

DIALOGUE CONCERNING TYNDALE: BK. 3. CH. 1-5

THE THIRD BOOK

THE FIRST CHAPTER

The Messenger having, in the mean while, been at the university, showeth unto the author an objection which he learned there against one point proved in the first book--that is, to wit, that in the necessary points of the faith, equal credence is to be given to the church and to the scripture. Which objection the author answereth and dissolveth.

About [a] fortnight after your friend came again in a morning new comen from the university, where he was, as ye wot, at learning ere he came at you. And there had he now, as he said, visited some of his old acquaintance. And upon occasion rising, in communication had again repeated with some of them very fresh-learned men good part of our former disputation and reasoning, had between us before his departing. Which, as he said, they took great pleasure in, and much wished to have been present thereat. But surely he said that some of them seemed to take very sore to heart the hard handling of the man that ye write of, and the burning of the new testament, and the forbidding of Luther's books to be read, which were, as some of them thought, not all thing so bad as they were made for. And finally, touching the burning of heretics, there were some that thought the clergy therein far out of right order of charity.

I am, quod I, very glad that it hath been your hap to be there. Not so much for anything that ye have showed them of our communication had already, concerning the praying of saints, worshipping of images and relics, and going in pilgrimage, wherein I think ye told them no novelty. For I doubt not but they could have told you more of that matter themselves than ye have heard or could hear of me. As for that I think that among them being, as ye say, so well learned, ye have either heard somewhat whereby ye be in some part of these matters that we shall speak of already satisfied, whereby our business therein may be the shorter; or else ye be the more strongly instructed for the other part, whereby our disputation shall be the fuller, and the matters more plainly touched, for the more ample satisfaction of such as yourself or your master shall hereafter happen to find in any doubt of these things that we shall now touch and treat of. Indeed, quod he, somewhat have they showed me their minds therein, as in some part of the matters ye shall hear when we hap to come to them.

That shall I gladly hear, quod I, and shape you such answer as my poor wit will serve me. But yet I pray you be plain with me in one thing. Were they satisfied and held themselves content in

those things that were at last with much work agreed between us ?

In good faith, quod he, to say the truth, all were save one and he in all thing save one. And to your great praise and high commendation they said that in these matters.

Nay, quod I, let their praise pass, lest ye make me too proud. But I pray you tell me not which one misliked one thing, but what one it was and why he misliked it.

Surely, quod he, for aught that he could bend upon him, he could never agree that the faith of the church, out of scripture, should be as sure and bind us to the belief thereof as the words of holy scripture.

Why, quod I, if ye remembered well what we said, ye had enough to prove him that.

Truth is it, quod he, so had I, and so did I, and in such wise that divers ways I brought him to the bay, that he wist not how to voyde. But then said he to me that he would not do with me as I had done with you. Nor it was (he said) no wisdom for a man against his adversary to use alway the buckler hand. For so must all the peril be his and his adversary stand in surety. But on the other side if he use the sword therewith, and strike among and drive the other to his defence, so may he hap to put him in half the peril. And likewise he said, that if I proved my part so clearly to him that he could not say nay: yet if I would again answer him another while, he might peradventure bring me to the same point on the other side, and then should the matter stand yet at large. For of two contraries, if both the parts be proved, then stand they both unproved. And therefore, quod he, I pray you answer me this a little. When you believe the church, wherefore do you believe the church ? Do you not believe it because it saith truth ?

Yes, marry, quod I, what else ?

And how know you, quod he, that the Church saith truth? Know ye that any other wise than by scripture?

Nay, marry, quod I. But then by plain scripture I know it very well. For the scripture telleth me that God hath fully taught and teacheth his church and biddeth me believe long his church.

Lo, quod he, for all your process see whereto ye be brought now: ye would in any wise before (and ye seemed to prove it too all the while that you argued and I answered) that the church was in all necessary points of our faith as much to be believed as the scripture; and that we should not have believed the scripture but for the authority of the church, as ye say St. Austin saith. ⁊ And now when I argue and ye answer, I have driven you to the wall in three words, and proved unto you that the church is not to be believed, nor that yourself believeth it not but for the authority of the scripture. And after that he had thus said, the remnant that were present allowed it much, and I was therewith astonished and said I would advise me further thereon. But he laughed and said he would lend me this, and not to be hasty on me, for he would give me respite of payment till I had spoken with you again.

When your friend had told, forsooth, quod I, he dealt with you like a courteous creditor. And

since he hath given you so long day, ye shall not need, I trust, to die in his debt. And, to say the truth, ye owe him not much. For ye may bear him his own again, and tell him his money is naught. But I have espied it is, as he saith, a great advantage for him to oppose. For he hath such craft in arguing that he will soon bring the answer to a perilous point if he happen on one that will answer him handsomely, as he would have him. But on the other side, if he had happened on one that had answered him as frowardly as the boy answered one Caius, a poet at Cambridge, then had he by his opposing part won nothing at all. For Caius for his pleasure playing with the boy, being a young sophister, said that he would prove the boy an ass. Which when the boy denied, Well, quod Caius, thou wilt grant

A MERRY DISPUTATION

me this first, that every thing that hath two ears is an ass. Nay, marry master will I not, quod the boy. No, wilt thou, quod Caius? Ah, wily boy, there thou wentest beyond me. For and thou wouldst have granted me that, I would have proved thee an ass anon. Marry, master, quod the boy, ye might well, and so might every fool do. Well, quod Caius, I will go now another way to work with thee. Thou wilt grant me that every ass hath two ears. Nay, marry will I not, master, quod the boy. Why so boy, quod he? Marry, master, quod he, for some ass may hap to have never one, for they may be cut off both. Nay, quod Caius, I give thee over for thou art too froward a boy for me. And so if ye had not granted what he would, he had nothing won at your hand.

Why, quod your friend, what thing did I grant him that I should not ?

Forsooth, quod I, no more but all that ever ye granted. For first when he asked you whether the cause why we believe the church be not because it is true that the church telleth you, though your answer which ye made therein, was not the cause of your redargution, nor the thing whereby ye were concluded, yet answered ye not well thereto when ye granted it.

Why, quod he, wherefore should I believe the church or any man else but because they tell me true.

Sometime, quod I, it happeth so, but some time it happeth otherwise. For if a knowen liar tell you a knowen true tale, ye will believe him because he telleth you truth. But now if a knowen true man tell you an unknown truth, ye believe not him because the thing is truth, but ye believe the thing to be truth because you believe the man to be true. And so believe you the church, not because it is truth that the church telleth you; *but ye believe the truth of the thing, because the church telleth it.* But yet was not that answer of his, as I say, the thing that confounded you. For now if ye so should have answered him as I have showed you, though ye should have somewhat blenched him therewith, yet he might and would of likelihood have gone further with you, and have asked you whereby ye know that ye should believe the church. And what answer would ye then have made thereunto?

Marry, quod he, then might I have said, that I believe the church, because that in such necessary points of faith the church cannot err.

That had been very well said, quod I. But he would have asked how ye know that.

Then must I, quod he, have said the same that I did, that I know it by plain and evident scripture that the church in such things cannot say but true. And then would I have laid him the texts that ye alleged unto me for the same purpose before.

If ye so had said, quod I, ye had answered him truly, but yet not with your most advantage.

Why so, quod he?

For, quod I, your next answer were to say, as truth is, that ye believe that the church in such things cannot err, because ye believe that God hath taught and told the same things to his church.

Then would he have asked me further, quod your friend, what thing maketh me believe that God hath taught and told the Church those things?

So would he have asked you, quod I, and so might he well.

Then were we come, quod your friend, unto the same point again that he should have concluded me as he did before.

Nay, quod I, not if ye answered thereto well.

Why, quod he, what could I answer else, but clearly grant him that I believe that thing for none other cause but only because the scripture so showeth me?

No, could ye, quod I? What if never scripture had been written in this world? Should there never have been any church or congregation of faithful and right believing people?

That wot I nere, quod he.

No, do ye, quod I? Were there never any folk that believed in God, and had a true faith between Adam and Noe, of such as never heard God speak themself?

Yes, quod he, I suppose there were some. But it should seem there were very few. For there were few saved in Noe's ship.

The world was at that time, quod I, waxen worse and worse as it waxeth now. But it is not unlikely that there were many right believing people in the mean time.

That is, quod he, likely enough.

Now as for the days, quod I, of Noe himself, though there were few saved alive, yet proveth not that the people to be all miscreants and without faith. For it fared by them as it fareth now by us, that there were many that believed the truth and had a faith, but they followed the flesh and sank for their sin. For there appeareth no further upon the story in Genesis, + but that the world was washed with the water of the great flood for the filth of their fleshly living. And albeit that in the

first epistle of St. Peter ⁵ it might seem some incredulity in them, yet may it be that it stretched no further than to the lack of fear in the credence of God's commination and over much hope and boldness of God's further favour and sufferance. Whereof they repented after, too late for this present life, and yet many through God's mercy not too late for the final salvation of their souls (as appeareth by the good and great clerk

NICHOLAS DE LYRA ⁶

Nicholas de Lyra upon the same place) which could in no wise have been so if they had lacked faith. Which faith what scripture had they to teach them, or all the men in effect that any faith had from Adam thitherto? Was there also no faithful folk at all from Noe to Moses, nor himself neither till he had the law delivered to him in writing? Did Abraham never believe more but those things that we find in scripture specially to have been told him by God? Was his father and all his friends infidels? Were there no people beside in all that long time that had a right faith?

Yes, quod your friend, I think verily there was.

That may ye, quod I, be sure there was. And why did any man

THE CHURCH

then believe the church--that is, to wit, the number and congregation of good and right believing folk, of whose mouth and tradition he heard the true belief, against the wrong and misbelief that was in all the world among infidels and idolaters beside? Why did any man this? But because they believed that God hath taught those things to good men before, and that it was and would be still the good lesson of God. And then what thing made them to believe that God had taught them so? It was not the scripture that made them believe that, as ye would that nothing can tell us that believe but the scripture. I pray you tell me, what scripture hath taught the church to know which books be the very scripture, and to reject many other that were written of the same masters, and that in such wise written, and in the names of such men as (saving for the spirit of God given to his church) a natural wise man had been likely enough either to have taken both for holy scripture or to have rejected both as none holy scripture? And surely in the receipt of the one, and rejection of the other, there would have been at the leastway such divers opinions that the whole church had never taken all the one sort and rejected all the other, had not that holy spirit inspired that consent, *Qui fecit unanimes in domo*, which maketh the church all of one mind and accord. ⁷ And therefore albeit that against them that nothing will believe but scripture, we prove the authority of the church by scripture, and in such wise prove it them by scripture, that they shall be fain either further to grant that they be bounden to believe the church in things not specified in scripture, and as fully as they believe the scripture's self, or else they shall deny the scripture and all. Yet should we have believed the church if never scripture had been written--

BELIEF WAS BEFORE THE SCRIPTURE

as those good faithful folk did that believed well before the scripture was written.

And, now, the scripture's self maketh us not *believe* the scripture; but the church maketh us to *know* the scripture. And God, without scripture, hath taught his church the knowledge of his very scripture from all counterfeit scripture.

For it is not, as I say, the scripture that maketh us to believe the word of God written in the scripture (for a man might, as haply many doth, read it altogether and believe thereof never a wit) but it is the

THE SPIRIT OF GOD WORKETH IN MAN BELIEF WITHOUT SCRIPTURE

spirit of God that, with our towardness and good endeavour, worketh in his church, and in every good member thereof, the credulity and belief whereby we believe as well the church concerning God's words taught us by the church, and by God graven in men's hearts, without scripture, as his holy words written in his holy scripture. And thus ye perceive that where ye granted him that so did oppose you that we believe the church by none other way but by the scripture, there did ye not answer him well.

For we, beside the scripture, do believe the church because that God himself by secret inspiration of his holy spirit doth--if we be willing to learn--teach us to believe his church. And also, if we will walk with him, leadeth us into the belief thereof by the self-same mean by which he teacheth us and leadeth us in to the belief of his holy scripture. For likewise as when we hear the scripture or read it--if we be not rebellious but endeavour ourself to believe, and captive and subdue our understanding to serve and follow faith, praying for his gracious aid and help---he then worketh with us, and inwardly doth incline our heart into the assent of that we read, and, after a little spark of our faith, increaseth the credence in our incredulity! So doth his goodness in likewise incline and move the mind of every like toward and like well-willing body to the giving of fast and firm credence to the faith that the church teacheth him in such things as be not in the scripture, and to believe that God hath taught his church those points by his holy word without writing. And now if ye had answered him thus, I believe surely that ye had clearly disarmed him and broken his gay sword in twain. Which in my mind I promise you how gaily soever it glitter in one's eye for a flourish, yet who fight therewith shall find it neither sharp nor sure, if it fall on a good buckler and not on a naked man.

By my truth, quod your friend, so seemeth me now too. And though the brightness bleared mine eye at the time, yet I trust he shall win no worship thereof when we meet again.

THE SECOND CHAPTER

Incidentally, somewhat is there touched the superstitious fear and scrupulosity that the person abjured [Bilney] did, as it is said, begin with. The weariness whereof drove him to the delight of such liberty as brought him to the contempt of the good devout things, used commonly in Christ's church. And in this chapter is somewhat touched the good mean manner between scrupulous superstition and reckless negligence that would be used in the singing or saying of divine service.

But surely, sir, concerning the man's abjuration that we spake of, they be marvellously persuaded that he had much wrong, not in that the opinions were catholic which were laid to his charge (for therein have ye said enough) but in that he was wrong borne in hand that he had preached them, where he did not so. And thus be they very credibly informed both by word and writing of such as were present thereat. And therefore long I sore and would be very glad, to hear how those matters were proved.

Now and I am, quod I, for my part very sorry, so help me God, to lose time therein, as a thing in effect fruitless, saving that it may be peradventure a fruitful example that no man be light to believe such things hereafter as he shall hap to hear spoken against the church, in the favour of any man condemned of heresy, while he seeth as much said against the judgment of this man: wherein so to say they can have no more hold than if they would say the crow were white. And in good faith to say the truth, there cannot in my mind be a more meet example to match their words withal. For likewise as he that would say the crow were white must, if he will be believed, go tell the tale to a blind man; and may percase with him be as well believed as one that will say the contrary, till that he be either by more men, or men of more honesty, put after out of credence; so must these folk that thus talk and write of him, seek, as they do indeed, such hearers as be blind in the matter and know nothing thereof, whom they persuade with false suggestions to conceive an evil opinion of the judges, to incline their hearts first for pity to the favour of the man, and after, to the favour of the matters that he was abjured for. I have myself seen a letter written out of London by a priest reputed honest, howbeit indeed, as I saw it proved after, a plain pestilent heretic. In which letter he wrote that the man we now talk of did no more abjure any heresy, than he had done himself or the man that he wrote unto. And yet was his writing as false as God is true. Wherewith he laboured covertly to make the man believe that the opinions were none heresies. And that he which was pretended to have abjured them had not so done indeed, but had well avowed them and stiffly abiden by them. Lo, thus do such as are of that sect set forth their matters with lies, and reason is it that they so do. For since their sects be false, lies be for them most mete. And yet is it a mad thing of them to boast of him. For he forthwith forsook them, and ever before his judges he confessed from the beginning that the matters were plain false heresies, and the holders therewith heretics. Saying for himself that he never preached them. And so had they no cause to be proud of him which in open audience at the first word refused and condemned them. But they, haply thinking that for all his denying with his mouth he favoured still indeed them and their heresies in his mind, pardoned therefore those words which they thought spoken but of infirmity for fear and faint heart. And therefore would they be glad yet, among men that knew not the matter, to maintain and uphold his authority against a better time. And surely this that I shall tell you have I heard reported, howbeit I will not warrant it for truth. But yet have I, as I say, heard it reported right credibly, that the man we speak of, which was abjured, used among some of that sect to say, "Let us preach and set forth our way. And if we be accused, let us say we said not so, and yet some of them shall we win alway the while." And albeit I will not, as I say, warrant you that he thus said, yet I assure you, to my mind, his manner in his matter before his judges was as resonant as could be to that intent and purpose. For surely the effect of his defence was nothing else, but against a well and plainly proved matter, an obstinate shameless nay.

By my truth, quod your friend, I marvel me much thereof. For he was called a good man and a very devout.

I will not, quod I, as I told you in the beginning go about to reprove his living, since the question standeth not but in his teaching. And yet may I be bold with you to tell you what I have heard. He was (as it was said) after that he fell from the study of the law, wherein he was a proctor and partly well learned, unto the study of scripture--he was, as I say, very fearful and scrupulous; and began at the first to fall into such a scrupulous holiness, that he reckoned himself bounden so straitly to keep and observe the words of Christ after the very letter that because our Lord

biddeth us when we will pray enter into our chamber and shut the door to us, he thought it therefore sin to say his service abroad, and alway would be sure to have his chamber door shut unto him, while he said his matins. Which thing I indeed heard him once deny in an honourable presence. But I heard again another man more credible than twain of him--and if I had said, than such ten, I think I lied not--and one of his best proved friends, avow it in his face for truth. Howbeit, I tell you not this thing for any great hurt in the man. For it was more peevish and painful than evil and sinful. But surely men say that in conclusion with the weariness of that superstitious fear and servile dread, he fell as far to the contrary. And under pretext of love and liberty waxed so drunk of the new must of lewd lightness of mind and vain gladness of heart, which he took for spiritual consolation, that, whatsoever himself listed to take for good, that thought he forth-with approved by God. And so framed himself a faith, framed himself a conscience, framed himself a devotion wherein him list, and wherein him liked, he set himself at liberty.

And if it so were, quod your friend, then ye see to what cometh of this saying of service.

Of saying service, quod I, this is much like as at Beverley, late, when much of the people being at a bear-baiting, the church fell suddenly down at evensong time and overwhelmed some that then were in it. A

OUR LADY CHURCH

good fellow that after heard the tale told: Lo, quod he, now may you see what it is to be at evensong when you should be at the bear-baiting. Howbeit the hurt was not there in being at evensong; but in that the church was falsely wrought. So was in him, or any man else, none harm, but good, in saying of divine service; but the occasion of harm is in the superstitious fashion that their own folly joineth thereunto--as some think they say it not but if they say every psalm twice.

In faith, quod your friend, then if I were as he I would mumble it up apace or else say none at all.

There were as evil, quod I, on the other side. There is a mean may serve between both.

Yea, quod he, but wot ye what the wife said that complained to her gossip of her husband's frowardness? She said her husband were so wayward that he would never be pleased. For if his bread, quod she, be dough baken, then is he angry. Marry! No marvel, quod her gossip. Marry! And wote ye what, gossip? quod she. And if I bake it all to hard coals, yet is he not content neither, by St. Jame. No, quod her gossip, ye should bake it in a mean. In a *mean*, quod she? Marry! I cannot happen on it. And so in a payre * of matins, it is much work to hap on the mean. And then to say them too short is lack of devotion. And to say them too seriously is somewhat superstitious. And therefore the best way were in my mind, to say none at all.

Yea, quod I, but then is God as wayward an husband as ye spake of, that will neither be content with his bread brend to coals, nor dough baken neither?

By our Lady, quod he, but be he content or not, I ween he hath much dough baken bread among. For the matins I tell you be in some places sungen faster than I can say them.

Peradventure, quod I, so were it need. For if they should sing matins no faster than ye say them, they should I ween sing very few matins in a year.

In faith, quod he, and some that say them make me to doubt much whether the bees in their hives use to say matins among them. For even such another buzzing they make.

Surely, quod I, that is as true as it is evil done. For as it is a vice and some fault to be in the service of God superstitious instead of

HOW GOD'S SERVICE OUGHT TO BE SAID OR SUNG

religious, over dreadful and scrupulous instead of devout and diligent; so is it a much more fault to be therein reckless and negligent. For accursed is he, as holy scripture saith, that doth the work of God negligently. ° The peril thereof appeareth by Uticus, ° the young stripling that is spoken of by St. Luke in the acts of the apostles, who, falling in sleep while the apostles and the disciples were occupied in reading, preaching and prayer, fell out of an high window down unto the ground ° and there had died, God wot in what case, if the merits of St. Paul had not recovered him. And now if he be of God accursed that negligently doth his work, how much is he more accursed, that casteth his work away and leaveth it quite undone? Such work, I say, as they be bound to do? But in this matter we spend more time than needeth. For it is not much to our present purpose, saving that if it be truth that the man whom we talk of fell first in such superstition, it is the more likely that the devil did cast him therein for none other intent but that he might after for very weariness thereof bring him into a contempt of all the things that he was waxen weary of, and set him in a delight of liberty. Whereby, with leaning to his own wit, he might reckon everything good or bad as himself would account it. Which was the ready way to bring him to these heresies wherein he was now fallen.

THE THIRD CHAPTER

The author showeth that men ought not to be light in mistrusting of any judgment given in the court. And that much less ought any man to be bold in the reprovng of a common law. And he showeth also the cause why that the law admitteth more slight witness in heinous criminal causes, than in slighter matters of covenants or contracts.

Fallen, ° quod your friend? What abide, we be now gone over the stile or we come at it. We be yet in question whether it were righteously judged that he was fallen in them or not. For I think it no sin to doubt thereof yet till I hear how the matter was proved.

Indeed, quod I, that is, as ye say, the matter whereof we first have to talk. And yet if ye never heard further therein but that he was judged faulty, although ye had ever accounted the man in your own mind for very virtuous and of right belief, yet, since he cannot be good except more men than he be nought, whom ye ought no more to misdeem than him, and specially his judges which are elect and chosen for indifferent, and which, without likelihood of lucre or loss, be set to consider, examine, and by their judgment order the cause of another man. Whereas the parties may reasonably be more mistrusted themselves, both the accuser, which may speak of malice, and

specially the party that is accused, which is well likely to lie for his defence in a matter of peril if he were proved guilty. Ye therefore ought not to mistrust the judgment except ye knew the matter untruly judged indeed, or by very good and substantial folk that were present and indifferent, had plain and sure information thereof.

Marry, quod he, men think that if any such information may serve, they have had enough thereof by men of wisdom, learning and honesty, both by mouth and by writing that were present at all the handling of the matter.

Well, quod I, we shall let their wisdom and their learning alone. But as for their honesty, it shall somewhat show itself upon the truth or untruth of their report. Wherein first, I pray you, could they say that he was not convicted by as many witnesses and as good and as credible as the law requireth?

So many, quod he, and such as the law requireth? Would God, quod he, that we could as easily find good men and true, as we may find so many such. For the law doth, as I hear say, require but twain; and yet, in cause of heresy, careth not much how bad they be, not though they be heretics themselves. And is not this a wondrous case, that whereas in a matter of a little money no law receiveth any witness but honest and credible, the law made by the church, should in so great a matter, so highly touching the utter destruction of a man in body and goods with a death the most painful that can be devised, admit and receive a person infamed, and give faith and credence to an infidel, whom they have proved and reproved false in his faith to God? Nor methinketh the excuse but very slender that I have ere this heard in this point alleged

WHY SIMPLE WITNESS IN HERESY ARE ADMITTED

for the church, that such simple witness are admitted in heresy, because the crime is so great and so odious, that therefore it is worthy to be handled with the more rigour and the less favour. And this thing will I well agree for good reason in the punishment of crime when it is proved. But, 'fore God, not in hatred and persecution of the person, ere the crime be proved. But now whereas they receive the witness of so slight and false fellows for a proof, they pursue the person and not the crime: whereas me thinketh, on the other side, the more heinous, odious, and abominable that the crime is, the more slow should we be to believe it, and the more sure and plain proof should we have, ere we should judge any man for so evil to commit it.

There is, quod I, no doubt, but that the world is so bad, that there be many so naughty, that they will be ready enough to bear false witness. And yet God forbid that ye were so bad, as ye say, that a man might sooner find such than good men and true. And also, though the witness were false and would lie, yet, when they be wisely and severally examined, they can seldom so well make their tale before but that their untruth shall in some part appear. And finally the law bindeth not the judge so precisely to the words of the witness but that it leaveth many things to be pondered and weighed by his wisdom. For it is in a judge as it is in a physician, to whom there be many good books written able to give good light and instruction, yet, whoso would so precisely bind him to his book that he should nothing use the discretion of his brain, he should some time do full evil service. And yet is it, as Aristotle saith, well done indeed to make the laws so sufficient that as few things as may shall remain and be left to the discretion of the judge, since that the common laws be commonly made by many more than are the particular judges, and also many such as are as wise as judges; and over that, the laws be to the judges a sure and

substantial shield to defend and keep them from the hatred and obloquy that else would follow their sentence on the one side or the other, were their judgment never so just. For men be so partial alway to themselves, that our heart ever thinketh the judgment wrong that bringeth us to the worse. For be it never so right, all reckon we wrong whereof we feel harm. But yet of all thing specially the law should best content us for that it is furthest out of all cause of suspicion. For whereas a judge meddleth with a matter present, and persons whom he seeth and knoweth, whereby there may percase favour,

THE CAUSES WHICH INCLINE A JUDGE TO MISORDER

hatred, hope or dread, pity, cruelty, meed, request, or some other affection, incline him to misorder himself in the matter, the laws alway be made for the punishment of things only that are yet to come, and who shall fall in peril the makers cannot tell. Haply their foes, haply their friends and, as men's manners be mutable, peradventure themselves. For which cause the makers of the law made by the people in causes criminal can be but indifferent. And therefore I marvel the more, since that fault ye find now is not in the judges, but in the law's self, wherein ye think it evil provided that, for the hatred of an heinous crime, the person, peradventure innocent, should fall in peril of a painful death by the taking of more slight witness than would be taken for sufficient in a far slighter matter. Somewhat ye said indeed if the hatred of the crime were all the cause. But therein ye go far wide. For the chief cause why that in heinous criminal causes, as theft, murder, treason, and heresy, the law taketh such for witness as it will not accept in a matter of money or other contract made between two parties, is for that else

WHY SIMPLE WITNESS ARE TAKEN IN CRIMINAL CAUSES

all such crimes should pass forth unpunished, and thereby should the world swarm full of such mischievous people for lack of proof and trial in the matter, by cause that those which go about such an heinous deed, as coming once to knowledge, would bring them to a shameful death, do not use commonly, to take a notary, and honest witness with them to make an instrument thereof, as many men do and all men may do in a contract or covenant: but use to do it by stealth as covertly as they can. By reason whereof, reason moveth, and necessity compelleth (except ye would have all go to nought) to receive such records as they be wont to make of their counsel, which be, as ye wot well, none but such as they be themselves. And yet sometime which may seem more strange, we be content (and reason would we so were) with the witness of the parties themselves. For if that ten thieves robbed four men at once in a wood, though all the good that they take away were one common purse of all four, and would all ten when they were taken well and stiffly say nay, yet were I their judge (since all witness serveth but only to induce a credence

WERETO WITNESS SERVETH

or credulity in the judge's mind) I would not let (except some other circumstance withstood it) to believe the four complainants in their own matter against all ten defendants. And albeit that percase a judge might be, in a contract made between two parties, induced in his own mind without any doubt to the contrary to give credence in such a point to the one part against the other for the well known truth and honesty of the one; and in the tother part, the contrary; yet doth the law throughout the world almost prohibit him so to proceed in a civil cause, lest they should bring that form of judgment in custom, wherein, for lucre ensuing to that party, there were occasion to corrupt the judge; and also forasmuch as that fashion were in a civil cause clean without necessity, since the parties may, if they list, for the surety of their bargains have writing or good witness thereat. Which, if they list not for to do, either for folly, sloth or trust, good reason is that it rather turn themselves to loss, than, for the redressing of their oversight, to bring in place that form and fashion of judgment that may be the cause of other men's wrongful trouble.

Whereas, in heinous criminal causes, neither is there alway such cause of corruption specially toward the condemnation upon which side only falleth the fault and peril that ye speak of, and is also, as ye see, inevitable necessity for lack of possibility of other record and witness, till ye provide that thieves and murderers will be content to take honest witness with them that may bear witness against them.

THE FOURTH CHAPTER

The author showeth upon what ground and cause the man [Bilney] was convict. And also divers other things not then brought in judgment, whereby it may well appear that he was greatly guilty. And so he showeth incidently wherefore it were not reason, in a detection of heresy, to suffer (the witnesses published and the crime well proved) any new witnesses to be received for the party that is accused.

Howbeit though this serve for such matters in general, yet, for this one matter that we now speak of, we stand far in another case. For this man was not convicted by the words of one or twain, but by the oaths of one or twain above twenty; not such men as we now speak of, Lollards and heretics; but honest men and almost of all sorts, of religious folk, husbandmen, and gentle men.

Indeed, quod he, to say the truth I heard say there were many witnesses. But I heard again that he offered to bring twice as many, and that of such as were present as well as they, and stood as near as they, and understood as well as they, and slept no more at his preaching than a person doth at his offering, and would depose plainly for him.

Whether he said so or not, quod I, that can I not tell you but this I wot well. Himself was well learned in the law, and never could say that he was denied any favour that the law would grant. And many a witness was there to whom he laid none exception, nor could say the contrary, but that they were at his sermons and heard him. And then when he was so clearly convicted by so many, so honest and so far from all suspicion of corruption, it were peradventure a thing not convenient, after those witnesses published, to bring proofs afresh upon the principal matter. For if it so should be, then should either the new proofs depose the same that the other did before; or else they should depose the contrary; or, finally, say such things as neither could make nor mar. Now if they did the first, that is to say, depose as the first did, then were we no further than we were before, and that time lost and the matter delayed in vain. If they did the third, deposing percase that their self were not present, or asleep or not well understood, or not well remembered the matter, yet were we still at one stay. Put now the second point (which were in manner the only thing that might seem to have any colour for him) that the new proofs would depose that they were at the same time present, and stood near him, marked him well, and were also well remembered that he said not so--yea, and peradventure, that he said the contrary: this case were possible; but surely it were so seldom likely, that it were not worth to change a law therefore. But now, if it so should happen, here were a great confusion. And how could any sentence be given, if they should believe the second as well as the first?

That maketh, quod he, no matter. For if the matter appear upon his side thereby, either clear or doubtful, then may the judges acquit and assoil the defendant. And better were it the fault to be quit, than the faultless to be punished.

It were a strange thing, quod I, if the law should--in such a matter -as this is, after the witnesses once published, and thereby the matter well proved--then examine other witness afresh upon the principal point. This were, in my mind, perilous, not only for fear of subornation and false instruction of witness (a thing easy to be done upon the sight of that that is deposed already before) but also for that if the affirmative be proved (specially in this case of heresy being by so many sufficiently proved that one taught and preached such things in his open sermons) if other that were present at the same sermons would now depose the contrary, it may be that the first heard the thing which the second marked not, as many times it happeth. And more likely is it also that one may forget the thing that he heard, than that another should remember that thing that he heard not. And if they would peradventure add thereto that he said the contrary of such things as was proved against him, then can it at the best be no better taken, than that he in one sermon said, taught and preached both twain, that is, to wit, the truth and the heresies. In which case, he well were worthy in judgment to knowlege his fault, and be corrected therefore.

By my truth, quod he, yet methinketh ever that it ought to be heard all that any man will say; and take all to the best for him that is accused, and specially in heresy pretended to be preached where so many be present.

Surely, quod I. What were best, God woteth; for I cannot tell. But this wot I well, that the wit of the whole world in effect agreeth that in all such heinous crimes, reason is clear to the contrary and quite against your mind. And where ye think your mind worthy to take special place in the proof and examination of heresies, surely, me seemeth, that of all crimes, in heresy might it least be suffered. For well ye wot

HERESIES

that heresies be false belief and factious ways full of business. And such as give themselves thereto, be sturdy and studious about the furtherance of their seditious sect. And since they be fallen from God and his true faith, they have no great care of truth, nor be very scrupulous in the lending of an oath till they need in like case to be paid again. So that if their *nay* may stand against other good men's *yea*, and where the heresy is proved to have been preached, there men may be heard and believed in deposing the contrary, the false preacher may be bold to say what him list. For he shall never fail to have his records ready.

Yea, quod he, but this way would not serve him. For men might take exception to them if they were heretics.

Nay, quod I, not if they be so; but if they be proved so. And that shall they never be if your way were received. For each of their witness shall always serve other.

Forsooth, quod he, it seemeth somewhat perilous, as ye say, if men should against the affirmative proved, lean to the contrary witness for the negative, in any crime that is seditious and hath daily folk of evil conscience fervently fall in thereto. But yet I much marvel of one thing. For I have heard it credibly reported that there were twain, and both beneficed men, both twain very

virtuous men, which heard him preach, as well as they did that had deposed against him. And those twain affirmed, and offered to depose, that he preached not the things which he was accused of. And surely had I been judge, I would have believed those twain above other twenty, except witness be taken only by number and not by weight.

Surely, quod I, my mind and yours be not far asunder. For since all witness serve to induce the judge's mind to conceive a credence and an opinion, or rather a certain persuasion on the one side, I could not myself but believe some twain better than some twenty. And would not fail to weigh them rather than take them by tale. Howbeit, quod I, of those twain that ye speak of, the one was indeed such as ye say. But as for the other, (he) was neither then holden very clear, and since that time, proved clearly nought. But though the one was, as he was indeed a very good man; yet for the man's excuse he was no very good witness, nor the other neither, although he had been as good a man as he, nor if there had been forty men more as good as the better of them both, saying as they did.

Why, quod he, said they not well for him?

Yes, quod I, for as far as they went, but they went not far enough.

Ah, quod he, their words were of likelihood narrowly taken.

They were, quod I, taken as large as they were spoken; which was that he preached not such heresies in a place where they heard him in London. But then was his detection and the proof made thereupon, of those heresies preached at sundry places out of London, whereby their words went as wide for his excuse, as if one that were arraigned for a felony done at Salisbury on Shrove Tuesday, brought in good witness to the bar that would depose and swear for him that he did no such felony at Shrewsbury on shere-thursday, for they were with him there all that day themselves. But for conclusion he was convicted by more than twenty; and excused by never one. And, therefore, if his judges wronged him, there was never man had right. And yet were there, besides the witness, some letters written of his own hand unto one of his judges; which letters I have since seen, sounding in mine ears to as evil heresies as those were that he was detected of. Which letters were never laid into the court till that, after the proofs published and read, he appeared obstinate, standing still in the denial, and proudly refusing to submit himself to his abjuration. For then said his judge to whom they were written, that since he refused to be reconciled to the church, he would keep no counsel of his. And therewith brought in those letters and filed them among the records of the court.

This man had also been before that accused unto the greatest prelate in this realm [Wolsey], who, for his tender favour borne to the university, did not proceed far in the matter against him. But accepting his denial with a corporal oath that he should from that time forth be no setter forth of heresies but in his preachings and readings impugn them, dismissed him very benignly; and of his liberal bounty gave him also money for his costs. And yet was none of all these matters laid unto his charge. Which if they had been, would, peradventure, have put him to peril.

I was also myself, since his abjuration, present (as it happed) with an honourable prelate at such time as one that was an ancient heretic had been examined; and there had confessed that he had

holden, taught, and in divers countries spread about almost all the heresies that any lewd heretic holdeth.

May ye not tell his name, quod he?

Which of them? quod I. For he had more names than half a leaf can hold.

Where dwelled he? quod your friend.

Everywhere and nowhere, quod I. For he walked about as an apostle of the devil from shire to shire, and town to town, through the realm, and had in every diocese a diverse name. By reason whereof,

HERETICS MOST COMMONLY HAVE DIVERS NAMES

he did many years much harm or he could be found out. This heretic touching all his other heresies, he knowledged them in conclusion to be nought, and offered to abjure them. But as for despising of images, relics and pilgrimages, those things, he said, were none heresies but very good and true points; for he heard them preached, he said, of the great doctor, naming the man we speak of (Bilney), and told where. Confessing also that he liked so well his sermons, that he letted not to go twenty mile to hear him. And yet was there, since that, another heretic that confessed for his own part the like. So that ye may see that good Christian folk were offended with his preaching; and heretics liked his preaching and grounded their heresies upon his preaching. And then look you what manner of preaching it was likely to be.

I told you also, right now, that one of those two that ye took for so good and cunning men, was after founden worse than many men would have went. Sir, so was it indeed that he was detected for buying many books of Luther, Lambert, and Zwinglius, with other of that sort, and well proved, and by himself also confessed, that he had bought of those books very many, which he brought forth at last where he had laid them up no less suspiciously than secretly, and so secretly that all the town should have sought them long ere they should have found them out.

He had also set a priest of his, and a secular servant of his besides, to buy many of the same suit—and double and treble of one sort—which were by them uttered to divers young scholars such as they found properly witted, featly learned, and newfangled minded—and thus laboured to corrupt the realm. Another parish priest had he before—who kept his cure also as this other did—which was after proved a very pernicious heretic.

But what was, quod he, done to the master?

Forsooth, quod I, great favour had he, and, as some men said, great wrong too, that he was not openly declared. Howbeit, because he was in good estimation, there was of pity much regard had to the conservation of his honesty. And nothing was there in effect exacted of him but his amendment with the knowledging of his fault. For surely that man was of such a poor spirit in Christ that for any other that could be given him long it was ere pride would, for shame, suffer him to say the truth. After which once confessed with his handwriting then, as far as I have heard, without any other abjuration there was secretly his solemn oath taken in judgment that he should do no such thing any more upon pain of a relapse; and so, with certain secret penance,

dismissed.

But the thing that I tell you my tale for is this. This man, besides that all the books in effect which he had bought of this Lutheran sect were diligently read over and studied, and with such manner of notes marked in the margin and words written of his own hand--where the worst matters were, that he left no man in doubt that read them what fervent affection he bare unto them; he had, I say, beside all this, divers epistles (I wot nere whose) but written were they with his own hand, wherein were plenty of pestilent heresies. And a sermon also--worse than they all, written with his own hand also--ready to be preached, as it seemed, if the world would so change that the time would serve it. And when he was in his examination sore pressed upon to tell for what intent he made such a sermon ready and laid it up so secretly, destitute at last of all excuses that might bear any colour of any good cause, Well, quod he, I see well I must tell all. I am loath to hurt anybody. And, thereupon, he told how it was made the most part by a man that was abjured, of whom we specially speak. So that now setting all tins gear together, this man's confession, his secret friend and companion in such matters, his old accusations of like matters, the heretics' confessions that founded their heresies in the same matters upon the aurtherity of his sermon; and, besides all this, more than twenty witnesses plainly proving the matter against him, I would fain wit who had right if he had wrong, although there had been used to him more rigour a great deal than there was?

THE FIFTH CHAPTER

The author proveth that the spiritual judges did the man (Bilney) marvellous favour, and almost more than lawful in that they admitted him to such an abjuration as they did, and that they did not rather leave him to the secular hands.

WHY, quod he, what devil rigour could they more have showed, for first time, than to make him abjure and bear a faggot?

Yes, quod I, some man had liefer bear twain cold in his neck, than have one bear him hot on a fire at his feet.

In faith, quod he, they could not have done that to him at the first tune.

No, quod I, not if he willingly returned to the church, knowledging his fault, and ready to abjure all heresies, and penitently submitted himself to penance. And else, if he prove himself obstinate and impenitent, the church neither is bounden nor ought to receive him, but utterly may forsake him and leave him to the secular hands. But now was he so obstinate that he would not abjure of long time. And divers days were his judges fain of their favour to give him, with sufferance of some (of) his best friends and whom he most trusted, to resort unto him. And yet scantly could all this make him submit himself to make his abjuration. And finally were they fain, for saving of his life, to devise a form of abjuration, whereof I never saw the like nor in so plain a case never would, were I the judge, suffer the like hereafter.

What manner of abjuration was that? quod he.

Mary, quod I, his abjuration was such, that he therein abjured and forswore all heresies, knowledging himself lawfully convict. But whereas they be wont to confess in their own abjuration that they have holden such heresies and be guilty thereof, that would he do in no wise; but as clearly as his fault was proved, and by as many, yet would he not to die therefore confess himself faulty, but always stood still upon it in virtue of his oath that all they belied him.

It might happen, quod he, that he had forgotten that he had so preached.

That were, quod I, great wonder. For I am sure when he had preached so in so many places, he had not done it of a sudden adventure, but of a deliberate purpose, which, except he fell mad, it were not well possible for him in so great a matter to forget. And besides this, it was also deposed that in a place where he preached he was after the sermon reasoned withal forthwith. And by an honest layman had it laid unto his charge that he had perilously preached, showing him wherein. Whereunto he made answer, not that he had not said so, nor that he had not meant so, or that they had mistaken and wrong understanden his words: but that he would preach there again soon after, and prove his preaching true by the old doctors of the church. And this happened unto him not long before that he was accused. Was it now possible, by your faith, that he could have forgot this?

It was, quod he, possible enough that altogether was false and that they lied all. For so might they do by possibility, being but men, and though they had been more than they were. And then he peradventure knowing that they so did, why should he falsely confess a fault in himself be the falsehood of other folk?

That is, quod I, true, if he so knew it. But how could that be so against so many proofs sworn, and deposing the matter upon their oaths, being though they were but men, yet men of wit and honesty, and some well learned also, and men that bare him no displeasure for any other matter than his evil preaching, men almost all such as could have none other matter to him, folk that never had other matter with him, and many of them of little acquaintance or none the one with the other; so that there was no fear of conspiring together in one tale.

Yet, quod he, were it possible that they might lie all.

And what, quod I, that he had been accused in other places, before, as he was indeed, not only to the most honourable prelate ^u that I told you; but besides him unto two other bishops too?

Well, quod he, and yet they that so accused him might happen to lie too.

And what, quod I, that his own secret acquaintance confessed that he made the first draft of the ungracious sermon that I told you? Heard you that yourself? quod he.

Myself, quod I, nay: but such as I heard it of, were men of more worship, and truth thereto, than that any man, I ween, would mistrust their tale.

As worshipful as they were, quod he, and as trusty too, I could mistrust their tale well enough sometime for lack of indifference peradventure as they stood unsworn. And yet though I mistrusted not them all, it might be that they said true, and that the other lied, which for his own excuse laid the first making of that sermon to the other man.

The laying thereof to him, quod I, could not excuse himself. For he confessed that himself liked it, and allowed it, and therefore wrote it out, and added also many things more thereto.

Well, quod he, and yet all this might be.

And what, quod I, of the heretics that grounded their opinions upon his sermons?

May it not be, quod he, that they lied?

And what, quod I, of them that accused him to other prelates before?

By God, quod he, even as I told you before, it might be that they lied well enough.

And what then, quod I, of all those twenty that deposed against him now?

Mary, quod he, as I told you now, it might be that they did even the same.

This is, quod I, a strange thing to me.

Why, quod he, should this be strange to you? Methinketh it should be strange to no man, but very plain to every man, that it might be so. For I pray you might it not so be? Were it not possible that they might all lie, and though they were as many more?

Possible, quod I, that I say not nay, but that it were possible though they were a thousand times as many.

Well, quod he, since it might be so, then put case it was so. Did not he right then in that he still said so? And if he had died therein, had he not died for the truth? For knowing in himself that all they belied him he was not bound to belie himself with them, and confess against himself an untruth; but had been in great sin if he so should have done. What say ye to this?

I say, quod I, to this, that all the force and effect of your conclusion hangeth upon the case which ye put, that all that ever aught said or deposed against him lied all the meyny. Which case ye would needs have granted. because it was possible. And then the case once granted, ye deduce your conclusion very surely. And in good faith ye bring me therewith so to my wit's end, that I wot not well which way to answer you, admitting your case. But ever my mind giveth me that your case, though it be possible, were rather to be granted at a school in argument, than at a court in judgment. And I pray you for the proof thereof let me put you another case, which in good faith I am half ashamed to put you, saving that ye drive me to seek a shift. And yet shall not my case in

my mind be much unlike to yours.

If it so were that Wilkyn had laid a wager with Simken that a certain way named between them, usual enough for men and horse both, there had gone of late a horse or two; and that he would so dearly prove it that it could not be the contrary. If Simken said and laid his wager the contrary; and then they both should choose us for judges; and we coming all four into the way, Wilkyn would show us on the ground part in the clay and part peradventure in the snow the print of horse feet and of men's feet also by a long way, ten mile together and ye will, till they come at a water where as went a way by ship, no man can tell who nor whither, it forceth not for our wise case. But now if Wilkyn would say that he had won his wager; for lo here ye see the print of the horse feet all this way shoon wid all with the very nails in them, so that it may be no otherwise but horse hath gone here. If Sunken, after all this, would say the wager were his for it is not proved that any horse had gone there; for it might be that they were geldings or mares. Here were we fallen in a great question of the law, whether the gray mare may be the better horse or not: Or whether he have a wise face or not that looketh as like a foal as an ewe looketh like a sheep. And in this question, if the parties demurred in our judgment, we might ask advice further of learned men and judges.

We might, quod he, by suit to be sure of the matter make it a cheker chamber case or, saving the premunire, we might have it tried in the rote " at Rome.

Very well, quod I, so that I see well by your wit and mine together, one shift or other, we should find for a small end therein if the doubt were in that point. But now if Simken sticked not thereto, but would say thus, Lo, here ye see the men have gone this way: and how can ye then be sure that any horse went here? For I put case, saith he, that these men which went here had horse shoon in their hands made last upon long steels and, always as they went, pricked them down hard in the ground.

Tut, quod he, this were a wise invention.

Verily, quod I, to me it would not seem very gay. But now if Simken were contentious, and would say the wager were his, except it be so proved that it can be none oatherwise but that horse have of late gone there, and then will say to us, lo sirs, as ye see it, it may be otherwise.

For men might make with their hands all the prints of horse shoon in the ground. And then if we would say that was never so, he would ask us, how can we be sure thereof, while we cannot say nay but it might be so, and then would still press upon us with this question, may it not be so?

It may, quod he, by possibility be so.

Then, quod I, when we grant him once that it may be so, then will he by and by put case that it were so. And then if we grant him his case once for the possibility, then will he shortly conclude that the other part is not so surely proved, as it must be if Wilken should win the wager. What should we say to him now? To whom should we give the wager?

In faith, quod he, I wot never what to say to him. And the matter is so mad, that as for the wager,

what I would give Wilken I wot never. But as for Simkin, except he better impugned the proof, if the wager were but a butterfly, I would never award him one wing.

Surely, quod I, and you shall rule that matter for me. For if ye give him nought, he getteth as little of me. But now what if he wax angry that his proper invention were no more set by, nor his wit no more regarded, and would thereupon help forth his part with his oath, and swear upon a book that himself saw when the men made those prints in the ground with horse shoon holden in their hands, what would ye then say?

Mary, quod he, then would I say and swear too, that beside the loss of his wager he had, like a false foolish knave, lost his honesty and his soul too.

In good faith, quod I, and for ought I see yet, I durst be bold to swear with you. And then setting Wilkin alone with Simkin, disputing their sophem^{er} themselves, let us return home again to our own matter. In which while there were so many, so clear and open proofs against the man of whom we speak all this while, though it were possible that all they might be false, yet could there no indifferent judge so think except it were so proved, and that by other means than the only oath of the party that is accused, swearing alone against them all.
'sophism.

Yet, quod he, for all that, if he know indeed that he did it not, he doth but well to abide by the truth.

Very sooth ye say, quod I. Nor Symkyn neither if he saw the men print the horse shoon in the highway, though it seemed (to) us never so unlikely, yet had he done well enough to say it and to swear it too, and stiffly to stick thereby. And yet ye remember, pardie, that if he so would have sworn, ye and I both durst right now right boldly have believed that he lied. And might we not well believe the same in our case too?

Yes, quod he, that will I well. And therefore the judges did him but right to reckon him as convicted, and therefore to compel him to abjure. But yet they showed him therein no such favour as ye speak of, in that they admitted him to his abjuration without confessing of the fault. For if they had forced him thereto, they had, in my mind, done him plain and open wrong, because it might be that he said and sware true. And then should they have forced him against his conscience to say of himself untrue. And that should they do, not only clean against right, but also without necessity, considering that they might, as in conclusion they did, abjure him otherwise. And therefor they took the best way both for him and for themselves also. But since they did therein none otherwise than as they were of duty bounden, it well appeareth he had therein no such favour as ye would make it seem that they showed him.

Well, quod I, since yourself agreeth that he had no wrong, albeit no favour had been showed him: yet were your errand answered as far as toucheth his abjuration. And now if I should prove you that his judges showed him such favour, I fear me lest I should therewith somewhat seem to charge them that they had done, though not wrong, yet very near wrong, the favour appearing to be showed, if not against the law, yet at the leastway, the law, for favour, so far stretched forth

that the leather could scant hold. But yet chose they for me. For since I have said it, I will tell you why, and so much the more boldly between us twain for that I perceive not in you any such manner of mind toward them that ye would blow abroad any fault of any unlawful favour founden in them.

Ah well said, quod he, and laughed. Ye ween I were more ready to report their rigour than any point of their favour.

Well taken of you, quod I. I see well a man cannot have a good opinion of you, but your conscience construeth it to the contrary. But now for the matter, I trow we be agreed both, that all were it so that the man had been faultless indeed, yet were the proofs against him so many, so good, so clear and evident, and so much more than sufficient, that neither his judges nor ourselves neither, nor I think his own father neither if he had heard them, could have thought him other than very greatly guilty.

Surely, quod he, that is true.

Now, quod I, that being true that they could none otherwise reckon in him, though he still sware the contrary, must it not needs be that in his denying in virtue of his oath the things which they could not but believe true they must needs therewith believe him all that while to lie and be perjured.

That followeth, quod he.

Now, quod I, when one is accused and convicted of heresy, what thing will the law that the church shall receive him to?

What thing, quod he? Mercy, to mercy.

Nay, quod I, mercy is the thing as it seemeth that they receive him by, not by the thing that they receive him to.

Then is it, quod he, to penance?

That seemeth well said, quod I. For the church by mercy receiveth him to penance. But now, quod I, doth the church openly receive to penance any person appearing and proving himself still impenitent?

Nay, quod he.

Appareth not he still impenitent, quod I, that still appareth perjured, and still standing in perjury? And where the first part of penance

CONFESSION THE FIRST PART OF PENANCE

is confession and humble knowledging of the fault, can the church reckon him penitent that still ref useth to confess his fault, that lieth falsely still, and falsely forswearth himself?

The church, quod he, cannot surely know whether he sware true or false, and therefore they cannot surely judge him forsworn. For it may be by possibility that all the witness lied.

It may be so, quod I, by possibility, if we go this way to work, that all the men lied that ever have said they came from Rome, and that all the briefs and bulls were feigned that ever were supposed to be brought from thence, for aught that he can tell that never came there himself. For some one man might lie, and some one bull or brief might be feigned, and so some other, and one by one, and so forth of all the remnant. For like possibility is there in every one as is in any one. And peradventure as for your own self have never yet talked with twenty that have told you they have been at Rome.

No, no, quod he, nor I ween with ten neither.

And how many bulls, quod I, and briefs have ye seen that came thence?

By our Lady, quod he, bulls very few and briefs never none, for I never ask after them.

Then, quod I, might you by your own reason as well doubt whether there were any Rome or no as whether that man lied and were forsworn or no. But in this point will I not long stick with you. For surely standing the matter in such case that his judges could not otherwise think of him but that he was faulty of things which he still in virtue of his oath denied, all were it so that they might think therewith that by possibility they might be in that mind deceived; yet while they could not think that, nor they could have none other mind but that he (though it might by possibility be true that he sware) yet was forsworn indeed and in very deed persevered in perjury. Now the matter, I say, standing in such case, since he that with so plain appearing perjury, standeth in the denial of his fault and false defence of himself cannot be reckoned of his fault penitent, and unto penance ought none impenitent person to be admitted, I will not say that his judges did wrong. But surely methinketh I may well say that they showed him great favour in that they received him to penance without the confession of his fault. And I

A STRANGE FASHION OF ABJURATION

think verily that it was a favourable fashion of abjuration, and so strange that the like hath been very seldom seen, if ever it were seen before. And that did they in hope that God shall send him more grace in time to come, and so I beseech him to do. For I promise you for my part I never can conceive good hope of his amendment all the while that I see that pride abide still in his heart, that cannot suffer him for shame to confess his fault.

¹ Bilney. See Gairdner, *Lollardy and the Reformation*, vol. 1, pp. 393 ff.

² Aug. *Contra Epistolam Manichaei*, Tom. viii, § 6, p. 270.

³ St. Augustine's assertion of the priority of the Church to the scriptures, and of her authority to determine both what the scriptures were and how they were to be interpreted, is a matter of such permanent interest and importance that it may be well to summarise it here.

⁴ We find it stated in his little treatise, *Contra Epistolam Manichaei*, in the fourth and fifth chapters.

² "In the Catholic Church," he writes, "not to speak of the purest wisdom, to the knowledge of which a few spiritual men attain in this life there are many other things which keep me in her bosom. The consent of peoples and nations keeps me in the Church; so does her authority, inaugurated by miracles, nourished by hope, enlarged by love, established by age. The succession of priests keeps me, beginning from the

² very seat of the Apostle Peter, to whom the Lord, after His resurrection, gave it in charge to feed His sheep, down to the present episcopate. And so, lastly does the name itself of Catholic, which, not without reason, amid so many heresies, the Church has thus retained; so that though all heretics wish to be called Catholics, yet when a stranger asks where the Catholic Church meets, no heretic will venture to point to his own chapel or house

² "The epistle begins thus: 'Manichaeus, an apostle of Jesus Christ . . .' Therefore I ask, who is this Manichaeus? You will reply, ' An apostle of Christ.' I do not believe it. Now you are at a loss what to say or do Perhaps you will read the gospel to me, and will attempt there to find a testimony to Manichaeus. But should you meet with a person not yet believing the gospel, how would you reply to him were he to say, ' I do not believe?' *For my part, I should not believe the gospel except as moved by the authority of the Catholic Church.* So when those (namely the authorities of the Catholic Church) on whose authority I have consented to believe in the gospel tell me not to believe in Manichaeus, how can I but consent? Take your choice. If you say, 'Believe the Catholics': their advice to me is to put no faith in you; so that, believing them, I am precluded from believing you. If you say, ' Do not believe the Catholics': you cannot fairly use the gospel in bringing me to faith in Manichaeus ; *for it was at the command of the Catholics that I believed the gospel* To convince me, then, you must put aside the gospel. *If you keep to the gospel, I will keep to those who commanded me to believe the gospel; and in obedience to them I will not believe you at all."*

² *The Nicene and post-Nicene Fathers.* Schaff, vol. iv., pp. 130-1.

⁴ *Gen . 6. 5-7, 13, 17.*

⁵ *i Pet. 3. 20.*

⁶ Nicholas de Lyra: b. towards end of 13th century. Took Franciscan habit in 1291. Died in Paris, 1340. Wrote commentary on Old and New Testament and other works.

⁷ *Ps . 67. 7.*

⁸ pair

⁹ *Jer . 48. 10.*

¹⁰ Eutychus

¹¹ *Acts 20. 9.*

¹² See last word of last chapter.

¹³ Wolsey.

¹⁴ Rota.

¹⁵ spohism.