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978-0-521-08764-3 - The Cardinal Protectors of England: Rome and the Tudors
Before the Reformation

William E. Wilkie

Excerpt

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INTRODUCTION

Henry VIII's campaign to divorce Catherine of Aragon is surely one of the best-remembered episodes in history. His quarrel with the pope and his marriage to Anne Boleyn have been studied and described in ever-increasing detail. It is regularly remarked that the pope in question was Clement VII, and that an Italian cardinal called Campeggio came to England to serve as co-legate with Wolsey in opening the marriage case. It is often recalled, at least in passing, that Lorenzo Campeggio had come to England once before, when Wolsey's treaty of London was made in 1518. Some have even begun to suggest without much comment that Campeggio was cardinal protector of England. But Campeggio's long and close association with Wolsey and with Henry VIII has never been studied in detail. It was Cardinal Giulio de'Medici who was elected Clement VII in 1523, and he had then served for almost a decade as protector of England before Campeggio's long-expected succession to the title. This close relationship of de'Medici both with England and with Campeggio has been virtually ignored. Yet when English diplomacy and policy toward the Church are seen from the Roman and papal point of view, the twenty years before England's break with Rome in 1534 appear chiefly in terms of the relations of Henry VIII and Wolsey with de'Medici and Campeggio, the cardinal protectors of England from 1514 to 1534.

Beyond doubt it was Clement VII's dilatory refusal to declare Henry VIII's marriage with Catherine of Aragon invalid which occasioned the break with Rome, but this refusal must be seen in the context of more than thirty years of Anglo-papal diplomacy. Henry VII used the cardinals in England's service as protectors, first Francesco Todeschini Piccolomini and then Galeotto della Rovere, to obtain the marriage dispensation for his son as a special favour and as reward for his loyalty to the papacy. Henry VIII hoped to find the Cardinal Protector Campeggio and

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the former protector, Clement VII, willing to declare this same dispensation invalid, also as a reward for his loyalty. Even if the case had involved different circumstances and lesser people, the sentence would probably have been in favour of validity; but there was a strong case in canon law against validity which would in justice have required its admission to trial. From the beginning, however, Clement VII excelled even Henry VIII and Wolsey in emphasising the external and diplomatic ramifications of the case over its legal and moral aspects. Their long and intimate association with Clement VII had provided Henry VIII and Wolsey with thorough experience of his very secular frame of mind and his personal psychology. As the only consistently reliable supporter of papal diplomacy, Henry VIII had grounds for expecting special consideration. As delay followed delay in deciding the marriage case, the fact that the king and Wolsey so clearly understood what was happening served to intensify the king's exasperation and Wolsey's apprehension.

The election of Giovanni de'Medici to the papacy in 1513 as Leo X transformed the curial position of his cousin, Giulio de'Medici, and coincided with the period of Wolsey's rise to power in the government of Henry VIII. It also coincided with the emergence of the much more ambitious English foreign policy that had been gathering force in the four years since Henry VIII's accession. Wolsey's diplomacy and his own position in England as lord chancellor and papal legate were an expression of the underlying Anglo-papal cooperation which made the protectorship work. Following, but hardly subservient to the papacy, Wolsey sought to make England conspicuous and influential in diplomacy by revising the traditional English policy of opposition to France in favour of an independent bargaining position between France and the Empire. The two de'Medici popes, Leo X and Clement VII, seeking by this same tactic to assure the independence both of the papacy and of their native Florence, turned increasingly to Wolsey for support. This was not so much the invention of 'balance of power' diplomacy as it was a realistic response to the changed diplomatic situation in Europe, and to the epic Habsburg-Valois struggle which dominated it. In diplomacy as in all things, however, Wolsey was first of all the servant of King Henry VIII.

Although the old issues agitated over the Statutes of Provisors

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and Praemunire had never been resolved, the cordial working compromise between the English crown and the papacy allowed the existence of these statutes to drift into the background or to be deceptively glossed over. Alone in Europe, Wolsey had systematic success in exploiting a national use of papal power as a legate *a latere*; parallel efforts in Germany, Hungary, France and Scotland to obtain similar legatine commissions achieved very limited success. By shrewd manipulation of the canon law and the English constitution Wolsey managed to unite church and state in his own person.

It is, then, not merely coincidental that Wolsey's lifetime commission as legate was finally granted by Giulio de'Medici as Clement VII, or that Wolsey's legatine career began with Campeggio's crossing over to England from Calais in 1518 and ended with Campeggio's departure from London for Dover in 1529 after his second journey to England as legate. In the commission of 1518 Leo X and de'Medici were yielding at last, and under cover of parallel grants to France and Germany, to what was probably already part of Wolsey's plan in making de'Medici protector in 1514. The fall of Wolsey in 1529 was the beginning of the end of Clement VII's and Campeggio's special relationship with England. Despite Campeggio's reluctance to accept the break as permanent, the Act of Supremacy of 1534, which followed shortly after Clement VII's death, finished the work of severing England's ties with the papacy. Thus the cardinal protectorship of England between 1514 and 1534 took on an importance far beyond anything it previously possessed.

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THE BEGINNINGS OF
THE CARDINAL PROTECTORSHIP
OF ENGLAND, 1492–1514*The cardinals in the Roman Curia*

The emergence of the national protectorships of cardinals in the Roman Curia during the fifteenth century coincided with the emergence of national monarchies and of organised diplomacy in Renaissance Italy. The circumstances which motivated the development, however, had long been sensed. The College of Cardinals had been brought into prominence during the reform movement of the eleventh century by the naming of several non-Italian cardinals who were active reformers. Its new importance was confirmed when Pope Nicholas II's decree of 1059 gave the cardinals alone the right to elect the pope. As a body of advisers to the pope, the cardinals in Consistory found canonical precedent in the relationship of a bishop with his canons or of an abbot with his monks in chapter. The term *consistorium* itself was a revival of that anciently used for the meeting of the Roman emperor with his council of state; the term *senatus* for the College of Cardinals, although largely literary in import, was likewise a revival of the ancient Roman term. The growth of the practice of papal provision to benefices gave a new importance to Consistory through which the provisions were made. The Western Schism and the Conciliar Movement gave new impetus to the canonical and constitutional role of the College of Cardinals.¹

Cardinal protectors of religious orders first appeared in the thirteenth century, most notably Cardinal Ugolino (Gregory IX)

¹ S. Kuttner, 'Cardinalis, the history of a canonical concept', *Traditio*, III (1945), 129–214; and B. Tierney, pt. I, ch. III, 'Pope and cardinals', and pt. II, ch. II, 'The structure of a medieval ecclesiastical corporation', *Foundations of the Conciliar Theory, the Contribution of the Medieval Canonists from Gratian to the Great Schism* (Cambridge, 1955), pp. 68–84 and 106–31.

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as protector of the Franciscans.² From the beginning these protectors not only served as powerful agents and spokesmen on behalf of the order but at the same time exercised a profound, often telling influence over the internal life and constitutional discipline of the order. St Francis of Assisi enunciated an ideal of the religious life; it was Cardinal Ugolino who fashioned his foundation into the Franciscan order. St Dominic possessed to an eminent degree the sense of constitutional order which St Francis lacked. It is not surprising, therefore, that the first protector of the Dominican order, Cardinal d'Aigrefeuille, should appear only in the second half of the fourteenth century and during a period of relaxed discipline within the order and of external difficulties with the Avignon papacy. Nor is it surprising that the first reference to him should mistakenly use the familiar title of *procurator* rather than that of *protector*.³

On the other hand, the cardinal protector of a nation was never regarded as having authority to interfere in the internal affairs of the nation or to direct its ruler. In Henry VIII's rather lofty phrase, the cardinal protector 'indueth as it were our owne Person, for the defence of Us and our Realme in al matiers [in the Curia]...touching the same'.⁴ As one having the right to participate in the deliberations of Consistory, the cardinal protector's foremost responsibility was to refer the ruler's nominations to bishoprics and other benefices to which the right of papal provision was successfully claimed, and to see to the expedition of the bulls of provision. He was to defend national interests when these came into discussion in Consistory or elsewhere, and to assist ambassadors (*oratores*), procurators, solicitors, and other agents on business in Rome. This might involve accompanying them in audience with the pope or intervening privately with the pope or any of the curial officials such as the datary or the auditors of the Rota. He was a source of information and a means of enhancing the prestige of the nation of which he was protector, both by his own personal importance as well as by his organising

² B. da Siena, *Il cardinale protettore negli istituti religiosi, specialmente negli ordini Francescani* (Florence, 1940).

³ S. Forte, *The Cardinal-Protector of the Dominican Order*, *Dissertationes Historicae*, fasc. xv (Rome, 1959), pp. 13 and 66, follows G.-G. Meersseman, 'Etudes sur l'ordre des Frères Prêcheurs au début du Grand Schisme', *Archivum Fratrum Praedicatorum*, xxv (1955), 217.

⁴ *State Papers of Henry VIII*, viii, 485–6 (LP vi, 806).

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or participating in functions and fêtes. In Conclave he was expected to work for the election of the candidate for pope, often himself, that his prince might favour.⁵

The existence of national protectorships of cardinals was first openly and regularly recognised only by Julius II (1503–13). His language presented them as something parallel to letters of papal protection or to the protectorships of religious orders, and thereby implied a certain filial subordination to a benignly disposed pope.⁶ The protectorship of a secular ruler remained in effect, however, the commitment of a powerful member of a deliberative body to serve an outside interest in return for the recompense given him in fees and gifts, often including even his own provision to one or more benefices in the nation of which he was protector. In short it was not unlike buying a member of parliament, but without the odious overtones such a situation provokes in the modern mind. Before the development of the Consistorial Congregations in the Curia after the Council of Trent and the decline of Consistory itself, the great majority of the curial cardinals had few official functions other than presence at papal ceremonies and participation in Consistory. They were expected to live with large households in the style of Renaissance princes but, unless they were from great families with wealth of their own, with insufficient and unreliable sources of income. The employment and income from services as national protector in a sense filled a vacuum. The advantage of the position became increasingly apparent when the duty of referring nominations to benefices crystallised into a customary right, and the offering or *propina* made became fixed at fifteen per cent beyond the amount paid in consistorial taxes for the bulls of provision, plus an additional five per cent for the members of the cardinal's household who had seen to the gathering of the necessary testimony.⁷ Under Julius II and

⁵ J. Wodka, *Zur Geschichte der nationalen Protektorate der Kardinäle an der römischen Kurie*, Publikationen des österreichischen historischen Instituts in Rom, vol. iv, pt. 1 (Innsbruck, 1938), pp. 27ff.; and D. S. Chambers, 'English representation at the court of Rome in the early Tudor period' (unpublished D. Phil. dissertation, Oxford, 1962), pp. 34ff.

⁶ J. Wodka, 'Das Kardinalsprotektorat deutscher Nation und die Protektorate der deutschen nationalen Stiftungen in Rom', *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte* (Kanonistische Abteilung, xxxiii), lxxv (1944), 301–22.

⁷ W. E. Lunt, *Financial Relations of the Papacy with England* (Cambridge, Mass., 1962), II, 257–8.

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Leo X it became rather standard for a newly created curial cardinal to send to selected princes an announcement of his elevation together with an offer of services.

It is likely that the terms cardinal protector and cardinal procurator were used very loosely and sometimes interchangeably during the fifteenth century. The precedent for the cardinal protectors probably lies in the cardinal promoters of the fourteenth century.⁸ Certainly the most effective curial spokesman for national interests during the fifteenth century was a national like Jean Jouffroy or, later, Jean Balue, both of whom came to Rome as procurator for the French king and continued to work in that capacity even after their creation as cardinals. It is interesting that the earliest reference to the first cardinal protector of England, in 1492, should have involved the same confusion of the unfamiliar term of ‘cardinal protector’ with the familiar one of ‘cardinal proctor’ or ‘procurator’, as has already been seen in the case of the first cardinal protector of the Dominican order. After the emergence of the cardinal protectors there were still national procurators who continued on in that capacity even after elevation to the cardinalate, and there is little that distinguishes the services of the one from the other except perhaps the national procurator’s greater initiative and dependability. However, even though there was generally at least one French cardinal resident in the Curia during the first half of the sixteenth century, Louis XII and Francis I chose successively as protector of France three Italian cardinals in addition.⁹ The object was evidently to develop as wide a base of influence as possible.

During the fifteenth century strong objection was regularly raised to cardinal protectorships of nations, as well as to national cardinals acting as proctors; for both were considered inconsistent with the obligations of cardinals to the papacy, and a means by which discussions in secret consistory were divulged to secular princes. In 1425 Martin V attempted to forbid them entirely. Under Pius II a reform draft of 1464 still saw a national protectorship as inconsonant with a cardinal’s curial responsibility, except

⁸ Wodka, *Protektorate der Kardinäle*, pp. 23ff. See also J. Vincke’s review of Wodka’s book in the *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte* (Kanonistische Abteilung, xxviii), LIX (1939), 516–20, which supports Wodka’s view.

⁹ Federigo Sanseverino, Giulio de’Medici and Agostino Trivulzio (Wodka, *Protektorate der Kardinäle*, pp. 98–9).

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in so far as the protectorship served to influence nations to accept papal leadership in those matters relating to maintaining peace, Christian orthodoxy and the liberty of the Church. It was in the confused days of Innocent VIII and the easy ones of Alexander VI that the protectorships were first openly permitted by the pope. These popes were content to insist, ineffectively, that a cardinal have explicit, written permission of the pope before taking any curial position of service to a secular prince. By the time of Adrian VI (1522–3) the notion of national protectorships had become so well established that an unidentified cardinal could actually submit a reform plan to the pope suggesting the raising of the cardinal protectorship to a full and official position in the Curia, and making them the regular channel of relations with the various states.¹⁰

Kings had long been assigning national procurators to the Curia to see to the expediting of routine business, and the sending of *ad hoc* diplomatic representatives to the pope was a well-established practice. In the last quarter of the fifteenth century, however, procurators could and did acquire promotion also to the status of ambassador (*orator*), and papal reluctance to admit resident ambassadors to the Curia was relaxed.¹¹ One reason for this was certainly the growth of organised diplomacy in Italy at the time; but another is the parallel development of the resident papal nuncio from the office of papal collector, thus making the exchange of diplomatic representatives mutual. At least in the first half of the sixteenth century there was no limit of one nuncio or ambassador; two or even three resident ones are frequently found, along with special *ad hoc* ones. The return to Rome of a papal nuncio as an ambassador for the government to which he

¹⁰ Wodka, ch. 1, 'Das Kardinalprotektorat der Länder in den kirchlichen Reformentwürfen des 15. und beginnenden 16. Jahrhunderts', *Protektorate der Kardinäle*, pp. 4–10; the documents themselves are printed at pp. 34–8. Wodka rejects as improbable Kalkoff's suggestion that the unidentified cardinal who submitted the reform proposal to Adrian VI was Cardinal Cajetan. Although Wodka does not suggest it, a better possibility might be Cardinal Lorenzo Campeggio.

¹¹ B. Behrens, 'Origins of the office of English resident ambassador in Rome', *English Historical Review*, xxxix (1934), 640–56. In 1477 John Shirwood was referred to simply as proctor but in 1478 as orator (ambassador), although as was usual he remained also proctor. See the constant references to *oratores* in J. Burckard, *Liber Notarum ab anno M.CCCC.LXXXIII usque ad annum MDVI*, ed. E. Celani, vol. I, A.D. 1483–96 (Città di Castello, 1906).

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had been accredited was not uncommon, and on occasion the pope sent an ambassador home to serve as papal nuncio.¹² The word *orator*, the regular Latin word for ambassador, reflects his basic function of orating or speaking formally before a foreign prince in the name of his own. The word came into Italian and continued in use in the first half of the sixteenth century; it was regularly used, along with the proper Italian word *ambasciatore* which was replacing it, to mean any envoy, whether to the pope or to a civil ruler. The term *orator* survived in use longer in the Curia than elsewhere, and the use of the term *nuncio* in Italian for an ambassador from the pope became permanent. It is not merely coincidental that the participation of the papacy in this burgeoning secular diplomacy was shortly followed by the long-delayed papal acquiescence in cardinals' becoming protectors of secular rulers.

Among the alien elements in England during the fifteenth century the most influential was possibly that of the Italians, present as merchants and bankers, papal officials and diplomats, or as scholars. Through these Italians and through Englishmen in Italy developed the, at first, rather utilitarian English interest in Renaissance humanism. From about 1400 exponents of the new classicism in England, whether Englishmen or Italians, began to rise in the royal service, and to set the tone of Anglo-papal relations.¹³ In 1485 England had no quarrel with the pope, and the groundwork had already been laid for the enthusiastic cultivation of the Renaissance papacy which would mark the Tudor court in England for more than forty years. The cardinal protectors of England were one of its manifestations.

Henry VII and the papacy

Who nowadays would think of Henry VII as an innovator? When Cardinal Francesco Todeschini Piccolomini became the cardinal protector of England in 1492, it was on the king's initiative; and Piccolomini was apparently the first officially approved cardinal protector not merely of England but of any nation whatever. Earlier Edward IV had employed in Rome the services of the

¹² D. Queller, *The Office of Ambassador in the Middle Ages* (Princeton, 1967).

¹³ R. Weiss, *Humanism in England during the Fifteenth Century*, 2nd ed. (Oxford, 1957), pp. 181–2.

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pro-Burgundian bishop of Tournai, Cardinal Ferry de Clugny, who had died in 1483.¹⁴ In turning to Cardinal Piccolomini Henry VII was perhaps simply thinking to continue another precedent from the past. But the king's action also suggests the launching of a strategy which culminated in the adventuresome Anglo-papal diplomacy of his son, Henry VIII, under whom the protectors of England exercised a very significant influence.

When Henry VII succeeded Richard III as king of England and lord of Ireland in 1485, it was both logical and typical that he should correctly assess the value of cooperation with the papacy as a lever against both domestic and foreign difficulties. The three royal ambassadors who had been serving in Rome under Edward IV and Richard III were reinstated. On 4 February 1486 the king sent off to Rome his almoner and trusted councillor, the priest Christopher Urswick, to instruct the pope on the new order of things in England and to win his support.¹⁵ Although Innocent VIII had only shortly before received the obedience of Richard III, he more than amply complied with the king's wishes. On 2 March 1486 he issued a bull of dispensation for the marriage of the king and Elizabeth of York, in which he carefully recognised Henry VII's own claims as king and the marriage as the source of peace in England. He followed it on 27 March with a clear and strongly worded bull, threatening excommunication of any who would attempt to upset the present succession or revive the animosities of Lancaster and York, and granting a plenary indulgence to any foreign princes or any of the king's own subjects who would resist such rebels. A final section addressed a stern warning to the clergy of all ranks, exempt or non-exempt, and granted if necessary,

¹⁴ *Ven. Cal.* i, 478 (Venice, AS, Collezione Podocataro, Busta VII, no. 414), and *Cal. of Papal Letters*, XIII, i, pp. 235 and 242. On 12 January 1482 Edward IV wrote to Sixtus IV in credence for Ferry de Clugny, who had earlier arranged for the marriage of Edward's sister Margaret to Duke Charles the Bold of Burgundy, and who was about to go to Rome: 'Quod mea subditorumque meorum ac Regni et patriae negotia eius opera et consilio sub Vestre Sanctitatis gratia et adiutorio diriguntur.' Cited in D. S. Chambers, *Cardinal Bainbridge in the Court of Rome, 1509 to 1514* (Oxford, 1965), p. 2.

¹⁵ W. Campbell (ed.), *Materials for a History of the Reign of Henry VII from Original Documents Preserved in the Public Record Office*, Rolls Series, 60 (London, 1873-7), i, 176-7, 275-7, 297 and 323; *Cal. of Pat. Rolls, Henry VII*, i, 36, 59 and 250; and *Archivium Hibernicum*, XXIII (1960), 64 (abstracts from Arch. Vat., Fondo Borghese 880, fols. 96^r-99^r and 106^r-v).