

*KENT HERESY PROCEEDINGS 1511–12* by NORMAN TANNER, Kent Archaeological Society, *Kent Records, XXVI*, Stroud, 1997, xxvi+129 pp. (£20) ISBN 0-906746-25-6.

A Review by Fr Robert Ombres, OP

The register of Archbishop Warham of Canterbury, kept in Lambeth Palace Library, records the proceedings for heresy which took place in 1511–12 against fifty-three lay men and women. Most of the accused abjured their errors and were assigned penances; five were handed over to the secular arm, that is to be burnt to death, as relapsed or obdurate heretics.

Warham's proceedings have been widely known since the sixteenth century, when John Foxe published a few extracts from them in his famous *Acts and Monuments*. Foxe included an outline sketch of the legal procedures involved, and he noted some of the penances which might be imposed. Without Foxe's polemical or hagiographical intent, Norman Tanner has now published the first full edition of Warham's proceedings. The record is generally in Latin, but the abjurations and the depositions are in English. The editor, who has already published the record of the heresy trials in the diocese of Norwich in 1428–1431, has added a concise and helpful introduction to his edition of the text. In it, he draws attention to the kind of theological topics at issue in these proceedings for heresy, as well as tabulating the range of penances imposed. Erroneous beliefs concerning the eucharist, confession, pilgrimages and images predominate. Although there is no mention of Wyclif or Lollardy, the editor locates the defendants within the mainstream of early sixteenth-century Lollardy. As for the penances, those most frequently imposed were the carrying of a faggot on a public occasion, confinement to one's parish or locality, informing the archbishop of persons suspected of heresy and of books belonging to them, and wearing a badge with a faggot on it.

Tanner does make two general comments on Warham's judgments. He says that the archbishop's first priority was to secure convictions on a relatively small number of charges, not to enter into the defendants' beliefs fully or sympathetically. Secondly, the archbishop frequently mentions the possibility that the penances might in future be commuted, mitigated or dispensed, and Tanner comments that 'so it may well be' that the penitential discipline was considerably milder in practice than the sentences initially suggest.

The meticulous and accessible editing by Tanner of these heresy proceedings will be of value to historians and theologians, but the documents also require study by ecclesiastical lawyers. Tanner virtually avoids giving any legal background for the cases, even to the point of not mentioning that Warham was Lord Chancellor as well as Archbishop of Canterbury at the time. Interestingly, Thomas More maintained it was his duty as Lord Chancellor to suppress heresy by virtue of his oath and the requirements of law. Tanner does, however, note that the general impression is of Warham taking the initiative throughout the proceedings, and that the archbishop appears to have taken considerable care in working out which penances to impose.

In order for us to gain a full understanding, the record of these Kentish proceedings needs to be measured against the general procedural pattern and evidential requirements for the investigation, trial and punishment of heresy. Related to this, the many canonical concepts and terms employed in the proceedings need elucidation. Lyndwood, for whom Wyclif was '*haeresiarcha magnus*', has a substantial amount to say about heresy in his *Provinciale*. This classic work from the fifteenth century by an English canonist would make a good starting point given Lyndwood's juridical expertise and his practical experience of the province of Canterbury. In particular, in two lengthy glosses Lyndwood explains who can be considered a heretic and he lists the penances which can be imposed when appropriate. He also deals with

what bishops have to bear in mind in imposing penances, and he draws attention to various excusing factors. All of these matters are directly relevant to Tanner's introduction.

Despite the elegant and unflustered hand in which these proceedings were written, and the standardised form of the legal record, the grim human predicaments involved cannot be ignored. Tanner's reliable editorial work reveals the religious thoughts and actions of several ordinary men and women on the eve of the Reformation as seen through the eyes of the law. It is ironic that the proceedings against persons from a predominantly artisan group of moderate wealth were conducted by a number of powerful men who were themselves destined for a stormy future because of their religious beliefs. Thus, when John Browne, a cutler from Ashford, was condemned in 1511 as a heretic and handed over to the secular arm, Archbishop Warham presided and amongst those assisting him were Cuthbert Tunstall and John Fisher. The king, to whom Browne was handed over, was Henry VIII.

*SURVEYING HISTORIC BUILDINGS* by DAVID WATT and PETER SWALLOW, Donhead Publishing Ltd, Lower Coombe, Donhead St Mary, Shaftesbury, Dorset SP7 9LY, 1996, xii+302 pp. (hardback £35) ISBN 1-873394-16-0.

A review by Chancellor Rupert Bursell, QC

This is yet another excellent volume in an excellent series. It is primarily concerned with historic buildings in general although, of necessity, this embraces many churches. As well as dealing with all major structural problems, it also deals with particular matters such as wall paintings. Nor does its interest to church people end there: not only does this volume deal with church ruins—an important question as the recent discovery of early wall paintings in Norwich show—but it is relevant too to other historic buildings owned by dioceses and cathedrals alike. Regrettably, however, not many ecclesiastical surveyors will need to check property boundaries by reference to the Luftwaffe aerial photographs: they are kept in America!

With reference to quinquennial inspections the authors comment that amendments to the law brought in by the Care of Churches and Ecclesiastical Jurisdiction Measure 1991 now permit 'other suitably qualified and experienced professionals' to undertake such inspections in addition to architects. In fact the amendment merely states that 'a qualified person or persons' may perform the work and I suspect that this refers to professional qualifications rather than to experience. The volume itself, however, underlines the necessity for such experience even when the historic building is itself modern.

In spite of its fascination this volume will not find its way onto the shelves of many clergy or lawyers although it ought at the least to be made available to every Diocesan Advisory Committee. Some of its information should, nevertheless, be given wider circulation. More particularly is this so in relation to the bodies that assist in the recording of art and antiques, risk assessment and the tracing of stolen property. The bibliography, too, is to be commended and in particular its listing of bookshops where specialist items may be obtained.