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*The Fall of Anne Boleyn**

In May 1536 Henry VIII's Queen, Anne Boleyn, her brother George, Viscount Rochford, Henry Norris, gentleman of the Privy Chamber and one of the King's closest servants, William Brereton and Sir Francis Weston, both gentlemen of the Privy Chamber, and Mark Smeaton, a groom of the Privy Chamber and a musician, were all arrested, tried and executed for an alleged series of adulteries. Anne, following her frail and carnal lust, had, according to the indictments, procured and incited her brother George to violate her, alluring him with her tongue in his mouth and his in hers: similar charges were made against the others. Such offences were held to be treason, Anne allegedly often saying she would marry one of the accused when the King died.[1]

How should we explain such extraordinary events? One popular explanation attributes the responsibility wholly to Henry VIII. Vexed by Anne Boleyn's failure to produce a male child, finding her pride and abrasive character increasingly intolerable,[2] Henry resolved to cast her aside, and accordingly invented a set of charges against her so that he could then marry his latest mistress, Jane Seymour. Such a picture of a monstrously selfish king able to implement every whim does not explain why Anne was accused of adultery, rather than of some other treasonable, but less humiliatingly intimate, crime, and why, if she were falsely so accused, the indictment should extend to sexual relations with as many as five men. Above all, such an interpretation does not fit the evidence of Henry's own relationship with Anne.

Their marriage was undoubtedly not all sweetness and light. As early as August 1533 Eustace Chapuys, the imperial ambassador, wrote that the King's great affection to Anne had cooled; and soon after he reported how Anne, full of jealousy, had (most probably) accused the King of

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1. J. S. Brewer, J. Gairdner and R. H. Brodie (ed.), *L[etters and] P[apers, Foreign and Domestic, of the Reign of Henry VIII]* (London, 1862–1932), x. 793, 876 (7, 8), 848 (ix), 855, 865, 901, 919, 911; Vienna, Haus-, Hof- und Staatsarchiv, England, Karton 7, Korrespondenz, Berichte 1536 [hereafter HHStA], fos. 106'–107, 108'–110 (*LP*, x. 908); G. Ascoli, *La Grande Bretagne devant l'opinion française depuis la guerre de cent ans jusqu'à la fin du XVIe siècle* (Paris, 1927), pp. 248–9, lines 522–47, pp. 257–60, lines 814–910, pp. 261–4, lines 928–1046, pp. 265–6, lines 1068–114 (Rochford); pp. 267–71, lines 1125–270; T. Aymot, 'A Memorial from George Constantyne to Thomas, Lord Cromwell', *Archaeologia*, xxiii (1831), 64, 66.

2. D. Starkey, *The Reign of Henry VIII: Personalities and Politics* (London, 1985), p. 110, for this characterization of Anne.

flirting, to which he had responded by telling her that she must shut her eyes and bear it as more worthy persons did, and that it was in his power to humble her even more than he had exalted her.[1] A year later Chapuys reported how Anne wanted to send away from Court a very beautiful young damsel who had become the centre of the King's attentions: Henry again angrily told her to be content.[2] But if such reports should not be dismissed (even though the sources for them are indirect), for two reasons they must be seen more as evidence of a tumultuous relationship of sunshine and storms than as precursors of the eventual disaster. First, Chapuys often cast doubt on the significance of the gossip he recorded. More than once he tempered his account of Anne's jealous words by adding that no doubt these were lovers' quarrels to which too great importance should not be attached.[3] Secondly, Chapuys' gossip must be set against the far greater weight of evidence which shows that Henry and Anne were often happily together and that, despite occasional outbursts, their marriage seemed set to last. On many occasions the King and Queen were reported as merry, notably in October 1535 when they went on progress together.[4] If then their relationship was at times frank, not to say quarrelsome; if something of the idyllic passions revealed in the love-letters written in 1527–8 had passed: none the less Henry and Anne were still very much man and wife in autumn 1535.

Did Henry's feelings towards Anne change dramatically in early 1536? First, did Henry turn against Anne after she miscarried in January 1536, and what of a recent variant on that theme, that Anne allegedly gave birth to a deformed foetus, making Henry think she was a witch? Secondly, did Henry fall increasingly in love with a new girl, Jane Seymour? In January 1536 Anne miscarried. The King showed great sadness. Possibly (if we accept a redating) that was when he claimed that he had made this marriage while seduced by witchcraft – 'seduict et contrainct de sortileges' – as was evident since God did not permit them to have any male issue: his marriage was therefore invalid and he could marry another.[5] How seriously should this outburst be taken? One recent writer, R. M. Warnicke, has swallowed it completely and argued that Henry indeed suddenly claimed that Anne was a witch who had bewitched him into marrying her. What, according to this writer, prompted Henry

1. *LP*, vi. 1018, 1069; cf. 975.

2. Ibid. vii. 1193; and cf. vi. 1054 (this is misplaced: it was written in 1534); vii. 1297, 1554; viii. 263, 666.

3. Ibid. vi. 975, 1018, 1069; vii. 1193, 1554.

4. Ibid. vi. 1293; vii. 126, 682, 823, 888, 1581; ix. 310, 525, 555, 571, 639, 663.

5. HHStA, fos. 23–23^{v} (P[ublic] R[ecord] O[ffice], PRO31/18/2/2, fo. 114^{v}; *LP*, x. 199; *Cal[endar of] S[tate] P[apers], Spanish* [13 vols in 20, London, 1862–1954], v, pt. ii, no. 13, pp. 26–9); *LP*, x. 282. R. M. Warnicke suggests that Henry must have known of the miscarriage when he made these remarks, even though Chapuys reports them, without mentioning the miscarriage, when writing on 29 January, the day on which Chapuys later, and Wriothesley's Chronicle, said it happened. Warnicke thinks it may have happened earlier: 'Sexual Heresy at the Court of Henry VIII', *Historical Journal*, xxx (1987), 257–8; cf. W. D. Hamilton (ed.), *Wriothesley's Chronicle* (Camden Society, 2nd ser., xi, 1875), p. 33; Ascoli, p. 242, lines 324–6.

was that the miscarriage involved a deformed foetus, which (we are told) was well known to be a sign of a witch.[1]

Unfortunately for connoisseurs of ingenious theories, there is not a shred of evidence that the foetus was deformed. The most that Warnicke can adduce is a remark of the Catholic historian Nicholas Sander, writing in 1585, that Anne gave birth to 'a shapeless mass of flesh', too vague a comment, even if it were well-informed, to prove any deformity. Apart from that, Warnicke's case rests entirely on supposition. Moreover, there is strong contemporary evidence that the foetus was not deformed. According to Chapuys, it looked like a male child which she had carried for only three and a half months.[2] Even, however, if it had been deformed, it is hard to see how giving birth to a deformed foetus would show that the mother was a witch. None of the demonologies cited by Warnicke supports this claim.[3] Such a 'witch' would have shown herself surprisingly ineffective: a witch might more reasonably have been expected to use her craft to beget a healthy child. It is anyway not clear how much credence should be placed on Henry's alleged reference to witchcraft. The report was brought to Chapuys on behalf of the Marquess and Marchioness of Exeter, notoriously unsympathetic to Anne, and Chapuys himself added: 'La chose mest bien dificille a croyre oyres quelle soit venue de bon lieu.' But even if we suppose that Henry did say it, surely his reference to Anne's bewitching him was simply a way in which he now, in moments of anger or regret or despair, referred back to his past infatuation; it in no way described her present behaviour. Chapuys did not mention witchcraft again.[4]

Warnicke's rather imprecise and circular account never offers a clear explanation of where the assault on Henry's honour, the ultimate spring

1. Warnicke, 'Sexual Heresy', 247–68; ead., *The Rise and Fall of Anne Boleyn* (Cambridge, 1989), pp. 191–234, also 3–4. This argument has persuaded J. Guy, *Tudor England* (Oxford, 1988), p. 141 (Anne 'miscarried what by all accounts was a deformed foetus') and D. M. Loades, *Mary Tudor: A Life* (Oxford, 1989), p. 97.

2. Warnicke, 'Sexual Heresy', 248 n.4.; Hamilton, *Wriothesley's Chronicle*, p. 33; Ascoli, p. 242, lines 324–6. For Anne's miscarriage or phantom pregnancy in 1534 see *LP*, vii. 114, 556, 958, 1013, 1193; J. Dewhirst, 'The Alleged Miscarriages of Catherine of Aragon and Anne Boleyn', *Medical History*, xxviii (1984), 49–56; E. W. Ives, *Anne Boleyn* (Oxford, 1986), pp. 236–7.

3. One talks of witches using the aborted foetuses of other women and of witches ripping healthy foetuses from their mothers' wombs for evil purposes. It discusses what should be done with the normal children of convicted witches: E. A. Ashwin (tr.) and M. Summers (ed.), *Demonolatry by Nicholas Remy* (London, 1930), pp. 93–103. Others write of witches who could kill infants in their mother's womb by a mere exterior touch, or who could induce impotence or sterility (M. Summers [ed.], *Malleus Maleficarum of Heinrich Kramer* [London, 1927], pp. 55, 87–9); or discuss children, sometimes monstrous, but sometimes 'tall, very hardy and bloodily bold, arrogant beyond words and desperately wicked', that devils could beget – but by sexual congress with ordinary women, not witches (M. Summers [ed.], *L.M. Sinistrari, Demoniality* [London, 1927], p. 21; E. Fenton, *Certaine Secrete Wonders of Nature* [1569], p. 17). Nowhere in the works cited by Warnicke, 'Sexual Heresy', 249 n.6, is there any suggestion that witches themselves gave birth to deformed foetuses.

4. HHStA, loc. cit. (PRO, PRO31/18/2/2, fo. 114"; *Cal. S.P., Spanish*, v, pt. ii, no. 13, p. 28; *LP*, x. 199). It was Chapuys – not, as Warnicke implies (*Anne Boleyn*, p. 294 n. 2), Henry VIII – who had earlier said that Anne had enchanted and bewitched the King (*Cal. S.P., Spanish*, iv, pt. ii, [2], no. 1161, pp. 884–5; *LP*, vi. 1528). Warnicke's other evidence (*Anne Boleyn*, loc. cit.) refers to gossip in Louvain that the King must have been enchanted by potions (*LP*, v. 1114).

of action, lay. Sometimes it seems to be the appalling discovery which Henry allegedly made, that his wife was a witch. Yet Anne was not explicitly charged with witchcraft. At times Warnicke seems to say that whatever her ostensible crime, everyone would have known that the real charge was witchcraft.[1] At other times, however, she gives the impression that Henry's principal aim was to demonstrate to the world that he was not the father of the deformed foetus. Both the charges of incest and adultery brought against the Queen and the others, and the efforts to present her as a witch, were intended to deny Henry's paternity. Yet Warnicke never explains just why a deformed foetus should in itself have been so shameful. It is difficult on her argument to see why the public revelation that his wife had committed incest and adulteries (or, if the author's hints are accepted, was a witch) should be any less humiliating for the King than the report of a deformed foetus, which could always have been denied and which, if Anne were to conceive again, would soon be forgotten. Warnicke even claims that Henry wanted the evidence of his impotence entered into the public record, so that he could not be seen as responsible for Anne's last pregnancy. This not only flies in the face of Chapuys' evidence (to which we shall return) that the government did not want it to become general knowledge, but also most implausibly implies that impotence was seen as less humiliating than the paternity of a deformed foetus.[2]

Sometimes, however, Warnicke supports her theories with a very different argument, that 'illicit sexual acts were blamed for the birth of deformed children': therefore a deformed foetus was evidence that its mother had engaged in illicit sex.[3] It would have been reasonable to claim that Henry might have interpreted a deformed foetus as evidence that Anne had been unfaithful. But Warnicke does not go on to make the argument that the arrival of a deformed foetus made the King suspicious of Anne's fidelity and led him and his ministers to seek out her lover or lovers. She rather claims that Henry's reaction was to seek to shift the responsibility for its paternity. 'The ministers were given the task of identifying several men among her acquaintances who could plausibly be accused of fathering her child, in order to establish that her gross sexual behaviour had caused its deformity.'[4] It is difficult to reconcile this claim, especially its implication that those who were condemned with Anne were innocent victims of a royal imperative, with Warnicke's conviction that 'Henry genuinely believed that Anne was guilty of the crimes for which she had died'.[5] Even if the author's most extravagant speculations are allowed for the sake of argument, her elaborations of

1. Cf. Warnicke, *Anne Boleyn*, pp. 203, 214, 226, 231, 235, 241.
2. Ibid., p. 231. Cf. HHStA, fo. 107 (PRO, PRO31/18/2/2, fo. 144; *Cal. S.P., Spanish*, v, pt. ii, no. 55, p. 126; *LP*, x. 908).
3. Warnicke, *Anne Boleyn*, p. 195; cf. G. R. Elton, *Thomas Cromwell* (Bangor, 1991), p. 37, n. 48.
4. Ibid., p. 202; ead., 'Sexual Heresy', p. 255, for wording quoted.
5. Warnicke, *Anne Boleyn*, p. 235.

them fail to offer any coherent explanation of Anne's fall. Above all, of course, the lack of evidence for any deformed foetus remains an inescapable obstacle to acceptance of her claims. Moreover, those claims, as well as the more modest arguments that could be based on Henry's supposed rejection of Anne after her miscarriage, fail to explain why the King did not act against her at once, and do not take account of his continuing maintenance of the marriage.

Much more significant in assessing Henry's attitude than any speculations is evidence of what he did and said later. According to Chapuys, writing on 25 February, Henry had not been speaking much to Anne, and when she miscarried he scarcely said anything, except that he saw clearly how God did not want to give him male children. But when Anne attributed her misfortune in part to her love for the King, so that her heart had broken when she saw that he loved others, Henry had been much grieved and had stayed with her (if only for a time).[1] Before we attach too much significance to Chapuys' report that Henry and Anne had not been seeing much of each other, it is worth noting that they both rejoiced at the news of the death of Catherine of Aragon in January: Henry had carried Princess Elizabeth, Anne's daughter, in triumph.[2] And Anne consoled her maids after the miscarriage by saying it was for the best: she would soon conceive again, and then that baby son would be free from any taint, since he would not have been conceived in the life of Queen Catherine.[3] What the evidence suggests is that the relationship between Henry and Anne was volatile, fluctuating between storms and calm. It may be that the merriment of October gave way to a period of coolness in early 1536, but this does not mean that Henry had finally tired of Anne, or that her miscarriage had irrevocably damned her in his eyes.

Did the emergence of Jane Seymour threaten Anne? Our evidence comes wholly from Chapuys, whose despatches studied in full give a much more guarded impression of her importance than do quotations drawn out of context. In February, Henry, many said, was giving her great presents and, for a time, was unable to leave her for an hour.[4] On 1 April Chapuys reported how Jane had refused a purse full of sovereigns Henry had sent her, asserting that she was a gentlewoman of good and honourable parentage and would accept money from the King only when God sent her 'quelque bon party de mariage', thus marvellously increasing the King's love for her. In order to show that he only loved her honourably, Henry responded that in future he would not speak to her except

1. HHStA, fo. 51 (PRO, PRO31/18/2/2, fos. 124–124^{v}; *Cal. S.P., Spanish*, v, pt. ii, no. 29, p. 59; *LP*, x. 351).
2. *LP*, x. 141, 199.
3. HHStA, fo. 53 (*LP*, x. 352).
4. HHStA, fo. 31^{v} (*Cal. S.P., Spanish*, v, pt. ii, no. 21, pp. 39–40; *LP*, x. 282); HHStA, fo. 51 (PRO, PRO31/18/2/2, fos. 124–124^{v}; *Cal. S.P., Spanish*, v, pt. ii, no. 29, p. 59; *LP*, x. 351).

in the presence of her kin.[1] How much should be made of all this? It seems vital to avoid the temptation of hindsight. Just because we know that Henry did indeed marry Jane Seymour, it should not be assumed that he was already set upon marriage with her in February and March.

On 19 May (after Anne Boleyn's downfall), Chapuys did report rumours circulating before Anne had been sent to the Tower that the King had spoken with Jane about their future marriage and the children they would have; but even if that was not just idle gossip, it most likely referred to a conversation in the days immediately preceding Anne's arrest, after she had been placed under suspicion. It cannot be taken as evidence that the King was intent on marrying Jane as early as February.[2] Indeed, given that Henry did take mistresses from time to time, it would seem far more likely that he was then seeking to make Jane his mistress rather than his wife. Moreover, read without hindsight, what is most striking about Chapuys' testimony is that Henry's courtship was somewhat crudely mercenary, and that it was being rebuffed. The evidence which we have of the King's interest in Jane Seymour up to the decision to investigate Anne Boleyn's activities points to two possible outcomes: that Jane might have become Henry's mistress for a while or, and this seems rather more likely, that she would have rejected his advances altogether. Besides, during these months he vigorously defended his divorce from Catherine of Aragon, his marriage to Anne Boleyn and his royal supremacy. Once Catherine was dead, Henry could have passed the divorce over in silence, the more so if he was thinking of discarding Anne: instead he continued, obsessively, to insist upon the exclusive validity of his interpretation of canon law, as the instructions sent to his ambassadors in France show.[3]

The strongest evidence of Henry's undiminished commitment to his marriage with Anne Boleyn appears in a most significant diplomatic development in April 1536. Ever since Henry had discarded Catherine, Chapuys, the imperial ambassador, had always in his despatches referred to Anne Boleyn as the concubine or the lady, and had never recognized or spoken to her. As recently as November 1535 he had described her as 'cette diablesse de concubine'.[4] But by a letter written on 26 March and received on 15 April, Chapuys was ordered by his master Charles V to negotiate seriously for an Anglo-Imperial alliance, and, in particular, not to break off negotiations on account of any demands over Anne Boleyn.[5] As part of those negotiations Chapuys was summoned to Court to meet Henry on 18 April. He was cordially received by the councillors, including Anne's brother, George, Lord Rochford. Then Cromwell came to ask Chapuys to visit and to kiss Anne, which would especially please the King, though adding that if he had the least objection, he left it

1. HHStA, fo. 69 (*Cal. S.P., Spanish*, v, pt. ii, no. 43, pp. 84–5; *LP*, x. 601).
2. *LP*, x. 908.
3. Ibid. x. 265–6, 584, 235, 308, 141.
4. Ibid. ix. 777.
5. Ibid., x. 575, 699.

entirely to him. The ambassador replied that he was Henry's slave, but thought it better not to; Cromwell reported back to Henry, who took the response in good part, and hoped that all would speedily be settled. Henry now came out greeting Chapuys warmly. The latter was then led to mass by Rochford. When the King and Queen arrived during the offertory, a large number of people crowded round to see what faces – 'quelles mynes' – Chapuys and Anne would make at each other. Chapuys was standing to the side of the door through which Anne entered, so that she had to turn round to see him. He did not kiss or speak to her, but they did exchange the mutual reverence that politeness required. Later Chapuys again met Rochford. Then Henry came out and made a series of bold demands, asking, in effect, that Charles V should admit to having wronged Henry over the break with Rome. What is of the utmost importance here is that Henry was clearly defending his marriage with Anne Boleyn. In asking and getting Chapuys to recognize Anne, he was seeking, and obtained, a significant diplomatic concession from the ambassador of Charles V, who clearly believed that she was irremovable. And for our purposes this offers compelling evidence that at least up to 18 April Henry still regarded Anne as his wife and had not the slightest intention of discarding her.[1]

That conclusion is reinforced by the fact that Henry dissolved the Reformation Parliament on 14 April. Between 1529 and 1536 he had frequently prorogued it: the dissolution of Parliament strongly suggests that he did not expect any urgent business which would require a Parliament for some time, possibly for several years. If Henry had already been thinking of getting rid of Anne, he would very likely have kept Parliament in being to deal with the problems of succession which a further divorce would cause: his failure to do so suggests that nothing was further from his mind. But then suddenly, on 27 April, Henry issued writs for a new Parliament.[2] Did that mark a turning-point? The first sign that something was amiss was the appointment of two almost identical special commissions of oyer and terminer on 24 April to investigate certain treasons. Letters which Henry sent on that day to his ambassadors in France and in Italy significantly do not mention the marriage. And on

1. HHStA, fos. 80^{v}–3 (PRO, PRO31/18/2/2, fos. 131–9^{v}; *Cal. S.P., Spanish*, v, pt. ii, no. 432, pp. 91–4; *LP*, x. 699); cf. Ives, *Anne Boleyn*, pp. 440, 352–3. Warnicke offers a bizarre reading of this report. She thinks that Chapuys refused to visit Anne in her apartments because he knew that she was falling from favour. If that were so, he would surely also have refused to recognize her, which he did here for the first time. His reluctance to go further was to avoid giving too great and too swift a diplomatic concession to the King. Warnicke then oddly supposes that by getting Chapuys to bow to Anne and to dine with her brother Rochester, Henry was inflicting a snub on Anne: yet surely Anne and her brother would have seen such recognition from the imperial ambassador as an encouraging endorsement of her status as Henry's lawful wife (Warnicke, *Anne Boleyn*, pp. 209–11, 224).

2. *LP*, x. 736.

27 April the Bishop of London was asked if the King could divorce Anne Boleyn. It is highly likely that something happened between 18 and 24 April which called Henry's marriage with Anne into question.[1]

But before examining that we must deal with another interpretation of Anne's fall, one which has been very influential among recent historians: the notion that Henry VIII was essentially a weak king who was often the plaything of factions. Such a view was expressed crudely in 1536 by the Vicar of Eastbourne, William Hoo: 'They that rule about the king make him great banquets and give him sweet wines and make him drunk, and then they bring him bills and he putteth his sign to them.'[2] Policies, on this view, were also determined by factions, as John Foxe, publishing in the 1560s, wrote of the fluctuations of religion: 'Even as the king was ruled and gave ear sometimes to one, sometimes to another, so one while it went forward, at another season as much backward again, and sometimes clean altered and changed for a season, according as they could prevail, who were about the king.'[3] Foxe's general picture of a factionally-dominated king has been absorbed by several recent writers, especially Ives, Starkey and Elton. They claim that many courtiers and noblemen had opposed the break with Rome, the divorce and the Boleyn marriage, but in vain. They always hoped that Henry would eventually discard Anne, and, knowing his liking for mistresses, they tried to tempt him away from Anne with another girl. Jane Seymour is seen as the tool of this conservative, 'Aragonese' faction. Ives, Starkey and Elton have developed that line further by suggesting a remarkable series of manoeuvres by Thomas Cromwell, who, realizing (they say) that Anne Boleyn, his former ally, was falling, and that a conservative faction was about to come out ahead, joined the conservatives

1. Ibid., x. 848 (i, vi), 725–6; HHStA, fo. 95 (*Cal. S.P., Spanish*, v, pt. ii, no. 47, p. 106; *LP*, x. 752). That on 23 April Nicholas Carew rather than Lord Rochford was elected to the Order of the Garter (ibid. x. 715) is not, as often claimed, a clear sign that Henry VIII was now set against Anne and her brother (Starkey, *Henry VIII*, pp. 112–13; Warnicke, *Anne Boleyn*, p. 211). Each companion present at the chapter could nominate nine candidates, leaving the king to choose from those nominated. The king was not bound to choose the candidate with the highest number of votes, but in practice Henry VIII never chose anyone who did not have at least half the votes. In 1536 Carew had twice as many votes as Rochford: only once – in 1543, when choosing William Parr – did Henry ignore his knights' wishes to the extent that would have been needed to select Rochford. And it should not be presumed that the knights voted as they did because they saw the way the supposed factional wind was blowing. See S. J. Gunn, 'Chivalry and the Politics of the Early Tudor Court', in *Chivalry in the Renaissance*, ed. S. Anglo (Woodbridge, 1990), p. 115.

2. *LP*, xi. 300 (ii).

3. John Foxe, *Acts and Monuments*, ed. J. Pratt (8 vols. London, 1877), v. 135, 137. Foxe's specific explanation of Anne's fall, that she was the victim of 'some secret practising of the papists', 'wily papists', especially Stephen Gardiner, Bishop of Winchester, 'whispering in the king's ears what possibly they could to make that matrimony unlawful', seems wholly improbable, since Gardiner was Henry's ambassador in France in spring 1536 and far removed from immediate influence with the King.

in bringing down Anne, added some rivals of his own, and then trumped the conservatives.[1]

Yet this supposed 'conservative faction' is elusive. There is very little even remotely plausible detail. Only once did Chapuys report a plot: its overall manager, he said, was Sir Nicholas Carew, together with the Marquess of Exeter, Sir William Fitzwilliam, Lord Montagu, Geoffrey Pole, Sir Thomas Elyot and the dowager Countess of Kildare. On 29 April he wrote: 'Ne tiendra au dit escuies [Carew] que ladite concubine ne soit desarconnee et ne cesse de conseiler maistress Semel [Jane Seymour] ains autres conspirateurs pour lui faire vne venue.'[2] But none of this amounts to very much (Chapuys told Granvelle on the same day that he had nothing of importance to write);[3] and, most importantly, it appears to relate to a period when Anne Boleyn's conduct was already under investigation. It is suggestive that when Sir Francis Bryan was later examined and asked whether he had heard anyone else talk about Princess Mary, he replied that *upon the disclosing of the matter of the late Queen*, he had heard Carew, Sir Anthony Browne, Sir Thomas Cheyney and the rest of the Privy Chamber talk generally about Mary. Once Anne was under suspicion, many wondered what the consequences might be: that does not prove that they had earlier conspired against her.[4] If some courtiers had indeed been critical of the break with Rome and the treatment of Catherine of Aragon and Princess Mary, it is hard to find any evidence that they acted as a coherent political group or manipulated the King. Nor is there any sign that such conservatives were becom-

1. Ives, *Anne Boleyn*, pp. 339, 346–8, 151; id., *Faction in Tudor England* (2nd edn., London, 1986), pp. 16–18; Starkey, *Henry VIII*, pp. 108–12; G. R. Elton, *Reform and Reformation* (London, 1977), p. 252. There are some differences of emphasis. Ives claims that Cromwell master-minded the coup after 18 April, while Starkey and Elton think that the conservatives initiated the attack on Anne when her miscarriage, the death of Catherine of Aragon and the rise of Jane Seymour played into their hands, Cromwell allegedly then taking over their plot.

2. HHStA, loc. cit. (*Cal. S.P., Spanish*, v. pt. ii, no. 47, p. 106; *LP*, x. 752). R. M. Warnicke, 'The Fall of Anne Boleyn: A Reassessment', *History*, lxx (1985), 1–5, 13, makes the most outspoken claims for a conservative faction, yet most of them rest on supposition: 'After 29 January, many secret meetings amongst the conspirators must have taken place. ... Although the evidence is slender, Sir Francis Bryan, long known as a boon companion of the king, was probably a key figure in the liaison between the Seymour faction and Mary's allies in their attempt to effect the disgrace of Queen Anne. ... Bryan surely had ample opportunity to talk with Henry Courtenay, marquess of Exeter ... and Sir Edward Neville.' Warnicke is much more cautious in her book, *Anne Boleyn*, p. 207. There is a circularity in Ives' presentation: Jane Seymour's brother was using his new standing with the King to push Jane, yet his new standing depended on Jane's relationship with the King: Ives, *Anne Boleyn*, p. 347. Cf. T. F. Mayer, *Thomas Starkey and the Commonwealth: Humanist Politics and Religion in the Reign of Henry VIII* (Cambridge, 1989), pp. 4–5, 103, and 'A Diet for Henry VIII: The Failure of Reginald Pole's 1537 Legation', in *Journal of British Studies*, xxvi (1987), 305–31, who treats as axiomatic the existence of a 'Carew-Exeter faction'. For salutary scepticism (to be a faction 'they would have needed a political programme for action and not only coincidental similarities in their dislike for Henry's religious policies'), see C. Höllger, 'Reginald Pole and the Legations of 1537 and 1539: Diplomatic and Polemical Responses to the Break with Rome' (University of Oxford D.Phil. thesis, 1989), pp. 114 (quoted), 84, 103–4, 122.

3. *LP*, x. 753.

4. Ibid. x. 1134 (4). My italics.

ing more influential in early 1536: the passage of the bill for the dissolution of the smaller monasteries, or the flight of Catherine of Aragon's confessor, George Athequa, Bishop of Llandaff, would rather suggest the contrary.[1]

A second serious difficulty for factional explanations lies in Cromwell's supposed motivation. Why should Cromwell have done all that he is alleged to have done? If the conservatives' threat to him has been exaggerated, and if it was unlikely that Jane Seymour would have become the King's new wife, then there was no need for Cromwell to have acted against Anne in order to win favour with them.[2] Ives incredibly suggests disagreements over foreign policy as another motive. Anne had been pro-French, while Cromwell was much readier to consider a deal with the Emperor Charles V.[3] Yet Ives goes on to say that once Charles V, after Catherine of Aragon's death in January 1536, was prepared to negotiate with Henry VIII, Anne and her supporters saw advantages in just such an imperial deal.[4] At most, then, these differences between Cromwell and Anne were ones of timing: possibly Cromwell spotted the opportunity first. Moreover, the fact that Henry was himself quickly alive to the possibility of a deal with Charles as soon as Catherine of Aragon had died evidently reduces the significance of any differences between Cromwell and Anne[5]; and by April 1536 there is no sign of any disagreement between them on this subject, as Ives appears to concede when he suggests a rather different reason why Cromwell should have come to think that the needs of foreign policy required Anne's destruction. Now he suggests that Anne's position as the queen was in itself an obstacle to the Anglo-Imperial agreement which Cromwell sought: it was when he saw how obstinately Henry was defending her to Chapuys on 18 April that Cromwell decided to destroy her. Yet Ives seems to have been deceived by what he elsewhere sees as a visit to the Court by Chapuys stage-managed by Cromwell. Was it not a standard negotiating technique for a minister to pretend to be speaking independently of his master, to pretend that there were serious differences between them? Were not Henry and Cromwell rather working together on 18 April in order to see just much the imperialists were prepared to offer for an alliance? And in any case, the notion that Cromwell, as Henry's secretary, would destroy the King's wife just to foster a foreign alliance

1. Ibid. x. 429, 410, 282, 494, 308.

2. Ives, *Anne Boleyn*, pp. 353, 355–6. For more detailed criticism of Ives see G. W. Bernard, 'Politics and Government in Tudor England', *Historical Journal*, xxxi (1988), 160–2.

3. Ives, *Anne Boleyn*, pp. 340–1.

4. Ibid., p. 350.

5. *LP*, x. 54, 141.

which in the very fluid international relations of the 1530s was likely to be temporary seems to lack any sense of proportion.[1]

Another argument in support of faction is that, besides Anne, several members of the King's Privy Chamber were executed. Does this suggest that Cromwell wished to destroy a whole grouping, to bring down not just the Queen, but also his supposed enemies in the Privy Chamber?[2] There is, however, little evidence to suggest that those convicted with Anne formed a coherent group: indeed they might more reasonably be seen as competitors for Anne's favours. Were they rivals or enemies of Cromwell? Of those condemned, Lord Rochford, Anne's brother, was by far the most influential, though it would be hard to see him as a rival to Cromwell. Mark Smeaton, the musician, could hardly be spoken of in the same breath. Francis Weston was just a courtier. Henry Norris had been a close body servant of the King since 1527, remaining in great favour, as the grant of the manor and advowson of Minster Lovell, Oxfordshire, on 14 March showed. Yet, for all his proximity to the King, it is hard to see much sign of any political activity directed against Cromwell. Both Norris and William Brereton have been seen as threats because of their local interests. Brereton, according to Ives, and Norris also, according to Peter Roberts, could have been included in the indictments because of Cromwell's desire to reform the government of Wales.[3] But the claim is exaggerated. Neither Brereton nor Norris was an 'over-mighty' subject. Norris' power in Wales and the Marches was wholly dependent on that royal favour which had secured him the chamberlainship of North Wales in October 1531 and the constabulary of Beaumaris Castle.[4] Brereton, although he had family connections in

1. Ives, *Anne Boleyn*, pp. 353, 355, 358; HHStA, fos. 82–4ᵛ, 85ᵛ, 87ᵛ–8ᵛ (PRO, PRO31/18/2/2, fos. 131–9ᵛ; *Cal. S.P., Spanish*, v, pt. ii, no. 432, pp. 91–102; *LP*, x. 699); *LP*, x. 373, 602. Ives' reliance on Cromwell's later claim to Chapuys that he decided to dream up and plan the destruction of Anne – 'a fantasier et conspirer le dict affaire' – is unconvincing: Cromwell spoke these words after the event. Was he not trying to re-establish himself in Chapuys's eyes as a credible interlocutor rather than admit that he had been taken by surprise by the events of the previous month? (*LP*, x. 1069; Ives, *Anne Boleyn*, p. 358).

2. E. W. Ives, 'Faction at the Court of Henry VIII: The Fall of Anne Boleyn', *History*, lvii (1972), 174.

3. 'The Henrician courtiers Henry Norris and William Brereton between them held a nexus of offices under the crown in the three shires of the principality, the royal lordships of the northern marches and the county Palatine of Chester. They belonged to the Boleyn faction at court and in the country, and until Cromwell destroyed them in 1536, the way was not clear for the introduction of ambitious administrative and legal changes such as had been advanced by individual Welshmen and former members of the council in the marches': P. Roberts, review of G. Williams, *Recovery, Reorientation and Reformation. Wales, c. 1415–1642* (Oxford, 1987) in *Times Library Supplement*, 18 Mar. 1988, p. 309. Ives has seen Brereton as 'a proconsul' who 'had little to learn from the text-book "over-mighty" subject', who 'personified all that was amiss' in Wales and the Marches and who was 'in himself a major obstacle to reform' creating a unitary sovereign state. 'The only solution to the dangerous isolation they [Brereton and men like him] embodied was the radical one actually under consideration in the last months of his life – the extinction of the politically separate palatinate and marcher lordships and their assimilation into the country at large': E. W. Ives (ed.), *Letters and Accounts of William Brereton of Malpas* (Record Soc. of Lancashire and Cheshire, cxvi, 1976), pp. 2, 34, 36; id., 'Court and County Palatine in the Reign of Henry VIII: The Career of William Brereton of Malpas', *Transactions of the Historic Society of Lancashire and Cheshire*, cxxiii (1972), 30. Norris' appointment is in *LP*, x. 597 (27).

4. Ibid. v. 506 (25); ix. 1063 (11).

the region, was influential not because of inheritance, but again because of royal favour, combined with his own abilities and determination as an empire-builder. The offices he secured in the late 1520s and early 1530s – chamberlain of Chester from 1530, escheator of Chester from 1528, steward of the lordships of Chirk, Bromfield, Yale and the Holt, sheriff of Flint in 1532 – depended on Henry's continuing favour. He was 'a man wiche in the sayd countye of Chester hadd all the rewle and gouernaunce *under our souereigne lord the kynges grace*'.[1]

No doubt Brereton's methods were unscrupulous and partisan, but it is difficult to argue that his rule was so wicked and dangerous that he had to be removed. There is no sign of any attack on Brereton or Norris before the fall of Anne Boleyn. Had Brereton and Norris been seen as threats to good governance, they could simply have been dismissed. Norris, after all, had little personal involvement in Wales and the Marches. Brereton's position was more deeply-rooted. But in 1525 Charles Brandon, Duke of Suffolk, who had ruled (with his deputies) effectively if autocratically in those lordships of Chirk, Bromfield and Yale which Brereton now held, had been removed not because he was threateningly powerful, but so that his offices could be better deployed in a reformed government of Wales: if Brereton was similarly thought to be providing a less efficient rule than might be possible by other means, why was he not similarly removed?[2] It hardly seems necessary to invent charges of adultery with the Queen to secure his dismissal. Moreover it is by no means clear that the reforms of Welsh government in 1534–6 were intended as a challenge to Brereton. The Acts of 1534 (which prohibited the suborning of juries and allowed certain cases to be tried by the Council of the Marches) hardly affected him. In the Act of 1536 which introduced JPs into Wales it is significant that the chamberlain of Chester – Brereton – was to receive estreats of issues and fines from Chester and Flint. Similar arrangements were made for the chamberlain of North Wales, Norris. Moreover, both posts survived their disgrace.[3] The local interests of Brereton and Norris do not then form an adequate motive for anyone to have sought to destroy them.

The factional argument, like all the explanations put forward so far, depends heavily on the assumption that Anne and those accused with her were innocent, and that the charges against them were preposterous. As John Foxe put it, 'such carnal desires of her body as to misuse herself with her own natural brother' and the others 'being so contrary to nature ... no natural man will believe it.'[4] 'Does any historian', Professor Joel Hurstfield asked, 'seriously believe the charges, including incest with

1. Ives, 'Court and County Palatine', 4–5, 28–9, 18–19. My italics.
2. S. J. Gunn, 'The Regime of Charles, Duke of Suffolk, in North Wales and the Reform of Welsh Government 1509–1525', *Welsh History Review*, xii (1985), 461–94.
3. *Statutes of the Realm*, iii. 499, 502; 534–5; *LP*, xi. 385 (16).
4. Foxe, *Acts and Monuments*, v. 136.

her brother, which were laid against Anne Boleyn?'[1] But let us not be intimidated by the martyrologist and the modern commentator, and let us look more closely at contemporary accounts which suggest that Foxe may have been wrong. The most plausible explanation may be derived from a source touched on, but never squarely tested, by historians. This is a poem written in French. The earliest surviving printed version is that published at Lyons in 1545.[2] The author was there given as Lancelot de Carles, then almoner to the dauphin, and later Bishop of Riez. But it had been written much earlier. In the text the date of composition is given as 2 June 1536, just weeks after the events it describes. A year later Henry VIII was sent 'the Frenche boke writen in forme of a tragedye', the author of which was 'oon Carle ... being attendant and neer about thambassador here'.[3] That the French were following matters closely emerges from the intercession (in vain, and for reasons that are obscure) on behalf of Sir Francis Weston made by the sieur de Tinteville, after he arrived to join the resident ambassador Antoine de Castlenau, Bishop of Tarbes, on 17 May.[4] An account of Anne's fall written by someone with access to the Court at the time of her trial deserves careful attention.[5]

The poem describes how one of the 'seigneurs du conseil plus etroit' noticed that his sister was giving much evidence 'd'aymer aucuns par amour deshonnete'. By good brotherly advice he admonished her: she was acquiring the shameful reputation of a loose-living woman. His sister agreed that she could not deny her actions. But she went on to claim that she was not the worst. 'Mais on veoit bien une petite faulte/ En moy, laissant une beaucoup plus haulte/ Qui porte effect de plus grand prejudice.' She then went on to accuse the Queen. If her brother did not believe her, 'de Marc scaurez, dit elle, cette histoire.' And she pro-

1. J. Hurstfield, *ante*, xcvi (1981), 614.

2. *Epistre contenant le proces criminel faict a l'encontre de la royne Anne Bovllant d'Angleterre* (Lyons, 1545); copy used: Paris, Bibliothèque Nationale, Res. Ye. 3668. I have also consulted MS versions ibid. Fonds français, nos. 1742, 2370, 12795. I have here cited the text of the first edition, but have given references to the version printed in G. Ascoli, *La Grande Bretagne*, pp. 231–73; it is summarized in translation in *LP*, x. 1036. I should wish to acknowledge my debt to Mr T. B. Pugh, to whom I owe my knowledge of this source: cf. his comments in *Welsh History Review*, xiv (1989), 638–40.

3. B[ritish] L[ibrary], Add[itional] MS 25114, fo. 267 (*LP*, xii. [ii] 78).

4. *LP*, x. 908.

5. Ives draws on the poem at several points: to support his claim that Queen Claude kept Anne in France after Mary Tudor was widowed (*Anne Boleyn*, p. 30); to reinforce his description of Anne as beautiful, elegant, with fine eyes, and as sophisticated in the French manner (pp. 51–2, 57); and to add to his description of Anne's coronation (pp. 227–8) and of her trial (pp. 387, 392). But he rejects de Carles' central account of Anne's fall, which he says 'must be fabricated' (p. 70). He does give a summary of de Carles' account, but by discussing it in the same paragraph as other, much more fanciful stories (including one in which Anne and Rochford were planning to poison the King whom they suspected of intending to return to Catherine, a plot countered by two counsellors who accused Anne of adulteries), he discredits it by association and can conclude of all of them that 'though they may contain occasional vestiges of truth amongst the obvious error, they preserve what was essentially popular gossip and speculation' (p. 376). M. Dowling, 'William Latymer's Chronickille of Anne Bulleyne', *Camden Miscellany*, xxx (Camden Society, 4th ser., xxxix, 1990), pp. 37–8, notes the poem, but does not mention de Carles' account of Anne's downfall.

ceeded to accuse the Queen's brother: 'Me je ne veulx oubliera vous dire/ Ung poinct de tous qui me semble le pire,/ C'est que souvent son frere a avec elle/ Dedans ung lit acointance charnelle.' Mark would confirm her story. All this troubled the councillor. If he reported these charges, he would be speaking ill of the Queen, and therefore risking conviction for treason. If he kept them to himself and they proved true, he would be guilty of treason for concealing the treason of the Queen. So he told 'deux amys des plus favorisez du Roy' and they then told the King that the Queen was sleeping with Mark, with her brother, and also with Henry Norris. Henry threatened them with punishment if what they said proved false. Meanwhile he treated the Queen as if nothing was wrong. Mark Smeaton was interrogated and, without any torture, confessed. His confession persuaded Henry, who had Anne and the others arrested and tried.[1]

What makes this account so striking is that, unlike all the other sources, it suggests how the stories of Anne's behaviour came to light and how the news of her behaviour first reached the King. Moreover, its testimony can be corroborated. It is not difficult to identify the loose-living lady at Court who accused Anne Boleyn. Twice John Hussee, the London agent of Lord Lisle, deputy of Calais, supplied her name. On 24 May, writing to Lady Lisle, Hussee identified 'the fyrst accuser, the lady Worserter, and Nan Cobham with one mayde mo[re] – but the lady Worseter was the fyrst grounde.' A day later he wrote: 'Tuching the Quenys accusers my lady Worsetter barythe name to be the pryncypall.'[2] This Countess of Worcester was the wife of Henry Somerset (d. 1549), second Earl of Worcester, whom she married before 1527. She was the daughter of Sir Anthony Browne, standard-bearer to Henry VII, and of Lucy, daughter of John Nevill (d. 1471), Marquess Montagu; the sister of Sir Anthony Browne (d. 1548); and the half-sister of Sir William Fitzwilliam (d. 1542), treasurer of the Household, later Earl of Southampton.[3] Was Sir Anthony Browne the brother who in the poem berated his sister for her loose living, and did the Countess of Worcester respond by attacking the Queen? The Countess certainly knew Anne Boleyn, who had lent her £100 in April.[4] And she was on Anne's mind when the Queen was in the Tower. Sir William Kingston, the Queen's gaoler, sent Cromwell reports of what Anne, obviously distressed, had been saying: she 'meche lamented my lady of Worcester for by cause her child dyd not

1. Ascoli, pp. 242–9, lines 339–560.

2. PRO, SP3/12, fos. 37, 57 (*LP*, x. 953, 964).

3. W. R. B. Robinson, 'Patronage and Hospitality in Early Tudor Wales: The Role of Henry, Earl of Worcester, 1526–49', *Bulletin of the Institute of Historical Research*, li (1978), 20–36, at 30. Ives twice describes her as the daughter of Sir Anthony Browne of the Privy Chamber, who was in fact her brother (*Anne Boleyn*, p. 381; 'Faction at the Court of Henry VIII', 176); he also says that she was the niece of Sir William Fitzwilliam, who was in fact her half-brother (*Anne Boleyn*, p. 381); and speculates that she was the widow of the first Somerset Earl of Worcester, when she was in fact then the wife of the second Somerset Earl of Worcester ('Faction at the Court of Henry VIII', 176 n.46).

4. *LP*, x. 912 (£10 is probably an error); xi. 117 (6); xiii. (i) 450.

store [stir] in hyr body, and my wyf sayd what shuld be the cause. She sayd for the sorow she toke for me.' In other words the Countess was sorrowful that Anne had been arrested; and the Countess could not feel her baby move, prompting Anne to fear that something might be going wrong with the pregnancy.[1]

That the Countess of Worcester was pregnant is interesting. If the father were someone other than her husband, that would justify her brother's berating her 'qui maintz signes monstroit/ D'aymer aucuns par amour deshonneste'[2], and would explain why she reacted by making similar, but still more serious, charges against the Queen. It is just possible that the Countess was Thomas Cromwell's mistress. While we have no direct evidence of familiarity, there are none the less some letters which hint at a friendship unusual between a minister and a nobleman's wife. In March 1538 she thanked Cromwell for his kindness concerning the £100 she had borrowed from Anne Boleyn: she added that she did not want it to come to her husband's knowledge, since he did not know about her borrowing and using the money, and she did not know how he would take it.[3] At all events it would have been very serious if the Countess had become pregnant by someone other than her husband. A double standard operated in the courts of early modern Europe and indeed beyond: men could marry, and then father illegitimate children with impunity, whereas a woman who became pregnant before marriage or outside the marriage bed was doomed.[4] Two years before Anne's downfall, her sister Mary was banished from Court: it had been necessary to send her away because, as Chapuys put it, apart from the fact that she had been found guilty of misconduct, it would not have been becoming to have seen her pregnant at Court. Mary, who secretly married Sir William Stafford, appealed to Cromwell for help: her sister, she wrote, was rigorous against them; her father, brother and uncle were all so cruel against them.[5]

It thus becomes possible to suggest what happened in spring 1536. The

1. BL, Cotton MS Otho C x, fo. 229 (H. Ellis [ed.], *Original Letters Illustrative of English History*, [11 vols. in 3 series, 1824–6], 1st ser. ii. 54–5; *LP*, x. 793). Warnicke thinks that Anne was referring to the Countess' sorrow at Anne's miscarriage, but this is against the sense of the document, and her argument that 'rumours identified the countess as a government witness', falls once the French poem is considered (*Anne Boleyn*, p. 202). The Countess of Worcester gave birth to a daughter called Anne (in memory of Anne Boleyn?) in the year ended Michaelmas 1536, according to the accounts of George ap Thomas, bailiff of the Earl of Worcester's manor of Monmouth and Wischam: ap Thomas and his wife (who was to be wet-nurse) had incurred expenses in connection with the baptism and their lodging in London: W. R. B. Robinson, 'The Lands of Henry, Earl of Worcester in the 1530s. Part 3: Central Monmouthshire and Herefordshire', *Bulletin of the Board of Celtic Studies*, xxv (iv) (1974), 460, 492. I am very grateful to Mr Robinson for this reference.

2. Ascoli, p. 242, lines 340–1.

3. *LP*, xiii (i) 450, cited by M. St. C. Byrne (ed.), *Lisle Letters* (6 vols. London, 1981), iii. 381; *LP*, vi. 662 (not 1533), v. 298, xi. 117. I am grateful to Mr T. B. Pugh for drawing my attention to the correspondence between the Countess of Worcester and Cromwell and for emphasizing how unusual it is.

4. K. V. Thomas, 'The Double Standard', *Journal of the History of Ideas*, xx (1959), 195–216.

5. *LP*, vii. 1554, 1655.

Countess of Worcester became pregnant. Sir Anthony Browne, her brother, berated her on her misconduct. The Countess defended her name by saying she was not the worst, and accused the Queen. Browne told two of the King's closest friends – might these have been his half-brother Sir William Fitzwilliam and Thomas Cromwell? They in turn told the King. Interrogated, Mark Smeaton confessed: that convinced Henry of the truth of the charges. The ladies of the Queen's Privy Chamber were questioned further and probably said more in detail. All this fits very well with the official line. Writing on 14 May to Gardiner, ambassador to Francis I, Cromwell explained that the Queen's incontinent living was so rank and common that the ladies of her Privy Chamber could not conceal it. It had come to the ears of some of the Council, who told the King, although with great fear. Certain persons of the King's Privy Chamber and of the Queen's were examined and the matter appeared evident: there was even a conspiracy against the King's life. Hence the arrests.[1] When Gardiner pressed for more details, Cromwell explained that he had written as fully as he could, short of sending the very confessions 'whiche were so abhomynable that a greate part of them were neuer given in evidence but clerly kept secret'.[2] What happened, then, was no monstrous casting off of an unwanted wife by an utterly selfish king, no cynical and ingenious manipulation of a weak king by a conservative faction or a calculating minister, but a quarrel between one of the Queen's ladies and her brother, provoked by a chance, yet leading tragically, ineluctably, to accusations of conduct that no king could accept.

So was Anne Boleyn guilty of the charges? Unfortunately the records of the trials, including the depositions made by the ladies of the Queen's Privy Chamber, do not survive, apart from the indictments and the verdicts. That might in itself seem suspicious. Could the evidence have been destroyed immediately after the trials or in the reign of Anne's daughter, Queen Elizabeth? Whatever the explanation, this means that we can approach only indirectly what the Queen's ladies said. Yet the extravagant and factually inaccurate account of how an old woman in Anne's chamber hid Mark Smeaton in a closet in which sweetmeats were kept, and then brought him to the Queen's bed at night when Anne called out for marmalade, shows how the evidence of the ladies of the Privy Chamber could be significant. It also disposes of the argument that Anne's adulteries would have been impossible in an age when queens did not sleep apart from the ladies of their chamber: those ladies, or some of

1. BL, Add. MS 25114, fo. 160 (*LP*, x. 873). Ives notes that the account in the French poem 'is congruent' with Cromwell's letter, but offers no further comment or deductions. It is possible that the poet turned the official account into verse, but given the close involvement of the French in the fate of Weston (*LP*, x. 908), it is unlikely that he would have set down what he did not believe. Perhaps it is the official account, rather than modern historians' speculations, which should be given the greater credence.

2. BL, Add. MS 25114, fos. 176–76v (*LP*, xi. 29).

them, could readily connive at the secret affairs of their mistress.[1] According to the French poem, Anne, protected by the law that made it treason to speak against her, had the leisure, means and freedom to follow her desires.[2] After she was arrested and sent to the Tower, she did not remain silent, but talked and talked. Quite possibly Henry and Cromwell had deliberately sent ladies to provoke her into incriminating herself: but the accounts which her gaoler, Sir William Kingston, sent to Cromwell are too specific and deeply felt to suggest any fabrication. And these accounts, carefully read, seem, as we shall see, damning.[3]

What persuaded the King of Anne's guilt was Mark Smeaton's confession. Smeaton was the only one of those accused to admit his offences. How seriously should we take his evidence? And why should he have confessed? What Mark confessed, according to the French poem and according to Chapuys, was that he had slept with the Queen three times, and at the special sessions at which he was tried he pleaded guilty of violation and carnal knowledge of the Queen.[4] Was he tortured? The Spanish Chronicle suggests that he was threatened by a rope and cudgel around his head.[5] A few years later, George Constantine, who had been Norris' servant, reported: 'The sayeing was that he was fyrst grevously racked'; but significantly he added, 'which I cowlde never know of a trewth', and he had begun by saying 'I can not tell how he was examined'.[6] The French poem explicitly states that Mark confessed 'sans tourment'.[7] What is most remarkable is that he maintained his confession to the end, saying at his execution that he deserved his death.[8] Why did Mark confess if what he said was untrue? A recent suggestion is that the Queen's brother, Lord Rochford, was his lover, and that as a young man of lower-class origins Mark was especially vulnerable to psychological blackmail about his sexual behaviour. The evidence for this is somewhat meagre. Rochford and Mark, we are told, 'had a common interest in music, for his lordship wrote poetry, which was often sung to old refrains.' And a music book which has been thought to be a gift from Mark to Anne was in fact a gift from Rochford to Mark.[9] But setting aside such extravagances, there is a clue in the Spanish Chronicle's suggestion that Mark's success with Anne had made Norris and

1. M. A. S. Hume (ed.), *Chronicle of King Henry VIII of England* (London, 1889), pp. 66, 56–8.

2. Ascoli, p. 240, lines 263–74, p. 245, lines 420–5, 433–4.

3. Especially BL, Cotton MS Otho C x, fos. 229–229^{v} (Ellis, *Original Letters*, I, ii. 53–6; *LP*, x. 793); BL, loc. cit., fo. 226 (Ellis, *Original Letters*, I, ii. 58; *LP*, x. 798).

4. Ascoli, pp. 246–7, lines 475–480; HHStA, fo. 106 (PRO, PRO31/18/2/2, fo. 143; *Cal. S.P., Spanish*, v, pt. ii, no. 55, p. 125; *LP*, x. 908); *LP*, x. 848 (ix).

5. Hume, *Chronicle*, p. 61.

6. Aymot, 'Constantyne', 64.

7. Ascoli, p. 246, line 478.

8. Ibid., p. 267, lines 1119–22; Aymot, 'Constantyne', 65.

9. Ives, *Anne Boleyn*, pp. 295–7, citing E. E. Lowinsky, 'A Music Book for Anne Boleyn', in *Florilegium Historiale*, ed. J. G. Rowe and W. H. Stockdale (Toronto, 1971), pp. 160–235, esp. 169, 192; but questioned by Warnicke, 'Sexual Heresy', 266 n.57, and cf. 248, 265. The MS is BL, Royal MS 20 B xxi. 'Thys boke ys myn George Boleyn 1526' appears on fo. 2; 'A moy m marc S' on fo. 98.

Brereton jealous. Anne decided to offer her favours on successive nights to Norris and Brereton, rather than Mark; the next night, when Anne did call Mark, he told her what was in his heart; she laughed at him, but since he saw that she was deceiving him, he said no more; she gave him a purse full of gold sovereigns and told him to get ready for the May Day jousts.[1] The Chronicle continues by offering a rather different account of how Mark then came to be interrogated from that suggested above, but the vital clue which it offers is that Mark may well have confessed and maintained his confession out of jealousy and injured pride. After denying that he had been in her chamber except at Westminster, where she had sent for him to play on the virginals, Anne admitted that when they had met on 29 April she had put him down haughtily:

> I fond hym standyng in the ronde wyndo in my chambr of presens, and I asked why he was so sad and he ansured and sayd it was now mater, and she sayd you may not loke to have me speke to you as I shuld do to anobull man by cause ye be aninferer persson. No no madam aloke sufficed me: and Thus fare you well.[2]

Evidently she knew him, and even on her own account she had been talking to him with remarkable familiarity. Had Mark been jilted after a brief affair that meant much more to him than it had to her?

What of the others accused of sleeping with Anne? Had she and her brother committed incest? At their trial that is what they were accused of. Rochford denied it vehemently. He said that he had revered his sister and not abused her, answering his accusers with an eloquence greater than that of Thomas More.[3] According to Chapuys, Rochford defended himself so well that several of those present thought the odds were ten to one on his acquittal: one account suggests that his judges were at first divided before they reached a unanimous verdict.[4] Chapuys also reported that 'contre luy ny aussy contre elle ne furent produictz nulz tesmoigns'.[5] According to the French poem, Rochford appealed to the lords trying him, lamenting that 'par l'advis seulement d'une femme'[6] they should think him guilty of such a crime, implying that a woman had given evidence against him. Could that have been the Countess of Worcester? In the French poem the councillor's sister who first accused Anne had claimed that she and her brother had slept together.[7] The Spanish Chronicle said that Rochford was arrested because the King was informed that he had been seen on several occasions going in and out of the Queen's room wearing only his dressing-gown. Rochford admitted

1. Hume, *Chronicle*, p. 58.
2. BL, Cotton MS Otho C x, fo. 225ᵛ (Ellis, *Original Letters*, I, ii. 58; *LP*, x. 798); *LP*, x. 797.
3. Ascoli, pp. 258–60, lines 845–96.
4. HHStA, fo. 107 (PRO, PRO31/18/2/2, fo. 143ᵛ; *Cal. S.P., Spanish*, v, pt ii, no. 55, p. 125; *LP*, x. 908); cf. Ascoli, p. 260, line 901; *Wriothesley's Chronicle*, p. 39.
5. HHStA, loc. cit. (PRO, loc. cit.; *Cal. S.P., Spanish*, v, pt. ii, no. 55, p. 126; *LP*, loc. cit.).
6. Ascoli, p. 259, line 861 and note.
7. Ibid. p. 243, lines 369–72.

that he had gone into her chamber, but said that all he had done was to speak with his sister when she was unwell. And this account again points to the role of the ladies of the Queen's privy chamber in providing evidence against her.[1] Or was it Rochford's wife who testified against him? It was objected to Rochford that Anne had told his wife that the King was impotent – information which perhaps could only have been revealed by his wife. Rochford was also accused of spreading stories that Princess Elizabeth was not the King's daughter, a charge he did not deny. Both Rochford and Anne were also accused of mocking the King and his clothes.[2] According to George Cavendish, Rochford was a womanizer: he has him admitting at his execution

> My lyfe not chast, my lyvyng bestyall
> I forced wydowes, maydens I did deflower
> All was oon to me, I spared non at all,
> My appetit was all women to devoure.[3]

But accounts closer to the time suggest that after he had been convicted, Rochford simply accepted that as a sinner (though without spelling out what those sins had been) he deserved to die, stoically accepting his fate.[4]

Suppose Rochford had visited his sister in her chamber wearing his dressing-gown; suppose they had talked of the King's impotence; suppose he had questioned the paternity of Princess Elizabeth: that scarcely amounts to a prima-facie case, let alone proof, for a charge of incest. It might be concluded that the whole proceedings were a sham rigged by a monstrous king or a conspiring minister or a rising faction. Another possibility is that more damning evidence was presented than now survives. If the Countess of Worcester or his wife had indeed named him, if Mark Smeaton confirmed such charges, the case against Rochford would look much stronger. It is possible that such evidence convinced Henry of his guilt. However that may be, it is most likely that Rochford's behaviour at his trial gave the peers who convicted him sufficient reasons to believe the worst. It is always difficult to prove incest. But that difficulty of proof was a common feature of early modern criminal trials. Courts often faced the problem of determining the truth of charges which rested on circumstantial evidence, or on the word of one person against another. In such cases, the impression that the defendant made on those judging him was crucial: their estimate of his character, his sincerity, his trustworthiness could be more important than their judgment of 'the facts' available to them, indeed could rather guide their interpretation of what

1. Hume, *Chronicle*, pp. 65–6.

2. HHStA, fos. 106^{r}–107 (PRO, PRO31/18/2/2, fos. 143^{v}–4^{v}; *Cal. S.P., Spanish*, v, pt. ii, no. 55, p. 126; *LP*, x. 908).

3. A. S. G. Edwards (ed.), *Metrical Visions by George Cavendish* (Columbia, SC, 1980), p. 39.

4. Ascoli, pp. 265–6, lines 1068–114; HHStA, fos. 107^{v}, 109 (PRO, PRO31/18/2/2, fos. 144–5; *Cal. S.P., Spanish*, v, pt. ii, no. 55, pp. 127–9; *LP*, x. 908); S. Bentley, *Excerpta historica* (London, 1833), pp. 262–3; J. G. Nichols (ed.), *Chronicle of Calais* (Camden Soc., 1st ser., xxxv, 1846), pp. 46–7; *Wriothesley's Chronicle*, pp. 39–40.

was often ambiguous, incomplete and circumstantial evidence.[1] Despite a clear request not to, Rochford read out in open court evidence which was presented to him not orally, but in writing, relating to Henry's impotence.[2] Is that what damned him? George Constantine 'hearde say he had escaped had it not byn for a letter.'[3] By publicizing the King's impotence, by defying the will of those organizing the trial, Rochford was inviting his fellow peers to draw unfavourable conclusions about his character. Such effrontery lent credence to the evidence that he had gossiped mockingly about the King and that he had cast doubt on the paternity of Princess Elizabeth. In addition it might lead to the final conclusion that he was also indeed guilty of incest with his sister.

What of Anne and Henry Norris? He was examined by the King as they rode back to Westminster from Greenwich after the May Day jousts. George Constantine and the French poem said that the King offered him his pardon if he would tell the truth (again an instance of the double standard), but that Norris would confess nothing to the King. According to Constantine, Norris did then confess, only to say when he was arraigned that he had been tricked into doing so by Sir William Fitzwilliam; according to the French poem, Norris said he could prove the contrary.[4] He pleaded not guilty at his trial.[5] Chapuys was sceptical about the convictions, seeing them as 'par presumption et aucuns indices sans preue ne confession valide'.[6] Yet there might none the less be a case against Norris. One of the charges against Anne was that there was a promise between Norris and her to marry after the King's death, which was held to mean that they wished his death; another was that she had received and given him certain coins, which was interpreted as meaning that she had had Catherine of Aragon poisoned and was working out how to do the same to Princess Mary.[7] Significantly, it will be recalled, Rochford did not deny the charge that he had spread stories doubting that Princess Elizabeth was the King's daughter. After the convictions, so Chapuys reported, Cranmer had declared that Elizabeth was Anne's bastard daughter by Norris, not the King. That is not what was decided in the proceedings in which Henry's marriage with Anne was nullified. The evidence is confusing, but the grounds for the annulment seem rather to have been either Anne's pre-contract with the later sixth Earl of Northumberland or Henry's previous relationship

1. Cf. C. B. Herrup, *The Common Peace: Participation and the Criminal Law in Seventeenth Century England* (Cambridge, 1987), pp. 148–9, 158, 198; E. Powell, *Kingship, Law and Society: Criminal Justice in the Reign of Henry V* (Oxford, 1989), p. 80 ('the defendant, whose demeanour must greatly have influenced jurors').

2. HHStA, fo. 107 (PRO, PRO31/18/2/2, fo. 144^{v}; *Cal. S.P., Spanish*, v, pt. ii, no. 55, p. 126; *LP*, x. 908).

3. Aymot, 'Constantyne', 66.

4. Ibid. 64; Ascoli, pp. 248–9, lines 521–47.

5. *LP*, x. 848 (ix).

6. HHStA, fo. 106 (PRO, PRO 31/18/2/2, fos. 143–143^{v}; *Cal. S.P., Spanish*, v, pt. ii, no. 55, p. 125; *LP*, x. 908).

7. HHStA, fo. 106^{v} (PRO, loc. cit., fos. 143^{v}; *Cal. S.P., Spanish*, loc. cit., pp. 125–6; *LP*, loc. cit.).

with Anne's sister Mary. Chapuys nevertheless remained sceptical, and still thought it might have been more honourably said that Elizabeth was Norris's daughter.[1] The French poem has Princess Mary implicitly doubting Elizabeth's paternity.[2] Once again the most telling evidence we have is Anne's words in the Tower, reported by Kingston: 'I can say no more but nay withyowt I shuld oppen my body and ther with opynd her gown adding O Norres hast thow accused me, thow ar in the towre with me, and thou and I shall dy together.' Weston had said that Norris 'came more unto her chamber for her than he did for Mage', the lady he was hesitating about marrying. Anne asked him why he did not go through with his marriage and teased him: 'You loke for ded mens showys, for yf owth came to the king but good you wold loke to have me; and he sayd yf he should have any such thought he wold hys hed war of, and then she sayd she could undo him if she would and ther wyth thay fell yowt both.'[3] Such remarkably flirtatious talk, revealed by the Queen, seems highly damaging to her cause: it cannot be conclusive, but it does allow the possibility that Anne and Norris were indeed lovers.

Was that also the case of Anne and Sir Francis Weston? His mother and his wife appealed to the King to spare him, as did the French ambassador, the Bishop of Tarbes, and another Frenchman, the sieur de Tinteville. There was some gossip that Weston would escape death;[4] but the King did not yield. Once more the most telling testimony is that provided by Anne in the Tower. She feared Weston more than she feared Norris, she said. What did Anne fear? That Weston would confess and give evidence against her? Weston, she said, had told her that Norris came more unto her chamber for her, than he did for Mage. Was Weston jealous of Norris' attention to Anne? Anne also said how she complained to him that he did not love her kinswoman Mrs Shelton: 'He sayd he loved not hys wyf', but that 'he loved won in hyr howse bettr then them both. And when the Quene saud who is this? He replied that it ys your self and then she defyed hym.'[5] Again this might signify more than mere light-hearted flirting. Weston drew up a list of debts which he requested his parents and wife to discharge, asking them to forgive him the offences he had done to them, and especially to his wife. Was his offence to his wife adultery, possibly with Mrs Shelton if not with Anne?[6] Finally, what of Anne and William Brereton? 'By my troeth', said George Constantine some years later, 'yf any of them was innocent, it was he', because he had seemed to imply his innocence at his

1. HHStA, fo. 112v (*Cal. S.P., Spanish*, v, pt. ii, no. 54, p. 121; *LP*, x. 909); *LP*, x. 782, 864, 896; BL, Cotton MS Otho C x, fo. 224; *LP*, xi. 41; *Wriothesley's Chronicle*, pp. 40–1.

2. Ascoli, p. 250, lines 585–6.

3. BL, Cotton MS Otho C x, fos. 229–229v (Ellis, *Original Letters*, I, ii. 54–6; *LP*, x. 793).

4. Ascoli, p. 257, lines 803–4; HHStA, fo. 108v (PRO, PRO31/18/2/2, fo. 145; *Cal. S.P., Spanish*, v, pt. ii, no. 55, p. 128; *LP*, x. 908); *LP*, x. 865.

5. BL, Cotton MS Otho C x, fo. 229v (Ellis, *Original Letters*, I, ii. 55–6; *LP*, x. 793).

6. Ibid.; *LP*, x. 869.

execution.[1] According to the Spanish Chronicle, Brereton was named by Mark in his confession.[2] Did the Countess of Worcester accuse him? Brereton had married the sister of the Earl of Worcester. Anne did not mention him while in the Tower, except that when Kingston told her that Weston and Brereton were there too, 'she mayd very gud countenans'.[3] All one can say is that Anne knew Brereton.

Historians judging the guilt or innocence of Anne, her brother and her friends must, then, decide upon imperfect evidence. Much is incomplete and circumstantial. In the Tower Anne asserted to Kingston that 'I am as clere from the company of man, as for sin as I am clere from you and am the kynges trew wedded wyf'. According to the French poem Anne denied the charges; according to Wriothesley's Chronicle she 'made so wise and discreet aunsweres to all thinges layde against her, excusinge herselfe with her wordes so clearlie, as though she had never bene faultie to the same.'[4] Yet there may be more to be said for the verdicts of guilty than is usually allowed. There is certainly plenty of evidence of Anne's flirtatiousness. It is unconvincing to dismiss such flirting as merely an adherence to the conventions of courtly love. If flirting was always just a form of courtly love and never a hint of anything more, then it would have been impossible for it to serve as evidence against anyone. It is precisely because flirting was so ambiguous that guilt is hard to judge. We need to look at specific cases. The case against Brereton is weak, resting largely on his acquaintance with Anne. The case against Weston is far from strong: a flirtatious conversation with Anne, and hints that he had committed adultery (but with someone else). The case against Rochford was at best circumstantial, though given some credibility by his extraordinary behaviour at his trial. The case against Norris is rather stronger: Anne's remarks in the Tower, the talk of Norris as Elizabeth's father. Finally, Mark Smeaton's confession (whatever weight is placed upon unretracted confessions as evidence) must not be forgotten. Proof positive is never likely in such matters; yet it was not unreasonable for Henry VIII, for the juries that convicted the commoners, for the peers that convicted Anne and Rochford, to find against them. Perhaps

1. Aymot, 'Constantyne', 65.
2. Hume, *Chronicle*, p. 61.
3. BL, Cotton MS Otho C x, fo. 225' (Ellis, *Original Letters*, I, ii. 57; *LP*, x. 798).
4. BL, Cotton MS Otho C x, fos. 229–229' (Ellis, *Original Letters*, I, ii. 54; *LP*, x. 793); Ascoli, pp. 252, 262, lines 668, 958–61; *Wriothesley's Chronicle*, pp. 37–8. I do not think the letter (in an Elizabethan hand and rather florid style) purporting to be from Anne to Henry, protesting her innocence, is genuine (BL, Cotton MS Otho C x, fo. 228; *LP*, x. 808). I have also disregarded the fanciful account by the Scottish reformer Alexander Ales (Alesius) presented to Queen Elizabeth on her accession (PRO, SP70/7, fos. 1–11; *Cal. S. P. Foreign, 1559–1560*, no. 1303, pp. 524–34), a farrago of improbabilities and chronological impossibilities.

the safest guess for a modern historian is that Anne had indeed committed adultery with Norris, and briefly with Mark Smeaton; and that there was enough circumstantial evidence to cast reasonable doubt on the denials of the others.

It must also be remembered that not everyone involved was tried and punished. This reinforces the suggestion that the accusations were not indiscriminate, and that some attention was paid to the reliability of the evidence against those accused. The ladies of the Queen's Chamber, about whom we know only obliquely, do not seem to have suffered at all (the Spanish Chronicle's suggestion that the old woman was burnt can be dismissed).[1] Were they forgiven their roles as accessories because they gave testimony? According to the Abbot of Woburn, giving evidence in 1538, Sir Francis Bryan was sent for by Cromwell in all haste at the fall of Queen Anne, 'as a worldly lucifer'. When he returned safely home, the Abbot congratulated him that he had not been implicated. Bryan replied: 'Sir in dede as you say I was suddenly sent fore marvellynge thereof and debated the matter in my mynd why thys shuld be'; but knowing his conscience clear he had gone to Cromwell, and then to the King, and there was 'no thing founde in me, nor never shalbe founde but juste and trewe to my master the kynges grace'.[2] Presumably a similar conclusion was reached in the case of Sir Richard Page, sent to the Tower in early May. Hussee reported on 12 May that his life was not in danger, but that he would be banished from the King's court forever; and despite rumours a day later that he would also be tried, he evidently was not.[3]

That Henry and his ministers were genuinely examining the evidence is further suggested by the arrest and subsequent release of Sir Thomas Wyatt. Although he was put in the Tower, by 11 May Cromwell had assured his father that he would be spared, and so it proved.[4] Wyatt may, however, have had earlier dealings with Anne. According to a story told by his grandson, who was anxious to cleanse his reputation, Wyatt had fallen in love with Anne years before, but Anne had rejected him because he had been married ten years. In a rather confused and unlikely episode, Wyatt is described as taking from Anne a jewel hanging from her pocket by a lace and refusing to return it. Later, when the King, boasting of having won Anne's love, tried to prove it by showing Wyatt Anne's ring, Wyatt countered by showing him Anne's jewel. But would

1. Hume, *Chronicle*, p. 66.
2. BL, Cotton MS, Cleop. E II, fo. 110 (*LP*, xiii. [i] 981 [2]).
3. *LP*, x. 798, 855, 865; Ascoli, p. 249, line 560.
4. *LP*, x. 798; x. 840; xi. 1492.

a courtier so rashly compete with the King for the favours of a lady?[1] The tradition that George Wyatt was attempting to refute seems more plausible. According to the Spanish Chronicle, before Henry married Anne, he asked Wyatt what he thought of her: Wyatt had told the King not to marry her because she was a bad woman. Henry had sent him away from Court for two years as a result.[2] In May 1530 Chapuys reported that a gentleman of the Court had again been dismissed after a report that he had been found 'au delict' with Anne. Could that have been Wyatt?[3] According to the Spanish Chronicle, Wyatt, summoned by Cromwell and sent to the Tower once Anne had been arrested, wrote to Henry, reminding him of what he had said, and adding that he knew what Anne was like, because she had been willing, many years ago, to kiss him, until they had been disturbed by the sound of stamping overhead.[4] Wyatt was a poet, and his verse has often been interpreted as stimulated by his unrequited love for Anne. That is not impossible, but there is little definite in the texts. 'Whoso list to hunt: I know where is an hind/ But as for me, helas, I may no more', does appear to refer to a passion which is no longer permitted.[5]

> There is written her fair neck round about
> 'Noli me tangere', for Caesar's I am
> And wild for to hold, though I seem tame

might be describing the attitude of the newly elevated Queen to her former suitor.[6] 'What word is that, that changeth not/ Though it be turned and made in twain', asks the poet, apparently intending the name 'Anna'.[7] 'Sometime I fled the fire that me brent', 'Alas, poor man, what hap have I/ That must forbear that I love best', and 'Pain of all pain, the most grievous pain/ Is to love heartily and cannot be loved again' all refer to unrequited love, but without any hint as to their object.[8] Quite possibly Anne and Wyatt had had a brief affair before the King took a fancy to her, but nothing in the poems or anywhere else suggests that they were lovers after she became queen, reinforcing

1. S. W. Singer (ed.), *The Life of Cardinal Wolsey* (2 vols., London, 1825), pp. 185–7.
2. Hume, *Chronicle*, p. 68. Cf. Harpsfield's account of Wyatt's telling Henry that many had had carnal pleasure with Anne: N. Pocock (ed.), *N. Harpsfield, The Pretended Divorce of Henry VIII and Catherine of Aragon* (Camden Soc., 2nd series, xxi, 1878), p. 253.
3. *Cal. S. P., Spanish*, iv (i), no. 302, p. 535.
4. Hume, *Chronicle*, p. 69.
5. R. A. Rebholz (ed.), *Sir Thomas Wyatt: Complete Poems* (London, 1978), p. 77, no. xi, lines 1–2.
6. Ibid., lines 12–14.
7. Ibid., p. 96, no. liv, lines 1–2; p. 374.
8. Ibid., p. 96, no. lv, line 1; p. 151, no. cxix, lines 1–2; p. 241, no. clxxxiii, lines 1–2 (possibly this poem is not by Wyatt).

the claim that it was because he was clearly innocent that Wyatt was freed.[1]

Wyatt's arrest does, however, raise the question of Anne Boleyn's past, and whether her character could affect the interpretation of the evidence against her in 1536. Of course as soon as Henry's divorce from Catherine of Aragon was known, Anne was criticized: the difficulty is to know how far such denunciations were merely literary devices or political invective, and how far they truly reflected her character. The Prior of Whitby said that the King was ruled by one common stewed whore;[2] a priest called Rauf Wendon said that Anne was a whore and a harlot;[3] another priest, one James Hamilton, called her a whore.[4] More elaborately Thomas Jackson, chantry priest, claimed that the King lived in adultery before he married Anne and still did; he had previously kept her mother.[5] Mistress Amadas, wife of the King's goldsmith, said that Anne should be burnt because she was a harlot; that Norris was a bawd between the King and her; and that the King had kept both her mother and her sister, with her brother as bawd.[6] Sir Edward Bainton, the Queen's chamberlain, told her brother in June 1533 that

> as for passe tyme in the quenes chamber, [there] was never more. Yf any of you that bee now departed have any ladies that ye thought favoured you and somwhat wold moorne att parting of their servauntes I can no whit perceyve the same by their daunsing and passetyme they do use here, but that other take place, as ever hath been the custume.[7]

1. K. Muir (ed.), *Life and Letters of Sir Thomas Wyatt* (Liverpool, 1963), p. 23. Cf., for even greater scepticism, R. M. Warnicke, 'The Eternal Triangle and Court Politics: Henry VIII, Anne Boleyn and Sir Thomas Wyatt', *Albion*, xviii (1986), 565–79; though in her book Warnicke accepts the relevance of 'Who so list to hunt', and so seems to undermine her argument (*Anne Boleyn*, pp. 67–8). It is often supposed that 'Circa regna tonat' (*Wyatt: Complete Poems*, p. 155, no. cxxiii, line 11) – 'These bloody days have broken my heart' – refers to the executions. 'In mourning wise since daily I increase' certainly does (ibid., p. 255, no. cxcvii): 'The axe is home, your heads be in the street/ The trickling tears doth fall so from my eyes,/ I scarce may write, my paper is so wet.' Wyatt explained that he 'must needs bewail the death of some be gone'. He lamented not Anne, but those executed with her. Can his poem be used as evidence for their guilt? Wyatt lamented their deaths, not the injustice of their condemnations. He – and the world – did not mourn them equally. Of Mark Smeaton he wrote: 'What moan should I for thee make more/ Since that thy death thou hast deserved best'; of Brereton he said that 'Common voice doth not so sore thee rue/ As other twain that doth before appear'. But it seems that it was their past characters, rather than the charges against them, which swayed men's attitudes: if Rochford had not been so proud, more would have bemoaned him; Mark was criticized because he had tried to rise above his station. Only in the case of Norris did Wyatt allude to immediate actions: 'To think what hap did thee so lead or guide,/ Whereby thou has both thee and thine undone.' It would be unwise to press Wyatt's verse too hard as evidence here. It is unlikely that Cromwell protected Wyatt. It has been speculated that 'The pillar perished is whereto I lent' (ibid., p. 86, no. xxix) refers to Cromwell, but there is no telling internal detail. Wyatt's father thanked Henry directly for his leniency (*LP*, xi. 1492), while Wyatt himself later blamed the King for his arrest (ibid. xiii [ii] 270 [5]). In relation to Wyatt Cromwell appears no more than an agent of the King (ibid. x. 840, 1131).

2. Ibid. v. 907.

3. Ibid. vi. 733.

4. Ibid. vi. 964.

5. Ibid. viii. 862 (2); cf. Sir George Throckmorton's claim that Henry had slept with Anne's mother and sister: ibid. xii. (ii) 962.

6. Ibid. vi. 923.

7. PRO, SP 1/76, fo. 195 (*LP*, vi. 613), cited by Dowling, 'William Latymer's Chronickille', pp. 33–4.

Still more pointedly, the Duke of Norfolk, Anne's uncle, called her 'grand putain', according to the Earl of Northumberland as reported by Chapuys in late 1534; and evidently the Duke went on speaking too freely of her the following year.[1] Does the fact that the treason laws had to be revised in 1534 to cover impugning the King's marriage also hint at Anne's poor name?[2] Evidently her controversial reputation could make charges of adultery and incest seem less implausible in her case than they would have been for another woman. The suggestion that Anne had talked about her husband's impotence may have seemed less surprising and more damning than if it had appeared totally out of character.

What we have then is the likelihood that Anne and at least some of her friends were guilty of the charges brought against them. But why should Anne have done it? One explanation might be, as Sir John Neale suggested long ago, that aware of Henry's at least intermittent impotence, Anne was trying to beget a child by other men, in order to produce Henry's much wanted heir. Another might be that she was indeed a loose-living lady. Yet another, and perhaps the most plausible, might be her jealousy of Henry VIII's continuing affairs, a defiant resentment of the double standard which allowed that freedom to men but not to women. The French poem records her saying of the King: 'Et que souvent je n'aye prins fantasie/ Encontre luy de quelque jalousye.'[3] To the charge that the general interpretation advanced here is just the surmise of a man lacking in understanding of female psychology, just a 'wicked women' view of history which sees nymphomaniacs everywhere, it could be countered that Anne's behaviour has been presented as defiant rather than passive, and Jane Seymour's very differently interpreted. Above all, it has been an analysis of the evidence, not any prejudice, which has raised the possibility that Anne was unfaithful to her husband. That information came into the 'public domain' by chance, by the accident of a quarrel between one of the Queen's ladies and her brother. In explaining what happened next, there is no need to portray Henry as a monster, no need to invent deformed foetuses, no need to elaborate 'factional' explanations: Anne's fall was surely inevitable once what she had been doing became known, once a prima facie case against her was accepted by the King.

The fall of Anne Boleyn is not just a salacious whodunnit: it has implications for our understanding of early Tudor politics. Perhaps Henry's reactions were harsh by our standards, but they were not irrational. Nor should we assume in advance of a critical scrutiny of the evidence that people who did unusual things must have been manipulated. The explanation offered here thus casts further doubt on the validity of the influential notion of faction as an explanation of political crisis in early

1. *LP*, viii. 1, 826.
2. *Statutes of the Realm*, iii. 473–4 (25 Henry VIII c.22 [5]).
3. Ascoli, p. 263, lines 1007–8.

Tudor England and raises the possibility that, on this and other occasions, Henry VIII was more in control and less the victim of factional manipulation than some recent accounts would claim.

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