Confessionalization in the Genevan Consistory and the Anglican Church

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Abstract

This thesis analyzes how church courts shaped the morality of the laity and how the laity ceded some of their private rights in order to utilize the courts for their own benefit. Using the Genevan Registers and the York Cause Papers, I evaluate how the process of confessionalization was both a "bottom-up" and "top-down" process. I use case studies to show that the laity were involved in the process of confessionalization in two ways: censoring Catholic recusants and regulating morality. The laity learned how important, convenient and cheap the courts could be to settle their personal scruples and the records show the people regularly used them for their own benefit. The movement of society towards a moral, secularly regulated state was both the result of larger institutions and the inclination of the common man to assist in the change.

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Chapter One: Introduction and the Theory of Confessionalization

In 1542, Anthoyne Foural, the hostess of the Three Quail Inn of Geneva, stood before Calvin's Consistory accused of allowing her chambermaid to fornicate in her house. Foural was interrogated by the court, but maintained that she was innocent of the knowledge of this act. Foural was remanded to return to the council the following Thursday, after an affidavit could be obtained to summon the chambermaid to testify in Geneva.[1] Foural did not commit personal sins in this case; she was simply summoned to answer for the fact that fornication allegedly happened in her home. Almost four thousand miles away and several years later, Elizabeth Lampson stood before the church court of York as a plaintiff, asking the court to force Richard Corbridge to marry her. Lampson alleged that the two had sexual relations which resulted in a baby boy. Lampson's family had been encouraging Corbridge to claim the child and marry her, but to no avail. Corbridge told the court that he would agree to marry her in "four years if in the meane tyme she kept her self an honest woman and if [he] could then fancy her".[2] These cases exemplify how the ecclesiastical courts in Europe were deeply involved in the private matters of the laity in the sixteenth century. Each case represents how Protestant religious sects dealt with deviants and how they felt compelled to regulate morality.

In this thesis, I will analyze how church courts shaped the morality of the laity and how the laity ceded some of their private rights in order to utilize the courts for their own benefit. I will do this by analyzing ecclesiastical court records in Calvinist Geneva and Anglican York. Each section will begin with a relevant historiography and introduction of court systems. Then, the analysis will move to the primary source court records from 1542-1544 in each city or

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[1] Robert Kingdon, et al. *Registers of the Consistory of Geneva in the Time of Calvin*. Eerdmans : H.H. Meeter Center for Calvin Studies, 2000, 84.

[2] "The cause papers". https://www.dhi.ac.uk/causepapers/index.jsp. Accessed 2022, CP. G. 3633.

diocese. This analysis will serve as evidence for the theory of confessionalization by showing the role of church courts in expanding secular control.

The term 'confessionalization' has changed over time. It was first introduced to replace the historical term "Counter-Reformation".[3] In 1958, Ernst Zeeden changed the term. Instead of meaning "Counter-Reformation", 'confessionalization' came to mean that both Protestants and Catholics in the sixteenth century were involved in a process of social and religious change. Wolfgang Reinhard and Heinz Schilling expanded Zedeen's theory by arguing that this term should also reflect how the development of "confessional religions" influenced not only doctrine and religion but also the "entire social and political system" of any given area.[4] Essentially, Reinhard and Schilling wanted to acknowledge that each faith developed simultaneously with the rest of society.[5] In the most recent scholarship, this term has taken on additional meaning. Now 'confessionalization' argues that in the Reformation and the Counter-Reformation, churches of both Protestant and Catholic disciplines developed methods of social control that dominated the pre-modern period and helped build modern states.[6] Part and parcel of this development was the use of ecclesiastical court systems. These courts functioned differently across western Europe, but wherever they were located, there

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[3] At this point, "Counter-Reformation" had become a controversial term because many Protestants rejected the use of the term "reformation" to indicate the Catholic response to new Protestant ideas. It has since reverted and most scholars accept "Counter-Reformation" to indicate how the Catholic Church developed as a reaction to the Protestant Reformation.

[4] Alexandra Bamji, et al. *The Ashgate Research Companion to the Counter-Reformation*. London: Taylor & Francis Group, 2013. Accessed October 31, 2022. ProQuest Ebook Central, 2.

[5] Schilling argues that in "the Middle Ages… religion and politics, state and church were structurally linked together, so that… they affected the entire social system". Heinz Schilling, *Religion, Political Culture, and the Emergence of Early Modern Society: Essays in German and Dutch History*, Leiden; New York: EJ Brill, 2022, 208.

[6] Max Weber and Philip Gorski argue that this development was especially poignant in Calvinist societies and contributed to the idea of the "modern state".

was an emphasis on "the technology of observation- self-observation, mutual observation, hierarchical observation".[7]

Confessionalization theory is controversial.[8] Consistently, Reinhard and Schilling were criticized for "[overemphasizing] the role of the state in the process of confessionalization, thus interpreting it as a top-to-bottom process in which the common people appear as subjects who were controlled and disciplined by church and state".[9] Scholars disagreed that 'confessionalization' was controlled by the "top" (e.g. church systems or state systems) and instead argued that all levels of society were complicit in this process.[10]

In this paper I will use the primary source documents from two different church courts, (Geneva and York) to argue that the laity did indeed play a role in confessionalization. They helped develop a more socially (and morally) controlled society, thus showing that confessionalization was both top-down and bottom-up. This research is

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[7] Jeffrey R. Watt, *The Consistory and Social Discipline in Calvin's Geneva*. Rochester, NY: University of Rochester Press, 2020, 11. Note: quote itself is from Philip Gorski.

[8] 'Confessionalization' became both popular and controversial in the 1970s and 80s in historical scholarship. Many argued that there were fundamental issues with their argument, like the fact that they couldn't agree on a consistent timeline for the process, or that their arguments were "functional-reductionist" because they ignored the importance of religion to the individuals living during the time. Others argued that viewing modern state building through the lens of confessionalization could be an important tool because it explained how church and state functioned together to create a moral hegemony in places like Geneva. Most historians now seem to settle on the idea that confessionalization can be useful if it is viewed fluidly and in tandem with other political and social movements of the time period.

[9] Alexandra Bamji et al., 47.

[10] Keep in mind that in most places a modern state does not exist in the 16th century. This paper will use the term "state" to reference what comes after this period in nation-building and the pieces that start this process (e.g. the Crown or Small Council), which is how Reinhard, Schilling and other confessionalist scholars use it as well.

significant because it provides evidence for how pre-modern society focused heavily on morality post-Reformation. This emphasis shaped how modern states developed. As church courts were given more power, they cooperated with secular authorities and provided a model for policing morality. Furthermore, this cooperation allowed secular authorities to develop methods of surveilling citizens which is almost an expected aspect of a modern state today.

Scope of Research, Chosen Sources and Dates

To exemplify how church courts functioned in the Reformation as well as how they cooperated (or influenced) secular courts, I narrowed my scope to be a case study of two religious institutions: Calvinism and Anglicanism. Both had functioning consistories, which were effectively administrators of church law, during the sixteenth centuries. My choice of which religious institutions to focus on was purposeful- the documents of these church courts needed to be accessible and translatable.[11] I also endeavored to find records that had been analyzed by other scholars. While my conclusions rest on my own reading of the primary sources, my argument is contextualized by the current historiography of the subject.

The majority of my analysis is from 1542-1544. This is after the introduction of new heads of church in both England and Geneva (Henry VIII and John Calvin). At this point in history, Henry VIII and Calvin had established state religion and concomitant religious courts.

Comparing the court systems required finding records where the dates coincided for each city. In the English ecclesiastical records, Cause Papers survive in much larger quantities from the sixteenth century onwards. Consistory records from Calvin's Geneva are also limited.[12] The most available version of these records covers the years from 1542-1544,

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[11] Catholic records can be particularly difficult to find as the Church does not often publish documents that they believe still hold legal precedent for canon law today.

[12] It was not until 1987 that Robert Kingdon received funding to begin the massive project of compiling primary source documents from the Genevan Consistory. Many scholars call this moment a renaissance in consistorial studies because fresh records and stories from

the dates chosen for my research. The reasons for the lack of research into the Consistory prior to 1987 and the subsequent problems with the surviving records will be addressed later in the paper.[13]

To be sure, the scope of the data I am working with is small. However, this data is supported by analysis of other scholarship from years outside of 1542-1544. This allows me to combine primary source material with other scholarly analysis to show how confessionalization developed and changed England and Geneva in the subsequent years to 1544.

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the court were finally coming to light and being analyzed. Prior to this moment scholars primarily repeated the same, usually negative, stories of the Consistory that did not represent the scope of the court's records.

[13] See the introduction to the Calvinist records in subsequent chapters for more information.

Chapter Two: The Anglican Church Courts

Key Terms and Descriptions of Records

In any ecclesiastical analysis, it is important to first make note of what type of records are available. I will start here by addressing the Anglican records available. I draw primarily from the seminal works by J.S. Purvis and Colin R. Chapman for the following description of available records and definitions.[14] There are typically three types of documents that historians can make use of in Anglican Church records: episcopal/archepiscopal registers, documentations produced by visitation procedure, and documents produced for ecclesiastical courts. Occasionally, the episcopal/archepiscopal registers will also include court records.[15]

According to Purvis, many of the ecclesiastical records appear in shorthand Latin and their forms do not change extraordinarily over time- even in the transition from Catholic to Anglican, or from Latin into modern languages. While I will occasionally make use of the episcopal registers as they pertain to the courts, I will primarily focus on the court records themselves which fall, according to Purvis, into "two clearly defined classes: Act Books and Cause Papers".[16] Typically the Cause Papers have two different names- "Office Causes" and "Causes of Instance" forms. These are essentially the legal record of a plaintiff in suit against a defendant. There are *Pars actrix* (Prosecution) forms and *Pars Rea* (Defense) forms.

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[14] J.S. Purvis, *An Introduction to Ecclesiastical Records.* London: St. Anthony's Press, 1953; Chapman, Colin R. *Ecclesiastical Courts, Their Officials and Their Records*. 1st ed. Dursley, England: Lochin Pub., 1992.

[15] According to Purvis, these documents are primarily preserved because of their ability to serve as 'precedent' for later legal cases. It is also important to keep in mind that this description will mirror Catholic court documents because the Anglican Church structure had not drastically changed by 1542.

[16] Purvis, 63.

The original form in York case records is typically available via scanned photo. In some cases uploaded forms indicate that some parties were represented by a proctor. Even though the records are available as primary sources via images, many of the documents are worn by age and dust and have spots that are entirely unreadable because of water or other damage. In some cases, appointed librarians even applied sulfide and ammonia to the documents in an effort to preserve them, which badly damaged the documents.[17] In order to make the forms understandable, translators analyzed and uploaded a brief synopsis of each form. Then, they entered the case into the archives. Historians now can make use of the primary source photos, as well as the translated synopsis of each form.[18]

The "Act Books" and "Cause Papers" were typically compiled by a register who worked for the bishop or the archbishop. The role of the bishop was to encourage or guide Christian morality as well as help settle disputes in the community. As a result of this, he was also often called upon to judge the laity when they breached ecclesiastical or secular law.[19] He was occasionally paid a fee for this sort of work.[20] In any given archepiscopal diocese the sheer amount of different cases resulted in the establishment of a multitude of courts. That is why in some periods there are Courts for the Trial of Heresy, High Courts of Delegates, Prerogative Courts etc. In many cases, the Causes submitted to these courts would also be submitted to the Cause Papers of the archbishops, especially in cases where a special court had not been convened for the crime. Prior to 1490, most cases were heard by the royal court called *Curia Ebor*. In 1500, consistory courts were added on a regular basis into local dioceses. In this paper I will make use of consistory court records as well as records from the

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[17]Norma Adams and Charles Donahue, *Select Cases from the Ecclesiastical Courts of the Province of Canterbury c. 1200-1301*. London: Selden Society, 1981. The librarian mentioned here was J.B. Sheppard, high seneschal of the Canterbury Cathedral and appointed librarian. This practice is indicated as something that was in use in other records offices as well. 2.

[18] See Appendix A for a representative sample from the York Cause Papers.

[19] See Appendix C for a discussion about how closely the two were intertwined.

[20] Chapman, 6.

Court of High Commission which was convened in 1550 to deal specifically with issue of benefice and papal sympathy.

Of the almost 9 million cases heard between 1300 and 1800, half were brought between 1450 and 1640. [21] This is important to note because it explains why different courts were convened at different periods; archbishops were dealing with a substantial population and often needed more resources at their disposal to meet the needs of their constituents. It also explains why the archbishop was often represented in the Cause Papers by a Suffragan who was likely the bishop of the local area.[22]

Criminal proceedings taken against the laity varied. Some of them are still relevant today and some have been outlawed by secular authorities.[23] A list of typical offenses found in Cause Papers includes primarily two categories: Moral Offenses and Property Offenses. The former included:

- Heresy, sorcery, witchcraft and failure to attend divine service
- Violating Christian moral code
- Defaming a neighbor
- Perjury
- Depriving or ejecting a clergyman
- Arbitrating on legitimacy (but not on dower)

Property Offenses

- Laying violent hands on a clergyman
- Brawling in consecrated precincts
- Sequestration and recovery of tithes, rates and offerings
- Proving a will or being granted letters of administration
- Obtaining a license to become married or an annulment of marriage (but not a divorce)
- Being granted a faculty to alter fabric, furniture or ornaments in a consecrated building

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[21] Chapman, 7.

[22] Purvis, 14.

[23] Accusing someone of witchcraft, for instance, was outlawed in 1735 in England.

- Gaining a license or being admitted to hold certain positions of influence over others, such as to become a curate, preacher, church warden, parish clerk, school-teacher, midwife or surgeon.[24]

There were primarily three punishments that could be doled out for any given crime. In Roman Catholic Canon Law[25] (which was the dominant law for the Anglican courts in 1542) the judge could "impose a monition, or admonition, a penance, suspension *ab ingressu ecclesiae* or excommunication, depending on the severity of the offense".[26] Heresy and witchcraft obviously required the worst sentence and punishments could go beyond the standard four in these cases. In cases of witchcraft, based on a 1484 Bull issued by Pope Innocent VIII, convicted witches were typically burned. This holds true in most Western European countries, but in England, witches were typically only excommunicated. Then, they were passed on to secular courts to be executed.[27] Witchcraft was a more common conviction from 1450-1650. After the surge of belief in *sola scriptura* as well as the questioning of magical properties in the Church, historian Keith Thomas argues that Reformers began to reject the idea of Providence. Reformers began to dismiss "the notion that social phenomena was purely random; every event, they held, had a cause, even if it was still hidden".[28] This required the creation of additional courts to deal with "magical" heresy.

Most cases seem to resolve themselves in monition or admonition, which is essentially a lecture from the court. Sexual offenses usually had some sort of penance prescribed with them, and this penance could be either private or public. Public penance could include attending church wearing a specific type of dress and asking the congregation for forgiveness. It could often be commuted by the court if the offender documented a donation to a specific charity.[29] Private penance could vary, but it was meant to make the

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[24] Chapman, 12.

[25] See Appendix C for a discussion of law types in England during this period.

[26] Ibid, 53.

[27] Ibid, 53.

[28] Thomas, Keith. *Religion and the Decline of Magic*. New York: Scribner, 1971. 655.

[29] Ibid, 53.

offender feel guilty and express this guilt before they were absolved. In some cases, private penance could also be served by participating in an expiatory pilgrimage.

Suspension *ab ingressu ecclesiae* was deprivation of the sacrament or of divine service. Excommunication took two forms: one simply removed the person convicted from divine services, the other restricted them from entering the company of any Christian. In either case, excommunication was the worst sentence the courts could dole out in England, and in specific periods and places they bolstered this punishment by delegating secular authorities to hold the convicted for up to six months if they attempted to resist.[30] When newer courts were convened to deal with witchcraft and heretical behavior in subsequent centuries, the courts were given more ability to condemn but always required the participation of the secular authority to do so.

Issues with the Anglican Records

The records of English medieval church courts have been the subject of controversy for the past hundred years among historians. Difficulty finding records (literally lost under dust in church buildings on some occasions), obtaining records and translating them have made this mine of important social data unavailable or difficult to use. In the early twentieth century, this began to change when Canon C.W. Foster and F.S. Hockaday began compiling records in Lincoln and Gloucester respectively.[31]

Access to the records posed one problem; the nature of the English Reformation posed another. From the moment Parliament (with the encouragement of Henry VIII) broke from Rome in 1534, the English Church was in turmoil. Much of the historiography of the English Reformation devolves into scholars arguing over the reality (or lack thereof) of

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[30] Ibid, 54.

[31] E.R. Brinkworth, "The Study and Use of Archdeacons' Court Records: Illustrated From the Oxford Records (1566–1759)." *Transactions of the Royal Historical Society* 25 (1943), 94.

Anglicanism being 'the middle way'.[32] This 'middle way' played out differently depending on the monarch currently residing on the throne: Edward VI was obviously more aggressively anti-Catholic than many of his successors, and Elizabeth was arguably more politically inclined towards Puritan tendencies than she was to her *'via media'*. Simply put by Anthony Milton in *The Oxford History of Anglicanism*: "There therefore seems to be a good deal of confusion, even schizophrenia, in the process of the English Reformation".[33]

This confusion, or 'schizophrenia', can be problematic if historians attempt to draw political or legal conclusions solely using the Cause Papers of the ecclesiastical courts. When Henry VIII split from the Catholic Church it simply meant that many papal institutions, leaders and court officials were supposed to rely on new continuously evolving Anglican dogma.[34] Whether or not this new dogma was delivered, used or followed to fruition is certainly a concern to anyone studying the Cause Papers of a specific English diocese. Regardless, interesting social information can be mined from these papers if the reader is wise enough to remember that the doctrine of the English Reformation and the laity's reception of the Church was in flux from 1533 onwards. 1533 is an important date to note, because as mentioned in the introduction, this is the date that Parliament passed the Act in Restraint of Appeals. This Act limited the Pope's power because it meant that people could not appeal to the Pope to overturn a ruling from Henry, or by extension, Parliament. Following shortly on the heels of this in 1534, Parliament passed the Act of Supremacy. This act indicated that "Canon Law should be reviewed and that until that review was complete those "canons, constitutions, ordinances, and synodals provincial… shall still be used and executed"[35]. Henry VIII intended to eventually manipulate Canon Law to his own devices, but he encouraged Parliament to allow Roman Catholic Canon Law to stay in place until that change was complete. Eamon Duffy notes that under Henry in 1524 preachers were told to

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[32] Anthony Milton, The Oxford History of Anglicanism, Volume I : Reformation and Identity C.1520-1662. Oxford History of Anglicanism. Oxford: OUP Oxford, 2017, 3.

[33] Ibid, 3.

[34] Eamon Duffy, The Stripping of the Altars : Traditional Religion in England, c.1400-C.1580. 2nd ed. New Haven Yale University Press, 2005.

[35] Chapman, 5.

"denounce the power of the Pope" but to preach neither for or against purgatory, saints, pilgrimages, miracles or the justification of faith.[36] Under Philip and Mary this "Submission of the Clergy Act" was repealed, and then it was brought back under Elizabeth in the 1559 "Act of Supremacy". In 1603 this "review" finally seemed to be complete, and 141 canons were sanctioned by James I.[37] It is important to note, however, that Parliament never ratified this change, which meant that ecclesiastical law was not literally or legally binding to the laity. In practice what essentially occurred is that ecclesiastical law became part of English Statute Law.[38] So, while the Church could enact their own punishments and admonitions for its people without interference from civil authorities, the weight of their punishments were more social than they were literal.[39] And, if the Church wanted these punishments to be physically enforced (excommunication is a good example here), they needed to cooperate with royal authority to do so.[40]

The process of ecclesiastical courts working with the royal courts is a good example of the top-down change occurring during confessionalization. In order to reinforce their moral beliefs, Anglican Courts had to work with secular courts which gave secular officials more power over the laity. They were no longer just enforcing Common Law; they were also reinforcing Canon Law. This change is significant because it showed a shift in the ability and role of the Crown; it now had some jurisdiction over the morality of the souls in its realm. Furthermore, in cases of witchcraft and heresy, people were literally "summoned" to the courts. The lives of the laity were being monitored by the ecclesiastical authorities who were

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[36] Eamon Duffy, The Stripping of the Altars : Traditional Religion in England, c.1400-C.1580. 2nd ed. New Haven Yale University Press, 2005, 381.

[37] Chapman, 6.

[38] English Statute Law is "composed of all laws passed by Parliament and published in its Acts". Chapman, 6.

[39] Please see Appendix A for an explanation of the English legal system and courts that functioned outside of the Anglican Church in 1542-1544.

[40] See discussion of *Select Canterbury Cases* in the Anglican historiography for more information about cooperation between ecclesiastical and royal courts.

then able to use secular powers to execute those who had sinned, and therefore committed a secular crime.

There is a need here also to discuss the anticlerical movement occurring within England during and after the reign of Henry. According to J.J. Scarisbrick, love towards Rome among the people of England was scant. There were many anticlerical movements, among them the Lollards, but there was also a more general physical repudiation of Church systems. Open hostility was common before the English Reformation in many places towards local parsons, ecclesiastical courts, and tithes. There was also a spiritual, idealistic frustration growing towards Rome and her practices. Feelings towards Rome did not generate passion or warmth for many in England, and Henry was able to capitalize on these feelings when he called Parliament in 1534. Without Henry throwing his "weight" behind anticlericalism, likely this frustration would not have resulted in the "success" of the English Reformation.[41] This is significant to the process of confessionalization because it shows that there was opposition to Church systems and moral surveillance from the Catholic Church. However, when a popular king changed the church system to be "uniquely" English, more people accepted and utilized the courts to their own benefit.

Historiography of Anglican Court Records

There has been a considerable amount of work done to digitize many of the Archdeacons' records from dioceses across England in the last 100 years. York, Canterbury, Oxford and Bristol have worked to make their records widely available which has led to more interest in the court records.

The University of York's digitized Cause Papers allowed historians like Frederik Pedersen to draw new social conclusions about the Middle Ages. In this work *Marriage Disputes in Medieval England*, Pedersen focuses on how the ecclesiastical records are valuable especially for their ability to include women, which were the half of the population

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[41] J. J. Scarisbrick, *Henry VIII*. Berkeley: University of California Press, 1968, 245-247.

not recognized by other courts during the time period.[42] According to Pedersen, the church courts were clearly respected and well used by the laity. He argues that "it is clear from an analysis of the cases heard by the courts that the litigants had good reason to trust the courts".[43] Pedersen argues the laity had a sufficient understanding of how law worked and used it to their advantage. He explains the Cause Papers show litigants were aware of the legal necessities of marriage and potential loopholes (often regarding pre-marital consummation) which could benefit them in their cases. They also knew they needed to have a church cleric present to make vows official. And, in some (but not many) cases Pedersen acknowledges the fact that marriages would sometimes be staged by one party to try and move up the social hierarchy.[44] Not only did the laity trust the courts, but the York papers indicate they appreciated having the church around to settle marriage disputes.[45] This idea is important when considering confessionalization. Here, clearly the laity is working with the church to promote moral change and to secure beneficial marriages.

Some controversy surrounds Pedersen's work and methodology as represented by P.J.P Goldberg's work "Debate: Fiction in the archives: the York causes papers as a source for later medieval social history".[46] While the general facts indicated above are not necessarily up for debate, Goldberg does take issue with the way Pedersen categorizes the different demographic groups in the Cause Papers. He argues that Pedersen bases his conclusions on the inaccurate assumption that most of the litigants are from the upper echelons of society, when in fact other scholars point out that those at the "apex" of society

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[42] Frederik Pedersen, *Marriage Disputes in Medieval England*. London: Hambledon Press, 2000.

[43] Ibid, 209.

[44] This could occur if a lower class plaintiff accused an upper class defendant of pre-marital consummation and canon law ruled in favor of the plaintiff.

[45] Frederik Pedersen, *Marriage Disputes in Medieval England*. London: Hambledon Press, 2000, 213.

[46] P.J.P Goldberg, "Debate: Fiction in the Archives: The York Cause Papers as a Source for Later Medieval Social History." *Continuity and change* 12, no. 3 (1997), 425–445.

would likely not use the church courts. Instead, they were much more likely to appeal to the bishop directly.[47] Goldberg argues that Pedersen is inaccurate and is truly focusing on the wrong part of the records when he states that most of the litigants are from the upper class.[48] Instead, Goldberg argues that the records when read with "sensitivity" can tell us more about the "'trends in the society in which the litigation arose' than 'about the people who used the courts'".[49] Scholars should focus on social and moral changes in the time period, instead of attempting to categorize those who participated in the court system.

This analysis of the archival information is pivotal. Clearly Cause Papers cannot be used in a void; they must be used in concurrence with other historical records. Most historians seem to agree that the primary source documents must be used with considerable care because there is a scarcity of records. As Norma Adams and Charles Donahue put it: "scattered in numerous libraries and archives, these records have suffered losses, ill-treatment and mismanagement on a scale which those familiar with the relative order and abundance of the records of the central royal courts would find it hard to imagine".[50]

Other authors have made critical contributions using this type of record. E. R. Brinkworth, for example, used the Oxford Cause Papers to argue the records showed an emphasis on the need to remove 'popery' as well as punish clergy who neglected their duties.[51] He also notes the records are useful tools to confirm conclusions about what was happening politically in England, primarily by using Quakers and recusant Catholics as examples. After 1660, he found that "Quakers can be found to be cited in large numbers…" and the court was "not concerned with Roman Catholic recusants until after 1660".[52] Both of these examples coincide with important political movements, like the Quaker Act of 1662

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[47] Goldberg, 429.

[48] Goldberg, 439.

[49] Goldberg, 439.

[50] Norma Adams, Charles Donahue., v.

[51] Brinkworth, E. R. "The Study and Use of Archdeacons' Court Records: Illustrated From the Oxford Records (1566–1759)." *Transactions of the Royal Historical Society* 25 (1943): 93–119.

[52] Brinkworth, 107.

and the Act of Toleration. They also explain how society was shifting and how people might have used the courts to report neighbors who they believed were not following the true faith.

Brinkworth also highlights the neglect of these records. He devotes nearly as much of his article to attempting to persuade students to care about this type of research as he does to the Oxford records themselves. He ends by urging other historians to begin their research into the records: "There is much scope here for interested persons, working in conjunction with the British Records Association, to save ecclesiastical records, including court records, in private hands, from decay and destruction…".[53]

Many of the works mentioned in Brinkworth's historiography also encourage churches to publish their records so they can be studied. This plea from historians seemed to gain some traction in the end of the twentieth century across Europe. Groups like The Cathedral Archives, Libraries and Collections Association (CALCA) and various universities began to form working groups to collaborate and make data available for historical use. In England, one of the most important works to come of this period was the *Select Cases from the Ecclesiastical Courts of the Province of Canterbury c. 1200-1301.* This volume, edited by Norma Adams and Charles Donahue Jr. used primary source records to analyze ecclesiastical jurisdiction in the thirteenth century. They concluded in this work that it was expected that crown justices and ecclesiastical judges cooperate and compromise with one another.[54] Furthermore, this evidence demonstrates that thirteenth century litigants "questioned the jurisdiction of church courts…they devised means for getting around prohibitions… they pursued remedies in both fora as it suited their immediate advantage". [55] In such a way litigants, either secular or clerical, shaped the jurisdiction and legal systems used by both the church and the crown.[56] Adams and Donahue also point out that the church courts were often preferred by litigants because their decisions were more "rapid" than royal courts. To be sure, Common Law was also still functioning during the time period, but litigants turned to the

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[53] Brinkworth, 119.

[54] Norma Adams et al.,103.

[55] Norma Adams et al., 103.

[56] For more information on court systems functioning during this period, see Appendix A.

church when no "remedy at common law" could be found.[57] Familiarity with both church and crown courts enabled the laity to shape society to their benefit.

Marriage cases exemplify this dynamic. If a marriage was called into question in a royal court, the court would ask the bishop (or other relevant church official) to certify the marriage before the court would proceed with the case. The church also required the cooperation of the crown to enforce excommunication and to quell rebellions of the laity if they disagreed with the church's sentencing in a given situation.[58] Adams and Donahue's work is important because it shows that as churches entered into a process of "confession building"; the rest of society entered into it with them. Churches did not dictate morality in a top-down process; instead the laity's use of their courts forced them to respond and adjust to the world in which the laity lived and worked.

Kit Mercer, for his part, argues that Cause Papers showed that church courts were used into the 1680s "in a concerted attempt to prosecute religious dissent".[59] While these dates fall beyond the scope of this paper, his work serves as an example of how scholars have used the data from the court records. Mercer looks broadly at the church records to confirm what has already been established through social history. Historians know that the Tory party wanted to punish religious dissent in the 1600s, so Mercer looked in the records to see whether the Tories used the church courts to achieve this end. He reached a similar conclusion as Brinkworth- Quakers and other religious sects seemed to have been sanctioned more frequently than other groups in the 1600s by Church courts. Whether or not these sanctions had any bearing on the community members is a harder question to answer, but Mercer confirms dramatic differences in church prosecution after 1680 arguing that "this brief flowering of prosecution sought to 'exclude the excluders' and to remove political and religious dissidents from positions of secular power and from parish vestries".[60] His work is a

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[57] Norma Adams et al., 103.

[58] Norma Adams et al., 98.

[59] Kit Mercer, "Ecclesiastical Discipline and the Crisis of the 1680s: Prosecuting Protestant Dissent in the English Church Courts." *The Journal of Ecclesiastical History* 72, no. 2 (2021), 353.

[60] Mercer, 352.

good example of how the church worked to punish dissent, sometimes at the behest of secular government and the laity.

Scholars like R.H. Helmholz used the court records to establish what laws were emphasized in the Middle Ages.[61] In "Usury and the Medieval English Church Courts" he analyzed evidence about the enforcement of usury in medieval England. He finds that usury cases "formed a regular part of ecclesiastical jurisdiction throughout England" [62]. However, these cases were infrequent; there were really only a few every year in each diocese. He also argues that Canon Law provided "precedent for the new definition of what rates of interest were usurious enough to call for the full sanctions of law" in later civil procedures".[63] In usury cases, it seems as if secular courts used ecclesiastical precedent to decide at what level usury was a punishable crime. This shows how moral issues like usury were adopted by the Crown and turned into civil crimes.

These works all serve as important examples of how scholars use legal data. Historians use these records to support their arguments about already established political or moral patterns in society. This allows them to draw accurate conclusions while using potentially incomplete or damaged primary source documents. This limits the data they need to aggregate from the records and prevents them from drawing inaccurate conclusions using only records which, as mentioned previously, can be damaged, impossible to translate or impossible to find. They also serve as important examples of historians proving the theory of confessionalization- as church courts gained more power in the lives of the laity, they cooperated with secular authorities to share this power. Privacy was less valued than surveillance, and people were encouraged to report moral inadequacies so they could be addressed in ecclesiastical courts, and sometimes referred to secular courts. Society fundamentally changed as a result of the Reformation, and the state was given more power over morality as a result of their cooperation with the Anglican Church.

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[61] R. H. Helmholz, "Usury and the Medieval English Church Courts." *Speculum* 61, no. 2 (1986), 364–380.

[62] Helmholz, 367.

[63] Ibid, 380.

The Anglican Records: Diocese of York 1542-1544

The records from the digitized York Cause Papers provide the fundamental material for this study.[64] This database includes a catalog of more than "14,000 Cause Papers relating to cases heard between 1300 and 1858".[65]

It should be noted the records from York are only available from the fourteenth century on. Up to that point there had been a central royal court where cases were heard called the *Curia Ebor*. However, in the fifteenth century the consistory court and the chancery court were added. In the 1580s the Court of High Commission was also regularly used.[66] The Court of High Commission was a church court established by the Crown in the 16th century with the purpose of enforcing the changes of the Reformation as well as regulating the morality of church members. There is clearly a revival of interest in church courts after the 1400s, which accounts for the creation of separate courts to deal with a plethora of causes. The creation of new courts was reactively based on demand from the laity, showing again that confessionalization was a bottom-up process.

The records during this time period fall squarely within the reign of Henry VIII (1509-1547). Specifically, they fall in the later part of his reign during his marriages to Catherine Howard and Catherine Parr. Parliament had already passed the 1534 Act of Supremacy and Henry VIII would have been attempting to manipulate Roman Catholic

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[64] I draw from the Archdiocese of York using the Cause Papers Database made available by the University of York.

[65] "The cause papers". https://www.dhi.ac.uk/causepapers/index.jsp. Accessed 2022. The original records are in Borthwick Institute for Archives at the University of York. The York Cause Papers compile the most data available from church court proceedings during this time period in this diocese. Many cases would not have been available for the University to aggregate- for example, cases of witchcraft were probably heard in specialized courts and are therefore not available to view in this database.

[66] "What are the cause papers?". https://www.york.ac.uk/borthwick/holdings/research-guides/what-are-causepapers/. Accessed 2022.

Canon Law to his benefit. Two military campaigns should be noted here as well: the Rough Wooing in Scotland and an attack on France that ended in 1546. Neither of these campaigns were particularly popular because neither were particularly successful. In general, there was little church action in 1542, Henry seemed to believe he had the Anglican Church well in hand and was still directing a "review" of Roman Catholic Canon Law that would not be completed until James I.

There are 66 logged Cause Papers from the diocese of York from 1542-1544. They aggregate into the following groups:

Moral Offenses

- Matrimonial- 17 cases (2 annulments, 12 validity of marriage, 1 publishing of banns, 1 restitution of conjugal rights, 1 appeal)
- Defamation- 19 cases (majority of cases related to sexual slander)
- Breach of Faith- 3 cases (breaking of oath, debt, perjury)
- Violation of Church Rights- 2 cases (contempt of church court, dues to church)

Property Offenses

- Testamentary- 7 cases (largely all disputed legacy)
- Tithe- 17 cases (all taking the form of good not given up to the church, e.g., sheep, corn, grain)
- Benefice- 1 case (pluralism)

Clearly, ecclesiastical law changed very little under Henry VIII. There are no large deviations from what needed management in the community pre-Reformation to what was necessary post-Reformation. This helps provide evidence for the common consensus among scholars: the religious experience of the laity pre and post Reformation changed very slowly, if at all, in England.

Overall, these cases are not incredibly unique for the time period. They reinforce several preestablished conclusions, however. First, people trusted the court to settle moral matters that caused disruptions in the community. Secondly, as Frederik Pedersen argued, the laity clearly seemed to trust the church court to solve matrimonial matters. A concomitant to matrimony was a woman's purity, which explains most of the defamation cases, many of which involve a female defendant in suit against an alleged male defamer. A woman's purity would have been important to defend paternity and defamation could potentially call into

question legitimate children. These cases show that a woman's family saw the court as an avenue to enforce morality. They also show that the laity understood that they could be used as witnesses against others in the community, reinforcing the idea of "the technology of observation- self-observation, mutual observation, hierarchical observation".[67]

The other large number in this data set are tithe cases, which would be important for any church for obvious reasons. Without a populace tithing as directed, church and community services ceased to function and church coffers went unfilled. As the English monarch was (and is) the head of the Anglican Church, tithing also contributed royal funds. It would therefore be necessary for monarchs to encourage tithing for their own purposes. It is important to note that the system of tithe often referred to someone renting land from the church or crown to cultivate. So, the tithe cases can most easily be compared to a landowner and renter. It would have been important for the landowner (i.e., the crown) to gather their rent as necessary. It was much easier to use ecclesiastical courts to do this because they were much more accessible than royal courts.[68]

Low case rates were generally the rule during Henry's reign. For instance, from 1533 to 1535, there are only thirty-five Cause Papers entered into the record. From 1513 to 1515 there are only eighteen. During the whole of Henry's reign from 1509 to 1547, there are 790 Cause Papers entered into the record. Under the reign of Edward, these numbers jumped considerably. There are 367 cases, but he only reigned for six years in comparison to Henry's thirty-eight. Henry averaged about twenty cases per year, where Edward averaged about sixty-one. The pattern continues through the reign of Mary (1553-1558). During her reign there were 531 Cause Papers entered into the record. Finally, during Elizabeth I's reign the numbers become staggering: there are 3,313 Cause Papers during her forty-five year tenure.

Before drawing any conclusions from these numbers, it is important to reiterate here that English court records existed *en masse* from the sixteenth century onward, so there

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[67] Jeffrey R. Watt, *The Consistory and Social Discipline in Calvin's Geneva*. Rochester, NY: University of Rochester Press, 2020, 11. Note: quote itself is from Philip Gorski.

[68] Consult Appendix B for an overview of the development of royal courts during this period.

should be sufficient evidence for all these reigns in the record. Alone, these numbers do not necessarily provide any obvious conclusions. However, in context, they do reinforce the social ideas of the period: there was great religious unrest not only from the Act of Supremacy but more importantly in the transition between rulers after the death of Henry in 1547. There is a focus on church laws, courts and traditions both under Mary and Elizabeth as represented by the laity who are using the Church courts more and more to litigate the morality of their community. The royal goal was to encourage English people to rule themselves in the name of the king (an intent that had been in place since 1066 when William the Conqueror preferred Normany to England), so perhaps the increase in Cause Papers can suggest that this system was working. It can also suggest that the people understood how they could use the courts to shape the morality of the society around them- an idea that became increasingly important as the laity became more educated post-Reformation.[69]

The increase in cases could also suggest that there was growing confidence in the ecclesiastical courts. If we consider the anticlerical movements occurring before and during Henry's reign, it makes sense that the laity would be less likely to utilize the church courts to settle disputes. There was overt hostility prior to the Act of Supremacy towards the ecclesiastical courts, as well as to the impositions of tithes and the jurisdiction of the clergy. Perhaps as the Anglican Church began to gain footing among the community the people began to see it as an avenue that could be helpful, instead of something that was resented. Furthermore, the increasing cooperation between royal authority and ecclesiastical authority (and the eventual merging of the two symbolized by the monarch as the head of the Anglican Church), could have encouraged the laity to see the courts as something that might give them a ruling in their favor. It is fair to say that this increase in cases could suggest a new system that is functioning well, instead of the system that was resented under Henry. It is also fair to say that the laity recognized their role in this process through surveillance of others. They were frequently called upon to be witnesses and were asked to report on the comings and goings of their neighbors. While witnesses were used frequently in Common Law courts, from this point forward ecclesiastical courts began to adopt some aspects of secular courts to

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[69] Consider how Reformers emphasized liturgy throughout this period as well as reading the Bible in vernacular.

increase surveillance of the community. The laity participated in the process of change that occurred as ecclesiastical courts were given more power in the lives of everyday people.

The spread of moral and property cases also indicate that the church authorities were called upon by the Crown to litigate. While the royal courts were less frequent, the church courts were much more widespread and could be used to enforce tithe and testamentary cases. Church officials could also compel their laity to surveil one another on moral grounds, which could help provide useful witnesses for cases that were not based on morality. Eventually, the royal courts were able to convert many of the crimes into English Statute Law adding to the already existing secular courts system that relied on witnesses and testimony and less on decision by fiat. The jump in cases through the 1500s could indicate that the laity began to accept moral litigation as a part of their everyday lives and therefore submitted to more surveillance by the church and the Crown. The courts were useful for them to litigate issues in their communities, so they accepted them as a necessary infringement on their privacy. This provides evidence that the process of 'confessionalization' and state (i.e., Crown) surveillance was the result of both top-down (e.g., church, royal authorities) and bottom-up (e.g., the laity) cooperation.

Chapter Three: Calvin's Consistory

Description of Records

In 1541, John Calvin was invited back to the city of Geneva to be the head of the church. He stipulated that he must have full power to reorganize the church as he saw fit upon his return. One of these reorganizations included the creation of a church governing body which Calvin called the Consistory. In his work the *Ecclesiastical Ordinances*[70], Calvin described the Consistory's purpose as a body created to evaluate potential disorder in the church and figure out how to restore peace.[71]

The study of the Genevan Consistory has been a controversial subject for historians. It is controversial because the records of the Consistory, held in the Geneva State Archives, had not been transcribed from the original manuscript prior to 1997. Before this, Frederic August Cramer translated and reprinted these records. However, Cramer only transcribed about five percent of the texts, choosing the "strangest" cases.[72] These unique cases were taken up as representative samples for many historians prior to 1997. In the historiography of this topic, therefore, the average reader will see repeated cliche stories where historians cite one another, and those citations eventually lead back to Cramer. Again, it needs to be underscored, these were unique and probably extreme cases because they represented the Consistory at its most punitive and malicious.

This begs the question: why didn't historians go back and read the manuscripts for themselves? There was an issue of secretary handwriting. The manuscripts were written quickly, during the Consistory sessions and utilized shorthand that was difficult to interpret.

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[70] John Calvin, "Ecclesiastical Ordinances ," University of Oregon, 1541.

[71] Raymond Mentzer, "Consistories". *Judging Faith and Punishing Sin*. Cambridge University Press, 2017, 17.

[72] Robert Kingdon, et al. *Registers of the Consistory of Geneva in the Time of Calvin*. Eerdmans : H.H. Meeter Center for Calvin Studies, 2000, xii.

In 1997, Robert Kingdon took on this challenge and began to train a group of historians in paleography that would be able to compile a complete version of these manuscripts. His goal was to fill in the ninety-five percent that was not transcribed by Cramer to give historians a better picture of the purpose of the Consistory. There are twenty-one volumes that span the years of 1541-1564. This paper will be concerned primarily with the first volume, which recounts the first two years of the Consistory.

Handwriting issues are a primary concern of these records. Kingdon now says that the handwriting issues were "greatly exaggerated", but it is clear that transcribing these manuscripts was a monumental undertaking. Because of the handwriting issues, early Consistory scholarship misses just how many people participated in the court system. It is staggering to consider that in just the first two years of the Consistory they "summoned 843 persons, of whom only 142 were witnesses (86) or plaintiffs (56)".[73] When considering that this area likely held around thirteen-thousand people, and the Consistory was concerned with only the adult population (estimated to be about half), the Consistory summoned "nearly seven percent" of the population in just two years.[74] [75]

Historiography of the Genevan Consistory

For the sake of brevity and clarity, I have separated this historiography into sections that show the information about the Consistory presented before Kingdon's transcriptions in 1997 as well as after.

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[73] Kingdon, xviii.

[74] Kingdon notes: "According to Alfred Perrenoud, the population of the urban area in 1540 probably ranged between ten and eleven thousand, not reaching thirteen thousand until 1550-1552. Nevertheless, we must take into account the rural population… and… estimating that adults (or rather communicants) formed only half the population, calculated that in 1569 almost one adult in fifteen, that is nearly seven percent, was summoned before the Consistory", xviii.

[75] See the discussion about the records themselves (following the historiography) for an analysis of exactly what the Consistory was concerned with in the community.

Consistory Scholarship Pre-1997

In the 1960's-1980's, scholars primarily had two options for discussing the Consistory: repeat or ignore. The views of the scholars writing during this period were understandably limited because of the issues addressed above. For example, in William E. Monter's book, *Calvin's Geneva* (1967) he mentions the Consistory but only in broad strokes. He chose to repeat information from other scholars about extreme cases of punishment doled out by the Consistory. Most of these punishments were actually given in tandem with the Small Council of Geneva.[76] Monter concentrated on social discipline in Geneva, remarking in his book that "he [Calvin] believed in discipline almost as strongly as Luther believed in faith", but he does not take on the immense task of reading the primary source documents from the court himself [77]. He stated that the Consistory "records during Calvin's lifetime fill twenty almost illegible volumes in the archives of Geneva".[78]

If Monter had read the Consistory records for himself, he likely would have come to different conclusions about the church court in his book. In *Calvin's Geneva* he describes the Consistory as a body that did not function correctly; it was supposed to be "remedial rather than oppressive" but it still vigorously punished offenders.[79] He illustrates this point about the punitive nature of the Consistory by repeating extreme cases mentioned by other historians. For example, he described the case of a man named Bonivard who was in debt in his town and was called before the Consistory repeatedly for gambling. In 1562, the Consistory supposedly forced him to take another wife (this one an ex-nun), even though Bonivard claimed he was impotent. The result of the marriage was the new wife drowning herself and Bonivard's servant being beheaded for adultery.[80] These types of stories, which Monter repeated secondhand, reinforced the idea that the Consistory was a coercive body and

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[76] The cooperation between secular authorities and church authorities will be analyzed in the subsequent section.

[77] William E. Monter, *Calvin's Geneva*. Wiley, 1967, 235.

[78] Ibid, 137.

[79] William E. Monter, *Calvin's Geneva*, 137.

[80] Ibid, 17.

that severe and extreme punishments were available to them. This view was not unique to Monter; even the man who later compiled the Consistory records, Robert Kingdon, held this view of the Consistory until reading the primary sources himself.

Even in these instances of exceptionality, historians do make a point to show how common people were involved in the procedures of the Genevan Consistory. They were called upon to be witnesses and provide evidence against their neighbors. The Consistory was also known to summon people much more frequently than other church courts during the time period (take the Anglican courts, for example). Instead of common people bringing their cases to the Consistory, more frequently the Consistory summoned people based on reports or gossip about that person in the community.

Renaissance in Consistorial Studies- 1997

In 1997, Kingdon finished the first volume of the Consistory manuscript transcriptions.[81] Many scholars called this moment a "renaissance in Consistorial studies" because fresh records and stories from the court were finally being analyzed. The French translation of the records was first published in 1997 as *Registres du Consistoire de Genève au temps de Calvin*, and an English edition of this work appeared in 2000 translated by M. Wallace McDonald and edited by Kingdon himself. It is important to note that there were significant issues with these records. Not only were there difficulties interpreting the handwriting and notation styles of the secretaries, but the translation from archaic French to English was especially tricky as well. McDonald explained this in the translator's preface arguing that "the French it is written in, besides exhibiting the expected differences from modern French found in any text 450 years old, frequently contains words and expressions drawn from the local Suisse-Romande dialect of Geneva… some expressions remain impossible to interpret reliably".[82] There were also sections where the transcriptions were inexact or incomplete. Both of these issues will be important to scholars who begin to doubt the evidence in the early 2000s and will be referenced later.

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[81] William E. Monter, *Calvin's Geneva*, 337.

[82] Robert Kingdon et al., vii.

Despite all these difficulties, Kingdon produced a coherent and mostly complete version of the Consistory records. Kingdon even went so far as to criticize scholars who had not attempted this massive task before. He argued that the institution merited closer looks from historians and that the notorious idea that the records were illegible was "greatly exaggerated". He even criticized William Monter, arguing that he "refused to read [even] the relatively easy registers" available to him.[83] This idea of the illegible handwriting even found its way into textbooks on the Reformation, for instance, James Tracy in *Europe's Reformation*, stated the primary sources were unavailable because "the behind-the-scenes work of Geneva's Consistory, locked up for centuries under the indecipherable handwriting of official secretaries, is just now beginning to be understood".[84] His book was first published in 1999, but this quote comes from his 2006 edition, which indicates that the records were not used widely by historians even when they were first published.

Kingdon, however, began working arduously to change the view of the Consistory after his exposure to the primary source. He argued that the punitive view of the Consistory was inaccurate based on the majority of the records. He focused on the idea that the Consistory was actually most useful to Geneva because it mediated disputes in the community. Other historians agreed with his ideas and started to argue this as well. Raymond M. Mentzer in *Judging Faith and Punishing Sin* (2017) argued that the Consistory at Geneva functioned not only as a court to correct sinners, but also as a compulsory counseling service to settle 'disputes between family members, neighbors and business partners'".[85] Scott Manetsch and other historians reinforced Kingdon's ideas by emphasizing the quantitative elements of the Consistory registers and focusing on individual cases to develop "facts" about the judicial body. Manetsch argues that "the facts showed that Consistorial discipline...became a vigorous form of pastoral care".[86] Views like these from historians like

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[83] Ibid, xxxii.

[84] James Tracy, *Europe's Reformations, 1450-1650 : Doctrine, Politics, and Community*. 2nd ed., Rowman & Littlefield Publishers, 2006, 277.

[85] Raymond Mentzer, "Chapter 1: Consistories". *Judging Faith and Punishing Sin*, 19.

[86] Raymond Menzter, "Consistories". *Judging Faith and Punishing Sin*, 17.

Mentzer, Manetsch and Kingdon clearly contrasts the views of earlier historians who had not the advantage of consulting the Consistory records. Where Monter emphasized the punitive nature of the system, the "renaissance" in Consistorial studies allowed historians to recognize that the court body served a different purpose in Geneva. Monter himself eventually came around to Kingdon's beliefs, arguing that Kingdon's addition to Consistory records was pivotal in shaping studies of Calvin's Geneva and was an important development in the field. All of the historians showed that the Consistory courts were disruptive to the everyday lives of Genevans. And, even if the court system itself was not punitive, the Consistory was known for working closely with the Small Council to dole out secular punishments. These punishments will be referenced later in the section.

The translation and transcription of the Genevan records also led to scholars exploring other records from Calvinist communities, like the Scottish kirk sessions, the presbytery in Germany and the French Consistories which all attempted to replicate Calvin's initial creation. Instead of focusing on the punitive, aggressive stories repeated by historians for centuries, the focus here also became showing a pastoral side of the Consistory. The consensus of early 2000's scholarship and the quantitative research was summed up well by Raymond Mentzer: "If scholars have come to understand that the Consistory was far from a monolithic institution, they have also begun to reevaluate its core enterprise, stressing a pastoral as well as punitive purpose. Altogether, the Consistory did more than impose discipline and chastise miscreants. It also provided counsel and fostered virtue, seeking to redirect sinners to the path of godliness through repentance and reform".[87] Focusing on the sheer mass of quantitative data produced after Kingdon's work allowed historians to emphasize the more common reconciliation functions of the Consistory in Geneva. This data also shows how important the Consistory was to regulating Geneva and how the laity was encouraged to work with the consistory to surveil their neighbors.

Doubting the Evidence in the Early 2000's

One change that occurred as a result of historians exploring connections between the Genevan model and other consistory systems was that historians began to question and doubt

[87] Ibid, 26.

the evidence available in the primary source records. Work in the 21st century is largely critical of the quantitative data used by historians who attempted to take consistory records as fact. This began with Judith Pollman in 2002, who started researching the consistory in Utrecht. Through her comparisons of records with a private journal kept by one of the church elders, Pollman was able to show inconsistency between consistory activity in Utrecht and the official registers.[88] Historian Christian Grosse argues that Pollman's work "crystallized the doubts on these issues among historians of Reformed Protestantism and revived this discussion".[89] This encouraged historians to handle consistory records with more caution than was previously used during the frenzy of scholarship directly after Kingdon's translations because the records themselves could not be corroborated with outside sources. Grosse argues that in addition to the lack of corroborative material, there are several reasons to be cautious of consistory records: "there was no standard administrative procedure for either compiling or preserving consistory records during the early modern era… Such operations remained erratic and uncertain; they depended primarily on the personal oversight of officials responsible for them". This left historians trying to figure out how to use these primary sources to develop some sort of understanding of European consistories, without relying too much on the data sets or individual cases. Historians began to emphasize the social trends and narrative elements of the cases. Grosse argues that historians should use the primary source documents only to develop an overall picture of what the Calvinist Church was focused on combating (morally or otherwise), in a given period. He termed this the "narrative approach" to consistory data.

Benjamin J. Kaplan took this narrative approach in his 2007 work *Divided by Faith* to show how the function of the Consistory was reconciliation. He used consistory data to show how interfaith communities interacted with one another and attempted to find cooperative or at least tolerant grounds in many cities in Europe after the Reformation. For instance, he focused on how consistories throughout Europe were used to censure Calvinists who joined in Catholic festivals, but that generally this censure was only a temporary ban from

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[88] Christian Grosse, "Consistories". *Judging Faith and Punishing Sin*. Cambridge University Press, 2017, 129.

[89] Ibid, 129.

participation in communion and was meant to encourage reconciliation as quickly as possible: “They were festive communal activities in which everyone was supposed to participate. And Protestants certainly felt their attraction: consistories in French towns like Agen and Die had to censure Calvinists who joined in the fun”.[90] Kaplan also described how the consistories functioned in many places where interfaith marriages were discouraged, not as a punitive body for the married couple, but as a disciplinary body for the parents and pastors who allowed the marriage. The function here was again reconciliation. When Kaplan described these examples, he was not focused on the quantitative data or even on the specific cases addressed in the consistory records; rather, he was focused on how records show an overall larger narrative picture, just as Grosse encouraged.

Other scholars began to use the “narrative approach” alongside quantitative data. In her 2013 work, *Oedipus and the Devil*, Lyndal Roper argued that the records show an emphasis on moral reform, specifically focused on the sins of drunkenness, gorging, adultery and whoredom. Her work showed how sin and punishment was often gendered and that the idea was that people would be sent to a consistory for the purposes of “brotherly discipline”.[91] Ward R. Holder took a similar approach to the consistories in his 2020 work *John Calvin in Context*, by merging both quantitative data and qualitative data from other historians to paint an overall picture that the consistories usually enforced rules that everyone agreed on, like blasphemy, and that they sometimes served a pedagogical function.[92] This recent work solidifies the idea that the newest scholarship is concerned with the narrative element of consistory records, not necessarily attempting to quantify the data or take every entry in the records as complete fact. Ward does employ some quantitative elements (like number sets of specific crimes) to make his arguments, suggesting that perhaps historians are beginning to find a middle ground between complete narrative and complete faith in the translated data.

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[90] Benjamin Kaplan, Divided by Faith : Religious Conflict and the Practice of Toleration in Early Modern Europe. Cambridge, MA: Harvard University Press, 2009, 83.

[91] Lyndal Roper, *Oedipus and the Devil*. Taylor and Francis, 2013, 40.

[92] Ward R. Holder, *John Calvin in Context.* Cambridge University Press, 2020, 108.

As the "narrative approach" has become more popular, the emphasis on consistories being administrators of harsh punishments has resurfaced. Historian Margo Todd argued that when the Consistory was working in tandem with the Small Council in Geneva, the records show that there was certainly an emphasis on punishment over reconciliation: "During the height of the Reformation, sins such as blasphemy and adultery resulted in stiff punitive sentences, imposed by the Small Council after a referral from the consistory. Men and women of all ranks of life were tortured, banished and sometimes executed for these crimes".[93] One of the important aspects of Todd's work is her emphasis on the fact that the Small Council worked with the Consistory to dole out violent and aggressive punishments (executions, torture etc.). In most of the Consistory records, there is a representative listed from the secular government. When the Consistory has a case that requires secular style punishments, the records show they refer them immediately to the Council. In this case, Geneva is similar to England. If the Genevan Consistory wanted punishments beyond admonition they had to work with the Small Council to administer and enforce these punishments. Scholarship like this is becoming more popular as historians begin to compare consistory data with secular data. This evidence suggests that the Small Council acts as the punitive arm of the Consistory in Geneva.

New Scholarship from 2020

In 2020, one of the most important contributions to Consistory research was published by Jeffrey Watt. As a contributing editor to Kingdon's translations, Watt shows his extensive knowledge of the cases in the Genevan Archives in *The Consistory and Social Discipline in Calvin's Geneva*. Watt dives directly into the evidence from the Consistory records while also making use of Small Council records to explain the punishments delivered by the Council once a parishioner was referred from the Consistory. Watt explains how the Consistory focused on different sins depending on the year- in the early years they emphasized learning Reformed doctrine and getting rid of Catholic habits; in later years they focused more on punishing those who rebelled against Reformed theology or blasphemed

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[93] Margo Todd, "Consistories". *Judging Faith and Punishing Sin*. Cambridge University Press, 2017, 72.

against God. He demonstrates, for example, how the Consistory functioned in tandem with the Small Council to deliver secular punishments. He also argues that the Consistory encouraged Genevans to surveil one another. This newly published work is a foundational aspect of my own argument and will be referenced later in the discussion of the records and their contrast to other religious sects of the time period.

The Calvinist Records: Genevan Consistory 1542-1544

Cases in the Anglican records followed a set pattern and look similar to the legal cases we might have today, with a plaintiff and a defendant (and, in some cases, a lawyer). The plaintiff could be the church, but it also could be a regular citizen in suit against another member of the laity or the clergy. In the Genevan Consistory, the court system did not function this way. In most cases, people were summoned before the Consistory, either to be witnesses or to answer for rumored sins. In many cases, the Consistory summoned people simply to test them on their knowledge of new Reformed doctrine. Often, people were also summoned before the court to answer for marriage disputes, or other crimes related to adultery or fornication. Occasionally, people appear before the court to accuse another person, or to ask for the court to intervene on their behalf. In most cases, they seem to require no proof other than their word to convince the Consistory to intervene. The Consistory could choose to intervene wherever they saw fit without additional proof. There are 850 cases brought before the Consistory from 1542-1544. This is a significant number in comparison to the 66 Cause Papers logged for the diocese of York during the same years.[94]

There was a focus on liturgy from 1542-1544. The minutes taken by the secretary, which are the primary records available, look like “interrogations”. According to Kingdon, “the syndic, informed of the facts, begins the interrogation. He poses the questions, listens to answers, and poses new questions. Sometimes one of the leaders or ministers also

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[94] It is important to keep in mind that some of the York Cause Papers are probably missing, where we seem to have most of the Consistory records from 1542-44, as noted in the next page.

intervened…"[95] In the early records of Volume 1, there was typically a set of questions and answers given to the person on trial about their knowledge of Reformed doctrine. [96] This occurred even in cases where the person summoned was not being questioned about the legitimacy of their faith. This set of liturgical questions and answers seemed to stop abruptly in 1544, which could indicate a change in what the secretary deemed important to record, or it could indicate that the people of Geneva were starting to be more versed in Reformed theology and therefore questioning them about it was less of a necessity. In any case, there was a focus on liturgy in the first volume of the records.

The records show that the Consistory had several functions in Geneva from 1542-1544. First, it certainly was concerned with marriages and sexual crimes[97]. Second, as mentioned earlier and especially in the first sessions, the Consistory was concerned with punishing Catholic recusants and educating Genevans about reformed doctrine. Many of the cases in Volume 1 reflect this concern, though Kingdon notes that this becomes less important to the court in later years. As Reformation liturgy spread and Consistory pressure encouraged Genevans to adopt it, there was likely less need to investigate and admonish for simple ignorance. Third, the Consistory seems to be concerned with anything related to "social disorder". Keep in mind that "social disorder" could be discord or chaos in society, but it also means, importantly, presiding over and trying to prevent those who would profane Communion. The Consistory relied on the Genevan public to report people for sins because the number of pastors and elders was insignificant in contrast to the larger population.[98]

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[95] Kingdon et al., xxx.

[96] These questions might include reciting prayers (in French, not Latin), testing them on the 10 commandments, asking them about superstitions or the celebration of Catholic saint days.

[97] As noted before, evidence shows that early scholarship exaggerated this focus. So, while it was still an obvious concern of the court, it likely was not as important as scholarship in the mid-twentieth century suggested.

[98] According to Watt, on page 4 of *The Consistory and Social Discipline,* at the beginning of Calvin's tenure there were only about six pastors in the entire city. This doubled

In the early records of the Consistory, Calvin, in tandem with the Small Council of Geneva, was still working on organizing the court and figuring out jurisdiction.[99] In practice, the court had no "civil jurisdiction and could use only the spiritual sword and the Word of God".[100] So, similar to the Anglican courts discussed in this paper, the Consistory had power to admonish, excommunicate and in some later cases they could demand public apologies if a person was found guilty.[101] Also similar to the Anglican courts, the Consistory worked cooperatively with the secular Small Council and the Seigneurie in order to dole out other punishments, like fines, or even executions in some cases.[102] Because Calvin was supposed to create a Christian Commonwealth in Geneva, this cooperation is reflective of the theocratic nature of the city in 1542.

In every session of the Consistory, there are many people who were summoned who do not appear. Some come later in the text and explain their absences, but many seem to be avoiding the court altogether. This could also be the case with Anglican and Catholic courts as well, but as we have few "working session" records of their courts it is more difficult to ascertain if people were purposefully in contempt.

Concrete numbers of each type of case are more difficult to aggregate for the Consistory, because the documents read less like court cases and more like paragraph descriptions of conversation. However, based on Volume 1 of Kingdon's work, the majority of cases seem to involve questions focused on prayers and church attendance. Most people are asked if they can say specific prayers, not in Latin, and if they go to church consistently

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as his ministry continued. Watt argues on page 63 that the Consistory encouraged people to report one another for crimes.

[99] In fact, the first nine records of the court are missing, likely because Calvin and the Small Council were still agreeing on jurisdiction.

[100] John Calvin, "Ecclesiastical Ordinances". University of Oregon, 1541.

[101] Kingdon et. al., xxx.

[102] Interestingly enough, these fines were used to pay those who sat on the Consistory. The decided upon salary for a member of the court was 2 sous per day. The Seigneurie is a form of a lord's court. Other scholars might consider exploring if this encouraged members to call for fines whether or not they were deserved.

as well as take communion. Another smaller but notable number of cases include marriage disputes, many of them having to do with "drinking to marriage" and consummation without official banns. The issue was not the consummation prior to the Church declaration, but rather, the question of whether or not the betrothal actually happened. The Consistory would establish the legitimacy of a marriage by calling witnesses and family members to certify intent. Kingdon clarifies the issue here in the introduction by explaining that "as throughout Europe, the Genevans of sixteenth century customarily had sexual relations immediately after the promise of marriage, before the ecclesiastical ceremony took place".[103] The court, therefore, was deciding whether or not marriages that had already been consummated were legitimate.[104] There are very rare mentions of property disputes, and typically anything that did not fall into a moral category of crime was referred back to the Small Council.

In general, the cases show a focus on living morally, which falls into line with Calvin's desire to create a Christian Commonwealth in Geneva. During 1542-1544, Calvin was one of the seated members of the Consistory and consistently doled out admonitions to those summoned before the court. There are also mentions of "banishment" (excommunication), and, similar to the Anglican practice, the Consistory referred these to the secular authority, in this case the Small Council or the Seigneurie.There are several mentions of those who were morally egregious being denied communion for a set period. This is most common in fornication cases. Watt notes that early on in Consistory records "first-time unmarried offenders [in fornication cases] were excluded from the Supper, and the Council typically sentenced them to three days in jail on bread and water". [105] This seems to change by 1557 though, with one record of a woman being jailed for seven days and then

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[103] Kingdon et al., xix.

[104] Watt notes on page 103 that the church would punish offenders who participated in pre-marital sex, typically with three days in jail on bread and water. In order to be married in the eyes of the church there needed to be witnesses, parental permission, publication of the banns, and a church ceremony. This shift in what marriage required and when sex was permissible was clearly a lesson that Genevans had to learn. Records of this confusion appear throughout the early years of the register.

[105] Watt, 102.

banished from Geneva.[106] There was a desire in the court to make punishments for fornication or other sexual crimes more severe which is probably the reason for the change in sentence type. Watt also notes that many of the reports about fornication or other sexual crimes were probably brought to the Consistory through the gossip of women. He argues that "women, through gossip, were helping establish what was acceptable sexual behavior and were actively engaged in policing morality" throughout the Reformed areas.[107]

There is less focus in these cases (in contrast to the Anglican records) in settling disputes in the community at the request of the laity. Instead, the registers seem to reveal that the Consistory functioned based on rumor about people from outside witnesses. Thus there were no true plaintiffs, but only defendants. For example, there are several cases where the court is questioning a spouse who is out of town. The court admonished them to reconcile with the spouse and encouraged the spouse to move to Geneva. The indication is the court knows the spouse is absent because of rumors around the town. There are also cases where men are called in front of the court for supposed adultery, but not necessarily by their wives. The court seems to "hear" of a potential problem and then summon the relevant parties. This reinforces the idea that even though the Consistory may seem more top-down than the Anglican church because they summoned more frequently, they in fact required even more cooperation from Genevans to be able to litigate moral crimes which they did not have the opportunity to witness firsthand.

Notably, the Genevan Consistory focuses more on moral offenses instead of property offenses. Property crimes are immediately referred to the Small Council and not dealt with in the Consistory. In this way, the Consistory reads like the first step in the court process, gathering information to later be sent to the Small Council in a secular trial. This could indicate that the Consistory did not have as much control over the city of Geneva as earlier scholars have argued. We know that the Small Council was largely an elected, civil body, but there does seem to be some interaction between the civil body and the church, as evidenced by the Small Council calling Calvin back to reform Geneva in 1541. There are also officers who seem to sit on both, for instance, the officer Vovrey comes up several times

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[106] Watt, 103.

[107] Watt, 105.

as a sitting official of the Consistory who works for the secular Small Council. According to Caroline Corretti, it was common for the Consistory and the Small Council to work together to decide the fate of those who appeared in their courts.[108] So, while the Consistory does not seem to be able to litigate property offenses, they do seem to be able to work cooperatively and effectively with secular courts to regulate both morality and property issues.

The York Cause Papers show an emphasis on both property and moral crimes. In the property crimes category, issues regarding tithing are the most frequent offense. In the Genevan records, there is little emphasis on tithing, but a great emphasis on attending sermons, catechisms and learning prayers in the French vernacular. The Genevan Church doesn't seem as concerned as the Anglican Church with tithing, even though that would be a property crime that could technically fall within their purview. Instead, the Consistory is most preoccupied with making sure that their laity knows proper Reformed doctrine. This shows an important discrepancy between the two sects. Perhaps the Genevan Church did not seem established enough yet to ask for money, where the Anglican Church essentially continued the Catholic tradition of tithing in the same way as they did before the Act of Supremacy. Or, (and more likely) it indicates that the Genevan Church was not given the authority to rent land like the Anglican Church was in England. Either way, it shows that the Consistory prioritized doctrine and an informed laity, which is in line with the Reformers and their belief that the general public should understand liturgy.

The Genevan records are most interesting for the clear cooperation between the laity and ecclesiastical authorities. In order to be successful, the Consistory needed an active laity who focused on surveilling one another and reporting sins to the church. The Consistory also needed to work in tandem with the Small Council to give their decisions any weight, and it is the cooperation between the two entities that gives the Calvinist Church

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[108] Carolyn Corretti,"Geneva Consistory Registers During the Time of Calvin, Vol 5, (1550-1551)." 2011, 852–853. Additional note from Coretti:"The cases also disclose much about how the Consistory operated, including its weekly meeting schedule, its rulings, and its reliance on the help of the Small Council (a civil institution) in many cases. The Small Council worked closely with the Consistory to determine decisions and rulings", 852.

power in Geneva. Clearly the laity is working with the Church, and the secular authorities were using the Church to shape Geneva as they saw fit. All three entities were complicit in this process of confessionalization and helped to create a modern city aligned with Calvinist values.

Chapter Four: The Role of the Laity in Geneva and York: Case Studies

Analysis of the Cause Papers from York and the Consistory registers of Geneva reveal that both courts became popular with the laity because they were convenient and cheap as well as useful. It was here that the laity inserted themselves into the process of confessionalization.[109] This section is not meant to stand alone without the context provided in the earlier chapters by scholarly sources. It is a case study of some of the court documents available. In many of the trials there is no outcome or sentence listed suggesting two possibilities: there is no information on what that decision was or the court reached no decision.

The case studies show that the courts in both places focused on two primary issues: censoring Catholic practices and regulating morality. The subsections below will also address how rumors and witnesses played a role in regulating these issues in each society. Both aspects show the laity helped to censor and even to regulate the behavior of their own neighbors; they also show how both genders used courts to control their relationships. The laity actively participated in the courts and as a result they invited more ecclesiastical and secular control into their own lives. As a result of this interaction, both the courts and the language of gossip and rumor were changed.

Catholic Recusants and Rumor

The case of Anthony Travers (conducted by the Court of High Commission in York) exemplifies the power of rumor in rooting out Catholic recusants. In it, the Office (of the church) accused laymen Anthony Travers of recusant Catholic practices but particularly of sheltering Catholic priests in his home. Travers confessed to the sin, and eventually was forced to sell out co-conspirators who seemed to have been involved in sheltering other priests. The Office "further claimed that Anthony had attended Catholic Mass or some other

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[109] In some cases I will make use of York Cause Papers from dates after 1542 because of the availability of case abstracts that translate the records.

forbidden Latin service and had confessed to a popish priest." Travers confessed to the charges and "provided names of some of his accomplices. He also stated that "he had publicly defended Catholicism and spoken against the established religion of the realm."[110]

There is no clear sentence in this case, which could mean it was lost, or that Travers was simply admonished and sent away. Clearly others had divulged information about Travers to church authorities. The rumormongers remained safe behind their anonymity. The Office used community hearsay to accuse Travers of attending Catholic services, harboring Catholic priests and working with others to actively subvert the church. He confessed to all of these charges, which might indicate the rumors were accurate or abundant.[111] The Court clearly had their ears to the ground and were able to use rumors to find those who might be straying from the Reformed path. They even demanded "name his accomplices" so that they could continue hunting for recusants in the area. This raises the possibility that someone before the Court named Travers as his accomplice initially, which could indicate this trial of hearsay extended beyond Travers' accusation. In either case, the rumors of the laity sufficed for the Court to accuse Travers of heretical behavior.

The case of George Malton and Thomas Bell reveals how the Court of High Commission censured Catholic dissidents.[112] They were accused of leaving their posts and speaking positively about Catholicism. Both attempted to run away by moving to London, but were brought back on charges of desertion and papist sympathies.[113]

The early section of this case is interesting because it shows that both George and Thomas were accused by the Court of High Commission for "favouring the Catholic religion". While their desertion of their clerical post may have been more obvious, their earlier "favour" of the Catholic religion would most likely have been hearsay of the community. Thomas and George probably expressed their disapproval of the Reformed

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[110] "The cause papers". https://www.dhi.ac.uk/causepapers/index.jsp. Accessed 2022, Reference: HC.CP. ND/1. See Appendix D for the full case.

[111] A paleographist and Latin specialist would be able to further explore if this was rumor, hearsay or simple tattling by assessing the original records more thoroughly.

[112] Bell was a deacon of Thirsk.

[113] Ibid, Reference: HC. CP. 1570/5.

changes to parishioners. George himself admitted that he had "talked with Thomas and they had spoken of their dislike of the way the sacraments were ministered in the established church". When they deserted, they traveled to London where they alleged they were Oxford scholars and were picked up by authorities in the city. Both admitted that their religious beliefs changed after "reading certain books loaned to them". The Office was able to bring this case against Malton and Bell because of the willingness of their parishioners to gossip and rumor about their transgressions. The court received help from not only the laity they served in Thirsk, but also the cooperation of other laymen like the mayor of London.[114]

In the case of Christopher Granger, the Office used hearsay to accuse him of "failing to carry out his duties as a minister". They also argued that Granger failed to observe "holy days… and pray for the Queen". Christopher admitted that he committed the crime of pluralism, but the other charges against him were false. The Office responded they knew Granger compelled "many of the inhabitants of Mansfield to attend an idolatrous process about their market cross". The fact that Granger was encouraging Catholic behaviors concerned the leaders of the church. It is unclear where the Office learned their information and they did not produce any witnesses in this case.[115]

None of these cases were unique. The Cause Papers include numerous examples of people reporting laymen and parishioners for "popish behaviors" or for encouraging Catholic practices. The Travers and Malton cases reflect a recurring theme: courts used the rumors and hearsay rife among the laity to single out those engaged in popish practices. There was a desire to root out and remove anything remotely Catholic, especially in the years following 1550, and the rumors of the laity helped the church do this. The overall number and types of cases addressed in the courts can also prove that lay participation increased throughout the sixteenth century. The graph below exhibits the total cases in various two year intervals from 1300-1572 in York. The total cases dramatically increased throughout the period, with a large number of them focused primarily on matrimony, tithe, defamation, and violation of

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[114] It is unclear from the translator notes why they were brought before the mayor of London in the first place.

[115] "The cause papers". https://www.dhi.ac.uk/causepapers/index.jsp. Accessed 2022, HC.CP.1569/1.

church rights. The columns show the types of cases (defamation, testamentary etc.) in a given period. They also give information about which types of courts were hearing cases during the time period (*Curia Ebor,* consistory etc.). *Curia Ebor* is the only court mentioned in the records until the late fifteenth century, when the consistory court was added. Many trials appear in an "undefined" court with some appearing in the newly created Court of High Commission as the graph progresses into the sixteenth century.

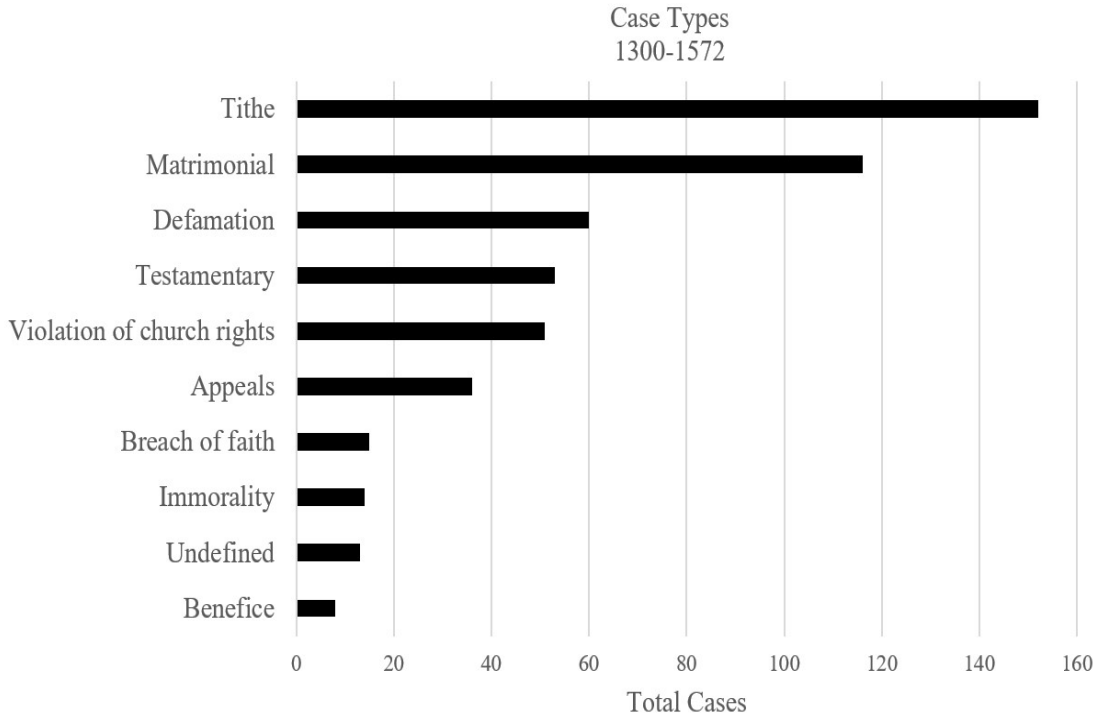

Figure 1 types/total cases in York from 1300-1572

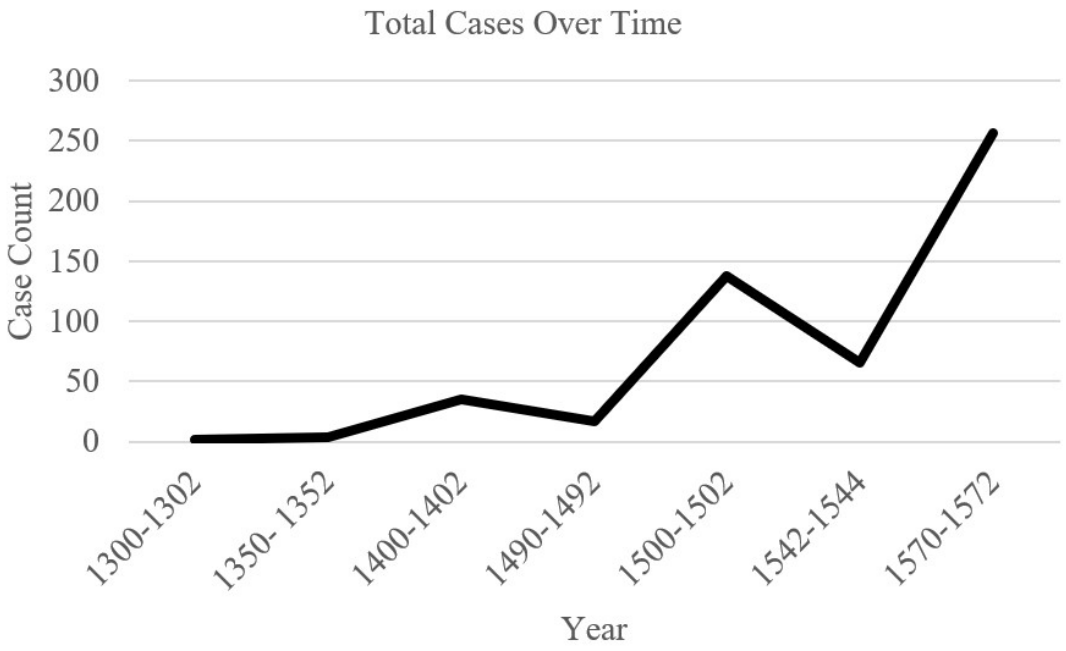

Figure 2 total cases over time in York from 1300-1572

A case study, dating from the early years of Calvin's reforms reveals similar practice in Geneva. On Thursday, April 20, 1542 three men were summoned by the Consistory: George Poutex, De La Verchiere and Mychiel Morand.[116] They were asked a series of questions about their faith and how they "serve the Reformed church". They were also questioned about their "duty to God… and why they do not want to read the passion during Communion". They answer that "no one gave them the book and they do not have the New Testament" because they are poor. They were questioned about if they could recount the Ten Commandments, both in Latin and French. The Council admonished them and asked them if they had "scruples about the present law of the Reformation", to which they responded they did not. They were told to "get books and commandments of the New Testament, so there will be no more bad reports about them". Notes to the case written by the secretary of the session reveal that the three had been summoned earlier for similar reasons. There was no official plaintiff in this case (as with many of the Genevan records) because the Consistory was simply acting as the prosecution. However, based on the text, the Consistory had received their information about Poutex, Verchiere and Morand's recusant practices from the

[116] Verchiere's first name is not listed in the document.

rumors of the laity. There were "bad reports" of their faith throughout Geneva, and the Consistory used rumormongers to establish a reason to haul them in front of the court.[117] The Consistory regularly summoned people to check on their Reformed faith. Typically, they were checking based on gossip about a given individual. In some cases, the rumormongers themselves are called as witnesses; in other cases the Consistory seemed to take their word as fact, perhaps because there was notable consistency in the details of the various rumors.

This case was certainly not unique but serves as an excellent sample of the day to day activity of the Consistory. The graph below represents just **three months** of the Consistory's activity from February 16, 1542 to May 4, 1542. The graph is split into the types of cases, the majority of which are moral transgressions, with only two of the categories falling into property crimes. In those categories the cases were referred to the Small Council for further prosecution. In most of the cases referenced in the graph below the defendant was asked about their Reformed faith and examined to establish their spiritual beliefs, even if that was not the reason the Consistory summoned them initially.

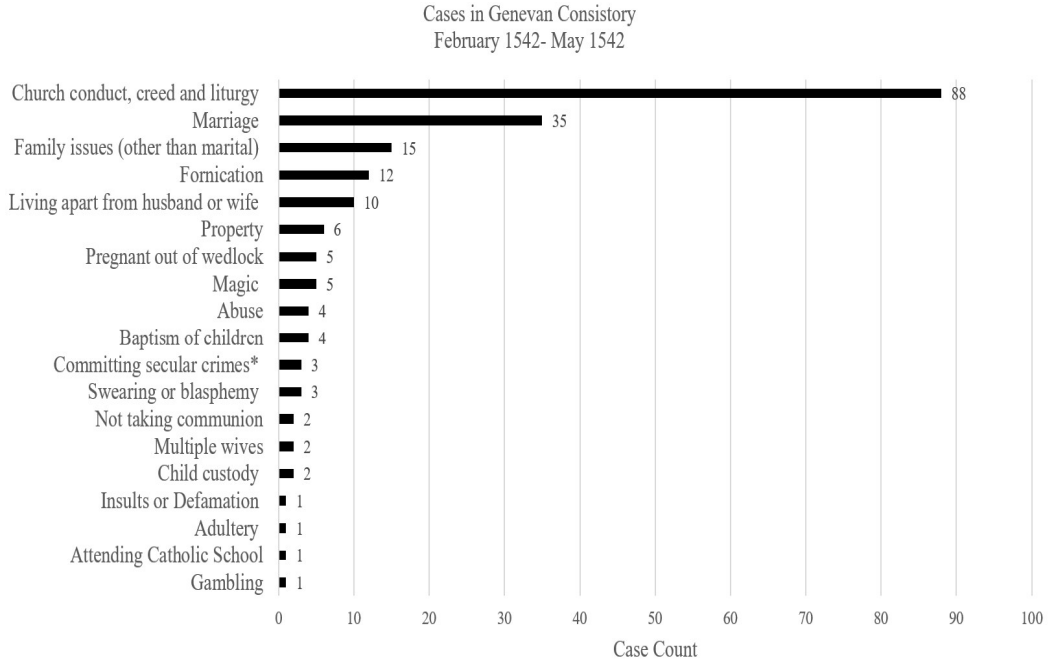

Figure 3 types/total cases Genevan Consistory from Feb. 1542-May 1542

[117] Robert Kingdon, et al. *Registers of the Consistory of Geneva in the Time of Calvin*. Eerdmans:H.H. Meeter Center for Calvin Studies, 2000, 44.

* Indicates the only two in the graph that could be referred to as Property Offenses and not Moral Offenses.

**Is approximate because some cases are appeals.

For an accurate comparison to the York Cause Papers, the graph below represents the amount and type of cases heard in York during the same period from February 1542 to May 1542.[118]

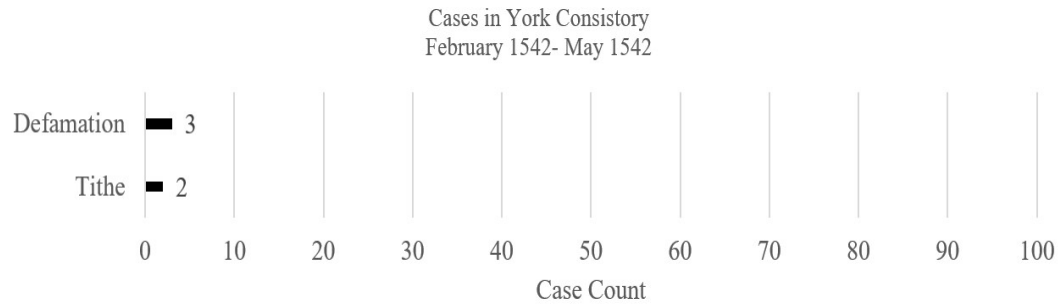

Figure 4 shows the total cases in the York from February 1542- May 1542

The number of cases that came before the Genevan Consistory vastly outnumbered the cases in all of York. Simply put, the Consistory was a massive part of Calvin's Reformed church. Calvin intended to invent an ecclesiastical court to regulate morality when he returned to Geneva in 1541, and the early years of the Consistory show he was successful. The emphasis of the Consistory was on critiquing the liturgy and pre-Reformation practices of the laity in Geneva, as evidenced by the eighty-eight cases brought before the court on this subject in only their first three months. It is also clear that Calvin was interested in regulating other moral matters as well and was more than happy to summon people before the court based on community rumors.

While Consistory records reveal Poutex, Vercherie and Morand to have been repeat offenders, many people were summoned only once and were asked to explain how they changed from Catholic to Reformed practices. For instance, Master Robert was called before

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[118] This is a piece of data from the earlier graph about the York Cause Papers that represents a more accurate comparison to the four months of data from the Genevan Consistory Registers.

the Consistory in April 1542 and "asked about how he has advanced in the Christian faith". When he answered that he has "learned his Pater and that he was at the sermon on Sunday" but "remembers very little" the Consistory showed their displeasure by giving him "sharper admonitions" and forbidding him to "come to Communion until he can recite the Pater better". They also instructed him to have his own Bible in his house.[119]

Master Robert's case is emblematic of the most common case found in the registers. Several pages later, a sheath-maker's wife is questioned about her knowledge of the sermon the past Sunday. She responded that the "preacher spoke of a lantern and that Our Lord finds His way easily without a lantern". The case notes that she, unlike Robert, "said her Pater fairly well". The sheath-maker's wife seemed to have issues in the community with a preacher and a man named Monsieur Britillion. However, the Consistory noted that she "be left on her own good will, continuing always to the end from good to better" and that she "hold no grudge against anyone. She was told to go to the sermon again tomorrow, reconcile with Britillion and the preacher, and take Communion. The Consistory did not issue an admonishment, seemingly because the sheath-maker's wife had impressed them with the show of her faith through her knowledge of both the sermon and the Pater.[120]

While recusant rumors were not specifically mentioned in the text as the reason for summoning the above people, the information the Consistory had about the community's behaviors, practices and quarrels indicate the court was listening to the perceptions of people and summoning those who were not "advancing in their Christian faith". The puzzling case of Aymoz Foural, host of the Three Quail Inn, shows the frustration people felt when summoned but unable to face their accusers. Foural came before the court in place of his wife, who he claimed was ill. He was asked about "frequenting the sermons" and answered that "he goes when he can, and Monsieur Calvin preached Sunday morning" and said his "Pater and creed fairly well". Then he added to the court that he did not think he should be "summoned more than others and that he had done more and that he wants to know what is

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[119] Robert Kingdon, et al. *Registers of the Consistory of Geneva in the Time of Calvin*. Eerdmans : H.H. Meeter Center for Calvin Studies, 2000, 36.

[120] Robert Kingdon, et al. *Registers of the Consistory of Geneva in the Time of Calvin*. Eerdmans:H.H. Meeter Center for Calvin Studies, 2000, 34.

wanted from his wife". Foural's frustration seemed to be that he did not like the idea of his wife being summoned without reason and wanted to protect her by coming in her place. The Consistory did not respond about the charges against his wife, but instead they ordered that "he bring his wife at once, and he was admonished to go to sermons and not tell lies any more".[121] Foural's case indicates that the community was aware the Consistory was summoning people based on hearsay and he wanted to protect his wife from their questions.

In other cases, accusing people of recusant behavior could be beneficial for plaintiffs. The case between John Marshall, parish clerk of Kickburn vs. William Bell, vicar of Kickburn, exemplifies this. John "petitioned the archbishop for William to be brought before the courts and charged with retaining altar stones, a tabernacle and Mass books within the church". He also claimed that William had taken the church key away from him and that he was "wrongfully discharged". Marshall went to the courts to report Bell as a recusant in this case, but clearly had motive to report him because he had recently been fired. Whether or not the statements against Bell were true, they were certainly used as evidence that he was not acting within the Reformed faith. A note on the back of the document indicates that William was cited to appear before the court as a result of Marshall's testimony.[122]

A similar story emerges in the case of William Stead, the parish clerk of Kingston Upon Hull. Stead was accused of "neglecting his duty as a parish clerk by being a drunkard and absenting himself from the church without permission". He was also accused of failing to provide communion wine, sleeping during sermons, refusing to attend funerals and baptisms, and "disturbing service and ceremonies with singing and organ playing and ringing church bells". The Office also claimed that Stead "altered the clock so there was no time for sermons", which is fairly laughable. At the end of this list of offenses, the Office also notes that Stead was "well-liked and maintained by the papists". In this case, the Office seemed to

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[121] Robert Kingdon, et al. *Registers of the Consistory of Geneva in the Time of Calvin*. Eerdmans:H.H. Meeter Center for Calvin Studies, 2000, 35.

[122] "The cause papers". https://www.dhi.ac.uk/causepapers/index.jsp. Accessed 2022, HC. CP. 1570/3.

have evidence that Stead was acting inappropriately at work, but in order to solidify their arguments they made sure they added "well-liked by papists" as a final nail in his coffin.[123]

In addition to rooting out Catholic recusants, the Consistory was also focused on rooting out magical practices. Aymoz Peronet, day laborer, was summoned by the Consistory for "curing many ill people". The Consistory was concerned that Aymoz was using "certain magic words which are forbidden by God… and whether he wants to live according to the Reformation". Aymoz responded that he "does as his father did; that he does not use talismans or magic words; otherwise he submits [to a penalty]". He elaborated that he "uses no other words except he always says in the name of the Father and of the Son" and that he did want to live according to the Reformation. The court did not choose to admonish or reprimand Aymoz, but it is clear they reached no decision in the case. Aymoz asked that "a decision [be made] before Sunday" because he "intends to take the next Communion at Pentecost". The record stated after that "no one wanted to grant this [communion] because he is not a proper person to want to receive Communion, and that he go to sermons". This case seems to indicate that the Consistory was concerned not only with rooting out old Catholic practices, but also with rooting out old magic that may have been practiced in the area. Aymoz indicating that he "does as his father did" likely did not make the Consistory feel better about his activity; Aymoz was following traditional practices, perhaps without knowing that these practices were at odds with Reformation doctrine. Any recusant practices were offensive to the ecclesiastical authorities in Geneva and York. They relied on community hearsay to be able to summon people for these transgressions.

Moral Regulation

The Cause Papers and Genevan Registers also indicate that the community used the courts to police virtue generally, not just to root out Catholic recusants. Rumors were a useful tool here as well, as were witnesses. The desire to regulate ethical behavior is most obvious in trials of sexual slander. In William Young v. Rolande Calvert in a York

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[123] "The cause papers". https://www.dhi.ac.uk/causepapers/index.jsp. Accessed 2022, HC. CP. 1570/4.

consistory, the court also documents rumor as part of the trial. William claimed that "Roland defamed him in the parish of Great Ayton by calling him a 'knave, noughty knave, harlott, and hoore monger'" who had "comyted fornication or adultery with all the wyves in the town of Ayton" and "all the yonge women of Ayton… except one Margaret Posgate". Roland "denied deliberately defaming William and claimed that he had simply been repeating gossip that was common in the town". He also indicated that he heard William brag about "fornicating with all the wyves of Ayton himself openly at Yorke".[124] In this case, hearsay from the community was enough evidence for Young to take Calvert to trial. Clearly the laity understood their own rumors could be used as evidence that would potentially help them in court. Young heard that Calvert was gossiping about him and brought that to the court to adjudicate. Young was attempting to regulate Calvert's slander and regain his reputation through the use of the court.

Women were frequently plaintiffs in both York and Geneva. To be sure, women used these courts to adjudicate marital and family issues, but they also used them to combat slander and defamation.. It is important to keep in mind that defamation could have ruined family reputations, marriage prospects and the future of a woman during this period. A case in point is Sulley vs. Thwaite. Anne Sulley initiated the court procedure to accuse John Thwaite of sexual slander. The case began in an "undefined" court which was probably in the local church parish. Anne Sulley, the wife of Richard Sulley, accused John Thwaite of sexual slander. Sulley was able to call her own witness who testified to hearing Thwaite defame her.

Thwatie, however, responded to Sulley's case in the "undefined" court by accusing her in front of the *Curia Ebor*. He claimed she cursed him and called him a "false priest" by saying "'I aske a vengeance upon thee and all thy kin'". John produced his own witnesses who testified they heard the statements and "further claimed they had heard Anne call John a whoremaster". This interaction likely shows that Thwaite understood a different court might respond to him more favorably, which is why he took his case to the *Curia Ebor* instead of the local church court. It is also clear evidence both parties understood how to use the courts to their advantage and that witnesses could be important for establishing their evidence. Both

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[124] "The cause papers". https://www.dhi.ac.uk/causepapers/index.jsp. Accessed 2022, CP.G. 1474.

Sulley and Thwaite were attempting to regulate a moral issue and they were inviting the court into their private lives to do so.

Numerous trials of sexual slander appear in the records. In the case of Frances Hall v. John Wightman in a consistory court of York, Frances "claimed that John had defamed her… by saying that she was 'a hoore a balde hoore and she was so rotten with the pokes that he cold take her by the hele and shake her in peces'". John denied the allegations and issued a "counterclaim against Frances" that argued that court procedure was not "properly followed as he had never received the initial citation in the case".

The Cause Papers also show women in York using the courts to settle issues of virtue as well. Typically, these involve illegitimacy or marital discord. Agnes Denton, for instance, appealed to the Court of High Commission to ask for John Gowton to provide provision for the care of her child. She claimed that John "committed fornication with her and fathered her illegitimate child". She also "alleged that she had obtained a citation against John, but that he had subsequently fled and would not appear in the court to answer charges".[125]

While Denton appeared to be unsuccessful in forcing Gowton to answer for the charges against him, her use of the court in this way shows that women saw it as an avenue to help settle disputes regarding children and marriage. They were regulating the morality of the men in the community, while also swaying public opinion about themselves. In the Genevan Consistory, women certainly used the court in a similar fashion. For instance, a woman named Francoyse presented herself to ask for the Consistory to separate her from her promised husband who had left town without her. The Consistory advised that "someone be sent to Lyon to inquire". They then later indicated that "she do her best to find out" why he left and "afterwards provision will be made". She is admonished and told to "always persist in doing better and better".[126]

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[125] "The cause papers". https://www.dhi.ac.uk/causepapers/index.jsp. Accessed 2022, HC. CP. ND/2.

[126] Robert Kingdon, et al. *Registers of the Consistory of Geneva in the Time of Calvin*. Eerdmans : H.H. Meeter Center for Calvin Studies, 2000, 40-41.

Francoyse believed she had been wronged by her husband. They "advise" that someone be sent to find out what happened and then subsequently seem to tell her to "do her best to find out" herself. If she was able to do so the court would "make provision for her", but they were unclear about what this could potentially be. Francoyse's case is not unique; women frequently appealed to the Consistory to settle marital and familial issues. The women were always "admonished" to "do better" as Francoyse was above and potentially given assistance, though the documents are relatively vague about what this assistance might actually look like. In a society where women were second class citizens, the ecclesiastical courts in both Geneva and York provided them with an avenue to regulate moral issues with the men in their lives, even if they were unsuccessful.[127]

Mychie, daughter of Gallatin, appealed to the Consistory to try and end a betrothal that she no longer found suitable. She said she did "not want her promised husband because he has nothing" and that "she swore faith to him… and that she has not been debauched". Her promised husband responded that he did not want to marry her if she did not want it, but that he is ready to marry her if it "pleases the Council". Mychie was then questioned again about if wanted the marriage, and she asked for "a term to respond to have council from her mother and her friends, since it pleases the Seigneurie, and to marry him next Tuesday". All parties agreed to this. It is unclear in this section if Mychie accepted the court's decision, or if she intended to get advice from her mother and friends and continue fighting the marriage. In either scenario, Mychie brought this case to the court in an attempt to free herself from what she thought was an unacceptable match. She also knew it was a moral issue that she "swore faith to him" but had decided against marrying him. Her hope was that the court would intervene and allow her to break her oath. She knew the community expected her to fulfill her promise and was using the court to try and circumvent this issue. In this way, she was also using the court as an arena where public opinion could be molded.

A similar case appears in the York Cause Papers between two men: Alexander Palmes and Nicholas Morden. Palmes accused Nicholas of "maliciously attempting to persuade Margaret not to marry him even though a contract had been made and the banns

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[127] "The cause papers". https://www.dhi.ac.uk/causepapers/index.jsp. Accessed 2022, CP. G. 1648

thrice asked in church". Nicholas and three other defendants were accused of "unlawfully remov[ing] Margaret from her house". Nicholas responded that Margaret was already "contracted to another man". He also added that "Margaret claimed that she had been held against her will and wanted to escape". This case is puzzling because it is unclear why these men held Margaret and kidnapped her from her house. Margaret was listed as an "intervening party" in the trial, but did not directly testify. There is no clear sentence. It is clear that Palmes was using the court to settle an issue about his marriage, specifically to make sure that other "intervening parties" quit attempting to stop the wedding. Similar to Mychie in the previous trial, Palmes believed the court could help settle a marriage that he thought was certain- the banns had "been thrice asked in church" already at this point.[128]

Community hearsay and witnesses also became embedded in the regulation of the rectitude of local church authorities. Anthony Wiclif vs. Isabel Lime in the York Court of High Commission exemplifies this. The Office claimed that Wiclif kept Lime as a housekeeper and a mistress from the age of fifteen. Some time after entering his employment, Lime was married, but her affair with Wiclif continued. The Office then claimed that "Isabel had returned and that Anthony had committed adultery with her much more openly than previously". The office produced a witness who claimed that Isabel had admitted that "Anthony was an evell lyver with her " and that he had given her a "patent worth 40 pounds before she went north with her husband". Anthony admitted to "keeping Isabel as a servant, and to taking her in when she first returned, but he denied he had had carnal relations with her". The office then "issued a further set of articles against Anthony, in which he was accused of ministering the communion to young people who could not recite the Ten Commandments, not reading the homilies, and omitting weekday services". He denied all of these allegations. A series of seven more witnesses were summoned by the Court of High Commission to testify against him. All seven of the witnesses agreed the charges against Anthony were true and Isabel had called "Anthony a whoreson priest" in front of the congregation in church. The community witnesses were invaluable to the Court in this case

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[128] "The cause papers". https://www.dhi.ac.uk/causepapers/index.jsp. Accessed 2022, HC. CP. 1571/2.

because they had both first and secondhand knowledge of the affair.[129] The church was able to use community hearsay in this case to regulate the morality of a member of their own.

Men also appealed to the Consistory to assist them in marital issues. For example, Master Jehan Cheys, surgeon, appealed to the court for their assistance with his wife, Felize Reniere. He claimed that his wife refused to live with him in Geneva, and that she had told him to take another wife. Several men were called by the Consistory to establish Reniere's side of the story; they were examined at a later date by the Consistory. The court did not find for any party in this case, but rather decided to revisit the issue at a later date once the witnesses could be examined. The issue at hand seemed to be whether or not Cheys was free to marry once again, and witnesses were used to establish whether or not Reniere was refusing to act her duty as wife. As with the others, this case is not unique. Cheys was appealing to the court to settle a moral, marital issue and the Consistory called witnesses to establish whether or not they should intervene. Often, the Consistory summoned witnesses to establish whether or not a person was telling the truth, or to provide evidence a sin was committed in the community. If witnesses failed to appear, they could be summoned before the Consistory to answer for their own sins and in some cases they were referred to the Small Council.[130] Cheys believed that the Consistory would step in and force his wife to live with him in Geneva. He invited the court into his marriage in an attempt to achieve this outcome.

The Consistory also frequently asked people to obtain their own witnesses and bring them before the court to testify in moral issues. On April 27th, 1542, the Consistory heard a complaint brought by the wife of Mauris Chastel of Crusielle concerning his activities. According to the wife, the husband had "many women at his command" and often called his wife to "go live with him".[131] The wife said her husband is "detested and that he wanted to have another wife and that three years ago he espoused another and that she does not

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[129] "The cause papers". https://www.dhi.ac.uk/causepapers/index.jsp. Accessed 2022, HC. CP. 1571/3

[130] Robert Kingdon, et al. *Registers of the Consistory of Geneva in the Time of Calvin*. Eerdmans:H.H. Meeter Center for Calvin Studies, 2000, 7.

[131] Names are unclear in this record, see Appendix D for a more complete summary of the case.

consider him her husband because he never did her any good". The Consistory advised that "inquires be made to determine whether the said marriage should continue and that she [the wife] be remanded to Thursday to bring her witnesses to justify her testimony, and that her husband bring proof that he married elsewhere". The language in this case is fairly confusing, because the registers do not include the initial supplication. However, it does show that the Consistory required both parties to find their own witnesses and bring "certification" of marriage as well as "some affidavit" to proceed in their case.[132] It also shows how a woman used the Consistory to regulate her own unhealthy marriage. In this case, the Consistory was responsible for deciding whether or not the marriage was still valid.

In Elizabeth Lampson vs. Richard Corbridge, Elizabeth appealed to the court for their assistance in asking Richard to admit that "he had had sexual relations with Elizabeth and… that she had given birth to a baby boy". Corbridge claimed that the child "was not his as it was born less than nine months after he had first had sexual relations with Elizabeth". He did not want to claim the boy, even though Elizabeth's family attempted to convince him. The dean of Ryedale had stepped in between the couple already and convinced Corbridge "to marry Elizabeth after four years 'if in the meane tyme she kept her self an honest woman and if [he] could then fancy her". In this case, Lampson and her family were attempting to use the court to settle a dispute over a bastard child. Corbridge could not be made or convinced to acknowledge the boy, and Lampson's future was severely diminished as a result of the affair. Although evidence of a resolution is lacking, the lawsuit indicates the community felt comfortable asking the court to regulate issues of premarital sex. Lampson represents another woman who used the court to regulate an issue with a man in the community.[133]

In the case of Mermeta Jappaz, the Genevan Consistory summoned her to answer for a rumor about her pregnancy.[134] On March 30, Mermeta answered that she is pregnant by a man named Bezanson Fouson and that "she already felt the child at Christmas, and this was

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[132] Robert Kingdon, et al. *Registers of the Consistory of Geneva in the Time of Calvin*. Eerdmans:H.H. Meeter Center for Calvin Studies, 2000, 50.

[133] "The cause papers". https://www.dhi.ac.uk/causepapers/index.jsp. Accessed 2022, CP.G. 1474.

[134] In some of the records she is called Mermeta, in some she is called Mermetaz.

at the Fouson's house". She was then tested on the Pater, which she "did not say well" and asked about her attendance at church, responding that "she goes to sermons on Monday and other days not". She also recounted that she had another child who died. The Consistory remanded her Thursday and told her to abstain from taking Communion.[135]

The following Thursday, April 6, the Consistory interviewed Bezanson Fouson. Fouson claims that he "knew [Mermetaz] about St. John's Day and said that Furbi's boy and the Foy's valet have also been with her". He claimed the child was not his. He was called back before the Consistory the next day and was told he is "forbidden to receive the Holy Communion because of his fornication, and remanded to Thursday". On Thursday, April 13, 1542, the Consistory called the "names of those who have confessed having knowledge of Mermetaz Jappaz, who is pregnant with child". They included "Jaques, son of Furbi, Thibault Tissoctz, Bensanson Fouson, and Foy's servant". The Consistory advised that "all three be held… and remanded before the Council on Monday in order that young people not injure themselves thus". Then, they were admonished and reminded that fornication was forbidden and the court noted that "it would be good to drive such public fornicators from the city to avoid such scandals".

This case is complex because it spans several sessions. The community clearly knew of Mermeta's pregnancy and her reputation as a woman was clearly loose. Fouson is not willing to own up to fathering a child, and therefore he listed other men who he knew fornicated with her. While Mermeta did not receive any help from the Consistory, the community was given the ability to regulate a seemingly "loose woman" who was seducing their young men into scandalous affairs. Mermeta was left with the child, and then boys who chose to fornicate with her were referred to the Small Council for punishment. The community used Mermeta to make an example of those who might choose to break their moral customs. The Consistory was instrumental in this because they made the hearsay of the

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[135] When a person is "remanded" they are summoned back to the court on a subsequent day.

community public knowledge. Shame provided by the court was a useful tool in regulating the morality of the community.[136]

The York High Commission adjudicated similar lawsuits. The Office accused Anthony Huddleston of "throwing his wife Mary out of their house and taking in Anne". Anne was Anthony's sister. The court had already called Anthony in on the same charges, and Anthony claimed he would stop living with his sister. During the earlier trial he had also "sworn an oath that he would never commit incest with Anne again". Anthony denied the charge of incest in the latest trial. The documents also contain copies of "recognisance issued to Anthony in which he was ordered to abstain from the company of Anne". Anthony petitioned to the privy council and claimed he had been "wrongfully charged and begged for the restrictions on his movement and place of residence be lifted". The archbishop recommended his requests not be granted. In this case, it is clear the Office of the church is working to put a stop to Anthony's immoral behavior. His wife, Mary, was not listed as a plaintiff, nor was her family. In this case the church was working for the people of the community by attempting to stop immoral behavior and protecting Mary's legal marriage to Anthony.[137] The Office regulated the virtue of the community both of its own violation and at the behest of the laity.

Closing Thoughts

Clearly both the Consistory and York ecclesiastical courts relied on the laity participating in the court system and bringing cases to be heard. This process was both "top-down" and "bottom-up" and shaped both the courts and the actions of the laity. The laity was learning how important the courts could be to settle their personal scruples. The courts were useful and convenient to the average man in both Geneva and York; the records show that people regularly used them for their own benefit. The increase in cases in both areas show

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[136] Robert Kingdon, et al. *Registers of the Consistory of Geneva in the Time of Calvin*. Eerdmans:H.H. Meeter Center for Calvin Studies, 2000, 29, 33, 37-38.

[137] "The cause papers". https://www.dhi.ac.uk/causepapers/index.jsp. Accessed 2022, HC. CP. 1572/2

that they were popular for solving issues that the plaintiff felt unable to solve themselves. The increase in types of courts added to the York system by the Crown (i.e. consistory, Court of High Commission) show that the secular authority understood the courts were helpful for the laity and that more were needed to meet demand other than the early *Curia Ebor*.

The fact that marriage ranks highly in both the case counts above also shows that the courts were used by the laity to regulate a contentious issue. Reformed faiths such as Calvinism believed in only two sacraments: baptism and communion. This created a vacuum in adjudicating conflicts that arose out of marriage. New bodies of governance, like the Consistory, became necessary to deal with this issue. Like the man above who wanted his wife brought to him in Geneva, or the case of adultery between Wiclif and Isabel Lime, people expected the courts to be able to settle moral issues that were out of their control. Anglican churches still dealt with marriages, which is why the courts convened during this period still adjudicated this as a major issue. As citizens turned more and more to the courts to regulate moral issues, they invited the secular government into their private lives because of the comingling of church and secular authority in both areas. The Consistory in Geneva was overseen by the Small Council, and any issues that required punishment beyond admonishment often had to be sent to the Small Council for judgment. The Consistory was part of a functional theocracy and they collaborated with other authorities like the Council. Similarly in England, the Court of High Commission and the consistory court were developed by the Crown so that moral matters could be litigated. If there was to be any weight or sentencing behind the ecclesiastical courts' verdicts, they required the participation of the Small Councils to carry out the sentence, thus blurring the lines between secular and ecclesiastic.

Neither Genevans nor the English citizens were blind to this fact and they had to find a way to negotiate a world where certain sacraments that had organized moral life (e.g. marriage, slander) were no longer the purview of the religious world. They recognized they had an avenue to accuse their neighbors publicly of unseemly habits- defamation, fornication, adultery, magic etc.- and hopefully had a court body who would force their neighbors to change. The courts were popular because they were useful, and citizens fulfilled the social contract by ceding their privacy in order to regulate moral issues. This ceding allowed

secular authorities to gain access to the private, moral matters of individual people as history progressed.

Chapter Five: Conclusion

In comparison, the ecclesiastical court records of both Geneva and York are significant because they provide evidence that confessionalization was occurring in both places during the height of the Reformation. But, more than that, they provide a good comparison of legal systems because York was functioning essentially under Roman Catholic Canon Law, and Geneva was making up its own court system based on the desires of John Calvin and Germanic Law in the area. Both systems show a necessary emphasis on surveillance of citizenry through witnesses, but the Calvinist church shows this jump occurred much more quickly in Geneva than it did in York. The sheer number of cases from 1542-1544 in Geneva could be evidence of this, but the cases themselves also show the pastors (often Calvin himself) encouraging people to report one another for moral issues. The discussion in the earlier section about women reporting other women for sexual crimes shows that the laity was certainly starting to believe that it was their responsibility to police one another morally, especially in Geneva.

While the people of York certainly learned to use the courts in this way in the periods following Henry VIII, the people of Geneva were quickly forced into this change through Calvin and his reorganization of the church. There was a more rapid shift in moral control in Geneva than York, but in both cases the people were an instrumental aspect of confessionalization. Without their participation in the court systems, the church would have limited knowledge about moral crimes in the community. Using church courts, and their cooperation with royal courts or the Small Council, the secular institutions of power (later pieces of the modern state) were able to invade the private lives of citizens. This change is significant because it shows that through the process of confessionalization, citizens gave up their privacy in order to litigate morality that they found offensive. The emphasis on morality post-Reformation encouraged the laity to care about these offenses and report them to the proper authorities. Then, the church courts used their secular counterparts to punish those who stepped outside of morally acceptable behavior. Today, the state regularly litigates moral issues in most modern societies (divorce and abuse cases are good examples of this).

The legality of marriage used to lay with the church courts, but by the 17th century had become the purview of the secular ones. Church courts, while they still exist, have no secular authority in most places and the secular courts have no need for their assistance anymore. Through the process of cooperation in the 1500s, secular authorities were able to encourage common people to aid in confessionalization and, in turn, common people ceded some of their privacy to receive moral protections from the state.

In *Social Discipline in the Reformation*, Hsia R. Po-Chia explains why this change is significant to modern society.[138] Not only did it strengthen ties between the modern state and the church, but it also reinforced the patriarchal structure of society since all Reformed sects supported the idea of a "house-father".[139] He argues that all male authorities used this to "justify their power" and "the problems of class, gender, family and childhood are clearly related to the redistribution of social power brought about by confessionalization".[140] Furthermore, through this cooperation, the Church was able to start regulating sexuality. This regulation and patriarchal structure were reinforced by the books produced during this period, of which about 44% were religious.[141] So, not only did confessionalization change the social dynamics of the world during the 16th century, it also changed what art and literature were produced to help reinforce the message that sexual deviancy was intolerable and patriarchal structure should be the norm.

And, while there are notable exceptions like the Lollards, overall, the laity was complicit in this change. Whether it was because they wanted to use the courts for their own purposes, like we see in the Anglican records, or because they wanted to regulate the behavior of their neighbors, the laity was willing in most cases to report on one another and reinforce moral norms. Without their participation in the state of surveillance, the

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[138] Po-chia Hsia, *Social Discipline in the Reformation: Central Europe, 1550-1750*. London, Routledge, 1989. His work is focused primarily on Germany which is why it is not referenced in earlier sections.

[139] Hsia defines this as "someone who was to represent godly and magisterial authority to others in his household", 8.

[140] Hsia, 8.

[141] Hsia, 89.

confessional change in all religious sects would not have been possible. The movement of society towards a moral, secularly regulated state was both the result of larger institutions and the inclination of the common man to assist in the change.

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Appendices

Appendix A- Samples from the York Cause Papers

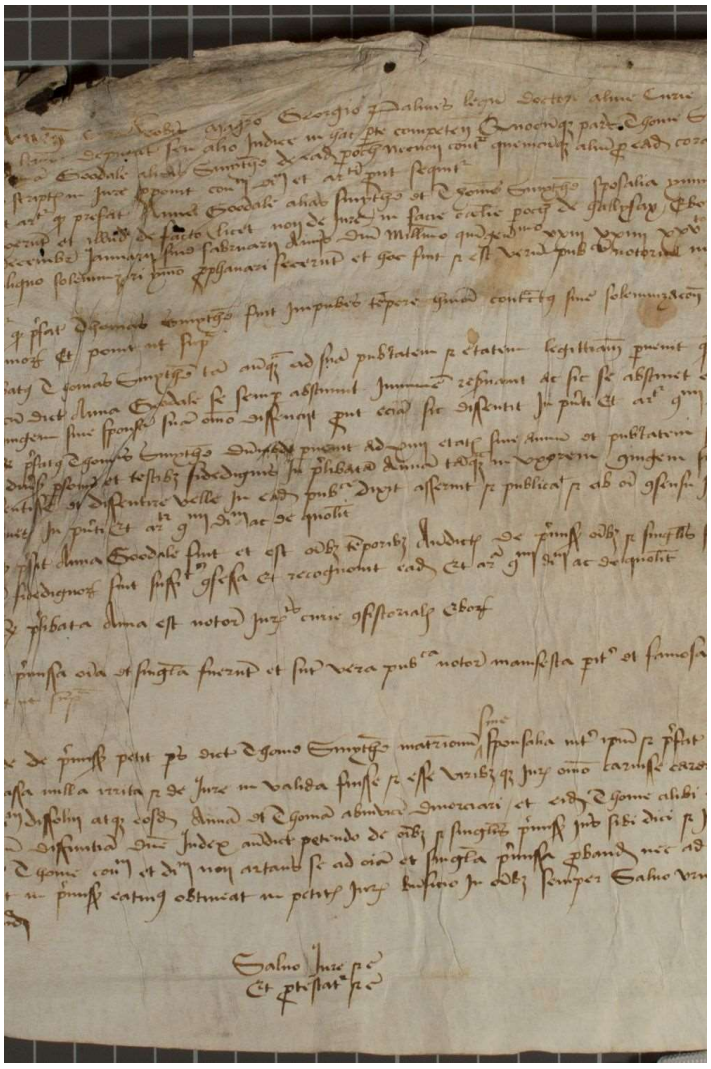

Figure 5 shows a legible example of a Cause Paper record in a matrimonial case.[142]

[142] Reference CP.G. 299, Borthwick Institute GB 193. Matrimonial case (annulment-minor). Includes 10 pieces, has deposition, has libel, has sentence. Defendant won. Date-12/3/1542.

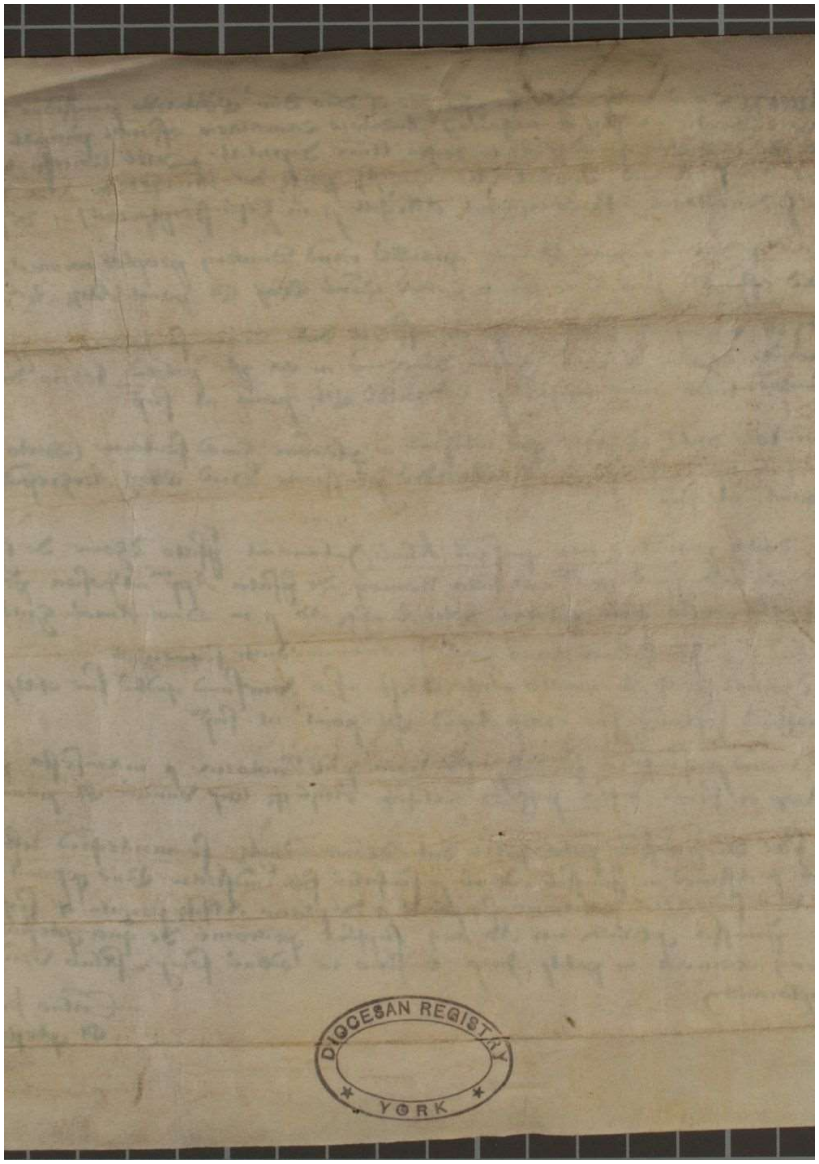

Figure 6 shows a Cause Paper record that is damaged

Appendix B- The Development of Courts and the English Legal System

The English legal system is the product of over a thousand years of development. Lord Elwyn-Jones CH argues that in a nutshell "it has developed in an evolutionary rather than a revolutionary way".[143] It begins most simply with William the Conqueror using two

[143] Frederick Elwyn-Jones et al., *The English Legal Heritage*. Edited by Judy Hodgson. London: Oyez Publishing, 1979, 13.

pre-established Saxon systems to rule over a new area: the sheriff and the national assembly. The national assembly morphed into a new entity under William- *Curia Regis*.[144] The *Curia Regis* took two forms: small and large, but in practice both served the same purpose at different times in the year[145]. The *Curia Regis* exercised or supervised the exercise of all the functions of the state", including that of the judicial system. During the time of William the Conqueror, it was the highest court of the land where the most "important" persons and cases were tried and decided.[146] Later, the *Curia Regis* was used as an extension of the hand of the king into county areas. Members of the *Curia Regis* would be commissioned to specific areas on a circuit to try cases of the area in the name of the highest law of the land (the king). Practically this meant the power of the king was expanded and brought this power into conflict with the Church. The Church did not always have separately functioning courts from the monarchy, but William I separated church courts during his reign. This separation most immediately allowed the Church to try clerics in their own courts separate from the laity. In practice, however, this separation served to expand Church control. This, in addition to the investiture controversy under Henry I, led to a Church that gained power and prestige and "passed into the thirteenth century as an independent government, almost or quite as strong as the state".[147] It is important to note that there was a royal court functioning during this time period also. The royal courts "grew strong, receiving popular support and approval. They were less likely to be prejudiced in favor of the prosecutor".[148] This court was traveling depending on the location of the monarch, so it was not always available to the public. However, this does indicate that people had some choice of where they could litigate their disputes. The magistracy was also founded in the fourteenth century, and it was given control over both civil and criminal matters in the name of the king. This could have also been a

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[144] George Burton Adams, *An Outline Sketch of English Constitutional History*. New Haven: Yale University Press, 1918, 24.

[145] The Council was also called the *curia* or the *curia regis*. Typically, the Small Council functioned when the Large Council was in between sessions.

[146]George Burton Adams, 24.

[147] Ibid, 41.

[148] Elwyn-Jones, 14.

potential avenue for litigants to settle disputes, though it would be unlikely that many people would have had access to the magistracy. Therefore, church courts remained one of the most convenient options for most people. Typically, these courts would practice Canon Law, see the Appendix C for a discussion of what was included in Canon Law.

Law code in England begins most simply with Common Law, which is the custom of a land rather than a legal code written by any entity. William the Conqueror used Common Law to collect taxes based on the Dooms already established by Saxon Kings, similar to how he established the Councils. Common Law in some cases has morphed into law made by the legislative body of Parliament. Parliament at first had no real legal power except to advise the monarch. Election of representatives began in the fifteenth century, and this allowed Parliament to begin to "challenge royal authority".[149] From this moment forward, Parliament began to gain more power, especially with the advent of the Bill of Rights in 1689. Parliament could enact Statute Law from its creation in 1215, but until it began to be independent of the monarchy it largely acted in tandem with what royal officials wanted. So, while Statute Law existed during the time this paper is concerned with (1542-1544), both Parliament and Statute Law itself were primarily an extension of royal control.

It is also important to note here that church courts and royal courts tended to cooperate in some cases as well. As mentioned in the Anglican introduction, there were many moments where the royal court would need assistance in certification from the church and many moments when the church needed the physical assistance of the crown. There certainly seems to be tension between the crown and the church as each court wanted to be more relevant to the laity. This tension could be, and often was, used by the people to their advantage. A litigant might try their case in a church court, but if they were unhappy with the decision they might instead move to a royal court. Both courts attempted to stay consistent with Common Law in order to keep their constituents happy. When the legal system developed to include Parliament, both parties had to consider Statute Law as well.

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[149] Elwyn-Jones, 14

Appendix C- Germanic Law, Roman Law and Common Law

By definition, Roman Law is the ancient legal code of Rome. Germanic Law is usually used to describe the development of legal systems after Roman conquest in different areas of Germanic tribes. Germanic Law evolved over time as it was implemented in different areas, and while it referenced Roman Law in some cases, it was different because it varied depending on the region. In England, Germanic Law developed to be Common Law. When William the Conqueror took over England, he understood that it was important to have a legal system that would allow people to rule themselves in the name of the king. Common Law was adapted and changed to his desires, but it was different from Roman Law in the sense that the word of the king did not have the force of law, and that those who were accused needed to be proven guilty instead of just assumed guilty. Common Law is the law that was used in all the courts of the king. According to Chapman: "Ecclesiastical law comprised four essential elements: civil law, canon law, common law and statute law, though some regarded civil law as being part of canon law".[150] So, when church authorities were considering cases, they were using secular laws in addition to Canon Law.

Appendix D- Cases Referenced

York Cause Papers

Reference: HC.CP. ND/1

Plaintiff: Office (of the church)

Defendant: Anthony Travers, a male gentleman.

There is no sentence listed.

Court of High Commission

Violation of Church Rights (recusancy, harboring priests)

Abstract: "The Office accused Anthony of not attending his church to hear divine service or receive the Holy Communion. The office further claimed that Anthony had attended Catholic Mass or some other forbidden Latin service and had confessed to a popish

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[150] Chapman, 5.

priest. Anthony was also accused of harbouring Catholic priests and of knowing several men who had reconciled to Catholicism and been absolved by the Catholic Church. Anthony confessed to the charges against him, and provided the names of some of his accomplices. He stated that he had publicly defended Catholicism and spoken against the established religion of the realm".

Reference: HC. CP. 1570/5

Court of High Commission

Benefice Case (desertion of benefice, papist sympathies)

Plaintiff: Office (of the Church)

Defendant: George Malton

Defendant: Thomas Bell; deacon, curate of Thirsk

Abstract: "The office accused George and Thomas of deserting their clerical orders and favouring the Catholic religion. In his examination George admitted that he had talked with Thomas and they had spoken of their dislike of the way the sacraments were ministered in the established church, and the way ministers were admitted to the church. George admitted that he and Thomas had decided to leave the ministry and head south to live as unknown laymen. He claimed they had reached London, where they had alleged before the mayor of London that they were Oxford scholars, but that they had then returned north and were arrested. George claimed he was very sorry for his errors, and alleged that he now favoured the current order of divine service and ministration of sacraments. Thomas was also examined, and he admitted that he had left the clerical orders after '...beinge moved in conscience and persuaded in opinion and believe that the religion now established in this realme is not the catholique religion and trew doctine of christe…' Thomas admitted that it was reading certain books loaned to him that changed his religious beliefs, and claimed that had he been able he would have gone abroad. He also admitted to travelling south with George, and passing himself off as an Oxford scholar before the mayor of London"

Reference:HC.CP.1569/1

Court of High Commission

Benefice case (neglect of duty, papist sympathy, pluralism)

Plaintiff was the Office, with a public prosecutor. Defendant was a man named Christopher Granger, the vicar of Cuckney, parson of Tollerton and Matlock.

Abstract: The Office "accused Christopher of being a papist and a member of the Church of Rome. Christopher was also accused of pluralism and failing to carry out his duties as a minister, and ignoring many of the injunctions of the established church as well as observing old holy days and failing to pray for the queen. The office further claimed that Christopher had not kept a parish register, nor a poor box, and had not distributed alms to the poor. Finally, Christopher was accused of compelling many of the inhabitants of Mansfield to attend an idolatrous process about their market cross. Christopher admitted that he had held more than one benefice simultaneously, but denied the other charges against him."

No sentence listed.

Reference: HC. CP. 1570/4

Court of High Commission.

Violation of Church Rights (retention of Catholic objects/images in church/ failure to provide service books)

Plaintiff is John Marshall, parish clerk of Kirkburn. Defendants are William Bell, vicar of Kickburn, John Smith and the Churchwardens of Kirkburn.

Abstract: "John petitioned the archbishop for William to be brought before the courts and charged with retaining altar stones, a tabernacle, and Mass books within the church. John also claimed that WIlliam had not provided service books for the established church, and had taken the key to the church from his keeping. John further claimed that William had wrongfully discharged him from his position as a parish clerk. A note on the reverse of the document indicates that William was cited to appear before the court."

Reference: HC. CP. 1570/3

Court of High Commission

Violation of church rights (parish clerk- neglect of duty/absence from church)

No sentence or outcome.

Plaintiff is the Office. Defendant is William Stead, the parish clerk of Kingston Upon Hull

Abstract: “The office accused William of neglecting his duty as parish clerk by being a drunkard and absenting himself from the church without the permission of the curate. William was accused of failing to provide wine for the communion, and of sleeping during sermons and homilies on the occasions he attended. The office further claimed that William refused to attend burials and baptisms, not attending the reading of the lessons, altering the clock so there was no time for sermons, and disturbing service and ceremonies with singing and organ playing and ringing the church bells. William was also alleged to be well liked and maintained by the papists. William denied the articles issued against him were true. He claimed that he had always done his duty as parish clerk and was never absent without permission. He admitted that the Communion wine ran out one Sunday, but claimed that this was because the curate admitted far more people to receive the communion than had given notice that they would. He claimed that he rang the bells and played the organ for short periods only when required, and denied knowing any papists in Hull.”

Reference: HC. CP. 1571/3

Court of High Commission

Immorality Case- Adultery

Plaintiff: Office (of the church)

Defendant: Anthony Wiclif, a male clerk and parson of Kirkby in Ashfield.

No sentence.

Abstract: “The office accused Anthony of committing adultery with Isabel Lime, who had kept as his housekeeper since she was 15, and had had children with her until she married, after which he had given her money and sent her away to the north. The office further claimed that Isabel had returned and that Anthony had committed adultery with her much more openly than previously, and also administered the communion to her, knowing that she was committing adultery with him. Anthony admitted to keeping Isabel as a servant, and to taking her in when she first returned, but he denied he had had carnal relations with her. He admitted that he had administered communion to her. The office produced witness who claimed ath Isabel had admitted that Anthony was ‘an evell lyver with her’, and that he had given her a patent worth 40 pounds before she went north with her husband. They also testified that Isabel had called Anthony a whoreson priest in church, but that he still

ministered the communion to her. The office issued a further set of articles against Anthony, in which he was accused of ministering the communion to young people who could not recite the Ten Commandments, not reading the homilies, and omitting weekday services. Anthony denied all these accusations. The office had the churchwardens and sworn men of the parish testify against Anthony on these charges, and they all agreed that the accusations were true. The documents include copies of the records from the court books of the progress of the case through the courts."

Reference: CP.G. 303

Consistory Court

Breach of faith (debt)

No sentence

Plaintiff: John Jennison

Defendant: John Jackson

Witnesses: William Mason and Thomas Milsom

Abstract: Plaintiff was named John Jennison. He accused John Jackson of unpaid debts. There are two witnesses, William Mason and Thomas Millsom. They testify that Jennison "demanded payment". Jackson responded that "he would first speak with his Counsel and see if it was decreed that Jackson should make the payment". If the Counsel agreed he should, then he would repay Jennison. The papers do not indicate how much money was involved. Witness statements also indicate that Mason has known Jennison and Jackson since childhood. Millsom indicates he has known Jackson for 20 years and Jennison "for a broken period". There is no sentence in the case records.

Reference: CP. G. 833

Consistory Court

Violation of Church Rights (Dilapidations)

Plaintiff won, no sentence listed.

Plaintiff: Marmaduke Atkinson, rector of Huggate

Defendant: Alice Robinson, widow and administrator of the goods of Abraham Robinson, deceased. He was the former rector of Huggate.

Both parties are represented by Proctors.

There are seven witnesses.

Abstract: “Marmaduke sued Alice over the poor state of repair of the vicarage buildings at Huggate. Alice was the widow and executor of the deceased former incumbent of Huggate. Marmaduke produced several witnesses who testified that the vicarage buildings at Huggate were in a state of decay, and that craftsman had viewed the buildings and made estimates of the cost of the required repairs. The court found for Marmaduke”

Reference: CP.G.466

Undefined court

Defamation case (sexual slander).

No sentence or outcome listed.

Plaintiff: Anne Sulley, wife of Richard Sulley

Defendant: John Thwaite.

Witness: Edward Dickenson.

Abstract: “Anne claimed that John defamed her by calling her ‘fals hoor, fals harlot’. Anne produced interrogatory questions to be put to John’s witness. Anne produced a witness who testified to hearing John defame her”.[151]

Reference: CP.G. 466A

Curia Ebor.

Defamation case (character).

No sentence or outcome listed.

Plaintiff: John Thwaite

Defendant: Anne Sulley.

Witnesses: Robert Hotcolle, William Hillingworth, Robert Chapman.

Abstract: “John accused Anne of defaming him by calling him a false priest, and further claimed that Anne had cursed him by saying ‘I aske a vengeance upon the and all thy

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[151] “The cause papers”. https://www.dhi.ac.uk/causepapers/index.jsp. Accessed 2022, CP.G.466.

kin.' John produced witnesses who agreed that Anne had called him false priest and curse him, and further claimed they had heard Anne call John a whoremaster".[152]

Reference: HC. CP. ND/2

Court of High Commission.

Immorality case (acknowledgement of illegitimate child).

No sentence.

Plaintiff: Agnes Denton.

Defendant:John Gowton.

Abstract: "Agnes petitioned the archbishop that a case be pursued against John, who she claimed committed fornication with her and fathered her illegitimate child but refused to make any provision for the care of the child. Agnes alleged that she had obtained a citation against John, but that he had subsequently fled and would not appear in the court to answer charges."

Reference: CP. G. 1474

Consistory court

Defamation case (sexual slander)

Plaintiff: William Young

Defendant:Rolande Calvert.

Abstract: "William claimed that Roland defamed him in the parish of Great Ayton by calling him 'knave, noughty knave, harlott and hoore monger and sayd that he the sayd William Yonge had had carnall knowledge and comyted fornicacon or adultery with all the wyves in the town of Ayton in Clevelande savinge foure and also with all the yonge women of the same towne of Ayton excepte one Margaret Posgate sayeing further that the sayd William Yonge had so reported of hime selfe openly at Yorke.' Roland denied deliberately defaming William, and claimed that he has simply been repeating gossip that was common in

[152] "The cause papers". https://www.dhi.ac.uk/causepapers/index.jsp. Accessed 2022, CP.G.466A.

the town, though he further claimed that one Elizabeth Richardson had told him that William had got her with child."

Reference: CP. G. 1474

Consistory court

Defamation case (sexual slander)

Plaintiff was William Young, Defendant is Rolande Calvert.

Abstract: "William claimed that Roland defamed him in the parish of Great Ayton by calling him 'knave, noughty knave, harlott and hoore monger and sayd that he the sayd William Yonge had had carnall knowledge and comyted fornicacon or adultery with all the wyves in the town of Ayton in Clevelande savinge foure and also with all the yonge women of the same towne of Ayton excepte one Margaret Posgate sayeing further that the sayd William Yonge had so reported of hime selfe openly at Yorke.' Roland denied deliberately defaming William, and claimed that he has simply been repeating gossip that was common in the town, though he further claimed that one Elizabeth Richardson had told him that William had got her with child."

Reference: HC. CP. 1571/2

Court of High Commission

Matrimonial case (impending marriage)

Plaintiff is Alexander Palmes, Defendants are Nicholas Morden, John Pullan, vicar of Fewston and Thomas Thorp, and George Popley. Margaret Pullan is an "intervening party"

Abstract: "Alexander accused Nicholas of maliciously attempting to persuade Margaret not to marry him even though a contract had been made and the banns thrice asked in church. Alexander accused the other defendants of giving advice to Nicholas, and of helping him to unlawfully remove Margaret from her house and take her out of the diocese. Nicholas responded that there was no contract of marriage made between Alexander and Margaret, and claimed that Margaret was not only contracted to another man, but knew nothing of the banns being asked until after they had been. Nicholas admitted that he had help to convey Margaret away, but claimed that she had been held against her will and wanted to escape. John admitted that he knew of a contract of marriage between Alexander

and Margaret, and admitted that he had spoken to Nicholas, but denied that he had helped to remove Margaret from her house, or given Nicholas any advice about this. He further claimed that he did not believe that the other defendants had aided Nicholas either."

Reference: HC. CP. 1572/2

Court of High Commission

Immorality (incest)

Office is the plaintiff, with a proctor.

Defendant is Anthony Huddleston.

Abstract: "The office accused Anthony of throwing his wife Mary out of their house and taking in Anne, the wife of Ralph Latons and Anthony's sister. Anthony was further accused of incest with his sister, with a second article detailing that in case there was no actual incest, Anthony and Anne had certainly lived together suspiciously and given their neighbours cause to believe that they had committed incest. The office reported that Anthony had previously been in court for this cause, and had been ordered to take back his wife and stop living with his sister, but had not done so despite swearing an oath that he would never commit incest with Anne again. Anthony agreed that he was married to Mary, but claimed that she had left of her own free will and denied that he had thrown her out of their house. He also admitted that his sister and her children were living with him, but denied the charge of incest. Anthony also confessed that he had been brought before the bishop of Chester on this charge previously, and admitted that he had refused to obey the orders given to him. The documents contain a copy of the recognisance issued to Anthony in which he was ordered to abstain from the company of Anne, and also a petition from Anthony to the privy council in which he claimed he had been wrongfully charged and begged for the restrictions placed on his movement and place of residence to be lifted. This petition was accompanied by a letter from the archbishop giving further details of Anthony's supposed crimes and recommending that his requests were not granted."

Reference: CP. G. 1648

Consistory court

Defamation (sexual slander)

Plaintiff is Frances Hall, female and wife.

Defendant is John Wightman.

There are two witnesses.

Abstract: "Frances claimed that John had defamed her within the city of York by saying that she 'was a hoore a balde hoore and she was so rotten with the pockes that he cold take her by the hele and shake her in peces.' John denied the charges, and issued a counterclaim against Frances, in which he argued that court procedure had not been properly followed as he had never received the initial citation made in the case. John also produced witnesses who supported this claim. Frances issued interrogatories to be put to John's witnesses."

Consistory Records

Concerning Monsieur George Poutex, De La Verchiere and Mychiel Morand, religious from Satingy, appeared.

Date: Thursday, April 20, 1542

Syndic: Porralis

Church Officials Present: Calvin, Viret, Bernard, Champeraeux, Henri

Others: Molard, D'Orsier, Britillion, Blandin, Tacon, Pensabin, Crochet, the officer Vovrey

"And asked about their duty to God and how they serve the church and why they do not want to read the passion during Communion. Answer that no one gave them the book and they do not have it and do not have a New Testament, and that they are poor. And how they instruct their people in the faith. And they said the Pater, and the confession in a general way. Monsieur George said that commandments in Latin poorly. Monsieur Verchiere similarly; he said the commandments well in French. Monsieur Morand said… and could not say the Ten Commandments. The preachers gave them proper admonitions that the Council has been advised to admonish them. Admonished whether they have any scruples about the present law of the Reformation. Answer that they have not. All three were enjoined to get books and

the commandments of God the New Testament, so there will be no more bad reports about them."

Note: "They had already been summoned before the Council before for having persisted in the Catholic faith. Poutex was imprisoned on May 12, 1536, for having said Mass. On August 29, 1541, the Council reproached all three for their absence from sermons and encouraged them to live 'according to God' under the threat of removing their prebends."

Concerning Master Jehan Cheys, surgeon, habitant of Geneva.

Defendant: Felize Reniere (?)

Church Officials Present: Calvin, Viret, Champeraeux, Henri

Others Present: Pensabin, Crochet, the officer Vovrey

Witnesses: Philibert de Lyle, hosier, habitant of Geneva; Noel Des Degres, weaver; Enermond Berengier

"Stated that he has a wife, Felize Reniere, daughter of the late Pierre Rener, apothecary of Chabeuil, and that she promised him that she would come with him here to Geneva when he wanted to come here to Geneva. That he has stayed in this city about eleven months and she has sent to him by two, three, four, five, six persons to say that she would come here to serve him. And the last time she told him that he should marry elsewhere and that she would not live with him as long as he stayed in this city. And that if he took another wife, she would be the godmother of his first child by her. And he will make it appear by witnesses, respectable people, proposing that someone be sent there at his expense to confirm the truth of his statement. And concerning this he asks for advice. The lords of the Consistory advise that the witnesses be examined."

Notes indicate witnesses are called to be examined at a later date.

Concerning Francoyse, daughter of Loys Reys and of Joyeuse

Date: Thursday, April 13, 1542

Syndic: Pertemps

Church Officials Present: Calvin, Viret, Champeraeux, Henri

Others Present: Pensabin, Crochet, the officer Vovrey

"Concerning her promised husband who left, and she has not sent to the place where he is because she has never learned where he went, and asks that she be separated. The Consistory advises that someone be sent to Lyon to inquire. And after the fair, depending on the report, provision will be made. And that she do her best to find out, and afterwards provision will be made. Her mother is present. And she was given proper admonitions always to persist in doing better and better, and remanded until after the fair."

Concerning Master Robert

Thursday, April 6, 1542

Syndic: Pertemps

Church Officials Present: Calvin, Viret, Henri, Champeraeulx.

Others Present: Gerbel, D'Orsieres, Britillion, Pensabin, Blandin, Forchet, the officer Vovrey

"Asked about how he has advanced in the Christian faith. Answers that he has learned his Pater, which he said, and that he was at the sermon on Sunday and Master Pierre preached and he remembers nothing of the sermon or very [little]. The Consistory orders that he continue the sermons every day and that he not be left alone until he knows all his faith as he should and that he not come to Communion, that he be given sharper admonitions, that he be forbidden Communion until he can recite it well, and that he have a Bible in his house."

Concerning the sheath-maker's wife

Thursday, April 6, 1542

Syndic: Pertemps

Church Officials Present: Calvin, Viret, Henri, Champeraulx.

Others Present: Gerbel, D'Orsieres, Britillion, Pensabin, Blandin, Frochet, the officer Vovrey.

"Said that she was at the sermon on Sunday; the preachers spoke of a lantern, that Our Lord finds His way easily without a lantern. Said her Pater fairly well, and the confession of belief very little. The Consistory is of the opinion that she be left on her own good will, continuing always to the end from good to better, and that she has profited and holds no grudge against anyone, and that before receiving Communion she come to be

reconciled to the preacher of St. Gervase, and Monsieur Britillion with him, to reconcile them before Communion, and she should frequent the sermons in order to profit more and more to the honor of God. That she go to Holy Communion. That she go to the sermon tomorrow with her husband and the baker of St. Gervais and that they be reconciled, and also the daughter of the said sheath-maker's wife, her husband, her daughter and the baker to be reconciled after dinner, and Reymond."

Concerning Aymoz Foural, host of the Three Quail

Thursday, April 6, 1542

Syndic: Pertemps

Church Officials Present: Calvin, Viret, Henri, Champeraulx.

Others Present: Gerbel, D'Orsieres, Britillion, Pensabin, Blandin, Frochet, the officer Vovrey.

"He was asked who summoned him here. Answers that it was not he, but his wife, who cannot come, and he wants to respond for her and also himself. Asked about the frequenting of sermons. Answers that he goes when he can, and Monsieur Calvin preached Sunday morning. And said that he should not be summoned more than others and that he had done more and that he wants to know what is wanted from his wife. The Consistory orders that he bring his wife at once, and he was admonished to go to sermons and not tell lies any more."

Concerning Mauris Chastel of Cruseilles

Thursday, April 27, 1542

Syndic: Pertemps

Church Officials Present: Calvin, Viret, Bernard, Champeraeaulx.

Others Present: Britillion, D'Orsiere, Crochet, Tacon, Blandin, Pensabin, the officer Vovrey.

"Has submitted a supplication and asks as contained in it. Said many words. The supplication begins: "Respectable…" The said Laurence answers concerning his request that she did not know him and does not know what this is, because the letter of marriage that Vulliodi received… and she said that he married another wife three years ago and that

information should be obtained about this and many other words that would be tedious to write down. Responded that the contract of marriage was made in Presinge and that he never wanted to help her with anything and that she married him. The said Mauris has often called on her to go live with him and that he has many women at his command. The said Laurence answers that he came when he wanted and then left for a long time and then returned and that he never wanted to bring her to his house in Cruseilles and that she always received him when he came to her and that he always wanted the goods she had. When separated from the said Mauris the said Laurence said that the said Mauris is detested and that he wanted to have another wife and that three years ago he espoused another and that she does not consider him her husband because he never did her any good. The advice of the Consistory is that inquiries be made to determine whether the said marriage should continue and that she be remanded to Thursday to bring her witnesses to justify her testimony and that the said Laurence bring her proofs that he married elsewhere. And that the said Laurence obtain the truth about the other wife and that she follow him, since the marriage was long ago. And that she have certification that he is married to another wife and bring her witnesses and some affidavit. That both be remanded to Thursday."

Concerning Mychie, daughter of Gallatin, from Peney

Thursday, December 14, 1542

Syndic: Pertemps

Church Officials Present: Calvin, Genesto, Chamereaulx.

Others Present: Crochet, Blandin, Pensabin, Rages, the officer Vovrey.

"Answers that she does not want her promised husband because he has nothing and it is better that she be with her father than elsewhere in difficulty. And that she swore faith to him and does not want him to be her husband for the reason above, and that she has not been debauched. Jean Jallio, promised husband of the said Mychie, on the said marriage. Answers, no, because the girl does not want it. And if it pleases the Council he is ready to marry her if she wants it, and it is not his fault, and he has done nothing to make her refuse him. Michie recalled.[153] Answers when she swore faith to him he had plenty of goods, and non one tried

[153] Spelling varies in the record.

to prevent her from doing this. Says that if she gives him her goods he will waste them, and she would not know what to do with him. Remanded to respond whether she wants it or not on leaving here, and if not that she be kept in this city until tomorrow. Asked for a term to respond and have counsel from her mother and her friends, since it pleases the Seigneurie, and to marry him next Tuesday, and they agreed to this."

Concerning Aymoz Peroner the day laborer, habitant of Geneva

Friday, May 26, 1542

Lord Claude Rozet, syndic, for Lord Pertemps

Church Officials Present: Calvin, Viret, Champereaulx, Henri

Others Present: Brillion, Pensabin, Rages, Blandin, D'Orsieres, the officer Vovrey

"Asked about certain medicines and about curing many ill people, and certain magic words which are forbidden by God, and what words he uses in these affairs adn whether he wants to live according to the Reformation. Answers that in fractures and dislocations he does as his father did, that he does not use talismans or magic words; otherwise he submits [to a penalty]. He makes plasters of pitch, wax, and heated butter, and combines them and makes plasters. He lived once in Lyon, in Aiguebelle, and is from Megeve, and once lived in this city. And he uses no other words except that he always says in the name of the Father and of the Son. And says he wants to live according to the Lord and the lords of his country and he lives according to the place where he is. Asked if he goes to the sermons, says yes, and has not taken Communion because he was not here, and it is 18 years since he lived in this city, and has lived in Jehantin(?) with Francois Gache and another who was from Burgundy. And wants to live and go live at his father's house, and does not mean to use spells. And asked a decision before Sunday, and intends to take the next Communion at Pentecost. And no one wanted to grant this, because he is not a proper person to want to receive Communion, and that he goes to sermons."

Concerning Mermeta Jappaz

Thursday, March 30, 1542. Postponed to Friday the next day, last of March.

Lord Egrege Porralis

Church Officials Present: Calvin, Viret, Henri, Champereaulx

Others Present: Gerbel, Rages, Pensabin, Tacon, Crochet, Britillion, Blandin, the officer Vovrey

"Said she is pregnant by the son of Bertheomier Fouson, named Bezanson, and she already felt the child at Christmas, and this was at the Fouson's house. And she did not say her Pater well, and she goes to sermons on Monday and other days not. And she wants to give it to its father, and her mother knows nothing, and she has had another child. And the other child went to nurse and died. Remanded to… The Consistory advises that she abstain from taking Communion because of her serious fornication. Remanded to Thursday.

Concerning Besanson Fouson

Thursday, April 6, 1542

Pertemps

Church Officials Present: Calvin Viret, henri, Champeraulx

Others Present: Gerbel, D'Orsieres, Britillion, Pensabin, Blandin, Crochet, the officer Vovrey

"About his foolish acts throughout the city, also about the woman he has made pregnant, called Mermetaz. Answers that he knew her about St. John's Day and said that Furbi's boy and the Foy's valet have also been with her; therefore he says the child is not by him.

Concerning Besanson Fouson (next day)

"The Consistory advises that he be forbidden to receive the Holy Communion because of his fornication and remanded to Thursday until it is evident that he has improved, and that he frequent the sermons. Yesterday he named Jaques Furbi's son and Thibaut Tissot, Nantermatez's son and Foy's valet for Thursday, who knew the said Mermete as well as he".

Concerning- the names of those who have confessed having knowledge of Mermetaz Jappaz, who is pregnant with a child

Thursday, April 13, 1542

Pertemps

Church Officials Present: Calvin Viret, Champeralux, Henri

Others Present: Pensabin, Crochet, the officer Vovrey

"First Jaques, son of Furbi, Thibault Tissoctz, Besanson Fouson and Foy's servant who did not appear. The Consistory advised that all three be held, that they not be released because of the child the said Mermete bears, and that they be remanded before the Council on Monday in order that young people not injure themselves thus. And that they be admonished that fornication is forbidden is forbidden [sic] by the commandments of God and that it would be good to drive such public fornicators from the city to avoid such scandals and to keep them from abusing themselves by fornication. And that they be admonished."