

# RICHARD PATE, THE ROYAL SUPREMACY, AND REFORMATION DIPLOMACY\*

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**ABSTRACT.** *In December 1540 one of Henry VIII's clerical diplomats defected to the papacy. As contemporaries believed that a king could be judged by the ambassadors he sent to represent him abroad, Pate's defection caused the English king considerable embarrassment. His acceptance of the bishopric of Worcester from the pope in July 1541 made Pate a figure of symbolic importance to opponents of Henry VIII's royal supremacy. This article examines Pate's diplomatic career, paying particular attention to how Pate negotiated the competing claims on his loyalty of the pope and Henry VIII. Although Pate was expected to represent Henry's church policy, his experiences in embassy also provided opportunities for conservatism, as Henry sought to maintain amicable relations with the emperor and deny charges of heresy. Pate's case raises important questions about the religious sympathies of those chosen by Henry to represent him abroad and had important consequences for the practice of diplomacy in the early English Reformation. Pate also offers important insights into the motivations of Henrician Catholic exiles, their views of the Henrician church, and their political opposition to it.*

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On Christmas Day 1540, the English ambassador, Richard Pate, attended an audience with the Holy Roman Emperor, Charles V, in Namur, where the emperor's court in progress was temporarily based. The purpose of the audience was to secure with the emperor the transfer of the English embassy from Pate to Stephen Gardiner, bishop of Winchester, and Sir Henry Knyvet, who were to serve as special ambassadors with the emperor in Pate's place.<sup>1</sup> The audience went well. Pate received Charles's permission to depart and was given warm letters of credence commending his performance while in post; Pate was thus free

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<sup>1</sup> *Calendar of state papers and manuscripts relating to English affairs, existing in the archives and collections of Venice and in other libraries in northern Italy*, ed. R. L. Brown, H. R. F. Brown, and A. B. Hinds (30 vols., London, 1864–1947) (CSPI), v (1534–54), 233 (reference is to document number). Not 15 Dec. as G. M. Bell, *Handlist of British diplomatic representatives, 1509–1688* (London, 1990), p. 49, claims. For a biography of Pate, see K. Carleton, 'Pates [Pate], Richard (1503/4–1565)', *Oxford Dictionary of National Biography* (Oxford, 2004) (ODNB).

to make arrangements to return home immediately as instructed.<sup>2</sup> Although he had previously asked to be recalled, Pate ultimately chose not to return to England and it would be fourteen years before he would set foot on his native soil again. Instead, in the early hours of 28 December 1540, Pate crept down the stairs of the house in which he was lodging in Namur, climbed into a boat, and fled, under cover of darkness, with his chaplain, Seth Holland, and trusty servant, Daniel.<sup>3</sup>

Rumours soon started circulating about what had happened to Pate. Some thought that he had galloped out of Namur in the middle of the night, though no one knew where he was heading or why he had left, while others believed that he had departed without suspicion, having pretended that he was going to visit Cologne before returning to England.<sup>4</sup> Pate's own servants suspected that he had taken sanctuary in the bishopric of Liège, which they 'supposed to be a place where he may Remayn att lybertye for any treason or other offence'.<sup>5</sup> Certainly other English exiles had found refuge there.<sup>6</sup> If Pate did initially travel to Liège, he did not stay long, for he was soon travelling south and by 13 January had reportedly made it safely past Speyer. Pate's intentions soon became clear: he had defected to Henry VIII's enemy, the pope, to whom he had sworn obeisance by the summer. He also became closely associated with Reginald Pole, one of the staunchest opponents of the English king and his royal supremacy.<sup>7</sup> Pate's actions constituted a significant challenge to Henry VIII's rejection of papal authority and claims to jurisdiction over the English church.

Pate's defection became a cause célèbre in Europe, precisely because of his diplomatic status. Although technically no longer ambassador at the point of his defection, contemporaries were slow to make the distinction. In part, this was because it was often unclear at precisely what point an embassy ended, for although the departure audience represented the last official act of embassy, diplomatic immunity was held to last for a reasonable period afterwards, in order to ensure that ambassadors made it home unharmed.<sup>8</sup> Many of Pate's contemporaries, moreover, were simply unaware that Pate had been officially revoked three days before he disappeared. Theoretically, an ambassador was the king's proxy, his most trusted subject and intimate, whose behaviour was supposed to reflect his king's values and beliefs. Such sentiments were current in Tudor

<sup>2</sup> The National Archives (TNA), State Papers (SP) 1/164, fos. 14r, 56r (*Letters and papers, foreign and domestic, of the reign of Henry VIII*, ed. J. S. Brewer, J. Gairdner, R. H. Brodie, and A. C. Wood (21 vols., plus a 2 part 'Addenda' vol., 1862–1932) (LP), xvi, 295, 358 (reference is to document number)).

<sup>3</sup> LP, xvi, 276, 448, 488.

<sup>4</sup> *Ibid.*, 446, 449; CSPV, v, 236.

<sup>5</sup> TNA, SP 1/164, fo. 122r (LP, xvi, 448i).

<sup>6</sup> LP, xii (2) 310, xv 429, 1017.

<sup>7</sup> LP, xvi 452, 1139. On Pole's oppositional activities see C. Höllger, 'Reginald Pole and the legations of 1537 and 1539: diplomatic and polemical responses to the break with Rome' (D.Phil. thesis, Oxford, 1989); T. F. Mayer, *Reginald Pole: prince and prophet; Pole in Renaissance Europe* (Cambridge, 2000), ch. 2; *idem*, 'Nursery of resistance: Reginald Pole and his friends', in P. F. Fideler and T. F. Mayer, eds., *Political thought and the Tudor commonwealth: deep structure, discourse and disguise* (London, 1992), pp. 50–74.

<sup>8</sup> A. Gentili, *De legationibus libri tres* (Buffalo, NY, 1995), bk III, ch. xxii; J. Hotman, *The ambassador* (London, 1603), sig. K8r–L1r.

literature. A translation of an Aristotelian work in 1528 declared that ‘MYghty emperour y<sup>e</sup> messangers alway sheweth the wysdoome of hym y<sup>t</sup> sendeth them’, while a later commentator pronounced that ‘it is commonly saide, that the prince is knowen by the Ambassador’.<sup>9</sup> No wonder, then, that Pate’s defection provoked much comment and caused the king considerable embarrassment. It threatened to undermine one of the consistent messages of Henrician rhetoric in the wake of the break with Rome: that one of the foundations on which Henry’s church was built was consent.<sup>10</sup> If one of Henry VIII’s seemingly most trusted advisers could challenge his authority so blatantly, what might this suggest about the level of allegiance the king could claim domestically? In the religio-political context of late 1540, this was no moot point, as will be seen.

As Henry’s former ambassador, Pate was one of the highest profile Englishmen to choose continental exile over continued conformity to Henry VIII’s religious policies. Although Pate’s defection caused a diplomatic crisis,<sup>11</sup> the attention of most historians has hitherto been focused on those Catholics who remained in England and compromised with the Henrician regime,<sup>12</sup> whilst historians interested in English exiles have largely written about the Protestant exiles of Henry VIII’s and Mary I’s reigns<sup>13</sup> or the polemical and missionary activities of Elizabethan exiles.<sup>14</sup> Reginald Pole, that most strident of English exiles opposed to Henry’s claims to ecclesiastical supremacy, dominates studies of the conservative Henrician exiles.<sup>15</sup> Only recently have those men and women who chose exile

<sup>9</sup> *Thus endeth the secretes of secretes of Aristotle* (London, 1528), sig. Hiir; O. Landi, *Delectable demaundes, and pleasaunt questions, with their severall aunswers, in matters of loue, naturall causes, with morall and politique deuises*, trans. W. Painter (London, 1566), sig. 69r.

<sup>10</sup> On the importance of the rhetoric of consent, see C. S. L. Davies, ‘The Cromwellian decade: authority and consent’, *Transactions of the Royal Historical Society*, 6th ser., 7 (1997), pp. 177–95.

<sup>11</sup> The only sustained discussion is in D. Fenlon, *Heresy and obedience in Tridentine Italy: Cardinal Pole and the Counter Reformation* (Cambridge, 1972), pp. 151–6.

<sup>12</sup> C. Haigh, *Reformation and resistance in Tudor Lancashire* (Cambridge, 1975); J. J. Scarisbrick, *The Reformation and the English People* (Oxford, 1984); E. Duffy, *The stripping of the altars: traditional religion in England, 1400–1580* (New Haven, CT, 1992); P. O’Grady, *Henry VIII and the conforming Catholics* (Collegeville, MN, 1990); L. Wooding, *Rethinking Catholicism in Reformation England* (Oxford, 2000); E. H. Shagan ed., *Catholics and the ‘Protestant nation’: religious politics and identity in early modern England* (Manchester, 2005); P. Marshall, *Religious identities in Henry VIII’s England* (Aldershot, 2006), ch. 9.

<sup>13</sup> C. Butterworth and A. G. Chester, *George Joye, 1495?–1553: a chapter in the history of the English Bible and the English Reformation* (Philadelphia, PA, 1962); C. H. Garrett, *The Marian exiles: a study in the origins of Elizabethan puritanism* (Cambridge, 1938); A. Pettegree, *Marian Protestantism: six studies* (Aldershot, 1996); J. E. Dawson, ‘Revolutionary conclusions: the case of the Marian exiles’, *History of Political Thought*, 11 (1990), pp. 257–72.

<sup>14</sup> A. J. Loomie, *The Spanish Elizabethans: the English exiles at the court of Philip II* (London, 1963); J. A. Bossy, ‘Elizabethan Catholics and the link with France’ (Ph.D. thesis, Cambridge, 1961); A. Dillon, *The construction of martyrdom in the English Catholic community, 1535–1603* (Aldershot, 2002); P. Arblaster, *Antwerp and the world: Richard Verstegan and the international culture of Catholicism* (Leuven, 2004); V. Houlston, *Catholic resistance in Elizabethan England: Robert Persons’ Jesuit polemic* (Aldershot, 2007); C. Highley, *Catholics writing the nation in early modern Britain and Ireland* (Oxford, 2008).

<sup>15</sup> Mayer, *Reginald Pole*, ch. 2; idem, *Cardinal Pole in European context: a via media in the Reformation* (Burlington, VT, 2000); P. Simoncelli, *Il caso Reginald Pole: eresia e santità nelle polemiche religiose del cinquecento* (Rome, 1977); Fenlon, *Heresy*.

over conformity to Henry VIII's ecclesiological and doctrinal changes received more concerted attention. Claire Kellar discussed the Englishmen who sought refuge in Scotland and their importance for the deterioration of Anglo-Scots relations in the 1530s and early 1540s.<sup>16</sup> More recently, Peter Marshall's overview of the scale and significance of the Henrician Catholic exiles has made a strong case for further, more detailed study. Marshall has also demonstrated the benefits that an investigation of an individual exile can bring, by reconstructing the career of James ap Gruffyd ap Hywel, an active opponent of Henry VIII's church.<sup>17</sup>

Pate's continental exile has left few records, but his time in open opposition is not the prime focus of this article. Instead, Pate's activities leading to his decision to defect are analysed for evidence of how one Henrician conservative negotiated the claims of two competing sources of religious authority on his loyalty. Although Pate may have ultimately rejected the royal supremacy, he served Henry VIII abroad and at home for several years, seemingly loyally, before finally declaring that his true allegiance lay with Rome. For many Catholics, the compromises they made with the regime in order to protect key aspects of their religion effectively eroded the religion they were trying to protect.<sup>18</sup> Some conservative clerics reconciled themselves to the Henrician Reformation by adapting Tyndalian biblical obedience rhetoric in order to promote a conservative stance,<sup>19</sup> but as the works of Ethan Shagan, Marshall, and Paul O'Grady have highlighted, there was considerable variation over the degree and nature of such compromises and accommodations with the Henrician regime, and Catholics were divided amongst themselves.<sup>20</sup> Although many would later look back to Henry VIII's reign with recrimination over Catholics' complicity in the schism,<sup>21</sup> Shagan has argued that during the 1530s and 1540s, Henrician Catholicism was a 'force for conformity' with the regime.<sup>22</sup> Yet for Pate, ultimately, it was not. He was prepared to compromise with the regime throughout the 1530s; he only chose exile after the passing of the Act of Six Articles (1539), which reaffirmed several key conservative doctrines, during what some historians have regarded as a time of conservative triumph.<sup>23</sup> The factors that led to Pate's defection, and the course he charted through the Henrician reforms can thus reveal much of the complexity of religious and jurisdictional attitudes in the 1530s and the range of stances available to 'conforming Catholics'; it can also shed additional light on why some individuals chose exile over continued compromise.

<sup>16</sup> C. Kellar, *Scotland, England, and the Reformation, 1534–1561* (Oxford, 2004), pp. 23–8, 41–5, 71–6.

<sup>17</sup> Marshall, *Identities*, ch. 11; P. Marshall, 'The greatest man in Wales: James ap Gruffydd ap Hywel and the international opposition to Henry VIII', *Sixteenth Century Journal*, 39 (2008), pp. 681–704.

<sup>18</sup> Duffy, *Stripping of the altars*, pp. 586–93.

<sup>19</sup> R. Rex, 'The crisis of obedience: God's word and Henry's Reformation', *Historical Journal*, 39 (1996), pp. 863–94.

<sup>20</sup> E. H. Shagan, *Popular politics and the English Reformation* (Cambridge and New York, NY, 2003), pp. 125–8; Marshall, *Identities*, chs. 1–3; O'Grady, *Conforming Catholics*.

<sup>21</sup> E. H. Shagan, 'Confronting the compromise: the schism and its legacy in mid-Tudor England', in *idem*, ed., *Catholics*, pp. 49–68.

<sup>22</sup> Shagan, *Popular politics*, p. 60.

<sup>23</sup> C. Haigh, *English Reformations: religion, politics and society under the Tudors* (Oxford, 1993), ch. 9.

Pate's career also has important implications for our understanding of Tudor diplomacy in the early English Reformation. Historians of Tudor diplomacy have tended to focus on the question of the secularization of the diplomatic corps in the second half of the sixteenth century, either seeing the move away from clerical ambassadors as indicative of a more professional ethic in Tudor diplomacy<sup>24</sup> or attributing it to the religious tensions caused by Protestant clerical ambassadors at Catholic courts.<sup>25</sup> Heinz Schilling's work suggests that the processes and aims of diplomacy became complicated as the process of confessionalization took place across Europe.<sup>26</sup> Although historians such as Glenn Richardson and Rory McEntegart have investigated how Henry's Reformation affected his foreign policy, little attention has been paid to how the break with Rome itself complicated English diplomatic practice.<sup>27</sup> Yet there were profound consequences for English diplomacy: the locus of diplomatic activity moved from Rome, the very ceremony and rhetoric of diplomatic practice had to be rethought in the wake of the rejection of papal jurisdiction, and the nature of England's distinct church had repercussions for diplomatic personnel. Henry VIII treated several of his ambassadors with suspicion in the 1530s and early 1540s, going so far as to send embassies of multiple accreditation, so that the two ambassadors could report on each other's activities.<sup>28</sup> Pate thus begs the question of how someone so sympathetic to Rome was deemed a suitable choice to represent Henry abroad. That he was able to organize his flight and to establish sufficient contacts to defect successfully is suggestive of the degree of control that the government exerted over its diplomats and their range of correspondents, and it can reveal much about the security of the Tudor regime. Equally important were the consequences of Pate's defection for the English diplomatic corps as diplomats were still feeling the effects of Pate's actions into Edward VI's reign.

Pate's defection came at a crucial moment for Henry VIII. In December 1540, Henry found himself diplomatically isolated. He had already survived a major diplomatic scare in 1539, when it momentarily seemed as though Charles V and the French king, Francis I, would heed the call of the pope and Reginald Pole and

<sup>24</sup> G. R. Bell, 'Elizabethan diplomacy: the subtle revolution', in M. R. Thorp and A. J. Slavin, eds., *Politics, religion and diplomacy in early modern Europe: essays in honor of DeLamar Jensen* (Kirksville, MO, 1994), pp. 267–89; G. R. Bell, 'Tudor–Stuart diplomatic history and the Henrician experience', in C. Carlton et al., eds., *State sovereigns and society in early modern England: essays in honour of A. J. Slavin* (Stroud, 1998), pp. 24–45.

<sup>25</sup> See for example L. MacMahon, 'The ambassadors of Henry VIII: the personnel of English diplomacy' (Ph.D. thesis, University of Kent, 2000), pp. 74–9, 113–15; G. Mattingly, *Renaissance diplomacy* (London, 1955), ch. 21.

<sup>26</sup> H. Schilling, *Konfessionalisierung und Staatsinteressen. Internationale Beziehungen 1559–1660* (Paderborn, 2007).

<sup>27</sup> G. Richardson, 'The French connection: Francis I and England's break with Rome', in idem, ed., *The contending kingdoms: France and England, 1430–1700* (Aldershot, 2008), pp. 95–115; R. McEntegart, *Henry VIII, the league of Schmalkalden, and the English Reformation* (Chippenham, 2002).

<sup>28</sup> See for example S. Brigden, "'The shadow that you know': Sir Thomas Wyatt and Sir Francis Bryan at court and in embassy', *Historical Journal*, 39 (1996), pp. 1–31; G. Redworth, *In defence of the church Catholic: the life of Stephen Gardiner* (Oxford, 1990), ch. 4.

join forces to invade England. Fortunately for Henry, the peace between the two powers that created this threat was fleeting.<sup>29</sup> Yet more tribulations were to come. Henry had expended much diplomatic effort in reaching an alliance with the Schmalkaldic League. This alliance hinged around an agreement that England and the Schmalkaldic princes would work together to ensure that the pope did not hold a general council of the church and that they would be mutually supportive if the pope did succeed. Yet several factors had subsequently eroded the Anglo-Schmalkaldic amity: the Act of Six Articles was met with consternation by the League, who were also distressed to hear of evangelicals being sent to the stake in London. Then, in July 1540, Henry's annulment of his marriage to Anne of Cleves had humiliated her relatives, leaving the diplomatic relationship in tatters by the end of the summer. By December, Charles V's efforts to bring the Lutherans back within the church threatened the permanent removal of any future Anglo-Schmalkaldic alliance.<sup>30</sup> No wonder, then, that Glyn Redworth categorized Stephen Gardiner's embassy to replace Pate as a 'time of supreme diplomatic crisis'.<sup>31</sup> If the Lutheran princes agreed to a reconciliation with the papacy at what was to become the Diet of Regensburg, and if they consented to a general council of the church to settle disagreements over church discipline and doctrine, Henry would be left as the sole schismatic in Europe.

## I

On paper, Pate had the requisite credentials for diplomatic service. Ambassadors were expected to be highly educated and possess a skill set including languages, eloquence, and, ideally, some legal training.<sup>32</sup> Pate was fluent in Latin, and had some Italian and French, three languages that were extensively used in diplomatic negotiations at the imperial court. At one point he owned a book in Spanish, suggesting competency in this third vernacular.<sup>33</sup> Pate also had a BA from Oxford, had taken an MA at Paris in 1532, and had proceeded to B.Th. (in absentia) at Oxford in 1536.<sup>34</sup> In the 1520s, Pate had studied with Juan Luis Vives, one of Europe's leading humanists, who commended Pate's intellectual abilities to his uncle.<sup>35</sup> Such studies helped to qualify Pate for diplomatic service. In the 1530s, when English ambassadors had to defend the annulment of Henry VIII's marriage to Catherine of Aragon, the break with Rome, and doctrinal statements such as the *Bishops' Book* (1537), theological training was a diplomatic asset. Nowhere

<sup>29</sup> J. J. Scarisbrick, *Henry VIII* (Harmondsworth, 1971), ch. 11.

<sup>30</sup> McEntegart, *League of Schmalkalden*, ch. 6. <sup>31</sup> Redworth, *Church Catholic*, p. 131.

<sup>32</sup> On the expectations of diplomatic competencies see J. S. Reeves and J. E. Dunlap, 'Etienne Dolet on the functions of the ambassador', *American Journal of International Law*, 27 (1933), pp. 80–95. For the languages used in diplomacy at Charles V's court, see J. G. Russell, *Diplomats at work: three Renaissance studies* (Stroud, 1992), pp. 8–9, 12, 28–9, 35–7. <sup>33</sup> *LP*, XIII (2), 847.

<sup>34</sup> Carleton, 'Pates'.

<sup>35</sup> J. L. Vives, *Joannis Ludovici Vitis Valentini Opera omnia: distributa et ordinata in argumentorum classes praecipuas a Gregorio Majansio* (8 vols., London, 1964), VII, pp. 141–2; *LP*, IV (1), 481.

was this more important or more contentious than at the court of Catherine's nephew, Charles V. Significantly, Pate had been studying in Paris when Henry VIII had asked the University of Paris to determine the matter of his first marriage. Indeed, there is evidence that Pate was linked to Reginald Pole's Paris legation, the purpose of which was to secure a favourable verdict for Henry.<sup>36</sup> Such first-hand experience of the debates surrounding the king's 'Great Matter' no doubt helped to commend Pate for a diplomatic role in 1533.

Pate also had a rank of some authority within the church, giving him the requisite status to serve his king abroad according to contemporary diplomatic expectations.<sup>37</sup> He became an archdeacon in his uncle's diocese of Lincoln in 1528, while his designation as one of the king's chaplains conferred prestige and created a level of intimacy with the king that itself constituted a diplomatic qualification.<sup>38</sup> Although one might expect such a high-status embassy to be undertaken by a higher-ranking cleric, Pate's two immediate predecessors, Thomas Cranmer and Nicholas Hawkins, were also archdeacons at the time of their appointments as resident ambassador to the emperor.<sup>39</sup>

By the time of his mission to Charles V in 1540, Pate was an experienced diplomat with a considerable knowledge of the emperor and his court, having served in the same post between November 1533 and June 1537.<sup>40</sup> It may well be that the reputation Pate had gained as a result of his earlier embassy made him seem a suitable choice in early April 1540. For reasons discussed in more detail later, Pate had earned a reputation as a loyal advocate of Princess Mary and had proved himself sympathetic to the imperialist cause. So much so, that in early 1536, Henry had complained that Pate was too good an imperialist to handle his business satisfactorily; later that year, the king pronounced that the imperial ambassador in England, Eustace Chapuys, should relay his reply on the matter of his first marriage to Charles V, as Pate was 'trop inepte' for the task.<sup>41</sup> In the religio-political atmosphere of 1540, sending a conservative ambassador who would give the impression of close friendship between Henry and Charles was a politic move. Thomas Wyatt, the incumbent resident, may have been an accomplished and experienced diplomat, but he was also one that Charles treated with caution. He had been charged with discussing the revocation of the Donation of Constantine with Charles in 1537–8, and more recently had been instructed to call the emperor an ingrate for preventing the planned extradition of

<sup>36</sup> TNA, SP 1/55, fo. 152v (*LP*, IV (3), 6004). On Pole's legation see T. F. Mayer, 'A fate worse than death: Reginald Pole and the Parisian theologians', *English Historical Review*, 103 (1988), pp. 870–91.

<sup>37</sup> Reeves and Dunlap, 'Etienne Dolet', p. 83.

<sup>38</sup> A. B. Emden, *A biographical register of the University of Oxford, A.D. 1501–1540* (Oxford, 1974), p. 435; *LP*, XII (1), p. 637.

<sup>39</sup> For brief details see Bell, *Handlist*, p. 47.

<sup>40</sup> Pate's letters of credence were probably composed on 7 Apr.; he was issued with a passport on 9 Apr. (*LP*, XV, 469, 481).

<sup>41</sup> *Calendar of letters, despatches and state papers, relating to the negotiations between England and Spain, preserved in the archives at Simancas and elsewhere*, ed. P. de Gayangos et al. (19 vols., London, 1862–1954) (*CSPS*), v.2 (1536–8), 43a; *LP*, X, 201.



an English exile, Richard Branceter, from France.<sup>42</sup> In 1551, Charles remembered the importunacy of Wyatt's behaviour and, by 1568, diplomatic memory held that Charles had wanted to defenestrate Wyatt, so angry had he been with the ambassador during one audience.<sup>43</sup> Pate was therefore a conciliatory choice.

Throughout his embassies, Pate keenly felt the pull of two competing authorities: the king he was serving and the pope. Marshall has asserted that 'Henry's break with Rome and the creation of his royal supremacy left absolutely no room for a privatized sphere of apolitical piety' in England.<sup>44</sup> This was even more true for those who were the public face of Henry VIII's kingship abroad. Due to the theoretical notion that ambassadors were the representatives of the king, their actions and words could be read for evidence of the king's own opinions. Pate therefore had to represent the king's viewpoint and toe the government line, or be guilty of a serious breach of duty. Like Henry's other ambassadors at Catholic courts, Pate was expected to defend the king's religious orthodoxy as much as he was expected to defend the king's authority over his church, or his marital policies.

The king often chose ambassadors to suit the courts and princes to which they were being sent. Several of Henry's boon companions were posted to Francis I's court in the 1520s, while evangelically inclined ambassadors were chosen to undertake missions to the Lutheran princes in the 1530s.<sup>45</sup> Henry's choice of a conservative cleric as ambassador in 1533, and again in 1540, was no doubt intended to show Charles V that his actions were not in any sense heretical. Pate would have given an impression of religious orthodoxy and Henry appears not to have had any reason to doubt his initial conformity. Pate had acquiesced to the submission of the clergy and his record in convocation was one of conservatism and conformity, not opposition. In the 1533 convocation, Pate's proxy was not one of the few who voted against the annulment of the king's first marriage.<sup>46</sup> Between 1534 and 1538, Pate's deputy, John Pryn, conducted annual visitations of his archdeaconry not, it seems, due to any reforming zeal on Pate's part; rather these visitations were motivated by material concerns.<sup>47</sup> In convocation in 1539,

<sup>42</sup> *LP*, XII (2), 1031, XIII (1), 100; J. Powell, 'Thomas Wyatt and the emperor's bad Latin', *Notes and Queries*, 49 (2002), pp. 207–9. Wyatt was given books that questioned the validity of the Donation, though the emperor refused to see them. Henry's government seems to have believed that appealing to Charles V to exercise imperial jurisdiction over the church was an astute political ploy. They were perhaps inspired by false rumours circulating in 1535 that an imperial Diet held at Speyer had declared the Donation of Constantine invalid (*LP*, IX, 964).

<sup>43</sup> *CSPS*, X (1550–2), pp. 311–12; *Calendar of letters and state papers preserved principally in the archives of Simancas*, ed. M. A. S. Hume (4 vols., 1892–9), II (1568–79), p. 28.

<sup>44</sup> Marshall, *Identities*, pp. 4–5.

<sup>45</sup> D. R. Starkey, 'Representation through intimacy: a study in the symbolism of monarchy and court office in early modern England', in J. Guy, ed., *The Tudor monarchy* (London, 1997), pp. 42–78; McEntegart, *League of Schmalkalden*, passim.

<sup>46</sup> *Records of Convocation, Canterbury*, ed. G. Bray (20 vols., Woodbridge, 2005–6), VII, p. 144.

<sup>47</sup> M. Bowker, 'The supremacy and the episcopate: the struggle for control', *Historical Journal*, 18 (1975), pp. 227–43 at pp. 238–9.



Pate voted in favour of transubstantiation, private masses, auricular confession, and the validity of vows of chastity.<sup>48</sup> He also asserted his doctrinal orthodoxy while on embassy and decried the Lutheran doctrine of justification *sola fide*, writing that the Lutherans ‘trusted so mych to faith that charitie and thobservantie of the X commawndmantes could not be admitted as meanes to obteyne the kyngdome of heven’.<sup>49</sup>

Defending the king’s actions may have been easier in the early years of Pate’s first embassy, when Henry VIII’s changes concerned ecclesiology and the validity of specific doctrines had not yet been tackled and before Henry had entered into protracted negotiations with the League of Schmalkalden. Pate, like many contemporaries, seems to have believed that the schism would be temporary and that it was, at heart, about Henry’s marital policies. With the death of Catherine of Aragon in January 1536, Pate thought that the grounds for the dispute had been removed and a rapprochement should be possible.<sup>50</sup> By 1540, such hopes had been shattered and the formulation of autonomous doctrinal statements such as the *Bishops’ Book* and Act of Six Articles outlined the continuing independence of the English church. Moreover, Henry VIII expected his ambassadors to explain and defend these statements and disseminate English propaganda at foreign courts.<sup>51</sup>

In some respects, though, Pate’s long absence from England left him in a different position from many, as he did not have to experience at first hand the changes wrought by the supremacy in England until several years after its introduction. Indeed, Pate may even have slipped through the net of enforcement. Henry VIII required all adult males to swear an oath affirming the new order of succession and rejecting papal supremacy.<sup>52</sup> Whilst members of the English clergy were swearing the oath of succession and publicizing the supremacy, Pate was absent on the continent.<sup>53</sup> His name appears nowhere in the surviving lists of those who swore the oath of succession or the oath of supremacy, nor is there any record of a messenger being sent to the emperor’s court to exact the oath from him there.<sup>54</sup> In effect, Pate experienced the break with Rome at a distance, hearing about Henry’s changes largely through his letters of instruction and the occasional polemical tract or letter designed to help him explain events in England to a largely hostile emperor. As Pate was not appointed to any new

<sup>48</sup> TNA, SP 1/152, fos. 17r–20r (*LP*, XIV (1), 1065).

<sup>49</sup> TNA, SP 1/160, fo. 165r (*LP*, XV, 811). Later, at the Council of Trent, Pate came close to the Lutheran position on justification (Fenlon, *Heresy*, pp. 149–50).

<sup>50</sup> *LP*, x, 670.

<sup>51</sup> T. A. Sowerby, ‘“All our books do be sent into other countreys and translated”’: Henrician polemic in its international context’, *English Historical Review*, 121 (2006), pp. 1271–99.

<sup>52</sup> 25 Henry VIII c. 22. Versions of the oath can be found at TNA, LC5/31, p. 19, SP 1/83, fos. 83r, 95r, 1/96, fo. 59r (*LP*, VII, 427, 514, IX, 251); *LP*, VII, 1379.

<sup>53</sup> On the mechanics of enforcement see G. R. Elton, *Policy and police: the enforcement of the Reformation in the age of Thomas Cromwell* (Cambridge, 1972), pp. 223–30; S. Bridgen, *London and the Reformation* (Oxford, 1989), pp. 222–31; P. Ayris, ‘Thomas Cranmer and the metropolitan visitation of Canterbury province, 1533–1535’, in S. Taylor, ed., *From Cranmer to Davidson: a Church of England miscellany* (Woodbridge, 1999), pp. 15–24.

<sup>54</sup> TNA, E36/63, 64, E25/79/2.

church or governmental positions upon his return, it is unlikely that he would have been asked to swear the oath of supremacy. In contrast to his fellow clerics in the Lincoln diocese, it seems likely that Pate did not have to swear affirmative allegiance to the new ecclesiastical order.

Pate's ambassadorial role may have publicly compelled him to toe the government line, but it was not without opportunities. Attendance at church services was a key part of diplomatic practice, as discussions after the mass could prove key to maintaining friendly relations, whilst religious services were themselves used to cement alliances. Serving as ambassador thus also provided Pate with access to traditional, unchanged religious services which gave due reverence to the pope and a strong reason to attend. Moreover, ambassadors frequently employed chaplains within their diplomatic households; consequently Pate had a large degree of control over what form his household services took. Combined with the need for Henry VIII to appear orthodox, such control created circumstances in which Pate's religious conservatism could flourish.

In practice, Pate claimed to have defended the reputation of his king and country against charges of heresy on several occasions during his second mission. At Bruges in July 1540, Pate encountered scandalous rumours that foreigners were travelling with their own chaplains to England, as they believed that 'the blessed Sacrament of thaulter was utterly abolished' there, that Englishmen 'nother observed holydays, nor regarded Sainctes as we had none of there images stondeing within ower churches'; in short, that 'all pietie and religion, having no place, was banished owte of Inglonde'. Pate claimed that, on giving his word that this was not the case, and with people seeing that his servants were 'of an honeste lyfe and conformyng them selves to the lawes of god', he had convinced England's detractors that the rumours were false.<sup>55</sup> Two weeks later, however, he reported that the sale of English ecclesiastical vestments in Antwerp and The Hague had provoked similar stories that England had forsaken the mass. Here again, Pate claimed that his actions restored Henry's reputation: finding himself ill and without a chaplain in Breda, Pate sent for a priest to say mass, much to the surprise of the local clergy.<sup>56</sup> The belief that England was not only schismatic, but had also forsaken true Catholic services was becoming widespread in Habsburg territories.<sup>57</sup> Other English ambassadors also faced hostility; whilst at Louvain Pate's successor, Gardiner, was forced to defend his book in favour of the royal supremacy, *De vera obedientia*, and was refused the honour of officiating at mass.<sup>58</sup>

Despite his publicly conformist stance, Pate did not unquestioningly accept Henry's claims to authority over the English church. The royal supremacy created a fault line that many of Pate's friends found impossible to cross.<sup>59</sup> Although

<sup>55</sup> TNA, SP 1/161, fo. 87r (*LP*, xv, 876).

<sup>56</sup> *Ibid.*, fo. 210r (*LP*, xv, 932).

<sup>57</sup> Marshall, *Identities*, ch. 6.

<sup>58</sup> *LP*, xvi, 1193; John Foxe, *Acts and monuments* (1576 edn) (hriOnline, Sheffield), bk IV, pp. 802–3. Available from [www.hrionline.ac.uk/johnfoxe/main/4\\_1563\\_0802.jsp](http://www.hrionline.ac.uk/johnfoxe/main/4_1563_0802.jsp) (accessed 21 May 2010).

<sup>59</sup> Shagan, *Popular politics*, ch. 1–2.

Pate compromised with the supremacy for many years, there is evidence that he too found it difficult from the beginning. During his first mission to the emperor, Pate consistently referred to Paul III as ‘pope’, rather than ‘bishop of Rome’, in his private correspondence. This might have been excusable in August 1534,<sup>60</sup> but it was more pointed and considerably more dangerous by May 1536.<sup>61</sup> In June 1535, the government had ordered that the name of the pope be ‘utterly abolished, eradicated, and erased out’ from all books used in churches ‘and his name and memory to be nevermore (except to his contumely and reproach) remembered, but perpetually suppressed and obscured’.<sup>62</sup> While Pate was writing news of ‘his holiness the Pope’ from Italy, those who defended the pope’s authority at home were being punished for their words and actions.<sup>63</sup> Pate clearly recognized that using the term ‘pope’ was oppositional, since he was more circumspect in his official correspondence and studiously used the official terminology of the bishop of Rome.<sup>64</sup> During this first embassy, Pate was also placed in an unusual position that obliged him to confront the king’s schismatic actions. In 1536, the emperor and his court left Spain for Italy, where the emperor spent time in Rome. Pate accompanied the emperor throughout his journey and witnessed the Easter festivities in Rome. Pate also publicly attended mass while there, which could be interpreted as an implicit challenge to Henry’s authority over the church, due to the prominent place given to the pope in the prayers and the spiritual authority this implied.<sup>65</sup> Although ambassadors would be expected to participate in prayers for foreign territorial rulers, Henry’s dispute with the pope was not over territorial sovereignty but spiritual jurisdiction. Consequently, the prayer in the mass was especially significant, as Henry’s order that the pope’s name be erased from mass books suggests.

Pate’s unease with Henry’s policies became known to the king in late April or early May 1536. On 14 April, Pate wrote to report an audience with the emperor during which Charles had lamented his inability to obtain justice for Catherine of Aragon and had expressed his desire to see Henry reconcile with Rome and assert Mary’s legitimacy. Pate took the opportunity as Henry’s ‘assured faithful beadsman and servant’ to petition Henry for the restoration of ‘your natur[al] dear beautiful daughter’ Mary’s legitimacy, which would restore Henry’s ‘great honour and renown’ in the world and bring an ‘inestimable ... benefit to the christiane republicque’. The legitimacy of Henry’s first marriage, and of his elder daughter, rested upon the pope’s power to dispense matters of scripture. Pate’s request could therefore indicate that he questioned Henry’s authority over the English church. Moreover, Pate rehearsed at length, and with some polemic, Charles’s appeal to Henry to rejoin the Catholic fold. If Henry were to submit himself to a general council, and to set aside the matter of the invalidity of his

<sup>60</sup> TNA, SP 3/6, fo. 128r (*LP*, VII, 1088).

<sup>61</sup> *LP*, x, 861.

<sup>62</sup> P. L. Hughes and J. F. Larkin, eds., *Tudor royal proclamations* (3 vols., London, 1964–9), I, p. 231 (*LP*, VIII, 848).

<sup>63</sup> Elton, *Policy and police*, pp. 228–9, 264–6, 298–9.

<sup>64</sup> See for example *LP*, XI, 779.

<sup>65</sup> *LP*, x, 670.

marriage to Catherine, Charles promised to do all he could to see Henry accepted back into the universal church. At the very moment when the emperor was expected to press the pope to publish the bull excommunicating Henry, Pate claimed that Charles had been responsible for suppressing it thus far. Pate hedged his comments with reassurances that they sprung from the regard and love he bore the king, writing: 'if my love exceedid not toward you the fear I have so to write of any person's displeasure living, I would commit such syncere affectes to silence'. He assured Henry that his comments were made with an eye to what posterity might make of the king as much as to practical considerations. Pate ended his letter by informing Henry that 'at this present I can no more write than that all in the court of Rome desireth to have your love again, as knoweth our Lord God'.<sup>66</sup>

Henry rejected the option of reconciling with the papacy and legitimizing Mary.<sup>67</sup> Whatever concerns Pate's comments may have raised, it was nearly a year before Wyatt was sent to replace him at the emperor's court.<sup>68</sup> Pate's next dispatches to the king were, however, considerably more circumspect, reporting news from Italy and Germany while avoiding any expression of his personal opinion. In May, news reached Pate that may have caused consternation and confusion. Rumours were circulating of English articles against purgatory, pilgrimages, and the saints, all important aspects of traditional worship, together with simultaneous rumours that Princess Mary had been declared legitimate. Concurrently, Pate was confronted with the king's former ecclesiological orthodoxy, as Henry's *Assertio septem sacramentorum* (1521), which defended the seven sacraments and papal primacy, was circulating widely.<sup>69</sup> Later in the year, Pate seems to have allowed loose talk over the succession in his ambassadorial household. In 1538, Robert Branceter recounted a dinner conversation that had taken place in Pate's lodgings in Genoa shortly after the Pilgrimage of Grace began, during which Thomas Dingley, a knight of the hospital of St John of Jerusalem, had speculated that, if the Pilgrimage were successful, Princess Mary might marry the marquess of Exeter. Understandably, Pate was later keen to portray this conversation as covert.<sup>70</sup> During his second mission, Pate reportedly discussed the nature of ecclesiastical supremacy openly,<sup>71</sup> though in letters to England he professed his loyalty to the king in superfluous terms and denounced the 'mundane pompe and vaine glorie' of Rome.<sup>72</sup>

Pate's attempts to hide his papal sympathies in 1540 were unsuccessful. Shortly after his defection, the French ambassador in England, Anne de Montmorency, claimed that 'it is said that secretly he was always a good Christian, maintaining

<sup>66</sup> British Library (BL) Cotton MS Vitellius BxIV, fos. 181r–93r (*LP*, x, 670).

<sup>67</sup> *LP*, x, 726.

<sup>68</sup> Pate left the imperial court in late June 1537 (*LP*, xii (2), 245). He was officially replaced due to his 'debility and weakness' (*LP*, xi, 637).

<sup>69</sup> *LP*, xi, 15.

<sup>70</sup> *LP*, xiii (1), 1104. Dingley was attainted and executed for treason in 1539.

<sup>71</sup> *Nuntiatuiberichte aus Deutschland nebst ergänzenden Actenstücken* (5 vols., Gotha, 1892–1970), v, p. 340.

<sup>72</sup> TNA, SP 1/160, fo. 22r (*LP*, xv, 665).

our religion, and that in finding himself out of England and at liberty, he is gone to live out of the king's power', while Francesco Contarini, the Venetian ambassador with the emperor, considered Pate a good and worthy man who had remained a true Catholic throughout.<sup>73</sup>

## II

Pate's defection is usually ascribed to fears that he might face treason charges upon his return to England.<sup>74</sup> In September 1540, the government discovered that Pate and his chaplain, Seth Holland, had been contacted by an attainted traitor, John Helyar, raising suspicions that they too were plotting against the king.<sup>75</sup> Helyar was an old friend from Pate's undergraduate days at Corpus Christi College, Oxford; he had subsequently enjoyed the patronage of the Pole family, holding church positions in East Meon and Warblington. Unlike Pate, Helyar had left England in 1535, rather than swear the oath of supremacy. While in exile in Paris and Louvain, Helyar penned translations and tracts that were critical of the royal supremacy, advocated answering Henrician polemics with propaganda, and procured one of the earliest copies of Ignatius Loyola's *Spiritual exercises*.<sup>76</sup> His continued association with the Poles led to his implication in the Exeter conspiracy of 1538 for couriering treasonable correspondence to Reginald Pole and conspiring with Hugh Holland, George Croftes, and Geoffrey Pole, who were accused of plotting the king's death, sympathizing with Reginald Pole's opposition to Henry VIII, and wanting England to return to the Roman church. Helyar was attainted for treason in 1539.<sup>77</sup> Although the full extent of his oppositional activities may not have been known in England, the government was aware that he supported papal primacy and he was more widely believed to be an open ally of Reginald Pole, even before Pole appointed him head of the English College in Rome.<sup>78</sup> Any contact between Helyar and an English politician was bound to cause alarm and Pate also had links to several of the Exeter conspirators and had allowed loose talk about a marriage between the marquis of Exeter and Mary in his earlier diplomatic household.

Helyar's letters suggested that he and Pate were engaged in treasonable correspondence. Consequently, on 7 October, Seth Holland, who was in England delivering letters, was questioned by the privy council about his and Pate's connections to Helyar. Despite the incriminating nature of Helyar's letters, Pate

<sup>73</sup> J. B. L. Kaulek, *Correspondance politique de mm. de Castillon et de Marillac, ambassadeurs de France en Angleterre (1537–1542)* (Paris, 1885), 256; *LP*, xvi, 446; *CSPV*, v, 236.

<sup>74</sup> Carleton, 'Pates'; Marshall, *Identities*, pp. 271–2; Fenlon, *Heresy*, p. 154.

<sup>75</sup> *LP*, xvi, 119.

<sup>76</sup> T. F. Mayer, 'Helyar, John (1502/3–1541?)', *ODNB*; H. de Vocht, *Monumenta humanistica Louvaniensia: texts and studies about Louvain humanists in the first half of the XVIth century: Erasmus, Vives, Dorpius, Clenardus, Goes, Moringus* (Oxford, 1934), pp. 587–93.

<sup>77</sup> *LP*, xiii (2), 797.4, 979.7, 986.11; 31 Henry VIII c. 15. On the Exeter conspiracy see H. Pierce, *Margaret Pole, countess of Salisbury, 1473–1541* (Cardiff, 2003), chs. 5 and 6.

<sup>78</sup> *LP*, xiii (2), 592, xv, 721.

protested his innocence in the strongest terms, arguing that the letters merely showed Helyar soliciting his help, which he had no intention of giving. Henry, it seems, believed him.<sup>79</sup> Ultimately, Holland was discharged by the council and, by 11 October, he and Pate were both informed that they had been cleared of all suspicion.<sup>80</sup> Shortly afterwards, Gardiner and Knyvet received their special commission.<sup>81</sup> Pate, meanwhile, professed his attachment to Henry, claiming that:

no worldly thing nor creature shall separate me from him but only death whiche I had a thowsande tymes rather suffer then lyving with them have the worme of concience ever more withowte ease eating and gnawing me by the stomake that I shulde forsake and disceave my soveraigne Lorde putting his confidence in me faithfully to serve him.<sup>82</sup>

The Helyar incident may form part of the explanation for Pate's defection, but it is unlikely that it is the whole story. With reason, Pate may have been worried that much more had been uncovered than the privy council was admitting. Despite his protestations to the contrary, it seems likely that Pate was involved in illicit correspondence with Helyar and he was certainly in contact with Reginald Pole. The content of this correspondence is unknown, but John Beckinsau, an English scholar who had studied with Juan Luis Vives alongside Pate and was a mutual friend from Pole's time in Paris, conveyed letters between the two men. According to Beckinsau's later pardon, it was these letters that persuaded Pate to defect.<sup>83</sup> Pate had been in touch with Pole throughout his first embassy, noting in a letter to their mutual friend, Thomas Starkey, that he had received a comforting letter from Pole in May 1535.<sup>84</sup> But this was before Henry VIII received Pole's treatise *De unitate*, which denounced the supremacy, and before Pole undertook papal legations to urge the princes of Christendom to deprive Henry of his throne. Corresponding with Pole in 1540 was an altogether different matter.

Pate had further reasons to be worried. His correspondence with Arthur Plantagenet, Viscount Lisle, contained evidence that his commitment to the royal supremacy in 1535–6 had been less than wholehearted. Lisle's arrest on 19 May 1540 on suspicion of treasonable correspondence with Pole was accompanied by the seizure of his papers and goods, which may have led to the discovery of Pate's earlier indiscretion.<sup>85</sup> Pate was engaged in further illicit correspondence; at the very least, he appears to have been in contact with Marcello Cervini, the papal nuncio, during his second mission.<sup>86</sup> The information Pate was receiving from Cervini and Pole may have been sufficiently persuasive to cause his defection. Certainly his objections to the supremacy had been apparent in 1536 when he had been provided with an opportunity to leave Henry's service, but had chosen not to.<sup>87</sup> Yet it seems more likely that papal overtures, combined with a growing

<sup>79</sup> TNA, SP 1/163, fos. 56r, 219r (*LP*, XVI, 119, 258).

<sup>80</sup> *LP*, XVI, 129, 140.

<sup>81</sup> Redworth, *Church Catholic*, pp. 135–6.

<sup>82</sup> TNA, SP 1/163, fo. 219r (*LP*, XVI, 258).

<sup>83</sup> TNA, C66/761, m. 1 (*LP*, XIX (1), 610.62).

<sup>84</sup> *LP*, VIII, 785.

<sup>85</sup> D. Grummitt, 'Plantagenet, Arthur, viscount Lisle (*b.* before 1472, *d.* 1542)', *ODNB*.

<sup>86</sup> *Nuntiaturreichte*, v, pp. 355, 361; *LP*, XVI, 17.

<sup>87</sup> *LP*, XI, 1131.

unease with domestic developments, provoked Pate's decision to switch allegiance.

There are several important factors which, together, probably led Pate to decide to forsake his king in December 1540. The first was Thomas Cromwell's fall. Like many of his countrymen, Pate seems to have believed the break with Rome and subsequent religious changes to be temporary. His expectations that the fall of Anne Boleyn would lead to reconciliation in 1536 had proved unfounded and Pate seemingly blamed Cromwell for the religious changes introduced in England. He considered Cromwell 'a plaine gentile, a traytor, and an here-siarcke' and a 'wretch' who did Henry such service that he 'nother regarded his master's honour nor his own honesty'.<sup>88</sup> Pate believed Cromwell had deceived 'your subiectes alate by his fals doctrine and like disciples so disturbed' and had introduced 'a new tradition ... condepning ... gud workes prescribed by scripture grownded apon thonly fundament Jesus Christ'.<sup>89</sup> Pate may have supposed that Cromwell's fall would augur a return to orthodoxy. Equally, he might reasonably have expected the annulment of Henry's marriage to Anne of Cleves and his marriage to Catherine Howard to herald a more conservative stance. If so, he was to be disappointed as was dramatically underscored by the execution of Thomas Abel, Richard Featherstone, and Edward Powell for denying the supremacy at the end of July. If Pate had not yet sworn either oath, then he was faced with the almost certain prospect of being asked to take the oath upon his return. The Act of Six Articles is often portrayed as a watershed in the English Reformation that heralded a conservative ascendancy or at least a 'resurgence of traditionalism'.<sup>90</sup> Alec Ryrie has shown that while many evangelicals were disappointed with the Act, they did not see it as definitive and still hoped for future change.<sup>91</sup> Pate's defection indicates that conservatives also did not consider the Act an unqualified conservative triumph.

One thing is clear: Gardiner was not Henry's most 'Roman' ambassador, as Redworth claimed. Pate surely surpassed him in that area. Henry may have wanted the option of 'opting in' should the Lutherans and Catholics at Worms or Regensburg have reached an accord, but had he really wanted the possibility of rapprochement, or had his intentions been to foster 'the impression of being willing to reconsider his relationship with Rome',<sup>92</sup> then he did not need to replace Pate. In choosing Gardiner, Henry was actually sending a signal of caution; hence it seems more likely that Gardiner was sent because Henry did not fully trust Pate and did not consider him fit to handle the delicate diplomacy required during the preparations for the Diet of Regensburg. Certainly, if Henry was considering reconciliation, Pate was kept ignorant of his intentions. His defection

<sup>88</sup> TNA, SP 1/161, fo. 87r (*LP*, xv, 876).

<sup>89</sup> TNA, SP 1/160, fo. 165r (*LP*, xiv, 811).

<sup>90</sup> Haigh, *English Reformations*, ch. 9; McEntegart, *League of Schmalkalden*, pp. 167–77; Duffy, *Stripping of the altars*, ch. 12.

<sup>91</sup> A. Ryrie, *The gospel and Henry VIII: evangelicals in the early English Reformation* (Cambridge, 2003).

<sup>92</sup> Redworth, *Church Catholic*, ch. 6.



and the diplomatic crisis it provoked undoubtedly affected Henry's subsequent diplomatic manoeuvring, as the king sought to uncover the extent of Pate's betrayal.

### III

Pate's defection initially caused a panic in England, as the government worried that Pate would take sensitive information, such as ciphers or secret instructions, with him and betray Henry's secrets at this critical diplomatic moment. Consequently, an order was given for Pate's goods to be sent to the council for examination.<sup>93</sup> Those responsible for transporting Pate's goods were so worried that they might be accused of wrongdoing that they carefully sealed up Pate's belongings without taking an inventory and refused to open the parcel en route to England. A sealed chest containing everything Pate had left behind finally arrived at court on 5 February. It was soon discovered that Pate had taken over £600 in cash and five items of gilt plate, but had left some plate, including personal possessions.<sup>94</sup> Pate had also accessed the coffer in which all of the ambassadorial papers were kept, and so had had the opportunity to remove sensitive information and any letters that might indicate where he was going.<sup>95</sup> Another key area of investigation was the extent of Pate's treasonable plot, and here the council was more successful at obtaining information quickly. By 15 January, Pate's ambassadorial household had been examined and cleared of any wrongdoing.<sup>96</sup> So troubling was Pate's defection, that Henry's government tried to suppress the news and was even reported to have ordered that the post be searched to discover what was being said about Pate and if anyone sympathized with his actions.<sup>97</sup> Pate, however, had been careful to cover his tracks.

Pate's decisions were no doubt informed by his experiences on embassy. To some extent, Pate had an advantage over other English exiles: he knew how the government worked to extradite malefactors. In 1536 and 1540, he had been involved in attempts to repatriate several Englishmen accused of treason, including Henry Philips, Geoffrey Botolph, and Robert Branceter. Consequently, he knew on what terms, and from whom, Henry VIII could request his extradition.<sup>98</sup> The king's previous attempts to persuade Charles V to extradite other suspected traitors had been less than successful. Appeals to earlier treaties such as the *malus intercursus* (1506) had not yielded suspected heretics in 1528, nor had invoking the Treaty of Cambrai (1529) produced William Tyndale in 1531; Charles had refused to hand over Reginald Pole in 1537 and 1539, and in June 1540 the emperor had claimed that his amity with Henry VIII only stretched to an agreement not to

<sup>93</sup> *LP*, xvi, 442.

<sup>94</sup> *Ibid.*, 1489. In 1547 the king owned a pair of gilt pots decorated with Pate's arms. D. R. Starkey, ed., *The inventory of Henry VIII: Society of Antiquaries MS 129 and British Library MS Harley 1419/transcribed by Philip Ward* (2 vols., London, 1998), I, p. 35.

<sup>95</sup> *LP*, xvi, 448.

<sup>96</sup> *Ibid.*, 442, 448, 455.

<sup>97</sup> *Ibid.*, 436; *CSPS*, vi.1 (1538–42), 149.

<sup>98</sup> See for example *LP*, x, 535, xv, 583.

harbour one another's traitors.<sup>99</sup> While Pate knew that Charles had no obligation to hand over Henry's rebels, he was also aware that Henry had Dutch rebels in England to trade. The best Pate could reasonably expect was banishment from the emperor's territories. Individual cities within the empire, however, were known to be sympathetic to Henry and may have acceded more enthusiastically to his requests than the emperor.<sup>100</sup> Pate's case was more complicated than that of Philips or Botolph: he had left the realm with the king's permission, but had ignored a command to return. He had not yet (as far as the government knew) actually committed any crime against Henry, and so it could have taken up to five months for him to be officially outlawed.<sup>101</sup> If the government could find evidence of treason, Pate could be indicted and a request for his arrest made earlier, which undoubtedly confirmed that it would not be safe to travel in the empire for long. While this issue may not have been pressing in December 1540 and January 1541, Pate would have been under no illusion that if parliament attainted him, as it duly did in 1542, then it would be more difficult to find sanctuary.

In fact, Pate went to the safest area in Europe for an English Catholic in exile: Italy. On 8 July 1541, the consistory of Rome appointed Pate to the bishopric of Worcester, which they viewed as vacant on the death of Cardinal Geronimo di Ghinucci, the pre-supremacy incumbent. Although Ghinucci had been deprived by Henry VIII, the pope had unsurprisingly refused to recognize the deprivation as valid.<sup>102</sup> Investing Pate with the bishopric was highly symbolic for several reasons. Worcester was a deliberately provocative choice, as it was associated with Italian non-residents who kept an eye on English interests in Rome. The previous three incumbents – Giovanni Gigli, Silvestro Gigli, and Geronimo di Ghinucci – had all served as English diplomats at the Roman curia. After Campeggio's death in July 1539, Paul III had wanted to invest Reginald Pole with the bishopric of Salisbury, but Pole had refused, as he was worried about the embarrassment that his inability to exercise the office would bring; Gasparo Contarini was granted the administration of the diocese instead.<sup>103</sup> By accepting the bishopric of Worcester, Pate explicitly rejected Henry's royal supremacy and swore allegiance to the king's enemy. An Englishman accepting an English bishopric from the pope was an altogether more substantial challenge to Henry's jurisdiction over the English church than Contarini's investiture. Moreover, by September at the latest, Pate had joined Reginald Pole in Viterbo and had thus joined the main English focus of opposition to Henry on the continent. Pole was keen for Pate to make his new allegiance widely known, asking Contarini, who was the papal legate to Charles V, to kiss the emperor's hand on Pate's behalf in September.<sup>104</sup> Pate later claimed to represent England at the Council of Trent<sup>105</sup>

<sup>99</sup> *LP*, IV (2), 4511, v, 354, xv, 793, 803. For a discussion of Henry's attempts at extradition, see J. G. Bellamy, *The Tudor law of treason: an introduction* (London, 1979), pp. 88–91.

<sup>100</sup> *LP*, XIV (1), 818.

<sup>101</sup> Bellamy, *Treason*, p. 88.

<sup>102</sup> *LP*, XVI, 981.

<sup>103</sup> *LP*, XIV (1), 1308.

<sup>104</sup> T. F. Mayer, ed. *Correspondence of Reginald Pole* (4 vols., Aldershot, 2002–8), I (*A calendar 1518–1547*), 337.

<sup>105</sup> Fenlon, *Heresy*, pp. 148–56.

and as late as the 1550s, the English ambassador in Venice was expected to report on Pate's activities.<sup>106</sup>

#### IV

On 16 January 1542, Thomas Audley opened parliament with a speech that, in part, concerned the betrayal of those close to the king. Audley's most obvious target was Catherine Howard, whose attainder was among the first pieces of legislation presented to the house. Catherine's was not, however, the only betrayal discussed by parliament. On 5 February 1542, a bill was introduced into the House of Lords concerning Pate's defection.<sup>107</sup> Soon afterwards, Pate and Holland were attainted by parliament for high treason, losing all their ecclesiastical benefices and other property. The act of attainder against Pate emphasized that his position of ambassador at the time of his defection made his betrayal all the more heinous, dating his treason to 20 December, before his final audience with Charles V. It alleged that 'knowing the Biyshopp of Rome to be a malycyous detestable and open enemye to our seid sovereign lord the kyng and to this his realme of England and also knowyng one Regynalde Pole clerke confederate with the seid bishop of Rome to be an arrant traitor', Pate had 'falsely malycyously and trayterously departed ... from the seid emperor unto the seid Bisshop of Rome and Regynalde Pole' where he and Holland 'falsely, malycyously and trayterously dyd adhere them selves unto the seid bishop of rome and regynalde pole and became servants and subiectes unto the sied bishop of rome contrary to their duties of allegiance'.<sup>108</sup>

The attainder's stress that Pate's betrayal was more heinous because of his diplomatic status chimes with the opinion of diplomatic commentators. From Bernard du Rosier in the fifteenth century through Alberico Gentili in the late sixteenth, diplomatic theorists consistently identified fidelity as the key quality of an ambassador. According to Gentili: 'in regard to fidelity, we have reached the conclusion that nothing more splendid, nothing fairer and more beautiful can be found. The ambassador ought to have a superabundance of this virtue, for the prince has intrusted himself wholly to his fidelity.' As the trust placed in an ambassador was so great, any betrayal of his prince deserved the highest possible punishment. Gentili assured his readers that divine retribution would be forthcoming, but also thought that secular rulers could take matters into their own hands and impose capital punishment.<sup>109</sup> Fortunately for Pate, Henry never had the opportunity. Indeed, his case helped to highlight inadequacies in the existing treason legislation. In 1543, a new treason law was passed which asserted that acts of treason, misprision of treason, and concealment of treason committed outside

<sup>106</sup> BL Harley MS 5008, fos. 24r-5v, 47-9r, 58r-v.

<sup>107</sup> S. E. Lehmborg, *The later parliaments of Henry VIII* (Cambridge, 1977), pp. 141-2, 147.

<sup>108</sup> 33 Henry VIII c. 40: House of Lords Record Office, HL/PO/PB/1/1541/33H8n38.

<sup>109</sup> Gentili, *De legationibus*, bk III, ch. xi.

England could be tried at King's Bench or by a royal commission as if they had been committed in England. The act was necessary, the preamble asserted, since there had been some doubt over whether treasons committed overseas could be tried by the 'commen Lawes of this Realme'.<sup>110</sup>

The importance of Pate's defection extended far beyond an embarrassing incident for Henry and specific consequences for Pate. At home, Pate's close associates and former colleagues were suspected of complicity. Shortly after Pate's embassy staff had been examined, the papers of his uncle, John Longland, were searched for any hints of conspiracy, but he, too, was soon cleared.<sup>111</sup> Pate's actions were also to reverberate through the English diplomatic corps for some time. In the immediate aftermath, Wyatt, who had preceded Pate as ambassador to the emperor, was arrested as old accusations of treason were revived. Wyatt was accused of imagining the king's death – charges that he strenuously denied – and treasonable correspondence with Reginald Pole. Wyatt did not deny corresponding with Pole, but claimed that any contact had been for the purposes of intelligence, not treason.<sup>112</sup> His brilliant *Defence* and the intercession of the queen secured his release. John Mason, Wyatt's former secretary, also received a pardon after a brief spell in the Tower.<sup>113</sup> Henry expected his ambassadors to keep a close eye on Pole, but these activities could be misconstrued.<sup>114</sup> Meanwhile, Pate's defection also raised questions about the loyalty of John Wallop, who had been Pate's equivalent at the French court. Wallop, too, had once been known as a good friend of Pole,<sup>115</sup> and was still known as a conservative; he had briefly come under suspicion in June 1540 when several conservative clergymen were arrested. Wallop was recalled from France early, leading the imperialists to believe that he, too, had been intending to defect. Plans to seize Wallop upon his return to England were abandoned; instead, he was allowed to present his case to the king and council. After apparently confessing to treasonable correspondence with Pate and throwing himself on the king's mercy, he was forgiven.<sup>116</sup> If reports of Wallop's confession are to be believed, then at the end of 1540 Henry's two main embassies on the continent were staffed by ambassadors who, at best, were highly critical and unsupportive of his policies and, at worst, were plotting against him. Historians often view the arrests of Wyatt, Mason, Wallop, and possibly also Ralph Sadler, Henry's former ambassador to James V, as motivated by factional disputes at court in the aftermath of Cromwell's fall.<sup>117</sup> All of the arrests, however, revolved around suspicions of betrayal during diplomatic service and all appear to

<sup>110</sup> 35 Henry VIII c. 2: *Statutes of the realm* (11 vols., London, 1810–28), III, p. 958.

<sup>111</sup> M. Bowker, *The Henrician Reformation: the diocese of Lincoln under John Longland, 1521–1547* (Cambridge, 1981), p. 160.

<sup>112</sup> See Brigden, 'Thomas Wyatt'; K. Muir, *Life and letters of Sir Thomas Wyatt* (Liverpool, 1963), pp. 187–209.

<sup>113</sup> *LP*, XVI, 430, 469, 473–4, 482, 678.41.

<sup>114</sup> Brigden, 'Thomas Wyatt', p. 25.

<sup>115</sup> *LP*, XI, 1173, 1297.

<sup>116</sup> *LP*, XVI, 436; A. Bryson, 'Wallop, John (b. before 1492, d. 1551)', *ODNB*.

<sup>117</sup> D. R. Starkey, *The reign of Henry VIII: personalities and politics* (London, 1985), pp. 112–14; Brigden, 'Thomas Wyatt', pp. 21–2; D. MacCulloch, *Thomas Cranmer: a life* (London, 1996), pp. 281–2.

have been triggered by the diplomatic crisis Pate's defection caused. The arrests had their roots in international dynamics rather than purely domestic factional struggles.

Ambassadors had to be men the monarch could trust to keep his secrets, conduct his business, and represent his and his church's interests without fear of compromise or dishonour. Sending a man on embassy was not a convenient means for Henry VIII to rid himself of a too rigidly conservative bishop or archdeacon, unless he wanted to promote a conservative image. Too much was at stake. The policy of promoting a conservative image by deploying conservative ambassadors was not, however, without risks. Wyatt may have lamented that Henry VIII 'should send for ambassadors such as he trusteth, or trust such as he sendeth',<sup>118</sup> but in the heady atmosphere of 1537–41 when England faced diplomatic isolation and possible invasion, Henry may have felt justified in keeping a close watch on his ambassadors. If anything, Pate showed that he was right to do so.

The heightened anxiety about diplomats' possible links to Pole and the pope had repercussion for other Tudor envoys. In 1542, William Paget was careful to recount his interaction with James Melville, a Scot who offered information about Pole, in considerable detail in order to allay unwarranted suspicions.<sup>119</sup> Two years later, in the wake of the failed prebendaries' plot, Gardiner's nephew, Germaine, was found guilty of denying the royal supremacy on charges that dated back to his time in his uncle's ambassadorial household in Paris in the 1530s.<sup>120</sup> Meanwhile, other ambassadors serving in the 1540s and early 1550s were uncertain if they could correspond or discourse with papal representatives at foreign courts. The royal supremacy and consequent anti-papalism created an atmosphere in which even discreetly canvassing papists for information unavailable by other means could be misconstrued, not least because Pate's defection showed that diplomats could have ulterior motives. Such an atmosphere could create practical problems since other ambassadors were an important source of news and, once Charles V's court withdrew into a military camp in 1552, the papal nuncio and his entourage were the only source of reliable information. Yet the English ambassador and his household would not approach the nuncio or any of his men without explicit permission from the privy council. When requesting this, they were clearly in Pate's shadow, taking care to emphasize that it would be possible to talk to the nuncio's men without anyone thinking that England was considering converting to Rome or their own loyalties being compromised.<sup>121</sup>

Many Englishmen contested the royal supremacy from the start; some chose to fight, some chose exile.<sup>122</sup> Pate was not among them. Instead, he was one of the

<sup>118</sup> Muir, *Life*, p. 184.

<sup>119</sup> TNA, SP 1/171, fos. 104r–5v (*LP*, xvii, 479).

<sup>120</sup> Redworth, *Church Catholic*, pp. 79, 205–6.

<sup>121</sup> BL Lansdowne MS 3, fo. 3r; TNA, SP 68/10, fos. 52r–3r (*Calendar of state papers foreign 1547–1553*, ed. W. B. Turnbull (London, 1861), 550).

<sup>122</sup> See Shagan, *Popular politics*, pp. 32–6; Marshall, *Identities*, ch. 11.

many whose initial response lay somewhere between loyal acceptance and absolute rejection. Rather than coming to accept the supremacy and embrace it, he was ultimately compelled to reject it. For Pate, Henrician religion was not a 'force for conformity'. Some degree of loyalty to Henry or a sense of obligation to fulfil his duty may have remained. Pate could have defected at any time, yet he chose to wait until after he had been revoked. From 1541, however, he remained ardently opposed to the Supreme Headship. He was to take an active part in the Council of Trent, and only returned to England after the reconciliation with Rome when he took charge of his diocese. Once Elizabeth's accession threatened schism once more, Pate first voted against the religious settlement and then requested, and received, permission to go into continental exile. His will indicates that he died in hope; he left bequests for English exiles and stipulated that should the schism end, these funds should instead be given to Worcester Cathedral, where obits for Pate's parents should be read.<sup>123</sup>

In a diplomatic treatise translated into English in 1603, Jean Hotman advocated that religion should be a consideration when choosing ambassadors. In particular, an ambassador's personal religious persuasion should be compatible with those of the 'Princes and people' to whom he was being sent. Hotman noted especially that 'a Protestant should not be so fit to be about the Pope nor the King of *Spaine*'. In short, Protestants should be sent to Protestant nations and Catholics to Catholic powers, regardless of the confessional identity of the king or queen sending them.<sup>124</sup> Despite Hotman's claims that he was writing about practical diplomacy, his idea was difficult to achieve in practice, and the desirability of a king having men of different confessional attachments serving him abroad was questionable. In England, sovereignty and confessional identity became too closely interwoven for English monarchs to deploy ambassadors who professed any other religion than that of their king or queen. This was the case even in the 1530s and early 1540s when religious identities were often fluid and ambiguous, and the exact position of the English church was not always easy to ascertain.

<sup>123</sup> W. M. Brady, *The episcopal succession in England, Scotland & Ireland, A.D. 1400 to 1875* (3 vols., Farnborough, 1871), II, pp. 284–5.

<sup>124</sup> Hotman, *Ambassador*, sig. B5r–v.