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Debate

The Fall of Anne Boleyn Reconsidered

IT is good to have Dr George Bernard's lecture, 'The Fall of Anne Boleyn' in print (*ante*, cvi [1991], 584–610). Short of new discoveries about Anne's fate, the raw material is, of course, common ground. The latest advances were the exploration of William Brereton's papers in 1972, and renewed examination of the contemporary verse account of Lancelot de Carles in 1986.[1] Between Dr Bernard and myself much of the interpretation is also common, notably that Henry's marriage to Anne was eventful rather than unhappy, and that her last miscarriage did not make her fate inevitable.[2] His rejection of Professor Retha Warnicke's attempt to attribute Anne's fall to ignorance and sexual prejudice, echoes criticisms made by myself and then by Dr Jenny Wormald.[3] The only correction needed is that Warnicke's redating of Anne's 1536 miscarriage derives from an error in the *Calendar of State Papers Spanish*.[4] There is agreement, too, that the real topic at issue is the nature of politics in Henrician England. Dr Bernard argues 'that Anne and at least some of her friends were guilty of the charges brought against them' which 'casts further [*sic*] doubt on the validity of the influential notion of faction as an explanation of political crisis in early Tudor England'.[5] The following argues the opposite.

Dr Bernard starts by summarizing events, and then asks: 'How should we explain?' Consideration ought to start by establishing the facts. Only then is it even possible to know what to explain. Let us start with the evidence Dr Bernard does not consider: first, the defence. One of those accused with Anne was William Brereton, groom of the Privy Chamber and a prominent figure in North Wales and Cheshire, his home county.[6] He was no gallant fluttering about Anne – nearly fifty, he was described by Wyatt as 'one that least I knew'. The only specific allegations were

1. E. W. Ives (ed.), *Letters and Accounts of William Brereton* (Lancashire and Cheshire Record Soc., vol. cxvi [1976]); id., *Anne Boleyn* (Oxford, 1986), pp. 69–70; cf. id., 'Court and County Palatine: The Career of William Brereton', *Transactions of the Historic Soc. of Lancashire and Cheshire*, cxxiii (1972), 1–38.

2. Ives, *Boleyn*, pp. 244–5, 343–6.

3. E. W. Ives, 'Stress, Faction and Ideology in Early-Tudor England', *Historical Journal*, xxxiv (1991), 194–200; J. M. Wormald, 'The Usurped and Unjust Empire of Women', *Journal of Ecclesiastical History*, xlii (1991), 284–7.

4. Ives, 'Stress, Faction and Ideology', 198.

5. *Ante*, cvi. 609–10. Bernard's previous criticisms of the factional hypothesis (*Historical Journal*, xxxi [1988], 159–82) amount to a series of rhetorical questions; cf. E. W. Ives, 'The Fall of Wolsey', in *Cardinal Wolsey: Church, State and Art*, ed. S. J. Gunn and P. G. Lindley (Cambridge, 1991), p. 303, n. 74.

6. For the following, see Ives, *Boleyn*, pp. 394–6; id., *Brereton*, pp. 33–41; id., 'Court and County Palatine', 31–3; E. W. Ives, 'Faction at the Court of Henry VIII: The Fall of Anne Boleyn', in *History* lvii (1972), 171.

that Anne solicited him at Greenwich and Westminster on 16 November and 3 December 1533 respectively, and that misconduct took place at Greenwich on 27 November and Hampton Court on 8 December. His whereabouts in November is unknown, but for the alleged December offences there is a cast-iron alibi.[1] His arrest occurred only some days after that of the principals, and Anne showed minimal reaction to it. Before being taken into custody, Brereton was interrogated by a school-friend and stood by his innocence. He pleaded not guilty at his trial. On the scaffold he said, 'the cause whereof I die, judge not. But if ye judge, judge the best', repeating the last phrase several times so that an observer concluded, 'either he was innocent or else he died worst of all'. His wife treasured his 'laste token' and bequeathed it to her son.

What needs explaining, therefore, is Brereton's involvement, despite this very strong probability of innocence. One possible reason is the bad blood between him and Cromwell, following abuse of office in the Marches of Wales, particularly the execution of John ap Gryffith Eyton. Dr Bernard discounts this, claiming that Brereton 'could simply have been dismissed'.[2] But dismissed he was not – despite the notoriety of the quarrel and the frustration of Cromwell and his agent, Rowland Lee. Brereton was supported in his Marcher offices by the Queen; he held these not by royal appointment, but from the Duke of Richmond, and Richmond was under pupillage to Brereton's patron, the Duke of Norfolk. Perhaps dismissal was less easy than the twentieth century imagines. The possibility that the axe was used to remove a man so well-connected is obvious. Certainly contemporaries associated Brereton's fate with his behaviour in Wales. George Cavendish, writing in 1558, relates Brereton's fate exclusively to Eyton's murder; no mention of Anne at all.[3] It demonstrated, said Cavendish, that 'who strykythe with the sword, the sword will overthrowe'. Elizabeth I ennobled the son of a fellow victim, Henry Norris, in tacit recognition of his sacrifice for Anne's reputation; Brereton's sons were ignored.

Linking Brereton's execution to Marcher politics is, however, only tangential to the executions of May 1536. It suggests a motive for accusing him; it in no way affects the probability of his innocence. If the motive fails to convince, the innocence still demands explanation.

There are other indications of innocence. No women was accused with Anne. This is highly significant, given Tudor palaces where no queen could pursue a liaison without assistance. Even with Lady Rochford's help, Katherine Howard had to meet Thomas Culpeper in a privy.[4] To suggest that 'ladies [of the Privy Chamber], or some of them, could

1. The Court was at Greenwich to at least 8 December: *L[etters and] P[apers ... of the Reign of Henry VIII]* (London, 1862–1932), vi. 1595.

2. *Ante*, cvi. 595.

3. Ives, *Boleyn*, pp. 395–6. Cavendish's verses on the other accused do specify the adultery charges.

4. 33 Henry VIII, c. 21

readily connive at the secret affairs of their mistress', is to miss the point.[1] Lady Rochford connived with Katherine Howard, but was charged and executed; nobody was charged with abetting Anne Boleyn.[2]

Along with all but the most radical reformers in the 1530s, Anne accepted the miracle of the altar, and the night before her execution she swore on the body and blood of Christ that she was faithful to Henry.[3] This was no gesture to bolster self-respect in face of the scaffold; Anne was deliberately hazarding her immortal soul. The gossip of London was that she died 'boldly', not as a penitent adulteress should. History believes More's solemn oath: why not Anne's? As for Norris, Henry offered pardon if he would confess 'the truth'. Norris insisted his relations with Anne were wholly innocent, and suffered in consequence. Contemporary Western secularism may find such integrity hard to understand, but it argues mightily for innocence.

Interpretations of Anne Boleyn's fall must address this defence evidence and do so comprehensively. For 'some' of the accused to be 'probably guilty' is not enough. If Brereton alone was innocent, why was he involved, and what of the Crown's story of Anne's circle of paramours?[4]

Next the prosecution evidence needs to be brought in. This consists of the complete court record, though, as so often, there are no pre-trial depositions.[5] The main items are the largely identical indictments put to the grand juries of Middlesex and Kent, the only authoritative source for the charges actually laid. These conclude with descriptions of relationships within the Queen's circle, culminating in conspiracy to cause the King's death, but are mainly a detailed recital of Anne's adulteries. As with Brereton, specimen charges give dates and places for each 'lover', plus the catch-all 'diversis aliis diebus et vicibus antea et postea': twenty specified offences in all. Even data available 450 years later can establish that at most six are plausible. On thirteen occasions the court was not where the alleged offences occurred, while another charge can be discounted on related grounds.[6] The obvious conclusion is that the detail was fabricated. Alternatives are unconvincing. The six could be genuine offences – improbable. Anne could have made brief journeys away from Court – hardly a recipe for secrecy. Indictments do become inaccurate when court-clerks cut corners – hardly likely here. The *diversis* formula

1. *Ante*, cvi. 599–600.

2. Ibid. 599, using 'the extravagant and factually inaccurate account' of Anne's accomplice Margaret (*Chronicle of King Henry VIII*, ed. M. S. A. Hume [London, 1889], p. 57) to suggest the possibilities of connivance. In fact the chronicle's account of Katherine Howard (ibid., pp. 82–3) specifically indicates its impossibility.

3. Ives, *Boleyn*, pp. 325–6. Later credal definitions are anachronistic in the 1530s; Cranmer held to the Real Presence until *c.* 1546 (J. Ridley, *Thomas Cranmer* [Oxford, 1962], pp. 252–4).

4. Cf. *ante*, cvi. 605: 'All one can say is that Anne knew Brereton.'

5. Charles Wriothesley, *Chronicle*, ed. W. D. Hamilton (2 vols., Camden Soc., 2nd ser., vols. xi-xii, 1875–7), i. 189–226. The endorsements show that the depositions were never part of the *Baga de Secretis* files.

6. Ives, *Boleyn*, p. 390; the court locations are established by *LP*.

could indicate that the specimen dates were never intended to be taken literally – if so, the charges were intrinsically impossible to counter and our only detailed record of the offences disappears. Unless improbabilities in the indictments can be cured, it must be accepted that analysing them supports the defence.[1]

Close reading also shows the indictments to be defective in law. The allegations of adultery were embellished with references to violation, but the words of art for rape – *felonice rapuit* – were avoided. They would have led to felony charges, as well as contradicting Anne's alleged soliciting.[2] Calling the offences treasonable was equally bogus. In no way was intercourse with a consenting queen treason under English law. A wife killing her husband was guilty at common law of petty treason, but it was a misdemeanour to deceive him. Adultery belonged to the church courts. Thus the trials of May 1536 extended the treason law in novel and oppressively retrospective ways. In 1542 Parliament effectively admitted that the Crown had acted *ultra vires*, by making adultery with a queen a treasonable offence.[3]

The only legal substance the indictments had was in the closing stories that the King's life had been jeopardized, that Anne had destroyed the loyalty of the men with gifts, and that together they had conspired to procure Henry's death. Harm to, and plotting against, the king were unquestionably treason by the 1352 statute. How justified the 1536 accusations were in fact is another matter. Shock to Henry was short-lived; Chapuys remarked on his remarkable sang-froid.[4] As for the conspiracy, the supposed meetings never took place. Anne was at Windsor, not Westminster, on 30 October 1535, and at Eltham, not Greenwich, on 8 January 1536.[5] As for gifts, every courtly lady gave them, and Anne certainly had gifts ready at Eltham on 31 December 1535, as charged. It was, after all, New Year's Eve! On the other supposed occasion, she was miles away.[6]

The Crown left nothing to chance to secure convictions.[7] The Middlesex grand jury which took the lead had Thomas More's son-in-law as its foreman; every petty juror was 'a royal servant or hostile to Anne or committed to Cromwell'; by making all suspects principals, the commoners could be condemned before Anne was tried, so facing the less easily manipulated peers with a foregone conclusion. The prosecution insinuated a statutory treason into the indictment: if, as claimed, Anne

1. It apparently needs stressing that if the only evidence indicates hypothesis 'X', undermining that evidence does not establish hypothesis 'Y': Ives, 'Stress, Faction and Ideology', 196, and *infra* at p. 657, n. 11.

2. Ives, 'Agaynst Taking Awaye of Women', in *Wealth and Power in Tudor England*, ed. id. *et al.* (London, 1978), p. 23.

3. 33 Henry VIII, c. 21. Cf. J. Bellamy, *The Tudor Law of Treason* (London, 1979), pp. 40–1.

4. *C[al.] S[tate] P[apers] Span[ish], 1536–8*, p. 121.

5. *LP*, ix. 639; x. 45, 226(12).

6. Ibid. ix. 897.

7. For the following, see Ives, *Boleyn*, pp. 383–5, 394, 397; id., 'Faction at the Court', 174, 188; John Spelman, *Reports*, ed. J. H. Baker (2 vols., Selden Soc. vols. xciii–xciv, 1977–8), i. 71.

had said she loved each of the men best, that slandered Elizabeth and hence was treason by the 1534 Act!

No attempt to explain Anne Boleyn's fate can evade the indictments and the way these were manipulated. The traditional interpretation has no difficulty here, any more than with the victims' innocence. To achieve a wholly unchallenged third marriage, Henry had to eliminate Anne, and 'where a Borgia would have used poison, a Tudor used the law'.[1] Where tradition is inadequate is in failing to account for six lovers.

However, to suggestions that 'Anne and at least some of her friends were probably guilty', this evidence of the indictments presents an insuperable obstacle. First, if they were guilty, why so much invention? Would not truth have sufficed? Second, why decide to exploit the treason law? The men could well have been broken by Star Chamber for abuse of household office and punished by the Church to boot. Anne could have been divorced and incarcerated. She was indeed divorced, which destroyed the accusation of adultery, but only when safely condemned. Clearly the treason route was chosen to have the Queen and her 'lovers' dead. Yet if they were guilty, the need to execute only makes sense if the King's *amour propre* had to be assuaged by blood – which is Warnicke's argument. Are we to see Henry VIII as King Shahryar, and Tudor England as an autarchy where the king could strike down whom he would?

So much for defence and prosecution evidence. There remains the evidence Dr Bernard prefers: news, rumour and reports. Stories inevitably circulated. What is vital is their reliability. The most authoritative are the letters of William Kingston, Constable of the Tower, detailing Anne's conversations there.[2] Some of them reflected courtly love commonplaces, such as Weston's year-old flattery that he loved Anne more than his wife or would-be mistress. Other revelations were more serious. A quarrel the Queen had with Norris in late April had outraged convention and made her behaviour the talk of the Court.[3] Her challenge 'that if ought came to the King but good, you would look to have me', became transmuted in the indictment to the promise to marry one of the plotters if the King died, and gave plausibility to the Crown's most damaging accusation: intending the King's death.[4] Kingston's letters also show Anne clearly to blame for Smeaton's mooning about the palace, almost inviting interrogation. Whether he was tortured is uncertain, but Smeaton was certainly subjected to psychological pressure.[5] The twentieth century probably finds a false confession in such circumstances easier to understand than Norris's resistance. Equally, having confessed, the hope

1. S. T. Bindoff, *Tudor England* (London, 1950), p. 108.

2. B[ritish] L[ibrary], Cotton MS Otho C x, fos. 209v, 222, 223, 224v, 225; Harl. MS 283, fo. 134 (*The Life of Wolsey by George Cavendish*, ed. S. W. Singer [2nd edn., London, 1827], pp. 451–61). P[ublic] R[ecord] O[ffice], SP1/103, fos. 313–14 (*LP*, x. 902).

3. Ives, *Boleyn*, p. 365, n. 20.

4. BL, Cotton MS Otho C x, fo. 225.

5. He alone was kept in irons: Ives, *Boleyn*, p. 370.

of escaping part-strangulation, castration and disembowelling would keep most men compliant.

Rumour buzzed with the expectation of revelations by ladies of Anne's household, but corroboration is confined to three cases. Justice John Spelman, present at Anne's trial, reported:

> All the evidence was on bawdy and lechery, so that there was never such a whore in the realm. And note that this matter was disclosed by a woman called Lady Wingfeilde who was a servant of the said queen and shared the same tendencies. And suddenly the said Wingfeilde became ill and a little time before her death she showed the matter.[1]

Bridget Wingfield had indeed been intimate with Anne, but the court did not hear her deposition, only a report of what she supposedly said on her death-bed – and she had been dead for possibly two years.[2] Conventional wisdom was clear what to do with dangerous knowledge: 'In any wise, utter it as soon as is possible, for the longer you keep it the worse it is for you.'[3] Why were Lady Wingfield's dark revelations not produced earlier, and who had guarded them until the right moment? Or take Anne's gentlewoman Margery Lyster, née Horseman.[4] On 3 May Anne's vice-chamberlain reported to the treasurer of the household, William Fitzwilliam, who was investigating the affair, that 'it cannot be but that [Mistress Margery] must be of council therewith'. Yet after Anne's death she passed into Jane Seymour's service. Are we to accept that Henry, knowing that Margery Horseman had been suspected of conniving with his second wife's infidelity, was prepared to have her serve his third?[5]

Spelman's report also suggests the wisdom of caution about what the third of the ladies, the Countess of Worcester, revealed. John Hussey, that man-about-court, reported that 'my Lady Worcester beareth the name to be the principal', and the French diplomat, de Carles, cast her as the initial informant in his poem (of which more later).[6] She was related by marriage to Brereton and certainly prominent in Anne's service. Spelman's eyewitness account, however, makes no mention of her. Indeed, it is most unlikely that the Countess informed against the Queen. Anne's own comments show that the two were very close.[7]

Material was no doubt obtained from the Queen's staff.[8] The prosecution knew of Anne's letter informing Rochford she was pregnant, of his visiting her room, of sister kissing brother, of gifts to Norris, of courtiers competing for her favour (as they would for her daughter's), of Anne's

1. Ives, 'Faction at the Court', 188.
2. Ibid. 173; id., *Boleyn*, pp. 377–80.
3. *English Historical Documents, 1485–1558*, ed. C. H. Williams (London, 1967), p. 912.
4. For the following, see Ives, *Boleyn*, pp. 380–1.
5. Bernard's rhetorical question (*ante*, cvi. 606), 'Were they forgiven ... because they gave testimony?' overlooks this point.
6. *Lisle Letters*, ed. M. St. C. Byrne (London, 1981), iii. 703a; iv. 847.
7. Ives, *Boleyn*, pp. 381–2.
8. For the following, see ibid., pp. 397–8.

dislike of being shone down by other women in her own court. Some of this was the common exchange of the family. Some was the normal currency of 'courtly love'.[1] Gifts and tokens could appear highly suspicious out of context – consider the embarrassment Henry VIII caused Margaret of Austria over Charles Brandon.[2] Similarly with flirting: what is expected behaviour within a convention can be made to appear most suspicious to censorious jurymen and later historians alike.[3]

One serious embarrassment was Lady Rochford's revelation of discussions about the King's sexual inadequacy, and perhaps it was she who told of the fun made of Henry's dress and his poetry.[4] Rochford himself may have joked that Elizabeth could not be Henry's daughter.[5] This bears out the impression of Anne's Tower revelations that

> towards the end of April, Anne had allowed 'pastime in the queen's chamber' to get out of hand. ... Perhaps Anne was even hoping to make Henry jealous, or perhaps the feverish atmosphere was an instinctive retort to the emergence of an alternative court around Jane Seymour.[6]

With the help of 'innuendo and implication', this was enough to manufacture 'a case sufficient to quiet the general public and satisfy pliant consciences'.[7] Tales lost nothing in the telling, and no doubt the widespread dislike of Anne and the assumption that she had begun as Henry's mistress did help to close minds.[8] Observers agreed that the accused sounded extremely convincing, but dismissed their denials as 'wondrous discreetly spoken'.[9] Yet not everybody accepted the government line. Oxfordshire folk recognized that Henry's behaviour told a different tale: 'The king, for a frawde and gill caused Master Norrys, Mr Weston and the other queen to be put to death because he was made sure unto the queen's grace that now is, half a year before.'[10] Equally today, nothing from the surviving miscellany of story overthrows the evidence of innocence and the insufficiency of the indictments. There is not 'at best circumstantial evidence'. To substantiate nymphomania, incest and quadruple adultery there is no evidence worth the name. The banal observation, 'another possibility is that more damning evidence was presented than now survives', simply will not do.[11]

One source concerned with the court ladies requires particular discussion: Lancelot de Carles' *Histoire de Anne Boleyn*. In 1989, T. B. Pugh

1. On courtly love, see ibid., pp. 84–7, 97–9.
2. S. J. Gunn, *Charles Brandon, Duke of Suffolk* (London, 1988), pp. 29–30.
3. *Ante*, cvi. 605.
4. Ives, *Boleyn*, pp. 238, 398.
5. Ibid., p. 399.
6. Ives, 'Faction at the Court', 174; id., *Boleyn*, p. 399.
7. Ibid.
8. *Lisle Letters*, iv. 845a; *ante*, cvi. 608–9.
9. Wriothesley, *Chronicle*, i. 37–9; *Lisle Letters*, iii. 703a.
10. *LP*, x. 1205.
11. *Ante*, cvi. 602. This is an extreme example of the essay's overall habit of escaping the discipline of the evidence by advancing unsubstantiated speculation.

drew attention to the role this gives to an anonymous but clearly identifiable Countess of Worcester.[1] It tells how her brother upbraided her for her loose living. She retorted that the Queen's conduct was worse – adultery with Smeaton and incest with Rochford. The brother consulted two other leading courtiers and they informed Henry. Smeaton was imprisoned and confessed; Norris was arrested at the Greenwich joust and the Queen the next day. Mr Pugh was apparently unaware of the wide circulation of the poem, or that it has been used by historians for four centuries and substantially discussed in recent years.[2] Dr Bernard, who follows him, remains equally confused, indeed can be positively misleading. He summarizes thus: 'Ives ... rejects de Carles' central account of Anne's fall, which he says "must be fabricated".'[3] The original reads:

> What is uncertain ... is the extent to which [de Carles'] desire to write in the tragic mode affected the story he had to tell, a point of particular reference to his long and unique accounts of the confidential speech by an unnamed lord reporting Anne's misdeeds to Henry (which must be fabricated).[4]

Confidential speeches reported by absentee third parties necessarily are fabricated.

Far from ignoring de Carles' account, earlier discussions have identified the unnamed lord with Sir Antony Browne:

> A more important thread to follow is Lady Worcester. She was Elizabeth Browne, daughter of Sir Antony Browne of the privy chamber and niece of Sir William Fitzwilliam, treasurer of the household – and this leads straight back to the French prose account [Lansdowne 105 f. 18] and the de Carles poem.[5]

Mr Pugh rightly corrected the relationship. Antony, the Countess's father, was Henry VII's standard-bearer; Antony Browne of the Privy Chamber was her brother. The relationships in de Carles are, thus, correct, but the need 'to be cautious' remains. We have seen that his story of how the Countess 'shopped' Anne contradicts their friendship. De Carles has Browne, not the Countess, name Henry Norris and specifically refer to his promise to marry Anne, which must place the supposed initial disclosure after their quarrel, whereas government investigation supposedly began on 24 April! De Carles reverses the Tower trials for literary effect. Nothing supports his story that Lady Worcester was a wanton.

1. T. B. Pugh, *Welsh History Review*, xiv (1988–9), 639–40, on which Bernard's account is based.

2. G. Ascoli, *La Grande Bretagne devant l'opinion française* (Paris, 1927); Gilbert Burnet, *History of the Reformation (1679–1715)*, ed. N. Pocock (Oxford, 1865), iii. 222–5; Ives, *Boleyn*, pp. 69–70; *Lisle Letters*, iii. 379–82. Burnet cites *cum al.* E. van Meteren, *Historie der Nederlandscher ... oorlogen ende geschiedenissen* (Delft, 1599, 1609).

3. *Ante*, cvi. 596, n. 5.

4. Ives, *Boleyn*, p. 70.

5. Ibid., p. 381; *Lisle Letters*, iii. 379–82.

Dr Bernard's suggestions that she was not pregnant by her husband and that her lover was Cromwell are worthy of Professor Warnicke.[1]

Where, however, Dr Bernard does come up with gold is in a discovery which, though he may not appreciate it, necessitates a total reappraisal of the status of the *Histoire*. It is that in 1537 Henry VIII received a 'Frenche boke writen, in forme of a tragedye' by 'oon Carle ... beeing attendant and neer about thambassador'.[2] Previous assumptions were that de Carles versified stories from the Court and City, and his version was recognized as corroborating Cromwell's official despatches.[3] The new discovery, however, makes evident what should have been glaringly obvious: the authority for de Carles' account was his 'nearness' to the ambassador! In other words, he was writing up what was known at the embassy, and the main source for this was, of course, the English government.[4] Small wonder that 'all this fits very well with the official line'.[5] Recognition of that both enhances and reduces the value of de Carles. The poem now becomes by far the fullest statement of the government version. On the other hand, it is no longer corroboration of Cromwell. Dr Bernard belittles his discovery in order to resist this conclusion: 'It is possible that the poet turned the official account into verse but ... it is unlikely that he would have set down what he did not believe.'[6] But what de Carles believed is irrelevant. Conviction does not confer independent authority; what matters is the source. De Carles is effectively Cromwell with literary embellishments.

Thus much for the data of Anne Boleyn's fall: powerful indications of innocence; inescapable evidence of a deliberate intention to destroy her and the others; a miscellany of court and popular story with little substance, but with the potential to be manufactured into a case against them; and apparent corroboration of the Crown's case which, on examination, turns out to be an elaborated repetition of it. This is palpably no justification for suggesting that 'Anne and at least some of her friends were guilty'. The hypothesis which does satisfy the evidence is that Anne's fall was the consequence of a political coup and a classic example of Tudor faction in operation. What in the event of guilt would be unnecessary chicanery then becomes the means to an end, the immorality charges merely a weapon and the evidence of innocence irrelevant.

The case has been deployed at length elsewhere, and only needs to

1. *Ante*, cvi. 598. Bernard's suggestion (following Pugh) that the Countess's three letters to Cromwell are 'unusual' is unconvincing – two were written to support her husband and the third to thank Cromwell for his kindness, reported *by her brother* over a borrowing from Anne Boleyn which she wished to keep secret. (*LP*, v. 298; vi. 662; xiii [1]. 450). Mary Boleyn's 'misconduct' was disparagement, not immorality.
2. *Ante*, cvi. 596.
3. Ives, *Boleyn*, p. 380.
4. *LP*, x. 873.
5. *Ante*, cvi. 599.
6. Ibid., n. 1.

be touched on here. First the evidence of a faction working against Anne. The detail comes from *two* Chapuys letters.[1] On 1 April 1536, well before any investigation, the ambassador reported that Henry's interest in Jane Seymour was growing. She had, however, been 'well taught' by those around the King who were hostile to Anne. She was to accept nothing but marriage; she was to malign Anne to the King, but only if there was a claque of aristocrats around who would back her up; Chapuys himself was invited to take part to indicate imperial support. The enemies Chapuys cites include the Marquis and Marchioness of Exeter, the Countess of Kildare (Henry's cousin), Lord Montagu and, apparently, Edward Seymour and his wife. The ambassador reported further on 29 April that Sir Nicholas Carewe, master of the horse, and a known Aragon supporter since 1529, was actively attempting to unseat Anne in Mary's interest, promising her that 'shortly the opposite party would put water in their wine', advising Jane, and linking with the other conspirators 'pour lui faire vne venue'.[2] Carewe's role is confirmed by his housing of Jane during the royal courtship; de Carles' account brings in Antony Browne, while another of the poem's anonymous lords may, as Dr Bernard suggests, well be Browne's step-brother Fitzwilliam, one of Anne's interrogators.[3]

Confirmation that this was more than an accidental grouping is provided in the weeks which immediately followed, by the efforts of these same individuals to restore Mary to favour.[4] Within days of the Boleyn arrests, Mary's case was being openly canvassed in the Privy Chamber. Eventually it became clear that Henry would not legitimize her, and their activities then became the target for investigation. Lady Hussey, the wife of Mary's former chamberlain, was Towered; Browne and others were interrogated; Exeter was excluded from the Council along with Fitzwilliam, who also found his property being catalogued for seizure.

Given this evidence from before and after Anne's fall, it would surely be perverse not to recognize a group planning and promoting her destruction, the Seymour marriage and the restoration of Mary. Motives may have included dislike of the Boleyns, respect for the Aragon marriage and hostility to recent attacks on the Church, but evidently their 'objectives were seen primarily in personal terms' – which is precisely the definition of a faction![5]

Although anything but 'elusive', the existence of this grouping is no proof of its importance. Every courtier undoubtedly watched royal preferences; so had they merely waited for a steer from the King? The disaster which befell Mary's supporters in the summer of 1536 clearly suggests otherwise. So too the events leading up to Anne's arrest. Take, for

1. *CSP, Span., 1536–8*, pp. 81–5, 106–7. *Ante*, cvi. 592, claims only one letter, but refers to both.
2. *venue* = an assault *or* a hit in fencing.
3. *Ante*, cvi. 599.
4. Ives, 'Faction at the Court', 176; id., *Boleyn*, pp. 414–16.
5. E. W. Ives, *Faction in Tudor England* (2nd edn., London, 1986), p. 5.

example, the commission of oyer and terminer, issued *teste* 'Westminster 24 April A. R. 28', under which Anne was prosecuted.[1] On 18 April, exchanges between Henry and the imperial ambassador had demonstrated Henry's firm commitment to Anne. If Dr Bernard is correct in concluding from this that Henry turned against Anne between 18 and 24 April, there was ample time for the Court to follow suit.[2]

The overwhelming probability, however, is that the commission was a chancery initiative which Henry knew nothing about. On 24 April he was at Greenwich, and personally to approve a 'Westminster' *teste* would have required an extraordinary journey to London. Of course, exceptional instructions could have been given to the Chancellor to issue the commission from Westminster, but this seems improbable – the commission was so normal as to include Anne's own father. If Henry was personally involved, a messenger could easily have brought the text down river – when the *teste* would have been 'Greenwich'.[3] The next day, *pace* Dr Bernard, Henry was still writing of Anne as 'our most dear and most entirely beloved wife'.[4] The evidence thus points to the promotion of the oyer and terminer by someone other than the King and to the breach with Anne occuring after 25 April, probably immediately before 30 April (when the Court's itinerary was suddenly changed). De Carles' report that Henry was first told of Anne's 'offences' after the quarrel with Norris clearly supports this reading. Furthermore, far from undermining the factional hypothesis, de Carles demonstrates that the courtiers who – the ambassador was informed – had accused Anne were from the conservative camp. The description of the way Browne and his two colleagues planted suspicions in the King's mind and then suggested an investigation which they masterminded reveals a technique which we can observe in other factional coups of the reign.[5]

So much for the conservative faction. Do Anne and her fellow sufferers fit this factional hypothesis? Two do not. Smeaton was evidently a pawn sacrificed to expose a queen. Nothing linked Weston to the Boleyns apart from Anne's unwise recollections, which clearly triggered his arrest. With Rochford and Norris the position was very different. Their closeness to Anne is plain and so too their prominence, Rochford as one of the two noblemen of the Privy Chamber and Norris, even more important, as groom of the stool and chief gentleman. Anne, and her brother and Sir Henry in key positions in attendance on the King, made a formidable trio. To them we can certainly add one other gentleman of the Privy Chamber, Sir Richard Page, and possibly a second, Anne's cousin Sir

1. Wriothesley, *Chronicle*, i. 189–91. For the following, see Ives, *Boleyn*, pp. 350–3; *ante*, cvi. 589–91.
2. Ives, *Boleyn*, pp. 361–2.
3. *State Papers, King Henry VIII* (1830–52), vii. 638–8; cf. *ante*, cvi. 590.
4. If the issue of writs for a new Parliament on 27 April was directed against Anne, this could mean that her quarrel with Norris occurred as early as 26/27 April. The consequences of the quarrel, however, only came to a head on 30 April: Ives, *Boleyn*, pp. 362–5.
5. Ives, 'Fall of Wolsey', pp. 294–305, 311–12; id. 'Faction at the Court', 175, 185–6.

Francis Bryan.[1] Finally we can note that although Brereton's principal importance lay in affairs on the March, he too was on the privy chamber staff, had links with Anne and was active with Norris in the patronage game.[2]

One question in all this is the place and role of Thomas Cromwell.[3] Our knowledge depends on the minister's own revelation to Chapuys, less than a fortnight after Anne's death, that he had masterminded her downfall because of a dangerous disagreement with Henry over a possible imperial alliance.[4] Ambassadors, of course, were targets for disinformation, and everything Cromwell told Chapuys can be dismissed as 'negotiating technique'. But again that simply ends debate.[5] Without evidence we can know nothing; Cromwell's involvement remains a mystery. Chapuys, moreover, was an experienced ambassador, deeply versed in the English political scene, frequently sceptical and always vigilant about the motives behind the message. We cannot dismiss the fact that he appears to have credited Cromwell's claim. Contextual evidence supports Cromwell's story. The split over foreign affairs did occur (on 18 April). Cromwell had been identified with the Boleyn marriage and Anne's reforming opinions, but in March and April Chapuys reported the minister's increasing gestures towards Mary – and the encouragement he was himself giving to Cromwell to move against Anne.[6] Smeaton was interrogated at his house on 30 April and the third of de Carles' unnamed lords can be plausibly identified as the minister.[7] The *cui bono* evidence is also interesting: Cromwell replaced Anne's father as Lord Privy Seal and obtained a valuable stewardship as a result of George Boleyn's execution; his servant Sadler received William Brereton's freehold estate near Greenwich.[8] Finally there is the promotion of the oyer and terminer. The Chancellor issued it, but given Cromwell's known influence over him, it is inconceivable that Audley was acting without the Secretary's instructions.

It may, however, be argued that it is incredible that the diplomatic situation required Anne's removal. She had, like Cromwell, swung behind the need for an alliance with the Empire. So had Henry. The issue, however, was 'what sort of alliance?'[9] Charles V instructed Chapuys

1. Ibid. 179; Ives, *Boleyn*, pp. 358, 372. Bryan's role can be interpreted variously. David Starkey believes that he had already deserted Anne: *The Reign of Henry VIII* (London, 1985), pp. 112–13.

2. Ives, 'Faction at the Court', 179; id., *Boleyn*, pp. 164, 211; id., 'Court and County Palatine', 6–11; id. (ed), *Brereton*, pp. 37–8, nos. L. 2, 4–6, 27, 33.

3. Space does not permit comment on the politics of the March (*ante*, cvi. 595) or the relationship of Anne and Wyatt (ibid. 606–8), or minor errors. On the March, cf. above, p. 651, n. 6; on Wyatt, see Ives, *Boleyn*, pp. 83–4, 87–99.

4. Chapuys to Charles V, 6 June 1536, *CSP, Span., 1536–8*, p. 137. For the following, see Ives, *Boleyn*, pp. 350–5.

5. Ives, 'Stress, Faction and Ideology', 196.

6. *LP*, x. 601, 782; Ives, *Boleyn*, pp. 355–6.

7. Ibid., pp. 359, 368–70; *ante*, cvi. 599.

8. *LP*, x. 1015 (16),(37); 1256 (11); xi. 202(3). Cheney obtained the Cinque Ports *vice* Rochford and surrendered Writtle to Cromwell.

9. The allegation of confusion, *ante*, cvi. 593, arises from a failure to recognize this.

on 28 March to seek an alliance which restored Mary as the heir, or at least left the matter open.[1] This Anne could never have agreed to. As for Henry, the 18 April episode saw Chapuys engineered into bowing to Anne, and the King later made clear that he intended Charles to recognize that his relations with the pope were his own affair (something of which Anne was the symbol); likewise the future of Mary.[2] This the Emperor could never have agreed to. Remove Anne and both problems disappear.

Chapuys' evidence provides, therefore, a rational explanation of Anne's removal, but is it enough for so much blood? Here Chapuys gives us a further hint in his observation that Cromwell had become increasingly estranged from Anne.[3] Without Anne, Cromwell would be vulnerable to the conservative faction which hated him equally. Joining them to destroy Anne was, therefore, a way to save himself. Self-defence would also explain the inclusion of Rochford and Norris; it would have been folly to attempt the removal of the Queen with her allies still powerfully placed about the King. Not, of course, that it was in Thomas Cromwell's interest to remove one set of courtiers and see them replaced permanently with another – his self-preserving alliance with the conservatives would then become a prison. Edward Seymour, the brother of the new queen, could not be dealt out, but it is no surprise to see Cromwell within days of Anne's death manipulating the business of Mary's pardon to expose her allies to the King's wrath and leave himself free of conservative incumbrances.[4]

The evidence which survives makes clear how the coup against Anne Boleyn was managed. It also reaffirms the fundamental soundness of a factional interpretation of Henrician politics – something which should occasion no surprise, since faction is characteristic of personal rule, whether by Henry VIII or by Joseph Stalin.[5] There remains, however, one element which will never be fully explained – the mind of Henry. Faction may have conspired to jolt him off balance in 1536, as on other occasions, but it was the King who listened. Undoubtedly the major reason was that debilitating suspiciousness which was his greatest failing; but what else made it possible for a pack of lies to destroy dramatically and instantly years of consistent and public support for Anne? His confidence in a male heir by her had been briefly shaken at the time of the January miscarriage. Had that fear lingered in the subconscious? What of Jane Seymour? Did the King become trapped by a heavy flirtation; was he asserting his right to do what he liked; was he goaded by Anne's objections? All these interpretations have been canvassed, but we simply do not know. And is there not something almost pathological in a man

1. *LP*, x. 575, received 15 Apr.: *LP*, x. 699.
2. Ibid. x. 699.
3. Ives, *Boleyn*, pp. 353–4.
4. Ibid., pp. 413–15. *Pace ante*, cvi. 592, Seymour's prominence at Court antedates Henry's relationship with Jane, but was significantly advanced by it: Ives, *Boleyn*, pp. 336–7, 347.
5. But see the qualifications in Ives, 'Fall of Wolsey', pp. 302–3.

who, having dramatically repudiated a woman he had been besotted with for ten years, then involves himself deeply in the details of killing her? All discussion of the fall of Anne Boleyn ends in the ultimate unresolvable paradox of Tudor history: Henry VIII's psychology.

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