

THE PARADOX OF POWER: AN ANALYSIS OF THE RISE OF
PARLIAMENTARY POWER WITH THE CONSOLIDATION
OF THE MONARCHY IN THE ENGLISH REFORMATION

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The English government has a distinct claim among European nations. It has developed with a unique blend of decentralization and freedom and a strong centralized authority. England is distinguished for its ability to combine good government with a history of freedom and protection of personal rights. Constitutional rights date back to an Anglo-Saxon individualism that, combined with Norman authority and organization, produced a government that combined strength with political freedom. England's exceptional constitutional history served her well in times of transition and revolution. This combination was particularly noted during the religious and political crisis under Henry VIII that precipitated the English Reformation. During this period a strong monarchy personified by the authoritarian Henry VIII spearheaded a revolution in Parliamentary representative government. Henry, however, did not do it alone. His accomplished advisor, Thomas Cromwell, proposed and steered legislation through Parliament and used this institution to promote and assert legislative supremacy in England. The power of the monar-

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chy during Henry's reign gave influence to Parliament and established this body as an integral part of the English government, and transformed England from a medieval state to a state governed along modern principles. Parliamentary statute reigned over the universal law of the Catholic Church and a self-sufficient state was created that answered to no outside authority. The reign of Henry VIII, a man who personified such power and authority, unleashed a Parliamentary revolution that would transform England into a model of representative government. This fundamental change was achieved by the statutory supremacy sanctioned in the doctrine of the King-in-Parliament, the national legislation enacted by the Reformation Parliament, and the social and political consequences of the dissolution of the monasteries. The institution of Parliament would continue to develop a legacy of reform under subsequent monarchies, culminating in the Parliamentary reforms of the 19th century.

The development of Parliament was closely linked to the independent nature of the English people. Throughout its history, England was able to balance a strong kingship with representative expectations. In fact, both institutions historically depended upon the other. A strong monarchy established law and order that nourished the growth of political institutions and political stability, which in turn supported the needs of the Crown and laid the foundation for a strong monarchy and state. As early as the Anglo-Saxon kingships, in fact, the monarch's authority was checked by advisory councils made up of the leading men of the realm.¹ After their conquest, Normans introduced feudal institutions which strengthened the monarchy but at the same time encouraged the nobles to challenge it. From this combination, the English common law, a body of legal principles and precedents, developed. The Magna Carta, signed in 1215, was the first check upon the growth of royal absolutism by English barons.² The Magna Carta gave no rights to the common man but it did establish the principle of representative government. The charter was a protest against arbitrary rule that emphasized the fundamental principle that has guided the development of English Parliamentary government: even the King must obey the law. It was the first step toward

limited government and gave the idea of opposition a legitimate place in government—opposition was not treason.³ Eventually, a Great Council of Barons was formed to advise the King on matters of policy. The Barons soon called for periodic meetings of an enlarged council that would include knights of the shire, or county, and burgesses from the boroughs, towns and cities.⁴ During the 13th century, under Henry III, this council became known as parliaments—from the French “parler”—to speak. Significantly, Parliament was given the critical function of authorizing taxation. This implementation was the attempt of the upper ranks of society, barons and their allies, to limit the power of the King.⁵ A concept soon emerged which was to lay the foundation for future representative government: the King should consult his subjects when their rights were involved.

Under Henry VII, who embodied personal government, the King’s Council, not Parliament, was strengthened, for it was given Parliamentary authority. During Henry VII’s reign, a strong monarchy sought advice within the King’s household in the name of the Privy Council.⁶ Henry VII’s effective administration and frugality allowed Henry to rule with little intervention from Parliament because he seldom needed it to sanction taxes.⁷ Henry VII had established law and order after the disastrous War of the Roses and, if his strong authority was contrary to the principles of the Magna Carta, the people preferred law and order. In the centralized government of the first Tudor, Henry VII, Parliament rested on direct royal control. English representation, however, remained strong in the localities where popular resistance to royal will was still expressed, consistent with English tradition.⁸ This tradition was to keep the heritage of public debate alive in the House of Commons.

Henry VIII, Henry VII’s son, then took the throne. Before his divorce matter took precedence, Henry was content to leave affairs of state in the hands of his minister, Cardinal Thomas Wolsey.⁹ Wolsey preferred to govern without the counsel of Parliament and did not seek Parliamentary advice. In the 14 years of his chancellorship, in fact, Wolsey only summoned one Parliament.¹⁰

Wolsey essentially continued the government of Henry VII. The matter of Henry's divorce, however, changed this political situation. Henry VIII needed a son to succeed him and therefore he petitioned Pope Clement VII to annul his marriage to Catherine of Aragon so that he could marry Anne Boleyn.¹¹ Political realities, however, complicated the situation. Catherine was the aunt of the Holy Roman Emperor Charles V, and with the sacking of Rome in 1527, the Pope was virtually the Emperor's prisoner.¹² Pope Clement consequently refused Henry's request, and the English Reformation, in which Henry broke from the Catholic Church, ensued.

The theory of the King-in-Parliament, formulated by Thomas Cromwell, Henry's foremost minister after Wolsey, was the vehicle by which Parliamentary power increased under Henry VIII. Thomas Cromwell understood the value of Parliament and England's reliance on law. Coming from the House of Commons to be a member of the King's Privy Council since 1531, his influence over the King was gaining ascendancy over all of the King's other advisors, including the Duke of Norfolk, leader of the noble faction, and Sir Thomas More, who succeeded Cardinal Wolsey as chancellor.¹³ As George Cavendish, a member of Parliament, described the relationship: "by means whereof and by his witty demeanor he grew continually into the King's favour."¹⁴ Shrewd, intelligent, and articulate, Cromwell was the master politician. Henry turned to Cromwell to carry through the resolution of his divorce matter and Cromwell was the right man for this task. A member of the middle class, a commoner, he was trained as a lawyer and possessed a fine legal mind. In 1523, he had been elected to the House of Commons and acquired valuable experience in the legislative process and made himself the Privy Council's expert on Parliamentary matters.¹⁵ Cromwell rose to leadership positions in the Commons and became a promoter of the Crown's policy. One member of the Commons wrote in 1531 that "one master Cromwell penned certain matters in the Parliament house which no man gainsaid."¹⁶ At this time, Cromwell had already gained a reputation as a leading government servant, legislator, and administrator. This experience enabled him to function

expertly as the future liaison between the King and the House of Commons, and as a result, helped to give Parliament more influence in government.

Before Cromwell turned to Parliament, however, he needed to formulate a new approach that would legally sanction his strategy and allow the Crown to function within the constitutional limits of the state. By the time Cromwell had become the King's chief advisor, the divorce matter was still not resolved. Henry's ministers had no more solutions to offer. Henry was desperate to terminate his first marriage but yet not ready to break with Rome. Cromwell's plan of action rested on his political theory that England was, in his words, "governed by one supreme Hedde, under whom a body politik compact of all sortes and degrees of people devided in terms of spiritualitie and temporalitie bere and owen to bere next tot God a naturall and humble obediens."¹⁷ Cromwell's theory of the State affirmed the absolute power of the Crown and contended that all jurisdiction, whether it was spiritual or secular, belonged to the King. No foreign power, therefore, such as the papacy, could interfere in the lives of the English people nor dictate public policy. The theory also gave the "body politik," the Parliament, more influence by recognizing it as working with the Crown, as opposed to working against it or being subservient to it.

Cromwell further argued that within a state only statutory law, enacted by a monarch within a sovereign legislature, had the binding force within a realm, and that the law was not subject to any outside authority, again alluding to the papacy. This sovereign power—King-in-Parliament—was supreme. In his argument, Cromwell contended that the power of kings was consistent with English traditions of kingship and representative government, and therefore papal supremacy was without right and therefore illegal and wrong.¹⁸ Essentially, this argument validated secular law over church canon law. Before this theory was devised by Cromwell, it was always assumed that a lay legislature could not supercede the universal authority of the Church in Rome. Cromwell's theory, however, gave the King and Parliament authority over church law. Significantly, it was emphasized by a past

Parliamentarian, Cromwell, that this secular power rested not in the King alone, contrary to divine-right assertions, but rather with the King-in-Parliament. That contention was the crucial one, for supreme power did not belong to the King exclusively. Through the assertion that secular, statutory law superceded divine, papal law, Cromwell elevated the power of the law over the church, and, in doing so, elevated Parliament, the maker of that law, to a status higher than it had ever had before. In this manner, Cromwell's theory gave England's representative body increased authority in government.

Ironically, by consolidating the power of the English monarchy over the Church in Rome, the theory of King-in-Parliament enabled Parliament to take on a new life as the sovereign organ of a sovereign national state.¹⁹ By asserting the absolute power of the monarchy over England, Cromwell transformed Parliament from an advisory assembly with the power to tax to an established institution with the power to legislate and no longer dependent upon the royal will for existence. The theory of King-in-Parliament, in fact, was not merely a theory, but a working strategy accepted and employed by Henry to effect his goals. As Henry acknowledged in an address to Commons in 1543, "We be informed by our Judges that we at no time stand so high in our estate royal as in the time of Parliament, when we as head and you as members are conjoined and knit together in one body politic."²⁰ The theory was thus realized. Though future English monarchs, namely the Stuarts, could act as autocratic as they wanted, they could never be despotic because they alone could not make the laws. When Henry accepted the statutory authority of Parliament over the Church, he unwittingly acknowledged Parliament's authority over the Crown.

The Reformation Parliament, moreover, demonstrated how Parliamentary power increased under the reign of Henry VIII. Now that Cromwell had outlined the political theory for Parliament's action, Parliament was ready to enact national legislation that would elevate its position in English government. With Cromwell in charge, the Reformation Parliament, in its capacity to effect taxation, began on January 15, 1532 to discuss a subsidy to

the Crown.²¹ During this session it was evident that the House of Commons was beginning to assert its independence and therefore the center of debate occurred in this lower house, comprised mostly of knights of the shire and burgesses. Its influence was thus being felt. By custom, the Convocation of the English Church, its legislative body, comprised of members of the clergy, met concurrently with Parliament. This meeting was based on the tradition that the clergy could not be taxed by Parliament.²² During the years of the Reformation Parliament, from 1529 to 1536, the interaction between Convocation and Parliament was very close and their actions ran parallel.

Financial matters were the first consideration, and when Henry asked for more money, Parliament resisted. The matter of the divorce was forestalled because of Henry's reluctance to confront the Pope. Instead, the Commons was instructed to attack the papacy through its pocketbook. A legislative attack on the Pope's chief source of income derived from annates began. Annates were portions of the first year income of newly appointed bishops and archbishops paid directly to the papacy.²³ A petition from the Commons to the King denounced the practice of annates and asked Henry to "cause the said unjuste exactions of annates to cesse and to be fordoen forever by act of this his Grace's high court of Parliament."²⁴ Parliament, furthermore, prepared the way for the King's challenge to the papacy by stating in its record that he should defy the Pope's authority if the Pope defied the actions of his government: "it may please the Kinges moost noble grace to ordoyne on this present Parliament that than the obedience of him and his people be withdrawn from the see of Rome."²⁵ Parliament was very influential in the workings of the Reformation through the Reformation Parliament. Its authority was growing because of its involvement in the Reformation, which was initiated by Henry and Cromwell.

Contrary to the contention that Parliament was controlled by the Crown, in reality, proposed Crown legislation was not guaranteed passage. When the Bill of Annates was introduced in the House of Lords, its fate was uncertain as evidenced by Cromwell's words: "to what ende or effecte it will succede suerlie I know

not.”²⁶ The monarchy’s intention was to exert financial pressure on the papacy but not to break suddenly with Rome. Yet, the House of Lords, with its spiritual members, was not ready to openly defy the Pope and deprive him of revenue. The secular lords like the Duke of Norfolk, at this time Henry’s chief advisor, were ready, however, to show the papacy what could happen if the Pope continued, in Norfolk’s words, “in procedyng wrongfully and ungrately against the Kyng.”²⁷ The bishops and abbots, however, were still loyal to the papacy and resisted the Crown’s pressure to cut the Pope’s financial resources. Given these differing opinions and sentiments, the legislative outcome during this Parliament was never predictable. The fact that Parliament was able to show effective resistance to both the monarchy and the papacy and that Henry’s will was not always done at his whim demonstrated its growing independence and power.

To control the course of events and ease passage, Cromwell, with the King’s consent, added a clause which stipulated that the King would delay the enforcement of the Bill of Annates until he issued orders for its execution. Therefore, even if the bill passed, it was the King’s prerogative to enforce it. Clearly, Henry wanted the bill passed in order to threaten the papacy with his prerogative power and to force the Pope to grant him his divorce. As the Duke of Norfolk pointed out, Henry had the power to “stop all such effectes, and wolf so do onles ill and unkynde handling inforce hym to consent to the same.”²⁸ Rome was warned. The ecclesiastical peers in the House of Lords succumbed and the Act in Conditional Restraint of Annates was passed by both houses of Parliament in March 1532.²⁹ The act, as defined, was conditional upon Henry’s will and Henry did use it to threaten the papacy. Parliament had given Henry his weapon, and its influence upon the course of events was being seen. Cromwell, together with the Commons, had accomplished the task of putting additional pressure on the papacy. Parliament had not acted alone, however, it had acted. Though the House of Lords, and some members of the Commons, had been unwilling to defy the Pope, Parliament enacted legislation that was meant to influence church policy and attacked one of the major sources of papal income. In the course

of enactment, Parliament exhibited opposition to the Crown, and though the final resolution rested with Henry, Parliament displayed independence and initiative. The passage of this act, furthermore, was significant in that it brought the Crown, in the person of Thomas Cromwell, and Parliament together in conference. This action symbolically highlighted the growing partnership of the Crown and Parliament.

Though Parliament was cautious in its attack on the papacy, it continued to criticize the English clergy openly. As previously evidenced during the enactment of the Bill of Annates, anti-clericalism was very active in England. William Tyndale, the leading English reformer, in his anticlerical publication, *Practice of the Prelates*, written in 1531, openly criticized clerical abuses and warned the church authorities: "Take heed...wicked prelates, blind leaders of the blind; indurate and obstinate hypocrites, take heed...."³⁰ Growing hatred of church rules and distrust of the clergy paved the way for Henry's revolution.³¹ The House of Commons reflected this sentiment. The Speaker of the Commons during this session, Sir Thomas Audley, complained to Henry "howe the temporal men of realme were sore agreved with the cruel demeanoure of the prelates and ordinaryes which touched bothe their bodyes and goodes."³² The knights and burgesses were ready to take on the issue of clerical abuses and they were openly debated in the Commons. The Duke of Norfolk reported to the King of the "infenyte clamor of the temporaltye here in Parlement [Commons] against the mysusyug of the spritual jursydiccion."³³ Consequently, the issue of clerical abuses broke open in the Commons. Commons drafted their grievances in a petition, known as the "Supplication against the Ordinaries." The aim of this Supplication was the destruction of the clergy's independent legislative powers. Speaker Audley presented it to Henry, who in turn submitted it to Convocation, which made the laws of the Church.³⁴ Convocation demonstrated no resistance and accepted the royal demands without qualification. In a document entitled "The Submission of the Clergy," Convocation recognized the King instead of the Pope as the supreme lawmaker of the Church.³⁵ Parliament had in effect allowed for this dramatic development in

the Reformation since it had drafted the petition necessary for the passage of this legislation. Thus Henry, by using the Parliament to execute his Reformation, was steadily increasing its power.

Henry had forced the clergy in Convocation to renounce their authority to make any canons without his consent and to null and void all pre-existing canons that the King found offensive, and in doing so through Parliament, he acknowledged its new prestige.³⁶ The “Submission of the Clergy” was enacted by a Convocation thoroughly dictated by the Crown. Though Parliament was not used to outlaw clerical jurisdiction, it had initiated the action. It now remained the only valid legislative body in England. Parliament’s secular status was enhanced as the clergy’s in Convocation was diminished.

During the sessions of 1532, Parliament enacted legislation dealing with the religious crisis as well as economic and legal issues that contributed to the centralization and consolidation of the country. It was the longest meeting of Parliament and yielded a wealth of legislation. More significant than its legislation, however, was Parliament’s awareness of its growing importance. Together with the Crown, it had effectively challenged the independent spiritual jurisdiction of the Church in England and enhanced its own position. It was now empowered to take on the Church in Rome, and gain even more authority by doing so.

Sir Thomas More’s resignation, moreover, allowed Parliament to take an even larger role in government. More resigned as chancellor and the “Submission of the Clergy” was given as the reason.³⁷ With this resignation, the old order lost a supporter. More had been against Parliament’s anti-clerical measures and the Crown’s anti-papal actions. Henry could no longer rely upon More’s loyalty and therefore could not depend on his closest councilor to solve his dilemma. When More stepped down, Cromwell, representing the new order, gained more power. The King’s problem with his marriage was not being resolved and old policies would not rectify the situation. With More’s resignation, a Parliament steered by Cromwell would be led to take more decisive action. Henry turned to Thomas Audley, who had served

as Speaker of the House of Commons to replace More as his new Lord Chancellor.³⁸ As Chancellor, Audley would preside over the House of Lords, but his experience in the Commons enhanced his ability to act as liaison between the Crown and Parliament. The resignation of More, therefore, further advanced Parliament's cause.

After four years of indecision, Henry was finally ready to take action on his marriage and Parliament was designated to play a major role. The House of Commons had shown its anti-clerical sentiment, and Henry and Cromwell were betting that it would be sympathetic to Henry's cause. The theory of King-in-Parliament, provided by Cromwell, would be the basis for this course of action. A partnership was formed between the Crown and Parliament, which was emphasized by Henry in a speech to Parliament in December 1545: "Now, since I find such kindness on your part towards me, I cannot choose but to love and favor you, affirming that no prince in the world more favors his subjects than I do you, and no subjects or commons more love and obey their sovereign lord than I see you do me...."³⁹ This relationship was therefore an amicable and agreeable one, one that fostered an atmosphere of partnership. Henry and Parliament were working together to bring about the Reformation.

On March 14, 1533, the Appeals Bill, which would prohibit court appeals to Rome, was finally presented to the Commons.⁴⁰ The bill had been drafted by Cromwell and passage through the two houses was rather easy. The anti-clerical feeling in the Commons was consistent with its passage. The House of Lords was well aware that the Crown endorsed its enactment. This time was not one, given the rising anti-papal sentiment in the government, for the spiritual peers, bishops, and abbots to voice dissent. Essentially, Parliament had given the English Church, not the Church in Rome, the spiritual jurisdiction over Henry's divorce case. It destroyed the most important weapon of papal interference in English affairs by prohibiting appeals from courts inside the realm to courts outside it.⁴¹ Papal authority in England was gone, and Parliament itself had acquired the legislative authority to terminate papal supremacy in England.

The Act in Restraint of Appeals to Rome is regarded as an extremely important piece of legislation enacted by the Reformation Parliament for it served as the turning point and opened the door for Parliament to make more sweeping changes and implied a break with Rome. In addition, it emboldened the members in the Commons to voice more openly and vehemently their grievances against the Church in Rome. Members now sensed that they could actually make a difference and felt that the monarchy was supporting their cause, rather than they, the monarchy's.

In reality, both the Crown and Parliament were effecting policy that served their immediate means, while the long term results were in favor of Parliament, for its opinion was being heard more and more and its actions were changing public policy.

Furthermore, the final outcome of the divorce allowed Parliament to assume a more prominent role. It was brought before the spiritual jurisdiction of the ecclesiastical court in Convocation in April 1533, which was presided over by Thomas Cranmer, the newly ordained Archbishop of Canterbury. At this time, the case was still pending in Rome, but Henry, with the passage of the Act of Appeals, was legally sanctioned by Parliament to seek a decision in England. The clergy in Convocation considered the opinions of the European theologians that marriage with a deceased brother's wife, in this case, Catherine of Aragon, was prohibited by divine law and that no papal dispensation could change this fact.⁴² Feeling pressure from the Crown, Convocation rendered the opinion that Henry's marriage to Catherine of Aragon was invalid due to her previous marriage to Arthur, Henry's brother. Now what remained to finalize the opinion was a formal trial in England, again sanctioned by the authority of Parliament with the enactment of the Appeals Act. On May 10, 1533, after less than two weeks, Cranmer rendered his verdict in Convocation and declared that the marriage was contrary to divine law and therefore was invalid. On May 23, 1533, Cranmer pronounced the legality of Henry's marriage to Anne Boleyn and the new Queen was crowned on the first of June.⁴³ Henry's matter had finally been resolved by Cromwell's theory of King-in-Parlia-

ment which enabled the passage of the Appeals Act which in turn placed the matter of the divorce under England's jurisdiction. Cromwell's theory had worked. The matter had been decided in England, not in Rome, and the stalemate, as far as Henry was concerned, was over. The Convocation's decision needed statutory sanction to be enacted by Parliament, and it was therefore at the will of Parliament.

The Parliament of 1534, in addition, completed the break with Rome with a second Act of Annates. This act transferred to the Crown the rest of the papal powers in the church, such as the granting of dispensations, the appointment of bishops, and the right of the Crown to tax freely.⁴⁴ An act entitled the Submission of the Clergy was also passed which confirmed Convocation's surrender in 1532 and allowed appeals from the archbishop's court to the King.⁴⁵ This act gave statutory authority to the action in Convocation. All of these acts were enacted not by the Church, and not by the monarch, but by the legislative body, Parliament. The final measure passed in this session was the Act of Supremacy, which established the King's ecclesiastical authority and became the cornerstone of the Tudor dynasty.⁴⁶ A member of the Privy Council and House of Lords, Lord George Rochford, expressed the growing anti-papal sentiment of the government when he maintained that the King's "supreme auctorite grounded on God's worde ought in no case to be restrayned by any bustrate decrees of popish lawes...but that he [King] maye both order and minister, yea and also execute the office of spiritual administration in the church whereof he ys heed."⁴⁷ Parliament thus represented the majority opinion of the new nation-state when it passed the Act of Supremacy. The Act of Supremacy declared: "Albeit the King's Majesty justly and rightfully is and ought to be the supreme head of the Church of England, and so is recognized by the clergy of this realm in their convocations...."⁴⁸ The Act of Supremacy finally accomplished the break with Rome. The Pope had no more authority in England. No longer was it the Church *in* England; now it was the Church *of* England.⁴⁹ By the enactment of this act, Parliament replaced the universal authority of the Catholic Church with the authority of the nation-state embodied in Henry VIII. On

the surface, Parliament had consolidated the power of Church and State—one “supreme head” in the monarchy—and advanced the divine-right theory of kingship.⁵⁰ Parliament, however, was not at the whim of the King—in fact, it was much the opposite. Never before had any entity challenged and assumed the spiritual jurisdiction of the Catholic Church with the full power and authority of the secular state. The duality of state and church was destroyed by the victory of the state. The world order was profoundly changed by Parliament. Without the legislative body, this event would never have occurred, and this fact secured its rising influence.

Henry, in fact, was not the single force that had accomplished this goal. In the course of this reformation, Parliament, influenced by Cromwell, had used Parliamentary statute to supercede the law of the Church. Not only was the Church reformed, but the state was reformed as well. Parliament and the monarchy in partnership took on a national cause. Parliament raised the power of Henry’s kingship and the Tudor state to new heights but in turn transformed itself into the true basis of this new nation-state. The new monarchy represented the nation, however, the new nation was also represented by a Parliament fully conscious of its new power. Henry had the Act of Supremacy that pronounced him supreme, but he was supreme only in so far that the monarchy would not go outside the limits laid down by Parliament, at last fully conscious of its role and duty.⁵²

Interestingly, Commons opposed the proposed enforcement clauses of the Act of Supremacy, which made opposition high treason and execution the remedy, thus illustrating a more active role for Parliament.⁵³ In effect, Parliament had already begun to feel its sense of duty to the people it represented. Robert Fisher, one of the burgesses, asserted that “there was never such a sticking at the passing of any act in the Lower House as was at the passing of the same....”⁵⁴ The Commons was willing to recognize Henry and his heirs as the supreme head of the church and state. It was not as willing, however, for the Crown to compromise the individual rights of English subjects. These men were after all part

of the tradition that cherished personal rights and due process under the Common Law. The stipulation in the bill that caused the most resistance in Commons was the one which stated that speaking against the Act was high treason.⁵⁵ Notably, the Commons tended to resist Henry and Cromwell whenever proposed legislation had the potential to restrict or compromise individual rights. Members of the Commons correctly saw the danger of restricting freedom of speech in this bill. Here the Commons resisted the infringement upon English liberties that the enforcement clause encompassed. John Rastill, another burgess, defended the opposition and explained that “the bill could not be suffered to pass...so not every ‘speaking’ against the Supremacy to be treason, but only ‘maliciously’ speaking.”⁵⁶ A compromise was reached. The Commons stood its ground and the word “maliciously” was incorporated into the final Treason Act.⁵⁷ Significantly, Parliament was not only voicing its opinion, but turning its opinion into legislation. It was not Henry’s puppet, and the fact that it made its voice heard with regard to the Act of Supremacy demonstrated its sovereignty and its new role in protecting common rights.

By the end of 1534, 60 bills became statutes, comprising the greatest bulk of national legislation ever enacted by a Parliament. Parliament dealt with succession and supremacy, treason, financial matters, economic and public policy. The government, led by Cromwell, had prepared the legislative program, but it was Parliament’s enactment that made the program the law of England. Parliament had demonstrated that it was now an integral part of the English government. Henry and Cromwell, through their legislative program, strengthened the authority of the monarchy, but, consequently, Parliament was also strengthened. The issue of Welsh government was also handled in this session and had far reaching results. The Act of Union passed by Parliament provided for the division of Wales into two counties. Wales was now represented in Parliament and therefore 24 Welshmen were added to the House of Commons.⁵⁸ The extension of Parliamentary representation in Wales had a direct impact on the size of the House of Commons. More of the nation’s population was repre-

sented and, consequently, Parliament became more accountable to the people and less reliant upon the Crown for its good will. In addition, Parliament had been convened on a regular basis for four years, an occurrence that was extraordinary up to this time. In fact, the frequency of these Parliaments proved to be a hardship for some of its members, including Lord Latimer, a member of the House of Lords, who complained to Cromwell that “my being at everie prorogacion of the Parliament thies foure yeres haith bene painfull, costlie and chargeable to me.”⁵⁹ The regularity of Parliamentary sessions, however, was established and this institution became increasingly involved in formulating public policy. This Reformation Parliament enacted landmark legislation which ensured that Parliament would establish itself as an integral branch of English government.

The dissolution of the monasteries, together with the theory of King-in-Parliament and the Reformation Parliament, was another factor which contributed to the marked increase in English Parliamentary power. This issue meant the final break with Rome and the final session of the Reformation Parliament, in 1536, took it on. Cromwell’s diary entry relating that “the abhormynacion of religious persones throughout the realme, and a refformacyon to be devised therein” gave a clear warning of the government’s intention to move against the monasteries.⁶⁰ Cromwell’s idea was to confiscate monastic endowments to meet the King’s financial needs, yet the suppression would have other implications. All evidence indicated that his plan was thoughtful, timely, and calculating. The plan was to move against the smaller monastic houses first. They would have the least influential support, and devout monks and nuns who had been displaced could seek sanctuary in the larger houses. This displacement of the lower houses would also create less uproar among the general population and members of Parliament. The prospect of available church property would further lessen opposition to the confiscation by Parliament. Simply, the Crown needed money and the people needed land.⁶¹ To maintain support, Cromwell had to move cautiously and in stages. He advised Henry to undertake the dissolution “by little and litte [by Parliament], not sodeinly by

Parliament.”⁶² Parliament, therefore, was to act as the instrument through which the monasteries were to be dissolved. It was again gaining influence by enacting legislation. The dissolution bill was introduced in the House of Lords. It was reported by Edward Hall, a burgess and member of the Commons, that the church peers in the Lords voted for the initial dissolution in the hope that the larger houses would be spared: “In this time was given unto the King by the consent of the great and fatte abbots, all religious houses that were of the value of CCC markes and under, in hope that their great monasteries should have continued still.”⁶³ This hope was not to be, but it served to pass the measure through the House of Lords. Henry and Cromwell’s Parliamentary campaign worked, for little opposition was encountered in the Lords. The remaining clerical members were too afraid to take a stand and the nobility had always resented the large grants given to monasteries as far back as the tenth century reign of Edgar the Peaceful, when Edgar re-established monasticism.⁶⁴ Not surprisingly, the measure passed swiftly through Commons. Henry himself attended the session to gain support.⁶⁵ Parliament was again involved in enacting legislation that would impact its future influence.

The prospect of acquiring confiscated monastic lands may have been a consideration, but the religious orders also had themselves to blame. A notable number of the clergy had not even resided in their parishes, and consequently had acquired few supporters among members of the Commons. Monasteries, in addition, had become inefficient and unresponsive to the needs of their parish. Monastic charity had fallen in reputation decades before the Reformation was underway. Therefore, the clergy contributed to the anti-clericalism, and little popular resistance was encountered. Parliament thus sanctioned the dissolution because it responded to the country’s popular sentiment. It was now beginning, during Henry VIII’s reign, to transform into a modern representative body, for it was representing the people of England.

The Crown was the initial recipient of the monastic land, but others soon followed. The dissolution caused an active market

in land in which old properties were consolidated or new ones created. Land was no longer the private domain of the largest landowner in England—the Catholic church. Members of the nobility were the first supporters to reap the benefits of the dissolution. As the Duke of Norfolk cleverly put it, “the time of sowing is at hand, and every other nobleman has already his portion.”⁶⁶ Sir Thomas Audley, now the Lord Chancellor, received a dissolved priory soon after the 1536 session ended.⁶⁷ Thomas Cromwell, himself, became a very rich man through monastic grants for his loyalty to his King. In December 1537, the great priory of Lewes, one of the largest monastic properties, was surrendered to Henry and then transferred to Cromwell.⁶⁸ These grants to the nobility helped to solidify the nobility’s support in the House of Lords and eased the later dissolution of the larger houses.

Aside from outright gifts from the Crown to its loyal supporters among the nobility, monastic spoils found their way to the lower ranks of society. The largest share of confiscated monastic land was purchased by the established landed gentry. Contrary to the theory that this newly available land invited commercial speculators who had no previous ties to the land, most new buyers were concerned with the interests of the locality.⁶⁹ The dissolution had served to remove from the country’s shire society the abbots and priors of the monastery who had been an integral part of the local aristocracy. Although the Crown’s propaganda before the dissolution was to portray the monasteries as corrupt and ineffectual, many of them had been centers for the political and social affairs of the shires.⁷⁰ The clergy who had exerted such a strong political influence throughout England now found themselves powerless and destitute. A vacuum was created, which the country gentry soon began to fill. Eventually, these gentry families developed political and social connections that challenged the local nobility who had monopolized local and state power for centuries.⁷¹ The gentry, in addition, would reward Henry for their economic windfall. Their good will would become more valuable as the Reformation progressed because they would eventually

serve in Parliament. Parliament, therefore, was strengthened as a result of the dissolution of the monasteries.

A fair amount of land, moreover, did end up in the hands of men who had never owned property before. Within two decades after Parliament's dissolution of the monasteries, one-fifth of the country's land went up for sale and merchants and professional classes acquired as much as was available.⁷² There existed in England a long-standing demand for new land, and confiscation of the monasteries provided the supply to meet the demand. By the time the dissolution was completed during the Parliamentary session of 1540, a new gentry class was established which would continue to grow in land, wealth, and prestige.⁷³ Land gave these individuals the requirement for acquiring voting rights and representation. These new landowners soon possessed vital interests that needed protection and they became politically involved to protect their interests. Professional men, especially lawyers, who had become property holders, began to consider politics as a career and became the dominant political class well into the 19th century.⁷⁴ Politics was no longer exclusively the concern of the rich and powerful but was now more accessible to the common man. Once the taste of power was acquired it was difficult to give it up. This new power found its way into Parliament and would influence the development of this institution for centuries.

The political scene was transformed as a result of this monastic land transfer. It evolved from a fixed, traditional base to one that became more democratic and flexible. This trend was reflected in Parliament. As future Parliaments convened and new members were elected to it, its composition would reflect the change in this new society. Power, influence, and ambition were diffused through a larger sector of the political nation.⁷⁵ Power shifted from a political minority to a larger segment of the population. As his father, Henry VII, had done, Henry helped to create a new powerful class that continued to thrive and became loyal to the English throne.⁷⁶ This loyalty not only helped Henry to solidify his position, but affected Parliamentary development. The progressive dissolution of the monasteries ended the first phase of

the Reformation—the political phase marked by the reconstruction, consolidation, and supremacy of the new English state—and further enhanced the rise in Parliamentary authority.

Some argue, however, that the reign of Henry VIII only served to increase the autocratic rule of the monarchy. According to this contention, Henry, through the power of his royal will, forced through Parliament the acts which resulted in the English Reformation. Even King James I, a later monarch in the Stuart line, argued in his book, *True Law of Free Monarchies*, that the King's power was derived from God alone, not Parliament, and the monarch alone makes the law. According to James I, therefore, "the King is above the law as both the author and giver of strength thereto...."⁷⁷ In particular, the Act of Supremacy can be noted in accordance with this stance, which made the King the supreme head, not Parliament. Henry, however, understood the power of English law and gave Parliament the authority to make that law supreme. Sovereignty to make or unmake laws rested in Parliament. Henry, therefore, could not have proceeded without Parliament if he meant to make his Reformation legal and enforceable by law.⁷⁸ The enforcement clauses of the Act of Supremacy, encompassed in the Treason Act and heresy laws, for example, did not come from divine-right proclamations but from statutes enacted by Parliament. Parliamentarians, which included Thomas Cromwell, Thomas Audley, and others, drafted the legislation which brought about the break with Rome. These opposing assertions are thus unsupported.

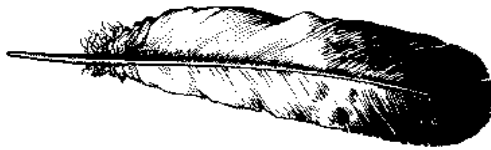
Still others will argue that Henry and Cromwell ruled according to their own agenda and manipulated Parliament. Parliament, however, especially the House of Commons, realized that they were worth manipulating. If Henry was so autocratic, he would have decreed the Reformation, not taken careful steps to work with Parliament to effect it. During this period, evidence supported the belief that the Crown and Parliament wanted the same changes. There existed partnership and cooperation rather than antagonism and opposition.⁷⁹ Henry had personal reasons for wanting these changes and it can therefore be concluded that

Henry did not intentionally increase the power of Parliament in England. The fact that this action was not intentional, however, is irrelevant because he in effect spearheaded a revolution in Parliament, and members of Parliament were becoming skillful enough to take advantage of Henry's dilemma.

It is further contended that the Crown pressured Parliament to do its will and that Parliament basically rubber-stamped legislation as dictated by Henry and Cromwell. There was pressure from the monarchy to enact certain Legislation just as the Congress of the United States of America today is pressured by the executive branch to pass specific legislation. Nevertheless, in most cases, certain members in Commons asserted their independence and resisted measures which adversely affected individual rights. In these cases, bills were passed only after persistent manipulation by Henry and Cromwell. During this period of Reformation, furthermore, Parliament reacted to the country's prevailing opinion, especially in its anti-clerical measures. In fact, in these enactments, such as the Supplication of the Clergy, the House of Commons initiated the reform bills. Finally, as shown in the subsequent Tudor reigns, any changes in the political and religious situation would require the legislative sanction of Parliament. Only Parliament had the authority to make statutes and amend its statutes. This function would increase Parliament's importance, and the fact that Henry began this tradition refutes the claim that he was an autocratic leader, and Parliament merely a consenting council.

Centuries of experience and tradition culminated in the Reformation Parliament. Henry VIII's Reformation determined the new form of the English state. Its sovereignty, the ultimate power to make and unmake laws, rested with King-in-Parliament theory and became the foundation of the new nation-state. Before the 1530s, England's constitutional limits were vague and untested. The fundamental constitutional parameters of the state, however, were established by the Reformation Parliament. The practice of periodic Parliamentary action was transformed into a doctrine of Parliamentary sovereignty. This sovereignty in turn

became the basis for the national legislation that strengthened Parliament's role in the English government. The dissolution of the monasteries, also authorized by Parliament, increased the size and composition of Parliament and therefore increased its status and representation. Parliament was changed and would no longer look backward. While other nations were struggling with autocratic regimes, England was on its way to becoming a representative, democratic state. Parliament became the guiding force in the establishment of a strong central government. The Reformation Parliament, in fact, and particularly the House of Commons, laid the foundation for the ultimate reforms of the nineteenth century, which produced a government that represented the majority of the population and became a model for the world of representative government.



Endnotes

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- ³ Albert Frederick Pollard, The Evolution of Parliament (New York: Russell and Russell, 1968) p. 214
- ⁴ Willson, p. 48
- ⁵ Jordan, p. 236
- ⁶ Winston Churchill, The New World: Renaissance and Reformation (New York: Dodd, Mead and Co., 1956) p. 24
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- ⁸ Churchill, p. 42
- ⁹ George Macaulay Trevelyan, History of England: Volume 2: The Tudors and the Stuart Era (New York: Doubleday and Company, Inc., 1953) p. 43
- ¹⁰ S.T. Bindoff, History of Parliament: The House of Commons: 1509-1558 (London: Secker and Warburg, 1982) p. 729
- ¹¹ Edith Simon, The Reformation (New York: Time Inc., 1966) p. 81
- ¹² Roger Bigelow Merriman, Life and Letters of Thomas Cromwell: Volume I (Oxford: Clarendon Press, 1968) p. 86
- ¹³ G.R. Elton, The Tudor Revolution in Government: Administrative Changes in the Reign of Henry VIII (Cambridge: Cambridge University Press, 1966) p. 97
- ¹⁴ Bindoff, p. 729
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- ¹⁶ Elton, The Tudor Revolution, p. 91
- ¹⁷ Stanford E. Lehmberg, The Reformation Parliament: 1529-1536 (Cambridge: University Press, 1970) p. 164
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- ²¹ Lehmberg, p. 133
- ²² Trevelyan, p. 56
- ²³ David Starkey, The Reign of Henry VIII: Personalities and Politics (New York: Franklin Watts, 1986) p. 106
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- ²⁵ Merriman, p. 133
- ²⁶ Lehmberg, p. 137

- ²⁷ Ibid., p. 137
- ²⁸ Ibid., p. 137
- ²⁹ M.A.R. Graves, England Under the Tudors and Stuarts, 1485-1689 (London: G. Bells and Sons, 1965) p. 48
- ³⁰ William Tyndale, Expositions and Other Notes...The Practice of Prelates (London: Longmans, Green and Company, Ltd., 1926) p. 242
- ³¹ J.H.M. Plumb, The Renaissance (New York: American Heritage Publishing Co., 1961) p. 238
- ³² Bindoff, p. 23
- ³³ Lehmberg, p. 138
- ³⁴ G.R. Elton, Reform and Reformation: England, 1509-1558 (Cambridge: Harvard University Press, 1977) p. 154
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- ³⁶ Lehmberg, p. 150
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- ³⁸ Starkey, p. 108
- ³⁹ Henry VIII, Henry the Eighth's Speech to Parliament, 24 December 1545 Online, "English History," Internet
- ⁴⁰ Elton, Reform and Reformation, p. 176
- ⁴¹ G.R. Elton, The New Cambridge Modern History: The Reformation: 1520-1559 (Cambridge: Cambridge University Press, 1965) p. 234
- ⁴² Graves, p. 46
- ⁴³ Merriman, p. 113
- ⁴⁴ Elton, The New Cambridge Modern History, p. 234
- ⁴⁵ Graves, p. 49
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- ⁴⁷ Lehmberg, p. 114
- ⁴⁸ Henry VIII, The Act of Supremacy, Online, "North Park University," Internet
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- ⁵⁰ Elton, Reform and Reformation, p. 197
- ⁵¹ G.R. Potter, The New Cambridge Modern History: Volume I: The Renaissance (Cambridge: University Press House, 1964) p. 52
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- ⁵³ Elton, Reform and Reformation, p. 189
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- ⁵⁹ Lehmberg, p. 183
⁶⁰ Merriman, p. 297
⁶¹ Elton, The New Cambridge Modern History, p. 235
⁶² Merriman, p. 301
⁶³ Lehmberg, p. 226
⁶⁴ Willson, p. 34
⁶⁵ Lehmberg, p. 253
⁶⁶ Elton, Reform and Reformation, p. 245
⁶⁷ Lehmberg, p. 247
⁶⁸ Elton, Reform and Reformation, p. 235
⁶⁹ *Ibid.*, p. 248
⁷⁰ Elton, The New Cambridge Modern History, p. 235
⁷¹ Merriman, p. 307
⁷² Plumb, p. 408
⁷³ Brian Tierney, Donald Kagan, and L. Pearce Williams, Great Issues in Modern Civilization: Volume I: From Ancient Egypt through Louis XIV (New York: McGraw Hill, 1992) p. 624
⁷⁴ Tierney, p. 623
⁷⁵ Elton, Reform and Reformation, p. 249
⁷⁶ Winks, p. 268
⁷⁷ Tierney, p. 629
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Annotated Bibliography

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Elizabeth I, The Thirty Nine Articles Online, Internet Modern History Sourcebook, Internet, 26 October 2003

This source was used to demonstrate future developments in the Tudor line of monarchs. Although it was not used in the paper, it illustrated that parliamentary power was still growing after Henry's death. A connection between Henry and Elizabeth could be seen.

Henry VIII, Henry the Eighth's Speech to Parliament, 24 December 1545 English History, Internet, 3 January 2004

This speech was extremely useful in the writing of the paper because the theory of King-in-Parliament was illustrated. Excerpts from it were incorporated into the paper and

demonstrated many of the points made. His relationship with Parliament was depicted as amicable and friendly.

Henry VIII, The Act of Supremacy Online, North Park University, Internet, 26 October 2003

This primary source was very helpful because it depicted the English Reformation in one document. Parliament's role was also shown. This source is the most famous of the English Reformation.

Merriman, Roger Bigelow, Life and Letters of Thomas Cromwell: Volume I Oxford: Clarendon Press, 1968

Merriman provided great documentation of primary sources in the forms of letters and speeches either by or to Cromwell. He also provided detailed background information on Cromwell. Merriman, however, seemed very biased and portrayed Cromwell as a manipulator and opportunist.

More, Thomas, The Complete Works of St. Thomas More New Haven: Yale University Press, 1961

Although this work was not actually cited in the essay, it did provide a good background on Thomas More, an important figure of the English Reformation. His sentiments were shown and his opposition to the anti-clericalism in England was also depicted.

Tierney, Brian, Donald Kagan, and L. Pearce Williams, Great Issues in Western Civilization: Volume I From Ancient Egypt through Louis XIV New York: McGraw Hill, 1992

Great Issues provided multiple primary sources regarding the Protestant Reformation as well as developments in Parliament under future monarchs. Notably, a quotation from a work of King James I was used in the paper, which demonstrated the divine-right sentiment of that ruler. Overall, it was very useful and no bias was sensed for it is a textbook of primary sources.

Tyndale, William, Expositions and other Notes...The Practice of Prelates Ed. Diana Klemin, London: Longmans, Green and Company, Ltd., 1926

Tyndale provided an excellent primary source, however, it was very difficult to read. Tyndale was also very anti-papal and had a strong bias against the church.

Secondary Sources

Bindoff, S.T., History of Parliament: The House of Commons: 1509-1558 London: Secker and Warburg, 1982

This source was essentially a book of records that provided the names and background of the members of Parliament between 1531 and 1545. It did give interesting facts regarding the backgrounds of Cromwell, Audley, and More, and some relevant primary source quotations. Excerpts from actual speeches, in fact, were documented.

Blitzer, Charles, Age of Kings New York: Time, Inc., 1967

This source was useful in providing background information on the topic. It also showed the situation in England with relation to those in other European nations at the time. No bias was sensed because the Time, Inc. line of books are very informational and popular.

Chambers, Mortimer, et al., The Western Experience: Volume A: Antiquity and the Middle Ages New York: McGraw Hill, 2003

This secondary source was helpful in that it gave extensive background information relevant to the history of England. Although it was not cited in the essay, its abundance of background given allowed for a better understanding of the topic. There was no bias noted due to the fact that it is a general textbook.

Churchill, Winston, The New World: Renaissance and Reformation New York: Dodd, Mead and Co., 1956

This source provided relevant background information. Anecdotal and entertaining evidence was offered. Churchill, furthermore, did outline the history of England, so it was useful in putting events into context.

Elton, G.R., Reform and Reformation: England. 1509-1558 Cambridge: Harvard University Press, 1977

This was an excellent, scholarly source on the English Reformation. It had detailed accounts regarding the legislative process and constitutional developments. The chapter on the dissolution of the monasteries was especially helpful and provided good insights. The language was clear and easy to understand, even when important issues were analyzed.

Elton, G.R., The New Cambridge Modern History The Reformation: 1520-1559 Cambridge: Cambridge University Press, 1965

This text was a very comprehensive one that encompassed the entire Reformation. The chapter on the English Reformation provided excellent, extensive background information and was also very helpful in putting the various pieces of legislation in chronological order.

Elton, G.R., The Tudor Revolution: Administrative Changes in the Reign of Henry VIII Cambridge: Cambridge University Press, 1966

This source, also by Elton, was once again a very useful and scholarly one. Elton is considered the expert on the Tudors and he is often cited in other books. Little bias, therefore, was sensed. This source provided insightful analysis of the long-term effects of legislation. Elton also provided interesting insights regarding Henry.

Graves, M.A.R., England Under the Tudors and Stuarts, 1485-1689 London: G. Bells and Sons LTD., 1965

This source provided an insightful overview of the Tudor monarchy. Although it lacked scholarly weight, it was full of anecdotes and the chapter on the dissolution of the monasteries provided helpful information. Overall, it was a good general account.

Hale, John R. Renaissance New York: Time Inc., 1965

Although this work was not cited in the paper itself, it was still useful because Hale provided extensive background information. It was also helpful in that this source put the English Reformation in the context of the entire Renaissance.

Jordan, William C., Europe in the High Middle Ages New York: Viking, 2003

This book was a basic text outlining the history of the Middle Ages leading up to the Tudor Age. Although little analysis was offered, it still served as a good reference tool. No bias, therefore, was observed.

Lehmberg, Stanford E., The Reformation Parliament: 1529-1536 Cambridge: University Press, 1970

Lehmberg's work was well-documented, with very specific information on the Reformation Parliament, an essential part of the paper. This book contained excellent primary sources, including quotations from the actual members of the Reformation Parliament.

Mr. Thompson, AP Notes 2003-2004

This source was extremely helpful in this paper. Not only did it provide comprehensive background information for the English Reformation and Henry VIII, but it also helped in the actual writing process itself by teaching useful techniques regarding organization, sentence structure, and research. No bias was sensed.

Plumb, J.H.M., The Renaissance New York: American Heritage Publishing Co., Inc., 1961

This source served as a general overview of the Renaissance. Not much specific information was offered, however, it did provide some interesting facts. It, as well as Hale's work, Renaissance, allowed the reader to put the English Reformation in the context of the much broader Renaissance.

Pollard, Albert Frederick, The Evolution of Parliament New York: Russell and Russell, 1968

Pollard provided a very well-documented and scholarly book. He is evidently a renowned expert on the development of the English parliament and he provided excellent interpretation regarding Parliament's role in English government, while also tracing Parliament's contributions to the present. No bias was sensed, however, this source was not very specific to the Reformation or the reign of Henry VIII.

Potter, G.R., The New Cambridge Modern History: Volume I, The Renaissance Cambridge: University Press House, 1964

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Simon, Edith, The Reformation New York: Time, Inc., 1966

This source was also a useful general one. It was helpful in putting the events into perspective but did not provide any

analysis. Very little information on Parliament was offered. No bias was observed, as it was a very scholarly and informational work.

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This source contained useful background on the reign of Henry VIII, however, it was not very scholarly. It was apparent that Starkey was impressed with Henry's achievements and was not objective in his assessment of the reign. Little specific information on the Reformation Parliament was provided. This book dealt primarily with Henry's personal life, notably his marriages.

Trevelyan, George Macaulay, History of England: Volume 2: The Tudors and the Stuart Era New York: Doubleday and Company, Inc., 1953

Trevelyan provided a general account of the Tudor and Stuart eras. Little specific background on the Reformation Parliament, however, was offered. It was useful, on the other hand, on the dissolution of the monasteries and its social consequences. It also supplies good primary source quotations.

Willson, David Harris, A History of England New York: Holt, Rinehart and Winston, Inc., 1967

This work had adequate background information regarding the development of English government and it provided information on each reign. It did not, however, provide specific information on the Reformation.

Winks, Robin W., A History of Civilization: Prehistory to the Present Saddle River: Prentice-Hall, 1996

This textbook provided extensive background information on everything surrounding the English Reformation. This information encompassed background, including a description of the reign of Henry VII, the Renaissance, and the entire Protestant Reformation. It was very useful and it [probably] did not contain any bias, for it is a general textbook.