

Guy Bedouelle & Patrick Le Gal: Le „Divorce“ du roi Henry VIII. Etudes et documents. Genf, Librairie Droz S. A., 1987. 476 S.

The so-called Divorce which terminated Henry VIII's first marriage involved a much disputed interpretation of the rules concerning marriage to a deceased brother's widow laid down in the Old Testament and developed in the canon law; since Julius II had in 1504 issued a dispensation to Henry which removed the recognized obstacles, the debate also from the first involved the pope's power to dispense from the law of Scripture. The long years of argument produced a mountain of paper the biggest part of which arose from Henry's decision (1529) to seek the opinions of the various European universities which were then, during 1530, collected by a series of diplomatic missions. The king's propaganda machine published eight favourable opinions in a volume entitled *Gravissimae ... censurae*, soon translated into English, and this material thereafter made its appearance in several works that supported his case. Adverse opinions were ignored. For a number of years, a standing seminar at the University of Fribourg in Switzerland was engaged in investigating this remarkable exercise, and this book under review is the product of those cooperative studies. It looks at all the universities whom the royal enquiry reached (a total of twenty-three), prints the opinions formally rendered by fourteen of them (some for the first time), and considers also the views expressed by over one hundred diverse scholars, from Cardinal Cajetan, Johann Cochlaeus and Francisco de Vitoria to several learned Jews. A detailed biographical dictionary of the individuals involved and several careful indexes add to the sheer usefulness of the production. This admirable book ought to be the last investigation of the episode, and no doubt it would have been except that the findings of Virginia Murphy's Cambridge dissertation, published as a prelude to *The Divorce Tracts of Henry VIII*, ed E. Surtz and J. A. Guy (Moreana, 1988), came just too late to be used. Acquaintance with Dr Murphy's work, which seriously alters the earlier part of the story as here summarised in the first chapter, would have resolved the team's doubts concerning the point in time when Henry decided to reject the papal dispensing power and might have set at rest their questioning of Henry's sincerity. He really was from the first sincere (not only passionate for Anne Boleyn's body) because sincerity served his purpose; never in his life did he experience any difficulty in adjusting his conscience sincerely to his advantage.

The investigations threw up some interesting details on the manner in which favourable opinions were extorted — with surprising difficulty at the king's own Universities of Oxford and Cambridge, and only by pressure from the king of France at the crucial theological faculty of the Sorbonne. Obviously, all Spanish institutions pronounced for the validity of a marriage which involved the daughter of Ferdinand and Isabella, while most French ones followed the lead of the Sorbonne. Among the Italians, opinions for Henry VIII were commonly obtained by reducing the assessing body to very few participants. And although some of the opinions and arguments produced by eminent individuals remind one forcefully how complex and unconvincingly convoluted late-medieval scholasticism had become, it is reasonably clear that tradition as well as exegesis generally contradicted the king's interpretation of the Scripture. Luther (followed by Melancthon), happy to deny any papal power to dispense, nevertheless used the New Testament (Matt. 19,4–5) to assert the sanctity of any marriage once concluded; he therefore counselled a bigamous second marriage. Bucer, typically, proved more judicious and accommodating. The amount of ingenuity displayed is certainly impressive, though the involvement of so many fine minds in what only on the surface looked like a genuine scholarly enquiry can also depress.

For what, of course, is perfectly obvious, and was obvious to most participants at the time, is the political hard core of what went on in those months. Henry and his supporters wanted verdicts in favour of the view that despite the levirate laid down in Deuteronomy (compulsory marriage to a brother's widow if she was childless) and the papal dispensation from the *divimentum* pronounced in Leviticus the king's marriage to Catherine of Aragon had never been valid. Where the political circumstances worked in his favour — at home, in a France involved in hostilities with the Habsburgs, in certain Italian cities hostile to the pope — he got what he wanted. In Salamanca or Alcalá, on

the other hand, those doubtful about the official line were not allowed to express their views. Some, like Granada, unwilling to drown in the morass of the law of Scripture, confined themselves to confirming the pope's power to dispense when that law was uncertain. That is to say, in spite of all that learned ingenuity, virtually all the results could be predicted in advance. And nothing obtained in the exercise really affected the course of events.

The Fribourg team, after such inordinate and praiseworthy labours, naturally cannot share this view. They hold instead that the sheer number and diversity of opinions testify to the gravity of the consequences which the Divorce issue had „pour l'Angleterre et la chrétienté“. That the consequences — the English schism and ultimately the Protestant Church of England — were indeed grave matters is perfectly true. What one must question is whether the ocean of ink poured out in the attempts to answer the two basic questions made the slightest difference. Did the law of Scripture bar marriage to a brother's widow, and if it did could the pope dispense from it? In terms of reason and learning, neither question was settled. Henry VIII's policy started started by saying yes to the first and no to the second, and there it stayed, even though a majority of views went the other way. English propaganda found a selection from those opinions usable and used it. The labours carried out at Fribourg merit one's awed admiration, but they do not justify the conclusion that these materials, diligently sought out all over Europe and most carefully presented, serve to reveal „une situation globale de la chrétienté en mutation“. What they reveal is the pointlessness of scholarly exercises when the issues are settled by princes.

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Valdo Vinay: *La Riforma protestante* (Biblioteca di cultura religiosa, Bd. 20). Brescia, Paideia Editrice 21982.

1970 hatte V. Vinay zum ersten Mal seine Reformationsgeschichte vorgelegt. Die 2. Auflage ist durch ein Einleitungskapitel bereichert worden, in dem ein Literaturbericht über die letzten Jahrzehnte reformationsgeschichtlicher Forschung vorgetragen wird. Außerdem hat sich der Verfasser jetzt ausführlicher mit dem Denken der Reformatoren befaßt und die Bibliographie ergänzt, die schon in der 1. Auflage recht umfangreich gewesen ist. Auch wurden kleinere Fehler korrigiert, indem z. B. die Fugger jetzt nicht mehr in Nürnberg, sondern in Augsburg lokalisiert werden.

Der behandelte Zeitabschnitt erstreckt sich von einer Analyse der politischen, der kirchlichen und der geistigen Situation am Anfang des 16. Jahrhunderts bis zur Zeit um 1560, in der V. Vinay die eigentliche Zeit der Reformation abgeschlossen sieht. Aber diese Grenze wird nicht strikt eingehalten, da die Entwicklung in den einzelnen Ländern Europas unterschiedlich verlaufen ist. Damit ist bereits ein wichtiges Merkmal der vorliegenden Darstellung zum Ausdruck gekommen: Obwohl Luther und Deutschland gebührend berücksichtigt werden, wird doch gleichzeitig auch die Reformation in den anderen Gebieten Europas dargestellt. Bei einer italienischsprachigen Darstellung ist es darüber hinaus naheliegend, daß auch die Reformation in Italien sowie auf der iberischen Halbinsel ausführlich berücksichtigt wird. Daß auch die waldensische Bewegung gebührend zu Wort kommt, liegt bei dem Waldenser Verfasser nahe. Aber auch Täufer, Antitrinitarier und mystisch-spekulative Gruppen und Personen werden behandelt, so daß ein breites Spektrum auf recht knappem Raum ausgebreitet wird.

V. Vinay betont, daß die von der Reformation gewollte Erneuerung nicht in dem Maße zustande kam, wie das beabsichtigt war: Sie wurde rasch in politische, soziale und geistige Spannungen hineingezogen. Dafür besitzt der Bauernkrieg nach Auffassung des Verfassers besondere Bedeutung; auch wird das landesherrliche Kirchenregiment kritisiert. Aber Vinay legt Wert auf die Feststellung, daß Luther den Kampf um die Erneuerung der Kirche nur durch das Wort geführt wissen wollte. Wenn er dies auch selbst nicht immer durchgehalten habe, so wird doch mit Recht an die unaufgebbare Bedeutung dieses Prinzips erinnert.

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