

Act of the Six Articles (1539)

Although the Injunctions of 1536 and 1538 suggest that Henry VIII was influenced by the New Learning, the Statute of the Six Articles, passed in 1539, shows that he was nevertheless prepared to enforce under heavy penalties the fundamental doctrines of the Church. Approved by Convocation and enacted by Parliament in Jun 1539, the statute arose from Henry's personal conservatism in matters of doctrine, from his need for better relations with the Catholic powers of Spain and France, and from his desire to curb the growth of heresy in England and religious unrest in Calais.

The constitutional importance of the statute lies in the fact that it modifies and consolidates the existing laws against heresy: The rule of the canon law punished heretics by burning, and the case of Sawtre in 1401 shows that the common law recognised the rule of the canon law, and therefore that a *writ de haeretico comburendo* could be issued at common law. This was reinforced by the Heresy Acts of 1401 and 1414, the first of which provided that heretics might be arrested on suspicion by the bishop, and those refusing to abjure or relapsing after abjuration were to be burned; and the second enabled the bishops to call upon the civil power for assistance, and authorised courts of quarter sessions to receive indictments for heresy and to deliver persons so indicted to the bishops to be tried. The law against heresy was, however, considerably modified by Henry VIII. An Act of 1533 repealed the Act of 1401, and so deprived the bishops of their power to arrest on suspicion; but it confirmed the Act of 1414, and so made it necessary for proceedings in heresy cases to begin by indictment. This had the effect of discouraging prosecutions, and between 1533 and 1539 the cases were not numerous.

An Act of 1533 also furnishes a kind of negative definition of heresy, for it provides that speaking against the authority of the Pope, or against spiritual laws made by 'the see of Rome repugnant to the laws of the realm or the authority of the King, shall not be deemed heresy. The Statute of Six Articles should be read in close connexion with this Act of 1533, to which it is supplementary. It provides a positive definition of heresy, and establishes a special procedure for the prosecution of heretics, for commissions were to be issued in every diocese to the bishop and others to enquire into offences against the Act, and the commissioners were empowered to compel the attendance of accused persons before them and to try them with a jury. The effect of these two Acts taken together was to make heresy in great measure a secular offence, and to mitigate the severity of the older laws against it. Nothing was made heresy by the Statute of Six Articles which the bishop would not have held to be heresy under the Act of 1401, and the procedure was far less oppressive than that established by the Acts of 1401 and 1414.

Formally titled "An Act Abolishing Diversity in Opinions", the Act of Six Articles reinforced existing heresy laws and reasserted traditional Catholic doctrine as the basis of faith for the English Church. The Act was passed by Parliament in Jun of 1539. It remained Henry's policy toward reforms until his death. The act also represented a political defeat for Cromwell, Archbishop Cranmer, and the other reformist leaders at Court. The Six Articles was referred to as "the bloody whip with six strings" by many Protestants.

Passage of the Act prompted Hugh Latimer, Bishop of Worcester, and Nicholas Shaxton, Bishop of Salisbury, to resign their sees, and forced Cranmer to send his wife back to Germany.

Without mentioning the word, the first article affirmed Transubstantiation, the Catholic doctrine of the Eucharist. The remaining five articles similarly upheld Catholic positions. Below is a list of the six articles. It is an abbreviated form of the document.

Statute of Six Articles, 1539

An Act abolishing diversity in Opinions

Where the King's most excellent Majesty is by God's Law Supreme Head immediately under him of this whole Church and Congregation of England, intending the conservation of the same Church and Congregation in a true, sincere, and uniform doctrine of Christ's Religion, calling also to his blessed and most gracious remembrance as well the great and quiet assurance, prosperous increase, and other innumerable commodities which have ever ensued, come, and followed of concord, agreement, and unity in opinions, as also the manifold perils, dangers, and inconveniences which have heretofore in many places and regions grown, sprung, and arisen of the diversities of minds and opinions, especially of matters of Christian Religion; And therefore desiring that such an unity might and should be charitably established in all things touching and concerning the same, as the same, so being established might chiefly be to the honour of Almighty God, the very author and fountain of all true unity and sincere concord, and consequently redound to the common wealth of this his Highness's most noble realm and of all his loving subjects and other residents and inhabitants of or in the same: Hath therefore caused and commanded this his most high Court of Parliament, for sundry and many urgent causes and considerations, to be at this time summoned, and also a Synod and Convocation of all the archbishops, bishops, and other learned men of the clergy of this his realm to be in like manner assembled; And forasmuch as in the said Parliament, Synod, and Convocation there were certain articles, matters, and questions proponed and set forth touching Christian Religion The King's most royal Majesty, most prudently pondering and considering that by occasion of variable and sundry opinions and judgments of the said articles, great discord and variance hath arisen as well amongst the clergy of this his realm as amongst a great number of vulgar people his loving subjects of the same, and being in a full hope and trust that a full and perfect resolution of the said articles should make a perfect concord and unity generally amongst all his loving and obedient subjects; Of his most excellent goodness not only commanded that the said articles should deliberately and advisedly by his said archbishops, bishops, and other learned men of his clergy be debated, argued, and reasoned, and their opinions therein to be understood, declared, and known, but also most graciously vouchsafed in his own princely person to descend and come into his said high Court of Parliament and Council, and there like a prince of most high prudence and no less learning opened and declared many things of high learning and great knowledge touching the said articles, matters, and questions, for an unity to be had in the same; Whereupon, after a great and long deliberate and advised disputation and consultation had and made concerning the said articles, as well by the consent of the King's Highness as by the assent of the Lords

spiritual and temporal and other learned men of his clergy in their Convocation and by the consent of the Commons in this present Parliament assembled -it was and is finally resolved, accorded, and agreed in manner and form following, that is to say;

1. First, that in the most blessed Sacrament of the Altar, by the strength and efficacy of Christ's mighty word, it being spoken by the priest, is present really, under the form of bread and wine, the natural body and blood of Our Saviour Jesus Christ, conceived of the Virgin Mary, and that after the consecration there remaineth no substance of bread and wine, nor any other substance but the substance of Christ, God and man;
2. Secondly, that communion in both kinds is not necessary *ad salutem*, by the law of God, to all persons; and that it is to be believed, and not doubted of, but that in the flesh, under the form of the bread, is the very blood; and with the blood, under the form of the wine, is the very flesh; as well apart, as though they were both together.
3. Thirdly, that priests after the order of priesthood received, as afore, may not marry, by the law of God.
4. Fourthly, that vows of chastity or widowhood, by man or woman made to God advisedly, ought to be observed by the law of God; and that it exempts them from other liberties of Christian people, which without that they might enjoy.
5. Fifthly, that it is meet and necessary that private masses be continued and admitted in this the King's English Church and Congregation, as whereby good Christian people, ordering themselves accordingly, do receive both godly and goodly consolations and benefits; and it is agreeable also to God's law.
6. Sixthly, that auricular confession is expedient and necessary to be retained and continued, used and frequented in the Church of God: . . . It is therefore ordained and enacted. . .

VI. And be it further enacted... that if any person or persons... contemn or contemptuously refuse, deny, or abstain to be confessed at the time commonly accustomed within this realm and Church of England, or contemn or contemptuously refuse, deny, or abstain to receive the holy and blessed sacrament above said at the time commonly used and accustomed for the same, that then every such offender.. shall suffer such, imprisonment and make such fine and ransom to the King our Sovereign Lord and his heirs as by his Highness or by his or their Council shall be ordered and adjudged in that behalf; And if any such offender ... do festoons... refuse... to be confessed or to be communicate... that then every such

offence shall be deemed and adjudged felony, and the offender... shall suffer pains of death and lose and forfeit all his... goods, lands, and tenements, as in cases of felony.

By 1540, Franco-Imperial amity had dissolved, lessening Henry's need to impress the Catholic states with his orthodoxy. By the mid-1540s, the ascendancy of the conservative party had waned, although not before it succeeded in destroying Cromwell by convincing the King that his minister shielded heretics, especially in Calais. For these reasons, the Act of Six Articles was not strictly enforced and was never the scourge reformers had feared. Nonetheless, the act, along with the Royal Supremacy, remained the official standard of orthodoxy for the Henrician Church until repealed by the first Parliament of Edward VI in 1547.