

THE REFORMED ATTITUDE TO ROMISH RECUSANTS.

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CÁRDINAL BOURNE'S recent pronouncements concerning Roman Catholic sufferers in the reign of Elizabeth and his protest against the Bill of Rights with its safeguard of Protestantism for the throne, opens up an interesting study.

There have been many replies on points of detail to the Cardinal's statements. It is proposed in the following brief inquiry to approach the problem of restrictions on Roman Catholics from the purely historic standpoint.

Viewed after this fashion it is necessary, in the first instance, to point out that it is impossible to isolate the sixteenth century, and still more the reign of Elizabeth.

Every age enters on its inheritance with the implications resident in past experience. Even in revolution the new movement starts out of its existing environment and must of necessity reflect some of its characteristics.

When Elizabeth ascended the throne the restraint of heresy had become a duty laid upon princes. Ever since the Fourth Lateran Council of 1215, Canon Law reserved to the Church the right of judging in all cases of heresy and imposed upon the State the duty of regarding its decisions and punishing malcontents. As far as can be traced it would appear that the death sentence for heresy had been imposed on the Continent since the beginning of the eleventh century, although Blötzer questions the validity of such action (see *Catholic Encyclopedia*, Vol. VIII, p. 28). Dr. Gwatkin maintains that "So far as the systematic destruction of the records allows us to judge, there may have been many more heretics burned in the thirteenth century than in the sixteenth" (*Church and State in England*, p. 118). It was not, however, until the opening of the fifteenth century that Convocation secured that the statute *De Haeretico Comburendo* should be placed on the English Statute Book. At this period begins that direct assault upon distinctively speculative opinions similar to those held later by Protestants, which ran its melancholy course and culminated in the horrors of Mary's reign. William Sawtre was charged with holding that the consecrated wafer "was then both very bread and the very body of Christ; the material bread had not ceased to exist, but had become the bread of life." Sawtre was executed in anticipation of the new Act nine days before it received the assent of Henry IV. Thus the right and obligation of the State to take cognizance of heresy was established and enforced by statute in England one hundred and thirty years before the breach with Rome in the days of Henry VIII. The evil influence of this decision persisted until

1612, when Bartholomew Legate was burned at Smithfield with the consent of Bishop Andrewes. The trial and punishment of witches continued until the eighteenth century.

In estimating the conduct of Elizabeth, Cardinal Bourne and his fellow-apologists fail to make sufficient allowance for the mental and moral effect of a long training in habits of State persecution. The recognized sanctions of a legal code operate to secure an internal as well as an external conformity. Frequently that line of State conduct which has its origin in expediency acquires, through time, a regard from the populace as a measure of pure and strict justice. How much more is this likely to prove the case when State enactments are procured at the express wish of religious leaders and commended by the voice of ecclesiastical authority. A temper of mind is created which renders the removal of statutes not only impolitic but distinctly injurious.

In the case under consideration people had been trained for centuries in the idea that matters of religious belief were so intimately bound up with State-craft that an imperative duty rested on princes to check with fire or sword any aberration from the accepted standard of orthodoxy. This fact has been elevated, in Cardinal Bourne's communion, into a conventional defence of the rigours of the Inquisition. We are counselled, by competent writers, to remember that in "the ages of faith" an assault on assumed Christian verities would be regarded as a graver offence than the circulation of false coins. The great authority of Aquinas may be invoked in support of such a position. In so far as the argument holds, it presents, on its other aspect, a grave problem for the exponent of religious liberty.

In the history of the world, liberty and licence lie perilously near together. Cardinal Bourne and Roman Catholic apologists generally ought to display a greater tenderness towards those whom the unhappy precedents of orthodox predecessors bound with the withes of religious intolerance. Every virtue has its aping vice. If to-day a virtuous tolerance finds her graces mimicked by the courtesan indifference, we may well pause to consider the effect of unrestricted freedom on those who had been taught to identify zeal for religion with the periodic combustion of heretics. Perhaps, after all, the first step towards a higher ideal may be found in the fact that under Mary the combustion had ceased to be sporadic and became monotonous.

In addition to the mental attitude created by years of acquiescence in a penal code, there must be considered the existing evidences of unremitting diligence in its enforcement exhibited by the surrounding Papal lands. In the Netherlands, the cruelties of Alva. In France, the Imperialistic repression of heretics, issuing in the scandal of the massacre of St. Bartholomew's Day. In Spain, the ever-increasing activity of the Inquisition. All these called aloud that religious toleration meant religious extinction. Not only was the spirit of retaliation sadly roused by these drastic inflictions, but, in view of the close relations existing between England, France

and Spain, prudence seemed to demand that protective measures savouring of the same relentlessness should be adopted.

When due weight is given to these general considerations, the judgment of a modern historian does not seem so very unreasonable. Dr. Ingram writes: "If we remember that Elizabeth made no examination into conscience, but, at the most, required an outward conformity, and if we compare her conduct with that of contemporaneous sovereigns, we are constrained to acknowledge that the compulsory uniformity of the reformed government of England was the most wonderful and sudden advance in humanity recorded in history" (*Rome and England*, p. 223).

Much dispute has attended the attempt to fix the number of sufferers who might be credited with laying down their lives in connection with religious questions. Dr. Gwatkin writes: "There were two executions for religion (sectaries—not Catholics) under Northumberland, forty or fifty (nearly all as traitors) in the forty-five years of Elizabeth, nearly three hundred in the last four years of Mary" (*Church and State*, p. 192n). Charles Butler in his *Historical Memoirs of English Catholics* would have it that the researches of Dr. Milner had raised the number to 204. Soames, in his *Elizabethan Religious History*, accepts the figure 180 as correct, "as the numbers, though supplied by a Romanist, are not disputed by a Protestant opponent." Soames, however, fails to notice that the Protestant author of *The Fyerie Tryall of God's Saints* denies that any Roman Catholic suffered except as a traitor and therefore feels no necessity for discrimination. His admission only amounts to the statement that as a matter of fact there were 180 executions of Roman Catholics.

Unfortunately Dr. Gwatkin affords no clue to his principle of discrimination, and it would be necessary to examine every case in detail in order to justify his analysis.

The statement must merely stand, therefore, as expressing the judgment of a careful and critical historian.

But the very largest figure affords little evidence of wholesale persecution. The list, as given in Soames, shows no execution for twelve years; thirty-six in the critical year of the Armada, eighteen as the next highest total in 1591, and then a further decline to eleven. Each year from 1582 to 1603 registers at least one execution. The twelve previous years gives a total of ten. Compared with the steady average of between seventy and eighty for each of Mary's four years of heresy-repressing the contrast is significant. If the statement of Roman Catholic apologists be admitted that two-thirds of the people were attached to the papal side on the accession of Elizabeth, or even if a powerful minority were thus affected, it becomes impossible, on the evidence of these figures, to hold the theory of a general vendetta against supporters of the Roman Catholic faith. The bare recital of the facts suggests that the repressive measures against Roman Catholics were designed to curb disaffection rather than to exterminate a religious party.

The impression thus gained is further heightened by a most

instructive parallel. A comparison between the reigns of Elizabeth and Mary offers conclusive evidence of the distinction already drawn. The treatment meted out to Sir James Hale supplies a pertinent example. That distinguished judge was singularly free from any participation in the plots against Mary's accession. Testimony to his loyalty is borne by the Chancellor, Gardiner, who arraigned him. Yet he is cited before a tribunal for administering the existing laws against nonconformity in religion at the very opening of Mary's reign (see account in *Harleian Miscellany*, Vol. III). Elizabeth, on the contrary, is most careful to observe all existing regulations until further order shall legally be taken.

Mary, in order to secure the freedom necessary for the repression of heresy, revived three heresy Acts: 5 *Ric. II*, St. 2, c. 5, which provided that sheriffs were to apprehend preachers of heresy; 2 *Henry IV*, c. 15, which empowered any particular bishop to convict of heresy in his diocese and issue forth his precept to the sheriff to burn the person he had convicted; 2 *Henry V*, c. 5, which ordered magistrates to assist ordinaries in extirpating heresies.

Elizabeth, on the contrary, reserved by Act of Parliament the term heresy to those departures from received doctrine which were called heresy by the authority of the canonical scriptures, or by the first four General Councils or any of them, or by any other General Council wherein the same was declared heresy by the express and plain words of the said canonical scriptures, or such as shall hereafter be declared heresy by Parliament with the assent of Convocation. In addition the administration of the law was placed in the hands of duly appointed Commissioners and not committed to the discretion of individual bishops.

Thus at the very commencement of her reign Roman Catholics were excluded from the category of heretics. In the words of Professor Maitland: "Obstinate heresy is still a capital crime; but, practically, the Bishops have little power of forcing heretics to stand a trial, and, unless Parliament and Convocation otherwise ordain, only the wilder sectaries will be in danger of burning" (*Cambridge Modern History*, "The Reformation").

It is not without significance that the first attempt to modify the existing savagery of religious persecution received a rude repulse at the hands of the most Catholic Queen Mary. It is even more significant that the revived Reformation witnessed a second effort at modification. Moreover, the cause of death in Mary's reign is set out unequivocally and is plainly religious. Cranmer, for example, incurred the Queen's displeasure for his ill-judged acquiescence in the scheme that sought to place Lady Jane Grey on the throne. But, although imprisoned for this offence, he was not condemned to death for it. The very year that witnessed a pardon for the survivors of Wyatt's rebellion is marked by an outbreak of violent hostility to religious leaders, known only as such. The conditions of trial were those prescribed for the trial of heretics, and bishops and priests were degraded from their offices before being handed over to the secular power. It would be tedious to repeat what is

so well known, yet it is advisable to recall that the "Articles, jointly and severally ministered to Dr. Ridley and Master Latimer by the Pope's deputy," contained the following sentences: "Thou hast affirmed, and openly defended and maintained, that the true and natural body of Christ, after the consecration of the priest, is not really present in the sacrament of the Altar; that in the sacrament of the Altar remaineth still the substance of bread and wine; that in the Mass is no propitiatory sacrifice for the quick and the dead."

These are articles touching speculative religious opinions and therefore, as they are articles of condemnation, it is necessary to hold that men arraigned on such charges were convicted on account of their religious beliefs, and died as the direct consequence of repudiating certain points of doctrine that had no bearing on any political question and no connection with any treasonable practices.

Cardinal Bourne urges that Mary was only carrying out the ancient laws of England. In so far as the statement is true, it throws into yet bolder relief the exact nature of Mary's procedure. The war against the dead, of which Foxe complains, compels attention to the fact that Queen Mary was determined that there should be no mistake as to her attitude. She was consumed by a fierce, overmastering desire to free the land of the stain of heresy. Notwithstanding the fact that the Bill to revive the Heresy Acts, abolished in the reign of the Protector, was rejected by the Lords in 1554, her morbid spirit gave her no rest. The measure was re-introduced and passed in her third Parliament. No further evidence is needed to prove that the sanguinary Treason Laws, with their wide range, did not satisfy Queen Mary's purpose. Mary, then, is seen as bent on reviving the anti-Lollard blood lust. Elizabeth appears as mitigating its severity.

One last contrast may be instanced. Five bishops were burned at the stake by Mary, two were compelled to recant, and at least three were refugees in a foreign land. No bishop suffered the extreme penalty under Elizabeth. Only one fled abroad. The most that any bishop suffered was a period of imprisonment. Most of the nonconforming prelates were ultimately permitted to live in honourable retirement. Elizabeth sought to make the way easy for outstanding nonconformists.

But if there is thus manifested an anxiety to moderate the severity of existing penal enactments, especially as they tended to bear heavily on the supporters of the Roman Catholic faith, how is it possible to account for the 180 or 204 actual executions?

The answer to this question demands most careful distinction. Many suffered in the reign of Elizabeth because of their enthusiasm for the texture of a religion that had interwoven its strands in the political web of nations. If a martyr means a sufferer for a definite principle, then many in Elizabeth's reign were martyrs. At the same time, it must be admitted there were no martyrs who went openly to their death in defence of a particular religious tenet. Every man who died, died under the old statutes framed in pro-

papal days for the protection of England from domestic upheavals and foreign intervention. Even the new Acts against the importation of Papal Bulls and reconciliation with Rome could, in the circumstances of the Papal aggression, be paralleled in earlier history. The feature that adds poignancy to the situation is that every sufferer was a martyr not only to a now discredited but to a lost and unholy cause. A leader of the religious opinions they died to serve could write many years after concerning the occasion which brought them to the scaffold: "Catholics have dared to profess their allegiance, and solemnly abjure the deposing and absolving powers without even consulting Rome or regarding its former vain pretensions and unchristian condemnation. The spirit of 1778 snapped the chains of Papal tyranny. When their social and political principles are concerned, English Catholics will never again be ill-advised enough to resort to any foreign country for direction" (Sir John Throckmorton, *Letters to English Catholics*). Cardinal Newman could quote with approval, in his letter to the Duke of Norfolk, the fact that Urban VIII bewailed with "tears of blood" the conduct of his predecessors towards the English throne. The famous Dr. Doyle could protest to Lord Liverpool that he scarce knew whether to laugh or to weep at the absurd arguments with which Boniface VIII supported his deposing pretensions.

But the claims thus vigorously and sometimes contemptuously repudiated constituted a real problem for the distracted Roman Catholics in the reign of Elizabeth. Many of them were brought to the scaffold, not because they held speculative opinions on Divine Revelation that separated them from the established religion, but because they were bound in conscience to an outworn autocracy. They yielded their lives not for religion but for Hildebrandism.

Elizabeth could afford to be gentle towards recusants, so far as gentleness found interpretation in her times. She was forced to fight for her very life against papal reactionaries.

Paul III urged the Emperor to take up arms in favour of Mary on the ground that Edward VI could not succeed to the English throne, having been born when the country lay under a papal Interdict. At the very moment of Elizabeth's accession Paul IV was urging the plea that Ferdinand's election as Emperor was invalid because Lutherans took part in it. On February 15, 1559, this Pope declared in a Bull that princes guilty of heresy are deprived of all lawful power by the mere fact of their guilt. And this at the moment when the Royal Commissioners were acting with marked leniency towards the priests of the Roman Communion in England and were smoothing the way towards the acceptance of the Oath of Supremacy. The old problem of the *imperium* against the *sacerdotium* had hardened into its new phase of nationalism against papalism and England became the cockpit of the contending parties. Contemporary evidence establishes this fact. Father William Watson published a tract in 1601 in the name of the secular priests of England, in which he protests that "None

were ever vexed simply for that he was either priest or Catholic, but because they were suspected to have had their hands in some of the said most traitorous designments." The tract contains the following remarkable appeal: "We desire you, by the mercies of God, to take heed of novelties and Jesuitism, for it is nothing but treachery, dissimulation, ambition and a very vizard of most deep hypocrisy." Charles Butler, even when he condemns Watson's denunciations of the seminary priests, is compelled to acknowledge that "A general and explicit disclaimer, by the English Catholics, in the reign of Queen Elizabeth, of the Pope's deposing power, would have both lessened and abridged the term of their sufferings" (*Historical Memoirs of English Catholics*, Vol. I, App., p. 361). The explanation of the severity which glutted the scaffold lies here. The Pope preferred to embroil the nations and sacrifice the lives of his devoted adherents rather than abate one jot of his arrogant claims.

The fact that John Felton has been chosen by authority as an example of the Elizabethan martyrs serves to establish finally this position. John Felton has been beatified.¹ His claim to martyrdom resides in the fact that he published Pope Sixtus V's Bull deposing Elizabeth, posting it on the Bishop of London's palace gates. Sir Edward Coke's comment on this action is sufficient to acquit Elizabeth of any charge of direct religious persecution in promptly punishing it. "The publishing of this bull by a subject against his Sovereign (as appeareth by that which hath been oftentimes said) was treason in the highest degree, by the ancient common law of England; for if it were treason to publish a bull of excommunication against a subject thereof, as it was adjudged in the reign of King Edward I, *a fortiori* it is treason in the highest degree to publish such a bull against the Sovereign and monarch herself" (Sir E. Cokes, Reports, Cawdrey's Case).

Edmund Campion's case is somewhat different. He seems to have been actuated by a more genuine desire to restore England to the Roman Catholic religion by persuasive measures. Yet here the scales were weighed heavily against him by the actions of his spiritual director, the Pope of Rome. He reached England a year after Sanders had raised the papal flag of revolt in Ireland. He reached England in the company of an avowed traitor to the Crown, the celebrated Parsons. He had secured with Parsons a modification of the Bull of deposition by which, while it still bound heretics, it was relaxed in favour of Roman Catholics for the present necessity. He came to the country in disguise and passed himself off as a jeweller. He visited country houses with Parsons, and the latter, two years afterwards, declared to Tassis, the agent of Philip II, at Paris, that the information he had gathered while dealing with cases of conscience in England led him to declare that the Roman Catholics were prepared to throw in their lot with Spain. Campion himself had little aversion to religious persecution. He could write: "For a few apostates and cobblers of theirs burnt, we have bishops, lords, knights, the old nobility." With

¹ By Pope Leo XIII.

damaging circumstances wholly against him, Campion found himself unable to reject the papal claims to the deposing power and suffered for his adhesion to the Papacy and for refusal to take an oath which, on Butler's admission, has since been taken by multitudes of devout Roman Catholics. He was arraigned, not under a Heresy Act, but under an old statute of treason passed in Edward III's reign, a statute which Mary found incompetent for her purpose.

But what of the present disability which affects a king of England who changes his religion and abjures Protestantism?

The answer must be that papal pretensions still render this safeguard of liberties a necessity. The ultramontanist that brought English Roman Catholics to the scaffold triumphed at the Vatican in 1870. There has been no formal renunciation of the deposing power by the Papacy. It is true that under the influence of Gallican sentiment the oath of allegiance was fully taken from 1778 to 1825, and that the action of Roman Catholics at that period secured to them the honourable position they now hold in the political world in England and Ireland. But Cardinal Newman can remind Mr. Gladstone that the Irish Bishops who went furthest in their denunciation of the Pope's Infallibility and his deposing claims, were not in the confidence of the Vatican. He can twit the existing government with failure to inquire as to the real sentiments of the Papacy at the fountain-head itself, the Pope. He can even boldly declare that no pledge is of binding force in these matters to which the Pope is not a party. In the matter of physical persecution, as distinct from simple excommunication, G. H. Joyce, S.J., can write with approval in 1911: "The question has been raised whether it is lawful for the Church not merely to sentence a delinquent to physical penalties, but itself to inflict those penalties. As to this, it is sufficient to note that the right of the Church to invoke the aid of the civil powers to execute her sentences is expressly asserted by Boniface VIII, in the Bull 'Unam Sanctam.' This declaration . . . is held by theologians to be theologically certain. The question is of theoretical, rather than practical, importance, since civil governments have long ceased to own the obligation of enforcing the decisions of any ecclesiastical authority" (*Catholic Encyclopedia*, Vol. XII, 266). Lest too much comfort be drawn from the alleged academical character of this discussion, it must be borne in mind that another article by Blötzer in the same compendium reminds us that prior to the blood-trail of the Inquisition "There were already, it is true, Canonists who conceded to the Church the right to pronounce sentence of death on heretics; but the question was treated as a purely academic one" (*Ibid.*, VIII, p. 28).

Since Rome refuses to accept the principle of national Churches and abides tenaciously by rights which plunged Europe in blood even in the days of dawning liberty, it is surely not impolitic to retain a provision which obviates the raising of an issue that would imperil the stability of empire and the safety of its subjects.