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THE TRIAL FOR HERESY AND THE SYSTEM OF PUNISHMENT OF MEMBERS OF THE LOLLARD SECT IN ENGLAND

Abstract: Trials and system of punishment created by the Inquisition, primarily for the necessity of struggling against the thirteenth-century Continental popular heresy are notorious. Medieval England was faced for the first time with the heretical movement late in its history and its origin was not in the populus, but in the radical professor of the University of Oxford, John Wyclif. This paper considers the experience of trials led – and punishments – dealt to the followers of Wyclifism, pejoratively named Lollards, with a particular interest in the punishments that women of this heterodox group incurred.

Key words: Lollards, death sentence, burning, branding, public penitence.

INTRODUCTION

In dealing with the experience of punishments dealt to the convicted heretics – members of a variety of religious dissident sects during the High and Late Middle Ages in the Catholic world – it needs to be kept in mind that the origins of the history of criminology extend back to the eighteenth century, when it appeared as a separate discipline dealing with crime and control with the publication of Beccaria's *Essay on Crimes and Punishment* in 1764 /[https://www.ojp.gov/...](https://www.ojp.gov/) accessed on 02/10/2023/. It has been largely recognised that by the time of the high Middle Ages, the notions of crime and the punishing of convicted criminals were influenced by the divine characteristic of Christianity. The punishment for a crime, particularly that against the religion and the morals in Western feudalism created the early development of the criminal justice system grounded more in the spiritual sphere and far less in the naturalistic reasoning of the Roman law. /[https://law.jrank.org/...](https://law.jrank.org/) accessed on 27/09/2023/.

Regarding the English experience of the persecution and punishing of members of a heterodox community who were perceived, constructed and pejoratively named Lollards, it needs to be kept in mind also the unique characteristics of the

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legal procedure against what was deemed heretical, unorthodox thinking and behaving and was created on the British Isle. Interestingly, the legislative arm of the government of the United Kingdom nowadays understands the importance and significance of the Lollard movement for the legislative tradition of Great Britain. Thus, an extensive explanation under the title Heretics can be found on the website of the Parliament of the United Kingdom, explaining the accepted historical narrative on the development of the Lollard sect and its significance for the legislation of early fifteenth-century England. The enacting of a statute called *De Heretico Comburendo* in 1401 by the English Parliament is understood as the result of a reaction against the threat of heresy of which the Catholic Church in England had been spared before the fifteenth century. According to the modern UK Parliament, this law allowed for imprisoning, putting on trial, and executing Lollard leaders and it offers the number of those who were executed on the grounds of this Act to about one hundred. /<https://www.parliament.uk/...>accessed on 17/09/2023/. As it will be seen, not all Lollards who died by punishment of burning, enabled under this law, were Lollard leaders. The Act facilitated the possibility of the execution by the state, since the Church representatives functioning under the stipulations of the Canon Law were not supposed to shed blood. This does not mean that more lenient punishments did not exist and were not carried out in accordance with the complex system of justice of the canon law, as it will be shown below. Having pinpointed the precedents of the punishment by burning the convicted offenders, the implication of the Act, meant that heterodoxy in the expression of religious thinking became a criminal offense punishable at common law /<https://legalhistorymiscellany.com/...> accessed on 29/09/2023/.

According to Rousseaux and Dwyer, it is owing to the history of crime, and in this instance that of religious and to an extent moral crime, that a transformed standpoint on this type of criminal actions is offered by viewing them in a broader context, which in turn enriches the understanding of communities /Rousseaux, Dwyer, 1997:96/.

During the twentieth century, some scholars studied different groups of Lollards throughout England, Wales, and even in Scotland. These studies often contain published primary sources in their entirety or part and some even offer their translation from Latin into English besides the historical analysis /Tanner, 1977;/ /McSheffrey, Tanner, 2003;/ /Dickens 1982/. The others, on the other hand, present the results of the research of the Lollard sect in their entirety /Rex, 2002;/ /Thompson, 1965/ and significantly for this paper, the study in experience of Lollard heresy depending on the gender of its members /McSheffrey, 2010/. These will be used for the formation of the premises of this paper, alongside more general studies about the trials of members of the heretical movements in the late medieval Western Christianity, as well as on the functioning and teachings of the sects themselves /Given, 2001/.

The gendering within the Lollard movement together with the role of women in it has been studied as it is mentioned above. However, I would like to look at punishments that women of this dissident sect incurred after they had confessed and abjured or were convicted as heretics. To achieve this, the paper will present

the overview of the Lollard movement, and it will be further scrutinised through the lens of the difference between the trials of the twelve and thirteenth-century religious dissidents on the Continent, most notably the Cathar movement and that of the Lollard, the system of punishments applied by the relevant legal corpus with the emphasize on the overuse of capital punishment in the historiography of the subject. Finally, it is within this context and contextual intersections that the question of punishments of women Lollards in the fourteenth and the fifteenth centuries will be examined through several case studies.

1. LOLLARDY – A BRIEF OVERVIEW

Owing to the continuous suppression, Lollards were very much adapted at camouflaging themselves, slipping through official fingers not to be detected, since detection meant being tried for their beliefs, and as Dickens rightly noticed Lollards were a rational sect with few its members seeking martyrdom /Dickens, 1982:10/ through direct conflict, either verbal with the representatives of the Catholic church or physical with the King's army. Without delving deeper into the substance of Lollard's heterodox thought in this paper, a summary of the points of divergence from the orthodox thinking is best offered by the sixteen-century Protestant John Foxe: "In four principal points they stood against the Church in Rome: in pilgrimage, in adoration of saints, in reading of Scripture Books in English and the carnal presence of Christ's body in the Sacrament." /Dickens, 1982:9/ Although it is frequently compared to the thirteenth-century heterodox religious movements of popular heresy on the Continent – most usually Catharism – Lollard movement was closer to late medieval intellectual movements such as Hussitism, with their origins in universities and strongly nationalistic aspects/Rex, 2002:150/, as well as to Dutch-originated Anabaptism /Dickens, 1982:9/.

Although the Lollard movement was based on intellectually derived postulated, created by John Wiclif, professor at the University of Oxford, the ideas preached were seen at the time as directly causally related to two violent unrests – the Peasant revolt of 1381 and The Oldcastle uprising of 1414. Whilst neither Professor Wiclif nor his followers saw themselves as political revolutionaries despite their teaching assuring a radical transformation to the established order /Rex, 2002:53/, the notion that unorthodox thinking inevitably caused sedition was employed by the Royal and ecclesiastical forces to fight it.

The fact that the movement attracted "those securely established in society – 'middling sort'" /Rex, 2002:72/ with something to lose has been understood by the historians as the However, since the theme of the paper centres around the women in the Lollard movement, the issues of their membership arise. McSheffrey, who intensively studied them, fights the notion that characterizes all European "heretical movements as preponderantly female" /McSheffrey, 2010:143/ and claims that "masculine and clerical university environment" which bred the movement, its focus on the literate, as well as the deep individualism and rationalism were not attractive to illiterate women from lower middle class, which was predominantly

artisanal. /McSheffrey, 2010:138–139/. Yet, this is the strata of men that embraced Lollardy after the gentry had exited it due to the Oldcastle uprising, which linked the religious sedition to the crime against the state.

The background of the Oldcastle Revolt which had intensified the persecution of the sect can be summarized easily. Although the English gentry embraced early Wyclifism, they had mostly reverted to Catholic orthodoxy by the accession of Henry V. Sir John Oldcastle, a knight who became a baron owing to his military service to Henry V maintained his connections with King Wenceslas of Bohemia and other Hussite supporters. Oldcastle did not heed Henry V's plea to return to orthodoxy, which caused his arrest, trial, and handing over to the secular arm to be burned as an obstinate heretic. He escaped from the Tower and attempted a rebellion against the King in January 1414. The King crushed the rebellion and Oldcastle fled, remaining fugitive until 1417.

The uprising had impacted the nature of the persecution, inviting the more active involvement of the secular government – to participate in pursuing offenders, due to the mixing of Lollardy with treason. /Thomson, 1965:4–5/ Although Thomson asserts that “the Oldcastle rising led to increased efforts in the repression of heresy”, because of the explicit link between “heresy and treason”, he allows for the fact that ecclesiastical “courts alone” were conducting the trials for heresy. /Thomson, 1965:221/ The result was a Statute passed in April 1414 which established the prevailing collaboration between the lay and ecclesiastical powers in the struggle against Lollardy. /Thomson, 1965:8/ On the other hand, historian Tanner claims that the persecution in Canterbury in 1428 “was conducted very largely by the ecclesiastical authorities.” /Tanner, 1977:9/. Ian Forrest states that even before the Oldcastle rising, as early as in 1406, a parliamentary statute was approved, which allowed for “qualitative investigative activity by secular officers” that included “inquiry into heresy” i.e. “the secular investigation of a spiritual crime.” This meant the exclusion of the ecclesiastical courts from bringing the verdict on the existence of the heresy and encroachment of the lay power into the ecclesiastical juridic, /Forrest, 2005:41/ which in turn endangered the spiritual character of the procedures by the untrained secular officials. Thomson, however, argues that until the Oldcastle rising “the secular law relating to heresy depended on the common law and on the Statute *De Heretico Comburendo*” of 1401, which prohibited preaching without the authorisation and the instruction of new dogmas and prescribed imprisonment and a fine paid to the royal authorities for the convicted offenders or execution by burning in the case of their obstinacy or relapse into heresy. /Thomson, 1965:221/

2. ASPECTS OF THE HERETICAL TRIAL IN 15TH CENTURY ENGLAND COMPARED TO THE FRENCH EXPERIENCE

It is understood now that the Act of 1414 offered the lay powers and the state a more significant part than it used to have in religious affairs of the Catholic Church in England, since the Act was the articulation of necessity expressed by the Church

for the assistance of the Royal authority in the matter of heresy /Rex, 2002:148/, as well as the reciprocal need of the Crown to suppress uprisings against the Royal power. This Act emphasized the ever-present obligation of a Christian monarch to aid the Church in suppression of the unorthodox thinking.

It is usually assumed that the juridical process started with the Inquisition, as was the case on the continent in heresy trials against various thirteenth-century sects (Cathars, Waldenses, Beguines, etc.) It is at this first instance of terminology that one comes across the difference in the practice between the Continent and the British Isles. On the Continent, the term *inquisitio* signified a process codified at the Fourth Lateran Council of 1215 with the aim of investigating a crime of heresy /Kelly, 2013:1/, whilst in the common law tradition was most frequently used as *inquisitiones post mortem*. During the period when the trials against Lollards occurred, lay and ecclesiastical actors would have referred to the procedure as “actions of ‘correction’” by the ecclesiastical officials /Kelly, 2013:27/.

In assisting the Church, lay officers at the court were supposed to comply with a formulary, which, according to Thompson, is visible in the fact that the charges were written down in order, facilitating a method of questioning the accused on different beliefs linked to Lollardy. Thompson further emphasizes the existence of the clear guidance created by the Catholic church in England for the English circumstances, while keeping in mind the requirements of the ecumenical aspects of canon law /Thomson, 1966:126–127/. Unlike on the Continent, where intent of destruction of both the heretic and the heresy, visible in the method of asking accused to speak about themselves and others without knowing the charge, had been occurring since the thirteenth century, in England, the established procedure was observed, together with “the most crucial right” of the suspect to be told exact crime of which he was questioned /Kelly, 2013:28, 29/. After the existence of a heretical suspect was brought to the attention of the bishop, the lay officer, the notary, was tasked with writing down the charge, allowing for the suspect’s arrest and the search of his house for books of unorthodox creed. However, it is necessary to mention that an exception to this rule existed before the statutes of 1401 and 1414 when clergymen gathered at Blackfriars in London in 1382 and interrogated suspects who had to write down their ideas about postulates of Wyclif’s beliefs without being charged beforehand /Kelly, 1998:279–303/; /Kelly, 2013:21/. Similarly, to the Inquisition trials on the continent, the trial for heresy against Lollards could proceed *in absentia* with the use of the interrogation of witnesses, and the condemning verdict could be reached. If the suspected was proven guilty of heresy, he or she could ask mercy from the court, which would incur absolution by the ecclesiastical official, and thus having been restored to the church, the heretic would be imposed with a penance that needed to be carried out /Thomson, 1966:227/.

On the other hand, on the Continent, the method of inquiry was founded between 1179 and 1231. More precisely, *Ad abolendam* was decreed by Pope Lucius III in 1184, professing excommunication of all those suspected of heresy as well as those who believed, defended, or otherwise helped unorthodox preaching. Accord-

ing to the decree, the condemned heretic was to be let to the secular powers for the punishment, which at this point was not decreed. Fifteen years later, another Pope, Innocent III equaled the heresy to the crime of treason as specified by Roman law, resulting in the confiscation of the heretics' property by the lay powers and subsequent disinheritance of the heretics' heirs /Peters, 1989:48/. However, the entrenching of the punishment for the obsolete and lapsing heretics in the notorious death by burning owes to secular forces on the Continent – namely Emperor Frederick II of the Holy Roman Empire, the practice which was quickly accepted by the whole Catholic Europe /Given, 2001:13/

Despite some historians calling for a less “emotive language of repression, persecution, and the abuse of power” when talking about heretic trials on the Continent, the prevalent notion remains that “heresy trial was a mere show of legal process” by leading names in the field – Moore, Lea, Kelly /Forrest 2005:26–27/. Concerning the trials against the heretics on the Continent, first and foremost in France, it can be said that the predominant idea in historiography is that they were done with the intent of destroying both the heretic and the heresy /Gui, 1886:217/. The prevalent notion about these trials is best summed up by Roger Moore who maintained that the mechanism of the Inquisition is “uniquely European (...), a single set of mentalities (...) and mechanisms that “has ensured, first, that in all the great persecutions from the Albigensian crusade to the present day each series of arrests, accusations, and trials would itself provide the basis for the next, in an ever-widening circle of denunciations and confessions; and second, that as each particular persecution has run its course there have been others to replace it, so that while the victims have changed persecution itself has proceeded down the centuries, constantly expanding both the number and the variety of its objects.” /Moore, 2006:154/.

More important than already well-researched trials of the Cathar sect, for the contrast between the trial procedures on the Continent and England is the fact that it was since 1157 that ecclesiastical officials were required to turn unrepented heretics to the secular power. Before this moment ecclesiastic officials would only excommunicate heretics, expelled them from the ecclesiastic community they belonged to, sometimes imprisoned, and on occasion leaving their fate in the hands of the zealous masses /Given, 2001:13/.

As it can be summarized the English experience with the trials of heresy commenced rather late in its Christian history within a society ruled by common law, which was accordingly adapted for the use in ecclesiastical courts. It is not surprising that the existence of the inquiry of heresy and its pattern in late medieval England was deemed unique, created as the result of specific associations between the Crown, the Church, and the Parliament. Although the working of ecclesiastical courts and the inquisitorial procedure was part of a larger juridical culture ruled by canon law and was understandable to any ecclesiastical official coming from another part of Western Christendom, the milieu within which the trials were happening was decisively different from the Continent of the twelfth century when *Excommunicamus* and *Ad abolendam* had been outlined /Forrest, 2005:59, 240/.

3. THE SYSTEM OF PUNISHMENT

The system of punishment, which created the natural progressive step at the end of the trial, when the final verdict was carried out in inquests on Lollard heresy was much more similar to the punishments judged at the end of the procedure carried out on the Continent, particularly in southern France against the Cathars, than to the process of inquisition itself. This needs to allow for some small differences not so much in the type of existent punishments, as much as in the frequency of their application and the method in which it was observed as the type of social correction with the aim of reintegration.

The system of punishment developed by the Inquisition in southern France against the Cathars during the thirteenth century is best described and summarised by the historian of Catharism, James Given, who maintained that it was the most similar to a parole system, where the cooperation with the inquisitor was a prerequisite for a relaxation of verdicts. Other similarities with the modern parole system can be seen in the fact that the ecclesiastical officials followed their life after the verdict, waiting for a sign of false penitence or relapse, thus creating an unapparelled management of convicted lawbreakers in medieval Europe. Furthermore, Given argues that the finalization of the trial and carrying out of the sentence was not the end of their punishment, since there was no wish for the ecclesiastical officials to fully reintegrate them into the society. This was, according to Given, achieved through the content of the punishment, which implied stigmatization through the constant carrying of outer symbols that told of the crime to the unknown in the community and wider. The penitent heretic who was not imprisoned had to wear yellow crosses on their clothes /Given, 2001:84/. Furthermore, the psychological strain on the penitent heretic was maintained by the ecclesiastical officials with the right to enact new penance or reenact old one /Given, 2001:85/. Given maintains the notion that the punishments, assembled in a system that by modern times can be termed crime control, were achieving this control through the establishment of a marginalized group that could be effortlessly influenced /Given, 2001:90/.

However, punishments that were used by the ecclesiastical courts had been created by the Roman law /Moore, 2006:22/. Several punishments existed and they were similar in content to those used in the trials against Lollards. There is a noticeable gradation of punishment, too. The punishments of going on pilgrimage, and wearing yellow crosses on the outer garment, which, depending on the abstinence shown during the trial and depending on the strength of involvement in the heresy, were created as a single or double set of crosses. Other punishments included imprisonment with the confiscation of a heretic's property and depending on the severity of the heretical actions and thoughts, one could be shackled to the wall /Given, 2001:75/.

If a look is taken at the final stage of the inquiry into Lollard's heresy, and the bringing of the sentence for the heretic, it can be discerned that the punishment depended on whether the heretic was confessed or convicted. The abjuration of a confessed heretic was followed by the absolution and the sentencing of a punish-

ment, which in this instance was in the form of penance /Thomson, 1965:231/ Obviously, the inquest into potential heresy committed by a suspect could have ended with acquittance. The exception, whilst rare, existed. The most famous and always-mentioned was that of Margery Kempe, a fifteenth-century literate woman who travelled to the Holy Land and wrote the narrative of this adventure. She was called to be inquired several times in her life, viewed as an eccentric, but always acquitted, though whilst on trial was treated as a suspect of the religious crime.

The punishment for the confessed heretic started with the public admission of the offence which performance depended on the bishop. As Thomson states, in the case of the trials in Norwich, the proclaimed offender was supposed to admit his offence while “bareheaded and barefoot, clad in his shirt, in the market-place of his home town, or the nearest market to it on a market day, and to go round his parish church on a Sunday in the same manner”. Depending on how serious his involvement with the heterodoxy was this public admission may have been required to be repeated several times /Thomson, 1965:231/. This, together with partaking in procession, public whipping, and being without certain garments constituted public penance. The public denouncement of the unorthodox thinking also had an element of a public lecture, since the ecclesiastical official explained to the gathered public the reasons for this public show, and educated them not only of what was considered orthodox, but also what constituted the religious offence /Forrest, 2005:135/. Public whipping as part of penance was usually under ten, although in the case of Norwich trials, occurring on the heels of the Oldcastle uprising, heretics were sentenced to twelve whipping. Interestingly, one of the heretics was an elderly woman, Isabel Chapleyn /Tanner, 1977:198/. Her sentence was reduced to three whippings due to her old age /Thomson, 1965:232/. Not unlike the system of punishments employed in the case of the Inquisition in the south of France, restriction of movements for an offender considered to be a serious heretic was prescribed in the Lollard trials and it could have been for life or for a limited time. However, the difference was in the place where the sentence would be carried out; in the case of France, it was the inquisitors’ jail, while in England, a Lollard was sentenced to perpetual penance in a monastery /Thomson, 1966:233/. Resembling the inquisitors’ courts in France, the ecclesiastical power in England was responsible for the creation of a distinctive group of offenders. However, I believe it is doubtful whether, in all cases of sentenced Lollards, the ecclesiastical powers intended for the heretic to remain indefinitely in an imagined, marginalized community, without a possibility to rejoin the society. The existence of the intention can be deduced whether the outer signs of heresy were permanently left on the sentenced heretic – the case of branding with the hot iron, or the Lollard was sentenced to carry on his outer garments a symbol of heresy for a certain time – an embroidered faggot, not unlike yellow crossed prescribed in France. Thompson tells of early cases of sentenced Lollards, whom the ecclesiastical authorities assisted in rejoining the community after the sentence was carried out. The offenders were moved to live in another parish where their new neighbour wouldn’t have known of their heretic past, but were able to be kept under the church surveillance /Thomson, 1965:235/.

Modern historians of Lollardy claim that the burning of obstinate and relapsing heretics in England was not as common as on the Continent, with around thirty-free such cases in a period of over a hundred years /Thompson, 1966:237–38/; /Forrest, 2005:140/. The irony remains that it was Oxford in 1165 which witnessed “the first mass execution of ordinary people on charges of heresy in the history of modern Europe”, /Moore, 2006:157/ though they were not of English origin. The constant threat of the most severe sanction, gruesome in its brutality, was enough of an incentive for many Lollards to revoke their unorthodoxy without much prompting.

So, how did the end of the procedure that brought such a verdict in the case of the Lollard sect? Ian Forrest offers the most comprehensive answer. After the end of the trial that was concluded with a guilty verdict, the sentenced Lollard was taken over by the lay officials who attended the final inquiry. In case of offending clergymen, they were stripped of their status beforehand, so that they could be given to the secular hand. As it has been noted the ecclesiastical and secular authorities converged again with the end of trial, since in the capacity of the valid representative of court power, the state accepted the duty for punishing the condemned, which was carried in a manner ordered by the church. The canon law that the Catholic Church in England followed accepted execution by burning and the confiscation of property as recognised punishment for unrepentant heretics. /Helmholtz, 1996:362/. The ongoing process of “Christianisation of capital punishment” that was evident through the medieval Europe was effectuated through dehumanization of the offender and was justified thought as a necessity for those “holding legitimate authority...to repel by armed force aggressors against the civil community”/Propsery, Carde, 2020:11/. The right way of carrying out the inquest with all its elements was emphasized by the ecclesiastical authority’s petition to the Royal power to safeguard the property of the accused until the ecclesiastical courts reached the final sentence since the opposite would have implied “prejudgment of the case and action in excess of the state’s authority.” /Forrest, 2005:34/. This plea was the direct result of Oldcastle’s uprising, since the Crown accepted it, and “on 11 January 1414, the day after the Oldcastle revolt, Henry V ordered the sheriff of London to proclaim against greedy people who had been taking the goods of heretics on the pretext of punishing them.” /Forrest, 2005:34/

4. PUNISHING WOMEN LOLLARDS

It is through the intersection of the above-mentioned contexts of the history of the sectarian movement, the political and legal implications of an uprising against the royal authority, the trial procedure that was set up and duly followed, and the system of punishments utilized by the ecclesiastical courts that selected cases of women Lollards should be understood. As it has been above-mentioned the prevalent idea in historiography that religious deviance was particularly attractive to women is on the way to being dismissed, due to their marginal status within their orthodox societies and their desire for alternative self-expression /McSheffrey, 2010:2/. Given this stance of the mainstream historiography on women and heretical heterodox movements it needs to be mentioned that the Inquisition during the witch craze of the sixteenth and seventeenth century, thought women to be particularly susceptible to collaborate with the devil, i.e. with the unorthodox.

However, this was not the case with the communities of Lollards, since this creed supported male-centredness in both the material of heretical preaching and the life within the communities. Given this, there is a supposition that women of the Lollard movement were somewhat prejudiced in the trials led by male clerics – with a positive outcome, as they took heterodoxy among men far seriously /McSheffrey, 2010:11/.

The cases provided here are taken from a period after Oldcastle's revolt until the beginning of the Lutheran Reformation, when the sect either disappeared or was merged with the Protestant movement in England starting with the Henrician era. The cases of women put to death are usually the most quoted ones, as they present not only the cruelty of the ecclesiastical authorities but also the impossibility of holding one's own beliefs. Not unsurprisingly, these are the accounts that are the best documented by the sources, not least due to several hearings that had occurred over some time.

The case of Margery Baxter of Martham and Norwich, who belonged to the Lollard community in East Anglia, is the most interesting one found in the registers of Bishop Alnwick's investigation, spreading on ten pages of the edited document. Her strong will, her unwillingness to repent, the extreme anticlericalism coupled with a dislike for the social order, as well as the lack of a clear grasp on the postulates of Wyclifism render her almost romantic character. During her trial, we learn that she denied the Eucharist, revered William White the Lollard leader as the saint, despite disliking the authority of the church and denouncing saints, and even trying to convert a Carmelite monk. Her brazenness and outspokenness are viewed more as the action of an unstable person rebelling against secular and ecclesiastical power for the thrill of it, than a studious heretic. For her obstinate ways, she was sentenced to be let to secular arm /Tanner, 1977:41–51/.

Similar to Margery's is the case of Agnes Grebill of Tenterden in Kent, who according to records was sentenced as the convicted heretic and released to secular arm to be burned on May 2nd, 1511, after she had been trialled by Archbishop Warham between April and May 1511 and excommunicated, dying unrepentant. Her unwavering denial of all charges brought against her, unlike Margery Baxter who had tried to convince the ecclesiastical officer of the rightness of her heterodoxy, is the most interesting in her deposition. The case seems even stranger, since witnesses, her husband and two sons testified against her. It was based on their depositions that she was convicted as an obstinate heretic. After hearing what witnesses had said she only exclaimed "that she lamented that she had ever borne her sons" /Tanner, 1977:213/. McSheffrey calls her obstinacy unusual /McSheffrey, 2010:114/, but it could also be that she was tricked and framed.

Joan Smyth of Coventry was one of the most prominent women Lollards in the community. Her first husband converted her to heterodoxy. Her fate is interesting because she almost escaped the fire, but was finally executed with six other men, as a relapsed heretic. Namely, Joan was first summoned before the bishop in November 1520 when she abjured, yet continued with the expression of heterodox ideas until 1520 she was brought before the bishop with other six Lollards who had relapsed. According to Protestant John Foxe, she was first dismissed, but "she was being accompanied home by Simon Mourton, the summoner, he heard the rattling of a scroll

within her sleeve; ‘Yea,’ saith he, ‘what have ye here?’ And so took it from her, and espied that it was the Lord’s Prayer, the Articles of the Faith, and the Ten Commandments in English. When the wretched Sumner understood this; ‘Ah sirrah! said he, ‘Come, as good now as another time’ /McSheffrey, Tanner, 2003:141, 164, 296/.

Joan Warde alias Wasshinbury was just like Joan Smyth, a friend of the infamous Alice Rowley of Coventry. On the 17th of November 1511, at the age of around sixty, she was called before the bishop Blyth as a relapsed heretic. She stated that she was accused of heresy in Maidstone sixteen years prior and she abjured. There was no reason for her to lie since she was branded on the chin on that occasion, as we learn from one of the later hearings. From her deposition it is visible that she was well aware of her punishment, since when the bishop asked her about the other persons with whom she conversed about heretical ideas, she refused to give the names stating: “since it is certain that I will die for my faults, do not disturb my spirit”. Not unlike suspects accused of Cathar heresy in France, it is visible that in England the accused was supposed to collaborate with the church officer by denouncing fellow heretics. Asked about the reason for her relapse she answered “the lack of grace” and that she had repented. She was offered the possibility, which was most probably a formality, to appear before “the judge (the bishop’s commissary) and others” the next day in the morning “to give a reason why she should not be punished as a relapsed person with the penalty of the relapsed and to hear her sentence. (...) When (...) she appeared, she effused to say anything on her behalf, rather she submitted herself to the divine mercy” /McSheffrey, Tanner, 2003:178, 180, 239, 253, 256/.

The case of Alice Rowley was one the most prominent women Lollard, who had become a leading figure in the Lollard circles of Coventry, influencing and converting both women and men. She was the widow of a merchant of the Calis Stampe and the Coventry mayor. From the register of Bishop Blyth, it can be seen that Alice has been an active Lollard since the 1490s. Although she was a fellow Lollard of both Joan Smyth and Joan Warde who were executed, Alice succeeded in showing herself twice before the bishop and, for as much as the records tell, stayed alive. Her first appearance before the bishop was in 1506 when she used one of the options given to a suspect to secure acquittance – she found sixteen compurgators to testify about her orthodoxy. This was most likely possible due to her elevated social rank. It was in the autumn of 1511 that she was brought in front of bishop Blyth for the inquest where she at first denied her heterodoxy, probably encouraged by the luck that served her at the first trial. However, during the trial that contained several hearings, she confessed that her compurgators of 1506 were false and she used the possibility to lighten her punishment by witnessing against fellow heretics. It seems that her false testimony and that of sixteen other people were taken into account when the punishment was declared, but despite the irregularities, she was not viewed as a relapsed heretic, as she had not been convicted the first time. Thus, she was sentenced to penance she was to walk in procession, carrying faggots of wood, and then she was to stand by while her companion Joan Warde was burned, still carrying the faggots on her shoulder. This was the sentence that superseded the preliminary that consisted of fasting on bread and water on vigils of the Assumption of the Virgin for seven years. After the ordeal, Alice was supposed to proceed to the shrine of St. Amry in the Tower and offer to the image of the Virgin. /McSheffrey, 2010:124/

The fact that one's social status could help them to soften the penance and even help one out to not be sentenced to death is very rare in the registers, but in 1521 very affluent merchant brothers Robert and Richard Bartlett appeared before Bishop John Longland of Lincolnshire for the second time as relapsed heretics. During the process both confessed to the continuation of their errors but were not sentenced to the fire /Foxe, 1846: 221–224/.

Despite these infamous cases, far more women were sentenced to penance during the period in question. Alice Harding of Amersham was trialled together with her husband in 1506, when they abjured. We learn that their punishment consisted of only when they appeared before the bishop again to be released from a part of punishment – wearing embroider faggots, while John Foxe claims that their punishment ceased in 1522 /McSheffrey 2010:120/.

Margaret Landesdale was one of Coventry Lollards who was introduced to the heretic teaching by her husband, one of six men who was, as a relapsed heretic later burnt together with Mistress Joan Smyth. Margaret was caught for the first time and abjured. On the 3rd of December 1511, she was absolved and did penance. She did penance together with some other Lollards of Coventry /McSheffrey, Tanner, 2003:208, 219, 221/.

Rose Furnour, a servant in a Lollard household was twenty-four when she was summoned to the bishop and confessed that she listened to heterodox teaching in the home of her master with whom she conversed about the heretical ideas. In the register informs of the rationale for the sentence she was given. Namely, as she “humbly submitted herself” and wished “to return to the Church's unity and to renounce wholly these errors...”, she was “absolved of the sentence of excommunication” and “confessed spontaneously and immediately with much sorrow” a rather light, even symbolic sentence was imposed: “on each vigil of the Assumption of the Blessed Virgin Mary for the next seven years she shall fast on bread and water.” /McSheffrey, Tanner, 2003:228/.

The case of Margery Lockock shows the care of ecclesiastical officials for the fate of their flock in a small community once they abjured and were sentenced as heretics. According to the register, she deposited that during the lives of both her husbands conversed about heretical beliefs with other Lollards of Coventry. It seems that her first husband introduced her to heresy and that the second did not know of her errors. The register says she “Wholly renounced these beliefs publicly before the bishop,” but the bishop “fearing she might be repudiated by her husband, deferred ordering her to make a solemn abjuration.” The bishop, however, found a way for her to serve her sentence and yet not to be placed in a socially impossible situation for a woman of the age. Having “by way of precaution, [bound] her under oath to perform penance that would be imposed, he absolved her, etc.” /McSheffrey, Tanner, 2003:123/

Reading the ecclesiastical registers, it is noticeable that the family relationships, particularly between parents and children were acknowledged by the ecclesiastical officials as a natural way of converting new heretics. In most cases, parental methods of passing on heretical beliefs to their children consisted of early indoctrination. However, we learn of these only when family members are called as witnesses, and in the vast majority of cases the children are adults. The staggering emotional

cruelty of in the content of the punishment particularly for the relapsed heretics is characteristic of these cases. John Foxe mentions the case at Amersham in 1506 when an only adult daughter was sentenced to set fire to her father, since he was caught and sentenced as a relapsed heretic /Foxe, 1846:124/. The same punishment was dealt in Amersham again in 1522 when several children of a relapsed heretic John Scrivener were sentenced to start the fire that would kill their father. Similarly, the wife and seven children were ordered to serve penance in the way that they will have to watch their father and husband being burnt /McSheffrey, 2003:97/. The element of the public spectacle, most notoriously associated with the execution by burning, modern scholars view as an instrument in comprehending “contemporary motiveless violence” /Impara, 2016:26/.

Children of Lollard parents were instructed in the heretical errors at an early age. There are examples of children as young as six taking part in the teachings, but most were in their early teens. McSheffrey, however, emphasizes the case of a boy around eleven years old, Edward Parker of Reading, who appeared in front of Bishop Audley around 1508 because he had talked about heretical beliefs with other children. The bishop asked him who taught him the errors and at first, he pointed it out at a fellow townsman, but then he changed his mind and said that it was his father Richard /McSheffrey, 2010:98/.

CONCLUSION

The medieval ecclesiastical thought, as well as the church and lay powers, did not acknowledge heterodoxy as a different, but acceptable option. Whilst the right of error was somewhat tolerable, since “no one is convicted of so great a crime, which he denies, and is ready to obey the church,” (...) *non tamen probabili de tanto crimine non condemnatur quis, ex quo negat, et paratus est ecclesie obedire*) /Hostiensis, 1605:1532/, holding onto the belief considered erroneous by the Catholic church in Europe was seen as a choice. It is that choice that constituted the crime of heresy, “a moment in a judicial trial when a suspect had to decide between returning to the church, or perversely turning his or her face against God” /Forrest, 2005:15, 240/.

Despite the difference in trials against heresy in late medieval England and the Continent, where the former was influenced by the common law and the Acts of the Parliament, the abovementioned idea, supported by the canon law, was an evident thread in the trials and the system of punishments. It has been established that the trials against Lollards never reached the infamy of Inquisitorial trials on the Continent or those during Marian persecution in England. This was mirrored in less harsh punishments, and the lack of mass executions except after the Oldcastle revolt, when treasonable endangering of the King’s life was the main crime. The harshness of the punishment did not depend on one’s gender, although the old age may have contributed to its softening. Both men and women relapsed heretics were dealt the death sentence, to be released to the secular arm and burn, but as it was viewed those who were of higher social status, either rich, somewhat politically influential, and most importantly literate could have escaped it. If gender did not influence a type of penance or self-punishment, the social status of women Lollards certainly had.

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Melina Rokai*

SUĐENJA ZA JERES I SISTEM KAŽNJAVANJA PRIPADNIKA SEKTE LOLARDA U ENGLESKOJ

REZIME

Srednjovekovna Engleska se prvi put suočila sa jeretičkim pokretom poprilično kasno u svojoj istoriji, tek na kraju četrnaestog veka. U ovom radu se razmatra englesko iskustvo u načinu suđenju i postupku kažnjavanju sledbenika viklifizma, koji su pežorativno nazvani Lolardi, sa posebnim interesovanjem za kazne koje su izrečene ženama ove heterodoksne grupe.

Suđenja za jeres u Engleskoj su bila specifična u odnosu na ona koja su vođena na Kontinentu, jer su na njihov karakter uticali precedentno pravo, akti Parlamenta, i njihova kolaboracija sa kanonskim pravom, što se odrazilo i na sistem kazni koji se razvio. Uticaj običajnog prava i države s jedne i kanonskog prava, s druge, rezultirao je manje ostrim kaznama i izostankom masovnih egzekucija, s izuzetkom nakon pobune barona Oldcastla protiv kralja Henrija V, kada je izdaja kojom je doveden život kralja u opasnost, predstavljala glavni zločin. Postupak je započinjao pošto je do biskupa stigla *fama publica* o postojanju jeretika, a sekularni službenik je napisao optužbu.

Slično sistemu sankcionisanja, koji je inkvizicija u južnoj Francuskoj razvila tokom borbi protiv Katara u trinaestom veku, i u Engleskoj se koristio kazneni sistem koji je najbližnji institutu uslovnog otpusta u modernom dobu. U takvom sistemu je saradnja sa inkvizitorom bila preduslov za ublažavanje presude. Javno priznanje grešaka zajedno sa učešćem u procesiji, javnim bičevanjem i to bez određenih odevnih predmeta predstavljalo je pokoru koja je morala da se ponovi nekoliko puta u zavisnosti od toga koliko je neko ozbiljno umešan u heterodoksnost. Ograničenje kretanja za prestupnika koji se smatra ozbiljnim jeretikom moglo je biti doživotno ili na određeno vreme i nije se izdržavalo u inkvizitorskom zatvoru, već kao što se vidi iz jednog dostupnog slučaja, u manastiru. Kazna žigosanja vrelim gvožđem je dovela do stvaranja marginalizovane grupe, ali je kazna vremenski ograničenog nošenja simbola na odeći imala za cilj korigovanje jeretičkog ponašanja, a ne izopštenje iz društva.

Pretpostavlja se da su ženama iz sekte Lolarda, budući da su im sudili sveštenici muškarci, bile izricane blaže kazne, dok se heterodoksnost kod muškaraca shvatala daleko ozbiljnije zbog visoko intelektualnog porekla dogme. Međutim, iz postojećih primera može se primetiti da strogoća izrečene sankcije nije neophodno zavisila od nečijeg pola, iako je starost ponekad doprinela njenom ublažavanju, kao što je bio slučaj gde je kazna od dvanaest udarca bičem smanjena na tri zbog poodmaklih godina osuđenice. I muškarcima i ženama Lolardima, koji se nisu pokajali ili koji su ponovo upali u jeres, skoro je uvek izrečena smrtna kazna, predajom sekularnim vlastima da nad njima bude izvršena egzekucija spaljivanjem na lomači. Međutim, kako se da primetiti, oni koji su bili višeg društvenog statusa – bogati, donekle politički uticajni, a što je najvažnije pismeni, ponekad su mogli da izbegnu smrtnu kaznu, iako su ponovo posrnuli u jeresi.

Ključne reči: Lolardi, smrtna kazna, spaljivanje, žigosanje, javno pokajanje.

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