

## **ABSTRACT**

MERINOFF, STEPHANIE RAE. *The Pilgrimage of Grace and the Formation of the English State*. (Under the Direction of Dr. Brent Sirota).

The Pilgrimage of Grace (1536) has traditionally been interpreted as a Catholic rebellion against encroaching Protestantism in England. This thesis seeks to demonstrate that the Pilgrimage of Grace should instead be considered a social critique of the Tudor consolidation of government set against the backdrop of broad sweeping socio-economic and political changes taking place in the sixteenth century. Chapter one traces the beginnings of the Tudor reformation of government as Henry VII sought to break the independent power of the aristocracy through demilitarization and relying increasingly on the gentry as advisors in government. Chapter two illuminates how Henry VIII continued his father's efforts to centralize and augment the power of the Crown, culminating in the Act of Supremacy (1534) and The Dissolution of the Monasteries (1536). These acts tipped the balance of English popular opinion against the Crown, leading to the outbreak of the Pilgrimage of Grace (1536). Lastly, chapter three places the Pilgrimage of Grace in the context of English state formation. The pilgrims of Grace used Catholicism as a language of opposition in keeping with the established social structure to express their critique of Tudor political, socio-economic, and ecclesiastical reforms, which may be situated in the long process of state formation in England.

© Copyright 2018 by Stephanie Rae Merinoff

All Rights Reserved

The Pilgrimage of Grace and the Formation of the English State

by  
Stephanie Rae Merinoff

A thesis submitted to the Graduate Faculty of  
North Carolina State University  
in partial fulfillment of the  
requirements for the degree of  
Master of Arts

History

Raleigh, North Carolina

2018

APPROVED BY:

---

Dr. Brent Sirota  
Committee Chair

---

Dr. Julie Mell

---

Dr. Julia Rudolph

## **DEDICATION**

I dedicate this thesis to my grandfather, Herman Merinoff, who first taught me to be a history student. I wish you could be here to read this. And to my grandmother, Susan Merinoff, who has fostered my love of learning since.

I would like to thank my parents for their continuous love, support, and encouragement. Thank you all for helping me to achieve my goals.

## **BIOGRAPHY**

Stephanie Merinoff received her undergraduate degree from Brandeis University in Waltham, Massachusetts. Her research interests include British history, political history, religious history, and intellectual history during the sixteenth and seventeenth centuries.

## ACKNOWLEDGMENTS

I would like to thank my advisor and mentor, Dr. Brent Sirota, for his guidance throughout my academic career at North Carolina State University. Additionally, I would like to thank professors Julia Rudolph, Steven Vincent, and Julie Mell. Each of you challenged me to think critically about my work and to become a better writer, researcher, and historian.

Thank you all.

**TABLE OF CONTENTS**

LIST OF FIGURES .....	vi
<b>Introduction</b> .....	1
<b>Chapter 1: The Reign of Henry VII</b> .....	13
<b>Chapter 2: The Reign of Henry VIII</b> .....	22
<b>Chapter 3: The Formation of the English State</b> .....	58
<b>Conclusion</b> .....	63
REFERENCES .....	65
APPENDICES .....	69
APPENDIX A .....	70
APPENDIX B .....	71
APPENDIX C .....	73

**LIST OF FIGURES**

Figure 1	A Map of the Pilgrimage of Grace .....	25
Figure 2	English Population Totals 1525-1601 .....	46

## INTRODUCTION

The movement known as the Pilgrimage of Grace erupted in the North of England in early October 1536. Fifty thousand men-at-arms mustered in protestation of Henry VIII's regime. The leader of the rebellion, a lawyer named Robert Aske, dubbed the rebellion a pilgrimage as the rebels had taken up arms for "the preservacyon of Crystes Church, of thys realme of England...and to the entent to macke petycion to the Kynges Highnes for the reformacyon of what whyche is amysse within thys hys realme."<sup>1</sup> The pilgrims took a required "Oath of the Honourable Men" and wore badges and carried banners depicting the Five Wounds of Christ.<sup>2</sup> Given it lacked a standing army, the Crown was unable to quash such a large rebellion.<sup>3</sup> The Duke of Norfolk, acting on behalf of Henry VIII, negotiated an agreement with the rebels at the Council of Pontefract on 2 December 1536. Norfolk promised the rebels that a Parliament would be held in York to address their demands. Satisfied with this promise, the pilgrims disbanded by Christmas 1536. Following their disbandment, Henry VIII arrested many of the rebels and their captains. When rebel hosts rallied in defense of their fellow pilgrims in January 1537 Henry VIII's royal forces brutally repressed the rebels, hanging substantial of their number in the counties of Cumberland and Westmorland.

The central question that has puzzled scholars of the Pilgrimage of Grace is why did the Pilgrimage of Grace happen? What was the nature of the rebellion? While previous scholars have focused on to what degree the rebellion was political, religious, or socio-economic in scope, I argue that the Pilgrimage of Grace constituted a social critique of the early Tudors consolidation of government. The rebels used Catholicism as a language of opposition in keeping with the

---

<sup>1</sup> Anthony Fletcher and Diarmaid MacCulloch, *Tudor Rebellions*, (London: Routledge, 2015) 29.

<sup>2</sup> Fletcher and MacCulloch, *Tudor Rebellions*, 28.

<sup>3</sup> Fletcher and MacCulloch, *Tudor Rebellions*, 8.

established social structure to express their critique of Tudor political, socio-economic, and ecclesiastical reforms.

The English belief in a “Great Chain of Being,” where each tier of society held distinct, divinely ordained, social responsibilities has been one of the most pervasive customs in English history.<sup>4</sup> Sir Thomas Smith writes in *De Republica Anglorum* (1565):

We in England divide our men commonly into four sorts, gentlemen, citizens or burgesses, yeomen artificers, and laborers. Of gentlemen the first and chief are the king, the prince, dukes, marquises, earls, viscounts, and barons, and this is called...the nobility...next to these be knights, esquires, and simple gentlemen.<sup>5</sup>

Scholars, however, debate how fluid or established these social structures were during the medieval period. Constance Brittain Bouchard contends that:

Throughout the High Middle Ages a shifting set of social structures helped shape the interactions between nobles and the rest of society – and among each other. These structures were never codified, however, and the people of the time who wrote about the functioning of society put into their descriptions as much of what they wanted to see as what they actually saw.<sup>6</sup>

Bouchard’s statement regarding authorship and audience remains critical in analyzing the Pilgrimage of Grace. The bonds of obedience and loyalty that structured medieval relationships applied to both superiors and inferiors and could be called upon during disputes.<sup>7</sup> Rebellion upset the social and political order and “economic and social grievances were seen as moral or religious grievances, because economic and social misbehavior was an offense to God.”<sup>8</sup> Sir Richard Morison, writing in response to the Pilgrimage of Grace in *A Remedy for Sediton* (1536) writes:

---

<sup>4</sup> Fletcher and MacCulloch, *Tudor Rebellions*, 10.

<sup>5</sup> Sir Thomas Smith, *De Republica Anglorum* (written 1565, pub. 1583) in *Sources and Debates in English History 1485-1714*, ed. Newton Key and Robert Bucholz, Second Edition (Chichester: Wiley-Blackwell Ltd., 2009) 2.

<sup>6</sup> Constance Brittain Bouchard, *Strong of Body, Brave, and Noble* (Ithaca: Cornell University Press, 1998) 28.

<sup>7</sup> Fletcher and MacCulloch, *Tudor Rebellions*, 12; Brigden, *New Worlds, Lost Worlds*, 143.

<sup>8</sup> Fletcher and MacCulloch, *Tudor Rebellions*, 13.

When every man will rule, who shall obey?...an order, an order must be had, and a way found that they rule that best can, they be ruled, that most it becometh so to be...for as there must be some men of policy and prudence, to discern what is metest [best] to be done in the government of states even so there must be others of strength and readiness, to do what the wiser shall think expedient, both for the maintenance of them that govern, and for the eschewing of the infinite jeopardies, that a multitude not government falleth into: these must not go, arm in arm, but the one before, the other behind.<sup>9</sup>

Morison invokes the idea of an established social hierarchy in his condemnation of the Pilgrimage of Grace. He argues that as only the king bears the divinely ordained right to rule, his subjects should not rebel against his governance. Morison, however, was indebted to Thomas Cromwell, Henry VIII's chief advisor and a known Protestant. Cromwell facilitated Morison's return to England after he spent several years in Paris, having fallen out of favor because of his previous service to Cardinal Wolsey. Morison credibly would defend the royal administration that had restored his status and position at court. Morison's *Remedy for Sedition*, however, illuminates how the concept of the "Great Chain of Being," could be used to structure relationships between groups. Conversely, the pilgrims of Grace in "The Oath of the Honourable Men," and Robert Aske's speech to the lords at Pontefract, emphasize the same social hierarchy as they condemn the king and his advisors for their treatment of the clergy, nobility, and peasantry.

Nobility may be considered, "a collection of attributes and personal gestures."<sup>10</sup>

Bouchard writes that, "'Nobility' was not something unequivocally assigned to certain members of society or defined unchangingly. It evolved, flourished, or took new directions over the centuries."<sup>11</sup> In the thirteenth-century, "knighting" became a common practice where armed warriors on horseback accrued social status through their service to kings and lords. These

---

<sup>9</sup> Sir Richard Morison, *A Remedy for Sedition* (1536) in *Sources and Debates in English History*, ed. Key and Bucholz, 6; Additionally printed in Fletcher and MacCulloch, *Tudor Rebellions* (2015).

<sup>10</sup> Bouchard, *Strong of Body, Brave, and Noble*, 26.

<sup>11</sup> Bouchard, *Strong of Body, Brave, and Noble*, 26.

warriors did not need to have political standing or noble blood in order to become a knight. As such, when these warriors felt they “could challenge the older nobility at least in terms of wealth, [that] the nobles felt it necessary to define themselves. Earlier, when the economic and social gap between nobles and commoners had been much larger, there had been no need for such a definition.”<sup>12</sup> The nobility thus adopted a self-definition as a military power. By the fifteenth century, however, nobles struggled to preserve their status as warriors. Kings increasingly fought wars with mercenary armies as opposed to relying on the nobility. Additionally, the nature of fief holding changed where a lord’s lands were not considered his personally. As a result, “nobles’ positions was threatened from above by kings and from below by merchants and knights, as well as by the ambitions of other nobles.”<sup>13</sup>

The clergy were a diverse group that overlapped with the nobility.<sup>14</sup> Noble families often sent their sons to become educated by monks in a monastery. Their sons would either leave school at age twelve to continue their military education as a knight, or they would remain in the monastery and become members of the Church.<sup>15</sup> Since nobles “sent a higher proportion of their children into the Church than did any other social group, there were naturally more noble churchmen available to take up church office. But even more important, it was simply considered natural that the ecclesiastical brothers and cousins of counts and castellans should become bishops and abbots.”<sup>16</sup> High-ranking clergymen served as advisors to the king in government and served as members of Parliament. Local clergy provided centers of charity and education to their communities, most commonly found in the form of schools attached to local monasteries. In the

---

<sup>12</sup> Bouchard, *Strong of Body, Brave, and Noble*, 25.

<sup>13</sup> Bouchard, *Strong of Body, Brave, and Noble*, 66. For more, see Lawrence Stone’s *Crisis of the Aristocracy* (1965).

<sup>14</sup> Bouchard, *Strong of Body, Brave, and Noble*, 147.

<sup>15</sup> Bouchard, *Strong of Body, Brave, and Noble*, 148.

<sup>16</sup> Bouchard, *Strong of Body, Brave, and Noble*, 157.

monasteries, ordained monks and lay brothers held daily and Sunday mass, and often financial or in-kind charity to members of their communities.<sup>17</sup> Additionally, the English clergy operated a clerical court system pertaining to spiritual disputes.<sup>18</sup>

The peasantry largely consisted of farmers who provided labor for the local nobility. The peasantry, however, also changed over the centuries.<sup>19</sup> At the beginning of the Middle Ages, an economic system called “manorialism” developed between landowners and laborers.<sup>20</sup> In this system, lords rented a portion of their property to peasants and required labor dues from their tenants. These labor dues typically involved farming the lord’s *demesne*, the plot of land that provided food for the lord’s household.<sup>21</sup> Peasants could not be displaced from their lands and the rent they paid to the lords was considered “perpetual, heritable and unchanging.”<sup>22</sup>

Manorialism began to decline by the thirteenth-century as the importance of labor dues changed and increased. Whereas early medieval landlords desired labor from their tenants, by the thirteenth-century landlords desired cash payments. Peasants subsequently paid a larger portion of their rent in money as opposed to labor.<sup>23</sup> Fixed rents in the manorial system proved

---

<sup>17</sup> Eamon Duffy, *The Stripping of the Altars: Traditional Religion in England, 1400-1580* (New Haven: Yale University Press, 2005) 2,11; Guy, *Tudor England*, 21-22.

<sup>18</sup> Guy, *Tudor England*, 24.

<sup>19</sup> Bouchard, *Strong of Body, Brave, and Noble*, 48.

<sup>20</sup> Manorialism should not be misconstrued with feudalism. Feudalism derives from the Latin word *feudum* and refers to “fief holding” by landowners. The fief, a plot of land, solidified a vassalage agreement between lord and vassal where the vassal promised homage and fealty to the lord in exchange for military protection. The definition of feudalism has changed over the centuries. Karl Marx’s nineteenth-century definition of feudalism as an economic system exploiting laborers (peasants) or Marc Bloch’s twentieth-century interpretation of feudalism as three independent social orders has complicated scholarly understandings of feudalism. Constance Bouchard writes that, “‘Feudalism’ has sometimes taken on political significance, describing a system in which power is decentralized, held by many people acting as essentially independently, so that the wealthy became the de facto political leaders.” (Bouchard, 37) For this reason, like Bouchard, I will avoid using the term “feudalism.” I will refer, as she does, to “feudal” customs or dues, however, which refers to the word’s original association with the practice of “fief holding.” For more, see Bouchard, *Strong of Body, Brave, and Noble*, 35-46.

<sup>21</sup> Bouchard, *Strong of Body, Brave, and Noble*, 49-50.

<sup>22</sup> Bouchard, *Strong of Body, Brave, and Noble*, 51.

<sup>23</sup> Bouchard, *Strong of Body, Brave, and Noble*, 52.

detrimental to landlords as inflation rose during the High Middle Ages. In the wake of the Black Death of 1348, landlords increasingly found themselves with fewer laborers who demanded higher wages. Manorialism thus began to yield to a new system of economic exchange based on wage labor between landowners and laborers. Lords who upheld manorial agricultural practices and agreements with their tenants suffered financially. With an abundance of land available after the Black Death, wealthy men could purchase land and “improve” it, or increase profitability by operating within a wage-exchange economy. These men were referred to as the gentry. The gentry were comprised of urban merchants, professionals, landlords, and members of the improving nobility. Fluctuations in rent prices and wages, however, created tension between improving landlords and their tenants, which formed a critical component of the pilgrims’ of Grace social critique of Tudor government.

The Pilgrimage of Grace has often been seen as a Catholic reaction to encroaching Protestantism in England. A.G. Dickens in *The English Reformation* (1964) argues that the Pilgrimage was a spontaneous, popular, and Catholic rebellion. Christopher Haigh in *The Last Days of the Lancashire Monasteries and the Pilgrimage of Grace* (1969) points to The Dissolution of the Monasteries (1536) as the primary cause of the Pilgrimage of Grace. Eamon Duffy in *The Stripping of the Altars* (1992) claims the Pilgrimage represented an early Catholic resistance to the suppression of traditional religion in England. Duffy and Haigh particularly highlight the spiritual significance of The Dissolution of the Monasteries in causing the rebellion. They argue that the rebels’ use of Catholic imagery such as carrying banners depicting the Five Wounds of Christ and the infusion of Catholic language into documents such as the “Oath of the Honourable Men,” indicates that the Pilgrimage constituted a Catholic reaction to the erosion of traditional religion in England. Ethan Shagan in *Popular Politics and the English Reformation*

(2003) argues that Henry VIII's theological, economic, and political reforms created "cracks within the Catholic population [that] would increasingly allow new religious ideas to seep into English culture."<sup>24</sup> The Pilgrimage of Grace, therefore, represented divisions between Catholics "based on deepening fault lines running through the polity, separating those willing to live in Henry VIII's vision of England from those who considered that vision incompatible with their own."<sup>25</sup> While Shagan focuses on the social meaning of the Pilgrimage of Grace, his analysis still rests upon the interpretation of the Pilgrimage of Grace as a Catholic reaction to the growth of Protestantism in England.

The problem with interpreting the Pilgrimage of Grace as a Catholic reaction to Protestantism is that Catholicism only forms one piece of the rebels' grievances. In the documented list of grievances, the Pontefract Articles, drawn up by the rebel captains at the Council of Pontefract on 2-4 December 1536, nearly two-thirds of the articles pertain to the rebels' socio-economic and political concerns. I contend that the Pilgrimage of Grace instead should be considered a social critique of Tudor government set against the backdrop of the socio-economic and political changes taking place in sixteenth-century. Royal policy under the Tudor monarchs, beginning with Henry VII, focused on augmenting and centralizing the power of the Crown. In the century of Tudor rule from Henry VII to Henry VIII, the nobility had been demilitarized and the growth of the wool trade began to erode manorial agricultural practices and spurred the rise of the gentry, whom the Tudor monarchs came to rely on increasingly in government affairs.<sup>26</sup> Tudor policy promoted a social vision of England centered on "new men" whose increasing social mobility due to their financial success granted them lands and titles and

---

<sup>24</sup> Ethan Shagan, *Popular Politics and the English Reformation* (New York: Cambridge University Press, 2003) 127.

<sup>25</sup> Shagan, *Popular Politics and the English Reformation*, 127.

<sup>26</sup> Perry Anderson, *Lineages of the Absolutist State* (London: Verso, 1974) 20-21, 125.

offices in government. These “new men” were members of the expanding gentry in England. The gentry were comprised of urban merchants, professionals, landlords, and members of the improving nobility. Improving members of the nobility were those whose livelihood depended on the reproduction of life through exchange. Whereas English kings had previously granted offices and titles determined by bloodline, following the War of the Roses, they became determined by merit and doled out by the king as royal gifts.<sup>27</sup> In doing so, the Tudor monarchs fettered aristocratic power and influence in government to the patronage of the Crown.<sup>28</sup> These “new men” helped to centralize royal administration and their participation in government decreased the Crown’s reliance on its earlier medieval social relationships with the nobility and clergy. Thomas Cromwell and Sir Richard Riche, a commoner and a gentry lawyer and both Protestants, became pivotal assets in Henry VIII’s government and spearheaded The Dissolution of the Monasteries in 1536. The elevation of the Protestant Thomas Cranmer to the position of Archbishop of Canterbury helped Henry pass his political and ecclesiastical reforms. Tudor reformation of government thus defied the early medieval mores and customs of English society. The Dissolution of the Monasteries tipped the balance of popular opinion against the Crown in 1536, resulting in the Pilgrimage of Grace.

Given the prominent social role and function of the clergy, it is not surprising that the language and symbology of opposition to Tudor government adopted a Catholic form during the Pilgrimage of Grace. The pilgrims “strove for a legitimate voice with which to oppose a regime whose radical fiscal and ecclesiastical policies had severely depleted its stockpile of goodwill and instinctive obedience.”<sup>29</sup> The established society of orders provided a framework for dissent

---

<sup>27</sup> Brigden, *New Worlds, Lost Worlds*, 27; Greenfield, Liah, *Nationalism: Five Roads to Modernity* (Cambridge: Harvard University Press, 1992) 47.

<sup>28</sup> Brigden, *New Worlds, Lost Worlds*, 27.

<sup>29</sup> Shagan, *Popular Politics and the English Reformation*, 89.

based on reaffirming bonds of mutual loyalty and obedience. By voicing their political and socio-economic dissatisfaction as a religious concern, the pilgrims reminded the king of his responsibility to protect Church property and interests, established as early as the twelfth-century Coronation Charter. Moreover, socio-economic and political concerns were viewed as religious and moral grievances within the society of orders.<sup>30</sup> Thus, it is not surprising that the rebels' use of Catholicism as a language of opposition has led historians to believe the rebellion constituted a Catholic reaction to Protestantism. The rebels' use of Catholicism to express their discontent with Tudor government, however, instead indicates the conflict between a medieval, Catholic society and the alternate social vision embodied by the Tudor monarchy.

Historians and materialists whose focus is not the Pilgrimage of Grace contend that the socio-economic and political changes taking place in the sixteenth-century comprise a modernization crisis in which the Pilgrimage of Grace represents a mere flash point. Marxist historians such as Perry Anderson in *The Origins of the Absolutist State* (1974) contend that the Tudor monarchs initiated England's transition from a kingdom lacking sovereignty to a territorially sovereign state.<sup>31</sup> Given its status as an island nation, "centralized royal administration was from the start geographically and technically easier in England than elsewhere."<sup>32</sup> During the reign of Henry VII, royal revenues tripled and a reserve of one to two million pounds accumulated in the exchequer.<sup>33</sup> Henry VII used this capital to centralize English government by revamping local administration, defeating usurper rebellions, and enlarging the royal demesne.<sup>34</sup> Henry VIII sought to further his father's endeavors toward centralizing English government. Early in his reign, Henry VIII devoted capital towards building a navy to combat

---

<sup>30</sup> Fletcher and MacCulloch, *Tudor Rebellions*, 13.

<sup>31</sup> Anderson, *Lineages of the Absolutist State*, 118-119.

<sup>32</sup> Anderson, *Lineages of the Absolutist State*, 115.

<sup>33</sup> Anderson, *Lineages of the Absolutist State*, 119.

<sup>34</sup> Anderson, *Lineages of the Absolutist State*, 119.

military threats from both Spain and France.<sup>35</sup> England's war with France in 1543, however, drained the exchequer. To combat the Crown's fiscal challenges, Henry VIII engaged in trade with gentry farmers and merchants and ordered The Dissolution of the Monasteries in 1536. The sale of Church estates did not provide enough capital for Henry VIII to establish an absolutist state with "an economic base independent of parliamentary taxation," however.<sup>36</sup> The cultivation of sovereignty under the Tudor monarchs and England's simultaneous transition to a wage-labor economy helped to propel England towards modern statehood, which Anderson and other Marxist historians such as Ellen Meiksins Wood, define as the lack of state intervention in the reproduction of life.<sup>37</sup> The "state" here is defined as a unified territory where a government wields internally supreme (territorial) and independent abroad (not answerable to any other power) sovereign power. Similarly, the state may be defined as a unified territory where the Crown exercised sovereign power and represented, "a human community that (successfully) claim[ed] the monopoly of the legitimate use of physical force within a given territory."<sup>38</sup>

Brenner, in "Agrarian Class Structure and Economic Development in Pre-Industrial Europe" (1974) claims the sixteenth-century modernization crisis stems from the demographic collapse of the Black Death and the seigniorial reaction that followed it. Brenner argues that, "it is the structure of class relations, or class power, which will determine the manner and degree to which particular demographic and commercial changes will affect the distribution of income and economic growth."<sup>39</sup> Ellen Meiksins Wood in *The Pristine Culture of Capitalism* (1991) draws on Brenner's conclusions that the origins of English capitalism may be found in the market-

---

<sup>35</sup> Anderson, *Lineages of the Absolutist State*, 122.

<sup>36</sup> Anderson, *Lineages of the Absolutist State*, 125.

<sup>37</sup> Robert Brenner, "Agrarian Class Structure and Economic Development in Pre-Industrial Europe," in *Past and Present*, No. 70 (Feb.1976) 31.

<sup>38</sup> Max Weber, "Politics as a Vocation," in *Essays in Sociology* (New York: Routledge, 2007) 78.

<sup>39</sup> Robert Brenner, "Agrarian Class Structure and Economic Development in Pre-Industrial Europe," in *The Brenner Debate*, ed. T.H. Aston (Cambridge: Cambridge University Press, 1976) 11.

oriented agrarian setting of the fifteenth-century where improving gentry and nobility were preoccupied with market prices, wages, and rents. The improving gentry and nobility's emphasis on producing for the market led to the emergence of a wage-labor economy in England. A landlord (capitalist) – tenant (wage-laborer) structure where property and surplus extraction were bound up in class relations thus developed in England, where the nobility triumphed over the peasants who did not have as tenable a hold on land as they did in other nations, such as France.<sup>40</sup> Monarchical centralization in England in the fifteenth century thus depended on a unified landlord (aristocratic) class and the embodied “a bourgeois form of social relationship.”<sup>41</sup>

Tudor government in the sixteenth century came to rely increasingly on members of the improving gentry and nobility. Non-improving members of the nobility thus found themselves increasingly disenfranchised financially and politically as the Tudor monarchs sought to augment the Crown's territorial sovereignty in England by reducing the independent military, political, and economic power of the nobility. Contrary to the prior belief that the Pilgrimage of Grace constituted a Catholic reaction to encroaching Protestantism, the Pilgrimage of Grace instead should be seen as a social critique of Tudor government and the socio-economic and political

---

<sup>40</sup> Brenner, “The Agrarian Roots of European Capitalism,” in *Past and Present* No. 97 (Nov. 1982) 18. In Wood's *The Pristine Culture of Capitalism* (1991), because the English state was not the central agent of capitalist development, England represents the most pristine capitalist culture. Wood notes that capitalism does not necessarily correspond to democracy, however. Perry Anderson in “The Origins of the Present Crisis,” (1964) argues that the origins of British democracy may be found in the state's reliance on the landholding classes. In Anderson's view, England did not experience a complete bourgeois revolution. Wood also confirms Anderson's statement as she explains Marxist doctrine that true capitalism, founded on a bourgeois revolution, is an urban phenomenon. In England, capitalism developed rurally and became dominated by a landed nobility wedded to preindustrial traditions that continued to reign supreme even as Britain developed industrial capitalism in the late eighteenth-century. For Anderson, the result of such a union was the retention and centralization of monarchy, whose corresponding aristocratic culture, halted the capitalist modernization of the State and sowed the seeds of Britain's decline. The British's dependence on the landholding classes allowed for the growth of the parliamentary system, however. The strength of such a system of governance is what Hegel and Marx called the supremacy of civil society over the state.

<sup>41</sup> Derek Sayer, “The Critique of Politics and Political Economy: Capitalism, Communism, and the State in Marx's Writings in the mid-1840s,” in *The Sociological Review*, Vol. 33, No.2 (May 1985) 241.

changes taking place in the sixteenth century. By declaring himself “Supreme Head of the Church of England on Earth,” in the Act of Supremacy (1534), Henry stripped the Church of its temporal power and relocated spiritual authority to the Crown’s auspices. Protestantism thus became the vehicle for Henry VIII’s governmental reforms. Catholicism therefore became the language of opposition that the pilgrims of Grace used to express their dissatisfaction with the Tudor monarchs’ departure from earlier medieval social and political customs.

## CHAPTER 1: THE REIGN OF HENRY VII

After defeating Richard III at the Battle of Bosworth Field in 1485, Henry VII Tudor faced the monumental task of asserting his legitimacy as ruler, restructuring English government, and returning peace to England after thirty years of civil war. In order to combat popular discontent and usurper rebellions, Henry VII sought to centralize and augment the power of the Crown by reducing the independent economic, military, and political power of the nobility. This process took place against a backdrop of broad sweeping economic and demographic changes in the century following the outbreak of the Black Death in 1348.

With half the population of Europe decimated by the outbreak of plague in 1348, fewer peasants were available to work the land. As a result, the value of peasant labor increased, the price of corn dropped, a reliance on wage labor developed. Previous demographic models of explaining the roots of agrarian capitalism in England rely on this explanation to demonstrate how capitalism developed first in England before spreading to the rest of the continent.<sup>42</sup> In this framework, capitalism is synonymous with wage labor. Robert Brenner, however, deflates this argument in his work, “The Agrarian Roots of European Capitalism” (1979). Brenner contends that if capitalism is reduced to only wage labor, capitalism would have developed everywhere in the century following the Black Death. Instead, capitalism developed first in England.<sup>43</sup> Brenner emphasizes that a definition of capitalism must consist of the reproduction of life through exchange. The growth of the domestic market in England fueled its’ transition to capitalism. With fewer peasants working the land, surplus was dedicated to the market. The market provided peasants with access to food, enabling them to engage in specification of labor, as they did not

---

<sup>42</sup> Brenner, “The Agrarian Roots of European Capitalism,” 21; See, for example M.M. Postan and Emmanuel Le Roy Ladurie in *The Brenner Debate* (1976).

<sup>43</sup> Brenner, “The Agrarian Roots of European Capitalism,” 26-27.

need to rely on subsistence agriculture.<sup>44</sup> The growth of the domestic market stimulated the advent of capitalism in England and was fueled by the commercial interests of wealthy landowners.

These general changes occurred in other areas of Europe following the Black Death, such as France. In England, however, capitalism emerged as the result of a seigniorial reaction where the monarchy did not protect the peasantry from increasingly capitalist landlords. Unlike in France where the peasantry formed the tax base, England relied increasingly capitalist and wealthy landowners made up of the improving gentry and nobility. As a result, the Crown supported the nobility's claim to the land and the peasantry fell to the predations of wealthy landowners.<sup>45</sup>

The sociologist Barrington Moore writes: "under the pressure of circumstances," following the Black Death 1348-1349, "the medieval notion of judging economic actions according to their contribution to the health of the social organism began to collapse. Men ceased to see the agrarian problem as a question of finding the best method of supporting people on the land and began to perceive it as the best way of investing capital in the land."<sup>46</sup> As a result, land and tenurial relations became based on monetary interests instead of social bonds.<sup>47</sup> The Black Death effectively created room for capitalism to develop in England and capitalism provided opportunities for social mobility within English society.<sup>48</sup> Once capitalism existed in England, the nobility was forced to appropriate surplus by selling land.<sup>49</sup> As a result, this allowed for wealthy tenant farmers or merchants to purchase land. These farmers and merchants were

---

<sup>44</sup> Brenner, "The Agrarian Roots of European Capitalism," 19.

<sup>45</sup> Brenner, "Agrarian Class Structure and Economic Development in Pre-Industrial Europe," 49.

<sup>46</sup> Barrington Moore Jr., *Social Origins of Dictatorship and Democracy: Lord and Peasant in the Making of the Modern World* (Boston: Beacon Press, 1966) 8.

<sup>47</sup> Moore, *Social Origins of Dictatorship and Democracy*, 5.

<sup>48</sup> Fletcher and MacCulloch, *Tudor Rebellions*, 6.

<sup>49</sup> Brenner, "The Agrarian Roots of European Capitalism," 30.

members of the gentry. R.H. Tawney writes in *The Agrarian Problem in the Sixteenth Century* (1912) that:

In the turbulent days of the fifteenth century land had still a military and social significance apart from its economic value; lords had ridden out at the head of their retainers to convince a bad neighbour with bows and bills; and a numerous tenantry had been more important than a high pecuniary return from the soil. The Tudor discipline, with its stern prohibition of livery and maintenance, its administrative jurisdictions and tireless bureauacy, had put down private warfare with a heavy hand, and, by drawing the teeth of feudalism, had made the command of money more important than the command of men...[This change...] marks the transition from the medieval conception of land as the basis of political functions and obligations to the modern view of it as an income-yielding investment. Landholding tends, in short, to become commercialized.”<sup>50</sup>

The gentry’s access to land and involvement in the wool trade expanded their wealth exponentially by the fifteenth century. As land became increasingly commercialized under the Tudor monarchs, the gentry’s power and influence continued to grow. And as the Crown under Henry VII sought to reduce the independent economic power of the nobility and relied increasingly on the gentry, the nobility found themselves losing land and influence while the gentry acquired both.

The gentry expanded in the latter half of the sixteenth century due to the growth of the wool trade in England. Following the War of the Roses 1455-1485, “royal peace and wool had to combine in a specific way to set up one of the significant forces propelling England toward capitalism.”<sup>51</sup> Urban merchants that held shares in shipping companies and independent ship owners became wealthy from the increasing demand for wool throughout Europe. The London-Antwerp axis in particular became the focal point of the English cloth trade under the Tudor

---

<sup>50</sup> R.H. Tawney, *The Agrarian Problem in the Sixteenth Century* (London (printed in New York): Burt Franklin, 1912) 188-189.

<sup>51</sup> Moore, *Social Origins of Dictatorship and Democracy*, 7. For more on the growth of the wool trade, see Eileen Power’s *The Wool Trade in English Medieval History, being the Ford Lectures* (1941). Power describes how as demesne farming declined in the fifteenth century, magnates increasingly leased pasture to individual tenants. These pastures were often demarcated by enclosures and used to graze sheep. As wool production increased, so too did the number of middlemen facilitating trade between England and the Continent. English wool initially sold cheaper than Flemish or Italian wool, leading to the rise in its popularity, which continued into the sixteenth century.

dynasty.<sup>52</sup> Landlords and tenant farmers, particularly in Northern England where animal husbandry was more prominent than agriculture due to the rocky soil, also benefitted from the growing wool trade. These landlords and tenant farmers adopted an agricultural practice called enclosure that fundamentally differed from previous farming and pasturage techniques. Previously, farmers used a system of open field farming where two fields were planted each year while a third was left fallow or used for pasturage. Farming cereal crops required multiple laborers and as mentioned, in Northern England particularly, cereal crops did not thrive due to the constitution of the soil. As the wool trade grew in England, landlords and tenant farmers began to invest in sheep farming. The process of enclosure involved demarcating lands with fencing. Within the enclosures, one shepherd could manage several flocks of sheep as they grazed over pasturage. The rise in sheep-farming and enclosure lowered the value of peasant labor, even though wages remained high.<sup>53</sup> Landlords and tenant farmers profited from the wool trade. As their wealth increased, so did the number of gentry families.

Henry VII spent the majority of his life in exile in Brittany, France. As a result, the majority of his political allies were from Brittany or Wales, the seat of the Tudor dynasty. In order to successfully invade England Henry relied on a cohort of loyal Welshmen and a mercenary contingent comprised of freed criminals and Scotsmen.<sup>54</sup> Few English peers supported Henry's claim to the throne.<sup>55</sup> Instead, Henry relied on the support of gentry men directly involved with the royal court, such as Sir John Fogge, Sir John Scotte, and Sir Richard

---

<sup>52</sup> J.R. Lander, *Government and Community: England 1450-1509* (Cambridge: Harvard University Press, 1980) 30.

<sup>53</sup> Ephraim Lipson, *The Economic History of England*, twelfth ed. vol. i (London: Adam and Charles Black, 1959) 147.

<sup>54</sup> Lander, *Government and Community*, 45.

<sup>55</sup> Lander, *Government and Community*, 43.

Haute.<sup>56</sup> Both Edward IV and Henry VII bestowed significant tracts of land upon their gentry supporters. Often these lands were stripped from each king's enemies of during the War of the Roses.<sup>57</sup> Henry VII also demilitarized the nobility by granting command of castles, garrisons, and military organization to his loyal courtiers.<sup>58</sup> At base, the "social definition of the feudal ruling class was military."<sup>59</sup> Beginning with Henry VII, the Tudor monarchs initiated a "progressive dissociation of the nobility from the basic military function which defined it in the medieval social order."<sup>60</sup> Henry VII forced nobles to enter into bonds of recognizance, or legally enforceable contracts carrying severe financial penalties in order to ensure their loyalty to the Crown.<sup>61</sup> The penalties were often financial in nature but could also result in forfeiture of lands. Using bonds allowed Henry VII to force the compliance of nobles without consulting the law courts.<sup>62</sup> In the case of Edward IV and Henry VIII, they additionally awarded gentry men with titles of peerage in order to ensure their continued support.<sup>63</sup> Henry VII, however, refrained from granting peerage extensively as he distrusted the nobility that had not supported his claim to the throne.<sup>64</sup> By demilitarizing the nobility, deliberately penalizing them through recognizances, and granting the gentry lands and titles, Henry ensured the gentry's support and deprived the nobility of their traditional source of wealth and political power.

Henry VII relied on the gentry for their assistance in daily governance. Henry appointed courtiers, professional lawyers, and gentry men as Justices of the Peace in an attempt to create a

---

<sup>56</sup> Lander, *Government and Community*, 44.

<sup>57</sup> Lander, *Government and Community*, 87.

<sup>58</sup> Guy, *Tudor England*, 57.

<sup>59</sup> Anderson, *Lineages of the Absolutist State*, 31.

<sup>60</sup> Anderson, *Lineages of the Absolutist State*, 125.

<sup>61</sup> Brigden, *New Worlds, Lost Worlds*, 28; Guy, *Tudor England*, 64.

<sup>62</sup> Guy, *Tudor England*, 64-65.

<sup>63</sup> Lander, *Government and Community*, 42-43.

<sup>64</sup> Lander, *Government and Community*, 43.

royally controlled magistracy.<sup>65</sup> In addition to calling regular parliaments to request permission to tax the populace, Henry VII directly taxed both laity and clergy through a tax called the Fifteenth and Tenth. The Fifteenth and Tenth was a direct subsidy tax levied on the peasants and clergy. Royal assessors visited villages where they would estimate the amount of taxes the individuals in that village could pay. The Fifteenth and Tenth was unpopular with the peasants as they considered it arbitrary taxation and continued to be so when Henry VIII instituted the same tax during his reign.<sup>66</sup> Henry VII reportedly received on average £12,000-£13,000 a year from lay taxes and £9,000 from clerical taxes. Additionally, Henry VII invested in the wool trade and other industries and lent out £87,000 to English and foreign merchants during the last five years of his reign.<sup>67</sup> The latter represents a departure from earlier medieval kingship where kings relied on their demesnes and loans from the nobility for income. Royal involvement in trade and commerce initiated by the Tudors therefore may be considered a significant departure from previous royal economic policy. Parliament also granted Henry VII a subsidy on wool and tonnage and poundage, a tax on all imported and exported goods.<sup>68</sup> Additionally, Parliament passed several statutes that supported mercantile interests such as that of 1499, which barred imported silk products in an attempt to boost English silk manufacturing.<sup>69</sup> The gentry were the beneficiaries of Henry VII's economic policies. As a result, Henry VII ensured their continued support. Furthermore, Henry relied extremely little on the nobility for financial support which further reduced their economic and political power.

---

<sup>65</sup> Guy, *Tudor England*, 63.

<sup>66</sup> Fletcher and MacCulloch, *Tudor Rebellions*, 17.

<sup>67</sup> Lander, *Government and Community*, 84.

<sup>68</sup> Guy, *Tudor England*, 60.

<sup>69</sup> Francis Bacon, *The Reign of King Henry VII and Selected Works (1622)* (Cambridge: Cambridge University Press, 1998) 189.

Henry's close relationship with the Plumpton family demonstrates his policy of supporting the gentry in exchange for their loyalty. The Plumptons were a wealthy gentry family from Northern England. They supported the House of Lancaster in the War of the Roses and Henry VII called on them for continued military service in 1487 against the pretender to the throne Lambert Simnel.<sup>70</sup> Henry VII personally wrote to Sir Robert Plumpton on 13 October 1489 to thank him for his allegiance. He wrote:

Trusty and wellbeloved wee greet you well. And whereas wee understand by our squire Nicholas Kinston, one of the ushers of our chamber, your true mind and faithful liegiance towards us, with your diligent acquittal for the reduceing of our people there to our subjection and obedience, to our singuler pleasure and your great deserts, wee hartily thanke you for the same, praying for your persevering continuance therein. Assureing you, that by this your demeaneing you have ministered unto us cause, as gaged to remember you in time to come in any thing that may bee to your preferment and advancement, as ever did any our progenitors to our nobles in those parties. And as any office of our gift ther falls voyd, we shall reserve them unto such time as wee may bee informed of such men as in the said parties may bee meet and able for the same, praying that if there shall happen anie indisposition of our said people, ye will, as ye have begun, endeavour you from time to time for the speedy repressing thereof.<sup>71</sup>

In exchange for his military service to Henry VII, Sir Robert Plumpton secured the king's special favor and potentially further titles, offices, or even peerage. Henry took care to ensure that he would uphold his promises to Sir Robert even if he were temporarily deposed from the throne, a well-founded concern given the aristocratic jockeying for the Crown in War of the Roses and the recent rebellion raised by Lambert Simnel. Although Sir Robert Plumpton never held any county offices, Henry VII came to his aid in another fashion in 1504. In 1496, a lawyer named Richard Empson launched a legal campaign against Sir Robert, claiming that he held his estates as a result of deliberate fraud committed by his father.<sup>72</sup> Empson had become one of Henry VII's most trusted advisors and served on the Council Learned in the Law. His eldest son having

---

<sup>70</sup> Royal Historical Society, Camden Fifth Series, *The Plumpton Letters and Papers*, Vol. VIII, ed. Joan Kirby (New York: Cambridge University Press, 1996) 52, 71.

<sup>71</sup> *Plumpton Letters and Papers*, VIII, 79, 87.

<sup>72</sup> *Plumpton Letters and Papers*, VIII, ed. Joan Kirby, Introduction, 11.

predeceased him, Sir William Plumpton, in order to ensure the preservation of the Plumpton fortune and estate, designed a marriage contract in 1463 between his granddaughter Elizabeth and Henry Sotehill. The marriage contract included “protective indentures, conditions, deadlines and contingency clauses, including a clause forbidding the alienation by enfeoffment any part of the Plumpton estate.”<sup>73</sup> A similar contract between Elizabeth’s sister Margaret Plumpton and John Roccliffe followed. Afterward, Sir William put aside his first wife and married Joan Wintringham. Their son, Robert, became the heir to the Plumpton estates and fortune, robbing Elizabeth and Margaret of their inheritance.<sup>74</sup> In 1496, Empson took up the case against Plumpton because his daughter Joan married Elizabeth Sotehill’s son, Henry. Likely Empson wanted Joan to receive the benefits of the Plumpton fortune he felt rightfully belonged to her husband. The courts ruled in favor of Elizabeth Sotehill, her son Henry, and Elizabeth’s sister Margaret Roccliffe. Sir Robert Plumpton lost his lands and fell into staggering debt. For years, he tried to have the verdicts overturned, but to no avail.<sup>75</sup> In 1504, Sir Robert appealed to Henry VII regarding the injustice of the courts. While Henry VII could not overturn the verdict given the overwhelming evidence of Sir William’s fraud, he knighted Sir Robert, thereby granting him immunity from arrest for debt.<sup>76</sup> Although Sir Robert’s knighthood was revoked after Henry VII’s death in 1509, Henry’s knighting Sir Robert demonstrated his loyalty to him for his military service, despite the evidence of his father’s fraud. The relationship between Sir Robert and Henry VII illustrates Henry VII’s support for gentry families, particularly those who served with him in battle.

---

<sup>73</sup> *Plumpton Letters and Papers*, VIII, ed. Joan Kirby, Introduction, 8.

<sup>74</sup> *Plumpton Letters and Papers*, VIII, ed. Joan Kirby, Introduction, 8.

<sup>75</sup> *Plumpton Letters and Papers*, ed. Joan Kirby, Introduction, 11.

<sup>76</sup> *Plumpton Letters and Papers*, ed. Joan Kirby, Introduction, 12.

Notoriously pious, Henry VII did not attempt to usurp the Church's spiritual authority in England as his son Henry VIII did. By demilitarizing the nobility, withholding aristocratic lands, issuing bonds of recognizance, and supporting the expanding gentry through grants of land, titles, offices, and mercantile investments, Henry VII established the foundation for the Tudor dynasty in England. Francis Bacon wrote that Henry VII, "kept a strait hand on his nobility, and chose rather to advance clergymen and lawyers, which were more obsequious to him, but had less interest in the people; which made for his absoluteness, but not for his safety."<sup>77</sup> Henry's reliance on the gentry indicates that, "the enhancement of private property from below was matched by the increase of public authority from above, embodied in the discretionary power of the royal ruler."<sup>78</sup> Tudor policy thus augmented the territorial sovereignty of the Crown in England. Henry VIII's advancements upon his father's governmental policies generated widespread discontent among the non-improving nobility and peasantry. In 1536, his ecclesiastical reforms tipped the balance of popular opinion against the Crown leading to the outbreak of the Pilgrimage of Grace.

---

<sup>77</sup> Bacon, *The History of the Reign of King Henry the Seventh*, 208.

<sup>78</sup> Anderson, *Lineages of the Absolutist State*, 29.

## CHAPTER 2: THE REIGN OF HENRY VIII

Henry VIII ascended the English throne in 1509. By 1536, the Crown suffered from a shortage of monetary funds. The availability of productive land in England increased as its value declined in the century after the Black Death.<sup>79</sup> In England, the nobility was forced to compete with each other for royal land handouts at court and the king struggled to maintain his luxurious lifestyle and generosity. Lingering debt from military expenses such as border skirmishes with the Scots, war with France, and the possibility of a military conflict with Spain depleted the exchequer and added to the financial stress weighing on the Crown. English belief in a society of orders aggravated the Crown's financial stress. The expectation for Henry VIII as king was that he "should live of his own."<sup>80</sup> The king's chief financial responsibility was to provide for the expenses of both the royal court and the functioning of government. The Crown's funding was supposed to originate from, "ordinary revenues derived from the crown lands, the customs and feudal dues, should serve for the ordinary needs of the government, and that taxes should only be levied in time of war, or to meet extraordinary need."<sup>81</sup>

Henry arguably made several attempts to uphold his financial responsibilities as a monarch. In 1532, Parliament passed the Act for the Conditional Restraint of Annates that redirected all payment of annates, or First Fruits, from the papacy in Rome to the English Crown. In 1534, Parliament passed the Act of Supremacy which made him "Supreme Head of the Church of England on Earth" and in complete control of church finances. In 1536, he ordered The Dissolution of the Monasteries. These measures initiated by Henry VIII demonstrate the changes in the economic relationship between the English Crown and clergy where the Crown increasingly sought to reduce the independent power of the clergy and subject them to the direct

---

<sup>79</sup> Lipson, *The Economic History of England*, 134-136.

<sup>80</sup> Dodds, *The Pilgrimage of Grace and the Exeter Conspiracy*, 2.

<sup>81</sup> Dodds, *The Pilgrimage of Grace and the Exeter Conspiracy*, 2.

authority of the Crown. The clergy, however, became discontented with Henry's reforms. Henry also levied heavy and unorthodox taxes against the peasantry, which resulted in further discontent. A fifteenth and tenth, a subsidy tax levied directly upon the peasants in 1534 did not allow exemptions for poverty and was not justified by war or extenuating circumstances.<sup>82</sup> The economic measure most devastating to the nobility was the Statute of Uses. By 1536, Henry VIII found himself unequipped to deal with the economic changes taking place in England. Had Henry not issued the theological and economic measures he did, the Crown could have collapsed under the weight of the government's growing expenses.

In the spring and summer of 1536, Parliament passed the dissolution of the smaller monasteries of England, those with an annual income of less than two hundred pounds per annum. The purpose of the dissolution was to acquire income to help the Crown pay off debt and maintain the expenses of the royal court.<sup>83</sup> Royal commissioners were instructed to perform visitations of the monasteries where they would assess both the spiritual character of the clergymen and estimate the value of the assets belonging to the monastery.<sup>84</sup> Many of these smaller monasteries happened to be located in the North of England in areas such as Lancashire and Westmorland that were poorer than other areas of the North.<sup>85</sup> In September 1536, several priories in Lancashire such as Conishead and Cartmel and the abbeys of Calder and Newminster had been dissolved. The Dissolution of the Monasteries generated concern for the health of the English Church and those clergymen being evicted from the monasteries. An unintended

---

<sup>82</sup> Shagan, *Popular Politics and the English Reformation*, 106.

<sup>83</sup> A.G. Dickens, *The English Reformation* (New York: Schocken Books, 1964) 140.

<sup>84</sup> M.L. Bush, *The Pilgrimage of Grace: A Study of the Rebel Armies of October 1536* (Manchester: Manchester University Press, 1996) xvi.

<sup>85</sup> R.W. Hoyle, *The Pilgrimage of Grace and the Politics of the 1530s*, 30-21. See also Scott Harrison, *The Pilgrimage of Grace in the Lake Counties* (London: Royal Historical Society, 1981) and Haigh, Christopher, *The Last Days of the Lancashire Monasteries* (Manchester: Manchester University Press, 1969)

consequence of the dissolution was the spread of rumors that the royal commissioners were ransacking church goods and planned to confiscate the goods of the towns they visited.<sup>86</sup> The townspeople's fears were amplified by the presence of royal subsidy commissioners sent to collect the second installment of the subsidy tax passed by Parliament in 1536. The townspeople feared the commissioners planned to implement absurd taxes in order to collect the full amount of the subsidy owed.<sup>87</sup> Rumors included that the Crown would issue a tax on horned cattle, christenings, marriages, and burials, and the consumption of white bread or goose.<sup>88</sup> Other rumors suggested that the Crown planned to strip the parish churches of their jewels and replace their ornaments with tin or brass. All gold would be confiscated and taken to the mint for testing, which the townspeople would be charged for. Churches less than five miles apart from each other would be pulled down. And all men would be required to provide an assessment of their property and income.<sup>89</sup> In response to these rumors, the townspeople of Louth, located in the northern county of Lincolnshire, formed bell-ringing assemblies. These assemblies rode through the neighboring villages issuing instructions for the backward ringing of church bells. This backward ringing acted as an alarm that brought the townspeople together to organize a response to a potential threat.<sup>90</sup> When word of bell ringing in Louth and rumors of potential Crown destruction reached Lincolnshire on 2 October 1536, the townspeople of Lincoln rose up in rebellion.

---

<sup>86</sup> Dodds, *The Pilgrimage of Grace and the Exeter Conspiracy*, 76-77.

<sup>87</sup> Dodds, *The Pilgrimage of Grace and the Exeter Conspiracy*, 77.

<sup>88</sup> National Archives, State Papers Foreign and Domestic, *Letters and Papers of Henry VIII*, vol. xi, 768 (2); Dodds, *The Pilgrimage of Grace and the Exeter Conspiracy*, 77.

<sup>89</sup> *Letters and Papers of Henry VIII*, vol. xi, 768 (2); Dodds, *The Pilgrimage of Grace and the Exeter Conspiracy*, 76-77.

<sup>90</sup> Hoyle, *The Pilgrimage of Grace and the Politics of the 1530s*, 435.

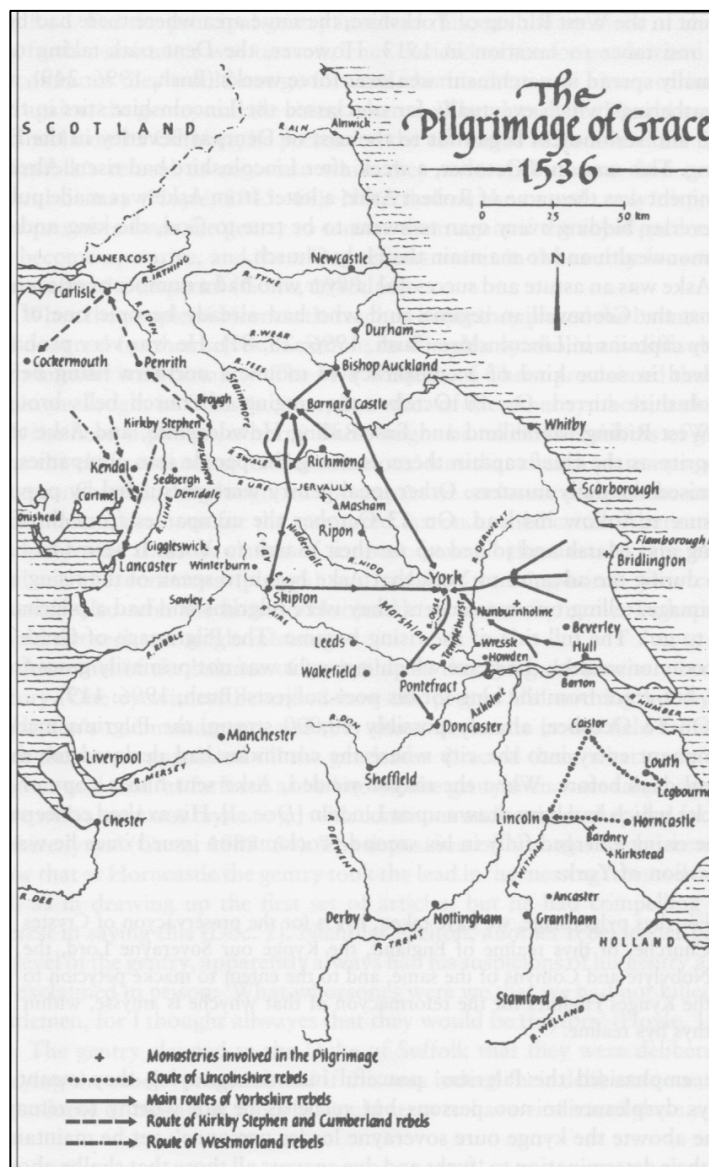


Figure 1. A Map of the Pilgrimage of Grace. Image from Fletcher and MacCulluch, *Tudor Rebellions* (2015)

The Lincoln rebels issued a formal declaration of grievances on 9 October 1536 known as the Lincoln Articles.<sup>91</sup> The rebels responsible for their articulation were wealthy peasants and perhaps the nobility of Lincolnshire. The articles are written in epistolary style, addressed to king Henry. The first article laments The Dissolution of the Monasteries and smaller religious houses

<sup>91</sup> A full copy of the Lincoln Articles may be found in Appendix A.

in the North. The rebels contend that the “service of our God is not wel maintained,” and the “commons of yor realme [go] unrelieved.”<sup>92</sup> Monasteries often provided charity to poor members of their communities and the rebels argued their dissolution harmed needy members of their communities as well as the inhabitants of religious houses and local clergy who were forced to abandon the refuge of the monasteries.<sup>93</sup> The second article calls for a repeal of the Statute of Uses, passed in 1536, which prevented landholders from using a legal device called use to divide their estates in a way that deprived the Crown of monetary dues standard in English inheritance practice.<sup>94</sup> The Yorkshire rebels in the Pontefract Articles (2 December 1536) also This complaint about the Statute of Uses was echoed later on in the Pontefract Articles written by the Yorkshire rebels on 2 December 1536. The rebels’ complaint regarding the statute suggests the involvement of the nobility in the rebellion, as members of the Northern peasantry were unlikely to have possessed substantial landholdings and thus care about inheritance law. The third article claims that Lincolnshire was unable to pay their taxes due the following year because of the “poverty and loss” they sustained in the last two years. The degree of poverty and loss, and the causes and effects of such are unclear. The rebels’ complaints about taxation are validated by the heavy tax burden placed on them by the Crown. In 1534, Henry VIII and Parliament passed a subsidy act, which called for a direct tax to be collected from the villages in 1535 and 1536. The act also issued that a Fifteenth and Tenth, or “quindeyne,” to be collected in 1537.<sup>95</sup> A Fifteenth and Tenth was a type of direct tax levied by the government whose rate varied depending on the

---

<sup>92</sup> *Letters and Papers of Henry VIII*, xi, 705 (I); Hoyle, *The Pilgrimage of Grace and the Politics of the 1530s*, 455-6; Fletcher and MacCulloch, *Tudor Rebellions*, 142-143.

<sup>93</sup> While monasteries did provide material charity to their constituents, Keith Thomas in *Religion and the Decline of Magic* (New York: Oxford University Press, 1971) suggests that due to the economic changes taking place in the sixteenth century, “the old tradition of mutual charity and help was being eroded by such new economic developments as land hunger, the rise in prices, the development of agricultural specialization and the growth of towns and commercial values,” 563.

<sup>94</sup> Dickens, *The English Reformation*, 125.

<sup>95</sup> Bush, *The Pilgrimage of Grace*, 424.

town's income. The Fifteenth and Tenth issued for 1537 allowed local commissioners to assess the town's income as opposed to royal commissioners, which benefitted the townspeople.<sup>96</sup> Lincolnshire may have staggered under the burden of taxation for several reasons, whether this was due to crop failure or a fluctuation in trade. The townspeople more likely rejected the tax because it Parliament passed the tax in peacetime and not in defense of the realm.<sup>97</sup> In their fourth article, the Lincoln rebels complain about the influence of the king's advisors Thomas Cromwell and Sir Richard Rich. The rebels protest their low birth and claim The Dissolution of the Monasteries was their machination as Cromwell and Riche were only interested in self-aggrandizement. The fifth and final segment of the Lincoln Articles 1536 expresses repugnance for the promotion of the bishops of Canterbury, Rochester, Worcester, Salisbury, Saint Davis, and Dublin. The rebels claim these bishops, "hath falsid [*made false*] the faith of Christ," and represented the root of all the trouble in the realm, including that of Lincolnshire.<sup>98</sup> They were perhaps also concerned that these bishops, like the "new men," in Henry VIII's government, functioned as tools of the royal court. The rebels of Cumberland and Westmorland reiterated many of the concerns presented in the Lincoln Articles.

The rebellion spread from Yorkshire to the counties of Cumberland and Westmorland by November 1536. The peasants of Westmorland delivered a letter to Lord Darcy, a Yorkshire nobleman who eventually became one of the greatest allies of the pilgrims, containing their demands to the king. They write:

...consirnyng the gyrsums for power men to be layd a parte but only penny farm penny gyrsum, with all the tythes to remain to every man hys owne, doynge therefor accordynge to their dewtye, also taxes casten emongst the benefest men, as well tham in abet with in us as tham that was nott incument for the commonwelthe wich we dissyre of your

---

<sup>96</sup> Bush, *The Pilgrimage of Grace*, xiv-xv.

<sup>97</sup> Fletcher and MacCulloch, *Tudor Rebellions*, 10.

<sup>98</sup> *Letters and Papers of Henry VIII*, xi, 705 (I); Hoyle, *The Pilgrimage of Grace and the Politics of the 1530s*, 455-6; Fletcher and MacCulloch, *Tudor Rebellions*, 143.

lordchep to browth your plesur thairin qwatt we may doo in all these causes for we thynke in our oppyneons that we may putt in thair rowmes to serve God oders that wald be glad to keep hospytallyte for sum of thaim are no preestes that hath the benfyce in hand and oders of thaim is my lord Crumwell chapplynes. Now as we doo accept no genyllman of our counsel because we be affrayed of thaim... we besuche your noble lordchep of your goodnes and dyscreeet consell wat we may doo in the sayd premysses for the comen welthe.<sup>99</sup>

In their petition, the Westmorland rebels complain about The Dissolution of the Monasteries and the negative influence of the King's advisors, notably Thomas Cromwell. They also complain about taxation. The Westmorland rebels request that the tithes, or the annual dues, they pay to the Church be received by the Church as opposed to the Crown. The latter concern clearly derives from the 1532 act for the Conditional Restraint of All Annates that redirected payments of First Fruits, or annates, from Rome to the King's treasury, known as the exchequer. Additionally, the Westmorland rebels complain about the taking of gressums. Gressums were a monetary due, or rather an exchange of money between a lord and tenant whenever there was a change of lord or tenant. In Westmorland and Cumberland particularly, landlords were exacting gressums from their tenants without cause. The landlords' behavior sparked a debate in these counties about whether tenants holding their farms by tenant right should have to pay gressums.<sup>100</sup> Furthermore, the Westmorland petition exemplifies the erosion of early medieval tenurial relations as capitalism developed in England.<sup>101</sup> The Westmorland petition reveals there was cooperation between the common rebels and the nobility during the Pilgrimage, as demonstrated by the Westmorland peasants' seeking the help of Lord Darcy. The next month during the Council at Pontefract, Robert Aske nobly defended the nobility's participation in the

---

<sup>99</sup> *Letters and Papers of Henry VIII*, xi, 1080; Scott, *The Pilgrimage of Grace and the Lake Counties*, 138; Fletcher and MacCulloch, *Tudor Rebellions*, 146.

<sup>100</sup> Bush, *The Pilgrimage of Grace*, 203.

<sup>101</sup> Moore, *Social Origins of Dictatorship and Democracy*, 8.

rebellion as indicative of their concern for their poor constituents.<sup>102</sup> The Westmorland petition also demonstrates that the pesantry and the nobility were aligned against the gentry, or “gentyllmen” seeking to counsel them. The Pontefract Articles, written a month later, help explain the nature of this collaboration and the pilgrims’ distrust of the gentry.

In response to the rising in Lincolnshire, Henry assembled a royal army at Ampthill. He sent the Duke of Suffolk ahead with an expeditionary force to Stamford. Ten thousand rebels had amassed at Lincoln. They did not advance beyond Lincoln, however. Instead, they sent their articles to the king and waited for a reply. In the remaining time, the rebels dispersed and returned to their homes.<sup>103</sup> Henry then disbanded the army at Ampthill, just in time to learn that Yorkshire had risen in rebellion. A clear leader emerged among the rebels in Yorkshire, a lawyer by the name of Robert Aske. Relatively little is known about Aske before the Pilgrimage, but his leadership and direction provided the structure that enabled the Pilgrimage to become a serious threat to the stability of Henry VIII’s regime. Aske first dubbed the movement “the Pilgrimage of Grace for the Commonwealth.” On 16 October 1536 after entering York with several rebel hosts behind him from the smaller districts of Yorkshire, Aske proposed during a council of pilgrim captains that all members of the movement take an oath called “the Oath of Honourable Men.”

The rebels swore:

Ye shall not enter into this Pilgrimage of Grace for the commonwealth, but only for the love that ye do bear unto almighty God, his faith, and to holy church militant [and for] the maintenance thereof, to the preservation of the king’s person [and] his issue, to the purifying of the nobility, and to expulse all villain blood and evil councilors against the commonwealth from his grace and his privy council of the same. And that ye shall not enter into our said Pilgrimage for no particular profit to yourself, nor to do any displeasure to any private person, but by the counsel of the commonwealth, nor slay nor murder for no envy, but in your hears put away fear and dread, and take afore you the

---

<sup>102</sup> *Letters and Papers of Henry VIII*, xii, 6; Fletcher and MacCulloch, *Tudor Rebellions*, 144; Dodds, *The Pilgrimage of Grace and the Exeter Conspiracy*, 186.

<sup>103</sup> Hoyle, *The Pilgrimage of Grace and the Politics of the 1530s*, 6.

Cross of Christ, and in your hearts his faith, the restitution of the church, the suppression of these heretics and their opinions, by the holy contents of this book.<sup>104</sup>

The oath added a distinctly religious and virtuous tone to the amassing coalition of rebels in Yorkshire. The oath did not denounce the king, but made clear the pilgrims' purpose in rebelling against the government policies carried out in the preceding months. Following this, the pilgrims adopted the practice of carrying a banner and wearing patches depicting the Five Wounds of Christ. The Five Wounds indicated they fought for Christ's cause. Yet, the pilgrims' banner also depicted a chalice with the host, plough, and a horn. Fletcher and MacCulloch suggest that these images might be interpreted as "emblems of grievances: the chalice standing for the pilgrims' fear that church place was going to be confiscated, the plough for the impact of enclosure for pasture on the husbandman, the horn for the rumored tax on horned cattle."<sup>105</sup> No certain explanation of the symbolism of the pilgrims' banner exists, however. The practice of oath swearing and wearing the image of the Five Wounds of Christ clearly expressed the pilgrims' concerns for the health of Catholic religion in England.

A popularly circulated pilgrims' ballad also demonstrates the pilgrims' concern for the preservation of the Catholic faith. A full copy of the pilgrims' ballad may be found in the Appendix of this paper. The ballad begins with, "Crist crucifyd, For thy woundes wide, Us commons guyde, Which pilgrimes be Thrughe Godes grace For to purchache Old welth and peaux Of the Spiritualitie."<sup>106</sup> In this first verse of the ballad, the pilgrims ask for God's guidance in their endeavors to preserve the purity and spirituality of His Church. The ballad ends with: "Crim, crame, and riche, With thre ell and yer liche, As sum men teache, God theym amend!

---

<sup>104</sup> *Letters and Papers of Henry VIII*, vol. xii (1); Fletcher and MacCulloch, *Tudor Rebellions*, 144.

<sup>105</sup> Fletcher and MacCulloch, *Tudor Rebellions*, 28.

<sup>106</sup> *Letters and Papers of Henry VIII*, vol. xi, 786 (3); Fletcher and MacCulloch, *Tudor Rebellions*, 145; Bateson, Mary, "The Pilgrimage of Grace," in *The English Historical Review*, vol. 5, no. 18 (April, 1890) 344-345.

And that Aske may, Without delay, Here make a stay, And well to end!”<sup>107</sup> These verses of the ballad denounce “crim,” or the king’s secretary Thomas Cromwell, “crame,” referring to Archbishop Thomas Cranmer, and “riche,” or Richard Rich, chancellor of the Court of Augmentations. By expressing their distaste for the king’s advisors, the pilgrims are putting forth a political concern couched in religious terms. To reiterate Ethan Shagan’s point, religion permeated all aspects of sixteenth-century society and quasi-religious ideas of honor and virtue were closely tied to conceptions of just governance. Additionally, Cromwell in particular was involved with The Dissolution of the Monasteries. The dissolution resulted in the beginnings of the evaporation of monastic charity. Earlier stanzas of this pilgrims’ ballad protest the dissolution as the monasteries provided “boith ale and breyde At tyme of nede.”<sup>108</sup> During the Crown’s examination of him in 1537 after the rebellion collapse, Robert Aske also emphasizes the important place of monastic charity in English society. He claims that that monasteries, “not only had wordly refreshing in ther bodies but also sperituall refuge.”<sup>109</sup> Concern for the upkeep of the poor constitutes just one aspect of the pilgrims’ religious grievances. Although religious grievances do not form the singular cause of the Pilgrimage of Grace, Henry VIII’s religious reforms constitute an important factor in the uprisings.

The Council at Pontefract constituted the height of the Pilgrimage of Grace. On 2-4 December 1536, the rebel captains gathered at Pontefract Castle with representatives of Henry’s government to discuss the pilgrims’ grievances. The most important peers present were the Duke of Suffolk and the Duke of Norfolk, who had been given permission to parlay with the rebels and

---

<sup>107</sup> *Letters and Papers of Henry VIII*, vol. xi, 786 (3); Fletcher and MacCulloch, *Tudor Rebellions*, 145; Bateson, “The Pilgrimage of Grace,” 344-345.

<sup>108</sup> *Letters and Papers of Henry VIII*, vol. xi, 786 (3); Fletcher and MacCulloch, *Tudor Rebellions*, 145; Bateson, “The Pilgrimage of Grace,” 344-345.

<sup>109</sup> Fletcher and MacCulloch, *Tudor Rebellions*, 151; complete version of “The Examination of Robert Aske, 1537” in *Letters and Papers of Henry VIII*, vol. xii (1), 852, 900, 901, 945-946, 1175.

act in the King's stead. In the days preceding the council, 50,000-armed rebels had amassed outside of Doncaster. Confronted with this display, the royal troops found themselves outnumbered and were forced to negotiate with the rebels. The reality of Tudor government was that it lacked a standing army large enough to enforce law and order throughout most of the country, even when England acquired permanent local defense forces in the 1570s.<sup>110</sup> The royal forces had no choice but to meet with the captains of the rebels, led by Robert Aske, and come to an agreement that would assert the Crown's sovereignty over the rebels, but also cause them to disband. First, however, the Crown's emissaries were presented with a list of grievances known as the Pontefract Articles. A full copy of the Pontefract Articles may be found in the appendix of this paper. The primary goal of the Pontefract Articles was to procure a free and general pardon for all the rebels involved in the Pilgrimage and to exact the King's promise to hold a parliament at York to discuss the issues presented. The Duke of Norfolk agreed to both demands largely because he did not have an alternative choice. The rebels refused to disperse from Pontefract Castle until Aske showed them the pardon.<sup>111</sup> Despite concerns, the Crown honored the rebels' pardons, but a parliament was never held at York. Eight of the twenty-four Pontefract articles address the pilgrims' religious grievances. The pilgrims call for the eradication of heresy from the realm. They demand the restoration of monastic lands, the privileges of the clergy, and the repeal of the Act of Supremacy. The latter corresponds to a belief in the "Great Chain of Being"

---

<sup>110</sup> Fletcher and MacCulloch, *Tudor Rebellions*, 8. The latter has largely to do with changes in technology and warfare in the late-fourteenth and fifteenth centuries in England. Instead of the relying on the nobility for military aid, the Crown hired mercenary armies. Through loopholes in feudal custom, if a lord could not attend a battle or provide troops for the Crown, he could pay scutage, a fee to add to the king's war chest. While helpful, this often left the king without many troops. As warfare developed in the fourteenth and fifteenth centuries, wars became increasingly larger and technologically advanced. Hiring mercenary armies based on short-term contracts provided the king with the troops he needed without relying on a fickle nobility. Mercenary armies, however, were expensive to maintain and left England with limited standing troops.

<sup>111</sup> Hoyle, *The Pilgrimage of Grace and the Politics of the 1530s*, 10.

embedded deeply in the pilgrims' ideology. Furthermore, the pilgrims request in article eighteen to have these measures confirmed by an Act of Parliament.<sup>112</sup> The Pontefract Articles also express the rebels' political and socio-economic concerns. The rebels' main political concerns are to restore the princess Mary to the line of succession and to punish Thomas Cromwell and Richard Rich "as subverters of the good laws of this realme and maynteners of the false sect of those heretiques and the first inventors and bryngars in of them."<sup>113</sup> The rebels' socio-economic concerns were far more extensive.

First, the rebels request exemption from paying the Fifteenth and Tenth and other taxes that fell due in the months preceding the Pilgrimage. Second, they seek to restore earlier medieval definitions of tenant right where those who hold their lands by tenant right would not be required to pay gressum. The pilgrims specify that this article pertained only to lands in Westmorland, Cumberland, Kendall, Dent, and a few other areas in the same region. Thus, the Pontefract Articles directly reiterate the concerns of the rebels from these counties, suggesting their substantial involvement in the Pilgrimage. Article thirteen of the Pontefract Articles regards the enclosure movement, which was of considerable concern to the peasants of the North. They write: "item statute for inclosers and intackes to put in execution, and that all intakes and inclosers sith Anno iiii h. vii to be pulled down except montans, forest and parkes."<sup>114</sup> The rebels specify mountains, forests, and parks because those areas were not arable. Enclosure of arable areas was much more disruptive for peasant farmers.

---

<sup>112</sup> *Letters and Papers of Henry VIII*, vol. xi, 1246; Fletcher and MacCulloch, *Tudor Rebellions*, 149; Hoyle, *The Pilgrimage of Grace and the Politics of the 1530s*, 460-463.

<sup>113</sup> *Letters and Papers of Henry VIII*, vol. xi, 1246; Fletcher and MacCulloch, *Tudor Rebellions*, 149.

<sup>114</sup> *Letters and Papers of Henry VIII*, xi, 1246; Fletcher and MacCulloch, *Tudor Rebellions*, 148.

The rise in sheep-farming and enclosure lowered the value of peasant labor, even though wages remained high.<sup>115</sup> Thomas More's writings in *Utopia* (1516) directly reflect the contemporary reaction of the English peasants in response to enclosure. More writes: "normally sheep are placid and eat very little, but now I hear reports that they have become so voracious and fierce that they have even started eating men."<sup>116</sup> Sheep, quite simply, had become more valuable than men in sixteenth century England. The gentry were responsible in the pilgrims' view for encroaching sheep and enclosure, especially in the Northern regions of England. The terrain in Northern England was considerably rockier than that of the South. Animal husbandry for that reason had always been more prominent than farming there. The growth of the enclosure movement resulted in the remaining arable land in the North being enclosed. The latter upset tenant farmers in the North greatly and is important to consider in analyzing the Pilgrimage of Grace, as the rebels were comprised mainly of men from the North.

The enclosure movement brought several economic consequences that were of concern to the rebels of the Pilgrimage of Grace. Most importantly, enclosure resulted in increased rent prices and increased eviction. Thomas More observed that, "anywhere in the land where sheep produce fine, and consequently valuable, wool, there the nobles, the gentry, and even some of the abbots...are no longer content with the old rents and profits that their ancestors used to obtain the land."<sup>117</sup> A study conducted by the Crown Commissioners of Inclosure in 1517-1518, known as *The Domesday Book of Inclosures*, verifies More's claims. According to the commissioners' findings, England's northern counties demonstrated the most movement toward enclosure.<sup>118</sup>

Between 1491-1500, enclosure of arable land on lay properties in Northamptonshire increased by

---

<sup>115</sup> Lipson, *The Economic History of England*, 147.

<sup>116</sup> Thomas More, *Utopia*, trans. David Wootton (Indianapolis: Hackett Publishing Company, 1999) 66.

<sup>117</sup> More, *Utopia*, 66.

<sup>118</sup> Royal Historical Society, ed. J.S. Leadham, *The Domesday Book of Inclosures 1517-1518*, vol. i (London: Longmans, Green, and Co. 1897) 261.

525 percent.<sup>119</sup> The actual area of land enclosed in Northamptonshire remained small, however, only 192 acres.<sup>120</sup> From 1511-1520, the price of wheat and wool rose, which resulted in further enclosure of arable land and pasture on lay properties.<sup>121</sup> As a result of increasing rent prices, many tenants were evicted from both ecclesiastical and lay lands.<sup>122</sup> Since the gentry were the most active in the advance of the enclosure movement, the peasants held them responsible for the consequences they faced such as increased rent and eviction.

Peasants sometimes took popular action against the gentry. In his letter to Thomas Cromwell on 27 October 1534, Sir Richard Tempest describes how peasants pulled down the dyke of an enclosure, arguing that those lands should be farmed communally.<sup>123</sup> The Pontefract Articles echo this call “that all inclosures...[should be] pulled down except mountans, forests, and parkes” in 1536.<sup>124</sup> The rebels did not care about enclosures near mountains, forests, or parks because these lands were not arable. The peasants were only concerned with the conversion of arable lands to pasture for enclosure as it deprived them of lands to farm. Sir Marmaduke Tunstall and Sir James Layburn wrote to Cromwell on 29 July 1535 complaining of riots against enclosure in Cumberland and Lancaster.<sup>125</sup> Instances of sheep theft became also became prominent in the period.<sup>126</sup> In some cases, the economic damages incurred from sheep theft were so severe that the Crown had to issue grants to several yeomen farmers in compensation for stolen sheep.<sup>127</sup> The nobility also sought to help the peasantry in their battle against enclosure. In his letter to Thomas Cromwell on 22 November 1535, William Lord Sandys beseeches

---

<sup>119</sup> Leadham, *Domesday Book of Inclosures*, 262.

<sup>120</sup> Leadham, *Domesday Book of Inclosures*, 262.

<sup>121</sup> Leadham, *Domesday Book of Inclosures*, 263.

<sup>122</sup> Leadham, *Domesday Book of Inclosures*, 264.

<sup>123</sup> *Letters and Papers of Henry VIII*, vii, 1315.

<sup>124</sup> *Letters and Papers of Henry VIII*, xi, 1245; Fletcher and MacCulloch, *Tudor Rebellions*, 148.

<sup>125</sup> *Letters and Papers of Henry VIII*, viii, 1133.

<sup>126</sup> *Letters and Papers of Henry VIII*, xii, 994.

<sup>127</sup> *Letters and Papers of Henry VIII*, xii, 1105.

Cromwell to help a woman being evicted from her tenant farm so that 800 sheep could be pastured there instead.<sup>128</sup> Henry's support for the gentry thus united both peasants, who were upset with enclosure and its consequences, and the nobility, who begrudged reductions in their social and political privileges, against the Crown in an unprecedented way.

In the next number of the Pontefract Articles, the rebels demand "to have the statute that no mans shall not will his lands repealed," referring to the Statute of Uses.<sup>129</sup> The rebel authors the Lincoln Articles also call for a repeal of the statute. They write:

We humbly beseche your grace that the acte of use may be suppressed be cause we think by the sayde act that we your true subjectes be clerely restraynyd of their liberties in the declaration of our wylles concernyng our landes, as well for payment of our dettes, for doeing of your grace service, as for helping and elevyng our children.<sup>130</sup>

The Statute of Uses was a legal measure passed by Parliament in 1536. The statute was issued to prevent landowners from using a legal device called *use* in order to avoid paying monetary dues to the Crown. Putting land into use first became common in the thirteenth century.<sup>131</sup>

Landowners would entrust their land to a person or persons, called feoffees, who would hold the land for a beneficiary.<sup>132</sup> Use was employed frequently in cases where the beneficiary of a landowner's estate might be too young to inherit. By putting the land into use, the landowner protected the integrity of his estates and ensured the succession of title to his beneficiary.

Feoffees did not hold the legal title to the land, although they acted as custodians. The legal title to the lands would pass directly from the landowner to his beneficiary.<sup>133</sup> Putting land into use deprived the Crown of feudal dues that it traditionally received from land where no heir existed to inherit, or in cases where an heir to an estate was too young to inherit. The most important of

---

<sup>128</sup> *Letters and Papers of Henry VIII*, ix, 870.

<sup>129</sup> Dodds, *The Pilgrimage of Grace and the Exeter Conspiracy*, 364.

<sup>130</sup> *Letters and Papers of Henry VIII*, vol. xi; Fletcher and MacCulloch, *Tudor Rebellions*, 142-143.

<sup>131</sup> A.W.B. Simpson, *A History of the Land Law* (Oxford: Clarendon Press, 1986) 173.

<sup>132</sup> Simpson, *A History of the Land Law*, 173.

<sup>133</sup> Simpson, *A History of the Land Law*, 174.

these feudal dues was the right of wardship and marriage. Wardship implied the King's right to take custody of both lands and the young heir of an estate.<sup>134</sup> English inheritance practices dictated that the land would remain in the King's custody until the heir reached maturity. In the case of a male heir, they would inherit at twenty-one years of age. If their heir were female, they would either inherit at fourteen if they were married, or sixteen if unmarried.<sup>135</sup> Although the king did not receive profits from the land, wardships were often bought and sold as investments and proved the most lucrative of all feudal dues.<sup>136</sup> Since the king received custody of a ward, he became responsible for the health, education, and marriage of the ward. The king had the legal right to sell the marriage of his ward, although with some restrictions. Marriage could only happen between the ward and someone of their same social rank. Additionally, the ward was not compelled to accept the marriage. If the ward did not accept their marriage, however, they might have to pay the king a sum of money for the value of that marriage.<sup>137</sup>

The medieval use came into conflict with two fixtures of early modern common law, the doctrine of estates and the doctrine of seisin.<sup>138</sup> These doctrines are both based on the legality of another feudal due called relief and primer seisin. Relief refers to the money paid to the lord by a tenant if they inherited their landholdings from an ancestor. Primer seisin refers to the King's rights to the mesne profits of his tenant's lands before the heir became of age and relief could be paid.<sup>139</sup> The doctrine of estates transposed the idea of relief into a fee levied upon a tenant who inherited their land from an ancestor. By the fourteenth-century, this fee came to be called the fee simple. Fee simple allowed the fee to be divided and distributed among a number of people. By

---

<sup>134</sup> Simpson, *A History of the Land Law*, 18.

<sup>135</sup> Simpson, *A History of the Land Law*, 18.

<sup>136</sup> Simpson, *A History of the Land Law*, 18.

<sup>137</sup> Simpson, *A History of the Land Law*, 18.

<sup>138</sup> Simpson, *A History of the Land Law*, 175.

<sup>139</sup> Simpson, *A History of the Land Law*, 16-17.

paying part of the fee simple, those persons held the legal right to enjoy the use of the land they were helping to pay for.<sup>140</sup> The idea of seisin came to embody the connections between a person in possession of an estate and the land itself.<sup>141</sup> Even if someone did not inherit land from an ancestor or did not possess the legal title to the land, they retained a right to seisin that was protected by common law. Seisin implied those custodians had a right to entry and a claim to the land, which complicated the inheritance process further.<sup>142</sup> The complication that the doctrine of estates and seisin presented was that by the sixteenth century, the common law allowed for no separation between feoffees and those who held the legal title to the land.<sup>143</sup> In order to have the right to enjoy and use a piece of land, one had to have the legal title to it. Uses thus not only deprived the king of his feudal dues, but also contradicted the common law of the realm.

According to Sir William Holdsworth, “the unique character of the English use or trust is the direct consequence of the unique manner in which the principles of equity were developed in England, owing to the fact that their administration was entrusted to a separate court.”<sup>144</sup> Since uses were unrecognized by the common law by the sixteenth century, the only court that would try cases regarding use was a royal, equity court called Chancery. The Chancery was able to penetrate the more private aspects of cases involving use through its ability to summon respective parties and address potential breaches of contract between the feoffor, or the landholder, and the feoffee.<sup>145</sup> J.H. Baker in *An Introduction to English Legal History* (2002) mentions that the reason the Chancery became the primary court for cases involving uses was due to the fact that “feoffees were clearly bound by ties of conscience which were not recognized

---

<sup>140</sup> Simpson, *A History of the Land Law*, 87.

<sup>141</sup> Simpson, *A History of the Land Law*, 88.

<sup>142</sup> Simpson, *A History of the Land Law*, 88.

<sup>143</sup> Simpson, *A History of the Land Law*, 175.

<sup>144</sup> Sir William Holdsworth, *A History of English Law* vol. iv (London: Methuen and Co. Limited, 1924) 418.

<sup>145</sup> Holdsworth, *A History of English Law*, vol. iv, 418.

in the courts of common law.”<sup>146</sup> Baker writes: “the technical distinction between legal and equitable estates could hardly have been invented as such, and indeed we must seek its origin not in legal thought but in a miscellany of factual situations requiring recognizing in conscience if not in law.”<sup>147</sup> The Chancery upheld these ties of conscience where both landholders and feoffees were personally obliged to maintain the contract involving the use of the land made between them. The common law, however, did not recognize these ties of conscience and thus Chancery directly contradicted common law. Chancery thus formed a competing legal authority in England whose prerogative and jurisdiction directly conflicted with that of the royal courts. Chancery may even be seen as undermining the sovereignty of the royal courts by hearing cases regarding uses. Henry’s restructuring of the tax system in England supported the gentry, placed the heaviest burden on the peasantry, and disregarded the social and political privileges of the nobility and clergy. The clergy, nobility, and peasantry thus became united in their opposition towards the Crown. The situation described represents the ecology in which the Pilgrimage of Grace occurred. Additionally, it explains why the Crown began to pay much more attention to issues of property and inheritance than they had previously. An example of the King’s growing concern over property and uses is *Feoffees of Lord Dacre v. Rex* heard in the Exchequer Chamber during the Trinity term of 1535.

Thomas Fiennes, Lord Dacre of the South, died in September 1533. Dacre used his personal will to divide his estates among several feoffees who would hold the land in use until his heir, his grandson, also Thomas Fiennes, became of age to inherit. Dacre’s arrangement deprived the Crown of any feudal dues and financially protected his relatives, who were his feoffees. Dacre instructed for his feoffees to take the profits of his estates and use them to pay for

---

<sup>146</sup> J.H. Baker, *An Introduction to English Legal History* (Dayton, Ohio: LexisNexis Group, 2002) 251.

<sup>147</sup> Baker, *An Introduction to English Legal History*, 248.

his funeral, the marriage of his cousins, and then to hold the rest in trust for his heir. The total value of his estates when he died was five hundred marks, a substantial amount.<sup>148</sup> Dacre's instructions denied the Crown profits from wardship and marriage and the profits from the land promised by the doctrine of estates and seisin.

The case was heard in the Exchequer Chamber, which was not a court itself. The Exchequer Chamber refers to the room where matters pertaining to the King's exchequer, or royal treasury, were originally discussed. Hearing cases in the Exchequer Chamber originally developed as a matter of convenience at the royal court.<sup>149</sup> Judges from both the King's Bench and the Common Pleas courts heard the case.<sup>150</sup> The latter was not uncommon as the three common-law courts, the King's Bench, the Common Pleas, and the Exchequer of Pleas, existed side by side and judges often circulated between courts.<sup>151</sup> The King's Bench was the most prestigious court and its jurisdiction extended to all criminal cases and any case in which the king was involved, including appeals to the Crown.<sup>152</sup> The Court of Common Pleas' jurisdiction was more ambiguous as it dealt with any suits between parties that were not criminal in nature.<sup>153</sup> The Exchequer of Pleas held jurisdiction over all revenue cases and was presided over by the treasurer and barons of the Exchequer.<sup>154</sup> This body of judges comprised Henry VIII's legal advisors and he sought them out often. In cases where judges derived from different courts, they would meet in the Exchequer Chamber to hear cases.

---

<sup>148</sup> Sir John Spelman, *The Reports of Sir John Spelman*, ed. John Baker, vol. i (London: The Selden Society, 1977) 229.

<sup>149</sup> Geoffrey Elton, *The Tudor Constitution: Documents and Commentary* (London: Cambridge University Press, 1960) 150.

<sup>150</sup> Spelman, *The Reports of Sir John Spelman*, vol. i, 229.

<sup>151</sup> Elton, *The Tudor Constitution*, 150.

<sup>152</sup> Elton, *The Tudor Constitution*, 149.

<sup>153</sup> Elton, *The Tudor Constitution*, 149.

<sup>154</sup> Elton, *The Tudor Constitution*, 149.

The two issues discussed during the hearing of *Feoffees of Lord Dacre v. Rex* (1535) were whether the practice of use and feoffments were legal according to common law and whether a landholder could use his personal will to divide his lands.<sup>155</sup> Sir John Spelman, a Justice of the King's Bench, recorded the primary record of the hearing that survives today. The following details of the hearing derive from his account. The Chancellor of the Exchequer and Principal Secretary, Thomas Cromwell, Chief Baron Lyster of the Exchequer, Chief Justice Baldwin of the Common Pleas, and Justice Luke of the King's Bench argued that "no land [was] devisable by will except by custom, since it is against the nature of land to pass in such a way."<sup>156</sup> Furthermore, they asserted the King's rights to all lands and that a landholder was not entitled to give away lands in his will. Justice Spelman of the King's Bench, Justices Shelley and Fitzherbert of the Common Pleas, and Chief Justice Fitzjames of the King's Bench held an opposing opinion. They upheld the legality of putting land into use and contended that "a will [was] a declaration of trust, to wit, a showing to the feoffee of his intention how the feoffee should act, and the feoffee is obliged in conscience to perform it."<sup>157</sup> Some confusion ensued when Justice Port of the King's Bench spoke so quietly that judges on both sides of the argument could not understand him and then proceeded to claim his opinion. The judges were then summoned to appear before the king who affirmed that he required them to have majority vote on the matters. After continued debate, the justices asserted the legality of uses, but denied landowners the right to use their personal wills to divide land.

Henry VIII was greatly disappointed with the decision in *Feoffees of Lord Dacre v. Rex* (1535). When Henry summoned the judges after their confusion regarding the opinion of Justice Port, Henry personally interviewed each of the judges. He offered them his favor in exchange for

---

<sup>155</sup> Spelman, *The Reports of John Spelman*, vol. i, 229.

<sup>156</sup> Spelman, *The Reports of John Spelman*, vol. i, 229.

<sup>157</sup> Spelman, *The Reports of John Spelman*, vol. i, 229.

their supporting his claims against Dacre.<sup>158</sup> In response to their decision in Lord Dacre's case, Henry proceeded to launch a legislative attack on landowners and lawyers.<sup>159</sup> G.E. Ives suggests that Henry fueled the jealousy of the common law judges against the Chancery, trying to ensure their sympathy to his cause.<sup>160</sup> Stanley Lehmborg contends in *The Reformation Parliament* that Henry backed Parliament into a corner where "unless they passed a statute of uses which overrode the judicial decision [in Lord Dacre's case], the whole mechanism of use would be valueless and a great many family settlements would fail. Hence, the king... could count on success for practically any measure, no matter how drastic."<sup>161</sup> Three drafts preceded the final bill of the Statute of Uses. The bill proposed that those feoffees entitled to use of land were to be seized and considered to hold lawful possession of the legal estate. Therefore, the government continued to recognize uses, but ensured that those who profited from the use of land were made responsible for the land. Part of this responsibility included paying those feudal dues owed to the Crown. Additionally, the judges did not restore the right to devise land by will.<sup>162</sup>

The Statute of Uses triggered a conservative backlash on behalf of the nobility towards Henry VIII's restructuring of English tax policies. In the Lincoln Articles, the rebels claim that the Statute of Uses restricted their liberties as they were not able to use their wills to bequeath land to their children and thus prevented them from "elevating" or providing financially for their children in the future. The rebels' statement at Lincoln confirms the nobility's opposition to the statute. The average Englishmen, however, doubtfully possessed substantial lands and income to be concerned with his children's inheritance. Ethan Shagan sheds light on this issue as he

---

<sup>158</sup> G.E. Ives, "The Genesis of the Statute of Uses," in *The English Historical Review*, vol. 82, no. 325 (October 1967) 688.

<sup>159</sup> Holdworth, *A History of English Law*, vol. vi, 454; Ives, "The Genesis of the Statute of Uses," 691.

<sup>160</sup> Ives, "The Genesis of the Statute of Uses," 686-687.

<sup>161</sup> Stanley Lehmborg, *The Reformation Parliament 1529-1536* (Cambridge: Cambridge University Press, 1970), 236.

<sup>162</sup> Lehmborg, *The Reformation Parliament*, 237.

contends that the Statute of Uses, “in so far as it represented the Crown’s goal of increasing revenues from feudal overlordship, all social classes shared a common financial incentive to stop the government in its tracks.”<sup>163</sup> Shagan’s theory certainly explains why the peasantry might have decided to represent the nobility’s concerns as their own. The fact that the statute pertained directly to property and inheritance law speaks volumes about its role in the Pilgrimage of Grace, however. G.E. Ives puts the most stake in the Statute of Uses as being a primary concern in the Pilgrimage of Grace. Ives claims that in passing the Statute of Uses, “the crown committed the crass error of pushing its success too far, and rebellion was the penalty.”<sup>164</sup> Instead of passing the Statute of Uses, he argues the Crown could have reintroduced a bill relating to primer seisin from 1532, which would have left uses in tact. The Crown’s insistence on passing the statute of uses thus was “a piece of shortsighted political vindictiveness” that alienated commoners as well as the nobility.<sup>165</sup> In consequence, Henry VIII was faced with armed rebellion and the greatest threat to the stability and security of his regime that he would ever face.

The pilgrims’ of Grace discontent with the Crown’s support for “new men” of the gentry stems from their worldview centered on a society of orders. The Crown’s new economic policies supported the propertied interests of the landholding, gentry and placed a heavy tax burden on the peasants. Additionally, the Crown’s reliance on the gentry in matters of government reduced the influence of the nobility at court. To express their discontent, however, the pilgrims relied gatherings, petitions, and handbills. The rebels never criticized the Crown outright. Instead, they denounced the king’s gentry advisors and wrapped their rebellion in Catholic rhetoric, putting forth concern for the well being of the Commonwealth. In the “Oath of the Honourable Men,” required for men to enter into the Pilgrimage of Grace, the pilgrims swore:

---

<sup>163</sup> Shagan, *Popular Politics and the English Reformation*, 106.

<sup>164</sup> Ives, “The Genesis of the Statute of Uses,” 695.

<sup>165</sup> Ives, “The Genesis of the Statute of Uses,” 695.

Ye shall not enter into this Pilgrimage of Grace for the commonwealth, but only for the love that ye do bear unto almighty God, his faith, and to holy church militant [and for] the maintenance thereof, to the preservation of the king's person [and] his issue, to the purifying of the nobility, and to expulse all villain blood and evil councilors against the commonwealth from his grace and his privy council of the same. And that ye shall not enter into our said Pilgrimage for no particular profit to yourself, nor to do any displeasure to any private person, but by the counsel of the commonwealth, nor slay nor murder for no envy, but in your hearts put away fear and dread, and take afore you the Cross of Christ, and in your hearts his faith, the restitution of the church, the suppression of these heretics and their opinions, by the holy contents of this book.<sup>166</sup>

Aside from adding a distinctly religious tone to the amassing coalition of rebels in Yorkshire, the oath did not denounce the king. Instead, the pilgrims condemned the king's "evil advisors," who they held responsible for the government policies such as The Dissolution of the Monasteries (1536) and the levying of a direct tax called the Fifteenth and Tenth (1534), which they were rebelling against. The English belief in a society of orders made Henry's support for the gentry extraordinarily contentious. Henry's support for the gentry thus united the peasantry, who were upset with enclosure and its consequences, and the nobility, who begrudged reductions in their social and political privileges, against the Crown in an unprecedented way.

Henry's ecclesiastical reforms subjugated the Church to the direct authority of the Crown, tipping the balance of popular opinion against the Crown and leading the outbreak of the Pilgrimage of Grace in 1536. Henry's ecclesiastical reforms alienated the clergy as they defied social customs of deference to the Church. Henry's subordination of the clergy began in March 1532 with the Act for the Conditional Restraint of Annates. Henry declared that the annual payments made to Rome by the English clergy would be paid instead to the Crown. On 15 May 1532, Henry received the formal submission of the clergy to the Crown, which prevented convocations from gathering or canons being passed without the king's permission. In 1533, Henry VIII went further and through Parliament, passed the Act in the Restraint of Appeals. The

---

<sup>166</sup> *Letters and Papers of Henry VIII*, vol. xii (1); Fletcher and MacCulloch, *Tudor Rebellions*, 144.

act legislated that all people living in his proclaimed “empire” of England were subject to the laws of England without exception. The clergy could no longer appeal to the Pope in Rome for legal aid and any decisions made in clerical courts in England would henceforth not stand without the approval of the royal courts. This subjugated the clergy to the direct judicial authority of the Crown.

In 1534, Parliament passed the Act of Supremacy declaring Henry VIII “Supreme Head of the Church of England on Earth,” fully separating England from the see of Rome. The Act of Supremacy demonstrates Henry’s caesaropapism as he formally combined the powers of monarch and Church.<sup>167</sup> Henry proceeded to issue the “Ten Articles,” in 1536, which limited the sacraments to baptism, last rights, penance, and the Eucharist. His ordering the Dissolution of the Monasteries in 1536, however, finally tipped the balance of popular opinion resulting in the rising of the Pilgrimage of Grace.

In the Lincoln Articles, the pilgrims lament The Dissolution of the Monasteries and smaller religious houses in the North. The rebels contend that the “service of our God is not well maintained,” and the “commons of yor realme [go] unrelieved.”<sup>168</sup> Monasteries often provided charity to poor members of their communities and the rebels argued their dissolution harmed the commonwealth as many inhabitants of religious houses, as well as the local clergy, were forced to abandon the refuge of the monasteries. The pilgrims’ emphasis on the charitable role of the monasteries may have been aggravated by the rise of vagrancy during the century of Tudor rule. Increasing population numbers, coupled with agricultural transformations and the advent of

---

<sup>167</sup> Fletcher and MacCulloch, *Tudor Rebellions*, 135.

<sup>168</sup> *Letters and Papers of Henry VIII*, xi, 705 (I); Hoyle, *The Pilgrimage of Grace and the Politics of the 1530s*, 455-6; Anthony Fletcher and Diarmaid MacCulloch, *Tudor Rebellions* (Edinburgh: Pearson Education Limited, 1968) 142-143.

capitalism resulted in a significant increase in the number of homeless people in England.<sup>169</sup> The monasteries served as refuge for these vagrant or “masterless men.”

Year	Population total in millions
1525	2.26
1541	2.77
1551	3.01
1561	2.98
1571	3.27
1581	3.59
1591	3.89
1601	4.10

*Source: E. A. Wrigley and R. S. Schofield, The Population History of England, 1541-1871: A Reconstruction (London, 1981), 531-2, 568.*

Figure 2. English Population Totals 1525-1601. Image from John Guy, *Tudor England* (1988)

While it remains difficult to determine what percentage of the English population could be labeled as “masterless men,” multiple Poor Laws enacted between 1536 to 1601 provide an indication that the number of destitute people in England had become a social problem.<sup>170</sup> John Guy writes:

The Statute of Artificers (1563) and multiple Poor law enactments between 1536 and 1601 achieved the transition between traditional attitudes, whereby the poor’s function was to furnish others with opportunities for acts of charity, and rationalized secular relief schemes modeled on the welfare projects successfully pioneered in the cities of France, Germany, Italy, and the Low Countries, and based on the principle that involuntary unemployment and poverty should be ameliorated by apprenticeships and parish rates.<sup>171</sup>

<sup>169</sup> Brigden, *New Worlds, Lost Worlds*, 81; Guy, *Tudor England*, 30.

<sup>170</sup> Guy, *Tudor England*, 42-43. See also Keith Thomas *Religion and the Decline of Magic* (New York: Oxford University Press, 1971) 563-564.

<sup>171</sup> Guy, *Tudor England*, 43.

The change in attitude toward poor relief coincides likely could have influenced popular discontent with The Dissolution of the Monasteries as monasteries often provided charity for these “masterless men,” or itinerant wage laborers wandering across England, wage labor being a product of burgeoning English capitalism.

The rebels claimed that the result of the dissolution and the Crown's commandeering of annual tithes paid by the English clergy to Rome, legislated in the Act for the Conditional Restraint of Annates (1532), was the further impoverishment of the Northern peasantry. The peasants of the North claimed they no longer had the funds to pay their rents, nor did the local Northern lords have funds to execute the king's laws or defend their communities from the Scots who often raided across the borders of Westmorland and Cumberland.<sup>172</sup>

The Crown had difficulty providing governance and asserting royal authority in the North of England because of the size of its counties, its “fragmented pattern of landownership,” and peculiar loopholes in the English legal system.<sup>173</sup> Yorkshire covered vast expanses of land and as a result, the Crown relied heavily on local administration. Lancashire and Westmorland were both considerably poor because of their location near the Pennines mountain range which hindered access to English and European markets. Cumberland and Northumberland, on the border of Scotland, were counties organized for war as they were subject to continual border conflict and skirmishes with the Scots.<sup>174</sup> The lack of aristocratic families in the Northumberland created gaps in local administration as well.<sup>175</sup> In Cheshire, Lancashire, and Durham, because of their peculiar legal status as palatinates, the lord of the palatinate governed as opposed to the Crown. The king's writ, therefore, did not run in these counties, although in Cheshire and

---

<sup>172</sup> "The Manner and the Taking of Robert Aske," in Bateson, Mary "The Pilgrimage of Grace," in *English Historical Review* Vol. 5 No. 18 (April 1890) 336.

<sup>173</sup> Hoyle, *The Pilgrimage of Grace and the Politics of the 1530s*, 30.

<sup>174</sup> Hoyle, *The Pilgrimage of Grace and the Politics of the 1530s*, 30.

<sup>175</sup> Hoyle, *The Pilgrimage of Grace and the Politics of the 1530s*, 30.

Lancashire, eventually the king became the lord of the palatinate. In Durham, however, the bishop of Durham remained the lord of the palatinate.<sup>176</sup> These counties did not send members to Parliament or contribute to Parliamentary taxation, and were excluded from taxation due to poverty.<sup>177</sup>

In order to govern the arguably relatively lawless North of England, the Crown relied on local administration, which took the form of the local nobility. The local nobility in the North was comprised of wealthy magnates, such as Lord Darcy, a supporter of the Pilgrimage of Grace, who presided over vast expanses of land in the North. While few and far between, the northern nobility had the power threaten peace in the North.<sup>178</sup> The relative lawlessness of the North and the backward quality of its governance as it relied on local magnates made the North a particularly ripe ground for rebellion. As the nobility was forced to compete for lands, titles, and prestige with the mercantile gentry supported by Tudor government, opposition against the Crown steadily grew. The poverty of the North aggravated the peasantry and clergy, and together with Northern nobility, these disenfranchised groups combined to form an unprecedented alliance.

The legal privileges held by the palatinates and local magnates in the North form a substantial part of the rebels' concerns. In the Pontefract articles, the rebels demand that, "the liberties of the church to have ther old customys as the cownty palatyn at Durham, Beverlay, Rippon, Sant Peter of York and such other by acte of parliament."<sup>179</sup> Furthermore, they demand that any person subpoenaed from Trent northward appear at the court in York, unless the case

---

<sup>176</sup> Hoyle, *The Pilgrimage of Grace and the Politics of the 1530s*, 31.

<sup>177</sup> Hoyle, *The Pilgrimage of Grace and the Politics of the 1530s*, 31.

<sup>178</sup> Hoyle, *The Pilgrimage of Grace and the Politics of the 1530s*, 39.

<sup>179</sup> *Letters and Papers of Henry VIII*, xi, 1246; Fletcher and MacCulloch, *Tudor Rebellions*, 149.

pertained to “maters concernyng the kyng.”<sup>180</sup> The rebels also request a repeal of the Treason Act of 1534, which made it treasonous to reject the Act of Supremacy. Lastly, they write: “item that the common lawes ma have place as was usid in the beyning of your Grace is Reign and that all iniunctions may be clerely denyed and not be granted on les the mater be hard and determyned in the chancery.”<sup>181</sup>

R.H. Helmholz in *The Ius Commune in England* writes that “private [legal] action was being limited in scope and occasion,” in the sixteenth century.<sup>182</sup> This phenomenon may be seen through the Tudor attack on aristocratic legal privilege. As mentioned previously, Henry VIII used the Statute of Uses to close loopholes in the English legal system that allowed magnates to divide their estates as they pleased and avoid paying feudal dues. Additionally, the Act for the Restraint in Appeals subjected all English subjects, including the clergy, to the royal laws of England. Another example of Tudor prerogative of limiting private legal action may be seen through the restriction of sanctuary law in England. Sanctuary was a fixture of medieval canon law that allowed any person who committed a crime to seek asylum in a church, churchyard, or other designated area. Under canon law, all churches held the privilege to grant sanctuary. Popes, kings, emperors, or local custom could also grant areas for sanctuary.<sup>183</sup> Sanctuary could be and was violated on occasion, but largely respected as part of the Church’s ecclesiastical immunity granted by the *ius divinum*.<sup>184</sup> Those who forcibly extracted a criminal from sanctuary were subject to excommunication. Royal officials could freely enter churches in order to persuade

---

<sup>180</sup> *Letters and Papers of Henry VIII*, xi, 1246; Fletcher and MacCulloch, *Tudor Rebellions*, 149.

<sup>181</sup> *Letters and Papers of Henry VIII*, xi, 1246; Fletcher and MacCulloch, *Tudor Rebellions*, 149.

<sup>182</sup> R.H. Helmholz, *The Ius Commune in England: Four Studies* (London: Oxford University Press, 2001) 40.

<sup>183</sup> Helmholz, *The Ius Commune*, 16.

<sup>184</sup> Helmholz, *The Ius Commune*, 16, 18.

criminals to leave sanctuary.<sup>185</sup> Ecclesiastical immunity sought to protect the church from violent incursions.<sup>186</sup> In England, the physical immunity of the Church was considered part of the liberties prescribed to the Church, as written in documents such as the Magna Carta (1215).<sup>187</sup> Roman law, as found in the *Corups iuris civilis*, often supported canon law's prerogative in upholding sanctuary law. Roman law declared it illegal to remove a criminal from sanctuary and criminals who took sanctuary in a church could not be denied food or water.<sup>188</sup>

In England, sanctuary law became established by the twelfth and thirteenth centuries. While sanctuary was considered a custom of the realm carried out by royal officials, local customs often dictated the maintenance and enforcement of sanctuary law. Townspeople were responsible for watching and preventing the escape of those who took sanctuary without being legally abjured, or permitted to leave the realm.<sup>189</sup> Popular sentiment may have hindered the restriction of sanctuary law, although it remains difficult to gauge to what extent it may have done so.<sup>190</sup> Enforcing sanctuary law became complicated in England by competing legal jurisdictions. Canon law did not place a term limit on how long a person could stay in sanctuary. English law decreed that a felon could only remain in sanctuary for forty days. After forty days, English law granted laymen and clerics the ability to starve the criminal out. Criminals would have to abjure the realm or be taken into custody afterward. Canon law plainly condemned the practice of starving out criminals in sanctuary.<sup>191</sup> Additionally, in areas where the king's writ did not run, such as the palatinate of Durham where the Bishop of Durham acted as lord of the palatinate, enforcing sanctuary also became complicated. In cases where it became difficult to

---

<sup>185</sup> Helmholz, *The Ius Commune*, 27.

<sup>186</sup> Helmholz, *The Ius Commune*, 25-26.

<sup>187</sup> Helmholz, *The Ius Commune*, 26.

<sup>188</sup> Helmholz, *The Ius Commune*, 38.

<sup>189</sup> Helmholz, *The Ius Commune*, 22, 64, 69.

<sup>190</sup> Helmholz, *The Ius Commune*, 64.

<sup>191</sup> Helmholz, *The Ius Commune*, 61.

determine whether a criminal should be granted sanctuary, bishops often hesitated to act for fear of breaking canon law. Furthermore, the Church relied on the secular government to forcibly extract criminals. The Crown often hesitated to act or persuade criminals in difficult cases as well, however, for fear of the penalty of excommunication.<sup>192</sup> In the Act in the Restraint of Appeals (1533), Henry VIII declared that all English subjects, including the clergy, were subject to the royal laws of England. In this way, Henry directly subjugated the Church to the judicial authority of the Crown. The pilgrims of Grace, however, call for the restoration of the legal privileges of those private legal actors, such as perhaps the lord of the palatinate of Durham.

Helmholz contends that the canon law of sanctuary highlights the development of common law in the sixteenth century, particularly the Tudor attack on sanctuary. Henry VII, perhaps after witnessing the debacle where Elizabeth Woodville took sanctuary in Westminster Abbey with her sons, rival claimants to the throne, and mobilized her supporters against Richard III, sought to restrict the scope of sanctuary in England. His son, Henry VIII also sought to limit the use of sanctuary. Prior to the advent of the Tudor monarchs, common law officials generally ignored the canon law's *casus excepti*, or cases in which sanctuary could not be granted to a felon.<sup>193</sup> Henry VIII enacted many of the *casus excepti* and added treason, premeditated murder, poison, and arson to the list of crimes for which a person could not take sanctuary.<sup>194</sup> The Treason Act of 1534 generated concern for the pilgrims of Grace. The act declared it treasonous for any English subject to reject the Act of Supremacy, which made Henry VIII "Supreme Head of the Church of England on Earth." A tenant of the pilgrims' of Grace's agenda was the repeal of the Act of Supremacy as it conflicted with the laws of the Catholic Church. In the Pontefract Articles, the pilgrims ask for a repeal of both the Act of Supremacy and the Treason Act. The

---

<sup>192</sup> Helmholz, *The Ius Commune*, 65-66.

<sup>193</sup> Helmholz, *The Ius Commune*, 70.

<sup>194</sup> Helmholz, *The Ius Commune*, 77.

fact that English subjects could no longer seek sanctuary for treason may have concerned the rebels as well.

While the Tudor attack on sanctuary has often been seen as a battle between Church and state where the Church becomes the victim of increasing state power, Helmholz cautions against this interpretation. Such interpretation, he argues, does not adequately take into account what canon law actually dictated. Instead, Helmholz contends that it would be more reasonable to conclude that, “what happened in England was that the common law adopted a large part of the law of sanctuary developed by the commentators on the *ius commune* over the course of the late Middle Ages.”<sup>195</sup> Tudor restrictions on sanctuary actually mirrored similar legal changes taking place on the Continent. In many locations, sanctuary privilege was declining by the sixteenth century. While the Council of Trent (1563) sought to revive the Church’s law of immunity, their decree did not restore the clout of sanctuary privileges.<sup>196</sup> It seems in this case that England and the Continent reflect a shift towards centralizing judicial authority under the power of the state. Sanctuary law and restricting private legal action may be considered part of Tudor desire to foster territorial sovereignty and strengthen royal authority, which presented a threat to the society of orders which the pilgrims of Grace sought to defend.

In "The Manner and the Taking of Robert Aske," a memoir written by rebel captain and gentry lawyer, Robert Aske, Aske states that the pilgrims rebelled primarily in defense of the Commonwealth. When travelling through Lincolnshire on his way to London in late 1536, before joining the rebellion, a man named Hundiwell informed Aske that the men of Lincolnshire had taken an oath to be "trew to God and the king and the comyn welth."<sup>197</sup> Aske

---

<sup>195</sup> Helmholz, *The Ius Commune*, 79.

<sup>196</sup> Helmholz, *The Ius Commune*, 80.

<sup>197</sup> "The Manner and the Taking of Robert Aske," in Bateson, Mary "The Pilgrimage of Grace," in *English Historical Review* Vol. 5 No. 18 (April 1890) 332.

insists at first he rejected this oath as treasonous but "was contented to be sworn."<sup>198</sup> How Hundwill or the pilgrims of Lincoln managed to persuade Aske to join their cause remains unclear. Aske, however, emerged as a clear leader of the rebellion as the rebels of Lincoln followed him to Yorkshire.

In Aske's speech to the lords at the Council of Pontefract, he claimed that the people of the North rejected the spread of heresy and the suppression of the abbeys. He condemned the clergymen supporting Henry VIII for not warning him of the dangers of heretical preachers or providing a solution to stop the spread of heresy or advising him against The Dissolution of the Monasteries.<sup>199</sup> Aske then denounced the nobility supporting Henry VIII for not informing the king of the extent of poverty in the North and claims that, "al dangers might haue been avoided; for insomuch as in the north partes, much of the relef of the comyns wais by sucur of abbeys, and that befor this last estat thereof maid, the kingest highnes had no money out of that shyr... And that now the profites of abbeys suppressed, tentes and furst frutes, went out of those partes."<sup>200</sup> Aske claimed that the religious houses of the North supplied significant charitable relief for its inhabitants. He reiterated the pilgrims' complaint that the dissolution and the Crown's commandeering of annual tithes paid by the English clergy to Rome resulted in the further impoverishment of Northern communities. Aske requested that a parliament be held at York where all "lernyd counsell and wisemen" should assemble to account for the spoils taken from the church, write a document explaining and ensuring the liberties of the church, and to repeal other Henrician reforms such as the Act of Supremacy. Lastly, Aske calls Lord Chancellor Thomas Cromwell "the distrewer of the comynwelth," and insists that the Pilgrimage was

---

<sup>198</sup> "The Manner and the Taking," ed. Bateson, 332.

<sup>199</sup> "The Manner and the Taking," ed. Bateson, 335.

<sup>200</sup> "The Manner and the Taking," ed. Bateson, 336; *Letters and Papers* xii. (1) 6; Dodds and Dodds, *The Pilgrimage of Grace and the Exeter Conspiracy*, 186; Fletcher and MacCulloch, *Tudor Rebellions*, 144.

undertaken for "the preseruacion of your graces [Henry VIII] person and sed," and "in all partes of the realme mens hertes much groges with the suppression of abbeys and the ferst frutes, by reason the same wold be the distruccion of the holl religion in Inland."<sup>201</sup> Aske claims that the Pilgrimage of Grace was undertaken to preserve the integrity of the King's rule and to protect England from heresy or the destruction of traditional religion.

In "The Examination of Robert Aske," royal commissioners examined Aske in 1537, seeking to procure a hanging offense for his involvement in the Pilgrimage of Grace. In the examination, Aske impressed upon the commissioners not only the material value the monasteries brought to the communities of the North, but also their spiritual value. He hailed them as places of learning where the "people not only had worldly refreshing in ther bodies but also sperituall refuge both by gostly lifving of them and also by speritual informacion, and preching."<sup>202</sup> Moreover, the suppression of religious houses in the North held spiritual danger for their communities. Aske claimed: "and by occasion of the suppression the devyn service of almightie God is much minished, greate nombre of messes unsaid, and the blissed consecracion of the sacrament now not used and showed in thos places, to the distreas of the faith, and spertiuall comforth to man's soull."<sup>203</sup> For Catholics, belief in Purgatory comprised a central aspect of their faith. Masses were said for the souls of the departed serving their sentences in Purgatory so that they could be more quickly transferred to Heaven. The cessation of such a practice was greatly concerning to all Catholics, nobles and peasants alike, as the salvation of their loved ones depended on the Church's continuing spiritual support.<sup>204</sup>

---

<sup>201</sup> "The Manner and the Taking," ed. Bateson, 342-343.

<sup>202</sup> "The Examination of Robert Aske," in Fletcher and MacCulloch, *Tudor Rebellions*, 151.

<sup>203</sup> "The Examination of Robert Aske," in Fletcher and MacCulloch, *Tudor Rebellions*, 150.

<sup>204</sup> Eamon Duffy in *The Stripping of the Altars* (2005) goes into depth as to how the customs of the Church – the liturgy, sacraments, and the Mass particularly formed the heart of medieval Catholic

Scholars know little about Aske before the Pilgrimage except that he was a successful lawyer. Anthony Fletcher and Diarmaid MacCulloch suggest that Aske may have been “involved in some kind of conspiracy to mount a northern rising before Lincolnshire stirred,” although they do not elaborate at great length on this theory.<sup>6</sup> What may firmly be stated is that Aske was instrumental in leading the Pilgrimage of Grace and imbuing the rebels’ cause with religious overtones. He instituted the “Oath of the Honourable Men,” the wearing of badges and banners with the Five Wounds of Christ, and parlayed directly with Crown officials. Evidence may be found in both “The Manner and the Taking,” and the “Examination of Robert Aske,” of medieval political ideologies that potentially served to bolster the pilgrims’ claim to legitimately rebel against their sovereign. While Aske, as a lawyer, undoubtedly received some amount of formal education, to what degree he would have been familiar with these medieval political ideologies remains unclear. Most notably, Aske’s emphasis on the “commonwealth” and “just” rebellion appear in the works of Thomas Aquinas, a leading medieval theorist in the thirteenth century who was later canonized by the Catholic Church. Aquinas’ writings were widely dispersed, therefore it does not seem unreasonable that by the fifteenth century, a middling gentry lawyer would have some knowledge of Aquinas’ political theories.

By the fourteenth century, Aquinas’ political conceptualizations could be found interspersed throughout theoretical movements such as conciliarism, Gersonian scholasticism, English legal theory, and Protestant and Catholic resistance theories.<sup>205</sup> His arguably most important texts in relation to the Pilgrimage of Grace are his works *Summa Theologiae* and *De Regno*. In *De Regno*, Aquinas argues that the function of kings is to provide his subjects with

---

religion. Duffy contends, and perhaps rightly so, that these practices structured daily life in medieval England. The Pilgrimage of Grace, to Duffy, represents a rejection of ritual change, 531.

<sup>205</sup> Oliver O’Donovan and Joan O’Donovan, ed., *From Irenaeus to Grotius: A Sourcebook in Christian Political Thought* (Cambridge: William B. Eerdmans Publishing Company, 1999) 322.

good governance. Such governance, Aquinas argues, is necessary for the preservation of life and for the *bonum commune*, or “common good.” The common good for Aquinas encompasses religious, moral, legal, political, and economic elements.<sup>206</sup> Kings are responsible for establishing political societies such as cities or kingdoms and distributing resources that “nature has already provided.”<sup>207</sup> In doing so, the king ensures the preservation of the life of the community he presides over. In *De Regno*, as opposed to *Summa Theologiae* where Aquinas argues for free political rule in a state of exception, Aquinas contends that government becomes necessary because man is a sociable creature and will naturally seek out others. In this sense, man according to Aquinas is, as Aristotle argues, Ζῷον πολιτικόν, a political animal. As a result, kings’ good governance becomes imperative to establishing and maintaining law and order in the newly formed community and to ensure the preservation of the commonwealth.<sup>208</sup>

Aquinas makes clear that while kings are divinely appointed, all Christian kings are subject to the spiritual authority of the Pope in Rome. Papal authority, to Aquinas, encompasses matters theological and moral.<sup>209</sup> If a king blunders in some theological or moral way, the Pope has the authority to excommunicate him and free his subjects from their oaths of fealty to him. Yet, Aquinas does not promote “rule by infidels,” as their grievances do not give them the right to rule. The right to rule may only be provided by the “law of grace” bestowed upon kings. Only in cases where there is a threat to the spiritual welfare of a political body will the Church bestow

---

<sup>206</sup> O’Donovan and O’Donovan, *From Irenaeus to Grotius* 323; Aquinas, *Summa Theologiae* 1a2ae.72.4; 2a2e.96.6 ad 2; 97.1; Aquinas, *De Regno* 2.4.

<sup>207</sup> O’Donovan and O’Donovan, *From Irenaeus to Grotius*, 323; Aquinas, *De Regno*, 2.2. Aquinas’ early ideas on the importance of kingship become crystallized in later works of English political theory such as Thomas Hobbes’ *Leviathan* (1651) a stalwart defense of monarchy. Additionally, they resonate in more recent works such as Giorgio Agamben’s *Homo Sacer* (1995).

<sup>208</sup> O’Donovan and O’Donovan, ed., *From Irenaeus to Grotius*, 323; Aquinas, *De Regno*, 2.2.

<sup>209</sup> O’Donovan and O’Donovan, *From Irenaeus to Grotius*, 323; Aquinas, *De Regno*, 2.4; Aquinas, *Summa Theologiae*, 2a2ae.60.6 ad 3).

their blessing upon rule by infidels.<sup>210</sup> Subjects, however, also have the right to rebel against a tyrannical king. Tyrants lacking political authority and tyrants who abuse their legitimately held authority represent “the failure of political authority ‘to derive from God’ [and] they properly elicit resistance from the ruled, which may range from ‘rejection’ of the usurper to (mere) disobedience to the abuser.”<sup>211</sup> Aquinas supports his arguments in *De Regno* as he claims that the Church sanctions resistance against a tyrannical monarch. Aquinas’ theological discourse served to legitimize the Pilgrimage of Grace. The spiritual threat posed by The Dissolution of the Monasteries and the moral errors of Henry VIII constituted just cause for rebellion. If in fact Robert Aske drew on scholastic tradition in order to justify the Pilgrimage, it would suggest that the Pilgrimage constituted a deeply backward facing rebellion. The rebels’ reliance on Catholic imagery to express their social concerns emphasizes the social function of Catholicism, rather than its theology. In this way, the Pilgrimage of Grace is revealed to be a social critique of the sixteenth-century Tudor reformation of government.

---

<sup>210</sup> O’Donovan and O’Donovan, *From Irenaeus to Grotius* 323; Aquinas, *Summa Theologiae*, 2a2ae.10.10; 12.2.

<sup>211</sup> O’Donovan and O’Donovan, *From Irenaeus to Grotius* 324; Aquinas, *Commentary on the Sentences*, 44.2.2.

### CHAPTER 3: THE FORMATION OF THE ENGLISH STATE

By 1537, Henry VIII's royal forces had brutally suppressed the rebellion known as the Pilgrimage of Grace. Henry never had to contend with another domestic rebellion during his reign. Ethan Shagan contends that the Pilgrimage of Grace failed because they could not devise a religious settlement or solution to change Henry VIII's economic policies.<sup>212</sup> He writes: "The Pilgrimage of Grace failed then, not because a foolish minority squandered the victory it had won, but because in a nation so politically divided as England in 1536-7, it proved impossible for even the Catholic majority to agree on what constituted victory."<sup>213</sup>

The legacy of the Pilgrimage of Grace may be seen through the re-establishment of the Council of the North in 1538. Local Northern magnates created the council of the North in the early fourteenth-century in response to England's ongoing war against Scotland. The magnates were responsible for defending the North against the Scots' frequent border raids and preventing their advance into England. Given their distance from London, the magnates saw fit to create a commission with the authority to command and raise armed forces, hold Warden courts, and punish breaches of truce. The war with Scotland began to decline, however, by the mid-fifteenth-century. The council faded into disuse until the pilgrims of Grace resurrected and reinvented its purpose. After the Pilgrimage of Grace, the Council of the North sought to postpone the suppression of those religious houses designated in The Dissolution of the Monasteries until a Parliament could be held at York. Ultimately, however, the Crown never held a Parliament at York. While the pilgrims of Grace fought to defend the rights and privileges of the English clergy, Henry VIII succeeded in crushing the power of the clergy and subjugating them to the

---

<sup>212</sup> Shagan, *Popular Politics and the English Reformation*, 90.

<sup>213</sup> Shagan, *Popular Politics and the English Reformation*, 90-91.

direct authority of the Crown. The last vestiges of clerical authority could thereafter only be seen through the Church of England's structure of dioceses maintained by bishops.

A perhaps unintended consequence of Martin Luther's tract "On Secular Authority" (1523), was that because Luther radically confined salvation to the interior, spiritually could be seen as fundamentally separate from the state. Religion therefore held no precedence over secular authority. Monarchies, however, retained a unique claim to sacrality and divinity through the monarch. Without the papacy to rival its universality, the English monarchy became more territorially sovereign than it had ever been before.

Additionally, Henry VIII succeeded in subjugating the nobility to the direct authority of the Crown. By further demilitarizing the nobility as his father Henry VII did, Henry VIII relegated the nobility's position to acting as advisors in government and economic support. Henry VIII, however, relied increasingly on "new men" of the gentry in government. Furthermore, instead of borrowing money from the non-improving nobility whose wealth was declining as a result of their being fettered to manorial agricultural practices, Henry VIII borrowed money from the improving, capitalist members of the nobility and gentry. By supporting the gentry, reducing the independent political powers of the clergy, dissolving the monasteries, and levying a heavy tax burden on the peasantry, Henry alienated the clergy, nobility, and peasantry. These disenfranchised groups found banded together in the Pilgrimage of Grace, crossing social lines to protest Henry's reforms. The Pilgrimage of Grace therefore constituted a popular social critique of the sixteenth-century Tudor reformation of government.

Through his political, economic, and religious reforms, Henry VIII proceeded to centralize government and increase the English Crown's territorial sovereignty. England eventually came to constitute a unified territory where the monarchy served as the singular

bearer of sovereignty who held “monopoly of the legitimate use of physical force [violence]” and was superior in all matters political, ecclesiastical, and legal.<sup>214</sup> The former transition, however, would not have occurred without the Tudors’ cultivating the growth of territorial sovereignty in England and new capitalist modes of production.

The Act in the Restraint of Appeals (1533) coined England an “empire” and claimed:

And that it shall be lawful to the king our sovereign lord, and to his heirs and successors, and to all other subjects or residents within this realm, or within any the king’s dominions, or marches of the same, notwithstanding that hereafter it should happen any excommungement, excommunications, interdictions, citations, or any other censures, or foreign process out of any outward parts, to be fulminate, promulged, declared, or put in execution within this said realm, or in any other place or places, for any of the causes before rehearsed, in prejudice, derogation, or contempt of this said Act, and the very true meaning and execution thereof may and shall nevertheless as well pursue, execute, have, and enjoy the effects, profits, benefits, and commodities of all such processes, judgments, and determinations done, or hereafter to be done, in any of the said courts spiritual or temporal, as the cases shall require, within the limits, power, and authority of this the king’s said realm, and dominions and marches of the same, and those only, and none other to take place, and to be firmly observed and obeyed within the same.<sup>215</sup>

Henry legislated that all people living in his proclaimed “empire” of England were subject to the laws of England without exception. The clergy could no longer appeal to the Pope in Rome for legal aid and any decisions made in clerical courts in England would henceforth not stand without the approval of the royal courts. This subjugated the clergy to the direct judicial authority of the Crown. The linguistic shift from describing England as an “empire” is also significant. John Guy in *Tudor England* argues that by the 1590s, the conception of England as a “state” began to emerge.<sup>216</sup> Although the Act for the Conditional Restraint of Annates (1532) still described England as, “this *realm* of England is an empire,” Henry VIII’s centralization program and subjugation of the Church to the direct authority of the Crown acted as the catalyst for the birth of the English state and the shift in thinking of English sovereignty in terms of

---

<sup>214</sup> Weber, “Politics as a Vocation,” 78; Guy, *Tudor England*, 352.

<sup>215</sup> Act in the Restraint of Appeals 1533 24 Henry VIII c. 12.3.S.R.427.

<sup>216</sup> Guy, *Tudor England*, 352.

“state” as opposed to “realm.”<sup>217</sup> The word “empire” may be equated with the Roman principle of political *imperium*, or a ruler’s right to rule. Roman scholar Ulpian wrote *quod principi placuit legis habet vicem*, or “the ruler’s will has the force of law.”<sup>218</sup> Henry VIII’s use of *imperium* served to strengthen and centralize the power of the Crown as the bearer of English sovereignty. Additionally, Perry Anderson writes that, “the reception of Roman law in Renaissance Europe was thus a sign of the spread of capitalist relations in towns and country; economically, it answered to vital interests of the commercial and manufacturing bourgeoisie.”<sup>219</sup> Moreover, Henry VIII’s “imperial theory of kingship, and anti-Catholic xenophobia sharpened the definition of ‘Englishness’.”<sup>220</sup>

The early Tudors’ strides toward establishing territorial sovereignty were hindered by the ascension of the child king Edward VI and the Catholic Mary I. Elizabeth I, Henry VIII’s daughter and ideological successor, however, resumed her father’s initiative to strengthen territorial sovereignty in England. The conception of England as a “state” with a national identity came more fully to fruition under Elizabeth I, but this transition would not have occurred without Henry VIII’s centralization of government and particularly his ecclesiastical reform. While in the sixteenth century, the monarch held responsibility as the bearer of sovereignty, by the seventeenth-century, the king-in-parliament became the bearer of English sovereignty. According to Guy, the Reformation thus “transformed England into a unitary state in the abstract sense that the king-in-parliament could make laws that bound Church and state equally.”<sup>221</sup>

Under Elizabeth I, Protestantism became associated with “Englishness.” While in the sixteenth century, Catholicism represented anti-Protestantism, in the seventeenth-century

---

<sup>217</sup> Guy, *Tudor England*, 369.

<sup>218</sup> Anderson, *Lineages of the Absolutist State*, 27-28.

<sup>219</sup> Anderson, *Lineages of the Absolutist State*, 26.

<sup>220</sup> Guy, *Tudor England*, 354.

<sup>221</sup> Guy, *Tudor England*, 369.

Catholicism became construed as being “foreign” and “anti-English.”<sup>222</sup> In the international arena, England and Spain were rivals in the late sixteenth-century. Elizabeth had to compete with the Spanish in trade in the New World and engage with the Spanish as a domestic threat during the Spanish armada in 1588.<sup>223</sup> The Hapsburg Dynasty of Spain remained staunch Catholics and it served Elizabeth to associate the foreign, Catholic Spanish as anti-English. The Revolt of the Northern Earls in 1569, while propagated as a Catholic rebellion by its ringleaders, comprised an aristocratic revolt motivated by the political rivalry between Mary Queen of Scots and Elizabeth I. While condemning Mary Queen of Scots for her being Catholic, Elizabeth and her government largely propagated that the Revolt of the Northern Earls not only threatened Protestant religion in England, but English identity. Protestantism aided the development of nationalism in England, particularly during Elizabeth’s reign as:

It was England’s religious standing which was the basis of the nation’s distinctiveness and uniqueness. God’s favor and divine trust were evident in everything. There could be apparently no other reason for such expressions of England’s prosperity, as for example, the victory over the Armada, or Elizabeth’s continuous good health and stable government, which defied the intrigues of her enemies.<sup>224</sup>

The meaning and use of Catholicism as a political term changed substantially from the sixteenth-century where it was used by the pilgrims of Grace as a language of opposition to the seventeenth century where it increasingly represented the antithesis of English identity.

---

<sup>222</sup> Greenfield, *Nationalism*, 62; Eamon Duffy, *Saints, Sacrilege and Sediton: Religion and Conflict in the Tudor Reformations* (London: Bloomsbury, 2012) 9.

<sup>223</sup> Anderson, *Lineages of the Absolutist State*, 122, 130.

<sup>224</sup> Greenfield, *Nationalism*, 62.

## CONCLUSION

While the Pilgrimage of Grace has often been seen as a Catholic reaction to encroaching Protestantism in England, the rebellion should instead be as a conservative social critique of Tudor consolidation of government. Henry VII and Henry VIII successfully reduced the independent powers of the nobility through demilitarization, bonds of recognizance, and supporting “new men” of the gentry. Additionally, through legislation such as the Act for the Restraint of Appeals (1533), Henry VIII subjugated the English clergy to the legal jurisdiction of the Crown. The Dissolution of the Monasteries (1536) further reduced the independent power and wealth of the clergy in England. The latter fostered the growth of territorial sovereignty in England where the Crown was the bearer of sovereignty. Furthermore, through their support for the gentry and increasing involvement in trade, the Tudor monarchs supported England’s transition to capitalism and allowed for decreased state intervention in the reproduction of life, which became wholly predicated on exchange.

While the gentry benefitted from Henry VIII’s economic and political policies, the nobility, clergy, and peasantry found that their ways of reproducing their lives were being eroded. As capitalist social property relationships developed in England, reproduction of life became dictated by exchange. As capitalism grew in England, peasants were forced to work for wage labor and produce for the market. As a result, they lost their access to the direct means of production to reproduce their lives through subsistence farming. Whereas the nobility once had direct access to the means of production, the peasantry, Tudor economic centralization reorganized the structure of taxation where peasants became directly answerable to Crown officials as opposed to the local nobility. The nobility and clergy proceeded to lose political and economic privileges while the peasants found their tenurial rights being eroded and subject to the

caprices of capitalist landlords, most often the improving gentry. Furthermore, these groups' social status was changing as the result of increased centralization and bureaucratization, a product of Tudor state formation and the development of territorial sovereignty in England.

The disenfranchised non-improving nobility, clergy, and peasantry banded together in the Pilgrimage of Grace, crossing social lines to protest Henry VIII's reforms. Catholicism served as the language of opposition the pilgrims used to express their discontent within the established social structure. Their largely socio-economic and political complaints, however, indicate that the rebellion instead should be viewed as a social critique of the sixteenth-century Tudor consolidation of government situated in the long process of English state formation.

## REFERENCES

### Primary Sources:

“An Act in Restraint of Appeals,” 24 Hen. VIII, c. 12 (1533)

Bacon, Francis, *The Reign of King Henry VII and Selected Works* (1622) (Cambridge: Cambridge University Press, 1998)

Bateson, Mary, “The Pilgrimage of Grace [printing ‘The manner of the taking of Robert Aske]” in *The English Historical Review*, Vol. 5, No. 18 (April 1890) 330-345.

From Gerald Bray, ed. *Documents of the English Reformation* (1994)

--Act for the Submission of the Clergy and Restraint of Appeals, 1534

--Act Restraining the Payment of Annates and Concerning the Election of Bishops, 1534

--The Act of Supremacy, 1534

--The Ten Articles, 1536

Lambeth Palace Library MS 1212, Coronation Charter of Henry I (from Cartulary of the See of Canterbury) A.D. 1100

From Anthony Fletcher and Diarmaid MacCulloch, ed. *Tudor Rebellions* (2003)

-- The Lincoln Articles, 9 October 1536

-- The Oath of the Honourable Men, 17 October 1536

-- Robert Aske to the Lords at Pontefract, December 1536

-- The Pilgrims’ Ballad 1536

-- The Commons of Westmorland to Lord Darcy, 1536

-- The Pontefract Articles, 2-4 December 1536

-- The Examination of Robert Aske, 1537 (partial)

From Patrick Geary, *Readings in Medieval History*, 5th ed. (Toronto: University of Toronto Press, 2016)

--Magna Carta 15 June 1215

From Scott Harrison, *The Pilgrimage of Grace in the Lake Counties* (1981)

--The Petition of the Westmorland Rebels

Luther, Martin, “On Secular Authority, in *Luther and Calvin on Secular Authority*, ed. Harro Höpfl (Cambridge: Cambridge University Press) 3-43

More, Thomas, *Utopia*, trans. David Wootton (Indianapolis: Hackett Publishing Company, 1999 [originally published 1516])

Sir Richard Morison, *A Remedy for Sedition* (1536) in *Sources and Debates in English History*, ed. Key and Bucholz (Chichester: Wiley-Blackwell Ltd., 2009)

National Archives, State Papers Foreign and Domestic, Letters and Papers of Henry VIII  
 ---Accessed through online database Early English Books Online (EEBO) and available  
 in Calendar form in the NCSU library  
 -- Vol. viii, 1133  
 -- Vol. ix, 870  
 -- Vol. xi, 768, 705, 1080, 786, 994, 1105, 1245, 1246,  
 -- Vol. xii, 6, 1, 852, 900, 902, 945-946, 1175, 1315

From Oliver O'Donovan and Joan O'Donovan, ed., *Irenaeus to Grotius: A Sourcebook in  
 Christian Political Thought* (Cambridge: William B. Eerdmans Publishing  
 Company, 1999)  
 -- Thomas Aquinas, *Summa Theologiae*, trans. Oliver O'Donovan and Joan O'Donovan  
 -- Thomas Aquinas, *De Regno*, trans. Oliver O'Donovan and Joan O'Donovan

Royal Historical Society, ed. J.S. Leadham, *The Domesday Book of Inclosures 1517-  
 1518*, vol. i (London: Longmans, Green, and Co. 1897)

Royal Historical Society, Camden Fifth Series, *The Plumpton Letters and Papers*, Vol.  
 VIII, ed. Joan Kirby (New York: Cambridge University Press, 1996)

Sir Thomas Smith, *De Republica Anglorum* (written 1565, pub. 1583) in *Sources and  
 Debates in English History 1485-1714*, ed. Newton Key and Robert Bucholz, Second  
 Edition (Chichester: Wiley-Blackwell Ltd., 2009)

Sir John Spelman, *The Reports of Sir John Spelman*, ed. John Baker, Vol. I (London:  
 The Selden Society, 1977)

### **Secondary Sources:**

Giorgio Agamben, *Homo Sacer* (Stanford: Stanford University Press, 1995)

Perry Anderson, *Lineages of the Absolutist State* (London: Verso, 1974)

Perry Anderson, "Origins of the Present Crisis," in *New Left Review* Vol. I No. 23 (Jan.  
 1964) 26-53

J.H. Baker, *An Introduction to English Legal History* (Dayton, Ohio: LexisNexis Group,  
 2002)

Constance Brittain Bouchard, *Strong of Body, Brave, and Noble: Chivalry and Society in  
 Medieval France* (Ithaca: Cornell University Press, 1998)

Robert Brenner, "Agrarian Class Structure and Economic Development in Pre-Industrial  
 Europe," in *The Brenner Debate*, ed. T.H. Aston (Cambridge: Cambridge  
 University Press, 1976)

- Robert Brenner, "The Agrarian Roots of European Capitalism," in *Past and Present*, No. 97 (Nov. 1982)
- Susan Brigden, *New Worlds, Lost Worlds: The Rule of the Tudors 1485-1603* (New York: Penguin Books, 2010)
- M.L. Bush, *The Pilgrimage of Grace: A Study of the Rebel Armies of October 1536* (Manchester: Manchester University Press, 1996)
- A.G. Dickens, *The English Reformation* (New York: Schocken Books, 1964)
- Madeline Hope and Ruth Dodds, *The Pilgrimage of Grace 1536-7 and the Exeter Conspiracy 1538* (Cambridge: Cambridge University Press, 1915)
- Eamon Duffy, *The Stripping of the Altars : Traditional Religion in England, c.1400 c.1580* (New Haven: Yale University Press, 2005)
- Eamon Duffy, *Saints, Sacrilege and Sediton: Religion and Conflict in the Tudor Reformations* (London: Bloomsbury, 2012)
- Geoffrey Elton, *The Tudor Constitution: Documents and Commentary* (London: Cambridge University Press, 1960)
- Anothony Fletcher and Diarmaid MacCulloch, *Tudor Rebellions* (London: Routledge, 2015)
- Liah Greenfield, *Nationalism: Five Roads to Modernity* (Cambridge: Harvard University Press, 1992)
- John Guy, *Tudor England* (Oxford: Oxford University Press, 1988)
- Christopher Haigh, *The Last Days of the Lancashire Monasteries* (Manchester: Manchester University Press, 1969)
- Scott Harrison, *The Pilgrimage of Grace in the Lake Counties* (London: Royal Historical Society, 1981)
- R.H. Helmholz, *The Ius Commune in England: Four Studies* (London: Oxford University Press, 2001)
- Sir William Holdsworth, *A History of English Law*, Vol. IV (London: Methuen and Co. Limited, 1924)
- Thomas Hobbes, *Leviathan* (London: Penguin Books, 1985 [first published 1651])

- R.W. Hoyle, *The Pilgrimage of Grace and the Politics of the 1530s* (New York: Oxford University Press, 2001)
- G.E. Ives, "The Genesis of the Statute of Uses," in *The English Historical Review*, Vol. 82, No. 325 (October 1967)
- J.R. Lander, *Government and Community: England 1450-1509* (Cambridge: Harvard University Press, 1980)
- Stanley Lehmborg, *The Reformation Parliament 1529-1536* (Cambridge: Cambridge University Press, 1970)
- Ephraim Lipson, *The Economic History of England*, vol. i (London: Adam and Charles Black, 1959)
- Barrington Moore Jr., *Social Origins of Dictatorship and Democracy: Lord and Peasant in the Making of the Modern World* (Boston: Beacon Press, 1966)
- Eileen Power, *The Wool Trade in English Medieval History, being the Ford Lectures* (London: Oxford University Press, 1941)
- Derek Sayer, "The Critique of Politics and Political Economy: Capitalism, Communism, and the State in Marx's Writings in the mid-1840s," in *The Sociological Review*, Vol. 33, No. 2 (May 1985)
- Ethan Shagan, *Popular Politics and the English Reformation* (New York: Cambridge University Press, 2003)
- A.W.B. Simpson, *A History of the Land Law* (Oxford: Clarendon Press, 1986)
- Keith Thomas, *Religion and the Decline of Magic* (New York: Oxford University Press, 1971)
- R.H. Tawney, *The Agrarian Problem in the Sixteenth Century* (London [printed in New York]: Burt Franklin, 1912)
- Max Weber, "Politics as a Vocation," in *Essays in Sociology* (New York: Routledge, 2007)

**APPENDICES**

## Appendix A

### I. The Lincoln Articles, 9 October 1536

To the Kyng our Sovereign lorde.

1. The suppression of so many religiouse howses as are at this instant tyme suppressed, whereby the service of our God is not wel [maintained] but also the [commons] of yor realme by unrelieved, the which as we think is a gret hurt to the common welthe and many husars [put] from theyr levynges and left at large.
2. The second article is that we humbly beseche your grace that the acte of use may be suppressed be cause we think by the sayde act that we your true subjectes be clerely restraynyd of ther liberties in the declaration of our wylles concernyng our landes, as well for payment of our dettes, for doeing of yor grace service, as for helping and elevyng of our children, the which we had by the suffering of yor lawes by a long continuance the which as we think is a gret hurt and discomforth to the common welth.
3. The iiide article is that whyr your grace hath a taxe or a quindeyne granted unto you by act of parliament payable the next yere, the which is and hath been ever leveable of shepe and catals, and the shepe and catals of yor subjects within the sayde shire are now at this instant tyme in manner utterly decayed and...whereby your grace to take the sayde tax or quindeyn yor sayde subjects shalbe constrayned to paye iiiid for oon beast and xiid for xxtie shepe, the which wold be an importunate charge to theym considering the povertie that they be in all redye and losse which they have sutayned these in years by past.
4. The iiiith article is that we yor true subjects thinks that yor grace takes of yor counsell and being a bowte you such persons as be of low byrth and small reputation which hath procuryd the premises most especially for theyr own advantage, the which we suspect to be the lord crumwell and Sir Richard Riche Chancelor of the augmentation.
5. The vth article is that we your true subjects fyndes us grevyd that there be diverse bisshoppis of England of yor graciose late promosion that hath falsid the faith of Crist, as we thinke, which are the bisshop of Canterbury, the bisshop of Rochester, the bisshop of Worcester, the bisshop of Salisbury, the bisshop of Saint Davys, and the bisshop of Devyln and in especiall as we thynk the begynnyngs of all the trouble of this relm and the vexation that hath been taken of yor subjects the bisshop of Lincoln.

National Archives, State Papers Foreign and Domestic, *Letters and Papers of Henry VIII*, xi, 705 (1);  
 Hoyle, *The Pilgrimage of Grace and the Politics of the 1530s*, 455-6; Fletcher and MacCulloch,  
*Tudor Rebellions*, 142-143

## Appendix B

### II. The Pontefract Articles, 2-4 December 1536

1. The fyrst touchyng our faith to have the heresyys of Luther, Wyclif, Husse, Malangton, Elocampadius, Bucerus, Confessio Gemaniae Apologia Malanctonis, The Works of Tyndall, of Barnys [of Firth, Pandiae Unio Dissidencium], of Marshall, Raskell, Seynt Garmayne [in Englishe] and such other heresies of Anibaptist clerely within this realm to be annulled and destroyed.
2. The iid to have the supreme head of the church towching cure animarum to be reserved unto the see of Rome as before it was accustomyd to be, and to have the consecracions of the bisshops [to be restoryd to the clargie] from hym with owt any first frutes or pencion to hym to be payd owt of this realme or els a pension reasonable for the outward defence of our faith.
3. Item we humbly beseche our moost dred soveraign lorde that the Lady Mary may be made legitimate and the former statute therin annulled, for the danger of the title that myght incurre to the crown of Scotland [to the realme and other], that to be by parliament [by laudable custome].
4. Item to have the abbayes suppressed to be restoryd unto ther howses land and goodes.
5. Item to have the tenth and fyrst frutes clerely discharged of the same, onles the clergy wyll of them selvys graunte a rent charge in generality to the augmentation of the crown.
6. Item to have the Freres Observautes restorid unto ther houses agayn.
7. Item to have the heretiques, bisshoppis and temporall, and ther secte to have condigne ponyshment by fyer or such oder, or els to try ther quareles with us and our parte takers in batell.
8. Item to have the lord Crumwell, the Lorde Chancelor, and Sir Richard Riche knight to have condigne ponyshment, as the subverters of the good laws of this realme and maynteners of the false sect of those heretiques and the first inventors and bryngars in of them.
9. Item that the landes in Westmorland, Cumberland, Kendall, Dent, Sedber, Fornes and the abbayes landes in Mashamshire, Kyrkbyshire, Notherdale may be by tenant right, and the lord to have at every change ii yeeres rent for gressom and no moore according to the grante now made by the lordes to the comons theyr under ther seal. And thus to be done by acte of parliament.
10. Item the statutes of handgunnys and crossboyes to be repellid, and the penaltie thereof onles it be in the Kinges Forest or parkes for the kylling of his graces deer red and fallow.
11. Item that doctor Ligh and doctor Layton... have condigne ponyshment for theyr exortions in theyr tyme of visitacions, as in bribes of sune religiose houses xl li, xx li, and so to nieyer summys, horses, avousons, leaces under convent seal brybes by them taken, and other theyr abhominable acts by them comytted and done.
12. Item reformation for the election of knightes of shire and burgess, and for the use amonge the lordes in the parliament hows after theyr ancient custome

13. Item statute for inclosers and intackes to put in execution, and that all intakes and inclosers sith Anno iiii h. vii to be pulled down except mountans, forests, and parkes.
14. Item to be discharged of the quindeyne and taxes now granted by acte of parliament.
15. Item to have the parliament in a convenient place at Nottyngham or York and the same shortly somonyd.
16. Item that the statute of the declaracion of the crown by wyll, that the same may be annullid and repellyd.
17. Item that it be inactid by acte of parlaimente that all recognisances, statutes, penalties new forfayt during the tyme of this comocion may be pardonyd and discharged as well agaynst the King as strangers.
18. Item that the privlages and ryghtes of the church to be confirmyd by acte of parliament, and prestes not suffer by soured on les he be disgradid, a man to be savid by his book, sanctuary to save a man for all causes in extreme nede, and the church for xl daies and further according to the laws as they weeyr used in the begynnyng of this kinges dayes.
19. Item the liberties of the church to have ther old customys as the cownty palatyn at Durham, Beverlay, Rippon, Sant Peter of York and such other by acte of parliament.
20. Item to have the statute that no man shall wyll his landes to be repellid.
21. Item that the statutes of tresons for words and such lyke made sens Anno xxi of our sovereign lord that now is to be in lyke wyse repellid.
22. Item that the common lawes ma have place as was usid in the begynning of your grace is Reign and that all injunctions may be clerely denyed and not to be granted on les the mater be hard and determyned in the chancery.
23. Item that no man uppon subpoena is from Trent north apeyr but at York or by attorney on les it be directid uppon payn of allegiance and for lyke maters concernyng the kyng.
24. Item a remedy agenyst escheators for fyndyng of fals offices and extorsious fees, taking which be not holdyn of the kyng and ageynst the promoters thereof.

National Archives, State Papers Foreign and Domestic, *Letters and Papers of Henry VIII*, xi, 1246; Hoyle, *The Pilgrimage of Grace and the Politics of the 1530s*, 460-463; Fletcher and MacCulloch, *Tudor Rebellions*, 147-149

## Appendix C

## III. The Pilgrims' Ballad, 1536

- |    |  |     |   |
|----|--|-----|---|
| I  | Crist crucifyd!<br>For thy woundes wide<br>Us commens guyde!<br>Which pilgrames be,<br>Thrughe godes grace,<br>For to purchache<br>Olde welth and peax<br>Of the Spiritualltie.              | XI  | For ther they hadde<br>Boith ale and breyde<br>At tyme of nede,<br>And succer grete<br>In alle distresse<br><br>And hevynes<br>And wel intrete.                                 |
| II | Gret godes fame<br>Doith Church proclame<br>Now to be lame<br>And fast in boundes,<br>Robbyd, spoiled and shorne<br>From catell and corne,<br>And clene furth borne<br>Of housez and landes. | XII | In troubil and care,<br>Where that we were<br>In maner all bere<br>Of our substance,<br>We found good bate<br>At churche men gate,<br>Without checkmate<br>Or varyaunce.        |
| X  | Alacke! Alacke!<br>For the church sake<br>Pore comons wake,<br>And no marvell!<br>For clere it is<br>The decay of this<br>How the pore shall mys<br>No tong can tell.                        | XVI | Crim, crame, and riche<br>With thre elle and the liche<br>AS sum men teache<br>God theym amend!<br>And that Aske may,<br>Without delay,<br>Here make a stay<br>And well to end! |

*Letters and Papers of Henry VIII*, National Archives, State Papers Foreign and Domestic xi, 786 (3); Bateson, 1890: 344-5; Fletcher and MacCulloch, *Tudor Rebellions*, 145