

Why did Anne Boleyn have to die?

Was she ensnared by a conspiracy, the victim of her own loose tongue, or simply guilty as charged? Suzannah Lipscomb tries to unearth the real reason why Henry VIII sent his second wife, Anne Boleyn, to the block.

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On the morning of 19 May 1536, Anne Boleyn climbed the scaffold erected on Tower Green, within the walls of the Tower of London. She gave a speech praising the goodness and mercy of the king, and asked those gathered to pray for her. Then she removed her fine, ermine-trimmed gown, and knelt down – and the expensive French executioner that Henry VIII had ordered swung his sword and “divided her neck at a blow”.

Her death is so familiar to us that it is hard to imagine how shocking it would have been: the queen of England executed on charges of adultery, incest and conspiring the king’s death. And not just any queen: this was the woman for whom Henry VIII had abandoned his wife of nearly 24 years, waited seven long years to wed, and even revolutionised his country’s church. Yet just three years later her head was off – and the reason for her death remains one of the great mysteries of English history.

To this day, historians cannot agree why she had to die. Had Henry and Anne’s relationship gone into terminal decline, prompting Henry to invent the charges against his wife? Was Thomas Cromwell responsible for Anne’s demise? Or was she indeed guilty of the charges laid against her? Evidence is limited – but there is enough to appear

to support several very different conclusions.

There are a number of undisputed facts relating to Anne's fall. On Sunday 30 April 1536 Mark Smeaton, a musician from the queen's household, was arrested; he was then interrogated at Cromwell's house in Stepney. On the same evening the king postponed a trip with Anne to Calais, planned for 2 May.

The next day, 1 May, Smeaton was moved to the Tower. Henry attended the May Day jousts at Greenwich but left abruptly on horseback with a small group of intimates. These included Sir Henry Norris, a personal body servant and one of his closest friends, whom he questioned throughout the journey. At dawn the next day Norris was taken to the Tower. Anne and her brother George, Lord Rochford, were also arrested.

On 4 and 5 May, more courtiers from the king's privy chamber – William Brereton, Richard Page, Francis Weston, Thomas Wyatt and Francis Bryan – were arrested. The latter was questioned and released, but the others were imprisoned in the Tower. On 10 May, a grand jury indicted all of the accused, apart from Page and Wyatt.

On 12 May, Smeaton, Brereton, Weston and Norris were tried and found guilty of adultery with the queen, and of conspiring the king's death. On 15 May, Anne and Rochford were tried within the Tower by a court of 26 peers presided over by their uncle, the Duke of Norfolk. Both were found guilty of high treason. On 17 May Archbishop Thomas Cranmer declared the marriage of Henry and Anne null, and by 19 May, all six convicted had been executed. Later that day, Cranmer issued a dispensation allowing Henry and Jane Seymour to marry; they were betrothed on 20 May and married 10 days later.

What could explain this rapid and surprising turn of events? The first theory, argued by Boleyn biographer and scholar GW Bernard, is simply that Anne was guilty of the charges against her. Yet even he is equivocal, suggesting the Scottish legal verdict of 'not proven' – he concludes that, though the evidence is insufficient to prove definitively that Anne and those accused with her were guilty, neither does it prove their innocence.

Anne's guilt was, naturally, the official line. Writing to the bishop of Winchester, Stephen Gardiner, Cromwell stated with certainty – before Anne's trial – that "the queen's incontinent living was so rank and common that the ladies of her privy chamber could not conceal it."

The key piece of evidence was undoubtedly the confession by the first man accused, Smeaton, that he had had sexual intercourse with the queen three times. Though it was probably obtained under torture (the accounts vary), he never retracted his confession. Unlikely as it was to be true, it catapulted the investigation to a different, far more serious level. All subsequent evidence was tainted with a presumption of guilt. Henry VIII's intimate questioning of Norris, and his promise of "pardon in case he would utter the truth", must be understood in this light: whatever Norris said, or refused to say, it reinforced Henry's conviction of his guilt.

Other evidence for Anne's guilt is unclear – the trial documents do not survive. Her indictment, however, states that Anne "did falsely and traitorously procure by base conversations and kisses, touchings, gifts and other infamous incitations, divers of the king's daily and familiar servants to be her adulterers and concubines, so that several... yielded to her vile provocations". She even, it charges, "procured and incited her own natural brother... to violate her, alluring him with her tongue in the said George's mouth, and the said George's tongue in hers". Yet, as another Boleyn biographer Eric Ives noted, three-quarters of the specific accusations of adulterous liaisons made in the indictment can be discredited, even 500 years later.

True wedded wife

Certainly, Anne maintained her innocence. During her imprisonment Sir William Kingston, constable of the Tower, reported Anne's remarks to Cromwell. His first letter details Anne's ardent declaration of innocence: "I am as clear from the company of man, as for sin... as I am clear from you, and the king's true wedded wife."

A few days later, Anne comforted herself that she would have justice: "She said if any man accuse me I can say but

nay, and they can bring no witness.” Crucially, the night before her execution, she swore “on peril of her soul’s damnation”, before and after receiving the Eucharist, that she was innocent – a serious act in that religious age.



Anne was not alone in professing her innocence. As Sir Edward Baynton put it: “No man will confess any thing against her, but only Mark of any actual thing.” And even Eustace Chapuys, ambassador for the Holy Roman Emperor Charles V and Anne’s arch-enemy, would finally conclude that everyone besides Smeaton was “condemned upon presumption and certain indications, without valid proof or confession”.

Another set of historians have favoured the explanation that Anne was the victim of a conspiracy by Thomas Cromwell and a court faction involving the Seymours. This rests upon a view of Henry as a pliable king whose courtiers could “bounce” him into action and tip him “by a crisis” into rejecting Anne. But why should Anne and Cromwell, erstwhile allies of a reformist bent, fall out? Differences of opinion are thought to have arisen over the use of funds from the dissolution of the monasteries, as well as matters of foreign policy – seemingly slender motives for destroying a queen.

It has been suggested that Cromwell’s court faction intended to replace Anne with Jane Seymour. Chapuys mentioned Jane in a letter of 10 February 1536, reporting that Henry had sent her a gift of a purse full of sovereigns, accompanied by a letter. She did not open the letter, which – Ives speculated – contained a summons to the royal bed. Instead, she kissed it and returned it, asking the messenger to tell the king that “there was no treasure in this world that she valued as much as her honour,” and that if the king wanted to give her a present, she begged it might be at “such a time as God would be pleased to send her some advantageous marriage”.

Such a calculated reply is reminiscent of Anne during the days of her courtship with Henry. In response to Jane’s

coyness, Henry's love for her was said to have "marvellously increased". Yet she was described as a lady whom the king "serves" – a telling word implying that he sought her as his 'courtly love' mistress. There is little evidence that, before Anne was accused of adultery, Henry had planned to make Jane his wife. Marriage to Jane was, surely, a symptom and a product of Anne's downfall, not a cause.

The pivotal piece of evidence for a conspiracy is a remark made by Cromwell to Chapuys after Anne's death. In a letter to Charles V, Chapuys wrote that Cromwell had told him "il se mist a fantasier et conspirer le dict affaire," which has been translated as "he set himself to devise and conspire the said affair," suggesting that Cromwell plotted against Anne.

Crucially, however, this phrase is often used out of context. The previous sentence states that "he himself [Cromwell] had been authorised and commissioned by the king to prosecute and bring to an end the mistress's trial, to do which he had taken considerable trouble." If we accept this account, it is impossible to dismiss Henry VIII from the picture – Cromwell claimed not to be acting alone.

It has been proposed, therefore, that Henry asked Cromwell to get rid of Anne. David Starkey suggested that "Anne's proud and abrasive character soon became intolerable to her husband". JJ Scarisbrick, author of the authoritative volume *Henry VIII*, agreed: "What had once been devastating infatuation turned into bloodthirsty loathing, for reasons we will never completely know."

Lovers' quarrels

Evidence for this view is taken from the writings of the ever-hopeful Chapuys. As a Catholic and a supporter of Catherine of Aragon, he referred to Anne as "the concubine" or "the she-devil", and had made bitter assertions about the doomed state of Henry and Anne's relationship even at the height of their happiness in late summer 1533. But Chapuys himself recognised that Henry and Anne had always been prone to "lovers' quarrels", and that the king's character was very "changeable".

True, Henry and Anne were direct with each other: they got angry, shouted and became jealous. But they were also frequently described as being "merry" together; it was an epithet still being applied to them during the autumn of 1535 – and one that was appended to their marriage more often than to any of Henry's other unions. Bernard has described theirs as a "tumultuous relationship of sunshine and storms".

Some have proposed that the miscarriage of a male foetus suffered by Anne in January 1536 led inexorably to her downfall. Did it cause Henry to believe that Anne would never be able to bear him an heir, and thus to consider the marriage doomed? Certainly, the king was reported to have shown "great disappointment and sorrow". Chapuys wrote that Henry, during his visit to Anne's chamber after the tragedy, said very little except: "I see that God will not give me male children."

Henry then left Anne at Greenwich to convalesce while he went to Whitehall to mark the feast day of St Matthew. Chapuys, rather maliciously, interpreted this as showing that Henry had abandoned Anne, "whereas in former times he could hardly be one hour without her". Clearly, the miscarriage was a great blow to both Henry and Anne – yet another four months were to pass before Anne's death, so demonstrating a direct link between the events would be problematic.

Another story, reported third-hand by Chapuys, quotes Henry as telling an unidentified courtier that he had married Anne "seduced and constrained by sortilèges". That last word translates as 'sorcery, spells, charms', and has given rise to the suggestion that Anne Boleyn dabbled in witchcraft. Though this is regularly cited as one of the charges of which she was found guilty, it is not mentioned in the indictment.

Ives, though, pointed out that the primary English meaning of *sortilèges* at this time was 'divination', a translation that changes the meaning of Henry's comment. It could imply that he was induced to marry Anne by premarital prophecies that she would bear sons, or could refer simply to Henry's earlier infatuation or 'bewitchment' by Anne.

The idea that Henry had been “seduced by witchcraft” has become attached to another theory, which holds that the real reason for Anne’s ruin was that the foetus miscarried in January 1536 was deformed. According to Tudor specialist Retha Warnicke, the delivery of a “shapeless mass of flesh” proved in Henry’s mind that Anne was both a witch and adulterously promiscuous. But this description comes from a Catholic propagandist, Nicholas Sander, writing 50 years later; there is no contemporary evidence to sustain this salacious theory.



Diplomatic coup

An event in April 1536 suggests that, just weeks before Anne was executed, Henry was still committed to his marriage. In the early months of 1536, Henry was increasing the pressure on Charles V to recognise Anne as his wife. On 18 April he invited Chapuys to the court. Events that day were very deliberately staged: the ambassador attended mass and, as Henry and Anne descended from the royal pew to the chapel, she stopped and bowed to Chapuys.

Etiquette dictated that he return the gesture – a significant diplomatic coup, because it implied recognition by the ambassador and, by extension, his emperor. It would, as Bernard has argued, have been extraordinarily capricious of

Henry to seek to have Anne recognised as his wife if he already harboured intentions of ridding himself of her soon after.

So was it not guilt, nor a court coup, nor Henry's hatred of Anne that led to her downfall but, rather, a terrible combination of malicious gossip and her own indiscretions?

A poetic account written in June 1536 by Lancelot de Carles, secretary to the French ambassador, relates that one of Anne's ladies-in-waiting, Elizabeth Browne, was accused of loose living. She made light of her own guilt by stating that "it was little in her case in comparison with that of the queen". These words reached Cromwell who, according to de Carles, reported them to Henry; the king blanched and, very reluctantly, ordered him to investigate.

This certainly aligns with Cromwell's own retelling of the events. De Carles adds a crucial, though unsubstantiated, clause, Henry telling Cromwell that "if it turns out that your report, which I do not wish to believe, is untrue, you will receive pain of death in place of [the accused]". So Cromwell may have had reason to find evidence of Anne's guilt.

Given that Anne was accused of conspiring the king's death (the only charge that actually constituted treason – consensual adultery was not covered by the treason law of 1352), it seems likely that the evidence used to demonstrate her guilt was a conversation she recalled – and William Kingston reported – with Norris.

Anne had asked Norris why he did not go through with his marriage. He had replied that "he wold tary a time," leading her to taunt him with the fateful words "you loke for ded men's showys; for yf owth cam to the King but good, you would loke to have me." Norris's flustered response – that "yf he should have any such thought, he wold hys hed war of" – provoked her to retort that "she could undo him if she would," and "ther with thay felle yowt" ("there with they fell out".)

It might seem that this overstepped the normal boundaries of 'courtly love' talk only a little. But the Treasons Act of 1534 held that even imagining the death of the king was treasonous, so Anne's conversation with Norris was charged, reckless and, arguably, fatal – useful ammunition if Cromwell were looking for dirt. Was it, as Greg Walker (author of *Writing Under Tyranny*) has suggested, not what Anne did but what she said that made her appear guilty?

When it comes to Anne Boleyn's fall, historians give their 'best guess' answers on the basis of the available evidence – which is too sparse to be conclusive. For my part, it is the final 'cock-up theory' that convinces me. I believe that Anne was innocent, but caught out by her careless words. Henry was convinced by the charges against her; it was a devastating blow from which he never recovered. For Anne, of course, the consequences were far more terrible.

Timeline: The rise and fall of Anne Boleyn

1501 (or possibly 1507): The birth

Anne is born at Blickling, Norfolk, to Thomas Boleyn and his wife, Elizabeth (daughter of Thomas Howard, later second Duke of Norfolk). Historians debate whether Anne was born in 1501 or 1507; the former is more plausible

1513: The first post

Anne is appointed a maid-of-honour at the court of Margaret, archduchess of Austria; she later leaves to serve Mary, queen of France, wife of Louis XII (and Henry VIII's sister). After Louis' death, Anne remains at the court of the new French queen, Claude, for seven years

1521: The repatriation

Anne is recalled to England by her father

1 March 1522: The court appearance

Anne makes her first recorded appearance at Henry VIII's court, playing the part of Perseverance in a Shrove Tuesday pageant. At that time, Henry was having an affair with Anne's sister, Mary

c1526: The object of love

Henry VIII falls in love with Anne. A letter from him, dated to 1527, states that for more than one year Henry had been "struck by the dart of love" and asks Anne to "give herself body and heart to him"

1532/33: The royal wedding

Anne marries Henry. The official wedding is held in January 1533, but they are probably married secretly at Dover in October 1532. Henry's marriage to Catherine of Aragon is not annulled until May 1533

7 September 1533: The birth

Anne gives birth to a daughter, Elizabeth

29 January 1536: The miscarriage

Anne miscarries a male foetus

2 May 1536: The accusations

Anne is arrested and taken to the Tower, along with her brother George Boleyn, Lord Rochford

19 May 1536: The execution

Anne is beheaded on Tower Green within the Tower of London

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