INFORMATION TO USERS

This manuscript has been reproduced from the microfilm master. UMI films the text directly from the original or copy submitted. Thus, some thesis and dissertation copies are in typewriter face, while others may be from any type of computer printer.

The quality of this reproduction is dependent upon the quality of the copy submitted. Broken or indistinct print, colored or poor quality illustrations and photographs, print bleedthrough, substandard margins, and improper alignment can adversely affect reproduction.

In the unlikely event that the author did not send UMI a complete manuscript and there are missing pages, these will be noted. Also, if unauthorized copyright material had to be removed, a note will indicate the deletion.

Oversize materials (e.g., maps, drawings, charts) are reproduced by sectioning the original, beginning at the upper left-hand corner and continuing from left to right in equal sections with small overlaps.

Photographs included in the original manuscript have been reproduced xerographically in this copy. Higher quality 6" x 9" black and white photographic prints are available for any photographs or illustrations appearing in this copy for an additional charge. Contact UMI directly to order.

Bell & Howell Information and Learning
300 North Zeeb Road, Ann Arbor, MI 48106-1346 USA
800-521-0600

UMI®

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

PERSECUTION AND RESISTANCE:

IN PURSUIT OF RELIGIOUS DISSIDENTS IN SIXTEENTH-CENTURY ENGLAND

by

SARAH COVINGTON

A dissertation submitted to the Graduate Faculty in History in partial fulfillment of the requirements for the degree of Doctor of Philosophy, The City University of New York

2000

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

UMI Number: 9986316

Copyright 2000 by
Covington, Sarah Amy

All rights reserved.



UMI Microform9986316
Copyright 2000 by Bell & Howell Information and Learning Company.
All rights reserved. This microform edition is protected against
unauthorized copying under Title 17, United States Code.

Bell & Howell Information and Learning Company
300 North Zeeb Road
P.O. Box 1346
Ann Arbor, MI 48106-1346

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

© 2000

SARAH COVINGTON

All Rights Reserved

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

This manuscript has been read and accepted for the Graduate Faculty in History in satisfaction of the dissertation requirement for the degree of Doctor of Philosophy.

6/28/00 — Stuart E. Prall
Date — **Dr. Stuart Prall, Chair of Examining Committee**

6/28/00 — David Nasaw
Date — **Dr. David Nasaw, Executive Officer**

Dr James Jacob

Dr Margaret King

Dr Martin Pine

Dr Nancy Siraisi

Supervisory Committee

The City University of New York

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

To Emily, Vicky, Ben,
my father William, and above all
to my mother, Sandra McCloud Covington,
with love

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

TABLE OF CONTENTS

Abbreviations vii

I. Chapter One: Introduction 1
- Persecution and Tolerance in a Theoretical Context 7
- "Persecutory Moments": An Overview 17
- The Sources 22
- Scope of Exposition 26

II. Chapter Two: Order and Disorder in an Unstable Realm 33
- Introduction 33
- England in the Sixteenth Century: A Brief Portrait 37
- Structures of Authority 45
- Sites of Contention, Sites of Subversion 67
- Conclusion 87

III. Chapter Three: Accusers and Informers 90
- Introduction 90
- Informing in England: An Overview 93
- Keeping Watch: The Mid-Level Functionaries 98
- Coming Forward: Informing Neighbors and Families 102
- Cultivated Sources, Professional Spies 115
- *Conclusion: Resistances and Weaknesses* 132

IV: Chapter Four: Apprehensions and Evasions 136
- Introduction 136
- Heresy Catchers: Apprehensions by Officials 138
- Methods and Tactics 146
- Community Participation and Resistance 153
- Resistances: Escape and Flight 159
- Conclusion 179

V. Chapter Five: "To pray, to curse, and to write letters": The Martyrdom of Prison 182
- Introduction 182
- Imprisonment in the Sixteenth Century 184
- Pressures and Prison Recantations 192
- Daily Life in Prison 196
- Prison Relationships 210
- "Prisoners of Christ" 229
- Conclusion 241

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

VI. Chapter Six: "In the Hands of Caiphas:" Interrogations and Trials **246**
Introduction 246
Sixteenth-Century Interrogations: Procedures and Weaknesses 250
Enter the Magistrate 258
Questions 278
The Accused 297
"Dark Speaking" 311
Condemnation 321
Conclusion 328

VII. Chapter Seven: "Whither Goest Thou": The Execution **333**
Introduction 333
Religious Executions in a Larger Context 338
Duties of State 348
The Crowd 366
Golgotha 377
Conclusion 400

VIII. Chapter Eight: Conclusion **406**

Select Bibliography **410**

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

ABBREVIATIONS

AM	John Foxe, *Acts and Monuments*, ed. S.R. Cattley and G. Townsend, 8 vols. (1837-41).
APC	*Acts of the Privy Council of England*, ed. J.R. Dasent, vols., I (1890-1907).
BBC	*Before the Bawdy Court: Selections from Church Court and Other Records Relating to the Correction of Moral Offences in England, Scotland, and New England, 1300-1800*, ed. P.E.H. Hair (New York, 1972).
BIHR	*Bulletin of the Institute of Historical Research*
CPR	*Calendar of Patent Rolls, Edward VI, Philip and Mary* (1924-)
DNB	*Dictionary of National Biography*, 63 vols. (1885-1900).
EHD	*English Historical Documents*, V, 1485-1558, ed. C.H. Williams (1967).
EHR	*English Historical Review*
EM	John Strype, *Ecclesiastical Memorials, relating chiefly to religion, and the reformation of it...under King Henry VIII, King Edward VI, and Queen Mary I*, 3 vols. (Oxford, 1822).
Grey Friars Chron.	*Grey Friars Chronicle of London*, ed. J.G. Nichols (Camden Society, liii, 1852).
Holinshed	Raphael Holinshed, *Chronicles*, ed. H. Ellis, 6 vols. (1807-08).
JEH	*Journal of Ecclesiastical History*
LP	*Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII*, ed. J.S. Brewer, J. Gairdner, and R.S. Brodie, 21 vols. (1862-1932).
Machyn	*The Diary of Henry Machyn, Citizen and Merchant Taylor of London, 1550-1563*, ed. J.G. Nichols (Camden Society, xlii, 1848).
Orig. Lett.	*Original Letters relative to the English Reformation*, ed. H. Robinson, 2 vols. (Parker Society, Cambridge, 1846-1847).

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

PP	G.R. Elton, *Policy and Police: The Enforcement of the Reformation in the Age of Thomas Cromwell* (Cambridge, 1972).
PRO	Public Record Office
Span. Cal.	*Spanish Calendar of Letters, Despatches and State Papers...Edward VI and Mary* (1553), ed. Royall Tyler. Vols. 11-13 (1916).
SP	*State Papers...King Henry VIII*, 2 vols. (1830-1852).
Stow	John Stow, *A Survey of London*, ed. C.L. Kingsford, 2 vols. (Oxford, 1908).
Unpub. Docs.	*Acts of English Martyrs Hitherto Unpublished.* Ed. J.H. Pollen. (1891.
Wrioth. Chron.	Charles Wriothesley, *A Chronicle of England during the Reigns of the Tudors, 1485-1559*, ed. W.D. Hamilton, 2 vols. (Camden Society, new series, xi and xx, 1875-1877).

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Chapter One: Introduction

Between 1535 and 1603 England experienced a crisis of uncertainty brought about by the Protestant Reformation, the break with Rome, and the concomitant rise of challenging and dissenting religious groups. The Tudor monarchs, each of whom carried different religious allegiances and policies, attempted to counter this confusion with a variety of measures that aimed to suppress the groups as well as enforce conformity on the rest of the population. The result was that over the course of the century hundreds if not thousands of individuals accused others or were accused, pursued others or were pursued, or evaded the authorities and got away--all in response to or against the religious and political fluctuations of the time. Out of this environment came the recantation, acquiescence or outward obedience of most of the population, though hundreds of others remained firm and in the end chose execution or martyrdom; still, while England by the end of the century ultimately settled into a majority Protestantism--or a variety of Protestantisms--the settlement had by no means come as the result of any inevitable trajectory, just as no troublesome group was ever fully expunged but instead lived on to elude the capacities of the government to contain it.

This study will argue that enforcement of religious conformity in sixteenth-century England, while initiated from above and successful in some ways, was a more inconsistent process than has previously been claimed, and dominated by individuals whose hold on power was itself unstable. Relying on the ability and willingness of mid-level functionaries to carry out their decrees, and facing an opposition that manipulated its persecuted status through various strategies, such authorities found themselves subject to a number of

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

resistances which forced them into positions of negotiation, compromise, or even inaction when it came to directing religious policy.[1] This instability is especially evident when one looks at religious persecution from the inside, and examines the entire stage-by-stage process through which a religiously suspect individual first came to the attention of the authorities, and was apprehended, incarcerated, tried, convicted, and executed; while most individuals, it should be said, did give up at some point and conform to the government's demands, success was heavily qualified by others who used imprisonment, flight, or even execution to their own advantage. Analyzing the persecution process by its stages thus leads one to a more complicated picture concerning the nature of obedience and dissent, authority and enforcement in Tudor England; indeed, the fits and starts and individual exigencies that dominated the process across the century become even clearer when one descends from the directives of privy councilors and lord chancellors and instead looks at the process as involving a constant tension between high authorities, mid-level functionaries, and even the wider population, all of whom shaped and determined the fate of dissidents, who were themselves active participants in the process.

To understand what it meant for an individual to be brought into the persecution process, however, is to enter a complicated and frustratingly evasive world, neither clear nor heroic but one involving people recanting before their interrogators, prison betrayers exposing the victim out of self-interest, defendants and prosecutors sparring with each other at trial, and crowds cheering on the executioner or converting at the sight of a burning. Those who ended up going all the way in the process, and dying at the end,

---

[1] For an excellent examination of the ways in which Catholics, for example, exercised agency in the face of Elizabethan authorities' attempts to discipline and punish them, see Peter Lake and Michael Questier, "Agency, Appropriation and Rhetoric under the Gallows: Puritans, Romanists and the State in Early Modern England, *Past and Present* 153 (1996), 64-107. See also Lake and Questier's "Prisons, Priests and People," in *England's Long Reformation 1500-1800*, ed. Nicholas Tyacke (London, 1998), 195-233. For an opposing view upholding the idea of an ideologically controlling state, see J.A. Sharpe, "'Last Dying Speeches': Religion, Ideology and Public Execution in Seventeenth-Century England," *Past and Present* 107 (1985), 144-67.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

ranged from weavers and fishermen to bishops, an archbishop, court ladies, sixteen-year old apprentices, anabaptists, Protestant divines, widows, monks, and Jesuit priests;[2] if one factor could be said to have been shared by all--aside from a common embrace of martyrdom--it would be their persecution for beliefs that existed in a world where standards of orthodoxy were never entirely set, and where religious correctness meant different things at different times. Indeed, nowhere more than sixteenth-century England does one find the fluctuating instability behind what constituted--and constitutes--heresy and orthodoxy, dissent and authority; from Henry's erastian "Catholicism without the pope" through the increasingly radical Protestantism of Edward's reign, and from Mary's singular Catholicism to Elizabeth's ambiguous and politique-infused Protestantism, efforts to define, contain, and persecute an already religiously unstable population were probably doomed, in the end, to fail.

Any argument that centers on persecution intersects a variety of recent historiographical debates concerning the role of tolerance and intolerance in the sixteenth century, the emergence of modern persecution and the state, the so-called "Tudor revolution in government," and the nature and extent of religious change in the English reformation. Above all, however, this study will take as its point of departure the thesis brought forward nearly thirty years ago by Geoffrey Elton, who in *Policy and Police* examined eight years of what he considered effective enforcement of reformation policies, not to mention a larger institutional revolution in government and parliament instigated by Thomas Cromwell.[3] Elton's work is still valid, especially his exploration of policing

---

[2] For general recent overviews, see Penry Williams, *The Tudor Regime* (Oxford, 1979); John Guy, *Tudor England* (Oxford, 1988). For groups persecuted in London, see Susan Brigden, *London and the Reformation* (London, 1989).

[3] For challenges to Elton's 1530s revolution-in-government thesis, see *Revolution Reassessed*, eds. David Starkey and C. Coleman (London, 1986), 1-11 and essays; and David Starkey, *The English Court from the Wars of the Roses to the Civil War* (London, 1987). Starkey challenges Elton primarily on the grounds that the monarchy, through the more personal mechanisms of the court and the

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

structures and the evidence of indictments and trials; at the same time, by isolating his examination to the Cromwell years, between 1532 and 1540, Elton presents an exceptional period that tends to create an imbalanced picture of the meaning and effectiveness of persecution over the course of the century. In addition, Elton's work is consistent with his larger thesis, which is that the reformation in England was pushed through from above, by statute and proclamation, and generally accepted by the larger population; while it is true that political will ultimately propelled the reformation forward, Elton's argument, which focuses a great deal on state papers and other official documents, tends to overlook the often powerful resistances and continued local allegiances that actually preserved traditional religion among the majority of people up until the reign of Elizabeth.[4]

England in the sixteenth century was not yet a modern state with a professionalized police force or standing army, and structures of authority were themselves unstable--all of which further hindered an effective policy of enforcement. The office of sheriff, for example, which had once been an indispensable part of enforcement, underwent a diminishment in the century, as new offices, such as the lord lieutenant in Elizabeth's reign, were created; more important was the office of the justice of the peace, which had begun in the Middle Ages but in the sixteenth century found itself burdened with a range of new responsibilities that stretched its capacity to the near breaking point.[5]

---

privy chamber, served as the real center of government. See also the objections to this by David Loades in *Politics and Nation: England 1450-1660*, 5th ed. (London, 1999), 399-401.

[4] For an account that overtly favors the persistence of Catholicism throughout the century up to Elizabeth, see Eamon Duffy, *The Stripping of the Altars* (London, 1992); Christopher Haigh, *English Reformations* (Oxford, 1993) and the volume he edited entitled *The English Reformation Revised* (Cambridge, 1987); and John Scarisbrick, *The Reformation and the English People* (Oxford, 1984). Against these arguments stand Robert Whiting and Claire Cross, who agree with the classic account of A.G. Dickens, who postulated a wide and popular Protestantism which was derived in part--if in fact it was not a continuation of--the earlier movement of Lollardy. See A.G. Dickens, *The English Reformation* (1989); C. Cross, *Church and People, 1450-1660* (London, 1976); Robert Whiting, *The Blind Devotion of the People: Popular Religion and the English Reformation* (Cambridge, 1989).

[5] For the best recent overview of such offices, see David Loades, *Tudor Government: Structures of Authority in the Sixteenth Century* (London, 1997).

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

One reason for this expansion of duties was the change brought about by the reformation, which forced officials to carry out a religious policy that differed from reign to reign; moreover, this policy became more dependent on the initiative of secular authorities, even under Mary, as bishops, for example, took their cues from the privy council, or ecclesiastical courts became increasingly subsumed into a secular sphere. But these offices, again, were inhabited by individuals with varying and not always reliable personalities and motivations, which inhibited the existence of any kind of united front of enforcement; moreover, the resentment they felt at the expansion in their duties combined with an occasional sympathy with religious dissent, thus making these individuals problematic indeed.

Ultimately, however, persecution did not work because it led at its most extreme to the creation of martyrs.[6] No government can truly counter individuals willing to die for their beliefs, since this willingness places them beyond the scope of any attempt at control and containment; thus, while constituting a victory of justice and order for many, persecution also came to represent for others a drama of tyranny and cruelty overcome by the spiritually superior individual, who implicitly likened himself to Jesus holding fast against Caiphas and Pilate. Throughout the century individuals under trial were highly skilled at tilting the drama in their own favor and refashioning themselves in a heroic mold; while this is not to diminish their religiosity, individuals heading toward martyrdom were self-consciously aware that they were enacting a drama of scriptural significance, before a large public audience. Letters from prison became a means of declaration, written as they were to fellow believers with the epistles of Paul clearly in mind; in some respects such letters were also in line with what Leo Strauss has classified as the nature of

---

[6] For the ways in which individuals shaped and manipulated the persecutory process toward their own martyrdom, see John Knott, *Discourses of Martyrdom in English literature, 1563-1694* (Cambridge, 1993). See also the essays in *Martyrs and Martyrologies*, ed. Diana Wood (Oxford, 1993); and L.B. Smith, *Fools, Martyrs, Traitors* (New York, 1997), especially chaps. one, seven, and eight.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

persecutory writing, with secret messages and views conveyed between the lines, or in this case, alongside and within the interstices of heavy biblical quotation.[7] Most dramatic were the executions themselves, which were shaped and "stage-managed" to be seen, in T.S. Eliot's phrase, as "the design of God;" [8] by accepting suffering and torture without concession, martyrs were able to transform what was essentially a public event and subvert the intentions of the authorities--as those authorities well knew.

Notions of martyrdom varied across confessional lines, of course, and not all martyrs were perceived or received in the same way or time; it took a while, for example, for Thomas More and John Fisher to be absorbed by Catholics as martyrs,[9] while by the end of the century the Jesuit Edmund Campion gained immediate entry into the martyrological canon by Catholics in England and overseas.[10] All shared in common, however, a willingness to exploit their condition for public edification and propaganda, which was especially evident with the nearly 300 Protestants executed under Mary's reign. It is a commonplace among historians today, for example, that the cause of Protestantism was tenuous in 1553, despite the attempts to legislate and enforce it during Edward's reign; under Mary's persecutory regime, however, Protestants learned to use their persecution so effectively that by the death of Mary and the accession of Elizabeth, Protestantism was certainly elevated, partly as a result of their deaths.[11] The deaths of the Jesuits Robert Southwell and Edmund Campion also sustained the minority Catholic

---

[7] Leo Strauss, *Persecution and the Art of Writing* (Chicago, 1988), 22-37.

[8] T.S. Eliot, *Murder in the Cathedral* (London, 1947), 49.

[9] See Brad Gregory, *Salvation at Stake: Christian Martyrdom in Early Modern Europe* (Cambridge, MA, 1999), 259-72.

[10] See *The Reckoned Expense : Edmund Campion and the Early English Jesuits*, ed. Thomas M. McCoog (New York, 1996).

[11] See Christopher Haigh: the effect of persecution "burned the stain of corruption and self-seeking from the Protestants' religion, now shown as a faith for heroes as well as a front for politicians on the make and take."

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

community in England at the end of the century; while Catholicism never returned in full strength again, the continued and often vibrant existence of a Catholic community, such as it was, was enough to cause difficulties throughout the following century,[12] in a realm that tried but failed to fully maintain ideas of religious and political uniformity[13]--all of which proved the dictum that nothing bolsters a cause better than inefficient persecution.

Persecution and Toleration in a Theoretical Context

Intellectual historians of tolerance such as W.K. Jordan and Joseph Lecler, as well as political historians such as Quentin Skinner, have traced a European-wide movement towards tolerance that began in the early sixteenth century and, after an eruption of intolerance with the religious wars and conflicts later in the century, was picked up once more and continued through the next century to reach its ultimate culmination in John Locke.[14] According to this theory, movements such as humanism--especially the

---

[12] See John Bossy, *The English Catholic Community, 1570-1850* (London, 1975); William R. Trimble, *The Catholic Laity in Elizabethan England, 1558-1603* (Cambridge, MA, 1964); and for a different view, see Christopher Haigh, "The Continuity of Catholicism in the English Reformation," *Past and Present* 93 (1981), 37-69.

[13] See Conrad Russell, *The Causes of the English Civil War* (Oxford, 1990), esp. 58-82; 109-30.

[14] By Locke, one is particularly referring to his Letter on Toleration. See *Epistola de Tolerantia*, ed. Raymond Klibansky (Oxford, 1968); see also Richard Vernon, *The Career of Toleration: John Locke, Jonas Proast, and After* (Montreal, 1997). For standard accounts of the history of toleration, see W.K. Jordan, *The Development of Religious Toleration in England*, 4 vols. (London, 1932-40); Joseph Lecler, *Toleration and the Reformation*, 2 vols. (London, 1960); R. Tuck, "Skepticism and Toleration in the Seventeenth Century," in *Justifying Tolerance: Conceptual and Historical Perspectives*, ed. S. Mendus (Cambridge, 1988), 21-35; Quentin Skinner, *The Foundations of Modern Political Thought* (Cambridge, 1978), 247-50; Mary Fulbrook, "Legitimation Crisis and the Early Modern State: The Politics of Religious Toleration," in *Religion and Society in Early Modern Europe*, ed. Kaspar von Greyerz (London, 1984), 146-56; N.M. Sutherland, "Persecution and Toleration in Reformation Europe," in *Persecution and Tolerance*, ed. W.J. Sheils (Oxford, 1984), 153-61.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

humanism of Thomas More and Erasmus--were significant precursors of toleration, as was the rise of skepticism; in addition was the role of what we would today call "free trade"--or the sixteenth century equivalent--which encouraged international law among emerging nations and with it elevated the merchant, in Heiko Oberman's words, to become "an effective agent in extending sanctuary from the cathedral to the fairgrounds."[15] Finally, the rise of Protestantism has been another contributing factor, as a new variety of religious groups demanded tolerance for their own existence; the Protestant emphasis on individual conscience is also said to have played a role--or as Lecky wrote in 1865, "toleration is essentially a normal result of Protestantism, for it is the direct, logical and inevitable consequence of the exercise of private judgment."

There is truth in all of these theories,[16] though they tend to overlook the localized social and historical contexts that actually existed, for example, in the persecution of Jews and witches in Germany.[17] Moreover, historians have recently challenged the view that developments such as humanism, skepticism, or the needs of trade necessarily marked a shift toward toleration; as Elton points out, if the actual views of individuals were examined, then it would be the humanist Thomas More who both advocated and personally perpetuated intolerance.[18] What Elton does not mention, however, are the

---

[15] Heiko A. Oberman, "The Travail of Tolerance: Containing Chaos in Early Modern Europe," in *Tolerance and Intolerance in the European Reformation*, ed. Ole Peter Grell and Bob Scribner (Cambridge, 1996), 30. See also Henry Kamen, who writes that tolerance in the seventeenth-century Netherlands was "a concomitant of trade." Henry Kamen, *The Rise of Toleration* (New York, 1967), 224-240.

[16] J.W. Allen once wrote, regarding the theory that a progression occurred from intolerance to modern tolerance, "[It] does not follow, because we are more tolerant of religious difference, that there has been any marked development of a tolerant attitude;" aside from the obvious examples from the twentieth century such as Nazi Germany, Allen uses the example of "the modern politician who asserts or implies that his political opponents are either knaves or fools." If the politician is insincere, then he himself is a knave; but if he is sincere, "[he] is exactly in the position of Calvin." J.W. Allen, *A History of Political Thought in the Sixteenth Century* (London, 1928), 77.

[17] See Oberman, 13-31.

[18] See Geoffrey Elton, "Persecution and Toleration in the English Reformation," in

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

inconsistencies or shifts even in those attitudes: More, for example, gave no inch in his belief that heretics such as the Thomas Hilton-- "the devil's stinking martyr" should be thrown into the flames; yet he was also the author of the *Dialogue Concerning Heresy*--not to mention the *Utopia*--which implicitly advocated a kind of moderation in the way authorities or clerics should convince the heretic of his errors. Such flexibility is in line with what Diarmaid MacCulloch has distinguished between concord by coercion and violence, or concord by discussion and persuasion, with the possibility "that it is possible to slide from one to another."[19] On the other side of the confessional divide, Martin Luther also displayed a similar flexibility by arguing for a kind of tolerance in *On Secular Authority*; later on, however, when he was no longer on the margins--and after the upheavals of 1525--Luther shifted toward a more persecutory stance, as one who "sought to protect and secure the existence of the Protestant churches already established."[20]

In general, the idea that obstinate heretics should be sought out and punished to the full extent of the law--which meant death--was accepted throughout the century to varying degrees.[21] Justification for this, as for so many other aspects of orthodoxy and heterodoxy, persecuting and being persecuted, resided in Paul, who enjoined his readers in Titus 3:10-11 to avoid "[the] factious man (*haereticum hominem*) after the first and second correction," since "he is perverted and sinful and condemned by our judgment." Before the Council of Chalcedon more or less established an official orthodox church

---

Persecution and Tolerance, ed. W.J. Sheils (Oxford, 1984), 163-87.

[19] Diarmaid MacCulloch, "Archbishop Cranmer: Concord and Tolerance in a Changing Church," in *Tolerance and Intolerance in the European Reformation*, ed. Ole Peter Grell and Bob Scribner (Cambridge, 1996), 199-200.

[20] See Ole Peter Grell, "Introduction," in *Tolerance and Intolerance in the European Reformation*, ed. Ole Peter Grell and Bob Scribner (Cambridge, 1996), 5. See also W.D.J. Cargill Thompson, *The Political Thought of Martin Luther* (Sussex, 1984), 155-62.

[21] For the idea and persecution of heresy in sixteenth-century France, see Raymond A. Mentzer, *Heresy Proceedings in Languedoc, 1500-1560* (Philadelphia, 1984), especially 9-11.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

position in 451,[22] early church fathers also weighed in on the matter of heresy and heretics, with one of the more influential contributors being Tertullian, who warned of "ravening wolves...come in sheep's clothing," whose "thoughts and treacherous spirits...hide within to infest the flock of Christ."[23] Heresy represented for Tertullian and Paul--as well as sixteenth-century secular and church authorities--the evil of dissension and division working against church unity, which Paul upheld in Corinthians as of the utmost importance; moreover, theological unity, as Edward Peters has written, also came to be seen over time as "synonymous with social cohesion in societies that regarded themselves as bound together at their most fundamental levels by religion," thus placing the heretic not only in opposition to "holy Scripture, openly taught, and pertinaciously defended"--in Robert Grosseteste's words--but also in "opposition to a whole culture in all of its manifestations."[24]

In the early modern period and especially after the instabilities unleashed by the reformation, questions of tolerance and heresy became especially pronounced, though tolerance toward heresy or religious diversity continued to be firmly rejected by Catholics and Protestants alike. A somewhat lone voice belonged to Sebastian Castellio, a Protestant once associated with Calvin who argued that scripture was by its nature obscure and could thus account for a diversity of views, just as centuries-long debates over the trinity or free will and predestination proved that such issues were by their nature unresolvable by the dint of their being undemonstrable. While individuals, Castellio continued, should abide

---

[22] See Jeffrey Burton Russell, *Dissent and Order in the Middle Ages: The Search for Legitimate Authority* (New York, 1992), 2-3, 9-11.

[23] See Tertullian, "An Injunction against Heretics," excerpted in *Heresy and Authority in Medieval Europe*, ed. Edward Peters (Philadelphia, 1980), 29-30. For other patristic writers on heresy, see St Irenaeus, *Adversus omnes haereses (Against all Heretics)*; and St Hippolytus, *Refutation of All Heresies.*

[24] Peters, 3.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

by the commandments and by Jesus' injunctions--which are clear--persecution of those who take an opposing stand regarding a Biblical text whose meanings cannot be fully discerned is absurd.[25] Against this position stood Calvin, who defended the burning of Michael Servetus in Geneva by arguing, among other things, that if no religion--and thus no "true church"-- could be established as demonstrably true, then all religion, and all belief in Christ, would eventually lapse into a resigned relativism or atheism. It was the duty of the Christian magistrate to thus uphold the clarity of the bible's revelation (as Calvin defined it, of course),[26] and if persecution resulted, it was God's will, for "[where does God] demand of us a so extreme severity, if not to show us that due honour is not paid him...so that we spare not kin nor blood nor life of any and forget all humanity when the matter is to combat for his glory"? If a magistrate thus found one of his cities infested with heretics, Calvin agreed with the words of Deuteronomy that "thou shalt surely smite the inhabitants of that city with the edge of the sword, destroying it utterly and all that is therein."[27]

Toleration for a variety of beliefs could therefore not exist in a state that insisted on uniformity in its religion and politics, which England--while no Geneva--continued to do throughout the century. This was the case under Henry, who, as Joseph Lecler has written, "had no reason whatever to tolerate various denominations in his realm," while "[after] the break with Rome, he felt that in order to control 'his church,' he had to rely on religious uniformity." As Henry himself bluntly put it to the evangelical John Lambert in 1538, "if you do commit yourself unto my judgment you must die, for I will not be a

---

[25] Sebastian Castellio, *De Haereticis an sint persequendi* (Basel, 1554), ed. Sape van der Woude (Geneva, 1954). See also Allen, 89-94; Richard Popkin, "Theories of Knowledge," in *The Cambridge History of Renaissance Philosophy*, ed. Charles B. Schmitt (Cambridge, 1988), 680.

[26] See Gregory, 74-96.

[27] See also William Bouwsma, *John Calvin* (Oxford, 1988), 191-229.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

patron unto heretics."[28] Under Edward's Protestant reign, no Catholics were ever burned, communities of foreign churches were allowed in London, heresy legislation had been repealed early on by the parliament, and Sebastian Castellio had even addressed the preface of his Latin version of the Bible to the young king.[29] This, however, did not necessarily point toward any developed idea of toleration. As Diarmaid MacCulloch has written, archbishop Thomas Cranmer--the guiding light of the Edwardine period and also a great influence (and occasional persecutor) in Henry's reign[30]-- "had no interest in religious freedom," and in this he was typical of the age; while he hated the papistry of the Catholics, he was even more intolerant of the radical evangelicals, and especially the anabaptists, who represented a full-out break with the traditionalism that he--and the Catholics, albeit faultily--retained. "What wolde you have me do with them?" he asked in a letter to William Morice, an evangelical, "beare with them and wyncke at their faultes, and so willinglie suffer the gospell (by their outragious doinges) to be troden under our feete?"[31] Thus were anabaptists put on trial especially after 1549, while two of them, Joan Bocher and George Van Parris, were burned in 1550 and 1551 respectively.[32]

Mary, of course, most fervently upheld the idea of the one church which could brook no heresy, while her lord chancellor, Stephen Gardiner, initially maintained the same

---

[28] *AM*, 5:181-84.

[29] See Basil Hall, "Cranmer, the Eucharist and the Foreign Divines in the Reign of Edward VI," in *Thomas Cranmer, Churchman and Scholar*, ed. P. Ayris and D. Selwyn (Woodbridge, 1993), 217.

[30] Cranmer, for example, played an active part in the trial of the evangelical John Frith in 1533, as well as John Lambert in 1538. As MacCulloch points out, Cranmer also "bitterly hated" the Observant Franciscans," who were "the most effective and respected exponents of what the archbishop regarded as devilish error, not simply on questions of systematic theology, but in their opposition to his cherished royal supremacy." One observant, John Forest, was burned in 1538, in large part due to Cranmer. See MacCulloch, 209.

[31] See also MacCulloch, 210.

[32] See Horst, 97-137; P. Ayris, "The Relationship between the Crown and the Archbishopric," in *Thomas Cranmer, Churchman and Scholar*, 148-52. See also Eamon Duffy, "Cranmer and Popular Religion," in Ibid., 199-211.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

attitude, though his focus tended to equate religious dissent with political instability, thus shifting his concerns to questions of order. In general, the Catholic church, which Mary and Cardinal Pole attempted to reassert, was itself unclear about toleration, though the signing in 1555 of the Peace of Augsberg, in which the ruling princes of Germany acknowledged one another's confessional faiths and agreed to respect that difference, forced Rome to informally recognize the establishment of a different reality, even if it rested on a profoundly wrong and unlawful basis.[33] Heresy, however, continued to be viewed as a crime of the most heinous magnitude against God; as bishop John Fisher had once preached in a sermon, it "is a perilous weed, it is the seed of the devil, the inspiration of the wicked spirits, the corruption of our hearts, the blinding of our sight, the quenching of our faith, the destruction of all good fruit, and finally the murder of our souls."[34] It was especially egregious then when heretics, against all reason, persisted in their error, especially when Marian authorities such as Edmund Bonner, the bishop of London, really did attempt--as chapter six will demonstrate--to persuade Protestants, through extensive interrogations, to recant and return to the true church. Charity, Bonner wrote at one point, impelled the authorities to persuade the heretic of his error; but if this attempt failed, then it was also charity that required "great offenders of God...to be cut off, from the body of the commonweal, lest they corrupt other good and honest persons: like as a good surgeon cutteth away a putrefied, and a festered member, for the love he hath to the whole body, lest it infect other members, adjoining to it."[35]

Mary's ideological singularity could not be more different than the ambiguous

---

[33] Philip Hughes, *The Reformation in England* (London, 1954), 2:321.

[34] John Fisher, "A sermon had at Paulis by the commandment of the most reuerend father in god my lord legate," in *The English Works of John Fisher*, ed. John E.B. Mayor (Early English Text Society, extra series, no. 27; London, 1876), 434.

[35] Edmund Bonner, *Homelies sette forth by the righte reuerende father in God, Edmund Byshop of London* (London, 1555), fol. 26v. See also Gina Alexander, "Bonner and the Marian Persecutions," *History* 60 (1975), 374-91.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

and politique stance taken toward religion and other matters by her successor, Elizabeth. In his famous treatise entitled *The Execution of Justice in England*, William Cecil captured the official line when he stated that the problem was not with another's religion, but rather with the question, pure and simple, of obedience to the crown. Authorities, he wrote, thus ruthlessly pursued and persecuted Jesuits not "for [their] contrariness opinions in religion or for the pope's authority alone," but rather for foreign or papal associations that smacked undoubtedly of treason.[36] Nevertheless, politics intimately commingled with religion, especially in light of the fact that Elizabeth was insistent--intolerantly so--on ensuring that her subjects agree to her supremacy; for universalist Catholics, however, the royal supremacy, in William Allen's words, was "a thing most monstrous and unnatural, the very gap to being any realm to the thraldom of sects,"[37] and thus a doctrine to be opposed very much on religious grounds. Catholics were therefore being asked to uphold the full sovereignty of the queen, and were declared treasonous if they did not; but for Catholics, this sovereignty seemed to include matters of faith as well, thus implicitly denying what they felt to be the "spiritual and mystical commonwealth" that was the church of Rome. Thus was the religious dissenter, in J.W. Allen's words, "[however much he might protest his loyalty...always necessarily, it was felt, disloyal."[38]

Richard Hooker on the other hand, did point by his temperament and philosophy to a kind of toleration when he claimed, among other things, that "No religion can wholly and only consist of untruths;" at the same time, he also wrote that "pure and unstained religion ought to be the highest of all cares appertaining to public regiment," since "[t]he very worldly peace and prosperity, the secular happiness, the temporal and natural good

---

[36] William Cecil, *The Execution of Justice in England for maintenance of publike and Christian peace against certeine stirres of sedition, and adherents to the traitors and enemies of the realm, without anie persecution of them for questions of religion* (1583), (New York, 1936).

[37] William Allen, *A true, sincere and modest defence of English Catholiques* (1584), 7.

[38] Allen, 236.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

estate both of all men and of all dominions, hangeth chiefly upon religion."[39] A similar position was taken by Edwin Sandys, who believed that Catholics and Protestants could reasonably agree to disagree in a shared, ongoing communication. While unity and compromise, Sandys wrote, was probably impossible, discussion was still to be encouraged, "[f]or factions, as by disparity they are raised, so by a strangeness they are continued and grow immortal, whereas, contrariwise, they are slaked and made calmer by intercourse, by parley they are reconciled, by familiarity they are extinguished."[40]

Among the Catholics, a distinction must be made between Jesuits such as William Allen or Robert Persons who were trained in seminaries overseas, and the great mass of English lay Catholics who professed a continued if somewhat contradictory loyalty to the queen and an increasing prejudice, shared by other English people, of the "foreign" priests.[41] It was the Jesuits, as an especially targeted group, who thus wrote extensively on issues of toleration, persecution, resistance and nonresistance, especially after the mid-1580s when efforts against them intensified. On the one hand, persecution by the state was welcomed[42] in that it could create and feed a rich mine of self-clarifying and righteous martyrologies; at the same time, like Protestants under Mary, Catholics found that persecution could have its benefits by strengthening their cause in the end.[43] Still, Catholics did plead for acceptance of their presence in England, as when Persons slyly encouraged Elizabeth to allow a kind of religious diversity by granting Catholics "more

---

[39] *Eccles. Pol.* Bk V, 1, 13. See also W.B. Patterson, "Hooker on Ecumenical Relations: Conciliarism in the English Reformation," 283-303, and essays by other authors in *Richard Hooker and the Construction of Christian Community*, ed. Arthur S. McGrade (Medieval and Renaissance Texts and Studies, Tempe, AZ, 1997).

[40] Edwin Sandys, *A Relation of the State Religion* (1638 ed), 152.

[41] See Bossy, 11-34.

[42] See Holmes, 52-59.

[43] See for example Robert Persons, *The first book of the Christian exercise*, 239-92, which describes the benefits of martyrdom in increasing one's glory, among other things..

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

favour...or at least toleration," especially since she allowed "three religions"--Protestantism, puritanism, and the Family of Love--to exist.[44] But Persons, along with his correligionists, was a firm and never wavering believer in the one true church, and refused to accept the idea of toleration or freedom of conscience for anyone else; indeed, Persons even went so far as to ask Elizabeth, in the same letter, to allow her subjects freedom of conscience, since in times of persecution--which she was presumably overseeing--individuals were even likelier to come over and be converted to the Catholic faith.[45] More seriously--though also not quite an argument for toleration--was Persons' belief in the freedom of the individual (or the Catholic) to act in his conscience directly against "the making of a king, whom he judgeth or believeth to be faulty on religion"--all of which could lead down a slippery slope to tyrannicide.[46]

For all the continued theoretical belief in upholding the true, singular, and unified faith, a great disparity existed between that belief and the ability of the state's enforcing and administrative mechanisms to carry it out. If tolerance did exist in sixteenth-century England, it was tolerance--if one can call it that--by default or neglect on the part of the enforcement machinery, rather than one based on any larger, developing theoretical foundation. Lack of tolerance in the century--or rather, belief in the one singular faith, even if it meant using violent measures to extirpate other, differing faiths-- was not irrational, however, and should not be judged according to modern standards; while the results were often bloody and should not be condoned, one must keep in mind that the multiplicity of often opposing religious groups was entirely new to the period. In addition, religious unity in the sixteenth century was still intimately connected to national and political unity, with

---

[44] Robert Persons, *A brief discourse*, sig. 3-3v. See also William Allen, who wrote that "no Jew, no Turk, no Pagan, can by the law of God, nature or nations be forced from the name and possession of his own sect and service." *True, sincere and modest defence* (1584), 7.

[45] Holmes, 62.

[46] Robert Persons, *A Conference about the next Succession to the Crown of England* (1594).

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

the destabilization of one element often correctly perceived to be threatening to the balance of all. In some ways, the religious *was* political, just as one was expected to hold a seamless double allegiance to God and king, the ecclesiastical as well as the temporal.[47] If the two diverged, however, then a stand would have to be taken between politics and religion, one's conscience and one's allegiance--a dilemma faced by Thomas More, the anabaptists, Thomas Cranmer, the Marian Protestants, and the Jesuits--each of whom ultimately found their way out through one way alone, which was martyrdom.

"Persecutory Moments": An Overview

The pursuit of religious dissenters was never constant in the century, but was instead initiated episodically at certain moments of change or tension. Unlike the harsh official reactions engendered by more overtly political uprisings such as the Pilgrimage of Grace or Ket's Rebellion, however, periods of active religious persecution were not the result of crisis so much as they were signals on the part of a government that wished to assert authority during a change in policy or a time of instability. Even though England remained Catholic, it is doubtful, for example, that Henry faced any kind of true opposition or danger after his break with Rome in 1535, especially when most of his subjects had assented to the act of supremacy. Indeed, Thomas More, John Fisher, the Carthusian monks and others, while powerful in their own way, were executed not because they presented any kind of united, incendiary force, but rather because they were representative figures whose deaths were intended to make a statement to the realm and to other countries about Henry's authority above all. Anabaptists, to cite another example,

---

[47] For a discussion of the idea of double allegiance as it was reflected in the writings of Stephen Gardiner (when he was still an upholder of the royal supremacy under Henry), John Foxe, Richard Hooker, and John Jewel, see David Loades, "John Foxe and the Traitors: The Politics of the Marian Persecution," in *Martyrs and Martyrologies*, ed. Diana Wood (Oxford, 1993).

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

were pursued and frequently burned throughout the century, but neither did their existence, confined as it was to loose cells or pockets, carry any true danger; rather, their threat lay above all in deeply-held convictions that denied the idea of a state, and in the convenience they presented as scapegoats to that state.[48] Even Mary did not perceive her situation, in the beginning at least, as a full-out crisis; Protestants certainly existed in the years from 1553 through 1558, but in a small and scattered number that, she felt, could be eliminated with a few executions.[49] The fact that this policy failed was not because Protestants were in fact everywhere--they weren't--but because the brutality of the executions began to change the sentiment of a religiously neutral or confused majority. Only in Elizabeth's case did a crisis in national security, in the form of various Rome-funded plots or, most dramatically, the Armada invasions, engender the persecution of Catholics and especially foreign-trained Jesuits, whose crime was stated to be political rather than religious.

While most persecutions of religious dissenters did not, then, come as a response to an overt crisis, sudden shifts in religious policy or the general presence of problematic oppositional groups were just as worrisome and propelled the government to initiate action. Persecution of such groups was not new, of course, in sixteenth-century England; Lollards, for example, had been sought out and persecuted at varying times for over a century, and continued to be subject to occasional crackdowns, as was the case in 1511 and 1512;[50] for the most part, however, such efforts still functioned in the context of the one Roman church, under the rubric of ecclesiastical courts and in accordance, more or less, with the English monarch. Everything changed, however, in the late 1520s, when

---

[48] See Horst.

[49] See David Loades, *The Reign of Mary Tudor* (London, 1979), esp. 96-128.

[50] John Fines, "Heresy Trials in the Diocese of Coventry and Litchfield, 1511-1512," *Journal of English History* 14 (1963), 160-74.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Henry, the proud and proclaimed "defender of the faith," began to contend with the more intense challenges brought on by the reformation. For the first time the church in England--not yet the Church of England-- had to contend with a powerful threat in the form of Lutheran ideas, translations of the Bible into the vernacular and the importation of various printed books and pamphlets; to counter this threat, the then-lord chancellor Thomas More as well as Bishop Stokelsey of London and Bishop Longland began to make concerted efforts to combat the encroachment of Protestantism, primarily by burning books and eventually people, including notable evangelicals such as Thomas Bilney.

The late 1520's thus constituted what could be considered the first "persecutory moment," while the next came in 1535, when Henry broke off with the Church of Rome over the issue of his marriage. The result, over the next three or four years, was the execution of approximately forty-five individuals, including More, along with continuous, low-level harassment of nuns, monks, and others who still abided by the old faith. While not a large number, the symbolism was extremely important and did have a strong impact overseas--as intended--within the imperial, French, and papal courts.[51] After a few years of Cromwell-sponsored Protestantism, however, a conservative reaction was instigated in part by Stephen Gardiner and Cuthbert Tunstall, who brought forward a new program that reasserted elements of Catholic doctrine, including the sacrament of the mass and clerical celibacy. As a result, in the fall of 1538 a proclamation was issued, ordering all foreign anabaptists--who had never been much tolerated anyway-- to either leave the realm, while a small number were put to death or made to bear the faggots of penance at Paul's Cross; in the following year came the passage of the Act of Six Articles, which formalized these doctrines and resulted in the creation of persecutory commissions and the execution over the course of the next eight years of more anabaptists as well as notable Protestants such

---

[51]See Gregory, 260-61.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

as Thomas Garret, Robert Barnes, and Anne Askew. This was hardly a terror and nor was it consistent, though the measures brought about by the Six Articles did result in stopping, or at least greatly slowing, the development of the reformation under Henry.

After Henry's death and the accession to the throne of his son Edward, persecution slowed considerably under the regency of the Duke of Somerset, as the Act of Six Articles was annulled, Catholics such as Gardiner and Edmund Bonner were committed to prison, and Protestants ascended to power. The emergence of a more radical strain of Protestantism--including a resurgent anabaptism and sacramentarianism, especially in England's southeast[52]--began to concern authorities over time, however, which led to an increased persecution in the last three years of the reign under the new regency of the Duke of Northumberland. This took the form of anabaptist trials and the execution of the radicals Joan Bocher and George Van Parris, but in the end persecution under Edward was comparatively slight, which may have had more to do with the confusion of the reign as it did any concerted policy. Indeed, the relative tolerance and the efforts of preachers and bishops did little to make the realm any more Protestant in 1553 than 1547; what really helped their cause was Mary, whose five-year reign could in some ways be described as a long "persecuting moment," when the Protestants were able to bolster their cause through martyrdom. One must not overplay the Marian persecution, however; while its victims tended to be arbitrarily chosen, executions did slacken somewhat by 1558 upon realization of their failure, and it is not entirely clear where her reign would have gone had she lived on longer.

The early years of Elizabeth's reign witnessed a low-level persecution of Catholics, since Elizabeth's method was to proceed with caution in carrying through Protestant changes in the churches and in the re-establishment of the supremacy. Over the

---

[52] See the letter from Johan Scheyfe to Charles V, which stated that "it is notorious that great numbers of Anabaptists, libertines, and atheists had come hither." *Span. Cal.*, 254. See also Horst, 97-140.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

course of the 1560s recusancy became an ever-increasing option among Catholics, but the laws governing them were only spottily enforced until 1570, when Pius V issued his excommunication of the queen. Soon after John Felton was executed for posting the bull of excommunication on a church door, while the same year witnessed the death of John Story, a notorious figure who had played a leading role in the Marian persecutions, fifteen years previously. Ultimately, however, the most intense persecuting moment during Elizabeth's reign occurred in the late 1580s, when the crisis of the Armada invasion produced a wave of persecutions against the Jesuits, which only slowed in the last years of her reign.

It is important to understand these persecutory moments throughout the century in order to discover patterns of continuity and change; at the same time, one must avoid wrenching such moments out of their own particular social and historical contexts. Apart from the assertion of crown authority, the motivations to persecute in 1538 were not the same as they were in 1588, nor was a developing Weberian state bureaucracy continuous from one reign to another; rather, it was individuals who determined policy and who thus colored the way in which that policy was to be executed, just as it was individuals--a Cromwell, Cranmer, Pole, Walsingham, not to mention the monarchs themselves--who set in motion a persecutory chain of events. Still, it is important to take in the entire century--including Elizabeth's reign--to uncover the consistencies of Tudor persecution that were there: prisons and the state of being imprisoned, for example, changed very little between the early and late century, while the development of an information and apprehension system remained problematic throughout. The use of torture, on the other hand, increased markedly under Elizabeth, as did the subsumation of the charge (and perception) of heresy under treason, with a concomitant judicial shift from ecclesiastical to secular courts, from the punishment of burning to drawing and quartering. The initiative to persecute, however, remained firmly in the hands of secular officials throughout the century, even in the reign

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

of Mary, as bishops took their cues from the privy council, and justices of the peace were charged with overseeing the enforcement of new religious policy. In this sense one can discern a definite movement toward a secularizing break with the past, as all the monarchs--again, including Mary--utilized the new powers available to them, especially those that were contained within the idea of the supremacy.

The Sources

No new sources will be uncovered in this study, and in fact some of the material will be well-trod and familiar, especially concerning the more dramatic accounts of martyrdom as laid down by John Foxe. By reading such material with questions specific to the persecutory process, however, it is hoped that a larger comparative picture will emerge that reveals the way in which even the most by-now cliched stories of imprisonment or martyrdom functioned within another context that has yet to be fully examined in its own right. Aside from official documents contained in state papers, the best sources for understanding the nuances of persecution are contained in martyrological accounts such as John Foxe's *Acts and Monuments*, William Roper's *Life of More*, and the various works of Richard Vestegan and William Allen. In addition are the sources written by the victims themselves in the form of letters from prison and accounts of trials, and which range from the lengthy treatises and letters written from the Tower by Thomas More to the (later-amended) account by Anne Askew of her torture and interrogation, to the prolix writings issued out of prison by the Protestant martyrs in Mary's reign. The problems with relying too heavily on these sources, however, are obvious: written from the perspective of the victim with the intent of elevating him or her to the ranks of martyrdom, writers such as Foxe portray the officials, authorities, and interrogators in the worst

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

possible light--indeed, often as ogres modeled more on a Nero than on reality; moreover, historical veracity is often shunted aside in favor of scriptural tropes and resonances, which further prevents the reader from gaining full access to the personalities of those involved and the way in which events might have actually occurred. Problems with such sources have only increased with the recent scholarship of Susan Wabuda and Thomas Freeman, both of whom have contributed greatly toward an understanding of Foxe's tendency to omit some details and invent others;[53] indeed, while Foxe and other hagiographers were certainly careful to uphold a certain level of veracity, their purposes often collided with an equally strong tendency to rearrange the harmonic or dissonant elements of their narratives in order to reach the best possible martyrological symphony.

At the same time, martyrologies must be taken seriously as historical sources, for one thing because a great deal of them are corroborated by official documents or by accounts from even antagonistic figures.[54] Moreover, persecutors who appear in such accounts are not exactly silenced from the historical records: Edmund Bonner, for example, wrote equally biased treatises of his own describing the proper stance one should take toward heretics, and letters to the council detailing the difficulties he faced in going after heretics. Moreover, as Patrick Collinson has pointed out, Foxe's tendency to invent and omit details should also not completely undermine his concomitant and very real historical impulse; while so much of the Marian persecutions and martyrdoms can only be accessed through him, supplemental papers found in the Cambridge library or the

---

[53] Thomas Freeman, "The Importance of Dying Earnestly: The Metamorphosis of the Account of James Bainham in Foxe's Book of Martyrs," in *The Church Retrospective*, ed. R.N. Swanson (London, 1997), 267-88; Susan Wabuda, "Henry Bull, Miles Coverdale and the Making of Foxe's Book of Martyrs," in *Martyrs and Martyrologies*, ed. Diana Wood, 245-58 (London, 1993); Patrick Collinson, "Truth and Legend: The Veracity of John Foxe's Book of Martyrs,' in A.C. Duke and C.A. Tamse, eds., *Clio's Mirror: Historiography in Britain and the Netherlands* (Zutphen, 1985), 31-54; J.W. Martin, "Sidelights on Foxe's Account of the Marian Martyrs," in *Religious Radicals in Tudor England* (London, 1989), 171-78.

[54] For a good discussion of this point, see Gregory, 16-26.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Harleian collection at the British library, especially those explored by Freeman and Wabuda, can serve alongside outside chronicles and reports from ambassadors and council members to help the reader discern points of exaggeration and omission.

While martyrologies contribute a great deal toward a vivid understanding of prison life and trials, other areas of the persecution process are by their nature shrouded in secrecy, if they are not absent from the record altogether. Such is the case with accounts of or by spies or informers who provided authorities with information later used against suspects, and whose presence is all too often captured in the wisp of a letter or behind indecipherable initials. Indeed, there were no Stasi files in Tudor England, nor was there even a structure in place to take such communications beyond the level of the personal; all reports to or from informers were dependent on the initiative of figures such as Thomas Cromwell and Francis Walsingham, both of whom would prove themselves most capable of cultivating these contacts, but who also knew the value of discretion and the art of leaving few traces. This is unfortunate, because in recent years the study of accusatory practices and denunciations in the modern period--during the French Revolution, for example, or in the old Soviet Union--has been the focus of a new and rich inquiry by Colin Lucas, Sheila Fitzpatrick, Robert Gellately; and others;[55] while these historians are delving into a time when the state (or nation-state) reached a level of full-out bureaucratized institutionalization that was lacking in the sixteenth century, questions of individuals coming forward to denounce others, in this case for heresy, are nevertheless extremely important, especially as they shed light on the question of whether motivations were ideological (or religious), or whether they involved public duty or personal malice. Indeed, as Geoffrey Elton has pointed out, one of the strengths of Tudor England, especially when it was lacking a standing army or comprehensive and rational police

---

[55] See the introduction and essays in *Accusatory Practices: Denunciation in Modern European History, 1789-1989*, ed. Sheila Fitzpatrick and Robert Gellately (Chicago, 1997).

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

structure, was in the sense that pervaded of a realm "keeping watch" over itself; how this played out among neighbors or within religious communities, while based on partial and fragmentary records, is essential to any understanding of Tudor society and its reaction to problematic elements in its midst.

While evidence of informers tends to be fragmentary, the presence of slander in general abounds in records of the church courts, which, as Martin Ingram has demonstrated, provide a rich store of material in uncovering the dynamics and instabilities that underlay social life in Tudor England.[56] Such records, which include reports from bishops' consistory courts and accounts of visitations, can be mined as well in examining the number and nature of individuals who were brought before ecclesiastical authorities and questioned for their problematic beliefs. Trial records in general, including those derived from bishops' and secular courts of the common law, are also essential in understanding the dynamics of interrogations and formal trial procedure; many, however, were transcribed by partisan writers long after the fact, and tend to focus on more notable cases such as the trial of Thomas More or the leading Marian divines. As always in the case of early modern records, the evidence that covers the lower end of the population is lacking, though interrogations of the humble do appear in Foxe. More frustrating is trying to discern who these individuals were in the first place: Foxe, for example, may have included them in his martyrology as orthodox Protestants, when in fact they could have been anabaptists, sacramentarians, or others of more radical inclination. One simply does not know the entities behind the listed names, much less the treatment of those names in prison or at trial; at the same time, examining trials of more notable figures can perhaps shed a dim light on the nature of the law as it worked for all levels of society.

---

[56] Martin Ingram, *Church Courts, Sex, and Marriage in England, 1570-1640* (Cambridge, 1987).

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Scope of Exposition

A study that encompasses the course of the century is of course a sweep and cannot pretend to be entirely comprehensive; yet to limit one's study solely to persecution in the Marian regime, for example, is to isolate a moment in the century without seeing the larger picture of persecution and how it could swerve in intensity and character from reign to reign. Again, persecution proceeded down a jagged and uneven course, and while it also did so within the span of a reign, one may gain a clearer picture of its unstable nature--as well as its varied use by each Tudor monarch--only by looking at it within the fullness of a century. One may also understand, in accordance with another argument of this study, that the sixteenth century in England witnessed no clear or linear pattern of "progress" -- toward tolerance, Protestantism, state-building, or effectiveness of persecution--from the time of Henry through Elizabeth; while a kind of settlement was in fact reached by 1600, and though Elizabeth certainly learned the lessons of her predecessors, problems in attaining political and religious unity continued to plague the realm, and were the cause in part of the crises of the next century.

The persecution of heretics functioned, of course, within a larger context that included the persecution of common felons, who were themselves sought after and convicted in greater number, due to a marked expansion of penal legislation under the Tudors. Religious dissenters, as will be seen, often in fact found themselves imprisoned and even executed alongside common criminals, who could be subject in such environments to their evangelism; moreover, executions in general were such a common occurrence throughout the century that questions have been raised as to how unique or shocking the sight of a burning heretic or quartered traitor was considered to be. In general, religious dissidents thus represented a problem of instability for the authorities,

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

but within a larger context of unstable elements that also, as chapter two will describe, included adolescent apprentices, prostitutes, thieves, vagrants, highway robbers, and a rising class of the newly poor. Attempts at order and control by the authorities in this sense extended well beyond the confines of the religious problem, though in the end heretics or traitors were treated and perceived very differently, as malefactors of the worst sort in having offended against and consciously turned away from God and the crown.

Religious persecution, however, was not simply limited to the pursuit and execution of individuals and their networks, but also encompassed the closing of monasteries, the low-level harassment of religious dissenters, the closing down or censorship of printing presses, and other acts of state intimidation. The government pursuit of witches, which rose dramatically under Elizabeth, existed in a more secular sphere, though the bulk of witch persecutions occurred in the south-east of England, where heretical enclaves had once been notorious, and thus may have carried some relation to religious heterodoxy.[57] Recusants, as well as church papists, were also a targeted group in Elizabeth's reign, though enforcement against them was unevenly carried out; the fact that many of them weren't incarcerated and few of them executed, as were their priests or more extreme correligionists, does not diminish the growing stigmatization and suspicion they faced, and the seizure of property, increasing impoverishment or even imprisonment that resulted from their inability to pay the onerous fines laid upon them. Finally, puritans could also constitute a persecuted group, though not to the same extent as Catholics, given their connections to the high seats of power; still, the intimidation faced by them was

---

[57] See James Sharpe, *Instruments of Darkness: Witchcraft in England 1550-1750* (London, 1996), 108-12. According to Sharpe, Essex overwhelmed all other counties in the prosecution of witches, though whether this was due to an ingrained country heterodoxy or a greater eagerness on the part of authorities to persecute is unclear. As Sharpe points out, prosecutions of witches in Essex constituted fifty-Nine percent of the total in the home circuit over the course of his period; 279 "witches" were actually condemned (464 had been indicted), with the second most active county being Kent, with 129 indictments and 79 convictions. Women, it should be noted, constituted just under ninety percent of the total number of individuals indicted for witchcraft. Sharpe, 114; 169-75.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

enough to send many of them fleeing the realm, while individual activities, such as the publication of the scurrilous Martin Marprelate attacks, brought on a wave of persecution that was as harsh as any experienced by the beleaguered groups of the century.

The scope of this study, however, will be limited to the area of persecution that specifically involved the various governments' pursuit of individuals belonging to the most harassed groups, which at different times included evangelical or, in the time of Mary, mainline Protestants, along with anabaptists, sacramentarians, and Catholics. Though most of them, as mentioned, actually presented relatively little threat to the state, their presence was perceived as dangerous, and as such had to be extinguished or at least neutralized. This meant that individuals were sought out specifically on orders by the crown or privy council, with the intent either of making them conform or, failing that, banishing or executing them--none of which was easy, especially in a world that was fraught with unstable elements. Chapter two will seek to describe such a world, where towns and villages underwent important changes and the great urban center of London experienced a virtual explosion in population resulting from migrations. Such milieus were communal and intimate, as people defined their existence on the basis of their village, neighborhood, parish, or church; at the same time, disorder was constantly threatening to erupt within such communities, especially around certain sites such as church crosses, public pulpits, or alehouses which held particular importance in everyday life. In order to control this world of intimacy, suspicion, and frequent disorder, various judicial mechanisms and structures of authority were in place, from the offices of sheriff, constable, churchwarden and justice of the peace to the ecclesiastical and secular courts--all of which will be described in the second part of the chapter; while such courts and officers were able to exert a measure of control, it will be argued that their ability to carry out government orders was greatly hindered by the peculiar dynamics of the social world toward which they were directed to act.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Lacking any efficient and coordinated government machinery, Tudor governments were dependent instead on the willingness of individuals to come forward and aid in the process of locating dissident religious heretics or enclaves. Chapter three will therefore describe the process by which such suspects were brought to the attention of authorities in the first place, which was frequently by way of the accusations and denunciations of others. To their credit, Tudor governments were careful to tease out true from false accusations, and to be wary of the character of certain informers; moreover, figures such as Cromwell or Walsingham often succeeded in cultivating networks of spies who they planted--or who had planted themselves--in monasteries or prisons. Still, the system was never efficient; not only were many accusations arbitrary and prejudiced, but so were they brought forward too often by independent agents and dominated above all by personal factors, without any rational, bureaucratized foundation underneath to contain and control them.

The faultiness of the Tudor system is especially evident when it came to the actual apprehension of religious suspects, which is the subject of chapter four. It was here in fact where individuals first exercised their resistance to the state by evading capture with the help of accomplices and "underground" networks, and by fleeing to refuges overseas. While authorities such as Stephen Gardiner initially encouraged departures and Elizabeth employed banishment as a tool, such measures tended to backfire when Protestants or Catholics began to form coherent communities overseas and strengthen their movement by issuing, and illegally exporting to England, propagandistic tracts. To counter this, governments sometimes resorted to extradition attempts, though the law, which was still developing, was unavailing; even kidnapping was occasionally used, though in the end authorities were forced to acknowledge that communities which had fled abroad were only strengthened, not weakened, in the end.

For those who were captured, prison--which is the subject of chapter five--was the

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

next stage of persecution and, it will be argued, the first stage on the road to martyrdom. Conditions of Tudor jails were notorious, and in many ways their reputation for stench, filth, and corrupt wardens served as a deterrent for those who might otherwise have broken the law or joined a heretical enclave. For those who were incarcerated and found themselves alongside hardened murderers prison could also be a constant pressure, tempting them to recant, conform, and inform in the hopes of being set free. Many--perhaps most--in fact did so, while others used the opportunity to write letters, recount their interrogations, pray, and prepare themselves for what lay ahead. Michel Foucault and J.A. Sharpe would argue that this ability on the part of the prisoner to meet the authorities with resistances is simply evidence of administrative weakness--which was certainly the case; yet the jail experience, it will be argued, also contained within itself built-in, subversive opportunities which the prisoner could exploit, allowing him to evangelize felons, use the prison's laxity to forge communities of correligionists, and write letters, in coal or blood if need be, to a rapt audience of fellow believers on the outside. Indeed, the chapter will argue that incarceration, like flight abroad, only increased the power of the prisoner, whose ability to withstand hardship for the sake of his truth made his case more convincing to others.

Chapter six will focus on interrogations and trials, which were arguably the most important forum where persecutor and persecuted met. Relatively few studies have been done on this most essential aspect of the process, which not only allowed both sides to plead and argue their case before the court and the country, but also revealed the fundamental and ultimately unresolvable issues that dominated the realm in the wake of the reformation. Again, the process was undertaken not by faceless entities of the law, but rather by individuals who, as will be seen, brought to the interrogation sessions or trial particular traits, an often complicated past, and even an intimate familiarity with the defendant. For their part, defendants faced these interrogators with particular traits of their

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

own, and resorted to a number of tactics, including defiance, holy passivity, rational argumentation, or silence in order to express agency in yet another forum that opened up areas not only for resistance but for outright assertion.

The last chapter, on executions, will take the persecution process to its final stage and argue, once again, that the display was an opportunity for a multiplicity of discourses to take place, rather than a constituting a simple monologic "theater of state power." The argument here will echo that of Peter Lake and Michael Questier, who have recently used Elizabethan executions of Catholics to argue against Foucauldian notions of the "state," and of traditionally rigid categorizations of "Catholicism," "Protestantism," and "ideology." [58] Indeed, executions, not only in Elizabethan times but previously, were fluid affairs that involved a complicated and delicate exchange between authorities, those about to be executed, and the crowd; by examining all the elements involved, and the particular role they played, one may gain a clearer sense of the execution--and the persecution process as a whole--as one which played out against an unstable background, and conveyed messages that lay well beyond anything which had been intended by the authorities.

It should be pointed out, finally, that a common characteristic of all the Tudors was a respect for the law and for the parliamentary process, both of which served as a brake on persecution and prevented England in some ways from lapsing into the kind of bloody violence experienced in France at the time. All the monarchs, including Mary, proceeded with some amount of caution to enact or repeal laws, and took care a lot of the time to apply the law when dealing with even the humblest subjects. At the same time, what John Scarisbrick has pointed out in terms of Henry applied to all the Tudors in varying degrees, that while they were mindful of the law, they also "could be less inhibited when [they

---

[58] Lake and Questier, 64-73.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

were] bent on blood and the victims were important figures." Those victims, however, were not entirely powerless against the monarchs even in bloodthirsty times, and could evade or manipulate their persecution if need be, utilizing the administrative weakness of the state along with the opportunities found in the experience of prison or execution. While the Tudor governments did have a very real and powerful impact upon the lives of English people, they were nevertheless still weak and driven by individuals--indeed, in some ways, rising and falling by those individuals. Truly bureaucratized, rational persecution would have to wait, like the idea of tolerance, for a later time; in the sixteenth century, the process was very much a cracked and patchy one, which allowed agency, counter-dialogue, inversions, subversions, and ultimately martyrs--above all martyrs--to slip through its interstices.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Chapter Two: Order and Disorder in an Unstable Realm

Introduction

The attempt by the government to enforce religious changes in sixteenth-century England was dependent on the specific social, cultural, political, and religious realities of the world with which it was engaged. Indeed, rather than emitting all-powerful directives down bureaucratized channels--which England, lacking a modern system of state, could not do--the government was dependent on the initiative of individuals at the top who were forced to work in reaction and response to unique and changing historical limitations. In the sixteenth-century, efforts by authorities to impose uniformity were so tied in fact to personal associations and the cooperation of local officials that the result could often be haphazard, arbitrary, and subject to the willingness (or whim) of those officials, including sheriffs, bailiffs, constables, and justices of the peace; while counsellors such as Cromwell and Walsingham were sometimes able to summon these officials toward their own ends and delegate their power through tighter channels, the continuity of a real and lasting system was not yet in place, to carry on their efforts after they passed on from the scene. Moreover, as this thesis will argue, while the basic policies of religious change were effected from above and sometimes executed by mid-level officials, none of those policies would have been effective without the acquiescence, obedience, and active participation of average men and women in applying social pressure and keeping watch in a communal effort to hold up their end of the policy change---if it was, in fact, an end they desired.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

The upheavals and reformation-inspired changes of the sixteenth century make England a particularly interesting case study in the history of persecution, for none of the interplays that existed, between high-level authorities, mid-level functionaries, and the people, were ever stable. Part of this was due to the fact that the actors themselves were in flux: on the upper end, Tudor monarchs veered confusingly from one religious policy to another, both between and within reigns, moving back and forth or lingering in some nebulous region on a spectrum which held Catholicism at one end and Protestantism at another. As for the people for whom these policies were directed, allegiances were neither wholly Protestant nor Catholic but instead existed in a confusing no-man's-land of conflicting religious, traditional, social, political, and always changing proclivities.[1] In the years leading up to the middle of Elizabeth's reign, shrines and icons may have still been embraced, as Eamon Duffy has pointed out; yet the evidence from wills, according to Christopher Marsh, also betrayed sentiments that could only have been considered Protestant.[2] Finally, it was never very clear where the middle layer, consisting of functionaries such as justices

---

[1] Caroline Litzenberger writes of historians' tendency to divide sixteenth-century English peoples' religious affiliations into clear Protestant/Catholic camps: "Using such sharp distinctions hampers the accuracy of representations of the past, in that it requires religion to be trimmed of its complexities and diversities in order to fit into such strictly delineated categories. It is difficult accurately to characterize the actions, let alone faith, of either individuals or parishes using such a rigid black and white paradigm. We must find ways to accommodate myriad shades of grey." Caroline Litzenberger, *The English Reformation and the Laity: Gloucestershire, 1540-1580* (Cambridge, 1997), 1-9. Litzenberger is responding to the historiographical debate of the last twenty years concerning the extent to which England was a country of Protestants or Catholics in the sixteenth century. For the most important works on the debate, see A.G. Dickens, *The English Reformation* (London, 1964); J.J. Scarisbrick, *The Reformation and the English People* (Oxford, 1984); Christopher Haigh, *English Reformations* (Oxford, 1993); *The English Reformation Revised* (Cambridge, 1987), ed. Christopher Haigh; and Eamon Duffy, *The Stripping of the Altars: Traditional Religion in England, 1400-1580* (New Haven, 1982).

[2] See the introduction in Christopher Marsh, *Popular Religion in Sixteenth-Century England: Holding their Peace* (New York, 1998).

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

and sheriffs, stood, not only in relation to higher authority and the people but on their own terms. While they were outwardly obedient--indeed, England could not have functioned without their presence--they were also subject to inclinations and motivations that could propel them to resist that higher authority. Complicating matters further, as will be seen, was the fact that the very offices they held were not stable in the sixteenth century, as the justices, for example, took on new responsibilities (and were later supplanted by the new office of the lord lieutenant) and the sheriffs witnessed a diminishment in their standing, and all were placed in a new position to enforce religious changes in a way that had not existed before.[3]

In order to understand the overall instabilities and contingencies at work in the persecution process across Tudor reigns, and the way they played themselves out or were resisted on the ground, one must first examine the larger world where such policies were enacted. Indeed, it should be kept in mind that England itself was undergoing massive transformations not only in terms of the reformation, but also in the economic, social, demographic, and political realms as well. While this study will thus focus on religious persecution, it must nevertheless be established, as it has not been fully enough, that such religious activities and expressions existed within a much larger context of instability which witnessed the increasing presence and problem of vagrants, youths, apprentices, rioters or out-and-out rebels against the crown, as well as heretics or religious dissidents. Not only did authorities find themselves having to pursue an ill-defined and many-headed hydra in the form of anabaptists, sacramentaries, Catholic recusants, and anyone else of a subversive religious temperament, but they were doing so in a world of larger deviance, propelled as it was by disruptions resulting from the enclosure movement, greater

---

[3] John Guy, *Tudor England* (Oxford, 1988), esp. 315-19.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

urbanization, and population and migratory patterns. While the chaos engendered by such transformations should not be exaggerated, this larger context must therefore be touched on, as heretics rubbed shoulders with criminals, and comminglings occurred among all levels of deviance.[4]

The officials placed in direct charge of countering such instabilities were also, as mentioned, undergoing profound changes in the sixteenth century, and should be examined in their individual functions as sheriffs, justices, bishops, churchwardens, and court officers. These were the men (and sometimes women) who mediated between the high authorities--the lord chancellors, privy councilors, parliament, court officials, and monarch--and the larger mass of the population, and as such their roles were essential in the success or failure of religious policy. While their presence will be further delineated in the proceeding chapters, when actual details of the persecution process are described, their basic roles in English society must be laid out in order to better understand their position toward the world they were entrusted to control. Yet for all the power they wielded--which could be significant, especially in the smaller towns and villages--their hold on such a world, it will be argued, was severely limited. Communities which they were directed to watch over, and which they themselves were a part, were able, for one, to claim autonomous spaces of their own, from churches to pulpits to alehouses to woods; such places not only provided protection but were also forums in which dissidents or heretics could find expression and often a following for their heterodox or even treasonous beliefs.

---

[4] See for example Margaret Bowker, "Lincolnshire 1536: Heresy, Schism or Religious Discontent?" in D. Baker, ed. *Studies in Church History* 9 (1972), 195-212; Christopher Haigh, *Reformation and Resistance in Tudor Lancashire* (Cambridge, 1987); Robert Whiting, *The Blind Devotion of the People* (Cambridge, 1989); J.F. Davis, *Heresy and Reformation in the South-East of England* (London, 1983); Ronald Hutton, "The Local Impact of the Tudor Reformations," in Christopher Haigh, *The English Reformation Revised* (Cambridge, 1987), 114-38; R.B. Manning, *Religion and Society in Elizabethan Sussex* (Leicester, 1969); J.E. Oxley, *The Reformation in Essex to the Death of Mary* (Manchester, 1965).

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

What then was this world that the heretic inhabited? Who did he encounter, as ally or enemy, layman or official? How was he either entrapped or aided by the particular structures and layout of this society? This chapter seeks to present a generalized overview of this liminal, shadowy world where the dissident or heretic dwelled, a world which both aided and limited the efforts by authorities to impose control or to apprehend religious troublemakers and send them down the path of correction or punishment.

England in the Sixteenth Century: A Brief Portrait

The most challenging task facing central authorities who wished to enforce conformity was to effect policy across a landscape undergoing profound changes in its villages, towns, and in the predominant city of London. At the most basic level, the parish still existed as the primary unit by which one's identity was defined,[5] dominating rituals of birth, marriage, and death, and mediating family or neighborly disputes. Before and after the reformation there were more than 8000 parishes across England, with 500 in the county of Suffolk alone.[6] Most of these were overseen by a clergyman and his rectory and vicarage, and few exceeded 100 souls.[7] With the changes brought on by the

---

[5] D.M. Palliser, *Tudor York* (Oxford, 1979), 228-29; see also Palliser, "Introduction: The Parish in Perspective," in *Parish, Church, and People: Local Studies in Lay Religion, 1350-1750*, ed. S.J. Wright (London, 1988), 5-28; and P. Heath, *English Parish Clergy on the Eve of the Reformation* (London, 1969), xi-xiii.

[6] Diarmaid MacCulloch, *Suffolk and the Tudors: Politics and Religion in an English County* (Oxford, 1986), 139.

[7] See *The Parish in English Life 1400-1600*, ed. Katherine L. French, Gary G. Gibbs and Beat A. Kuman (Manchester, 1997); see in general J.H. Bettey, *Church and Community: The Parish Church in English Life* (Bradford-on-Avon, 1979).

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

reformation, however, the parish underwent a key structural reorganization, as the crown closed churches and religious houses,[8] merged parishes in sparsely populated areas, and enforced transformations in lectureships, salaries and systems of patronage to better reflect a changing religious, social, and geographical landscape.[9] Despite the changes, parishes still continued to be an essential means by which community identity was forged, religious change was transmitted, and moral behavior was collectively enforced; at the same time, parishes, especially the more distant they were from the center, could resist authority by holding fast to traditions and practices which that authority was attempting to dislodge.

Most of England, including its parishes, remained primarily rural throughout the century, though villages were hardly static themselves; indeed, villages experienced a large degree of economic and agricultural growth that led to increasing social stratifications among the gentry, yeomanry, and peasants,[10] while agrarian changes and the dislocations of the enclosure movement also brought new destabilizing pressures, often resulting in popular riots.[11] The close-knit familiarity of village life also ensured a degree of self-imposed stability that made law enforcement, whether of an official or nonofficial capacity,

---

[8]Joyce A. Youings, *The Dissolution of the Monasteries* (London, 1971); A.G. Dickens, *Late Monasticism and the Reformation* (London, 1994), esp. part two.

[9] W.J. Sheils, "Religion in Provincial Towns: Innovation and Tradition," in *Continuity and Change: Personnel and Administration of the Church of England, 1500-1642*, Rosemary O'Day and Felicity Heal, eds. (Leicester, 1976), 156-76.

[10] See Margaret Spufford, *Contrasting Communities: English Villagers in the Sixteenth and Seventeenth Centuries* (Cambridge, 1974); Peter Laslett, *The World We Have Lost* (New York, 1965); J.A. Sharpe, "Enforcing the Law in the Seventeenth-Century English Village," in *Crime and the Law: The Social History of Crime in Western Europe since 1500* (London, 1980), 99-100.

[11] For an explanation of the destabilizing elements in village life, see Roger B. Manning, *Village Revolts: Social Protest and Popular Disturbances in England, 1509-1640* (Oxford, 1988), 9-54.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

an easier process than it was in larger towns and especially in the city of London; moreover, in smaller villages outsiders were always suspect, and tended to be watched to a greater extent, as was the case in 1530 Beaconsfield, where it was reported that "a strange woman came to town last year and is a wretched madwoman, and she lives in William Edmond's house."[12] In villages especially, communal participation, as well as the acquiescence of the local gentry, was thus essential in maintaining social and religious order, especially when most constables, for example, were part-timers and informally employed; still, central authorities who attempted to enforce policy over the village could also meet with some resistance in the tight and conservative groups of elite families and officials who were reluctant to impose a distant policy on individuals who were often their very neighbors and friends.[13]

The real engine of change, however, lay in towns which ranged from small units of 600 to 1500 people, through cities such as Norwich, Bristol, and York, each of which contained 10,000 to 15,000 inhabitants by the end of the century.[14] Each of these towns' character was determined by its economy, its particular relations and interdependence with the surrounding countryside, its ports--such as those in Bristol and Hull--and especially its religious identity or reputation. As a northern Cathedral city, York, for example, was known for its strong Catholic survivalism and later recusancy,[15] while the shire town of

---

[12] *BBC*, 214.

[13] See MacCulloch, 43-46.

[14] David Loades, *Tudor Government: Structures of Authority in the Sixteenth Century* (Oxford, 1997), 139-41. See also Peter Clark and Paul Slack, *English Towns in Transition 1500-1700* (Oxford, 1976), 1-32. In between the small towns and large cities were Newcastle-upon-Tyne, Salisbury, Exeter, and Coventry, with a population of 7000 to 10,000.

[15] Palliser, 226-57. See also J.C.H. Aveling, *Catholic Recusancy in the City of York, 1558-1791* (London, 1970), 65-76.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Colchester yielded up an inordinate number of Protestant martyrs and Protestant movements throughout the century.[16] Some of this religious diversity, as historians have commonly pointed out, was due to geographical and regional factors, including the role of trade in transmitting heterodox ideas;[17] what began to shift by the seventeenth century, however, was an increasing expansion of inland trade, which allowed traders to penetrate English towns in the interior with their commodities and ideas.[18] In general, towns were thus absolutely essential in the perpetuation of the reformation and religious changes, especially in terms of their patronage structures and the installation of market-day lectures and corporate lectureships which could advance puritan agendas, for example, through preacherships. At the same time, towns could also provide resistance to the royal will, as was the case with Ipswich, which in the 1520s enjoyed the patronage of Cardinal Wolsey,[19] while at the same time never ceasing to be a problem for the authorities, as its extensive trading contacts with the Low Countries combined with the restiveness of the local gentry[20] to ensure its place as a significant center of anti-clericalism and

---

[16] Colchester studies have been profligate in recent years. See Laquita M. Higgs, *Godliness and Governance in Tudor Colchester* (Ann Arbor, MI, 1998); M.S. Byford, "The Price of Protestantism--Assessing the Impact of Religious Change in Elizabethan Essex: The Cases of Heydon and Colchester, 1558-1594." PhD diss., Oxford University, 1988; and Jennifer Ward, "The Reformation in Colchester, 1528-1558," *Essex Archaeology and History* 15 (1983): 84-95.

[17] This is the theory, for example, best expounded upon by A.G. Dickens. See also Christopher Marsh, *Popular Religion in Sixteenth-Century England: Holding their Peace* (New York, 1998), 158-60.

[18] Sheils, 158.

[19] MacCulloch, 132. Wolsey himself originally hailed from Ipswich, though his later contacts with the local gentry were poor. See also idem, 227.

[20] In Ipswich Thomas Lord Wentworth was a particularly fruitful channel (and a good contact of Thomas Cromwell) in spreading Protestant ideas; equally significant was Edward Grimston, another friend of the Duke of Suffolk, who was also based in Ipswich and served as the town's MP three times. As MacCullough has written, Grimston, Wentworth, and others of the Duke's circle "would be the willing agents of the regimes of Edward VI." See MacCullough, 157-61.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Protestantism.[21]

London also underwent dramatic changes over the course of the century, as an increasing number of individuals from within the realm and abroad migrated to its center, thus boosting its population drastically.[22] This increasing urbanization led to social transformations as the city witnessed a greater influx of apprentice-youths, and heterodox and foreign religious groups such as anabaptists and sacramentarians.[23] Roguery and thievery, as will be seen, were also on the increase within the city (and in the country), and the religious troublemaker would have found willing networks of sympathizers to provide conventicles and shelters in which to elude the authorities. At the same time, London residents also maintained a familiarity with one another that was determined according to the fact that the city itself was approximately one square mile in size, and defined its inhabitants through the social networks they joined, such as precincts, companies, fraternities, or various groupings in the criminal underworld. While London and other large towns could thus grant the vagrant or wanderer a degree of anonymity, even then the tangled and congested streets and buildings ensured that one's personal business would become a public matter, for always there were people lurking, overhearing, standing around, encroaching on another's space, or casting suspicious eyes on the transient and strange. Nearly all the streets of the larger cities retained their narrowness from the Middle Ages--or, in the case of Norwich were walled into compactness[24] --and though in London

---

[21] See, however, Christopher Haigh, who would dispute the extent and even reality of anticlericalism in the early years of the Reformation, in "Anticlericalism and the English Reformation," *History* 68 (1983), 391-407.

[22] The best recent treatment of London and the way demographic and other changes added to the reformation mix is Susan Brigden, *London and the Reformation* (Oxford, 1989).

[23] For a comprehensive treatment on foreign anabaptist and other sectarian groups, see Andrew Petegree, *Foreign Protestant Communities in Sixteenth-Century London* (Oxford, 1986).

[24] For a general description of Norwich and its physical layout, see John T.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

the rich could perhaps hide behind their spacious houses on the Strand, most inhabitants dwelled in homes exposed to the outside world, or piled so near to one another as to make privacy nearly impossible.

In the larger cities neighborhoods, functioning with the same intimacy as rural villages, also garnered reputations that made their activities well known to the authorities. Among the busier and more notorious neighborhoods in London was Southwark (later known as Bridge Ward), and the Bankside particularly, which along with Turnbull Street and Milford Lane remained the principal brothel district of London, despite periodic attempts on the part of the authorities to keep good and honest rule. The seaminess of the area was evidenced by the heavy traffic in and out of the Clink, a jail located (along with the Compter) in Southwark, and meant for those who should "babble, fray, or break the peace on the said bank, or in the brothel houses."[25] Cheapside was another ward that witnessed much activity, religious and otherwise, with its busy markets and stalls, its jousts and its public burnings of people and books, along with its jugglers, conjurers, exorcists, alchemists, peddlers, strolling players, magicians, and scurrilous versifiers who contributed to the volatile atmosphere at the yearly St Bartholomew's Day fair.[26]

In London especially, the attempt to control disorder was challenged when slum housing continued to grow over the course of the century, cramming people into cellars and basements, hovels thrown up in the alleys, or houses hastily divided for multiple occupation[27]--none of which provided any kind of shield against prying or invasive eyes.

Evans, *Seventeenth-Century Norwich: Politics, Religion, and Government, 1620-1690* (Oxford, 1979), 1-6.

[25] Stow, 2:55-56; see also Gamini Salgado, *The Elizabethan Underworld* (London, 1977), 181, 183.

[26] Salgado, 59-61. Ben Jonson's play, "Batholemew Fair," is of course based directly on the fair.

[27] A.L. Bier, "Social Problems in Elizabethan London." *Journal of*

42

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

For example, every Friday, according to the chronicler John Stow's account, people would walk through Portspoken Ward bestowing their charitable alms, with "every poor man or woman lying in their bed within their window, which was toward the street, open so low that every man might see them, a clean linen cloth lying in their window, and a pair of beads to show that there lay a bedridden body, unable but to pray only."[28] Meanwhile, accounts from church court records are filled with detail about the most intimate aspects of people's lives, with surveillance extending into the home; such was the case in 1519 Lincolnshire, where it was reported, for example, that "Robert Smyth and his wife Katherine practice lewdness in his house."[29] Finally, even institutions--in this case, prisons such as Ludgate and Newgate--were located directly on the street, with inmates reaching their begging hands through the bars, while the madhouse at Bedlam provided entertainment for those who watched the performances of lunacy displayed before them.[30]

A factor that turned to the advantage of officials who attempted to impose order and apprehend religious and criminal troublemakers lay in the intimacy of such a world, where little distinction existed between public and private, and the physical or geographical layout of the land made it inevitable that one's religion would become an openly-aired affair.[31] Taking note of suspicious individuals was in fact actively built into the law, as it was the duty of every justice of the peace or constable to keep an eye out; and while the officials' efforts were not entirely successful, especially given the mounting problem of

---

Interdisciplinary History 9 (1978), 208-09.

[28] Stow, 117.

[29] *BBC*, 127.

[30] Among the "entertainments" offered the viewing public--who were required to pay an admission fee--were the beating and whipping of inmates, and the harassment of inmates chained at a distance. See Salgado, 196-97.

[31] See Lena Cowen Orlin, *Private Matters and Public Culture in Post-Reformation England* (Ithaca, 1994); see also Brigden, 2-3.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

vagrancy,[32] many officials were in contact with each other regarding matters that affected each others' realms. Moreover, the gossiping watchfulness of people in villages and cities ensured a kind of order and stability by making self-surveillance a reality not by intent so much as by default. At the same time, the compactness of English towns could also allow rumor and even panic to explode into disorder, as was the case especially with the witch scares of the latter half of the century.[33] According to Lawrence Stone's somewhat extreme view, the village--and one could add in a different sense the town--was thus "a place filled with malice and hatred, its only unifying bond being the occasional episode of mass hysteria which bound together the majority in order to harry and persecute the local witch"--or, one might add, any outsider.[34]

It could be surmised that violence, crime, and instability flourished in such a world, though one must be careful about making too many assumptions based on contemporary literary sources and perceptions.[35] Certainly interpersonal violence, including family flare-ups that sometimes led to homicide, were a preoccupation to authorities, though the nature and extent of that violence has been under debate.[36] Ecclesiastical court records

---

[32] Ian W. Archer, *The Pursuit of Stability: Social Relations in Elizabethan London* (Cambridge, 1991), 1-14.

[33] See the comment of an observer in 1597, who wrote of Nottingham that people "durst not stir in the night, nor so much as a servant almost go into his master's cellar or about his business without company. Fewe grew to be sicke or evil at ease, but straight way they were deemed to be possessed." From Harsnett, *A discovery of the Fraudulent Practices of John Darrell*, 8 (Quoted in James Sharpe, *Instruments of Darkness: Witchcraft in England, 1550-1750* [London, 1996], 164).

[34] Lawrence Stone, *The Family, Sex and Marriage in England, 1500-1800* (London, 1977); see also Keith Thomas' description of the "tyranny of local opinion" in his *Religion and the Decline of Magic* (New York, 1971), 526.

[35] The chronicler John Stow in particular tends to create a picture of a London groaning under the weight of vice, with its dicing houses, epidemic immorality, and transgressions committed in filthy tenements.

[36] Lawrence Stone, "Interpersonal Violence in English Society, 1300-1980," *Past and Present* 101 (1983), 22-33; J.A. Sharpe, "Domestic Homicide in Early Modern

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

especially attest to a world of hostility and backbiting between neighbors, not to mention a tendency--as the next chapter will show--towards denunciation and informing on another. The word "crime" itself, as Geoffrey Elton has pointed out, carried an imprecise meaning in the sixteenth century, however, lacking as it did the kind of associations held by modern societies.[37] By crime--or more appropriately, felonies and misdemeanors--contemporaries mostly had in mind the standard litany of murders and robberies, while infringements on morality also entered the criminal sphere in the form of adultery or defamation, which were treated by the authorities and courts as crimes as well as sins.[38] The pursuit of crime by the authorities thus involved a complicated interplay between secular and religious officials and courts--all of which became even more complicated over the course of the sixteenth century, when judicial mechanisms shifted, the reformation upended traditional doctrines and laws, and resources were strained in ways not known before.

Structures of Authority

Enforcing order in such a realm, again, required legal and policing resources which Tudor England lacked--a situation that only became more complicated when religious disturbances were added to a larger context of greater vagrancy and criminality.[39] It was

England," *History Journal* 24 (1981), 29-48. For the debate over the number, nature, and meaning of homicide statistics, see "Debate: the History of Violence in England: Some Observations,' by J.A. Sharpe, and the rejoinder by Lawrence Stone, in *Past and Present* 108 (1985), 206-24.

[37] G.R. Elton, "Introduction," in *Crime in England 1550-1800*, ed. J.S. Cockburn (Princeton, 1977), 1-13.

[38] J.A. Sharpe, *Crime in Early Modern England* (London, 1984), 99.

[39] It is impossible to judge the extent to which crime existed in Tudor England,

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

thus absolutely essential in such a world that communal cooperation supplement an often part-time officialdom of constables and bailiffs--or that "official public authority," in Cynthia Herrup's words, be joined with "unofficial private power" in order to ensure a peace both secular and religious.[40] Obedience was, again, not always a given, however, nor did people find obedience to the crown always synonymous with obedience to the local justice of the peace or petty constable. Despite the willingness of many to come forward and aid authority or place a watch on themselves, small resistances were encountered by officials every step of the way, in a constant exchange and interplay of tension that carried the veiled threat, if not always the reality, of violence and disruption with it.

All structures of authority underwent transformations over the course of the century, even if they did not yet result in the development of a sophisticated state apparatus. Traditional moral and legal sanctions such as excommunication were weakened after the reformation wrought a diminishment in power of the ecclesiastical courts,[41] while the criminal courts continued to be irrational and problematic, especially in the face of changing social and demographic conditions.[42] Partly in response to these inefficiencies, the king, parliament, and privy council began in Henry's reign to issue an increasing amount of statutory legislation, proclamations, oaths or royal circulars that placed new directives on the realm and new responsibilities on its officials. At the same time, equivalent directives were imposed in the ecclesiastical arena, with greater impositions

---

but increasing population growth and the phenomenon of masterless men led to a rise in perceptions of the problem, and responses on the part of the government. See Archer, 211-14.

[40] Cynthia B. Herrup, *The Common Peace: Participation and the Criminal Law in Seventeenth-Century England* (Cambridge, 1997), 69-70.

[41] See F. Crawford, "The Rule of Law? The Laity, English Archdeacons' Courts and the Reformation," *Paregon* 4 (1986).

[42] J.H. Baker, "Criminal Courts and Procedure at Common Law, 1550-1800," *in Crime in England*, 1550-1800, ed. J. S. Cockburn (London, 1977), 15-20.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

placed on bishops, churchwardens, and others. Such developments were paralleled by other emerging social controls that included the establishment of poor laws[43] and the founding of institutions such as Bridewell, a workhouse for the poor of London."[44] Though it remained relatively ineffective and unsystematic throughout Elizabeth's reign, Bridewell served to lead the way for other cities such as Ipswich and Exeter to establish houses of correction of their own, to contain sturdy beggars, vagrants, and wanton women. Similarly, Bethlehem Hospital, or Bedlam, was created in 1546 as an establishment for the insane--a mission which, ineffectual as it was at the time, didn't prevent it from pulling in others whose mental problem was vagrancy rather than lunacy.[45]

Since no office was ever eliminated by legislation, and the one new office of Lord Lieutenant would not be created until later in the century, new duties were added to older offices, thus ensuring some degree of stability and continuity, even if the (unpaid) officials were sometimes resentful of the new burdens imposed upon them. As David Loades has pointed out, with the development of new agencies "the old ones gradually fell into disuse, but they did not disappear because they carried fees and perquisites, and because they represented to their holders a status which they would have been reluctant to relinquish."[46] While not always guaranteeing a seamless communication between the central government and the locality, this attachment to and respect for tradition and for

---

[43] See A.L. Bier, *The Problem of the Poor in Tudor and Early Stuart England* (New York, 1983); E.M. Leonard, *The Early History of English Poor Relief* (reprint, London, 1965).

[44] The issue of funding Bridewell was always a problem, however, resulting in debts that almost led to the closing of the institution during Mary's and Elizabeth's time. This, along with management problems and frequent "rescue" attempts or break-ins to release inmates, ensured that Bridewell would not, at least in the beginning, function as planned. See Salgado, 183-93.

[45] See Salgado, 193-99.

[46] David Loades, *Power in Tudor England* (New York, 1997), 1-17; 264-67.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

institutions was one factor in allowing England to reach a semblance of order against potentially disruptive forces in every tavern or parish church.

One officer claiming an ancient lineage was the sheriff, who continued to appear throughout the sixteenth century in the records of religious persecutions. As a bridge between secular and religious worlds, the sheriff was given the responsibility by oath to assist the ecclesiastical courts and, if a sentence of heresy had been rendered, to bring the accused men and women to the next step of execution. In addition to his religious duties, the sheriff was expected to preside over the county court, to impanel juries and issue writs for the quarter sessions, collect revenues of the king's lands, lead the king's citizens in military summons,[47] and to oversee the county jail and the conduct of its keeper. Despite the number of responsibilities, however, the sheriff by the sixteenth century was a much diminished figure, appearing in the records as a somewhat faceless functionary, not powerful in his own right but rather a visible but silent expediter of someone else's directives. While essential in his way to the process of enforcement, the sheriff found his power transferred to others, which combined with the still-high expense of maintaining the dignity of office to cause him to beg off the one-year position, especially when it also required him to leap into the fray of religious persecution at its most incendiary moments.[48] Moreover, sheriffs were subject to the same forces and influences that caused others in their community to embrace a religion other than the state's, which could complicate their duties as enforcers; such was the case in Mary's reign of Richard Hopkins, a Coventry sheriff who embraced Protestantism and was imprisoned in the Fleet

---

[47] From 1551 on, however, the responsibility of mustering the militia was transferred to the Lord Lieutenant --a newly created office. See Guy, 315-19..

[48] According to Wallace Notestein, in the seventeenth century the Stuarts could even punish men by making them sheriffs. Wallace Notestein, *The English People on the Eve of Colonization* (New York, 1954), 204.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

"for the faithful and constant confessing of God's holy gospel."[49]

Local constables constituted another lower layer of authority, with the much put-upon petty constables serving especially as the blunt end of enforcement. Elected for one-year terms, petty constables were often drawn from the ranks of butchers or bakers, which limited their standing in the community and was exacerbated by the impermanence with which the unpopular position was held. Among their thankless duties was the gathering of taxes and parish expenses, keeping watch over the streets especially at night, physically delivering individuals to houses of correction or trials, and lurking near the alehouses, enforcing brewing and gambling regulations, and receiving information concerning thievery, vagrancy, and other cases of roguery.[50] Recent historians have disputed the stereotyped Dogberry-Dull-and-Elbow picture conveyed in contemporary sources (including Foxe's book), where constables are portrayed as stupid, brutal, bumbling, and incompetent.[51] Certainly petty constables and bailiffs appear in more than a few accounts as subject to a degree of inefficiency, bribery or general corruption,[52] but in general both constables and bailiffs were indispensable in keeping the peace, enforcing the

---

[49] See the letter from John Bradford to Hopkins: "O happy day that you were made sheriff! By the which as God in this world would promote you to a more honorable degree, so by suffering in this room he hath exalted you in heaven, and in the sight of his church and children, to a much more excellent glory. When was it read that a sheriff of a city hath suffered for the Lord's sake? Where read we of any sheriff, that hath been cast in prison for conscience to Godwards?" See John Bradford, *The Writings of John Bradford* (Cambridge, 1848-53), 2: 246.

[50] Herrup, 68-69. See also H. Simpson, "The Office of Constable," *EHR* 40 (1895), 625-41.

[51] See Hugh C. Evans, "Comic Constables--Fictional and Historical," *Shakespeare Quarterly* 20 (1969): 427-33. Archer argues that "the view that one gets from a reading of the fulminations of the aldermen and privy council is highly skewed," since "it draws attention away from embarrassing failures at the upper levels of government," thus making constables "the scapegoats for failures the real causes of which lay elsewhere" Archer, 222.

[52] See for example the case of the petty constable Richard Potto, who bungled the job of beheading and was divinely paid back, according to Foxe, when "all the hair went well near off his head" and "his eyes as were closed up that he could scant see." *AM* , 8:641-42.

49

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

law, undertaking responsibilities often at great danger to themselves, and fulfilling jobs well enough to be reelected over a period of years. [53]

Like the bailiffs who assisted the sheriffs,[54] petty constables worked the dirty end of enforcement, which made them especially vulnerable to criticism and physical abuse from both the lowly populace and those higher up, including justices of the peace, who lorded over them.[55] Among the volatile duties entrusted to them was mediating in thievery cases, as when one Bolton-upon-Dearne constable was directed to resolve matters with Thomas Shepharde over the issue of a "light horse."[56] In addition, the constable more than any other official had to confront the difficult task of imposing the royal will onto people whom he knew and who held views, religious or otherwise, with which he sympathized. Like the bailiff, the constable was also faced with the onus of bearing bad news and making surprise visits, and thus would be reluctant to act for fear of retaliation or a simple desire not to stir up more trouble than the case was worth.[57] As J.A. Sharpe has put it, the constable would "often find the laws he was expected to enforce and the administrative instruction he had received from quarter sessions at odds with the local ideas and the best interests of his fellow villagers;" thus was he torn between "the responsibilities of the parish as well as the monarch."[58]

---

[53] See "The Justices of the Peace and their Helpers," 86.

[54] See R.H. Britnell, "Bailiffs and Burgesses in Colchester, 1400-1525," *Essex Archaeology and History* 21 (1990): 103-09.

[55] "Francis Smythe, who stabbed the constable of Blackmore for keeping Smythe's friend in custody in the church." *BBC*, 86.

[56] *Tudor Parish Documents of the Diocese of York*, ed. J.S. Purvis (Cambridge, 1948), 85.

[57] *BBC*, 85, 219.

[58] J.A. Sharpe, *Crime in Early Modern England, 1550-1750* (London, 1984), 76-77.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

While petty constables supervised the parish, high constables were given the safer and more prestigious task of overseeing the hundred, an administrative and judicial unit of England halfway between the shire and the township or parish.[59] Usually drawn from the ranks of the smaller gentry, the high constable was an intermediary between the justice of the peace, who chose him for the position, and the petty constable. Sometimes it was up to the high constable to take on a larger supervisory role, as he was expected, for example, to intercept reports of cases that wrongly made the claim of "Omnia bene"-- "all well"--and to make further investigations into what he suspected were actual unreported crimes or disorders in the alehouse. Moreover, while he was distinctly lower in rank than the justice of the peace, the high constable was expected to report on any lax sheriffs, bailiffs, stewards, and keepers of gaols,[60] thereby reinforcing the interconnected way in which England kept watch over itself.[61]

It was the justice of the peace, however, who stood at the top of the chain of local enforcement, inheriting the traditional powers of the sheriff and jealously clinging to his prestigious position over the course of the century, regardless of the monarch in power.[62] Chosen by the crown or the lord chancellor, the justice of the peace was always a notable of landed wealth whose primary function was to maintain order whenever it was

---

[59] Notestein, 235-39.

[60] See (iii) Commissions of the Peace of 1547, in *EHD* 5:615-16.

[61] Notestein, 211-27. See also *PP*, 83-170.

[62] See, for example, John H. Gleason, "The Personnel of the Commissions of the Peace, 1554-1564" *Huntington Library Quarterly* 18 (1954-1955), 169-77. Gleason concludes from an analysis of six counties that "in no one of the areas selected was there any systematic purge evident," 177. See also Cockburn, who writes of jp's and other magnates: "That they were capitulated into lucrative positions and succeeded in hanging onto them through Henry VIII's religious revolution, Edward VI's Protestant intemperance, Mary's egregiousness, and Elizabeth's pragmatic moderation does not so much display religious hypocrisy or political expediency as it bespeaks their real talent--the business of government." Cockburn, 71. See also Thomas Skyrme, *History of the Justices of the Peace* (Chichester, 1991), 1:152-55.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

threatened, conduct preliminary hearings, issue alehouse licenses, mediate personal quarrels, and generally attend to an assortment of local matters. Though his duties and temperament were largely secular, the justice of the peace, especially in the sixteenth century, was also expected to deal with religious affairs, which often meant that he was the primary figure to turn back disruptive preachers, or to join the sheriff in hauling religious heretics through the streets, from one prison to another.[63]

The issue of entering religious disputes could prove controversial, since justices were now being asked to fulfill a function--to investigate religious delinquency--when most had no desire at all to act as instruments of a persecuting clergy. An order issued in 1555 from the queen to the justices of the peace in Norfolk in many ways typifies the new religious duties imposed on them. According to the directive, for the sake of "good order and quietness," the justices were expected to be present at sermons, "and use the preachers reverently, travailling soberly with such, as by abstaining from coming to the church, or by any other open doings shall appear not persuaded to conform themselves, and to use such as be wilful and obstinate...either by rebuking them, or binding them to good abearing, or committing them to prison, as the quality of the persons and circumstances of their doings, may seem to deserve." Paying special attention to "those which be preachers and teachers of heresy," the justices were to above all show "good example," as were their wives, servants, and children. Special emphasis was also placed on the justices' duty to "search out all such as shall by any means spread false tales, or seditious rumours, causing them, when they shall be known, to be forthwith apprehended and punished according to the laws." Finally, as will be seen, the justice of the peace was to act as a kind of channel for information, receiving reports but more importantly

---

[63] Notestein, 211-27.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

cultivating "honest men" to "give information of the behaviour of the inhabitants amongst or about them."[64]

Justices were either unwilling or unable to enforce some of the directives in the time of Mary, though the policies of Henry, Edward, and Elizabeth could also fail to work with them. According to another letter by Mary to the justices of Norfolk, "vain prophecies, seditious, false or untrue rumours" continued to flourish in spite of her orders, which had called for the justices to step up their efforts to spread out across the county, "examining and searching out, from man to man, the authors and publishers of these vain prophecies and untrue bruits," and to report their efforts monthly to the privy council. Any royal letter or writ was in vain, however, if the justices disapproved of the laws to begin with; indeed, if the justices chose not to act upon those laws, including heresy laws, those laws were in effect dead, with the central government unable to carry out its policies on the local level. For the most part, however, a commonly shared concern for civil order and the status of position allowed even justices of differing religious persuasions--Catholics, for instance--to generally fill their roles with competence, despite the monarch in power.[65]

The diligence of any given justice could be measured by his appearance at quarter sessions, a forum which met four times a year for the airing of petty grievances such as horse-theft or sheep-stealing, and which served in a larger sense as the "omnium

---

[64] Burnet, *History of the Reformation*, 5:427-28.

[65] The JP's of Lancashire toward the end of the century, for example, were primarily Catholic, making it difficult to enforce recusancy laws." See R.B. Manning, *Religion and Society in Elizabethan Sussex* (Leicester, 1969), 238-71. See also the case of Lord Morley and Mr Leventhorpe, two justices from different jurisdictions in Essex--and a Catholic and puritan respectively--whose religious and social disparities fired the subtext of an argument concerning who was given charge of a girl about to give birth to an illegitimate child. *The Justices of the Peace and their Helpers*, 67-70.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

gatherum" of the shire. Some justices were lax in their attendance at the sessions, and a few such as Justice Henny never appeared at all;[66] but in general most justices kept their appointments with the court and worked at extra-sessional peace-keeping as well. The latter duty was especially significant in light of the overcrowded court docket, and served as an arbitration channel and often stabilizing influence on society as a whole. While secular in nature, the quarter sessions could also sometimes oversee conflicts of a religious nature, as in the case if a man who had "delighted more to sing ungodly songs in the alehouse than to hear the world of God on church."[67] As with other courts, however, the sessions tended to serve as the forum of last resort, with justices either resisting bringing a case to trial or seeking instead to resolve the dispute extra-judicially--all of which could be attributed to the general costliness of a formal prosecution as well as an unwillingness on the part of the justice to pursue a case that might have been based more on malice and slander.[68]

Justices also played an important (though largely peripheral) role in the country's principal criminal court of the land, the assizes, which consisted of two royal judges sent out to ride the six circuits of the land, greeting local bailiffs and sheriffs and proceeding over the course of their temporary stay to hear pleas and oversee jail delivery. While existing outside the purview of purely religious cases, the assizes were nevertheless the primary forum for the prosecution of witches later in the century.[69] Originating in the fourteenth century (and carrying some superficial resemblance to the earlier eyre system), the assizes monopolized all statutory and common law felony cases and generally served a

---

[66] Cockburn, 83.
[67] See Notestein, 218.
[68] Ibid., 105-06.
[69] Sharpe, 106-07.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

multitude of purposes, which included easing burdened courts and sparing litigants the trouble of traveling to London. Most important, however, was the ability of the assizes, in J.S. Cockburn's words, to "provide the [Privy] Council with a sophisticated machine for detailed supervision in the counties." This attempt to coordinate the forces of centralization and decentralization, crown and province, sometimes worked to attain a fine balance; moreover, the trial juries sponsored by these courts often served a further purpose in softening an often harsh criminal code through not-guilty verdicts or sentence reductions. For all its strengths, however, assizes could also constitute one of the more unruly courts of law in the sixteenth century, vulnerable to the corruption or laxness (or resistance) of local officials and subject to bribery, negligence, and intimidation of witnesses and juries.[70]

Purely religious crimes such as heresy were confined, on the other hand, to ecclesiastical courts, the most significant one being the consistory court. The bishop was theoretically the overseer--for it was he alone who possessed the knowledge to judge heresy--but it was really his chancellor and register who held dominion over the most important ecclesiastical tribunal in the diocese.[71] The registers, who tended to consistently hold to their positions throughout the religious changes in the century,[72] became

---

[70] J.S. Cockburn, *History of English Assizes 1558-1714* (Cambridge, 1972), 1-14.

[71] Stephen Lander, "Church Courts and the Reformation in the Diocese of Chichester, 1500-58," in *Continuity and Change*.

[72] See Ralph A. Houlbrooke, *Church Courts and the People during the English Reformation, 1520-1570* (Oxford , 1979). Houlbrooke points out that registers, shielded by their patents, were harder to remove from office--a fact that irritated the bishops. See chapter two, note 16 especially. With court registers holding office for life, they could also remain a formidable obstacle in the path of reform. See also Rosemary O'Day, "The Role of the Register in Diocesan Administration," in *Continuity and Change: Personnel and Administration of the Church of England, 1500-1642*, eds., Rosemary O'Day and Felicity Heal (Leicester, 1976), 77-96; W.H. Frere, *The Marian Reaction in its Relation to the English Clergy: A Study of the Episcopal*

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

especially visible in ensuring the function and efficiency of the court, which was held most of the time in the cathedral. Following standard procedure with judges, plaintiffs, defendants, and witnesses, the courts involved themselves primarily with matrimonial, testamentary, or tithe cases. In addition were the cases of those who had spread malicious gossip, committed acts of defamation or sexual deviance, sowed discord, neglected the fabrics and furnishings of the parish church, and--especially after the reformation--failed to fulfill new duties imposed upon them as wardens or clergymen.[73] None of this correctional work, as Ralph Houlbrooke has pointed out, would have been possible without the cooperation and active participation of the people, who accepted the role of the church in the most intimate aspects of their everyday lives.[74] In turn, the church had an array of punishments with which to sanction offenders, including small fines for failure to attend church and large fines or even imprisonment for open criticism of the established order.[75] Penance, another sanction, was also never a light matter, especially in a society based so much on personal reputation; similarly, excommunication, albeit weakened, continued to exercise some weight, running the gamut from simple suspension from church to the imposition of legal disabilities and out-and-out ostracism from the larger community of Christians.[76] Problems of contumacy would persist, and ill disciple would

---

Registers (Church Historical Society) (London, 1986).

[73] Martin Ingram, *Church Courts, Sex, and Marriage in England, 1570-1640* (Cambridge, 1989).

[74] Ralph Houlbrooke, "The Decline of Ecclesiastical Jurisdiction under the Tudors," *in Continuity and Change*, 339-57.

[75] Regarding a more serious offense, Houlbrooke writes: "Only those who brought the authority of the crown into question by refusal to accept the royal supremacy were liable to suffer death--not as heretics but as traitors whose punishments didn't belong to the church courts."

[76] See Ingram, 323-63; F.G. Emmison, *Elizabethan Life: Morals and the Church Courts* (Chelmsford, 1973), 300-07.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

prevail among individuals who had less reputation at stake to uphold; yet ecclesiastical courts, eventually swept away in the 1640s,[77] remained important and not unpopular channels in which to address concerns that often arose out of social tensions, and could be potentially useful channels as well for the central government to send its changing religious policies down through the local community.

Bishops ruled their realms with varying degrees of power, depending on the diocese, with Canterbury earning the bragging rights of having been founded by Augustine, and Winchester--Stephen Gardiner's diocese--constituting what has been called the richest prize for ecclesiastical careerists. Serving as a bishop over the religious developments of the century was not easy: in the county of Suffolk, for example, the strong-willed bishop Richard Nix presided from 1501, during Henry VII's reign, through 1535, when, upon his death, the religious world to which he had been attached was being dismantled from the top.[78] Nix was throughout his tenure assailed not only by remnants of Lollardy and anti-clericalism, but in the 1520s by Lutheranism, which found especially fertile ground in Ipswich.[79] Fervent as he was, Nix was unable, however, to control unrest in his diocese, just as he was unable, ultimately, to control his own servants, who proceeded upon his death to strip his residence bare.[80] Nix's ignomious, posthumous tribute was followed by the long tenure of William Rugge, an unimpressive and easily cowed ecclesiastical functionary,[81] whose primary achievement was in holding on to his

---

[77] Houlbrooke.
[78] MacCulloch, 139.
[79] Ibid., 149-51.
[80] Ibid, 156.
[81] Rugge was also ineffective in countering the evangelical threat in the 1530s; in 1539, for example, the noted evangelical Robert Watson engaged Rugge in a debate over freedom of the will, after which Watson seems to have emerged victorious, converting the mayor

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

office for the next thirty-six years, from Henry's reign through the first fourteen years of Elizabeth.[82]

For centuries bishops had been "hedged by royal power" [83] and were expected to diligently serve their monarch, to whom they had owed their positions; this appointment from the monarch, however, gave them an outsider status in the community, which combined with the humbleness of many of their origins to create conflict among the entrenched interests and the gentry of the community. This distance was made worse when the bishop was required to be away constantly on business, which forced him to delegate authority to others such as the chancellor, his primary underling, and the principal register. If a bishop did visit an area, however, his presence could serve as a real boost for the congregants; nevertheless, personal disinclination and a busy schedule made such visits rare events.[84] In the end, as a result of their physical and social distance, a real gap thus existed between bishops and their subjects, which further contributed to hindering the perpetuation of religious uniformity and the control that could be exerted over religious dissidents.[85]

---

of Norwich, among others, to his cause. *LP*, 17: 79; *PP*, 138-39.

[82] Ibid. For a list of bishops deprived through Edward, Mary, and Elizabeth, see W.H. Frere, *The Marian Reaction in its Relation to the English Clergy: A Study of Episcopal Registers* (London, 1896).

[83] It should be pointed out that important dioceses such as Durham in the north--Cuthbert Tunstall's realm--retained their ecclesiastical and secular powers for governing and administrative purposes, though this was the exception. See Charles Sturge, *Cuthbert Tunstall: Churchman, Scholar, Statesman, Administrator* (London, 1938).

[84] Owen H. Gareth, "The Episcopal Visitation: Its Limits and Limitations in Elizabethan London" (*JEH* 11, 1960), 179. See also W.P.M. Kennedy, *Elizabethan Episcopal Administration: An Essay in Sociology and Politics*. Vol. I. London, 1924.

[85] The fact, however, that bishops were even present at the questioning of people as lowly as weavers or fishermen is nevertheless remarkable, and may in fact have been the only time a higher level in fact did intersect with an individual of lower standing. The more famous example of these kinds of interchanges occurred with Edmund Bonner, the bishop of London who faced men of distinction such as John Philpot as well as the lowliest weaver.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Despite these challenges, the individuals who inhabited the office held onto their bishoprics in a fairly consistent way throughout the century.[86] Even the accession to the throne of Mary and the return to the old religion didn't prevent those bishops ordained during the presumably heretical reign of Edward from remaining in power and in fact being recognized in their episcopal authority.[87] Part of the reason for the consistency was a desire to maintain office, but bishops were also aware that their primary duty was always the vigilant supervision of the flock, especially when it went astray into realms of heterodoxy, whatever that meant at any given time. In this the bishop was empowered by legislation such the 1401 statute *De haeretico comburendo*, which allowed him to arrest heretical offenders, detain them in prison until they purged themselves or abjured their heretical doctrine, and, failing that, to turn them over to the secular arm for execution.[88] Another tool of power available to the bishop and relating to church court procedure was the visitation, which had been introduced in England beginning in the twelfth century, though it would take on increasing importance over the course of the sixteenth century. Often conducted on an annual basis by archdeacons and every three or four years by bishops, visitations required everyone from rectors, vicars, licensed preachers, chaplains, schoolteachers, midwives, and surgeons to come forward and report on the conduct of the clergy and the religious attitudes of the parishioners. Visitations were thus a fruitful

---

[86] See Frere, Table of Episcopate; see also "The Deprivation of the Married Clergy," in Dickens, 1957, 5-15. Dickens describes a situation in York where an active campaign was underway to deprive married clergy in the reign of Mary, thus reflecting a brief period of active disruption in the continuity of priestly offices. See also R.H. Pogson, "The Legacy of the Schism: Confusion, Continuity, and Change in the Marian Clergy," in *The Mid-Tudor Polity*, c. 1540-60, ed. J. Loach and R. Tittler (Totowa, 1980).

[87] See Appendix III: "The Heretical Past of Judges in the Marian Persecution," in Philip Hughes, *The Reformation in England*, 5th ed. (New York, 1963), 3: 349-52.

[88] See Joseph Lecler, *Toleration and the Reformation* (New York, 1960), 1:329-38.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

means through which information was received about cunning women, butchers, sorcerers, alchemists, and various matrimonial offenders, as well as heretics.[89]

One of the most famous visitations in the century occurred in 1554, when the bishop of London, Edmund Bonner, oversaw an inquiry into his diocese, to be conducted by "six men in every parish," with himself in frequent attendance.[90] Among the thirty-seven articles that Bonner directed to the clergy and the laity alike were questions asking if priests had "behaved themselves," illegally remained married, worn "unseemly" swords or daggers, or upheld ceremony and holy days; laypeople in turn were expected to answer inquiries as to whether they knew the Creed and Pater Noster, refrained from hunting or hawking on holy days, maintained good attendance at church, or christened their children properly.[91] The result of the visitation inquiries--which took place in consistory court, the episcopal palace, or even officials' homes[92]--was the apprehension of 450 individuals, most of whom were put up on charges of failure to attend church, though a good portion of others were accused of actively opposing holy water, ashes, chrism, and other elements of the liturgy.[93]

---

[89] W.H. Frere, *Visitation Articles and Injunctions of the Period of the Reformation.* vol. 1. (London, 1910). Frere notes the way in which visitations were influenced by changes in the reformation.

[90] *EM*, 3 (1), 216-17. See also Meriel Jagger, "Bonner's Episcopal Visitation of London, 1554," *BIHR* 45 (1972), 306-11; Gina Alexander, "Bonner and the Marian Persecutions," in Christopher Haigh, ed. *The English Reformation Revised* (Cambridge, 1987), 117-75.

[91] Articles of visitation by Bishop Bonner [XXXIII] in *EHD*.

[92] For a description of another visitation, this time the in period of Edward, see W.P.M. Kennedy, "Some Aspects of Edwardine Life," in Studies in *Tudor History* (London , 1916), 84-116.

[93] Specifically, of the 450 accused, 190 people were charged with poor attendance, 90 people of holding opinions against the sacrament of the altar and other Catholic doctrines. Unfortunately, the ages and specific beliefs of these individuals were not included in the record. See Meriel Jagger, "Bonner's Episcopal Visitation of London, 1554," *BIHR* 45 (1972), 306-11. See also Emmison, 99-111.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Under most visitations, interrogation guidelines were dependent upon parochial representatives and others, whose oath-taking duty was to return answers to the questions, guarantee the authenticity of the statements contained in them, and ultimately punish offenders if necessary; the real work of the visitation, however, was specifically fulfilled by the churchwardens, who dealt with all matters pertaining to parish life. The responsibilities of churchwardens were not always easy, with the onus of crowd control resting on their shoulders, as well as new duties having to do with poor relief, highway maintenance, the punishment of vagabonds or the destruction of vermin.[94] Drawn from the more important families in the borough, two of whom were annually elected at Easter time, the churchwarden had much respectable tradition behind him (and occasionally her),[95] though the reformation, in addition to laying on secular duties, would require a more fervent kind of diligence in the supervision of varying changes in doctrine, services, or furnishings. For example, in 1548 during Edward's new reign, the Privy Council ordered that churchwardens oversee the destruction of all images, and two years later the removal of every Latin service book--all of which would be replaced again during Mary's reign seven years later. This could become an expensive business indeed for the parish, which was expected at least in part to pay, with the churchwardens' supervision, for the replaced

---

[94] John Addy, "The Archdeacon and Ecclesiastical Discipline in Yorkshire, 1598-1714: Clergy and Churchwardens." Bothwick Papers 24 (1963): 1-33; "Churchwardens' Accounts and Other late Medieval Sources." In J.H. Bettey, ed., *Church and Parish: An Introduction for Local Historians* (London, 1987) See also Andrew Foster, "Churchwardens' Accounts of Early Modern England and Wales: Some Problems to Note, but Much to be Gained," in *The Parish in English Life 1400-1600*, ed. Katherine L. French, Gary G. Gibbs, et al (Manchester, 1997), 74-93.

[95] D.M. Palliser writes that a good number of women held office as churchwardens in the sixteenth and seventeenth centuries, though ecclesiastical office was of course closed to them; speaking of the seventeenth century, Palliser states that "at St Budeaux in Devon one male and one female warden were regularly chosen in the seventeenth century, while at Staplegrove in Somerset two widows were elected in 1645." See also Palliser's introduction in *Parish, Church, and People: Local Studies in Lay Religion, 1350-1750*, ed. S.J. Wright (London, 1988), 23.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

rood-screens, vestments, stone altars, plates, service books, censers, and other equipment, most of which would--again--be destroyed under Elizabeth.[96] Nevertheless, surviving churchwardens' accounts[97] show parishes rapidly reequipping or divesting themselves of objects, a testament to the effectiveness of these men over their little kingdoms.[98] Despite their occasional tyranny, churchwardens, unsurprisingly, were also subject to abuse from the parishioners whom they were expected to supervise and discipline.[99] Slander against the wardens was common: among the phrases thrown at the officials were "liar," "whoremaster," "jackanape" and "mad fool"; in one case, a woman was reported towards the end of the century for incontinence, having told her warden that she wished he would die and that "his tongue might hang out one foot long as black as coal."[100]

There is not enough surviving evidence to ascertain the extent or effectiveness to which churchwardens and bishops carried out visitational and other duties; certainly

---

[96] Eamon Duffy, *The Stripping of the Altars : Traditional Religion in England, c.1400-c.1580* (New Haven, 1992), 447-57; see also Robert Whiting, "Abominable Idols: Images and Image-Breaking under Henry VIII," *JEH* 33 (1982), 30-47; Claire Cross, *Church and People: England 1450-1660* (2nd ed., London, 1999), 68-81.

[97] This statement must be treated with caution, however, for churchwarden accounts are spotty and inconclusive when it comes to conveying the overall picture of England across the century. Indeed, Andrew Foster writes that the "diocese of the south and south-west...are certainly over-represented in our evidence as it now stands. And, given the conservative nature of the southwest, this may have some significance for those historians who like to argue about the survival of Catholic traditions nationally." See Andrew Foster, "Churchwardens' Accounts of Early Modern England and Wales: Some Problems to Note but Much to be Gained." In *The Parish in English Life 1400-1600*, ed., Katherine L. French, Gary G. Gibbs, et al. (Manchester and New York, 1997), 82.

[98] W.P.M. Kennedy has described the power of churchwardens in the following words: "Local reputations were in [the churchwardens'] keeping. The parson himself walked wearily before them. The congregation worshipped under their eyes...They may have been demoralized by bribes or favoritism or jealousy...[but] they must have proved a remarkably efficient body, otherwise the...system would never have worked."

[99] See Margaret Aston, *Faith and Fire: Popular and Unpopular Religion 1350-1600* (London, 1993), 231-45.

[100] Emmison, 63.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

corruption or a reluctance to fulfill their statutory duties was a complaint often lodged against them. Further problems arose when the churchwardens themselves joined in with the laity to resist the directives or religious orientation of the bishops. Failure to comply on the churchwardens' part could lead to punishing measures: extra fees, for example, were imposed on late returns and little sympathy was shown for excuses.[101] Still, even in the relatively more efficient time of Elizabeth, and especially after the disciplining Canons of 1571 were released, a substantial number of churchwardens could present problems to the authorities.[102] Church courts record numerous accounts of neglect by some churchwardens to install fences in the churchyard or prevent pigs and other animals from coming in and grazing.[103] Greed and corruption could also tempt the churchwarden whose eye caught the jeweled gleam of a chalice or a lucrative pile of timber in the courtyard,[104] while religious matters could be similarly problematic, especially when the churchwarden was ordered to destroy objects dear to the hearts of the parishioners. For Protestant churchwardens, one example from 1567 reveals a libel presented against the churchwardens of Sedgewick in Durham for removing the communion table against the queen's policy; "not haveinge God before there eyes, nor the preeminence of the jurisdiction Episcopall," the report declares, the churchwardens "did forceableye, contemptuouslie and rashelie take up and remove the said table, formes or desks," after

---

[101] Excuses could often stoop to mundane levels: according to one excuse, "myse had eaten up the other [bill] in the cubbard in the vestry." See Owen H. Gareth, "The Episcopal Visitation: Its Limits and Limitations in Elizabethan London," *JEH* 11 (1960), 179.

[102] *Canons of 1571 in English and Latin* (Church Historical Society; London, 1899). See also Kennedy, in describing churchwardens and the parish church.

[103] *BBC*, 52. For an extensive account of churchyard disturbances in Essex, see Emmison, 111-30.

[104] See Frere and Kennedy 3: 140, 210, 268.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

having spoken "dyverse contemptuouse wordes then and there."[105] Like other local officials, the churchwardens could therefore be caught between royal policy and the opinions they shared with their own communities, or with their own enforcement duties and the inhibiting factor of class difference.[106] Indeed, stirring up religious contention or entering the homes of people to check out church absenteeism only strained relations more between the community and the wardens, who were busy enough preventing youths from enjoying their sports on the churchgrounds.[107]

Other tools were available to Tudor governments in ensuring a degree of stability and control over the localities, one of the more effective being the royal commission. Established on an ad hoc and time-limited basis by the king, commissions consisted of privy councilors, senior officials or local noteworthies who were charged with a variety of administrative and judicial functions, from assessing (and collecting) taxation in a county to surveying--as the "commission of sewers" did--dykes and waterways for future repair.[108] An especially important body was the commission of the peace, consisting of twenty to forty justices--according to Sir Thomas Smith, "high nobility and chief magistrates for honour's sake"[109]--whose function was primarily to see that local feelings did not stray from official policy. On a religious plane, commissioners were

---

[105] *Depositions and other ecclesiastical proceedings* (Durham), 118-20.

[107] Ingram, 1987, 333; see also idem, "Religion, Communities, and Moral Discipline in Late Sixteenth- and Early Seventeenth Century England: Case Studies." In *Religion and Society in Early Modern Europe, 1500-1800*, ed. Kaspar von Greyerz (London, 1983), 177-93.

[107] In one case, Robert Fulbourn, a Yorkshire man, was accused in 1575 of unlawfully bowling in the churchyard, which also led him to hurt the complaining church Curate with a dagger." See *BBC*, 72. See also ibid., 179.

[108] David Loades, *Power in England* (New York, 1997), 70-71.

[109] Sir Thomas Smith, *De Republica Anglorum*, ed. M. Dewar (1982), 104.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

charged with inquisitorial powers, as was the commission led by the especially zealous persecutor Lord Darcy in Mary's time, which was instructed to search out heretics and to seize the lands and goods of those who had fled.[110] It was Elizabeth, however, who came up with the innovation[111] of the High Commission, a kind of "ecclesiastical privy council" whose duty was to suppress heresy and ensure that the realm upheld the settlement.[112]

Supplementing official structures of authority were formal and informal mechanisms that allowed (or impelled) average men and women to come forward and contribute their part in maintaining peace and expelling religious and political troublemakers from their midst. Parishioners, for example, were fully expected to help churchwardens during Protestant times in destroying religious objects or memorials of previous regimes, or to regulate themselves by observing proper decorum in church. As will be seen, parishioners were also expected to help out the ecclesiastical authorities by reporting any untoward or sinful behavior on the part of their fellow congregants, or to even wield white rods through the church, to ensure good behavior on the part of fellow worshippers.[113] In addition, individuals were expected, as members of the community, to provide vigilance and aid constables in apprehending heretics and criminals if the hue and cry was sounded; as Thomas Smith wrote at the time, "every English man is a Sergeant to

---

[110] *EM*: 3 (1): 553-555. Commissioners also had the power to bind over religious offenders and subpena witnesses, and to be assisted in this by the full arsenal of magistrates, mayors, sheriffs and bailiffs. See Mary and Philip's proclamation, *AM*, 8:301-03. See also Hughes, 2:272.

[111] In some ways, however, the High Commission can be traced back to other ecclesiastical commissions such as those instigated by Thomas Cromwell. See Roland G. Usher, *The Rise and Fall of the High Commission* (Oxford, 1913), 15.

[112] See ibid.

[113] See W.P.M. Kennedy, *Elizabethan Episcopal Administration: An Essay in Sociology and Politics* (London, 1924).

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

take the thief."[114]

Early modern England also benefitted from the self-monitoring stability that came from more institutional structures of social containment, with guilds, confraternities, and parish associations imposing a degree of conformity upon whoever would take an oath, attend church, or serve a master.[115] Systems of apprenticeship constituted one of the more notable and resilient tools in containing youths who traveled primarily to London to serve out their seven-year terms, serving as effective socializing mechanisms with their moral injunctions against marriage, fornication, and running away.[116] Equally important, as a member of the household, the apprentice was expected to uphold the religion of the master, with failure to do so constituting a source of friction.[117] Nevertheless, apprentices could and did constitute a real and inherent threat to the social order whenever their own conflicts or youthful indiscretions conflicted with their supervising households,[118] just as

---

[114] Quoted in Herrup, 70.

[115] Susan Brigden, "Religion and Social Obligation in Early Sixteenth-Century London." *Past and Present* 103 (1984): 68-112; Archer, 14-17; 215-37.

[116] See for example Steven Rappaport, *Worlds Within Worlds: The Structures of Life in Sixteenth-Century London* (Cambridge, 1989), 232-34.

[117] Steven R. Smith, "The Ideal and Reality: Apprentice-Master Relationships in Seventeenth-Century London." See also the case of the apprentice Richard Wilmot in Brigden, 365.

[118] See the case of Roger Holland, in *AM* 8:473-75. Having been apprenticed to a master Kempton from Watlingstreet, Holland caused his master much torment with his "dancing, fencing, gaming, banqueting, and wanton company"; just as problematic was his continued ardent papistry, which conflicted with Kempton's own Protestantism. One day the relationship reached a crisis when Kempton put Holland in trust of thirty pounds, which Holland promptly lost in a game of dice. Panicked, Holland made swift plans to flee to the continent, "for if it should come unto my father's ears, it would bring his grey hairs oversoon unto his grave." Before he left, however, Holland confided his predicament to the maid of the house--Elizabeth, a gospeller--and presented her with a promissory note pledging to return the lost money to Kempton; instead, Elizabeth presented him with thirty pounds of her own, persuading him to accept the gift and stay, under the condition that "thou shalt promise me to refuse all lewd and wild company, all swearing and ribaldry talk...And furthermore, thou shalt promise me to resort every day to the lecture at All-hallows, and the sermon at Paul's every Sunday, and to cast away all thy books of papistry and

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

exploitation on the part of masters toward those in such menial, low-paid positions could give rise to large number of problematic cases, as the records of county quarter sessions and Bridewell's Court of Governors attest.[119] In general, while it is impossible to judge the rate of effectively socialized apprentices against the number of youths who vanished into prisons, workhouses, or the seamy streets of London, apprentices continued to be a nuisance to the authorities. Moreover, institutional structures, not to mention the complicated jurisdictional layers of officials in general, did not always coordinate or work in tandem, pulled as each was in directions according to its own particular self-interests. Thus, while the presence of both formal and informal structures and offices often helped ensure the Tudors a measure of control over their realm, the machinery tended to creak, leaving the ability to persecute problematic at best, especially in the face of the resistances that emerged as a countervailing force.

Sites of Contention, Sites of Subversion

Persecution and the enforcement of religious and social order did not simply flow down in an unobstructed, unidirectional force from above, but rather encountered a number of small and local resistances on the part of a population that was willing to defy authority as much as it was willing, in other times, to aid it. Thus, while England enjoyed a

---

vain ballads, and get thee the Testament and Book of Service, and read the Scriptures with reverence and fear..." Her stern entreaties worked, for within half a year Holland was a changed man with a newfound detestation for "the mass, idolatry, and superstition;" traveling home to Lancashire, he proceeded to share the gospel with his father and friends, before returning again to London, where he paid Elizabeth back the loan and married her.

[119] "Conflicts," writes A.L. Beier, "took a number of forms--mistreatment by masters in denying their charges food, lodging, and proper training; rebelliousness, refusals to work, and flight by menials; thefts from masters and mistresses; and physical violence, sometimes with terrible results. Illicit sexual relations were also common sources of conflict." See Beier, 216-17.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

multi-tiered level of fluid and changing officialdom in its sheriffs, constables, bishops, and churchwardens--and ensured a measure of control through its guilds and other social structures--the country also suffered, throughout the century, from tensions that could result in periodic eruptions of rebellions, riots, and even religious violence.[120] This is especially evident when one examines certain areas of the countryside, towns, and cities which proved most contentious and beyond the control of authorities; such spaces--the church, the alehouse, the execution gallows, the hidden woods--were also, as it happens, the sites where the heretic or religious dissident found both refuge and a forum in which to evangelize and perpetuate his controversial beliefs, while he was still free and loose in the world.

In villages, towns, and cities, churches were key places of action, as social and economic as well as religious centers. Many, however, seem to have entered a period of physical fallowness if not decay in the sixteenth century, suffering from storm-damaged roofs, rain showers splattering down into the aisles, decayed steeples, and unringable bells.[121] The dissolution of religious houses during Henry and Edward's time also led to disruption, as church plate was lost through sale and instability was exacerbated with the iconoclastic smashing of windows and the destruction of relics.[122] In Suffolk during Edward's reign, and especially in the fervently Protestant parish of St. Laurence,[123] churchwardens, for example, were particularly zealous in whitewashing the walls, selling

---

[120] For a good overview, see for example A.J. Fletcher, *Tudor Rebellions*, 4th ed. (London, 1997).

[121] See Emmison, 241-45.

[122] Robert Whiting, "Abominable Idols: Images and Image-Breaking under Henry VIII," *JEH* 33 (1982): 30-47.

[123] See A.G. Dickens, "Some Popular Reactions to the Edwardine Reformation in Yorkshire," *YAJ* 34 (1938-1939).

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

off valuable items such as chalices and rood cloths, and removing stained glass windows and everything else that smacked of the old superstitions.[124] As the contemporary Robert Parkyn wrote in his description of Suffolk and other "sowth parttes," so much damage had been done to pixes and other objects that "it was [a] marvell that the earth did nott oppen & swalow upp suche vilanus persons [who committed the destruction]."[125] By the same token, the destruction of church objects could also be resisted by parishioners who adhered to the traditional faith; injunctions to destroy images, for example, caused some parishes to experience "moche grudge murmor and debates," along with lawsuits against churchwardens for being overeager in their pursuit of the Edwardine program of church and liturgical reordering.[126] Equally incendiary and problematic for the authorities were the actions of men such as John Hilsey, the bishop of Rochester, who proceeded in 1538 to break up the Rood of Grace from Boxley in Kent--"a device of 'old wire and rotten sticks,'" he said, "by which the eyes and lips had been "made to move."[127] This behavior was presumably intended to compel crowds to accept what Eamon Duffy has described in regard to Edward's time as the new policy of "destroying, cutting, hammering, scraping, or melting" into oblivion the various monuments of popery. Rather than achieving a state where the objects and all they represented might be forgotten, however, their evocative power and ability to provoke turmoil was only affirmed in the

---

[124] For incidents at Ipswich see Duffy, 381, 482.

126 A.G. Dickens, "Robert Parkyn's Narrative of the Reformation," in *English Historical Review* 62 (1947), 297. Parkyn was curate of Adwick-le-Street in York, and typical in many ways, in Dickens words, "of the contemporary northern parish clergy,"which was conservative--indeed, Catholic--in its proclivities.

[126] MacCullough, 169-170.

[127] *Wrioth. Chron.*, 1: 75-76.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

end.[128]

Churches could also serve as sites for shrines, which attracted either veneration or hatred, depending on one's religious sensibility. In Ipswich, for example, Gracechurch had been host to a particularly charged shrine, originating from a young Essex girl's miraculous visions of the Virgin, who appeared "in the picture and stature of our Lady of Grace in Eppeswyche." Traveling to the chapel, accompanied by great pomp, the girl was preceded by so much rumor and expectation that upon arrival she encountered a crowd of 1000, and 4000 on a second visit. Both times she was said to have effected miracle cures and even, in an act of defiance, admonished local bailiffs and other noteworthies to be "more stedfaste in the fayth," before she eventually left the town, entered a nunnery, and disappeared, forever, from the historical record. The newly miraculous shrine she left behind was such a sensation that pilgrimages were undertaken by Wolsey and Queen Katherine, who along with others sought it out as the pious symbol of a distinctly Catholic faith.[129] In 1538, however, Thomas Cromwell instructed the local noteworthy Thomas Lord Wentworthy to secretly remove the shrine from the church, and have it conveyed to London, where it was summarily destroyed--much to the consternation of the community back home.[130]

Another essential and contentious part of the church was the entranceway door,

---

[56] See also D.M. Palliser, "Popular Reactions to the Reformation during the Years of Uncertainty, 1530-70," in Heal and O'Day.

[129] For a full account of the Ipwich story, see Thomas More's *Dialogue concerning Heresies*, in *The Complete Works of Thomas More*, eds. Thomas M.C. Lawler, Germain Marc'Hadour, and Richard Marius (New Haven, 1981), 6:1:231-32. See also Maculloch, 143-147.

[130] Ibid. The various royal injunctions during this time seem to have made 1538 an especially active year of destruction, as "all shrines of saints," according to the chronicler Wriothseley, were "taken down throughout England."

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

where it was common to view employment notices, effigies, dead animals hanging, or posters of outraged declarations and insults tacked up. Indeed, church doors were central sites where religious heterodoxies could be expressed, as was the case with a piece of writing against the mass posted on a door at Reading in the time of Mary's reign, and whose author was revealed to be one John Mayer, "who confessed the fact and recanted."[131] Such acts of protest seem to have especially outraged the authorities, the more so because they were done anonymously. In 1533, for example, Foxe reports that Thomas Benet posted an anti-papal tract on a cathedral door, causing priests and others to ascend the pulpit "and curse the unknown author with bell, book, and candle;" this brought on an outburst of laughter by Benet himself, sitting in the pews, who was then seized by others to shouts of "Here is the heretic!" Upon apprehension, Benet denied the charges of authorship, and when the authorities themselves began to have their doubts, he was released; soon after, however, Benet's son was caught posting yet more of his father's bills on the door, and Benet was "violently committed to the ward."[132] Still, while Benet's actions, as John Foxe reports, were unpopular among congregants who either wanted to uphold the visual symbols of their faith or to preserve a peaceful status quo, the solution of these congregants was not necessarily to run to the authorities, who more often than not became furious at the silence and inaction they encountered. In 1554, for example, a cat was found hanged on the gallows in Cheapside, dressed like a priest with a wafer-like piece of paper placed between its two forefeet. News of this reached the level of bishops and even the queen, and a proclamation was issued that whoever could bring forth the party that did this would earn a reward; "but none could or would earn

---

[131] *AM*, 6:575.
[132] *AM*, 5:21.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

it."[133]

Outdoor crosses, located near the church, were also contentious sites where religious troublemakers dwelled (or were paraded by authorities), not least because they were the most common locale, especially in the More and Wolsey years, for bookburnings and other official actions.[134] In addition, people often turned to the cross and its charged connotations to make a point, as when John Hewes, a draper, witnessed a man kneeling before a cross and told him that "Thou art a fool--it is not they maker; it is but a piece of copper and wood."[135] One of the more notorious crosses, however, belonged to London's Cheapside ward. First erected in 1290 and subsequently burnished and regilded over the course of the sixteenth century, the cross in Henry's time was basically kept intact, but with Edward's reign its surrounding images were smashed and defaced, and the Virgin's arms broken off at the same time that she was "robbed of her Son" and her whole body was "haled with ropes, and left likely to fall." Reflecting religious sentiment, the statue in 1595 was again fastened and repaired, but in the following year the absent child-Jesus was replaced by a "new misshapen" one, as other images remained broken and the whole picture was confused by "a curiously wrought tabernacle of gray marble, and in the same an image of Diana, [with] water conveyed from the Thames prilling from her naked breast."[136]

---

[133] *AM*, 6:548. Hanging cat corpses, adorned in priestly attire, were particularly popular in London. See Brigden, 180, 302, 550.

[134] See, for example, Millar Maclure, *The Paul's Cross Sermons*, 1534-1642 (Toronto, 1958), 22-23. On May 12, 1521, for example, Wolsey himself presided over a ceremony where the books of Luther were burned. See also Haigh, *English Reformations* (Oxford, 1993), 57-59; 67.

[135] *AM*, 5:34.

[136] Stow, 238-39. Stow goes on to report that by 1599 "the timber of the cross at the top being rotted within the lead, the arms thereof bending, were feared to have fallen to the harming of some people, and therefore the whole body of the cross was scaffolded about.' In 1600

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

The most famous cross in the land, and a central forum for the perpetuation of orthodoxy and responses of resistance, was set up outside St Paul's church, near a permanent pulpit used as a forum to address matters of official ecclesiastical policy. Hovering in the church and around the cross were what one Elizabethan writer described as "the knight, the gull, the gallant, the upstart, the gentleman, the clown, the captain, the apple-squire, the lawyer, the usurer, the citizen, the bankrupt, the scholar, the beggar, the doctor, the idiot, the ruffian, the cheater, the Puritan, the cutthroat."[137] Indeed, St Paul's church as a whole was a place where the religious and the secular mixed, where business was transacted and employment notices listed, where countrymen gathered from outlying regions and often fell prey to the machinations of the lurking rogues. This worldliness brought on the ire of commentators, with one shocked provincial in 1561 describing the layout of Paul's Cross in the following terms: "The south alley [is used for] popery and usury, the north for simony, and the horse fair in the midst for all kinds of bargains, meetings, brawlings, murders, conspiracies, and the font for ordinary payment of money, as well known to all men as the beggar knows his bush."[138]

The pulpit at Paul's Cross by its nature invited controversy, attracting an audience of as many as 6000 people at one time. Sermons at Paul's Cross would usually last two hours--or however long it took for an hourglass, placed near the preacher, to complete its cycle twice--and were delivered by rectors, curates, young men down from university,

---

lead and gilt repaired the damage, until "the image of Our Lady was again defaced, by plucking off her crown, and almost her head, taking from her naked child, and stabbing her in the breast, etc. Thus much for the cross in West Cheape."

[137] Stow, 1:143-44; see also Salgado, 9-11.

[138] Making matters worse, the area around Paul's Cross was often filthy--a common complaint expressed by preachers such as Hugh Latimer, who at one point interrupted a sermon to speak of the unsanitary conditions of the churchyard. Hugh Latimer, *Sermons*, ed. Chester.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

notable national figures, and above all by the bishop of London, who jealously oversaw his most important pulpit.[139] In Henry's time the pulpit tended to emit a confusing melange of religious messages[140]--though the preaching of the supremacy was always at the forefront[141]--while Edward's reign witnessed a procession of reformation notables, including John Bradford, Hugh Latimer, John Rogers, John Knox, and Miles Coverdale. The preachers during the period of Mary's rule have tended to be underestimated, but while they may not have been quite on the same level as Latimer, for example, speakers such as Weston, Nicholas Harpsfield, and Feckenham[142] held their own in disseminating an effective catholic propaganda. The Paul's Cross sermons during the early part of Elizabeth's reign and before the rise of puritanism were diverse, but generally they were concerned more with upholding the settlement and ideas of political unity and security rather than fulminating invective.[143] Still, despite the royal aura surrounding the Paul's Cross pulpit, it was not at all a given that preachers were accepted among its crowds, especially in light of highly charged doctrines that varied from reign to reign. In the most notorious disturbance occurring in 1553, Gilbert Bourne, Mary's chaplain, was saved from a flying dagger during his inaugural speech by John Bradford and others.[144] Two years later, another assassination attempt occurred when a Doctor Pendleton, "a zealous professor of religion in Edward's days" but now mutated into a Catholic, was giving a

---

[139] See also J.W. Blench, *Preaching in England in the Late Fifteenth and Sixteenth Centuries* (Oxford, 1964).

[140] See Brigden, 333.

[141] Maclure, 27-39.

[142] For a more complete list of Marian Catholic preachers at Paul's pulpit, see *EM*, III (1), 32.

[143] Maclure, 54-87.

[144] For various accounts of this highly partisan incident, see *Wrioth. Chronicle* II: 97098; Samuel Clark, *The Marrow of Ecclesiastical History* (1654), 512; *AM*, 6:391-92.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Paul's Cross sermon when a gun went off, just missing him.[145]

Audience participation or heckling was also a common problem for the authorities, as preachers could be challenged to a dispute by other preachers, as was the case in 1534, when an abbot, preaching against Queen Katherine in favor of Henry, was challenged by a Greenwich friar, who intended to preach the opposite case at the same pulpit.[146] Other events at Paul's Cross included the 1552 marathon-sermon of Nicholas Ridley, who introduced the second Book of Common Prayer, though the result was so wearying (or possibly disagreeable to religious proclivities) that the Lord Mayor and aldermen went home afterwards and "came not within Pawlles...as they were wonte to doo."[147] With Mary, on the other hand, the return of the old religion brought speakers such as Dr Thomas Watson, chaplain to the bishop of Winchester, to exhort the crowd not to believe preachers such as Bradford or Rogers--who had previously stood where he was now--but to "keep the oulde faithe, and edifye the ould Temple againe." Perhaps taking a cue from the attempted assassination of Gilbert Bourne, Watson made sure he was surrounded by 200 of the Queen's guard as he spoke.[148]

In general, however, reverence was rare not only at Paul's Cross but within all churches,[149] which complicates the question as to whether problematic behavior

---

[145] See also *EM*, III (1), 113-14.

[146] *EM* I (1): 257-58.

[147] *Wriothesley's Chron.*, II, 78.

[148] Machyn, 41; *AM*, 7:768.

[149] Dogs in church were a common nuisance, whether they entered of their own accord or were brought in as pets and seated in pews with their owners--much to the consternation of churchwardens. In 1597 Suffolk, one Mary Knights was accused before the church courts of bringing "maistifes to the church into the stool [stall] with her wherebie the parishioners cannot have their seats." *BBC*, 44. For other examples of animals in churches and churchyards, see ibid., 121. Pews themselves, which were sometimes arranged "according to one's calling" or claimed by families because of custom, could be places of contention: in Shimpling, Norfolk in 1597 the wife of one William Mettes was reported to have "disturbeth the minister in

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

constituted genuine religious protest and resistance or normal rowdiness.[150] For example, in 1555 Henry Machyn wrote of an old shepherd who created a disturbance by speaking "serten thynges and raylyng,"[151] though the outburst occurred in an age when it was normal for congregants not only to talk back to preachers[152] but to loudly cough,[153] knit, spit, make vulgar remarks, tell blasphemous jokes, or even provoke knife fights[154] before taking off for the nearest tavern house.[155] Hugh Latimer, whose ability and reverence for

---

devine service by placeing hirself in the best pewes of the parishe, being placed benethe by the churchwardens." *BBC*, 119. In another case, an Essex parishioner in 1576 is reported to have pulled off the hat of a man who had deigned to sit in his churchwarden-designated pew; he defended himself by saying that he had owned the seat "from [the] tyme his ancestors have bene there plased." Ibid., 220-21. For other pew disputes, see *Tudor Parish Documents of the Diocese of York*, 87; a particularly violent example occurred in York's Glaisdale Chapel, where in 1555 one James Wynder "dyd maliciously and violently pull Jayne Burton out of hir stall wher she was then knelynge," because Burton violated "custome" in occupying a seat that was to be designated for more important personages by the churchwardens. See ibid., 91 [Cause Papers, R.A.s 25/30]. See also Emmison, 130-38. Another object of abuse was the church bell, which could be subject often to unlawful ringing by disorderly youths or others; among the more commonly mentioned offenses were the "ringing peals at Halloweentide or any other times unlawful," as numerous cases from church court records attest. Emmison, *Morals*, 264-67.

[150] A.G. Dickens, for example, writes about York Protestants in Mary's reign: "...[N]ot everybody who got into trouble with the Marian authorities was a studious and informed Protestant, let alone a potential martyr. Our Tudor ancestors were often coarse, unrestrained, and indiscreet in both speech and deed. In addition, the legal records are usually cryptic and apt to leave unexplained the most vital motives and intentions. Under these circumstances we distinguish with difficulty between thoughtful rejection of tradition and mere crude irreverence." See A.G. Dickens, *The Marian Reaction in the Diocese of York* (Part II, The Laity; London, 1957), 10.

[151] Machyn, 98.

[152] Typical is the later case of one "Joh. Lacocke" in York, who was charged with "...very crooked and unreverent behaviour usinge beastly and shameles speeches in matters of religion both privily and openly in the Church before the preacher and havinge bene admonished still continueth and maiketh a iest of his owne vainnesse." In *Tudor Parish Documents of the Diocese of York*, 85-86 [R.VI.1, f. 12v.].

[153] See the case of the Northumberland cougher who caused others to laugh to the point where the vicar had to abandon his sermon. *BBC*, 207. See also *Tudor Parish Documents of the Diocese of York*, 94-95, for more irreverent and inappropriate behavior.

[154] In 1575, for example, "Simon Tanfeld a dronkarde drue his knife and porred with it [struck at] Ambrose Jackson in Acaster church upon a Sondaie sence Easter last." In Ibid, 85.

[155] Keith Thomas, *Religion and the Decline of Magic* (New York, 1971), 161-63.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

preaching was profound, nevertheless complained of less-than-enthusiastic congregants, including one London woman who used the sermon-time to catch up on missed sleep (nevertheless, Latimer added, "For with what mind soever ye come, though ye come for an ill purpose, yet peradventure ye may chance to be caught ere ye go; the preacher may chance to catch you on his hook").[156] Some cases were more obviously religious, as when William Gardiner in the 1540s suddenly began to stomp on the host and throw the chalice through the church. On the other hand, it is unclear whether genuine outraged religiosity impelled Robert Hudson in the 1540s to offer, during a regular church service, the child bishop a dog for devotion, and to make claims, moreover, regarding the "tenth dog;" or whether he was a troublemaker unwittingly carrying through what he thought was a good prank. On this the records remain ambiguous. Certainly mental derangement plays a role in more than a few of these offenses, as the case of one Collins--a "lawyer and a gentleman"-- attests: overcome with "exceeding dolour and heaviness" over his comely wife's infidelities, Collins fell victim to a madness that compelled him to go to church and to hold up a dog in imitation of the priest holding up the host; for this he was condemned as a heretic.[157]

As the cases at Paul's Cross have shown, clerics, especially those who were perpetrators of controversial changes in ecclesiastical policy, were not immune from abuse, though scorn could often derive from a more personal rather than religious source. Priests and bishops who changed religious affiliation from one reign to another--particularly

---

[156] Chester, 177.

[157] Collins came to a bad end: after undergoing interrogation, he was sentenced to death as a heretic and burned. Foxe does not put Collins in the company of the saved flock of martyrs, though he does place him in the "holy company of saints." *AM* 5:1538. Collins may have actually been an anabaptist. See I.R. Horst, *The Radical Brethren: Anabaptism and the English Reformation to 1558* (Nieuwkoop, 1972), 93-94.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

priests who married during Edward's reign, only to turn hardline Catholic in Mary's--especially brought contempt down upon themselves, not to mention confusion regarding their motivations.[158] For example, in Edward's time William Herne, vicar of St Petrock's in Exeter, declared to his friend John Midwinter that he would rather be torn apart by wild horses than say mass again; nevertheless, when Mary came to the throne Herne conformed to the Catholic order. When Midwinter saw Herne robed for mass he "poynted unto him with his fynger rememberinge as it were his old protestations that he would never singe masse agayne; but parson Herne openly yn the churche spak alowd unto hym, 'It is no remedye, man, it is no remedye.'"[159] In other cases, priests of the old faith could meet with hostility in heavily Protestant areas such as Colchester, where they found themselves "hemmed in at the street and called knaves."[160] Finally, clerics simply skirmished with their congregants out of more mundane reasons: the rector of Ryton was physically abused, for example, when he rebuked William Sander for cutting wood on church property; a beating with a water staff "suche as fishermen hangs ther nett upon," was the result.[161]

Traveling preachers moving from town to town could also be a source of some turmoil and disturbance, especially to authorities who found that the requirement of a

---

[158] One must bear in mind, however, that the contempt for these recanters or turncoats belongs to Foxe, and not necessarily the larger sixteenth-century view; for others of the time, such changeability may have been accepted, albeit ambivalently, as a strategic tactic of necessary equivocation. See Susan Wabuda, "Equivocation and Recantation during the English Reformation: The 'Subtle Shadows of Dr Edward Crome," *JEH* 44 (1993): 224-42.

[159] "The Reformation Changes and their Effect on the Church Life of Local Communities," in J.H. Bettey, *Church and Parish: An Introduction for Local Historians* (London, 1987), 67-89.

[160] *AM*, 8:383.

[161] "Office of Judge against William Sander, for laying violent hands upon the rector of Ryton' [c.f. 448]. Durham (Surtee), CCCVIII, 263-65.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

preaching license was not always a sufficient mechanism of control. Sometimes the forums chosen by itinerant preachers took place in the woods: in Hockley during Mary's time, for example, Plumborough-wood and Beaches-wood hosted the activities of one John Gye; when Gye's master, Edward Tyrrel--a recurring persecutor in Foxe's work--heard that his woods were "polluted with sermons, the which he did take very evil," he came to investigate the matter himself, only to find gatherings of over one hundred people.[162] Other towns offered up their churches as waystations for itinerant preachers, though not all were welcome: often a preacher could come bearing a sermon that met with a hostile response, while other times the preacher was simply met with indifference. In one of the more famous incidents, Hugh Latimer entered one town intending to preach; finding the church door locked, he was told by a local parishioner who had "at last" found the key, "Sir, this is a busy day with us, we cannot hear you; it is Robin Hood's day" (Latimer, later recounting the story in a sermon, added that "it is no laughing matter, my friends, it is a weeping matter," for "this realm has been ill provided for, that it hath had such corrupt judgments in it, to prefer Robin Hood to God's word").[163]

Apart from churches, other theaters of public contention were located in areas of town where individuals underwent public punishment by means of the stake, the pillory or the whipping post. Paul's Cross, for example, did not solely witness disruptions, and in many cases it achieved one of its purposes by serving as an effective correctional forum in bringing forth penitents and recanters. Penitents were distinguished by the wearing of white sheets and the bearing of tapers as they were castigated or at times whipped by the

---

[162] *AM*, 8:107-08.

[163] Traditionally held on the first of every May, Robin Hood's day was intended for the collection of money for the May games. See in general Haigh, 137-51.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

preachers; such was the case with everyone from Elizabeth Barton, the nun of Kent, and nine of her associates in 1533, through Robert Barnes, Thomas Becon, and Robert Wisdom, through the anabaptists, who penanced themselves more famously in 1538, 1549, and 1575. It was also not uncommon to witness preachers punctuating their sermons by wielding the whip themselves, as was the case in 1554, when the highly Catholic partisan Nicholas Harpsfield gave a sermon at Paul's Cross, and followed it by striking five fairly distinguished penitents with a rod.[164] In parishes it was generally standard for the churchwarden to oversee the whippings of rogues and vagabonds, whose increasing number over the course of the century made such displays more common; punishment for adultery was an equally public spectacle, requiring the offender to stand outside church also dressed in a white sheet and holding a white wand for three consecutive Sundays. The powers of church officials also included the ability to order adulterous men such as Ralph Blundell in 1530 Hertfordshire to not only bear the penitential candle but to fast on bread and water.[165] In this the diary of Henry Machyn provides a virtual litany of London's public punishments, brought about in response to various crimes from sexual transgressions to the calculated skimping of strawberry-sellers.[166] People came from all over to witness and sometimes cheer these floggings, with vendors and fruitsellers engaging in lively side trades, but it was the execution,[167] as will be seen, that brought on the most compelling spectacle that mixed

---

[164] *EM*, 322. Most well known was the London bishop Edmund Bonner, who was also known to whip a few known and lesser-known penitents at this, his most important pulpit.

[165] *BBC*, 65.

[166] Machyn.

[167] Some sites of execution, such as the one in London's Finsbury Field, were actual theaters; see Martin Holmes, *Elizabethan London* (London, 1969), 50-51, 81; others such as Smithfield and Tyburn were part of the national lore, while London's Cheapside Ward was

80

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

crowds, officials, and those put to death in an elaborate, dramatic interplay.[168]

Drinking establishments could also provide a charged environment for religious disputes and blasphemies to erupt. Inns and taverns were more respectable places, though this didn't prevent religious debate and conflict from breaking out, as the White Horse Tavern in the 1520s (known as "Little Germany") attests. Altogether more incendiary, however, were the alehouses, which exploded in number over the course of the century, due to the rise in beer rather than ale consumption and an increase in population and its attendant problems such as vagrancy. Alehouses prevailed in London and the larger towns, but they also began to take on increasing importance in local communities, and even in woodland hovels. The latter were particularly primitive dives, but nevertheless shared with their larger-scale cousins the familiar pub interior of hearth, cheap and somewhat sparse furniture, a front door generally kept open, perhaps a backdoor for surreptitious exits, and an ale-stake consisting of a pole with a bush hanging off the end to signify brewing activity on the premises.[169] Pubs could often get crowded, especially around market or fair days--thus adding to an inflammatory situation and leading moralists (and later puritans) to speak of pubs as dens of robbers and nurseries of riot. At the same time, alehouses, which were mostly run by and geared toward the poorer segments of society, served as not entirely disruptive meeting places for useful recreational activities as well as celebrations on the occasion of baptisms, wedding, and funerals.[170]

---

distinguished by the Standard, where crowds gathered to witness the severing of numerous heads and hands. *AM*, 8:741. Even at Paul's Cross, Machyn reports that a temporary gallows was set up in 1560, and on January 10 between nine and ten a.m., two men were hanged and then left for six hours, until their bodies were taken down and thrown into a common grave at St Gregory's churchyard.

[168] Ibid, 108.

[169] Peter Clark, *The English Alehouse: A Social History 1200-1830* (London, 1983), 67.

[170] Keith Wrightson, "Alehouses, Order and Reformation in Rural England, 1590-1660," in *Popular Culture and Class Conflict 1590-1914: Explorations in the History of*

81

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

As a thriving social center, the alehouse, which sometimes consisted of someone's back kitchen in a poor dwelling, nevertheless became a kind of clearinghouse for prostitutes, hawkers of stolen goods, shady pawnbrokers, gamblers, peddlers of scurrilous ballads,[171] and ne'er-do-wells who wished to spend the night away from prying authorities' eyes, even if it meant paying an accommodation fee and sharing the same bed with the keeper and his wife.[172] In towns and cities the parish church and the alehouse were often located directly across the street from each other, with people traveling back and forth between the two. As a result, the boundary that existed between religious and alcoholic milieus was an often overlapping one, as drunken parishioners uttering blasphemies [173] could appear in their churches on Sunday or clergy and churchwardens could show up over-imbibed.[174] In one case from late in the century, a vicar complained to a church court of Richard Maula, a Northhamptonshire man who "departed the church at sermon and went to the alehouse giving very evill example to younger persons that there kept him company."[175] Knaves were also known to spill over from alehouses to churches, and even carry their alehouse disputes into the church--as was the case of the Oxfordshire man Richard Cumber, who in 1584 was accused of brawling in the church and churchyard after having been called, in a nearby alehouse, an "errant knave."[176]

Visitation records, particularly in Elizabeth's reign, attempted to address these

---

Labour and Leisure, ed. Eileen Yeo and Stephen Yeo (Atlantic Highlands, NJ, 1981), 2-3, 8.

[171] See Tessa Watt, *Cheap Print and Popular Piety* (Cambridge, 1991), 6-7.

[172] Women played a particularly important role in running these alehouses. See Judith M. Bennett, *Ale, Beer, and Brewsters in England* (Oxford, 1996), 122-57.

[173] Emmison, 202-17; Haigh, 141.

[174] Emmison, 68-71; 225-28.

[175] *BBC*, 162.

[176] In reply he said "that he was not as arrant a knave as the said churchman Mathew Atkins was a lowsie knave, and this was all he said." Ibid., 71.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

problems by enjoining towns to close their taverns on Sundays, and requiring churchwardens to watch over the congregation with ceaseless diligence.[177] In addition, the government increasingly required that all alehouses be licensed, beginning in 1495; that requirement was often violated by illegal "common tippling houses," however, and the situation was not really dealt with statutorily until 1552, when Edward's parliament sought to impose regulations on the over 20,000 alehouses which by then existed across England. Such efforts would increase even more under Elizabeth, though with decidedly mixed results and often lax enforcement,[178] as alehouses proliferated well into the seventeenth century.[179] Indeed, despite these efforts, nearby alehouses continued to disturb order by siphoning people away from attending church, or generally threatening the church as a communal center. In some ways the reformation worsened this situation, when new religious changes forced previous parish-sponsored entertainments and other festival-related activity away from the churches and into the pubs--though pub entertainments were also known to come back and encroach on church grounds. Other threats to the church existed in the form of the many clandestine or common law marriages that took place directly in the pubs, along with dowry negotiations and betrothals.

Alehouses also played host to a number of religious troublemakers, though

---

[177] W.P.M. Kennedy, *Elizabethan Episcopal Administration: An Essay in Sociology and Politics*, Vol. 1 (London, 1924).

[178] According to Wrightson, "[T]he village officers of the period [were] so notoriously unwilling to present petty offenses to the courts, risking the consequences of an explosion of conflict and perhaps a dislocation of their own personal relationships. Enforcing the law against alehouses was extraordinarily difficult when the demands of 'Order' had to pass through a double filter of firstly, more flexible popular attitudes and secondly, the web of interpersonal relationships in the villages, before they could hope to find implementation." Wrightson, 15.

[179] Clark, 48-49.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

sentiment among the denizens seems to have remained essentially conservative and resistant to any intrusive, radical presence. In 1546, for example, the Protestant Thomas Skygges chose alehouses in Essex to expound his views on the eucharist, but was met with complaints that he "hath conferred himself with divers young men and hath been a common talker of Scripture."[180] Even notable figures such as Nicholas Ridley encountered, in the 1540's, a milieu where "the more part of the people were offended with their preaching."[181] Still, pubs and inns could sometimes sponsor secret conventicles, hosting at various times Lollards, evangelical Protestants, Freewillers, Familists, and anabaptists, who gathered to read scripture, discuss doctrine, and join in mutually-strengthening fellowship.[182] Most alehouse owners themselves did not appreciate their presence, since it called down suspicion on the establishment and thus hurt business, but such groups continued to meet under various covers, and rent out back rooms for their congregational gatherings.

Conventicles also met in secret, underground places such as woods, ships on the Thames,[183] and modest homes belonging to artisans, located primarily in places such as London,[184] Boxted, and Colchester[185]--all of which tended to be well known secrets, with

---

[180] *LP*, XXI (2), no. 836; *APC*, I:412.

[181] LP, XVIII (1), 546. See also Carl Bridenbaugh, *Vexed and Troubled Englishmen, 1590-1642* (Oxford, 1968), 362-74.

[182] See the case of a tippling house during Mary's reign, located in London "next the sign of the Mermaid." *LP* XVIII (2), 311. For other religious-related pub disorder see also Clark, 157; J.E. Oxley. *The Reformation in Essex to the Death of Mary* (Manchester, 1965), 143-44; David Loades, "The Enforcement of Reaction 1553-58," *Journal of Ecclesiastical History* 16 (1965), 59; A.G. Dickens, *The Marian Reaction in the Diocese of York, Part II The Laity* (York, 1957), 5. See also Martin, 13-39.

[183] J.W. Martin, *Religious Radicals in Tudor England* (London, 1989).

[184] See for example Brigden, 87-88.

[185] Ibid. See also Emmison, 97-99.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

chroniclers such as Henry Machyn[186] and John Stow[187] recording their whereabouts in detail. The fate of such gatherings waxed and waned in intensity over the course of the sixteenth century, depending on the religious atmosphere at any given time and the character of the groups themselves; but concern among the authorities was always a near-constant regarding the fugitive groups that eluded their control. Officials acted to infiltrate or suppress such gatherings, and while the records are incomplete, fairly detailed evidence exists, for example, regarding a 1532 anabaptist conventicle gathered in the home of John Raulins,[188] and, more infamously, the contemporaneous gathering at the home of the London bricklayer John Harrydaunce, whose Bible-expounding in his home in Whitechapel parish attracted widespread attention and was formally investigated by two Lord Mayors of London.[189] In Edward's reign attitudes toward these forms of radicalism were somewhat more tolerant, though Freewillers, led by Henry Hart, would bring on the ire of the government, which proceeded to arrest over a dozen participants and collect numerous depositions from members of a gathering in the Essex village of Bocking.[190] In general, then, even the privacy or hiddenness of the conventicle could not always ensure anonymity, as a kind of public forum was forged out of a private sphere, where religion could be discussed among upwards of forty and sometimes as many as 200 often illiterate people at a time, making such gatherings open secrets to many if not most of the surrounding populace.

All these potentially explosive spaces, from the loneliest wood to the most urban

---

[186] Machyn, 59, 160.

[187] John Stow, *Three Fifteenth-Century Chronicles with Historical Memoranda by John Stow*, ed. James Gairdner (London, 1880), 143-44.

[188] See *LP*, Addenda, I, I, no. 809; Martin, 20.

[189] LP, XII (2), no. 594, 624; XIV (2), no. 42; *Wriothe.*, 2:82-83, 93.

[190] Ibid., 23-24; 48-49.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

and squalid alehouse led to an often suspicious, destabilizing atmosphere where rumor, as mentioned, ran rampant, false charges were made, and reports of omens in the sky often brought on a sense of grim and fatalistic imminence.[191] Worsening matters were the instabilities that existed throughout the century, including prices made unstable by inflationary pressures, occasionally bad harvests, high rents, and dislocations caused by the enclosure movement, all of which led to a decline in the average standards of living.[192] When a rumor thus arose, as in Edward's reign, that the king was to impose taxes on those who married or undertook burials or christenings, the result could be especially charged,[193] as were rumors of his being dead, and after his death, being alive.[194] Hundreds of riots, instigated by ordinary men and women, are estimated to have occurred, extending from Henry's reign through Elizabeth's, with religious upheaval constituting only one factor among a multitude of economic and social grievances.

Religious dissidents must be placed within this larger context of instability, since their preachings or proseletizings co-existed with other, more "secular" forms of speech

---

[191] Even those of a more sober, reformist temperament such as John Foxe paid some heed to things such as portents and marvels, reporting for example in Mary's time that "honest men" and "certain aldermen out of Guildhall" claimed to have seen two suns shining at once and a rainbow appearing "contrary" in the sky over Westminster, Cheapside, St Paul's and other places.

[192] A.R. Bradbury, "Sixteenth-Century Farming," in *Economic History Review*, 2d ser., 27 (1974): 538-56. The issue of a sixteenth-century decline in standards of living is generally accepted by historians, though the causes behind this decline continue to provoke debate. See David Loades, *The Mid-Tudor Crisis 1545-1565* (New York, 1992); Barrett L. Beer, *Rebellion and Riot; Popular Disorder in England During the Reign of Edward VI* (Kent, Ohio, 1982), chapter one; W.G. Hoskins, "Harvest Fluctuations and English Economic History, 1418-1619," *Agriculture Historical Review* 12 (1964), 28-46. See also Roger B. Manning, "Enclosure Riots, 1509-1548," in Manning, *Village Revolts: Social Protest and Popular Disturbances in England, 1509-1640* (Oxford, 1988), 31-54.

[193] See for example *EM*, 2 (1): 141.

[194] Tales of Henry and his wifely machinations abounded, as were accounts of Mary, Philip and her phantom heir; also noteworthy was a report in 1553 that Edward was still alive, with one imposter claiming to be the boy-king himself.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

and questionable activity. Indeed, while authorities from all the Tudor reigns viewed religious zealots or protesters as inherently different, the threat those individuals presented was also seen as carrying the same kind of disorder and even seditiousness as that of the thief or the rioter, and as such was approached by officials with the same urgency, if not the same legal or judicial methods. The relation of the religious dissident to other deviants was a thus an intimate one, as he inhabited and appropriated the same spaces, mingled within the same pulpit and alehouse crowds, and contributed to the same instability; the problem faced by authorities and members of the community was not simply to enforce uniformity in a religiously diverse and confused world, but to do so when everything else--crime, population movements, economic hardship--was in flux as well.

Conclusion

By examining the larger milieu of sixteenth-century England, with its dynamic villages, towns, and cities, its prevalence of suspicious, monitoring neighbors, its complex layers of official and unofficial power, and its incendiary sites, one may get a better sense of the complications that faced the high authorities as they attempted to effect a uniform religious policy across the realm. Whether that policy involved Henry's hybrid Protestant-Catholicism (or schismatic Catholicism), Edward's Calvinism, Mary's Catholicism, or Elizabeth's ambiguous Protestantism, the difficulties remained the same, as dissidents could never be wholly prevented from forming their own movements or pockets of power. While resistance and protest were not so great as to disturb what remained in effect an acquiescence and compliance by the majority toward the royal will--rooted as it was in a

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

traditional and long-lasting loyalty to the crown as well as a communal desire to maintain group cohesion[195]--obedience was never entirely assured; indeed, acts of resistance and defiance would always arise, especially when it came to religious matters, which fired up a Paul's Cross heckler, an alehouse conventicle, or a full-out movement.[196]

Enforcing religious uniformity across a diverse religious landscape was thus difficult, if not impossible, because of the particularities of the world that enforcement was expected to act upon. The essential middle layer of functionaries--justices, sheriffs, churchwardens--were often torn by conflicting loyalties or a desire not to stir up unnecessary conflict in the communities of which they themselves were members; visitations, quarter sessions, assize sessions, and the actions of ad hoc royal commissions were effective as far as they went, but they were still unable to catch all religious deviants in their nets or prevent the majority of problematic cases from being dropped or resolved extra-judicially. Without the bureaucracy and police system to ensure a unidirectional flow of power from the top, authorities were thus reliant instead on the active participation of other forces from the bottom and the middle levels of society, which in turn limited and defined the perimeters by which those authorities could act. Complicating matters was the fact that the world which the government sought to change was an unsteady one, offering up cooperation as well as resistance, and sites such as churches which could stabilize as well as upend the actions and sentiments of the population. A strength of early modern England--its intimacy, communality, and interconnected watchfulness--could also constitute its central weakness, as obedience and defiance were held in a delicate balance

---

[195] For a brief discussion of the explanations behind this compliance, see Christopher Marsh , *Popular Religion in Sixteenth-Century England: Holding Their Peace* (New York, 1998), 201-04.

[196] For a good overview on the question of obedience in a political sense, see M.E. James, "Obedience and Dissent in Henrician England," *Past and Present* 60 (1973), 49-83.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

that did not always hold, or work.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Chapter Three: Accusers and Informers

Introduction

Lacking the bureaucratic and policing mechanisms to exert top-down control over the realm, Tudor governments were forced to rely on mid-level functionaries and average men and women to come forward and inform on religious dissidents or troublemakers in their midst.[1] Unlike systems of informing that developed in modern times, however, informing in the sixteenth century moved up no rational, institutional, or systematic government mechanism, nor did it appeal to an all-encompassing, overriding ideology that suppressed local loyalties and raised to heroic status children, for example, who turned against parents in the manner of a Pavlik Morozov, the Soviet boy who denounced his father to the secret police.[2] At the same time, England did carry inbuilt, if still informal and nascent, forms of surveillance in the duties and responsibilities that were expected of justices or churchwardens; moreover, individuals at the highest levels of power

---

[1] The most extensive study of informers, though limited to the Cromwell years, remains Elton's *Policy and Police*; see esp. 327-82. See also Ian W. Archer, *The Pursuit of Stability: Social Relations in Elizabethan London* (Cambridge, 1991, especially his discussion on the household and apprentice structures of stability (and surveillance). See also Cynthia B. Herrup, *The Common Peace: Participation and the Criminal Law in Seventeenth-Century England* (Cambridge, 1997), chap. five; and, for the French perspective, Raymond A. Mentzer, *Heresy Proceedings in Languedoc* (Philadelphia, 1984), chap. six.

[2] See Sheila Fitzpatrick, "Signals from Below: Soviet Letters of Denunciation of the 1930s," 85-120; and Vladimir A. Kozlov, "Denunciations and Its Functions in Soviet Governance: A Study of Denunciations and their Bureaucratic Handling from Soviet Police Archives, 1944-1953," 121-152, in *Accusatory Practices: Denunciation in Modern European History, 1789-1989*, ed. Sheila Fitzpatrick and Robert Gellately (Chicago, 1997)

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

such as Francis Walsingham could show themselves personally adept at receiving and cultivating networks of sources who reported at home and abroad on the activities of troublesome groups such as Catholics.[3] Despite the importance of accusations and informing in Tudor enforcement and persecution, however, relatively little work has been done on the subject, which is understandable in light of the scant records and the anonymity inherent in the business; still, to bypass this element in the chain of religious persecution is to overlook the complicated and individual set of relations, motivations, and circumstances that determined every accusation brought to court, and that revealed the conflicting loyalties between individual and authority, local community and central government, personal religious worldview and official religious policy.

Though the precise number is difficult to judge, a great many religious dissenters, including Protestants under Mary and Catholics under Elizabeth, came to the attention of authorities as the result of some form of betrayal by correligionists, neighbors, or hostile strangers. Who these informers were, how they interacted with higher officials, and what motivated their actions will be the subject of this chapter; at the same time, it will also be argued, in accordance with the rest of this study, that the business of informing on religious dissidents was inherently weak and open to all kinds of resistances and evasions on the part of those dissidents, thus damaging the ability of Tudors throughout the century to carry out an effective persecution policy. It should be pointed out that informers, or the willingness of people to come forward, did not prevail evenly over the course of the century, but made appearances at particular moments that were generated by a change in policy or an increasing stigmatization and suspicion of groups such as anabaptists and

---

[3] A good and balanced account of Walsingham's cultivation of informers is Conyers Read, *Mr Secretary Walsingham and the Policy of Queen Elizabeth* (Oxford, 1925), 2:317-39.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Catholics. With the passage of the conservative Act of Six Articles in 1538, for example, royal commissioners, along with sheriffs and mayors, were given broad powers of inquiry[4] and an increasing number of average men and women either volunteered or were encouraged to come forward as informants and spies for the realm. Threats by foreign powers could also generate a tension that created an atmosphere conducive for informers and accusers to prevail: thus, the Armada invasion in 1588 brought about an increasing suspicion in the land and an anti-Spanish nationalism which associated Catholics, and especially Catholic priests and Jesuits, with treason, and made them particular targets for a more polarized (and Protestant) public.[5] Finally, while the subject of the witch hunts is outside the scope of this study, the increasing prevalence of accusations in this area also points to an environment that was charged with discord having to do with political, economic, and social factors.[6]

Even in more charged periods, however, weaknesses remained in encouraging individuals to come forward. Religious confusion and changeability from one reign to another, for example, mitigated against the establishment of a strong institutional structure for any kind of information system to work; moreover, while it is difficult to estimate the precise number, certainly a percentage of individuals chose to keep silent and not stir up

---

[4] See Christopher Haigh, *English Reformations* (Oxford, 1984), chap. eleven. Not all regions underwent persecution in the same manner, however; whereas London experienced much activity, in Norwich, for example, "there was not a single charge from a citizen or arrest by the magistrates made resulting from the Six Articles." See Muriel C. McClendon, "Religious Toleration and the Reformation: Norwich Magistrates in the Sixteenth Century," in *England's Long Reformation*, 1500-1800, ed. Nicholas Tyacke (London, 1998), 93. See also Susan Brigden, *The Reformation in London* (Oxford, 1989), 325-77.

[5] See Robin Clifton, "Fear of Popery," in *The Origins of the English Civil War*, ed. Conrad Russell (London, 1973), 144-67.

[6] See for example Malcolm Gaskill, "Witchcraft in Early Modern Kent: Stereotypes and the Background to Accusations," in *Witchcraft in Early Modern Europe: Studies in Culture and Belief*, eds. Jonathan Barry, et al, eds. (Cambridge, 1996), 257-87; Brian Levack, *The Witch-Hunt in Early Modern Europe* (London, 1987), esp. 116-42.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

trouble by betraying dissidents--many of whom enjoyed a sympathetic following in the community. The cases where significant networks of dissidents were uncovered as the result of information, usually from an individual under pressure to name names, were relatively few over the course of the century, and certainly didn't cover the entirety, or even the majority, of actual groups which continued to circulate; even those who were betrayed were able to elude the attempts of authorities to catch them, as will be seen in the next chapter. In addition, while placing spies or agents in monasteries or prisons allowed high authorities to take the temperature of those groups and to keep watch over their movements, it is not entirely clear how informers themselves really contributed in any deep or significant way to the overall prosecution of such groups. Mid-level officials, while often efficient in their duties, were also not entirely dependable in bringing dissidents forward, as the reports of the privy council, for example, attest. Thus, while informing was a way in which high and low (and middle) sometimes succeeded in working together in the interplay that was necessary for enforcement, the results were ambiguous, especially in the face of systemic weaknesses and the abilities of dissidents to evade, resist, and close ranks against a common, if cunning, enemy.

Informing in England: An Overview

In the area of informing and accusation, the basic initiative emanated from the top, though various directives to keep watch and come forward were worthless without the cooperation of mid-level officials and the larger population, whose incentive was diluted somewhat by the absence of a professional police force and system of reward . Still, in both religious and political matters, the responsibility of individuals to report offenses, or

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

to take part in the collective law enforcement action known as the hue and cry, [7] had for centuries been deeply embedded into the law, and indeed, in the case of treason it was considered equally traitorous not to report comments no matter how casually overheard. The English legal system had also gone farther in taking the role of the informer or denouncer into account, since, again, it depended so much on the population as a substitute for the lack of police resources.[8] In legislation the word "informer" first appeared briefly and imprecisely in the *Articuli super Cartus* during the reigns of Edward I and II, with information in the form of querelae--or written complaints about local administrations--becoming something of a fixture beginning in the late thirteenth century.[9] In addition, it became almost a given in the Middle Ages, even though potential abuses were acknowledged, that an individual could be brought to trial on information alone, without benefit of jury presentment or indictment. While this changed in the sixteenth century, one element that did persist was the system's allowance of a trial to go forward based on only one person's information and accusation--a problem which would resonate especially in the trial against Thomas More.[10]

---

[7] Indeed, some early forms of informing of a kind could be seen the "hue and cry," in which a person witnessing a felony was required to sound a general alarm, calling, "Out! Out!", which then brought on fellow townspeople who, under threat of fines and imprisonment, had to chase down the offender with bows, arrows, knives, and other weapons. See T.A. Critchley, *A History of Police in England and Wales* (2nd ed., Montclair, NJ, 1967), 11-13; James Stephen, *A History of Criminal Law of England* (1883), 1:190.

[8] For the traditional account of the history of information in England, see W.S. Holdsworth, *History of English Law*, 236-41. See also A. Harding, "Plaints and Bills in the History of English Law," in *Legal History Studies* (Cardiff, 1975).

[9] According to John Bellamy, the querelae was meant to encourage the king's subjects to come forward through a channel different from the usual bills presented to twelve men of the grand jury. See *The Tudor Law of Treason* (Toronto, 1979), chapter three.

[10] See Holdsworth, 9:238-41. For the case of Thomas More--and his accuser Richard Rich--see J. Duncan Derrett, "The Trial of Thomas More," *EHR* 79 (1964), 449-77. See also E.E. Reynolds, *The Trial of St Thomas More* (London, 1964), 107-17.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

In a parallel development, as the English legal system evolved the rise of the grand jury also came into effect, where witnesses (including informers) could come anonymously forward to state their knowledge of violations of the law, after which they and the jurors were sworn to secrecy on their testimony and deliberations. Ideally, the grand jury functioned as the sieve through which private gossip or false and malicious charges were funneled and determined to be worthy or not of a summary judgment or public trial. In addition, grand jurors were expected to supplement neighbors' complaints by doing some informing on their own, to act as "the eyes of your country to spy out and bring [offenders] to their deserved punishment."[11] Like other local officials, however, grand jurors could often be torn between local loyalties and loyalty to the larger law, which led to their frequent lapses into unreliability or passivity; moreover, the fact that the social standing of grand jurors was often lower than those they had to charge made their responsibilities all the more difficult to fulfill.[12]

By the fifteenth century, political troubles compelled the crown to push through statutes that bypassed the usual indicting grand jury and allowed police to arrest and proceed to trial solely on the information of private persons.[13] It was the sixteenth century with its numerous enactment of penal laws, however, that gave an injection of life into the role of the informer. Since penal laws required offenders to pay fines for their violations, it was decided that part of the money was to revert to the king, while the rest was to go to the informer, acting (theoretically) as the prosecutor on the king's behalf. Eventually, however, Henry and later Elizabeth would give up their share and direct it

---

[11] Herrup, 93-95.
[12] Ibid., 95-98.
[13] Alan Harding, *A Social History of English Law* (Baltimore, 1966), 76-77.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

instead to worthy local causes or charities, while part of the spoils also reverted to mayors, local justices, or in Elizabeth's time churchwardens, perhaps to ensure the penal laws' passage through an often reluctant parliament.[14]

The secrecy and anonymity inherent in the act of informing led, unsurprisingly, to abuses such as blackmail or false information, which the criminal code had to take into consideration by making accusers answer for their charges in public. One of the more important pieces of legislation, Statute 25, Henry VIII, c. 14, enacted in 1534,[15] thus ordered that no individual was to be arraigned for heresy except on the presentment of twelve men before commissioners, justices of the peace, or justices of oyer and terminer.[16] The statute was a revision of the earlier anti-heresy law known as *De haeretico comburendo*, which had empowered bishops to arrest heretical suspects on the basis of fame alone, even if it was, as mentioned, based on one person's testimony or suspicion.[17] Still, even after the law's passage abuses existed and questions arose, such as whether priests had a duty to inform on those who confessed to them (the answer was yes),[18] or the extent to which problematic informers with criminal or shady backgrounds should be given credibility at all. The latter question was particularly troublesome, since informers had always been disliked figures whose duty was, in one contemporary's words, to work "parteleye for theire owne singlular gayne, parteleye for malice,

---

[14] Bellamy, 92.

[15] G.R. Elton, *Tudor Constitution: Documents and Commentary* (Cambridge, 1972), 61-67.

[16] *EHD*, #125.

[17] See Ralph Houlbrooke, *Church Courts and the People during the English Reformation* (Oxford, 1979), 216-22.

[18] See *I.P*, 5:1067, in which a Rector in Suffolk, Richard Croukar, got in trouble on concealment charges for preaching that "the priest is bound to conceal treason revealed to him in confession."

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

corrupcion and other devilisshe affection."[19] On the other hand, to sympathizers informers could also be seen as good and concerned adherers of public duty and religious orthodoxy. It was Hugh Latimer, for example, who came out in favor of informers when they worked in tandem with Edward's government, which he loyally served as bishop. "For God's sake make new promoters [informers]!' he declared in a 1550 sermon. "There lack promoters such as were in King Henry the Seventh's days...to promote transgressors, as rent-raisers, oppressors of the poor, extortioners, bribers, usuers."[20] In 1552 the Privy Council, partly as a result, even made steps--though the plan ultimately went nowhere--to create a so-called "Committee of Ten," which would sponsor the work of informers and then report its progress at the end of every law term.[21] While the measure was unsuccessful, the years from 1550 through the first decades of the next century, from Edward through Elizabeth's reign, would nevertheless become the most active period for professional informers, who worked primarily in the economic realm and through the court of the Exchequer.[22] Marketing, customs, and foreign trade offenses constituted the vast majority of cases, with religious offenses adding up to less than five percent of the total--a figure which is unsurprising, since economic matters were more lucrative for informers whose income was not always very good or consistent.[23]

---

[19] See also *Select Cases in Star Chamber*, ed. I.S. Leadam (Selden Soci XV; 1910), 220.

[20] Hugh Latimer, *Sermons* (Parker Society; Cambridge, 1844), 1:279.

[21] *SP* 10/14/16-17; C 66/847 m 33d.

[22] Beresford, "The Common Informer, the Penal Statutes and Economic Regulation," *Economic History Review* 2 (1927), 157. See also Joseph A. Limprecht, *Common Informers and Law Enforcement in England, 1603-1640*. Diss. UC Berkeley, 1968.

[23] See especially the case of Whelpay, an early informer working relatively unprofitably in the years 1538-43, in Geoffrey Elton, "Informing for Profit," *Cambridge Historical Journal* 11 (1954), 149-67.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Keeping Watch: The Mid-Level Functionaries

While the population was by law expected to come forward and inform on itself,[24] local officials were also required to take on inquisitorial or informing roles, supervising one another as well as men and women in the larger community. Proclamations and circular letters were thus sent out to sheriffs and justices of the peace, for example, compelling them to keep watch over bishops and other clerical men; according to one circular released by Cromwell in 1534, such officials "were to make "diligent search, wait and espial in any place in your sheriffwick whether the said bishop do truly, sincerely, and without all manner cloak, colour, and [dissimulate], or execute, and accomplish our will and commandment," and to immediately report any bishop acting "coldly" or using "any manner sinister addition, wrong interpretation or painted colours."[25] Bishops, for their part, were expected in turn to watch over lay officials and ensure that ecclesiastical policies were being carried out, though it was a common complaint throughout the century that bishops--especially in the time of Mary, but even in Protestant regimes--were unable to control or enforce their orders on the indifferent or

---

[24] For example, guilds and other corporations were expected to fulfill self-supervisory functions that oversaw the actions of apprentices, for example, who undertook questionable activities or placed themselves in possibly disruptive environments. Such was the case with the Mercers' Company, which ordered its householders in 1548 to "look to his apprentices or other servants that they do not run to Paul's [Cross] a gazing or gaping as they have been wont to do heretofore, for because there shall be no sermons there yet a while." Mercers' Company, Acts of Court, fo.224r, cited in Brigden, 444.

[25] An earlier directive came from 1530, for example, when Thomas More commanded all men, down to the lowliest village constable, to help in the fight against heretics, which meant that sheriffs, for example, were to assist bishops if necessary. See Peter Ackroyd, *The Life of Thomas More* (New York, 1998), 276-86.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

secular-minded authorities who wished to keep separate from such matters.[26]

Some officials were more direct reporters of information, working on the front lines to search out, detect, and notify others of suspicious activity. Before the reformation an unpopular figure known as a summoner served as a kind of detection-official who roamed the local churches, alehouses, and other public places; thus did the Essex summoner Atwell in the 1550s uncover the apprentice William Hunter reading a Bible in Brentwood Chapel, which led to a heated argument followed by Atwell's notifying the local vicar, who took the matter from there.[27] In addition, the summoner was further burdened with the task of dispensing citations, at some risk to himself. In Mary's reign, for example, the local summoner appeared with a citation at the home of Joyce Lewes' husband, who then "compelled the said sumner [summoner] to eat the citation indeed, by setting a dagger to his heart; and when he had eaten it, he caused him to drink to it, and so sent him away."[28] Over the course of the sixteenth century, however, the summoner would be increasingly supplanted by bailiffs, petty constables, and other lesser officials, who walked down church aisles, entered homes at churchtime to check on absenteeism, offered reports at visitation times, or planted themselves in alehouses, listening out for any subversive utterance.[29] Beginning with Henry, some royal commissions were also created to inquire after, hunt down, and examine religious deviants;[30] expected to aid the local

---

[26] For a good example of this resistance, see David Loades, "The Enforcement of Reaction, 1553-1558," *BIHR* 35 (1962): 87-97.

[27] *AM*, 6:722-23.

[28] *AM*, 8:401.

[29] See H. Simpson, "The Office of Constable," *EHR* 40 (1895), 625-41; Archer, 221-24; J. Kent, The English Village Constable (Oxford, 1986). See also John Stow, *Abridgement or Summarie of the English Chronicles* (1607), 502. B.L. Landsdowne MS 114/4.

[30] Gina Alexander, "Bonner and the Marian Persecutions," in *The English Reformation*

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

bishop, along with parsons, curates, churchwardens, and all lay officials, commissioners acted as individual informers at the same time that they were expected to work together not only in checking up who was absent from church but how effectively the diocesan administration was functioning.[31] One of the more famous commissions, for example, was established by Mary in the 1550s and directed toward London;[32] while no records of its proceedings have survived, at least fifteen individuals are known to have been sent on to Bishop Bonner as a result of its efforts.[33]

Justices were also charged with detecting and arresting heretics, and many did so willingly, especially the justices in Essex during Mary's reign.[34] Still, justices also could resist this added function, concerned as they primarily were with secular affairs, and with keeping the peace. In religious matters it was really the churchwarden who best fulfilled the role of informer, as he was charged with the duty of searching out, detecting, and reporting abuses in his parish. Indeed, it was a familiar sight to witness the churchwarden roaming the aisles, checking on parishioners' homes during church service, taking note of who was receiving communion and how often, and watching for any

Revised, ed.Christopher Haigh (Cambridge, 1992), 162. The practice of appointing royal commissioners continued through all the Tudor reigns, including Mary's. Indeed, as David Loades has pointed out, Mary saw no irony in renouncing the Royal Supremacy but retaining, for her own purposes, a key instrument in its enforcement. See David Loades, *The Reign of Mary Tudor: Politics, Government, and Religion in England, 1553-1558* (London, 1979), 331-55.

[31] For an example of this, see John Craig, "Cooperation and Initiatives: Elizabethan Churchwardens and the Parish Accounts of Mildenhall," *Social History* 18 (1993).

[32] See *AM*, 6:593, 7:151, 329, 342-43, 371, 605; *Calendar of Patent Rolls, Philip and Mary* (London, 1939), 3:81.

[33] *AM* 7:628; see also Alexander, 162. One of the more zealous commissioners was Dr. John Story, who impatiently told Bonner, at John Philpot's trial, to be done with it already and "rid this heretic away."

[34] Particularly active justices were Anthony Brown, the Tyrrel brothers, and Lord Darcy; as a result of their efforts and others, sixty of the heretic condemned in London during Mary's time were from Essex, where thirty were from London itself. See J.E. Oxley, *The Reformation in Essex to the Death of Mary Tudor* (Manchester, 1965), 189-90; *APC*, 5:334; *AM* 8:388.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

strangers in the pews.[35] The fact that the parish was small and compact made the churchwarden's task easier, just as it was incumbent upon every parishioner to provide information to him. Even singers who no longer sang in the new regime had to be reported, as did those who refused to acknowledge the church liturgy as it was defined by the new monarch; typical was a case from 1520 Oxfordshire that "A certain girl of full years does not come to church as other Christians do, and this year she has not received the sacrament of the altar: she lives with Joan Grene."[36] When not conducting informing rounds of their own, churchwardens were also burdened with the additional responsibility of taking cases that came before them and filtering the true from the false or the serious from the trivial. In this, their knowledge of local affairs served them well, allowing them to expedite only those cases backed by strong evidence and "public fame," or solid community consensus.[37] In some cases the falsely accused were thus protected by churchwardens, whose detection of malice or other motives stopped the information before it could proceed further to the church courts.[38]

The functions required of officials and laid out in directives and circulars, while not constituting a system per se, ensured that information flowed up a channel not through one person but through many, as a churchwarden, for example, would report a questionable activity to a vicar, who would then report it to the constable, after which the report would travel up to a high authority such as a bishop or privy councilor. In August

---

[35] Eric Carlson, "The Origin, Function and Status of the Office of Churchwarden, with Particular Reference to the Diocese of Ely," in *The World of Rural Dissenters*, ed. Margaret Spufford (Cambridge,1995).

[36] *BBC*, 107.

[37] Martin Ingram, *Church Courts, Sex and Marriage in England 1570-1640* (Cambridge, 1987), 328.

[38] Ibid., 327-28.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

1535, for instance, two men reported to Cromwell that John Gillingem, the high constable of South Brent, had received information from John Horsey of Bridgewater "and others" that "David Leonard, Hooper, an Irishman, had said 'God save king Henry and queen Katherine, his wedded wife, and Anne at his pleasure, for whom all England shall rue.'"[39] This means of conveyance could constitute a strength as well as a weakness: while officials were available to receive the information and transmit it on to higher authorities, the nature and extent of that information could often be arbitrary or distorted by the indirectness of the path by which it had travelled; moreover, rather than move from one layer of bureaucratic officialdom to another, information was really transmitted from one individual to another, from high constable to justice to king's secretary, and was thus dependent on that individual's willingness to pass the news on further, or to have it stop, for whatever reason, with him.

Coming Forward: Informing Neighbors and Families

When one speaks of the role of average men and women who informed on religious troublemakers in their midst, a distinction must be made between accusing another of heresy as a form of slander, and formally targeting and betraying the suspect to the authorities. Slanderous accusations, that a certain person was a heretic or an anabaptist, for example, prevailed across the century, and were part of a much larger context where cases of defamation overwhelmed the church courts and constituted an ever-present tension in society and social relations.[40] Slander of the superficial or petty variety was one

[39] *LP*, 9:38-39.

[40] Among the population, all kinds of accusations and denunciations stirred the air of early modern England, the most base consisting of simple slander. For a recent study of the subject, see M. Lindsay

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

thing, however, and informing another.[41] Rather than constituting a simple outburst meant to besmirch another's name, or being limited to the immediate community, informing engaged larger governmental forces that sought to extinguish what was perceived to be a public menace or threat. In addition, the act of informing involved more complicated motivations, which could commingle ambiguously and be interpreted relatively. At the most basic level, for example, there existed the division between "good" or public-spirited, and bad, treacherous and self-interested informing,[42] though distinguishing one type of denunciation from another was a subjective judgment, as one

---

Kaplan, *The Culture of Slander in Early Modern England* (Cambridge, 1997). Before 1500 defamatory words had been considered offenses against morality and thus belonged under the jurisdiction of the church courts, which continued to receive most slander cases throughout the litigious sixteenth century, when they constituted an ever-proliferating phenomenon. Sometimes jurisdictional conflict, however, could break out between religious and secular courts, whose reception of such cases on a large scale was fairly new to the sixteenth century. While secular courts, following the common law, admitted that defamation cases remained the provenance of the church--in 1535, for example, the Common Pleas court stated that it had no right to decide the case of a man charged for heresy--others, such as judges of the King's Bench, increasingly argued that spiritual defamation was relevant provided that it caused some kind of temporal loss.R. Houlbrooke, *Church Courts and the People*, 82-3, 87, 276-77. See also Christopher Haigh, "Slander and the Church Courts in the Sixteenth Century" *(Trans. Lancashire and Cheshire Antiquarian Society* 78: 1975), 2; Martin Ingram, *Church Courts, Sex and Marriage in England, 1570-1640* (Cambridge, 1986), 299; J.A. Sharpe, "'Such Disagreement betwyx Neighbours': Litigation and Human Relations in Early Modern England," in *Disputes and Settlements: Law and Human Relations in the West*, ed. John Bossy (Cambridge, 1983), 170-71; J.H. Baker, *An Introduction to English Legal History* (London, 1979), 367. Baker argues that the reason for the encroachment of secular courts into traditionally ecclesiastical terrain was "the decline of ecclesiastical and local courts in the early Tudor period, and another may have been the threat of jurisdictional competition from the Star Chamber." See 366. See also R. Houlbrooke, *Church Courts and the People*, 82-3, 87, 276-77; Christopher Haigh, "Slander and the Church Courts in the Sixteenth Century" *(Trans. Lancashire and Cheshire Antiquarian Society* 78: 1975), 2; Martin Ingram, *Church Courts, Sex and Marriage in England, 1570-1640* (Cambridge, 1986), 299; J.A. Sharpe, "'Such Disagreement betwyx Neighbours': Litigation and Human Relations in Early Modern England," in *Disputes and Settlements: Law and Human Relations in the West*, ed. John Bossy (Cambridge, 1983), 170-71; J.H. Baker, *An Introduction to English Legal History* (London, 1979), 367. Baker argues that the reason for the encroachment of secular courts into traditionally ecclesiastical terrain was "the decline of ecclesiastical and local courts in the early Tudor period, and another may have been the threat of jurisdictional competition from the Star Chamber." See 366.

[41] See chapter one of *Accusatory Practices: Denunciation in Modern European History, 1789-1989*, ed. Sheila Fitzpatrick and Robert Gellately (Chicago, 1997), 3-21.

[42] The French have distinguished these varieties of denunciation as *dénunciation*--"good" and for the larger welfare of the people--and *délation*, or "bad" and mean-spirited.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

person's treachery could constitute another's heroic display of civic duty and religious correctness. In Elizabeth's reign, for example, Henry Lok was considered, by the Catholics he informed upon, a disreputable scoundrel, and one who had no compunction in appealing to Robert Cecil for "employment, however mean;" at the same time, however, Lok was known by others as a good subject and even earned some fame as a writer of Puritan hymns.[43] The labels of "good" or "bad' informing thus fail to do justice to the deeper and more subtle shadings that motivated some individuals to basically commit acts of betrayal against their neighbors or associates, and which could also include motives of revenge, self-aggrandizement, or self-protection as well as genuine religious commitment.

Much information that came forward was the result of a casual or sudden encounter, as was the case in 1584, for example, when the priest and fugitive James Bell was surreptitiously traveling from one Catholic refuge to another and met an individual on the road who immediately suspected that Bell was a priest. Bell, putting his trust in the stranger and revealing who he was, innocently followed the man to a promised shelter, but instead was taken to the nearest justice of the peace, who questioned him and sent him on to prison.[44]. The interconnectedness that prevailed across Tudor society outlined in the last chapter also made for numerous and sudden detections, especially in community gathering-places such as churches, where even blasphemous whispers could be overheard and reported. Many of these informations were minor infractions and resulted in brief punishments, though they nevertheless point to the watchfulness that prevailed in various public settings. Seeing a hearse and other preparations being made for a procession, a woman in 1555, for example, asked another onlooker what all of it meant; told that it was

---

[43] *Unpub. Docs.*, 1:363-64.

[44] *Ibid.*, 1:75-76.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

to honor the pope, to whom she must pray, the woman replied "that I will not, for he needeth not my prayers; and seeing he could forgive us all our sins, I am sure he is clean himself; therefore I need not to pray for him." Overheard "by certain who stood by," the woman was "carried into the cage at London-bridge to cool herself."

Perhaps the largest motivation in coming forward was not religious fervor but rather a desire on the part of the community to maintain cohesion by reporting on problematic and threatening elements such as the woman who spoke against the pope. One must keep in mind that the majority of English men and women probably resided either neutrally or confusedly between the extreme poles of Protestant and Catholic, and thus were less concerned with the specifics of another's religion than with the problem of keeping the peace in a disordered world. In 1558, for example, the widow Alice Warner of Ratliffe testified that a suspicious group of "Frenchmen" and "Dutchmen" had entered her King's-head tavern, where they ordered a roasted pig, beer, and a fire, referred to each other as "brother," and then requested that they have access to the room "at their pleasure," presumably to share in Bible-reading. Warner came forward to inform of her own accord, though she may have been compelled to do so by another informer, a tailor named William Ellerby, who testified earlier that he knew as a fact that thirty or so men and women, including the Protestant John Rough, assembled at her tavern.[45] Religion in this case certainly played a part, since no one wanted to be known as a host to illegal conventicles; but it was not conventicles so much as their illegality and their potential to attract disorder that perhaps most concerned proprietors such as Warner.

---

[45] *AM*: 8:459-60. Strangers, especially a foreign conventicle of thirty, were especially vulnerable to being informed upon, not only because of their outsider status, but also because the informer wouldn't have enough personal or vested interest to provoke pangs of conscience.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

In situations where neighbors turned against one another, the motive also did not always originate from religious outrage, or a reaction to an attack "on a lively element in popular devotion,"[46] but expressed instead a general desire on the part of a community to maintain its unity, keep the peace, or remove a troublemaker from the scene, regardless of the belief he or she may have held. Indeed, neighbors had little hesitation in coming forward as a stern collective to hinder a difficult presence in their midst: in one 1521 Buckinghamshire case, for example, forty women gathered in the local church courts to accuse Agnes Yve--whom they "knew well"-- of common slander and the sowing of discord.[47] On a more overtly religious level, some individuals seemed to go out of their way to court trouble through intentionally provocative actions: when Edward Underhill attempted to remove a pyx from the altar, "women conspired against me," to the point where murder of the hot gospeller was on many of their minds.[48]

In many if not most cases, to be known as a heretic was to thus invite ill treatment, not only because one was perceived as different, but also because one was marked as a potential disrupter of community norms. When a husband and wife from Kington--both reported to be "earneste and zealous embraser[s] of Goddes worde"--lost most of their cattle in 1535, for example, their neighbors "seemed to rejoyse at their losse and decaye," since the heretics who had "forsaken...their cathlick fayth" had asked for it.[49] A few years later, in 1538 Derbyshire, villagers had no compunction about turning in one of their own, William Roland, for disputing Henry's claim to head the Church of

---

[46] Haigh, 70.

[47] *BBC*, 95.

[48] *Narratives of the Days of the Reformation*, ed. J.G. Nichols (Camden Series 77; London, 1859), 62-65, 157-60.

[49] *Camden Miscellany* (Camden Society 39), 54-55.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

England.[50] A worse fate was met by Richard Hilles, who in 1531 was shunned by his neighbors and churchwardens when he refused to contribute candles before the images; eventually he became so beleaguered that he finally left the country altogether.[51] Apparently the mistake Hilles made in refusing to make contributions such as candles could be a point of contention among the community: in 1531, for example, Grace Palmer also would not contribute candles--a refusal which was only inflamed by her statement to others not to make pilgrimages to images, "for there you shall find but a piece of timber painted." Eventually the neighbors turned her in.[52] Similarly besieged was the Protestant William Dangerfield, who in Mary's reign arrived home from abroad, where he had originally escaped out of fear of persecution, in order to visit his sick and pregnant wife; soon after his house was beset by "uncharitable neighbors" with Catholic sympathies, who successfully demanded that he and his wife be imprisoned.[53] Sometimes the population could even pressure officials to act: when Edmund Bonner released three Essex heretics in 1557, for example, the villagers petitioned their overseer, Lord Darcy, to arrest them for committing blasphemy against the eucharist.[54] On the other hand, neighbors were also not above accepting bribes, as was the case in the 1530s, when the Lincolnshire parish priest allegedly called the King and Queen "lollards and heretics" and said he "wishes his knife in their bellies;" two parishioners threatened to inform on him for his treasonous remark, but the priest prevented such action by paying them off

---

[50] SP 1/137, fo. 131 (*LP* xiii [2], 553).

[51] *AM*, 4:618; *Original Letters Relative to the English Reformation* (Cambridge, 1847), 1: 230.

[52] *AM*, 5:33, 4:585.

[53] *AM*, 8:251-53.

[54] *EM*, 3 (1): 124-30.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

with cows, sheep, sows, and a boar.[55]

Enclosed communities, especially conservative ones such as certain colleges or clerical milieus, could bring on added pressure to expel difficult individuals and maintain conformity, as the case with John Cardmaker, who in Edward's (Protestant) time encountered during his sojourn at Paul's "papists" who were "so much aggrieved with him for his doctrine's sake, that they cut and mangled his gown with their knives." Some of these individuals were in fact active provokers of strife, which brought on a community backlash against them. In 1543, for example, Robert Testwood entered Windsor College and almost immediately began to alienate the dean and canons with his loud and assertive Lutheranism. After offending a priest over dinner by challenging the pope's authority, Testwood was rendered an outcast by other clerics, who began to shun and spit at him in passing. Testwood, however, only worsened his case when he began to confront pilgrims who had come to "kiss [the] spur and have an old hat set upon their heads" at the shrine of "Henry of Windsor." Admonishing them "for running a whoring to such stocks and stones," he then moved on to confront others who were "licking and kissing a white lady made of alabaster" located behind the high altar. Watching how they stroked the image and then their faces--"as if there had been great virtue in touching the picture"--he proceeded to take a key in his possession and with it cut off the statue's nose, declaring, "Lo! good people, you see what it is; nothing but earth and dust." This action especially

---

[55] For further details on this story, which becomes more complicated, see *PP*, 354-55. On the other hand, wealth could apparently also expedite death--for which one's goods could be seized; when the housekeeper of a falsely accused parson asked Thomas Neville in 1537 if her master would be put to death. "No," he answered, "he shall not be put to death, for he hath no lands or goods to lose; but if he were either a knight or a lord...then he should lose his life." Not believing him, the woman than said that the king would do no such thing for a man's goods or riches alone, to which Neville replied; "Yes, by God, Margaret, but he would." *LP* xii.II.655; see also *PP*, 371-72.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

offended the canons and others in the community, one of whom drew his dagger at Testwood, which forced Testwood to eventually enlist a kind of armed guard to protect himself as he went about the school. Soon after, however, he was at it again when he joked that a fellow minister could take various relics including Henry of Windsor's spurs and hat, and ride off on a horse; "Whereat the others changed colour, and wist not what to say."[56] Eventually Testwood was turned over.

Tensions, which could sometimes lead to betrayal and informing, also arose within families or households when a member asserted his or her own religion, bringing on internal divisions and causing the family shame.[57] A particularly vivid account of family conflict appears in Foxe's tale of Julius Palmer and his mother, who remained a Catholic in Mary's reign, though her son embraced an illegal Protestantism. Forced under threat and intimidation to flee from where he was dwelling, Palmer departed for Ensham, where his mother lived, hoping that she would provide him with resources owed

---

[56] *AM*, 5:465-70. Testwood, as will be seen in a later chapter, met his martyrdom, and his imperatives at Windsor had been undoubtedly religious, but he was also a prankster who intentionally persisted with his provocative behavior. As his case illustrates, in some ways individuals such as he tended to bring trouble upon themselves through obnoxious actions; indeed, it is almost as if the qualities that characterized martyrs--single-mindedness, hardheadedness, self-righteousness, indifference towards others' opinions, perhaps a grating saintliness--could also make those same individuals very unwanted members of the community. People could come to love or hate individuals such as Testwood for the same reason they could come to love or hate martyrs; that is, they could either be admiring of their forthright and godly boldness or despising of their unbending and offensive bluntedness.

[57] PRO, PCC, Prob. 11/42B, fos. 233r-234r. See also Brigden, 418-19. The extent to which the tension derived from religious outrage or concern over what others might think is again not clear, but it was undoubtedly a mixture of both. Richard Hills' father seems to have been impelled primarily by religious concern when, in his evangelical son's words, he "wept unto me and exhorted me to revoke" and "return again" to Christ. Similarly, Bishop John Hooper, who came from a pious Catholic family, described his father as so opposed to his embrace of the reformed way that he became "not a father, but a cruel tyrant." Tight-knit evangelical families and communities earlier on in the century, however, could also be severe in their maintenance of religious conformity: the godly Joan Wilkinson, for example, stipulated that her daughter would receive an inheritance under the condition that she marry a man "utterly abhorring papistry."

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

to him through his father's will. As he was kneeling before her and asking for her blessings, his mother said, "Thou shalt have Christ's curse and mine, wheresoever thou go." Palmer replied, "O mother! your own curse you may give me, which God knoweth I never deserved; but God's curse you cannot give me, for he hath already blessed me." His mother then called him a heretic, which Palmer of course denied:

> "Well," quoth she, "I am sure thou dost not believe as thy father and I, and all our forefathers had done; but as we were taught by the new law in king Edward's days, which is damnable heresy." "Indeed, I confess," said he, "that I believe that doctrine which was taught in king Edward's time, which is not heresy but truth: neither is it new, but as old as Christ and his apostles." "If thou be at that point," saith she, "I require thee to depart from my house, and out of my sight, and never take me more for my mother hereafter. As for money and goods, I have none of thine, thy father bequeathed nought for heretics; faggots I have to burn thee: more thou gettest not at my hands."[58]

Harsh as her words were, Palmer's mother at least didn't go so far as to inform on him, which was known to occur within families, though it should be pointed out that families which shielded and protected their own were almost certainly far more commonplace. Sometimes family members were given no choice and were forced into informing upon or assisting in the apprehension of their own: thus, in Essex during the reign of Mary the father of nineteen-year old William Hunter was told by the authorities that he had to find his fugitive heretic son or never show his face again; the father complied and two days later found his son.[59] Others had to be motivated by a factor other than religious or political zeal to turn on their relatives: in 1538, for example, the vicar William Bird was charged with treasonous words by his nephew, a bailiff, who had refused to report on the matter for two years, until Bird made things easier by one day charging the nephew with stealing money and a horse.[60]

---

[58] *AM*, 8:209-11.

[59] *AM*, 7:722-29.

[60] SP I/133, fo. 80; 141, fo. 257 (LP xiii. I. 1241; II, App. 43). See also *PP*,

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

A more willing family informer, not to say entrapper, was Alice Johnson, the aunt of twelve-year old John Davis. In 1546, finding herself childless and unrelated by blood to Davis, Alice developed a "deadly hate" toward the child who lived with them, since he would one day receive an inheritance from her apothecary husband. Suspecting that Davis was reading the New Testament, which in the aftermath of the Six Articles was forbidden, Alice, a Catholic, decided to entrap the boy by introducing him to an acquaintance's son, who proceeded to befriend him. One day the new friend, Oliver, said to Davis, "I woulde wee had soome good Inglish bookes to reade; for my mother cannot abide this pilde priestes nor their popish service; but Had I good bookes I coulde please her well to reade every night." Taking the bait, Davis agreed to bring a copy of the Bible next time, which he did, and then proceeded to answer questions from the other boy about his opinions regarding church abuse and the Six Articles. Davis, however, knew the danger of tarrying in the fields and speaking such things, so he agreed to write "his hoole mynde" and hand over his words the next day. Immediately the writing was seized by the aunt, who then brought it to the attention of the authorities; they in turn decided to verify the authorship of the writing by approaching Davis' uncle and guardian--and Alice's husband--Thomas Johnson. Under the "coulour of friendship," Johnson told the boy that since he was letting go of an apprentice who had also lived in the household,[61] he was now depending on him, John Davis, to inherit the apothecary business. "But before I soe doe," Johnson said, "let me see how you can wright." When it was clear by the handwriting that John Davis had been the author, Thomas Johnson exclaimed, "I loked for joye of [John], having no childe of myn owne, nor kinsman that I knowe; but nowe he shall have as he hathe deserved." With that, he bound his nephew and with a friend took

340-41.

[61] For more on master-apprentice relations, see Archer.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

the boy to the bailiffs for incarceration.[62]

Motives involving loans or inheritances were also behind the betrayal of Richard Woodman in 1557. While a fugitive from the authorities, Woodman entrusted his brother and father with a sum of money, part of which was to pay his debts, with the rest resorting to his wife and children. Instead, the father and brother informed Woodman that the money was insufficient for paying back his debts, which Woodman refused to believe. Enlisting friends as mediators, he then demanded an accounting of their actions, and the money back; but when the day of reckoning came, Woodman's brother became threatened at the loss he was to face, and thus embarked on his betrayal. As Woodman would later write, his brother "told one Cardillar, my next neighbour, and he told some of master Gage's men, or master Gage himself. And so [Gage] sent to his brother, and his brother sent twelve of his men (he being sheriff) in the night before I was taken, and lay in the bushes not far from my house," where they proceeded to lie in wait and then eventually chase him down.[63]

Tensions, religious and otherwise, between husbands and wives could also lead to informing or outright treachery. In one case from 1534, touching on treason rather than religion, a Mrs. Hey left her husband after the two had quarrelled (as she had "divers times before"), when the husband, in an attempt to force her back to him, threatened to tell others that she was a "traitrix" who had "railed against the Queen's grace."[64] Meanwhile, in October of 1554 Alice Benden of Kent was apprehended and imprisoned over the course of fourteen days for her refusal to attend church, which under Mary had

---

[62] *Narratives*, 60-65.
[63] *AM* :336-337.
[64] *LP* vii:1440, 1510.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

reverted to "idolatry." It was her husband Edward who eventually managed to have her released, after gathering together wealthy neighbors to petition the bishop of Dover. Once home, however, Alice still refused to attend church as she was instructed to do--despite the entreaties of her husband, who continued to attend without her. It isn't very clear why or how Edward then turned against his wife, but in any case he contacted the local justice, who commanded her to prison; worse, he then accepted money from the constable to carry Alice to prison himself. Alice, however, "chose to commit herself willingly into the hands of her enemies" rather than have the world "witness against her husband of so [wicked] a fact," and with that she entered the jail at Canterbury castle followed by a prison called "Monday's Hole." In January Edward entreated the bishop to release his wife from jail, but the bishop, calling her a heretic, refused; in that case, Edward replied, the bishop should prevent her brother from visiting and giving comfort and support to her, for "If your lordship could keep him from her, she would turn." Perhaps Edward was hoping to save her by forcing her to recant; whatever the case, she didn't, and was eventually sent to the stake.[65]

Despite the anecdotal evidence of family tensions and informing, the cases of husbands turning in wives or parents handing over children are rare. The more common

---

[65] *AM*, 8:326-27. Another case of husband-and-wife betrayal occurred when the London tailor John Fetty was turned in by his wife, who in 1558 reported to the parish priest that her husband had refused to come to church and partake of what he considered its renewed superstitions. Fetty's whole family would become in fact decimated by the events that unfolded after her action, and it is unfortunate that the hidden subtexts (containing motivations, for example) are lacking. Nevertheless, after Fetty's apprehension, his wife, according to Foxe, was "stricken mad," which led officials to take pity on him and allow him to return home, where he altruistically proceeded to supervise her condition until recovery eventually came, three weeks later. But then Fetty's wife accused him all over again, leading to a second apprehension, this time leading to the Lollard's Tower, where he languished in stocks and was visited by his child, a boy who was himself whipped and "mortally scourged" by Bishop Bonner, until eventually, for no clear reason, Fetty was discharged and sent home.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

reaction, if one were to stray from the family's religion, would have been to talk to and even threaten the relative with the implications of what his actions would mean not only for himself but for the family, while the most extreme response would have been that of Julius Palmer's mother , with her curses and ultimately her banishment of Julius from the family home. Concerns for maintaining peace or adhering to the crown's policies were strong, but not so strong as to override loyalty to family by turning relatives over; indeed, to do so would only bring more trouble down onto the family, and taint it in the eyes of the community. While sixteenth-century England thus remained a country where people defined themselves as subjects of the crown,[66] such allegiance did not necessarily extinguish connections to one's own family, parish, and community, all of which could conflict with the crown in deep ways. Indeed, while some complaints were made about sons turning against fathers, for example, the government itself knew not to make such demands, at least overtly, on its subjects.

Complicating matters of loyalty was the fact that the very definition of what one should believe about church authority, the real presence, or the liturgy changed with each monarch, though one's own belief could remain constant regardless. As a result, a disjuncture sometimes emerged between "man's traditions" and "God's laws," or between the monarch's policy and the individual's conscience to adhere to his own faith.[67] To obey the king and betray one's faith, or to obey one's faith and to betray the king thus became one of the central dilemmas of the age, and the main theme behind virtually all the martyr dramas of the century, including those, most notably, of Thomas More and

---

[66] See *PP*, 370-71.

[67] The words are Foxe's, taken in reference to the case of Robert Samuel, a priest married in Edward's days, who would not obey the decree of Mary to return to the chaste life. See *AM*, 7:372-74.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Thomas Cranmer.[68] Another aspect of informing that presented itself in the sixteenth century included cases in which informers wished to demonstrate, through their helpfulness, that they were orthodox according to the new monarch, when they had been of a different persuasion in an earlier reign. John Foxe, for example, frequently describes individuals who turned away from the previous reign's accepted religion and embraced the new reign's accepted religion, and who boosted their standing by betraying those who had once been their correligionists.[69] In this case informing was motivated by opportunism, but in other instances a genuine turn to a new religion could in fact take place, transforming the act of informing into a heartfelt gesture of atonement, as turning in those who continued in sin, even if they had once been friends, constituted nothing less than a leap toward repentance.

Cultivated Sources, Professional Spies

While random encounters or tensions within families and communities could produce information, other times a kind of "professional" informer would come forward to formally offer services intended to unveil religious dissidents. Sometimes such individuals were actively cultivated by those in high power, though more often than not the coming forward and the cultivation met at some mid-level point between. In this way the

---

[68] Thomas More and Thomas Cranmer, of course, were the most infamous victims of this double-bind in loyalty. As for the disjuncture, Gellately and Fitzpatrick write: "[I]f we approve of the regime [in power], we will tend to minimize the distinction between 'the state' as synonymous with 'the community of citizens,' and will see the citizen-denouncer as performing a necessary civic duty." On the other hand, "if we disapprove of a regime, church, or party and regard its interests as distinctly separate from and opposed to the interests of its citizens, we are likely to condemn the citizen who voluntarily offers information on another citizen to the authorities and will characterize his action disparagingly as collaboration or betrayal." Gellately, et al., 20.

[69] See for example Nicholas Shaxton, who abjured and betrayed Anne Askew, in *AM*, 7:565.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

persecution of dissidents and the attempt to enforce religious uniformity, as this study has argued, involved a complicated interplay between individuals at high and low levels rather than a simple one-way movement from the "state" or government down through the ranks of the population at large. Unsurprisingly, most of the individuals who revealed names or insinuated themselves in religious groups were disreputable or at least questionable characters, not motivated by ideological purity but rather by personal aggrandizement, grudge-holding, or coercion; moreover, while contemporaries and later historians often spoke of spies and agents roaming the land and searching out prey, in reality most professional informers, as mentioned, found the economic field more lucrative than the religious, and contributed relatively little, in religious matters, to the larger stability of the realm or the goals of the government. Indeed, some informers were even hindrances or nuisances: in Mary's time, for example, Stephen Gardiner was approached by Edward Alabaster, who brought with him the fugitive married priest Thomas Whittle in hopes of a reward; but Alabaster, in Foxe's words, was "highly checked and rated of the bishop, [who asked] if there were no man unto whom he might bring such rascals but to him: 'Hence,' quoth he, 'out of my sight, thou varlet! What dost thou trouble me with such matters."[70]

The individuals who belonged to the world of more serious informing included members of court, servants of the Privy Council, bishops' officers, monks, provincial notables, or even common London ruffians. Again, while genuine religiosity or loyalty to the monarch may have been a factor in their actions, informers of this sort were motivated primarily by the money, promotion or status that they could receive in return for their helpfulness, as a piece of information offered up by members of the monarch's circle, for

[70] *AM*, 7:718-19.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

example, could go far in ensuring one's reputation as the crown's good servant. Though he should perhaps not be included in this group, Thomas Cranmer nevertheless knew the value of good information when in the 1530s he provided Henry with news of sensitive matters whenever they arose, thereby ensuring that he remained in the king's good graces; in 1534, for example, the archbishop reported to the king that Dr. Richard Benger of Kent, a member of the clergy and also, as it happened, a longstanding enemy of Cranmer's, was speaking seditious words[71]--a charge that led Benger down a path towards condemnation (in a trial presided over by Cranmer) and imprisonment. Other informers could be intimate members or servants of the royal households, as was the case with William Holt, a foreman to the king's tailor, who betrayed the Lutheran Andrew Hewet in the 1530s and handed over John Frith's writings directly to Thomas More.[72]

The cultivators of information often belonged to the highest ranks of the government and the church. Thomas Cromwell, for example, was a particularly effective recipient--and instigator--of information from individuals who reported on the effects of Henry's religious and political policies. Indeed, there seems to have been some amount of competition among informers to distinguish themselves before Cromwell as the conveyers of the best and most well-intended reports. For example, according to the correspondent William Marshall in a letter to Cromwell, "now some dare not tell [you] the truth, and others use deceitful flattery, and indeed many things go amiss." But Marshall, who among other things translated the works of Martin Bucer,[73] assured Cromwell that he

---

[71] See also Diarmaid MacCulloch, *Thomas Cranmer: A Life* (New Haven, 1996), 280-81. For a full story of Benger and his tribulations, see *PP*, 317-21.

[72] See *AM*, 5:6, 16.

[79] The English translation of the Augsberg Confession was also dedicated to Marshall, in 1536. RSTC, nos. 16962, 16999, 17000, 24238, 908. See also J.K. McConica, *English Humanists and Reformation Politics under Henry VIII and Edward VI* (Oxford, 1956), 170.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

himself spoke with "good intent" when he reported on the "rabblement of seditious preachers" at Paul's Cross.[74] Another fertile, if brief, correspondent of Cromwell's was a man from Nottinghamshire named John Marshall (no relation to William), who reported in three letters information of both a political and religious nature. As one report from April of 1539 began, "Here in Nottinghamshire our churches be nothing like furnished with clerkly sermons according to the King's injunctions;" more emphasis, however, was given by Marshall to the difficulties the region had in mustering men and gearing local sentiment for war.[75]

In the same period, Thomas Cranmer was also the recipient (as well as the provider) of information through his connection to Henry Tourney, a member of the Calais garrison and a committed evangelical who found himself in conflict with the more conservative Lord Lisle, who dominated the province. When Lisle--who imposed on the region what Cranmer referred to as "hypocrisy, false faith, and blindness of God and his Word"--proceeded to dismiss Tourney, Cranmer (and Cromwell) came to his rescue, demanding that Tourney be reinstated, which Lisle reluctantly agreed to do. While Cranmer was thus concerned with preserving some kind of evangelical presence in a place of "such ignorance and blindness," it certainly helped that Tourney was and continued to be an informer of good standing.[76]

The most effective and sophisticated cultivator or recipient of informants in all the

---

[74] To his credit, Marshall also "laments to hear how poor people be indicted for small matters of pretended heresy, as by the bishop of Lincoln in his diocese, while the proud and stubborn against the word of God go unpunished." *LP* xi.325.

[75] *LP*, ix (1), 295, 839, 1094. See also *PP*, 329-32.

[76] *The Lisle Letters*, ed. Muriel St. Cate Byrne (Chicago, 1981), 2:257-63; see also MacCulloch, 1996, 142, 280.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

century, however, was Francis Walsingham.[77] Himself a Protestant in his private convictions, Walsingham had an appetite for information that was voracious, and only increased in the 1570s, when priests began arriving more frequently from the continent and Catholics were generally growing bolder toward the state.[78] To counter this threat, Walsingham decided to change tactics from the relatively lax policy that had been in place before,[79] and step up the information he received from a variety of sources. Since much of the problem originated with English Catholics on the continent, Walsingham made sure, on the one hand, to make use of his overseas connections to glean information out of everyone from ambassadors to semi-secret agents to members of the exile community who chose to turn on others. In addition, Francis Walsingham was known to plant his agents, masked as students or servants, in overseas seminaries, which allowed him to gather information on the priests before they embarked to England.[80] If those priests did manage to reach the shores of England, Walsingham then posted informers and spies at ports and key coastal localities to uncover their comings and goings, at the same time that they reported on economic activity.[81]

The better sort of informer for Walsingham--and one who was put to increasing use

---

[77] As Conyers Read points out, however, the "anathemas" of the Catholics were directed not at Walsingham so much as Burghley and Leicester. See Read, 2: 319-39.

[78] Ibid.

[79] For more on the stepped-up activity, and the Catholic priests' evasion of it, see Alan Dures, *English Catholicism, 1558-1642* (Harlow, 1983); Michael L. Carrafiello, "English Catholicism and the Jesuit Mission of 1580-1581," *Historical Journal* 37 (1994): 761-74; idem, *Robert Persons and English Catholicism, 1580-1610* (Selinsgrove, PA., 1998); and Thomas M. McCoog, *The Society of Jesus in Ireland, Scotland, and England, 1541-1588: "Our Way of Proceeding?"* (Leiden, 1996), 129-264.

[80] See Robert Persons, *Memoirs*, ed. J.H. Pollen (Catholic Record Society Misc., II; 1906), 181.

[81] Read, 2:319-20.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

within England after 1581--was the infiltrator who was able to gain access to groups of Catholics and report in with a steady stream of damaging information. One figure, Robert Bernard, had been in touch with Walsingham already when he drafted the following letter, offering up his services once more while also emphasizing his need for money:

> I must humbly beseech you consider of me...I owe my host in London above 4 pounds who threatens to have me in prison for the same...I beseech you to give me order whereby I may, with less trouble to your Honour, receive monthly that which it may seem good to you to bestow upon me. I was never in better credit with the papists, nor of so great acquaintance among them, for I have attained the means to have access to all the prisons in London, the Tower only excepted, whereby there is nothing that shall come over or go over, nor anything be done here within the country but I am assured to hear thereof."[82]

Bernard's information was valuable, as he went on to report the activities of the Earl of Westmoreland in Rome, or the departure from the continent to England of more seminary priests.[83] In general, however, Bernard only held a short-term correspondence with Walsingham and vanished, after a year's worth of reports, from the records. This seems to have been typical, since men who carried out tasks of infiltration always fell into the danger of being suspected sooner or later by others; moreover, Walsingham's inherent lack of trust in men also compelled him to keep these individuals, questionable by their nature, at a distance.[84] An exception was the notorious Nicholas Berden (real name Thomas Rogers) who served Walsingham for five years and proceeded to cause more damage to the Catholic recusant community than any other. Originally employed by the prominent Catholic George Gilbert, Berden at some point was enlisted into Walsingham's service while in Rome, where he was eventually imprisoned for a time when Catholics

---

[82] SP Domestic, cli, no. 23.
[83] Ibid., no. 63.
[84] See Read, 2:335.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

discovered his real loyalty. Upon release in 1584, Berden returned to England and presented a letter to one of Walsingham's secretaries. "I profess myself a spy," he wrote, "but am not one for gain but to serve my country." Walsingham re-enlisted him immediately.

Berden proceeded over the next years to use his access to Catholic contacts and report, primarily from London, who was associating with whom, which priest was hiding where, and by what source Catholic books were being brought into England. He was able to do this by insinuating himself into the recusant community, and gaining the trust of priests by, among other things, convincing them that he knew Walsingham well, and could thus ensure the release of Catholic prisoners from time to time.[85] In one case, Berden wrote Walsingham:

> I thank you for sparing [the prisoner] Christopher Dryland's life at the last sessions at my request. It has much increased my credit among the papists that by my endeavor his life was saved, for they suppose that some friend at my request moved your Honour therein. I protest I abhor the man in regard to his profession, but he has a great opinion of me, thinking me very apt to serve the papists' turns, and, moreover, [he is] a man of great credit among them of all factions, and so a meet man to be sent over, thereby to avow and maintain my credit to all practitioners.[86]

Berden's years of productivity in serving Walsingham and betraying Catholics seems to have come to a happy conclusion, when he finally expressed to the councilor his wish to stop informing--he was always falling under suspicion anyway--and "enter a more public course of life." Walsingham assented, and Berden was granted his request, which was an appointment in the household of the Earl of Leicester as "Pourveyor of the Poultry."[87]

---

[85] SP Domestic, 2:238-43 (no. 19, 52, 72, 39).
[86] Ibid., 2: 368 (no. 21).
[87] For more on the life of Berden, see Read, 330-34.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Walsingham and others before him knew that a good place to cultivate or receive information was in contained, highly charged places that gathered together concentrated groups of individuals. In the larger cities, but primarily London, crowds were particularly conducive in yielding up information, especially at a place like Paul's Cross, which needed monitoring on all fronts not only to measure the degree of orthodoxy on the ground but also in the pulpit. Thus, in 1536 William Marshall, Cromwell's correspondent, sent along a Paul's Cross sermon with his other information, as evidence of untoward preaching on the part of the bishop of London's chaplain. Execution sites could also be conducive for surveillance or apprehension; in 1555, for example, a circular letter sent from Mary and her council to the Lord Mayor and sheriffs of London stated that a number of officers and others should be appointed to sites of execution, where they "may be charged to apprehend and commit to ward, all such as shall comfort, aid or praise" those who are put to death. [88] Later, however, the plan backfired when the burnings began to turn into good propaganda for the other side, compelling Mary to rescind her order and to limit the public's attendance by scheduling executions for early in the morning.[89]

An especially fertile location to plant spies was an enclosed and intimate environment such as a monastery, conventicle, or a household,[90] where informers could blend in with the community and gain the trust of others. In the 1530s, before their dissolution, virtually

---

[88] *EM*, 3 (1), 470-71. Another function of these government presences was, in Gina Alexander's words, to "ensure that burnings took place without risk of riot or disturbance" and alsoto be "on the alert to see that the bishops carried out their responsibilities properly." See Alexander, 161.

[89] *AM*, 8:426.

[90] Cromwell, for example, received the following note from what was certainly one of his plants, placed in the household of the earl of Derby: though the master was properly submissive to the king's policies, "I hear light words among his servants," though "at my coming to London I shall show your lordship more." See *PP*, 328.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

all monasteries had at least one individual overseeing various situations, reporting to Cromwell of any mutterings against the king or of continued, active loyalties to Rome. Sometimes these informers simply came forward and offered their services, as was the case with the monk William Fordam, who wrote in 1535 that he had heard that "Cromwell has spoken good words of him," and thus offered "to be wholly at his service."[91] Other informers such as Jasper Fyloll were specifically appointed by Cromwell, in this case to the London Charterhouse, residence of the Carthusians,[92] to report on activities and sentiments within.[93] The Carthusians, who were an especially troublesome order to the government, were also reported on by Cromwell's man Thomas Bedyll, who wrote in 1535 of his distributing reform-oriented books which, among other things, argued "against the primacy of the bishop of Rome, and also of [Saint] Peter, declaring evidently the equalite of the apostelles by the law of God." Rather than convert to the reformed cause, however, the monks remained unmoved, and three weeks later, partly as a result of Bedyll's information, three were committed to the Marshalsea.[94]

Division within these communities was particularly conducive in the production of disgruntled members who could come forward with information, as was the case in Elizabeth's reign, when Catholics came forward to report on others with whom they disagreed.[95] Earlier in the century, in 1535, John Musard, a monk of Worcester, reported

---

[91] While others of his community had rejected the merciful pardons of the king, Fordam continued, he himself would strive towards diligence "for the love and favor of God and his brethren." He was "therefore the more bound to search out such words as dan Richard Clyve did speak unnaturally, 'which I willed my kinsman, the abbot of Winchcumbe's servant, to deliver you."

[93] David Knowles, *The Religious Orders in England* (Cambridge, 1961), 3:207.

[94] *LP*, xi: 859.

[95] See E. Margaret Thompson, *The Carthusian Order in England* (London, 1930), 404-405.

[95] See Robert Persons, *Certayne apparent judgments of Almightye God.*, ed. J.H.Pollen (Cath. Record Society. Miscell., II; 1906), 209.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

on another in the community that he "was comported by many of our convent for his incontinency, and a sower of discord between us, when he was at Gloucester."[96] Other times personal grudge played a role, as when Thomas Salter, who bore a resentment against the Carthusian leader John Houghton after earlier being sent to conventual prison for rebelling and running away; sent a series of letters to Cromwell naming the monks in his midst who proved especially obstinate.[97] At Greenwich in 1532, one of the more notorious of Cromwell's monastery-informers was Richard Lyst, who began to target his superior, Friar Forest, and charge him with a variety of misdeeds, including murder. Eventually Forest--who above all secretly refused to declare the king supreme head of the church of England--was in fact transferred and placed under supervision, [98] which eventually led to more problems that ended, finally, in his burning at Smithfield.[99]

No one in a monastery, or any other closed community, wanted their identity as an informer disclosed, which led many corespondents to express their trust that Cromwell would keep their names anonymous. For those others whose identity was public, their fate was, unsurprisingly, not a happy one. In a 1536 letter to Cromwell from Roger Neckham, a Worcester monk, Neckham complained that his master, Richard Chylde, "bated" him, "the worse because I was your minister." Moreover, Neckham continued,

> I have endured great displeasure. I have ridden to courts to quiet our tenants. I have declared to them the preeminence of our Prince, and how he studies the quietness of

---

[96] *LP*, ix:162.

[97] See especially the letter from Salter to Cromwell in Thompson, 387-90.

[99] For the correspondence of Lyst, see *LP* vi: 116, 334, 1264. For the fate of the Observants, see Knowles, 3: 208-11.

[100] *AM*, 5:179. See also Peter Marshall, "Papist as Heretic: The Burning of John Forest, 1538," *The Historical Journal* 41 (1998), 351-74. Lyst himself went on to study for the priesthood at Oxford, and when he was offered the chance to return to the cloister, wisely declined the offer.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

his subjects, so that they all exclaim, "God save our Prince! We will be faithful to him in word and deed, body and goods." I intend henceforward to leave Martha's part, and to follow Mary's, relying on you alone. My prosperity rests upon you, for I know the severity of our master.[100]

Prisons were also good places to cultivate informers, especially among inmates who wished to escape their fate and secure their release. There was nothing new about this, but it was especially beneficial that sixteenth-century prisons were porous places, with much interaction, and thus information to glean, among the population. In one case from 1537, a desperate monk from Lentune Abbey named Hamlyt Penkeryche found himself imprisoned in the Fleet, where he expressed a desire "to come before Cromwell to show of slanderous words spoken" about the King, Queen, and Cromwell; the brief note ended with the words, "Begs to be examined." Informers could also volunteer to enter prison in return for compensation, as one anonymous person did late in the century, posing as a fellow sufferer among the Catholic prisoners in the jail at Exeter.[101] Another informer who had prearranged his incarceration was the Walsingham spy Walter Williams, who in 1582 entered a Rye prison under the pretense of being a fellow Catholic. Williams was upfront in writing to Walsingham that "I shall want money to bring me up, for my prison fellow wants money and I pay as well for him as myself." Moreover, while it couldn't have been easy to languish in such a place-- "I have been a long time upon bare ground in my clothes and at night lodged among thieves and rovers in a place not fit for men but dogs," he wrote--apparently he didn't make much effort in his duties and wasn't a wholehearted success anyway. According to a later letter, written sarcastically by the fellow prison "papist" he was supposed to spy on, Williams "prayeth little, unless it be

---

[100] *LP* x: 311, 119.

[101] SP Domestic clxviii. nos. 29, 30.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

somewhat before dinner that God may give him a good appetite to the same."[102]

A particularly well-known prison spy who showed up the advantages as well as the weaknesses of the system was Nicholas Grimbald, who was incarcerated in Oxford's Boccardo prison during Mary's reign for his Protestant leanings, before he eventually recanted under interrogation and revealed everything he knew, especially about the Protestant bishop and fellow prisoner Nicholas Ridley. Grimbald's betrayals and new embrace of popery were kept secret, however, from the others, who nevertheless suspected that some spy was in their midst.[103] Still, Ridley continued to side with Grimbald,[104] not knowing that Grimbald was turning his prison writings over to the authorities. Eventually, the intended recipient of those writings, Ridley's brother-in-law George Shipside, was arrested as well and imprisoned in solitary confinement, but still Ridley refused to believe that any treachery had taken place.[105] "It will not sink into my head," he continued, "to think that Grimbald would ever play me such a Judas's part." In May of 1555 Grimbald, however, was removed from Boccardo, sent to Marshalsea prison in London, and then released. "I have heard that Master Grimbald hath gotten his liberty," Ridley wrote John Bradford,[106] and later added, in another letter, that "[Grimbald] escaped not without some

---

[103] Ibid., clviii, no. 51; see also Read, 325-27. Moreover, Williams insisted his conscience was clean, since "he never toucheth [any] maid but from the knee upward."

[103] Apparently the devoted friend and messenger Austin Bernher raised concerns about Grimbald during a visit to the prison, for Ridley later acknowledged to Bernher that "at your last being here you cast cold water upon *mine affection towards Grimbald*." See also *EM*, 3 (*1*), 223-28.

[105] Ridley continued to praise Grimbald for, among other things, translating into English the works of Lorenzo Valla, Aeneus Sylvius, and other humanists who could benefit the "Church of Christ in England"-- or at least make it so that "the papists would glory but a little to see such books go forth in English."

[105] The betrayer was not Grimbald, Ridley wrote in a letter to Cranmer and Latimer, but "one which my brother trusted to carry [the writings]...*unto* Grimbald."

[106] *The Works of Nicholas Ridley* (Parker Society), ed. Henry Christmas (Cambridge, 1841), 337.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

becking and bowing (alas) of his knee unto Baal."[107]

Though he was praised by the Protestant polemicist John Bale--whose absence from England at this time probably made him ignorant of the situation--Grimbald apparently had long enjoyed a reputation for being something of a self-server. According to one anonymously penned poem:

> You have praised few, but many have you branded with infamy,
> That you may gain brief praise, O Grimald.
> Those whom you have just blamed you now praise, O deceiver!
> That you may gain brief praise, O Grimald.[108]

Indeed, Grimbald's duplicity with Ridley was not the first time he had ever come forward or been pressured by someone in government to name names. In 1549, as a thirty-year old lecturer at Christ Church and an ardent Protestant, he had written a letter to William Cecil, then serving as Master of the Court of Requests under the Duke of Somerset, asking him for better living accommodations. Cecil seems to have answered the young man's petition, with some conditions attached, because Grimbald's next letter exclaimed with gratitude that "you brought it about that when quiet for my studies was not to be had, I could be placed in a situation not only most desirable, but most advantageous for my literary progress--a thing on which I congratulate myself exceedingly!" Therefore, Grimbald added, "I shall not only show that I am mindful of this great kindness of yours...and grateful to such a patron as you, in short devoted to you, but I pledge and promise besides that I will be most eager for learning, most studious of holy things, most bitter against the Papacy, most unwearied in displaying my talent, most ready to extend and adorn the

---

[107] Ibid., 337, 391.

[108] Quoted from L.R. Merrill, *The Life and Poems of Nicholas Grimald.* (New Haven, 1925), 37.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Christian state." Grimbald then wrote that "As you asked on my departure, I have collected the names of those who have not yet rejected the evil conceptions acquired on religious matters, and I have made them into a list, which I am sending you along with this letter." Apparently no love was lost for those he informed on, who he described as the "drones," the "idle, the negligent, the pastors in name only;" indeed, Grimbald spent more time attacking their character than he did specifying any kind of religious views they held.[109]

During Edward's reign Grimbald had faced the bishops in St Paul's with the words; "Much better it is to be deprived of life for God's sake than to be deprived of God himself for the sake of life." Yet only a few years later, Grimbald, after his betrayals, paid Laurence Saunders a visit, the night before Saunders was to be burned in Coventry. During their time together, Saunders took a drinking vessel and asked if Grimbald would pledge to take a drink from the cup of martyrdom; but Grimbald equivocated--"shrugging and shrinking," in Foxe's words--claiming that he would drink to Saunders' health. "But of that other which you mean," he said, "I will not promise you." "Well," Saunders replied, "my dear Lord Jesus hath begun to me of a more bitter cup than mine shall be." [110]

---

[109] Ibid., 41-43. See Appendix 1. Grimbald finally ended the letter by writing in terms of the civic and other forms of duty he was fulfilling: "Why...O kindest and best of men, should I hesitate in matters of this sort to give you my opinion boldly and freely? Where then can I speak, who can I implore, into whose bosom shall I pour the public complaint if not into his who has authority, and who especially favors 'pure religion and undefiled?'"

[110] The consequence of Grimbald's actions is difficult to assess; certainly he was behind the wretched imprisonment of George Shipside, but his role in the persecution of Ridley and others seems to have been to buttress a case already heading down its course. Though he thus provided the authorities with damaging information, the most that perhaps could be said for him, in the end, is that he expedited an inevitable process. Ridley of course was martyred; as for Grimbald, he began his new career as a Roman Catholic by translating a few works, including Cicero's *De Officiis* (dedicated to a Roman Catholic bishop), and overseeing the publication of Thomas More's works. His fate is not clear after Mary's reign ended, and he slides away from the record, though he probably died before

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Personal qualities aside, Grimbald was the ideal informer which the government could utilize, in the results he brought in and the damage he inflicted; at the same time, it is essential to point out that men such as Grimbald were an exception, as few individuals, even those in prison, were willing, throughout the century, to name names, betray their correligionists, or insinuate themselves in communities for the sake of receiving a not very clear reward--and almost never a monetary reward--from even crown secretaries. A somewhat typical case was that of Anthony Brown, who in 1538 was asked by local Norfolk worthies to name his friends and associates; Brown, however, held to his own council, even under the threat of torture, though he did agree to personally deny the papal supremacy without affirming the king's supremacy, before finally retreating to his hermitage.[111] The government, acknowledging this resistance, thus sought to use force in compelling individuals to name others, especially when they themselves had abjured. Such was the case in the Coventry and Lichfield heresy trials in 1511, when abjurers were expected, by a clause in their confessions, to identify heretical associates would; according to the generic statement that was to be read:

> ...I utterly forsake, renounce and abjure and swear upon this book that after this hour I shall never openly nor privately hold, declare or teach heresy errors, nor any manner of the doctrine against the faith...Furthermore, I swear that if I may know any person or persons, men or women, suspect[ed] of errors or heresies...or any private conventicles contrary to the common doctrine of the holy church I shall denounce them to you the aforesaid reverend father, your successors or officers or to their ordinaries as soon as I goodly, so help me God.[112]

1562.

[111] Ellis, i.II.85-89. See also *PP*, 342.

[112] Fol. 25a, Lichfield Episcopal Archives MS B.C. 13. Translation modernized by author. See also John Fines, "Heresy Trials in the Diocese of Coventry and Lichfield, 1511-12," *JEH* 14 (1963), 160-74.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Later on in the 1530s, when the tenure of the Observants was coming to an end,[113] friars facing execution for denying the royal supremacy and other issues were pressured to come forward in return for their lives, while in Elizabeth's time the priests John Hart, Hugh Hall, and Anthony Tyrell turned Queen's evidence and named others to gain their freedom.[114] Toward the end of the century, Anne Bellamy proceeded while in prison, as a result of pressure from Richard Topcliffe, "to accuse her own father, mother, and other friends and relatives, twenty-six persons in all"[115]-- including Robert Southwell. Probably the most damaging case of naming names, however, occurred with the London preacher and evangelist Edward Crome,[116] who in the 1540s turned in friends and colleagues who had shared the same reformed temperament as he.[117] After running into trouble with the authorities after preaching in 1546 at Mercers' Chapel in London,[118] Crome was brought before the council for a first and then a second time,[119] before finally

---

[113] See Knowles, 3:206-11.

[114] See letter from John Hart to Walsingham, Dec. 1581 (SP Domestic, no. 80); and J.A. Froude, *History of England, from the Fall of Wolsey to the Death of Elizabeth* (New York, 1969), 11:641.

[115] *Unpub. Docs.*, 1:362.

[116] See Susan Wabuda, "Equivocation and Recantation during the English Reformation: The 'Subtle Shadows' of Dr Edward Crome," *JEH* 44 (1993), 224-242; R.H. Brodie, "The Case of Dr Crome," *Transactions of the Royal Historical Society* n.s. 9 (1905), 295-304; *DNB* 5:138-40.

[117] For accounts of Crome's preaching, see for example *LP* 14:2: 1539.

[118] Crome in his sermon denied the real presence and, more damagingly, claimed, using Henry's own statements, that there was no purgatory. The latter was a particularly unwise remark, since Henry, through the settlement, had since rescinded his previous doctrine and would not have liked to have had his own words thrown back at him.

[119] "[W]riggling before [its] questions," as Hughes put it See Hughes, 2: 64-68. Crome promised, on his knees, to repudiate his sermon at a new sermon at Paul's Cross. As he stood on the pulpit, however, with reformist allies and royal chaplains before him, Crome suddenly declared that he "came not hither to recant," and proceeded to reaffirm what he had boldly stated before. After the sermon he was returned once more to the council.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

agreeing to recant.[120] "I do...now most humbly submit myself to the king's majesty's merciful clemency being most sorry for my said offence," he said, and then added that he would proceed to help the authorities "in the disclosing and opening of all things."[121]

Crome proceeded to name all his correligionists, which set in motion one of the century's most dramatic episodes of religious persecution. Over the next weeks more than twenty individuals were directly brought before the authorities, interrogated and imprisoned, while sixty fled to the continent--all casualties of Crome's actions. Most of them he had considered good friends and allies: Hugh Latimer, who once occupied the bishopric at Worcester but resigned in the face of the conservative Act of Six Articles, had advised Crome not to recant and now faced his interrogators with careful words, despite their efforts to "fish out the bottom of his stomach"; [122] John Lascalles, who was described as a gentleman at court and would eventually die at the stake, was also named by his friend Crome, as was the physician William Hewisk, the St Bride's vicar John Taylor (or Cardmaker), and the former Bishop of Salisbury Nicholas Shaxton. Perhaps the most damaging of Crome's disclosures resulted in the arrest of the Lincolnshire gentleman John Kyme, and his wife Anne--better known by her maiden name, Askew. Although Askew had been under suspicion for a while, the naming of her by Crome represented a real treasure catch for officials, associated as she had been with various noblewomen and Catherine Parr herself, and in turn precipitated the events that would lead to her brutal torture and death.[123]

---

[120] SP I (ii), 842-48; *APC*, 1:414; *AM*, 6:45.

[121] *APC*, 1:414; *Wrioth.*, 1:166-70; *Grey Friars*, 50-51; *AM*, 5: app.

[122] See Wabuda, 236; SP i (ii), 484-89.

[123] See also John King, ed. *Anne Askew* (Brookfield, VT, 1996); Elaine V. Beilin, *The Examinations of Anne Askew 1521-46* (Oxford, 1996).

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Conclusion: Resistances and Weaknesses

It is important to describe cases of informing or naming names in order to understand how individuals came to the attention of the authorities; indeed, informing and accusation only constituted one element in the complicated process that preceded the more official stages of prison and trial. The dynamic interconnectedness that prevailed in early modern England, as detailed in the previous chapter, was a necessary precondition for those who wished to insinuate themselves into various communities; moreover, the fact that people were on familiar terms with one another, especially in areas such as London made the process of cultivating and receiving information all the easier. Edward Crome, for example, was a notable figure, so it is unsurprising that a familiarity existed between himself and the authorities; what is interesting, however, are the direct dealings that went on between those in the very highest rankings of power, such as Walsingham, and figures who knocked about the bottom, disreputably. Indeed, the weakness of the Tudor system of informing, with its lack of rational bureaucratic channels, could also constitute its strength, as many correspondences were immediately received and dealt with, if the individual in power was a capable one. Moreover, while dissident groups such as anabaptists or Catholics were shiftngly imprecise in number, their presence was known and their actions well-gauged, which allowed for a certain degree of monitored control.

Nevertheless, informers and those they reported to met real resistance on the part of those they were observing, and often found their efforts foiled. While religious groups, for example, could be penetrated, their very compactness also allowed them to

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

stand united and share their suspicions with one another; thus, for every informer, there seems to have been others, as in Ridley's case, who closed ranks against that informer, and warned his possible victim about the danger ahead. In addition, people may have kept watch over each other, and they may have taken action when it came to criminal activity in their midst, but this was not the same as actively coming forward to help the central authorities target and capture heretics or dissidents. For every individual willing to inform, there were others who chose to tip off the dissident by alerting him to danger, as will be seen in the next chapter. Indeed, records abound with allies coming forward at some risk to issue words of warning, as was the case in 1540, for example, when the proctor of Magdalen College warned friends of Thomas Garret that a search was out for Garret--thus allowing him to get a start on the pursuers.[124] Moreover, authorities often expressed dismay at local populations' or local officials' tendency to protect their own, and to refuse to inform upon or hand over suspects; as a result, those who were in fact apprehended only constituted a percentage--though how much of a percentage is impossible to say--of the actual number of heretics or dissidents who pervaded the realm.

Despite Walsingham's effectiveness, the elements that constituted a truly effective system were missing: the policing and bureaucratic machinery, and the ability of the central government to seamlessly coordinate itself with the local provinces, was still pre-modern; and the religious policy by which English men and women were to adhere varied from one reign to another and was not yet established into anything coherent and compelling enough to convert people away from their traditional or newly embraced religious and social loyalties. Above all, the government was, again, absolutely dependent on the willingness of the people to come forward, but those people, despite their loyalty to

[124] See Garrett in *AM*, 4:421-29.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

the crown, could be notoriously resistant to the idea of bypassing their immediate communities and religious affiliations and embracing what seemed to be confusing and changeable policy emanating from the center.

In the end, and absent a machinery or a system, the best that the Tudors could hope for was an atmosphere of vigilance conducive to acts of informing--all of which was fine, perhaps, when the religious affiliations of the local community matched the crown's, thus ensuring a coordination between the center and the counties or regions; but religious policy changed so much over the course of the century that disjunctures in loyalty were bound to occur, and the idea of coming forward seemed more problematic--and destabilizing to the community--than it was worth. Contemporaries did speak of betrayals and treacheries, as was the case in a dispatch during Elizabeth's reign from the Spanish ambassador, who wrote in 1564 that "the evil lies in universal distrust, for a father dares not trust his own son."[125] But this was something of an exaggeration, for the cases of sons actually coming forward to turn in their fathers for the crime of Catholicism were rare, even though, as has been seen, religious tensions pervaded the sixteenth-century English family and could lead to accusations that resulted in imprisonment and even tragedy. In general, then, the interplay between those making policy and those expected to help reinforce that policy, or between high, low, and middle levels of power and society, was uneven at best throughout the century, and did not altogether succeed in effectively

---

[125] Quoted in A.O. Meyer, *England and the Catholic Church under Queen Elizabeth*, trans. J.R. McKee (New York, 1967), 170. See also the report from the Jesuit Richard Holtby to Henry Garnet, in Dodd-Tierney, *Church Hist.*, III., 77-78: "If we converse openly, if we buy or sell, if we traffic in our necessary affairs, or take care of our own commodities, if we laugh, recreate ourself, or carry any indifferent countenance, then are we either too wealthy, or else too well, to live: such prosperous fortune is not tolerable in men of our profession...If we live in secret and delight ourself to be solitary, if we cut off all access of our neighbours, or refuse to keep company with such as love us not, then do we busy our heads, in their conceit, to devise against them secret conspiracies."

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

locating or controlling dissenters. The words of Ecclesiastes could thus only be held up by the Tudors as an ideal, enjoining people as it did to "wish the king no evil in thy thought, nor speak no hurt of him in thy privy chamber, for the bird of the air shall betray thy voice, and with her feathers shall betray thy words."

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Chapter Four: Apprehensions and Evasions

Introduction

If accusing or informing on heretics was problematic, the attempt to apprehend them reveals in even starker terms the difficulties of coordinating governmental initiatives with local willingness to carry those initiatives out. Not only did central authorities have to contend with resistance by justices and other lesser officials, but community sympathy or indifference was a problem as well, resulting in a number of accomplices and others willing to stifle crown directives. The process of ordering suspects to give themselves up, or physically apprehending and then incarcerating them, called for resources that were lacking in the sixteenth-century; but more than that, while the population could enthusiastically volunteer to aid authorities when it came to common thieves and criminals, religious dissidents evoked a more ambiguous response that frustrated authorities throughout the century to varying degrees. As Cynthia Herrup has pointed out regarding the criminal sphere, the "broad participatory base" that characterized early modern English law enforcement made it so that "[t]he private individual was the most important law-enforcing officer in the community," as "[p]ublic obligation intruded on private life repeatedly."[1] This was also, and perhaps especially, the case when it came to religious offenders, though various factors--religious neutrality, disunity, confusion, or a desire not to provoke more instability than it was worth--made the apprehension of heretics or dissidents much less clear-cut (and successful) than if the offenders had been simple thieves.

---

[1] Cynthia B. Herrup, *The Common Peace : Participation and the Criminal Law in Seventeenth-Century England* (Cambridge, 1987), 85-92. See also Ian Archer, *The Pursuit of Stability: Social Relations in Elizabethan London* (Cambridge, 1991), 1-17.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

In this search-and-apprehension stage of persecution, one begins to witness for the first time the suspects themselves actively resisting authority, either on their own or with the help of others, thus adding another element to the negotiations between the crown, the mid-level functionaries, and the larger population. This ability to resist and to actively seize control over their own fates--which is a central argument in this study--allowed religious dissidents, or non-recanting dissidents, to begin shaping their own martyrological narratives and to influence public opinion in doing so. Indeed, righteous individuals running from the authorities, harassed and besieged and having to hide in dark corners or rely on others who could betray or aid them, was a common trope in the Acts of the Apostles and in the early martyrologies, as they well knew; constantly on the move as hunted fugitives, they likened themselves to Jesus, Paul, and the apostles, and found themselves living out Augustine's notion of the wandering pilgrim, eternally exiled. Even those who willingly offered themselves up to the authorities self-consciously used their passivity as a tactic, as will be seen, while those who chose exile on the continent contributed their own part by printing tracts, creating seminaries for the furtherance of the cause back home, and issuing Paul-like epistles that encouraged fortitude and unity among their followers.

Arguments that tend to favor a model of the "persecutory state" working efficiently from above[2] thus tend to overlook how multidirectional and complicated the process actually was--a fact which is especially clear when it came to the apprehension of religious dissidents. By examining what it meant to be targeted and chased down--or to do the targeting and chasing--is to therefore understand the inconsistent and contingent nature of various Tudor religious policies as they were carried out throughout the century.

---

[2] See R.I. Moore, *The Formation of a Persecuting Society: Power and Deviance in Western Europe, 950-1250* (London, 1987); see also J.A. Sharpe, *Early Modern England: A Social History, 1550-1760* (London, 1987), 99-114.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Above all, it must be emphasized, again in accordance with this study, that individuals, rather than institutional or faceless collective forces, determined what those policies should be, and if they should be carried out; it was individuals who also decided how those policies should be resisted, either through the aiding of others or through choosing strategies of exile, flight, or passive resistance. A variety of considerations were involved in the decisions these individuals made, including the social status of the suspect, the nature of community sentiment, the geographical layout of a region, and the presence of sympathetic friends or neighbors; indeed, searches and captures--if there were captures--were never simple matters, least of all when it came to dissidents, who found refuge in furtive places overseas or at home, in woods, fields, neighbors' homes, and even haystacks,[3] strengthening their cause and conviction by remaining, always running, on the loose.

Heresy Catchers: Apprehensions by Officials

At various times over the course of the century, directives and proclamations were issued from the government enjoining justices, constables, newly-empowered commissioners, bishops, and other officials or local authorities to search out and seize heretics, destroy their books,[4] and control the spread of dangerous ideas. In 1538, for example, Thomas Cromwell put his signature to a document which ordered a royal commission to "search for and examine Anabaptists, [and] receive back into the Church such as renounce their error, hand over those who persist in it to the secular arm for

[3] For a haystack apprehension see *AM*, 8:493, and the case of Gouch and Alice Driver, who in 1558 were found in a haystack after authorities had poked around with a pitchfork.

[4] See for example Susan Brigden, *London and the Reformation* (Oxford, 1989), 344-45.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

punishment."[5] Moreover, as local officials with presumed knowledge of their communities--or as royal agents empowered to embed themselves in the life of the counties--it was their duty to investigate and specifically name and target those heretics or religious troublemakers and summon support for their capture. This was not an easy task, and it became even more difficult in the sixteenth century. On the one hand, officials had carried out general duties of apprehension for centuries, and knew that they were to be theoretically and by law supported by the local population; at the same time, the developments of the reformation fragmented religious affiliations along with the identity of the enemy they were to seek, who was no longer simply Lollard but, at different times, anabaptist, sacramentarian, Lutheran, evangelical, and Catholic. It was not always clear to the authorities, or anyone else for that matter,what an anabaptist, for example, even was,[6] much less where he or she travelled; in addition, the sheer number of dissidents had increased, and constituted a real, if somewhat protean, presence, especially in London.[7] Officials were thus being asked to stretch their capacities to hunt down a shifting enemy of indeterminate number--a number which could also be inflated by fear and misperception, as was the case during Elizabeth's later reign, when an increasing protestant sentiment (or paranoia) led to the belief that every cupboard in every suspicious house held within it a hiding priest. As a result, and perhaps unsurprisingly, many officials, apart from royal commissioners who owed their fealty and position to the crown, resisted such duties.

It is important to emphasize once again that such efforts were initiated and

---

[5] *LP*, xiii (2), 195; see also I.B. Horst, *The Radical Brethren: Anabaptism and the English Reformation to 1558* (Nieukoop, 1972), 85.

[6] See introduction in Horst; see also A.G. Dickens, *The English Reformation* (2nd ed., University Park, PA, 1991), 262-68.

[7] See Susan Brigden, *London and the Reformation* (Oxford, 1989), 82-128; 325-77; 593-606.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

influenced by individuals rather than impersonal forces of officialdom, which resulted in persecution moving unevenly in accordance with the level of zeal or resistance of one person or another, both at the high levels and in the middle. Individuals could also extend their duties outside the perimeters of what was required of them: Thomas More, for example, was one of the most active persecutors of heresy in the century, not only in his writings but in his involvement with the smallest detail of the detection and capture of religious deviants.[8] Despite the false rumor that he bound heretics in his Chelsea garden and whipped them like wild beasts, it is true that as chancellor he kept a set of stocks in his home for the detention of suspects, including the Protestant George Constantine, who nevertheless managed to break free, scale a wall in More's garden, and escape to Antwerp.[9] Another example of More's involvement concerned the burgess of London, John Petit, who found himself under suspicion for his association with Lutheranism. One night More himself, accompanied by a lieutenant, knocked on Petit's door, entered, and discovered him in a private room praying; startled to see More, Petite "spake with greate curtesy, thankyng hym that it wold please his lordship to visitt hym in his owne poore howse." Asking what he could do for his guest, More answered, "Ye say ye have none of these newe bookes?" "Your lordship [sees]...my bookes and my closett," Petite said in an admission of guilt that led him to Newgate, where he languished and eventually died in"a doungeone upon a padd of strawe."[10]

---

[8] More was also not above bending the rules in apprehending and imprisoning heretics. See Froude, *History of England*, 2: 74-83, though Froude exaggerates. See below.

[9] The rumor was repeated by Froude in his *History of England*, but it remains unsubstantiated and unaccepted by most historians. See for example J.A. Guy, *The Public Career of Sir Thomas More* (Sussex, 1980), 165-66. More addressed the issue himself in his *Apology*: "Of all that ever came into my hand for heresy," he wrote, "as help me God, saving as I said the sure keeping of them, and yet not so sure neither, but that George Constantine could steal away, else had never any of them any stripe or stroke given them, so much as a fillip on the forehead." *Apologye of Syr Thomas More*, 297-98.

[10] *Narratives of the Days of the Reformation*, ed. J.G. Nichols (Camden Series 77; London, 1859), 26.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Though they took their cues from the government throughout the century, individual bishops could also be enthusiastic in the execution of persecutory measures, setting the tone of activity in their dioceses. Bishop John Stokesley of London personally went after gospellers throughout the 1530s, with his initiatives eventually leading to conflicts with Thomas Cromwell.[11] While More, Cranmer, and others played a larger part in the trial of the Lutheran John Frith, for example, it was Stokelsey who read the final condemnation of heresy and who personally oversaw the handing over of Frith to the executioner.[12] The reign of Edward witnessed a repeal of heresy laws and a lessening of overt persecutory policies; nevertheless, apprehensions and trials of anabaptists occurred on the orders of bishops such as John Hooper and even Archbishop Cranmer, who proceeded to order their apprehension and even interrogate them himself.[13]

The most infamous persecuting bishop in the century, however, was Edmund Bonner, whose demonization at the hands of his Protestant enemies[14] should not lead one to overlook the fact that he was the most visible and probably active such figure in Mary's reign. Bonner's interrogatory techniques will be examined in a later chapter, but his orders

---

[11] *LP*, VIII: 416

[12] *AM* 5:14-15. See also John Frith, *A boke made by John Frith*, sigs. A3v-L3; Robert E. Fulup, "John Frith (1503-1533) and his Relation to the Origin of the Reformation in England," PhD thesis, University of Edinburgh, 1956.

[13] See Dickens, 262-64; and Diarmaid MacCulloch, *Tudor Church Militant: Edward VI and the Protestant Reformation* (London, 1999), 29-31; 132-34. In the case of the anabaptist Joan Bocher, for example, bishops repeatedly took her into their homes and attempted to persuade her to recant, but in the end it was Cranmer who played a role in convincing a reluctant Edward VI to sign the warrant for her execution. *AM* 5:699. For a discussion of Cranmer and Bocher, See Diarmaid MacCulloch, *Thomas Cranmer: A Life* (New Haven, 1996), 475-76; Jaspar Ridley, *Thomas Cranmer* Oxford, 1962), 291-93; John Davis, "Joan of Kent, Lollardy and the English Reformation," *JEH* 33 (1982)232-33; J.F. Mozley, *John Foxe and his Book* (New York, 1970), 35-36; G.H. Williams, *The Radical Reformation* London, 1962), 779.

[14] For the way Bale in particular shaped his accounts, see also Leslie P. Fairchild, "John Bale and Protestant Hagiography in England," *JEH* (1973), 145-60; and *John Bale: Mythmaker for the English Reformation* (West Lafayette, Ind., 1976).

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

to apprehend suspects in his diocese of London certainly bordered on the zealous. His motives are more difficult to ascertain, with historians divided over whether he was a sadistic time-server, a man impelled by a basically conservative temperament, or a figure holding genuine religious concern about the heresy that existed in his diocese.[15] Certainly it was partly revenge that compelled him to humiliate Cranmer, who had been responsible for his imprisonment during Edward's reign, by literally stripping the archbishop of all the episcopal accretions of his past and gloating, "Now are you no lord any more."[16] Along with demanding the capture of other heretics, Bonner also personally handled the initial incarcerations, by ordering individuals such as Richard Woodman to be locked away in his own, increasingly notorious, coalhouse.[17]

Bishops throughout the century were aided by privy councilors and royal commissioners, who were also individually responsible for setting the tone of persecution, even if their measures were not always carried out. Certain members of the council in Mary's time, for example, were particularly eager to oversee persecutory policies, often involving themselves in direct apprehensions; but their motives were not entirely clear, and may have had less to do with religious idealism than with opportunism and professional

---

[15] G.R. Elton, for example, tends to place Bonner in the loathsome functionary category, though he states that Mary and Cardinal Pole were the ultimate instigators of the persecution policies; Lacey Baldwin Smith on the other hand emphasizes Bonner's concern for order in the realm, while the most recent study by Gina Alexander regards Bonner as a greedy, ambitious time-server. The most sympathetic treatment, which attributes Bonner's actions to a genuine concern for heresy and the Catholic Church, is Merrill F. Sherr's unpublished dissertation. See G.R. Elton, *England under the Tudors* (London, 1955), 220; Lacey Baldwin Smith, *Tudor Prelates and Politics* (Princeton, 1953); Gina Alexander, "Bonner and the Marian Persecutions," in Christopher Haigh, ed., *The English Reformation Revised* (Cambridge, 1987), 117-75; Merrill F. Sherr, "Bishop Bonner: Bulwark Against Heresy" PhD diss., New York University, 1969.

[16] *AM* 8:72-73; *Greyfriar's Chronicle*, 83. See also the letter Bonner wrote after Mary's accession and the beginning of Cranmer's troubles: "This day is looked that Mr. Canterbury must be placed where is meet for him; he is become very humble and ready to submit himself in all things, but that will not serve." In Burnet 2 ii, 339-40 (part 2, book 2, no. 7).

[17] See also *AM*, 8:372-75.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

advancement. Among the commissioners of Essex were Sir Anthony Browne, who had held Protestant beliefs in Edward's time, only to change over to Catholicism in Mary's, and end his life acceptable enough to Elizabeth as to be knighted by her before parliament, in 1566.[18] Joining him on the commission was Richard Rich, whose only constancy lay in his changeability in every reign from Henry's through Elizabeth's, from the time he betrayed Thomas More in the 1530s, through his torture of Anne Askew in the 1540s, and his role in expediting Joan Bocher's death, under Edward. Rich, who was probably a mild Catholic, only rarely attended meetings of the privy council, though he eagerly apprehended and sent down to London heretics from Essex. Despite these actions, he had enough of Elizabeth's trust to accompany her to London in 1558 and gain a place on other commissions, though he somehow managed to hold firm in his dissent against the Act of Uniformity.[19]

Browne and Rich were joined by Lord Darcy and Edmund Tyrell as lord commissioners whose ability to mobilize local forces and involve themselves directly in the action were so successful that Bonner received a report that "the officers of the town be very diligent with is."[20] At the same time, even commissioners could demonstrate resistance or at least an ambiguous stance toward the government's directives, especially when it came to seizing or sequestering property that belonged to fellow gentlemen who had fled the realm for Protestant convictions. For example, Rich and Darcy--so zealous otherwise-- followed the law by presenting an absent Thomas Crawley, a man of substantial county wealth, with the charge of leaving the realm, though "Whether yt was

---

[18] For more on Browne, see *EM* 2.ii.509, 3.I.51; *AM* 3:157-59; *Narratives*, 212- 237.

[19] For a sample of Rich see *AM* 5:547; 5:72-75, 724, 198-99; Dixon, *History of the Church of England* 3:212.

[20] See Mark Byford, "The Birth of a Protestant Town, 1530-80," in *The Reformation in English Towns, 1500-1640* (Cambridge, 1998).

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

for Religion or Whether he had lycens or not the iury knoweth not." Since the goods and property of anyone who fled the country for religion were seized in accordance with the passage of a new law, the commissioners were responsible for assessing Crawley's inventory. What followed in Rich and Darcy's report, however, was not only vague--"What goodes and cattalls he had at the tyme of hys departure the iury knoweth not"--*but it also misrepresented, or underestimated, Crawley's wealth, only listing ownership of* a tenement in Elmden, when actually his resources extended to a manor and chantry lands.[21] In the contemporary case of John Rygges and William Asshley--both men also of substantial means--the commission simply stated their departure "for religion," without explicating on the properties left behind. Whether this is evidence of resistance on the commission's part to punish men of means, or whether it is simply incomplete recording, remains unclear; even so, it is telling that these entries exist alongside those detailing men of lesser means, such as John Asser of Chelmesford, with the exact monetary value of his properties, inheritances , and yearly rents and profits listed.[22]

At the middle levels of official power, the zeal to follow directives from above or to resist them was also dependent on individuals, though some offices made more demands than others, thus shaping those individuals' attitudes. Justices of the peace, for example, were especially put-upon, as they were required not only to summon a number of men for *apprehensions, but to also bear the subsequent costs of moving the suspect to prison,* which could often mean substantial food and lodging expenses.[23] Difficulties only increased when the prisoner was coming over from a distance such as Calais: in 1530s, for example, Lord Lisle often complained of the expense and difficulties of sending religious

---

[21] See Garret, 137.

[22] Loades, 95-96.

[23] *PP*, 364-65. Once in prison, the prisoner bore his own expenses. See chapter four.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

bound to bear his expenses...as I myself must bear his charges to the court from where I abide."[25]

Another problem occurred when justices held different economic and religious interests from those operating in Westminster: during Mary's reign, for example, some justices from the southeast were known for their Protestant sympathies, while in the 1570s the laxity shown by local justices in pursuing Catholics was blamed in large part on the fact that an inordinate number of them were recusants.[26] In the latter case, letters subsequently went out from the council to figures such as Bishop John Aylmer of London, who was himself severe on both Puritans and Catholics,[27] to put pressure on nonconformist officials, while justices were compelled more forcefully to take the Oath of Supremacy--which many of them avoided, citing illness or other excuses.[28] A few were even ejected from their magistracies, while others were punished in lesser ways: in 1578, for example, six justices from Norfolk--among them Humphrey Bedington, Robert de Grey, John Downes, Robert Downes and John Drury--appeared before the Council, where they were questioned on their recusancy and subsequently fined or jailed upon their refusal to conform.[29]

In general, the brunt of the actual, physical apprehension fell on constables and other lesser figures, whose duty was to bodily seize the suspect or stake-out his house. While constables, as mentioned, earned a reputation for bumbling and stupidity that may

---

[25] *LP* xii (1), 258.

[26] Elizabeth would discover this when she made a progress through East Anglia. See SP 12/45/16 [? 1578]. See also William Raleigh Trimble, *Catholic Laity in Elizabethan England, 1558-1603* (Cambridge, 1964)., 89-90.

[27] See for example Aylmer's crackdown on the university press at Cambridge, SP, Dom, Eliz. clxi, 1.

[28] SP 12/133/11 [?1579].

[29] Not all justices refused to conform, however; in Norwich and Suffolk, for example, the justices under question--William Gibbon, James Hubbard, and Philip Awdley--conformed. See Trimble, 93-94.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

have been overstated, records nevertheless do convey numerous examples of suspects escaping as a result of constables' oversight. Though the Marian Protestant Edwin Sandys, for example, was on the run and tracked by a five-pound reward for his capture, he was able to repeatedly slip past the constables with the help of correligionists who hid him away in a series of safe houses until he was finally able to flee, in disguise, to Antwerp.[30] Sometimes constables could themselves be sympathetic abetters, though for not entirely religious reasons: in 1558 the Hadleigh shearer John Alcock found himself in trouble for refusing to tip his hat and show reverence to the parson and his procession; afterwards the parson called out to the constable, Robert Rolfe, and demanded in the queen's name that the heretic and traitor Alcock be immediately apprehended. Rolfe, who had his own troubles with the parson, temporarily put him off, however, and later confided to Alcock, "I am sorry for thee, for truly the parson will seek thy destruction, if thou take not good heed what thou answerest him." Alcock apologized for causing the constable trouble, but determined that he would commit himself "in God's hands," to which Rolfe answered, "Well, yet beware of [the parson]; for he is malicious and a blood-sucker, and beareth an old hatred against me; and he will handle you the more cruelly, because of displeasure against me."[31]

Methods and Tactics

Whether suspects were targeted for criminal or religious offenses, the process that led to custody could be coerced, reinforced by legal writs such as summonses, warrants

---

[30] *AM*, 8:590-98.

[31] *AM*, 8:489-90. Shortly after, Alcock was sent up to languish in the dungeon of Newgate prison, where he died of sickness and was buried in a nearby dunghill.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

for arrest, and formal declarations of outlawry, or undertaken on the basis of suspicion alone. None of these methods, however, mitigated against the haphazard and often dreaded task that constituted apprehension, which involved a large number of people and much turmoil, especially for officials such as constables, who were faced with organizing a band of men, chasing down a sometimes elusive prey, confronting the suspect--who could be a neighbor--and generally summoning up an actively persecutory state of mind when the will may not have been there.[32] Of course, the awkwardness of apprehensions was not unique to the sixteenth century; nevertheless, the process of hunting down religious troublemakers in Tudor England was indicative of the specific kinds of difficulties faced by authorities in coordinating official and unofficial forces and in actually capturing those troublemakers.

The case of the Protestant widow Agnes Wardell especially conveys the disorder of the process, and the ability of heretics to find hideaways and accomplices. Late on a summer night in 1556, a large group of men converged on Wardall's house in Ipswich, with the intent of apprehending her; at first Wardall, didn't hear the knocks on the door, having been fast asleep with her two children and her maid, who suddenly shook Wardall awake and whispered that the watch was at the door. "What? Thou liest," Wardall replied, but when the maid answered "Yes truly, and hath knocked twice," she arose with speed, put on her clothes, passed down into the parlor, and crawled into a cupboard, where she was then locked inside by her maid. After some delaying tactics the maid opened the door, claiming she was ignorant as to where her mistress had gone; unconvinced, the men began searching the house, even significantly pausing at the cupboard where their suspect lay hiding, though somewhat inexplicably they moved on. Meanwhile, as they were in the

[32] See for example the case of Edward Underhill, who described how the high constable placed in charge of apprehending him was actually his neighbor and "my very friend." As Underhill writes, the sympathetic constable "desired the Sheriff and his company to stay without, for [fear of] frightening of my wife, being newly laid. And he would go [himself] and fetch me unto [the sheriff]." *Narratives*, 135-36.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

process of searching the neighboring houses and surrounding fields, Wardall herself was in danger of languishing in her cupboard "for want of breath," until eventually she managed, with the help of a fellow tenant, to release herself, emerging "as pale and as bleak as one that were laid out dead," "all on a vehement sweat...like drops of rain." Shrouding herself and covering her head with a "buckram apron," Wardall ran out into the dark fields, crawled through nettles, crept low, and finally lay in a ditch until the sun came up and a few of the men, still on the prowl and still searching, returned. Among them was the town crier, a priest though he was "reported married," who would have been especially satisfied at a possible catch; the one who discovered her, however, was a "simple honest plain man" by the name of Manning, a sympathizer who sent her a secret signal to lay quiet and wait until the men moved on, thus delivering her, "by the might and power of God," from their cruelties and "malignant devices."[33]

Apprehensions such as the one attempted on Agnes Wardall were theoretically to be reinforced by a warrant, which could grant the holder unlimited powers of search and seizure, though authorities did not necessarily need a warrant in order to make an arrest or a conduct a search, especially when they assumed that as officers of the king they possessed inherent rights and discretionary powers based on their commissions. Warrants for the apprehension of individuals required the authorization of justices of the peace, though the initiative to apprehend individuals, no matter how common or lowly they were, almost always came from the top, primarily from the chancellor or members of the council. The very creation of the office of justice of the peace in 1327 had in fact been accompanied by statutory authorizations for such officials to "take and arrest all those that they may find by indictment or suspicion, and to put them in prison;" indeed, apprehension and imprisonment was based only "according to that which to [the justices]

---

[33] *AM*, 8:219-22.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

shall seem best to do by their discretions and good advisements."[34] Richard Woodman's own experience in Edmund Bonner's coalhouse had come as a result of his acquiescing to a warrantless justice--an act he was determined would not happen again, when he demanded to see a document from the bailiffs. In this Woodman was acting from an awareness of his rights based on long-held common law theories--for example, the Anglo-Saxon notion of hamscon--that protected individuals from being subject to arbitrary searches and seizures. Edward Coke in the next century would pick up on this idea when he asserted, in a statement that would come to be accepted as sacrosanct, that the right against unnecessary invasion of the home had been unequivocally expressed in article thirty-nine of the Magna Carta.[35] But Coke's argument essentially resulted from a misreading of the document, which claimed no such thing;[36] moreover, the idea of such protections, while good enough in theory, did not prevent warrants of the most generalized nature from being issued in ever-proliferating numbers from the fourteenth through the seventeenth centuries, as the power to enter homes would be extended not only to justices but to leaders of craft guilds, apprentice masters, innkeepers, mayors, wardens, and any others who were chosen as deputies.[37]

---

[34] See Holdsworth, 4:137-42. See also Thomas Skyrme, *History of the Justices of the Peace*. vol. I (Chichester, 1991).

[35] Article 39 states: "No freeman shall be taken or imprisoned or disseised or outlawed or exiled or in any way destroyed, nor will we go upon him nor send upon him, except by the lawful judgment of his peers or by the law of the land." As Nelson B. Lasson writes, the provision's general and comprehensive phraseology was aimed at certain definite abuses of power by King John, consisting in the main of his practice of taking the law into his own hands and, without legal judgment of any kind or respect for any form of legal procedure whatever, proceeding with or sending an armed force to punish by imprisonment of seizure of property or worse, some person who displeased or disobeyed him. The object of the provision was to prevent in the future all such extra-legal procedure, to affirm the validity of feudal law and custom against arbitrary caprice and the indiscriminate use of force, and to prohibit constituted authority from placing execution before judgment." See Nelson B. Lasson, *The History and Development of the Fourth Amendment to the United States Constitution* (Baltimore, 1937), 20.

[36] William John Cuddihy, *Search and Seizure in Great Britain and the American Colonies, from 1000 to 1791* (MA, California State University, Fullerton, 1974), 8-16.

[37] 39 Elizabeth I, c.13 (1597), in *British Statutes*, ed. Pickering, 7:9.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Whether they carried warrants or not, officials, and the unofficial laymen who agreed to help them, were faced with a number of problems which could have been solved if England had in place a developed police system, a standing army, or any kind of military force which could be mobilized for the hunt.[38] Instead, England was dependent on the willingness and enthusiasm of its individual justices, councilors, commissioners, and others, and their ability to use various tactics and strategies, including guile. William Paget, for example, was a high member of Mary's council and the lord privy seal, though he was also known to extend himself personally toward the apprehension of heretics, using deception if need be. In one episode, while travelling through Europe on the pretense that he was visiting the baths for health reasons, Paget was really on the lookout for the Duchess of Suffolk and her husband, and may have been responsible for the apprehension of John Checke, as will be seen. In another case, from 1555, the London cook George Tankerfield was targeted for his Protestant activities until one day a man appeared at his house disguised as Paget's messenger. Tankerfield was out walking in the fields, so his wife answered the door, and was told that Paget wished Tankerfield to prepare a banquet for him. Eager for the opportunity to bring in some money, Tankerfield's wife ran to tell her husband, who spotted the ruse and said, "A banquet, woman! Indeed it is such a banquet as will not be very pleasant to the flesh; but God's will be done." Returning home, Tankerfield recognized the messenger as the yeoman of the guard, who then took him in custody, leaving behind the wife with her spits and her brickbats.[39]

Not all apprehensions resulted from premeditated stake-outs or deception,

---

[38] In Bavaria, Austria, and Wurttemberg, for example, authorities dealt with clandestine anabaptist sects by a utilizing troops and special investigators as well as paid informers, all of which were mobilized to search out and capture the heretics. See Claus Peter Clasen, *Anabaptism: A Social History, 1525-1618* (Ithaca, 1972), 360-67.

[39] *AM*, 8:344.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

however, and in fact could often occur at a moment's turn. In 1555, for example, an order went out by the bishop of Coventry to the mayor for the apprehension of John Glover; when the searchers, according to Foxe, "rushed in to take him," they found that John had escaped, leaving behind his brother Robert, sick and lying in bed, who was taken instead. The sheriff was inclined to dismiss Robert, "saying that he was not the man for whom they were sent;" but, "being feared with the stout words of the officer, contending with him to have him stayed till the bishop's coming, he was constrained to carry him away against his will, and so laid him fast while the bishop came."[40] Other instances of sudden apprehension occurred within crowds at sermon time or during executions: after witnessing the burning of John Noyes in Mary's time, the servant John Jarvis remarked, "Good Lord, how the sinews of his arms shrink up!" Behind him, however, stood two bailiffs, who alleged that they also heard the boy say about the officials in charge, "What villain wretches are these!" With that, Jarvis was immediately seized and taken the same day before the justice, who listened as the boy denied having uttered the more damaging remark. The result was a fine, followed a week later by more formal injunctions by other justices that Jarvis be set in stocks and flailed about the market with a dog whip.[41]

The apprehension of entire conventicles or sects of heretics could also involve hasty measures, as in 1575, when a constable literally stumbled upon a gathering of anabaptists in a house in the Aldersgate, where he proceeded to take names and then hastily send for back-up.[42] Inns and taverns were especially targeted as places for the furtive gathering of congregations, though members of conventicles often covered their tracks by claiming they were gathered to watch a dramatic performance. In 1557, for

---

[40] It was a turn of events that would lead to Robert Glover's trial and execution. See *AM*, 7:386.

[41] *AM*, 8:426.

[42] In the process of shepherding the heretics to prison, however, two managed to the escape.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

example, the Protestant minister John Rough was apprehended with others at the Saracen's Head in Islington on the information of Roger Sergeant, a tailor; at their examinations, however, members of the group claimed they were assembled for a play--an alibi not accepted by the council, which proceeded to send Rough, their leader, on to Newgate.[43] While perhaps less suspicious than a congregational gathering, individual fugitives who fled to the shelter of inns were not entirely safe either, and could garner the suspicion of keepers and denizens, leading in turn to an apprehension. In 1556 Julius Palmer, whose Protestantism rendered him itinerant, arrived at the Cardinal's Hat in Reading, where he sought a room which could provide him much-needed solitude. But other patrons, for not entirely clear reasons, became suspicious until one of them proceeded to feign friendship with Palmer, who naively shared all the details of his troubles; the result was that after Palmer had retired to his bed, a group of officers bearing lanterns and warrants stormed in and committed him to ward.[44]

In general, night raids at inns and homes were common for the element of surprise they carried. In one of Thomas Garret's apprehensions during the reign of Mary, for example, the catch didn't take place until after midnight, when authorities seized the fugitive from his own bed.[45] Thirty years later, in 1594, the hunted priest John Gerard was also subject to a midnight raid. "I had just fallen asleep," he wrote, when John [his companion] and I were woken up together by the sudden uproar outside." Gerard continues:

..There were sharp raps on the door--it was clear the men intended to break it

---

[43] *AM*, 8:444. The use of such "performances" as covers for godly gatherings, and the exploitation of those plays for propagandistic purposes, became so notorious that the Council in 1557 ordered that the performances cease, or its participants be punished accordingly. See *APC* V, 234, 237; VI, 119. See also Oxley, 205-06.

[44] *AM*, 8:210.

[45] Ibid., 5:421-29.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

down if we did not open quickly. There was no escape. That door was the only way out of the room and the men were barring it, so I told John to get up and open to them. The next moment men 'armed with swords and staves' burst in and filled the room, while many more stood outside, unable to get in...They ordered me to get up and dress, which I did. Everything I possessed was examined but they found nothing that could compromise my friends. Then they took me off in custody with my companion: but God blessed us, for neither of us was addressed or showed any fear.[46]

Night was not only a good time for apprehensions; it could also allow authorities to work with a minimum of interference from potentially volatile or protesting crowds. Thus, in the case of Robert Samuel during Mary's reign, officials "came immediately flocking about his house, and beset it with a great company, and so took him in the night season, because they durst not do it in the daytime, for fear of trouble and turmoil."[47] Part of this may have pointed to the increasing unpopularity of Mary's policies, as well as the potential of a community to protect its own; indeed, directives that enjoined officials to burn heretics only early in the morning, before crowds had gathered, suggest the same concern on the part of authorities, who utterly depended on the acquiescence of the larger population, if its measures were going to be carried out.

Community Participation and Resistance

For suspects who had to be actively searched out or chased, England employed tactics such as the hue and cry, which attempted to join mid-level functionaries with the larger population by requiring sheriffs or constables to alert their neighbors of a felonious act by sounding a general alarm--usually the cry "Out! Out!"--and to then collectively chase after the criminal with knives, bows, arrows, or other instruments.[48] Again, not all

---

[46]John Gerard, *The Autobiography of an Elizabethan*, trans. Philip Caraman (London, 1964), 65.

[47] *AM*, 7:372. Samuel "meekly yielded himself into their clutches of his own accord."

[48] Holdsworth, 4:521-22. See also 2:70, 89. 90, 99.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

members of a community, or neighboring communities, were willing to cooperate, especially when they had nothing personally to gain or lose by capturing the criminal. In order to address this reluctance, governments held those communities responsible by making them pay for damages from an unresolved crime, as in 1584, when a statute made neighboring hundreds liable for half the damages from the crime, with money to be given over to the constables, who would in turn pay the justice of the peace.[49] The hue and cry, however, was limited to cases of murder or thievery, not heresy, though in the sixteenth century townspeople were expected, when necessary, to come to the aid of apprehending officials, no matter what the crime had been.

Searches, unsurprisingly, were more fervently undertaken by the larger community if there was an added inducement of reward. In the case of the fugitive George Eagles,[50] a proclamation was issued across Essex, Suffolk, Norfolk and Kent counties in the time of Mary that promised a reward of twenty pounds to encourage "a more diligent search for him." After hiding in parts of Essex-- "in privy closets and barns, in holes and thickets, in fields and woods"--Eagles quickly developed a reputation for elusiveness that was perhaps another inducement to capture, which combined with word of mouth to produce a substantial number of pursuers. Eventually, Eagles was spotted in Colchester on Mary Magdalen's day, when a "multitude" of men, in Foxe's words, gave chase, unsuccessfully pursuing him through various groves and fields until, frustrated in their efforts, they finally departed for home. One of them, however, decided to stay behind in a cornfield and place himself high in a tree in the hopes of spotting Eagles, until eventually Eagles, thinking he was alone, proceeded to lift his head over the grain. The pursuer-- "the greedy and Judas knave"--then swooped down upon Eagles, capturing and taking him as

---

[49] 27 Elizabeth c.13. See also Holdsworth, 4:521-22.

[50] Eagles earned the nickname "Trudge-over-the-world," because of his continual travels from place to place, exhorting and confirming the brethren." See *AM*, 8: 393.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

a prisoner to Colchester, though his reward in the end was somewhat less than he wished.[51]

Word of mouth also tracked the movements of fugitive Catholic priests in the time of Elizabeth, and were helped along by the posting of general notices that also promised reward for capture. When Edmund Campion and Robert Persons arrived from the continent in 1581, for example, they discovered that posters had already advertised their coming, warning officials to keep a lookout.[52] Other Catholics were arrested directly upon landing, though not enough to prevent hundreds of priests from successfully entering England over the course of Elizabeth's reign.[53] Hedge preachers and other fugitives also received enough notoriety through itinerant rumors that not only sympathetic followers but also other members of the community could receive notice that a gathering in the woods was to meet,[54] leading to tip-offs and resulting in more apprehensions.

As dramatic as many apprehensions were, it should be kept in mind that, pitchforks and axes aside, most captures did not constitute outright mob scenes. Indeed, while many people at different times did take the initiative in apprehending suspects

---

[51] *EM*, 43-44; *AM*, 8:393-97; *APC*, 5:310-12, 6:129, 131, 142. See also J.E. Oxley, *The Reformation in Essex to the Death of Mary* (Manchester, 1965), 206-07.

[52] Alan Dures, *English Catholicism, 1558-1642* (Harlow, 1983); Adrian Morey, *The Catholic Subjects of Elizabeth I* (Totowa, NJ, 1978), 177. For more on the English mission, see Michael L. Carrafiello, "English Catholicism and the Jesuit Mission of 1580-1581, *Historical Journal* 37 (1994), 761-74; see also Carrafiello, *Robert Parsons and English Catholicism, 1580-1610* (London, 1998), 11-21.

[53] See for example the case of William Bishop, who was immediately captured in 1581 upon landing in Rye; though he stated that he was a merchant, his claim quickly fell apart under questioning. Eventually he was banished. Morey, 177-78. See also Alan Dures, *English Catholicism, 1558-1642* (Harlow, 1983); and Thomas M. McCoog, *The Society of Jesus in Ireland, Scotland, and England, 1541-1588: "Our Way of Proceeding?"* (Leiden, 1996), 129-264.

[54] See Patrick Collinson, "The English Conventicle," in *Voluntary Religion*, eds., W.J. Sheils and Diana Wood (*Studies in Church History* 23, 1986). It is not clear how many conventicles actually eluded the police in the century, but those that were unveiled constituted the most well-known groups and were almost always revealed by some kind of tip-off from within or outside their ranks.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

themselves--especially when a reward was involved--the basic impulse and directive to capture heretics came not from a vengeful community but, again, from high councilors and mid-level justices whose directives were not always obeyed. Though lynchings of heretics or priests are thus absent from the records, England in general was not free from violence, as the numerous riots and rebellions of the century attest; rather, religious polarities, and by extension the duty to apprehend others of different beliefs, were either felt less keenly or were diluted by the confusion of religious policy from above.[55] This is not to say, on the other hand, that English communities were necessarily tolerant, especially since heretics or dissidents could be attacked in other contexts; rather, the motivation seems instead to have been a desire on the part of people to preserve communal harmony by not stirring up trouble where it wasn't necessary, especially when it came to a suspect who had committed no personal injury or offense against them.[56]

At the same time, average men and women could often become a serious hindrance to the government, especially when they did take action, this time to aid religious fugitives in their midst. Indeed, escape would have been difficult if not impossible without the help of neighbors and sympathizers, who displayed a marked degree of willingness to shelter suspects and turn themselves into outright accomplices. In 1526, for example, a search went out for Thomas Garret on charges of his distributing Tyndale's New Testament and other incendiary works; after failing to find him in London, officials moved on to Oxford, but a sympathetic proctor at Magdalen college there, Arthur Cole,[57] heard of the plans and

[55] And, one might add, by the lack of noble sponsorship that these groups had , as opposed to the situation in France during the same period.

[56] A good overview of this idea in practice is Muriel C. McClendon, "Religious Toleration and the Reformation: Norwich Magistrates in the Sixteenth Century," in *England's Long Reformation, 1500-1800*, ed. Nicholas Tyacke (London, 1998), 87-108.

[57] Cole also appears in the story of Julius Palmer, another beleaguered Protestant of the time. According to Foxe, when Palmer, who had been forced to flee other towns for his beliefs, returned secretly to Magdalen College, "by the suit of one Allan Cope, then fellow of the house, he obtained letters commendatory, from Master Cole, president there, for his preferment to a school in Gloucestershire. So he getteth away, committed by his friends to God's divine protection, of whom

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

warned Garret through friends to leave and hide himself immediately. Garret, however, was soon caught around midnight, though he quickly managed to escape from the commissary's prison where he was being detained. Shortly after, another friend of Garets's, a scholar at St Alban's named Anthony Dalaber, was reading in his study when "suddenly [a person] knocked at my chamber-door very hard, which made me astonished" and found, standing before him, "Master Garret as a man amazed." Accompanying Garret was a stranger whom Garret insisted was an ally, but Dalabar exclaimed, "Alas Master Garret! By this your uncircumspect coming unto me...you have disclosed yourself, and utterly undone me." Garret, however, convinced Dalabar to relent and provide him with one of his coats for the journey to Wales and from there to Germany.[58] Dalabar himself was immediately suspected as an accomplice, which led to a search of his residence and his eventual interrogation and incarceration, where he was fastened into stocks and left to languish for a time. In the end, however, Dalabar was released, Garret was apprehended, and the two friends were reunited as they were made to march in a procession at St Mary's church, bearing the faggots of repentance.

Groups of accomplices could also rally around a popular and charismatic preacher such as Richard Woodman, whose ability to walk freely for a time in his base of Sussex would have been impossible were it not for the sympathy or at least acquiescence of people around him. Perhaps for the same reason the leader of the Freewillers, Henry Hart, was able to elude arrest, though his whereabouts were known.[59] In one of the more

some accompanied him as far as Ensham Ferry, and some to Burtford." *AM* 8:210.

[58] *AM*, 5:421-27.

[59] In 1557, for example, an informant named Stephen Morris told Bonner that Hart was currently residing "at the bridge-foot, in a cutler's house whose name is Curle;" though an order was given for his arrest, there is no evidence that Hart was incarcerated, and in any case, soon after he was dead. Twenty years earlier Cranmer had pleaded for lenient treatment of Hart, while during Edward's reign Hart also seems to have remained unmolested. As J.W. Martin writes, Hart seemed able "to move in and out of the prisons [where he visited his correligionists] with some degree of unexplained libertie." See J.W. Martin, "English Protestant Separatism at its Beginnings: Henry Hart and the Free-Will Men," in *Sixteenth Century Journal* 7 (1976), 55-74; Martin, 71-82; Horst, 122-24. See also M.T. Pearse, *Between Known Men and Visible Saints: a Study in Sixteenth-Century Dissent*

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

enduring cases, the Protestant preacher Thomas Rose first gained a following in Hadleigh, in the 1520s and 1530s, to the point that when it came time to apprehend him for encouraging iconoclasm and rood-burning, officials had difficulty summoning enough men who would help in the job.[60] When Rose eventually was taken into custody, certain of his followers attempted to spring him from the commissary by force, until they were persuaded not to take such drastic measures. Rose then received something of a reprieve upon the consecration of Cranmer as archbishop and was free to preach again for a time--though not in Hadleigh--but the passage of the Act of Six Articles in 1539 ensured that he would fall into trouble once more. Tracked by injunctions from the Duke of Norfolk that whoever captured him should "hang him on the next tree," Rose proceeded to escape for a time overseas, having benefitted from the aid of more accomplices. The death of Henry and rise of Edward then allowed Rose to be pardoned and his preaching license restored, but six years later Mary's accession forced him underground, where he led a secret London congregation and was helped by the great Protestant supporter, Lady Vane. Only a betrayal from within the congregation's ranks would finally lead to Rose's apprehension, along with thirty-five others, at a shearman's house in Bow-church-yard.[61]

The problem of neighbors harboring fugitives became especially acute in the 1580s, when plots against the queen compelled Elizabeth and her parliament to step up persecutory efforts against Catholics. According to a statute from 1585, all Jesuits and seminary priests were to leave the realm within forty days or face death as traitors; individuals who received and comforted them were to be adjudged felons "without benefit of clergy, and suffer death, lose and forfeit as in case of one attainted of felony." Moreover, those who failed to report such fugitives to the justices would be fined and

(Cranbury, NJ, 1994), 64.

[60] The brothers Walter and John Clerk would complain to the council of the difficulties they encountered in bring Hadleigh parishioners to act against their preacher. *AM*, 8:581-82.

[61] Ibid., 8: 581-84.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

imprisoned, while justices who neglected to pass on the information they received would have to "forfeit the sum of two hundred marks."[62] The measure had some deterrent effect on individuals such as Lady Arundell, though others such as Lord Vaux simply decided to transfer priests to "inns or suchlike places." Indeed, enough families continued to sponsor the activities of live-in chaplains that commentators such as Robert Southwell would write, in 1588, that "people up to now who would not even speak to a priest, much less admit one to the house, do not only receive us but press us to come and stay with them."[63] While such abetting was never free from being tracked by the informer or apostate who named names[64]--including servants who could destroy entire families by their actions--enough accomplices existed to elude and frustrate Elizabeth through the course of her reign.[65]

Resistances: Escape and Flight

For the suspects themselves, the simplest method of handling the authorities was to voluntarily turn oneself over to custody, which was often the case when they wished to prevent the kind of humiliating public spectacle that an apprehension could bring. Thus, Alice Benden chose to travel to prison herself rather than have others note the treachery that her husband had committed in informing on her Protestantism.[66] But in other cases,

---

[62] 27 *Eliz.* I, c.2 (1585). See also G.R. Elton, ed., *The Tudor Constitution : Documents and Commentary* (Cambridge, 1982), 424-26.

[63] Quoted in C. Devlin, *The Life of Robert Southwell* (London, 1956), 181. See also Morey, 181.

[64] See for example the case of Thomas Clark, who named at least thirteen priests after he apostized. Morey, 183.

[65] See for example Michael A. Mullett, *Catholics in Britain and Ireland, 1558-1829* (New York, 1998), 1-26.

[66] See chapter two; *AM*, 8:326-28.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

willingly handing oneself over to the authorities constituted, as mentioned, the first self-conscious act of resistance in the nascent drama of martyrdom. In 1555 during Mary's reign, for example, the Protestant bishop John Hooper, who earlier in his career had chosen flight out of the country, now decided that while "he was not ignorant of the evils that should happen towards him (for he was admonished by certain of his friends to get him away, and shift for himself), yet he would not prevent [officials from taking him], but tarried still, saying: 'Once I did flee, and take me to my feet; but now, because I am called to this place and vocation, I am thoroughly persuaded to tarry, and to live and die with my sheep."[67] His correligionist Hugh Latimer would similarly yield himself to the officials: when a pursuivant was sent out by Stephen Gardiner, Latimer received warning in sufficient time to escape; instead, he prepared himself for the journey to London, and told the official when he finally appeared, "My friend, you be a welcome messenger to me. And be it known unto you, and to all the world, that I go as willingly to London at this present, being called by my prince to render a reckoning of my doctrine, as ever I was at any place in the world." Indeed, though many authorities secretly hoped that Latimer would in fact flee--knowing that "his constancy should deface them in their popery"--he made the trip to the Tower and the council, joking as he passed Smithfield that the fiery place "had long groaned for him."[68] The actions of Hooper and Latimer were consistent with their later embrace of the suffering that accompanied imprisonment and eventually execution; by passively yielding themselves to the authorities, they were directly evoking the actions of Jesus, for example, who stood in Gethsemene knowing of the coming betrayal, or who upon capture told one of his apostles to put away his sword, saying, that

---

[67] *AM*, 6:645. Hooper was self-consciously placing his fate on scriptural terms, echoing, among others, Peter the Apostle's decision not to flee Rome but to face his martyrdom.

[68] *AM*, 6:464. See also Alan Chester, *Hugh Latimer* (Philadelphia, 1954), 464-65.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

"these things must be."[69]

Most religious dissidents who found themselves in trouble, however, chose to resist authority by evading and escaping it. Though the crown was exerting increasing control over the land by abolishing such protections as sanctuary,[70] dissidents could take advantage of the imperfections in the system, as well as networks of accomplices, to move about and continue their activities;[71] thus did the anabaptist Joan Bocher find refuge at

---

[69] *Matt* 26:49-55.

[70] Before the matter of Henry's divorce, a traditional means available to the fugitive had resided in sanctuary provided by churches, where the king's writ--and the use of force--was prevented from profaning such hallowed and consecrated ground. While understandable in theory, the translation of this idea into practice resulted in the protection of criminals and other miscreants within the immunity of ecclesiastical spaces. See I.D. Thornley, "The Destruction of Sanctuary," in *Tudor Studies...Presented to A.F. Pollard*, ed. R.W. Seton Watson (London, 1924), 182-207. The church for obvious reasons would not grant sanctuary to heretics on the level of Lollards, though cases did exist before England's break with Rome of suspects finding shelter after having been accused of a mixture of both treason--which had been protected, before 1534--and heresy. In 1518, for example, John Cowley escaped from Marshalsea prison after being arrested for treason and heresy; finding sanctuary in St Martin's-le-Grand, he was eventually seized, placed in the Tower and put on trial, where he requested in answer to the charges before him that he only wished to be put back into sanctuary. The attorney-general replied that this request was ridiculous in light of his heresies, but Cowley was insistent about adhering to his inadequate response, until the matter was finally settled when he was sentenced to death. See Bellamy, 92-93. See also Keilway, *English Reports*, 186. In the end, however, the issue was moot when one of Henry's first acts upon his break with Rome was the exemption of treason from sanctuary. Henry, however, was a gradualist who wished to push through his changes under cover of the law and parliament, which meant that from 1534 through 1540 an increasing though carefully limited number of felonious acts would be taken off the list of protections, as monasteries--which also had served as sanctuaries--were abolished altogether. While some concessions were made to maintain a semblance of continuity with the past--and Henry's successors would continue to grapple with the privileges until they were finally abolished in 1623 --sanctuary was left, for the most part, an empty husk after 1540, and certainly no longer a refuge for anyone of traitorous sympathies. As Thornley writes, some privileges were restored under the aegis of Protector Somerset, though exemptions were made for traitors, murderers, and thieves, and the harshness of Henry's acts primarily maintained; "[n]or did Mary's attempt to restore the old religion include any restoration of sanctuary." Elizabeth's parliament struggled with the privileges, especially as far as debtors were concerned, but the protections were again denied traitors and others. The 1623 act abolishing sanctuary altogether was 21 James I, c.28, 6 and 7. Thornley, 204-07.

[71] One reason for this was that insufficiently paid and unsupervised watchmen were among the worst culprits in terms of incompetency or susceptibility to bribes: in 1586, for example, Burghley complained to Walsingham of foolish watchmen who were placed along the roads to London to catch the conspirators in the wake of the Babington plot, even though it was watchmen who ultimately found Anthony Babington and others, hiding near London in the woods. *Calendar of State Papers relating to Scotland and Mary, Queen of Scots, 1547-1603*, ix, 27; *Cal. State Papers, Domestic*, 1581-90, 344.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

different times from 1528 onward at the house of her correligionist John Toftes, who was also the leader and host of a number of other radical gatherings.[72] Indeed, despite the increasing control over the land represented by the enclosure movement, sixteenth-century England remained a good topography to get lost in: in the north the terrain could become inaccessible and desolate, while travelling hedge-preachers and others knew well how to exploit the advantage of woods as places to hide as well as preach in. Toward the end of the century the rise of vagrancy and migrations to London compelled more people to take the roads, which could be advantageous to the heretic who wished to hide himself in a crowd, even though the unpaved roads could become difficult to traverse and highwaymen could lurch out at any given moment, to take advantage of the heretic's naivete.[73] A better means of escape existed by way of rivers, and the open shore with its many ports held its obvious advantages, as was the case in 1537, when a gentleman managed to get through customs on an elaborate pretense, and then sail away, yelling traitorous words about the king back to shore.[74]

The interior of homes also contained secret hiding places where the pursued could elude their captors. Sixteenth-century houses varied across region and from city to country, ranging from a peasant's two-room, one-floor cottage to increasingly elaborate manor houses with their separate family and servant wings and their multitude of private chambers.[75] To expand on limited spaces in more modest homes, lofts would be constructed which also doubled, if need be, as hiding places, just as closets could serve as

---

[72] *LP*, xviii (2), 546.

[73] Jeffrey L. Singman, *Daily Life in Elizabethan England* (Westport, CT, 1995), 87-88.

[74] *LP* ix: 691.

[75] James Chambers, *The English House* (New York, 1985), 71-72. See also Penry Williams, *Life in Tudor England* (London, 1964), 85-89.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

both storage areas and surreptitious prayer rooms.[76] In the reign of Elizabeth, wealthier recusant families would benefit from the relative spaciousness of their houses, which could shelter a priest in a room so far off and lonesome that he would only see his patrons when giving mass.[77] In other cases, individuals such as the Jesuit laybrother Nicholas Owen became renowned for their woodworking skills, which led in his case to the construction of at least 400 hiding places,[78] including refuges that allowed priests to hide comfortably within walls of thick masonry, underneath staircases, or even in converted sewage tunnels.[79] Often, however, it was more difficult for a priest to find shelter, since he carried with him the extra weight of vestments, chalices, and other sacramental accessories; moreover, new hiding places had to be constructed when pursuivants, for example, learned that many priests hid behind chimneys and thus could be smoked out, or that a sliding panel could be uncovered by knocking on the walls for signs of hollowness.[80]

The most extreme way in which to elude the authorities, however, was to escape to the continent, where exiled religious dissidents and foreign governments could offer a conditional asylum. This was, unsurprisingly, a problem for the authorities back home. On the one hand, religious deviants of foreign origin were encouraged--indeed, sometimes forced--to leave the country, as was the case in the proclamation of 1535 which ordered that all anabaptists leave the realm within twelve days, recant, or face death.[81] Among

---

[76] Singman, 73-80.

[77] Among the more notable of such residences were peer houses such as Arundel House and Southampton House. See David Mathew, *Catholicism in England 1535-1935: Portrait of a Minority* (London, 1936), 48.

[78] Owen spent twenty-five years in this task, even though he would be twice captured--the second time when he was starved out of his own hiding place in Hindlip and taken to the Tower, where he died under torture. See Mathew, 47.

[79] For more on such hiding places, see Granville Squires.

[80] Mathew, 47.

[81] Paul L. Hughes and James F. Larkin, eds., *Tudor Royal Proclamations* (New

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

native-born Englishmen, banishment was also an option--as in the case of William Bishop, a priest who landed ashore in England disguised as a merchant but was quickly apprehended and, like other Jesuits and seminarians, subsequently forced out of the country.[82] An individual could also attempt to apply for a royal license, which was the only way to legally depart the realm;[83] but such a document was difficult to obtain, and closed anyway to religious offenders. The Protestant John Checke, however, was able to acquire a temporary license in 1553, probably out of family connections and a stated desire to study in Italy,[84] while another successful applicant from the same period was Richard Bertie, who argued before Gardiner that he had to travel overseas to collect a large sum of money owed his wife, the Duchess of Suffolk, by Charles V. Gardiner told Bertie to wait until Mary's marriage to Charles' son Philip, but Bertie answered that "I suppose the time will then be less convenient; for when the marriage is consummate, the emperor hath his desire; but, til then, he will refuse nothing, to win credit with us." With that, Gardiner smiled at Bertie's reasoning, and said, "Well, proceed in your suit to the queen, and it shall not lack my helping hand." Soon after, Bertie received his license to go.[85]

In the beginning, departure, whether it was a forced flight or a voluntary

---

Haven, 1964), 1:227-28. See also Andrew Pettegree, *Foreign Protestant Communities in Sixteenth-Century London* (Oxford, 1986), 19-20.

[82] Bishop would later reemerge as the bishop of Chalcedon, with a doctorate from the Sorbonne, in 1623. See Morey, 178.

[83] As John Guy writes, it was a 1381 statute that prevented anyone from leaving or entering the realm without a license, unless he was a fisherman or a merchant. See John Guy, *Tudor England* (Oxford, 1988), 314.

[84] Checke's sister, for example, married William Cecil, while Checke himself became the son-in-law of Sir John Mason. See C.H. Garret, *The Marian Exiles: A Study in the Origins of Elizabethan Puritanism* (Cambridge, 1938), 114-15. See also John Strype, *The Life of the Learned John Checke*...(Oxford, 1821), 94-97.

[85] *AM*, 8: 571. This wasn't the first such financially-related encounter between Gardiner and Bertie, however: in 1554, Bertie was summoned before Gardiner and told to pay the queen £4000 in a debt that the old Duke of Suffolk had accrued from Henry VIII; though Bertie insisted that the debt was answered in Edward's reign, Gardiner responded that "the Queen will not be bound to estallments in the time of Kett's Government; for so I esteem the late Government." Quoted from J.A. Muller, *Stephen Gardiner and the Tudor Reaction* (New York, 1926), 227.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

migration,[86] was quietly encouraged by the government, until exiled communities, especially the Marian Protestants and the Elizabethan Catholics, began to utilize their exile to great effect , much to the consternation of the authorities. In Mary's reign, for example, Gardiner initially bragged that he had found a propitious way to dispatch with heretics--especially Protestant clerics left over from the time of Edward. According to the Spanish ambassador Simon Renard, Gardiner stated that he had "hit upon a good device for getting the Lutherans out of the country, without publishing any order or edict. When he hears of any preacher or leader of the sect, he summons him to appear at his house, and the preacher, fearing he may be put in the Tower, does not appear, but on the contrary absents himself."[87] Gardiner would then send off a warrant, timed with calculation to always arrive after the offender had fled.[88] Part of the reason for Gardiner's initial acquiescence (if not encouragement) was his reluctance to contend with the stubbornness of certain Protestants: in 1553, for example, Thomas Mowntayne was summoned before him and questioned on charges that he continued to minister according to the second prayer book of Edward. According to Mowntayne's account, Gardiner was standing before a bay window surrounded by various courtiers when he cried, "Thou heretic! How darest thou be so bold to use that schismatical service still, of late set forth? Seeing that God hath sent us now a Catholic queen, whose laws thou hast broken, as the rest of thy fellows hath done, and you shall know the price of it if I do live." When Mowntayne stubbornly replied that he lived by the truth, Gardiner "chafed like a bishop, and, as his manner was, many times he put off his cap and rubbed to and fro, and up and down, the

---

[86]See Garret, 1-20. Garret is vehemently of the opinion that the Protestant Marian exiles, especially as they were coordinated by William Cecil and funded by English merchants, were skillful manipulators, directing themselves "to the fulfillment of a clearly conceived purpose," to develop themselves into a coherent political opposition with every intention of returning to England one day.

[87] *Span. Cal.* X:217.

[88] Ibid., XI: 217. Such was the case also with John Foxe. See Garret, 11-12, fn.5.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

fore part of his head, where a lock of hair was always standing up;" to his credit perhaps, Gardiner proceeded to listen as Mowntayne detailed the achievements of Henry and Edward, but when Mowntayne then got down on his knees to pray aloud "that God would shortly cast down forever that shameful idol the Mass," the bishop lost his patience and yelled "Away with him! It is the stubbornest knave that ever I talked with."[89]

Gardiner soon realized, however, that contrary to dissipating the heretical community, exile only strengthened it. Over the course of Mary's reign, nearly 800 individuals would leave for the continent,[90] most of them consisting of gentry and clergy who had the means to "flie the infection of the antichristian doctrine by departure out of the realm."[91] The policy of flight was in fact encouraged by leaders of the community such as the Protestant Nicholas Ridley, who quoted Christ--"When they persecute you in one city, flee unto another"--and used examples such as Paul, who "was conveyed by night [from Damascus], let down in a basket out at a window over the wall," and Helias, the prophet, who "fled the persecution of wicked Jezebel."[92] Ridley recognized that the machinations of anti-Christ would work on the temptations of Protestants, seducing them into the papistical state religion; but he was also inherently recognizing the fragility of English Protestantism, which at that point had not yet gained a hold over the land, and which in fact would emerge a different, stronger entity after the trials of exile that Ridley

---

[89] Mowntayne was subsequently committed to Cambridge Castle and charged with treason; released on bail, he ended up escaping to the continent. See Mowntayne account in *Narratives*, 177-212.

[90] The figure is Foxe's; Philip Hughes corroborates the number by coming up with a total of 788 Protestant emigres. See Philip Hughes, *The Reformation in England*, 5th ed. (New York, 1963), 2:197-200.

[91] The words were written by Nicholas Ridley, who chose to stay in England, where he eventually was condemned and burned under Mary. See *The Works of Bishop Ridley*, ed. H. Christmas (Parker Society, vol. 39, Cambridge, 1851), 419.

[92] Ibid., 62. See also the letter to Mrs Wilkinson: "Remember that Christ, when his hour was not yet come, departed out of the country into Samaria, to avoid the malice of the scribes and Pharisees; and commanded his apostles, that if they were pursued in one place, they should fly to another."

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

was encouraging. This strength was derived in part from the fact that the education and status of exiled Protestants was complemented by the financial assistance of sympathetic English merchants, resulting in articulate and forceful printing efforts which exploited the state of exile for propagandistic ends. In Geneva, for example, English Protestants were especially fruitful in their efforts, under the aegis of their printer, Rowland Hall, to publish treatises, polemical pamphlets, English versions of the New Testament a book of Psalms, and devotional literature[93]--none of which could have been printed to such an extent back home.

Despite the support that an exiled community could offer, the journey was not at all an easy one, as the account of Richard Bertie and his wife, the Duchess of Suffolk, illustrate. After obtaining his license to leave, Bertie made plans to have Katherine surreptitiously follow him in a barge, accompanied by her year-old daughter and four servants. Leaving home at dawn and dressed "like a mean merchant's wife," Katherine was almost detected by her torch-bearing herald, whom she managed to elude before launching out on her boat during a thick mist. Soon the council and others in the land learned of her departure, but she eventually met up with her ship and proceeded to sail away, eventually landing in Brabant. Reunited with her husband, Katherine disguised herself "like the women of the Netherlands with hukes," and began the journey to safe ground. But she and her entourage suffered on foot through rain, frost, and ice; the baby wailed; inns refused to take in the group, and mistook Bertie for a lance-knight and the Duchess "his woman." Compounding matters was the fact that Bertie spoke little Dutch, and encountered no one who could speak English, Latin, French or Italian. Eventually, however, he managed to reunite with Francois Perucel, a shoemaker and former leader of a French refugee church in London, who obtained permission from the magistrates for the

---

[93] For a list of Hall's corpus of printed works, see the bibliography in Martin, *Réfugiés anglais*, 297-330.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

family to settle in town. Safe for a time, the group found themselves having to flee again when they learned of new pursuits after them, but they were saved by a letter of invitation from sympathetic emissaries in Wessel, where they settled and proceeded to wait out the rest of Mary's days living "in great quietness and honour."[94]

Over twenty years later, the same abilities to withstand hardship would be exhibited by the exiled Catholic community led by Robert Persons, Edmund Campion, and William Allen, who travelled to Rome, Louvain, or, more traitorously, Madrid, releasing highly influential writings and organizing missionary enterprises and seminaries, much to the consternation of the government back home.[95] Persons and his associates represented the new wave of English Catholicism after the ageing of the Marian bishops and the stagnation of the traditional seignorial families;[96] theirs was a movement that was largely shaped by foreign elements, from funding through influence in doctrinal changes, which combined with the solidarity created by exile to produce a coherent and well-connected community with its own manifestoes, books of encouragement, and martyrologies.[97] While the subsequent mission to England in the 1570s and 1580s could lapse into discord, the overall skill displayed by the English exiles was not only remarkable by sixteenth-century standards, but it also lead to the kind of self-creation and mobilization of purpose that only a state of exile could bring.[98]

In attempting to combat these overseas propagandizers, along with other traitors

---

[94] *AM* 8:571-76.

[95] See John Bossy, "The Character of Elizabethan Catholicism," *Past and Present* 21 (1962), 47-50. See also idem., *The English Catholic Community, 1570-1850* (Oxford, 1976), 11-15; Adrian Morey, *The Catholic Subjects of Elizabeth I* (Totowa, NJ, 1978), 117-32.

[96] See Christopher Haigh, "The Continuity of Catholicism in the English Reformation," *Past and Present* 93 (1981). Haigh's thesis has been challenged in recent years, however, by Peter Lake and Michael Questier.

[97] Bossy, 46-47.

[98] Leo F. Solt, *Church and State in Early Modern England, 1509-1640* (Oxford, 1990), 102-110.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

and criminals, a series of punishments were deployed against the offenders. Individuals who willingly chose to flee, for example, risked being punished under the fourteenth-century statute of 5 Richard II, st. 1, c.2, which stated that all moveable goods would be forfeited upon departure. To enforce these laws, commissioners, such as the aforementioned Lords Darcy and Rich, were appointed to investigate the possessions of exiles, noting their findings through the visitation and presentment process. The instructions to one commission in 1556 stated:

"...[W]here we understande that dyverse of our subjects despisinge the catholique faithe & religion by us restored & set forth within thys our Realme have in contempt thereof & of our lawes withdrawn themselves from their severall habytacions & dwellinges and remayne abrode in places secret and unknowen where they have neither iust occasion or commandment to abyde...Our pleasure & commandement is...to make lyke inquisicion serche & examynacon...what gooddes & cattalls they & every of them had and were possessed of at theyre severall departures or at eny tyme sence...And whether they or any of them had or helde any landes tenementes or heredytamentes by lease for term...And after such Inquery serche and examenacyon so dult had & made Oure pleasure & commandement ys that all the goodes cattalls & leases of them and every of them shallbe or may come to your knowledge as aforesayde ye shall cause to be put under your sure & safe custody...And to make substantyall bokes & Inventoryes of all the same & every parte & parcell thereof in suche manner & forme as before is expressed & declared...[99]

By this proclamation, for example, the "landes, goodes and catalles" belonging to Katherine, the Duchess of Suffolk, were to be searched out and inventoried, according to a letter from the privy council to Sir Edward Montague and other Lincolnshire commissioners.[100] But in this case and others, land was to only be held temporarily or leased out by the trustee-government--much to the consternation of Mary, who unsuccessfully attempted to convince parliament to pass a statute permanently confiscating all property. It was not until Elizabeth that the House of Commons would approve such a measure, which resulted in the permanent distraint of the Catholic exiles' lands.[101]

---

[99] See *Tudor Royal Proclamations (The Later Tudors, 1553-1587)*, ed. Paul L. Hughes and James Larkin (New Haven, 1969), 57-60.

[100] *APC*, 1555, 180.

[101] See the statute 13 Elizabeth c.5. See also David Loades, "The Essex Inquisitions of 1556," *BIHR* 35 (1962), 87-97.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Serious losses thus ensued for those who had fled, especially when the chief prosecutor in the matter was the hated pursuivant Thomas Felton, who travelled with his agents up and down the realm, taking inventory, enforcing often haphazard laws, and lining his pockets along the way.[102]

Another means by which exiles could be punished or intimidated was through the pursuit of extradition, which would become a particular obsession among Tudor governments. Despite the fact that England, borrowing from Grotius, became one of the first countries to formulate modern international law,[103] no formal law of extradition emerged until the nineteenth century.[104] Instead, issues involving extradition were contained in individual treaties that mentioned an obligation on the part of foreign governments to apprehend and send back an enemy who had committed political crimes against the state. But none of this was a guarantee, as treaties could be bent if not broken by the monarch: indeed, England was no model in this sense, harboring as it did religious (if not treasonous) fugitives from the continent at various times, or refusing, as Elizabeth did, to grant Mary Queen of Scots' request to extradite the murderers of her confidante David Riccio, in 1567.[105]

Regions such as Geneva or the German cities in Mary's time, or Rome, France, or Spain in Edward's and Elizabeth's did not grant refuge for any other reason than the fact that the asylum-seekers were of like-minded religious persuasion or were useful to exploit against a common enemy. Indeed, while the exiled English were able to enjoy a measure of jurisdictional immunity, the governments which allowed them in were just as strict and intolerant when it came to their own laws about treason. In seeking extradition, the English

---

[102] Trimble, 247-48.
[103] Ibid., 51.
[104] Stephen, 2:65-73; Holdsworth, 5:25-29; 49.
[105] On the other hand, Elizabeth refused to allow Riccio's murderers to remain in England.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

crown thus attempted to emphasize the political or seditious aspects of the refugees, knowing that governments such as Strasbourg had protocols against the harboring of traitors from another realm. In 1528, for example, John Hacket reported to Wolsey that while one Harmon was the "root of great mischief" as the leader of overseas Lutherans, he could best be returned home "if the King has any action of treason against him;" moreover, all overseas Lutherans could be better punished if they were "included with traitors" and carried the weight of an unpardonable offense.[106]

To avoid bearing the possible weight of treason and thus jeopardizing their stay abroad, refugees had to assert in religiously sympathetic countries that they were being victimized for their beliefs, and not any politically oriented crime.[107] In 1556, for example, John Hales protested what he suspected was an extradition warrant secretly delivered by one of Mary's commissioners to the authorities of Frankfort; appearing before the "Consul," Hales successfully argued that the warrant had been issued for no other reason than "to vexe hym and others that for theyr refuge and concyens sake were commed thyther to flye persecucion in Englande."[108] Less fortunate was John Knox, one of the more famous victims of banishment, who alarmed the authorities in his refuge city of Frankfurt by a proported speech claiming that Charles V was worse than Nero; moreover, his pamphlet entitled *Admonition to England* contained enough treasonous statements--including the Nero remark--to compel the German city to take action, or face the wrath of the emperor. A few of Knox's exiled correligionists not only wanted Knox thrown out but

---

[106] *LP*, IV (2), 4511.

[107] Knox's pamphlet of 1555, issued from Frankfort, could in fact have been responsible for increased persecution in England. According to Whitehead in a letter to Calvin, "Before the publication of that book, not one of our brethren had suffered death: but as soon as it came forth, we doubt not but that you are well aware of the number of excellent men who have perished in the flames." *Orig. Lett.*, II, 761.

[108] The defense was acceptable, for not only was Hale off the hook, but so did he manage to have the messenger, John Brett, arrested. Brett's 'Narrative' (*Royal Hist. Soc. Trans.* n.s. xi, 120).

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

encouraged the Frankfurt council to banish him, their ire based on disputes concerning doctrine; the result was that Knox was told to depart immediately, which he proceeded to do, accompanied for the first four miles out of the city by his saddened friends and supporters.[109]

Despite attempts to compel their fugitives' extradition through charges of treason, Tudor governments were for the most part unsuccessful in gaining foreign governments' acquiescence. Still, they tried, and when treason didn't work, lesser charges were attempted--as in the case of one "Blanchrose," who was not wanted on religious charges but who nevertheless serves as a good example of the extent to which England would go in pursuit of extradition matters. Born Richard Hosier in what he claimed to be Orleans--though Henry stated that as the son of a common English father he was an English subject--Hosier was charged in 1540 with stirring up trouble from his base in France and maintaining "divers of our sovereign rebels." Despite Henry's claim that Hosier--or "Blanche Rose," as he called himself--deserved extradition as an English subject, Francis I refused to accede to the demand, which led Henry to instruct his emissary, Lord William Howard, to instead present the French king with evidence that Hosier was also a common murderer and thief. The change in tactic didn't work, however, even though Francis had shown a willingness to return such common felons in the past; as a result of the king's obstinacy, Henry became so enraged that at one point he even threatened war over the issue.[110]

---

[109] For an account of Knox's Frankfurt sojourn, see his own narrative in John Knox, *Works*, iv, 41-49; for the other side, see Whittingham, *The Troubles at Frankfort*, 55-59.

[110] *LP* 16:no.240; *SP*, Henry VIII, 8:511. See also John Bellamy, *The Tudor Law of Treason* (London, 1979), 90. Despite Henry's attempts to divide Europe and stave off a possible Catholic crusade from the continent by dangling various marriage unions that would unite him either with France or with Charles V, by 1539 Charles and Francis I had come to some agreements through treaties and truces, leaving England alone and in a panic that an invasion from all sides was at hand. The year 1540--the year of Blanche Rose (but also the year of the Anne of Cleves disaster)--witnessed a lessening of the panic as diplomatic efforts increased, but relations with France remained raw. For more on the tensions of this time, see J.J. Scarisbrick, *Henry VIII* (Berkeley, 1968), 360-71.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

One of the few successful extraditions in the century was also one of the most notorious. In 1524 or 1525 William Tyndale, realizing the impossibility of translating the Bible into English in his own country, sailed for Germany and eventually ensconced himself among the English merchant and printer community at Antwerp, one of the most thriving cities at the time in Europe. Meanwhile, as his translations of the Bible were being smuggled into England--where they were thrown into the fires at Paul's Cross[111]--attempts were being made on the part of Henry and Cromwell to recall Tyndale home so he could stand trial on grounds of heresy and spreading sedition. Charles V was contacted, though he refused to grant the request on the grounds that Henry--in accordance with the treaty of Cambrai--had no proof or evidence to support his demand.[112] "When the Emperor...knows that Tyndale has committed anything by word or writing to justify doing what the King asks," Charles wrote in a letter to Henry, "he will take steps to comply with his request and the treaty";

> If, however, it is not proved that Tyndale has committed these things...and if the Emperor complies with the King's request without examining the case, he will not satisfy the treaty of Cambray, or of any other conventions between the princes of England and Burgundy, nor the privileges granted to the English in these provinces. Both the English and other nations would have just cause to complain, and to leave these provinces, to the great injury of the Emperor and of his subjects. The general opinion is that Tyndale is only persecuted for his attachment to the Queen's cause, which it is thought all the best men in England favor.[113]

While Charles was wrong in his estimation of Tyndale's offense, he nevertheless adhered to the spirit of the treaty, much to the consternation of Henry, whose common law traditions called for a different response. A breakthrough would only occur with Tyndale

---

[111] See Millar Maclure, *The Paul's Cross Sermons, 1534-1642* (Toronto, 1958).

[112] This would not be the last time Charles would adhere to the treaty. See for example the case of Ronald Brancetour, Gerald Fitzgerald and others in 1540, who Charles refused to send back to England, in a decision based not simply on national antagonisms, but also on the emperor's adherence to treaty over common law. See John Bellamy *The Tudor Law of Treason* (Toronto, 1979), 88.

[113] *LP*, V:164-65.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

in the form of Henry Phillips, a mysterious character, disgraced and impoverished back home, who travelled to Antwerp under the pay of an unclear source and soon made his way into Tyndale's confidence. One night Phillips lured Tyndale into a trap--but not before "borrowing" forty shillings from him first-- by notifying local officers and having them wait for him at the dinner table at Tyndale's residence. As Tyndale walked through the door, Phillips, in Foxe's words, "pointed his finger...down to him, that the officers who sat at the door might see that it was he whom they should take"--which they proceeded to do, spiriting him to prison and then consulting with the emperor-general (or procurer-general), who ordered Tyndale arrested and incarcerated at the Vilvorde castle.[114] Tyndale was ultimately arrested on charges of disobeying the laws of the low countries, though Antwerp itself had quietly condoned Lutheranism from the beginning; the real reason for the targeting of Tyndale was Philip's machinations at Charles' court, which over time was stirred up all the more by the traitor's hatred of Henry VIII. Tyndale's fellow community of English merchants frantically attempted over the course of the next year to secure Tyndale's freedom, for reasons having less to do with religion than with outrage over the violation of traditional diplomatic privileges granted to them over the years.[115] In the end, however, the pleas of his friends failed to prevent Tyndale's case from being bounced back and forth between the governments, until Tyndale was eventually returned to England and burned.

Tyndale's story is also noteworthy for the role that Henry Phillips played as a kind of privately employed bounty hunter. Indeed, Phillips, with his fealty to Charles V, was decidedly *not* an agent of Henry, nor of Cromwell, both of whom would unsuccessfully attempt over the course of the next decade to have him arrested and sent

---

[114] *AM*, 4:657-96.

[115] See also David Daniell, ***William Tyndale: A Biography*** (New Haven, 1994), 363-65.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

home, where he would inevitably face execution.[116] Instead, Phillips, according to the most convincing arguments,[117] had been paid and sent over to capture Tyndale by someone in the higher echelon of the church, along the line s of Bishop Stokesley of London, whose zealotry in persecuting heretics has been described.[118] In a more official capacity, ambassadors were always effective go-betweens, since part of their duty was to keep watch over English subjects in their midst, as was the case in 1538, when the English ambassador, Sir Thomas Wriothesley, unsuccessfully requested Henry Phillips's extradition from Queen Mary of Hungary, the regent of the Netherlands;[119] moreover, any members of the council, such as Lord Paget in Mary's reign, were encouraged to look out for fugitives and entrap them if possible as they travelled abroad.

Tudor monarchs throughout the century were also known to employ agents in order to locate and apprehend fugitives on the continent. One such agent whose thankless duty was to travel across the channel and deliver warrants--or "letters," since the exact

---

[116] Phillips would continue over the next years to travel through various cities in Europe, latching on to different notables until they were informed by English ambassadors of the man's true scoundrel nature. At one point, in 1538, the destitute Phillips would join the Swiss army and attempt to ingratiate himself with Cardinal Pole, to no avail; the next year he would give himself up to the English ambassador, thinking he would be pardoned by Henry. Realizing that he wouldn't receive any such pardon, he escaped, and his extradition was demanded by the English. A few years later, he found himself in trouble as a traitor to the kings of Vienna and Hungary, but word of him begins to fade from the record. See Daniell, 370-71.

[117] See J.F. Mozley, *John Foxe and his Book* (London, 1940); Daniell, 367-68.

[118] The contemporary chronicler Edward Hall wrote of Tyndale that "he was at Antwerp this year by one Phillips an Englishman and then a scholar at Louvain [Phillips] betrayed and[took him], and as many said, not without the help and procurement of some bishops of the realm." Mozley, in buttressing his argument, also writes that Stokesley "boast[ed] on his deathbed of the number of heretics whom he had robbed of life," which along with other pieces of evidence "makes it reasonable enough to see in him the chief backer, if not the prime engineer, of the plot which destroyed Tyndale."

[119] Rather than simply term Philips a traitor, Wriothesley requested that the man be turned over on charges that he had stolen money from him This was due to the fact that, like the emphasis on treason, felonious act such as murder or thievery--whether it was really committed or not--seems to have been a more effective accusation in the English monarchs' attempt to have foreign governments extradite fugitives.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

nature of the material was never very clear[120]--was John Brett, an agent in Mary's service, who left behind an account of his tribulations overseas. With letters in hand stamped by the privy seal, Brett set out to track down various fugitives, including the Duchess of Suffolk and her husband Richard Bertie, Sir Thomas Wroth, Sir William Stafford, and other figures of importance during Edward's reign. The first stop was Frankfurt, where the widow Jane Wilkinson, once a member of Anne Boleyn's court, now resided. Upon being presented with the letter, Wilkinson explained her presence abroad by saying that "albeit her indisposycion and sekenes was cause of her comming oute of England to see if she coulde recover her healthe at the Bathes in those Countryes, yet considering it pleased the Quenes Maiesty to call her home she wolde repayre towardes England with the best spede she coulde." Ultimately, nothing happened; Brett left for his next stop, while Wilkinson eventually died abroad, leaving behind a substantial bequest to support her correligionists in exile.[121]

Brett ran into more trouble with the aforementioned John Hales, who not only successfully pleaded his case before the authorities, but also demanded--and attained--Brett's arrest for infringing on the liberties of Frankfurt with letters and warrants from a foreign queen. Brett was soon released, and proceeded on his journey to the Duchess of Suffolk and her husband, Richard Bertie, who were then residing "in an olde Castell scytuate upon the topp of a hill nighe unto a Towne of the Palsegraves callyd Weinhem." Upon arrival, Brett and his servant were met with suspicion by an English lackey, who demanded their names and their purpose; as the lackey then repaired within the castle to inform the residents of the guests, Brett heard the words "kyll them kyll them," followed by a barrage of stones flung down upon them from above. "And ymmediatly," Brett continued, "certen of the Duches servauntes russhed oute of the gate with great

[120] Garret, 36-37.
[121] Ibid., 35.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

fearseness...[and] yt seemed vnto vs highe tyme to retyre thence." But the town--laden with "lewde Englysshmen"--was hostile to his presence; at the inn where Brett was forced to wait for the Duchess' answer, his and his servant's horses were stolen by one of Katherine's men, while the business of actually delivering the letters underwent a complicated and ultimately futile process of negotiation with one of the noblewoman's men.[122] Events took a turn for the worse when Brett gave up and next turned his attention to Strasbourg, where he attempted to present his letters to Thomas Wroth and Anthony Cooke; instead, he was met by a knight and his men, who were indirectly hired by Cooke to ride Brett out of town and allegedly kill him. A desperate chase ensued that ended with Brett's lucky attainment of safe passage out of town; as he was departing from his unproductive sojourn, another English exile, Thomas Becan, remarked that "he wolde not haue bene in [Brett's] cote for a Thowsand poundes to haue commed to deliver any letteres in those parties."[123]

Failing other tactics, Tudor governments were also known to resort to outright kidnapping, though difficulties doing so, and the problems agents could encounter with foreign governments in their extra-legal efforts, made the practice relatively infrequent. In Mary's reign, the Protestant John Checke, as mentioned, began his sojourn overseas legally enough, when he obtained a license to leave the realm and was subsequently able to travel freely through Strasbourg, Emden and other parts, directing an anti-Mary propaganda campaign along the way--all of which marked him out as a particular target back home. The moment of his capture came in 1555, when Checke, falling for a ruse of Paget's, was suddenly seized on the highway by an official of Philips's and--in Strype's words--"blindfolded, bound, and thrown into a waggon, and so conveyed on shipboard,

---

[122] I.S. Leadam, "A Narrative of the Pursuit of English Refugees in Germany under Queen Mary," *Royal Historical Society* n.s. Vol. xi. (London, 1897). See also Oxley, 198-99.

[123] Brett, 131.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

and brought over sea unto the Tower of London." Shortly after, he was interrogated and proceeded to recant, leading to the pathetic spectacle of his being paraded about as the most famous betrayer of his fellow heretics.[124]

The kidnapping of John Story in the time of Elizabeth was also somewhat exceptional in terms of the notoriety of its victim and the perseverance of the pursuers, yet it cannot be seen as completely outside the realm of apprehending practices in the sixteenth century. A former member of parliament and chancellor to Bishop Bonner, Storey, as will be seen, was one of the most diligent persecutors in Mary's arsenal, which would make him a good catch for Elizabethans who wished to settle old scores.[125] After a series of imprisonments and releases, Story by 1565 was living in Antwerp, where he took up inquisitional activities against Protestants and served as a confidant to the Duke of Alva. It would be his subsequent employment in the Spanish Customs House--and the machinations of one William Parker-- that would spell his downfall, however. Charged with preventing English books from coming into the continent, Story was lured by three merchants, hired by Parker, to examine a ship that had docked at Bergen-op-Zoom; as Story was examining the cargo, Parker suddenly lowered the hatches and, with his catch trapped inside, proceeded to sail the ship to Yarmouth.[126] Alva would subsequently make two formal pleas for the imprisoned Story's release, on grounds that Story was now a Spanish subject; but the duke's petitions went unheeded, as Story was tried for treason and afterwards drawn and quartered in a particularly brutal execution.

---

[124]Strype, *John Checke* , 94-107.
[125] Camm, *Lives of the English Martyrs* (London, 1905), ii.14-110.
[126] *SP* Dom. LXXVIII: 51.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Conclusion

Important, if rare, catches on the level of Story and Checke could constitute real public relations coups for the government, just as an apprehension could make a visible point to others: Robert Glover, for example, was "cruelly" paraded about the streets after his apprehension,[127] while in 1553 the notorious anti-Catholic balladeer Edward Underhill, who was initially seized by the sheriff and high constable at night, was conspicuously accompanied through London the next day by two guards.[128] The humiliating act of being captured also served the authorities well as a public deterrent, and though some suspects may have held their heads high, especially when they viewed the spectacle as a crown-of-thorn-wearing imitatio christi, others viewed the prospect of being hauled before the authorities with dread, thus underlining the sense of danger that associating with (or becoming) religious outlaws could bring.

Such spectacles were necessary, above all, in the authorities' attempt to ensure religious conformity and unanimity, since initiatives from above would come to nothing if acquiescence was lacking on the part of local functionaries and the larger population. And in many ways, these attempts succeeded, as the heretic or dissident was now separated from the community, stripped of his sheep's clothing and displayed as the wolf he really was. At the same time, enough resistance existed, even in the cases of the worst or most stigmatized offenders, to cause authorities trouble: for one thing, too many--or simply enough-- accomplices were present to lend their aid, compelled by a variety of motives that

---

[127] *AM*, 6:635, 7:384, 398.

[128] Eventually Underhill persuaded the sheriff--who was charged with bringing him to Newgate--to have bailiffs rather than guards escort him to the prison, "for order's sake." The sheriff granted the request, and Underhill walked through Cheapside with the sheriff's men trailing at a distance behind, "so that it was not well perceived that I was apprehended, but by the great company that followed." *Narratives*, 132-74.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

ranged from religious sympathy to confusion or indifference over the government's changing policies; moreover, while the zeal that existed at the top may have been taken up by the justices and commissioners and even trickled down to some of the populace, general obedience--at least to the king or queen's representatives--was not a guarantee, even among sheriffs and constables who were required to hold up their end of the system.[129]

Ideally, the solution for every Tudor government faced with religious deviants would have been to seal the realm and sever the lines that connected networks of support; but while individuals such as Cromwell or Walsingham did make efforts to do so, the continued administrative weakness of sixteenth-century government combined with a genuinely divided public sentiment to make any attempt along those lines impossible. In addition, members of various religious persuasions also knew how to scatter themselves when necessary, in order to escape their capture, as a concentrated group, in the government's net. What Origen had once foreseen in regard to the early church could in this sense apply to England: persecution, he wrote, may have indeed been effective in its occasional hammer blows, but the very diffusion of the church, and the government's inability to coordinate its officials from top to bottom, ensured that the besieged would go on, like Israelites in Joshua's day.[130]

Indeed, the ability of just a percentage of individuals to resist and flee authorities ensured that their movements, small as they could be, would be held together and strengthened by persecution. A state of exile, like imprisonment, thus only helped to

---

[129] Indeed, the only truly consistent and outwardly declared religious worldview--if not policy--was expressed by Edward and Mary, both of whom died too soon for their efforts to take hold among the populace; among all the Tudors, only Elizabeth was able to generate a religious consensus, albeit a fragile one, which could be attributed to not to acquiescence so much as an emergent nationalism that also had the effect of finally closing the gap, once and for all, between treason and heresy.

[130] See W.H.C. Frend, *Martyrdom and Persecution in the early Church* (New York, 1967), 307.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

sharpen the strategies and identities of beleaguered groups, leading them to define themselves in relation to the oppression they faced. Though it is impossible to estimate the extent to which they succeeded in making new converts back home through their stories of hardship and their smuggled books, flight undoubtedly strengthened them, and often gave them the room to proselytize, dispense mass, publish treatises and broadsides, and above all continue outracing their foes. Indeed, stories of escape further added to the suspects' cause in creating, at least among their followers, a testament to fortitude, cleverness, desperation, and victorious evasion, as what became a test of strength for individuals such as Katherine of Suffolk soon evolved into a mythology that not only elevated her but--even more important--her Protestantism.

For those who were caught, however, the victory on the part of the government could often be ambiguous at best. Indeed, if the process of fleeing or being apprehended strengthened the faith of the individual and the community of believers, then what followed would carve that strength into the severe and sharp lines of martyrdom. Most people would recant at some point along the way; for others, however, there would be no turning back from prison, trial, and even execution. For these individuals, fortitude was already displaying itself when it came to facing their flight and capture, as was the case with Richard Woodman: after having been apprehended, and taking leave of his father, brother, wife, children, and friends, he was brought to prison, examined, and condemned to death; but for all this, he wrote in a letter to a Mistress Roberts of Hawkhurt, "I praise my Lord God that hath separated me from my mother's womb, all this that hath happened unto me hath been easy, light, and most delectable and joyful of any treasure that ever I possessed."[131]

---

[131] *AM*, 8:376.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Chapter Five "To pray, to curse, and to write letters": The Martyrdom of Prison

Introduction

The primary means by which the Tudors tried--and failed--to control religious dissidents was by imprisoning them, which was in accordance with sixteenth-century practices that sought to punish heresy and treason as crimes of the weightiest magnitude. In many respects the authorities were justified in pursuing extremely harsh policies against individuals of illegal beliefs, especially during an unstable period when ideas of toleration had not yet worked themselves out; moreover, rather than being propelled by simple bigotry or religious prejudice, authorities were correct in viewing the individuals in question as genuine dangers to the king or queen, despite the protestations of the individuals in question. By challenging the very basis of the monarch's religious policies--and religious identity, for that matter--dissidents were inherently challenging the validity of the nation and its laws and institutions; at the same time, not all the Tudors viewed the danger, nor did they imprison, to the same degree. In the two periods where his persecution was heaviest--upon the passage of the act of supremacy in 1533, and after the establishment of the conservative Act of Six Articles in 1539--Henry, for example, tended to imprison individuals who challenged his headship of the church as well as those who denied theological tenets which he, still a self-professed Catholic, promulgated. Persecution and imprisonment lessened considerably under Edward's reign, though radicals such as anabaptists, whose crime lay not in their denial of the eucharist so much as their refusal to take oaths and recognize secular authority, continued to be incarcerated.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Though she was concerned to some extent with the inherently seditious aspects of the Protestant opposition, Mary, on the other hand, was directly concerned with the beliefs held by her subjects, and never wavered from the principle that heresy was to be punished to the extremity of the law. With Elizabeth, however, a shift occurred, as her Catholic subjects--whose inner theology she was really not concerned with--did present a genuine, traitorous danger to the state in light of foreign-funded conspiracies and very real threats of invasion from the outside--none of which the previous monarchs had to contend with to such an extent before. As a result, whereas Henry, Edward, and Mary would acknowledge that prisoners were incarcerated for their beliefs, Elizabeth, on the other hand, never ceased to insist that they were traitors pure and simple, and deserving of the punishment they faced.

For the accused, on the other hand, imprisonment was a martyrdom in and of itself, a life-threatening battle against rapacious wardens, oppressive irons, bare floors, dank walls, stench, pestilence and water so putrid that it was said even "the rats drown themselves."[1] Indeed, sixteenth-century jails, ranging from temporary lock-ups at sheriffs' residences to notorious prisons such as London's Newgate, were not a pleasant experience, nor did they noticeably improve over the course of the century: while reforms were emerging that attempted to exert greater control over prison abuses, religious dissidents nevertheless found themselves thrown in with common criminals, to wait out their trials or sentencings for indefinite periods of squalor. As a result of the grimness of imprisonment, Tudor authorities sometimes succeeded in persuading nonconformists before or during imprisonment to recant, thus turning imprisonment into a kind of filter that drained away the stalwart from the weak, or--to use a constant phrase from prison writings--the wheat from the chaff. But in other cases, incarceration--like exile--could also

---

[1] *Select Cases before the King's Council in the Star Chamber, Commonly Called the Court of Star Chamber, 1477-1544* (London, 1903-1911), 2:15-16.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

be manipulated by the prisoners themselves, who publicized their condition for a wide-ranging audience, surreptitiously writing letters and treatises that gave witness to sufferings they were willing to endure. Moreover, the weak control that Tudor authorities exerted over their prisons and prison officials further allowed the dissidents to create both community solidarity and a cause for themselves, inspired as they were by the powerful reality of being imprisoned, which allowed them to meet their persecution--and persecutors--with equal amounts of strength and defiance.

Imprisonment in the Sixteenth Century

Despite changing realities of incarceration, the purpose of prisons throughout the sixteenth century, as in earlier periods, was simply to keep dangerous suspects in custody for an indeterminate amount of time, either holding them until trial or until the carrying out of a sentence in the form of some form of punishment such as whipping, flogging, or execution.[2] Once an apprehension had taken place, a few official or quasi-official bodies were responsible for examining the suspect before sending him or her onto jail, from courts such as the King's Bench or Exchequer--which controlled their own prisons--to officials such as Privy Council members, sheriffs or bishops, who could wield their power arbitrarily. Occasionally an official who had unscrupulously incarcerated an individual was held accountable for his abusive actions, though usually the charge was supplementary to other offenses or grievances: it is debatable, for example, whether the charge against Wolsey in 1534 for wrongfully imprisoning Sir John Stanley would have

---

[2] S. McConville, *A History of English Prison Administration*, vol. 1 (London, 1981), 5.See also Ralph B. Pugh, *Imprisonment in Medieval England* (Cambridge, 1968), 192-207; Christopher Harding, Richard Ireland and Philip Rawlings, *Imprisonment in England and Wales* (London, 1985), 55-107; C. Dobb, "London's Prisons," in *Shakespeare in his own Age*, ed. A. Nicoll (London, 1964), 88-100.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

held up were it not part of a larger set of accusations against the cardinal.[3] Indeed, injunctions such as those cast against Wolsey hardly prevented Thomas More from illegally imprisoning suspects, or even Thomas Cranmer, in 1539, for bearing primary responsibility in the long detention of the friar William Watts.[4]

Attempts to reform such practices, which had their origins in the fourteenth century, involved the implementation of more stringent governmental oversight and regulations: in London, for example, the Court of Aldermen--which comprised part of the ruling authority for the City-- attempted to set up a committee in the early part of the century to investigate abuses going on at Newgate against "poor prisoners," which actually led to the imposition of fines and other minor punishments for keepers. Such reform proposals were often ignored, however, as it was generally accepted that incarcerations were abusive and capriciously initiated without formal legal charges or evidential hearings. Moreover, except for periodic gaol deliveries, when justices would travel the circuits overseeing cases and clearing prisons of their inmates, every prisoner knew that hearings were extremely difficult to obtain, resulting in indeterminate stays and confusing procedures.[5]

Upon apprehension--and after spending a night or two in a temporary lock-up--individuals could attempt to negotiate the kind of prison that awaited them by pleading

---

[3] The specific charge was that Wolsey had wrongfully arrested Stanley for refusing to yield property to a man married to the mother of Wolsey's two children. Stanley, the illegitimate son of the Bishop of Ely, was subsequently so traumatized by the experience that he spent the short rest of his life in a monastery. In addition to this charge, Wolsey was presented with a bill of forty-four offenses--"real and false, serious and trivial," in Ridley's words; included among them was the accusation that Wolsey had undertaken treaties with both the pope and Francis I without Henry's consent; of signing his letters "the King and I," thus placing himself on the same level as Henry; and having knowingly threatened the king when he knew he was carrying the pox. See Jasper Ridley, *Statesman and Saint: Cardinal Wolsey, Sir Thomas More, and the Politics of Henry VIII* (New York, 1982), 172, 224-25.

[4] Cranmer's Register, ff. 67V, 70. See also Diarmaid Maculloch, *Thomas Cranmer: A Life* (New Haven, 1996), 260-61.

[5] Pugh, 278-79; 286-94.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

their cases before the privy council. Often, however, this yielded only mixed results. When John Philpot in 1555 was threatened by John Story with imprisonment at Lollard's Tower, for example, he replied, "Sir, I am a poor gentleman; therefore I trust of your gentleness you will not commit me to so vile...a place, being found no heinous trespasser." But Story was unmoved, and even suggested a crueler place: the Bishop's coal-house. "Sir," Philpot again replied, "*if I were a dog you could not appoint me a* worse and more vile place...God give you a more merciful heart." Philpot failed to persuade Story or the rest of the council, however, and proceeded on to the coalhouse to face "a great pair of stocks" (though "thanks be to God, we have not played on those organs yet)."[6] Edward Underhill was similarly unlucky, even though he too tried to cite his status as a gentleman: after his apprehension in 1553, he faced the members of the Privy Council--with whom he conducted an acidic and provocative exchange--and was met with debate over the appropriate prison to send him. "Have this gentleman unto the Fleet until we may talk further with him," ordered the Earl of Sussex. "To the Fleet!" scoffed Robert Southwell, "have him to the Marshalsea!" John Gage then injected, "Have the gentleman to Newgate!," which particularly panicked Underhill, who pleaded to Lord Arundel that "I trust you will not see me thus used, to be sent to Newgate," since, as he later put it, "I am a Gentleman, as you know; and one of your fellows." But Underhill was unsuccessful, and proceeded on to Newgate.[7]

Jails had existed in England since before the Norman conquest, though an increasing number of imprisonable offenses over the course of the centuries--by 1520 there would be 180 such laws, covering moral transgressions and vagrancy[8]--created an expansion in detention cells and the number of inmates contained within. Imprisonment

---

[6] *AM* 6:610-611.
[7] See *Narratives*, 126-144.
[8] Pugh, 26-47.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

was theoretically to be a temporary state and not a punishment in itself, though many inmates, as will be seen, found themselves forgotten and languishing for an indeterminate number of years. By the Tudor period, greater attempts to exert control over prisons were intermittently--and often unsuccessfully--attempted, correspondent with changes brought on by problems with escapees, prison maintenance, and various disorders arising from social and economic conditions. The Reformation also played a significant role in the administration of prison and the make-up of its population: on one level, ecclesiastical or monastic prisons were abolished or radically circumscribed, as was the policy known as benefit of clergy, which had enabled clerics to transfer from temporal to ecclesiastical or bishops' prisons, where many proceeded either to escape or receive lighter sentences.[9] Moreover, the dissolution of the monasteries may have increased the number of vagrants who roamed the country or led to the establishment of institutions such as Bridewell, since monasteries were no longer around to offer themselves as places of shelter.[10] The make-up of religious dissidents in prison also changed; whereas in previous centuries imprisoned nonconformists consisted largely of Lollards--whose frequent imprisonment

---

[9] Benefit of clergy--the exemption of individuals from the jurisdiction of secular or criminal courts--was not abolished completely until 1827, but its usage underwent increasing limitation s in the sixteenth century. Traditionally, the privilege extended to all who claimed they could read--which was an ability unique to the clergy--but by the reign of Henry VII distinctions were drawn between persons in the holy orders and the secular clergy, with the latter afforded the privilege only once in their lifetimes. Statutes passed under Henry circumscribed the definition further, exempting murder from the privilege, while Edward made it impossible for murder, burglary, highway robbery, poisoning and sacrilege to be crimes by which the defendant could plead the benefit. Under Elizabeth, the privilege was allowed for those who claimed the ability to read, but only after a conviction had been secured and a punishment of burning-on-the-hand had taken place; even then, the conviction could not be overturned (Elizabeth, c.vii, x2). In addition, another Elizabethan statute (18 Elizabeth, c. Vii) empowered judges to order the defendant imprisoned--in a "secular" prison--for a year or less. See Stephen, *History of Criminal Law*, I:viii; Pollock and Maitland, *History of English Law* (Cambridge), I, s.v.

[10] Joyce Youings, *The Dissolution of the Monasteries* (London, 1971), 78-81; 117-31; A.L. Beier, "Vagrants and the Social Order in Elizabethan England," *Past and Present* 64 (1974), 3.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

in the gaol at St Paul's gave it the name Lollards' Tower[11]--the sixteenth century witnessed prisoners of varied religious stripe, from extreme evangelicals through the first wave of Jesuits. Among these more visible dissidents came the emergence of a large body of prison literature that exploited the state of incarceration to advance causes and martyrdoms; indeed, because of this literature more is known about life in English jails than in previous centuries, even though it comes from the pens of religious prisoners whose number was small in comparison to debtors and common criminals.

Many types of prisons existed in England, with the earliest consisting of makeshift county jails such as gatehouses, manors, and castles, which functioned initially as temporary lock-ups upon immediate apprehension, but later became more permanent residences.[12] In Essex during Mary's time, for example, Colchester castle[13] contained a gaol that served as a frequent destination for a large number of Protestants, among them William Mount, his wife Alice, and their daughter Rose Allin, all of whom were then transferred to the town gaol at Mote Hall before their execution.[14] During the same period a significant congregation of twenty-two Protestant prisoners at Colchester Castle became such a cause celebre that when it came time to transfer down to London, a crowd of 1000 came out to support them.[15] Castles also became a frequent destination for Catholic recusants in Elizabeth's time: in the north, where Catholicism remained strong, the county castles of York or Hull hosted a wide range of recusants, including priests, gentlemen,

---

[11] See Stow, 2:19. For a general history of the Lollard experience in prison and in London, See John A.F. Thomson, *The Later Lollards 1414-1520* (Oxford, 1965), 139-71.

[12] Pugh, 347-48.

[13] For the history of Colchester Castle, see Pugh, 68-70. For Colchester in general, see also Laquita M. Higgs, *Godliness and Governance in Tudor Colchester* (Ann Arbor, MI, 1998), especially 165-81.

[14] *AM*, 8:382, 386-67.

[15] *EM*, 3 (1): 554.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

blacksmiths, hatters, and a significant number of women.[16] Another prison was located at Wisbech Castle in Cambridgeshire;[17] despite the presence of one or two laymen, the castle held mostly clerics, who managed to elude their Puritan keeper by breaking the locks of doors that divided them, mingling freely and harassing him by interrupting his Genevan prayers with their whistles and banging on the floorboards above his head. Religious practices also took place, according to one prisoner-priest at Wisbech, who wrote, "Sometimes I had an opportunity of celebrating the Holy Mysteries, for from the lower room...in the dead of night we were enabled to obtain vestments by a rope which was let down from our window, and in the early morning, before the wardens and other prisoners were awake, we returned them in the same manner."[18]

Within towns, prisons were also maintained as part of a larger municipal responsibility. The mayor of Oxford, Alderman Irish, kept a jail in his official residence, which in 1555 witnessed the presence of Nicholas Ridley, who often complained, as will be seen, of his conditions and treatment.[19] It was London, however, that contained the most infamous municipal prisons, where offenders were sent from the farthest reaches of the land. Each tended to carry its own reputation, based in part on the types of prisoners residing within: Newgate, the most notorious, was primarily a criminal prison controlled

---

[16] David Mathew, *Catholicism in England, 1535-1935: The Portrait of a Minority* (London, 1936), 41. Women at York Castle included Elizabeth Dyneley, wife of York's lord mayor; Margaret Clitherow, a butcher's wife; and Isabell Porter, who "sayeth that she cometh not to the church, because there is not s priest as there ought to be, and also that there is not the Sacrament of the Altar" (*SP* Dom., 117, no. 23).

[17] Wisbech Castle housed the more important Catholics, including--in 1580--Bishop Watson, Young, Windham, Oxenbridge, and Abbot Feckenham. See SP 12/143/17. For recusants confined in the castle of Framlingham, which covered recusants in Suffolk and Norfolk, see *APC* XII, 82-83; and idem., 124.

[18] For an account of Wisbech and the "Wisbech Stirs," see Arnold Pritchard, *Catholic Loyalism in Elizabethan England* (Chapel Hill, 1979), 78-8

[19] Nicholas Ridley, *Works* (Cambridge, 1841), 359

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

by the City of London,[20] though this didn't prevent it from receiving a significant number of religious dissidents, including Anne Askew. Less brutal was Ludgate, which was primarily--though again, not solely--a holding pen for debtors, who, it should be noted, constituted the majority of all inmates in sixteenth-century England.

Prisons also existed in London that fell under the jurisdiction of the crown and its courts. Along with Ludgate, another prison known for its debtors was the Fleet, which was controlled by the courts of Common Pleas, Chancery, Exchequer and Star Chamber; as a debtors' prison, the Fleet would become in Elizabeth's time a frequent destination for unpaying recusants, who were contained within its ancient stone walls and surrounded by a dried up moat.[21] Marshalsea prison was also located in London, though it was controlled by the court of the King's Bench, which had previously enjoyed a longstanding association with ecclesiastical courts,thus accounting for the continued presence of a large number of religious dissidents.[22] The most notable of the royal prisons, however, was the Tower, originally built by William I with the intention of incarcerating his enemies; in the sixteenth century the more noteworthy or treasonous of the king's close enemies tended to be housed there, including Thomas More, Anne Bolelyn, Thomas Cranmer, Robert Southwell, Edmund Campion and others, even though the prison continued to host a few less honorable inmates as well.[23] The Tower was also distinctive not only in that it served as something of a tourist attraction, where visitors could watch the lions and other animals caged there, but so was it also convenient for authorities who wished to utilize its number

---

[20] Pugh, 103-07.

[21] For an example of Catholics in the Fleet, including John Finch, see *Unpub. Docs.*, 1:32. Finch, however, was "not able to pay the great charge of the Fleet, [and was] removed not long after into a miserable and loathsome prison, which was made for the porer sort of Catholickes, the which is termed by the heretikes the Howse of Roges or of Correction." For general information on the Fleet, see M. Bassett, "The Fleet Prison in the Middle Ages," in *University of Toronto Law Journal*, No. 2, 1944. See also A. Jessop, ed. *The Economy of the Fleet* (Camden Society, 1879).

[22] *Social History of English Law* (London, 1966), 83-85.

[23] Pugh, 126-27.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

of torture implements.[24]

It was the sheriff's duty, as the king's officer, to deliver the prisoner, maintain these jails and appoint wardens or keepers to oversee them; with the growth of the prison population, however, sheriffs began to house the newly apprehended in their own residences, many of which consisted of separate buildings known as counters or compters. In London the compters in the Poultry[25] and Wood Street were especially notorious places of incarceration, with both open all night to receive individuals who had offended against the City laws, namely in disturbing the peace. Like county jails, such pens had begun as temporary quarters, though by the sixteenth century many felons and religious dissidents were known to languish for longer periods of time. One of the more disreputable compters in the sixteenth century was located at Bread Street and run by Richard Husband, described by John Stow as "a headstrong man who dealt hard with the prisoners for his own advantage." So abusive was Husband, with his irons, his maltreatment, and his sideline business in charging "thieves and strumpets" for lodgings, that he himself was committed for a time to Newgate and then released, only to be committed again.[26] Along with sheriff's jails, another notorious "residential" prison that should be noted, albeit one on the wane in the sixteenth century, was controlled by the bishop, who incarcerated individuals on his property for purposes of questioning. Once used to incarcerate secular clerks--who couldn't be expected to dwell with lay felons--the

---

[24] See Derek Wilson, *The Tower: The Tumultuous History of the Tower of London from 1078* (New York, 1978), esp. 111-45.

[25] For a more detailed description of the Poultry Compter, see Frederick J. Froom, *A Site in Poultry* (London, 1950), 15-27.Originally established in the early fifteenth century in what was once a mansion owned by the Blount family, the compter was like other prisons in that it contained desegregated areas which varied in their conditions according to who could pay fees, and rapacious wardens. In the sixteenth century the compter was home not only to disruptive drunkards or criminals, but to religious dissidents such as the Separatists, six of whom died in the prison in the later part of the century. See Froom, 21.

[26] Stow, 1:350.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

bishop's prison was now a frequent though by no means exclusive stop for religious offenders, the most famous of which resided on Edmund Bonner's property, in his infamous coalhouse.

As a whole, despite their growth, prison populations still remained relatively small over the course of the century. In 1532 London's Ludgate contained on its list fifty-nine names, while Poultry Counter in the same year held all of eight individuals. Coalhouses and residences could not carry more than ten individuals, while other prisons did experience noticeable growth, including the Fleet, which held 200 prisoners by 1600. It is not clear how many of these were religious dissidents, especially when, by the time of Elizabeth, the status of a religious prisoner had dramatically changed and involved other charges such as treason or, in recusants' cases, debt. Certainly contemporaries liked to inflate the numbers: thus did the Spanish ambassador report to Philip II in 1582 that 11,000 Catholics languished in prison, while Robert Persons claimed 50,000. In reality, surviving keepers' certificates from nine prisons over the course of 1583 through 1588 classify anywhere from approximately seventy through one hundred individuals, including priests, "committed for matters of religion."[27]

Pressures and Prison Recantations

Though religious dissidents could be thrown into a variety of prisons like other criminals, certain aspects of their situation were unique to them. For one thing, the arbitrariness of prison procedure was compounded by the instability of the heresy or treason offense throughout the course of the sixteenth century. Whenever a change in policy or regime took place, any ardent follower or notable figure associated with the

[27] Catholic Record Society II, lists XVII, XVIII, XXII-L, XXXIX, 228-31, 234-38, 251-53, 282-84. See also Philip Hughes, *The Reformation in England* (London, 1954), 3:363-64.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

previous system knew that prison lay foremost as a possibility; thus was flight overseas an option that many, especially in Mary's reign, took up.[28] On the other hand, the changeability of religious policies over the century also ensured that a certain amount of mobility in and out of prison would exist as many religious offenders--or at least those who managed to survive an execution sentence--were released upon the accession of a new monarch more in line with their doctrine. Among the more notable cases were John Hooper, who was imprisoned upon Henry's passage of the conservative Acts of Six Articles in 1539, only to be released and raised to a central position under Edward, and returned to jail again under Mary; similarly, Edmund Bonner spent his years under Edward languishing in prison, only to be released by Mary, and returned again by Elizabeth. The only individuals in fact whose imprisonment remained constant were anabaptists and other nonorthodox sects, until Elizabeth added Catholics to their number at the end of the century.

Incarceration also tended to differ for religious troublemakers in that it served as a vehicle of psychological and physical harassment in its own right. Release in many cases could come fairly swiftly and at any time, if only the prisoner chose to recant and agree to make penance; even in the time of Mary, when persecution of religious dissidents reached its zenith, evidence points to a considerable effort on the part of authorities to give problematic individuals the chance to turn away from their heretical beliefs. "If you will recant I will show you any pleasure I can," the Newgate keeper, Andrew Alexander, said to John Philpot in 1555; Philpot, however, refused the offers from Alexander and his examiners, which led to his continued incarceration and eventual execution. Other times the noose tightened, as when a rumor emerged that the Protestants in Oxford, in 1555, were planning to escape. "We are in good health, and thanks be to God," Ridley wrote

---

[28] See below, chapter three; see also introduction in C.H. Garrett, *The Marian Exiles: A Study in the Origins of Elizabethan Puritanism* (Cambridge, 1938), 1-22.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

John Bradford, "and yet the manner of our treatment doth change as sour ale doth in summer." Part of this treatment involved greater restrictions on the prisoners' movements, and the seizure of their books of communion.[29]

Most individuals,however, were not so stalwart, especially in the case of average men and women who were released from imprisonment after only one night's stay, upon "clarification" of previously suspect opinions.Due to the fragmented evidence of prison rolls, it is difficult to estimate the number of prisoners who ensured their release by recanting and returning to the government's favor, though it is probably the case, judging by the records which are available, that a good many ended up doing whatever was necessary to enable a release. Certainly the authorities made attempts to turn the prisoners. In 1580, for example, a session in York Cathedral took place before a congregation of Catholic prisoners, who were exhorted to "forsake their vayne and erronious opinions of popery, and conforme them selves with all Dutifull obedience to true religion now established." Instead, the congregation of prisoners coughed, made noises, held their hands to their ears, and refused to recite the Lord's Prayer, all of which sent them back to prison.[30] Recanting in fact rarely worked when individuals could rely on the support and reinforcement of a fellow prison community; the Protestant bishop Robert Ferrar, for example, was on the brink of recanting until he made contact with John Bradford, who persuaded him otherwise.[31]

Prisoners of a stronger constitution seemed to sense the uneasy ones in their presence. The Catholic John Gerard, for example, befriended a fellow priest, who subsequently joined him in the Poultry Counter; "However," he wrote, "I noticed that he

---

[29] Ridley, 359.

[30] SP 12/141/29; Hughes, 3:428-40.

[31] Foxe may have given some idea of a ratio when he wrote that over 100 people recanted in Scotland and England "in King Henry's days after the first beginning of Luther," while nineteen or twenty were martyrs between 1520 and 1533. See Foxe, 1563, 418-20.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

was a little unsteady and seemed rather too anxious to be free again, so I was careful not to confide in him." Later, Gerard continued, "possibly he wanted to ingratiate himself with the authorities and so secure his liberty or something of the kind. I cannot say; but whatever it was, he informed on me." During the same period, the devout Catholic Anne Bellamy, "yielding to temptation...lost both faith and virtue,"[32] when she allowed herself to be seduced in prison by the torturer Richard Topcliffe, which led her to provide him with information regarding Robert Southwell, and secured her release.[33]

More important than average individuals, however, were the large catches--the individuals whose prison recantations could serve as useful propaganda for the government. In Mary's reign the Protestant John Checke made his famous recantation while in prison, and the bishop Robert Ferrar was on the brink of doing the same, before he was persuaded otherwise by John Bradford.[34] Others who broke under the strain of prison never recovered from their retreat. During Edward's reign Sir James Hales of Kent had served as a judge and notable partisan for the reformed cause--with one of his duties overseeing the deprivation of Stephen Gardiner; as a result of his associations, he was incarcerated at the Queen's Bench upon Mary's--and now Lord Chancellor Gardiner's--accession to power. After transferring to the Fleet Hales was approached by one Foster, who attempted to convince him of his error in remaining in a heretic faith; when Hales showed himself, in Strype's words, "inclinable to relent," the bishop of Chichester, George Day, finished the process, and gained Hales' recantation. The act so tormented Hales, however, that he sent his servant away from his cell and attempted to stab himself

---

[32] Henry Foley, *Records of the English Province of the Society of Jesus: Historic Facts Illustrative of the Labours and Sufferings of Its Members in the Sixteenth and Seventeenth Centuries* (London, 1877), 1:350.

[33] Bellamy went on to bear Topcliffe a child, and was forced to marry Topcliffe's servant, Nicholas Jones. See J. Morris, *Richard Topcliffe: "a most humbell pursuivant of her Majestie"* (Charleston, SC, 1964).

[34] *AM*, 7:3-26.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

repeatedly with a pen knife;[35] thwarted and still in despair, Hales finally did succeed upon release from prison, when he killed himself by throwing himself in a shallow pond.[36]

Daily Life in Prison

For those who refused to turn back, it is difficult to reconstruct the grim minutiae that constituted life in prison, especially since experiences of incarceration could vary across class lines and according to the offense committed.[37] Certainly every religious dissident was subjected to mental and psychological pressures which made imprisonment difficult, and the greater visibility of some of them could also work in their disfavor, setting them apart for victimization as well as special treatment; but they nevertheless remain exceptional cases, and were treated as such. Testimonies of prison life, which invariably emerge, directly or indirectly, from the pens of these literate political or religious inmates, should thus be treated with some suspicion, as not representative of the larger experience of prison, especially since such figures constituted a distinct minority among the larger population of criminals or debtors. Moreover, while there is no reason to disbelieve the accounts of pain and torture that prisoners experienced, secondhand reports by biased observers such as John Foxe may have carried elements of exaggeration, especially when it came to portraying an oppressor such as Bishop Edmund Bonner and his notorious coalhouse. The experiences recorded by religious dissidents thus cannot be

---

[35] Interestingly, Hales' first attempt on his own life occurred shortly after he received a letter from John Bradford. See fn. 36, below. See also *The Writings of John Bradford* (Cambridge, 1843), 2:85.

[36] Hale's suicide attempt gave ammunition to Gardiner, who described Protestantism as the "doctrine of despair." See AM 6:395, 688, 710-17; Bradford, 85-86; Ridley, *Works*, 363; *EM* 274; see also J.A. Muller, *Stephen Gardiner and the Tudor Reaction* (New York, 1926), 228-30.

[37] For more detail, see *The Prison Chaplain: A Memoir of the Rev. John Clay* (Montclair, NJ, 1969), 11-28.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

judged as entirely comprehensive accounts of the prison experience, nor can they be extended to include other kind of dissidents who were more effectively silenced and punished. Still, the fact that many dissidents were of a higher social standing than others did not prevent them from experiencing the hardship common to all, and capturing their experiences in a representative, albeit fragmented, way.

Religious dissidents often did not dwell in one jail but frequently found themselves moved about from one place to another: the Congregationalist leader Robert Browne, for example, claimed to have been incarcerated in thirty-two prisons, until he finally perished in the jail at Northampton. Somewhat more typical was John Bradford, who in Mary's reign began his prison life at the Tower, only to be transferred to King's Bench and the compter in the Poultry, and finally, before his burning, Newgate. Immediately after the Lady Jane episode, Hugh Latimer, Nicholas Ridley and Thomas Cranmer were, like Bradford, sent on to the Tower, where they "together read over the New Testament with great deliberation and painful study;"[38] soon after, the latter three were transferred to the Bocardo town prison at Oxford--where their trial would be conducted--and then scattered, with Cranmer remaining in Bocardo, Latimer taken to the bailiff's house, and Ridley to the mayor's residence.[39]

Entering one prison after another was a hasty business, leaving the suspect with little time to prepare clothes or necessities for the hardship ahead. On the one hand, when Thomas Cranmer first entered the Tower after Mary had come to the throne, he was allowed to bring in a range of clothing--including his episcopal vestments--along with carpets, beddings, hangings, and cushions; but over time his possessions were auctioned

---

[38] Latimer, *Remains*, 258-29; *AM*, 8:593.

[39] David Loades, *The Oxford Martyrs* (New York, 1970), 168-69; MacCulloch, 560-62.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

off, his great library at home sold and eventually dispersed,[40] and when he was transferred to Oxford for trial, authorities ordered him only to bring with him what he could carry.[41] Prison itself came as a shock, especially for suspects whose offenses were never felonious and whose personalities were not hardened to the criminal mold. In 1555, for example, the Protestant Robert Glover entered the prison at Lichfield and was relegated to the dungeon, which was "very cold, with small light;" given a pile of straw on which to sleep, Glover languished for months, though he had brought with him "my New Testament in Latin, and a Prayer-book, which I privily stole in."[42] Edward Underhill went to Newgate with only his Bible and his lute, the latter proving useful when it came to earning the good graces of the keeper, as will be seen.[43] In the same period Edwin Sands, the archbishop of York in Edward's reign, was sent to the Tower and allowed to bring with him or have sent through a messenger a "Bible, and some shirts, and such-like things;" while the Bible was sent to him, the shirts and other accessories "served the yeomen of the guard," probably as garnish.[44] Robert Southwell, upon his Tower imprisonment in 1592, was also denied any belongings, until his mother successfully petitioned the queen that since he was a gentleman, he be sent "what he needed to sustain his life," which turned out to be "meat, and a Bible, and the works of St Bernard, which he himself wanted for his solace."[45]

---

[40] John Strype, *Memorials of Thomas Cranmer* (London, 1964), III.xxxii, 439; David Selwyn, "Cranmer's Library: Its Potential for Reformation Studies," in *Thomas Cranmer: Churchman and Scholar*, eds. Paul Ayris and David Selwyn (Woodbridge, Suffolk, 1993), 45-51.

[41] Maculloch, 556.

[42] *AM*, 7:396.

[43] *Narratives*, 147-49.

[44] *AM*, 8:590-98.

[45] See Verstegan's letter to Baines in September of 1592 (Stoneyhurst MS. *Anglia I*, fol. 12); and Yepez, *Historia particular de la persecution de Ingleterre* (Madrid, 1599), 643. See also Pierre Janelle, *Robert Southwell* (London, 1935), 67-68.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Though many prisoners were allowed to walk freely through the premises, irons in the form of manacles, chains, rings, and collars were sometimes empioyed, not to inflict pain but rather to secure the prisoner; still, abuses resulting from shacklings were common, as irons were used to hold prisoners down or clamp them to damp stone walls, left to pine away, forgotten.[46] In 1555, for example, the Protestant preacher Robert Samuel was kept prisoner in Bishop Hopton's custody, "where he was chained bolt-upright to a great post, in such sort, that standing only on tiptoe he was fain to stay up the whole poise or weight of his body thereby."[47] In the same period Richard Woodman described his own physical experience in prison involving the "wearing onewhile bolts, otherwise shackles, otherwhile lying on the bare ground; sometime sitting in the stocks; sometime bound with cords, that all my body hath been swollen; much like to be overcome for the pain that hath been in my flesh."[48] For more dangerous prisoners--or for religious or political prisoners who were singled out for especially brutal treatment--chains were supplemented by "close supervision," in what Coverdale described as "dungeons, ugsome holes, dark, loathsome, and stinking corners." In the 1590s the priest John Gerard languished in the Poultry Counter under solitary confinement, where he was fettered with rusty chains, though "I made them bright and shining by wearing them every day and moving about in them;" indeed, "when the prisoners below started singing

---

[46] Unless, of course, they were willing or able to pay an often exorbitant fee to gain an exemption.

[47] See *AM*, 7:372-98.

[48] *AM*, 8:334-38. Indeed, the vivid description given by Miles Coverdale, while fitted to his propaganda purposes, was not untrue of prison conditions: prisoners such as Woodman and Samuel, Coverdale wrote, languished "in fetters and chains, and loaded with so many irons that they could scarcely stir: some tied in the stocks, with their heels upwards; some having their legs in the stocks, and their necks chained to the wall with gorgets of iron some with both hands and legs in the stocks at once; sometimes both hands in, and both legs out; sometimes the right hand with the left leg, or the left hand with the right leg, fastened in the stocks with manacles and fetters, having neither stool or stone to sit on, to ease their woeful bodies: some standing in Skevington's gives, which were most painful engines of iron, with their bodies doubled." See Coverdale, *Remains*.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

lewd songs and Geneva psalms, I was able to drown out their noise with the less unpleasant sound of my clanking chains."[49]

But for all the attempts at security, sixteenth-century jails could also be an unstable link in the chain of persecution, as the number of prison breaks attests. In a sensational case from 1538, for example, Hexham witnessed the escape of numerous individuals, among them Richard More, a priest from Chichester.[50] In 1556 Robert Crowhurste, "an hereticke and a seditiouse personne," escaped from Kings Bench, though he was later apprehended and committed once more to the Bench,[51] with the added felony of escape now added to his offenses.[52] Escape occurred through a number of factors: the sympathy of jailers, for example, could be enlisted, as was the case toward the end of Mary's reign, when they were taken to task by the governor for allowing Protestant prisoners to escape.[53] One jailer, John Bawde, was thrown into the Tower's Little Ease--a dungeon with no space to lie down or stand up[54]--for the crime of trying to help Alice Tankerville escape. Barring sympathy, the noted venality of gaolers could also be employed, which the Statute of "Negligent Escapes" in 1504 attempted to address with its series of stringent fines against keepers who had allowed felons or traitors to escape.[55] Escape was also possible in light of the fact that prisoners, especially debtors, could leave the prison--or go abroad" for a set period of time, as long as a fee was paid and a prison guard

---

[49] John Gerard, *The Autobiography of an Elizabethan*, trans. Philip Caraman (London, 1964), 77.

[50] *PP*, 366-68.

[51] *APC*, 1556, p. 316.

[52] Pugh, 229.

[53] *APC* 5:316.

[54] Little Ease was also the destination of Edmund Campion, who languished there for four days. See *The Reckoned Expense: Edmund Campion and the Early English Jesuits*, ed. Thomas M. McCoog (Rochester, NY, 1996); see also Evelyn Waugh, *Edmund Campion* (Oxford, 1980), 170.

[55] Pugh, 226; 236-37

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

accompanied him;[56] in addition, the confusion that occurred in prisons as the result of sudden political turmoil or a change of regime could allow a prisoner to flee: in 1558, for example, Edwin Sands received a visitor, who informed him, "Master Sands, there is such a stir in the Tower, that neither gates, doors, nor prisoners are looked to this day. Take my cloak, my hat, and my rapier, and get you gone; you may go out of the gates without questioning: save yourself, and let me do as I may." But Sands refused the offer, with the reason that "I know no just cause why I should be in prison; and thus to do, were to make myself guilty."[57] Among those who did choose to take advantage of the opportunities were entire groups as well as individuals, as was the case with the Gatehouse breakout of 1597, which witnessed the flight of many priests who were set to be transferred to the Ely prison.[58]

Other Catholics, such as the priest William Freeman, chose to remain in prison despite the enjoinments of friends and colleagues to use various opportunities to escape; but Freeman "would never consent thereto, unlesse yt might be with likeinge of his keaper, to whom he supposed an escape might be cause of troble, & matters of scandall to Catholykes abroad: or else peradventure bycause he was not willinge to let goe so goode an occasion of martyrdom offred, of which yt may seeme he had some desire."[59] Indeed, as Peter Lake and Michael Questier have recently pointed out, some prisoners, or at least Catholics at the end of the century, chose to remain within the prison walls, which served

---

[56] According to Pugh, the "custom" of allowing prisoners to leave prisons for short periods of time had its precedent early on in the thirteenth century; one example Pugh cites concerns the case of Jordan de Bianney, "a much privileged knightly prisoner, [who] was allowed by King John to leave prison twice daily in order to engage in swordplay. In his absence another man was to be held as a hostage." Considered an abuse of the system, the practice by the sixteenth century "was claimed as an immemorial custom." See Pugh, 336-37.

[57] *AM*, 6:537; 8:590-98.

[58] See Peter Lake and Michael Questier, "Prisons, Priests and People," in *England's Long Reformation, 1500-1800*, ed. Nicholas Tyacke (London, 1998), 199.

[59] *Unpub. Docs.*, 1:351.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

as protection as well as punishment from the outside world. While not exactly a pleasant experience, prisons were often so lax and permissive, as will be seen, that individuals could, more often than not, move about freely, receive a stream of visitors, and join together in communities of likewise religious persuasion. One of the more glaring examples occurred at the end of the century in Winchester prison, which was virtually run by recusants who allowed priests to come and go, dispense mass, and decorate the place with their candles and altars. This angered the privy council, of course, though the means in which it could enforce greater control were limited to the demands it made through letters, and even then the will was not constant, thus allowing such individuals to exploit and take advantage of the system around them.

Within prisons, levels of segregation often existed, between those who were English subjects or "foreigners," men or women, and especially gentlemen or commoners. Indeed, prisons contained levels one could ascend or descend to, depending on the crime or ability to pay. Dukes, after all, could not be expected to reside with beggars, and were therefore housed--if they paid--in chambers known sometimes as messuages, where they lived with their wives, children, and servants. During their first seven months in the Tower, Thomas More and John Fisher were accorded privileges of rank and imprisoned either in the Bell or Beauchamp Towers, where they were allowed reasonable food, exercise, visits from the outside, and personal servants--all of which were slowly taken away as time went on and the noose of state harassment slowly tightened. Wealthy Catholics also found good accommodations in the Fleet during Elizabeth's reign, whereas those of lesser standing had to content themselves with sharing a room with others in the Tower Chambers, or hope for the best in the self-explanatory Twopenny Ward, Beggar's Ward, Bolton's Wards, and Dungeon.

Not all attempts to maintain separate accommodations were successful or

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

recognized, however; while a tower was built at Newgate to house women, for example, it was not at all surprising for women to dwell among men, or children--sometimes infants--with their elders. "I am with an evil woman," Hooper wrote at one point, languishing in prison in 1553. In 1556, William Dangerfield and his wife, Joan, were imprisoned, though the separate quarters in which they dwelled had less to do with gender-segregation policy than with intent on the part of the bishop to play one off the other; moreover, Joan was incarcerated along with her weeks-old child, "placed among thieves and murderers," and kept in such a state until her child had to be sent away due to illness, and she herself perished.[60]

Necessary "fees" --or garnishes-not only determined one's accommodations but predominated every step of the way: Dame Alice More paid fifteen shillings a week for what she termed "board-lodgings," which hardly covered the range of expense.[61] Fees were exacted on prisoners if they entered or left the facility, if they wished to purchase a blanket, a meal, the protection of an inmate, the release of iron fetters, even the privilege of having doors opened by the turnkey. Upon entering the Tower, Thomas More was told by the porter to hand over his "upper garment" as a fee; when More jokingly attempted to hand over his hat as an upper garment, the porter dourly replied, "No, sir. I must have your gown." [62]As an essentially commercial enterprise, the prison thus was a well-oiled cash machine which could bring quick destitution to the well-off or lead others to the worst fate of all: the outstretched hands grasping at the prison gates for the charity of the outside world. "Art thou poor and in prison?" Dekker later asked; "Then thou art buried

---

[60] *AM*, 8:251-53.

[61] William Roper, "The Life of Sir Thomas More," in *Two Early Tudor Lives*, ed. Richard Sylvester and Davis P. Harding (New Haven, 1962), 239-44.

[62] Ibid., 39.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

before thou art dead."[63]

Even if one was of notable standing or could pay exorbitant fees, living conditions left much to be desired, with the cold, the stench, the noise, and such lack of light that the congregationalist Browne wrote that "he could not see his hand at noon-day."[64] The priest John Gerard similarly dwelled in a dark garret at the Poultry Counter with a door so low that he had to crawl through on his knees; "[b]ut this proved an advantage, since it helped to keep out the smell of the privy next door, which was not slight...[and] often kept me awake at night."[65] Newgate especially seems to have emitted distinct vapors, creating a miasma which affected the surrounding locality:[66] Underhill was so sickened by the "evil savours" of Newgate that he complained to the keeper, who in an act of kindness transferred the prisoner to his own parlour, "where he himself lay;" still, the room was situated near the kitchen and emitted a "savour of which I could not abide." Languishing in the Fleet wards in Mary's reign, John Hooper wrote, "I have continued a long time, having nothing appointed to me for my bed but a little pad of straw, a rotten covering, with a tick and a few feathers therein, the chamber being vile and stinking...of the one side of which prison is the sink and filth of all the house, and on the other side the town-ditch; so that the stench of the house hath infected me with sundry diseases."[67]

Toward the end of Elizabeth's reign, conditions were not much improved, as a petition from prisoners slowly perishing in the Wood Counter hole attests. Numbering "fifty poor men or thereabouts," they wrote of "lying upon bare boards, still languishing in great need, cold and misery, who, by reason of this dangerous and troublesome [place]

---

[63] Quoted in Gamini Salgado, *The Elizabethan Underworld* (Totowa, NJ, 1977), 169.

[64] Brewer, V., 67 ff.

[65] Gerard, 68.

[66] Babington, 21.

[67] See John Hooper, *Later Writings of Bishop Hooper* (Cambridge, 1852), 619-21.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

be almost famished and hunger-starved to death; others very sore sick" and desperate due to the lack of "relief and sustenance."[68] A contemporary description of the hole in another prison described a hellish scenario of "the child weeping over his dying father, the mother over her sick child; one friend over another, who can no sooner rise from him, but he is ready to stumble over another in as miserable a plight as him." In the end, "if a man come thither [to this place] he at first will think himself in some churchyard that hath been fattened with some great plague, for they lie together like so many graves."[69]

"For worse then Dogs, lye we in that foule kennell," went the poem from the Elizabethan era,[70] though the description applied to one of the lower rungs of accommodation, which--again--does not convey the whole prison experience. Like everything else, diets, for example, varied according to one's ability to pay. At the upper end--or master's side--one could enjoy a meal by oneself or perhaps sit at the keeper's table before a dinner of beef broth, roasted veal, fresh fish, fresh bread, and wine; the poor, on the other hand, constantly had to "arme themselves against that battaile of hunger," scramble past similarly hungry souls, and find a seat at the mess, all for the privilege of bearing "a platter...full of powder Beefe and Brewis," or perhaps the usual fare of salt fish, stale bread, and brackish water.[71] The complete withholding of food also served as punishment: in 1555, for example, Robert Samuel, in addition to being chained upright to a wall, was allotted "two or three mouthfuls of bread and three spoonfuls of water" everyday; eventually, he suffered a vision where a figure clad in white appeared before him with the words, "Samuel, Samuel, be of good cheer, and take a good heart unto thee: for

---

[68] *A Collection of Seventy-Nine Black Letter Ballads and Broadsides* (London, 1867), 16-17.

[69] Salgado, 172.

[70] The poem, from Dekker, is quoted in *Shakespeare* , 95.

[71] Salgado, 96.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

after this day shalt thou never be either hungry or thirsty."[72]

The strain of prison life also wore down inmates: Latimer, for example, while confined to the house of the bailiff, was described by Ridley as having become "crazed"--a description which at the time encompassed both nervous and physical collapse and could explain his bizarre behavior at his disputation.[73] Twenty years earlier one William Cowbridge was reported by Foxe to have become so starved and sleep-deprived in prison that "he lost his wits and reason; whereby (as it is in the manner of madmen) he uttered many unseemly and indiscreet words."[74] Somewhat more dubiously, Edmund Bonner's tendency to unleash his temperament full throttle was ascribed by Feckenham, the dean of St Paul's, in the following terms: "Bear with my lord," Feckenham told the rector of Hadham, after Bonner had struck him, "for truly his long imprisonment in the Marshalsea, and the misusing of him there, hath altered him, that in these passions he is not ruler of himself."[75] To ascribe visions and nightmares to psychological disturbance would be to fall into a psychohistorical reductionism that misrepresents both the religious and prison experience; nevertheless, religious prisoners certainly were haunted by dreams of physical pain and their own pending execution.[76]

The occurrence of prison suicides is unclear, and may have been small in any case, due to the anathema of the act for religious dissidents. One of the more famous, albeit dubious, cases of "suicide" in the century was Richard Hunne, a tailor with anticlerical

---

[72] According to Foxe, Samuel claimed he was never hungry or thirsty again, which fortified him for his eventual martyrdom. See *AM*, 7:373.

[73] See Allan G. Chester, *Hugh Latimer: Apostle to the English* (Philadelphia, 1954), 209. Ultimately, however, Ridley wrote of Latimer, "but I hear now, thanks be to God, that he amendeth again."

[74] *AM*, 5:252.

[75] *AM*, 6:563.

[76] See for example the work of Symore Bymore, who ascribes John Bradford's dreams and personality to Freudian guilt feelings. See Byman, "Guilt and Martyrdom; The Case of John Bradford," *Harvard Theological Review* 63 (1975): 305-31.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

tendencies, who was confined to Lollard's Tower in 1515 and the next day found hanging in his cell--ostensibly a suicide though considered by many to be a homicide, ordered by William Horsey, chancellor of the Bishop of London.[77] Certainly authorities displayed some degree of concern over the matter, which may have been partly behind the rationale for close supervision. John Gerard, for example, had his knife, scissors, and razors taken from him after being tortured in the 1580s while Robert Southwell from the beginning was constantly monitored, first in Topcliffe's house and then the Gatehouse, during which time he too was subsequently tortured[78]--though how much this had to do with worry about suicide and how much with his being considered "a most lewd and dangerous person" is not entirely clear.[79]

It is not surprising that in such an overcrowded, unsanitary environment ailments were common: during his fifteen-month imprisonment in the Tower, Thomas More was afflicted with chest pains along with "gravell and stone, and with the crampe that divers nightes gryped his legges."[80] When the reformer John Frith and others were accused of heresy and ordered imprisoned, they were cast down into "a deep cave" where "the salt fish was laid; so that, through the filthy stench thereof, they were all infected, and certain of them, taking their death in the same prison, shortly upon the same being taken out of the prison into their chambers, there deceased."[81] Twenty years later at his examination, John Philpot was baited by John Story during one of his examinations about his "fat"

---

[77] *EHD*, 5:660-69.

[78] See Pierre Janelle, *Robert Southwell: The Writer* (London, 1935), 65-66.

[79] *Privy Council Registers*, 10: fol. 504.

[80] Nicholas Harpsfield, *The Life and Death of Sr. Thomas More, Knight, Sometymes Lord High Chancellor of England*, ed. Elsie Vaughan Hitchcock and R.W. Chambers (London, 1963), 175. For another description of More's illnesses, see the account written by his daughter Margaret Roper, excerpted in Reynolds, 320.

[81] *AM*, 5:5. Later, Foxe writes, three others, "eating nothing but salt fish from February to the midst of August, died all three together within the compass of one week."

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

appearance, to which Philpot later replied that "I am...kept all day in a close chamber: wherefore it is no marvel that my flesh is puffed up."[82] Fevers were also a frequent occurrence; "three or four days I have been somewhat in a fervent heat," Ridley wrote his friend William Punt in 1554, "and felt in my body a disposition to an ague."[83] Worse was a common and often fatal illness known as "gaol fever," probably a form of typhus, which was caused by lack of sanitation and could reach epidemic proportions that afflicted everyone associated with the penal world, from prisoners to judges, lawyers, jurors, and witnesses; in the sixteenth century, the most infamous such outbreak would occur at the Oxford assizes in 1577, which would claim the lives of nearly 300 people.

Occasionally illness could provide grounds for release from prison, however.After a month in Newgate, fever overtook Edward Underhill, brought on by "the evil savours, and great unquietness of the lodgings, as also by occasion of drinking of a draught of strong Hollock wine;" transferred to better lodgings, Underhill's condition failed to improve, which led his wife to turn to the master of requests John Throgmorton--who also happened to be a kinsman of Underhill's--and petition him to release her husband on grounds of illness. The petition was successful and soon Underhill was carried out to a waiting horse-litter and transported to his house, though he remained ill for months after, "my face so lean and pale that I was the very Image of Death." Similarly, during Elizabeth's reign certain Catholic recusants of notable standing were also released by the council due to illness: in the late 1570s, for example, Rooke Greene petitioned the council that he be set free from Colchester Castle due to ill-health and a father-in-law's death; the council agreed, though with the hope that Greene would be induced to conform by the man who was to supervise the recusant's freedom.[84] Though poorer prisoners, along with

---

[82] *AM*, 7:608.
[83] Ridley, *Works*, 377.
[84] *APC* 11:174-75 (1579).

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

those who had committed more serious crimes, were no doubt given lesser, if any, consideration, not all successful petitioners were notable individuals: during the 1570s, for example, a group of more obscure recusant prisoners at Bury were at least transferred to temporary quarters after petitioning the council for release on grounds that they wished to avoid an epidemic of the plague, while during the same period, Henry Everard, a recusant of modest means, was given a reprieve from jail after having told the council that his wife was dying, leaving fourteen children in his care.[85]

In general, however, prison often portended death, which could result from neglect or even malicious intent, whether it be consumption or respiratory disease, which took the life of the Congregationalist Richard Fitz in the late 1560s, or starvation, which claimed victims such as Martin Hunt, who pined away in the King's Bench in 1556.[86] Others, especially among more anonymous and lower class individuals, expired under mysterious circumstances, after periods of being chained against walls or in bonds: in 1555, for example, the death of the London clothmaker William Wiseman was considered so suspicious--whether "through famine, or ill handling of some murdering papists"-- that a coroner was called in with twelve men to investigate, though no final cause was ever established.[87] Less mysterious perhaps was the case of John Porter, who in 1541 was sent down to the dungeon of Newgate, where his nocturnal groanings led other prisoners to believe he had been placed in an iron device called "the devil on the neck," involving "straining and wrenching the neck of a man with his legs together, in such sort as the more he stirreth in it, the straiter it presseth him; so that within three or four hours it breaketh and crusheth a man's back and body in pieces." After eight days of this, Porter

---

[85] *APC* 11:253-54 (1579).
[86] *AM*, 8:157.
[87] *AM*, 7:605.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

was found dead.[88]

The fate of those prisoners after death was not much better. Queen's Bench was the death place of one of the most famous Protestants in Mary's reign, the weaver John Careless, who left behind a large body of letters and was placed by Foxe in the ranks of the martyrs, though "he came not to the full martyrdom of his body;" the cause of his death was unclear, but afterwards his body was "buried in the fields, in a dunghill."[89] William Wiseman, the clothmaker, shared a similar destination, when he was cast out into the fields, with the commandment that "no man should bury him;" nevertheless, writes Foxe, "some good Tobits there were, which buried him in the evening, as was commonly they did all the rest, thrown out in like sort, whom they were wont privately by night to cover."[90] The destination place of Careless and Wiseman points to the fate of all dead prisoners, religious dissidents and criminals alike: buried without ceremony in the adjacent fields, they lay forgotten and unclaimed, under the presumption that this was what they deserved.

Prison Relationships

Within the prison walls, religious dissidents had to navigate a multitude of relationships. Dominating their stay in prison--and determining the level of treatment they received--was the keeper or warden, a man who earned his office by appointment or purchase, and proceeded to live off "fees," which he attributed to the cost of upkeep--though such fees included, in the case of John Porter, money for the keeper Jewet to

---

[88] *AM*, 5:451-52.
[89] *AM*, 8:170.
[90] *AM*, 7:605.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

release him from iron fetters.[91] It was up to keepers and their jailer underlings to dispatch policies from above, which with some notable exceptions, they did with a certain degree of efficiency and obedience; this meant, for example, that it was up to them to tighten or loosen the levels of harassment when necessary, to show friendliness or hostility, and to serve as a key functionaries in accordance with the prisoners' standing.[92] But keepers--who were expected to reside in the prisons--were also self-interested individuals, so notorious in their rapacity that it was said even a dead man couldn't escape their grasp, since carrying a coffin outside of the prison gates required another fee, this time from the dead man's friends. Every prisoner knew this, and could sometimes use it to his advantage: in the 1590s, for example, the priest John Gerard was accused by the jailer of undertaking mass and threatened that the matter would be investigated. "You will do nothing of the kind," Gerard replied, "but if you do, you must realize that you won't get another farthing from me or from any of the Catholics here for our cells. You can put the whole lot of us with the paupers in the common gaol if you wish, but there we won't have to pay anything and it's you who'll be the loser." Pacified, the jailer walked away.[93]

Keepers were often in close contact with higher authorities, many of whom had directly appointed them. In 1553, for example, the warden of the Fleet was John Babington, the direct appointee of Lord Chancellor Stephen Gardiner; Babington's more

---

[91] Another case of bribes being sought by jailers to release iron fetters occurred with John Gerard in the 1590s: at the Poultry Counter, Henry Garnet wrote, "the gaoler put very heavy irons on his legs [but took them off when Gerard] gave him some money. The following day the gaoler, thinking that if he took off the irons, he would doubtless give him more, took them off but got nothing. After some days he came to put them on again and received a reward; and then taking them off did not get a farthing. They went on playing thus with one another several times, but at least the gaoler, seeing that he did not give him anything for taking off his irons, left him for a long time in confinement, so that the great toe of one foot was for almost two years in great danger of mortification." MSS. *Anglia A*, ii, no. 27. See also Gerard, 71.

[92] For a keeper's own account, see the pocket diaries of one of the officers at the Tower, in *Chronicle of Queen Jane* (Camden Society, 14), 49-50.

[93] Gerard, 100.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

notable charges included John Hooper, who in Edward's reign had played a hand in Gardiner's own imprisonment, and now found himself sent down to the Fleet from Richmond. Right away Hooper proceeded to pay the warden a standard, if inflated, fee of five pounds sterling to obtain his liberty in moving about the prison; but Babington, unhappy with this payment, submitted a complaint to Gardiner, and sent Hooper on to solitary confinement in the tower-chamber for three months. After Hooper's release from close chamber, the warden and his wife, according to a letter written by Hooper, "complained untruly of me to their great friend the bishop of Winchester" and used the pretext of another argument to obtain permission in putting him into the wards. In this state, Hooper wrote "I have been sick; and the doors, bars, hasps, and chains being all closed and made fast upon me, I have mourned, called and cried for help. But the warden, when he hath known me many times ready to die...hath commanded the doors to be kept fast, and charged that none of his men should come at me, saying, 'Let him alone; it were a good riddance of him.'" Despite Hooper's continuing to pay Babington "like a baron," the warden "hath...used me worse and more vilely than the veriest slave that ever came to the hall-commons."[94]

As the most infamous and visible prison in the country, Newgate played host to a series of notable keepers, one of the more renowned being Andrew Alexander, in Foxe's words a "cruel wretch" who, "of all gaolers exceeded all others."[95] Periodically, Foxe writes, Alexander would "hasten poor lambs to the slaughter" by approaching Bonner, Story and others, crying "Rid my prison! Rid my prison! I am too old to be pestered by these heretics." Indeed, while subject to bribes and able to display extreme cruelty to prisoners such as John Philpot, Alexander seemed more concerned with keeping his prison in a state of order than in persecuting heretics, whose religion he probably didn't

[94] John Hooper, *Works* (Parker Society, Cambridge, 1851), 319.
[95] See *AM*, 6:611, 652; 7:97, 369, 684-85; 8:469, 634-35.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

mind as much as their inclination to stir up trouble. In 1554, for example, John Rogers decided to make a case for his fellow prisoners by demanding that they be entitled to one meal a day as long as they paid, and that "other meals should be given to them that lacked on the other (or common) side of the prison. But Alexander, their keeper...would in no case suffer that."[96]

Alexander could also display a marked degree of kindness, which was the case with Edward Underhill, due in part to Underhill's fame but also to his ability to play the lute. Shortly after arriving at Newgate, Underhill was taken into the confidence of a fellow prisoner well versed in the pecadillos of the keeper and his wife: "They both do love music very well," the prisoner told Underhill, knowing that Underhill was skilled at the lute; "wherefore you with your lute, and I to play with you on my rebeck [violin], will please them greatly." Indeed, the prisoner added, "[Alexander and his wife] loveth to be merry, and to drink wine...If you will bestow upon them every dinner and supper a quart of wine, and some music: you shall be their white son, and have all the favour that they can shew you." The strategy apparently succeeded, for Alexander seems to have shown Underhill every advantage when the need arose.[97]

Other keepers, or their assistants, were also known for their charity toward prisoners, which was not surprising in light of some degree of deference towards prisoners of a superior rank. The lieutenant of the Tower, for example, approached Thomas More in his chamber to tell him of the "benefits and friendship that he had in many ways received at his hands, and how much bounden he was therefore friendly to entertain him and make him good cheer. Which, since the case standing as it did, he could not do without the King's indignation, he trusted, he said, he would accept his good will and such poor cheer as he had." Later, as More's imprisonment worsened with his

---

[96] *AM*, 6:543.

[97] *Narratives*, 147-49.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

continued refusal to take the oath, such good graces were withheld.[98] On the other hand, Bishop Edmund Bonner, upon being imprisoned in the Marshalsea in Edward's reign, never forgot the treatment meted out to him, which included sleeping on a bare floor for eight days after he refused to give the knight marshal a bribe.[99] Other times jailers would display sympathy after the prisoner had endured harsh treatment at others' hands:[100] after being tortured in the Tower, John Gerard, for example, later wrote that "the [jailer] seemed really sorry for me," which led the man to lay a fire for him and provide him with supper;[101] during the same period and after another torture session, "[my] warder brought me back to my room. His eyes seemed to be swollen with tears. He assured me that his wife, whom I had never seen, had wept and prayed for me all the time."[102]

It was understandable to some extent that jailers would also develop a bond with their prisoners after a period of daily contact. In 1541, for example, reformer Adam Damlip found himself imprisoned at the Marshalsea due to the more conservative climate brought on by the Act of Six Articles; once there, however, Damlip proved himself so endearing and well-behaved that the keeper, John Massy, allowed the "great treasure" to walk freely among the other "common and rascal sort of prisoners...rebuking vice and sin." [103] During Mary's time in Coventry prison, John Careless was in so much good favor with his jailer that he was allowed one day to leave his lock-up and move about the

---

[98] Roper, 240.

[99] *Grey Friar's Chronicle*, 65.

[100] See for example the case of the (Protestant) jailer Thomas Philips, whose duty was to oversee the Marchioness of Exeter at the Tower in Henry's reign, and his letter to the Lieutenant, appealing that she be given more comfort. Quoted in M.H. And R. Dodds, *The Pilgrimage of Grace and the Exeter Conspiracy* (1971), 2:324-25.

[101] Gerard, 111-12.

[102] Ibid., 114.

[103] *AM*, 5:521. Part of Massy's liking for Damlip, of course, may not have been personal so much as self-interested: in "rebuking" others, Damlip managed to impose some order in the Marshalsea.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

city with his companions; at the end of the day, however, Careless made sure to maintain his good standing with the keeper by returning to the jail at the appointed hour. Another good relationship between keeper and prisoner occurred in the case of John Bradford, who during his stay at the Poultry Lane was allowed to preach twice daily and even "administer the sacraments," while at the Queen's Bench prison, he was allowed to leave prison for a night and walk through London without his keeper, in order to "visit one that was sick , lying by the Still-yard."[104]

Keepers' wives played a visible role as well in determining the quality of one's prison stay. In his letters Nicholas Ridley complained of his gaoler's wife, Mrs Irish, an "old, ill-tempered and most superstitious woman, who indeed takes it to herself as a matter of praise that she is to guard me most strictly and cautiously."[105] Sometimes, when the mood struck her, she ordered Ridley's writing materials to be confiscated, while on other occasions she attempted to undermine Ridley by claiming that Hugh Latimer had apostatized or recanted,[106] and that Hooper had been executed for high treason.[107] Another particularly sadistic keeper's wife--at least if John Foxe's account is to be believed--was Agnes Penicote, whose husband presided over the Salisbury jail. In 1556, Alice Coberley was detained in the keeper's house while her husband languished in another prison. Apparently seeking to provoke Alice, Agnes heated a key "fire-hot" and then asked Alice to fetch it for her; when Alice proceeded to obtain the key, which resulted

---

[104] Indeed, Bradford had a few chances to escape, according to Foxe, especially when he was given privileges to roam the back of King's Bench prison and confer with Laurence Saunders, who was in turn allowed to roam the back of the adjoining Marshalsea. See also the close relationship between John Gerard and his warden Bennett, in Wilson, 141-42.

[105] Ridley, *Works*, 391-92.

[106] Ibid., 370.

[107] C.f. "Mistress Irish, mine hostess, told me that Master Hooper is hanged, drawn, and quartered for treason, but I did not believe [her]." Indeed, "it is not the first tale that mine hostess has told me of Mr Hooper." Ridley, *Works*, 373. See also Loades, 180. Mrs Irish's husband was also not above stirring rumors: at one point he reported to Ridley that John Bradford was "in great faith" with Gardiner. See Ridley, *Works*, 370.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

in her "piteously burn[ing] her hand," Agnes cried, "Ah! Thou...that canst not abide the burning of the key, how wilt thou be able to abide burning thy whole body?"[108] Not all keepers' wives were so vicious, however: in 1555 the wife of the sympathetic gaoler at the Poultry Street compter is reported to have said to Bradford, "O Master Bradford, I come to bring you heavy news," thereupon informing him that he would be sent on to Newgate, and shortly afterwards burned.[109]

It is difficult to estimate the extent to which men such as Babington or Alexander adhered to a particular religion over and above their normal concern with order and personal revenue. A few jailers in the King's Bench, according to Strype, did show favor to their Protestant charges during the time of Mary, to the point where it was said they "secretly favored the gospel." [110] In 1558 another keeper, John Bowler, started as a "very perverse papist" until he overheard the conversations of John Bradford and Dr Sands; eventually he came to "mislike popery and to favour the gospel," and become "so persuaded in true religion, that on a Sunday, when they had mass in the chapel, he bringeth up a service-book, a manchet, and a glass of wine, and there Dr Sands ministered the communion to Bradford and Bowler. Thus Bowler was their son begotten in bonds."[111]

During Elizabeth's reign, it was known that Simon Houghton, the keeper of Newgate, allowed contacts between priests in his care and the larger London populace; though his sympathy is not necessarily an indication of Catholicism, his wife was a proud and overt recusant.[112] In general, however, wardens and keepers were office men, functionaries or determined royal servants such as Edmund Walsingham, the lieutenant of

---

[108] *AM*, 8:104-05.

[109] See *AM*, 7:143-49, 190-94.

[110] *EM*, 3 (1): 221-29, for example.

[111] *AM*, 8:593.

[112] PRO, SP 14/61/91, 99. See also G. Anstruther, *Vaux of Harrowden* (Newport, 1953), 412.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

the Tower, who presided over his fortress for twenty years, from 1525 through 1547.[113] John Foxe may have described men such as Babington--Hooper's warden--as a "papist," when in fact Babington was probably more concerned with maintaining the favor of his patron, Stephen Gardiner. Moreover, at the Tower offices passed from father to son over the course of generations, as was the case with Leonard Skeffington--developer of "Skeffington's Gyves," a compression torture rack and Lieutenant of the Tower in the 1530s--who came from a long line of "Tower families."[114]

Not all keepers were in charge of matters, however, as council members and others came and went, sometimes administering harsher measures including torture, which by common law was impermissible in England, though royal prerogative--which the Tudors used generously--allowed it.[115] Torture as a supplement to interrogation techniques will be examined more fully in the next chapter, though it should be pointed out that prisons, most notably the Tower, were the central arena for such activities,which were often conducted not by jailers but by high officials: Anne Askew, for example, was crippled across the rack during her sojourn in the Tower by, among others, Richard Rich, while forty years later the notorious torturer Richard Topcliffe most effectively conducted his business of persecution out of the prisons. Initially incarcerated in London's Gatehouse, Robert Southwell quickly deteriorated, appearing in court as "so full of lice, that covered his clothes, that he was pitied by all who saw him;" afterwards, however he was transferred to Newgate, where he was relegated to an area nicknamed limbo, so-called

---

[113] Wilson, 106-07.

[114] Leonard Skeffington, Lieutenant of the Tower in the 1530s, was the developer of the "Skeffington Gyves;" for a seventeenth-century description, see Mathew Tanner, *Societas Europaea*, 18. Skeffington's father, William, was Master of the Ordnance at the Tower, while Leonard's son was a gunner in the Tower.

[115] Thomas Cromwell, it should be noted, set a precedent for the use of torture in treason cases as well. See John Bellamy, *The Tudor Law of Treason* (London, 1979), 109-18. See also John H. Langbein, *Torture and the Law of Proof: Europe and England in the Ancien Regime* (Chicago, 1976), 73-139.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

because it was the place where robbers awaited the hangman. Eventually torture was used by Topcliffe, who wished to have Southwell incriminate others; the result was a series of sessions, where Southwell was "hanged up by the hands,put in irons, kept from sleep, and such like devices to men usual." [116]

Along with keepers, another relationship within prison existed between religious dissidents and fellow prisoners who had committed more criminal offenses. While groups such as the anabaptists kept largely to themselves, others viewed the rest of the prison population as sinners in need of evangelization and repentance; when the Protestant John Porter, for example, was allowed for a time to walk among other Newgate prisoners "which lay there for felony and murder," he "[heard] and [saw] their wickedness and blasphemy, [and] exhorted them to amendment of life and gave unto them such instructions as he had learned of the Scriptures"--all of which ensured his last, fatal return to the dungeon.[117] More important was John Bradford, who during the same period gave money to his fellow inmates and once a week "visited the thieves, pick-purses, and such others that were with him in prison, where he lay on the other side, unto whom he would give godly exhortation, to learn the amendment of their lives by their troubles." [118] The conversion of wife murderers and buggerers also served to uphold the truth of the cause--and provide good propaganda in the process: thus did one pamphlet describe how the Catholic George Nichols converted a highwayman in the 1580s, while according to another narrative James Fenn claimed responsibility for the gallows speech of a pirate, who stated that "he died a Catholic, and blessed the providence of God that had brought

---

[116] Topcliffe's own account of his methods were explained in a letter to Elizabeth: "To stande against the walle, His feett standinge upon the ground, and his hands But as high as he can reatche ageinst the walle...will inforce him to tell all." Quoted from Janelle, 65.

[117] *AM*, 5:551-52.

[118] See *AM*, 6:143-94.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

him to a place where he had met with such holy company as taught him to be a Christian." While some conversions, it should be said, may have been opportunistic and feigned,[119] others were genuine--as was the case when one newly Catholic felon in 1588 combined religiosity with criminality and proceeded to destroy all the "books he could come by [which were] set out by her Majesty for the advancement of the gospel."[120]

Other groups of prisoners that needed either conversion or direction in correct doctrine were fellow religious dissidents, for not all prisoners incarcerated for religion were of the same persuasion. Protestant prisoners such as Stephen Cotton may have written to his brother from the bishop's coal-house in London that "be you most assured, good brother in the Lord Jesus, that we are all of one mind, one faith, one assured hope in our Lord Jesus;" but given the range of orthodox and unorthodox beliefs co-existing at the time, this was most definitely not the case. King's Bench, for one, seems to have been an especially fertile place for anabaptists and freewillers, which inspired John Clement to write a treatise in 1556, complaining that he saw "a wonderful sort of sects swarming everywhere, not only of Papists...but also of Arians, Anabaptists, and all other kind of heretics, which...go about the country deceiving many a simple soul, to whom the depths of Satan's subtlety is not known, and bringeth into sundry sects and schisms, causing them to divide and separate themselves from the true Church of Christ."[121] The variety of heretical beliefs scandalized " true professors" such as Cranmer, Ridley, Latimer, and John Bradford, with the latter conducting prison debates with the freewiller Henry

---

[119] See Lake and Questier, 210-11, and the case of the minister named Mell.

[120] BL, Lansdowne MS 56, fo. 14r. See also Lake and Questier, 218.

[121] See John Clement's "Confession and Protestation of the Christian Faith," in *EM* III (2) 446-47. According to Strype, Clement was a wheelwright imprisoned along with John Careless in the King's Bench; set to be burned, he died instead in prison, and was "buried in the backside of the King's Bench in a dunghill." See EM, 587. Stripe also writes: in prison some "denied the godhead of Christ; some denied his manhood; others denied the Godhead of the Holy Ghost, original sin, the doctrine of predestination and free election, the descent of Christ into hell...the baptism of infants."

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Hart;[122] in a letter Hart himself might have written to his followers in prison,a warning was given to avoid non-Freewillers when possible--perhaps a response to the fact that a few such followers did in fact go over to the other side.[123] Most famously, John Philpot--who also took time in prison to write on the issue of infant baptism[124]--spit at a prisoner of Arian persuasion, an act for which he would write a forceful and unrepentant apologia; rather than set Arians straight, however, Philpot enjoined his readers to beware "Satan's whelps," "who be more crafty than the others, and more damnable, and for that the diligenter to be avoided."[125]

Prison disputations became an especially noteworthy phenomenon towards the end of the century, especially between Catholics and Puritans such as the Jesuit Paul Spence and Robert Abbot, who debated in the early 1590s from Worcester gaol Indeed, the famous debates conducted in the Tower between Edmund Campion and various Protestants was only one example of many, in a world where challenges to beliefs and doctrines were constantly being parried between hostile camps. Questions concerning attendance and recusancy were also at the forefront in places such as the York Castle jail, as were Protestant sermons that Catholics were forced to listen to periodically.[126] The result of all this activity probably harmed the government's case more than it helped: while recantations did take place--and were staged with great fanfare[127]--disputations only served to harden positions and create even more of a climate in which religious

---

[122] See also Loades, 176, n. 23.

[123] *EM*, III:I. Strype only supposes the author is Hart; he is mistaken, however, that Hart was in prison himself. As Martin and others point out, there is little evidence for this. See J.W. Martin, "English Protestant Separatism at its Beginnings: Henry Hart and the Free-Will Men," *Sixteenth-Century Journal* 7 (1976), 55-74.

[124] John Philpot, *The Examinations and Writings of John Philpot*, ed. Robert Eden (Cambridge, 1842), 271.

[125] Ibid., 314.

[126] Godfrey Anstruther, *Seminary Priests*, 1:328; Lake and Questier, 205.

[127] See for example the case of James Bowland, who was compelled by fear to recant.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

communities could flourish in solidarity and evangelism; indeed, as Peter Lake and Michael Questier have written, "Far from being simple sites of officials repression and constraint, the prisons became arenas of ideological conflict."[128]

With prisoners able to debate, receive visitors, or walk freely among themselves, it is not surprising that communities were strengthened by incarceration. In the 1530s the Charterhouse monks were housed together in Newgate, where they received brutal treatment that only served, according to Hugh Latimer, to "indurate [rather] than...mollify" them.[129] It was important that leaders appear or be chosen among them in order to serve as pillars of strength, or at least to distribute mass. John Bradford, for example, not only dispensed mass to his followers--and is said to have withheld it from others of more unorthodox persuasion--but so did he also function as a model for others in the displaying of his own fortitude. Other "prison groups" later on included Congregationalists, who followed Robert Fitz, their leader, through his death in prison,[130] while the Brownists flourished for a time under Robert Brown, who died in prison at the age of eighty after striking a parish constable.[131] Recusants were often thrown together in Elizabeth's time, and were able to receive mass either openly or secretly: in the 1580s Wisbech became so notorious as a holding pen for Catholic priests that one commentator called it "as dangerous as a seminary college, being in the heart and midst of England," while the Jesuit Henry Garnet praised it as "a college of venerable confessors of the

---

[128] Lake and Questier, 225. Lake and Questier in this article and others have disputed one of the premises of Christopher Haigh, who has argued that Elizabethan Catholics, cloistered in the aristocratic homes of patrons, were not only alienated from average people but failed to convey their message attractively to the land. See the following articles by Christopher Haigh: "The Continuity of Catholicism in the English Reformation," *Past and Present* 93 (1981), 37-69; "From Monopoly to Minority: Catholicism in Early Modern England," *Trans. of the Royal Hist. Soc.*, 5th ser., 31, 1981, 129-47; "The Church of England, the Catholics, and the People," in *The Reign of Elizabeth I*, ed. C. Haigh (London, 1984), 195-219.

[129] *LP* 13:1024.

[130] See R.W. Dale, *History of English Congregationalism* (London, 1907).

[131] Brewer, 5., 67 ff.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

faith." All the confidence that the Wisbech Catholics projected as a group, however, didn't prevent them from suffering serious dissension, as they proceeded to fight over--and in the process influence--matters pertaining at that time to the archpriest controversy.[132]

Despite the bonds--and internecine battles--that could be strengthened from a sense of community solidarity, prison, as every inmate knew, also resonated with the distrust that came from knowing that informers and betrayers were planted in their midst. As recounted in chapter two, the adventures of Nicholas Berden while in prison led to the deceptions against Hooper, with severe, though not fatal, consequences for the community.[133] Some informers, as mentioned, were motivated by a desire to secure release from their own imprisonment, as was the case with Benjamin Beard, who seems to have been imprisoned in the Fleet for debt but reported the activities of imprisoned Catholics. Other informers actually volunteered to enter prison, motivated as they were by higher ideals: in the 1580s a prisoner-spy named Maliverny Catlyn arranged to have himself planted first in the Portsmouth jail and then in Marshalsea, where he informed Walsingham about the rumors among Catholic prisoners concerning the machinations of Philip II and the Pope. Catlyn seems to have been compelled by ideals other than the mercenary, and he was certainly willing to place himself in extreme discomfort for the cause, though he also complained that "the inconvenience of the place is such as I can hardly be suffered to have paper, pen or ink except I will impart to my keeper what I write, who in truth useth me like a prisoner committed for high treason"[134]

---

[132] See Pritchard, 78; see also T.G. Law, *The Archpriest Controversy* (Camden Society, 1896).

[133] See Read, 330-34.

[134] BM Harl. MSS.286, f. 266. See also Read, 327-30. Read writes of Catyn that he was "evidently a better man than his colleagues in the profession of secret service. He was a soldier, a scholar, something of a Puritan. His employment about the court and will 'great ones' of the realm suggests that he was something of a gentleman as well."

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Servants assigned to care for notable prisoners could also be utilized by the authorities to report on the activities and thoughts of their masters, or at the very least to stifle efforts at communication and smuggling. In a letter to Thomas Cranmer, Nicholas Ridley complained that "My man is trusty; but it grieveth both him and me, that when I send him with any thing to you, your man will not let him come up to see you, as he may to Master Latimer, and you to me."[135] Thomas More's servant, John a Wood, never betrayed his master, though he had to swear before the lieutenant of the Tower that "if he should hear or see him at any time speak or write any manner of thing against the King, the council, or the state of the realm, he should open it to the Lieutenant, that the lieutenant might [immediately] reveal it to the council."[136] Servants such as Wood were for the most part sympathetic and unwilling to carry through with informing; moreover, the pretext of being a servant could also allow others to slip in by disguise--as was the case with the Wisbech Castle Catholics, who received sons of gentlemen masquerading as servants for the purpose of giving them instruction in the faith.

Prisoners also benefitted, when possible, from an influx of visitors who could convey information to and from the outside world or bring money, food, and other comforts. The number of visitors who gained access to prisoners is in fact one of the more remarkable aspects of Tudor imprisonment, and a testament to the weaknesses of the system as a whole. In 1593, for example, Richard Topcliffe complained that Wisbech Castle allowed "access to [the prisoners]...from all parts...of England," to the point where "they have infected the greatest part of the town;"[137] similarly, Robert Persons during the same period would even argue, from the Catholic viewpoint, that "priests who are shut up in prisons are sometimes of more use to us there than if they were at liberty. For these

---

[135] Ridley, *Works*, 363.

[136] Roper, 239.

[137] Quoted in P. McGrath and J. Rowe, "The Imprisonment of Catholics for Religion under Elizabeth I," *Recusant History* 20 (1991), 423. See also Lake and Questier, 202.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

men, being always definitely in the same place, make possible the visits of many people who are unable to discover the whereabouts of other priests."[138] Authorities were aware of these deficiencies and attempted to remedy them at times by relegating prisoners to close supervision or radically restricting visitors, but such efforts were difficult in times of political confusion or in the face of corrupt keepers.[139]

The very act of visiting a prisoner held religious importance, though it varied along confessional lines: Catholics at the end of the century, for example, sought out the blessings and sacraments that could only be dispensed by priests; thus did John Gerard write that"so many Catholics came to visit me that there were often as many as six or eight people at a time waiting their turn to see me," many of whom wished to receive his blessings or receive communion. When Gerard found himself shut up in close confinement at the Tower, one of them, Francis Page, walked everyday below Gerard's window, where he doffed his hat and received a blessing; when Page was eventually seized on suspicion, "[he] said simply that he liked walking by the broad flowing Thames and came there merely for pleasure."[140] Protestant visitors earlier on were impelled for their part by the injunctions of Paul-as expressed through their leaders; their visits came with the knowledge that they were carrying on the tradition of Epaphroditus, who had served as the messenger between the apostle and the Philippians,[141] and that what they were doing consisted not of individual efforts but of gestures on behalf of the entire community as it lived the gospel and the injunctions of Jesus from the book of Matthew: "Naked, and you

---

[138] *Letters and Memorials of Father Robert Persons*, SJ, ed. L. Hicks, vol. 1 (CRS 39, 1942), 179.

[139] See for example the aforementioned Catholic sympathizer Simon Houghton, keeper of Newgate, who coordinated visits between his prisoners and Catholics in London. Lake and Questier, 203.

[140] Gerard, 120-21.

[141] For more on Epaphroditus and his rhetorical significance in Paul, see Craig S. Wansink, *Chained in Christ: The Experience and Rhetoric of Paul's Imprisonment* (Sheffield, 1996), 126-29.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

covered me, sick and you visited me; I was in prison, and you came to me."[142]

One of the most important messengers to the Marian Protestants was Augustine Bernher,[143] a Swiss resident of England and ardent reformer, whose friendship with Hugh Latimer--to whom he considered himself a servant and disciple--led him to longstanding ties with the reform community from the 1540s onward. Upon Latimer's initial incarceration at Oxford, Bernher insisted on joining his "master" in prison, but was later told to leave, due to his status as a foreigner and outsider; instead of leaving Oxford, however, he used his freedom to serve as an agent not only for Latimer but for Ridley, Cranmer, and others, smuggling books and ensuring print runs overseas, conveying messages back and forth between prisoners, and informing them about developments from the outside world. Sometimes Bernher's eagerness to help led him into risky situations that could cause some tension between himself and the prisoners: in a letter from John Careless in 1556, Bernher was commended for his "hearty boldness" in putting himself at risk; but, Careless continued, "I would not have you thrust yourself in danger, when you can do [God's people] no good, or at leastwise when they may well enough spare that good you would do them: for if you should chance to be taken, you shall not only be no comfort unto them, but also a great discomfort, adding sorrow unto their sorrow." Indeed, Careless wrote, "I cannot allow, nor be contented, that you should rashly or negligently thrust yourself into that place where your wicked enemies did continually haunt, yea, and lay wait for you, when any other of God's people doth require your company."[144]

A significant number of aiders were women, who provided prisoners with clothing or food: when Carthusian monks were imprisoned in the 1530s, for example, they received visits from Margaret Clement, who bribed her way into Newgate, disguised as a milkmaid,

---

[142] *Matt.* 25:18.
[143] See also Chester, 187.
[144] See *AM*, 8:164-72.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

and proceeded to provide the prisoners with food and clean linen.[145] In the time of Mary, Walter Marlar's wife sewed John Bradford a shirt to wear for his burning, while John Careless' sister provided a garment which Careless wrote would "harness me, and weapon me well to go fight against that bloody beast of Babylon." At Oxford women of means such as Ann Warcup, the Duchess of Suffolk, and especially the Lady Vane[146] would smuggle books and much-needed funds to Latimer, Cranmer, Ridley and others, while receiving in turn epistolatory advice or words of comfort if, for example, they had stumbled and attended mass. Sometimes women--and aiders in general--had to be restrained by prisoners in their eagerness to offer help: thus did John Bradford write to Elizabeth Brown in 1555 that "I am afraid to write unto you, because you so overcharge yourself at all times, even whensoever I do but send to you commendations. I would be more bold on you than many others, and therefore you might suspend so great tokens till I should write unto you of my need."[147]

As the letter writers warned, actually coming to the aid of a prisoner was, unsurprisingly, a risky endeavor: in 1553, John Hooper's servant, William Downton, was stripped and searched for letters as he came to visit his master at the Fleet; only "a little remembrance of good people's names, that gave their alms" to Hooper was found, but Downton was imprisoned all the same.[148] Similarly, when George Shipside, Ridley's brother-in-law, was betrayed by Grimbold,[149] he was detained and harshly interrogated about possessing Ridley's writings, though he managed to hold out and refrain from

---

[145] David Knowles, *The Religious Orders in England* (Cambridge, 1959), 3:235-36.

[146] According to Strype, the Lady Vane seems to have been the wife of Sir Ralph Vane, who was beheaded with the Duke of Somerset during Edward's reign. She herself lived on through Mary, and died in 1568 in Holborn. See also *EM*, III (1), 226-27.

[147] Bradford, *Writings*, 127; *AM*, 7:250.

[148] *AM*, 6:648, 778.

[149] See Ridley, *Works*, 337; Loades, 26.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

revealing information, until he was eventually released.[150] Other aiders had to come surreptitiously: in a letter to Augustine Bernher, John Bradford wrote that "if you come late at night, I shall speak with you; but come as secretly as you can," since, as he later puts it, "[the] keeper telleth me that it is death to speak with me, but yet, I trust, that I shall speak with you."[151]

Even family members were not spared from pressures or threats. In 1543 the Protestant John Marbeck was apprehended for possessing spurious writings and taken to the Marshalsea, where he was placed in isolation, put in irons, and prevented from receiving visits from his wife, who wished to "help him with such things as he lacked." Stephen Gardiner, then the bishop of Winchester and in favor with the government's recent turn toward conservatism, did tell her, however, that "if thou love thy husband well, go to him, and give him good counsel, to utter such naughty fellows as he knoweth, and I promise thee he shall have what I can do for him." Gardiner then used his powers over the keeper at Marshalsea to have Marbeck's wife allowed access, under the condition that "ye search her both coming and going, lest she bring or carry any letters to or fro, and that she bring nobody unto him, nor any word from any man." When the porter showed some resistance to the idea of allowing her in, she assured him that "I shall be contented to strip myself before you both coming and going, so far as any honest woman may do with honesty; for I intend no such thing, but only to comfort and help my husband." The petition was subsequently granted, though Marbeck's wife made no effort to pressure her husband into naming names.[152] During the same period, the Protestant Laurence Saunders seems to have been cut off from his wife altogether, as he enjoined her not to "come to the [prison] grate where the porter might see you. Put yourself not in danger

---

[150] Ibid., 361.
[151] See Bradford, *Writings*, 34, 186; *AM*, 7:262.
[152] *AM*, 5:480-81.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

where it needs not. You shall, I think, shortly come far enough into danger by keeping faith and a good conscience."[153]

Marbeck and Saunder's wives seem to have supported the choice of their husbands to remain stalwart in prison, though cases existed--how many is uncertain--revealing conflict between prisoners and their visiting family members who wished them to recant or do whatever else it took to gain release. One of the more famous cases, recounted by William Roper, involved the visit of Dame Alice to the Tower, where she confronted her husband Thomas More with the choice he had made. "I marvel," Roper quotes her saying, "that you, that have been always hitherto taken for so wise a man, will now so play the fool to lie here in this close, filthy prison, and be content thus to be shut up amongst mice and rats, when you might be abroad at your liberty, and with the favour and good will of the King and his Council, if you would but do as all the Bishops and best learned of this realm have done."[154] More, "with a cheerful countenance," attempted to argue otherwise, and even expressed amusement when Alice showed concern that he would be suffocated in such a close chamber.[155] More devastating, however, was the letter he received from his daughter Margaret Roper, who attempted to persuade him to take the oath; he replied that nothing "touched me never so near, nor [was] so grievous unto me, as to see you, my well-beloved child, in such vehement piteous manner labour to persuade unto me, that thing wherein I have of pure necessity for respect unto mine own soul, so often given you so precise answer before."[156]

A common tactic of psychological warfare was to revoke visiting rights and

---

[153] *AM*, 6:618, 620, 631-32.

[154] Roper, 84.

[155] See Nicholas Harpsfield, *The life and death of St Thomas Moore, knight, sometymes Lord high Chancellor of England*, ed. E.V. Hitchcock (London, 1932), 95-96. Roper also accounts the story.

[156] Margaret didn't bring up the issue immediately afterwards, though she did continue trying to influence him. See Reynolds, 318-19; 322-24..

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

prevent contact between prisoners and messengers, thereby tightening the screws around the prisoner's isolation. More was isolated for months at a time during his incarceration,then permitted to see his daughter Margaret and his wife, Dame Alice, until his visitors were barred from seeing him once more ("What moved them to shut you up again, we can nothing hear," Margaret would write to him).[157]

According to Foxe, during Mary's reign the Protestant George Marsh was kept in a "dark dungeon," though "some of the citizens who loved him in God, for the gospel's sake...would sometimes in the evening, at a hole upon the wall of the city (that went into the said dark prison) call to him, and ask him how he did;" in addition, they would cast money into the hold, "about ten pence at one time, and two shillings at another time; for which he gave God thanks, and used the same to his necessity."[158] Periods of solitary confinement could vary, with one of the more extreme cases occurring with Robert Southwell at the end of the century, when he was kept in close confinement and barred visitors for three years, so that, in Garnet's words, "it was scarcely possible to know whether he was alive or dead." Only two sympathetic women seem to have even laid eyes on him in that time, when they "went on purpose to the Tower garden, pretending a wish to buy flowers, which grow there in a beautiful sort; and they saw him from afar, and received his blessing."

"Prisoners of Christ": Writings from Prison

Prisoners who remained incarcerated, especially those held for religious offenses, chose to leave written evidence of their conditions in a number of ways. Recusants and priests in Elizabeth's time, for example, carved their initials or religious emblems on the

---

[157] Roper, 239-45.
[158] *AM*, 7:52.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

walls of the Tower, as the priest John Gerard discovered; when he first entered the Tower, he was placed in Henry Walpole's old cell, on whose walls were chalked the orders of the angels: "at the top above the Cherubim and Seraphim, was the name of Mary, Mother of God, and then above it the name of Jesus; above that again the name of God written in Latin, Greek, and Hebrew characters."[159] During the same period the Jesuit Henry Garnet smuggled into the Tower a breviary for Robert Southwell, who used a pin to scratch in the words "Jesus," "My God, and my all," and "God hath given himself to thee, give thyself to him." In addition, Garnet wrote, "One can also see there are many numbers, similarly scratched with a pin, and I fancy they must be signs pertaining to the examination of his conscience, whether general or particular."[160]

But it was writing letters that most memorialized the prison experience and contributed to strengthening resolve, fortifying communities within and outside the prison walls. One should be careful again to point out that relying on surviving letters alone can create a distorted picture of the types of religion that existed in England's prisons, since most letters came from the erudite (and more orthodox) pens of a Thomas More, a Nicholas Ridley, or a Robert Southwell; prisoners of different persuasions or levels of literacy--not to mention those who had different experiences of prison life--existed, of course, and may have even predominated, though their prison legacy was more ephemeral, consisting of oral communications. On the continent, anabaptists, for example, were prolific letter writers,[161] though this was not the case in England, where their activities were more proscribed and limited. Women, it should be added, are also underrepresented by the evidence of letters or written testimonials, though a great many of them languished as religious dissidents and were just as bold-speaking and defiant as men, to judge from

---

[159] Gerard, 104.

[160] Garnet, Italian letter (f. 117Ab), quoted in Janelle, 69-70.

[161] Brad Gregory, *Salvation at Stake* (Cambridge, MA, 1999), 114-16; see also 200-07.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

their examination records.

The restrictions and conditions of jails often made the act of writing difficult, as prisoners suffered from lack of sunlight or from close confinement. "That I have not written unto you erst, the cause is our straight keeping and the want of light by night," the Protestant John Philpot wrote.Another time Philpot complained from Newgate to a friend that writing was difficult in his "dark closet," though other times he was able to persist, and write from a "coal-house of darkness out of a pair of painful stocks."[162] Another major problem in composing letters or treatises from prison was the frequent deprivation of writing materials, though servants could be used to smuggle in ink and paper; as Ridley wrote an imprisoned Cranmer--whose lack of writing concerned him--"If you have not what to write with, make your man your friend. And this bearer deserveth to be rewarded, so he may and will do you pleasure."[163] Even if writing materials could be smuggled in, however, the risk was always great, not only to himself or herself, but to the prisoner. Writing from the Tower to his mother and friends, John Bradford warned them to take care of the smuggled letter, written in ink, that they were receiving,"for if it should be known that I have pen and ink in the prison, then it would be worse with me."[164]

According to Thomas More's great-grandson, the approximately 150,000-word treatise *Dialogue of Comfort*--which was composed entirely in prison--was "for the most part written with no other pen than a coal."[165] More himself, while able at times to use ink, nevertheless was known to complain of the coal--or charcoal pencils--he was largely forced to preserve and ration, along with the ever-present problem that he "lack[ed]

---

[162] Philpot, *Works*, 231; see also *AM*, 6:681-83.

[163] Ridley, *Works*, 363.

[164] Bradford, *Writings*, 41, 72, 74; *AM*, 7:196.

[165] Cresacre More, *The Life of Sir Thomas More* (1726), 335. See also Harpsfield, 134.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

paper."[166] Protestant prisoners in Mary's reign endured similar problems, composing letters and treatises with coal, window lead, or their own blood[167]--all of which was extraordinary in light of the fact that while prisoners often complained of having to cut short their writing because of such limitations,[168] their letters nevertheless could extend, when later printed out, to fifty-two closely-worded pages in length. While it isn't clear whether he was deprived of ink, the priest John Gerard in Elizabeth's reign began to compose letters in lemon juice, "so that no writing should appear on the paper except when it was moistened;" eventually, however, he came to prefer writing in orange juice, which proved a more amenable agent for his purposes.[169]

Another difficulty for writers was the limitation or full restriction on books, which often forced them to rely on memory when it came to referencing certain works. Confiscation of reading material--along with prisoners' own writings[170]--had always been standard prison policy: in a petition from 1529 John Field, who was imprisoned illegally on orders of Thomas More, requested of the council to have the books taken from him in prison--including a Greek vocabulary, the works of St Cyprian, and More's own *Supplication of Souls*--restored to him.[171] More later suffered the same fate, when Richard Rich and others entered his cell at one point "to fetch away his books from

---

[166] See Rogers, *More's Correspondence*, No. 201. See also Chambers, 306.

[167] Allerton, for example, wrote out an account of his examinations in his own blood. See *AM*, 8:405-117.

[168] *C.f.* Ridley, *Works*, 381.

[169] As Gerard wrote that orange juice--"which cannot be read with water"--"cannot be delivered without the recipient knowing whether or not it has been read. If it has been read and contains something that compromises him, he can disown it." Lemon juice, on the other hand, came through in multiple moistenings, thus allowing for multiple readers, including authorities. See Gerard, 119.

[170] See the case of Nicholas Ridley in Loades, 177-78. When his writings were seized by the authorities, Ridley became more apprehensive about seeing any of his tracts appear in print, at least while he was still alive. "It was not in my mind that anything should have come abroad in my name until our bodies had been laid at rest," he wrote. Ridley, 361.

[171] The entirety of the petition is reprinted in J.A.Froude, *History of England from the Fall of Wolsey to the Death of Elizabeth* (London, 1856-1870), 2:79-82.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

him."[172] As a result, More was unable to consult important authorities such as the early fathers, Aquinas, or ancient philosophical sources such as Juvenal or Terence, all of which resulted in a dearth or shakiness of citations.[173] It was the Bible, however, that was perhaps the most essential confiscated text, and an especially potent weapon to use against the prisoners, since it served as the key text of consolation, meditation, and solidarity.[174] But the absence of a Bible would not have been a completely egregious loss, since even the most illiterate of the population had some knowledge of scriptural sources, and individuals such as More or the Marian Protestants--as will be seen--knew the bible so thoroughly that they could virtually pack their writings with its presence, despite its absence from their cells.

Prisoners addressed their letters to a circumscribed audience of followers, who would disseminate and read them in taverns, conventicles, and places overseas; they were preaching to the converted, but a converted that was under threat and vulnerable to apostasy. Thomas More, for example, was writing from a distinct minority position, due to his refusal to take the oath;[175] as for the Marian Protestants, it was by no means clear or inevitable that their followers would remain stalwart in adhering to the cause, especially in the face of royal and social pressures. "You are at this present in the confines and borders of Babylon,where you are in danger to drink of the whore's cup, unless you be vigilant in prayer," John Philpot wrote his sister. "Take heed the serpent seduce you not from the simplicity of your faith, as he did our first mother Eve."[176] Letters were thus a way in

---

[172] Roper, 244.

[173] See Reynolds, 349;

[174] See Roper, 91; Harpsfield, 182. The fact that Thomas More was forced to rely on biblical quotations from memory attests to his own dearth of reading material, despite periodic successes in having books smuggled to him in a sack.

[175] For the consolatory writings of More's fellow sufferer, John Bishop, see *A spirituall consolation, written by Iohn Fyssher Bishoppe of Rochester, to hys sister Elizabeth, at suche tyme as hee was prisoner in the Tower of London*....(London, 1578), sig. [D8].

[176] Quoted in *AM*, 7:695.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

which leaders could strengthen communities and inform their followers of their travails in prison, provide reassurance and prayer, and in the process reconfirm the necessity of staying together as a community.This was exactly what Paul had done in his letters from prison to the Philippians, for example, and Tudor prison writers--especially the Protestants--knew it. Like the Philippians,[177] communities outside the prison were facing their own dissensions and needed to hear a message reinforcing unity; indeed, writers sought to emphasize, like Paul, their roles not as individuals but rather as members of a community sharing in a commitment to the gospel. Persecution, rather than being a setback, was in fact a way of strengthening such a commitment; as Calvin wrote of Paul, "the Gospel had been advanced by his bonds."[178]

Letters from prison could also provide a forum in which to expound on theological positions--as was the case in the 1530s, when John Frith informed his followers about points on which he had been questioned concerning transubstantiation and purgatory.[179] More's *Dialogue of Comfort* and other writings served this purpose, while twenty years later Ridley would similarly increase his stature and define his theology through written disputations that included a fictional conference undertaken with "Antonian," a stand-in for Stephen Gardiner.[180] The reality of imprisonment not only lent the writer further credibility and authority in theological matters, but also in the counselling of others. In a 1556 letter, John Careless advised Agnes Glascock on what to do after she had gone to a Catholic mass; "[the] thing that is done cannot be undone," Careless wrote, "and you are

---

[177] See Philippians 1.28, 2.1-4, 14; 4.2-3.

[178] D.W. And T.F. Torrance, *Calvin's Commentaries: The Epistles of Paul the Apostle to the Galatians, Ephesians, Philippians, and Colossians* (trans. T.H.L. Parker (Grand Rapids, MI, 1965), 234.

[179] *AM*, 5:11-14. See also Frith, *A boke made by John frith prisoner in the tower of London...*(Antwerp, 1533).

[180] Gardiner's pen name was Marcus Antonius. See Loades, 184. For other examples of theological clarification, see the letter from prison of John Lacels, in *AM*, 5:551-53.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

not the first to have offended, neither are you so good and so holy, as hath at a time slipped forth of the way. Therefore I would not have you to be so much discomforted as I hear say you be." In harsher tone, John Philpot told the lapsed Ann Hartipole that Rome "hath bitten you by the heel and given you a foul fall." "What meaneth it that you are so suddenly departed from Jerusalem into Jericho,' he wrote, "to be a companion of thieves and idolaters, to the utter overthrowing of that good which you have professed?"[181]

What these writers had to say would be keenly understood and felt by readers, and though a detailed examination of the letters' content are peripheral to a study of persecution, one must briefly touch upon the references and meanings employed by prison writers, and the angry response they exacted in turn from authorities. As David Loades has written about the Marian dissidents, prison not only offered time for the reflection and shaping of their cause after the "harried" years of Edward, but it also "provided them with the raw materials for an excellent martyrology."[182] This infuriated Catholics such as Miles Huggarde, who railed against their abuse of genuine martyrs and apostles.[183] Indeed, to begin their letters with a prayer--as Paul did--or to so self-consciously mold their epistolatory narratives to earlier sources such as Cyprian or Ignatius was deemed as outrageous as the theatrics those same heretics displayed at their execution.

Whether the writer was Catholic or Protestant, composing his letter at the beginning or end of the century, meanings tended to be conveyed and shared across confessional lines. Prison itself, for example, offered to the writer rich metaphors, many of which were taken from Paul: it was a desert of temptation, a place of sheep preparing for

---

[181] Philpot, 249-50. Hartipole was once an ally of Anne Askew, harboring her in her home.

[182] Loades, esp. 187-91..

[183] Miles Huggard, *Displaying of the Protestantes*, fols. 43v, 51v-52; see also John Christopherson, *Exhortation*, sig. [H7r-v].

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

slaughter; it was a pit of alchemical fire that turned metal into gold (or transformed the sinning individual into the martyr for Christ, as the bread was transformed into the body); it was a "black cross [helping] us to more whiteness,"[184] a place to learn to "loathe the world;" earth itself was a prison which each person was forced to endure in turmoil.[185] Prison also served as a point of rhetorical contrast--and again borrowed from the language of Paul, especially in Galatians--in comparing the darkness of the dungeon to the light of heaven, the body in chains to the spirit free, and the paradoxes of victory in defeat, strength in weakness. A tone pervades the letters reflective of Cyprian's more optimistic epistles: "When they imprison our bodies," John Philpot wrote at another point, "they set our souls at liberty with God; when they cast us down, they lift us up."[186]"The prisons stink,' John Hooper wrote, "but yet not so much as sweet houses, where the fear and true honour of God lack;"

> I must be alone and solitary; it is better so to be and have God with me, than to be in company with the wicked. Loss of good is great; but loss of God's grace and favour is greater...I shall die then by the hands of the cruel man: he is blessed that loseth this life full of miseries, and findeth the life of eternal joys. It is pain and grief to depart from goods and friends; but yet no so much, as to depart from grace and heaven itself.[187]

Prison reinforced a sense of election, though it should be pointed out that jailed writers enjoined their correligionists not to follow the same path as they, aware as they were that martyrdom--and imprisonment--was not meant for all. In the case of the Protestants especially, election was still the gift to those on the outside, members as they all were of God's chosen people. "Now do the Amelekites invade the true Israelites," the

---

[184] Bradford, *Writings*, 50.

[185] See for example Thomas More, *Dialogue of Comfort Against Tribulation*, ed. Frank Manley (New Haven, 1977). See also Green, 144.

[186] Philpot, 261.

[187] See *AM*, 7:661-73.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Protestant John Philpot wrote, "that the Israelites might with speed be glorified." [188] During the same period John Bradford was especially explicit on the subject and utilized the Old Testament in support of his claims: in a letter that served both consolatory and pedagogical purposes, he urged his followers to follow the same models of suffering, beginning with "Abel, and come from him to Noah, Abraham, Isaac, Jacob, Joseph, the patriarchs, Moses, David, Daniel, and all the saints in the Old Testament; and tell me whether any of them found any fairer way than ye find now."[189] Just as God allowed "the old popish doctrine to come again and prevail" in order to test the faithful, "so did he with the Israelites, bringing them into a desert, after their coming out of Egypt...where [they now lacked] that which they had in Egypt." Thus,"in peace, when no persecution was, then were you content and glad to hear me, then did you believe me: and will you not do so now, seeing I speak that, which I trust by God's grace, if need be, to verify with my life?"[190]

A key text that breathed through the letters, especially from the Marian Protestants, was Acts of the Apostles, which provided a standard of comparison in its story of Stephen's martyrdom, Peter's imprisonment and miraculous escape in Jerusalem, the persecutions of Herod, and the mission of Paul. The epistles of Paul were also important as models for the Protestants' own letters, whose structure closely followed his, with a greeting followed by a prayer, words of comfort and exhortation, and a final farewell. As mentioned, the apostle's letters--especially from prison--helped to reinforce the importance of the community of Christ, the workings of the spirit from within a state of bondage and persecution, and the idea of a faith forged in combat; as John Philpot wrote, quoting Philippians, "we may not have any fellowship with the worlds of darkness, but in

---

[188] Quoted in *AM*, 7:699.
[189] Bradford, *Works*, 47.
[190] Ibid., 43.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

the midst of this wicked and froward generation we ought to shine like lights, upholding the word of truth."[191] The body as it underwent the torments of prison and the prospect of martyrdom was for the Protestants, as for Paul, also a deep preoccupation, though--as Philpot wrote-- "if God do mitigate the ugliness of mine imprisonment, what will he do in the rage of the fire whereunto I am appointed?"[192] Thomas More, who wrote to his daughter that his was "of a nature so shrinking from pain,"[193] similarly found consolation in gospel passages such as Matthew 10:24 and from the sufferings and letters of Paul, enjoining his readers to follow the example of Christ and "the great torment that [he] suffered for them."[194]

Another text that carried deep resonance for the prisoners--and for persecuted communities everywhere--was Revelations. In 1555 Bradford wrote, "O that [the persecutors in Mary's reign] would read what St John saith will be done to 'the fearful!' The counsel given to the church of Laodicea is good counsel for such."[195] In another letter, Bradford advised his readers to consult chapter 22 of Revelations, which warned of the consequences of failing to take heed of the prophecies and looked ahead to the fulfillment of the millennial reign, the new heaven and earth, when the Lamb would sit in the throne of God. This is not to say that such writers were necessarily millennialists: Edwardian Protestants such as Ridley or Cranmer, who sought to uphold the magisterium, lacked any of the revolutionary or antinomian leanings which Revelations inspired in

---

[191] Quoted in letter from Philpot to "the Christian Congregation," in *AM*, 7:689.

[192] Philpot, *Works*, Letter II, 226. *AM* 7:691.

[193] Rogers, No. 211, written to Margaret Roper in December, 1534.

[194] More, *Dialogue of Comfort*, 290. See also Gregory, 128-30. For More on Paul and his sufferings, see Ibid., 2:28. See also *More's Prayer Book: A Facsimile Reproduction of the Annotated Pages*, ed. Louis L. Martz and Richard Sylvester (New Haven, 1969).

[195] Bradford, *Writings*, 49. See also Bradford, *A godlye Medytacyon composed by the faithfull and constant seruant of God. J.B. Precher who latlye was burnte in Smythfelde for the testimonie of Jesus Christ...*(London, 1559), sigs. B4, [C5].

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

others, who stirred with notions of retribution carried by the powerless toward the powerful. While some of them prayed for the time when the dark days of Mary would give way to a new England, they had once held power themselves, were adamant upholders of the royal supremacy, and believed that religious change could only be enacted by measures of the authority in power. John's gospel thus may have strengthened their sense of persecution, but rather than turn them against authority, it paradoxically led them to accept and fortify themselves against those authorities. If theirs was thus a millennialism, it was an extremely proscribed one, foreshadowing the time when England would return to the light and bring with it a new Constantine, in Elizabeth.[196]

The story of the early martyrs as recounted by Eusebius also held special appeal for the writers and readers of prison letters, who looked to the suffering of Polycarp or Blandina as second only to the passion of Christ.[197] In directly relating their prison experiences, however, writers turned to the epistles and treatises of St Cyprian, who like Paul was especially clear about the approach Christians should take in the face of persecution.[198] For More, Cyprian proved a useful source as well in his recounting of the story of Celerinus, who "for nineteen days [was] shut up in the close guard of a dungeon...racked and in irons; but although his body was laid in chains, his spirit

---

[196] See Patrick Collinson, "Biblical Rhetoric: the English Nation and National Sentiment in the Prophetic Mode," in *Religion and Culture in Renaissance England*, ed. Claire McEachern and Debora Shuger (Cambridge, 1997). Since prisoners--especially the Marian Protestants--saw themselves as the chosen people, representing England in its true light and calling, in this sense they could be said to have belonged to a larger category of literature that was emerging which Patrick Collinson has called a "national patriotic sentiment," speaking of England as God's People, or, in John Aylmer's not-entirely-new formulation of God as an Englishman.

[197] Polycarp, for example, served as one of the most powerful models of martyrdom, supplying the model for whom to compare, in their shared tribulations, to John Hooper. See *AM*, 6:661-62.

[198] Cyprian for example was especially important for the advice he gave: flight, for example, was preferable to falling into the sin of spiritual pride. See *The Writings of Cyprian, Bishop of Carthage*, trans. Robert E. Wallis (1868-69), epistles 56-57. See also Joseph A. Fichter, *Saint Cecil Cyprian, Early Defender of the Faith* (1942); and W.H.C. Frend, *Martyrdom and Persecution in the Early Church* (New York, 1967), 308-13.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

remained free...His flesh wasted away...but God fed his soul."[199] Just as Christ turned to Thomas and said "Look at my hands," so did Celerinus, still alive, "in his glorious body shine the brightness of his wounds."

For all the formal conventions followed by the prison writers, letters also carried more personal considerations of family, which stood as a counterpart to martyrdom's singular calling. The martyrs were themselves aware of what they were leaving behind, and not all proceeded with complete confidence. In a letter to Lucy Harrington, Laurence Saunders wrote that "[if] God make me worthy to be his witness at this present...it is enough for me to say to you, that I have a poor wife and child, whom I love in the Lord, and whom I know, for my sake, that you will tender when I am departed hence;" in another letter, Saunders thanked Harrington for her "friendship and tender good-will towards my wife," and requested further that she "[take] care and charge of my said poor wife; I mean, to be unto her a mother and mistress, to rule and direct her by your discreet counsel."[200] Nicholas Ridley, on the other hand, tried to fortify the resolve of Robert Glover's wife, who was facing the prospect of her husband's martyrdom: "Be hearty now...to your husband and declare yourself to love him in God, as the true faithful Christian woman unto her husband is bound to do," Ridley wrote. "[S]eeing him your husband, which is set by God's ordinance to be your head, is ready to suffer and abide in adversity by his Master's cause, and to cleave to his head Christ, see likewise that you do your duty accordingly, and cleave unto him your head: suffer with him that you may further his cause."[201] One of the most moving testaments of a future martyr's conflicted relationship with his family exists in the connection between Thomas More and his

---

[199] Cyprian, Epistle #33.

[200] See *AM*, 6:612-36. See also the letters of Nicholas Sheterden to his mother, brother, and wife, *AM* 7:313-18; the letter of John Noye to his wife, *AM* 8:426-27.

[201] Ridley, *Works*, 384.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

daughter Margaret Roper. In a letter composed towards the end of his imprisonment, when he was aware of the price he would pay for refusing the oath--which Margaret had tried to persuade him to take--More wrote "mine own good daughter" that "I pray you heartily, be you and all your sisters, and my sons too, comfortable and serviceable to your good mother my wife...And if anything hap to me that you would be loath, pray to God for me, and trouble not yourself, as I shall full heartily pray for us all, that we may meet together once in heaven, where we shall be merry for ever, and never have trouble after."[202]

Buried within the verbosity of exhortation and comfort to the community, finally, were a few words saying goodbye to his family as the prisoner faced his martyrdom. In a letter to Augustine Bernher, John Bradford asked him to "commend me to my most dear sister, for whom my heart bleedeth...I think I have taken my leave of her for ever in this life, but in eternal life we shall most surely meet." His mother he addressed directly: "When the wind doth not blow, then cannot a man know the wheat from the chaff," he wrote, "but when the blast cometh, then flieth away the chaff, but the wheat remaineth, and is so far from being hurt, that by the win it is more cleansed from the chaff, and known to be wheat."[203]

Conclusion

While the apprehension of religious heretics was a profoundly flawed system that tended to be used unevenly and arbitrarily, imprisonment as a method of persecution in many ways worked well for the Tudors. To be thrown into jail was so vile a prospect in the sixteenth century that it certainly acted as some sort of deterrent or method in which to

---

[202] See also Fisher, *A spirituall consolation...*[London. 1578], sig. [D8].
[203] Bradford, *Writings*, 41.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

bring on recantations which only individuals such as Thomas More or John Philpot could resist. Indeed, if most individuals in their religious sentiments stood in hesitation, confusion, neutrality, or indifference between the two poles of defiant Protestantism and Catholicism, then the reality of prison was a way to keep them quiet in their beliefs, if not changeable as well. Prison provided the Tudor authorities with a controlled environment in which to pressure suspects through isolation, rigorous examinations, and torture; and they succeeded to some degree, at least in holding flagrant religious subversion down. Despite the reputation of Mary, a large number of religious dissidents in the century were also imprisoned (and tortured) under Henry and Elizabeth, which is not to say that Mary was any more tolerant--she wasn't; but tolerance also hardly belonged to Henry and Elizabeth, who showed equal amounts of ruthlessness in crushing their enemies or any others who stood in their way. Again, the motivations were different; whereas prisoners under Mary--and Edward, for that matter--were jailed for overtly religious beliefs, those under Henry and Elizabeth were incarcerated for offenses that seemed to dangerously threaten or impinge on the sovereignty of the state as it was manifested in their person and headship of the church. Whereas Mary was driven by religious considerations--with a strong subtext of the political--the concerns of Elizabeth, and to a lesser extent Henry, involved loyalty to the crown in the face of external challenges from Rome, or Spain. This is not to say that imprisonment under Henry and Elizabeth was necessarily more "justified" than under Mary, and indeed, it is questionable whether Henry's pursuit of the more evangelical John Lambert or Anne Askew, for example, were justified at all. But in the face of threats from overseas--especially during Elizabeth's reign--imprisonment helped contain and quarantine individuals who were connected to larger and more dangerous alliances, and thus carried a threat beyond their mere interior convictions

At the same time, imprisonment did backfire. Most individuals may have avoided or sought to get out of jail, but those who stayed were able to exploit holes in the system

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

to their advantage and thus advance their own interests in the end. Lacking the means or ability to keep everyone in close confinement, prisons began to witness the formation of often vibrant communities, which provided dissidents such as anabaptists, Protestants and Catholics a pillar of mutual defiance and reinforcement. "Sir," Maliverny Catlyn wrote Walsingham, "if you mean to stop the stream, choke the spring, for believe me, the prisons of England are very nourishers of papists. Banish them, for God's sake, or let them remain close prisoners, that they may not daily poison others."Sometimes authorities attempted to infiltrate these communities through informers--which did succeed at times--or they relegated men such as Robert Southwell to three years of solitary confinement, during which time they attempted to convince correligionists that he had recanted his beliefs. But in the end the Tudors were unable to prevent messages from being sent between prisoners, through written words, verbal communications or the subtlest of gestures and signs, through the help of messengers or the amenability of keepers to bribes.

The smuggling of letters was an especially difficult problem for the authorities, despite their attempts to seize such evidence. Indeed, a remarkable amount of writing survived which attests not only to a failure in enforcing an effective communication but also in preventing the strengthening of ideology and community that these treatises represented. Prisoners themselves were certainly not sanguine about the situation, however: as Nicholas Ridley wrote in a letter to John Bradford, "[W]hat shall be best done with these things, no ye must consider; for if they come in sight at this time, undoubtedly they must to the fire with their father." Ridley in fact desired that his letters and treatises be distributed posthumously and after a certain amount of time had passed, due to the threat that they could be seized and used to implicate or compromise the entire community. Even so, this wariness didn't prevent prisoners from writing boldly and transforming their sufferings into scriptural terms, directly and self-consciously modelling

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

themselves on the letters or Paul or the early Christians; while their own condition--and the state of their own religion in England--was uncertain, they were writing with the certainty of having posterity behind them. Only Thomas More, perhaps to his credit and honesty, expressed trepidation and a "fearful heart" over the pain that awaited him ahead; for the others, letters were used to reinforce the "joyfulness" that awaited in the martyrdom that called them.

To some extent all the prisoner-martyrs succeeded in the task they were presented with, by conveying to their followers their "sufferings of Christ." Protestants in the end may have come to power under Elizabeth; but Catholics and even various sectarians continued to survive in her reign, albeit as members of minority groups, due in large part to the travails their leaders underwent in bondage. Prison thus did not after all transform individuals from base metal into gold, but the larger communities of which those individuals were a part, for it was not just the individual but the community--the community of the gospel--that was under threat by present day Decius. Martyrdom was thus a process that began with prison and would continue through examinations and finally executions; in the meantime, followers continued to receive messages from their captive leaders, whose pain in prison only enriched their message. As Hugh Latimer wrote: "I have learned by experience...that God never shines forth more brightly, and pours out beams of his mercy and consolation, or of strength and firmness of spirit, more clearly or impressively upon the minds of his people, than when they are under the most extreme pain and distress, both of mind and body, that he may then more especially show himself to be the God of his people, when he seemed to have altogether forsaken them...So that we may say with Paul, 'When I am weak, then am I strong; and if I must needs glory, I will glory in my infirmities, in prisons, in revilings, in distresses, in

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

persecutions, in sufferings for Christ.' I pray to God that I may endure to the end."[204]

[204] The fact that Latimer was, by the time of his imprisonment, an old man not only added to the poignancy of his state, but was also evocative of the imprisoned Paul who in Philemon says, "Look at me--who I really am now--namely an old man and one who is in chains." For the significance of aged prisoners not only in Christian but in Jewish sources--in works such as Maccabees--see Wansink, 161-63.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Chapter Six: "In the Hands of Caiaphas": Interrogations and Trials

Introduction

In the process of being apprehended and incarcerated, the religious dissident dealt for the most part with personnel on the lower end of the persecution machine, in the form of constables, jailers, and--on a relatively higher level--justices of the peace. Only when it came time for his interrogations did the dissident encounter, for the first time, officials of high rank, many of whom had been directly responsible for the policies by which he was now suffering. Indeed, the extent to which lord chancellors and privy councilors--and even King Henry, at one point--involved themselves with either preliminary questioning or formal trials of even the simplest folk is one of the more remarkable aspects in the Tudor process of persecution; at the same time, the entrance of such high figures into the drama at this point also reflects the importance of the interrogation not only for winning back souls to the true church as it was defined at the time but in ensuring a propaganda victory before a wide and interested audience. Examinations of heretics, whether they came in the form of a private conference or a showy disputation, were not only a forum for the questioner and his agenda, however; as will be seen, while authorities set the terms of the debate, the individuals interrogated were also able to manipulate the situation with their own strategies, which, like their letters from prison, further advanced their cause and elevated it to scriptural terms in the eyes of their followers.[1]

[1] Until recently examination records have tended to be neglected by historians, even though interrogations served as means in which the accused were able to declare themselves on a public stage, take control of the theological debate, and place themselves within a tradition of Christian persecution. Those writers who have explored the subject have tended, on the other hand, to come from the fields of literature and drama. For the most significant recent work on the subject, see John Knott, *Discourses of Martyrdom in English Literature, 1563-1694* (Cambridge, 1993), See also Ritchie D. Kendall, *The Drama of Dissent: The Radical Poetics of Nonconformity, 1380-1590* (Chapel Hill,

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Who were the individuals asking--and answering--these questions? What was the nature of the relationship between prosecutors and defendants? How did their interactions reflect upon the government's larger ability, or inability, to carry through its goals of uniformity? While this chapter seeks to address these questions, it must also be stressed that such exchanges were by their nature ambiguous, consisting as they did of individuals battling out their respective positions to no very clear end, in debates that involved not a clash between right and wrong so much as a fundamental and unresolvable difference between religious, political, and constitutional philosophies. The terminology between disputants may have been shared, but the foundational understandings were radically different: for example, Protestants and Catholics both agreed on the four traditional marks of the church, but whereas Catholics emphasized unity and catholicity (or universality), Protestants insisted on holiness and apostolicity, in a disagreement that became egregious enough to drive a wedge into the very definition of the church. This in turn was exacerbated by related questions that centered around the issue of authority, of whether the head of the church resided in Rome or England, for example, or if scripture or church tradition was the sole doctrinal authority; indeed, not only did life and death hinge on one's interpretation of authority, as well as on the stand one made concerning justification by faith and the role of sacraments--especially the sacrament of the eucharist--but so did the very life and death of the English church or the Roman church depend on the unambiguous victory of one correct soteriological and historical understanding over another.

Uniformity, whether religious or political, was nevertheless the foremost goal of all the monarchs, and it was the duty of the questioners to find cracks in a suspect's answers, or to repair those cracks in order to bring that suspect back to proper conformity as it was defined at the time. But interrogations were also dialogues between two opposing

1986); and for a valuable dissection of one examination--that of Anne Askew--see the work of Elaine Beilin, especially her introduction in *The Examinations of Anne Askew* (Oxford, 1996).

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

positions, and as such existed in a zone where different truths vied with one another in order to gain primacy, especially in the eyes of observers. Elizabethan authorities may have insisted on their indifference to the defendants' religious positions, for example, but those defendants could challenge this, and frequently did by asserting their Catholicism. During Mary's reign earlier on, examinations--or dialogues--could also turn into virtual propaganda battles that led defendants to aggressively challenge their examiners, in a display that very much contradicts any Foucauldian notion of a monolithic state acting upon the passive, quiescent body of the subject. Indeed, interrogations served as perhaps the most important forum--more than prison letters or execution speeches--through which the defendant could convey his beliefs and self-presentation to a wide audience; while letters and speeches were certainly important, interrogations and trials were an even better opportunity to directly engage with "the state,"which was an entity composed of individuals with specific pasts and individual agendas of their own.

Examining these themes can be problematic, however, in light of the fact that trial and interrogation records are fragmentary at best, and tend to focus on the more infamous and exceptional cases of the century. Even in these cases, accounts have been transcribed long after the fact by individuals not present at the time: the trial of John Fisher, for example, was recorded many years after the bishop's death by William Rastell, who was present at the execution but probably not at the proceedings, while another account was written during Elizabeth's reign by an author who Pollen has called "a very zealous Roman Catholic."[2] Moreover, despite the efforts of historians such as Geoffrey Elton to reconstruct the mass of trials, an incompleteness remains which reduces such trials to lists of indicted individuals, and does not even clarify whether those individuals were brought through the entire trial process, much less what occurred at the trial itself.

[2] An account of Fisher's trial is included in the *State Trials*, derived from a Life of Fisher, printed in 1655 and written by a Dr Thomas Bailey, though "the real author" was Dr Richard Hall, who wrote during Elizabeth's reign. See *State Trials*, I:397.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Surviving transcripts were also shaped towards hagiographic ends by partisan writers such as William Roper, John Foxe, or later Catholic propagandists, who edited the material in order to shed favorable light on their cause.[3] One result, as will be seen, is a bias against the interrogator, whose sympathetic personality or occasional acts of kindness tend to be omitted in favor of a portrayal that fits into a stereotype of the demonic persecutor-- the sixteenth-century Decius or Diocletian.[4] Equally biased are the interrogation records written by the examinees themselves; the 1546 account--or "spiritual autobiography"[5]--of Anne Askew, for example, was probably close to the truth in its details, though some comments may have been added, and the later version, edited by the fiercely Protestant writer John Bale, carried further hagiographic embellishments that also modified answers which he deemed were unbecoming to her sex.[6] Bale was himself a playwright, as was John Foxe, and their accounts of interrogations were shaped as well by the literary tropes and conventions of mystery plays, "tyrant plays," or general biblical dramas--not to mention the account in Matthew and Mark of Jesus' trial--which continued to flourish well into the sixteenth century.[7] In addition, one could also view accounts of examinations as literary dialogues that fit in with the larger humanist tendencies of the age, most notably in the writings of Thomas More, who influenced, albeit in a limited way, the

---

[3] For Foxe's shaping of the material see Patrick Collinson, "Truth and Legend: The Veracity of John Foxe's Book of Martyrs," Collinson ultimately concedes, however, that Foxe, for all his omissions, is a source to be taken at his word. More damaging to Foxe is the conclusion reached by Thomas Freeman; Wabuda

[4] See Knott, 23, who points out the way in which Foxe deleted John Rogers' mention of the bishop of Ely's speaking to him "very gentlye, trulye."

[5] The phrase is Elaine Beilin's.

[6] See Elaine Beilin's Protestant John Rogers left his own interrogation transcriptions in a corner of the prison after his death, all of which were later printed out, in amended form, by John Foxe. See Chester, *John Rogers* (London, 1861) and the transcription of Rogers' account; see also *AM*, 7:602-11; Knott, 17, 22-23, 60-61.

[7] Ruth H. Blackburn, *Biblical Dramas under the Tudors* (The Hague, 1971), 13-28.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

approach some interrogators would take towards heretics.[8] In the end, however, despite the literary accretions and the fragmented records, one can attain a partial glimpse of the way in which the law worked (or was evaded) through interrogations and trials; more important is the way the records reveal the messy clash of individuals as they struggled to gain a victory over each other concerning the greatest issues of the day.

Sixteenth-Century Interrogations: Procedure and Weaknesses

Interrogations, even under Elizabeth, were part of the fabric of life in sixteenth-century England, as successive monarchs attempted to keep watch over people's doctrinal beliefs along with their outward behavior in matters of church attendance.[9] Questions put forward at visitations, for example, were highly important in supervising conformity, though the focus of this chapter will rest on individuals who found themselves under a more serious cloud of suspicion, and therefore experienced interrogations which moved according to a different process and dynamic. It is in the records of these interrogations where a more nuanced and complex picture emerges of the relationships and negotiations at work between authorities and religious dissidents; indeed, not only do individuals reveal their own specific personalities and motivations, but so do they demonstrate--as this study has argued--the exigencies, awkwardness, ambiguities and resistances that lay behind all Tudor attempts at control.

The questioning of suspects could vary in character, though the process inevitably

---

[8] See Kendall; for an overview of the dialogic tradition, see David Marsh, *The Quattrocento Dialogue : Classical Tradition and Humanist Innovation* (Cambridge, MA, 1980); Elaine V. Beilin, "Anne Askew's Dialogue with Authority,"

[9] Gina Alexander, "Bonner and the Marian Persecutions," in *The English Reformation Revised*, ed. Christopher Haigh (Cambridge, 1992), 172-73.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

began with extra-judicial sessions before the privy council or informal private conferences in bishops' or lord chancellor chambers. One of the more striking aspects of these sessions was the length to which authorities were willing to go in arguing with the defendant, and in using the forums as a kind of pressure valve to persuade, intimidate and threaten those defendants into submission; during the reign of Mary, for example, John Philpot was examined at least thirteen times before the final session that would condemn him, while Richard Woodman underwent, by his own estimate, thirty-two preliminary interrogations.[10] That there were so many examinations in the first place attests to their central aim, which was not to punish or even make a point, but to extract a written abjuration or to get the suspect to name his fellow associates.[11] These abjurations or confessions were sought for a number of reasons, one of which was a genuine desire on the part of authorities to bring a lost sheep back to the flock; for many interrogators, however, the issue came to be seen as one of law and order and sheer crown loyalty, as a denial to confess was construed as willful insubordination to the government's policies. In addition, a confession also made the authorities' task easier--especially during preliminary examinations-- in that the burden of proof at trial lay on their shoulders, requiring them to summon witnesses, gather evidence, draw up articles, and marshal their arguments in a process that did not necessarily turn in their favor. Finally, a recantation, as will be seen,

---

[10] *AM*, 7:97-115. During the same period Thomas Haukes was subjected to at least eight lengthy examinations, where--like the others--a variety of tactics were used, including attempts by the authorities to persuade him by rational argument, threaten him with imprisonment in Newgate, and bring in former correligionists who had recanted and now urged Haukes to do the same. Haukes (along with Philpot and Woodman) remained firm in his Protestantism, however--"Jesu! Jesu! What stubbornness and arrogentness is this!" the bishop of London, Edmund Bonner, railed at one point--which culminated in a hasty formal trial and his final condemnation.

[11] See, for example, Edmund Bonner's exchange with Thomas Haukes (*AM*, 8:107):
Bonner: If any of [your brethren] recant, what will ye say to it?
Haukes: When they recant, I will make you an answer.
Bonner: Then thou wilt say as thou dost now, for all that.
Haukes: Yes, indeed, will I, and that, trust to it, by God's grace,
Bonner: I dare say, Cranmer would recant, so that he might have his living.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

was also a public relations coup for the authorities, who could use it in proving the truth of their cause and deterring others from moving in a false direction. [12]

It should be mentioned that torture was employed during this preliminary or pre-trial stage of questioning, though with the purpose of extracting information from the suspect rather than a confession or recantation. While the procedure was not as central or regularized as it was in France or Italy, England nevertheless used it in more than eighty cases from 1540 through 1640,[13] with one of the more famous victims being Anne Askew, who in 1546 was tortured so badly that she had to be physically carried to her own execution and held up to the stake by a chain.[14] One reason--or justification--that authorities had for employing torture was that it involved matters of state, not conscience: according to Cecil in his treatise justifying the practice, no Catholics were tortured over questions, for example, of transubstantiation or the mass, but were instead dealt with over conspiracies, or personal actions such as bringing papal bulls into the realm. Moreover, the guilt of those stretched on the rack was presumably established before torture had been used, with torture employed only for the purposes of having them yield further information[15]--all of which overlooks the fact that priests simply by their presence were

---

[12] After Nicholas Shaxton recanted his Protestantism in 1546, for example, he used the opportunity of his old friend Anne Askew's burning to preach a sermon explaining why he had been wrong, which had the result, according to Crowley, that "certain honest men informed me of the great number of them that through [Shaxton's] recantation" were once again conformed to the crown's religious policy; if Shaxton, on the other hand, had held firm to his faith, Crowley continued, then Henry "might through your constancy have been moved to search the scriptures for the truth of your opinions." See Robert Crowley, *The Confutation of xiii Articles whereunto Nicolas Shaxton, late byshop of Salisburye subscribed and caused be set forthe*...(London, 1548), sig. [B8v].

[13] John H. Langbein, *Torture and the Law of Proof: Europe and England in the Ancien Regime* (Chicago, 1977), 3, 73.

[14] It would be Wriothesley and Richard Rich who would personally work the rack on her. *AM*, 5:537-50.

[15] *A declaration of the favourable dealing of her Majestie's commissioners, appointed for the examination of certayne traytors, and of tortures unjustly reported to be done upon them for matters of religion* (1583). Repr. Somers Tracts, I (2nd ed., 1809), 209-212. See also A.O. Meyer, *England and the Catholic Church under Elizabeth* (New York, 1967), 179-81.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

perceived as guilty. Moreover, while torture theoretically functioned under the law--with the privy council carrying the authority to sanction torture--this didn't prevent notorious individuals such as Richard Topcliffe from inflicting their pain freely and without warrant, especially in the Elizabethan period when the use of torture had reached unprecedented levels.[16]

If a recantation was not secured in preliminary examinations or through the threat or reality of torture, the case, at least in heresy trials, would move on to the consistory court,[17] which began with an opening statement followed by the presentation of articles, witness statements, and evidence. Though the defendant could try to plead his own case at trial, the only options available to him were, again, a recantation of his beliefs or a verdict of guilty, with the latter leading to a formal sentence of condemnation. The bishop of the particular diocese where the case was being tried served as the primary interrogator, though he could be joined by other bishops as well as chancellors, deans, lawyers, various members of his entourage, and secular officials such as justices of the peace or members

---

[16] Langbein, 73-74. Torture also extended beyond the preliminary stage of questioning, however, and was also employed after the interrogations had ended and an indictment had been handed down, as was the case with the practice known as peine forte et dure, used against those who refused to make a plea upon indictment. Since refusal could at that time prevent a trial from going forward, the practice of "pressing"--of gradually laying weights upon the defendants--was used until they either made a plea or were crushed to death. Such was the ordeal of Margaret Clitherow, whose refusal to make a plea on her indictment of harboring priests in 1586 led to her being laid on her back with her arms outstretched and tied to posts "so that her body and her arms made a perfect cross" as the weight was lowered onto her, eventually crushing her to death. See John Mush, "A True Report of the Life and Martyrdom of Mrs Margaret Clitherow," *in The Troubles of Our Catholic Forefathers*, ed. John Morris (3 ser., 1877), 397, 432. See also Claire Cross, "An Elizabethan Martyrologist and his Martyr: John Mush and Margaret Clitherow," in *Martyrs and Martyrologies*, ed. Diana Wood (Studies in Church History 30; Oxford, 1993), 275-81.

[17] See John F. Davis, *Heresy and Reformation in the South-East of England, 1520-1559* (London, 1983), 7; see also John A. Thomson, *The Later Lollards 1414-1520* (Oxford, 1965). The more peripatetic court of audience was also frequently used in putting heretics on trial, though more so during the earlier time of the Lollards.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

of the privy council.[18] In cases where the charge was treason, however, trials were entirely secular, and were presided over by commissioners of oyer and terminer, who argued their case before a petty jury that consisted of men of rank and wealth who had been selected for their duty by the crown.[19] After the grand jury's formal presentation of the indictment, the defendant was asked to raise his right hand, face the court, and make a plea of guilty or not guilty, even though he had not been given the chance to view the indictment beforehand. There followed the presentation by the king's (or queen's) learned counsel, which usually consisted of the attorney general, the solicitor-general, and a king's serjeant, and the presentation of evidence in the form of incriminating letters, previous examinations, and depositions from witnesses. The defendant was then questioned, though he was given few opportunities at this point to present his own case, nor could he call his own witnesses to the stand. At the end of the trial the jury was dismissed to deliberate the case, and then returned when a verdict was reached; if the jury rendered the defendant guilty, then the presiding magistrate asked him if he had anything to say before he was to receive judgment "according to the law," which gave him the opportunity to plead for the king (or queen's) clemency. If this failed--and usually it did--then one of the judges then detailed the grisly punishment he would face.

Despite the emphasis that authorities placed on procedure and protocol--or on the legalism of what they were trying to do--ecclesiastical and secular courts in the sixteenth

---

[18] This mix of secular and ecclesiastical authority was in accordance with the statute *De haeretico comburendo*. For a general discussion of consistory courts, *de haeretico comburendo*, and the issue of religious conformity, see Ralph Houlbrooke, *Church Courts and the People during the English Reformation, 1520-1570* (Oxford, 1979), especially 214-60.

[19] Jurors were expected to possess a minimum requirement of wealth, since the idea was to make them immune to bribes; as Bellamy points out, however, by the sixteenth century the crown "sought to empanel those whose rank and wealth was equivalent to that of the accused"--as was the case with the trial of the earl of Surrey in 1546, when jurors consisted of the knights and squires of Norfolk. Most jurors fulfilled their duty, though some resisted, as was the case in the trial of Edmund Campion, when, in William Allen's words, "three of the first of that impanel being Squiers belike fearing God and doubting that justice should have no free course that day' refused to show up. See John Bellamy, *The Tudor Law of Treason* (Toronto, 1979), 166-68.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

century, or at least up to the time of Elizabeth, rested on unsteady, shifty foundations, due to the fact, in David Loades' words, that "temporal and ecclesiastical authority were [in the process of being] refashioned in England in the century or so following the break with Rome;"[20] Part of this instability was due to the changes in traditional jurisdictional structures, not to mention inconsistency from reign to reign in the very definition of heresy or treason--or the law--itself.[21] Under the statute of 25 Henry VIII c.14, for example, heresy trials were no longer bound by Rome's canon law but had to be initiated according to common law indictment while court decisions could be overridden by a higher secular authority, as was the case when John Faley, after being condemned for certain Lutheran heresies, appealed to the chancellor and was subsequently released.[22] Such changes were reflective not only of Henry's Erastianism but of the philosophy of men such as Cranmer, whose central arguments rested on the premise that canon law and the English law were incompatible, with the former exerting a tyranny over the latter.[23] To correct this illegal usurpation of the king's rightful position as head of the church, the changes unleashed in the 1530s decisively shifted the initiative of determining trials to the government, which named the commissions and controlled the actions of the judging

---

[20] See for example David Loades, *Structures of Authority in the Sixteenth Century* (London, 1997), 30-31, 34-43.

[21] The break with Rome in 1533 instigated some important changes regarding the heresy charge, requiring previous articles to be scratched out while others were added. In the period from 1520 through 1533, for example, bishops were compelled to update their formularies in order to condemn the new reformist ideas as well as earlier heresies such as Lollardy; when Lutheran elements became incorporated into policies of the 1530s, however, articles defining heresy as the refusal to recognize pilgrimages, for example, were erased, though others--especially those upholding the validity of transubstantiation--remained unaltered. With the passage of the Act of Six Articles in 1538, a swing back towards conservatism then required additional adjustments, though some articles--primarily against the sacramentarian heresy--remained constant.

[22] Davis, 13.

[23] *The Works of Archbishop Cranmer*, ed. J.E. Cox (Cambridge, 1843), 2:448; John Strype, *Memorials of...Thomas Cranmer*, ed. P.E. Barnes (2 vols; London, 1853), 744, 870; see also Diarmaid McCulloch, *Thomas Cranmer: A Life* (New Haven, 1996), 579.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

bishops, and would continue to do so, even in the reign of Mary.[24]

It was perhaps inevitable that lapses would appear in a system which had yet to work itself out legally and judicially, and while the defendants, as will be seen, found themselves subject to legal abuses and biases, trials and interrogations were not altogether unfair procedures. Acquittals, for example, were not unusual: as Geoffrey Elton has demonstrated, between 1532 and 1540 only thirty-eight percent of the 883 defendants charged with treason were actually executed. This number, however, is taken from the mass of indictments that include individuals whose cases were eventually dismissed or rejected by the crown, and therefore doesn't capture the actual percentage of individuals who lasted throughout a treason trial and were acquitted. Indeed, if the actual number of people sent on to trial for treason is factored in, the acquittal rate drops to ten percent--a low number that could reflect either the crown's care in taking only those of probable guilt to court, or evidence of the odds stacked against a defendant from emerging from trial acquitted. Moreover, whether they were guilty or not many individuals in the end also acknowledged and accepted their judgment when it came time to face their deaths on the scaffold; while Anne Boleyn may have asked her constable at the Tower, "Master Kingston, shall I die without justice?" she also, upon her death, told the crowd that they

---

[24] In the time of Edward's reign, when traditional heresy trials were repealed and the trials that did exist, against anabaptists for example, were conducted through the lay courts with bishops present, after an indictment had been handed down by the least three justices of the peace. See 1 Ed. VI cap. I., *Statutes of the Realm*, iv, I. See also Loach, 124-25. With Mary, parliamentary statutes brought about a restoration of medieval heresy laws that theoretically reinstituted the church's sole power over the trial process, though that process would again continue to be impelled, according to the fifteenth-century statute *De heretico comburendo*, by officials such as sheriffs, as well as justices and councilors who continued to take on as active role as they had under the supremacy. See Loades, *The Oxford Martyrs* (New York, 1970), 165. The trials of Nicholas Ridley, Hugh Latimer and Cranmer may have originated in Rome and been mandated by its Inquisitor-General, who delegated authority to the bishop of Gloucester, James Brooks, and ordered that a papal delegate--as well as proctors of the crown--be present among the questioners; see MacCulloch, 573-74. Brooks was aided by the dean of Windsor, Dr Weston, a "mercenary man," in Strype's words. *EM*, III.ii.c.1:65-66. This was the exception, however, as even Mary hung onto the prerogative of the supremacy when it suited her, which meant creating royal commissions for religious matters, and using the privy council to set the terms of persecution and give orders to bishops such as Edmund Bonner. See Alexander, 162.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

should "pray for the life of the King, my sovereign lord and yours...who hath always treated me so well that better could not be"[25]--a statement that reflects the overwhelming sense of obedience that most English subjects continued to hold for a monarch who transcended considerations of self, justice, and even, at times, the law itself.[26]

Still, the various shifts in court jurisdiction and procedure over the course of the century point to a legal uncertainty that undermined the power of the government and its instruments of enforcement and prosecution. As this study has attempted to argue, the forces of the state did not therefore bear down on its hapless victims unidirectionally, but were themselves in transition and flux, and subject to debate. Indeed, many defendants, unlike Anne Bolelyn, did in fact challenge the authority of the legal system right up until their deaths; moreover, the inconsistencies and weaknesses of the court system opened up "spaces" in which defendants, as will be seen, could come in during the trial itself with their own strategies of resistance, and both sides, quite validly, could lay claim to the law. There was a thus great deal of grappling back and forth about the legality of the proceedings and the charges under which the defendants were being tried, and while prosecutors in varying reigns were convinced of their legal and jurisdictional powers, the challenge to their authority nevertheless put them on the defensive, and often turned the trials into actual debates rather than simply displays of state-imposed might.

---

[25] *Lettre d'un gentilhomme portugais...sur l'execution d'Anne Boleyn, Lord Rochford, Brereton, Norris, et Weston, ed. F. Michel* (Paris, 1832), 13.

[26] Thomas More, however, was the exception in refusing to place the king above God's (or Rome's) law as he recognized it. See Lacey Baldwin Smith, "English Treason Trials and Confessions in the Sixteenth Century," *Journal of the History of Ideas* 15 (1954), 471-98.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Enter the Magistrate

The government, especially in Tudor England, was dominated not by institutions or bureaucratic entities, but rather by individuals who were propelled by their own particular pasts and motivations--all in service to the crown, of course. This fact becomes especially clear when one examines interrogations, which reveal, again, not a monolithic state acting in lockstep, but rather a complex process led by men who could variously turn irate, frustrated, bullying, and confused, and who were not above bending the law when it suited their interests. Any effort to understand the messy workings of policy and enforcement regarding religious dissidents must therefore take these individual interrogators into account, examining their backgrounds, the self-justifications they used, and the methods and tactics they employed to bring the defendant around to their side. At the same time, it should also be pointed out that the line between "persecutors" and "persecuted," or between those who stood behind and those who stood before the tribunal, could be a blurry one, as an interrogator in one reign could turn into the interrogated in the next, and familiarity between the individuals of both sides, along with their complicated pasts, mitigated the establishment of a rigid division between the two.

Despite the changes in personnel and legal structures, a hierarchy was in place throughout the century among those who did the examining, with royal ministers or secretaries such as Wolsey, Thomas More, Thomas Cromwell, Stephen Gardiner, or William Cecil resting at the top, instigating and sometimes participating in the questioning themselves. In heresy examinations ecclesiastical figures such as bishops and archdeacons took their cue from these men, though archbishops such as Cranmer,[27] Reginald Pole in

[27] Archbishop Cranmer played an active role as well in trials against John Lambert, Joan Bocher, and George van Parris. See McCulloch, 152-53; 474-78; 477. See also Horst, 109-12; 136-37.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Mary's reign and even Edmund Grindal in Elizabeth's time could take a more active part as well. Members of the privy council--including men such as the Duke of Norfolk, or Richard Rich--constituted the layer below these personages, and were joined by other secular officials who had been specially appointed to commissions, particularly if they were individuals trained in the law such as Thomas Martin or John Story, both enthusiastic Catholics in Mary's reign.

Though these figures are well known, it is difficult to gain a full sense of who they were, not least because they are portrayed with such bile by their enemies, whose examination accounts often constitute the only surviving documents. Historical accuracy was not always the goal of such writers, especially when their narratives could be shaped toward rhetorical and hagiographic ends, as was the case, for example, with John Foxe, who tended to present his narrative as a battle between darkness and light, evil and good; thus is the Marian commissioner John Story described by Foxe as the "white child of the mother church," a "hydra," "an arch-enemy to Christ's gospel," a " persecutor of God's people,"and a "bloody Nimrod," while other interrogators are used to contrast (Romish) pomp and ceremony and the apostolic simplicity of those under examination. In another Foxe account, the Bishop of Rochester, for example, is described as greeting the widow Margery Polley by "rising up out of the chair of his majesty, in the high swelling style, after his manner," and then proceeding to "dash the silly poor woman" with a pretentiously worded accusation.[28] Perhaps unsurprisingly, the worst culprit in this regard, however, is Cardinal Wolsey, who is portrayed as greeting the Protestant Robert Barnes by saying, "Is this Dr Barnes...had you not sufficient scope in the Scriptures to teach the people, but that my golden shoes, my pole-axes, my pillars, my golden cushions, my crosses did so offend you, that you must make us 'ridiculum caput' amongst the

---

[28] *AM*, 7:319.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

people?"[29] While he was speaking these words, Wolsey, in Foxe's description, sat "in his whole pomp, mitred...enthronised, his chaplains and spiritual doctors in gowns of damask and satin, and he himself in purple; even like a bloody Antichrist."[30]

Even in the biased accounts of Foxe, however, or in the Catholic narratives by William Roper or William Allen,[31] interrogators are often individualized--if only to be demonized--and portrayed as impassioned advocates of an orthodoxy, albeit a wrong one. What is missing from these accounts, as well as the work of later (and recent) historians, is an examination of these interrogators on their own terms; indeed, rather than constituting mouthpieces for high policy, or serving as attack dogs for the state, interrogators were in fact acting in all rationality, as even their enemies had to admit at times. For one thing, the interrogators did not view themselves as persecutors, or even as prosecutors; rather, in cases of heresy they were defenders of the true religion, confronting not Christians but dangerous religious deviants, while in treason cases, especially in Elizabeth's reign, they were taking down conspirators against the crown rather than singling out an innocent community of Catholics. Moreover, all interrogators believed to

---

[29] *AM*, 5:414-38.

[30] *AM*, 5:418. Defendants, by contrast, are imbued with apostolic simplicity; see for example the description by Foxe of Hugh Latimer, who is presented as "plain speaking" in accordance with his beliefs. Knott, 74.

[31] Similarly, Edmund Bonner, the bishop of London, is depicted as a curdling monster, who at one point screams, "They call me bloody Bonner. A vengeance on you all! I would fain be rid of you, but you have a delight in burning. But if I might have my will, I would sew your mouths, and put you in sacks and drown you." Bonner, however, seems to have also been defensive--or at least prickly--about his status; at one point Foxe gives an example of his particular coarse humor when he reports the bishop "sitting at the board with his claret wine...[and saying] that where he hath been noted to be a blood-sucker, he never sucked any other blood, but that only in the goblet." *AM*, 8:452.See also John Gerard on his examiner/persecutor Young, who "died for his sins, and died as he lived--miserably;" according to Gerard, after Young went out searching houses for Catholics "one rainy night, at two or three o'clock," he "became ill, contracted consumption and died." John Gerard, *The Autobiography of an Elizabethan* (London, 1963), 92. Writers here were also borrowing from the tradition of the tyrant play, first set out in the new testament with Caiaphas, seen "rending his robes" in Matthew and Mark. Kendall, 57-58.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

some extent or another that they were working under the aegis of order in the realm, and that the law imbued them with the responsibility of ensuring the stability of England--a responsibility that all of them professed and took very seriously, even if they did not always follow some legal guidelines in practice.[32]

This respect for the legality of the proceedings was due in part to the background of many interrogators, who had been extensively trained in the law, or were at least proficient in the exercise of it. Thomas More, for example, had gone through Lincoln's Inn, one of the four colleges that constituted the Inns of Court,[33] and as lord chancellor presided over the court of chancery,[34] while Thomas Cromwell had begun as a solicitor and a member of Gray's Inn--which was also Cecil's alma mater[35]--as well as a member of parliament and legal councillor to Wolsey.[36] John Story, so excoriated by Foxe, began his career as a laybrother of the Greyfriars and went on to hold the patent as regius professor in civil law at Oxford under Henry and, for a time, Edward; upon Mary's

---

[32] See *PP*, 399.

[33] J.H. Baker writes of the Inns of Court that "they helped in a broader way to form the character of English society. They were, already by 1450, the third university of England, a university which may have had more influence on the gentry than Oxford or Cambridge. Here the future statesmen, members of parliament, sheriffs, country magistrates, and official classes, joined together in work and play...Erasmus was a poor judge of the qualities of the common law, but he perceived that those who succeeded in it were highly regarded: 'there is no better way to eminence [in England], for the nobility are mostly recruited from the law.'" See J.H. Baker, "The English Legal Profession," in *The Legal Profession and the Common Law* (London, 1986), 98; see also his "Inns of Court and Chancery as Voluntary Associations," in Ibid., 45-47.

[34] In his capacity as presider over the court of chancery, More was responsible for, among other things, introducing certain innovations--for example, that a person was to be represented in court by attorneys rather than be compelled to appear in person.

[35] Conyers Read, *Mr Secretary Cecil and Queen Elizabeth* (New York, 1961), 30-31.

[36] For background on Cromwell's legal past see G.R. Elton, *The Tudor Revolution in Government* (1953); "King or Minister? The Man behind the Henrician Reformation," *History* 39 (1954); "The Political Creed of Thomas Cromwell," *Trans. Royal Hist. Soc.*, 5th ser., vi (1956).

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

accession--and after a falling out with the Edwardian regime [37]--Story again returned to the post, only to resign and become chancellor under Bonner in London, where he earned his malignant reputation. Bishops--as well as lay lord chancellors such as More and Audley--were also expected to be fully knowledgeable in the canon law, especially as overseers of the consistory court; while this was less the case after the break with Rome, when a new generation of bishops was ordained, many Protestants such as Cranmer had deep backgrounds in canon law to the point where their knowledge made them especially able theorists and critics against it.

Under Elizabeth, when heresy trials gave way to treason trials, the presiding judges consisted of serjeants-at-law, who numbered an exclusive brotherhood of ten and were"created" at the bar of the court of the Common Pleas. Having come up through the Inns of Court, the serjeants-at-law were appointed to the King's Bench or Common Pleas--the forums for treason trials--and considered to be the top jurists in the field, as their opinions, recorded in the year books, were alone responsible for shaping the common law in the realm.[38] But in treason and other cases, serjeants-at-law also faced emerging competition in the attorney-general and solicitor-general, crown law officers who had been similarly immersed and advanced in the law, and who shared in the same judicial appointments; like the serjeants-at-law, solicitor and attorney generals were expected to keep alive their connections with the Inns of Court which had trained them, though they lived apart and were considered to have achieved an eminence in the law that went far beyond that of the Inns teachers.[39]

---

[37]Story held Catholic tendencies under Henry, only to recant his views at the beginning of Edward's reign; eventually, however, he came into trouble when , as a sitting MP, he declared, "Woe unto the land whose king is a child!" For this he was reprimanded by parliament and imprisoned in the Tower. Hallam, I. 271.

[38]See J.H. Baker, "The English Legal Profession," 78-79.

[39] Ibid., 78-80. The law was not necessarily aligned with the establishment or authorities, however. As will be seen, defendants could also have a background in the law and thus present excellent legal challenges from the other side; moreover, institutions such as the Inns of Court

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

It is necessary to point out the importance with which these interrogators viewed the law, for it was one of the governing principles that they held up to justify their actions. At the same time, a professed fealty to the law was also undermined by the fact that the law--in charging suspects, and in trying and condemning them--could vary from one reign to another, and therefore never stood immutable and inviolate. Major changes in policy, for example in the repeal of heresy statutes or the establishment of the supremacy, were effected through parliament, and all actors, from the monarch on down, asserted the legality of their positions; yet while obedience to the law may have been proclaimed, the law itself was something of a fiction, since it could change in accordance with the demands of the new monarch and the historical exigencies of a particular time.

Sometimes the primacy with which interrogators placed the law could lapse, however, into a kind of tortured legalism--or was perceived as such by the opposition. This was especially the case when it came to Protestant defendants, whose adherence to the one clear law of God was contrasted by writers such as Foxe and John Bale with the specious legal encrustations that clung to interrogators along with all the other hollow ceremonialism associated with the Romish church.[40] According to Foxe, when in 1531 the draper Thomas Patmore found himself in trouble for speaking against the saints, for

---

were notorious jails for both recusants and puritans later on in the century, even though supposedly reformed judges exerted control over them. The freedom enjoyed by the inns of court was due in part to the fact that the lawyers were given almost unlimited powers of exemption, including exemption from the crime of recusancy, and could therefore enjoy privileges of belief; while later measures were also enacted to exclude papists from the Inns, this didn't reverse a deep association of some Catholics with the law--as was the case with the Thomas More-related Roper family, which continued to hold its clerkship at the Court of King's Bench See Geoffrey de C. Parmiter, *Elizabethan Popish Recusancy in the Inns of Court* (London, 1976). See also C.W. Brooks, *Pettyfoggers and Vipers of the Commonwealth: The 'Lower Branch' of the Legal Profession in Early Modern England* (Cambridge, 1986), 270; Elliot Rose, *Cases of Conscience: Alternatives open to Recusants and Puritans under Elizabeth I and James I* (Cambridge, 1975), 65.

[40] Good lawyers, for example, knew how to shape--or, one could say, distort--evidence toward their own favor: during the interrogations of Marian Protestants, for example, examiners were known to manipulate scripture or the writings of defendants in order to bring on a confession, leading Foxe to compare them to "God's enemies from the beginning," who "falsify, wrest, and deprave all things, whatsoever maketh not to their faction and affection, be it ever so true and just."

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

example, he was brought before Stokesley, and became "so wrapt in the bishop's nets that he could not get out," which resulted in his having to abjure and pay a fine to the king of 100 pounds.[41] The prevalence of entrapping and subtle questions--the "crafty couching of...interrogatories," as Foxe put it--had early on been a well-known complaint by the laity, leading to a "Supplication against the Ordinaries" made in 1532, which may have been inspired by the trials of Thomas Bilney,[42] described by Dickens as reflecting "the rigid, merciless legalism of the system at its worst."[43]

The attempt to entrap a defendant through legal means worked less well, however, when the defendant was himself trained in the law. In the case of Thomas More, a series of questioners made constant efforts to hold him to a firm position when he persisted in his silence regarding the oath of supremacy, and used various entrapping strategies to do so. Sometimes the strategies even worked, or at least succeeded in scoring a point of debate. At one point during an early examination, for example, Cromwell attempted to unloosen More's silence or imprecision concerning the king's supremacy by pointing out that More had once compelled men to make a stand concerning the pope's authority; when More pointed out that the recognition of the pope had been different, since--unlike in England--"the pope's power was recognized for an undoubted thing," Cromwell replied that people "were as well burned for denying of that, as they be beheaded of denying of this, and therefore [had] as good reason to compel them to make precise answer to the one as to the other."[44]

In general, the Inns of Court breathe through these interrogations, and training at

---

[41] *AM*, 5:803-04.

[42]Davis, 11.

[43]Dickens, *The English Reformation*, 80. Bilney was allowed to abjure without acknowledging the beliefs ascribed to him--a turn of events that inspired More to rail against the stretching of the law. See also Walker, 219-20.

[44]Reynolds, 339.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

the moot courts, which required that students set forth imaginary scenarios and spar with each other over them, was particularly evident.[45] In the famous, if controversial, conversation that Richard Rich recounted between himself and Thomas More, for example, Rich followed this tradition by saying, "Admit there were, sir, an Act of Parliament that all the Realm should take me for King. Would not you, Master More, take me for King?" Rich then allegedly "put [the] case further" by asking that if there were an Act of Parliament "that all the Realm should take me for Pope...would you then, Master More, take me for Pope?" More, who was familiar with hypotheticals, said that while parliament, could meddle in affairs of temporal princes, "to make answer to your other cause, I will put this case: Suppose the Parliament would make a law that God should not be God. Would you then, Master Rich, say that God were not God?" Rich answered no, that "no Parliament may make any such law," and later testified--controversially--that More then added that words,"No more...could the Parliament make the King Supreme Head of the Church."[46][47]

A background in the Inns of Courts moots could also be discerned in Thomas Martin's interrogation of Thomas Cranmer during trial as to whether, according to Cranmer's reasoning about supreme headship, Nero could then be considered the head of the church. Cranmer, who should have brought forth his own ideas distinguishing full headship--which only a Christian could hold--and temporal authority, instead fell into the trap and replied that Nero was head of the church "that is, in worldly respect of the temporal bodies of man." This in turn provoked Martin to reply,"Then he who beheaded the heads of the church, and crucified the apostles, was head of Christ's church; and that

---

[45]J.H. Baker, "Learning Exercises in the Medieval Inns of Court and Chancery," in *The Legal Profession and the Common Law: Historical Essays* (London, 1986), 7-23.

[46]More was an alumnus of Lincoln's Inn, one of the four colleges that comprised the Inns of Court. See Baker, 93.

[47]Reynolds, 342. See also *PP*, 411.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

he that was never a member of the church, is head of the church by your new found understanding of God's word." Indeed, Martin in general was brutal in his examination of Cranmer, who seems to have collapsed in the face of the barrage:

> Martin: Now, sir, as touching the last part of your oration, you denied that the Pope's holiness was Supreme Head of the church of Christ.
> Cranmer: I did so.
> Martin: Who say you then is Supreme Head?
> Cranmer: Christ.
> Martin: But whom hath Christ left here in earth his vicar and head of hichurch?
> Cranmer: Nobody.
> Martin: Ah! Why told you not King Henry this when thou had made him Supreme Head? And now nobody is. This is treason against his own person as you then made him.[48]

In the same trial of Cranmer, the archbishop's case was further weakened when he was made to answer for the evidence, which the lawyers ably exploited by presenting him with incriminating documents from the notarial archives that attested to his having once sworn loyalty to the pope; even though Cranmer had long explained his changeover from Rome to the King, the evidence nevertheless was damaging and bespoke an inconsistency from which it was difficult to respond.[49] Later on, during the treason trials in Elizabeth's reign, prosecutors also took advantage of evidence, or used the defendant's previous examinations and confessions against him;[50] such was the case during the trial of the

---

[48] *AM*, 8:58-59.

[49] MacCulloch, 578.

[50] It should be pointed out that handwriting was also very important in presenting evidence as incriminating. In 1543, for example, Stephen Gardiner accused John Marbeck of disobeying the Act of Six Articles by presenting him with evidence of his writings and scribbled marginalia--which could be matched to a piece of writing from an earlier written statement that had been intended as a confession but instead came out as a reassertion of belief; Marbeck, however, remained obstinate in his claim of innocence, and refused to budge from this position throughout his ordeal. See *AM*, 5:166. During his own preliminary examination thirty years later, the Jesuit John Gerard offered to reply to the charges against him in writing, which Topcliffe was "delighted to do," "hoping to trip me up in what I wrote, or at least to get a sample of my handwriting;" in this way, he could "prove that certain papers found in the search of the houses [where he had been hidden] belonged to me." But Gerard "saw the trap" and wrote false words in a "feigned hand." See Gerard, 69-70. *AM*, 5:569.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

seminary priest Cuthbert Mayne, whose interrogators were able to point out that since in his examination Mayne had stated that he brought twelve or thirteen Agnus Dei into the realm, and he only had eight or nine copies when he was captured, the rest were delivered in direct contravention of the act 13 Elizabeth c.2. Later, incriminating letters were produced as well, further leading Mayne down a path that ended in conviction.[51]

For all their occasional successes, interrogators nevertheless had a difficult time in trying to break down the resilience of defendants who remained persistent in their religious convictions. Sometimes friendliness or sympathy was used as a tactic,[52] as were bluffs and even bribes, though of no avail if the defendant was set on holding fast, even if it meant martyrdom.[53] Indeed, while such practices may have been used in criminal cases, the offering of bribes to religious dissidents was especially heavy-handed and unsuccessful, and indicative of a measure of desperation on the part of interrogators. Thomas Martin, for example, attempted to persuade John Careless to recant by offering

---

[51] *The Troubles of Our Catholic Forefathers*, i:73-77; see also Bellamy, 148-49.

[52] Friendliness was in fact a common method that interrogators used, especially at the beginning of the examination process. Bonner, for example, kissed John Philpot's hand early on in the examination and said, perhaps with some feigned innocence,"I am right sorry for your trouble, and I promise you before it was within these two hours, I knew not of your being here, I pray you tell me what was the cause of your sending hither; for I promise you I know nothing thereof as yet, neither would I you should think, that I was the cause thereof. And I marvel that other men will trouble me with their matters; but I must be obedient to my betters." Later in the examination, when Philpot still proved obstinate, Bonner nevertheless ordered that Philpot be brought "to the cellar, and let him drink a cup of wine," in a gesture of sympathy that would later unravel over the course of later examinations. See also the case of Tyms, who seems to have been well-liked by his persecutors, though they were also using friendliness as a tactic: "Ah, good fellow!" they said to him, "thou art bold, and thou hast a good fresh spirit; we would thou hadst learning to thy spirit." "I thank you," Tyms replied, adding; "and both you be learned, and I would you had a good spirit to your learning." See *AM*, 8:108.

[53] Another tactic in the interrogator's bag of tricks was the bluff, which like the other tactics was not altogether successful: during one of his examinations in 1594, for example, the priest John Gerard was told by his examiner Young, "How much more sensible Father Southwell is. Like yourself he was obstinate from the beginning. Now, he is ready to conform, and wanted to talk with some learned man." Southwell, of course, never conformed, nor he was about to, even though Young--according to Gerard--swore on a Bible that Southwell "has offered to treat with a view to accepting our religion." But Gerard remained unmoved, saying, "I don't believe for a moment that Father Southwell wishes to treat with anyone, I mean from any faltering on his part or from any wish to learn from a heretic what he should believe." Gerard, 74-75.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

him a more earthly reward: "Thou speakest so much of the Lord, the Lord," he said, "wilt thou be content to go with my lord Fitzwalter into Ireland? Methinks thou art a goodly tall fellow to do the queen service there." Careless answered that he would be glad to do the queen service; "And if her grace or her officers under her do require me to do anything contrary to Christ's religion, I am ready also to do my service in Smithfield for not observing it, as my bed-fellow and other brethren have done, praised be God for them."[54] James Abbes, on the other hand, seems to have accepted a bribe of money from the bishop of Norwich,who subsequently released him, though his conscience bothered him so much that he went back and recanted his recantation.[55] Threats had a better chance of working, as was the case in 1543, when Robert Wisdom was visited in prison by Edward Whitechurch and told of the punishments he would face as a heretic, which resulted in his abjuration.[56] For others of a stronger temperament, however, threats only served to strengthen them further. During one of Thomas More's early examinations in prison, Cromwell asked whether he was aware that the King "would follow the course of his law toward such as he shall find obstinate?", to which More replied that "My poor body is at the King's pleasure, would God my death might do him good."[57] On a more brute level, the priest John Gerard, while detained in prison, faced Richard Topcliffe--"old and hoary and a veteran in evil"--who demanded, "You know who I am? I am Topcliffe. No doubt you have often heard people talk about me?" As he said this, he "slapped his sword on the table close at hand as though he intended to use it, if occasion arose."[58] Gerard, however, remained unmoved.

---

[54] *AM*, 8:169-70. Still, Martin remained pleasant: "By my troth," he said before leaving, "thou art a pleasant fellow as ever I talked with of all the Protestants."

[55] *AM*, 7:328.

[56] Bailey, 180-81.

[57] E.E. Reynolds, *The Field is Won*, (New York, 1978), 335.

[58] Gerard, 69.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Religious dissidents, especially those willing to go to their deaths, were thus the worst possible subjects for the interrogator to examine, as even simpler and more illiterate individuals could frustrate all tactical, lawyerly attempts to induce them to conform. As will be seen, genuinely impassioned defendants were working from a different set of assumptions than their interrogators, and according to what they believed was a higher law or principle; against this shield interrogators in the end could do little except use their legal weapons to entrap or bully or, failing that, to cajole. Not surprisingly, many sessions lapsed into frustration for the interrogators, as was the case in the 1558 trial of Roger Holland, whose examiners, Dr Chedsey, addressed the defendant with kindness and an appeal to familiarity, only to be told, "Sir, you crave of God you know not what...I beseech God to open your eyes to the light of his word," and to turn away from the Roman church and its falseness. When Holland was then dismissed and returned for his second examination, Edmund Bonner then attempted to appeal to him by saying, "Roger, for thy friends' sake (I promise thee) I wish thee well, and I mean to do thee good.;" still Holland refused, despite Bonner's entreaty during his last examination, that "you will not with these lewd [heretics] cast yourself headlong from the church of your parents and your friends that are here...[P]lay the wise man's part and come home." Ultimately Holland chose martyrdom.

Indeed, in their dealings with heretics or traitors, interrogators could display a remarkable amount of patience, especially with challenging or insulting defendants. The examinations of John Philpot above all attest to the exhaustive lengths which interrogators were willing to go, and while Philpot was a notable figure, interrogators could also expend the same amount of energy on lesser folk such as the fisherman Rawlins White. Even Thomas More, who wrote the blistering *Confutation of Tyndale* and called the heretic Thomas Hitton the "devil's stinking martyr," advocated moderation and patience in his *Dialogue Concerning Heresies*, which instructed clergy on how to "see through the

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

cunning malice of heretics."[59] More knew from experience--and from sitting in at heresy trials[60]--that heretical opinions could withstand hours of interrogation, and that if a recantation finally did come forward, then the opinions could reassert themselves afterwards; indeed, challenges to heresy, no matter how reasoned and convincing, had difficulty withstanding the more passionate oratory of a well-preached sermon, as More himself understood.[61] For him, heresy was a sickness, a diabolic infection that took insidious, labyrinthine forms in the educated and uneducated alike; moreover, heresy could become convoluted with hearsay, as individuals took in doctrines secondhand and judged clerics, for example, on the basis of this flimsy sidelong evidence. More's purpose was thus to use dialogue--or interrogation--to make the heretic "see again" by countering false knowledge with the right and true knowledge, not only through verbal persuasion but through the presentation of written evidence--Luther's works, for example--that could be countered with lawyerly, reasoned arguments.[62]

Nevertheless, the frustration that interrogators experienced, especially at the hands

---

[59] Instigated at the urging at Bishop Cuthbert Tunstall, the work consisted of a long, ongoing dialogue between a character named "More" and "the Messenger," a tutor to the children of one of More's friends, who had lately drunk in the heretical, Lutheran views circulating in the 1520s. Geoffrey Elton, by the way, tends to portray More as singularly violent and zealous persecutor, overlooking the *Dialogue Concerning Heresy*, and focussing instead on works such as the Tyndale Confutation. See Elton, "Persecution and Toleration in the English Reformation," in *Persecution and Toleration*, ed. W.J. Sheils (*Studies in Christian History* 21; Cambridge, 1984), 164-71.

[60] The most famous trial which More sat in on was that of Thomas Bilney, who underwent examination by Cuthbert Tunstall, John Fisher and others. More was also present at the trial of John Tewkesbury, a Protestant preacher, in 1531. See More, *Confutation*, 10-11, 17-18; see also his *Dialogue Concerning Heresies* , volume 6, part one of *The Yale Edition of the Complete Works of St Thomas More* (New Haven), 410. For background on the writing of the *Dialogue*, see Peter Ackroyd, *The Life of Thomas More* (New York, 1998), 279-83.

[61] See the letter of More to Colet, which described his having been "stirred" at the powerful preachings of the Lutheran Thomas Bilney. E.F. Rogers, *The Correspondence of Sir Thomas More* (Princeton, 1947), 6

[62] The treatise's dialogue took place over the course of weeks, however, in a series of private sessions conducted in a leisurely, unhurried manner; while the treatise certainly gained a wide readership, realities of heresy trials often made it impossible for authorities to follow through such a plan as More laid out, thus rendering his treatise, for the most part, theoretical.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

of obstinate and frequently insulting heretics or Jesuit traitors, often sent the process into a downward spiral. In this, Edmund Bonner displayed the hottest temper, as was the case in his dealings with the Protestant John Rough, who had been to Rome and now claimed the pope to be antichrist, all of which caused Bonner to lose his temper and "[make] as though he would have torn [Rough's] garments." "Hast thou been at Rome and seen our holy father the pope, and dost thou blaspheme him after this sort?" Bonner then asked; "And with that flying upon him, he plucked off a piece of [Rough's] beard." [63] Less heated but no less frustrating was the 1555 trial of the bishop Robert Ferrar, which descended into simple accusation and denial, with a measure of equivocation thrown in:

> Bourne: "You were once abjured for heresy in Oxford."
> Ferrar: "That I was not."
> Bourne: "You were."
> Ferrar: "I was never; it is not true."
> Bourne: "You went from St David's [Ferrar's diocese] to Scotland."
> Ferrar: "That I did not."
> Bourne: "You did."
> Ferrar: "That I did never; but I went from York into Scotland."

---

[63] *AM*, 8:448. Bonner is also responsible for placing in a blind harper's hand a piece of burning coal, forcing the hand to fasten around it, "and so was his hand piteously burnt;" while Foxe attributes the story to one Valentine Dingley, he adds--somewhat curiously--a reference to the burning of Mucius Scaevola's right hand after he attempted to murder Titus Livius. See *AM*, 8:386. In any case, incidents such as this, whether true or not, clearly serve as a narrative device as a way of foreshadowing the burnings ahead; by showing the fortitude and courage of the victims suffering such cruelties, Foxe sets the stage for what will come. In 1557 Rose Allin, for example, was holding a candle in one hand and a stone pot in another when Edmund Tyrrel seized her hand and "held her wrist, and the burning candle under her hand, burning cross-wise over the back thereof so long, till the very sinews cracked asunder"; when Allin made no sound, an enraged Tyrrel shrieked, "Why, whore! Wilt thou not cry? Thou young whore! Wilt thou not cry!" Instead, in a display of passive suffering necessary to martyrdom, Allin replied that "she had no cause, she thanked God, but rather to rejoice." Later Allin told a fellow prisoner that with her pot in the other hand she "might have laid him on the face of it." Instead, in remembering the passive suffering necessary to martyrdom, she said "I thank God with all my heart I did it not." *AM* 8:385-86. For another example of a heated interrogation, see the case of Elizabeth Young, whose examiner, Chomley, seems to have become unglued when she refused to swear on oath. "Twenty pounds, it is a man in a woman's clothes!" he shrieked, "twenty pounds it is a man!" Bonner replied, "Think you so, my lord?" and assented with others to have her swear that she was a woman, which Young refused to do. The matter was dropped when she then suggested that she be examined by other women as to her sex, leaving Chomley to mumble, "Thou art an ill-favored whore." See *AM*, 8:540.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Bourne: "Ah! So said I: you went with Barlow."
Ferrar: "That is true; but never from St David's."
Bourne: "You carried books out of Oxford, to the archbishop of York, Edward Lee."
Ferrar: "That I did not."
Bourne: "You did."
Ferrar: "I did not; but I carried old books from St Oswald's to the archbishop of York."[64]

Perhaps the most off-putting challenge that interrogators faced, however, occurred when they were on familiar terms with the defendants--a situation that was also unique in the examination of religious dissidents, many of whom had once shared beliefs and were members of the same community as those who were now questioning them. Sometimes interrogators used this familiarity as a questioning tactic, as when Dr Web appealed to the Protestant John Bland by saying, "Master Bland, I knew you when ye were not of this opinion. I would to God ye would reform yourself;" Bland, however, replied, "If ye had known me of another opinion than I am of now, it was for lack of knowledge."[65] Less sympathetic was James Brooks, who served as one of Cranmer's judges in the 1555 trial, thus continuing an antagonistic relationship that had begun in the 1530s, when Brooks had been a member--and adversary--of the conservative, anti-Cranmer faction at Oxford.[66] Thomas More similarly faced an antagonistic and prejudicial commission of judges: not only did the nineteen commissioners include Cromwell, whose dislike of More was evident, but also the Duke of Norfolk (Anne Boleyn's uncle), the earl of Wiltshire (Anne Boleyn's father), the Duke of Suffolk (Henry's brother-in-law), as well as a number of

---

[64] *AM*, 7:22.

[65] *AM*, 8:295.

[66] MacCulloch, 573-74; 578-79. In the exchange between the two men, Cranmer pointed out that Brooks had once taken the oath of supremacy too; Brooks replied, however, that "I knew not then what an oath did mean, and yet to say the truth, I did it compulsed, compulsed I say by you, master Cranmer; and here you were the author and cause of my perjury." Quoted from MacCulloch, 578.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

officers of the court who served as Henry's direct appointees. One of the commissioners, Thomas Audley, not only was More's successor as lord chancellor, but so did he also reveal himself as a lackey to the king when he earlier told More's stepdaughter, Lady Alington, of the necessity of adjusting one's conscience to the winds of popular opinion. As for Norfolk--who had also judged the Carthusian monks and John Fisher, and would later turn around and judge his niece Anne Boleyn--a conversation recounted between him and More reveals his own inclinations. "By the Mass, Master More," Norfolk recalled his saying to More, "it is perilous striving with princes. And therefore I would wish you somewhat to incline to the King's pleasure, for, by God's body, Master More, *Indignatio principis mors est.*"[67]

Over the course of the century, the relationship between interrogators and those they interrogated grew even more complicated and antagonistic, especially when religious and political affiliations shifted from one reign to another. [68] In the time of Mary, this was especially evident with men such as Edmund Bonner, who started his career as a Wolsey protégé and firm upholder of the royal supremacy in the 1530s, only to return to Catholicism and embrace the pope once more as the church's rightful authority.[69] This changeability was noted by the defendants who now faced him, including William Tyms, who mentioned that Bonner had not only taken the oath of supremacy under Henry, but had written the preface to Stephen Gardiner's pro-supremacy treatise entitled *De Vera*

[67]More answered, "Then in good faith there is no difference between your grace and me, but that I shall die today, and you tomorrow." Roper, 71. See also Reynolds, 76-77.

[68]See Philip Hughes, Appendix III, "There Heretical Past of Judges in the Marian Persecution," 2:349-52.

[69] For Bonner's deprivation see *Wrioth., Chron., ii.* 33-34. See also Jennifer Loach, *Edward VI* (New Haven, 1999), 119. Among the problems witnessed by Bonner, and which caused him to rebel against Protestantism, was the influx of anabaptists and other heretical sects into the realm, as well as difficulties such as the bitter vestments controversy, when the radical John Hooper, upon his nomination as bishop of Gloucester in 1550, denounced the "shameful" oath he would have to take and the vestments--namely, the surplice-- he would be made to wear. Upon Mary's accession to the throne he was subsequently returned to power as bishop of London, where he fulfilled his functions as an active persecutor until Elizabeth came to power and he was sent back to the Marshalsea.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Obedientia. In his defense, Bonner replied:

> Lo! Here is a goodly matter indeed, My lord of Winchester [Stephen Gardiner] being a great learned man, did write a book against the supremacy of the pope's holiness, and I also did write a preface before the same book, tending to the same effect. And thus did we, because of the perilous world that then was: for then was it made treason by the laws of this realm to maintain the pope's authority, and great danger it was to be suspected a favourer of the see of Rome; and therefore fear compelled us to bear with the time, for otherwise there had been no way but one. You know when any uttered his conscience in maintaining the pope's authority, he suffered death for it...But since that time, even since the coming of the queen's majesty, when we might be bold to speak our conscience, we have acknowledged our faults.[70]

It is important to touch on the way defendants exploited their examiners' complicated shifts in allegiance, since by doing so they could undermine the interrogations, and the authority which those in power were trying to establish. Gardiner,[71] who, as mentioned, once wrote the book on supremacy, only to switch back, like Bonner, to the pope, was particularly subject to such barrages. "As I remember," the Protestant Thomas Rose said to Gardiner in Mary's reign, "that when this truth [of the doctrine of supremacy] was revealed unto you, you thought the scales to fall from your eyes;" "Thou liest like a varment," Gardiner replied; "there is no such thing in my book."[72] During the same period, John Rogers challenged Gardiner on the same point, saying that the bishop had upheld the act of supremacy passed by parliament:

> Gardiner: Tush! That parliament was with most great cruelty constrained to

---

[70] *AM*, 8:110.

[71] Gardiner enjoyed the king's favor for much of the 1540s, though he became opposed to Somerset and Cranmer under Edward's reign and returned to Catholicism, resulting in his imprisonment. Gardiner, it should be said, was certainly Machiavellian in his way--Henry believed there was a "colored doubleness" to him--yet his imprisonment over the course of five years under Edward for refusing to relent on his belief in transubstantiation, and his authoring of a sharp treatise upholding the real presence, does attest to some theological constancy on his part. See in general Glyn Redworth, *In Defence of the Church Catholic: The Life of Stephen Gardiner* (Oxford, 1990).

[72] Gardiner was correct; there was no such Pauline phrase as the "scales falling from my eyes" in his treatise. Ibid., 39-40; 278-81.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

abolish and put away the primacy from the Bishop of Rome.
Rogers: With cruelty? Why then I perceive that you take a wrong way with cruelty to persuade men's consciences. For it should appear by your doings now, that the cruelty then used hath not persuaded your consciences. How then would you have our consciences persuaded with cruelty?[73]

Such exchanges thus put the questioners on trial, and allowed defendants to gain a modicum of control over the proceedings. Indeed, the conviction of their beliefs combined with outrage over their questioners' apparent hypocrisy to produce frequent outbursts of impudence, as when the blacksmith John Fortune accused his bishop of perjury for standing before him now when once he had taken the oath repudiating the pope,[74] In the same period, Robert Smith addressed the doctors before him with the words, "Where were you in the days of King Edward, that ye spake not that which ye speak now?...Ye have for every time a visor: yea, and if another King Edward should arise, ye would say then 'Down with the pope, for he is antichrist."[75] Indeed, when William Tyms confronted Edward Tyrrel with the fact that Tyrrel had upheld the same Protestant truths as he in the days of Edward; Tyrrel replied that he never believed those truths in his heart, Tyms replied, "then I pray you, master Tyrrel, bear with me; for I have been a traitor but a while [since Mary's accession], but you have been a traitor six years [under Edward]."[76]

It should be pointed out, however, that many interrogators could genuinely answer for themselves: when Richard Woodman accused the bishop of Lincoln of being a turncoat, for example, the bishop, John White, replied that in fact he had spent the days of Edward "in the Tower, as the lieutenant will bear me record;"[77] during the same period,

---

[73] AM 6:593-600.

[74] Thomas Cranmer, as mentioned, also labelled his interrogator, James Brooks, Bishop of Gloucester, a perjurer--"You, my lord, are perjured"--for having taken the oath forsaking the pope. See *AM* 52-53.

[75] *AM* , 7:353.

[76] *AM*, 8:108; 110.

[77] Ibid., 373. For other cases see *AM* 8:163; 8:431-32; 8:308.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Thomas Haukes asked his interrogator Chedsey where he was in Edward's reign, to which Chedsey answered, "in prison."[78] Other ardent and consistent Catholics in Mary's reign, included Dr Draicot[79] and John Story, while another examiner, Thomas Martin, also seemed a genuine, if not quite good Catholic: after his education at Oxford, he spent much of Edward's reign in Europe, where he seems to have lived a dissolute life of brothel-visiting among syphilitic priests; while he did arrange the smuggling into England of books which attest to his Catholic sympathies, he spoke against clerical celibacy and, according to the anti-Catholic polemicist John Bale, told Cranmer that he was a Protestant. In Mary's reign he returned to England, where he proceeded to interrogate Protestants such as Elizabeth Young and destroy Cranmer on the stand; still, this "natural Proteus," in Bale's words, managed to live on despite his reputation through Elizabeth's reign, taking the oath of supremacy and advising Burghley on orchards and various other horticultural matters.[80]

During Elizabeth's reign, interrogators showed more constancy and could render a clean account of their pasts, since few of them had been active persecutors under Mary. Those who were, such as Richard Rich, may have retained a modicum of power, but they didn't serve as active commissioners during treason trials. Indeed, the worst that could be said--and it wasn't said--about interrogators such as Burghley[81] was that they had quietly sat out the reign of Mary, neither acquiescing to nor actively rebelling against her policies. Catholics under interrogation, however, did bring up the general issue of the period's confusing instability to justify their beliefs, as the following statement from Cecily Stoner,

---

[78] *AM*, 8:107.

[79] For Draicot, see A.G. Dickens, *Marian Reaction in the Diocese of York* (London, 1957), 7.

[80] See *History of Parliament 1509-1558*, 2:578-79. See also Bale's poem in ode to Martin: "Go thou better or go thou worse,/ Go after him that beareth the purse."

[81] See Conyers Read, *Mr Secretary Cecil and Queen Elizabeth* (New York, 1961), 102-116.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

examined for her recusancy, attests:

> I was born in such a time when holy mass was in great reverence, and brought up in the same faith. In King Henry's time this reverence was neglected and reproved by such as governed. In Queen Mary's time, it was restored with much applause; and now in this time it pleaseth the state to question them, as now they do me, who continue in this Catholic profession. The state would have these several changes, which I have seen with mine eyes, good and laudable. Whether it can be so, I refer it to your Lordships' consideration. I hold me still to that wherein I was born and bred; and so by the grace of God I will live and die in it.[82]

In general, examiners should not be castigated altogether for their changeability--or adaptability--since they were subject, like everyone else, to the countervailing currents of a time in which religious policy, and much religious belief, was in confusion. One was not evil, after all, in embracing the supremacy in the 1530s, only to become disillusioned, as the conservative Gardiner and Bonner did, by the instabilities that Protestantism wrought under Edward. Moreover, contrary to being zealous persecutors, interrogators were often reluctant in the tasks that faced them, as was the case with Bishop Cuthbert Tunstall, who was so intent on preventing the condemnation and execution of Thomas Bilney that he continued to stall, dismiss, and reconvene the court proceedings in the hope that Bilney would at some point change his mind.[83] Similarly, in Mary's reign stalling tactics were also used in the case of Thomas Haukes, who was repeatedly begged by various members of the court to recant.[84]

Interrogators were thus not ogres or official representatives of an all-persecuting state, but rather individuals doing their job in the face of often stubborn resistance. Indeed, their willingness to listen to traitors or give heretics a chance in the face of what was

---

[82]Quoted in Christopher Haigh, "The Continuity of Catholicism in the English Reformation," *Past and Present* 93 (1981), 37. See also H. Clifford, *Life of Jane Dormer, Duchess of Feria* (London, 1887), 38-39.

[83] Greg Walker, "Saint or Schemer? The 1527 Heresy Trial of Thomas Bilney Reconsidered," *JEH* 40 (1989), 223. Eventually Bilney in fact did recant, in a way, when he formally acknowledged being defamed for heretical opinions--which was not to say that he admitted to actually holding those heretical opinions.

[84] *AM*, 7:114.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

considered the greatest transgression an individual could commit, is impressive; as Stephen Gardiner's biographer has pointed out, "It bespeaks no little patience in the part of the Bishop of Winchester that for almost half a year he suffered in his diocese an archdeacon [John Philpot] who believed, as he did not hesitate later to profess, that the one Catholic Apostolic Church was 'the Church of Geneva.'" [85] Authorities in Elizabeth's time tended to be less patient with the Catholics who came before them, but this can be somewhat excused in light of the Armada or various plots on Elizabeth's life or hold on power. None of this is to say that interrogators should be completely redeemed from the demonic portrayals of them , nor should Henrician, Edwardian, Marian and Elizabethan interrogators be collapsed under the same equivalence. Still, all of them in their own context felt as if they were dealing with the worst criminal imaginable--one who offended against church or state (or both); and even though some of them in fact may have been motivated by careerism or unsavory principles, they attempted to pursue their task under the law as they understood it at the time.

Questions

The intentions of persecutors--and the government they represented--were most clearly revealed in the questions they asked, which differed in content and emphasis from one reign to another. All the questions posed, throughout the century and despite the monarch in power, carried the same themes of authority, conscience, and loyalty; what each of these notions specifically meant or pointed to, however, differed in radical ways, and marked some fundamental shifts in legal, political, and religious understandings. On

---

[85] J.A. Muller, *Stephen Gardiner and the Tudor Reaction* (New York, 1926), 230. Indeed. even Stephen Gardiner presents an ambiguous case, for though he played a large role in interrogating defendants early in Mary's reign, he later on excused himself from the proceedings due to, among other things, an increasing reluctance to create martyrs.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

the one hand, the close connection between church and state caused all the monarchs to view religious opposition as in some way seditious or treasonous; even Mary, who of all the Tudors was perhaps the most religiously single-minded, viewed heretics as inherently traitorous, especially when they also began to mutter against her marriage with Philip and the alliance with Spain, or express support for Elizabeth as queen.[86] Every interrogation therefore mixed the religious and the political to varying extents; but whereas Henry, Edward, and Mary concerned themselves with inward belief and directed their questions accordingly, Elizabeth professed not to care about anything except allegiance to the pope, which translated, of course, into treason. Formal charges and the trials themselves, namely of priests or especially troublesome Catholics, were thus shifted over to the secular courts under Elizabeth,though the charge of treason had earlier been used, albeit sparingly, in the case of Thomas More, or the Marian Protestant George Eagles. Indeed, whereas questioners under Henry, Edward, and Mary are insistent, and almost obsessive, about their focus on the specific beliefs of suspects, Elizabethan authorities professed not to care about anything except one issue alone: the pope, and one's loyalty to Rome.

The importance of specific interrogatories was reflected in the fact that they were often drafted from the highest levels of government by royal ministers who wished to control the process and also express the goals of a larger policy. Thomas Cromwell, for example, composed many questions--to Thomas More, or the Carthusians--while later on Cecil took control of trials by overseeing the directions that the interrogations would take and even drafting the infamous bloody question. Bishops, and especially archbishops such as Cranmer or Grindal, also played a direct hand in determining the way in which questions accorded to changing perspectives on what did and did not constitute heresy,

[86] The Protestant John Bradford, for instance, was one of the most zealous Protestants (and martyrs) of Mary's reign, though he could also shift over to the political and warn of the consequences for the godly of a pending Spanish invasion. *EM*, 3 (2): 347. See also Susan Brigden, *London and the Reformation* (Oxford, 1989), 593-603, for examples of Protestants who engaged in acts that could also be construed as treasonous.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

which they themselves had often formulated. Indeed, throughout the records of questions and answers one finds echoes of arguments laid down in important treatises authored by Stephen Gardiner, Cuthbert Tunstall, and John Fisher--who themselves played the role of interrogator at various times, just as the defendants, including John Frith and Cranmer, also brought up points that they had earlier delineated in treatises of their own.

Early in the interrogation process the goal was simply to extract information from the suspect: his name, his parish or diocese, when he last went to confession, communion, or even church. Church attendance was in fact a barometer that authorities used in testing the suspect's obedience to the crown: Elizabeth certainly used it in regard to suspected Catholics or recusants,[87] but Mary, Henry, and, even Edward's sought to narrow down the suspect's allegiances according to the church he attended or didn't attend. Authorities also used these early interrogations to pin the suspect to a specific view that revealed an affiliation with anabaptism or other sectarian controversies; oaths, for example, were extremely important throughout the period, since refusal to take an oath could indicate not only disobedience to the crown but a affiliation with anabaptism, the doctrine of which rejected oaths and swearings on the basis of Jesus' injunction. Even in the reign of Mary, when Catholics viewed all forms of Protestantism as heresy and made no distinction in throwing anabaptists as well as Edwardian reformers into the flames, interrogators sometimes sought out difference among their enemies--if nothing else, to prove their point that Protestantism only led to fragmentation of the faith and proof of the faith's falsity.[88] Marian interrogators, for example, asked defendants how many sacraments they believed in; if the answer was two--baptism and the eucharist--then authorities knew they were

---

[87] See Alexandra Walsham, *Church Papists: Catholicism, Conformity and Confessional Polemic in Early Modern England* (London, 1993).

[88] Bishop John Fisher, for example, argued, among other things, that the real presence was the true doctrine, since it was unanimously accepted by Catholics whereas Protestants such as Luther, Oecolampadius were in strong disagreement over it. See Edward J. Sturtz, *The Works and Days of John Fisher* (Cambridge, MA., 1967), 341.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

dealing with a Protestant. But the authorities also knew that Protestants were themselves divided on the issue, which could be used as a point of castigation, along with other inter-Protestant contentions such as predestination and salvation. During his examination, John Careless was asked about the conflicts that existed among varieties of Protestants in King's Bench prison; Careless denied any difficulties, which led his interrogator, Thomas Martin, to bring up the name of another prisoner who had disagreed with Careless' faction on matters of predestination. Careless then admitted that there had been disputes once in prison about the nature of election and salvation, but that the problems were now over, and "I was sorry that the papists should hear of our variance." Martin accused Careless of lying, and said, "I know there is a great many of other matters between you. Tell me the truth, I pray thee; for I promise thee I do ask thee for no hurt, but to do you good: for I think you will be burned all the sort of you."[89]

One of the most important pieces of information that a suspect could reveal, however, were the names of his or her fellow associates, which could lead to the unravelling of illegal networks and also bolster the prosecution's case with witnesses. Best of all were suspects who might have been leaders of networks such as the Protestant William Tyms, who in 1556 was told by Edmund Bonner that "I will begin with thee first, for thou art and hast been the ringleader for these thy companions; thou hast taught them heresies, and confirmed them in their erroneous opinions."[90] In the same period, the interrogator Knight told John Marbeck that if only he would "be plain," and since "[t]hou art acquainted with a great sort of heretics," it would thus be to his benefit to "open" those heretic friends and secure his own "deliverance" and a "better living." Marbeck refused to comply, however: "I am but a poor man," he said, and "as for their secrets, they were too wise to commit them to any such as I am." Later Knight confronted

[89] *AM*, 8:166.
[90] Ibid., 109.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Marbeck with a blunter mien: when was Marbeck last with the reformer and dean of Exeter Dr Haynes? he demanded. What was Marbeck saying to his fellows in church "when honest men...walked up and down beside you" and "ye...stayed your talk till they [were] past you, [so] they should not hear whereof you talked?" Marbeck replied that he could not in all good conscience name as heretics those men he knew were not, which brought on the interrogator's response, "What tellest thou me of thy conscience? Thou mayest, with safe conscience, utter those that be heretics, and, so doing, thou canst do God and the king no greater service." Anyway, Knight added, even if Marbeck didn't name names, his friends, under examination, would surely name *him*. Marbeck was then left to ponder the matter alone as he was handed a pen and sheet of paper "that thou mayest excogitate with thyself, and write such things as shall come to mind." Instead, Marbeck wrote that "I cannot call to remembrance any manner of the thing whereby I might justly accuse any one of them, unless it be that the reading of the New Testament, which is common to all men."[91]

Marbeck may have held out and refused to name his associates, but others were less reticent, and proceeded to divulge information that led to the apprehension of their correligionists.[92] In 1521, for example, Bishop Longland--a man of "moody violence," in Foxe's words--managed to compel his parishioners, through "captious interrogatories," to incriminate one another in heresy; thus did Marian Morden turn her brother in for teaching her to say the Pater Noster in English, while Robert Bartlett named his brother

---

[91] When he returned, Knight was pleased when Marbeck told him that he had written on the paper; but when Knight read the words, "he cast it [away] in a great fume, swearing by our Lord's body that he would not for twenty pounds carry it to his lord and master," and that Marbeck would find himself "utterly undone." See also John Careless' refusal to name names, *AM*, 8:166.

[92] In the formal trial phase, see for example John Fines, "Heresy Trials in the Diocese of Coventry and Lichfield, 1511-12," *JEH*, 169-70.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

and wife for similar crimes.[93] Edward Crome, as mentioned, named his correligionists in 1546 when he was examined, though one of those friends, Anne Askew, refused to submit her own names, even as she was tortured on the rack in the Tower.[94] Members of conventicles or sects were especially prone to being asked these questions--who their fellows were, where they had gathered--especially when their number and the nature of their activities remained ambiguous to the authorities.[95] Thus, in 1561 two ex-members of the Familists proceeded to depose against their co-religionists before a Surrey interrogator, revealing the time and place of secret meetings, the number present in these gatherings, and the connection with groups in other counties.[96]

Elizabethan authorities were especially intent on extracting information from Catholics, and especially Jesuit priests, who represented national security threats as well as dangerous challenges to the crown's religious policy. In the 1580s the priest John Gerard was asked how long he had been in the country, where he and landed and with whom he had been living; Gerard, however was adamant in his refusal to name those who had harbored him. "I honour the Queen, and I will obey her and you in all that is lawful," he said. "But on this point you must hold me excused. If I name any person who has harboured me or mention any house where I have found shelter, innocent people will suffer for the kindness they have done me." In a later examination, Gerard was asked the

---

[93] *AM* , 4:27, 42, 225. See also Margaret Bowker, *The Henrician Reformation* (Cambridge, 1981), 57-64; Knott, 62.

[94] See "A Challenge to Authority: Anne Askew," in Elaine Beilin, in *Redeeming Eve : Women Writers of the English Renaissance* (Princeton, 1987), 29-35; see also Sara Mendelson and Patricia Crawford , who write that Askew's silence and fortitude represented women's ability to work around the stricture of "God and nature" of women's inferiority, since "Duty to God, to her conscience, might be [considered] heroic." Thus did "[p]atriarchy's very resilience [create] contradictions which made resistance and subversions possible." Sara Mendelson and Patricia Crawford, *Women in Early Modern England, 1550-1720* (Oxford, 1998), 17.

[95] J.W. Martin, "The Protestant Underground Congregations of Mary's Reign," in *Religious Radicals in Tudor England* (London, 1989), 129.

[96] See "Elizabethan Familists and English Separatism," in Ibid., 179-201.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

whereabouts of the Jesuit Henry Garnet, for "He is an enemy of the state, and you are bound to report on all such men." Gerard, however, again refused to reveal any information.[97] Even more worrisome to Elizabethan authorities was international sponsorship, and where the source of Catholic activities had originated. Typical was the following exchange, between Gerard and his examiners:

> "Who sent you over here [to England]?" they asked.
> "The Superiors of the Society [of Jesus]," [Gerard answered].
> "Why?"
> "To bring back wandering souls to their Maker."
> "No, you were sent to seduce people from the Queen's allegiance to the Pope's, and to meddle in State business."[98]

Eventually Gerard was tortured--as was Robert Southwell and other priests[99]--for refusing to name or specify their fellow priests or the exact sources of their activities. The use of torture was in fact justified by Burghley in his treatise, since torture, he wrote, was only practiced for purposes of extracting information, not in putting the defendant's conscience to the fire. Thus was a warrant issued to Topcliffe and Young granting permission to torture the priest Christopher Bayles and others, "as is usuall for the better understanding of the trewth of matters agenst her Maiestie and the Stayte."[100] But the line between internal belief and external behavior was a thin one, with one always holding implications for the other. Simply being a priest implicated one in guilt, no matter what was said or withheld; as one interrogator said to the priest Edward Jones in 1590, "There is treason enough proved against thee in that thou art a priest."[101] Moreover, while being

---

[97] Gerard refused to divulge any information, even under torture. See Gerard, 107-113.

[98] Ibid., 66-67.

[99] See A.O. Meyer, *England and the Catholic Church under Queen Elizabeth* (New York, 1967), 178-82.

[100] *Unpub. Docs.*, i:178-79.

[101] Ibid., i:184.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

a Catholic was increasingly associated with rebellion against the crown, it also carried theological resonances which strongly diverged from the line set forth by Anglican divines such as Richard Hooker, not to mention the Puritans. Especially after 1570, authorities during Elizabeth's period thus implied that loyalty to Rome--and to its doctrines, institutions, and the idea of universal churchhood--had a direct corollary in disobedience to the queen--an idea which many, if not most, English Catholics denied, as they continued, sometimes disingenuously, to profess their devotion to both the queen and to England.[102]

In examinations and trials that dealt solely with issues of heresy, one of the most important questions sought the defendant's position of the sacraments and especially the meaning of the mass and transubstantiation. Underlying these points was the question of authority, for it was not the sacrament itself so much as the priests and larger institutions beyond it that were under question. For Catholics such as More, the papacy was the key to unlocking the seven sacraments, which even Henry in 1521 had realized when he had authored *Assertio Septem Sacramentorum*--the work that would grant him the title of Defender of the Faith. To downgrade the sacraments from seven to two, or to deny transubstantiation--as Protestants did--was, from a Catholic perspective, to turn away from Rome's doctrine and hegemony, both of which had been established through centuries of tradition; it meant that one was literally and figuratively "emptying out" the church--

---

[102] According to Christopher Haigh, this contributed in part to a vastly weakened Catholicism--an argument, however, which has been challenged recently by Michael Questier and Peter Lake, most significantly. See Christopher Haigh, "The Continuity of Catholicism in the English Reformation," *Past and Present* 93 (1981), 37-69; see also his "From Monopoly to Minority: Catholicism in Early Modern England," *Trans. Roy. Hist. Soc.*, 5th ser. 31 (1981), 129-47. See also Eamon Duffy's similar position in *The Stripping of the Altars* (New Haven, 1992). Probably the most significant study of English Catholics remains John Bossy, *The English Catholic Community, 1570-1850* (London, 1975). For an example of Lake and Questier's argument, see for example their "Agency, Appropriation and Rhetoric under the Gallows: Puritans, Romanists, and the State in Early Modern England," in *Past and Present* 153 (1996), 66-69.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

though radical Protestants such as John Hooper would say "cleansing out" the church[103]--of all its vestments, chalices, stone altars, monstrances and other sacramental accessories. Catholics were not the only ones threatened by the potential antinomianism of Protestantism, however; indeed, to reinterpret the role of grace as a direct channel from God to man--as John Frith did in Henry's day--carried implications that challenged *all* intermediaries, including social and political institutions such as the king himself.[104]

One of the first questions asked of defendants, therefore, was their position concerning the sacrament of the mass, though their answers varied in accordance with the range of theories that pervaded and destabilized the times, from a direct, fully Catholic belief in transubstantiation to an embrace of the Lutheran consubstantiation, the Zwinglian memorialism, the Calvinist virtualism, or the compromising variations proffered by Cranmer and others.[105] In Henry's reign many of these alternative theories had not yet worked themselves out, and in any case Henry, for all his occasional and expedient Protestant flirtations, remained a self-professed Catholic who never strayed from a belief in transubstantiation; thus was a denial of transubstantiation, somewhat strangely, to carry implications that denied not the pope but the king (or the king's beliefs). Before the break with Rome took place, John Frith was put under trial for, among other reasons, writing that the Eucharist involved "the spirituall and necessarie eating of [Jesus'] body & bloud, which is not received with the teth and bellye, but with the cares and faith," while Tyndale

---

[103]Hooper was a committed Zwinglian from early on, who wrote of the sacraments that they "doth derogate the mercy of God, as though His holy Spirit could not be carried by faith into the sorrowful and penitent conscience except it rid always in a chariot and external sacrament." See *The Early Writings of John Hooper, ed. Samuel Carr* (Parker Society 20; Cambridge, 1843), 131. For a concise explanation of Hooper's eucharistic doctrine, see Horton Davies, *Worship and Theology in England* (Princeton, 1970), 100-102.

[104]For an explanation of grace and transubstantiation, see Frith, *A boke made by John Frith*, sigs., A3v-L3. See also Brad Gregory, *Salvation at Stake: Christian Martyrdom in Early Modern Europe* (Cambridge, MA, 1999), 102, 126.

[105]For a good explanation of these theories, especially as they relate to sixteenth-century England, see Davies, 1: 80-85.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

argued a similar memorialist or Zwinglian position.[106] But even after Henry had asserted his headship over the church, the issue was still a contentious one, and when his reign swung over to conservatism after 1539, Anne Askew and others were questioned and persecuted for making similar claims denying the mass or claiming it to be nothing more than a remembrance.

During the Marian persecution, questions concerning the sacrament of mass were pushed to the forefront in an unprecedented way, especially as they centered around three core points: the real presence, or whether the consecrated bread and wine constituted the body and blood of Christ; the priest's ability to effect transubstantiation through his consecration of the host; and the sacrifice of the mass. Behind these questions, however, lay broader issues concerning the meaning of the words *Hic est corpus meum* ("This is my body"), whether Christ's body was located in heaven or on the altar, and how or if it could exist in two places, and if wicked individuals--or even unwitting creatures such as mice--could partake of the body of Christ. Again, the responses varied: the most sophisticated ruminations on the real presence from a Protestant perspective came from Cranmer and Nicholas Ridley, both of whom authored important treatises on the subject[107]--not to mention the 1549 and 1553 prayer-books in Cranmer's case-- though they were stripped of their freedom to explain their ideas in their disputations and trials. Still, what they had once written did find echoes in lower-level interrogations. To claim, as many Protestants did, that the sacrament was a sign which conveyed what it signified--or a seal of the divine promise--was a direct echo of the 1552 prayer book, while Thomas Haukes also borrowed from Cranmer in denying the real presence on biblical grounds,

---

[106]See William Tyndale, "A brief declaration of the Sacraments," in *Workes of Tyndall*, 436-52.

[107]Cranmer's views on the real presence shifted over the course of his archbishopric, from a full-out belief in transubstantiation, to a more Lutheran notion, held after 1538, and finally, after 1546, a radical embrace of a Calvinist doctrine, which he came to embrace under the influence of Ridley. See for example MacCulloch, 399-408.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

because Jesus never taught the doctrine, and "[n]either Peter nor Paul ever taught it, neither instituted it so."[108] During the same period the weaver Matthew Plaise also expressed the more radical Cranmer position of the 1553 prayer book, when he stated that "the bread was nothing but a sign, token, or remembrance"[109]—a position which also seemed to go beyond Cranmer to embrace a full out Zwinglian memorialism.

Other defendants presented their own kind of counterarguments: when Nicholas Sheterden was asked whether the statement "This is my body" was to be taken as scriptural proof of the real presence, Sheterden replied, "Then, belike, when Christ said, 'This cup is my blood,' the substance of the cup was changed without any other meaning, and so the cup was changed, not the wine." "Not so," answered the examiner, Nicholas Harpsfield; "for when Christ said, 'This cup is my blood,' he meant not the cup but the wine in the cup.'" Sheterden then asked whether the words spoken or the mind of the priest changed the substance, to which Harpsfield replied that the priest's mind changed the substance. Sheterden then said, "if the priest then do mind his harlot, or any other vain thing, that thing so minded was there made, and so the people do worship the priest's harlot, instead of Christ's blood. And again, none of the people can tell when it is Christ's blood, or when it is not, seeing the matter standeth in the mind of the priest; for no man can tell what the priest meaneth but himself; and so are they ever in danger of committing idolatry."[110] Similarly, John Newman argued against literalness: "Christ saith, 'This cup is the new testament in my blood...if he will have it so meant, then let them take and eat the cup." Moreover, if Judas during the last supper had taken in the literal body of Christ, and if the devil also dwelled within the betrayer, "I pray you how did they two agree

---

[108] *AM*, 7:102.

[109] *AM*, 8:330.

[110] *AM*, 8:306-07. Elizabeth Young during her examination also asked, "Did [Jesus] give the cup the name of his blood, or else the wine that was in the cup?"

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

together?"[111]

Another approach to the real presence was taken by Alice Driver, who asked her examiner, Gascoine, whether Jesus had been literal when he had told his disciples to make the bread he was offering his body. When Gascoine answered that the bread was in fact Jesus' body, Driver asked "How could that be, when the disciples had eaten him up overnight," he could then be bodily present the next day for crucifixion? Was Gascoine saying then that Christ had two bodies--the one that was eaten and the one that was crucified? If so, "Be you not ashamed to teach the people, that Christ had two bodies?"[112] During the same period, John Bland argued that since it was impossible that Christ's blood could make a man drunk; "If a man be drunken with wine consecrated, it must be a miracle." Moreover, "The body that ye receive, ye say, is alive, because it is annexed to the Godhead, and the flesh that ye receive is lively, because it hath the Spirit of God joined to it. This division is of your new inventions, to divide the body and the flesh, the one alive by the Godhead, the other lively by God's Spirit, and both one sacrament: ye make of it a thing so fantastical, that ye imagine a body without flesh, and flesh without a body."[113]

In reply, interrogators didn't always consult treatises on the subject which might have buttressed their counterarguments. When Matthew Plaise was asked if Christ's body could be present at the mass, Plaise answered that "Christ's body was in heaven, and no where else." Cranmer had made the same claim once in his *Defense of the True and Catholic Doctrine of the Sacrament of the Body and Blood of our Saviour Christ* (1550), to which Gardiner argued, in his treatise entitled *Explication and Assertion of the true*

---

[111] *AM*, 8:244. Newman even wrote it out: They which eat the flesh, and drink the blood of Christ, dwell in him, and he in them. The wicked dwell not in Christ, nor he in them: Ergo, The wicked eat not the flesh, nor drink the blood of Christ." Ibid., 246.

[112] *AM*, 8:494-95.

[113] Ibid., 302.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Catholic Faith, that Christ's body was in heaven as well as at the altar, "not by shifting of place but by the determining of his will." [114] Catholic interrogators in Mary's reign could also have consulted John Fisher's *De Veritate Corporis et Sanguinis Christi in Eucharistia*, published in 1527, in which the bishop of Rochester used arguments of tradition and the church fathers to claim, among other things, that sacraments served to strengthen a constantly challenged faith, which in turn could be given certainty by those very sacraments--a certainty which was lacking in the writings, for example, of Oecolampadius.[115]

Questions about the real presence always circled back to issues of the true church, which caused both sides to use the early church in backing up their own cause. In his examination of Cranmer, for example, John Story said to the defendant, "Well, sir, you will grant me that there was a perfect Catholic Church before any king was christened [as a Christian]"--a supposition which Cranmer had long challenged in his arguments that the church had only reached its perfection and discipline under princes, and that the English church was a restoration--a renovation, not an innovation--of the teachings of the "auncient fathers."[116] In other cases, authorities were met with counter-assertions, challenges, and defiance when it came to the subject of the early church, as when Roger Holland in 1558 declared, "The antiquity of the church is not from pope Nicholas or pope Joan; but our church is from the beginning, even from the time God said unto Adam, that the Seed of the woman should break the serpent's head; and so to faithful Noah; to

---

[114]See John Fisher, *De Veritate Corporis*, sig. 6-6v.

[115] Sturtz, 341. See also Davies, 86-88.

[116]Davies, 16-17. Cranmer was foreshadowing the writings of John Jewel, and specifically the Apology, which stated that "we [the English church] are come, as near as we possibly could, to the church of the apostles and of the old catholic bishops and fathers, which church we know hath hitherto been sound and perfect and, Tertullian termeth it, a pure virgin, spotted as yet with no idolatry nor with any foul or shameful fault; and have directed according to their customs and ordinances not only our doctrine but also the sacraments and the form of common prayer." See John Jewel, *Apology*, in *Works* (Cambridge, 1848), 3:77.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Abraham, Isaac, and Jacob." Indeed, "[f]or the upholding of your church and religion, what antiquity can you show? Yea, the mass, that idol and chief pillar of your religion, is not yet four hundred years old." As for the church of Rome's claim to universality and unity, "What unity was in your church, when there were three popes at once? Where was your head of unity, when you had a woman-pope?"[117] Other defendants followed similar lines, though with more of an overtly Protestant appeal to a true, apostolic church that existed before wicked, Rome-based antichrist. When George Marsh was urged to submit himself to the church of Rome, he replied that he did believe in "one holy catholic and apostolic church,without which there is no salvation," but it was a church "before any succession of bishops, general councils, or Romish decrees," and that it was "a little poor silly flock, dispersed and scattered abroad, as sheep without a shepherd in the midst of wolves...and that this church was led and ruled by the only laws, counsels, and word of Christ, he being the Supreme Head of this church."[118] With Matthew Plaise, a quotation from scripture was enough to define what a church was: "Christ saith," Plaise told the interrogators, that "where two or three be gathered together in his name, there is he in the midst among them."[119] "

When asked by what authority they based their opinion, defendants appealed to scripture, as was the case when Plaise later turned to his examiners and asked, "[W]ould you have me to believe you, because you say you hold the truth?...That which makes me believe chiefly, is the Scripture, which I am sure is the truth indeed."[120] When the bishop of London's chancellor turned to Elizabeth Young and asked, "Who shall judge between

---

[117] *AM*, 8:475-76.

[118] Ibid., 48-49. See also the trial of Robert Smith, who stated, "I believe there is one catholic church, or faithful congregation, which, as the apostle saith, is builded upon the prophets and apostles, Christ Jesus being head corner-stone." *AM*, 8:349.

[119] *AM*, 8:330.

[120] Ibid., 332.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

thee and me?", she replied, "The Scripture."[121] Similarly, John Philpot stated to his own examiners that "For Christ saith in St John, 'The word that he spake, shall be judge in the latter day.'"[122] According to John Newman, "I stand not to mine own opinion, God I take to witness, but only to the Scriptures of God, and that can all those that stand here witness with me, and nothing but the Scriptures."[123] Moreover, Thomas Spurdance asked during his own examination in 1557, "ye cannot prove the pope to be authorized by Scripture,"[124] while Thomas Haukes claimed that Catholicism taught another "gospel," of "praying to saints and to our Lady, and trust in the mass, holy bread, holy water, and...idols"-- but this was not Scripture. This sort of answer infuriated the authorities, who believed a reliance on scripture alone would only bring on a range of chaotic opinions. "Ah, sir! Ye are a right scripture-man, for ye will have nothing but the Scripture," Bonner told Haukes.[125]

Authorities attempted to persuade defendants away from such ideas with arguments of their own, primarily in appealing to tradition or arguing against the ways in which subjective readings could lead to error and distortion. In 1556 Dr Cooke told William Tyms, "Thou speakest much of the Scripture but understand it not;" like the hunter who spends a fruitless day searching for game, so Tyms "labourest in reading of the Scriptures; thou takest the letter, but the meaning thou knowest not; and thus thy reading is as unprofitable unto thee, as hunting was unto [the hunter]." During the same examination, Bonner asked Tyms' co-defendant, Drakes, how he knows scripture to be the word of God; when Drakes replies that it shows the way to salvation and "doth revoke

---

[121] Ibid., 541.
[122] *AM*, 6:619.
[123] *AM*, 8:246.
[124] Ibid., 432.
[125] Ibid., 99, 108.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

and call back all men from wicked life," Bonner responded that "heathen writers have taught precept of good living, as well as the Scripture, and yet their writings are not esteemed to be God's word."[126] Some Catholic interrogators, in their defense, brought up one of Thomas More's primary arguments, which was that Protestants knew what they knew and judged what they judged on the basis of the church, which had established the scriptural canon they all recognized; indeed, "There is like surety and like certain knowledge of the word of God unwritten as there is of the word of God written,"w rote More, "sith ye know neither the tone or the tother to be the word of God but by the tradition of the Church."[127] To this, however, the orthodox Protestants appealed to tradition as well--that is, the *traditio quinquesecularis*, or the tradition of the church's first five centuries, which they depended on as an objective standard that supplemented scripture--and deflected charges of scriptural subjectivism--as a fundamental basis of authority.[128]

At the core of Catholic argument and defense lay the principle of universal authority, which the royal supremacy shattered by claiming headship for itself and thus creating, in William Allen's words, "the very gap to bring any realm to the thraldom of all sects."[129] In order to counter these dangers the church, Allen believed, must have its separate center and government, its own rights and powers, if it can have any claim to being universal; this was the principle More died for, and which Catholics would uphold throughout the century. On the other hand, the extent to which Catholics believed this universal church to have powers over the secular government--including the powers to

---

[126] To this, Tyms replied that "The Old Testament beareth witness of those things which are written in the New, for there is nothing taught in the New Testament, but it was foreshadowed in the law and prophets." *AM*, 8:111.

[127] Moreover, More added, where in scripture were the words "sola scriptura?"

[128] See Davies, 16.

[129] William Allen, *A True, sincere and modest defence of English Catholiques*" (1584), 7.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

depose kings--was never entirely agreed upon, especially later in the century; powerful as William Allen and Robert Persons were, their position after 1585, encouraging the pope to invade England, was extremist and not at all shared by the rest of their brethren.[130] What most Catholics did believe, whether they were the ones to ask the questions or to answer them, was that the pope held superior spiritual power over secular and political authorities, that he alone had power to interpret scripture, and that only he could convene general councils.[131] In answer to this, Protestants in England claimed that the Christian prince could act in the pope's stead, wielding ecclesiastical power, ensuring the obedience of his Christian subjects, and answering only to the authority of Christ.[132]

Earlier in the century the pope was portrayed in woodcuts and pamphlets as the antichrist, but by the time of Elizabeth he also took on an identity as political foreign power and enemy of state. Thus it was important that in the interrogation of Catholics--and particularly priests--the question be asked whether the accused acknowledged the queen as lawfully holding supremacy in matters both temporal and spiritual. Catholics could answer in the negative and deny the queen's legitimacy altogether, in which case they would be declared traitors and sent on to their deaths;[133] such was the case with the priest James Bell, who denied the queen's supremacy, "for she hath not to iudge in spirituall causes and matters of fayth; but the Pope is to deale in those matters, and under him byshops and priests." As for his allegiance in case of war between England and Rome, Bell replied, "We ought to take parte with the Church of God, for the Catholicke

---

[130]See J.W. Allen, *A History of Political Thought in the Sixteenth Century* (London, 1928), 206. See also Haigh, 1981; Bossy; Duffy; and Trimble.

[131] Davies, 6.

[132] These ideas would become especially articulated with John Jewel, in his *Apologie of the Church of England* (ed. John E. Booty, London, 1963), 130-31.

[133] See the 1578 letter from Mendoza, the Spanish ambassador, in *Span. Cal.*, 1568-79. See also Meyer, 157-58.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

religion." [134] Other Catholics, meanwhile, could also state, in accordance with the 1570 papal bull of excommunication,[135] that Elizabeth was the queen--just not the lawful queen--which didn't help their cause very much. [136] After 1580, Pope Gregory XIII attempted to make matters easier by allowing Catholics to grant the queen temporal legitimacy, but the question they had to answer before Elizabethan authorities collapsed both temporal and spiritual legitimacy together, linking them together inextricably. A related question asked whether the defendant acknowledged the pope's power not only to excommunicate, but also depose the queen. Again, this was an impossible question for Catholics to answer one way or another, for if they agreed, then they were traitors, and if they disagreed they were not Catholics. Some defendants tried to get around this, the most famous being Edmund Campion, who answered, even while being racked, that the question was irrelevant to his trial and more appropriate to the schools.[137] It was a good answer, and it was copied by others, but it didn't, of course, save him in the end.

The range of questions posed to Catholic priests--who were the primary targets of persecution--was captured well in the preliminary interrogatories presented (and answered) in written form to John Fynch in 1584. The questions began with details about his movements, including whether he had been overseas (he had not, he claimed), and where he had travelled and stayed within England during past six years (he was legally not bound to answer, he said); from there the interrogatories moved to more religious grounds,

---

[134] *Unpub. Docs.*, 1:77.

[135] *Tudor Constitution*, ed. G.R. Elton, doc. 197, 418. The pope's bull, *Regnans in Excelsis*, released in 1570, declared that Elizabeth was no queen and that her Catholic subjects were to withdraw all allegiance: "We charge and command all and singular the nobles, subjects. Peoples, and others aforesaid that they do not dare obey her orders, mandates, and laws. Those who shall act to the contrary we include in the like sentence of excommunication." Few Catholics, however, took the bull seriously or obeyed it, though it did give the government the excuse to view Catholics in a more intense and sinister light.

[136] *Span. Cal.*, 1568-79, 488.

[137] *State Trials*, i:104-70.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

asking if he had taken part in the mass (I have harde Mass, I thanke God. I may not tell where, and I cannot tell how often"), and what he thought of the bull of excommunication ("I have hard sometyme of that bull; but I know no certentie thereof, therefor I cannot answer"). To the question as to whether Elizabeth was head of the church, Fynch declared outright that " The Pope's Holynes is head of the whole Church in earth; and it is impossible that the Queene or any other woman or layman should be Head of the Church," though he also added, "I....do professe my selfe her subject."[138]

Eventually Fynch was faced with the most hated question of all--the "Bloody Question" devised by Cecil in 1583, which was overtly political and thus worked against the Catholics' claim that they were being persecuted solely for religious matters. The question was perhaps best expressed by Richard Topcliffe, when he asked the priest John Gerard,

> What would you do if the Pope were to send over an army and declare that his only object was to bring the kingdom back to its Catholic allegiance? And if he stated at the same time that there was no other way of re-establishing the Catholic faith; and commanded everyone by his apostolic authority to support him? Whose side would you be on then--the Pope's or the Queen's?[139]

Responses varied, though rare was the answer of one young priest who, soon after the Armada, declared "that, if an army be sent into the realm, he will take part with that army and will persuade as many catholics as he can do the like." Coming from a priest--a spiritual father of an indeterminate flock--these were strong words indeed, and resulted, perhaps rightfully, in the man's death.[140] John Gerard for his part answered that "I am a loyal Catholic and I am a loyal subject of the Queen. If this were to happen, and I do not think it at all likely, I would behave as a loyal Catholic and a loyal subject." Of course this didn't answer the question at all, as Topcliffe himself, flying into a "violent rage," well

---

[138] *Unpub. Docs.*, I: 85-86.
[139] Gerard, 98-99.
[140] *Unpub. Docs.*, I, 171.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

knew.[141] In general, as A.O. Mayer has pointed out, the insidiousness of the question lay above all in the fact that it no longer applied to the world of theory, but was instead theory applied to "practical politics," and as such proved that "priests were dangerous to the state and [could] bring about their condemnation as conspirators."[142] But the question was not, it should be said, permitted in trial; restricted to preliminary interrogations, it was not covered by statute as a formal offense, but served instead as a psychological and, in William Allen's words, "odious" sledgehammer by which authorities could win a cheap propaganda victory and justify executions on the grounds that "[martyrs] were worthy of death for other causes, though not for that whereof they were condemned."[143] Still, the "bloody question" is important in illustrating, in stark colors, the pressing concerns of Elizabethan authorities, especially after 1580; like all questions throughout the century, no matter how different in content and emphasis, it constituted a test of orthodoxy and loyalty, which made, in the end, the asking of it as important as the answering.

The Accused

Sixteenth-century trials were imbued with weaknesses and biases against the defendant, who was not only given little time to prepare his own case or take notes during trial, but was often dragged from a debilitating months-long stay in prison to the proceedings, where he was not only denied legal counsel, but also refused permission to face his accusers, much less know the accusations until the last minute; as the Protestant Ralph Allerton told his commissioners, "If I cannot have mine accusers to accuse me

---

[141]Gerard, 99.
[142] Meyer, 159.
[143]Allen, *Defence*, 44-45.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

before you, my conscience doth constrain me to accuse myself before you.[144]' Even when the trial came to a close, the defendant was allowed little time to answer for his charges--as was the case during the final trial, in 1555, of Nicholas Ridley, who was given exactly forty words to rebut all the charges against him. Moreover, while some defendants did succeed in presenting effective legal challenges or at least seizing control of the debate, others, especially of the unlearned variety, thrashed about helplessly as they were thrown from one intimidating authority to the next. One of the most infamous examples in this regard occurred with the disputation--really, the show trial--of John Lambert, who in 1538 was made to plead his case in front of the king himself.[145] As Foxe puts it, Henry turned to Lambert "with his brows bent, as it were threatening some grievous thing to him," and asked his name; when Lambert replied, "John Nicholson, although of many I be called Lambert," Henry thundered, "What, have you two names? I would not trust you, having two names, although you were my brother." Lambert then attempted to redeem himself with a long ode to the king, which Henry angrily interrupted by telling him to shut up and get on with it: "I came not hither to hear mine own praises thus painted out in my presence; but briefly go to the matter, without any more circumstance." The questions were eventually passed on to Archbishop Cranmer, who would be followed by the bishops of Winchester, Durham, London and seven others, while Lambert remained standing for over five hours, "vexed on the one side with checks and taunts, and pressed on the other side with the authority and threats of the personages." In the end, the condemnation of Lambert was read by Thomas Cromwell, who succeeded with "so many proud and furious adversaries" in devouring "that one poor silly soul."[146]

---

[144] *AM*, 8:406.

[145] Though monarchs didn't attend treason trials themselves, Henry was present at the arraignment for heresy of William Nicholson in 1538. *LP*, i:1325; See also Bellamy, 145.

[146] *AM*, 5:230-33.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

The same weaknesses in heresy trials also applied to treason trials, with the complaints of Robert Persons giving ample testimony to serious weaknesses in the system not only by modern standards but from the perspective of contemporaries. As in the consistory courts, defendants were allowed no legal counsel, which was unique to England, since even the papal regulations for the Inquisition had allowed counsel to the defense;[147] moreover, an inability to review the charges beforehand made it extremely difficult to marshal one's arguments. "How is it," Persons wrote, "that [the defendant] especially if he be bashful and unlearned, in so short a time as there is allotted him for answering for his Life without the help of a Lawyer, Proctor or other Man that may direct counsel, or assist him in such an agony; how can he see all the parts or points that may be alleged for his defence being never so innocent"?[148] Hostile or biased witnesses were another element that contributed to the unfairness of trial procedure. To cite the most famous example, Thomas More, while managing to get three counts in his indictment thrown out, was ultimately convicted and beheaded on the fourth, which was based on the single testimony of Solicitor General Richard Rich, who claimed that More in a private conference had uttered the alleged words denying the king supremacy over the English Church. Like other defendants, More was not allowed to cross examine Rich, though he did lose his composure and in his defense attempt to point out Rich's disrepute ("You were esteemed very light of your tongue, a common liar, a great dicer, and of no

---

[147] Philip Hughes, *The Reformation in England* (New York, 1963), 3: 291-92. According to John Tedeschi, in the Roman Inquisition "various safeguards for the rights of the accused were part of the trial procedure;" this meant, for one, that the accused were allowed legal defense of they requested it, even if they had already made a confession. The reasons for this, Tedeschi continues, were, "First, the right to a defense was sanctioned by natural law...and should be denied no one. But second, from a practical point of view, the due observance of the provisions for defense...would silence later cries and appeals that the trial had not been allowed to run its regular course." This was lacking in England. See John Tedeschi, "The Organization and Procedures of the Roman Inquisition: A Sketch," in *The Prosecution of Heresy: Collected Studies on the Inquisition in Early Modern Italy* (New York, 1991), 135-36.

[148] Bellamy, 142.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

commendable fame.") [149] In addition More's predicament attests to the problems not only of witnesses' malicious intent, but to the fact that he could be convicted on that one witness's testimony alone.[150] Indeed, while the government did attempt to gather as many witnesses as it could to buttress its case--and Thomas Cromwell displayed increasing concern about the importance of witnesses as a whole, though he would be executed himself on the testimony of two hostile witnesses, including the peripatetic Richard Rich[151]--the issue would have to wait until statutes passed by Edward, Mary, and Elizabeth, who required that at least two witnesses testify in such cases.[152]

The quality of the jurors also led to some complaints by the defendants; according to Persons, it was difficult make his own case against "the...malice, ignorance, or little Conscience or care of twelve silly little men." While some degree of fairness existed on the part of those jurors, who did not always follow the government's bidding,[153] it is also true that justices of the peace and other members who held direct office under the crown were allowed to serve on juries, as were members who had just finished serving on the same case as indicting grand jurors. Perhaps as a result, and because jurors were locked away to deliberate their verdict without benefit of food, drink, fire or even furniture to sit on, the judgement often--though by no means always[154]--came swiftly, as was the case

---

[149] The best account from a legal standpoint of More's trial is J. Duncan Derrett, "The Trial of Thomas More," *EHR*, 79 (1964), 449-77. See also E.E. Reynolds, *The Trial of St Thomas More* (London, 1964), 107-17.

[150] John Fisher also raised the point during his final arraignment as to "whether a single testimony of one man may be admitted as sufficient to prove me guilty of Treason for speaking these words or no? And whether my answer, negatively, may not be accepted against his affirmative to my availe and benefit or no?" *State Trials* i:401.

[151] See *PP*, 307.

[152] Bellamy, 158-61. Even then, however, witnesses could often be weak or hostile, as was the case in the trial of Thomas Cranmer, who was faced with hostile men from his past, each of whom had some kind of revenge to extract or bone to pick. See MacCulloch, 579.

[153] See *PP*, 311, 321

[154] See, for example, *PP*, 295.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

with Robert Southwell, whose jury conferred for all of fifteen minutes before handing in its judgement of guilty.[155] If the jury, however, decided on an acquittal, then it could be sent back again to rethink its judgment; thus did Thomas Cromwell threaten and bully the jury which initially judged the Carthusian monks not guilty, until he finally got the verdict he wanted, while in John Fisher's trial he made it known "what verdict they must return; other ways [he would] heap such danger upon their own heads, as none of them were willing to undergo."[156]

In general, then, the defendant was not only made to face a panel of interrogators who presented questions and articles that he had not been able to see beforehand, but he also found himself in a generally cramped environment, surrounded by the noise, murmurs and hecklings of a largely hostile audience. Arriving in court, he was also required much of the time to stand or kneel, though old age or infirmity could allow him to successfully petition for a chair, as was the case with Thomas More and Hugh Latimer. Meanwhile, the pressure to recant was fierce and constant, as was the intimidation that bore down on the defendant from the interrogators. Even the use of Latin during disputations and parts of interrogations--though English would be the primary language of the proceedings--worked against the defendants' favor: during their own disputation, Latimer requested that in light of his rusty Latin, he read out his answers in English,[157] while John Philpot interrupted Bonner, who was in the middle of reciting a prayer in Latin, to speak in English--a tactic which might have also carried an element of playing to the audience.[158]

Defendants were not powerless, however, and could utilize a number of strategies

---

[155]Bellamy, 166-70.
[156] *State Trials*, i:401.
[157]Chester, 204.
[158] *AM*, 6:605-85; see also Knott, 68.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

to resist the onslaught and make their own case known. Indeed, a self-consciousness pervades their behavior in court, reflecting an awareness of the theatricality of their moment, as even the simplest gestures could project a heroic defiance to their followers: thus did Cranmer at the beginning of his trial tip his cap to the royal proctors Thomas Martin and John Story, and pointedly put it back on again before James Brooks and other clerical interrogators who represented Rome; even more, Brooks was sitting under the pyx that held the sacrament--the body of Christ--which Cranmer, according to the Catholic position, was scorning.[159] Nicholas Ridley seems to have taken the hat-tipping to extreme levels: though he did doff his hat at the reading out of his examining bishops' names, he put his hat back on when the pope and the papal legate were named, and continued the gesture until finally his hat was seized from him.

Meanwhile, the last of the three Oxford martyrs, Hugh Latimer, appeared at his own last trial wearing, in Foxe's words, "a kerchief on his head, and upon it a night-cap or two, and a great cap (such as townsmen use, with two broad flaps to button under the chin), wearing an old thread-bare Bristol frieze-gown girdled to his body with a... leather girdle, at the which hanged by a long string of leather his Testament, and his spectacles without case depending upon his neck upon his breast."[160] While Latimer was by that time ill and aged, and probably suffering from some kind of mental collapse as a result of his long imprisonment, he was nevertheless able to use this self-presentation as a way to avoid having to answer to the last charges made against him, and instead read from a simple, informal statement of his beliefs, from which he reasserted his position denying the supremacy of Rome and the corporal presence in the eucharist.[161] Later on, during

---

[159] MacCulloch, 575.

[160] *AM*, 7:527-30. See also David Loades, *The Oxford Martyrs* (London, 1970), 213-15; Alan Chester, *Hugh Latimer* (Philadelphia, 1954), 211-15.

[161] *AM*, 7:529; see also Chester, 212.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

and after the 1580s, Jesuit priests could similarly make statements in their dress or comportment; John Gerard, for example, put on "my Jesuit gown and cloak" whenever he was summoned from prison to appear before the interrogators---an act for which "boys laughed at me," but which only confirmed his loyalty to the old faith.[162]

Just as writers such as Foxe portrayed interrogators as weighted down with false and jeweled encrustrations, so did they present defendants--and defendants present themselves--as simple-speaking apostles of the truth. Tanners and weavers, for example, knew how to exploit the humbleness of their station before the pomp of authorities, while Anne Askew used the subjectness expected of her sex to plead, disingenuously, that she was "but a woman."[163] When Julius Palmer's interrogator pulled rank and said, "Thou art but a beardless boy, start up yesterday out of the schools," the statement backfired in his unwitting acknowledgment that Palmer possessed the holy spirit and displayed what Paul, in 2 Corinthians, called "the simplicity that is in Christ."[164] Hugh Latimer, again, was probably the model of holy simplicity, however, having used homeliness of speech to his advantage from the reign of Henry on, in distinguishing himself as one of the best preachers of the century; during his trial, such qualities were on display, as he answered his interrogators with bluntness, interrupted their syllogistic Latin arguments with a "Will you give me leave to speak?"--in English--and finally declared outright that he would never turn in his faith, and that he only prayed that the queen would turn instead.[165]

Still, despite their simple-talking, dissidents could also rise to combative levels and spar with their interrogators on highly legalistic and theological levels, especially when they had received training in the law. Often the defendants questioned the very legality of

---

[162]Gerard, 94.

[163] Beilin, *Examinations*, xv-xlii.

[164] *AM*, 8:215.

[165]For a discussion of Latimer's and other Protestants' simple rhetorical style, see Knott, 69-78.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

the proceedings, as was the case, most famously, of Thomas More, who managed to get three of the four counts against him thrown out, and vigorously pleaded not guilty to the fourth, which claimed--falsely, More stated--that he had spoken against the supremacy in a private conversation with Richard Rich. And indeed, More's case was a good one, argued with the assurance and expertise of one of the century's best lawyers: not only did he not commit any overt act of treason, he stated, but silence was no crime and it certainly didn't contain malice as defined by Henry's recent treason statutes.[166] Moreover, the testimony of Richard Rich alone was insufficient and wrongful in conveying More's disposition to the king, though if he was guilty of refusing to assent to the Act of Succession, then he was already serving his sentence, at the Tower.[167] Still, as one writer has put it, while More challenged his indictment on the grounds that it was based upon a repugnant statute--and though the trial itself was a clash not of right and wrong but of different political and constitutional theories--he did accept his verdict in the end, because "Law was law, after all, even if, by the standards of eternity, it was wrong."[168]

In the time of Mary, Protestants also challenged the legality of their trials in various ways. John Bland, for example, refused to answer questions concerning transubstantiation and the sacrament of the mass until he saw the law which compelled him to answer; moreover, Bland said at another point, "I pray you let me have a counsellor in the law, and I will make my answer according to the law." When told that he was being judged by canon law, Bland--whose Protestantism didn't recognize laws that originated in Rome--answered, "I doubt whether it be in strength or no."[169] The most sophisticated challenger of the canon law in general was Thomas Cranmer, who did not comport himself

---

[166] Roper, 89, 1.2-91, 1.9.
[167] See Derrett, 467.
[168] Ibid., 477.
[169] *AM*, 8: 293-300.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

well during his own trial, though he managed to reiterate one of the main themes of his writings, which was the incompatibility of the papal canon law and the common law; since "Whosoever sweareth to both must needs incur perjury to the one," Cranmer stated, the entire proceedings of the court were in effect meaningless.[170] Of all the Marian defendants, however, John Philpot seems most to have come into his own over the course of his thirteen examinations, all of which were marked by some sort of challenge on legal grounds. During a private examination with Bonner, for example, Philpot stated that according to St Ambrose, "the disputation of faith ought to be in the congregation, in the hearing of the people, and that I am not bound to render thereof to every man privately, unless it be to edify." Thus, Philpot, continued, "as the said doctor said unto Valentinian the emperor, so I say to your lordship: 'Take away the law, and I shall reason with you.'"[171] This didn't go over very well with Bonner, who next faced Philpot in the archdeacon's house, alongside three other bishops; but still Philpot stated that "I have learned to answer in matters of religion, in ecclesia legitime vocatus, in the congregation being thereto lawfully called." Moreover, Philpot--who studied law early in his life--went on to claim that he could not be put on trial for conscience, nor could he be tried in a diocese that was not his; instead, he said, "I ought by the law to be sent to my [own] ordinary, if I require it, and not to be punished by you that are not mine ordinary."[172]

Catholics in Elizabeth's reign also used the law in their defense, sometimes with success: when the tide turned in Elizabeth's reign and Edmund Bonner found himself in the docks, for example, he based his own case on a loophole in the statute law--

---

[170] MacCulloch, 575-76.

[171] *AM*, 6:612.

[172] Ibid., 6: 614-15. Like John Bland, Philpot also protested the law under which he was being tried. "You know that our faith is not grounded upon the civil law," he said to Bonner, "therefore it is not material to me whatsoever the law saith." When Bonner then asked by what law Philpot should be judged--for example, the common law, Philpot replied that "our faith dependeth not upon the laws of man" but on God, or the word of God in scripture.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

specifically, that he had not made the oath of Supremacy because the bishop who had administered it was not rightly-constituted. As a result of his objection--and an ingrained respect for the law by the authorities--Bonner was released from the charge, though not from imprisonment in the Marshalsea, where he eventually died. Though his case involved recusancy and not a formal treason trial, Edmund Plowden, one of the greatest barristers of the day, also attempted in 1569 to legally make his case on the basis of conscience--one of the first times the term "conscientious objection" was used in English history; upon being presented with having to swear on the book of subscription which included the Act of Uniformity, Plowden stated that "he could not subscribe, but belief must precede his subscription."[173]

Others--especially Catholic priests--also defended themselves on the basis of law, though with less success. In 1571, for example, the ex-Marian persecutor John Story--after being kidnapped in Europe and brought back to England--refused to make a plea of guilty or not guilty, since he "was not the queen's subject, nor had [he] been there these seven years, but was the subject of the most catholic and mighty prince king Philip, king of Spain, to whom he was sworn."[174] Taking another tack, the priest Edward Jones denied, in 1590, the charge that he had arrived from overseas and "did contemptuously come into this realm of England;" "I came not contemptuously into this realm," he stated, "but to save souls. And whereas there is a penalty appointed for the not observing of a law (as do this, or pay this sum of money, or suffer this punishment) there is no contempt."[175] Later Jones brought up the statute passed (ironically) in the reign of Edward which had stated that treason must be proved by voluntary confession or the testimony of two witnesses; "Here," he said "is [neither] two witnesses nor voluntary

---

[173] *SP* 12.60.47 (December, 1569).
[174] *State Trials*, i:1090-1094.
[175] *Unpub. Doc.s.*, i:183.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

confession." When Richard Topcliffe, who was present at the proceedings, challenged this point, Jones turned to a justice and replied, "I am to be tried by the law, & therefore I pray you, my Lord Chief Justice, let me have the law." Still, the jury found Jones guilty, though he was further able to argue his case on a legal basis--this time, again, concerning conscience--when he was given his chance to respond: "I crave the mercy of Queen Elizabeth," he said, "*that as she caused it to be published in pamphlets, which I have seen* both in English & Latin, that none of her subjects should suffer the pains of death for their consciences, so no treason being proved against me but that I am a Catholic Priest, which is only conscience, I crave the favour of a subject & the mercy of Queen Elizabeth." Furthermore, he continued, while Mary's pursuit of heretics had at least been sanctioned "by a law made and received & put in execution by all Princes Christian whatsoever...[w]hat may be said after in the reign of Queen Elizabeth when so many Priests & Catholics are butchered by a peculiar law made by herself & never heard of before"?[176]

Catholic priests--and Jesuits especially--were particularly frustrated at treason trials which stripped them of their chance to dispute. Indeed, the disputation had always been extremely important to such individuals, constituting as it did a large part of their seminary training on the continent; primed to fight the enemy on his own terms, Jesuits learned scripture--as well as Hebrew and Greek, to attack the Protestants for the "sophistical" mangling of biblical meanings--as a large element in their missionary activity.[177] But Elizabethan authorities were not interested in disputing during

---

[176] *Unpub. Docs.*, i:183-85. See also the case of the priest William Freeman, who in 1595 missed a legal opportunity to overturn his indictment, which had incorrectly listed his name as "Robert Freeman." Freeman, however, did use conscience and attack a witness against him as "a minister's sonne, himself a Puritane, & therefore no frend to Catholickes, & committed for murder." Ibid., 353-55.

[177] See Thomas M. McCoog, "'Playing the Champion': The Role of Disputation in the Jesuit Mission," in *The Reckoned Expense: Edmund Campion and the Early English Jesuits*, ed. Thomas M. McCoog (London, 1996), 119-29. See also John O'Malley, *The First Jesuits* (Cambridge,

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

interrogations and trials, which were freighted with political concerns; disputations did of course exist, but they were kept out of the perimeters of treason cases. Still, after Edmund Campion had been apprehended--and shortly after false rumors had circulated that he had conformed--a series of disputations were held between Anglican clergy and Campion, in order to demonstrate, in Thomas McCoog's words, that the government "was not afraid of a discussion."[178] The result of the debates, which centered around justification of faith, the real presence, and other points, was somewhat unclear, though it was said that Campion did well enough that Bishop Aylmer requested the following scheduled sessions be canceled; shortly after the cancellations did take place, Campion was tried at Westminster, condemned and executed. According to Laurence Humphrey, who was set to take part in the debates, "It was [the cancellation], perhaps, [where the authorities] smelt out that a different course was to be taken with the Jesuits, and that they would have to plead not for their religion, but for life, and be accused not of heresy, but of treason."[179]

In general, the accused often succeeded in turning the tables on their questioners and putting them on the defensive. In 1558 Richard Smith at times took such an aggressive stand against his interrogators on issues such as the doctors of the church that one of them, the chancellor of Exeter Blackstone, "fell in such a quaking and shaking...that he was fain, stooping down, to lay both his hands upon his knees to stay his body from trembling."[180] At one point during his examination Smith questioned on Bonner in a discussion of baptism and its accompanying accessories such as ointment:

> Smith: That is a shameful blasphemy against Christ, so to use any mingle-mangle in baptizing young infants.

MA, 1993).

[178] McCoog, 135.

[179] Quoted in McCoog, 135; see also Richard Simpson, *Edmund Campion* (London, 1896), 360.

[180] *AM*, 7:503.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Bonner: I believe (I tell thee) that if they die before they be baptized, they be damned.
Smith: Ye shall never be saved by that belief. But I pray you, my lord, show me, are we saved by water, or by Christ?
Bonner: By both.
Smith: Then the water died for our sins; and so must ye say, that the water hath life; and it being our servant, and created for us, is our Saviour. This, my lord, is a good doctrine, is it not?[181]

Later in the examination, Bonner lost his temper and threatened Smith that "thou shalt be burnt at a stake in Smithfield, if thou wilt not turn"-- to which Smith replied, And ye shall burn in hell, *if* ye repent not."[182] During the same period, Thomas Haukes had a similar exchange with Bonner, to the point where it became unclear who was the examiner and who was the examinee. After being asked what so offended him, Haukes replied:

Haukes: The cross of wood, silver, copper or gold, etc.
Bonner: What say ye to that?
Haukes: I say it is an idol. What say *you* to it?
Bonner: I say every idol is an image, but every image is not an idol.
Haukes: I say, what difference is there between an idol and image?
Bonner: If it be a false god, and an image made of him, that is an idol; but if an image be made of God himself, it is no idol, but an image, because he is the true God.
Haukes: Lay your image of your true God, and of your false god together, and ye shall see the difference. Have not your images and feet go not, eyes and see not, hands and feet not, mouths and speak not?--and even so have your idols.
Chedsey [another interrogator]: 'God forbid,' saith St Paul, 'that I should rejoice in any thing else, but in the cross of Christ Jesus.'
Haukes: Do ye understand Paul so? Do ye understand Paul?[183]

Defendants also resorted to outright and bold proclamations of their beliefs, borrowing from 1 Peter to "Always be prepared to make a defence to any one who calls you to account for the hope that is in you, yet do it with gentleness and reverence."

---

[181] Ibid., 351-52.

[182] Smith continues: "But, my lord, to put you out of doubt because I am weary, I will strain courtesy with you: I perceive you will not, with your doctors, come unto me, and I am determined not to come unto you, by God's grace; for I have hardened my face against you as hard as brass." Smith was eventually burned. *AM*, 354.

[183] *AM*, 7:108.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

William Tyndale had also early on advised those under fire to "play Paul" and confront the fallen with their sins, through declarations in which the defendant directly confronted and occasionally insulted his interrogator. In this he found precedence, again, in the apostles, and fervently identified with them through Jesus' words, "[T]hey shall lay their hands on you, and persecute you, delivering you up to the synagogues, and into prisons, being brought before kings and rulers for my name's sake."[184] As John Knott and Brad Gregory have recently pointed out, while such figures were therefore willing to offer themselves up lamblike to their persecutors, they could also display a militancy and judgment more in line with the old testament than the new. Thus, in the early 1540s Nicholas Shaxton, before he turned from Protestantism back to Catholicism, declared before his examiners,"Good brethren, remember yourselves, and become new men, for I myself was in this fond opinion that you are now in, but I am now become a new man"--to which Wolsey replied, "Ah, are you become a new man? Wo be to thee, thou wicked new man, for God shall justly judge thee."[185] Later in the century John Gerard knew that as a known priest he was already compromised, which allowed him to forthrightly answer Topcliffe's question about whether he had reconciled people to Rome. "Yes, I have reconciled people to the Church," Gerard said, "and I am sorry I have not brought this blessing to more." When Topcliffe then asked how many Gerard would have reconciled if he had the chance, Gerard answered "A hundred thousand. And more than that, if I could." [186]

---

[184] Matt. 24:9.

[185] *AM*, 7:404.

[186] "It would be enough to raise an army against the Queen," Topcliffe added. Gerard, 95.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

"Dark Speaking"

One strategy available to defendants under questioning was to reply with equivocation and casuistry, and though Catholics--or Jesuits--have been most associated with the practices, recent historians have given more attention to the ways in which Protestants also used dissimilation for their own purposes.[187] On the one hand, it was the goal of every authority to bring on a recantation, which was supposed to be a formal submission and acknowledgement of defeat in the face of the government's superiority and truth.[188] Many people, in fact, did recant, and far outnumbered the relatively few who held fast and were executed; as one writer has put it in regard to the Lollards earlier on, "for one suspect persistent and unlucky enough to deserve burning, there [were] fifty or more who renounced their opinions and practices." [189] In Mary's reign, the approximately 283 individuals who refused to recant and were later burned is still

---

[187] The most important study in recent years on the subject has been Perez Zagorin, *Ways of Lying* (Cambridge, MA, 1990). See also Brad Gregory, who discusses at some length the issue of nicodemism and Protestantism; Gregory, 150-62. Peter Holmes has also done significant work on the subject, especially in its political connotations. See Peter Holmes, *Resistance and Compromise: The Political Thought of the Elizabethan Catholics* (Cambridge, 1982), and *Elizabethan Casuistry*, ed. Peter J. Holmes (London, 1981); see also Elliot Rose, *Cases of Conscience: Alternatives Open to Recusants and Puritans under Elizabeth I and James I* (Cambridge, 1975). A good recent work on the subject of the choices faced by Elizabethan Catholics is Alexandra Walsham, *Church Papists: Catholicism, Conformity, and Confessional Polemic in Early Modern England* (Woodbridge, 1993), chapter four.

[188] Some abjurations were little more than generic or standardized statements which were intended to include entire groups of like-minded heretics: a later abjuration of 1576, for example, was meant to cover a group of anabaptists, who were to state, in accordance with the anabaptist belief, that,"I...being seduced by the spirit of error, and by false teachers [and] ministers, have fallen into many damnable and detestable heresies...First, That Christ took not the flesh of the substance of the Blessed Virgin Mary. Second, That infants born of faithful parents ought to be rebaptized. Third, That no Christian man ought to be a magistrate, or bear the sword or office of authority. Fourth, And that it is not lawful for a Christian man to take an oath." *EM*, 396. See also Irvin Buckwalter Horst, *The Radical Brethren: Anabaptism and the English Reformation to 1558* (Nieuwkoop, 1972).

[189] Anne Hudson, *The Premature Reformation* (Oxford, 1988).

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

significantly less than the nearly 500 Protestants who with their wives and children fled the country, or those others who chose to stay in the realm, lay low, recant or obey the sovereign.[190] Indeed, some Marian bishops made it a point of pride to brag about the number of souls they had brought back to the church, as was the case with the bishop of Worcester, who during his examination of John Philpot spoke of all the members of his diocese he had managed to "revoke their errors."[191]

But recantations were not necessarily genuine, as the authorities themselves recognized when they insisted on certain wording in the responses or written abjurations, especially by those they suspected of intentional ambiguity or mental reservation. Thus did Bishop Cuthbert Tunstall, for example, ask Thomas Bilney and Thomas Arthur during their trial to state their beliefs "with their hearts,"[192] while Thomas Cromwell dealt with the Carthusians in 1535 by telling them that they were to no longer to hedge before the king's oath but to speak in "open language, plainly and simply, [that] you affirm and approve what is put before you."[193] Written recantations could also vary according to different individuals or groups, thus ensuring that they admitted to their particular offenses. In 1531, for example, Henry ordered that a list of fourteen articles be drawn up for the preacher Edward Crome to affirm: since the matter took place before the break with

---

[190] Jasper Ridley quotes an unnamed source that "only ten percent of the Protestants remained true to their principles," though this somewhat unaccounted-for number still doesn't specify the Protestants who formally recanted. See Jasper Ridley, *Mary Tudor* (London, 1973), 181. See also A.G. Dickens, The English Reformation, 2nd ed (London, 1989), 293-301; C.H. Garrett, *The Marian Exiles: A Study in the Origins of Elizabethan Puritanism* (Cambridge, 1938), 41.

[191] *AM*, 7:668. For triumph felt by provincial magistrates when a Christian recanted in the years of the early church, see Tertullian, *Apologeticus* ii:13-17; Origen, *Contra Celsum*, viii:44; Lactantius, *Div. Inst.* V:11.15.

[192] Charles Wriothesley, *A Chronicle of England during the Reigns of the Tudors*, ed. William Douglas Hamilton (Camden n.s. xi, 1875), I.142-43; see also Wabuda, 228.

[193] E. Margaret Thompson, *The Carthusian Order in England* (London, 1930), 395; see also David Knowles, *The Religious Orders in England* (Cambridge, 1959), III:229-35; Dom Lawrence Hendriks, *The London Charterhouse* (London, 1889), 139-48.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Rome, articles included a statement upholding the mediation of saints, the validity of lent, fastings, and pilgrimages, and the existence of purgatory--all of which Crome then proceeded to evade in a sermon with arguments of tortured complication.[194] Similarly, the 1581 group abjuration tendered towards Familists--renowned for their mental reservation--demanded, among other things, that "Whosoever teacheth, that to be born of the Virgin Mary out of the seed of David, after the flesh, is to be expounded of the pure doctrine out of the seed of love, is a detestable heretic."[195] Finally, heretics could offer their own abjurations, as was the case in the 1530s with John Heywood, accused of treason for denying the king's supremacy: Standing before the public, he announced:

:

> I come hither at this time to show and declare unto you briefly, first of all, the great and inestimable clemency and mercifulness of our most sovereign and redoubted prince, the king's majesty, which his highness hath most graciously used towards me a wretch;" pleading forgiveness, he further stated "that I have...thought the bishop of Rome hath been, and ought to be, taken the chief and supreme head of the universal church of Christ here in Earth." Thus, "I do utterly, and with all my heart, recant and revoke all mine aforesaid erroneous and traitorous opinions...and pray Almighty God, for the long and most prosperous estate of our sovereign lord, the king's majesty..."[196]

Despite the genuine, if reluctant, recantations, groups in opposition throughout the century were faced with the option or temptation to dissimulate, and many did so without serious repercussions later on.[197] As Susan Wabuda has recently pointed out, one of the most notorious recanters was Edward Crome, who recanted his beliefs twice and even

---

[194] *EM*, 192-204. See also Wabuda, 230-32.

[195] *Fuller's Eccles. Hist.* 1.IX, 113.

[196] *AM*, 5:528-29.

[197] The best recent examination of recantation strategies is Susan Wabuda, "Equivocation and Recantation during the English Reformation: The 'Subtle Shadows' of Dr Edward Crome," *JEH* 44 (1993). See also AM, 5:696; Sherwin Baily, "Robert Wisdom under Persecution, 1541-43," JEH 2 (1951), 180-81. Though not all commentators agreed on the acceptability of recanting, others continued to defend the practice, or at least the practitioners, as was the case with John Foxe, who wrote that Edward Crome, Alexander Seton, and others may have recanted in Henry's time, "and yet [they remained] good soldiers after in the church of Christ."

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

named names, though he suffered relatively few recriminations by his correligionists.[198] To emulate Nicodemus--the Pharisee in the gospel of John who came to see Jesus only at night, thus keeping his faith a secret--was also a possibility for those individuals who chose to inconspicuously sit out the difficult period and bide their time. A significant number of individuals who received noteworthy positions in Elizabeth's reign, for example, had spent the years under Mary not fleeing to the continent but staying quiet, as was the case with large numbers of privy councilors--including Burghley--and at least six bishops who were appointed within the first two years of her reign.[199]

It should be pointed out, however, that equivocation was not universally embraced. Among Protestants during Mary's reign, exiles from the continent such as John Ponet followed Calvin's strong condemnation of Nicodemus,[200] and with their emphasis on personal confession and conscience over Catholic penance and confession, found the dissembling of one's faith hypocritical, if not morally repugnant.[201] England had its own anti-Nicodemite not only in Ponet but in George Joye, a Protestant whose 1544 work, *Present Consolation for the Sufferers of Persecution for Righteousness* also counselled

---

[198] Wabuda does describe, however, the way in which Foxe changed his view of Crome over the various editions of his Acts and Monuments: in the first edition, he was treated favorably, though more pointed criticisms began to emerge in the subsequent editions. See Wabuda, 238-39.

[199] Among the bishops were Edmund Guest, the bishop of Rochester; Edmund Scambler, the bishop of Chester; and William Alley, the bishop of Exeter. See Pedegree, "Nicodemism and the English Reformation,"

[200] Calvin wrote, referring to Luke, "that if we are ashamed of [Christ] before other people, he likewise will be ashamed of us when he appears in his majesty with the angels of God." See Calvin, *The Avoidance of Superstition (De Vitandis Superstitionibus)*. For other anti-Nicodemite treatises see John Ponet, *A short treatise of politike power* (1556), STC 20178. See also the following treatises, smuggled into England from the continent in Mary's reign: Wolfgang Musculus, *The Temporysour*, trans. Robert Pownal (Wesel, 1555), sig. Aiiii; and Peter Martyr Vermigli, *Treaties of the Cohabitacyon of the Faithfull with the Unfaithfull*. For a good overview of Calvin's position, see Gregory, 155-57.

[201] As mentioned in chapter three, Nicholas Ridley, for example, advised Protestants to "fly out of the realm" rather than compromise in any way with the enemy. Ridley, *Works* (Parker Society 39; Cambridge, 1843), 419. See also Zagorin, 141.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

readers to openly embrace the cross of suffering, "[setting] the example of Christ before our eyes."[202] Individuals who had recanted also found themselves tortured by conscience; after Thomas Bilney had recanted and carried the faggot at Paul's Cross in the late 1520s, for example, he was said, in Hugh Latimer's words, to have been "in such an anguish and agony that nothing did him good, neither eating nor drinking, nor even any other communication of God's word; for he thought all the whole Scriptures were against him, and sounded to his condemnation."[203] In Mary's reign, John Hales was also so tormented after his own recantation that he drowned himself, as did John Snell up in York, while Peter Moon, after initially recanting, almost killed himself over guilt, before he recanted his recantation[204]--As did James Bainham, who was subsequently burned.[205]

In general, however, the concern that was sometimes expressed with dissembling was also a testament to its existence, if not prevalence, as Marian crypto-Protestants did what it took, short of changing their hearts' belief, in order to protect their goods and lives.[206] Moreover, while the stalwart Protestants in Mary's time may not have directly lied or recanted their beliefs under interrogation, they certainly hedged their answers at times, much to the frustration of the authorities. Reciting the apostolic creed when asked

---

[202] George Joye, *Present Consolation for the Sufferers of Persecution for Righteousness* (1544), D2, D4, D4v, [D8v]. See also Charles C. Butterworth and Allan G. Chester, *George Joye, 1493?-1553: A Chapter in the History of the English Bible and the English Reformation* (Philadelphia, 1962).

[203] For other interpretations of Bilney's recantation and behavior afterwards, see Walker, 232-34.

[204] Dickens, *Marian Reaction*, 7; *AM*, 8:225. For others who recanted their recantations, see the cases of Elizabeth Cooper and Cicley Ormes in *AM*, 8:380-81; 427-29.

[205] Thomas S. Freeman has pointed out that Bainham's abjuration and execution were very much shaped and edited by Foxe for hagiographical purposes. See Thomas S. Freeman, "The Importance of Dying Earnestly: The Metamorphosis of the Account of James Bainham in 'Foxe's Book of Martyrs,'" in *The Church Retrospective*, ed. R.S. Swanson (Cambridge, 1997), 267-88. Bainham, by the way, is also mentioned at length by Stephen Greenblatt in his *Renaissance Self-Fashioning from More to Shakespeare* (Chicago, 1980), 74-87.

[206] Zagorin, 223. Indeed, Ridley may have condemned the practice, but it didn't prevent him from later praising Edward Crome, the notorious recanter, as showing "the most godly and fatherly constancy in confessing the truth of the gospel." See Coverdale, *Certain most godly letters*, 60-62.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

about their beliefs, for example, was one form of evasion, as the interrogators themselves recognized. When Elizabeth Young was asked her stand on the sacrament of the altar, she requested instead to declare her faith, and proceeded to paraphrase the creed: "I believe in God the Father Almighty, the Son, and the Holy Ghost, three persons and one God. I believe in all the articles of my Creed," and " all things written in the holy Scripture, and *all things agreeable with the Scripture, given by the Holy Ghost unto the Church of* Christ."[207] This still did not exactly answer the question about the mass, however. During the same period, John Bland told his examiner Nicholas Harpsfield, "I am not ashamed of my faith: for I believe in God the Father Almighty, maker of heaven and earth, and in Jesus Christ his only Son our Lord, etc., with all the other Articles of the Creed." *Harpsfield, however, could not get Bland to extend the Creed with the words "and upon* all the holy scriptures, sacraments, and holy doctors of the church, and upon all the general councils that ever were."[208]

Authorities were thus insistent on getting straight yes or no answers from the defendants--and in urging those defendants to answer truthfully "with their hearts"--not only to avoid being dragged into disputations, but also to prevent equivocations and dissimulations. For this reason, questions were often structured so that the defendant was limited to a simple monosyllabic answer, with no room to dissemble or debate. In 1557, *for example, Ralph Allerton was presented with thirteen articles, and had no choice but to* answer all in the affirmative, though he was given leeway to explain himself on one point.[209] Sometimes, however, the use of the yea or nay question worked very much in the defendant's disfavor, as was the case with Cranmer, whose affirmative answer to the sixteen highly prejudiced articles presented against him at trial appeared as a damaging

---

[207] *AM*, 8:540.
[208] Ibid., 293.
[209] Ibid., 405-18; see also *EM*, 3 (2): 61-63.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

admission of guilt.[210] Included among the questions was article six, which stated "Item, that he shamed not openly to glory himself to have had his wife in secret many years," which Cranmer answered by writing, "And though he so did, there was no cause why he should be ashamed thereof"--thus indirectly affirming the immoral implications presented by the question.[211]

In the reign of Elizabeth, Protestants more radical or extreme also resorted to nicodemism when facing the authorities, as when Familists were given permission by their leaders "to denie before men all theire doctrine, so that they keepe the same secrete in their hearts."[212] Justification for this was sought in the scriptures, and specifically Jesus' injunction in Matthew 7:6, to "give not that which is holy unto dogs, neither cast your pearls before swine."[213] But the tactic was also consistent with Familist belief which placed emphasis on the privacy of belief; as one writer put it, "Let that which is secrete to God only, whereof no proof can be made nor lawfull witnesse broughte, abide to the coming of the Lorde, which shall open all the secretes."[214] Familists thus sanctioned equivocation and recantation in order to preserve inward belief underneath outward conformity; such practices alarmed authorities, not least because--as J.W. Walker puts it--"If the Familists' conformity was delusive, might not that of the 'church papists' be also?"[215] Indeed, if false conformity masked a different inner belief, then the very notion of oaths and the purpose of interrogations was undermined.

---

[210] See Loades, *Oxford Martyrs*, 194-95.

[211] *AM*, 8:58. See also Loades, 193-95.

[212] See John Rogers--an Elizabethan who wrote against Familists--in his *The Displaying of an Horrible Secte of Grosse and Wicked Heretiques, Naming themselves the Familie of Love* (London, 1578).

[213] For more on the Familists and their association with dissimulation, see Zagorin, 128-30.

[214] John Rogers, *A displayinge of an horrible secte of grosse and wicked heretiques naming themselves the Familie of Love* (1578), N1r.

[215] J.W. Walker, "Elizabethan Familists and English Separatism," in Walker, 197.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Catholics in the later sixteenth century have been most closely identified with casuistic practices, but as Peter Marshall has recently pointed out, Catholics such as John Forest were using such devices in 1538 and earlier.[216] The true test of English Catholics, however, occurred in the time of Elizabeth, when writers such as Robert Southwell, Robert Persons, and Henry Garnet advised fellow Catholics on how to approach interrogators truthfully, without resorting to lying. Catholics had already faced the quandary of what to do when it came to facing the Act of Uniformity or attending Protestant churches, which Parsons addressed in a treatise;[217] but the problem of answering often impossible questions was in its own distinct category, and demanded a different set of considerations. For one, Catholics learned to distinguish--and justify themselves--according to different levels of interrogatories, ranging from the legitimate question, which should be answered, and the question asked with evil or illegitimate intent, in which case equivocation or a different kind of truth--and even at its extreme, according to Juan de Mariana, tyrannicide--could be employed.[218] By no means were all Catholics in favor of these methods, nor of dissimulation in general;[219] but with the establishment by William Allen of the Catholic seminary at Douai, Catholics turned to the Spanish Jesuits, and specifically Martin de Azpilcueta, for textbook lessons on the art of evasive speaking, and went on to produce booklets of their own for the edification of fellow priests in England.[220]

Reserving or adding a clause had been another way to evade authorities, especially

---

[216] Peter Marshall, "Papist as Heretic: The Burning of John Forest, 1538," in *Historical Journal* 41 (1998), 363-66.

[217] See Parsons, *A Brief Discours contayning certyne reasons why catholiques refuse to goe to Church*, reprinted in Catholic Record Society, 2:178f. See also Holmes, 1982, 100-08; Zagorin, 141-45.

[218] See J.W. Allen, *A History of Political Thought in the Sixteenth Century* (London, 1960), 360-66.

[219] Christopher Bagshaw, for example, very much opposed equivocation. See Holmes, 122.

[220] See Rose, 88.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

when it came to the taking of oaths; in the 1530s, for example, John Houghton and his fellow Carthusians took the oath of succession but with the reservation "as far as it is lawful"--an addition that Cromwell later refused to accept.[221] Later on, such reservations turned inward, as individuals were told to withhold certain phrases while "speaking" them in one's mind. According to writers such as Henry Garnet, Jesus implicitly sanctioned the practice when he was asked about the date of the end of the world and answered that he didn't know; surely, Garnet wrote, he was reserving an extra proposition in his mind. Catholics thus learned to use reservation, especially withholding the phrase "Non...ut vobis servisset," which was used famously by Edmund Campion when he denied his name was Campion "to serve your purposes."[222] Less extreme--and more typical--was the "no" answer given by William Freeman when asked if he was a priest, since "yt was no denyall of his faith, but only of his state."[223] In addition, mental reservation was also encouraged to laypeople, as when Robert Southwell told a woman that she could say that she had not seen a priest, as long as she reserved in her mind the phrase that she had not seen the priest "in order to betray him."[224]

Another tactic available to defendants throughout the century was to resort to passivity and silence--a practice that carried a long tradition among persecuted Christians, following--again-- the example of Jesus. According to Mark 15.2-5, when Pilate asked whether he was king of the Jews, Jesus answered, "You have said so;" when confronted with further charges against him, "Jesus made no further answer, so that Pilate wondered." This mode of evasion and silence would give early Christians a reputation for stubbornness and obstinacy-- "pertinacia et inflexibilis obstinatio," in Pliny's words-

---

[221] Knowles, 3:229-31.
[222] See Rose, 90.
[223] *Unpub. Doc.s.*, i:350.
[224]Robert Devlin, *Robert Southwell* (London, 1956), 311 ff.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

- which in turn justified authorities' decisions for executions;[225] while not following active defenses of faith as Peter enjoined, silence reflected a passivity appropriate to martyrs awaiting their fate and using the courtroom to "give themselves up" to the harsh sentences imposed by these sixteenth-century Pilates.[226] Silence, especially in the face of torture,was thus a sign in the sixteenth century of fortitude--a preliminary test of faith and martyrdom that the defendant had to endure; while in 1546 the recanter Edward Crome may have been accepted by his correligionists, it was Anne Askew, and her silence in the faced of her racking interrogators, that imbued her with a quality of the heroic and led the way to the strength and calm she displayed at the stake.

There were many varieties of silence, however. A defendant, for example, could use silence as a wedge by refusing to answer questions until he was given the legal justification for his trial; thus did Robert Ferrar refuse to answer certain articles and questions directed toward him, "till he might see his lawful commission and authority."[227] Moreover, one could also express a kind of silence in refusing to take an oath, which nevertheless carried an implication of guilt, especially with anabaptists, who did not recognize oaths to the state. The most famous case of silence in the century occurred in the case of Thomas More, whose initial refusal to take the oath of supremacy--to simply say yes or no to it--infuriated and puzzled the government. One of the reasons More took such a tactic, as mentioned, was to avoid being sentenced according to the recently passed laws of treason, which had broadened the crime to include malicious speech against the king, along with an outright denial of the supremacy; instead, More

---

[225] Pliny, Ep. 10.96; See also Marcus Aurelius' description of Christians as people deserving death for their "obstinate opposition," *Meditations*, 11.3; *Pliny*, Ep. 10.96. See also Craig S. Wansink, *Chained in Christ: The Experience and Rhetoric of Paul's Imprisonment*, 123.

[226] Arthur J. Droge and James D. Tabor, *A Noble Death: Suicide and Martyrdom among Christians and Jews in Antiquity* (San Francisco, 1992), 132.

[227] *AM*, 7: 24.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

wrote, "I had fully determined with myself neither to study nor meddle with any matter of this world, but that my whole study should be upon the passion of Christ and mine own passage out of the world."[228] Eventually, upon his sentencing, More did make an outright denial of the supremacy, but only after using everything in his legal arsenal, including his silence, to defend his case[229]--all of which constituted a kind of equivocation in its own right.

Condemnation

Most individuals who were on trial remained adamant that they were innocent of treason, especially Catholic priests who believed they were martyring themselves for religious rather than political reasons. But their insistence on loyalty to the crown could also be heartfelt. In his speech before his judgment, Edmund Campion, for example, said that if "our Religion do make us Traitors we are worthy to be condemned; but otherwise [we] are and have been as true subjects as ever the Queen had."[230] During the same period Christopher Bales announced at the scene of his execution, "Good people, you are come hither to see a man die, but why or wherefore you know not. A traitor! But now wherein a traitor? In that I am a priest, and seek to reconcile souls unto Almighty God according to my office and calling; but this word traitor is such that you cannot see into

[228] More was thus content to spend the rest of his days in prison, but the government knew this would not do, given More's prominence in influencing others, and Henry's desire to make a statement to Rome for presuming to give John Fisher the cardinal's hat. See *PP*, 404-06. Elton vehemently makes the case for the government's--or Cromwell's--desire to exert moderation, legalism and patience when it came to More; only after Rome had impudently intervened in England's affairs by making Fisher a cardinal did a furious Henry decide to go all out. Elton, however, needs to argue such a case in order for his larger thesis--of a Cromwell effectively and legally enforcing reformation policy, with the help of lower-rung officials--to work; in any case, Elton states, More was the glaring exception to the way Henry's government before 1540 went about its policies towards heretics, traitors, or deniers of the supremacy.

[229] Derrett, 459-60.

[230] *State Trials*, i:1070-72..

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

the cause. But I would that you might but see the soul and the change it makes, and then I doubt not but that this word traitor would take no effect."[231] The issue of treason in fact evoked the central dilemma of the century, most famously embodied by the case of Thomas More; that is, whether in the face of conflict one obeyed the laws of God or the laws of man, and gave oneself over to the soul or the body, God's kingdom or the king's realm. "I am no traitor," Thomas Spurdance asserted in 1557, capturing the dilemma; "for I have done, I think, better service to the crown imperial of England, than you." He continued, "There is no man alive (I thank God) that can accuse me justly, that ever I was disobedient to any civil laws. But you must consider, my lord, that I have a soul and a body, and my soul is none of the queen's, but my body and my good's are the queen's. And I must give God my soul, and all that belongeth unto it; that is, I must do the laws and commandments of God: and whosoever commandeth laws contrary to God's laws, I may not do them for losing of my soul, but must rather obey God than man.[232]

The process by which defendants were condemned differed according to the particular trial they faced: in treason trials a verdict of guilty or not guilty could be appealed by way of a plea for clemency, while at the end of heresy trials defendants were usually presented with a series of articles to which they had to subscribe. Sometimes the articles were skewered against the defendant, as in the case of Julius Palmer, who refused to affirm articles that conveyed not his own beliefs but "horrible, heretical, damnable, devilish and execrable doctrine"; since he refused to recant his denial of the pope, however, Palmer was urged to subscribe, though he was allowed to "qualify the [articles] with thine own pen."[233] In other cases, however, the articles were carefully tailored to the

---

[231] Pollen, Acts, 91-4. See also Holmes, *Resistance and Compromise* (Cambridge, 1982), 60-61.

[232] *AM*, 8:432.

[233] Ibid., 217.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

defendant's specific offenses, and were based not only on examination records and witness testimonies, but also, as in the case of the Protestant Alexander Seton, their previous sermons.[234]

If the defendant agreed to the articles, a formal condemnation was read that included an excommunication and a statement detailing how he or she would be handed over to the secular authorities for burning. The formal reading of a condemnation was a highly charged moment, for not only was the defendant being cast out of the church, but so was he being sent on to his death, which many authorities, even in Mary's reign, were reluctant to order. John Frith's sentence in 1533 began with the declaration that the bishop of London "lawfully and rightly...with all godly favour" proceeded against Frith, who had "heard, seen, and understood and with diligent deliberation weighed, discussed and considered" the arguments presented against his heresy, but still persisted in those "damnable opinions, contrary to the doctrine and determination of the holy church." "We therefore...not willing that thou who art wicked, shouldst become more wicked, and infect the Lord's flock with heresy...do judge thee and definitively condemn thee," the statement continued, before coming to the final condemnation of heresy:

> [We declare] that thou hast been and art, by law, excommunicated, and do pronounce and declare thee to be a heretic, to be cast out from the church, and left unto the judgment of the secular power...most earnestly requiring them, in the bowels of our Lord Jesus Christ, that this execution and punishment, worthily to be done upon thee...that it may be to the salvation of thy soul, to the extirpation, terror, and conversion of heretics, to the unity of the catholic faith, by this our sentence definitive, or final decree, which we here promulgate in this form aforesaid.[235]

Excommunication--which Pollock and Maitland once termed "ecclesiastical

---

[234] *AM*, 5:449.
[235] *AM*, 5:14-15.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

outlawry"[236]--was traditionally delivered by the bishop as a kind of curse, signalling to the excomunicant that he had been cast out from the community of believers. This could mean that the subject was, at the very least, banned from receiving the Eucharist in church, but in the case of heretics, measurements were much more extreme.[237] Not only were they separated from the body of the church but also from the mystical body of Christ; moreover, from the time of William I, bishops or lesser prelates were authorized to enlist the "king's aid," or the secular arm of the government, in order to ensure proper enforcement of their ecclesiastical injunctions. Thus, as will be seen, the formal reading was followed by the ordering of the heretic over to the sheriffs or local officers, who were to take charge not only of an excommunicate but also a "condemned heretic," who deserved, in accordance with the 1401 statute de haeretico comburendo, the punishment of death.[238]

The condemnation was not necessarily so formal, however: in 1557, for example, Richard Crashfield had exasperated the chancellor, Dunning, to such an extent that Dunning, in Crashfield's words, said, "When were you at your parish church? These two years and more you have stood excommunicate: wherefore you are condemned!' And so I was condemned."[239] Sometimes bishops added asides of their own, as was the case with George Marsh, whose bishop read the sentence and then declared, "Now will I no more pray for thee, than I will for a dog."[240] Authorities were also known to interrupt the

---

[236] F. Pollock and F.W. Maitland, *The History of English Law before the Time of Edward I* (2nd ed.; Cambridge, 1911), 1:478.

[237] For a deacription of the varieties of excommunication, major and minor, see F. Donald Logan, *Excommunication and the Secular Arm in Medieval England: A Study in Legal Procedure from the Thirteenth to the Sixteenth Century* (Toronto, 1968), 13-15.

[238] Logan, 68-71. See also William Stubbs, *Constitutional History* (Oxford, 1877-78), 3:33-35, 386-87.

[239] *AM*, 5:400.

[240] Ibid., 52.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

reading in order to urge the defendant to recant at the last minute; before he was condemned, George Marsh faced his interrogators and members of the audience, all of whom urged him to recant after the presiding bishop finally said, "Non disputandum est cum haeretico"[241] and began to read the formal condemnation. According to Foxe,

> ...[W]hen the bishop had read almost half [of the condemnation], the chancellor called him, and said, "Good my lord, stay, stay; for if ye proceed any farther, it will be too late to call it again;" and so the bishop stayed. Then his popish priests, and many others of the ignorant people, called upon Marsh, with many earnest words to recant; and, amongst others, one Pulleyn a shoe-maker, said to him, "For shame, man, remember thyself, and recant." [When Marsh refused to recant] the bishop put his spectacles again upon his nose, and read forward his sentence about five or six lines, and there again the chancellor with a glavering and smiling countenance called to the bishop, and said, "Yet, good, my lord, once again stay; for if that word be spoken, all is past, no relenting will then serve." And the bishop, pulling off his spectacles, said, "I would stay; and if it would be!...How sayest thou? Wilt thou recant?" Many of the priests and ignorant people bade [Marsh] do so, and call to God for grace; and pulled him by the sleeve, and bade him recant, and save his life. To whom he answered, "I would as fain live as you, if in so doing I should not deny my master Christ."[242]

Though some last-minute recantations did occur, the chances in general that a defendant would recant, after having lasted through numerous and grueling examinations, was slim, and in fact resolve was only strengthened at the end. When Thomas Wats came into the consistory court for the last time and was asked to deny his professions of faith, he only responded, "God keep me from the doctrine that ye would have me to come unto, which ye have now declared. And I beseech God that I may persevere in that I have done; for I will stand to mine answers." Shortly after, the condemnation was read, and Wats was delivered to the sheriff.[243] Equally defiant was Thomas Haukes, who answered the bishop's urgings to recant by declaring, "[I]f I had a hundred bodies, I would suffer them all to be torn in pieces, rather than I will abjure or recant."[244]

Indeed, defendants could use these extremely tense moments to make a heroic--or

---

[241] "There is no disputing with a heretic."
[242] *AM*, 7:51-52.
[243] Ibid., 123.
[244] Ibid., 114.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

impudent--last stand before the authorities and audience. One of the most startling declarations, for example, occurred when Bonner formally told John Philpot that he was now "haereticum, obstinatum, pertinacem, et impoenitentem" and Philpot suddenly interrupted by saying, "I thank God that I am a heretic, out of your cursed church; I am no heretic before God. But God bless you, and give you once grace to repent your wicked doings, and let all men beware of your bloody church." [245] Later in the century Catholics would take on similar stances of defiance, as when the priest Edward Jones declared that "I rather submit myself to any death whatsoever before I will forsake the Catholic faith."[246]

No formal condemnation was read in treason trials; instead, the judge received the jury verdict before asking the defendant, "What hast thou to say for thyself, why thou shouldst not have Judgment to die?" The defendant could then choose either to challenge the verdict on legal grounds or plead for mercy.[247] Thomas More, for example, chose the former option, and took the opportunity to challenge the legality of the indictments against him, and to then make his great and famous statement where he not only finally denied the Act of Supremacy, but also raised extremely important issues concerning God's fundamental and immutable law versus parliamentary statutes which went against reason and were thus void.[248] Later on in the century, Edmund Campion also used his moment to speak before the verdict was rendered by challenging the indictments against him on the grounds that the charges were based on "Presumptions and Probabilities." "The constitutions of the realm exact a necessity, and will that no man should totter upon the

---

[245] *AM*, 6:683. Still, this outburst didn't prevent the bishop of Bath from pulling Bonner by the sleeve as the reading continued and urging him to ask one more time "whether he will recant or no;" Bonner, however, replied, "O let [Philpot] alone," and finished reading the sentence.

[246] *Unpub. Docs.*, i:184,

[247] Holinshed, *Chronicles*, 4:578.

[248] For a good discussion of the speech, see Derrett, 469-73.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

hazard of likelihoods," he stated; moreover, "if all were cut off, that hath been weakly or untruly [charged] against us, there would indeed rest nothing that might prove us guilty." The only case that the government had in its favor rested on the priests' unwillingness to take various oaths; but what validity were oaths if they could be taken "untruly" by a murderer, a "detestable Atheist, a profane heathen?...On your consciences would you believe them?" In the end, however, a guilty verdict was rendered.[249]

Only the monarch's pardon could discharge the defendant from death, which usually did not happen; instead, the judge, after hearing the defendant's case and perhaps dismissing him for a few days, read out the punishment that was to be extracted. In the case of John Fisher, the judge ordered, in a somewhat standard statement the punishment that met traitors--though in this case, and More's, the eminence of standing would ensure them the more noble death of beheading. According to Fisher's judge,

> You shall be led to the place from whence you came, and from thence shall be drawn through the city to the place of execution at Tyborne, where your body shall be hanged by the neck, half alive you shall be cut down and throwne to the ground, your bowels to be taken out of your body before you, being alive, your head to be smitten off, and your body to be divided into four quarters, and after your head and quarters to be set up, where the king shall appoint; and God have mercy upon your soule.[250]

Defendants could use the opportunity of their condemnation or jury verdict to echo, in a kind of *imitatio christi*, the forgiving words of Jesus; as John Fisher put it after his own condemnation by the jury, "I have no more to say, but onely to desire Almighty God to forgive them that have thus condemned me, for I think they know not what they have done." [251]At the end of the century, meanwhile,the priest John Fynch received his sentence of guilty by "looking upon the Iudge with a cherfull countenaunce and [in a]

---

[249] *State Trials*, i: 1070-72.
[250] Ibid., i:402.
[251] Ibid., i:402.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

lowd voyce said, *Benedicam Dominum in omni tempore, semper laus eius in ore meo,* and turning hyme selfe to the people [adding] the next verse following, *In Domino laudabitur anima mea, audiant mansueti et laetentur.*"[252] But self-assertion as well as munificence could be contained in forgiveness, as individuals wished to demonstrate their holy indifference to the wiles of authority; when confronted by Richard Topcliffe's insults, for example, the priest-harborer Swithin Wells at first responded in kind, until he composed himself and said, "Good sir, forgive me...At this time, Mr Topcliffe, you should not use such speeches to drive me to impatience. God pardon you and make you of a Saul a Paul...by your malice I am thus to be executed, but you have done me the greatest benefit that ever I could have had. I heartily forgive you."[253]

Conclusion

The most essential stage in the persecution process came during interrogations and trials, which served as the central forum where prosecutors and defendants could either plead their cases before a large public or, in treason cases against priests, send a message that would presumably fragment the leadership and deter any waverers from turning toward disobedience. In this sense, trials, as this chapter has attempted to argue, were not so much legal forums--though authorities in all reigns did attempt to proceed under the law--but rather theatrical displays reflecting clashes not between right and wrong but rather between different constitutional, political, and religious ideals. Between these clashes there could be no room for resolution or compromise or even clemency on the part of the king; the only option was recantation in heresy trials, or the king's pardon in

[252] *Unpub. Docs.*, i: 87.
[253] *Acts of the English Martyrs*, 108-09.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

treason trials. Since trials were controlled from the top, the authorities most of the time won the immediate battle, in gaining recantations or guilty verdicts, but in the long run defendants and their followers from the other side could also take control of their circumstances and display strategies of resistance--bold speaking, counter-interrogating, modelling themselves on Paul or Jesus before their tribunals--that made government victory a somewhat pyrrhic one in the end.

In examining the larger patterns over the course of the century, one cannot speak of a clear progression from heresy into treason trials, or from ineffective to effective legal enforcement of conformity. Each reign struggled with its own specific set of concerns, including challenges from religious dissidents and foreign powers, which necessitated that trials be shaped according to what a monarch demanded from its subjects in a particular time, place and context. Each reign, in turn, achieved success or failure according to the specific conditions under which it was functioning. If anything, interrogations and trials from Henry through Elizabeth do not reflect continuity but rather a somewhat jagged and inconsistent change in direction as each reign tried to adapt the law according to its own purposes, and to the different threats it perceived were arrayed against it. Moreover, while all monarchs placed obedience at the forefront of their concerns--which most every subject, from anabaptists to Catholic priests, nevertheless professed--obedience carried different connotations throughout the century, not all of which were assured: obedience to the act of supremacy, to the prayer book, to the church of England, to the church of Rome aligned with England, or to the supremacy once more under Elizabeth.

Still, fundamental changes did break apart the traditional ways in which religious dissidents were taken through the trial and interrogation process. With the reformation and Henry's break with Rome, for example, the papal canon law was either deeply questioned or eradicated altogether, which meant that procedure shifted permanently over to the control of secular authorities--even under Mary-- and defendants questioned or

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

didn't recognize the different law under which they were now being tried. Protestants under Mary, for example, refused to accept the "foreign" canon law of the courts that were pursuing them, while Elizabethan Catholics questioned the common law treason charges against them, when in fact--or so they believed--their real crime was religion. Moreover, the question of conscience was also pushed to the forefront in trials throughout the century, from Thomas More through Edmund Campion, who found themselves with the dilemma of having to face an allegiance in their hearts and souls to the church of Rome, versus a demand for external obedience to the monarch --neither of which would have come up without the new strains placed on one's loyalties by the reformation. Questions thus reflected the larger policies of the government, while also displaying the confusion and instability that pervaded the times, not only concerning the definition of heresy, but also regarding subtextual questions of tolerance, conscience, loyalty, and above all authority.

Serious as the charge of heresy or treason was, in many ways trials were show trials, displays that projected state power and were intended to secure propaganda victories for the crown. In this sense, it was Elizabeth who was most successful in using trials to shift public perception, as even Catholics came to see Jesuits as inherently seditious, and worthy of the disownment, even hatred; as one priest wrote, "we all...una voce do utterly disclaim and renounce from our hearts...Jesuits as arrant traitors unto their Prince and country: whom to death we will never obey: no, if the Pope's holiness should charge us to obey in this sense, to advance an enemy to the English Crown, we should never yield to it."[254] The bloody question succeeded brilliantly in this regard, despite its unfairness, not only in creating the fume of suspicion in which Jesuits came to be surrounded, but in seizing the terms of the debate out of the hands of the defendants by making it political

---

[254] From William Watson, *Important Considerations, which ought to move all true and sound Catholics, who are not wholly Jesuitical*...(1601). Quoted in Allen, 207.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

rather than theological.

Yet trials, like prison writings, could also backfire on the authorities, a fact which Edmund Bonner even recognized. Holding heresy trials in St Paul's, as he had done, was proving too public and contentious, he wrote to Reginald Pole during Mary's reign, and suggested instead that he pronounce his judgment in quieter quarters, such as the parish at Fulham Palace.[255] Though the odds were stacked against defendants, trials could constitute open spaces in which those same defendants displayed a range of assertive strategies and thus prepared the ground for their own martyrdom. Indeed, trial records became essential literary documents, necessary in the hagiographic arsenal; as Jesus faced the sanhedrin and the Pilate, so did these defendants, according to their chroniclers, meet persecution willingly yet firm in the truth for which they were about to be questioned and soon killed.

Interrogations thus constituted a test of faith, serving as a great distiller that early on took away the more wavering souls and left only those with the real stuff of martyrdom standing, and condemned. Indeed, it should be emphasized again that most individuals recanted upon first contact with authorities and proceeded to conform--whether in a true spirit or not; those who continued through to the end, such as John Philpot after his thirteen examinations, earned, in the authorities' eyes, the description "obstinate" and thus justified the execution that would follow. But few as they may have been in relation to the larger number who turned back, those condemned individuals were significant enough to cause deep and understandable concern to the authorities. In their eyes, a soul had been lost forever, despite all attempts at persuasion; willingly casting himself out of the true church and true country, out of the light of the monarch's protective and jealous glow, the individual was, even worse, turning his rebellion into martyrdom. Authorities knew this was happening, but the trial and its verdict had given them no choice but to go ahead with

[255] *AM*, 8:155. See also Alexander, 174.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

the next stage in the process. Such was the case, for example, with Hugh Latimer in 1555: standing before the tribunal, aged and infirm and oddly dressed, he was read his sentence; afterward he asked one more time to defend his beliefs before the court, and then--somewhat disingenuously--requested that he appeal his case to the "next general council" in Rome. But Bishop White, one of his examiners, refused. Ordering that the church be cleared so that Latimer would not have to contend with the jostling crowds on his way out,White turned to the secular authority present, who was to carry through the punishment. "Now he is your prisoner, master mayor," White said, and handed Latimer over.[256]

[256] Chester, 214.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Chapter Seven: "Whither Goest Thou?": The Execution

Introduction

Every execution of a religious dissident throughout the Tudor period carried seeds of failure with it; authorities may have succeeded in making a point, in keeping order, in expunging problematic individuals from the world --but to be beheaded, burned, hanged, or quartered also carried a resurrectionary potential, as the executed lived on as martyrs in the eyes of their followers.[1] If one examines only state papers and other government documents, then a certain rational and bloodless efficiency emerges as the characteristic of top-down directives, with worlds of complexities hidden under official sign-offs that the prisoner was "T&S"--to be drawn and hanged.[2] Moreover, one may easily assume that what the government ordered was met with general consensus among the people, which was not the case at all. People, and perhaps even a majority of them, may have enthusiastically cheered on executions or witnessed them as a kind of theater no different from any other of the numerous executions of the time; yet the behavior of many of the executed in the face of their gruesome fates attested to a bravery that impressed many in the crowds. Thus, rather than inspire a uniform acquiescence among the larger population, the governments' pursuit of dissidents to their grim death only perpetuated an ambivalence on the part of the public; while the nature and extent of that ambivalence

---

[1] For heresy executions in general, see William Monter, "Heresy Executions in Reformation Europe," in *Tolerance and Intolerance in the European Reformation*, ed. Ole Peter Grell and Robert Scribner (Cambridge, 1996), 48-65. See also Pieter Spierenberg, *The Spectacle of Suffering: Executions and the Evolution of Repression: From a Preindustrial Metropolis to the European Experience* (Cambridge, 1984).

[2] *PP*, 386.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

differed according to each monarch, it was nevertheless present among significant portions of the population, even under the more "settled" and popular regime of Elizabeth.

In examining executions and by extension the persecution process, the question that arises above all centers around who exactly controlled the stake or the scaffold. Was it the state, which guided the hand of the executioner, or the martyr, who turned the drama of death to his own advantage? Or was it the crowd of spectators towards whom the display was ultimately directed, and who influenced the event through their various responses? On the one hand, historians such as Geoffrey Elton and J.A. Sharpe, who have viewed the events of the sixteenth century from an almost purely official perspective, have tended to overlook the agency of crowds and executed victims who resisted state power through a number of strategies; similarly, to conclude, with Michel Foucault, that executions were displays in which "the state's might and power [were] played out at the grass roots level,"[3] neglects the ways in which executions, especially of religious dissidents, could be manipulated and reversed to favor the plight of the martyr-to-be. Against these positions stands Thomas Laqueur, who has argued that criminal executions in England from the seventeenth century onwards were chaotic theatrical ceremonies imbued with scriptural reference and charivari-esque ritual, only barely

---

[3] There has been much debate on the subject in recent years, inspired in large part by Michel Foucault, *Discipline and Punish*, trans. Alan Sheridan (New York, 1977). See for example J.A. Sharpe, who accepts Foucault's premise and also argues that, in the absence of policing mechanisms, early modern England relied on ideological control, as perpetuated and reflected in execution speeches. According to Sharpe, "[T]he public execution remained one of the principal methods by which the power of the state was demonstrated;" moreover, "Public execution was, clearly enough, an imposing demonstration of state power, and a demonstration which took place at, or at least near, the grass roots of the society which was being governed." See J.A. Sharpe, "Last Dying Speeches:' Religion, Ideology and Public Executions in Seventeenth-Century England," *Past and Present* 107 (1985), 161, 166. It is the thesis of this chapter, however, that executions were not such ordered, state-organized affairs--a thesis which is line with the views of Peter Lake and Michael Questier in their "Agency, Appropriation and Rhetoric under the Gallows: Puritans, Romanists and the State in Early Modern England," *Past and Present* 153 (1996), 64-107.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

controlled by the authorities, if at all;[4] the problem with this position, as V.A.C. Gatrell has recently argued, is that Laqueur in his argument drastically underplays the ability of the state, through executions, to "implant the law's presence, power, and moral messages in the collective mind," while overestimating the autonomy of expression present in the crowd through such a context.[5] Similarly, Peter Lake and Michael Questier have also objected to the stance of Sharpe on one side and Laqueur on the other, arguing instead that executions carried the potential "for a whole range of gestures and counter-gestures, a serious set of exchanges between state, victim and audience, as inherent in this essentially theatrical way of dispatching the felon and embodying the power of the state."[6]

Gatrell's middle position regarding English executions from the eighteenth century onwards, as this chapter will argue, in many ways applied as well to sixteenth-century executions, in which the state--or the representatives of the crown--and the crowd wielded its own power, offset in turn by the individual hanging at the gallows or the stake. While one should be wary of even using the term "state" in Tudor times, lacking as it did the mechanisms of later times, the law's presence certainly made itself felt, with council members sitting aloft in scaffolds, crowd-controlling bailiffs astride horses, and preachers exhorting behind crown-sanctioned pulpits. Indeed, it was this state presence, as well as the people's obedience to it, that prevented such highly partisan executions from descending into the kind of bloody rioting described by Natalie Davis in regard to the

---

[4]Laqueur writes, "As often as not, executions were, and were known to be, utter disasters as 'imposing demonstrations' of authority, religious or secular;" indeed, they were "the shabbiest of rituals with the minimum of authorial control." See Thomas W. Laqueur, "Crowds, Carnival, and the State in English Executions, 1604-1868," in *The First Modern Society: Essays in English History in Honour of Lawrence Stone*, ed. A.L. Beier, David Cannadine, et al (Cambridge, 1989), 309.

[5] V.A.C. Gatrell, *The Hanging Tree : Execution and the English People, 1770-1868* (Oxford, 1996).

[6] Lake and Questier, 65.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

France of St Bartholomew's Day.[7] On the other hand, authorities were not so self-assured as to be exactly indifferent or neutral to the presence of the crowd, which by its divided and often sympathetic reactions could cause crown policy to backfire in serious ways. Historians have long known that Mary's burning of heretics went drastically wrong in that martyrs were created, thus feeding into the emerging Protestant hagiography; even the persecutors, including Stephen Gardiner and Edmund Bonner, recognized the defects in the policy, which led to new laws attempting to more strictly control the setting and time of execution. While Mary might have been the most extreme example, however, Protestant-influenced historiography in the centuries since has tended to obscure the fact that executions under Henry and Elizabeth--and to a much lesser extent Edward--were no less controversial and disordered in their own way, all of which attests to the overall inability of monarchs to achieve their goals by persecuting their subjects in this way.

Another element which authorities were unable to control were the martyrs themselves, who were not passive victims of crown-sponsored violence but rather active agents in seizing control of the events for their own purposes. By self-consciously modelling their plight on the passion narrative, or giving stake-side speeches, or dressing and behaving in a particular way, martyrs were able to subvert the state's intentions, which was to silence and obliterate them. Moreover, as recent writers have argued, the infliction by the authorities of torture and punishment did not break down the victim's self--as

---

[7] Natalie Zemon Davis, "The Rites of Violence," in *Society and Culture in Early Modern France* (Stanford, 1975), 152-87. See also Barbara Diefendorf, *Beneath the Cross: Catholics and Huguenots in Sixteenth-Century Paris* (Oxford, 1991); Donald R. Kelley, "Martyrs, Myths, and the Massacre: The Background of St Batholomew." *American Historical Review* 77 (1972), 1323-42; Robert M. Kingdon, *Myths about the St Batholomew's Day Massacre, 1572-1576* (Cambridge, MA, 1988); Denis Crouzet, *Les guerriers de Dieu: La violence au temps des troubles de religion (vers 1525-vers 1610)*, 2 vols. (Paris, 1990).

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Elaine Scarry and Foucault, in different ways, have argued[8]--but rather strengthened that self as victims used their pain with full knowledge of martyrological history behind them. For those about to be put to death, execution served as a kind of alchemy--or even transubstantiation--as the base material of human, flesh-based sinfulness was transformed into the metal of spiritual purity, just as the burning body of the Marian Protestant Robert Samuel, according to Foxe, "did shine in the eyes of them that stood by, as bright and white as new-tried silver."[9] While a figure such as Thomas More met his martyrdom through a more dignified beheading, others--especially priests accused of treason in Elizabeth's reign--suffered the humiliation of being drawn, hanged, disemboweled, and quartered; but rather than quench the majesty of martyrdom, the humiliation only strengthened it further, serving as it did as the ultimate *imitatio christi*.

In examining the shifting roles played by authorities, martyrs, and crowds, one may therefore get an idea of the complexity--and the ultimate success or failure--of executions by placing oneself in the middle of the action, from a confusing perspective located somewhere in the audience. A consideration, however, must be made regarding the records of executions, many of which were either written long after the fact, or shaped according to self-conscious literary and hagiographic forms pasted together from secondhand or hearsay accounts. One may note, for example, that remarkably few individuals actually recanted or emotionally broke down at the stake or gallows; but one

---

[8]See Elaine Scarry, *The Body in Pain: The Making and Unmaking of the World* (Oxford, 1985), 55-59; Foucault, 40; and, for a critique of the above, see Janel M. Mueller, "Pain, Persecution, and the Construction of Selfhood in Foxe's *Acts and Monuments*," in *Religion and Culture in Renaissance England*, eds. Claire Mceachern and Debora Shuger (Cambridge, 1997), 161-87. See also Brent D. Shaw, "Body/Power/Identity: Passions of the Martyrs," *Journal of Early Christian Studies* 4 (1996), 269-93; Esther Cohen, "The Animated Pain of the Body," *American Historical Review* 105 (2000), 36-68.

[9] *AM*, 7:374.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

must also bear in mind that it is in the interest of many writers--such as John Foxe, or the Catholic pamphleteers--not to present their heroes in such a light. Moreover, while those about to be executed did in fact come prepared with elaborate and rehearsed final speeches, some of those speeches may also have been shaped later on to produce more dramatic and powerful effect.[10] Still, accounts of executions provide a glimpse into the general dynamic of such ceremonies, which contained mishaps and confusion as well as displays of law and the crown; more important, such accounts also attest to a central fact of executions, which was not that they were "displays of state power" or set-pieces for one individual's embrace of martyrdom, but rather collective affairs, dependant on all the actors involved, and their willingness to fulfill their respective roles in the drama.

Religious Executions in a Larger Context

It should be pointed out that in the Tudor period executions of individuals for religious-related matters constituted only a percentage--indeed, a relatively small percentage--of overall executions in the sixteenth century, most of which involved

---

[10] For an excellent dissection of Foxe's selective use and shaping of sources, see Thomas S. Freeman, "The Importance of Dying Earnestly: The Metamorphosis of the Account of James Bainham in Foxe's Book of Martyrs," in *The Church Retrospective*, ed. R.N. Swanson (London, 1997), 267-88. See also Susan Wabuda, "Henry Bull, Miles Coverdale and the Making of Foxe's Book of Martyrs," in *Martyrs and Martyrologies*, ed. Diana Wood, 245-58 (London, 1993); Patrick Collinson, "Truth and Legend: The Veracity of John Foxe's Book of Martyrs," in A.C. Duke and C.A. Tamse, eds. *Clio's Mirror: Historiography in Britain and the Netherlands* (Zutphen, 1985), 31-54; Gilmont, "Les Martyrologies du XVIe siècle," in *Ketzserverfolgung im 16. Und frühen* 17. Jahrhundert, ed. Seidel Menchi (Wolfenbüttel, 1992); Frances Yates, "Foxe as a Propagandist," in *Ideas and Ideals in the North European Renaissance*, vol. 3 (London, 1984). For Catholic uses of execution narratives, see A.G. Dickens and John Tonkin, "Weapons of Propaganda: The Martyrologies," in *The Reformation in Historical Thought* (Cambridge, MA, 1985), 39-57.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

murderers, counterfeiters, pirates, adulterers, and robbers.[11] In this sense, Raymond Mentzer's comment that "the use of the death sentence for heresy was neither singular nor extreme when compared to its application for other felonies" is apt.[12] It is difficult to determine, in light of the vague statistical evidence, the overall number of individuals executed throughout the century; moreover, the aforementioned notation on official documents of "T&S" --or "susp.,"meaning "to be hanged"--does not indicate if executions were actually carried out, or whether a pardon was granted during the no-man's-land period between condemnation and execution. Keeping this in mind, according to one estimate, the period from 1530 through 1630 may have witnessed the execution of up to 75,000 individuals, with anywhere between 18,000 and 20,000 put to death between 1580 and 1610-- a rate which, if applied proportionally to contemporary population rates in the United States, would add up to the equivalent of about 46,000 deaths each year.[13] Other estimates, however, have claimed that under Henry between 800 and 2000 people were put to death annually--which in itself would itself lead to a figure from anywhere between 32,000 and 80,000 deaths, all of which reinforces the caution with which one should approach the numbers.[14] Executions, however, were not steadily consistent over

---

[11] For a list of the variety of executions from 1563 through 1586, see Holinshed, App. X, 414-15.

[12] Raymond Mentzer, *Heresy Proceedings in Languedoc, 1500-1560 (Transactions of the American Philosophical Society* 74, pt.5; Philadelphia, 1984), 122, 127.

[13] Philip Jenkin, "From Gallows to Prison: The Execution Rate in Early Modern England," *Criminal Justice History* 7 (1986), 52-53; *Albion's Fatal Tree*, ed. Douglas Hay, et al (London, 1975), 22. See also Cynthia B. Herrup, "Law and Morality in Seventeenth-Century England," *Past and Present* 106 (1985), 102-23.

[14] Sixteenth-century accounts tend to put the number high, at 2000, while the nineteenth-century historian James Fitzjames Stephens gave an estimate of 800 a year under Henry. The most comprehensive, albeit flawed, attempt to factor in execution rates before the nineteenth century was done by Leon Radzinowicz, in *A History of the English Criminal Law and its Administration* . 5 vols (London, 1948-86).

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

the course of the century, and could increase in times of political crisis or economic hardship: according to one estimate, in Devonshire during the year 1598, for example, seventy-four individuals were put to death--a large number which could be attributed to the fact that the region had been suffering from an economic downturn due in part to rising grain prices;[15] moreover, as will be seen, the number of religious heretics or traitors executed also varied across reigns, according to the monarch's particular religious policy and the perception of danger which some groups represented.

Executions were thus a deeply ingrained, even quotidian, reality for sixteenth-century English people, who were aware that long tradition lay behind the spectacle they were viewing. The legal process of ordering an execution differed in heresy and treason trials, which exerted varying jurisdiction over enforcement and punishment. In heresy cases, the condemnation was read out in consistory court by the presiding bishop, who then ordered the prisoner over to the sheriff and justices; while the church remained a presence at the execution site, and in fact had the last word at the death scene, it was constrained by its inability to kill, and thus depended on the supplementary presence of secular officials to carry out the task. Treason trials, however, were entirely secular affairs, ending with a verdict by the jury followed by one of the presiding judges reading out the type and terms of punishment; representatives of the crown were then put in charge of seeing that writs or warrants for execution were in place, as the prisoner was to be handed back to his gaoler, to wait out the uncertain period before his execution.

Burning at the stake had been utilized for a variety of offenses throughout the Middle Ages, though it was primarily used for women convicted of poisoning, witchcraft, adultery,

---

[15] Jenkin, 57. See also Geoffrey F. Nuttall, "The English Martyrs 1535-1680: A Statistical Review," *JEH* 22 (1971), 191-97.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

or treason.[16] Men convicted of treason, on the other hand, were ordered to be hanged, drawn, and quartered--a practice that seems to have begun in 1241, with the death of one William Maurice on charges of piracy, though it became legally enshrined with the Statute of Treason of 25 Edward III, passed in 1351.[17] According to Blackstone, such gender discrepancy in punishment was necessary in that "decency due to the [female] sex forbids...exposing and publicly mangling [of] their bodies;" moreover, it was the tradition--though not always followed--that women were strangled before they were burned, to spare them the suffering.[18] The first act passed in England that specifically ordered the punishment of burning for heretics, male and female, occurred during the reign of Henry IV, when the 1401 statute *de haeretico comburendo* was drawn up, specifically stipulating heresy as a secular offense, to be actively pursued by bishops with the punishment of burning carried out by the secular arm.[19] For members of the nobility or other eminences such as Thomas More, the more honorable treatment of a beheading, by axe or by sword, was granted; conducted usually on the permanent scaffold set up on Tower Hill or within the Tower itself, the act was meant to shield the victim from the larger

---

[16] See J.R. Reinhard, "Burning at the Stake in Mediaeval Law and Literature," 186. Burning was also the punishment extracted on arsonists or--according to Bracton--individuals convicted of plotting against a lord's life. See F. Pollock and F.W. Maitland, *The History of English Law* (Cambridge, 1923), 2:492, 511.

[17] John Laurence, *A History of Capital Punishment* (London, 1960), 11.

[18] J.F. Stephen, *A History of the Criminal Law in England* (London, 1883), 1:477.

[19] F. Donald Logan, *Excommunication and the Secular Arm in Medieval England* (Toronto, 1968), 69. Logan writes, "Before 1382 no specific procedure existed in England for invoking the secular arm against heretics. Unless ad hoc arrangements were made--and this seems to have happened in the thirteenth century--the bishop would have recourse to the machinery available against obdurate excommunicates. This state of affairs could continue only as long as heresy cases were rare. The old methods were found inadequate to deal with the lollards, and, as a result, the bishops of Canterbury province in 1382...requested the king for a specific procedure for dealing with heretics." This would lead to the bishops being commissioned to demand secular aid, and eventually the passage of the statute de haeretico comburendo, which made heresy a secular offense.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

public's gaze--though crowds could still be large, and the parboiled heads were later posted, usually on London Bridge, for all to see.[20]

The act of burning also carried heavy theological implications,[21] as did the throwing of a traitor's bowels and still-throbbing heart in a fire after they were removed from his body. Burning was an act of cleansing and purification, appearing in the injunctions of Deuteronomy; fire also carried alchemical associations, according to Malachi 3:2-4, which described the Lord's coming as a "refiner's fire," which would turn his people to "gold and silver, that they may offer unto the Lord an offering in righteousness." Later on, Marian Protestants would also bring in the sacrificial aspect of fire and offer themselves up as "burnt offerings," in direct reference to the Old Testament. By the middle ages, fire in Christian doctrine could stand in for purgatory as well as hell-fire, an idea which continued throughout the early modern period, with the flame-assailed victim representing the individual's descent into the diabolic underworld; as one writer has put it, fire represented expulsion, as "The flames of hell reach[ed] up to the earth and fetched down the heretic who was forfeit to them."[22] Fire was finally a way in which the church could cast out and literally extinguish its putrefying heretical parts;[23] indeed, Hugh Latimer likened fire to heresy itself, for just as "the nature of fire is to burn and consume all that which is laid in the fire...the nature of false doctrine is to condemn, to bring to everlasting

---

[20]Sometimes prisoners could hope for a last-minute pardon at the stake, though such a reprieve came rare to traitors and heretics. See John Bellamy, *The Tudor Law of Treason* (Toronto, 1979), 200.

[21]See E.W., "The Criminal God," in *Journal of Warburg and Courtauld Institute*, 242-44; Johan Goudsblom, *Fire and Civilization* (New York, 1994).

[22] Elias Canetti, *Crowds and Power* (New York, 1962), 50; 75-80. See also George Rudé, *The Crowd in History: A Study of Popular Disturbances in France and England, 1730-1848* (London, 1995).

[23] See John Knott, *Discourses of Martyrdom in English Literature, 1563-1694* (Cambridge, 1994), 78-83.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

damnation; that is the nature of false doctrine."[24]

The significance, aside from the deterrent effect, of disemboweling and quartering a body hearkened back to the medieval belief that treasonable or heretical ideas were literally contained in every bodily part, thus necessitating that bowels, entrails, and genitals be removed piecemeal before being thrown into a purging fire.[25] In 1606 Edward Coke, in his judgment about the Gunpowder Plot, would claim that such "Godly butchery" carried biblical precedents and meanings, as victims' "members" should be separated from corruptible blood. In general, Coke wrote, the purpose of drawing was to show that the victim was unworthy "to tread upon the face of the earth whereof he was made: also that he hath been retrograde to nature, therefore is he drawn backward at a horse tail;" hanging was necessary because "being hanged up by the neck between heaven and earth" would show him to be unworthy of either realm, while his head was to be cut off since it had "imagined the mischief." In addition the victim was to be castrated to show him "unfit to leave any generation after him," and his heart removed since that is where he had "harbored...such horrible treason." Finally, leaving the body or its remains to hang on a gibbet evoked the ancient biblical idea of associating an exposed body with shame, cursedness, and infamy, in accordance with the enjoinings of the prophet Jeremiah. "Their carcasses will I give to be meat for the fowls of the heaven, and for the beasts of the earth,"[26] he declared, in forecasting the doom of the Jews; their bones shall be "spread before the sun, and the moon, and all the host of heaven...they shall not be gathered, nor

---

[24]See the *Sermons of Hugh Latimer, Sometimes Bishop of Worcester, Martyr, 1555*, ed. George Elwes Corrie (Cambridge, 1844), 525.

[25] For a general discussion of mutilation, see Stephen Greenblatt in *The Body in Parts: Fantasies of Corporeality in Early Modern Europe*, ed. David Hillman and Carla Mazzeo (New York, 1997).

[26] *Jer.* xix.7.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

buried." [27]

These types of punishments didn't alter much in the sixteenth century, though the increasing association between heresy and treason made acts such as disembowelment important in showing that the victim was dying, in fact, as a traitor above all.[28] What did substantially change was the larger number of individuals put to death, a fact due in part to the Tudors' increasing the amount of penal legislation and their expansion of laws already in place.[29] Indeed, directives to various justices and other law officers suggest that the Tudors believed that not enough people were being put to death--though later on in the century alternatives to the death penalty were presented, for example in sending felons off in galley ships.[30] In addition, the reformation brought changes in the government's policies and in the public reaction to them. For one thing, the fragmentation and instability of religious life shattered a more or less monolithic church that had existed before, as competing and alternative communities of different believers now used executions of their leaders and co-religionists--as they did prison letters and interrogation records--to keep their own partisan causes alive. Before 1500, Lollards or Wycliffites were the only heretics that posed any kind of challenge to the authorities, and the burning of Sir John

---

[27] Coke quoted in *State Trials*, ii:184. The biblical quote is from *Jer.* viii.2. The same intention was also behind the practice of hanging a dead body in chains. One might also mention that quartering and disembowelment constituted an act of desecration; while Natalie Zemon Davis has argued that mutilation of bodies and corpses in sixteenth-century France was the province of Catholics--who may have viewed the dead body as more charged than Protestants did, subject as it was to purgatory and prayers for the dead--Protestants in Elizabeth's time were as zealous as anyone in ensuring not only the death of a traitor or criminal, but the posthumous humiliation of that individual. Davis, 82, 83.

[28] Another innovation was boiling alive, which was put into effect in 1531, and was inspired by the case of one Richard Roose, a cook who had been accused of poisoning the household of the bishop of Rochester. Roose was subsequently boiled to death in a large cauldron suspended over a fire. The act was repealed under Edward, in 1547. See Laurence, 8-9.

[29] Jenkins, 62.

[30] See J.G. Bellamy, *The Criminal Trial in Later Medieval England* (Toronto, 1998), 155.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Oldcastle in the early fourteenth century forced them underground;[31] yet this was not quite the same as what happened in the next century, when truly challenging "opposition" movements emerged and were given new life by emerging theories of non-resistance and a newfound biblicism.[32]

For these reasons, the number of individuals executed for religious reasons increased markedly in the sixteenth century, though it varied across reigns: it has been claimed that Henry, for example, put to death approximately eighty-one heretics and traitors over the course of his regime, while Edward burned only two; Mary executed somewhere under 300 Protestants, while Elizabeth probably put to death, between 1577 and 1603, 189 Catholics[33]-- though some consideration must be made for the ambiguity of their status as traitors who also happened to be Catholics. The class and gender make-up of those executed varied from reign to reign: after the break with Rome, Henry, for example, tended to pursue individuals whose capacity to influence others made them noteworthy and dangerous; certainly Thomas More and John Fisher were among this group, but almost more important were the Carthusians monks, many of whom were in closer contact with the ordinary man and woman;[34] later, after the passage of the conservative Act of Six Articles, Henry would turn more concertedly to evangelicals and others, but even then he would pursue those, such as Anne Askew, whose influence--in her case, at court--was

---

[31]See John F. Davis, *Heresy and Reformation in the South-East of England, 1520-1559* (London, 1983); Oliver, "Sir John Oldcastle: Legend or Literature?" *The Library*, 5th ser., 1946-47.

[32]For the emerging doctrine of non-resistance in England, see J.W. Allen, *A History of Political Thought in the Sixteenth Century* (London, 1957), 125-33; see also Peter Holmes, *Resistance and Compromise: The Political Thought of Elizabethan Catholics* (Cambridge, 1982).

[33]The number of Catholic martyrs is from Philip Hughes, in *The Reformation in England*, 5th ed. New York, 1963, 3:338.

[34] See E. Margaret Thompson, *The Carthusian Order in England* (London, 1930), 380.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

noted. It was during Mary's reign, however, that executions became almost indiscriminate, with the majority of them consisting of young people under thirty, and nearly twenty percent constituting women; indeed, the famous "Marian Ten"--the bishops Thomas Cranmer, Nicholas Ridley, Hugh Latimer, and so forth--were a distinct minority, as were members of the gentry classes, with the great mass of deaths occurring among weavers or various tradesmen.[35] Elizabeth for her part tended to leave the Catholic recusant gentry alone--as well as difficult groups such as the Puritans--and concentrated for the most part on seminary priests, including Jesuits: thus did priests constitute approximately 125 of the 189 killed under her regime, with only three women executed altogether.[36]

The Tudors were not alone, however, in executing individuals on religious grounds, but rather functioned within a larger context of heresy executions throughout a Europe affected by the upheavals of reformation. Indeed, the nearly 300 individuals who were executed under Mary--which constituted the highest and most concentrated number of martyrs throughout the Tudor reigns--was in fact small compared with the number executed under Francis I or Charles V, not to mention the 1000 that perished under the Duke of Alva's "council of blood" which lasted from 1567 through 1574. As William Monter has recently pointed out, during the period from 1520 through 1565, approximately 3,000 executions on religious grounds were carried out in the German

---

[35] See A.G. Dickens, *The English Reformation* (London, 1989), 293-301; Philip Hughes, *The Reformation in England* (London, 1954), 2:254-304.

[36] Geoffrey F. Nuttall, "The English Martyrs 1535-1680: A Statistical Review," *Historical Journal* 22 (1971), 191-97. See also Brad S. Gregory, *Salvation at Stake: Christian Martyrdom in Early Modern Europe* (Cambridge, MA, 1999), 280, for a discussion of these numbers, and of women such as Margaret Clitherow who desired martyrdom along with the priests they had harbored.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

regions, the Low Countries, France, Italy, and Spain, as well as England;[37] while this number doesn't account for the periods of persecutions during Elizabeth's reign which culminated in the 1580s,it nevertheless reveals that the number of religious executions in England, from Henry through Mary, accounted for something like seven percent of the total individuals killed throughout Europe.[38]

In a world where thousands were executed, the question arises as to the extent audiences viewed the execution of religious dissidents as different from the killings of adulterers, counterfeiters, or husband-poisoners. As mentioned, the act of witnessing a charred or dismembered or hanging body was not in itself shocking, especially when such punishments were nearly everyday occurrences. Certainly many welcomed the executions: for the sixteenth-century man or woman, the heretic was, if not a criminal then certainly a sinner, and for those already inclined against the burning victim, little sympathy would be had for someone who was seen to have clung tenaciously--and despite opportunities of recantation--to his heresy.[39] Even worse were traitors--such as Catholic priests--who had allegedly colluded with international and papal powers to overthrow the queen and the church of which she was supreme governor. In this sense alone--for the egregiousness of their acts--religious dissidents' deaths *were* seen as different; indeed, treason was considered the worst crime that anyone could commit against the crown, just as heresy was its equivalent to the church, and in the individual hanging or burning, the two were

---

[37]William Monter, "Heresy Executions in Reformation Europe, 1520-1565," in *Tolerance and Intolerance in the European Reformation*, ed. Ole Peter Grell and Bob Scribner (Cambridge, 1996), 48-64.

[38] The figure of seven percent is arrived at by calculating a rough number of 400 executed between Henry and Mary (less than a handful were killed under Edward) against Monter's 3000. While this does not account for Elizabeth's reign, the issue is somewhat moot anyway, since executions of Catholics did not really begin until later in her reign, and especially in the late 1580s.

[39] See, for example, Ibid., 2:254.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

often co-mingled in the public's eyes. Moreover, while it is difficult to estimate crowd size, the presence of privy council members and other notables of the realm at burnings or quarterings attest to a great deal of attention paid by authorities to the event; unlike executions of common felons, the proceedings against heretics and traitors were, more than anything else, directed to the whole realm, and treated accordingly. This is not to say that the state's presentation of executions met with a uniform response across reigns: in the 1520s and even 1530s, for example, the still largely Catholic public seemed to have been more enthusiastic about the burning of Protestant heretics, while Mary's reign elicited a more ambivalent response to the executions of those who had only recently held the highest ecclesiastical positions, under Edward. Burnings under Mary, in fact, actually caused a shift in opinion among the public which, while it did not suddenly embrace Protestantism, was affected enough by the sheer volume of those burnings, and the use Protestants made of them. As for Elizabeth, executions were largely accepted by the crowds, and though they didn't succeed in creating the kind of backlash that had occurred under Mary, enough priests were put to death--and faced their deaths bravely--to such an extent that the Catholic community, small as it had become, sustained itself and received an injection of life under its newly-minted saints such as Edmund Campion.[40]

Duties of State

To argue that executions were shows of "state"--or, in the sixteenth century, the crown--tends to overlook the fact that it was individuals who existed behind those faceless, monolithic entities, composed as they were of many dozens of people below the level of,

---

[40]See for example Thomas M. McCoog, "The Flower of Oxford: The Role of Edmund Campion in Early Recusant Polemics," *Sixteenth Century Journal* (1993).

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

say, a lord chancellor.[41] Moreover, the line between the persecuted and the persecutors was not so harshly demarcated, as either could cross over within or between reigns. Even at executions, officials, while dutifully fulfilling their roles, could show a level of sympathy, for example, inconsistent with claims about the impersonal, emotionless hand of the state; in addition, as will be seen, official resistance could set in when it came time for sheriffs and others to execute members of their own communities--many of whom they personally knew. It is therefore necessary to tease apart who these officials exactly were, and the tasks they faced; moreover, while the roles that these authorities played at executions tended to be well-defined, the tasks that faced them were not always easy and could often be improvisationally handled, especially in the sixteenth century, which lacked systematic means of enforcement and administration.

Executions could be complicated affairs requiring a degree of planning that involved hiring executioners, choosing the execution site and the date of execution, enlisting officials to preside over and control the crowds, and bishops to give the last sermon. Every execution was, theoretically, to be instigated on the authority of a warrant or writ, which was usually drawn up by a member of the council or later on the solicitor-general, and then delivered to the jailer or sheriff. According to a writ of 1587, for example, "it shall not be lawfull for [the lieutenant, jailer, or other official] to execute that condemned person withoute any more a-doe, but the Queen's expresse direction there is to be expected."[42] Sometimes, however, executions went ahead without any writs, as was the case in 1557, when eight individuals only recently apprehended were put to death without any warrant for burning; according to Foxe, the practice was not unusual, as other justices, "without

---

[41] For a good overview of the layers of officialdom, especially around the lower rungs, see David Loades, *Structures of Authority in the Sixteenth Century* (London, 1997).

[42] *Cal. State Papers relating to Scotland and Mary, Queen of Scots 1547-1603*, ix, no. 328.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

any lawful writ of discharge or order of law, have unlawfully and disorderly burnt the servants of Christ...especially at Salisbury, and at Canterbury, and Guernsey."[43] In 1558, three heretics were also burned at Bury, and though their execution was reinforced by a writ, it had been released two weeks before Mary died, during a period when she was known to be "past remedy of her sickness."[44]

The duties fell to the secular authorities, including local officials such as mayors, justices, and sometimes members of the privy council; but it was primarily the job of the sheriff to expedite these measures, from bodily handling the prisoner to bringing order in the crowd, to clearing the site after the execution had taken place.[45] Often the sheriff had to bear the costs as well, and indeed, wood, gunpowder, stakes, or temporary gallows were not cheaply attained.[46] Equally important was the cost of hiring horses, carts, and other accoutrements to transport, when necessary, the heretic or traitor (or his disemboweled quarters) to various parts of the realm, which was necessary in light of the law that required executions to take place in the county or parish where the treason or heresy had occurred. Many heretics in the reign of Mary, for example, were transported by sheriffs

---

[43] *AM*, 8:377. See also the case of Rawlins White: according to Foxe, "the head officers of the town, that had the charge of his execution, were determined to burn him, because they would sooner [be] rid of him; having not indeed a writ of execution awarded, as by the law they should have. Whereupon one Henry Lewis, the recorder of the town that then was, seeing that they went about to burn him without any warrant by writ, came to them and told them, that if they did burn him before they had the writ, 'De haereticis comburendis,' the wife of the said Rawlins would, upon just cause, by law, call their duties into question. Immediately upon this advertisement, they sent to London for the writ above-named." *AM*, 7:31.

[44] *AM*, 8:497. In addition, some individuals were burned even though they had recanted--an act which was technically illegal, though later in her reign Mary banned stakeside recantations, taking them to be insincere.

[45] See for example the directive to the sheriffs by Elizabethan authorities, in Hughes, app. III, 412-13.

[46] In 1533, for example, one document from Canterbury reported that "14s. 8d." were paid to cover the expense "of bringing a heretic from London," along with additional fees paid out for loads of wood (for burning), gunpowder, and a stake.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

back to their home county of Essex, where they were burned--and where, it should be added, the local community would presumably be deterred from falling into its own heresy; such was the case with the Protestant linen draper Thomas Wats, who was taken to Chelmsford, his home town, where a stake was waiting for him.[47] The policy in Elizabeth's reign was no different, though the locations could vary: in the 1580s, for example, the priests William Marsden and Robert Anderton were taken from London and executed on the far-off Isle of Wright, where they had first made their landing after living on the continent.[48]

In London itself, executions were commonly carried out at a few central public sites, most notably Tyburn, Smithfield, or Tower Hill, where permanent gallows or scaffolds were built. Tyburn and the Tower had particularly long histories, though the Tower was a more magisterial presence than Tyburn, which, despite thousands of executions having taken place there, was located near a pleasant brook, just outside a barnyard. Tower Hill consisted of an open space north of the Tower which had also once served as a garbage dump for Londoners;[49] by 1597, according to the chronicler John Stow, the plain there was "likewise greatly diminished, by encroachments for building of small tenements, and taking in of garden plots, timeyards, or what they list."[50] Other sites were less formal: in the reign of Mary, for example, Hugh Latimer and Nicholas Ridley were burned in a town

---

[47] *AM*, 7:123.

[48] *APC*, 14:57-58.

[49] According to a royal order released in 1371, "[T]he King has learned by credible witness, that the air upon Tower Hill is so tainted...as to strike the men swelling all about and the passer by with disgust and loathing, and that great danger is acknowledged to arise therefrom, to the nuisance of the said men and others there having their conversation or passing by and to the manifest peril of their life: and the King will no longer endure these grievous and intolerable faults." Cal. Close Rolls, 1369-1337, 2.

[50] Stow, 2:72-3; 262.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

ditch near Balliol college,[51] while temporary gallows were set up throughout London at various times. Of all the execution sites, however, it was Smithfield that held dominance, especially for heretics, who faced their death in the shadow of elm trees; the term "the Elms" would become so notorious in fact that it would extend beyond Smithfield and turn into a synonym for a number of other execution sites.

Along with jailers and executioners, sheriffs were closest to the prisoner, bodily handling him from court to jail, and notifying him, writ in hand, when it came time to die; indeed, it was the sheriff, and not the executioner, who was the real angel of death, accompanying the prisoner on his last walk (or ride) to the stake or gallows. The sheriff also had a distinctly legal role in the proceedings, ensuring that a proclamation was posted or read out during executions, which justified the punishment in accordance with the law;[52] moreover, the sheriff often presented to the condemned a document offering pardon in return for his conforming or recanting his beliefs--a practice which continued right up to the moment of death. "Here is a letter from the Queen," one sheriff said to William Hunter in Mary's reign, when the young man was being prepared for execution; "If thou wilt recant, thou shalt live, if not, thou shalt be burnt." Hunter, however, refused the offer, and proceeded to his death, even though he was again given the chance to recant, this time

---

[51]David Loades, *The Oxford Martyrs* (New York, 1975), 218.

[52] At the execution of the Catholic John Felton in 1570, for example, the sheriff read a proclamation which stated that all who were : "The queen, our sovereign lady, Elizabeth, by the grace of God, queen of England, France, and Ireland, Defender of the true, ancient, and catholic faith, straightly chargeth and commandeth by us her said officers, all, and every her loving subjects,on pain that shall fall thereof, that all, and every of them, whosoever, not appointed to the execution of John Felton, late attainted of High Treason, and thereof found guilty, by the Oath of 12 honest and discreet men, according to her highness's Laws, to depart the place; that is to say, twenty foot from this place, where the said John Felton must receive execution for his High treason, according to his Judgment; which said John Felton is here ready to receive Execution, according to the Judgment to him appointed. Thus willing all and every one, to depart...that each officer, according to his office, in this manner appointed, may do his, or their office, without let or disturbance in this behalf. And thus God save the queen. *State Trials*, i:1087.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

by the priest present.[53]

As mentioned in chapter one, sheriffs fulfilled their functions with a degree of diligence, despite the reluctance many felt toward the onerous duties and expenses of the office as a whole; as will be seen, it is not clear how many sheriffs were resistant to aiding in the execution of heretics or traitors based on their own religious sensibilities, but the maintenance of order, rather than religiosity or even crown loyalty, seems to have preoccupied them above all. This meant preventing any instability from breaking out at the execution site, especially if the victim chose to make a last, possibly incendiary speech before a riled crowd. In 1540, for example, the evangelical Robert Barnes began a lengthy stakeside-exhortation, affirming the trinity and denying the slander that he had once referred to the Virgin as a "saffron-bag;" after reiterating his belief in Mary, the sheriff then interrupted Barnes and said, "You have said well of her before."[54] Fifteen years later, John Bradford also brought on trouble when he laid face down before the stake to pray, until the sheriff told him to "Arise, and make an end; for the press of people is great;" when at another point Bradford asked God to forgive the sheriff for interrupting him, one of the sheriff's officials exclaimed, "If you have no better learning than that, you are but a fool, and were best hold your peace." [55] During the same period, another sheriff said to George Marsh, when he was beginning to exhort the crowds, "[W]e shall have no

---

[53] *AM*, 6:722-29.

[54] The sheriff allowed Barnes to continue, which led to another exhortation, this time on saints, after which the sheriff then said, "Have you any thing more to say?" Barnes did, and requested that he make five requests of the king, the first being that "whereas his grace hath received into his hands all the goods and substance of the abbeys--."; Suddenly the sheriff interrupted with a "stop there," though he allowed Barnes to continue with his requests and confession. *AM*, 5:435-36. For a justification of Barnes' execution, see John Standish, *A Lytle treatyse...againste the protestacion of Robert Barnes at ye time of his deth* (London, 1540), sig. A2v.

[55] *AM*, 7:143-65.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

sermonizing now," [56] while Christopher Wade, during his execution, was eventually interrupted by the sheriff, who said, "Be quiet, Wade! And die patiently." Traitors in Elizabeth's reign could also cause trouble in their last acts and speeches, as was the case with the priest Ralph Crockett, who began to state that he died "for religion and coming to execute his function of priesthood," until the sheriff and justices cut him off and reminded him that his crime was treason.[57] Indeed, in one case a priest named William Dean was thought to be so inappropriate that the sheriff had his mouth gagged with a cloth.[58]

Sheriffs were also charged with the task, in cases of treason, of ensuring that the prisoner wasn't yet dead after being hanged, so that the next phase of drawing and quartering alive could be carried out. This could create some controversy in the crowd, not least because the exact point of death was sometimes confusing: when the priest James Bell was hanged in 1595, for example, some thought he was dead, until it came time for his disembowelment, when "his hart trembled in the exequtioner's hand, &...leaped thrice out of the fire: & his head chopt of, his mouth gasped twice."[59] In this case the crowd showed compassion toward the sufferings of the prisoner, though other times people enjoined the sheriff to cut the victim down immediately, so he could be more alive to his own disembowelment--as was the case with the priest Cuthbert Mayne, whose status as a priest made executioners ensure that his death be all the more prolonged and gruesome.[60]

---

[56] *AM*, 7:53. Sheriffs could also cut short the attempts of the condemned to pray. See the case of Alexander Gouch in *AM*, 8:496.

[57] *Cal. State Papers, Domestic*, 1581-90, 549.

[58] *Unpub. Docs.*, 327. See also Bellamy, 191.

[59] Ibid., 359.

[60] See "The Rambler," n.s., iii (1860), 380; Morris, "The Troubles of our Catholic Forefathers," I, 99; Camden, "Annals," 403.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

The sheriff did not work alone, of course, but was accompanied by a horse-mounted entourage of bailiffs, constables, or even non-officials--including, in the 1555 case of George Marsh, "a great number of poor simple barbers with rusty bills and pole-axes"--who were temporarily hired for the execution to ensure stability.[61] In addition, distinguished members of the commission or the privy council were often present to help supervise the functionings of the event, as well as lend their magisterial presence--and, more important, their ability to pardon--as representatives of the crown. In 1555, for example, Sir John Raynesforde of Essex was thanked by the privy council "for his good service in assisting lately the Shirief of Essex in thexecucion of sundry offendours;" another letter in the same period enjoined the then-Essex commissioner Richard Rich to thank on the queen's behalf "Edward Bery, gentleman, and dyverse other of the Hundred of Rocheforde in Essex."[62] In addition, Rich was himself ordered to be present at various executions, and to seek out the assistance of the Earl of Oxford and Sir John Raynesforth, together with their servants and officers--all of which Rich seems to have done, with diligence.[63]

Special sections at the execution site were sometimes set aside for these members of the nobility or council, especially in the executions of traitors, which were more directly related to the state than heresy cases. In 1535, for example, the earl of Wiltshire, the duke of Suffolk, and other notables were present for the execution of the Carthusian monks,[64] while all "private" executions--or those held within the walls of the Tower--were attended primarily by gentry and nobility, who were granted special access. Heretics, especially

---

[61] *AM*, 7:39-68.

[62] *APC*, 3:153 [1554-56].

[63] *APC* 5:141, 148, 153. See also Oxley, *The Reformation in Essex*.

[64] *LP*, viii, no. 666. Henry desire to be in attendance as well, and, according to Chapuys, could in fact have been present, in disguise. See also Bellamy,

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

prominent ones, also garnered a significant audience, especially among royal councilors who could also, as representatives of the king or queen, wield powers of pardon. At the execution of Friar Forest in 1538, for example, Foxe writes that "a scaffold [was] prepared for the king's most honorable council, and the nobles of the realm, to sit upon him, to grant him pardon."[65] A few years later, at the Smithfield execution of Anne Askew, the lord chancellor, Wriothesley, was joined by the duke of Norfolk, the earl of Bedford, the lord mayor and others; at least one of them seems to have been somewhat new to the event, when he expressed fear that the gunpowder traditionally given to the victims to speed up death would cause fiery faggots to "come flying about their ears;" the earl of Bedford, however, explained to the man that since the gunpowder was laid not under the faggots but "only about [the victims'] bodies," there was no danger.[66]

Clerics were also expected to lend their presence, especially as preachers, to all executions, including those for the lowliest criminal. Indeed, it was an absolutely necessary part of the protocol that a sermon be given before the execution, not only to remind the prisoner of his erring ways, but to control, shape, and determine the event before the public gaze. To preach at an execution was as important--if not more important--than preaching a key sermon at Paul's Cross: it was a central pulpit for enjoining the victim to repent in order to face death and God properly, while giving clerical sanction to the state's judgment and justice.[67] Execution sermons especially tended to follow a stereotyped pattern, first detailing the offender's sins and then justifying the worldly and eternal punishment he would face; at the execution of the blind young woman Joan Waste,

---

[65] *AM*, 4:180.

[66] *AM*, 5:550.

[67] For a discussion of the contexts and places of sermons, see J.W. Blench, *Preaching in England in the Late Fifteenth and Sixteenth Centuries* (Oxford, 1964).

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

for example, Dr Draicot--who had also been her chief examiner--stood at the pulpit and, according to Foxe,

> [inveighed] against divers matters, which he called heresies, [and] declared unto the people that that woman was condemned for denying the blessed sacrament of the altar to be the very body and blood of Christ really and substantially, and was thereby cut off from the body of the catholic church; and said, that she was not only blind of her bodily eyes, but also blind in the eyes of her soul. And he said, that as her body should be presently consumed with material fire, so her soul should be burned in hell with everlasting fire, as it shall be separated from the body, and there to remain world without end; and said, it was not lawful for the people to pray for her. And so with many terrible threats he made an end of his sermon, and commanded the bailiffs and those gentlemen to see her executed.[68]

The fact that executions were not simple "shows of state" but rather conflicted, difficult affairs can be seen especially in the skirmishes and accusations that frequently broke out between clerics such as Draicot and those about to be executed. Indeed, clerics representing a different confessional faith were, unsurprisingly, not well-liked by those about to be executed: when in 1555 the Protestant George Tankerfield, for example, was approached by a priest and enjoined to believe in the sacrament of the altar, Tankerfield cried, "I defy the whore of babylon: fie on that abominable idol. Good people, do not believe him; good people, do not believe him."[69] During the same period, a priest approached William Hunter with an offer to recant, only to be told, "Away, thou false prophet,"[70] while Thomas Benbridge told his own papist sermonizer, "Away, Babylonian, away!"[71] The conflict was no different in Elizabeth's reign--only the players and their faiths had been reversed: in 1584, for example, the Catholic priest James Bell

---

[68]According to Foxe, Draicot then "went to his inn, for great sorrow of her death, and there laid [himself] down, and slept, during all the time of her execution." *AM*, 8:249-50.

[69] *AM*, 7:346.

[70] *AM*, 8:490-92.

[71] *AM*, 8:491.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

told a Protestant minister present at his execution to sermonize that "I will not believe thee, nor heare thee but against my will," while Bell's fellow priest, John Linch, similarly told his sermonizer to not bother him, "For I ame not of your religion, neither will I be for any thinge that yow can say."[72]

It was, again, not the "state" which dominated executions but individuals and their varying motives and affiliations; indeed, many of the clerics now preaching were involved in complicated, personal relationships with those about to die. Anne Askew's preacher, for example, was Nicholas Shaxton, who had once been a Protestant like her, and an especially close associate; during one of her examinations and before she was to be tortured, Shaxton had even shown up at prison to urge her to recant as he had done, though, in Askew's words, "I said to him that it had been good for him never to have been born; with many other like words." At the execution, Shaxton stood at his pulpit six feet away and condemned her, though she pointed out the scriptural errors he had made and said, "he misseth, and speaketh without the book."[73] During Mary's reign, Nicholas Ridley and Hugh Latimer also faced down an old nemesis in Richard Smith, an Oxford divine who had taken part in their recent disputations; speaking for fifteen minutes, Smith exhorted the two former bishops and told them they were committing suicide and not embracing martyrdom--a statement which Latimer and Ridley sought to dispute, though they were refused.[74]

The last official presence at the site was of course the executioner, whose position did

---

[72] *Unpub. Docs.*, i:87. Some evidence exists of a preacher succeeding in his role, however : in 1538, for example, Rowland Taylor was said to have been so eloquent that the ten men and woman about to be executed thanked "the King and his officers for their just execution. *LP*, XIII (1), no. 1509.

[73] *AM*, 5:547, 550.

[74] Loades, 218-19.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

not garner many volunteers. While some executioners seem to have filled the office as a hereditary position, especially after the sixteenth century, the executioner was, perhaps unsurprisingly, a disreputable figure who was sometimes a felon himself, as was the so-called "hangman of London," one Catwell, who was executed in 1538 for "robbing a youth in Barthemews Fayre, at which execution was above 20,000 people attending."[75] Later in the century, another name which appears is one "Bull," described as the "hangman of Newgate" and the executioner, in Elizabeth's reign, of the Catholics John Felton, John Payne, Anthony Middletone, and others.[76] Some executioners had to be recruited from abroad, as was the case with Anne Bolelyn's executioner, a French swordsman from Calais; such imports were due in part to England's lack of skilled swordsmen, and to a reluctance on the part of authorities to have the queen beheaded by commoners such as Catwell.[77] Other executioners, primarily those charged with quartering, were temporarily recruited from the ranks of cooks or butchers--a fact which accounts for many a botched job, and for a reluctance on the part of the populace to come forward for the job in the first place. In 1587, for example, a cook was enlisted to execute the priest Thomas Prichard, who was "most cruelly mangled" by him.[78] Prichard had to even help out his unskillful executioner, to the point where he "reised himself and putting owt his hands cast forward his own bowells cryinge out 'Misere mei."[79] Sometimes bailiffs were used as well: in 1557 one such figure by the name of William Swallow was recruited for the job of executing George Eagles, who had been convicted as a traitor and

---

[75] Hall, *Chronicles*.
[76] Laurence, 86. *Unpub. Docs.*, 186.
[77] LP. X: 374, 401.
[78] Wriothesley, *Chronicle of England*, I:85.
[79] *Unpub. Docs.*, 288.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

was to be hung and quartered; taking a cleaver--"such as is occupied in many men's kitchens, and blunt"--Swallow proceeded to "hackle off [Eagle's] head, and sometimes hit his neck, and sometimes his chin, and did foully mangle him, and so opened him."E ventually Swallow managed to pluck out Eagles' heart and bowels, which was customary, before cutting him into quarters, after which he stored them briefly at his home before having them transported on to various parts of the realm.[80]

The punishment of burning was perhaps the easier task to carry out, in the sense that it was undertaken by a number of men--usually the sheriff and his assistants--with some help perhaps from a blacksmith whose duty was to tighten the chain around the victim's body to the stake. Even so, burnings did not always proceed smoothly, subject as they were to a number of complicating factors. As will be seen, sympathetic crowds could attempt to interfere with the process--or, by the same token, they could help the executioner by throwing in sticks and furze themselves. Worse was a variable climate--and damp, green wood-- that could prolong death and cause particularly gruesome suffering to the victim. When in 1533 John Frith was tied to the stake with another individual, for example, "the wind made his death somewhat longer, which bare away the flame from him unto his fellow that was tied to his back."[81] A similar fate met George Marsh in 1555, when "by reason the fire was unskillfully made, and that the wind did drive the same to and fro, he suffered great extremity in his death, which notwithstanding he abode very patiently." [82] One of the worst deaths by fire, however, was suffered by

---

[80] *AM*, 8:396.

[81] *AM*, 5:15.

[82] *AM*, 7:53. See also the case of William Coberley, who at the stake "was somewhat long a burning as the wind stood: after his body was scorched with the fire, and his left arm drawn and taken from him by the violence of the fire, the flesh being burnt to the white bone, at length he stooped over the chain, and with the right hand, being somewhat starkened, knocked upon his breast softly, the blood and matter issuing out of his mouth." *AM*, 8:105.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Nicholas Ridley, who was chained to the stake with his correligionist Hugh Latimer; though Latimer, perhaps in light of his age and infirmity, died fairly quickly, Ridley took much longer to expire, even though he had been given a bag of gunpowder to speed up his death. His sympathetic friend and brother-in-law George Shipside, who was allowed to stand nearby, unwittingly made matters worse by stirring up the fuel, leading Ridley to exclaim, "Let the fire come unto me; I cannot burn."[83]

Fewer women were executed for heresy than men, due in part to a belief that held them less accountable for their beliefs. During Henry's reign, Anne Askew was the only noteworthy woman killed specifically for heresy, while under Mary perhaps one-fifth of the nearly 300 executed were women; under Elizabeth, women couldn't be executed even if they begged for it--as was the case with eight women who "with open outcries and exclamations" unsuccessfully sought to die alongside the Catholic layman Ralph Milner, whose crimes were the same as theirs;[84] indeed, in all Elizabeth's reign, two women are known to have suffered For those who were in fact executed, the practices were also different from those suffered by men: as mentioned, they were spared, for propriety's sake, the act of being drawn and quartered, and were sometimes given blindfolds to wear in the event of their beheading. It was also traditional practice to strangle women with a rope or chain before they were to be burned, to prevent their suffering in the flames--a practice which did not always work; in 1556, for example, the women burned at Guernsey, according to Foxe, "were first strangled, but the rope brake before they were dead, and so the poor women fell in the fire"--all of which was even more horrifying in that one of the women was pregnant at the time, and proceeded to give birth at that moment to the infant,

---

[83] *AM*, 7:547.
[84] *CRS 5*, 200.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

who was then thrown back into the flames. [85]

Before committing the deed, executioners often went down on their knees and asked the condemned for forgiveness, which was usually given, as was a small sum or a garment intended as a fee for carrying out the duty;[86] in 1595, for example, the priest William Freeman spent his last moments "jestinge awhile merely with the hangman, forgevinge hym his death, & puttinge money into his hand for his rewarde,"[87] while in the same period another priest even attempted to convert his executioner by telling him the apocryphal story of Paul's executioner being saved when the martyr's blood fell onto his garments.[88] Certainly executioners could become rattled by the tasks they were entrusted with, especially when the victim demonstrated a remarkable degree of fortitude, befitting a martyr: in the late 1580s, for example, during one drawing and quartering session, the executioner was stunned when he plucked out the heart of Edmund Jennings and still the priest kept praying, to St Gregory; "God's wounds!" the executioner cried, "His heart is in my hands, and yet Gregory is in his mouth."[89] In general, individuals about to be executed were on the whole accepting of their executioners: the Carthusian leader John

---

[85] *AM*, 8:229. Catholics--most notably Robert Persons--immediately attacked the veracity of the Guernsey story, stating, among other things, that the three women were themselves thieves and strumpets, and that Perotine, the pregnant woman, murdered her (illegitimate) child by not revealing she was pregnant, which would have spared her the execution. According to Mozley, however, none of Foxe's attackers could back up their claims with evidence, whereas Foxe named eyewitnesses and quoted documents; "wherever we can test him," Mozley writes, "he is justified." See J.F. Mozley, *John Foxe and his Book* (New York, 1970), 223-41.

[86] See for example the executioner who kneeled before the Carthusian John Houghton and asked his forgiveness. E. Margaret Thompson, *The Carthusian Order in England* (London, 1930), 399.

[87] *Unpub. Docs.*, 1:359.

[88] Bellamy, 202. See also *Lives of the English Martyrs*, First Series, ii:557.

[89] *Unpub. Docs.*, 207, 359. Lake and Questier point out that Richard Sheldon did not view the muttering as a miracle, but rather as evidence, in its invocation of Gregory, of "the inveterate superstition of the papists." See Lake and Questier, 81.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Houghton embraced his own executioner,[90] while Thomas More famously told his to "Plucke up thy spirites, man, and be not afraide to do thine office; my necke is very short. Take heede therfore thou stryke not awry, for saving of thine honestie."[91] The Similarly cordial was Nicholas Ridley's directive to his executioner in 1555; as he was being manacled to the stake by an iron chain, he turned to the blacksmith and said, "Good fellow, knock it hard, for the flesh will have its course."

In reviewing the officials and clerics present at executions--the individuals behind the state--a primary question concerns the degree of enthusiasm or reluctance they might have harbored in fulfilling their tasks. On a theoretical level, authorities carried absolutely no doubt about the necessity of burning heretics, especially when those heretics were seen as "contagious," threatening to infect numerous others; as Edmund Bonner wrote, "As one thief may both rob many men, and also make many thieves, and one seditious person may allure many, and annoy a whole town or country...such evile persons, that be so great offenders of God, and the commonwealth, lest they corrupt other good, and honest persons."[92] During Henry's reign, Thomas More also expressed his conviction that heretics should be extirpated and "overwhelmed in the beginning," lest they continue to seize more souls from Christ.[93] Indeed, while More believed in using rational and moderate tactics to compel the heretic to recant, if that heretic persisted in his beliefs, then More felt no compunction whatsoever to set him or her straight to the fire.

---

[90] David Knowles, *The Religious Orders in England* (Cambridge, 1959), 3:232.

[91] Harpsfield, 204.

[92] Edmund Bonner, *Homilies sette forth by the righte reuerende father in God, Edmund Byshop of London* (London, 1555), fol. 26v.

[93] More, *Dialogue Concerning Heresies*, 408.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

In practice, however, a real resistance to burning heretics or traitors could manifest itself among sheriffs, justices, and even high council members. Certainly a kind of resistance is evident when individuals are seen as unwilling to come forward as executioners, or even as sheriffs; but whether this reluctance is due to religious solidarity or a general reluctance to carry out a difficult job is difficult to discern. In some cases, a religious streak does show through on the part of the sheriff, as with the case of one who told the Protestant Dirick Carver in Mary's reign that "If thou dost not believe on the pope, thou art damned body and soul."[94] In another case, this time reflecting sympathy, Foxe describes a sheriff, Thomas Sutton, who was loathe to execute the Protestant Elizabeth Cooper, with whom he had once been friends, "the more for the gospel's sake;" still, he was "enforced by other persons...much against his own conscience, which he now earnestly repenteth."[95] In general, a marked pattern of resistance does seem to increase as the executions continue through the reign of Mary, when the sheer volume of Protestant burnings continued: while few if any directives were issued from 1553 through 1555, for example, by 1557 sheriffs were receiving letters from the council asking why they were putting off executions--as was the case with the sheriffs of Essex and Colchester, and with Richard , sheriff of Hampshire, whose procrastination to execute was called "very strange."[96]

By the same token, during Elizabeth's reign, no person could be found who was willing to execute the priest Richard Daye; finally, after a few weeks, a butcher came forward to offer himself up for the job at a price of forty shillings, though whether this

---

[94]The sheriff continued, "Speak to thy God, that he may deliver thee now; or else to strike me down, to the example of this people." *AM*, 7:327.

[95] *AM*, 8:381.

[96] *APC*, VI, 135.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

was due to community sympathy for the condemned or to the disrepute of the job is, again, difficult to judge.[97] In any case, the picture sometimes presented of populace consisting of law-abiding "willing executioners" ready to comply with and help out the government is misleading, if not incorrect; certainly executions were carried out, and in the time of Elizabeth they were undertaken with a greater spirit of acquiescence, though an ambivalence continued to exist not only among the crowds but among low-officials.

Contemporaries, including John Foxe, were often conflicted about the benefits of execution,[98] and it was fairly common for individuals in positions of authority to be hesitant as well. In 1550, during the reign of Edward, a "certain friend" visited John Rogers and pleaded with him to use his influence with Cranmer to prevent the death of the anabaptist Joan Bocher; "even though she might infect a few by living," the individual argued, "she would confirm many more if she were punished with death." Rogers nevertheless remained firm in his belief that the burning should go ahead, as in fact such a death "was the least agonizing of all the punishments and sufficiently mild."[99] Even Edward, the young king, was said to be reluctant to sign off on the execution warrant of Bocher, which necessitated the intervention of Cranmer, who finally convinced Edward to do so.[100] Edward's reign was comparatively moderate, however, which made this hesitancy understandable; but even in the reigns of Mary and Elizabeth, some reluctance was expressed by the highest councilors and bishops in the land. In the 1550s, Catholics

---

[97] *Unpub. Docs.*, 288, 293.

[98] See for example Foxe's letter to Elizabeth (summer 1575) in Fuller, *Church History* ii.576-77.

[99] *AM*, 5: 860. Rogers himself would live on to endure the flames himself, in the time of Mary. See *AM*, 6:602-11.

[100] See *AM*, 5:699; *Edw. Jo.* 2 May 1550; *APC*, 27, April 1550. For criticism of this story by Cranmer apologists, see for example Dixon, iii, 238 n.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

such as Reginald Pole[101]--and the ambassador Simon Renard [102]--expressed a dislike for executions, and in a letter to the cardinal Edmund Bonner even offered up his view that burnings should be carried out secretly, so as not to stir up the crowd; moreover, Bonner added at another point, conducting executions with as little fanfare as possible would reduce the need for secular assistants, who were beginning to show themselves unwilling to fulfill their duties.[103] Meanwhile, officials were more enthusiastic under Elizabeth to put to death what they considered traitors, not Catholics; even so, Francis Walsingham, for example, preferred banishing or imprisoning priests, and only executing "a few for example's sake."[104]

The Crowd

One of the most important indicators of the public's acceptance of state policy can be measured in the behavior of crowds during executions; indeed, whereas the sheriffs, bailiffs, council members, executioners, preachers and would-be martyrs all tended to know and accept the role they were to play, crowds were a different matter, carrying the potential to throw a wrench into the best-laid plans.[105] The presence of multitudes

---

[101] See R.H. Pogson, "Reginald Pole and the Priorities of Government in Mary Tudor's Church." *History Journal* 18 (1975).

[102] See Renard's letter to Philip II describing the execution of John Rogers, and the sympathy of the crowds, in *Calendar of Letters, Despatches and State Papers Relating to the Negotiations between England and Spain*, ed. Royall Tyler (1954), 13: no. 148, 138-39.

[103] Bonner to Pole, July 1558, Petyt ms 538, xlviii, f. 3.

[104] Conyers Read, *Mr Secretary Walsingham and the Policy of Elizabeth I* (Cambridge, 1925), 2: 266-80.

[105] For a good description and analysis of execution crowds, especially after the seventeenth century, see Laqueur, 332. Laqueur borrows from Bakhtin's notion of the carnivalesque, and quotes his idea of carnival as "the suspension of all hierarchical rank, privilege, norms, and prohibitions."

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

reinforced the idea that the execution was, again, a fundamentally collective affair, impossible without their active, directing presence; just as the throng that cried before Jesus "Crucify him!" or lined the road to his death were central in the passion narrative, so were sixteenth-century crowds indispensable to the execution process as a whole. Indeed, it was for the crowd that such displays were directed in the first place; not only were they to deter those wavering individuals in the audience, but so were they meant, in David Nicholls words, to serve as "a morality play staged by magistrates for the edification of the populace, acting as an exemplar and warning to all potential wrongdoers."[106] Still, as Peter Burke writes, "audiences do not always react in the way the playwright expects, or wants, and the crowd did not necessarily interpret proceedings in the same way as the authorities."[107]

With crowds packed in densely and tightly around the site, executions, especially in the case of burnings, were almost intimate affairs, with people standing only feet away from the stake and its surrounding bundles of wood and furze. The crowds were comprised of all segments of society, including children, and numbered in the hundreds, if not thousands; indeed, entire communities turned out for the event, which could carry a carnivalesque element, though without the level of merriment of later execution crowds, or the Bakhtinian inversions evident in medieval charivaris. In many ways, the execution crowd was not an audience so much as an ambiguous congregation of many faiths and confessions, standing before exhorting preachers and martyrs who battled it out for its favor; while people were drawn to the event for its spectacle and theatricality, religious elements were intimately connected to the drama, not simply making it a display of

---

[106] David Nicholls, "The Theater of Martyrdom in the French Reformation," *Past and Present* 121 (1988), 49.

[107] Peter Burke, *Popular Culture in Early Modern Europe* (London, 1978), 198.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

ghoulish voyeurism but also a kind of liturgical passion play from which themes of guilt, sin, judgment, justice, punishment, repentance, and sacrifice could be played out.

Crowds were not passive observers, especially in light of the fact that they often played an indirect part in execution by their shouts of encouragement or discouragement to the hangman.[108] When the priest Richard White was hanged in 1582, for example, people protested that the hangman should let White die as fast as possible, rather than prolong his miseries by cutting him down too soon and making him face the next stage of his punishment;[109] by the same token, crowds could enjoin the executioner to cut down the hanging victim immediately, in order that he not be rendered insensible for what was to come--as was the case with the priest Cuthbert Mayne, in 1577. Crowds could also directly take part in the action, as executioners themselves: it was a fairly common practice, for example, for a few sympathetic individuals to pull on a hanging man's legs, to expedite death; sympathetic crowds could also help out by making sure the wood was properly turned and burning, in order to make their friends die more quickly--as was the case in Mary's reign, when friends of the Protestant John Hullier, "perceiving the fire to be ill-kindled, caused the sergeants to turn it, and fire it to that place where the wind might blow it to his face.[110] Death by burning could also be quickened by giving the victims bags of gunpowder to place under their arms; such was the case with Hugh Latimer and Nicholas Ridley, though Catholics would later claim that by doing so they were false martyrs who had cheated death.[111]

---

[108] See Lake and Questier, 97-99.

[109] Morris, *The Troubles of our Catholic Forefathers*, i:99. See also Bellamy, 203.

[110] *AM*, 8:379.

[111] Strype quotes "Dorman, an Oxford man (who wrote certain books for Popery)" as writing: "A kind of practice among Christian martyrs never, I trow, heard of, the sooner to despatch themselves, as with my own eyes I saw Ridley and Latimer burned;" moreover, Dorman wrote in the margin, "This agreeth not with the martyrdom of Polycarpus." *EM*, 3 (1), 387. Protestants in

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Often the government did not have great difficulty in summoning a crowd's anger against a heretic or traitor, though crowds, for differing reasons, were more enthusiastic in certain periods than in others. The burning of heretics in the early 1530s, for example, backfired in many respects on the government, but enthusiasm wasn't lacking for many--perhaps the majority--in the audience. Indeed, sometimes the ire of the crowd surpassed the state's, and became difficult to control: in 1532, for example, Thomas Bennet went to the stake amidst a raging horde, one of whom cried out to him, "Ah! Whoreson heretic! Pray to Our Lady and say *Sancta Maria, ora pro nobis*, or by God's wounds I will make thee do it!" [112] Crowds in this time could become especially baiting, as everyone, with right on their side, wanted to participate in the killing, throwing sticks and furze into the fire--as was the case with Thomas Harding in 1532, whose burning was expedited by hostile children in the crowd, who threw in wood.[113] One should hesitate in reading the religious sentiment of an entire country in the behavior of a London crowd, though one reason for the enthusiasm in Henry's reign was the still- distinct minority status of Protestants and the ability of Henry to control opposition from breaking out. During Mary's reign, on the other hand, crowds became more ambivalent, though in 1556--three years into the reign--20,000 people watched thirteen Protestants burn, without an incident breaking out.

Spectators seem to have been especially enthusiastic in the time of Elizabeth, however, when a nascent patriotism began to color the tone of those who cried out "traitor" or "God save the queen" to the executed. The Catholic layman Robert Widmerpool, for example, was denied his last speech when the crowd heckled him down and refused to

---

Elizabeth's reign could also claim that Catholics had died very un-martyrlike deaths; according to Anthony Munday's apocryphal telling, "Campion...looked dead in the face, so soone as he sawe the place of execution, and remained quaking and trembling unto the death." See Anthony Munday, *A Breefe and True Reporte* (London, 1582), sigs. B1r-3v.

[112] *AM*, 5:18.

[113] For a good analysis of the baiting crowd, see Canetti; Rudé.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

even let him speak,[114] while earlier,in 1571, the crowd "gave a shout" after John Felton's severed head was raised high by the executioner.[115] In the same year, John Story was given a similarly hostile send-off, as he passed the crowds on the way to his execution. What is especially interesting here is that many people along the way remembered his role as one of the major persecutors in Mary's reign, fifteen years previously, and were motivated by a desire to see justice (or vengeance) done--all of which demonstrated that the country, as reflected by this crowd, had turned unmistakably Protestant, with a still-vivid memory of the previous reign and its abuses. One member of the crowd reminded Story that he had been responsible for the death of John Bradford; "O Story, Story! Thou art a strange Story," the individual cried; "remember master Bradford, that godly man; his blood asketh vengeance on thee, Story." Another yelled, "Story, Story, the abominable cup of fornication and filthiness, that thou hast given others to drink, be heaped up topful, that thy plagues may be the greater at the terrible day of God's wrath and vengeance, unless thou ask mercy for thy filthy, corrupt and stinking life." Story's execution was also the occasion for balladeers, one of whom recited a doggeral with words that included the rhyme, "Your holy father, the pope/ Cannot save you from the rope."[116]

Despite such enthusiasms, a sympathetic crowd was always the concern of the authorities, especially in the time of Mary, when executions began to accumulate and create pity for the victims. At one point Reginald Pole even exhorted Londoners in 1557 that "When any heretic shall go to execution, he shall lack no comforting of you, and [encouragement] to die in his perverse opinion...by those that come out of your house."

---

[114]Bellamy, 198.

[115] *State Trials*, i:1088.

[116] Ibid., I:1091-92. For a discussion of the role of ballads and broadsides in general, see Tessa Watt; see also Alexandra Halasz, *Marketplace of Print: Pamphlets and the Public Sphere in Early Modern England* (Cambridge, 1997).

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

A 1558 proclamation , issued in anticipation of Roger Holland's death, attempted to address this problem when it stated that "none should be so bold to speak or talk any word unto [Holland and others], or receive any thing of them, or to touch them upon pain of imprisonment;" nevertheless, Foxe writes, the crowd "cried out, desiring God to strengthen them."[117] At other times, orders were sent out to sheriffs to arrest anyone who displayed a measurable sympathy towards the burning heretic, and though the law was only occasionally enforced, there were instances of arrests, as was the case in 1557, when a Norwich man was flogged through the marketplace as punishment for having protested the cruelty of executions by burning.

If a prisoner was travelling to the place where he had gained a following, sympathetic communities were especially troublesome: in 1555, for example, Dirick Carver arrived in the town of Lewes, where "the people called upon him, beseeching God to strengthen him in the faith of Jesus Christ."[118] In hotbeds of Protestantism such as Colchester, sympathetic crowds could get out of hand, as one gathering--numbering in the thousands, according to one estimate--turned out to shout its prayers and encouragement to a group of correligionists, burning.[119] The atmosphere became even more charged if the victim had once been an especially prominent and well-liked member of the community, such as a bishop: John Hooper, for example, was sent for execution to his old diocese of Gloucester, where a crowd of 7000 sympathizers came to greet him, and later prayed as he died; similarly, Rowland Taylor, the former bishop of Hadleigh, was met in the streets on his way to the stake by crowds who cried, "Ah! Good Lord! There goeth our shepherd

---

[117] *AM*, 8:479.

[118] *AM*, 7:326.

[119] Robert Whiting, *Local Responses to the English Reformation* (New York, 1998), 124.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

from us, that so faithfully hath taught us, so fatherly hath cared for us, and so godly hath governed us!"

The sympathetic behavior of crowds in Mary's reign did not necessarily indicate that England had already become a Protestant realm; still, executions in some ways served as a catalyst in turning people away from her policies and associating her Catholicism with persecution. Indeed, the sight of a collective group--including a former archbishop-- going stoically to the flames was shocking enough to bring on an ambivalence that would eventually backfire; even if one was not a fellow believer, witnessing an execution could elicit admiration for the victim. During the burning of John Laurence in 1555, for example, young children cried out, "Lord, strengthen thy servant," before he was finally consumed in the fire,[120] while in the same period George Marsh went to his death to the exclamations of the people that "This man goeth not unto his death as a thief, or as one that deserveth to die."[121] Some even went up to the stake to receive the martyr's blessing, while the horrific burning of Latimer and Ridley brought about the sudden conversion of one Catholic in the crowd, Julius Palmer, who would himself become a martyr for the Protestant cause one day. A similar sympathy--and even conversion[122]--was experienced at times in Elizabeth's reign, despite the overwhelming hostility of the crowd; at the execution of the priest William Freeman in 1595, the audience consisted primarily of Protestants, though "never a one of the standers [made] any clamoure, or spake any word against hym, but some there were that revyled the exequtioner & said yt were no matter yf he went in the other's case." Others in the crowd, meanwhile, "noted much the hardness

---

[120] *AM*, 6:737, 740.

[121] *AM*, 7:53.

[122] See the case of the hardened prisoner who converted at Nutter's execution, in Lake and Questier, 84.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

of his knees, and sayd, 'surely he was a good man & used much prayer."[123]

Sympathizers could often go farther, seizing pieces of their martyrs' bloody garments, body parts, or burnt remains. Whether the desire was for a relic or a souvenir, the problem could be a major one for the authorities: according to a letter by Robert Southwell, for example, guards in the Elizabethan period had to be posted around the gallows after the execution had taken place, to prevent spectators from lunging at the corpse on the scaffold.[124] At the death of William Hart, for example, crowds jostled each other to get a hold of "either his shirt or shoes or some part of his clothes," to the point where officials were forced to imprison many of them afterwards;[125] meanwhile, the intestines of Alban Roe and Thomas Reynolds were stolen out of a boiling cauldron, as were the heads if Richard Thirkill and William Hart, hanging on posts.[126] A demand for relics was not unique to Catholics, however, with Protestants seizing remains of their own--a fact which the Catholic polemicist Miles Huggarde later pointed out as evidence of those followers' hypocrisy.[127] One ghoulish scene recounted by Foxe describes the aftermath in 1556 of John Hullier's burning: "His flesh being consumed, his bones stood upright even as if they had been alive," Foxe writes. "Of the people some took what they could get of him, as pieces of bones. One had his heart, the which was distributed so far as it would go; one took the scalp, and looked for the tongue, but it was consumed except the

---

[123] *Unpub. Docs.*, i:359-60.

[124] Ibid., 327. See also Bellamy, 208.

[125] See *Douai Diaries*, ed. Knox, no. 23, 327-28. See also *CRS* 58, 50-51. For the fate of the Catholic relics, see Brad S. Gregory, *Salvation at Stake: Christian Martyrdom in Early Modern Europe* (Cambridge, Ma., 1999), 298-303.

[126] *Acts of the English Martyrs*, 343; 325-26.

[127] Miles Hogarde, *The Displaying of the Protestantes, and sondry their practises, with a description of diuers their abuses of late frequented*...(London, 1556), fol.44.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

very root."[128]

Some individuals who had been in attendance at executions were diligent in committing what they were seeing to memory, and went on to compose cheap pamphlets, broadsheets, poems, and songs, to convey their experience as witnesses. John Foxe, for example, based his execution accounts from eyewitness testimonies, such as those provided by James Bainham's wife Joan, who had watched from the crowd as her husband died.[129] Later on, at the execution of Edmund Campion, Thomas Alfield attended with "many good Catholic gentlemen" --including a student from Gray's Inn named Dolman, who took notes[130]--and proceeded to report on what he saw, shaping all later accounts of the saint's death.[131] Another Catholic sympathizer witnessed the execution of Robert Southwell, and conveyed what he had seen to the noted Jesuit Henry Garnet, who included it in a letter.[132] Ambassadors or foreign dignitaries also conveyed written accounts of executions, though their actual presence at the event is not entirely clear: a letter to Charles V by the imperial ambassador Chapuys, for example, described how "Yesterday there were dragged through the length of this city three Carthusians and a Bridgettine monk, all men of good character and learning, and cruelly put to death...only for having maintained that the Pope was the true head of the Universal Church...The monks [had] maintained their cause most virtuously." Indeed, like Simon Renard, another imperial ambassador twenty years later, Chapuys' report in fact reveals both sympathy for

---

[128] *AM*, 8:330.

[129] Freeman, 277.

[130] The notes were sent on to the printer Roland Verstegan. See *Cause of the Canonization*, 317-318. See also Gregory, 289-90.

[131] Alfield, *True Reporte*, sig. [A4r-v]. [A4].

[132] See Catholic Record Society, 5:227-30.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

the victim and an appalling sense over the barbarity in which England had descended.[133]

In the end, no execution ever inspired the crowd to riot or truly threaten the state, though elements were present that made the event vulnerable to disorder, from the presence of neighbors and sympathizers to the expression of various rituals loaded with incendiary potential . In questioning the reasons behind this relative order in the crowd, one cannot fall back on the argument that English people, as opposed to those in France, were somehow instilled with a greater sense of crown obedience, especially when they suffered from and reacted noisily to the same socio-economic problems, inflation and grain shortages as their counterparts across the channel; indeed, while England managed to contain itself from religious riots in the sixteenth century, this didn't prevent it from experiencing its own violent, hot-headed, millenialist crowds and uprisings in the century to come.

In many ways, England in the sixteenth century was really saved by its own religious confusion. Violence, after all, demands the drawing of hard, partisan lines, and though England had its extremists on the far edges, the vast majority of individuals--to paraphrase one contemporary commentator--remained neither Protestant nor Catholic but somewhere in the "neutered middle," at least until the reign of Elizabeth. The France of 1572, due to its own specific historical conditions, was a religiously galvanized country, as Huguenot faced off against Catholic and each side was supported (and inflamed) by powerful forces among the nobility; the fact that England in its official policies and public sentiments existed on less stable ground paradoxically prevented groups from mobilizing and sweeping that great neutered middle along with them. Each reign differed, however, according to its own character: while attention immediately after the deaths of Thomas

---

[133] *LP*, viii: 666. Quoted from Lawrence Hendriks, *The London Charterhouse: Its Monks and Its Martyrs* (London, 1889), 155-57.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

More, John Fisher, and the Carthusians was keen--especially overseas[134]--it wasn't clear at first what their deaths exactly meant, especially to Catholics; in any case, heroic as More may have been, very few others were about to meet their deaths over a refusal to take the oath. Evangelicals and sectarians put to death under Henry carried too small of a base among the masses--clustered as they had been in conventicles or certain circles--to inspire any kind of widespread reaction of anger, while the same held for anabaptists under Edward. As for Mary, not enough Protestants yet existed to create a true threat, though the ambivalence which executions inspired,in response to a harsh and arbitrarily enforced policy, eventually created a backlash--albeit one which developed over time, as opposed to exploding at the scene itself. Finally, by the time of Elizabeth the association of Catholicism with treason--and the state with the true religion--had become so powerful that few would have dissented greatly from the surge of crowd sentiment; moreover, the fact that Elizabeth's executions were selective--with priests the primary victims--further focussed the crowd's ire on specific individuals whose guilt was clear and undoubted in their eyes. In this sense, and in all other reigns, individuals tended to largely accept the punishment--or justice--being displayed before them; while not totally quiescent,, crowds were thus contained, their autonomy checked by the shadow of the king or queen which they knew, always, hovered over them.

---

[134] According to John Scarisbrick, the death of John Fisher, "a prince of the Holy Roman Church, rang louder" overseas and especially in Rome, than did More's death. See J.J. Scarisbrick, *Henry VIII* (Berkeley, 1968), 334.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Just as it was individuals who resided behind the entities of "state" and "crowd," so did individuals exist behind the encompassing entity of "martyr." The fact that there were so many varieties of individuals who went to their deaths, from the young to the old, from archbishops to the most unlettered fishermen, attests to the fact that martyrdom had more to do with the particularities of one's personal motivations, character, and religiosity than to any sort of group dynamic or socio-economic pattern.[135] Moreover, while it has been argued that future martyrs shared with each other a death wish that emanated from their state of imprisonment and the inevitability of execution,[136] such reductive claims do not really cover the full panorama of specific historical conditions and individual beliefs. As Brad Gregory had recently pointed out, it was their understanding of faith and scripture that connected each of these martyrs, no matter what their confession; rather than being motivated by psychological guilt complexes or socio-economic circumstances, such individuals took seriously and justified their actions through models of suffering--and triumph--before them, and through the injunctions of the bible, from psalms such as psalm 116 --"Precious in the sight of the Lord is the death of his faithful ones"--to the sermon

---

[135] Brad Gregory makes an excellent case against historians who attempt to fit early modern martyrs into various sociological, psychological, or anthropological categories; see Gregory, 99-105. Two of the foremost practitioners of the sociological approach are Donald Weinstein and Rudolph Bell, in *Saints and Society: The Two Worlds of Western Christendom, 1000-1700* (Chicago, 1982). Gregory, however, tends to overlook some of the very valid conclusions and statistics brought forward by Weinstein and Bell concerning the role of age, gender, place, and time of the martyr-saints in early modern Europe.

[136] Penny Roberts, "Martyrologies and Martyrs in the French Reformation: Heretics to Subversives in Troyes," in *Martyrs and Martyrologies*, ed. Diana Wood (Studies in Church History, 30; Oxford, 1993), 228.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

on the mount, with its exhortation that even though "they will hand you over to be tortured and will put you to death...the one who endures will be saved."[137]

The execution was the ultimate witness of faith, allowing individuals to present themselves in ways that circumvented the authorities' control. To argue that future martyrs utilized various strategies to address the crowd and their persecutors from the execution "stage," however, should not diminish their genuine embrace of martyrdom; many in fact were more than aware of Augustine's dictum that "not the punishment, but the cause, makes a martyr," and so were careful in resisting the temptation towards full-out self-glory. Yet individuals about to be executed did not exist in a hermetic realm of scripture-based interiority either; they knew that they were going to the stake or gallows for evangelical reasons as well, and that they were addressing--and possibly inspiring and persuading--an audience that was national as well as international. The act of martyrdom, as they well knew, was thus a deeply public one, and it was up to them to find ways in which to seize the high ground from the authorities present; in this sense, executions of religious dissidents also differed from those of felons in that the stakes, finally, were that much higher, as persecutor and persecuted battled for the soul of present and future audiences.

Though some accounts collapse the time between condemnation and execution for dramatic purposes, in reality a period could lapse before the punishment was to be meted out. This allowed the prisoners time to think, to write letters, to pray, or--in the case of Latimer, Ridley, and Cranmer, to be formally degraded of their episcopal offices.[138] While some individuals spent their last days in "joyful meditation" or in a state of prayerful

---

[137] Matt, 24:9, 13.

[138] For a good account of the degrading ceremony undergone by Latimer, Cranmer, and Ridley, see David Loades, *The Oxford Martyrs* (New York, 1970), 218; see also Nichols, 55.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

calm, others approached their pending deaths with more difficulty. Thomas More, for example, thought and wrote a great deal about his own upcoming death, and remained deeply preoccupied with the relationship between suicide and martyrdom; while martyrdom, according to More, could constitute the ultimate *imitatio christi*, the desire for self-sacrifice could also be pursued out of pride and vainglory, and even compel the so-called martyr to provoke another to sin, in goading that person--or executioner--to murder.[139] More was also one of the more pain-haunted of future martyrs, and had graphically expressed these preoccupations both in letters to his daughter Margaret, and in his *Dialogue of Comfort Against Tribulation*; indeed, he was not entirely sure that he would be spared the punishment of traitors, and it was not long before his actual death that he was told that he would be beheaded rather than quartered. In these last days, he continued to turn to the books of Job and Ecclesiastes in concluding that suffering, no matter what form it took, brought one more vigorously to God, and that--echoing Paul--the amount of pain one was given was no more or less than the pain one could bear. Despite these consolations, More was aware of his limitations and not always certain that martyrdom was his vocation, as he expressed at one point during his trial:

> I have not been a man of such holy living as I might be bold to offer myself to death, lest God for my presumption might suffer me to fall, and therefore I put not myself forward, but draw back. Howbeit if God draw me to it himself, then trust I in his great mercy, that he shall not fail to give me grace and strength.[140]

More also was haunted by dreams on the eve of his execution, as were many others--all of which attested to the fact that the prospect of martyrdom may have been embraced,

---

[139] Thomas More, *Dialogue of Comfort against Tribulation*, ed. Leland Miles (Bloomington, 1966), for example 105-11; 118-26; See Paul D. Green, "Suicide, Martyrdom, and Thomas More," in *Studies in the Renaissance* 19 (1972), 135-55. For a general discussion of the meanings suicide held for early modern English people, see Michael MacDonald, *Sleepless Souls: Suicide in Early Modern England* (Oxford, 1990).

[140] Letter to Margaret Roper from the Tower, in Rogers, 253.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

but it did not come easily. During the reign of Mary, Robert Samuel spent the days before his execution experiencing dreams or visions, one of which included a foreshadowing of his burning with two women.[141] During the same period John Bradford roused his cellmate in the predawn hours to speak of an "unquiet sleep," where he dreamed "how the chain for his burning was brought to the Compter-gate, and how the next day, being Sunday, he should be had to Newgate, and on the Monday after burned in Smithfield."[142] Cranmer--perhaps apocryphally--is also said to have experienced a significant dream where Christ contended for his soul, not against the devil but against Henry VIII;[143] whether the story was true or not, Cranmer soon after attended mass, and went on to sign his sixth--and last--recantation.

Contrary to the picture often presented of individuals facing the prospect of their martyrdoms with a fully accepting serenity of spirit, approaching death was in fact laden with doubt and fear, which many fully expressed. In 1555, for example, Robert Glover spent the period after his condemnation and before his execution in a state of near-despair; according to Foxe, Glover's "heart [was] lumpish, and desolate of all spiritual consolation, [and he] felt in himself no aptness nor willingness, but rather a heaviness and dulness of spirit, full of much discomfort to bear the bitter cross of martyrdom ready to be laid upon him." When he expressed this state to his friend and messenger Augustine Bernher, he was enjoined to "play the man, nothing misdoubting but the Lord in his good

---

[141] *AM*, 7:373-74.

[142] *AM*, 7:147. See Seymour Byman, "Guilt and Martyrdom: The Case of John Bradford," *Harvard Theological Review* 63 (1975), 305-31; and "Ritualistic Acts and Compulsive Behavior: The Pattern of Tudor Martyrdom," *American Historical Review* 83 (1978), 623-43. Byman's these, which takes a psychoanalytical approach to Bradford and other martyrs, is a questionable reading of the motivations and historical conditions of the time; indeed, scripture and its use by the martyrs is hardly mentioned at all.

[143] *Bishop Cranmer's Recantacyons*, 79-82.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

time would visit him, and satisfy his desire with plenty of consolation." Foxe continues:

> The next day, when the time came of his martyrdom, as he was going to the place, and was now come to the sight of the stake, although all the night before praying for strength and courage he could feel none, suddenly he was so mightily replenished with God's holy comfort and heavenly joys, that he cried out, clapping his hands to Austen [Bernher], and saying in these words, 'Austen, he is come, he is come.'[144]

Thomas More also experienced doubts, which he ruminated upon through his *Dialogue of Comfort* and the short treatise entitled the *Sadness of Christ*. According to More, an entire gamut of sufferings was contained in Jesus' heart as he stood in the garden of Gethsemene; the very fact that Jesus felt dread and trepidation, More continued, showed that he was not condemning fear in itself but explicating on how one responded to that fear. Here the words of Paul--"My power is made perfect in weakness"--applied, though the humility that suffering brought was to be supplanted by the "supernatural" hope bestowed by God; standing at the place--Gethsemene, the Tower, the stake, the scaffold--where one could not flee further, the martyr, wrote More, had to take to his death the injunctions of Matthew 10, that "there is nothing covered, that shall not be revealed; and hid, that shall not be known."

More was notified only a few hours before he was to die--a practice which was not at all uncommon, as authorities sought to prevent the possibility of suicide or escape.[145] Later in Henry's reign, John Lambert was also given little notice; taken out of prison at 8 a.m.--which was around the typical hour of death--Lambert was first shepherded to the house of Thomas Cromwell, who informed him that "the hour of his death was at hand" and proceeded to offer him breakfast before sending him off to the stake.[146] Others were

---

[144] *AM*, 7:398-99.

[145] *Cal. State Papers relating to Scotland and Mary, Queen of Scots* 1547-1603, ix, no. 328. See also *State Trials*, 1.404.

[146] *AM*, 5:236.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

told the night before that they were to die, as was the case with Nicholas Ridley, who spent his last night at the Irishes' residency in Oxford where he had been incarcerated; while Mrs Irish--who until now had been a somewhat nasty keeper--wept copiously, Ridley told his friend George Shipside, who was present, that he didn't need companionship for the rest of the night, "For I mind, God willing, to go to bed, and to sleep as quietly tonight as ever I did in my life."[147] George Tankerfield seems to have spent his own last hours in scripturally-evocative ritual acts: at the inn where he had been taken--his was a case of being transported back to his home county for execution--he asked for wine and a loaf of bread, "that he might drink that in remembrance of Christ's death and passion;" moreover, when he sat before a fire, he "put off his shoes and hose, and stretched out his leg to the flame; and when it had touched his foot, he quickly withdrew his leg, showing how the flesh did persuade him one way, and the spirit another way."[148] Later on, during the reign of Elizabeth, the priest James Bell spent his own last night in prayer and meditation, "wishinge (if it pleased God) more tyme to doe penaunce in; and in very few wordes exhorted all the condemned prisoners to the Catholicke fayth and to true repentaunce." The next morning, he "reioyced greatlye in God and gave Him thankes for all His benefites, utteringe these words, 'O blessed day, O the fayrest day that ever I saw in my life."[149]

Church bells rang out when it came time for the victim to be paraded through the streets in a kind of passion scene down the via dolorosa. In many ways the procession

---

[147] *AM*, 7:549, 552.

[148] Ibid., 7:346.

[149] *Unpub. Docs.*, 1:78. Bell's fellow Catholic, John Finch, also spent his last night in prison exhorting prisoners to repentance. See *Unpub. Docs.*, 1:87.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

was as important as the event itself, and hundreds lined the route in order to catch a glimpse of the traitor, heretic, or--to supporters--future martyr. Hands tied behind his back or with his feet in chains, he was publicly exhorted from atop his hurdle by an either hostile or sympathetic crowd along the route to his execution site, in scenes that could often develop into noisy affairs. Thomas More, for example, famously encountered passer-bys asking for help or accusing him of having committed a personal injustice; at one point, wine was even offered to him, though he replied "Christ in his passion was given not wine but vinegar to drink." [150] Sometimes the prisoner was accompanied by a preacher or, in other cases, a sheriff, who urged him to acknowledge his crimes and sins--the latter being especially the case when the prisoners were Jesuits or priests, during Elizabeth's reign.[151] The condemned also had a chance to say goodbye to his family, either along the procession route or at the execution site. As he was being led to the stake, for example, William Hunter saw his father, who said, weeping, "God be with you, son." "God be with you, good father," Hunter replied, "be of good comfort, for I hope we shall meet again, when we shall be merry."[152] On his way to execution, John Rogers also glimpsed his family --a wife and ten children--who were among the crowd watching him, on his way to die, while Thomas Wats enjoined his wife and six children--two of whom wanted to join their father in the flames-- to hold fast in their faith.[153]

In addition to the traditional carrying of a book of scripture or a psalter,[154] the

---

[150]Thomas Stapleton, *The Life and Illustrious Martyrdom of Sir Thomas More* (1588), 279.

[151]Bellamy, 187-88.

[152] *AM*, 6:722-29.

[153] *AM*, 7:123.

[154] See for example George Eagles, who in 1557 rode on a hurdle carrying a book of Psalms, "the which he read very devoutly all the way with a loud voice, till he came [to the gallows]." *AM*, 8:395.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

condemned could also dress significantly, using their clothes to convey meanings that circumvented the authorities' control. Some prisoners dressed in their finest regalia, in shirts newly sewn for them, for the occasion, as if they were attending of high and joyful ceremony. The Welsh fisherman Rawlins White, for example, described the shirt he wore to execution as his "wedding garment," as did John Philpot [155] and John Bradford, who had a special shirt sewn for him "by one master Walter Marler's wife," which elicited from the crowd "great admiration." [156] Nicholas Ridley dressed for his own self-described "wedding", though he was forced to shed them at his execution. Others chose more apostolic gear, as did Laurence Saunders, who was dressed "in an old gown and a shirt, barefooted." On the day of his execution, Thomas More began to dress for his execution "into his best apparell," until the lieutenant of the Tower advised him to wear more modest gear in light of the tradition that executioners were to seize garments, either to make the execution easier or to keep for themselves.[157] On the other hand, during the same period the Carthusians were ordered to wear their monastic habits as well as their traditional hairshirts, with the latter making the resulting butchery particularly difficult.[158]

It was also traditionally expected that the prisoners would distribute money to the poor along the parade route, or to give to a priest so that masses would be said for him after his death: in 1555, for example, sympathizers offered George Marsh a purse in which he could pay a priest and "be saved;" instead, Marsh said that "he would not as then be troubled with meddling with money, but willed some good man to take the money...and to

---

[155] *AM*, 7:32; 7:706.

[156] Ibid., 7:147.

[157] More did so, alter[ing] his apparel," though he did send the executioner some gold, in imitation of his hero St Cyprian. Harpsfield, 203.

[158] Hendriks points out that "[had] the monks been indeed guilty of high treason, they should have been degraded, and then executed in secular clothing; but ecclesiastical law had no more force, for the King of England had become a pope." Hendriks, 151-52. See also Knowles, 3:232;

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

give it unto the prisoners or poor people."[159] Similarly, John Bradford before he died "gave money to every servant and officer of the house" where he had been incarcerated, before proceeding onto his death,[160] while Nicholas Ridley, when he arrived at his place of execution, distributed his clothes and various personal items to both the officers and his friends in the crowd. Meanwhile, in 1595 the priest William Freeman "went alonge the street [to the gallows] very cheerfully, & dealinge money to pore people that stoode in his way."[161] Freeman in fact seems to have made a great show of his procession to the execution site: emerging from the jailor's house, he "pynned upon his brest the picture of a Crucifixe made after the form of a hart, in paper," and when one of the sheriff's men noted that he seemed inordinately happy, Freeman laid his hand upon the crucifix and answered, "Yea, I have no other cause, for I dye for this."[162]

Often the prisoner did not travel alone, but was accompanied by others also condemned, including common felons as well as other heretics or traitors. Richard Woodman, for example, was carried to the site of his death and burned with nine others,[163] while the three women burned at Guernsey consisted of the mother "at the middle post," with "the eldest daughter on the right hand, the youngest on the other."[164] In an echo perhaps of Jesus on Golgotha, Foxe reports that George Eagles was executed alongside thieves and even took the opportunity beforehand to exhort them to repent; one

---

[159] *AM*, 7:52-53.
[160] Ibid, 7:147.
[161] *Unpub. Docs.*, 1:357.
[162] Ibid., 1:357-58.
[163] *AM*, 7:377.
[164] *AM*, 8:229.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

of the thieves turned to Eagles and said sarcastically, "Why should we doubt to obtain heaven, forasmuch as this holy man shall go before us, as captain and leader unto us in the way. We shall fly thither straight, as soon as he hath once made us the entry." Another thief, however, took heed to Eagles, "earnestly bewailing his own wickedness, and calling to Christ for mercy."[165]

When he arrived at the place of execution, the prisoner was given the opportunity to address the crowd, and even take questions and undergo disputes. In 1540, for example, Robert Barnes was asked by one member of the crowd about his opinion on saints, which produced a detailed, almost pedagogical answer, while his stakefellow Jerome followed him with a speech of his own that ended, in a somewhat typical manner, that he committed his soul to Christ, and "beseech you all to pray to God for me, and for my brethren here present with me, that our souls, leaving these wretched carcasses, may constantly depart in the true faith of Christ."[166] All in all, it was a thoughtful, dignified presentation that contrasted with the agonizing, state-sponsored fire that followed. The aforementioned William Freeman also underwent a last-minute gallows-side disputation with his former examiner, Boardman, who asked him whether he believed "the proceedings of the churche of England?" Freeman answered that obviously he did not, since "yf I had ben of that opinion I neaded not to have ben here now;" still, he was innocent of the "Externall acte of treason." Boardman then went on to "caville with [Freeman] about some matters in controversy, as Mediation & Intercession of Saintes, & such lyke," and tried to entice Freeman into joining him in prayer; Freeman refused, however, stating that "yow and I are divided. There was a division betwene Moyses & Aaron, God's lawfull Priestes, & Chore, Dathan & Albiron," and anyway, he had come "to dye for my faith,"

---

[165] Ibid., 395-96.
[166] *AM*, 5:437.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

not to dispute. Boardman eventually let the matter drop, and said that he bore the priest no malice; the persecution of Freeman had been undertaken "in that behalf of my prince and country, & therefore I hope that yow will forgive me, & not think yll in me?" Freeman answered that he did not, and when Boardman wished him "eternall salvation"--but also wished that he felt "remorse"--Freeman said, "I thanke yow, [and] wyshe the same unto yow."[167]

It was the prisoner's speech, however, which served as a set-piece, and though the authorities dictated the terms and the rules--for example, that the speech was to be contained within certain limits, and not used to rile the crowd--few condemned individuals refused the opportunity to make their last exhortation to the world. The "last dying speech" seems in fact to have begun--or at least proliferated--under the Tudors,[168] and applied not only to heretics or traitors but to felons and other common criminals, as J.A. Sharpe and others have recently pointed out.[169] Authorities, however, were not being lenient or "nice" by allowing the condemned to speak; instead, the speech, if it took place, was a firm part of the script as it was written by the state, with pleas for forgiveness and salutes to the crown that not-so-subtly reinforced the powers that be. Such speeches tended to follow a stereotyped formula, beginning with a recounting of the prisoner's early and later sins; this led in turn to an overt acknowledgment of guilt, even if the prisoner had previously challenged the conviction--reflecting a sudden turn of mind that

---

[167] *Unpub. Docs.*, 1:359.

[168] See James, *English Politics and the Concept of Honour*, 55. Not everyone was allowed to speak, however; see for example the 1555 case of George Marsh, who at his execution site "began to speak to the people, showing the cause of his death, and would have exhorted them to stick unto Christ;" the sheriff, as mentioned earlier, shut him up, however, though he was allowed to pray. See *AM*, 7:53.

[169] J.A. Sharpe, "'Last Dying Speeches': Religion, Ideology and Public Execution in Seventeenth-Century England," *Past and Present* 107 (1985), 144-67.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

has been attributed in part to family pressures as well as to the state's use of physical and psychological methods of coercion.[170] By prostrating himself in such a manner, the condemned was thus ending the drama on a note of consensus and conveying to the audience that justice, in fact, had been done--or so the authorities hoped.

Despite attempts by those authorities to control the nature and content of speeches, however, the speaker--especially if he was a heretic or traitor rather than a common felon--could often slip in small digs alongside his salutes to the crown. Thomas More's last statement that he died "the King's good servant but God's first" carried a measure of self-assertion which implied that the two kinds of servants--and the laws under which they served--were deeply opposed; in the same year, John Fisher declared that "I beseech Almighty God of his infinite goodness, to save the king and the realm, and that it may please him to hold his hand over it," before adding a swipe with, "and send the king good counsel"-- thus implying, of course, that his present counsel was lacking.[171] Both men, however, took care to pray for their monarchs, and there is nothing to indicate that their statements were not genuinely felt. Similarly, the Carthusian John Houghton defended himself by declaring that "being about to die in public, I declare that I have refused to comply with the will of his Majesty the king, not from obstinacy, malice, or a rebellious spirit, but solely for offending the supreme Majesty of God." [172] At the end of the century, Edmund Campion also announced that he prayed for Elizabeth, "your Queen and my Queen, unto whom I wish a long quiet reign with all prosperity." Campion even went so far as to admit that "if you esteem my religion treason, then am I guilty"--although it

---

[170]For a discussion of these issues, see L.B. Smith, "English Treason Trials and Confessions in the Sixteenth Century," *Journal of the History of Ideas* 15 (1954), 483-87. See also Bellamy, 200-01.

[171] *State Trials*, i:1091-92.

[172] Quoted in Hendriks, 151-53.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

was statement which also carried a defiant affirmation of his religion.[173] Campion, More, and Fisher were more or less able to slip past the authorities and crowds by masking dissent within their praise; others, however, were not so subtle. In 1590, for example, the priest Anthony Middleton asked Richard Topcliffe, who was present at the execution, if he was permitted speak; Topcliffe replied that if he spoke "to the glory of God, the honor of thy prince and country"--and not "that doctrine which thou hast taught in yonder place," then he would be allowed his speech. But when Middleton proceeded to state that "if I had ten thousand deaths to suffer, I would suffer them for the Roman Catholic faith," he was interrupted by howls of the crowd yelling, "Away with him."[174]

Last speeches were also seized upon by individuals as part of a continuation of the "art of dying well" tradition, which could also be used to counteract the authorities.[175] Of course, officials also sought out the good death for the condemned, who were expected to face their deaths with repentance and humility before God and the crown. But for those about to be executed, the art of dying well meant something completely different: where authorities saw an obstinate heretic on the stake, or a traitorous priest funded by hostile foreign powers on the gallows, those same individuals, to themselves and their followers, were displaying patient suffering that existed at the very heart of the *imitatio christi*; moreover, while the point of death was portrayed in the *ars moriendi* as singularly dark and perilous--with the devil's snares lurking strongest there--the dying individual had to bear the moment "without any contradiction but also joyously, as he should abide the

---

[173] *State Trials*, i:1050-72; see also Richard Simpson, *Edmund Campion* (London, 1867), 319, 321.

[174] *Unpub. Docs.*, i:186.

[175] See Mary Catherine O'Connor, *The Art of Dying Well: The Development of the Ars Moriendi* (New York, 1942); Roger Chartier, "Texts and Images: The Arts of Dying, 1450-1600," in *The Cultural Uses of Print in Early Modern France* (Princeton, 1987); Henri Zerner, "L'Art au mourir," *Revue de l'Art* 11 (1971); Gregory, 50-62.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

coming of his good friend"--or a realm of "joy and glory."[176] Speeches reflected these themes, which were only magnified by pending martyrdom; indeed, whenever the condemned declared their joy, they were echoing, in addition to the *ars moriendi*, the words of Thomas a Kempis, who wrote, "How gracious and happy is that soul that now in his life laboreth to be in that state that it desireth to be found in death."[177] Thus, in 1543, for example, Henry Filmer, Robert Testwood, and Anthony Peerson told the crowd "not to be moved by their afflictions, for it was the happiest thing that ever came to them"[178]--a statement which was appropriate for the moment of death, but also one which showed how patient endurance could win out in the face of such pending agony, and cause the martyrs to take the execution drama away from the authorities' control.

The act of forgiveness was another necessity in the art of dying well, though individuals were also modelling themselves on the Jesus in Luke 23:34, who said, "Father, forgive them; for they know not what they do." The words in fact were often quoted, and addressed not only to persecutors in general but to specific individuals. When the preacher at John Frith and Andrew Hewet's's execution, for example, told the people that "they should in no wise pray for them than they would for a dog," Frith smiled and "asked the crowd to forgive the preacher--words which "did not a little move the people unto anger,and not without good cause."[179] In 1540 the Protestant Robert Barnes said about Stephen Gardiner that "if he have sought or wrought this my death either by word or deed, I pray now God forgive him as heartily, as freely, as charitably, and without

---

[176] *Here begynneth a lityll treatise shorte and abredged spekynge of the arte and crafte to well know to dye*, trans. William Caxton (London, 1490), sigs. A1v, A2.

[177] Quoted in Gregory, 53. See also Thomas a Kempis, *The Imitation of Christ*, trans. Leo Sherley-Price (London, 1952), 57-60.

[178] *AM*, 5:493.

[179] Ibid., 18.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

feigning, as ever Christ forgave them that put him to death. And if any of the council, or any others have sought or wrought it through malice or ignorance, I pray God forgive their ignorance, and illuminate their eyes that they may see."[180]

While some martyrs took their cues heavily from the emphasis on forgiveness in the gospels, others adhered more to the model of Old Testament prophets, going to their deaths in hard, accusatory defiance. Protestants executed under Mary were, on the whole, of this nature, and rarely did any of them pray for the health and long life of the queen. Indeed, the condemned were keenly aware that the attention of the nation--if not all of Europe-- was on them, and exhorted accordingly: "O England, England, repent thee of thy sins, repent thee of thy sins," cried John Bradford at the stake.[181] A final, angry affirmation of faith laced these speeches, as prisoners upheld their true church and condemned others who held fast to the wrong beliefs--all of which the Catholic writer Miles Huggarde used as evidence of the their lack of modesty appropriate to a martyr.[182] Dirick Carver, for example, enjoined his followers that "as many of you as do believe upon the Father, the Son, and the Holy Ghost, unto everlasting life, see you do the works appertaining to the same. And as many of you as do believe upon the pope of Rome, or any of his laws which he sets forth in these days, you do believe to your utter condemnation."[183] In the same period, Thomas Wats turned to Richard Rich, who was present at the execution, and told him to "beware, beware! For you do against your own conscience herein; and without you repent, the Lord will revenge it: for you are the cause

---

[180] *AM*, 5:436.

[181] *AM*, 7:147.

[182] Huggarde wrote, "Where is their modestie, their pacience, their charities, their love, that is required of a martyr?" Stephen and Paul, he wrote, did not display such taunting pride, after all. See *Displaying of the Protestants*.

[183] *AM*, 7:326.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

of this my death."[184]

Catholics could be similarly defiant: in 1538, for example, Friar Forest is said to have cried out as he was dying that "if his body should be cut joint after joint, or member after member burnt, hanged, or what pain soever might be done to his body, he would never turn from his old profession."[185] Later, during Elizabeth's reign, the Catholic John Story, whose speech followed the aforementioned formula, declared that "I say with St Jerome, that ancient father and pillar of the old ancient, catholic, and apostolic church, grounded upon the patriarchs, prophets, and apostles, that in the same faith that I was born in, I propose to die in."[186] Later on, the Jesuits were notorious for their defiance, not only proclaiming their faith but using the opportunity to lead other in clearly papist prayer, as was the case with Robert Southwell at the scene of his death.[187]

Those convicted of treason, especially during Elizabeth's reign, also used their last opportunity to deny that any treason had been committed. The Catholic John Felton, who had been condemned for posting a papal bull on the bishop of London's gate, insisted that "I take it on my death, that I never meaned hurt, or harm, or any Treason toward my prince, but only that, which I did, in setting up the Bull." Authorities present attempted to compell Felton to acknowledge that he was in fact "attainted of High Treason, and found Guilty, by the oath of twelve true and honest men, and therefore, acknowledge thy treason,

---

[184] *AM*, 7:123. Later on, during the reign of Elizabeth, the deranged puritan William Hacket was put to death not only unrepentant but still under the delusion that he was king of Europe; when the hangman began to go about his business, he was met with the words, "Thou bastard, wilt thou hang Hacket thy king?" See William Camden, *Annals or the History of the most renowned and victorious princess Elizabeth, late Queen of England* (London, 1635), 403.

[185] *AM*, 5:179-80. For the circumstances surrounding Forest, see Peter Marshall, "Papist as Heretic: The Burning of John Forest, 1538," *The Historical Journal* 41 (1998), 351-74.

[186] *State Trials*, i:1095.

[187] *Unpub. Docs.*, 336.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

and be sorry for it, and ask God and thy prince forgiveness." Felton, however, refused to go as far as that, though he did say that "he was most heartily sorry for his fact that he was condemned for, and that he besought her grace to forgive him."[188] In 1571, the priest John Story was also allowed to face the crowd before the gallows, and was enjoined to ask forgiveness for his treason. Story, saying that "it hath pleased Almighty God to call me to account of my 67 years," began his extremely long speech by detailing the sinfulness of his nature, and then proceeded to defend himself against the charges in his arraignment by reiterating the defense made at trial that he was no longer a subject of the realm, nor of its laws. Moreover, Story continued, he had not been as cruel as he was alleged to have been in the time of Mary, when he was on the other side, as a persecutor; indeed, when twenty-eight people had been condemned to the fire, he "moved the dean of Paul's, to tender their state." Ultimately, Story accepted the fate of his pending hanging and quartering, and ended his speech by asking that charity be shown his wife, "who hath four small children, and God hath now taken me away who was her staff and stay;" in addition, " now my daughter Weston and her three children are gone over to her, and I know not how they shall do for food, unless they go begging from door to door for it." [189]

The actual execution was redolent of the death on the cross, just as "behind every martyrdom," according to Arthur Droge and James Tabor , "lay the self-sacrifice of Jesus himself"[190] To therefore fail at death was to fail not only at the "good death" but even more at martyrdom; it was to cast oneself aside from the joyful way in which early

---

[188] *State Trials*, i:1087-88.

[189] *Ibid.*, i:1091-92.

[190] Arthur J. Droge and James D. Tabor, *A Noble Death: Suicide and Martyrdom among Christians and Jews in Antiquity* (San Francisco, 1990), 119.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

martyrs such as Polycarp had endured their sufferings, and to shrink from one's own pain as well as that of Jesus,' who, in John Fisher's words, "endured [pain] for thy sake."[191] When the execution itself began, some individuals did in fact recoil at the pain, and offered to recant as the fires rose up their legs; in 1558, for example, Thomas Benbridge was chained to the stake when the fire started, first taking away part of his beard, "whereat he nothing shrank at all." But when the flames reached his legs, the leather of his stockings "made the fire pierce the sharper," leading him to cry out, "I recant." Friends then stepped in and helped him out of the flames, while the sheriff also took him from the stake and sent him back to prison; right away, however, Benbridge felt guilt over his recantation, and seven days later he finally died at the stake, "where the vile tormenters did rather broil him than burn him."[192]

Benbridge, however, was a rarity; if an individual had lasted this long--through apprehension, imprisonment, interrogations, trials, and all kind of accompanying pressures from authorities, clerics, and family--then chances were that he or she would make the last move to complete his or her martyrdom. One should repeat the fact that hagiographic reports such as those by John Foxe, William Roper, or the Catholic pamphleteers might have omitted or skimmed over any acts of last-minute fear and sudden irresolution on the part of the condemned; still, reports even from those whose affiliations resided in the opposite camps attested, as mentioned, to the undoubted bravery in the way many Protestants and Catholics, at varying times, faced their deaths.[193] In addition, even the practice of forcing an individual to watch as his correligionists were executed did not

---

[191] John Fisher, *A spirituall consolation, written by Iohn Fyssher Bishoppe of Rochester* [London, 1578], sigs. F5v-[F6].

[192] *AM*, 8:492.

[193] See Collinson, 42-50.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

succeed very often in producing a recantation or preventing those individuals from embarking down the same path. According to a Catholic account, the forced witnessing of the burnings of Ridley and Latimer by Thomas Cranmer, for example, caused the former archbishop, from the gatehouse tower, to tear off his cap, fall to his knees, and cry out in anguish.[194] The event may have led to another recantation, though he eventually, in the end, he went on to his death. During Elizabeth's reign in 1588, authorities did succeed in bringing a few Catholics into conformity, including Francis Edwardes, who relented after witnessing his co-religionist Ralph Crockett being quartered.[195] Still, for every Crockett there were individuals such as the priest James Bell, who in 1584 was made to look on as his companion, John Finch, was "a--quarteringe;" as he watched Finch's bowels being pulled out, Bell cried, "O why doe I tarrye soe longe behinde my sweete brother; let me make hast after him. This is a most happy day."[196]

This kind of joy was all the more remarkable in the face of the specific types of executions such martyrs would face. While executions in themselves may not warrant a description, it is important to note that for martyrs--and for those hagiographers who would write about them--the physicality of their deaths was a key component of their story, just as Thomas More insisted that one meditate on Christ's "scornful crown of sharp thorns," his "sorebeaten veins and sinews," and "the great long nails cruelly driven with hammers through his holy hands and feet"--in order to get the full extent of his suffering on the cross.[197] Thus, the punishment for traitors, as mentioned, involved

---

[194]MacCulloch, 582. See also *Cranmer's Recantacyons*, 48-50.

[195] Hall, *Chronicle*, 623. *LP*, vii: no. 72.

[196] *Unpub. Docs.*, i:78.

[197] More, *A Dialogue of Comfort Against Tribulation*, 312. For a discussion of the depiction of pain in general, see Lionello Puppi, *Torment in Art: Pain, Violence, and Martyrdom* (New York, 1991), 11-69.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

drawing them through the streets and then hanging them at a gallows, after which they would be laid across a plank or platform as their stomachs were sliced open and bowels, entrails, and heart removed, to be thrown into a fire. The process--and sometimes the actual death--would usually end with a beheading, after which the victim's parts would be quartered and usually sent on to Newgate, for parboiling. Burnings, on the other hand, were no less bloody: at the beginning, victims were chained to a stake, sometimes back-to-back if there were two of them, as piles of wood were placed around and under them, embedding them up to their midsections or chests. Usually the sheriff or his men would start the fire, which would kindle around the legs before rising up their bodies--that is, if the wind, as mentioned, didn't blow the fire in another direction. If gunpowder had been given to the victim and placed under his armpits, then the explosion would kill him before the flames were to rise; if not, death could come slowly, lasting anywhere from approximately fifteen minutes to a full three-quarters of an hour. John Foxe--who Helen White once called a "master of horror"[198]--was especially vivid in his description of John Hooper in the flames: according to Foxe, the former bishop "knocked his breast with his hands, until one of his arms fell off, and then knocked still with the other, what time the fat, water, and blood dropped out at his fingers' ends, until by renewing of the fire his strength was gone, and his hand did cleave fast, in knocking, to the iron upon his breast." Still, Foxe continues, Hooper maintained his spiritual peace, and died amidst this horror "as quiet as a child in his bed."[199]

Even as they were being executed, however, martyrs could take the drama out of the authorities' hands and shape it according to their purposes. "O ye papists!" Foxe reports that James Bainham shouted as he was on fire. "Behold, ye look for miracles, and

---

[198]Helen White, *Tudor Books of Saints and Martyrs* (Madison, 1963), 161-62.
[199] *AM*, 6:658-59.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

in this fire I feel no more pain, than if I were in a bed of down"[200] In 1538 a Suffolk man named N. Peke was also put to the flames, and as he was becoming so "scorched that he was black as soot," one of the clerics present poked in the shoulder with a "long white wand" and said, "Peke! Recant, and believe that the sacrament of the altar is the very body of Christ, flesh, blood, and bone." Peke, however, answered, "I defy it, and thee also," and, according to Foxe "with a great violence he spit from him very blood, which came by reason that his veins brake in his body for extreme anguish."[201] Enduring pain was in fact a mode of resistance--a way in which the subject further defied Foucault's state "acting upon the body': as Brent Shaw has recently written about the early church martyrs, such endurance "is seen as the means by which the individual human being can withstand not just the actual tortures and bodily punishments of Roman executions in the arena, but also defeat the enemy who is identified with the Devil.[202] "Let them come at me," wrote Ignatius, with "fire and cross and contests with wild beasts, cutting and tearing me apart, racking my bones, mangling my limbs, crushing my whole body, cruel tortures of the Devil."[203]

Some chose to signal to the crowd or send a final message through gestures, as was the case most famously with Thomas Cranmer, who raised his "unworthy right hand" --

---

[200] *AM*, 4:705. According to Thomas Freeman, Foxe probably fabricated the quote of Bainham at the stake, however, for homiletic and hagiographic purposes. Foxe's primary source was Bainham's wife, Joan, who had been present at the execution but didn't mention the remark; as Freeman writes, "If Bainham had made such a striking remark, then surely his wife, anxious to burnish her husband's reputation for constancy, would have included it in her account of his martyrdom." In addition, Freeman points out that such remarks as Bainham supposedly said at the stake were strikingly similar to those made by the martyrs in the *Golden Legend*, which continued to wield huge popularity in sixteenth-century England. See Freeman, 279.

[201] *AM*, 5:254.

[202] Shaw, 289-90.

[203] Quoted in Shaw, 290.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

the hand which had signed his recantations--to the flames.[204] Kissing or embracing the stake--before one had been chained to it--was another act that drew the martyrs such as Thomas Wats and Christopher Wade closer to Christ; as John Philpot said when he embraced the stake, "Shall I disdain to suffer at this stake, seeing my Redeemer did not refuse to suffer a most vile death upon the cross for me?" [205] In the same period Thomas Haukes told his friends that he would raise his hands to heaven as he was being burned, to demonstrate that "a man could keep his mind quiet and patient." According to Foxe:

> Not long after, when the hour was come...the fire was set unto him. In the which when he continued long, and when his speech was taken away by violence of the flame, his skin also drawn together, and his fingers consumed with the fire, so that now all men thought certainly he had been gone, suddenly, and contrary to all expectation, the blessed servant of God, being mindful of his promise afore made, reached up his hands burning on a light fire, which was marvelous to behold, over his head to the living God, and with great rejoicing, as it seemed, struck or clapped them three times together. At the sight whereof there followed such applause and outcry of the people...that the like hath not commonly been heard, and you would have thought heaven and earth to have come together.[206]

Executions could become especially dramatic if prisoners went to the stake in pairs or groups: a kind of ecumenical holocaust occurred in 1540, for example, when the Protestants Barnes, Garrett, and Jerome were executed and shortly after followed by three others, these being the Catholics Powel, Fetherstone, and Abel; the act, rather than tilting the drama in the victims' favor, above all served to display the leadership of Henry, who wished to show that he brooked no dissent from either camp.[207] During Mary's reign, many individuals were killed together: in 1557, for example, Foxe writes that seven

---

[204] *AM*, 8:90.

[205] See Eden, *Examinations and Writings of John Philpot*, 161.

[206] *AM*, 6:704, 717.

[207] See also Christopher Haigh, *English Reformations : Religion, Politics, and Society under the Tudors* (Oxford, 1993).

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

individuals, including Alice Benden, went together to the stake; "and being ready thereto, they all (like the communion of saints) kneeled down, and made their humble prayers unto the Lord with such zeal and affection as even the enemies of the cross of Christ could not but like it." After making the invocation together, they "rose and went to the stake, where, being compassed with horrible flames of fire, they yielded their souls and lives gloriously into the hand of the Lord."[208] If one was being burned with another, the two could console one another, as was the case, when Hugh Latimer said to his stakefellow, "Be of good comfort, master Ridley, and play the man. We shall this day light such a candle, by God's grace, in England, as I trust shall never be put out."[209] Similarly, in 1557, Foxe writes, Elizabeth Cooper was at the stake with Simon Miller when the fire reached her and she cried out; "When the said Simon Miller heard the same, he put his hand behind him toward her, and willed her to be strong and of good cheer: 'for, good sister,' said he, 'we shall have a joyful and a sweet supper.'"[210]

The last words spoken by the martyrs before death were final acts of assertion against authorities, even though the words, paradoxically, resonated with themes of yielding and offering oneself up in sacrifice, as Christ had done. All were directly from or evocative of scripture: the words of Jesus in Luke and St Stephen in Acts--"Lord Jesus, receive my spirit"--were uttered by many, including John Hooper, Robert Glover, Roger Holland, and Christopher Wade, among others, as were the words "Father of heaven, have mercy upon me,"-which were repeated by George Marsh, engulfed in flames.[211] The words were important in the sense that they transformed their speakers into scriptural figures, closely

---

[208] *AM*, 8:328.
[209] *AM*, 7:550.
[210] *AM*, 8:381.
[211] *AM*, 7:53.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

identified with the martyrs of Acts and the early church; indeed, the image of a body in deep physical torment but a spirit in peace--or an individual shouting scripture from amidst the fire or under the executioner's knives--had an impact that ultimately ceded control--and victory--of the event over to those who seemed to suffer the most from the consequences of it.

Conclusion

While the authorities and representatives of the crown may have ultimately wielded control over the execution process, the foundations were unstable, as crowds and martyrs could shape and even take control of the event for their own purposes. Indeed, executions were like a chiaroscope of ever-shifting perspectives: from the authorities' point of view, the execution represented both earthly and divine justice at work, purifying the realm by literally burning or cutting away its obstinate heretics and traitors; the future martyr, on the other hand, viewed the event joyously, as his wedding day-- "O blessed day, O the fayrest day that ever I saw in my life." Yet matters were not so simple, and the individuals who constituted "authority" could also display a degree of resistance in carrying out their duties, which is not to say that they were part of an emerging development toward tolerance; rather their motives ranged from sympathy for the victim to hard-headed pragmatism in realizing the backfiring potential of creating martyrs. The crowd also carried within itself a multitude of perspectives, ranging from sympathy to hostility, grudging admiration for the martyr's fortitude to an enthusiasm in taking part in the execution themselves. It cannot be said, with Thomas Laqueur, that the crowd was a completely autonomous agent, dominating a spectacle which authorities often badly fumbled; still, the state was not so hegemonic either, especially when it lacked systematic methods of enforcement and was frequently unable to counter the strategies of the

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

condemned individuals, with their defiant speeches, their prayers and clothes and ritual gestures, and above all their adherence to scriptural models even as they encountered the rope, knives, or flames.

Just as the actors viewed executions from radically different perspectives, so did contemporary writers who chose to chronicle the events afterwards. For John Foxe, executions most dramatically and violently pronounced upon the truth of his martyrs' cause, which carried the providential destiny of the true church and of England with it; indeed, his Protestant martyrs by their actions directly connected themselves with the true martyrs of the early church, just as the church of England was a continuation of the true and apostolic church of the first five centuries, before papal Rome and its corruptions intervened. Claims such as these disgusted Catholics polemicists such as Miles Huggarde, who famously described Protestant crowds at executions as seeing "the holy ghost in the likeness of a dove," when in fact they were witnessing nothing more than smoke-agitated pigeons.[212] For Huggarde, such pseudo-martyrs were the worst kind of impostors, insidiously usurping scripture toward their own "false and stinking" ends and leading others along with them; still, while Huggarde could attempt to prove the falseness of their martyrdom by describing the "cowardly" use of gunpowder, for example, there was no denying what all, including he, basically knew: the condemned had died, if not a martyr's death, then a brave and even heroic one, for the truth in which he believed.

The same problem faced Elizabethans who attempted to write against the executed Catholics, turning their fortitude into obstinacy and having them ascend the gallows mumbling "Popish prayers."[213] For such writers, it was necessary to insist that the Catholic victim had been executed --indeed, been cut apart in a specific, traditionally

---

212 Miles Huggarde, *Displaying of the Protestantes*, fol. 64r-v.

213 See Lake and Questier, 79-80.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

significant way--solely because of his treason, in order for them to seize the discourse and counter any claims of martyrdom or even injustice on the state's part; thus, Edmund Campion--the traitor, not the priest--was said by some Protestants to have trembled before his execution, and hesitated in a way unbecoming to a saint. Too many witnesses were at the event, however, and stated otherwise for such claims to hold; waiting eagerly for their testimony in turn--and with certain rhetorical tools of their own--were the hagiographers and pamphleteers, who took those accounts and proceeded to shape them further, thus finishing the process of martyrdom that had begun with imprisonment, continued through trials, and culminated with executions.

Executions thus constituted an exchange not only between authorities, crowds, and martyrs , but also between later interpreters who shaped an essentially ambiguous event towards their own proselytizing purposes.[214] In light of this ambiguity and these vastly different interpretations, one must question the extent to which executions served the persecution process as a whole. In some ways the display of state-sanctioned violence was sufficient enough, at least in the short run, to deter future heretics and cow people into obedience or conformity; even in Mary's reign, when executions ultimately backfired the most and the martyrs gained the upper hand, the population was not stirred in its sympathies to the extent that a true threat was presented to the state, nor, in fact, was it at all clear that those martyrs would have the impact they eventually did. Indeed, what truly set the stage for the permanent martyrdom of the Marian Protestants was not their own deaths, but rather the death of Mary and the subsequent rise of Elizabeth (and John Foxe); as one writer has put it, while a John Bradford or John Rogers may have in fact achieved

---

[214] This was especially the case with Jesuits and puritans--the "busy controllers"--who in Lake and Questier's words, "could and did adopt and exploit popular forms and assumptions as part of a wider strategy of proslytization and, for Catholics in Elizabethan and early Stuart England at least, of openly subversive ideological resistance." Lake and Questier, 95.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

victory at their deaths, "whether such a victory could have endured as a lasting memory had Mary lived a further decade is another matter."[215]

Elizabeth, on the other hand, was more successful in her policies than Mary, due to the fact that her executions were relatively selective, and confined for the most part to priests and Jesuits during times of external threat. Moreover, her strategy--which was, in fact, based on reality--of relabelling such Catholics as traitors did more to galvanize a public sympathy that was becoming increasingly colored by a Protestant proto-nationalism. Unlike Mary, Elizabeth did in fact "live on," long enough to effect a delicate stabilization in government and policies; at the same time, her own position about Catholics, like Henry's in many ways, was ambiguous and inconsistent enough as to prevent her enemies from pinning her down to a position and demonizing her to the extent that had been suffered by Mary--which they were hesitant to do anyway, for fear of being labelled traitors.[216] Still, executions did succeed in sustaining the now-diminished English Catholic community, strengthening its members and even becoming a tool of evangelization in the hands of energizing forces such as the Jesuits; while Elizabeth's persecution policy did succeed in containing and scattering the Catholic menace, its inability to fully control the ability of martyrs and their biographers to manipulate their punishment to their own ends attests to a government victory that contained an uncertainty within it.

Ultimately the execution--the scaffold or the stake--belonged to the martyr, who had reached the end of a process that had begun with the first open declaration of faith and proceeded through a series of tests, from betrayal, flight, imprisonment, through trial--all

---

215 Lacey Baldwin Smith, Fools, *Martyrs, Traitors; The Story of Martyrdom in the Western World* (New York, 1997), 206-07.

216 Penry Willliams, *The Tudor Regime* (Oxford, 1979), 289-92.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

in close approximation, as he well knew, of Christ and the early church martyrs. Whereas the mass of people at some point along the process wavered before the authorities in a grey area of acquiescence, recantation or outward conformity, for the martyr there was no alternative to conformity except death, no concessions to be made except with one's life. The liminal space of the execution site in this sense constituted the ultimate rite of passage--the gateway into the new life to come; for death, to the martyr, was not an end but a beginning, a moment to be embraced even literally as one embraced the stake or the executioner. Of course, not all martyrs were monolithically single-minded in their approach to death and its accompanying pain; Thomas More, for example, came to the scaffold in the fullness of his personality and humanity, even taking his humanist's sense of irony with him, whereas the doubtful and recanting Thomas Cranmer, in David Loades' words, did not meet his death as a classic martyr either, "but something that was in a sense greater: the man sorely tempted, whom God had finally strengthened to his glory." Paradoxically, once martyrs embraced death and underwent the execution, however, they displayed their humanity in its most exposed form, in all its bodily aspects--flesh burning, limbs torn apart, stomach sliced open ("Oh, it smarts!" cried the priest Edmund Genings)[217]; at the same time, at this point they had also ceased to become human, as they proceeded to transform pain into ecstacy, abandon their lives willingly, display absolute control on the scaffold or stake, and meet death in total certainty of their roles as God's instruments. The execution was thus like a wave at its highest crest, the culmination of all that had come before; it was the highest point that all the martyrs had aspired to, and when it receded it would leave something else behind, as the life dissolved into the hagiography, and the human into the saint.

---

[217] Quoted in Richard Challoner, *Memoirs of Missionary Priests* (London, 1924), 176-77.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Chapter Eight: Conclusion

Any understanding of the modern exertion of state power, which reached its most insidious form under the Nazis and Soviets, should take into consideration the way in which authorities attempted to impose order and control in the world that came before. While the early modern period should not be viewed as any kind of prelude--just as it should not be viewed through a presentist lens--one can nevertheless discern in it the reasons behind later developments in modern police systems, prisons, and other structures of enforcement and punishment, as well as changes in ideas of tolerance and intolerance, diversity and uniformity, the individual and the state. In sixteenth-century England all of this was especially evident, since the very elements that its government lacked--a modern bureaucracy and administrative structure, for example--were elements that had to be developed if an effective system of control and law enforcement was to be worked out in accordance with changing historical conditions, and against forces which it never had to deal with before.

While developments toward a different system of governance and enforcement were thus beginning to take place in sixteenth-century England, one should be careful not to interpret the developments whiggishly, as the beginning of any sort of inexorable rise toward modernity, with its alleged Locke-ian tolerance and its panopticons. As this study has attempted to argue, Tudor attempts to assert control and order over one element in society--dissident religious groups--worked in fits and starts, and they were by no means resolved at the end of Elizabeth's reign anymore than they were at the end of Henry's. Oppositional groups such as Catholics and puritans would continue to cause trouble in the next century--especially since they had gained powerful footholds at court and in parliament respectively; even worse, the next century would attest to a veritable explosion of religious movements that

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

were far more powerful and dangerous in their revolutionary millennialism than any of their earlier equivalents.

The sixteenth century was significant in that it unleashed these tensions--and religious groups--that would culminate in a new era's civil war; moreover, the strains placed on traditional governmental and enforcement mechanisms, which were caused in part by reformation instabilities, made it clear to the authorities that--again--what once worked no longer quite did, even though an outward semblance of obedience mitigated against the kind of horrors experienced in France at the time. In the Middle Ages, England had maintained stable and relatively efficient methods of keeping order through its justices of the peace and sheriffs, its guilds and the compactness of its parishes; by the sixteenth century, however, these structures were beginning to show some tear, as they were no longer able to keep up with changing social, religious, demographic, political, and economic circumstances. Absent a machinery of state and still adhering to ideals of religious or political uniformity, the Tudors were thus dependent on an essentially personal system of enforcement, dominated by policy-making individuals at the top, to be carried out by individuals in the mid-level of officialdom, and abetted by individuals in society as a whole; the fact that all three elements were frequently out of coordination with each other--and not working in top-down tandem, as historians such as Geoffrey Elton have tended to argue--only led to further disjunctures in the goals of the government and the execution of those goals on the ground.

While a Francis Walsingham knew how to channel the resources available to him, he was thus no Felix Dzerzinsky--Lenin's chief of secret police--and nor was he capable of fully mobilizing those resources in the pursuit, in his case, of Catholic priests. Part of this was due, again, to cracks in the machinery of enforcement; but just as difficult for the authorities was the ability of dissident groups to take control of their own fates--and public relations--by exploiting the spiritual power that being persecuted brought to them. Indeed, one of the more interesting developments in the century had to do with these groups' ability

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

to channel their cause through new media such as the printing press, new seminaries and training schools, and a (re)newed effort to resurrect long-dormant genres such as hagiographies and the consolatory prison letter. When these developments were combined with the kind of opportunities--if largely unwelcome and gruesome opportunities--offered by the gallows, then a model of martyrdom was created that would have been impossible for any government to counter. To examine the ways in which religious dissidents thus seized certain opportunities, as this study has done, is not to diminish their very real motives and purposes, however; indeed, men such as the Marian Protestant John Bradford were absolutely convinced of their destiny as Paul the apostle's heirs, to spread the word and give witness through their sufferings. At the same time, if one moves beyond the martyrs and places them in the context of the larger society, then one becomes aware of the power they posed to the government, and the reasonableness of the government in wishing to rein in, if not extinguish, that power.

If nothing else, those groups, by their very presence, posed a threat to the ideal of uniformity--and all the Tudors, it should be said, upheld uniformity. Mary may have been more murderous, especially in contrast to the politique Elizabeth, in her policies toward religious dissidents; but while Elizabeth professed indifference to the inner beliefs of her subjects, any indifference she had quickly evaporated when those subjects were perceived to pose a threat, through their religious affiliation, to political uniformity, or to her status as governor of the Church of England. Still, the quest for uniformity on the part of the Tudors, and the desire to extinguish any groups who posed a challenge to it, was entirely logical in the context of the sixteenth century, and should not be viewed from a post-enlightenment perspective. The idea of diversity or pluralism--which the Tudors viewed as synonymous with division---was anathema not only to the government, but to religious groups themselves, who, after all, were willing to send forth martyrs to die not for many truths but for the one immutable truth they had. In the sixteenth century, when ancient and medieval bodily

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

metaphors were still deeply ingrained in political thought, any element that represented division was a limb that had to be amputated, since it carried the risk of infecting--and therefore killing--the entire body; the fact that religious groups, however, kept persisting in upholding their cause and valiantly dying for it only made the threat all the more dangerous and insidious, in the eyes of the authorities.

Above all, the pursuit--and evasions--of religious dissidents in England raised questions about the relationship of the individual to the state, and oppositional groups to the larger society. Indeed, the antagonism that arose between personal conscience and crown fealty, or God's laws and man's laws, constituted the primary battle of the century, and one which had never been dealt with to such an extent before. In a world where the ideal was uniformity, the only resolution to this battle was abjuration or death, or, in the case of some Elizabethan Jesuits, the betrayal of one's country for the sake of a larger loyalty. Eventually the opening up of the state to a grudging toleration for religious oppositional groups--and to a loosening of the hold of a dominant state-church--resolved some of the problem, though the problems never entirely disappeared. It is in fact misleading to assume that the modern world, which still contends with these issues, has any clearer answers about the question of individuals whose consciences and convictions vehemently clash with the government to which they owe loyalty. Whether that individual is a sixteenth-century anabaptist or whether he is a present-day Koreshian millennialist, the question is still present and haunting, no matter how potent, how modern, the state has become.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

BIBLIOGRAPHY

I. MANUSCRIPT SOURCES

Bodleian Library, Oxford
Brasenose College Manuscripts
Tanner Manuscripts

British Library
(including the papers of John Foxe in the Harleian collection, specifically fols. 92-103 of MS. 421)
Also: Harleian Manuscripts 283, 286, 417, 421, 425, 444
Lansdowne Manuscripts
Cotton MSS
Additional MS, 38,651 [cases before the court of Canterbury in 1543-4)

Greater London Record Office
DL/C [Act books of the London consistory court]

Guildhall Library
"Bonner Register"

Lambeth Palace Library
Archiepiscopal registers of Thomas Cranmer and Reginald Pole

Public Record Office, London
State Papers 12 and 15

III. PRIMARY PRINTED SOURCES

Acts of English Martyrs Hitherto Unpublished. Ed. J.H. Pollen. London, 1891.

Acts of the Privy Council. Ed. J. Dasent. London, 1890-1907.

All the submyssyons and recantations of T. Cranmer. London, 1556.

Archdeacon Harpsfield's Visitation, 1557. Ed. L.E. Whatmore (Catholic Record Society, xxiii-iv, 1942-46).

Aubrey, John. *Brief Lives.* Ed. O.L. Dick. London, 1950.

Bale, John. *A Declaration of Edmund Bonner's Articles.* London, 1554.

----------. *Select Works.* Ed. Henry Christmas. London, 1849.

Blood and Knavery: A Collection of English Renaissance Pamphlets and Ballads of

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Crime and Sin. Ed. Joseph H. Marshburn and Alan R. Velie. Rutherford, N.J., 1973.

Bonner, Edmund. *An Honest and Godlye Instruction and Information for the Tradynge and Bringinge vp of Children.* London, 1555.

Bonner, E. *A profitable and necessarye doctryne.* London, 1555.

----------. *Homilies Sette Forth by the Right Reverende Father in God, Edmund, Bishop of London.* London, 1555.

Bradford, John. *Writings.* Ed. A Townshend. Cambridge, 1848-53.

Burnet, G. *The History of the Reformation of the Church of England.* Ed. Nicholas Pocock. Vol. 4-7. Oxford, 1865.

Calendar of Patent Rolls, Philip and Mary, 4 vol. London, 1936-39.

Calendar of State Papers, Domestic. Ed. R. Lemon et al. London, 1856-72.

Calendar of State Papers, Spanish. Ed. Royall Tyler et al. London, 1862-1954.

Camden, William. *Annales rerum anglicarum et hibernicarum regnante Elizabetha.* Ed. T. Hearne. London, 1717.

Campion, Edmund. *Ten Reasons proposed to his Adversaries in the Name of the Faith and presented to the Illustrious Members of Our Universities.* London, 1914.

The Canons of 1571 in English and Latin. With notes by William Edward Collins. *(Church Historical Society).* London, 1899.

Cardwell, Edward, ed. *Documentary Annals of the Reformed Church of England.* 2 vols. Oxford, 1839.

Cecil, William. *The Execution of Justice in England.* (Folger Documents of Tudor and Stuart Civilization). Ithaca, 1965.

Christopherson. *An exhortation to alle menne to take hede and beware of rebellion.* London, 1554.

Chronicle of Queen Jane, and of two years of Queen Mary. Ed. J.G. Nichols (Camden Society 48). London, 1850.

Clarke, Samuel. *A Collection of the Lives of Ten Eminent Divines...and of Some Other Eminent Christians.* London, 1662.

A Collection of Original Letters from the Bishops to the Privy Council, 1564. Ed. M. Bateson. (Camden n.s. 53), 1895.

Coverdale, Miles. *Letters of the Martyrs.* London, 1564.

----------. *Remains.* Ed. George Pearson. (Parker Society, 14). Cambridge, 1846.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Cranmer, Thomas. *Miscellaneous Writings and Letters of Thomas Cranmer.* Ed. John Cox. Cambridge, 1846.

Darlington, Ida, ed. *London Consistory Court Wills 1492-1547.* (London Record Society 3). London, 1967.

Depositions and other Ecclesiastical Proceedings from the Courts of Durham Extenting from 1311 to the Reign of Elizabeth. (Publications of the Surtees Society M.DCCC.XLV). London, 1846.

Dickens, A.G. "Robert Parkyn's Narrative of the Reformation,' *English Historical Review* 62 (1947).

Chronicle of the Grey Friars of London. Ed. J.G. Nichols. (Camden Society 53). London, 1852.

Dowling, M. and Rose Hickman. "Religion and Politics in Mid-Tudor England Through the Eyes of an English Protestant Woman." *Bulletin of the Institute of Historical Research* 55 (1982): 94-102.

Durham Quarter Sessions Rolls, 1471-1625. Ed. C.M. Fraser. Newcastle Upon Tybe, 1991.

Edward VI. *The Chronicle and Political Papers of King Edward VI.* Ed. W.K. Jordan. 1966.

Ellis, H. *Original Letters Illustrative of English History.* London, 1824-46.

English Historical Documents, V, 1485-1558. Ed. C.H. Williams, 1967.

Foxe, John. *Acts and Monuments.* Ed. S.R. Cattley and G. Townsend, 8 vols. 1837-41.

Frere, W.H. and Kennedy, W.M. *Visitation Articles and Injunctions.* 3 vols. (Alcuin Club Collection, xiv, xv, xvi, 1910).London, 1910.

Gardiner, Stephen. *The Letters of Stephen Gardiner.* Ed. J.A. Muller. Cambridge, 1933.

----------. *De Vera Obedientia.* Trans. John Bale. Hamburg, 1553.

Gee, H. and W.J. Hardy, eds. *Documents Illustrative of English Church History.* London, 1896.

Gerard, John. *The Autobiography of a Hunted Priest.* Trans. Philip Caraman. New York, 1965.

Godwin, F.A. *A Catalogue of the Bishops of England.* London, 1601.

Grafton, Richard. *A Chronicle at large*...London, 1568.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Grey Friar's Chronicle. London, 1852.

Hale, W.H., ed. *A Series of Precedents and Proceedings in Criminal Causes, 1475-1640, extracted from act books of ecclesiastical courts in the diocese of London*. 1847.

Hall, Edward. *The Union of the two Noble and Illustre Famelies of Lancastre and Yorke*. Ed. H. Ellis, 1809.

Hampshire Churchwardens' Accounts, ed. J.F. Williams (1913).

Harpsfield, Nicholas. *Dialogi sex*. Antwerp, 1566.

----------. *Life and Death of Sir Thomas More*. Ed. E.V. Hitchcock and R.W. Chambers. (Early English Text Society). London, 1932.

Holinshed, Raphael. *Chronicles*. Ed. H. Ellis. 6 vols. 1807-1808.

Hooper, John. *Later Writings of Bishop Hooper*, ed. Charles Nevison. Cambridge, 1852.

Hughes, P.L. and F. Larkin, eds. *Tudor Royal Proclamations*. New Haven, 1964.

Knell, Thomas. *An Epitaph or Rather a Short Discourse Made Upon the Life and Death of D. Bonner*. London, 1569.

Lambeth Churchwardens' Accounts, i, ed. C. Drew (Surrey Record Society, xviii, 1941).

Latimer, Hugh. *Works*. Ed. G.E. Gorrie. Cambridge, 1844-1845.

----------. *Sermons by Hugh Latimer*. Ed. Corrie, George. Cambridge, 1844.

Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII. Ed. Brewer, Gairdner, Brodie, 1862-1932. 38 vols.

Machyn, Henry. *The Diary of Henry Machyn, Citizen and Merchant Taylor of London, 1550-1563*. Ed. J.G. Nichols. Camden Society xlii, 1848.

Major, Kathleen. *A Handlist of the Records of the Bishop of Lincoln and of the Archdeacons of Lincoln and Stow* (Lincoln, 1953).

Marbecke, John. *The Lyves of Holy Saincles, Prophetes, Patriarches, and Others, Contayned in Holye Scripture*. London, 1574.

More, Thomas. *A Dialoge of Comfort against Tribulation*. In *The Collected Works of Thomas More*, vol. 12, ed. Louis L. Martz and Frank Manley. New Haven, 1976.

----------. *The Correspondence of Sir Thomas More*, ed. Elizabeth F. Rogers. Princeton, 1947.

Myre, John. *Instructions for Parish Priests*. Ed. E. Peacock. (EETS, original series 31, 1868).

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Narratives of the Days of the Reformation, Chiefly from the Manuscripts of John Foxe the Martyrologist. Nichols, J.G., ed. (Camden Series 77). London, 1859.

Original Letters Illustrative of English History. Ed. Ellis. 3d series. 11 vols. 1824-1846.

Original Letters relative to the English Reformation. Ed. H. Robinson, 2 vols. (Parker Society, Cambridge, 1846-7).

Philpot, John. *The Examinations and Writings of John Philpot.* Ed. Robert Eden. Cambridge, 1842.

Pocock, Nicholas, ed. *Records of the Reformation.* 2 vols. Oxford, 1870.

Pollard, A.F. *Tudor Tracts 1532-1588.* New York, 1964.

Pollen, John Hungerford, ed. *Unpublished Documents relating to the English Martyrs.* London, 1908.

Proceedings and Ordinances of the Privy Council of England, 1386-1542. Ed. N.H. Nicolas, 7 vols. 1834-7.

Purvis, J.S. *Tudor Parish Documents of the Diocese of York.* 1948.

Registers of Cuthbert Tunstall, Bishop of Durham 1530-59 and James Pilkington, Bishop of Durham 1561-76. Ed. Gladys Hinde (Surtees Society). London, 1952.

Ridley, Nicholas. *Works of Bishop Ridley*, ed. Henry Christmas. Cambridge, 1843.

Robinson, H., ed. *Original Letters Relative to the English Reformation, 1531-58.* 2 vols. Cambridge, 1846-47.

Roper, William. *The Life of Sir Thomas More.* London, 1567.

Sanders, N. "Report to Cardinal Moroni on the Change of Religion in 1558-1559," in *Catholic Record Society* I. Ed. F.A. Gasquet. London, 1904-1905.

Spanish Calendar of Letters, Despatches and State Papers...Edward VI and Mary (1553), ed. Royall Tyler. Vols. 11-13 (London, 1916).

Stapleton, Thomas. *The Life and Illustrious Martyrdom of Sir Thomas More* . London, 1558.

State Papers...King Henry VIII. 2 vols. 1830-52.

State Trials. Ed. William Cobbett et al. London, 1809-42.

Statutes of the Realm. Ed. A. Luders et al. 11 vols. London, 1810-28.

Stow, John. *A Survey of London.* Ed. C.L. Kingsford. 2 vols. Oxford, 1908.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Strype, J. *Annals of the Reformation and Establishment of Religion in the Church of England.* Oxford, 1824.

----------. *Ecclesiastical Memorials.* Oxford, 1822.

Thurston, Herbert S., ed. *The Lives of the Saints by Alban Butler*, vols 1-12. London, 1926.

Vergil, Polydore. *The Anglica Historia of Polydore Vergil, 1485-1537.* Ed. D. Hay (Camden Society, 3rd Series 74). London, 1950.

Visitations in the Diocese of Lincoln 1517-1531, ed. A. Hamilton-Thompson (Lincoln Record Society, 1940-47).

Wriothesley, Charles. *A Chronicle of England During the Reigns of the Tudors, 1485-1559.* Ed. W.D. Hamilton, 2 vols. (Camden Society, new series, xi and xx, 1875-77).

SELECTED SECONDARY SOURCES

Alexander, G. "Bonner and the Marian Persecutions." In C. Haigh, ed. *The English Reformation Revised*, 117-175. Cambridge, 1987.

Allen, J.W. *A History of Political Thought in the Sixteenth Century.* London, 1928.

Aston, Margaret. *Faith and Fire: Popular and Unpoopular Religion, 1350-1600.* London, 1988.

Aveling, J.C.H. *The Handle and the Axe.* London, 1976.

Baily, Sherwin. "Robert Wisdom Under Persecution, 1541-43." *JEH* 2 (1951): 180-181.

Baker, D. *Reform and Reformation: England and the Continent, c. 1500-1750.* Oxford, 1979.

Baskerville, E.J. "Some Lost Works of Propaganda from the Marian Period." *The Library*, 6th ser. 8 (1986): 47-52.

Bellamy, John. *The Tudor Law of Treason.* Toronto, 1979.

Blench, J.W. *Preaching in England in the Late Fifteenth and Sixteenth Centuries.* Oxford, 1964.

Bossy, J.A. "The Character of Elizabethan Catholicism." *Past and Present* 21 (1962): 39-59.

----------. *The English Catholic Community, 1570-1850.* London, 1975.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Bowker, Margaret. "Lincolnshire 1536: Heresy, Schism or Religious Discontent?" in D. Baker (ed.), *Studies in Church History* 9 (1972), 195-212.

Bradshaw, B. and Eamon Duffy, eds. *Humanism, Reform and the Reformation: The Career of Bishop John Fisher*. Cambridge, 1989.

Brigden, Susan. *London and the Reformation*. Oxford, 1989.

----------. "The Early Reformation in London, 1520-1547: The Conflict in the Parishes." University of Cambridge PhD thesis, 1979.

Chester, Alan. *Hugh Latimer*. Philadelphia, 1954.

Clark, P. *English Provincial Society from the Reformation to the Revolution: Religion, Politics and Society in Kent, 1500-1640*. Hassocks, 1977.

Collinson, Patrick. *The Elizabethan Puritan Movement*. London, 1967.

-------. "The English Conventicle," in W.J. Sheils and Diana Wood, eds. *Voluntary Religion. Studies in Church History* 23 (1986).

----------. *The Religion of Protestants: The Church in English Society 1559-1625*. Oxford, 1982.

---------. *Godly People: Essays on English Protestantism and Puritanism*. London, 1983.

----------. "The Elizabethan Church and the New Religion." In C. Haigh, ed., *The Reign of Elizabeth I*, 176-194. Basingstoke, 1984.

Clasen, Claus-Peter. *Anabaptism: a Social History, 1525-1618*. Ithaca, 1972.

Craig, John. "Cooperation and Initiatives: Elizabethan Churchwardens and the Parish Accounts of Mildenhall," *Social History* 18 (1993).

Crawford, F. "The Rule of Law? The Laity, English Archdeacons' Courts and the Reformation to 1558." *Paregon* 4 (1986).

Cross, Claire. *Church and People 1450-1660: The Triumph of the Laity in the English Church*. Glasgow, 1976.

----------. "The Development of Protestantism in Leeds and Hull, 1520-1640." *Northern History* 18 (1982).

Cross, Claire, et al, eds. *Law and Government under the Tudors*. Cambridge, 1988.

Davies, C.S.L. Popular Religion and the Pilgrimage of Grace." In A. Fletcher and J. Stevenson, eds. *Order and Disorder in Early Modern England*. Cambridge, 1985.

Davies, Horton. *Worship and Theology in England from Cranmer to Hooker, 1534-1603*. Princeton, 1970.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Davis, J.F. "Joan of Kent, Lollardy and the English Reformation." *Journal of Ecclesiastical History* 33 (1982): 225-33.

----------. *Heresy and Reformation in the South-East of England.* London, 1983.

Davis, Kenneth R. "No Discipline, No Church: An Anabaptist Contribution to the Reformed Tradition." *Sixteenth Century Journal* 12 (1982): 43-58.

Dickens, A.G. *The Marian Reaction in the Diocese of York.* York, 1957.

----------. *Lollards and Protestants in the Diocese of York 1509-1558.* London, 1959.

----------. *The English Reformation.* 2Nd ed. London, 1989.

----------. "Heresy and the Origins of the English Reformation." In J.S. Bromley and E.H. Kossmann, eds., *Britain and the Netherlands* , 120-25. Groningen, 1971.

----------. *Reformation Studies.* London, 1982.

Duffy, Eamon. *The Stripping of the Altars: Traditional Religion in England, 1400-1580.* New Haven, 1982.

Dures, Alan. *English Catholicism, 1558-1642.* Harlow, 1983.

Elton, G.R. *Policy and Police: The Enforcement of the Reformation in the Age of Thomas Cromwell.* Cambridge, 1972.

----------. *Reform and Reformation: England 1509-58.* Cambridge, MA, 1977.

Fines, J. "Heresy Trials in the Diocese of Coventry and Lichfield, 1511-1512." *Journal of English History* 14 (1963): 160-174.

----------. *Biographical Register of Early English Protestants and Others Opposed to the Roman Catholic Church, 1525-1558.*

Fletcher, Anthony and Peter Roberts, eds. *Religion, Culture and Society in Early Modern England: Essays in Honour of Patrick Collinson.* Cambridge, 1994.

Freeman, Thomas. "Notes on a Source for John Foxe's Account of the Marian Persecution." *Historical Research* 67 (1994): 203-11.

----------. "The Importance of Dying Earnestly: The Metamorphosis of the Account of James Bainham in Foxe's Book of Martyrs," in *The Church Retrospective*, ed. R.N. Swanson. London, 1997.

Frere, W.H. *The Marian Reaction in its Relation to the English Clergy: A Study of Episcopal Registers.* London, 1896.

Gareth, Owen H. "The Episcopal Visitation: Its Limits and Limitations in Elizabethan London." *JEH* 11 (1960): 179-

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Garrett, Christina H. "The Legatine Register of Cardinal Pole." *Journal of Modern History* 13 (1941): 19-94.

Gaskill, Malcolm. "Witchcraft in Early Modern Kent: Stereotypes and the Background to Accusations," in Barry, Jonathan, et al., eds. *Witchcraft in Early Modern Europe: Studies in Culture and Belief.* Cambridge, 1996.

Green, P.D. "Suicide, Martyrdom, and Thomas More." *Studies in the Renaissance* 19 (1972): 135-55.

Gregory, Brad S. *Salvation at Stake: Christian Martyrdom in Early Modern Europe.* Cambridge, MA, 1999.

Grell, Ole Peter and Bob Scribner, eds. *Tolerance and Intolerance in the English Reformation.* Cambridge, 1996.

Guy, J. *Tudor England.* Oxford, 1988.

Haigh, C. The Continuity of Catholicism in the English Reformation." *Past and Present* 93 (1981): 37-69.

----------. "Anticlericalism and the English Reformation." *History* 68 (1983): 391-407.

----------. *The Reign of Elizabeth I.* London, 1984.

----------. *Reformation and Resistance in Tudor Lancashire.* Cambridge, 1987.

----------. *English Reformations: Religion, Politics and Society under the Tudors.* Oxford, 1993.

Haigh, C., ed. *The English Reformation Revised.* Cambridge, 1987.

Heal, F. and O'Day, R., eds. *Church and Society in England: Henry VIII to James I.* London, 1977.

Heath, P. *English Parish Clergy on the Eve of the Reformation.* London, 1969.

Herrup, Cynthia. *The Common Peace: Participation and the Criminal Law in Seventeenth-Century England.* Cambridge, 1997.

Hill, Christopher. "From Lollards to Levellers," in M. Cornforth, ed. *Rebels and their Causes.* London, 1978.

Holmes, Peter. *Resistance and Compromise: The Political Thought of Elizabethan Catholics.* Cambridge, 1982.

Horst, Irvin. *The Radical Brethren: Anabaptism and the English Reformation.* Nieuwkoop, 1972.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Houlbrooke, Ralph. "Persecution of Heresy and Protestantism in the Diocese of Norwich under Henry VIII." *Norfolk Archaeology* 35 (1973).

----------. *Church Courts and the People during the English Reformation, 1520-1570.* Oxford, 1979.

Hughes, P. *The Reformation in England.* 5th ed. New York, 1963.

Hutton, Ronald. "The Local Impact of the Tudor Reformations." In C. Haigh, ed. *The English Reformation Revised*, 114-138. Cambridge, 1987.

Ingram, Martin. *Church Courts, Sex and Marriage in England, 1570-1640.* Cambridge, 1987.

Jagger, Meriel. "Bonner's Episcopal Visitation of London, 1554." *BIHR* 45 (1972): 306-11.

James, M.E. "Obedience and Dissent in Henrician England." *Past and Present* 48 (1970): 3-78.

Jordon, W.K. *The Development of Religious Toleration in England.* 2 vols. London, 1932.

Kennedy, W.P.M. *Elizabethan Episcopal Administration: An Essay in Sociology and Politics.* Vol. 1. London, 1924.

Knott, John. *Discourses of Martyrdom in English Literature, 1563-1694.* Cambridge, 1993.

Kumin, Beat. *The Shaping of a Community: The Rise and Reformation of the English Parish, c. 1400-1560.* Aldershot, 1996.

Lake, Peter. "The Significance of the Elizabethan Identification of the Pope as Antichrist." *Journal of Ecclesiastical History* 31 (1980): 161-178.

Lake, Peter and Michael Questier. "Agency, Appropriation and Rhetoric under the Gallows: Puritans, Romanists, and the State in Early Modern England," *Past and Present* 153 (1996).

----------. "Prisons, Priests and People," in *England's Long Reformation 1500-1800*, ed. Nicholas Tyacke. London, 1988.

Lander, S. "Church Courts and the Reformation in the Diocese of Chichester, 1500-58." In C. Haigh, ed.,*The English Reformation Revised.*, 34-55. Cambridge, 1987.

Lecler. *Toleration and the Reformation*, trans. T.L. Westow, vol. 1. New York, 1960.

Litzenberger, Caroline. *English Reformation and the Laity: Gloucestershire 1540-80.* Cambridge, 1997.

Loades, D.M. "The Essex Inquisitions of 1556." *Bulletin of the Institute of Historical*

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Research 35 (1962): 87-97.

----------. "The Enforcement of Reaction, 1553-1558." *Journal of Ecclesiastical History* 16 (1965): 59-66.

----------. *The Oxford Martyrs*. London, 1970.

----------. "Anabaptism and English Sectarianism in the Mid-Sixteenth Century." In *Reform and Reformation: England and the Continent c1500-c1750*. Oxford, 1979.

----------. *The Reign of Mary Tudor*. London, 1979.

----------. *Tudor Government: Structures of Authority in the Sixteenth Century*. London, 1997.

Luxton, I. "The Reformation and Popular Culture." In F. Heal and R. O'Day, eds., 57-77. *Church and Society in England, Henry VIII to James I*. London, 1977.

MacCaffrey, W. *The Shaping of the Elizabethan Regime*. Princeton, 1968.

MacCulloch, Diarmaid, *Suffolk and the Tudors: Politics and Religion in an English County 1500-1600*. Oxford, 1970.

----------. *Thomas Cranmer: A Life*. New Haven, 1996.

Maclure, Millar. *The Paul's Cross Sermons, 1534-1642*. Toronto, 1958.

Manning, R.B. *Religion and Society in Elizabethan Sussex*. Leicester, 1969.

----------. "The Crisis of Episcopal Authority during the Reign of Elizabeth I." *Journal of British Studies* 11 (1971).

Marsh, Christopher. *Popular Religion in Sixteenth-Century England: Holding Their Peace*. New York, 1998.

Marshall, Peter. *The Catholic Priesthood and the English Reformation. Oxford*, 1994.

----------. "*Papist as Heretic: The Burning of John Forest, 1538*," Historical Journal 41 (1998).

Martin, J.W. *Religious Radicals in Tudor England*. London, 1989.

Mayhew, G.J. "The Progress of the Reformation in East Sussex, 1530-1559: The Evidence from Wills." *Southern History* 5 (1983).

McCoog, Thomas M., ed. *The Reckoned Expense: Edmund Campion and the Early English Jesuits*, New York, 1996.

McGrath, Patrick. "Elizabethan Catholicism: A Reconsideration," *JEH* 35 (1984).

Moore, R.I. *The Formation of a Persecuting Society: Power and Deviance in Western*

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Europe, 950-1250. London, 1987.

Moreau, J.-P. *Rome ou l'Angleterre? Les Réactions politiques des catholiques anglais au moment du schisme (1529-1553).* Paris, 1984.

Mozley, J.F. *John Foxe and His Book.* London, 1940.

Mueller, Janel M. "Pain, Persecution and the Construction of Selfhood in Foxe's *Acts and Monuments.*" In *Religion and Culture in Renaissance England,* ed. Claire McEachern and Debora Shuger. Cambridge, 1997.

Muller, J.A. *Stephen Gardiner and the Tudor Reaction.* New York, 1926.

Musket, E.T. "The Recantation of Anthony Yaxley." *East Anglian Notes and Queries,* n.s. iii (1887).

Neale, J.E. "The Elizabethan Acts of Supremacy and Uniformity." *English Historical Review* 65 (1950): 304-332.

----------. *Elizabeth I and Her Parliaments.* 2 vols. London, 1967.

O'Day, Rosemary. *The Debate on the English Reformation.* London, 1986.

Owen, H.G. *The Episcopal Visitation: Its Limits and Limitations in Elizabethan London. JEH* 11 (1960):

Oxley, J.E. *The Reformation in Essex to the Death of Mary.* Manchester, 1965.

Palliser, D.M. Palliser, D.M. *The Reformation in York.* Oxford, 1971.

----------. "Popular Reactions to the Reformation 1530-70." In F. Heal and R. O'Day, eds., 35-56. *Church and Society in England, Henry VIII to James I.* London, 1977.

----------. *Tudor York.* Oxford, 1979.

Petegree, Andrew. *Foreign Protestant Communities in Sixteenth-Century London.* Oxford, 1986.

----------. "Nicodemism and the English Reformation." In *Marian Protestantism: Six Studies.* Scolar Press, 1996.

Pogson, R.H. "Reginald Pole and the Priorities of Government in Mary Tudor's Church." *History Journal* 18 (1975).

----------. "The Legacy of the Schism: Confusion, Continuity, and Change in the Marian Clergy." In *The Mid-Tudor Polity, c. 1540-60,* ed. J. Loach and R. Tittler.

Porter, H.C. *Reformation and Reaction in Tudor Cambridge.* Cambridge, 1958.

Powell, K.G. *The Marian Martyrs and the Reformation in Bristol.* Bristol, 1972.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Redworth, G. *In Defence of the Church Catholic: The Life of Stephen Gardiner*. Oxford, 1990.

Reznek, Samuel. "The Trial of Treason in Tudor England." In *Essays in Honor of C.H. McIlwain*. London, 1936.

Rowse, A.L. *Tudor Cornwall*. 1941.

Rupp, E.G. "The Recantation of Thomas Bilney." *London Quarterly*. April, 1942.

Scarisbrick, J.J. *Henry VIII*. Berkeley, 1968.

----------. *The Reformation and the English People*. Oxford, 1984.

Sharpe, J.A. "Last Dying Speeches': Religion, Ideology and Public Execution in Seventeenth-Century England," *Past and Present* 107 (1985).

----------. *Instruments of Darkness: Witchcraft in England, 1550-1750*. London, 1996.

Sheils, W.J. "Religion in Provincial Towns: Innovation and Tradition." In F. Heal and R. O'Day, eds. *Church and Society in England Henry VIII to James I*, 156-76. London, 1977.

Smith, L.B. *Fools, Martyrs, Traitors: The Story of Martyrdom in the Western World*. New York, 1997.

Spufford, Margaret. *Contrasting Communities*. Cambridge, 1974.

----------. *The World of Rural Dissenters*. Cambridge, 1995.

Spierenberg, Pieter. *The Spectacle of Suffering: Executions and the Evolution of Repression: From a Preindustrial Metropolis to the European Experience*. Cambridge, 1984.

Strauss, Paul. "In Hope of Heaven: English Recusant Prison Writings of the Sixteenth Century."
University of Nevada PhD thesis, 1997.

Sturge, C. *Cuthbert Tunstal*. London, 1938.

Thomas, Keith. *Religion and the Decline of Magic*. New York, 1971.

Trimble, William Raleigh. *The Catholic Laity in Elizabethan England, 1558-1603*. Cambridge, MA, 1964.

Tyler, P. "The Ecclesiastical Commission for the Province of York, 1561-1641." D.Phil thesis. Oxford, 1965.

Usher, Brett. *The Rise and Fall of the High Commission*. introd. P. Tyler (Oxford, 1968).

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Wabuda, Susan. "Henry Bull, Miles Coverdale and the Making of Foxe's Book of Martyrs." In
Martyrs and Martyrologies, ed. Diana Wood, 245-58. London, 1993.

----------. "Equivocation and Recantation During the English Reformation: The 'Subtle Shadows' of Dr Edward Crome." *JEH* 44 (1993): 224-42.

Watt, Tessa. *Cheap Print and popular Piety, 1550-1640*. Cambridge, 1991.

White, Helen C. *Tudor Books of Saints and Martyrs*, Madison, 1963.

Whiting, Robert. "Abominable Idols: Images and Image-breaking under Henry VIII." *Journal of Ecclesiastical History* 33 (1982): 30-47.

----------. *The Blind Devotion of the People: Popular Religion and the English Reformation*. Cambridge, 1989.
Willison, George F. *Saints and Strangers*. London, 1946.

Wood, Diana, ed. *Martyrs and Martyrologies*. (Studies in Church History, 30). London, 1993.

Wright, S.J., ed. *Parish, Church and People: Local Studies in Lay Religion, 1350-1750*. London, 1998.

Wrightson, K. "Villages, Villagers, and Village Studies." *History Journal* 18 (1975): 632-39.

Wrightson, K. and Levine, D. *Poverty and Piety in an English Village: Terling, 1525-1700*. New York, 1979.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.