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# 'Of Whims and Fancies': A Study of English Recusants under Elizabeth, 1570-1595

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‘OF WHIMS AND FANCIES’: A STUDY OF ENGLISH RECUSANTS UNDER  
ELIZABETH, 1570-1595

A Thesis

Submitted to the Graduate Faculty of the  
Louisiana State University and  
Agricultural and Mechanical College  
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Master of Arts

in

The Department of History

by  
Michael David Lane  
B.A., Baylor University, 2009  
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With love for my parents, David and Bernie, whose sacrifice and continuous support made graduate study and this thesis possible.

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## ABSTRACT

The following study examines the political, economic, social, and religious lives of a variety of lay Catholic recusants in the context of their relationship with the monarch and royal government. The thrust of this thesis is to explore how this relationship affected both the individuals' lives and the continued existence and form of Catholicism in a Protestant country.

The legislation and political maneuverings against English Catholics were not a unique experience for a minority faith during the 16<sup>th</sup> and 17<sup>th</sup> centuries. During Elizabeth's reign, English Catholics faced inconsistent legislation, outright persecution, and disinterested government action against the practice of the Catholic faith and their persons. Their adaptations to this volatile environment produced what would eventually become the small, aristocratic enclaves of Catholicism in the 17<sup>th</sup> and 18<sup>th</sup> centuries. Despite their status, English Catholics did not retreat entirely from public life or give up their economic and political pursuits. These men and women were required to adapt to the new circumstances though. This thesis argues against previous scholars' assertions that legal, financial, and religious barriers for English Catholics were simply another hurdle to jump through to attain political or economic aspirations. The numbers of individuals who faced legal and financial ramifications are telling of the extent the Elizabethan government could prosecute Catholics. But, the limitations of early modern bureaucracy are also found in the individuals who discovered ways around land sequestration, fines, and continued to practice Catholicism.

Over time, English Catholics were slowly, yet not systematically, removed from public offices and service until by the end of Elizabeth's reign only a few remained in positions of influence in either the local or national setting. In many cases, these were aristocratic men.



## INTRODUCTION

In Elizabethan England, the government and most subjects did not differentiate between the spheres of religious practice and political service or duty.<sup>1</sup> Religious practice was both a private act in one's relationship with God and Church and a public act of obedience to the realm's religious laws. Even private devotion and religious activity should, in theory, be in line with the established law of the realm. Monarchs viewed divisions of faith as a threat to the stability and safety of the realm.<sup>2</sup> For centuries, individuals who went against the established church represented both a spiritual and temporal danger to the realm. Deviation was a spiritual threat because heresies threatened other's salvation. Monarchs were responsible for expunging these individuals in conjunction with the church. In a legal sense, those who disagreed with the established church posed a temporal threat because they were in essence disobeying their rightful monarch. The more public the disobedient were the greater threat to public safety they posed, at least in the government's eyes. England, similar to the continent, viewed the minority faith with malicious suspicion.

The ongoing Protestant Reformation and the rapid development and spread of the Catholic Counter-Reformation created many potential political and religious flash points. Most kingdoms possessed a minority faith of varying sizes and influence. In England, the religious minority comprised a range of small groups of Roman Catholics and Protestants who did not agree with the Church of England's religious settlement. Depending on the size, political power and influence, beliefs, and potential international threat, the government's relationship varied

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<sup>1</sup> Arnold Pritchard, *Catholic Loyalty in Elizabethan England* (Chapel Hill, NC: University of North Carolina Press, 1979), p. ix-xii.

<sup>2</sup> This suspicion fluctuated with events and the political climate. See Report on the Present State of Affairs in England, *Recusancy and Conformity*, p. 255.

from open hostility to indifference. Many variables, including war, economics, and internal pressure, affected government policy over Elizabeth's forty-five year reign.

English Roman Catholics began Elizabeth's reign, in 1558, after a brief period of security and expansion. Mary Tudor, a Catholic monarch from 1553-58, returned the English Church to the Catholic faith and made attempts to bring the English people back to Catholicism through improved theological education of priests, centralized organization led by Cardinal Pole, and a return to traditional Catholic piety and devotional activity.<sup>3</sup> Englishmen who persisted in the Catholic faith after the enactment of the Acts of Uniformity and Supremacy of 1558 faced a world in continuing flux. From their point of view, the religious settlements of the previous thirty years had either been amended or abolished with each new monarch. There was nothing to indicate the new Elizabethan settlement would be permanent. Initially, English Catholics were lumped together with other religious minorities who refused to attend the Church of England's service. Together these dissidents were referred to as recusants. Recusants were those individuals who refused to attend Anglican services, but this term eventually came to be synonymous with English Roman Catholic population. Englishmen who were Protestant but did not attend the Church of England regularly were referred to as Dissenters or Non-Conformists. These Protestants formed their own communities of faith and faced their own struggles with Elizabeth's government. Eventually, the continued refusal to attend the Church of England service was seen as a public profession of the Roman Catholic faith.<sup>4</sup> Catholics were identified by their refusal to attend services. Church wardens noticed who was in attendance because the parish was central to

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<sup>3</sup> Mary worked towards returning Catholicism by undoing previous Church Settlements and returning Catholic fixtures, devotional items, and sacramental items to English parishes. Eamon Duffy, *Fires of Faith: Catholic England under Mary Tudor* (New Haven, Connecticut: Yale University Press, 2009).

<sup>4</sup> Alexandra Walsham, *Church Papists: Catholicism, Conformity and Confessional Polemic in Early Modern England* (London, UK: Boydell Press, 1999), p. 10.

community life.<sup>5</sup> Both not attending and not receiving Communion were early indicators of possible crypto-Catholicism due to dissenters' and non-conformists' willingness to appear at Anglican services and receive communion. Additionally, Catholic theologians debated the prudence, and possible sinfulness, of Catholics attending Anglican services. Frequently, those accused of being Catholic were told to present themselves at the next parish service and communicate<sup>6</sup> by one of the commissions, the justices of the peace, or the Privy Council who investigated recusants. Parish priests often reported on the non-communicants during surveys of church attendance and participation.

Communal and blood ties often created barriers to efficient administration of recusancy fines and penalties and frustrated the bishops' efforts to instill religious conformity in their dioceses. Personal relationships gave local officials a reason to protect Catholic family members and friends. Refusals to conform by recusants were not consistently punished but fines, imprisonment, and sequestering of lands were all possible. Execution, though legally allowed under the treason acts, was only used during periods of heightened international relations and after Parliamentary acts against Catholic priests and their supporters. Protestant family members could, if they wished, offer protection by intervening on their Catholic relatives' behalf before the Privy Council or commissions, or Protestants on the commissions might simply ignore their relatives' infractions. The frequency of local leniency would eventually lead to centralized administration of recusant policy and action.

The trademark characteristic of recusants was they were known to the government. Recusancy meant documented occurrences of non-attendance, possession of illegal Catholic

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<sup>5</sup> The administering of the sacraments, baptism, Last Rites, and marriage, at the parish helped to mark important life events (such as birth, marriage, death, sickness).

<sup>6</sup> The term 'communicate' simply refers to the reception of Communion within the Church of England.

materials, or the support of a Catholic priest.<sup>7</sup> Church papists mixed openly in Anglican services and were rarely convicted of recusancy.<sup>8</sup> These individuals sometimes held some previous recusancy convictions prior to their external conformity even as they secretly continued supporting the English Catholic community.<sup>9</sup> These members of the Catholic population outwardly conformed to the law by attending the Church of England service but remaining privately Catholic.<sup>10</sup> The category of church papist presents difficulties to any study of English Catholics because of the difficulty in identifying groups or even individuals as church papists. Usually, accusations, small clues, and personal associations were the indicators of closet Catholicism until concrete evidence, such as Catholic materials or a priest, were uncovered. Often these individuals could get away with attending the established Church as non-communicants and simply repeatedly agree to receive the Eucharist in the Church of England at Easter or Christmas year after year. Often the government failed to follow up on recusants' promise to conform. Recusants learned to use this strategy to avoid suffering the stricter punishments such as land sequestration or heavy fines.

The purpose of this study is to examine how the Catholic recusant population in England developed after 1570. Primarily, the thesis will explore how this minority group sustained itself during Elizabeth's reign and its relationship to the state during both turbulent and peaceful times. Despite pressures to conform during the 1560s and early 1570s, English Catholics continued

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<sup>7</sup> This might include financial aid or providing a home while the priest made their rounds among the local gentry and aristocracy.

<sup>8</sup> Church papists are those individuals who attend the Anglican service yet possess some outward Catholic leanings and/or are internally Catholic. Their outward conformity was merely to abide by the law.

<sup>9</sup> The reason Church papists will not be included is because they broaden the study too much. Church papists require a different research approach than recusants. Additionally, Church papists and recusants may have had similar livings, but they had very different interactions with the government. See Alexandra Walsham, *Church Papists: Catholicism, Conformity and Confessional Polemic in Early Modern England*. (London, UK: Boydell Press, 1999).

<sup>10</sup> This population is part of the reason why it is difficult to determine the exact number of Roman Catholics in England.

living more or less as Catholics at home thanks to the infrequent levying of fines and prison terms. The state's actions, both domestically and internationally, remain in the background so that the focus may remain on the recusants'. Elizabeth's main point of contention was not necessarily the Catholic faith, though Elizabeth was Protestant, but Catholics' inability to give obedience to Elizabeth in religion. For Elizabeth, recusants, because of their faith, denied the monarch's claim to headship of the Church of England.<sup>11</sup> This thesis, however, will argue against assertions that government legislation, fines, imprisonment, investigations, and land seizure were solely politically motivated and Catholics were only maltreated or punished for political misbehavior.

Direct government action, such as acts of parliament, which affected Catholics or their ability to practice Catholicism are evaluated for both their efficiency at curtailing Catholicism and their affect upon recusants' lives. Previous historians such as William Trimble, in his *The Catholic Laity in Elizabethan England, 1558-1603*, give examinations of state actions and mention only recusants' reactions rather than including recusants' day-to-day life. Recusants' lives were not merely a day-to-day reaction to state activities.<sup>12</sup> Recusants had to adapt to changing circumstances to keep their faith and maintain a semblance of normalcy in their lives. These were not static individuals. Many were proactive in their efforts to maintain their faith in England. Normal life pursuits included economic, legal, and social interactions with members of the government. Developing a clearer picture of how recusants lived and conducted their affairs with the state can give a clearer view of how Elizabethan society and politics interacted when different faiths met. Recusancy was imbedded in all aspects of the political and religious

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<sup>11</sup> LaRocca, John J, "Time, Death, and the Next Generation: The Early Elizabethan Recusancy Policy, 1558-1574," *Albion: A Quarterly Journal Concerned with British Studies*, vol. 14, no. 2 (Summer, 1982), p. 103.

<sup>12</sup> Adrian Morey, *The Catholic Subjects of Elizabeth I* (Totowa, New Jersey: Rowman and Littlefield, 1978) p.i.

landscape because it affected an individual's ability to politically and economically interact.

William Trimble portrays the English laity coping with the enforcement of different governmental acts throughout the reign but steadily declining in numbers and devotion to Catholicism. Trimble demonstrates the ways recusants were affected financially in an analysis of fines levied and collected on certain individuals which contributed to the decline in numbers.<sup>13</sup> Trimble treats the possibility of financial ruin and destitution dismissively, however, and does not categorize Elizabethan policy against Catholics as persecution of any kind.<sup>14</sup> Elizabeth's broad religious policy was inclusive for most Protestants. Her primary interest was political obedience.<sup>15</sup> While outright, systematic persecution did not occur, an atmosphere of persecution did exist. Recusants faced economic and social struggles which could only exist if the government was actively working to remove or convert recusants. The government used imprisonment, heavy fines, exile, and other state powers to coerce individuals to abandon Catholicism and these are certainly marks of persecution. The machinery of government, such as justices of the peace and the courts, were not capable of sustaining constant pressure during the sixteenth century, so government action against recusants usually coincided with threatening international events or the perceived possibility of domestic disturbances. In other words, greater attention and time was given to pursuing and prosecuting recusants when war or conflict threatened to increase. In peaceful times, the Privy Council would relent for certain individuals or offer minor governmental offices to prominent Catholics who showed signs of conversion. While not all of Elizabeth's government officials agreed, a carrot-and-stick policy was standard throughout

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<sup>13</sup> For economic status see William Raleigh Trimble, *The Catholic Laity in Elizabethan England, 1558-1603* (Cambridge, Massachusetts: Harvard University, 1964). P.177- 242.

<sup>14</sup> Trimble, *Catholic Laity*, p. 265.

<sup>15</sup> LaRocca "Time, Death, and the Next Generation: The Early Elizabethan Recusancy Policy, 1558-1574," p.105.

most of her reign. This policy, which included concessions such as minor roles in local governance, became more stringent as time passed. This is why an atmosphere of persecution best describes recusants' status. Large numbers of executions and imprisonments were not normal, but infrequent executions and imprisonments, along with lesser difficulties, did occur. Simple family decisions, such as education or travel, became problematic later in the reign because of harsher legislation. The more resistant an individual was to orders to conform or end their support for Catholicism the more stringently recusancy laws were enforced.

This thesis is not arguing that the religious situation in England was somehow unique by comparison to the rest of Europe. During the late 16<sup>th</sup> century, brutal actions between Catholics and Protestants, both governmental and those by their subjects, were common. Wars, massacres, harsh legislation, confiscations, and executions occurred across the continent. Aside from the German territories, the majority of Europe did not find any sort of settlement to allow for co-existence until the end of the century. Many of the English government's actions and legislation did not differ significantly from other areas of religious division. Government officials, however, were quick to argue that punishments against traitorous English Catholics were legal and solely for Catholic disobedience to their rightful monarch. There are several reasons why the government desired to paint English Catholics with the traitor's brush. First, Catholicism's international characteristics gave the English government their greatest worries. Spain and the Papacy were clear about their goals and views of England. They considered Elizabeth a heretic and a false monarch. Any harsh treatment of English Catholics by the government meant garnering further sympathy from the Catholic European powers. Second, and closely related to the first, the English government saw the local Catholic population as a potential fifth column supporting a foreign invasion force. Since English Catholics refused to give religious obedience

to Elizabeth, the government saw reason to doubt Catholic loyalties.

English Catholics attempted to separate their religious convictions from their dedication to the English crown whenever possible. While other historians have focused mainly on the polemical writings of Catholic clerics who lived outside of England, this study will include examples of Catholic lay and ecclesiastical loyalty within England.<sup>16</sup> This is the difference between focusing on the theory of Catholic loyalty to a Protestant queen, written by those living outside of England, and the practicalities of such a relationship for those living within England. This is an important point because the government often questioned the loyalty of English recusants, most frequently during times of political crisis. Recusants accepted a variety of punishments and restrictions willingly to demonstrate their loyalty to Elizabeth and England while keeping their faith.

The extent to which English Catholics depended upon each other and created a network of assistance among themselves is an important part of this study. Some of these networks, such as the secret transfer of funds and Catholic material to imprisoned recusants and priests, only developed as the government applied a level of pressure similar to open persecution. While state-mandated persecutions in the modern period are systematic and widespread, Elizabethan persecution was infrequent and reactive. The treatment of English recusants, however, included imprisonment, heavy fines, and executions even if they were infrequent. Other aspects of the Catholic community developed over time such as long-term strategies to retain lands in Catholic hands. Catholics gave assistance to each other by acting as executors of each other's wills, as business partners, assisting families who lost their male heads, offering support while in prison, and acting as a group in several important efforts such as petitions of loyalty. These relationship

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<sup>16</sup> See Arnold Pritchard, *Catholic Loyalism in Elizabethan England* (Chapel Hill, NC: University of North Carolina Press, 1979).



developments are important because the recusant community helped to maintain the Catholic population in England. By mutually supporting one another English Catholics ensured two very important outcomes. First, they assisted in the development of a network that allowed missionary priests to move throughout the country in the decades after 1570. Second, no Catholic enclave, urban, gentry, or aristocratic, was left totally isolated from other enclaves or from its continental brethren. The circulation of literature, devotional items, and news was possible because of recurrent connections among English Catholics. This should not, however, be over-emphasized. The network was not always consistent, deep, or extensive. It was just enough to fulfill English Catholics' survival needs.

English Catholics' actions to maintain the faith were reactive and adaptive. This thesis will argue that recusants faced pressure to conform to the Established Church from Elizabeth's government and were forced to react accordingly in their fiscal, political, and religious actions. The term 'pressure' is preferred to persecution. While Catholic contemporaries might have characterized specific state actions, such as imprisonment, as persecuting, the pressure was neither sustained nor intense over the whole of Elizabeth's reign.

William Trimble's argument about the status of the English Catholic laity is based on the effects of outward conformity and recusancy because those are what attracted the state's attention to an individual. His study and argument are built on the use of the recusancy fines and the prison sentences of recusants. Trimble argues that many recusants conformed after the crises of the 1580s, including the Armada, because the "ignominy and distress of enduring the repressive hand of the government and the suspicion of one's neighbors could outweigh the convictions of one's conscience." Trimble also argues that those individuals who did conform demonstrated the power of nationalism to persuade recusants to conform, but his argument lacks

convincing evidence.<sup>17</sup> The leap is not too far, but Trimble assumes the reason must be nationalism because the crisis was national. Additionally, Trimble argues that the fines reduced access to the offices and financial benefits of the Court, reduced national political influence, and fiscal difficulties of remaining a recusant did not add undue burdens to English Catholics. This thesis will argue against Trimble's assumptions. Trimble dismisses the clear financial burdens placed upon Catholics and their increased isolation and lack of political protection as merely additional obstacles to overcome rather than harsh burdens.

In conclusion, this thesis explores the status of English Catholics during Elizabeth's reign. External pressure to conform forced Catholics to adapt to preserve their faith. Priestly ministry, children's education, inheritance, wardship, political and financial difficulties, and familial issues were all further complicated during government attempts to enforce conformity.

Chapter 1 will survey the importance of the Northern Rebellion, Catholic plots against Elizabeth, the papal bull *Regnans in Excelsis*, and the legal framework English Catholics faced. These events laid foundations for the long-term struggles recusants faced with the state. Despite the majority of recusants remaining apart from rebellion and plots, the government and the Protestant majority viewed Catholicism as innately disloyal to the crown. Chapter 2 will discuss the role of the clergy among recusants and their contentious relationship with the Elizabethan state. Chapter 3 will discuss the major individuals, both Protestant and Catholic, and their experiences as recusants. Recusants' experiences are telling of the extent Protestants and Catholics were able to co-exist. Additionally, recusants' loyalty to the state and how they attempted to demonstrate it while refusing to conform and a brief explanation of conscience's role in the religious discussions of the day is examined. Chapter 4 will discuss the role of women

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<sup>17</sup> Trimble, *Catholic Laity*, p. 137.

recusants and where women fell under the recusancy laws. This will examine both written law and governmental action as they relate to women. The government's treatment of women recusants is revealing of how threatening Catholics were to the government. New legislation and treatment developed out of the interactions between women and the government.

## CHAPTER ONE: A NEW WORLD, *REGNANS IN EXCELSIS* AND THE DEVOPMENTS OF THE 1560s

### The Church of England

While this thesis explores recusants and their relationship with the Elizabethan government, discussing the foundations and goals of the Elizabethan religious settlement is important. Prior to Elizabeth, Mary Tudor ruled England from 1553-58. Under Mary England had returned to Catholicism after Henry VIII and Edward VI each legislated very different forms of Protestantism. Until recently, the main historiographical tradition portrayed Mary as a Catholic ‘detour’ on England’s road to a full-fledged Protestant national church.<sup>1</sup> Because of this interruption, various opinions have formed over when the English Church became both fully Protestant and confessionalized. Historians of continental reforms argue that a ‘second reform’ or a process of confessionalization had begun in the 1550s after the Peace of Augsburg in 1555.<sup>2</sup> England did not experience long-term development of distinct beliefs and practice until after the Elizabethan settlement in the 1570s or 1580s, which only replicated certain aspects of the continental confessionalization process.

Upon Mary’s death three major groups may be distinguished prior to Elizabeth’s first Parliament in 1558. First, the Catholic peers, bishops, and gentry formed a party which lacked vigor and definitive leadership. The House of Commons contained few Catholics willing to engage the Protestants blocks. Catholic peers in the House of Lords were, like their Protestant

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<sup>1</sup> Caroline Litzenberger, “Defining the Church of England: religious change in the 1570s”, *Belief and Practice in Reformation England: A Tribute to Patrick Collinson from his Students*, ed. Susan Wabuda and Caroline Litzenberger (Brookfield, VT: Ashgate Publishing, Ltd, 1998), p. 136.

<sup>2</sup> Litzenberger, “Defining the Church of England”, *Belief and Practice*, p. 135.

counter-parts, connected to the Crown through office holding and Court connections. These men were unwilling to oppose their monarch openly or vehemently, except Anthony Brown Viscount Montague. The Marian bishops, however, consistently voted against all reforming legislation but did not attend Parliamentary sessions frequently to debate or discuss. A.G. Dickens argued that the Marian bishops could see the writing on the wall and were primarily concerned with their consciences, instead of speaking out against Elizabeth.<sup>3</sup>

The second group at the Parliament of 1558 was the Nicodemites or those Protestants who remained in England under Mary. This group contained many of the highest level government officials including Queen Elizabeth, William Cecil, many members of the Privy Council, and the Archbishop of Canterbury. Nicodemites held less fully formed beliefs, were less radical than the returning exiles, and quickly took control of the center of government.<sup>4</sup> This group was not well represented enough in the House of Commons to retain control of legislative debate, bill formation, and passage. Even without a majority, this party formed one side of the religious settlement fight. The fight over the Church of England was not between Catholics and Protestants though. Religious settlement fights broke out between those Protestants who sided with Elizabeth and her officials and Protestants who sided with the militants and exiles.<sup>5</sup>

This final group was largely made up of the Marian Exiles who returned as soon as Elizabeth opened England's shores to them. There was no uniform or single Exile or Calvinist party which left and returned to England together or who had a single plan. These men returned to England from several different areas of Europe and so brought back a variety of views on liturgy, church hierarchy, ecclesiology, communion, and the like. The exiles also included

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<sup>3</sup> A.G. Dickens, *The English Reformation* (London, UK: B.T. Batsford, Ltd, 1964), p. 298.

<sup>4</sup> Litzenberger, "Defining the Church of England", *Belief and Practice*, p. 140.

<sup>5</sup> Dickens, *The English Reformation*, p. 297.

numbers of returning university students and teachers, Protestant pamphleteers, including the future Elizabethan Settlement defender John Jewel, former clerics of the English Church, and other writers. For the most part, the exiles spent time with Presbyterians and Congregationalist communities in Europe. Their time in places like Geneva influenced their attitudes towards church governance, the monarchy, and theology, but they did not necessarily want the social or hierarchical structure of places like Geneva or Zurich. Among the exiles were groups who were still committed to episcopacy and the Prayer Book of 1552.<sup>6</sup> This group formed the opposition to Elizabeth's plans for the religious settlement. Their demands would concern the government far more than the Catholic minority in 1558.

As the 1558 Parliament began, the Protestant Church of England was amorphous and ambiguous. Nothing was set in stone, the Church had been Catholic for five years, and those who gathered around Elizabeth immediately were without ecclesiastical assistance. Additionally, the political scene was uncertain. England in 1558 was militarily and financially weak, King Philip of Spain toyed with possibly marrying Elizabeth, war on the continent continued, and Elizabeth was still establishing her position. Taken together, the Privy Council and Elizabeth saw the safest way to advance reform was slow and piecemeal. Even the official break with the papacy, something all Protestants wanted, was to be taken carefully and not done dramatically.<sup>7</sup> This central policy of slow and steady was rejected by many Marian exiles, especially those from Geneva. Another exile group, the Prayer Book Exiles, found ways to compromise with the center because of their desires to honor Thomas Cranmer's memory and bring back the Prayer Book of

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<sup>6</sup> Dickens, *The English Reformation*, p. 283-284, 293-294.

<sup>7</sup> Dickens, *The English Reformation*, p. 295.

1552.<sup>8</sup> The Nicodemites and the Prayer Book Exiles, with discrete help from William Cecil, were able to take control of the House of Commons.

Whatever their differences, Protestants agreed that the international situation in 1558 made gradual reform very appealing in order to keep foreign powers, both Catholic and Protestant, either content or in limbo waiting to see which direction the reform would take. On 19 March 1558, the Peace of Cateau-Cambresis was signed by France to end the war with Spain and England. Additionally, soon after the sessions began, the House of Commons achieved overall unity and the Privy Council, thanks to a more settled domestic situation, began speaking much more openly to Elizabeth about future reforms for England. Elizabeth realized the need for Protestant theologians to assist the ongoing reforms in the future, in addition to removing the stubborn Catholic prelates. The Lords, whatever their personal opinions, did their best to achieve what the center, government officials, Elizabeth, and some exiles, desired for reform. The Commons, however, was aggressive in its demands to remove all vestiges of Catholicism.<sup>9</sup> Later in Elizabeth's reign, this core group in the Commons would lead the campaigns for stricter and more stringent punishments for Catholic practices and deviations from the established Church. During the Parliament of 1558, the Acts of Supremacy and Uniformity were each passed after debate in Commons, House of Lord's revisions, and much compromise.

Caroline Litzenberger argues that the resulting settlement left open much ambiguity of practice for the 1560s. The Church of England, according to Litzenberger, differed from continental processes of confessionalization for two reasons. First, the Church of England was aided in survival and expansion by not being a 'doctrinal church'. Or, as the popular phrasing goes, 'no windows into men's minds'. Second, public participation rather than personal beliefs

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<sup>8</sup> Dickens, *The English Reformation*, p. 298.

<sup>9</sup> Dickens, *The English Reformation*, p. 300-301.

was the measure of acceptance to the settlement. This led to an increased stress on objects, actions, and symbols of worship as the defining aspects of the Church of England. A wide range of beliefs could then be accommodated. Litzenberger agrees with Patrick Collinson that the Church of England did not begin a ‘second reform’, as on the continent, but, finally, ended the first reform that began decades earlier. However the process may be characterized, the evidence is clear that Elizabeth and the center gave direction to and shaped the essence of Anglican belief and practice.<sup>10</sup>

During the 1560s, the Church of England did its best to achieve greater uniformity within the Church and confront the ever changing demands of radicals. While Catholics had predictable requests, freedom to practice their faith or renewed connection with the papacy, radicals brought the continental reforms which Elizabeth did not want influencing the development of the Church of England.<sup>11</sup> For example, some radicals desired an English Church based on the Presbyterian model so to be rid of episcopacy. In order to give sharper distinction and greater clarity after the ambiguous 1560s, the Church of England began to define itself in terms of the ‘other’, namely those at opposite ends of the religious spectrum: Catholics and Protestant radicals. The Book of Common Prayer and Articles of Religion of 1571 delineated the boundary between acceptable and unacceptable in Anglican liturgical theology.<sup>12</sup> As the Church of England clarified its beliefs and practices, greater pressure was exerted on those who resided on the ends of the religious spectrum. The Church of England identity solidified over the course of the 1570s through both a clearer expression from within and in specific reference to the ‘others’ in England.<sup>13</sup>

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<sup>10</sup> Litzenberger, “Defining the Church of England”, *Belief and Practice*, p. 150-151.

<sup>11</sup> Litzenberger, “Defining the Church of England”, *Belief and Practice*, p. 140-142.

<sup>12</sup> Litzenberger, “Defining the Church of England”, *Belief and Practice*, p. 144.

<sup>13</sup> Litzenberger, “Defining the Church of England”, *Belief and Practice*, p. 152-153.



## Recusant Status Under the Law

Elizabeth's government took a firm stance against Catholicism and other dissenters in her very first Parliament. The Act of Uniformity of 1558 commanded that Elizabeth's subjects

shall diligently and faithfully, having no lawful or reasonable excuse to be absent, endeavor themselves to resort to their parish church or chapel accustomed... where Common Prayer and such service of God...., upon every Sunday, and other days ordained and used to be kept as Holy Days, and then and there to abide orderly and soberly..; upon pain [of Church censures and every person] so offending shall forfeit for every such offense twelve pence, to be levied by the Church wardens.<sup>14</sup>

This act is important to this discussion of recusancy because it set the tone for any future interactions between recusants and Elizabeth's government. The Act of Uniformity did not allow recusants to use any legal argument or excuse for avoiding church attendance. The Act also made it clear there was no reason to be absent from service or to be disorderly during service.

Catholics<sup>15</sup> were effectively constrained from the start. The idea of attendance in body but not in mind was not yet openly discussed as a response to the act's attendance requirements, and the temptation to disturb the church service through any means was curtailed immediately.

Disruptive actions were punishable under the law by a fine of at least twelve pence per week or more, depending on when holy days fell. This financial penalty became the primary policy when the government pressured recusants to conform. Recusants found it difficult to formulate a strategy to deal with the new religious settlement. Their desire to remain Roman Catholic and to follow the letter of the law were seemingly impossible to reconcile.

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<sup>14</sup> An Act for the Uniformity of Common Prayer and Divine Service in the Church, 1559, in *Recusancy and Conformity in Early Modern England: Manuscript and Printed Sources in Translation*, ed. Genevra Crosignani, Thomas M. McCoog, and Michael Questier with the assistance of Peter Holmes (Toronto, Canada: Pontifical Institute of Mediaeval Studies, 2010), p. 1.

<sup>15</sup> The reader should understand any use of either the word "Catholic" or "recusant" to refer to those English Catholics who openly refuse to attend the Church of England service. I will use these terms interchangeably. Clarification is provided if the individual is not a recusant.

In the initial stages of Elizabeth's reform of the Church of England there was time for Catholics to remain silent and simply observe developments. Elizabeth needed to remove any Marian bishops who would not conform and begin disseminating information about the reforms of the Church of England. Catholics were patient during these first years as they waited to see what form Elizabeth's religious settlement would take. The older generations had witnessed the government's erratic ecclesiastical swings from Henry VIII to Edward VI to Mary I, and, finally, to Elizabeth. During the 1560s, Catholics did not object to paying tithes or helping to repair churches because the assumption was that England would soon, or at a future date, return to Catholicism.<sup>16</sup> Any investment by Catholic parishioners in buildings or priests could be interpreted as investing in the possible future of Catholicism rather than strictly supporting only the Church of England.

As time went on, Catholics developed concerns as it became clear the English Church would not be returning to Rome anytime soon. First and foremost, English Catholics needed to know if they could attend Church of England services without imperiling their souls. A petition to the Council of Trent's last sessions poses this question: "Many lay Catholic gentlemen and God-fearing men, some in prison, some soon to be thrown in there; [moved by pleas of friends and family to refrain from recusancy to be at least be present at Protestant churches]" must ask "what men of true piety and learning think they ought to do." These petitioners expressed a willingness to accept whatever ruling the council fathers handed down. If attendance would not endanger Catholic souls, then they would obey the public law, but if not then "they are prepared to suffer anything..."<sup>17</sup> This petition had no signatures of any one man or group, but expressed

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<sup>16</sup> Trimble, *The Catholic Laity*, p. 115.

<sup>17</sup> Petition of English Catholics to the Council of Trent, ca. June 1562, *Recusancy and Conformity*, p. 3-4.

the concerns of all “English Catholic gentlemen threatened in many ways by dangers.”<sup>18</sup> This simple question was one which affected many of future problems and controversies, not just for English recusants, but for all continental Catholics involved in assisting English Catholics. Recusants faced questions such as whether church attendance was a sin, the nature of the sin,<sup>19</sup> could a Catholic attend but simply pray Catholic prayers mentally, and what was required of lapsed Catholics before being received back into the Church. These all created controversies amongst theologians and the council fathers of Trent. Catholic theologians in later decades would argue that only active, conscious participation made attendance a sin, not mere presence.<sup>20</sup> Many other Catholic theologians however disagreed, on the grounds that attendance meant that Catholics would hear and take in heretical teachings with no rebuttal.<sup>21</sup> This opinion would gain traction as the poor state of catechesis among recusants became clear.<sup>22</sup> Eventually, in the 1560s, the Inquisition, the Council of Trent, and the Roman Curia all ruled English Catholics should not attend Anglican services. This decision would be emphasized several times over the next few decades.

The Act of Supremacy impacted the lives of recusants just as much as the Act of Uniformity, especially in regards to office holding. The Act of Supremacy of 1559 provided Elizabeth and her heirs “all manner of jurisdictions, privileges, and preeminences, in any way

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<sup>18</sup> Petition of English Catholics to the Council of Trent, ca. June 1562, *Recusancy and Conformity*, p. 4.

<sup>19</sup> This is referring to whether the sin was mortal or venial.

<sup>20</sup> Henry Garnet, “A treatise of Christian renunciation, England 1593”, *Recusancy and Conformity*, p. 266-267.

<sup>21</sup> William, Cardinal Allen, to Catholics in England, Rome, 12 December 1592, *Recusancy and Conformity*, p.261-262. Cardinal Allen asks his fellow Englishmen to not defend or teach that it is lawful or permissible for Catholics to communicate with Protestants at their prayers or services. However, he tells missionary priests that both he and the pope agree that those wishing to be absolved of schism should be “gentlie dealt withall and easily absolved.”

<sup>22</sup> Catechesis refers to the instruction of Catholics in the faith.

touching or concerning any spiritual or ecclesiastical jurisdiction” in her realms.<sup>23</sup> This act did not affect the day-to-day spiritual lives of recusants in the same way as the Act of Uniformity, but it did make Elizabeth the governor of the Church of England by granting her “any Spirituall or Ecclesiasticall Power or Authorite.... by authorite of this present Parliament be united and annexed to the Imperiall Crowne of this Realme,” and by abolishing all foreign powers claiming the same.<sup>24</sup> This act became a sticking point for subsequent recusant activity. The oath contained in this act required bishops, clergy, mayors, and other office holders to “utterly testify and declare in my conscience, that the queen’s highness is the only supreme governor of this realm... in all spiritual or ecclesiastical things and that no” foreigner possessed any jurisdiction or authority in either spiritual or ecclesiastical matters in the realm.<sup>25</sup> This had a larger practical impact because it began the process of barring recusants from holding offices, including university positions and attendance. Thirty days after the enactment no one would be permitted to defend or advance any claim by foreigners to religious supremacy.<sup>26</sup> The first offense resulted in a loss of “all his and their goods and chattels”, and those who did not have £20 in goods would suffer imprisonment for one year without bail. After the second offense, the offender was subject to the statute of Provision and Praemunire and all its accompanying “dangers, penalties, and forfeitures.” Lastly, any person convicted of a third offense was guilty of high treason and would suffer death and property forfeiture.<sup>27</sup> These two acts created confusion amongst Catholics over the proper course to pursue. In a single parliamentary session, English Catholics faced strict laws

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<sup>23</sup> Act of Supremacy 1559, in *Documents Illustrative of English Church History*, ed. Henry Gee and William John (New York: Macmillan, 1896), p. 448. <http://history.hanover.edu/texts/ENGref/er79.html> (accessed April, 25, 2012). All future citations from this website include act and book title but not the website address.

<sup>24</sup> Act of Supremacy 1559, in *Documents Illustrative of English Church History*, ed. Gee and John, p.449.

<sup>25</sup> Act of Supremacy 1559, in *Documents Illustrative of English Church History*, ed. Gee and John, p. 449.

<sup>26</sup> Act of Supremacy 1559, in *Documents Illustrative of English Church History*, ed. Gee and John, p. 452, 454.

<sup>27</sup> Act of Supremacy 1559, in *Documents Illustrative of English Church History*, ed. Gee and John, p. 453.

against the practice of their faith in both spiritual and temporal terms. The government sent a clear message of no tolerance. In legal terms, recusants possessed no protection or support. The practical application of these acts will be discussed later, but it is important to understand that all future laws against recusants built upon these two acts. Recusancy acts of later decades expanded on these articles requiring the oath of supremacy for a greater number of offices and increasing the penalties for violators. Other acts set out specific methods of enforcement to ensure the successful application of the recusancy laws. Additionally, these two acts were focused on attendance at Anglican services, oaths of religious authority, and penalties were focused on lack of attendance. All those who did not conform violated these acts. Later acts, proclamations, and statutes specifically targeted Catholics and Catholic practices.

A letter from the Bishop Alvaro de la Quadra, Spanish ambassador to England, to the Spanish Ambassador to Rome, Cardinal Vargas, explained some of the concerns and confusions continentals faced in advising English Catholics. Alvaro forwarded a document to the Council of Trent with his letter that outlines their sole question of “whether they can be present at [the] service, or at ‘Common Prayers.’” Additionally, Alvaro states that “they [the services] contain no false doctrines... apart from the sin of dissimulation, and possible harm caused by bad example, the thing is not by its nature evil.” He goes on to say he would not give recusants his opinion and admits confusion about the proper course because “it is forbidden here by law to be a Catholic, and capital punishment is established for those who do not live as heretics.”<sup>28</sup> This confusion included how to assist those seeking absolution and how to establish faculties<sup>29</sup> for Catholic clerics residing in England. The response from Trent in late August 1562 baldly explained “with

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<sup>28</sup> Alvaro de la Quadra, Bishop of Aquila and Spanish Ambassador to England, to Fransico Vargas, Spanish Ambassador to Rome, London 7 August 1562, *Recusancy and Conformity*, p. 7-8.

<sup>29</sup> A priest could only administer the sacraments if he was vetted and given permission by a bishop or if the situation was life or death.

one voice did conclude that without hainous offence and indignation of God, you may not be present at such praiers of hereticks, or at their sermons: and that farre better it were to suffer any whatsoever most bitter cruelties, than in most wicked and abominable rites & services by the least signe to consent unto them.” The Council Fathers even advised Catholics to limit their interaction with heretics as much as possible.<sup>30</sup> Clearly, recusants received an answer that did not provide any compromise between English Catholics and the established church, the law in England, or their Protestant relatives and neighbors. This proclamation complicated matters by making it difficult for Catholics to receive offices from the state and to conduct legal matters with the state. However, those wishing to remain or return to the faith were granted a small spiritual reprieve. The Holy See sent a letter to Alvaro de la Quadra, Bishop of Aquila and Spanish ambassador to England, authorizing him to absolve those wishing to return to the Catholic faith after giving them a “salutary penance and obliging them to make the necessary amends according to the nature of their crime” and according to his judgment.<sup>31</sup> Additionally, the Pope granted Aquila the authority to delegate the powers to other Catholic priests in England whom he deemed worthy and suitable.<sup>32</sup> The absence of ecclesiastical leadership in England meant the Church’s missionary efforts lacked overall guidance and purpose until the founding of English seminary colleges abroad, especially in Douai and Rome. Even then, the Archpriest disputes of the late 1590s demonstrated what the lack of episcopal leadership could do to missionary efforts.

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<sup>30</sup> Declaration of the Fathers of the Council of Trent, August 1562, *Recusancy and Conformity*, p. 19-20.

<sup>31</sup> This would contribute to the later development of the Archpriest controversy. Since England was severed from the rest of the Church there was no governing ecclesiastical hierarchy. This meant that technically no priest had permission to administer the sacraments, save in cases death or near death. There would be no bishops to judge a priest capable and knowledge to preach and minister to the faithful. See Pritchard, *Catholic Loyatism*, p.3-10.

<sup>32</sup> Pope Pius IV to Alvaro de Quadra, Rome, 2 October 1562, *Recusancy and Conformity*, p.28-29.

## *Regnans in Excelsis*

The last three decades of Elizabeth's reign began with the creation of a new barrier between recusants and Elizabeth's government, Elizabeth's excommunication. In February 1570, Pope Pius V promulgated the papal bull *Regnans in Excelsis*, which excommunicated Elizabeth as a "heretic and an abetter of heretics, and we declare her...to have incurred the sentence of excommunication and to be cut off from the unity of the Body of Christ" and "declare her to be deprived of her pretended claim" to the throne of England. Additionally, this bull absolved all of her subjects from any oath of allegiance to Elizabeth and commanded them to not obey her under pain of excommunication.<sup>33</sup> This again caused confusion for recusants. Since this bull would not have been publically promulgated, unlike in Catholic kingdoms, copies were transported to England secretly and caused many to wonder if the Pope had really sent the bull. Even by the late 1570s many Englishmen had questions concerning the excommunication and its implications for them. A series of nineteen questions concerning Catholics' relationships with Elizabeth and the Church of England were submitted by recusants or their supporters to Rome. The answer was sent to England with missionary priests.<sup>34</sup> The recusants' questions included: how the Bull affected their legal documents and oaths in acknowledging Elizabeth as Queen; whether they were still bound by their oaths to Elizabeth; was it permissible to eat meat on days forbidden by the Church England, or to offer Catholic prayers in silence at the Anglican service to allow

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<sup>33</sup> Pope Pius V, *Regnans in Excelsis*, Rome, 25 February 1570, *Recusancy and Conformity*, p. 88-89.

<sup>34</sup> *Recusancy and Conformity*, p.90. The date and author of this document is not known. Most scholars agree that it was written no later than 1580 but was probably closer to 1578. The author has been said to be a Roman jurist, possibly Fr. Antonio Possevino, while he was in Rome by Pollen and Holmes. Francis Edwards believes these are just answers to a series of questions posed to Pope Gregory XIII and sent with Edmund Campion and Robert Persons. In either case, these questions were all specifically for the laity in England after the excommunication of Elizabeth.

heretics to conclude they are not Catholics; and whether Englishmen could in good conscience take up arms in defense of Elizabeth against foreign powers seeking to restore Catholicism, among other issues.<sup>35</sup> The last question concerning defense of the realm constantly arose during internationally tense moments. Since recusants were severed from the rest of Catholic Europe, many recusants did the best they could and offered temporal loyalty to Elizabeth and affirmed their willingness to serve her. But they continued to refuse her authority in religious matters.

These were the questions that concerned English Catholics in general. *Regnans in Excelsis* added more confusion than clarity for recusants attempting to maintain good relations with Elizabeth while safeguarding their immortal souls. The Papal bull seemed to resolve the big issues or possibilities for recusants. Englishmen may ignore Elizabeth in religious matters, assist invading Catholics, and restore Catholicism to England. Recusants are directed towards conflict rather than away. That Pope Pius V and the Council Fathers increased Elizabeth's government's anxiety about the Catholic threat is obvious. In 1571, Parliament passed the *Act against Bulls from Rome* to address the bull's implications and those who might support it. This act built upon previous legislation intended to secure the Queen's safety and authority. First, the unlawfully claimed authority by the See of Rome usurped Elizabeth's rightful power and jurisdiction and anyone guilty of supporting Rome's claims would face the consequences of praemunire. Second, the act outlawed possession of the bull or any other letter or means offering absolution and reconciliation with Rome, and offenders were to be judged guilty of high treason. Third, Catholic devotionals, such as icons or crucifixes, rosaries, and blessed objects were deemed illegal, and

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<sup>35</sup> Ad consolationem et instructionem quorundam Catholicorum angustiis constitutorum quaestiones aliquot, before April 1580, *Recusancy and Conformity*, p. 90-97.



offenders faced penalties and forfeitures.<sup>36</sup> Between this act and the bull of excommunication the government possessed both the legal framework to prosecute recusants and a legitimate excuse to question the loyalty of any known English Catholic. The day-to-day lives of recusants were changed by each of these. The bull forced recusants to question social and political actions which had previously been a part of gentry and noble daily life. True, the bull, questionnaire, and the Council of Trent all answered recusants' questions, but they created just as many problems as they solved. The degree to which government officers enforced the acts was outside of recusants' control, except perhaps for those of sufficient social or political standing. Recusants could control the visibility of their faith, whether they attended the parish Church once a year, whether they sought political office or not, with whom they interacted openly, and how they responded to accusations and convictions of recusancy. By accepting the unpredictability of living a recusant's life, these men and women appeared to have set their faith and salvation as their primary goals. The Elizabethan government continued enacting proclamations, statutes, and acts of parliament targeting Catholic practices and clergy. Over time, the very act of claiming Catholicism was dangerous ground to tread upon.

### Legal Difficulties after *Regnans in Excelsis*

This legal framework created the atmosphere of persecution for recusants. The papacy contributed to this as well. Recusants' loyalty to the realm was suspect because of the pope's abrogation of their obligations to the Queen and the government's perception of recusants'

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<sup>36</sup> An Act against Bulls from Rome, 1571, in *Crown and Parliament in Tudor-Stewart England: A Documentary Constitutional History, 1485-1714*, ed. Paul L. Hughes and Robert F. Fries (New York, NY: G.P. Putnam's Sons, 1959), p. 116-118.

loyalty to the pope. Additionally, a variety of devotional material associated with recusancy was declared illegal and subject to confiscation.

The enforcement of recusancy laws was not fully organized by the government until later in Elizabeth's reign. Acts of Parliament, proclamations, and ecclesiastical commissions and courts were neither uniform nor clear in assigning responsibility for enforcement. Most Anglican bishops wished to have authority over enforcement of the law, but felt they did not possess the power to coerce recusants to conform. Excommunication did not frighten an individual already separated from the Anglican Church.<sup>37</sup> As previously stated, church attendance originally fell under the jurisdiction of churchwardens who had the authority to levy the twelve-pence fine. Justices of the Peace and justices of assizes also had authority to try recusancy offenses. In the 1550s and early 1560s, several counties proved unable or unwilling to purge Catholics from the ranks of the justices of the peace. With no central governmental figure keeping track of who was administered the oath of supremacy, Catholics could, initially, slip into the ranks of office holders.<sup>38</sup> The government received a variety of reports of these infractions from frustrated bishops, archdeacons, church wardens and lay people. By 1564, bishops were required to conduct surveys of their dioceses to ascertain the religious leanings of office holders and to ensure that the oath of supremacy was administered.<sup>39</sup> In Sussex, known Catholics were able to remain on several commissions for the county until 1570.<sup>40</sup> After *Regnans in Excelsis*, recusant office holding was curtailed. Peers, because of their rank, were still able to participate in a limited capacity, but their numbers were fewer and fewer.

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<sup>37</sup> Roger B. Manning, "Elizabethan Recusancy Commissions", *The Historical Journal*, vol. 15, no. 1, (March 1972), p. 23-24.

<sup>38</sup> Manning, "Elizabethan Recusancy Commissions", p. 25.

<sup>39</sup> Manning, "Catholics and Local Office Holding in Elizabethan Sussex", p. 48.

<sup>40</sup> Manning, "Catholics and Local Office Holding in Elizabethan Sussex", p. 49-50.

In 1581, recusancy laws were strengthened by the passing of the *Act against Reconciliation with Rome*. Punishments were as follows: priests who ‘shall say or sing mass, being lawfully convicted, shall forfeit the sum of two hundred marks and be committed to prison...[for] one year, and from henceforth” remain until the full amount is paid. Individuals hearing Mass were fined one hundred marks and imprisoned for one year. Additionally, every person who did not attend church was fined twenty pounds a month.<sup>41</sup> To place this act in perspective, the Act of Uniformity called for a fine of only twelve pence to be levied at the church warden’s discretion. The Act of 1581 continued the ambiguous enforcement policy of the previous decade. No single court was given responsibility for enforcing the law. The King’s Bench, ecclesiastical commissions and courts, and Justices of the Assize and Peace were all given authority to hear cases.<sup>42</sup> Roger Manning argued the 1581 act did strengthen the ecclesiastical courts by giving them statutory authority to hear cases, but the justices were principally responsible for enforcement. These men possessed neither the ‘experience nor the inclination’ to address recusancy properly. Additionally, the legal process for the levying of fines was exceedingly disconnected and extended: gathering evidence, obtaining an indictment, then a conviction, and, finally, the fine was levied. This unwieldy legal process led to the passing of a second recusancy act in 1581. This new act allowed for monthly fines after initial conviction.<sup>43</sup>

Elizabeth’s government solved this jurisdictional confusion by slowly appointing special commissions to deal with recusancy violations. By 1587, recusancy commissions were given authority to rate recusants and levy fines. Some gentry and nobility found these to be legally

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<sup>41</sup> Act against Reconciliation with Rome, 1581, *Crown and Parliament in Tudor-Stewart England*, ed. Hughes and Fries, p. 121.

<sup>42</sup> Act against Reconciliation with Rome, 1581, *Crown and Parliament in Tudor-Stewart England*, ed. Hughes and Fries, p. 122.

<sup>43</sup> Manning, “Elizabethan Recusancy Commissions”, p. 26.

dubious without Justices of Assizes.<sup>44</sup> Eventually, the commissioners exercised the authority to examine individuals and commit offenders to prisons pending indictment and trial.<sup>45</sup> This explains certain recusants' extended stays in prison prior to conviction and other recusants' ability to come and go from prison at the discretion of their jailor. In 1593, the *Act against Popish Recusants* made this process of detection, examination, confinement, indictment, conviction and punishment much simpler. The act formalized the principle of 'five miles' around an individual's home or estate. Recusants under this rule were technically under house arrest at their urban home or principal estate and could only travel within a five mile radius without permission. In other words, freedom of a sort was given in that they could leave home, but the individual needed to obtain permission to leave for periods longer than a day. Violators could be heavily fined or have goods and lands sequestered. Allowances for infirmity or emergencies were included in the law.<sup>46</sup>

Taken together, these laws against recusants created an atmosphere of suppression. Catholic liberties were slowly chipped away and financial and legal coercion became commonplace. There are no acts of Parliament against any other dissenter group during this period and only a few proclamations against dissenters, such as the Anabaptists and the Family of Love. Enforcement at the local level could be stringent or sporadic, depending on individual recusants and their relationships in the community. Regardless, Elizabeth's government singled out recusants as a group to be monitored and kept in check.

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<sup>44</sup> Manning, *Elizabethan Recusancy Commissions*, p. 29-30.

<sup>45</sup> Manning, *Elizabethan Recusancy Commissions*, p. 32.

<sup>46</sup> *Act against Popish Recusants, Crown and Parliament in Tudor-Stuart England*, eds. Hughes and Fries, p. 129-131.

## Treason Law

The legal structure of Elizabethan England was not as clear cut as a modern legal system, where jurisdiction and laws are expressed clearly. This acted as both a detriment and an advantage for recusants. The courts, for most of the period, were not given directives on which court investigated, prosecuted, or punished which offenders except for some petty and heinous crimes. Therefore, recusants were able to slip through the blurred legal lines. For example, wealthy recusants with estates in several counties simply crossed the county line and claimed attendance at a parish or home chapel in the other counties. Communication was poor enough that different courts or commissions missed opportunities to prosecute known recusants. The disadvantages where this very benefit might be turned against recusants by aggressive commissioners who practiced 'it is better to ask forgiveness than permission' when the jurisdiction was unclear. These prosecutors would arrest, jail, or illegally enter alleged recusants' homes without the proper permission from their government superiors or local bishop.

The confusion about legal investigation and conviction also made court defense and prosecution difficult. Royal proclamations, acts of parliament, and statutes all dealt with various areas of jurisdiction and legal power. Sir Edward Coke, Elizabeth's attorney-general, provided the accepted doctrine of the legal force and scope of royal proclamation. Depending on the situation, royal proclamations might occasionally create new laws. Whenever current issues or practices threatened the realm's good order, proclamations could define these threatening practices as falling within the scope of existing laws.<sup>47</sup> On 1 April 1582, a royal proclamation defined priests entering England, English seminary students abroad, and all who aided and

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<sup>47</sup> Frederic A. Youngs, Jr., "Definitions of Treason in an Elizabethan Proclamation," *The Historical Journal*, vol. 14, no. 4 (1971), p. 675.

abetted priests in England or abroad as traitors under the laws of the realm. Again, in 1585, another addition made the physical presence of a priest in England a treasonous offense.<sup>48</sup> Essentially, these proclamations were government responses to perceived threats to peace and incorporated the offenses into the existing treason law. Lord Burghley drafted several of Elizabeth's proclamations against Catholics, stating that it was Elizabeth's duty to protect her people from the 'bondage of Romish tyranny.' But once executions of priests began, the government denied religious matters played a part in the court decisions. Only the issues of peace, sedition, and treason were at stake.<sup>49</sup>

The government asserted that its goal was to protect the stability of the realm against plotting priests with treasonous intentions. Burghley first devised a policy of allowing Catholicism to die out during the 1560s. In the first years of Elizabeth's rule, Burghley and his associates believed anything which supported or maintained Catholicism in England would turn Catholics against Elizabeth and her government. Over time, however, they preferred a policy of "strike the shepherd and the sheep will disperse" to waiting for the Marian clergy to die out.<sup>50</sup> This policy change came about for two reasons. First, priests attempted to reconcile English subjects with Rome. This was explicitly against royal policy and the law. Second, renewed missionary activity meant little chance of Catholicism dying off. How to respond to such a drastic change of events? Protestant writers and government officials slung the harshest term possible: traitor. William Charke, a Protestant divine, first published the allegation after the Jesuit Edmund Campion issued his 'Challenge'.<sup>51</sup> Afterwards anti-Catholic writings mainly

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<sup>48</sup> Youngs, "Definitions of Treason in an Elizabethan Proclamation," p. 676.

<sup>49</sup> Youngs, "Definitions of Treason in an Elizabethan Proclamation," p. 677.

<sup>50</sup> Anstruther, *Vaux of Harrowden*, p. 82-83.

<sup>51</sup> Shortly after arriving in England as part of the Jesuit mission, Campion wrote a 'challenge' to Anglican and government officials offering to debate any and all points of theology. This was published without his knowledge and drew government attention ultimately leading to his arrest and execution.

focused on describing the treasonous activities of Catholics. The proclamation issued 10 January 1581 charged seminarians abroad with being taught false doctrine, perverting their duties to their sovereign.<sup>52</sup> This same proclamation stated that those who aided these individuals were guilty by association. Youngs argued that this proclamation was purposefully vague. It was unclear if merely being a Catholic priest brought men within the scope of existing treason law. Thus, the accessory, individuals who gave aid, were criminalized before the legality of the principal crime, the priest or his education, was established. This uncertainty allowed any individual falling under this proclamation to enter the jurisdiction of Star Chamber, where the proclamation was enforced.<sup>53</sup> And, as noted before, the proclamation of April 1582 attempted to make the charges against priests clearly treasonous without any religious tone or accusations.

In response to the execution of priests, especially Edmund Campion, Robert Parsons, a Jesuit, wrote *De Persecutione Anglicana*. An anonymous translator, G.T., added a letter to the Privy Council to his edition which charged it, in clear terms, with unprecedented cruelty for the sake of religion. In response, the government attempted to prove its moral rightness by explaining these men had been tried in legitimate courts using the legal precedents and laws of the realm to prosecute and punish traitors. Star Chamber exercised jurisdiction over those who were either priests or their helpers.<sup>54</sup> Youngs explained that the Council minutes for the first trials falling under these proclamations contained no references to the legal basis for the trials save for one defendant claiming his actions were prior to the publication of the proclamation. He argued therefore that he should be exonerated and protected against legal action. The defendants in the first trials included William Lord Vaux, Sir Thomas Tresham, and Sir William Catesby, all

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<sup>52</sup> Youngs, "Definitions of Treason in an Elizabethan Proclamation," p. 681.

<sup>53</sup> Youngs, "Definitions of Treason in an Elizabethan Proclamation," p. 683.

<sup>54</sup> Youngs, "Definitions of Treason in an Elizabethan Proclamation," p. 685.

of whom denied the charges. Again, while no mention of the legal basis or framework for the charges is mentioned during their trials for aiding Edmund Campion, all were found guilty and charged amounts ranging from 500 marks to £1000.<sup>55</sup>

While the use of government proclamations to determine government policy is disputed, when examined in conjunction with acts of Parliament and government action it seems clear that proclamations promoted government policy even as they responded to the immediate needs of the government to enforce authority. Elizabeth must have given her approval for royal proclamations bearing her name. Additionally, the statutes touching recusant activity required her approval. Taken together, Elizabeth, while mitigating the law on behalf of some individuals, approved of a broader policy which enabled the government to take action against recusants' religious activity. While not solely in response to religious activity, the government's actions used 'real' traitors to pursue the wider goals of religious conformity.

### Plotters and Rebels

The actions of a few sometimes negatively affect the many. For recusants hoping to serve Elizabeth loyally and maintain their faith, plotters and rebels imposed frustrations they could ill afford. The largest problem centered on the Northern Rebellion of 1569. The Earls of Northumberland and Westmoreland rose in response to infringement upon their social status and privilege and the religious settlement ending the public practice of Roman Catholicism. The social, political, and religious reasons for rebellion were intertwined to the point that these men did not see a difference between attacks on privilege and attacks on Catholicism. On November

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<sup>55</sup> Youngs, "Definitions of Treason in an Elizabethan Proclamation," p. 686-687.



14 1569, the earls, along with their tenants and followers, took over Durham Cathedral, tore down all Protestant decor and celebrated Mass. Despite early momentum and men in the thousands flocking to their banner of the Five Wounds of Christ, the earls were forced to retreat across border to Scotland after Elizabeth's officials raised an army in the south and marched north. Executions and trials ensued in the days following the defeat of the rebellion.<sup>56</sup>

For our purposes, the importance of the Northern Rebellion is best measured by the aftermath and effect on those remaining loyal to both Catholicism and Elizabeth. Despite many executions and forfeitures of property, many English Protestants felt Elizabeth was too soft on Catholics. The Rebellion, large enough to threaten Elizabeth's rule and the stability of the entire realm, was painted in Catholic colors, and no thought was given to the social and political grievances. Protestant preachers argued that the government's leniency would encourage others to resist and demoralize those who might otherwise defend Elizabeth. Burghley devised a plan to execute members from different orders of society to send a clear message to all. Seizures and plundering took place in the days following the rebel defeat to compensate for the large expenses used to put down both the rebellion and the resulting border trouble.<sup>57</sup> Many wives and children suffered for the attainders passed against husbands and parents. Confiscated property changed hands several times in the coming years through crown rewards and pardons.<sup>58</sup>

As a result of this attempted rebellion, the pope excommunicated Elizabeth in the hope of increasing support for the northern earls. These two events characterized Catholicism as a rebellious religion, against both monarch and God, whose adherents could not be trusted to serve the crown faithfully. For many, the terms 'papist' and 'traitor' were interchangeable. Thomas

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<sup>56</sup> K.J. Kesselring, *The Northern Rebellion of 1569: Faith, Politics, and Protest in Elizabethan England* (New York, NY: Palgrave MacMillan, 2007), p. 1-2, 7-9.

<sup>57</sup> Kesselring, *The Northern Rebellion of 1569*, p. 118-121.

<sup>58</sup> Kesselring, *The Northern Rebellion of 1569*, p. 136-141.

Norton, a Protestant polemicist, sought to prove that every papist was a traitor and enemy of the crown. He and others called for harsher punishment for the rebels and a stiffening of penalties for recusants. Their logic was an individual rebel might accept mercy and repent of his rebellion but papists will not give up ‘their inherently traitorous faith.’<sup>59</sup>

Throughout Elizabeth’s reign several plots against her life developed. Some of these plots involved individuals whose families were full of loyal recusants who took no part in conspiracy. The more important plots were the Ridolfi Plot, the Babington Plot, and the Throckmorton Plot and contained members of prominent recusant families such as the Vauxs, Throckmortons, Treshams, and others. Since this thesis focuses on loyal recusants, the aftermath of these plots is most important. Primarily, these plotters, with their ties to various powers abroad, played into the already strongly held government assumption that Catholics were not to be trusted and were inherently traitors. Frequent French and Spanish support through priests and laymen abroad only furthered the government’s case against recusants. During the resulting depositions after each plot’s discovery, relatives, friends, and servants were all forced to endure questioning, imprisonment, and fines because of the actions of a few militant Catholics. The dangers these plots posed to Elizabeth varied, but their very existence was enough to cause trouble for many recusants. As will be shown in later chapters, during the Armada Crisis many recusants were imprisoned and weapons seized because of the government’s fear of English Catholics supporting foreign Catholic invasion.

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<sup>59</sup> Kesselring, *The Northern Rebellion of 1569*, p. 154-157.

## Conclusion

After 1570, recusants faced a much harsher world. The vast majority of legislation against recusants occurred after the Northern Rebellion, the papal bull *Regnans in Excelsis*, and the return of missionary priests. In response to these developments and threats, the government had no choice but to target Catholic individuals and practices to root out those who were unwilling to obey the monarch, even if only in matters of faith and conscience. As has been demonstrated, the illegal activities of loyal recusants may be summed up by the practice of Catholicism. Catholicism prohibited attendance at Protestant services, just as legislation forbade Mass attendance, traditions of Catholicism called for the support of and trust in the Catholic clergy, just as treason law forbade all support of priests and seminarians, and, most importantly, Catholicism held obedience to the pope in matters of faith and morals, just as the first Elizabethan Parliament called for obedience in matters of religious practice.

## CHAPTER TWO: THE PRIESTHOOD AND RECUSANT IDENTITY

Priests are the lifeblood of Roman Catholicism. Without priests, the sacramental life of Catholics cannot exist save for baptism and marriage. Additionally, priests provide many other functions in Catholic life. Priests may be tutors, confessors, household chaplains, spiritual directors, or simply friends. The Elizabethan government was not oblivious to the importance of the priesthood for the survival of the English Catholic community. In the 1560s, many in Elizabeth's government believed time was on their side. As previously explained, their reasoning was that the priests ordained under Queen Mary would eventually die out and with them would go English Catholicism. What the government did not bargain for was English Catholic exiles establishing colleges on the continent. As demonstrated below, this led to the Elizabethan government's legal focus on the priesthood to cut English Catholics off from continental Catholicism. During Elizabeth's reign, approximately 815 Englishmen were ordained to the Catholic priesthood and during that time approximately 123 priests were executed and numerous others died in prison or on the road as itinerant priests.<sup>1</sup> An additional 377 priests were imprisoned, with many suffering multiple terms of imprisonment.<sup>2</sup>

In the previous chapter, the political and religious turmoil during the 1560s illustrated why the English government was so suspicious of English Catholics'. The presence of Mary Queen of Scots, the Northern Rebellion, English Catholic exiles abroad, and the international political scene all created increased tension by the early 1570s. Previous scholarship argued that, for Elizabeth, recusancy was primarily a political issue and not a religious issue. For an

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<sup>1</sup> *Women in English Society, 1500-1800*, ed. Mary Prior (New York, NY: Methuen & Co, 1985), p. 156-157.

<sup>2</sup> Pritchard, *Catholic Loyalty in Elizabethan England*, p.7.

individual to not attend the Anglican service was a sign of disobedience.<sup>3</sup> Priests demonstrated greater disobedience because their purpose was to reconcile others to the Roman Catholic Church, essentially encouraging disobedience in others.

### Educational Foundations Abroad and their Purposes

In order to minister to English Catholics, English exiles needed to establish the necessary collegiate foundations to sustain missionary efforts in England. During the mid-1560s, William Allen, a future Cardinal and collegiate president, and several other exiled English Catholics quickly gathered finances and talented men together in Douai, in the Spanish Netherlands, to begin the education and training of missionary priests. Allen and other exiles gave their movement three overarching goals. First, and above the other two goals, was the spiritual renewal and regeneration of England through the re-establishment of the Catholic Church. Second, the aim was to educate both seminarians and laity in support of the primary goal to evangelize. Third, the exiles sought the cultural renewal of England through education.<sup>4</sup> In reference to the primary goal, the re-establishment of the Catholic Church gave way to the establishment of an official missionary effort to minister and meet the spiritual needs of English Catholics effectively. How this mission would look, who would lead, its organization, and the like would be decided through organic growth, as with the eventual creation and inclusion of English Jesuits to assist Allen's secular priests.

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<sup>3</sup> LaRocca, John J, "Time, Death, and the Next Generation: The Early Elizabethan Recusancy Policy, 1558-1574," *Albion: A Quarterly Journal Concerned with British Studies*, vol. 14, no. 2 (Summer, 1982), p.106.

<sup>4</sup> A.C. Southern, *Elizabethan Recusant Prose, 1559-1582: A historical and critical account of the books of the Catholic Refugees printed and published abroad and at secret presses in England together with an annotated bibliography of the same* (London, UK: Sands & Co., 1950), p. 17-20.

William Allen and his partners envisioned a group of exiles working for the spiritual conversion of their country. Their goal is very important to this thesis's discussion of recusancy laws. Treason against Elizabeth and the realm became the main accusation against these clerics and exiles. But, clearly from the start the core mission of the English Catholic exiles, the laity at least, was purely to reestablish Catholicism as the state religion and, until that time, send missionary priests to help maintain the pockets of recusants throughout the country. Popular belief in scheming Catholic priests in cahoots with international Catholics in places like France and Spain meant even John and Jane Protestant believed the spiritual mission to be a veil concealing the true nature of the English Catholic mission, which was the overthrow of Elizabeth and the Protestant settlement in England through blood and steel. This was understandable. The papacy, French and Spanish governments, and English exiles funded the mission to England and each felt animosity toward Elizabeth and Protestantism. The English colleges were founded in countries who actively sought to remove Elizabeth from the throne and reestablish Catholicism.

From the outset, however, Allen and his fellow clerics gave clear goals for the seminary college at Douai. First, they desired to take youths to the Low Countries and provide university study and spiritual exercises so the men might return to their home country and serve their people and God. Second, they wanted to provide clergy until religion could be restored, however long that may take. Third, they hoped to draw in the 'best wittes out of England, that were either Catholicly bent, or desirous of more exact education then is these daies in either of the [universities].” Allen further explained how individuals were upset with the Elizabethan religious settlement and how this had affected the function of the universities, ministry, and grammar schools, and forced good men to go abroad.<sup>5</sup> On this last point, Allen succeeded splendidly.

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<sup>5</sup> Southern, *Elizabethan Recusant Prose, 1559-1582*, p. 20-21.

Among the first faculty and clerics at Douai were many former faculty members of Oxford and Cambridge or distinguished alumni such as Thomas Stapleton, Allen's former Oxford tutor Moran Philips, the future martyr Edmund Campion, Laurence Webb, and many others. Thus, in Michaelmas Term of 1568, Allen founded an English Catholic seminary college with superb faculty, bright students, a clear set of institutional goals which fit into a broader shared primary goal with other Catholics for missionaries, and enough funds to support the college.<sup>6</sup> This was all thanks in no small part to Allen's own intelligence and diligent effort. His ability to develop avenues of funds, gather men of quality around him, and his administration gave the college immediate, visible success. In only a few years, Allen gathered enough faculty to serve over 150 students and during his twenty year presidency brought about the college's greatest intellectual and recruitment successes in its 250 year existence.<sup>7</sup>

As previously explained, the English government considered priests traitors bent on the destruction of Elizabeth's legitimate rule and the overthrow of the Protestant settlement. Before continuing, taking stock of the missionary goals versus the government's expectations of Catholic clergy is important. Clearly, the government was not too far off the mark in regards to the ending of the Protestant settlement. Catholic exiles had no desire to see their country remain in the hands of Protestants or their fellow Catholics barred from freely practicing their faith and taking their natural part in English political life. But their primary concern was the salvation of souls.<sup>8</sup> Despite repeated accusations of treason made against both clerical and lay Catholics, recusants, for the most part, consistently professed loyalty and a desire to serve Elizabeth without compromising their conscience. As we shall see for both laity and clerics, English government

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<sup>6</sup> Southern, *Elizabethan Recusant Prose, 1559-1582*, p. 26-27

<sup>7</sup> Southern, *Elizabethan Recusant Prose, 1559-1582*, p.28.

<sup>8</sup> See early in this chapter.

officials saw the religious activity of recusants in increasingly political terms. Thus, to say either recusants were under religious persecution or political pressure is to oversimplify recusants' situation and ignore the complexity of the problems they faced. Recusants and priests faced government suppression because their religious beliefs had practical and immediate political consequences. There were officials who were determined to root out Catholicism because of their own individual Protestant beliefs but there were others who simply wanted to assert the power of the temporal sword over the spiritual sword. Catholic belief denied Elizabeth's claims to headship of the Church of England.<sup>9</sup> This combination meant the two categories, religious and political, can never be divorced when examining recusant life and priests' missionary activity. Despite Allen's pledge to serve recusants spiritually, the government could not ignore his desire to draw people away from their obedience to the monarch.

Due to the wars in the Low Countries in 1578, Allen and the Jesuits were forced to evacuate the Douai community and reestablish the college in Rheims. In order to assist the main college at Rheims, Allen's associates Fr. Gregory Martin and Fr. Robert Parsons founded three other colleges and a boys' school. These, however, came later. First, in 1578, Fr. Martin founded a college at Rome to assist in the education of priests and to give them the necessary missionary tools and zeal before being sent to England. Two former Oxford professors, Richard Bristow and William Rainolds, each spent time teaching in Rome and Rheims. In 1589 and 1592, Fr. Parsons established two foundations at Valladolid and Seville, Spain. These were mainly for the English branch of the Society of Jesus but some secular priests did attend. Lastly, in order to redress the absence of Catholic boys' schools in England, Fr. Parsons established a Catholic boys' school at Eu in Normandy. This would later be moved to St. Omer and naturally fed students into the

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<sup>9</sup> LaRocca, "Time, Death, and the Next Generation: The Early Elizabethan Recusancy Policy, 1558-1574", p. 116.



English colleges. The success of the English college at Rheims led other Catholic nations to take note. The Council of Trent had issued new requirements for seminaries, using places like Douai as an example. The exiled Scottish Bishop of Ross attempted to do for Scotland what Allen had done for England and was in contact with his fellow exile in order to learn how Allen had achieved his success. Philip II also contacted Allen to ask for Allen's model to set up two new seminaries in Spanish Netherlands.<sup>10</sup>

The success of the English college and missionary activities will be evaluated later, but a moment should be taken to see where we stand in 1570. As explained in the previous chapter, the pope excommunicated Elizabeth, the English college was up and running with English Jesuits soon to join the missionary ranks, English Catholics at home and abroad were attempting to organize for religious purposes and the exile community had the means to achieve that end. With these new foundations, the recusant community was given new life and zeal but also new issues presented themselves. Rather than a dying community supported by fewer and fewer priests, recusants were receiving an influx of young, vibrant priests full of missionary zeal who had been educated by bright minds. Elizabeth's government could not help but see these men as threats. As we shall see, any time recusants or priests were imprisoned and deposed they were asked to conform. So, we arrive at one the main questions of this thesis. Was the recusant community under governmental threat for their religious beliefs or simply being asked to give obedience to their queen? As previously discussed, the answer is a bit of both but, as will be demonstrated, the recusant community was targeted specifically for their religious practice. Historians like Trimble argue that government actions, such as fines and imprisonment, were not debilitating and the questions were merely political. Arnold Pritchard argues that the Elizabethan government's

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<sup>10</sup> Southern, *Elizabethan Recusant Prose, 1558-1589*, p. 29.

persecution of Catholics was ‘very real, and its long-range goal was the suppression of Catholicism per se.’<sup>11</sup> So, as even Elizabeth’s contemporaries asked, if the question is political then why should the activities of a Catholic priest matter? As explained in the previous chapter, even the legal framework of treason had to be rewritten to include religious activity not approved by the monarch or Parliament. The religious settlement in England had to be defended as much as Elizabeth’s authority in religious matters had to be defended. The remainder of this chapter will explain how missionary efforts were affected by government action and how missionary priests made the continued survival, and even expansion, of the recusant community possible.

Furthermore, this point of continual and contentious debate on obedience affected both clerics and laity because of the Pope’s and Elizabeth’s overlapping claims of authority. In the decades following 1570, recusants were placed in this awkward area of mutual claims of obedience. The Pope claimed spiritual leadership over Catholics but his Bull of excommunication of Elizabeth meant recusants were not supposed to obey an ‘unlawful’ queen in both religious and secular matters. Elizabeth’s claims were grounded in Parliamentary acts and the precedents of her siblings and father. Under these acts Elizabeth legally claimed obedience for her subjects to the Anglican Church. Obedience to the monarch was the standard for loyal subjects and conformity to the state religion was a part of this obedience across Europe. Yet, Catholics argued the queen overstepped her traditional boundaries of authority into ecclesiastical matters and men’s conscience. So, a recusant found two masters making equal yet different claims to his obedience. The Elizabethan government and the Catholic hierarchy commonly quoted from the Gospels of Luke and Matthew on how a man may never serve two masters equally.<sup>12</sup> The papacy’s unwillingness to compromise and their consistent defamation of

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<sup>11</sup> Pritchard, *Catholic Loyalty in Elizabethan England*, p.39.

<sup>12</sup> Matthew 6:24; Luke 16: 13.

Elizabeth's right to rule created even greater difficulties for recusants and clergy. Taken all together, the Elizabethan governments' fears of a native 'Fifth Column' supporting possible foreign invasions are both more justified and understandable. The Pope, under his spiritual authority, absolved recusants of their obedience to Elizabeth and Catholic authors praised anyone who assisted the European powers seeking to remove Elizabeth and install a Catholic monarch. This consistent tension between calls to obey the pope and the monarch created a difficult social and political environment for both recusants and English missionaries.

### Missionary Activity

While the primary practice of missionary activity was priests moving from either safe house to safe house or establishing a chaplaincy in the homes of a gentry or noble family, the publication and distribution of books played a vital role in both evangelization and defending the purposes of the English Mission. Rather than by violence, many Catholic exiles believed books to be the way England would be recovered to the Catholic Church.<sup>13</sup> From 1559-1570, fifty-eight Catholic books and pamphlets were published in English, from 1570-1582 forty-seven were published, from 1582-1594 twenty-one were published, from 1594-1603 about eighty were published, with many pertaining to the Archpriest Controversy. These were only the original English Catholic works and does not include Latin works, translations, or reprints.<sup>14</sup> Additionally, due to the secrecy of publishing, the exact number of copies printed for each title is not known but roughly 260 different books were printed with the majority of publishing taking

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<sup>13</sup> D.C. Peck, "Government Suppression of Elizabethan Catholic Books: The case of *Leicester's Commonwealth*", *The Library Quarterly*, vol. 47, no. 2 (April 1977), p. 164.

<sup>14</sup> Southern, *Elizabethan Recusant Prose, 1558-1589*, p.31.

place on the continent.<sup>15</sup> While England was on the Counter-Reformation's periphery, recusants did benefit from some translations so, taken with the original 260 works, English Catholic publishing was quite vibrant. There was no legitimate Catholic press within England. Elizabeth's government, through licensing, search and seizure warrants, and censorship laws, drove Catholic publishers either underground or abroad. Those who attempted underground publishing did not last long. The Jesuits established a press at Stonor Park, Henley where Fr. Parsons hoped to publish a new work. After a raid, the pressman Stephen Brinkley and four assistants were imprisoned in the Tower of London.<sup>16</sup> After July 1570, the English government was forced to enact new measures against Catholic books being smuggled into the country and disseminated. Customs officials were given authority to examine cargo in search of contraband books and rewards were established for informers.<sup>17</sup> In these cases, conformity did not matter. Church papists who attended Anglican services were not exempted from the law when they were caught with Catholic books, rosaries, or Mass accoutrements. Elizabeth's proclamations and statutes targeted the possession or reading of Catholic books, yet she often stated her desire to not intrude upon any man's conscience. What is obvious is, depending on the circumstances, a certain degree of conformity by Catholics was being sought by the government. If no Catholic material was found on an individual then attendance was the minimal standard. Belief only became a question once evidence showed the individual to be following beliefs which drew obedience away from the monarch.

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<sup>15</sup> Peck, "Government Suppression of Elizabethan Catholic Books: The case of *Leicester's Commonwealth*", p. 164.

<sup>16</sup> Peck, "Government Suppression of Catholic Elizabethan Books: The case of *Leicester's Commonwealth*", p. 167.

<sup>17</sup> Peck, "Government Suppression of Elizabethan Catholic Books: The case of *Leicester's Commonwealth*", p. 165-166.

Publishing, however, was an expensive endeavor. There was the cost of printing, secret transport to England, and, finally, distribution. This meant Allen and his college had to choose carefully which works were to be published. Recusants established networks to disseminate information and books and to keep priests moving secretly. Trustworthy men established themselves in ports and rivers to help construct distribution routes. Fr. Parsons helped build up and extend the network after returning from England in 1581. Large quantities of contraband were brought into England via the main ports and rivers in the south, transported to London, and then distributed widely, even to known Protestants.<sup>18</sup> For example, the Jesuit lay brother<sup>19</sup> Ralph Emerson established a good enough route that four priests and 810 books were smuggled into England. While transporting a new shipment of books, Emerson was captured and imprisoned. Thomas Alfied was executed at Tyburn on 6 July 1585 for importing and distributing 500 to 600 copies of William Allen's *A True Sincere and Modest Defense* (1584).<sup>20</sup> For the most part, however, recusants kept books coming into England. The relative lack of success on the government's part must be credited more to recusant ingenuity and the natural inefficiencies of administration rather than any lack of effort on the officials' part.<sup>21</sup> Dr. D. C. Peck argues convincingly that the means the government possessed were unequal to the task if the public desired a work badly enough. The best officials could do was make "reading it inconvenient."<sup>22</sup>

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<sup>18</sup> Peck, "Government Suppression of Elizabethan Catholic Books: The case of *Leicester's Commonwealth*", p. 168.

<sup>19</sup> A 'lay brother' were those who lived 'in the world' yet followed the Jesuit spiritual life. Similarly, the Dominicans, Franciscans, and Carmelites had Third Order members who could be single or married and 'live in the world.'

<sup>20</sup> Southern, *Elizabethan Recusant Prose, 1558-1589*, p. 33, 35.

<sup>21</sup> Peck, "Government Suppression of Elizabethan Catholic Books: The case of *Leicester's Commonwealth*", p. 165.

<sup>22</sup> Peck, "Government Suppression of Elizabethan Catholic Books: The case of *Leicester's Commonwealth*", p. 175.

From the government's perspective the mere possession of these works was enough to prove an individual's disobedience and adherence to the Catholic faith. Catholic books, whether devotional, controversial, or political, were considered seditious because they were 'divisive of the officially Protestant realm' and 'encouraged allegiance to a foreign "head of state", the pope.'<sup>23</sup> The political treatises were a natural enough target for censorship but one does wonder what possible threat spiritual works could be, other than presenting a strong case for conversion to Catholicism.

Probably the most sensational and public missionaries were Frs. Robert Parsons and Edmund Campion. They will serve as a prime example of the goals of the English Mission and the experiences of Catholic missionaries in England. By the time the companions arrived in England, during 1580, missionary activity was well under way. Priests had already been ordained at Rheims and Douai, arrived in England, and captured, imprisoned, deported, or executed. Campion was well known both among recusants and in government circles due to his prominence at Oxford, prior to his conversion. The Vaux's, a prominent recusant family, employed Campion as a tutor for the young Henry Vaux to satisfy government regulations for tutors while Campion still attended Oxford. During this period, family tutors fell under government regulation because they were often clergy. Campion, however, was still considered obedient to the established church while in the Vaux's home.<sup>24</sup> During his time at Oxford, Campion studied patristic writings, among other pursuits, and this intense study of the Church Fathers led him to flee England. In 1568, shortly after his diaconal ordination in the Anglican Church, Campion, amidst rumors of Catholic sentiments, set sail for the continent by way of

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<sup>23</sup> Peck, "Government Suppression of Elizabethan Catholic Books: The case of *Leicester's Commonwealth*", p. 163.

<sup>24</sup> Jessie Childs, *God's Traitors: Terror and Faith in Elizabethan England* (Oxford, UK: Oxford University Press, 2014), p. 24-25.

Ireland. Once on the continent, Campion joined the Jesuits and was working at a Jesuit college in Prague before being chosen to accompany Fr. Robert Parsons on the recently initiated Jesuit mission.

Upon returning to England in 1580, Parsons and Campion called a meeting of the local clergy and laity called the Synod of Southwark. They discussed three main questions or issues. First, the aims for the mission and their superiors' instructions to take no part in politics at all while in England. Second, after exiled Catholics had submitted questions to both the Inquisition and the Council of Trent, the majority opinion for the lawfulness of attending Protestant services was an emphatic 'no', so the impact of this decision was discussed. Third, they considered rules of fasting and observing feast days to unify recusant practice.<sup>25</sup> Despite the controversies which would shortly ensue, the initial thrust of the missionary endeavor was purely spiritual. Campion and Parsons had received instructions to minister to recusant communities and nothing more. All questions of politics were to be ignored. This gave them the moral high ground in case of capture, which other clerics' past experience made clear was likely. Prior to leaving Southwark, Campion penned what would be dubbed "Campion's Brag". This letter to Elizabeth and the Privy Council was meant to be a way of warding off negative propaganda in case of capture. Unfortunately, the man Campion left the letter with prematurely printed and released it.<sup>26</sup>

In his "Brag", Campion gave nine different reasons for his return to England. The first four dealt with the spiritual nature of his mission, specifically to preach the Gospel, administer the sacraments, instruct sinners, and campaign against vice. With regards to authority, Campion explained he had come upon the order of the General Provost and was strictly forbidden by the

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<sup>25</sup> Southern, *Elizabethan Recusant Prose, 1558-1582*, p. 148-149.; Prichard, *Catholic Loyalty in Elizabethan England*, p. 37-38.

<sup>26</sup> Thomas M. McCoog, SJ, "'The Flower of Oxford': The Role of Edmund Campion in Early Recusant Polemics", *The Sixteenth Century Journal*, vol. 24, no. 4 (Winter, 1993), p. 899.

Holy Father to deal in any 'respect with matter of state or policy of this realm, as things which appertain not to my vocation, and from which I do gladly restrain and sequester my thoughts.'<sup>27</sup>

In other words, he intended to help recusants and ignore all political matters. This became a recurring theme for interactions between recusants and the government. From the recusants' perspective, their faith was an issue of conscience and in no way impaired them from serving Elizabeth faithfully. For the government, the religion and politics could not be separated into two issues. As one of Campion's interrogators put it, "In your Catholisme al treason is contained."<sup>28</sup>

Campion's next four statements dealt with requests for audiences and debates. All of these centered on proving, through Scripture, rhetoric, history, Church Councils, and the Church Fathers, the validity of the Catholic Church and the inability of Protestantism to prove its doctrine sound. These audiences were to range from the queen, the Privy Council, the faculty of both universities, and the spiritual and temporal lawyers. Campion explained he neither was challenging nor bragging but simply intended to 'sue most humbly and instantly for the combat with all and every of them, and the most principal that maybe found: protesting that in this trial the better furnished they come, the better welcome they shall be.'<sup>29</sup> Or, in other words, Campion welcomed the best and would triumph by proving the truth of the Catholic Church. The statement which probably gave the Privy Council more pause was Campion's assertion of the Jesuits' tenacity and willingness to keep coming "cheerfully to carry the cross you shall lay upon us, and never to despair your recovery, while we have a man left to enjoy your Tyburn, or to be racked with your torments, or consumed with your prisons. The expense is reckoned, the enterprise is begun, it is of God, it cannot be withstood. So the faith was planted, so it must be

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<sup>27</sup> Southern, *Elizabethan Recusant Prose*, p. 153.

<sup>28</sup> McCoog, "The Flower of Oxford", p. 904.

<sup>29</sup> Southern, *Elizabethan Recusant Prose*, p. 154.



restored...and [God] will set us at accord before the day of payment, to the end we may last be friends in heaven, when all injuries shall be forgotten.”<sup>30</sup> Campion clearly understood the policy of the government in 1580: to spread Catholicism was treason and punishments for doing so were fit for traitors.

Shortly after the Southwark Synod in July 1581, Campion was betrayed in Berkshire and imprisoned in the Tower of London. Four staged debates took place within the Tower before Campion was found guilty of treason in November and was hanged, drawn, and quartered on 1 December 1581. Parsons and others engaged in a publishing battle with government supporters over Campion’s execution and the reasons for Campion’s arraignment for treason. Officials argued that Campion, and other priests, were executed for high treason against the laws and statutes of the realm and not for any doctrinal or religious matters.<sup>31</sup> Campion’s refusal to answer the Bloody Questions about where his loyalties lay between Elizabeth and the Pope became an automatic conviction of loyalty to the Pope over Elizabeth. Parsons wrote in *De Persecutione Anglicana* that the government was not executing or surveilling Catholics for political violations but for the content of their religious beliefs. Additionally, a translator of Parsons’ work argued English Catholics were loyal subjects who were ready to give life and goods in service for their prince. But the most important aspect of the translator’s argument was against the Privy Council’s method of interrogating recusants. If Campion and others were truly guilty of treason, the individuals would never have been offered ‘lyfe, libertie, and favour’ if the individual conformed to the established church.<sup>32</sup> This point is crucial for this thesis. Trimble and other historians argued the primary purpose of government action against Catholics was political.

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<sup>30</sup> Southern, *Elizabethan Recusant Prose*, p. 154.

<sup>31</sup> McCoog, “The Flower of Oxford”, p. 900.

<sup>32</sup> McCoog, “The Flower of Oxford”, p. 902, 904, 905.

While politics and religion blended, repercussions were dealt out solely because individuals broke the religious laws of the realm. What the government sought was religious conformity. Campion was not only offered his liberty if he conformed but also preferment in the Anglican Church. If his actions were treasonous then a queen's pardon would be offered instead of hierarchal preferment. William Allen, in his defense of the colleges of Rheims and Rome, asked how things like Mass, Matins, confession, rosaries, and other Catholic material were treasonous in nature.<sup>33</sup> Priests were essentially prosecuted and executed for being Catholic priests in England.<sup>34</sup>

These accusations of treason against the state's religious authority led men like Campion to compare recusants' experiences to the sufferings of the martyrs of the early church. The majority of the feast days observed by missionary priests and recusants were from either the Apostolic or Patristic eras. Liturgical documents for the period focus on the links between faith and a martyr's experience, like St. Stephen, to bolster recusants' strength and will to endure. Endurance under violent persecution became a theme of recusant literature and met the need for examples for the recusant community to emulate.<sup>35</sup>

As in the days of the early church, there were individuals who supported the Church and priests. Campion's experience became a model for both the recusant laity and missionary priests. For the most part, priests during Elizabeth's reign were itinerant. They had no primary residence but were constantly on the move from one safe house to the next. Because of government pressure and informers, networks were established to allow priests to move through a region

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<sup>33</sup> McCoog, "The Flower of Oxford", p. 906.

<sup>34</sup> Pritchard, *Catholic Loyalty in Elizabethan England*, p. 9.

<sup>35</sup> Michael F. Suarez, SJ, "A New English Recusant Manuscript from the Late Sixteenth Century: Extraordinary Devotion in the Liturgical Season of 'Ordinary Time', *The Yale University Gazette*, vol. 69, no. ½ (October 1994), p. 48-49.

safely. As will be demonstrated later, there were households throughout England which set up bases for priests to live in, rest, give spiritual retreats, gather with other clergy, or to remain as a family tutor. Depending on how much of the family was Catholic, some priests were given livelihoods as family chaplains. These homes, such as those of the Brownes or Arundells, were not necessarily long lived. The blatant establishment of a house chapel, sometimes with multiple priests, drew individuals away from the local parish church and attracted official attention. The local standing of the recusant usually determined whether or not officials moved against them and the degree of punishment imposed. The average experience for priests was one of constant movement to avoid capture and imprisonment, though there was always a strong likelihood of capture.

Given this relationship with the laity, priests developed a reliance upon the gentry and aristocracy to succeed in the mission's goals. This gave another reason for missionaries to avoid political involvement besides the moral advantage. The Catholic landed elite confronted their own problems with the Elizabethan government which helped shape the elites' influence on the missionaries. Catholic magnates were by their nature conservative and unwilling to challenge the social hierarchy or the Queen's position at the top of society and thus tended to be politically passive as a group, with some notable exceptions participating in plots or rebellion.

Downplaying Catholicism's political relevance or importance aided the laity's chances of avoiding government hostility and pursuit.<sup>36</sup> Priests placed both their livelihoods and their lives in the hands of the gentry and aristocracy. Both missionaries on the ground and their superiors on the continent acknowledged the pivotal importance of these English laity. Without the laity's willingness to risk detection and protect the clergy, the Catholic mission could not be successful

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<sup>36</sup> Prichard, *Catholic Loyalty in Elizabethan England*, p. 37-41.

in any way. Given the frequency of capture and imprisonment, clerics needed all the help they could receive just to remain active in prison. Outside of prison, clerics could possibly enjoy enough protection to evangelize Protestants, if it was dangerous, and to give pastoral care to recusants across the social spectrum. Lastly, this relationship between recusants and clergy altered the way the recusants received decrees from the Catholic hierarchy on participation in Protestant services and giving service to the Queen. Missionary clergy with experience in England understood the reality on the ground was far from optimal and as such thought recusants deserved a bit of leeway if they were to retain their ability to assist the missionaries and fellow recusants. This didn't mean the clergy ignored or changed the decrees but simply implemented them with a greater mind to the pastoral reality of their flock.

### Sacred Spaces

In 1558, Catholics lost every parish church and cathedral in one sweeping act of parliament. Whether they realized it or not, the changes would be final and necessitated a rethinking of how recusants were going to maintain their faith in a hostile realm. Traditional concepts of how and which places were sacred were transformed to accommodate the new demand for secrecy. For recusants, finding new places to worship as a community and as individuals was more important than maintaining a grip on traditional Catholic locations. Ordinary spaces were converted through ritualized actions. Through ritualized separation, recusants could spiritually and physically separate themselves from Protestant services.<sup>37</sup> In his *A Shorte Rule of good lyfe*, Fr. Robert Southwell explained the need for recusants to use their

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<sup>37</sup> Lisa McCain, "Without Church, Cathedral, or Shrine: The Search for Religious Space among Catholics in England, 1559-1625," *The Sixteenth Century Journal*, vol. 33, no. 2 (Summer 2002), p. 382.

imaginings to re-conceptualize ordinary places for the practice of the faith. Rather than risking detection by redecorating a room for worship, Southwell offers the advice to remake the room's, or even a corner of the room, purpose for prayer and devotion to God. In the mind, the individual could beautify the room with Catholic artwork which the Elizabethan religious settlement had banned.<sup>38</sup> Government pressure and prosecution forced individuals to adapt in creative ways like this. In Peter Chroncke's house, the family and friends, without priests, gathered for Easter week. Together, they performed the traditional pious act of creeping to the Cross. But, since they were without a church, Chroncke converted a room by placing a basin containing a broken cross in the center of the room for veneration.<sup>39</sup>

Perhaps unsurprisingly, prisons became a primary area for missionary activity for both the receiving and administration of the sacraments. Godfrey Anstruther, a Dominican historian, compiled much of the data we have on seminary priests and their lives. Under Elizabeth, he found approximately 285 priests, both Marian clergy and those trained in the new colleges, were arrested and imprisoned for lengths of time varying from a few months to many years. During this period, prisons were much more unregulated than a modern person is accustomed to expect. Individuals, with the proper bribe or jailor, were free to roam at will. Recusants and free priests were allowed to visit at will. The high concentration of priests in prison meant local recusants could attend Mass and go to confession with a regularity not found anywhere else. This was due largely to the nature of prison administration. The government did not administer the majority of prisons but contracted jailors to keep watch and run the institutions. High expenses and little promise of return meant jailors were open to finding new avenues for income. One individual joked that the Keeper of the Clink prison would ask individuals arriving who they were: priests

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<sup>38</sup> McCain, "Without Church, Cathedral, or Shrine", p. 384.

<sup>39</sup> McCain, "Without Church, Cathedral, or Shrine", p. 381, 384.

of Rome were joyfully welcomed because of the number of individuals willing to pay to take care of them. Silenced or non-conformist Protestant ministers were viewed as burdens since few attempted to maintain them.<sup>40</sup>

Priests and recusants in prison were often allowed to keep Catholic devotional works, rosaries, Mass accoutrements, icons, candles, and holy water. This is not to suggest prisoners were living in luxury or peace. Torture, solitary confinement, abrupt isolation from outside help, and the like were not uncommon. But recusants learned quickly to adapt to changing circumstances in the prison system. Free priests knew recusants would be concentrated in certain areas and, despite the obvious dangers, would enter to give pastoral care. In 1602, the chief justice and his men entered the Clink prison bent on breaking up the ring of recusants inside the jail. They found an altar prepared for Mass by three priests and roughly forty Catholics from the surrounding area ready to pray and receive Holy Eucharist. Those priests lucky enough to have a jailor willing to look the other way for the proper amount of coin could even venture outside prison walls. Jailors were willing to trust even priests set for execution according to a Fr. Bluet.<sup>41</sup>

Government officials were rightly frustrated and annoyed that such liberties could be taken by law breakers. The Privy Council and court officials consistently sent instructions on how recusants and priests were to be maintained and guarded. Isolation from the outside and each other was to be mandatory unless the keeper or his men were present.<sup>42</sup> This met with little success. Wisbech prison would become infamous for the large numbers of priests, recusants, and regular visitors there. An obvious question might be how the government could allow such obvious disrespect for the law and authority to occur, much less continue unabated in certain

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<sup>40</sup> McCain, "Without Church, Cathedral, or Shrine", p. 387.

<sup>41</sup> McCain, "Without Church, Cathedral, or Shrine", p. 388-389.

<sup>42</sup> McCain, "Without Church, Cathedral, or Shrine", p. 389.

areas. How could Protestants allow prisons, places of punishment and law, to develop into sacred places of devotion and grace for Catholics? The simple answer is this situation demonstrates the gap between the government's desire to curtail Catholic belief and practice and the reality of enforcement and cost. Prisons are not cheap to maintain and keepers had no desire to enforce the law to the point of bankruptcy regardless of their individual beliefs. The result was some priests preferring prison to life on the run for several reasons. They came to give pastoral care, catechize, administer the sacraments, and, if the opportunity presented itself, evangelize. All of these were possible in prison, even to the point of finding fellow clerics to work with.<sup>43</sup>

Lastly, as the story of Edmund Campion and his companions demonstrates, the trials, examinations, and executions of priests and recusants became points of strength and unity for the recusant community, both at large and locally. Priests who held up well under intense interrogation and imprisonment strengthened the resolve of recusants to persevere in the faith. So while priests could not provide political, social, or financial assistance in the lives of their flock, priests could bestow spiritual strength by their example. In Durham in 1583, Fr. Richard Thirkill was arraigned and tried as a Catholic priest. During his public trial, elderly women came forward asking for his blessing, which he gave, and at the close he counselled a recusant couple to sacrifice their property and goods to keep the faith. Authorities, frustrated by his public encouragement of others to disobey, soon executed Thirkill and had his body burned to prevent relics being taken.<sup>44</sup>

Priests willing to endure execution effectively turned a site under Protestant control into a rallying point for recusants. Again, linking themselves with the early church, recusants saw these execution sites as the early church saw places like the arena or hills of execution in Rome. Their

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<sup>43</sup> McCain, "Without Church, Cathedral, or Shrine", p. 391.

<sup>44</sup> McCain, "Without Church, Cathedral, or Shrine", p. 393.

blood inspired others to keep faith. Attending the executions unified recusants and gave a communal experience and strength. Following the priest to his death became like a pilgrimage or a reenactment of Christ's own walk to execution. In York in 1594, Fr. John Boste was led out to execution and followed by approximately 300 women recusants. When questioned, the women responded that they were following Christ's priests as the martyrs had done for Christ on the way to His death.<sup>45</sup> Fellow priests in the area often attended the executions to give absolution to their brother priest on the way to execution. Soon after, priests would use the opportunity to give one final sermon and turn the scaffold into a pulpit to encourage fellow Catholics and priests. One man, Henry Walpole, witnessed Edmund Campion's execution. Though Walpole was a Protestant, the strength and intelligence Campion demonstrated on the scaffold changed Walpole's whole life. Instead of returning to Gray's Inn to continue studying law, Walpole fled to the English College at Rheims, and after years of study was ordained a Catholic priest, joined the Jesuits, and then returned to England where he was captured, tortured, and executed at York in April 1595.<sup>46</sup> Rather than being points of great discouragement and fear, priests' executions developed into moments of great strength for the recusant community.

### Devotions of the Laity

In conjunction with administration of the sacraments, priests helped individuals develop their devotional lives, especially when most were forced to live without the regular aid of priests or the sacraments. Most authors of devotional writings were practical in their advice for leading a Christian life and developing a prayer life. They appealed first to logical reasoning

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<sup>45</sup> McCain, "Without Church, Cathedral, or Shrine", p. 395.

<sup>46</sup> McCain, "Without Church, Cathedral, or Shrine", p. 397.



in order to reject Protestant teachings.<sup>47</sup> These devotional writings encouraged a strong inner spiritual life to make up for the lack of participation in the Mass and the sacraments.<sup>48</sup> These writings demonstrate how lacking recusants were in basic religious instruction. The lack of religious instruction or manners of devotion would seriously endanger the chances of passing on the faith intact to future generations. Without distinctly Catholic prayers, theology, doctrines, devotionals, sacraments, and the Mass younger generations would have little reason to carry on in an outlawed faith.<sup>49</sup> Children had even less reason to continue in the faith after witnessing the troubles and difficulties their parents and relatives faced under the recusancy laws. Some parents were able to enough struggled to impart the vibrancy of Catholicism without assistance from instructional and devotional material.

St. Ignatius of Loyola may be said to have the largest impact on these authors for he synthesized and summed up the Catholic Church's centuries old practices. Additionally, the Jesuits' importance in missionary efforts spread Ignatian spirituality into England.<sup>50</sup> Spain, where Protestantism made few inroads, produced a large bulk of the sixteenth-century literature. Their isolation from Protestant theology allowed Spanish authors to write for the revitalization of individuals' spiritual life and to make Catholics resistant to Protestant claims. Catholic publications benefited from the theological norms shared across linguistic and national boundaries.

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<sup>47</sup> *A Critical Anthology of English Devotional Prose, 1558-1603*, ed. John R. Roberts (Pittsburgh, Penn.: Duquesne University Press 1966), p. 18-19.

<sup>48</sup> These writings came in sporadically and through a variety of locations. It is clear some of these writings were written with the specific needs of Catholics cut off from the Church, but others are much more generic and do not assume much in the way of basic catechesis. The reader should not assume that entire libraries were flooding into England, but there was enough literature for several recusants to be found with dozens of devotionals, pamphlets, and books.

<sup>49</sup> Pritchard, *Catholic Loyalty*, p.4.

<sup>50</sup> *A Critical Anthology of English Devotional Prose, 1558-1603*, ed. John R. Roberts (Pittsburgh, Penn.: Duquesne University Press 1966), p. 21.

Lawrence Lord Vaux<sup>51</sup> wrote a catechism for children and ‘ignorant people’ to aid them as they prepared to receive the sacraments of initiation. The work proceeds in some sections through simple question and answer, in English, and others combined the names of the twelve Apostles with a breakdown of the Apostle’s Creed.<sup>52</sup> The small book would have been used in conjunction with aid of a priest to prepare the individual for reception of Holy Communion, Confession, and Confirmation.

As has been discussed, however, the constant pressure by the government to label priests and recusants as traitors forced men like Parsons and Allen to write against the controversies. Parsons lamented the heavy requirements of administering the mission and writing against his governmental opponents because they left such little time for the composing of devotional and spiritual works for his flock.

### Archpriest Controversy

Despite appearances and its successes, the English Catholic mission was not a unified front. The government’s elimination of the Catholic hierarchy in England meant there was no one in the realm to give direction, arbitrate, and act with episcopal authority.<sup>53</sup> Additionally, William Allen’s secular priests were not always united with their Jesuit co-workers. Frustrations

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<sup>51</sup> A member of the Vaux family and one of the few recusant peers left in the later decades of Elizabeth’s reign.

<sup>52</sup> Lawrence Lord Vaux, *A Catechism or Christian Doctrine necessary for children and ignorant people*,

<sup>53</sup> This doesn’t imply all Catholic bishops were either imprisoned or executed. Each bishop who refused the Elizabethan settlement was deprived of their see by the Elizabethan government. Some Catholic bishops were imprisoned and executed, but others went into exile or became itinerant priests themselves. Whatever their fate, without the clear hierarchal episcopacy the English Catholic community lacked clear leadership and direction.

ran high over time as questions over which group would work where, who received funds meant to support the mission, and, to the satisfaction of the English government, how were priests supposed to address the call for invasion to free English Catholics. Priests had a spiritual mission but some, including Henry Garnet, participated in plots for the overthrow of Elizabeth and the Protestant settlement. Political activism tainted the purity of the mission and gave government officials hard evidence to support claims that recusants and priests were merely using their faith and appeals to conscience to prepare the way for a foreign Catholic invasion.

Despite Allen's and Robert Parson's great contributions to the revitalized recusant community and the development of the English Mission, their political activities and writings caused an additional set of issues because each supported the validity of invasion and the claims of English Catholic support for a foreign, Catholic invasion of England. First, this split the English Mission between the Jesuits and their supporters on one side and a group of secular clergy, named the Appellants, who supported some sort of settlement with the English government form toleration and who rejected the more militant wing of the English Mission.<sup>54</sup>

These two parties, after experiencing over a decade of no real ecclesiastical authority, formed to find an organizational remedy for the mission. This led to a bitter split in the rank and file English clergy. The Appellants, without the knowledge of the Church hierarchy, attempted to organize a voluntary organization to elect leadership, handle alms, settle disputes, general mutual assistance, and priest placement. This fell through very quickly. Many feared the English government would view their clandestine organization as a hotbed of sedition. The recusant gentry and nobility feared that such an organization would limit lay control over their house chaplains, which was true since the rules called for houses not abiding by the organization's

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<sup>54</sup> Pritchard, *Catholic Loyalty in Elizabethan England*, p. ix, 41, 206.

regulations to be barred.<sup>55</sup> Parsons and his allies suggested the creation of two bishops, one in England to move about with the clergy and one in the Spanish Netherlands to organize. This was rejected by the hierarchy, for various reasons, and instead the Archpriest system was established by Cardinal Caietan, Protector of England.<sup>56</sup>

In an obvious attempt to placate the Appellants, on 7 March 1598, Fr. George Blackwell, a secular priest, was chosen as first Archpriest. He was to have authority over all secular clergy, save for the few remaining Marian clergy, but not the religious orders. Blackwell was given authority over organization and discipline. If this was where his mandate stopped then the English Mission would have remained united. Instead, the last rule Blackwell was given was to consult with Henry Garnet, Jesuit Superior of England, on all important matters of the mission but Garnet was not required to reciprocate. Blackwell was a longtime admirer of the Jesuits but possessed no real leadership or administration qualities to justify his appointment.

Over the next few years, several appeals were made the secular clergy to Rome with their grievances. The Appellants thus received their name. After two failed appeals, the Appellants reached out to Bishop Richard Bancroft of London who coordinated the government's policy for religious dissent. In order to sow dissention in the English Mission and lessen Jesuit power, Bancroft issued passports for Fr. Thomas Bluet and three others to travel to Rome to state their appeal and gave them permission to travel about England, unmolested, to gather funds. The Appellants' hope in working with Bancroft was to win some sort of toleration for English Catholics. This hope was encouraged by the government to give the Appellants some zeal.<sup>57</sup>

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<sup>55</sup> Pritchard, *Catholic Loyalism in Elizabethan England*, p. 120.

<sup>56</sup> Pritchard, *Catholic Loyalism in Elizabethan England*, p. 122.

<sup>57</sup> Pritchard, *Catholic Loyalism in Elizabethan England*, p. 125-126.

After much public debate, slander, and demands, the pope eventually attempted to settle the issues in October 1602 with neither side fully satisfied. First, Appellants were cleared of all charges leveled at them, including schism, and three Appellants were to fill Blackwell's staff of twelve. Second, Blackwell was forbidden to consult with Jesuit leaders about the mission. Lastly, and most importantly, the pope forbade all dealings with heretics or the English government to find legal toleration. The papacy and Church hierarchy refused to admit the legitimacy of Elizabeth's rule. In response, the English government issued a harsh proclamation which stated they never considered giving any measure of toleration to Catholics, Jesuits were labelled the most dangerous traitors against England, and the Appellants were described as disobedient and disloyal to their lawful monarch. Jesuits were given thirty days to leave England and the Appellants were given until 1 February 1603.<sup>58</sup>

Much time and ink was wasted over this controversy and only resulted in the clerical ranks of the mission being divided. While, in the end, obedience was given to Blackwell and the pope's ruling, secular and Jesuit clergy were in discord with one another. The laity did not experience much of this first hand since the vast majority of the publications, debates, and political maneuvering took place abroad in the English colleges and at Rome. But the negative impact on the efficiency and strength of the English mission should not be understated. With the ranks of Catholic clergy so small in England, the mission needed unity to keep ministering to recusants.

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<sup>58</sup> Pritchard, *Catholic Loyalty in Elizabethan England*, p. 128-120.

## Conclusion

What has been demonstrated thus far is both the vital part played by priests and the treatment of priests by the government was largely focused on their religious practice. Despite claims that the government sought obedience and cared little for individual belief, the experiences of priests proves the government's goal of total conformity. The large majority of executions were not of lay people, as had been the case under Queen Mary, but priests and religious brothers and sisters. The extinction of Catholicism in England was Elizabeth's primary goal for religious policy. But rather than target her subjects living in England for execution (though some did die) Elizabeth's government reserved frequent executions for priests in order to cause the recusant community to wither and die.

## CHAPTER THREE: RECUSANT LIFE: FAITHFUL CATHOLIC, LOYAL ENGLISHMAN

### Fringe Catholic Experience

While this thesis's focus is the English lay Catholic experience, comparing their experiences to other Catholic minorities is important before discussing the English laity in detail. Sixteenth century religious conflict was common and often led to sectarian violence, both between states and individuals. Governmental bans on the public practice of minority faiths, both Catholic and Protestant, or certain elements of those faiths were normal. Areas, like England, that were centralized and possessed state religions moved against minorities with greater efficiency and often with greater frequency. Our modern conception of toleration or coexistence did not exist in the sixteenth century. Even violence against minority faiths was considered acceptable if not necessary. This is because 'religious choice' as we now understand it was not even a debated idea in the early modern period. Today, our secular society is made up of individuals with equal rights for themselves and their faiths combined with the lack of belief in any sort of objective truth. The words 'heresy, idolatry, or apostasy' don't come close to carrying the same weight today as they did for both Catholics and Protestants in the sixteenth and seventeenth centuries. These 'religious choices' were 'plagues of the soul, seductions of the devil, and portals to hell.'<sup>1</sup>

The Dutch Republic is a good point of comparison to England for three reasons. First, Catholic experiences in the Republic form a good measure to compare against because the

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<sup>1</sup> Charles Parker, *Faith on the Margins: Catholics and Catholicism in the Dutch Golden Age* (Cambridge, Mass.; Harvard University Press, 2008), p. 6.

Republic is considered one of the most tolerant places in Europe during the early modern period. Second, the region faced much greater strife than England because of the wars occurring both around and in the Republic against Catholic powers, such as Spain. So, there was, at certain times, greater inclination to move against Catholics. Third, Dutch Catholics were not as isolated as English Catholics and so this geographic advantage might be assessed. This comparison will not be as in-depth as the English laity assessment. By examining Dutch Catholics the English Catholic experience may be better understood. This is not to demonstrate exceptionalism or to gauge the hardships endured. Religious conflict was common throughout Europe. But what is particular to the English experience may be better understood through comparison.

Before continuing, a few aspects of the Dutch Republic should be clarified. First, the Dutch Republic was not a centralized state. England possessed a monarch, centralized government, local governments whose ability to act independently was curtailed, and an aristocracy who owed service to the monarch. Not so for the Dutch. The Republic was a confederation made up of several states in the Netherlands, or Low Countries, with urban areas also possessing a varying degree of power and prerogative. The States General and Provincial States did possess some power to legislate and the like, but this decentralized aspect gave Dutch Catholics a wide spectrum of experiences throughout the Republic. Second, since the Republic was not centralized the Reformed Church was not, technically, the state religion in the way the Anglican Church was the state religion of England nor was membership mandatory. But, after 1570s, the Reformed Church did monopolize public worship and ecclesiastical property.<sup>2</sup>

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<sup>2</sup> Christine Kooi, "Sub Jugo Haereticorum: Minority Catholicism in Early Modern Europe", *Early Modern Catholicism*, ed. Kathleen M. Comerford & Himlar M. Pabel (Buffalo, NY: University of Toronto Press Inc., 2001), p. 150.



Briefly, Dutch Catholic experiences are examined below. Again, this comparison is merely to provide a look at another Catholic minority's experiences in the late sixteenth century. While establishing the Reformed Church, the States General had outlawed the Mass in 1573 and soon after passed legislation against priests, Catholic public processions, catechetical instruction, religious orders, Catholic vestments, and religious images. Then, the government seized all ecclesiastical property in the Republic. Everything from parish churches and cathedrals to monasteries and monuments were taken and 'reformed' for the Reformed Church. This also included any other ecclesiastical buildings or property. In the 1570s, the Dutch were at war with Spain and needed funds. Any property meant for traditional Catholic piety or practice, or its funding, was immediately used to fund the war. The Dutch tried to keep those funds and buildings meant for pious purposes, such as support of the poor, in the Reformed Church. After monopolizing public worship, the Reformed Church and the States General, during 1580-82, abolished nearly every aspect of Catholic worship including the right to assemble privately.<sup>3</sup>

After the establishment of the Reformed Church, Dutch Catholics were *sub jugo haereticorum* or 'under the yoke of heretics.'<sup>4</sup> While appearing similar to English legislation, Dutch anti-Catholic laws were not enforced in the same way as England's. England was centralized with a state religion. The Anglican Church and government's mutual goal of asserting religious obedience and uniformity meant their pursuit of non-conformity took on a more systematic and deliberate appearance than in the Republic.<sup>5</sup> Locals' religious attitudes and desire to enforce the laws were more important than in England. While local authorities could frustrate England's government, the Dutch had no centralized efforts to frustrate but laws to

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<sup>3</sup> Parker, *Faith on the Margins*, p. 9-10.

<sup>4</sup> Kooi, *Early Modern Catholicism*, ed. Comerford & Pabel, p. 147.

<sup>5</sup> Kooi, *Early Modern Catholicism*, ed. Comerford & Pabel, p. 150.

ignore or enforce. This meant a wide range of experiences for Dutch Catholics. In some places and times they experienced neglect or intentional tolerance while in others they faced relentless harassment. In other words, their environment was ever changing with the local authorities desires.<sup>6</sup> In practice, Dutch Catholics faced similar repercussions as their English counter-parts when confronted by authorities. Fines, imprisonment, exile, and, on the rare occasion, execution were all potential consequences of professing Catholicism. Additionally, sectarian violence and vandalism was a common but not necessarily frequent experience for Dutch Catholics.

In practicing the faith, Dutch Catholics developed close communities that were known to the local authorities, as in England. The big difference between English Catholic communities and the Dutch was their relationship with local authorities over Catholic practices. Explained later in this chapter, the English Catholics' relationships provided an aid when avoiding detection by the government to continuing practicing the faith. In the Republic, however, the local authorities were very much aware of Catholic practices. Local sheriffs and bailiffs in the Republic extorted 'recognition money' from Catholic communities. Essentially, recognition money was a combination of a bribe and a fine Catholics paid to worship in private free from harassment. Catholics paid 1000 guilders roughly every nine months. The average reformed minister's salary was about 500 guilders a year.<sup>7</sup> Both the frequency and size of this fine meant a dependence on elite Catholics developed. The fine may have allowed peace and quiet during Mass but this didn't include the other costs. Priests had to be maintained, a space for Mass had to be provided, seminarians funded, and the like-all required the raising of additional funds. If the funds could be raised, the money provided a wide variety of options for the Dutch laity. Because the Reformed Church seized all ecclesiastical property, lay elites and patrons possessed greater

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<sup>6</sup> Parker, *Faith on the Margins*, p. 11.

<sup>7</sup> Kooi, *Early Modern Catholicism*, ed. Comerford & Pabel, p. 152.

flexibility than their counter-parts in Catholic lands. Dutch Catholics faced neither entrenched interests, either lay or ecclesiastical, nor institutional obstacles. So, the Dutch laity were able to play central parts in parish affairs and the Catholic-reform minded could move ahead without facing serious opposition. The resulted in a close if tense relationship with the clergy, who relied on patrons.<sup>8</sup>

Charles Parker argued that the strictness or laxity of enforcement formed the Catholic communities. In provinces where the government rigidly enforced the anti-Catholic laws Catholicism was not appealing and caused tremendous struggles for the priests in that area. Establishing a long-term, sustained ministry provided very difficult because of government vigilance. On the other hand, in provinces where only moderate enforcement occurred Catholic communities gained several advantages. First, religious education could be established. This meant Dutch Catholic identity took on greater self-awareness by developing a greater understanding of Catholic doctrine. Second, and in conjunction with the first advantage, moderate persecution gave Dutch Catholics a sense of the ‘embattled minority of true believers.’ Together, this created an environment in which Catholicism had the potential to flourish.<sup>9</sup>

Before continuing to the English lay experience, several things should be taken away for comparison below. First, Dutch Catholics faced a similar if different experience with authority as English Catholics. Local authorities were important for both but the Dutch decentralized government provided for greater latitude in enforcing anti-Catholic laws and the possibility of larger Catholic communities. Second, the lack of a state religion with mandatory membership created a wider space for Catholics and other denominations to move in to create their own faith

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<sup>8</sup> Parker, *Faith on the Margins*, p. 5.

<sup>9</sup> Parker, *Faith on the Margins*, p. 4.

communities. Finally, the willingness of local authorities to openly accept money gave some Dutch Catholics the semblance of real community without harassment.

In a later section of this chapter, the importance of the conscience and the appeals made to the conscience will be discussed for both Catholics and Protestants, and for English and Dutch Catholic laity.

### The Nature of the English Laity

Priests, while integral to the fabric of Catholic spiritual life, could not partake in the social lives of their flocks publically. Clerical authors could compose spiritual works, political treatises, and the like, and priests could administer the sacraments and give spiritual direction, but the daily social and political life of an English Catholic could only be lived by the laity. The laity comprises those who were either baptized or were being received into the Catholic faith but who were not in holy orders or under a religious vow. As demonstrated in the previous chapter, laws sought to divide the laity and the clerics to weaken the integrity of the English Catholic community by targeting the seminarians and clerics who returned as missionaries to England. The essence of the ongoing debate between Catholics and Protestants centered on recusants' loyalty to the Queen versus their loyalty to the papacy. Elizabeth's government viewed this as a political question: recusants were disloyal by their adherence to Rome and the Papacy. For Catholics, loyalty to the monarch and their faith could potentially be melded together by remaining obedient to the monarch in all other areas of their lives.

Recusancy laws, however, were not the only things affecting the viability of Catholicism in England. Recusants were forced to adapt to changing circumstances. This could include an

increased frequency of searches in their area of residence, the levying of fines, a family member's conversion to Catholicism or Protestantism, or investigations by commissions or the justices of the peace. Additionally, English Catholics did not have enough priests to administer the sacraments or instruct the laity throughout the country. As explained in the previous chapter, this had several consequences for the nature of Catholicism in England. Recusants' children lacked the necessary religious instruction in their faith and Catholic religious culture, especially in art and architecture.<sup>10</sup> The Mass, central to Catholicism, was forbidden, recusants could not legally recognize the Pope as the head of the Church, and they had little or no access to the sacraments. The gentry and peerage were sometimes able to provide enclaves of Catholicism on their estates for their Catholic families and tenants. For example, Lord Montague and his family integrated their home into the network of travelling priests and built a house chapel that their chaplain Richard Smith said was "perhaps not to be seen in all England besides."<sup>11</sup> In Lancashire, illicit schools existed for recusants' sons, and the former Bishop of Hull, Robert Pusglove, opened a school that survived from 1560-1575.<sup>12</sup> Additionally, parents sent their children to the continental schools, such as St. Omer, to insure they received an orthodox education. Some children embarked on their own or with siblings to receive their religious education in Ireland or on the continent.<sup>13</sup>

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<sup>10</sup> A.C.F. Beales, *Education Under Penalty: English Catholic Education from the Reformation to the Fall of James II, 1547-1689* (London, UK: Athlone Press, 1963), p. 28- 72.

<sup>11</sup> Pritchard, *Catholic Loyalty*, p.45.

<sup>12</sup> Moray, *Catholic Subjects*, p.144-145.

<sup>13</sup> Alison Shell, "'Furor Juvenilis'; post Reformation English Catholicism and exemplary youthful behavior," in *Catholics and the 'Protestant Nation'*, ed. Ethan Shagan (Manchester, UK: Manchester University Press 2005), p.185-186.

## Loyal Englishman, Faithful Catholic

As discussed in Chapter two, the Archpriest Controversy caused multiple levels of disruption for the English recusant community. First, the English Catholic mission faced internal disunity in terms of leadership and goals. Second, and most important for the laity, several polemicist priests in the controversy voiced their opposition to English Catholics giving service and obligations to a heretic queen. Others wrote strongly in favor of continued loyalty to the queen to demonstrate the Elizabethan government's qualms lay only in religious issues, not necessarily a rejection of Elizabeth's right to rule. Political and religious controversy forced recusants into an awkward position. On the one hand, gentry and nobility felt their natural role was service to the monarch in service and defense of the realm. Differences in religion should not prevent Catholics from giving service.<sup>14</sup>

By the 1580s, Catholic recusants had been living in varying degrees of isolation from the rest of the Catholic Church for over two decades. A number of English Catholics who lived in exile abroad or had joined one of the Jesuit or diocesan seminary colleges attempted to keep in contact with their co-religionists<sup>15</sup> in England and assist them whenever possible. Government propaganda and proclamations painted exiled Englishmen as traitors and many of their actions abroad did no favors for recusants back in England. Beginning with Elizabeth's inaugural parliament, a number of Catholics attempted to prove their loyalty in various ways to Elizabeth and to England while at the same time maintaining their commitment to Catholicism. Discussing recusants' defense and their complacency during imprisonment and the levying of fines against

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<sup>14</sup> Arnold Pritchard, *Catholic Loyalty in Elizabethan England*, (Chapel Hill, NC: The University of North Carolina Press, 1979), p. 6, 38-39.

<sup>15</sup> "Co-religionists" refers to fellow Catholics and includes both recusants and Church papists who gave support to the English Catholic community but outwardly conformed to the Anglican Church.

them will help reveal recusant attitudes towards obligation and loyalty towards the crown and the realm.

Before continuing, a brief explanation of one of the issues in any discussion of loyalty and faith is necessary. Throughout the sixteenth century, both Protestants and Catholics made appeals to the supremacy of conscience. Each faith believed the conscience to be the conduit for God to guide Christians in moral decisions. Unfortunately, each side claimed the supremacy of conscience in support of their faith. Additionally, no one appears to define what they mean by ‘conscience’ in their writing. All sides assumed a mutual understanding of what the conscience is and what role it plays in the faith life of Christians. Since this topic is itself very complex, a simple explanation of the influences on both Protestants and Catholic is sufficient here to explain the viewpoints on conscience in the sixteenth century. Each side trusted and read the Church Fathers, especially St. Augustine’s work on grace and free will. Each side connected with the early Church’s experiences with persecution and identified their own trials with the Patristic Age. Because of their mutual respect for Scripture and Patristic authors, both Protestants and Catholics felt the influence of Plato and Aristotle, the philosophical background of the Church Fathers. Lastly, St. Thomas Aquinas and the Scholastics also influenced the Reformers and Catholics. In sum, the belief that the conscience ought to be followed, no matter the consequences, was shared despite dispute on how the conscience could be properly formed and conformed to God’s will.

## 1560s: Peaceful Days

Before moving to the 1580s, it is important to examine some of the events which first required recusants to protest their loyalty and what legal precedents Elizabeth's government established against Catholics and other non-conformists at the beginning of her reign. How recusants avowed their loyalty set the tone for future dialogues on faithfulness to the crown.

In July 1559, Elizabeth released a proclamation entitled *Announcing Injunctions for Religion* which contained over fifty items relating to the establishment of the English Church and the regulating its ministers' and laity's conduct. This proclamation required the churchwardens to monitor slackness and negligence in church attendance and report the infractions to their bishop.<sup>16</sup> Those found guilty of not attending the service on Sundays and Holy Days were to be fined twelve pence for every offense under the Act of Uniformity.<sup>17</sup> Remember, church attendance was both a religious obligation and a legal requirement. While an individual could disagree all they wished internally, the government and Anglican Church desired attendance if for slightly different reasons, spiritual and legal. Within the *Injunctions*, however, there is an item expressly forbidding commissioners and justices of the peace from using the words "papist, or papistical heretic, schismatic, or sacramentary, or any such words of reproach" when dealing with someone who might be a Catholic. Anyone deserving of these titles was to be "charitably admonished" first and then, if kind words failed, denounced to the local bishop.<sup>18</sup> These very words, which would later be hurled at recusants despite Elizabeth's decree, were considered to

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<sup>16</sup> *Announcing Injunctions for Religion*, before 19 July 1559, *Tudor Royal Proclamations: Vol. II The Later Tudors (1553-1587)*, ed. Paul L. Hughes and James F. Larkin, c.s.v. (New Haven, Conn: Yale University Press, 1969), p. 127.

<sup>17</sup> An Act for the Uniformity of Common Prayer and Divine Service in the Church, 1559, in *Recusancy and Conformity in Early Modern England*, p. 1.

<sup>18</sup> *Announcing Injunctions for Religion*, *Tudor Royal Proclamations*, p. 128.



be in breach of Christian charity. These acts and injunctions came roughly a decade before events which brought Catholic loyalty into serious question. Prior to the events of the late 1560s, the government was conciliatory and encouraged conformity both spiritually and temporally.

When discussing the division between temporal and spiritual loyalty during Elizabeth's reign, Viscount Montague, a Catholic peer, is a starting point. During the inaugural Parliament, Lord Montague made a speech against the new acts for the religious settlement of England. In particular, he spoke against the requirement that all Englishmen attend the new religious service on Sundays and holy days or face a fine for each offense. It was here that he first spoke of the sanctity of conscience and argued that to force individuals to attend was in violation of the individual's conscience. Montague was, however, the lone voice on this matter amongst the temporal peers. Even though other Catholic peers and gentry were present in both Houses, there was few others who spoke out at all.

In 1563, Montague spoke in the House of Lords against a statute extending the Act of Supremacy further against recusants. Specifically, this act increased the punishment for non-conformity and extended the oath of supremacy to Members of the Commons, lawyers, university students, and anyone else associated with the law or the court. Montague was exempted from this as a peer, but his co-religionists in the Commons would not be. Refusal of the oath would now result in praemunire after the first offense and the death penalty after the second offense.<sup>19</sup> As a Catholic peer, Montague voiced his dissent by deeming the law unnecessary, for "the Catholics of this realm disturb not, nor hinder the public affairs of the

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<sup>19</sup> Assurance of the Queen's Power, *Select Statutes and other Constitutional Documents Illustrative of the Reigns of Elizabeth and James I*, ed. G.W. Prothero (London, UK: Oxford University Press, 1913), p.41.

realm, neither spiritual nor temporal.” According to Montague, the law was repugnant to both the natural and civil laws of men.<sup>20</sup>

For his third point, Montague stated that no man should be constrained in his conscience by what he found to be doubtful.<sup>21</sup> Lord Montague did not argue against the validity or sanctity of the Protestant faith, though he made it clear where he stood in matters of religion. Instead, he appealed to the political and social situation as it stood in 1563. At this time, Catholics had not yet disturbed the realm and continued to serve the crown despite differences in faith. No plots against Elizabeth had occurred, and the Northern Rebellion was still years away. Montague was appealing to a standard he believed to be shared by all, namely, what constitutes a just law. This new statute, according to Montague, was imposing an opinion and a new religion by “force and compulsion,” which he could not consent to.<sup>22</sup> Montague’s played his role as a peer of the realm in Parliament. His example was an individual who disagreed with the law yet did not believe himself to be absolved of duty and loyalty to the monarch. Montague spoke as a royal counselor not as a condemning Catholic. As previously discussed, Montague and others believed the new Protestant settlement was untested and brand new and thus forcing men’s consciences to accept something so unproven was immoral and unjust.<sup>23</sup>

Compared to later in Elizabeth’s reign, the Catholic laity faced little difficulty from her government during the 1560s. In the first years of Elizabeth’s reign, Catholics observed the establishment of the religious settlement and its resulting consequences. At this time, future recusants still held some political offices and assisted in the governance of their localities, as explained in chapter three of this thesis. Montague and his family’s service to crown extended

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<sup>20</sup> See treason law discussion in chapter one.

<sup>21</sup> J.E. Neale, *Elizabeth and Her Parliaments, 1559-1581*, (London, UK: Alden Press, 1953), p. 120.

<sup>22</sup> Neale, *Elizabeth and Her Parliaments*, p. 120.

<sup>23</sup> Pritchard, *Catholic Loyalty in Elizabethan England*, p.47-48.

all the way back to Henry VIII. Past loyal service was not necessarily a guarantee of present loyalty, as Catholic rebels and plotters showed, but past loyalty was a bargaining chip when confronted in Star Chamber with accusations of treasonous activities, such as harboring priests or Catholic material.

In June 1562, English Catholics sent a petition to the Council of Trent to learn the proper doctrinal opinion about attending the new Protestant service in England. The petitioners' questions can be boiled down to two distinct concerns. First, Catholics wished to know whether they could attend Protestant service without "danger to the soul or offence to God." If they could attend, they would happily do so, but if attendance was deemed a danger to their salvation they would accept the consequences as dictated by the state. Their second concern was that any discussion of this matter be discussed prudently and discreetly out of fear of causing ill feeling for their Protestant neighbors.<sup>24</sup> There is no mention of the legality of rebellion or of causing any other trouble in the kingdom. The sanctity of conscience and the necessity of getting along well with any Protestant neighbors were paramount. Within this petition is also a desire for a possible compromise which would give English Catholics legal minority status. By this, recusants wanted to reach a compromise between themselves and the Elizabethan government which would allow recusants freedom of worship and the freedom to serve a Protestant monarch. Recusants already interacted with the crown, the courts, the government, and their neighbors on a regular basis. Compromise could make social and political lives much easier. But Elizabeth's government could not be expected to extend legal status to recusants as long as Catholic powers and the papacy wished to see her removed from the throne or converted. Catholics needed the pope to first extend an olive branch to Elizabeth, which was highly unlikely.

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<sup>24</sup> Petition of English Catholics to the Council of Trent, *Recusancy and Conformity in Early Modern England*, p. 4.

In Sussex in late 1569, the Privy Council ordered the oath of supremacy to be administered to those commissioners of the peace, and other offices, who had not yet subscribed to it. In Sussex and other southern counties, William Shelley, a recusant, refused the summons and never took the oath. William Dawtre of More House and James Gage of Bentley did appear but refused to subscribe. The report to the Council stated that they refused “with such humbleness as it seemed to us not to be of stubbornness, but as they said their, Shelley and Dawtre, consciences [were] not yet satisfied.”<sup>25</sup> This is another instance where the recusants’ appeal is to their right of conscience and not an attempt to argue against the laws’ legality. Also, the government could view remarks regarding an individual’s conscience as an opportunity to convert when there is no argument made against the Protestant establishment. Asserting the sanctity of one’s conscience is a more passive defense than speaking directly against Protestantism. Recusants would continue to use this tactic after tensions between themselves and the government increased. This appeal to conscience went hand in hand with clerical appeals to the innocence of practicing Catholicism as a faith and not as a political philosophy.

#### 1570s: Loyalty after *Regnans in Excelsis*

Pope Pius V promulgated the papal bull *Regnans in Excelsis* in February 1570, thereby excommunicating Elizabeth as a “heretic and an abetter of heretics, and...declare[d] her...to have incurred the sentence of excommunication and to be cut off from the unity of the Body of Christ” and “declare her to be deprived of her pretended claim” to the throne of England.

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<sup>25</sup> Manning, Catholics and Local Office Holding in Elizabethan Sussex, p. 49

Additionally, this bull absolved all of her subjects from any oath of allegiance to Elizabeth and commanded her subjects to not obey her under pain of excommunication.<sup>26</sup>

The excommunication increased the suspicion of recusants more than the Northern Rebellion because the bull released all Catholics from their temporal obligations to Elizabeth, at least in the eyes of the papacy, regardless of their previous acts of obedience. One year later, the Act against Bulls from Rome was passed. The importation or dissemination of any publication of Rome was to be high treason with the accompanying punishments, death and forfeiture of lands.<sup>27</sup> This act, along with the limited communication between English Catholics and the continent, prevented the wide propagation of *Regnans in Excelsis*. This is not to say there was no impact because wide dissemination was difficult.<sup>28</sup> The government was well aware of the bull and did its best to deny it entry into England. Whether a recusant knew, read, or heard about the bull is beside the point. Suspicion and recusant legislation increased simply because the bull existed and not due to anything recusants did with the bull.

After *Regnans in Excelsis* in the 1570s, several Catholics continued to assist the crown and have authority in their localities, despite having not sworn the Oath and increased suspicion from ecclesiastical and government authorities. Matthew and Edward Arundell were each active in local government and held public offices well into the early 1570s. Matthew even aided in judicial issues and warrants in his locality.<sup>29</sup> In May 1573, Viscount Montague assisted in the governance of Sussex with Lord Buckhurst and the Justices of the Peace.<sup>30</sup> In July 1578,

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<sup>26</sup> Pope Pius V, *Regnans in Excelsis*, Rome, 25 February 1570, *Recusancy and Conformity*, p. 88-89.

<sup>27</sup> Acts against Bulls from Rome 1571, *Crown and Parliament in Tudor-Stuart England*, eds. Hughes and Fries, p.116-118.

<sup>28</sup> See chapter two.

<sup>29</sup> APC 1571-75, pg. 139.

<sup>30</sup> APC 9 May 1573, pg. 104.

Montague and others were ordered by the Council to move against pirates in their area.<sup>31</sup> If loyalty may be interpreted as assisting faithfully and honestly in the rule of the realm, then these men, and others like them, proved their loyalty to the crown despite their recusant status.

### 1580s: Increased Suspicion

As previously mentioned, in 1580 various English Catholics sent a request for answers to nineteen questions concerning the Papal Bull and its impact on Catholics living in servitude to Elizabeth. This included whether defense of the queen against outsiders seeking to overthrow her and reestablish Catholicism was permissible.<sup>32</sup> By and large, English Catholics wanted to know to what extent they could obey Elizabeth and her laws without affecting their consciences and, consequently, their salvation. These matters of conscience did not necessarily mean an individual was either to become a traitor or violate their conscience. While a conscience is the sole property and responsibility of the individual, there were two opposing influences upon the conscience at this time. First, the state, while attempting to give respect to the conscience, declared internal faith and movements of the conscience to be up to the individual. But this was not permitted to translate into public expression of the conscience unless the actions fell into what was legally permitted. Second, the Catholic Church's continued influence through tradition, priests, seminarians, and publications. In the sixteenth century, these may not have held equal claim but neither could be ignored either.

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<sup>31</sup> APC 27 July 1578, p. 294.

<sup>32</sup> Ad consolationem et instructionem quorundam Catholicorum angustiis constitutorum quaestiones aliquot, before April 1580, *Recusancy and Conformity*, p. 90-97.

During the summer of 1581, Edmund Campion, a Jesuit priest, was captured and conducted to the Tower. Almost immediately, several recusants were ordered to be examined concerning their connections to Campion and other Jesuits. The Privy Council ordered that Lord Vaux be questioned and detained at the home of an “honest gentlemen well affected in religion” without the benefit of guests or correspondence.<sup>33</sup> Sir Thomas Tresham, Mr. Griffith, and William Catesby were all to be treated likewise and were prohibited from conferring with one another.<sup>34</sup> Together with other recusants, these men were interrogated in Star Chamber on their relationship with Campion. In response to the charges against him, Lord Vaux responded, [sic] “My Lords all, if I have failed in any part my duty, I humble pray pardon; for I had intention not to offend therein. [O]ffering now, as I have always ... done, to depose any interrogations that concern my loyalty to her majesty, or duty to the State, requiring only to be exempted from deposing in matters of conscience, which without offending of my conscience grievously, I may not consent.” Lord Vaux continued by offering his goods, lands, and life if he had not been a “most true and faithful subject” because they are “ready in all duty to be employed.”<sup>35</sup> Lord Vaux’s defense, unlike Sir Thomas Tresham’s, was simple, short, and direct. His choice of the term “duty” is significant. Loyalty was based on submission to the Crown. Vaux understood this duty as a loyal subject and a nobleman. If the charges were true, Star Chamber should have acted in accordance with the law of the realm. Specifically, the laws governing treasonous activity called for sequestering of lands and execution. Vaux’s response is his way of submitting to the authority of Elizabeth’s government while maintaining his innocence. If the law stated that Vaux

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<sup>33</sup> APC, 6 August 1581, p. 155.

<sup>34</sup> APC, 6 August 1581, 156.

<sup>35</sup> Anstruther, *Vaux of Harrowden*, p.121-122.

deserved punishment for practicing Catholicism and harboring a priest, Vaux would accept what the law stated all the while maintaining his loyalty to Elizabeth and his desire to serve her.

Events such as these affected legislation in the following years. A new act appeared in Parliament against Jesuits and seminarians<sup>36</sup> and described them as those who “stir up and move sedition, rebellion, and open hostility” and greatly endanger the queen’s safety.<sup>37</sup> This act allowed forty days for all priests to vacate the country without penalty. Afterwards, any priest or those who harbored or assisted priests would be guilty of treason, with all its accompanying consequences. Additionally, this act specifically forbade parents from sending their children abroad for education, especially at the new English seminary colleges.<sup>38</sup>

In 1585, Sir John Arundell, along with Lord Vaux, Sir Thomas Tresham, and others, petitioned the Crown to withhold assent to this new act. They stated that if Catholics expelled their priests or refused to help them “then [they] are already judged damnable traitors to Almighty God.”<sup>39</sup> They protested their past loyalty and service to Elizabeth and recounted all that Catholics had suffered previously. The main author of the petition, Sir Thomas Tresham, argued that a refusal to attend a Protestant service was a matter of conscience, but Catholics would attend if “Protestant divines [could] prove to the learned of the Catholic Church that it may be done without grave sin.”<sup>40</sup> Sir Richard Shelley delivered this petition to the Crown, but he was then arrested and later died in prison. His brother Edward was later put to death “for receiving and aiding and comforting one William Deane, a seminary priest.”<sup>41</sup> Again, there is no

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<sup>36</sup> Seminarians refers to two types of individuals. First, those young men who are in seminary college in preparation for the priesthood. Second, those priests who were trained in seminaries as diocesan or secular priests.

<sup>37</sup> Act Against Jesuits and Seminarians, in *Documents Illustrative of English Church History*, ed. Henry Gee and William John (New York: Macmillan, 1896), p. 485-486.

<sup>38</sup> Act Against the Jesuits and Seminarians, *Documents Illustrative of English Church History*, p. 489.

<sup>39</sup> Adrian Morey, *Catholic Subjects of Elizabeth I* (Totowa, NJ: Rowman and Littlefield, 1978), p.65, 67.

<sup>40</sup> Anstruther, *Vaux of Harrowden*, p. 154.

<sup>41</sup> Morey, *Catholic Subjects*, p. 66.



mention of a Catholic restoration, or the necessity of one, in the petition but a request for what can be termed only as toleration based on the understanding that Catholics would act dutifully to the Crown in matters outside of faith.

In March of 1586, Sir Gilbert Gerrard, Master of the Rolls, and Sir Owyn Hopton wrote to the Council to report on the levying of fines against recusants in the area of London-Middlesex. Men such as Lord Vaux, Sir John Arundell, John Gage, Sir Thomas Tresham, and the lady Elizabeth Poulet presented themselves with twenty others to petition exemption from the penalties of the statute and pay their yearly fine in person.<sup>42</sup> Justices of the Peace for Berkshire reported that many appeared and taxed themselves with the yearly payment as well.<sup>43</sup> It would seem that in order to prove loyalty, or at least disprove disloyalty, recusants would have to go along with whatever terms and conditions were set by the state. While recusants would not conform to the religious settlement, they could at least prove themselves by accepting, peacefully, the punishments the government gave, such as fines or prison terms.

In April 1588, the Privy Council ordered all recusants within the realm be disarmed, their arms sold, and the proceeds given to the owners.<sup>44</sup> Sir Thomas Tresham was imprisoned at this time, but after suffering persistent illness and much protestation of loyalty he was released on bond.<sup>45</sup> On December 1, 1588, a large group of recusants were granted release from Ely Castle after being imprisoned since the previous summer. Their release came after making a “very dutiful protestation of their allegiance towards her Majesty.”<sup>46</sup> As long as the recusants held to their sincere promises of allegiance, kept within ten miles of London, provided appropriate

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<sup>42</sup> CSP, domestic, 14 March 1586, p. 313-314.

<sup>43</sup> CSP, domestic, 14 March 1586, p.313.

<sup>44</sup> APC April 1588, p. 38-39.

<sup>45</sup> APC 29 November 1588, p. 362.

<sup>46</sup> APC 1 December 1588, p. 370.

bonds, and were always ready to present themselves before the Council they could keep their liberty.<sup>47</sup> It was a loyal subject's duty to not only submit himself to the crown, but to protest his loyalty to the crown in word and deed. Recusants' loyalty was something to be demonstrated and proved to the queen and her officials. However, despite release and demonstrations of loyalty, a list of men who were of quality and ability were to be committed to Ely, Banbury, and Broughton in order to frustrate any chance of assistance to the King of Spain's plan in England. This included Sir John Arundell, Sir Thomas Tresham, and several members of the Gage family.<sup>48</sup>

Recusants' loyalty could only be proved over time through their words, deeds, and compliance with the recusancy laws. Men like Lord Vaux, Viscount Montague, and Sir Thomas Tresham used rhetorical approaches in keeping with how the state understood men to protest their loyalty. In other words, they argued on the government's terms when discussing the recognition of duty and obligations owed to the crown as subjects and noblemen. Recusants did not, usually, argue for the restoration of Catholicism or any other unrealistic goal when confronted in the courts or the Privy Council. The promotion of the sanctity of conscience and their willingness to submit to the justice of the crown were their primary claims and helped them keep some semblance of a normal life. Additionally, continued loyal service allowed the government to permit recusants some local prestige and authority benefiting their individual rank. While some of their co-religionists fled to the continent, became Church papists, or actively participated in plots against Elizabeth's reign, these loyal recusants and those like them maintained visible signs of their Catholic faith while protesting their duty and obligations to the queen as her faithful subjects. If loyal recusants desired the restoration of Catholicism and a

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<sup>47</sup> APC 7 December 1588, p. 382.

<sup>48</sup> APC 13 March 1589, p. 414-415.

Catholic monarch above all else, then they would have conformed and plotted in secret.

Persisting in Catholicism in a public manner proves loyalty. Why would an unscrupulous papist purposefully stand out if he was conducting disloyal activities? For the government's part, their policy, even in troubled times, continued to be conciliatory for certain recusants, especially those who proved useful or docile. Their relationship with recusants was dynamic and complex because of the number of individuals involved in the policymaking and policing of recusant activity. Again, while persecution did occur, imprisonment or execution, the government's main goal was to curtail what they perceived as disobedience to the lawful monarch.

This air of persecution put recusants in positions Englishmen of other faiths would not have found themselves in solely because of their religious difference. Treasonous acts could be plotting against the monarch, making attempts on the monarch's life, open rebellion to remove evil counsellors or to send a message to the government, or giving any sort of aid to enemies of the realm. These were long established, since 1352. Extensions to this law under the Elizabeth expanded treason laws to include treasonous words and religious acts.<sup>49</sup> The treason laws which included religion referred only to Catholics. The *Second Treasons Act of Elizabeth 1571* subtly refers to Catholics by making any words, written or spoken, labelling Elizabeth as a 'heretic, schismatic, tyrant, infidel, or usurper of the Crown' a treasonous offense.<sup>50</sup> Pope Pius's bull described Elizabeth in these exact terms and authorized her subjects to remove her from the throne. As previously stated, Parliament passed a separate act against the importing or distributing of papal bulls. Catholic loyalty was measured in part by statements by continentals and the papacy. Writers such as Robert Parsons and William Cardinal Allen did no favors for

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<sup>49</sup> G.R. Elton, *The Tudor Constitution: Documents and Commentary*, ed., G.R. Elton (Cambridge, UK: Cambridge University Press, 1982), p. 59-61.

<sup>50</sup> *Second Treasons Act of Elizabeth, 1571*, ed. Hughes and Fries, p. 113-116.

recusants when they published works against Elizabeth's rule or even against the actions of loyalist Catholics. Most Catholic clerics had the forethought to understand the difficult position English Catholics found themselves in. Recusants were caught between a government seeking obedience through legal penalties and political exclusion and a Catholic hierarchy who actively sought Elizabeth's removal and encouraged English Catholics to support external invasions to remove Elizabeth and re-establish the Catholic Church in England.

### Political Difficulties: Office Holding

The nature of government office holding in sixteenth century England may be likened to an individual holding two scales, one in each hand. In one, prudence and ambition must be balanced to allow for elevation to higher offices but not ascend so quickly as to overreach one's capabilities. English politics for the period are littered with individuals who saw both a meteoric rise and devastating fall from grace. In the other hand, the office seeker must attempt to balance what is much further outside the realm of his control, that is, other individual's perception of his desires, political and otherwise, and the ambitions of the competition. When this scale becomes unbalanced, the office seeker may be confronted with legal proceedings and financial burden, the development of a bitter rivalry that may be passed on to heirs and family members, or outright violence or slander to end the competition's threat.

English Catholics faced both of these complex issues if they desired office, at the local or national level. But these men were forced to jump a hurdle while holding these scales, the Oath of Supremacy. How did one gain access to the political and financial benefits of office if there was an ever expanding legal barrier to entry? What of those individuals who belonged by birth to

the House of Lords? Could they be denied a seat? This complex issue also raises simpler questions: was office holding even worth the trouble? In the end, did the individual gain or lose more than if they simply bowed out of the political scene? As explained earlier in this chapter, office holding must also be examined in the context of loyalty to two masters: queen and pope.

A greater understanding of Catholic office holding may help to deepen our understanding of how fringe groups functioned in and contributed to the political arena. More specifically, the compromises and mutual understandings reached by Protestants and Catholics for political office further our understanding of how religious laws and opinions functioned on the ground. Political necessity, blood ties, or patronage might demand what is outside of the accepted letter of the law.

Several Catholic families preferred to remove themselves from state service and remain in the countryside. Retiring from public life could potentially improve the financial situation of English Catholics but would certainly remove any possible benefit of office. Sir Philip Sydney initially proposed being allowed to prey financially on his Catholic-countrymen. According to Sydney, English Catholics were families of ‘great riches (because the affairs of state have not [been] laid on them).’<sup>51</sup> I believe this accurately sums up the opposite side of the office holding coin. True, office holders benefited, at times extravagantly so, but these men also had to finance the up-keep of their offices which could tip their balance sheets into the red. For example, being sheriff of the shire might grant political power and influence but the amount of money and time required led some to avoid responsibility altogether, if they could.

Recusant families faced numerous and difficult obstacles over the course of Elizabeth’s reign. As previously explained, the 1560s would come to be seen as something of a golden age

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<sup>51</sup> Lawrence Stone, *The Crisis of the Aristocracy, 1558-1641* (London, UK: Oxford University Press, 1965), p. 477, 480.

for recusancy.<sup>52</sup> During these years, recusants faced occasional governmental pressure but for the most part they were able live their lives unmolested.<sup>53</sup> Heads of family still pursued legal suits and, in certain cases, participated in government, as justices of the peace, sheriffs, and as members of Parliament.<sup>54</sup> As previously explained, prior to 1570, Elizabeth's officials did not attempt any type of sustained pressure. Some pardons were even given after the Northern Rebellion.

### Local Office Holding and Influence

English Catholics still had several opportunities to hold office in the shires. The distance from the Privy Council and London provided cracks for Catholics to slip through and attain offices of local importance. These cracks existed well into the 1570s and in some counties until the early 1590s. By and large, there are three reasons why Catholics continued to serve in local offices, such as Sheriff or the Commissions of the Peace. First, prior to the Act of Assurance of the Queen's Power in 1563, there were still officers not required to take the Oath of Supremacy, including members of the House of Commons.<sup>55</sup> Second, as late as 1592, the Privy Council was aware the Chancery was receiving false returns on the Oath of Supremacy and early in Elizabeth's reign there were at times no returns at all.<sup>56</sup> This bureaucratic slip could be because Protestant neighbors and family members refused to report them or falsified documents, or that

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<sup>52</sup> Pritchard, *Catholic Loyalty*, p. 3.

<sup>53</sup> A major change would be difficulties in holding office because of the Oath of Supremacy.

<sup>54</sup> Acts of the Privy Council 10, 25 February 1564, pg. 193, 200. ; APC 1575, p. 364. <http://www.british-history.ac.uk/catalogue.aspx?type=2&gid=156> Any future citations of the Acts of the Privy Council (abbreviated APC) will come from this website. I will cite the date and page number of each act but not the website.

<sup>55</sup> Assurance of the Queen's Power, *Select Statutes and other Constitutional Documents Illustrative of the Reigns of Elizabeth and James I*, ed. G.W. Prothero (London, UK: Oxford University Press, 1913), p.41.

<sup>56</sup> R. Manning, "Catholics and Local Office Holding in Elizabethan Sussex." *Historical Research*, 35.: 47-48

individuals refused the oath and faced no consequences. Third, Catholics were able to receive offices after temporarily conforming to the Established Church. This trend of outward conformity presented difficulties for the continuity of Catholicism as the generations passed but provided greater opportunity for advancement without the air of Catholicism hanging over office holders. It should be noted that at the beginning of Elizabeth's reign a large portion of Marian officials on the Commissions of the Peace were purged, at first. The rapid change in personnel of the justices in 1559 Sussex were largely due to religious leaning and previous service to Mary. Henry Bedingfield, Sir Richard Southwell, his son Robert Southwell, Thomas Lovell and other Sussex Catholics were all removed. Each was the head of a recusant family throughout Elizabeth's reign. Through temporary conformity and other ways, some of these men found their way back onto commissions and other offices. Recusants in Norfolk, and elsewhere, also experienced an initial purge from commissions but later returned.<sup>57</sup>

The Arundells were stout recusants, and Catholics were numerous around their estates in Cornwall.<sup>58</sup> On inspecting his new see, Bishop Alley of Exeter found Sir John Arundell of Trecice to be one of the two most important Catholics in Cornwall.<sup>59</sup> The Justices of the Peace reported to the Council that the Catholics Sir John Arundell and William Godolphin were still rejecting the Act of Uniformity in 1569.<sup>60</sup> Sir John was able to remain active in his home county of Cornwall. As one of the leading Cornish magnates, Sir John Arundell led an active life in public affairs until his last major office assignment in 1574, when he inspected coastal defenses with the Earl of Bedford and his relative Sir Matthew Arundell.<sup>61</sup> Sir John Arundell's public

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<sup>57</sup> A. Hassell Smith, "The Personnel of the Commissions of the Peace, 1554-1564: A Reconsideration." *Huntington Library Quarterly*, vol. 22, no. 4 (August 1959), p. 306-309.

<sup>58</sup> Pritchard, *Catholic Loyalty*, p. 6.

<sup>59</sup> Trimble, *Catholic Laity*, p. 32.

<sup>60</sup> Calendar of State Papers Domestic, 10 December 1569, p. 353.

<sup>61</sup> APC 1574, pg. 304

activities continued to a lesser degree until he was sent to the Tower in 1585 for allowing his nephew to go abroad, for receiving “divers priests”, and for having been “confessed by a priest.”<sup>62</sup> This imprisonment came just after a new Act of Parliament in 1585 against Jesuits and seminarians, which described them as those who “stir up and move sedition, rebellion, and open hostility” and greatly endanger the Queen’s safety.<sup>63</sup> This act gave priests forty days to vacate the country without penalty. Afterwards, any priest or those who harbored or assisted priests would be guilty of treason. Additionally, this act specifically forbade parents from sending their children abroad for education.<sup>64</sup> As previously explained, this act highlighted the importance of the English seminaries and the network of assistance the laity provided for the missionary priests. Seminaries and other educational institutions appeared to the government to be innately hotbeds of disloyalty because they promoted loyalty to Catholicism, the Church, and the pope.

Thomas Arundell, a relative of Sir John, went to court to receive payment for being turned out of St. Mawes castle in Cornwall against his will.<sup>65</sup> Most likely, this eviction resulted from overzealous law enforcement by either commissioners or justices of the peace. The Privy Council seemed unwilling to move against Thomas and the castle he held in Cornwall until the Assize had a ‘perfect understanding of the case.’ Until then, they should only make report of the situation and not act against Thomas.<sup>66</sup> Matthew and Edward Arundell were each active in local government and held public offices in Dorset well into the early 1570s. Matthew participated

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<sup>62</sup> Morey, *Catholic Subjects*, p. 66.

<sup>63</sup> Act Against Jesuits and Seminarians, in *Documents Illustrative of English Church History*, ed. Henry Gee and William John (New York: Macmillan, 1896), p. 485-486. <http://history.hanover.edu/texts/ENGref/er87.html>  
Any further mention of this act will contain the act and book but not the web address.

<sup>64</sup> Act Against the Jesuits and Seminarians, *Documents Illustrative of English Church History*, p. 486.

<sup>65</sup> APC 1 June 1573, p. 109-110.

<sup>66</sup> APC 15 February 1571, p. 14-15.



with the Justices of the Peace in searching for a deserter in his area from Sir John Perrot's army.<sup>67</sup>

What do these men's political activities tell us? First, the government needed Catholics' time and talent to insure stable government in their respective areas of influence. Essentially, until confirmed, sworn Protestants could take over each of the positions responsible for the dispensing of justice and keeping the peace, Catholics could serve in local governance.<sup>68</sup> This implies a certain amount of compromise on the part of the establishment during the first half of Elizabeth's reign. Second, we see some benefit from serving the Privy Council faithfully and efficiently despite the Arundell family's persistent Catholicism. Matthew Arundell held St. Mawes Castle by right of reward and the Council made sure his rights and expenses were respected until legal evidence declared otherwise. This protection came in the face of the local assize judge and justices of the peace who desired to prosecute Matthew Arundell. Executing recusant policy was not consistent. Different governing bodies had claims and officials differed in how zealously they prosecuted recusants. This helps account for both recusants' various levels of successes in escaping penalties and the varied experiences in office holding. Additionally, though these men did not necessarily benefit financially, they were able to maintain their local influence.

Assize Judges, Justices of the Peace, and local grand juries also provided possible means for Catholics to benefit from offices even if they did not possess the offices themselves. The ever watchful Burghley kept the circuit judges under close scrutiny. From 1578-80 and again from 1592-3, Burghley personally removed individuals who demonstrated Catholic leanings or sympathy. For example, Burghley's concern over control of the Catholic north led him to remove

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<sup>67</sup> APC 1571-75, p. 139.

<sup>68</sup> Manning, "Catholics and Local Office Holding in Elizabethan Sussex.", p. 52.

Justice Walmesley as Assize Judge of the Northern Circuit after Walmesley demonstrated pronounced Catholic leanings.<sup>69</sup> For those Catholics who found themselves unlucky enough to be without office or even a friend in office, bribery presented itself as a potential fall back plan if the office holder proved willing to help Catholics. At the Wiltshire assizes in March of 1600, Sir John Webb and other indicted recusants bribed Simon Spatchurst, a clerk of the Western Circuit, to suppress the record of the men's convictions. Annual bribing of Spatchurst lasted for roughly ten years before a new agreement was reached which would strike all the men's names from the indictment. In effect, these Catholics would appear never to have been convicted and thus would be invisible to the courts. Only in 1618 did the Exchequer discover this discrepancy while attempting to prosecute some of the men for arrears in recusancy fines.<sup>70</sup> While these men could not protect themselves through political offices of their own, they were still able to find an avenue of relief through another individual's office.

Sussex Catholics maintained a presence in local government, including Commissions of the Peace, well into the 1580s. Their numbers and the presence of Catholic lords, such as Anthony Browne 1<sup>st</sup> Viscount Montague, meant Catholic candidates for office were sometimes the only the option. Even as late as 1569, William Shelley, William Scott, William Dawtreay and others either refused to take the Oath of Supremacy or simply did not present themselves on the day the Oath was administered.<sup>71</sup> John Gage and several other Catholics took the oath, and all were able to keep their places on the Commission of Peace at least temporarily. A year later, Sir Thomas Palmer and Henry Poole, who each had powerful friends, were the only suspected

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<sup>69</sup> J.S. Cockburn, *A History of English Assizes 1558-1714* (London, UK: Cambridge University Press, 1972), p. 50.

<sup>70</sup> Cockburn, *History of English Assizes*, p. 74.

<sup>71</sup> CSP Domestic, 4 December 1569, p. 352.

Catholics on the Commission for Sussex and Surrey after a purge of the Commissions.<sup>72</sup> Despite their clear Catholic leanings and the presence of known Catholics in their households, each was allowed to continue to serve for decades in different capacities. This allowance was largely due to their willingness to conform by either taking the Oath of Supremacy or attending the Anglican service. Temporary conformity allowed these families to maintain themselves in the Privy Council's good graces and continue to receive offices and other rewards.

The Palmer family struck a balance between supporting the Catholic faith and the family's desire for office and reward. Sir Thomas Palmer conformed in 1564 after being asked but was described by the bishops as being less than satisfactory in religion. An itinerant priest named Stephen Hopkins was discovered in Sir Thomas's house in 1569, but the incident did nothing to Sir Thomas's political standing. He would serve a term as Sheriff, on several Commissions<sup>73</sup>, and as Deputy Lieutenant for Sussex until his death in 1582. His son-in-law and cousin, Sir Thomas Palmer the younger, held the office of Deputy Lieutenant after 1585 and served a term as Sheriff. Sir Thomas the Younger, despite some accusations, managed to keep the stigma of popery from his reputation.<sup>74</sup> Throughout this time of political activity, Sir Thomas, his son-in-law, other relatives, and friends, such as the Gage family, were often brought up on charges of infrequent attendance at Anglican services in favor of their own private chapels. But in Sussex and elsewhere, even this activity did not prevent them from holding office.

Other men relied upon friends in high places to maintain local office and influence. William Dawtrey of More House sat as a Knight of the Shire during Elizabeth's second Parliament, served a term as Sheriff in 1566, was on the Commission of the Peace in 1569 and

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<sup>72</sup> Manning, "Catholics and Local Office Holding in Elizabethan Sussex.", p. 49.

<sup>73</sup> APC, 18 August 1562, p.126; 8 November 1565, p. 283; 20 March 1572, p. 90.

<sup>74</sup> Manning, "Catholics and Local Office Holding in Elizabethan Sussex.", p. 53-54.

1570, and on the Commission of the Sea Ports with Sir Thomas Palmer in 1565. Through the influence and written support of Viscount Montague and Lord Buckhurst, Dawtrely also received the office of under-sheriff.<sup>75</sup> Like the Palmer family, William's son would also conform from 1580-87 during which time he would sit on the Commissions of the Peace. Edward Caryll's close association with the Earl of Arundel and Lord Paget and his clear Catholic sympathies did not prevent him from remaining on the Commissions of the Peace throughout his life. Each time Caryll was asked to conform he did. His friends were Catholic recusants, his daughter was a nun on the continent, his son kept a Catholic priest as a chaplain, and his nephew John was both an open recusant and Sheriff in 1588. John Caryll was even knighted by Elizabeth despite being described as an important Catholic by the Privy Council.<sup>76</sup>

The Browne family belonged to the peerage and was outspoken in defense of English Catholics. Anthony Browne, 1<sup>st</sup> Viscount Montague, received his peerage from Mary I and was well on his way up the ladder of influence. In April 1557, Montague was made a Privy Councilor and in March 1558 he was made the Lord Lieutenant of Sussex.<sup>77</sup> After Elizabeth became queen, Montague faded from favor in London. This was mainly due to his forthright recusancy. Lord Montague was outspoken in the House of Lords against the Act of Supremacy's requirement that certain officers take an oath before assuming office.<sup>78</sup> He also argued that the new recusancy laws of 1563 were unnecessary because "Catholics of this realm disturb not, nor hinder public affairs of this realm, neither spiritual nor temporal."<sup>79</sup> Montague publicly stressed the loyalty of Catholics and their desire not to disturb the peace of the realm.<sup>80</sup> Avoidance of the spotlight and

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<sup>75</sup> Manning, "Catholics and Local Office Holding in Elizabethan Sussex.", p. 55.; APC, 15 December 1565.

<sup>76</sup> Manning, "Catholics and Local Office Holding in Elizabethan Sussex", p. 58-59.

<sup>77</sup> Pritchard, *Catholic Loyalty*, p. 44.

<sup>78</sup> Pritchard, *Catholic Loyalty*, p. 46.

<sup>79</sup> Morey, *Catholic Subjects*, p. 47.

<sup>80</sup> See Chapter 3.

entanglements with the government would become the fallback tactic of Catholics in the coming decades. Silence and anonymity protected them.<sup>81</sup> Most Catholics simply wanted to be able to live and practice their faith in peace. As previously noted, many of the questions English Catholics sent to Trent and the papacy concerned what interactions recusants could have with Elizabeth and her government without endangering their souls. Recusants sought a balance between their conscience and the service they owed the queen. At the same time, the government did not wish to agitate the Catholic population. The diversity within the government does mean some were motivated by religious fervor or distain for Catholicism but others simply desired the queen's subjects to submit to her authority as the lawful head of church and state.

Viscount Montague's seat of Battle in Sussex became a bastion of the Catholic faith. Ten years after the Supremacy Act the local Anglican bishop reported of Battle: "When a preacher doth come and speak anything against the Pope's doctrine, they will not abide, but get them out of the church .... It is the most popish town in all of Sussex." The protection given by Montague, and later his widow and grandson, to neighboring Catholics is the reason that Sussex retained so many Catholics. Battle alone was said to have seven beneficed priests, and one priest was sending money to an exile in Louvain.<sup>82</sup> However, the Brownes still faced penalties. After hearing Mass, Lady Browne, wife of Sir Christopher Browne, was fined and was to be held by one of the sheriffs or the aldermen until she either paid her fine or "some other order be taken with her." Two other Catholics, Henry Carye and Mr. Lidcote, were also called before the Privy Council to either pay their fines or return to prison at the same time.<sup>83</sup> Without the gentry and

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<sup>81</sup> Relazione del Presente Stato d'Inghilterra cavat da una lettera de li 25. di Maggio scritta di Londra, et da un' altra, scritta da una persona di qualita, ventua di fresco d' Inghilterra, data in Anversa alli 27. di Guigno, & alter [Rome, 1590], *Recusancy and Conformity*, p. 251.

<sup>82</sup> Morey, *Catholic Subjects*, p. 43.

<sup>83</sup> APC 9 April 1578, p. 204.

peerage to protect the Catholic faith and the missionary priests who returned, Elizabeth's policy would have caused the Catholic faith to fade away. It is also significant that Lady Montague, a wife, was brought before the Privy Council for her recusancy in her own right rather than in conjunction with her husband.<sup>84</sup>

In local affairs, we see three possible avenues for English Catholics to maintain their local influence and hold office. First, temporary conformity became a proven form of adapting to an unfavorable political and religious environment. The Privy Council would show time and again that what it desired was outward conformity to maintain peace. Individual members of the Privy Council and Parliament might disagree with policy or bishops might complain of a lack religious enthusiasm or crypto-Catholic leanings, but individuals were safe as long as they conformed or took the oath when asked. Second, keeping close ties with prominent lords, both Catholic and Protestant, gave English Catholics either access to political office or the benefits of political office. Finally, for the first decades of Elizabeth's reign, Catholics found their social status and the need to fill offices worked in their favor. In areas where Catholics formed a sizeable bloc, there were simply not enough men eligible to fill all the required offices to make the government run smoothly.

### National Office Holding

On the national stage, maintaining a presence in London and proximity to the Privy Council meant Catholics faced more scrutiny without the benefit of blood ties or local

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<sup>84</sup> See Peter Lake and Michael Questier's *The Trials of Margret Clitherow: Persecution, Martyrdom, and the Politics of Sanctity in Elizabethan England* for a unique example of women recusants and their interactions with Catholic and Protestant neighbors in the context of martyrdom and community.

preeminence to protect or help them. However, remaining around the court offered more than the possibility of office holding. Financial gain and potential gifts of land and office were far greater than for those who restricted themselves to the country. Some Catholic families, such as the Vauxs, the Parkers Lord Morley, and the Petres, contented themselves with the loss of court office and benefit and instead focused on the country and their estates.<sup>85</sup> Others preferred to take the risk in favor of the potential large financial gains.

Prior to his fall, the Duke of Norfolk held at least twelve seats in the House of Commons in his gift, personally held high and lesser offices in his gift as rewards for servants and those close to him. But, his ties to the crown benefitted him in more than simply offices and gifts for others. In 1565, after accumulating roughly £6,500 of debt to the crown, Norfolk was allowed to exchange woodlands worth £300 per year to instantly wipe away £4,680 without forcing him to fell the wood, find a seller, and transport the wood.<sup>86</sup> This court relief was not an option for the stubborn Catholic Sir Thomas Tresham. Mismanagement of finances, aggressive estate expansion, lack of access to court avenues of financial relief, and repeated recusancy fines led to several of his estates being sequestered for debt relief.<sup>87</sup>

Philip Howard Earl of Arundel was one of the few other recusant peers. Arundel lost favor at Court in the early 1580s after he began to exhibit Catholic sympathies.<sup>88</sup> Like Lord Montague, Howard lost favor because of his recusancy. In 1585, Arundel attempted to flee the country, but he was caught on his ship and immediately sent to the Tower. Prior to fleeing, Howard wrote a letter to the Queen explaining that he left because “a Catholic cannot live in

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<sup>85</sup> Stone, *Crisis of the Aristocracy*, p.469.

<sup>86</sup> Stone, *Crisis of the Aristocracy*, p. 268.

<sup>87</sup> Mary Finch, *The Wealth of Five Northamptonshire Families: 1540-1640* (Oxford, UK: Oxford University Press, 1956), p. 85, 87, 92.

<sup>88</sup> Pritchard, *Catholic Loyalty*, p. 42.

England without constant danger to his material and spiritual welfare.” Unfortunately, the Privy Council discovered that Howard had contact with William Allen, the future Cardinal and founder of the English College at Douai, and planned to join him and other Catholic exiles on the Continent.<sup>89</sup>

By this time, William Allen, along with the Jesuit polemicist Robert Parsons, was already an outspoken opponent of Elizabeth I’s government.<sup>90</sup> The Queen and her Council brought Howard to trial in Star Chamber for recusancy violations and treason. On a list of names of Jesuits residing in England in the 1590s, a Father Stanney’s chief residence was an estate owned by the Countess of Arundel, Howard’s wife.<sup>91</sup> The Privy Council fined him £10,000 and imprisoned him at the Queen’s pleasure. Howard narrowly escaped execution after he was accused of convincing an imprisoned priest to say a Mass for the success of the Spanish Armada, but Howard claimed he was merely praying for the Catholic cause rather than Elizabeth’s downfall. The general ‘Catholic cause’, however, was intricately linked to the Spanish invasion. Howard was convicted of treason, but he died in the Tower in 1595 before he could be executed.<sup>92</sup> Howard presents a different case than Montague. While Montague constantly tried to argue in support of Catholic loyalty, his actions supported his words. Howard on the other hand tried to leave England for Catholic France to join Allen, a known, vocal opponent of Elizabeth. Despite this, his letter does reveal a sentiment of persecution. For as long as a Roman Catholic man remains in England, he and his family could never be secure in their livelihoods or faith. Howard probably meant a mental state or government pressure and harassment rather than

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<sup>89</sup> Prichard, *Catholic Loyalism*, p. 43.

<sup>90</sup> William Cardinal Allen and Robert Parsons each helped found English seminary colleges in Europe. See Beales, *Education Under Penalty*, p. 39-51.

<sup>91</sup> John Morris, S.J., *The Troubles of our Catholic Forefathers: Related by themselves* (London, UK: Burns and Oats 1873) p. 191.

<sup>92</sup> Prichard, *Catholic Loyalism*, p. 44.



actual, unceasing persecution by the government. The government's enforcement of strict adherence to recusancy laws throughout the realm was infrequent and usually coincided with increased political tension or international events, as with Howard's experience during the Spanish Armada. This might affect the potency of the laws, but it does not take away the possibility of fines, imprisonment, or execution. The more prominent an individual was the greater likelihood the government would pressure them to conform.

Anthony Browne 1<sup>st</sup> Viscount Montague remained a voice for English Catholics well into the 1570s as a member of the House of Lords and through his various offices. As previously explained, he was outspoken in the House of Lords against certain aspects of the Act of Supremacy and the recusancy laws of 1563.<sup>93</sup> Specifically, this new act increased the punishment for non-conformity and extended the oath of supremacy to Members of the Commons, lawyers, university students, and anyone else associated with the law or court offices. As a member of the peerage, Montague was exempted from this law, but his fellow Catholics in the Commons would be forced to accept the oath or not sit. Despite his outspokenness on behalf of Catholics at Court and in the House of Lords, Montague was still influential and was ordered by the Queen in 1567 to "pay every attention" for the possible arrival of the King of Spain in the ports of Hampshire and Sussex with the Earl of Arundel.<sup>94</sup> As late as June 1569, Lord Montague was trusted as one of the Commissioners of Musters for Sussex and confirmed to the Council that the upkeep of horse, armor, and weapons for Sussex was duly observed.<sup>95</sup> Lord Montague was still a Lord Lieutenant of Sussex in 1570 until his removal along with Lord Arundel.<sup>96</sup> When the two Houses established a joint committee to discuss the Queen's marriage and succession and present their

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<sup>93</sup> Pritchard, *Catholic Loyalism*, p. 46.

<sup>94</sup> CSP Domestic, 27 August 1567, p. 298.

<sup>95</sup> CSP Domestic, 30 June 1569, p.337.

<sup>96</sup> CSP Domestic, April 1570, p. 286.

views, Lord Montague was chosen to sit on the committee and then helped bring its conclusions to the Queen.<sup>97</sup>

Others benefitted by their relationship to Lord Montague and his influence. The Protestant Justice of the Peace Sir Thomas Guildford and Lord Montague were close enough for Guildford to not arrest Montague's brother-in-law Sir Alexander Colepeper. Rather than take Sir Alexander into custody, Guildford, like "a loving kinsmen and friend," sent a warning to Colepeper and notified him by what day he should leave the county. This show of respect and kindness allowed Viscount Montague to give his brother-in-law Colepeper protection and refuge.<sup>98</sup>

The Ropers were a Catholic family who did manage to serve the Crown and make a hefty profit doing so. The Clerkship of Enrollments in the King's Bench was held for so long by subsequent members of the Roper family that the office became known as 'Ropers Office'. Despite being a known Catholic, Sir John Roper continued this family tradition of purchasing the office from The Lord Chief Justice and reaped a profit of roughly £2,000 per year. In 1606, Sir John was finally edged out of his office by those who desired its high profit. But, this loss was not before accumulating enough money to purchase his peerage for £10,000 two years before his death at the age of 81.<sup>99</sup> The Ropers were able to hold this office because the Lord Chief Justice was the benefactor of the office and not the Privy Council. Since the office was a gift, Catholics were able to hold it without worrying too much about conformity.

The 1<sup>st</sup> Lord Paget lost political influence soon after 1558, but he and his son still had enough presence at Court to invest with other lords in John Hawkins's Muscovy Company. The

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<sup>97</sup> Journal of the House of Lords, 30-31 Oct 1566, p. 639-640.

<sup>98</sup> Morey, *Catholic Subjects*, p. 150.

<sup>99</sup> Stone, *Crisis of the Aristocracy*, p. 444.

father and son used profits and benefits from court investments to assist their large scale development of an iron industry on their Staffordshire estates. For ten years, their forges produced 330 tons of bar iron a year for a large profit.<sup>100</sup> Even without national office, the family still managed to reap rewards and opportunities by their presence at court and relationships they made there.

### Economics and Penalties

Sir John Arundell, committed to the Tower in 1585, was later removed from prison and returned home. Once Sir John returned home, however, he was restricted to a six-mile circuit around his home and was required to post a bond each time he wished to make use of the circuit. This same confinement was extended to Sir Thomas Tresham until All Saint's Day, 1 November 1589.<sup>101</sup> Additionally, by the late 1580s, Sir John and other recusants were being fined much greater amounts. After his imprisonment, Sir John was fined 1000 marks "in Star Chamber for receiving priests into his home, having masses celebrated there, and for having gone to confession."<sup>102</sup> These 1000 marks come roughly to £666 but are in addition to his £240 per annum for recusancy and other fines. Sir John's total income per annum was just under £3000.<sup>103</sup> This meant in addition to a prison term Sir John lost roughly 1/3 of his annual income. Any additional debts or expenses hurt his ability to support his family, including the provision of dowries for his daughters and settlements for his younger sons. The continuous enforcement of fines directly affected the future prosperity of his family. Depending on his offenses, Sir John

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<sup>100</sup> Stone, *Crisis of the Aristocracy*, p. 350, 369.

<sup>101</sup> APC, 19 June 1589, pg. 410

<sup>102</sup> Trimble, *The Catholic Laity*, p. 207.

<sup>103</sup> Trimble, *The Catholic Laity*, p. 208.

might have had his land sequestered. Sequestering lands could also occur if the offender was unable to pay his fines.

The Arundell and Tresham families publicly accepted the burden the recusancy laws placed on them. A letter from Lord Vaux to his Lancashire friends illustrates why recusants were not deterred by fines and imprisonment. Vaux quotes the Church Father Athanasius, “Who soever wylbe saved affore al thyng in hart worde and dede he must kepe the catholyk fathe fermelie whollie & inviolate or else without doute he shal perishe to everlastynge payne this sathathe our crede.”<sup>104</sup> This echoes the commands and advice of the Council of Trent and the papacy. The tract *Against Going to Church*, published in 1581, explicitly stated that Catholics could not attend a Protestant service without exposing themselves to the “daunger of most dampnable scisme.”<sup>105</sup> In essence, it is better to suffer and remain in the Church than to submit to schism and heresy. Recusants chose a life of financial difficulties and imprisonment because they believed it was on the path to salvation, remaining Catholic. For recusants, the threat Protestantism posed to their immortal souls was greater than the threat recusancy laws posed to their livelihood.

Contrary to what Trimble has argued, the Arundells’ private chapel and social rank protected neither their wealth nor their persons. Trimble argues that Elizabethan policy towards recusants did not grow any harsher.<sup>106</sup> But, Sir John would die in 1588 after a stay in prison and his wife would come under attack for supporting a home chapel with a resident priest.<sup>107</sup> The recusancy fine of £240 per annum would continue along with any other fines the family

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<sup>104</sup> Laurence Vaux to his friends in Lancashire 2 November 1566, *Recusancy and Conformity*, p. 63.

<sup>105</sup> *Against Going to Church 1581/1582, Recusancy and Conformity*, p. 130-131. This tract was written by the Brownist community for recusants.

<sup>106</sup> Trimble, *The Catholic Laity*, p. 238-240.

<sup>107</sup> Morey, *Catholic Subjects*, p. 66.

accumulated.<sup>108</sup> While this was not a bankrupting amount for wealthier members of the gentry or peerage, it was a financial burden that only recusants were forced to accept. Those less wealthy than the Arundell family had a far more difficult time maintaining their social status and economic position. Obviously, no commoner could support his family and pay recusancy fines of £240 per annum without financial help or protection. To write this burden off as merely something else the gentry and peerage had to deal with does not give the recusancy laws their due.<sup>109</sup> Even if a family could overcome the penalties, it does not mean it was not marked out for its faith. Further examination of the Tresham family helps explain the effect recusancy fines had on families.

Thomas Tresham and his family built their wealth through state service throughout the sixteenth century. Thomas, not yet a recusant, was knighted by Elizabeth in 1575. Like many other gentry and peerage families, Thomas was actively engaged in estate management and development through enclosure of lands for sheep-farming. His aggressive efforts led Thomas and his son to become quite experienced in litigation. In 1580, Thomas's estimated income was roughly over 1000 marks and would grow by another £1000 by 1590 thanks in large part to his estate expansion.<sup>110</sup> His close ties to his cousin Thomas Tresham of Newton and the Vaux family helped his economic pursuits. Rather than pursue state offices, Thomas, throughout his life, pursued economic goals for his family. By 1600, the family would have a total income of £3500.

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<sup>108</sup> The Act Against Recusants, in *Documents Illustrative of English Church History*, ed. Henry Gee and William John (New York: Macmillan, 1896), p.499- 501l. <http://history.hanover.edu/texts/ENGref/er87.html> (accessed April, 25, 2012). All future citations of from this website include act and book title but not the website address.

<sup>109</sup> Trimble, *The Catholic Laity*, p. 264-266. Trimble concludes that Elizabeth's policies did not turn Catholicism into a minority faith and no persecution that duplicated that of Mary or Henry II in France took place under Elizabeth. Catholic laymen only faced ruinous fines and repeated imprisonment and not threats to life. Trimble does not believe the evidence he gives supports the conclusion that the Catholic population dwindled because of Elizabethan penal laws.

<sup>110</sup> Mary E. Finch, *Wealth of Five Northamptonshire Families, 1540-1640*, p.67, 71, 72-74.

Around 1580, and the same time the Jesuits entered England, the Tresham family decided to return to Catholicism. In order to protect the majority of his estates against forfeiture and seizure, Thomas conveyed all his pastures and stock to trustees for a term of twelve years. The trustees would pay a yearly sum for him and his son Francis to maintain the household and pay down debt. By 20 December 1581, Thomas was convicted of recusancy and liable for the £20 monthly fine. Frustrated at the legal protections on most of his property, the Privy Council ordered all goods not included in the conveyance seized and turned over to the Queen. Additionally, Thomas, in 1582-3, was fined an amount equal to the value of these, estimated by the Exchequer.<sup>111</sup>

For the next twenty-four years, 1581-1605, Thomas paid roughly £8000, roughly two and half year's income. After points of no recusancy fines, the Exchequer would prosecute Thomas for fines in arrears. In 1587, he was ordered to pay over £950 within three years along with £260 for the year of 1587 for recusancy. Debt began to pile up for Thomas. In 1587-88, he was only able to pay £353 of the £775 he owed for the year, so the sheriff took lands as a surety for the rest of his state debt. This did not include the totaled twenty-five years Thomas spent either in prison or under house arrest. These events greatly embittered his son Francis against Elizabeth's government and led to Francis's participation in Essex's rebellion.<sup>112</sup>

Thomas's experience demonstrated how individual families confronted government recusancy policy. Thomas and other recusants pioneered legal protections for their estates and property in order to protect their children's inheritance. Thomas would entail the main portion of his lands for his eldest son, long before the boy married, and through conveyances, capital, and

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<sup>111</sup> Finch, *Wealth of Five Northamptonshire Families, 1540-1640*, p. 76-77.

<sup>112</sup> Finch, *Wealth of Five Northamptonshire Families, 1540-1640*, p. 77-78.

profits settled inheritances for his younger son and daughters.<sup>113</sup> Unfortunately, Thomas was always under constant threat of seizure to both state fines and creditors. Through mortgages, loans, and sureties by recusant friends and family, Thomas weathered his recusancy fines throughout the 1580s and 1590s. But by the end of his life in 1605, Thomas's estate had accumulated a debt over £11,000 despite his aggressive estate management, brilliant victories in court, and mind boggling use of credit and mortgages.<sup>114</sup> While there is not a concrete connection between recusancy and economic decline for the broader recusant population, research has shown the link to be, at the very least, significant. Dr. J.E. Mousley's study of Sussex gentry families demonstrates that those families in economic decline throughout Elizabeth's reign were either recusant families or those sympathetic to Catholicism: the Apsleys of Pulborough, the Carylls of Harting, the Darrells of Scotney, the Dawtreys of Petworth, the Gages both of Firle and of Bently, the Pelhams of Buckstepe and Michelham, the Shelleys of Michelgrove, and the Thatchers of Westman. The majority of these families were interrelated so the economic hardship of some may have negatively impacted others.<sup>115</sup>

## Conclusion

The 1580s and 1590s saw the government ratchet up enforcement of the laws and enact new laws. After the passing of the Act of 1585, Catholic priests were forbidden to enter England.<sup>116</sup> This effectively made priests in England fugitives who would likely face execution if

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<sup>113</sup> Finch, *Wealth of Five Northamptonshire Families, 1540-1640*, p. 79.

<sup>114</sup> Finch, *Wealth of Five Northamptonshire Families, 1540-1640*, p. 84-87, 92.

<sup>115</sup> J.E. Mousley, "The Fortunes of Some Gentry Families in Elizabethan Sussex," *The Economic Historical Review*, vol. 11, no. 3 (1959), p. 478-479.

<sup>116</sup> Act Against Jesuits and Seminarians, in *Documents Illustrative of English Church*, p. 485.

captured.<sup>117</sup> After Sir John Arundell's death in 1588, his widow relocated to the Dorset manor of Chideock. Four years later, Sir Walter Raleigh captured the family's chaplain of eleven years, John Cornelius, when Raleigh raided their home. Cornelius had visited the poor, administered last rites to the dying, and preached in a "sweet and plausible tongue" to a congregation of about thirty. Mary Ward, born in 1585, was raised with other young people who engaged in a daily religious routine that included family prayers, the Rosary, and the Liturgy of the Hours.<sup>118</sup> Houses such as these helped to keep the small, weak communities of Catholics together and pass on the faith through religious activities and the examples of parents and priests.

In 1588, the threat from Spain and the imminent arrival of their fleet meant English Catholics suffered suspicion.<sup>119</sup> The government took the arms of Catholics, and the "more obstinate" Catholics were placed in prison or under close supervision and the least suspicious were allowed to stay at home under house arrest or under bond.<sup>120</sup> Despite Catholics voicing their loyalty or willingness to fight, the government continued to fear where Catholic loyalties lay. These sentences were lessened or revised after the threat from the Armada had passed. In 1592, Edward Gage was allowed a temporary release to attend Viscount Montague's funeral and act as an executor of his will. Sir Thomas Tresham was allowed to leave to assist Lord Vaux in business matters.<sup>121</sup> Even while in prison recusants gave each other support. English Catholics "love and help each other as brothers living together. In brief they are like the very first Christians."<sup>122</sup> These fraternal acts were only possible because of the government's conciliatory policy for docile or loyal recusants. Priests may have been clandestine but recusants lived in the

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<sup>117</sup> Act Against Jesuits and Seminarians, in *Documents Illustrative of English Church*, p. 486-487.

<sup>118</sup> Morey, *Catholic Subjects*, p. 149.

<sup>119</sup> *Relazione del Presente Stato d'Inghilterra, Recusancy and Conformity*, p.255.

<sup>120</sup> *Relazione del Presente Stato d'Inghilterra, Recusancy and Conformity*, p. 254-255.

<sup>121</sup> APC 30 Nov 1592, p. 402-409,

<sup>122</sup> *Relazione del Presente Stato d'Inghilterra, Recusancy and Conformity*, p. 255.



open. Only by doing their best to live under the radar or in peaceful, if tense, terms with government officials could recusants keep serving two masters.

English Catholics were able to remain politically active for three reasons. First, Catholic peers were allowed to continue to sit in the House of Lords. While their numbers did not constitute a powerful block, Catholic peers held enough influence to assist their servants and contacts with advancement and, when possible, to protect them. Peers were also able to financially benefit from their presence at court. Second, local influence was not always easy for the Privy Council to curtail without staunch Protestants to replace the Catholic gentry. This gave Catholics a chance to hold offices without submitting to the oath. Third, with the help of Protestant relatives and friends, English Catholics circumvented recusancy laws and held office in the counties for a time. When these failed, temporary conformity provided windows of opportunity.

While broad statements of Catholic office holding are difficult, several conclusions might be reached concerning Catholics' success and failure to hold office. First, after recusancy laws began extracting £20 per month for non-conformity, Catholics were best served by staying out of the public eye. Drawing attention by seeking office could negate any possible benefit of the office. Recusancy fines were applied infrequently but nothing stopped the Exchequer from prosecuting for being in arrears if the individual drew attention to himself. For example, if a recusant was convicted in 1585 but officials only collected every other year for ten years the recusant could still be liable for fines for all ten years. Sir John Arundell, Lord Montague, and Sir Thomas Tresham are examples of politically and economically active individual who accepted the fines. Second, offices such as Sheriff might carry local prestige but much of the gentry, both Catholic and Protestant, viewed the office as a financial burden. This could be a

reason why Catholics were still chosen to serve late into Elizabeth's reign. Catholics thus experienced the burden of office holding without the benefit. The more lucrative offices became harder and harder to attain unless the individuals was willing to conform, even temporarily. Finally, the traditional privileges of the peerage gave Catholic peers a way to maintain their influence for the benefit of their families and fellow Catholics. While Catholic peers could never alter the law they could affect the application of the law under certain circumstances through influence and the relationships formed at court or the House of Lords.

Lastly, there was a gap between the experience of recusants and the missionary priests. Priests were imprisoned, tried, and executed with far greater frequency than recusants. As previously explained, priests were viewed by the English government to be a grave threat to the stability and peace of the realm. While recusancy was illegal, the government's policy against Catholics was far more inconsistently applied because to do otherwise would be to attack privileges and standings shared by both Protestants and Catholics. Other than acts against Catholic religious practice and requirement of oaths for offices, there was no legislation against non-conformity in a broader sense. As explained, Protestants in Parliament were comfortable with laws against Catholics only as long as the same laws could not be turned against non-conformists. This is why priests and prominent recusants were the primary target of government policy rather than the broader recusant community.

## CHAPTER FOUR: PILLARS OF FAITH: THE ROLE OF WOMEN IN MAINTAINING CATHOLICISM IN ELIZABETHAN ENGLAND

Recusant wives, widows, and daughters were something of a mystery for local authorities because their recusancy was not regulated by law in the same manner as men. There are several reasons for this. During the early modern period, husbands controlled their wives' property and were responsible for their actions. In practice, however, women enjoyed a greater interest in their marital property than the law gave women, both during marriage and as a widow.<sup>1</sup> Unmarried women's responsibilities were also not clear-cut in practice. Spinsters and widows were given the category of 'competent age' and thus were responsible for their own actions and punishable. Access to wives' property could only occur at their husband's death when a will was executed. The government could, depending on the case, tentatively seize two-thirds of her jointure<sup>2</sup> at his death for her recusancy. The Exchequer Rolls recorded sixty of these cases out of four-hundred-fifty seizures by 1593.<sup>3</sup> Conforming husbands had responsibilities for their recusant wives to a limited extent, but it was difficult for the justice of the peace to enforce recusancy fines if the husband conformed to the Established Church. Another difficulty for recusancy fine enforcement was that women did not legally hold any property in marriage even if they had more access in practice. Under the law, an individual wife could be indicted and convicted but nothing could be levied against her in fines or property forfeiture. Her husband would then bear the brunt of the legal pressure. This became the central issue for the Privy Council when dealing with recusant women.<sup>4</sup> The Privy Council ordered recusant women to be kept from influencing others,

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<sup>1</sup> Amy Louise Erickson, *Women and Property in Early Modern England* (New York, NY: Routledge, 1993), p. 18-20.

<sup>2</sup> A *jointure* was a marriage settlement to give income to a widow for the rest of her life.

<sup>3</sup> Marie B. Rowlands, 'Recusant Women, 1560-1640', in *Women in English Society, 1500-1800*, ed. Mary Prior (New York, NY: Methuen & Co, 1985), p. 149-150, 152.

<sup>4</sup> Rowlands, *Women in English Society*, p. 150, 152.

especially their children. This was supposed to prevent the creation of another generation of Roman Catholics.<sup>5</sup>

On 10 December 1585, Sir Francis Walsingham received a letter from Thomas Cowper, Bishop of Winchester, concerning Nicholas Saunders' sister. Nicholas was an exiled English Catholic priest, a known Catholic enemy abroad and Ms. Saunders was in the process of returning to her home at Winchester. Bishop Cowper could not tolerate her homecoming because it would do more harm than the good of ten sermons to the spiritual state of her family and the community. According to Bishop Cowper, "no man whose wife is a recusant is sound himself."<sup>6</sup> Cowper saw the influence of recusant wives, widows, sisters, and daughters as intimate dangers to both the conformed and non-conformed in religion because of recusant women's ability to convert Protestants and give strength to other Catholics. By word and deed, recusant women represented those who not only refused to abandon Roman Catholicism, but actively participated in Catholic consolidation and evangelization. Michael Questier and Peter Lake examined the more famous example of Margaret Clitherow in the context of divided communities and martyrdom.<sup>7</sup> While their stories were less dramatic, other recusant women in England drew attention from the likes of the Privy Council, Anglican bishops, and local authorities. Women took on various roles in maintaining links between Catholics in England and in exile. These roles were significant—effective enough to ensure constant vigilance from the authorities over the activities of recusant women.

The roles of women, in this chapter, are placed into two overlapping categories, communal and devotional. These categories are intended to be broad and encompass both

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<sup>5</sup> Trimble, *Catholic Laity*, p. 152.

<sup>6</sup> Calendar of State Papers Domestic, vol 2, 1581-1580, 10 Dec 1585.

<sup>7</sup> Peter Lake and Michael Questier, *The Trials of Margaret Clitherow: Persecution, Martyrdom and the Politics of Sanctity in Elizabethan England* (New York, NY: Continuum Publishing Corporation, 2011)

individual actions and those actions which included family members, friends, and potential converts. Activities which drew other individuals are important because these events captured the attention of the authorities. Acts of individual Catholic piety in the home, while against the law, did not necessarily affect outsiders but could result in the conversion of children or a spouse. Mass attendance was both a devotional and a communal activity. First, while attending Mass, women interacted with other recusants, fugitive priests, and, possibly, continental Catholics. Individuals could exchange information, devotional literature, sacramentals, goods, and money at this time. Second, attending Mass distinctly separated recusants from other non-conformists and helped give a devotional foundation for the spiritual community.

By comparison to Catholic women prior to the Reformation, recusant women were placed in a position of greater spiritual and temporal leadership. These women in England did this with full support of the Catholic Church. Many accepted that the times were difficult and out of the ordinary for Catholic spiritual life. This is not to say that the Church desired women to overturn the patriarchal nature of society or the Church, but the situation in England called for individuals to take on stations beyond themselves and act abnormally. All of this was to be done within the context of obedience to authorities to support the faith.<sup>8</sup> Rather than being the simple-minded, frail women the period describes them as, recusant women proved themselves to be far more quick-witted, organized, and capable of great sacrifice and leadership. John Bossy and Marie Rowlands each believe Catholic English women felt deprived of their pre-Reformation roles due to literacy primacy and the loss of a family chaplain.<sup>9</sup> Remaining Catholic in a non-Catholic country developed recusant women's roles rather than shrank them because of the political and family situations caused by government actions against them. The Church was also

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<sup>8</sup> Rowlands, *Women in Society*, p. 166.

<sup>9</sup> Rowlands, *Women in Society*, p. 161.

forced to acknowledge female independence in cases of Catholic wives of Protestant husbands. Wives wed to Protestants provided an opportunity for conversion and assistance to the rest of the Catholic community. But in order for this to occur women had to be encouraged to act independently and confidently without the aid of a priest or male counter-part.

### Communal Role

The recusant community may be viewed in both broad and narrow terms. Broadly, English recusants interacted with different families from a variety of counties and with continental Catholics and English exiles. Lady Margery Throckmorton, a widow and recusant, wrote to her son Francis by passing her letters through Lady Arundel, also a recusant.<sup>10</sup> Mrs. Grysseld Waldegrave, the sister of the Catholic fugitive Lord Paget, sent letters to her brother in Paris by way of traveling friends, telling him she would keep Paget in her prayers and that she planned to winter in London.<sup>11</sup> Mrs. White sent all four of her sons abroad, through a variety of means, to Catholic destinations unknown to the Privy Council.<sup>12</sup> Similarly, Mrs. Dorothy Pauncefoote managed to send her son John to her father at the Prince of Parma's court.<sup>13</sup> These recusant women assisted each other and used other resources, such as servants and Protestant relatives, to maintain links between families and friends in England and on the continent. More importantly, and in narrow terms, they helped to make sure members of their families had some repose from outside pressures to conform. The ties these women created and maintained also exposed them to the authorities. Privy Council investigations concerning the locations of

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<sup>10</sup> CSP Domestic 5 Dec 1583, p. 135.

<sup>11</sup> CSP Domestic 22 Jan 1584, p. 154.

<sup>12</sup> CSP Domestic 1588, p. 570.

<sup>13</sup> CSP Domestic Jan 1590, p. 644.

Catholic exiles on the continent, such as Lord Paget and Charles Arundel, included interrogations of women who carried letters or might have knowledge of exiles' whereabouts.<sup>14</sup> The tactics and maneuvers women developed in the late 1570s became increasingly necessary as government pressure increased. Systemized persecution may not have existed but government efforts were sufficient enough to warrant clandestine activities for the sake of the community.

Recusant women's intimate relationships aided in Catholicism's preservation. In August 1584, William Marshall, Sheriff of London, during a raid of Mrs. White's home, discovered several letters intended for Mrs. White's son William and the Earl of Kildare and his family, all Catholics, living in Lady Ratcliffe's home in Little St. Bartholomew's.<sup>15</sup> Recusant women also provided marital links between families, such as the marriage of Sir Talbot of Grafton's daughter to John Hamner's son Thomas.<sup>16</sup> Another example of recusant men purposefully marrying recusant women is Godfrey Fuliamb's marriage to Anthony Babington's sister after his wife's death.<sup>17</sup> These ties often bridged social or economic gaps. Thomas Markham, a servant and recusant, is described by the Privy Council as the chief friend and councilor to Lord Shrewsbury, but Markham's wife, the close companion of the young Countess, is described as a "great persuader of weak women to popery."<sup>18</sup> Recusant women provided the necessary social glue to keep different recusant families close together and to allow them to support each other. Additionally, recusant women were instruments in both conversion and apologetics. Certainly, their contribution was just as vital in maintaining the Catholic faith as was the work of their husbands, brothers, fathers, and friends.

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<sup>14</sup> CSP Domestic Late Jan 1584, p. 157.

<sup>15</sup> CSP Domestic 27 Aug 1584, p. 198.

<sup>16</sup> CSP Domestic 12 May 1586, p. 326.

<sup>17</sup> CSP Domestic 25 Jan 1591, p. 175.

<sup>18</sup> CSP Domestic 25 Jan 1591, p. 174.

## Devotional Role

Women used their homes and servants to pass on the faith and support to the recusant community as well. In fact, the use of a recusant woman's home as a haven for fellow recusants and itinerant priests was the main method of preserving Catholicism during this period. These domestic churches bolstered both spiritual and communal life. J.C.H. Aveling's extensive work on northern Catholics explained that in years 1558-1603 roughly 300 Yorkshire households with consistently practiced Catholicism. Aveling divided the gentry's households into two types. The first were those run by either widows or recusant wives of conforming husbands. The second were the crucial and far more numerous plebian households of which there was roughly 100. Out of the total 300 households, roughly twenty were characterized as priests' residences. These homes served as operations bases for at least two priests<sup>19</sup> who worked a circuit of the surrounding area. Normally, these homes were temporary because of the potential for raids.<sup>20</sup> Women administered some of these households, but the largest group of the 300 were termed "*matriarchal households*" where the ruling influence of the home was feminine. These tended to be small recusant cells with the matriarch, children, and a few other close female relatives or friends.<sup>21</sup> These women were exhorted to imitate the large Catholic houses, which did not survive long, like the dowager Viscountess Montague's home of nearly monastic regularity of prayer and devotion.<sup>22</sup>

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<sup>19</sup> Priests often worked in pairs for ministry practicalities, especially for the hearing of one another's confession.

<sup>20</sup> J.C.H. Aveling, "Catholic Households in Yorkshire, 1580-1603", p.85-86.

<sup>21</sup> Aveling, "Catholic Households in Yorkshire, 1580-1603", p. 88.

<sup>22</sup> Aveling, "Catholic Households in Yorkshire, 1580-1603", p. 93-94.



In December 1591, a woman named Lucy was taken into custody for acting as a messenger amongst papists, a carrier of money and fugitive recusants, and supporter of priests in hiding.<sup>23</sup> Mrs. Dorothy Pauncefoote was cited for misdemeanors for owning “popish relics” and for her continued contact with imprisoned recusants.<sup>24</sup> Recusant women were thus able to act as go-betweens amongst their family members and co-religionists who were either imprisoned or under house arrest. A papist widow living near Bugwith Ferry, which was owned by the Bishop of Durham, harbored itinerant priests and recusants moving through the countryside.<sup>25</sup> “Old Lady Paget” often sent relief to imprisoned recusants.<sup>26</sup> Mrs. Anne Beaumont interacted so much with known recusants that the local authorities recommended her liberty be curtailed as she is “a recusant and great favorer of papists.”<sup>27</sup> In 1592, Goodwife Woodhouse of Westminster operated as a collector and carrier of money for those imprisoned at Wisbech prison for nine months before she was discovered. The Privy Council ordered Woodhouse to be searched at her next visit, detained, and then imprisoned and questioned to ascertain how she collected the money and brought it to the imprisoned.<sup>28</sup> A Mrs. Shelley<sup>29</sup> was detained for nearly a year in 1593 because the Council was afraid that if she received money and liberty, she would “do something important.” Once she was set free, local authorities should find a reason to “clapt [her] close again.”<sup>30</sup>

Recusant wives often petitioned the Privy Council for permission to visit their imprisoned husbands to bring them relief. The Council told jailors and governors that no contact was to be

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<sup>23</sup> CSP Domestic Dec 1591, p. 151.

<sup>24</sup> CSP Domestic Jan 1590, p. 644.

<sup>25</sup> CSP Domestic 24 Oct 1593, p. 378.

<sup>26</sup> CSP Domestic Feb 1584, p. 161.

<sup>27</sup> CSP Domestic 26 June 1584, p. 185.

<sup>28</sup> APC, 1592, pg. 360.

<sup>29</sup> The Shelley family was large so I am uncertain which brother’s wife she was.

<sup>30</sup> CSP Domestic 28 March 1594, p. 471-472.

allowed unless the women were willing to remain with their husbands for the duration of their restrictions. These imprisonments could be as short as couple of months or much longer, depending on the recusant and the political situation at the time. In a letter, the Council warned Richard Fines to keep his children and wife away from the visiting recusant ladies or, if possible, to send his family away altogether.<sup>31</sup> In special circumstances, women were allowed a temporary visit. In 1590, Lady Anne Catesby asked for license to see her husband to confer with him about his lawsuits and other matters currently moving through the courts. Mr. Richard Fines, the jailor, was given wide discretion but told her the visits could only continue as long as the business was outstanding.<sup>32</sup> For the most part, Mr. Fines reported the recusant wives' desire to remain with their husbands two to three months or to assist those who might be sick. In either case, the minimum duration for the wives to remain at most places of imprisonment was one month.<sup>33</sup> This system helped prevent recusant women from acting as messengers or purveyors of Catholic paraphernalia.

The government identified recusant wives as a possible threat to the prisons' security in the areas of money or information, such as priests' whereabouts. Regardless of which family or friend was imprisoned, life outside the prison walls continued. Recusant wives, by necessity, raised children and maintained households without the full-time assistance of their imprisoned husbands. Problems arose, for example, if the wife and children all fell ill. This problem beset John Leeds during his term of imprisonment. After his wife and children became sick, Leeds received liberty in order to take care of his family and handle private affairs in the countryside.<sup>34</sup> In other circumstances, the wife was detained instead of the husband. As late as January 1588,

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<sup>31</sup> APC 5 April 1590, pg. 11.

<sup>32</sup> APC 28 May 1590, p. 167.

<sup>33</sup> APC 6 Aug 1590, p. 366.

<sup>34</sup> APC 2 Feb 1591, p. 263.

local authorities were still unsure of how to proceed against women who persisted in recusancy but whose husbands were by all accounts honestly conformed in religion. During his progress against the principal recusants of his locality, the Earl of Kent wrote to the Privy Council his “desire to know how to proceed against those women who are recusants.”<sup>35</sup> Francis Cromwell, Sheriff of Cambridge and Huntingdon, asked a similar question of the Council and stated he would not act without their prior direction.<sup>36</sup> Other wardens and local authorities proceeded in a similar fashion or at their own discretion. Some bishops and locals advocated the taking out of bonds against the conformed husband to insure his wife would remain at home and not interact with those who were “corrupted in religion.”<sup>37</sup> Burghley commented in 1594 that women recusants were to attend church services or penalties would be levied against their husbands. Men with recusant wives would be committed until their wives conformed. Burghley tried to explain that this measure was “not done by way of punishment” but to make it clear to traitors and outsiders that they would find no aid. These so-called traitors would “live in all convenient conditions of health and sustenance.”<sup>38</sup> Local authorities brought charges against women because, according to the Privy Council, wives were examples to their whole families and would cause disorder if they were not detained. Like their male counterparts, the highest-ranking or most disruptive recusant women were to be detained until “by their husbands they be persuaded or wrought to conformity.”<sup>39</sup> Surprisingly, despite their views on dangers of recusant women, the Privy Council was often merciful with imprisoned recusant women. John Serle of Southampton asked for and received an enlargement on his wife Ann’s restrictions because she was aged,

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<sup>35</sup> CSP Domestic 22 Jan 1588, p. 458.

<sup>36</sup> CSP Domestic 8 Feb 1588, p. 462.

<sup>37</sup> APC 30 Oct 1580, p. 244.

<sup>38</sup> CSP Domestic 6 March 1594, p. 463.

<sup>39</sup> APC 14 Sept 1592, p. 183.

infirm, and none of her eight children were Catholic. Ann had been committed for obstinate recusancy, perverting her family, and as an example to others to “seduce from their due obedience in matters of religion.”<sup>40</sup>

While these women worked to help fellow recusants, the devotional life they stimulated gave the communal life of their homes and local community a Catholic flavor. The primary means for inspiring local or familial devotional life was the Mass. In order to celebrate Mass, either in a home or in some secret place, priests had to be smuggled to that location. Ladies Arundel and Sackville each protected priests and attended Mass together in Lord Henry Howard’s home.<sup>41</sup> Lady Stile made sure a priest was paid £30 a year as a gift.<sup>42</sup> Robert and Agnes Colier had warrants signed for their arrest after they persisted in aiding traveling priests and papists.<sup>43</sup> These women would often bring children, servants, and friends to Mass. The unpredictable nature of when the next Mass might be held probably inspired some to risk raid and imprisonment by attendance. At the Pale’s house in Clerkenwell, a home described by local officials as “a very wicked college of papists”, Mrs. Arundell and her maid attended Mass with the lady of the house.<sup>44</sup> Lady Gray, a daughter of the Earl of Westmoreland, kept a priest in her household to say Mass for herself, her sister Lady Margaret Neville, and others.<sup>45</sup>

A good example of a devotional household is the Wiseman family during the early 1590s. While Mr. Wiseman was imprisoned in Wisbech prison, Mrs. Wiseman became a “great harbourer of priests and other bad persons.” She took two of her younger daughters to visit their father at Wisbech, where they were absolved by a Fr. Edmunds, a Jesuit. These same daughters

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<sup>40</sup> APC 5 Oct 1592, p. 228.

<sup>41</sup> CSP Domestic 20 Dec 1583, p. 139.

<sup>42</sup> CSP Domestic 16 Jan 1584, p. 154.

<sup>43</sup> CSP Domestic 1581, p. 35

<sup>44</sup> CSP Domestic 27 Oct 1586, p. 364; CSP Domestic Jan 1592, p. 176.

<sup>45</sup> CSP Domestic 24 Oct 1593, p. 377.

were then sent to the continent to be professed as nuns just as their two older sisters had done before them. Robert Wiseman, their son, was an obstinate recusant in the Clink prison while his brother was a Jesuit seminarian in Rome. The government cited five of Mrs. Wiseman's kinswomen for frequenting her house to hear Mass and would bring many of their servants and kin with them, all of them recusants.<sup>46</sup> Mrs. Wiseman embodied both the communal and devotional roles Catholic women played during this period. She provided a refuge for priests and enabled family, friends, and strangers to attend Mass and receive the sacraments in her home. Mr. Wiseman was not left alone in prison. Mrs. Wiseman and his children often visited him during his prison sentence. In her home and prison visits, she connected and strengthened the people of the recusant community around her. The religious actions and fervor of Robert Wiseman, his brother, and his sisters demonstrate the fruits of a Catholic childhood. All of this was achieved under sustained pressure from recusancy laws to conform.

Another example of a stout recusant woman was Margaret Throckmorton. Through the influence and continued example of her mother, Margaret became a recusant in the early 1590s. Immediately, her father asked the Dean of Gloucester to assist in conforming his daughter in religion away from his wife. Margaret was to be cut off from anyone who was known or suspected to be a recusant. The family and Dean immediately implemented these actions because it became known that Margaret "perverted," that is converted, her children and other family members just as her mother did. Mr. Throckmorton was to provide provisions and money for Margaret's care and give her books to assist in Margaret's conformity. Lady Throckmorton, his wife, was similarly dealt with.<sup>47</sup> This case of a mother-daughter conversion attracted attention immediately because of the proselytizing they achieved in their family. Despite her father being

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<sup>46</sup> CSP Domestic 14 April 1594, p. 483.

<sup>47</sup> APC 5 June 1593, p. 279-280.

conformed, Margaret and her mother each proceeded to convert others in the household, though no one else is said to have assisted in the conversion.

Underscoring the importance of women recusants in the Catholic community is the example of Friswod Harrington, a woman whose husband was also a recusant. In December 1592, Harrington gave a full confession of her knowledge of recusant activity and the part she played in it. After meeting with authorities, she confessed to being reconciled to the Catholic Church by a priest, named others who had been present, and also confessed to having been reconciled to the Pope, naming many other recusants who had been present. Mrs. Harrington described and named the priest who reconciled her and other priests she had met since her conversion. The Privy Council acted immediately on the information and decided to show leniency because she confessed and because she was already several months pregnant at the time. Since her husband was affected by recusancy laws, the Privy Council ordered the lords to tell her mother to take her into her home.<sup>48</sup> Friswod Harrington demonstrates that recusant women had information vital to the preservation or destruction of Catholicism in England. Here was a woman who was not nearly as active as other recusant women and yet she managed to turn over enough evidence to endanger several recusants and priests.

In 1593, the Privy Council described recusant wives as a danger and insisted that actions needed to be taken to prevent them from “infecting others.”<sup>49</sup> Recusant women certainly had essential communal and devotional roles within the Catholic community at this time. The exercise of these roles drew the attention of authorities but also allowed the women to play an integral part in keeping the community alive through the harboring of priests, collecting and passing money, holding Masses within their homes, passing on Catholic literature and devotional

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<sup>48</sup> APC 11 Dec 1593, p. 355-357.

<sup>49</sup> APC 7 Jan 1593, p. 9.

items, visiting imprisoned recusants, and ensuring that a Catholic environment was present for their children. Through valiant efforts, these women helped ensure that recusancy endured and made it possible for a new generation of English Catholics to come of age.

### Family Devotion

In the early 1580s, Robert Cecil, Lord Burghley, wrote a memorandum called *Advice in Matters of Religion and State*. In this, he suggested that all children of Roman Catholic parents should be forcibly removed and educated as Protestants at the cost of the parents. This measure was never enacted by Parliament, but Elizabeth did use her royal prerogative to relocate children from some recusant families. Government reasoning on this matter makes sense. Parental experience of government pressure often convinced younger Catholic generations to at least partially conform by Sunday attendance or receiving communion once a year. The further removed from the days of Marian priests and Catholic culture children were the more likely they would give up the faith their parents held so dear. But, twenty years into Elizabeth's reign, Catholic children were still an issue for the Privy Council. The third Earl of Cumberland was taken from his uncle Viscount Montague. The Lord Vaux's widow had to prove to the Council she would only employ Protestant tutors for her children. Sir Thomas Guildford requested Lord Leicester to "preserve his son from a Catholic education, for the boy's mother was a Catholic Shelley." This was all for naught as his son Sir Henry Guildford appeared on the recusant rolls of the next reign.<sup>50</sup> This innovative use of wardship allowed Elizabeth to circumvent the need to get a Parliamentary act. This more than anything else demonstrates the lengths to which Elizabeth's

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<sup>50</sup> Morey, *Catholic Subjects*, p. 144-145.

government went to be rid of Catholicism in England. The best way to get rid of the faith was to make sure it did not have a future generation to carry it on.

The best example of targeting younger generations is the four boys of the Worthington family, ages twelve to sixteen. Government officials forcibly removed the boys from their home in Lancashire along with their uncle Rev. Thomas Worthington, a Catholic priest and a future president of the English College at Douai. All four of the boys were questioned by the Earl of Derby and Bishop Chatterton of Chester. After a month of kind treatment, authorities grew impatient with the boys' lack of conversion. The youngest, John, was kept without food and given wine while the oldest two were offered bribes to hear Protestant sermons.<sup>51</sup> John turned out to be a bit of prodigy for at the tender age of twelve he ably debated Bishop Chatterton and became the only priest during this period to attend all four English colleges on the continent.<sup>52</sup> His elder brothers, Richard, Laurence, and Thomas may not have possessed his intellectual talent but they too refused all enticements to recant.

After refusing to conform, the government declared all four guilty of treason, flogged and separated them. The elder two were sent to a Protestant school where they tried to convert their classmates while the younger two debated with the Bishop of Chester. After they were taken to a Protestant church under guard, they were declared 'conformed'. After being forcibly separated, the boys were reunited and decided make for the continent. Soon, they again were divided and forced to escape separately to the Continent. Thomas and Laurence had to make several attempts with help from fellow Catholics before they finally arrived in Douai. Richard made a successful

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<sup>51</sup> Beales, *Education Under Penalty*, p. 59-60.

<sup>52</sup> Godfrey Anstruther, O.P., *The Seminary Priests: A Dictionary of the Secular Clergy of England and Wales, 1558-1850, vol I Elizabethan 1558-1603* (Durham, UK: Northumberland Press, Ltd, 1969), p. 387.

There were English Colleges in Douai, Rome, Valladolid, and Seville. Douai was considered the 'mother university' of the four. While the seminarians of each were a mix of Jesuits and seculars, Rome and Valladolid were always had Jesuit rectors. Refer to the chapter two for additional information.



attempt when he was allowed leave by his jailor.<sup>53</sup> Eventually, all four made it to Douai where they were ordained, three as Jesuits. Two of the brothers eventually returned to England as missionaries.<sup>54</sup> Their uncle Rev. Thomas Worthington was banished at the beginning of 1585 after spending more than six months in the Tower and other prisons.<sup>55</sup>

The Worthington family set a precedent. The government removed other children, of varying ages, from recusant families over the next few years. The issue eventually made its way to Parliament. Parliament, however, ignored Burghley and Walsingham's wishes and tabled the matter for good.<sup>56</sup> Perhaps M.P.s saw the Worthington example as a frightening possibility for their children's future. If Parliament enhanced the royal prerogative of wardship and censoring schoolmasters, then the government could turn those powers against Protestant dissidents. The removal of children was an infringement upon the parents' conscience and rights over their children's upbringing.

## Conclusion

Over the course of Elizabeth's reign, large numbers of women were imprisoned, several died in prison, and three were executed for recusancy. The status of women recusants under the law was a reoccurring debate topic in Parliament, Privy Council, and amongst local authorities. Despite Protestants' desires to curtail Catholic recusant activity, many were unwilling to invade the integrity of family life. Eventually, Parliament could no longer ignore the persistence of recusant women and their role in the English Catholic community. In 1610, the Commons and

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<sup>53</sup> Beales, *Education Under Penalty*, p. 60-61.

<sup>54</sup> Shell, " 'Furor juvenils'," p. 193.

<sup>55</sup> Anstruther, *The Seminary Priests*, p.387-388.

<sup>56</sup> Beales, *Education Under Penalty*, p. 61.; Shell, " 'Furor juvenils'", p. 204.

Lords narrowly passed the *Act for the Administration of the Oath of Allegiance and the Reformation of Married Women Recusants*. Government actions against husband, wife, widow, and spinster recusants spiked immediately after this legislation.

During Elizabeth's reign, governmental pressure to conform caused recusant women to take on non-traditional roles in the practice of Catholicism. Expanded responsibilities in the home developed during the imprisonments of husbands and sons. Often these women were the only links between different communities of recusants or between different recusant families.

## CONCLUSION: ‘WHIMS AND FANCIES’

The *Report on the Present State of Affairs in England* characterizes the government’s actions against Catholics as a persecution. “At times, the queen’s councillors reduce the persecution of Catholics for later renewal according to their whims and fancies, or whenever it is advantageous to them for their own designs and for reasons of state.”<sup>1</sup> If persecution is defined as a conscious effort to inflict injury, bodily or otherwise, to a specific group of people in the hope that it will result in either the group disappearing or becoming nearly extinct then Elizabethan policy towards recusants may be characterized as a persecution. The experiences of families like the Arundells, Brownes, and Treshams demonstrate that recusants could not control what the government imposed on them unless they were willing to conform to the Church of England.

Elizabethan policy resulted in financial strain, imprisonment, and occasionally death for recusants. While Mary is often known for her burning of Protestants, Elizabeth used Parliament, the Privy Council, and church wardens to enforce and induce conformity under the law without widespread executions. A priest’s or lay person’s execution under a Parliamentary act through a trial for treason does not generate the same type of reaction as those executed under heresy laws. Elizabeth’s policy was creative and patient. While Elizabeth may not have executed as many as Mary,<sup>2</sup> Elizabeth chose to place her actions under the premise of protecting the realm from foreign invaders and conspirators through legal means. Additionally, the long duration of her

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<sup>1</sup> *Relatione del Presente Stato d’Inghilterra, Recusancy and Conformity*, p. 255.

<sup>2</sup> Morey, *Catholic Subjects*, p. 67. Morey calculates that from 1585 Act to 1603 183 priests and lay people were executed and another 50 died while in prison. This calculation excluded previous executions and prison deaths. Trimble has a similar number and the differences are probably due to the criteria used in judging which executions or deaths to include.

reign helped to spread out her attacks on recusants over forty years. This extended reign allowed convictions and executions to never pile up and cause a public relations crisis. Accusations of mistreatment are easier to brush off than state mandated executions.

Though continental Catholics, including English exiles, attempted to support recusants, their actions often caused confusion amongst recusants and increased government paranoia about the native Catholic threat. *Regnans in Excelsis* and the declarations by the Council Fathers at Trent created barriers between Elizabeth and her Catholic subjects. While recusants did not compromise, the questions they presented to the Council of Trent and the papacy demonstrated their uncertainty of where Catholics stood in relation to an excommunicated queen and her government. Catholics did not separate their cult from their conscience, but their constant interactions with officials and Protestant neighbors necessitated some level of compromise or understanding. Recusants learned to

The government's initial perception of recusants was not fundamentally altered by events like the Armada or Northern Rebellion but only their methods and tenacity. Catholics were not considered ordinary, law-abiding subjects prior to these events, or even of possessing a faith sanctioned by the state. The Northern Rebellion confirmed preexisting presumptions about the loyalty of recusants for some and made others desire greater harshness in recusant policies. The Spanish Armada and lingering invasion threat merely presented the government with a more serious and immediate reason for removing recusants from prominent offices, confiscating their arms, and maintain a close watch on their movements. In other words, the Elizabethan government's view of recusants did not experience a profound shift from believing them to be good, loyal subjects to treasonous, disloyal ones. The laws, proclamations, courts, and commissions were given direction based upon the issues and events of the time. Dangerously

charged political tension meant increased harassment of recusants and fine collections.

Government policy altered with the situation.

Since the state's policy for recusancy was fines, imprisonment, land confiscation, and at times execution, this was always the standard to adhere to and its frequency or intensity was determined by the environment and individuals involved.

English Catholics faced recusancy laws that caused debilitating financial burdens and imprisonment that fluctuated between consistency and unpredictability in their application. Through it all, Catholicism managed to survive through Elizabeth's reign and into the Stuart period. The importance of missionary priests<sup>3</sup> cannot be understated, but the resolve of the laity through each wave of fines and prison terms is what allowed Catholicism to remain in England. The government's carrot and stick policy downplayed tensions often enough to induce some conformity and keep some of the more prominent recusants away from conspiracy and rebellion. This policy was not in the interest of recusants but because it was not outright persecution recusants had room to maneuver, if it was very little, in order to remain faithful to Catholicism and serve their queen.

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<sup>3</sup> For more on the priesthood in England see Peter Marshall, *The Catholic Priesthood and the English Reformation* (Oxford, UK: Clarendon Press, 1994).

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