup> Although sometimes lay princes were involved in convening the councils, and at times their representatives were present, only bishops had voices and votes. St German did not flinch from the ineluctable conclusion:

Verilie I know not that any oon counsaile sithe the tyme of thappostles and sithe the tyme that kynges were conuerted to the faithe, hathe ben gathered and orderyd according to scripture, ne by auctoritie of scripture (48r).

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<sup>14</sup> *Answere to a letter*, sig. G4v-G5r.

<sup>15</sup> See H. Marot, ‘Conciles anténicéens et conciles oecuméniques’, in B. Botte et al, *Le concile et les conciles* (Chevetogne: Éditions de Chevetogne, 1960), 19-43, for the central role of bishops in the early church (21-23) and in the synods and councils which proliferated from the later second century (26-27). For the episcopal character of the great councils of the fourth and fifth centuries, see in the same volume P.-T. Camelot, ‘Les conciles oecuméniques de IV<sup>e</sup> et V<sup>e</sup> siècles’, 45-73, at 48-50 and 53-54.

His comment ‘since the time of the apostles’ is explained by his contention that a council of the whole church had been recorded in Acts where the Apostles, in convening a council at Jerusalem, joined with themselves the elders: ‘And the apostles and ancients assembled to consider of this matter’.<sup>16</sup> He returns to the point more than once:

I thinke verilie that sithe the tyme of the Apostles there hathe not oon generall counsaile be gathered, and holdon to all intentes according to thauctoritie of scriptures for thoughe the said council of Nicene and some othere were gathered, by auctoritie of the Emperour and kinges, yet laye men had never voices yn any of theym. (54r)<sup>17</sup>

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<sup>16</sup> Vulgate Acts 15:6 and 15:22: ‘conveneruntque apostoli et seniores videre de verbo hoc’; and ‘tunc placuit apostolis et senioribus cum omni ecclesia’. In the *Generalle councilles*, St German refers explicitly to ‘the mencion that is made, Act. xv. for the gatherynge of the council at Hierusalem’ (sig. D1v).

<sup>17</sup> It is worth noting that *Generalle councilles* does not voice this scepticism about the actual conciliar tradition of the church, although it does speak censoriously of councils summoned by the ‘byshoppes of Rome’ (C5r), in which the laity were denied any voice (C5v). And while *Generalle councilles* hints its disapproval of the fact that only clergymen have had voices in general councils (Ber, B4v, B6v, C5v, and D7v), it neither rules previous councils out of court on those grounds nor explicitly calls for lay voices to be heard. The difference in approach between the two works can perhaps be accounted for in the following way. *Generalle councilles* was printed in 1538, and refers at one point (C6r) to the semi-authorised statement of the doctrine of the Church of England that had been published the previous year as *The Institution of a Christen Man* (London: Thomas Berthelet, 1537. STC 5164, better known as the ‘Bishops’ Book’). The *Institution*, in turn, explicitly endorses the ‘four holy councelles’ (Nicaea, Constantinople, Ephesus, and Chalcedon), as well as (less specifically) ‘all other syth that tyme in any pointe consonante to the same’ (fol.18r-v). If one supposes that the *Dyalogue* was indeed produced in 1537 (as has been argued by John Guy), then it would follow that St German had toned down the radical thinking of the *Dyalogue* in the light of the position taken up by the Church of England in the *Institution*. This would in turn suggest that the *Dyalogue* was composed before October 1537, when the *Institution* was released.

Even St German could see that this was a disturbing conclusion, so he tries to limit the damage. The Student asks if clerical and papal councils are not therefore null and void, and the Doctor reassuringly replies, ‘Naye I take it not soo’ (54r). Yet despite this, he offered no reasons for his demurrer, and his criticisms of clerical councils remained acidic. He had already opined that:

for the mayntenaunce of a singularitie & excellencie on the clergie above laye men, [councils] haue broughte in many cerimonyes and ministracions and also made many divers lawes, that haue done greate hurte to the common welthe and to the charitable ordre of the people. (48v)

There is a hermeneutic of suspicion at work here, betraying a profound anticlericalism. And even his defence of councils is restricted by the comment that ‘no man is boundon to bileve theire seyinges oonles they be deryvied owte of scripture and be warraunted by scripture, for they were not made by auctoritie of the churche’ (54v), a radical repudiation in effect of the entire conciliar tradition. Clerical councils, it transpires, are to be measured against scripture. This takes us back to the starting point of the whole *Dyialogue*:

Scripture is fully to be beleved as a thing necessary to salvacion thoughe the thing conteyned in scripture perteign not merelie to the faithe, as that Aaron had a berde and suche other. (33r)

### **Authorising Scripture**

Yet while Scripture can trump clerical councils, there is still another problem. For if Scripture is to be normative, it is essential to know what Scripture actually is. That Scripture itself did not include a catalogue of its own contents, and that it was therefore necessary to rely on some outside authority or knowledge to identify it, was a standard Catholic objection to the Protestant principle of *sola scriptura*: Thomas More had used it in his *Dialogue concerning Heresies* (which St German had almost certainly read).<sup>18</sup> St German and his Doctor thus find themselves on shaky ground in asserting the sole sufficiency of Scripture, and are evidently uncomfortable. Scripture, the Doctor is sure, consists of those ‘bookes

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<sup>18</sup> Thomas More, *A Dialogue concerning Heresies*, ed. T. M. C. Lawlor *et al.* (2 vols. New Haven: Yale University Press, 1981. The Complete Works of St. Thomas More, 6), book I, ch. 30 (part I: 179-82, esp. 181).

conteyned in the bible whiche be called canonicall and non but they' (38r). As with the interpretation of scripture, so too with its definition: only the universal church has the authority to decide upon the canon.<sup>19</sup>

It is therefore clear to the Doctor that this must in fact have happened, that such a decision must have been taken, even though there is no historical record of it. Scripture, he asserts,

was put in writing and canonysed by the vniuersall church as a thing necessarie to be bileved ... but the tyme when it was done is not perfetlie knowen (50v).

The Student does not let him off the hook quite so easily, pointing out that the Doctor's claim is insecurely grounded:

Thowe seiste that suche thinges were done by the auctoritie of the vniuersall church, but thowe sheweste not where nor when, nor by whome (56v).

In the end, the Doctor invokes 'the common assent of the people', whose testimony 'in this caase suffisethe though a common oppynyon of the people suffice not to prove any other oppynyon to be of the strength of scripture that is not in scripture' (58v). This uncomfortable piece of special pleading is necessary because, if any other authority (such as the papacy, or the episcopate) were allowed to have defined the canon of scripture, that authority would in effect be established as supreme within the church. As to the time at which this necessary process of definition must have been accomplished, the Doctor thinks it likelier that the canonisation took place before the age of Christian kingship (59r). Later on, hypothesis evolves into fact as he and the Student agree that it was in the time of the primitive church 'whan scripture was canonised' (68v).<sup>20</sup>

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<sup>19</sup> This is not stated as such, but the *Dyalogue* refers at several points to the canonisation of Scripture by the universal church (e.g. 49r, 50v, and 55v), and mentions no other means by which the process might be carried out. *Generalle councilles* does not follow the *Dyalogue* into a discussion of the canon of Scripture.

<sup>20</sup> The Doctor later cites the councils of Laodicea and Carthage, which he acknowledges gave slightly different accounts of the biblical canon (66v). He apparently fails to realise that this evident lack of clarity over the canon in two councils of the fourth century torpedoes his thesis as to the pre-Constantinean definition of the canon. He also passes over the omission

Nevertheless, St German is not satisfied with his solution. For his idea of what a second general council of the church, if it could ever be convened, might actually do is focussed on the canonisation of scripture. Such a council, he says, would have authority for

oonlie this, that in the name of the vniuersall churche they shulde agre what bookes ar to be taken as bookes canonised for scripture and what not and that they shulde also expounde the doubttes of scripture ... (49r).

This would still leave some scope for interpretative interventions, but the Doctor gives the game away a little later. Nothing, he adds, ‘perteynethe to the vniuersall churche more appropriatlie then that dothe’, namely, to determine that the so-called ‘Apocraphaes’ should be ‘taken as bookes canonised’ (67v). St German’s own determination to have the Apocrypha recognised as integral to the canon casts important light on his religious position: however far he might have travelled from traditional Catholicism, he was certainly no nearer to mainstream Protestantism, which with one voice repudiated the idea that the Apocrypha were properly canonical Scripture. St German himself adopted an idiosyncratic *via media* in this regard, favouring the inclusion of some of the Apocrypha in the formal canon, but still wishing to exclude II Maccabees.<sup>21</sup> This was overtly justified on the grounds that II Maccabees contained an evident factual error, and could not therefore be considered divinely inspired, but the real reason was to ensure that the strongest scriptural evidence in favour of prayer for the dead could not be awarded canonical status, and thus to leave the Henrician Church of England as much flexibility as possible for its decisions in this contentious theological field.<sup>22</sup>

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from the ‘Laodicean’ canon (which modern scholars reckon does not in any case represent a conciliar decree) of the Apocalypse, which he accepts as canonical (68v-69r).

<sup>21</sup> The Doctor specifically endorses Ecclesiasticus (65r), before urging the inclusion of all the Apocrypha except for III and IV Esdras (which are not included in the Roman Catholic canon either) and II Maccabees (65v).

<sup>22</sup> The alleged factual error is that II Macc. 1 suggests that Judas Maccabeus himself was still alive in year 188 [i.e. 124 BC] when I Macc. 9 noted his death in year 153 [i.e. 160 BC] (66r). The Doctor dismisses the theory that two different men called Judas are in question in the two chapters (66r). More revealingly, he simply insists that the alleged error should be ascribed to II Macc. rather than I Macc. (67r) before showing his hand with the comment that ‘after the pretence of many of the clergie that boke favorithe moche that there shulde be a

## From apostles to kings

St German does, however, see a lurking danger in the inference that scripture was canonised in apostolic or primitive times, for this crucial ecclesiastical task must therefore have been performed at a time when the Church was, anomalously as far as he was concerned, independent from the rule of kings (in our terms, separate from the State). That in turn raised the awful spectre of clerical power, for it was evident even to St German that bishops, or at least the clergy, had ruled the church in the centuries before the conversion of Constantine.<sup>23</sup> Given the political imperative to establish and justify the royal supremacy, this anomaly had to be explained in such a way that the bishops and clergy could not still lay claim to the definitive power which they had exercised in the earliest times. For, as he says later, ‘there are fewe thinges that haue done more hurte, then this pretence wherbye the bisshops and clergie haue affirmed that they haue like auctoritie as the Appostles had’ (59r-v). This astonishing *obiter dictum* casually sweeps aside almost the whole of Christian history, for the doctrine of the apostolic succession, and thus the quasi-apostolic status, of the episcopate was common coin by the end of the second century, and crystal clear in the pages of Eusebius in the age of Constantine and Nicaea.

To exorcise the spectre of a continuing clerical power, the Doctor – or rather, St German – proposes that Jesus commissioned his Church with authority not once, but twice, or rather, not in one way, but in two ways. These two subtly different commissions, he contends, were recorded at Matthew 16:19 (49v-50r) and 18:18 (51r-v), the two texts of binding and loosing

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purgatorye, and what riches have come to the clergie by that opynyon no man can tell’ (67v). Modern commentary is uncertain as to which of two letters cited in 2 Macc. 1-2 is meant to be dated by the time clause referring to the year ‘188’ (2 Macc. 1:10), the one before it, or the one after. John Bartlett suggests that if the second letter (2 Macc. 1:10-2:18, the one to which St German alludes) is indeed meant to be from Judas Maccabeus himself (and this is not clear), then it should perhaps be dated between 164 and 160 BC, with ‘188’ referring to the first letter. This would dissolve the Doctor’s objection. See *The First and Second Books of the Maccabees*: commentary by John R. Bartlett (Cambridge: CUP, 1973. The Cambridge Bible Commentary), 219-20 and 223.

<sup>23</sup> The Doctor concedes that in the primitive church, before the conversion of kings, the apostles had the power to convene councils in the name of the whole church (49v). [Now this is of course the power that the bishops claimed to inherit as successors of the apostles.]

on earth and in heaven. Matthew 16:19 specifically gave this power to the apostles ‘till kinges were converted’ (50r), and it was during that time that the canon of scripture was first fixed.<sup>24</sup>

However, now comes St German’s most startling claim:

fro the tyme that kinges were conuertyd the vniuersall church had power to ordre scripture and to maynteyn the vnitie of the faithe vnder kinges whiche were hedes of that church nexte vnder god, and that powere the church had by this texte Mathei xviiij<sup>o</sup>, where criste saithe this, whatsoever ye bynde vpon erthe shalbe boundon yn heven, and whatsoever ye lose vpon erthe, shalbe losed yn heven, for that texte was spoken to the vniuersall church to contynue to thende of the worlde vnder the gouernaunce of kinges and princes as I haue saide before (51r-v).<sup>25</sup>

This passage deserves particularly close attention. First of all, the Doctor is in effect claiming that the royal supremacy is established by Matthew 18:18. Secondly, he is claiming to have said this ‘before’. And finally, this royal power, emerging with the appearance of Christian monarchs, permanently supersedes the temporary ecclesiastical power of the bishops. Two things are particularly worthy of note. First, this is most definitely the first time the Doctor has mentioned this idea, yet, as with his denial of the episcopal claim to represent the church, he smuggles it past the Student with the mendacious claim that he has already established it. The fact that this tactic is deployed twice at decisive moments in the argument forbids us to account for it as an oversight.<sup>26</sup> Secondly, given that there is no reference to the putative

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<sup>24</sup> The Doctor says that ‘this canonysing was of likelyhod made by auctoritie of the said texte, quodcumque ligaueris &c Math. xvj’ (50v).

<sup>25</sup> One is reminded here of the late Leszek Kolakowski’s ‘law of the infinite cornucopia’, which proposes that, for any thesis one is already minded to uphold, an unlimited supply of arguments can be elaborated. See Leszek Kolakowski, *Religion* (Oxford, 1982), 16.

<sup>26</sup> The *Dyalogue* seems to constitute a coherent textual unit in itself, and St German’s own reference to ‘this writing’ (63r; see above at p. ???) indicates that he saw it as a whole in its own right. In the *Generalle councilles* (which has many common features with the *Dyalogue*), St German makes numerous comments along the lines of ‘as is sayde before’, and in every case such a comment can be traced back to something said earlier within that text

future conversion of kings or princes in either of these two texts, the exegetical leap from ‘whatever you [plural] bind on earth’ to the ecclesiastical power of Christian kings is intellectual gymnastics of the highest order. It is inconceivable that such an interpretation would be found in the theological mainstream of medieval exegesis (Hugh of St Cher, Nicholas of Lyra, etc). But not even the outliers, the heretics, come close to this. There is no sign of such a doctrine in Wycliffe, nor in Marsiglio of Padua.<sup>27</sup> Nor does St German invoke any theological authority to support his reading.

The Student is understandably taken aback, and enquires ‘what movethe the to saye that the hedship of the Appostles over the vniuersall churche contynued no longer then to the tyme that kynges were conuerted and that then it ceased’ (52r). The Doctor is able to produce arguments, but not evidence, for his position. His answer is that kings were established over their peoples in the Old Testament – a reiteration of the fundamental assertion of the Henrician royal supremacy – and that for the Apostles to be heads of the church in the New Testament after kings were converted would make them heads of the peoples, which would contradict the headship of the kings, which Christ emphatically intended them to retain – a position he rests on Christ’s declaration that he came not to abolish the law, but to fulfil it.<sup>28</sup> This intricate argument owes something to the case made by

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(e.g. *Treatise*, sig. B8r, referring back to B7r). That St German is deliberately misleading his readers with his claim to have established his point about royal power earlier in the *Dyalogue* is an inference, but one I offer with confidence. He was a lawyer.

<sup>27</sup> Wycliffe’s *De officio regis* extols monarchical authority to a remarkable degree, but insists on a distinction between temporal and spiritual authority which is virtually erased by the royal supremacy. For him, both texts in Matthew are addressed to the apostles, and concern the apostles and their successors, the clergy. Likewise, Marsilius of Padua extols royal authority in his *Defensor pacis*, and denies papal primacy by divine right in the church, yet invariably cites both Mt 16:18 and Mt 18:16 as conferring spiritual or sacramental authority on the apostles and their clerical successors.

<sup>28</sup> *Dyalogue*, 52r-v, esp. this: ‘Criste also said Mathei v<sup>to</sup>, I come not to breke the lawe but to fulfill it, wherby apperethe that Criste wolde that the power that kinges had before his cummyng shulde contynue’. This argument is reprised at *Generalle councilles*, sig. B8r-v; and the argument about Mt 16:18 and Mt 18:19 is summed up at *Generalle councilles*, sigs. B5r-B6v (for the first text) and B7r-B8r (for the second).

Stephen Gardiner in his *De vera obedientia*, where he argues that since the church of England and the people of England are exactly the same set of people, they can constitute only one body and can therefore have only one head, namely the king.<sup>29</sup> His second argument is that the two texts, Matthew 16:19 and 18:18, must have different interpretations because:

if bothe the said textes should be vnderstande to be spoken to the Appostles and both to be of oon lyke effecte, then the oon or the other of theym was surplusage and spoken in vayne, specially seing that bothe the said textes were spoken by oon self evangeliste and so nighe to gethere (53v).

This laughable exegetical principle, which we might restate as ‘the necessary non-redundancy of Scripture’, was not extended to the massive overlaps between the three synoptic gospels!<sup>30</sup> But there may be a little more to this than meets the eye. In his defence of papal primacy against Martin Luther, John Fisher had developed a rather different but equally subtle interpretation of the significance of these two almost identical texts. Noting that Matthew 16:19 concerned binding and loosing ‘in the heavens’, while Matthew 18:18 concerned binding and loosing ‘in heaven’, he argued that the power personally conferred upon Peter in the earlier text was more ample than that conferred collectively on the apostles as a group in the later one.<sup>31</sup> St German may even be alluding implicitly and slightly impishly to this argument here, so closely does his own argument follow the form of Fisher’s.

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<sup>29</sup> Stephen Gardiner, *The Oration of True Obedience*, in *Obedience in Church and State*, ed. Pierre Janelle (Cambridge: CUP, 1930), 68-171, at 93-97. This is a very poor argument, which not only forgets that all metaphors have limits, but also that if the same people can belong variously to different corporations, with different members serving as ‘heads’ (a position logically entailed by Gardiner’s concession that there can be subordinate corporations within the kingdom, with subordinate ‘chiefs’: see pp. 141-49), then a single group of people could quite easily form two distinct corporations – for different purposes, maybe, and wielding different resources – and could therefore have different ‘heads’.

<sup>30</sup> Absurd though it evidently is, this exegetical principle, or one very close to it, was widely invoked by early modern interpreters of scripture, including Martin Luther and John Fisher.

<sup>31</sup> John Fisher, *Assertionis Lutheranae Confutatio* (Antwerp: Hillenius, 1523), article 25, fol. 128r. ‘The others indeed received the power of binding and loosing, but only in ‘heaven’, singular; Peter received it in ‘the heavens’, plural. ... And let no one tell me that these texts indicate the same power. For I am absolutely certain that unless the Evangelist had intended

The further problem is that after the conversion of kings, the clergy still ‘pretended that bisshops and prestes aughte to ordere and governe the vniuersall church to thende of the worlde as thapostles yn theyre tyme did’ (51v). And this was deliberate deceit, for ‘when kinges were conuerted ... they knewe not theyer owne powere therin nor ... the clergie wolde not instructe theym therof, but rather biganne to make pretence that they had like auctoritie ... as the Appostles had’ (59v). Almost despite himself, the Doctor is thus obliged to concede, implicitly, that there is no exegetical tradition behind his interpretation of these texts. The clergy had engaged in a thousand-year conspiracy of silence around the true meaning of these texts, offering instead their own self-interested readings. Kings, the Doctor concludes, should therefore unpick the structure built by the clergy on the basis of their false interpretation of these texts (54r).<sup>32</sup> St German does not shrink from the conclusions to which he is led by his sense of the almost intrinsic mendacity of the clergy. When the Doctor observes that ‘there have ben greate vntrute in many of the clergie, beside such vntrutes as we haue spoken of bifore’, the Student responds that their perverse and wilful distortion of Scripture ‘hathe ben no lesse offence yn the moste parte of the clergie of all cristen realmes, then dedlie synne’ (55r). To accuse almost the entire clergy for over a millennium of mortal sin, sin which if unrepented would be eternal damnation, must stand as one of the most remarkably and completely anticlerical statements ever uttered by a Christian.

## Conclusion

After the Doctor has pietistically complained that the prosperity of the Church and the conversion of the infidels cannot be advanced ‘aslonge as the bisshop of Rome and othere bisshops also be suffred to lyve so ferre fro the gospell of Criste as many of theym haue done in tyme paste’ (71r), the *Dyalogue* heads towards its conclusion by lamenting how awful it would be if any Christian king shirked his duty to put down the ‘abused powers of the bisshops of Rome and othere bisshops’. Although earlier the Doctor had expressed astonishment that ‘many Cristen Kinges even to this daye dissemble the mater and will not serche the trouthe of scripture to knowe what auctoritie they haue receyved of god for the

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some distinction, some difference, by these words here, he would never have employed different wording, especially when he deals with both episodes only a chapter apart.’ (My translation.)

<sup>32</sup> *Dyalogue*, fol. 54r: ‘kinges and princes are boundon vnder no lesse payne then dedlie synne to endeouvre theym selfe to se theym [the bishops and clergy] reformed’.

good ordning of his churche' (49v), he now voices his confidence that 'I knowe no king that doothe so, And I truste there is non that will doo soo', concluding 'And if there be I beseche our lorde shortlie to turne his mynde and to make hym perceyve how ferre he werketh againste scripture, and againste the trewe doctryne in his so doynge' (71v). Spiritual authority had thus been completely removed from the control of the Christian clergy, which for twelve hundred years had barely deserved the name and had lived in the mortal sin of wilful heresy, and was delivered instead into the hands of Christian kings – those same rulers whose inimitable humility and selfless dedication to the common good did so much to improve the lives of the people of early modern Europe. The pope had been unseated, the bishops had been put in their place, and the general councils of the church after apostolic times had been annulled. Once Christian kings had been given the responsibility for convening general councils, a general council could be safely invoked without any risk of its ever actually being gathered together. For this, I would argue, in contradistinction to the interpretations offered by John Guy and Daniel Eppley, is the real purpose of the *Dyalogue*. It is not quite, as Guy suggested, that St German had somehow acquired or regained a naïve faith in the healing and peacemaking potential of general councils and was simply oblivious to the 'sheer impracticalities' of his theory;<sup>33</sup> nor is it, as Eppley has proposed, that St German genuinely hoped that Christian princes might be inspired to convene a general council even though he had little practical expectation that they would do so.<sup>34</sup> Rather, the *Dyalogue* demonstrates that St German has no faith in general councils at all. No true council has, in his view, ever met, or at least not since New Testament times. And while in the *Generalle councilles* he is obliged to align his views with the official acceptance of the four great councils (and perhaps also others) voiced in the *Institution of a Christen Man*, even here his enthusiasm is far from unbounded. The point of the *Dyalogue* is to pay lip-service to the idea of general councils with a theory that excludes any risk of ever actually having one. So St German develops a theory which enables him to be sure that no true general council has ever met, and to make sure that none ever does. The purpose of the *Dyalogue* is to secure the royal supremacy against any external jurisdiction – not just that of the papacy, but also that of a putative general council. The rooting of the royal supremacy in Scripture places it, in theory, beyond the reach of any human authority, even that of a general council. But the necessity of admitting that general councils have final authority in identifying and even interpreting

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<sup>33</sup> John Guy, 'Later Career of St German', 413-14.

<sup>34</sup> Eppley, *Defending Royal Supremacy*, pp. 129-30.

Scripture – a necessity born of the need to ground the authority of Scripture itself securely – could potentially open the way to some attempt by an ecclesiastical authority to undermine or curtail the pretended ecclesiastical supremacy of the king of England. By redefining general councils in such a way as to make their validity dependent on the consent and authority of Christian kings, St German ensured that no such body could ever trespass upon the prerogatives of the English Crown, nor even meet without the English Crown’s permission – which there would be no overwhelming reason ever to give. For all practical purposes, as St German had already observed in his *Answere to a Letter*, the English parliament could resolve issues of religious doctrine and ecclesiastical discipline for the benefit of the English people.<sup>35</sup> The chief problem that St German addressed in his writings of the 1530s was how to subordinate ecclesiastical power to royal while insulating royal power from ecclesiastical. His *Dyalogue shewing What we be bounde to byleve as thinges necessary to salvacion* was his most far-reaching and radical solution. In the end, it went too far and was too radical, which is probably why it stayed in Cromwell’s drawer.

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<sup>35</sup> *Answere to a Letter*, sigs. G3r and G6v; Eppley comments usefully on this aspect of St German’s position in *Defending Royal Supremacy*, 131 and 135.

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