

The Politics of Polemic: John Ponet's *Short Treatise of Politic Power* and Contemporary Circumstance 1553-1556

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In her biographical note on John Ponet, C. H. Garrett observed that although there was "little good" to be said of him as a man, as a political pamphleteer Ponet had attracted less attention than was his due.¹ Although W. S. Hudson and W. Gordon Zeeveld have remedied this deficiency to a considerable extent,² the precise connections between Ponet's *Short Treatise of Politic Power* and the contemporary situation in England have not been delineated. Much of the strength of this work lies in the fact that it was written as a direct response to events in England and on the Continent. In particular, Ponet's theories regarding the natural rights of subjects stemmed from efforts by the crown in 1555 to remove the right of ownership of private property from those it regarded as delinquents: the Protestant exiles. Ponet elevated the possession of property by private individuals to the status of a right. He went on to examine the basis of regal power and its practical limits and, in arguing the legitimacy of resistance to an unjust ruler, postulated a commonwealth in which a substantial measure of power rested with "the people". Although produced for an immediate polemical purpose, the *Short Treatise* has more claim than any other anti-Marian tract to be regarded as political theory rather than propaganda. Ponet's opposition to Mary's rule was based on a set of constitutional principles which went beyond the stress placed on the maintenance of "true religion" by other pamphleteers of the Marian exile.

This paper proposes to show the links between Ponet's treatise and the Marian government's attempts to coerce the exiles, and also to indicate the role played by the circumstance of exile in forming the opinions expressed in the *Short Treatise*.

After a distinguished academic career at Queen's College, Cambridge,

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¹ C.H. Garrett, *The Marian Exiles* (Cambridge, 1938), p. 253. Writing a decade before Garrett, J.W. Allen considered that Ponet's *Short Treatise* had "little significance of any sort" for England. J.W. Allen, *A History of Political Thought in the Sixteenth Century* (London, 1928, rev. ed. 1957), p. 120.

² W.S. Hudson, *John Ponet (1516?-1556): Advocate of Limited Monarchy* (Chicago, 1942). W. Gordon Zeeveld, *Foundations of Tudor Policy* (Cambridge, Mass., 1948), pp. 241-43, 246-64.

Ponet was appointed as Cranmer's chaplain late in 1546 and soon became the archbishop's "closest intellectual adviser."³ In 1551 Ponet was consecrated Bishop of Winchester, only to have his appointment automatically invalidated soon after Mary's accession in August 1553. He was thus one of the highest-ranking English clerics in exile. During his time at Lambeth, Ponet came into close contact with Peter Martyr Vermigli, who was resident in England at Cranmer's invitation from 1547.⁴ It is likely that this association prompted Ponet to seek refuge in Strasbourg, as Martyr returned there in September 1553.⁵

The first reference to Ponet as resident abroad is in the *Brief Discourse of the Troubles at Frankfort* which records that he was suggested as a possible minister for the English congregation there in August 1554.⁶ He may have participated in Thomas Wyatt's unsuccessful rebellion earlier in the year,⁷ but his whereabouts between the final skirmish of this rising in February and his appearance in Strasbourg are not known. He could have been in prison; Garrett has noted the initials "J.P." affixed to the declaration issued on May 8, 1554 by the bishops and others imprisoned in London.⁸ If Ponet had been released by the end of May or early June, he would have reached Strasbourg by the end of July,⁹ in time for his presence there to become known to the Frankfort group which was looking for a pastor.

Not a great deal is known of Ponet's life in exile. He and his wife had a son, Elias, who was christened in the autumn of 1554, and another son, John, was born a year later. In September 1554, only a few months after his arrival, he reported to city authorities that his house had burned

³ Zeeveld, *Foundations of Tudor Policy*, p. 241. For Ponet's career before exile see Hudson, *John Ponet*, pp. 3-19.

⁴ See Hudson, *John Ponet*, p. 24 for Ponet's relationship with Martyr.

⁵ On September 19, 1553, Martyr had been given a safe-conduct affixed with the queen's sign-manual. See Hastings Robinson (ed.), [*Original Letters*] *Relative to the English Reformation* (Cambridge, 1846-47), I, 372.

⁶ *A Brief Discourse of the Troubles...at Frankfort, 1554-1558 A.D.* (London, 1575), p. 13.

⁷ Stowe mentions Ponet in this connection. See *The Chronicle of England, from Brute unto this present year 1580* (London, 1580), p. 1048, but he is not named by any other contemporary account of Wyatt's rising. (John Proctor, *The History of Wyatt's Rebellion; Chronicle of the Greyfriars of London; The Chronicle of Queen Jane and the first Two Years of Queen Mary*; Wriothesley's *Chronicle of England*), nor does his name appear in the authoritative modern study of the rebellion, D.M. Loades's *Two Tudor Conspiracies* (Cambridge, 1965). The suggestion that Ponet returned from Strasbourg to participate in the rebellion appears to be without foundation, although it is made by both A.G. Dickens in *The English Reformation* (London, 1967), p. 358 and Dan G. Danner in "Christopher Goodman and the English Protestant Tradition of Civil Disobedience," *Sixteenth Century Journal* 8 (1977), 71.

⁸ Garrett, *Marian Exiles*, p. 254. John Philpot's signature was already affixed to this document, and, for the other possible candidates, John Pullain, James Pilkington, and John Parkhurst, there is no record of imprisonment. For the bishops' statement see John Foxe, *Acts and Monuments of the English Church*, S.R. Catley and George Townsend (eds.) (repr. New York, 1965), VI, 550-53.

⁹ The time taken for the journey from England to Germany was four to six weeks, as can be gathered from contemporary accounts of exiles' travels. See *Original Letters* I, 54, 372, and Garrett, *Marian Exiles*, p. 9.

down and that he had lost four thousand crowns' worth of jewelry, silver and cash.¹⁰ Ponet appeared to accept this loss stoically. Writing to Bullinger some time later he said merely that "the Lord God has taken from me all that I had which indeed was most ample. But why should he not? He who gave has taken away . . ." ¹¹

The extent of Ponet's involvement in the "troubles" at Frankfort has been disputed, as the available evidence does not indicate clearly whether he participated actively in the quarrels over the form of service there.¹² His time necessarily would have been largely taken up by writing, as during the two years he spent in Strasbourg, Ponet produced four known works and others which are not extant.¹³

Ponet's attitude towards his enforced sojourn abroad at times seemed one of calm resignation. In 1556 he wrote that exile had given him "pen, ink, paper and quietness" and added "God be praised!" A little later he asked "What is exile?" and answered himself: "A thing which, provided you have wherewithal to subsist, is painful only in imagination . . . God has afforded me for my comforters Bullinger, Melancthon, Martyn and other shining lights of his church."¹⁴ However, such resignation was not

¹⁰ Garrett, *Marian Exiles*, pp. 67, 225, 230, 365-7; Hudson, *John Ponet*, p. 74.

¹¹ *Original Letters*, I, 116. Garrett, who is consistently and rather unreasonably hostile to Ponet, contends that the valuables were "loot—either from Winchester itself, or from Gardiner's house in London which had been sacked during Wyatt's rebellion" (256). There is no conclusive evidence for the latter part of this statement in particular. See n. 6 above.

¹² Garrett, *Marian Exiles*, pp. 168, 256, 329, names him as the "chief author" of the Frankfort crisis, but is convincingly refuted by Hudson, *John Ponet*, pp. 75-76.

¹³ Among Ponet's works written in Strasbourg were a Latin treatise on the nature of the Eucharist, *Diallacion viri bon et litterati, de veritate, natura atque substantia corporis et sanguinis Christi eucharisti* and *An Apology fully answering...a blasphemous book*, which defended his previous treatise on the marriage of priests. See John Bale, *Scriptorum illustrium Maioris Brytannie* (Basle, 1557-59), I, 695. Garrett insists that he was also the author of, or at least a collaborator in, the tract known as *The Confession of certain poor banished men* (Wittenberg, 1554). This contention is based on certain similarities in style between the *Confession* and Cranmer's statement of his doctrinal position (the *Declaration concerning the Mass*) published in London in September 1553. The style of the *Declaration* is so much more vehement than Cranmer's usual considered prose that Garrett confidently assigns its authorship to Ponet (Garrett, *Marian Exiles*, pp. 28-29, 254 and "John Ponet and the *Confession* of the banished ministers" *Church Quarterly Review* CXXVII, 47-74; CXXXVIII, 181-204). However, when the *Confession* appeared, Peter Martyr disapproved of its position so strongly that he asserted "it cannot have been put forward by our party," although it was "circulated under our name" (George Gorham [ed.], *Gleanings during the Reformation in England* [London, 1857], pp. 334-5). Given the close and continuing association between Martyr and Ponet, it is surely unlikely that theology so repugnant to the former should have been written, or even approved of, by the latter. It should also be noted that the Strasbourg authorities had prohibited the publication in the city of any work which contained a doctrine of the Eucharist at variance with the one accepted there (*Original Letters* I, 114). Ponet's desire for continuing residence in Strasbourg would presumably have meant an unwillingness on his part to antagonize either the civil or religious authorities.

¹⁴ *An Apology fully answering...a blasphemous book* (Zurich, 1555), 128; *Original Letters* I, 116.

the dominant tone either in Ponet's own writings or those of the other pamphleteers of the exile. Neither was a passive acceptance of prevailing conditions always the keynote of the correspondence between the exiles and the reformers and divines who were their hosts. Most found their inability to do anything tangible to relieve the situation in England an intolerable frustration. When reporting to Bullinger the execution of Lady Jane Grey and the imminent burning of Cranmer, Latimer, and Ridley, Thomas Lever wrote: "I feel an almost incurable solicitude for those whom I suspect to be overwhelmed at home." Despite the government's apparent lenience in the matter of Wyatt's rising, Lever found little reason for optimism about the immediate future in England. "I can only conclude," he said "that either, if the Queen is alive, there is a most grievous persecution of the Church; or, if a turbulent mob have the upper hand, the kingly government in England will be irrevocably lost."¹⁵

The "grievous persecution" became a reality to the exiles in 1555. News from England reached the Continent in a fragmentary and often distorted form, and those abroad had no sure means of verifying the stories they heard. As the number of martyrs rose, so did the feelings of the exiles, and some blamed certain of their fellow refugees for the mounting toll of deaths. "That outrageous pamphlet of Knox's has added much oil to the flame of persecution in England," complained some members of the Frankfort congregation to Calvin. The shock which the English felt on hearing of their martyred brethren was clearly expressed in that letter, as well as a deep resentment of Knox which probably had as much to do with the part he had played in the "troubles" as with the inflammatory content of his writings. "Before the publication of that book not one of our brethren had suffered death," asserted the Frankfort group, and bade Calvin remember "the number of excellent men" who had been burned, "to say nothing of how many other godly men have been exposed to the risk of all their property, and even life itself, upon the sole ground of either having had this book in their possession, or having read it..."¹⁶

By 1556, the situation in England appeared to be even blacker. The exiles could do nothing but wait for news. Their letters in that year were full of references to increased persecution and terror, and the ever-present threat of martyrdom for Protestants at home. Richard Morison expressed the near-despair of many as the Marian drive against heresy

¹⁵ *Original Letters I*, 154.

¹⁶ *Original Letters II*, 761-62. The pamphlet to which the writers referred was Knox's *A faithful admonition to the professors of God's truth in England*, published in Zurich in 1554. The accuracy of the statement regarding convictions for the specific offence of possessing Knox's work is questionable, although there is sufficient evidence to show that illicit literature published on the Continent enjoyed circulation in England, and that readers of it were persecuted. See Jennifer Loach, "Pamphlets and politics 1553-8," *Bulletin of the Institute of Historical Research* 48 (1975), 35-38.

continued: "Among us, how many living members of Christ are thrown into the flames! . . . shall Winchester always live?"¹⁷ In September 1556, Robert Horne and Richard Chambers wrote to Bullinger:

We expect no good news from England: all things seem to be growing worse and worse. So great is the number of the martyrs, who in their cheerful profession of the word of God are most cruelly dragged into the flames and to torments that those godly men who on former occasions made it their business to enquire into this matter, are now unable to ascertain either the number or names of the sufferers. Nor can the ferocity of the Queen or of Bonner the pseudo-bishop of London, and of the other papists, restrain itself, satiated with domestic blood, without moreover crossing the sea and raging so furiously, that no godly person can now remain at Antwerp in security and free from danger. Sir John Cheke and Sir Peter Carew both taken by treachery and carried before the Queen, were thrown into prison, but are now it is said, at liberty, or are shortly to be so. But alas! it is stated (yet we hope the report is untrue) that most iniquitous conditions of their restoration to and enjoyment of their liberty have been proposed to and accepted by them both.¹⁸

The "iniquitous conditions" were recantation, and in this case Horne and Chambers were unfortunately well-informed. Both Cheke and Carew recanted publicly, and Cheke died in miserable circumstances a year later.¹⁹

An event such as this could only exacerbate the insecurity most exiles felt, and harden their opposition to the woman Christopher Goodman, with typical intemperance, described as "that ungodly serpent Marie."²⁰ The only weapons which could be used against Mary from abroad were literary ones,²¹ and Ponet joined the battle with his last work, *A Short Treatise of Politic Power, and of the True Obedience which Subjects owe to Kings and Civil Governors*, published in Strasbourg not long before his death, probably of the plague, in August 1556.

¹⁷ *Original Letters* I, 150. Stephen Gardiner replaced Ponet as Bishop of Winchester in August 1553.

¹⁸ *Original Letters* I, 132-33.

¹⁹ For Mary's attempts to secure the return of other Protestants to England see John Brett, "A narrative of the pursuit of the English refugees in Germany under Queen Mary," *Transactions of the Royal Historical Society*, ed. I.S. Leadam, 2nd series XI (1897), 113-31. The story of Cheke's capture is recounted in Strype, *The Life of the learned Sir John Cheke* (Oxford, 1821), pp. 113, 130. For a discussion of official attitudes towards Protestants in England see D.M. Loades, "The enforcement of reaction 1553-1558," *Journal of Ecclesiastical History* XVI (1965), 54-66.

²⁰ Christopher Goodman, *How Superior Powers ought to be obeyed of their Subjects* (Geneva, 1558), 98-99.

²¹ For the volume of pamphlet literature produced during the exile see Loach, "Pamphlets and politics 1553-8," esp. pp. 31-37.

Ponet's purpose in writing the *Short Treatise* was to prove Mary's reign unlawful, and thus to establish that her subjects had the right of resistance to her rule. He discussed the origins of political power, and proceeded to pose and answer various questions regarding the exercise and extent of that power. Chapter Four of the *Treatise* was headed: "Whether all the Subject's goods be the Kaiser's and King's own, and that they may lawfully take them as their own?"²² This question had particular pertinence in the light of events in the parliament of 1555.

At her accession, Mary had been determined to restore England to full doctrinal catholicism and to allegiance to Rome. She also wanted to reverse the measures taken in the two preceding reigns to fragment and despoil church property. The first desire was achieved by the end of 1553. The second and third were not so simple to accomplish. Expropriated church property had passed from the crown to lay owners, and frequently from one lay owner to another by inheritance or sale. By the time Mary became queen, a full restoration of church lands was practically and politically impossible, a fact eventually recognized by the papal dispensation confirming the titles of holders of lands which had previously belonged to the church. The dispensation was included in the Act of Repeal which reunited England with Rome, but only after considerable opposition from Pole had been overcome.²³ Mary then turned her attention to the restoration of those church lands and revenues still held by the crown, and it was this ambition, coupled with a pressing need for money, which led to the calling of the fourth parliament of the reign, in August 1555.

In a frequently-quoted despatch, the Venetian Ambassador, Michieli, described the lower house of this parliament:

The present House of Commons, whether by accident or design, a thing not seen for many years in any parliament, is quite full of gentry and nobility (for the most part suspected in matters of religion) and therefore more daring and licentious than former houses which consisted of burgesses and plebians, by nature timid and respectful, who easily inclined towards the will of the sovereign.²⁴

²² *A Short Treatise of Politic Power* (Strasbourg, 1556), sig. E viii. Spelling, and, where necessary, punctuation, in all quotations has been modernized.

²³ D.M. Knowles, *The Religious Orders in England* (Cambridge, 1948-59), III, 421-43 discusses the problems surrounding the Marian restoration of monastic lands. Pole's opposition to the inclusion of the dispensation was partly because he considered such an action simoniacal. See Jennifer Loach, "Conservatism and consent in parliament 1547-59" in *The Mid-Tudor Polity c. 1540-1560* ed. Jennifer Loach and Robert Tittler (London, 1980), p. 16. Pole also objected to the dispensation's presence in the act on the grounds that it would make an act of favor by the Pope appear to be dependent on parliamentary sanction. D.M. Loades, *The Reign of Mary Tudor: politics, government and religion in England 1553-58* (London, 1979), pp. 327-28.

²⁴ Michieli to the Doge and Senate, 18 November 1555, *Calendar of State Papers, Venetian* ed. Rawdon Brown et. al. (London: HMSO, 1864-98), VI, 251. Hereafter *CSP Ven*.

The Commons of 1555 has long been regarded as the most strongly Protestant lower house of any of Mary's parliaments,²⁵ but a recent article suggests that it was a "concern for material things" rather than religious zeal which animated opposition to government measures.²⁶ It is certain that, from the outset, some members of the Commons displayed a less than quiescent spirit, and a difficult passage for the Subsidy Bill was expected. It was rather tartly suggested in the House that the queen's financial difficulties could be alleviated by forcing payment from the crown's debtors, "there being not one, or a few, of the great personages that do owe some five, some six, some eight thousands pounds and upwards," and a rider was added to the effect that "so long as her Majesty is in debt she should retain...the sort of ecclesiastical revenue lately alienated by her from the Crown."²⁷ There was also a rumor that the subsidy was actually destined to further the cause of Philip's coronation,²⁸ a design dear to Mary but increasingly repugnant to both houses of parliament. However, after Gardiner's last great speech in the service of the crown on October 21, and considerable discussion in committee, the Commons passed the bill without a division on October 31.²⁹

By then it was clear to the queen that no parliamentary consideration of Philip's coronation would be forthcoming, and she determined to press towards achievement of her other goals. Both of these concerned property and were likely to cause contention: the bill to renounce claims to church lands and revenues, in particular first fruits and tenths, and the bill recalling exiles in Germany and France on pain of forfeiture of lands and goods. The first measure was introduced in the Lords and met with immediate opposition, on the grounds that even if the queen could dispose of her lands and revenues as she pleased during her life, the passing of such a bill would result in the diminishing of her successor's revenue. Mary herself briskly quashed this argument, and the bill went through the upper house.³⁰ After much debate in the Commons on November 26 and 27,³¹ it was eventually carried there on December 3, but only after bitter argument and quick maneuvers by its sponsors.³²

The crown's bill regarding exiles was then introduced. Since many of those who had fled had taken their moveable goods with them in the form of money, the penalty of forfeiture of goods for failure to procure a royal

²⁵ Particularly by J.E. Neale in *Elizabeth I and her Parliaments 1559-1581* (London, 1953), pp. 23-26. See also D.M. Loades, *Two Tudor Conspiracies*, pp. 178-79.

²⁶ Loach, "Conservatism and consent", p. 15.

²⁷ As reported by Michieli on 24 October 1555. *CSP Ven.*, VI, 229.

²⁸ Michieli to the Doge and Senate, 16 September 1555. *CSP Ven.*, VI, 188.

²⁹ Loades, *The Reign of Mary Tudor*, pp. 298-99.

³⁰ Michieli to the Doge and Senate, 18 November 1555. *CSP Ven.*, VI, 251. See also Loades, *Two Tudor Conspiracies*, p. 181, and E.H. Harbison, *Rival Ambassadors at the Court of Queen Mary* (Princeton, 1940), pp. 275-76.

³¹ *Commons' Journals* ed. T. Vardon and T.E. May (London, 1852), I, 45.

³² The House was kept sitting until 3 p.m., by which time many members opposed to the bill had left the chamber. (Loach, "Conservatism and Consent," p. 13).

license before quitting the country was not practicably enforceable.³³ The most wealthy and influential of the exiles, whom Mary wanted most to subdue, held the bulk of their wealth in land, which under the terms of the earlier act could not be taken from them unless they were present in person to face court proceedings. Obviously, if summoned back to England for this purpose, most would ignore the order. Under the terms of the new bill, such disobedience would result in immediate forfeiture of lands. The bill passed the Lords, but was strenuously opposed in the Commons. Opposition to it was possibly motivated by the personal ties and religious sympathies some members had with the exiles,³⁴ and also, probably most powerfully, by hostility to what was seen as an attempt by the crown to extend an attack on property rights begun by the Annates Act. After a heated and lengthy debate on December 6, the bill was finally defeated.³⁵

It was against this background of insecurity and frustration abroad, coupled with threats to both lives and property at home, that Ponet wrote the *Short Treatise*, and asked the question he answered in its fourth chapter. Given the frequent exchange of news from England among the exiles, and Ponet's senior position among them, it is unlikely that he wrote in ignorance of recent parliamentary events.³⁶ His examination of the rights which rulers possessed over the lands and goods of their subjects were conducted in detail, and his conclusions were based on his assessment of the political climate prevailing in England.

If a man keep his house and meddle in nothing, then it shall be said, that he frets at the state. If he come abroad and speak to any other, further with it is taken for a just conspiracy. If he says nothing, and shows a merry countenance, it is a token, that he despises the government. If he look sorrowfully, then he laments the state of his country.... To be short, there is no doing, no gesture, no behaviour, no place can preserve or defend innocence against such a governor's cruelty.³⁷

³³ 5 Richard II st. 1 c. 2. Loades, "The Essex Inquisitions of 1556," *Bulletin of the Institute of Historical Research* 35 (1962), 87-97 discusses this in detail.

³⁴ Little is known of the religious views of those who opposed the exiles bill, as Loach points out ("Conservatism and Consent," pp. 13-14). However, the very paucity of the evidence means that the possibility of religious and personal ties between individuals in the Commons and those abroad cannot be absolutely discounted.

³⁵ Sir Anthony Kingston locked the door of the chamber and forced the Speaker to put the bill to the vote before any additional support could be mustered by its sponsors. Loades, *Two Tudor Conspiracies*, p. 183.

³⁶ Unfortunately, very little of Ponet's personal correspondence survives. Those letters of his preserved in the archives of Zurich are concerned with the practical details of his life in Strasbourg, and no letters survive in England (Garrett, *Marian Exiles*, p. 255). Only two letters written by Ponet while in exile survive; both are to Bullinger and concerned largely with literary and theological questions (*Original Letters* I, 115-18). Ponet undoubtedly knew of events in England, as indicated by the polemical use he made of Cheke's capture (*Short Treatise*, sig. I 6^v), but the quality of his information was probably variable.

³⁷ *Short Treatise*, sig. Gii^v.

Such a state of affairs, argued Ponet, demanded that men have some fixed conditions in their lives, and these conditions could only be provided by inalienable rights possessed by all mankind. Ponet first defined these rights, and then went on to discuss the duty of the secular ruler to ensure that they were upheld.

First of all, the ruler was bound to ensure that as many as possible of his subjects had a livelihood. Ideally, all subjects should be employed in gainful work. On no account could men's right to work be taken away from them, because "by taking away the means by which they live, a means is devised to kill them with famine."³⁸ Ponet illustrated the point with the example of a country the inhabitants of which lived by pin-making, but where the ruler prohibited selling their produce to a neighboring country. As a result, the people starved. If a law were passed so deleterious to subjects' welfare, not only was the commandment "Thou shalt not steal" broken, "but also the general law, that sayeth: 'Thou shalt love thy neighbour as self. And what so ever you will that men do unto you, even so do you unto them.' For you yourselves would not be killed with hunger."³⁹

Likewise, men had a right to equality before the law, and the ruler had to recognize and accept this right, and ensure that those he appointed to administer justice did the same. Quoting Deuteuronomy, Ponet advised:

When you sit to judge, you shall not have respect of persons, whether they be rich or poor, great or small: fear no man, for you execute the judgement of God, says the Holy Ghost by the mouth of Moses. Judge not after the outward appearance of men, but judge rightly says Christ.⁴⁰

If this rule were not observed, then "that equality (for there is no difference between the head and the foot concerning the use and benefit of the laws) whereby commonwealth be maintained and kept up" would be destroyed.⁴¹

Significantly, Ponet gave as equal a weight to the right of private ownership of property as he did to that of economic and legal justice. Only evil princes claimed "all their subjects' goods for their own, who allege for them this common saying: 'all things be the kaiser's, all things be the king's, all things be the Prince's.'"⁴² Ponet cited the Old Testament example of Naboth, who refused to sell his vineyard to the king because "by God's law he had a property therein from which without his will and con-

³⁸ *Ibid.*, sig. A iii.

³⁹ *Ibid.*, sigs A iii-iii^v.

⁴⁰ *Ibid.*, sig. H i.

⁴¹ *Ibid.*, sig. C vi^v. Here Ponet appears to weaken his own argument. If judges were bound to enforce a law based on the judgement of God then presumably laws against heretics should be enforced.

⁴² *Ibid.*, sig. F iii.

sent he could not be forced to depart...."⁴³ Ownership of property was for Ponet a natural right of subjects proceeding from the natural law which bound ruler and ruler alike. On these grounds he condemned the Anabaptists for their denial of the rights of property.⁴⁴ His most scathing comments, however, were reserved for

the evil governors and rulers [who] will have all that their subjects have, common to themselves, but they themselves will depart with nothing, but when they ought not: no, not so much as pay for those things that in words they pretend to buy of their subjects, not pay those poor men their wages, whom they force to labour and toil in their works. But the manner of coming thereby is so much diverse, that it maketh the justness of their doings much suspected. For some do it under pretense, to do the people good: some by crafty and subtle means, colour their doings: and some of right (but without right) claim them for their own.⁴⁵

The tone of this discussion, the last loaded sentence in particular, could have been provoked by little else but government legislation of the last parliament, more especially the exiles bill. For Ponet, a ruler's power had prescribed limits, especially where the property of subjects was concerned. Private lands and goods could not be resumed or claimed by the crown, and neither could a man be forced to sell his property against his will to his sovereign or to anyone else. The rights of subjects prohibited the passing of any law which would mean that some people would be forced to relinquish the title to their property. If any of these measures were taken by the ruler, they entailed a severe infringement of natural law, and as such were detrimental to the good of the commonwealth. It should be stated that at no point in his discussion of property rights did Ponet attempt a definition of "property." In his unwavering defence of the rights of subjects over their own, he came very close to anticipating the later seventeenth-century doctrine of absolute natural rights of property. As a consequence, the *Short Treatise* was in conflict with sixteenth-century legal opinion that only the crown possessed final rights of ownership over lands and tenements:

And this none in this Kingdom can be said to have in any lands or tenements, but only the king in right of his Crown, because that all the lands through all the Realm, are in the nature of fee and hold mediately or immediately of the Crown.⁴⁶

⁴³ *Ibid.*, sig. F iv^v.

⁴⁴ *Ibid.*, sig. E viii.

⁴⁵ *Ibid.*, sigs E viii^v-F i. Again Ponet is guilty of inconsistency insofar as these statements would also condemn the dissolution of the monasteries, the Statute of Uses, and the deprivations of episcopal property conducted in Edward's reign.

⁴⁶ [John Rastell], *Les termes de la ley: or Certain Difficult and Obscure Words and Terms of the Common Laws of this Realm newly printed* (London, 1624), fo. 261 quoted in G.E. Aylmer, "The Meaning and Definition of 'Property' in Seven-

Ponet was alone among the pamphleteers of the exile in his stress on this question, and the gravity with which he regarded it is evidenced by his abandonment of legal orthodoxy.

Ponet's views of the inalienability of property rights were a logical consequence of his conception of the country as higher than its ruler, and the commonwealth at large as superior to any of its members, including the king. More than once he asserted that states and rulers were constituted solely for "the wealth and benefit of the people",⁴⁷ and he also stated that commonwealths did not need kings in order to function as political and social entities.

A commonwealth may stand well enough and flourish, albeit there be no kings, but contrary wise without a commonwealth there can be no king. Commonwealths and realms may live, when the head is cut off, and may put on a new head, that is, make them a new governor, when they see their old head seek too much of his own will and not the wealth of the whole body, for the which he was only ordained.⁴⁸

The rest of the *Short Treatise* was concerned with Ponet's theories of the law, and of the nature of regal power and the limits of men's obedience to it. He espoused a view of kingship very much akin to that of Thomas Starkey.⁴⁹ Kings were subordinate to the laws, which dictated the policies pursued by the ruler. Laws were necessarily framed with the good of the commonwealth as their prime object. Civil power, including that of the king, had originally been established by the people, and so had to be applied in the way which best served the people's welfare. No king had a right to rule through hereditary succession or any other self-asserted claim if he were not first approved by those he was to lead. Ponet thus tended to see the crown as a department of government with executive functions, which was responsible to the body of the people.

In the contemporary context, it thus followed inevitably that Ponet regarded the question of subjects' obedience as defined by the sovereign's actions. The *Short Treatise* placed the usual stress on the importance of obedience in the maintenance of good order in the state, but added the proviso that obedience should be regulated according to the commands given. If a magistrate or ruler gave an order which would contribute to the general benefit of the commonwealth he should be obeyed, but if he

teenth Century England," *Past and Present* 86 (1980), 90. The first edition of Rastell's work was published in 1525 and went through numerous editions until 1624 (STC 20701-20718). For contemporary emphases on private property see also Alan Macfarlane, *The Origins of English Individualism: the family, property and social transition* (Oxford, 1978), pp. 57-58 and cf. the remarks of Harold Perkin, "The Social Causes of the British Industrial Revolution," *Transactions of the Royal Historical Society*, 5th series, 18 (1968), 134.

⁴⁷ *Short Treatise*, sigs A v, E vii^v, G i^v.G ii.

⁴⁸ *Ibid.*, sig. D vii.

⁴⁹ For the similarity between the theories of Ponet and Starkey see Zeeveld, *Foundations of Tudor Policy*, pp. 247-56.

commanded his people "to dishonour God, to commit idolatry, to kill an innocent, to fight against [their] country...[they] ought not to do it, but to leave it undone: for it is evil and God's will not that [they] should do it."⁵⁰ Ponet amplified this: "And as men ought not to obey their superiors, that shall command them to do anything against God's word or the laws of nature: so may they not do that which they shall command contrary to civil justice of to the hurt of the whole state All the paper of England would not serve to set out the mischief that might follow when a prince's evil commandments should be obeyed and fulfilled."⁵¹

This doctrine of limited obedience was based on the criteria of individual judgement and conscience. Ponet upheld the right of conscience in both religious and political matters, and treated as axiomatic the notion that men should weigh carefully the commands given them by civil authorities, as these were but men, and might err.

It is the matter that will accuse you and defend you: acquit you and condemn you when you shall come before the throne of the highest and most everlasting power.... Therefore christian men ought well to consider, and weigh man's commandments, before they be hasty to do them, to see if they be contrary to God's commandments and justice: which if they be, they are cruel and evil and ought not to be obeyed. We have this special commandment from God the highest power, often repeated by the Holy Ghost. [Which] is: Forbear to do evil, and do that which is good.⁵²

Ponet's emphasis on conscience was similar to that which other pamphleteers of the exile, in particular Knox and Goodman, placed on the power of true religion. Both ideas appealed to subjective forces as the ultimate arbiter in a decision to resist civil authority, either passively or actively. In using religious conviction to justify rebellion, the Genevan exiles were, in effect, appealing to conscience, as the strength of a man's Protestant faith came from within, dictated by the conscience. However, Ponet differed from Knox and Goodman in the reasons which he proceeded to advance for his insistence that God considered resistance to a tyrannous ruler to be lawful.

The *Short Treatise* rejected the accepted view that a tyrant was the instrument of God, sent to move a nation to repentance for their sins, to punish the wicked, and both to humble and strengthen the pious. To believe this was to believe "a great blasphemy" which made God "the author of evil."⁵³ But tyrannies still existed, whether or not a tyrant was

⁵⁰ *Short Treatise*, sig. D iv. It is unclear whom Ponet envisaged making the decision regarding what was beneficial to the commonwealth.

⁵¹ *Ibid.*, sigs D v, E vi.

⁵² *Ibid.*, sig. D ii.

⁵³ *Ibid.*, sig. C v. Nevertheless, most contemporary pamphleteers expressed this view.

king in the sight of God, and Ponet's task was to construct a theory which would determine how and by whom a tyrant could be deposed.

It seemed obvious that "as God has ordained Magistrates to hear and determine private men's matters, and to punish their vices: so also will He that the magistrates' doings be called to account and reckoning, and their vices be corrected and punished by the body of the whole congregation or commonwealth."⁵⁴ How this was to be achieved was the most vital concern. Ponet admitted that there was no law justifying tyrannicide to be deduced from scripture, but "what need to make one general law to punish by one name a great many offences, when the law is already made, for the punishment of every one of them particularly." The Old Testament contained many instances of tyrannicide applauded as being of benefit to men, and pleasing to God. Indeed, men who had killed tyrants had been honored as the deliverers of their people from the toils of evil government in which they had been snared. Once again, conscience should be the determinant of what was just. "This law testified to every man's conscience, that is natural to cut away an incurable member which [being suffered] would destroy the whole body." So too with tyrants.⁵⁵

John Strype's assessment of the *Short Treatise* as "not over-favourable to princes" was an understatement.⁵⁶ However, although Ponet unhesitatingly affirmed that a private man could kill a tyrant he did not advocate individual resistance as a rule to be followed in all cases. No legal procedure existed in the sixteenth century for the expression of popular opposition to a governing regime, and "all things in every christian commonwealth ought to be done decently and according to order and charity"—even the removal of tyrants.⁵⁷ A form of hierarchy was proposed, to be headed by the prince (presumably in cases of usurpation) who should know his duty to God and his subjects. If a ruler became a tyrant and showed no sign of repentance, the people should have recourse to the nobility and to parliament. If this measure failed, there was always "some minister of the word of God, to whom the key be given to excommunicate not only the common people but also kaisers, kings, princes and all other governors when they spoil, rob, undo and kill their poor subjects without justice and good laws."⁵⁸ If this step also proved abortive, the people themselves, and in the last extremity, the individual, must act. "When executive of just judgement upon tyrants...is either by the whole state utterly neglected, or the prince with the nobility and council conspires the subversion or alteration of their country or people," then could "a private man have some special inward commandment or surely proved motion of God...or be otherwise commanded or permitted

⁵⁴ *Ibid.*, sig. G iv^v.

⁵⁵ *Ibid.*, sigs G v-G viii.

⁵⁶ John Strype, *Ecclesiastical Memorials* (London, 1721), III.i, 535.

⁵⁷ *Short Treatise*, sig. G vii.

⁵⁸ *Ibid.*, sigs A vi, H ii-H ii^v.

by common authority upon just occasion and common necessity to kill."⁵⁹ If such a desperate action were shunned, the ultimate remedies which Ponet recommended were both long-term in operation: "two weapons able to conquer and destroy the greatest tyrant that ever was: Penance and Prayer." God would eventually heed the cries of his oppressed people and come to their aid.⁶⁰

In its unquestioning acceptance of death as the only suitable penalty for tyrants, Ponet's work was akin to those of other writers, especially Goodman and Knox. He also espoused, as they did, the view that tyrannicide was best accomplished by a properly-constituted body acting legitimately in the performance of its duty to safeguard the state. However, Ponet reached his conclusions regarding active resistance by constant reference to general principles. The purpose of the *Short Treatise* was undoubtedly to justify such resistance against Mary Tudor, who, as Ponet saw it, was intent on forcing on her subjects the practice of a false religion, but the tract's expressions of opposition to Mary were not based on religious grounds alone. No direct reference can be found to the argument so frequently and violently repeated by Knox and Goodman: that the introduction of a false religion was sufficient grounds for deposition and tyrannicide. At a time when the Marian persecution was gaining in scope and force, and the minds of the Protestant exiles were increasingly occupied by events in England, Ponet chose to base his condemnation of Mary on broad constitutional principles rather than specifically religious considerations. In this way he enunciated views on the inalienability of property rights which ran counter to received legal opinion, as well as setting forth a justification for armed resistance to a reigning monarch which rested on a vision of the commonwealth broader than that of many of his fellow religious exiles.⁶¹

Ponet wrote the *Short Treatise* in a year when the bitterness and insecurity felt by the exiles were increasing in response to actions on the part of the Marian government which appeared as direct threats to Protestant life, liberty and property. Thus the tract could be read as either an exercise in political theory, albeit provoked by circumstance, or as a polemical call to arms. That it was not acted upon as the latter in the 1550s was probably due not only to the influence of the doctrine of complete obedience to duly-constituted authority which had been expressed with such force and logic throughout the reigns of Henry VIII and Edward, but also to the demoralization produced in so many of the exiles by their distance from England, their imperfect knowledge of events, their quarrels among themselves, and the discomforts of their situation,

⁵⁹ *Ibid.*, sigs G vii-G vii^v. Ponet never defines his use of the term "the people;" it is not clear whether he means all the people or some form of elected body.

⁶⁰ *Ibid.*, sig. H v^v.

⁶¹ The significance of the pamphleteers of the Marian exile will be treated fully in my study of the theory and practice of the royal supremacy in the English Church 1530-1570.

which ranged from severe overcrowding to outbreaks of the plague. That Ponet's tract later had appeal to Englishmen in conflict with the established governmental regime is indicated by the fact that it was reprinted twice⁶²—and presumably circulated—on the eve of the Civil War, when arguments regarding the deposition and execution of tyrants were to become political realities.

UNIVERSITY OF QUEENSLAND

⁶² In 1639, perhaps in Paris (STC 20179) and in 1642, for which edition no place of publication is given (Wing 2904B). The absence of any entry for the second reprint in the Stationer's Company Registers suggests that the tract may have appeared as a "pirate" edition from a secret press.