

Recusancy and Conformity in Early Modern England *Manuscript and Printed Sources in Translation*

Scholarship of the past few decades has succeeded in questioning the wholly objective status typically attributed to the terms of religious affiliation common in early modern England. This is not to say that expressions such as puritan, Arminian, Calvinist are without meaning. But it is equally clear that religious identities have to be reconstructed by interrogating what those terms meant for contemporaries, and by analyzing how their attitudes toward particular styles of liturgy, worship, and conformity to the law that governed the national Church shaped their own awareness of religious identity.

This proved especially the case during the reign of Elizabeth I, when what it meant to be a Catholic was complicated by the question of individual compliance with the statute law, the act of uniformity of 1559 and subsequent statutes, notably in 1581 and 1587. One of the best sources for our understanding of the issue is the casuistical literature by Catholic polemicists, who argued with each other about how far conformity to the established Church could be excused, legitimated, and even recommended, in particular as a response to government claims that, at some level, conformity signified no more than obedience to secular temporal authority. This volume seeks to make available in translation to students and scholars in early modern studies the principal texts on conformity and recusancy in the Elizabethan Church.

This collection will be an invaluable resource for future scholars and students of post-Reformation Catholicism in the British Isles. It makes accessible in an excellent scholarly edition key documents associated with the contentious question of Catholic conformity in Elizabethan and early Jacobean England and Scotland. Bringing together published and unpublished material that has hitherto been scattered in a variety of libraries and archives, the volume combines careful transcription of material in its original languages with clear English translations. Accompanied by a helpful introduction, *Recusancy and Conformity in Early Modern England* sheds revealing new light on the struggle to reconcile religious and political loyalty and advances our knowledge of how dilemmas of conscience were negotiated and resolved in post-Reformation Europe. It will surely become a standard point of reference in the field.

— ALEXANDRA WALSHAM, *University of Exeter*

CATHOLIC AND RECUSANT TEXTS OF
THE LATE MEDIEVAL
& EARLY MODERN PERIODS

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of the Late Medieval and Early Modern Periods.

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*Recusancy and Conformity
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Manuscript and Printed Sources in Translation

Edited by

GINEVRA CROSIGNANI, THOMAS M. MCCOOG,

and MICHAEL QUESTIER

with the assistance of Peter Holmes



PONTIFICAL INSTITUTE OF MEDIAEVAL STUDIES

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MANUFACTURED IN CANADA

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Preface

What began as a small gathering of a few documents illustrative of different aspects of occasional conformity or church popery, developed into this collection. One document seemed to lead to another. Indeed, we could have gathered more, but we resisted the temptation lest a good book be lost in the pursuit of the best book. Many assisted us in our work. We have acknowledged different translators and colleagues who had checked and confirmed manuscript references in the headnote to each document. Here we would like to acknowledge friends and scholars whose support and interest sustained us in our work: Professor Alexandra Walsham, University of Exeter; Professor Peter Davidson, University of Aberdeen; Professor Robert Miola, Loyola University, Maryland; Father Peter Harris, English College, Valladolid; Dr Thomas S. Freeman, Cambridge University; and Dr Mordechai Feingold and Dr George W. Pigman, California Institute of Technology. We are also profoundly grateful to His Excellency Sergio Pagano, Prefect of the Archivio Segreto Vaticano, for his assistance and competence, and to his staff for their generous help with our research (Docs. 2, 6, 8, 10, 12, 13, 16, 38); Dr D. José Luis Rodríguez de Diego, Director, Archivo General de Simancas (Docs. 3, 5); Dr Pierre-Jacques Lamblin, Directeur de la Bibliothèque municipale de Douai (Doc. 17); Trustees of Lambeth Palace Library (Doc. 17); the staff of The National Archive, Kew (Docs. 19, 20, 22, 42); staff of the British Library (Doc. 23); Father Robert Danieluk, SJ, Father José Yoldi, SJ, Mr Mauro Brunello of the Archivum Romanum Societatis Iesu (Docs. 24, 30, 33, 34, 35, 36, 37, 39, 40, 44, 45, 46, 47); Ms. Iris Jones, archivist of the Venerable English College, Rome; Father James F.X. Pratt, SJ, Dr Nicoletta Basilotta and Mr Stephen Fernando of the Institutum Historicum Societatis Iesu (Rome); Brother James Hodgkinson, SJ, Ms. Anna Edwards and Ms. Mihaela Repina of the Archivum Britannicum Societatis Iesu (London) (Docs. 31, 32); Monsignor Mark Crisp, Rector of St Mary's College, Oscott; Sutton Coldfield, for his permission to publish the important refutation of "A comfortable advertisement" (Doc. 25); and Canon Alan Griffiths for reading and checking Latin translations.

We have tried to use a uniform style throughout the editions, but given that we three come from different academic traditions, there are most likely inconsistencies. Original spelling has been preserved with the exception of the modern usage of *u* and *v*, and *i* and *j*. Most abbreviations have been expanded. Marginal comments have been inserted into the text in *italics*; only deletions and corrections deemed important and significant by the editors, have been included. In Scriptural citations in the footnotes, we have “translated” the Catholic references to contemporary usage. We tried to retain original capitalization, but difficulty distinguishing between majuscule and minuscule in some documents may have resulted in more than usual inconsistency. Regarding dating, unless the documents themselves specify otherwise, we assume that documents written in England and Scotland were dated in the “old style” and those on the continent, “new style.” We understand the year for both, however, as beginning on 1 January and not 25 March.

Abbreviations

(Additional information can be found in the Bibliography)

a.	answer
ar.	article
ABSI	Archivum Britannicum Societatis Iesu (London)
Add. MS.	Additional Manuscript
AHSI	<i>Archivum Historicum Societatis Iesu</i>
ARCR	A.F. Allison and D.M. Rogers, eds., <i>The Contemporary Printed Literature of the English Counter-Reformation between 1558 and 1640</i> . 2 vols. Aldershot, 1989-1994.
ARSI	Archivum Romanum Societatis Iesu (Rome)
art.	article
bk	book
BL	British Library (London)
c.	caput
cap.	capitulum
CE	<i>The Catholic Encyclopedia</i> . Eds. Charles G. Herbermann et al. 17 vols. New York, 1907-1914.
cf.	confer
col(s).	column(s)
CRS	Catholic Record Society
CSP Domestic	Robert Lemon et al, eds. <i>Calendar of State Papers, Domestic Series of the Reigns of Edward VI ...</i> . 12 vols. London, 1856-1872.
CSP Foreign	Joseph Stevenson et al, eds. <i>Calendar of State Papers Foreign Series of the Reign of Elizabeth</i> . 23 vols. in 26. London, 1863-1950.
CSP Spanish	Royall Tyler et al, eds. <i>Calendar of State Papers Spanish</i> . 15 vols. in 20. London, 1862-1954.
CSP Rome	J.M. Rigg, ed. <i>Calendar of State Papers relating to English Affairs, preserved principally at Rome</i> . 2 vols. London, 1912-1926.
doc(s).	document(s)
n.d.	no date
n.p.	no place

n.	note
no. (nos.)	number(s)
<i>Oxford DNB</i>	H.C.G. Matthew and Brian Harrison, eds. <i>The Oxford Dictionary of National Biography</i> . 60 vols. Oxford, 2004.
PG	Patrologiae cursus completus, series graeca. Ed. Jacques-Paul Migne. 166 vols. Paris, 1856–1912.
PL	Patrologiae cursus completus, series latina. Ed. Jacques-Paul Migne. 221 vols. Paris, 1844–1906.
q.	<i>quaestio</i> (question)
RSTC	A.W. Pollard and G.R. Redgrave, eds. <i>A Short Title Catalogue of Books Printed in England, Scotland, & Ireland and of English Books Printed Abroad, 1475–1640</i> . 2nd edn. 3 vols. London, 1976–1991.
SP	State Papers
vers.	verses

Introduction

Numerous newspaper articles reported the debates, at times acrimonious, at the final curtain of David Mamet's *Oleanna* in 1992. Carol is a university student struggling in some of her courses. She seeks the advice of a professor, John, who consoles and encourages her in the midst of telephone calls and preoccupations with tenure and a new house. She need not fear failure; he would be willing to start the course again, just for her, if she would come to his office for private tutorials. As he explains this, he places his arm around her shoulder. In the second act, after Carol has lodged a sexual harassment complaint against him, he tries to explain his real intentions to refute her accusations. Carol corrects him: they are no longer accusations but facts because the tenure committee has judged in her favour after careful consideration. Was the simple act of placing a hand on her shoulder innocent without sexual intent? John asserts that it was; Carol claims it was not. The committee found in Carol's favour. But the gestures were devoid of sexual content, he insists. "I say it was not. I SAY IT WAS NOT. Don't you begin to *see* ...? Don't you begin to understand? IT'S NOT FOR YOU TO SAY."¹

Oleanna raised serious questions about a sensitive issue. How do we interpret behaviour? Is a hand on the shoulder a sexual overture or a sign of compassion? Which is more important — the intentionality of an act or its perception? Who is the judge in any disagreement: the actor, the perceiver, or a third party? Roman Catholics in Elizabethan England faced a comparable problem as they sought to reconcile the demands of their Church with the demands of their queen after the accession of Queen Elizabeth I and the establishment of the Protestant Church in 1559. They were not the first, nor were they the last to find themselves in this predicament. Imperial decrees demanded that all subjects pay homage to the Roman emperor. Numerous early Christians died rather than commit what they considered to be idolatry. Jesuit missionaries allowed their Chinese converts to pay homage to their ancestors, which they interpreted as a social and not as a religious act. Roman authorities did not agree. In the increasingly militaristic Japan of the 1930s some Catholic students set off an international incident because of their refusal to pay proper homage to the emperor.

Possible conflict between inner convictions and outward behaviour is a perennial concern. However, as far as religious dissension is concerned, such an antin-

1 Mamet, *Oleanna* (New York, 1993), 43.

omy occasions numerous morally intriguing predicaments. For example, Christianity generally repudiated mendacity as unlawful, regarding it as synonymous with apostasy. The eighth commandment forbids “bearing false witness” (Exod. 20:16; Deut. 5:20). Prohibitions against lying can be found throughout the Old Testament: (Prov. 6:16–19; 14:5; 30:6; Ps. 5:7; Lev. 19:11; Zeph. 3:13; Isa. 28:15; Dan. 11:27). Of the devil, Jesus said: “He was a murderer from the start; he was never grounded in the truth; there is no truth in him at all: when he lies he is drawing on his own store, because he is a liar and the father of lies” (John 8:44). Paul reminded the Colossians that their faith in Christ meant a change in their behaviour and that they should “never tell each other lies” (Col. 3:9; cf. Lev. 19:11). St Augustine provided the still exemplary definition of lie: the antinomy between thought and speech. In two treatises, *De Mendacio* [On Lying] and *Contra Mendacium* [Against Lying], he argued that lying was never admissible except for jokes. St Thomas Aquinas built on Augustine’s doctrines with the added emphasis on the rôle of “intention” in the act of lying. The Western Church generally followed the teachings of Augustine and Aquinas until the era of “high casuistry,” specifically from 1556, the year in which Martin de Azpilcueta (or Dr Navarre) published *Manual de Confesores y penitents* (Toledo, 1556) to the appearance of Blaise Pascal’s *Lettres provinciales* (Paris, 1656).²

The disruption of Christendom and the subsequent persecution of religious minorities added a new dimension to the old question. The introduction of the principle “*cuius regio eius religio*” in 1555 granted to territorial princes the right to determine the religion of their subjects, resulted in the practice of dissimulation to avoid persecution. The immediate effects of institutionalised national churches on moral theology were enormous. New moral problems demanded resolution. Does a Catholic/Protestant owe obedience to a Protestant/Catholic ruler? Can one reconcile civil allegiance due to the monarch with spiritual allegiance due to the pope? On a more practical level, the issue of physical presence at heretical services troubled Protestants and Catholics, and contributed to the rise of casuistry.³ In *Excuse à Messieurs les Nicodemites sur la complainte quil’s font de sa trop grand rigueur* (Geneva, 1544), John Calvin named and condemned this practice as “Nicodemism.”⁴ Calvin compared French Protestants to the Pharisee Nicodemus who, out of fear of the Jews, remained a secret disciple (John 3:1–2). Similarly, French Protestants attended Catholic ceremonies for fear of persecution. Catholics and Protes-

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- 2 For a history of casuistry, see Albert A. Jonsen and Stephen Toulmin, *The Abuse of Casuistry: A History of Moral Reasoning* (Berkeley, 1989).
 - 3 Jonsen and Toulmin, *Abuse of Casuistry*, 142–51; Perez Zagorin, *Ways of Lying: Dissimulation, Persecution and Conformity in Early Modern Europe* (Cambridge, MA, 1990), 158.
 - 4 Calvin first discussed the legitimacy of religious dissimulation in two letters in 1537: “De Christiani Homini Officio in Sacerdotis Papalis Ecclesiae vel Administrandis vel Abijciendis,” addressed to Gerard Russel, who had just accepted an ecclesiastical position with the Catholic hierarchy despite his professed sympathy

tants employed similar theological arguments attacking the practice and equating such forms of religious dissimulation with apostasy. Commenting on a passage in Paul's rebuke of Peter for scandalising Christian neophytes by retaining Jewish practices (Gal. 2:11-13), Luther condemned Peter as strongly as Augustine had done earlier in his dispute with St Jerome. In so doing, Luther emphasised "adiaphorism," a principle earlier introduced by the French proto-reformer theologian Lefèvre d'Étaples, meaning anything not expressly prohibited by scripture or decree, such as the Jewish practices of the Mosaic Law, were indifferent to salvation.⁵ Calvin advocated a similar interpretation: Peter's withdrawal from the Gentiles in order to satisfy a philo-Judaizing tendency within the early Christian community was wrong because it confused neophytes.⁶ Classic Catholic casuist manuals, e.g. Prieria's *Summa Sylvestrina*⁷ or Cardinal Cajetan's commentary on Aquinas's *Summa Theologica* and his *Summula Peccatorum*,⁸ vigorously condemned any form of religious dissimulation and any communication with the heretics.

Perhaps because of the emphasis of reformed theologians on individual exegesis, casuistry played little role in Protestant states in the late sixteenth century.⁹ Catholic countries, on the other hand, witnessed an outburst of casuist manuals. Peter Holmes first applied the term Nicodemism to the plight of English Catholics who faced the dilemma of reconciling the exigencies of their conscience with the legal necessity of attending services of the Established Church. Their predicament, although similar to that of various non-conformists on the continent, produced totally different responses. For English Catholics, the moral question of *communicatio in sacris* posed insurmountable problems. Obligated by law to attend religious

for reformed ideas, and "De Fugiendis Impiorum Illicitis Sacris et Puritate Christianae religionis Observanda," to Nicholas du Chemin. (See Calvin, *Ioannis Calvini Opera quae supersunt Omnia*, ed. Wilhelm Baum et al [Brunswick, 1863-1896], 5: 239-78). Calvin returned to the subject in 1543 in the pamphlet *Petit traicté monstrant que c'est que doit fair un home fidele cognoissant la verité de l'Evangile quand il est entre Papiste* (Calvini Opera, ed. Baum, 6: 537-88). This pamphlet combined with "Excuse à Messieurs les Nicodemites" was republished in 1549 and 1559 as *De vitandis superstitionibus quae cum sincera fidei confessione pugnant* (Calvini Opera, ed. Baum, 6: 589-614).

- 5 "In Epistolam S. Pauli ad Galatas Commentarius," in *D. Martin Luthers Werke* (Weimar, 1883-1979), 40.1, especially 150-246.
- 6 Calvin, "In Epistolam S. Pauli ad Galatas ... Commentarius," ed. Helmut Feld, in *Ioannis Calvini Opera Omnia: denuo recognita et adnotatione critica instructa notisque illustrata*, ed. B.G. Armstrong et al. (Geneva, 1992), 16: 42-52.
- 7 Mazzolini, *Summa Summarum quae Sylvestrina dicitur* (Strasbourg, 1516), cap. 3, n. 2; "mendacium," cap. 6, nn.1-4.
- 8 *Summa Sacrae Theologiae ... D. Thomae Aquinate ... auctore, cum R.mi Thomae a Vio Caietani ... commentariis* (Bergamo, 1590), II^a-II^{ac}, q. 10 a. 9; *Summula de Peccatis R.mi Thomae Caietani* (Venice, 1568), 225.
- 9 Edmund Leites, ed., *Conscience and Casuistry in Early Modern Europe* (Cambridge, 1986), 6; Jonsen and Toulmin, *Abuse of Casuistry*, 159.

ceremonies considered heretical by the Roman Church, they were also forbidden to attend services considered necessary for their own salvation. Moreover, they were required to pledge allegiance to a ruler who claimed jurisdiction in spiritual as well as civil questions. Even the Gallican Church, with a considerable amount of autonomy from the Roman See, accepted the principle of separation between state and church. The 1682 Gallican Liberties clearly stated that the Roman pontiff was the sole authority in matters concerning "eternal salvation."

King Edward VI's and Queen Elizabeth I's Parliaments outlawed Catholic practice, and required English subjects to attend Protestant ceremonies. With such a rapid transition from Catholicism to Protestantism, the first generation of Elizabethan Catholics (but also of non-conformists *tout court*) faced a situation where the alternative to religious conformity was economic ruin, prison and, possibly, death. Religious dissimulation became a common practice. Because dissimulation concealed the practitioner's intentions, it is impossible to tabulate exactly how many attended the services without professing the Protestant doctrine contained therein. Parish registers often quantified regular or irregular attendance. Some from both ends of the religious spectrum obstinately refused to attend the prescribed services. Roman Catholics who so refused were called recusants. Within the category of irregular attendance, "occasional conformists," were not only Roman Catholics, but Atheists, Anabaptists, Socinians and Jews, who periodically reported to the parish church in order to avoid fines or a prison sentence. "Church Papists" was the term usually applied to men (and women) who outwardly (physically) conformed occasionally to the Established Church but remained inwardly (spiritually) committed to Roman Catholicism. They often demonstrated their displeasure by refusing to communicate, by sleeping, by disturbing the services or other outward signs of disapproval and disagreement. Calvin's Nicodemism did not originally include the activities of English Catholics, but, historiographically, the term eventually became less restrictive, and came to mean theological justification of the lawfulness of religious dissimulation.¹⁰ English Catholics could be identified at a Protestant ceremony because they behaved unorthodoxly. Is it possible to identify a corpus of doctrinal literature which tended to justify, even partially, the lawfulness of attending Protestant ceremonies in England?

Alexandra Walsham rescued Church Papists and occasional conformists from the fringes of Elizabethan Catholicism in her landmark *Church Papists: Catholi-*

10 Delio Cantimori, "Nicodemismo e speranze conciliari nel Cinquecento italiano," *Quaderni di Belfagor* 1 (1948), 12-23; Delio Cantimori, "Prospettive di storia ereticale italiana nel Cinquecento, in *Eretici italiani del Cinquecento ed altri scritti*, ed. Adriano Prosperi (Turin, 1992), 423-81; Albano Biondi, "La giustificazione della simulazione nel Cinquecento," in *Eresia e Riforma nell'Italia del Cinquecento* (Florence; Chicago, 1974), 5-68.

*cism, Conformity and Confessional Polemic in Early Modern England.*¹¹ Confessional historians influenced by an historiographical tradition dominated by staunch defenders of radical recusancy, a total refusal to cooperate in any way with the Established Church, used “Church Papist” as a term of abuse describing lukewarm Catholics who capitulated to the demands of the state, and bowed the knee to Baal, out of fear or out of a desire to preserve their temporal assets. Professor Walsham highlighted the complexity of the debate with nuanced theological and ecclesiastical arguments. Many could rightly consider this edition as a companion volume to *Church Papists*. The editors do not intend an exhaustive study of the subject; for that we refer the interested reader to Professor Walsham’s monograph. Instead we have gathered together, in original languages and in English translations, pertinent texts, many previously unpublished, most previously untranslated, to demonstrate the evolution of the debate.

The second law of the Elizabethan reign, “An act for the uniformity of common prayer and divine service in the church” (Doc. 1), stated that everyone within the kingdom “having no lawful or reasonable excuse to be absent” should be “orderly and soberly” present in their parish church “during the time of the Common Prayer, Preachings or other Service of God.” Catholics wondered how they should proceed. Some Catholics fulfilled the law by their physical presence, but instead of participating in worship, they read or prayed privately. Some clergy celebrated the reformed rite and the traditional rite at different times and places on the same day. Given the frequency of religious changes during the reigns of Henry VIII, Edward VI, and Mary I, no one could predict how long the current religious establishment would endure. Catholics meanwhile sought advice and instruction on proper procedure. Elizabeth was their rightful queen; despite her checkered religious past, she had not been excommunicated. The Spanish Jesuit Pedro de Ribadeneira entered Marian England in the entourage of Gómez Suárez de Figueroa, Count of Feria, in November of 1558. Over the next six months he observed the dismantling of Catholicism and the slow introduction of Protestant practices. Nonetheless he argued against immediate papal intervention because he feared such impetuosity would destroy Catholicism within the kingdom. Only foreign assistance, presumably diplomatic pressure, would preserve it.¹² Catholic princes

11 Walsham, *Church Papists* (London; Woodbridge; Rochester, NY, 1993). See also her “Yielding to the Extremity of the Time: Conformity, Orthodoxy and the Post-Reformation Catholic Community,” in *Conformity and Orthodoxy in the English Church, c. 1560–1660*, ed. Peter Lake and Michael Questier (Woodbridge, 2000), 211–36. In an article in the same collection, “Conformity, Catholicism, and the Law,” Michael Questier points out that “occasional conformity” may, if viewed from a different perspective, also be “occasional recusancy” (pp. 237–61).

12 See his letters in *Monumenta Angliae III*, ed. Thomas M. McCoog and László Lukács (Rome, 2000), 261–63, 266–68, 269–73, 289–93.

offered their hands in matrimony; the possibility of a marriage treaty with either the Valois or Habsburg families would restore Catholicism as the Protestant wife would indubitably assume the religion of her Catholic husband. Negotiations, including an attempt by Elizabeth's favourite Robert Dudley, later Earl of Leicester to gain papal support in his quest for the queen's hand, floundered. Papal nuncios were denied admission. As the Roman Church prepared for the final session of the Council of Trent, English Catholics considered other options. Unnamed Catholics submitted a petition to the Council of Trent in early summer of 1562 through the mediation of the Portuguese ambassador Fernando Martinez Mascarenas (Doc. 2). A number of Catholics attended services as the law demanded in order to avoid the financial penalties. But they desired instruction: "what do men of true piety and learning think they ought to do?" They wanted to obey the law of the land, but could they without giving offence to God? Interestingly the petitioners did not want the issue discussed publicly at the Council of Trent "to avoid embittering the feelings of our Protestants."

The Spanish ambassador to England, Bishop Alvaro de la Quadra, explicated the novelty of the current situation of English Catholics (Doc. 3): "It is forbidden here by law to be a Catholic, and capital punishment is established for those who do not live as heretics in such a way that may be a matter of doubt elsewhere." Fear and coercion were operative. Moreover, the prayers contained "no false doctrine." Thus, with the exception of "the sin of dissimulation and possible harm caused by bad example," attendance at the services was not by its nature evil. The bishop was reluctant to state his position lest his view weakened the resolve of Catholics who refused to attend the services (recusants). On the other hand, he did not wish to drive conforming Catholics to despair. Regarding faculties to reconcile said Catholics, the bishop believed that many would hesitate to confess their sin of conformity lest the confessor be captured and tortured to reveal the names of his penitents.

A committee of theologians debated the issue at Trent. Surprisingly no copy of their opinion (Doc. 4) has been identified amongst manuscript collections from the council. Nor was the opinion immediately published. Aside from a brief reference of Gregory Martin in 1578, the opinion did not become known in England until 1593. The theologians concluded "with one voice" that attendance at these services gave heinous offence to God. Citing Scripture and ecclesiastical history, they argued that attendance gave scandal to others, and weakened the faith of the conforming party. More grievous was their interpretation that mere presence at a service "did consent unto schisme, and approve that heresy." Around the same time the case was referred to the Inquisition for a decision: "whether faithful Catholic subjects can, without danger of eternal damnation to their souls, be present at the aforesaid [Protestant services]?" In the case proposed, the Inquisition decided that presence signified not communion with heretics, but profession of their doctrines (Doc. 5). Regarding sacramental reconciliation, the Inquisition left the decision on proper procedure to the pope. A month later, Pope Pius IV granted to Bishop Quadra faculties to absolve Catholics who had lapsed into the crime of heresy, and to exonerate them from consequent censures and penalties (Doc. 6). The bishop died the following year.

John Feckenham, deprived Benedictine Abbot of Westminster Abbey, marshalled Scriptural, patristic and ecclesiastical arguments in favour of recusancy. His treatise (Doc. 7), dating from the early 1560s, circulated widely amongst Catholics until its publication in William Fulke's rebuttal *A confutation of a Popishe, and sclaunderous libelle* in 1570. Feckenham wrote his treatise in prison. Because of the general accuracy of his references and citations either he had assistance from someone outside his cell, or had access to a private library within the prison.¹³ Recusancy resulted in an increase in the number of religious exiles on the continent, often without any means of support. In 1566, a number of them turned to Pope Pius V for assistance (Doc. 8).

Some English still doubted Rome's position on the issue. Laurence Vaux returned to England to explain the Church's condemnation to his friends: "I am charged to make a defynytyve sentence, that all suche as offer chyldren to the bap-tisme nowe used, or be present at the communion of servise nowe used in churches in Englande, aswell the laytie as the clergie, Dow not walke in the state of Salvacion; Neyther we may not communicate or sociate our selves in company with scismatyke or heretyke in devine thynges; there is noe exception or dispensacion can be had for anye of the laitie, if they wyl stande in the stayte of salvacion." The pope moreover could not dispense anyone (Doc. 9). In 1563, presumably after the death of Bishop Quadra, Giovanni, Cardinal Morone, as Cardinal Protector of England, granted appropriate faculties for absolving conforming English Catholics to Thomas Harding and Nicholas Sander (on the continent), and Thomas Wilson and Thomas Peacock (in England). Three years later, Harding and Sander asked that these faculties, initially given orally, be put into writing so that they could demonstrate that they had this authority and could delegate it to others, if necessary (Doc. 10). Sander, one of the most qualified Catholic theologians of his generation, addressed the rumour that attending schismatic services "is, or may be wincked at, or dispensed in the Catholikes." This he vehemently denied (Doc. 11).

The faculties given to Sander, Peacock, and Harding survive only in an English broadsheet issued by the government after the failure of the Northern Rebellion of 1569 (Doc. 12). Each could absolve anyone "from all irregularitie and sentence of excommunication." Interestingly an anonymous Italian trader with claims of wide experience and knowledge of English affairs, reported to Giovanni Antonio Caligari, later bishop of Bertinoro and nuncio in Portugal, the strong hold that Catholicism still had on many within the kingdom and their lingering devotion to the pope (Doc. 13). He urged that someone be secretly sent to help them. The nuncio forwarded the report to Giovanni Francesco, Cardinal Commendone on 6 December 1567. We have included this report because of the relative scarcity of observations by non-English on religious affairs within the kingdom. By the time this report had

13 Some prisoners had their own libraries. Stephen Vallenger, for example, had nearly one hundred volumes in his cell in the Tower of London. See Anthony Petti, "Stephen Vallenger (1541-1591)," *Recusant History* 6 (1962): 257-60. We thank the editors of this series for drawing our attention to this article.

been forwarded to the cardinal, the three English clerics had received their faculties. A decade later, William Allen reflected on the conditions in England (Doc. 14) as many Catholics frequented Protestant churches because of the laws. By 1578, the proponents of recusancy had stemmed the tide:

Afterwards, however, by persevering diligence, we so completely overcame this difficulty that no one is any longer regarded as a genuine catholic, capable of absolution, who does not altogether refrain from every appearance of evil in regard to communication with heretics. And whereas in the judgment of many worldly-wise men this strict enforcement of ecclesiastical discipline seemed likely to lessen greatly the number of catholics, the Lord God has shown by the experience of a few years the contrary to be true. For we have now more confessors and genuine catholics than with all our indulgence and connivance we then had concealed Christians; a class of men, however, whose inward faith would have furthered neither their own salvation nor that of others, while their outward example would have led many to ruin; and thus, without giving a thought to the damnable sin of schism, or to the restoration of the true religion, but flattering themselves with their goodwill, and pleading in excuse for their unlawful acts the Sovereign's laws, they would have plunged themselves and theirs, unrepentant, into the miserable abyss of destruction.

Pope Pius V's *Regnans in excelsis* in 1570 (Doc. 15) made even more difficult the plight of Catholics. Pius declared Elizabeth a "heretic and an abetter of heretics" and thus excommunicated her. With excommunication, he declared her "deprived of her pretended claim" to the kingdom and absolved all subjects from their allegiance to her.

Before their departure for England, Edmund Campion and Robert Persons had an audience with Pope Gregory XIII at which eighteen specific questions were addressed to the pope. Most likely the questions had been submitted in advance so that the theologians and curial officials could consider proper replies (Doc. 16). Most of the questions treat the implications of Elizabeth's excommunication, but the four of the final five concern attendance at Protestant services. Regarding Elizabeth, Catholics may recognise her as queen "*rebus sic stantibus*," under present circumstances.¹⁴ May a Catholic noblewoman accompany Elizabeth into a secret

14 On this phrase see Michael L. Carrafiello, "*Rebus sic stantibus* and English Catholicism, 1606–1610," *Recusant History* 22 (1994): 29–40. In a recent monograph, Stefania Tutino interprets Gregory's explication as a repetition of the original bull: "... Robert Persons, who had arrived in England immediately after Gregory XIII had repeated the excommunication issued by his predecessor a decade earlier" (*Law and Conscience: Catholicism in Early Modern England, 1570–1625* [Aldershot, 2007], 20). Because bulls are rarely if ever repealed, we think that Gregory was re-interpreting the bull and not re-promulgating it.

chamber to hear a Protestant service through a window? Such a dangerous act should be shunned as much as possible, but the noblewoman could behave towards Elizabeth as Naaman the Syrian (2 Kgs. 5). The prophet Elisha allowed Naaman to accompany his lord to worship in the temple of Rimmon despite the fact that Naaman professed faith in the one God of Israel. This citation introduces into the discussion arguably the most important Scriptural passage. To the question regarding a papal dispensation so that Catholics could be physically present in churches occasionally at times during which services were being held, but in which they did not participate, their ambiguous reply was “as a little above,” that is, similar to the answer regarding fasting. Even entering a church during services and making clear one’s disapproval, was rash and the person should be rebuked. A Catholic could pray in a Protestant church according to his style of prayer when there were no services as long as scandal was avoided.

The Scriptural example of Naaman was often cited in cases of conscience studied at English seminaries. It should not be surprising that the reconciliation of conflicting demands of loyalty should be subject to intensive study in the emerging discipline of casuistry. Subsequently, often considered little more than a degeneration of moral theology because of its alleged indiscriminate manipulation by different theologians, casuistry played an essential role in the Society of Jesus’s cultural and theological enterprise. Jesuit stress on examination of conscience and frequent confession, and the importance of the “principle and foundation” and the meditation on sins and sinfulness during the first week of the “Spiritual Exercises” resulted in a concern for practical, moral issues.¹⁵ Moreover the prominent role played by individual Jesuits in political/religious affairs either as confessors of monarchs or as diplomatic agents at the service of ecclesiastical or secular lords, made essential the development and use of proper, methodological tools in the general area of cases of conscience.¹⁶ Courses in cases of conscience became a significant part of the formation of Jesuits. The *Ratio studiorum*, the basic programme of Jesuit education that was developed in the 1580s and finally promulgated in 1599, describes the proper teaching of cases of conscience.¹⁷ All Jesuits were in fact required to participate weekly in a class at which a professor presented and resolved a complicated case of conscience.¹⁸

As a discipline, casuistry pre-dates the foundation of the Society of Jesus, but Jesuits fostered its development through the careful application of techniques of

15 See Robert A. Maryks, *Saint Cicero and the Jesuits: The Influence of the Liberal Arts on the Adoption of Moral Probabilism* (Rome; Aldershot, 2008), 19–26, 30–31.

16 Jonsen and Toulmin, *Abuse of Casuistry*, 147.

17 Zagorin, *Ways of Lying*, 149–50; Giancarlo Angelozzi, “L’insegnamento dei casi di coscienza nella pratica educativa della Compagnia di Gesù,” in *La “Ratio Studiorum”: Modelli culturali e pratiche educative dei gesuiti in Italia tra Cinque e Seicento*, ed. Gian Paolo Brizzi (Rome, 1981), 121–62.

18 Jonsen and Toulmin, *Abuse of Casuistry*, 149; Zagorin, *Ways of Lying*, 186.

classical rhetoric to the practice of confession.¹⁹ Only recently have scholars rescued casuistry from the opprobrium poured on it by the Jansenist theologian Blaise Pascal (1623–1662) in *Lettres provinciales* (1656–1657), and have noted not simply its abuses, but achievements. It is important to note that casuist manuals were intended to aid confessors in the analysis of sins, conflicts, and mitigating circumstances. Unlike doctrinal or controversial theological tomes, these manuals attempted to move effortlessly from the universal principles espoused in the former to the practical realities of everyday life. A preacher, a theologian could articulate general principles; the casuist had to apply them. The cases used at the English College of Douai/Rheims are less concerned with the issue of real and/or occasional conformity than the cases in the “Allen-Persons” manual (Doc. 17). Does this simply reflect the time of composition? In the late 1570s when the former were compiled, Catholic attendance at Protestant services had not yet become the major issue. Or does it also reflect the louder demand for recusancy that followed upon the Jesuit mission to England in 1580? Two cases in the “Douai-Rheims” manual ask whether servants might accompany their masters to Protestant churches, presumably for services, or a nobleman/woman to serve the queen at a service. The servants do not always sin mortally if they do accompany their masters; one could not “easily” condemn the nobles. The “Allen-Persons” case is more complicated: could a Catholic “on a journey or elsewhere” accompany fellow travellers who are “heretics” to a service because he can not separate himself from them “without danger”? Included in the resolution is the recommendation that Catholics approach the Apostolic See for “a licence enabling ... [them] to go to heretic churches and be present at their sermons” with different reasons why this request might be acceptable. The “Allen-Persons” resolution was that “All these things are lawful sometimes. Perhaps they can be done without great sin although the contrary was always the practice of the Church ...” At the moment Catholics were not allowed to attend Protestant services “for it is a means of distinguishing Catholics from heretics.”

Gregory Martin, noted theologian and translator of the Vulgate, defended recusancy as the only position open to Catholics in Elizabethan England in *A Treatise of Schisme* (Douai [vere London], 1578). Printed secretly, Martin’s treatise addressed arguments that Catholics could attend Protestant services. The treatise’s full title explains the author’s method: *Shewing, that al Catholikes ought in any wise to abstaine altogether from heretical Conventicles, to witt, their prayers, sermons, &c. devided into four Chapters, whereof 1. Conteineth sundry reasons to that purpose, grounded for the most part upon Scriptures and Fathers. 2. Examples out of holy Scripture. 3. Examples out of ecclesiastical histories. 4. Answeres to the*

19 On Jesuit casuistry, see James F. Keenan, “The Birth of Jesuit Casuistry: *Summa casuum conscientiae, sive de instructione sacerdotum, libri septem* by Francisco de Toledo (1532–1596),” in *The Mercurian Project: Forming Jesuit Culture, 1573–1580*, ed. Thomas M. McCoog (Rome; St Louis, 2004), 461–82. On the influence of classical rhetoric, see Maryks, *Saint Cicero and the Jesuits, passim*.

chiefe obiections. Martin opened his preface (Doc. 18) with an episode from the life of Constantius, the father of Constantine the Great. Anyone desirous of playing a role at the imperial court and of having any access to the emperor himself, must sacrifice to pagan idols. Anyone who refused, would not only be denied access but would be stripped of any titles or positions held. "True Christians" departed from the court, the "dissembling sort" did anything necessary to advance. Constantius then revealed his ploy: he denounced the dissemblers as "traitors unto their God, and his truth, and flatterers unto their Emperour, men unworthy to live in his service." Certain that some opponent would cite the Scriptural example of Naaman, he clarified the Syrian's situation: he only accompanied his lord after he had received Elisha's permission. Elisha's successor, specifically the pope, not only has not given any permission but has in fact forbidden it. Throughout the history of the Church, association with heretics in prayer and worship (*communicatio in sacris*) has been forbidden.

Martin's treatise did not silence proponents of occasional conformity. At the "Synod of Southwark," some secular clergy and the recently arrived Jesuits Robert Persons and Edmund Campion, discussed the problem. Alban Langdale, a priest ordained during the reign of Queen Mary, deprived Archdeacon of Chichester and current chaplain to Anthony Browne, Viscount Montague, argued that mere physical, non-participatory presence neither demonstrated his acceptance of heresy nor scandalised other Catholics. Langdale may have been present at the meeting. Nonetheless, the synod condemned attendance. Persons promised to address the argument in greater detail. His treatise *A brief discours contayning certaine reasons why Catholiques refuse to go to church*, written under the pseudonym John Howlet and dedicated to Queen Elizabeth, appeared before the end of the year.²⁰ The Jesuit advanced nine reasons against the practice: the danger of infection from contact with heresy; danger of giving scandal; attendance is a *signum distinctivum*, a distinctive sign; dangers of schism; dangers involved in participation; dissimulation; unfaithful service; risk of losing the benefits of Catholicism; and examples from different infidels and heretics.

Either Langdale or the secular priest William Clitherow defended Catholic attendance at Protestant services in reply to Persons's treatise. Landgale's/ Clitherow's arguments convinced Thomas, Lord Paget and Ralph Sheldon that the practice was not sinful (Doc. 19). Beginning with Naaman, the author granted that the Syrian had asked permission but argued that Naaman's act was not in itself a mortal sin because Elisha could not dispense from anything "which killeth the soule." Elisha permitted Naaman to continue the practice with only one caution: "he swarve not from the trew worshipinge of God." Not all Christians separated themselves from unbelievers. Gamaliel and Joseph of Arimathaea continued to

²⁰ Persons, *A brief discours contayning certaine reasons why Catholiques refuse to go to church* (Douai [printed secretly in East Ham], 1580), ARCR 2: no. 613; RSTC 19394.

worship and pray with Jews. The author dismissed the assertion that Catholic avoidance of Protestant services was a *signum distinctivum*, a distinctive sign: it could not be a distinctive mark because Puritans also refused to attend. To the claim that the fathers at the Council of Trent had forbidden the practice, the author rejoins that they answered the question as it was then formulated, and not the question as it is currently asked. Fear of giving scandal was admittedly a good argument against the practice, but even scandal could be avoided if the act was done properly.²¹

Other rebuttals to the arguments for occasional conformity appeared. The anonymous "Against Going to Church" (Doc. 20) argued that Catholic attendance exposed the sinner to the dangers of schism. Interestingly the author doubted that physical attendance was a distinctive sign because Puritans and other types of Protestants attended services. Parliament reacted to the perceived threat of a Jesuit mission and of a stronger recusancy with new legislation, an "act to retain the Queen's Majesty's subjects in their due obedience" (23 Eliz. I c. 1) (Doc. 21). The new law increased the penalties for recusancy. The anonymous "A briefe advertisement howe to answere unto the Statute for not coming to Church both in Law, and Conscience, containing three principall points" (Doc. 22) explained how Catholics could use equivocation and acceptable casuist principles to evade the full consequences of the new statute.²² Because the legal arguments included in this treatise did not play a significant role in the controversy, the manuscript must not have circulated widely.

Robert Persons returned to the debate with "Against Going to Churche" (Doc. 23), a point-by-point reply to the "Discourse to Mr. Sheldon" (Doc. 19). Despite Langdale's/Clitherow's dismissal of attendance at Protestant services as a distinctive sign, Persons, now assisted by the future archpriest George Blackwell, reiterated. In early 1581, William Allen referred the question to Rome (Doc. 24). The Jesuit casuist Francisco Toledo formulated an opinion that condemned the practice: presence "profess[ed] a false sect by an outward act ordered to the profession of the faith of that false sect." An anonymous report from Paris doubted that Toledo's

21 Thomas M. McCoog, *The Society of Jesus in Ireland, Scotland, and England, 1541-1588: "Our Way of Proceeding?"* (Leiden, 1996), 143-46.

22 Equivocation and mental reservation are two of the most problematic issues in casuistry. See Johann P. Sommerville, "The 'New Art of Lying': Equivocation, Mental Reservation, and Casuistry," in *Conscience and Casuistry in Early Modern Europe*, ed. Edmund Leites (Cambridge, 1986), 159-84; Susan Waduba, "Equivocation and Recantation During the English Reformation: The 'Subtle Shadows' of Dr. Edward Crome," *Journal of Ecclesiastical History* 44 (1993): 224-42; Alexandra Walsham, "Ordeals of Conscience: Casuistry, Conformity and Confessional Identity in Post-Reformation England," in *Contexts of Conscience in Early Modern Europe, 1500-1700*, ed. Harald Braun and Edward Vallance (London, 2004), 32-48; Stefania Tutino, "Between Nicodemism and 'Honest' Dissimulation: the Society of Jesus in England," *Historical Research* 79 (2006): 534-53.

reply would quell the controversy because no one recalled the exact question that he was answering.

Jasper Heywood, Persons's successor as superior of the Jesuit mission in England, presided over a meeting with representatives of the secular clergy at an unknown location in East Anglia in the spring of 1583. Among other points, the assembled fathers agreed unanimously "that the going to the protestants church, in such sorte as it is nowe required, is unlawfull and a schismaticall deed, not withstanding all obedience pretended or protestation of the contrarie religion."²³

In the late 1580s, Langdale's replacement Thomas Bell was the major proponent of Catholic attendance. His important "A comfortable advertisement" has not apparently survived; we know about it only from citations in refutations such as "An answer" (Doc. 25). This important theological rejoinder has never been transcribed and published. As we prepared the first edition, we raised questions about the traditional dating and authorship. Internal reference to recent events result in our dating it to May 1588, a few months before the arrival of the Jesuit John Gerard, who is considered the author because of the initials J.G. at the end. Instead we propose the secular priest John Mush and the Jesuit Henry Garnet. The authors use the martyrdoms of Edmund Campion and the more recent Margaret Clitherow to portray Bell's defence of attendance as unbecoming cowardice. Their interpretation, however, was a mere caricature. Bell did not argue for an easy way out of the Catholic dilemma. Catholics, he argued, could attend Protestant services out of obedience to the law and loyalty to the queen only with some type of overt protest that they found the religious service distasteful. Bell's opponents contended that his solution denied that "bothe heretykes persecute catholykes and catholykes suffer all ther cruelties for noe other end or cause in the world then for that they will not yeald to them in religion and be conformable to them by these actions and sygnes of externall profession of religion, and therby allowe and consente before men to ther usurped ecclesiasticall authority; and to say or thinke the contrarye to this is wilful madnes synce all christendome can wnesse with us as I have sayd."

As evidence of the cruelty of the persecution and, perhaps, to consolidate attacks on Bell's protestation, defenders of recusancy published an Italian martyrology *Relazione del Presente Stato d'Inghilterra cavata da una lettera de li 25. di maggio scritta di Londra, et da un' altra, scritta da una persona di qualità, venuta di fresco d'Inghilterra, data in Anversa alli 27. di Giugno, & altre* (Doc. 26).²⁴ William, Cardinal Allen, then resident in Rome, may have had something to do with the publication. In his last communication with English Catholics, he commiserated with their plight. Indeed, he was somewhat embarrassed that he

23 The points agreed upon were published in *The First and Second Diaries of the English Colledge, Douay*, ed. Fathers of the Congregation of the London Oratory (London, 1878). For the context, see McCoog, *The Society of Jesus in Ireland, Scotland, and England*, 166–68.

24 *Relazione del Presente Stato d'Inghilterra* (Rome, 1590), ARCR 1: no. 312.

“watched the luggage” as they suffered for their faith. Nonetheless he enjoined them to be compassionate “towards suche of the laytie especially as for meere feare or savinge their family, wyfe and children from ruine are so far only fallen as to come sometymes to their churches or be present at the tyme of their service.” Their weakness, their recidivism should call their fellow Catholics to sympathetic understanding. Be merciful and forgiving because God may give them the strength to resist the next temptation. No one should defend the lawfulness of associating with Protestants in their prayers or services because the fathers and tradition condemned it. The Church could not grant dispensations because the prohibition was not positive ecclesiastical law, but “Gods owne eternall lawe.” Upon being asked by Cardinal Allen whether Catholics could pray with or attend services with Protestants, Pope Clement VIII replied that “such like was by no meanes lawfull or dispensable.” Because sinners were acting out of fear or weakness, the pope added that they should be dealt with mercifully and absolved easily: “the way of mercy is safer than the justice of severity” (Doc. 27).

Circa 1593 Thomas Bell abandoned his priesthood, renounced Catholicism and conformed to the Established Church. He was now a pursuivant and persecutor of his former co-religionists. His apostasy, however, did not totally undermine his defence of church popery. His arguments remained strong. As a result, Henry Garnet decided to publish the significant, weighty Tridentine decision on the subject. Why now, we may ask, do we finally print a decision made thirty years earlier? Garnet explains his reasons in the preface (Doc. 28). Reading between the lines, we can see its publication as a sign of the attractiveness of Bell’s position not discredited by the defection of its proponent. Garnet wanted to make it clear that “going to the Church is schisme exteriour heresy and deniall of faith, a damnable omission of a necessary confession of a necessary confession of the same faith, scandall, impiety, a hainous offence provoking Gods indignation, daungerous of infection, contrary to good education of children, not iustificable for feare, or any losse or torments, or perill of death, not allowable for respect of obedience, a bowing to Baal, contrary to examples of antiquity: against Christian discipline: a contempt of the Catholicke Church: an occasion of insolency of heretickes, and defacing of Gods glory: a shame and reproch of trew faith and religion: and a losse of all former merites: That Protestants service is wicked and abominable: that it is not sufficient to beleve well in harte, going withall to the Church: that the presence alone is unlawfull: That although they had trew Masse &c Sacraments we might not accompany them, and diverse other things, which in the processe of the booke shall appeare.”

Garnet addressed the subject again in *A treatise of Christian renunciation* (n.p., n.d. [England, 1593], ARCR 2: no. 322) in a chapter perhaps written by John Mush (Doc. 29). Bell had cited Gregory Martin as an authority who supported his position. Garnet/Mush defended Martin’s reputation and demanded to know where Martin had made such a claim. Martin may have granted the value of a protestation “in some cases”: “a Catholike professing there [at a service in a Protestant

church], that he defieth their heretical service, and commeth to praye after the Catholike maner, which were to edifie rather then to geve offence.”²⁵ Garnet/Mush could not believe that Martin meant the same thing as Bell and his supporters. Moreover, whatever Martin then believed, he would surely have changed his opinion in light of subsequent ecclesiastical elucidations. Attendance with a protest was deemed ridiculous. Clearly attendance was a “protestation of Protestancy” because “it signifieth a conformity in schisme and false religion: so that it is nothing else of itselfe but a Protestation in face of false religion. now by a contrary Protestation in words to seeke to disanull the Protestation of the facte, what is it else, but as if every man very expert in the arte of lying, should in telling two contrary tales, with one breath, desire to be beleved in both?” The author dismisses the example of Naaman “because he went not to the temple as unto a temple, but as unto any other place where his particuler temporall service might be exacted.” Equally vicious and equally wrong was the assertion that frequenting Protestant services was a venial sin.

Long-simmering tension between English Jesuits and some secular clergy finally erupted in the late 1590s. The “Wisbech Stirs,” a conflict between Jesuits and secular clergy over religious discipline and ecclesiastical at Wisbech prison in 1595, occasioned the struggle. Just as the Jesuit William Weston tried to dominate the clergy in Wisbech, so the Society of Jesus in general, some believed, wanted to control the English mission. Not only, their enemies claimed, did they oppose the re-establishment of episcopal government, but also their treacherous devotion to Spain (and the Spanish claimant to the English throne upon the expected death of Elizabeth) made the English government even more suspicious of the loyalty of Catholics. Some opponents even claimed that Jesuits permitted Catholic attendance at Protestant services. John Mush turned against the Society during this conflict and became one of the leading appellants so called because they appealed to Rome over the decision in 1598 to set up an archpriest instead of a bishop. In *A Dialogue Betwixt a Secular Priest, and a Lay Gentleman*, Mush claimed:

The English Iesuits found our secular priests to have rightly instructed and reformed our church in this point, and to have established both the doctrine and the practice before their entrances; and therefore they could not without great confusion and discredit runne any other course than that wherein they saw our priests to have led them the way. Marry, what they would have done in this case, if they had first set upon the worke, and begun in England a forme and practice of religion before secular priests, as their brethren Iesuits did in Scotland; this I can not certainly divine: but I doubt mee greatly, both by the proceedings of those auncient and learned Scottish Iesuites, and by pleasing humour of their fellowes here, they would not have been so strict in the matter, as both they and we bee now, refusing with so great detriment of goods, lands

25 Martin, *Treatise of Schisme*, sig. Fvii^{r-v}.

libertie, and lives, the least participation or resemblance of communion with protestants, in all points, practise, and profession of religion.²⁶

Scottish Jesuits allowed, he claimed, Catholics to attend Protestant services without sin or scruple. English Jesuits would have been equally lax if it had not been for the secular clergy who had so instructed English Catholics to favour recusancy as the only true course.

Robert Charnock, under the pseudonym Andreas Philaethes, repeated these charges in *A Reply to a Notorious Libell, Intituled A Briefe Apologie*. Scottish Jesuits may be the “devils instruments” because they introduced confusion regarding attendance at Protestant services where originally there had been consensus. Secular clergy had instructed Scottish Catholics to avoid these services. As a result refusal to attend had become a distinctive sign of Scottish Catholicism. Charnock doubted not that English Jesuits would have been equally tolerant if it had not been for the vigilance of the secular clergy.²⁷ Even the ex-Jesuit Thomas Wright made a similar point. In his treatise in favour of church attendance (Doc. 45), Wright explicitly mentioned Scotland as a place where attending Protestant sermons was not considered a distinctive sign. Thus attendance to sermons, unlawful in England, was condoned. He wrote: “In Scotland, where such [a distinctive] sign does not exist, we can not rebuke those who attend sermons for that reason because there attendance at sermons is relegated to its proper category of an indifferent act.”

Such appellants attacks made Persons more aware of the importance of Jesuit consensus on this sensitive issue. He contended that the appellants’ willingness to negotiate with the Elizabethan regime was not far away from the errors of Catholics who had at one time or another justified church attendance. Persons speculated that the appellant tract writers “are like inough (if God worke not a miracle) to passe further, and become as Thomas Bel and others have done before upon like and perhapse lesse ground of passion and malice.”²⁸ Garnet, a favourite target of the appellants, was also Bell’s most critical adversary.

In a long letter to Father General Claudio Acquaviva on 11 March 1601 (Doc. 30), Henry Garnet reported on the recent martyrdom of John Pibush. In so doing he commented on church attendance: “And do we and our predecessors in this holy mission contend that it is truly and really schism, besides being the sin of external heresy – which some think does entail separation from the holy Church – to go to heretical churches, even though it were the case that they were able and intended to say holy Mass.” He elaborated on this issue so that “all our reverend fathers may

26 Mush, *A Dialogue Betwixt a Secular Priest, and a Lay Gentleman* (Rheims [vere London], 1601), ARCR 2: no. 555; RSTC 25124, pp. 98–99.

27 Charnock, *A reply to a notorious libell* (n.p. [vere London], 1603), ARCR 2: no. 135, RSTC 19056, pp. 69–70.

28 Persons, *A manifestation of the great folly and bad spirit of certayne in England calling themselves secular priestes* (Antwerp, 1602), ARCR 2: no. 631; RSTC 19411, sigs. Y^v, cc2^r.

know our position and stand for it. We put it into practice; many martyrs have died for this doctrine; and the feelings of the pious and faithful in Christ, I know to be one of the best proofs to the greatest teachers of the world in matters of conscience. And I know that all ours will take this view.”

Persons reacted quickly and censured this passage before the letter reached its intended recipient (Doc. 31). No one, he insisted, ever considered attendance at Protestant services a “sin of external heresy.” Such behaviour is divisive and scandalous but, he clarified, “to make heresy there must be obstinate error in not believing some point of faith, & to make scisme there must be rebellion against the true head of the church.” Perhaps a bit confused, Garnet tried to be more precise (Doc. 32). He admitted his relief that the crime was not as heinous as he had imagined. But he advanced Pope Clement’s remark to Cardinal Allen, as reported in Allen’s letter, that attendance was “evil by its very nature.” Thus attendance was external heresy.

Perhaps because of the dearth of primary sources, occasional conformity in Scotland has received little attention from historians. Indeed, only Hubert Chadwick has treated the subject in any detail.²⁹ In the hope of providing some clarity to an issue important in itself and also important because of appellant exploitation of alleged Jesuits discrepancies, we have gathered as many references as we could find.

In 1587 a Scottish Jesuit resolved different cases of conscience, one of which concerned attendance at Protestant sermons without prayers at the expressed invitation of the king. As long as there were no prayers and it was “certain or extremely probable” that there was no danger to their souls and no danger of scandal, Scottish Catholics could attend with a clean conscience (Doc. 33). The question reappears in letters from various Scottish Jesuits during the time of the appellant controversy in England. We think this is not coincidental. The Jesuit superior Robert Abercromby cited as precedents theologians sending their students to Protestant sermons during his days as a student in Poland, Lithuania and Prussia.³⁰ The students would listen to their sermons in order to refute them later. Abercromby asked that “some of our more spiritual sons, whom we know would not be harmed from attendance” be allowed to do so (Doc. 34). The Jesuit William Murdoch claimed that Jesuits would reap a great harvest in Scotland if they permitted Catholics to attend these sermons. Failure to do so resulted in excommunication by the Kirk. The social consequences of excommunication, specifically exile and forfeiture of goods and property, compelled many to attend the sermons (Doc. 35). Only one person had immunity from the laws (Doc. 41).

29 Chadwick, “Crypto-Catholicism, English and Scottish,” *The Month* 178 (1942): 388–401.

30 The Jesuit James Bosgrave advanced the same justification after he had attended a Protestant service in England in the autumn of 1580. See Thomas M. McCoog, “‘Godly Confessor of Christ’: The Mystery of James Bosgrave,” in *Jeziwicka Ars Historica*, ed. Marek Inglot, and Stanisaw Obirek (Kraków, 2001), 355–75.

Alleged Jesuit concessions to Scottish Catholics merit further consideration because of the part they played in intra-Catholic disputes. Appellant writers exploited what they considered to be evidence of cynical Jesuit casuistical advice in Scotland. On precisely the issue where they should, said John Mush, they have taken a firm and conscientious stand — they capitulated. “They tooke order and provided that no Catholicke should be damnified in their temporall estates for cause of their religion.” Although the Scottish realm had “as sharpe lawes in this point” as the English one, the Jesuits, claimed Mush, “freely permitted Catholickes to goe to Church with Protestants and made no sinne nor scruple of this as we doe. And thus no law could take hold on them, for who could be knowne to be a Catholicke?”³¹ Here Mush was trying to re-appropriate the ground which some Jesuits and their supporters had claimed as their own, specifically the formulation of clear rules (within, admittedly, a complex casuistical framework) regarding the absolute need for separation from a Church vitiated by heretical doctrine expressed through its liturgy and enforced by ungodly laws. Mush characterises the casuistical accretion as a peculiarly Jesuit species of equivocation and deceit, a means in fact for inveigling Catholics into reliance upon Jesuit chaplains, one of his favourite themes: “if one were a notorious knowne Catholicke where he came, then they taught it to bee unlawful in that place to goe to church by reason of scandale, and no otherwise, But if one were not certainly knowne to bee such a Catholicke, he might goe without offence; upon condition that if he heard any hereticall doctrine preached, which mooved him to doubt in any point of faith, he should presently come to some of those fathers to be resolved.”³²

Arguments about occasional conformity and recusancy had always been, in essence, about how far compliance with the Act of Uniformity conceded to the determination of a heretical regime to destroy the true faith rather than just, as some regime spokesmen claimed, and some Catholics accepted. Obedience to the temporal law of the land and to the queen’s temporal power. Mush claimed the high ground by arguing that while it was “an intollerable miserie to see houses overthrowne, and men to leese their lands and goods for a precise course when so small a matter as this would save all,” “all had better have been lost than saved in this sort,” something which, Mush said sarcastically, “all these auncient and wise fathers agreed upon.” Mush alleged that “two punie Jesuits, to wit Father [William] Holt at the beginning, and Father [William Ogilvie] Oglebie since, ever misliked” this course of complying with the law on conformity as it stood in Scotland, and “in what they durst gainestood them in this opinion and practise, but these two, being young men, subject to the old, their opposition was rejected, and they put to silence.”³³

In light of Jesuit practice north of the border Mush was obliged to find some explanation for English Jesuit opposition to occasional conformity (with the single

31 Mush, *Dialogue betwixt a Secular Priest, and a Lay Gentleman*, 97.

32 Mush, *Dialogue betwixt a Secular Priest, and a Lay Gentleman*, 97.

33 Mush, *Dialogue betwixt a Secular Priest, and a Lay Gentleman*, 97–98.

public exception of James Bosgrave). He argued that “the English Jesuits found our secular priests to have rightly instructed and reformed our Church in this point and to have established both the doctrine and the practise before their entrance, and therefore they could not without great confusion and discredit runne any other course than that wherein they saw our priests to have left them the way.” Mush believed that, if the Jesuits had been in a position to pronounce on the issue before it had been settled by ordinary secular clergymen, they would have preached the same laxity as had taken hold among Catholics in Scotland (though Mush also completely ignored the fact that conditions within the Scottish Church were entirely different). Mush’s gentleman dialoguer claims that “I have also heard that the Jesuits have graunted some extraordinarie liberties lately about conferences had by Catholicke prisoners with Protestants, for procuring their libertie thereby; also about licensing or holding opinion, that a Catholicke may lawfully marrie with an hereticke.”³⁴

It seems likely also that appellants such as Mush, faced with the prospect of James’s imminent accession, were trying to argue that Catholic recusancy in England, which undoubtedly was phrased differently from Catholic practice in Scotland, should not be interpreted by James upon his arrival in England as a rejection of central temporal aspects of his rule. But the force of the argument was that, in disobeying the queen’s law in this respect, these secular clergy had been consistent all along, and were not being “political” when they preached separation from the Established Church of England, at least not political in the bad sense, something which was clearly the case with Jesuits such as Persons. This was also a way of refuting accusations of Jesuits and their friends that appellants and their sympathisers were, as Mush’s gentleman dialoguer phrased it, “the onely statesmen, and not they,” i.e. the Jesuits, “For you be Scotists in faction, labouring to set up the king of Scots, a knowne hereticke, to bee king of England.”³⁵

For reasons known to Father General Acquaviva but unmentioned in the extant correspondence, the Scottish Jesuit Alexander MacQuhirrie travelled to London in 1602. A motive for the trip may have been a discussion of the Scottish Jesuit tolerance of “occasional conformity” because of appellant complaints and, perhaps, a desire for a common policy in the likely event of the accession of the Stewart monarch to the English throne. MacQuhirrie underlined the importance of this tolerance if the mission was to succeed. He asked for clarification because some Jesuits were troubled they may be too lax (Docs. 36, 39). William Crichton succinctly summarised the difference between the practices of English and Scottish Jesuits. The former treated anyone who attended a service as a schismatic in need of special reconciliation before re-admission into the Catholic fold; the latter considered such attendance a grievous sin but did not consider the sinner a schismatic and thus not in need of any special treatment (Doc. 37). Upon the accession of

34 Mush, *Dialogue betwixt a Secular Priest, and a Lay Gentleman*, 98–99, 101.

35 Mush, *Dialogue betwixt a Secular Priest, and a Lay Gentleman*, 128.

James, rumours circulated among English Catholics that his queen, Anne of Denmark, had been given a papal dispensation to attend Protestant sermons.³⁶ The alleged English reaction exemplified Crichton's explanation (Doc. 38). MacQuhirrie's request for clarification must have been granted even though we have not had any success in identifying it. In 1603 he urged Acquaviva to present the decision in a clear manner that could be shown to anyone lest the laymen blame the Jesuits for this new burden (Docs. 39, 40).

Theologians and casuists argued viable options left to English Catholics. The author of "Of the lawfull manner of answering to questions of going to Church" (Doc. 42) demonstrated how a certain amount of mental reservation and equivocation could be employed in this regard. The Jesuit Henry Garnet defended the reputation of his martyred colleague Robert Southwell, and argued the legitimacy and importance of equivocation in his unpublished treatise (Doc. 43). An example of a casuist analysis, "Whether a Catholic could licitly accompany his heretical prince to a place of worship of heretics, and remain there with him while the heretical rite of worship is being performed," shows how the questions were addressed and resolved (Doc. 44).

Thomas Wright had been a Jesuit and an associate of Robert Persons. After a difficult period in Louvain during which he had been accused of heresy by the Scottish Jesuit George Turnbull, Wright joined Persons at the English College in Valladolid. Persons had earlier defended Wright when his superiors in Milan sought to dismiss him because of persistent melancholy. Wright's sojourn in Valladolid was not trouble free. In late 1594 he wanted to return to England for reasons of health. Persons did not consider him suitable for the mission and tried to dissuade him. Eventually Wright concluded that he had to choose between England and the Jesuits. By June of 1595 Wright was back in England. Wright worked as a priest and apparently remained aloof from the Jesuit/appellant controversy despite his own efforts to find some accommodation between the English government and Roman Catholicism. On the basis of their sensitive treatment of each other's arguments – indeed, they do not even mention each other's name – Persons and Wright apparently retained a certain affection for each other. Wright did not simply resuscitate the Langdale/Bell argument that Catholics could attend Protestant services but with some sort of a protest; he nuanced the issue consciously or unconsciously

³⁶ Giovanni degli Effetti, an agent of Innocenzo del Bufalo, Bishop of Camerino and nuncio in Paris, visited London shortly after the accession of James. He repeated this rumour in his report. According to him, many were shocked and scandalised by stories that Scottish Catholics had secured a papal dispensation through the mediation of Jesuits so that they could attend "Huguenot" sermons every now and then. He wanted to know if there was any basis to the rumour (degli Effetti to del Bufalo, Windsor 23 July 1603, Archivio Segreto Vaticano, Segreteria di Stato, Francia 48, (ff. 124^r–126^r). See *Correspondance du Nonce en France Innocenza del Bufalo, évêque de Camerino (1601–1604)*, ed. Bernard Barbiche (Paris; Rome, 1964), 520.

to conform with the common practice among Scottish Catholics. Fully aware that the casuist reply to a question depends very much on the formulation of the question itself, Wright did not argue that Catholics could attend a Protestant service, which involved prayer, but only Protestant sermons, which did not. Wright's arguments circulated in manuscript. Ginevra Crosignani identified a document preserved in the Archivum Romanum Societatis Iesu as this treatise, long considered lost.³⁷ It is published here for the first time (Doc. 45). Persons replied with *Quaestiones duae* (n.p. [St Omer], 1607)³⁸ and indeed wrote to Wright. Whether he actually sent the letter, we know not because we only have the author's draft (Doc. 46). Here too Wright's rejoinder to Persons's *Quaestiones duae* is published for the first time (Doc. 47).

The Wright/Persons debate was the last phase of the prolonged controversy over occasional conformity. Persons's death in 1610 removed the most prolific defender of recusancy. Equally, if not more, important was the oath of allegiance legislated by the English Parliament as a result of the Gunpowder Plot of 1605 (3 and 4 James I, c. 4):

I, A.B. do truly and sincerely acknowledge, profess, testify, and declare in my conscience before God and the world, that our Sovereign Lord King James, is lawful and rightful King of this realm, and of all other in his Majesties Dominions and Countries; And that the Pope neither of himself, nor by any authorities of the Church or See of Rome, or by any means with any other hath any power or authority to depose the King, or to dispose any of his Majesty's kingdoms, or dominions, or to authorize any foreign prince to invade or annoy him, or his countries, or to discharge any of his Subjects of their allegiance and obedience to his Majesty, or to give any license or leave to any of them to bear arms, raise tumult, or to offer any violence, or hurt to his Majesty's royal person, state, or government, or to any of his Majesty's subjects within his Majesty's dominions.

Also, I do swear from my heart that, notwithstanding any declaration or sentence of excommunication or deposition made or granted, or to be made or granted by the Pope or his successors, or by any authority derived, or pre-

37 See Ginevra Crosignani, "Thomas Wright and Occasional Conformity," *Archivum Historicum Societatis Iesu* 71 (2002): 149–56; and "De adeundis Ecclesiis Protestantium": Thomas Wright, Robert Parsons, SJ, e il dibattito sul conformismo occasionale nell'Inghilterra dell'Età moderna (Rome, 2004).

38 The full title is *Quaestiones duae De Sacris Alienis non adeundis, ad usum praximque Angliae breviter explicatae: quarum prima est, an liceat Catholicis Anglicanis, rebus sic se habentibus, & Magistrato publico sub gravissimis poenis id exigente, Protestantium Ecclesias, vel preces adire. Secunda, utrum, si non precibus, at concionibus saltem haereticis, ad easdem vitandas poenas, licite possint interesse, easque audire. In utraque Quaestione pars negativa multis argumentis firmissimis afferitur: Et in secunda, Scripto etiam cuidam Anonymo in contrarium edito respondetur* (n.p. [St Omer], 1607), ARCR 1: no. 893.

tended to be derived from him, or his See against the King, his heirs or successors, or any absolution of the said subjects from their obedience: I will bear faith and true allegiance to his Majesty, his heirs and successors, and him or them will defend to the uttermost of my power, against all conspiracies and attempts whatsoever, which shall be made against his or their persons, their crown and dignity, by reason or color of any such sentence or declaration or otherwise, and will doe my best endeavor to disclose and make known unto his Majesty, his heirs and successors, all treasons and traitorous conspiracies, which I shall know or hear of to be against him or any of them:

And I do further swear, that I do from my heart abhor, detest and abjure, as impious and heretical, this damnable doctrine and position, that princes which be excommunicated or deprived by the Pope, may be deposed or murdered by their subjects, or any whatsoever.

And I do believe and in conscience am resolved, that neither the Pope nor any person whatsoever, hath power to absolve me of this oath, or any part thereof, which I acknowledge by good and full authority to bee lawfully ministered unto me, and do renounce all pardons and dispensations to the contrary: And all these things I do plainly and sincerely acknowledge and swear, according to these express words by me spoken, and according to the plain and common sense and understanding of the same words, without any Equivocation, or mental evasion, or secret reservation whatsoever: And I doe make this recognition and acknowledgement heartily, willingly, and truly, upon the true faith of a Christian: So help me God.

The oath of allegiance, which became even more important after the assassination of King Henry IV of France in 1610, changed the terms of the debate.³⁹ Henceforth in Jacobean religious controversy, it and not occasional conformity would become the touchstone of Catholic orthodoxy.

39 For information on the contemporaneous debate see Peter Milward, *Religious Controversies of the Jacobean Age: A Survey of Printed Sources* (London, 1978), 86–136. For subsequent historiography, see Johann P. Sommerville, “Jacobean Political Thought and the Controversy over the Oath of Allegiance” (PhD thesis, University of Cambridge, 1981); Johann P. Sommerville, “Papalist Political Thought and the Controversy over the Jacobean Oath of Allegiance,” in *Catholics and the ‘Protestant Nation’: Religious Politics and Identity in Early Modern England*, ed. Ethan H. Shagan (Manchester, 2005), 162–84; J.V. Gifford, “The Controversy over the Oath of Allegiance of 1606” (D.Phil. thesis, University of Oxford, 1971); Michael Questier, “Loyalty, Religion and State Power in Early Modern England: English Romanism and the Jacobean Oath of Allegiance,” *Historical Journal* 40 (1997): 311–29; Michael Questier, “Catholic Loyalty in Early Stuart England,” *English Historical Review* 123 (2008): 1132–165; Tutino, *Law and Conscience*, 117–93.

Initial Legislation and the Catholic Dilemma

§1 An Act for the Uniformity of Common Prayer and Divine Service in the Church, 1559

SOURCE: 1 Eliz. 1 c. 2

EDITIONS: *Select Statutes and Other Constitutional Documents Illustrative of the Reigns of Elizabeth and James I*, ed. G.W. Prothero, 4th ed. (Oxford, 1913)

[p. 17] ... and that from and after the said Feast of the Nativity of St. John the Baptist next coming [24 June 1559] all and every person and persons inhabiting within this realm or any other the Queen's Majesty's dominions shall diligently and faithfully, having no lawful or reasonable excuse to be absent, endeavour themselves to resort to their parish church or chapel accustomed, or upon reasonable let thereof to some usual place where Common Prayer and such service of God shall be used in such time of let, upon every Sunday, and other days ordained and used to be kept as Holy Days, and then and there to abide orderly and soberly, during the time of the Common Prayer, Preachings or other Service of God there to be used and ministered; upon pain of punishment by the censures of the Church, and also upon pain that every person so offending shall forfeit for every such offence twelve pence, to be levied by the Church-wardens of the parish where such offence shall be done, to the use of the poor of the same parish, of the goods, lands and tenements of such offender, by way of distress.

§2 Petition of English Catholics to the Council of Trent [ca. June 1562]

SOURCE: Vatican City, Archivio Segreto Vaticano, Concilio Tridentino 151, ff. 130^r-131^r.

EDITIONS: Published in [Henry Garnet], *A treatise of Christian renunciation* (n.p., n.d. [England, 1593]), ARCR 2: no. 322, RSTC 11617.8, 9-11 (second pagination); Henry More, *Historia Provinciae Anglicanae Societatis Iesu* (St Omer, 1660), 66-67; C.G. Bayne, *Anglo-Roman Relations 1558-1565* (Oxford, 1913), 290-91. With very few exceptions, original punctuation has been preserved.

TRANSLATION: Henry Garnet,¹ as we shall see, translated the original petition in *A treatise of Christian renunciation*. A translation was found among notes compiled by John H. Pollen, as he wrote "The Council of Trent and Attendance at Anglican Services" (*Dublin Review* 160 [1917]: 234-48). He did not, however, include translations in the article. Pollen apparently translated a portion of Garnet's version. Ginevra Crosignani has adapted this translation so that it conforms to the original manuscript.

NOTE: This petition to the Council of Trent, without date, place of composition or authorship, was presented to the legates at the council by the Portuguese ambassador Fernando Martinez Mascarenas.² How and why he became involved, is not known. In the reply, those who delivered the letter to the council are referred to as "N" and "C". In the late seventeenth century, Matthias Tanner identified one bearer as Thomas Darbyshire (ca. 1520-1604), future Jesuit and sometime Dean of St Paul's, London, and Chancellor of the Diocese of London (*Societas Iesu Apostolorum Imitatrix* [Prague, 1694], 350). Tanner extracted most of his information about Darbyshire from More's *Historia*³ which, however, says nothing about Darbyshire's involvement with the petition. We have not been able to identify the source of Tanner's information.

Scrittura data dall'Ambasciatore di Portugallo
ai signori Legati el 2 Agosto 1562

Religione in Anglia mutata, et poena prohibita⁴ si quis diebus dominicis et festis a templo abstineat interi⁵ [sic] dum psalmi et ex utroque testamento lectiones lingua vulgari recitantur, laici multi et Catholici nobiles, et Deum timentes partim iam in carcerem agentes, partim mox eo coniciendi amicorum et consanguineorum precibus, admonitionibus et imminentium periculorum metu invitantur ut saltem ea tenus de sententia deduci permittant, ut in templis Protestantium tantisper interesse velint diebus dominicis et aliis festis dum psalmi eorum more lingua vulgari decantari [f. 130^v] soliti et lectiones ex Bibliis lingua item populari deromptae nec non conciones quae ad eorum dogmata approbanda apud populum frequentius habentur, commemorantur et fiunt.⁵

Iam qui hucusque nullo modo adduci potuerint⁶ ut publicis praedictis precibus et concionibus interessent, magnopere edoceri postulant qui quid iis faciendum sentiant vere pii et docti. Nam si nullo animi periculo, aut nulla Dei offensione publico Regni sui Decreto parere, ac obedire liceat, libenter id fecerint: contra vero si quid in hac re periculum sit salutis suae, aut laesae divinae Majestatis quidvis perpeti

1 Garnet (1555-1606) was superior of the Jesuit mission in England from 1587 until his death for involvement in the Gunpowder Plot.

2 Mascarenas (ca. 1530-ca. 1575) was Portuguese ambassador to the Council of Trent.

3 Henry More (ca. 1587-1661) was provincial between 1635 and 1639.

4 In the Garnet text, this is read as "proposita." "Prohibita," as it appears in the manuscript, is most probably a mistake of the copyist: its use here is grammatically problematic whereas there are no such difficulties with "proposita." Thus, in the English translation we shall assume the word meant here is "proposita."

5 Garnet reads this as "commemoratae sunt."

6 Garnet reads this as "potuerunt."

decreverint potius quam quicquam agere aut omittere,⁷ unde Deum offensum iri atque iratum intelligant: haec quaestio cum multis pias et religiosas conscientias exerceat et conturbet, rogandi istinc omnes per viscera misericordiae, et charitatem quam Christus a suis omnibus exigit, ut eam palam et dilucide quam primum expediant,⁸ qua multi in hoc regno implicati torquentur.

Quod haec charta complectitur nullius nomine singulariter petitur, quia non ad unum aliquem pertinet quod hic petitur, sed omnes fere nobiles Anglia habet Catholicos quibus jam multis modis pericula intendantur. His universalis in tua Illustrissima Dominatione magna auxilii spes affulget, si eandem vel Dei vel nobilitatis respectu agere dignabitur cum amicis quod in Concilio habet Tridentino ut huic quaestioni, quae totius nobilitatis nomine huc adducta est, responsum maturum [f. 131^r] et deliberatum accomodetur, et huc commode tuae dominationis opera perferatur, in quo haud dubie acquiescant perturbatae nunc conscientiae si ex te tam sancto, et nobile patre certiores fieri possint quid Patres Tridentini de hac re iudicent, quamquam fortassis tutum non fuerit hanc quaestionem publice in Concilio proponi, ne res divulgata nostrorum Protestantium animos exacerbet, et aliquibus periculum acceleret, nisi tuae prudentiae aliter videatur. Ideo tua prudentia consultius fecerit, si ita cum selectis quibusdam hanc causam egerit, ut quod ipsi in hac causa piissimis et doctissimis Theologis consultis significaverint id perinde valeat, ac si universi Patres sententias dixissent. Caeterum hoc totum tuae dominationis iudicio ac arbitrio relinqui⁹ satis sit, ut ipsi quod magis in rem esse prospiciat, id libere agat. Qui in Anglia nunc sunt Theologi partim metuunt, partim varie respondent; ideo plane omnibus satisfaciatur quod te procurante ex Tridento hoc respondebitur.

*The Document Given by the Ambassador of Portugal
to their Lordships the Legates, the 2nd of August 1562*

1. Religion in England being changed, a penalty is imposed if anyone on Sundays and feasts is absent from the church while psalms are recited and lessons from both Testaments in the vulgar tongue, are read. Many lay Catholic gentlemen and God-fearing men, some already in prison, some soon to be thrown in there, are moved by pleas of friends and relatives, warnings and fear of impending dangers, to allow themselves to be withdrawn from their resolution at least to the extent that they consent to being present at Protestant churches on Sundays and other feasts during services at which psalms are customarily sung in the vulgar tongue, lessons from Scripture are read in the same vulgar tongue, and sermons are delivered or recited generally to prove their dogmas to the congregation.

2. Those who hitherto could in no wise be induced to be present at the afore-said common prayers and sermons, desire very earnestly to be instructed on what men of true piety and learning think they ought to do. For if it is allowed, without

7 Garnet reads this as "committere."

8 Garnet reads this as "expediatis."

9 Garnet reads this as "relinquere."

danger to the soul or offence to God, to obey the public law of the kingdom, they would happily do so. On the other hand, if there is in this point any danger to salvation, or high treason to God, they have decided that they are prepared to suffer everything rather than do or omit anything by which they understand God would be offended and angered.

3. This question, as it vexes and disturbs many pious and religious consciences, we all beg you by the bowels of mercy and the charity which Christ demands of all his followers, that the issue be resolved openly and clearly for many in this kingdom are affected and in torment.

4. That which is contained in this letter, is not propounded in any one person's name in particular. The reason is this: this petition does not concern any one person, but to almost all English Catholic gentlemen threatened in many ways by dangers. Great hope of help arises if your Lordship would deign to deal with the friends you have in the Council of Trent, so that a mature and well weighed answer may be provided to this question, which is here advanced in the name of the whole nobility. May the answer be sent hither at convenience by your Lordship's pains. From this answer no doubt peace will come to consciences now troubled, if they be assured by you so holy and so noble a father, what the fathers of Trent do think about this matter.

5. To avoid embittering the feelings of our Protestants and thus increasing danger, it may be more prudent not to discuss the subject openly in the Council unless you deem otherwise. We thus leave the decision on proper procedure to your prudence so that if it is decided to submit the matter to some selected persons, what they shall declare, after having consulted the most pious and learned theologians in this case, should be of the some force as if all the fathers had given their opinions.

6. For the rest, it will suffice to leave all this to your Lordship's mind and judgment. Do freely what you see is more advantageous. Theologians who are here in England, sometimes answer out of fear, sometimes inconsistently. Therefore an answer sent back here from Trent, through your management would fully satisfy all.

§3 Alvaro de la Quadra,¹⁰ Bishop of Aquila and Spanish ambassador to England, to Francisco Vargas,¹¹ Spanish ambassador to Rome London, 7 August 1562

SOURCE: Madrid, Archivo General de Simancas, Estado, Legajo 815, ff. 187. J.A. Froude commissioned the transcription of this document along with many others. These transcripts he later donated to the British Library. This document can be found in Add.

10 Bishop Alvaro de la Quadra (1517-1563) was Philip II's ambassador to England from 1559 until his death.

11 Francisco de Vargas y Mexia (ca. 1500-1566) was Spanish ambassador to Rome from 1559. He played a significant role in the election of Giovanni Angelo, Cardinal de'Medici to the papal throne as Pius IV in the same year. In 1563 Pius

MS 26056A, ff. 182^r-183^r. With the gracious assistance of Dr Enrique García Hernán, we have used the original document, which often differs from the transcript. Footnotes can be found with the English translation.

EDITIONS: Partially published in Bayne, *Anglo-Roman Relations*, 293-95. There are numerous differences between the published transcript and the original manuscript.

TRANSLATION: English translation by Antonio Maldonado, with modifications by the editors.

Muy Ill^e Señor

El Senor Cardenal de Granvela me ha embiado las copias de dos cartas que Vuestra Señoria ha escrito a Trento a aquellos Senores Obispos de España con las quales he satisfecho en parte al deseo que tenia de ver cartas suyas. Yo escrevi [sic] los meses pasados a Vuestra Señoria sobre cosas de aqui y halgare de entender que la carta huviesse venido a sus manos. Escrívole pocas veces porque, como tengo dicho, me parece que de Bruxellas será V.S. informado de las cosas de aqui a proposito de lo que conviene a los negocios y tambien por no añadir ocupación a las que V.S. deve tener de ordinario que no deven ser pocas.

De parte de los Catolicos deste reyno me ha sido dado el escrito que va con esta por el quel vera Vuestra Señoria lo que demandan. Hame parecido no enviarle a Trento como ellos piden sino ay [ahí] para que Vuestra Señoria lo comunique con Su Santidad el qual mandara en ello lo que conviniere teniendo respecto a las circunstancias deste negocio con mejor informacion de la que pueden tener en Trento. Lo que (a mi parecer) si ha de considerar en la decision desta materia es la mucha insolencia y novedad del caso, porque es muy diverso el de aqui de los que comunmente los canones han considerado en esta materia de comunicacion con descomulgados y con hereges, siendo prohibido aqui por ley el ser catolico y puestas penas capitales a quien no biviere como herege, de manera que lo que en otras partes se podria dudar "si est metus aut coactio" aqui parece que es siempre coaction absoluta. Tambien es de considerar que lo que aqui se reza en estas yglesias, que llaman ellos preces comunes, no contiene dottrina falsa ninguna ny cosa impia, poque todo es escritura o oraciones tomadas de la Iglesia Catolica aunque de algunas han quitado todo lo que hazia mencion de meritos y intercession de Santos tal que quitado el pecado de la disimulacion y el daño que se haria con el exemplo el acto de intervenir a esto de su natura no es malo. La comunion no la hazen sino a las Pascuas y fiestas principales, y desto non se tratta agora. Solamente demandan si podran estar presentes a este oficio o preces comunes que he dicho. En la qual materia non he querido yo darles parecer, (aunque me lo han pedido) y por no dar ocasion a otros los unos (que estan aun constantes) a que cedan y afloxen. Tambien lo he dexado porque a la verdad me parece que dificilmente se puede dar regla [f. 1^v] general en esto siendo los casos tan diferentes como lo son las calidades de las personas, y aun las personas mismas,

commissioned Vargas to prepare an opinion on the question of papal jurisdiction *De episcoporum jurisdictione et de pontificis maximi auctoritate responsum* (Rome, 1563). Vargas was a strong supporter of the papacy.

porque ny todos aqui son yualmente constringidos a esta comunicacion, ny todos tienen la misma obligacion a no dar mal ejemplo y escandalo, aunque no sean sino laycos, ny todos han hecho lo que devian y podian para eximirse desta persecucion resistiendo a la promulgacion desta ley o a la execucion della o a lo menos huyendo o como mejor pudieran para poder decir que “vim patiuntur et conguntur absolute”; y assi me ha parecido a los que se han dexado vencer desta persecucion consolarlos extenuando el pecado por no causarles desesperacion, y por otra a los que estan aun constantes y veo que tienen intencion resistyr, no he querido extinguirles el espirito que tienen ny darles ocasion a que aflojen confiados de mis palabras y que comuniquen como lo harian si yo les dixesse que pecavan en ello. He querido advertir a Vuestra Señoria de todo esto porque me parece que tanto para la decision de la cuestion (caso que Su Santidad la quiera mandar declarar) como para no decidirla era necesario saberlo pero de una manera o de otra, seria menester que yo pudiesse mostrar a estos alguna respuesta porque no parezca que lo que a ellos los inquieta y trae desasosegados a nosotros no nos tocca.

Tambien se ofrece que muchos que con effetto han sido hereges y agora no lo son querrian recibir absolucion sacramental de su pecado y no pueden porque ny ay [hay] aqui quen tenga facultad para absolverlos ny aunque le huviesse osarian muchos dellos usar della, por lo mal que ha sucedido a algunos, que aviendo sido presos los clerigos con quien se han confessado y de miedo de los tormentos declarado lo que passa y nombrado los penitentes han padecido mucho daño y trabajo por ello. En esta cuestion aunque he respondido a algunos excusandolos con la necesidad del caso y con la violencia de las leyes y falta de tribunal ministerial de conciencias, ellos estan todavia en que consolaria mucho a los buenos y aun despertaria otros a penitencia si se hiciesse alguna declaracion sobreseo que fuese como un indulto general de las penas temporales y exteriores, y como es lugar de absolucion sacramental para las interiores y espirituales, lo qual yo no veo que pueda servir de mucho ny como pueda hazer que “aliquid addat contritioni” a los que recibieren absolucion sacramental, pero piden esto algunos hombres tan dottos y tan buenos que no he podido dexar de escribirlo aqui para que Vuestra Señoria pueda dar parte dello a Su Santidad con lo de arriba y ver lo que en ello podra hazerse, advirtiendo sobre todo el secreto. [f. 2^r]

A Martin de Luna, un amigo mio que ay [ahí] reside, escrivo rogandole aya [halla] una dispensacion para un capellan mio es canonigo regular. Suplico Vestra Señoria que si le pidiere favor para que u Santidad la conceda con alguna calidad extraordinaria se la de, que es cosas que yo derecho mucho en Dios.

Espero que este mi destierro se me alcara presto, el guarde y prospera la muy Ill^e persona y estado de Vuestra Señoria muy largos tiempos, como sus servidores deseamos. De Londres a siete de Agosto 1562.

[2^v] De Londres, a 7 de Agosto 1562. Al Embajador Vargas Nuevo 178 Antiguo 223. (E. 815). Copiado el párrafo a-b para M. Tiran hoy 2 de julio 1844. Copiado por A. Froude, 18 de Mayo 1861.

His Eminence Cardinal Granvelle¹² forwarded to me copies of the two letters which your lordship sent to the Spanish bishops at Trent. These copies have partially satisfied my desire of receiving letters from you. In the past I wrote to you about matters over here and I would like to know that the letter reached you. I write quite seldom because, as I have said, I think that you are better informed from Brussels about appropriate important matters. I also am reluctant to add more burdens to those already carried by you.

On behalf of the Catholics of this realm, a document has been given to me, which goes with this letter, and by it you will see what they ask. It has seemed to me better not to send it to Trent as they ask, but to you, for you to communicate it to his Holiness. He will judge what will be the best course of action in the matter, giving attention to the circumstances of the case with better information than they can apply at Trent. What (according to my opinion) they must consider in judging this matter, is the insolence and novelty of the case because it is very different from previous cases, which as a rule the canons take into consideration in this matter of participation in holy things with those excommunicated and with heretics. It is forbidden here by law to be a Catholic, and capital punishment is established for those who do not live as heretics in such a way that may be a matter of doubt elsewhere, specifically *si est metus aut coactio* [if it is fear or coercion], appears here to be always absolute coercion. Then we must also consider that the prayers in the churches here, which they call "Common Prayers," contain no false doctrine whatever nor anything impious. It is all Scripture or prayers taken from the Catholic Church, though from some they have omitted the mention of merits and of the intercession of saints. The result is that, apart from the sin of dissimulation, and possible harm caused by bad example, the thing is not by its nature evil. Communion is not given except at Easter and the chief feasts, and about that we are not now treating. Their only question is, whether they can be present at this service, or at "Common Prayers," which I have mentioned.

In this matter I did not want to give them my opinion though they have asked me for it so as not to give occasion to others, who still stand constant, for yielding or relaxing. Another reason for my holding back is because in truth it seems to me difficult to give a general rule because the cases, as well as the qualities of the persons, are so different. Regarding the persons, not every one is equally constrained to this communion nor are all under the same obligation of avoiding bad example and scandal, for some are only laymen. Again not all have done what they should and could, to save themselves from this persecution, by resisting the promulgation and execution of this law, or at least by fleeing, or by doing their best. So that I might say *vim patiuntur et coguntur absolute* [they endure coercion and are absolutely forced]. So it seemed good to me, in the case of those who failed to beat

12 Antoine Perrenot de Granvelle (1517-1586) served Emperor Charles V and his son Philip II. In 1560 Philip appointed him Archbishop of Mechelen. The following year, he was admitted into the College of Cardinals.

off the persecution, to console them by extenuating their sin so as not to drive them to despair. On the other hand, as to those who still stand constant, I did not want to extinguish this spirit, or provide them with grounds for weakening this resolve, or to communicate *in sacris* as they would, if I were to say that they did not sin in it.

I have been careful to tell you of all this, because it seems to me that, either for making a decision (in case his Holiness should order it to be published) or for refusing to do so, one must know the facts. In addition I may show them some type of reply if only to avoid the impression that we are little affected by what causes them so much concern and worry.

It also happens that many who had been heretics but are no longer so, wish sacramental absolution from their sin but are unable to do so because no one has the faculty to absolve them. Moreover if there had been someone, penitents would hesitate to confess their sin and seek reconciliation because they know what happened to persons who had done so when the clerics who had absolved them were taken and, under threat of torture, had revealed the names of their penitents and their reconciliation. Subsequently these penitents suffered much harm and toil. To this matter, I offered several excuses for their behaviour: the inevitability of the case, the violence of the laws, and the lack of a ministerial tribunal for consciences. They continue to insist that good persons would be greatly consoled and others aroused to penance if a declaration were issued, a sort of general reprieve for temporal, external punishments as sacramental absolution is from internal, spiritual penalties. I am not sure that this would serve any purpose or indeed *aliquid addat contritioni* [what it would add] to the contrition of those who have received sacramental absolution. But this has been requested by persons who are so learned and good that I cannot avoid writing to your honour that you can bring everything to the attention of His Holiness and to see what can be done regarding proper respect for the seal of confession.

To Martin de Luna,¹³ a friend who resides there, I have written, begging him to obtain a dispensation for a chaplain of mine who is a canon regular. I beg your grace to assist him so that he can obtain this dispensation as quickly as possible, a matter which is close to my heart.

I hope that my exile will be soon over, and that he [God] may bless you and your endeavours for many years to come. London 7 August 1562.

13 We have not been able to identify him. He may have been from the family of Claudio Fernández Vigil de Quiñones (†1563), Count of Luna, King Philip II's special envoy to the closing sessions of the Council of Trent. The king instructed him to block any attempt by English clergy to have the council outlaw Queen Elizabeth (Henry Kamen, *Philip of Spain* [New Haven, 1997], 104).

§4 The Declaration of the Fathers of the Council of Trent [August 1562]

NOTE: No manuscript copy of this has been identified in the collection of papers relating to the Council of Trent or elsewhere. Gregory Martin¹⁴ first mentioned the Declaration in 1578: "To ende, and, as it were, to bind fast the conclusion of al these reasons with the verdict of the Church, and ecclesiastical Fathers of our time, when this question was moved in the Council of Trent, to satisfie the dubtful consciences, chiefly of our countrymen, twelve of the best learned (one Petrus a Soto) chosen by the Council to decide it, pronounced, *omnino non licere*, that it was in no case lawful. Being in England I saw their short discourse in writing. It is also the judgement of the best learned fathers and professors in Rome, Jesuites. And of so many as are found Catholike divines, of upright iudgement, that have no foolish pietie, to sooth the feareful humour of their carnal frendes."¹⁵ Surprisingly Martin does not fully incorporate the Declaration into his argumentation and interestingly no printed or manuscript copy of the Declaration has ever surfaced. To the best of our knowledge, it was first published in [Garnet], *A treatise of Christian renunciation*, 9-39 (second pagination). Corrections made by Garnet to the text on p. 40, have been introduced. We have annotated only the English translation. Marginal notes to the printed text are given in brackets [] and in italics. Scriptural references in the footnotes follow contemporary usage.

Declaratio patrum concilii tridentini, circa frequentationem ecclesiarum,
eo tempore quo haeretici ritus exercentur, aut praedicatur haeresis.

Pax Christi quae exuperat omne sensum, custodiat [*Phil. 4.*] Corda vestra, & intelligentias vestras. Amen.

Viri dignitate conspicui, religione & multis nominibus illustris: aequam et honestam postulationem vestram ad nos detulerunt. N. et C. quam a vobis ad se perlatam asserbant, cuius hoc est exemplum.

[“]Religione in Anglia mutata, & paena proposita, si quis diebus Dominicis & festis, a templis absteineat, interim dum Psalmi, & ex utroque testamento lectiones lingua vulgari recitantur: Laici multi Catholici, nobiles, & Deum timentes, partim iam in Carcere agentes, partim mox eo coniiendi, amicorum & consanguineorum precibus, ac monitionibus, & imminentium periculorum metu invitantur, ut saltem eatenus de sententia deduci se permittant, ut in templis Protestantium tantisper interesse velint, diebus Dominicis & aliis Festis, dum Psalmi ex more lingua vulgari decantari soliti, & lectiones ex bibliis lingua item vulgari depromptae nec[p. 10]tae, necnon conciones, quae ad eorum dogmata approbanda apud Populum frequentius habentur; commemoratae sunt. Iam qui hucusque nullo modo deduci potuerunt ut publicis predictis precibus, & concionibus interessent, magnopere edoceri postu-

14 Martin (ca. 1542-1582), fellow of St John's College, Oxford, left England for religious reasons ca. 1570. He was a brilliant Biblical translator and theological controversialist.

15 *A Treatise of Schisme* (Douai [vere London], 1578), ARCR 2: no. 524, RSTC 17508, sig. C.v. at the very end.

lant, quid hiis faciendum censeant viri pii & docti. Nam si nullo animae periculo, aut nulla Dei offensione, publico Regni sui decreto, parere et obedire liceat: libenter id fecerint. Contra vero, si quod in hac re periculum sit salutis aeternae, aut lesae [sic] Divinae maiestatis: quaevis perpeti decreuerunt potius quam quicquam agere aut committere, unde Deum offensum iri aut iratum intelligant. Haec questio cum multas pias & religiosas conscientias exerceat & conturbet, rogandi estis omnes per viscera misericordiae, & charitatem quam Christus a suis omnibus exigit, ut eam palam & dilucidè, quam primum expediatis, qua multi in hoc regno implicati torquentur.

Quod haec charta complectitur, nullius nomine singulariter praefertur: quia non ad unum aliquem pertinet, quod hic petitur, sed ad omnes fere nobiles, quos Anglia habet Catholicos, quibus iam multis modis pericula intentarunt. Iis universis in tua illustrissima dominatione magna spes auxilii effulget, si eadem vel dei, vel nobilitatis respectu, agere dignabitur, cum amicis, quos in Concilio habet Tridentino, ut huic quaestioni, quae totius Nobilitatis nomine hiis adiuncta est responsum muturum & deliberatum accommodetur, & huc commoda tuae Dominationis opera profertur. In quo haud dubie, acquiescent perturbatae nunc conscientiae, si ex te tam sancto & nobili Patre, certiores fieri possint, quid Patres [p. 11] hac de re iudicent. Quanquam fortasse tutum non fuerit, hanc quaestionem publice in Concilio proponi, ne res divulgata, nostrorum Protestantium animos exacerbet, & aliquibus periculum acceleret, (nisi tuae Prudentiae aliter videatur) ideo tua Prudentia consultius fecerit si ita cum selectis quibusdam, hanc causam egerit, ut quod ipsi in hac causa piissimi & doctissimi Theologi consulti significauerint, id perinde valeat, ac si universi Patres sententias dixissent. Caeterum hoc totum tuae Dominationis Iudicio et arbitrio relinquere satius sit, ut ipsa quod magis in rem esse perspiceat, id libere agat. Qui in Anglia nunc sunt Theologi partim metuunt, partim varie respondent, ideo plane omnibus satisfaciet, quod te procurante [sic], ex Tridentino huc respondebitur.[*]

Pro quo Vestro tam firmo, Christiano, et vere religioso animo, non possumus non Deo optimo maximo agere gratias, & vobis magnopere gratulari. Etsi enim calamitatum vestrarum sensus cunctos vehementer tangat & cruciat, ut Christiana charitas hortatur, quae tam arcto necessitudinis vinculo omnes devinctos & constrictos tenet, ut mutuo afficiat membra, atque fratrum commoda, & incommoda, non aliena sed propria ducat: In illo tamen non est minima consolatio, quod, calamitosis hisce temporibus & in eo potissimum regno, in quo fides religiosorum misere iacet, cernimus nullo iniuriarum concursu, aut metus vi, charitatis vestrae ardorem extinguere, aut fidem convelli, aut constantiam labefactari, quinimo vos esse, qui in tanta rerum omnium confusione, ac molestiarum turbulentissima tempestate, nunquam curva veritatis genua ante Baal non [p. 12] sine magna Divini nominis Christianaeque disciplinae gloria. Ne igitur vester constans animus qui nullis commodis ad impietatem torqueri, flective unquam potuit, fallacibus rationibus, ad vestram perniciem comparatis, aut Divinae legis ignoratione, pietatisve simulatione deciperetur: & munere quod sustinemus dignum, & Christiani hominis officio

debitum existimavimus, vestris piissimis optatis morem gerere, causamque vestram examinandam, accuratè diligenter, matureque commissimus, gravissimis quibusdam Patribus, ac reverendissimis Dominis: Archiepiscopo Bracharensi, Archiepiscopo Lancianensi, Episcopo Dombricensi: Episcopo Lerenensi: reverendo Patri Iacobo Lainez generali Societatis IESU: simulque spectatissimis quibusdam Doctoribus Alphonso Salmeroni: fratri Petro de Soto, quem arbitramur vobis & facie & nomine notissimum: D. Georgio de Fr. Francisco Feriensi: Doct. Melchiori Cornelio: Iacobo Paivae de Andrada item Doctori. Quorum omnium religio, pietas & eruditio, certissimis testimoniis explorata est. Quorum sententias nostro etiam iudicio comprobatas, non dubitamus, quin sententiae totius concilii instar sitis merito habituri. Hii igitur Patres ac Theologi, quibus haec Provincia data est, cum saepe convenissent, atque diligenter & circumspicte Divina oracula, & sanctorum Patrum sententias & instituta, deliberando evoluisent, communibus suffragiis concluderunt, minimè vobis sine magno scelere, Divinaque indignatione, licere huiusmodi haereticorum precibus, illorumve concionibus interesse, ac longe multum praestare, quaevis atrocissima perpeti, quam in profligatissimis sceleratissimisque ritibus, quovis [p. 13] signo illis consentire. Cum enim impia lex, in animarum exitium lata, & schisma confirmare, & Ecclesiae Romanae integritatem (quae a Christo summus Ecclesiae suae vertex in terra est praefinita) nefarie convellere, & labefactare conetur, quicumque iniquae legi paret, illam quoad eius fieri potest, tacita consensione approbat, in eandem conspirat, atque eiusdem schismatis particeps sit. Si enim vetera monumenta Ecclesiae memoria retinueritis sanctorumque Patrum scripta accurate & studiose evolveritis, facile intelligetis, non minori studio, semper Catholicos viros hosce haereticorum conventus, & ritus, quam haeresim ipsam, etiam cum certissimo capitis periculo declinasse, ut qui erant persuasi, non posse haeresis notam subterfugere, qui ad preces & ritus haereticorum peculiare convenirent.

Ut enim vetustissimum Machabeorum interitum [2 Macc. 7.] omittamus, qui praeclaram mortem occubuerunt, ne nefariis Antiochi conatibus, in Divinae legis labem paratis obtemperarent: Si eorum quae refert Divus Athanasius de calamitatibus quas sua tempestate Ecclesia Christi sub Arianis perpessa est, memoriam repetatis: videbitis, quod non solum ex Episcopis, sed ex Laicis quoque hominibus, ingentem malorum cladem sustinuerunt, & acerbissimis mortis generibus interierunt, ne in Ecclesiis haereticorum sacris misteriis, divinisque ceremoniis adessent: quamvis eo tempore in hiis peragendis, veterem Ecclesiae morem haeretici retinuerunt, nihilque prorsus de illo mutassent.

Quum enim in templis, sacris misteriis interesse, maximum sit fidei & religionis inditium, sapienter existimaverunt, pii homines, facto se schismati con[p. 14]sentire, & haeresim illam approbare, a qua tantopere animo abhorrebant, si una cum haeticis in ipsorum templis ad sacra per ipsos peracta audienda convenirent. Si qui vero periculorum atrocitate deterriti conveniebant, male semper apud viros pios audierunt, quamvis veram & incorruptam fidem, animos illos retinere intellexerent. Quanto igitur iustius iidem viri sanctitatis splendore clarissimi, si omnes

Ecclesiasticos ritus, schismate nunc cernerent eversos, novum cultum, (ut res ipsa praesertim) in contemptum Catholicae Ecclesiae introductum, conciones nimia varietate blasphemiarum confertas, omnia denique ad Catholicam unitatem dilacerandam comparata animadverteret eos impietatis damnarent, qui legis immanitatem formidantes ab hisce sceleratis conventibus sese non segregarent; ut Dominus filios Israel a tabernaculis Chore Dathan & Abiron sese separare praecepit, ne eisdem iniquitatibus inquinati, pari schismate involuti, simili ultione perirent?

Quibus accedit, quod si vos qui tam diu forti & infracto animo sceleratos haereticorum conventus, funditus repudiastis, nunc tandem timore conservati, iniquae legi obtemperantes, aliquid de vestra pristina constantia, & animi firmitate remittatis: fieri non potest, quin fidei & religionis hostes glorientur, atque de Catholica Ecclesia, tanquam de insigni parta victoria triumphent, & sua prava dogmata vestra infirmitate apud suos stabiliant, atque ita qui Ecclesiae Catholicae, communi fidelium matri insigni estis decori, & ornamento, hac haereticorum insolentia opprobrio esse incipientis. Quam haereticorum delirium insolentiam insanumque triumphum [p. 15] Divini amoris inflammatus ardor Christianaque charitas, tantopere semper abhorruit, ut ad illa comprimenda nulla pericula declinaverit. Quocirca sancti Patres a quibus christianae disciplinae leges discimus, una affirmant, quod tametsi quis saepe veram fidem occultare, & dissimulare rite possit, ut a sanctis Martyribus factitatum legimus: merito tamen vereri quis possit, ne ea fidei suppressio, hanc infidelium contra divinum nomen insultationem divinaeque gloriae abiectionem, pariat, & minime quidem sine gravi scelere divini nominis prodicione, poterit diutius delitescere.

Divinae gloriae amor tam tenaciter debet christianis animis inhaerere & infigi, ut pro illa tuenda & amplificanda cum opus fuerit, se suaeque omnia forti & constanti animo in discrimen offerant. Et id quidem est Deum toto corde, & universis viribus diligere, illumque totis visceribus complecti. Ingrati enim animi est, illius honorem negligere, aut quovis tenore aspernari, qui seipsum turpissimae mortis tradidit, ut hominem a peccatorum dedecore vindicaret, & in gloriam filiorum Dei ascisceret.

Deinde, advertite quale quantumque scandalum possitis concitare, inter eos qui in eodem regno degentes, nondum tamen in illis fidei lux plane oppressa est. Qui etiamsi ex pusillanimitate non ausint nefariae legi repugnare, vestram tamen constantiam non possunt non demirari, illaque quo clarius splendescit, magis ac magis incitari: quam si vos viderint abiicere, iure poterunt existimare, nunc tandem illam haeresim vobis placuisse, cuius ritibus favere prae vobis fertis, nec obscure iudicatis. Et quo magis caeteros honore, splendore & nobilitate pre[p. 16]ceditis, eo vestrum sit exemplum perniciosius, vererique debetis, ne qui semper praeclarum religionis et pietatis exemplar extitistis, nunc tandem impietatem in animos pusillorum infundatis: neve illa fidei et pietatis scintilla quae in illorum lucet mentibus vestra simulatione extingatur. Nam cum summam christianae disciplinae D. Paulus [Rom. 13.] in officiosa proximorum dilectione collocaverit, semper antiqui Patres existimaverunt nunquam Christiano homini licere, fidem obtegere quando

aut fratrum impendit ruina aut si illa apperiat patet fidei eorum fructus augmentum firmitudoque speratur: Cuius nobis praeclarum exemplum prodidit illustris martyr Sebastianus: qui fidem quam occultaverat ut Christianorum rebus afflictis prospiceret (erat enim Caesari valde charus) patefecit, ut Martyrum quos ad necem duci cernebat, constantiam, fidemque confirmaret. atque ita eadem charitas quae fidem intra pectoris angustias concluderat, edidit, ac promulgavit. Officiosa enim charitas cum non quaerat quae sua sunt, sese ad omnes necessitates accommodat et tum maxime suis rationibus prospicit, cum alienas propriis praefert.

Ut supersedeamus reliquis fidelibus in exteris provinciis degentibus, quibus tamen res omnes in vestro regno gestae notae sunt et exploratae. Iis enim cum intuentur vos tot laboribus agitados, vitae periculis expositos, bonorum perenni quadam iactura, statuisse tamen omnem cruciatum perferre, potius quam fidei depositum, vobis a Christo creditum cum rerum omnium affluentia, deferere, ac perdere, est id singulare quoddam virtutis documentum atque ad praeclara facinora libenter subeunda incitamentum. Non possunt non vestram faelicitatem suspicere & praedicare, qui persecutionum propter iustitiam perpessione, vobis ad regnum caelorum viam munitis, atque ut illam perpetuo conservetis, a Deo optimo maximo perennibus deprecationibus contendunt: fieri autem nequit, quin tanto maius scandalum apud illos extiterit, quanto praestantius virtutis specimen hactenus praebuistis. Quae quantum cum Christiana disciplina & charitate pugnent, nemo non videt.

Haec vero omnia satis firma sunt argumenta, ad vos ab huiusmodi conventibus arcendos, etsi alia non extarent, vel hoc unum sufficeret, ad nostram hac de re sententiam confirmandam, quod omnium aetatum experientia & sanctorum Patrum admonitionibus, atque certe naturae ipsius impulsu didicimus, natura ita comparatum esse, ut humanus animus, flexibilis, inconstans, & commutabilis, facile ab hiis quae frequentat capiatur & demulceatur, atque quae principio perhorruerunt, paulatim ac sensim in eorum animos insinuentur, atque incipiant nimia consuetudine placere quae magnopere [1 Cor. 5.] antea displicuerant, non secus ac modicum fermentum ingentem massam corrumpit. Quare [Luke 12] Christus IESUS humani generis Doctor & Redemptor, a fermento Phariseorum cavere Discipulis praecipit. Quamvis igitur, nunc constanti sitis animo, & a sceleratis conventibus alienato, fieri non potest (nisi humanitatem exvatis) ut illo sine ingenti periculo ventiletis. Id quod in frequentanda haereticorum doctrina multo magis cernitur, quae velut contagium serpit ac grassatur, animosque audientium nihil minus cogitantes saepe pravis opinionibus imbuat & inficit: id vero non metuere insignis est improbitatis aut insolentiae argumentum. Quocirca D. Paulus [1 Cor. 15] tanto studio pravis colloquiis cunctis fidelibus interdixit, quae ad bonos mores corrumpendos plurimum valent, unde extat proverbium. Qui sese in apertum periculum coniicit, peribit in illo. [Eccles. 3.] Tametsi enim tali periculo minime laudatur, criminis tamen reus est, qui sese in illud timere praecipitavit, & sola temeritate Divinam laesit maiestatem.

Si qui vero tanta fuerint doctrina, constantia, egregiis animi dotibus praediti, ut intelligant se nullis pravis opinionibus infici posse aut contaminari, habeant tamen

reliquos existimatuos, sibi omnia liceré, quae eorum documento didicerunt, atque ita fratres suo exemplo perdent, quos eo magis servare oportuit, quó pluribus ac praestantioribus sunta Deo beneficiis cumulati.

Iam vero perpendite quales filii vestri evasuri sunt, si vestro exemplo illorum tener animus, tam sceleratis ritibus, tam nefariis preceptis [sic], institutisque assuefiat. Neque enim domestica disciplina tantum valere poterit, ad illorum mentes, pietate & religione imbuendas, quantum publica & externa ad illas inexpiabili scelere pervertendas: fere enim sit ut zizania triticum perimant.

Hiis & non paucis aliis rationibus commoti, quas longum esset & non necessarium commemorare, iudicaverunt Patres ac Theologi, animarumstrarum salutem expedire, patria potius cedere, aut cuiusvis miserae afflictataeque fortunae tela, forti & infracto animo sustinere, quam nequissimis legibus, cum fidei & religionis dedecore, ulla ratione parere. Etsi enim Divina lex, sacris literis consignata, & expli[p. 19]cata, humanas leges sancté angustéque sequi & colere, Principumque quorumvis auctoritatem sacrosanctam docet, omnibus tamen humanis legibus, divinas atque ideo Dei nutum & arbitrium esse praeferenda, magistra ac duce natura & eadem divina lege discimus. Caesari enim reddere praecipit Christus quae illius sunt, [Matt. 22.] Deo vero inprimis quae illi sunt maxime debita. Quin etiam D. Petrus qui tam multis persuadet, perpetuam atque constantem esse [1 Pet. 2.] Dei voluntatem, ut Regibus pareamus Dominisque subditi sumus, non tantum bonis ac modestis, sed etiam discolis & pravis: Cum tamen de Divino agitur honore, obtemperandum Deo, [Acts 5.] magis quam hominibus, aperte & constanter coram universo senatu clamat & testatur. Quocirca (fratres dilectissimi) facite, vi ita aliis omnibus in rebus, quae cum divina voluntate non pugnant, Principum vestrorum legibus obtemperetis, illorumque auctoritatem tueamini, ut intelligant vos, hac una in re notam illorum institutum contumneré, quam divina humanis, ut par est, anteferre. Quod si ad vestram constantiam tuendam, & amplificandam, persuasionibus & exemplis egere arbitraremur, domestica quidam tot & tam praeclara non modo maiorum vestrorum monumenta sed & aequalium & amicorum memoria suppeditantur, ut in externis inculcandis frustra laboraremur. Ubi, enim terrarum, fidem tam acerbè infectatam, vehementerque exagitatam, constantius, nervosius, acrius, maiorique animo, religiosi ac pii homines defenderunt, tutatque sunt, quam in Anglia? Atque ita cum hoc regnum vestrum fidem oppugnatam, saepiusque laceratam, habeat cum multis communem singulari [p. 20] tamen constantia & fortitudine, est cum paucis admodum coniunctum atque copulatum, neque tantum potuit ex oppugnationibus contrahere ignominiam quantum ex propugnationibus gloriam & ornamentum. Quare ex vestris maioribus, neque deerunt vobis fidei & pietatis erga Deum constantiaequae exempla, neque apud Divinam clementiam in coelis patrocinium. Hii enim, qui in eadem provincia, in iisdem urbibus laribusque & sub iisdem prorsus tectis, simili fuerunt aerumnarum genere exagitati, non dubium est quin causam vestram magno cum animi ardore & charitate, apud Divinam bonitatem agant, ab illaque vobis summa & egregia beneficia impetrent, si & illis & vobis deesse nolueritis. Neque enim possumus nobis ulla

ratione persuadere, ut ab hiis quorum rebus gloriose gestis merito gloriamini, degeneritis, aut illam quam in ipsis fidei constantiam commendatis, ulla vi metuve abiiciatis, quae propior coniunctiorque magis movet.

Atque eorum quidem quae pro vera & incorrupta fide & fide servanda & amplificanda vos ipsi hactenus sustinuitis recordatis, vos maximé in officio continere debet cum ea sint huiusmodi, ut in piorum hominum oculis [sic], auribus, atque sermone, summo cum omnium applausu & gratulatione versentur. Neque etiam est hominis sani, tot laborum certum & amplissimum praemium inanis atque incertae quietis splendore cambire.

Quocirca iisdem verbis D. Paulus Haebreos, [C. 10.] vario malorum concursu iactatos, vos poterimus hortari. Rememoramini, inquit pristinos dies, in quibus illuminati, magnum certamen susti[p. 21]nuistis passionum & in altero quidem opprobriis & tribulationibus spectaculum facti. In altero autem Socii taliter coversantium effecti. Nam & vinctis compassi estis & rapinam bonorum vestrorum cum gaudio sustinuitis, cognoscentes vos meliorem habere & manentem substantiam. Nolite itaque amittere vestram confidentiam, quae magnam habet remunerationem. Patientia enim vobis necessaria est, ut voluntatem Dei facientes, reportetis promissionem. Neque dubitetis eadem qua D. Paulus spe futurorum vestras mentes erigere. Adhuc enim, inquit, modicum aliquantulumque quiventurus est. veniet & non tardabit. Nam si omnium quin hiis provinciis piam & vere christianam mentem ex divina misericordia conservant fides in media erroris caligine, sole illustrior & clarior extiterit: si magno & erecto animo nefariis legibus repugnaverint, & ad omnia pericula subeunda, firmum & excelsum animum retinuerint: sperandum est, quod hii qui apud vos rerum potiuntur, legis severitatem remittentes, vobis & templa restituent, & vere Catholicos ritus permittent. ad quam expectationem omnem viam aditumque precluditis, si eorum impiis conatibus pareatis. Quum enim Christi Ecclesia nunquam infestissimis hostibus carverit, semper tamen evasit illustrior, gloriosiorque emersit, non viribus repugnando sed sustinendo: fuitque hoc perenne Christi potentiae argumentum, quod Martyrum patientia, fuit semper Tyrannorum vis & potentia compressa & collisa. Nam cum haec mala non casu & fortuito, sed divino consilio & voluntate evererint, fieri non potest, quin aliquando suorum misereatur Deus, & illorum rebus prospiciat, qui nulli nisi ipsi placere student, ipsiusque solius honorem curant, & charum habent. Quamdiu autem hae divinae voluntatis & misericordiae lux non effulget, certissimus laborum vestrorum fructus vos debet consolari. Hii enim estis qui, ut ait D. Petrus Apostolorum princeps, in virtute Dei custodimini per fidem in salutem, paratam revelari in tempore novissimo; ut probatio fidei vestrae, multo pretiosior auro, quod per ignem probatur inveniatur, in laudem & gloriam & honorem, in revelatione IESU Christi, quem cum non videritis, diligitis, in quem nunc quoque non videntes, creditis, credentes autem exultatis, laetitia inenarrabili & glorificata, reportantes finem fidei vestrae salutem animarum vestrarum.

Quum igitur laborum vestrorum remuneratio non sit sub opinione dubia, sed certa atque explorata: Omne gaudium existimate cum in varias tentationes incidendi-

tis, scientes, quod probatio fidei vestrae patientiam operatur, patientia autem opus perfectum habet, ut sitis perfecti & integri in nullo deficientes.

Quam tamen ut constantiam, & firmitatem vobis Deus perpetuo conservet, assiduis deprecationibus gemitibus, & aemulationibus a divina clementia deposcite. Haec sunt arma caelestia vobis a Deo donata, quae stare & perseverare fortiter & animosé faciant, hae sunt divinae munitiones, & tela spiritualia, quae ab incur-sionibus & impetu Daemonum muniant, & tandem ad filiorum Dei perenne con-fortium ducant. [p. 23]

Here followeth the same in English.

The declaration of the fathers of the Councell of Trent concerning the going unto Churches, at such time as hereticall service is saied or heresy preached.

The Peace of Christ which passeth all understanding, keepe your heartes and intelligences in Christ IESUS. [Phil. 4.]¹⁶

Right Worshipfull & Honourable, & for religion and many causes most noble: your iust and honest petition was deliuered unto us by N. and C. which they saied was sent unto them from you: the tenour wherof, is as followeth.

[*The Petion of Catholicke noble men & gentlemen.*] [“Religion being altered in England, and Penalty proposed, if any upon Sondaies & holy daies abstaine from the Churches, whilst Psalmes and lessons out of both testaments are rehearsed in the vulgar tongue: many Lay Catholicke gentleman, and fearing God; (whereof some are already in Prison others shortly to be sent thither:) are moved by the intreaties and admonish[p. 24]ments of frendes and kinsefoulkes, and by the feare of imminent daungers: that so farre forth at the leaft they suffer themselves to be drawn from their purpose, as to be present in the Protestants Churches on Sondaies [*Onely to be present: & that also at sermons onely*] and other holy daies, whilst the Psalmes are soung in English, and lessons out of the bible are read in the vulgar tongue, & sermons (which are often made for confirmation of their doctrine) are pronounced unto the people.

Those which hitherto could in no wise be brought to be present at the afore-saide publicke Praiers and sermons, [*The antiquity of Recusants in England.*] do earnestly desire to be instructed what the iudgment of godly & learned men is that they ought for to do. For if without daunger of soule or without offence of God it be lawfull for them to obey and conforme them selues to the publicke decree of the Kingdome; they would willingly do it. On the other side if herin their everlasting saluation may anyway be hazarded, or Gods maiesty offended: [*This hath bene per-fourmed untill blood.*] they have determined to suffer any thing rather than to do that wherby they may know Gods anger to be incurred.

This question wheras it troubleth and busieth many godly and devout consciences: you are to be intreated every one, by the bowells of mercy, and that charity which Christ requireth of those which are his: that you speedely and plainly assoile it, as a question wherwith many in this Kingdome are vexed and grieved.

That which is conteined in this bill, is not propounded in any ones name especially: because that which here is demanded doth not concerne one [p. 25] particuler person onely but almost all Catholicke gentleman, who have already bene very much indaungered. Unto all these in your honourable favour doth there great brightnes of hope arise: [*Here is meant the Cardinall President in the Councell.*]¹⁷ if you either for Gods sake, or in respect of the nobility, will vouchsafe to deal with your frendes in the Councell of Trent, that a sound and deliberate answer may be geven, & with your honors commodity be sent hither. In which answer undoubtably many troubled consciences will find repose, if by you so holy and noble father they may understand, what the Fathers do iudge in this matter. [*The cause why this declaration hath not long since bene published as now it is after the death of those which procured it.*]

Albeit happely it will not stand with our safety, that the question be propounded publicly in the Councell: least it being divulged, may provoke the mindes of our Protestants, & hasten the daunger of diverse: except it seeme otherwise unto your wisdom. Wherefore it will be more convenient, if you so deale in this case with some choice persons, that looke what most godly & learned devines do signify of the matter, that may be as much esteemed, as if all the Fathers had shewed their opinions: But this, it becommeth us to leave wholly to the wisdom and pleasure of your Lordship, that you may freely do as you shall thinke most profitable. [*Than did not all the Devines of England err in this point.*] The Devines in England are partly afraid, partly do vary in their answers, therefore that shall fully satisfy all, which by your procurement shall be by the Councell resolved.^[r]

[*The beginning of the Declaration of the Councell.*] For which your so constant Christian and very religious minde, we must needs geve almighty God thanks, & together with you greatly rejoyse. [p. 26] For although the smarte of your calamities doth greevously touch and torment us all, as Christian charity doth require; which with so firme a bond of amity doth fasten and lincke together all persons, that the mutually affecteth every member, & the commodities or discommodities of the brethren esteemeth not as of straungers, but as her owne: yet herein is there not the least comfourt, that in these miserable times, and in that Kingdome especially in which faith and religion pittifully lieth on the ground, we behould that with no heapes of iniuries, or violence of feare, the heate of your charity is quenched, or your faith weakened, or your constancy impaired: but rather than you are they, who in so great confusion of all things, and in the most tempestuous storme of afflictions, have never bowed your knees before Baal, [*To bow to Baal. Christian disciplina.*] to the singular glory of Gods holy name and of Christian discipline.

17 The president of the council was Stanislaus, Cardinal Hosius (Stanislaus Hozjusz) (1505-1579), a noted humanist and theologian.

[*It is impiety to go to the Church.*] Least therefore your constant mind which by no commodities could ever be bowed or wrested to impiety, might by fraudulent arguments [*Such are the arguments of our schismaticke Doctours.*] framed to your destruction, or by the ignorance of the law of God, or under pretence of piety, be deceived: we thought it both worthy of the office which we beare, and convenient to the dewty of a Christian, to yeeld to your most godly desires, and we haue committed your case to be exactly, diligently, and soundly examined, unto certaine most grave Fathers and most reverend Prelates: to the Archbishop of Brachara,¹⁸ to the Archbishop of Lancian.¹⁹ to the Bishop of Dombro,²⁰ to the Bishop of Leren,²¹ to the reverend Father James Laines generall of the [p. 27] Societe of IESUS:²² together with the most approved Doctours Alphonsus Salmeron,²³ [*another of the first ten of the same Society.*] Fr. Peter Sotus,²⁴ [*He was famous in England in Q. Maries time.*] who as we thinke is both in person and in name very well knowen unto you. D. George of Fr. Frauncise of Feria,²⁵ D. Malchior Cornelius,²⁶ James Parva of Andrada also a Doctour:²⁷ of euery one of the which, their religion, piety and learning is with most certaine testimonies approved. These Fathers therefore and

18 Bartholomew a Martyribus Fernandez (1514–1590) was Archbishop of Braga.

19 Ettore Pescelli (†1569) was Archbishop of Lanciano.

20 Apparently this should be “Dombrovicensis” and not “Dombricensis” derived from Dombrovia, the Latin name for Dubrovnik, although the usual designation for the see is Ragusin. Its incumbent, Ludovico Beccatelli (1502–1572), was at Trent from 1562–1563. Moreover, he had published *Vita Reginaldi Poli* (Venice, 1561) and, thus, had an interest in English affairs. He wrote the *Vita* during his stay at Trent. We thank Dr Thomas Mayer for information about Beccatelli.

21 Gaspar de Casal, OESA (1510–1587) was Bishop of Leiria. He attended the Council of Trent from 20 April 1562.

22 Diego Laínez (1512–1565), a co-founder of the Society of Jesus, was its second superior general.

23 Alfonso Salmerón (1515–1585), a co-founder of the Society of Jesus was, at the time, provincial of Naples.

24 Pedro de Soto, (1500–1563) was a theologian at the council.

25 Notwithstanding the “D” placed before “George of,” Emiliano Lucchesi does not include any George in his list of Benedictines at the Council of Trent (*I Benedettini e il Concilio di Trento* [Florence, 1943]). There was a Cistercian abbot at the last session of the council (1562–1563) by the name of Jorge de Attaide (†1578) (Constancio Gutiérrez, *Españoles en Trento* [Valladolid, 1951], 22–23, 536, 538). Later he was Bishop of Viseu. The only possible “Francisco de Feria” is Francisco Foreiro, (†1581), sent by the Portuguese King Sebastian (1554–1578) to attend the last session (Gutiérrez, *Españoles en Trento*, 24–25). There was also another “Franciscus” of whom we have no precise information except that he was “theologus hispanus” (cf. *Concilium Tridentinum: Diariorum partes tertiae volumen secundum ... collegit, edidit, illustravit Humbertus Mazzone* [Freiburg im Breisgau, 1985] *ad Indicem*).

26 Melchior (Cornelius) Cornero (fl. 1540s), secular priest, was “senator regius” and theologian at the Council of Trent.

27 Diego Andrada de Payva (1528–1575), a Portuguese theologian, attended the last session.

Devines, unto whom this charge was geven, whan they had often times come together, and diligently and circumspectly with great deliberation had waighed the holy scriptures and the sentences and decrees of holy Fathers: with one voice did conclude [*A conclusion more to be esteemed than the iudgment of schismaticall grammarians.*] that without hainous offence and the indignation of God, you may not be present at such praiers of hereticks, or at their sermons: and that farre better it were to suffer any whatsoever most bitter cruelties, than in most [*Protestants service superstitious.*] wicked and abominable rites & services by the least signe to consent unto them.

For wheras the wicked law, made for the destruction of soules, goeth about both to confirme schisme, and wickedly to loosen and to overthrow the integrity of the Romane Church, [*Consent unto schisme and loosening the integrity of the Church.*] which by Christ was appointed in earth the chiefe toppe of all his Church: whosoever obeith this wicked law: by a secrete consent, as much as in him lieth, doth approve it, agreeth unto it, & is partaker of the same schisme. [*It is schisme to go to the Church.*]

For if you remember the auncient recordes of the Church, [*Example of antiquity.*] and diligently and earnestly peruse the holy Fathers writings: you shall easely perceave [p. 28] that not with lesse care Catholicke persons have alwaies avoided, even with perill of death, these conventicles and services of heretickes, which went to their peculier praiers and services. [*It is eternall heresy to go to the Church.*]

For that we may omitte the most auncient martyrdome of the Machabees [2 *Macc.* 7.], who sustained a most noble death, that they might not yeeld to the wicked endeavours of Antiochus, tending to the overthrow of the law of God:²⁸ if you call to mind those thinges which S. Athanasius reporteth of the calamities which in his time the Church of Christ suffered of the Arrians:²⁹ you shall see that not onely of the Bishops; [*Catholickes may not go to the heretiks Church to hear Masse.*] but of the Laity also diverse have suffered great heapes of miseries, & sustained most bitter kindes of death, leaft in hereticall Churches they should be present even at the holy misteries of Masse and the divine ceremonies, although then in the performing therof the hereticks retained the auncient custome of the Church, and had not altered the same at all.

For wheras to be present in the Churches at holy misteries, is a manifest signe of faith and religion: [*To go to the Church is a signe distinctive.*] Very wisely did these godly men iudge, that in fact they did consent unto schisme, and approve that heresy, from which so much their mind abhorred; if they came together with hereticks in their Churches, there to heare that service which by them was rehearsed. [*To beleeve well is not sufficient if one go to Church.*] And if any persons

28 2 *Macc.* 7:1-42.

29 Athanasius (ca. 296-373), Bishop of Alexandria, participated at the Council of Nicaea in 325. Throughout his writings, he attacked the doctrines of the Arians. Cf. especially *Historia Arianorum* (PG 25: 695, 706-07).

daunted with the cruelty of daungers came thither: they were by all godly men condemned, although it were manifestly knowen that in mind they retained the trew [p. 29] and uncorrupted faith. How much more iustly than would those most famous holy men if they sawe now all Ecclesiasticall ceremonies by schisme overthrowen, and a new kind of service (as is manifest) brought in for contempt of the Catholicke Church, sermons stuffed with variety of blasphemies, and finally all things contrived for the renting asunder of Catholicke unity: how much more iustly, I say, would they condemne those of impiety, who fearing the cruelty of the law would not sever them selves from those wicked meetings, even as our Lord commaunded the children of Israel to sever them selves from the tabernacles of Chore, Dathan, & Abyron,³⁰ least being defiled with the like iniquities, and intangled with the very same schisme, they should perish also with the like revenge.

[*Scandall unto hereticks by geving them cause of vaunting against the Church.*] Wherunto we may adde, what if you who so long with stoute and unwearied courage have utterly detested the wicked conventicles of hereticks; should now at the last being overthrowen with feare, & obeying the wicked law, abate any thing of your wonted constancy and firmenes of mind; it cannot be but the enemies of faith and religion, will triumph & vaunt over the Catholicke Church as if they had obtained some singuler great victory; and by your weaknes fortifie amongst their followers their wicked doctrine: and so you which are a singuler honour and ornament unto the Catholicke Church the common mother of us all, will beginne through this insolency of hereticks, to be her shame and ignominy. Which doting insolency and franticke triumph of hereticks the inflamed fervour of Gods love and Christian charity hath [p. 30] alwaies so much detested, that for the repressing therof it hath refused no daungers. [*Confession of faith.*] Wherfore the holy Fathers of whom we learne the rules of Christian discipline do with one consent affirme, that although a man may oftentimes hide and conceale the trew faith, as we reade hath bene practised by holy Martyrs: yet when we haue iust cause to feare least such concealing of the faith may breed this insulting of hereticks, and defacing of Gods glory, than can it not without a damnable crime & treason to Gods holy name be any longer concealed. The love of Gods glory ought so surely to sticke and cleave to Christian mindes, that for defence and maintenance therof whan need shall require they offer them selves and all they have with stoute and constant courage into extreeme daunger. And that surely is to love God with all our harte, and all our strength, & to embrace him with all our bowells. It is a parte of an ungrateful mind, not to regard his honour, or in any maner to despise it, who gave him selfe to a most dishonourable death; to deliver man from the flame of sinne, and to exalte him to the glory of the sonnes of God.

[*Scandall to the weake Catholickes in England.*] Consider moreover what scandall and how great you may raise, amongst those which being within the same

30 Koran the Levite and his brothers Dathan and Abiram revolted against Moses. See Num. 16.

Kingdome, have not yet utterly lost the light of faith who although for their faintnes of hart they dare not repugne against the abominable law, yet can they not but admire your constancy, & therby by how much the more it sheweth it selfe, be animated more and more: [*A signe of heresy.*] which if once they see you cast away, worthely may they thinke, that now at the length that heresy liketh you, [p. 31] whose services you seeme and not obscurely shew for to favour. And looke how farre you exceed others in worshipp honour and nobilitye, so much the more you will your example be pernicious: and you ought to be afraide, least you who have alwaies bene a noble patterne of religion & devotion, now at the length may infecte the weaker mindes with impiety: [*O how much have schismatics to aunswer for herin.*] and least that little sparke of faith and devotion which as yet is alive in their hartes, may be quenched by your dissembling.

For wheras the very summe of Christian discipline (according to S. Paule) [*Rom. 13.*] doth consist in an officious love of our neighbours:³¹ the holy Fathers have alwaies iudged, that is never lawfull for a Christian, to hide his faith when [*It is never lawfull to deny our faith: yet may it be concealed, but not in these cases.*] whan either there is imminent danger of the ruine of our brethren, by the opening and manifesting therof the increase and strengthening of the same brethren is expected. Wherof that famous Martyr S. Sebastian hath lefte us a notable example: who as he had concealed his faith that he might succour the afflictions of Christians he being much favored by the Emperour: So did he manifest the same that he might confirme the constancy and faith of Martyrs whom he saw carried to their death. So the same charity which had within the closett of his breast shutt up his faith: did shewe also the same abroade and publish it unto the world.

For officious charity wheras shee seeketh not her owne commodities frameth her selfe to all necessities, and than most of all procureth her owne benefitte, whan she preferreth the benefitte of others before her owne. [p. 32]

That we may saye nothing of other Catholickes in other Countreies: who notwithstanding have very particular knowledge, and sure intelligence of all your affaires. [*Scandall of forreine Catholickes*] For unto them, whan they consider that you tossed with so many labours, exposed to so many daungers of life, and afflicted with continuall losse of goodes, have notwithstanding determined to suffer rather all manner of torment than with abundance of all things to forsake the DEPOSITUM of your faith, which Christ hath committed unto you: this must needs be a singuler example of vertew, and a provocation to the ready undertaking of most notable exploits. They cannot choose but admire and extoll your felicity, who by suffering persecution for iustice, make your selves a way unto the kingdome of heaven: and that you may alwaies maintaine the same, they make earnest and continuall suite unto almighty God: and you must of necessitye be unto them the greater scandall by

31 The opening verses of the 13th chapter of Romans insist that Christians "must all obey the governing authorities." Perhaps the allusion is to verse 3: "Good behaviour is not afraid of magistrates; only criminals have anything to fear."

how much you have given a more noble shewe of vertew, which things how greatly they disagree with Christian discipline & charity every one may perceave.

[*Danger of infection.*] All these are forceable arguments to withhold you from these conventicles, and if there were no other, this one would suffice to confirme this our doctrine in this matter, that by experience of all ages, and instructions of holy Fathers, yea and also by very nature it selfe we do learne, that naturally a mans mind flexible, inconstant and wavering, is easely wonne and allured by those things which it frequenteth: and such things as men at the first [p. 33] do detest, are by little and little insinuated unto the mind, and that beginneth with much continuance to please, which before did greatly displease, no otherwise than a little leaven corrupteth the whole heape. [1 Cor. 5.]³² Wherefore Christ IESUS the teacher and instructor of all mankind, commaunded his Disciples [Luke 12.] to beware of the Phariseis leaven.³³ Although than you be now of a constant mind, and farre alienated from those wicked conventicles: it can not yet be (unlesse you cease to be man) that you come thither without exceeding great daunger, which daunger is most of all found in frequenting the doctrine of heretickes, which creepeth and spreadeth it selfe like a contagious pestilence, [2 Tim. 2.]³⁴ poisoning & infecting with evell opinions the hearers mindes whan least they thincke it: which thing not to feare, is a token of notable frowardnes or insolency. Wherefore S. Paule [1 Cor. 15.] so earnestly commaundeth all the faithfull to avoide evell speeches, as being of exceeding great force to the corruption of good manners.³⁵ Wherupon there is also a Proverbe, whosoever casteth him selfe into manifest daunger shall perish therein. [Eccles. 3.] For although he receive no hurte at all by such daunger, yet he is guilty of a great sinne, in that he rashly hurled him selfe into the same, and with his very rashnes he hath offended the maiesty of God.³⁶

And if any be so learned, constant and of so great giftes of mind, that they know they cannot be infected or difiled with any false opinions: yet let them be assured that others will thinke that all things are lawfull which by their practices they have learned: and so by their example they will [p. 34] destroy their brethren, whom so much the more they should preserve, by how much more & more excellent benefittes they have received of God.

[*Education of children and their going to Church.*] But besides, waigh with your selves what maner of men your children are like to prove, if by your example so tender mindes be inured to so wicked services, and detestable commaundments.

Neither truly can the discipline at home be so availeable to traine them up in piety and religion, as the fashions abroade are effectual to perverte their mindes with a most deadly wickednes, wheras ordinarily it hapeneth that the cockell choaketh up the wheate.

32 1 Cor. 5:6-7.

33 Luke 12:1.

34 2 Tim. 2:17-18.

35 1 Cor. 15:33-34.

36 Eccles. 3:26.

These and many other reasons too long and not necessary to be sett downe, have moved the Fathers and Devines to determine that it is expedient for your soules salvation, rather to forsake your countrey, or with stoute and invincible courage, to abide the stroakes of howsoever miserable and afflicted fortune: than any way to obey most wicked lawes, to the shame and reproch of your faith and religion. [*Of obedience.*] For although the law of God sett downe unto us in the holy scriptures, teacheth us exactly to obey and reverence humane lawes, and that the authority of Princes is sacred and unviolable: yet do we learne both by the instruction and guiding of nature, and by the very same lawe of God, that before all humane lawes, the lawes of God, that is the will and pleasure of God is to be preferred. [*Matt. 22.*] For unto Cesar hath Christ commaunded us to geve those things which are his; but especially unto God, those things which are dew [p. 35] unto him.³⁷ Yea S. Peter who so largely disputeth that it is the perpetuall & constant will of God, [*1 Pet. 2.*]³⁸ that we obey Princes, and be subiect to our rulers, not onely whan they be good and modest, but also if they be wayward and wicked: yet whan Gods honour is touched, he crieth out, and openly and constantly before the wholle counsell protesteth, that we must obey rather God than man. [*Acts 5.*]³⁹ [*A Protestation farre unlike these of now a daies.*] Wherefore (most beloved Brethren) see that in all other things which are not contrary to the will of God, you be so obedient to your Princes lawes, so defend their authority: that they may understand that in this one thing you do not so much contemne their decrees: as preferre divine thinges (as great reason there is) before humane and worldly. [*Catholicke religion the onely maintainer of obedience to Princes.*]

If we thought that for the maintaining and increasing of your constancy, there were need of exhortation or examples: [*Examples of constancy.*] there are so many and so notable Presidents at home not onely of your forefathers, but even of your owne companions and frendes, that inculcating externall actes, labour would be spent in vaine. For in what countrey of the world have religiouse and godly men defended and maintained the trew faith so cruelly persecuted and vehemently tossed, more constantly, more stoutly, more earnestly, and with greater courage than in England? So that wheras that Kingdome of yours, in that it hath felte the trew faith oppugned and againe and againe dismembred doth participate with many: yet in a singuler kind of constancy and fortitude, it hath had few equalls and companions, neither could it receive [p. 36] so great ignominy and shame by the oppugning, as it hath received glory and ornament by the defending therof. Therefore can you not want from your auncestours either examples of faith, piety & constancy towards God, or helpe and intercession in heaven before his Divine mercy. For those which in the same Province, in the same citties and families, and under the same roofes, have tasted the same kind of miseries, will undoubtedly with great

37 Matt. 22:21.

38 1 Pet. 2:13-17.

39 Acts 5:29.

earnestnes and charity plead your case before the goodnes of God, and obtaine of him most great & singuler benefittes, if you forgett not both them and your selves also. Neither can we any way suspect, that you will degenerate from those in whose gloriouse actes you worthely glory, or that you will for any violence or feare neglect that constancy of faith which in them you commend, which being the more nearer and as it were more allied unto you, must needes move the more.

[*Remembrance of ones owne suffering heretofore.*] And truly the remembrance of those things which hitherto you have suffered for the conservation and amplification of the trew and incorrupted faith, ought most of all to establish you in your dewy: wheras they be of such sorte, that with singuler applause and gratulation they are in the eies, eares, and speach of all godly persons, neither it is a wise mans parte for the flattering shewe of a vaine and uncertaine quietnesse to exchange the sure & most ample reward of so many labours. [*All reward is lost by going to the Church.*]

[*Exhortation.*] Wherefore with the same wordes we may exhorte you, with which S. Paule exhorted the he[p. 37]brewes [*Heb. 10*] whan they were assaulted with all manner of evells. Call to mind (saieth he) the ould daies, wherin being illuminated, you sustained a great fight of passions, and on the one parte certes by reproaches and tribulations made a spectacle: and on the other parte made companions of them that conversed in such sorte.⁴⁰ For you both had compassion on them that were in bondes, & the spoile of your owne goodes you tooke with ioy, knowing that you have a better and permanent substance do not therefore leese your confidence, wich hath a great remuneration. For patience is necessary for you, that doing the will of God, you may receive the promise.

Neither be you afraide with S. Paule to comfourte your hartes with the very same hope of future thinges: [*Hope of the Princes toleration.*] For yet a litle (saieth he) and a very litle while, he that is to come will come, and will not slacke. For if the faith of all those persons which by Gods mercy doe conserve in those Provinces a godly and trew Christian minde, [*It is a trew Christian minde to refuse to go to the Church.*] shall shew it selfe in the midst of the darknes of errour more bright and shining than the sunne: if with great and lofty courage they shall resist the wicked lawes, and maintaine a constant and high mind to abide any daungers: it is to be hoped, that those which beare rule over you, relenting from the severity of the law, will both restore Churches unto you, and permitte the trew Catholicke rites and service. [*How trew this is we have long ago found.*] To the which expectation you utterly cutt of all passage, if you obey their wicked designments. For wheras the Church of Christ hath never wanted most deadly enemies: yet hath it alwaies proued more renow[p. 38]med [sic], & shewed it selfe more gloriouse, not violently repugning, but by sustaining: and this hath alwaies bene a prooffe of Gods mighty power, that by the patience of Martyrs the violence & strength of Potentates hath bene crushed & oppressed.

40 Heb. 10:32-39.

For these miseries having not hapned by chaunce or by the unconstancy of fortune, but by the disposition and will of God: it must needes be, that God at the length will pittie his people, and order their affaires who seeke to please non but him alone, esteeming and regarding nothing so much as his honour. And so long as this light of Gods will and mercy doth not shew forth it selfe: the most assured fruite of your labours ought to comfourt you. For you are they who (as S. Peter the Prince of Apostles doth say) [*1 Pet.* 4] in the vertew of God are kept by faith unto salvation, ready to be revealed in the last time, wherein you shall reioise, a little now if you must be made heavy in diverse tentations, that the probation of your faith more pretiouse than gould which is proved by the fire, may be found unto praise and glory and honour in the revelation of IESUS CHRIST, whom having not seene, you love: and beleeving you reioise with ioy unspeakable and glorified, receiving the end of your faith the salvation of your soules.⁴¹

Wherastherfore the repaiment of your labours, doth not lye in the doubtfulness of opinion, but is certaine and manifest: [*Luke* 1.] esteeme it (my brethren) all ioy, when you shall fall into diverse tentations: knowing that the probation of your faith worketh patience: and let patience have a perfect worke: [p. 39] that you may be perfect and entire, failing in nothing, which constancy & firmnes notwithstanding, that God may alwaies conserve within you: see that with continuall praiers, sighes, and desires you make intreaty to the mercy of God.⁴²

These are heavenly armours geuen unto you by God, which may cause you to stand strongly and courageously: these are divine fortifications, & heavenly wapons, which may gard you from the assaultes and the rage of the Devells, and bring you at the last to the ever lasting fellowship of the sonnes of God.

Laus Deo, ac Beatissimae semper Virgini Matri Deiparae Mariae atque omnibus Sanctis

[Praise be to God, to the Most Blessed Virgin Mary, Mother of God, and to all the Saints]

FINIS

§5 Opinion of the Roman Inquisition [September 1562]

SOURCE: Madrid, Archivo General de Simancas, Estado, Legajo 816, ff. 24^{r-v}-25^{r-v} (two original copies). A defective copy can be found among the Froude transcripts, BL, Add. MS. 26056A, f. 185^r. Endorsed: "Paracer de los Inquisidores de Roma" [f. 1^v].

EDITIONS: Bayne, *Anglo-Roman Relations*, 296-97.

TRANSLATION: This translation, found among the Pollen papers, was revised by Ginevra Crosignani.

41 *1 Pet.* 4:12-19.

42 *Jas.* 1:2-4.

NOTE: Presumably Pope Pius IV⁴³ referred de Quadra's letter and the accompanying petition to the Inquisition, whose commissary general was the future Pope Pius V, Michele, Cardinal Ghislieri.⁴⁴

Casus est.

Quidam principatus lege et statutis prohibuit sub poena capitali ne aliquis sit Catholicus sed omnes vitam hereticam agant et intersint Psalmis, eorum more lingua vulgari decantandis, et lectionibus ex Bibliis lingua item populari depromptis nec non concionibus quae ad eorum dogmata aprobanda apud populum frequentibus habentur commemorantur et fiunt.

Queritur

An subditi fideles et Catholici sine periculo damnationis aeternae animae suae supradictis interesse possint.

Ad casum respondentur quod neque vitam Catholicam relinquere nec hereticam ducere neque eorum psalmis lectionibus et concionibus interesse licet. Cum in casu proposito non esset tamen [sic] [cum] hereticis communicare et cum eis participare sed vitam et errores illorum protestari, cum non velint aliam ob causam interesse nisi ut tanquam heretici reputati poenas Catholicis impositas effugiant. Et scriptum est obedire oportet Deo dicenti, qui me erubuerit et meos sermones etc., quam hominibus vitam et ritus Deo et ecclesiae catholicae contrarios precipientibus, et eo magis cum nobiles et magnates non sine pusillorum scandalo supradictis interesse possint.

De absoluteione vero illorum qui in haeresim lapsi sunt et nunc reconciliari cupiunt videtur remittendum prudentie et discretioni illius qui dubium transmisit, cum sit et doctus et zelosus salvo meliori iudicio ita nobis dicendum

Frater Thomas Manrique sacri palacii magister. Frater Eustactius Lucatellus procurator generalis ordinis predicatorum magister. Father Felix Perettus a Montealto doctor theologiae totius ordinis minoris conventualis procurator generalis.

The case is:

A certain principality prohibited by law and statute under capital punishment, that anyone was to be a Catholic, but that all should lead the life of heretics, and be present when the Psalms are chanted according to their use in the vulgar tongue, while lessons are read from the Bible, also in the vulgar tongue, and also at sermons in support of their teachings, which are frequently delivered, commemorated or made.

The question is:

Whether faithful Catholic subjects can, without danger of eternal damnation to their souls, be present at the aforesaid.

43 Giovanni Angelo, Cardinal Medici (1499–1565) was elected Pope Pius IV on 25 December 1559.

44 Ghislieri (1504–1572) was elected Pope Pius V on 7 January 1566.

The answer to the case is, that it is not allowable to cease living as a Catholic, nor to lead the life of a heretic, nor to be present at their Psalms, lessons and sermons. Whereas in the case proposed, it would not be so much to communicate with heretics, and to participate with them, as to profess their life and errors, seeing that the Catholics would not be present for another cause, except that, by being reputed heretics, they may evade the punishments imposed on Catholics. And it is written: "We ought to obey God" who says "He that shall be ashamed of me and of my words" etc. "rather than men,"⁴⁵ who command life and rites contrary to God and to the Catholic Church. The more so since nobles and magnates cannot, without scandal to the weak ones, be present at the above mentioned prayers.

It seems to us, exception made for better judgement, that the question concerning absolution of Catholics who had fallen into heresy but now wish to be reconciled, must be commended to the prudence and discretion of the one who has raised the question, since he is both learned and zealous.

Friar Thomas Manrique, Master of the Holy Palace;⁴⁶ Friar Eustace Lucatelli,⁴⁷ Procurator General of the Dominicans and Master of Arts; Friar Felice Peretti Montalto,⁴⁸ Doctor of Theology, and Procurator General of the Minorites Conventual.

Endorsed: The opinion of the Inquisitors in Rome

§6 Pope Pius IV to Alvaro de Quadra Rome, 2 October 1562

SOURCE: Vatican City, Archivio Segreto Vaticano, Armadio XLIV, vol. 11, ff. 277^r-278^r. A copy can be found among the Froude transcripts, BL, Add. MS. 26056A, f. 184^f.

EDITIONS: Bayne, *Anglo-Roman Relations*, 297-98.

TRANSLATION: English translation by Stephen Fernando.

Venerabili fratri Quadrae episcopo Aquilae Charissimi in Christo filii nostri
Philippi Hispaniorum Regis Catholici in Anglia oratori.

Facultas absolvendi haereticos et reconciliandi ecclesiae catholicae.

Pius Papa Quartus.

Venerabilis frater salutem et apostolicam benedictionem. In notitiam nostram a dilecto filio No[f. 277^r]bili viro Francisco Varga oratore apud nos serenissimi Hispaniarum Regis Catholici perlatum est, non paucos in isto Angliae regno esse,

⁴⁵ There is a conflation of Acts 5:29 and Luke 9:26.

⁴⁶ Manrique (or Manriques) (†1573), was Procurator General of the Dominicans (1553-1560), Master of the Sacred Palace from 1561 and a prebendary of Saint Peter.

⁴⁷ Locatelli (1518-1575) was Bishop of Reggio from 1569.

⁴⁸ Peretti (1520-1590) was elected Pope Sixtus V on 24 April 1585.

qui in haeresim antea lapsi, Deo postea mentes eorum pro sua misericordia illuminante, ad ecclesiam catholicam redire desiderant. Quorum nos salutis pro pastoralis officio consulere cupientes, fraternitati Tuae, (cuius de prudentia et charitate ac pio studio plenam in Domino fiduciam obstinemus,) omnes et singulos cuiuscumque professionis et ordinis in isto regno commorantes, qui poenitentia ducti errores et haereses omnes, in quas inciderant, damnaverint; ac saltem secreto apud te abiuraverint, ab eo crimine, poenisque ac censuris, in quas incurrerant absolvendi salutari poenitentia et satisfactione pro modo culpae tuo arbitrio iniuncta eosque ecclesiae Catholicae reconciliandi omni quam ob eam causam contraxerant abolita infamia plenam auctoritate apostolica potestatem tenore presentium damus atque concedimus; licentiam praeterea tibi dantes hoc idem munus allis in sacerdotali ordine constitutis, Catholicis istius regni, quos aptos et idoneos [f. 278^v] esse cognoveris, quot et quibus tibi visum fuerit, ex auctoritate nostra modo et protestate simili delegandi. Datum Romae apud Sanctum Petrum sub Annulo Piscatoris die ii Octobris Millesimo quingentesimo sexagesimo secundo Pontificatus Nostri Anno tertio.

Antonius Florellus Lavellinus [secretary]⁴⁹

To Venerable Brother Quadra Bishop of Aquila, Ambassador of our most beloved son Philip,⁵⁰ Catholic King of the Spanish Dominions, in England.
Faculty of absolving heretics and reconciling them to the Catholic Church.
Pius Pope Fourth.

Venerable brother greetings and apostolic blessings. It has been brought to our notice by beloved son noble Francisco Vargas, ambassador of the most serene Catholic King of the Spains, that there are quite a few in England who, having once lapsed into heresy but now thanks to the illumination of their minds by the most merciful God, wish to return to the Catholic Church. Because of our eagerness to provide for their salvation, by virtue of pastoral office, we entrust to you, brother, (to you in whose prudence, charity and pious erudition we place complete trust in the Lord) everyone living in the kingdom, regardless of profession and station, who led by penitence abjure all errors and heresies, into which they have fallen; and who, at least secretly, confess the same in your presence. We hereby grant and confer on you plenary powers by our apostolic authority to absolve them from that

49 Antonio Fiordibello (Florellus) (ca. 1510–1574), ordained priest in 1551, followed Reginald, Cardinal Pole to England as his secretary, on Queen Mary Tudor's restoration of Catholicism. In 1555 Fiordibello was back in Rome and from 1557 he held the official position of papal secretary. He resigned his office in 1568 but was granted the bishopric of Lavello in 1588.

50 Philip II (1527–1598), King of Spain, was the husband of Mary Tudor (1516–1558), Queen of England.

crime, and from the penalties and censures they have incurred, imposing on them a salutary penance and obliging them to make the necessary amends according to the nature of their crime, and of reconciling them to the Catholic Church, according to your judgement, after freeing them from every type of infamy they have thereby incurred. In addition we grant you authority to delegate the powers granted you to other Catholic priests of that kingdom, whom you judge worthy and suitable. Given at Rome at St. Peter's under the seal of the Fisherman on the 2nd of October 1562, the third year of our pontificate.

Antonius Florebellus Lavellinus [secretary]

The Beginnings of Recusancy

§7 John Feckenham [8 February 1563]

SOURCE: Sutton Coldfield, St Mary's College, Oscott, MS 104, ff. 1^r-13^v; Oxford, Bodleian Library, Rawlinson MS D 107.4. This text circulated widely in manuscript form.

EDITIONS: The text was eventually published in William Fulke's refutation, *A confutation of a Popishe, and sclaunderous libelle* (London, [1570]), RSTC 11426.

NOTE: The Oscott manuscript is dated 8 February 1563. Although the author's name is not given in either manuscript version or in Fulke's refutation, it is commonly attributed to John Feckenham (ca. 1515-1584), deprived Benedictine Abbot of Westminster (A.C. Southern, *Elizabethan Recusant Prose, 1559-1582* [London, n.d. (1959)], 169-70). We have used the printed edition as the basic text which we have compared to both manuscripts. We have not noted variations of spelling and/or word order, but only significant differences, e.g. omissions or additions, the most important of which is the series of marginal notes found in the manuscripts. There are no marginal notes in the printed edition. The Oscott manuscript has more copious marginal notes than the Rawlinson manuscript. We have included the fuller notes from the manuscripts in brackets and italics in the text printed below. Additions found only in the manuscripts are printed in brackets and in bold type. Scriptural translations come from *The Douai-Reims Bible*. If the Scriptural passage is translated in the text itself, we have not included a modern translation. References to specific books of the Old and New Testaments follow modern usage.

[f. 1^v] Certaine considerations and causes, movyng me not to bee presente at, nor to receive, neither use the service of the newe booke, otherwise called the Common boke of praiers.

[f. 2^r] [*Prima causa anno domini 1553.*] The first consideration is, because the saide servis booke, was condemned as hereticall and schismaticall, *Anno domini 1553.* both by the clergie and convocation of this realme, and by the nobilitie and commons of the same, by al whose consentes ther passed an acte of Parliament, for the repeale thereof.¹ [*Ridley & Latymer had gunpowder about their necks to shorten their lives the sooner.*] Beside that Cranmer, Ridley, and Latimer, the chief

1 Various Edwardian religious laws were repealed by one Marian act: 1 Mary c. 2.

authours and composers of the saied boke,² were therefore openly condemned by the Churche, and Lawes of this realme, & suffered the paines of death [f. 2^v] in Oxforde.³ S. Paule in his Epistle willed the hebrues, to have in remembrance their Bishoppes, which preached unto them the woorde of God, and diligently to observe and looke upon the end of their lives and conversation.⁴ [*Heb. 13: Memento prepositorum vestrorum qui vobis locuti sunt verbum dei quorum intuentes exitum conversationis. (Remember your prelates who have spoken the word of God to you; whose faith follow, considering the end of their life.)*]

[f. 3^r] [2. *causa.*] The seconde consideration is, that the [f. 3^v] saied booke so universally condemned by all degrees of men here in this realme, was received and brought in againe only by the nobilitie and commons of this realme, cleane contrary to the whole mindes of our Clergie, [*anno 1 Elizab.*] no one person in the Parliamente did give his consente thereunto. Besides that the whole convocation did exhibite their boke to the contrarie. Wherein the shepe taking upon them to establish this boke, contrarie to the learnyng and conscience of their shepherdes, thei have done against the expresse wordes of our saviour Jesus [Christ the 10. cap. of S. John's gospill: to which our Savior]⁵ Christ, who in describing the office of a good shepherde, and the duetie of good shepe saied that a good shepherde muste know his sheepe, and his sheepe must knowe hym, heare his voice and followe hym.⁶ [*John 10. Ego sum pastor bonus. cognosco oves meas & cognoscunt me mee vocem meam audiunt & sequuntur me. (I am the good shepherd; and I know mine, and mine know me.)*] And the Apostle S. Paule in his Epistle Cap. 13. willed the Hebrues to obey their shepherdes, and spiritual governours, and to submitte themselves unto them, for thei doe watch even as men whiche muste geve accompte for their soules. Obey them therefore saieth S. Paule that they maie do it with ioie, and not with grief.⁷ [*Heb. 13. Oboedite praepositis vestris, et subiacete eis ipsi enim pervigilant quasi rationem pro animabus vestris reddituri, ut cum gaudio hoc faciant, non gementes. (Obey your prelates, and be subject to them. For they watch as being to render an account of your souls; and that they may do this with joy, and not with grief.)*]

[f. 3^v sic vere 4^v] [3. *causa.*] The third consideration is, that it is prohibited by the Canons of the apostles, and by the generall caunselles also, that a christian man shoulde not communicate neither in Sacramentes nor yet in common praiers, with

2 Despite Feckenham's assertion, Ridley and Latimer were not among the principal authors of the *Book of Common Prayer*.

3 Thomas Cranmer (1489-1556), Archbishop of Canterbury; Nicholas Ridley (ca. 1500-1555), Bishop of London; and Hugh Latimer (ca. 1485-1555), Bishop of Worcester, were found guilty of heresy and executed.

4 Heb. 13:7.

5 The Rawlinson manuscript has a variation: "Christe in the x chapter of Sainte Johnes Gospell where our Saviour Christ in describing"

6 John 10:14.

7 Heb. 13:17.

Heretikes and Schismatikes.⁸ [*Si quis cum excommunicato saltem in domo simul oraverit, iste communione privetur. can. 11. (If someone should pray together once even at home with an excommunicated person, let him be deprived of communion.)*] As it appeareth in the tenth Canon,⁹ and in the seconde Canon of the counsell holden at Antioche. [*Episcopus qui cum hereticis praeces coniunxerit suspendetur (Let a Bishop who joins in prayers with heretics be suspended) can. 45.*]¹⁰ It was decreed there, that it was not lawful to communicate with excommunicate persones, nor to enter into any house, nor to praie with them, nor lawful to receive them that are excommunicate out of one church into another church.¹¹ [*Non autem licet communicare cum excommunicatis, neque cum iis per domos ingredi, et cum hiis communicantes. (It is not permitted to communicate with the excommunicated, nor visit their homes and communicate with them) can. 29.*]¹² And in the counsel holden at Laodicea, it was prohibited there that the christian man should enter into the churches or church yerdes, of the heretikes, there to praie with them, and in the 33. Canon of the same counsell the like prohibition is there expressed for [f. 4^r vere 5^r] praier with Schismatikes.¹³ [*Non concedendum in coemeteria haereticorum catholicos orationis gratia intrare (Catholics should not be allowed to visit the cemeteries of heretics to pray) can. 9 & 33.*] [*Laod. concil. quare quod non oporteat cum haereticis aut schismaticis pariter orare. (for the same reason that it is not proper to join in prayers with heretics and schismatics)*] And in the 4. counsel holden at Carthage Canon 73. it was decreed, that christian men should nether praie nor singe with Heretikes.¹⁴ [*Cum haereticis non orandum nec psallendum. (One must not pray nor recite psalms with heretics.) Cons. Carth. 4. ca. 72 & 73.*] And who so ever did praie, or communicate, with any excommunicate person, whether he were of the Clergie or of the Laitie, should be thereby excommunicated. [*Qui cantaverit vel oraverit sive clericus sive laicus excommunicetur. (Let anyone, whether he be a cleric or a layman who should sing or pray with heretics, be excommunicated.)*] An example we reade therefore, how the christian men at Constantinople would not communicate with the Arianes, neither in Sacramentes, nor yet in common praiers, [*Niceph. Eccl. hist. to. 9 ca. 24.*]¹⁵

8 Jean Hardouin, ed., *Acta conciliorum et epistolae decretales* (Paris, 1715), 1: 34, canon 11.

9 Hardouin, *Acta conciliorum*, 1: 11.

10 Reference is to canons 10 and 45 of Apostolic Canons and canon 2 of the Council of Antioch (Hardouin, *Acta conciliorum*, 1: 11, 38, 593).

11 Hardouin, *Acta conciliorum*, 1: 593, canon 2.

12 This is canon 2 of the Council of Antioch (Hardouin, *Acta conciliorum*, 1: 593). The author mistakenly refers to it as canon 29, but this council only formulated 25 canons. It can not refer to canon 29 of the Apostolic Canons because that deals with bishops who commit crimes.

13 Hardouin, *Acta conciliorum*, 1: 781–84, 787–88, canons 9, 33.

14 Hardouin, *Acta conciliorum*, 1: 175.

15 The last of the Greek ecclesiastical historians, Nicephorus Callistus Xanthopoulos (ca. 1250–1327) was a scholar and statesman. His *Ecclesiastical History* contin-

notwithstanding that the Arians did agree with the Christian menne in theim bothe, and in all poinctes of praiyng, saving that the Arians¹⁶ did sing *Gloria patri in filio* [Glory be to the Father in the Son], and the Christian menne, *Gloria patri et filio etc.* [Glory be to the Father and the Son]. And therefore, and for that onely poincte, Ihon Chrysostome then beyng Bishop of Constantinople,¹⁷ [*Tripart. hist. Socrates li. 10. ca. 8.*] did appoincte unto the christian men a seperate place, and maner of praier from them, as it appeareth in the sixth of the Historie Ecclesiastike.¹⁸ [*Aug. tom 2 Lo de vera religione c. 5 hii quorum doctrina [sic] non approbamus nec sacramenta nobiscum communicant. (those whose doctrine we do not approve may not share the sacraments with us either)*] And therefore the notable doctour S. Augustine doth conclude,¹⁹ on thys wise, sayyng, that they shall not communicate in Sacramentes with us, whose doctrine [f. 4^v vere 5^v] we cannot approve and allowe²⁰ [4 *causa.*] The fowerth consideration is, that the receyvng of this new booke of service, is a condemnation of the olde, wherby is taken away 5. of the 7. Sacramentes, the reall presence of Christes body [and Bloude]²¹ in the Sacramente [f. 6^r] of the alter, the sacrifice of the masse, many traditions of the Apostles, as the holiyng of the Fonte, oile and Chrisma in Baptisme and Confirmation, the making of the signe of the Crosse, praier for the deade and unto saintes [poullinge downe of the Aultars, the pictures of chross and of Christe crucified and his Saintes, reiectinge].²² [*Aug. & socii eidem ut ferentur.*] [*sunt ingressi cruces et vexilla ferentes argenteam et imaginem Domini salvatoris in tabula depicta litaneasque canentes lo e Beda ca. 25. (they entered bearing crosses and standards and a silver image of our Lord and Saviour painted on a slab and singing litanies.)*] All sacramentall, and godly cerimonies, frequented in the universal church of Christe, and brought into this realme with the faithe of Christe by S. Augustine,²³ and here by

ued the narrative until 610, but is very dependent (at least for the first two centuries) on Eusebius, Socrates Scholasticus (ca. 380-450), Sozomen (ca. 375-ca. 447), Theodoret and Evagrius Scholasticus (ca. 536-600) (*Ecclesiasticae Historiae Libri XVIII*, bk 9, ch. 24; [PG 146: 322]).

16 Arians denied the divinity of Jesus.

17 Chrysostom (ca. 347-407) was Bishop of Constantinople from 398.

18 In the Oscott manuscript: "... as it appeareth in the 10th of the Tripartite Historie." The Rawlinson manuscript is identical with the published text. Socrates intended his *Historia ecclesiastica* (which covers the period between 305 and 439) to be a continuation of Eusebius's. Reference here is to book 6 of the *Historia Ecclesiastica vocata Tripartita* (ca. 530), which is Epiphanius Scholasticus's Latin translation of the histories of Socrates, Sozomen and Theodoret. Cassiodorus, under whose auspices the translation was done, probably wrote only a brief introduction. Book 6 contains passages from Socrates's *Historia*, book 10, chapter 8. See PL 69: 1171.

19 Augustine (354-430) was Bishop of Hippo from 395.

20 *De Vera Religione*, chap. 5, 8 (PL 36: 126).

21 This is found in the Rawlinson manuscript.

22 This passage is only in the Rawlinson manuscript.

23 Augustine of Canterbury (d. 604/05) was sent to England by Pope Gregory I in 597. He was the first archbishop of Canterbury.

hym established, as ever signes and tokens of christian faiteth, like as the holy S. Bede²⁴ [*Ad cultum et ministerium ecclesiae missa a Gregorio ad Aug: vasa sacra vestimenta altarium sacerdotalia indumenta & sanctorum reliquia ibantur, idolorum purificatur aqua benedicta & altaria construantur et reliquae componantur. (Directives regarding worship and ministry in church sent by Gregory to Augustine: let the sacred vessels, altar linen, priestly vestments & the relics of saints be purified of idols with holy water and let the altars be built and provided with relics.)*] witnesseth in his firste boke *de gestis Anglorum*, in the 25, 29, 30 chapteres, beside that all the foresaide thinges have been alwaie approved, used, and allowed throughout the universal church of christ.²⁵ And therefore saieth S. Augustine all these thinges which have been received in the universall Church of Christ, [*Aug. de bap. con. donat. to. 2 ca. 1 Quae ab ecclesia universale recepta sunt eaeque usu & consensu approbata ea nec ab homine uno nec ab unius loci provinciae pastoribus huic orbis christiani consensu et iudicio antequam aut mutari possunt, enim qui idem faciunt unitatem Spiritus. (Those things that have been accepted by the universal Church and sanctioned not by one man or the bishops of one diocese, but by the general consent of Christianity, and earlier custom, cannot be changed; these things, in fact, maintained the unity of the Spirit.)*] and approved by the use, and consente therof, ought not to be overthrowen, nor yett to be changed by the iudgemente of one private person, be his learnyng and livyng never so good, nor yet by the Bishoppes of any one province or countrie, when therby they shoulde breake the unitie of Gods spirite, whiche is the chief treasure in his Church, [f. 6^v] commended by our saviour Christe unto his Apostles, wishyng and prayng the same unitie to be amongst them, whiche was betwixt him and God (Ioan 17) [*John 17.*]²⁶ the father.²⁷ The Apostle S. Paul tought the Corinthians above all thinges to observe this unitie,²⁸ [*1 Cor. 10.*] and willed the Romaines that with one minde and one mouth they shoulde glorifie God.²⁹ [*Rom. 15.*] And in the Epistle to the Ephesians, he besought them most entirely to observe this unitie.³⁰ [*Eph. 4.*] [*Quae universa docet et servat ecclesia ideo sunt ab omnibus sigillatim tenenda quoniam Christi sponsa quae omnem sponsi sui auctoritatem & magisterium habet non assentire nisi veris, non nisi Sancta & salubria iubere potest. (Those things which the universal church teaches and observes should be cherished by all, because the Spouse of Christ who enjoys the unreserved authority and teaching power of her spouse cannot agree to anything but the truth, cannot command anything but what is holy and salutary.)*] Again, S. Augustine saieth, these thinges whiche the univer-

24 Bede (ca. 673–735) completed his *Historia ecclesiastica gentis Anglorum* in 731. Generally referred to as the “Venerable Bede,” he was in fact canonized in 1935.

25 PL 95: 55, 69, 70.

26 John 17:21.

27 *De Baptismo contra Donatistas* (PL 43: 127–29).

28 1 Cor. 1:10.

29 Rom. 15:5–7.

30 Eph. 4:2–6.

sall churche doth teache, therefore are to be observed and kepte of all menne, because the churche which is the spouse of Christ, hath the full auctoritie of her husband Christ, and suche government also of the holy ghost, that she cannot consent, but to true things, nor she cannot commaunde but onely such things whiche are both holy, holsome and good.³¹ [*Idem. Ut in sacramentis administrandis, ita in sacerdotalium observationum descriptione videndum est ut in omne ecclesia catholica uniformiter celebretur ut legem credendi lex statuat supplicandi & mutata orandi ratio fidei quoque mutationem inducat lo de eccl. dogmatibus. ca. 30. (In the administering of sacraments, care should be taken that there be uniformity in the priestly observances so that the law of praying may determine the law of believing and change in the way of praying induces a modification of the manner of believing as in de ecclesiasticis dogmatibus ca. 30.)*]³² And farther the same S. Augustine saieth, that in the ministracion of the Sacramentes, and in the manner of praiying used of Preestes, there must be an uniformitie observed in Christes catholike Churche, that by their Lawe and maner of praiyng there may be established the lawe [f. 7^e] of belevyng. And left that the lawe, and maner of praiyng being chaunged, may also bring foorthe a chaunge and alteration of faieth, like as it hath so proved in thys realme. [*Ambr. de fratre satyro non putavit fidem esse in scismate nam et si fidem tenerent cuius patiebatur velut quosdam artus dividi et membra lacerari etenim cum propter ecclesias Christus passus est, & Christi corpus ecclesia sit, non videtur ab hiis exhiberi Christi fides a quibus evacuatur eius passio corpusque distrabitur. (Ambrose in his book on his brother Satyrus, did not think there could be true faith in schism. For although schismatics kept the faith, they suffered as the Church was divided and her limbs torn apart. Christ suffered for the Church and the Church is the Body of Christ. These who have rendered Christ's Passion ineffective and his Body divided, do not seem to have any faith in Christ.)*] Beside that S. Ambrose³³ doth thinke that there can not bee the faieth, where Schisme is, for albeit that schismatikes may have faieth towardes God, yet they cannot have faieth towarde the Church of God, whom they suffer to bee dismembered, and discerped in peeces.³⁴ For wheras our saviour Christe suffered for this Church, and the Church is the mysticall bodie of Christe, how therefore may thei have faith in christ, by whom his Passion is made frustrate, and his mysticall bodie drawn in peeces. [*Tert. de corona militis. Porro cum quaeritur cur quid observetur observari interim constat & sequitur plane hic tamen ut ratio quaerenda sit, sed salva observatione nec in destructionem eius, sed in aedificationem potius quo magis observes & cum fueris de ratione securus. (Tertullian, De Corona militis: When it is asked why a certain practice is observed, it is evident that it is observed in the very act of noticing it. Thus the question is raised in order to enquire after the origin of the practice, but without hindering its observance or intending its abolition. Rather the*

31 Augustine, *De Baptismo contra Donatistas* (PL 43: 155-58), passim.

32 Gennadius Massilensis, *De Ecclesiasticis Dogmatibus* (PL 58: 987D).

33 Ambrose (ca. 339-397) was Bishop of Milan from 373-74.

34 *De Excessu Fratris Sui Satyri* (PL 16: 1306).

intention is to re-enforce it so that it may be observed more carefully once its origin is better understood.)³⁵ And therefore [Tertullian] woulde not [that]³⁶ we shoulde change an order set, or a custome of Christes church. For albeit saieth he, the reason or cause of a custome may be sought for, yet must it be so sought for, that the custome thereby be not informed or broken, for the searche may not bee made unto destruction, but unto aedification, wherby thou maist better observe the custome when thou arte assured of the cause and reason therof. [*Laudo fidem quae credit ante observandum esse quam didicit.*] I do praise thee (saieth Tertuliane³⁷ which firste [f. 7^v] doeth beleve the custome to be observed, before it hath learned the cause and reason why and wherfore.³⁸

[f. 11^r] [f. *causa*.] The fift consideration is, that wheras I am not perswaded that the forme of praiers set forth in the saide boke, is lawful and catholike, my comyng to heare it shoulde bee an acte, not onely contrarie to mine owne conscience and also to my damnable sinne, but also my comyng therto, should be to the weake and ignorant [an occasion of ruyn and deadly sin],³⁹ which is called *scandalum infirmorum* [scandal of the weak], and I am bound by the words of our saviour Christ, to avoide that, sayyng wo be to that man, by whom any suche offence or slaunder shall uprise and come.⁴⁰ [*Matt. 18. Vae homini illi per quem scandalum venit. (But alas for the man who provides them [obstacles].)*] For my comyng thether, either they muste iudge that I am a dissembler in doying against my conscience, or else they must iudge that I am in conscience perswaded thereunto. And therby gather by [f. 11^v] mine example a likyng of that thinge to be good and holy, which in my very conscience I do utterly condemne, and that this slaunder shall not be so taken, as *scandalum acceptum* [scandal received], but so geven as *scandalum datum* [scandal given] of my parte.⁴¹ And wher as it hath been often tymes objected unto me, how that it is but a very small matter to sticke or staie at, for to come to the Church, and heare the saied service, beyng set at libertie, secretly, and privily to praie with my self whatsoever I shall thinke mete, for he aunswere, I doe reade in the Scriptures howe Eleazarus the Preest is in the same commended, because he would not dissemble the eatyng of swynes fleshe, wheras he might have

35 *De Corona Militis* (PL 2: 77, 78).

36 These phrases are in both manuscripts.

37 Tertullian (ca. 160–ca. 225) was a brilliant theologian and controversialist, whose rigorist views antagonized many.

38 *De Corona Militis* (PL 2: 78B).

39 These words are in both manuscripts.

40 *Matt. 18:5–7.*

41 Traditionally, passive scandal, which is the sin someone commits as a consequence of active scandal, that is a word or act evil in itself, was divided into *scandalum datum* and *scandalum acceptum* or *scandalum infirmorum*. The former is a proper response to the behaviour of another, that is, the act of another caused it; the latter is rooted not in an external act but in the ignorance or weakness of the recipient.

escaped the paynes of death thereby.⁴² [2 Macc. ca. 6. *Non enim inquit Eleazarus aetati nostrae dignum est fingere ut multi adolescentes arbitrantes Eleazarus 90 annorum transisse ad vitam alienigenarum & ipsi propter meam dissimulationem discipiantur.* (For it doth not become our age, said he, to dissemble; whereby many young persons might think that Eleazar, at the age of fourscore and ten years, was gone over to the life of the heathens.)] Tertulliane writeth a booke in the praise⁴³ of a Souldier, and entituleth his boke *de corona militis* [the soldier's crown], because that Souldier refused *in natali die Severi imperatoris* [on the birthday of the Emperor Severus], to weare but a Garlande of flowers upon his heade, because he should therein then have followed the maner of the gentiles, and heathen people. And rather or he would do so small a matter, as to weare but a Garland of flowers, he did suffer imprisonment, and ther[f. 12^r]fore is commended of so greate a clerke, as Tertullian was, Theodoret⁴⁴ in hys second booke of the historie Ecclesiastike, in Cap. 24. doth note Leontius Bishoppe of Antioche⁴⁵ of greate dissimulation, for as much as he, beyng present in the quire at Antioche, and in the hearing of christian men, there to sing *Gloria patri & filio etc.* and the Arians *Gloria patri in filio & c.* Contrariwise he did there openly take nether partie, but privily at the end of every psalme did sing *Gloria pa[t]ri in saecula saeculorum. Amen* [Glory be to the Father forever and ever. Amen]. And so he fumbled it up to hym selfe, *ut ab instantibus vix audiri posset* [so that he could scarcely be heard by the bystanders], whose example therfore beyng so manifest, and so well admonished had therof, I purpose not to followe God willyng.⁴⁶ When to dissemble with a man I hold it no honesty, to dissemble with my Prince, it is the iusted deserte of perpetuall discredite, and infamie, but to dissemble with God, it is most impietie, from the whiche detestable sinne, I am utterly resolved by the word of god, spoken by the mouth of Helias [the prophet]⁴⁷ sayng: *Usquequo claudicatis in duas partes?* How long will you halte or lunge on both sides?⁴⁸ [Reg. 3^o. ca. 8. *Usquequo claudicatis in duas partes.*] And S. Ihon in his revelation saith: Because thou arte neither whot nor [f. 12^v] colde, therefore I shall beginne now to vomit and cast thee out of my mouth.⁴⁹ [Apoc. 3^o *Quia neque calidus neque frigidus es, ideo incipiam te evomere ex ore mea.* (But because thou art lukewarm, and neither cold nor hot, I will begin to vomit thee out of my mouth.)] The premises well waighed, it cannot be iustly saied that I sticke at a trifling or small matter, but a matter of greate importance, and conscience moveth me therunto, and forceth me that I shoulde not unadvisedly without greate cause seperate my self, from the unity of the Church, neither to condemne the universal

42 2 Macc. 6:18-31; the citation is a variation of verse 24.

43 "in the commendation" in both manuscripts.

44 Theodoret of Cyrillus (393-ca. 460) was Bishop of Cyrillus from 423.

45 Leontius (†357) was Bishop of Antioch.

46 Theodoret, *Historia Ecclesiastica* (PG 82: 1057).

47 Only in the Rawlinson manuscript.

48 1 Kgs. 18:21.

49 Rev. 3:15-16.

church, unheard having no iust or weightie cause why I should so doe. For I have alwaies, and doe thus waigh the matter with my selfe, that the poinctes and matters of religion, which this boke of service, hath condemned or taken awaie, ether they were thought matters of smal importance and did no harme, but being rightly understood might have doen good, or els they were to be taken, for matters of impietie and intollerable to be borne withal. In case they were of the firste sorte, whiche they have condemned and abolished. Then in my iudgement they should have been tolerated and borne withall, for charities sake, and for the continuance, and encrease of unities betwixte us and the universall Church of christendom. On the other side, [f. 13^r] in case they had been taken for matters intollerable, and could in no wise have been borne with all for their impietie, as it hath been pretended, then yet in my conscience, we ought to have been better advised then by our private condemnation of them, to have shewed ourselfe to condemne thereby, al the whole universall church of impietie unheard, which thinges the universall church hath used from the Apostles time, and doe to this daie. As touching matters of right faith, and godly maners, the church of Christe beyng the spouse of Christ, was never destitute of the holy ghost, neither could nor woulde in all this tyme have borne or dissembled any impietie like as S. Augustine writeth hereof.⁵⁰ [*Aug. ad Jan. Ep. 119. Ecclesia Dei inter multam paleam multaue zizanea constituta, illicita tollerata & tamen quae sunt contra fidem vel bonam vitam nec approbat nec tacet nec facit. (The Church finding itself surrounded by much chaff and cockles, may put up with some irregularities, but can never approve nor be silent about nor be a part of anything contrary to faith and morals.)*] The Church of God beyng placed and put among much chaffe, and many Cockles, and wedes, the same church doth suffer, and beare with many thinges, yet that not withstandyng, touchyng the thinges whiche are against faithe, and against good life, the Church doth neither approve them, nor yet lette them escape unspoken against.

[f. 15^r] [6. *causa.*] The sixte, and laste consideration, that I come not to their church, is, because I am not of their Church. S. Augustine in put[f. 13^v]ting difference of churches saieth, how unto them whiche have not all one sacramentes, there can not be one religion, nor consequently one Church.⁵¹ [*Aug. Contra cresconium li. 2. Grammaticum, quibus enim inquit non eadem sunt sacramenta illis nec una religio est. (there can be no unity of faith with those with whom we are not united in the sharing of the same sacraments)*] And the cause why I am not of their Church, but refuse to communicate with theym in religion, besides this sayyng of S. Augustine, that we should not Communicate in sacramentes with those men whose doctrine we can not approve and allow;⁵² [*Idem. lo. de vera religione ca. 5 tom. 9 ait hii quorum fidem non approbamus nec sacramenta nobiscum communi-*

50 *Ad Inquisitiones Januarii* (2) (PL 33: 221–22) The old numeration for this letter was 119; according to Migne, it is 55.

51 *Contra Cresconium Grammaticum Donatistam* (PL 43: 469–72).

52 *De Vera Religione*, chap. 5, § 8 (PL 36: 126).

cant.] I do refuse to be of their church, because I cannot learne nor understande, of what church they are of. For thei beyng first Baptized in the catholike church, and in the very self faieth and religion, wherin I do at this present time, beleve and remaine thei are departed therefro, some to the Lutheranes church [1 Joan 2. *Ex nobis prodierunt sed non erant ex nobis, permansissent utique nobiscum.*]⁵³ some to the Zwinglians, and comyng last of al to the church Geneva, they are in maner fled from that church also, and by attributing the chief & supreme government of this their English church unto the Quenes highnes, thei are in doctrine directly against their old maister Calvin,⁵⁴ being the chief Apostle of the Church of Geneva, which Calvine in the eight Chapter of the boke of his institutions, doth directlie reason against Kynges, [f. 16^r] and Princes, for takyng upon them spirituall government in the Church of Christ, [li I *Ecclesiae hist. ca. 18. Tripartit hist. lo 9 ca. 30.*]⁵⁵ and in the same Chapter he doeth muche commende the holy Bishop S. Ambrose, and the noble Emperour Theodosius,⁵⁶ Ambrose for his great stoutnes and resistance made against the Emperour: And Theodosius for his greate submission, and obediens shewedd unto the Bishop.⁵⁷ The history whereof is at large expressed in *Ecclesiastica historia*.⁵⁸ And the saide Calvin in hys exposition upon the fowerth Chapter of the prophete Amos, doth taxe King Henry the eight by name,⁵⁹ [*Cal. con[tra] H[enricum]* 8.] because alone, of all other Princes, was the first that toke upon hym in the Church of Christ spirituall government, whose example in that pointe, there was never one Prince in all Germanie, nor yet in any place els where, of the whole world, that woulde followe the same, but his own naturalle sonne Kyng Edward the sixte,⁶⁰ beyng then in his minoritie, and againe the Queenes highnes that nowe is. If therfore I shall departe from the comon knowen catholike Church wherin I stand, I would gladly know of them unto what Church I shoulde repaire, to be instructed [f. 16^v] with our errours, wherin unitie, charitie, and veritie doe dwel, what forme of a church are thei able to shew, wherupon a christian man may be bolde to assure himselfe? And if peradventure they cease not

53 1 John 2:19.

54 John Calvin (1509-1564) presided over the reformed church in Geneva.

55 Cassiodorus[-Epiphanius], *Historia Tripartita* (PL 69: 1144D-1147D).

56 Theodosius (346/7-395) was the last emperor of the undivided Roman empire.

57 Calvin, *Institutes of the Christian Religion* trans. Henry Beveridge, (Edinburgh: Calvin Translation Society, 1845). Presumably this is the eighth chapter of the fourth book: "Of the Power of the Church in Articles of Faith" (3: 158-75).

Calvin does not refer to the conflict between Ambrose and Theodosius in the same chapter. The only reference that we could find is in chapter 12, book 4 (3: 253-54).

58 Theodoret, *Historia Ecclesiastica* bk 5, c.17, not 18 (which is about the virtues of Theodosius' wife, Placilla) (PG 82:1231B-1238B).

59 Henry VIII (1491-1547) was proclaimed head of the Church in England by the Act of Supremacy (26 Henry VIII c. 1) in 1534. Calvin, *Praelectiones in Amos Prophetam*, XVI, Caput VII, 13, in *Ioannis Calvini Noviodunensis Opera Omnia* (Amsterdam, 1667-1671), 5: 223a.

60 Edward VI (1537-1553) was the only son of King Henry VIII.

to pretende, that the Primitive Church is that platforme of the Church wherunto they would reduce us: I answere, that there be so many pointes wherin they doe dissent from the Primitive Church (like as I shall make sufficient prooffe thereof) that it can not be so, it is onely pretended, but it shall never be proved.⁶¹ The Anabaptistes, the Libertines, and the Arians doe pretende gods worde, and the Primitive Church as well as thei: And because they are so bolde to name the primitive church, I aske of them but this one question, whether that this daie 50. or 60.⁶² yeres laste paste, was their Church here in this realme, or in any other parte of christendome? What particular Church either here in Englande, in the last yere of Kyng Henry the eight his raigne, or any other realme els, can thei name that taught or received universally throughout, in all pointes the doctrine, that this presente Church of England⁶³ doeth now teache, or [f. 17^r] from that daie, a thousande yeres before that, or from thence, unto the tyme of Christe, and his Apostles. If thei can not shewe any one suche Church [as they have of late here set up in Englande]⁶⁴ (as I am well assured, thei shall never be able to doe) then it muste nedes followe, that either Christe had no Church in the worlde al that tyme till now their commyng, or elles it muste needes follow that their Church, is a new invented and upstert Church, whiche with christes Primitive church hath no agreans, like as it shall moste plainly appeare unto you by these profes followyng.

[f. 23^r] Argumentes gathered out of the Scriptures, provyng that this late reformed Englishe church hath none agreans with the Primitive church of Christ.

[f. 25^r] [Act. 4^o. *Multitudinis autem credentium erat cor unum et anima una nec quisquam eorum quae possidebant aliquid sui esse dicebat sed erant illis omnia communia.*] First it is written howe the belevers in the Primitive church had all thinges in common. And no man did reckon the thing that he did possesse, to be his owne or private.⁶⁵ [But in this late reformed church we are not come so farr yet.]⁶⁶

[f. 25^r] [*Ibidem. Quotquot autem possessores agrorum et domorum erant vendentes afferebant pretia eorum quae vendebant, ac ponebant ante pedes Apostolorum.*] Seconde in the Primitive Church suche [f. 26^r] of the belevers, whiche were possessors of Landes and Houses sould theym [and brought the price of the thinges which were solde,]⁶⁷ and powred it downe before the Apostles, but the belevers of this oure late⁶⁸ reformed Church are not come to that perfection, nor yet are aminded so to doe.⁶⁹

61 The Rawlinson manuscript omits "it is onely pretended ... be proved."

62 "15 or 16" in the Oscott manuscript.

63 "of England" is missing in the Rawlinson manuscript.

64 In both manuscripts.

65 Acts 4:32.

66 This sentence can only be found in the Rawlinson manuscript.

67 The phrase "and brought ... were solde" is in both manuscripts.

68 "late" is not in the Oscott manuscript.

69 Acts 4:34. The Rawlinson manuscript ends here.

[*Act. 4. Dividebantur autem singulis prout cuique opus erat.*]⁷⁰ Thirdly, [f. 26^v] in the primitive church, Christes Apostles and their successours were chiefe governours of the belevers, and of such goods as they had in common amongst them, division unto every manne was made therof, by the appointment of the Apostles, according as they thought it nedefull or necessarie. [*Act. 5.*] And because Ananias the husbände of Saphira wente aboute to kepe backe a portion of that comon money, for the which they sould their Landes, the Apostle S. Peter did strike them bothe with sodaine death.⁷¹ But in this our reformed Englishe church, beside that the belevers are at no such appointment of the Bishoppes and successors of the Apostles, they doe by their lawes spoile them of all they have, by takyng from them so muche of their temporall landes, and so muche of their goods, for firste fructes, tenthes and subsidies as they liste. And therefore in this poinct it hath no agreans with the order of the Primitive church.

[f. 27^v] [*Act. 4. Necque enim quisquam egens erat inter illos.*] Forth it is written of the Primitive church, that of suche goods which thei had in common, ther was such equall division made by [f. 28^r] the handes of the Apostles, that no one man of the belevers did lacke, or was forced of necessitie to begge.⁷² But since the reformation of this Englishe church, many especially of the Clergie which were before well able to live, are now brought unto a very bare and beggerly life and estate ...

Fiveth in the Primitive church, christes [f. 28^r] Apostles did baptise the belevers onely in the name of Iesus Christ, [*Act. 19. In nomine Jesu Christi bapt[izati sunt] viros et mulieres.*]⁷³ and not by expresse woordes of the [*Item bapt[izo] in nomine Christi.*] Father, the Sonne, and the holy Ghoste, the whiche forme of baptizyng used in the Primitive church, these new reformatours use not.⁷⁴

[f. 29^v] Sixte [*Ibidem. Tunc imponebant manus super illos & accipiebant Spiritum Sanctum.*] in the Primitive Church the Apostles, Peter Ihon, and their Successors did geve the holy Ghost unto their belevers, that were before baptized by laiyng their handes upon their heades,⁷⁵ whiche thinge our reformators of this our English [f. 29^v] church doe refuse to doe by their denial made of the Sacrament of Confirmation.

[f. 30^r] [*Ja. 5. Infirmatur quis in vobis inducat presbyteros ecclesiae, et orent super eum, ungentes eum oleo in nomine Domini.*] Seventh the order and maner was of the Primitive church, if any man was dangerously sicke, to send for the Prieste, to praie for hym, and oinct hym with Oyle in the name of our Lorde God, which the reformatours of this our Englishe church doe [f. 30^v] refuse to doe by their deniall of the sacramente of extreme unction.⁷⁶

70 Acts 4:35.

71 Acts 5:1-11.

72 Acts 4:34-35.

73 Acts 19:5.

74 Acts 2:38.

75 Acts 8:17.

76 Jas. 5:14.

[Act. 19. *Multi credentium veniebant confitentes et annuntiantes actus suos.*] Eight [f. 31^r] in the Primitive church we dooe reade in the ninth chapter, of the actes of the Apostles,⁷⁷ how upon a certain plague there made upon seven bretheren, the sonnes of one Sceba, by a man that was possessed with the Divelle, many of the people whiche did beleve in Iesus Christe, therupon came and made open confession of their sinnes, and made declaration of their private actes addeddes, whiche the reformatour of this our Englishe Church will none of, by the denial of Sacramente of penance, and all the partes therof.

[f. 32^v] Ninth the order and maner of the Primitive church, was to celebrate the Sacramente of christes bodie after supper, as it appeareth, both by the example geven therof by our saviour [*Iesus*] Christe,⁷⁸ and by the testimonies of the Apostle saint Paul,⁷⁹ which they doe not observe nor followe. [*Matt. 26; 1 Cor. 11 et 10.*]

[f. 33^r] [Act. 15. *Visum est enim Spiritui Sancto & nobis ut abstinence vos ab immolatis simulacrorum et sanguine et suffocato.*] Tenth in the Primitive Church, it was decreed by a solemne law holden by the Apostles of Christe at Hierusalem, that the christen men men [sic] shoulde absteine a *sanguine & suffocato*, from blood and all suffocate thinges,⁸⁰ which our reformatours performe not, nor will admit any fasting from [f. 33^v] meates and drinckes at all, by the which testimonies, and proves gathered out of the divine scriptures, howe plaine a matter it is that they purpose not in their reformation to reduce us to the Primitive church of Christe, when therewith besides they have no agreaunce, they doe all thinges cleane to the contrary, like as ye have partlie hearde by profes made therfore out of the divine scriptures, and shal heereafter more at large by the writinges, and testimonies of the moste best learned, and gravest fathers that ever were in Christes Church.

[f. 34^v] Argumentes gathered out of the holy Fathers and aunciente doctours, proving that this late reformed Englishe Church hath no agreaunce with the primitive church of Christe.

[f. 36^r] [*Ciprian. lo 2^o Epi. 3.*] Firste in the Primitive Church they did not mixe in our lordes cuppe water with wine, and so for to doe, *est lex Evangelica, & traditio dominica* [is the evangelical law and the apostolic tradition], as witnesseth S. Cypriane, Irenaeus, Eusebius Emissenus⁸¹ [*Irenaeus 5.*⁸² *Eusebius emis-*

77 Acts 19:18.

78 Matt. 26:26–30.

79 1 Cor. 11:23–27.

80 Acts 15:28–29.

81 Cyprian (†258) was Bishop of Carthage; Irenaeus (ca. 130–ca. 200) was Bishop of Lyons; Eusebius (†ca. 359) was Bishop of Emessa. The reference is to *Epistle LXIII* (PL 4: 374A–75A).

82 Presumably this is a reference to *Contra Haereses* in five books (PG 7: 433–1226).

*senus: de corpore & sanguine domini.*⁸³ which these our reformatours will none of.

[f. 37^r] Seconde in the Primitive Church in baptising, they used to dipe the partie baptized thries in the water, and S. Basile⁸⁴ affirmeth, [*Basil asserit id esse traditum ab apostolis ut constat in canoni apostolorum 49. (Basil affirms that this was handed down by the apostles as is evident in the 49th canon of the Apostles.)*]⁸⁵ that it was a tradition of the Apostles, that who so ever did not so, he shoulde be deposed therfore, wheras our reformatours doe but sprinckle a little water in the foreheade of the partie baptized, it may bee quickly espied that thei follow not the primitive church.

[f. 39^r] Thirde in the Primitive church they used Oyle and Chrisma in the ministration of divers Sacramentes, which Christ hymselfe did ordaine and saintifie the night before his passion as witnesseth S. Cypriane.⁸⁶ [*Cipr. Sermon. de unct. charismatis.*] And his Apostles did commend the same unto the Church [of Christe] by their traditions as witnesseth saint Basile and S. Augustine, whiche these our reformatours will none of. [*Basil de spiritu sancto can. 27. Aug. 118 ad Jan.*]⁸⁷

[f. 40^r] [*Basil de Spiritu. ca. 7. determinata quae in ecclesia servantur ac predicantur partim ex Scriptura habemus autem partim ex apostolorum traditione ad nos dilata in mysteria accepimus quorum utraque eadem ad pietatem vim habent. Velut verbi gratia, figura crucis signare eos qui in nomine dei Christi spem habent, ad orientem esse conversos dum oramus invocationis verba cum ostenditur panis eucharistiae et poculum benedictionis, et quibus benedicimus aquam baptismalis et oleum unctionis. (certain things which are observed and preached in the church have been drawn partly from Scripture and partly however from the tradition of the Apostles which we have received and are handed to us in the form of religious rites, and both these sources are equally efficacious towards devotion. Thus for example making the sign of the cross on those who have hope in the name of God Christ, praying turned towards the east, pronouncing invocations at the lifting of the consecrated bread and wine at Mass, and the rite with which we bless baptismal water and the holy oils.)*] Fowerth, S. Basile saieth, that all determinations and instructions which are preached and kepte in the Primitive church of Christe, [*Insuper et eum qui baptizatur renuntiare Sathanae et angelis eius ex qua scriptum est nonne haec omnia & tacita examinata traditione prodire. (Besides, the renunciation of Satan and his angels by the one who is baptized, from what has been written, are not all these other connected rites handed down to us by silent and sanctioned tra-*

83 The attribution of the "Homilia de corpore et sanguine Christi" to Eusebius of Emessa is rather doubtful. Migne cautiously included the text in the *Patrologia Latina* (rather than in the *Patrologia Graeca*) on "Pseudo-Jerome" (PL 30: 272D).

84 Basil (ca. 330-379) was Bishop of Caesarea.

85 Hardouin, *Acta conciliorum*, 1: 38; Basil, *De Spiritu Sancto* (PG 32: 187).

86 Cyprian, *Epistle LXX* (PL 4: 1040-1043).

87 Basil, *De Spiritu Sancto* (PG 32: 186-87); *Ad Inquisitiones Januarii* (1) (PL 33: 199-204 [now numbered 54]).

ditions.))⁸⁸ we have received their partely of the scriptures, and partly by the traditions [f. 40^v] of the Apostles, whiche both hath like force and strength unto godlynnes. As for example, the instructions which they have that trust in the name of Iesus Christe, to signe them selves with the signe of Christes crosse, to praie towards the Easte, to use wordes of invocation at the shewing of the Breade and the Cuppe in the holy Euchariste: to blesse the water of the Fonte, the Oyle of the holy unction, and that he also which is baptized, should be thrise dipped in the water, and suche other like thinges whiche are taught and observed in the Sacramente of Baptisme, as to renounce the Devill and his angels, salte, spittle, and the exorcisme there made to the expulsion of the devill. All these thinges, and other like which are taught and observed in christes church, we have them saieth saint Basile ether of the scriptures, or els by the tradition of the Apostles, whiche are of like force and strength unto pietie and godlynnes, whereas the reformatours of this English church [*with the contempe of the primitive church of Christendom*]⁸⁹ do esteame and iudge al the premisses for impietie, and ungodlines.

[f. 44^v]⁹⁰ Fifte in the Primitive church thei builded churches, erected therin alters, and offered sacrifice thereon, which was a suer token and argument of the faieth of Christ, received like as Chrysostome writeth of Englande, howe that they had received the faieth of Christe, because they had builded churches, and erected Aultars in the same. S. Beade witnesseth, that saint Augustine at the bringyng in of Christes faieth into Englande, did set uppe Aultars, wherupon the people did make their oblations, and the preste did celebrate Masse, which these our reformatours doe denie and destroie as greate blasphemie unto God.⁹¹

[f. 46^v] [*Abdias ex vitis Apostolorum. Act. 7; Matt. 19; 1 Cor. 7; 1 Tim. 1.*] Sixt in the Primitive church both men and women, made solemne vowes to the abdicacion of all proprietie in worldlie godes and possessions, and also of perpetuall chastitie, as it may appeare. Actes 5. Math. 19 and 1 Corinth. 7. 1 Tim. 5.⁹² [*Can. 25. Ex his qui caelibes in clerum pervenerunt iubemus ut lectores tantum et cantores nuptias contrahant. (We ordain that from among those who joined the clergy as celibates only the lectors and cantors may marry.)*] Example wherof, was in the time of the Apostles in Iphigenia a professed virgine, whom Hirtacus Kyng of Ethiopia woulde nedes have taken to his wife, but the Apostle S. Mathew vouched to him, that he coulde not so doe for that she had vowed her virginie to God, Wherupon Hirtacus put the Apo[f. 47^r]stle saint Mathewe to death, as witnesseth

88 Basil, *De Spiritu Sancto* (PG 32: 187).

89 "with the contempe of the primitive church of Christendom" is only in the manuscript.

90 "Fifte ... unto God," the entire fifth item is missing in the manuscript. Its absence alters the numeration of the subsequent reasons.

91 Presumably the author is referring to Book 1, chaps. 26 and 33 (PL 95: 56–57, 74–75).

92 Matt. 19:10–12; 1 Cor. 7:1; 1 Tim. 5:3–8; Acts 5:1–4.

Abdias⁹³ and others. [*Concil Calced. can. 16.*] The Canons of the Apostles doth prohibite the mariage of priestes.⁹⁴ The counsel holden at Chalcedon⁹⁵ [*Dion. areop. caelesti hier. Basil & Ambr. de virgini. Aug. in Psalm. 75 novete & reddite. Chrisos. ad Theod. monach. hom. 22. Epiph. in Apostoli sententia in ecclesia tradidere sed Apostoli sceleratum esse post promissam virginitatem ad nuptias conversi (on the teaching of the Apostle handed down in the Church thus the Apostle considers it accursed to contract marriages after making the vow of chastity).*] and all the auncient fathers, [manely] Dionysius Areopagita,⁹⁶ S. Basile,⁹⁷ S. Ambrose,⁹⁸ S. Augustine,⁹⁹ S. Chrisostome¹⁰⁰ Epiphanius,¹⁰¹ and divers others. This notwithstanding our reformatours dooe defende suche mariages to bee lawful and good, having no regarde of anie vowe or profession made to the contrarie.

[f. 50^r] [*Eusebi. lo 7 ca 14 de ecclesiae historia. Basil contra Julian apostat. Concil. Nicen.*] Seventh in the primitive church Images of Christe, his Crosse and of his saintes, were used, as in Caesarea was the Image of Christ sette uppe, by the woman whiche Christe cured of the ffluxe of blood, as witnesseth Eusebius¹⁰² and Basilius magnus,¹⁰³ and the generall Counsell holden at Nice,¹⁰⁴ of three hundred

93 According to legend, Abdias was appointed by the Apostles Simon and Jude the first Bishop of Babylon. In the sixteenth century, it was believed that he was the author of a collection of pious legends about the apostles: *Abdiae Babyloniae De Historia certaminis Apostolici libri X. Iulio Africano interprete. B. Matthiae Apostoli, Marci, Clementis, Cypriani, & Apollinaris vitae, ex Scriniis primitivae Ecclesiae Notariorum deromptae* (Paris, 1571), 91b-94b.

94 Hardouin, *Acta conciliorum*, 1: 15, canon 25.

95 Decree 16 of the Council of Chalcedon (451) forbids marriage to virgins, male and female, who had dedicated themselves to God (Norman P. Tanner, ed., *Decrees of the Ecumenical Councils* [London; Washington DC, 1990], 1: 94).

96 Dionysius the Areopagite was converted by Paul at Athens (Acts 17:34). He was traditionally believed to have been the author of various mystical and theological tracts now attributed to Dionysius the Pseudo-Areopagite (ca. 500). The reference is to *De caelesti hierarchia* (PG 3: 119-370).

97 *Liber de virginitate* (PG 31: 670-810).

98 *De virginitate* (PL 16: 265-364).

99 *Enarratio in Psalmum LXXV* (PL 36: 967).

100 *Adhortatio ad Theodorum Lapsium* (PG 47: 312-13).

101 Epiphanius of Salamis (ca. 315-403) was Bishop of Salamis and Metropolitan of Cyprus from 367. This reference is most probably to *Panarion* ("Medicine-chest"). Migne provides its Latin translation: *Adversus Octoginta Haereses*, bk 2, Haer. LXI (PG 41: 1046-047).

102 The "Father of Church History," Eusebius (ca. 260-ca. 340) was Bishop of Caesarea from ca. 315. See his *Ecclesiastica Historia*, bk 7, c. 18 (PG 20: 679).

103 The author here confuses Basil (fl. 4th century), Bishop of Caesarea (Palestine), with Basil, Bishop of Caesarea (Cappadocia). The former called himself "minimus" in deference to his more illustrious predecessor. Reference is to *Scholia in Gregorii Nazianzeni Orationem Duplicem contra Julianum Imperatorem* (PG 36: 1129-130).

104 The Second Council of Nicaea (787) declared anathema anyone opposed to images (Tanner, *Ecumenical Councils*, 1: 137).

and tenne Bishoppes, doeth constantly affirm and vouche, that the Image of Christe and of his Sanctes in the church, were of the tradition of the Apostles. And sainte Gregorie Nyssen¹⁰⁵ doeth write howe he did beholde the Image of Christes passion, and that oftentimes not without teares, and weapyng. [*Greg. Niss. de patriarch Abrah. viz. non frequentur passionis figuram neque sine lacrimis eiusmodi figuram transit.*] Chrisostome saith, that he that dooeth any iniurie or valiny to the Image of Caesar, he doth committe the same against Caesar hymselfe.¹⁰⁶ [*Chris. in serm. de [blank] Quisquis iniuriae ymaginis irregaverit eum iam Caesarem ipsum iniuria affecisse.*] S. Beade writeth, how saint Aug[ustine] entered into this Realme with a Crosse of Silver, and an Image of Christ painted in a table in procession wise, singyng the Letanie,¹⁰⁷ [*Baeda lo 1 de gentibus anglorum ca. 25.*] to which notwithstanding, what violence and dishonour hath been doen by our re[fo]rmatours herein this Realme, to the Image of our saviour Christ and of his saintes it is not unknowen.

[f. 53^v] Eight in the primative church the maner of fastyng was merveilous streight, inso much that Faustus Manicheus 1300 yeres agoe,¹⁰⁸ did taxe the christiane men, that they should in tyme of Lente, absteine from all meate, that is spoken of by the Apostle S. Paule in the first to Timothy the fouerth Chapter.¹⁰⁹ [*1 Tim. 4.*] And did blaspheme the doying and teachyng of Christes church to be *doctrinam demoniorum* [doctrine of the demons]. But Ierome¹¹⁰ upon the same place doth make answere, like as saint [f. 54^r] Augustine in manie places, that the church in their fasting to absteine from meate, [*Hieron. & Aug. super illud.*] not therby to condemne any kynde of meate, as *Satanus and Manicheus* [Mani]¹¹¹ did, but for penance, and to subdue the carnall concupiscens, and suche other like good pur-

105 Gregory of Nyssa (ca. 330–ca. 395) was Bishop of Nyssa. The reference is to *De Deitate Filii et Spiritus Sancti* (PG 46: 573). The author's interpretation of this passage misleads the reader: it is not "the Image of Christes passion" which brought Nyssa to tears, but an icon of the Sacrifice of Isaac which haunted Gregory, constantly reminding him of the sacrifice of the Lord. In primitive Christian art, the sacrifice of Isaac, often painted in the catacombs, was associated with the sacrifice of the Lord in that they both carried the wood for their holocaust on their shoulders.

106 Chrysostom, *Homelia III De Statuis* (PG 49: 57).

107 Bede, *Historia Ecclesiastica Gentis Anglorum*, bk 1, c. 25 (PL 95: 55–56).

108 Faustus of Milevis (fl. late 4th century) was a Manichaean bishop against whom Augustine directed his *Contra Faustum Manichaeum*.

109 1 Tim. 4:3–4.

110 Jerome (ca. 342–420) is best known for his translation of the Bible into Latin, the *Vulgate* version.

111 The author most likely is referring to Saturnilus, a leader of an heretical sect characterised by an inconsistent doctrine that imposed upon its followers the worship of Satan, the fallen angel, and abstinence from meat. See Origen, *Philosophumena sive omnium Haeresium Refutatio*, bk 7 (PG 16.3: 3323–324); Epiphanius of Salamis, *Adversus Haereses*, bk 1, Haer. XXIII (PG 41: 302A).

poses. And farther for the streight fasting in the primitive Church, S. Iheronime writeth *ad Nepotianum*,¹¹² Epiphanius in Anchorato,¹¹³ which is now thought of these reformatours to be superfluous and folishe, and therefore they mind not to reduce and bring us to the order of the primitive church.

[f. 54^v] Ninth in the primitive church, they used praier for the soules departed, which was the tradition of the Apostles, as witnesseth Dionysius Areopagita *de celesti Hierarchia*. Cap. 7.¹¹⁴ Epiphanius Chrisostom in 1. *ad Cor. Hom. 41 & in Math. 33. & Hom. 69. ad populum Antiochenum*,¹¹⁵ [Epiph. lo 2 contra haeret. Chrisost. Non tenere ab apostolis haec sancita fuere in tremendis mysteriis defunctorum agatur commemoratio (not hold that these things were sancioned by the Apostles, that is the commemoration be made through solemn rites).]¹¹⁶ which thing is proved also by the Scriptures, affirmed of all auncient writers, and hath alwaies been continued in Christes Church, and [f. 55^r] now denied and taken away by oure reformatours, and therefore they minde not to reduce us to the primitive church.

[f. 55^v] [Postremo quid est quod omnes noverunt signum episcopi quod signum nisi adhibeatur sive frontibus credentium sive Episcopi aquae qua regenerantur sive oleo quo charismate unguuntur sive sacrificio quo aluntur nihil eorum rite perficitur. (Finally what is it that all knew to be the sign of a bishop if not the sign of the cross traced on the forehead of believers, or Bishops using the waters of regeneration, the oil of chrism for anointing or the sacrifice by which the faithful are nourished, without which none of these rites are duly performed.) Aug. on Jo. tract. 109 ca. 24. *Basil de spiritu sancto*.¹¹⁷ Tenth in the Primitive church christen men were taught, to arme them selves with the signe of the Crosse, which consignation of the Crosse was used in the administration of the Sacramentes, and that of necessitie, as saint Augustine saith:¹¹⁸ wordes also of invocation before the consecration of the

112 Jerome, Epistle LII, *Ad Nepotianum* (PL 22: 527-40).

113 Epiphanius of Salamis, *Ancoratus* (PG 43: 11-236). "In Anchorato" only in the printed text.

114 Dionysius the Areopagite, *De Ecclesiastica Hierarchia*, c. 7 (PG 3: 574A-B).

115 Chrysostom, *In Epistolam primam ad Corinthios*, Homily 41, c. 5 (PG 61: 361); *In Matthaeum Homiliae XXXIII*, Homily XXXI al. XXXII, c. 4 (PG 56: 374). The author undoubtedly refers to the Basilean edition of the works of Chrysostom: *Ad Populum Antiochenum Homilia LXX* (not LXIX), *Opera D. Iohannis Chrysostomi* (Basle, 1539), 5: [278-280] 279. Migne follows the opinion of Sir Henry Saville (1549-1622) and the learned Jesuit editor Fronton le Duc (1558-1624), who attribute to Chrysostom only twenty-one homilies. These are known as "De Statuis" (PG 49) and are the only ones common to all ancient manuscripts (PG 50: 825-28).

116 Epiphanius of Salamis, *Adversus Haereses*, bk 3, Haeres LXXV (PG 42: 514B); c. 23 (PG 42: 830A).

117 Basil, *De Spiritu Sancto* (PG 32: 187); Augustine, *In Iohannis Evangelium Tractatus CXXIV*, Tract 118, c. 5 (PL 35: 1950).

118 Augustine, *Sermo CLV (De Passione Domini, vi; seu de Cruce et Latrone)*, c. 2 (PL 39: 2047-2048).

sacrament of the Altler, were used in the primitive church, like as the sanctifying of the Fonte, the blessing also of the Chrisme and Oyle, to annointe the partie baptized, all which thinges were of the traditions of the Apostles, as witnesseth Basili. saint Cyprian, saint Augustine, Damas.¹¹⁹ and many other, which thinges beeff. 56^r]yng now utterly abolished by the newe reformatours, they purpose not to bring us to the order of the Primitive church. Seeyng therefore it can not bee denied by so many testimonies gathered out of the divine Scriptures, and holy fathers, that they agree not with the primitive church of christe, but doe dissent and are cleane gone from it, in so many diverse pointes as I have expressed. Therefore this their reformation to reduce us to the primitive church, is onely pretended of their partes and shall never be proved.

[f. 56^v] Of what force, strength, and estimation those thinges are of, which have been used in christes catholike church, it shal appeare by the testimonies of saint Augustine followyng.

[f. 57^r] [*Aug. con. donat. ca. 24 Quod universa tenet ecclesia nec concilii constitutum sed comprehensum non nisi auctoritate apostolorum traditum rectissime creditur. (It ought to be believed that what the universal Church holds to be true and is not instituted by councils but always preserved, cannot but be transmitted by the authority of the Apostles.)*]¹²⁰ Firste saint Augustine wrytyng againste the Donatistes,¹²¹ saieth, looke what thinges the universall church of christe observe, and hath at all tymes observed, if the same bee not ordeined by any generall counsel, then it ought most firmly to be beleved, that it came to us onely by the auctoritie, and tradition of the Apostles.

[f. 57^v] [*Idem Epi. ad Cas. 96 In hiis enim rebus de quibus nihil certi statuit Scriptura divina mos populi Dei vel instituta maiorum pro lege tenenda sunt. (As regards these things about which Sacred Scripture has stated nothing for certain we the people of God are held to follow the decrees of the elders as law.)*] Second saint Augustine in hys Epistle *ad Casulanum*, saieth, how in all these thinges, wherof the Scriptures hath made no certeine determination, the maner of the people of god, or decrees of our elders, must be taken and holden as a lawe to governe ourselves, and in the same Epistle he maketh mention how the Sondaie, because it is not fasted, which fastyng is a Sacrifice acceptable to God. Therefore saieth he, the Sondaie maie not bee celebrated and kepte without an other Sacrifice whiche is acceptable to God.¹²² [*Ibidem. Non enim dominicus dies sine sacrificio quod deo charum est*

119 Basil, *De Spiritu Sancto* (PG 32: 187C); Cyprian, *Epistle LXXIII* (PL 4: 383); Augustine, *Sermo CCXXVII (Ad Infantes, de Sacramentis)* (PL 38: 1100-01).

John Damascene (ca. 675-ca. 749) strongly defended the use of images during the Iconoclast Controversy. The particular reference is to *De Fide Orthodoxa* (PG 94: 1118-119, 1138-146).

120 Augustine, *De Baptismo contra Donatistas*, bk 4, c. 24, 31 (PL 43: 174).

121 The Donatistes were a rigorist, schismatic church in North Africa.

122 Augustine, *Epistle XXXVI Ad Casulanum*, c. 1, 2 (PL 33: 136). In the ancient order this letter was number 86.

*peragitur quia non ieiunatur licet ieiunium deo sit charum sacrificium. (For Sunday is spent without sacrifice which is acceptable to God, because one does not fast though fasting is a sacrifice acceptable to God.)*¹²³

[f. 58^v] [*Illam autem quae non scripta sed tradita custodimus quasdam toto terrarum orbe observantur, datur intellegi vel ab ipsis Apostolis vel a plenariis consiliis quorum est in ecclesia saluberrima auctoritas commendata. atque statuta retineri domini passio et resurrectio et in quod caelum ascensio et adventus de caelo Spiritus Sancti anniversaria solemniter celebrantur aliquid tale occurrit quod servatur ab universa quacumque se diffundit ecclesia. (It is easy to understand that those unwritten prescriptions that we nevertheless preserve through tradition and are observed throughout the world have been recommended by the same Apostles or by plenary councils, whose authority is most salubrious to the Church: as the feasts celebrated in the anniversary of the Passion, Resurrection, Ascension of the Lord, the Pentecost and similar recurrences that are preserved by the universal Church wherever She is diffused.)*]¹²⁴ Thirde saincte Augustine in his thirde Epistle *ad Ianuarium* saieth, that the thinges whiche we doe observe throughout the whole worlde, beyng not written, but delivered unto us, [you must understand (saieth he) that they were commended unto us]¹²⁵ either from the Apostles or generall counsellis (the auctoritie wherof is notable) and as of them received, ought to be observed, (as the yearly remembrance and feastes of the passion of Christe, of his ascension into heaven, and of the commyng [f. 59^r] of the holy ghost, whiche are celebrated in the Church of Christe, or any other like thing whiche is universally observed from whatsoever it first came from and therefore saieth saint Augustine in the same Epistle, [*Aug. ad Ian. 118 ca. 5. Et si quid horum tota die per orbem frequentat ecclesia, nam hoc quin ita faciendum sit disputare insolentissima infamia est. (And if the Church observes any of these (mysteries) the whole day throughout the world, let no one object that it should be so done for it would be the height of insolence.)*] to reason or dispute why the same thinge ought to be observed [which of longe time hath ben observed] throughout the whole world, by the auctoritie of christes church, *insolentissima infamia est*, it is a poincte saieth he of extreme madnes. And therefore saieth saincte Aug[ustine] the change made of so long a custome, yea though the same shoulde be verie profitable, yet by the newnes thereof it doeth vexe and trouble the Church of Christe, it is made unprofitable, unfruitful and finally hurtful to the church of christ, [*Aug. ad Jan. ep. 118 ca. 5 Ipsa quippe mutatio consuetudinis etiamque adiuvat utilitate novitate perturbat. Quapropter quae utilis non est perturbatione consequenter noxia est. (The change itself of the custom may be useful but the newness of it is disturbing. Wherefore what is not useful becomes harmful on account of the disturbance.)*] and for an example therof, he doth there alledge how the disciples of christ did receive the

¹²³ PL 33:144.

¹²⁴ Augustine, *Ad Inquisitiones Ianuarii* (1), c. 1, 1 (PL 33: 200).

¹²⁵ "you must understand. (saieth he) that they were commended unto us" is only in the manuscript.

body and blood of christ, not fastinge but after supper, is the universall church of christe therefore to be reprov'd, or the custome therof to be chaunged, wherby wee do in the same, receive the body and blood of christe fastyng, and that for a more reverence therunto, in preferring the foode of the soule, before the foode of the bodie [f. 59^v] doubtles so for to doe it, shoulde bee after the minde of Augustine, both hurtful unto the church of christ, and a greate ponct of madnesse.¹²⁶

[f. 61^r] [*Ep. 119 de hiis quae variae per diversa loca observantur una saluberima regularum tenenda est. (regarding those various things which are celebrated in diverse places a very sound rule must be observed)*]¹²⁷ Fowerth sainte Augustine in his thirde Epistle *ad Ianuarium*, in speakyng of these thinges, whiche in diverse partes are observed in christes Church diversely, he geveth that certeine and sure rule, that if thei be not against the professed faieith of christes church, nor against the good livyng and maners of men, but have in them some maner of encouragement of a better life, wheresoever saieth he we dooe know: anie such thing diversely to be used, we shal not only not disallow them, but also folow them, with praise, and innovation of life. So that the infirmitie and weaknes of some men be not let therunto when otherwise if more profette maie come therby unto the good, then hurte unto the weake offended therby, *sine dubitatione faciendā sunt*, without doubte [f. 61^v] (saieth he) al suche although thei be diverse, and in diverse places diversely observed, yet they ought to be continued and kepte.

[f. 62^r] Besides that this reformed Englishe church, hath no agreaunce with the catholike church of christ, the religion therof doeth onely stande of negatives, like as it shall appear in the processe followyng.

[f. 63^r] [*Io. 1 de civitate dei. Isidorus Io 18 de etymologiis religio est per quam vim soli deo animas religamus nostras ad cultum divinum omnino serviendum. (Religion is what gives strength to serve God alone, dedicating our whole life to divine worship.)*] Saincte Augustine doth define religion to be *cultus divinus* a divine service dew unto God, wherby as Isidore¹²⁸ saieth, wee dooe binde ourselves to the worshipyng of God with a full purpose and intente to serve God.¹²⁹ True religion beyng in this wise put in a dewe worshippe and service to be doen [f. 63^v] unto GOD, the late begonne religion of this reformed Church, can not bee the true religion of GOD, for as muche as it doeth not consist in any action or service more now unto GOD then was before, but onely this religion standeth as I suppose by negatives, by an overthrowe and subversion makyng of all thinges before appointed for the government of his people, both in the olde Testament and newe [And whereas al mighty God in declaration making of his true religion, did

126 Augustine, *Ad Inquisitiones Januarii* (1), c. 5, 6 (PL 33: 203).

127 Augustine, *Ad Inquisitiones Januarii* (2), c. 18, 34 (PL 33: 221).

128 Isidore (ca. 560–636) was Archbishop of Seville from ca. 600. Reference is to *Etymologiarum sive Originum libri XX*, bk 8, c. 2 (PL 82: 295).

129 Augustine, *De Civitate Dei*, bk 10, cap. 3 (PL 41: 280–81).

appointe for government of his people both in the olde Testament and newe], some preceptes whiche were moral, some iudicial, some ceremonial, also sacrifice and sacramentes, the doctrine of this newe religion and reformed Church, whiche as I saied dooeth stande onely, or wholly by negatives doeth denie.

[f. 64^v] [1.] First it denieth that the morall precepts are possible to be kepte of man.

[f. 65^r] [2.] Seconde it denieth that any iudgement in spirituall causes, or in the high course of conscience, is to be geven to the Prieste.

[f. 65^v] [3.] Thirde it dooeth denie all kinde of Ceremonies

[4.] Fowerth [f. 66^r] it doeth denie the sacrifice of christes Testamente.

[f. 66^v] [5.] Fifte it dooeth denie the Sacramentes of christes church.

[f. 67^r] [6.] Sixte it doth denie the real presence of christes bodie and blood¹³⁰ in the holy Eucharist

[7.] Seventh it dooeth denie that Christes Church is visible or possible heare to bee [f. 67^v] known

[8.] Eight it doeth denie the free choice and will of man wherby the doctrine of this newe religion maketh God the author of all evil, & therby blaspheme God.¹³¹

[f. 68^r] [9.] Ninth it dooeth denie our iustification by penance, by Baptisme, by hope, by charitie and good workes

[10.] Tenth it dooeth denie the merites of all good workes, Gods promises made to the contrarie notwithstanding.

[f. 67^v] [11.] Eleventh it doeth denie fastyng from any one kinde of meate more then an other, or upon this date more then an other.

[f. 69^r] [12.] Twelvt it doeth denie tyme and daies of watches and prayers

[13.] Thirtene it doeth denie the observation of holy and solemne promises, and vowes made unto God.

[f. 69^v] [14.] Fowertene it dooeth denie the chaste life apertaining to the order of Priesthode.

[f. 70^r] [15.] Fiftene it doth deny the invocation, and honour due unto sainctes.

[f. 70^v] [16.] Sixtene, it dooeth denie oblations and prayers for the soules departed.

[f. 71^v] [17.] Sevententh it doth denie Images [of Saints], and the crosse of Christe

[18.] Eightene it doeth denie the buriall of the deade bodies in the Church yeardes.

[f. 72^r] [19.] Nintene it doeth denie the hallowyng of the Fonte, Oile, Palmes, and Ashes

Twentie it doth denie holy breade, holy water, Vestimentes, Chalices, Copes, Tunicles, Candlestickes, lightes, Sensors, Orgaines in the church, singing in the

¹³⁰ "and blood" is missing in the manuscripts.

¹³¹ "wherby the ... of this new religion maketh God the author of all evil & therby blaspheme God" is not found in the printed text.

quere, reliques of saintes, pardones and pilgrimages, wherby it doeth appeare, that the religion of this newe reformed Church doth stande wholly of negatives, by destroyng, subvertynge, and denyng of all thinges before used in the Catholike Church of Christe.

[f. 72^v] Wherein the authours composers and devisers of this newe religion have dealed muche like as one maister [Symon] Molande Vicar of saint Peters in Oxforde, did with Clare the Butcher, a neare neighbour and parishiner of his, unto whom by the waie of a me[f. 73^r]rie ieste, he made sale of an horse, all by negatives on this wise, sayng unto hym how that his horse had not a greate heade, his horse hadde not a paire of Asse eares, his horse had not one touth in his heade longer then an other, his horse had not a saddle back, no Splent, Spauen, or Ringbone, hys horse was not pincromped, sicke hought, nor broke winded, and so forth all by negatives, he soulded his horse [all by negatives] to Clare the Butcher, not expressyng what his horse hadde, but what his horse had not. Dealyng therin with muche like faieth and truthe, as our Preachers dooe with the people of this Realme, which goe aboute to plante a new religion amongst them, which standeth as I have here expressed wholly by negatives, in affirmyng nothyng, and denyng all thinges.

[f. 74^r] Dewe obiections made againste the premisses. For wheras ye have saiede the religion of this newe reformed Church, to stande wholly by negatives, in affirmyng no one thyng more then was before used, in the Catholike church of Christe, howe untrue this is who seeth not when the religion of this new reformed Church, doth affirme, and hath brought in many thinges as good, godly, and lawfull, whiche before werē straightly denied.

[f. 74^v] First it dooeth affirme, that it is lawfull, and bothe good and godly that Priestes shoulde take wives, and beyng firste made Priestes, it is lawfull to marie

Seconde [f. 75^r] it dooeth affirme, that Freers Monkes, and Nonnes after their vowes made solemnly unto God of their chaste and continent life, that it is lawfull for them to mary together, and holde the same to be good and lawfull wedlocke

Thirde it doeth affirme, that a man beyng devorced from his wife for fornication, may therupon marie againe, and take another, and so it is lawfull for hym to have twoo wives alive, the one in the bedde, the other devorced.¹³²

[f. 75^v] Fowerth it doeth affirme Breade and wine, to bee the whole substance of the Eucharist, after the consecration

Fifte it doth affirme that onely faieth iustifieth, and that faieth alone is sufficient to procure and purchase for us, gods grace [f. 76^r] and mercie, for the time of this present life, and at the ende and terme therof, life everlastyng. Beside many other like diverse thinges that the religion of this newe reformed church doth

132 The manuscript varies the text: "so it is lawfull for him to have 3 wyves alyve, thone in his bed, thother 2 dyvorced."

affirme as thinges lawfull, and have brought them into this realme, as thinges good and godly

An answer against the obiections

For answer beside, that there is no one of their affirmations, now by them brought that maketh any thing *ad cultum divinum* [to the divine service], [f. 76^v] to the service and honourynge of god, wherin true religion doth consiste, as it is before proved by the diffinition therof, geven by Augustine al their affirmations doe include some negations of a farre more better thing, then is brought in by their affirmations.

[f. 77^v] As an example their affirmation that it is lawfull for Priestes to take wives, is a denial of chaste and continent life of priestes, whiche as the Apostle saint Paule saith is much farre better. [1 Cor. 7. *Qui matrimonium iungit virginem bene facit & qui non iungit melius facit.*]¹³³

[1 Cor. 7. *His autem qui matrimonio iuncti sunt praecipio, non ego sed Dominus, uxorem a viro non discedere: quod si discesserit, manere innuptam, a viro suo reconciliari & vir uxorem non dimittat.*]¹³⁴ Their affirmation that Freers, Monkes, and Nonnes. maie mary together, is a flatte denyng of the vowe of chastetie, which by saint Paules iudgement is farre better.

[f. 78^r] Their affirmation that the divorced man maie againe marie, is a plaine denial of reconciliacion, whiche ought to bee made againe, betwixt man and wife, the Apostle [f. 78^v] saint Paule gevyng counsell thereof [commaundeth], that the woman beyng departed from her housebande, shoulde remaine unmarried to bee reconciled againe unto her housebande.¹³⁵

[f. 79^r] Their affirmation that breade and wine is the whole substance of the holy Eucharistia, is a plaine deniall of Christes very bo[f. 79^v]die in the same,¹³⁶ whiche is muche farre better, and a thinge of a farre more greater price then breade and wine is. So that by their affirmations thei doe nothing better, but soner appaire and diminishe the preciousnes of everie thing they medle withall

And [f. 80^r] by their affirmation that onely faieth doth iustifie, they doe denie all other thinges els, as Baptisme, penaunce, Confirmation, the holy Eucharistia, hope, charity, and generally all kinde of good workes. For all learnyng doeth agree of three kindes of Iustifications to be expressed in holy scripture, [*prima iustificatio est qua quis ex impio sit pius. (The first justification is the process by which a wicked man becomes good.)*] whereof of the firste iustification is, *Quae quis ex impio sit iustus*, wherby a man is made of a wicked man, and a member of the Deville, a good manne, and a verie member of Christe, the whiche iustification is performed in infantes, by the Sacramente of Baptisme. And therfore to ascribe our iustification to onely faieth, is not onely to deny with the Anabaptistes Baptisme of

133 1 Cor. 7:38.

134 1 Cor. 7:10-11.

135 1 Cor. 7:10-11.

136 E.g. Matt. 26:26-29.

infantes, but also that the Sacrament of Baptisme is needefull, or necessarie for oute health and salvation

[2. *iustificatio. qua ex homine lapso post baptismum, sit conversio ad deum.* (The second justification is that by which a man who has fallen into sin after baptism is once again converted to God.)] Seconde iustification is, *qua ex homine lapso post baptismum, sit conversio ad deum*, whereby a man beyng fallen into sinne, after Baptisme doeth retourne backe againe unto God, the whiche iustification is performed in us, by the Sacrament of penance, and therefore the affirmation of our iustification by onely faiety, is a plaine deniel of the Sa[f. 80^v]cramente of penance.

[3. *iustificatio. qua iustus sit magis iustum.* (The third justification is that by which a good man is made more just.)] Thirde iustification is, *qua ex iusto redditur quis iustior*, wherby a man hath increase of rightousnesse, and of a righteous man before is made more righteous in the sight of God, wherof speaketh saint Ihon in his Apocalypse, [Apoc. 22. *Qui iustus est iustificetur adhuc.*] sayng that he whiche is righteous muste be made more righteous.¹³⁷ Whiche iustification is performed in us, partely by the sacramente of Confirmation, partly by the rest of Christes Sacramentes, and chiefly by the Sacramente of the holy Eucharist, and more generally by al kind of good workes, wherof speaketh the Apostle saint Paule, Saying to the Philippians, [Phil. 2. *cum metu et tremore vestram operamini salutem.*] doe you worke your owne salvation with feare and trembling.¹³⁸ And the Apostle saint Peter in confirmation therof, willeth us to geve all diligence for to minister, in our faieth vertue, and in vertue knowledge, in knowledge temperaunce, and in temperance patience, in pacience godlines, in godlines brotherly love, and in brotherly love charitie, for if these are among you and plenteous, they will make you, that you shall be neither idle, nor unfruitful in the knowledge of our lorde Iesus Christ. [2 Pet. 1. *vos autem curam omnem subinferentes ministrare in fidem vestram virtutem etc.*] But he that [f. 81^r] lacketh these thinges is blinde, as saieth the Apostle saint Peter, and gropeth for the waie with his hande, and hath forgotten that hee was poured from his oulde sinnes. [2 Pet. 1. *Quapropter fratres magis satagite ut per bona opera certam vestram vocationem & electionem faciatis. Haec enim facientis, non peccabitis aliquando.*] Wherefore bretheren saieth (the Apostle sainte Peter) geve you more diligence for to make your callyng and your election by your good workes more suer, for if you doe suche thinges you shall not sinne [at anie time], yea and by this meanes an entring in shall be ministred unto you abundantly, in the everlastyng kingdome of our lorde Iesus christe.¹³⁹ And by the affirmation of our iustification by faieth alone, they doe denie not onely the Sacrament of Baptims, of penance, of the holie Eucharistia, with the rest of Christes Sacramentes, but more generally they doe denie all kinde of Good workes, here com-

¹³⁷ Presumably Rev. 22:11.

¹³⁸ Phil. 2:12.

¹³⁹ 2 Pet. 1:5, 10.

mended and taught, both by saincte Peter, and saint Paule. Saincte Augustine in his booke *de fide & operibus*, gave to us sufficient admonition, how daungerous an error and heresie it was, to put our whole iustification to faieth onely, and faieth alone, and saieth how uppon the mistakyng of the wordes of saint Paule of our iustification by faieth, uppon these woorded mis[f. 81^v]construed, certaine persones denied the merite of good workes, uprising and springyng of faieth, promising to them selves, safetie and securitie of salvatien, by onely faieth and faieth alone, for reformation of the whiche error Augustine saieth, that the Apostles saint Iames, saint Peter, and saint Ihon did write their Canonically Epistles, whiche admonition therof geven by S. Augustine, shoulde have sufficed both learned and Christian men.¹⁴⁰

[f. 108^r] And that which is most of all to be mervailed at, wheras the religion of this reformed Church hath lefte us nothing to serve God withall, but this onely and alone faith whiche they doe affirme to suffice, [*Est enim liberum arbitrium sedes gratiae et fidei domicilium quae fides productrix. (Free will is the seat of grace and the home of faith.)*] they doe by the free choice and will of man denied, clene take awaie this onely faith also, like as al other gifts, & graces, & benefits uprising unto man, by the death and blood shedding [f. 108^v] of Iesus Christe. [*Per gratiam eamque actus fidentiae nam credere est actus voluntatis quod nemo potest credere nisi volens. (Through grace, itself an act of trust, whereby to believe is an act of the will for no one can believe save freely.)*] For so muche as the free will of manne is the seate of grace, and the mansion house of faieth, wherby faieth is produced and brought fourth by the grace of God, as chiefe agent and worker thereof, and in the will of man, as in an apte receptacle and place to receive te same, when no man canne beleve but he that will. And therefore for man to beleve both these two things are necessarilie required. First is the acte of Gods grace, stirryng and movyng the will of man therunto, second is the consente of mannes will to applie, and receive the same, without the whiche consente of mannes will, Goddes grace knocketh all in vaine. As it appeareth by the citezeins of Hierusalem, unto whom our saviour Christ saieth in the Gospel. Hierusalem, Hierusalem, whiche dooest slae the Prophetes, and stonest them to death, that are sent unto thee, how often tymes would I have gathered they children, like as a Henne gathereth her chickens, underneath her wynges, and thou wouldest not.¹⁴¹ I would saieth christ, but thou O Ierusalem wouldest not. Wherby it appeareth, that god by his grace doth not worke his belefe in the soule of man, [1 Cor. 15.] as [f. 109^r] in a stocke, or in a stone, with our any consente of mans parte, to be geven therunto, when there is no man, that can by any other meane, receive faiethe, then by the consente of his owne will, and therefore in the worke of faiethe, Gods grace, and mans will muste consente, and ioigne together bothe. The Apostle saincte Paule, in witnesse thereof saieth, [1 Cor. 15. *Gratia dei sum, id quod sum et gratia eius in me vacua non fuit, sed abun-*

¹⁴⁰ Augustine, *De Fide et Operibus*, c. 14, 21 (PL 40: 211-12).

¹⁴¹ Matt. 23:37-39.

dantibus illis omnibus laboravi, non ego autem, sed gratia dei mecum.] by the grace of God, I am that I am, and his grace in me was not in vaine, but I have laboured more abundantly then thei all, and not I saieth sainte Paule, but the grace of God with me,¹⁴² and without my consente, but *mecum*, with me. [*Qui creavit te sine te, non iustificabit te sine te.* (He who created you without you, will not save you without you.)] For Augustine saieth, that almightie God, whiche in the beginnyng, did create manne, without any consent, askyng of manne thereunto, he will not nowe iustifie manne constreinedly, and whether he will or not, but with his owne consente, will, and desire thereunto.¹⁴³ [*Matt. 11. regnum coelorum vim patitur et violenti rapiunt illud.*] For the kyngdome of heaven, saieth our saviour Christ suffereth violence and the onely violent menne, whiche here will travaile, laboure, and fight therefore, shalbe partakers of that kyngdome.¹⁴⁴ When the ioyes of heaven are not so vile, nor so [f. 109^v] meane thynges, like as the Apostle sainte Paule saieth, but thei are worthe the labouryng for seyng therefore it can not bee denied, without deniall of the expresse testimonies of the scriptures, but that the consente of mannes will, must necessarily come with Goddes grace to receive faithe, therefore, in the denyng of the consent of mannes will, thei deny faithe, and thus in fine, the religion of this newe reformed churche is brought (all circumstaunces beyng duely examined) from onely faithe, and faithe alone, to have no faithe at all. [*Rom. 8. Existimo enim quod non sunt condignae passionnes huius temporis ad futuram gloriam quae revelabitur in nobis.*]¹⁴⁵

[f. 115^r] My poore witte, learnyng, and conscience being fully perswaded, that al the premises, be of suche truthe, and veritie, as I have expressed, I thought it good to make declaration ther of chiefly for discharge of conscience, and partly to meete with this common obiection, that we have nothyng to saie, but stande wholie upon a wilfull frowardnesse, obstinacie, and vainglory, having neither scripture, doctour, argument nor reason to alledge, for the defence of the matter, that wee stande in. And for some triall to be made of my fidelitie, and truth, in the allegations of the premises, I doe offer myself to turne the bookes of the scriptures, doctours, and holy fathers when wher and before whom I shall bee called. And by the bokes beeyng indifferently redde, iudge betwixte us. Doubtlesse this is the whole desire, and intente I had in the writing herof, & [f. 115^v] not any other desire, I had of liberty, enlargemente, or heare to live. For what desire should a christian man have, to live in that Realme, that sleaeth them that would their wealth, and is angrie with them that would helpe their evilles, what desire should a christian man have, to live in that realme, that setteth naught by, and destroyeth, those that dooe watche, and praie to doe good, and setteth by those that do watch, and travaile for to doe eville. Who would desire to live in such a Realme, where the Elders, and aunciente menne

¹⁴² 1 Cor. 15:10.

¹⁴³ Augustine, *Sermo CLXIX*, c. 11, 13 (PL 38: 922-23).

¹⁴⁴ Matt. 11:12.

¹⁴⁵ Rom. 8:18.

thereof, the wise, godly, and verteous, doe live discontented, and wheras the youth, witless, gracelesse, and vitious, doe live best contented, and pleased? who would desire to live in that realme, where suche vices are of subiectes openly committed, whiche in all other Christian realmes thei feare to doe in screte? and where al that thei desire, thei procure, and all that thei procure, thei doe attaine, and all that is eville, thei thinke, and all that thei thinke, thei saie, and all that thei saie, thei maie dooe, and that that thei may dooe, thei dare do, and putte in operation. And therefore, I can have by no righte reason, any desire or enlargemente of libertie, or yet hope any while to live.

finis. 8 Feb. 1563.¹⁴⁶

§8 Supplication of the English Exiles Louvain, 8 March 1566

SOURCE: Vatican City, Archivio Segreto Vaticano, Miscellanea Armadio II, 67, f. 285^r. Contractions are expanded.

TRANSLATION: The English translation is by Stephen Fernando.

Sanctissime Pater,

Fidelis Deus et Dominus noster, qui licet peregre profectus ipse sit in Regionem longinquam, semper tamen perficit, quem constituat supra familiam suam: Et Benedictus Deus, Sanctitatem Vestram ibi constituit. Ut dei illis in tempore critici mensuram. Quid est autem quod vel magnificentius queat Summus Pontifex, vel libentius velit facere Pius Quintus, quam sollicitudinem omnium Ecclesiarum animo suscipere, et saluti Catholicorum omnium munificentia sua providere. Sed munificentiae et sollicitudinis, alia atque alia ratio. Illa ad omnes Catholicos et in omnes (si tamen indigent) porrigenda et partienda est: Ista ad omnes Ecclesias sine ulla exceptione adhibenda. Quod si ad omnes, ergo ad Anglicanam. Sed de his Sanctitatae Vestrae melius, cuius officium eminentius, et consilium sapientius, et studium perfectius est.

De munificentia autem, alia est ratio. His enim ut inter dispensatores queritur, quis fidelis inveniatur: ita inter Petitores, animadvertendum est, quis beneficio dignus iudicetur. Atque hoc fortassis est dare in tempore pro occasionem ipsarum ratione, qui laborant periculosius, illis adesse proponisus. Utrum ergo nos dignores hac gratia non sumus, qui ceteris sumus miseriores. Omnes primum exules, fortunis vel relictis, ne amitteremus fidem, vel ablati, quia fidem ecclesiae servavimus.

Quod initio secum quisque comportare, aut ab illo tempore comparare potuit, his sex annis continuis pene consumptum est. Et nisi per Catholici Regis dignam tali

¹⁴⁶ "finis ... 1563" only in the manuscript.

Principio munificentiam (a quo his duobus annis proximis duo Millia aureorum accepimus) nostris consultum rebus fuisset, iam dudum ad extrema venissemus. Nunc ab Anglia exiguum est, quod expectatur et id in dies tenius fore sentimus.

Refrigescit charitas, excandescit Potestas, ut nec abundanter tribuant, qui possunt, nec satis audent dare qui capiunt.

Lovanii sumus, aut non procul, numero 200. Si causam spectemus, paucissimi: Si eleemosynam, quae obvieniunt, nimii: Si personarum genus, et conditionem, Sacerdotes, Religiosi, Moniales, Scolastici, et Senes unus atque alter cum coniuge et familia: Si animorum studia et sententias, omnes Vestrae Sanctitatis supplices, omnes Apostolicae Sedi obsequentes.

In tempore ergo certe dabit Vestra Sanctitas quidquid tam multis, tam egenibus, tam destitutis, et de Sanctissima Paternitate vestra tantum confidentibus dabit.

De mensura vero munificentiae nihil dicimus: scientes, quod si seminat in benedictionibus, de benedictionibus & metet et quod propensis ad benemerendum, ac multis aliis rebus occupatis, proponenda solum occasio est, non amplificanda oratio. Quod reliquum est, et cogitatum, et superfluentem reddat in Sanctitatis Vestrae sinus, sacratque Pontificatum hunc vestrum insignem atque spectabilem, repetita Angliae conversione, ut et animarum tot millium de restauratione gaudeat, et de nostris simulque ad corporis alimentum integumentumque sunt rebus, amplius non curet. Lovanii . 8. Martii 1566.

Sanctitatis Vestrae Studiosissimi Oratores Angli Religionis ergo exules

[f. 286^v] Supplicatio Anglorum exulorum per fide Catholica Sanctissimo Domino Pontifice Maximo

Most Holy Father,

Our faithful God and Lord, who although he himself has departed for a distant shore, supervises and brings to perfection the efforts of the person he has set over his household. And Blessed be God, who has set your holiness there! That you may measure out to them in due time. What is it then that the Most Holy Pontiff can do more generously, or what does Pius V wish to do more gladly, than to take to heart solicitude for all churches, and to provide in his generosity for the salvation of all Catholics. But generosity and solicitude are directed to different ends. The former to all Catholics and to all (if they are really in need) to be offered and shared: the latter is due to all churches without any exception. If then it is due to all, therefore also to the church in England. But about these things, who is better informed than your Holiness, whose office is more eminent, whose counsel wiser and whose advice more perfect than yours?

There is another goal for generosity. For it is required of stewards that they be found faithful: similarly among petitioners it has to be observed that one has to be judged worthy of the favour. And accordingly in time, by its very nature those

engaged in more dangerous missions have to be more diligently helped. Then we ask whether we, who are worse placed than others, are not more worthy of this favour.

All of us were at first exiles, having left all we owned so that we may not lose our faith, or be deprived of the same because we remained loyal to the Church.

What each brought at the beginning, or gained since then, has been consumed during these six continuous years. And had it not been for the generosity worthy of such a Catholic King [Philip II] (from whom these last two years we received a thousand gold crowns) who took care of us, we would have been reduced to dire want. And now it is minimal what we can expect from England and day by day it becomes even smaller.

Charity abounds; power prevails so that neither those who can give abundantly, nor those who wish have sufficient daring.

In Louvain and in the vicinity we are about 200. If you consider the cause, we are a very small number; if we consider the alms needed, we seem to be a large number. If you look at the type of persons and their condition, priests, religious, monks, scholars, and one elderly man and another elderly man with wife and family: if you consider the state of mind and opinion, they are all suppliants of Your Holiness, devoted adherents of the Apostolic See.

In due time therefore Your Holiness will give something to so many, so much in need and so destitute, and will give to those who have placed so much trust in your most Holy Paternity.

About the measure of your generosity we say nothing: knowing that he who sows in blessings, will harvest blessings and to those who have natural tendency to do good and are too busy with so many other preoccupations, it is sufficient to lay bare the need rather than expand on the petition. What remains is to wish you overflowing blessings and may your Pontificate be rendered outstanding and resplendent, with the conversion of England, so that it may rejoice both at the restoration of so many thousands, and you would not have to worry about food and clothing for us. Louvain. 8 March 1566.

Your Holiness's most studious English ambassadors, thus exiles for religion

Petition of English Exiled for their Catholic Faith to the Most Holy Lord Supreme Pontiff

§9 Laurence Vaux¹⁴⁷ to his friends in Lancashire
2 November 1566

SOURCE: Kew, The National Archives, SP 12/41/1. Contractions expanded. Marginal comments are presented in the text in brackets and in italics.

EDITIONS: Printed in Laurence Vaux, *A Catechisme or Christian Doctrine*, 4th ed. ed. Thomas Graves Law (Manchester, 1885), xxxii–xxxix.

A Copie of a letter sent from &c.

I understande by your letter that ye be in doubtte how to understande the letter sent from Mr. Docter Sanders¹⁴⁸ to me &c.

After that Almyghtie God have geaven a precepte to our fyrst parents, that they shulde not eate of the tree of knowlege of good and evill Upon [p. xxxiii] payne of death, when oure mother Eve talked with the Devill in the Serpent, she wold not understande the playne wordes, but did extenuate & dimynyshe the same that therbye hyr offence myght seme the lesse in brekyng the precept where God said planlie in what day ye shall eate of that ye shal dye, she sayed peradventure we shall dye, speakyng that doutfullie. The corrupt nature of man is suche, that suche precepte as be against our carnall wylles, or our lycentious appetite, we wold gladlie extenuate, dimynyshe, or misconstrue so that we myght have our owne voluptuous pleasure, and carnall appetite.

Conseringe Mr Docter Saunders letter, I am charged to make a defynytyve sentence, that all suche as offer [p. xxxiv] chyldren to the baptisme nowe used, or be present at the communion of servise nowe used in churches in Englande, aswell the laytie as the clergie, Dow not walke in the state of Salvacion; Neyther we may not communicate or sociate our selves in company with scismatyke or heretyke in devine thynges; there is noe exception or dispensacion can be had for anye of the laitie, if they wyl stande in the stayte of salvacion.

Ye must not thynke this be any severitie or Rygorousness of the pope Pius 5. that nowe is godes vicar in earthe, to whom at this present God hathe appoynted the Government of his church in earth, who for his syngular Vertues, & sundrie Mirakles that God by hyme hathe wrought ex[p. xxxv]celleth all his predissors that hathe beene sins St. Gregories tyme which sent St. Augustine & other wythe

¹⁴⁷ Vaux (1519–1585), a religious exile in Louvain, returned to England in 1566 to explain to Catholics papal condemnation of attendance at Protestant services. Vaux died in the Clink sometime in 1585.

¹⁴⁸ Sander (ca. 1530–1581) accompanied Cardinal Hosius on missions in Poland, Lithuania and Prussia. Between 1565 and 1572, he was professor of theology at the University of Louvain. He was sent as a papal agent to further the Irish rebellion against Elizabeth in 1579. There he died as a fugitive. Sander had written a circular letter which Vaux and William Allen were to distribute throughout England. This letter is no longer extant.

hym to preache the faythe in Englande. The pope that nowe is hathe no lesse zeale & good will to reduce Englande to the unytie of chryste hys churche than saynt Gregorie hadd, as he hathe shewed hym selfe bothe in word & deade.

And pertelie I hard hyme myselfe expresse in wordes & deade beinge with hym in hys owne private chamber at Rome, by my speciall frende, I was brought into hys chamber to heare hym speake hym selfe what a benefyte was graunted in the consystorie for Englande, to the extent I myght make more playne declaracion to Mr. D. Sanders & Mr. D. Hardine¹⁴⁹ conserninge the [p. xxxvi] auctoritie granted unto them in the consystarie by the pope for the soules healthe of them that dwell in Englande, & for bycause I did pertlie knowe there commision, the sayed Docters earnele requested & moved me to comme into Englande (for as they thought) I myght be able to geave some instruction to suche as have auctoritie under them in Englande as occasion persuethe. the[y] wryte to me the[y] put me in trust & charget me to sygnifie the truthe to others that nowe be deceived through Ignorance.

In matters of faythe & consyens I must Refere [therefore] without haltinge coloringe or desemblynge, Tell [f. 1^v] youe that the pope cannot dispence anye of the laitie to entangle them self & with the schysme, as is affore wryten conserninge sacramentes & servise that ye may not be present amongst them. if ye associate yourselfes at sacramento or servise that is contrarie to the unitie of Chryste his Churche ye fall in scysme, that is to saye ye be separated from christe his churche and beinge in that state (as sayeth St. Augustyne)¹⁵⁰ although youe lead ever so good a lyffe in the sight of the worlde the wrathe of God hanghethe over youe, & dienge in that state, shall lose the everlastyng lyfe in heaven. It is noe smale danger to contynewe in Scysme, And orderarilie no priests in England hath auctoritie to absolve from schysme, excepte he have auctoritie from the catholyke see by Mr. docter Sanders & Mr docter hardyng &c. In the hollye Scripture we reade manye terrible examples, that may make us affrayed to enter into schysme the ii sonnes of Aron because the[y] offerd strange fyre not appoynted leviticus for the prieste of God weare stroken with sodayne deathe.¹⁵¹ In what myserable state be priestes in Englande? Which contrarie to the ordinances of the catholyke churche offer unto God servise & communion that is strange, schysmatycal & heretical. Also when Coran Dathan and Abyron [Num. 6.]¹⁵² wold not be content with the ministracion that Moyses and Aran offred to God but wold mynister & offer that which the weare not appoynted to doe, Moyses by the commandement of God commanded all the people to separate them [p. xxxvii] selves from the ministracion & touche nothyng theareof and straight wayes God poured out hys vengens upon them &

149 Thomas Harding (1516-1572) left England for religious reasons. A gifted controversial theologian, Harding picked up the challenge laid down by John Jewel (1522-1571), Bishop of Salisbury, and became his principal opponent

150 Augustine, *De Fide et Symbolo* (PL 40: 193).

151 Lev. 10:1-3.

152 The precise reference is Num. 16.

they that toke that schismaticall kynd of ministracion upon them wheare swalowed up into hell on lyve, & the people that wolde not separe them selves oute of there companie in the tyme of theare schismaticall ministracion weare brente up in iii tentes to number of 250. O how terrible an example is this bothe to the Ministers of this schismatical servise dyvyllisse and damnable communion & to the laitie that commethe to the same. And such as halte upon both parties God doth most abhorre. [3 Kgs. 1.]¹⁵³ No man canne serve ii contrarie Masters [Matt. 6.].¹⁵⁴ Saynt Paul exortethe not to drowe in Yoke with the infidels but with the faythful [2 Cor. 6.].¹⁵⁵ for what sociatie ys unto lyght with darknes, not onlie them that be doers of evill be worthe dethe, but the consenters theare unto St. Paule sayte noe truble, adversitie, anguyshe, imprisonment, nor corporal deathe ought to separe us from the love of God [1 Cor. 4.].¹⁵⁶ In Ecclesiastical hysterics we read of as greate persécution & trial of the people as is nowe amongst other examples in tripartita historia¹⁵⁷ mention is made that suche as wolde not come to the Arrianian communion, weare put in prison the communion was brought to them, there mothes were opened with styckes or Irons weamen had the pappes writhen of. Amongeste other there was a constant woman named Olimpias¹⁵⁸ [f. 2^r] Who refusyng the Ariens communion and beinge sore tormented therfore, she sayed lay onne my more punishment for that is not leyfull for me to dowe that which the godlie refuce to doe, the same answeare ought to be mayed of the laytie now a dayes. there is not one of the old byshoppes nor goddlie priestes of god that wylbe present at the schismatical servyse or damnable communion now used for the which cause I [they] have lost theare lyvings some be in corporal prison some in exile & lyke good pastures be readie to suffer deathe in that cawse as that it is the dutye & office of the bysshopes to goe before theare flocke & to [be] their leaders in matters of faythe in Religion, soe the clergie & [p. xxxviii] laitie are bonde to folowe theare examples, yf the entende to be pertakers with the bysshoppes of the Joes of heaven, & thanks be to God A number & not onlie of the cleargie, but as well of the temporalitie bothe of them that be worshypful & inferiors to them doe folowe theare byshopes constantlie, & wyl in noe wyse comme at the schismaticall service &c. suche as frenquenethe the schismatical servise now used in the churche in Englande must eyther contemme them as found folysshe men that refuce to be present at servise or els theare owene consyence wyl accuse them that ye doe nought in that the doe contrarie to the examples geaven them of the byshopes. I beseche youe consyder al the dayes that youe have to lyve in this worlde, although ye myght a thousande yeares

153 Presumably the reference is to the intrigues of Adonijah in 1 Kgs. 1.

154 Matt. 6:24.

155 2 Cor. 6:14.

156 1 Cor. 4:11-13. See also Rom. 8:38-39.

157 Cassiodorus [-Epiphanius], *Historia Tripartita*, bk 10, c. 21 (PL 69: 1181A-B).

158 St Olympias (ca. 365-ca. 410), a wealthy and charitable widow, was a disciple of St John Chrysostom. This particular episode is actually described in Sozomen (*Historia Ecclesiastica*, bk 8, c. XXIV [PG 67: 1578-79]).

is but a moment in comparison of the lyffe everlastinge, what dothe that profethe a man to have solace, pleasure, & prouperitie than can be wysed in this worde, when everlastinge tormentes dowe folowe the same. for by much trowble & aduersitie we must enter into the glorie of God saythe the Scripture and as saynt James saythe he that wyl flatter and dissemble with the worlde ys enimye to God¹⁵⁹ I pray youe [hear] the comfortable promyse of our savior christ in his gospell who soe ever wyl confesse chryste & the faythe of his spouse of the catholyke churche before men he wyl confesse hym before hys father in heaven. And who soe ever denyethe Chryst and his catholyke faythe before men, chryst wyll denye before hys father in heaven, he that losethe hys lyffe for chryste or the cathelyke fayte, shal finde everlastinge Joies.¹⁶⁰ [f. 2^v] Ye that have folowed me shal Christ saye shal seate upon the seates Joudgeinge the tribes of Israele.¹⁶¹ And at the daye of Judgment chyrst shal saye ye be the which have tairied with me in my tentacons & aduersytyes. thearefore I dispose unto youe a kyndome that you maye eate & drynke upon my table in the kyngdom of heaven.¹⁶² Thus to conclude youre good examples in the promyses may not be salvacon of our one sowle but upon youre [p. xxxix] examples dependethe the Salvacon of a greate number of the symple that knowe not the ryght hand from the lyft. Although this my rude letter Appeare hard sharpe bytter & sower, yet it is the truethe as I am persawaded in my consens as I shall answere at the terrible daye of Judgement and speakyng in goddes cawse I may not haulte nor disemble.

What I wryte heare to youe I wold wysse Sir Rychard Mollineux¹⁶³ Sir W. Norr[is]¹⁶⁴ and other my frendes to be partakers not onlie to heare this my rude letter but to fowlow this consell although that be symple & rudde yet I dout not but that ys true as knowethe our lord who ever kepe you & youre in healte & prosperitie. November 2 Anno 1566.

Yours ever L.V.

Athanasius. Who soever wylbe saved affore al thyng in hart worde and dede he must kepe the catholyk fathe fermelie whollie & inviolate or else without doute he shal perishe to everlastyng payne this sathathe our crede.¹⁶⁵

[a later hand] 1566. Nov. 2.

159 Jas. 4:4.

160 Matt. 10:32.

161 Matt. 19:28.

162 Luke 22:30.

163 Knighted in 1553 at the accession of Queen Mary, Molyneux (†1569) was sheriff of Lancashire in 1566.

164 The eldest son of Sir Henry Norris, Baron Norris of Rycote, Sir William (†1579) later served in Ireland with Walter Devereux, Earl of Essex.

165 This is the opening of the Athanasian Creed.

§10 Thomas Harding and Nicholas Sander to Giovanni, Cardinal Morone,¹⁶⁶ Louvain 11 June 1567

SOURCE: Vatican City, Archivio Segreto Vaticano, Armadio LXIV, 28, ff. 66^r-67^r (new foliation). With very few exceptions original punctuation has been preserved. Footnotes can be found in the English translation.

EDITIONS: Arnold Oskar Meyer, *England and the Catholic Church under Queen Elizabeth* (London, 1916), 475-78.

TRANSLATION: English translation by Stephen Fernando and James F.X. Pratt.

Cum Deus Tuam Celestitudinem genti Anglorum protectorem constituerit, quoties causae maioris momenti occurrunt, molestiam tuis gravissimis occupationibus exhibere cogimur, quod tamen non auderemus facere, nisi quia experti sumus, libenter id oneris a Tua Illustrissima Dominatione perferri, quodcunque Dei et religionis causa imponatur. Ita vero se res habet. Annis ab hinc tribus cum Sua Sanctitas locum Generalis Inquisitoris Romae obtineret, ad optimorum hominum preces concessit viva voce absque ullo scripto quatuor presbyteris Anglis Archiepiscopalem potestatem in foro conscientiae, ut vel ipsi eos Anglos absolvent qui ad catholicae ecclesiae gremium reversuri essent, vel aliis auctoritatem id faciendi delegare tam conjunctim quam divisim possint. Eorum autem nomina erant, Thomas Hardingus et Nicolaus Sanderus, doctores Theologiae, Thomas Wilsonus et Thomas Pecocus, viri graves et docti. Ex iis quatuor viris, duo in Anglia jam degunt, quorum alter Thomas Wilsonus de iis ipsis rebus certiores nos fecit: alter vero Pecocus, longius aberat qual id facere posset.

Nos reliqui duo Thomas Hardingus et Nicolaus Sanderus, qui Louvanii agimus, omnem operam adhibuimus, ut per graves et Catholicos viros hoc in Anglia fieret, quod in animarum salutem fore putabatur. Et antea quidem propter dissidentes multorum sententias absolutio iis Laicis dabatur, qui se abstinuissent a communione haereticorum in sacramentis, etiam si ad ecclesiasticas preces in schismate celebratas se contulissent. Nuper autem communi consilio doctissimorum hominum, et Suae Sanctitatis praeepto jussimus nullum absolvi nisi qui abstineret a schismaticis precibus, ac tam facto quam verbo suam fidem profiteretur. Atque hac quidem ex re multo verius profici res ipsa declarat. Quamdiu enim iis indulgebatur qui ex parte aliqua claudicassent, nihil firmum aut stabile reperiebatur. Postquam autem coacti sunt Catholici aut in peccatorum vinculis manere, aut omnino ab omni gradu schismaticis recedere: tum multo plures a precibus abstinere, tum multo facilius eis gratia divinitus datur, ut fidem intrepide apud quaecunque tribunalia confitentes, etiam carceres et vincula cum gaudio perferant, adeo ut multae nobilium familiae statuerint jam deinceps nunquam iterum communicare in sacris precibus cum schismaticis. Haec cum ita essent, iamque et ea res literis publice mandata, et sermo per totam Angliam perlatus esset, oclusam iis esse ianuam regni coelorum, qui non in totum se a schismate revocarent, ceptum est

¹⁶⁶ Cardinal Morone (ca. 1508-1580) was Cardinal Protector of England.

inquiri a nobilissimis quibusdam, cuius auctoritatis esset hic rumor. Cumque aliqui ex iis vocarentur quibus nos potestatem absolvendi commiseramus, responderunt, quod res erat, se hanc potestatem [f. 66^v] scripto comprehensam a Sede Apostolica non habere, sed in foro conscientiae eam exercere ex mandato Generalis Inquisitoris, quo tunc officio Sua Sanctitas fungebatur. Alii autem intulerunt nihil se videre cur iis hominibus fides haberi debeat, qui mandati sui auctoritatem scriptam exhibere non possint, tunc vero parituros cum certo sciant eam esse mentem et sententiam sedis Apostolicae.

Habeant sane illi justissimas causas, cur de Concilii Tridentini sententia hoc nobis opponerent. Itaque iis de causis putavimus faciendum ut scriberemus ad sedem Apostolicam, humillime illi significantes videri nobis valde expedire, ut haec potestas absolvendi in scriptum aliquod redigatur, in quo et praeterita confirmentur, et futura accurate praescribantur. Cuius scripti authenticum et originale exemplar possit Louanii ab iis custodiri quibus ea res committetur, ac inde per Notarii manum alia exempla describi poterunt, quibus si sigillatim utantur quibus ea potestas subdeleganda erit.

In tot vero gravissimis causis quae in reconciliatione poenitentium accidunt, illa primum occurrit, quid de Concilii Tridentini publicatione in Anglia censendum sit, nam si ea et propterea quae absque vero parochio celebrantur clandestina et propterea omnino irrita erunt, cum nullus ibi legitimus parochus Schismaticam pseudoepiscoporum iurisdictionem existat, omnia prorsus matrimonia erunt adulteria.

Deinde etiamsi Catholici velint legitimo matrimonio copulari, tamen cum nullum habeant proprium parochum, ea non erunt matrimonia, etiamsi a presbytero Catholico iungantur, nisi Sua Sanctitas interpretabitur eum in hoc necessitatis articulo pro parochio habendum esse, quicumque sit Catholicus presbyter qui eos iungit, aut qui auctoritatem a Commissariis Sedis Apostolicam habeat.

Item cum ex Concilii Tridentini decreto libri de rebus sacris vulgari idiomate perscripti (quales iam multos ab iis Catholicis qui Lovanii exulant summo cum fructo editos constat) absque licentia Episcopi aut alicujus Inquisitoris haereticae pravitatis legi non possint salvo Suae Sanctitatis iudicio profuturum arbitramur, ut in Anglia fervente iam haeresi aliter fiat, ne ii qui coguntur ubique venenum imbibere, pharmacum differre cogantur, donec medicus accedat, qui aut nullus aut rarus est, et longe abest et semper latet. Illud omnium est maximum, quod cum haeretici verbo dei abutantur ad fallendum rudes et indoctos, id potissimum efficiunt prava bibliorum interpretatione. Porro experientia didicimus populum tam agere a se dimittere haec ipsa biblia, etiam Catholici iurisdictionem exercebant, ut quo magis ea legum viunculis prohibebantur, eo vehementius a populo retinerentur.

Cui malo videtur quibusdam remedium afferri posse, si saltem historici et morales libri veteris testamenti atque Evangelia, et epistolae vulgari idiomate a Catholicis ederentur. Ita enim demum persuaderi posset populo, ut veteres libros corrupte interpretatos abiiceret, si novi accurate et vulgatae editionis fidem [f. 67^r] conversi eis traderentur. Qua in re nos sedis Apostolicae iudicio et praescripto subiicimus.

Aliae sunt causae, quas si enumeramus, nullis finis orationi poneratur. Nunc autem reliqua omnia Tuae Illustrissimae Dominationis prudentiae, tum Suae Sanctitatis iudicio relinquentes, alterius pedes, alterius vero manus pro eo ac deest animo ac desyderio nostro osculantes, divinam precamus Clementiam, ut tantam huius pontificis pietatem ecclesiae suae diuturnam esse velit, tuamque Illustrissimam. Dominationem in aeternum tueatur et conservet, nostris autem precibus quicquid respondebitur, id quantum in nobis erit re ipsa per Dei gratiam impleri curabimus. Quicquid autem in hoc genere petitur, non alia mente petitur, quam ut valeat in eum usque diem, quo regnum Angliae ad sedis Apostolicae obedientiam reversum per veriores possit Legatos administrari. Datum Lovanii Ides Junii 1567.

Tuae Illustrissimae Celesitudinis observantissimi servitores
 Thomas Hardingus
 Nicolaus Sanderus

Since God has made your Beatitude protector of the English people, whenever cases of major importance occur, we are compelled to disturb you in the midst of your most weighty affairs; we however would not dare do so, if we were not fully aware by experience, that such burdens are willingly borne by your most illustrious Lordship, whatever is imposed by the cause of God and religion. That is how things stand. Three years ago when your Eminence obtained the post of General Inquisitor at Rome, on the intercession of outstanding persons, you granted orally, without any written document, archiepiscopal power in the forum of conscience to four English presbyters. They themselves could absolve those Englishmen who had returned to the fold of the Catholic Church, or they could delegate to others, either individuals or groups, this authority. The four were Thomas Harding, Nicholas Sander, doctors in Theology, Thomas Wilson¹⁶⁷ and

167 No biographical account of this priest seems to exist. From different documents we can gather some information. On 27 March 1568, the Spanish ambassador in London, Don Guzmán de Silva, reported to Philip II, of "the arrest of one Wilson, who I am informed, had authority from the Pope to absolve and admit to Church those who became Catholics, and who also was trying to collect subscriptions from Catholics in aid of those who have taken refuge in Louvain. Of these contributions he kept a list in a book with the names of the donors, which book has been found on him, and much harm may be done thereby" (*CSP Spanish* [1568-1579], 17; *CSP Rome* [1558-1571], 274). On 3 July the Spanish ambassador reports that Wilson was in prison, and being threatened with torture "declared the names of some of the subscribers, under the belief that no harm could be done to them for giving charity," yet the government "commenced proceedings against some of them" (*CSP Spanish* [1568-1579], 50). By 17 July, Wilson was released (*CSP Spanish* [1568-1579], 54). In 1569 Wilson arrived at the English College, Douai (*The First and Second Diaries of the English College, Douay*, ed. Fathers of the Congregation of the London Oratory [London, 1878], 4).

Thomas Peacock,¹⁶⁸ learned and responsible men. Of these, two are already in England: Thomas Wilson informed us about these very matters; Peacock had not been present long enough to be able to do so.

The other two, Thomas Harding and Nicholas Sander, who are at Louvain, have done all we could to ensure that responsible Catholics in England be granted this privilege, in as much it is considered conducive to the salvation of souls. Earlier however due to many differing opinions, absolution was given to laity who had abstained from receiving sacraments of heretics, even if they had gone to church prayers performed in a schismatic way. Lately however, on the common agreement of most learned men, and according to the precept of His Holiness, we ordained that no one be absolved unless they kept away from schismatic prayers, and professed their faith in word and deed. And because of this, it is clear that the issue is being dealt with more honestly. For as long as indulgence was shown to those who to some extent were hopping along, no firm and stable situation could be reached. Afterwards, however, Catholics have now been obliged to remain in sin, or withdraw from schismatics at every level: the more several keep away from prayers, the more easily they are endowed with grace from above, so that they can boldly

A "Report on Papists," dated 18 August 1580, lists Wilson among priests in the city of London (CSP Foreign [1579-1580] 389). Robert Persons mentioned "a very grave and ancient Priest named Mr Willson" who had proposed to Persons shortly after his and Edmund Campion's arrival that the Jesuits should leave England until the situation had improved. Persons immediately clarified that Wilson was speaking "not so much is his owne name, as in the name of others by whome he was sent" ("The Memoirs of Father Robert Persons," ed. John Hungerford Pollen in *Miscellanea II* [London, 1906], 178). According to the "confession" [20 June 1584] of Thomas Layton, a recusant, taken at sea on his voyage to Rouen in France "Wilson, priest" is known to be "a conveyer of money over sea for all Papists" (CSP Domestic [1581-1590] 184). Thomas Francis Knox wonders whether Thomas Wilson should be identified as the "Juan Bilosolo" mentioned in a memorial regarding future ecclesiastical appointments made after the anticipated success of the Armada in 1588 (*The Letters and Memorials of William Cardinal Allen (1532-1594)*, ed. by Fathers of the Congregation of the London Oratory with an historical introduction by Thomas Francis Knox [London, 1882] p. 303 n2). The last information we have on him is of January [?] 1592: "Information that at a mass at Haley's house in the Old Change, by Mr. Wilson, a priest who afterwards went to Lord Montague's house, St Mary Overy's, William Browne and other named were present" (CSP Domestic [1591-1594] 176). See also Michael C. Questier, *Catholicism and Community in Early Modern England: Politics, Aristocratic Patronage and Religion, c. 1550-1640* (Cambridge, 2006), 186, 196. Identified as a priest upon his arrival in Douai, Wilson most likely was ordained during the reign of Mary Tudor.

¹⁶⁸ Ordained priest during the reign of Mary Tudor, Peacock (1516?-1582?) was appointed President of Queen's College, Cambridge, in 1557. With the accession of Elizabeth in 1558, he resigned the presidency and lived in relative obscurity in Cambridge. Richard Rex's entry in the *Oxford DNB*, 43: 253-54, is the only biographical account of this man.

confess their faith before any tribunal, and bear with joy even imprisonment and chains. Thus many members of noble families have decided hereafter never again to participate in sacred worship and rites of schismatics. This being so, and already publicly made known by letter, word has spread throughout England, that the gates of the kingdom of heaven are closed to those, who do not withdraw completely from schism, certain persons of most noble rank have begun asking who was responsible for this rumour. When some of these to whom we had granted the power of absolving, were summoned, they replied that the fact was that they had not received this faculty in writing from the Apostolic See, but that they exercised this faculty in the forum of conscience on the mandate of the General Inquisitor, which office Your Holiness then bore. Others however maintained that they did not understand why they should place their faith in such men who could not show the written endorsement of their mandate, if they had then it would be clear that they knew it was the mind and opinion of the Apostolic See.

Those who confront us with the decree of the Council of Trent may surely have very upright reasons to do so. Due to all these factors we deemed it obligatory to write to the Holy See, humbly informing it that it seemed to us expedient that the faculty of absolving be drawn up in writing, in which the past exercise of the faculty be approved, and future exercise of it be clearly regulated. The original authentic copy of such a written document could be deposited in Louvain under the care of those to whom that affair will be entrusted, and thereafter other copies could be made by a Notary Public and such sealed copies could be used by those to whom the faculty has to be sub-delegated.

Among the many grave reasons in play in the reconciliation of penitents, the decree of the Council of Trent, published in England is of prime importance, inasmuch as the sacrament of absolution clandestinely performed without the presence of a genuine parish priest is considered null and void, since there can be no lawful parish priest under the schismatic jurisdiction of pseudo-bishops; accordingly all marriages under similar circumstances will be adulterous.

Subsequently though Catholics may wish to be joined in lawful matrimony, but do not have a parish priest of theirs, there will be no marriages, even if a Catholic priest may marry them, unless the decree of your Holiness be interpreted to mean that such a priest may be considered as one's parish priest in such a situation of necessity, whoever be the Catholic priest who joins them in marriage, or that he enjoy the faculty granted by the commissaries of the Holy See.

Likewise because a decree of the Council of Trent forbids reading books on sacred subjects in the vernacular (many of which, it appears, have been edited with considerable spiritual profit by Catholics exiled in Louvain) without prior permission of a bishop or a guarantee from an inquisitor that the translation was free from heresy,¹⁶⁹ unless we considered their use essential in England and obtained papal permission. We recommend approving the use of these books. Our motivation is

169 219 Session 4, decree 2, in Tanner, *Ecumenical Councils*, 1: 664-65.

this: in order that some other outcome may avoid the situation where those who everywhere are compelled to drink poison (as it were) should have to delay taking an antidote until the arrival of a doctor; doctors being either non-existent or rare, at a distance and always in hiding. The worst thing of all is that heretics abuse the word of God to mislead the ignorant and illiterate, and they do so above all by a false interpretation of the scriptures. Furthermore we have learned from experience that people are so concerned to put such bibles out of sight; Catholics indeed follow this principle, in order the more bravely to retain those things which the law so ferociously prohibits.

This adverse situation could be somewhat remedied, if at least the historical and moral books of the Old Testament as also the Gospels, and Epistles could be published by Catholics in the local language. In that way the people could be persuaded to put away the badly interpreted old books if they are given new accurate books translated into the local language and faithful to Catholic belief. In this matter we bow to the judgement and precept of the Apostolic See.

If we were to enumerate the other affairs there would be no end to the discourse. Now therefore, leaving the remaining matters to the prudence of Your illustrious Lordship, and to the judgement of His Holiness, and kissing both your feet and hands with due respect and devotion, we implore the divine Mercy to preserve enduringly for the Church the so great goodness of the reigning pontiff, and to protect and keep your illustrious Lordship for ever. Whatever will be granted to our petitions we shall take care to foster with our whole heart by the grace of God. Whatever has been asked in this manner has no other scope than to help achieve that day when the kingdom of England restored to the obedience of the Apostolic See may be administered by genuine Legates. Submitted at Louvain on the Ides of June 1567.

Your most illustrious Beatitude's very devoted servants
 Thomas Harding
 Nicholas Sander

§II *Nicholas Sander, A Treatise of the Images of Christ, and of his Saints: and that it is unlawful to breake them, and lawful to honour them* (Louvain, 1567), extract

SOURCE: ARCR 2: no. 696, RSTC 21696.

The Preface concerning which is the true Church

[A iiiii] Consider now, that these men doe not only dissent from you in Schooles, but also that they have a new kind of Church Service, and have condemned the old service, which (in the substantial points) was received more then fifteen hundred yeres past throughout all Christendom: as in the Sacrifice of

Christes bodie, in the adoration and Reservation thereof, with the reast of the holie Sacraments. And yet may ye come to this new religion with a safe conscience? Surely then ye may denie the Catholike Church with a safe conscience, as trulie your dede doth in part denie it.

[A iiiiv] And whereas there is a rumour spread by certain men, that this [Note] going to schismatical Service is, or may be wincked at, or dispensed in the Catholikes, of certaintie it is not so. But rather by this keycold demeanour of the Catholickes, we may perceave how iust God was in punishing them with heresie, in whom he saw so litle true and hartly faith, that for feare of a small temporal losse, they can be content to put in hasard their everlasting salvation. The dissease is great, it nedeth a [sic] sharpe medicine.

S. Gregorie¹⁷⁰ telleth a notable story [*Dial. li. 3. cap. 31*] of one S. Ermigild sonne to Livigild who was king of the Wisigothes in Spain. This Ermigild being converted to the Catholike faith by S. Leander bishop of Spoletto, chose rather after prisonment and chaines, to die by the sword at his own fathers commaundement, then [[A ivv]] to receive the communion at the hand of an Arrian Bishop. At whose body when his wicked Father saw miracles wrought, al though he repented his own deede, yet for feare of his people (which were most of the Arrians) he durst not professe that Catholike faith, wherein his sonne had died.

But when the father was dead, his other sonne Richard being brother to the blessed Martyr Ermigild, both himself became Catholike and turned also his whole Country and nation to the Catholike faith. So that the event shewed his Father to have ben in a vaine feare.

Who yf he would have professed the Catholik faith, he should aswel have found his subiects redy to have been made Catholikes as his son found them. Wel: S. Gregory concludeth the historie, shewing that the confession and Martyrdome of Er[[A ivv]]mygild, was a meane before God why his brother and al the countrie became Catholike.¹⁷¹

If it were so, what slaunder and synne have they fallen into, who by dissembling to professe theyr faith, have provoked manie others to schisme and heresie: Whereas if we had plainly confessed the same, other men had not onlie saved themselves, but also the whole countrie, as it may be thought, had been preserved in the true faith.

How many now see this in another world, who wold leese more then a thousand worlds, lands, and lives, that they might have time in this world to amend theyr former fault? And surely when al is don, none escape better, nor live more merilie, then those who are fullie resolved to professe theyr faith plainlie and boldlie. Theyr conscience must nedes be most quiet, [[A vv]]their honesty most esteemed, and their libertie in this world is not much lesse, and in the world to come it is infinitely greater, then any other shal have. If the mind once (calling for grace)

170 Gregory I (ca. 540–604) was pope from 590.

171 Gregory I, *Dialogorum Libri Quatuor*, bk 3, c. 31 (PL 77: 289–94).

be at a point, the matter is not so hard, as it seemeth. He that wold be content to die in his bead when God should cal him, and he that considereth that God may cal him every hower, nede no more be hoful, how his wife or children should do, if he wer banished, or lay in prison, then he would be hoful how thei should do, if God had called him out of this word.

If it be possible for them to live wel, and him self to die, may not thei much more do wel, if he were but only in prison? Or thinketh any man, that any prison, be it never so cruel, is worse then hel? God kepe us al thence. Is it worse then Purgatorie? No, not all the paine of this [[A vʹ]] world is but painted, in respect of that which is to come.

If I wrote to flatter my countriemen, I could write of other things more plausible. But if I may provoke any one man to true penaunce (as I besech God I may) I am content to beare the displeasure of the rest, and to be accepted as it shal please every man to thinke of me. I am sure if ever the faith shalbe recovered, it must be don by confessing and professing it, and not by dissembling, whosoever hath readen the Ecclesiastical stories, and Canons, may quickly perceave, that we ought to have no fellowship in marriage, in prayer, and in all the service of God with those men, whose religion we mislike. So the Canon of the Apostles, and the Council of Laodicea teache us, and the example of the Primitive Church. [*Gen. 6. 2; Cor. 6. Can. Apostel 63. Laod. Con. 9. 10. 31. 32. 33. Sozomenus lib. 8. cap. 8.*]¹⁷²

This may suffice to him, that [[A viʹ]] wilbe warned: others shal know (I feare me) at the later day, what it is to *beleve the Catholik church*, whether it be to reade only, or to speak that which it beleveth. or els to practise also and to doe that which the Catholik Church doth, and commandeth to be don. *The doers of the law shall be justified, and not they that here it only.* [*Rom. 2.*] God change theyr harts, who thinck God wilbe served otherwise, outwardly then inwardly: God strengthen the weake in faith, and increase grace and knowlege in them, that are desirous to fulfil his commaundements: To whom be al honor and glorie for ever. Amen.

§12 Faculties granted to Thomas Harding, Nicholas Sander, and Thomas Peacock, Rome, 14 August 1567

SOURCE: Vatican City, Archivio Segreto Vaticano, Miscellanea Armadio II, 69, f. 259^r. This so-called "bull" can not be found in any collection of papal bulls nor in any collection of papal briefs. In fact, we could not locate any other copy of this papal document aside from the version included in the refutation. In the index, there is this reference: "Bulla Pii IV sub facultate absolvendi [Schismaticos?] cum aliis adiunctis in lingua

¹⁷² Gen. 6 deals with the sons of God and the daughters of men, and the general corruption of humanity; 2 Cor. 6:11-18; Hardouin, *Acta conciliorum*, 1: 25-26; Hardouin, *Acta conciliorum*, 1: 781-84, 787-88; Sozomen, *Historia Ecclesiastica*, bk 8, c. 8 (PG 67: 1535-538).

Anglica" Bull of Pope Pius IV on the faculty of absolving [Schismatics?] with additional matters in English.

NOTE: In November of 1569, a coalition of northern earls raised their retainers in a brief and unsuccessful revolt against the "new men" such as Sir William Cecil, Lord Burghley.¹⁷³ A copy of the faculties given to Harding et al. was found among the confiscated papers. These faculties, in the eyes of Thomas Norton,¹⁷⁴ clearly demonstrated papal intentions and the disloyalty of Catholics. He printed the faculties with an English translation to reveal the dangers of "the enemy within." The pamphlet reprinted below in its entirety, appeared before the publication of Pope Pius V's *Regnans in Excelsis* as Norton makes clear in subsequent pamphlets.¹⁷⁵

A Bull granted by the Pope to Doctor Harding and other, by reconcilment and assoyling of English Papistes, to undermyne faith and alleageance to the Quene. With a true declaration of the intention and frutes therof, and warnyng of periles therby imminent, not to be neglected. Imprinted at London by Iohn Daye dwelling over Aldergate.¹⁷⁶

[Aii'] Noveritis quod anno, die, mense et pontificatu infrascriptis in generali congregatione &c. pro parte Reverendorum T[homas] Harding, et N[icolas] S[anders] et T[homas] Pecock Anglorum fuit porrectum memoriale et supplicatio, quae lecta fuerunt &c. Annis abhinc tribus &c. concessit T[homas] H[arding] &c. Episcopalem potestatem in foro conscientiae absolvendi eos qui ad Ecclesiae gremium revertentur. Huic potestati quia multi non credunt, petimus ut in scriptum aliquod autenticum redigatur. Ac etiam ulterius (monente nos temporis necessitate) humiliter petimus ut eisdem concedatur in causa irregularitatis dispensandi potestas, exceptis ex homicidio voluntario provenientibus seu deductis in forum contentiosum, quibus auditis et intellectis praelibatus Sanctissimus Dominus noster decrevit quod prenominati absolvere possint in foro conscientiae Anglos tantum prout peti[Aii']tur, etiam ab irregularitate incursa ratione haeresis et ab ea dependente emergente et annexa, dummodo absolvendi abstineat per triennium a ministerio altaris. In quorum fide et testimonium &c. anno. 1567. die Iovis 14. Aug.

Et quia ego &c. Notarius supradictus copiam ex proprio originali suo extractam collationavi & cum eodem concordare inveni, ideo subscripsi signoque meo solito signavi in fidem premissorum rogatus.

¹⁷³ William Cecil, Lord Burghley (1520–1598) was one of the queen's most influential and most trusted councillors.

¹⁷⁴ On Norton (1532–1584) and his career as a pamphleteer, see Michael A.R. Graves, *Thomas Norton: The Parliament Man* (Oxford, 1994), 147–96. See also K.J. Kesselring, "A Cold Pye for the Papistes: Constructing and Containing the Northern Rising of 1569," *Journal of British Studies* 43 (2004): 417–43.

¹⁷⁵ See both versions of *An addition declaratorie to the Bulles, with a searching of the Maze* (London, [1570]), RSTC 18678a, 18678a.5; and *A disclosing of the great Bull, and certain calves that he hath gotten, and specially the Monster Bull that roares at my Lord Bishop's gate* (London, [1570]), RSTC 18679.

¹⁷⁶ RSTC 18677.5.

Forma absolutionis

Omnibus noster Iesus Christus qui dedit Discipulis suis potestatem ligandi et solvendi, ipse te absolvat et ego autoritate omnipotentis Dei et beatorum Apostolorum Petri et Pauli necnon Sanctae matris Ecclesiae, atque autoritate Papalis indulgentiae, in hac parte misi commissa et concessa absolvo et ab omni irregularitate et sententia excommunicationis maioris vel minoris a iure [Aiii^v] vel ab homine tibi inflictis atque ab omnibus criminibus excessibus et peccatis tuis confessis contritis et oblitis, et ab omnibus casibus sedis sedi Apostolicae reservatis. Restituo te communitati fidelium et Sacramentis Ecclesiae, ac in illam innocentiam et puritatem qua eras quando baptizatus fuisti, remittendo tibi omnes poenas Purgatorii propter culpas et offensiones quas contra Deum et proximum tuum commisisti, Et plenariam remissionem atque indulgentiam omnium peccatorum in quantum claves Ecclesiae extendunt in hac parte tibi do et concedo, ita quod sis absolutus hic et ante tribunal Domini nostri Iesu Christi habeasque vitam aeternam et vivas in eo in saecula saeculorum. Amen. In Nomine patris. etc.

The Bull

Know ye that the day month and time of our Bishopricke underwritten, in a generall congregation &c. on the behalfe of [A.iii.^v] the worshipfull Thomas Harding, N[icolas] S[anders] and T[homas] P[ecock] Englishmen, was exhibited a memoriall and supplication, which were redde &c. Now about three yeares past, &c. our holy father hath graunted to Thomas Harding &c. Bishoply power in court of conscience to assoile them that shall returne to the bosome of the chirch. To this power because many do not geve credit, we pray that it be put in writing in autenticall forme. And also further (being occasioned by necessity of time) we humbly pray that to the same persons be graunted power to Dispense in case of irregularitie, except in cases arising of willfull manslaughter, or brought in courtes of law. Which premisses being redde and understoode, our saide most holy Lord hath decreed that the said persones may in court of conscience assoile Englishmen onely, as it is prayed, euen also from [A.iiii.^v] irregularitie incurred by reason of heresie and depending and arising upon the same and annexed unto it, so that the persons to be assoiled do for three years absteine from the ministerie of the altar. In credit and testimonie thereof &c. an. 1567 Thursday the xiiii of August.

And because I &c. the notarie abovesaid have conferred the sayd copie drawn out of the proper originall and haue found the same to agree therewith, being requested I haue subscribed ans signed it with my usuall signe for credit of the premisses.

Note that the petition was made in the name of three, but it was graunted to foure.

The forme of absolution

Our Lord Iesus Christ, which gave to his Disciples power to binde and loose, he assoyle thee. And I by the authority of almighty God, and of the blessed Apos-

cles Peter and Paul, and also of our holy Mother the Church, and [A.iiii.ʷ] by the authoritie of the Papale indulgence, to me committed and graunted, do assoile thee from all irregularitie and sentence of excommunication both the greater and the lesser layed upon thee by law or by man, and also from all thy crimes, transgressions, and sinnes, confessed, contrite, and forgotten, and form all cases reserued to the Apostolike sea. I restore thee to the communion of the faithfull and to the sacramentes of the church, and into the same innocence and puritie wherein thou wast when thou wert baptised, remitting thee all the paines of purgatory, for the faultes and offenses which thou hast committed agaynst God and thy neighbour. And I do geve and graunt to thee full remission and indulgence of all thy sinnes as farre as the keys of the Church extend in this behalfe, so that thou shalt be absolved both here and before the iudgement of our Lord Jesus Christ, and shalt haue euerlasting life, and liue in him world without end. Amen. In the name of the father &c.

[B.i.ʷ] *The Declaration and warnyng*

Be it knowne to all the Queenes true subiectes for their warning, to all false traitors and Papistes for their amendment, and to all the world for their example, that the Pope the common enemy of Christian truth, and of all iust crownes and dignities of kings, hath graunted to Doctor Harding and other sometimes the Quenes subiectes, now fugitives and trompetters of treason, a certain authoritie in nature of an indulgence or pardon, to reconcile Englishmen to the bosome of the Roman Chirch, with a forme of absolution therto annexed in such sort as here is truly set out. The parties to whom and at whose petition the same is graunted are Englishmen, such as they be. The Pope to whome the sute is made, and by whom it is graunted, is a forene Potentate, and our Queenes and realmes mortall enemy. The effecte is to allure the Queenes subiectes with hope of pardon and promise of the kingdome of heaven, to revolt from acknowledging [B.i.ʷ] that her Maiesties supreme and universall auncient authoritie in her whole realme over all her subiectes which they have in Parliament and otherwise orderly and truly recognised, and to render their obedience to the Pope a stranger, by whom our Queene is not onely deadly hated, but also most iniuriously and vilely with prejudice condemned. Some purpose it hath had to winne some pelting gaine to the pardoners or proctors that make merchandise of the fayth and allegiance of her maiesties subiectes. But (good reader) the very principall end, and for disclosing whereof it is at this time published, appeareth by the date by the forme, by the successes that haue happened, by the convenience of time and matter with the last most traitorous devises, conferences, conspiracies, knottes, alliances, attemptes, and assemblies, and by other circumstances that fall into unseparable consideration with it, to haue reached a great deale further, namely to the dissolving of the fayth, love and allegiance of the subiectes of this realme toward the Queene our most good, louing, and natural soueraigne, to the encombring of their consciences with necessitie of [B. ii.ʷ] grudging at her and revolting from her, and to the assaulting of her maiesties

person (whom God long preserue) her royall crowne and dignitie, and particularly and specially to the procuring, railing, advancing, strengthening this late most vile and horrible rebellion, as well beside the rest that are daily to looked for with wise, jelous, and circumspect expectation.

It came forth long before the Northern rebellion, as well as you wote good reason it is that the childe be gotten afore it be borne, or rather that the father be borne before the childe he gotten. It is not unknowen how for such reconcilmentes assemblies haue been suspiciously made, substitutes haue bene deputed, and the like by many exercised, to crepe into deceived subiectes hartes and draw them to be wayling of their supposed miseries and to a desire of returning to the fansiefull superstitions of Rome. How famous is the deliverie of badges and tokens (with v. woundes and other superstitious devises) as it were for markes of a faction? How notorious is their byeword of their golden day? It is knowen (for the letters be yet extant in good custodie) how one of [B.ii.ʷ] their Northern sacrificers wrote to another of his owne faction, vz. Sir John Plumtree,¹⁷⁷ to be satisfied in a matter that troubled his conscience, which was, that he had at one of the rebellious Earles commaundement sayd Masse before absolution obtained from the Pope in such forme as other had it. Appareth it not evidently that those receavinges to reconcilment are with admonitions or rather conditions not to returne to true Christian religion which they call schisme, nor to quiet and conformable life according to her maiesties proceeding, which they terme schismaticall? And what was this els, but to prepare mens hartes by secrete shriftes, whisperinges, exhortations, advises, traiterous praises, to repent their obedience, to renounce it, to conceave a purpose of not returning to it, and so after such preparative of pardon, indulgence, absoluton, or reconcilment, with a glitter of treason to purge them cleane of all honest loyaltie, faith, and allegiance. And so the silly abused poore men (be they in worldly respect neuer so rich and politike) are by degrees induced, first to abhorre the course of these times and government, [B.ii.ʷ] wherein they are borne in hand that they are out of the Chirch, as it were out of the Arke wrastling for life in the midmaine sea in peril of drowning, and this is their Contrition, which can not be without lothing those whom they thinke authors of their danger, of whome the Queenes maiestie is the chiefe. Secondly they are trained to conference and secret consultation to make shift for their soules by ghostly councill, and this is their Confession, wherein in many traiterous devises are agreed upon. Thirdly to make up perfect penance, for amendes they must enter into actual rebllion, and that is the naturall Satisfaction to the sea of Rome, wherby the Quenes and realme are encombred.

But now marke (good readers) now cometh the case that ministreth good cause of consideration to you all. If you (good readers) be of great estate or beare charge

¹⁷⁷ John (*vere* Thomas) Plumtree (ca. 1520–1572), a Marian priest, was accused of involvement in the Northern Rising and of reconciling participants to Rome. He was executed at Durham on 4 January 1572. See *Lives of the English Martyrs*, ed. Bede Camm, (London, 1905), 119–86, 655–56.

in the common weale, as counsellors, lieutenantes, iustices, or in any degree of governance, now listen to matter of your charge, to awaken your care and put your duties in execution. If ye be meaner subjectes without calling in office, now harken to matter to move ye to praier God, [B.iii.v] to direct their zeale and travailes to whom it apperteineth, or rather as he hath hether to done miraculously to preserve us. This baggage, and all other of like sort, yea and some farre worse, can not well be layd by such fine Italian, suttle, and ungracious heades to remaine or be newly put in practise after the rebellion suppressed, in respect of the rebellion past, but in hopes of thinges to come. Such thinges as were provided as appeareth by their date long before the rebellion actually raised vz. before sommer was xii monethes, and at this day watch their times, may not be construed to haue regard to time passed remedillesse, but to a reach of mischief whose successe is not yet seene. Full true is that Papistrie hath no looking beyond this world, but is determined within worldly hopes, and therefore their devises must be thought to tend to worldly politike ends, and so these pardons not propounded for soules health, but for hazarding of body and soule to serve a worldly fetch of treason for advancing of the Popes and Papistes worldly ambition and gaine. There is a new mischief in expectation. God preserve our gracious Prince, and her [B.iii.f] true Councillors, which shall be the chiefe defence and safetie of us all. Note some likelihoodes, but with a jelous regard for so precious a iewel as our Queene is. Our Louanistes¹⁷⁸ for a good while haue written no more. What is the cause? They take them to other weapons, they hang upon expectation of the successe of rebellion or some like mischief, which by their former bookes they haue travailed to stirre up and and geue occasion. A number of such as finding themselues to feele some harme or lacke by popishe obstinacie made sutes and gave some hope a while of toward conformite now they think backe, and hold out. And why so? Forsooth the men are now in hope, and in desire to see the lucke of one chauce more. It is well knownen that some Papisticall fellowes that of late yeares did communicate and frequent common prayer according to the order of our Church, do of late time, belike since their reconcilement according to this wicked order, abstaine from communion and common prayer. And what is the reason? *Aliquid monstri alunt*, they are put in new courage, and will no more stoupe till they see more how the [B.iii.v] world will wagge, for a thing that they know, as they are borne in hand. What maketh the late flying of Papistes in such heapes, as those that tooke shipping nere Colchester¹⁷⁹ and other, afore and at other late times, but a trust to returne to pleasant fruition of their desired time upn the prooffe of the mischief that they haue brewed, and tonned and lacketh but brochyng. What intention have they that runne away, leaving letters behinde tham to pray favour of the Queenes true officers with an intimation or inkling of promise, to be

178 "Louvainists" was a term used by Protestant authors to refer to the many English Catholic theologians in exile in Louvain whose publications challenged the theology and practice of the Established Church.

179 We have not been able to ascertain more information about this.

likewise good an other day to those that should shew them fauour now, but upon a plaine reckoning of some ungraciousness in working, to hasten that day of their victorie, triumphe, and abilitie of recompensing? Papistes flie not, stirre not, bragge not, nor do anything, nor leave anything undone without hope. This geare portendeth much.

But specially wey, why such ungracious geare commeth now out that was provided long agoe? Why after the rebellion it commeth, that should have had his place before? Forsooth in the sommer 1569 the rebels were not ready, and there[C.i.]*fore the worst of this sort stayed. In the winter following, the rebels were taken short afore they were ready, and then in an unseasonable time of winter the publication of those traiterous Bulles would not helpe. Why come they now then? Forsooth upon their hope of that which ought to be our feare. The world is strange, treasons be venturous, no enemie to be neglected, specially nere and domesticall. There is somwhat in working that ought to move our jalousie, to awake our hede, to sharpe our foresight and endeavour, and to make us provide for prevention, but specially to shield ourselves by prayer under his wing that is able to defend us, and in the meane time not to omit those meanes of defence that he putteth in our handes.

Wherefore let us all praye for her Maiestie, that with courage she follow God in the course that he hath plainly set before her highnesse for her preservation. All ye noble councillers goe forward in your honorable service to defend that realme that can not in all likelihode overlive the safetie of her most royall person. Ye Lieutenantes, Justices of sheres and other and other officers looke to your charge, raise up your at[C.i.v]*tention at every occasion, haue good eye to rumour spreaders and other forerunners of mischeves, take heede to Popish conventicles, search the bottome where ye finde such leud tokens of Bulles and other Romish badges and trash, let slip no opportunities. All ye the Queenes true subiectes, looke about you, be earnest in prayer, hedefull in understanding, redy in service, for ye be warned, and suffer no leud tales to be caried undisclosed in place convenient. Ye Papistes forsake your mischevous intentions for ye be descryed, or if all be not yet foreseene, leave yet your treasons, least ye be hanged and damned too, which is worse. All ye strangers of nobilitie and other of foreine partes, where your helps of intelligence or other good meanes may be good, omit them not, for to Christians of all nations the perill is common, and Papistrie is universall and common treason to all kinges and states. All ye in whom it lieth to remedie, let no thinges runne past remedie. Remember noble Scanderbegs prouerb, that no beast be it never so fierce, can live if the head be cut of. Consider that checking without necking is mate.

[C.ii.]* God sharpen iudgement, industrie, vigor and zeale, for his glorie, for his noble deputie in this Realme our most gracious Queene, for all the good guides and the whole body thereof. The Lord be merciful unto us, and hold his holy hand over us. The Lord of hostes rayse feare to suspect what harmes may be attempted, where by dispensations ghostly feare is taken away, and by want of due and likely revenging, bodely feare is removed. And the same Lord raise courage to his ministers to dispatch the cause of feare: if they that should do it do not feare, then boldly

because they do not feare: and if they feare, then necessarily that they may feare no more. And God take from all men of credit the devises to qualisse perils, to wrap fire under ashes in a perilous place, or to empech the searching of the bottome of dangers that may breake out with new and doubled flame. Finally God geve us grace that we do not by our own negligence draw upon us hastily the thing that we have cause to feare.

[C.ii.^v] God save our Quene Elizabeth and confound her enemies.

None will make sleight accompt of these haynous threatenings, and practises of Papistes, nor move any other to make a laughing matter of them, or to wrappe them up in negligence, but either such as can be content to laugh at her Maiesties destruction, or be blindly led to their owne undoing, how fayre soever with vaine promises they be abused or by other respects their iudgementes darkened.

Sene and allowed.

Imprinted at London by Iohn Day.

§13 Giovanni Andrea Caligari¹⁸⁰ to Giovanni Francesco, Cardinal Commendone,¹⁸¹ Pieve, 6 December 1567

SOURCE: Vatican City, Archivio Segreto Vaticano, Segreteria di Stato, Lettere di Principi, vol. XXIII, ff. 457^r-458^r. Endorsed: "Pieve del 6 Dicembre, Giovanni Andrea Caligari All'illustrissimo et reverendissimo et padrone mio ossequiatissimo Mons. Illustrissimo Cardinale Commendone Roma" [f. 459^v].

NOTE: Caligari enclosed in his letter a report recently received from an Italian merchant who had been working in England. Identifications can be found with the translation.

EDITIONS: An English translation of much of the report was published in G.E. Phillips, *The Extinction of the Ancient Hierarchy* (London; Edinburgh; St Louis, 1905), 279-80.

TRANSLATION: Stephen Fernando and the editors modified the original translation and completed the sections omitted by Phillips.

[Relazione sulle cose della Religione d'Inghilterra]

Sendo ritornato pochi mesi sono d'Inghilterra e intendendo che Vostra Signoria era desiderosa d'intender' qualche particolarità dele cose dela Religione di quel

¹⁸⁰ Caligari (1527-1613), later nuncio in Portugal and bishop of Bertinoro, kept his cardinal protector Commendone informed of all important developments.

¹⁸¹ Commendone (1524-1584), a noted diplomat and nuncio in Germany and Poland, took an active interest in Catholic matters in England and Scotland. On him and this interest see Thomas M. McCoog, and László Lukács, *Monumenta Angliae III* (Rome, 2000), 398, 452.

Regno, e del stato de i cattolici carcerati di là, ho voluto per sua sodisfattione darle questa breve relatione, o, discorso, che lo vorra chiamare. Prima saprà Vostra Signoria com'io ho praticato quivi quasi tutto 'l tempo del Regno dela Regina Elizabeth ma continuamente questi ultimi cinque anni non solemante ne la Città di Londra, ma ancora in diversi altre parti del Regno, e nominatamente verso 'l North, nel qual tempo, com'accade à che pratica in un paese, ho avuto occasione di conoscere diverse sorti di quelle genti tanto de la Nobiltà e gentilhuomeni, com'ancora de Mercanti Cittadini e de la plebe, e non pochi scholari dell'un'e l'altra Università, e specialmente di quella d'Oxford, coi quali conversando e trà i varii ragionamenti com'accade nelle compagnie, discorrendo alle volte dele cose dela Religion cattolica e dela dottrina, et heresie, choggidi insegnano, e predicano quei novi Vescovi e suoi Ministri à quei poveri e semplici popoli tanto della Città, come anco del contado, et altri luoghi del Regno, dico, che confesso hò trovato tra di loro infiniti buoni christiani e veri cattolici et c'hanno in tanta veneratione il nome et Autorità del Santo Seggio e' sommo Pontefice Nostro, che non si portia desiderar' piu seben non possono a la scoperta con l'opere mostrarlo per li severi editij di chi al presente Regno, ch'al contrario l'astringono, onde mi par veramente si faccia lor ingiuria grande d'alcunj poco pratici al giuditio mio ch'udendo nominar' l'Inghilterra dicon subito e sonno tutti heretici, di che io che li ho praticato, non posso fare veramente che non me ne dolga per parte loro, dico per parte de i buoni e veri cattolici ch'ardisco dir', che ve ne sonno i dui terzi di quel Regno, oltre di cio vi sonno pur ancora quei poveri carcerati Vescovi, Dottori, ed altri in gran numero che piu tosto, che [457^v] consentire all'heresie degl'Avversarii, e confessare la Regina esser *Supremum Caput Ecclesiae Anglicanae*, vogliono patire tutti e disaggi dele carceri non ricusando anco di morire quando occorresse, sicome s'è visto di Mons. Boner Vescovo di Londra, che piu volte è stato condotto avanti e' tribunali per esser condannato a la morte, à quali si dovria pur haver compassione da tutti e fideli christiani vedendosi massimamente quanto costantemente e religiosamente diffendono e sostengono la religion' Christiana in quel Regno e l'autorità dela chiesa Santa Cattolica Romana, coi quali concorrono pur anco quei altri quei poveri essuli huomeni religiosi e santi pur inglesi, choggi di si truovano in Lovaino, e in diverse altre parti dela fiandra, che con li loro essillii e fatiche hanno pur dato e danno di continuo quei buoni saggi di sè, che si potriano aspettar' dale piu sante e religiose persone ne de la nostra Italia, come ne ponno anco far fede i scritti loro mandati in luce contra la dottrina et heresie ch'anno seminati in quel regno i nuovi vescovi e Ministri loro, coi quali scritti hanno fatto e fanno tanto frutto in quel Regno non solamente in confermar' i buoni nela vera fede e religion cattolica ma in ridurr' ancora infiniti altri, che da quella s'erano separati, che chi non l'havesse visto e tocco co' mano com'io, non lo potria creder' onde perche la cosa non andasse piu tanto avanti sonno stati forzati gl'Avversarii prohibire i detti libri di quei di Lovaino, perch'in vero discuo-prono troppo mirabilmente le sottigliezze e argutie con che vanno subornando, e' ingannando quei poveri semplici, ma con tutto cio non vi mancan, che ne tengono e di continuo ne [sic] nesono mandati di qua del mare non ostan' le dette prohibitioni. Le quali cose stando cosi Monsignor Giovanni Andrea mio ho pensato fra me stesso

molte volte, che saria un opera piissima, attesa massimamente la gran fede e divotione, ch'hanno quei [458^r] poveri cattolici tanto i carcerati, come g'altri sparsi per il Regno verso il Santo Seggio e Sommo Pontefice e specialmente verso la Santità di Nostro Signore Papa Pio V e' le tante miserie e disaggi loro, chor mai non vi possono durar piu, che quelle povere anime fossero visitate confirmate e' consolatae in qualche parte almeno di parole e di qualche limosina quando con altro non si potesse, e' perchè sonno forse alcuni, che pensano che questa saria un'impresa troppo difficile, io sonno di contaria opinione, e credo veramente che quando vi si mandasse una persona discreta, e diligente, che v'andasse come gentiluomo privato sotto pretesto di visitar il Regno e luoghi d'esso, come fanno infiniti altri d'ogni natione, che vi concorrono solo a quest'effetto, e col trattenersi anco quivi con nostri mercanti Italiani, potria in pochi mesi, col' aiuto pero di qualche persona fidata e pratica di quelle genti e luoghi e luoghi di là far l'effetti benissimo senza, che persona se n'accorgesse. È ben vero ch'à Roma bisognerebbe lo sappessero pochi, o nissuno, e che non n'apparisse scrittura alcuna ne che quella tal persona, che s'havesse à mandar', partesse di Roma, per non dar sospetto, ma di qaulch'altro luogo dove fosse stato mesi, o anni, e quando anco avesse a portare somma alcuna de denari in credito, bisognerebbe che le lettere di cambio fossero ad istanza sua solamente e' non d'atra persona sempre per tor via ogni sorte di sospettione, che non ci fosse, chi l'avvisasse di là dove poi sendosi pervenuto tengo per fermo chel resto che si mandaria ad esser li senz'altra difficulta, o pericolo, e saria anco bene che quella tal persona portasse di quà lettere di raccomandatione ad alcuni di quei nostri mercanti Italianj procurate pero da lui stesso, o, d'altri ad istanza sua, e' non venessero da Roma in modo alcuno ma da Venetia, o, da Firenze, e non fussero anco se non per Lione, o per Parigi, bastaria perchè quegli servirano poi à gl'altri d'Inghilterra, e si daria manco sospetto, perche non si sappia [458^v]di quei prima che si fosse passato l'mese, e faccio questo discorso del viaggio di Francia, perche si daria manco sospetto in Inghilterra, che se si passasse per la Fiandra per rispetto di quell'altri Inglesi che sonno quivi, e ben vero ch'al ritorno poi, si lasciano visitar quelli ancora, e far seco quell'usso istesso che si fosse fatto con quelli d'Inghilterra, quando cosi fosse in commissione, e a questo modo si verrà a dar' consolatione grandissima à quei poveri cattolici chor' mai si pensano che non si tenga più memoria alcuna di loro, ne si faccia conto dei disaggi e' persecutioni loro di tanti anni, oltre dicio pigliaria quella pratica, e' conoscenza non solamente de le persone e costumi loro ma dei luoghi ancora del Regno per ogni occasione che per l'adietro potesse avvenire. Inoltre saria pur bene haver là una persona, ch'avissasse di tutte le facende, ch'a' la giornata potessero occorrere tanto per conto de la Religione, com'ancora del matrimonio dela Regina, del quale pare s'intenda, che si tratti al presente.

[*Relation on the Religious Situation in England*]

Having returned a few months ago from England, and understanding that your Lordship was anxious to learn some particulars as to the religious affairs of that

kingdom and the condition of the Catholics who are there imprisoned; in order to satisfy this wish, I have drawn up this brief account, or report, if so it may be called. Your Lordship will, in the first place, understand that I have been engaged in business there for nearly all the time that Queen Elizabeth has reigned, and continuously for the last five years; and that not only in the city of London, but also in various other parts of the kingdom, and especially towards the north; and that during all that time – as happens when one has business in a country – I have found opportunities of knowing various kinds of people, both amongst the nobility and the gentry, tradesmen also and others, and a good many students of the two universities, and especially that of Oxford. From my intercourse with these and over many conversations about Catholic religion and doctrine, and about heresy as it is everywhere taught and preached by new bishops and their ministers to the poor and simple folk of the city of London and throughout the realm, I affirm it as a fact that I have found amongst them an immense number of good Christians and true Catholics, and that they hold in such veneration the name and the authority of the Holy See and of our Sovereign Pontiff, that more could not be desired; though they cannot show this openly in act on account of the severe edicts of her who reigns at present, which oblige them to the contrary. From this it seems to me that in reality great injustice is done to them by some who, to my thinking, have but little knowledge – who, on hearing England mentioned, at once exclaim “They are all heretics!” at which I who have had experience of them, cannot in truth but for their sake feel pained, for the sake namely of the good true Catholics, who form, I do not fear to say, two-thirds of that kingdom.

In addition to them there are also those poor imprisoned bishops, doctors, and others in great number, who rather than consent to the heresies of their opponents, and acknowledge the queen to be the supreme head of the Church in England, are willing to suffer all the inconveniences of the prisons, not even refusing to die, if it be necessary as has been proved in the case of Bishop Bonner, Bishop of London,¹⁸² who has been several times brought before the tribunals to be condemned to death. These surely deserve the sympathy of all faithful Christians, seeing especially how firmly and religious they defend and maintain the Christian religion in that kingdom, and the authority of the Holy, Catholic, and Roman Church. To them, too, must be joined those poor exiles, religious and holy men, and English too, who

¹⁸² Deprived of his office by Elizabeth in 1559 for his refusal to acknowledge her as supreme governor, he was imprisoned. In 1564 Robert Horne (1513/15-1579), Bishop of Winchester, again offered the oath to Bonner. A second refusal was punishable by death. Horne presented Bonner's refusal to the Court of Queen's Bench. In his defense Bonner argued the certificate lacked any force because it incorrectly named Horne as bishop of Winchester. Because Horne had been consecrated by Matthew Parker (1504-1575), Archbishop of Canterbury, whose consecration was invalid, Horne's was also. Instead of pursuing a theological argument in court, the matter was dropped. Bonner died in Marshalsea prison in 1569.

are now at Louvain and other places in Flanders; who, by their exile and their labours have given, and continue still to give, such proofs of their excellence as might only be looked for in the holiest and religious persons of my own Italy. Their writings defend the Catholic faith against the heretical doctrines disseminated throughout. These books have been so effective not only in their confirmation of the true faith and the Catholic religion, but also in their persuasion of many who had abandoned the Catholic Church, to return to it that no one who has not seen them and shaken hands with them, as I have done, would believe it. In spite of the prohibition these books from Louvain are still sent into the country from abroad to work their wonderful magic.

Things being so, Monsignor Giovanni Andrea, and especially considering the great faith and devotion to the Holy See and the Supreme Pontiff, and especially to his Holiness Pope Pius V, of those poor Catholics (both of those in prison, and of the others scattered throughout the realm), as also their great miseries and sufferings, which have become by this time unendurable; I have thought within myself that it would be a most pious work, if these poor souls could be visited and in some way encouraged and consoled, at least with words and with some alms, if no more could be done. And contrary to those who may consider such an undertaking too difficult, I firmly believe that if a discrete and diligent person be sent to England, one who went as a proven gentleman in the guise of a tourist to that kingdom and to its places of interest, as is done by numerous others of every nation who go there solely for that reason, he could provide the necessary aid. With the aid of a trusted guide well acquainted with persons and places and by retaining contact with our Italian tradesmen, he could well attend to this business within a few months without anyone in authority discovering it. If this mission were undertaken, it would be well and good if few or no one in Rome know about it in advance and that nothing be committed to writing. To avoid suspicion, the agent should not be dispatched from Rome but from some other place where he has been in residence for some months or years. In case he is obliged to carry money, the credit notes should be made out in agent's name and not in the name of any other person in order to eliminate any trace of suspicion. Alternatively someone in England could provide information about how and where to obtain credit without any difficulty or danger. It would also be beneficial for the agent to obtain letters of introduction to some of our Italian merchants. Said letters could be obtained by the agent himself or through someone else. They should not be written in any way from Rome but rather from Venice or Florence, and nowhere else except, possibly, Lyons or Paris.¹⁸³ These precautions should be enough for the same letters shall serve other merchants travelling from England, and it would arouse less suspicion if nobody knew whether the same merchants had passed that way before the end of the month. I would make these observations about a trip through France: passing

¹⁸³ The Italian of the following passage is difficult to follow. We think the translation conveys the sense of the original.

through France would arouse less suspicion than passing through Flanders because of the presence of other Englishmen there. It is also true that on their return voyage, these merchants could visit the English in Flanders. If the merchants were so commissioned, they could use the same letters for their work there. In this way English Catholics, who are beginning to conclude that they have been forgotten and the sufferings which they have endured for many years, not appreciated, will be consoled and comforted. Moreover the agent would become familiar with the realm, its customs and its people, a knowledge that may provide further opportunities. Moreover it would be good to have someone provide concrete information about the everyday affairs of the kingdom as well as information about the pending marriage of the queen currently under discussion.

§14 William Allen¹⁸⁴ to Jean Vendeville,¹⁸⁵
Reims, 16 September 1578

EDITIONS: Published in *The Letters and Memorials of William Cardinal Allen (1532-1594)* (London, 1882), 52-67. For a discussion of the various manuscript versions of this letter, see n. 2, p. 52. We have extracted a relevant passage from a much longer letter. Notes can be found with the English translation.

TRANSLATION: An English translation of most of the letter can be found in Thomas Francis Knox's "Historical Introduction" to *The First and Second Diaries of the English College, Douay*.

[p. 56] Juvit etiam incredibiliter familiare colloquium quod aliquot ante annis vel mensibus in multis nobilium ac magnatum aedibus in Anglia existentes frequenter habuimus, in quo irrefragabilibus notis ac indicis Ecclesiae et Sedis Apostolicae auctoritatem vindicavimus; popularibusque argumentis sed invincibilibus demonstravimus apud alios quam nos, id est, catholicos, non posse esse veritatem: quas notas, regulas vel motiva ad fidem catholicam certo ab haeresi dignoscendam curavimus fusius postea Duaci explicari et excudi; unde factum est perbrevis, ut non solum innumerabiles nostratium de religione recte sentirent, sed (in quod difficilior laboratur ac acrius nobis resistitur) ut abstinerent prorsus a communione, ecclesiarum, concionibus, librorum lectione, atque omni spirituali commercio haereticorum; quod est illic propter leges iniquas longe difficillimum, et in quod carcere et variis poenis vindicatur, et de quo sibi antea propter metum ipsi alioquin catholici indulgebant; adeo et non solum homines laici, corde recte credentes et missas domi cum poterant audientes, ecclesias et caeremonias schismaticas adirent ac nonnunquam etiam communicarent, sed etiam sacerdotes multi et sacrum secrete facerent, et foris

184 Religious exile, controversialist, and founder of the English College at Douai, William Allen (1532-1594) was created a cardinal by Pope Sixtus V on 7 August 1587.

185 Vendeville (1527-1592) was appointed Bishop of Tournai in 1588.

officia ac coenam haeticam, eodem saepe die (immane scelus) calicis Domini et calicis daemoniorum participes, celebrarent; falso persuasi satis esse si animo tenerent fidem et in externis obedirent principi, praesertim in canendis psalmis et caeteris scripturis vulgari lingua; quod videbatur esse indifferens, et in bonis alioquin in tanto legum terrore tolerabile: quodque nostri hoc non dicerent ulla modo permitendum catholicis, reprehendebantur ab initio nimiae severitatis a multis.

Sed postea diligentia et constantia hanc difficultatem ita superavimus, ut non habeatur jam pro sincero catholico, cui possint sacramenta reconciliationis conferri, nisi plane se absteat ab omni specie mali quoad participationem cum haeticis. Et ubi hac severitate exacta ecclesiasticae disciplinae videbamur multorum saecularium sapientum initio longe pauciores catholicos habituri, Dominus Deus paucorum annorum experientiae contrarium ostendit, efficiens ut plures nunc habeamus confessores ac sinceros catholicos, quam tunc habuimus indulgentia et conniventia occultos Christianos; qui sua interna fide nec sibi nec aliis fuissent ad saultem utiles, sed externo exemplo mutos duxissent ad ruinam, nec de schismatico damnabili crimine aut religionis restitutione unquam cogitantes, blandientes sibi de bona voluntate et delegibus principis [p. 57] facta illicita excusantes, se suosque in miserabile exitum imponentes praecipitassent.

[p. xxiii] This change was wonderfully furthered by the familiar conversations which I had some years ago when I was staying at the houses of many of the gentry and nobility in England. In these I demonstrated by irrefragable notes and tokens the authority of the Church and the Apostolic See, and I proved by popular but invincible arguments that the truth was to be found nowhere else save with us Catholics which notes, rules, or motives for distinguishing with certainty the catholic faith from heresy I afterwards enlarged and published at Douay.¹⁸⁶ Hence it was brought about in a very short time that a vast number of our countrymen not only came to hold right views about religion, but abstained altogether from the communion, churches, sermons, books, and all spiritual communication with heretics: a most difficult thing to obtain in that country, because of the iniquitous laws, and the punishment of imprisonment, as well as other penalties, which it entails, and also because of those who were in other respects catholics had already, through fear, given way to such an extent in this matter, that not only laymen, who believed the faith in their hearts and heard mass at home when they could, frequented the schismatical churches and ceremonies (some even communicating in them), but many priests said mass secretly and celebrated the heretical offices and

¹⁸⁶ The so-called "Allen's Articles" circulated in manuscript. Richard Bristow based his motives on them (*A brief treatise of diverse plaine and sure wayes to find out the truthe in this ... time of heresie* [Antwerp, 1574], ARCR 2, no. 67, RSTC 3799). Allen's articles were included in Jean Albin de Valsergues, *A notable discourse, plainely and truly discussing, who are the right ministers of the Catholike Church* (Douai, 1575), ARCR 2, no. 877, RSTC 274. If Allen's work had been published earlier, no copy has been identified.

supper in public, thus becoming partakers often on the same day (O horrible impiety!) of the chalice of the Lord and the chalice of devils. And this arose from the false persuasion that it was enough to hold the faith interiorly while obeying the Sovereign in externals, especially in singing psalms and parts of the scripture in the vulgar tongue, a thing which seemed to them indifferent, and, in persons otherwise virtuous, worthy of toleration on account of the terrible rigour of the laws. Wherefore at the beginning many people blamed those on our side for over much severity, because we said that this practice was by no means permissible to catholics. Afterwards, however, by [p. xxiv] persevering diligence, we so completely overcame this difficulty that no one is any longer regarded as a genuine catholic, capable of absolution, who does not altogether refrain from every appearance of evil in regard to communication with heretics. And whereas in the judgment of many worldly-wise men this strict enforcement of ecclesiastical discipline seemed likely to lessen greatly the number of catholics, the Lord God has shown by the experience of a few years the contrary to be true. For we have now more confessors and genuine catholics than with all our indulgence and connivance we then had concealed Christians; a class of men, however, whose inward faith would have furthered neither their own salvation nor that of others, while their outward example would have led many to ruin; and thus, without giving a thought to the damnable sin of schism, or to the restoration of the true religion, but flattering themselves with their goodwill, and pleading in excuse for their unlawful acts the Sovereign's laws, they would have plunged themselves and theirs, unrepentant, into the miserable abyss of destruction.

The Excommunication and Its Interpretation

§15 Pope Pius V, *Regnans in Excelsis*

Rome, 25 February 1570

EDITIONS: *Bullarum, diplomatum et privilegiorum sanctorum pontificum taurinensis editio locupletior facta collectione novissima plurium Brevium, Epistolarum, Decretorum Auctorumque S. Sedis a S. Leone Magno usque ad Praesens*, ed. Luigi Tomassetti, Charles Cocquelines, Francesco Gaude, and Luigi Bilio (Turin, 1857-1872), 7: 810-11.

TRANSLATION: *Church and State Through the Centuries*, ed. Sidney Z. Ehler and John B. Morrall (London, 1954), 181-83.

Regnans in excelsis, Cui data est omnis in coelo et in terra potestas, unam sanctam catholicam apostolicam Ecclesiam, extra quam nulla est salus, uni soli in terris, videlicet apostolorum principi Petro, Petrique successori Romano Pontifici, in potestatis plenitudine tradidit gubernandam. Hinc unum super omnes gentes et omnia regna principem constituit, qui evellat, destruat, dissipet, disperdat, plantet et aedificet, ut fidelem populum, mutuae caritatis nexu constrictum, in unitate spiritus, contineat, salvumque et incolumem suo exhibeat Salvatori.

§1. Quo quidem munere obeundo, nos, ad praedictae Ecclesiae gubernacula, Dei benignitate vocati, nullum laborem intermittimus, omni opera contendens ut ipsa unitas et catholica religio (quam illius auctor, ad probandam suorum fidem et correctionem nostram, tantis procellis conflictari permisit) integra conservetur. Sed impiorum numerus tantum potentia invaluit, ut nullus iam in orbe locus sit relictus, quem illis pessimis doctrinis corrumpere non tentarint, adnitente, inter ceteros, flagitiorum serva Elisabeth, praetensa Angliae regina, ad quam, veluti ad asylum, omnium infestissimi profugium invenerunt. Haec eadem, regno occupato, supremi Ecclesiae capitis locum in omni Anglia, eiusque praecipuam auctoritatem atque iurisdictionem monstruose sibi usurpans, regnum ipsum, iam tum ad fidem catholicam et bonam frugem reductum, rursus in miserum exitium revocavit.

§2. Usu namque verae religionis, quam, ab illius deserto Henrico octavo olim eversam, clarae memoriae Maria regina legitima, huius Sedis praesidio, reparaverat, potenti manu inhibito, secutisque et amplexis haereticorum erroribus, regium consilium ex Anglica nobilitate confectum diremit, illudque obscuris hominibus haereticis complevit, catholicae fidei cultores oppressit, improbos concionatores ac impietatum administros reposuit; missae sacrificium, preces, ieiunia,

ciborum delectum, caelibatum ritusque catholicos abolevit; libros manifestam haeresim continens toto regno proponi; impia mysteria et instituta, ad Calvini praescriptum, a se suscepta et observata, etiam a subditis servari mandavit; episcopos, ecclesiarum rectores et alios sacerdotes catholicos suis ecclesiis et beneficiis eiicere, ac de illis et aliis rebus ecclesiasticis in haereticos homines disponere; deque Ecclesiae causis decernere ausa, praelatis, clero et populo, ne Romanam Ecclesiam agnoscerent neve eius praeceptis sanctionibusque canonicis obtemperarent, interdixit; plerosque in nefarias leges suas venire, et Romani Pontificis auctoritatem atque obedientiam abiurare, seque solam in temporalibus et spiritualibus dominam agnoscere iureiurando coegit; poenas et supplicia in eos, [p. 811] qui dicto non essent audientes, imposuit, easdemque ab iis qui in unitate fidei et praedicta obedientia perseverarunt, exegit; catholicos antistites et ecclesiarum rectores in vincula coniecit, ubi multi, diuturno languore et tristitia confecti, extremum vitae diem misere finiverunt. Quae omnia cum apud omnes nationes perpicua et notoria sint, et gravissimo quamplurimorum testimonio ita comprobata, ut nullus omnino locus excusationi, defensionis aut tergiversationi relinquatur.

§3. Nos, multiplicantibus aliis atque aliis super alias impietatibus et facinoribus, et praeterea fidelium persecutione, religionisque afflictione, impulsu et opera dictae Elisabeth quotidie magis ingravescente; quoniam illius animum ita obfirmatum atque induratum intellegimus, ut non modo pias catholicorum principum de sanitate et conversione preces monitionesque contempserit, sed ne huius quidem Sedis ad ipsam hac de causa nuncios in Anglia traicere permiserit; ad arma iustitiae contra eam de necessitate conversi, dolorem lenire non possumus quod adducamur in unam animadvertere, cuius maiores de republica christiana tantopere meruere. Illius itaque auctoritate suffulti, Qui nos in hoc supremo iustitiae throno, licet tanto oneri impares, voluit collocare, de apostolicae potestatis plenitudine, declaramus praedictam Elisabeth haereticam et haereticorum faultricem eique adherentes in praedictis anathematis sententiam incurrisse, esse que a Christi Corporis unitate praecisos.

§4. Quin etiam ipsam praetense regni praedicto iure, necnon omni et quocumque dominio, dignitate privilegioque privatam.

§5. Et item proceres, subditos et populos dicti regni ac ceteros omnes, qui illi quomodocumque iuraverunt, iuramento huiusmodi ac omni prorsus dominii, fidelitatis et obsequii debito perpetuo absolutos, prout nos illos praesentium auctoritae absolvimus; et privamus eandem Elisabeth praetense iure regni aliisque omnibus supradictis; praecipimusque et interdiciamus universis et singulis proceribus, subditis, populis et aliis praedictis ne illi eiusve monitis, mandatis et legibus audeant obedire. Qui secus egerint, eos simili anathematis sententia innodamus.

§6. Quia vero difficile nimis esset praesentes quocumque illis opus erit perferre, volumus ut earum exempla, notarii publici manu et praelati ecclesiastici eiusve curiae sigillo obsignata, eandem illam prorsus fidem, in iudicio et extra illud, ubique gentium faciant, quam ipsae praesentes facerent, si essent exhibitae vel ostensae.

Datum Romae apud Sanctum Petrum, anno Incarnationis dominiciae MDLXX, v. kalendas martii, pontificatus nostri anno v. Dat. die 25 februarii 1570, pontif. anno v.

Pius the Bishop, servant of the servants of God, for a perpetual memorial of the matter.

He who reigns on high, to Whom is given all power in Heaven and on earth, has entrusted His holy Catholic and Apostolic Church, outside which there is no salvation, to one person alone on earth, namely to Peter the Prince of the Apostles, and to Peter's successor, the Roman Pontiff, to be governed (by him) with plenitude of power. Him alone He appointed Prince over all nations and kingdoms, to root up, pull down, waste, destroy, plant and build, so that he might preserve his faithful people linked together by the bond of mutual charity in the unity of the Spirit, and might present them, saved and blameless, to their Saviour.

In the fulfillment of this office, we, called by the goodness of God to the government of the aforesaid Church, spare no labour, striving with all zeal to preserve intact that unity and Catholic religion which its Author has allowed to be disturbed with such great tribulations for the proving of His people's faith and for our correction. But the number of the ungodly has grown so strong in power, that no place is left in the world which they have not tried to corrupt with their abominable doctrines; among others assisting in this work is the servant of vice, Elizabeth, pretended Queen of England, with whom, as in a place of sanctuary, the most nefarious wretches have found refuge. This same woman, having acquired the kingdom and outrageously usurped for herself the place of Supreme Head of the Church in all England and its chief authority and jurisdiction, has again plunged that same kingdom back into a wretchedly unhappy condition, after it had so recently been reclaimed for the Catholic Faith and prosperity.

For having by force prohibited the practice of the true religion [p. 182] which had been formerly overthrown by Henry VIII, an apostate from it, and restored by Mary, the legitimate queen of famous memory, with the help of this See, and following and embracing the errors of heretics, she has altered the composition of the royal Council representing the nobility of England and has filled it with obscure heretical men; she has suppressed the followers of the Catholic Faith, appointed shameful preachers and ministers of impieties, and abolished the Sacrifice of the Mass, prayers, fastings, choice of meats, celibacy and Catholic ceremonies; and she has commanded that books containing manifest heresy should be distributed throughout the whole kingdom and that impious rites and institutions (accepted and observed by herself according to Calvin's precept) should be observed by her subjects also. She has dared to eject bishops, rectors of churches and other Catholic priests from their churches and to bestow these and other ecclesiastical things upon heretics and she has presumed to decide legal cases within the Church. She has forbidden the prelates, clergy and people to acknowledge the Roman Church or to obey its orders and its canonical sanctions. She has forced most of them to assent

to her wishes and laws, to abjure the authority and obedience of the Roman Pontiff and to recognize her by oath as sole mistress in temporal and spiritual affairs; she has imposed pains and penalties on those who would not obey her commands and has exacted them from those who persevered in the unity of the faith and the aforesaid obedience; she has cast Catholic bishops and rectors of churches into prison, where many of them, worn out with long weariness and sorrow, have miserably ended their span of life. All these things are clear and notorious to all nations and proved by the most weighty testimony of so many that there is no room whatever for excuse, defence or evasion.

We have seen that the impieties and crimes have been multiplied, one upon the other, and that also the persecution of the faithful and the afflictions of religion through pressure and action of the said Elizabeth grows greater every day, and since we understand her spirit to be hardened and obstinate – so that she has not only set at naught the pious prayers and warnings of Catholic princes concerning her soundness of mind and conversion, but she has not even allowed the Nuncios of this See to cross into England for this purpose – we are necessarily compelled to take up against her the weapons of justice, although we can not disguise our sorrow that we are thus forced to proceed against one whose ancestors have deserved so well of the Commonwealth of Christendom. But being strengthened by the authority of Him Who willed to place us on the supreme throne of justice though unequal to so great a burden, out of the plenitude [p. 183] of our Apostolic power we declare the aforesaid Elizabeth to be heretic and an abetter of heretics, and we declare her, together with her supporters in the above-said matters, to have incurred the sentence of excommunication and to be cut off from the unity of the Body of Christ.

Furthermore we declare her to be deprived of her pretended claim to the aforesaid kingdom and of all lordship, dignity and privilege whatsoever.

Also we declare that the lords and peoples of the said kingdom, and all others who have sworn allegiance to her in any way, are perpetually absolved from any oath of this kind and from any type of duty in relation to the lordship, fidelity and obedience; consequently we absolve them by the authority of our present statements, and we deprive the same Elizabeth of her pretended claim to the kingdom and of all other claims mentioned previously. And we command and forbid all and sundry among the lords, subjects, peoples and others aforesaid that they have not to obey her or her admonitions, orders or laws. We shall bind those who do the contrary with a similar sentence of excommunication.

Because it would be too difficult for the present words to be conveyed to those who need them, we desire that copies of them bearing the signature of a public notary and the sign of a prelate of the Church or his office, should have the same authentic strength before justice and extra-judicially and produce everywhere the same effect as this present document would produce, if submitted or shown.

Given at Rome at St. Peter's, in the year of the Incarnation of our Lord 1570, on the fifth day (before the) Kalends of March, in the fifth year of our Pontificate.

§16 Ad consolationem et instructionem quorundam Catholicorum
angustiis constitutorum quaestiones aliquot
[before April 1580]

SOURCE: Vatican City, Archivio Segreto Vaticano, Armadio 64, vol. 28, ff. 179^r–^v; 184^r–187^r (new foliation). Instead of repeating identifications etc., footnotes can be found with the English translation.

EDITIONS: M. Petriburg. [Mandell Creighton, Bishop of Petersburg] published most of the document (*English Historical Review* 7 [1892]: 84–88) but inadvertently omitted question number 6 and the answers to the last three questions.

TRANSLATION: English translation by James A.P. Byrne.

NOTE: Nothing internal or external dates this document with any precision. Arnold Oskar Meyer places it between 1578 and 1580 (*England and the Catholic Church*, 136 n1). John Hungerford Pollen considers it a “legal opinion of some Roman jurist, possibly Father Antonio Possevino,” (*The English Catholics in the Reign of Queen Elizabeth: A Study of Their Politics, Civil Life and Government* [London, 1920], 294 and n. 1). Peter Holmes accepts Pollen’s suggestion with the clarification that the document then must have been written between late September and early December of 1578 during Possevino’s stay in Rome (*Resistance and Compromise: The Political Thought of the English Catholics* [Cambridge; New York, 1982], 42–43, 228 n31). Francis Edwards, assumes that the document records questions addressed to Pope Gregory XIII by Edmund Campion and Robert Persons before their departure (*Robert Persons: The Biography of an Elizabethan Jesuit* [St Louis, 1995], 28). We think that the questions were submitted in response of the audience so that the curial officials and theologians could prepare their reply.

Quaestio prima. An bulla Pii V^{ti} emissa contra Elisabetham praetensam Angliae Reginam habuerit et habeat suum vigorem et robur, quibus movet difficultatem, quod non fuerit hic more aliarum in Campo Florae et alibi promulgata.

Q[uaestio] 2^{nda}. An Catholici in Anglia non possint tuta conscientia praedictae bullas contradicere, vel quod revera non fuerit a Pio V^{ti} eo transmissa et in executione posita, sed per privatum aliquem eo transportata, vel quod Catholici in Anglia non constet de mente Pontificis, quoniam per privatum nobilem fuerit valvis affixa. Et utrum Catholicis non debeat sufficere quod pro haec bulla quidam Catholici mortem passi sint crudelissimam.

Q[uaestio] 3^{tia}. An huius bullae vigore subditi non modo sint a iuramento et obedientia illi debita liberati; verum etiam in conscientia teneantur illam habere illegitimam omne iure Regni privatam et tyrannam, ut qui eam talem in conscientia non habeat de bulla sufficienter instructus non possit absolvi.

Q[uaestio] 4^{ta}. An stante bulla in vigore Catholici possint Elisabethae obedire in civilibus et cooperari in Regni administratione in eis quae iusta sunt.

Q[uaestio] 5^{ta}. Ad hanc obedientiam praestandam possint praestare Elisabethae iuramentum.

[Quaestio 6^{ta}.] An possint Elisabetham vocare Angliae reginam et in suis instrumentis eosdem dare titulos regno quos ante bullas emissionem dederunt.

Q[uaestio] 7^{ma}. Cum Elisabetha in forma titulorum adiungat in fine et caetera, quo intelligatur esse ecclesiae supremum caput, quoniam eo excepto omnes alii tituli expresse nominantur, an Catholici hoc intelligentes possunt salva fidei professione etiam illam particulam et caetera adiungere. [f. 184^v]

Q[uaestio] 8^{va}. An Catholici stante bulla in vigore, possunt arma pro eius defensione sumere contra eius adversarios, qui praetendunt et regnum ab eius tyrannide liberare et Catholicorum religionem restituere.

Q[uaestio] 9^a. An Catholici non teneantur in conscientia virtute bullae contra eam arma sumere, Regno deturbare, vel occidere data opportunitate et victoriae consequendae probabilitate.

Q[uaestio] 10^{ae}. An privatus, stante bulla in vigore, non possit eam occidere ratio sit quod sit tyranna nec habeat iustum Regni titulum. Et an Pontifex non possit dispensare ut hoc fiat, si probabile fuerit eius morte religionem Catholicam restituendam.

Q[uaestio] 11^a. An catholici non possint iuramentum praestare quod Elisabetha sit vera Angliae Regina et legitima, non modo quantum ad possessionem sed quantum ad titulos Regni. Ratio Catholicorum esse potest quod Pius bullam emisit in favorem Catholicorum quare nunc videant quod contrarium plane habeat exitum, praesumere possunt quod Pontifex nollet eos hac bulla obligare ad eorum gravissimum damnum.

Q[uaestio] 12^a. An Catholici praestitio priore iuramento non possint, eo non obstante arma contra eam vigore huius bullae sumere data opportunitate.

Q[uaestio] 13^a. An praeveniendo bullam Pii Vⁿⁱ non fuerit Catholicis licitum arma contra Elisabetham sumere, regno deturbare, incarcerare vel occidere, quia si tum fuerat licitum, etiam modo possunt, si bulla non habeat robur. Difficultatem facit quod Basiliense Concilium sess^o 20, cap. [f. 185^r] "Ad vitandum scandala," renovavit Martini Vⁿⁱ decretum quod nullus excommunicatus sit vitandus nisi fuerit denunciatus, aut si aliquem ita notorie in excommunicationis sententiam constiterit incidisse, quod nulla possit tergiversatione celari aut aliquo nodo iuris suffragio excusari. Talem fuisse constat Elisabetham ante Pii denuntiationem: id ipsum ex Pii bulla poterit videri qui etiam ante denuntiationem eam vocat praetensam.

Q[uaestio] 14^a. An Princeps aut Rex propter haeresim excommunicatus aut denunciatus sit eo ipso etiam iure et titulo iusto Regni privatus et populus ab obedientia et iuramento liberatus, an opus etiam sit quod apertis verbis deponatur.

Q[uaestio] 15^a. An nobilis mulier Catholica et reconciliata cum mariti consensu curans se inter domesticas Elisabethae enumerari, ut sic vitet persecutionem haereticis pseudo episcopi et aliorum qui ob religionem eam perturbare voluerunt, ad haec possit Elisabetham comitari in cubiculum secretius unde Elisabetha audit per fenestram apertam officium haereticum, ea interim nullo gestu declarante sibi id officium placere vel displicere quia se ipsam non vult prodere.

Q[uaestio] 16^a. An Pontifex non poterit dispensare cum Catholicis ut ex iusta causa dum inter haereticos versantur carnes comedant diebus ab ecclesia prohibitis.

Q[uaestio] 17^a. An Pontifex non poterit dispensare cum Catholicis ut ex iusta causa aliquando tempore haereticis officii praesentes sint in ecclesiis, modo cum haereticis [f. 185^v] in sua caena diabolica non communicent, sed legant privatas Catholicas preces, ut non se prodant. Ratio videtur et in esu carnum et in hoc factio par, eo quod in iuroque sit scandalum tantum acceptum dum haeretici iudicant eos non esse Catholicos tum quia comedunt carnes diebus ab ecclesia prohibitis, quam quia praesentes sunt in eorum officio; et an non sit idem iudicium de eorum concionibus audiendis, quando probabiliter non est periculum seductionis.

Q[uaestio] 18^a. An Catholicus accedens ecclesiam dum haereticorum agitur officium, et manens non eo fine ut sua praesentia legibus Principis satisfacere aut illud officium probare videatur; quin potius aperte vult declarare sibi displicere quia dum alii externis exhibent reverentiam is studio aperto sedet capite; an talis vel schismaticus dicendus sit vel mortaliter peccare. Difficultatem facit quod haeretici talem praesentiam non probant, sed potius eius optant absentiam.

Q[uaestio] 19^a. An extra officium haereticum, ut post prandium Catholicus accedens ecclesiam ab haereticis occupatam omni scandalo sublato et ibi Catholice oret, peccet. Ratio quod non peccat est quia id facit ex devotione eo quod scit ecclesiam esse consecratam et iure non ad haereticos sed ad Catholicos pertinere. [f. 186^r]

[Responses to the above questions]

Principio videtur expedire declarari autoritate Pontificis Catholicos Regni Angliae non obligari ad peccatum aut excommunicationem ex vi bullae editae a Pio V^{to} ad tollendas multas difficultates quae ex praedicta bulla exortae sunt. Nos tamen interim credimus, quicquid sit de promulgatione sufficienti bullae et de iis quae in praedicta bulla contra praetensam Reginam Angliae contentae sunt, Catholicos modo excusari ab obligatione praecepti et excommunicationis neque ullum detrimentum ex vi eius bullae accipere.

Primo, quia bulla edita est in favorem Catholicorum et religionis, atque constat magnum damnum Catholicis et religioni ex ipsius bullae observatione accidere,

quod non fuit ex mente legislatoris, ad quam oportet semper respicere; nam quod pro charitate institutum est non debet contra charitatem militari.

2°. Quia finis et ratio legis cessant in universali et in communi. At cessante fine legis cessat et ipsius legis observatio.

3°. Nullus tenetur obedire excommunicationi et praecepto cum gravi suo damno et incommodo vitae, accidente praesertim detrimento religionis, nec credendum est ecclesiam voluisse Catholicos ita obligare.

4°. Quia praeceptum et obligatio videntur posita pro loco et tempore dumtaxat quibus spes esset recuperationis illius Regni ea via et modo. Cum ergo talis occasio evanuerit, et spes sit frustrata, et ea via omnino interclusa, consequitur tempus illius praecepti praeterisse, et obligationem proinde cessare: praeter rationem enim videretur nunc uti modo et ratione incommodissima ad rem fere impossibilem.

His ita constitutis sic responderetur ad singula proposita: et quidem ad primam: [f. 186^v]

1. Dictum est bullam non obligare Catholicos non quidem propter defectum publicationis, de qua nihil certi habetur, sed quia cessat omnino finis et ratio ipsius.

2. Ad 2^{am}. Si quis doceret cessare obligationem huiusmodi bullae, non contradiceret, cum certe constet de mente et intentione legislatoris, et ut uno verbo dicatur, Catholicos quod ad ipsos attinet solo iure communi obstringuntur et non fine ullo novo.

3. Ad 3^{am}. Seclusa bulla unusquisque eam habere debet pro illegitima regina et excommunicata, quanto magis accidente declaratione summi Pontificis. Si quis tamen ignoratione aliqua probabili contrarium teneret non continuo peccaret mortaliter, nec arcendus esset a sacramentorum perceptione.

4. Ad 4^{am}. Catholici possunt obedire tuta conscientia in civilibus Isabellae; et cooperari in omnibus quae iusta sunt in regimine caeterorum tyrannorum licere et veteres fecisse constat.

5. Ad 5^{am}. Sicut licitum est obedire Isabellae ita licitum illi in licitis et honestis iuramentum praestare cum contingent de iureiurando in 6°.

6. Ad 6^{am}. Licet eam vocare Reginam etc. quia tituli illi intelligendi sunt esse et dici tales quales ipsi sunt.

7. Ad 7^{am}. Licet haeretici per illam vocem (et caetera) intelligant caput ecclesiae Anglicanae, non coguntur tamen Catholici ita eam intelligere: ea enim vox indifferens est ad alia multa. Immo vox est quae ut plurimum apponi solet in titulis aliorum Regum. [f. 187^r]

8. Ad 8^{am}. Non possunt tuta conscientia eam Catholici defendere et propugnare contra eos qui eam vi bullae aut studio religionis impugnat; si tamen iniquo titulo Reginam aliquis invadere vellet, illam certe propugnare possunt.

9. Ad 9^{am}. Ex vi bullae putamus teneri ad ea quae proponuntur nisi omnia ita comparata essent ut certa parataque spes esset victoriae; quo casum propter bonum commune fidei et religionis ii tenentur qui aliquid possent praestare.

10. Ad 10^{am}. Non licet privato quemcunque tyrannum occidere, ut definitum est in Concil. Constan. sess. 15: nisi talis esset qui vi regnum invasisset, exemplo

Aoth. Jud. 3. Quod vero ad hanc attinet, si quis eius interitu Regnum posset certe ab oppressione liberare, procul dubio illi liceret eam interimere. Sed rebus ut nunc constitutis multo satius ne loqui quidem ea de re.

11. Ad 11^{am}. Huic questioni iam satisfactum est. Auget tamen nonnullum difficultatem illa particula (vera). Nunquam autem licet iurare falsum; licet tamen occultare et tegere veritatem quacunq̄ue aequivocatione, ut si quis intelligat veram esse reginam opinione communi vulgi vel ei adhaerentium, aut quovis alio modo.

12. Ad 12^{am}. Ut paulo ante dictum est, licet virtute bullae (quae quod spectat ad favorem religionis et Catholicorum integra et efficax manet) arma sumere contra [f. 187^v] reginam data opportunitate; immo vero si bulla non esset publicata liceret tyrannam Reipublicae et religioni maxime obnoxiam deturbare auctoritate publica.

13. Ad 13^{am}. Licuit arma sumere eo fine et mediis quae ante explicata sunt, id est, prudenter et non temere. Atque ut Catholici eriperentur iis vexationibus corporis et animi quibus tunc afficiebantur.

14. Ad 14^{am}. Quamquam probalis sententia sit haereticos ipso facto privatos esse dominio; communior tamen opinio est privandos esse. Verumtamen ad maiorem explicationem eorum quae dicta sunt addere oportet et Reginam Angliae non solum quia haeretica est Tyranna, sed quia summo cum detrimento et perturbatione totius ecclesiae gubernat. Iure posse auctoritate publica a Regno deturbari, etiam si nulla bulla publicata esset.

Ad alias quaestiones quae sequuntur circa communionem Catholicorum cum haereticis,

15. Ad 15^{am}. Posset illa mulier nobilis ad modum Naaman Syri se gerere cum Isabella, quanquam fatemur esse periculosum et debere subterfugi quoad fieri potest: si tamen fiat, cavendum est ne offendantur Catholici nimia facilitate ac licentia eius, et ne prae se ferat se consentire aliqua ex parte haeresi.

16. Ad 16^{am}. Non expedit Pontificem dispensare in universum, sed ex causa necessitatis et vitae licet carnes comedere, nisi id fieret in professionem [foliation discontinuous 179^v] haeresiae et in detestationem Catholicae veritatis.

17. Ad 17^{am}. Respondetur ut paulo ante.

18. Ad 18^{am}. Cum nulla subest causa quamobrem aliquis se conferat ad coetus haereticorum, vix excusari poterit a temeritate et merito reprehendendis erit.

19. Ad 19^{am}. Secluso omni scandalo licet.

[f. 179^v] Quaestiones aliquot circa bullam Pii Vti contra Reginam Angliae.

Some Questions for the Consolation and Instruction of Catholics who are Perplexed

First Question: Whether the bull of Pius V issued against Elizabeth, pretended queen of England, had and has force and power. This causes difficulty to some because the bull was not publicly promulgated here as it was in Campo di Fiori and other places.

Second Question: Whether Catholics in England can with safe conscience speak against this bull either because it was not sent to England and executed by Pius V but was carried here by some private person, or because throughout England there is some uncertainty about the pope's intention because the bull was nailed to a door by a private nobleman; and whether it should not be sufficient that some Catholics have already suffered cruel deaths on behalf of the bull.

Third Question: Whether on the strength of this bull, subjects have not only been freed from their oath and obedience to the queen, but also in conscience are to consider her illegitimate, deprived of all right to rule, and a tyrant so that one, who in conscience does not hold her such cannot be absolved if sufficiently instructed about the bull.

Fourth Question: Whether while the bull stands in force, Catholics can obey Elizabeth in civil matters and cooperate in the administration of the realm in those matters which are just.

Fifth Question: Whether to give this obedience they can take the oath to Elizabeth.

[Sixth Question:] Whether they can call Elizabeth Queen of England and in their [legal] documents may give the same titles of royal power as they did before the issuance of the bull.

Seventh Question: Since Elizabeth adds "et cetera" at the end of the form of her title, whereby she understands to be supreme head of the church because that is the only title not expressly mentioned, whether Catholics understanding this, may also add the phrase "et cetera" while preserving safely their profession of faith.

Eighth Question: Whether Catholics, while the bull remains in force, may take up arms in the defense of Elizabeth against her opponents who claim to be freeing the realm from her tyranny and be restoring the Catholic religion.

Ninth Question: Whether Catholics are not held in conscience by virtue of the bull to take up arms against her, to disturb her from ruling or, given the opportunity and likelihood of achieving victory, to kill her.

Tenth Question: Whether a private person, while the bull remains in force, cannot kill her because she is a tyrant and has no just title to the realm and whether the Pope is not able to give a dispensation so that this may be done if it is probable that her death will result in the restoration of Catholicism.

Eleventh Question: Whether Catholics cannot take the oath that Elizabeth is the true and lawful queen of England not only so far as possession but also so far as

the title to the realm is concerned. The Catholics' reason for this could be that Pius V issued the bull in favour of Catholics wherefore they see now that it has had quite a contrary outcome, they can presume that the pope would not wish to bind them by this bull to their most grave loss.

Twelfth Question: Whether Catholics, after taking the prior oath, can take up arms against Elizabeth, given the opportunity, in virtue of this bull notwithstanding their prior oath.

Thirteenth Question: Whether, anticipating the bull of Pius V, it was not lawful for Catholics to take up arms against Elizabeth, to depose her from her position as queen, to imprison her or to put her to death because if it was lawful at that time, they can still carry out these things even should the bull not be in force. What gives rise to this difficulty is the fact that the Council of Basle session 20, chapter "To avoid scandals" renewed the decree of Pope Martin V to the effect that no excommunicated person is to be avoided unless he has been denounced or if it is evident that someone has so notoriously incurred excommunication it can not be concealed by any tergiversation or excused by any suffrage of law.¹ It is evident that Elizabeth was such before the denunciation of Pius V: the same can be seen from the bull of Pius, who even before his denunciation, calls her "the pretended queen."

Fourteenth Question: Whether a prince or king excommunicated or denounced because of heresy, is by that very fact deprived also of just right and title of royal power, and his people are set free from their obedience and oath, or is it necessary for him to be deposed in plain and express words.

Fifteenth Question: Whether a Catholic noblewoman, who has been reconciled to the Church, can, with her husband's consent, be numbered among the women of Elizabeth's household in order thus to avoid the persecution of an heretical pseudo-bishop and of others who have wished to disturb her because of her religion; whether this noblewoman can accompany Elizabeth into the more secret chamber from which Elizabeth hears the divine service of heretics, through an open window, whilst this woman makes clear by no gesture that the service either pleases or displeases her because she does not wish to betray herself.

Sixteenth Question: Whether the pope cannot dispense Catholics in order that with just cause, they are living among heretics, they may eat meat on days normally forbidden by the Church.

Seventeenth Question: Whether the pope cannot dispense Catholics in order that with just cause being present in churches sometimes at the time of heretical divine office, provided they do not take part in their diabolical supper but read Catholic

¹ See Tanner, *Ecumenical Councils*, 1: 487.

prayers privately so as not to betray themselves. The reason seems to be the same in both cases, viz. in eating meat and in attending services because in both cases scandal is taken only as long as heretics conclude that they are not Catholics because they eat meat on days forbidden by the Church, and because they are present at their services; and whether the same judgement is made of their listening to their sermons when probably there is no risk of their seduction into heresy.

Eighteenth Question: Whether a Catholic going to a church while the religious service of heretics is being held, and remaining, not with the purpose of seeming by this very presence to comply with the laws of the prince or to show approval of that religious service, but rather wishing to make plain that it displeases him because, while others display reverence by their outward behaviour, he purposely sits with head covered; whether such is to be said either to be a schismatic or to sin mortally. What gives rise to the difficulty is the fact that heretics do not approve of such presence but wish rather for its absence.

Nineteenth Question: Whether outside the times of religious services, e.g. after lunch, a Catholic visiting a church now controlled by heretics, all scandal being removed, and praying there in the Catholic fashion, commits a sin. The reason for that he does not sin is that he acts out of devotion because he knows that the church was consecrated and that it belongs by right not to the heretics but to Catholics.

[Answers to the above Questions]

At the outset, it would seem expedient, in order to remove many difficulties which have arisen from the bull, to make clear that by the pope's authority that the Catholics of England are not bound under pain of sin or of excommunication by virtue of the bull published by Pius V. However we have believed meanwhile, whatever may be argued concerning the sufficiency of the bull's promulgation, and concerning the bull's comments about the so-called queen, that Catholics are excused from the obligations laid down, and from excommunication, nor do they suffer any detriments by virtue of the bull.

First, since the bull was published in favour of Catholics and of religion, and since it is clear that great harm befalls Catholics and religion from observance of the bull—a result which was not intended by the legislator. This must always be considered because what was done out of charity ought not to militate against charity.

Second, the aim and reason of a law cease universally and generally. But with the cessation of the aim of a law, observance of the law also ceases.

Third, no one is held today to obey an excommunication and a precept to his own grievous loss and injury of life, especially when harm to religion is added; nor is it to be believed that the Church has wished so to bind Catholics.

Fourth, because the precept and the obligation seem to have been laid down as time and place required – no more and no less – within which there was hope of recovery of that realm by that way and manner. Therefore, since such occasion has disappeared and the hope has been frustrated, and that avenue has been entirely blocked, it follows that the time of that precept has passed by and that obligation therefore ceases; it would seem to be contrary to reason to use a method and a most inconvenient way to something practically impossible.

These considerations thus determined, answer might be made as follows to the single questions, and indeed to the first question.

First Question. It has been stated that the bull does not bind Catholics not indeed for lack of publication, about which there is nothing certain, but because the purpose and reason for the bull ceases altogether.

Second Question. If anyone taught that the obligation of this kind of bull ceases, he would not be speaking against it since there is certainty about the mind and intention of the legislator. In a word, Catholics, so far as pertains to them, are bound only by the general law, and not by any new law.

Third Question. Setting aside the bull, everyone ought to consider her an unlawful and excommunicated queen. This is even more true because of the declaration of the sovereign pontiff occurs. However, if anyone from some possible ignorance, held the contrary, he would not necessarily be committing mortal sin, nor would he have to be kept from receiving the sacraments.

Fourth Question. Catholics can with safe conscience obey Elizabeth in civil matters and it is well known that it is licit to cooperate in everything which is lawful under the governance of other tyrants and it is well known that those of old did so also.

Fifth Question. As it is licit to obey Elizabeth so it is licit to take the oath to her in matters licit and good when it would be related to the oath in number 6.

Sixth Question. It is lawful to call her queen “etc.” because those titles are to be understood to be and to be meant such as they are.

Seventh Question. Although the heretics understand by the expression “etc.” the head of the English Church, Catholics are not forced to understand it so for the expression “etc.” is indifferent to many other things; further it is an expression which is usually added to the titles of other kings.

Eighth Question. Catholics cannot with safe conscience defend and champion her against those who attack her in virtue of the bull or from zeal for religion; however,

if anyone wished to attack the queen by reason of her unjust title as queen, they can certainly champion her.

Ninth Question. We think that Catholics are not held by virtue of the bull to the actions proposed unless everything has been so arranged that hope of victory is certain and ready, in which case the bull binds those who would be able to take any action, by reason of the common good of the faith and religion.

Tenth Question. It is not lawful for a private person to kill any tyrant whomsoever as has been defined in the Council of Constance, session 15² unless he were such as would get possession of the royal power after the example of Ehud, Judges 3:15–30.³ Pertinent to this is the case that if someone were able by the queen's death certainly to free the realm from oppression, doubtless it would be lawful for him to kill her. But things being in the position in which they now are, it is much better not ever to talk at all about that matter.

Eleventh Question. This question has now been sufficiently answered. However the word "true" increases the difficulty somewhat. Moreover it is never lawful to swear a false oath; it is, however, lawful to conceal and cloak the truth by some equivocation. For example, were someone to understand that "in the common opinion of her adherents" she is the true queen or in some other manner.

Twelfth Question. As was stated a little while back, it is licit in virtue of the bull (which remains, so far as it looks to the favour of religion and Catholics, untouched and in force) to take up arms against the queen, given the opportunity; indeed, if the bull had not been published, it would be lawful by public authority to depose a tyrant who is most hurtful to government and to religion.

Thirteenth Question. It was lawful to take up arms for the end and by the means which have been explained previously, i.e. prudently and not rashly, and in order that Catholics might be rescued from those harassments of body and mind which they were at that time afflicted.

Fourteenth Question. Although it is a probable opinion that heretics are *ipso facto* deprived of their dominion, yet the common opinion is that they ought to be deprived. But to explain more at length what has been said, it must be added that the queen of England, not only because she is an heretical tyrant, but because she governs with the greatest harm and disturbance to the whole Church, can be lawfully deposed from royal power even if no bull had been published.

² See Tanner, *Ecumenical Councils*, 1: 432.

³ Judg. 3:15–30.

To the questions which follow about the communion of Catholics with heretics:

Fifteenth Question. That woman can behave towards Elizabeth as Naaman the Syrian,⁴ although we confess that it is dangerous and should be shunned as far as possible; but if it should be done, care must be taken that Catholics be not offended by too great ease and lack of restraint on her part and [care must be taken] not to show that she does consent in any way to heresy.

Sixteenth Question. It is not appropriate for the pope to dispense generally; but by reason of necessity and for the sake of life it is lawful to eat meat unless this is done to profess heresy and in detestation of Catholic truth, and with the exclusion of all scandal.

Seventeenth Question. The answer is as a little above.

Eighteenth Question. When there is no underlying cause for one to go to meetings of heretics, he can hardly be excused of rashness and will have deservedly to be rebuked.

Nineteenth Question. It is lawful if all scandals be avoided.

§17 Cases of Conscience

[late 1570s–early 1580s]

SOURCE: Douai, Bibliothèque municipale, MS. 484, ff. 422^r–23^v; London, Lambeth Palace Library MS 565, ff. 24^r–26^r, 36^r–37^r, 53^r–^v.

EDITIONS: Peter Holmes edited two manuscript collections of cases of conscience. He named the first, the “Douai-Rheims Cases”; the second, the “Allen-Persons Cases.” The former was compiled for students at the English College in the late 1570s; the latter was produced by William Allen, Robert Persons,⁵ and perhaps a few others, in the early 1580s for the same purpose. For more information on the manuscripts, see his introduction to *Elizabethan Casuistry* (London, 1981), 1–12. For this edition, Dr Holmes has graciously provided the original Latin text along with a modified translation. The relevant pages from this edition are 50–51, 74–77, 94–96, 120–21. Footnotes can be found with the translation.

“Douai-Rheims Cases”

Quid de famulis qui comitantur heros suos ad ecclesiam

Videtur non semper esse peccatum mortale si tales famuli non dent scandalum veniendo ad ecclesias: Satius tamen esset alios querere dominos, vel hoc genus servitii penitus recusare

⁴ 2 Kgs. 5.

⁵ Persons (1546–1610) was first superior and then prefect of the English Jesuit mission.

What about servants who accompany their masters to church?

It seems that it is not always mortal sin if these servants do not give scandal by going to church. It would, however, be more satisfactory if they looked for other masters, or if they entirely refused to perform that sort of service.

An sit licitum sequi Reginam ad Capellam

In casu praedicto specialius adhuc queritur An viris et foeminis nobilibus qui inseruiunt Reginae liceat sequi illam ad ecclesiam et conciones causa alicuius servitii, non vt audiant, verbi gratia: Si nobilis honoris causa gereret gladium ante Reginam die aliquo principali: item si libros aut puluinaria portarent aut similia. non facile condemnandi videntur tales nobiles si solum propter seruitium Reginae hoc faciant, melius tamen facerent qui aperte tale seruitium pro Regina propter conscientiam deprecarentur

Is it lawful to accompany the Queen to her chapel?

In this special case it is further asked whether it is lawful for noblemen and noblewomen who serve the Queen to follow her to church and to sermons to perform some service for her and not in order to listen while they are there. For example, if a noble should carry a sword before the Queen as an honour on an important occasion, or if he should carry books or hassocks or such things. It is not easy to condemn such nobles if they only do it out of duty to the Queen. But it would be better if they openly implored the Queen to be excused such service on account of their consciences.

“Allen-Persons Cases”

Casus Sextus. Quid faciendum esset cum catholicus inter haereticos in itinere vel alibi constitutus nec discedere ab eorum consortio posset sine periculo prodicionis suae, illi autem inciperent repente vt aliquando solent canere spalmos aut litanias aliasque orationes haereticas flexis genibus recitare vbi oportet omnes genuflectere vel semel prodere, similiter si vellent ad ecclesiam illorum vel conciones aliquem pertrahere nec ille possit se separare ab illis sine aliquo periculo

Resolutio: In 6° casu duae proponuntur difficultates altera est an catholico iter agenti cum haereticis liceat flectere genua illis genua flectentibus et litanias recitantibus vel spalmos, cum alioquin si genua non flectet catholicum se esse declarat cum vitae periculo. Altera difficultas est an si socii haeretici in ecclesiam haeticorum ingredi vel concionem ibi audire velint et ad idem inuident catholicum qui non possit vllam praetendere honestam excusationem sed ex hoc catholicus indicabitur, licitum sit catholico ecclesiam haeticorum ingredi et concionem audire.

Ad iam difficultatem respondeo eodem modo quo supra respondi ad iam et 2am difficultatem propositam in 4° casu quantum spectat ad audiendas illas orationes litanias et spalmos et ad genu flexionem, dum illa dicuntur aduertendum autem diligenter quod ibi etiam obiter annotaui, quod si in dictis precibus, nihil continetur contra fidem licitum est etiam ad eas respondere atque decantare cum aliis, si autem haeresis in eis continetur, tum licet quidem interesse et genu flectere

non autem respondere aut cantare cum aliis. difficile autem mihi videtur preces et psalmos apud eos immunes ab haeresi reperire cum totum eorum studium in peruertenda sacra scriptura positum sit, ratio autem cur non liceat in tali casu recitare cum haereticis tales preces & ea est quod cum in his manifesta haeresis continetur. 1^o non possunt legi propter multas excommunicationes librorum prohibitorum et bullae coenae Domini latas contra legentes libros haereticorum. 2^o quia publice legendo haec publice haeresim profitetur, ac se haeticum esse declarat.

Ad posteriorem difficultatem dico 1^o quoniam isti casus frequenter contingunt et multum inquietant conscientias catholicorum praesertim nobilium ac optimatum qui non possunt sine magno periculo vitae propriae ac detrimenti totius familiae se proderi bonum esset super hac re consulere sedem apostolicam et petere licentiam vt non solum in itinere illo quo in Angliam ingrediuntur sed etiam in aliis itineribus quae per Angliam conficiunt et in ipsa morandum in Anglia degunt possint saltem occurrenti tali casu quod inuitentur et importumentur ita vt non eundo se prodant possint inquam ingredi ecclesias haereticorum et eorum concionibus interesse, quae petitio licet fortasse 1^a fronte parum iusta et honesta videatur propterea quod videretur hac concessione Summus Romanus Pontifex fauere concinentiae catholicorum et viam illis aperire ad viuendum more haeretico, propterea quod in his duobus praecipue Catholici ab haereticis dignoscantur tamen si res paulo attentius et maturius a sua Sanctitate consideretur puto non honestiorem aut iustiorum petitionem ac motum iri Beatitudinem suam ad hanc licentiam concedendam, honestas a. huius petitionis ex his 4 capitibus praecipue cognoscetur. tum quod non petitur simpliciter et absolute vt liceat cuiuis per sua voluntate ad eorum ecclesias et conciones accedere, hoc enim non careret aliqua specie mali sed solum in casu quo quis propter preces et importunitatem sociorum non potest citra periculum suae vitae vel etiam familiae, subterfugere licite accedat, qua etiam in re posset Pontifex onerare praeteritorum catholicorum conscientias vt bene aduertant ne citra hanc necessitatem accedant. 2^o quia hoc totum est iuris humani vt ecclesias haereticorum vitemus et eorum conciones, ergo ex rationabili causa potest per Sanctissimam Beatitudinem dispensari, at quae causa rationabilior quam et propriae vitae periculum et extrema totius familiae calamitas. videtur in tali praesertim regno vbi pro dignitate ecclesiae catholicae maxime esset nobile[s] praesertim familias et diuites in suo pristino honore dignitateque conseruari vt post Reginae mortem possint sua autoritate et potentia pro fide stare et viribus atque potentia contra haereticorum audatiam eam tueri. Adde quod incredibile est quantum obsit Religioni catholicae quando aliquis nobilium detectus catholicus punitur saepe enim eius ruina haeticus aliquis attollitur et inde status paene omnes ac tituli honorum cum magno ecclesiae detrimento ad haeticos deuoluentur. quod si obiicias hanc concessionem esse contra ius diuinum ac naturale quo homo abstinere tenetur ab eorum consuetudine a quibus peruerti potest et quo sibi mortalium peccatorum efficacem causam esse animaduertunt hanc autem haereticorum concionem catholico quam perniciosissimam futuram esse manifestum etiam videbitur.

Respondeo 1^o hoc solum probare illos iure naturae teneri hanc vitare qui eam sibi nocere experti sunt at multi tales non erunt qui quamvis corpore intersint non tamen attendent ad ea quae dicuntur aut si attendant inde saepe magis in fide confirmabuntur auditis haereticorum nugis.

2^o multo magis nocet familiaris sermocinatio et vitae consuetudo quam publica concio, sed familiaris consuetudo ex necessitate sit licita ergo multo magis licita fieri potest concio, ergo etiam per sedis Apostolicae benignitatem concedi potest.

3^o de ingressu in templum heliseus concessit Nahaman Cyro ergo et istis Catholicis concedi potest. 4^o quia multi cum mala conscientia hoc faciunt, multi quia non audent se catholicos in hoc casu detegere alienatum ab ecclesia ac nimis rigidam putant vnde facile his principiis exorsi paulatim in haeresim labuntur.

2^o dico catholicum qui non nisi in casu necessitatis ad euitandum periculum vitae vel familiae perniciem aliquando ingreditur templa haereticorum vel etiam interest eorum concioni si id faciat cum dubiis circumstantiis non peccare mortaliter siue obtemperata sit super hoc licentia sedis apostolicae siue non, puto enim in casu talis necessitatis standum esse iuri naturali, 1^a circumstantia vt non frequenter hoc faciat sed raro et in casu necessitatis vt supra dixi. 2^a circumstantia est vt antequam eo se conferat praeparet animam suam ad tentationem commendando se deo orationibusque aliisque piis operibus obnixaque petendo vt quamdiu ibi interest non patiat se peruerti inanibus stultitiae sermonibus, ac se dat cum timore et tremore tanquam in duellum cum diabolo decertaturus. 3^o vt quamdiu concioni interest si est idiota distrahat se quantum potest ab attentione praestanda doleatque cum audit blasphemias in deum et sanctos &c. 4^o vt si quid audit quo se videt in fide perturbari si quam sibi in iis quae fidei sunt difficultatem ex auditis subortam sensit si animum ab ecclesia aliquantulum auerti, accedat statim ad sacerdotem vel alium doctum catholicum vt eius sermonibus in fide confirmetur, haec qui facit sine vlllo dubio contra ius naturae non facit saltem vt plurimum ideoque nec peccat mortaliter. sed dices hoc facto homo se ostendit haereticum. Respondeo negando, nam catholicus potest adire ecclesias eorum et conciones vt eorum dicta factaque irrideat.

Solutio A: et P. Omnia ista licent aliquando forsitan possint fieri sine magno peccato tamen praxis contraria semper fuit in ecclesia vt catholici cum haereticis numquam admitterent preces communes vel priuatas nec in Anglia vlllo modo nunc permittendum est n. ibi iam signum distinctiuum.

Case 6. When a Catholic is in the company of heretics on a journey or elsewhere and he cannot leave their company without danger of giving himself away to them, what should he do if they suddenly begin, as they sometimes do, to sing psalms or litanies and to recite other heretical prayers on bended knee, and they expect everyone to kneel down as well, and he would immediately reveal himself to be a Catholic if he did not also do so? Similarly, if the heretics want to take the Catholic with them to one of their churches, or to hear a sermon and he cannot separate himself from them without danger, what should he do?

Resolution: Two difficulties are contained in this sixth case. [1] The first is whether a Catholic, while travelling with heretics, may kneel down when they are kneeling and reciting their litanies or psalms, because if he does not kneel down he will declare himself to be a Catholic and put his life in danger. [2] The other difficulty is this: if his heretic companions want to go into a heretic church or want to listen to a sermon in a church and they invite the Catholic to do so as well, may he lawfully go into the heretic church and hear a sermon if he cannot honestly make any excuse to them for not going without showing himself to be a Catholic.

[1] To the first difficulty – the matter of hearing those prayers, litanies and psalms, and kneeling down when they are said – I reply in the same way as I replied to the first and second difficulties of the fourth case above. But note carefully what I said in the course of the discussion there: that if there is nothing in those prayers contrary to faith, then it is lawful to say the responses to the prayers and sing with the heretics. But if the prayers do contain actual heresy, then, although it is lawful to be present and kneel down, it is not lawful to make the responses, nor to sing with the heretics. It also seems to me that it would be difficult to find prayers and psalms used by heretics which are free from heresy, since the corruption of Holy Scripture is the chief concern of heresy. The reason that it is not lawful in such a case to recite such prayers with heretics is that there is manifest heresy contained in them. Consequently, they cannot be recited, in the first place because of the many excommunications threatened in the Index and the Bull *In Coena Domini* against those who read heretic books, and secondly because by publicly reading them a man professes heresy publicly and declares himself to be a heretic.

[2] To the next difficulty I say [a] firstly that cases of this sort often happen and disturb the consciences of Catholics very much, especially the consciences of noblemen and gentlemen who cannot reveal themselves to be Catholics without great danger to their lives and without risking the utter ruin of their families. It would, therefore, be a good idea to consult the Apostolic See on this matter and to ask for a licence enabling people to go into heretic churches and be present at their sermons, not only when they are travelling into England, but also while they are travelling within England itself, when they are staying in the country, at least when they are importunately invited to do so by heretics and if they refused they would show themselves to be Catholics, as in this case. This request might perhaps seem at first glance not to be just and honest, because it would seem that by such a concession the Pope would show approval of Catholics worshipping jointly with heretics and would open the way for them to live in a heretic way, for Catholics are principally distinguished from heretics by the two things which the licence would allow. But, if the matter is considered a little more carefully and maturely by His Holiness I think that he would acknowledge that there is no more honest or just petition, and I think His Beatitude would be persuaded to grant such a licence. The honesty of making a petition for such a licence can be seen from the following four arguments.

[i] Firstly, this is no simple unconditional request that everyone may be allowed to go voluntarily to heretic churches and sermons, for that would inevitably be in

some way evil. This is simply a request that when, as a result of the importunate requests of his companions, a man cannot avoid going to church without endangering his life or his family, he may lawfully go. The Pope may at the same time burden the consciences of Catholics who are not in such a predicament with the obligation of taking great care not to go to heretic churches except in such cases of necessity.

[ii] Secondly, we are bound to avoid heretic churches and sermons by human law; therefore, His Holiness can, for good reason, grant a dispensation. But what reason is better than the fact that a man's life is in danger and his family risks calamity? This is especially the case in a kingdom like England where it is important to keep noble and rich families in their former positions of honour and dignity, so that, after the death of the Queen, they can stand up for the faith with their full authority and protect it with their strength and power against the audacity of heretics. Moreover, it is incredible how bad it is for the Catholic religion when a noble is discovered to be a Catholic and is punished, for often as a result of his ruin some heretic is advanced and nearly all the Catholic's dignities and titles of honour pass to heretics, to the great detriment of the Church.

[iii] It might be objected that such a concession is against divine and natural law, by which a man is bound to abstain from the company of those by whom he can be perverted, or who he sees may directly cause him to commit mortal sin. It seems, moreover, to be clear that a heretic sermon will be very pernicious to a Catholic.

[a] I reply firstly that this only proves that those who have found out that they will be harmed by going to heretic churches are bound by the law of nature to avoid doing so, but there will not be many people of this sort. Those who are physically present in these churches will not pay attention to what is said, or if they do pay attention they will often be more strongly confirmed in the faith by hearing the nonsense of heretics. Secondly, familiar conversation and normal social intercourse hurt much more than public sermons, but if familiar social intercourse with heretics is in cases of necessity lawful, it is much more reasonable to make listening to a sermon lawful. Through the benignity of the Apostolic See, therefore, this concession may also be granted. Thirdly, Elisha allowed Naaman the Syrian to go into the temple;⁶ therefore these Catholics may be given permission to do so. Fourthly, many do go to heretic churches in such a case with a bad conscience because they do not dare to reveal themselves to be Catholics and will be alienated from the Church and think her too strict, and as a result, having begun in this way, they will gradually slip into heresy.

[b] Secondly, I say that a Catholic who sometimes goes to heretic churches or is even present at their sermons, but only in cases when it is absolutely necessary to do so to avoid risk to his life or the ruin of his family, does not sin mortally, if he does it in doubtful circumstances, whether he has obtained a licence from the Apos-

6 2 Kgs. 5.

tolic See or not. For I think that when it is absolutely necessary, a man is justified by the law of nature in the following circumstances: Firstly, if he does not do it frequently, but only rarely and when it is absolutely necessary, as I have said before. The second circumstance is that, before he goes there, he prepares his mind for the temptation by commending himself to God with prayers and other pious works and by asking God earnestly that He may not allow him to be perverted by the inane and stupid sermon while he is there; and that he goes to the sermon in fear and trembling as one going to fight a duel with the Devil. Thirdly, that as long as he is present at the sermon, if he is an uneducated person, he avoids, as far as he can, paying any attention to it, and he mourns when he hears blasphemies against God, the saints etc. Fourthly, that, if he hears anything which he feels is upsetting his faith, or, if he feels that any difficulty in matters of faith has been implanted in him as a result of what he has heard, or, if his mind is turned in any small way from the Church, then he should go immediately to a priest or other learned Catholic so that by talking to him he may be confirmed in the faith. If he does these things, he does not, without a doubt, act contrary to the law of nature, at least in most cases, and therefore he does not sin mortally. But, you say by way of objection that a man shows himself to be a heretic by going to their churches. I reply in the negative, for a Catholic can go to their churches and sermons in order to ridicule what they say and do.

Solution of Allen and Persons. All these things are lawful sometimes. Perhaps they can be done without great sin although the contrary was always the practice of the Church, and Catholics were never allowed to join heretics in their public or private prayers. Nor is it allowed in England at the moment, for it is a means of distinguishing Catholics from heretics.

Casus 19us. An sacerdos possit admittere ad confessionem illos qui licet catholice sentiant tamen nondum firmiter statuerunt apud se penitus abstinere ab ecclesiis et concionibus haereticorum sed solum abstinere a communione eorum.

Resolutio. huius casus resolutio ex eo pendet An isti qui nondum firmiter statuerunt penitus abstinere ab ecclesiis et concionibus haereticorum sint in statu peccati mortalis certum est si sint eos non posse absolui ad confessionem tamen admitti possunt si forte deus misericordissimus in ipso confessionis actu eorum corda immutet atque emoliat vt id firmiter statuatur an autem sint in statu peccati mortalis difficile est iudicare, dicerent tamen. 1^o si non frequentet quis istas ecclesias et conciones sed valde raro eas adeat et quantum est necessarium ad euitandum periculum mortis et aliorum grauiorum malorum et si tunc adeat cum istis circumstantiis de quibus dixi in Cap. praecedente in resp: 6 casus in vltima difficultate non est in statu peccati mortalis et confiteatur quia puto circitissimum esse modo in Anglia non solum apud catholicos sed etiam apud haereticos multos ex iis qui ecclesias et conciones haereticorum frequentant esse catholicos et catholicissimos et per ingressum illum in dictas ecclesias eos non se profiteri haereticos solum non detegere se catholicos sicut nec tenentur semper se detegere sed solum in articulo necessitatis

2^o dico eos qui dictas ecclesias nimis frequentant maxime si etiam frequenter intersint concionibus haereticorum difficile posse excusari a peccato tum quia [a] citra necessitatem urgentem faciunt contra ecclesiae praeceptum tum quia faciunt contra ius naturae exponendo se periculis perdendae fidei et frequentanda loca quae sunt ex natura sua sufficiens et efficax occasio peccati mortalis grauissimi. dico 3^o sanum consilium esset super hac re vel vt saltem in necessitate ingredi possint dictas ecclesias petere ab Apostolica sede licentiam seu dispensationem super ius humanum vt totum hoc relinquatur dispositioni iuris naturalis ex dictis infero si quis raro et quando necessitate graui ad hoc cogetur is possit absolui per sacerdotem quia non est in statu peccati mortalis vt patet ex dictis.

Solutio A1: et Per: Ad confessionem admitti potest non tamen ad absolutionem.

Case 19. May a priest admit to confession those who feel that they are Catholics but who are not yet firmly resolved in themselves to abstain entirely from going to heretic churches and sermons, but only to abstain from taking communion with them?

Resolution. The resolution of this case depends on whether those who have not yet decided firmly to abstain from heretic churches and sermons are in a state of mortal sin or not. It is certain that if they are, they cannot be absolved. They may, however, be admitted to confession, and perhaps if during confession, God the most merciful may change and soften their hearts so that they do decide definitely to stop going to heretic churches, it is difficult to judge whether they are in a state of mortal sin.

It might be said in their defence: first, that if a man does not often go to these churches and sermons, but only attends them very rarely and as often as is necessary to avoid dangers to his life and other serious difficulties, and if he goes under the circumstances described above in reply to the last difficulty in the sixth case of the last chapter, then he is not in a state of mortal sin and may be confessed. I think it is most certain that many of those who go to heretic churches at present in England, not only among the Catholics but even among the heretics, are Catholic and most Catholic and they do not show themselves to be heretics by going into these churches, but simply do not reveal themselves to be Catholics, as they are not bound to do, except in cases of necessity.

Second, I say that those who go very frequently to heretic churches, especially if they are also present at heretic sermons, may be excused from sin only with difficulty because they break the law of the Church without urgent necessity to do so and also act contrary to the law of nature by exposing themselves to the danger of losing their faith and by frequenting places which are, by their nature, sufficient and efficient causes of very grave mortal sin.

Third, I say that it is a sensible piece of advice to sue for a licence or dispensation from the Apostolic See enabling Catholics, at least in cases of necessity, to go into heretic churches; a licence which would remove the human law which regulates the matter and would leave it in the field of natural law. My conclusion to all that

has been said is that if a man does this rarely and when he is forced to do so by serious difficulties, he may be absolved by a priest because he is not in a state of mortal sin as I have shown already.

Solution of Allen and Persons. He may be admitted to confession, but not to absolution.

Casus 20s. An liceat sacerdoti admittere ad communionem famulos et subditos qui licet reconciliati sint ipsi tamen comitantur dominos suos ad ecclesias et conciones haereticorum et statim discedunt et si coga[n]tur remanere non attendunt sed aliud cogitant.

Resolutio. De istis famulis puto quod si sint timorata conscientia et capite debent im querere si possint invenire dominos qui eos ad dictas ecclesias non ducant saltem non ita frequenter interim tamen dum tales dominos querunt possunt ad sacramenta admitti si vero nolint mutare dominos tunc distingo quod vel eos comitando raro cogantur remanere in ecclesia et concione et sic raro etiam remanent et modo probabile mihi est eos non esse in statu peccati mortalis et consequenter posse ad sacramenta. si frequenter et vt plurimum retinentur et tunc res est mihi valde dubia si possint vere invenire alios dominos a quibus non cogantur ad hoc et ipsi ex mera voluntate nolint dominos mutare et si cum periculo salutis propriae manent in concione quia experiuntur se turbari in fide &c. puto esse sine vilo dubio in statu peccati mortalis si non sine tali periculo ibi maneant quia non solent attentionem praebere nec se commoueri prorsus aduertant licet res sit dubia proptereaque citra gravem necessitatem faciunt contra ecclesiae praeceptum, forte tamen non ita facile condemnandi sunt peccati mortalis maxime vero si dominis illis seruiert per plures annos ita vt cum suo magno incommodo eos mutarent vel si dominis illis sunt adeo chari quod sperant ab iis aliquod singulare beneficium &c.

Solutio Al: et Per: videtur non semper esse peccatum mortale si tales famuli non dent scandalum veniendo ad ecclesiam satius tamen esset alios querere dominos vel hoc genus seruitii penitus recusare.

Case 20. May a priest admit to communion servants and underlings who have been reconciled to the Church, if they still accompany their masters to heretic churches and sermons, but immediately leave them as soon as they arrive, or if, when they are forced to remain, they do not listen, but think of other things?

Resolution. Concerning these servants, I think that if they are pious in conscience and mind, they should try, if they can, to find masters who would not take them to these churches, at least not so frequently. While they look for such masters they can be admitted to the sacraments. If they really do not want to change masters then I would make a distinction between two sorts of servant. First, those who accompany their masters rarely and are rarely forced to stay in the church or at a sermon, and it seems probable to me that servants of this sort are not in a state of mortal sin and consequently can be admitted to the sacraments. Second, there are those who are detained in church frequently; in this, the most common, case the

matter seems to me to be most doubtful. If they really could find other masters who would not force them to do this and they do not want to change masters out of pure wilfulness, and if they are endangering their salvation while they stay at the sermons or they feel that their faith is disturbed by them, I believe that they are, without a doubt, in a state of mortal sin. If they remain there without being in such danger and do not usually pay attention to the sermons and do not feel disturbed by them, although the matter is doubtful because they are breaking the law of the Church without serious need, perhaps they are not to be condemned of mortal sin, especially if they have served those masters for many years and it would be very difficult for them to leave their service, or if they are so beloved by their masters that they expect a large reward from them.

Solution of Allen and Persons. It seems that it is not always mortal sin if such servants do not give scandal by coming to church, but it would be better for them to look for other masters or to refuse this sort of service entirely.

Casus 25s. An liceat Catholicis reconsiliatis villo praetextu ire ad ecclesias aut conciones haereticorum v.g. famuli aut subditi aut filii ad comitandum dominum aut patrem suum, licet ipsi statuunt nolle attendere eis quae dicuntur ab haereticis.

Resolutio. Respondeo ex dictis supra, licere in iure naturae aliquando ire cum debitis conditionibus ibi positis 19^o et 2^o casu 2ⁱ capitis

Alanus et Per. referunt se ad casum sequentem.

Case 25. Is it lawful for Catholics who are reconciled to the Church to go on any pretext to the churches or sermons of heretics: for example, may servants, underlings, or sons accompany their masters or fathers to church if they are determined not to pay attention to what the heretics say there?

Resolution. I reply that, as has been said above, it is lawful by natural law, to go occasionally in the circumstances laid down in the nineteenth and twentieth cases of the second chapter.

Solution of Allen and Persons. They refer themselves to the following case.

Casus 26s. In casu praeposito speciali adhuc quaeritur an viris aut foeminis nobilibus qui inseruiunt Reginae liceat sequi illam ad ecclesiam et conciones seruitii alicuius causa non vt audiant. v.g. si nobilis honoris causa gerere gladium ante reginam in die aliquo principali. item si librum aut puluinaria aut similia portaret.

Resolutio. Respondeo tam viris quam foeminis nobilibus licere in iure naturae comitari suam Reginam et cum eo [sic] manere quamdiu ex hoc non advertant generari sibi periculum fidei, quia tunc non liceret, amplius villo modo vnde si ordinariae soleant ad ecclesias et conciones Reginam comitari et Regina frequenter ad eas accedat difficile erit eos excusare:

Solutio Al: et *Per:* Non facile condemnarem tales nobiles si solum propter seruitium Reginae hoc facerent melius tamen facerent qui aperte tale seruitium a Regina propter conscientiam deprecare[n]tur.

Case 26. In this special case it is further asked whether it would be lawful for noblemen and noblewomen who serve the Queen to accompany her to church and to sermons in order to perform some service for her and not in order to listen while they are there? For example, if a nobleman should carry a sword in front of the Queen as an honour on an important occasion, or if he should carry a book, some cushions or something of the sort for her.

Resolution. I reply that it is lawful by the law of nature for noblemen and noble-women to accompany their Queen and remain with her in church, provided they do not feel that their faith is endangered by doing so, because if it were endangered it would not be lawful for them to continue to do so. But if they habitually accompany the Queen to church and to sermons and if the Queen goes frequently to them, it is difficult to excuse them.

Solution of Allen and Persons. I would not lightly condemn such nobles if they only did it out of duty to the Queen. But it would be better if they openly implored the Queen to be excused such service on account of their consciences

Casus 27s. An liceat Catholicis in Ang: in omnibus rebus quae pertinent ad regimen politicum obedire Reginae post Bullam Pii 5ⁱ aequae atque prius.

Resolutio. Huius casus resolutio magis pendet ex iudicio catholicorum Angliae qui bene norant totum factum, probabile mihi est licet forte non teneantur, posse tamen in omnibus pertinentibus ad Regimen mere politicum in quibus non offenduntur Catholici posse inquam illi obedire saltem ad euitanda maiora mala nec ablatam esse illis praedictam Bullam Pii 5ⁱ facultatem obediendi cum non admodum bene dicta Bulla sortita fuerit suum effectum.

Solutio Al: et Per: Licet cum illa explicatione quae per secretam traditionem accipienda est.

Case 27. Is it lawful for Catholics in England to obey the Queen in all political matters after the Bull of Pius V in the same way as they did before?

Resolution. The resolution of this case depends rather on the judgement of Catholics in England who know all the facts of the matter well. But it seems to me probable that although they are perhaps not bound to do so, Catholics may lawfully obey her in everything of a purely political nature which does not harm Catholics, at least to avoid worse evils befalling them. The Bull of Pius V did not withdraw from Catholics permission to obey the Queen since it did not properly achieve its purpose.

Solution of Allen and Persons. It is lawful to do so, but there is a further comment on this case which must be given in secret.

The Debate Begins Conditional Conformity, Recusancy

§18 Gregory Martin, *A Treatise of Schisme*
(Douai [vere London], 1578), extract

SOURCE: ARCR 2: no. 524, RSTC 17508.

NOTE: Published secretly in London, Martin's *Treatise* was the first complete theological argument in favour of strict recusancy. Moreover, Martin focussed on the pivotal Old Testament account of Naaman the Syrian. In the "Imprimatur," William Allen testified that the "treatise is truly Catholic, and published at this time out of necessity for schismatics" (*tractatus est plane Catholicus, & nostris imprimis hominibus hoc schismatis tempore pernecessarius*).

Marginal notes are included in the text in brackets and in italics. Scriptural references follow current usage. Double brackets [] signify foliation or pagination not given in the text itself but inserted by the editors.

[sig. **.ii^r] The Preface to the Reader

Constantius Emperour,¹ father unto Constantine the great² offered [*Eus. de vita Const. lib. I ca. II*]³ unto his nobilitie this Condition, That as many as would offer Sacrifice unto the Idols, shoulde have both accesse unto his royal person, dwel in his Court, and have offices and great honour in the common wealth. They that would not thus do, shoulde have no accesse unto his person, no familiaritie with him, shoulde beare no office in the common wealth, and should be banished the Court, and also be deprived of such offices and honours, as presently they did enjoy. Forthwith the whole Court is devided in two partes, wherby the Emperour easily might perceve eche mans mind, faith, truth and religion: for the true Christians were by and by readie humbly to depart, rather then by taryng to violate their faith for worldlye honor. Then Constantius opening his secrete purpose, blameth the dissembling sort, calleth them bastardes, [[sig. **.ii^v]] faint harted Cowardes, traitors unto their God, and his truth, and flatterers unto their Emperour, men unworthy to live

1 Father of Constantine and husband of St Helena, Emperor Constantius Chlorus (ca. 250–306) was the senior Caesar in the tetrarchy created by Diocletian in 293.

2 Constantine the Great (ca. 274/288–337) not only tolerated but championed Christianity.

3 Eusebius, *De Vita Imperatoris Constantini libri quatuor*, bk 1, c. 16 (PG 20: 931).

in his service. For howe wil ye keepe faith unto me your master (saith he) that have violated your faith unto the eternal God? Ye are convicted of periurie unto God, howe can yee be true unto man? The others he commended highly for their constancie, pietie, and true faith, he iudgeth them worthy to have rule and charge of earthly thinges, that had shewed them selves faithful to God. They are (saith he) like to be true unto their Emperor, that have shewed them selves true and faithful to God, he committeth the custodie of his owne person to them, the charge and government of the Empire he layeth in their handes, the rest he did utterlye banishe as pernicious flatterers, turne-coates, and hipocrites. Verily, the fact was heroical, and worthe the father of Constantine, it was the very way to trye true men from flatterers, faithful servaunts from false deceavers. For he that wil not sticke to violate his faith, [sig. **.iii r] his religion, and his conscience towards God, for lukers sake, who can thinke that such wilbe faithful and trusty unto man? Great therfore is the oversight of our dayes, wherein he that can best dissemble, he that can violate his faith unto God and his Church, for worldlye preferment, is taken for most trustie and faithful: he that wil come to the Church, although it be never so muche against his conscience, he that will receive their what shall I cal it, although he wisheth it in his belye that delivereth it, is thought to be best to be trusted with the greatest affaires and weightiest busines about the prince. But this good Emperour iudged them unworthie to have charge about men, that made no conscience to violate their faith unto God. But one wil say, Naaman the Assirian was permitted by Elizeus the Prophet, [4 Kgs 5. *Obiectio.*] to goe with the king unto the temple where Idolatrie was, and yet never impair his conscience: even so may we go to the Church for obedience sake without hurting our conscience, or violating our fayth to [[sig. **.iii v] God.⁴ [*Resp.*] If Elizeus gave him leave (as you gesse, which yet the text proveth not) to goe to doo his master temporal service, not in respect of religion, but according to his office, it was, (as you confesse) but by leave of the prophete, whom God did wil then to be obeyed: but he that is Elizeus nowe, both geve you no such leave, but doth commaund the contrarye, whose voyce you are bound to obeye, els this example of Naaman wil condemne you. For if he durst not do so much, as his temporal office unto his master in the temple without the prophetes leave, how dare you do an acte of religion, to further heresie against the expresse commaundment of him, who is greater in office than Elizeus? [*Deut.* 24; *Matt.* 19; *Mark* 10; *Heb.* 7; *Gal.* 3.]⁵ Moyses gave the Jewes libellum repudii, a letter of divorce, not that it was so from the beginning, but propter durtiam, because of the hardnes of their heartes, because of the imperfection of the Jewes, for the olde lawe brought nothing to perfection, gave no grace, but was a time of infancie: but now infancie is passed into mans age [[sig. **.iv v] and grace is geven more abundantly to men. The time a time of perfection that wil admit no such divorce, no such licence (as you seeme to say) Naaman theassirian had, who was but a Proselite or a Catechumene. Al so there

⁴ 2 Kgs. 5.

⁵ Deut. 24:1-4; Matt. 19:1-9; Mark 10:1-12; Heb. 7; Gal. 3.

were no such weaklings to take scandale [1 Cor. 10.]⁶ at his presence in the Temple of Remmon, as are here in the Sinagoge of heretikes. You may not therefore draw this example of Naaman to colour your offence, no more then may these that now do put away their old wives and take new, use this example of the old law to cloake their aduoutry. For unlesse your righteousness do exceede the righteousness of the Scribes and Pharises, ye can not enter into the kingdome of heaven. [Matt. 5.]⁷ Also heresie and schisme are two most grieuous sinnes, yet distinct according to that whereto they are directlye opposite of them selves: [S. Tho. 2.2.]⁸ as heresie of it self is repugnant unto faith, Schisme opposite unto the unitie of the ecclesiastical charitie. And therefore, like as fayth and charitie are two diuers vertues, (although whosoever lacketh faith, is also voide of charitie) So Schisme and [[sig **.iv^v]] and heresie are two diuers vices, although who that is an hereticke, is also a schismatike, yet not every Schismatike is an heretike: as teacheth S. Hierome.⁹ [*Hi. super epist. ad Gal.*] Inter schisma et haeresim hoc interest, quod haeresis perversum dogma habet. Schisma ab ecclesia separatur &c. Betweene Schisme and heresie these are the oddes, That heresie hath alwayes a perverse opinion against an article of fayth, Schisme separateth from the Church: yet like as the losing of charitie is the very high way towards the losing of a mans faith, according to that of S. Paule, A quibus quidam aberrantes, conversi sunt in vaniloquium.¹⁰ From which some wandring (charitie and such like) are resolved into brablings. So is Schisme the high way into heresie, although at first Schisme may be understoode somewhat diuers from heresie it selfe, yet in thende there is no Schisme that doth not ioyne forth with some heresie to have a colour to revolt from the Church. And therefore commonlye the sinne of Schisme hath bene more [[sig **.v^f]] greuously punished in the Scriptures then infidelitie or Idolatrie. [Exod. 32.]¹¹ For we reade, that the sinne of Idolatrie was punished by the sword, by mans execution.¹² [Num. 16.] But of the sinne of Schisme we reade, Si novam rem feceret Dominus, ut aperiens terra os suum deglutiat eos, et omnia quae ad illos pertinent etc. If our Lorde should do a newe thing, that the earth opening her mouth do swalowe them, and al thinges that do appertaine unto then, and living, they shall descende to hel, by this you shal knowe that they have blasphemed our Lorde God, Also the tenn tribes, which through Schisme revolted from the kingdome of David, were most greuously punished, and in fine fel from Schisme to Idolatrye. [3 Kgs. 12.]¹³ Moreover, as longe as Abraham abode amonge the Chaldeis, who were Idolatrers, it is not found that our Lord appered much unto him, [Gen. 13, 15,

6 1 Cor. 10:14-30.

7 Matt. 5:30.

8 Thomas Aquinas, *Summa Theologiae*, II^a-II^{ae} q. 11 a. 3 arg 1 ss. The most accessible edition is *Summa Theologiae*, ed. English Dominicans (London; New York, 1964-1981).

9 Jerome, *Commentaria in Epistolam ad Galatos*, bk 1, c. 2 (PL 26: 339-40).

10 1 Tim. 6.

11 Exod. 32:35.

12 Num. 16.

13 1 Kgs. 12.

17.]¹⁴ although, as it may be thought, he was a good man: but when he departed from thence, we reade, that often God appeared unto him, and as of a benefite most singular, doth put him in re[[sig ** .v^y]]membrance of his delieverie. Ego dominus qui eduxi vos de terra Hurr Chaldeorum. [I am the Yahweh who brought you out of Ur of the Chaldeans.] [Gen. 33.]¹⁵ Jacob the beloved did refuse to goe into the company of reprobate Esau, although by giftes he had pacified him, neither woulde suffer anye of his servantes to be among his herdmen. [Gen. 21.]¹⁶ Ismaels playe with Isacke did so offende Sara, that it is called in Scripture persecution. Hard it was, (although Abraham prostrate besought it) to save Lot from the wrath of God in Sodoma: yea, his wife for looking once backe towards the place where the wicked were [Gen. 19.]¹⁷ is eternally punished: and Peter the prince of thapostles [Matt. 26; Luke 22.]¹⁸ by entering into the palace of the high Superintendent, and warming him self at their fire, is driven to deny his faith: John the beloved could not escape their hands, but by leaving his gaberdine behind, glad toe scape starke naked. These are written for our instructions, [2 Tim. 2.]¹⁹ that we shoulde beware of false heretikes and Schismatikes, whose speech creepeth as doth the disease of a cancar, and infecteth those that it toucheth. [Ca. Apost. 63.]²⁰ The Church therefore, as a careful mother, hath by Canons of antiqui[[sig ** .vi^r]]tie utterlye forbidden her children to come nere the forsaken company, [Con. Laod. can. 9. 31. 33.]²¹ as by the cotations in the margent may appere. Bruno, a learned writer saith, that ech provisio wherby heresies and schismes are to be avoyded, do consist in these: [Bruno.]²² Haereticorum communione, collegiis, conventiculis, Scholis, praedicationibus, et doctrinis, libris falsis, ab haereticis, vel compositis, vel depravatis. By communicating with heretickes in their colleges, conventicles, or prophceying, prechings, schooles, or in bookes, either by them falsly made, or by their notes corrupted: for as by these things being suffred, heresies and Schismes do grow, encrease, take rooting, and infect: So these occasions being prohibited and curt off, they are either suppressed or utterly extinguished. To communicate with heretickes in these thinges, is for three causes forbidden by the Church, and that uppon paine of the censures therof. The first, because heretickes are curt from the Church, with whom neyther the Church, nor they of the Church ought to have eyther felow [[sig ** .vi^y]]shipp or communion. Secondly, because Catholikes communicating in any of the premisses with heretickes, eorum se peccatis involvant [get caught up in their sins], do wrapp them selves (to be giltie) in their

14 Gen. 13, 15, 17. The citation is Gen. 15:7.

15 Presumably Gen. 33:14–15.

16 Gen. 21:9–10.

17 Gen. 19:1–26.

18 Matt. 26:69–75; Luke 22:54–62.

19 2 Tim. 2:14–26.

20 Jean Hardouin, *Acta conciliorum* (Paris, 1714–1715), 1: 25–26.

21 Hardouin, *Acta conciliorum*, 1: 781–84, 787–88.

22 Konrad Braun (1491?–1563), *D. Conradi Brunii Iureconsulti Libri Sex, De Haereticis in genere* (Mainz, 1549), bk VI, c. 2 (322), 3, 5, 6 *passim*.

sinnes, as it is written, Depart from the tabernacles of these wicked men (Schismatikes) touche nothing that apperteyneth unto them, least in their sinnes you wrapp your selves. [*Rom. 12.*]²³ Thirdly, least in using their societie, you be made one of them. Qui stat videat ne cadat. [A man who thinks he is safe must be careful that he does not fall.] [2. *Tim. 2;* 1 *Cor. 10.*]²⁴ For their speeche and company doth infect. An emulamur dominum: Shall we provoke or trye whether God dare punish us? Are we stronger then he, that we can abide his displeasure? We do every day provoke him to anger, when we come to the conventicles of his enemies. It is not good to sustaine his displeasure. And therefore it is forbidden by the Constitutions of the Apostles. [*Const. Apost. lib. 5. ca. 4. Et idem multis locis. (And in many other places) Vide F. Turria.*]²⁵ Impios haereticos qui impoenitentes fuerint. &c. The wicked heretickes that have seperated them selves from the faithful Catholikes, cast off, for they are impenitent, and charge the Catho[[sig **.vii'']]likes to abstaine from their felowshipp by al meanes, neither let them have anye communication with them in speeche or prayers. for they are adversaries and thieves to the Church, they begile the flock, defile the heritage. We warne you therefore, that ye avoyde them, least they intangle your soules in their snares, for it is not lawful to runne with thieves. No man can serve two masters at once. Thus farre the Apostles. We see what charge they gave to the children of the housholde: [*Aug. Ser. 185 & in Ioan.*]²⁶ For like as the life of the body proceedeth from the quickening spirite (for until the breath of life was into the nosethrils of man breathed, the body was senseless, without life []), [A fitt similitude.] for the life of the body is the soule, made after the Image of God: al the members as long as they remaine in the body, have life and strength effectual to their appointed operation proceeding from the soule, in the same body for that purpose abiding. But if either legge, arme, care, or nose be cut off from the body, the life of the soule foloweth it not, it is deade, [[sig **.vii'']] unprofitable, wretched, and miserable: the life of the soule foloweth not a devided member: Even so, looke what the soule of man doth in the natural bodye of man, the same doth the holy Ghoste in the mystical bodye of Christe. By Baptisme we have put on Christe. [*Gal. 3; Rom. 6.*]²⁷ Quotquot in Christo baptizati estis, Christum induistis. We are incorporate into his body, as truly, as the leggs, armes, and head, are by sinewes organically ioyned to the life of the soule. So truly are they that have putt on Christe in Baptisme, united unto the mystical body of Christe, which is the Catholike Church: The soule

23 *Rom. 12* deals with the unity of the Church in Christ. Does it mean, by extension, that only those belonging to the *Corpus Mysticum* are saved? Hence, the heretics are outside the Church. The only passage in which the apostle unmistakably invokes separation from idolaters is 2 *Cor. 6:16-18*.

24 2 *Tim. 2:14-26*; 1 *Cor. 10:14-30*.

25 *Apostolicarum Constitutionum et Catholicae Doctrinae Clementis Romani libri VIII, Franciscus Turriano [Torres] Societatis Jesu interprete é Graeco* (Antwerp, 1578), bk 5, c. 4, 60; bk 6, c. 4, 76-77; bk 6, c. 18, 85; bk 6, c. 25, 91.

26 Augustine, *Sermo CXXX*, c. 7 (PL 38: 976); *In Ioannis Evangelium Tractatus CXXIV*, Tract. 3, c. 4 (PL 35: 1398).

27 *Gal. 3; Rom. 6:1-11*.

or life of which body is the holy Ghost, like as the life of man is his soule. [John 15.]²⁸ As long as we remaine in this bodye mystical, in this vine, as true members, as true branches, so long have we life, grace and giftes proportionable unto the part, that we occupie in the mystical body. If we cutt off our selves by heresie, by schisme, by going unto the Church, where it is, or where any part of the schismaticall service thereof is said or preached, we have no more life, graces, and [[sig **.viii^r]] giftes of the holy Spirit, to merite life everlasting, then hath the leg or arme, cut off from the body, the life of the soul, which onley remaineth in the body. The graces of the holy Ghost do not folowe a devided member, what good works soever he do, they helpe nothing to merite life, but he is a dead member withered to be cast unto the everlasting fire of hellish pain and woful miserie. Ubi ecclesia, ibi et spiritus, et ubi spiritus dei, illic ecclesia et omnis gratia, spiritus autem veritas. [Iren. li. 3. cap. 40.]²⁹ Where the Church is, there is the spirit, and where the spirite of God is, there is the Church and all grace and the spirit is truth. And S. Augustine saith: Qui ecclesia relinquit, quomodo est in Christ. [Aug. tract. 1. in 1. Ep. Iohn.]³⁰ How is he in Christ, that forsaketh the church of Christ: How is he in Christ that is not in the body of Christ, which is his Catholike Church? To trye whether thou be a member of this Church (good reader) peruse this booke for thy salvation prepared not by one man, but by the whole Church, whose voyce thou art bounde to obeye: and if thou findest thy selfe to lacke, use the remedie therein prescribed to save thy [[sig **.viii^v]] soule, and praye for them that for thy behofe have set it forth, from Remes within the Octaves of Al Saintes 1578. By your countriman. G.M.

§19 [Alban Langdale³¹ or William Clitherow³²] to [Ralph] Sheldon³³, ca. 1580

SOURCE: Kew, The National Archives, SP 12/144/69 (ff. 137^r 42^v).

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NOTE: This paper is calendered as “A discourse delivered to Mr. Sheldon to persuade him to conform: Arguments to prove it lawful for a Roman Catholic to attend the Protes-

28 John 15:1–10.

29 Irenaeus, *Adversus Haereses*, bk 3, c. 24 (PG 7: 966).

30 Augustine, *In Epistolam Iohannis ad Parthos tractatus decem*, Tract. 1, c. 12 (PL 35: 1986).

31 Langdale (ca. 1512–? late 1580s) staunchly defended Catholicism in debates and examinations during the reigns of Edward VI and Elizabeth, and disputed with Bishops Cranmer, Ridley, and Latimer in 1554.

32 Clitherow (1542–post 1596), brother-in-law of Margaret Clitherow martyred at York on 25 March 1586, was ordained priest in 1582. He later entered the Carthusians at Louvain.

33 We know little about this layman. He may have been the Ralph Sheldon of Weston and then Beoly (ca. 1537–1613) who married Anne Throgmorton (or Throckmorton).

tant service" (*CSP Domestic* [1547-1580] 691). Thomas, Lord Paget (†1590) and the Worcestershire gentleman, Ralph Sheldon conformed to the established Church because of this tract (ARSI, Anglia 30/l, f. 188^r). Cf. Robert Persons, "Father Persons' Memoirs," ed. John Hungerford Pollen, in *Miscellanea IV* (London, 1907), 4-5; "The Memoirs of Father Robert Persons," ed. John Hungerford Pollen, in *Miscellanea II* (London, 1906), 27-28, 178-81; *Acts of the Privy Council of England*, ed. John R. Dasent (London, 1890-1907), 12: 301-02.) Recusancy was reaffirmed as the true demonstration of Catholic orthodoxy after the arrival in England of Edmund Campion³⁴ and Robert Persons in 1580. This manuscript is the only surviving copy of a tract widely circulated in 1580.

The authorship is doubtful. Daniello Bartoli (*Dell'Historia della Compagnia di Gesu in Inghilterra* [Rome, 1667], 134), attributes it to Alban Langdale, deprived Archdeacon of Chichester and chaplain to Sir Anthony Browne, Viscount Montague (ca. 1528-1592), although it was circulated by "others." Rumors ascribed the tract to a legal clerk and later priest (1582), William Clitherow; yet, Robert Persons found in Langdale's library annotations to the chief passages of the "Discourse to Mr Sheldon" ("Father Persons' Memoirs," ed. Pollen, 3-6; "The Memoirs of Father Robert Persons," ed. Pollen, 28, 179-81). Jesuit sources vary. Some say that Persons (and George Blackwell) acknowledged Clitherow as the author (ARSI, Anglia 30/l, f. 189^r; Anglia 38/l, f. 83^r). Others, confusing Alban with his nephew Thomas Langdale (1541-post 1583), an apostate Jesuit who returned to England in 1583, claim that Persons believed him to be the author: "Langdale is the apostate formerly of our Society, whom Persons identifies as the author of the tract allowing church attendance [in England]" (ARSI, Anglia 38/l, f. 387^r; Thomas M. McCoog, *The Society of Jesus in Ireland, Scotland, and England 1541-1588: "Our Way of Proceeding?"* [Leiden, 1996], 166-67).

Scriptural translations come from *The Douai-Reims Bible* and references to specific passages follow contemporary usage. Marginal notes are included in the text in brackets and in italics.

A discourse delivered to Mr. Sheldon

And for so muche as yt semethe that this question was never thus moved, nor the case in experiencie in any age before this tyme, therfore this is nowe made a question. Arguments are sett downe for enforcinge the same yet redde to yelde to the better judgment. And these be the reasons to prove that in the case sett downe y nether P[rotestant] nor mortall synn.

Naaman the Syrian, after he was cured by the prophet of his lepracy and instructed in the trew faithe and religion, gave God thanks and acknowledged his might and excelencye sayinge: "vere scio quod non sit alius Deus in terra nisi tantum in Israel" [In truth I know there is no other God in all the earth, but only in Israel].³⁵ Behold a right profession of faith and forthwith after this profession he made two petitions. The firste was "obsecro, concede mihi servo tuo ut tollam onus duorum burdonum de terra et cetera" [I beseech thee, grant to me thy servant, to take from hence two mules burden of earth etc.].³⁶ Lo here he sheweth his pietie

34 Campion (1540-1581) co-founded with Robert Persons the Jesuit mission to England in 1580.

35 2 Kgs. 5:15.

36 2 Kgs. 5:17.

and devoc[i]on in requestinge lycense to take so muche yerth as might suffice for the buydinge of an altar for the trew worshippinge of God; for he sayeth: “Non enim faciet ultra servus tuus holocaustum aut victimam diis alicuis nisi Domino” [for they servant will not henceforth offer holocaust, or victim, to other gods, but to the Lord].³⁷ Lo here he renouncethe idolatry and addeth his second petition, sayinge: “Hoc autem solum est Deus. Preceis Dominum pro servo tuo quando ingreditur dominus meus templum Remnon ut adoret et illo innitente super manum meam si adoravero in templo Remnon adorante eo eodem in loco, ut ignoscat mihi Dominus servo tuo pro hac re” [But there is only this, for which thou shalt entreat the Lord for thy servant, when my master goeth into the temple of Remnon, to worship; and he leaneth upon my hand, if I bow down in the temple of Remnon, when he boweth down in the same place, that the Lord pardon me thy servant for this thing].³⁸ And this is the sense of his petition, for so much as this his entraunce with his kinge, an idolator; and the conversation of the same place semed to hym a rare and unwonted thinge, if not unlawfull, and the rather for that, the manner of his office aboute the kyng in stowpinge and bowinge downe to stay the kinge might be judged some acte of idolatrye, or to conteyne in yt some faulte, or draw after yt some faulte and to geve aliquam spetiem mali, videlicet [may possibly give bad example] to geve some counterfet, pretence or shewe of idolatry; or for that, if no other yet at the leaste his servants which were present at his healinge and had hard hym renounce idolatry might by this example take occac[i]on of ruyn, or for that this acte might to every mann seame unlawfull, for a mann to be present in the sollem profession of a religion which he hymselfe didd not acknowledg nor profess and beinge persuaded that he ought to avoyde all these, yet thinkinge this acte was not so great a fawlt as did cast hym forth of Godds favor; therefore he made this petition, that yt might be lawfull for hym withoutt offence to exhibet to the kinge this externall service in the temple of Remnon. He desireth that if herin he commit any offence towarded Godd, the same by the prophetts prayers might not be imputed to hym. Then the prophet to bothe his petitions answered sayinge: “vade in pace” [go in peace]³⁹ which worde is verbum bene precantis et approbantis [a word for wishing well and approving]. And yt is as muche as if he hadd sayed: “vade in justitia” [go in justice], go and procede in this manner of righteousnes which thou hast professed, for the peace of man [f. 137^v] with God is that which the apostell sayeth: “Justificati fide pacem apud Deum habemus” [being justified therefore by faith, let us have peace with God]⁴⁰ as if he had sayed because now thou haste gott the peace of conciens and art justified from hence forthe worke all thinges which make for this peace. Sythe thou art determined to do that which thou hast promised, videlicet utterly forever to renounce Remnon and the pro-

37 2 Kgs. 5:17.

38 2 Kgs. 5:18.

39 2 Kgs. 5:19.

40 Rom. 5:1.

phane worshippinge of idolles, and never after this to do any sacrificise, but only to the God of Israell. In this this word and promise go thy way in this thy fathe and grace encrease thow, in the peace of consciense which God hath geven the[e]; go on, procede and persever, for he which mercifully begonn this thy conversac[i]on will perfett the same, and prosper thy journey.

Obiect. Thus yt is plaine that the peace which the prophet speaketh on is the worke of righteousnes and this peace Naaman could never have hadd yf by this bare entraunce and beinge amonge other idolators and service of the kinge he had bene defiled with P[rotestants] or throwen into mortall synn. And yt is to little purpose that is objected.

Obiection: Naaman desired license, ergo without license; yt was a synn.

R[esponse]: For the argument followeth not, but yt is a good consequent that Naaman desired license, ergo he thought yt to be an offence. And yt is a sewer argument that the prophet allowed his goynge; ergo yt was not per se a mortall synn for hym to go, for as the prophett could not, so he wold not dispenche with any man in a thinge which killeth the soule, nether could the prophets prayer have avaled hym, except he wold leave of and repent the synn, which Naaman did not, nor wold have donn, except that prophet had judged yt an unlawfull acte; for the somme of his requeste was no more but that, salvo honore Dei Israell, he might contynnew in that office to the kinge and serve the kinge in that place, with this caution, that he swarve not from the trew worshippinge of God. And yt is plaine that the prophet allowed his doynge, for otherwise he wold planely and directly have sayed that it was not lawfull and that if he do not forthwith dispatche hymselfe of that service, in vane yt were for hym to worshipp or to builde an altar in the honnor of the God of Israell. Thus wee see that Naaman in that place might exhibit his service to the kinge, that in his fact he was no idolator nor committed mortall synn and so by a consequent yt aperethe that the bare locall abidinge in the prophane temple att there tyme of service was not of ytselfe a mortall synn.

Now compare the acte of hym whome we speake of with Naamann, from poynt to poynt et cetera. Though he be in the churche of P[rotestants] (as Naaman was with idolators), yet his profession is knowen, he semethe not to dissimull by his owen actes, he uttereth hymselfe evidently and that he doeth is not to any evell end nor with intenc[i]on [f. 138^r] to deceave in so muche as he absteyneth from their woorkes; and to everyone which askethe, he is redy and with fermer mynde determined to confess his faithe; he is not pertinacious nor contempitious againste any law or authorithie. To the contrary, he confesseth his faithe, he avoydeth all scandall as muche as he maye et cetera. And yt is to littell purpose, yt is objected, Naaman was a novice, or no scandall or littell was to be geven there in Syria, where all were idolators, for the bare acte of beinge in suche a place is here in question. And if yt be of ytselfe a mortall synn his novasship is no excuse, and the scandall is an accident, then, that taken away, the thinge is not unlawfull, yet his servants might take scandall etcetera ut supra dicitur [as it was said above].

Ob[jection]: It is not to be denied that many of the fathfull martirs and confessors in tyme of persecution have utterly refused to come into the churches of P[rotestants] and temples of idolators and did so abhorre from any manner of conversing with them, as when they were to suffer deathe with [idols] at any place of execution, they wolde as they might even there go aboute to be seperated from them, because they wold not seme to dye of on profession with them and this their acte is worthely commended.

R[esponse]: Even so yt is comendable in them which utterly refused (as many did) to come to their churches. But this allegat[i]on ex gestis prorsum presumpta [presumed directly because of these acts] proveth not against the case before sett downe, for yt semethe no good consequent in every case; good men and martirs did this, ergo this not to do, or otherwise to do is Protestant or mortall synn; for good menn and martirs in tyme of persecution have gon amongst P[rotestants] and idolators and some tymes to their churches and temples without grudg of consience [and] were not defiled with their woorks of Protestants or idolatry. And thus they did as circumstanc[e]s moved them, for circumstanc[e]s do alter cases. And that good men and martirs in tymes of persecution have not forbidden the bare and naked goinge to churches and conferences of them, and that without blemmishe, yt appereth by the examples of many wherof some are hereafter sett downe. Wee reade that the apostles were mixt amongst the wicked Jewes in the temple and there prayed amongst them, though not with them, nor suche praiers as the Jewes prayed, who could not brooke the name of Christe; and they observed the same tymes of praier. And this they did after they hadd received their commission to preache the Gospell, and after they hadd received the Holy Goste. This provethe that the bare goinge and naked corporall presence with P[rotestants] or I[dolators] in their churche att tymes of prayer without farther circumstanc[e]s is nether Protestancie nor mortall synn.

Now compare this with our manns doinge. Every Jew hadd as yt were a frehold or intrest in the temple for to come and praye, the Apostles did kepe their possession was in the temple amonge the Jewes which [f. 138^v] crucified Christe and there praied in the forme which was to them commended, videlicet "in nomine Patris et Filii et Spiritus Sancti" [in the name of the Father, and of the Son, and of the Holy Spirit] though not with them nor their praiers, which indeede cold not brooke the name of Christe; this mann likewise whome I speake of kepethe his possession in the churche ordeyned for the praiers of faithfull; there remayneth, praethe in the form sett forthe by the fathfull. Add here unto the other circumstances sett downe in the case; I see not any matter of reprehenc[i]on in his bare cominge more then in yt of the apostles. Gamaliell was a disciple of Christe and a companion with the apostles, yet nether did he bewray hymselfe to the Jewes nor forbear the fellowship of the Pharisees, but to the end he might pacify their fury; he remained among them even in their consultac[i]on, as well towching the law of God, as towching their civill policy. And this he did by the

advice of the apostles, as apereth by Clement Recog. L. 1 et 10⁴¹ and by Saint Bede et cetera.⁴²

And how by this meanes he pacyfyed the Jewes yt apareth Act. 5^o (34-39). Yt is not to be dowted that open profession of faithe was never more nedfull, then even at this tyme when Gamaliell was thus permitted to do, nor more dowt of scandall might be alleged against any of the convyrted Jewes than againste Gamaliell. Then sieth it was accountped no faulte in Gamaliell to sett in counseil with infidells and to be present at their practises against the trewethe which he professed, though secretly; and if the apostles allowed hym so to do or did tollerate yt for the cause aforesayd and to the end he might admonishe them some tyme of evell pretended againste them (as Clement sayeth ubi supra), then yt foloethe that the bare beinge and accompanying with P[rotestants] in their churches at the tymes of their praiers is not per se peccatum mortale [in itself a mortal sin]. So as no circumstance cann make yt tollerable, specially in them which nether do nor speake againste the unities of Christs Church, but only geve their bare presence for avoydinge farther mischeffe, to qualify the indidnat[i]on of the adversary and thereby to be a meane for his parte to purchase a calme to the multitude, yf yt might be. The infirmitie of feare wrought in Nichodemus, so as "ex iusto metu timens venit ad Iesum nocte" [out of justified fear he visited Jesus by night],⁴³ and thoughte he professed not Christe openly but conversed wythe the wicked Jewes openly, yet he was not of Christe reiected, for this he did illeasa charitate [with charity] and yet at that tyme was profession as needfull and scandall as much to be avoyded as nowe.

Joseph ab Aramathia is called (Matt. 27.) a disciple of Jesus; "occultus, tamen, propter metum Judeorum" [but secretly for fear of the Jews]⁴⁴ (Luke 23.) and is of the evangeliste sayd to be "probus et iustus" [good and just] and that "non consenserat consilio et artibus eorum" [he had not consented to what the others had planned and carried out]⁴⁵ and yet is evident that he was present amongst them in their synagoge and consultat[i]ons et cetera. These two examples prove that this naked presence amonge P[rotestants] is not per se peccatum [in itself a sin], so as no circumstance can make yt tollerable, specially in them which to avoyd tentac[i]one or ex iusto metu [out of justified fear] do fly and yett remaine; and so remaininge yet not witstandinge fly tentacion, as they nether forsake their profession impare their faythe, nor loose their charittie; only they go to the church

41 The only passage where the episode is mentioned is in *Recognitiones S. Clementis*, bk 1, c. 65-66 (PG 1: 1242-44). "Bk 10" is possibly a mistake for "caput xiii" (*Proemia* [PG 1: 1167-68]). Among the so-called Pseudo-Clementine works, the *Recognitiones* are ascribed to Pope Clement I, or Clement of Rome (fl. ca. 96), to distinguish him from Clement of Alexandria (ca. 150-ca. 215).

42 Bede, *Super Acta Apostolorum Expositio*, c. 5 (PL 92: 956).

43 John 3:1-21; 7:50-51; 19:39.

44 John 19:38.

45 Luke 23:50.

amongest [f. 139^r] P[rotestants] uppon juste feare or to the end they might not throe themselves into temptac[i]on, that is to saye exasperate the adversary. And thus they fly though they still abide et e contra. And yt is not without examples many nor againste the pollicye of catholickes in tymes of persecuc[i]on and standing of ecclesiasticall discipline that a man should not offer hymselfe to persecuc[i]on before he be called, and not to exasperate the persecutors, in so much as Saint Ciprian (in sermone De lapsis⁴⁶) reprehended certen which offered themselves to Tyrants. The first degree to victory – saythe he – is when a man is apprehended then to confesse his fawlte; the second is waresly to withdraw hym selfe and to reserve hymselfe to our Lord. The one he called a publicke profession, the other a private confession. Yea if a man be banished, he wold not have hym retourne (ex 7 ad Rogat⁴⁷ et ex 83 ad Pl.⁴⁸). And this discipline the apostles observed when they perceived no fruite to come by offeringe themselfe to perrill. This is not spoken against any confession of faithe done loco et tempore [by place and time], but to shewe that a caution is to be used ut probetur Spiritus an ex Deo sit [in order to see whether the Spirit was from God] (Bede,⁴⁹ Clem. Alex,⁵⁰ L. Strom., 4⁵¹).

Yt cannot be denied but in tymes of persecutions bothe before and after Christe many fathfull men were in the houses of princes, yea some of their consell, some of their prime chambre and of great credett with them, and others also which could not avoyd to be among the princes and yett are not sayed to have bene contaminated thereby with mortall synn, as those of whome God sayd to Elyas 3 Reg 19 “Reliqui mihi septem milia vivorum qui non curvaverunt genua sua ante Baal” [And I will leave me seven thousand men in Israel, whose knees have not been bowed before Baal].⁵² So was Abdias steward of howshold to the wicked kinge Achab, who hidde the prophets 3 Reg. 18⁵³ and yett reserved hymselfe from idolatry although he could not escape [written above the line], but to apere some tymes amonge idolators in the temple. And so may wee thinke of those courtiers which

46 Cyprian, *Liber de Lapsis*, c. 3 (PL 4: 467B).

47 The author without a doubt is referring to the sixth letter, *Ad Rogatianum Presbyterum et ceteros confessores*, c. 4 (PL 4: 237B–38A). In his edition of Cyprian's works (Antwerp, 1568), Jaques Pamele (“Pamelius”) re-ordered Cyprian's letters and writings (cf. Etienne Baluze's preface to Migne's edition of volume IV of *Patrologia Latina*, cols. 13–14 [PL 4: 13–14]). Obviously the author followed Pamele's order (according to which *Ad Rogatianum* is epistle 7), and not that of Baluze, who died in 1718 (PL 4: 9–10), which is followed by Migne.

48 Cyprian, *Ad Clerum et Plebem*, c. 2 (PL 4: 432A). Migne follows the numeration of Baluze, which in this case corresponds to Pamele's, and designates this letter as number 83.

49 Bede, *In S. Joannis Evangelium Expositio* (PL 92I: 684A).

50 Clement of Alexandria was the head of the prestigious Catechetical School at Alexandria from 190.

51 Clement of Alexandria, *Stromata*, bk 4, c. 10, 11 (PG 8: 1286B–290A).

52 1 Kgs. 19:18.

53 1 Kgs. 18:16.

were of the Emperors howshold, in whose name saint Paule salutethe the Phillipians (cap. 4) and calleth them saints.⁵⁴

And in S. Paulles tyme wee see Christians (even they which were instructed in the libertie of the Gospell), beinge invited by infydels to their banketts in their temples of idolls, did sett downe among them and did eate of the meate offered to idolles, not for the idolles sake, but as comon and indifferent meate sette before them to eate. This bare fact of entrynge and eatinge was not by Sainte Paull rebuked, but he rebukethe them for that in eatinge therof they had no regard of the weaklings which of their eatinge didd take occac[i]on to eate in the honnor of idolls; which faulte they might have amended if they had charitably informed the weake and unlearned with what intenc[i]on, mynd and respect they did eate.⁵⁵

Therefore Saint Paull rebuketh them boethe, the one for not satisfyng the weake, the other for misusinge his brother and thinkinge that to be evell done, which might be well done. Then siethe this bare fact of eating in the temple meat sacrificysed to idoles was not reprehended in those which voluntarily cam uppon invitac[i]on. [f. 139^r] What fault will you ascribe to hym which ex iusto metu cometh, yet not withowt profession of his fathe and suche a declara[t]ion as may geve sufficient occac[i]on to the weakest to take no example of evell therby but rather example of good.

And Saint Hillarie⁵⁶ in his book againste Constantius the Emperar⁵⁷ shewing his owen behavior towards the emperor saiethe thus: "Denique exinde nihil in tempore maledictum neque in ea que tum se Christi ecclesiam mentiebatur, nunc autem est Antechristi synagoga famosum ac dignum impiorum impietate scripsi aut locutus sum, nec interim criminis loco duxerim quemquam aut cum his colloqui, aut suspensa licet communionis serietate orationis domum adire, aut pace optanda speraret, dum erroris indulgentiam ab Antechristo ad Christum recurrentem per paenitentiam praepraremus." [Finally at that time I said or wrote nothing insulting either against those who maligned the Church of Christ or even now against the synagogue of Antichrist made famous and worthy by the impiety of the impious, nor in the meantime have I accused anyone either of conversing with these or, though avoiding social contact, or going to their house of prayer, or hoped to obtain peace, while we prepared to obtain pardon for the one turning penitently from Antichrist to Christ.]⁵⁸ Here we see what this good mann thought of the naked bare goinge to churches of Protestants and here we may take owt a lesson not to be bussye in exasperatinge our adversaries.

Ob[ject]ion]: Saint Paule saythe "abstinetes ab omni specie mali" [abstain from every form of evil]⁵⁹

⁵⁴ Phil. 4:22.

⁵⁵ 1 Cor. 8.

⁵⁶ Hilary of Poitiers (ca. 315-370) was Bishop of Poitiers from ca. 353.

⁵⁷ Second son of Constantine, Constantius II (317-361) was Emperor of the Eastern Empire. Hilary of Poitiers attacked him because he was an Arian.

⁵⁸ Hilary of Poitiers, *Contra Constantium Imperatorem* (PL 10: 579B-80A).

⁵⁹ 1 Thess. 5:22.

R[esponse]: Yt is good, and yet is cleare, by Saint Thomas (12. q. 22. 2 [Liram g[lossa] ob[ject]t[i]one m g]),⁶⁰ and others that even that act which hathe speciem mali is not alwaies judged unlawfull, so that he which doth yt doe not dissimull nor have any intention to deceave; and therefore note that yt is muche matereall with what mynd a man dothe a thinge, as followeth hereafter in the ende. If any thinge should make this acte in the case sett downe to be P[rotestant] there must be in that acte ether pertinacia [obstinacy] or contemptus [contempt] or boethe, but ther is nether for he dothe not againste any law or comaundement made expressly to the contrary, and is reddey to yeld to the better judgment, when yt shal be knowen. And if yt be mortall synn, yt muste ether be so for that it is againste the profession of his faithe or done uppon presumption withowt respect to the perrill or for that yt is scandalous. Other cause I see nott, but against the profession of his faithe, yt is not for in his doinges he geveth evident signes of his faithe and he hathe a vigilant care that he be not entangled with use therof. And the scandall is not by hym geven, but rather taken by the negligens of others, which will not regard his doinges. And yt is evident that yt may be done withowt scandall, as in such a place where his person is unknowen and where is none that wil be scandalized by his act eyther for that they are firme and stronge or sufficiently instructed of his intent, or for that they regard hym not et cetera. So as the scandall beinge avoyded, the bare acte of ytselfe wanteth blame.

Ob[jection]: The cannon of the Apostles forbid goinge to the synagog of Jewes or conventicle of ido[lators].

R[esponse]: Yt doth not forbid yt absolutely, but only the goinge “ut preces coniungat cum illis” [in order to join them in prayer] for the woordes be these: “Si quis clericus aut laicus ingressus fuerit Synagogam Judeorum aut conventiculum P[rotestantium] ut preces cum illis coniungat, deponitur et a communione secluditur.” [If any cleric or layperson should enter the Synagogue of the Jews or the conventicles of Protestants to join in their prayers, such a one is brought low and cut off from communion (with the Church.)]⁶¹ And though some deride this answer, I see no reason they have so to do, for if this hadd bene the sence of that cannon – absolutely to forbyd all goinge to suche places in vane – should those fathers have put in those woordes “ut preces coniungat cum illis”; and if that hadd bene the sens, Saint [f. 140] Hillary wold not against the authoritie of the apostles have accounted yt, no synn, nor have permitted his people to go, if the bare goinge hadd bene ether P[rotestancie] or mortall synn. And as by the 12 cannon “si quis cum damnato clerico veluti cum clerico oraverit, iste damnatur,” [if someone should pray with a condemned cleric in the guise of a cleric, such a one is condemned] so by the other cannon he which goeth to the churche with P[rotestants], videlicet communicans eorum operibus malis, damnatur [sharing in their evil deeds, he is condemned], but not oth-

60 Thomas Aquinas, *Summa Theologiae*, I^a-II^{ae} q. 21. a. 1 ss; Nicholas of Lyra, *Repertorium alphabeticum sententiarum ... deceptorum ... ex [Bibliae] glossa ordinaria, glossa interlinearis ... Nicolai Lyrani* (n.p., 1508); Matthaei Ca. V, pt. 5, f. 21D, Ca. VI, ff. 24B, 28H. Nicholas of Lyra (ca. 1270–1340) was a Franciscan exegete.

61 Hardouin, *Acta conciliorum*, 1: 25–26, canon 63.

erwise, for upon the bare externall acc[*i*]on yt semethe not that the cannons condem hym, for the woordes “ut coniungat preces” are no more to be accounted superflus in the cannon objected. Then the woordes “veluti cum clerico” [in the guise of a cleric] are to be accounted superflous in the 12 cannon aforesayd.⁶²

Though to pray be ex lege divina [of divine law], yet to go to this church or that church to pray is ex lege positiva ordinata ad legem divinam [of positive law arranged according to divine law]; but lex positiva non ligat ad mortem [positive law does not bind till death]. Therefore upon the question “ut semel excommunicatus sit semper vitandus [excommunicatus]” [whether once excommunicated one has to always to be avoided as an excommunicated person] answer that in case of necessitie ether absolute or conditional, “non est vitandus” [not to be avoided]. And “necessitas conditionata” [conditional necessity], say they, is “metus” [fear], videlicet suche a feare as “potest cadere in virum constantem” [can strike a resolute man] as “metus mortis, metus fortunae” [fear of death, fear of misfortune] and also “metus du[rus] et intollerabilis incarcerationis” [fear of (hard) and unbearable imprisonment] specially to aged and impotent persons, “metus ruinae patrimonisque” [fear of the loss of patrimony] to suche as have wiffe and children etcetera. For upon suche a feare – say they – one “participans cum excommunicato etiam in divinis non peccat nisi participet in crimine” [one participating even in religious services with an excommunicated person does not sin, unless he concurs in the offence]. And the reason is for that, “non tenetur quis obedire prelato iubenti ut obiciat se periculo mortis etcetera si non in casu fidei ac pro comune salute, quando aliter defensari non potest” [no one is bound to obey a prelate ordering one to expose oneself to the danger of death etc. except in the case of faith and for the common good when they can be safeguarded in no other way]. So is yt – say they – “de excommunicato vitando” [on avoiding the excommunicated] for no man is bound to esteem a person excommunicated when he cannot do yt without such perill for the law “de excommunicatis vitandis” beinge “ex iure positivo, non ligat ad talia” [by positive law, it does not bind one to such things] for “charitas” was the cause that moved men to make that law. And if the same law were to be kept in suche extreame necessitie, then “charitas militaret contra charitatem” [charity would contradict charity], which may not be (Summa Ang. 5.5, Excommunicatio, Silv. desu[pe]r etc.).⁶³ Even so by the same reason this law of not goinge to the church of P[rotestants], beinge a positive lawe, (if ther be any such law

62 Hardouin, *Acta conciliorum*, 1: 33–34, canon 10.

63 Blessed Angelo Carletti (1411–1495) was a moral theologian of the Order of Friars Minor. His most famous work, *Summa de Casibus de Conscientiae*, commonly referred to as *Summa Angelica* (ca. 1476), was written “pro utilitate confessoriorum et eorum qui cupiunt laudabiliter vivere” (for the use of confessors and for those who wish to live a praiseworthy life), and generally was considered an excellent guide to casuist theology. See his *Summa Angelica de Casibus Conscientialibus R.P.F. Angeli de Clavasio Ordinis Minor. Obser. Reg.* (Venice, 1578), Excommunicatio VIII, n.18, 20, pp. 492, 493; Sylvester Mazzoloni da Prierio (Prierias) (1456–1523) was a Dominican theologian and opponent of Martin Luther. See his *Sylvestrinae Summae, quae Summa Summarum merito nuncupatur, Pars Prima* (Lyons, 1551), Excommunicatio V (“De participatione cum excommunicatis”), no. 5, p. 369.

expressly forbiddinge yt), byndethe not a man so, but a man in time of necessitie absolut or conditional, “videlicet ex iusto metu et non ex contemptu” [thus from just fear and not from contempt], may go to the churche of Protestants at their tyme of praier. Muche les doth such a law (if there be any) bynd a man in the case propounded, where besides the necessitie ther is a profession of faithe in gesture and behaviour, where pertinacia (which is origo P[rotestancie] [the origin of Protestantism]) aperethe not to be, for “in ipso ingressu unitatem cum fratribus agnoscit, preces non nisi probatas affert, sacramenta Christi veneratur, illorum ne attingit, id quod nec ipsos quibuscum ad templa accedit latere vult, et ita tametsi cum illis templa petat, nihil tamen quod vel fidem vel charitatem ledat operatur; quod si charitas, unde unitas pendet, non leditur, quomodo fiat ut ipse cum illis in templa corporalis ingressus seu comoratio fiat macula?” [in the very entry he affirms the unity with the brethren, says recognized prayers, venerates the sacraments of Christ, partakes of them, does not wish to hide the fact or those with whom they go to the places of worship, and though they go to the temples with them, would do nothing however that would harm faith and charity; for if charity, on which unity depends, is not hurt how can it be that the bodily entrance itself to the temples or staying there constitute a stain?] [f. 140^v] Ob[jection]: “Exite e medio eorum, etcetera,” [Come away from them etc.] com owt from amonge them and separate yourselves (sayeth our Lord); towche no uncleane thinge, etcetera (2 Cor. 6;⁶⁴ Isa. 52⁶⁵.)

R[esponse]: This place and suche like is understode (as Saint Augustine sayethe, *Contra ep. Parm.*, l. 3, c. 4),⁶⁶ by corruption of vice and synn and not of corporall separacion. “Acceditur enim (sayeth he) ad vitium corruptionis vitio consentionis; immundum non tangit qui ad peccatum nulli consentit.” [To the error of corruption is added the error of agreement; he does not touch the unclean who in no way consents to sin.]

Ob[jection]: So yt is to understand of the place Apoc. 18: “Exite de illa Babilone, populus meus, ut ne participes sitis delictorum eius, de plagis eius non accipiatis” [Come out, my people, away from her Babylon, so that you do not share in her crimes and have the same plagues to bear].⁶⁷

R[esponse]: And admitt boeth these places and like be understood of P[rotestancie]; no mann doubtheth, but consents are to be escheued and admitt that they be referred to conversinge with P[rotestants], consider by Saint Augustine *Contra Petil.* l. 2, c. 43: “Quid est quod maculat?”⁶⁸ [What is it that stains?] That is – sayethe he – a consent to the fact which the man whom we spake of doth not, but utterly abhorringe from all consent doth but ex iusto metu [out of justified fear] or for avoydinge of temptac[i]on geve a bare corporall presens, and seketh for his

64 2 Cor. 6:14–18.

65 Isa. 52:11.

66 Augustine, *Contra Epistolam Parmeniani*, bk 3, c. 4, 20 (PL 43: 98).

67 Rev. 18:4.

68 Augustine, *Contra Litteras Petilianii*, bk 2, c. 22.50 (PL 43: 275–76).

parte a meane to molify the wrathe of the persecutor, which, in every adge, wise and good men have done; and never was yt more nedfull than now, for seing the outward face of religion etcetera is through the Godds permission for our synns taken away by the Civill magistrate, folly yt were for a man to seeke to exulcerat that which he cannot heale; and yt is not every manns lott to purge the Churche of chaffe. And for a matter which might be made indifferent to sterr trouble is not the best corse to quietnes. A man which dwelleth amonge the wicked muste lament the state and providently avoyde the perrill of tentac[i]on and as muche as he may muste withdraw hymselfe from trouble as a peaceble child of the Churche, not sekinge unnecessarily to provoke ire.

Objection]: Then very personnes ought to be avoyded. Ne dixeris ei "Ave." [Not even to greet him.]

R[esponse]: Trew yt is when the Churche is of habilitie to reforme and towching consent, but tempore necessitatis not to avoyde them personally is not synn in every case.

Objection]: It is very daungerous to be there, for "qui amat periculum peribit in illo" [whoever loves danger will perish in it].⁶⁹

R[esponse]: It is trew "qui amat et cetera" [who loves etc.] but this man non amat [does not love], and he knoweth that great care is to be used herin.

Objection]: It is compared to redinge of Protestants booke and therefore unlawfull.

R[esponse]: To rede P[rotestants] bookes is unlawfull "quia prohibetur per canones" [because it is forbidden by canons] yet is yt not "per se peccatum mortale" [in itself a mortal sin], for then were yt not to be dispensed with all.

Objection]: All open professors of P[rotestancie] or knowen here are to be eschewed in their praiers and sermons; their profession is manifest, ergo then specially we muste abstaine from them, "quia participare cum P[rotestantibus] divinis etiam Catholico grave peccatum est" [because Catholics sin seriously when they participate in Protestant services].

R[esponse]: That is answered before, but note many parishshes in E[ngland] ther be where nether the curate nor parishshionars are open professors of P[rotestancie], nor knowen Protestants, but dissembling Catholickes. [f. 141^r]

Objection]: Ther muste be *signum distinctivum* [a distinctive sign] betwene Cha[tholics] and P[rotestants] and now the goinge and not goinge is made a signe distinctive betwene C[atholics] and P[rotestants], and therefore eache man is now bound to kepe his marke leste, refusinge yt he seme therby to denie his profession, and he muste follow the example of the Cristian sholdiars which wold not weare the garlandes on their heddes, as the infideles didd, to the honor of their false Goddes, but in their handes they did holde them for a marke and distinction from the infidelles, for which they are comended.

R[esponse]: The goinge and not goinge is not made a signe distinctive betwene

⁶⁹ Eccles. 3:27.

C[atholics] and P[rotestants], for puritans refuse to go to the churches of P[rotestants], againe the P[rotestants] do not account yt a speciall marke, for they know that ther be many C[atholics] which go to the churche of P[rotestants] and many catholics ther be which wold be so accepted and reddy to dye for their faith, which nevertheles go to the churche of P[rotestants] and make yt not a speciall marke. Further in the case sett downe there be speciall marks anowghe and a plaine profession yf I pray not with them, if I sett whan they knele, if I refuse their comun-ion etcetera be not these signa distinctiva and do not these facte shewe a dissent as well as express woordes, but it is not to be neglected that this is made signum distinctivum betwene a trew subiect and a rebbell; and therefore if the bare goinge be, but in his owen nature a thinge indifferent lett every wise man weighe his owen case. And for the example of the garland, marke that they did yett beare the garland in their hands, though not on their heddes; and so they did weare the garland thoughte not to the honnor of the idoll.

Ob[jection]: The Fathers at Trent beinge demaunded their opinion herin answered that yt is unlawfull.

R[esponse]: It appereth not by their answer that the case was there as yt is here sett downe to them, and therefore what they wold have answered to this case yt is not knowne.

Ob[jection]: The chefest poynt and very knot of this matter in vitando scandalo [in avoiding scandal], for where the[re] be ii offices of charitie, the one is all iniuries and persecut[i]ons thrown uppon you, for Christe patiently to suffer, and in loco et tempore not to fly them. The other ys not to geve scandall, that is to say occac[i]on of fall to thy brother. But for so muche as this act is thought cannot be done without scandall; therefore yt is utterly by Catho[lics] exclamed against.

R[esponse]: Yt may be done without scandall, ut supra dicitur [as it was said above]. This man of whome I putt the case offendeth against nether of the poyntes of charitie, for he is reddy to confess his faith and to geve a reason of his doings to suche as will demaund of hym ordrely and he is not willinge by his example to draw away any by the breache of charitie, but by his woords and gesture to suche as liste to marke hym dewly he geveth occac[i]on of confirmac[i]on. But here yt is to be noted that there be some persons to whome, by reason of their vocation, a scandall is annexed, as bishops, prestes and magistrates; for [f. 141^v] that one sorte is bounde by worde and the other by power to withstand. Therefore herin every man is to aske of his owen consience what scandall he geveth. And therefore note that, as yt is much materiall, with what mynd a man dothe a thinge, for that God dothe more regard the will and intenc[i]on of the doer than the dede itselfe.

Even so the manner of doinge altereth a case, for if yt be not done rightly and agreeably to charitie yt is a synn, thoughte otherwise very good and indifferent. Si enim recte offeris et non recte dividis peccasti. [If you donate rightly but do not divide rightly, you have sinned.] Therefore – sayeth the Saint Gregory⁷⁰ – “bonum non

70 Gregory I had considerable influence on the doctrine, the organization, and the discipline of the Catholic Church.

est bonum nisi bene fiat" [good is not good unless it be well done].⁷¹ By Moyses' law certain meates were forbidden as uncleane, but by the law of the Gospell all meate were made indifferent; they which were well instructed in the Gospell know this and did eate all kinde of meate; the other which were not instructed did still forbear. The instructed Saint Pawle calleth "firmos" [strong] the other "infirmos" [weak]. The firme did eate havinge regard to the weake and ignorant and the ignorant, did condem them for eatinge. The Apostle wold nether the learned to despise the ignorant nor the ignorant sholde raffly condem that which they understoode not. Even so ther were then Christians, which beinge invited of idolators to banquetts wold entre with them into their temples and eate of their meate, which was sacrificed to idolls because they knew that all meate was then of like condit[i]on and what so ever was sett before them they did eate, usinge the libertie of the Gospell, dispisinge the weakenes of others. Wheruppon the weake and ignorant, thinkinge they did it in honor of idolles did take occac[i]on of their example to eate in honnor of idolles. These two sortes of men Saint Paule rebukethe, and to the ignorant he sayethe "what are thow that condemnest an other manns servant," as much to say as "why doste thow thinke sinisterly of thy brothers fact, when thow knowest not for what intent, uppon what occac[i]on, or in what respect thy brother dothe yt? Why doest thow raffly iudge thy brother?" And again the stronge and instructed he admonissheth not to geve to the weake any occac[i]on to misiuage. And to the stronge he saithe: "why doste thow dispise thy brother as if he sayd the matter is greate herin it is not enoughe for the[e] to use the libertie of the there owene consience nor that thire owen intent[i]on is upright to thyselfe, for even in those things which otherwise are lawfull thow must take hede that thy weake brother by thy act take not occasion of synn att thy handes" (Rom. 14:1; Cor. 8:10; 1 Tim. 2:4; Titus 1).⁷² Thus Sainte Paule shewethe a rule, how we should behave ourselves amonge men, in those things which are indifferent, and yet have a shew or collar of evell or an offence annexed therunto. These things are to be measured by the circumstances and manner of doinge. And therfor in the case propounded the whole considerat[i]on of the matter is to be refered not to the worke so muche as the manner [f. 142^v] of doinge and to the perrill of thy owen infection and of thy brothers fall; for which cause if a mann do an acte which habet speciem mali [which has the appearance of evil], and here or perceave that another is scandalized therby, his parte is ether abstinere omnino [to abstain altogether] or els until the mann scandalized be by one meane or other enformed of the considerac[i]on why yt is done, and if that will not satisfy hym, he is to be blamed. For Saint Paule forbidethe the weake to take offence. And of the two he rather alloweth the judgment of the other, for the thinge which he specially requirethe in hym is that beinge stronge he geve place to the infirmitie and beare with the weake.

[f. 142^v] A discourse delivered to Mr Sheldon. 1580.

⁷¹ Gregory I, *Moralia, In cap. XII B. Job (Vers. 16, 17)*, c. 19 (PL 75: 962D).

⁷² Rom. 14:1-23; 1 Cor. 8:10; 1 Tim. 2:4; Titus 1:1-16.

§20 Against Going to Church [1581/1582]

SOURCE: Kew, The National Archives, SP 12/136/14 (f. 33^v).

NOTE: Misdated as 1580 in the *Calendar of State Papers*, this paper was more likely written circa 1581–1582 because of the author's use of the word "Brownists." The community founded by Robert Browne, which gave the word to the language, was first established in the spring of 1581 and their doctrinal compendium *The Book which sheweth the Life and Manners of all True Christians* did not appear until 1582.

This brief tract stresses the position of recusancy. Attendance at non-Catholic services was a sin, and exposed the sinner to the danger of schism. See Elliot Rose, *Cases of Conscience: Alternatives Open to Recusants and Puritans under Elizabeth I and James I* (Cambridge; London; New York 1975), 81–83.

Marginal notes are included in the text in brackets and in italics.

Jesus Maria

It is a thing most evident and plaine that no Catholique Christian can goe to church without the daunger of most dampnable scisme (which is a voluntarie revolte from the Catholique Church) because the ministers and preachers are som Protestants som puritanes and som holding other planie heresies so that it is verie hard to saie that this man is a Protestant without doubt: for that he that is a Protestant to daie (their faith is now so light and nimble) will to morrowe become a puritane or some other sectarie through their fine dilicate preaching and doctrine, wherfore no Catholique can be by lawe iustlie compelled to praie with them or here them preach for that the intent of the law is onlie for Protestants service and preaching and not for others.

I. First is to be considered that every Catholique Christian art his or her first entrance in to the unitye of Christ his Catholique church (which is when they receive baptisme) doe (eyther by them selves yf they be of age and discretion) or by their sureties make a most solempne vowe and promise to continue in the unitie of the same Church and undoubtedlie to beleive and hold all the articles of the Catholique faith wherein is one that bindeth them to beleive a Catholique Church, wherein the said Catholique faith is ever rightlie practized and used and not else where.

For St. Augustine most plainelie saith firmissime tene et nullatenus dubites quemlibet haeticum sive schismaticum in nomine patris et filii et spiritus sancti baptizatum, si ecclesiae catholicae non fuerit aggregatus, quantascunque elemosinas fecerit, et si pro Christi nomine etiam sanguinem fu[n]derit nullatenus posse saluari. Omni enim homini qui ecclesiae Catholicae non tenet unitatem, neque baptismus, neque Elemosyna quamlibet copiosa, neque mors pro nomine Christi suscepta proficere poterit ad salutem, quando eo haeretica vel scismatica pravitas perseverat, quae ducit ad mortem [*Aug. lib. de fide ad Petrum. cap. 36*].⁷³ [Hold firmly

73 Augustine (recte Fulgentius, Bishop of Ruspe [468–533]), *De Fide ad Petrum, sive De regula verae fidei*, c. 39, seu Reg. XXXVI. 82 (PL 40: 776).

and never doubt that whatever heretic or schismatic baptized in the name of the Father and of the Son and of the Holy Spirit, if he be not united to the Catholic Church, however many alms he may give, and even shed his blood for the name of Christ can in no way be saved. For every man who is not united to the Catholic church, neither baptism, nor abundant almsgiving whatever, nor death sustained for the name of Christ, can avail to salvation, as long as he perseveres in his heretical or schismatic depravity, which leads to death.] And Saint Paul saith *Et si habuero omnem fidem ita ut montes transferam charitatem autem non habuero, nihil sum [Pau. I Cor. 13. a].* [And if I have faith in all its fullness, to move mountains, but without love, then I am nothing at all.]⁷⁴

Noe man can have perfect charitie unless he remanie in the unity for the spirit giveth no life to anie membre cut of from the bodie. Therefore Saint Athanasius said well and wiselie in his credo *Quicumque vult salvus esse ante omnia opus est ut teneat Catholicam fidem. Quam nisi quisque bene et integre observaverit absque dubio in aeterno peribit.*⁷⁵ [Whoever wishes to be saved must above all things keep the Catholic Faith. Which unless one observes integrally and well, will beyond all doubt perish eternally.] So that herebie it is evident that we must of necessitye fullie and wholie (and not by peces and patches) hold and kepe the Catholique faith or else without doubt we shall perish everlastinglie. Which ys impossible to be done yf we go to church praie and communicate with heretiques and scismatiques as we must of necessitie with puritanes Anabaptists familie of love Brownists and the like.

§21 An act to retain the Queen's Majesty's subjects in their due obedience (23 Eliz. I c. 1), 1581

EDITIONS: Prothero, *Select Statutes and Other Constitutional Documents*.

[p. 75] ... Be it also further enacted, That every person above the age of sixteen years, which shall not repair to some church, chapel or usual place of worship, ... and being thereof lawfully convicted, shall forfeit to the Queen's Majesty, for every month ... which he or she shall so forbear, £20 of lawful English money: and that over and besides the said forfeitures every person so forbearing, by the space of twelve months as aforesaid, shall for his or her obstinacy, after certificate thereof in writing made into the King's Bench, by the ordinary of the diocese, a justice of assize and gaol-delivery, or a justice of [p. 76] peace of the county where such offender shall dwell, be bound with two sufficient sureties in the sum of £200 at the least to good behaviour, and so continue bound until such time as the persons so bound do conform themselves ...

⁷⁴ 1 Cor. 13:2.

⁷⁵ Also known as the "Quicumque vult," this creed was commonly attributed to St Athanasius.

§22 “A briefe advertismnt howe to answere unto the Statute for not coming to Church both in Law, and Conscience, containing three principall points” [1581–1582]

SOURCE: Kew, The National Archives, SP 12/136/15 (ff. 40^r–46^r).

NOTE: This undated, articulate document explained to recusants how they could protect themselves from inquiries concerning violations of the 1581 Statute (23 Eliz. 1.c. 1) through evasion (equivocation), and provided replies according to the standards of Catholic casuistry if the former failed. The “verie words of the Statue” could only examine voluntary, past actions. Thus the magistrate’s task was to determine whether someone had been guilty in the past. He could not convict anyone on the basis of what he/she may or may not do (“will you go to church”). In the English legal system, laws with penalties were defined narrowly and their scope could not by analogy be widened to include other areas (see Rose, *Cases of Conscience*, 67). Apparently this paper did not circulate widely because few if any Catholics used the arguments in their defence. See William R. Trimble, *The Catholic Laity in Elizabethan England, 1558–1603* (Cambridge, MA, 1964), 103 n176. The author argues for recusancy: there is only one, true “forme of divine Service,” that is, “the Catholique Service.” Any other “form of prayer” exposes “the person” to “perill of damnation,” an approach completely in line with the traditional doctrinal position of “lex orandi, lex credendi.” Reference to the “effusion of the Blood of his holy Martyrs and Saints” suggests the treatise was written after the execution of Campion, Alexander Briant (1556–1581) and Ralph Sherwin (1549–1581) on 1 December 1581, whose deaths left the Catholics “uncomforted, ungoverned, unprovided and ... desolate.”

Marginal notes are included in the text in brackets and in italics.

“A briefe advertismnt howe to answere unto the Statute for not coming to Church both in Law, and Conscience, containing three principall points”

The first, what is to be said in Law to that common demand, Doe you, or will you goe to the Church.

The second, whether the matter of the Statute for not coming to Church can be feared by Inquisition of a Jury.

Thirdly, if any Person being denied the advantage of all exceptions by Lawe, how to Answere with most safety according to the duty of a Catholicke .

Touching the first point, no Catholique is to make answer by Law: unto this Question, doe you or will you goe to the Curche, for these Causes.

[*The Benefite of ye Statute limiting just proof to be made.*] First because the very wordes of the Statute doe designe and limitt a just prooffe to be made by due order of Law for every person refusing to frequent the divine Service which prooffe is to be made of a personall, and voluntary Acte pretermitted and past, being a recusacon[sic] to frequent the Church and not of any Act to come, which is utterly impertinent to the Statute, and is no due crouse of Law for any person to accuse himself. [*As in other penall Statutes noe person is bound to accuse himself so much*

lesse in this contriving such an intolerable Penalty.] Therefore every subject living under protection of the Law, is in this point to vaine the benefit of the Law; that according to the purport of that Statute, just proof might be made of his refusall or recusance, and in no wise to steppe one jote from this sure hold and advantage given by Statute, much lesse to gawde himself to the Piker of his own Confession, not necessarily required. [*No Person is to presume of Gods grace in future factes.*] And least of all to enter unto a presumption of a future fact depending upon Gods grace, and permission whereof neither he can perswade himself of any certainty nor the Lawe can take any certaine inquisition by due proofe.

[f. 40^v] [*No Man is to detect himselfe of a Penal Statute. No Man ought to arme his Enemyes to cause his own temptacion.*] Secondly because no person is to detecte himself of a penall Statute, especially when the penalty is so greate that it importeth the losse of all his goods, and fortunes, and the utter undoing of himself his wife and children for ever. Nay I think rather every person bound not to doe the same seing therby through his own voluntary acte without compulsion of Law he he [sic] advantageth and armeth his enemy against him, giveth the cause of his own undoing and leadeth himself into greate perill.

[*No person is bound in Conscience to answer to the hard question because the Statute doth not so intende that a Man should.*] Thirdly because the question in mine opinion bindeth not in Conscience to be answered unto by Confession. For that the matter of not cominge to Church is by the intendment of the same Statute revoked from Ecclesiasticall censure, and jurisdiction of Triall unto a temporal proofe, and penaltie and therefore not to be answered by profession of faith and Religion in this Lawlike course of proceeding having no respect thereunto, as the censures and Canons of the Catholique Church doe require or compell every Christian to doe.

[*The Proceeding is according to penal Law, and not Conscience.*] But most straitly according to the purport and intendment of a Penall Law having no reference to the Catholique Church, wherein is reserved to every person all such benefit, and advantage as the same laid by express words, and plain intent and meaning limieth and appointeth.

[*The double danger of a resolute answer.*] Fourthly because the answer thereto implieth on every side great danger and may yield matter to the adversary to exasperate malice against him, which every Catholique if he can chose ought in nowise to minister in respecte of the damnation of the other although he did know his profession to be his own perfection and glory. The dangers which may ensue of a resolute answer are these.

[*A generall answer of refusall not giving any reason thereof, may minister occasion to the simple to repute him to be an Atheist and godlesse Person unworthy of the favour and equity of any Christian Law.*] If any person in generale do answer to the former question that he doth not come to their Churches, nor cannot so resolve to doe in Conscience. [*The barbarous vociferation of rude people.*] This answer may give an occasion to some weak and simple person in these sinfull

deceived times not only to think that he refuseth in deede to come to Gods service at all, which is most untrue, and therefore to maligne him in the profession of his faith. But also may give some colour of matter to suggest him to be a Godless person (being ready to dye for Gods cause and the true Catholique service) and so to be reputed not onely no Christian, but worse than a Jewe gentile Turke Pagane or infidell as profane exclamations used against Catholiques upon much lesse occasions, hath taught us by experience. For to (say they) he denieth to come to divine Service, or he denieth this or he affirmeth that, which seemeth very absurde and impious because there is no reason given down therefore in particular.

[*The particular answer and deduction of the Causes in which doe move any person not to come to Church, may be construed to be within the compasse of the Statute made for the punishment of slanderous rumors and reports.*] And on the other sides if any person by discretion and wisdome to prevent the same false surmise and suggestion, shall declare in particular the causes of his refusall be either because the Catholique manner and forme of servinge God uniforme in the Catholique Church, dispersed through out the whole world and received with our first faith and ever used since the first conversion from Gentility and Idolatrie unto obedience of faith and Religion in Christ Jesus untill there late yeares, is not in like manner and form used in the Church now adayes.

Or because the blessed Sacraments are neither in number maintained, nor according to their first Institution duly ministred (as they were delivered unto us with our first faith &c.) for which cause he is perswaded that this goinge to Church would be dishonourable unto God, and damnable unto himself. These sound speches and reasons and such like may perhaps be construed within the compass of the Statute.

And therefore as well for the avoiding of these peremptorious dangers by the prejudice of a mans own words, as also to stoppe the mouth of a penall Law, and to preclude the Adversary of all advantage, to be taken by impeaching of himself, it is best in my opinion for every person wholly to relie upon the benefite of the Statutes either by due proof therein limited to be convicted without accusing of himself, or that otherwise being not chargeable by Lawe he may rather with great comfort of minde reioyce rather by will and authority to be punished than by the ordinary meanes of Law, and due course of proof to be convicted.

As touching the second point, whether the matter of a Statute for not coming to Church can be found by Inquisition of a Jury.

The words of the Statute which out [*sic*, for "are"] to be the matter [f. 41^v] and substance of the indightment are these. The same words must be as said the whole matter and substance of the indightment and the forme thereof must cuncurre with the true intent and meaning of the same Statute according to plain purport of the words, and ought neither to be enlarged further, nor abridged shorter.

Upon which words the indictment must accordingly be formed in this wise. That A.B. of the age of sixteen years from such a day to such a day viz. for the space

of many months hath not frequented into any Churches, Chappells or usuall places of prayer, not having any lawfull excuse: which is a generall negative, and is as much to say as that such a person hath not frequented any Church, Chappells, or usuall places of prayer in England.

[*No Jury can finde the Generall Matter of the Statute.*] Now for any Inquest or Jury of any one County to finde this generall matter of Indictment upon their certain knowledg or due proof of Law according to their oathes to be true, against any person is utterly impossible, and inconvenient.

[*Because no Jury can know the generall matter to be true.*] Impossible, because their knowledg cannot extend in certainty to know that A.B. or any other person cometh to any Churches, Chappells or usual places of prayer in England. And for that they cannot possibly knowe so farr unless the Party arreinged do confesse it. They cannot without prejudice to their oathes present go farre or go generally, because their presentation ought not to extend further then their certain knowledg.

Inconvenient, because the same presentment in like reason will conclude those who are most innocent, and guiltlesse.

For if a Jury may present a generall negative to be true which they cannot certainly know to be true viz. that because A.B. cometh to no Parish Church in the County of S. or because they doe not know him to come to any Parish Church etc. that therefore A.B. cometh to no Parish Church, Chappell in England etc. By this conclusion it will follow that look how many stand indighted although they do frequent some Church or Chappell yet because the Jury doth not know so much therefore they shall be found guilty of the Statute, and so the Jury in so doing doe present upon their oathes to knowe that which they neither doe nor can knowe, and that he is guilty which is guiltlesse. And a man to be culpable which is innocent, and a good subject to be out lawed for no offence who deserveth the favour and protection of the Lawes which is an intolerable inconvenience. Sed ex impossibili sequitur quodlibet, of a thing impossible followeth every absurdity.

But if because the Jury perhaps do knowe that A.B. did not frequent to his own Parish Church for one, two, or mo moneths that therefore they presume upon perill of their oathes to present the generall matter of the indictment in that the same A.B. frequenteth to no Church Chappel etc. in England, having noe lawfull excuse which is manifold, and almost infinite, according to the multitude of every private persons affaires, and necessary occasions being perhaps without the reach of their knowledg, and yet allowed by Statute this presumption is very desperate and dangerous, and the presentment very absurd and senselesse in all reason.

For what an inference is this more meet for a few than a Jury to give in verdict, we know that A.B. hath not frequented to his own Parish Church for these many moneths. We know he hath not come to any Church etc. in England at all. How can any particular Jury of any County certainly knowe that conclusion to be true in such sort as they may safely present the same to be true without perill of perjury for presumption is no such due, or direct proof, as the Statute in this case doth assigne. And in all good reason a particular negative being true doth not of neces-

sity include a generall negative to be true especially in such accidentall and excusable casues. As for example, it is no necessary consequence.

Because A.B. cometh not to such a Church in such a Shire or to any Church in the same Shire that therefore the Jury knowes certainly, and can safely present that the same A.B. frequented to no Church, Chappell or usuall place of prayer in England. For by that reason (if it be rather reason than absurdity) every person in England of the age of XVI years known by the said Jury not to come or frequent any Church etc. within their County may be presented not to come to any Church in England, and so drawn into the danger of the [f. 42^v] of the Statute, if the same person be never so great a stranger or dwell never so distant from that County, so that his name be preserved unto the Bill of Indictment, which of all inconveniences and absurdities is the greatest because in truth the verdict must be given in generall negatively according to the words of the Statute. Whereas the same Jury doth know the particular negative onely, and yet not in such sort, as they should know it, viz. that the Party hath no lawfull excuse and thus Justice may be polluted, iniquity, truth, falsehood, light, darkness, heaven, hell, presumption, Lawe and the innocent guilty.

And yet in Matters of Presentment which do passe by oath upon certain knowledge, there is great diversity to present, what the Jury by due proof of Lawe doth know and what the Jury doth not know. For a thing certainly known may safely be presented. But a thing not knowen is by the want of particular knowledge in them that know not, and doth not a certain thing to be a truth in deed, and in no wise to be presented. As for example I do know that A.B. of the Parish of D. in the County of S. hath not come to the same Parish Church by so many moneth. Therefore I may present safely knowing so much that he hath not come to Church there referring the residence of the Matter of Indictment viz. whether the same Party had any lawfull excuse unto the Judgment of the Law, this is a certain presentation and without perill because it is limited to so much, as he doth know to be true for so much as is presented.

But if I know that R.C. of Berwick in the County of Northumberland came not to Church at Chichester in the County of Sussex for so many moneth, or I know not that he cometh to any Church or Chappell etc. in England, of this knowledge of particular of not coming to one Parish in one Shire, or of a not knowing of coming to Church anywhere cannot be inferred a generall negative that B.C. of B. in the County of N. cometh to no Church, Chappell or usuall place of prayer in England. For the premisses may be certainly true, and the conclusion inferred thereupon in generall most false. And if the conclusion be most false in what danger is he that giveth the same in verdict of his knowledge to be true? And yet Matters of Verdict ought [f. 43^r] to be true, to present them so to be.

And furthermore the Statute doth limit that if A.B. have a lawfull excuse the Jury cannot finde him guilty. And what is a lawfull excuse, is not defined by Lawe, much lesse can be found or construed by a Jury. And then consequently if no Jury can conceive or know the necessity of a mans lawfull excuse by ordinary means,

how can a Jury present that A.B. cometh to no Church, Chappell or usuall places of prayer in England having no lawfull excuse, seing they cannot certainly know, either what he doth generally throughout England or what his necessary lets and impediments are.

If then it be both impossible, and inconvenient for any Jury of any own [sic = one] County to finde the indictment for not coming to Church according to the generall matter therein contained, no not against any person having a dwelling place in the same Shire where they are to enquire for the causes aforesaid, how much lesse can they finde the same against any person that hath not been commorant or abiding in his own County, where he hath dwelling during the space of moneths supposed in the indictment, and much lesse against him that hath neither dwelled, nor had no dwelling place at all in the said County any one moneth since the making of the same Statute, nor long before.

And if it be answered, that the indictment is to be limited in particular in this wise. That A.B. in the County of S. dwelling and commorant within the same Parish hath not frequented to his Parish Church by the manner moneths. This Indictment although it may perhaps be true in such particular limitation, yet this is nothing at all to the purpouse for II causes.

First, because this indictment doth not conclude generally as it ought to doe according to the Statute and therefore cannot be good, for the indictment ought to conaine the whole and generall words of the Statute, which that limitation doth abbridge, and cut shorte. Of which limitation is thus inferred according to the Staute.

That because A.B. cometh not so many moneths into his [f. 43^v] own Parish Church, therefore he cometh not to any usuall place of prayer in England. As for a particular negative is inferred a general negative contrary to the words of the Statute, which do enlarge a man, and save him harmlesse if he come to any usuall place of prayer in England, and so the Blackamore should not be generall black, because his teeth are white.

Secondly because in that particular limitation there want these words viz. not having any lawfull excuse which are of the substance of the Statute, and ought to be parcell of the indightment if it be good.

And so the Indictment in generall words according to the Statute and in such particular limitation doth conclude good for bad, innocents for offenders, and as well him that dwelleth three hundred miles of, as in the same Countie, etc., him that hath good cause as well as him that hath no cause at all.

And therefore it is lamentable to consider how ignorantly (I will not say willfully) they are led, that upon perill of their oathes doe make such presumptuous presentments so uncertaine so unknowen, so impossible, so absurd and inconvenient.

In particular there may be diverse exceptions, both according to the imperfections of the Indictment, and also according to every mans necessary causes of lawfull excuses allowable by the Statute, as by absence, by sicknes, by imprisonment, by non [reading uncertain] resiancie, excommunication, and the like.

As touching the third, how a Catholique may most safely answer both in duty and conscience, unto this question: do you go to Church or will you goe to Church?

[*What a Catholike is to answer with most safety when he doth deling with ye Law with the Benefit thereof or precluded of the same.*] If any person either in respect of his own perfection be resolved and willing, or by any enforced, and posterous course of proceeding being precluded of the former benefitts and advantages given him by Statute, Law, reason and conscience, shall be compelled to make answer directly to the same question.

[*To declare the great and weighty causes per*] Then by the grace of God it shall not be a misse to crave favorable audience and free liberty not only to shewe what he doth in this kind of Duty to God word and by Gods assistance is mindeth to doe. But also to declare the weight causes moving [f. 44^r] him thereunto in Christian duty, and Conscience lest having no sound reasons to induce him thereunto he might perhaps thought willfull and obstinate, or of some perverse and undutifull affection in Matters of Loyall Subjection, and Allegiance. Protesting withall, that willingly he speaketh not, but compulsion by their authority, and of duty and due obedience to answer ther Demands, nor purposely to impeache any Law or Statute but principally and directly in defence of him self, and of his innocent and guiltless mind, calling God to witness that what he shall deliver down in speeches proceedeth of zeale to true Religion, of a desier to save his poor sinfull soule and to performe the part of a true Catholique.

In which respect with due and Christian obedience to Laws he is willing by Gods help to make declaration of his Faith and Religion concerning coming to Church now a days. Submitting himself, his goods and fortunes, wife, children, liberty, life, and all unto your favourable construction whereof he nothing doubted being a thing enforced by their Commandment.

A supposition or preface shewing in generall the necessity of serving of God truly and to what service every Christian is bound to resort.

It availeth nothing at all to Salvation to believe the misteries of Christian faith, and not to serve God according thereunto or to dishonor him with a profane kind of serving proceeding of mans Inventions whereof it is said *Victimae Impiorum abominabiles sunt coram Deo*. The sacrifices and prayers of the ungodly are abominable in the sight of God, and therefore as there is one Catholique Church, one Catholike household of Faith, one Catholique Faith and Religion, which every Christian ought to believe whole, and inviolate upon perill of damnation; so there is also undoubtedly one manner and forme of Prayer, wherein all the members of Christ being but one Family do communicate together in the true honour, praise and laud of God afonder [reading uncertain], which manner and forme of service, although in distance of place never so farre disjoyned, and separated as under, is by the assistance and inspiration of the Holy Gost penned and indicted by our dear Mother the Catholick Church, and by her tender care, and carefull providence delivered unto all his obedient Children with their first acceptance of Faith in Christ

Jesus and therefore as part and parcell of the Catholique Religion and upon no lesse danger of damnation to be received, revered and embraced of all Catholique people, then the very true Faith itself containing therein a chief point of Christian Communion in this militant Church.

[f. 44^v] For as the true servinge of God is the most principall part and perfection of Christian Faith and Religion being in generall commanded by our Saviour himself, and for the particular forme and manner therein to be used referres to the direction and disposition of the Holy Ghost. So must we needs verely believe that the same Holy Ghost being sent and designed by our Saviour to comfort and assist his dear Spouse the Church in ordering and ordaining all things necessary for our Salvation hath not omitted the most chiefe matter but most providently cared for the same. That with unity of Faith in Christ Jesus all Christian People might have likewise one uniforme Service to honor and magnify the Majesty of God; and that one flock and family dispersed throughout the whole world should have but one faith and Religion, and one manner of prayer and praising of his holy name.

Of this supposition being of necessity most true, every Catholique may frame his answer to the question of coming to Church resolutely in this wise

[*The resolute answer and cause when Catholiks do justly refuse to come to Church to this new forme of Prayer.*] That because he is verily perswaded in Conscience by diverse reasons of great importance. That the forme of service now used is not that ancient Catholique forme of Prayers which hath been received throughout the Church of God by the inspiration of the Holy Ghost, and consequently no part of the Catholique Religion whereunto every Christian is vowed by Faith and promise in baptisme. That therefore he cannot without utter damnation resort unto it, for thereby he should doe that Acte which in Conscience he taketh to be the dishonor of God, and so for Conscience sake damnable.

The causes and reasons inducing a Man to the former persuasion that their service now commanded by Statute is not the Catholick manner of serving God are these

First, because by what right power and Iurisdiction the same forme of Common Prayer is authorised and presented to be used, by the same it is also directly proved not to be Catholick. For the first Statute comanding the same forme of Prayers to be used was in the first year of her Majesties Reigne, and all other Statuts made since have reference to that Statute as to the first creation and Christening of that kind of Service. And so it followeth thereof, that in the forme of prayers which then was first commenced by the vertue of the Statute was not at all before that time of first making; no not in this Realm where it hath his being if not here much lesse anywhere else in Christendome, were it never hath been nor is not received; nor never like to be. And therefore contrary to all reason and common sence, that it can bee that forme and manner of divine Service, which hath been received generally throughout all the nations of Gentiles with the first Faith of Christ Jesus and ever since with most fervent and flaming zeale, and devotion practised and used semblably in all

Churches throughout Christendome to the everlasting glory and praise of Almighty God which is the Catholique Service and Religion. And because it is not the same Catholique Service, therefore no Catholique being so perswaded can or may go or frequent [f. 45^r] unto it, upon perill of damnation. Upon this particular persuasion of a mans own Conscience may a breif argument be framed in this wise.

No Christian may repaire or frequent to any manner and form of prayer, which in his Conscience is not Catholique, upon perill of damnation.

But this manner and form of Prayer now used, and commanded by the Statute in the Conscience of him that is perswaded as aforesaid, is not Catholique.

Therefore no such person having that perswasion of mind may frequent unto the same upon perill of damnation.

Secondly the Statute doth utterly prohibite all other manner and form of prayer to be used intending the same to be evill, wicked and superstitious. And this same now used to be only good, and goodly whereof do ensure these lamentable conclusions.

First, that if this service be only good and godly (as that Statute therefore made doth suppose, and intend it) then it followth that God Almighty hath never been truly honoured here in England, because there hath alwaies advanced this only good godly manner of service whereby indeed he should be truly honoured, which could in no wise be used before it was first framed and devised.

And secondly it would follow of necessity that all Christians throughout the world, which have not, or doe not receive this manner of Prayer, or which have used any other ancient manner of Prayer and serving God, are everlastingly damned without repentance because they doe never truly serve God with that manner of service which was only good and godly, but rather did dishonour him with a wicked and superstitious kind of service, which is the generall estate of all the Kings and Queens of this Realm only her Majesty excepted, and of all their subiects, yea and of all Christian Emperours, Kings, Queens, Princes and People throughout Christendome ever since the first conversion from Gentility to the true obedience of Faith in Christ Jesus, which was the most acceptable time of Grace wherein the Mercy of God was confirmed upon all Gentiles and People.

Furthermore the creating of this new Service doth import that never any Christian Princes in this Realm have hetherto at any time received the true manner of serving God; for if they have, where is the same repealed by the Statute?

And if they have not, then doe ensue those greate inconveniences to the Christian Faith.

First, that all Princes and People here in England have lived in a damnable estate of darknes, and in the shadow of Death because they have lived without the true Service of God, without which no Faith and Religion is acceptable to God.

[Ps. 16.]⁷⁶ Secondly because we can not justly record that magnificent and heroicall Psalm of David pronounced in the praise of Gods most gracious mercy

confirmed unto the Gentiles saying: *Laudate Dominum omnes Gentes, laudate eum omnes Populi etc.* praise [f. 45^v] or laude all the Gentiles, praise him all the People, and giveth the reason why because his Mercy is confirmed upon us, and his truth endured forever. For how can we justly magnify his name for this confirmation of his great Mercy, if we have wanted the chiefest point of all Religion, and the greatest work of Mercy, viz. the true manner of serving God.

[*Luke 1.*]77 Thirdly holy Zacharias hath then song in his Canticle of *Benedicite*, pray sing or laud God of Israel, for that he hath given knowledg of Salvation unto his People that he hath visited us by the bowells of his Mercy, and illuminated us in darknes, and in the shaddows of death, for if we have all waies wanted the true manner of serving of God, and all this while have praised and presented his Majesty with nothing else but with superstitions and ungodly prayers which have been detestable in his sight, how it is possible that he hath imparted unto us bowells of his Mercy being full of perfect Piety and Godlines or so graciously illumined our darknesse with the light of his glorious Countenance as that blessed Man reporteth.

[*Luke 2.*]78 Fourthly, that we have received no such benefit as just Simeon joyfully recounted in receiving our Saviour in his armes calling him *Lumen ad revelationem Gentium* Light to lighten the Gentiles, and to be the Glory of his people Israel, for if the supposall of the Statute be true, we have not received his light, nor gloried in him, because we have had no knowledg of divine Service to honour Him withall. Perhaps we may say *Lux in tenebris lucet* Light shineth in Darknesse. But how can we say that we have comprehended Him if we have not truly served him?

Fifthly, the Songes of all holy Prophetts denounced long agoe concerning our conversion and Salvation have hetherto taken no effect among us because if this service be only a good, wee have not truly served God.

[*Matt. 16.*]79 Sixthly, the promise of our Saviour in laying the firm foundation of the Catholike Church that Hell gates viz. Sinn and heresy should not prevaile against her by the intent of this late service hath not been performed because all Sinn and wikednesse must needs pravaile, rule, and reign where God is not only not truly served, but shamefully dishonoured with a profane and odious kinde of service.

Seventhy, the care, comfort, power, and Providence of the holy Ghost towards us by verifying [reading uncertain] this kind of service only to be good is clear cutt off, and adnulled, for how is the Catholik Church assisted, confortd and provided for in all things necessary to Salvation if she be uncared for uncomforted, ungoverned, unprovided and left desolate roving at random in the most principale points of Christianity, that is to say in the true honouring and serving of God: in the want whereof a true Christian and Lover of Christ wanteth all things.

[f. 46^r] Lastly, if the Church had no true manner and form of serving God, then hath our Saviour no Possession in us, nor wee in him, He hath not been our Master,

77 *Luke 1:67-79.*

78 *Luke 2:29-32.*

79 *Matt. 16:17-20.*

nor wee his Servants, He hath not been our owne nor we his inheritance. And yet the Psalm saith Tibi dabo Gentes hereditatem tuam.⁸⁰ I will give the Gentiles to thee to be thy Inheritance and consequently of the Possession of our Saviour, which are wonn by the effusion of the Blood of his holy Martyrs and Saints, do growe to a doubt, and demurre, then the time approacheth for Antichrist to stepp in his foote, the way being so readily prepared for his entrance and entertainment.

Suche are the sequeles of enacting a newe forme of Prayer, and abolishing of the Catholique service importing the utter overthrow of all Christian Faith and Religion, and a preparation for Anti-Christ his coming, whose tyranny Jesus Christ our only Saviour distorne and avert from us.

And therefore to conclude, every Catholike being perswaded in Conscience by the former reasons or the like that the Service now used is not that uniforme and Catholick Service, which all Christendom hath received with their first faith, is to demand Judgment.

That whereas the Lawes and Statuts of this Realm, or of any Christian Contry, do not intend that any Person by any Act should willfully and wittingly damne his owne soule whether therefore he be compellable by Law to goe to the Church being perswaded in Conscience by the reasons afore said, that his going thither is to the dishonor of God and so most wicked, and damnable to him; or whether the same persuasion in Conscience may not be a reasonable excuse according to the Statute.

[f. 46^v] An advertisment to the Recusants howe to answere the Statute for not coming to Church.

§23 Robert Persons and George Blackwell,⁸¹ "Against Going to Church" [1580]

SOURCE: London, British Library, Add. MS. 39830 [Tresham Papers III, Historical and Theological Collections 1455 605], ff. 14^r 0^r.

NOTE: "A Discourse to Mr. Sheldon" may have been a reply to Robert Persons's *Brief discours contayning certayne reasons why Catholics refuse to goe to Church* (Doway [vere London] 1580) and not *vice versa* as is commonly held: "Fr. Persons writes a book against going to heretical churches, and *afterwards* [emphasis ours] another one was written by a Catholic doctor Clitheroo" (ARSI, Anglia 38/II, Punto 2, f. 83^r). Punto 4 says "Risposta di Personio al Libro di Clitheroo." Thus Langdale's/Clitherow's work followed Persons's. In November of 1580, Edward Chambers wrote to Mr Roberts (*vere* Persons) that the "Discourse" contradicted "the cheefest purpose of the Reasons of Refusall of late printed" (Persons, "Father Persons' Memoirs," ed. Pollen, 179). In books

80 Ps. 2:8.

81 Blackwell (1547–1612) was nominated archpriest of the English mission in 1598 but was removed from this position in 1608 because he had first defended and then pronounced the new oath of allegiance in 1607, an oath condemned by Rome.

located in Langdale's London library, Persons and Blackwell discovered annotations extracted from the "Discourse," "the book to which they intended to reply" (ARSI, Anglia 30/I, f. 189^r). Folios 187^r-208^v report the achievements of the Jesuit mission during 1581, yet this particular episode is described in the past tense. This suggests that they had not yet replied to the "Discourse" in 1581. Moreover, a comparison shows clearly that "Against Going to Church" is the exact rejoinder to the "Discourse to Mr. Sheldon," and "the authors of these dissertations" are Persons and Blackwell (cf. Ginevra Crosignani, "*De adeundis Ecclesiis Protestantium*": Thomas Wright, Robert Parsons e il dibattito sul conformismo occasionale nell'Inghilterra dell'Età moderna [Rome, 2004], 134-55). Therefore, we think the historical chronology is thus: Persons's *Brief discours*, to which the "Discourse" is a reply; and Persons's and Blackwell's rejoinder "Against Going to Church."

Marginal notes are included in the text in brackets and in italics. Scriptural references are to contemporary usage. Scriptural translations come from *The Douai-Reims Bible*.

Against Going to Church

Great is the iniquitie of our time, and mervailous is the malice of the common enemy which procureth so many adversaries to Christe and his cause in these our dayes, as we see both forreine and domesticall, by open assault and by private tretchery; never so fewe gatherers, and never so many disperers. Amongst other there is one of late, which seemeth to me to offer Christe more wronge then the rest: which under the pretence of good meaning, goeth about to pull that from him which he hath gotten by muche labour to disperse that which hath beene gathered in many yeres, and utterly to overthrowe that which hath beene rayseed up by longe continuall and very great paines; I meane, touching the building of the Catholike Church in Englande. I praye God forgeve him his fault, and geve him grace to acknowledge and to amende it; whilst he hath time. For if he doo not, I muche feare that he shall beare one day a heavie iudgement for it. He hath uttered of late a certaine treatise very weake for learning and reason, but yet conteyning seede of great sedition, with matter of great advauntage to the enemye, and with utter subversion of the Catholike cause, if it should goe forward. And there want not some which having nowe shrunken from God a good whiles agoe in their heartes, and seeking onely but a probable pretence whereby they might, (as they seeme) with their credites leave his cause, doo laye handes very greedily on this mans new devise *ad excusandas excusationes in peccatis* [to justify excuses for sins]; and doo seeke to see it abroache by all meanes possible and to drawe other men to the participation of their evill resolution. I am sorye, that I am forced to use this kinde of speeche but the matter toucheth Gods cause so neere, especiallye at this time of triall as I cannot refraine to utter some parte if that grieffe which not onely I but infinite others also doo and maye conceive upon the consideration of the daungerous sequell of the matter of it goe forward to that dissention which is like to ensue. And albeit I doo utterly mislike this wryting one against another of us to the slaughter of the whole cause, yet that this infection may not goe abroad without his *antidotum*, I will aunswere brieflye all that hath any shewe of truth or learning in his

treatise which shall be, I hope, sufficient to satisfie the virtuous and humble Catholike; and for the other, if they will proceede still in their singularitie and spirite of contradiction, I shall rather weepe for them then write against them hereafter: *Nos enim talem consuetudinem non habemus* [We do not have such a habit]. Let him thinke upon it, howe to aunswere it to God; we will keepe our unitie with those fewe which will abide in the same with us.

[*The Preface answered.*] First he maketh a long and tedious preface, wherein he talketh much of wise and discrete dealing, and of [f. 14^v] reserving of a mans selfe in *plenitudinem temporis* [in the fullness of time] as he tearmeth it: as though they onely were wise, and all other lacked discretion: which hath beene always a common obiection of world linges against the better sort of Christians, as appereth by the Apostle when he sayth: *Nos stulti propter Christum* [We are fools for Christ] [Rom. 4.]⁸² and that the whole Gospell was follye to the wise Gentiles their philosophers and the like, especially for bearing of the Crosse for Christe, as it is nowe to our wise Catholikes. [1 Cor. 1.]⁸³ It appereth there by the same Apostle also but what sayth the Apostle in the same place: *Quod stultum est dei sapientius est hominibus: Sapientia huius mundi stultitia est apud deum: Animalis homo non percipit ea quae sunt spiritus dei.* [But the sensual man perceiveth not these things that are of the Spirit of God; for it is foolishness to him, and he cannot understand, because it is spiritually examined] [1 Cor. 3; 1 Cor. 2.]⁸⁴ I thinke it were a better meditation for them to thinke in humilitie upon that which Saint Paule sayth talking of Gods election: *Non multi sapientes secundum carnem, non multi potentes, non multi nobiles* [for see your vocation, brethren, that there are not many wise according to the flesh, not many mighty, not many noble],⁸⁵ rather then so muche to repley upon their worldly wisdom in these dangerous matters which cannot be attempted without the overthrowing of Gods wisdom; [*Wisdom of the world.* 1 Cor. 1.]⁸⁶ and as for keeping their selves in *plenitudinem temporis* [in the fullness of time], I muche wishe it but yet they may so behave themselves in the meane space, as they will not be woorth the keeping, nor woorth the receiving when the time shall come and God knoweth whether we shall ever see that day or no. I doo not remember that Christe tooke suche great care to instruct us in this pollicie, as this man seemeth to say, but I well remember that he saide: *Qui vult salvam facere animam suam perdet eam* [For whosoever will save his life, shall lose it].⁸⁷ But nowe to his argumentes. [*Keeping ourselves in plentidinem temporis.* Luke 9.]

82 In fact this is 1 Cor. 4:10.

83 1 Cor. 1:21–25.

84 1 Cor. 2:14; 1 Cor. 3:1–17.

85 1 Cor. 1:26.

86 This may also be a reference to Ws 13:9–10: “If they are capable of acquiring enough knowledge to be able to investigate the world, how have they been so slow to find its Master?”

87 Luke 9:24.

[*The example of Naaman Syrus. 4 Kgs. 5.*]⁸⁸ You obiect againe after so many aunswering the example of *Naaman Syrus*, who asked leave, as you saye, to goe to the Infidels Temples with his master and was allowed by the prophet Elizeus so to doo; whereof you inferre that it is a matter dispensable.

You misconstrue in divers poyntes this example, which is nothing for you: for first *Naaman* went with the king to Church for a meere knowen temporall service, which we graunt maye be lawfull in our case. Secondly he doth not aske leave to goe thither of the prophete, but deeming it not lawfull, desireth the prophete to praye for him, that God would pardon him, if he did goe thither. And the prophete aunswered: *Vade in pace* [Go in peace]; which is a phrase of dimission or graunting to that which he had demaunded: which was that the prophete would praye for him, that God should pardon him: wherefore your large coment upon these wordes: *Vade in pace*; which you would inferre to signifie: *Vade in iusticiam* [Go in justice], and I cannot tell what besydes is altogether impertinent from the text, and seemeth to procede of lacke of skill of the proprietie of the phrase.

Thirdly the prophete might tolerate with that in *Naaman*, which he did not allowe of; as the Church doth tolerate many things that be yll and mortall sinnes, as S. Thomas proveth. As for example, the Synagoges of Jewes, certayne rytes of heretikes, the stewes according to S. Augustine, and the like. And this, as S. Thomas sayth, [D. *Tho.* 2. 2. 4. *punc.* 2.⁸⁹] for two causes; that is, *vel procurandum maius bonum, vel ad vitandum maius* [f. 15^f] *malum* [either to procure the greater good or to avoid the greater evil]. So God also permitteth infinite evils in the worlde which notwithstanding he alloweth not of. It foloweth not therefore, that albeit *Elizeus* did tolerate with *Naaman*, that he must needes allowe of his doinges, especially he being yet a yonge Christian, in whom many things are sufforable for a time until they be stronger; which afterwarde may be reformed, as S. *Paule* did circumcise *Timothe* [Acts 16.],⁹⁰ and yet afterwarde he preached against all circumcision. [Gal. 5.]⁹¹ Lastly, there be many other differences betwixt *Naamans* case from ours, which I omitt: for he went not to Church upon any commandement of the Infidels to shewe his Religion. He could scandalize no man there, there was then no other open knowen true Church in that place which all are in our case.

[2.] You obiect, that the Apostles prayed with the Jewes in their Synagoges, albeit in other prayers then they did. [Acts 3.]⁹²

I aunswere; not onely the going to the Jewes Synagoges, and praying in the same place was yet lawfull [Acts 16.],⁹³ but also the observing of *Legalia* [the laws], was not yet *mortiferum*, [fatal] as appeareth by the circumcision of *Timothe*, and

⁸⁸ 2 Kgs. 5.

⁸⁹ Thomas Aquinas, *Summa Theologiae*, II^a-II^{ae}, q. 60, a. 4 ad 3.

⁹⁰ Acts 16:2-3.

⁹¹ Gal. 5:3-4.

⁹² Acts 3:1.

⁹³ Acts 16:13.

by that *S. Paule* shaved [Acts 18.]⁹⁴ himself according to the ceremonies of the Jewes. The cause whereof *S. Augustine* sayth, was *ut Sinagoga cum honore sepeliretur* [in order that the Synagogue may be buried with honour].⁹⁵

[Acts 3, 4, 7.]⁹⁶ Secondly, the Apostles came not to the Jewes Synagoges upon the commaundement of the Jewes; or to countenance their ceremonies and Religion, but to reprehend them openlye, if occasion served.

[*Clem. li. 1 & 10. Recog.*]⁹⁷ You alleage out of *Clement* that *Gamaliel* being a christian, was permitted by the Aposteles to be of the Jewes Councell, and muche more in their sinagoges with them. I aunswere that the participation with the Jewes in their ceremonies be not yet *mortiferum* as I have saide before, muche lesse could it be *mortiferum* to be present at their consultations with this minde onely, *ut pessima destrueret consilia, et furorem eorum mitigaret*, as *Lyra* sayeth [to destroy the worst plans, and mitigate their fury],⁹⁸ out of *Beda* and *Clement*, that *Gamaliel* was and so we graunt that a Catholike maye be present at the diets of heretikes in Germanie, and at the parliament in England, if he goe with the minde of *Gamaliel* that is, to consent to no act of theirs but to destroye their devises and mitigate their furies. But what is this to going to Church upon commaundement of them of the contrary religion?

[3.] You say, that *Nicodemus* came to Christe by night, and yet he was not reiected. [*John 3 et 19.*]⁹⁹

What proveth this? *Nicodemus* was a very notable Christian [f. 15^r] as appereth by his talke with Christe. Secondly, the Scripture commendeth him not for comming by night neither doo we say that if a man would come to us by night to be instructed, that he were to be received, but rather to be comforted, and the feare a litle and a litle to be taken away from him.

94 Acts 18:18, 21:21–26.

95 “Sic [in] illa tamquam paterna funera cito abolenda, iam quasi corpora sine prophetiae anima *tamquam ad sepulcrum cum obsequio deducenda* [italics ours], et ea tamen, quia insueta erant et mortua, nequaquam gentilibus umeris iudicavit imponenda,” *Sermo Beati Augustini Super Verbis Apostoli ad Galatas Ubi Paulus Reprehendit Petrum, Ubi Primum Docet Qualis Esse Debeat Episcopus* (Sermone 10), c. 6, in Sant’Agostino *Discorsi Nuovi 35.1, Supplemento 1* (DOLBEAU 1–20), ed. François Dolbeau, trans. Vincenzo Tarulli (Rome, 2001). Most recently discovered, this sermon was unknown to Migne. See Augustine, *Newly Discovered Sermons*, ed. John E. Rotell, translation and notes by Edmund Hill (Brooklyn, NY, 1997), 170. Similar sentiments, but worded differently, can be found in *Epistle XL*, c. 4, no. 6 (PL 33: 156).

96 Specifically Acts 3:17–26, 4:8–12, 19–22, 7:1–54.

97 *Recognitiones*, bk 1, c. 65–66 (PG 1: 1242D–244A).

98 Nicholas of Lyra, *Repertorium alphabeticum sententiarum*, Actus Apostolorum Ca. V, pt. 6, f. 174 A. Bede (*Super Acta Apostolorum Expositio*, c. 5 [PL 92: 956A]) is Lyra’s only reference, while “Clement” is probably a reference added by the author (see n. 97 above).

99 John 3:1–21, 19:38–39.

[Luke 23.] [4.] You obiect *Ioseph of Aramathia* who is called of the Evangelist *Vir Iustus et Probus* [a good and a just man]¹⁰⁰ and yet is saide to be *Discipulus occultus propter metum Iudaeorum* [but secretly for fear of the Jews],¹⁰¹ and, as you say, was at the Jewes consultations and in their Sinagogs with them. I aunswere besydes that which I have noted before about going to the Jewes Sinagogs and consultations, that albeit this Joseph were a good and wise man in the reste of his life, yet both he and *Nicodemus* are holden to be of those gentlemen wereof *S. Iohn* sayth: *Multi ex principibus crediderunt in eum: sed propter Pharisaeos non confitebantur, ut e Synagoga non eicerentur, dilexerunt enim gloriam hominum magis quam gloriam Dei* [many of the chief men also believed in him; but because of the Pharisees they did not confess him, that they might not be cast out of the synagogue. For they loved the glory of men more than the glory of God],¹⁰² as *Lyra* proveth upon the same place where he condemneth both Ioseph and *Nicodemus* of mortall sinne for holding their state and sayet further: that albeit they were honest and wise men, otherwise, yet they might sinne mortally before the comming of the holye Ghoste, as Peter did, so that both these examples, we thinke, doth make verye muche against you.¹⁰³

[*Cyp. Ser. de Lapsis.*]¹⁰⁴ [5.] You alleage *S. Cyprian* in three places: in the first whereof you say, that he reprehendeth them which offer themselves to tyrauntes: which is misreported for he hath no such thing there. And it should be in reprove of many good martyrs, and of *S. Iohn Baptista* too, which by reprehending Herode, offered himselfe to perill, if he should generally reprehende that acte. And yet doo not we allowe of rashe offering our selves to tyrauntes neyther. And whereas you make him to saye that the second degree to victorie is warily to withdraw himselfe, the wordes be not so, but that the second degree of victorie is to reserve a mans selfe to God when he is withdrawn by a warye departing from the enemye.

[*Cyp. epist. 7. ad Rogat.*]¹⁰⁵ In the second place you abuse *St. Cyprians* meaning, when you say, that he would not have a man once banished to retourne

100 Luke 23:50.

101 John 19:38.

102 John 12:42-43.

103 Nicholas of Lyra, *Repertorium alphabeticum sententiarum*, Johannis Ca. III, pt. 1, f. 229B. Such a strong statement against *Nicodemus* and *Joseph of Arimathea* can not be found in *Lyra*, and surely not in the passages cited in the manuscript. The quoted passage in *John* 3:1-3 deals with *Nicodemus* alone and contains a mild statement according to which those who feared "impetum iudaeorum" (the wrath of the Jews) do not possess the light of the perfect ones. However, commenting on *Matthew* 27:57 the exegete wrote that *Joseph of Arimathea* was, indeed, a "discipulus occultus," but by the time he had asked *Pilate* for the body of *Jesus*, he no longer cared about the opinion of the Jews ("in hoc extremo officio nihil curat de illis") (*Repertorium*, f. 80B).

104 *Cyprian, Liber de Lapsis*, c. 3 (PL 4: 467B).

105 *Cyprian, Epistle VI. Ad Rogatianum Presbyterum et ceteros confessores*, c. 4 (PL 4: 237B-38A).

home againe, for he speaketh onely against naughtie Christians, which by suffering for their evill life, geveth a blemish unto others which suffer onely for religion. Amongst whom he putteth certaine that come home againe from banishment, and suffered as malefactours for the discredite of others. His words are these: *With howe great shame of your name do they sinne? One staieth at home, and is drunke and lascivious; another turneth home againe from banishment that he may perishe not as a Christian, but as a malefactoure.*

[Cyp. ep. 83. ad Pl.] In the thirde place he maketh nothing for your purpose, for he onely wisheth [f. 16^r] Christians being at quiet, to keepe and use the same & *non tumultum aliquem de fratribus movere, aut ultro se gentilibus offerre, sed apprehensum & traditum loqui debere* [& not create any unrest regarding the brethren or indeed offer themselves to the gentiles, but once taken and handed over he should speak]. The which councill we geve also to Catholikes: marie those men which are nowe taken and committed, are bounde by S. Cyprian to speake and not to holde their peace.¹⁰⁶

[6.] [Phil. 4.]¹⁰⁷ You obiect, that there were many Christians of the primitive Church in infidell princes services, courtes and counells, whereto you adde this saying of God: *Reliqui mihi septem millia qui non curvaverunt genua sua ante Baal.* [3 Kgs. 19.] [leave me seven thousand men in Israel whose knees have not been bowed before Baal].¹⁰⁸ Also *Abdias* was Steward to wicked *Achab*: which all, albeit they kept themselves unspotted, yet, say you, they could not choose but appere sometimes in the ydolatrous temples amongst the rest.

I aunswere, that these men might be in such places and services without going to their Churches and Temples; and it is but your boldnes so peremptorily to inforce such unauthorised consequence upon them. And as for the seven thousande secretere served good men, it maketh nothing for your purpose, for we have also nowe twise as many in Englande (God be thanked) the which are no more knowne to the state then they were then; and yet doo not come to their Churches, nor communicate in anything with the adversarye in Religion.

[7.] You alleage out of S. Paule that the Christians in his time being invited by the Infidels to goe to their temples with them and to take of the *Idolothita*, that is meats offered up to Idols, did so, and yet are not reprehended by S. Paule for the same; but onely for the scandall; whereof you inferre, that of itselfe it was no mortall sinne and if not that then muche lesse our going to Church.

I aunswere that albeit S. Paule first in the eyght Chapter to the Corinthians doo reprehende these setting downe in *Idolio* [in idolatry] and the taking of *Idolothita*

¹⁰⁶ Cyprian, *Epistle LXXXIII. Ad Clerum et Plebem*, c. 2 (PL 4: 432A).

¹⁰⁷ The "Discourse to Mr. Sheldon" clarifies the significance of this reference.

According to the author, the passage from Philippians 4:22 ("All the saints salute you; especially they that are of Caesar's household") testifies that "those courtiers which were of the Emperors howsehold, in whose name saint Paule saluteth the Phillippians (cap. 4) and calleth them saints" were crypto-Christians.

¹⁰⁸ 1 Kgs. 19:18.

[food consecrated to idols] with infidels *ratione scandali* [because of scandal]¹⁰⁹ yet afterwarde in the tenth Chapter he maketh it more than a scandall as *S. Augustine* proveth: first, for that he sayth not *qui* [who] but *quae immolant gentes, daemoniis immolant* [what the gentiles offer, they offer to demons].¹¹⁰ By which wordes *S. Augustine* sayth that *Paule* prohibiteth Christians from eating *Idolothita*, as from Idolatrie. [*Epist. 154 ad Publicolanos.*]¹¹¹ Secondly, for that *S. Paule* sayth, that the eating thereof maketh us *socios daemoniorum* [companions of demons], and to participate with Belial. Also he calleth it the cupp and table of devils, debarring us from the cupp and table of Christe; which he would never have done if it had bene lawfull to eate of it with a protestation. Thirdly *S. August.* in divers places proveth it to be [f. 16^v] more then a scandall to eate of it. First, in saying, that a man should rather dye for hunger then eate of it, if he knewe it certainly to be *Idolothitum*. [*Ser. 6 de verbis Domini ex Mat.*]¹¹² Secondly, in saying, that if a prince should upon payne of death commaunde a man to eate of it, that a Christian should rather dye then eyther to eate or to sitt downe in *Idolio*. Whereof reade *S. Augustine* in his whole sermon. Lastly, you make a very large consequent by your reasoning: for if man may goe to the Infidels Temples, sitt downe with them in *Idoliis*, and also eate *Idolothita* with them with a protestation, as you saye, then a Catholike may not only goe to Church, but also eate of the Communion breade with a protestation; for the comparison so runneth.

[*Lib. contra Constantiu.*]¹¹³ [8.] You alleage out of *S. Hilarie* that he should say touching the going to the Arrians Churches in his time: *Nec interim criminis loco duxerim quenquam aut cum his colloqui, aut (suspensa licet communionis societate) orationis domum adire &c.* [nor in the meantime have I accused anyone either of conversing with these or, though avoiding social contact, of going to their house of prayer, etc.] whereupon you inferre thus: here we may see what this good man thought of the naked bare going to Church, and here we may take a good lesson not to be busie in exasperating our adversaries.

I mervaile, that you being a Catholike shame not to alleage *S. Hilarie* quite against his owne meaning. He sheweth in that booke against the Emperour *Constantius* howe he separated himselfe with the other Bishoppes of Fraunce into banishment for the space of V yeres from *Saturninus*, *Ursacius* and other hereticall Bishoppes of *Constantius*, expecting whether they would returne to unitie againe by faire meanes, or no; in which time he neyther wrote against them, nor condemned men for going to their house of prayers, so that they communicated in nothing with

109 1 Cor. 8:11-13.

110 1 Cor. 10:20.

111 Augustine, *Epistle XLVII ad Publicolanos*, c. 3, 4 (PL 43: 185-86).

112 Augustine, *Sermo LXII, De verbis Evangelii Mt. 8, 8 ... Necnon de verbis Apostoli, 1 Cor 8, 10 "Si enim quis viderit eum qui habet scientiam, in idolio recumbentem [if anyone who sees a man who has knowledge, eating in the temple of an idol], et cetera*, c. 4.7, 5.8 (PL 38: 417-19).

113 Hilary of Poitiers, *Contra Constantium Imperatorem* (PL 10: 579B-80A).

them there. But after five yeres, when he sawe that they went forwarde in their wickednes then he offered at the Councell of Bitures (as he sayth) to prove their Religion heresie. And when that was refused, then he beganne to write against them openly saying: *Tempus est loquendi, quia tempus iam praeterit tacendi*. [It is time to speak up, for the time of being silent has passed.] And againe *ulterius tacere diffidentia signum est* [to be silent any further would amount to diffidence]. And againe *Ex Reliqua me intelligo debere, ne taceam* [for the future I understand what I should do, that I may not remain silent]. Nowe, what if *S. Hilarie* for five yeres space did not publiquely condemne those felowes, because their heresies were not yet manifest, and what if he did not condemne them that went to their houses of prayers so that they communicated in nothing with them. What if *S. Hilarie* doth alleage this as a signe of his great patience and bearing for regayning of them againe, is this against us?

Naye, it is muche our cause: for if it were a great bearing in *Hilarie* [f. 17^r] not to write openly against them, nor to condemne the goers to their Church without all communicating the firste five yeres, when their heresie was not clearly knowne, nor they condemned for heretikes, what would he have saide if they had gone afterwarde after so many yeres condemnation, as we doo here in Englande. We thinke you might argue aswell thus. The pastors of Englande did not write openly against going to Church and receaving with the Protestantes for the first five yeres, ergo both of them are lawfull nowe: and as for your good lesson, of not exasperating our adversaries albeit I mislike it not in a good sense, yet I see not howe it can be taken out of the doinges of *Hilarie*: for in that same booke he calleth the emperoure hereticall, tyraunt, Antichrist, persecutour, enemye to God, foxe, wolfe, Nero, friend of Hell, and the like; the which I thinke might suffice to exasperate a prince.

And thus farre goeth the argumentes of proufes of this Treatise: nowe doo folowe his evasions from the Scripture alleaged for us.

[1 *Thess.*]¹¹⁴ You bring for us: *Abstinetes ab omni specie mali* [abstain from all kind of evil] out' of *S. Paule*, and aunswereth it, that it holdeth not alwayes especially if the doers intention be good. [1 *Cor.* 8.]¹¹⁵ I graunt it in some cases; but in our case there is not onely *Species mali* [kind of evil] but *malum* [evil] it selfe, and great occasion for others to indaunger themselves with great sinnes: neyther suffiseth alwayes good intention: for a man might eat *Idolothita* with a good intention, and yet in respect of the scandall you graunt that he might sinne. [*Gal.* 2.]¹¹⁶ So Peter, no doubt, had a good intention in his withdrawing himselfe from the Gentiles, and yet *S. Paule* reprehendeth the facte, and many Schismatikes nowadayes persuade themselves, that they have a good intent in yeelding to all, for reserving

114 Presumably 1 *Thess.* 5:22.

115 1 *Cor.* 8:10.

116 *Gal.* 2:1-10.

themselves unto your *plenitudo temporis* [fullness of time], and yet I thinke you will not allowe their facte.

Whereas you seeke to avoyde the Canons of the Apostles alleaged against you by the wordes: *Ut preces cum illis coniungat* [in order to join in prayers with them], persuading your selves, that you are not comprehended in the same, because you doo not ioyne prayers with them, but saye your owne prayers there.¹¹⁷

First it is manifest, (as it hath beene shewed you by others heretofore) that the Greeke worde in the Canon, which the interpretour hath translated by the wordes, *Ut preces cum illis iungat*, signifieth to praye absolutely, and not to praye together with others. So that thereby the Canon excommunicateth all those whosoever shall enter into their conventicles to praye at all, as also [f. 17^v] the constitutions of the Apostles sett forth by *Clement*, and of late translated by *Turrianus*, doth at large declare.¹¹⁸

Secondly, to admitt it in your sense, yet if you praye there your owne prayers, as you say you will, howe can you defende that this is not, *preces iungere cum illis* [join in prayers with them] forbidden by the Apostles. For *preces iungere cum ipsis* is not only *recitare preces eorum* [reciting their prayers] but it is rather, *recitare preces eodem loco publicae orationis & eodem tempore ad hoc peripos assignato* [reciting prayers in the same place of public prayer and at the same time assigned for this by them], and the like. Lastly, whether you praye with them or no, or whatsoever you doo, yet are you presumed to praye with them, especially by those that come into the Church and see you there, and were not present at your protestation.

[3.] Whereas you use a longe discourse to prove, that that which is only *ex iure positivo ecclesiastico* [from positive ecclesiastical law] doth not binde a man to venter life and goodes for it, as fasting, hearing of Masse, and the like, we graunt it, neyther neede so many wordes to prove it. But when in your second proposition, you saye, that to goe to this or that Church in particuler is onely *ex iure positivo ecclesiastico* you runne quite besydes the matter: for our question is of going to hereticall Churches in generall, and not of going to this or that particuler Church of theirs. For a thing maye be forbidden or commaunded in generall *ex iure divino*, as fasting is, and yet be determined in particuler *ex iure ecclesiastico* [from ecclesiastical law] only, as to fast on this or that particuler daye. Nowe, as it were an evile argument to say, fasting on this or that daye in particuler is *ex iure ecclesiastico* only, and therefore dispensable; *ergo* all fasting in generall is so. Even so in your case.

Nowe therefore, to prove that going hereticall conventicles in generall, is not onely prohibited *iure ecclesiastico*, but also *divino et naturali* [divine and natural], you must note, that it is no good consequent to saye, that a thing is prohibited *iure ecclesiastico* by the canons, or otherwise, *ergo* it is *prohibitum* [prohibited] only

117 Hardouin, *Acta conciliorum*, 1: 11, canon 10; 1: 45, canon 38.

118 Torres, *Apostolicarum Constitutionum*, bk II, c. 60 (p. 42); bk VI, c. 4 (pp. 76-77); c. 18 (p. 85); c. 25 (p. 91).

iure ecclesiastico, and so dispensable: for many things are prohibited by the Canons for more explications sake, which were prohibited before *iure naturae et iure divino* [natural law and divine law]. As for example adulterie, simonie, and the like are forbidden by the canons, and yet they were unlawfull before, both in *statu naturae* [in the state of nature], and in *statu legis* [in the state of law].

So in our case, albeit going to hereticall conventicles be forbidden by the Churche, yet not onely by the Churche, but eyther in itselfe, or *ratione alicuius annexi* [by reason of association], as, *ratione infectionis*, *ratione scandali*, *ratione negationis fidei aut inhonorandi Deum* [by reason of infection, scandal, denial of the faith, or of dishonouring God] it is forbidden also *iure naturali et divino* [by natural and divine law], and thereby made [f. 18^r] indispensable, and consequently bindeth a man to perill of death, losse of goodes, or whatsoever els.

[Isa. 52; Rev. 18; 2 Cor. 6.]¹¹⁹ [4.] Whereas you interpret the places of Scripture commaunding us to goe out from the midst of wicked men, least we be partakers of their punishmentes onely, to be understoode of not consenting to them in heart, alleaging *S. Augustine* for the same.

[1 Cor. 5.]¹²⁰ Firste we talke of heretikes, whom we may avoyde, especially at their services. [Aug. li. 3. cont. epist. Parm. ca. 4. & li. 2. cont. Petil. cap. 43.]¹²¹ And *S. Augustine* speaketh of naughtie men in the Churche, whose bodily company in the worlde we cannot avoyde, except we would goe out of the worlde as *S. Paule* sayth: and therefore *S. Augustines* authoritie maketh nothing for that matter. But yet *S. Augustine* in that place geveth such an interpretation of going out from the midst of suche men, as can hardly agree unto you. For he sayth: *Exibamus ab eis quia non solum talia non faciebamus; sed ne facientibus taciebamus.*¹²² [We have kept ourselves separated from them, not only because we did not do such things but because we do not remain silent before anyone who performs such deeds.] [Cip. epist. 76. ad Mag.] Nowe, whether you do these two thinges, seing you goe with them and heare them quietlye blaspheme God, you holding your peace, let your owne conscience tell you. Lastly, that very locall presence onely is sometimes reputed a great fault. *S. Ciprian* provet out of the xvith of Numbers,¹²³ where God commandeth the Jewes to separate themselves from the very tabernacles of *Dathan*, *Chore*, and *Abiron*, and not to touche anything of theirs, upon paine of perishing with them. *Quo exemplo* (sayth *S. Ciprian*) *ostenditur & probatur obnoxios omnes & poenae & culpaе futuros, qui se schismaticis contra praepositos & sacerdotes irreligiosa temeritate miscuerint.* [By which example (sayth *S. Ciprian*) it is shown and proved that all those who with irreligious temerity mix with schismatics con-

119 Isa. 52:11; Rev. 18:4; 2 Cor. 6:14-18.

120 1 Cor. 5:9-13.

121 Augustine, *Contra Epistolam Parmeniani*, bk 3, c. 4, 23 (PL 43: 100); *Contra Litteras Petilianus*, bk 2, c. 43 (PL 43: 295).

122 Augustine, *Contra Epistolam Parmeniani*, bk 3, c. 4, 23 (PL 43: 100).

123 Num. 16:25-35.

rary to their leaders and priests are guilty and deserving of both punishment and blame.]¹²⁴

[5.] Note this for your owne caution, if you have any care of your soule. [Eccles. 3.]¹²⁵ Whereas you shifte off the wordes of Scripture *Qui amat periculum peribit in eo* [who loves danger, will perish in it] with saying, that this man *non amat* [does not love it], because he goeth against his will, you fall to meere wrangling: for if you be a divine you knowe the conclusion: *Qui exponit se probabili periculo peccati mortalis peccat mortaliter* [whoever exposes himself to the probable danger of mortal sin, sins mortally], is grounded upon that place of Scripture: and yet by you a man might shifte it off, and saye: *Licet se exponat periculo tamen non amat periculum* [though they expose themselves to danger they do not however love danger]. Also whereas every mortall sinne is reduced to this, that a man *amat creaturam magis quam Creatorem*¹²⁶ [worshipped and served the creature rather than the Creator]; by you a man might say that a sinner *non amat creaturam magis, licet praeferat* [does not love the creature more, although he has the upperhand]: especially those which did denye God for feare of tormentes, might saye, [Matt. 10.]¹²⁷ that in that acte they did not love the creature more than the Creator, because they did it against their willes; and consequently they did not sinne in so doing. Whereupon Christe shoulde seeme unwise to damne them for it, as he promiseth; and so by you there should be eyther none or fewe mortall sinnes; for as [f. 18^v] Aristotle sayth: *Nemo amat peccatum, licet prosequatur obiectum peccati* [nobody loves sin, though he may pursue the object of sin]. [Arist. li. 3. *Ethicorum*.]¹²⁸

[6.] You say, that reading of hereticall bookes is onely prohibited *per canones ecclesiasticos* [by ecclesiastical canons], and consequently dispensable, and therefore why not also going to Church?

I aunswere, that so farre forth as the reading of such bookes hath any thing *necessario annexum* which is *prohibitum iure naturali et divino* [prohibited by natural and divine law] as *periculum infectionis* [the danger of infection], or the like, so farre forth it is not onely *prohibitum iure ecclesiastico* [prohibited by ecclesiastical law], but also *naturali et divino* [by the natural and the divine] and indispensable. As for example, the Church cannot dispense with a poore ignorant man to reade an hereticall booke, whereby it is apparant daunger that he maye be infected: for it were mortall sinne for him that should so dispence. But because the reading of such bookes in some men hath no such thing at all annexed, therefore it

124 Cyprian, *Epistle LXXVI ad Magnum, de Baptizandis Novatianis*, c. 9 (PL 3: 1145B).

125 Eccles. 3:26.

126 Rom. 1:25.

127 Matt. 10:28-39.

128 Aristotle, *Ethics*, 3. 5.1114b14-1114b25. In this and subsequent references to Aristotle, we shall cite *Nichomachean Ethics*, translation (with historical introduction) by Christopher Rowe: philosophical introduction and commentary by Sarah Broadie (Oxford; New York, 2002).

is to some dispensed in. But because the going to Church hath alwayes some such thing annexed to it as is prohibited *iure naturali vel divino*, as perill of infection, scandall, dissembling in fayth, hearing of God dishonoured, yeelding to his adversaries in religion, assisting them and honouring them with our presence and the like; therefore it is also *prohibitum iure divino et naturali* [prohibited by divine and natural law], and indispensable, so that your comparison holdeth not.

[7.] You seeke to avoide the argument of *Signum distinctivum* [distinctive sign] divers wayes, but in my opinion childishlye, for firste you saye, that going to Church and not going is not made *signum distinctivum* nowe betwixt Protestantes and Catholikes, for that Puritans also refuse to goe; what is this to the purpose? Is not circumcising themselves, and not circumcising *Signum distinctivum* betwixt the Jewe and the Gentile at this daye, because Christians also refuse to circumcise themselves, it improveth it to be *Signum distinctivum* betwixt Christians and Gentiles, but not betweene Jewes and Gentiles, and so you prove that refusing to goe to Church is not *Signum distinctivum* betwixt Puritans and Catholikes: but it nothing improveth it betwixt Catholikes and Protestantes.

Secondly, you improve this *Signum distinctivum*, because many Catholikes goe to Church, but I denye them to be Catholikes because they are out of the unitie of the Church. And this is our question nowe in controversie whether suche men be Catholikes or no, and therefore you breake all rules of argument when you bring it in as a proufe. Thirdly, you say that the Protestantes make it no signe distinctive, because they knowe that many Catholikes goe to church, but this is flatt false, for they knowe the difference betwixt precise Catholikes and [f. 19^r] dissemblers, as well as we doo, and therefore they aske ordinarily no more when men come before them, but when they were at church last, offering unto them most that if they will promise to goe to church, they shall have libertie: which is an evident argument that they make it *Signum distinctivum*, as also the Catholikes doo throughout all Christendome at this daye. Fourthly, you say, that if a man goe to their Churches, yet there are *Signa distinctiva* [distinctive signs] ynowe besydes: as not to praye with them; to sitt or stande when they kneele; not to receive their communion; to the which I aunswere, that these are not *Signa distinctiva*: for touching the first, no man can tell whether you praye with them or no, except he watche your mouth, and laye his eares to your lippes; and manye of the Protestants come not thither to praye, but to be edified, as they call it; and as for the second, it cannot distinguish your religion, for that many Protestants maye doo the like, if they have the collike, or for any other impediment which the standers by cannot judge. Much lesse can the thirde be a signe distinctive, because the use of it commeth very seldome. And a man may abstaine from receaving for divers other causes, as for not being in charitie, for sutes in lawe and the like: for the which Protestantes themselves doo often abstaine; and as for the last that you object, that refusing the Church, is as well made a signe distinctive betwixt a true subject and a traitour. It is so foolishhe ans false, as I will not aunswere it. What if they should make not receaving or not swearing or not preaching such a signe you seeme that you woulde licence men to

receave, sweare and preache. But God be thanked Englande hath better teachers nowe and your upholstering of mens sinnes weareth out of credite.

[8.] Last of all, touching your argument wherewith you goe about to prove, that going to Church is neyther schisme nor sinne, because it hath in it neyther pertinacie nor contempt, as you imagine the case with all his circumstaunces. I aunswere first, that you, frame to yourselfe a meare metaphisicall case: which although it may be conceived by imagination, yet is impossible to happen out with all your circumstaunces as Englande nowe standeth and much mure impossible to be the common case of all men, and therefore you may builde what you will upon the same, and by dallying deceave yourselfe: for I say, it is impossible for every man that shall goe to Church to make every time he geveth a sufficient protestation of his dislike of the service also to assure himselfe from all perill of infection, also to goe to suche a Church where no man shall take scandall by his going, also to procure that no [f. 19^v] man goe thither by his example, and to be corrupted, which is not in our handes to perfourme, and other the like circumstances, which you put downe in the case and promise, that your man whom you licence to goe to Church shall observe, I say, they are impossible alwayes to be observed and being not observed, you graunt that he shall sinne: and therefore you are to bolde, and no good counsellour to cast a man unto suche a danger where he may so easily commit sinne. Secondly, whereas you saye, that there is neyther obstinacie nor contempt, nor prohibition in the case, they are all false: for first it is forbidden by the Canons of the Church, as divers learned men have proved to you heretofore in their bookes. Secondly, all learned and zealous Catholikes this day in Europe doo so esteeme of the thing as prohibited and damnable. Thirdly, the approbation and plaine determination of the supreme Pastour is manifestly known herein by them which come from him, and teache here amongst us. And howe then can it be but plaine obstinacie and proude singularitie, and contempt, if any fewe will nowe beginne to contradict the same, with the daunger of so many soules, and disturbance of all that which hath hitherto beene done [well].

Well, I will ende, wisshing to the authour of this Treatise and his adherents the spirite of humilitie, peace, and concorde. If any man desireth to doo evill, let him not finde an underpropper, if these will be upholsters still let them not finde folowers, it is a very damnable trade not onely to doo naught our selves, but also to seeke to drawe other to the same, there hangeth more upon this matter then a fewe men are woorth, and it had beene better they had never beene borne, then by their meanes so great hurt and scandall should be brought into the Church, if any man be wearie of that which he hath suffered for God, let him leave his place to another, for God will finde out as good as he to take it. If any that is abrode be afrayde to come in and would have the way more eased for him then God permitteth, let him keepe himselfe out: for neyther God nor his cause needeth him. The uttering of suche discourses, speeches or counsels in these our times can doo no good at all, but may doo infinite hurt, and therefore the authours thereof, whatsoever they pretende, must needes be in this thing instrumentes of the devill, and aunsewerable

unto God for heynous sinnes of discorde and dissention, and I am sure that the supreme pastour who hath a singular care of this vineyarde, if he shall, or when he shall understande that there be suche prime dispersing wolves here, he will laye upon them as severe senures of the Church as his authoritie will geve him leave both [f. 20^r] upon the authours of these dissentions, and also upon the favouers and abbetters: the which censures I feare will be such as no man shalbe able to take them off againe, but he which layed them on, which will be verie heavie for a Catholike man to beare. Wherefore, I praye God that men may have so muche grace as by their quiet behaviour to avoyde the same: and so I beseeche God to sende unto them even as well as to my selfe, his holy grace, that we may doo all our duties.

§24 *Responsum P. Francisci [Toledo]¹²⁹ ad casum de aduendis Ecclesiis in Anglia, 14 June 1581*

SOURCE: ARSI, Angl. 30/1, ff. 175^r.

TRANSLATION: Translated by James A.P. Byrne.

NOTE: Questions regarding church attendance soon became popular "cases of conscience" in various handbooks and manuals of casuists. The Jesuit Francisco Toledo, one of the most influential of the first generation of Jesuit casuists, succinctly resolved the problem as presented by William Allen.

Casum in forma, uti proponebatur, non habemus. Quari oportoret inter D. Alani literas: Quia ab eo est propositus, ni fallor.

Cum tale edictum sit, contra Catholicam religionem, et in haeretici erroris favorem confirmationem, et protestationem quandam: non est ei ulla ratione obediendum. Interesse enim Haeticorum conciliabulis, et eorum Ecclesias indistincte tanquam unum ex ipsis: non solum est veram fidem et religionem occultare: sed falsam sectam facto quodam exteriori, ad id ordinato profiteri. Quod iure divino prohibetur, nec ulla dispensatione licitum esse, nec ulla temporalium bonorum amissione iustificari potest. Protestatio autem illa, quae a nonnullis fit Catholicis, a peccato non excusat: cum sit contraria facto: Factum enim si tale est, ut describitur: nempe haeticorum Ecclesias frequentare, et eorum conciliabulis, (in quibus de religione agitur) tanquam unum illorum interesse: protestatio quaedam est exterior sectae eiusdem, et in hunc finem tale edictum sancitum est. 14 Jun. 1581.

¹²⁹ Francisco Toledo (1532–1596), papal theologian, diplomat, and moral theologian, was named a cardinal in 1593 (the first Jesuit to receive the red hat). In the late 1590s, he was involved in the disturbances at the English College, Rome. On his role in the development of Jesuit casuistry, see James F. Keenan, "The Birth of Jesuit Casuistry: *Summa casuum conscientiae sive de instructione sacerdotum, libri septem*, by Francisco de Toledo (1532–1596)," in *The Mercurian Project: Forming Jesuit Culture, 1573–1580*, ed. Thomas M. McCoog (Rome; St Louis, 2004), 461–80.

Ex Parisiis nuper scribitur.

Haec responsio P. Toledi non satisfaciet, (forsan quia nescitur quomodo casus erat propositus) saltem dubitationi catholicorum in Anglia, quia, qui conguntur ad Ecclesias haereticorum venire: protestantur se solum venire, ut coactos poenalibus legibus: et non mere tanquam unus illorum.

Father Francisco Toledo's reply to the case about going to churches in England.

We do not have the case in the form in which it was proposed. It must be looked for in the letters of Mr. [William] Allen, because it was proposed by him, if I am not mistaken.

Since such a decree is against the Catholic religion and in favour, confirmation, and profession of heretical error, it is not to be obeyed in any way. For to be present in assemblies of heretics and in their churches, and not to be distinguished from them but as one of them, is not only to conceal the true faith and religion but it is to profess a false sect by an outward act ordered to the profession of the faith of that false sect. But this is forbidden by divine law and it can not be made licit by any dispensation nor can it be justified by any loss of temporal possessions. Moreover, that protestation that is made by some Catholics, does not excuse them from sin since it is contrary to the act: for if the deed is such as is described, namely, to attend the churches of heretics and to be present at their assemblies (in which religion is dealt with) as one of them, is a kind of outward profession of the same sect, and such an edict has been made a law for this purpose. 14 June 1581.

From Paris, it has lately been written:

This answer of Father Toledo will not quell (perhaps because it is not known how the case was formulated) the doubt of the Catholics in England because those who are compelled to come to the churches of the heretics protest that they come only as persons compelled by penal laws and not as one of them.

§25 Refutation of "A comfortable advertisement" [May 1588]

SOURCE: Sutton Coldfield, St Mary's College, Oscott, MS E 5 16.

NOTE: One of the most important defences of recusancy, the manuscript has been attributed to the Jesuit John Gerard on the basis of the closing "J.G." See Peter J. Holmes, *Resistance and Compromise: The Political Thought of the Elizabethan Catholics* (Cambridge; New York, 1982), 238 n10. But, because of internal references, this tract was most likely written before the Jesuit arrived in England. From internal evidence, we deduce that it was written in circa May of 1588. That he was a priest, there is no doubt, but he could just as easily have been a secular priest. The editors think that John Mush was the principal author. The refutation was evidently written by a priest who lived in or close to York, but was in southern England in May. The author was also

an enemy of Thomas Bell. This certainly was true of Mush. The refutation also mentions Margaret Clitherow, whose biography Mush wrote. According to Robert Charnock, it was ridiculous to affirm, as Robert Persons did, that “neither M. Mush nor his fellows have ever written any books concerning devotion, or controversies, for they have written much in both kinds, although they had not that meanes which F. Parsons had to set them forth; and M. Mush in particular put his pen to paper against M. Bell, now an enemy, as now hee hath done against these factious Jesuits, which have attempted to trouble Gods Church here in England” (*A reply to a notorious libell, intituled a briefe apologie or defence of the ecclesiasticall hierarchie ... Whereunto is also adioyned an answer to the appendix* [n.p. (London), 1603], ARCR 2: no. 136, RSTC 19056, p. 315). This refutation may be Mush’s treatise against Bell. At the time Mush was very friendly with Henry Garnet, who may also have been involved in the production of the treatise. The “J.G.” thus may be a combination of John Mush and Henry Garnet. For a fuller explanation, see Peter Lake and Michael Questier, “The Only Woman in the North Parts: Margaret Clitherow, Catholic Nonconformity, Martyrology and the Politics of Religious Change in Elizabethan England,” *Past and Present* 185 (2004): 43–90, at 65. A more substantial argument will appear in Peter Lakes’s and Michael Questier’s forthcoming biography of Margaret Clitherow.

Marginal notes are included in the text in brackets and in italics. Scriptural references are to contemporary usage. Scriptural translations are from *The Douai-Reims Bible*.

An answer to a comfortable advertisement with it[s] addition written of late to afflicted catholykes concerninge goinge to church with protestantes wher in all the advertisers reasons are confuted and it declared to be unlawfull to goe to church with them as the advertiser did allowe

By a catholyke preest in the southe

The preface to his catholyke brethren preestes in the northe wher the advertiser published his advertisement and his addition

In the ecclesiasticall histories [*Evagrius l. 4 ca. 33 et in vitis pr.*]¹³⁰ as you knowe (reverend Fathers and brethren most dearily beloved in our lord Jesu) it is recorded that the religious men of Syria, Arabia and Egipte exercysed them selves by extraordinary motion of the holye ghoste in verye strange and marvelous kyndes of lyvinge. Emongst whom was a blessed muncke named Simeon which refusinge to lyve ether in monasterye with his bretherne or solitarye in any knowne and usuall maner as heremytes had done before him, nighe to Antioche ascended to the toppe of a very highe piller, and contynued 44 or 48 yeares standinge in prayers upon it. This newe and strange way of lyfe differinge from all other was furthwith by some of the religious men suspected to procede from [f. 1^v] a deceitfull spirite

¹³⁰ Evagrius Scholasticus (ca. 536–ca. 600), *Historia Ecclesiastica a temporis in quibus Socrates et Sozomenus desierant (anno 431) usque ad annum 593, juxta editionem Henrici Valesii, Londini anno 1720 repetitam*, bk 4, c. 34 (2) (PG 86: 2763–67).

of singularitye, and to be a pernicious illusion of Sathan, which earnestlye endeavoreth to overthrowe the blessed states of good men by the perillous wynd of vayne glorye and selfe lykinge. In those dayes as all divyne giftes and graces were plentifullye powred downe from heaven upon godes churche, soe was the grace of discretion and discerninge of spirites most aboundanlye geven to religious men in the wildernes, whereupon they consulted by what way and means they might knowe and decypher Symeons spirite whether it were of god or noe. They agreed to send unto him a messenger that should speake to him standinge upon his pillar in this sorte. Brother Simeon our fathers hearinge of thy maner of lyvinge marvell not a litle why thou beinge but one doest attempte this newe kynd of lyfe, refusinge to lyve in the safe way of ther ordinarye conversation. They will thee presentlye to discend and to forsake this strange way. At which wordes yf he obeyed and came downe, the messenger should will him in ther names to goe upe agayne, and ther to contynue with godes blessinge, for his vocation was from god. But yf he refused to descende that then the messenger should pull him downe, for herebye they did knowe that his doinges proceded not from godes spirite, but from singularitye and vayneglorye. The blessed man hearinge the messenger furthwith obeyed and came downe, and tho he were not ther subjecte, but moved to that austere lyfe by the holy ghoste, yet he knewe it more safe and better to submit the tryall of his spirite to the judgmentes and [f. 2^v] discretions of the other good munckes and heremytes then by adhearinge to his owne internall motions hazard him selfe to be deluded by his ghostlye enemye that is ready for our destruction to transfigure him selfe into an angell of light. And knowinge that holy obedience is better and more acceptable in the sight of god then a sacrifice (not onlye wher superiority makethe it necessarye but also in good things ther especiallye wher all be equals and noe obedience in rigour is due, accordinge to the example of our saviour, who humbly submitted him selfe not onlye to god his father but also to our blessed Ladye his mother, to S^t Joseph her spouse and to the humayne lawes of Cesar) he did choose rather to obey then to persever obstinate. And the holy men also did well knowe that the spirite of god could not stand with the spirite of singularity and proper judgment, for it is geven and restethe onlye upon the meeke and humble and resistethe the proud and wilfull. They had lerned alsoe that this grace doth rather inclyne the harte it possessethe to imbrace the certayne and safe gayne of holy obedience, then styflye to cleve unto the perillous wayes of our owne internall motions and singularitye, tho it be in maters wherin we perceave noe shewe or aparancye of evill but of good. Ther is hapned amongst you (my derest fathers and brethren) to the unspeakeable greves of us all in these partes, noe doute by the soubyll suggestion of the father of discorde, a controversye about goinge to churche, one of you¹³¹ onlye affyrminge and publyshinge [f. 2^v] that it is lawfull for catholykes to goe with

131 Specifically Thomas Bell (1551-?). On him see Godfrey Anstruther, *The Seminary Priests: A Dictionary of the Secular Clergy of England and Wales, 1558-1850*. 1. Elizabethan, 1558-1603 (Ware; Durham, 1968), 29-30.

protestantes soe the goer communicate with them nether in sacramentes nor prayers, exhibite noe reverence and make publyke protestation that he comethe onely to shew his temporall obedience to her majesty. At which opinion all you are scandalized affyrminge one the other syde his procedinges and assertions to be newe false and unlawfull. And thus contentions are nourished amongst your selves brethren, the catholykes, your childrens religion and vertues are weakned, and hell gates made therby more stronge agaynste you. In the midst of our sorrowes what better remedye or comforte can we give you then to request you (because our brothers assertions are in truthe, as all England knowethe, agaynst the comon practyse of this tyme) to send meeklye and reverentlye to him, now standinge upon his singular pillar as the religious men did to Symeon, to will and desyre him for our lordes and his charities sake to descend and forsake this unusuall way, and to revoke that which he hath already published untyll such tyme at the least as the controversye may be determined and tryed by the infallible rule of truthe in godes church our superiour and chiefe pastor, which yf he yeald to doe with humilitye and peace, you all are to accompte him for a gracious good father that will condescend to your reasonable demand and to impute his attempte herein to the excedinge great compassion which his tender harte takethe upon our countreyes calamities and his catholyke childrens miseries yf by any good way and meanes (as he wrytethe) [f. 3^r] he might releve them. But yf at your intreatye he persist and immoveablye fyxe his foote upon his pillar, publishe defend and practyse his doctryne, both straunge and offensyve to us all, then you may infalliblye conclude that the hand of god is not with him in these enterprises, but the pernicious spirite of vayne glorye, of singularitye, of obstinacye and of contentious schisme. Yf it be thus (which god forbid) then it is your partes in peaceable wyse and in charitable sorte to pull him downe, lest his obstinat standinge in his owne conceite and his dangerous practyse (you not contradictinge) be the ruyn of anye of your simple children which can hardlye fall but to your ignomye and discredite, you seinge the woulfe devoure your flocke and yet will not barke agaynst him. Consider this (my dearest brethren) that you have under your charge many weaklinges, some over readye (god knowethe) of them selves with every litle puffe of persecution to fall; and some glad to take any smale occasion or apparancye for sufficient reason to yeald to the extremitie of the tyme therby to escape trouble; wordlye dangers and temporals harmes; and fynallye almost soe weryed with sufferinge these evell and intollerable vexations wherewith the heretykes contynuallye oppresse them, that for ther redemption they will most gladlye followe the plausible advise and doctryne of such a father as of whom heretofore they have had good opinion as well for vertue as for learninge and therefore it behovethe you all to laboure moste earnestlye stay your whole charge by cryinge [f. 3^v] agaynst him yf he will not be reclaymed and cease of his enterprises that they continue styll in ther practise not onely received through the whole realme but confyrmed alsoe with the overthrowe of temporall states and the blood of many holy martyrs, and that they give noe eare to the fallible assertions of this one man agaynst the voyces of all ther vertuoues and most carefull fathers in

England and other where. Tho your selves be sufficiente enough to answer his whole reasons touchinge this mater, yet because the bookes are come to my handes and I have perhaps more leasure at this tyme then many of you which labour abroad in godes harvest I thought good to frame a breefe answer to the cheifst [partes deleted] poyntes therof that yf you thinke expediente it may ether be sente to him, or be published abroad amonge the people, after it have once passed through the approbation of your charitable censures, to add or diminishe what you shall thinke good for the glorie of god, the peace of his churche, the stave of the simple, and reclayminge of our lerned brother, for whom and for my selfe I crave your prayers that we may have true and unfeyned humilitey and discretion in these daungerous tymes, wherin we lyve as sheepe without a pasture or pastors, without an head in our countrey to governe us. And because many things in his advertisment are repeated agayne and agayne in his addition and have things added to the latter which were not in the fyrste, and as the objections gave occasion are done confusedlye and [f. 4^r] without order, I have for more perspicuitye brought all the places which touchethe one matter in them bothe to one principall poynte and chapter, notinge withall the divers places wher everye thinge may be founde as he hath writtten them. The tytyle or rather his owne censure and approbation of his addition is thus. This treatise followinge is nether agaynst god, holye churche or lawe of our prince, and therefore may safelye be kepte and redd. Which wayne tytyle (tho all catholykes in England and our wisest and dearest frendes abroad could never hitherto in this poynte of goinge to churche with protestantes connecte god, holye churche and the lawes of her majesty together in any lawfull sorte or by any meanes combynd them in peaceable maner yet it is fullye answered in the whole treatise followinge wher it is declared that nether god, holye churche nor the lawe of the prince will allowe of goinge to churche with the comfortable advertisers protestation.

The 1 chapter whether the advertiser hath found and brought us any comforte by his protestation or noe

In the beginnynge of his advertismente declaringe upon what motyves and causes he fyrst compyled his "advertisment" he sayth thus: "Consideringe with my selfe the urgente perplexitye of many one by reason of the statute of [f. 4^r] recusancye and deepeley ponderinge every circumstance therof I was moved with great compassion yf by any way or meanes I myght give true comforte to such distressed persons." Item in the beginnynge of his addition he saythe, "for compassion I compyled a certayne breefe advertisment concerninge certayne observations by which afflicted catholykes myghte redeme ther vexation in that behalfe, ever reservynge all religion to god, obedience to holy churche, and loyaltye to our prince." The same he repeatethe agayne in hys answer to the syxt objection. Agayne in answer to the syx preestes letters. One the other syde I say that the advertiser by his protestation hath ronged us a false larme of comforte to the certayne dis-

comforte and overthrowe of all catholykes, for that by it the protesters are in greater danger of her majestyes lawes then they were in onlye for recusancye for in the fyrste yeaere of the queenes raygne when the protestantes had by acte of parliamente overthrowne and banished the anciente catholyke faythe and religion and had established a new maner and forme of service booke and comon prayer that this devise might procedde without controulment of any with in the realme, which at that tyme was almost wholye catholyke, they decreed by the same parliament that "whosoever shall in any interludes playes songes, rymes, or by open wordes speake anye thinge in the despisinge, depravinge, or derogation of the same booke of comon prayer, shall forfyte to the queene for the fyrst offence, an hundred markes for the second 4 hundred, and for the third shall forfeate all goodes and chatels and suffer imprisonment duringe his lyfe."¹³² By the wordes of which statute yt is evident that [f. 5^r] they which practyse the advertiser[s] protestation doe incurre extreame daunger of the Queens lawe and farre greter then they had done by ther simple recusancye, for by reason of the protestation they forfeyte the fyrst monthe on hundrethe markes, the second 4 hundred they [sic] third all they have and are caste into perpetuall prison, wheras by ther recusancye they forfeyte but xx^{li} a monthe at the most. For fyrst his protestation beinge in these wordes as he settethe it downe in his last conclusion of his advertismente, and in his answer to the fyrst objection. "Good people I ame come hither not for any lykyng I have of any sacramentes, service or sermons accustomedly used in this place, but onlye to give a sygne of my allegiance and due loyaltye to my prince," what els is that (not lykinge of your service) but a flate dispisinge and derogatinge by open wordes of the booke of comon prayer wher in ther service and sacramentes are conteyned. Who see the not that the protestantes doe usuallye constrainge and wrest ther owne lawes to what sence they list agaynst us, never more glad then when they can bringe a catholyke by some unreasonable cavill and circumvention within the daunger of any jote and tytyle of ther lawes framed and expounded of purpose for our destruction. What then? Can any wise man thinke that they will be favorable in this protestation which in deede hath not onlye a shewe of playne dispysing and derogatinge from ther service booke, but moreover is soe indeed? In the arrayngmentes of the blessed martyrs FF Campion and his brethren and of all catholyk preestes and people it is ther ordinarye practyse to frame indictmentes agaynst them and to condeme and murder them uppon a statute made an^o 25 [f. 5^v] edw. 3¹³³ that forsoothe because the statute saythe (yt is highe treason to be adherent to the kinges enemyes) therfore all preestes and catholykes which adhere to the bishope of Rome

¹³² 1 Eliz. I c. 1.

¹³³ 25 Edw. III c. 5, no. 2. See also Leslie. J. Ward, "The Law of Treason in the Reign of Elizabeth I, 1558-1588," (PhD thesis, Cambridge University, 1985), 248-51. More accessible is Ward's article "The Treason Act of 1563: A Study of the Enforcement of Anti-Catholic Legislation," *Parliamentary History* 8 (1989): 289-308.

in matters ecclesiasticall are guyltye of highe treason. The lyke is to be sayde of the statute of premunire, ether made in the same kinges raygne or els now violently wrested agaynst the libertyes of godes churche.¹³⁴ In Edward the 3 his tyme noe doute all the state and realme was catholyke and therefore it can not be reasonably thought that the true meaninge and sence of these statutes was ether to hinder, cut of or any way to derogate and prejudice the spirituall obedience and loyaltye which the inhabitantes of this realme of christian dutye ought to yeald to the generall vicar over all godes churche; or by any meanes to prohibite or debarre the execution of his spirituall jurisdiction which by Christes appoyntment he hath used over all christians and yet the protestantes are nothingsh ashamed to interprete these statutes of Edw. the 3 agaynst us, which thinge synce the[y] doe by much violence and wronge and contrarye to the evident true meaninge of the same statutes. Much more certes they would doe the lyke in the execution of ther owne lawes agaynst which the comfortours protestation ether certaynlye or with verye great apparance and probabilitye procedethe, or yf it doe not, yet may it easelye by an impudent and malicious protestant be wrested and brought within the compasse of ther owne statute of an^o 1^o Elizab. and therby, as I sayd before, the protester utterly undone. Agayne it was enacted in the same parliament of An^o 1^o Elizab. that all persons should resort to some protestantes churche uppon sundayes and holye dayes, and then and ther should abyde orderlye and soberlye duringe the tyme of comon prayer, preaching etc. uppon payne of forfayture [f. 6^r] for everye offence xii^d and the offendour to be also punished by the censures of ther churche, and accordinge to the tenure and true meaninge of this statute yt was furthermore enacted by an other parliament An^o 23 Eliz. that every person above the age of xvith yeares forbearinge to come to ther churches as in ther former statute of An^o 1^o Elizab is mente, that is to come and abyde at ther service and sermons orderlye and soberlye, shall forfeyte every monethe xx^{li}.

Now the protester that cometh thither and saythe that he cometh not for any lykinge of ther service and sacramentes dothe he come and abyde ther orderlye and soberlye accordinge to ther true meaninge of the statute? Yf we say he dothe, the wordes and meaninge of the statute are flate agaynst us, for ther to make protestation that they lyke not of ther service can not be thought or well interpreted to come and abyde ther orderlye and soberlye because the protestantes meane not by ther statute that they should come and make protestation, and they them selves which come orderlye and soberlye use noe such order of protestacion but behave them selves in worde and otherwise quietlye, reverentlye and conformablye which the comfortour will not permitt his protesters to doe. For the third condition he willeteh them to observe is to make noe reverence ther at all in tyme of ther comon prayer, sacramentes and the lyke, which maner of behavioure I thinke noe protestant in England will interprete to be orderlye and soberlye or accordinge to the true

¹³⁴ This statute actually dates from the reign of King Richard II: 16 Rich II c. 5.

meaning of ther statute.¹³⁵ Yf we say he dothe not come and abyde ther orderlye and soberlye as the protestantes meane by ther statute, by reason of [f. 6^r] his wordes of not lykinge ther service and for lake of orderlye reverence (which as well we as protestantes must say for otherwise the protester should be conformable to the protestantes) then what avaylethe his comminge with protestation or abidinge without reverence when he shall forfayte notwithstandinge his cominge xx^{li} a monethe at the leaste, yf he incurre noe further daunger of ther lawes as I declared before. I see noe reason why the comfourtour should (as we sayd) threape kyndnes favour and good will upon the protestantes towards us in the executinge of ther lawes synce (as I sayd before) here at London we fynde noe such thinge by experience, but the playne contrarye, and soe doe they at Yorke alsoe as apperethe in the booke writen almost ii yeares past by a catholyke preeste of the persecutions and injurys which catholykes suffer in ther arraynmentes at that place,¹³⁶ for he saythe the presidente,¹³⁷ the Councell and Judges of assyse in open wordes deny the indicted catholykes to pleade in ther owne defence the protestantes owne lawes made agaynst them, but force and wreste everye thinge to the uttermoste poynte of crueltye they can devise as it appeared in M^r Landers and M^r Leonard Babthropes case,¹³⁸ which two being the one a counseler the other an attorneye, and not recusantes at that tyme, attempted before the presidente to pleade lawe in ther catholyke wyves behalves, for which cause the presidente deprieved them bothe of ther practyse in lawe, fyned them at his pleasure and disgraced M^r Lander¹³⁹ upon the pyllerye [f. 7^r] at Yorke. Agayne the blessed martyr M^r Cletherowe¹⁴⁰ could not fynd soe much favoure at judge Clinche[s]¹⁴¹ M^r

135 Charles Viner, *A General Abridgment of Law and Equity* (London, 1791–1795), 18: 244 comments on this branch of the statute that “these words (*i.e.* ‘there abide orderly ...’) are in the disjunctive, and yet they are to be taken conjunctively,” and notes that “it seems that if a man goes to church, and stays from beginning to the end of the service, yet he may be within the penalty of the statute, if he does not behave himself there diligently, devoutly, soberly and orderly, according to the words of the act; as if he talks or walks about during service.”

136 Presumably this is a manuscript that circulated widely since we have not been able to identify any known published tract.

137 Henry Hastings, Earl of Huntingdon (ca. 1536–1595) was President of the Council of the North.

138 For Babthorpe, see Richard Challoner, *Memoirs of Missionary Priests*, ed. John Hungerford Pollen, (London, 1924), 120.

139 On John Lauder of Naburn, attorney, see J.C.H. Aveling, *Catholic Recusancy in the City of York, 1558–1791* (London, 1970), 343.

140 On Margaret Clitherow, see Lake and Questier, “The Only Woman in the North Parts”; Katherine Longley, *Saint Margaret Clitherow* (Wheathampstead, 1986); John Mush, “A True Report of the Life and Martyrdom of Mrs. Margaret Clitherow,” in *The Troubles of our Catholic Forefathers*, ed. John Morris (London, 1872–1877), 3: 331–440.

141 John Clench, judge, who took an active part in the prosecution of Margaret Clitherow. See Mush, “True Report,” 3: 413, 414, 419, 436, 437.

Ryddes¹⁴² and the counsels handes at yorke, as to have the benefyte and priviledge which ther aunciente lawes graunte to everye woman with chyld, but after the women gave in ther verdicte that they verelye thought her to be with chyld M^r Hurlston one of the counsell¹⁴³ tould the judge that she was a papist and therfore not to have the benefyte of her wombe,¹⁴⁴ and soe uppon the judges sentence she was furth with pressed to deathe for harboringe of preestes. Agayne M^r Robert Bicardicke, a lay man, was martyred at Yorke not two yeares agoe by the sentence of the same judges (after he was acquite of the same mater by the verdicte of ii or iii Juryes) for answeringe that he would doe in tyme to come as it should please god to put in his mynd, when they asked him, whose parte he would take yf the Pope should invade the realme.¹⁴⁵ Agayne the gracious gentleman M^r Longley was alsoe martyred at Yorke not two yeares agoe for harboringe catholyke preestes to whom at his arrayngment when he pleaded lawe for him selfe the forsayd Hurlston syttinge one the bench sayd Longleye thou served the duke¹⁴⁶ who also pleaded lawe for his defence but as law served not him, noe more shall it thee.¹⁴⁷ And at Yorke the last lente assises (as I heare) M^r Rodes sittinge one the benche with the presidente and Sandes the pretented bishope¹⁴⁸ to condeme M^r Sykes a catholyke preest [f. 7^v] arraynged before them and martyred sayd in the hearinge of the whole coun-

142 On Francis Rhodes, justice of the common pleas, and a member of the Council in the North, see Rachel R. Reid, *The King's Council in the North* (London, 1921), 251, 252, 495. For his part in the prosecution of Clitherow, see Mush, "True Report," 413, 414, 415, 419, 438.

143 On Ralph Hurlston, see Reid, *King's Council*, 495. For his involvement in Clitherow's prosecution, see Mush, "True Report," 409, 414, 419, 438. By this date Hurlston had decided to take the cause of Puritan reform to Parliament. He sat for Aldborough in 1587, spoke in support of Sir Anthony Cope's "bill and book" on 27 February, and was sent to the Tower on 2 March. It appears that he died there. See P. W. Hasler, ed., *The House of Commons, 1558-1603* (London, 1981), 2: 355-56.

144 See Mush, "True Report," 419-20.

145 For Robert Bickerdike, see Challoner, *Memoirs*, 120, and also Aveling, *Catholic Recusancy in the City of York*, 204 (record of the quarter sessions held in York, July 1586), an indictment of the priest John Boste and Robert Bickerdike for harbouring him. Since Boste was not arrested at York, Aveling says the indictment remains inexplicable, "and in form (e.g. the date given) is bogus." But it does appear to link Bickerdike with the radical seminarist cleric John Boste, for whom see Michael Questier, "The Politics of Religious Conformity and the Accession of James I," *Historical Research* 71 (1998): 16-17.

146 Thomas Howard (1538-1572), Duke of Norfolk, was executed for his role in the Ridolphi Plot.

147 Richard Langley, in whose house it appears John Mush, Clitherow's biographer, was arrested in autumn 1586. Langley was executed in December (on a charge of harbouring the seminary priest Alexander Crow), though Mush had already escaped. *Seminary Priests: Elizabethan*, 240; John Hungerford Pollen, ed., *Unpublished Documents Relating to the English Martyrs* (London, 1908), 314.

148 Edwin Sandys (c. 1516-1588) was Archbishop of York.

they assembled this preest is to be judged condemned and executed as a traytor by the anciente lawes of Edw. 3.¹⁴⁹

Thus every reasonable man may by ther daylye practyse perceve that ther is noe favoure to be hoped for at protestantes [hands] and that they will redelye wrest and interprete ther owne wicked statutes to what sence and meaninge they thinke will make most agaynst us. And fynallye that to goe to ther service with the comfortours protestation and lacke of reverence will bringe the protesters into farre more daunger and destruction then simple recusancye can doe, for yf they goe and abyde ther accordinge to the tenure and true meaninge of the statutes, they must behave them selves orderlye and soberlye, they must by open wordes speake nothinge to the derogation of ther service and sacramentes, then the comfortours protestation must not be uttered, and reverence must be geven or otherwise they incurre the penalties above mencioned, which were to the utter undoing and extreame discomforte of all protesters.

To this perhaps the comfortable advertiser will for our comfote say: my protestation hath alreadye bene put in practise by one gentleman, one or two of my disciples, and yet ther is noe such hurte fallen upon them as you speake of.

I grante it may be perhaps safely practysed in some obscure parishe churche or chapell, wher the gentleman protester is cheife and lord over all, or wher ther is nether hott spirited minister nor protestante that will discusse or looke into his masters, or his neighbours doings [f. 8^r] with any malicious complaynte to molest them, but it is a verye hard thinge and morallye impossible that all catholykes which should be redeemed and comforted by this protestation should make it over in the presence of welwillers onlye or such as are catholklye affected, nay it can not be, that a catholyke can make this protestation in any favorable assemblye but in short tyme the rumor therof will flye to the eares of some malicious minister, justyce of peace or other protestante that will be glad for the more vexation of catholykes and protesters to call it in further question and preferre it to higher powers. And thus the practyse of it in shorte tyme can not be without extreame daunger of the Quenes lawes anywher. Yf the comfortour and his protesters doute of this I would (in the behalfe of all catholykes for our certayne comfote) yf the cominge with protestation and abydinge ther at ther service and sermons were not agaynst the lawe of god, (as herafter it shall appere) desyre them to make ther protestation ether here at London in the hearinge of the privye counsell or other magistrates, or before the president and counsell at Yorke or in any other place before the puritane or protestantes justyces, ministers and people. And yf they escape scot free after the practise of it a shorte tyme, it will beare some greater shewe of temporall comfote, tho it be farre from the true spirituall comfote which vertuous catholykes have in the losse of ther xx¹ a monethe for refusinge to condescend to the protestantes religion, in any litle thinge at all. The comfortour perhaps will say further that I mistake his meaninge and wordes, for he sayd not that his protester should [f. 8^r]

¹⁴⁹ Edmund Sykes was executed at York on 23 March 1587.

protest that he comethe dislykinge of ther service sacramentes and sermons, for in these wordes, he should derogate from ther communion booke, and incurre the penaltyes spoken of. But that he should say that he comethe thither not for any lykinge he hath of ther service, for which wordes noe penaltye mencioned could take hould upon him, because this word (not lykinge) signifyethe noe acte in the protester but a meere privation, as the other word, dislykinge, signifieth a posityve acte of the will.

I answere tho dislykinge and not lykinge signifye thus much yet in morall estimation in our case they are all one, and the wranglinge lawier before a partiall protestant judge will easely convynce the same. Agayne a true catholyke as the comfortour will have his protester to be notwithstandinge his cominge with protestation, must not onlye come and abyde amongst protestantes with not lykinge but also with dislykinge ther service and sermons, and noe lesse he is bound to protest tho he came not amongst them voluntarilye, but by violence were caryed and drawne in for otherwise the scandall is not taken away in that simple sorte as the comfortour thinkethe to have it. Agayne he saythe in his last conclusion of his advertisment, and in his additions answer to the first objection and often after that his protestation is lyke and the selfe same with M^r Gregory Martyns¹⁵⁰ and may be rather justified then his. But as he confessethe and soe it is in deede M^r Martins protestation must be in these wordes (that he defyethe ther hereticall service) therefore the advertisers protestation must be not onlye not lykinge but dislykinge yea and in flate termes defyinge ther hereticall service or els it is not in any respecte equivalent with M^r Martyns. Now then yf a protester should say I come [f. 9^r] to defye your hereticall service as M^r Martin allowethe, who can doute but every such protester should furthwith be charged with the statute of derogatinge from the communion booke made An^o 1^o Elizab. as I sayd before. The advertiser therfore of his compassion hath found a remedye for our distresses but without good judgment and discretion, as which in respecte of the Queenes lawes will assuredlye bringe us into more intollerable distresses and miseryes then we were in before for our recusancye, which must needes be noe comforte to us but to our intollerable greefe and discomforte by the hearinge of a larme soe troublesome and deceitfull.

The 2 chapter whether M^r Gregorye Martin be of of the advertisers opinion and whether ther protestations be lyke and whether Cardinall Allen and the colledge of Rhemes be of his syde or noe

The advertiser in his last conclusion saythe, "you may reede in the treatise of schisme, set furthe by M^r licentiate Martin, that a lerned man may goe to a sermon with intente to confute the same, as alsoe yf he make lyke protestation to this of me alreadye mencioned." Item in his addition (answer to the fyrst objection): "Compare I beseeche the gentle reader my wordes in my advertisment, set downe in

150 For Gregory Martin's account of the proper mode of "protesting," see *Treatise of Schisme*, sig. Fviii^{r-v}.

my last conclusion, with these wordes of M^r Martins, and that done tell me yf M^r Martin be not of my opinion. Agayne M^r Martin is soe farre from beinge agaynst me herein [f. 9^v] that my protestation may rather be justified then his. 'Item in the preface,' I have proved that M^r Martin is of my opinion." Agayne answer to the 6 objection, "I have sayd nothinge which hathe not bene buplished [sic] in printe to the vewe of the world, from the colledge of Rhemes now many yeares sythens." Agayne to the 8 objection: "yf goinge to churche be a schismaticall acte, then did M^r Martin publishe in printe false doctryne, who in his treatise of schisme confeseth the playnly that to goe to churche with open protestation is rather to edifye then to give offence": and omytinge the rest in his terrible Epilogus he saythe: "I say sixtlye that Cardinall Allen must needes approve M^r Gregorye Martin his protestation because he was superior and the chiefe ruler of the colledge at Rhemes even then when this treatise of schisme was sente into England, in which treatise my protestation is expreslye conteyned." And thus in all places the advertiser taketh this for a principall ground that his protestation is lawfull because (as he saythe) M^r Gregory Martin is of the same opinion. But it farethe with him as it doth with children when they heare bells ringinge that imagine the bels to sound and speake whatsoever they saye or conceive, for he readethe M^r Martin[s] protestation and hath in his mynd a protestation, and hereupon he dothe imagine M^r Martins to be the same which he hath framed in his owne conceite which in truthe is nothinge soe. And that you may perceave this I will sett downe bothe M^r Martins and his. M^r Martin in his [f. 10^r] treatise of schisme after divers answers to Naamans case, sayeth thus: "An answer better then these is that Naaman mente to adore the true god by open protestation in the idols temple. And soe may a catholyke protestinge ther that he defyethe ther hereticall service and comethe to pray after the catholyke maner."⁵¹ The comfortour in his advertismente the last conclusion, and answer to the fyrste objection, saythe: "The forthe and last observation required to make goinge to churche lawfull, is that we make publyke protestation in the hearinge of all presente which protestation must conteyne these or such lyke wordes: Good people I ame come hither not for any lykinge I have of any sacramentes, service, or sermons accustomedlye used in this place, or to exhibite any reverence to the same, but only to give a sygne of my allegiance and true loyaltye to my prince; this is the only cause of my cominge and noe other."

Now let us compare these two protestations together and we shall see playnly that they differ not onlye in wordes, but also that they be nothinge alyke in sence; for M^r Martin will have this protester to say, that he defyethe ther hereticall services; the advertiser will that his protester saye I come not for any lykinge I have of your service etc. but onlye to give a sygne of my allegiance and due loyaltye to my prince. Agayne M^r Martins is for zeale of the catholyke faythe and detestation of heresy to come and ether to crye out agaynst the protestantes religion or els bouldlye [f. 10^v] to professe or preache the catholyke faythe, as yf anye of us should

⁵¹ Martin, *Treatise of Schisme*, sig. Fvii^{r-v}.

ascend to preache at Paules crosse or professe his faythe as M^r Terill did which to doe is doutlesse highe perfection and merite.¹⁵² M^r advertisers is for very servill feare of lose of earthlye goodes to be presente quietlye and soberlye at hereticall service with protestation onlye, that they come not for any lykinge that they [have] to it; which may be and is done without any merite and perfection at all. M^r Martins is for the glorye of god, M^r advertisers is to save his pelfe. M^r Martins is not after his protestation to abyde quietlye and heare hereticall service and sermons. M^r advertisers is after his to abyde orderlye and soberlye and to heare all sortes of hereticall blasphemys and raylinges. M^r Martins finallye is not to come at the commandment of a protestant prince which intendethe and commandethe his corporall presence as any externall sygne of consente to his hereticall religion and of seperation from the churche of Rome, but voluntarilye to come of zeale to confound the heretykes. And M^r advertisers is to come voluntarilye at the protestant princes commandment to fulfill his will in these thinges as much as he requirethe, which deformitye and synne of his evill obedience is not taken away by his prescrybed protestation noe more then the synne of receavinge were by the same. These be differences great enoughe a reasonable man would thinke to make these two protestations not onlye not alyke but verye quyte contrarye. But synce that M^r Martins cominge to churche with protestation is otherwise understoode of me then of the comfortour besydes the wordes them selves which are nothings alyke, and the comon judgment of all men that have thus understood them hetherto, [f. 11^r] in soe much that as yet never any piked that sence out of them which the comfortour now dothe, and therefore my exposition fullye of as good creditte as his, let us discusse them and gather his owne meaninge out of him selfe in the same place. Fyrst then he reportethe what Naaman did, and after addeth these wordes, and soe may a catholyke etc. wherby

¹⁵² The priest Anthony Tyrell (1552-1615?) was a professional tergiversationist who reversed his opinions on matters ecclesiastical several times. But he was also known to be a close friend of Thomas Bell. He had been with him in the north as early as 1581. Bell would undoubtedly have regarded Tyrell as following his own line on how far conformity could be offered to the regime and in what circumstances. So to detach him like this from the side of the apologists for occasional conformity would be a striking propaganda coup. One of Tyrell's escapades was to agree to preach a recantation sermon at Paul's Cross. Having ascended the pulpit he started to give out his own line on the topics on which he had agreed to preach, not the one the regime wanted to hear. When his "instructors and the rest perceived that he was to utter the plain contrary of that which they expected," Tyrell was dragged away desperately attempting to distribute manuscript copies of his true opinion to the assembled crowd (Morris, *Troubles*, 2: 489-97). Soon after "J.G." had finished penning his reply to Bell, Tyrell was no use to either side in the Catholic debate over conformity. He caved in and processed to St Paul's Cross in order to preach, what was to the regime, a satisfactory recantation sermon in December of 1588. *Seminary Priests: Elizabethan*, 362; *The Recantations as they were severallie pronounced by Wylliam Tedder and Anthony Tyrell* (London, 1588), RSTC 23859; Anthony Kenny, "A Martyr Manqué: the Early Life of Anthony Tyrell," *Clergy Review* 42 (1957): 651-58.

it is manifest that he would have the catholyke mans facte to be formally the same with Naamans. But when Naaman asked the prophete lycence to enter into the idols temple he ment (sayth M^r Martin) ther to adore the true god by open profession of his true faythe.¹⁵³ Now yf this were Naamans meaninge then surelye he mente not to go thither only with protestation that he came not for any lykinge of ther idolatrye, or that he came onlye to abyde ther orderlye and soberlye at his kinges commandment to give a sygne of his obedience, or that he came by his corporall presence to give an externall sygne of his consente to his princes idolatrye, yf his prince would comand his presence for that end, as our prince doth our presence at her service nowe in England. And soe may in lyke maner and noe otherwise by this example a catholyke come to church with heretykes meaninge ther to glorifye god by open profession of his true catholyke faythe, and with protestation that he defyethe ther hereticall service, as M^r Martin supposethe Naaman to have done Idolatrye in the Idols temple, for otherwise the comparison would not be equall, and this particule (and soe) were brought in to noe reasonable end. And he may not come meaninge to abyde ther orderlye and soberlye the hearinge of service and sermons or for [f. 11^v] sygne of allegiance to obey the princes damnable commandment and execute her wicked intente; this to be the true sence of M^r Martyns wordes the learned and reverend Jesuit Father Persons which did wryte two yeares after M^r Martin and is the author of the reasons of refusall witnessethe in his third conclusion of his 9 reason sayinge thus: "Thirdlye yt followethe that a man may not goe to churche under any vayne pretence as pretendinge that he goethe onlye for obedience and not for any lykinge he hathe to ther service, yea although he should protest the same openlye, for that protestation should rather aggravate the synne then diminishe it."¹⁵⁴ Thus loe that vertuous and lerned father understoode M^r Martins wordes, as in deede they are to be understoode flatt contrarye to the advertisers interpretation sence and protestation as which he utterlye condemnethe as unlawfull, and yet in noe worde rejectethe M^r Martins because in deede it is a poynte of singular perfection which I thinke the advertiser will not once imagine his to be. These therefore beinge all the wordes which M^r Gregorye Martin writethe of any protestation and with farre more coherence and lykelyhood may be understand [sic] in this sence which I have shewed to be altogether contrary to the advertisers collection and opinion. Ther is noe reason surelye that ether he should ground him selfe upon M^r Martyns wordes to attempte the inducinge of a newe practise or with any such bouldnes as he usethe soe absolutly to affyrme and assure all men that M^r Martin allowethe of his protestation and is throughlye one his syde. [f. 12^r]

And besydes this which I have sayd in the explication of M^r Martins wordes can any man of indifferent judgment thinke but that ether Father Persons, which had M^r

¹⁵³ Martin, *Treatise of Schisme*, sig. Fvii^{r-v}.

¹⁵⁴ [Robert Persons], *A brief discours contayning certaine reasons why Catholiques refuse to go to church* (Douai [printed secretly in East Ham], 1580), ARCR 2: no. 613, RSTC 19394, f. 59^v.

Martins booke and wrote purposlye of protestacion, would have found out M^r advertisers sence in M^r Martins wordes, or els some one of them, that were throughlye acquaynted with the printinge and publishinge of the sayd booke. It is to be thought that one preest or catholyke is or hath bene these many yeares ignorante of the calamities which catholykes doe suffer for recusancye. And preestes especiallye are bound in conscience in the way of charitye to directe the lay people as well what they may safelye doe, as also what they may doe lawfullye for redeming of ther intollerable vexations. And for all this as you see, nether F. Persons (whose wisdom knowledge and vertues as they are rare, soe are they highlye esteemed, singulerlye commended and worthelye revered every where) found the advertisers meaninge in M^r Martins wordes. But in expresse termes condemneth the advertisers protestation as unlawfull. Nor any other catholyke preeste yet heard of sente from Rhemes understood M^r Martins wordes, as the advertiser now dothe, nay or any yet lyvinge in England and hearinge of this newe interpretation cal allowe of it or thinke it lawfull for catholykes to redeeme ther extreme miseries by puttinge it in execution. Noe man (I weene) will thinke yf we had all bene hitherto blynded and soe remayne styll, notwithstandinge the comfortours light geven in this poynte, but that cardinall Allen yf not M^r [f. 12^v] Martin him selfe would have taken soe much compassion over his distressed children as once to have insinuated by worde of mouthe to some preeste, or by more playne wrytinge then M^r Martin had done this playne comforte which the advertiser hathe nowe stumbled uppon, after the undoinge of manye the beste catholykes in the realme. And that the same father of our countreye of verye pitye would have geven some [word deleted] inklinge that M^r Martins lawfull protestation is the same which F Parsons commendeth and may without synne be practysed, as M^r advertiser affyrmeth. Yf notwithstandinge all this for his verye meare love and vehement desyre he hathe to comforte us he will styll fasten his foote and stay him selfe upon the dangerous piller of his owne lovelye conceite, we aske him how he proverthe that M^r Martins wordes sound accordinge to his sence, and not rather accordinge to ours? We denye it and not without reason as you see; he affyrmeth yt but hitherto he hathe brought noe proufes at all in this poynte. Perhaps would he that we all should take his bare assertion for an oracle, or at his perswasion to cease of and forsake our generall knowen and safe practyse and to enter and adhere to his owne devise? I confesse he may thus easelye perverte the simple and ignorante which lyke unto chafe are in daunger lyke to be blowne out of godes church. But it will be a verye difficult mater and a vayne interprise for him to goe aboute to delude the learned and vertuous with the bare afyrmations that M^r Gregorye Martyne is one his syde, that Cardinal Allen is [f. 13^r] one his syde, that the whole colledge of Rhemes is one his syde, for amongste men of any witt lerninge and vertue that thinge will ever be throughlye syfted and tryed, before yt be practysed, which dothe insinuate or bringe in any daungerous alteration contrarye to customes alreadye received.

The fyrste poynte then concerninge M^r Martin he avoucheth nakedlye as you have heard and without probation and takinge it as granted for certayne without

contradiction, he inferreth the other two touchinge Cardinall Allen and the colledge of Rhemes by sequell thus: [and [word illegible] the first ob.] "M^r Martin many yeares sythens published my protestation from the colledge of Rhemes but Cardinall Allen was then superiour over M^r Martin and the whole colledge, and he could not publishe it ther without his and ther consentes and lykinge (for yf he had bene able to have done yt of him self yet they were bound in conscience to impugne and wryte against yt yf they had dislyked yt) ergo Cardinall Allen and the whole colledge are one my syde." This is his assertion with it[s] probation illation and all grante him one absurditye and he will inferre what he lyst, denye him that M^r Martin is of his opinion as it is manifest he is not and all his goodlye buydinge grounded therupon fallethe. And soe nether Cardinall Allen nor the learned in the colledge at Rhemes are one his syde, but as directlye agaynst him as M^r Martin is, whom god willinge we shall evidentlye shewe hereafter to be ether agaynst him or force the advertiser to affyrme him as he hath done F. Persons to be contrarye to him selfe. Which thinge after [f. 13^v] we have done I doute not but the advertyser that of meere compassion hath thus vehementlye labored to bringe us out of our old way, which him selfe confessethe in the first conclusion of his advertisment to argue great charitye and perfection in highe degree, to his newe unknowne, doubtful and most dangerous pathes, will for meere charitye forsake his owne devises, reclayme him selfe and recant that which agaynst his bretherne in his answer to the fyrst objection he thus speakethe. "I must perforce affyrme that they do most shamefullye belye me, and wilfullye abuse us all such as they perswade soe to thinke, when they say that M^r Gregorye Martin is evidentlye agaynst me." At this tyme let it suffice that M^r Martin in his treatise of schisme is not one his syde and consequentlye nether Cardinall Allen nor the learned at Rhemes for as much as they allowe M^r Martins good protestation.

The 3 chapter whether Nicolaus de Lira,¹⁵⁵ Sylvester,¹⁵⁶ Cajetane,¹⁵⁷ Navare¹⁵⁸ be of the advertisers opinion or noe

155 Nicholas of Lira's *Postillae perpetuae in universam S. Scripturam* was the first printed Biblical commentary (Rome, 1471).

156 Sylvester Mazzoloni da Prierio (Prierias).

157 Thomas de Vio (Cajetan) (1469–1534) was General of the Dominicans and later a cardinal. His commentary on Thomas Aquinas contributed to the revival of Thomism.

158 Martin de Azpilcueta (Navarrus) (1492–1586) entered the order of Augustinian canons regulars in Navarre, and was one of the most renowned moral theologians, canonists and casuists of his time. Originally written in Portuguese, his *Manual de Confessores y Penitentes* (Coimbra, 1549) was translated into Latin as *Enchiridion sive Manuale Confessariorum et Poenitentium* (Rome, 1573). Between its first appearance and 1625 eighty-one editions of this work were issued.

To comforthe us the advertiser sayethe further in the preface of his addition. "Lyra, Sylvester, Navare, Cajetane, Angelus,¹⁵⁹ Rodonus¹⁶⁰ and others are of his opinion." The same he repeatethe in the answeere to the 6 ob. and of Lyra in the answeere to the 1 ob. of Sylv. and Nav. answer to the 15 objection.

It is the propertye of a man that ether vehementlye loveth [f. 14'] and longeth for his frend or feareth to be invaded by his enemye to imagyne upon the sodayne everye thinge he seeth to be that which he desyred or feared. The theefe as it is sayd imaginethe everye man to pursue him, he that feareth robbinge surmysethe everye bush to be a theefe, and the gredye margent thinkethe everye shippe within kennege to be his owne. Even so farethe it with our comfortour, for he is soe exceedinglye desyrous to bringe us a smale comfote by his newlye devysed protestation, that he imaginethe every word spoken by any doctour of goinge to churche to favoure him and to confyrme his opinion. Thus he behavethe himselfe when he would beare us in hand, and with marvelous bouldnes dothe affyrme that Lyra, Sylvester, Nav. etc. are one his syde, wheras in truthe Lyra sayth noe such thinge as he dothe, for in his coment upon the 4 booke of Kynges 5 chapter wher Naamans case is recorded in holy scripture, he saythe onlye that which may be gathered of the texte by a probable exposition. This is that lyke as Naaman, after his conversion to the true god, was permitted to exhibite some peculier temporall service to his kyng in the temple wher Idolatrye was in hand, soe may a catholyke attend and serve his lord and master with some peculier and meere temporall service in an hereticall churche wher service is adoinge, as to beare the sworde etc. which thinge nether M^r Martin, F Persons nor any of us that condemne the comfortours protestation at any tyme thoughte to be unlawfull, that action standinge meerlye in a temporall service [f. 14'] and not make unlawfull by some evill circumstance as afterward we shall declare yt may be; in which case yt were an heymous synne to goe to churche to doe this temporall office. And in truthe the comfortour might as well and with as good reason affyrme us all to be on his syde, which admitt this case of goinge for a meere temporall respecte to be lawfull as he dothe Lyra which admittethe noe more and soe he mighte for pleasinge of his owne humoure and comfortinge simple soules make us whom he tearmeth his adversaries to be his defendours, or els for admittinge this case conclude agaynst us as he hath often done agaynst F Persons the authour of the reasons of refusall [*answer to 2. 3 ob.*] "that we indeede are altogether one his syde and that when we seeme to discente from him we swarve from our owne opinion, confute not him but our selves, contradicte not him, but our selves." This were to bewraye him selfe to be perillouslye infected with a foule disease, that for defence of his owne conceite and cunning in syghte he will condemne all others to be out of ther right wites and

¹⁵⁹ Angelo Carletti.

¹⁶⁰ "Gulielmus Rodonensis," who was quoted by Prierias, is actually mentioned in most casuist manuals. He was a glosser of Raymond de Pennafort's *Summa de Poenitentia* (ca. 1225).

starke blynd. As for Cajetane, Nav. and Sylv. we shall by and by discusse how much they are one his syde, for the right understandinge of them dependethe upon the explication of Martinus 5 his extravagant¹⁶¹ which the comfortour alleadgethe to be a decree past alreadye for his opinion. And these doctours in ther explications of it make noe more for him then that extravagant dothe which we shall prove god willinge to be nothinge at all. [f. 15']

The 4 chapter whether the 12 doctours of Trente be of his opinion, and whether any sincere catholyke preeste in the realme hath ether practised the advertisers protestation or doth hold his opinion.

In the last conclusion of his advertisement the comfortour sayth "sundrye other lerned and famous men besydes the authour of refusall and M^r Martin have bothe approved and practysed my opinion." Item in the preface of his addition, "the xii lerned doctours of Trente are of my opinion as alsoe all the preestes in England, some fewe odd persons excepted." Item in his answ. to 1 ob. "And of this mynd are manye preestes now in England, as with with [sic] uniforme consente agreed that one of them should stand in some secret place at Paules crosse to heare M^r Tyrill yf he had preached therefore they repute it noe synne but in respecte of scandall." Item in his answ. to 6 ob. "I have for my authours the practyse of all or the best lerned in this realme" et saepe idem alias.

¹⁶¹ "Ad vitanda scandala" is an ecclesiastical constitution published by Pope Martin V in 1418 at the penultimate session of the Council of Constance (cf. Hardouin, *Acta conciliorum*, 8: 892). A pontifical constitution is a statute which the Roman Pontiff issues in solemn form either to the whole Christian world or to part of it, with the intention of permanently binding those to whom it is addressed. Chief among ecclesiastical constitutions are the ordinances emanating from general councils and from the Apostolic See: the present case represents an "agreement" between the pope and the German nation. "Ad evitanda scandala" restricted unlawful intercourse with persons formally proclaimed as ones who should be shunned (and thus were known as *vitandi*). Until the late 19th century, excommunications were either "major" or "minor," the latter being uniformly defined as prohibition from receiving the sacraments. Minor excommunication was incurred by unlawful intercourse with the excommunicated, and in the beginning no exception was made of any class of excommunicated persons. Public excommunication *in foro externo*, pertains to the category of "major excommunication," and has two degrees according to whether excommunicated persons are to be shunned (*vitandi*) or tolerated (*tolerati*). Persons thus excommunicated are to be shunned, i.e. the faithful must have no intercourse with them either in regard to sacred things or (to a certain extent) profane matters. All other excommunicated persons, even though known, are *tolerati*, i.e. the law no longer obliges the faithful to abstain from intercourse with them, even in religious matters. Martin V declared, however, that he made not this concession in favour of the excommunicated, whose condition remains unchanged, but solely for the benefit of the faithful. Hence, in virtue of ecclesiastical law, the latter need no longer deprive themselves of intercourse with those of the excommunicated who are "tolerated." See CE 5: 680.

The xii doctours of Trente after the discussinge of this poynte of goinge to protestantes churches [*Reade the reservation of these doctours in the ende of this treatise*], determined two thinges, as it is evidente in [three words deleted] M^r Martin in the end of his fyrst chapter¹⁶² F Parsons in his 4 reason reportethe the same.¹⁶³ The fyrst was as M^r Martin saythe that omnino non licere: that absolutlye and [f. 15^v] altogether it is unlawfull for catholykes to goe to the conventicles of heretykes and thus much grantethe the comfortour in 6 conclusion of his advertisement; the other was that they might goe onlye (as F Persons sayth) to doe some meere temporall acte as to beare the sworde before her majestye or the lyke which was the flate case of Naaman, as he wrytethe ther. This poynt alsoe the comfortour confesse the in his answer to the preestes letter and in the answ. to the 15 ob. in these wordes: "The xii learned men of Trente defyned that it was lawfull to goe to churche to doe some meere temporall acte." Now what is here to comforte us; what is here that makethe for him? We all confesse it lawfull to goe in this sorte as they determined, that is to doe some mere temporall acte. And yet we utterlye condeme his goinge with his protestation. As for the xii lerned men of Trente they make noe mention of it at all, and therefore they can nether justlye be charged to be the authours or approvers therof, nor the comfortour ought with any reason soe bouldly to challenge them to be of his syde, unlesse it be reason to affyrme and conclude an assertion to be most certayne and infallible because it is (at the most) brobablye [sic] inferred uppon a simili, a thinge somewhat resemblinge it, which kynd of argument, as it is most weake and of smale force to convince any thinge, nay impossible to make a conclusion certayne, soe is it subjecte to most perilles of deceite, because everye litle circumstance dothe quyte alter the cases and makethe them dyslyke and it geveth the great scope to a wrangling head to cavill [f. 16^r] because in bothe cases ther be many circumstances to be considered and conferred together. The comfortour then in his answer to the 15 ob. takethe this as graunted that accordinge to the decision of those xii doctours a catholyke may goe to churche with heretykes onlye to doe some mere temporall acte, that done he reasonethe thus: "doutlesse to goe thither with open protestation is as lawfull or rather more. For fyrst our allegiance is a mere temporall respecte. Secondlye we make open protestation of the same. Thirdlye we stoutlye confesse our faythe, which the sworde bearer doth not." It is I weene this comfortours good lucke because he laborethe to comforte us not onlye to have other men to seeme to say as he saythe, but moreover his owne assertions to be more lawfull then theirs, as he dothe here in respecte of these xii doctours and in his answer to the 1 ob. with M^r Martin, sayinge, my protestation may rather be justified then his. But let us examine whether his goinge at the princes commandment for allegiance sake with his protestation be lyke to ther goinge or noe. Fyrst saythe he our allegiance is a mere temporall respecte. To this I say that allegiance may have and hath two sences the one

162 Martin, *Treatise of Schisme*, sig. Cvi^v.

163 Persons, *Brief discours*, ff. 24^{r-v}.

meere temporall, the other meere spirituall; we owe the fyrst of dutye to the civill magistrate in respecte of his temporall soveraygnty. The second we owe to the ecclesiasticall pastours in respecte of ther spirituall jurisdiction over us. These two superiorities are resident some tymes both in one person as in the Pope, who hath as well temporall as spirituall dominions and in Preter [f. 16^v] John,¹⁶⁴ who is not onlye kinge, but also chiefe bishope in his Kingdomes. But noe mere civill magistrate that is nether preeste, bishope, nor within holy orders of clergie men, can lawfullye usurpe or have spirituall authoritye over anye, in this respecte we owe them noe allegiance nor loyaltey at all[.] Now then the prince of this poore cuntrye claymethem both and she beinge a woman doth not onlye command and governe in the one but also in the other. And beinge the daughter of Kinge Henrye the eighte (which by acte of Parliament fyrst of all kinges tooke upon him and usurped the spirituall supremacye) she in right of her father and under title of inheritance by nature due unto her, dothe make clayme and possesse them bothe. And because she is ether thus persuaded that naturallie she ought or els at the least well pleased to be accompted and obeyed as supream head in maters aswell ecclesiasticall as civill, she hath not onlye decreed lawes in her realme, by acte of parliament for kepinge the people in ther naturall obedience in respecte of temporall maters, but also in respecte of spirituall emongste which this is one. [an^o 1 Eliz.] That all subjectes within her dominions repayre upon sundayes and holydayes to churche, ther to abyde orderlye and soberlye, heringe her service and sermons the authoritye wherby she made this naturallie discendinge from her father to her, consequentye bindethe all her subjectes to shewe to her ther naturall allegiance by obeyinge and fulfillinge the same commandment, for which cause and noe other she hath as the comfortour saythe in the answere to 6 ob. intituled the same statute thus: An acte to hould her [f. 17^r] majestyes subjectes in ther due obedience and her officers in executinge the same agaynst catholykes, charge them that for not obeyinge accordinge to this acte they denye the prince ther due and naturall obedience. Now then yf the prince by this acte dothe meane not to shewe and put in practise her spirituall authoritye, nor to have her subjectes to shewe them selves loyall and obedient in spirituall thinges as well in temporall, but onlye that we should by our goinge to churche without respecte of any service or sermons acknowledge her to be our temporall superiour and noe more, then I say the comfortours obedient goinge with his protestation may be thought more lawfull and with much lykelihood it may be matched with the meere temporall acte of bearinge the sword or anye such lyke, allowed by the doctours of Trente. But yf one the other syde she have by her naturall supremacye in ecclesiasticall maters, banished the true service of god, seperated her selfe and her realme from the obedience the[y] owe by right to godes churche and his generall vicar, yf she have erected and established a newe and false religion, yf she command all upon ther allegiance ether temporall or spirituall to come to her service and sermons, as by obeyinge her in that exterior acte, to

164 Prester John was a legendary Christian king of Asia.

acknowledge her spirituall authoritye and therby alsoe to professe her religion and to give as great a sygne of consente to yt and of seperation from the bishope of Rome as she requirethe in her statutes made purposlye to keepe her subjectes in obedience to her [in] spirituall maters (as none that hath any wit or experience [f. 17^v] can with reason deny these to be her meanings) then (I say) the case is altered, it hath noe resemblance at all with the meere temporall acte of bearinge the sworde or the lyke. And she cannot be obeyed in this commandment without grevous mortall synne at the least, nay the acte of beringe the sword at the princes commandment is alsoe unlawfull, when she intendethe that the berer of it by his cominge to churche and sober abydinge ther at her service and sermons should give an externall sygne of his obedience to her spirituall jurisdiction or of lykinge her religion; for she in this case should but fraudulentlye use that meere temporall service of car[y]ng the sworde as a meane and cloake to the spirituall and not as a mere temporall acte and noe more. Nay moreover yf it may perhaps be probablye defended and most safe it is I ame assured that now synce the prince hath once made this breache from the churche and religion of god and by daylye practyse continueth the same, and as it were actually meanethe noe lesse agaynst the bishope of Rome and towardes her subjectes concerninge ther separation from him and consent to her religion in spirituall jurisdiction then she did in her fyrst breache of unitye, that now I say she standinge thus, noe catholyke in her courte or realme can lawfullye obey her when she commandethe them to doe some meere temporall acte in the churche as to hould the sworde, her booke, her trayne or otherwise ther to attend uppon her and abyde orderlye and soberlye in tyme of service and sermons, for this temporall acte and all such lyke besydes manye other evill circumstances ys by morall estimation to be thought a yealdinge of obedience accordinge [f. 18^r] to the former statute by which she intended that all by ther goinge and abydinge with her at service and sermons should acknowledge and obey her in her spirituall supream authoritye which Naamans kinge never did, by any acte or law we reede. And therfore his service in that place remayned styll meere temporall which ours dothe not. And yet for all this, which I say, *ex abundanti*, because I thinke it probablye they are not to be condemned of any such cryme that at her majestyes commandment resorto to churche to consult of warres or other civill maters, tho it hapen to be in tyme of service, for this is but per accidens as we suppose, that the service or sermon is in hand, and the goers abyde not ther orderlye and soberlye hearinge it, but behave them selves in all respectes as they would doe in the comon towne house or market place. And it is but chance that the prince appoyntethe that place at that tyme of service. But to returne to our purpose our case of goinge to churche at the princes commandment, beinge as I sayd before, yt is most playne that this allegiance ether is not a meere temporall respecte as the comfortour affyrmethe, but meere spirituall because as I sayde this prince in this commandment of goinge to her service and sermons intendethe to execute an acte of her spirituall jurisdiction, and commandethe us to obey her in the same upon our allegiance, or els (yf it be our temporall allegiance she meanethe of in this commandment) she coman-

dethe us to obey her uppon our allegiance in this unlawfull sygne and acte of our consciences to her religion and spirituall authoriye. And consequently [f. 18^r] to the comfortours 2 profe I answere that this protestation of cominge not for lykinge of the service, but onlye for allegiance, takerthe not away the former synnes, but as F Parsons saythe, rather agravatethe the same, for herebye it may seeme that the protester thinkethe and trulye the simple people may by this facte be induced into this foule error that it is noe synne at all to obey the prince for allegiance sake when she commandethe to goe to churche or the lyke wherby she meanethe to have us to give an externall sygne of our consentes and allowinge of her spirituall authoriye, which are yf it once be permitted and graunted as lawfull we neede to make noe scruple at all to be externallye and conformable to her in all poyntes of her religion for a sygne of our loyaltye. The protester therfore by the comfortours protestation declarethe that he comethe onlye for allegiance sake but therby he is noe more nor soe much nether excused from synne as he that at the princes commandment should repayre to the stewes to heare or see fylthye lecherous maters or (to examplify in our case) to go to heare god and his hallowes blasphemed and all maner of impietye and sacraledge practysed in his presence, he interim orderlye and soberlye abydinge ther after his protestation made that his voluntary cominge and presence at this wickednes is not for that he lykethe them but onlye for obedience who doubtlesse notwithstanding his protestation, wherby he declarethe to the auditours his not lykinge of ther synnes, yet synneth in that he obeyethe the ungracious commandment of the prince. And I cannot well perceve how the protester can more offend god by these two [f. 19^r] sences of eyes and eares in this case, excepte he woulde bothe heare and see ther damnable religion with complacencie and delight, which were to wade as deeply into ther sacraledge as the heretykes them selves. And touching the third poynte which he saythe should make his goinge with protestation rather more lawfull then his that beareth the sworde that is the protesters stoute confession of his faythe which the sword bearer doth not, nether I nor anye other as yet can fynd anye such stoutnes in his protestation, nay nor any confession of faythe at all, for any puritane in England might saflye make the same as well as the catholyke and yet by noe word conteyned in it bewraye what religion he were of; we fynd rather in his whole action of yealdringe soe shamfullye to the princes will in an evill mater, and of forsakinge soe honorable a quarell and practyse of soe highe perfection for feare of temporall losses or dangers, and fynally of abydinge orderlye and soberlye, whyles the enemyes of god blaspheme him, belye his churche, and furiouslye rayle agaynst all catholyke religion, we fynd I say a damnable servill feare, a base mynd, a dasterlye cowardishenes. Thus you see that the xii doctours of Trente which allowe goinge to churche for a mere temporall acte are noe whit one his syde yf they be well considered, noe more then we which confesse as muche as they doe, and yet for the causes above reprove the comfortours goinge as altogether unlawfull. [f. 19^v]

Now let us answere for all or the best lerned preestes in England which also he affyrmethe to be one his syde, this proufe is as you heard because they agreed that

yf M^r Tyrill had preached at Paules crosse one of them should have stoud by secretye to heare him. I answere that he hath this by uncertayne rumour and by lykelyehoud some good fellowe desyrous of his comferte brought him these newes for a new years gifte because he did knowe him to be delighted with toyes, but fyrst all the preestes ther are not the best learned in England, nay ther be moe good schollers oterwhere abroad in the realme, then ther is ordinarelye about London, wher this argument should be made. Agayne yf all the best lerned were at one tyme ther assembled which we never heard of, before we redd it in his addition, yet he sayth this gratis without proufe that they all agreed of this as he wrytethe with one uniforme consente. Agayne suppose they did, as it is not probable for that ther was not such metinge, yet they put it not in practyse at that tyme as him selfe confessethe, sayinge it had bene put in practise yf M^r Tyrill had preached ther indeed. And because he soe bouldlye and assuredlye affyrmed in his answere to the 6 ob. that to goe to churche with his protestation is the practise of all or the best learned in the realme yt behoved him for his owne credite and for his disciples true comferte to prove this substantiallye not onlye by this uncertayne and perhaps feyned reporte of some good fellowe from London [f. 20^r] but alsoe by the usuall practise of the lerned ther and oterwhere, dispersed in the realme, and this not onlye in M^r Tyrills case, but also in the verye case of his owne protestation, which thinge I ame most certayne he never can be able trulye to doe; for as yet it was never put in practise by any catholyke preeste, nor permitted to the lay people but by him selfe, tho I my selfe be pryve that the question hath bene asked many tymes of F. [Edmund] Campion, F Persons, Father [Jasper] Haywood¹⁶⁵ and the of the [sic] best in England besydes by gentlemen, which were desyrous by any lawfull means to have redemed ther unjust oppressions.

Agayne yf the sayd preestes at London had put it in execution at that tyme in M^r Terills case, yet this makethe nor [sic] for our advertiser, for M^r Terill was knowne a litle before to have bene a good catholyke preeste and it was doutd whether he remayned soe styll in harte or noe and many judged as it fell out in dede that he dissembled with the protestant magistrates and that yf he were permitted to preache at Paules crosse he would shew him selfe to be a catholyke as he did makeinge in deede M^r Martins protestation that is confessinge his fault and defyinge the hereticall religion, for which protestation he hath lyen in fetters ever synce, thus much then beinge suspected and loked for the preestes ther might agree that one should goe to heare him, which in morall estimation is noe more (yf it be

165 For information on Heywood (1535-1598), his role in a usury controversy in Germany, and his subsequent activities in England, see the following articles by Dennis Flynn: "The English Mission of Jasper Heywood, SJ," *AHSJ* 54 (1985): 45-76; "'Out of Step': Six Supplementary Notes on Jasper Heywood," in *The Reckoned Expense: Edmund Campion and the Early English Jesuits*, ed. Thomas M. McCoog (Woodbridge, 1996), 179-92; and "Jasper Heywood and the German Usury Controversy," in *The Mercurian Project: Forming Jesuit Culture, 1573-1580*, ed. Thomas M. McCoog (Rome; St Louis, 2004), 183-211.

so much) then the goinge of a lerned divyne to heare a sermon, which M^r Martin speakethe of, whose goinge how it differethe from the protesters and how it may be done [f. 20^v] lawfullye or with synne I shall declare anone. And thus the practise of all or of the best lerned preestes in England which he soe earnestlye affyrmethe as tho it had bene without all controversye soe in deede appeareth to be none at all. But he amendethe all with this that followethe in his answ. to 6 ob. "The reverend father in god (saythe he) M^r Doctor Pursley Lord suffragane of Hull,¹⁶⁶ and M^r Doctor [Alban] Langdall that grave and learned preest untyll ther last howers did put in practise more then my advertisment doth alowe." I marvell that M^r advertiser in this place remembred nor M^r Thomas Langdall¹⁶⁷ preest and also apostata, for he alsoe and many moe yet lyvinge in England and in respecte of ther sacred orders of preesthood, may be called reverend fathers, have practised as muche as he speakethe of and more to, and so his assertion might have had some shewe to be a comon practise in the realme. But alas for pitye what an hard shifte is this that our comfortour is driven to these straytes to defend his new protestation by the authoritye of M^r Pursleyes imperfections who in deede in the begininge of this late schisme was exceedinge farre out of the right way and could never be reclaimed perfectlye untyll his deathe, in soe much that ordinarelye he was accompted amongste catholykes of all sortes noe better then a schismatyke and rather thought to be a scandalous newter to the destruction of many simple soules which by [f. 21^r] his schismaticall actions were seduced and kepte in schisme then to give any good example of christian dutye at all. Much more tymorous to incurre the daunger of temporall lawes then forward to doe his dutye to god. An[d] in what case Doctor Langdall was at the begininge it is needlesse to reporte for it is not decent that we revele and publishe our old fathers faultes. Yet is it well knowne that after the cominge of F Campion and F Persons he was well reclaimed, in soe much that tho some slaunderous reportes and opinions were by such as gladlye would have had any comforte or shewe to redeeme ther vexations by goinge to churche, under a lerned mans warrantise as he was, he ever to F Parsons and to other whom I could name did well acquite him selfe of all misreportes and in all maner of outward behavioure professed him selfe to be of F Persons opinion in this poynte of goinge to churche yet notwithstandinge this behould what it is to be in an evill name, because he was once wronge yt was often feared and reported that secretlye he would give advise contrarye to that which he openlye professed. And whether this

166 Robert Pursglove (1503/04–1580) was Prior of Guisborough and Bishop-suffragan of Hull.

167 Thomas Langdale, a native of Yorkshire, entered the Society of Jesus in Rome on 21 May 1562. For unknown reasons, Langdale fled Italy to return to England instead of obeying Father General Claudio Acquaviva's summons to appear in Rome. In England, despite protesting that he was a priest in good standing and continuing to wear his Jesuit soutane, he offered his services to the Privy Council and publicly attended Protestant services. See McCoog, *The Society of Jesus in Ireland, Scotland, and England*, 166–67.

ware true or noe god and he knowethe, una hirundo non facit ver: one mans opinion or practyse perhaps not of the best judgment and in syghte of this mater of goinge to churche wherin the moste were deceaved [f. 21^v] in the beginninge can not make the comfortours goinge with his protestation ether the universall practise as he affyrmethe or to be accepted as good and lawfull agaynst the practise received alreadye and thought by the comfortour moste high perfection. As for Thomas Langdale the apostata he affyrmeth, as many schismaticall old preestes doe styll, that yt was not onlye lawfull in these extremities to goe to churche without protestation but alsoe to receive the supper of the lorde, but in truthe and synceritye to certifiye the advertiser and you all of our doinges here, and of noe more then by my owne knowledge I ame able to affyrmeth and prove, I will set downe one thinge – here was not a yeare agoe a catholyke Ladye manye tymes havinge occasions to resorte to the courte desyred to have lycence (by any way it might be lawfullye done) to goe with her majestye to her chapell ether to beare her trayne or to attend duringe the tyme of service and to take away the scandall or dissimulation which some persons might have gathered by her corporall presence. She was contente to weare some sygne about her necke, as a peare of beades a crucifix or the lyke, wherby she might be knowne to be a catholyke. This case was moved to the best p. about London, they had the dealinge in it which I knowe to be inferiours to none in the realme (yf they exceed not all) both for ther vertues and good literature. And after they had throughlye [f. 22^f] discussed the mater not onlye them selves, but also by the judgements and opinions of all other preestes they could meete with for the space of a quarter or halfe a yeare, they resolved that it could not be done lawfullye. One reason amongste manye was because her majestye ether knowinge or suspectinge this Ladye to be a catholyke would of purpose and in odium religionis catholicae in detestation of the catholyke religion (as she dothe all catholykes in her realme, by her statutes command her uppon her allegiance to do these temporall services and goe to churche in tyme of ther service and sermons wherfore my lovinge fathers beleve not the comforter when he affyrmethe yt to be the practise of the best learned in the realme and of us here to doe as he wrytethe for any thinge that we knowe the comfortour him selfe is ane odd and singuler person amonge us all, to publishe and put in practise this devise wherof he hath noe paterne for imitation nor knowne fellowe in the whole realme, tho he would beare the worlde in hand that all thinges make for him.¹⁶⁸ Yf he would prove sufficientlye by an argument of generall practise that to goe to churche with his protestation is lawfull everye meane scholer seethe that he ought to prove that his protestation is generallye practysed by all or the best lerned but this he can never doe for that we never hearde [f. 22^v] that any made this protestation before he devised it, nay it

¹⁶⁸ Is this the same case discussed by Campion and Persons in their conversation with Pope Gregory XIII in 1580 and later argued as a case of conscience? See above doc. 16. We can not identify with certainty the woman discussed. Was she Anne Dacre Howard, Countess of Arundel, or Magdalen Dacre Browne, Viscountess Montague?

is credibly reported by testes oculatos that a gentleman that the comfortour had by his perswasion induced to practise it in an obscure corner of your countreye, yet in the churche of Lancaster at lent assyses last (some say by the comfortours direction) he heard a sermon as orderlye and soberlye as any heretyke of them all without makinge any protestation, which libertye perhaps is the other shifte which the comfortour reportethe that he hath in store yf protestation will not serve. The reason may be thought because the judges and many heretykes were in place forsothe, which he feared would have brought him into the troubles mencioned in the beginninge, yf he had made his protestation ther before them, as he did before the simple people otherwher. To this stouthe confessinge of the catholyke faythe the comfortours justificant circumstance of protestation hath brought this pore soule and will noe doute bringe him and all other his disciples that beleve him to as much libertye as base and servile feare will require. [f. 23^r]

The 5 chapter whether Martinus 5 the counsell of Constance, Navarre, Sylvester, the universities of Paris, Lovayne etc. be one the comforters syde.

In the preface of his addicion the comforter saythe "Pope Martinus 5 in an extravagant hath defyned one my syde." Item answeare to the 15 objection he saythe "to goe to protestantes churches with my protestation is not forbidden us, for noe such precepte, canon or counsell can be alleadged, nay the voyces of bishopes and lerned men are to the contrarye, as I will declare god willinge by a most evident demonstration. Pope Martinus 5 of that name, in his extravagant affixed to the general counsell of Constance, hath declared for the better quyet and securitye of mens consciences that hencefurthe none is bounde to avoyde the companye of any heretyke or schismatyke, whether it be abroad, or in ther service or sermons, unlesse such a one be denounced speciallye by name, of which sorte we have fewe or none in England, and that this is the true meaninge of the popes declaration, both Sylvester and Navarre do constantlye affyrme, yea the very practyse of most excellent universities of Paris, Tolose, and of the lyke in noble Germanye [f. 23^r] with the renowned Academye of Lovayne doe confyrme the same, as Navare hath learnedlye observed." Item in his terrible Epilogus (as he callethe it) to the adverse parte he thu[n]drethe thus: "Mr D.¹⁶⁹ and his adherentes are in daunger of the cryme of heresy yf they doe not alter ther opinion in this mater, which I will not barelye saye as they use to doe, but I will prove it in very deede; marke therfore my

169 "Mr Dr" is certainly Martin de Azpilcueta, who acknowledged the existence of the "ad evitanda" and the common interpretations by "some learned men and the universities of Paris, Tolouse and Louvain," who restricted the penalties to persons excommunicated for persecution of clergy. But, according to Navarre, all excommunicated and denounced persons must be avoided because companionship with them was a tacit denial of the faith and a disregard for papal authority. See *Enchiridion sive Manuale Confessariorum et Poenitentium* (Rome, 1584), 839-41.

discourse the generall Councell of Constance and Pope Martinus 5 did decree that all men might keepe companye with all kyndes of excommunicate persons, tam in divinis quam extra; they onely excepted who notoriously were knowne to lay violente handes upon summe one of the clergie to hould that this decree is unlawfull and to defend the same obstinatlye is to affyrme that the church can erre in thinges necessarye for our salvation which is flatte heresy. Thus then I reason the church can not make that lawfull which is synne of it[s] owne nature or prohibited by the lawe of god divyne, but soe it is that the church hath defyned that we may lawfully keepe companye with excommunicate persons even in tyme of ther service, therfore to say that this is synne of it[s] owne nature or by the lawe of god is heresy."

[f. 24^r] Although manye vayne glorious wordes in his addition written in commendacion of him selfe, and manye unseemelye revylinge and slaunders termes uttered in disgrace and discredite of his good brethren, as whose true or surmised fautes and imperfections he nothing leavethe, but with to much vehemencye displayethe them to the whole world, as tho ther oversights were a credite to him and a confirmacion of his opinion to be good, shewed and made most apparant to all readers therof that manye disordred and vicious passions reigned in him, and that he wanted a meeke pacience, and ane humble spirite in these enterpryses, yet when I reede these wordes in him which I have reheresed, I could not tell how to excuse the mater whether to thinke all these garboyles to proceede from effected ignorance, or wante of right judgmente or fynallye from some arrogante or coleryke mynd. For yf he had bene but of a meane judgmente, yf he had used but the tenthe parte of that skylle which he pretendethe to have, or yf he had not bene overcome with selfe lykinge, and the heate of choler, I ame perswaded he could not thus groslye have overshote him selfe as he hath done in alleaginge these authorities for his opinion. For [f. 24^v] fyrst this decree of the councell of Constance and of Pope Martinus 5 touchethe nothinge at all the presence of catholykes at hereticall service in the heretykes churches, but onlye the communicatinge of catholykes in catholyke churches at catholyke service or in other civill maters with some sortes of excommunicate persons whether they be catholykes schismatykes or heretykes. Agayne the doctours he alleadgethe expound the decree no whit to his meaninge, agayne the universities give no exposition of it all, and fynallye they all make directlye agaynst him. For the understandinge of this mater we must note fyrst that accordinge to the ancient decrees and canons of godes church, every christian was bound in most cases to shunne and avoyd communicatinge with excommunicate persons aswell in civill as ecclesiasticall conversation. Note secondlye that some were excommunicated publyklye and by name some other incurred excommunication of the lawe secretlye, or were not knowne publyklye to be excommunicated these were called *occulti excommunicati*, the others *publici denunciati* or *notorii excommunicati*. Note thirdlye that before the promulgacion of the decree of Martinus 5 which the comfortethe [sic] mencionethe, christians were bound upon greate penalties to shunne communicatinge with both sortes, wheruppon many consciences were much troubled and disquieted

[f. 25^r] for that they might offend by comunicatinge with them at unwares, especiallye if they were occulti: and thus daylye many inconveniences sprange, many scandalls were geven and taken. Now to take away and redresse all these evils, this decree was made as I have worde for worde translated it out of Navare, from whom the comforter borrowethe all this argument.

“For the avoydinge of many scandalls and manye perills and for the helpinge of timorous consciences, we have ordeyned that noe man hereafter be bound to abstayne and separete him selfe, nor to avoyde the communication of anye, in administringe or receavinge sacramentes or in other divyne offices, or without them by reason of any sentence or ecclesiasticall censure or suspension or prohibition generallye promulgate of man or of the lawe, nether to keepe the ecclesiasticall interdiction yf that sentence, prohibition, suspension or censure be not promulgate and denuntiate specyallye and expreslye of a judge, agaynst some certayne person colledge, universyte, churche or certayne place, or if it appere not soe certaynlye and manifestlye, the sentence of excommunication to be incurred that it can not be hid by any meane, nor [f. 25^v] excused by any remedye of the lawe, for we will that from the comunion of such they separete them selves accordinge to the canonically institutions, yet hereby we intend not to releeve nor to helpe the partyes soe excommunicated suspended or prohibited.”¹⁷⁰

Now I aske of the comforter the true and syncere meaninge of this decree, whether yt be that catholykes may resorte to hereticall service with heretykes, notwithstandinge they be secretlye excommunicated, or this is not the meaninge of yt, yf he say this is not he sayth contrarye to him selfe as you hard in these wordes, “they declared that hencfurthe none is bound to avoyde the companye of any heretykes or schismatykes whether it be abroad, or in ther service and sermons etc. And agayne, in these, the general Councell of Constance and Pope Martine did decree that all men might keepe company with all kynd of excommunicated persons tam in divinis etc.” Yf he say as perforce he must that this is the true meaninge of it, as in dede he dothe sayinge that “Navare and Sylvester constantly affyrme this to be the true meaninge of the Popes declaration,” then this answer bringethe in greater absurdities then the other did, as fyrst that therby we have alsoe [f. 26^r] libertye to communicate with heretykes and schismatykes in receavinge and administratinge ther sacramentes and in other ther divyne offices and prayers, as this constitution permitte, which to doe, is not onlye in the sight of all men manifest impietye and sacraledge in yt selfe but moreover it is agaynst the comforter in his seventhe conclusion of his advertisement wher he confessethe this to be unlawfull, in that he saythe “the first observation that one may lawfullye and without synne goe with heretykes to churche, is that we must not communicate with them in any sacrament: the second that we doe not joyne our selves to them in comon prayer.”

Agayne by this decree we were sett at libertye to doe that without synne or ecclesiasticall censure which we could not have done lawfullye before this constitu-

tion. But the comforter him selfe, in this addition (answers to the third and fyftee objections), denieth that ther can be found any precepte, councill or canon that forbiddeth goinge to heretykes churches. He must therefore ether deny that this is the true meaning of this constitution, or els (to save an absurde contradiction in his owne wordes) confesse that ther was soome precepte, canon or councill agaynst goinge to churche with heretykes before this decree was made of Martinus 5 and [f. 26^r] yet this once agayne contradicteth that which he sayd ther was none such, soe that in very truth tho a wranglinge sophister may deceptfullye cavill of every thinge be it never soe manifeste agaynst him, yet by this sence and interpretation of the constitution many absurdities can not be avoyded.

But how doth Navare and others expound it? [*Nau. c. 27 n. 35. 36. ad. S. Sil. ver excommunicat. n. 5 q [word illegible] Caiet. ver. exco.*] Trulye not in his sence, for they make noe mencion at all that a catholyke may participate with heretykes in ther hereticall service and other actes of religion, but onlye of participatinge with secret excommunicate persons or secret heretykes in the catholyke religion and other civill conversation, which thinge was not lawfull before this constitution and now by vertue of this it may saflye be done, for they speake of hearinge masse, of singinge canonical howers, of consecratinge alters, virgins, churches, and generallye of divyne offices, prayers and sermons, which are the religious actions of godes catholyke church and not of a prophane sacriligeous and delvelishe religion, as we must needs confesse the protestantes to be, and they affyrme that yf a secrete excommunicate heretyke or person come into a catholyke churche wher a preest is sayinge masse before the people that nether the preeste, nor people doe [f. 27^r] synne or incurre any censure, yf they proceede in ther masse notwithstandinge the excommunicate persons locall presence.

Now Navare c. 27 n. 35 in the third note after this constitution sayeth thus: [*Navar*] "it is thirdlye to be noted that this extravagant profiteth nothinge in respecte of manifest excommunicate persons, which by noe meanes can be hidden whereuppon it semeth to followe, that the catholykes of France and Germanie doe synne that communicate with manifest Lutherans, which openlye confesse them selves to be such, fyrst because these Lutherans are manifest excommunicate persons for notorious heresy by *Bulla cenae*,¹⁷¹ and agayne because it doth not avayle to say that the end of this constitution is to be restrayned to him that is excommunicated for notorious unjust smytinge some of the clergie." For ether this restriction was not put in at all or els it was taken away by the councill of Lateran.¹⁷² But because it is harde to condeme the people amongste whom ther be soe many lerned and vertuous men and famous universities chieflye of Paris, Tolose and Lovayne, it may be

171 *In Coena Domini* was a papal bull promulgated annually on Holy Thursday. It contained various censures of excommunication.

172 This must be the fourth Lateran Council (1215), "Third Constitution, On Heretics," in Norman P. Tanner, ed., *Decrees of the Ecumenical Councils* (London; Washington, DC, 1990), 1: 233-35.

sayd probablye that the forsayd extravagant is receved in custome with that only limitation of manifest excommunication for the smytinge of the clergie, accordinge to the tenour of the ancient constitution, or agayne that the multitude of heretykes and the necessyete of comunicatinge and trafekinge makethe that lawfull, which [f. 27] otherwise were not, wherby we see fyrst that Navare thinkethe the catholykes of France and Germanye by this constitution to synne when they communicate with heretykes in that cuntrye because it is manifest that they be heretykes, and for heresy excommunicated and yet agayne by reason of soe many learned men and famous universytes, which in deede do communicate with heretykes in those cuntryes, he thinkethe that yt may be sayd probablye that the catholykes synne not. Now it remayneth to knowe of what comunicatinge Navare meanethe. Yf he meane it of comunicatinge with heretykes in ther hereticall religion and otherwise, then he is one the comfortours syde as he saythe, but yf he meane it only of comunicatinge with those heretykes in temporall businesses and civill conversation or trafycke, then makethe Navare for him nothinge at all. Let us therfore examine this poynte. Navare as you have heard affyrmeth that the heretykes of those cuntryes are manifest heretykes, agayne that they be manifest excommunicates by the pope, agayne that this excommunication is for notorious heresy, but in the same 17 cha. n. 33 et n. 112 [*idem Silv. n. 6 Cajet. ver. exc.*] he expresly affyrmeth out of the canon lawe c. nuper and ca. si concubinae desent excom: that all they are excommunicate which doe communicate or participate with excommunicate persons in the cryme for which they were excommunicated, after the committinge therof, therfore when he probablye thinkethe [f. 28^r] the catholykes in France and Germanye not to synne for communicatinge with heretykes, he meanethe not of communicatinge with them in hereticall service and religion, but in other necessarye civill traficke and conversation. For if this were not his meaninge he should not only contradicte him selfe, but also hould agaynst the canons which he doth alledge n. 112. To cleare the good doctor of these manifest inconveniences, I thinke the comforter will rather humblye confesse his owne oversight then stande pertinaciter, to defend the same. Moreover it is forbidden catholykes as Navare and all others affyrme without contradiction [*n. 20. 36. 35 Silv. n. 2 Cajet. ver. excom.*] to participate with manifest excommunicates in all thinges conteyned in this verse: *os orare vale comunio mensa negatur*: that is in talkinge in prayinge ether in the churche or abroad in mutuall salutation in trafycke, in eatinge, cohabitinge and the lyke, and this is not taken away by the extravagant of Martinus 5 but standeth styll in it[s] aunciente force, as it appereth by the end of the same extravagant, for which cause Navare thought catholykes in France and Germanye to synne, for communicatinge any way with condemned Lutherans, and probablye excuse the them by necessitye but by this worde (*orare*) is not mente hereticall service and religion, but catholyke divine sacramentes and offices as Navare and all other exponde it, for that without [f. 28^r] synne we could not at any tyme participate with heretykes in ther hereticall religion as we might with excommunicate catholykes in all catholyke religion yf it were not prohibited by the churches lawes. Therfore these doctours understand not this extravagant of

communicatinge with secret heretykes or excommunicates in hereticall religion but in catholyke. Fynallye Navare sayth not that catholykes do communicate with heretykes of France and Germanie, in divinis haereticorum, in hereticall service and religion, nether can it be shewed that those universytyes approve or practise any such thinge, but onlye to converse with manifest excommunicate heretykes in civill maters, which thing is ether by custome or necessitye as Navare saythe, excused from synne, therefore nether these doctors nor these universytyes doe understand this extravagant as this comfortour doth videlicet "that the see apostolyke therby hath dispensed with catholykes to goe to hereticall serice and churches," and soe his evident demonstration and glorious florishe endethe in a mere sophisticall cavill.

But now let us prove that this extravagante and these doctours doe make evidentlye agaynst him, for which it is to be noted fyrst that this extravagant lettethe all us such catholykes styll to [f. 29^v] remayne in synne and excommunications, accordinge to the ancient canons, which doe not abstayne, separate them selves and avoyde communicatinge and participatinge with manifeste and knowne excommunicates agaynst which the censures of the churche have bene promulgated and denounced in speciall, whether they be certayne person or persons universiye, churche or certayne place in soe much that Navare n. 34. 20. 36 addit. 5 Sylvester supra affyrme yf one such enter into church to pray, the catholykes ought ether to get him by intreatye or violence furthe from amongst them, or els to cease of from service and masse. Secondlye it is to be moved that these doctours in these places [*Nav. c. 27 Silv. excommunic. 5. Cajet exco.*] understand voluntarye presence and abydinge with excommunicated persons in churches at catholyke service or any other comon acte of religion, or dwellinge with them in the same house or labouring with them, or doinge any thinge with them (excepte in certayne cases) to be a flatt participatinge and communicatinge with them forbidden by the canons. Thirdlye it is to be noted that our protestantes of England are not onlye manifest heretykes and professed enemyes to the churche of Rome in religion, but moreover they are as much promulgate and denounced excommunicates, as any heretykes in France and Germanye, and this not onlye by the popes bull in coena domini but also by a particuler excommunication published in England by M^r Felton¹⁷³ from [f. 29^v] Pius 5 as all men knowe agaynst the Queene and all such as favour and participate with her in her religion;¹⁷⁴ and this excommunication is qualified for comforthe of catholykes in respecte of civill conversation and obedience, which we may yeald without offence. Now I reason thus by vertue of Martinus 5 extravagant and other canons: we may not participate nor communicate with denounced excommunicates and publyke knowne heretykes nether in spirituall nor temporall matters further then

173 John Felton was executed in 1570 for posting a copy of *Regnans in Excelsis* on the door of the palace of the bishop of London.

174 De Azpilcueta, *Enchiridion*, cap. XXVII, nos. 35, 36, pp. 839-41; Prierias, *Summa Sylvestrina*, Excommunicatio V, no. 4, p. 368; Cajetan, *Reverendissimi Domini Thomae de Vio Caietani, ... perquam docta, resoluta, ac compendiosa de peccatis Summula* (Lyons, 1550), cap. LXXXI, pp. 299-300.

we have dispensation, but the protestantes of England be denounced excommunicates and publyke heretykes; therefore we may not by vertue of this or any other constitution anye way participate with them, then further but to goe to church and there to here ther service and sermons is to participate with them in ther divine offices. Therefore it is not lawfull for catholykes to goe to ther churches and here ther service and sermons, yet further. But our comfortour affyrmethe this to be lawfull, therefore he houldethe expreslye agaynst this extravagant; therefore yt makethe no thinge for him, but is expreslye agaynst him; therefore out of this he did ringe us a false larum of comferte, but let us heare what Navare and Sylvester say of this participation with heretykes or excommunicated persons, excommunicatione majori as they terme it, the greater excommunication. Navare [f. 30^r] ca. 27 n. 28 [*et insequenc*] sayth thus: participatio cum excommunicato excommunicatione majori non e communiter plusquam venialis dixi comuniter quia fallit in sex, p^o quando est participatio in sacramentis vel divinis officiis 5^o quando participatio est cum excommunicato a papa cum participantibus [active association with one who has incurred a major excommunication amounts usually to no more than a venial sin, I said “usually” because the statement does not apply in six instances, in the first place when there is question of participation in sacraments or in the holy office; fifthly when such participation is with one excommunicated by the Pope]; participation with them that are excommunicate with the greater excommunication is not comonlye more then a veniall synne. I sayd comonlye because it houldethe not in syx cases, fyrst when this participation is in sacramentes and divine office. Fyftly when it is with one excommunicated by the pope with his partakers for in these it is mortall synne.¹⁷⁵ Agayne he sayth n. 36 de participantibus cum excommunicato contra perceptum iuris et iudicis, dico quod non solum peccavit mortaliter sed etiam incurrunt excommunicationem majorem etc.¹⁷⁶ of them that participate agaynst the precepte of the lawe and judge with one excommunicated, I say they onlye synne not mortallye but alsoe they incurre the greater excommunication; but in the law it is forbidden to communicate in divyne offices with manifest denounced and excommunicate heretykes (as all protestantes in the realme be) both by Pope Martinus 5 his extravagant, and by the opinion of all divines and canonistes, yea and this as well in hearinge divine office as in sayinge it with the excommunicate as Navar n. 19 et 20 reportethe, and also the pope, that is Elizeus, [f. 30^v] now doth comand us, that we goe not to ther hereticall service, as M^r Martine witnesseth in his preface.¹⁷⁷ Therefore all they that goe contrarye to these commandmentes synne mortallye and are excommunicated. In like sorte Sylvester excommunicatio 5 n. 2 sayth orare cum eo scilicet negatur vel prohibetur, et per orare intellige non solum participare in divinis et sacramentis, sed etiam audire orationes vel divina, unde si ecclesiam ingressus ibi se firmat alii tenentur aut exire aut exitum eius

175 De Azpilcueta, *Enchiridion*, cap. XXVII, no. 28, pp. 837, 838; no. 30, p. 838.

176 De Azpilcueta, *Enchiridion*, cap. XXVII, no. 36, p. 841.

177 Martin, *Treatise of Schisme*, sig. ** iii^v.

procurare, si est excommunicatus publice.¹⁷⁸ It is forbidden and denyed to pray with one excommunicated, and by prayer understand then not onlye to participate with him in divine offices [*Sylvester n. 22. 4 and 23*] and sacramentes, but also to heare prayers or divyne offices. Hereupon yf he entringe the churche do stay ther they [sic] rest are bound ether to departe furthe, or to procure his departure yf he be publicly excommunicated; and Cajetane expoundinge (orare) sayth, hoc est comunicare in oratione et divinis quod fit simul cum de orando l. audiendo missam l. officium divinum quodcunque, (to pray) that is to communicate in prayer and divyne offices, which is by prayinge together with him, or by hearinge masse or other divine office whatsoever; and after declaringe what he meanethe by communicating, he saythe communicant autem si ambo interessent vespis aut uni missae etc.: and they should communicate yf [f. 31^r] they were both presente at evensonge or at one masse.¹⁷⁹

The truthe then standinge thus directlye agaynste the advertysars opinion, he may perhaps, by gevinge his disciples leave to go to hereticall service and sermons with this protestacion, save them for a shorte tyme from trouble and endictmentes, but therby he shall never be able to give them true spirituall comforte, nor save them from synne, nether can he with any reason saye agaynst his brethren [*add in the prefa*]: "that two preestes by ther uncharitable and sinister dealinge have urged me to write this addition for the confutation of ther most unjuste and untrue accusations agaynst me, as who bothe by wordes and letters have charged me to sett abroad false schismaticall and wicked and new doctryne, contrarye to the decree of holy churche, of canons, counsels, fathers and of all writers of this tyme, and all this upon a meere singularitye and selfe complacencie as they say. And agayne the uncharitable procedinges of his adversaries did force him to publishe ther imperfections and synnes." [*answer to the 5 ob*]

Nether can he impute to them any such insufficiencye as he dothe when he saythe [*to ob. 7*] "they must solve and answer my authorities, groundes and reasons and withall prove ther opinion, which they deny to doe, because [f. 31^r] forsoothe they can not, for if they could I weene they would have done it, and agayne I confere (saythe he) with an other preest, a lerned men who confessed before sufficient witnesses that nether he nor twentye moe were able to answer my reasons, with many such lyke quicpinge and vauntinge speaches, which every sober and modeste catholyke are both sorye and ashamed to here, because they smell of greate choler and extreame vayne glorye. I will referre you to his owne addition and proceede further with as much brevitye as I can possiblye.

Hitherto I have declared that to goe to churche with the comfortours protestacion intanglethe the protester in more intollerable daunger of temporall lawes and undowinge then they are in alreadye for recusancye. Then that M^r Gregorye

178 Prierias, *Summa Sylvestrina*, Excom. V, no. 2, pp. 367-368.

179 Prierias, *Summa Sylvestrina*, Excom. V, nos. 22, 23, p. 373; Cajetan, *Summula Peccatorum*, cap. LXX-XI, p. 299.

Martin, Cardinall Allen, the colledge of Rheimes are not on his syde, and M^r Gregory Martins protestation and his are nothinge lyke. Then that Nicolaus de Lira is not one his syde. Then that nether the 12 doctours of Trent nor the best lerned catholyke preestes in the realme are on his syde. And lastlye, that the extravagant of Martinus 5, Navare, Silvester, Cajetane, the universityes of Paris, Tolose [f. 32^v] and Lovayne are not on his syde but expreslye agaynst him. In which 5 poyntes of authoritye he chieflye grounded him selfe. Now it restethe to prove that goinge to church with heretykes in England is a synne of it[s] owne nature. That it is now in England a signe distinctive of religions. That it is flate schisme. That the advertiser protestation takethe not from it nether these synnes nor scandall. That it is agaynst decrees of the church. That Father Persons is not contrarye to him selfe. And finallye that they [sic] catholyke preestes which resiste the advertiser in this poynte doe ther christian duties herein, with a charitable admonition to the comfortable advertiser.

The 6 chapter whether that to goe to church now with protestantes in England be synne of it[s] owne nature and dispensable by anye power in earth

The advertiser in his 4 conclusion saythe "to goe to church in tyme of Englishe service is not per se malum or of it[s] owne nature unlawfull"; the same he often repeatethe as in his [f. 32^v] answers to the 1. 16 and other objections. This conclusion (as he saythe) "is certayne with him, tho some of the learned do hould the contrarye" and thus he provethe it. [4 Kgs. 5:2-3]¹⁸⁰ "That which is evill of it[s] owne nature can never be done lawfullye any way. But (as M^r Martin sayth) a catholyke may goe with protestacion and a learned divyne to heare a sermon, therfore to goe is not evill etc. Agayne Naaman Syrius was lycenced to goe to Idols temples. Agayne it is dispensed with that the sword bearer may goe, therfore it is not prohibited by the lawe of god or nature nor synne of it selfe."

We must note fyrst that our meaninge here is not of the materiall buyldinge of lyme and stone by it selfe comonlye called the church, but of it or any other place w[h]ere heretykes are assembled to do ther hereticall service and actes of religion, so that in this question we meane principallye of goinge with heretykes to ther service.

Secondlye it is to be noted that a man may goe to these assemblies in tyme of ther service, ether to doe a mere temporall and civill acte or an act of religion, and both these may be done ether of a mans owne will and voluntarye motion or [f. 33^r] onlye at the commandment of an other.

Then I say, to goe to church now in England with protestantes and to abyde there in tyme of ther service and sermons is synne of it[s] owne nature. I prove it thus: to doe any action which is a signe of participation, approbation and consente to hereticall jurisdiction and religion is synne of it[s] owne nature, but to goe to

¹⁸⁰ 2 Kgs. 5:2-3.

churche now in England with protestantes and with them to heare hereticall service and sermons is to doe an action which is a signe of participation, approbation and consente to ther hereticall authoritie and religion; therfore to goe is a synne of it[s] owne nature. The fyrst parte of the argument is manifest, for that to participate approve and consente to any synne is to be a fellowe or cooperatour with the principall agent, and they bothe are worthy of deathe, as the Apostle saythe [*Rom. 1*]: non solum qui ea faciunt sed etiam qui concentiunt facientibus: not only they that comyt and doe the synne, but alsoe they that consente to the doers,¹⁸¹ and this is confessed of all men without contradiction. The second parte therfore I prove thus. The protestantes in England now crave and command our goinge and presence with them at ther service and sermons, intendinge therbye that we should professe our selves to consente to be conformable and obedient unto them in religion, at least in externall shewe; therfore to goe with them [f. 33^v] and be presente at ther service, as with this evill intente they command us, is externallye to professe our selves to consente and to be obedient to them in ther religion, for that we obey and doe ther wils in that which they demand of us as a syngne [sic] of our consentes. Now that the protestantes with this intente and meaninge comand our presence, it is manifest by ther owne lawes made for resortinge to churche uppon Sundayes and holydayes to heare service and sermons, the finall end and scope wherof is to make all the subjectes within the realme to obey her majesty in spirituall jurisdiction and to bringe them all to one uniformitye as they call it and participation with her in her religion; for the intention of a lawmaker is that his subjectes obey and execute his lawe in such sorte, and to the same end he directed it. Agayne it is most evident, fyrst that the temporall magistrates themselves are of a religion contrary to the catholyke faythe. Then that they desyre to have all ther subjectes of that religion which they have established in the realme, then that they have ordeyned ther lawes for resortinge to ther service, sermons and sacramentes and forbiddinge the practise of any other religion then theirs to the end, to bringe the people to that [f. 34^r] same state and uniformitye of religion which them selves professe, for otherwise these statutes were made in vayne. Therfore to obey them in this poynte can not be denyed to be a flatt participation, approbation and consente to ther lawe and meaninge as they intend it. Agayne yf any protestant subjecte in the realme may trulye be sayd to obey this lawe, and therby to consente and participate with them by his cominge and abidinge at ther service, soberlye and orderlye as they command him by ther lawe in externall profession and execution of ther religion, noe reasonable man can denye but in lyke sorte, a catholyke goinge and abidinge ther as they comand him by the same lawe doth obey this lawe and participate with them externallye as the protestant did but [t]his was synne of it selfe; therfore the catholykes in lyke manner.

Agayne if the civill magistrate havinge nothinge to do in spirituall jurisdiction they greuously offend god in makinge and publishinge this lawe of religion agaynst

181 *Rom. 1:32.*

the church of god, by reason wherof the lawe is damnable of it selfe. The executors and obeyers of this lawe can not possiblye be excused from greivous synne, for not onlye to establishe a lawe agaynst god, but alsoe to obey and execute the same, is synne of it selfe; therefore to goe to service accordinge to this lawe [f. 34^r] is synne of it selfe. Agayne yf the protestante subjecte doe synne, not onlye in his hereticall internall beleefe and religion when he goethe to church accordinge to this lawe but also in his externall acte of goinge and abidinge at hereticall service, as the protestante magistrate doth command him, the catholyke surelye that dothe the same externall acte with him for the same commandment in this poynte offendeth as much as he; but the fyrst is a synne of it selfe, therfor the second. Agayne yf the civill magistrate hath usurped and wrongfullye taken upon her ecclesiasticall jurisdiction as noe catholyke can denye, and moreover would that all the realme should confesse the same, naturallye to belonge to her, and obey her accordinglye as therby approvinge the same [*answere to 23 ob.*], as it appeareth by these wordes of the statute which the advertiser reporteth: An acte to hould her majesties subjectes in ther due obedience¹⁸² (and other expresse wordes in the same statute followinge) trulye to obey her accordinge to her commandment and meaninge in this acte is a manifest approbation and confession of that usurped spirituall authoritye to be hers which is synne of it selfe. Agayne it is synne (as every catholyke will confesse) to goe to church accordinge to ther statute, and to participate with them in ther uniformitye of comon prayer (as the advertiser[s] answer to the 1 and 23 objection confesseth); but not onlye to participate [f. 35^r] in the end and last parte of ther commandment, that is in prayer, is synne of it[s] owne nature, but also to participate in the goinge and presence, which is the fyrst parte and a meane to the other, for yf it be synne to communicate in the end it is also synne to communicate in the meanes wickedlye appoynted and ordeyned for that end, because the end, good or evill as it is, infloweth these qualityes into the meanes. Agayne every meane is in the same order and kynd of morall vertue or vice, with the end for which it is chosen. For it receaveth these qualityes of the end, as runinge is good morallye yf it be to save my neighbour, and evill yf it be to offend him, but goinge to church and ther soberlye and orderlye hearinge service and sermons is chosen and commanded catholykes as a meane to a damnable end, that is to be seperated as the protestantes are them selves from the church of Rome, and externallye conformable to them; therefore as it is damnable of it[s] owne nature to participate with them in ther end, so lykewyse it is to participate with them in ther appoynted meane, that is goinge to church.

Finallye every instrumentall cause and secondarye agente in it[s] action and effecte is to be considered and judged accordinge to the motion intention and determination of the principall actor, as he that kylleth a man merely as the commandment of another is considered to execute an acte of justice or injustice, accordinge [f. 35^v] as the commandment in the principall mover was juste or unjuste. But

¹⁸² 23 Eliz. I c. 1. See Doc. 21.

catholykes now in England that goe to church at the protestantes commandment are in respecte of this action and effecte of goinge onely instrumentes and executours of ther commandment, for of them selves they would not goe to ther service at all; therefore in this goinge they are to be considered and judged accordinge to the protestantes motions, intentions and determinations, but the protestantes command them to goe in odium religionis, for hatred of catholyke religion, and intendinge by that externall action that catholykes should be partakers with them, approve ther ecclesiasticall authoritye and at leste seeme to give consente to ther whole religion, all which is synne of it selfe. Therefore to goe to service at ther commandment is synne of it[s] owne nature.

Secondlye the same conclusion is proved by the confession and practise of the protestantes. For they accompre all such as goe to church with them to be true and loyall subjectes, both in temporall and spirituall matters, and to be conformable to them in religion, and all recusantes to be enemyes to ther state, and participantes with the pope in his religion, wherby it is manifest that they command this goinge to ther service as a sygne of conformitye, [f. 36^r] participation and unitye with them in religion and in hatred of the romayne religion and papall authoritye, and of seperation from him; but it is a thinge unlawfull of it[s] owne nature to obeye them in any action, appoynted and commanded to these endes and intentes; therefore to goe to church with them is synne of it selfe.

But the comforter in his addition (answere to the 6 objection) saythe "her royall majestye and honorable councell understand by name of papist or popishe preeste, one that is an enemye to the state, and they charge us to come to church onely to shewe that we are noe enemyes to ther state as the verye tytle of ther statute dothe insinuate, which standethe thus: An acte to keepe her majestyes subjectes in ther dew obedience." I answer fyrst that the state is very much behoulden to him, and the catholykes nothings at all. For hereby he justifiyethe them, as they justlye persecuted catholykes for ther recusancye and condemneth the catholykes of synfull disloyaltye, for not obeyinge them accordinge to ther juste statutes. Agayne it is very lyklye that the lord treasurer¹⁸³ and our comfortour in this poynte [f. 36^v] were both disciples to one master, for at the arayngment of the Queene of Scot¹⁸⁴ in Fodringhay castle when the queene sayd to the Tresurer in publyke audience, with wepinge eyes, "my lord, it is well knowne that you have sought my bloude manye yeares, but I would to god that my bloud myght purchase peace and libertye of conscience to the catholykes of this realme, I would give it moste gladlye for redeeming ther troubles," he answered "Madame you are wronglye informed, for ther is not one catholyke in this realme troubled for his conscience and religion but onely for disobedience to her majestyes lawes, and for that they be enemyes to the

183 William Cecil, Lord Burghley.

184 Mary Stewart (1542-1587), better known as Mary, Queen of Scots, after twenty years of house arrest, was executed in 1587 for involvement in various plots against Elizabeth.

state." "You say soe indeed," sayd the queene, "but my lord I would it were soe." "Nay it is soe in deede Madame" sayd he.¹⁸⁵ Which his speeches uttred so bouldlye in the hearinge of soe manye lordes and gentlemen contrarye to daylye experience and knowledge of them all, caused manye ther to blushe in his behalfe, and to blesse them selves tho he never changed countenance at the mater, nor made anye stope at all, because she was about compassinge a poynte of more weight in respecte of which horrible facte this manifest untrute might be thought a litle lapsus linguae [lapse of the tongue] in soe ould a man. Agayne yr is nothinge [f. 37^r] soe as the lord treasurer and our comfortour affyrme I thinke both agaynst ther consciences, but quyte the contrarye as the gracious queene sayd and all catholykes in England trye to ther daylye smarte, for noe man can denye that the prince and civill magistrates are departed from ther spirituall obedience and religion of the churche of Rome, and that they have taken upon them all spirituall jurisdiction and established ther owne new religion and that they would have all to obey ther statutes enacted for the practysinge of ther religion and noe other, and for seperatinge us from the churche of Rome, for all these thinges appere evidentlye in ther statutes made an^o 1 et 23 Elizab. Now then, ther state standinge upon these two jurisdictions ecclesiasticall and civill, they comande us to obey them in bothe, catholykes of all sortes without contradiction obey them as farre as ther civill jurisdiction, authoritye and commandment stretcheth, and refuse onlye to obey them in the ecclesiasticall as which they knowe to be both agaynst godes holy churche and ther owne consciences. The[y] comand catholykes to obey them in the ecclesiasticall upon ther allegiance; catholykes refuse for mere conscience knowinge that they ought to obey god and his churche [f. 37^v] before temporall magistrates. Yf they accompte us therfore enemies to ther state, it is not ther temporall state they can meane, for in this we yeald them as much obedience and loyaltye as anye protestantes in the realme but they understand in deede ther ecclesiasticall usurped state and they accompte us not fullye thers unlesse we obey in both, which to doe no man that feareth god and is a true catholyke can will us, in good soothe. I ame ashamed to make soe manye wordes for the probation of this poynte, which I thinke not one catholyke in the realme is ignorant of, or will contradicte it, excepte the comfortour. And I ame as sorye that our advertiser shoulde thus discomforte us in our extreme troubles for consciences as to condemne or dislyke of soe many men that daylye suffer oppressions for disobeyinge the magistrates in this poynte; and surelye in this matter he speaketh more favorablye for the protestantes then them selves can in harte allowe of, for truthe, for yf we were disobediente to ther temporall state, as they accompte us, because we refuse to obey them in goinge to ther service, and yf this matter were not by them selves thought to be meere spirituall they would not make newe lawes for dispatchinge us [f. 38^r] nor they should not neede for ther

¹⁸⁵ This is a variation of the dialogue between William Cecil, Lord Burghley, and Mary at her trial. See *A Complete Collection of State-Trials* (London, 1730-1766), 1: 145, col. 1.

ancient lawes would with as much severitye take hold of us in lyke sorte as it dothe of all rebellions and trayterous persons.

Thirdlye this same is proved by the authorities of Cajetane, Sylvester and Navare which say thus. *Comunicare cum alio in oratione et divinis fit simul cum eo orando l. audiendo missam, l. divinum officium quodcunque*: To communicate with another in prayers and divyne office is to praye or heare together with him masse or any other divyne offices.¹⁸⁶ But to communicate with protestantes in ther hereticall service and prayers, I thinke nether the advertiser nor any other sincere catholyke will denye to be evill of it selfe; therefore yt is synne of it[s] owne nature to goe to heare hereticall service and sermons.

Fourthlye the xii learned doctours of Trent determined this question and sayd *omnino non licere*: That in no case it is lawfull to goe to churche with heretykes to heare ther service and sermons. And this same is the opinion, and (as M^r Martin in the end of his fyrst chapter affyrmeth) "the verdicte of the churche and ecclesiasticall fathers, and of the best learned fathers and professors in Rome, Jesuites and of soe manye as are sound catholyke divynes of upright judgment [f. 38^v] that have no folishe pitye to southe the fearfull humour of ther carnall frendes";¹⁸⁷ and in his forthe reason he sayth thus: "to be presente at ther service doth argue consente, and that by presence you allow ther doinges."¹⁸⁸ And in his fyrst reason he saythe "it dothe dishonour god and honoure his adversarye, a disgrace to the churche, a joy and comforte to heresy."¹⁸⁹ And in his 12 and 13 reasons he argueth that "to frequente hereticall conventicles wher they pray and preache is comprehended within divers excommunications."¹⁹⁰

By which places it is evident that M^r Martins judgment is that it is sinne of it[s] owne nature to goe to hereticall service and sermons, for to doe any acte wherby god is dishonored, his adversaryes honored, his churche disgraced, heresy comforted and consent given to heresy is synne of it[s] owne nature.

Agayne Father Persons in his refusall (the third reason), shewing the cause why goinge to churche with protestantes is a denyinge of the catholyke religion, sayeth "fyrst it is proved by the commandment to goe to churche every holyday to heare service and by the exaction of the same commandment for that it is the commanders meaninge by that acte, as by a proper sygne to have men shew them selves conformable to that religion, yt can not be denied [f. 39^r] for otherwise to what

186 Cajetan, *Summula Peccatorum*, 299; Prierias, *Summa Sylvestrina*, Excom. V, nos. 2, 3, pp. 367-68; De Azpilcueta, *Enchiridion*, cap. XXVII, no. 36, pp. 840-41.

187 Martin, *Treatise of Schisme*, sig. Cvi^v.

188 Martin, *Treatise of Schisme*, sig. Aiii^v. The exact citation is: "It doth argue consent, and that by presence you allow their doings, and therefore, *in foro ecclesiae* [in the ecclesial forum], you are taken for such, although you be not such, and you shalbe punished with them."

189 Martin, *Treatise of Schisme*, sig. Aiii^v.

190 Martin, *Treatise of Schisme*, sig. Bvii^v-Bviii^v. We could not identify the precise passage but the 12th and 13th reasons can be found on these pages.

end are they commanded upon such dayes and at such a certayne tyme and for such a purpose to goe thither. Agayne when a catholyke doth come before the commissioners ther is nothinge asked of him but when he was at churche, and yf he will promise to goe to churche comonlye they accompte him a sufficient conformable man, that is to have yealded sufficientlye to them."¹⁹¹ Reed his third conclusion in the end of his reasons, wher he sheweth what an heape of synnes concurre in this one action the which also I have sett downe in the 9 chapter followinge.¹⁹²

And before these two the gracious man and sound divyne doctor Bristowe¹⁹³ was of the same opinion in his 32 motyve, sayinge that it is damnable to goe, whose wordes I will sett downe at large, because the comfortour in his answer to the xi objection reiecteth them with a meere cavill and quyrt perverteth the blessed mans meaninge.

"The Arrians," sayth he, "and other old heretykes changed not the service and sacramentes of the churche, but yet because they were heretykes catholyke men would not in any cause come to ther churches, nor receive the sacramentes, the true sacramentes, I say, at ther handes as S^t Gregory wryteth of Armigildus a kinges sonne and heire of the mighty Gothes in his [f. 39^v] tyme who rather then he would receive the blessed sacramente of an Arrian bishope, suffred him selfe to be of the Arrian kyng his father disinherited, imprisoned, layd in yrons, and his braynes fynallye hewed out of his head with an ax, God streight after by sundry myracles at his body, confyrminge well his doinge. Innumerable other lyke examples ther are in historyes of catholykes that have chosen, as they were taught, rather to abyde most cruell martyrdomes then to come once to the right service I say and sacramentes, onlye because heretykes were the ministers. In our cuntrye then, wher not onlye the ministers be heretykes or sett a worke by heretykes but alsoe the whole service of it selfe schismaticall and the sacramentes hereticall ther, for catholykes not to abstayne is a cryme intollerable, a sacraledge unspeakable and a manifold, wicked shamefull and shamelesse deninge of Christ our saviour, and therefore fy uppon lyvings, landes, goodes, frendes, lyfe and all other wordlye trashe etc."¹⁹⁴

Wherby you playnlye see the good doctours wordes and meaninge to be not onlye as the comfortour saythe ("of receavinge the holy sacramentes at the handes of heretykes") but alsoe of beinge presente at ther service, yea and he condemneth this [f. 40^r] wher ther sacramentes and service are true and catholyke and hereupon declaringe what an heynouse synne goinge with heretykes to churche is of it selfe, he inferreth a fortiore that to be presente at hereticall service and sacramentes is a

191 Persons, *Brief discours*, f. 16^v.

192 Persons, *Brief discours*, ff. 59^v–64^r.

193 The author of *A briefe treatise of divers plain and sure ways to find out the truth in this ... time of heresy* (Antwerp, 1574), Richard Bristow (ca. 1540–1581) was a seminary priest arrested in England. He most likely died in prison on 14 November 1581. See Anstruther, *Seminary Priests: Elizabethan*, 52–53.

194 Bristow, *Briefe treatise*, ff. 134^v–135^r. Gregory recounted this episode in his *Dialogorum Libri Quatuor*, bk 3, c. 31 (PL 77: 289–94).

cryme intollerable etc. But the comforter answerethe agayne, and this he saythe convincethe his exposition to be accordinge to the authours meaninge, "that otherwise M^r Martin should be agaynst Doctor Bristowe, who beinge his deare frend would never have published a doctryne soe contrary to him," nether could he have bene permitted; but I say these two gracious men are not contrarye the one to the other, and that the comfortour, not understandinge ether of them, is contrarye to them bothe, as you have partlye heard and shall doe more hereafter.

Agayne Cardinall Allen, Doctor Bristowe, M^r Martin, with all the reste learned in the colledge at Rhemes affyrme in expresse tearmes that goinge to churche with heretykes is to allowe and consente to heresy and a deniinge of Christ before men, which thinge of it[s] owne nature is noe smale synne, for this they say after the 10 chapter of Mathewe in ther annotations. "Contrarwise see how he abhorrethe them [f. 40^v] that denye him before men, which is not onlye to deny any one like article of the catholyke faythe commended to us by the churche but alsoe to allowe and consente to heresy by any meanes, as by subscribinge, cominge to ther service and sermons, furtheringe them any way agaynst catholykes."¹⁹⁵ Reade ther annotations of the tenth chapter 1 Cor wher they say "we have now no other idols but heresy, nor Idolathites but ther false service, shifted into our churches, insteade of gods true and holye worshipe";¹⁹⁶ and that as christians then had bene participant and accessarye to Idolatrye, in that they wente into the very temples of the Idols, in the solemnities dedicated to the Idoll, soe no doute christians that enter into the conventicles of heretykes to heare ther service dedicated to the devill as they commande them are noe lesse participant and accessarye to heresy, then they were to Idolatrye. Item upon 2 Cor 6. they say "generallye here is forbidden conversation and dealinge with all infidles, and consequentlye with all heretykes but speciallye in prayers and meetings at ther schismaticall service, preachinge or other divyne office whatsoever."¹⁹⁷

Which manifest wordes declaringe the whole colledges opinion, what they thought of this acte of cominge to churche with heretykes [f. 41^r] the comfortour in his answer to the tenth objection alludethe thus. "This makethe nothinge agaynst my position, fyrst for that examples are more or explication then probation." But every man seethe this answer to be a childishe evasion, for tho these examples prove not demonstrativelye the poynte for which it is alleadged, yet it can not be denyed but that they prove effectuallye them to be of this mynd and opinion that cominge to churche with heretykes is a deniinge of Christ before men, and an allowinge and consentinge to heresy; not that the goers in ther hartes perhaps allowe or consente to heresy or schisme, but for that this externall acte of goinge and abidinge at ther service is by the heretykes comanded as an acte of consent, and to obey them in his commandment is morallye interpreted a deniinge of Christ

¹⁹⁵ *The New Testament of Iesus Christ* (Rheims, 1582), ARCR 2: no. 173, RSTC 2884, pp. 27-28.

¹⁹⁶ *New Testament*, 448.

¹⁹⁷ *New Testament*, 482.

before men and a consenting to heresy. But yf it be lawfull and reasonable for our comfortour thus odlye to shifte of any reason brought agaynst him, he needeth much to care what newe opinionys he take upon him to defend, for ther is nothing that can be sayd soe manifestlye agaynst him in any poynte, but he may, with one pevishe and unreasonable cavill [f. 41^v] or other, shifte it of as he dothe these. And fare better it were (as I thinke) to let such a man goe from a sophisticall wrangler then to wast much good tyme and omyte many good thinges for an answeringe him.

Finally the comfortour him selfe in a litle directorie that he hath made for confession, in declaring the synnes agaynst faythe, sayth thus: "they synne agaynst faythe that frequent the conventicles of heretykes, reede or keepe ther bookes or communicate with them in any acte of religion," which wordes beinge his owne god wott how he will expounde them, but ordenarelye all men understand by goinge to churche to heare service to be of it selfe an acte of religion and to communicate with heretykes in an acte of ther religion to be evill of it[s] owne nature, but perhaps he hathe some other odd shifte in explicatinge his owne meaninge. Now let us end the probations of his conclusion, because the comfortour confessesthe that some of the learned hould this opinion agaynst him with us. And who in truthe are one his syde, you heard before.

To the first objection in the beginninge of this chapter I answer, let the fyrst parte passe as graunted. Then to the maner or second parte [f. 42^r] I say that to goe to churche in tyme of service and sermons with protestation, as M^r Martin meaneth it, is not to goe at the commandment and appoyntment of heretykes accordinge to ther statutes to execute ther wils and meaninges, which maner of goinge as I shewed can never be lawfull or indifferente, for that it is a flate consentinge to heresy and allowinge of the protestantes ecclesiasticall jurisdiction and before men a denyng of Christe by that exterior acte. But to goe with his protestation is to goe onlye to the materiall churche or conventicle wher heretykes are assembled at ther service or sermons to make publyke protestation that he defyeth ther hereticall religion, and to exclare or preache agaynst them, as M^r Tirell did at Paules crosse, M^r Simson in Darbie churche,¹⁹⁸ and the comfortour or any

¹⁹⁸ Richard Simpson (†1588), priest, was arrested in January 1588, and indicted at the Lent assizes at Derby. The extant martyrological account describes how he was "reprieved till the summer assizes, and, as it is said, made some steps towards conformity, or at least gave some hopes to the adversaries of compliance; but he was reclaimed by Mr. [Nicholas] Garlick [ca. 1554–1588] and Mr. [Robert] Ludlam [ca. 1551–1588], and bitterly repented himself of this slip, punishing himself for it with fasting, watching, and hair cloth for the remainder of his life, which was but short" (Challoner, *Memoirs*, 132). He was executed on 24 July. Simpson was executed after the "answere to a comfortable advertismēt" was written. It appears that the account here was taking Simpson's performance and "protestation" in Derby as licit and godly. This is ironic since it was presumably this which Simpson repented before his execution; indeed it was his rejection of his own attempt at a compromise which, according to the Catholic martyrological accounts, led to the reversal of his reprieve. See also Anstruther, *Seminary Priests: Elizabethan*, 316–17.

catholyke may doe with greate merite, yf they be moved therunto by the spirite of god, zeale to the catholyke faythe, and hatred to heresy; and this is not to goe with heretykes to churche to service and sermons as we speake of it in this question, or to heare them orderlye and soberlye as our comfortours protestour must doe, but it is to go altogether agaynst them and ther religion. [f. 42^v]

To the example of a doctours goinge to heare a sermon which M^r Martin bringethe in, and the comfortour much groundethe him selfe upon in bothe these poyntes (that goinge to church with heretykes is an indifferent thinge of it[s] owne nature, and that hereby M^r Martin is one his syde), I answere fyrst that this example is no good profe at all for our comfortour, for that as you heard before he confesse the and in his opinion reasonably answered his brethren in the lyke case that examples are more for explication then for probation. And thus him selfe confute the one of his greatest groundes. And tho this were a sufficient answer to him, yet because it indeede is not soe to reasonable men, therefore I answere secondlye that M^r Martin in this example meanethe of an other kynde of goinge to heare a sermon then ether we now speake of or then is used in England, which I prove by his owne wordes in the same place, for ther he speakethe of doinge such actions as be indifferente, that is which may be done lawfullye and which may be lawfullye lefte undone, and after saythe "but nether this poynte de [e]vitandis haereticis: of avoydinge heretykes is indifferente as the scriptures aforesayde [f. 43^r] and the examples declare etc." And a litle before these wordes he saythe, "a very learned doctour of divinitye and sound catholyke may lawfullye come to hereticall service, for the better confutinge of them, when he hathe heard ther reasons, and he may also lawfully be absente, soe that to him it is indifferent" and in his 5 reason, he saythe to be presente at hereticall service and sermons doth dishonour god, honour his adversarye, disgrace the churche, comforte heresy etc.¹⁹⁹ Now therfore unlesse we falslye say that the good man is contrarye to him selfe in these places, as our comfortour many tymes avouchethe Father Persons to be in his reasons of refusall, we must perforce grante that he meanethe of two divers kyndes of goinge, the one wherof is indifferent, and may be done or left undone, which is the case of this doctour; the other is not indifferent but at all tymes unlawfull to be done which is our very case in England, for the better understandinge of which difference, note fyrst that a thinge which is indifferent of it selfe and may lawfullye be done is made unlawfull by dyvers wayes, as by the evill intention of him that dothe it, as yf one should breake a strawe with intention to offend his neighbour, the strawe breakinge which of it selfe was an indifferent action, is now [f. 43^v] made evill by this evill intention. Agayne an indifferente thinge may be made evill and unlawfull to be done, by reason that an other mans weake conscience or ignorance takethe offence and scandall therby, as to eate fleshe offred to Idols, wherby one ignorant may thinke it lawfull to eate in honour of the Idoll, or therby be moved to lyke better of them. Thirdlye an indifferent thinge may be made unlawfull by the externall intention of another person that commandethe it; as at any superiours commandment to

¹⁹⁹ We have not been able to identify the specific passages cited.

leape in dispyte of god, or to hould up a finger in sygne that one renouncethe his christian faythe. Now to aplye this to our purpose though all these thinges beinge materiallye taken, as merelye to breake a strawe, to eate fleshe, to leape, or hould up a finger, without any more be indifferent in ther kynd and natures to be done well or evill in particuler, as they are to be informed with a good or an evill end or intention, yet when they are ether done or to be done formallye, with an evill intention or to an evill end, they are under this respecte ever evill of them selves and unlawfull. As it is ever evill of it[s] owne nature to hould up my finger in token that I forsake my christian faythe, or to breake a strawe with intente to offend my neighbour etc. In this sorte therfore is it that goinge to churche or any other place wher heretykes are assembled, this naturall goinge to that place is an acte [f. 44^r] indifferent, yea and in some places, as in Germany Polonia etc., for a learned divyne and sound catholyke to goe purposlye to heare an heretyke preache with intente better to knowe and confute his reasons (as M^r Martin saythe) may be styll indifferent or a good action.²⁰⁰ But in England to goe at the princes commandment in dispyte of the catholyke faythe, and in sygne of consenting and allowinge her ecclesiasticall authoritye and religion, as she playnly. intendethe by commandinge us to goe, is nether indifferente, as M^r Martin speakethe, nor at anye tyme can it be done lawfullye; for tho the material action of goinge (which was indifferent before) remayne styll, yet it is formalye changed into another kynde of morall action, by the accesse of this evill intention to it. And in this maner noe divyne nor sound catholyke in the worlde may goe lawfullye to heare a sermon. And that you may perfectlye knowe what I meane and say, as alsoe what M^r Martin meanethe, I will once agayne explicate the same by this example. A Christian that is learned cominge amonge infidels and Idolaters, wher his action should not be scandalous nor offensyve to others, and wher ther were no precepte that every man should eate meates offered to Idols in honour of the Idoll, he might lawfullye eate of the same [f. 44^v] meates with others. But yf he did once knowe that the infidel prince had commanded all the people within his realme uppon such a day to eate those meates in honoure of his Idoll, now it were by reason of this commandment unlawfull for a christian to eate them, soe lykewise yf a learned catholyke doctour in Germanye, or any other place, wher every one is permitted to use the libertye of his owne conscience, and is not commanded to repayre to any churche for service and sermons, otherwise then his owne conscience doth move him, and the same catholyke doctour publyklye knowne to all sydes for an open adversarye to heresy, and for a defendour of the catholyke faythe, should usuallye repayre to the heretykes conventicles to heare them preache, that therby he might the better knowe and confute ther heresy

200 We can not identify the specific passage in Martin. Upon his return to England, the Jesuit James Bosgrave attended a Protestant service on the basis that Catholics occasionally did so in Poland to hear what Protestants preached in order to refute them. See Thomas M. McCoog, "Godly Confessor of Christ: The Mystery of James Bosgrave," in *Jeziicka ars historica*, ed. Marek Inglot and Stanislaw Obirek (Kraków, 2001), 354–75.

ether in that place before he departed or otherwise, this divyne by his goinge should not offend at all, for we suppose that all men know him to goe for that good end. And of such a goer M^r Martin speakethe. But yf the same doctour should come into an hereticall countrey wher the prince hath commanded all men within his dominions for shewe and sygne of ther allegiance and loyalte to him in all spirituall maters, and of forsakinge the churche of [f. 45^r] Rome and his christian faythe, should upon his appoynted day, come to heare an heretyke preache, in this case which is directlye ours in England, to obey him and goe were unlawfull and most wicked. For it is evill of it[s] owne nature. And of this kynd of goinge both M^r Martin and wee meane, when we affyrme that goinge to churche with heretykes is unlawfull of it[s] owne nature. Thus I thinke the fyrst objection is fullye answered to satisfye any reasonable person, tho a wrangler will never take an answer.

To the second of Naaman Sirus, which also the comfortour usethe as a principall grounde of all his proceedinges.²⁰¹ I answer fyrst that yf the prophet gave him leave to goe to the Idols temple in tyme of ther Idolatrye which yet (as M^r Martin affyrmethe in the place to his treatise) the texte provethe not,²⁰² yet this lycence was to no more but onlye to doe his master and Kyng a temporall service, accordinge to his office in that place, which service his Kyng did not command him as therby to give any consent to his Idolatrye, as our presence is now exacted for this end as I sayd before. And we deny not that symplee it is lawfull to exhibite a meere temporall service to a prince in the churche at tyme of comon prayer or sermons, [f. 45^r] but we say that is unlawfull to exhibite this same there wher it is commanded and intended not onlye for it selfe, but alsoe to an unlawfull end. Agayne it may be answered well with M^r Martin in his answer to the fyrst objection,²⁰³ that he was lycenced to goe thither to make publyke protestation of his true faythe and to convert the Idolaters, by which action god should be highlye adored and thus Naamans acte is nothinge for our comfortours purpose. Thirdlye I answer that with good probabilyte it may be convinced out of the texte that the prophet gave him noe leave at all to goe to the Idols temple but onlye that, when Naaman desyred him to pray to god that he would pardon him yf he entred into the temple to do his master his temporall service, and in the meane tyme worshipped the true god, the prophet answerethe onlye to that which he demanded and sayd god be with you, I will pray god to pardon this. Now whether this was lawfull or noe and whether the prophete have him leave to doe it or that Naaman did it or fynallye whether the prophete had godes will reveled to him in this poynt or noe, it can not be gathered of the texte. And thus it makethe nothinge for our comfortour.

Forthlye it may be answered with more probabilitye that then the comfortour can bringe for any [f. 46^r] exposition of his owne that Naaman onlye desyred the prophete to pray for him that god would accepte and heare his prayers made in the

201 2 Kgs. 5.

202 Martin, *Treatise of Schisme*, sig. **iii^v.

203 Martin, *Treatise of Schisme*, sig. Fvi^r.

Idols temple whyles the reste comytted Idolatrye, and that for ther wickednes god would not turne away his face from him; and the prophete to this answered vade in pace: goe I will doe it. This exposition may well be gathered out of Naamans wordes, *depreceris dominum pro servo tuo*: In this only thinge I beseeche thee pray to god for me. What was this? *Si adoraveri in templo Rhemnon adorante eo in eodem loco ut ignoscat mihi dominus pro hac re*. That yf I adore god in the Idols temple whyles my Kinge adore his Idoll in the same place, that god will pardon me for this thinge. And nether thus it makethe any thinge for the comfortours purpose, for Naamans temporall service was as lawfull in the Idols temple as otherwher and the prophete gave him noe leave to goe, but bade him farewell he would pray for him. But a catholyke goinge now in England at the Queenes commandment is for society with heretykes at ther prayers, which as the whole colledge of Rhemes (mentioned a litle before) sayethe is forbidden by S^t Paule, for that it is a flate participation of heresy. But to make the mater more cleare agaynst the comfortour, let us [f. 46^r] suppose that the prophet graunted Naaman lycence to goe to the idols temple, this provethe that without lycence from god (whose person the prophet then represented to Naaman) it is not lawfull of it selfe but synne agaynst some lawe of god in which god him selfe might dispense without doute, for thinges lawfull of them selves neede no dispensation at all. Therefore the same must also hold in our case (because as the comfortour saythe they be all one) and then no catholyke may lawfullye goe to hereticall conventicles, noe not for a meere temporall acte without godes dispensation and the much more in our case in England it is unlawfull to goe when we are commanded upon our aledgiance to goe to heare service and sermons, which (as Doctor Bristow provethe) be the principall religious actes that heretykes have, and for which maner of goinge (as M^r Martin in his preface sayethe²⁰⁴) he that is Elizeus now doth give no such leave but dothe comande the contrarye.

To the third proufe of the sword bearer I say that our case and his are noe whit lyke, and therefore if it be dispensed with or thought lawfull it followethe not that alsoe ours is. The sword bearer is only commanded to carye the sword before the prince, and the commandment is nether intended nor extended to any further end, and therefore it is meere temporall. But catholykes are comanded to goe directlye to heare service and sermons [f. 47^r] which are meere spirituall and the commandment fallethe immediatlye upon our presence at them and it is intended that we should be partakers of ther religion and shewe this exterior sygne of obedience to ther usurped ecclesiasticall jurisdiction and of our forsakinge the church of Rome. All which not to doe is not the synne of temporall disobedience to the temporall prince, but to doe them is flatt sacraledge and schisme. And I marvell not a litle to see our comfortour soe farr overseene and blynded with his owne concepte that he seinge this meere temporall case, and such lyke to be thought lawfull by these two learned and gracious men, F. Persons and M^r Martin, and all the other goinges yea with this protestacion to be

204 Martin, *Treatise of Schisme*, sig. **iii^r-v.

thought unlawfull by the same men and others; that seinge this I say he will rather make these men to seeme contrarye, not onlye the one to the other, but also eche to him selfe in ther bookes, then to thinke him selfe ignorant or to fayle in true judgment in the discussinge of these poyntes and (which is most to be dislyked of all his dealinge) to laboure soe vehementlye by the disgracinge of all his brethren to drawe the ignorant after him, as it appeareth in his addition; and fynally to make soe greate estimate of his owne witt that as it is crediblye reported he blussethe not to say "I see noe cause why I should not see as farre into this matter as Cardinal Allen or any other," which wordes [f. 47^v] I dare say the best learned in Christendome would not have uttered for very dewe reverence to the blessed and learned man whose onlye reasons and authoritye in a most profound question of divinitye I have knowen to cause the best reders of divinitye in Rome Jesuites to change ther opinion, as in open scholes them selves confessed after they had houlden the contrarye in all ther courses before.

The 7 chapter whether goinge to churche now with protestantes in England be a distinctyve signe betweene catholykes and protestantes or noe

The comfortour, in his 4 conclusion in his advertisment and in his addition answers to the 16. 17. 18 objections sayth it is not and he goethe about to prove it many wayes, all which tho they be meere childishe sophismes and deceitfull argumentes, yet I thought good to sett them downe and answer them, least any of them should beguyle the simple reader.

"First repayinge of the churche is in everye respecte equivalente with goinge to churche, but none of the learned say this to be a signe distinctyve, therfore that is not."

"Secondlye the alteration of sacramentes and prayers this day used ther doth noe more varye or change the nature of goinge to churche nowe then it dothe the acte of repayinge the churche nowe and then [f. 48^r] yf the one be not a distinctyve sygne neither is the other."

"3. To goe to churche and ther to heare divyne service is a thinge instituted by holy churche and consequentlye it is a sygne of the catholyke, and not of the protestante."

"4. Goinge to churche this day doth noe more signifye the goer to be protestant then doth the name of a minister a catholyke preeste to be a superintendent, for yf the question or talke be of a minister every one dothe by that name understand a superintendant and not a catholyke preeste, and yet for all that may a catholyke preeste take that name upon him as witnesseth the holy churche in the collecte of S^t Ambrose,²⁰⁵ and therefore nether the one nor the other is a sygne distinctyve of religion."

²⁰⁵ The collect reads "Deus, qui populo tuo aeternae salutis beatum Ambrosium ministrum tribuisti; praesta quaesumus: ut, quem doctorem vitae habuimus in terris, intercessorem habere mereamur in caelis. Per Dominum" (*Missale Romanum* [Antwerp, 1605], 487).

"5. To goe to church in tyme of English service dothe noe more argue a protestante then to weare the habite of an infidell doth argue the wearer to be an infidell, but this is not a signe distinctyve of infideltye for S^t Sebastian martyr did use that kynd of habite and yet is approved of all; therefore the other is not."

"6. The signe distinctyve must be instituted principallye for some determinate sygne of infideltye as Sylvester saythe, but to goe to church in tyme of Englishe service is noe such thinge, for fyrst the churches appertayne to catholykes, they are erected and consecrated principallye for catholykes service, nether can the secondarye end of protestantes by variation of sacramentes [f. 48^v] and prayers change the nature of the former institution and make it a sygne distinctyve of ther religion. Agayne the protestantes them selves doe not repute goinge to church for any such sygne, as the very wordes of the statute doe evidentlye declare, yea they rather accompte it a badge of temporall subjection then a sygne of spirituall profession and in very deede it may seeme that her majestye passethe not how our consciences be soe we make her assured of our true loyaltye."

"7. To reade or keepe hereticall bookes dothe noe lesse argue a protestant then doth goinge to church, and consequentye sythe the former is not a distinctyve sygne, nether the other."

"8. Noe one thinge can be named in goinge to church which is of force to make yt a sygne distinctyve, fyrst not cominge to the place it selfe for that is confessed of all to be lawfull. Secondlye not the intention of the partie that comethe, for yt may be pure and right as is supposed. Thirdlye not the locall presence of the person in tyme of service, for holy writ approveth the presence of Naaman in the temple of Rhemnon even then when idolatrye was adoinge therefore goinge to church is noe sygne distinctyve."

"9. M^r Martin saythe it is a thinge indifferent then is it not a sygne distinctyve."

"10. Yf it were a sygne distinctyve, then could it never be done without synne, but the sworde bearer and a pyper in a mariage may doe it [f. 49^f] without synne, therefore it is none."

"11. Yf any thinge make it a sygne distinctyve it is as the author of refusall saythe, the opinion of men, but this can not make it, for the opinion of men tellethe us that to eate fleshe one a frydaye amonge protestantes is a sygne of the protestantes religion, and yet it is not a signe distinctyve, for many catholyke preestes use it lawfully by dispensation."

"12. The opinion of men and her majestyes injunctions appoynte the weringe of a square cap and surpleses for the sygne of a protestant minister and yet catholyke preestes doe weare the same this day lawfullye in England."

"13. Her majestyes injunctions make the repayringe of churches and payinge of tythes to ministers to be noe lesse sygne of ther religion then goinge to church or sermons, but these thinges are approved by consente of all preestes therfore they [sic] opinion of men can not make every sygne a distinctyve sygne in religion."

"14. To be presente at masse or at a sermon precysly considered in yt selfe is no sygne distinctyve of catholyke religion for a turke or Iewe may be ther with dislyke, therfore to be present at service with protestacion is not a sygne distinctyve."

"15. Yf to be presente at a catholyke sermon were a sygne distinctyve of the catholyke religion it would [f. 49^v] followe that not onlye all preestes but even the Pope him selfe should condescend to the doinge of manye mortall synnes, which to say were impious, for every preest in England will exhorte a civill protestant to heare a catholyke sermon. And the popes holynes commandethe the Iewes in Rome uppon payne of temporall mulcte to be present at a catholyke sermon upon our saturdayes; but yf hearinge of a catholyke sermon were a sygne distinctyve, yt were synne to induce them to these. Therefore as it is noe sygne distinctyve to heare a catholyke sermon, no more is it to be presente at a sermon of a protestante minister."

These loe be his reasons. And yf we aske of him what makethe a thinge to be a distinctyve sygne he sayth thus in his answer to the 17 ob. "that is a distinctyve sygne which such as have ecclesiasticall or temporall soverayntie doe institute principalllye for the peculier profession of any one secte or religion." But notwithstanding this, I say, to goe to churche, now with protestantes in England to heare service and sermons is a sygne distinctyve wherby the goers are judged to be protestantes and the recusantes to be catholykes; therfore it cannot nowe be done without grevous synne. For the understandinge of this conclusion it is to be noted that thinges indifferent of them selves to signifye diverslye are lymyted to signifye one thinge and not another by [f. 50^r] the opinion and institution of man as the ivie bushe or garland is taken to signifye, wyne to be sould wher it hangeth, a basen to signifye a barbers shope, a sygne at the dore to signifye an Inne for lodginge.

Note secondlye that these indifferent thinges are sygnes signifyinge one thinge in one place and not so in another, and this at some tymes and not soe at another, as in London or Venice every sygne doth not signifye that house where it hangethe to be an Inne or lodginge, and in Italye before distinction was made in habites bewene Christians and Iewes a yewlowe bonet did not signifye the wearer of it to be a Iewe as now it dothe.

Note thirdlye that to make a thinge to be a significant or a distinctyve sygne and marke ther is noe more required but that ether the publyke magistrate ordeyne and institute it to the end, or els that the people generallye take yt to be a distinctyve marke; for that whiche is generallye received ether by law or comon consent and custome beareth the same force in morall estimation. Hereuppon yt apperethe that a distinctyve sygne is any thinge instituted and taken in a certayne place and tyme to signifye one thinge, and to distingishe the same from all other.

Note forthlye that many thinges at once and in the same place may be instituted to signifye the [f. 50^v] same mater and in lyke maner to distingishe it from all other, as a yelow bonet in Italye to signifye and distingishe a Iewe from a christian, the keping of the sabaothe daye, the circumcysinge of children and every other ceremonye of ther judaicall religion. And the some of these thinges be more

intrinsicall to the lewishe religion then some others, yet after they be once instituted and taken to signifye and distinguishe a Iewe and his religion from a christian, in morall estimation everye one is sufficiente before men to signifye a professour of Iudaisme. Now I prove the conclusion: this acte of goinge and abidinge with protestantes at ther service and sermons at ther commandment is taken as well by protestantes as catholykes to be an externall sygne to signifye conformitye to the queenes religion, therefore nowe in England yt is a distinctyve sygne betwene catholykes and protestantes. That it is now in England generally taken to be such a sygne, I prove fyrst by the same reasons by which I shewed that this goinge is a sygne of it[s] owne nature for the queene hath instituted lawes of purpose contrarye to the churche and religion of Rome [an^o 1. 5. 13. 23 Elizab]²⁰⁶ by which she intendethe to devyde and separate all her subjectes from ther religion and obedience of that apostolyke see as much as she can and at least externallye, for to this end she hath forbidden by statutes all communion, obedience and dealinge in religion with the pope or with any other sente with authoritye from him; she [f. 51^r] hath forbidden the sacrament of confession; she hath abrogated the aunciente catholyke service, she hath established a newe maner and forme of comon prayer for the publyke profession of her religion; she hath commanded all her subjectes to resort to heare the same when she calleth them by the bell; she forbiddethe them to heare or practise any other that all her subjectes may be externallye conformable to her in religion; she accomptethe them enemies to her state and to adhere to the Pope that refuse to obey her in this commandment of religion, and by ther presence at her service shewe not them selves conformable, and all them that obey she accomptethe in all respectes loyall and conformable subjectes, and enemies in externall shewe to the pope and in playne termes she with her officers call the goers to churche conformable subjectes or protestantes, and all recusantes papistes in disdayne, for that by ther refusall to joyne them selves in comon prayer to the Queene they manifestlye defend the authoritye of the pope. By these things therefore it is most evident that protestantes take cominge to church this day in England for an externall sygne of a protestant. And catholykes generallye in lyke sorte hereupon these many yeres have refused to goe to churche with protestantes and accompte the recusantes to be sound catholykes, and the goers to be ether flatt protestantes or dissemblinge and halfe catholykes, as before men protestantes and conformable to the Queenes proceedinges, for which cause [f. 51^v] they debarre them justlye from all participation of catholyke service and sacramentes as long as they remayne in that state.

2. I reason thus yf the protestantes now in England should institute some visible marke as the letter, o, to be sett in the foreheades of all such as were externallye and in face of the world conformable to ther religion, this, o, were now made a distinctyve sygne betwene the externall professours of protestantisme and other religions. But to come to ther service and ther to behave our selves orderlye and soberlye as they doe and commande, is now no lesse distinctyve then this, o, should

206 Specifically 1 Eliz. 1 c. 1, c. 2; 5 Eliz. 1 c. 1; 13 Eliz. 1 c. 2; 23 Eliz. 1 c. 1.

be, for that all protestantes goe and all sound catholykes refuse, yea this action is more intrinsicall to ther religion then any such character can be, therfore presence at ther service is now a sygne distinctyve of a protestante.

3. The professoures of any religion are joyned together in externall societie by some sencible sygnes and ceremonyes wherby ther invisible fayth is made knowne. But to come to churche to service and sermons at the appoyntment of the congregation when by these sensible sygnes they make profession of ther invisible faythe and execute a proper acte of ther religion is by these sygnes to joyne together with them in externall societie and in the execution of the proper actes of ther religion; therfore to come to service and sermons is an externall marke of a protestante at leaste in foro exteriori in the exterior courte of godes churche. [f. 52']

As the catholyke service and holy churches commandment to heare it are contrary to hereticall service, and they [sic] heretykes commandment to heare it, so the obeyinge and executing these commandmentes are contrary, but to obey godes churche, commandinge us to be presente and to heare her service, argueth that we be her obediente children in religion at least externallie, therfore to obey protestantes, commandinge us to be presente and to heare ther service, argueth that we be ther obedient subjectes in conformitye of religion at least externallie. But any thinge that doth argue us to be protestantes is a distinctyve sygne; therfore to goe to churche is a distinctyve sygne. [*Theese argumentes prove all quakers and independents to bee as good Cath. as the authour.*]²⁰⁷

Publyke repayinge to service and ceremonyes in every religion is ordeyned for the publyke profession of the same. But the publyke profession of any religion by publyke acte is a sygne distinctyve of that religion; therfore repayinge to protestantes is a sygne distinctyve of protestantes.

Nether it awaylethe to say as the advertiser dothe in his advertismente that this is true onlye in the sayers of service and in such as come to heare with lykinge to yt, and not in the heare[r]s which come with dislyke; fyrst because not onlye the sayers by that acte professe externallie ther religion but alsoe the voluntarie hearers whose persons the publyke minister beareth in that acte. Agayne with as great reason it myght be sayd, yf not sayinge [f. 52^v] nor hearinge the service with lykinge would excuse the hereres that the minister also which readeth it with dislyke and agaynst his conscience, as manye old schismaticall preestes doe in England, may in lyke sorte be excused, but as he can not be excused that goethe voluntarly to say service with dislyke, soe nether can he, that voluntarily goethe to heare it with dislyke, because not onlye his repayinge to say service and sayinge is commanded as an exterior profession of that religion, but the others resortinge to heare and hearinge is commanded for the same; and the dislyke that both have in hearinge or sayinge doth not excuse them from the synne comytted by ther exterior voluntarie acte. But from heresy and the lyke, nether it awaylethe to say that

²⁰⁷ Written in a different hand, most likely a mid to late seventeenth-century hand because of the reference to Quakers and Independents.

hereby it should followe that the pope dothe compell the Iewes in Rome to synne when he constrayneth them to come to heare a catholyke sermon, for nether the hearinge that sermon nor the repayinge to yt are commanded as a sygne of externall profession of the christians faythe and religion, nor the Iewes resorte not to yt for any such end, nether in that place cominge to that sermon is taken by Christians or others for any sygne of conformitye to any religion, but all sortes of people come to yt indifferentlye, catholykes to be the better conformed in ther faythe of Christe, Iewes and Infidels to knowe the groundes and reasons of our faythe to compare it with ther owne. Agayne in no place of christendome that I knowe [f. 53^r] but in this realme onlye (excepte in Scotland wher they say sermons are all the religious externall actes the scotische protestantes and puritans do use) a sermon is taken for any distinctyve sygne of religion, or reckened inter divina (amonge divyne offices), which thinge also Cajet. verb. excom. Nav. c. 27 n. 36 ad 5 approve,²⁰⁸ in soe much that we may lawfullye heare a catholyke sermon, with any excommunicate person and therfore this example of the Iewes in Rome is noe white lyke to our case of hearinge service and sermons in England at the protestantes commandment; and the same alsoe is to be sayd of a protestante that is called by catholykes to heare a catholyke sermon. And this argueth noe litle difference betwene these two, that nether in Rome nor any where els Iewes and heretykes are ether commanded or wittinglye admitted to be presente at our catholyke service.

Secondlye this same conclusion is proved by F. Persons in his third reason of refusall soe evidentlye and effectuallye that noe man can with reason deny it, and I muste greatlye [word omitted ?: "wonder"] how any scholer that would seeme to have knowledge and a catholyke preest, especiallye that in all his dealinges should be syncere, readinge his wordes, can for very shame open his mouthe to wrangle agaynst a truthe soe manifeste for he sheweth there not onlye by the protestantes commandment of goinge to churche every holy daye to heare hereticall service, and by the exaction of the same [f. 53^v] commandment (for that it is evidente to be the commanders meaninge by that acte of goinge, as by a proper and peculier sygne, to have men to shew them selves conformable to ther religion) but also by the multitude of catholykes which have of longe tyme abidden imprisonment and now in greater number doe for this only thinge, this abstayninge from churche now to be a proper peculier sygne of a catholyke, yf it were none before, and the yealdinge in the same to be a flatt deniinge of god and his religion by the judgmentes of all the world.²⁰⁹

Agayne of the same mynd is M^r Martin also in expresse wordes. For fyrst in his 17 reason declaringe what a greivous synne it is to take and weare a distinctyve sygne of that which a man condemnethe to be evill in his owne conscience, he sayth thus: "can ther be a more manifest distinction of catholykes and heretykes then ther

²⁰⁸ De Azpilcueta, *Enchiridion*, cap. XXVII, no. 36, p. 841; Cajetan, *Summula Peccatorum*, 300.

²⁰⁹ Persons, *Brief discours*, ff. 15^r–18^r.

churches ther sacramentes, ther prayers, ther sermons."²¹⁰ And agayne after speakinge of denyng our faythe by wordes or sygnes he saythe "even soe in our case you may consider wher a man doth communicate with heresy and denye his faythe by many indirecte and coverte wayes never without mortall synne, as by wilfull presence etc."²¹¹ wher you se that he accomptethe wilfull presence at protestantes service to be a sygne of denyng the catholyke fayth.

These good men therfore are expreslye agaynst our comfortoure, and who thinke you is with him in this poynte, never one in good sothe [f. 54^r] that I knowe, soe that yf it please him selfe to boast of his owne singularitye, he may as trulye say of him selfe as the Angell did of Ismaell: [*Gen. 16*] manus eius contra omnes et manus omnium contra eum et e regione omnium fratrum suorum figet tabernacula: his hand agaynst all men, and all mens agaynst him, and he shall fyxe his tabernacles opposyte to all his brethren.²¹² In this question, as in the other last before, he saythe that some of the lerned sorte are of the contrarye opinion to him, but he bringethe never a one to be of his syde.

Fynally this same conclusion is largely proved by the example of the primatyve church, which ever accompted this to be a sygne of distinction betwene catholykes and schismatykes or heretykes; for when any catholyke repayred to the service or entred the churches when catholyke service was sayd by heretykes or schismatykes he was by all catholykes thought to be by that acte ether an heretyke or a schismatyke. Reede the examples collected by M^r Martyn and Father Persons in ther treatyses of this matter. Now let us answeere his objections in the beginninge of this chapter.

To the fyrst I answeere that repayinge of churches is nothinge at all lyke to goinge to service for fyrst the materiall churches de jure (of right) styll belonge to catholykes tho heretykes de facto unjustlye possesse them; and therfore catholykes may repayre and uphoulde ther owne houses especiallye seinge heretykes neglecte them and suffer them purposlye to fall in ruyne and decay; but the service used in them by heretykes [f. 54^v] belongethe nothinge at all to catholykes, but to heretykes onlye, which agaynst the catholyke churches ordinance are inventours and ministers of yt and therfore catholykes may nether resorte to yt nor to the materiall churches duringe the tyme it is said therin. Agayne repayinge of churches is not by ether catholykes or heretykes now in England taken for a sygne to know a catholyke or anc heretyke but every parishioner doth contribute to it accordinge as ther portions fall out. Catholykes give ther portion ether as to uphoulde ther owne churches or to redeeme ther further vexations. Heretykes also have ther particuler endes and intentions, and comonlye they give ther share without any respecte of religion. Agayne yf now in England ther were a commandment or lawe made by protestantes to pull downe old catholyke churches, and that every man

²¹⁰ Martin, *Treatise of Schisme*, sig. Civ^r.

²¹¹ Martin, *Treatise of Schisme*, sig. Cv^r.

²¹² Gen. 16:12.

should contribute to the buyldinge of newe hereticall synagoges for protestantes to practise this religion in ther were it unlawfull for catholykes to buyld or repayre these synagoges? Or agayne yf catholykes were commanded expreslye for the furtheringe and sygne of lykinge the protestantes religion to repayre these old catholyke churches yt were now unlawfull to doe it. Fynally repayringe of churches is by all catholykes thought lawfull and not so goinge to churche; therfore they are not lyke.

To the 2 I say that as the catholyke and hereticall services be contrarye soe lykewise are the goinge to the materiall churche to heare the one or the other; for to goe to heare catholyke service at the commandment [f. 55^r] of godes churche is a vertuose acte and to goe to heare ether the catholyke service or hereticall at the commandment of heretykes, or amongst them, speciallye yf they be notorious, is an evill and an impious acte; and so repayringe of a materiall churche for catholyke service is a good acte, and for hereticall service an evill acte; and yf it be considered precyslye of it[s] owne nature as it is nowe practysed in this realme, it is indifferent and made good by a good intention in a catholyke and as yet never taken for a sygne of an heretyke. But to goe to churche to heare hereticall service and sermons is of it[s] owne nature evill and commanded to catholykes for an evill end, and it is the end that most of all doth determine our actions to good or evill, wherfore the antecedente or former part of this argument is false.

To the third I answer yf is a mere sophisme and falasye and noe whit to the purpose, for the goinge to churche to heare catholyke service be an institution of holy churche; and a sygne of a catholyke, yet goinge to the same materiall churche to heare hereticall service is not instituted by holy churche but by heretykes; and consequentye it is a signe of an heretyke whose service is sayd in the churche. Our comfortour should have proved this latter that it had been instituted by holy churche, yf he had proved his intente, but he ether goethe about to deceve the ignorant with the ambiguous significations of these wordes (to goe to churche, to heare divyne service) by which catholykes understand ther catholyke service and protestants there [f. 55^v] hereticall, or els he is perswaded that to goe to churche to heare protestantes service is to goe to heare divyne service and this error is worse then the former.

To the 4 I answer that he goethe aboute to prove a thinge unknowen and in question by another lesse knowne and more in controversye which is a grosse falte yf it were not in a sophister for it is more evidentē that all men take the resorter to protestantes service to be a protestante ether in deede or dissemblinglye then that they meane a superintendent when at any tyme they name a minister. But supposinge his owne profe of it to be true that all men so take it then I deny that it is lawfull now for any catholyke preeste to take that name upon him. To the collecte of S^t Ambrose I answer that nether it nor the catholyke churche by it affyrme that now a catholyke preste may take that name upon him; but that collecte onely shewethe that S^t Amb: was and is, by the whole churche, called godes minister; and,

when it was made, this word (minister) was not nor is not in the catholyke church taken to signifye any other but a catholyke preeste; and the abuse of one hereticall countreye, or of some ungracious heretykes in yt, can not varye the whole churches meaninge and signification of wordes.

Agayne I say that it is not true that every one understandeth by this word minister a superintendent now in England, unlesse ether it be spoken alone, and the speache be of protestantes, or els limited by some other thinge proper to superintendentes onlye; for yf it be joyned with any thinge that is proper to catholykes, yt signifyethe a catholyke preeste as it dothe in the collecte of S^t Ambrose wherin it is sayd thus: *deus qui* [f. 56^r] *populo tuo aeternae salutis Beatum Ambrosium ministrum tribuisti*: God which hast geven to thy people, S^t Ambrose a minister of salvation, by which wordes of S^t Amb. it is evidente, at the fyrst hearinge of minister, that it signifyethe a catholyke doctor and bishope and noe protestante superintendente, but it is not soe in goinge to hereticall service with protestantes, for this drawethe the materiall goinge to church to an evill circumstance as I sayd before, that is to be a conformable man with heretykes in religion.

To the fyfte I answere, let the major or fyrst parte be supposed true yf the proportion in this be made a lyke, that as the one is taken or instituted proper onlye to infidels, so the other be to heretykes. Then I say the minor or second parte is false. And to the example of S^t Sebastion I answere that the souldiers attyre which he did weare was not taken nor used determinatlye to signifye an infidell or infidelitye, as goinge to church is now a protestante. For yf it had, S^t Sebastion in wearinge it had denyed his faythe and synned mortallye, accordinge to Sylvester: *ver fides* 8 Nav. ca 11 n 25. Cajet. *ver. habitus*,²¹³ who with Sylvester and Rodon, cyted by Sylvester in *verb. habitus*, say directlye that ther was noe such distinction by the souldiers cloake which S^t Sebastion did weare, but as well christians as infidels might weare it without any note of religion at all. And this place and others moe I can not but thinke that our comfortour ether dealethe fraudulentlye with us, or els that he may with great reason [f. 56^v] thinke him selfe to be in a verye lowe degree of lerned men, that cannot perceave soe manifest a truthe in his owne authors, in which he seemethe onlye and wholye to bestowe his tyme.

To the 6 I answere let the major passe as graunted for Sylvester his authoritye, then I denye the minor, that is that goinge to church is noe such distinctrye sygne. To the fyrst probation I say that indeede the materiall churches of lyme and stone *de jure* pertayne to catholykes, but now *de facto* they are usurped by heretykes and polluted with hereticall sacraledge; nether dothe the heretykes abuse change *de jure* the former catholyke institution, but onlye in fact, by ther commandment, and as longe as in facte they exercyse this abuse by sacraledge yt is not lawfull for catholykes to resorte to them, noe not for allegiance, seinge this acte of repayingne

²¹³ Prierias, *Summa Sylvestrina*, "De fide," no. 8, p. 440; De Azpilcueta, *Enchiridion*, cap. XI, no. 27, p. 168; Cajetan, *Summula Peccatorum*, "Habitus mutatio", 324.

to them is principallye instituted by the protestantes as a sygne of conformitye to them in religion. As, for example, yf a rebell in some countrey should violently enter and possesse some noble mans castle and command all the people there about to repayre to him uppon such a day in sygne of ther consentes and lykinge of his rebellion. Yf ther upon the lord of the house, who buylded the same for his owne defence and comoditye, should goe in at his commandment, he should noe doute be thought to give consente as the rebell intended by that externall acte of entringe voluntarily to him. And it were not enoughe to answer the kyng and the people, I buylded my castle for another principall [f. 57^r] use, and it belongethe to me; the traytours commandment and evill intention can not change my former institution and make it unlawfull for me to goe to my owne, for tho in righte it changeth it not, but the castle styll remayneth the lordes for his good uses, yet now by the traytours rebellion, it is not his in possession and, in facto, it is unlawfull for the true owner of it to enter into it; and as the commandment and rebellion of the traytour maketh the voluntarye abydinge in the castle with him a sygne of treason and rebellion, soe the variation of service etc. And the protestantes damnable callinge all people to them maketh the voluntarye abydinge at them to be a sygne of a protestante or conformable man.

To the second probation [2] I say, yt is not evidently false, for bothe heretykes persecute catholykes and catholykes suffer all ther cruelties for noe other end or cause in the world then for that they will not yeald to them in religion and be conformable to them by these actions and sygnes of externall profession of religion, and therby allowe and consente before men to ther usurped ecclesiasticall authority; and to say or thinke the contrarye to this is wilful madnes synce all christendome can wnesse with us as I have sayd. Reede Cardinall Allens booke answere to the execution of justice wher this mater is handled at large.²¹⁴ In deede I thinke the comfortoure sayeth the very truthe in this one poynte, that tho her majesty de facto usurped the ecclesiasticall jurisdiction in this realme, yet, for all that, she careth not much of what religion we be secretlye in our hartes, soe that we professe hers externallye, and none but hers as she hath commanded quia de jure non pertinet ad eam de omnibus.²¹⁵ [f. 57^v] And yet notwithstandinge all this I dare say for her that as she hath made most cruell lawes agaynst the catholyke religion and catholykes, and with all rigour executed the same, uppon such as refuse to obey her in the externall practyse of her owne religion soe most glad would she be to have all the realme in mynd and bodye jumpe protestantes. But for her satisfaction and securitey of our temporall loyaltey to her she may take tryall of us otherwise, and she dothe it

214 William Allen, *A true, sincere, and modest defence of English Catholiques that suffer for their faith both at home and abroad: against a false, seditious and slaundersous libel* (n.p., n.d. [Rouen, 1584]), ARCR 2: no. 14, RSTC 373.

215 The Latin citation is extremely awkward grammatically but we think its meaning is thus: "because her jurisdiction does not legally extend to all things."

daylye by more intollerable meanes then of any protestantes within the realme. And therefore this is a shamefull assertion to say she onely requirethe of catholykes, goinge and presence at church, as a badge of temporall subjection rather then a sygne of spirituall profession; but surely she is greatlye behoulden to our comfortour, who can this [sic] smothlye acqyte and justifie her and all her murthers and persecutions of catholykes, to our not onely discredites and reproche but also most heavy discomforte, yf our owne syncere consciences witnessed not the contrarye to this that he affyrmeth, notwithstandinge he semeth to be one of our owne religion.

To the 7 I answer that keepinge or readinge of hereticall bookes precyslye of it selfe and goinge to protestantes service now in England are no whitt lyke. The former is not by any taken to be a distinctyve sygne nor instituted for any exterior profession of hereticall religion as the latter is. And yet it were a distinctyve sygne also, yf the readinge or keepinge of them were required or commanded catholykes in respecte of lykinge and conformitye to the protestantes religion or without any commandment at all [f. 58^r] they were voluntarilye taken to that end. And this thinge we daylye see in practise, for all catholykes this day refuse to reede a chapter of the bible yea or to say the lordes prayer as protestantes call it, nay or to say Amen to any lawfull prayer sayd by protestantes because they evidently perceave all these thinges, tho they be not evill of them selves but instituted to good uses, yet to be demaunded and extorted by protestantes, as sygnes of participation and conformitye at least to some parte of ther new religion, yf noe more could be sayd to prove the dissimilitude of these two, this might contente everye reasonable man that, dispensation beinge asked of the popes holyne for them bothe, lycence to reade and keepe hereticall bookes hath bene graunted to manye and yet goinge to hereticall service and sermons denyed to all; wheras for refusinge to goe to church it is well knowne to the pope and all christendome that catholykes in England sustayne these intollerable vexations, losse of libertye, spoyle of goodes and landes, utter undowinge in ther temporall states, and divers tymes deathe it selfe, which extreamities should necessarily procure tolleracion or dispensation yf it were any way lawfull. And for not readinge or keepinge hereticall bookes, they suffer noe molestacion at all, which procedinges of holy church surelye ought to settle a man in this opinion that goinge to church with protestantes is a thinge altogether unlawfull and indispensable by any power given to men.

To the 8 I answer. that the fyrst parte is false, as I shewed before, and to his probations I say they are too to[o] childishe for he goethe aboute to prove this meere [f. 58^v] negatyve proposition (ther is noe one thinge that can be named in goinge to church which is of force to make it a sygne distinctyve) by answeringe to three of his owne argumentes which he imagineth to be all that can be sayd agaynst yt, but this is not enough to prove a negatyve which in yt selfe, as it hath noe cause, soe it can not be proved by any cause. He might in deede seeme to saye

some thinge yf he had certaynlye knowne all the reasons that may possiblye be devised agaynst it, and with lyke certaynty had confuted them or at least had brought in some decree or testimonye of infallible veritye that affyrmethe his negatyve proposition to be true. But fyrst to say absoludye (ther is no one thinge can be named), and after for sufficient profe of this to reckon onlye these three thinges, is to make us beleve that he seethe as much as all the world can possiblye doe besydes, and that noe more can be sayd by anye, but onlye these three thinges which he namethe. And yf he thinke thus humblye of his owne wytt, that perhapes ther may to these [word illegible] three, by some one man in the worlde, be added a forthe argumente, or an other thinge named which is of force to make our goinge to churche with protestantes a sygne distinctyve, then must he perforce thinke this his owne argument to prove nothings at all, and consequentye that he hath taken in hand a very daungerous enterpryse to perswade us to execute that most daungerous negatyve whereof he hath so slender probation or probabilitye, especiallye the contrarye affyrmatyve beinge judged by all excepte him selfe, yf not certayne at least most probable and to be practised with all safty and merite. Or agayne yf he thinke soe worthelye of him selfe that besydes his three thinges noe [f. 59^v] man can name another, then everye one may easelye perceave how he faylethe in comon judgmente, that will thus rashlye matche and compare him selfe to all the learned in the world, and then every good man had neede to beware of his singularitye, lest it bringe them into damnable errors.

To the 9 I have answered alreadye that M^r Martine is not contrarye to him selfe, and that he sayethe expreslye bothe that our goinge now with protestantes is no indifferente thinge. And agayne that it is a sygne distinctyve.

To the 10 I answer that it can never be done without synne duringe the tyme it remayneth and is taken for a sygne distinctyve; and to the example of the sworde bearer I say the case is not lyke, for he goethe onlye accordinge as he is lawfullye commanded to doe a mere temporall acte, and soe his goinge and abidinge ther is meere temporall, and in sygne hereof he continuallye beareth the sworde in his hand to declare the cause of his beinge there. But he that goethe to service goethe onlye accordinge as he is unlawfullye commanded to doe a meere religious acte, for he hath noe other thinge to doe there as the sword bearer hath; and soe as well his goinge as abidinge ther is meere religious, which to do for shewe of any allegiance is ever synne for that it is an approbation of the commanders ecclesiasticall usurped jurisdiction. To the example of his pyper, I answer that as I thinke he may not lawfullye pype before the brydgrome to churche tho he enter not in with him, because [f. 59^v] that musycke used at mariadges and speciallye at ther goinge to churche to be maryed is a ceremonye wherby they use to solemnize the sacrament. And as it is not lawfull for a catholyke to procure or consent to the mariage of heretykes, soe it is not lawfull to concurre to the solemnization of the same, or yf we say this pypinge is but a meere temporall acte, then it makethe nothings agaynst us, nor for the advertiser, and soe let his pyper for joye burst his bagges yf he will.

To the 11 I answere that the authoritye of the reasons of refusall proveth it to be a sygne distinctyve most evidently, not withstandinge the advertisers cavillinge. And he confesse the same in effecte, when he saythe in his answere to the 17 objection that an indifferent thinge may be made a distinctyve sygne yf it be principallye instituted for a peculier profession of any one secte, for this same is but the opinion of men, and it is all one whether the prince institute this for a sygne of conformitye to any secte, or it be generallye soe taken by the people, as goinge to churche now is bothe wayes a sygne of externall conformitye. As for eatinge fleshe upon frydayes it is not lyke, for this is not now generallye taken to be a distinctyve marke betwene a catholyke and a protestante in England, but forbidden as well by the princes lawes as by the constitution of godes churche, which humayne constitution dothe not bynde anye in sundrye cases, and for divers causes is to be thought as no lawe, as yf absteyninge would put a man in daunger of his lyfe ether by sicknes or otherwise. And everye christian seinge a man eate [f. 60^r] is bound in charitye to presume him to have cause, unlesse some other way the contrarye appere. But which is to our purpose yf a man were knowne to be a catholyke, and were commanded by protestantes in dyspyte of catholyke ordinances, or for lykinge of ther lowlardye or heresy to come and eate fleshe upon fryday with them, this eatinge were now a signe distinctyve and should shewe the catholyke to be a protestant; in this sorte is goinge to churche with protestantes.

To the 12 I answere, a cap and surpese are now in England comen as well to catholyke preestes as to ministers, and to refuse to weare them is rather a sygne distinctyve of a puritane from them bothe then the wearinge of them is anye sygne ether of a protestant or catholyke preeste betwene them selves.

To the 13 I answere that nether payinge of tythes nor repayringe churches are made or taken to be anye distinctyve sygnes as goinge to churche is. Of repayringe churches I have spoken before. Of tythes I say, they are of due belonginge to the churche and may lawfullye be lefte in the feeldes for the righte owners of them. In whose place yf a theefe come and gather them upp, this is nothinge to the gevers, for they are not bound to keepe them safe from everye invadour. Agayne tythes are by catholykes geven to ministers, noe otherwise then money is geven to a theefe by a traveler, that by gevinge a litle savethe all the rest he hathe, nether are they geven as tythes. And fynallye this beinge the comon practyse of catholykes in England, and judged lawfull by the superiours of godes churche, argueth that it is noe [f. 60^r] sygne distinctyve, and the contrarye practyse in goinge to churche doth argue it to be a sygne distinctyve.

To the 14 I answered before in the fyrst reason of this chapter that for any to be present at a catholyke sermon is not taken for any sygne distinctyve, and the contrarye is to be sayd of a catholykes presence at an hereticall sermon; for that this presence is commanded and exacted as an externall profession of the protestantes religion. As for Lewes, Turkes, Infidels and heretykes, they are not wittinglye permitted to be presente at Masse but cast out. But yf any of them should come orderlye and heare masse daylye as catholykes doe, this man noe doute should dissemble

his owne religion and be thought of all christiane people to be partaker with them of the holy sacrifice; for it beinge the chiefest externall sygne which christians have wherwith to make publyke profession of ther faythe, his orderlie presence at it with others would externallye argue him to be one of them. And this the more yf his presence were commanded as a sygne of his conformitye to christian religion; for the churche chudgethe not of a mans interior thoughtes but onlye of the exterior actions, which, if they be conformable to catholyke religion, she judgethe a man by them to be a catholyke, and yf they be the same which heretykes use she judgethe a man to be an heretyke tho in harte he be none.

To the 15 I have answered alreadye.

The 8 chapter whether goinge to churche with protestantes be a schismaticall act or noe [f. 61^r]

The comfortour in his answer to the 7 objection saythe “it is not and he provethe it thus: yf it were, then did Naaman comyte a schismaticall acte by consente of the prophete. Then did M^r Martin publishe false doctryne wher he allowethe to goe with open protestation. Then dothe the doctour which M^r Martin speakethe of comyte a schismaticall acte without offence. Then dothe the author of refusall allowe noe smale absurditye when he permittethe the sword bearer to goe. Then doth Nicolau de Lira admite a grosse error.” These be all his profes for this poynte.²¹⁶

For the understandinge of this question fyrst it is to be noted that heresy is an error of the understandinge about some poynte of faythe, houlden obstinatlye agaynst the churche of god, and schisme is a voluntarye breache or seperation from the unitye and comunion of the head and members of Christes churche and consisteth principallye in the will. Note secondlye that all externall humayne actions are good or evill in morall estimation, not of them selves, but as the interior powers by which they are done and commanded dothe inflowe these qualities into them as writinge with the hand is not good but as the will intendethe it to a good end. Note 3^{ly} that a man may thinke and beleve one thinge inwardlye in his harte and yet doe an externall acte contrarye to the same, as a christian may beleve in his harte all poyntes of the catholyke faythe and yet with his hand offer sacrifice to the devill. Note 4^{ly} that to make one ane heretyke or an Infidell, the doinge of the exterior acte of heresy or infidelity is not enoughe, and yet the voluntarye doinge of an[f. 61^r] schismaticall exterior acte is sufficient to make one a schismatyke. The reason of this diversitye is for that besydes the exterior actions, heresy and infidelity require an error in the understandinge and schisme onlye requirethe a wicked affection of the will to doe that thinge which is schismaticall. Note lastlye that in morall actions it is not necessarye to make them evill and the doers of them to participate [word omitted? : “in”] ther deformitye that they intend directlye the evill that followethe

²¹⁶ We cannot identify this specific passage.

upon them, but yt suffyceth that willingly they chuse to do that acte which is evill, or wherupon they knowe or ought to knowe synne to followe, as he synneth in fornication that voluntariely comyttethe the externall act, tho he never intended directlye to synne but onlye to have the delectation of that acte. This done I say:

First not onlye the interior actes of faythe and religion of protestantes in England are hereticall and schismaticall but also the exterior actes of goinge to churche for service and sermons are hereticall and schismaticall because these exterior actions proceede from the interior and receive ther nature from them. Agayne the[se] be the actes instituted for publicke profession of ther heresyces and the exterior effectes of ther interior heresyces and and schismes. I thinke this conclusion wilbe graunted of all catholykes.

I say 2^{ly} that the goinge of catholykes to service and sermons with heretykes is an exterior hereticall and schismaticall acte because it is the same which protestantes doe externallye and differethe onlye in this that in protestantes it proceede the from ther internall heresyce, which it doth not in catholykes, and therfore in these [f. 62^r] it is not an externall profession of ther internall heresyce as it is in the other, but notwithstandinge this it is schismaticall. Agayne this acte is commanded to be done and executed by heretykes which intend noe lesse by it then they intend in ther owne goinge, and it is executed onlye to fulfyll the heretykes commandment; therfore as the heretykes wils are hereticallye and schismaticallye affected in the commandment of this acte soe this acte is hereticall and schismaticall, as the hand should trulye be sayd to comyte ane acte of heresyce and schisme when it dothe anythinge at the commandment of the will therby intendinge heresyce or schisme. Agayne yf a catholyke in harte throughe feare or torture should offer incense to an idoll as S^t Marcellus did,²¹⁷ this exterior acte were an acte of idolatrye, so in lyke case here. Of this opinion is F Persons in 4 conclusion.²¹⁸

I say 3^{ly} that goinge to churche with protestantes is not onlye an hereticall and schismaticall acte but also yt makethe the catholykes that goe schismatykes because everye hereticall and schismaticall acte voluntariely done makethe the doers thereof at least schismatykes as the exterior acte of fornication makethe the doer of it a fornicatour, tho he did it merelye throughe feare and with dislyke of that synne. The same of murther etc. But because this and the former conclusions are more at large proved in a litle dialogge written by a catholyke preeste a yeaere agoe²¹⁹ and is not

217 Marcellinus (†304) offered incense to idols during the Diocletian persecution. See J.N.D. Kelly, *The Oxford Dictionary of the Popes* (Oxford, 1986), 24-25.

Repenting shortly thereafter, he suffered martyrdom. The records of the Pseudo-Council of Sinuessa, fabricated at the beginning of the 6th century, stated that Marcellinus presented himself to a council after his fall, but the council refused to try him on the grounds that "prima sedes a nemine iudicatur" [the first see is judged by no one] (Lactantius, *Notitiae Biographicae necnon et Bibliographicae de Sanctis Pontificibus Romanis Marcellino, Marcello, Eusebio, Melchiade, et de Rheticio Aeduensi Episcopo* [PL 6: 20A]). After a considerable interregnum, Marcellinus was succeeded by Marcellus (†308) with whom he is often confused.

218 Persons, *Brief discours*, ff. 64^v-66^r.

219 Presumably written in 1587, this tract remains unidentified.

much necessarye for our purpose I will let them passe. To his examples I answer that never one of them admitt errorrs or absurdities in allowinge these cases for they be not lyke this case of goinge to churche which are now dispute[d] of, as I shewed before. [f. 62^v]

The 9 Chapter whether the comfortoures protestation take away scandall and other synnes or noe

The advertiser, in his 6 conclusion and in his addition to the 6 preestes letter, saythe that "it is very greevous synne to frequente the protestantes churches in tyme of ther service, sermons etc. only by reason of scandall and symulation, and that he was ever synce his cominge into England of this opinion, which two synnes he saythe are taken away by his 4 observations. Fyrst by not prayinge with them; secondly by not communicange in any of ther sacramentes; thirdly by exhibitinge noe reverence at all; and forthly by makinge his publyke protestation that he comethe not for any lykinge he hathe of the service, sacramentes sermons etc accustomed used in that place but only to give a sygne of his allegiance and dewe loyalte to his prince."

First it is to be noted that to make publyke protestation of our meaninge and cause of cominge to a place is noe more but to declare and sett open to the hearers our secrete internall mynd and affection. Note 2^{ly} that a subjecte may be commanded to doe a thinge that is unlawfull for sygne of allegiance and loyalte to his prince, and the synne and unlawfulness of that acte is not taken away by this that the prince commandethe it to be done for shewe of allegiance, as the great turke might command anye christian subjecte under him uppon his alegiance to fyghte agaynst the churche of god in unjust wares, the christians acte should be synne yf he did fyght [f. 63^r] notwithstandinge he did it for a sygne of his allegiance. Note 3^{ly} out of F Persons in his 2 reason,²²⁰ that we may comyt this synne of scandall three diverse wayes, fyrste by inducinge others to synne by our synfull example or by our wordes etc; secondly by offendinge the weake consciences of our neyghbours when we doe a lawfull thinge of yt selfe; 3^{ly} by gevinge the adversaries of god and his churche occasion and cause to mislyke blaspheme, condemne or thinke worse of Christe and his religion. Now I say:

To goe to churche with the advertisers protestation takethe not away from the acte of goinge nether scandall nor any other synnes; fyrst because goinge to churche as the prince commandethe is a synne of it[s] owne nature as I proved before, therefore it can not be done publyklye without scandall. Agayne the publishinge of this new doctryne is alreadye ether to all or to the most preestes and catholykes scandalous, therefore much more the execution of it. Agayne yf it were as it is not probablye lawfull to be done yet it is, as well in the teacher and perswader as in the practiser, a doctryne and an example wherby many simple catholykes may be infected

220 Persons, *Brief discours*, ff. 9^r-15^r.

with hearing heresy, and ether perverted or weakned in ther faythe, by reason of which inevitable daunger bothe the perswader and the doer of it give noe litle scandall to others; nay he that goethe with this protestation and after abydethe the hearinge of an hereticall sermon may easelye be overthrowne in his owne faythe, and therfore the apostles and all good men ever synce have carefulllye shuned the companye of heretykes, especiallye in the practyse of ther religion. [f. 63^v]

Nether is it sufficiente that the comfortoure sayethe agaynst this reason, in the fyrst reason of his directorye to his addition, "that this argument is not good because many thinges may be put in execution without synne which yet are subjecte unto daunger and infection, as he geveth examples ther of the beinge of seminarye men in England, by reason of which daunger some of them selves and of the lay people have denyed ther faythe and have comytted noe small synnes, and of daungers which husbandes livinge with ther wyves, and of him that defendethe his purse from a theefe with daunger of lyfe." This answer I say is not good, for as some thinges may be lawfullye executed which are subjecte to daunger and infection, soe agayne some other thinges may not, by reason of the daungers in them of which sorte this is one as not onlye by the opinions of the most and best lerned but alsoe by daylye experience, we fynde, for by hearinge service and sermons amonge heretykes we se almost all the realme to be overthrowne in ther catholyke faythe, and are become ether heretykes or litle better. This goinge to heare service and sermons therfore beinge chosen by the devill as a very ready way and a naturall meane to perverte the faythe of christians and we havinge tryall of it that it hath perverted infinite and daylye dothe perverte moe: yt cannot be denyed to be most perillous and a ready way to infection of which yf we voluntarilye adventure without godes warrantize (nay agaynst the commandment of his vicar as M^r Martin sayeth) no other thinge can be loked for but the verifyinge of godes threates spoken to this end: Qui amat periculum [f. 64^r] peribit in illo: he that loveth to come in daunger shall perishe in yt.²²¹ The beinge of seminarye men in England is not lyke. Fyrst for that ther cominge is for a blessed end which is not in goinge to heare service and sermons amonge heretykes. Agayne ther beinge here ordinarelye is noe more subjecte to daunger of synne, or denyall of ther faythe, then the beinge of other catholykes noe nor soe much nether, for that they have peculier grace and assistance of godes spirite geven them in that they are sent by god as we see in this longe tyme of most cruell persecution; nether extreame tortures nor barbarouse deaths could as yet cause almost any one to dissemble the publyke profession of ther faythe and christian dutyes, no not soe much as once to goe to churche with protestantes tho they were commanded upon allegiance and therby might have saved ther lyves. But our comfortour, for wante of due modestye and good government over his owne passions, is much delighted to examplifye in these odious matters [*answer to the 6 object.*]; and of some that have denyed them selves to be preestes, of some that have denyed them selves to be christians and such lyke, which

²²¹ Eccles. 3:26.

tho in particular cases they might lawfullye be done in such sorte as they were done, yet (the ignorant people not understandinge them) may easelye redounde to the discredite of many blessed men. This therfore is to be noted in this kynd of synne comyted by entynging or inducinge others into some actions and thinges wherin ther is daunger of synne. Ther be some thinges which be farre from daunger that it is noe synne at all to doe them, as men and women to meete in churches together [f. 64^v] at godes service, or to live orderlye in one familie in which cases tho sometymes one doth synne, yet ordinarilye men and women lyve soe without synninge, and absolutlye to do this acte is not to comyt ons selfe to daunger of synne. Some other actions and thinges ther be which are soe nere daunger that they are as it were the imediate causes and ordinarye meanes to synne, as a man to haunt the stewes and to use familiaritye with the strumpetes or beinge not cunninge in swimminge to leape into a deepe ryver, in which cases tho some escape defyinge and drowninge, yet ordenarelye all that doe them offend. Now a man may saflye without synne comyt him selfe to the former daunger, which morallye is no danger at all, but to put him selfe in the second is never or very rerelye without synne, because he castethe him selfe into the imediate cause and ordinarye meane of synne, and tho he escape synne in the acte aboute the objecte wherin the daunger stooode, yet he synneth in this that voluntarilye he castethe him selfe into that extreame perill of synne. But this may suffice for this poynt which both M^r Martin and F Persons handle more at large, and the author of the written dialoge I mencioned before.

Agayne notwithstandinge his protestacion his quiet, orderlye and soberlye heringe the blasphemyes and false realinges agaynst god his churche and the principall articles of the christian faythe must perforce not onely scandalize the people presente with him, but also all catholykes absente that here of it, that the protester a catholyke should voluntarilye come and sustayne to heare god and all [f. 65^r] halloves reviled, blasphemed, belyed and excedinglye dishonored, the devill and heresy extolled, commended and honoured for god and his truthe, and not answer in godes cause one worde, but to behave him selfe as tho he lyked all well.

Agayne notwithstandinge his protestacion the protester him selfe yf he be a catholyke must thinke that to obey the civill magistrate in any evill thinge she commandethe is a synne and soe it is to induce others to thinke the contrarye. But by his protestacion he inducethe the people to thinke it lawfull in an evill thinge to obey the prince, commandinge it to be done upon allegiance. Therfore this protestacion rather aggravatethe his synne of goinge then any whitt dothe diminishe it; for it is a synne to obey the prince for allegiance when she commandethe to be presente at service or sermons in sygne of consent to her spirituall authoritye and of conformitye to her religion, tho in wordes we proteste that in our hartes we lyke not of it and then by our protestacion we sett open to the people that tho we lyke not of her religion yet to shewe our allegiance we may obey her commandment, and by our externall acte give this sygne of consente, and conformitye to it, which thinge (as I sayd) is by our owne facte to induce the people to this absurde error to thinke it lawfull for allegiance sake to obey the prince in a damnable commandment.

Agayne his cominge with protestation must ordinarie be cause of greater realinge in the preacher which by reason of his protestation and quiet presence will enter [f. 65^v] into greater blasphemyes then otherwise he would have done, as well to vex and confound the protester as to shew that he hath no just cause to not lyke of ther religion and thus a new scandall growethe by his presence and protestation.

Agayne simple catholykes and schismatykes hearinge this protestation may therby thinke it noe great synne to come to churche with protestantes and to pray good prayers amonge them for shewe of obedience, synce the greate and manifould evils which hitherto have bene taught to be ingoinge are soe easelye taken away by a faynte protestation.

Agayne simple and tymorous catholykes which are well knowne to all ther neighbours to be catholykes in harte by this protesters facte may be induced to thinke it as lawfull for them to goe without protestation or for allegiance to receave and doe what they are commanded by the protestantes as with it, because they are as well knowne to be catholykes to all the countrey without protestinge it openly in the churche as the protester is with his protestacion or yf they be not, yet they may certifye ther neighbours that they be catholykes in harte and that they goe not to churche for any lykinge they have of the protestantes religion but meerely for shewe of allegiance at other tymes and in other places besydes the churche; and thus our comfortours protestation in truthe is not necessarye at all.

Agayne protestantes knowinge that catholykes in harte detest ther religion must ether necessarielye condemne them of intollerable dissimulation or the catholyke religion to allowe of dissemblinge as well as theirs [f. 66^r] when the professours of it will yeald to do the exterior actes which are instituted and commanded for publyke profession of the contrarye religion.

Fynallye it is too to[o] grosse dissimulation and scandall that a catholyke amonge two sortes of ranke heretykes, protestantes and puritans, in his presence at protestantes service and sermons, should soe behave him selfe that in his cominge he should not be knowne from a puritane, nor in his abydinge from ether puritane or protestante, but, by his comminge with protestation and orderlye abydinge ther after yt, he dothe behave him selfe in this sorte for all ther presence is orderlye and soberlye as the protestantes command by ther statutes, and the protestacion which our comfortoure settethe do[w]ne to be uttered in the fyrst cominge may be made as well by a puritane as by a catholyke, for ther is not one word in yt to signifye the protester a catholyke, and the puritantes resorte to protestantes service not for any lykinge they have of it but merelye for to shewe a sygne of ther temporall loyaltye as the catholykes doe. Therefore ther dissimulation is all one, and notwithstandinge his protestation the catholyke may as well be thought to be a puritane as a catholyke. And tho these argumentes may seeme to have litle force to the cavelinge conceipte of a sophister because they are not mathematicall demonstrations, yet to every man of good judgment that considerethe morall things moral-lye and as they comonlye hap, the[y] are sufficiente and effectuall to prove my purpose agaynste the advertiser, supposinge ther were noe more synnes in this acte

of goinge to churche with protestantes but onely [f. 66^v] scandall and dissimulation as he saythe, for noe wise man as the philosopher affyrmethe will looke for mathematicall demonstrations in morall doctryne, but hould that for certayne, and as it were necessarye, which doth often and ordinarieye fall out in mens actions. But who as lystethe to reede M^r Martins treatise of schisme and F Persons reasons of refusall, and Doctour Bristowes motive 32 shall playnlye perceave that all these learned men did espye and fynd besydes these 2 many moe synnes in goinge to churche with protestantes. And because F Persons in this poynte of the protestation, houldethe directlye (as our comfortour confessesthe) contrarye to him and for that I ame not able to sett downe the same mater soe effectuallye or so pythelye as he hath done alreadye, I will wryte his owne verye wordes, that therby you may perceave the advise of a wise man and avoyde the deceites of a wrangler.

Thirdlye (sayethe he) "it followethe that a man may not goe to churche under any vayne pretence as pretendinge that he goethe onely for obedience and not for anye lykinge he hath to ther service, yea although he should protest the same openlye, for that protestation should rather aggravate then diminishe the synne, seinge that by this protestation he should testifye to the whole world that he did a thinge agaynst his conscience, as yf a man should protest that he did thinke that to rayle agaynst the Pope at Paules crosse were nought, yet for obedience sake (beinge soe commanded) would doe it; the which was [f. 67^r] Pilates case, who protested fyrste that he thought Christ innocente, and therefore soughte to delyver him, but in the end, fearinge the displeasure of the Iewes and ther complaynte to the emperoure, washed his handes and soe condemned him thinkinge by that protestacion to have washed off the synne and to have layd it on the Iewes neckes which compelled him therto. But I thinke by this tyme he hath felte he was deceaved, for when a thinge in yt selfe is nought no protestacion can make it lawfull, but rather makethe the doer of it greatlye to offend by addinge to the unlawfullnes of the thinge the repugnance of the doers conscience. But you will perhaps say, to goe to the materiall churche is not a thinge evill of it selfe. I answere and graunte that it is true, but you must not single out the mater soe; for in this one action of goinge to churche ther be many thinges conteyned, wherof the whole action is compounded as for example, ther is the materiall churche, the possession of the same by the enemye of the catholyke religion, the service and sermons in reprofe of the same religion, the dayes and howers appoynted for the same, the bell ringinge and publiclye callinge all men thither, the princes commandment for the catholykes to goe to the same, the end of the commandment in generall, that they by goinge should pray with them, allowe of ther service and by ther presence honour it. Then is ther the perill of infection, the scandall wherbye I offend other mens consciences and perhaps bringe divers others to be corrupted by my meanes; the dishonoringe [f. 67^v] of godes cause; the honoring of his enemyes cause; hearinge god blasphemed and houldinge my peace. Semblablye there is the conscience of the catholyke that thinkethe he dothe nought; the explication of the churche that it is not lawfull; the mater now in tryall; and the unlawfulness of it defended bothe by wordes and by

writings of learned men and by imprisonment of many other; the controversie nowe knowe[n] to all the world, many thousand mens eyes fyxed upon them that are called in question for it. The protestante wheras he esteemed nothinge of goinge to churche before yet now soe desyrous to obteyne it that he thinkethe the yealdinge in that one poynte to be a sufficiend [sic] yealdinge to all his desyres, the which thinge one the other syde is soe detested of the true catholykes that whosoever yealdethe to this they thinke him a flate schismatyke and soe abhorre him, and by this meanes the mater is made a sygne distinctyve betwixt religion and religion, wher of agayne yt followethe that yf the thinge were much lesse then it is (as for example the houldinge up of a finger) yet because it is made, tessara: a marke, taken, or sygne of yealdinge to ther procedinges in religion, it were utterlye unlawfull; as yf a man should lyfte up a strawe to the devill in token of obedience it were as much as yf he did word by word deny his creede. These poyntes and manye moe that might be thought of beinge put together and one intyre action made of them, the question is whether this intyre action of goinge to churche with these annexes [f. 68^r] be of it selfe unlawfull or noe, and everye wyse man will thinke it is; nether yf you could by some devise plucke from this action one or two of these thinges must we thinke that by and by the action were lawfull. As for example yf by a protestation you could signifye that your mynd were not in goinge thither to consente to ther service as also that the princes mynd to you in particuler were only that you should goe for temporall obedience sake; yet were not by this all the matter amended for yf a peece of meate were venemous for ten causes concurring together, yf you should take away two of them and soe eate it, you must for all that be poysoned therwith."²²² Which wordes, when I had redd and well considered both how true and wise they were, I not onlye mused that our comfortour could attempte his daungerous enterpryse for feare of his owne certayne discredite and the peoples damnation, but also I was ashamed of all my owne labours taken in this poynt, seinge this reverente father (who for his knowledge, joyned with his wisdom and vertues, may justly be sett in the second place, after carefull Joseph and withall princlye Moyses the chosen father and saviour of our countreye) hath in these fewe wordes most effectuallye couched all the whole mater together, which my slender skylle hath bene almoste a whole fortnight a doinge.

In this good fathers discourse our comfortoure [*answer 20 object.*] cavelethe of one thinge, that is of Pilates case, sayinge that "Pilate did synne agaynst his owne conscience but he that goethe to churche with protestation doth that which his conscience telleth him his [sic for "is"] lawfull. And agayne that "that which Pilate did was a most wicked and damnable facte. [f. 68^v] But to goe to churche with protestation is a lawfull acte." But this is a mere evasion and noe true answer at all. For Father Persons compareth not Pilates case to this, as this is a goinge to the materiall churche, which is not evill of it selfe, but to him that goethe to service and sermons for obedience to the prince, when by her commandment she intendeth

²²² Persons, *Brief discours*, ff. 59^v-62^r.

that catholykes by goinge should pray with her protestantes, allowe of her service and spirituall authoritye and by ther orderlye presence honoure it; which thinges beinge evill of them selves as Pilates facte was cannot by a smothe shifte of protestation be made lawfull. And therefore the doinge of it notwithstandinge the protestation must be agaynst the protesters conscience, unlesse that by the advertisers perswasion and instructions his conscience be soe enlarged that it makethe noe boanes at these synnes, but without any remorse at all can swallowe them as faste as they come, to which wofull state yf he find by experience that he hath brought his protestinge disciples, let them all beware in tyme, lest godes wrathe fall sodenlye uppon them, voluntarilye perverted, and chieflye upon him the perverter of simple soules.

The 10 chapter whether ther be any decree of the churche that forbiddeth goinge to hereticall service and sermons or noe

The comfortour in his addition (answere to the third objection) saythe "the consolatorye letter²²³ affyrmethe in deede that it is agaynst canons of the churche and decrees of many generall counsels, and soe alsoe have [f. 69^r] avouched the two learned men G.B. and E.D. my adversaries herein,²²⁴ but it is a meere callum[ni]e and the contrarye a most certayne veritye"; and after he hath cyted divers canons of counsels (which he saythe are soe cleare for him and soe playne agaynst the adverse parte as nothinge can be more) he endethe thus: "thus thou maist see evidentlye gentle reader that nether the canons of the apostles nor the decrees of counsels are agaynst goinge to churche as in such sorte as my advertismente prescrybethe, but onlye agaynst those that pray or comunicate with excommunicate persons, and consequentye they doe moste shamefullye abuse thee whosoever avouchethe the contrarye; and, yf my adversaries can alleadge or shewe any other canons or counsels for ther purpose then these, let them name the canons and counsels and bringe the verye wordes as I have done and then beleve them and not before in the meane season credite me because I deale syncerlye with thee."

I say fyrst that the comfortours demand and cravinge credit is verye unreasonable, for yf any should in the meane season beleve him in this dangerous poynte it standinge in controversye, and he nor certayne of the truthe of his owne opinion and after, by his adversaries, as he will have his brethren to be, it could be shewed that his opinion were agaynst some decree or canon of the churche, they must then perforce change ther belefe and credit and thinke them selves not onlye nodyes for

223 Most likely this is a reference to H.B., *A consolatory letter to all the afflicted Catholykes in England* (Rouen [vere Arundel House, Strand, London], n.d. [between 23 March 1587 and 12 November 1588]), ARCR 2: no. 33, RSTC 1032.

224 G.B. is almost certainly George Blackwell who had earlier cooperated with Robert Persons in the rebuttal of Langdale's teaching. Is E.D. therefore Persons himself? Or is E.D. the Elizabethan secular priest Edward Dakins (1554-?1610)?

belevinge him soe rashlye but alsoe condemne him for a dangerous deceaver that in a mater of so greate weight would be [f. 69^v] be [sic] credited at the fyrst before all his brethren and thus wilfully hazard to bringe christian soules by belevinge him for a tyme into daunger of damnation.

I say secondlye that noe wise or vertuose man ether will or ought to beleve the comfortour when he saythe that presence at hereticall service and sermons is not forbidden. For he provethe not his assertion any whitt probablye, for his profes stand whole upon negatyves thus, these and these and these decrees which I bringe and alledge doe not forbid it, therefore it is nor forbidden by any decrees at all, or if it be let the adverse parte shewe the wordes, which kynde of negatyve can never be effectuallye proved unlesse he did knowe all the decrees, canons and prohibitions that are now extante and that ever were made and are perished as verye many have bene or els had some certayne and infallible decree that ether should affyrme presence at service with heretykes to be lawfull or els that it was never prohibited. But as it is impossible for him to knowe the fyrst, soe it is as impossible to shewe the second; for yf a man should saye thus, noe man buylded this house and after prove it thus, Peter did not, nor John, nor Paule, nor any man that I can bringe, therefore noe man did buylde it; or if you say a man did buylde it, shew who he was by name, or els beleve me in the meane season for I deale syncerelye with thee, this were noe probable profe at all, unlesse ether he that denieth any man to have buylded it did knowe all men and that never one of them buylded it, or els had infallible testimonye of some other that it was not buylded by any man, for [f. 70^r] want of which sufficiente prouffes for his owne negatyve he flyethe from it to will the adverse parte to prove ther affyrmatyve sayinge as you heard: yf my adversaryes can alledge or shew any other canon for ther purpose then these lett them name it. Wherby you see he faylethe in his owne proufe and is not certayne whether his adversaryes can bringe any canon or prohibition agaynst him or noe, by reason wherof and for that he cannot shewe any for him selfe which affyrme that it is lawfull to goe to hereticall service he reasonethe without all probabilitye in this poynte and with extreame daunger perswadethe the execution of the same.

I say 3^{ly} that all good and wise men ought to presume that ther ether is or hath bene some canon and prohibition that catholykes be not presente at hereticall service, fyrst because comon presumption by daylye practyse of the contrarye standethe in force and ought to be credited untyll the contrarye be manifestlye proved, as yf a man would come furthe and say that I possesse my landes not justlye, I ame to presume that I justlye possesse them untyll he evidentlye prove the contrarye. Agayne we ought to presume this to be soe because this same is very constantlye affyrmed by many learned men that it is agaynst the canons of godes church to be presente at hereticall service, which argueth that ether ther is, or ther hath bene, some prohibition in this case.

And fyrst S^t Clement disciple to S^t Peter recordethe²²⁵ [l. 5 ca 4 constit apost] that the apostles did forbid christians to be presente in hereticall conventicles and did

225 Torres, *Apostolicarum Constitutionum*, bk 5, c. 4, p. 60.

charge them to abstayne from ther felowshipe by all meanes and to avoyde [f. 70^r] them lest the[y] intangled ther soules in hereticall snares.

Agayne in holy scripture [Titus 3.] the Apostle saythe, avoyde an heretyke after the fyrst or second admonition,²²⁶ and speakinge of heretykes to the romaynes [Rom. 16.] he saythe, turne asyde from them or shune them.²²⁷ And to the Corinthians [1 Cor. 5.] I wrote to you (saythe he) not to keepe companye with a christian that is a fornicatour or foule speaker.²²⁸ And to the Thess [2 Thess. 3.] he saythe, we denounce unto you in the name of our lord that you withdrawe your selves from christians that lyve unorderlye.²²⁹ And the prophet of god [Amos 5.]²³⁰ saythe, enter not into Galgill and goe not up to Bethamen, that is the idols house. And Moyses [Num. 16.] saythe to the people, departe from the tabernacles of these schismatykes lest you be inwrapped in ther synnes.²³¹ And fynallye the apostle [1 Cor. 10.], flye you from the worshipinge of idols.²³² By which places and infinite moe in holy scripture, it is playne that this presence with heretykes is forbidden.

But our comfortour saythe to all these: that they are noe commandmentes but counceils of higher perfection, but this is his owne dreame not yet received by the churche, nor approved for currante by any good man. And what yf they be flate preceptes, not onlye as Cardinall Allen, Doctor Bristowe, M^r Martin and the learned in Rhemes affyrme in the 1 cor 10 and 2 cor 6²³³ sayinge and generallye here is forbidden etc. as I noted in the 6 chapter before, but alsoe, as everye christian ought to presume them to be, as longe as the case is doutfull and extreme daunger in doinge the contrarye, are not then the comfortour with his disciples in a folishe paradise. We see that in the [f. 71^r] example of Core and Dathan ther abydinge amonge those schismatykes was a participation of ther synne and not onlye a transgression of the commandment wherby they were bidden to departe, for Moyses sayd, recedite ne involvamini in peccatis eorum: departe lest you be inwrapped in ther synnes, that is rebellion and schisme.

Agayne Euseb l. 6 ca 3 sayth that Origene²³⁴ coulde never be induced to be present at prayer and divyne service with Paule and [sic for "the"] heretyke, for that he straitlye observed the canon of the churche;²³⁵ therefore it is most probable that once ther was a canon which forbade presence at prayers with heretykes tho perhaps the same can not be shewed now, and as I sayd we are to presume that ther is one styll in force untill the contrary be proved.

226 Titus 3:10–11.

227 Rom. 16:17.

228 1 Cor. 5:2.

229 2 Thess. 3:6.

230 Amos 5:5.

231 Num. 16:25–27.

232 1 Cor. 10:14.

233 1 Cor. 10:14; 2 Cor. 6:14–18.

234 Origen (ca. 185–ca. 254) was an important and influential Biblical exegete and theologian.

235 Eusebius, *Historia Ecclesiastica*, bk 6, c. 2 (PG 20: 522–23).

But the comfortoure answereth thus to the 4 objection that "Origene was called an exacte observer of the canon not soe much for that he would not doe any thinge flatlye prohibited by the canon, as for that he would not doe anye thinge which had but a shewe or semed agaynste the canon." Is it not very good reason we should beleve our comfortoure that with soe great facilitye can shifte of a place which in expresse wordes makethe agaynst him. M^r Martin and F Persons understand this facte of Origene to be accordinge as the canon of the churche commaunded him, and that yf he had bene presente at prayers with the heretykes he had offended agaynst the canon. Now if our comfortour would carye away the credite from them, and that we must thinke all to be not as they but as he affyrmeth, tho the wordes make more for them then for him, he must shewe us better reason then he dothe [f. 71^v] and he must further knowe that with us he hath not soe much credite as he hath with his owne disciples, that we can beleve him uppon his bare worde before them to whom we knowe he is not comparable in any good respecte, especiallye (I say) the wordes makinge directlye forthem and wraisted violentlye to his sence without any lyklee hood at all.

Agayne these two lerned men M^r Martin in his preface²³⁶ and in his 3 chapter²³⁷ and F Persons in his 4 reason²³⁸ affyirme that to be presente in hereticall conventicles at ther service is prohibited by the canons of the churche.

Agayne besydes the generall opinion of all catholykes this day that this is forbidden, Franciscus Panagorolla,²³⁹ one of the most famous men in christendome, in his 19 lecture at Turyne before the duke of Savoy affyrmeth the same sayinge thus: "thou wouldest both be ashamed and afrayd to be seene in the house of a traytour to the prince. And hast thou then nether shame nor feare to be seene enter into the prophane temples of the enemyes of god and his holye churche? If thou didest fynd thy syster or thy wyfe in the midst of the stewes which would excuse them selves with sayinge they wente thither to behould what the strumpetes did, would ther acte please thee, or would thou approve ther excuse? I beleve verelye thou wouldest not, and wilt thou then that god shall have the[e] excused when thou goeste to behould in the house of heretykes. Besides this ther be expresse censures of the churche agaynst it but of them I dispute not now; that which now I reason [f. 72^r] of (and I cannot reason of it but with greate disdayne) is that catholyke men in hereticall countreyes doe not onlye enter into ther temples, but also they abyde styll to heare them preache, and to knowe falshoode by the mouthe of one of the devils ministers. And is this to be [word deleted] a catholyke? And is this to be a christian? O wretches yf you doe this to dissemble your true faythe you deny Christe before men. Yf you doe it of curiositye good god what grevous synne

236 Martin, *Treatise of Schisme*, sig. **v^v-vi^r.

237 Martin, *Treatise of Schisme*, sig. Eviii^v-E^r.

238 Persons, *Brief discours*, ff. 24^v-27^r.

239 Francesco Panigarola (1548-1594), preacher and controversialist. In 1586 Sixtus V appointed him titular Bishop and Coadjutor of Ferrara; in 1587 he was transferred to Asti.

commyte you? What great censures doe you incur? And to what great perill doe you comyte your selves? And who knowethe whether a litle poyson will enter or noe? And whether a litle of ther pestilence wilbe gathered or noe? Would you abyde wher your wyfe is defyled? Would you abyde wher your prince is revyled? O unfortunate men, and why then goe you of purpose, wher you knowe that the honor of god is blasphemed, and wher are made invectyves agaynst his spouses and his blessed sayntes?"²⁴⁰ Wherbye you se amonge other thinges which he affyrme to make this goinge and abydinge at hereticall service and sermons unlawfull, one is for that it is forbidden under the censures of the churche. Hereupon we may conclude that tho the comfortour doth see no prohibition by the churche in this poynte, yet that these lerned men did knowe of some which as yet the comfortour hath not redd nor heard of, or els that some extente and alreadye knowne to him is otherwise understand [sic] by them then the comfortour understandeth it. In which dangerous case all men that have care of ther soules will forsake the [f. 72^v] comfortours singularitye and cleave fast unto ther safe opinion, yea and the comfortoure him selfe, yf he have any sparckle of the feare of god and humilitey, will not give all these the lye but rather trulye thinke of him selfe that he hathe bene overseene to sett abroad these poyntes of doctryne agaynst soe many good men. But what yf M^r Martin, F Persons, Panagorolla and all the learned catholykes which approved ther interpretations doe understand not onlye prayer but also presence at prayers with heretykes to be forbidden by the 63 canon of the apostles, wher it is sayd "yf any of the cleargie or laye man shall enter into the Jewes synagoge or the conventicle of heretykes to pray with them, let him be deposed and excommunicated," shall we discredite them all and preferre the comfortours interpretation before theirs?²⁴¹ This were a meere follye, and of the two we must rather thinke them to understand it rightlye then he, especiallye we havinge the practise of Origene recorded and commended not onlye in refusinge to pray with an heretyke but also to be presente at prayers with him because he observed ether this or some other canon forbiddinge presence.²⁴² And in very deede yf we consider the wordes of this canon, they must probablye seeme to give this sence, that noe catholyke may lawfullye be presente at the prayers of heretykes and Jewes, for they are thus. Yf any enter into prayer with them as M^r Martin nothe out of the greeke which is all one as to say, yf any enter with them to prayer [f. 73^v] that is at tyme of ther prayers and in this sence corporall presence is forbidden at the prayers of heretykes, and I see noe reason why this sence should not be received before the comfortours, because it more favoerthe the puritey of Christian religion and the saftye of our soules then his, and this without all controversye to be thought the true sence of

240 Panigarola, *Lettoni sopra i Dogmi fatte ... in Turino alla presenza, e per comandamento del Serenis. Carlo Emanuele Duca di Savoia* (Ferrara, 1585), Lecture 18, ff. 323^{r-v}.

241 Hardouin, *Acta conciliorum*, 1: 25–26, canon 63.

242 Origen, *Homilia XLII* (PL 95: 180D–81A); *Fragmenta in Epistolam ad Titum* (PG 14: 1303–306), *passim*.

this canon, yf to this probable exposition and to Origen's facte we joyne the preceptes of the apostles or ther councells as the comfortour calleth them, wherby in holy scripture they will us to separte our selves and to shune heretykes lest they overthrowe our faythe, and not to say soe much to them as we, god speede, lest thereby we communicate in ther malignant workes. Yf we consider all these thinges together, I say we shall have farre more probabilitye to thinke that by this canon the[y] forbid not onely prayer with heretykes but alsoe corporall presence at ther prayers then ever the comfortour shalbe able to shewe, for the contrarye for daunger of infection and participation with them (for which two causes principally in ther epistles and canons they did ether forbid or counsell us to avoyd heretykes) are not soe much to be feared in prayinge catholyklye amonge them as the[y] are in the voluntarie cominge, abydinge and hearinge ther service and sermons; for yf ther be noe daunger of these in beinge orderlye presente and gevinge care to ther lyes and blasphemyes, surelye ther can be none at all, but as it were great securitie in not attendinge what they doe or say, and in the tyme of abydinge amongste them to occupye our selves in devoute and fervente catholyke prayers. As for Judaicall and [f. 73^v] hereticall prayers they be evill of them selves aparrantlye and neede noe such straye prohibition, wherfore not only prayer but also to enter into ther conventicles beinge included in the canon it is most probable that they forbade that cheiflye wherin most daunger stode, which is to enter in with them, and not that onely wherin ther is litle or noe daunger at all which is to pray amonge them; and thus these lerned men and all generalllye understand it. But what yf we manifestlye confound the comfortoure with his owne sworde and effectuallye prove that the very presence at hereticall service and sermons is prohibited by the extravagant of Martinus 5 which he to noe purpose alleadged for him selfe against us. Ys he not then greatlye overseene to wante soe gloriouslye of the certaynty of his owne opinion or for desyre of a vayne puffe of popular credite to affyrme "all his brethren, yea M^r Martin, F Persons, Panagorolla and whosoever els, most shamefullye to abuse the people when they tell them that the decrees of the church prohibite presence at service with heretykes." I trust him selfe will have grace to confesse thus much.

The extravagant therefore in expresse termes is thus: "we will that from the comunion of such they separate them selves accordinge to the canonicall institutions." By which wordes it is manifest that christians by this institution are prohibited to communicate with some persons in respecte of whom the anciente canonicall institutions styll stande in force notwithstandinge this decree. Now let us see who these persons be. This is declared in the wordes immediatlye goinge before which are these: "noe man [f. 74^r] is bound to keepe ecclesiasticall interdiction unlesse that sentence, prohibition suspension or censure be promulgate and denunciate speciallye of a judge agaynst some certayne person, colledge, universitie church or place or yf it apere not soe certaynlye and manifestlye that the sentence of excommunication is incurred, that it can not be hidden by any meane nor excused by any remedye of the lawe, for we will that from the comunion of such etc." as

before. These therefore are the persons from which catholykes are by decrees of the church commanded to separate themselves and to have no communion with them as the old canons appointed, neither in divine offices as Navare cap. 27 n. 19. 20 and all without contradiction affirm, ²⁴³ nor in their prayers either saying or hearing; but it is knowne certainly and manifestly to all christendome that our protestantes in England are heretykes and generally excommunicated in Bulla Caenae, and particularly by Pius 5. Therefore by vertue of this extravagant all catholykes are bound to separate themselves from participation with them in *divinis quam extra* [both in divine worship as well as outside of it]. And if they can not in civill conversation avoyd them this is excused only by extreme and inevitable necessity, as Nav saythe, which cannot excuse them in *divinis*, for that to participate with them in these is to participate with them in *delicto* in the crime that is heresy and hereticall religion for which they have incurred excommunication.

Yf the comfortour objecte that his observations are that they be only present with them at service and sermons and that they participate with them in neither and therefore [f. 74^v] they incur not any censure, I answer as I did before, that by this word, participation, is not ment in the canons only saying of service or receiving sacramentes with excommunicate persons, but also being present or hearing these things in the same place with them, as all canonistes without contradiction doe declare. Nav. c. 27 n. 19. 20. 31. 36. Silv. Cajet. verb. excom. ²⁴⁴ Now then it beinge moste certayne and true as appereth by this extravagant, yf there were no more which M^r Martin in his preface affirmeth, ²⁴⁵ that our Elizeus dothe not only give us no leave to goe to church with heretykes, but also doth command the contrarye, and that as Navare saythe c. 27 n. 36 ad. 4²⁴⁶ all that participate with excommunicate persons as these heretykes agaynste the precepte of the lawe and judge doe not only synne mortallye but withall incur the greate excommunication, it must consequentlye followe that all that goe to hereticall service and sermons with heretykes synne mortallye and are excommunicated, as M^r Martin, F. Persons and Panagorolla affirmed, not only by Pope Martinus extravagant but by the ancient canons of the church. Herupon alsoe it followeth that the catholyke preestes which tell the people that it is agaynste the canons of the church to be present at service with heretykes doe in no wise abuse them, but are styll to be beloved and followed agaynste the comfortour, for that they deale with them syncerely in deede and saye, and the comfortour ether ignorantlye or fraudulentlye and most daungerouslye to the destruction of christian soules. ²⁴⁷ And that the

243 De Azpilcueta, *Enchiridion*, cap. XXVII, nos. 19, 20, pp. 833–34.

244 De Azpilcueta, *Enchiridion*, cap. XXVII, nos. 19, 20, pp. 833–34; nos. 30, 31, p. 838; no. 36, pp. 840–42; Prierias, *Summa Sylvestrina*, Excom. V, no. 4, p. 368; Cajetan, *Summula Peccatorum*, 299–300.

245 Martin, *Treatise of Schisme*, sig. *iii^v.

246 De Azpilcueta, *Enchiridion*, cap. XXVII, no. 36 (“Ad quartum, de participandis cum excommunicato contra praeceptum iuris ...”), p. 841.

247 Hardouin, *Acta conciliorum*, I: 11, canons 10 and 11.

catholyke reeder may knowe his dealinges [f. 75^r] whether they be sincere as he vaunte the or noe, I will sett downe one of his flighty conveyances which I note in the explication of the extravagant[s] answer to the 15 ob. and in his terrible Epilogus. He saythe "the generall councill of Constance and Pope Martin have decreed that hencfurthe none is bound to avoyde the companye of any heretyke or schismatyke, whether it be abroad or in ther divyne service or sermons, unlesse such one be denounced speciallye by name, of which sorte we have fewe in England." In which wordes one too to[o] grosse evill parte is that he sayethe that by this extravagant we are not to be bound to avo[y]de the companye of an heretyke or schismatyke, unlesse such one be denounced speciallye by name, wheras the extravagant addethe another limitation, that is unlesse it apere certaynlye and manifestlye that the sentence of excommunication be incurred etc., which because it touchethe our case directlye in England and makethe agaynst him he smothlye concealed and passed over. Agayne he sayth we are not bound to avoyde heretykes in ther service and sacramentes as the pope had geven us leave by this constitution to resorte to hereticall service with heretykes, where in deede the extravagant hath nether heretykes nor ther service, but these wordes (of any in administringe or receavinge sacramentes or in other divine office which are catholyke service and sermons and therefore makethe noe thinge for him at all. But all his paultrye shiftinge he usethe to make the ignorant beleve that by this decree catholykes have libertye to [f. 75^v] participate with heretykes in ther hereticall service and sermons, which noe man that hath grace will beleve or imagine to be the churches meaninge, but this onlye that her catholyke children might without scruple or danger heare catholyke service, notwithstandinge secret excommunicate persons for any cryme were presente at the same.

The 11 chapter whether F Persons in his reasons of refusall doe contradicte him selfe or noe

The advertiser is his terrible Epilogus to the adverse parte saythe thus: "the authour of the reasons of refusall, which is the onlye pillar and foundation of the adverse parte, is of the selfe same opinion with me for better explication wherof I will conclude this tracte with a breefe collation of his owne positions and groundes, by which conjunction of place to place yt shalbe evident that when he semethe to discente from me, he swarveth from his opinion, confutethe him selfe and is altogether one my syde." In the 4 page he saythe yt was debated by xii lerned men at Trente, and determination geven that one might goe to churche to do some meere temporall acte, as to beare the sworde, and in the same leafe he confessethe that this was the flate case of Naaman. And in the 62 pagell [sic] he saythe that ther is one onlye thinge which as divynes judge myght make goinge to churche lawfull, which is yf anye goe thither for some meere particuler knowne [f. 76^r] temporall busynes as to beare the sworde. In these places the authour confessethe that my opinion is good as which is consonant to holy scripture in the case of Naman, and is approved

not only by the verdicte of xii lerned men of Trente but also by the judgment of all the divyns in the world. For yf subjectes may goe to churche in tyme of service, for to consult of maters of warre at her majestyes appoyntment, they may alsoe goe at her gracious commandment for to give a sygne of allegiance to redeeme ther xxth a monethe, because all is in the one which is in the other, wherfore the author of refusall, grauntinge the one and denyinge the other, is agaynst him selfe and not agaynst me."

To this I answere the author of refusall speakethe consequentlye to him selfe and is directlye agaynst our comfortour, which he can not conceive because he is blynded with an Idoll of his owne concepte and selfe lykinge. It is not lyklye but that ether Father Persons him selfe, or some frend for him, or at the furdest now after the comfortours admonition some of us should espye these contradictions yf ther were anye, he grauntethe therfore that it is lawfull to goe for a meere temporall respecte as Naaman did or as the sworde bearer dothe. And he denyethe that for any allegiance a man may goe to heare service or sermons. For these be not meere temporall respectes but spirituall, bothe of ther owne nature, and as the prince intendethe them, as I [f. 76^v] have oftentynes sayd before.

The second contradiction is for that in the 59 page he saythe to goe to churche onlye for obedience and not for any lykinge he hathe of ther religion tho he proteste the same openlye is for all that unlawfull, and the protestation should rather aggravate then diminishe the synne. Loe he semethe to be agaynst me but he is agaynst him selfe, for yf he may goe for a meere temporall respecte then may he much more goe for the same protestation, unlesse the confession of religion be a furtherance to dissimulation in religion which is impossible.

I answere F Persons is styll conformable to him selfe and the comfortour dothe not understand him, for he that goethe to churche at the princes commandment for a meere temporall end his action is specified and determined by the end and soe remayneth mere temporall. But he that goethe at the princes commandment for a spirituall and a religious end as to heare service and sermons his action is limited by that end and remayneth spirituall and religious; and the protestation that he comethe not for any lykinge rather aggravatethe his synne as I sayd in that he makethe yt knowne to the people that he thinkethe it lawfull to obey the princes commandment, when she under obedience commandethe a religious action. The same answere solveth alsoe the third contradiction.

Agayne he saythe the author of refusall in the 15 page affyrmethe that to goe to churche is a sygne [f. 77^r] distinctyve in religion, and in the 17 page he saythe "the world this day doth thinke the abstayninge from protestantes churches to be the onlye externall sygne of a true catholyke. But in deede he is both agaynst him selfe and all the world besydes, tho he seeme to be agaynst me with all the world. The fyrst because in the 39 page he affyrmethe that puritanes doe in ther writings sermons and private speaches utterlye condemne the service which now protestantes have and thereupon doe refrayne from yt as much as catholykes, loe the puritans by his owne confession doe abstayne as much as catholykes, and therfore it is as

well the sygne of puritanes as catholykes, and not onlye the distinctyve sygne of catholykes, unlesse, which god forbid we shall repute puritanes and catholykes to be of one religion. Secondlye he is agaynst all the world herin, for yf to abstayne from protestantes churches were the onlye externall sygne of a true catholyke, then should both Turkes and Iewes be true catholykes as who nether doe nor will come at the protestantes churches."

I answere the author of refusall is consonant to him selfe and the comfortour doth not understand him, but wranglethe lyke a yonge sophister. The absteinyng from protestantes churches is a sygne distinctyve as he proved. To the puritans I say that they abstayne not in such sorte as the catholykes doe. Manye of them abstayne altogether from the protestantes service, yet in sermons, and the comunion they joyne with them and practyse some partes of ther comon prayers. Agayne tho the moste of them dislyke [f. 77^v] and condeme the booke of comon prayer, and abstayne from it as catholykes doe, yet when the prince commandethe them to goe to churche to service ther is not one of them but he will obey and dissemble for the tyme, which to doe onlye catholykes refuse, and these wayes abstayninge to goe remayneth a distinctyve sygne of a true catholyke onlye. To that of Iewes and Turkes I answere, that it is not lyklye that our comfortour affyrmethe this of anye experience or knowledge he hath of ther doinges, but only makethe conjecture at his pleasure. Agayne I thinke ther be none of these residente in England of which onlye the author of refusall speakethe and of that which in this realme is an externall distinctyve sygne betwene catholykes and protestantes. Agayne yf any such miscreantes have intertaynment within this realme as heretykes of all sortes have, and they most welcome which are furdest from Christe and most furious agaynst his churche, yet nether are they commanded to goe to protestantes churches and service, but with great favoure and priviledge lycenced to have ther owne synagoges, nor (yf not this) they are any whit noted whether they refuse or noe, the civill magistrates not much regardinge what religion florish soe the true catholyke faythe be extinguished.

The 5 contradiction is in effecte the same with the fyrste and the same answere solveth it. But in the ends of this contradiction our comfortour telleth us a pretye fable, that forsoothe Pope Martinus 5 did dispense with goinge to churche in the generall councill of Constance [f. 78^r] almost 200 yeares sythens for which fable I wishe you would grante his request, this is to beleve him agaynst all others, because he hath tould you a sincere fable, and as true as yf he had tould you the mone to be made of greene cheese.

The 12 chapter whether the catholyke preestes which resyst the comfortour in this enterprise doe ther duties or noe

The comfortour in the beginninge of his addition and throughout the same chargethe dyvers preestes of uncharitable and synister dealinge agaynst him for that "they give out that he settethe abroad false schismaticall wicked and newe doctryne

of meere singularitye, and that the[y] labour in corners to perswade the people that they may not joyne with him in sacramentes and prayers, and that they most shamefullye belye him, and wilfullye abuse the people, when the[y] affyrme M^r Martin counsels or any other constitution of holye churche to be agaynst him and that they can not prove any thinge they charge him withall etc.”

To repell all these reproches and slaunders from my deere brethren, whom I knowe to be of myld and syncere consciences and of sufficiente literature to answer these his cavils, I say that they have done noe lesse then in conscience they were bound to doe, for his doctryne beinge (as they well knowe and I the meanest of manye amonge them have declared) strange, daungerous and false and not practysed in this realme by any heretofore, [f. 78^v] and procedinge from one mans head without consente or lykeinge of the rest, it was ther partes to crye out and exclame against it and straytlye to admonishe the catholyke people to continue in ther old way, which the comfortour himselfe confessethe to be more perfecte. And moreover to perswade all ther children that it was very daungerous to frequent his compayne at service and sacramentes both because therby he might be more encouraged to persist and procede in his singularitye, and they also indaungered to be perverted by him and losse [sic] that crowne of perfection which god hath prepared for ther faythfull servinge him in this glorious fighte agaynst his enemyes; for this is the ordenary way that the devill usethe in pervertinge soules fyrst to drawe them to omitt workes of perfection, and to observe and exercyse onlye necessarye things, after this to make them bould in light matters, and small imperfections, and soe by degrees to bringe them to be familier with mortall synnes: which subtyltes of the enemye, those fathers throughlye knowinge, noe marvell that they labored earnestlye to keepe ther children in perfection of vertue, and to resist the enemyes of god, and not to yeald in any litle thinge tho it might beare a shewe of noe greate evill for it is written, *qui minima contemnit decidet* he that makethe noe accompte of a litle wilbe overthrowne at the last. As for refusinge to answer him, which I knowe divers of them could have done substantiallye, I thinke they chose the better way, for that in the office of ther functions they might in that tyme be a greate deale better occupied, especially they perceavinge his brablinge toyes to be mislyked [f. 79^r] and contemned yea of the heretykes them selves and the moste catholykes to thinke him to be distracted and out of his wites. And agayne for that by experience, both in this and other matters ever before, they had learned his humour to be altogether delighted with wranglinge, as at all tymes rather desyrus to cavill uppon wordes and to studye how to contradicte yea in most evident poyntes then to fynd out the truth. And finallye for that they did knowe him to be so obstinatlye fastned to his owne conceptes that he would by noe reasonable answer be removed lest his yealdinge to the truth might cause some discredite as that he had houlden an error. It might be to everye vertuous catholyke confutation sufficiente that that [sic] never one of them would consente to him or be brought any whit to lyke of his dealinges. The indecente termes, slaunders and accusations wherwith he persecutethe his brethren and detectethe ther names to heretykes may sufficientlye perswade

everye one that his enterprise was not begone by the spirit of god or for any good end, but that in deede he attempted it for selfe lykinge, because he would be accompted an onlye comfortour in our distresses, or for to[o] to[o] much carnall affection to the temporall states of his worldlye frendes, whose yealdinge a litle thus dissemblinglye to the states in this poynte myght not onlye (as he thought) be his owne more quiete and saftye but also ther temporall comoditey and ease, and in the way of christian charitey yt behovethe all the readers of his addition not to beleve those [f. 79^v] accusations slaunders and faultes to be true or in anye such evill maner to be done as he reportethe agaynst his brethren, for it is not lyklye but as he hath overshote him selfe very groslye in this matter of goinge to churche affyrminge to have demonstrations for him selfe wherin deede he hath noe probabilityes soe alsoe he hath done the same in displayinge ther faltes, thinkinge ther discredite to worke his better estimation with the people. But I trust godes goodnes will converte all these evils to the glorye of his holye name, to the good of the comfortour, who behouldinge his owne disordered dealinges will once discende to true humilitey and to the benefyte of his holye churche in this countrey, which will be made by this occasion more warye to resist the devill, seinge he indevorethe by one of noe smale accompte amonge them selves to worke ther ruyne and drawne them in the fylthye puddle of schisme, from which our lord keepe us that bought us with his precious bloud to whom be honour for evermore amen.

The 13 chapter conteynethe a charitable advertismente to the comfortable advertiser

Yf nether the fidelitey I owe to a frend, nor the love I beare to a catholyke preeste, into the number of whom god hath called me unworthy, yet the dutye which I owe in the way of christian charitey to everye christian soule forcethe me to advertise you (my dere frend) a reverend preeste and a christian brother of such things [f. 80^r] as you are generallye thought to be in daunger of, not that I will any waye judge or condeme you, but for that in your late enterpryses, and in your addition principallye, you are geven verye greate cause, why every man may justlye thinke you to be daungerouslye infected. And tho your selfe be sufficiente enoughe to discerne the diseases of the mynd, and in this your profession of spirituall phisicke you neede not much counsell of others, yet this is true onlye in respecte of other persons, with whom you have to deale, and in respecte of your owne maladies noe whit safe at all, for lyke as the phisition of our bodyes can well discerne and judge the diseases of other men, and his skylle comonlye is ether an hinderance unto him, or in noe parte soe safe as another mans in the curinge of himselfe, for that we are ever partiall judges in our owne cases. Soe the spirituall phisition that can shewe great cures in other mens spirituall infirmityes are nether safe nor sufficient judges in ther owne for that our owne affections inclyne us to inequalitye accordinge as they be disordred in us. Nature now corrupted by synne movethe us to be inordinatlye favorable to our selves and selfe lykinge blyndethe the eyes of our

myndes soe much that tho we doe things inconveniente, yet we thinke all ether well or not soe evill as in truthe they be, and desyre that other men approve them. Plato affyrmeth that upon the temple gates at Delphos this worthy poysey was ingraved: nosce te ipsum²⁴⁸ [know thyself] as a thinge wherby all the worshipers [f. 80'] of god myght be made most acceptable to him and obtayne ther requestes, not unlyke to that sayinge of the prophet of god [Isa. 46.] reddite prevaricatores ad cor.²⁴⁹ For that the begininge of all our good is the knowledg of our selves. Thyse happie is he doutlesse that hath this knowledg of himselfe, whether it be gotten by him selfe or by the good meanes of another, self love and lykinge is the bane of this grace for it dothe not onlye make dime our eyes, but alsoe quyte spoyle us of our sight, and bringethe us to extreame perils, for which cause the Apostle [2 Tim. 3.] speakinge of many vices which would growe in the world, he placethe selfe love in the begininge of them all, as the roote from whence other vices should springe and be norished wherfore myne advyse to you my dearest brother is, that you would not altogether loke on that parte of the wallet which hangethe before you, that is one other mens doinges, but speciallye on the other parte that hangethe on your owne backe, that is one your owne actions in which good exercyse of knowinge your selfe you shall muche, and onlye then profyete, yf you stand to the judgements of others your affectioned wellwillers.²⁵⁰ And agayne nothings shall you profite at all yf you adhere onlye to your owne skylle and judgment. Your enterprise in this mater of goinge to churche is strange and never taught or practysed in this realme before, it is dangerous, it is unlawfull, thus it is thought and judged by all generallye, thus alsoe thinke you of it with us for our lordes sake, and stand not with shadowes of reasons to defende your private opinion [f. 81r] agaynst us all with the daunger of many soules. Yt is alsoe thought that you used noe discretion at all in publishinge such a thinge as did concerne the states of all catholykes within the realme, without the advise and consente of the most of your brethren within the land, yea without dispensation or approbation from our superiours abroad; but to divulge the same and practyse it they all dislykinge and exclaminge agaynst you for Jesu his sake judge your selfe what a daungerous attempte it was. Let Joseph, as Cassian recordeth,²⁵¹ [coll 17 c 27] directethe your judgment in this poynte: in definiendo (saythe he) rectius est nos nostrum perterire sermonem quam rei saluberioris ac pia subire jacturam, deinceps nunquam rationabiles ac probatos patres duos aut irrevocabiles in huiusmodi definitionibus fuisse reminiscimur, sed velut coram calore

248 Plato, *Charmides*, 164d et sq; *Protagoras*, 343b; *Laws*, XI: 923a; *Alciabiades I*, 124b. There are, of course, many editions of Plato. We have consulted *The Dialogues of Plato*, trans. Benjamin Jowett (New York, [1937]).

249 Isa. 46:12.

250 2 Tim. 3:1-6.

251 John Cassian (ca. 360-435) wrote two treatises which are important for the history of monasticism, the *Institutes* and the *Conferences*. This reference is to the *Conferences (Collationes)* XVII, c. 26 (PL 49: 1081C-83A), XVII, c. 27 (PL 49: 1084A-85).

solis, ita eos ratione mollitos et intercedente salubriore consilio melioribus partibus sine hesitatione cessisse quoscumque autem vidimus definitionibus suis pertinaciter inherere irrationabiles semper probavimus ac discretionis expartes [in making declarations (he says) it is more befitting that we be wary of our own speech than suffer the loss of something more salubrious and devout, and in fact we do not know of reasonable and experienced fathers having been hard or irrevocable in statements of that sort, but their reasoning softened as it were by the heat of the sun and helped by the sane counsel of their better instincts yielded without hesitation to whoever was seen to be stubbornly attached to their unreasonable statements].

Besydes the scandals that presentlye did growe of this your singuler attempte, the dislyke and discente of your brethren had bene reason sufficiente for you to have altered your course and not soe much to crave ther answers to your bookes as to be satisfied with ther generall dislyke. [For?] you to thinke all your brethren to be agaynst you without reson and your selfe onlye to se further into this [f. 81^v] matter then all they, can not but be thought a good reason to prove you onlye to want reason and to be deluded by the enemye that for the undoinge of a soule can change him selfe into an angell of light. For thus saythe a vertuous servant of god [*Cass col 17*] that had longe fought with the Angell of darknes: nunquam rationem veritatis intrabit quisquis a discussione seperet erudire, quia videns eum inimicoque suo potius quam patrem iudicio confidentem facile in id usque propellit ut etiam illa quae maxime utilia atque saluberrima sunt superflua ei videantur et innoxia, atque ita presumptioni eius [word deleted] callidus hostis illudit, ut irrationabilius definitionibus suis pertinaciter inherendo hoc solummodo sanctum esse sibi persuadeat quod rectum atque justissimum sui tantum obstinationis erroris censuerit [one can never convince of the truth by argument, someone seen to be more prone to trust an enemy than a father; such a one is easily led to consider things that are highly useful and salutary as being superfluous and harmful, so that the cunning enemy is able to work on his presumption so that such a one sticks stubbornly to his unreasonable opinions and blinded by his erroneous obstinacy considers sacred only what he deems is right and just].²⁵² Yf we suppose your comfortable advertisement to have bene as true and as safe as you affyrme or would have it seme when you send it all over the cuntrye, with this securitye to catholykes (put it in practyse I warrant you), and agayne yf we suppose that it proceede from greate charitye, yet what had bene your parte and dutye after you perceived it to be mislyked of all your brethren? To proceede further in yt to the scandalyzinge of all sortes of people, with an addition, and soe make the matter worse or rather to withdrawe your foote and to stand conformablye with your brethren to the edifyinge of godes people as you did before. In [f. 82^r] definiendo sayth Josephus [*col 17 ca 9.*] primum est optimum statuere quod et si aliter cesserit sequens est in melius ea quae sunt statuta mutare, ordinationibusque iam iacentibus (ut ita dixerim) manum dextramque porrigere, ubi principia consilii non aprobantur, prudentiae e ut utili adita provisione,

²⁵² Cassian, *Collationes XVIII* [not XVII], c. 3 (PL 49: 1092C-93A).

reparentur si claudicat ad prima statuta dispositio, adhibeatur ad secunda correctio, in omnibus ergo rebus considerandus e finis et secundum prapropositi nostri dirigendus est cursus quem si superveniente salubriori co[n]silio ad deteriorem partem vergere viderimque, rectius est incongrua constitutione submota ad meliorem transire sententiam, quam statutiam pertinaciter inherendo peccatis gravioribus obligari [first of all decide what is best and if it should be otherwise, the next step is to change the decisions already made, and promote the propositions lying idle (so to say), where the principles of a prudent counsel are not accepted; let them be remedied by some useful provision; if at the first disposition it goes wrong, let there be a correction of the second step; in everything therefore keep the end in mind and let our way of acting be guided by our resolutions; and if better counsel prevails, and we see things take a worse turn, it is but more just to do away with the unsuitable set-up and move on to a better way, rather than stubbornly sticking on to the former be burdened with more serious sins].²⁵³ Yt could not be by any means that agaynst all the rest you onlye should prevayle, for they dislykinge and condemninge in ther hartes your procedinges as in conscience they were bound to doe woulde no doute instructe the people to doe the same, and soe they onlye with whom your selfe had to deale and noe other would be admitted after the practyse of your counsell to catholyke service or sacrament. And nether this could be done without a generall scandall to all catholykes, besydes which can judge noe other of your followers, but that by adheringe to you agaynst all ther other fathers [sic for followers ?] they with you were wilfullye departe[d] from them into schisme. Furthermore yf any other through feare of persecution or for desyre of libertye, or upon simplicitye, were [f. 82^v] drawne to lyke the execution of your devise, they could not but doe one of these, yf not them all, ether judge your selfe with all your brethren voyde of care and compassion over ther miseryes that untyll nowe have neglected and concealed from them this remedye; or agayne condeme all the rest of great vice and extreame ignorance that can not yet perceve your advertisment to be lawfull or agayne your selfe of intollerable peevishnes and singularitye that will stand to maynteyne your owne conceite agaynst all them; or finallye lamente ther owne wofull case seinge ther salvation to depende uppon such ignorante and contentious guydes. In your addition how you behave your selfe in termes of undecente disgrace (which in the mouth of raylinge protestantes would be thought unseemelye and overfoule) judge your selfe you say that you were provoked by the uncharitable demeanour towards you. Alas deere brother they are knowne not to be such uncharitable men but yf it had bene soe in deede as in your conceite it semethe to be for that wee are comonlye iniqui iudices [cruel judges], in our owne causes, yet noe provocation in the world should have brought a charitable preest to that excesse of revenge as to revyle then to discover to the whole world ther imperfections and faltes, ether not comyrted at all, but by your selfe surmysed or els by humayne frayltye [f. 83^r] and now with god forgotten and forgiven and by teares

²⁵³ Cassian, *Collationes* XVII, c. 9 (PL 49: 1055A–B).

of a contryte harte purged, what was it to disclose ther names with your alias and therby make them knowne to heretykes to bringe persecution and manifest danger upon them all, which ether by wordes or writinge delte with you in these maters, not upon malice or evill intention as you (I say not with how small charite) suspecte and give out, but for ther great love towards you and desyrous to stay you from offendinge god harminge and undoinge your selfe and manye moe. And what was it for defence of your owne opinion to charge approved wise and lerned men with contradictions and absurdities? Yf any such thinge had soe manifestly appeared that it could not have bene excused by any meane, yt had bene the parte of a good catholyke preeste or of any modeste christian (the partie yet lyvinge in noe smale credite with good men) to have passed it over with sylence or by some way have shadowed the matter for the saveinge the goodes mans honoure that hath deserved well of his countreye and not evill of your selfe. And that you may the better judge your selfe in these poyntes, you may heare Cassians direction who saythe thus [*l. 12 instit ca 29*], *superbia animae his cognoscitur iuditiis expers sapientiae est charitatis alienae audax ad contumelias irrogandas, ad tollerandas pusillanimes ad obediendum difficilis, nisi in quo eum desiderium suum [f. 83^v] voluntasque pervenerit ad recipiendam exhortationem implacabilis, ad rescandas voluntates suas infirma, ad succumbendum alienis durissima, semperque suas definitiones statuere contendens ipsae vero nequaquam sedere alterius acquiescens, et ita fit ut incapax consilii salubris effecta in omnibus suo potius quam seniores creditur iudicio etc* [haughtiness of mind is known by these symptoms, lack of wisdom, of charity to others, bold in offering insults, petty minded in bearing up, reluctant to obey, save when it pleases him and suits his will, adamant in refusing any exhortation, not disposed to correct ones wishes, but very hard in rebuking others, always fighting to make ones own opinions prevail, but never accepting those of others, and as a result incapable of sane counsel, relying in all things on his own judgement rather than on that of the elders].²⁵⁴ You may take greate benefyte of all these maters paste yf yet at the frendly admonition of me and others your dearest brethren in these partes you will forsake your course, returne and joyne with us agayne in that fervoure you shewed before tyme and helpe up agayne such symple soules as by your counsell have fallen in the execution of your advertisment: *humanum et labi*. This is the infirmitye of our nature to them onely reprochfull that obstinatlye persevere in ther error as one the other syde godes grace wherby we are erected and stande makethe our rysinge most glorious. God manye tymes, seinge some hohe concete and opinion we beare of our selves for some qualities which he hath geven us, withdrawethe his grace and permittethe us to slyppe and be overseene that after we may ryse to true humiliteye and learne to relye more upon his assistance and the good advise of other good men then to truste or have any confidence in our selves. And who can tell whether he hath taken this way with you to grounde you all your lyfe after[f. 84^r]ward in humiliteye and feare, by permittinge

²⁵⁴ Cassian, *De Coenobiorum Institutis*, bk 12, c. 29 (PL 49: 471).

you to overshote your selfe in this weightye mater standinge inordinatlye upon your owne conceites as he suffred David and S^t Peter to fall for the same cause. Yf it please god that we heare of your remorse and conversion we will not onlye imbrace you as our dearest brother, but moreover now without comparison be more joyfull of you then ever we were before. And for our lordes sake studdye not soe much what way to shifte of the truthe and to contradicte what I have sayd (for as we see in heretykes the spirite of contradiction and pryde will cavill agaynst any evident truthe of the ghospell) as to acknowledge humblye your owne oversight, and for charitye sake to conforme your selfe to your brethren in ther secure and perfecte way. You know that Luther in the beginninge entred but into smale poyntes, and in them alsoe he pretended by wordes and professed that he would ever in all thinges submitt him selfe to the churche of god, but the devill and his owne inordinate passions which fyrst moved him to that singularitye by litle and litle brought him further to become of a religious freere and catholyke doctour an archheretyke. For godes sake therfore beware and bend your force against the enemyes of godes truthe, that is heretykes, and not agaynst your owne fellowes and lovinge brethren, to defend, perswade and execute a mater soe full of daungers as this is. To the christian readers I will say noe more but by the bitter passion of our lord Jesu desyre them, that as they have not, nor ought not to receive and [f. 84^v] beleve anye poynte of the catholyke faythe for the preachinge or teachinge of one man but because it is the universall faythe of all Christes churche preached and taught by the uniforme consente of all preestes, so lykwise in this poynte of goinge to churche they will not receive it or beleve it to be lawfull as you say, for that you only your selfe one preeste teachethe yt, untill such tyme as they see it taught and approved by the uniforme consentes of all catholyke preestes to be the doctryne of the catholyke churche and untill this appeere that they forsake you one man in this dangerous poynte and cleave immoveablye to that which they heare all other catholyke fathers to teache with one consente. And fynallye that they would beare that juste opinion of ther catholyke fathers in the northe, notwithstandinge your reportes of wante of abilitye to answer to your reasons, as to beleve trulye that manye of them were of them selves sufficiente enough to confute all that you have sayd in this matter and that nether twentye nor two of them were necessarye to discover your weake and sophisticall argumentes and to declare the catholyke truthe; for yf I one come (not comparable to divers of them in sufficiencie) have thus probablye yf not certaynlye confuted your whole groundes ther is I know amonge them that could have made the truthe to appeare soe manifeste agaynst you as the sune when it shynethe at none which onlye the blynd can not see but ether [f. 85^r] better occupations and more necessarye businesses or the daungerous dealinge with you in this tyme hath stayed them for makinge replye. Thus I comyte you to godes protection the x of May [1588]

Your most affectionate frend and brother

J. G.

A few daies after I had finished this answer and expected for the oportunitie of a safe carier to bringe it to yow, a deare frend of myne²⁵⁵ sent to me the resolucion of Cardinall Hosius Soto and the other twelve learned divines at the Councell of Trent concerninge going to church with protestantes in England, which decision standeth thus in ther epistle sent to the nobilitye of Ingland.²⁵⁶ *Minime vobis sive magno scelere, divinae indignatione licere huiusmodi haereticorum precibus illorumve concionibus interesse ac longe multum praestare, quaevis atrocissima perpeti quam in profligatissimis sceleratissimisque ritibus quovis signo illis consentire. Cum enim impia lex in animarum exitum lata et scisma confirmare et ecclesiae catholicae integritatem Romanaeque (quae a Christo summus ecclesiae suae vertex in terra est praefinita) nesarie convellere, et labefactare conetur quicumque iniquae legi pareat, illam quoad eius fieri potest, tacita consensione approbat, in eandem conspirat, atque eiusdem schismatis particeps sit.*²⁵⁷ It is in no case lawfull for yow without serious synne and godes indignation to be present at the praiers or sermons of heretikes. And it [is] farre more expedient for yow to suffer you most cruell daungers then by anie signe to consent to their mischevous and wicked rites; for seinge the impious lawe ordained for the destruction of sowles doth endeavour to confirme and establishe schisme, and wickedlie to abolishe and subverte the integritie of the catholike church and of the sea of Rome (which is appointed by Christe the chefe heade of his church in earth), whosoever obeithe the ungracious lawe he doth (asmuch as lyeth in him) by secret consent approve the same and agree to it and is a partaker of the same schisme.²⁵⁸ This is the whole definition and decision of the learned doctors of Trent. In which yow see first that they say it is in no case lawfull to be present at praiers and sermons of heretikes. Againe that a Catholikes presence with them is a signe of consent to their religion and abhominable rite. Againe that this lawe wherbie catholikes ar commaunded to be present at their service and sermons is an impious lawe and purposelie intended and made to establishe and confirme heresie and to overthrowe the catholike faith and church. Againe that no person can obey this wicked law but he dothe therbie approve and consent unto the same. All which thinges I have declared [f. 85^v] [words illegible] this answer. And finallie that they neither make anie mention of the sworde bearer, nor [words illegible] by anie woordes, the doinge of anie temporall acte and office in the church at service tyme, as our comfortour manie tymes affirmeth. It semeth that our comfortour had not redd this resolucion, but reported more then is in it, upon some other mans creditte. As of Father Persons, who saith that they thought it

255 Most likely the author's friend was Henry Garnet who later published the resolution.

256 Although the Tridentine declaration is addressed to the "Right Worshipfull, & Honourable, & for religion and many causes most noble" (see Doc. 4 above), there is no evidence that the statement was ever sent to the English nobility.

257 This citation can be found in *The Declaration of the Fathers of the Councell of Trent*, 12-13. See above Doc. 4.

258 This English translation differs from Garnet's. See above Doc 4.

lawfull to go onelie to do some mere temporall acte which appeareth not in this epistle.²⁵⁹ It is verie lickleie that either Doctor Langdall, or some others, that, in favour of some noble men which by their licence and advise practised this, defended it to be lawfull to carrie the sworde before the queene to her chapell, or to beare her traine, her booke and to attend upon her at tyme of service, reported that the doctours of Trente had graunted this libertie, wheras indeede they had not. And upon their credittes Fa. Persons writte it and our comfortour out of him did borrowe it. And thus it remaineth uncertaine and unlikelie and doubtfull whether ther was anie such thing at all or no. And the doctours are expresselie againste our comfortours opinion in this pointe of goinge to hereticall praiers and sermons, which is our chefe pointe.

Vincentis Lirinensis²⁶⁰ saith, in ecclesia dei tentacio est populi, error magistri: in godes church the error of the minister is a tentacion for the people.²⁶¹

Si quo aliquis ecclesiasticis magister a fide aberravit ad tentacionem id nostram fieri Providentia divina patetur utrum diligamque deum an non in toto corde nostro: yf at anie tyme some master of the church doth erre frome the true faith, godes providence doth suffer that to happen for our tryall, whether we love god with all our hart or no.²⁶²

Magna profecto res and ad discendum utilis et ad recolendum necessaria, ut omnes catholici, ennuet, se cum ecclesia doctores recipere, non cum doctoribus ecclesiae fide deferere de vera:²⁶³ truelie it is a great matter both profitable to be learned and necessarie to be remembred that all catholikes knowe it their dewies, to receive doctours with the church and not to forsake the faith of the church with doctours.

Cum quaeque novitas ebullit, statim cernitur frumentores gravitas et levitas palaeque, hic sine magno molimine excutitur ab area, quod nullo pondere infra aream tenebatur: when anie noveltie springeth forth by and by the weight of the sounde corne and the lightnes of the chaffe is tried. For then that is carted out of the barne, without great force, which was holden in the barne with no weight.²⁶⁴

Ille est verus et germanus catholicus qui veritatem dei qui ecclesiam qui christi corpus diligit, qui divinae religioni, qui catholicae fidei, nihil proponit, non hominis cuius spiam autoritatem non amorem, non [word deleted] non eloquentiam non pertinere²⁶⁵ and [word illegible]: he is a true and a sounde catholike that doth love

259 We could not identify this passage.

260 Vincent of Lérins (fl. early 400s) formulated his “Vincentian Canon” viz. “quod ubique, quod semper, quod ab omnibus creditum est” [what is believed by everyone everywhere and at all times] in his *Commonitoria* (ca. 434). He wrote this under the pseudonym of Peregrinus. See (PL 50: 640).

261 Vincent of Lérins, *Commonitoria* (PL 50: 660).

262 Vincent of Lérins, *Commonitoria* (PL 50: 665).

263 Vincent of Lérins, *Commonitoria* (PL 50: 660).

264 Vincent of Lérins, *Commonitoria* (PL 50: 665).

265 Vincent of Lérins, *Commonitoria* (PL 50: 665).

godes [word omitted: church ?] with his bodie, the bodie of christe, that preferreth nothings before godes religion, and the catholike faith, not the autoritie, not the love, not the witte, not the eloquence, not the wisdom of anie man; but despising all this and abyding firme and stable in his faith doth chouse to hold and beleve onelie that which he knoweth the catholike church of olde to have holden universallie, and doth understand and that to perteane not to religion, but rather to tentacion, whatsoever newe and straunge thinge he perceaveth to be brought in by some one afterward against all holie men.

§26 *Relatione del Presente Stato d' Inghilterra cavata da una lettera de li 25. di maggio scritta di Londra, et da un' altra, scritta da una persona di qualità, venuta di fresco d' Inghilterra, data in Anversa alli 27. di Giugno, & altre* [Rome, 1590]

SOURCE: ARCR 1: no. 312.

TRANSLATION: English translation by Stephen Fernando and revised by the editors.

NOTE: Little is known about this short treatise. According to Antony Allison and David Rogers, there are six extant copies, five of which are in Italy. We have used the copy which is document no. 7 in ARSI, Anglia 31/1. The pamphlet is an Italian translation of documents compiled by Richard Barret,²⁶⁶ president of the English College then at Rheims. The original English or Latin documents have not been identified or located. However, there are striking similarities between the Italian accounts of the martyrdoms of Edward Jones and Anthony Middleton and the Latin account written by Henry Garnet to Claudio Acquaviva on 25 May 1590 (ARSI, Fondo Gesuitico 651/624). The identity of the translator is not known but the quality of the Italian demonstrates a high competence with the language. We have included this document as an illustration of Rome's appreciation and understanding of the situation in England.

RELATIONE DEL PRESENTE STATO D'INGHILTERRA

[p. 3] Gran parte della sicurezza de catholici, è posta nella secretezza et silenzio, et perciò bisogna tacere molte cose particolari, che moverrebbero compassione, et meraviglia, per poterle divulgare, senza pericolo, et pregiudicio di molti, li quali potrebbero per questo mezzo esser scoperti per catholici, dalli giudici heretici d'Inghilterra, come alter volte è accaduto, per haver loro spie in diversi luoghi. Toccarò dunque solo le cose, che si potranno dire senza gran pericolo. Et prima è da sapere à gloria di Dio, che il numero di catholici cresce in tal modo giorno per giorno, et la constanza loro è tale che, che si spera la rovina dell'heresia, et la restititione della fede con ogni occasione che venisse, di morte della Regina, ò altro, benchè Dio non li mandasse altro aggiunto, in questo mezzo.

²⁶⁶ Barret (1544-1599) succeeded William Allen as president of the English College in 1588 (Anstruther, *Seminary Priests: Elizabethan*, 24-25).

La persecutione è grave al presente, et la violenza, castighi, rapine di beni, et crudeltà nei tormenti, et morte de Catholici sono tali, che molti Heretici (di quelli che sono di natura più pacifica) restano offesi, et scandalizzati, di simil modo di procedere, et compatiscono, et anco si convertono molti per quest'occasione.

In Londra Città fecondissima di Martiri, sono stai morti ultimamente doi per la fede, gli Reverendi Edoardo Iones, et Antonio Mideltono, sacerdoti; questo secondo era venuto pochi mesi avanti in Inghilterra, ma per haver talento, et molto fervore nel predicare, fu assai nominato appresso li catholici, et perciò odiato, et cercato da Heretici, et finalmente preso, l'altro haveva fatto gran frutto, stando parecch anni [p. 4] libero, et senza suspensione, perchè havendo poca barba et in apparenza mostrando pochi anni non si pigliava per Sacerdote. Ambidue furno presi in Londra, per mezzo di due spie, che essendo Heretici, per tradirli si fingevano catholici. Et subito presi furno fatte rizzare le forche, avanti le case ove erano stati trovati, et senza esaminare altrimenti la lor causa, ò far altro giudicio, ò processo, ò dar sentenza, subito furno appiccati, et con la solita crudeltà squartati, et sopra di loro posta una scrittura volgare, scritta in lettere maiuscole di questo senso. PER TRADIMENTO, ET FAVORIRE L'INVASIONE DE FORASTIERI, pensando di far la causa in questo modo, più odiosa al Populo. Ma si vede, che la costanza, et innocenza de giusti, più può, che la malitia de gl'Heretici; Perche quelli di londra, che solevano in ogni simil occasione, gridare à bocca piena, traditore, traditore, adesso non lo fanno, ma si partano (il più di loro) da simili spettacoli, melanconici, et mal sodisfatti. Et al giorno di Pasqua menando li sbirri un Giovane Catholico in prigione, furono forzati per mantener la mala usanza, di sollecitare i putti per strada di gridare traditore, vedendo che la gente non lo faceva più, come era solita.

Il Reverendo Antonio Mideltono, montato che fù sopra la scala, per esser strangolato chiese licenza di parlare al Populo, quattro parole, ma non gli fù concessa. Allhora disse così. Poi che non posso parlarvi più allongo, dirò questo solo. Chiamo Dio per testimonio che mi danno la morte per la Religione Catholica Romana, et per esser Sacerdote, et insegnar la parola di Dio, et prego la sua divina Maestà d'accettarla in soddisfazione delli miei peccati, et fare che li Catholici per mezzo di ciò si confermino più nella fede santa, et che qualche persona ingannata possa di ciò avedersi, del suo inganno, et pentirsi dell'errore. A questo rispose con alta voce un Cavaliere stava li à cavallo nella turba per vedere il fatto. Padre avete detto bene, et à proposito, et questo basta, Il quale subito con un'altro Gentil'huomo suo compagno, fù pigliato dalli sbirri, et menati in prigione. Et il [p. 5] Sacerdote strangolato un poco, et poi squartato, morì con molta costanza, et allegrezza, nel luogo chiamato la Fontana di Clartono, come fece anco l'altro Sacerdote poco dopo in un'altro luogo della Città.

Nel principio anco di quaresima fù anche fatto morire in Londra in [sic; but "il"] Reverendo Christoforo Bales Sacerdote, ma in altra maniera, cioè sotto protesto di giustitia, et per via di Processo, che essendo Sacerdote, fatto per autorità del Papa, et allevato in Roma, veniva poi in Inghilterra contra le leggi. Et

percio fù condannato. A questo diedero tormenti, et l'attacorno per le mani in alto poco meno di 24. hore, per farlo confessare, dove haveva detto messa, chi l'aveva sostenuto, et altre cose simili, ma stette saldo. Anzi allhora, et dopoi nell'essamine publico, con la sua constanza, et maturità nel rispondere, dava edificatione à i Catholici, et alli stessi Heretici maraviglia. Et particolarmente nella morte, in che si vide chiaramente in lui, un'animo pio, et pieno di fede. Fu dimandato dal Giudice dopo il suo esame, quando volevano già pronunciare la sentenza, s'egli haveva qualche cosa, da dire in suo favore (come si suol fare) al che rispose; Questo solo mi resta da sapere, se S. Agostino mandato quà sa S. Gregorio primo, era traditore, ò no ò colpevole di lesa Maiestà come voi la chiamate. Rispondendo loro che non, egli allhora suggiunse; Perche dunque mi accusate, et condannate alla morte, come traditore? Poi che son mandato quà dall'istessa Sede, et per l'istesso fine che lui, et non mi s'opponne niente, che non si poteva anco opporre allhora contra S. Agostino. Ma con tutto ciò, lo condannorno, et insieme con lui un Cittadino di Londra, chiamato Hornero, per haver dato ricapito, et aiuto à Sacerdoti. A costui successe una cosa notabile, la notte precedente la sua morte. Et fu questa. Ch'havendo egli lume nella prigione, mentre stava ingionocchiato, facendo oratione, vide nell'ombra sua sul muro una corona in testa, e mettendosi le mani in capo, e non trovando niente, si misse a passeggiare per la pregione; per vedere se forse gl'ingannasse la vista, ò l'immaginatione: ma durò [p. 6] la visione nell'istessa maniera, et secondo che lui passeggiando moveva il corpo, si moveva anco l'ombra, con la corona pur in capo come prima, et cosi duro, per spatio d'un hora, restando il buon huomo allhora, et di poi, pieno di maraviglia, et consolatione. Questo caso fu da lui raccontato la mattina seguente ad una persona devota, ch'hebbe modo di visitarlo prima che si menasse à giustitiare. Et si rende probablile, della constanza, et straordinaria allegrezza, ch'hebbe poi quell giorno, nella morte. Alla quale, pare che il signor voleva disporlo, dandoli per questa via, come un'saggio della vita future, et una certa caparra della gloria eterna. Et con grande raggione, poi che essendo laico, et poco instrutto nella fede, poteva naturalmente spaventarsi della morte, se non avesse havuto piu ch'ordinario soccorso.

Dopo Hornero hanno fatto morire anco gl'altri, che sono stati trovati dare soccorso à Sacerdoti, Come poco fa, un'Hoste, per haver dato alloggiamento ad un'Sacerdote, et un' fattore per haverli fatto un Giuppone.

Oltra di questi, anche all'istesso tempo sono stati presi nelle parti settentrionali d'Inghilterra cinque Sacerdoti, all'intrare nel porto, gia alli 7. di maggio, la Regina (come s' è inteso) haveva sotto[s]critta la commissione de farli morire, et poco prima due altri sacerdoti venuti all'hora di francia, et presi trà Rocestria et Londra, furno subito impiccati, senza processo, ò sentenza, ma li nomi ancora non si sanno di certo.

Quello del consiglio della Regina, et altri Giudici per ordinario à lor subordinati, hanno tanto in odio la nostra Religione, che se qualch'uno sara posto in prigione, per esser trovato d'haver Calici, ò Messali in casa, nessuno ardice intercedere per lui appresso qual si voglia di loro. Il che per ladri, et homicidiali, senza pericolo,

ò pregiudizio alcuno si può fare, et tutti i pensieri di questi Magistrati non tendono ad altro, che à saziare l'avarizia loro, et acquistarsi credito, con le miserie, et maltrattamenti de' Cattolici.

Quando morì la Regina Maria, et si mutò la Religione in [p.7] Inghilterra, fuggiti, et imprigionati, che furono li Vescovi, et Sacerdoti, che non volevano consentire all'Heretici, restò il popolo in grande oscurità per alcuni anni, et si usavano per errore (anche da' Cattolici) molti superstizioni, et dissimulazioni, et si permettevano giuramenti empìi contra l'autorità della Sede Apostolica, e questo, con poco, o nessun scrupolo di coscienza. Allora tutti communemente andavano alle Sinagoge degli Heretici, et alle prediche loro, menandovi le figli, et famiglia, li quali bevendo così l'Heresia, hanno di poi mantenuta la persecuzione. Si teneva all'ora per segno distintivo sufficiente, venire alla Chiesa prima delli Heretici, et non partirsi in compagnia loro. I Cattolici si comunicavano nella Cena Calviniana ò almeno si facevano scrivere da parrochiani, come se si fossero comunicati, per dissimulare, et ingannare gl'officiali che di ciò fanno Inquisitione, & gli pareva all' hora di fare assai, se sentivano messa secretamente nelle case loro, dopo d'essersi trovati alla comunione degli Heretici, mescolando con sacrilego il Santissimo corpo di Christo col profanato pane di Calvino, e servendo in un medesimo tempo a Christo, et a Baal. Si mandavano li fanciulli alle Chiese per esser battezzati da ministri Heretici, et da quelli erano benedetti li matrimonii. Et tutte queste cose si facevano senza scrupolo, perche li Sacerdoti rimasti all'ora nel Regno, et in liberta (fuori d'alcuni pochi) ò per ignoranza gli apporbavano per lecite, ò per paura lo dissimulavano come tali.

Adesso per la misericordia di Dio, si fa altrimenti, e tutti sanno, che bisogna credere col cuore per essere giustificati, e confessar con la bocca per salvarsi. E che non peccò solamente Giuda per haver tradito Christo, ma anco S. Pietro per haverlo negato. Non vogliono abiurare l'autorità del Sommo Pontefice, ne ammettere la suprema giurisdizione della Regina sotto pretesto nessuno. Si tiene per cosa illecita, di frequentare le Chiese, ò prediche d'Heretici sotto qual si voglia scusa d'obbedienza al Principe, et che sono obligate di proibire li loro figli, et famiglia d'andarvi. Anzi che [p. 8] devono istruirli nella vera religione: per non sacrificare al Demonio quelli ch'hanno generato al mondo. Li Sacramenti, et Sacerdoti, e tutte le cose sacre sono in grandissima venerazione. Subito che entra un sacerdote in casa alcuna de' Cattolici, ritirato ch'è in parte secreta, si mettono in ginocchioni, piccoli, et grandi, che lo conoscono, per havere la sua benedizione, la quale anche partendosi, ricevono in simil modo, et con grande riverenza. Si arrischiano di tenere, e portare addosso Agnus Dei, medaglie, grani Benedetti, etc. Benche siano prohibiti, sotto pena capitale, si confessano i Cattolici, e si comunicano spesso, con molto pericolo, et molta devozione. S' amano, et aiutano insieme come fratelli, et in breve, rappresentano la forma delli primi Christiani. Sogliono qnelli [sic; but it is the character "u" which is upside down] del consiglio della Regina, alle volte rilassare, la persecutione de catholici per un tempo, et poi rinovarla quando li piace, et come gli

torna á conto, per i suoi disegni, et ragioni di governo, senz'altra mira, per esser'quasi tutti Athei, et haver' con l'Heresia, et i peccati, perso il lume et sentimento de Dio, et la coscienza. Adesso novamente per sospetto dell'Armata di Spagna gli è cresciuta la furia, et trattano con molto rigore, quelli che non vogliono giurare di seguitare la parte della Regina, in quasi voglia guerra giusta ò ingiusta. Per questo sono stati ristretti in due fortezze del Regno, tutti li Catholici conosciuti de piu conto, et si trattò anco di rinchiuder' le moglie loro, ma non si fece, per esser cosa troppo absurda. D'altri Cattolici sono pieni in Londra dieci prigioni, in Eboraco due, in Hulla tre, in Vintonia tre, et in later Citta, oltre che in tutte le prigioni delle Provincie, si trovano alcuni sacerdoti, ò laici, per conto della fede. Altri mutano habitatione di tempo in tempo, et quelli, che prima stavano in case loro con molta commodita, et honore, adesso tengono per gran' beneficio, di vivere bassamente sotto qual si voglia pretesto, in altre parti remote. Le donne gravide, avvicinandosi al parto cercano luoghi secreti, et remoti, dove possino partorire; et le spose similmente, vanno in [p. 9] Provincie remote, per maritarsi, acciò non siano forzate á dar conto del Battesimo delli fanciulli, et della celebrazione del matrimonio. Li Vescovi Heretici, visitano le loro diocese due volte l'anno. Ogni sei mesi si fanno i Comitii generali dalli Giudici secolari, et li comitii particolari ogni tre mesi, dove si fa diligentissima inquisitione de' cattolici. Quelli, che per via d'amicitia, o absentia, o per danari non ponno salvarsi, essendo presi, per ordinario confessano con grand'ardire e costanza la fede, et non vogliono scampare per via di risposte ambigue, ò altre maniere scandalose, contra la coscienza, poi che in tal caso si reputerebbono per Apsotati, et rennegatori della fede.

Si fa distinzione adesso di tre sorte d'huomini, cioè Heretici, Scismatici, & Catholici. Scismatici si chiamano quelli, che interiormente sono Catholici, ma per paura della persecuzione vanno alle Chiese, et prediche dell'Heretici, et perciò non sono ammessi dalli sacerdoti Catholici alla messa, ne alla partecipazione de' Sacramenti. Catholici sono quelli, che li Heretici chiamano Recusanti, che non partecipano con Heretici in sacris, et di questo ci è grandissimo numero nell'Isola, et va crescendo notabilmente, di giorno in giorno, havendo tanta più facilità, d'occultarsi, quanto i Puritani, anche loro s'astengono dalle Chiese, et prediche de i Protestanti. Delli altri, cioè Scismatici, ci sono molto più, per essere la maggior parte del Regno de questi, fuori di Londra, et alcune Città, et Terre marittime, dove sono Porti, et traffichi di Mercanti, le quali per il passato, erano grandemente infettate d'Heresia, per la frequenza, et industria de' Ministri Heretici, et Predicatori mandati lá a posta, et anche per la mala disposizione di quella gente data a piaceri, et all'interesse. Con tutto ciò, si è vista d'alcuni anni in qua, gran mutatione in alcune di quelle, dopo che sono state fatte in esse prigioni de Catholici, come in luoghi più sicuri. Perchè, li ministri spinti dall'Heretici, ferennti [sic; but here too the "u" is upside down, thus it is "ferventi"] di quei luoghi, si sono posti più volte á disputare con li prigionieri Catholici, della differenza delle Religioni, et restando sotto, hanno perso credito. Londra anche, è aiutata grande [p. 10] mente, per l'esempio di tanti Martirii fatti in essa.

L'infinita sapienza, et providenza di Dio, già trent'anni, et più ha permessa questa persecuzione, et insieme mantenuta, et augmentata le fede Cattolica, sopra ogni aspettazione, in questo modo.

Nel principio, alcune persone dotte fuggendo in Fiandra et in Francia, scrissero libri contra gli Heretici così in latino, come in lingua volgare Inglese, cioè, li Dottori Alano, adesso Cardinale, Hardingo, Sandero, Stapletono, et altri. Et questi libri stampati, si mandorno in gran numero in Inghilterra, et si sparsero per tutto secretamente. Nelli primi anni la Regina, et li suoi non fecero caso di questi libri, fin che vedendo doppo un pezzo l'effetto che facevano, cercorno in danno di prohibirli, con bandi, pene, et castighi gravissimi.

Doppo questo, si cominciarono li due seminarii, l'uno in Douai Città di Fiandra, che fu trasferito poi a Remis in Francia, et l'altro in Roma. Et da questi furono mandati in Inghilterra Sacerdoti, per trattare viva voce, il negozio della conversione delle anime. Et di questo anche (volendo così Iddio) non fecero caso gli Heretici nel principio. Questi sacerdoti pian piano, con l' aiuto delli vecchi, ch'è s'erano conservati nella fede, et di quelli che alla giornata si convertivano, fecero tanto frutto, che accorgendosi li Ministri d'essere abbandonate le loro Chiese, e Prediche, diedero di ciò notizia al Consiglio di stato. Et all' hora si cominciò a far morire li Sacerdoti, et darli l'Eculeo, et altri tormenti, et fare bandi crudelissimi contra i Gesuiti, et sacerdoti delli seminarii, et contra quelli, che à simili persone davano aiuto, et favore. Pensando, che per questa via li Sacerdoti heveriano paura di venire, ò restare nell'Isola, et che l'estingueriano presto, e che anche li secolari si guardariano, di non darli recapito. Ma la disposizione divina è stata al contrario, et ha svegliato molto più che prima gli animi di tutti, et particolarmente di persone giovani di qualità, et talenti in gran numero, d'abbandonare parenti, paese, et alle volte eredità grosse, per venire alli seminarii. E questo non si può impedire, ne per minacce delli heretici, ne per [p. 11] custodia delli porti, et passi del Mare, ne per tutta l'arte, et astuzia del Demonio. Li secolari, sono piu' pronti che mai, di ricevere i loro Padri spirituali in casa. Anzi sapendo, che li seminarii pativano di necessità quest'anni à dietro, mandavano fino a Parigi danari per viatico di Sacerdoti. Et è notabile la misericordia di Dio in questo caso che si dirà, che S. Maestà Divina non ha permesso mai che mancasse appoggio a' Cattolici in ogni Provincia dell'Isola, supplendo sempre per nuove conversioni ogni difetto. E prima, ò non molto dipoi, che mancasse alcuno, per morte, o per prigione, faceva che si convertisse qualch'altro per supplier in loco suo, et così va tessendo, et continuando la tela dal principio fino al giorno d'hoggi. Più volte li Governatori delle Provincie, l'Inquisitori stessi, et Giudici (che si eleggono delli più ferventi heretici) convertiti alla fede per qualche occasione, hanno sostenuti, et difesi li Cattolici, secretamente, li mesi, et gli anni, prima che siano stati discoperti. Et delli Ministri anche, et Predicatori Heretici, sono convertiti molti, i quali per un pezzo, dissimulando, et occultando la loro conversione, hanno fomentata la parte catholica, et poi fuggendosi al seminario di Remis, et la fatti Sacerdoti, sono tornati in Inghilterra, dove hanno fatto notabilissimo frutto col fervore nel predicare, et con la costanza loro nelle prigioni, et tormenti,

fino ad haver gratia, et privilegio (alcuni di loro) di mettere anco la vita per quella fede, che prima essendo Ministri, havevano acerbamente oppugnata. Si sogliono fare per ordinario Guardiani, et Capitani di carceri, dove si mettono Sacerdoti, et Cattolici, li più furiosi Puritani che si trovano, come persone più fidate, per essere in tutto aliene dalla nostra religione, et con tutto ciò, tanto può la verità, et l'esempio della vita (et sopra tutto Iddio, che così vuole) che in termine alle volte di poche hore, ò giorni, si converte il Guardiano, ò la moglie, ò qualche servitore, che poi secretamente aiuta i Cattolici di haver Messali, Calici, et paramenti di messa, et porta, et riporta lettere, et ambasciate. Et questo, benche sia stato scoperto più volte, pure bisogna che li Magistrati habbiano pazienza per [p. 12] forza, non potendo à ciò trovar rimedio. Molti de' cortegiani, et familiari della Regina, di quando in quando si scuoprono Cattolici, et si sono arrischiati à far dire Messa nel Palazzo; et alle volte sopra l'istessa stanza, dove lei alloggiava, mandandoli per all'hora luogo più commodo. Et finalmente, quanto più si arrabbia il Demonio, et cerca d'estinguere questa semenza, à dispetto suo, vede ch'è propagate, è nata in persone, et luoghi, dove manco pensava. Perche nelle persone giovani di trent'anni in giù, et in quelle dell'uno e l'altro sesso, che hanno più occasione di seguitare il mondo, si vedono sì notabili, et mirabilis conversioni, che manifestamente dichiarano la mano di Dio in quest'opera, et danno inespicabile consolazione, et conforto à quelli, che maneggiano quelle anime.

Prima, quando fu invecchiato il zelo della Religione in Inghilterra, benche la Chiesa fusse all'hora ricchissima, pure non ci fu quasi persona nobile, che volesse farsi Sacerdote. Intanto che sotto il Re Henrico ottavo, si è vista emulatione grandissima tra la nobiltà del Regno et il Clero, che fu non poco occasione della rovina del tutto. Ma dopo che la presente persecuzione la maggior parte di quelli, che fuggono alli seminarii è di persone nobili, ch'hanno i mezzi, di procurer passaggio, per via d'amicitia, ò danari, chi col consentimento de' parenti, et chi senza loro saputa, et fatti poi sacerdoti a' tempi suoi, senza titolo, e senza aspettatione di beneficio ò premio temporale (Anzi al contrario) vanno allegramente, et con desiderio, dove sono mandate per aiutar l'anime, et essercitare con pericolo della vita, le functioni et ministerii sacerdotali. Et questo s'è fatto non per poco tempo, ma per molt'anni, con tanta costanza, et sì notabil frutto, che già l'istessi Heretici cominciano à vedersi, che non può esser cosa humana, che tanto supera le forze, di carne, et di sangue: ma che c'interviene l'omnipotente mano di Christo nostro Signore, che vuol nobilitare in questo mosto, la causa sua, etiamdio nel cospetto del mondo, et facilitare soavemente la conversione di quell Regno, facendo, che si tenga quel conto, del sacerdotio, et della Religione Cat[*p. 13*]tolica, che si deve.

Di qui nasce principiamente, che gl'Athei, del consiglio di stato, si sono posti con tanto rischio à fare guerra offensiva contra Spagna, et di fomentare con gran spesa, la disunione, et guerre civili, in altri paesi, temendo la guerra domestica, et defensiva, perche non sanno di chi fidarsi in casa. Sanno bene, che ci sono molti che per proprii rispetti, sono disgustati, et restano mal soddisfatti del governo presente: sanno anche, che il numero de' Cattolici è grande: ma quello, che più la affligge, è

la conversione ch'ogni giorno si fa di nuovo, poi che trovano spesse volte quelli ch'al parer loro erano più sicuri, essere nascostamente, o fatti Cattolici, ò almeno fautori, et amici d'essi. Et per questo il segretario Vualsingamo già morto, prese in tant'odio li seminarii come l'occasione di questo loro disturbo, et usò (mentre visse) tant'industrie (o più presto il demonio per mezzo di lui) di rovinarli, et disfarli. Sapendo, che stando loro in piedi, et mandando di continuo in Inghilterra Sacerdoti Cattolici, per instruire, et convertire il popolo, come già molti anni hanno fatto, l'Heresia non poteva mai prevalersi, ne il stato che sopra quella si fondasse, star fermo. Et poi che vide ancora, che per nessun modo, si poteva impedire il concorso della gioventù, che fuori delli studii pubblici, et da tutto il Regno concorrevà à quelli, sprezzando i bandi, e minacce della Regina, et che nessuna diligenza in guardare i porti et passi di Mare era bastante à ritenerli, cominciò pensare alter vie, et di machinare la rovina delli seminarii stessi dove questa gioventù haveva recapito. Et così più volte si trattò col Re di Francia, che fossero cacciati tutti gl'Inglese Cattolici dal suo regno; ma non si poteva fare, perche s'opponeva à questo, il già Duca di Ghisa con l'altri signori Cattolici di Francia. Altre volte mandorno persone in Roma, et in Remis, che procurassero nascostamente, di mettere fattioni, et seminar Zizanie, et disgusti nelli animi de i Giovani, ma ne anche gli successe questo. Anzi, il contrario, et della Vipera s'è fatta la teriaca: Perche di la poi (mediante la gratia Divina) è venuto tanto bene all'uno, et all'altro seminario, che non so se [p. 14] dal principio gli fu venuta altra cosa più profittevole, di quella. Più volte hanno machinato, d'avvelenare, et ammazzare il Signore Alano adesso Cardinale, et all'ora superiore del Collegio di Remis, come persona sopra la quale stava appoggiata l'Impresa, et à questo fine sono stati mandati diversi, così d'Inglese, come d'altre nationi, in Italia, et in Francia, et alter volte anco s'è trattato di avvelenar l'acqua, et così far morire tutti li Alunni. Finalmente s'è usata ogni industria per mezzo di spie, e persone appassionate, di far danno alli seminarii: Et di tutto questo fu il principale Autore il già detto segretario, il quale morì poi nel meso di Marzo passato, pieno di debiti, havendo speso quanto haveva, in mantener huomini in diversi luoghi, a questi et altri simili effetti, et adesso come si può probabilmente pensare, sta nell'Inferno, et paga la pena de' suoi misfatti, mentre li seminarii, a dispetto suo e di tutti i complici, per la misericordia, e provvidenzia divina fioriscono in virtù, et dottrina, et vanno innanzi, con la conversione d'Inghilterra, facendo più frutto che mai, come dal suddetto si vede, et in parte si può veder da una lettera de Dottor Baretto, Presidente del Collegio di Remis, in Francia de 17. di Luglio passato, mandata al Rettore del Collegio Inglese di Roma, che dice così.

Tutte le lettere vostre sono perse, che vennero per via di Parigi. Donde non ho lettera nessuna da Pasqua in qua, et però ho mandato una lettera con questa fino à Lorena per provare, se per quella via potranno venire lettere. Ho mandato 13. sacerdoti delli vostri, et delli nostril in Inghilterra dopo Quaresima. Abbiamo 116. persone, che vivono in commune, in questo Collegio, et mangiano nel Refettorio, in oltre molti altri che hanno il vitto fuori. Da Inghilterra non habbiamo più soccorso, per un pezzo: et ci vengono tanti di là, che non possiamo più resistere. Non

si può aspettare di mandarli, fin che siano da voi chiamati: Et bisogna che vostra Reverenza si sforzi di ricevere almeno 16. ò 17. adesso. Padre mio, questo non è tempo, da pensar d'uscir di debiti: Se Vostra Reverenza m'incolpa per mandarli senz'ordine suo, la necessità mi scuserà, sono venuti da Pasqua in quà 20. et ho nuova di là, [p. 15] altre tanti, che s'aspettano d'hora in hora. Non possiamo refutarli, che sono mandate da Dio, et meglio è, che vadino mendicando in Paesi Cattolici, che rimandarli in Inghilterra. Mandarò anche al presente in Spagna al Padre Personio almeno altere tanti, per la parte sua; ho diminuito il Vitto quanto è possibile, et il vestito è poverissimo, et con tutto ciò la brigata non fu mai, più allegra, ne più contenta. Non so come fare, per darle qualche cosa per spendere il viaggio, ma sono così ben disposti, che si contenteranno d'ogni cosa. Padre mio, migliori giovani, et di più aspettatione per virtù, et ingegno, non habbiamo mai havuti, ne mai tanti di questi in una volta. Se Parigi si pigliasse bisognerebbe partirsi di qua in Fiandra: ma haveremo difficoltà perche ne il Clero, ne il Popolo, vogliono che si parli della nostra partenza, perche per Dio gratia, ci vogliono bene. Ci danno tra il Clero luogo troppo honorato nelle processioni, et si fidano anche della nostra gente nella guardia della Città, quando à noi tocca, secondo l'ordine.

REPORT ON THE PRESENT STATE OF AFFAIRS IN ENGLAND

[p. 3] To a great extent the safety of Catholics depends on secrecy and silence. Therefore we must remain silent about many particular details, which could arouse compassion and wonder because such matters cannot be divulged without risk and prejudice to many who would thus be recognised as Catholics by heretical judges of England. This has happened often in the past because there are English spies in different locales. I will therefore deal only with matters which can be said without danger. The first issue to be recognised is that the number of Catholics grows daily to the glory of God in such a way that there is hope that heresy will be destroyed and the orthodox faith restored on the death of the queen or in some other way in which God may aid them.

Currently the persecution is severe: violence, chastisements, confiscations, cruel tortures, and executions of Catholics are such that many heretics, at least those of more peaceful nature, are offended, scandalised by such activity, and sympathise with the sufferers. At times they even convert to Catholicism for these reasons.

In London, a city rich in martyrs, two others recently died for their faith: the priests Edward Jones²⁶⁷ and Anthony Middleton.²⁶⁸ The latter had recently arrived

²⁶⁷ Ordained in Laon on 11 June 1588, Jones departed for England on 28 October. He was executed in Fleet Street on 6 May 1590 (Anstruther, *Seminary Priests: Elizabethan*, 192-93).

²⁶⁸ Ordained in Laon on 28 May 1586, Middleton was captured in Clerkenwell on 3 May 1590. He was executed there on the 6th (Anstruther, *Seminary Priests: Elizabethan*, 229).

in England, but was already well known among Catholics because of his talented, fervent preaching. For this very fact he was hated by the heretics who searched for him and eventually captured him. The former did much fruitful work for several years [p. 4] as a free man and above suspicion. He was not taken for a priest because of his apparent youth and lack of a full beard.²⁶⁹ Both were captured in London after they had been betrayed by two spies, heretics masquerading as Catholics in order to betray priests. They were captured, and the gallows was erected directly in front of the house where they had been found. Without hearing their case, without further judgement or trial, without passing a sentence, they were hanged, drawn, and quartered with the usual cruelty with a placard proclaiming in capital letters that they were TRAITORS, FAVOURING AN INVASION BY FOREIGN TROOPS, with the hope of making their cause more odious to the people. But the constancy and innocence of the just are more powerful than the wickedness of the heretics. Londoners, who on occasion are wont to scream out "traitor, traitor," did not do so and many left such spectacles, melancholic and unsatisfied. On Easter some officers mistreating a young Catholic young man, had to force street urchins to shout out the customary "traitor" because the people refused to do so.

Anthony Middleton, ascending the scaffold to be strangled, asked permission to say a couple of words to the people, but he was refused. He then announced that he would only make a brief statement because he was not allowed to speak longer: "I call upon God to witness that I am being put to death for the Roman Catholic Religion, and for being a priest, and for teaching the word of God. I implore his divine Majesty to accept my death in forgiveness of my sins and through this sacrifice to make Catholics stronger in their holy faith, and to open the eyes of persons misled by deceit so that they would acknowledge their errors and repent." In reply to this, a gentleman on horseback, present in the crowd to witness the execution, cried out "Father you have spoken well, and to the point, and that is enough." That gentleman and another good man who was his companion, were captured by the police and thrown into prison. And the priest [p. 5] was strangled, and quartered. He died with great constancy and joy at the place called the Clerkenwell as did the other priest in another place of the city.

At the beginning of Lent, the priest Christopher Bales²⁷⁰ was also executed in London but under a different pretext, specifically in the name of justice and with a trial, he was accused of being a priest, ordained by the authority of the pope, trained in Rome, and of having entered England illegally. He was therefore condemned. Tortured, suspended by his hands for more than twenty-four hours to

269 Garnet has a similar expression in his letter of 25 May 1590 to Claudio Acquaviva: "Horum imberbi facie (erat enim aspectu pene puer) diu fallens adversariorum astutiam, multos Christo perperat" (ARSI, Fondo Gesuitico 651, 624).

270 Ordained in Laon on 28 March 1587, Bales was arrested in London on 15 August 1589. He was executed in Fleet Street on 4 March 1590 (Anstruther, *Seminary Priests: Elizabethan*, 18–19).

force him to confess where he had celebrated Mass, who had supported him and similar queries, he remained steadfast. In fact both then and after the public inquiry, he edified Catholics by his constancy and maturity in answering his judges. Even the heretics marvelled. And especially in his death he showed himself a man of piety and of faith. After the trial as he awaited sentencing, he was asked by the judge if he had anything to say in his defence as is the custom. To this he replied: "This one thing I would like to know: whether St. Augustine sent here by Pope St. Gregory the Great was a traitor or guilty of treason to the Crown as you call it?" When they answered in the negative, he added: "Why then do you accuse me, and condemn me to death, as a traitor? For I have been sent here by the same Apostolic See, and for the same purpose! And you can charge me with nothing that you could not have brought have charged St. Augustine." But they nonetheless condemned him and a citizen of London by the name of called Horner,²⁷¹ for having provided priests with addresses and protection. The latter had a remarkable experience the night before his death. Namely, while he was kneeling in prayer, he saw on the wall his own shadow with a crown on his head, but touching his head and finding nothing, he paced in his cell to make sure that he was not having an optical illusion, or an excited imagination. [p. 6] The vision remained. As he walked and moved, so too did the shadow with the crown. It lasted for an hour and rendered the good man, then and later, full of wonder and consolation. The next morning the prisoner recounted this vision to a devout person, who had a chance to visit him before his execution. The constancy and extraordinary joy he manifested on the day of his death made the vision very plausible. The Lord seems to have disposed him to a foretaste of his future life and a certain guarantee of eternal glory. And with good reason. Although he was a layman with little instruction in the faith, he could have naturally quaked at the prospect of death if he had not been given such an extraordinary help to endure suffering.

After Horner, others too were put to death for their assistance to priests. A short time ago, one person who had hosted priests and another who had provided a priest with a jacket, were executed.

Around the same time five priests were captured in the north of England as they were landing. Upon being made aware of their capture, on 7 May, Queen Elizabeth signed the commission to put them to death.²⁷² Shortly before this, other priests upon their arrival from France, had been captured between Rochester and

²⁷¹ Nicholas Horner was executed in Smithfield on 4 March 1590 (Stephen Usherwood and Elizabeth Usherwood, *We Die for the Old Religion* [London, 1987], 107).

²⁷² Most likely the priests were Edmund Duke, Richard Hill, John Hogg, John Holiday, and Robert Thorpe. The first four were executed in Durham on 27 May 1590; the fifth was executed in York on 31 May 1591 (Usherwood and Usherwood, *We Die for the Old Religion*, 107; Anstruther, *Seminary Priests: Elizabethan*, 107, 167, 170, 172, 353-54).

London, hanged straightaway without any trial or sentence.²⁷³ We are not sure about their names.

The queen's counsel and other judges usually subject to them, hate our religion so much that someone can be imprisoned for possessing chalices or missals at home, without anyone examining them regarding what they did with such articles. Thieves and murderers could possess such objects without risk or prejudice to their lives. These magistrates have no other goal than the satisfaction of their own avarice and political advancement at the expense of the misery and maltreatment of Catholics.

When Queen Mary died, religion in England changed. [p. 7] Bishops and priests who refused to have anything to do with heretics, were deposed and imprisoned. For several years the people were left in the dark; many superstitions and pretensions prevailed (even among Catholics), and impious oaths against the Apostolic See became common. All this was without any scruple of conscience. At that time all customarily went to the synagogues of heretics, and assisted at their preaching. Their children and family escorted them, and thus became contaminated with heresy. They considered it a sufficient indication of the difference in faith to come to church before the heretics and not to leave in their company. Catholics would share in the Calvinist eucharistic meal, or at least enrol themselves as parishioners who had a share in the sacrifice, just to mislead and deceive the officials who probed into those affairs. Those Catholics thought they did enough if they secretly assisted at Holy Mass in their homes after having shared the meal with heretics. In so doing they added sacrilege to the most Holy Body of Christ with the profane bread of Calvin, and thus worshipped both Christ and Baal. They sent their children to churches to be baptised by heretical ministers, who also blessed marriages. And all this they did without any scruple because priests still in the kingdom and at liberty, with few exceptions, approved such practices as licit either out of ignorance or out of fear.

Now by the grace of God, things are different and all know that one has to believe from his heart in order to be justified, and confess with his mouth to be saved. It was not Judas alone who had sinned for betraying Christ but also Peter for denying him. They do not wish to repudiate papal authority or admit the supreme jurisdiction of the queen under any pretext. They consider it illicit to go to churches of heretics or to assist at their sermons under any pretext of obedience to the prince. And they must insist that their children and family do likewise. Indeed they should instruct [p. 8] them in the true faith so that the children they have brought into the world, do not sacrifice to demons. Sacraments, priests, and all sacred objects are held in the highest veneration. As soon as a priest enters a Catholic house, he withdraws to a secluded place where big and small kneel down

²⁷³ Most likely, they are Francis Dickensen and Miles Gerard (Usherwood and Usherwood, *We Die for the Old Religion*, 107; Anstruther, *Seminary Priests: Elizabethan*, 101–02, 130).

for his blessing, which they also receive with great devotion upon the priest's departure. They accept the risk of keeping and wearing Agnus Dei scapulars, medals, rosaries, etc. despite their being forbidden under pain of death. Catholics make their confessions and receive communion often, at great risk but with great devotion. They love and help one another as brothers living together. In brief they are like the very first Christians. At times, the queen's councillors reduce the persecution of Catholics for later renewal according to their whims and fancies, or whenever it is advantageous to them for their own designs and for reasons of state. They have no other perspective since they are almost all atheists, allied to heresy and to sin and consequently have lost the light and sense of God and of conscience. Currently because of the spectre of a Spanish armada their fury has increased and they treat with great severity anyone not willing to swear to follow the queen in any way whether fair or unfair. For this reason all known Catholic males have been locked up in two fortresses of the kingdom, Despite talk of shutting up their wives as well, this was not done because it appeared to be too absurd. Ten prisons in London are full of Catholics,²⁷⁴ two in York, three in Hull, three in Winchester. In other cities, some priests and laity languishing in provincial prisons for their faith. Others change their residences from time to time. Even those who living in the honour and comfort of their own homes have to live more modestly to avoid suspicion. Pregnant women retire to secret and remote places to give birth; bridegrooms likewise go to remote [p. 9] provinces to get married so that they are not compelled to account for the baptism of their children, or for the celebration of matrimony. Heretical bishops visit their dioceses twice a year. Every six months they hold general assemblies of secular judges, and particular assemblies every three months. At these they seek accurate information about Catholics. Catholics who cannot escape through channels of friendship, or by absence or bribes are captured. They generally confess their faith with great fervour and steadfastness and do not try to escape by giving ambiguous answers or through other scandalous means that go against their consciences. If they did so, they would be considered apostates and renegades.

Now they distinguish three types of persons: heretics, schismatics, and Catholics. Schismatics are Catholics at heart, but out of fear of persecution go to churches and sermons of heretics. Therefore they are not admitted to Mass by Catholic priests, nor are they allowed to take part in the sacraments. Catholics are called recusants by heretics because they do not attend the sacred rites of heretics. There are many recusants on the island, and their numbers grow as they, like the Puritans, find ways of staying away from the churches and preaching of Protestants. Of the others, namely schismatics, there are many more. Most live outside London

²⁷⁴ There were numerous prisons in the City of London proper and in greater London (including Westminster, Southwark etc.), among them Bridewell, the Clink, the Fleet, Gatehouse, Marshalsea, Newgate, Wood Street (or New Compter, Poultry Compter, King's Bench, and the Tower of London.

and other cities where there are harbours, and merchant traffic. In the past these areas were heavily infected by heresy thanks to the assiduity and diligence of heretical ministers and preachers sent there on purpose. Their efforts were aided by the evil disposition of their citizens given as they are to pleasures and other mundane interests. Nonetheless over the past few years there has been a change after the establishment of prisons for Catholics in the very areas that were considered theologically secure. Fervent heretical ministers in said places often discussed and debated religious differences with the Catholic prisoners. The heretics came off second best and lost face before the people. London too is greatly [p. 10] favoured by the example of its martyrs.

The infinite wisdom and providence of God these past thirty years, has allowed this persecution, and at the same time God has preserved and increased the Catholic faith beyond all expectations.

In the beginning, learned persons fleeing to Flanders and France, wrote books against the heretics in Latin and English, e.g. Allen, now a Cardinal, Harding, Sander, Stapleton,²⁷⁵ and others. These books were printed and sent in large numbers to England where they were distributed secretly. At first the queen and her court paid scant attention to these books, but eventually they became aware of the effect of these books and sought to forbid them with bans, threats of punishment, and severe chastisements.

Two seminaries were opened, the first in Douai in Flanders, later transferred to Rheims in France, and the second, in Rome. From these seminaries priests were sent to England to work personally for conversion. And about this too, by God's grace, did not initially disturb the heretics. These priests, aided by older ones who had kept the faith, brought forth so much fruit that ministers, noting the gradual defection from their churches and sermons, complained to the privy council. The execution of priests, the use of the rack and other forms of torture, and the promulgation of cruel proclamations against Jesuits and seminary priests of seminaries, and anyone who aided them, followed. They thought that such tactics would scare priests into fleeing the kingdom, and deter new ones from entering. Moreover the laity would be warned of the consequences of assisting them. But the divine plan was otherwise: more souls than before were stirred up and great numbers of younger persons of quality and talent abandoned loved ones, their country, and at times, considerable inheritance in order to enter the seminaries. Neither threats from the heretics, posting guards [p. 11] at the gates, or blocking sea approaches – indeed not even all the arts and machinations of the devil – could prevent this. Lay persons are more ready than ever to welcome home their spiritual fathers. Furthermore, well aware that the seminaries suffer financial hardship and want these past years, the laity are willing to pay the travel expenses of the clergy from as far as

²⁷⁵ Thomas Stapleton (†1598) was a prolific controversialist and a serious candidate, despite his age, for a red hat after the death of Allen. See Anstruther, *Seminary Priests: Elizabethan*, 333.

Paris. God's mercy is so remarkable that we can truly claim that His Divine Majesty had not permitted Catholics in any shire of the kingdom to be without spiritual succour. Indeed, new conversions quickly replace every loss. If anyone happens to die or be imprisoned, the Lord immediately replaces him with a new convert and thus the cloth continues to be woven even to our day. More than once provincial governors, inquisitors themselves, and judges (chosen from among the most hardened heretics) have become Catholics, and supported and defended Catholics secretly during the months and years before they themselves were discovered. And from among the ministers themselves and heretical preachers, many have been converted. For a time, they often pretend to be Protestants and hide their conversion in order to strengthen the Catholic party. Eventually they flee to the seminary in Rheims, are ordained priest, and return to England where they produce abundant fruits by the fervour of their preaching, their steadfastness in imprisonment and in torments. Some even have the grace and privilege to lay down their lives for the faith, a sacrifice which they earlier had attacked as Protestant ministers. Generally the most rabid Puritans are appointed guards and captains of prisons where priests and Catholics are incarcerated because they are considered most trustworthy insofar as they are most alien to our faith. Nonetheless, so powerful can be truth and good example (and above all the will of God) that at times after a few hours or a few days, the prison guard, his wife or some servant becomes converted. Said person then secretly helps Catholics by secretly providing missals, chalices, and Mass vestments, and by serving as a messenger to convey letters. Although such networks are often discovered the magistrates are obliged [p. 12] to have patience because they can not identify any other remedy. Many courtiers and domestics of the queen are occasionally discovered to be Catholic. They have even risked having Mass in the palace; indeed at times Mass was said right above the place where the queen lodged because a more suitable place could not be located. Finally, how enraged the devil is as he discovers to his discomfort how his every effort to squash the seed of faith, fails. The seed is planted and in persons and places where the devil thought it least likely. Among persons thirty ears and younger with ample opportunity to cut a figure in the world such remarkable and wonderful conversions take place! This clearly demonstrates the hand of God, and gives unspeakable consolation and comfort to those who guide souls.

Formerly when zeal for religion in England had grown tired, even though the Church at that time was very rich, hardly any person of noble rank aspired to the priesthood. Under King Henry VIII, there is evidence that clerical emulation of the nobility provided occasions for the ruin of everything. But now after this current persecution, the majority of young men fleeing to the seminaries are noble. They are persons who have the means to get a passage abroad through friendship or bribes; they are persons who with or without consent of their dear ones or indeed without informing them, want to become priests. They go forth joyfully to the Lord's vineyard without titles, or benefices, or temporal reward. To the contrary, their sole desire is ministering to the souls in the places to which they are sent at the risk of

their lives. This is not a new phenomenon. Nor is it a human one. The heretics themselves are aware that such resolution and such remarkable fruit surpass human endeavours and demonstrate the intervention of the all powerful hand of Christ our Lord who wishes to ennoble in this way his cause and even God in the sight of the world, and to facilitate the conversion of the kingdom by making it appreciate, as it should, the priesthood and the [p. 13] Catholic religion.

A principal consequence is the fanaticism of atheists on the privy council that launch at great risk an offensive war against Spain, and foment at great expense disunity and civil wars in other countries, while at the same time fearing domestic war and feeling defensive because they do not know whom they can trust at home. They know very well that many of their own accord are fed up and utterly dissatisfied with the present government. They know also that the number of Catholics is great. But what most afflicts them most are the new conversions and the realisation that those whom they had considered to be most steadfast in their Protestantism, had become Catholics secretly or at least were friends and advocates of Catholics. For this reason the late secretary Walsingham²⁷⁶ hated seminaries as the breeding place of all English trouble, and did everything his could during his lifetime (and soon the devil him) to ruin and destroy them. As long as the seminaries functioned and sent an unbroken stream of Catholic priests to England to instruct and convert the people, as they had already been doing for so many years, heresy would never prevail, nor would the state, which depended on heresy, ever be stable. The flow of young men from public schools throughout the kingdom to the seminaries could not be stemmed. They defied proclamations and the queen's threats. Guarding the frontiers and the sea passages could not halt them. Walsingham then considered another tactic; he conspired the ruin and destruction of the seminaries themselves. He tried several times to persuade the King of France²⁷⁷ to expel all English Catholics from his kingdom. The opposition of the former Duke of Guise²⁷⁸ and other Catholic gentlemen in France foiled Walsingham's plans. At other times Walsingham agents to Rome and Rheims to create factions and discord that he hoped would result in general dissatisfaction with the seminaries. Here too he failed. But in fact from the viper, a remedy to the poison has been made. Henceforth, thanks to Divine grace, more benefit accrued to both seminaries than at [p. 14] any other period in their histories. Several times they plotted to poison and kill Lord Allen, now cardinal but at the time rector of the college at Rheims, and considered the keystone on which the whole seminary undertaking rested. Various agents, English and foreign, were sent to Italy and France, with various attempts to poison the water and thus kill all the students of the seminaries. Finally every

276 Walsingham (ca. 1530–1590) was Elizabeth's secretary.

277 Henry III, King of France, at times bolstered French Protestantism to counter-act the militant Catholicism of the Guises. Henry was assassinated on 1 August 1589.

278 Henry, Duke of Guise, was assassinated on 23 December 1588 with the king's complicity.

machination possible was employed through spies and fanatics to harm the seminaries: the main architect of all this mischief was the above mentioned secretary, who died last March, burdened with debts because he had spent all to maintain agents in various places for similar and other types of malice. We can now well surmise that he is in hell, and paying the penalty for his misdeeds, while, much to his and his henchmen's annoyance, by divine mercy and providence, the seminaries flourish in virtue and doctrine, and forge ahead with the conversion of England. They produce more fruit than ever, as appeared from the aforesaid, and can partly be read from a letter of Dr Barret, President of the Rheims College, in France, dated 17th July last, to the rector of the English College in Rome.²⁷⁹ It reads:

All letters sent by way of Paris, have gone astray. Hence I have not received any letter since Easter; but I have sent a letter to Lorraine to test whether letters could travel by that route. After Lent I sent thirteen priests from your and our seminaries to England. We have one hundred and sixteen members in our community in this college who have their meals in its refectory; there are many others who eat outside. For some time now we have had no assistance from England. So many arrive from there that we cannot accommodate any more. We cannot send them to you unless they are invited by you. It is necessary that your reverence try to accommodate at least sixteen or seventeen. My dear father, this is not the time to worry about getting out of debt. If your reverence blames me for sending them without your prior permission, necessity will excuse me. Since Easter twenty more have arrived and I have as [p. 15] many new ones on hold hour by hour. We cannot refuse young men sent us by God; it is better that they beg in Catholic countries than be sent back to England. I will soon send at least as many to Father Persons in Spain as his share. I have cut down the board as much as possible, and the clothing is of the poorest quality. Nonetheless despite these deprivations the brigade has never been more joyful and more content. I do not know how I can spare anything to cover their travel expenses, but they are so well disposed that they will be satisfied with anything. Dear father better young men we have never had, young men so promising in virtue and intelligence, nor so many together. If Paris accepts them we shall have to leave Flanders, but this may be a problem because neither clergy nor laity wants to hear of our departure because, by the grace of God, they love us so much. We are given a place of honour among the clergy in processions, and they trust our folk very much when it is our turn to patrol the city.

279 The rector was the English Jesuit Joseph Creswell (ca. 1557-1623).

§27 William, Cardinal Allen to Catholics in England,
Rome, 12 December 1592

EDITIONS: *The Letters and Memorials of William Cardinal Allen*, 343–6. For extant manuscripts, see p. 343 n4.

Charissimis in Anglia fratribus Londini vel alibi [To my dearest brothers in England, at London or elsewhere].

My dearest brethren and children who I love in the verie bowells of Christ. As the excessive troubles and paynes and perills that you suffer daily and houely in that [p. 344] extreame heate of persecucion gave me contynual sorowe of minde with all possible compassion, yea truly with incessante desire at our mercyful Lords handes that I might deliver, yf it were possible and so pleased his Divine Majestie, you and your afflicted children with an hundreth deathes and lyes of mine owne; so on the other side the daily intelligence and consideration of your notable patience, constancy and fruitful labors in that harvest giveth me in manner equivalent comfort and consolation with hope in Gods goodnes that wee shall, ere yt be longe, see an end of all those myseries and Christes and the Churches enemies brought to confusion. Our brothers blood makes forcible instance for the same from the earth, and their soules from heaven with no lesse efficacy crieth out for the same. Doubt yee not, my most sweete and faithful coadjutors, that our adversaries iniquities are now in Gods sight neere accomplished and at the height: on the contrary side the numbers of our bretheren that are to suffer for his truth are nere made up and shortlie to receive, not onlie in the next but in this worlde, the worthie fruites of their happie labors. God Almightye and all mercyful will not suffer longe the rod of the wicked to leay so heavy upon the lott of the just, neither let us be tempted more then by his grace we shalbe able to beare, but will shorten these daies of affliction for the electes sake. Comforte your selves herein, my lovinge fellowes, and in the moste Christian and glorious cause that ever Gods priests or people suffred in. Wee are ashamed heere to syt *ad sarcinas* [watching the luggage] and see you in the fight and so bloody a combatt; and wee compt your case a thousand tymes more happie and more meritoryous then ours. But this is Gods ordynance and disposicion of all our actions and persons dyfferentlie accordinge to his will and wysdome; and wee that by his appointment staye yet heere maie in good tyme have our turne, and in the meane wee succor you and the cause with prayers, sacrifice, teares, sighes and grones from the bottomes of our hartes and with contynuall instance to God and man for some reliefe of your miseries. Thus muche I write for myne own comforte and yours and to dislodge my harte of the daily sorrowes, care and sollicitude I have over you and your afflicted flocke, requiring you to whom these my letters maie come to make all good catholiques partakers of the same and of my infinite desyre I have to serve them even with my life, expectinge contynually good occasion to effectuate and accomlishe that which you and they moste desire.

And having this commodity of writinge [I] cannot but require and advertyse you, my lovinge brethren that be priestes, of this one thinge, that I would have you use greate compassion and mercifulnes towards suche of the laytie especially as for meere feare or savinge theire family, wyfe and children from ruine are so far only fallen as to come sometymes to theire churches or be present at the tyme of their service. For though it be not lawfull to do so muche, nor in yt selfe any waies excusable, yet suche necessity in that kynde of men maketh the offense lesse and more compassionable, yea and more easily by you to be absolved. And therefore be not hard nor roughe nor rigorous nor *morosi* [scrupulous] in receaveing againe and absolvinge them when they confesse [p. 345] their infirmities and be sorie for the same and yelde some reasonable hope that they will hereafter stand more strongly, or have hope to have meanes to escape and not to be led into the like temptacion by anie morall shiftes which they maie finde and with the the circumstance of the tyme by ceasinge of the persecution or otherwyse maie bringe. Which mercie you muste use, though they fall more than once, and though perhaps you have some probable feare that they will of like infirmity fall againe; whereof yet we cannot be assured, because God maie give them more strengthe: wherein no more severity is to be required of the penitent then in any other synnes that be subject to the sacrament of pennance, and perhaps [less,] all circumstances well and discretly waighed. In all which matters that cannot be so well subjected to certaine rules of this kynde *tutor est via misericordiae quam justicia rigoris; sed Deus dabit nobis intellectum in omnibus* [the way of mercy is safer than the justice of severity, but God will give us understanding in everything]. Yet on the other side you and all my bretheren muste have great regard that you teache not nor defende that it is lawfull to comunicate with the protestantes in their praiers or service or conventicles where they meete to mynister their untrue sacramentes; for this is contrarie to the practise of the churche and the holie Doctors in all ages, who never comunicated nor allowed to anie catholique person to praie together with Arrians, Donatists or what other soever. Neither is it a positive law of the churche, for so it might be dispensed withall upon some occasion; but it is denyed of Gods owne eternall lawe, as by many evident arguments I coulde convynce, and it hathe bin largely proved in sondry treatyses in our owne tongue, and we have practysed from the beginnigne of our myseries. And least either any of my bretheren might either mistruste my judgemente, or be not satsyfyed by such proves as have bin made therein, or my selfe to be beguiled therein in my owne conceipte, I thought onlie to take the opinion of the best learned devines here; but to make all sure, I have demaunded the Popes Hoyness that now is²⁸⁰ his sentence; who expreslie told me that to participate with the protestants either by prayinge with them or cominge to their churches or service or such like was by no meanes lawfull or dispensable, but added withall, that such as feare and weakenes or other temporall force or necessitye should do yt ought to

280 Ippolito Aldobrandini (1536-1605) was elected Pope Clement VIII on 30 January 1592.

be gentlie dealt withall and easily absolved, as before saide. This is his Holynes expres will and myne opinion, in which I desyre all my lovinge fellowes to agree, *ut sint in vobis schismata* [even if there are schisms amongst you]. And if any be there which cannot quiet his mynde in the matter, send me worde, and I will take the paines to treat of the matter at large that they maie seek their error. In the meane tyme I hope this maie serve for some taste of my lovinge meaninge towards you all, and especially of the contynuall care I have that you be *unanimi in Domino* [unanimous in the Lord]. Remember me, your lovinge father in Christe, as you be all [p. 346] printed in my verie harte. Fare you well, my sweet children. Rome, this xiith of December 1592.

By the hande of your dearest
W. Cardinall

It is notified also by certaine intelligence unto all preistes, that his Holyness being myndfull of their labors for Gods churche and benefitte of their contry sendeth them a jubile. If, within three monethes after notyce had, they make a generall confession either of their whole lyfe or of the tyme passed since their last generall confession which happely they maie have made; no other condicion is intended. Therefore, it belongeth to every ones devotion to prepare him selfe for suche a benefitt as he shall thincke moste effectuall. Also know those who by his Holines ymediate graunt maie admitt unto the Society of the Rosary²⁸¹ maie do the same without any limitation of a particular alter, but that the plenary indulgence at the first admission maie be received wheresoever; and that there needeth no writinge of names at all, but only a bare admission without solemnitye.

Endorsed: Copie of a letter sent from card. Allen which was found in Mr Wisemans house, 1592.

§28 Henry Garnet's Preface to the Publication of the Tridentine Resolutions [1593]

SOURCE: *The Declaration of the Fathers of the Councell of Trent, Concerning the Going unto Churches, at such time as hereticall service is saied, or heresy preached*. This treatise was published as a separate appendix to Garnet's *A treatise of Christian remuneration* (n.p., n.d. [England, 1593], ARCR 2: no. 322, RSTC 11617.8).

Marginal notes are included in the text in brackets and in italics.

²⁸¹ The Society of the Rosary was a popular sodality under the auspices of the Dominicans. Henry Garnet enrolled many English Catholics in its ranks and published *The Societie of the Rosary* (n.p., n.d. [England, 1593–1594], ARCR 2: no. 319, RSTC 11617.4) secretly in England. For more information on Garnet and the Society, cf. Philip Caraman, *Henry Garnet (1555–1606) and the Gunpowder Plot* (London, 1964), 143–44.

[p. 3] To the Catholicke Reader

Behould here (good Reader) the very fountaine it selfe, from whence have proung so many wholle brookes, and as it were maine rivers of this mater of going to hereticall Conventicles, which I doe not now divulge abroad, for that I suppose there is any necessity to instruct deuoute Catholickes in their dewty concerning this pointe, whereas I see them so constant and forward herin, that as they be a wonderful spectacle unto forreine countreies, so shall they be a perpetuall example unto all ages to come: but these causes especially, besides many others which I could rehearse. [1.] First, least so notable, grave, and learned a monument of Catholicke piety should by continuance of time perish. [2.] Than, for that I am fully assured that this Declaration will be of singuler comferte unto the constant soules which (as our Saviour saith) [*Luke 22.*] hath remained with him in tribulations,²⁸² and (as S. Paule speaketh of the Hebrewes) have taken with ioy the spoile of their goodes. [*Heb. 10.*]²⁸³ For here shall they see that the most bitter combatte in which they perseuer to strive, almost greater than flesh and blood can sustaine if Gods mighty grace were not at hand: is not founded upon the uncertainty of humane opinion, or upon the wilfulnes & obstinacy of a singuler mind, as it pleaseth our aduersaries to terme it: but upon the infallible trueth of diuine scriptures, upon the uniforme consent of holy Fathers, and Catholicke Diuines, and upon the [p. 4] most constant practise of all ages. Which although it hath bene sufficiently proved & manifestly shewed in so many treatises as hereof have bene written heretofore: yet neither could there be that authority which is here: neither the populer maner of handling, so easy to be understood and fully conceived of all sortes of people. For here is plainly set downe unto the learned and unlearned the grave decision of most learned Prelates and Fathers, seeking to intruct those which devoutly and humbly sought the truth: but in other bookes which afterward have come abroad, the malapert saucines & haughty captiousines of proud aduersaries was to be confuted and confounded. Whereupon hath enseeded the like difference betweene this treatise and others of the same subject; which ordinarily happeneth in the handling of every pointe of Catholicke religion and doctrine. For that we may go no farther than unto this sacred Councell of Trent: who seeth not but their grave decisions of every pointe of Catholicke doctrine, and condemnation of hereticall errors, may easely be understood even of the simpler sort. And yet whosover without the groundes of Philosophy and Divinity will enter into the large discourses which the Schoolemen do make for the confirmation of the same doctrine, and confutation of the contrary: must of necessity either humbly acknowledge his owne ignorance, or rashly condemne the Diuines of superfluous obscurity. If then the necessary exactnes of other bookes have any way hindered the comfourt of the simple in the reading and perusing therof: Yet shall the Fatherly instructions and most Pithy per[p. 5]swasions

²⁸² Luke 22:28.

²⁸³ Heb. 10:34.

of this shorte and easy declaration, both between the sorows which now they suffer, and animate them to go forward in their spirituall fight, for the glory of God and for his heavenly rewards.

[3.] A third cause there is of the setting forth of this Declaration, for that after so many disputes so often made of this pointe, if our new Laye schismaticall Devines will not yet be quiet, there can be no fitter moderatours or more authorised Umpires, than the President and eleven other Prelates and Fathers of the Councell of Trent, to impose eternall silence unto so forward and imprudent brabblers. It is not unknowen to the learned what order was alwaies taken in that holy Council. For first every question was committed to particuler congregations, who afterward related what was agreed upon to the whole Counsell: whose generall consent once confirmed by the Pope, is nothing else but the very decree of the spirit of God. now that some of these conditions wanted in this Declaration, it was not the uncertainty of the pointe ti [sic] selfe, but our owne request: perhaps the Devell being desirous that some breach should be lefte open, for those who would wilfully starte from God. Yet if these new Doctours will be so obstinate, that so many & so learned instruments of the holy ghost, used by him at that very instant in other pointes, for the infallible instruction of his Church, cannot move them, and at the least withdraw them from maintaining evell, if they will not be perswaded to do well: than must this of necessity be a finall end of this disputation, which was the Conclusion [*S. Iudes epistle.*]²⁸⁴ of the glorious Archangell Michaels disputing with the [p. 6] Devell: Incepet eos Dominus. Our Lord rebuke them. Neither are they unworthely likened unto Satan, who both imitate his pride, and ceasse not with [*Matt. 16.*]²⁸⁵ Scandalous doctrine and schismaticall perswasions to be adversaries unto Christ.

And to the intent that every one may plainly see how the doctrine of other treatises agreeth with this: I have briefly noted in the margent such things as being largely proved in other treatises, are manifestly deducted also out of this, [*The summe of this Declaration.*] as that going to the Church is schisme exterior heresy and denial of faith, a damnable omission of a necessary confession of a necessary confession of the same faith, scandall, impiety, a hainous offence provoking Gods indignation, daungerous of infection, contrary to good education of children, not iustificable for feare, or any losse or torments, or perill of death, not allowable for respect of obedience, a bowing to Baal, contrary to examples of antiquity: against Christian discipline: a contempt of the Catholicke Church: an occasion of insolency of heretickes, and defacing of Gods glory: a shame and reproch of trew faith and religion: and a losse of all former merites: That Protestants service is wicked and abominable: that it is not sufficient to beleve well in harte, going withall to the Church: that the presence alone is unlawfull: That although they had trew Masse &c Sacraments we might not accompany them, and diverse other things, which in the processe of the booke shall appeare.

²⁸⁴ Jude 1:9.

²⁸⁵ Matt. 16:23.

Enjoy therefore (good Catholicke Reader) so great a Treasure: and having now at the length an irrefragable authority: beware least thy constan[p. 7]cie be any way impaired either by pernicious speeches, or erroneous treatises of new fangled teachers.

It is a thing farre contrary to the discipline of holy Church, and namely forbidden upon paine of excommunication in the Councell of Trent, [Sess. 4.] to divulge or communicate unto any person, any writings of matters of Divinity, excepte they be first lawfully examined or proved: & whatsoever hath them or readeth them, are accounted the authours, excepte they bewray them.²⁸⁶

This is a sufficient warning for thee not to be hasty to adventure the reading of every seditious pamphlett, framed for the destruction of thy soule. As for the authours them selves, as I wish them all manner of good & especially grace to amend their daungerous singularity: so do I also admonishe them in all Christian charity, that is is not enough to refoorne their peeves by chaunging their opinion, [Sotus. l. 4. de iust. q. 6. ar. 3 concl. 2.]²⁸⁷ but they are also bound under paine of eternall damnation to make expresse revocation of their *erroneous doctrine, unto those which any way have bene or may be endangered therby. [*The same bond belongeth also to simple perswaders without writing.] a daungerous case will it seeme to those which shall consider how easely licentious doctrine spreddeth it selfe, and with what facility seditious pamphlets are dispersed abroad, whilst the authours little thinke therof.

Now will I conclude, if first I warne the Reader, that wheras this lattin copy may be in some places imperfect: it will be no small charity, if upon commodity offered, any person will conferre this cotype with some one or other of many which I thinke [p. 8] be in the Realme, that there may not want that perfection in this Treatise, which so profitable and excellent a thing doth require: I myselfe could meete but with one copy, which I have had lying by me these many yeeres: and have faithfully sett downe for the generall good (as I hope) of many faithfull soules. Thus therfore doth it follow, first in lattin, and afterward in English.

§29 Henry Garnet, *A treatise of Christian renunciation* (n.p., n.d. [England, 1593]), extract

SOURCE: ARCR 2: no. 322, RSTC 11617.8.

NOTE: At the conclusion of this treatise, Garnet appended a chapter on the disputed question of occasional conformity with a protest, along with the resolutions of the

²⁸⁶ This is the second decree of the Council of Trent (Tanner, *Ecumenical Councils*, 2: 664-65).

²⁸⁷ Domingo de Soto, *De Iustitia et Iure* (Antwerp, 1572), bk 4, q. 6, a. 3, secunda conclusio (f. 119^v). Domingo de Soto (1494-1560) was a Spanish Dominican theologian and philosopher, confessor of Emperor Charles V (1500-1558) who sent him to the Council of Trent in 1545 as imperial theologian.

Council of Trent (cf. Above Doc. 4). The author of this chapter may have been John Mush.

Marginal notes are included in the text in brackets and in italics. Scriptural references follow current usage.

p. 149. Whether it be lawfull for Catholikes to go to hereticall Churches with a Protestation that they come not for liking which they have of the Religion there professed.

When our first Parents had transgressed the commaundment of God, [*It is a mans inheritance to be apte to excuses.*] by eating of the forbidden tree: they presently perceaving their nakedness and the shamefull rebellion of their disgraced members, made them selves aprons to cover and hide the same.²⁸⁸ There is no iniquity, but so long as it beareth sway in a man, & that he doth not steadfastly determine to forsake it, bringeth wall this general infelicity, that it seeketh suttely to cover it selfe, & with some honest pretense & colour to be excused. The Usurer saieith he doth his poore neighbour a pleasure in lending. The Luxuriouse person pretendeth love and affection. The thiefe is proude that he killeth not whom he robbeth. The murderer vaunteth if in his killing he be not butcherly. And some of these acknowledge their sinne though they extenuate it: others will not thinke that they sinne at all, although their crime be never so enormous. So fareth it with those which will needes with Protestation go to the Church with hereticke. [*Protesters will have it a meritt to go to the Church.*] For wheras without a Protestation they confesse it a sinne: yet they thinke thay by Protestation they can make it a merite: not considering that for all their Protestation in this acte they shew them selves Prote[p. 150]stants. [*Protesters do kiss Christ with Iudas. Matt. 26. Luke 22.*] So often as I thinke of these men, I am putt in Mind of the facte of Iudas. Iudas coming unto our Saviour, saied Haile Rabbi, & he kissed him. But our Saviour saied unto him: Iudas with a kisse doth thou betray the sonne of man?²⁸⁹ Even so these Protesters if not Protestants, with a Protestation will seeme to kisse our Saviour: but with their presence amongst such a PharasaiCALL company they do in deed betray him. I would to God they wold open the eares of their harte, and consider those voices which in silence our Saviour speaketh unto them. Iudas with a kisse dost thou betray me? amongst hereticke dost thou professe me? no other place to professe chastity, but in the bedd of a harlett? no other time to professe innocency, but in condemning an innocent? no place to professe the honour thou owest me, but where thou in highest degree dost dishonour me?

And who seeth not how fittely these Protesters be compared unto Iudas? for who was the first brocher of the practice of a Protestation, but an oft trecherous Iudas? and now Iudas [word illegible: Iscariot?] in a sorte hanged him selfe, and scattered abrede the filthy stuffe of his most lothsome bowells abominable before

²⁸⁸ Gen. 3:7.

²⁸⁹ Matt. 26:49-50; Luke 22:47-48.

God and man, is not a pittifull acte that our Protesters will still be amongst Protestants?

With these men therfore will I reason awhile: and because the case of it selfe is so cleare that nothing can be clearer: I will only in all charity satisfy that argument, upon which they wholly do relye.

[*The argument for protestation.*] This argument is, the pretended authority of Mr. Gregory Martin, a man of blessed memory, and of singular learning.

[p. 151] But where doth he maintaine this opinion? forsooth there where in a whole volume he proveth this action to be schisme. [*Mr. Martin by this opinion would not overthrow his principall opinion of schisme.*] Admitt than that such was his opinion: would be not if he had well considered it, have saied that such Protestation was unlawfull, than to geve license of that which he accounted schisme? shall one word spoken by chaunce in a whole treatise, overthrowe his wholl purpose which he goeth about to prove in ye same whether would he not have argued in this maner: to go to the Church is a schismaticall acte, therfore it cannot be iustified by Protestation: rather than thus: to go to the Church with Protestation is lawfull: therfore to go to the Church is no schismaticall acte: wheras one of these propositions utterly over throweth the other? For if it be schisme to go to the Church, than it is sinne of it owne nature, than cannot be it be iustified by Protestation: for if it were iustificable by Protestation, than would it follow that it were not schisme and sinne of it owne nature.

For although in sundry cases which of them selves be lawfull, yet are oftentimes subiect to scandall by reason of likenes of evel which is in them, [*No Protestation can make a naughty thing good.*] or of some misconstruing of the same by our neighbour, although I say, in such actions a protestation may serve to satisfy the well meaning or weaker sorte, & so all scandall ceassing the actions remaine fully lawfull, as being before of themselves lawfull, and onely for such a circumstance of scandall unlawfull: yet hath not any kind of Protestation so much force as to iustifie that which is of itselfe evel. as Iudas his protesting of frendshippe in [p. 152] kissing our Saviour: or Pilates protesting of innocency in washing his handes:²⁹⁰ could not make either the one a trew frend of our Lord, [2 Kgs. 20.] or the other trewly innocent. nor loab his faire speaches and courteous demeanour towards Amasa, could excuse his trecherous murder.²⁹¹ Even so than in this case of going to the Church for wheras such fact is of itselfe unlawfull and schismaticall as Mr Martin purposely doth dispute: how can it be that it may be allowed by Protestation?

And certainly in this case above all other, a Protestation is most ridiculous. [*A Protestation is most ridiculous in this case. Going to the Church is a protestation of Protestancy.*] For in this action of going to hereticall Churches, the principall deformity and iniquity, is that it signifieth a conformity in schisme and false religion: so that it is nothing else of itselfe but a Protestation in face of false religion.

²⁹⁰ Matt. 27:25.

²⁹¹ 2 Sam. 20:4-13.

now by a contrary Protestation in words to seeke to disanull the Protestation of the facte, what is it else, but as if every man very expert in the arte of lying, should in telling two contrary tales, with one breath, desire to be beleevd in both? But howsoever these absurd Protesters perswade them selves, yet have they iustly received the ordinary reward of liers not to be beleevd at all. [*Two lyes made by Protesters.*] For wheras by the facte they shew them selves Protestants, no man yet beleeveth them: and wheras by their wordes they seeke to alter the nature of the facte, neither yet can they obtaine credit, the facte of itselfe remaining as it was before. So that they come every day from the Church loaden with two diverse and contrary lyes (a small faulte perhaps if they were not in so weighty a matter) the one that they are Protestants: the other that their fact doth [p. 153] signifie no such thing, as is the profession of Protestancy. [*The Person of Croydon.*]²⁹² I remember that I have heard a pretty conceite of one who seeing upon a suddaine that by our Parliaments religion was altered, and that defined and decreed superstition, which all our forefathers become accounted new worshipping of God: made earnest petition to some Parliament Lord that it might be enacted by the authority aforesaid that it should be but five miles from his house to London, that so he might be delivered from a longer travaile whan he were to go thither. But whatsoever we may worthly attribute to Parliaments, where there is higher authority, more generall consent, more publicke proceedings & meanes to divulge abrode the knowledge of any matter, than in any other temporall thinge can be possibly devided: it is surely overmuch prerogative to geve unto the speeches of every perticuler schismaticke, that he may by one Protestation make that another Protestation shall be no Protestation: [*A Protestation cannot be publicke enough to take away scandall.*] although he would Protest every time not onely in the Pulpitt but also in Printed Papers which surely were necessary if he would make his speeches of Protestation as well known as his Protestation of facte, and yet it were not sufficient perhaps, wheras many would heare of his fact which would not heare of his papers.

The Protestation therefore being of it selfe absurde, & for such cause as is worthly to be thoght very farre from that learned Licentiate's approbatione it seemeth yet more daungerous for the want of any warrant of auncient practice or example. For it was a very strange case, that in so many ages past, in so [p. 154] diverse & long persecutions stirred up against Gods Church by infidels, heretickes, schismatickes: yet no memory should be extant of any satisfying the persecutours pleasure by doing that which he commaunded with a Protestation: but that this Protestation should first of all be heard of in communication with Protestants: belike to shew that Protesters and Protestants are as neare in inward qualities and conditions, as they are in the outward and material sound of their names. And surely if the Pope should condemne this opinion of a Protestation as an heresy: (as it may be he hath in condeming the defender & maintainer thereof:)

292 We can not explain this reference. Is it simply to a parson of Croydon who illustrated this issue?

than could we have no fitter name for the new heretickes, than to call them protesting Protestants.

Of contrary Protestations we read oftentimes and almost every where, that is: that the Saintes of God have not onely not satisfied their persecutours desires, but have boldly protested that they would not obey their unlawfull commaundment. [*Dan.* 3.] Be it knowen unto thee o King, that we will not worship thy God, & the idoll which thou hast erected we will not adore.²⁹³ This was the Protestation of the three children. Heare also the Apostles Protestation. [*Acts* 4 & 5.]²⁹⁴ We cannot but speake those things which we have scene and heard. And we must obey God rather than men. [*2 Macc.* 7.] And the youngest Machabee: whom do you stay for? I obey not the precept of the King, but the precept of the law.²⁹⁵ These are protestations fit for Christians, honourable in the making, famous in the remembring, and most glorious in their everlasting rewardes. nor those which do as it were call God and heaven & earth [p. 155] to witnesse, that the obedience of man is preferred before the obedience of God.

Of like examples of Christian Protestations all Ecclesiasticall histories are full: neither could ever the fury of persecutours or extremity of torments drive the champions of Christ, to yeeld or seeme to yeeld to as indifferent things as going to the Church may seme to be, and to seeke to iustifie such actions by Protestation.

This hath alwaies made me thinke that that good vertuous learned Devine did never meane to allow a Protestation as these new protesters would have him: considering the repugnance which it hath to his whole argument of his treatise, and the absurdity of the thing in itselfe, which although he speake somewhat obscurely I cannot thinke but that his wisdome could very well perceave.

Yet I do not doubt but that he worthely admitteth a Protestation in some cases. [*A Protestation is some time profitable.*] For this action of going to the Church is than unlawfull, whan it is a Protestation of conformity in religion: which it is alwaies, whan there is such orderly going as is used by the heretickes them selves. now it may be that in diverse cases this orderlines and conformity may be wanting, & than the going to the Church with heretickes is called but a materiall going and not a formall: because the formality is by the alteration of the essentiall conditions of such going taken away in this case therefore whan going to the Church is no Protestation of false religion: it is not unlawfull of it selfe: so that for to avoide scandall if there be any danger therof, I make a Protestation, wherin I shew my going to be onely materiall [p. 156] and not formall. An example or two we may shew out of the Scriptures. [*3 Kgs.* 13.] The going of the people with Hieroboam to Bethell whan he there was to sacrifice, was a formall going to idolatry, because they went orderly all alike. but the coming thither of the Prophet to reprehend the King, was only a materiall going to idolatry, and very well knowen to be

293 *Dan.* 3:1-97.

294 *Acts* 4:19-20; 5:29-30.

295 *2 Macc.* 7:30-38.

of a diverse nature from the other.²⁹⁶ [4 Kgs. 5.] Naaman Syrus was materially present at idolatry but not formally: because he went not to the temple as unto a temple, but as unto any other place where his particuler temporall service might be exacted. neither did he obey his King commanding an acte of religion, but requiring onely the temporal assistance which to his greatness was convenient.²⁹⁷ Now if Naaman had seene any probabbility of scandall, than should he have bene bound to have made a Protestation. generally therfore whan there is no contrary Protestation in the facte, that is whan going to the Church with heretickes is only materiall and not formall. than may a Protestation be well used in wordes: which nevertheless is not necessary, but in daunger of scandall. So that a Protestation doth not make that lawfull which was unlawfull but sheweth the lawfulness of that which was iudged unlawful. neither maketh it that a materiall going which was formall: but onely declareth that to be materiall which was indeede materiall before.

[*Mr. Martins case of Protestation is examined.*]²⁹⁸ Many examples might be brought in our owne case, of materiall going: but it hath bene sufficiently donne in other bookes I will onely touch that case which Mr. Martin him selfe bringeth. [p. 157] A man may lawfully go saie he to the Church with heretickes if he protest that he goeth to pray Catholickly. Trew it is that he not only protesteth to pray Catholickly, but praieth in deed Catholickly and is there Catholickly present. Which he cannot than do, if he be indistinctly amongst them, whatsoever praiers he say. for his facte is a Protestation that he is there to pray in hereticall union & participation. and that most of all if he protest that he cometh for obedience: for the end of such obedience, is participation with hereticks and conformity with them. Yet this will I say for Mr Martin, that in case that he pray Catholickly, that is, that he shew a manifest disunion with heretickes: he sinneth not. But this cannot be as the case is with us. yet can I put such a case.

As if Catholicks & hereticks in league against the Turke had but one Church, and being agreed not to molest one the other, should at one time in severall altars have Masse and communion and yet the people of some were confused and mingled in the Church: in such a case the Catholicke sinneth not: and his Protestation may be vertuously used, although it be not necessary: for there being two severall services, the presence onely is no more a profession of the one than of the other. Thus I thinke Mr. Martins doctrine trew and I perswade myselfe that he in very deed meant no more.

[*Whatsoever Mr. Martin held he would now alter his opinion.*] But letting this passe as a matter somewhat uncertaine what he held, whan this shifte was first propounded, and never examined before: there is no doubt at al, but if he had afterward knowen the contrary resolution even only of his Superiour, [p. 158] yea and of many other excellent particuler persons besides, amongst so many hundreths which hould now the contrary: such was his humility and vertew, that he would

²⁹⁶ 1 Kgs. 13:1-10.

²⁹⁷ 2 Kgs. 5:1-27.

²⁹⁸ Martin, *Treatise of Schisme*, sig. Fvii^r-v.

presently have yielded to any of them. For in matters of conscience (a most suttell & unsearchable profundity all particularers are not easely seene at the first: and desire not proceeding rashly when those who may be endamaged with a severe resolution, causeth many times the determiner to take the more favourable way, which time ye very mother of truth doth after shew to be unallowable wherof we may find in our country sufficient examples in more waighty and apparent dissimulations. than is this of going to ye Church, as in the oath of the Supremacy, and receiving the Protestants communion: which things how easely they were swallowed up either in K. Henryes time or sithence every man knoweth, and how some Clergy men first allowed them, which afterward disproved them, it is to manifest.

[*The dubble dealing of Protesters.*] And it is worthy of consideration, how these Protesters do deale dubbly. For when Mr Martin alloweth as they interpret him a Protestation: that is the Censure of the most learned man Mr. Gregory Martin, and we trewly thinke him worthy of much more praise, and that he needeth not the commendation of men. whom God hath (as he hope commended[]). But when he saith that going to the Church is schisme or deniall of Catholicke religion: than there is no speach of his commendation not allowing of his opinion at all. We therefore here have determined omitting many other things which hath bene said by others, and [p. 159] especially by the learned assembly of those of the Counsell of Trent, who define this acte to be of itselfe unlawfull to sett downe against this pretended and doubtful autoritie, a new and plaine autoritie of most grave Devines even of this pointe in particular.

[*Most absolute authority against this Protestation.*] When therefore the statute of the monthly penalty for going to the Church came forth: he who was than President of the Colledge of Rhemes,²⁹⁹ desiring to tender as much as with Gods favour he might the distressed case of Catholickes, and to allow them if it were tolerable even this Protestation which we speake of, in which some perhaps before had bene of contrary opinion unto him selfe & had gone about to defend it: very charitably according to his accustomed tendernes tooke his iorney to Paris & there in the Sorbonists Colledge had the case disputed, [*Sorbon Colledge.*]³⁰⁰ and resolved that it was altogether unlawfull. wherupon he made sute unto the King³⁰¹ which than was that he would be a meane unto her Maiestie to suspend the execution of the statute for one yeare.³⁰² but he breeding than that which afterwarde he brought fourth,

²⁹⁹ William Allen.

³⁰⁰ In 1581 Allen consulted theologians from the Sorbonne in Paris and Francisco Toledo (see above Doc. 24). See Penelope Renold ed., *Letters of William Allen and Richard Barret, 1572-1598* (London, 1967), 31-33; *Letters and Memorials of William Cardinal Allen*, 100.

³⁰¹ King Henry III of France (1551-1589) was assassinated by Jacques Clément.

³⁰² In 1579-1580, the possibility of some form of religious freedom was included in the discussions surrounding a possible marriage treaty between France and England. For an account of these negotiations, see Thomas M. McCoog, "The English Jesuit Mission and the French Match, 1579-1581," *Catholic Historical Review* 87 (2001): 185-213.

answered that he would not deale therein. Not contented with this with fatherly care he wrote to Rome to the Reverend Father Frauncise Toledo a man of knowen learning and practise [*Franciscus Toledo*.]³⁰³ from whom he had this answere which I will presently set downe. which was carried into our countrey by one Mr. Edward Stransam now a Saincte in heaven,³⁰⁴ and delivered unto a Reverend Priest unto whom he related this wholle history as the same hath lately imparted unto me. [p. 160] Cum tale edictum sit, contra Catholicam religionem & in heretici erroris favorem & confirmationem, non est ulla ratione obediendum. Interesse enim haereticorum Conciliabulis & eorum Ecclesiam indistincte tanquam unum eorum frequentare, non solum est veram fidem & religionem occultare, sed falsam sectam novo quodam facto ad id ordinato profiteri: quod iure divino prohibetum, nec ulla dispensatione licitum esse, nec ulla temporalium amissione bonorum iustificari potest.

Protestatio autem illa quae a nonnullis Catholicis sit [*corr. to fit p. 170*], a peccato non excusat: cum sit contraria facto. factum enim si tale est, ut describitur, nempe haereticorum Ecclesiam frequentare & eorum Conciliabulis indistincte tanquam unum eorum interesse, Protestatio quoddam [*corr. to quaedam p. 170*] est sectae eorundem & in hunc finem tale edictum sanium [*corr. to sancitum p. 170*] est.³⁰⁵ That is: Whereas such statute is against the Catholicke Church, and in favour and confirmation of heresy, it must not in any maner be obeyed for to be present at the Conciliables of heretickes, and to frequent their Church indistinctly as one of them, is not onely to hide the trew faith and religion, but to professe a false secte by a new kind of facte ordeined therunto. Which being forbidden by the law of God, can neither be lawfull by any dispensation, nor iustified by any losse of temporal goodes.

And that Protestation which is made by some Catholikes, excuseth nor from sinne, whereas it is contrary unto the facte. For the facte if it be such as it is described, that is, to frequent the heretickes Church and to be present at their Conciliables indistinctly as one of them, is a certaine Protestation [p. 161] of their secte, & for this end was that statute made.

Thus much of this authority of so grave learned and famous men in this very point of a Protestation. And yet can I bring farre greater. so that we suppose this as a certaine ground, that if going to the Church with heretickes be of it owne nature a sinne and indispensable, than no Protestation can make it lawfull. [*The ground upon which the disallowing of Protestation doth stand.*] I will therefore bring the infallible authority of him which sitteth in the chaire of Peter according to the tenour

303 See above Doc. 24.

304 Stransham (1555–1586) returned to England for reasons of health on 30 June 1581; he returned to Rheims two years later. He was executed at Tyburn on 21 January 1586. See Anstruther, *Seminary Priests: Elizabethan*, 337. Toledo's decision is dated 14 June, a fortnight before Stransham's departure.

305 There are slight differences between the text here and that offered above (see above Doc. 24).

of a letter lately sent into England: wherof a frend in these countreies hath imparted unto me a copy: & I will here sett downe so much as shall belong to this purpose, word for word. neither must it seem straunge to any, that herin I go about to publish so private a thing: whan I do nothing else but onely geve a necessary preservative, against diverse venomous tounge, which out of so sweete and pleasant a flower having gathered poison, are every where busie to disperse the same:³⁰⁶ as hereafter shall appeare.

[*An Italian letter.*]³⁰⁷ You must (saieth the writer of this letter) have great regard that you teach not nor defend that it is lawfull to communicate with the Protestants, in their praiers, or service, or conventicles where they meete to minister their untrew Sacraments. For this is contrary to the practise of the Church, & the holy Doctors & Fathers use & example in all ages: who never communicated

³⁰⁶ John Mush used the same metaphor in his life of Margaret Clitherow: "Imperfect virtue, and yet perfect self-love, in this kind of adversary ungratefully imagined her chiefest virtues to be their most hindrance; her praise to be their discredit; her joy and continual gladness to be their sorrow and discomforts; peevishly gathered to themselves most bitter and hurtful poison out of her sweet and gracious flowers" (Morris, *Troubles*, 3: 404-05).

³⁰⁷ The "Italian Letter" as described in the *Treatise of Christian renunciation* is part of Cardinal Allen's letter to the English Catholics (see above Doc. 27) according to Antony F. Allison, "The Writings of Father Henry Garnet, SJ," *Biographical Studies* (now *Recusant History*) 1 (1951): 11. See also *Letters and Memorials of William Cardinal Allen*, 343-46. It is also cited in a document preserved in ARSI: "Quid determinatum sit, in Quaestione De non adeundis Haereticorum in Anglia Ecclesiis" (ARSI, Anglia 38/I, pp. 439-42) which traces the succession of religious changes in England from the reign of Edward VI to the second half of the seventeenth century. We cite this as the *terminus ad quem* because More's *Historia Provinciae Anglicanae*, printed in 1660, is described as being "most recently published" (ARSI, Anglia 38/I, p. 439). Garnet obviously did not want to disclose the author's identity and describes the letter as "so private a thing" in a printed work. Hence, he simply calls it "Italian." The Jesuit document simply says the letter was written by some priest in Rome and sent to England ("... Et scripta etiam esse in Romae Angliam a quodam sacerdote Epistola ...") ARSI, Anglia 38/I, p. 440).

The *Treatise*, published in 1593, describes the letter as "lately sent into England." In 1592 Allen pleaded the cause of English Catholics and was received and personally advised by Pope Clement VIII to instruct priests on the mission that they could not teach it was lawful to attend Protestant ceremonies or to communicate with Protestants (*Letters and Memorials of William Cardinal Allen*, 343-36).

Jesuit documents reveal the existence of some division within the Society on this issue. Richard Holtby, Garnet's successor as superior of the mission, strongly condemned any concessions in this regard in 1606. Yet others appealing to the example of his predecessor who had condoned church attendance to a gentleman of a prominent Catholic family, opposed his restrictions (ARSI, Anglia 36/II, ff. 394^v-^v ["Il contenuto di quello che si scrive al P. Holtbaeo"]; 396^r-97^r ["Del caso del Sig.re in Inghilterra che va alla Chiesa col Rè"]).

or allowed in any Catholicke person to pray together with Arrians, Donatists, or what other soever. Neither is it a positive lawe of the Church; (for so it might be dispensed withall upon some occasion.) But it is derived of Gods [p. 162] owne eternall laws, as by many evident arguments I could convince: and it hath bene largely proved in sundry treatises in our owne tongue and others: and as we have practised from the beginning of our missions.

[*The Definition of the Church.*] And least any of my Brethren might either mistrust my iudgement, or be not satisfied by such proofs as have bene made therein: or my selfe be beguiled in mine owne conceite: I thought not onely to take the advise of the best learned Devines here: but to make all sure, I have demaunded the Popes holines that now is his sentence, who expressly tould me, that to participate with Protestants, either by praing with them, or coming to their Churches, or service, or such like, was by no meanes lawfull or dispensable. So farre goeth this point of the letter.

Thus we see here this truth defined out of Peters chaire, so that there is no more place of doubt at all. neither must we thinke that this is the Popes private opinion onely: it is his expresse declaration and absolute pleasure by this resolution to teach and direct our cuntry, so that herin he could not err. [*See Bellarm lib. 4. de Pontifica.*]³⁰⁸

But it is a world to see how subtile and cunning iniquity is in defence of it selfe. [*Three objections out of the aforesaid letter.*] For out of this very letter I understand that many take occasion to defend going to the Church, thinking that both by the Popes meaning and by the opinion of him who wrote the letter, they have such liberty. O extreme madnes, or to say better, most imprudent malice. [x.] If the Pope will have them which fall easily received againe, therefore do they not sinne? than doth [p. 163] not the adulterer, thiefe, murderer, sinne, because they must be easely received againe. And who doubteth but that every sinner, although so hainous, must be received againe? God forbid else: but so that he repent, and (as the letter specifeth in this very case) yeeld some reasonable hope that he will hereafter stand more strongly?

[2.] But the letter saith that this sinne being donne of feare is less, & more compassionable, & more easely to be absolved.

It seemeth that these grave interpreters make no account of any sinne, but onely of that which is against the holy ghost. for so long as you leave any place for compassion, or hope of absolution & remission, they will have no sinne at all. God graunt they be so fearfull as they should be even of sinnes against the holy ghost,

308 Robert Bellarmine, *Disputationes Roberti Bellarmini Politani, S.R.E. Cardinalis, De Controversiis Christianae Fidei Adversus huius Temporis Haereticos Quatuor Tomis comprehensae* (Venice, 1599; 1st edn. 1586), *De Summo Pontifice quinque libris explicate*, bk 4, c. 3, p. 799 A, c. 11, pp. 822–29. Bellarmine (1542–1621) was a skilled controversialist, professor at the Roman College, and an indefatigable defender of Catholicism against Protestant critics.

and that they dying in their obstinacy & impenitency, it may not be saied hereafter of them which our Saviour saied of the Iewes: [*John 8.*] I go, and you shall seeke me, & shall dye in your sinne.³⁰⁹ As for their feare: [*L. 3. eth. c. 1.*] Aristotle will tell them that such thinges as are done for feare are voluntary.³¹⁰ And he bringeth our very example. as saieth he, if a Prince having in his handes the Parents and children of any persons, shoulde commaund these to redeeme the other by any unlawfull action. which he concludeth not withstanding such feare to be voluntary. And so is this action of going to the Church: and consequently a sinne still, although it may be by such feare somewhat diminished: but not transferred from a mortall sinne to a veniall, as we will afterward shew.

[3.] But the Priest must here (forsoth) exacte lesse [p. 164] security from falling againe, than in any other sinne: therfore can this be no sinne where sufficient security of avoiding it is not exacted.

O deceitful Eve alwaies escusing: o malicious serpent alwaies suggesting excuses in most weighty matters. Hath he not executed sufficient security before, when he requireth Confession, sorrow, reasonable hope of perseverance, which is all one with a stedfast purpose of amendment? And that he requireth lesse security in this sinne than in another, it is not for that it is no sinne at all: but because the daunger of other sinnes ordinarily dependeth upon one circumstance or upon a very few: but the daunger of this upon infinite. One is given to lasciviousnes. take away the occasion which is but one, that is familiar conversation with evell disposed persons, and he is out of daunger. One is given to fighting and brawling: cause him to live more privately in an orderly and civill house, and you see there is great security in his standing in Gods favour.

But one is very fearfull of his estate, and discouraged and ready to fall with every blast of searches or Assises. in this man you can have no security but in his owne resolution. For if he convaigh over his landes, he may be putt in prison. if he escape the Assises, he may be visited by Pursevants. if these be his frendes, yet some lustice, or some Commissioner may have him by the backe: as now a daies none are so busy in such base services as gentlemen them selves, and those the nearest neighbours: so that you cannot helpe this man, but he must alwaies be in present daunger of falling, onely his purpose [p. 165] is necessary never to fall againe. which if he have, although his ghostly Father thinketh that he will fall if occasion be offered, yet is he bound to absolve him. [*Nav. c. 3. nu. 13.*]³¹¹ For this is a generall rule in all sinnes, that certainty or security of amendment can never be required by the ghostly Father of the Penitent: for neither the office of a souldier, nor of a merchant nor of diverse other like, can in all probability long time continew without sinne: neither is the Confessour onely not bound to beleeve certainly that such will not sinne againe: but the Penitents them selves are not bound to thinke so of them

³⁰⁹ John 8:21.

³¹⁰ Aristotle, *Ethics*, 3.1.1109b30-1110b15.

³¹¹ De Azpilcueta, *Enchiridion*, cap. 3, no. 13, pp. 96-97.

selves, as Navar doth largely teach. Yett is there alwaies required the firme purpose of the Penitent, which may very well stand with an uncertainty of the effect, whan occasion shall be offered: experience teaching us that men of never so good resolution may fall againe. Thus do we see in what manner lesse certainty may be exacted in avoiding this sinn than in others & yet a firme purpose be necessary in this as well as in all others. Thus much be said against those which out of this letter defend it to be no sinne.

[*Against those which say it is a veniall sinne.*] But there ariseth a more subtil kind of persons, who hearing out of the same letter, that this going to the Church is by no meanes lawfull or dispensable, do confesse in deed that the letter condemneth it as a sinne, but yet not as a mortall sinne, or by which Gods grace is lost, and the horrible guilt of eternall damnation incurred: but onely as a veniall sinne, from which no iust mans life can be free & which also is by no maner of way dispensable, as well as a mortall sinne. [p. 166]

I must needs in these persons not onely commend their subtlety of witte, in that they very well have conceived that a veniall sinne cannot be dispensed withall: but admire also the tendernes of their consciences: as being so scrupulous and fearful, that they thinke it a worthy question to be tossed amongst Devines, propounded to the Pope, resolved from Rome to England, whether any action practised in our countrey be a veniall sinne or no. It were doubtles a most happy estate of our Countrey if either Catholicks made such account of all veniall sinnes, as this letter wisheth they should make of this, or those who are our Superiours had not need to let passe many thousand veniall sinnes without controulment.

I will therefore out of this very letter bring 8. sundry arguments which shall evidently convince that by iudgement of the writer, going to the Church is a grevous mortall sinne.

[1.] First for that he saith it is no waies lawfull, excusable, or dispensable. for although it be trew that a veniall sinne cannot be lawfull: yet is this sinne one of those kinds which the Devines do call mortall sinnes *Ex suo genere*: which S. Thomas doth thus declare. [2.2. q. 88. ar. 8.]³¹² Whan the will (saith he) is moved towards anything, which in it selfe is repugnant unto that charity by which a man is ordained unto his last end, that sinne hath by the very obiect therfore that is mortal. wherefore it is mortal of it owne nature, whether it be against the love of God, as blasphemy, periury and such like: or against the love of our neighbour as murder, adultery, & such others. Thus S. Thomas. So that this action of going to Church, whether we consider it as [p. 167] against faith, as being exterior heresy: or against charity to our neighbour as being schisme, & scandall: or against religion, as being superstitious action: or against obedience as being forbidden by so many Ecclesiasticall lawes: it is alwaies against necessary vertewes of Christian life, and so mortall of it owne nature.

312 Thomas Aquinas, *Summa Theologiae*, II^a-II^{ae} q. 88, a. 2.

Than do I this argue. Whatsoever is indispensable in such a kind of sinne as is mortall of it owne nature, is alwaies a mortall sinne: but so is this. ergo &c. [S. *Tho. ibid. & ar. 6.*]³¹³ The Maior is common amongst all Divines who affirme that mortall sinnes ex suo genere, can never become veniall, except it be for the imperfection of the acte as not being deliberate, or the smallness in quantity, as in the stealing of a halfpenny. neither of which exceptions can here in this action take place. The Miner is proved above. [2.] Secondly he saith that this is contrary to the practise of the Church, and the holy Doctours, and Fathers, use and example in all ages: But such practise Doctours and Fathers esteemed it alwaies a hainouse matter, and severely reprehended it and punished it, as all histories do witness: Therefore will the writer of the letter have us to esteeme it in like maner a hainouse and grevous offence.

[3.] Thirdly he referreth him selfe to sundry treatises, written heretofore. but those all especially those of his own writing condemne it as a mortall sinne ergo. [See *Testament of Rhemes Matt. 10, 12 & 2. epist of S. Iohn.*]³¹⁴

[4.] Fourthly he alleageth the practise of England from the beginning of the missions of Priests: But who is so imprudent that he dare deny, that alwaies [p. 168] those who have lived in those missions have made it a mortall sinne?

[5.] Fifthly he saith the Pope willed that such as should through frailty go to the Church should be easely absolved: than was it his iudgement and the Popes also that there was necessity to be absolved. which necessity is not in veniall sinnes which are not necessary to be confessed. and are taken away by other meanes, than by absolution: if so it please the Penitent.

[6.] Sixthly he requireth sorow, & reasonable hope that they will hereafter stand more strongly. which is a plaine argument of a mortall sinne: for this is not required in a veniall sinne.

[7.] Seventhly he calleth the absolving of them a receiving againe. Than were they fallen out of the Church, and quite cutt of from Christ his members: for this is the common understanding of this word, to receive againe. And is there any doubt than of a mortall sinne?

[8.] Finally the intent of his leter was onely for to repress the singularity of him who was well knowen to teach the contrary, who now by his going forth hath shewed how neare this point of doctrine in Gods iudgement is unto flatte heresy & Atheisme: and it was thought better to use this milde proceeding than the Ecclesiasticall sword. and yet certaine promise is made of that also if need require. Than was it not his intention to confirme the others opinion by censuring it as a veniall sinne: neither is the sword to be drawn, but in case of mortall sinne.

God graunt therefore that these so grave and manifold authorities make those which go to he [p. 169] reticall conventicles, yet at the least to acknowledge their

³¹³ Thomas Aquinas, *Summa Theologiae*, II^a-II^{ae} q. 88, a. 6.

³¹⁴ Matt. 10:17-42; 12:50; 2 John 7-11. See also the annotations in *New Testament of Iesus Christ*, 26-28, 37, 689-90.

sinne committed therin: & not by defending so great an iniquity, both to increase their owne damnation, & to cause the ruine of diverse others. If the lapsed will come to acknowledge their fault, to confesse their frailty, to abandon and forsake the same: the dore of Gods mercy is as open unto them, as unto all other sinners. most lamentable is the estate of such, who by obstinate defence of sinne, cannot seeke for redress therof, but most desperately runne into wilful destruction.

And least this small and simple labour intended onely for the glory of God and for benefitte of the simpler sorte, might chaunce to offend any person at all: here do I protest that my penne is not directed against any particuler person, neither do I knowe any one particuler person whom these thinges may touch, and in my conscience I suspect none. and especially of the Clergy I assure my selfe that at this present there is not one (besides some which may live openly in schisme, for whom I can not answere, neither is it necessary) which disagreeeth in this pointe from his Reverend and worthy fellowes. Yet do I perfectly know that great hurte is donne every where and that by Pamphlettes and persuasions of such Lay persons as amongst the simple have an undeserved conceite of vertew and learning. Such do I touch: and yet I know none. and therefore conclude with S. Hierome, [*ep. ad Nepotia.*]³¹⁵ *Nemimem specialiter meus sermo putavit. Qui mihi irasci voluerit, ipse de se quod talis eo confitebitur.* [My speech is not directed against anyone in particular. He who should be annoyed at me, will himself confess to be such.] [p. 170] It can not stand with Christian charity, for the necessary good of many, to regard the offences and speaches of a few. FINIS.

315 Jerome, *Epistle LII ad Nepotianum*, c. 17 (PL 22: 540).

Intra-Jesuit Debate on the Meaning of Recusancy

§30 Henry Garnet to Claudio Acquaviva,
London, 11 March 1601

SOURCE: ARSI, Anglia 31/II, ff. 172^v-183^v.

TRANSLATION: An anonymous translation, most likely by Leo Hicks, found in ABSI, and emended by the editors.

NOTE: This holograph letter addressed to "Al molto magnifico Il Signore Claudio Aqu. mercadante. Vinegia," related among other things the deaths of recent martyrs. The following passage is an extract from Garnet's account of the imprisonment and execution of John Pibush,¹ a secular priest friendly with the Jesuits. The interesting and significant paragraphs were crossed out by another. This was most likely Robert Persons as we shall see in his correspondence with Henry Garnet.

[f. 174^v] ... Nella Prigione di Londra chiamata il Banco del Re steet cinque anni et nuove mesi, et al principio di quelli anni fù condannato solamente per il delitto d'essere Sacerdote, et per esser venuto a Inghilterra con proposito di convertire l'homini alla fede romana: il che li Jurisperi heretici altri politici batesono con il nome di avocare li sudditi Inglese di questi regni dall'obedientia debita alla Regina. Dopo la condennatione hebbero qualche speranza li heretici, che volesse questo martire conformarsi alla volontà della Regina, et questo consiste in uno delli duoi punti. O che voglia il Catholico andare alla chiesa delli heretici et alli loro Riti, benché sia di fede differente, o almeno permettere d'havere conferenza, come lo chiamano, cio è sentir li ragionamenti di qualche Ministro heretico in privato intornoa le cose della santa fede. Ma nissuna di queste due conditioni volse accettare.

~~Queste due cose, tutti li Cattolici riputano illicite, et così, usque ad mortem, le rifiutano perchè la prima sarebbe ad incorrere il gran peccato d'heresia externa et proprio schisma, poiche la unione [f. 173^r] di Santa Chiesa, non consiste solamente nell'unione della fede et espressa obedientia et riconoscenza del summo Pastore, ma molto evidentemente ancora, et molto principalmente nelle ceremonie di Religione, et in non andare religiosamente alli Riti (ciaindo) Catolici, di quasivoglia compagnia, che non ha communione con la Santa Sede Apostolica. Et però è noi et i~~

¹ On him, see Godfrey Anstruther, *The Seminary Priests: A Dictionary of the Secular Clergy of England and Wales, 1558-1850*. 1. Elizabethan, 1558-1603 (Ware; Durham, 1968), 274-75.

nostri maggiori in questa santa missione, teniamo che sia verè et propriè schisma (oltre il peccato d'esterna professione d'heresia (quale alcuni pensano che non faci separatione dalla Santa Chiesa) d'andar' alle Chiese d'heretici, benchè fosse che loro potessero et volessero dire la Santa Messa. Et questo scrivo così distesamente perchè desidero che tutti li nostri Reverendi Padri sappino et inculchino il caso nostro, noi l'esperimentiamo molti martiri sono morti per questa dottrina, et il senso delli pii et fedeli in Christo, so che è un ottimo ammaestramento alli più grandi Maestri del mondo, in cose di conscientia, et so che tutti i nostri lo seguiranno.

La seconda conditione che era di conferenze coi Ministri, è aneora evidentemente illicita perchè sarebbe a mettere in dubio le cose della santa fede, et in vece di Christo et la sua Chiesa, pigliarsi per Maestro un Ministro di Luthero o Calvino (o per dire più chiaramente) del Diavolo.

Et così queste due conditione sempre sono rifiutate delli Catholici ancora che fosse a salvare la vita. Et da qui ancora apparisce come sinceramente muorono li Catholici per la santa fede poiche nissuno è a quest'hora, o è mai stato trovato tal Traditore che se havesse voluto accettare queste due conditioni ovvero pigliare quel giuramento dove si renuncia il Papa, et si dà ogni autorità etiamdio in cose spirituali alla Regina (quale è già cosa che sanno che indarno offerirebbono) non potesse salvare la vita. [f. 175']

In the London prison called the King's Bench, he remained for five years and nine months. At the start of his sentence he was condemned solely for the crime of being a priest and for having come to England in order to convert persons to the Roman faith. Heretical lawyers and other politicians have christened this as enticement of English subjects of these realms from the obedience due to their queen. After the condemnation some heretics hoped that the martyr would be willing to conform to the queen's pleasure. This consisted in one of two things: either the Catholic would be willing to go to the church of the heretics, or that he at least would consent to a conference, as they call it. More specifically they listen in private to the arguments of some heretical minister regarding matters of the holy faith. But neither alternative would he accept.

All Catholics hold both to be unlawful and thus reject them even to the point of death. The first would incur the great sin of external heresy, and of their own schism because the unity of the Holy Church does not consist merely in the unity of faith and in express obedience to and recognition of the supreme pastor, but also, quite evidently and in a high degree, in the ceremonies of religion, and in an unwillingness to attend, as an act of religion, the rites, even though Catholic, of any society not in communion with the holy Apostolic See. And do we and our predecessors in this holy mission contend that it is truly and really schism, besides being the sin of external heresy which some think does entail separation from the holy Church to go to heretical churches, even though it were the case that they were able and intended to say holy Mass. And I write this at such length because it is my desire that all our reverend fathers may know our position and stand for it. We put

it into practice; many martyrs have died for this doctrine, and the feelings of the pious and faithful in Christ, I know to be one of the best proofs to the greatest teachers of the world in matters of conscience. And I know that all ours will take this view:

The second condition, namely that of conferring with ministers, is likewise clearly unlawful for it would throw doubt upon matters of our holy faith and instead of Christ and his Church, to take as teacher a minister of Luther or Calvin, or to speak more frankly, a minister of the devil:

Catholics always reject these two conditions even at the cost of their lives. From this it appears how genuinely Catholics die for their holy faith for no one up to this very hour is or ever has been found such a traitor that he could have saved his life by willingly accepting these two conditions, or to pronounce the oath in which the pope is renounced and all authority, even in spiritual matters, is conceded to the queen. Now they know they make this offer in vain.

§31 [Robert Persons] to Henry Garnet,
30 April 1602 [vere 1601]

SOURCE: ABSI, Coll P II 464-465.

NOTE: Unfortunately this letter, written in code, was subsequently truncated by the 17th century editor Christopher Grene, who also misdated it as 1601. Without a doubt this letter is Persons's reply to the above cited letter of Garnet to Acquaviva (Doc. 30) and most probably explains the deletion of the offensive paragraphs. Because of the lack of a definitive cipher, identifications of specific individuals with different numbers is tentative.

Personius ad Garnettum. 30 Apr. 1602. Multa scribit in cyphra quae non intelligo. Incipit. [I do not understand much because the letter is written in cipher. It begins.]

My good Sir, I pray you tell 286 [Garnet] yt I have begonn to reade over his Italian large letter to 179 [Acquaviva] and am glad yt it came first by 290 [Persons] his hands for yt there be diverse things worthy of some serious reflexions before it be delivered, as first the narration yt is putt in of the 362 ... 2^o ... 3^o the said letter saith yt yielding to go to churches of Protestants ["è gran peccato d'heresia esterna e proprio scisma" [great sin of external heresy, and of their own schism] ... this if it should have passed to Claude &c ... would not be allowed, nor ever was it the common opinion of times past soe [465] farre as I know, but only yt it was a scismatical act, that is to say tending to division among them of one faith and a sinne in respect of the scandal, of the perill of infection &c ... and other such causes as are touched also in the book of reasons of refusall,² but properly heresy or schisme I never knew any man yet to hould it, for that to make heresy there must be obsti-

2 I.e. Persons's, *A brief discours containyng certayne reasons why Catholiques refuse to goe to church* (Douai [vere East Ham], 1580).

nate error in not believing some point of faith, & to make scisme there must be rebellion against the true head of the church, which were hard to proove alwaies in this case: and more we have had much adoe here to perswade it to be alwaies mortal sinne, but only upon certain particular considerations of our state and country ...

4° The point of not conferring with any heretical minister seemeth also to be much strained, where is it said ["]questa cosa è evidentemente illecita, perchè è metere in dubio le cose della Santa fede &c ["] [this act is evidently illicit because it throws doubt upon matters of our holy faith]. Heer it seemeth a man may distinguish that for laymen and ignorant it were good they refused such conferences ordinarily, though being urged thereunto I do not see why they might not accept to conferre or dispute or render a reason of their faith, as many virgins and other unlearned in the primitice church, but speaking of priests as you doe who goe thither for the instruction of others, I do not see why they may not accept such a conference not to learne or to be taught but to confute &c ... 30 April 1602. You know the hand.

§32 Henry Garnet to Robert Persons, 2 June 1601

SOURCE: ABSI, Coll P II 553.

NOTE: Unfortunately this is another truncated seventeenth-century copy. Christopher Grene also summarised the letter thus: "2 Junii 1601. Recenset varios libellos quos scripsit, et nominatim de non adeundis haereticorum templis; argumenta aliqua insinuat quibus in hoc libello usus est; et tum subdit sic [he lists various books he has written, namely about not attending the heretics' churches and the arguments that he used in the book, and to this] finalmente ho aggiunto la dichiarazione del Concilio Tridentino, il quale confirme (come io stimo) tutta la nostra opinione. Oltre a questi libri ho fatto tradurre la somma di Canisio, e ne ho aggiunto alcuni supplementi de pelerinaggi, invocatione de santi, e delle indulgenze. Ho tradutto ancora altri libretti della nostra Compania &c." [This is translated in the second paragraph below, starting with the sentence "I wrote a book of collections out of Holy fathers..."] (ABSI, Angl. 38/l, f. 178').

Alia. 2 Jun. 1601. From the other point of schisme ... I wrott a discourse of it, upon necessity to answer objections, & it served the turne heer, and hindred much evil & I would be glad the crime were not so heinous as it is in my conceite; yet this is certaine that this Clement hath expresly defined it to be ex sua natura malum [evil by its very nature], and I have Cardinal Allen's to shew thereof.³ That it is exterior heresy I never heard any deny; many have sayd it, as in Portugal att my first coming anno 1575, it was consulted and at Compostella resolved by the Archbishop and

3 The letter is obviously Cardinal Allen's to the English Catholics, in which he relayed instructions regarding church attendance that he had received personally from Pope Clement VIII. See above Doc. 27.

two fathers of ours then there,⁴ and Suarez⁵ hath it in his dictates (I would you would send me my writings) and Muzio Angeli⁶ who knew our cause, & to me it seemth evident, that to be at heretick's service, is as well externall heresy as it is externall Idolatry to be present at the Sacrifice of Idols. But be it as it wil, I think no man wil now stir in this question.

As for schisme the matter is more doubtfull. Yet I think that out of the Holy Fathers we may gather that such as went to the Donatists or Arians Congregations were accounted Schismatics, although they went to the trew Sacrifice of the Church, and I allwaies thought you were of this minde ... & ... Besides that treatise of schisme (which was first written with great necessity)⁷ I wrote a book of collections out of Holy fathers, intituled Of Christian Renunciation, which I was forced to doe, against parents & husbands who too much pressed theirs to go to church & I hope it did good. To this I adioyned a short confutation of such as maintained, it was lawfull to go to the Church with protestation, upon a new occasion. There is also a definition of Clement & a reply against some which by Cardinal Allen's letter thought to maintaine that it was only a venial sinne to go to the Church.⁸ Finally I added the declaration of the Council of Trent, which I think confirmeth all our opinion. Besides these I caused Canisius⁹ Summa to be translated,¹⁰ and added some supplements of pilgrimage, invocation of Saints & Indulgences largely. Some other little books of our Society I have translated.¹¹ In written hand I con-

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- 4 The Archbishop of Santiago was Francisco Blanco (†1581). We can not identify the two Jesuits. The Jesuit college did not open until 1577 so they could not have been professors on its staff.
- 5 A Jesuit priest, Suárez (1648–1617) was one of the most celebrated early modern Catholic theologians. Since no published work has *dictates* in the title, Garnet must be referring to dictated notes from a course. Garnet studied under Suárez at the Roman College.
- 6 De Angelis (1561–1597) was a professor of Theology at the Roman College.
- 7 Garnet, *An apology against the defence of schisme* (n.p., n.d. [England, 1593], ARCR 2: no. 318, RSTC 11617.2).
- 8 Here Garnet is explaining to Persons that he well knows what is lawful and what is forbidden in matters of church attendance. He stressed that he had in fact written a treatise (*A treatise of Christian renunciation* [n.p., n.d. (England, 1593)], ARCR 2: no. 322, RSTC 11617.8) in a section of which he attacked the conformists ("a short discourse against going to hereticall churches with a protestation"). His comments to Persons echo specific passages in this work.
- 9 Peter Canisius (1521–1597) wrote different catechisms for various audiences.
- 10 Peter Canisius, *A summe of Christian doctrine* (n.p. n.d. [England, 1592–1596]), ARCR 2: no. 233, RSTC 4571.5.
- 11 Vincenzo Bruno, *The first part of the meditations of the passion, & resurrection of Christ our Saviour* (n.p., n.d. [England, 1598]), ARCR 2: no. 325, RSTC 3941.1; *The second parte of the meditations* (n.p., n.d. [England, 1598]), ARCR 2: no. 326, RSTC 3941.2; *The third parte of the meditations* (n.p., n.d. [England, 1598]), ARCR 2: no. 327, RSTC 3941.3; *The fourth parte of the meditations* (n.p., n.d. [England, 1598]), ARCR 2: no. 328, RSTC 3941.4; *A short treatise of the sacrament of penance* (n.p. [England], 1597), ARCR 2: no. 329, RSTC

futed a pestilent dialogue between a gentleman and a Physitian, made by a workman with some help of his fellowes, but it was so suddenly written against, that it was crushed, and no memory now thereof. And I think no copyes extant by my owne. Yet it did much good, and the Dialogue was full of errours and heresies. The author was sorry for it. This I write that you may know all, and you shal have the books when I can send them. I desire to be instructed where I misse, & I always sought to follow your footsteppes &c &c. You must also consider the Sentence of Pius V. who hath these words impia mysteria &c a subditis servari mandavit¹² [that impious rites and institutions etc. should be observed by her subjects also] & after ei adhaerentes in predictis supponit censuris [to have incurred the sentence of excommunication and to be cut off from the unity of the Body of Christ].¹³

3941-5; Jacobus Ledesma, *The Christian doctrine in manner of a dialogue betweene the Master and the Disciple* (n.p. [England], 1597), ARCR 2: no. 336, RSTC 15353; Luca Pinelli, *Breife meditations of the most holy sacrament and of preparation, for receiving the same* (n.p., n.d. [England, 1598-1601]), ARCR 2: no. 337, RSTC 19937. Bruno (1532-1594) was twice rector of the Roman College, and a professor of spirituality at the same institution. He may have numbered Garnet among his students. Diego Ledesma (1524-1575) was prefect of students at the Roman College and influential in the formulation of the *Ratio studiorum*, the Jesuit "method of studies" and philosophy of education finally promulgated in 1599. Pinelli (1543-1607) was a Jesuit preacher and theologian.

12 This is a citation from Pius V's *Regnans in Excelsis*, §2. See above Doc. 15.

13 This is a citation from Pius V's *Regnans in Excelsis*, §3. See above Doc. 15. The precise citation is "cique adherentes in praedictis anathematis sententiam incurrisse, esse que a Christi Corporis unitate praecisos."

The Problem of Occasional Conformity in Scotland

§33 Cases of Conscience, 1587

SOURCE: ARSI, Anglia. 42, ff. 225^{r-v}.

TRANSLATION: Anonymous translation found in ABSI, but emended by the editors.

NOTE: In 1587 different cases of conscience were submitted to William Crichton for evaluation. One concerned church attendance.

De casibus in Scotia accidentibus

Queritur. Utrum catholici ab ipso rege invitati et conducti ad conciones hereticos, ubi non fiunt preces hereticae, nec est periculum in eis audiendis possint tuta conscientia eis interesse, quando sine gravi illorum damno subterfugere tales conciones non possunt, nec est scandalum si ad eas accederent. Et si confessores possunt absolvere catholicis in confessione, qui a talibus concionibus audeindis aut nolunt aut non possunt abstinere.

Responsio. A talibus concionibus est abstinendum, quia vix credi potest ut viri rudes et parum exercitati in rebus fidei eis interesse possint sine periculo animae suae. Quod si pro certo habetur valde probabile sit. non esse scandalum, aut ullum eprum periculum, pro communi bono, non ob particulare commodum, quum sine precibus fiunt interesse poterunt.

Query. If Catholics are invited by the king himself and taken to the sermons of heretics, sermons not accompanied by heretical prayers and not dangerous to listen to, can they with safe conscience be present at such when without serious loss they cannot avoid these sermons, and their presence would cause no scandal?

Reply. Such sermons are to be avoided since it is almost incredible that men, uncultured and little versed in matters of religion, can be present at them without danger to their souls. But if it be certain, or extremely probable, that there is no scandal nor any danger to their souls then for the common good, but not for any personal advantage, they can be present provided no prayers are added.

§34 Robert Abercromby¹ to Claudio Acquaviva and George Duras², n.d. [ca. 1601/02]

SOURCE: ABSI, Angl. 42, ff. 151^r-156^v.

TRANSLATION: Anonymous translation in ABSI, emended by the editors.

NOTE: This original report was endorsed: "Soli. Patri Nostro e P. Assistenti. Narratio de statu Regni Scotiae atque nostrorum a P. Roberto Ambricombi" (To Father General and Father Assistant only. A report on the state of the kingdom of Scotland and on the Jesuits by Father Robert Abercromby.) A different hand added "Scriptae videntur istae litterae anno 1602 antequam Rex Jacobus iniret Angliae regnum. In iisdem fit mentio de anno 1601 iam elapso" (These writings seem to come from 1602 before James inherited the kingdom of England.³ There are also comments therein about 1601 having passed). Most of the report was edited and translated in William Forbes-Leith, ed., *Narratives of Scottish Catholics under Mary Stuart and James VI* (Edinburgh, 1885), 269-74. This section, however, was not included in his edition.

[f. 152^r] R.P. Vra. non ignorat finitas esse facultates nostras mense aprili, in anno 1601 quas si placeret P.V. libenter renovatas cuperemus. Exemplar illarum praesentiori tradidi deferendum ut videat P.V. pluresque si visum fuerit adiungi curet. Praecipue hoc omnes obnixè concedi petimus, ut quibusdam licentiam dare liceat ad ministrorum conciones aliquando eundi, ubi neque perversionis periculum fuerit, nec scandalum quod si concederetur magno esset adiumento et solatio multis animabus, hac sola de causa in Scotia pereuntibus.

Hoc ut mihi videtur non tam aegre concederent multi ex nostris theologis, si nostro loco eddēt sicut et nostri in Lituania prussia et polonia theologi, cum ego illic essem, qui discipulos suos ad haereticorum conciones audiendas mittebant. [f. 153^r] Cur non et nobis liceret, spiritualibus quibusdam filiis, idem permittere, quos scimus nihil detrimenti inde accepturos, sed potius multa notaturos et collecturos, de quibus alios rudiores, informantes, ministrorum falsam doctrinam erroresque blasphemus ostendent.

Your reverence will not be unaware that our faculties expired in April 1601 so that you may renew them if that is your desire. I have given a copy of them to our postulator⁴ so that you may consider them to see whether you wish to add to them. Most especially we do beg that permission may be granted so that some may occasionally attend the sermons of the heretics as long as there was no danger of

1 Abercromby (1536-1613) worked in Eastern Europe for nearly twenty years. He was superior in Scotland between 1601 and ca. 1606.

2 Duras (1548-1607) was serving as Father General Acquaviva's assistant for Germany (in fact, northern and eastern Europe) after having been provincial of Belgium.

3 King James VI of Scotland (1566-1625) ascended the English throne upon the death of Queen Elizabeth in 1603.

4 Abercromby's report was delivered to Rome by George Strachan (ca. 1592-1634). Presumably he was also given a copy of the faculties.

perversion or scandal. If this were allowed, it would aid and console many souls currently perishing in Scotland for that reason solely.

It seems to me that many of our theologians would have no problem with this practice if they were here in Scotland. In Lithuania, Prussia and Poland, when I was there, theologians allowed their students to attend heretical sermons. Why then should it not be permissible for some of our more spiritual sons, whom we know would not be harmed from attendance, to do so? They would then be able to expose the false doctrines of the ministers and their blasphemous errors to many thoughtful and enquiring minds, among whom there would be some uneducated in need of enlightenment.

§35 *Andreas Stenson [vere William Murdoch]*⁵ to George Duras
Elgin, 1 July 1602

SOURCE: ABSI, Angl. 42, ff. 162^{r-v}.

TRANSLATION: Anonymous translation in ABSI, emended by the editors.

NOTE: The following is a section from a holograph report on the state of the Scottish mission.

... viginti quidem mitti possent, dummodo bene sint versati in scientia mercaturae, et cum summa potestate admittendi suos subditos ad conciones h.[aereticas] quos iudicant non lapsuros in h.[aeresim] salvis etiam conditionibus ut non saepe hoc fiat, et mensibus singulis nos convenient, rationes suas reddaturi. Quo medio vicimus. Modo vero cum lachrimis coguntur regi et latae legi obedire, ni velint, qui divites sunt aut exulare aut omnia sua perdere, quod non facient propter uxores et liberos suos, pauperes vero ni obedierint, a Dominis suis e terris quas occupant, tanquam filii Israel in Aegypto excludentur, et sic insolitam vitam cum feris in misera patria degent quam perhorescunt. Quid igitur obsecro fiet perdentur ne tot animae? Et haec insula cum Aphrica, Asia et aliis aliquibus regionibus catholicis, redibit ad atheismum et infidelitatem? Audimus religionem catholicam in Gallia magnum incrementum sumpsisse, ex quo libertas haec conscientiae, curiosis ingeniis est concessa quam cum assequi non possumus, ab adversariis nostrae fidei in Scotia, non video quin catholicis probatis viris, de quorum periculo minime dubitamus, ad maiorem gloriam Dei, salutem animarum, et reductionem fidei concedi nobis possit (quod multis concionatoribus fit, adeundi conciones haereticas ut refellant postea) facultas permittendi nostros paenitentes audire haereticos non tamen adesse eorum precibus et ceremoniis aliis quibus consistit vis religionis suae. Alias de hac re ad vos perscriptum fuit et nihil responsum. Quod si ne nunc quidem audiemur tres quales describuntur in praefatione Constit. erant nobis gratissimi. O utinam seniores!

⁵ Murdoch (ca. 1539-1616) worked in Scotland between 1594 and 1607 when he was banished from the kingdom.

... Twenty Jesuits, if sent on the mission, could be well employed as long as they were properly trained and have full power to admit to heretical sermons those under their care who, according to their judgement, will not lapse into heresy on condition that they attend only occasionally, and provide a monthly account to their Jesuit director. Usually we win. In this way with their tears they convince the king that they are obeying the laws. The rich risk exile and loss of all property if they do not obey. For the sake of their wives and children, they will not put their estates at such risk. The poor must also obey lest they forfeit their lands into the hands of their lord. Just as the sons of Israel upon being cast out of Egypt, they may lead wretched lives with wild beasts in wretched areas of the country. This, of course, they detest. What then is to be done? Should we risk losing many and reducing this country to atheism and loss of faith like Africa, Asia and certain other Catholic regions. We hear that Catholicism in France is expanding because of the liberty of thought granted to inquisitive minds. But in Scotland we can hardly imitate that because of strong enemies. I do not understand how we can deny permission to committed Catholics, our penitents, whose faith, we are certain, will not be threatened, from attending Protestant sermons for the greater glory of God, the salvation of souls, and the defense of the faith (as it done by Jesuits who attend the sermons in order to refute them later). They do not attend the prayers and services that characterise that church. Earlier we wrote to you about this but received no answer. Now we hear about three things set out in the constitutions that delight us. Would that you elders attended to it!

§36 Alexander MacQuhirrie⁶ to Claudio Acquaviva, England, 1 December 1602

SOURCE: ARSI, Fondo Gesuitico 651/635.

TRANSLATION: James A.P. Byrne, but with emendations by the editors.

NOTE: This is the original letter with seal and folds.

Unfortunately we do not know the precise reasons why English Jesuits requested MacQuhirrie's visit. Were the English interested in ascertaining precise conditions for Catholics in Scotland in anticipation of the accession of King James VI to the English throne? Or, perhaps more likely, was he there to explain to English Jesuits the Scottish position on attendance at Protestant sermons. In the appellat controversy critics of the English Jesuits cited Scottish toleration as an example of Jesuit laxity.

... Evocatus in Angliam a nostris certis de causis quas ex eis post intelliget Paternitas Vestra gaudebam me iactum fuisse nuntium per quem literae meae deferri tuto possent. Et quidem magnopere semper cupiebam frequentes ad Paternitatem Vestram literas dare, ni graves extitissent causae quae me quo minus id praestarem praepedierint. Recordatur Paternitas Vestra crebrius nos qui in Scoti-

6 MacQuhirrie (ca. 1557–1606) worked in Scotland from ca. 1592 until his death.

cana Missione vivimus a Paternitate Vestra sciscitatos esse quid cum eis agendum esset qui haereticorum conciones vel invitissimi adeunt (quorum sane magnus est muneris) an nulla ratione admittendi sint ad sacramentorum perceptionem, in plane abstinere promittant. Id equidem omnes vellimus ac quibus possumus rationibus perurgemus, quamquam parum promovemus ob gravissima damna bonorum omnium direptionem carceris, aut exilii indubitum supplicium consecutorum, videt ergo Paternitas Vestra quanto in discrimine res haec sit, et quidem inevitabile, quare merito etiam hoc vice interpellamus Paternitas Vestra obsecramusque per Jesum Dominum ut nobis aliquando hos conscientiae aculeos eximat, ne dum animarum lucro intenti, nostrarum iacturam faciamus. Sequemur quicquid rescriperit Paternitas Vestra unum istud praedicimus, si nullo casu id licuerit, propemodum dixerim nostram hic operam prorsus inutilem fore, et quod gravius est incultos eo omnis religionis oblituros brevi ut prorsus stupidi et inepti sint futuri. Itaque merito hic Paternitas Vestra fidem operaque imploramus, simulque ut facultates prorogentur. Et haec sunt quae nos in specie concernunt.

I was summoned to England by yours for definite reasons which Your Paternity will learn of from them. I was glad to find a messenger through whom my letter could safely be brought. Indeed I was greatly desirous to send frequent missions to Your Paternity but serious reasons have prevented my doing so. Your Paternity recalls that we who live in the Scottish Mission have frequently asked what is to be done with those who go to hear the sermons of heretics either against their will (and this is certainly a large number) or for no reason: are they to be admitted to reception of the sacraments [if?] they plainly promise to keep away. This is what we all would wish and do earnestly urge with what reasons we can muster, although we make small progress in the face of the very heavy losses, the plundering of all properties, imprisonment, the certain punishment of exile that will overtake them. Your Paternity sees in what a crisis the situation stands, indeed in what inevitable danger. Therefore justly this time we ask Your Paternity and beseech you through Jesus our Lord to remove at last these goads of conscience, lest in eagerness to gain souls we suffer the loss of our own souls. We shall follow whatever Your Paternity writes back. We say only this beforehand: if this is in no case allowed, I would almost say that our work here will be wholly useless, and what is more serious, the ill instructed will for that reason forget all religions so as to become entirely stupid and unfit. Therefore with good reason we implore Your Paternity's trust and effort and at the same time that the faculties be continued. These are our specific concerns.

§37 William Crichton to Claudio Acquaviva, Paris, 4 June 1603

SOURCE: ARSI, Anglia. 42, ff. 169^{r-v}.

TRANSLATION: An anonymous translation found in ABSI, emended by the editors.

NOTE: This is the original letter with folds.

Originally Crichton planned to cross to London with William Chisholm (III), Bishop of Vaison. The bishop, however, decided to remain temporarily in Paris, but insisted that the Jesuit continue on without him.

... Aliam subiecit rationem, nostros videlicet in Anglia nimium fervere, et expedire ut eorum fervor temperaretur aliquantum, que in re existimavit me aliquid posse prestare. Et certe puto in hac parte aliquantulu, peccari, quia adhuc sunt ex nostris aliqui, ut audio, qui mordicos tenent schismaticos fuisse qui Domino Archipresbytero se oppusserunt. Putant omnes patres Anglia (ut intellexi) patres Scotos dare veniam catholicis frequentandi conciones haereticorum. Sed falluntur; non hoc faciunt patres Scoti, quamvis a patribus Anglis in hoc differant, quod non existiment eos qui interdum accedunt ad conciones haereticorum esse schismaticos, nec indigere reconciliatione alia ad ecclesiam quam quae fit in confessione sacramentali, sicut de aliis peccatis. Contra patres Angli vocant eos schismaticos, et indigere reconciliatione particulari antequam admittantur ad audiendam missam, aut ut intersint exercitiis catholicis, veluti concionibus aut exhortationibus catholicis. Ut hoc fiat tanquam industria utilis non improbo, sed ut admittatur tanquam doctrina catholica et necessaria non probo. Scoti sacerdotes neminem a peccatis absolvunt qui accedit ad conciones haereticorum qui non peniteat facti et promittat se non reversurum. Si vero fuerit reversus excipitur in hoc peccato tanquam alius recidivus in peccata mortalia aut venialia. Et hoc est doctrina quam tenent sacerdotes Scoti.

Preterea audio ex vere amicis Societatis nostros offendi si ulli Societatis aut amici Societatis familiaritatem ullam habent cum ullis qui vel archipresbytero vel a Patre Personio habeant aversionem, vel cum ullis qui conciones hereticorum frequentant. Ego existimo hoc fieri non debere, imo huiusmodi homines esse quaerendos et frequentandos ut lucrarentur; et quamvis integre et sincere lucrari non possint, tamen si vel minimum quid lucraretur, rem bene geri; et si vel digitum unum assequi possimus, per digitum posse brachium extrahi a perditione, et per brachium, scapulas et caput, tandem totum hominem: et ideo in Scoria solitus fui ego saepius apud haereticos hospitari, ut sic accessum et familiaritatem haberem, et post accessum et amicitiam de religione tractarem: et puto R.P.V. non egre laturum si in tali modo conversationis pergeretur.

... He added another reason: namely that ours in England were acting too zealously and that it was expedient that their fervour be moderated somewhat, and they think that I can contribute something in this. And certainly I think that some mistakes are being made in this direction because, as I hear some of ours still hold fast to the stand that those who opposed the Lord Archpriest were schismatic. All English Jesuits (as I judged) think that Scottish Jesuits give Catholics leave to attend

heretical meetings. But they are mistaken. Scottish Jesuits do not do this although they do differ from their English colleagues in not considering those who sometimes go to heretical meetings as schismatic, nor as needing any other reconciliation with the Church than is made in a sacramental confession as in the case of other sins. The English, on the contrary, label them schismatics and maintain that they need particular reconciliation before being admitted to hear Mass or being present at Catholic exercises, like sermons or exhortations. That this should be done as a useful practical measure, I find no fault with, but that it should be admitted as Catholic and necessary teaching I do not approve. The Scottish priests absolve from sin no one who goes to meetings of heretics who does not repent of the act and promise not to return; but should he return, he is treated like any other recidivist into mortal or venial sins. And this is the teaching which the Scots priests hold.

I hear besides from persons truly friendly to the Society that ours are offended if any Jesuit or friend of the Society have any familiarity with anyone averse either to the archpriest and Father Persons, or with anyone who frequents meetings of the heretics. I do not think this is proper procedure; rather, such persons should be sought out and visited frequently so that they may be won, and that even though they cannot be won over wholly and sincerely, yet if at least even some gain be made, a good thing is done. And if we can get only a finger at first, and later an arm, a shoulder, the head and finally the whole man. And therefore in Scotland I visited the homes of heretics in order thus to have access to them and intimacy with them and after access and friendship, we would treat of religion, and I think that your paternity would not take it ill in this manner frequent sojourns were extended.

§38 [Robert Taylor?], "Avvisi", London, 12 July 1603

SOURCE: Vatican City, Archivio Segreto Vaticano, Fondo Borghese, serie III.98.D.3, ff. 138^{r-v}.

TRANSLATION: Francis Edwards prepared an edition of early seventeenth-century documents important for English Catholic history in the Archivio Segreto Vaticano. Unfortunately the four volumes were never published.

NOTE: The "Avvisi" are anonymous reports of the current situation in England, possibly written by Robert Taylor, an English priest, sent to London to ascertain the situation by Ottavio Mirto Frangipani, papal nuncio in Brussels.

... Male hic haber, quod dicatur Suam Sancitatem cum Regina dispensasse, ut catholica existens possit ingredi, et audire haereticorum conciones, omnes enim tenent Pontificem vel id non fecisse, immo ne quidem posse eo argumento, nisi quod Pontifex ea non possit, quae intrinsece continent malum, sed audire conciones haereticorum intrinsece continet malum, ergo Pontifex non possit dispensare, ut quis haereticorum conciones audiat, praeterea audire conciones haereticorum est signum distinctum [f. 138^v] ab aliis qui eas non audiunt.

The report is badly taken here that his Holiness has given the queen a dispensation so that, although she is a Catholic, she is allowed to be present at and listen to sermons of heretics. Everyone thinks that the pontiff did not do it – indeed, he could not do it unless one were prepared to argue that the pope could allow what is intrinsically evil. But to hear the sermons of heretics involves a matter of intrinsic evil. Therefore, the pope could not dispense so that someone could listen to such sermons. Moreover to hear the sermons of heretics is a sign that distinguishes them from others who do not listen.

§39 Alexander MacQuirrie to Claudio Acquaviva,
London, 20 July 1603

SOURCE: ARSI, Fondo Gesuitico 651/635.

TRANSLATION: James A.P. Byrne, but with emendations by the editors.

NOTE: This is the original letter with folds.

... Alterum eam difficultatem complectebatur, quae eos attingit, qui haereticorum conciones adeunt, quae licet iampridem Anglis sit enodata, et nostratibus plus nota, quam grata, postulat tamen, mea quidem opinione Scotiae bonum, ut id significanter, aperteque patribus nostris quae ea in regione laborant, perscribatur; quo Catholici qui se solito pressius duriusque haberi conquerentes, non nostrorum sed ecclesiam regentium praesulum esse sententiam sciant, quod neutiquam effectum in iuto, nisi hoc expresse P.V. patribus significaverit suis literis. Et vero P.V. responsum, omnes nos animi angore maximo levabit, et aliis omnem calumniandi ansam praescindet quibus animus ad graviora sustinenda minor est.

... Visum est quibusdam ut breviter perstringerem eam procedendi rationem qua Scotorum statuta Catholicos premunt, ne forte aliter longe referantur a quibusdam qui immites amici esse videri volunt, dum lenius eum Catholicis actum esse non erubuerunt asserere. Statuta regni paenam mortis sacrum dicenti aut audienti proponunt uti et sacerdotem ex seminario aut Societatis recipienti, ministrorum modus est. Is de cuius fide dubitatur, a presbiterio (uti vocant id ex decem aut plurium ministrorum conventiculo, cui praeest ex hoc numero unus omnium aut plurium suffragiis electus) citatur ut vel fidem neget, et haeresim approbet, vel contumacem, qua voce haeretici nostri nunc utuntur, se ostendat. Si negaverit se Catholicum esse, tamen suspicionis et scandali (aiunt illi) amovendi causa, iubetur primo conciones frequentare, deinde subscribere haeticorum fidem (quam ad certa capita reduxerunt quae Latine e Scotice videre est in libello anno superiori edito a Reverendissimo Episcopo Vesoniensi, Scoto) post iurare se eam amplecti fidem ex animo, eamque quanto poterit conatu tuiturum; tandem caena Calvini participare. Sin autem [2r] renuerit, tunc pro suggestus trina monitione diebus tribus Dominicis hortantur ut velit, quae ipsi iubent perficere, sin minus tertia

excommunicationis sententiam in eum proferunt qua animam et corpus miselli diabolo tradunt. Praxis legum statim post hanc sententiam excommunicationis prolatam iubent leges ut excommunicatus proscribatur bonaque omnia mobilia et immobilia quaecumque fisco cedant regio, et si per annum ea in sententia permanserit, pro vita privandum omnibus redditibus interim aliae edicta promulgantur quibus iubetur excommunicatus comprehendi et in carcerem mitti eo usque donec ministris satisfecerit.

... The second request dealt with the difficulty affecting those who attend sermons of the heretics. This was long ago clarified for the English and is better known than acceptable to our country men. But the good of Scotland, in my opinion requires that it be written out in full expressly and openly, for our fathers who work in that country, in order that Catholics who complain that they are being treated more repressively and harshly than usual, may know that this is not an opinion of ours but the decision of the heads of the Church. I think that this will not be achieved unless Your Paternity expressly makes it clear to the fathers in your letter. Your Paternity's answer will relieve us all of the greatest anxiety and will remove all excuse for calumny from others whose courage for enduring heavy burdens is rather small.

... Some have thought that I should briefly describe the way in which the Scottish statutes oppress Catholics lest perhaps others report about them far differently, wishing to appear cruel friends while unblushingly asserting that Catholics have been dealt with rather leniently. The statutes of the realm propose the death penalty for anyone hearing or saying Mass, likewise for anyone who a seminary priest or one of the Society. This is the way of the ministers. Anyone whose faith is questioned is cited by the Presbytery (as they call a group of ten or more ministers of the conventicle, the head of which is one elected from this group by the votes of all or of a plurality) either to deny the faith and approve the heresy, or to show himself contumacious a word our heretics now use. If he denies being a Catholic, still, to remove suspicious of scandal (as they say) he is ordered first to attend the sermons, then to write his name under the faith of the heretics (this may be found in small book under certain headings, published last year, translated from Scottish into Latin, by the Bishop of Vaison a Scotsman),⁷ after this to swear that he embraces that faith from the heart, and will protect it with as much effort as he can; and lastly to take part in the supper of Calvin however, if he refuses, then by three warnings from the pulpit on three Sundays they urge him to do as they wish; if not, on the third Sunday they produce a sentence of excommunication against him and hand over the body of the

7 William Chisholm, *Examen confessionis fidei Calvinianae quam Scotus omnibus ministri Calviniani subscribendam et iurandam proponunt* (Avignon, 1601), ARCR 1: no. 242, RSTC 5141.5.

poor creature to the devil.⁸ The practice of the laws enjoins that immediately after the sentence of excommunication has been passed, the one excommunicated be proscribed, outlawed, and all his property movable or immovable be confiscated to the king, and if the excommunicated one remains in his opinion for a year he is to be deprived of all revenues for life; meanwhile other edicts are promulgated ordering him to be arrested and gaoled until he shall have satisfied the ministers.

§40 Alexander MacQuirrie to Claudio Acquaviva,
London, 24 August 1603

SOURCE: ARSI, Fondo Gesuitico 651/635.

TRANSLATION: James A.P. Byrne, but with emendations by the editors.

NOTE: This is the original letter with folds.

MacQuirrie personally believed that Catholics should in no way associate with heretical worship, but feared that the Scots would blame Jesuits for the prohibition. Thus he asked again that a pronouncement make it clear that this was a decision of the Church and not simply of the Society of Jesus.

... Primum est, Nostrates homines multum haereticorum sermonibus molestantur, et nisi eis intersint gravissimis legum poenis mulcantur, nempe bonorum omnium privatione, et corporum incarceratione, ut nihil dicam de ultimo supplicio, quod eis regni statuta infligunt. Ego quidem iam pridem imo semper in ea fui sententia cum Anglis id nullo pacto permittendum esse, verum unice optarim ut id nostris P.V. literis aperte significetur, ut hoc externis demonstratum nos omni invidia liberet.

... First: our countrymen are much troubled by the sermons of the heretics. If they do not attend them, they are fined with the heaviest penalties of the laws; namely, deprivation of all their property, imprisonment, not to mention the final punishment, which the statutes of the realm inflict upon them. For some time now – or rather, I have always been of this mind along with the English – that attendance should in no way be allowed, but I would especially ask that it be openly indicated in Your Paternity's letters to Jesuits in such a way that the letter may be shown to non-Jesuits and in so doing prevent us from becoming unpopular.

8 On excommunication in Scotland, see Michael F. Graham, *The Uses of Reform: "Godly Discipline and Popular Behaviour in Scotland and Beyond, 1560–1610* (Leiden, 1996) and Margo Todd, *The Culture of Protestantism in Early Modern Scotland* (New Haven; London, 2002). The Kirk, as Graham rightly points out, depended on popular support and social magistrates for the effective implementation of excommunication. Once excommunicated, a person should be shunned by everyone outside his immediate family. If said person had not repented within forty days, he was "put to the horn." In theory ruin followed, but the practice varied. See *Uses of Reform*, 44–49.

§41 John Burnet (*vere* Alexander MacQuhirrie) to Claudio Acquaviva,
London, 18 July 1604

SOURCE: ARSI, Fondo Gesuitico 651/635.

TRANSLATION: An anonymous translation in the ABSI, but emended by the editors.

NOTE: This is the original letter with folds.

... iam licet statum Catholicorum in Scotia satis miserabilem ostendimus, velim praeterea innotesceret S. Sti, nemini impune apud nos licere (unam tantum foeniam nobilem, Eleonaram Hayam, Errolii Comitis sororem unicam et Litheo Comitis uxorem, si excipias quam rex protegit) Catholice vivere, cui non sit concio (minimum dico) frequentius audienda, qui si renuerit, bonorum omnium iacturam subire cogitur, etiamsi carceres ingredi elegerit, de quibus amplius, ubi in patriam rediero perscribam.

... Now although we have pointed out the fully wretched position of Catholics in Scotland, I wish His Holiness to be made aware that no one in our country may live as a Catholic with impunity (except one noble woman, Eleonor Hay, only sister of the Earl of Errol and wife of Earl of Lith, whom the king protects),⁹ who is not compelled to attend sermon (this is the least imposition) rather frequently, and if he refuses, is forced to undergo the loss of all his property even if he elects to go to gaol. More fully about this when I return to my country.

⁹ Eleanor (or Helen) was the daughter of Andrew Hay (†1585), Earl of Erroll, and sister of Francis Hay, Earl of Erroll (1564-1631). She married Alexander Livingstone, Earl of Linlithgoe (†1621), in January of 1594. She had been excommunicated by the Kirk whose ministers advised her husband to divorce her. Nonetheless James VI placed his daughter Elizabeth in her care. A generous benefactrix of the Jesuits, she sheltered Alexander MacQuhirrie and he died in her house (Peter J. Shearman, "Father Alexander McQuhirrie, SJ," *Innes Review* 6 [1955]: 39 n60).

Late Elizabethan/Early Jacobean Cases

§42 "Directions [for Catholics] as to the lawfull manner of answering questions of going to Church," 23 May 1601 [?]

SOURCE: Kew, The National Archives, SP 12/279/90.

NOTE: Calendared as 1601 (CSP *Domestic* [1601-1603] 44), a date accepted by Alexandra Walsham (*Church Papists: Catholicism, Conformity, and Confessional Polemic in Early Modern England* [London; Woodbridge; Rochester, NY, 1993], 121), this document may in fact be Jacobean: the "1" could just as easily be read as a "7." Indeed internal evidence suggests a Jacobean redaction: the treatise, according to one interpretation, addresses the ruler as "His Majesty." William R. Trimble, however, places the treatise in the reign of King Charles I because he thinks the handwriting is Caroline (*The Catholic Laity in Elizabethan England, 1558-1603* [Cambridge, MA, 1964], 176 n262). Elliot Rose, on the other hand, disputes this interpretation. According to Rose, "His Majesty" since it follows "commend the matter to God" refers to the divine majesty and to no temporal monarch (*Cases of Conscience: Alternatives Open to Recusants and Puritans Under Elizabeth I and James I* [Cambridge; London; New York, 1975], 83-85). If the document is indeed Jacobean, it may represent a reaction to the enforcement of anti-Catholic legislation after the Gunpowder Plot of 1605. In fact, the 1606 "An Act for the better discovering and repressing of Popish Recusants" (3 Jac. I. c. iv) equated religious conformity and civil allegiance by making Protestant communion compulsory once per year.

Marginal notes have been incorporated into the text in italics and in brackets. Punctuation has been occasionally modernized for the sake of clarity.

23 May 1601[?]

Of the lawfull manner of answering to questions of going to Church, or receiving or doing other religious Actions

1. First in my judgment these questions tending to Religion, and to the practice thereof. The answer must be such as may be lawfull in a religious sense. For otherwise the answer giveth just cause that the demander conceive a sense dishonourable unto God.

So it is lawfull to say he goeth to Church, because he meaneth a profane going to Pauls: nor that he hath received, because he received his rents, or a piece of bread at home or that he hath service, because he hath service of his man, or such like.

2. Secondly, if a man be demanded whether he doth a Religious action, which is by morall estimation of all man in this Country appropriated to the hereticall

Religion? It is no way lawfull to say, he doth it, or will do it. Such is the question: go you to the Church? Receive you the Sacraments? In so much that although one had either heard Masse sayed indeed in a Church, or been at Masse at Calis: he were bound to expresse those conditions if he answer that he was at Church, for if other wise he giveth just occasion (considering that there are no publick Churches of Catholicks in England) to be understood of going to hereticall Churches.

3. Thirdly, if there were indeed use of severall Churches publickly for Catholicks and Hereticks also, then if a heretick asked a Catholick if he had been at Church, he might answer, yea, though the heretick should imagin that he had been at the hereticall Church, for that is the Hereticks folly, to understand him so without any probable cause given by the Catholick.

4. Fourthly, whereas to heare divine service and to receive are things common to both Religions, and so well know to all men so to be; it seemeth very probable unto me, that a Catholick may say (being asked, whether he cometh to the Church) that he doth not and that he hath service at home at his house. Likewise that he received at Easter (so that he affirme not that he received the Communion) my reason is: for that these being known as Common things to both Religions. [f. 1^v] There is no probable cause to interpret these answers as dishonourable to Religion; neither is it any more dangerous to answer thus, than if a Protestant should argue a man to be no Papist: because he telleth him that he prayeth unto God whereas this Protestant esteemeth in his conceite, that Papists never pray.

5. Fifthly. Neverthesse in these cases of the third and fourth Proposition there must be regard had first to scandall. Which cannot be when a man is not a known Catholick, or goeth by an unknown name. Secondly to the affirmative Precept of Confession of Faith. For although these seem to me not express denyalls of faith, yet may there be a question whether the particuler circumstamces be such that a man may be bound not onely not to deny his Faith, but also expressly to confesse it. Therein must be considered those two conditions, which St. Thomas and all other sett down: Honor debitus Deo et utilitas proximis impendenda [honor due to God and an opportunity to aid one's neighbor] [2.2. q. 3. a. 2].¹ And therefore it seemeth that before a publick Magistrate greater consideration is to be had then before simple men; or Churchwardens, which come to inquire (at the least ordinarily, and when a person is unknown).

6. Sixthly, in case there bee no danger or scandall, nor no certainty of the bond of the affirmative Precept of Confession of Faith: is always lawfull (which seemth to be in all interrogations of Churchwardens or such, who go from house to house pro forma and as it were of costume) to elude the interrogation not by equivocation (which in these cases may not be used) nor by any words which may seem to promise to goe to the Church, or to say we do goe to Church, but by other indifferent speeches. As: Think that I will live as an Atheiste? Doubt you not but I will behave myself like a good Christian, and dutyfull to God and my Prince. Think you

1 Thomas Aquinas, *Summa Theologiae*, II^a-II^{ae} q. 3 a. 2: "honor debitus Deo, vel etiam utilitas proximis impendenda."

I am one of the Family of Love?² Think you I a mean not to receive at Easter? If I receive not in this place, I hope I shall in another. There is no cause why you should cast me in question for going to the Church. When I am at home my Master (being sikly etc) hath need of my continuall attendance, and if he send me abroad of messages, I may (if I will) stepp into many Churches on a suddain, more commodiously [f. 2^r] thereabout, where my busines lyeth. Look to yourselves: I may heare service at home. I may go to twenty places or Churches; can you sweare I goe to none? These and such answers may be in my opinion framed.

7. Finally: whereas in all morall matters either in common, or in particuler (where there is no expresse definition of Faith) there cannot be that certainty, as there is in other Propositions of Speculation: it is sufficient to follow a probable opinion, and neither being too bold nor too scrupolous, commending the matter to God and resolving to do nothing offensive to His Majesty. To say or do that, which wise man judge probable, or the Example of vertuous Men hath approved. For in Morall Matters the practice of good men is of very moment for it is to be presupposed that the Spirit of God guideth the multitude of his servants.

And this is most of all true in the Obbligation of the affirmative Precepts, which whereas they bind only pro loco et tempore [for place and time], it is very hard to hit just the place and time, when they bind. And for an error committed bona fide and of simplicitie in these cares can never be mortall: when there is no express denyall of Faith.

Hac omnia salvo melius sentientium iudicio.

§43 Henry Garnet, "Treatise of Equivocation," ca. early 1598

SOURCE: Oxford, Bodleian Library, MSS Laud Misc. 655; Rome, Venerable English College, MS. Z.53 (Collectanea F, ff. 8^r-39^v).

EDITIONS: *A Treatise of Equivocation*, David Jardine, ed., (London, 1851); Stefania Tutino, "La dottrina dell'*equivocatio* in Inghilterra: Un esempio di pratica nicodemiteca?" *Archivio Italiano per la Storia della Pietà* 16 (2003): 183-241.

NOTE: All works by Henry Garnet were published anonymously and printed secretly without any indication of place and date.³ He wrote but apparently never published "A Treatise of Equivocation" to support his friend and colleague Robert Southwell's defense of equivocation at his trial in 1595.⁴ By citing precedents from the Scriptures, fathers of the Church, and scholastic theologians, Garnet justified the lawfulness of amphibology, or

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- 2 Family of Love (or Familists) was a sect founded by Henry Nicholas (Hendrik Niclaes [ca. 1502-ca. 1580]). Despite government persecution small groups remained active in England throughout the Elizabethan period. See Christopher Marsh, *The Family of Love in English Society, 1550-1630* (Cambridge, 1991).
 - 3 Antony F. Allison, "The Writings of Fr. Henry Garnet, SJ 1555-1606," *Biographical Studies [now Recusant History]* 1 (1951): 7.
 - 4 Southwell (1561-1595) worked closely on the English mission. On Southwell, see Christopher Devlin, *The Life of Robert Southwell, Poet and Martyr* (New York, 1956); on their friendship see Philip Caraman, *A Study in Friendship: Saint Robert Southwell and Henry Garnet* (Anand, 1991).

mixed speeches, on certain occasions. Apostasy was never admissible, but a Catholic facing serious danger under certain circumstances, could legitimately conceal the truth. One could remain faithful to Augustine's definition of a lie by reconciling thought and speech. Such a statement consisted of a vocal enunciation, the spoken word, and partially of a mental word ("oratio mixta"). The statement was true to the speaker because he/she combined the spoken word with the mental word, but the hearer, relying simply on the spoken word, would be deceived.⁵ Such deception would have been an excusable minor fault for English Catholics for whom Garnet wrote the treatise. An English magistrate had in fact no legitimate authority to demand that Catholics disclose information that could harm themselves or others. Southwell and Garnet most likely found inspiration in Martin de Azpilcueta's commentary *Commentarius in cap. Humanae Aures XXII. Q.V. : De veritate responsi partim verbo, partim mente concepti; et de arte bona & mala simulandi* (Rome, 1584). Navarre built his argument on canons drawn from Pope Gregory I's *Moralia* on the book of Job and Gratian's *Corpus Iuris Canonici* (question 5, cause 22, part 2).⁶ Here the casuist defends the truthfulness of a statement formulated as an "oratio mixta." For example, the vocal statement "God is not" is false, but if the speaker added in his/her mind immediately after the vocal utterance "an angel," the statement is entirely true.⁷

Garnet admitted writing a treatise on equivocation in a letter, most likely to Robert Persons, on 22 April 1598: "I wrott a treatise of Equivocation to defend Fr. Southwel's assertion, which was much wondered at by Catholicks and hereticks."⁸ Jesuits Richard Blount⁹ and Richard Holtby¹⁰ confirmed Garnet's authorship in letters to Persons on 27 March and 9 June 1607.¹¹ According to the former, however, the treatise had not yet been printed. However, Isaac Casaubon asserted in 1611 that the treatise had in fact been printed.¹² But the Jesuit Andreas Eudaemon-Ioannes¹³ denied it in his rejoinder the following year.¹⁴ If it actually was printed no copy has survived.

Two manuscripts exist: MSS Laud Misc. 655 at the Bodleian Library, Oxford; and MS. Z.53 (Collectanea F, ff. 8^r-39^v) at the Venerable English College, Rome. Archibald Malloch mentions a third copy in folio found with the Bodleian manuscript in Francis Tresham's chambers in 1605. The two copies discovered in Tresham's chambers had been

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- 5 See Archibald E. Malloch and Frank L. Huntley, "Some Notes on Equivocation," *Proceedings of the Modern Language Association of America* 81 (1966): 145-46; Frank L. Huntley, "Macbeth and the Background of Jesuitical Equivocation," *Proceedings of the Modern Language Association of America* 79 (1964): 390-400.
- 6 Gratian flourished in the 12th century and is generally considered the father of canon law.
- 7 Martin de Azpilcueta (Navarrus), *Commentarius in Humanae Aures*, Quaestio 1, § 2, p. 4.
- 8 ABSI, Coll P II 552.
- 9 Blount (1565-1638) was appointed first provincial of the newly established English province in 1623.
- 10 Holtby (1552-1640) succeeded Garnet as superior of the English mission.
- 11 Blount to Persons, 27 March 1607, ABSI, Coll N I 122; Holtby to Persons, 9 June 1607, cited in Allison, "Writings of Fr. Henry Garnet," 9.
- 12 Casaubon, *Isaaci Casauboni ad Frontonem Ducaem, sJ Theologum Epistola* (London, 1611), RSTC 4742, p. 109.
- 13 A Greek Jesuit philosopher and theologian, Eudaemon-Joannes (1566-1625) defended Henry Garnet and Robert, Cardinal Bellarmine in his writings against the oath of allegiance and its supporters.
- 14 Eudaemon-Ioannes, *Responsio ad Epistolam Isaaci Casauboni* (n.p., 1612), 152.

transcribed by his servant George Vavasour.¹⁵ This third version, however, has never been identified.¹⁶ The Bodleian manuscript, used at Garnet's trial and containing Garnet's own corrections, was first edited by David Jardine for publication, and more recently by Stefania Tutino. Jardine argues that Garnet had written only the marginal notes; the text was in fact written by someone else. Anthony Allison contends that "all the evidence is against him [Jardine]."¹⁷ That evidence includes the above-mentioned letter from Garnet to Persons, and a later letter from Garnet to an unidentified recipient on 18 November 1600.¹⁸ No one at Garnet's trial identified him as the author, but the copy used by Sir Edward Coke¹⁹ in his preparation for the trial, had a title page with the phrase "newly overseen by the author" in Garnet's hand. The numerous revisions and corrections in Garnet's distinctive hand acknowledged as such by him at the trial, are the results of the author's having "newly overseen" the treatise.²⁰

We have used the Jardine text, which is the Bodleian text with some errors, as the basis for our edition. Neither previous editor compared the Bodleian manuscript with that of the English College, or cited any of Garnet's sources. We have done so and have concluded that everything interlined/corrected by Garnet in the Bodleian manuscript has been incorporated into the English College manuscript. For this reason we refer to the latter as the definitive version. More likely the English College manuscript was sent to Persons by either Holby or Blount in the spring of 1607. Persons certainly used it in his debate with Thomas Morton.²¹ In his *Treatise tending to mitigation* Persons says that a "Catholicke Treatise it selfe of Equivocation" had come into his hands "this very instant" and he planned to write something similar.²² He never did.

The text presented here is the Bodleian manuscript as edited by Jardine. We thus follow his pagination. Additions and discrepancies are listed as footnotes. Marginal notes have been incorporated into the text in italics and in brackets []. Scriptural citations are to contemporary usage and English translations come from *The Douai-Reims Bible*.

Unfortunately scholastic and casuist works cited here may differ from editions used in other documents in this collection because of the closure of the Biblioteca Apostolica Vaticana for restoration work.

**A Treatise Against Lying and Fraudulent Dissimulation:
Newly Overseen by the Author, and Published for the Defence of Innocency
and the Instruction of Ignorants.²³**

[p. 3] Whether a Catholicke or any other person before a magistrate beyng demanded upon his oath whether a Preiste were in such a place, may (norwithstanding his perfect knowledge to the contrary) without Periury and securely in conscience

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- 15 Tresham (ca. 1567–1605) was arrested for his role in the Gunpowder Plot. He died as a prisoner in the Tower of London.
- 16 A.E. Malloch, "Father Henry Garnet's Treatise of Equivocation," *Recusant History* 15 (1981): 392–93.
- 17 Allison, "Writings of Fr. Henry Garnet," 15.
- 18 Garnet to ?, 18 November 1600, ARSI, Angl. 38/II, f. 178^v.
- 19 Coke (1552–1634), the famed English jurist, was at the time Attorney-General.
- 20 Malloch, "Garnet's Treatise of Equivocation," 390.
- 21 Malloch, "Garnet's Treatise of Equivocation," 392.
- 22 Persons, *Treatise tending to mitigation* (n.p. [St Omer], 1607), ARCR 2: no. 639, RSTC 19417, p. 533.
- 23 Added in MS. Z.53: "The authour is B.F. Henry Garnett and the title above written certainly his own hand."

answere, No, with this secreat meaning reserved in his mynde, That he was not there so that any man is bounde to detect it. ~~Newly overseen by the Authour and published for the defence of Innocency and instruction of Ignorants.~~

Although Mr. Southwell hym selfe with a moste fitte allegation of the example of or [p. 4] Saviour and of the case of her Maties owne royall person (beyng not permitted to say in that behalfe so much as he coulde and was desyerous) did yet sufficiently putt to sylence those which spake against hym; yet because I perceave this kynd of doctrine seemeth straunge both to Heretickes and also to divers Catholickes, I have thought it necessary to discusse it more exactly. Wherein, for that I am principally to deal with Heretickes, my purpose is not to trouble them much with the testimony of schoolemen and canonistes (except in places where we may geve more light unto the matter without urging their authoritye at all); but our proofes shall all be brought out of the Scriptures and and holy Fathers, and where neede shall require, out of philosophy and the very light of reason. Mr. Southwell hym selfe wrote long synce a particular instruction of this matter, and no better defender could we have of Mr. Southwell then Mr. Southwell hym selfe, if cyther that wryting weare easy [p. 5] to be founde, or it were not rather an instruction for the well meaning Catholickes, then a confutation of the perverse Heretickes, of whome that sentence of or Saviour may very well be sayed, *Excolantes culicem camelum autem deglutientes* [Blind guides, who strain out a gnat, and swallow a camel.]²⁴

Let the Reader therefore serve his turne in the meane while of this, if he thincke it worthy reading; and that other labour of Mr. Southwell shalbe (God willing) with convenient leasure published as a particular testimony of his syncyerty in this very same case. As for this my small travaile, I thinckę it well bestowed if I may dedicate it unto no other than unto hym selfe; and unto hym selfe I doubt not but I may humblye offer it as a token of my auncient affection and present dewtyfull reverence and honour toward hym.

[p. 6] CAP. 1m.

OF THE CONDITIONS REQUIRED IN EVERY LAWFULL OATHE

Thou shalt swear (sayeth the Prophett Hieremy) our Lord liveth, in trewith and in iudgement, and in justice. [*Jer. 4.*]²⁵ Uppon which place the holy doctour St. Hierom noteth that there must be three companions of every oath, truth, iudgement, and justice.²⁶ Of whome all the devines have learned the same, requiring there three conditions in every lawfull oath, and condemning all oathes which are made without all or any one of them. The reason hereof is, for that an oath being

²⁴ Matt. 23:24.

²⁵ Jer. 4:2.

²⁶ Jerome, *Commentariorum In Jeremiam Prophetam Libri Sex*, bk 1, c. 4, Vers. 2 (PL 24: 706A-B).

an invocation of the soveraigne matie of God for testimony of that which is sworne, wee ought alwayes in such invocations to use judgement or discretion to see that wee do nothings rashly, or without dew reverence, devotion, and faith, towards so great a matie. But we [p. 7] must especially regard that wee make not hym, who is the chiefe and soveraigne veritye and inflexible justice, a witnessse of that which eyther is false or an uniuert promise; for otherwise an oath wanting judgement or discretion, and wisedome, is a rashe oath; that which wanteth justice is called an uniuert oath; and that finally, where there is no truthe is adiudged a false or lyinge oath, and is more properly then all the rest called Periurye. Than therefore shall wee have proved that this oath above expressed is to be esteemed a lawfull oath, whan we shall have shewed, that it is accompned with these three companions, verety, justice, and judgement: which we will attempt to do by the helpe of God, and with the favour and good leave of our new devines of the Kinges bench, who call into question, and bitterlye inveigh against that doctrine, which is not onely approved in schooles of trewe divinity, but practiced also in all courtes of Civill and Canon Lawe in the world. And first we will begynne with veretye.

[p. 8] CAP. 2m.

ON THE VARIETY OF PROPOSITIONS IN WHICH VERETYE MAY BE FOUND

Veritye and falsitye beyng proprietyes of an enunciative speech, as Aristotle teacheth us, that is, of that speech eyther conceived onely in the mynde or uttered by wordes or wrytinge, by which we affirme or deny any thinge – which we call a Proposition – that we may the better discerne this veritye and falsitye, we must needes consider the varietye of propositions. And we may say with the Logicians, that there be four kyndes of propositions. The first is a mentall proposition, onely conceived in the mynde, and not uttered by any exteriour signification; as whan I thincke with my selfe these wordes, “God is not uniuert.” The second is a vocall proposition, as whan I utter those wordes with my mouthe. The thirde is a written propo[p. 9]sition, as if I should sett the same downe in wrytinge. The last of all is a mixte proposition, whan we mingle some of these propositions or parts of them [*Navar. in cap. Humanae aures*]²⁷ together as in our purpose, whan beyng demaunded whether John at Style be in such a place, I knowinge that he is there in deede, do say neverthesse “I knowe not,” – reserving or understanding within myselfe these other wordes (to th’end for to tell you). Heare is a mixte proposition conteyning all this, – “I knowe not to thende for to tell you.” And yet part of it is expressed, part reserved in the mynde.

Now unto all these propositions it is comoun, that than they are trewe, whan they are conformable to the thinge it selfe; that is, whan they so affirme or denye as the matter it selfe in very deede doth stande. Wherof we inferre that this last sorte

27 De Azpilcueta, *Commentarius in Humanae Aures*, Quaestio 1, § 3, p. 4.

of proposition, which partlye consisteth in voyce, and partlye is reserved in the mynde, is then to be adiudged trewe, not whan that parte onely [p. 10] which is expressed, or the other onely which is reserved, is trewe, but whan together do contayne a truthe. For as it were a perverse thinge in that vocall proposition, "God is not uniuiste," to saye that proposition is false, because if we leave out the last worde, the other three contayne a manifest heresy, as if we affirmed God were not at all; – the trewithe of every vocall proposition beyng to be measured not according to some partes but according to all together; – even so that other proposition of which wee spake, beyng a mixte proposition, is not to be examined according to the veretye of the part expressed alone, but according to the part reserved also, they both together compounding one entyre proposition.

Hearein therefore consisteth the difficulty. And this will we endeavour to prove, – that whosoever frameth a trew proposition in his mynde and vttereth some part therof in wordes, which of them selves, beyng taken severall from the other parte reserved, were false, doth not say false [or lye]²⁸ before God, howsoever he may be thought to lye before [p. 11] men, or otherwyse commit therein some other synne. For yet we will not cleare this partye of synne hearein, wherof wee will speake hereafter; but only at this present we defend hym not to have lyed.

[p. 12] CAP. 3m.

THAT THERE ARE SOME PROPOSITIONS WHOSE VERETYE IS NOT TO BE IUDGED ACCORDING TO THAT WHICH IS VTTERED IN WORDES SEVERALLY, BUT ACCORDING TO THE WORDES AND SOME OTHER THINGES VNDERSTOOD OR RESERVED

First therefore, that such a mixte proposition is to be found, the very nature of a proposition doth sufficientlye proove. For the essence or whole nature of every proposition, as we learne out of Aristotle [*P^o. de interpr.*],²⁹ is in the mynde; and voyces and wrytinges are ordayned as instruments or signes to expresse that proposition which is in the mynde. Therefore as I may expresse all in word or all in wryting, and the proposition of the mynde remaineth [still]³⁰ the same, so may I by an other kind of mixte proposition expresse part and reserve part, and yet the proposition of the mynde beyng not altered at all.

Besides there may be a mixture of a written and vocall proposition: as if I should, intend [p. 13] inge to speake this proposition, "God is not uniuiste," loose sodainely my speech before I had spoken the last worde, or of sett purpose holdinge my peace, exhibite the last worde in wryting, – who doubteth but all that were but one proposition, whose verety were to be adiudged according to both partes together? Even so is it in a mixt proposition, wherof eyther for impossibility or other

²⁸ "only" in MS. Z. 53.

²⁹ Aristotle, *De Interpretatione*, 1, 1. 16a1-16a18.

³⁰ Found only in MS. Z. 53.

respectes part is reserved in the mynde. Neyther skylleth it that the partye to whom I speake understandeth not that which I reserve as he did that which was written for the supplye of the vocall proposition; for at the least God understandeth the spech of the mynde, and so he seeth also this which I reserve, and knoweth all to be trewe. And whether there be any faulte in deceiving of the hearer or no we will examine heereafter; onely this we affirme, that there is no lye; but as the altering of the signes which do expresse or mynde, partly speaking and partly wryting, alter not the verety of the proposition, so the expressing part and reserving part doth not make before God the proposition of any other condition than before.

[p. 14] Finally there is never falshood in the voyce but there is first falshood in the mynde. Wheras verety and falsitye are principally in the understanding, and than secondarylye in the voyce, as in an expressive instrument of that which was false in the mynde. But here is no falshood in the understanding, when I say inwardly, "I knowe not for to tell you," for it is most trewe; – than is there none in the wordes. And yet those wordes which are vttered, if they be taken alone, are most false; therefore that we may cleere them of falshood, we must say of necessitye that they be but part of a proposition, the rest beyng reserved in the mynde. And so are we constrayned to acknowledge such a kinde of mixt proposition which we have defended.

And hence we may understand the difference betweene these very same wordes (I knowe not) when they be an absolute vocall proposition by themselves, and when they are but onely a part of that other mixte proposition, consisting partly of that which is reserved or understood. For when it is an absolute vocall proposition, it is false, because false is that proposition in the mynde, to [p. 15] which it fully aunswereth. But when it is onely a part of this proposition (I knowe not to tell you) than is it not false, neither maketh it an entyre sense of it selfe, which woulde be false; but together with the part reserved maketh a very trewe and perfect meaninge.

Two other reasons, or at the least otherwise vttered, I will bring of 2 great Devines [*Greg. De Val. to. 3. disp. 5. pun. 2.*],³¹ which will more declare that which hath bene sayed. In case that a man be not lawfully asked (which when it may happen we will after declare), it is as lawfull for a man to use wordes for to signifye what sense he will as if he were asked by no manner of person, or of no determinate thing, – as for example, if he were alone or before others, and for recreation sake or for other end he should talke with hym selfe. But when a man is asked of none he may without a lye speake, and by his speech understand a farr different matter than that which others understand when he aunswereth them to their demand; therefore he may without lyeinge do the same when he is unlawfully asked. Neyther is this lye, but it is to conceale one determinate trewith, and to tell an other

³¹ Gregory of Valencia (1549–1603) was a Jesuit theologian. See his *Commentariorum Theologicorum*, Editio Tertia (Lyons, 1603), Quaestio Tertia, "De fidei actu externo, hoc est, de Fidei Confessione," Puncto II, "An & quomodo externa Confessio fidei, sit necessaria ad salutem," 357–58.

th farre diverse from [p. 16] the other. As in a familiar example, – if a man whan is asked “how many myles it is to London,” should aunswere that “it is than none;” – this were no lye but a trewith (although discourteously uttered), yet no lye. Besides (sayeth this Author) it is not a lye to use wordes which according to the commoun custome in such a matter as is in question cannot be rightly understood, or in a trewe sense to the purpose; but a lye doth consiste in this, that a man doth pretend to deny with wordes that very trewith which he conceiveth in his mynde. But this is not so in this case, for he contraryeth not the truth which to hym selfe he conceiveth, but rather he signifyeth an other divers truth, as we sayed before. As for example, one asketh me “whether I heard masse such a day”: I aunswer “No.” If I should meane heereby to denye that I heard masse absolutely, I shoulde lye; but I meane not to denye that, but another thinge which trewly I conceive and trewly may be denyed, as that “I heard it not at Paules” or such like. And it skylleth not, whether those which I speake to understand it amisse [p. 17] or no, as long as uniuersallye and rashely and wickedlye I am asked by them.

An other Devine [Bannez. 2.2. q. 69. ar.2]³² thus defendeth such speches from a lye, whan according to the circumstance of place, tyme, and persons, some particles may in a proposition be understood and supplied, which, if they were expressed, woulde make a manifest truth. In such case it is all one whether those particles bee expressed or concealed. As for example – A farmer hath [come]³³ to sell. He selleth all that he can sell because he reserveth the rest for his owne necessary use. Than commeth one and desyereth to buy corne. He may trewly say and swear (if it be needeful) that he hath none; for the circumstance of the person interpreteth the meaning to be, that he hath none to sell. In like manner sayeth or Savior (Matt. ix), “The ghirle is not deade, but sleapeth;”³⁴ and yet the ghirle was in deede deade, but considering the circumstance of the person of or Savior, this proposition was trewe; because in respect of his power and will, it was as much as if she had beene but a sleepe. Even so in this case of [p. 18] examination before a magistrate, if the partye accused and uniuersallye asked should expresslye say, “I, as one subject by lawfull proceeding of lawe unto thy interrogation, have not heard masse;” this proposition were trewe (sayeth this Authour), for it is as the Logicians call it a negative proposition de subjecto non supponente [a statement not expressing a falsehood]. Or if he should expresslye aunswere [*Nego proposita sicut proposita sunt*] (I deny propositions [oblige one’s conscience] insofar as they are propositions) which (as Soto³⁵ sayth) was the auncient answere and contented all

32 Domingo Báñez (1528–1604), *Decisiones de iure & iustitia: In quibus quid aequum, vel iniquum sit, et qua ratione ad aequitatem, et iustitiam recurrendum in omnibus negotiis, & actionibus, ... copiosè explicatur. Cum indice rerum omnium, quae in hoc opere continentur, summa diligentia ordine alphabetico non inconcinne digesto* (Venice, 1595), Quaestio LXIX art. 2, ff. 285A–292A.

33 “corne” in MS. Z.53.

34 Matt. 9:24.

35 Domingo de Soto, *De iustitia et iure* (Lyons, 1569), bk 7, q. 1, art. 2, f. 220^v.

good Judges or],³⁶ "I did not heare masse so that I can be lawfully charged therefore, or accused by any," who can deny but this is trew? Than is it all one to suppress these particles and to aunswere onely thus, "I did not heare masse." And the judge, if he be wise, hath cause alwayes to understand these particles; for so the circumstance of place, tyme, and person do iustely afforde, as shalbe sayed hereafter.

But what needeth this metaphisicall consideration, whereas we have irrefragable examples, whereby we may not onely prove [p. 19] that such propositions may be founde, but free tham also from all manner of falsehoode, except we will blasphemouslye condemne of falsehoode the most sacred word of God and the authour therof hym selfe.

[p. 20] CAP 4m.

THAT SUCH MIXTE PROPOSITIONS ARE PRACTICED OFTENTYME
BOTH IN GOD'S WORDE AND BY OUR SAVIOUR HYM SELFE, AND BY
HIS SAINTES, WHERE SOME DIVERSITYE OF OPINION AMONGST
SCHOOLEMEN IS EXAMINED.

"The wicked (sayeth David) shall not arise againe in the iudgement." [*Ps. 1.*]³⁷ It is a false and hereticall proposition, except we understand that they shall not arise againe unto everlasting lyfe, which undoubtedly was ment by David in that place, and yet not expressed. "Est oratio mixta, ex illa parte scripta vel vocali, Non resurgent impii in iudicio, et ex illa mentali et subintellecta, Ad gloriam eternam, quæ est de fide." [It is a mixed discourse; one part written or spoken. Specifically the wicked will not rise at the last judgement with the mind inserting a qualifying phrase, understood but not expressed "To eternal glory which is born of faith"] Thus sayeth Navar. [*See Navar. in cap. Humanae aures, § 3.*]³⁸

2. [*John 15.*]³⁹ The infallible verety sayeth to his disciples, "You I have called freindes, because all things whatsoever I heard of my Father I have notified unto you." [*John 16.*]⁴⁰ And yet in the [p. 21] chapter followinge he affirmeth that he had many things to say unto them, but they could not beare them at that present. Than must the first proposition be understood according to his meaning reserved, that he had notified all things which he had heard of his Father, and were fitt to them to heare, as St. Chrysotome expoundeth.⁴¹

3. The like restrictions are used in infinite places by the holy Scriptures. As that whatsoever two faythfull persons should aske, it shal be doen to them [*Matt. 18.*]⁴²

36 MS. Z.53 has "Nescio proposita sicut"

37 Ps. 1:5.

38 De Azpilcueta, *Commentarius in Humanae Aures, Quaestio 1, § 3, p. 4.*

39 John 15:15.

40 John 16:15.

41 Chrysostom, *In Joannem Homilia LXXVIII, 8 c. 3* (PG 59: 424).

42 Matt. 18:19.

And that the holy ghoste should teache all trewith [*John 16.*].⁴³ And yet we know that eurye thinge which is asked is graunted, except there be all manner of dew circumstances. And the holye ghoste teacheth not the Church all trewith; for than shoulde the Church know also the day of judgement and the secretes of hartes; but only such trewith as pertayneth to the necessary instruction of the same Church.

4. Our Saviour sayeth, in like manner, that he was not sent but to sheepe which were loste of the house of Israel [*Matt. 15.*];⁴⁴ and yet must not we which were Gentils dispaire of our salvation; for he meaneth that he was [p. 22] first sent unto the Jewes, as St. Hierome expoundeth,⁴⁵ and afterward to the Gentyles, though he uttered not so much.

5. Hereunto we may adde the wordes, "Non est mortua puella sed dormit" [the girl is not dead but sleeping] which were cited in the chapter before, and Lazarus his infirmitie is not death. [*John 11.*]⁴⁶

6. He likewise sayed unto the Jewes, "Quò ego vado vos non potestis venire," [*John 8.*] [Whither I go, you cannot come,]⁴⁷ and the same words againe to his disciples afterward, "Et sicut dixi Judæis, Quo ego vado, vos non potestis venire," [and as I said to the Jews: whither I go, you cannot come]—in farre different sense to the one and to the other. The first should never go whither he went, the other were to come, but not yet; and therefore our Saviour expounded hym selfe, after saying to St. Peter, "Quò ego vado, non potes me modo sequi, sequeris autem postea" [Whither I go, thou canst not follow me now; but thou shalt follow hereafter].⁴⁸ So that when he sayed to the apostles, "As I sayed to the Jewes, whither I go you cannot come," in [that]⁴⁹ speech was understood the worde (modo) [p. 23] now, or as yet, without which the saying had bene false. From the disciples non abstulit spem sed prædixit dilationem [he did not take away hope, but predicted a delay]. But the Jewes were never to goe, quibus præsciis dixit, "In peccato vestro moriemini" [to whom he said as a premonition, "You will die in your sin"] as St. Augustine noteth, tract. 28 in Joan.⁵⁰

7. The apostle speaking of God sayeth, "Quem nullus hominum vidit, sed nec videre potest," [1 Tim. 6.]⁵¹ whome no man ever hath seene nor can see. The first particule must have some exposition; for if Moses, as most holy Fathers do affirme, and our blessed Ladye, as most schoolemen holde, or St. Paule hymselfe, before that

43 John 16:13.

44 Matt. 15:24.

45 Jerome, *Commentaria in Evangelium S. Matthæi Libri Quatuor*, bk 2, cap. 15 (Vers. 24) (PL 26: 110).

46 John 11:11-13.

47 John 8:21, 13:33. MS. Z.53 has "John 13."

48 John 13:36.

49 "this" in MS. Z.53.

50 Augustine, *In Evangelium Ioannis Tractatus CXXIV*, Tract. 38, c. 2 (PL 35: 1676).

51 1 Tim. 6:16.

time sawe the very essence of God; and absolutely, whereas sowles in heaven did then see God; – then the meaning must be, No man hath seen God with corporall eyes, or by the naturall power of his sowle; or so that he comprehended him which is incomprehensible, or in this lyfe permanently, but as it were by passage. The second also must needes have the same conditions understood, for the tyme will come when “videbimus eum sicut est. Videmus nunc per speculum in ænigmate, tunc autem facie ad faciem.” [1 John 3; 1 Cor. 13.]⁵² [We see him as he is. We see now through a mirror in a dark manner; but then face to face.] [p. 24]

8. Our Saviour sayed to his disciples that he hym selfe knewe not the day of judgment [Mark 13.],⁵³ but his Father onlye, which by consent of the holy Father is to be understood that he knew it not for to utter it, although they were never so desyerous to knowe it, wheras his Father knowing it had uttered it, unto hym as man: for otherwise we knowe that St. Peter trewly said, “O Lord, thou knowest all thinges.” [Joan. ult.]⁵⁴ And St. Paul affirmeth that in Christ were hydden all the treasures of the wisdome and knowledge of God.⁵⁵ So that it is a Catholycke veritye that he knewe the day and hour of his dreadfull iudgement, notwithstanding this equivocall sentence, wherin he seemeth to deny that he had anye such knowledge.

Trewe is that some holy Fathers do geve other expositions of this place of St. Marke; yet none condemne this. Yea, all that treat of this texte do bring such expositions as necessarily requier a supplye of some thinge not expresses but understoode. St. Gregorye, though he bring the former exposition, yet doth he bring also an other. He knew not (sayed he) that daye, – not in his [p. 25] owne person, but in the person of his Church.⁵⁶

The same St. Gregory and also St. Ambrose,⁵⁷ St. Gregory Nazianzen,⁵⁸ and St. Cirill⁵⁹ expound it thus; – he knewe not by humane knowledge but by divine revelation or infusion.

St. Epiphanius,⁶⁰ St. Chrysostome,⁶¹ St. Bernard⁶² thus; – he knewe not prac-

52 1 John 3:2; 1 Cor. 13:12. MS. Z.53 specifies “1. Cor. 13.”

53 Mark 13:32.

54 John 21:17.

55 MS. Z.53 includes “Collos. 2.” Col. 2:3.

56 Gregory I, *Registri Epistolarum, Epistle XXXIX. Ad Eulogium Patriarcham Alessandrinum*, bk 10 (PL 77: 1097A–B).

57 Ambrose, *Expositio Evangelii secundum Lucam Libri X*, bk 8, c. 17, vers. 31, 32 (PL 15: 1775A–C); *De Fide Libri Quinque*, bk 5, c. 17 (PL 16: 691B–693C).

58 Gregory Nazianzen, *Oratio XXX, Theologica Quarta. De Filio*, c. 15 (PG 36: 1123AB).

59 Cyril, Bishop of Alexandria (ca. 378–ca. 444), defended orthodox Catholic teaching against the Nestorians. The citation comes from *Thesaurus de Sancta et Consubstantiali Trinitate*, Assertio XXII (PG 75: 367D–370AB).

60 Epiphanius, *Adversus Haereses*, bk 2, Tom. 2, Haeres. LXIX, c. 42 (PG 42: 270B–D).

61 Chrysostom, *In Matthaeum Homilia LXXVII al. LXXVIII*, c. 3 (PG 58: 705–706).

62 Bernard of Clairvaux (1090–1153), saint and doctor of the Church, helped establish the Cistercians. The citation comes from *De Gradibus Humilitatis et Superbiae Tractatus*, Caput III, 10 (PL 182: 946D–947B).

tically, as Adam before he synned had not practicall knowledge of synne [Gen. 3.]⁶³ But God the Father knewe practically the day of judgement, because "omne iudicium dedit filio" [he gave all judgement to the son] and so in a manner he had alreadye iudged.

But the best exposition which almost all do bringe is the first, – that he knew not for to utter it, – which is of St. Gregory, St. Ambrose, St. Hierom,⁶⁴ St. Chrysostome, Theophylact,⁶⁵ St. Basil,⁶⁶ St. Augustine.⁶⁷ Yet neverthesse all these expositions (as I sayed before) do confirme the lawfull use of these mixt propositions. *Vide Loca apud Bellar. l. 4 de o. c. 5.⁶⁸ et plura apud Suarez, 3 p. q. 10. ar 2^o. in commentario.⁶⁹*

Two objections may be here propounded. [p. 26] The first that these wordes were thought to be putt in by the Arrians (neque filius [not even the son]), for to derogate to the Divinity of our Saviour; and so in deede do St. Ambrose and St. Hierome suspect. But to this two answeres may be made; First, that although these two Fathers had absolutely thoughte so, yet so many others do not. And yet St. Hierome only suspecteth this fraude in the 24 of St. Mathew,⁷⁰ where in deede neither the best copyes Greeke nor any Latyn have it; but all copyes both Greeke and Latyn have it Mar. 13, which St. Hierome doth not denye. Secondly, not onely the other Fathers alleaged, but these two also admitte the verity of the proposition "neque filius scit," although it had been added by the Arrians, and expound it so many ways, as we have shewed, all which be sounde enough. Yea, those 2 fathers approve our exposition. St. Ambrose uppon the 17th of St. Luke, "Novit sibi, mihi autem nescit" [he himself knows it, but to me it is as if he does not know]⁷¹ he knoweth it to hym selfe but not to me; and lib. de Fide, cap. 8., "Pone tamen [p. 27] ab Evangelistis scriptum" [put it down however as a word written by the evangelists]⁷² admitte, sayeth he, that the

63 Gen. 3:7.

64 Jerome, *Commentaria in Evangelium S. Matthaei Libri Quatuor*, bk 4, c. 24 (Vers. 36) (PL 26: 181B–C).

65 Theophylactus, Bishop of Achrida (ca. 1088/1092–1126) was probably the most famous medievel Greek exegete. The citation comes from *Enarratio in Evangelium S. Marci*, Cap. XIII (Vers. 32–37) (PG 123: 642B–643B).

66 Basil, *Contra Eunomium Libri Quinque*, bk 4, c. 3 (PG 29: 695B–C).

67 Augustine, *De Trinitate Libri XV*, bk 1, c. 12, 23 (PL 42: 836–37).

68 Robert Bellarmine, *Disputationum ... de controversiis Christianae Fidei adversus huius temporis haeticos* (Naples, 1871), *Secunda Controversia "De Christo," Liber IV, Caput V*, ff. 269AB–270A.

69 Francisco Suárez, *Commentariorum ac Disputationum in tertiam partem divi Thomae* (Lyons, 1613–1615), III^a, quaestio 10 art. 2, pp. 422B–424A.

70 Matt. 24:36.

71 Ambrose, *Expositio Evangelii secundum Lucam Libri X*, bk 8, c. 17, vers. 31, 32 (PL 15: 1775C).

72 Ambrose, *De Fide ad Gratianum Augustum Libri Quinque*, bk 5, c. 16 (Alias cap. VII) (PL 16: 688B).

Evangelistes did write (neque filius), yet doth he expounde it as we do, shewing that it nothing prejudiceth the divinity of Christe.

St. Hierome also upon the 24th of St. Mathew hath these wordes, which we will wholly putte downe. After that he hath admitted that in the text ether is "neque filius, Igitur (sayeth he) quia probavimus non ignorare filium hominis consummationis diem, causa reddenda est cur ignorare dicatur. Apostolus super Salvatore scribit (in quo sunt omnes thesauri sapientiae et scientiae absconditi).⁷³ Sunt ergo omnes thesauri sapientiae et scientiae in Christo: sed absconditi sunt. Quare absconditi sunt? Post resurrectionem interrogatus ab apostolis de die manifestius respondit, 'Non est vestrum scire tempora vel momenta quae pater posuit in sua potestate.' Quando dicit 'Non est vestrum scire,' ostendit quod ipse sciat, sed non expediat nosse apostolis; ut semper incerti de adventu Judicis, sic quoque vivant, quasi die alia iudicandi sint. Denique et consequens Evangelii sermo id ipsum cogit intel[p. 28]ligi, dicens quoque Patrem solum nosse, in Patre comprehendit et filium. Omnis enim Pater filii nomen est." [Not even the son. Therefore because we are certain that the Son of Man is not unaware of the date of the final day, we have to explore reasons why he is said to be without this knowledge. The apostle writes about the Saviour (in whom are all the hidden treasures of wisdom and knowledge). Therefore all the treasures of wisdom and knowledge are found in Christ; but they are hidden. Why hidden? After the resurrection, when asked by the apostles about the final day he answered more clearly: It is not for you to know the times or the moments which the Father retains in his power. When he says "it is not for you to know," he shows that he himself knows it, but judges it not expedient that the apostles know the same; so that ever uncertain about the coming of the Judge, they may so live, ready to be judged on any day. Then the gospel word leads to the same conclusion, saying that the Father alone knows; in the Father is also included the Son. For every father bears the name of the son.]⁷⁴ Thus much to Heretickes. Now if any Catholick would thrust those wordes out of the text, he must have patience, and be content to lett them alone, and remember the approbation of the Councell of Trent of the vulgate edition as autenticall, and prohibition "ut eam nemo reiicere quovis pretextu audeat vel presumat." [Sess. 5]⁷⁵ Yea Sotus 4^o. dist. 43. q. 2. ar. 2. sayeth it were hereticall to deny those wordes to be of the text,⁷⁶ although

73 Col. 2:3.

74 Jerome, *Commentaria in Evangelium S. Matthaei Libri Quatuor*, bk 4 (Vers. 36) (PL 26: 181B–C).

75 The exact quote is "et quod nemo illam reiicere quovis praetextu audeat vel praesumat" (and no one is to dare or presume on any pretext to reject it) Norman P. Tanner, ed., *Decrees of the Ecumenical Councils* (London; Washington, DC, 1990), 2: 664, Session 4.

76 Domingo de Soto, *Commentariorum, ... in quartum Sententiarum tomus primus [-secundus]. Cum indice copiosissimo, atque locupletissimo* (Salamanca, 1566), dist. 43 q. 2 art. 2, pp. 410B–415A.

Suarez and Medina⁷⁷ thincke hym herein too rigorous. (See Suarez 3a parte, q. 10. ar. 2. in corn.)⁷⁸

The second obiection concerning this place of St. Marke⁷⁹ is, that albeit all schoolemen [p. 29] do graunt that in this place there is some equivocation as Sotus hym selfe who is the most and first scrupulous in the poynte doth confesse,⁸⁰ as doth also Petrus de Aragona,⁸¹ a late Professour of Salamanca⁸² & all others; and consequently by all good Devines opinion and judgement some ordinary equivocations are lawfull and in some cases necessary,— for so sayeth Sotus,⁸³ yet do some great Devines, as those two above named, and some other which follow them, distinguishe two kyndes of equivocations. The one is when we use such wordes as according to the accustomed manner of speech may have two senses, which may happen in two sortes, eyther because one worde of it selfe hath two significations, or because somewhat is understood according to the ordinary custome of comoun speech.

An example of the first may be, — if I be asked whether such a one be in my howse, who is there in deede, I may answer in Latin, “Non est hic” [He is not here] meaninge that he eateth not here, for so doth (Est) signifye. [p. 30] And example of the second may be, — if I be asked whether such a one was ever in my howse, I may say, “I knowe not,” or “I remember not,” understandinge in my mynde, that I know not or remember not for to utter it; For this addition (say they) accordinge to the comoun manner of speech and nature of the wordes may be understoode.

And so there is no lye, but such equivocation in lawfull, as is evidently conynged by this speech of our Saviour, who is the infallible trewith, and by other places which we will cite hereafter, as “Omnia quæ audiui a Patre meo, nota feci

77 Bartolomé de Medina, *Expositio in Tertiam D. Thomae partem usque ad quaestionem sexagesimam complectens tertium Librum Sententiarum* (Venice, 1582), Quaestio X, art. 2, f. 168A. Bartolomé de Medina, OP (1527–1581) was a student of Francisco Vitoria at the University of Salamanca. He is usually called the father of probabilism. His most famous works are his commentaries on the second and third parts of Thomas Aquinas's *Summa Theologiae*.

78 Suárez, *Commentariorum ac Disputationum*, III, quaestio 10, art. 2, pp. 422B–424A.

79 Mark 13:32.

80 “li. 5. de iust. q. 6. art. 2. concl. ad .7.” in MS. Z.53. Soto, *De Iustitia et Iure* (Lyons, 1569; Antwerp, 1572), bk 5, distinctio 6, art. 2 ad Septimam, f. 163^v. Jardine does not include this reference which, however, is in both Laud 655 and Z.53 MSS.

81 “2.2. q^o 9. art. 2 in fine” in MS. Z.53. Pedro de Aragón, OESA (ca. 1544–ca. 1592), *In secundam secundae divi Thomae Commentaria, de iustitia et iure* (Venice, 1595), 376B–86A.

82 Garnet adds and deletes “Joseph Angles” in MS. Z.53. José Anglés (1500–1588), Franciscan theologian and Bishop of Bosa, wrote a celebrated *Flores Theologiarum quaestionum in libros sententiarum* (Madrid, 1584) and *In tertium Librum Sententiarum* (Venice, 1586).

83 In MS. Z.53 Garnet adds: “Potest ac debet uti amphibologia.”

vobis" [because all things whatsoever I have heard of my Father, I have made known to you]⁸⁴ that is, "omnia quæ audivi (ut vobis manifestem modo)" [everything I have learned [that he will in this way manifest to you]], and the speech of God to Abraham, "Nunc cognovi," [Gen. 22] [now I know]⁸⁵ &cc., that is, "now I have made thee knowe, or made thy posterity knowe, that thou fearest God."

But there is another kynd of extraordinary equivocation, which these Doctors in no case allow, – when besides the wordes uttered we understand some thinge, which according to the usuall speech cannot be understood; and such equivocations do not excuse from a lye. [p. 31] Such is (say they) "Non feci," I did not, understandinge "ut tibi dicam," that I may or ought to tell you, or I did it not yester-day. "Non habeo," I have it not, understandinge for to geve you. "Dabo," I will geve you an hundred pounds; understandinge, if I fynd it in Cheapeside; – and such other like, where there is no respect unto knowledge.

The reason these Doctors alleage for that knowledge hath a certaine relation or connexion with the uttering of our knowledge, but so hath not doynge, or having or beyng, or such other speeches. And so they say that this place or other like of our Saviour maketh nothing of these extraordinary equivocations which we defend. This is Sotus his opinion, and a few which follow hym, who was the firste which made scruple in this poynte, so far as we can fynd by any Authour.

But this opinion seemeth to other great Devynes, and almost to all of our age too severe and scrupulous, and Navar sayeth that Sotus "trepidavit timore ubi non erat timor"⁸⁶ [they trembled for fear where there was no fear], and that worthely. For first, they [p. 32] cannot assigne any sufficient ground of this distinction betweene knowledge and other actions or trewthies. Some knowledge is not to be uttered; even so some actions and other veretyes are to be concealed, and on the other side some of these to be uttered as well as our knowledge is sometymes. And wheras they bring for prooffe of this distinction the example of our Saviour in this very place, and where he sayed, "Omnia quæ audivi a Patre meo, nota feci vobis," [John 15] meaning that he had made known to his disciples all things which were to be tolde them at that present, we can in like manner bringe other places of our Savior and holy Scripture, where somethinge is understood in other matters then of knowledge, as appeareth by the places alleaged and by the next which we will bringe.

In like manner, wheras they bringe as a special grounde of this opinion the saynge of God to Abraham, "Nunc cognovi quod times Deum," now I know that thou fearest God [Gen. 22]; that is, now I have made thee know that thou fearest God (which is the commoun exposition of that place); this trewlye seemeth [p. 33] not to argew necessarily that "nescio" [I do not know] may more properly signify

84 John 15:15. "John n. 15" in MS. Z. 53.

85 Gen. 22:12.

86 De Azpilcueta, *Commentarius in Humanae Aures*, p. 7, § 9: "trepidavit timore ubi non erat timor."

"scire te non facio" [I do not inform you], or that which is all one, "nescio ut dicam tibi" [I do not know in order to tell you] then "non ascendo" [I do not ascend], or "non facio" [I do not do], may signifye "non ascendo" [I do not ascend] or "non facio ut dicam tibi" [I do not do something in order to tell you]; but in both speeches the circumstances of tyme, place, matter, person, intention, and such like, may alike make a supply of some thinges to be understood. Besides, let there be two men, the one that knoweth a trewith, the other that knoweth it not. Let both be examined. They both answer, "I know not." What is there, if we regard the proper sense of the word "nescio," why in one it should signifye "I knowe not" simply, and in the other "I knowe not to tell you"? wheras, accordinge to the rule of Logick, a negation doth absolutely take away all that followeth it. If you say, because be that knoweth is not bound to tell, therfore that is vnderstoode, I say the like of the other answeres, "I did it not," nor "I have it not," in cases in which the like reasons may move to use these mixt propositions of which we speake.

[p. 34] Also lett one which hath certain knowledge of a truth which he is not bond to discover, but ought to conceale, — let this man answer "Nescio," yet having no reservation in his mind, that he knoweth not for to utter. This man surely hath lyed. Then it is not ye nature of ye word to allow some reservation, and so to save from a lye, but it is the free conceit of the speaker; therfore the like is in others also.

Furthermore, the most Devynes allow, and sometymes it is necessary that a Confessour do say, that such a one did not confesse such a synn unto him, understandinge so that he is bound to tell. Neither doth it serve heare to understand it thus, "he confessed it not to me as to a man." Both because the negation doth absolutely signifye that he did not at all, and also for that it is false that he did not confesse it as to a man, as Navar proveth. Therfore here must be understood, "ut dicam" [that I may say] or "ut dicere tenear" [that I may be obliged to say].

[p. 35] Fynally, although they did convince that this saynge of or Saviour is not extraordinarily equivocall, if we understand it so that he knoweth not the day for to tell his disciples, yet they cannot say so accordinge to the other expositions which we have brought out of the Fathers. So that the Fathers allow such kynd of propositions without any order of uttering or not uttering, as you may easely see if you runne over the other expositions, "Nescit in persona Ecclesiae, non humana scientia, non practicè" [He knows not in the person of the Church, nor by human science or practice]. What naturall connexion is here betweene the wordes expressed and understood? So that we must needes iustefye these kyndes of speeches not by any necessary connexion or illation of the wordes understood, but by the free conceipte of the speaker, understandinge what he listeth;—whether it be nescio (ut dicam tibi) [I do not know (in order to tell you)], or nescio (hominem illum) [I do not know (that man)], or non feci (ut dicam tibi) [I do not do this (in order to tell you)], or non feci (aperte) [I did not do it (openly)], or non feci (ut tenear respondere tibi) [I did not do it (in order to be responsible to you)], or non habeo (ut tibi donem) [I do

not have it (in order to give it to you)], or dabo (scilicet si invenero in platea) (I will give it (specifically if I find it in the marketplace)), or such like; yet, as we will say hereafter, with dew regard of the matter, intention, person, and other like circumstances. So that [p. 36] to be an ordinary and extraordinary equivocation, altereth the verety of or speech nothing at all.

I have been large in the exposition of this text as also I must be in the next, for to forfeite both these places, which serve much for our turne, against all cavilles of such as are ready to condemne the opinion and practise of the most learned men without iust foundation.

9. The last place which we will bringe is, perhaps, of greater force, because evidently it concerneth a matter of action, not of knowledge, as the former did, and so it is not subiect to the former distinction. Christ sayeth unto his brethren, "Goe you upp to this festivall day, I goe not upp to this festivall day." [John 7.]⁸⁷ And yet the Evangelist sayeth he went afterward. For which cause Porphyrius,⁸⁸ an enemy of Christ, as St. Hierom reporteth, reprehendeth blasphemously or Saviour of inconsistencye and levytye, as one who changed his mynde, which were wickednes to imagine [Lib. 2. cont. Pelag].⁸⁹ Neyther neede we to take out these wordes out of the text, as some rashely woude, or take away the worde (this), as if [p. 37] he had sayed, "I goe not upp to a festivall day," meaning of some uncertaine festivall day, but not of that present. For the wordes are to be expounded thus; "I will not go upp yet," or "to this feast," or "I will not goe with you," or "manifestly as the Messiah, but in secret;" which is an evident defence of our cause, for the use of such proposition which have somewhat reserved or understoode in the mynde for their verification [Ita interpretat Bellarminus in Dictatis]⁹⁰

For a full confirmation of this doctrine we must examine, first, two poyntes about this text, and then see howe the holye Fathers do concurre with us upon the same.

The somme of the text is this: Jesus woude not goe into Jeurye because the Jewes sought to kill hym, and the feaste of the Jewes called Scenopegia was at hand. [John 7.] His brethren sayed unto hym, "Depart from hence and goe into Jeury, that

87 John 7:8.

88 Porphyry (234–ca. 305), neo-Platonic philosopher and scholar, was the editor and biographer of Plotinus.

89 Jerome, *Dialogus adversus Pelagianos*, bk 2, c. 17 (PL 23: 553A).

90 ARSI, Opp. NN. 237, Q. 69, art. 1, Dubium 2m: "An quidem non legitime interrogatur, possit eludere interrogationem ambiguitate sermonis" (f. 72^v). The *Dictata* is the systematic subdivision of Bellarmine's lectures on Aquinas's *Summa Theologiae* at the Roman College where he was appointed professor of controversial theology in 1576. Although the structure of the *Dictata* do not always reflect that of the *Disputationes*, the former provide the basis for the latter. See Franco Motta, *Bellarmino: Una teologia politica della Controriforma* (Brescia, 2005), 232 with note, and 237.

thy disciples also may see thy workes which thou dost; manifest thyselfe to the worlde." Neyther did his [p. 38] brethren beleve in hym. Jesus therefore sayeth to them, "My tyme is not yet come, your tyme is always readye," &c. "Goe you upp to this festivall day; I goe not upp to this festivall daye, for my tyme is not yet fulfilled." Whan he had sayed these thinges, he stayed in Galiley; but so soone as his brethren did goe up, he also went upp to the festivall day, not openlye, but as it were in secrete.

First, therefore, we must examine whether, in the speech of our Saviour, "Ego autem non ascendo ad diem festum hunc" [I go not upp to a festival day] the word (ascendo [go up]) have the force of the present tense or of the future; for albeit in some texts it be (ascendam [I shall go up]), yet the best Vulgate edition and all the Greeke hath the present tense. Yet notwithstanding I say that it hath the force of a future; as if our Saviour had sayed "Non ascendam," [John 20.] I will not goe upp. This is no unusuall thinge in Holy Scripture. "I ascend to my father," sayeth our Saviour;⁹¹ also "Ego pono animam meam" [I lay down my life.] [John 10.]⁹² And againe, "Vado ad eum qui misit me" [I go to him that sent me] [John 16.]⁹³ also, "Eriam venio cito," [Surely I come quickly] [Rev. ult].⁹⁴ and infinite such like. This is a [p. 39] thinge well knowne to the Grammarians, who have a certaine figure which they call Enallage; one kynd wherof is Enallage temporum, when one tense is putt for an other, wherof we may reade Lynacre and Á Emanuell's grammer,⁹⁵ and such as haue written of figures at large. Neyther is this unknowne to our cuntry speech: "Doe this, and you have gott the victory," the presentperfect tense for the future; "Gett my father's consent, and I geve myne," the present tense for the future; "I goe not to London this terme," for "I will not goe." Even so doth our Saviour say, "I goe not upp to this festivall day," insteede of, "I will not goe," which is most manifest: for first, all the Fathers understand it so, as shalbe shewed; Porphyrius also, as was sayed before. And it had bene impertinent to aunswere his brethren that he went not upp at that very instant, for they sawe it well enoughe.

Secondly, we must determine whether our Saviour sayd non ascendo [I do not go up], or nondum ascendo [I do not yet go up]; for if he sayed, "I goe not upp yet to this feaste," then is there not so great strength [p. 40] in this argument by

91 John 20:17.

92 John 10:15.

93 The actual citation is John 7:33.

94 Rev. 22:20.

95 Thomas Linacre (or Lynaker) (ca. 1460-1524), English humanist, philologist and physician, wrote a work on Latin composition, and translated several Latin works of Galen (ca. 129-ca. 217). He also wrote a popular English-Latin grammar for the students: *Progymnasmata Grammatices Vulgaria* (London, n.d. [1525?]), RSTC 15637. Emanuell is most likely the Portuguese Jesuit Manuel Álvares (1526-1583) whose *De institutione grammaticae* (Lisbon, 1572) was recognised by the Jesuit *Ratio studiorum* and adopted for use in Jesuit colleges.

the force of the wordes them selves as would otherwise be. Although it be very probable that our Savior spoke in sorte that his brethren understoode that he woulde not goe at all at that feaste, insomuch that we may very well take those wordes, “nondum ascendo ad diem festum hunc,” that he would not goe at all at this tyme. And so the argument may still be of force; for he sayed he would not goe, and yet afterward he went. And some probabilitys may be had therof; First, because his brethren knewe that the Jewes hated hym, and therfore by his aunswere thoughte that he ment not to goe. Secondly, because if they had not understood hym that he would not goe at all, they beyng desyerous of some vaine estimation by our Saviour’s working miracles in their companye (as noteth an expositour), they would have stayed longer for hym. Thirdly, because our Saviour geveth his reason, “quia tempus meum nondum est impletum” [because my time is not yet accomplished]⁹⁶ which manner of speech he alwayes useth of his passion, which was then [p. 41] farr of; neither could his brethren understand, but that he ment to stay a longer tyme then was the continuance of the tyme of that feaste. So that we probably defend that our Saviour used such words (although he sayed nondum), as made them understand that he woulde not come to that feaste, and yet went after, which if it be so it skylleth not whether we reade (non) or (nondum). But letting this passe, I saye, that albeit in all the Greeke copyes now extant it be οὐπω, nondum [not yet], and so did St. Chrysotome and Eutinius⁹⁷ reade, yet did St. Cirill, a Greeke authour, reade negatively (non). Also all the Latyn Fathers reade (non), and therfore the very Heretickes them selves oughte to admitte this readinge, at the least so farre forth as to seeke out some sufficient and trewe exposition therof; and all Catholickes are bounde to admitte (non), because so it is in the Vulgate edition.

Then doth it remaine that our Saviour Christe sayinge that he would not goe, and goyng after, did reserve some secreat wordes to make a perfect explication of this trew meaninge (for we cannot without blasphemye say [p. 42] that he chaunged his mynde, or was at that tyme irresolute what to do, beyng the infinite wisdom of his Father), and so do the holy Fathers expound.

St. Cirill, l. 4. c. 3., expoundeth it thus;⁹⁸ I will not goe (that is) to this feaste, as to celebrate it solemnely after the judaicall maner, for it was a figure of him, and he being come which was the truth ye figure was fulfilled.

96 John 7:8.

97 Euthymius Zigabenus was a Byzantine exegete who flourished in the 12th century.

98 Cyril of Alexandria, *Commentarium in Evangelium Ioannis*, bk 4, c. 5 (VII, 8) (PG 73: 642C–645D).

S. Aug. Tract. 21. I will not go up (to seek my glory) for my time is not yet come to manifest my glory.⁹⁹

The same againe upon those wordes (ubi est ille? [where is he?]) sayeth he meant not to ascend against the first or second day, but about ye middest of ye weeke.¹⁰⁰ So also expound Eutherius,¹⁰¹ St. Cirill, and Ammonius.¹⁰²

So that we have now most sufficiently proved, both of our scriptures and fathers, the lawfulness of these mixt propositions.

To these we adde ye opinions of many Devines. Adrian [4^o.q. de sig. cōf]¹⁰³ sayeth it was ye common opinion in his time of Doctours. Caietan [*Opusc. 17. qq. resp. 5.*]¹⁰⁴ Navar [*In cap. Humanae aures, et in man. c. 8. n. 19. c. 12. n. 9. et 14. et c. 18. n. 61. et. cap. 25. n. 44*]¹⁰⁵ sayeth, without any scruple a man may swaere such equivocations, and he citeth for himself, S. Hierom, S. Greg, S.

⁹⁹ Augustine, *In Evangelium Ioannis Tractatus CXXIV*, Tract. 28, c. 8 (PL 35: 1625-26).

¹⁰⁰ Augustine, *In Evangelium Ioannis Tractatus CXXIV*, Tract. 28, c. 10 (PL 35: 1627).

¹⁰¹ No reference to this passage can be found among the epistles of Eutherius, Archbishop of Tyana (PG 84: cap. 73, 74, 116, 117, 201) or his "confutations of some arguments," *Confutationes Quarundam Propositionum* (PG 28: 1337-94). It is likely that Garnet confused Eutherius with Euthymius Zigabenus, whose grammatical interpretation of the passage corresponds with that expounded by Garnet, specifically "Non dixit: Non ascendam, sed Nondum ascendam, hoc est Non nunc ascendam, eo quod nunc vivat ac viveat excandescencia Judaeorum," *Expositio in Joannem* (PG 129: 1263B-C).

¹⁰² Ammonius "Presbyter Alexandrinus" (a fifth-century theologian about whom little is known), *Fragmenta in S. Joannem*, bk 7, c. 8 (PG 85: 1442D).

¹⁰³ Adrian IV, *Quaestiones in Quartum Sententiarum praesertim circa sacramenta Magistri Hadriani Florentii Traiactensis Cancellarii Lovaniensis theologiae ac pontificii iuris doctissimi* (Paris, [1516]), "quaestio de sigillo confessionis," f. Xiii A, B.

¹⁰⁴ Domingo Báñez cites a passage from this work by Cajetan: "Caietani in opusculo 17. responsionum, Respons 5. ubi expresse dicit, quod interrogatus contra ordinem iuris an habeat complices, potest respondere, Non habeo, ergo similiter potest respondere, non feci" (*Decisiones de iure & iustitia*, f. 290 (col. 2) E). We have been unable to identify this precise passage, but we think it refers to *Opuscula Omnia ... in tres distinctos tomos* (Venice, 1596), tomos I, tract XXXI, de 17 Responsionibus ad diversos factis, praecipue ad quaedam obiecta, quae pro Martini Lutheri assertionibus facere videbantur, Responsio V, "De Nominandis Complicibus a Reo in aliquot iudicio & de eorum sententia", p. 128.

¹⁰⁵ De Azpilcueta, *Commentarius in Humanae Aures*, Quaestio 1, § 2-5, pp. 4-5; *Enchiridion sive Manuale Confessariorum et Poenitentium* (Lyons, 1575), cap. VIII, no. 15, f. 71^v; cap XII, no. 9, ff. 97^{r-v} and no. 14, f. 98^v; cap. XVIII, no. 61 [XXXVIII], f. 264^v; and cap. XXV, no. 44 [V], ff. 380^{r-v}.

Thomas, Richardus Scotus,¹⁰⁶ Henricus de Gandauo,¹⁰⁷ Paludan,¹⁰⁸ Maior,¹⁰⁹ Angelus de Perusia,¹¹⁰ Joan. ab Arania¹¹¹ [*In cap. Humanae aures, et in man. c. 8. n. 19. c. 12. n. 19.*¹¹² et 14. et c. 18. n. 61. et. cap. 25. n. 44], and the glosse received by all canonists, 22 q. 2. in cap. ne quis. See the other places in Navar.

Besides Silvester¹¹³ [*Verbo accusat' 10, et Juramentū 3^o. § 2 et Juram^o 4^o. 7. et Mendaciū. § 6*], Henriquez¹¹⁴ [*l. 3. de poenit. C. 19. n^o 7. lit. o. et in glossa, H.I.K.O.*], Decisiones aureæ of Jacobus de Graphiis¹¹⁵ [*l. 2. c. 17. n^o 9 and 12*], a very grave authoure, Gregs. de Valencia [*Ubi supra*],¹¹⁶ Emanuel Sá [*Verbo Juramentū, et v^o Mendaciū*],¹¹⁷ and Bannez [*q. 69. ar. 2*],¹¹⁸ who herin forsaketh Soto,

106 Richard of Middletown, called "Scotus" because the tradition claimed him a Scotsman. Dates of his birth and death are unknown (ca. 1249–1306). A Franciscan, he wrote *Super Sententias Petri Lombardi* between 1281 and 1285 (first printed in Venice in 1489); his manuscript "Quaestiones Quodlibetales" circulated widely.

107 Henry of Ghent (1217–1293) wrote a commentary on Peter Lombard's Sentences, "Quodlibeta" and a "Summa Theologica," both later published in Paris, in 1518 and 1520 respectively.

108 Petrus de Palude, OP (1277–1342) was Patriarch of Jerusalem from 1329 to 1331. His *Super Quartum Sententiarum* was eventually published in Venice in 1493.

109 John Mair (ca. 1467–1550) was a Scottish historian, philosopher and theologian who spent much of his life at the University of Paris. He published a commentary on the famous *Sententiae* of Peter Lombard (ca. 1100–1160) in four volumes at Paris between 1509 and 1517. Most likely the reference is to one of these volumes.

110 Angelo degli Ubaldi 'de Perusio' (from Perugia) flourished in the second half of the fifteenth century. He wrote a *Consilia et Responsa*, eventually published in Venice in 1497, and various "Quaestiones."

111 Giovanni d'Anania or d'Anagni (†1457), Archdeacon of Bologna, wrote *Commentaria super V libro Decretalium* (Bologna, 1479), *Commentaria super sexton decretalium* (Milan, 1492) and *Consilia* (Bologna, 1481).

112 In Jardine's edition we find "c. 12. n. 19." However, this is his mistake because both manuscripts clearly have "c. 12. n. 9."

113 Prieras, *Sylvestrinae Summae, quae Summarum merito nuncupatur* (Venice, 1612), De Accusatione & Accusato, 13^o, § 10 (Pars I^a), ff. 20^vB–21^rA; Juramentum, 3^o, § 2, ff. 68^v AB–69^r AB; Juramentum, 4^o, ff. 72^r AB–72^v A; Mendacium, § 6, f. 174^r AB.

114 Enrique Henriquez, *Theologiae moralis summa, tribus tomis comprehensa ...* (Salamanca, 1591), 265–66. Henriquez (1536–1608) was a professor who taught Gregory of Valencia.

115 Giacomo Graffi, OSB (1548–1620) wrote a famous manual for confessors: *Decisionum aurearum casuum conscientiae, in quatuor libros distributarum, D. Iacobo de Graffiis a Capua, I.V.D. poenitentiario maiore in ciuitate Neapoli, monacho Cassinensi, authore: Pars prima \-secunda ... Confessariis, atque poenitentibus cunctis summe utiles, & maxime necessariae ...* (Venice, 1600), bk 2, c. 17, De iniuriis n. 9, ff. 106^v B–107^r AB De iniuriis n. 12, f. 107^v B.

116 See n. 53.

117 Emmanuel Sá, *Aphorismi Confessariorum ex Doctorum sententiis collecti* (Lyons, 1610), Juramentum, 295–302; Mendacium, 352. Sá (ca. 1528–1596), a noted preacher, taught theology and exegesis at the Roman College.

118 Báñez, *Decisiones de iure & iustitia*, Quaestio LXIX, art. 2, p. 290, col. 1E.

and allegeth one Penna¹¹⁹ a predecessor of his in ye chair of Salamanca, and setting downe Soto his reason, sayth, "Sed quantum ponderis habeat ista ratio, non est facile in[p. 44]telligere" [it is difficult to understand how weighty this reason is] as in deed it is not; Toletus [l. 4. instr. sac. c. 21].¹²⁰ Serarius in cap. 13 Judith¹²¹ who citeth Michael Salomius¹²² whome I have not seen¹²³ but [it seemeth he handleth this matter exactly].¹²⁴ Also Binsfeldius,¹²⁵ Alphonsus Villagut. l. 1. c. 5.¹²⁶ [En quantae nubes testium gravissimorum (See how many clouds most serious witnessses are there)].¹²⁷

I see not then how without arrogant temerity any Catholick can condemne this or opinion as improbable, or (it being probable) affirme ye practise therof in time and place to be sinfull. For although it be commendable in matters onely concerning or selves, of 2 probable opinions, alwayes to chuse ye more probable, and so if the contrary opinion in this controversy be more probable then ours (which I think is not) it were better to follow it in practice, in or owne affaires, then this which we defend; yet is it certain that when both opinions are probable, a man may without sinne folow either, if it may be done without preiudice of or neighbour; and if one

119 Juan de la Peña, OP (1513-1565), wrote a commentary on Aquinas's *Summa Theologiae* ("Super IV Partes Sancti Thomae commentaria") which has never been published.

120 Francisco de Toledo, *Instructio Sacerdotum ac Poenitentium, qua absolutissima casuum conscientiae continentur* (Rome, 1618), bk 4, ch. 21 "An liceat iurare & quomodo," ff. 323B-326A.

121 Nikolaus Serarius, *In sacros divinatorum librorum libros, Tobiam, Iudith, Esther, Machabaeos, Commentarius* ... (Mainz, 1599), c. XIII, quaestiuncula X, p. 370. Serarius (1545-1609) was a prolific writer on historical, theological and controversial issues.

122 Born around 400, Saint Salonius was confessor and Bishop of Vienne. His *In Ecclesiasten Expositio Mystica* and *In Parabolas Salomonis Expositio Mystica* can be found in PL 53.

123 Erased by Garnet in MS. Z.53.

124 "also handleth this matter exactly and called Sorus his distinction *Figmentum*. Also *Binsfeldius*, Alphonsus Villagutt. l 1 c. 5 and diverse others" in MS. Z.53.

125 Peter Binsfeld (1545/1546-1598), titular Bishop of Azot, *Enchiridion Theologiae Pastoralis et Doctrinae Necessariae Sacerdotibus Curam Animarum Administrantibus* (Augsburg, 1612), Caput XXIX, De Expositione Octavi Praecepti: "De iustitia & iniustitia Iudicis," 435-39; "De Accusatore," 441-45.

126 Alfonso Villagut (†1623), *Consultationes decisivae: quas ad varios casus tam in Pontificio, quam Caesareo iure in praxi tractatos miro ordine ex Sacris Canonibus, Iurisconsultorum responsis, Caesarum rescriptis, interpretumque lucubrationibus exegit* ... (Venice, 1601), *Decisio Quinquagesima*, "tertia conclusio," ff. 508^AB-509^A. This third conclusion generically treats the "more secure" method of proceedings "in foro conscientiae" [in the private forum] when there is a serious spiritual danger. However, conclusion no. 47 (*Quadragesimaseptima*), §10-11, expressly discusses lawful use of amphibology when a witness (*testis*) is unjustly molested by a judge and forced to depose on things which he would rather not (*de occultis*).

127 In Bodleian MSS Laud Misc. 655 Garnet adds "En quantae nubes testium gravissimorum."

be lesse probable then ye other, yet so long as it is within ye compasse of probability, which it is if it have 2 or 3 grave autours (as ours hath very many)¹²⁸ [p. 45] then may a man be bound under sinne either of disobedience, or iniustice, or omission of dew charity, to chuse the lesse probable, in case a superior commaund or our neighbour may be otherwise notably undamaged; which doctrine is manifest. [*Navar*, c. 27. N^o 281 and 284, and 288.¹²⁹ SA. xēi, *Dubium*.¹³⁰ et alii].

But of this question of chusing an opinion, where 2 contrary be probable (for in all things to seek equall certainty, illiberalis ingenii est [he is of ignoble nature]), see D. Rich. Hall. l. 2. de conscientia,¹³¹ c. 7. 8. 9. who in his 10. chapter very lernedly noteth that ye probability of an opinion is not alwayes to be measured by ye multitude of Doctours, but by their gravity, mature iudgement, indifferency, incorruption, and perfect knowledge of ye case propounded; and he bringeth a notable example of the university of Paris, where, when ye greater part of ye theologicall faculty had concluded against ye authority of ye Pope in dispensing ut aliquis ducat relictam fratris [that someone take as his wife his brother's widow], ye Deane of ye faculty would in no case subscribe. Wher upon being charged that by his oath he was bound to subscribe and putt his seale to any decree of ye greater part of Doctours, he very wisely¹³² utterd his sentence, worthy to preponderate all the rest,¹³³ and subscribed thus: [p. 46] "Ego N. Decanus facultatis Theologicæ in alma Universitate Parisiensi, ut Decanus subscribo maiori parti Doctorum aliorum, non ex mea propria sententia et opinione." [I, dean of the Theological Faculty in the University of Paris, in my capacity as dean, I subscribe to the decrees of the majority of the doctors even though it is not my own opinion and judgement.] Then do I conclude that, consideringe ye probability of this our opinion, which as Bannez saith, is probabilissima [most probable],¹³⁴ a man may not only lawfully, but ought also to practise it in many cases occurreret in there or dayes, if he cannot otherwise avoide such inconveniences as may often insew to himself or to his neighbour. And this was that Blessed Father Southwell his doctrine, whom some would glad with their calumniationes fetch out of heaven if they could. But whereas we, upon dew care of or consciences for to avoide even veniall untruthes in ye iust defence of our selves from iniuries, are so curiouse to examine this verity which we hope we have found out, by the grave definition of so many Doctours, we do in all Christian charity beseech ye impugners of this opinion that what care and industry they bestow in

128 Garnet adds "accutlie" in MS. Z.53.

129 De Azpilcueta, *Enchiridion*, cap. XXVII, no. 282, f. 507^v: no. 284, f. 507^v: no. 288, f. 508^v.

130 Sá, *Aphorismi Confessariorum*, "Dubium," 132–33.

131 Richard Hall, *De Quinquepartita Conscientia ... Libri III* (Douay, 1598), bk 2, c. 7–10, ARCR 1: no. 626, pp. 138–63. The example concerns King Henry VIII's survey of continental universities regarding the legitimacy of his marriage to Katherine of Aragon. This example can be found on p. 162.

132 "somewhat warely" in MS. Z.53.

133 Erased in MS. Z.53.

134 Bāñez, *Decisiones de iure & iustitia*, Quaestio LXIX, art. 2, p. 290 (col. 2D).

carping at iust equivocations, the same they will vse in avoiding to utter so familiarly as they do most manifest lyes. [p. 47] For otherwise, as hereticks need not to feare Purgatory, because hell is to be their home if they dye out of the Catholick unity, so need not lyars to dispute of ye lawfull use of equivocation, they taking a readier way to serve their turne, by plaine untruthes and evident perjuries.

CAP. 5m.

OF SOME OTHER WAYES OF EQUIUOCATION PRACTISED BY THE SAYNTES OF GOD, BESIDES THAT WHICH PRINCIPALLY WE DEFENDED IN THE CHAPTER BEFORE.

Besides these kyndes of propositons which we have hitherto defended not to be lyes, although by them alwayes some trewith is concealed, there be some other wayes, wherby without a lye a trewith may be covered, which I will briefly sett down.

1. First, we may use some equivocall word which hath many significations, and we understand it in one sense, which is trewe, although the hearer conceive the other, which is false. So did Abraham and Isaac say, that their wives were their sisters [*Gen. 19 and 20 et 26*],¹³⁵ which was not trewe as the hearers understood it, or in the proper meaning, wherby a sister signifyeth one borne of the same father or mother, or [p. 49] of both, but in a generall signification, wherby a brother or a sister signifyeth one neere of kynred, as Abraham called Lott his brother [*Gen. 13. Gen. 12.*],¹³⁶ who was but his brother's sonne; and our Lord is sayed to have had brothers and sisters, wheras properly he had neyther. The like unto this were if one should be asked whether such a straunger lodgeth in my howse, and I should aunswere, "he layeth not in my howse," meaning that he doth not tell a lye there, although he lodge there.

2. Secondly, whan unto one question may be geven many aunsweres, we may yelde one and conceale the other. So Samuel, beyng comaunded by God to go to Betlehem to annoynte David kinge, sayed unto God, "How shall I goe? For Saul will heare of it and kyll me." And or Lord sayed, "Thou shalt take a calfe out of the hearde and shalt say, I come to so sacrifice to or Lord." [*1 Kgs. 16*]¹³⁷ And Samuel did as our Lord sayed unto hym, and came into Betlehem. But the auncients of the citye, wondring therat, mett hym and sayed, "Is this comming peacable?" who aun[p. 50]swered, "It is peacable; I am come to do sacrifice unto or Lord."¹³⁸ Here Samuel uttered the secondary cause of his comming, and warely dissembled the principall, which notwithstanding they principally intended to knowe, and by

¹³⁵ In Jardine, the citation is "Gen. 19" but in MS. Z.53 and the Bodleian MSS Laud Misc. 655, it is "Gen. 12." The actual reference is Gen. 12:12-13; 20:11-13; 26:7.

¹³⁶ Gen. 13:8, 11; 14:14.

¹³⁷ The reference is correct in both manuscripts: 1 Kgs. 16:2, but Jardine cites it as "1 Samuel, xvi" (p. 49, n*).

¹³⁸ 1 Kgs. 16:5.

this aunswere were put out of suspition therof. So may it happen that one comming to a place to heare masse may aunswere them who aske the cause of his comminge, that he came to dynner or to visitt some person which is there, or with some other trewe alleaged cause satisfye the demaunders.

3. Thirdly, the whole sentence which we pronounce, or some word therof, or the manner of poynting or deviding the sentence, may be ambiguous, and we may speake it in one sense trewe for our owne advantage. So it is recorded to St. Frauncis, that beyng asked of one who was sought for to death, whether he came not that way, he aunswere (putting his hand into his sleeve, or as some say into his eare), "He came not this way."¹³⁹ [*Simeon. Metaph. Apud Surium. Tom. 3*] St. Athanasius, first flying by water his persecutors, and beyng so narrowly pursued that he coule not escape, turned his course backwards, and meeting the enemies shipp, [p. 51] asked whome they sought for; who aunswereing that they sought for Athanasius, he toulde them that he was a little before them, flying as it seemed some which pursued hym.¹⁴⁰ And the angell Raphael beyng demaunded of what stocke or lynage he was, answered, "I am Azarias, the sonne of great Ananias" [*Tob. 5.*]¹⁴¹ which the good old Toby so verely believed, that he sayed he was of a great stocke. But the angell meant it in a misticall sense, according to the signification of those names. [*Azarias is a helper of God; Ananias the grace of God*] Neither were it reprehensible in one which had just cause to say his Fathers name were Peter or Paule, because the apostles are the spirituall Fathers of the worlde. After which manner also Jacob sayed he was Esau his brother [*Gen. 27.*],¹⁴² because mystically he was so in deede; whereas God had ordeyned that the elder should serve the younger, signifying, by spiritt of prophesye, that the people of the Gentylls, which was figured by Jacob, should be preferred before the Jewes [*Reg. 9. Aug.cont. menda. c. 10.*]¹⁴³ So if one should say to a theefe, "Juro tibi numeraturum me 200 aureos" [I swear that I will pay you 200 gold coins] the word (tibi [to you]) maye be ioyned with (iuro [swear]) or with [p. 52] numeraturum [I shall pay]. In like manner a man may cunningly alter the pronounciation, as if, according to the Italian manner of pronounciation, a man should say, "tibi uro," for "tibi juro" which two examples Bel-

139 The Carthusian monk Laurentius Surius (1522–1578) compiled a valuable collection of the lives of saints: *De Vitis Sanctorum ab Aloysio Lipomano ... Nunc primum à F. Laurentio Surio Carthusiano emendates et auctis* (Venice, 1581), Tomus III (Complectens Sanctos Mansium Maii, & Iunii), f. 10A.

140 De Azpilcueta, *Commentarius in Humanae Aures*, Quaestio 2, § 11, p. 14.

141 "Tob. 4." in MS. Z.53, but the correct quotation is the one in the Bodleian MSS Laud Misc. 655: "Tob. 5."

142 Gen. 27:11.

143 Augustine, *Contra Mendacium*, c. 10. 24 (PL 40: 534). The Reference to "Reg. 9" has nothing to do with the matter under discussion or with the passage from Genesis (27:16–19), where Jacob claims to be Esau, his brother, to which Augustine refers. The only reference to the Book of Kings cited in the aforementioned passage (c. 10.24) is to David, who did not lie when he "simulavit insaniam" [pretended to be insane](I Reg. 21–13).

larmine bringeth in his Dictates 2. 2. q. 89. ar. 7. dub. 2^o as also before, q. 69. ar. 2. dubio 2.¹⁴⁴ He allowed equivocations without oath bringinge for prooffe the speech or our Saviour, Non ascendo, &c.

4. To these three wayes of concealing a trewith by wordes if we adde the other of which we spoke before, that is, whan we utter certaine wordes, which of themselves may engendre a false conceite in the mynde of the hearers, and yet with somewhat which we understand and reserve in our myndes maketh a true proposition, than shall we have fower wayes how to conceale the trewith without makinge of a lye. But how iustlye or without any other offence we will now examine.

[p. 53] CAP. 6m.

WHETHER IT BE ALWAYS LAWFULL TO USE THESE EQUIVOCATIONS.

That the use of these kyndes of concealing of trewith contayneth no falsehood or lye (which alwayes were a synne), but is altogether lawfull in places and seasons, sufficiently may be gathered out of what which hath been sayed before. For if all these manners of ambiguous or imperfect speeches have been used eyther by Chryst hym selfe, who is the patterne of all perfection, or by such holy persons as have bene in holy Scripture propounded as samplers of our lyffe and actions, who doubteth but there may be tyme and place whan unto vs also it may be lawfull to do the like? and so much the more, for that we live for the most parte amongst more violent and continuall adversaries.

And yet it is very necessary that we applye here certaine fitte lymitations, and use [p. 54] that convenient moderation, without the which neyther God could be pleased, nor the lyncke and coniunction of humane societeyes, eyther sivill or ecclesiasticall and spirituall, could be dewly maynetayned. For you shall fynde some more inconstant then Proteus, more variable than the cameleont, more deceitfull than Simon, who in all their speeches will equivocate. These amongst straungers wilbe flatterers, amongst their freindes are scoffers and gesters, toward their superiours duple dissemblers, and toward their equalls or inferiours deceitfull cosyngers; you shall never knowe where to fynde them; howe to creditt them in their assertions, or to truste them in their promises. These persons, as they are not fitte for any honest conversation, so may they be, and that not selldome, pernicious to any commoun wealthe.

We must therefore understand that there is a certaine vertewe, which not onely Catholicke Devynes but the heathen Phylosophers [*Arist. l. 2. et. 4. Eth.*]¹⁴⁵ themselves have required in a mans lyfe, which is called veretye; not in that strict signification wherby it signifyeth that condition of or speech which is that it be trewe, but as it [p. 55] signifyeth a generall disposition of the mynde, wherby a man as

¹⁴⁴ Bellarmine, *Dictata*, ARSI, Opp. NN. 237, Q. 89, art. 7, Dubium 2m "An Iuramenta, quibus deest veritas, quae dantur dolosae, obliget," ff. 349^v.

¹⁴⁵ Aristotle, *Ethics*, 2.6, 1106b16-1106b27; 1106b36-1107a2; 4.7, 1127a32-1127b7.

well in speech as in action, and generally in his whole lyfe, without equivocation or dissembling, sheweth hym selfe such as verely as he is, and neither more nor lesse. Such manner of men we may call sincere, playne, and honest dealing men, who not onely eschewe with great diligence all manner of lyinge, but also have a speciall care to shewe exactly without that which is withyn; whence have grown those ordinary protestations "in veretye," "in trewith," "in good fayth," and such other like, more forcible bondes with them than with others most deepe and straunge swearinges.

Yet, as all vertewes consiste in a meane which is the avoyding of the two extreemes, so do not these men eyther deceitfully conceale that which should be uttered, knowinge that the Scripture sayeth, "Væ duplici corde" [Woe to them that are of a double heart] [*Eccles. 2.*]¹⁴⁶ or on the other syde rashly blabb out whatsoever they knowe, the same Scripture so teachinge them, "Causam tuam tracta cum amico tuo, et secretum extraneo ne reveles, ne forte insultet tibi cum audierit et exprobare non cesset." [Treat they cause with thy friend, and discover not the secret to a stranger; lest he insult over thee, when he hath heard it, and cease not to upbraid thee.] [*Prov. 25.*]¹⁴⁷ And againe, "Qui ambulat fraudulentè revelat [p. 56] arcana, qui antea fidelis est celat amici consilium." [He that walketh deceitfully, revealeth secrets: but he that is faithful, concealeth the thing committed to him by his friend.] [*Prov. 11.*]¹⁴⁸ So that as they are alwayes ready to deale sincerely, whan reason urgeth them, so will they in warres lay ambushes [*1. Kgs. 21.*], use their enemyes ensignes and armour, conterfeyte their habite and language, and if neede be, also madnes, with David, for iuste polycye, and honest advantage. [*S. Aug. 9. 10. in Josue*]¹⁴⁹ T his vertew of syncertye or veretye, as it alwayes condemnteth a lye and unseasonable dissimulation, so on the other side reprooving superfluous layinge open of our owne or others secretes.

Because, therefore, as the wise man sayeth, there is "tempus recendi et tempus loquendi" [a time to keep silence, and a time to speak] [*Eccles. 3.*]¹⁵⁰ lett us see the convenient tymes of this kynde of honest dissimulation, which St. Hierome affirmeth to be profitable, "et in tempore assumendum," for to be used in dewe tyme [*In. cap. 2. ad Gal.*]¹⁵¹ Where we may frame this generall proposition, that albeit these equivocations do make that our speech be not in deede and before God a lye, yet it is not sufficient in our speeches to avoyde a lye, but we are bounde to deale sincerely and playnely, so ofte[n] as eyther this [p. 57] vertew of veretye alone, or with all any other vertew of a morall or Christian lyfe, doth so require. I saye that this vertew of veretye alone may sometymes require it; for in all our con-

146 *Eccles. 2:14.*

147 *Prov. 25: 9.*

148 *Prov. 11:13.*

149 *1 Kgs. 21:13; Augustine, In Heptateuchum Locutionum Libri Septem*, bk 6. c. 10, 13 (PL 34: 780-81, 782). The second reference has been added by Garnet in Bodleian MSS Laud Misc. 655. Both are marginal notes in MS. Z.53.

150 *Eccles. 3: 7.*

151 *Jerome, Commentaria in Epistolam ad Galatos*, bk 1 (PL 26: 339C).

versation we ought to deale sincerely, so that whansoever eyther the health of our bodye or sowle, pietye, charytye, iust profit or necessitye, urgeth us not, these equivocations are vtteleye to be abolished, as veniall synnes at the least, if not mortall, as they may oftentymes be, though not in respect of this vertew alone, as we will say heereaftter, yet in respect of the omission of some other notable dewtye with all.

For oftentymes in respect of other vertewes we are bound to deale sincerely. The first whereof is fayth; which although we may hyde ordinarily by permitting others to thincke that we are of a false religion, or by not shewing ourselves what we are, except eyther some notable glory of God, or great profit of our neighbour, may seeme to bynde us ther unto, yet may we never, no, not for to save our lyfe, or goods, or the whole worlde, eyther expressly make any shewe in worde or deede of a false religion, or geve any suffi[p. 58]cient cause that probablye others may thincke so of us. For this beyng a thinge so neerely concerning the honour which we owe to God and the profit of our neighbour, we are bound to shewes no other than we are; which although in other cases it be not alwayes necessarye, yet in matters of fayth and religion we must neyther denye nor blushe at our Saviour, and the profession of his faythe and religion, least he denye and blushe at us before his Father and the holye Angels; neyther is it sufficient "corde credere ad iustitiam, nisi ore etiam confessio fiat ad salutem." [For, with the heart, we believe unto justice; but, with the mouth, confession is made unto salvation.] [*Rom. 10.*]¹⁵²

This may also be confirmed by the example of St. Peters denying of or Saviour, whose wordes all of them, albeit they might have had some trewe sense if he had intended the same, a he did not; – for he knew not Christe perfectlye, wheras none knoweth the sonne but the Father; neither did he knowe the man whom they spake of, wheras he was not a pure man, but also God; neither did he follow Jesus of Nazareth as one of Galiley or of Nazareth, but as the sonne of God, and the Messias of the worlde; and whan, beyng charged to be a disciple of Christe, he [p. 59] answered "I am not," his wordes might also have had a trew sense, for God is he onely which is, in respect of whome all creatures are nothinge; – although, I say, St. Peter had intended all these and other meanings as St. Ambrose largely discourseth, yet had he synned. "Non enim satis est involuta responsio confitentis Jesum, sed aperta confessio; quid prodest verba involvere, si videri denegasse?" [an ambiguous confession of Jesus is not enough, but an open confession is required; of what use is it to twist words, if they seem to amount to a denial] [*Amb. l. 20. in 22 Luke*]¹⁵³ where that holy father most gravely condemneth all equivocation, whan we may seeme to deny our faythe and yet confirmeth or opinion in othr lawful causes.

And generally we must establishe this as a sure ground, that whansoever that which outwardly soundeth as a lye in the eares of the hearer, may tend to any dis-

¹⁵² Rom. 10:10.

¹⁵³ Ambrose, *Expositio Evangelii secundum Lucam*, bk 10, c. 79 (PL 15: 1825A).

honour of Almightye God, or to any notable breach of dewetye towards our neighbour in sowle, bodye, honour, fame, or any exterior goodes, equivocation, although it may take away the lye which may seeme to sounde in the wordes, yet can not it hinder but the whole speech is otherwise left in it nature as it would of it selfe be interpreted, although no such [p. 60] equivocall sense were intended. So that if it were hurtefull to any person or dishonourable to God without the equivocation, it remayneth so notwithstandinge the equivocation. Wherefore it is manifest that we may not equivocate in matters which concerne the profession of our faythe, without the incurringe of mortall synne.

Neither doth fayth onely bynd us to this syncyerty, but oftentimes also charitye, as we towchid before; the breach wherof in not manifestinge a known truth in the behalfe of or neighbour, eyther in matter of doctrine and religion, or in any politicke and civill matter, whan reason requireth it, may be eyther a mortall or veniall synne, according to the qualitey of that helpe which we uncharitably withdraw from them concerninge their spirituall or temporall good.

Justice also in this pointe may in like manner be transgressed whan eyther we seeke by equivocation to iniury them in their fame, although in trewe things, so longe as they be secrett, or by duple speeches, as wrongfully testefye against them, or refuse to cleare them by or iust testimony whan we [p. 61] are bounde, or pervert the uprigh order of lawfull judges and magistrates proceedinge accordinge to lawe, wherof we will speake more hereafter.

Finally, these equivocations may be esteemed unlawfull in respect of the violatinge of the trewe worshipp which we owe unto God, by any periury, of which, because it contayneth a particular difficultye, whether the oathe be privately taken or in an open courte, we will afterward severally, intreate.

[p. 62] CAP. 7m.

OF THE LAWFULL USE OF THESE EQUIVOCATIONS, TOGETHER With AN OATHE CONFIRMEINGE OUR SPEECHES EYTER TO A PRIVATE PERSON OR BEFORE A MAGISTRATE, AND HOW SUCH OATHES DO BYNDE VS.

Because of the variety of cases which may happen in this matter we must needes proceede by divers propositions.

1. The first shalbe this. Whan any person is asked upon his oath, in cases wherin he is bounde to deale playnely, it is a synne to use any equivocation; and in judgement, or before a competent judge lawfully examininge, it is alwayes a mortall synne. This is manifestly inferred of that which was sayed in the former chapter. For if it be not lawfull in such case to equivocate without an oathe, much lesse with an oathe. St. Isidorus [*l. 2. de summo bono. c. 31*]⁵⁴ also confirmeth the same with this commoun sentence, to be understood onely in cases wherein [p.

⁵⁴ Isidore of Seville, *Sententiarum Libri Tres (sive de Summo Bono)*, bk 2, c. 31.8 (PL 83: 634).

63] we are bound to deale playnly, as we will shewe afterwarde. “Quacunq̄ arte verborum quis juret, Deus tamen qui conscientiaē testis est, ita hoc accipit sicut ille cui juratur intelligit.” [By whatever twist of words one takes an oath, God, who reads man’s conscience, accepts it as the one to whom the oath is given understands it.] So that in such a case a man is bounde to fulfill his oath in the sounde meaning of hym to whome he sweareth. And that in iudgment it is a mortall synne not to aunswere directly (I meane whan otherwise we may pervert the iudgement in any notable sorte) it needeth no prooffe at all, consideringe how dangerous a thinge it is in a commoun wealth to have the order and proceedings of iustice to be wronfully hyndered. Wherefore we reade in the holy Scripture that which Josue sayed unto a malefactour, “Fili mi da gloriam Domino Deo Israel, et confitere atque indica mihi quid faceris, ne abscondas” [My son, give glory to the Lord God of Israel, and confess, and tell me what thou hast done, hide it not.] [Josh. 7.],¹⁵⁵ whereby we are taught our dewtye, in the like cases, to confesse the truth, although it be to our owne preiudice.

2. Secondly, whan a man is urged to sweare that he will do a thinge, which although he be not bound otherwise to do, yet it is such a thinge as he may do or omitte if he will, it beyng no synn at all, than is he [p. 64] alwayes bound to perfourme it, except he had some equivocall meaninge whan he sware, having also iust cause of such equivocation. An example hereof may be as if any person promise an uniuiste persecutour a hundreth poundes; if he had that trew meaninge verely to give it hym, than doth his oath bynd hym (except he should therby notablye demnifye his famely or creditoures, for in such case the oath byndeth hym not; wheras it is a synn to promise which may be iniuriouse to others, and so he synned also in swearing). But if he did equivocate, meaning that he would give hym so much if he ought it hym, or such like, than because he was driven heare unto by iust feare and had iust cause to defend his right by equivocation, he is not bound to performe his promise by verrew of his oath, howsoever he may be bound to prevent scandall therein, which seldome happeneth. But if without iust cause he should equivocate in swearing the like to any other, than he is bound, notwithstanding his equivocation to perfourme his oath accordinge to the sounde and ordinary understandinge of his wordes; accordinge to what which we alleaged [p. 65] out of St . Isidorus, whose rule is taken for a sure grounde in the canon lawe. As for the lawfulness of such equivocation in this oath whan we are wronged, we will presently prove it.

3. Thirdly, if a man sweare to do or say that which is unlawfull, as beyng against the dewtye we owe to God or our neighbour, – if he inteded to do it whan he did sweare, he synned in two manners, both by having a purpose to do evell, and by swearing it; but if he intended not to do it, but by some equivocation deluded his adversary, than may he be excused from synne in cases where there were no scandall or hurte of his neighbour, or dishonour of God, the thinge beyng of it selfe indifferent, though unlawfull because of the circumstances. But in neyther case is he

¹⁵⁵ Josh. 7:19.

bound to fulfill his oath, – yea he is bound not to fulfill it at all. An example of the second case we may bring in this manner; the magistrate sweareth me to bring a recusant to the assizes, which is unlawfull; yet I, seeyng there is no other way for the recusant to escape, sweare to bring hym to the assises, having this meaninge within me, [p. 66] that I will bring hym if he will go with me, and so lett hym escape. So long as here is no scandall (for I suppose the case to stand so, that I shall not herein seeme to persecute or hate his religion), this same no doubt were a charitable acte. But that in these cases a man is bound not to do that which he sweareth, it is manifest; for the thinge which he sweareth is a synne, and an oath cannot make a synne no synne.

4. Fourthlye, if a man take a generall oath to do whatsoever he is commaunded, or aunswere to what he is asked, with a playne and syncere mynde to fulfill it, whether it be of a competent judge or no, it never byndeth hym but to do or say so farre as lawfully he may; and if he ment otherwise he synned in swearing; neither yet may he in that respect fulfill his oathe. Wherefore, if the whole forme and substance of the oathe be of thinges manifestly evell and scandelous, he is bound to refuse the oath; but if it be tendered in in different wordes, he may take it. And whether he thought at the begynning expressly or not of that exception “I will do or aunswere in thinges lawfull,” yet is he not [p. 67] bound but onely in thinges lawfull. This is also manifest; for no man may make God a witness of a synne, or bynd hymselfe by oath to committe the same, “Cum juramentum non fuerit ut esset iniquitatis vinculum institutum.” [There can be no oath if there is a question of a wicked bond.] Also, “Non est obligatorium contra bonos mores præstitum iuramentum.” [an oath contrary to sound morals is not binding.] [De jure jur. c. i. in 6^o Reg^a. iuris. 58]¹⁵⁶ And in the civill lawe it is a most cleare case, as appeareth in many lawes which might be alleaged, and are by the glosse cited in these two places.

But because, in the first proposition, we made mention of the cases in which we are bound to deale playnely, those we must more particularly expounde; for although we may generally say that we are bound to deale playnely in swearing in the same cases in which we are bound without an oath, yet we reserved the case of judgement or examination by a superiour unto this place, as having for the most parte an oath annexed, which now we will breifelye declare.

It is most certaine that every man is bounde to aunswere directly, whansoever he is asked, according to order of lawe, which order of law requireth these five thinges. [p. 68]

1. First, that the party who examineth must be a lawfull superiour, who hath received authority by the commission of the publicke power, eyther of an absolute prince, or of a commoun wealth where there is no monarchy.

¹⁵⁶ *Regulae Iuris Bonifacii VIII in Libro Sexto Corporis Iuris Canonici (1298), n. LVIII, Sextus Decretalium liber a Bonifacio octavo in concilio Lugdunensi editus ... (Venice, 1567), f. 450A.*

2. Secondly, he must have authority over the person whome he examineth; for it may be that the judge be a competent judge, and yet not in respect of such a person, as it happeneth often tymes that a man be of an other territory, kingdome, or diocese, and than cannot the judge alwayes deale with hym, except in some particular cases, which the lawes of every countrey do assigne. "Falcem iudicii mittere non potes (as sayeth St. Gregory) in eam segetem quæ alteri videtur esse commissa." [you may not use the judge's scythe for a harvest belonging to someone else.] [*Respons. 9. ad. August.*].¹⁵⁷

3. Thirdly, the matter it selfe must be subiect unto the judge; for sometymes both the judge is competent and the person not exempted, and yet the matter wherof there is controversye is exempted. As when it happeneth that a religious man, beyng ordinarily exempted from the bishoppes authority, yet, by reason of some cryme committed in the diocese, becommeth the bishoppes subiect [p. 69] in respect of that cryme, yet cannot the bishopp intermedle with his administration of the goods of his monasterye. [*D. Tho. 22. q. 67. ar. 1. ad 5m*]¹⁵⁸ The like were id the cheife justice should intermedle in matters of wardes, or mariages, or testaments, which belonge not to his courte.

4. Fourthly, he must procede according to a iust law. For whereas a judge is, as Aristotle calleth hym, a living lawe, as the lawe it selfe is a dumme judge; even as the lawe whan it is uniuist is no lawe, so a judge in the execution of an uniuist law is no judge.¹⁵⁹

5. Fynally, it is very necessary, for the dew observation of order of law, that the judge do not procede against a man to examine hym or call hym into question, but in cases which are publicke and manifest, or whan great suspitions and presumptions, or commoun reportes, do seeme to condemne the partye, or sufficient testimony convince hym; for otherwise it were against the law of nature. For how can there be greater disturbance of commoun wealth than to have honest men molested or called into question [p. 70] at every one's fancye? Neyther was that steward in the Gospell called into question before he was infamous; and therfore is Lord sayed unto hym, "What is this that I heare of thee?" [*Luke 16.*]¹⁶⁰ Neyther did God hym selfe punishe the Sodomites before their crye was multiplied before hym [*Gen. 18.*],¹⁶¹ – which two places of Scripture doth Innocentius the thirde, in a generall Laterane Councell, alleaged to such effect. [*C. qualiter et quando 2º De accusationibus*]¹⁶²

¹⁵⁷ Gregory I, *Epistolarum Libri XIV*, bk 11, Epistle 64 ("Ad Augustinum Anglorum Episcopum"), *Responsio Nona* (PL 77: 1192).

¹⁵⁸ Thomas Aquinas, *Summa Theologiae*, II^a-II^{ae}, q. 67, a. 1 ad 5^m.

¹⁵⁹ Aristotle, *Ethics*, 5, 4.1132a19-113a22; 5, 9, 1136b33-1137a3; 1137b10-1137b18.

¹⁶⁰ Luke 16:2.

¹⁶¹ Gen. 18:20-21.

¹⁶² "Qualiter et quando" opens canon 8 of the Fourth Lateran Council (1215), "De inquisitionibus" (Tanner, *Ecumenical Councils*, vol. 1, 237-39).

In these cases, whan order of law is not observed, a man is not onely not bound to confesse any thinge of hym selfe, but he is also bound to confesse nothing at all; for it were to preiudice hym selfe without necessitye. And no man may preiudice his owne fame, or goodes, or lyffe, without at least a veniall synne, except he be bound thereunto by order of law. But whan all these thinges concurre, whether a man be bound to confesse the trewith or no in any criminall matter it may be a question. For in the civill law it is evident he is. In our commoun, I dare not defyne that it is a mortal synne not to confesse or to denye, so long as he useth no fraude or periurye, or any such plea as may [p. 71] pervert the judgement. For in the civill law the whole judgmt dependeth on the partyes confession; in the commoun law it consisteth in the tryall of the countrey, which if the defendant accept, it seemth no more is required of hym. And so we see that in all ages it was the custom of never so notorious thieves to pleade not guiltye, neyther have I ever heard of any doctour which hath reprehended it. Wherefore in this I referre my selfe (as I sayed) unto the skylfull. Sure I am that the commoun law neyther doth nor can bynd a man to aunswere but with the former conditions.

But to confesse any notable thinge of an other person other than my selfe, whan it is not iuridically asked, although never so enormous (except the cryme were such as tended to the notable hurte of the commoun wealthe and the partye were not amended, and had not altered his naughtye purposes), were always a mortall synne.

[p. 72] CAP. 8m.

THAT THIS OATH PROPOUNDED UNTO A CATHOLICK
AND TAKEN BY HYM WITH EQUIVOCATION, WANTETH NOT THE
FIRST CONDITION OF AN OATH, THAT IS, VERETYE.

But lett us now come to the resolution of the principall question. Mr. Southwell is accused of most wicked and horrible doctrine, because he thaughte a gentlewoeman that if shee were examined whether he were at her father's house, she might sweare no, with this intention to herselfe, that he was not there so that she was bound to tell them.¹⁶³ And [p. 73] how happye had this gentlewoman bene, if she never had learned worse doctrine of others than eyther this or any other she learned of Mr. Southwell. But who are those which accuse hym? Even those which would have no refuge or evasion for innocentes to defend them selves from their cruell oppressions. But we will as easly shewe this kynde of oath to be lawfull, as it is manifest that the practise thereof was commoun in all Christian courtes, and in all polytricke governments, before these accusers or their [p. 74] great grandfather Luther was borne, whan the worlde was governed with as great pietye, justice, and learninge as these scrupulous persons will ever establishe in this realme, though they use never

¹⁶³ The gentlewoman was Anne Bellamy, daughter of Southwell's hosts. See Devlin, *Life of Robert Southwell*, 275-77, 301, 311.

so great diligence. We will therefore prove that this oath hath all the necessary conditions of an oath: trewith, justice, and judgement, or dicreete wisdom.

1. And first of trewith, I frame this argument. All lawfull equivocation maketh an oath of that equivocall proposition a trew oath; but this is a lawfull equivocation, therefore is the oath trewe. The maior is manifest by that which hath been sayed above. For such equivocall propositions are trewe; and the oath confirmeth nothing but that which was in the proposition, therefore it is trewe.

2. St. Gregory, also, handling a certaine controversye betweene the iust and patient Job, and his freindes who had misunderstood some of his propositions, hath these wordes: "Quid obest si a rectitudine veritatis humano iudicio verba nostra superficie tenus discrepant, quando in cordis cardine ei compaginata concordant? Humanæ aures verba [p. 75] nostra talia iudicant, qualia foris sonant, divina vero iudicia, talia ea audiunt qualia ex intimis proferuntur. Apud homines cor ex verbis, apud Deum vero verba pensantur ex corde. Beatus ergo Job dum hoc ait exterius, quod interius Dominus dixit, omne quod locutus est, tanto iusto exterius intulit quanto ab interna sententia non recessit." [What problem is there if our words, according to human judgement, diverge just slightly from the truth when in the depths of the heart there is perfect harmony with it? Human ears judge our words just as they sound externally; divine judgements however penetrate the intimate depths of truth within. Among men, the heart rests on words, but with God, words are pondered in the heart. Blessed therefore is Job when he says outwardly what he whispers inwardly to God, whatever is spoken, for the just man expresses in words what he believes in the depths of his heart.] [l. 26. *Mor. c. 7.*]¹⁶⁴ Wherby we learne this rule with St. Thomas, that whan he which sweareth is not in dolo, that is, whan he doth not uniously deceive hym that he sweareth unto, every oath is to be understood according to the intention of hym which sweareth [22. q. 89. *ar. 7 ad 4.*];¹⁶⁵ wheras, contrarywise, if he be in dolo, than he is bound to swear unto the others intention. And so must his oath be understood, accordinge to the rule of Isidore alleaged in the next chapter before; which rule that that doctour understood onely in case that the swearer useth fraude, it appeareth by his reason which he bringeth. For he sayeth, that he which useth a fraudulent oath "dupliciter reus fit, quia et nomine Dei in vanum assumit, et proximum dolo capit." [becomes doubly guilty because he takes the name of God in vain and also deceives his fellow man.]¹⁶⁶

3. Besides, if there be any falsehood in such an oath or proposition, it is onely [p. 76] because I make them which heare me to conceive me otherwise than the thinge is; but in case that a man is not bound to make them knowe the matter as it is, that skylleth not; for David, Abraham, and Isaac and Jacob, the angell Raphael Samuel, and or Savior hym selfe permitted those with whome they delte to have an

164 Jardine mistakes "Mor" for "Mar": Gregory I, *Moralium in Job*, bk 26, c. 7 (PL 76: 375).

165 Thomas Aquinas, *Summa Theologiae*, II^a-II^{ae}, q. 89, a. 7 ad 4^m.

166 Isidore of Seville, *Sententiarum*, bk 2, c. 31 (PL 83: 634).

other concepite than the thing was; and so it is in all stratagemes of warre amongst never so godly persons. Therefore that cannot make it a lye. St. Augustine also excellently sheweth the same, that is, that these misteries of the Scripture made a false opinion in the myndes of the hearers, and yet were no lyes. "Putantur autem mendacia (sayeth he) quoniam non ea quæ vere significantur dicta intelliguntur, sed ea quæ falsa dicta esse creduntur. Hoc ut exemplis fiat planius, id ipsum quod Jacob fecit attende. Hædinis certe pellibus membra contextit. Si causam proximam requiramus, mentitum putabimus. Hoc enim fecit ut putaretur esse qui non erat. Si autem hoc factum ad illud propter quod significandum revera factum est referatur; per hædinas pelles, peccata; per eum vero qui eis se [p. 77] operuit, ille significatus est qui non sua sed aliena peccata portavit. Verax ergo significatio nullo modo mendacium recte dici potest. Ut autem in facto, ita et in verbo. Nam cum ei pater dixisset, quis es tu fili? Ille respondit, Ego sum Esau primogenitus tuus," etc. [Those things are considered falsehoods when what is truly uttered is not understood, but what is falsely uttered, is believed. Examples will make this clearer. Consider what Jacob did. He covered his arms with goatskin. If we look at the immediate cause, we would consider it deception. He did so in order to appear as someone who he was not. If however this deed is referred to that which it was truly destined to signify: through goatskins, sins; through him however who figures in these similes, it means that he bore not his but the sins of others. The true scope of the action can in no way be called a lie. As it was in the deed so was it in the words. For when his father asked him, who are you my son? He answered, I am Esau your firstborn, etc.] Since what is signified here does not fall into the category of truth, but is either past, present or future, the true meaning without doubt is far from being a lie.

And so he saveth that from a lye, as we sayed above, applying it to the misti-call sense. And he concludeth thus: "Cum enim quæ significatur non utique non sunt in veritate, sed sunt seu præterita seu presentia seu future, proculdubio vera significatio est nullumque mendacium." [*Contra Mend. c. 10*]¹⁶⁷ That is, when those things which are signified are not such things as verily are not at all, but they be eyther past or present or to come, it is undoubtedly a trew signification and no lye. Even so may we say that whan they are not such things as verily are not at all, but they be in our meaning trew, there is no lye. For as Isaac, not understaunding the meaning of Jacob, made not his speech a lye, – and as our Saviour's speech, "Solvite templum hoc, et in tribus diebus excitabo illud," [Destroy this temple, and in three days I will raise it up.] [*John 2.*]¹⁶⁸ was trew, although the Jewes understoode them for the temple of Hierusalem, and accused him [p. 78] therefore to the cheife preistes, – even so others conceaving false by our speech maketh not our speech a lye.

4. Moreover, in every oath is understood a condition that I will do or say so farr as I may lawfully do or say, or else the oath is uniuste and indiscrete. So that if I do

¹⁶⁷ Augustine, *Contra Mendacium*, c. 10.24 (PL 40: 535).

¹⁶⁸ John 2:19.

take an oath to aunswere directly, yet whan they come to uniust questions, I am not bound to answere, although I thought not expressly of that condition whan I sware. Therefore if I thincke of it at the first whan I swaere, I am not bound to disclose this my knowledge or intention at the beginninge, sayinge that I will not answere them in such or such a question; whereas if I had not thought of it untill I came to the question, I should not then have needed to say, "In this my oath byndeth me not, I may not tell I will not tell, It were iniustice;" – but I might have answered according to that condition of lawfullnes, even as if they had offered me the oath with that lymitation, "you shall swaere to answere directly in what is lawfull" – which condition in deede they were bounde eyther to expresse or not to exclude. Than my conf[. 79]ceaving of that condition before is but an acte of prudence and discretion, and maketh me no more periured than I should have bene if I had not foreseeene the same. But if I had not forseene it, beyng not bounde under my oath to aunswere it, I might have sayed No, at the least without periury, although perhaps it had bene a lye. Therefore conceaving of it at the first doth not make it periurye although it were a lye; and so it is no false oath. Neyther in deede is it a lye, if there be some fitte sense reserved and understood in the mynde, as hath bene shewed before.

5. Finally, it is also a generall rule, that be the magistrate never so competent and [p. 80] iuste, yet whan I am in case that if he knewe thoroughly my estate he would not, or at leaste, according to right and law, should not, hynder my advantage, I may swaere unto his fynall intention although not to this immediate intention. As for example: – A man commeth unto Coventry in tyme of a suspection of plaugue. At the gates the officers meete hym, and uppon his oath examine hym whether he come from London or no, where they thincke certainly the plaugue to be. This man, knowing for certaine the plaugue not to be at London, or at leaste knowinge that the ayre is not there infectious, and that he only ridd through some secure place of London, not stayinge there, may safelye swaere he came not from London, answering to their fynall intention in their demaund, that is, whether he came so from London that he may endaunger theire citty of the plaugue, although theire immediate intention were to knowe whether he came from London or no. This man the very light of nature would clear from periurye. In like manner one being convented in the Bishoppes courte, [p. 81] because he refuseth to take such a one to his wyfe as he had contracted with per verba de præsentî [by words referring to the present], having contracted with an other privly before, so that he cannot be husband to her that claymeth hym, may answere that he never contracted with her per verba de præsentî [by words referring to the present], understandinge that he did not so contract that it was a mariage; for that is the fynall intention of the judge to knowe whether there were a sufficient mariage between them or no, so that he may geve trew sentence. And otherwise the judge would geve sentence that he should be with that woeman which is not his wyfe, and so there shoulde be an error in the judgement. Even so may one in this case answere to the remote intention of the lawe and of the judge, if he be an honest man, which is to apprehend a traytour or to know who hath harboured hym, and I know that the same partye is no traytour.

Thus much of the maior, that an oath of an equivocall proposition is a trew oath; – because of the trewith of the proposition alone, – because of the doctrine of Fathers, – because it skylleth not that the proposition is conceived [p. 82] as false, – because in every oath there is understood this condition, that I will doe so farre as it is lawfull, and because in not meaninge to performe the oath in the immediate sense of the judge, I have no contrary meaning to the principall meaning and intention which he bath or should have.

Lett us now, with Gods helpe, and to his glorye and our owne most iust defence, see whether we can prove the minor; that is, that there is most iust cause of equivocatinge in the answer to this demaund.

There is no doubt but when a pursevant commeth to search a howse, whether it be for a preist or for a purse, he would be most willing that every one should deale playnly with hym, and directly answer hym in those ordinarye questions: “Have you a preist? where is he?” “Have you any money? where is your purse?” And no mervayle; ffor if we may gather petigrees by the likeens of names, it is very likely that pursyvantes are nearer in kynred to purses than theeves. And although preistes have no very deepe purses, yet it may be that fyndinge preistes in houses, they may the easier be moved to hunt after [p. 83] Robinhood’s interest, which they have therby to the howshoulders purses.

But these base companions we will lett alone, and permitt them with their blowes to rent downe howses, and with their oathes to teare downe heaven, and leave their barbarous actions, unheard of in all former ages both before and synce Christe, to be reported freely in forraine countreyes, and to be registred trewly in our posterities.

But to her Maties more grave officers wee will seeke to geve such satisfaction, as we hope may declare the innocency of our conscience, and content their upright and indifferent myndes.

For although we beare them all manner of civill reverence, and acknowledge them as as our liege and most dread Sovereigne her lawfull officers, and are ready to obay them in any thinge not contrary to the lawes of God, and the necessary meanes of our everlasting salvation, yet in this case we say we are not lawfully contented, nor so demaunded for many respectes that we are bound to answer directly. We say that in this case of religion, we are by Gods lawes exempted from [p. 84] all civill magistrates, and that that religion which both hath enjoyed and doth at this present enjoy perfect libertye under heathen princes and governours, ought much more to be favoured or those which professe the most holy name of Christ. We say that the law which persecuteth Christes preistes, doth persecute Christ hym selfe, and that they are the very eyes of the mysticall bodye wherof we are part, and that without them we cannot maynetayne our religion, no more than our corruptible bodyes can exercise all necessary actions without the principall members therof. And we perswade oueselves that we cannot doubt of the unius- tice of this lawe except we would withall dōubte of the most certaine veryte or our fayth, and live like atheists and infidells in this worlde. ~~That we may say nothing~~

of the invalidity of those parliaments wherein for the most parte, in cases of religion, a small number beareth the swaye, and with might and terrour wrest out unwilling voyces from the rest for the establishing of uniuist lawes We say that in case the law were [p. 85] never so iust, yet are we conuented without order of law, and in such sorte as neither thieves nor murderers are conuented, no nor those neyther who do iustly deserve the name of traytours (although that name of late doth seeme to be appropriated onely unto us, how uniuistly God shall once make knowen); – by violent irruptions into our howses, uniuist oathes, and subtill examinations, without any other presumption than that we are Catholickes. Besides the straung and barbarous torturing of men after they be apprehended, not for to utter any treason to our country, or daunger to her Maties sacred person ~~who we wish with teares did knowe our loyall and most faythfull hartes~~ whose princely hart detesteth hard proceedings but onely to wringe out [p. 86] with diuers cruelties the names of Catholickes, and such actions as may be subiect vnto penall statutes; a thinge most contrary to the myldnes of the commoun law [*Fortescue of the lawes of England*],¹⁶⁹ by which this realme hath so many ages bene maintayned in all manner of felicitye and a ready way to bring in other maners of ciuill regiment never heard of within our realme, with manifest hazard of the subversion of the same; for there are no meanes more forecable to the maintenance of any state, than those by which it was first erected; and no way more ready to the overthrowe thereof, than the neglecting and breach of their auncient costumes. [*Isa. 10.*]¹⁷⁰ “Væ qui condunt leges iniquas, et scribentes iniustitiam scripserunt ut opprimerent in iudicio pauperes, et vim facerent causæ humilium populi mei, ut essent [p. 87] viduæ præda eorum et pupillos diriperent. Quid facietis in die visitationis et calamitatis de longe venientis? ad cuius confugietis auxilium, et ubi derelinquetis gloriam vestram, ne incurvemini sub vinculo et interfectis cadatis?” [Woe to them who make wicked laws: and when they write, write injustice: To oppress the poor in judgment, and do violence to the cause of the humble of my people; that widows might be their prey, and that they might rob the fatherless. What will you do in the day of visitation, and of the calamity which cometh from afar? to whom will ye flee for help? and where will ye leave your glory? That you be now bowed down under the bond, and fall with the slain?]

So that for these reasons, amongst many others, we beyng not bound to deale playnely, and lay open our secrets to our owne prejudice, but having iust cause to defend our selves, – we are resolved (especially beyng warranted by the doctrine of sound devynes and generall practise of Catholicke Courtes past and present), that in this kynd of oathes there wanteth not the first condition of an oath, which is veretye.

169 Marginal note by Garnet in both manuscripts. Sir John Fortescue (ca. 1394–1476) served King Henry VI (1421–1471); he wrote *De laudibus legum Angliæ* (ca. 1470) for Edward, Prince of Wales (1453–1471) during the dynastic struggle between the White Rose of York and the Red Rose of Lancaster.

170 *Isa. 10:1–4.*

[p. 88] CAP. 9m.

THAT THIS OATH WANTETH NO JUSTICE.

Another condition of an oath we sayed was iustice, which may be considered two manner of ways, eyther in respect of the matter of the oath, or in respect of the cause therof. In respect of the matter of the oath, or of that which we sweare to do, there may be iniustice if we should sweare to do that which is unlawfull. In respect of the cause also, there is iniustice, if we sweare to affirme that which, albeit it be trewe, yet cannot be revealed by me without iniustice towards my neighbour. For there is uniustice in the cause of my swearinge, wheras I have no iust cause to utter that which may hurte my neighbour. And the like iniustice may be in other cases.

Now in this our oath, if I were bound to confesse the trewith, than no doubt but I [p. 89] should synne againste iustice in not confessing it unto a magistrate lawfully askinge me. But wheras we have showed before that I am not so bound, there is no iniustice in the cause of the oath. Neither is there any iniustice in the matter of my oath, wheras I do not sweare to do any person harme, but rather I save an innocent from uniust harme.

But for the more perfect clearing of this poynte, we will heare avouch a thinge which we touched before; – that admitte I had sworne most syncerely and without all equivocation, and with a full resolution to detect whatsoever I knewe, yet were I, notwithstanding my oath (which undoubtely was synfull, as having no iuste cause to utter these secretts), under payne of everlastinge damnation, bound not to fulfill it. This we will prove breifly out of Scriptures and Fathers together, for the very same Scriptures will be of more force to prove our purpose, whan they are in the like cases alleaged and interpreted by so learned and holy doctours.

St. Ambrose. “Unusquisque nihil promittat inhonestum, aut si promiserit, tolerabilius est [p. 90] promissum non facere, quam facere quod turpe sit.” And afterward, talkinge of Herod’s oath whan he putt St. John Baptist to death [Let each person promise nothing that is sinful, or if one has made such a promise, it is better not to keep the promise than to do something that is wrong] [*Matt. 14.*],¹⁷¹ he sayeth: “Sicut de Herode supra diximus qui saltatrici præmium turpiter promisit, crudeliter solvit. Turpe, quod regnum pro saltatione promittitur; crudele, quod mors prophete pro iurisiurandi religione donatur. Quanto tolerabilius tali fuisset periurium sacramento?” [As we said about Herod earlier, who promised the dancers a criminal reward, and he kept his promise cruelly. It was base that a kingdom was promised for a dance; cruel that the death of the prophet should pay for an oath. How much more preferable would perjury have been to fulfilling such an oath?] [*l. 3. off. c. 12*]¹⁷²

St. Augustine, of David, who had sworne to kyll Nabal [1 Kgs. 25];¹⁷³ “Juravit temere, sed non implevit iurationem maiore pietate.” [he swore rashly, but did not

¹⁷¹ *Matt. 14:7.*

¹⁷² Ambrose, *De Officiis Ministrorum Libri Tres*, bk 3, c. 12 (PL 16: 167B).

¹⁷³ 1 Kgs. 25:12–13. This passage is missing in MS. Z.53.

keep his oath because of greater compassion.] And in the same place he defendeth that Herode synned in observing his oath, and prayseth David for non performing his. [*Ser. [11].*¹⁷⁴ *de Sanct. Inter 17.*]¹⁷⁵

The 8 Councell of Toledo [c. 2.]. "Si publicis sacramentorum gestis (quod Deus avertat) a quibuslibet illicita vel non bona extitisset conditio allegata, quæ aut iugulare animam Patris aut agere compelleret stuprum sacratissimæ virginis, numquid non tolerabilius esset stultæ promissionis vota reicere, quam per inutilium promissionum custodiam exhorrendam¹⁷⁶ criminum implere mensuram?"¹⁷⁷ [If (God forbid) evil conditions are bound to public oaths, conditions permitted to no one such as murdering one's father or violating a consecrated virgin in order to get ahead, would it not be much better to reject the vows of a stupid promise rather than commit horrible crimes in order to ensure meaningless fidelity to a promise?]

[l. 2. *de Synoimis*]¹⁷⁸ St. Isidorus. "In malis promissis rescinde fidem, in turpi voto muta decretum; quod incaute vovisti, ne facies; impia enim est promissio quæ scelere adimpletur." [renounce fidelity to evil promises; in a criminal vow change the obligation; do not fulfil what you have rashly promised; for wicked is the promise which is kept by a criminal act.] [*vide lib. 2. de summo bo. c. 32.*]¹⁷⁹

Sr. Bede. ["Si aliquid forte non incautius iurasse contigerit, quod observatum peiorem vergat in exitum,¹⁸⁰ libere illud consilio salubriore mutandum noverimus, ac magis instante necessitate peierandum nobis, quam pro vitando periurio, in aliud crimen gravius esse divertendum. Denique iuravit David per Dominum occidere Nabal virum stultum et impium, sed revocavit ensem in vaginam, neque aliquid culpæ se tali periurio contraxisse doluti." [if by chance we should imprudently make an oath whose fulfillment would lead to a worse result, we should know how to change that promise to something more profitable; it is more desirable to commit perjury than commit a more serious crime in order to avoid it. David made an oath before the Lord to kill Nabal a stupid and wicked man, but sheathed his sword, nor did he incur any blame for that perjury.] [*Ser. de decoll. St. Joannis*]¹⁸¹

174 Number "11" is missing in MS. Z.53.

175 Augustine, *Sermo 308 [de Decollatione beati Ioannis Baptistae]*, c. 2.2 (PL 38: 1408-09).

176 Jardine misreads this as "exhorrendorum."

177 The actual citation is "Si publicis sacramentorum gestis (quod Deus avertat) a quibuslibet illicita vel non bona extitisset conditio alligata, quæ aut iugulare animam Patris aut agere compelleret stuprum sacratissimæ virginis, numquid non tolerabilius esset stultæ promissionis reicere vota, quam per inutilium promissionum custodiam exhorrendam criminum implere mensuram?" (Jean Hardouin, ed., *Acta conciliorum et epistolae decretales* [Paris, 1714-1715], 3: 958).

178 Isidore of Seville, *Synonima de Lamentatione Animæ Peccatricis*, bk 2, c. 58 (PL 83: 858).

179 The correct quotation is: Isidore, *Sententiarum*, bk 2, c. 32.4 (PL 83: 634). MS. Z.53 has "c. 13" but that chapter concerns confession of sins and penance.

180 "exitum" in MS. Z.53.

181 Bede, *Homilia XX [In Decollatione Sancti Joannis Baptistae]* (PL 94: 239D-240A).

St. Gregory. "Cum male iuratur, iustus iusiurandum dimittitur quam compleantur crimina quæ iurantur." [when an oath is evil, quite rightly the person is absolved of his oath rather than having to fulfil crimes he has sworn.] And afterward: "E contra autem reprobi: et incauti quidem sunt et discreti non sunt. Nam sæpe se acturos male repromittunt, et revocare promissa quasi periurium incursum non satagunt. Hinc est quod Herodes incaute iuravit, et nefarium iusiurandum quod protulit in Precursoris Domini morte complevit. Cauti ergo in nostris dispositionibus esse debemus, sed si cauti esse negligimus, pretermittenda sunt proposita, [p. 92] non implenda. Sic quippe a proposito desistere, non est vitium levitatis sed virtus discretionis." [and on the contrary the wicked are both careless and indiscreet. For often they promise to act badly, and they are not eager to retract their oath, fearing to incur perjury. So it was in the case of Herod swearing rashly, making an oath which led to the death of the Precursor of the Lord. We should be prudent in making promises but if we have been negligent, promises thus made should not be kept. To abstain from such a resolution is not a vice of frivolity but the virtue of discretion.] [In pm. lib. reg. c. 14.].¹⁸²

Let us therefore admitte that it is not lawfull to take this or any oath with a purpose of equivocation. Than when they are come to this particuler question, "Was Mr. Southwell at your fathers house?" the respondent may behave hym selfe in one of these 3 wayes, if he take the oath at all (for perhaps it were most convenient not to take any oath, and than our disputation were at an ende; for we examine whether he may with an oath equivocate, except in case that the oath were urged in that onely thinge: for than the refusing of the oath would geve the examiners sufficient argument of the trewth of his beyng there, who would presently inferre, that if he had not bene there the respondent would easely be induced to sweare). But supposing that he tooke the oath at the first to answer directly, than he must needes answer to the question, eyther yea, or no, or hould his peace. If he answer yea, than doth he committe iniustice, as we have proved; and if he foresaw that uniust question at the [p. 93] first, and meant to answer it without any equivocation, he synned also in swearing an uniust oath. If he holde his peace, than, besides that it is a kynd of confession, why will not these scrupulous casistes as well condemne hym of periurye for not answeringe, as for not answeringe directly and trewlye, according to theire intention, wheras he swore both as they will have it? Than is there no other answer but to say "No." And here, for to content these religiouse consciences, I am willing to remitte all manner of equivocations, as partely was towched in the next chapter before. Lett the party which is examined simply take the oath, lett hym not equivocate at all, lett hym intend to answer directly to all thinges "Yea;" and when they come to that particuler question, " Was Mr. Southwell there?" lett hym also answer directly "No." For why, in his generall oath he excluded not that condition comoun to all oathes, and comounlye included of all honest oathgevers, that

¹⁸² Gregory I, *Commentarii in Librum I Regum*, bk 5, c. 14 (Vers. 45) (PL 79: 393-94)

he would answere so farre as it were lawfull; for had he expressly [p. 94] excluded it, he had synned in swearing. Than when he is asked of that particuler question, "Was he there?" what hyndereth that he may not say "No"? Not this oath; for that falleth not upon that question, beyng an unlawfull question. Than it is onely the lye; and beyng hurtefull to no bodye, the most that these canonistes can make of it;¹⁸³ is but an officious lye, which is but a small veniall synne, and rather to be incurred than the other of prejudicing so highly our neighbour. And yett if he did equivocate, maeninge "No, to tell you," than was it no lye at all, and it was but an equivocation not sworne; for the oathe, as I sayed, did not nor could fall upon that question, so that it is an equivocation very farre from periurye; wheras that equivocationall proposition is not sworne at all, nor no matter of that generall oathe.

But what if one be putte to his oathe, not generally at the begynning to answere to all, but particulerly to this, "Whether Southwell was at thy father's howse?" I answere than, if he meant to answere without equivocation, he synned in swearing, and is yet bound not to tell or to disclose it, which he must needs doe [p. 95] and cannot avoyde but by saying "No." And although it were periury to sweare other thinges with equivocation, yet here is no periurye, for the oath beyng once taken, the synne is past in swearing to do an unlawfull thinge, but there remayneth no bonde to do according to the oath; and so it were but a veniall lye, if equivocation did not excuse it from a lye. But certaine it is, that he ought to equivocate in the takinge of the oath, and so all synne is avoided, the lye beyng excused.

To conclude, I would very fayne knowe of this scrupulous gentewoman, what she would have doune if shee had been in the steede of another person of her owne sexe called Rahab the harlott; for shee with a flat lye saved those which were reputed spies by the king of Jericho [*Josb.* 2], and so were in deede, and thought in her lye she committed a veniall synne, yet was she exceedingly rewarded for her fidelitie and made a progenitour of our Saviour [*Matt.* 1]¹⁸⁴ and highly commended in the [p. 96] Scripture for the same. [*Jas.* 2; *Heb.* 12]¹⁸⁵ But lett her have no scrupull the next tyme to equivocate for so good a cause, and so shee may sooner come to the heavenly land of promise, and be numbered amongst God's elect, than by betraynge a faythfull servant and messenger of Almighty God (and if they will needs have it so, a spyall, but a spyall of Christe to wynne the possession of men's sowles) gett any honour or credit in the worlde.

[p. 97] CAP. 10m.

THAT THIS OATH WANTETH NOT JUDGEMENT OR DISCRETION

We have sufficiently proved, I hope, to such as have them in any veretye and justice, that this oath which we intreate of, wanteth neither veretye nor justice. There

¹⁸³ MS. Z. 53 adds as a marginal note: "wil if he nedes do the onc."

¹⁸⁴ *Matt.* 1:5.

¹⁸⁵ *Jas.* 2:25; *Heb.* 11:31.

remayneth onely that we in like manner shewe that it cannot be voyde of judgement, which is the third condition required in an oath; that is, that without all rashenes or indiscretion, such an oath may be taken.

For if there be any tyme in which without any temerity, with iust necessity and reverence towards the most holy name of God, we may use an oath, there is no doubt but ryther¹⁸⁶ the preservation of an innocent, the defence of whole famelyes, and the mainetinance or our most trewe and auncient and apostolicall religion, do require the same; or else lett no man adventure by oathes to defend his fame, to recover his goods, or to [p. 98] confirme any lawfull promise which he maketh to his neighbour.

Two things onely it¹⁸⁷ commeth here into my mynde to note. First, that wheras the Devynes do generally say that a man may not equivocate in an oath whan he sweareth of his owne accord, or by his owne offer, beyng not constrained thereunto by others, yet this is not so stricly to be understood, that as the case standeth with us a man may not offer an oath of some lawfull thinge, and equivocate therein, for the eschew any present wrong or imminent daunger for his religion. We will expound the matter with an example. A man lyeth in prison, or is like to be caryed to prison, because he is accused to have brought a preist to some certaine place, or for other suspitions. Now if this person be brought before the justice or commissioner and putt to his oath whether he brought the preiste or no, all agree that he may swear with equivocation that he did not. But if he be not examined at all, or put to his oath, there may be a question whether he may, without rashenes, offer this or no, that so he may receive his discharge, sayinge in this manner: [p. 99] "Good Syr, I beseech you to have regard of my estate, I am in deede a Catholicke, but as for the bringinge this man to the place you mention, I will take my oath that I never brought hym." And I do nothing doubt but the Devynes never meant to reprove this, but rather that he may safely do it. For although he be not violented to swear, yet doth he suffer uniuert violence; from which, considering the circumstances, he cannot be freed by swearing. And the like I say of other cases. And generally, so long as there is in that sense of that which I swear, verety and justice, I may without all rashenes swear in this manner so ofte as, having the feare of God before my eyes, I probably repute that eyther my owne iuste profit or of my neighbour, or the honour of God, doth so require. Which doctrine is manifest by the enumeration of the conditions of a lawfull oath; for in such an oath there is veretye, justice, and judgement. [*Navar. in cap. Humanae aures*]¹⁸⁸

The second thing which here may be observed is this: That as we sayed before of [p. 100] justice, so may we say now of judgement, that if by forgetfulnes I shoulde chauce to take an oath, which afterward I perceave that if it be generally fulfilled it would breede some great inconvenience or losse which I foresaw not,

186 "eyther" in MS. Z. 53.

187 Cancelled in MS. Z. 53.

188 De Azpilcueta, *Commentarius in Humanae Aures*, Quaestio 2, § 11, pp. 9-17.

although it were in such a matter as I might lawfully perforce, yet am I bounde not to fulfill it; and if it be a synne, I am bounde not to fulfill it. Whence may be gathered a necessary instruction for such as any way may be circumvented with generall oathes, or deceived for want of consideration of future eventes in any particular oathe.

This we will confirme with an example of the wise Salamon, and at that tyme also vertuous, so that we may boldly imitate hym herein, who when he had willed his mother to aske what she would, yet when he saw how prejudicial her demaund was to his whole kingdome, and his owne securitye, he presently swore to do cleane contrary to his promise. [3. Kgs. 2.]¹⁸⁹ And this is a generall rule in all oathes, [St. Tho. 4^o. d. 38. q. 1. ar. 3.]¹⁹⁰ that when there is perceaved any [p. 101] thinge in the matter which is promised, which if it had been knowen at the begynninge, it was such in it selfe (not for the bare alteration of mynde or alteration in the swearer or promiser) but as I say in it selfe, that it would never have bene sworne or promised, except, perhaps, with some equivocation, than there is no bond at all in respect therof, and contrarywise perhaps a bond not to perforce it. As if a man sweare that that he will marry such a one, and afterward he commeth to the knowledge that long before his promise she was of a naughtye fame, is he not bound to marry her, although he may if he will. Also, one prince sweareth to take the part of another in such a warre; now it happeneth that the princes quarrel was good at the begynninge, but afterward becometh uniuert, because of a breach of truce, or not acceptinge iust satisfaction offered, wherby he were bound in conscience to fynishe the warre. In this case the oath byndeth the other no more, yea he is bound not to perforce it. These examples are ordinarily brought by Deuines.

And now because we have brought [p. 102] this our discourse towards an end, and we are yet intreating of iudgement or discretion in these oathes, we will, by way of a generall recapitulation, although very breife, of many things which have bene sayed, sett downe a short instruction how a man may behaue him selfe iudiciouslye and discreetely in his examinations by oath, without prejudice to his soule, or iniury to his neighbour.

First, therefore, if he be not urged therunto by the necessitye of the cause, lett hym refuse to sweare; for so shall he be sure to avoyde scandall and daunger of beinge chalenged of periurye, if perhaps they fynd the matter sworne to be false in that sense which the wordes did make.

Secondly, if he sweare, than eyther the oath is generally ministred to answer to all demaunds, or particularly that he sweare to do or say this or that. In both cases the securest way is to sweare in these formall wordes, if they may be admitted: "I sweare that I will syncerely and directly answer whatsoever I knowe;" for, as we sayed in the 4. chapter, although there be diversity of [p. 103] opinion in this

189 1 Chron. 2:31.

190 Thomas Aquinas, *Scriptum super Sententiis magistri Petri Lombardi*, dist. 38. q. 1. a. 3.

point amongst Devynes, yet do all agree that in matter of knowledge, either the very propriety of the worde "I knowe," or "I knowe not," hath a relation unto the uttering of the same knowledge or at ye least in such speeches one may lawfully retaine so much in mind. And this they thincke necessarily to be deduced out of those 2 speeches of our Saviour, "I know not the day of judgement" (to tell you), and, "all that which I have heard of my father (for to tell you) I have told you."¹⁹¹ ~~So that the very property of the words doth afford this speeche,~~ I will So that all allow this speeche,¹⁹² "I will aunswere whatsoever I knowe" meaning (for to tell you). If they will not admitte that lymitation, then, according to Bannez, they are bound to understand it, notwithstanding, in all his answeres. But for further direction of the partye examined, if the oath be ministred generally, lett hym admitte the oath with this intention, that he will answer directly and trewely (and if so they urge hym), without all equivocation, so farre as he is assured, without all doubte or scruple, that he may or is bounde. And if they make hym sweare that he hath no private intention or secreat meaning, lett hym sweare it also with that very same secrett understandinge, that he hath no such meaning to tell them. And with this generall meaning at the begynning when he tooke the oath, lett hym not doubte but he shalbe safe from all periury, although he answer ~~in their understanding~~ trewly to nothinge, because in these cases he is bound to aunswere directly to nothing. Yet for to save hym selfe from lyeinge (which notwithstandinge were but a venyall synne in these matters, and of farre lesse accounte than perhaps many other synnes which he howerly committeth), lett hym use some reasonable kynd of equivocation, as he may easely learne, of the wiser sorte; that is, lett hym speake some wordes which may satisfye the hearers, and with some other wordes which he conceiveth may make a trewe sense. And lett hym as[p. 105]sure hym selfe that by no way he can sinne more haynously in these matters than to disclose that which is in deede, whether he have sworn to do it or no.

But if he had no intention of equivocation at the first whan he tooke the oath, yet lett hym persuade hym selfe neverthesse that he is not bounde by his oath to do any thinge which becommeth not an honest man; and if so he equivocate in the particuler question, he synneth not at all. If he tell playne lyes without any trewe sense reserved, those do not so much offend God with their falsitye, as he is wont to reward such fidelitye, as we reade in the midwives of Egipt, and in that honest harlott if so we may call her Rahab, to whome God hym selfe shewed speciall favoures.

Finally, if he be urged to sweare the truth of some particuler matter, lett hym intend to sweare to tell the trewith so farre as he is bound. If to do any particuler unlawfull matter, if it be such a thinge as may [be¹⁹³] well interpreted, and not to tend to any scandall or dishonour of God, lett hym sweare it [p. 106] with equivo-

191 Mark 13:32; John 16:15.

192 Interestingly this passage deleted in the Bodleian text has been reinstated in Z 53.

193 MS. Z.53 adds "be."

cation, but not meaning to do it. If it be scandalous or manifestly contrary to Christian dewtye, he must needes refuse it, as hath been declared before. [see cap. 7. prop. 3.]

Thus much have I thought good to say in this question, wishing that Mr. Southwell hym selfe had had the handling therof. The tyme will come when he shall, together with all the Sayntes if God, stare in magna constantia (face to face) adversus eos qui se angustiaverunt, at which tyme God graunte that wee may abide his lookes, and fynde hym a more favorable advocate than he had found others here, that we may all together at the length meete in the perfect vnitye of the knowledge and sight of God, and be consummated in Christe our Saviour.

THE END

[p. 107] Tractatus iste valde doctus et vere pius & Catholicus est. Certe S. Scripturarum, patrum, doctorum, scholasticorum, Canonistarum et optimarum rationum prædidiis plenissime firmat æquitatem æquivocationis. Ideoque, dignissimus est qui typis propagetur ad consolationem afflictorum Catholicorum and omnium piorum instructionem. Ita censeo Georgius Blackwellus Archpresbiter Angliæ & Pronotarius Apostolicus. [This treatise is very learned, truly devout and Catholic. The validity of equivocation is fully upheld by the Scriptures, fathers of the church, doctors of the Church, scholastics, canonists and supported by very good arguments. Therefore this treatise deserves to be printed and propagated for the comfort of afflicted Catholics, and for the instruction of all devout souls. I George Blackwell Archpriest of England and Apostolic pronotary do so judge.]¹⁹⁴

§44 “Utrum vir Catholicus licite possit principem suum haereticum ad haereticorum templa comitari, et in ibi cum eo esse dum Sacra haeretico ritu peraguntur” [1604-1612]

SOURCE: ARSI, Anglia 36/II, ff. 393^r-395^v.

TRANSLATION: By Stephen Fernando but emended by the editors.

NOTE: Jesuit casuists resolved this undated case of conscience. We approximate date of composition for the biographical details of the casuists involved. Scriptural references are to contemporary usage. Sources can be found in the translation.

Duo hic supponenda sunt: Unum est, Infidelium templa ingredi, et eorum Sacris interesse non esse ex sua intrinseca ratione malum, sicut est blasphemare, peierare, et eiusedem generis alia, quae nulla ex causa possunt unquam recte fieri, aut a culpa absolvi, si libere fiant. Hic suppositum probatione non indiget: nemo enim dubitat, quin in multis eventis possit quis non modo sine peccato, verum etiam

¹⁹⁴ This whole paragraph with Blackwell's *imprimatur* is missing in MS. Z.53.

honeste et laudabiliter praedicta templa adire, et in ibi esse, dum haeretica sacra celebrantur. Ut si furiosum hostem, a quo imperitur, fugiat, nec habeat opportuniorem locum, ad quem se recipiat tuenda vitae causa; si Pontificis iussu ea mente ingrediatur et adsit, ut pravas haeticorum caeremonias observet, easque postea scripto confutet; et sic de aliis.

Alterum est, non ea tantum, quae sunt alioquin per se prohibita, nec solum ea, quae suo ex genere dicuntur indifferentia, et iuxta varios operantium fines bene ac male fieri possunt; sed illa etiam quae per se honesta sunt, posse interdum ob aliquam circumstantiam male fieri, atque adeo naturali aut positiva lege juste prohiberi. Hoc etiam suppositum extra controversiam est, ex exemplis patet. Nam ex afflatu pietatis indigenti succurrere bonum est; id si fiat ex alicuius bonis invito domino iniquam eris. Poenitentium confessiones excipere, laudabile est sacerdotis officium; si tamen ex eo spiritualis ruina vel poenitentis, vel confessorii probaliter timeatur, sine noxa exerceri non potest. Honestum est ieiunii opus; at si contra Superioris mandatum, vel ex avarita aut inanis gloriae appetitu fiat, turpitudinem habet: ita de caeteris.

His positis, ut quaestionis veritas melius constet, nonnullis propositionibus rem explicabo.

Dico igitur 1^o Non ita fas esse Catholico cum suo principe haeticorum templa adire, et in ibi cum eo sacris interesse, ut possit ulla ex causa verbis aut factis haeticum se fingere, nimirum vere; nam joci gratia, ut in comoediis sit, vertitur non est.

Oponitur huic assertioni autoritas Hieronymi in comment. epist. ad Galat. cap. 2. (referitur 22. q. 2. c. utilem) et quorundam scholasticorum qui opinati sunt non semper esse illicitum, uti caeremoniis, et actionibus ad cultum falsae sectae institutis, si id animo ficto, et propter aliquam necessitatem fiat; atque ad hoc probandum aliqua adducunt ex Sacris libris exempla, ut illud de Naaman Syro, 4. Reg. 5 de Iehu rege Israel, 4. item Regum cap. 10. de Apostolo Paulo circumcidente Timotheum, Act 16 et similia.

At quod dixi communi doctorum consensu stabilitum est. Ita enim Alex. 3. p. q. 183 memb. 2. Anton. 2. p. 11^o 12. cap. 6. expositores S. Thomae ad 2. 2. q. 3 ar. 2., Angel. Verb. Infidelitas. n. 9. Sylvest. eod. q. 9 Et verb. fides q. 5. Armil. ad eod. n. 9. Navarr. in manual. cap. 11. n. 28 et communes caeteri.

Probatur 1^o ex 2. Machab. 6. ubi commiseratio eorum, qui Eleazaro suadebunt ut vitandis mortis causa fingerat porcinis se carnibus vesci; appellatur a Spiritu Sancto iniqua, quia videlicet iniquam suadebant simulationem. 2^o ex 1. ad Corinth. 10 aliisque ex locis, in quibus Apostolus fidelibus vetabat idolothytum edere, eo quod ea ratione videbantur in externa falsae religionis professione cum gentilibus communicare; illa enim manducatio signum tunc erat ad profitendum gentilismum misericordiae institutum. 3^o exemplo martyrum, quorum plurimi facile vitare mortem poterant, si vellent idolis simulate sacrificare, aut inifdeles se fingere, quod non faciebant, qui nullam ob causam id sibi licitum esse iudicabant. 4^o ex patribus, Joan. lib. iv cap. I. Origen. lib. 8. contra Celsum, Tertull. lib. de idolatria, Cypr-

anum serm. ed lapsis, August. lib. contra mendac. ad consensum cap. 2. ubi ait natus esse diaboli cultum mentiri in corpore, etiam quando Dei cultus servatur in corde. 4^o [sic] ratione [f. 393^v] quia qui se aliquo externo signo haereticum simulat, eodem ipso videtur catholicum negare; siquidem vera Christi religio cum nulla alia secta potest simul in eodem homine reperiri, ac proinde qui se foris talem fingit, ut qui eum vident, prudenter iudicent haereticum esse, foris etiam negat se esse Catholicum; externa enim haeresis approbatio, quae verbis aut rebus sit, quaedam externa est catholicae fidei reprobatio, cum nulla sit participatio iustitiae cum iniquitate, nulla Societas luci ad tenebras, nulla conventio Christi ad Belial, nulla pars fidei cum infidei [sic], nullus consensus templo Dei cum idolis 2. ad Cor. 6.

Dico 2^o nefas esse Catholico, tuendae etiam vitae causa, principem suum comitari ad templa haereticorum, et eorum sacris cum ipso interesse, si inde per se vel catholicae religionis contemptus, vel grave Catholicorum scandalum, vel propriae subversionis periculum probabiliter timeatur.

Haec quoque assertio communissima est, nec ab ullo potest sine scelere negari, si recte intelligatur. Probari late solet in materia de legibus cum quaeritur, An lex ulla cum gravi vitae aut bonorum damno ad sui observationem obliget, ideo hic probationibus supersedeo, probatam quam suppono. Sed ex ea colligo 1^o Si haereticus princeps in contemptum fidei Romanae velit, ut Catholicus subditus haereticorum templa secum intrat, nefasque ipsi subdito esse hac in re illi obedire, etiam si mortis supplicium non tantum minetur, sed reipsa inferat. Tunc enim religionis contemptus ex tali ingressu per se oritur, cum sit intentus a tyranno, et eius iussu atque intentione fiat.

Colligo 2^o. si quis Catholicus praedicta templa ingrediatur, praevidens fore, ut alii catholici eius exemplo decepti idem omnino faciant, putantes nihil ad rem pertinere, cum haereticis in sacris communicare, peccatum graviter, quia rem faciat, ex qua per se oritur scandalum, vere activum et datum, quod in materia religionis et maximum est, et cum aperto etiam vitae periculo, vitari debet.

Colligo 3^o tam certum esse, neminem posse id efficere, ex quo probabiliter timeat propriae fidei jacturam, quam certum est nulla prorsus de causa fas esse peccatum suscipere. Unde si Catholicus ex dicto comitatu et ingressu sentiret Romanae fidei affectum in se remitti ac minui, et probabiliter crederet se paulatim ad lapsum in haeresim disponi, teneretur prorsus ab illis regem comitandi obsequiis abstinere.

Dico 3^o seclusis religionis contemptu, scandalo, subversionis periculo, si aliunde nihil aliud obstat, posse Catholicum se cum suo principe haeretico praedicta templa licite adire, et inibi cum eo esse, dum haeretica Sacra peraguntur; non ea quidem intentione ut haereticos decipiat et cum iis in religionis professione consentire videatur, sed ut vitam suam, ac sua bona tueantur; quamvis inde haeretici falli possint, existimantes ipsam eiusdem quoque esse sectae.

In hac assertione 4or partes sunt. 1^a est, si absint illa tria, religionis contemptus, scandalum, periculum subversionis, licite posse Catholicum cum principe suo templa ingredi haereticorum. Haec pars ex 1^o supposito facile probatur, qui si praedicta templa adire non est ex sua ratione malum, offerri poterit iusta causa, qua id queat ratio cohonestari.

Pars altera est, non posse Catholicum praedicta templa ingredi ex intentione fallendi haereticos, ut ipsum quoque haereticum esse putent. Haec etiam videtur manifesta ratione probari, quoniam sicut mentiri est intrinsece malum, ita est decipere, cum tota mendacii malitia in ipsa fallendi intentione posita sit, ut aperte colligitur ex August. relata 22. q. 2. c. Quod autem ex Gelasio Papa eod. c. Beatus Paulus, et ex plerisque aliis. Sicut igitur mentiri non licet, nec vitae conservandae causa, quoniam ob nullam causam potest id fieri, quod est intrinsece malum; ita nihil esse potest, propter quod licitum sit alium decipere.

[f. 395^r] Tertia pars est, si absint illa tria mala, quae diximus, Catholicus ex intentione se et sua conservandi comitatum illum haereticorum templa suo principi praestare. Quae pars etiam est manifesta, qualiter signa causa ad praedictum effectum dici iusta potest, bonorum certe temporalium ac vitae defensio existimari debet iustissima. Pars tandem ultima est, posse Catholicum ex dicta se et sua tuendi intentione principem suum comitari, quamvis alii haeretici inde fallantur credentes ipsum quoque haereticum esse. Haec etiam manifesta est, et extra controversiam, facileque ostendi potest exemplo Christi et multorum sanctorum, qui multa saepe faciebant, ex quibus videbant fore, ut alii fallerentur: videbantur tamen iure suo occultando aliquas veritates, vel aliqua faciendo, quae iuste facere poterant, nec tenebantur passivam aliorum deceptionem impedire. Quare quando non neget praeceptum profitendi exterius fidem, habet Catholicus ius occultandi professionem suam, licet ex eo fiat, ut haeretici illum quoque haereticum esse opinantur: quod passim sit in iis terris, ubi Catholici cum haereticis, et Christiani cum aliis infidelibus promiscue vivunt.

Dico tandem in casu questionis propositae licite posse Catholicum ad haereticorum templa principem suum comitari; ibi esse, dum fuerit princeps; genuflectere, cum flectit princeps, si aulae usus sit, ut flectente principe, flectant etiam qui, qui coram adsunt; alia denique ibi praestare, quae ad principis obsequium, non ad falsae religionis cultum aut protestationem sunt instituta. Haec omnia aperta sunt ex dictis, nec solum approbantur a Sanct. Hieronymo ubi 8, Adrian in 4. q. 1. de baptismo. ex 1. § ad orgā, in respons. 5. Barthol. Medin. 1. 2. q. 103. ar. 4. et aliis, qui putant licitam esse simulationem in rebus ad fidem pertinentibus; sed communiter a reliquis [sic] doctoribus, Navarr. consil. 15. de haeretic. Azor lib. 8. cap. 11. q. 4 et cap. 27. q. 5. et 7. in I. tom et aliis; Confirmantur etiam valide exemplo Naaman Syri 4. Reg. 5. Cum enim hic ab Elisaeo propheta, a quo fuerat ad Deum conversus, facultatem petisset comitendi regem suum, cum inciperet templum Remmon, et flectendi ibi genu, non idoli venerandi causa, sed ut debetur regi obsequium praestaret (si quidem non poterat rex genu decenter ante idolum flectere Naaman manui innitens, nisi ipse quoque Naaman ad genua accideret) concessit Elisaeus verbis illis, Vade in pace. Haec est Caiet.[ani] interpretatio, quae et vera videtur, et inter recentiores Theologos fere communis est. Quod autem Naaman dixit, si adoravero in templo Remmon, adorante eo, hoc est, rege, idem valet, ac si dixisset, si genuflectente rege et adorante idolum ipse quoque flectum et adorare videar. Non enim petiit facultatem adorandi, quod sine scelere facere non poterat, nec Elisaeus ullo modo permetteret, sed

flectendi genu rege flectente, quamvis inde per accidens sequeretur, ut qui adessent, falso putarent, ipsum quoque idolum adorare.

Solum dubitari hic potest, an a praedicto principis comitatu, templique ingressu auferri possit scandalum. Sed non videtur hac dure dubitandum; istae enim actiones per se absque ullo scandalo possunt exerceri: et olim multi viri Catholici, quod ex historiis constat, in aulis principum infidelium versabantur; nec dubium, quin ipsos ad idoli templa comitarentur, inibi que cum iis essent sine ulla aliorum Catholicorum offensione, quoniam catholici ipsi recte tenebant huiusmodi opera obsequii gratia licite exerceri posse. Quare in casu proposito si quis per ignorantiam aut modo alio scandalum accipiat, moneri et doceri potest; atque hoc modo omnis scandali occasio auferetur. Ita iudico sub censura.

Nicolaus Godigno ex Societate Jesu.

Ego Martinus Fornarius eiusdem Societatis idem sentio.

"Whether a Catholic could licitly accompany his heretical prince to a place of worship of heretics, and remain there with him while the heretical rite of worship is being performed."

Two questions are here presupposed. The first: entering a place of worship of heretics and being present at their religious services is not intrinsically wrong like blasphemy, false swearing etc., which can never be done or condoned once done willingly. This requires no proof because no one doubts that a Catholic may on many occasions enter the aforesaid churches honestly and worthily, without committing any sin while heretical services are taking place. For example, a Catholic pursued by a ferocious enemy, may not find a safer refuge. Or, if in obedience to a papal order, he entered the church and carefully observes the wicked heretical ceremonies in order to confute them later in a treatise. There are other cases.

The second question concerns not only things generally forbidden in themselves, or things ordinarily considered indifferent, which can become right or wrong, depending on the various intentions of the agents, but also those things, which may be good in themselves, can become wrong in some specific circumstance to the point that they become justly prohibited by natural and positive law. This question too can not be doubted as examples make clear. For example, it is good to help the needy when motivated by compassion, but if this assistance was provided by means of the goods of another without his approval, then the benefactor has acted wrongly. Hearing confessions is a priest's praiseworthy duty, but this ministry may not be exercised without fault if there is a probability that the exercise may bring spiritual harm to either the penitent or the confessor. Fasting is honest but if done contrary to the will of a superior, or out of avarice, or out of vainglorious desire, it becomes blameworthy. And so on about the rest.

In order to elucidate better the problem, I shall explain it with some propositions.

One. I begin with the assertion that it is not appropriate for a Catholic to accompany his prince to heretical places of worship, and to be there during the sacred rites lest because of his words or deeds, without any reason he may pass as a heretic, truly indeed. In fact, it cannot be changed into a joke as happens in comedies.

Opposed to this assertion is the authority of Jerome in *Commentarius in Epistolam ad Galatas Lib. I, Cap. II* (a useful reference is 22.q. 2.)¹⁹⁵ and of some scholastics who argue that participation in the ceremonies and activities of false sects is not always illicit if done without a real intention and for some specific need. They cite the Scriptural examples of Naaman the Syrian, 4 Kings 5, of Jehu, King of Israel, 4 Kings 10 as well, Acts 16 regarding Paul circumcising Timothy and similar citations.¹⁹⁶

Moreover what I have said has been affirmed by the common consent of the doctors. For example Alexander of Hales, *Summa Universae Theologiae*, q. 183 membrum 2; Antoninus of Florence, *Summa Theologica*, 2. p. II^o. 12. cap. 6; interpreters of Thomas Aquinas, *Summa Theologiae*, II^a-II^{ae} q. 3 a. 2; Angelo Carletti, *Summa Angelica*, "Infidelity," n. 9; Sylvester Mazzolini, *Summae Sylvestrinae*, "Infidelity" q. 9 and "Faith" q. 5; Bartolommeo Fumo, *Summa armilla*, n. 9; Navarre, in his manual, cap. 11. n. 28, and all the rest.¹⁹⁷

First it can be shown from 2 Maccabees 6. where those whose compassion prompted them to try to persuade Eleazar to avoid a threat of death by pretending to eat pork, are called sinful by the Holy Spirit because they tried to induce him to perform an unlawful simulation.¹⁹⁸ A second argument from, among other places,¹⁹⁹ 1 Corinthians 10²⁰⁰ where Paul forbade the faithful to eat meat sacrificed to idols because by making an external profession of a false religion, they appeared

195 Jerome, *Commentarius in Epistolam ad Galatas Lib. I, Cap. II*, vers. 11-13 (PL 26: 363C-365B). It is "utilem" (useful) to see what Aquinas said about faith as an interior or exterior act (*Summa Theologiae*, II^a-II^{ae} q. 2).

196 2 Kgs. 5; 2 Kgs. 10:18-30; Acts 16:1-3.

197 Thomas Aquinas, *Summa Theologiae*, II^a-II^{ae} q. 3 a. 2; Alexander of Hales (ca. 1186-1245), *Summa Universae Theologiae* (began about 1231, was left unfinished: 1^a ed. Venice, 1475), 2: q. 183, 'membrum secundum' (no foliation); Antony of Florence (1389-1459), *Summa Theologica* (Nürnberg, 1477-1479; 1^a ed. Florence, 1460?), Secunda Secundae, Titulus Duodecimus "De Infidelitate," cap. VI, "De Apostasia multiplici" (no foliation); Angelo Carletti (di Chivasso) (1411-1495), *Summa Angelica de Casibus Conscientialibus* (Venice, 1492), "Jactantia": "Infidelitas," no. 9, f. 235^r; Prierias, *Summa Sylvestrina*, "Infidelitas," no. 9, p. 37 and "Fides," no. 5, p. 440; Bartolommeo Fumo (†1545), *Summa aurea armilla nuncupata casus omnes ad animarum cura attententes brevitèr complectens* (Venice, 1572), "Fides," no. 9, p. 590; De Azpilcueta, *Enchiridion sive Manuale Confessoriorum et Poenitentium* (Rome, 1584), cap. XI, no. 28, pp. 168-69.

198 2 Macc. 6:18-31.

199 1 Cor. 8:7-13; Rom. 14:1-5.

200 1 Cor. 10:14-30.

to communicate with Gentiles even though the same act represented the gentle institution of mercy. The examples of the martyrs provided a third reason because many of them could easily have avoided death if they had pretended to sacrifice to idols, or to be infidels. But they did not because they considered such acts illicit under any circumstance. A fourth argument comes from the fathers of the Church: John Damascene, *De Fide Orthodoxa*, bk 4, c. 15; Origen, *Contra Celsum*, bk 8; Tertullian, *De Idolatria*; Cyprian, *Liber de Lapsis*; Augustine, *Contra Mendacium*, c. 2 where it is said that the cult of the devil arose out of outward pretense despite the cult of God being kept in the heart.²⁰¹ The fourth reason [*vere* fifth]: [f. 393^v] by pretending to be a heretic externally a person *ipso facto* denies being a Catholic because the true religion of Christ can not coexist in the same person with any other sect. Thus, and consequently one who behaves in such a way that anyone upon seeing him would consider him to be a heretic, also denies externally he is a Catholic. External approval of heresy, by words or by deeds, is an external rejection of the Catholic faith since there can be no association between justice and iniquity, no association of light with darkness, no agreement between Christ and Belial, no partnership between the faithful and the infidel, no link between the temple of God and idols 2. Corinthians 6.²⁰²

Second. I say that it is wrong for a Catholic, even for the sake of saving his own life, to accompany his prince to the temples of heretics, and to assist at their rites with him if contempt of the Catholic religion, grave scandal to Catholics, or indeed a risk of subverting one's own religion, is a possible feared consequence.

This is a most common assertion which, rightly understood, can not be denied by anyone without incurring grievous blame. The question is usually examined broadly in a legal context: may any law threatening such serious harm to life or property be imposed? But I shall take for granted these proofs and assume it has actually been imposed. But from them I deduce first: if a heretical prince should want a Catholic subject to accompany him to the temples of heretics out of contempt of the Roman faith, it is wrong for that subject to obey even if death sentence is not only feared but actually inflicted. For contempt of religion results from the mere entrance into a heretical temple when that is precisely what the prince wants to achieve.

My second deduction: if any Catholic enters aforesaid temples, it is possible that other Catholics misled by his example may do the same thing, thinking it of little consequence to participate in the rites of heretics. In this case, the former would sin grievously because he does something that causes active scandal. In religious matters such active scandal is something to be avoided absolutely even though there may be a clear danger to one's life.

²⁰¹ John Damascene, *De Fide Orthodoxa*, bk 4, c. 15 (PG 94: 1163-1165); Origen, *Contra Celsum*, bk 8, c. 24, 30 (PG 11: 1551D-1554C; 1559B-1562A); Tertullian, *De Idolatria*, *passim*, but in part c. 4, 5-8, 11-13, 18-19 (PL 1: 740D-774A; 745B-747A; 752B-757B; 767B-768A); Cyprian, *Liber de Lapsis*, c. 3 (PL 4: 512); Augustine, *Contra Mendacium*, c. 2, 3 (PL 40: 520).

²⁰² 2 Cor. 6:14-16.

A third conclusion: it is as certain that no one should do what he knows will mean the rejection of his own faith as it is certain no one should risk sinning under any circumstances. Thus if a Catholic concludes that said accompaniment and entrance into the temple either puts at risk or diminishes his Catholic faith, and may result in his lapse into heresy, he is obliged to abstain from these activities.

I say about the third. Once the dangers of contempt of religion, scandal, and subversion, are excluded and if there is no other obstacle from elsewhere, a Catholic may enter heretical temples with his prince without blame, and may remain with him during heretical religious rites, not however with the intention of misleading the heretics or seeming to agree with them in the profession of religion, but solely to protect his life and goods even though some heretics may be deceived in believing that he is of their own sect.

There are four parts to this assertion. The first: if these three elements are absent, namely contempt of religion, scandal, danger of subversion, a Catholic may lawfully go to the temples of heretics with his prince. This is easily proven from the first supposition, specifically if going to said temples is not in itself wrong in itself, just causes for so doing, may render the act correct. The second part: a Catholic may not enter the aforesaid temples with the intention of deceiving heretics lest he himself be considered a heretic. This also seems exceptionally clear: since lying is intrinsically evil so also is deceiving because the same evil in lying is evident in the very act of deceiving. This can be seen in Augustine, referred to in 22. q. 2, Pope Gelasius,²⁰³ similarly in Blessed Paul, and many others.²⁰⁴ In fact nothing excuses lying, not even in order to preserve one's life. It can never be done because it is intrinsically wrong. On no grounds can the deception of others be considered lawful.

[f. 395^r] The third part: if the three evils we have discussed above are absent, a Catholic may accompany his prince to the temples of heretics to save himself and his possessions. Under these circumstances, preservation of life and temporal goods can be considered a very just motive. The final part: whether a Catholic for the mentioned purpose of saving himself and his goods may accompany his prince even though heretics may be deceived to believe that he himself is a heretic. This too is clear and beyond question, and can be proved from the example of Christ and of many saints, who did many things which externally seemed to have deceived some. Moreover they can not be held responsible for the passive deception of others when they lawfully concealed some truths, or did something which they could justly do. Thus as long as one does not deny the duty of professing his faith in external behaviour, a Catholic has the right to disguise his faith even if others consequently believe

203 Pope St Gelasius I (†496), *Adversus Pelagianum Haeresim Epistola* (PL 59: 118B–C).

204 No specific passages from Augustine or Paul are cited. Augustine discussed lying in *De Mendacio* and *Contra Mendacium*. Aquinas quotes many of Augustine's works in the passage here cited as *Summa Theologiae*, II^a–II^{ae} q. 2. The Pauline reference may be Rom. 1:21–25 or Gal. 1:11–13.

him to be a heretic. This then is the contemporary situation where Catholics must live alongside heretics, and Christians with infidels.

Finally in the proposed question about the lawfulness for a Catholic accompanying his prince to temples of heretics; to remain as long as the prince is there; to bend his knee when the prince does so if it is part of the etiquette; finally to do other things which are done out of respect for the prince and not for the sake of professing the cult of a false religion. All these things are clear from what has been said; they are not only approved by Jerome, Adrian IV, *In Quartum Sententiarum*, "On Baptism," and Bartolomé de Medina, *Expositio in Primam Secundae D. Thomae Aquinatis*, q. 103 a. 4,²⁰⁵ and others who consider the exercise of pretense in matters pertaining to faith, permissible, but by contemporary doctors Navarre, *Consiliorum Libri Quinque*, n. 15 "On Heretics," and Azor, bk 8, c. 11, q. 4 and c. 27, qq. 5, 7 (in the first tome) and by others.²⁰⁶ Further confirmation comes from the example of Naaman the Syrian (4 Kings 5). After his conversion by the prophet Elizeus, he asked permission to accompany his king to the inauguration of the temple of Remnon, and bending his knee there, not to worship the idol, but to show due respect to his sovereign (since the king could not conveniently bend his knee unless Naaman, who was holding him by the hand, did not likewise bend his knee) Eliseus granted the request with these words, "Go in peace." This is the interpretation of Cajetan,²⁰⁷ which appears true, and is almost universally held by contemporary theologians. What Naaman said, viz if I worship in the temple of Remnon, while the king is worshipping there, is equivalent to saying that he too may seem to be bending his knee and worshipping the idol when helping the king to do so. Certainly he did not ask permission to worship which he could not in conscience do, but only to bend his knee while helping the king, even though his action might give the impression that he too was worshipping the idol.

There is only one doubt: whether the aforesaid accompaniment of the prince as he entered the temple could be a cause of scandal. But such a doubt does not seem to be a serious possibility for these actions could be done without any occasion for scandal. In fact, in the past, many Catholics, as shown by history, lived in the courts of infidel princes, and in such circumstances quite naturally they would

205 Jerome, *Epistle LXXV*, c. 8 (PL 33: 255-256); Adrian VI, *Quaestiones in Quartum Sententiarum*, f. v; Bartolomé de Medina, *Expositio in Primam Secundae Angelici Doctoris D. Thomae Aquinatis* (Venice, 1553), q. 103 a. 4, pp. 546-48.

206 De Azpilcueta, *Consiliorum seu Responsorum in quinque libros, iuxta numerum & titulos Decretalium, Distributorum tomi duo* (Venice, 1521), bk 5, consilium 10, p. 261; Juan Azor, *Institutiones Morales* (Cologne, 1618), bk 8, cap. 11, q. 4, p. 524, and cap. 27, q. 5 and 7, p. 574.

207 Tommaso de Vio (Cajetan), *In omnes authenticos veteris testamenti historiales libros, commentarii. In Iehosua Indices Ruth Reges Paralipomena Hezram Nehemiam et Ester* (Paris, 1546). We have used a later edition, *Opera Omnia quotquot in Sacrae Scripturae expositionem reperiuntur cura atque industria insignis collegiis S. Thomae Complutensis* (Lyons, 1639), 2: cap. V: 236B-237.

accompany their prince to temples of heretics and acquit themselves of such acts of homage to the prince without scandalising other Catholics. Wherefore, regarding the specific case proposed, should anyone through ignorance or for some other reason be scandalised he could be instructed and forewarned; in this way every occasion of scandal would be removed.

So do I judge under threat of censure.

Nicolas Godigno. sj²⁰⁸

I Martino Fornari, sj,²⁰⁹ think likewise.

THE DEBATE BETWEEN THOMAS WRIGHT AND ROBERT PERSONS

In four documents preserved in the ARSI, Robert Persons and the former Jesuit Thomas Wright²¹⁰ debate the lawfulness of religious conformity. The first document (ARSI, Anglia. 36/II, ff. 325^r–333^v) entitled “Roberti Personi, Casus de adeundis Haereticorum ecclesiis in Anglia,” is, in fact, the first part (pp. 1–35) of Persons’s anonymous tract (to give it its full title) *Quaestiones duae De Sacris Alienis non adeundis, ad usum proximique Angliae breviter explicatae: quarum prima est, an liceat Catholicis Anglicanis, rebus sic se habentibus, & Magistrato publico sub gravissimis poenis id exigente, Protestantium Ecclesias, vel preces adire. Secunda, utrum, si non precibus, at concionibus saltem haereticis, ad easdem vitandas poenas, licite possint interesse, easque audire. In utraque Quaestione pars negativa multis argumentis firmissimis afferitur: Et in secunda, Scripto etiam cuidam Anonymo in contrarium edito respondetur* (n.p. [St Omer], 1607). The second document is the only surviving copy of Wright’s treatise to which Persons replied in *Quaestiones duae*. Wright defended the lawfulness of attending Protestant sermons, not services *in se* in a way that would satisfy the law without disturbing Catholic consciences (“De adeundis Ecclesiis Protestantium,” ARSI, Anglia. 36/ II, ff. 335^r–342^r). In the third document Persons admonished Wright, without mentioning the former Jesuit, to abandon his heterodox, pernicious views (ARSI, Anglia. 36/ II, ff. 343^r–348^r). An internal reference to a papal brief of August 1607 as a “late declaration” places its composition after the publication of *Quaestiones duae* (ca. May 1607, cf. *infra*). The fourth is Wright’s rejoinder to Persons’s *Quaestiones duae* (“Mr Thomas Wrightes answer to the latyn questions,” ARSI, Anglia. 36/ II, ff. 349^r–352^v). In this edition we shall omit the first document and simply refer interested readers to the *Quaestiones duae*.

208 Godigno (1556–1616) was summoned to Rome in 1604 to serve as general revisor of Jesuit books.

209 Fornari (1547–1612) served in Rome for decades.

210 Wright (ca. 1562–1623) left the Jesuits in the spring of 1595 to return to England to work as a priest. Persons seems to have been very fond of him. For the most comprehensive study of Wright, see Ginevra Crosignani, “*De adeundis Ecclesiis Protestantium*”: Thomas Wright, Robert Parsons, sj, e il dibattito sul conformismo occasionale nell’Inghilterra dell’Età moderna (Rome, 2004).

345 Thomas Wright, "De adeundis Ecclesiis Protestantium"
[1606?]

SOURCE: ARSI, Anglia 36/II, ff. 335^r-342^r.

TRANSLATION: Translated by Stephen Fernando but modified by the editors.

NOTE: On 2 October 1606, Robert Jones,²¹¹ informed Persons that he would soon send a copy of Wright's tract (Henry Foley, SJ, *Records of the English Province of the Society of Jesus* [Roehampton; London, 1877-1884], 4: 373). The first part of *Quaestiones duae* is dated 22 December [1606]; by that date Persons still had not received Wright's pamphlet (*Quaestiones duae*, p. 35). Persons probably completed both sections of the treatise by Spring 1607. In fact, he sent a copy of the completed work to Pope Paul V²¹² on 6 May (Francis Edwards, *Robert Persons: The Biography of an Elizabethan Jesuit, 1546-1610* [St Louis 1995], 337). During his third examination, on 30 June 1607, George Blackwell affirmed that *Quaestiones duae* was actually Persons's reply to a short tract ("of one page and half") in favour of church attendance in England, written by the priest Thomas Wright (ARSJ, Anglia, 36/II, ff. 281^r-282^r. Cf. Archivio della Congregazione per la Dottrina della Fede, St. Ss1-b, "Anglicana," ff. 105^{r-v}). That "De adeundis Ecclesiis Protestantium" is Wright's tract can be demonstrated by internal evidence as well as by textual comparison with relevant sections of *Quaestiones duae* (cf. Ginevra Crosignani, "De adeundis Ecclesiis Protestantium," chapter 6, and "Thomas Wright and Occasional Conformity," *AHSJ* 71 [2002] 149-55).

Identifications can be found in the English translation. Marginal notes are included in the text in italics and in brackets. Scriptural references are to contemporary usage.

Utrum sit per se malum audire concionem Protestantis?

[*Supp.* 1] Suppono primo illud vocari per se malum, et ex sua natura quod sic intrinsece est malum, ut nullo respectu sive circumstantia externa possit fieri bonum, aut licitum v.z. mendacium, blasphemia contra Deum, denegatio verae fidei et Religionis adeo sunt intrinsece et essentialiter mala, ut nullo respectu, vel circumstantia possint recte fieri ut evadant bona. E contra auferre proximo sua bona, hominem interficere, ducere in uxorem cognatam germanam, aut alio modo coniunctam in primo vel secundo consanguinitatis, aut affinitatis grada propter aliquem bonum finem possunt circumstantia aliqua ita affici, ut reddantur bona et licita. Sic Deus dispensavit cum Israelitis, ut secum asportarent ex Egypto Egyptiorum thesauros. Ipse namque existens Supremus Dominus Egyptiorum bonorum ad ditandos Judaeos, et puniendos Egyptios actum illum effecit rectum, qui alioqui fuisset furtum. Similiter Princeps iubet suspendi malefactores ad conservandam communionem in republica pacem: Et in mundi exordio Adamum curavit nuptias celebrari inter fratres, et sorores suos liberos ad propagandum genus humanum.

[*Supp.* 2] Suppono 2^o. quod si auditio concionis protestanticae nunc in Anglia non sit ex se quid malum, tunc posse illam per aliquam bonam circumstantiam, vel extrinsecum respectum fieri licitam, et ex resolutione huius quaestionis dependere,

211 Jones (ca. 1564-1615) became superior of the English Jesuit mission in 1609.

212 Camillo, Cardinal Borghese (1552-1621) was elected Pope Paul V on 16 May 1605.

an sit licitum vel non audire talem concionem? Etenim si non sit nisi accidentaliter malum, tunc removendo [f. 335^v] circumstantiam illam accidentalem poterit rectificari, et fieri bonum, ut videre est in elargitione Eleemosynae propter vanam gloriam, aut accomodatione pecuniae propter iniustum lucrum, siquidem sublata vana gloria, et lucro iniusto, tam elargitio Eleemosynae, quam accomodatio pecuniae est actus bonus, aut si fuerunt actus indifferentes additione boni finis, fient actus studiosi.

[*Conclusio 1^a*.] Conclusio igitur mea haec est, quod absolute non est per se malum adire Ecclesiam Protestantium ibique audire concionem.

[1.] Hanc assertionem probo primo autoritate Catholicorum Doctorum ut Azor lib. 8. institutionum cuius doctrina est approbata per Generalem Iesuitarum, Pontificis Vicegerentem Magistrum Sacri Palatii, aut aliquem ex precipuis inquisitoribus Romae et aliis quatuor Theologis quibus Generalis Societatis commisit hunc librum iuspiciendum, ut ipsemet Generalis in vestibulo huius operis expresse fatetur. Ex quorum autoritate colligimus hanc doctrina neque esse schismatica, haereticam, erroneam, neque male sonantem neque sapientem haeresim. Etenim si esset omnes hi auctores illam approbando rei essent huius modi Censurarum, quoniam cui est cura commissa approbandi libros, vel non approbandi, nullum deberet permittere in lucem edi in quo aliqua similis contineretur doctrina. Et in eodem loco mentionem facit aliorum qui sunt eiusdem opinionis licet nullum expresse nominet.

[2.] Ex praxi Germaniae, et Franciae, ubi tam Protestantes audiunt Catholicos, quam Catholici Protestantes concionantes. Et quando Laines Iesuita quidam disputavit cum diversis protestantibus in Francia coram Regina Matre Catholici [f. 336^r] frequentabant conciones haereticorum, et viceversa. Praeterea initio gubernationis Reginae Elizabethae Episcopi Catholici mittere solebant certum quendam sacerdotem ad conciones Protestantium eo fine ut referet illis quid esset concionatus, nomen Sacerdoti fuit Senex pater Stile: bona fide etiam accepi P. Campianum, et P. Personium, cum essent in Anglia frequentasse huiusmodi conciones.

[3.] Nemo negabit virum aliquem doctum posse adire, et audire similem concionem si a protestantibus permetteretur, aut in ipsa concione, aut post illam, ad confutandam doctrinam falsam in concione tali auditam; Et non dubito si a Regia Maiestate haec nobis potestas concederetur, quod ullus doctorum Catholicorum esset recusaturus hoc nomine, quod concio talis, sive ipsius auditio esset per se mala, hac proinde non audienda. Ex quo colligo institutum alioqui neque in hoc casu esset licitum.

[4.] Si auditio concionis haereticae esset per se mala, proveniret ab uno ex his quinque capitibus. 1^o. quia esset professio alicuius falsae religionis. 2^o. quia nunc in Anglia iste aetas existeret signum distinctivum inter Catholicos et Protestantes. 3^o. quia audire concionem hoc tempore esset occasio alicuius magni scandalii. 4^o. quia periculum magnum esset ne perverteretur is qui audit. 5^o. quia cogeretur aliqui audire plurimas contra Ecclesiam Catholicam blasphemias, sed nullum ex his convincit, quod ostendam quinque conclusionibus contrarii.

[*Conclusio 2^a.*] *Conclusio 2^a* est, auditionem haereticæ concionis non esse professionem falsæ religionis. Ratio est, nam licet concionari sit actus proprius pastoris spiritualis, illiusque munus concernens, cuius est instruere suum gregem, illosque omnes movere ad pietatem ad quos etiam spectat illum accedere et audire in hunc finem, [f. 336^v] nihilominus iste actus proprie non potest vocari actus religionis, sed potius preparatio quaedam, et dispositio pertinens ad actum, sive religionis professionem, quia religio propriae est virtus per quam colimus Deum, ipsiusque servitio nosmetipsos mancipamus proxime, uti offerendo illi sacrificia, orando, venerando ipsius imagines, dedicando aliquid in ipsius honorem, etc. sed actus concionandi instruit solum intellectum et movet auditorum affectum, vel afficiantur erga tales actus religionis; immo alias singula bona opera essent professio religionis quandoquidem aliquem respectum remotum habent ad fidem, pietatem, et religionem. Deinde si auditio talis esset professio Religionis, tunc omnes Iudaei, et Infideles, qui permittuntur venire ad Catholicas conciones profiterentur Catholicam religionem, sed hoc est maxime falsum et enim qua ratione profiterentur id quod detestantur, et curiositate duntaxat, vel compulsione audiendi gratia accedunt, Immo vero Sanctus Pontifex compellendo Iudaeos singulis diebus sabbatinis audire Catholicam concionem cogeret illos peccare gravissimo peccato hypocrisis, et dissimulationis, quandoquidem complures impellit ad audiendam concionem illam qui obstinati sunt in Iudaismo, ac proinde ad profitendam religionem Catholicam maxima cum hypocrisi, cum illam summopere detestentur.

Tertio Argumento prima Conclusionis hanc etiam probant.

Nam si auditio concionis haereticæ esset professio fidei externa illius religionis, sequeretur doctrinam Azor, et aliorum esse schismaticam, et deinde omnes qui huiusmodi conciones frequentarent gratia illas refutandi damnabiliter peccarunt, ut potius ob professionem perversæ religionis.

[f. 337^r] Quanto dupliciter quispiam suam profitetur Religionem videlicet verbis, aut factis. At certum est audientem concionem haereticam non profiteri verbis, denim potest audire non loquendo vel unum verbum. Neque etiam factis. Quia sic fieret vel per solum corporalem suam praesentiam, et hoc non sufficit, quia aliqui Elias cum adfuit sacerdotibus Baal sacrificantibus ad deridendum eos, et superandum professionem fecisset illorum sectae, quandoquidem tam erat ibi praesens atque ullus ex illis; Aut propter auditionem, sed neque hoc est satis, quia Elias et vidit, et audivit quid fecerunt eque bene atque ullus sacerdotum Baal, atque adeo non minus fuisset professus religionem illam atque ipsi. At dicit aliquis manifestum fuisse omnibus Eliam ibi fuisse propter distinctum certum finem, nimirum ad confundendum illos, et ita dico ipsos Catholicos qui accedunt ad conciones protestantium, ad eas accedere ob diversum finem, aut videlicet ad eos confutandos, aut ad obtemperandum Principi, et servanda sua bona.

[*Conclusio 3^a.*] *Conclusio 3^a*. Audire concionem haereticam non est per se malum ex eo quod signum distinctivum inter Catholicum et Protestantem. Ratio est quia ex natura sua non est signum ullum magis quam hedera vini vendibilis, sed ex impositione hominum: quapropter auditio concionis talis ante impositionem hanc

signi distinctivi illi additam non potuit negari quin fuerit licita, atque ita uti in principio Regni Elizabethae non fuit signum distinctivum, ita neque illa de causa fuit illicita.

Neque nunc in Scotia ubi non est simile signum possumus eos reprehendere ex eo quod audiunt concionem, quia auditio haec ibi est relicta in propria sua natura qui est actus [f. 337^v]. indifferens. Hinc liquet quo modo in Anglia audire concionem ex impositione huius signi distinctivi solum est malum accidentarie, aut ex circumstantia apposita, uti dare stipem pauperi ob vanam gloriam, ita ut si possimus removeere hunc respectum signi distinctivi tunc erit licitum frequentare conciones, quod suppono posse facillime fieri. Et quidem primo examinemus qui suam initio fecit auditionem concionis esse signum distinctivum, fuerint ne Protestantes, an Catholici, proculdubio Parlamentum praecipiendo Catholicis, ut audirent illorum conciones, et precibus interessent, et Catholici audire, et interesse recusando haec signa fecerunt distinctiva ubi si Catholici obtemperassent in principio quocumque fine mandasset statutum actus illi non abuissent rationem signi distinctivi. Praeterea videmus cuinam audire concionem sit signum distinctivum protestantibusne an Catholicis? Protestantes in ultimo Parlamento videbantur denegare etenim in statuto contra id vehementer protestantur. Catholici vero successu temporis eo consuetudinis, et opinionis devenerunt, et existiment saltem quoad externam speciem illos esse protestantes qui huiusmodi frequentant conciones. Sed haec consuetudo paulatim, et sensim poterit aboleri, nam si sacerdotes ostendant illis, quod illud non accedere ad conciones haereticas fuit incoeptum praecipue, ut Catholici magis mundo conspicui, et manifesti fierent, ut magis securi ab infectioni servarentur, subtrahendo aures suas ab audiendo blasphemias contra religionem Catholicam potissimum illis temporibus, quibus Catholici solum persequebantur flagellis. Verum modo casus totus est mutatus, cum [f. 338^r] cruciamur scorpionibus, et si mature et discrete pericula non preveniantur, nos certissime quoad corpus, et complures alii quoad animam, sed infallibiliter posteritas quoad utrumque. Qua de causa Catholici non deberent damnare eos qui ad conservandam Ecclesiam nihil agunt contrarium illo statuto vel decreto Ecclesiae, sed repetunt duntaxat actum qui potest licite aboleri circumstantiis solum mutatis. Probe notum est versatis in Ecclesiasticis historiis quam multa consuetudines penitus fuerint sublatae ob latis novis occasionibus! Ieiunium die Mercurii diu duravit, sed nunc ut plurimum exculcavit ab Ecclesia. Communio sub utraque specie aut sub una specie, non semel, sed saepius in diversibus regionibus varias ob causas de novo insurgentes, abstinencia a sanguine, et carne suffocato duravit fere per 300 annos, et tamen post modum fuit abrogata. Simili modo non frequentare conciones haereticas generatim fere duravit in Anglia per 30. et aliquot annos, et praescriptio nequit ita stabilire consuetudinem quo minus propter urgentes causas possint funditus abrogari. Ad hoc licet audire concionem sit signum distinctivum tamen si Catholicus protestetur antequam eat auditum se id non facere, ut approbet Protestantium Religionem, vel mutationem propriae, sed solum ut morem gerat Regi, tunc assero tali casu audire concionem in tali non esse signum distinctivum. Ratio est quia

quando Catholicus Doctor accedit ad concionem alicuius [f. 338^v] Protestantis protestans e eo venire haereticum illum confutandum ipsius praesentia ibi nullo modo est signum distinctivum ostendens illum esse externum Protestantem, sed potius columnam Ecclesiae Catholicae. Ad eundem modum Catholicus non Ecclesiasticus protestans se venire ad concionem solum ut exhibeat se morigerum Principi nequit ex eo colligi quod sit protestans externus, sed bonus et probus sudditus.

[*Conclusio 4^a*] *Conclusio 4^a*. Audire concionem haereticam non est per se malum ratione scandalii; haec positio adeo est manifesta, ut non egeat ulla probatione, quia scandalum est extrinseca quaedam circumstantia actui, atque ita nequit mutare ipsius rationem essentialem. Sed dicetis complures actus indifferentes sunt peccata mortalia ratione scandalii iuxta illud Pauli 1. Cor. 8. §. 13. Si caro scandalizat fratrem meum non manducabo carnes in aeternum, ac proinde iste actus existens talis naturae vitandus est.²¹³ Advertendum hic est, scandalum aliud nihil esse, quam rem qua inducit alium ad peccatum, aut ratione cuius aliqui persuadetur ut peccet. Exempli Gratia. Maior Londinensis nimium potui deditus, iste excessus quem Maior committit in potando scandalum est aliis pluribus, etenim illius exemplo inducuntur similiter ad potandum, nam cives peccati dediti facile concludunt sibi licere id quod Superior illorum tanta cum voluptate patrat. Atque ita in nostro casu Catholici frequentates haereticorum templa inducunt alios ut idem faciant, vel saltem ut audirent huiusmodi frequentantes graviter peccare, et deserere suam Religionem. Sed huic facile satisfacimus. Nam si adeant templum ut audiant unam concionem rebus sic stantibus causa [f. 339^r] servandi seipsum, liberos, et familiam, aut causa assecrandi suum statum, et libertatem, hoc nullum est peccatum. Atque ita poterunt instrui a sui Patribus spiritualibus, et tenentur iudicare de illis quos existimant esse bonos Catholicos in charitate, et Catholici ipsi poterunt tales imbecilles certiores reddere, quod hoc faciant bona adhibita cautela, et secunda conscientia, et ita rogare eos, ut maneat quieti, et contenti. Et si non acquirunt, tunc illorum propria voluntas, non aliorum cautio est offensiva. Et non debemus existimare statim non esse obstrictos et abstinendum a re alioquin licita et bona, etiamsi nonnulla iudicia ex invidia profecta post discretam et praevidiam admonitionem scandalii obstinate adhuc haereant in quibusdam secundum priores suas imaginationes: Etenim scandalum hoc est acceptum non datum, et non pusillorum, sed Phariseorum.

[*Conclusio 5^a*.] *Conclusio 5^a*. Non est per se malum audire concionem ratione periculi persuasionis. Ratio est, nam periculum hoc est plane extrinsecum, et contingens, et excepti a compluribus Catholicis probis, qui protestati sunt quod quando erant protestantes, et frequentabant huiusmodi conciones se ex illis magis fuisse confirmatos in fide Catholica, quam confutatos. Immo audiendo conciones protestantium diversi Catholici mihi persuadent, quod plures schismatici convertentur,

213 The actual citation is "quapropter si esca scandalizat fratrem meum non manducabo carnem in aeternum ne fratrem meum scandalizem" (1 Cor. 8:13).

quoniam hac via videbunt se commode posse servare sua bona, et plures protestantes possunt iuari occasione accepta per Catholicos ex concionibus auditis. Praeterea si aliquis Catholicorum percipiat se audiendo nonnihil in fide Catholica vacillare semper recursum habet ad Patrem suum, [f. 339^v] spiritualem, cuius erit amoveret tales scrupolos. Et sane mihi persuadeo quod paucissimi Catholici in fide bene fundati ex hac concionum auditione perverterentur. Nam recordor dum essem Curtraci Flandrorum narravit Decanus illius urbis Geusios, sive Protestantes Ministros Flandros ibi concionatos fuisse integro anno, et tamen ab orthodoxa fide, ne unum quidem civem seduixisse. Nam vere existimo nullum discretum Catholicum qui probe consideravit, et vidit solidam illam devotionem, et pietatem, quam est videret inter Catholicos, et simul iniquitatem et dissolutionem, qua nunc regnat inter protestantes unquam velle consentire corde, et iudicio consentire, ut adhaerescat illorum secta. Et adhuc articuli controversi ita sunt exagitati, et illorum absurda tam clare mundo patefacta, et manifeste propalata, et videatur extrema dementia pro Catholico bene fundato, ut ab orthodoxis ad Protestantium castra transfugiat. Et quamvis haeresis serpat tamquam cancer, et qui amet periculum peribit in illo, et carbo ignitus quoniam inter plures alios mortuos, et madefactos potius in periculo sit, ut extinguatur quam ut magis incendatur, et inflammetur, et integrum pomum inter putrida ut istis reddatur simile scilicet putridum. Atque ita solidus Catholicus conversans cum Protestantibus successu temporis possit perverti, et fieri illis confirmatus. Nihilominus hae sententia non ita secundum litteram sunt accipienda quasi necessrio, vel ut plurimum ita contingat, quoniam hoc modo nulli Catholici deberent vitam agere inter haereticos, vel probi viri inter improbos. Admonemur igitur solum per huiusmodi sententias de natura peccati, et haereticis, et ut quantum in nobis est, tam hominum impiorum quam, quam haereticorum vitemus societatem. Interim [f. 340^r] tamen si contingat ex eo quod non coversemur cum illis status noster tum corporis tum animae sit in periculo, sine dubio tunc temporis totus casus est mutatus: pro cuius maiore intelligentia. Sciendum est statum Catholicorum in Anglia ita se habere, et si aliqua via conveniens non incatur, non video quomodo vitari potest ruina plurimorumque tum secundum corpus, cum etiam secundum animam. Nam in toto hoc corpore Ecclesiae Catholicae Anglicanae est multitudo magna omnis generis hominum, ut Catholicorum qui sunt graves et constantes, et qui sunt imbecilles, et Neophite, et qui sunt medii inter hos duos. Primi nequeunt amissione vita et bonorum umquam amoveri a fide, quam amplectuntur. Secundi sunt tales qui ad tempus credunt, et in tempore tentationis recedunt, quamdiu enim vero vento quodam prospero, et quieto impelluntur navigio pulchre procedunt, at vero quam primum insurgit tempestas tunc semen quod coecidit supra petra natum aruit, quia non habebat humorem. Tertii et postremi qui in maiori sunt numero consistent, et resistent nonnulli tentationibus modo non sint nimis graves, vehementes, et violentae, unde si excedant certos limites, et quandam mediocritatem, et tendent ad extrema, ut si cogantur degere vitam in carcere perpetuo, aut videant uxores, et liberos suos casuros in pauperitatem irreparabilem, aut propter fidem cadere causa in iure cum damno maximo, aut hostes suos tri-

umphos super illos agere insolenter, aut Catholicos dedecore affici, et omni favore et gratia privari, et maximo haberi in contemptu, tali casu ut plurimum omnes hi se conformabunt, et deficient misere. Quamobrem si leges lata mandentur executioni rigorosae, ut suspicamur, et expectamus, non possum mihi [f. 340^v] aliter persuadere, quin omnes vel magna ex parte sint non solum frequentaturi conciones, verumetiam caerimonias servitii, ut vocant communionem, et coetera omnia. Atque ita si voluerimus conferre aliquod exiguum damnum quod manabit ex sermonibus in pervertendo, cum illo ingenti periculo quod verisimiliter sequetur ex persecutione, certe inveniemus quod inter se vix poterunt conferri. Nonne videmus singulis diebus et horis ministros, et alios fereventiores protestantes conferre cum Catholicis invehi contra religionem, et conari non minus quam ipse concionator in suggestu? Et tamen obsecro quam multos auditos esse ab illis seductos, et adire illorum templa? E contra tamen possum vobis exhibere centenos coactos per persecutionem quoad externam speciem deservisse penitus Catholicam Religionem, et ratio est, quia concionatoris est prius convincere iudicium Catholici priusquam ipsius pervertat voluntatem. At persecutor inducit miseriam extremam, et cogit ad turpia, prius non tam facile perficitur, ut docet experientia, posteriori vero minorem habet resistantiam humanam infirmitate inspecta, nam pellem pro pelle dabit han[c].²¹⁴

[*Conclusio 6^a.*] *Conclusio 6^a.* Audire concionem non est per se malum ratione blasphemiarum quas Catholicis inter concionandum audient. Ratio est manifesta; quia quidam illorum concionatur moraliter absque blasphemis, et qui blasphemant non probantur, sed potius contemnantur a Catholicis auditoribus, et non magis peccant illi audiendo blasphemias in concione, aut schola aliqua Theologiae aut quando famulus quispiam aut suum Dominum debacchari contra Catholicos, qui omnes nullo modo tenentur abscedere si huiusmodi audiant blasphemias. Nam licet sentiant, [f. 341^r] non consentiunt illis, sed potius displicent quam placent. Nonnulli forte obiiciunt quod complures Doctores, et Theologi definierint esse illicitum interesse huiusmodi concionibus, nam quidam Theologi ordinati a Concilio Tridentino in responso quod vocatur Declaratio Patrum Concilii Tridentini expresse definierunt hoc esse illicitum. Cui dephinitioni respondo primo opponendo Azor et omnes theologos qui illius librum approbarunt. Item Navarrum qui tenet licitum esse concionibus haereticorum ininteresse gratia illos confutandi, aut adesse servitio aut sermonibus quando non sunt nominatim excommunicati, uti nostri non sunt. Gregorium Martinum qui existimat non solum licite posse aliquem interesse eorum concionibus cum protestatione, verum etiam eorum servitio, et generatim omnes Theologi post Concilium Costantinense tenent, licite posse aliquem orare, et interesse sacris cum haereticis non nominatim excommunicatis, vel notoriis clericorum percussoribus.

Respondo 2^o Theologos illos respondisse quaestioni ad cum modum quo fuit proposita, qua fuit hac, An nimirum liceret diebus Dominicis, et aliis festiviis praesentes esse cum Protestantibus in illorum Ecclesiis dum psalmos suos cantant lingua

²¹⁴ This is a reference to Job 2:4.

vulgari, et conciones habent ad probandum huiusmodi opiniones, quod procul dubio est illicitum. At vero controversia nostra solum est de concione audienda. Immo vero Patres de concione loquantur non damnant illius auditionem tamquam quid malum per se, sed solum improbant ratione scandali, vel periculi perversionis, ac proinde non videntur sentire illud esse malum ex natura sua.

Alii forsitan dicent audire concionem nec satisfactorum statuto, nec profectorum Catholicis. respondo. Capiat qui capere potest, ego solum demonstro aequitatem facti, et forte plus boni scis ex eo centurium quam scribam. [f. 341^v]. Est et alia obiectio quod in proximo Parlamento statuent aliquid aliud quod hoc effugium evertet. Respondo quod tunc temporis nunquam condemnabunt nos tanquam inobedientes, sed religionis duntaxat intuitu, et omnibus aliis animi minus obtemperantis magistratui pretensionibus larva detrahetur, et sola, et unica causa Religio suum exhibebit vultum, et omnis persectio et punitio proveniet non solum in nostra opinione, sed etiam adversariorum contra nos propter professionem nostrae fidei. Denique omnes obiectioes quae assumuntur ex antiquitate solvi possunt. Cuiusmodi est Canon Apostolorum, “si quis Clericus, aut Laicus Synagogam Iudaeorum, aut haeticorum conventum ingressus fuerit, ut preces cum illis coniungat, deponitur et communione secluditur.”²¹⁵ Et similiter quartum Concilium Carthaginense, Qui communicaverit vel oraverit cum excommunicato, sive Clericus, sive Laicus, excommunicetur.²¹⁶ Cum quo concordat Decretum Fabiani Ponifex. A. d. 2. 4 [2]. in Epistola. “Si quis cum excommunicato avertendo regulas scienter psallat in domo, aut simul locutus fuerit, aut oraverit ille communione privetur.”²¹⁷ Istitis et omnibus similibus responderi potest dupliciter, primus quod istae authoritates mentionem faciunt de communione cum haeticis in precibus, sed ne verbum quidem habent de auditione concionis, ac propterea cum sit lex penalis restringenda est ad proprium verborum significationem, et non ultra illam extendendo. Sed aliqui dicent longe minus esse orare privatim cum haeretico, quam audire concionem publice. Respondo esse minus ratione periculi ne quis pervertatur, sed plus esse in ratione profitendi religionem, quia concionis auditio non est fidei professio. At orans minimum publice ubi haeretici per illum actum professionem faciunt suae religionis. Illi qui orant cum ipsis communicant in professione Religionis, [f. 342^r] sed non sic in audiendo concionem, ut patet ex 2^a conclusione. Secundus hac loca citata aliud non ostendunt, quam quod sit praeceptum Ecclesiasticum quod cum periculo amissionis bonorum et libertatis non obligat ullum ad illius observationem, uti videre est in praecepto ieiunii certis diebus, quod immi-

215 The exact quotation is: “Si quis clericus vel laicus in Iudaeorum vel haeticorum synagogam ingressus sit ad orandum, deponatur et segregetur” (Hardouin, *Acta conciliorum*, 1: 26).

216 The exact quotation is: “Ut cum excommunicates communicans vel orans excommunicetur” (Hardouin, *Acta conciliorum*, 1: 175).

217 The precise quotation is: “Et si quis cum excommunicatis, avertendo regulas scienter psallat in domo, aut simul locutus fuerit, aut oraverit ille communione privetur” (Hardouin, *Acta conciliorum* 1: 124).

mentibus talibus periculis frangi potest. Fieri potest quod opinio haec videbitur aliquibus nova et mira, qui hucusque per aliquot annos fuerunt in opposita, et indicabunt eam forte esse genus quoddam concedendi aliquid Protestantibus, et quasi transitum in illorum sectam, nihilominus ego vere sic rebus stantibus existimo illum esse unicum antidotum servanda Catholicae religionis. Immo addam ulterius quod si concionis auditio esset per se malum quid, certius minimum esset in hoc genere communicandi exterius cum haereticis, ac proinde longe magis tollerabile, et dignum maiori commiseratione his periculis probe inspectis, quam vel adire haereticorum templa dum habent suas preces, aut recipiunt suam communionem. Sed nunc certum est ut spero, et sufficienter probatum est tum autoritate praxi, et ratione non esse per se malum: ac propterea concludam sperans quod nullus probus Catholicus offendetur cum illis qui hoc faciunt, videns quod sincera puritas religionis Catholicae non negat hoc esse licitum. Et licet aliqui existimabunt, et supponant hanc non esse nisi unius privati hominis opinionem in Anglia, sciant tamen certo, et in conscientia mea plures esse tum ex doctioribus, tum ex prudentioribus, sive magis discretis sacerdotibus in hoc regno, qui eandem tenent. Sed quandocumque haec res se habet, et illi et ego subiicio hanc nostram sententiam et animas Catholicae Romanae Ecclesiae in qua extra maculam semper est servata Catholica Religio. Euseb. Pontif. et Mart. Ep. 5.L.

[f. 342^v] De adeundis Ecclesiis Protestantium

Whether it is wrong to listen to a sermon of a Protestant?

The first premise is that something which is termed wrong in itself and by its very nature, thus intrinsically wrong, can in no way become right or licit due to some external circumstance. Thus for example lying, blasphemy against God, denial of the true faith and of true religion are so intrinsically and substantially wrong that no circumstance can make them right, or capable of producing anything good. On the contrary to deprive one's neighbour of his belongings, homicide, marrying one's own sister or someone having blood-relationship in the first or second degree, could become lawful and licit if made necessary by some circumstance tending towards a good end. It was in this way that God permitted the Israelites to take the treasures of the Egyptians.²¹⁸ For God being the Supreme Lord of the Egyptian possessions, permitted their use to enrich the Jews and to punish the Egyptians, thus legalised an action which otherwise would have amounted to theft. Similarly a ruler may order that the punishment of wrongdoers be suspended in order to preserve the peace and union within the state. And at the dawn of creation Adam allowed brothers and sisters to intermarry for the propagation of the human race.

Second premise: if hearing a Protestant sermon is now not considered an evil in itself in England, then it could be made licit for some good external reason The

²¹⁸ Exod. 12:36.

resolution of this problem is contingent on whether or not it is licit to hear such a sermon. For if it not be wrong, except accidentally, then it could be righted and become good through [f. 335^v] the removal of that accidental circumstance as is evident in the giving of alms out of vain glory, or in the charitable disposal of money gained unjustly. Once vain glory and unjust gain are eliminated then almsgiving and charity are good acts, or if they happen to be indifferent act, by adding a good end, they would become zealous acts.

First Conclusion. My conclusion is this: in itself going to Protestant churches to listen to a sermon is not in itself an evil act.

I support this affirmation on the authority first of Catholic scholars as Azor bk 8.²¹⁹ of the *Institutiones*, whose teaching has been approved by the Superior General of the Jesuits,²²⁰ by the deputy Master of the Sacred Palace,²²¹ which means by one of the chief inquisitors in Rome, and four other theologians to whom the Jesuit general entrusted the examination of the said book, as the general himself states in the book's preface.²²² On authority of these men, we surmise that this teaching is neither schismatic, heretical, erroneous, nor sounding wrong or savouring of heresy. These authorities to whom has been entrusted task of approving books for publication, should not allow anything containing heretical or erroneous doctrine to escape their scrutiny lest they themselves incur censure. And in the same place mention others are mentioned, although not explicitly, who are of the same opinion.

Second conclusion. Drawn from the practice in Germany and in France, where Protestants listen to Catholic preachers and Catholics to Protestant. Moreover,

219 Juan Azor (1535–1603) entered the Society of Jesus in 1559; he served first as professor of philosophy and later of theology, both dogmatic and moral, at Piacenza, Alcalá and Rome. He was a member of the first committee appointed by Father General Claudio Acquaviva to formulate the *Ratio studiorum*, promulgated in 1599. His fame rests on three volumes on moral theology *Institutionum Moralium, in quibus universae quaestiones ad conscientiam recte, aut prave factorum pertinentes, breviter tractantur* (Rome, 1600–1611), only the first of which was published during his lifetime. We cite a later edition *Institutiones Morales* (Cologne, 1618), Tomus secundus, Liber 8, “De primo praecepto decalogi,” cap. 27, “De peccatis quae contra Fidei confessionem admittantur,” q. 5, “An ubi Catholici, una cum haereticis versantur, licitum sit Catholico adire templa, ad quae haeretici conveniunt, eorum interessibus conventibus, atque concionibus?” (p. 574).

220 Claudio Acquaviva was elected Superior General of the Society of Jesus in 1581.

221 Giovanni Maria Guanzelli (†1619) held this office from 1598 to 1607.

222 Only three Jesuit censors examined and approved the book: Miguel Vázquez de Padilla (1559–1624), Pietro Alagona (1549–1624), and Muzio de Angelis. Vázquez de Padilla was Azor's successor as prefect of students at the Roman College in 1594. Their evaluations can be found in ARSI, Fondo Gesuitico 653, f. 62^f. Each wrote a variation on the following: “existimo nihil in eo contineri contra fidem, aut bonos mores, sed multa quae in publicam utilitatem” (I find nothing in this work contrary to faith and good morals, but much that is of public use).

when a certain Jesuit Laínez²²³ debated with various Protestants in France before the Queen Mother,²²⁴ Catholics [f. 336^r] attended heretical services and vice versa. Besides at the beginning of the reign of Queen Elizabeth, Catholic bishops sent a certain priest to Protestant sermons to report back on the substance of the sermon. The priest's name was Father Senex Stile.²²⁵ I have also heard, on good authority, that Father Campion and Father Persons had attended sermons of that sort in England.²²⁶

Third conclusion. No one would deny that some learned person could attend and listen to such a sermon if permitted by the Protestants, nor that he could refute the false doctrine either during the sermon or afterwards. And I do not doubt that if the monarch would concede this permission to us, no Catholic scholar would refuse to attend under the pretext that such attendance was in itself so wrong that no one for that reason could listen to a sermon. From this I deduce that if there was another reason for attendance, then the very act of attendance would not in that case be lawful.

Fourth conclusion. If listening to a heretical sermon is in itself wrong, it would be for one of the following reasons: 1. it would be the profession of some false religion; 2. currently in England it would be a distinctive sign between Catholics and Protestants; 3. listening to such a sermon at this time would be an occasion of some great scandal; 4. there is danger that the one who listens would be perverted; 5. one would be constrained to listen to many blasphemies against the Catholic Church. But no one of these arguments is convincing as I shall show in five contrary conclusions.

The second conclusion: listening to a heretical sermon is not a profession of a false religion. The reason is this: though the act of preaching is an act proper to a spiritual pastor, whose responsibility it is to instruct his flock and stimulate them to piety [f. 336^v], the action itself, nevertheless, cannot be properly called an act of religion. Rather it is a sort of preparation for, a disposition towards, a profession of religion. Religion strictly speaking is a virtue by which we pay homage to God and bind ourselves to his service by offering him sacrifices, praying, venerating his images, dedicating something in his honour, etc. But the act of preaching only instructs the intellect and moves the sentiment of the listeners, or disposes them

223 Diego Laínez participated at the Colloquy of Poissy in 1561. See Donald Nugent, *Ecumenism in the Age of Reformation: The Colloquy of Poissy* (Cambridge, MA, 1974).

224 The Queen Mother, Catherine de Medici (1519-1589), served as regent after the death of her husband King Henry II of France in 1559.

225 Does this refer to a specific person? There were Tudor clergy with the surname Stile, e.g. William Stile, the last Abbot of Vaudey. On the other hand, Stile could be an Elizabethan equivalent of Joe Boggs or John Smith, a generic individual. Or indeed, it could be a reference to Marian (old style) clergy in general.

226 There is nothing in the extant documents to confirm this assertion. It is interesting to note that he made this claim in a document intended for Persons. Perhaps Persons had admitted this to Wright.

towards such religious acts. On the other hand, individual good acts at times would be a profession of Religion given that they have some remote consideration towards faith, piety, and religion. Thus, if listening to sermons is the profession of a religion, then all Jews and infidels who are permitted to attend Catholic sermons, would be professing the Catholic religion. But this is totally false. In fact, for what reason would they profess what they detest and accept listening solely out of curiosity, or by force? Indeed by compelling Jews to listen to Catholic sermons every Sabbath,²²⁷ the pope would be forcing them to commit the very grave sin of hypocrisy and dissimulation since he forces so many individuals obstinately attached to Judaism to attend that sermon, and consequently to profess Catholicism with great hypocrisy given they they supremely detest it. The third argument of the first conclusion also proves this. If listening to an heretical sermon were an outward profession of faith of that religion it would follow that the teaching of Azor and others, is schismatic.²²⁸ And, consequently all who listened to sermons in order to refute the same, have sinned grievously as if they had professed a false religion.

[f. 337^r] Moreover one professes his religion in two ways: by words or by deeds. Certainly the one who listens to a heretical sermon does not profess in words, for he can listen without uttering a single word. Nor does he profess it by deed. Mere physical presence is not sufficient. If it were then Elijah in his encounter with the priests sacrificing to Baal, was present as one of them, professing their religion despite his intention to ridicule and overcome it. Nor was Elijah professing their religion through hearing their prayers: Elijah both saw and heard what as much as any of the priests of Baal, yet he did not profess their religion. But someone may say that it was clear to everyone that Elijah was there for a certain distinct purpose: undoubtedly to confound them, and I say that Catholics themselves attended Protestant sermons for a different reason: either to confute them, or to obey their prince's command and protect their possessions.²²⁹

Third conclusion. To listen to a heretical sermon is not wrong in itself nor a distinctive sign between Catholic and Protestant. In fact in itself it is no more a sign than between ivy and a grapevine. But it was made a sign by human imposition. Therefore it can not be denied that before tis imposition hearing sermons was licit. In fact at the beginning of Elizabeth's reign, it was neither a distinctive sign, nor for that reason was it considered illicit. Therefore it was not illicit.

In Scotland, where such [a distinctive] sign does not exist, we can not rebuke those who attend sermons for that reason because there attendance at sermons is

227 Indeed Paul IV's bull "Cum nimis absurdum" (1555) ordered the construction of the Roman Ghetto and introduced various restrictions on Jews in the Papal States. However, in 1572 Pope Gregory XII introduced the "prediche coatte" on Saturdays usually in Sant'Angelo in Pescheria, not far from the synagogue. See Emmanuel Rodocanachi, *Le Saint-Siège et les Juifs: Le Ghetto à Rome* (Paris, 1891), 272-80.

228 Azor, *Institutiones Morales*, Pars tertia (Rome, 1611), bk 1, c. 7, ff. 26^r-27^v.

229 1 Kgs. 18: 20-40.

relegated to its proper category of an indifferent act. [f. 337^v]. But in the case of England, listening to a sermon is only an accidental evil because it was imposed as a distinctive sign or by a specific circumstance. It is an evil comparable to giving alms to a poor man out of vain glory. Thus if we can eliminate this defect, i.e. no longer consider attendance as a distinctive sign, then it would be licit to attend sermons, which I suppose can most easily be done. Let us begin by considering those who made attending a sermon a distinctive sign, were neither the Protestants nor the Catholics, but undoubtedly Parliament by forcing Catholics to listen to sermons and to pray with Protestants, and the Catholics, by refusing to communicate with the Protestants. Both made this a distinctive sign.²³⁰ Whereas if Catholics had obeyed in principle, regardless of the scope of the statute, presence would not have become a distinctive sign. Besides to whom is listening to a sermon a distinctive sign? To Protestants or to Catholics? In the last Parliament, Protestants seemed to deny vehemently allegations that this was contained in the statute.²³¹ Catholics however with the passage of time, changes of custom and opinion concluded that at least as far as the external appearance is concerned, those who attended sermons should be considered as Protestants. But this custom could be eliminated if priests showed them that the prohibition to attend heretical sermons resulted from a desire that Catholics might become more conspicuous and manifest to the world, and in order to preserve themselves from infection, Catholics blocked their ears from blasphemies against their religion especially during a period in which they alone were persecuted. But this situation has changed drastically. [f. 338^r] Formerly we were tormented by scorpions²³² but the persecution did not prevail physically and spiritually and we have survived. For this reason, Catholics should not condemn anyone who, out of a desire to preserve the Church, did not do anything contrary to the demands of the statute or the decree of the Church, but continue to obey the law until changed circumstances will result in its abolition. It is certainly well known to all familiar with church history, how often new circumstances change long-established customs! For example, the Wednesday fast persisted for a long time, but it has now been

²³⁰ See above pp. 318-320

²³¹ The Jacobean Parliament of 1606 passed two new acts against recusants: "An Act for the better discovering and repressing of Popish Recusants" (3 Jac. 1 c. iv) and "An Act to prevent and avoid dangers which may grow by Popish Recusants" (3 Jac. 1 c. v). The first demanded that all convicted recusants should "once in every year following ... receive the blessed sacrament of the Lord's Supper in the church of that parish where he or she shall most usually abide" (G.W. Prothero, ed., *Select Statutes and Other Constitutional Documents Illustrative of the Reigns of Elizabeth and James I*, 4th ed. [Oxford, 1913], 256). Punishment for the first offence was £20, £40 for the second and £60 for every year thereafter. The same act introduced the oath of allegiance but did not explicitly mention attendance at sermons.

²³² A reference to 1 Kgs. 12:11, 14; 2 Chron. 10:11, 15.

set aside by the Church.²³³ The practice of communion under one or both kinds changed not once but often in various regions because of changed circumstances. Abstinence from blood and from the flesh of strangled animals lasted for 300 years before it was abrogated.²³⁴ Similarly for approximately thirty years, attendance at Protestant sermons has been forbidden, but the prohibition was never made into a custom, for in case of urgent reasons a dispensation could have been possible. Listening to a sermon is not a distinctive sign, I affirm, if a Catholic protests before going thither that he does so not out of approval of the Protestant religion or the desertion of his own religion but only to conform to a royal ordination. If a Catholic scholar listens to the sermon of some [f. 338^v] protestant and claims that he is going to refute the latter by his very presence, there is no question of his being a Protestant; rather he is a pillar of the Catholic Church. In the same way, if a lay Catholic protests that he attends a sermon out of obedience to his prince, it should not be concluded that he is a Protestant but only that he is a good and upright subject.

Fourth conclusion. Listening to a heretical sermon is not evil in itself because of scandal. This position is so clear that it requires no proof because scandal is extrinsic to the act and therefore cannot modify the act's essential nature. But you may say that several acts indifferent in themselves, can be mortal sins because of scandal, e.g. St. Paul 1 Cor 8:13: If meat is the occasion of scandal to my brother, I shall never eat meat again. Thus an act of this nature must be avoided. Here we must point out that scandal is nothing but what induces another to sin or provides the justification for another to commit a sin. For example: the excessive drinking of the mayor of London gives scandal to many because his example leads others to drink in the same way. Fallible citizens easily conclude that something good for a person in authority, is also good for them. Likewise in our case: Catholics frequenting places of worship of heretics lead others to do the same with the consequence that the listeners sin grievously and abandon their religion. But we can easily settle this complaint, given the present circumstance. If they attend church to listen to a sermon in order to [f. 339^f] save themselves, their children and family, or to protect their status and liberty, attendance is not a sin. And thus they could be instructed by their spiritual fathers to be charitable in their judgement of those who consider themselves to be good Catholics. And the good Catholics themselves could convince such silly folks that they can attend services with due caution and secure conscience and in so doing, ask them to remain calm and content. And if they do not agree, they will blame others and not care about them. But we must not refrain

²³³ Wednesday held a special place in the Church's liturgical tradition because it was the day on which the Lord was betrayed. Christendom observed Wednesday and Friday fast until the west relaxed the practice sometime between the sixth and tenth centuries. See "abstinence" in CE 1: 69.

²³⁴ This prohibition was laid down at the so-called Council of Jerusalem. See Acts 15:29.

from some doing something licit and good even though, after discreet admonition on the possibility of scandal, some individuals will cling to their judgements out of envy or because of some preconceived ideas. This is, in fact, scandal received but not given, and not of the weak but of the Pharisees.

Fifth conclusion. It is not wrong in itself to listen to a sermon out of fear of persuasion. The reason is this: such a danger is clearly extrinsic and contingent. Moreover I have been duly informed by several upright Catholics, who claimed that listening to these sermons back when they behaved as Protestants did more to confirm their Catholic faith than argue against it. Furthermore various Catholics have convinced me that several schismatics were in fact converted to Catholicism through listening to Protestant sermons as they realised that they could preserve their possessions; many Protestants would also benefit from attending these sermons because they would be brought into contact with Catholics. Moreover if any Catholic felt his faith in any way disturbed by what he heard in the sermon or what he had done, he could always discuss it with his [f. 339^v] spiritual father whose task it would be to remove such scruples.

And I am indeed convinced that very few Catholics well founded in their faith can be perverted by attending these sermons. I remember that during my stay in Courtrai in Flanders, the dean of that city,²³⁵ reported that the Geusios [*vere Gueux*] or Protestant ministers preached throughout the city for an entire year without seducing one person from the true faith.²³⁶ I am sure that no discreet Catholic upon pondering these matters carefully, and observing both the firm devotion and piety prevalent among Catholics, and the iniquity and dissolution common among Protestants, would ever agree in their hearts and consent in their judgement to adhere to their sect. Until now controversial theological issues have been debated and the absurdity of the Protestant views manifested and proclaimed to the world. Thus it would seem pure madness for a sound believing Catholic to abandon his orthodox faith for the Protestant camp. But heresy spreads like a cancer, and whoever loves danger will eventually perish by it, and a burning coal remains dangerous if it is not extinguished because it can be fanned to greater flame, and a good apple becomes rotten as a result of being with rotten apples. Similarly a firm Catholic can be perverted in the course of time because of conversations with Protestants and become like them. Nonetheless these opinions should not be accepted at face value, at least if we wish to influence the greatest number of persons since in this way no Catholic will have to live with heretics nor the upright among the unjust. May we be admonished only by such statements on the nature

²³⁵ Thomas Wright visited Courtrai in June of 1603. The dean at the time was a kinsman John Wright (*The Douay College Diaries*, vol. 1, ed. Edwin H. Burton and Thomas L. Williams [London, 1911], 51). Thomas had earlier become a Catholic through the influence of John.

²³⁶ The Calvinists dominated Courtrai between March of 1578 and February of 1580. During that period, Catholic worship was forbidden and Catholic clergy expelled.

of sin, may we avoid the company of wicked persons and heretics as much as we can. Meanwhile [f. 340^r], if our refusal to converse with them, endangers us, body and soul, then the whole situation has changed. For a better comprehension of which it must be acknowledged that this is the situation of Catholics in England and if we do not address the problem adequately, I do not see how the ruin of many, both physically and spiritually, can be avoided. Within the English Catholic Church, there are different types: some Catholics are serious and constant; others, weak and oscillating, and still others halfway between these two. Those within the first category can not be diverted from the faith they embrace not even by treat to life and property. In the second category are less steadfast believers who succumb in time of temptation. As long as the wind is clam and favourable, they sail beautifully but as soon as a storm arises or the seed that fell on rocky ground dries up and dies because of the lack of strong roots and moisture.²³⁷ The third and final group, who are majority, can resist temptations provided they are not too serious, vehement, and violent and well within certain limits. But their limits would be exceeded if they were forced to spend their life in captivity; if they saw their wives and children irreparably impoverished; their legal position fail with consequent grave harm because of their faith; they see their enemies triumph and treat them insolently; Catholics are clothed in disgrace, and deprived of every favour and grace, and held in the greatest contempt. For these reasons many abandon all hope and miserably conform to the established Church. Wherefore if the promulgated laws are applied severely, as we suspect and expect, I am convinced that [f. 340^v] a majority will not only not attend sermons but also the service called communion and all other things. If we compared the small harm that may result from the sermons in terms of perversion with the great danger of persecution that will inevitably follow, we would conclude that no real comparison is possible. Do we not see daily and hourly attempts by pastors and other zealous Protestants to engage Catholics in invectives against religion and try to convert them with an eagerness no less fervent than the preacher in the pulpit? And I ask again how many listeners have been seduced by them, and have gone to their churches? On the contrary I can show hundreds who remained attached to the external demonstration of Catholicism despite persecution. The reason is this: the preacher's task is first to win over the judgement of the Catholic before perverting his will. Whereas a persecutor causes extreme misery, and compels many to do shameful acts, but the former [viz. willing over a Catholic's judgement] is not easily achieved, as we learn from experience. The latter however encounters less resistance, given human weakness, for it means skin for skin.²³⁸

Sixth conclusion. To listen to a sermon is not evil in itself because of any blasphemies that Catholics may hear during them. The reason is evident: many preach

237 References are to the parable of the sower (Matt. 13:18–24; Mark 4:14–20; Luke 8:4–8) and the calming of the sea (Matt. 8:23–27; Mark 4:35–41; Luke 8:22–25).

238 Job 2:4.

without blaspheming and those who do blaspheme, are not appreciated but generally despised. Thus Catholics who hear blasphemies during a sermon are not more sinful than when they hear blasphemies at some lecture of theology, or more sinful than a servant, who must endure a master's harangue against Catholics, is. For all leave upon hearing these things. In fact, they hear [f. 341^r] but do not consent to them, and are rather more displeased than pleased. Some may object that several doctors and Theologians would define participation at such sermons as unlawful because certain theologians as members of a committee within the Council of Trent in a reply called Declaration of the Fathers of the Council of Trent, explicitly defined that attendance was illicit.²³⁹ I reply to their argument by appealing to Azor and all the theologians who approved his book. Likewise I cite Navarre²⁴⁰ who holds it lawful to be present at heretical sermons to confute them, or to attend services and sermons whose ministers are not formally excommunicated as ours in England are not. Gregory Martin,²⁴¹ moreover, not only considered it licit for someone to be present at their sermons with a protestation, but at their services. Generally all theologians after the Council of Constantinople hold that one could licitly pray and attend religious services with heretics not formally excommunicated, or notorious persecutors of the clergy.

I reply to the second. The theologians at the Council of Trent answered the question as it was then proposed, which is the following: "can anyone be lawfully present in churches with Protestants on Sundays and feast days while they sing psalms in the vernacular and defend their opinions in sermons?" which is indeed illicit. But on the contrary, our controversy concerns only listening to a sermon. Indeed priests who speak about these sermons, do not condemn listening to them as something evil in itself, but only disapprove because of scandal or the danger of perversion. Even they do not consider listening itself to be wrong by its very nature.

Others perhaps may argue that listening to a sermon was not fulfilling the demands of the statute, nor would it be beneficial to Catholics. I reply. Let him understand who can. I simply demonstrate the equity of the fact, and perhaps you think better of the centurion than the scribe. [f. 341^r] There is the other objection: the next Parliament will decree something new that will overturn this way out. I answer that at such a time they will never condemn us as disobedient, but simply for religious intuition. This will strip the mask of pretense from the magistrates in the sight of less obedient minds to reveal that religion is the only and unique cause, and every punishment will occur not only because of our opinions, but that of our opponents who resist us because we profess our faith. Not only we but also our opponents will see this clearly.

²³⁹ See above Doc. 4

²⁴⁰ De Azpilcueta, *Enchiridion sive Manuale Confessariorum et Poenitentium* (Rome, 1584), cap. XXVII, no. 36, p. 840.

²⁴¹ Martin, *Treatise of Schisme*, sig. **iii^{r-v}.

Finally all objections derived from the fathers and ecclesiastical history can be resolved. For example, an apostolic canon decreed that “any cleric or laity who entered a Jewish synagogue or an assembly of heretics, to join with them in prayer, should be denounced and excluded from full communion.”²⁴² Likewise the fourth Council of Carthage: any cleric or laity communicating or praying with anyone excommunicated, was to be excommunicated.²⁴³ This agrees with the decree of Pope Fabian²⁴⁴ A. d. 24 [2] in the Epistle: “If anyone aware of the rules, knowingly sings psalms with, speaks to or prays with an excommunicated person, he should be deprived of communion.”²⁴⁵ To these and to similar injunctions, one can answer in a twofold way. In the first place, said citations specifically refer to communion with heretics in prayers, but say not a word about listening to a sermon. Because these injunctions are penal laws, they must be interpreted in a restrictive sense, viz. the exact meaning of the words without going beyond their literal meaning. But some may counter that praying in private is less harmful than listening to a sermon in public. I respond there is less danger of someone losing his faith, but not much more in terms of making a profession of religion. In fact listening to a sermon is not a profession of faith whereas public praying, where the heretics gather even occasionally, makes it a profession of their faith. [f. 342^r] But this does not happen by listening to a sermon as is clear from the second conclusion.

Secondly these citations demonstrate nothing but an ecclesiastical precept which, in the case of possible loss of liberty and possessions, does not oblige anyone to its observance. A comparable example would be fasting on specified days, a precept which can be broken in the face of similar dangers. Certainly this opinion will seem novel and strange to those who have opposed it until now. They will counter that this is a concession to Protestants – indeed, almost a capitulation. Nonetheless in these unique circumstances, I think it is the proper antidote for the preservation of the Catholic religion. Rather I may further add that if the listening to a sermon be wrong in itself, it is much certainly less so among the acts which imply communication with heretics, and thus far more tolerable and worthy of greater commiseration in light of potential dangers than either presence in heretical churches during times of prayer, or reception of their communion. But now it is certain, at least I hope, and sufficiently proven by the authority of practice and reason that it is not wrong in itself. Therefore I shall conclude hoping that no upright Catholic will be offended by those who behave according to my doctrine, seeing that the sincere purity of the Catholic religion does not deny its licitness. And even though some will think, and suppose that this is nothing but the opinion of a private person in England, let them know for certain that in my conscience there are several among the more learned and more prudent as also among the more dis-

²⁴² Hardouin, *Acta conciliorum*, 1: 26.

²⁴³ Hardouin, *Acta conciliorum*, 1: 983.

²⁴⁴ Fabian's pontificate lasted from 236 until his death in 250.

²⁴⁵ Hardouin, *Acta conciliorum*, 1: 124.

crete priests in this kingdom, who hold the same opinion. But whenever this thing is mooted, both the others and I submit our opinion and souls to the Roman Catholic Church in which is always preserved without stain the Catholic Religion. Euseb. Pont.²⁴⁶ et Mart. Ep. 5L.²⁴⁷

§46 [Robert Persons] to [Thomas Wright]
[post August 1607]

SOURCE: ARSI, Anglia 36/II, ff. 343^r-348^r.

NOTE: The author of this "letter" says to have "heard by credible person, that he [Juan Azor] sayd to some here in Rome, not yet fyve yeres agoe" that the indulgence he had shown towards religious conformity, in rigorously and carefully defined circumstances, did not apply to the case of England. Azor had died in Rome on 3 February 1603, which places the date of composition in 1607. Thomas Wright attributes this anecdote to the "author of the Book from Rome" (Robert Persons): "And the evasion of the Author of the book sent from Rome caymeth out of his owne brame and fathereth uppon Azore, as if a little before his death being informed by an English priest of our English case, affirmed that he never intended in his booke the case of England speciallie because in England the goinge to Church was a distinctive signe" (ARS1, Anglia. 36/II, f. 351^r). This specific detail concerning Azor is not in *Quaestiones duae* so Wright could only have learned it from this letter. That suggests that he was the recipient, and Persons the author. Punctuation has been occasionally modernized for the sake of clarity.

Marginal notes have been incorporated into the text in brackets and in italics. Scriptural references are to contemporary usage. For translations we have used *The Douai-Reims Bible*.

Good Sir for asmuch as it semeth by your friends discourse, that the opinion of those which hould it to be lawfull to goe to the heretiques Churches and service in England, is principally grounded uppon the doctrine of Azorius, teachinge it to be a thinge of itselفة indifferent, and that it may be good or evill in respect of the circumstances; it is to be considered what is the case of the English Catholicks in this point, that is to say, what is required of them by the Lawes, to avoide the penalty imposed uppon those which refuse to goe to the Protestants Churches; and then it has to be examined whether the same be a thing indifferent in itselفة or noe, and consequently howe the doctryne of Azor, eyther toucheth our case, or yet is true in itselفة; which being donne I will alsoe annswere some other arguments proposed by your friende in his discourse.

For the first, I say that the Catholick which goeth to the Church to avoid the penalty of the Lawe, will either communicate with the heretiques in some of their externall rytes or Ceremonyes, or at leaste doe some kynde of reverence with them, or els hee will utterly refuse to doe it, and remaine there during their prayer, onely

²⁴⁶ Pope Eusebius, Epistola I (Hardouin, *Acta conciliorum*, 1: 235-38).

²⁴⁷ Pope St Martin, Epistola V (PL 87: 153-64).

as a looker on, and none of their Company; if hee do the latter, I make noe doubt, but the Magistrates will not suffer it, by any meanes, as a thing scandalous to them, and soe disgracefull to their Religion and service, that they will rather hold it a matter of Contempt, and worthy of severe punishment, then a discharge of a Catholickes duty to the King, or a satisfaction of the Statute which the Lawyers will easelie (and may in my fancy with great reason) interpret, to admitt noe such meaning as under colour of obedience to the King, and his Lawes, to scandalize their wholle Congregation; in which respect I think that the going to the Church in this manner, would be so farr from freeing the Catholicks from the penalty of the Lawe, that it would drawe greater penaltyes uppon them by new Statutes, which would presently be made for that purpose and they in the meane tyme forced either to paie the old penaltyes, or to conforme themselves in the Church to the quiet haering of their Common prayer, and to their externall Ceremonies, at least in some thing which is utterly unlawfull, and not onely evill in itself; but alsoe a schismaticall act, and therefore to be avoided of all Catholicks, and true christians, even with the danger or losse of goods or lyfe.

The reasons are these which followe. First the Canonists say that to communicate with heretiques *in divinis* [in divine things] in any sorte is mortall synne the which [fear] himself affirmeth, following alsoe therein the opinion of Navarre whoe putting the case and question whether a Catholick may be present at heretiques masse or [f. 343^v] say Amen to his grace before or after dynner, [Navarr. consil. par. 2 li. 5 consil. 15 nu. 3]²⁴⁸ annswerech that it is not lawfull to doe it yeilding the reason thereof, for *Communicans* (saith he) *in divinis cum excommunicato, audiendo missam et celebrando coram eo, vel orando cum eo oratione publica, sive officio divino publico peccat mortaliter*. [anyone communicating in sacred rites with the excommunicated, hearing Mass or singing the psalms with them, praying in public with them, or offering public prayer, sins mortally].

[Sum. c. 27 nu. 33 et 33]²⁴⁹ Wherein is to be noted that by excommunicate persons, hee meaneth heretiques as well for that hee annswerech to the question whether a Catholick maie heare the masse of an heretique, as alsoe because he teacheth elsewhere, that all heretiques and schismaticques are notoriously excommunicated in *Bulla Coena* and saith further alsoe that all manifest Lutheranes, Calvinists, or other heretiques, or those which openly professe themselves to be to be such in worde, act or wryting are manifestly excommunicated for heresie peerely by the same Bull.

248 De Azpilcueta, *Consiliorum seu Responsorum*, bk 5 (tomus II), "De Haereticis," consilium 10, no. 3, p. 261. Both Persons and the Jesuit theologians Godigno and Fornari (see supra p. 309) state that this is consilium 15, but it is actually consilium 10: "Communicans in divinis cum excommunicato, audiendo missam et celebrando coram eo, vel orando cum eo oratione publica, sive officio divino publico peccat mortaliter."

249 De Azpilcueta, *Enchiridion*, cap. XXVII, no. 36, pp. 839-40; no. 55, p. 852.

And further it is to be understood, that by communication with heretiques hee hath not onely receiving their Communion or actuall prayer with them, or other participation of their rites and Ceremonies, but alsoe the very hearing anie publique prayer with them, which he saith can noe more be denyed than that hee communicateth with an excommunicate person at one and the selfe same table, doth communicate with him which (saith hee) is alsoe the opinion of Sotus;¹⁵⁰ his wordes these; *non potest negari eum communicare in oratione cum excommunicato qui est illi orationem, vel qui audit eam ab illo, vel qui audit eandem una cum eo, sicut qui comedit in una mensa cum eo quod et caetera Soto placuit.* [Miscell. 47-48]¹⁵¹ [it cannot be denied that one who joins an excommunicated Christian in prayer, and who recites this prayer, or anyone who listens to the prayer from him; who listens to some prayer with him, is as much sharing prayer with the excommunicated person as one who sits at table with such a one etc; this statement agreed Soto].

Whereuppon it maie well be inferred, that if it be a mortall synne to have anie kinde of Communication with an heretique in dyvine service, as onely to heare his Masse (though he be a true priest and his masse a true masse) yea, or to be onely present at masse with him (it being not onely lawfull but alsoe meretorious to heare Masse) here much more is it unlawfull to have anie kynde of communication with him in the common prayer of heretiques, devised by themselves, in derogation and despise of the Catholick Church, and of the dyvine service thereof? And if it be not lawfull to admitt them to communicate with us in hearing our dyvine service by the preaching of the word, which god is truly honoured and whereby they only receive edification, how much more unlawfull is it for us to ioyne or any waie to communicate with them in their publique prayer or sermons, wherein god is blasphemed and the Catholick Religion reproved in such sorte that [manuscript illegible] Catholick men can hear it without affliction of minde yea, and sometyme not without damage of sake for which therefore is to be avoided not onlie for scandall but alsoe because not only scandal but because the duty of a Creature to his Creatour, I meane of man to god, doth require such integrity that it admitteth noe kynde of participation with godd enemyes in those things wherein they dishonour god to which purpose the Apostle saith. [2 Cor. 6] *Quae infidele, participatio iustitiae cum iniquitate? aut quam societas luci ad tenebras? Quae autem conventio Christi ad Belial? aut quae pars fideli cum infidele* [Bear not the yoke with unbelievers. For what participation hath justice with injustice? Or what fellowship hath light with darkness? And what concord hath Christ with Belial? Or what part hath the faithful with the unbe-

¹⁵⁰ This is Domingo de Soto and not Pedro.

¹⁵¹ De Azpilcueta, *Miscellanea Centum de Oratione; Praesertim de Psalterio, & Rosario virginis matris Mariae: et de institutione recta oratorum, et actis quibusdam eorum, & de pertinentibus ab illa* (Rome, 1586), *Quadragesimumseptimum Miscellaneum*, no. 4, p. 102.

liever).²⁵² And therefore the Prophett said to the Israelites, [3 Kgs. 18] which worshipped both god and Baal, *usquequo claudicatis in duas partes, si Dominus est Deus sequimini eum, si Baal est Deus sequimini eum* [3 Kgs. 18] [How long do you halt between two sides? If the Lord be God, follow him; but if Baal, then follow him]²⁵³ neither can wee thinck to do our duty by honouring or serving god inwardlie in our hearts or soules and the [ms. illegible] and his instruments externallie with our bodyes, for god is Lord and Creatour both of body and soule and our saviour Christ redeemed both and will punish or rewarde both, save or damne both and therefore will be served by both.

Furthermore it is to be considered that Almighty god suffereth heresies and schismes for his owne glory and the great good and merit of his servants by their tryall & manifestelie to the [f. 344^r] world, [1 Cor. 11] for *oportet haereses esse ut qui probati sunt manifesti fiant* [For there must be also heresies: that they also, who are approved, may be made manifest among you].²⁵⁴ to the end that his servants being fisted like good corne from the chaff, may be knowne and distinguished from his enemyes and their Constancy serve for an example, and edification to the weake & the conversion or confusion of their persecutours, for which respect god hath permitted the persecutions and martyrdomes of his dearest friendes whose memory is glorious in his Church, whereby hee hath byn and is more glorified then by anie other humane meanes or actions in the woorld. How then can any man doe the duty of gods servant & a good christian in this tyme of tryall and probation, if hee yeald or adhere in anie sorte to heretiques, especially in their hereticall and schismaticall actions, for feare of losse of temporal goods, which Almighty god hath given us not somuch for our owne use and benefit, as for his service; wherein wee ought to venture and willinglie to spend them, yea our blood and lyves when occasion requireth. And therefore our Saviour forewarning his disciples & us all to the like tymes, and occasions to this, most earnestly expecteth them & us not to feare those that have powere onely to kill the body but to feare him that can cast the soule to hell in to everlasting damnation, adding that hee which denyeth him or is ashamed and affraide to confesse him before men shalbe denied by him before his father in heaven [Matt. 10]; and that he which loveth his father, Mother, children, brother or sister better than him is not worthie of him.²⁵⁵

And when or howe can this be put in practize but in such tymes as this? for if there were noe heresies, or schismes there would be noe persecution amongst christians, if noe persecution noe tryall, noe venture or losse of goods or lyfe for gods service, noe Confessours noe Martyrs.

²⁵² 2 Cor. 6:14-15. The actual Vulgate text is "nolite iugum ducere cum infidelibus quae enim participatio iustitiae cum iniquitate aut quae societas luci ad tenebras quae autem conventio Christi ad Belial aut quae pars fideli cum infidele."

²⁵³ 1 Kgs. 18:21.

²⁵⁴ 1 Cor. 11:19.

²⁵⁵ Matt. 10:17-39.

Whereuppon I conclude that hee is to be accounted not onely a disloyall servant to his dere Christ but alsoe a very unwise man, whoe knowing that god suffereth theis heresies, schismes and persecutions of purpose to trye his Constancy, will nevertheless concur with gods enemyes in the very occasions and matter of his tryall, [Matt. 18] wherein every man is bounde to have all sincerity and integrity, not onely to avoid scandall or the offence of his Bretheren, but much more for the discharge of his owne duty to god as of a child to his father, of a subject to his kinge, of a bondslave to his Lorde & of a creature to his Creatour.²⁵⁶

And this hath always byn bothe the doctryne and also the practize of gods servants in all ages and tymes grounded noe doubt uppon the duty of a Christian Catholick man, & uppon Christs owne words & precept, commandinge, that hee which will not heare the Church be held as an Ethnick & a publican [Matt. 18.], in which respect the Apostles and their disciples would not admitt such as anie conversation with knowne heretiques & schismaticques in cyvill and indifferent matters, and much lesse in prayer or other schismaticall actions. [Titus 3] Therefore St. Paule adviseth Titus to avoide the company of an hereticke *post unam et secundam correptionem* [after a first and a second warning]²⁵⁷ and [2 John 10] St. John, *si quis* (saith he) *venit ad vos et hanc doctrinam non adfert, nolite recipere eum in domum nec Ave ei dixeritis* [If any man come to you, and bring not this doctrine, receive him not into the house nor say to him: God speed you.]²⁵⁸ and being entered into a bath wherein hee sawe amongst others *Cerinthus* the hereticque,²⁵⁹ he presently kept out saying, *fugiamus hinc ne et balne ipsa corruiant in quibus Cerinthus lavatur, inimicus veritatis* [Euseb. Hist. Eccl. Li. 3. cap. 28] [Let us flee, lest the building collapse because Cerinthus, the enemy of the truth, washes inside!].²⁶⁰

And although in this our days in England, were heretiques rule, governe, yea and oppresse Catholicks their Conversation and Company in Civill matters (which are of their owne nature indifferent) cannot be avoided by reason of the ordinary commerce that must needs be in all Common wealths for the maintenance and conservation thereof, yet in matters pertayning to their [f. 344^v] heresie or schisme

²⁵⁶ Matt. 18:5-10, 23-35.

²⁵⁷ Titus 3:10.

²⁵⁸ 2 John 10.

²⁵⁹ This Gnostic-Ebionite heretic was a contemporary of St John who, many contend, wrote his gospel to refute his heretical teachings.

²⁶⁰ The earliest surviving account of the heretic Cerinthus can be found in Irenaeus's *Adversus Haereses* (bk 1, c. 26; bk 3, cc. 3, 11 [PG 7: 686, 853, 884 (n. 87)]) written about 170 AD. Cerinthus's dates are unknown, however he was the leader of a late first century and early second century Gnostic-Ebionite sect. The episode here related can be found in *Adversus Haereses*, bk 3, c. 3 (PG 7: 853), and later repeated by Eusebius (*Ecclesiastica Historia*, bk 4, c. 14 [PG 20: 338-39]). The author refers to the latter. Polycarp, Bishop of Smyrne and Martyr, had told Irenaeus that John the Apostle, on his way to a bath in Ephesus, fled upon sight of Cerinthus within, with the cry "Let us flee ... because Cerinthus, the enemy of truth is within."

(which are not things indifferent, but bad and damnable of themselves and noe way necessary to the conservation of the Common wealth) theis Commandments of our Saviour and his Appostles must needs bynde every man rather to loose his lyfe than any waye to communicate with them. And therefore although *Navarre* & other Canonists theach that hee is excused from synn which for feare of death doth Communicate with an excommunicated person in civill matters, yea or in dyvine service (meaning masse or other good and lawfull prayers) yet saith hee *oportet potius mori quam communicare cum excommunicato in peccato mortali vel cum negatione saltem tacita fidei catholicae*, [it is better to die rather than to participate in religious practices with an excommunicated Christian in the state of mortal sin, or with a Catholic who tacitly denies the Catholic faith]. [*Navar. Sum c. 27 nu. 35*]²⁶¹ both which circummmstances doe concurr in this our Case, for not onely the Common prayer of our heretiques being hereticall & schismaticall of it selfe is *peccatum mortale* [mortal sin], but alsoe all Communication therein is understood to be at least *tacita negatio fidei Catholicae* [tacit denial of the Catholic faith], whether wee respect the Common understanding and opinion of Catholicks or of the heretiques themselves, whoe would force Catholicks to come to their Churches to shewe themselves to be of their Congregation, and Consequentlie to renounce the Community and unity of the Catholick Church.

But to retourne to speak of the Appostles and the practize of the primitive Church, wee fynde dyverse notable Constitutions of the Appostles related by St. Clement [*Clement constit. li. 3 c. 65 et li 6 c. 18*]²⁶² concerninge prayer with infidells or heretiques either in Churches or elsewhere whereof I will onely alledge one very notable for the purpose. *Si ad ecclesiam prodire non licuerit propter infideles congregabis episcopos in domo aliqua, ne ingrediatur pius in ecclesiam impiorum, non enim locus hominem* [*Clement constit. li 8 c. 34*] *sanctificat sed homo locum; si vero impii orationis locum occuparent vitandus est tibi quod sit ab eis pollutus, ut enim sacerdotes sancti sanctificant, sic impuri contaminant. Quod si neque in domo neque in ecclesia congregari poterunt, psallat sibi unuspiusque, canat, oret, saltem duo simul aut tres etc. fidelis ne in domo quidem precetur cum Cathecumeno etc. Pius vero cum haeretico neque in domo quidem precationem faciat, quia enim societas luci cum tenebris?* [If you cannot go to church because of unbelievers, assemble the bishops in some house, so that as a pious person you may not enter the church of the impious, for it is not the place that sanctifies a man but man who sanctifies the place. If however the impious occupy the place of prayer, you should avoid such a place as it has been contaminated by the impious, for just as holy priests sanctify so do the impure contaminate. But in case you are not able to assemble either at home or in a church, let every devotee chant psalms alone, sing, pray in twos or threes together, etc. The believer may not pray with a catechumen not

261 De Azpilcueta, *Enchiridion*, cap. XXVII, no. 36, p. 840.

262 *Didascalia et Constitutiones Apostolorum*, ed. Franciscus X. Funk (Paderborn, 1905), bk 2, c. 62, pp. 176–178; bk 6, c. 14, pp. 340–46.

even at home, etc. A devotee should not pray with a heretic even at home, because it is like associating light with darkness.] [*Clemens. constit. Apost. Li 8. c. 34*].²⁶³

Thus saith St. Clement to the doctryne delivrd [sic] to him by the Apostles and of what authoritie the saide Constitutions written by St. Clement were in the very primitive Church, wee may see in St. *Epiphanius* and St. *Athanasius* whoe not onelie alledged but alsoe highly commended them, besids that they have byn alsoe alledged and appoved by St. Basil St. Cyril and other annceit learned fathers and Counsills. [*Epipha. Li. 3. contr. Audianos. Athanasius ep. 11. Basil Li. de Spiritu sancto c. 27. Cyril. Hierosoli. Cathech. 18. - Greg. Naz. in Apologet. et alibi frequenter. Damasc. in Li. de ieiuniis Concil. Constantinop. 3. act. 6. Concil. Nicen. 1 can. 1.*]²⁶⁴ But to proceede this tradition and canon of the Apostles waie most strictly observed by holymen in the primitiue Church. Wee reade that *Origen* being in house with an heretyk cauled Paulus could never be induced, sayth Eusebius, *ut una cum eo precibus interesset quippe qui ab ineunte aetate ecclesiae canonem obnixè observasset*. [to become involved with his prayers as he had firmly observed the canons of the Church from an early age.] [*Euseb. hist. Eccl. Li. 6. ca. 3.*]²⁶⁵ And after wards in the tyme of the Arrian heresy, St. Basil writing to the Catholickes of Italy, and france [*Basil. ep. 69*]²⁶⁶ to declare the desolat state of the eastern overunne with Arrianisme, sayth of the Catholicks thus *ex populo qui sanae mentis sunt, deprecatorias domos sive oratoria fugiunt, tamquam impietatis scholas populo cum mulieribus, et pueris ipsisque senibus ante portas effusus subdido preces fundant, omnes aeris iniurias cum magno animo sustinentes* [they belong to a people of sane mind, who shun houses of prayer or oratories as haunts of ungodliness where men, women, children and the elderly themselves are set outside the doors while stealthy prayers are uttered, they endure all sorts of injuries with courage.] Thus saith hee which is confirmed also by the historyes of those tymes, [*Trip. hist. li. 5. ca. 18.*]²⁶⁷ wherein we read that when Pope *Liberius*²⁶⁸ was banished from Rome by the Arrians, and *Felix* sett in his place, no man would enter

263 *Didascalia et Constitutiones Apostolorum*, ed. Funk, bk 8, c. 34 (8-13), pp. 542-43.

264 Composed by *Epiphanius* in 374-377, the "Panarion" (*Adversus Octoginta Haereses*) is the only source of information concerning the Gnostic sect of the Audians (bk 3, Haeres. LXX [PG 42: 342, 350, 354-74]); *Athanasius*, *Encyclical ad episcopos Epistola* (PG 25: 223-26); *Basil*, *De Spiritu Sancto*, c. 27, 66 (PG 32: 187A-191C); *Cyril of Jerusalem*, *Catecheses*, no. 18, c. 22-29, 33 (PG 33: 1043A-1046C, 1055AB); *Gregory Nazianzen*, *Oratio 11^a - Apologetica*, c. 25-26, 69 (PG 35: 442C-443C, 478C); *John Damascene*, *De Sacris Jejuniiis*, c. 4-5, 7 (PG 95: 70A-71A, 74A); Third Council of Constantinople (680-681 AD), *Actio Sexta* (Hardouin, *Acta conciliorum* 3: 1146-150); Second Council of Nicaea (787 AD), canon 1 (Hardouin, *Acta conciliorum*, 4: 486-87).

265 *Eusebius*, *Ecclesiastica Historia*, bk 6, c. 2 (PG 20: 522-23).

266 *Basil*, *Epistle XCII-Ad Italos et Gallos*, c. 3 (PG 32: 482C-483A).

267 *Cassiodorus*[-*Epiphanius*], *Historia Tripartita*, bk 5, c. 18 (PL 69: 998D-999B).

268 *Liberius* reigned as pope from 352-366; *Felix* was anti-pope from 355 to 366.

into the church whyle Felix was there, who nevertheless was in beleeffe no Arrian, but only had ben content to communicat with theym, et was therefore held for a schismatyck. And when Eusebius the catholyk bishop of Samosata²⁶⁹ was banished, et an Arrian cauled Eunomius²⁷⁰ installed in his seat, no one manof all the people (sayth the story) rich, or poore, maister, or servant, craftsman, husbandman, gardner, man, woman, old, or yong, wold eyther goe to the church whyles he was there, or so much as vist [sic], or salut him; wherewith he was so confounded that he left the city & when an [f. 345^r] another Arrian bishop which succeeded him, passed through the streets upon a mule, and a ball which the boys were tossing one to another chanced to passe betwyxt the leggs of his mule, such was the hatred of the very children boore to the heretyckes, that they assembled theym selves together, made a greate fyre, and cast the ball divers tymes in through the flame to purify it. [Theodoret. *hist. eccl. li. 4. c. 14. et 15 et Trip. hist. li. 7. ca. 16.*]²⁷¹

But perhaps you will ask wether there was in these tymes any persecution for refusing to communicat with the Arrians? where of there is no doubt; for when Valens the Arrian Emperor²⁷² persecuted the Catholicke people [Histor. Trip. li. 7. c. 32]²⁷³ of the city of Edessa, it was proposed to theym eyther to communicat with Lupus the Arrian bishop, or to be banished the city, and the which magistrat requyred of them in behalfe of the emperour, was no other but ut *communicarent cum quibus communicabat imperator* [that they communicate with those with whom the emperor communicates], which when they refused to doe so of the principal of theym were banished.

It is also written [Theodoret. *Eccl. Histo. li. 2. ca. 14.*]²⁷⁴ of the people of Alexandria that after the expulsion of theyr bishop Athanasius, no one of theym wold communicat with George the Arrian bishop,²⁷⁵ though the emperours officer cauled Sebastian, cruelly tormented many of theym to compell theym thereto,

269 Eusebius, Bishop of Samosata (†380), was exiled for four years because of his opposition to Arianism.

270 An Arian bishop, Eunomius died in 394.

271 Theodoret, *Historia Ecclesiastica*, bk 4, c. 13 (Migne's edition) (PG 82: 1151B). Earlier editions numbered the chapters differently, hence the discrepancy between the chapters referred to by Persons and the chapters in Migne. Persons follows the divisions employed in many mid-sixteenth century editions. Henri de Valois (1603–1676) followed the same earlier divisions in his Latin edition of the "Historia Tripartita" (*Socratis Scholastici et Hermiae Sozomeni historia ecclesiastica* [Paris, 1668]). Cf. PG 82: 14–16; Cassiodorus [-Epiphanius], *Historia Tripartita*, bk 7, c. 16 (PL 69: 1031B–1035A).

272 Valens ruled the eastern Roman empire from 364 to his death in 378.

273 Cassiodorus [-Epiphanius], *Historia Tripartita*, bk 7, c. 32 (PL 69: 1092D–93B).

274 The description of Christian refusal to communicate with an Arian bishop and the deadly consequences of such behavior, can be found in chapters 10 and 11 of book 2 of Theodoret's *Historia Ecclesiastica* (PG 82: 1023B–1030C). The manuscript refers to chapter "14," which is the precise chapter in Valois's edition, but it corresponds to chapter 11 in Migne's (PG 82: 1026B–1030A).

275 George of Cappadocia (†361) was an extreme Arian.

besyds that not only the historyes, but also St. Gregory testifyeth [*S. Greg. Dial. li. 3. ca. 31. Franciscus Tarapha de regib. hisp. an. 558. Victor uticen. li. 2. et 3.*]²⁷⁶ that Ermenegildus sonne to Leovigildus an Arrian king of Spayne, was put to death by his his fathers commandment, because he wold not receive the blessed Sacrament at the hands of an Arrian bishop. And who can expresse the cruelty which the Arrians used in Africk to force the Catholykes only to communicat with them, banishing, tormenting, and burning many, cutting of the tounghes of some, and the hands of others, and the pappes of women, besyds that they placed officers, and catchpoles in the streets, and heigh wayns, to bring, such as they could take, by force, to theyr churches, yea, and theyr byshops, and priests went about the streets with armed men, and brake into the houses, bound the Catholykes hand, and foote, and rebaptised them whether they woold or no, therby to make them of theyr congregacion, whereof Victor writeth notable particulers [*Idem. li. 3*],²⁷⁷ and amongst the rest, that a chyld of 7 yeres old, being taken from his mother by force and caryed to be baptised, cryed still *christianus sum christianus sum* [I am a Christian! I am a Christian!], in so much that they were fayne to stoppe his mouth, and so to baptise him against his will, so desyrous were the heretykes in those tymes, as also now they are to draw the Catholykes to communicate with them, and so zelous were the Catholykes that they wold rather suffer all kind of torments, and death then yeeld thereto, though there was for the most part, no difference betwyx the publyke prayer, and sacrifices of the heretykes and catholykes at the tyme; what then wold not those catholykes have donne, or suffered, rather then with theyr presence have honored, and authorized the Idol of the heretykes of our tyme, I meane theyr common prayer being, a devise of theyr owne, invented by themselves in contempt of the Catholyke church?

But why then [*Azor. instit. moral. li. 8. ca. 27. §. quinto quaeritur.*], say you, doth Azor teach that it is a thing indifferent in itselfe to goe to the common prayer of heretykes, or schismatykes, and that in somme cases it is lawfull to obey the princes commandment therein. Hereto, I answere that Azzor doth not directly touch our case in England. First; because he meaneth not to admit any kind of Communication with the heretykes in any ryte, or ceremony, or in doing any reverence with them, which all the catholyks that goe to the Churches in England do, and must doe if they will avoyde the penalty of the statut, and satisfy the commandment of the king, as I have declared, and therefore Azor demanding whether it be lawfull to be present there, answereth to his owne question, that it is of itselfe

²⁷⁶ Gregory I, *Dialogorum libri quatuor*, bk 3, c. 31 (PL 77: 289-94); Franciscus Tarapha (or Tarafa), *De origine ac rebus gestis Regum Hispaniae Liber multarum rerum cognitione refertus usque ad Caroli Caesaris inaugurationem* (Antwerp, 1553), 97; Victor Vitensis (ca. 430-?), *Historia Persecutionis Vandalicae*, bk 4, c. 23 (PL 58: 235B-238B). The author of this "Historia" was bishop of the North African city of Vita (now Byzacena). He witnessed the Vandal persecution for more than thirty years (*Dialogorum Libri Quatuor*, bk 3, c. 31 [PL 77: 289-94]).

²⁷⁷ Victor Vitensis, *Historia Persecutionis Vandalicae*, bk 5, c. 13 (PL 58: 251A-B).

a thing indifferent, and lawfull, if it be not in respect of somme circumstances which may make it evil, wherein he sayth true, if we speake only of a corporal presence, as to goe only to see the manner of theyr [f. 345^v] congregation without putting of hat, or cap, or doing any kind of reverence, as christians use sometymes to enter into the Jewes Sinagogues, only to behold theym. This, I say, Azor holdeth to be a thing of itselfe indifferent, [Azor. *Ibidem.*]²⁷⁸ and that it may be unlawful fyve wayes. The first when there is scandal, or offence, of others; the second, when there is danger of infection to himselfe, or others; the 3d when the law, or prince commandeth the subiects to goe to the church, *ut pravitatem haereticam simul profiteatur* [that they simultaneously profess depraved heresy]; the 4th when eyther by common costume, or opinion of men, it is held to be *symbolum haereticae perfidiae* [symbol of a perfidious heresy], or as I may otherwayse tearme it, *signum distinctivum*, [distinctive sign] betwyx catholykes, and schismatykes. The fyfth is when he that goeth to church doth communicate [*Idem. li. 8. c. IX. §. secundo quaeritur.*]²⁷⁹ with the heretykes in any ryte, or ceremony, which Azor confirmeth also out of Navarre.

Now then; that all these circumstances concur in England in this our case, it is evident; first; there is no dout but that all catholykes generally, are scandalized when any catholyke goeth to the heretykes church; secondly there is danger of infection eyther to the party himself that goeth thither, or to others that may goe by his example, especially yf he be a man of account for learning wisdome, or nobility, for those that may goe to the church by his example, are in danger to be deceived, and infected by the subtlety of the heretikes in theyr sermons, and homilies.

Thyrdly, the mention of our lawmakers (as appareth by the statut it selfe) and of the prince that commandeth the Catholykes to goe to the church, is no other but to mayntayne and establish heresy, and to draw catholykes from the obedience, and unity of the catholyke church, and of this I thinke no man douteth. Fourthly it is as manifest, that the going to the heretykes churches is now growne in England to be *symbolum haereticae perfidiae* [symbol of a perfidious heresy] or *signum distinctivum* [distinctive sign], which the very common sence and understanding of the woord catholyke, at these daye, amongst english catholykes, maketh evident for that none are generally cauled, and held by theym, for Catholykes, but recusants, the others that goe to the church being called eyther heretykes or schismatykes at

²⁷⁸ "Quaeres, an tunc liceat Catholico suo Principi obedire, publice asseverando se id solum efficere, ut suo Principi pareat, non autem, ut sectam haereticam profiteatur? Quidam id licere arbitrantur, ne eius bona publicentur, et ne ei vita auferatur: quod sane probabiliter dici videtur" (Azor, *Institutiones Morales*, Tomus secundus, Liber 8, "De primo praeecepto decalogi," cap. 27, "De peccatis quae contra Fidei confessionem admittantur," q. 5, "An ubi Catholici, una cum haereticis versantur, licitum sit Catholico adire templa, ad quae haeretici conveniunt, eorum interessibus conventibus, atque concionibus?" [p. 574]).

²⁷⁹ Azor, *Institutiones Morales*, bk 8, c. 11, q. 2, p. 524.

least, though they be catholykely affected; lastly no catholyke man is, or can be admitted to the churches if heretykes with exemption from the penalty of the law, but he doth, and must conforme himselfe in some kind of ceremony with theym, in putting of his hat when they put theirs, in standing when the whole company standeth, in sitting when they sit, in kneeling when they kneele, and such lyke; for although such things are of theym selves indifferent, and may be lawfully donne in other places, and upon other occasions, yet being donne there by the whole company, and used by them as caeremonyes or costumes belonging to theyr prayer, and to the manner thereof, [*li. 8. c. 11. §. secundo quaeritur.*]²⁸⁰ all participation, or communication therein is unlawfull, and excluded by Azor himselfe from the case which he alloweth. And therefore [*Idem. li. 8. c. 27. §. quinto quaeritur.*]²⁸¹ whereas Azor teacheth that a Catholyke may lawfully goe to the church of heretykes if his prince command him to doe it only to obay him, without any other evil end, it is to be [f. 346^r] understood that he excludeth from the same all kind of communication, scandal, or danger of infection, which he himself teacheth elsewhere, to be circumstances that make it unlawfull, and neyther are, nor (as our case standeth in England) can be separat from it; besyds that it is evident to any man that well considereth the case as Azor propoundet his, that it is (as I may tearme it) very metaphisical, and to be abstracted from so many circumstances, that it never was, nor is ever lyke to be put in practise. For what prince is here that hath eyther iudgement, or zeale in religion who will make choyce of spiritual matters, for the tryal of obedience of his subjects without somme other end seeming to him lawfull, and convenient eyther for gods service or his owne.

And as for heretical princes, it is not likely that any of theym will command his catholyke subjects to goe to his church, but with the intention to make theym obay him in communicating with him, and those of his religion, though perhaps draw them thereto the rather, he or his officers may urge them with the consideration of alledgeance, duty, and obedience, as they have donne hitherto in England, and in all places where there hath ben in former tymes any persecution for the lyke matters.

And when there is any iust occasion for an heretical prince to command any Catholyke subject to doe him any temporal service at church in tyme of heretical prayers, there is no doubt but that it is lawfull to obay the prince therein, so that there concurre not there with any of those evil circumstances touched before, which may make the same unlawfull; and it was the case of Naaman Syrus in the Scripture. [4 Kgs. 5.]²⁸²

But this is not the case of Azor, whereof I now treat, wherein Azor presupposeth in the princes will, and commandment the only consideration of pure, and meere obedience, without any other end, or evil circumstance, which I say is

²⁸⁰ Azor, *Institutiones Morales*, bk 8, c. 11, q. 2, p. 524.

²⁸¹ Azor, *Institutiones Morales*, bk 8, c. 27, q. 5, p. 574.

²⁸² 2 Kgs. 5.

neyther our case in England at this present, nor even lyke to be, eyther there, or any where els, and was devised, and propounded by Azor only for the better explication of the question of going to the churches of heretykes. But nowsay you, Azor goeth furder, [*li. 8. c. 27. §. quinto quearitur.*]²⁸³ and thinketh it probable, that though the prince command his subiects to goe to the church to professe theym-selves thereby to be no catholykes, or to be heretykes, yet he may be obeyed therein, with this protestation, that they doe it only to obey theyr prince, and not to professe heresy, or to communicate with the heretyks. Whereunto, fanswere, that neyther doth this truly touch our case in England, nor can warrant any Catholyke there to goe to the heretical churches with the lyke protestation. To which purpose it is to be considered, howe farre, and in what case this protestation may excuse. Fyrst; it excuseth not when there is any actual communication with the heretykes, which being evil in itselfe, as I have showed, cannot be rectified or excused by this protestation, for although a man shuld protest that he neyther doth, nor will communicate with theym, and yet nevertheles doth heare theyr service, and conforme himselfe to theyr accustomed manner therein, his protestation is to no purpose, for as the lawyers say, *protestatio factis contraria non excusat protestantem* [making a protest to the contrary, does not excuse the protester], but rather accuseth him, seeing he condemneth himselfe, and his owne acte by his protestation [f. 346^v] showing his myslyke therof, as if a man shuld robb a man, and protest that he will not do it because he holdeth robbery for a sinne, so that in this case of communication (which no man who goeth to the church in England doth, or can avoyd, yf wilbe free from the penalty), this protestation helpeth not, bit rather hurteth.

Secondly it is evident, that it nothing awayleth to the avoyding of the danger of infection, eyther in the protestor himselfe, or in others that may by his example be drawne to the church, and perverted by heretical sermons which is also a circumstance that maketh it unlawfull to goe to the churchof heretyks, as I have showed before out of Azor himselfe. [*Azor. Ibid. c. 27.*]²⁸⁴ And therefore whereas he sayth that this protestation doth not only satisfy the scandal, or offence that Catholykes may take thereas, but also the danger, he must eyther meane only the danger of the law, by avoyding the penalty of the statut, or els it is directly false, for no man can say with any show of reason that such a protestation remedyeth the danger of infection, eyther in him that maketh it, or in others who may goe to the church by his example.

Thyrdly when the prince commandeth his subiects, to goe to the heretical service, for no temporal, or other lawfull end, but only to make him communicat with heretykes in their schisamtical paryers or to professe himselfe to be an heretyke, (which is our case in England), then it is evident by the reason before alledged that the protestation excuseth not, but maketh the case rather woorse then better, for the Catholyke protesting that he commeth thither to obey his prince, ys to be

²⁸³ Azor, *Institutiones Morales*, bk 8, c. 27, q. 5, p. 574.

²⁸⁴ Azor, *Institutiones Morales*, bk 8, c. 27, q. 5, p. 574.

an understood to do that which his prince commandeth him, that is to say to show himselfe one of that schismatical congregation, for otherwayes he obeyeth him not, as he protesteth to doe, and so is still subiect to the penalty of law; and if he obey him, as he protesteth, that is to say, if he do what his prince commandeth him, then he maketh himselfe a member of the schismatical body, and professeth heresy, notwithstanding his protestation to the contrary, which protestation being, as I sayd, contrary to his owne act, that is to say to the obedience which he protesteth to there to his princes commandment, may serve to condemne him the more, but no way to excuse him, in so much that it may be sayd unto him *ex ore tuo iudico te serve nequam*. [Luke 19.] [Out of thy own mouth I judge thee, thou wicked servant!]²⁸⁵

And although Azor in this case of the kings commandment seemeth to thinke that this protestation may suffyse to take away the scandal, I cannot see that he hath reason therein at least for the part of scandal which consisteth in the offence of others; for I make no dout but that howsoever some of the weaker, or more simple sort of Catholykes, may be satisfied therewith, yet the more learned, wyse, and zealous wil be greatly scandalized with the infirmity of any Catholyke man that for feare of any losse of goods, or lyfe, shall obey such an unlawfull commandment of his prince, who hath no more power to command any such matter, (I meane anything tending to the establishment of heresy), then to command [f. 347^r] his subiects to blasphemie or to geve false witnes, or to commit adultery, or such lyke. And if by the example of some few at the fyrst, the costume of going to church with this protestaion, or without it, shuld grow to be general amongst the Catholykes of England, I dout not but all christiandome wold be scandalized, that after so many yeres of constant suffering for this poynt, the Catholykes shuld yeeld at last, to bow their kneese to Baal, and therby, obscure, loose the glory of such a notable confession as hath hetherto made our english, and Irish church,²⁸⁶ an exemplars and glorious spectacle to the whole world, amongst so many other cuntries, and nations our neighbours wholly overrunne with heresy, for lacke no doubt of the lyke constancy, as I will declare awchyle.

There fore for to returne to Azor, it is manifest that his doctrin concerning this protestation cannot with any reason be understood of our case in England, seeing that of so many circumstances which according to his owne doctrin make it unlawfull to goe to heretical churches, no one is sufficiently remeyded by this protestation; besydes that I have heard by credible person, that he sayd to some here in Rome, not yet fyve yeres agoe, that his meaning was not in those cases which he handled to touch the case of Catholykes in England, where going to heretical Churches ys held for *signum distinctivum, et symbolum haereticae pravitatis* [distinctive sign and a symbol of depraved heresy]. And thus much for Azor.

And now to satisfy another difficulty propounded by your frend. He demandeth why it is not as lawfull in England to goe the churches of heretykes, as in other

²⁸⁵ Luke 19:22.

²⁸⁶ Interestingly he did not mention the Scots church! In fact, he does not think there was any "visible church" in Scotland (cf. f. 347^r).

cuntryes, whereto I answere that although there may concurr more circumstances in England to make it unlawfull than in other countryes, yet I make no dout, but that it is everywhere unlawfull to do that which is requyred of the Catholykes in England by the Lawes, that is to say, to goe to the heretical service, thereby to authorise schisme, and heresy, for this being the intention of the law, no man can be excused from haynous sinne, that shall obey the same, for the reason before declared. And therefore if the contrary have ben thought in any cuntry, or any communication with the heretykes in theyr schismatical actions permitted, it is no reason that theyr want of zeale shuld move us to imitat theym, but rather that your sincerity, and constancy shuld serve theym for an example, and make theym ashamed of theyr weakenes, especially seeing it hath pleased almighty god to glorify his owne name, and to confirme the truth of our doctrine, and practise in this behaulfe, with the martirdomes of dyvers greate servants of his, who have shed theyr blood rather that they wold yeeld in this poynt, having ben offred theyr lyses if they wold promise to goe to the heretical churches, as it is notorious, besyds that the consideration of gods particular blessing to our cuntry in respect of other our neighbours in the lyke case, may [f. 347^v] serve for a notable argument to prove the greate fruit, and merit of our practise therein for if we well consider why England, and Ireland have now at this day a visible Catholyke Church (visible I say, yea, and glorious in persecuted Catholykes, cauled recusants), whyles in Norway, Swethen, Denmark, and Scotland there is no visible church at all, yea and in most of these cuntryes skantly a Catholyke man knowne. It can be attributed to no other cause, (I meane on our part setting a syde gods mercifull providence) then that the Catholykes have hitherto stood firme in this poynt, refusing to goe to the heretical churches, for the which god hath no dout blessed us with such an encrease as we dayly see of Catholykes, to the undouted hope of the reparation of our decayed *Hierusalem* in tyme, if we continue in the lyke fervour, and constancy, when as other wayss it may be feared lest god may withdraw his grace, and blessing from our cuntry, and suffer it to fall to the desolation of fayth, which we see in our fore-named neighbours by the like meanes.

It resteth now that I speake a word or two concerning somme benefits that your frend supposeth wold grow to Catholykes, and to the whole church by theyr yeelding in this poynt. Fyrst, he thinketh that if all Catholykes went to the church, many heretykes might be converted by their conversation, and conference with theym upon the occasion of the sermons of heretykes, which the catholykes might, and wold confuse in such sort, that the preachers shuld within a whyle be put to sylence, and the number of Catholykes redoubled to the glory of god, and the greate gayne of soules, wherby also our adversaryes wuld be uttered by discouragement, and should not dare to put theyr lawes in execution.

Hereto I say, that it being unlawfull for Catholykes to goe to the prayers of heretykes, (as I have signified before), it may not be donne, though all these, or many more benefits might assuredly follow thereon, for as the Apostle teacheth, *non est faciendum malum, ut veniant bona*. [Rom. 3.] [And let us not do evil, that

there may come some good.]²⁸⁷ Secondly I say, that it is very probable that the contrary effects to those which are here mencioned wold follow, I meane that not only the zeale, but also the number of catholykes wold dayly decrease, to the utter overthrow of catholyke religion in tyme, which may partly be iudged by the experience that we have already scene of the lyke effects in all other heretical cuntries, were all having gone to to the church already some yeres, few or no Catholykes are now to be found, whereas our recusancy hath mayntayned our zeale, and hath ben a spetial meanes to encrease our number, to that which we now see, as I have notd before. [f. 348^r] Yea but (sayth your frend) we wilbe more zealous then our neighbours have [ms. illegible=because?] we will argue, dispute, and controle the preachers, and so gayne many soules. Hercto fore answeere, that amongst a hundreth who may be perverted by a subtil heretykes sermon you shall not perhaps fynd three that wilbe able to confute him, neyther yet by all lykelyhood that anyone of those three (considering the danger of the statut of perswasion) will dare to open his mouth, eyther to contradict the pracher, or to persuade his neighbour to be a Catholyke, and if there be any now, whyles this matter is yet but in speculation, that fyndeth in himselfe so good a resolution to labour in that kind, it may well be doutd that he will fynde himselfe nothing so forward when he shall come to the practise, for he that showeth himselfe so weake, to goe to the church to save his goods, wilbe loth to loose, or venter both goods, and lyfe by persuading of others, so that there wold be farr more danger, and lykelyhood dayly of infection, and subversion of Catholykes by heretical sermons, then hope of the conversion of heretykes, by the persuasion of Catholykes, and therefore one spetial reason, which the canonists geve why Catholykes shuld not goe to the sermons of heretykes, ys, as I have signified before, the danger of infection, eyther in a mans lyfe, or in others weaker than he, that may be drawne thither by his example; besyds that it is not lykely to that the magistrats being so desyrous as they are, not so much to bring Catholykes, to conformity in religion with theym, as to exterminat, and wholly suppress the Catholyke religion, (whereto all theyr rigorous lawes directly tend), it is not, I say, lykely that they will suffer any man to argue, or dispute, to controle, or contradict the preachers, to the disgrace, or discouragement of theyr party, and encrease of Catholykes but rather punish severely any Catholyke that shall attempt the same for which purpose they have lawes ynough already, or if they have not, they will quickly make more, yea, and there is no dout, but if we satisfy theym in going to the church, they wold with all rigour execut all theyr other lawes, not only for receiving the communion, but also for the taking of both the others, besyds all the other penal statutes, thereby utterly to extirpat Catholykes, and Catholyke religion, whereto the very example of our yeelding in this for feare of theyr lawes, wold sufficiently encourage theym, so that our conformity in this poynt, wold both be a meanes to diminish the zeale, and number of Catholykes, and also open a gate to a further persecution.

²⁸⁷ Rom. 3:8. The exact quotation is "faciamus mala ut veniant bona" (And let us not do evil, that there may come good).

Seeing then our cause, or the church of god can receive no benefit, but greate detriment by our yeelding to our advrsaryes in this poynt, yea, and that the duty of every christian man is in these tymes of tryall, (I meane of persecution) to show all integrity, and perfection of [f. 348^v] love to almighty god, zeale to his cause, and hate of his enemyes, (according to the saying of the Psalmist, *odivi ecclesiam malignantium et cum impiis non sedebo* [I have hated the assembly of the malignant; and with the wicked I will not sit.])²⁸⁸ *et perfecto odio oderam illos* [I have hated them with a perfect hatred])²⁸⁹ and seeing also that not only the opinion of learned men in this and former tymes, but also the precepts, and practise of the Apostles, and other servants of God in the primitive church, and of many holly men, yea, of whole cytties, and cuntries in the time of the Arrians, and other heretykes, doth teach us that it is unlawfull to dissemble in matter of religion, to obay any unlawfull commandment, or law of heretical prince or magistrat, or to have any kind of partecipation with heretykes in prayer, or devine service, (yea though it were the true, and usual prayer, and service of the church), what dout there can be, but that we are much more bound in our case to avoyde the all kind of dissimulation, and communication with the heretykes of our tyme in their prayers, and sermons, full of blasphemy against god, his saints, and sea Apostolyke and the divine service of the Catholyke Church? Besydes that his hollynes late declaration and decision of this matter by his *Breve*,²⁹⁰ both may, and ought to satisfy any catholyke man that hertherto hath ben doutfull therein.

Therefore I conclude that now is the tyme that we are to show whether we be come or chaf, wether we love god better then the world, whether we feare them that kill the body more then him [*Matt. 1; Matt. 5.*]²⁹¹ that can eternally damne the soule; whether we more esteeme the late transitory and uncertayne pleasures of this lyfe, then the inestimable ioyes of eternal glory, prepared for those that suffer persecution for iustice, whereto our saviour Christ so often, and seriously exhorted, and encouraged us the holly scriptures, that we cannot pleade or pretend ignorance of his will, and of our duty in this case, nor dout eyther of eternal reward, yf we defend his cause, or of everlasting damnation, yf we abandon the the same, showing our selves most ungratfull, and unworthy of the honour, and favour he doth us, in making choyce of us to be witnesses of his truth, and his champions to defened him, and his church agaynst his enemyes, which many greate saynts of god have earnestly desyred, and sought for many tymes, and have not obtayned.

²⁸⁸ Ps. 26:5.

²⁸⁹ Ps. 139:22. The full quotation is "perfecto odio oderam illos inimici facti sunt mihi."

²⁹⁰ The papal brief "Ad Catholicos Anglos," dated 23 August 1607, addressed the question of church attendance and the acceptability of James's oath of allegiance. According to documents preserved in the Archives of the Congregation for the Doctrine of Faith, this brief was issued to "contrast Mr Wright's reasons in favour of Church attendance" (Archivio della Congregazione per la Dottrina della Fede, St. Ss1-b, "Anglicana," ff. 116^{r-v}), further evidence that Wright was more than a secondary character within the "loyalist" clerical entourage.

²⁹¹ Matt. 5:13-16; Matt. 10:28.

§47 Thomas Wright Replies to the "Latin Questions"

[1607/early 1608]

SOURCE: ARSI, Anglia 36/II, ff. 349^v-352^r.

NOTE: This is Wright's rejoinder to *Quaestiones duae*, the "latyn questions" being a translation of the Latin tract in which two "questions" are discussed. Internal evidence confirms this. Persons's book was most probably published in late April or early May 1607. Wright most likely received it within that chronological year. We think it was composed no later than early 1608 because of a reference to the anti-Catholic statute of 1606 as having been recently enacted.

Marginal notes have been included in the text in brackets and in italics. Scriptural citations are according to contemporary usage.

Most reverend and respected friends etc.

There came of late a booke to my hands sent from Rome & some part of it confirmed by x divines, wherein a way is opened for a number of Catholicks to avoyde the extremitie of persecution which at this time we feele so forcible & cruell in England: but speciallie for servants & children, the which doctrine if we had received from thence some years agoe, we had never seene such severe statutes for servants enacted by the Parliament.²⁹² I will sert downe the words as they stand in the booke & inferre the cases of conscience which every wise man may see by necessarie consequence will folowe by that doctrine in the booke.

[pag. 19.]²⁹³ "Secundus modus adeundi ecclesias etc: The second manner of goinge to churche right opposite to the former is, when preciselie it is gone so far the performance of some civill affaire as that of Naaman the Syrus²⁹⁴ who with his arm supported his Lord while he sacrificed in the temple of Remmon, the which fact Elizeus the prophet reprehended not and by this example it hath bene alwaies

²⁹² 3 Jac. I c. iv; 3 Jac. I c. v.

²⁹³ The book in question is *Persons's Quaestiones duae*. The full citation is "Secundus modus adeundi Ecclesias huic quasi ex adverso est, cum praecise ob negotium aliquod civile peragendum itur, quale erat illud Naaman Syri, qui Dominum suum brachio innitentem dum adorabat in templo Remmon suffulciebat, quod Elizeus Propheta non reprehendit: atque hoc eius exemplo semper licitum fuit habitum in Anglia, ut qui ex Primatibus, verbi gratia, gladium, vel Sceptrum ante Regem ad Sacellum, ferebat, Sacellum ipsum ingrederetur, etiamsi officium haereticum ibi celebraretur. Famulis quoque; ac famulabus licuit semper certi officii, ac servitii temporalis praestandi causa, Dominis suis iubentibus, Ecclesias hanc ratione adire, modo nec in praecibus, ritibus, vel caerimoniis cum haereticis communicarent: hoc enim est materialiter tantum Ecclesias adire, id est, aedes illas ingredi, quae Ecclesiae ipsorum sunt; sed non formaliter cultus scilicet, aut religionis, sed negotii civilis tantummodo perinde ac si Rex Senatoribus aliquibus praeciperet, ut in aede Divi Pauli Londinensi, ad consultationem de bello, vel pace, vel aliis reipub. negotiis habendam convenirent, licite id fieri posse semper fuit existimatum, etiam sine ulla praemissa protestatione" (pp. 19-20).

²⁹⁴ 2 Kgs. 5.

accounted lawfull in England that he which amonge the Peeres of the Realme did carrie the sworde or scepter before the kinge to the Chappell, might enter unto the chappell, albeit then the hereticall service was celebrated.²⁹⁵ It hath likewise beene alwayes lawfull for servingmen and waytingmaides commanded by their maisters to attend uppon them for some temporall dutie or service to go also to Church with this proviso that they communicated not with the hereticks in prayers, rytes or ceremonies for this is but to goe materiallie onlie to their Churches that is to enter into thos houses which are their Churches but not formallie in regard of worshippe or religion, but onlie for a Civill respect as if the kinge should command the Aldermen to meete at St. Pauls Church to consult of warr Peace of some other affaires of the Common wealthe: this hath alwayes beene esteemed lawfullie done, even without anie premitted protestation.” [Azor also houldeth the same opinion lib. 8. *Inst. c. 27. in septimo quaeritur.*]²⁹⁶

1. Out of which doctrine we may inferre for the comfort of poore Catholicks miserable disterssed now in England, and in a manner banished from the Court that all thos servants which attend upon the kinge, noblemen or gentlemen in the Court at their maisters commandement, may go to the Chappell, or Church and there heare service and sermons, be present at the communion, or anie Protstant exercise of Religion.

2. That all Ladies & gentlewomen attending upon the Queene or other Ladies & gentlewomen at their commande may do the like.

3. That not onlie in the Court but also everie where in England the like may be done by all servingmen to their maisters and all waytingmaides to their mistresses. But speciallie this point is serviceable for the poore Apprentices in London and els where. They may heare service and sermons and the next day or the same day before or after goe to Masse and receive the Blessed Sacrament of the Altar.

4. We may inferre that everie Lord or Lady, gentlemen or his wife may command to manie servants to attend them in the Church as they use to have praying upon them out of the Church: for all this is but a personall or temporall service concerning their honoures and reputations.

5. That the maisters and mistresses offend not god in commanding their servants thus to attend upon them in the Church all the time of service and sermons, for if they sinned in commanding, the servants sinned in obeynge, which is false accordinge to the author of the booke. [*ubi actus imperantis intrinsece malus est, ibi obedientis actum eiusdem speciei et malitiae nemo ibit inficias, pag. 56.*]²⁹⁷

²⁹⁵ See above Doc. 44 for a casuist discussion of this question.

²⁹⁶ Azor, *Institutiones Morales*, bk 8, c. 27, q. 7, p. 574.

²⁹⁷ “Nam de mente legis imperantis iam satis supra ex ipsius Statuti scopo, verbisque probatum est, illam in Catholici cultus extirpationem, haereticique confirmationem ferri, ubi vero actus, imperantis intrinsece & per se malum est, ibi obedientis actum eiusdem esse speciei atque malitiae nemo ibit inficias: atque hoc unum ac maximum est pravitatis in hoc actu fundamentum, quod haeretico in odium ac contemptum Religionis Catholicae praecipienti obediatur” (Persons, *Quaestiones duae*, 56, no. 22).

6. But of this doctrine we may also inferre that children may go to Church, at their Parents commandement to attend upon them for their owne personall or temporall service to their fathers and mothers, no lesse their servingmen and waytin-maides to their masters and mistresses.

7. An other like case much also of necessitie be allowed by the like reason that knights and gentlemen which meete and court the Judges (when they goe [f. 349^v] in their Circuites and in the Citties of the Assises) may likewise accompanie them to Church, and honour them civillie with their presence, as they would do in the Sessions hall, when they sitt there or in anie other place or publick assemblie. All this is but temporall service or civill curtesie, or complements to Civilitie.

8. When the kinge or queene goe in Progresse or passe through anie Shire for recreation or other ends the noblemen and Ladies with the gentlemen of the Shyre may court them to to the Church to honour them for if the king should command them so to do viz: to wayte on him to Church, no doubt but they might do it, for this were but as a man commandeth his man to attend him. And the kinge comminge into anie Shyre by a silent precept of Civilitie and decencie commandeth most of the cheefest of the Shyre to attend upon him in all publick assemblies.

9. It foloweth out of this doctrine that if the Catholicks could procure from the king a declaration that he intendeth by the Statutes onlie a remonstracion of temporall allegiance by commanding Catholicks to repaire to Church, that then all might goe not onlie to sermons but service and all. [*Authore libellini pag. 131. num. 125.*]¹⁹⁸

In the same booke the same author sendeth us an other point from Rome wherein he admitteth that a man may in sundrie particular Cases lawfullie goe to Church to heare a Protestants sermon: for thus he writeth pag. 50.

“De tertio autem considerandum est. Concerning the 3. point it is to be noted that we speake not heere of some one or other pettie Protestants sermon the which may be made in some obscure corner or without witnesses or that it be ordeined to be made to this end that the penaltie of the lawe be avoyded. Thes be particular cases: we speake of the promiscuous hearinge of hereticall sermons proposed to the vulgar Catholick people to be had in the Church. In a particular case the hearinge of a sermone may be so framed and limited, that in verie deed it is not unlawfull: for a morall sermon may be made by of a protestant without anie blasphemies or impugnation of the Truth: the auditor may be founde so learned and firme that no

198 “Quod si Rex animum suum palam declarasset, hoc se a Catholicis non exigere, ut religionis causa Ecclesias protestantium frequentent, sed ratione potius alicuius civilis negotii peragendi, id praecipere, satis iam ex superiori Scripto intellegi potest, quam facile re absolvatur: verum cum hoc nondum Rex egerit, sed contrarium potius prae se ferat, velle nempe ut Catholicis ex legum praescripto (quod hic etiam in hac ipsa contestationis formula conceditur) Ecclesias adeant, legum vero mentem atque intentionem eam esse iam ostendimus, ut cultus haeretici praestandi causa Ecclesiae adeantur: nemini dubium esse potest, quin actus adeundi Ecclesias (stante etiam contestatione in contrarium) falsae Religionis actus sit, & verae fidei professionis iniurius” (Persons, *Quaestiones duae*, 131, no. 125).

feare neede to be had of his danger. The sermon also may be made in such a place and time that no scandall be geeven by the hearing thereof muche less that it be a distinctive signe or a deniall of faith: for that is heard by the Auditors free consent and election uppon curiositie or for confutation sake not by the commandement of hereticks or other annexed circumstances the which are not found in our English case, the which now we examine."²⁹⁹

1. Note here good Catholicks that if a nobleman in England cause a minister in his chappel or in his Church out of his free election or owne accord to preache now and then a morall sermon, and call thither his Catholick neighbours that be firme in faith, command his servants to attend him and his Ladie, to the intent the penaltie of the lawe be avoyded, that then this particular Case is lawfull. For this sermon procedeth not from the Protestant magistrate as commanded for uniformitie, but from the Catholicke noblemen, for avoydinge the lawes extremitie.

2. That I say of a noble man the same may concerne everie private gentleman that hath the like power or meanes to effort the same.

3. Lett us putt case the minister were a Puritan and not permitted by the State to preache publicklye and were soe knowne then certainlie the case is altered and this sermon were no distinctive signe being not commanded by the State and consequently no deniall of faith to be present at it. He admitteth also that a learned man maie goe to a sermone to confute the minister after the sermon is done [p. 14.]:³⁰⁰ and why [Greg. A Val. 2. 2^a. q. 3. puncto. 2.]³⁰¹ not also to reclayme some of his

299 "De tertio etiam puncto considerandum est, quod non est nobis fermo de una aliqua vel altera Protestantis concionculi, quae in angulo aliquo obscuro, vel sine testibus fiat, vel ad hoc ipsum instituat, ut legis poena per eius auditionem vitetur; hi enim sunt casus singulares, nos autem loquimur de promiscua concionum haereticarum auditione, quae vulgo Catholicorum proponitur in Ecclesiis audienda: in casu vero singulari potest ita formari ac limitari concionius cuiusdam auditio, ut plane non sit illicita. Nam potest concio moralis fieri a Protestante, sine ullis blasphemis, aut impugnatione veritatis; potest etiam auditor adeo doctus & firmus excogitari, ut de eius periculo non sit metuendum: potest denique tali loco ac tempore fieri concio, ut nullum detur ex eius auditu reliquis scandalum, & multo minus sit signum aliquod distinctivum, vel negatio fidei, cum ex propria voluntate & auditoris electione, curiositatis vel confutationis causa, non ex praecepto haereticorum audiatur, aliisque circumstantiis adhibitis, quae in casu communi Anglicano, de quo nunc queritur, non habentur ..."
(Persons, *Quaestiones duae*, 50–51).

300 "Queritur: An ubi Catholici una cum haereticis versantur, licitum sit catholico adire templa, ad quae haeretici conveniunt, eorum interesse conventibus, atque concionibus? Respondeo, si rei naturam spectemus, id non esse per se malum, cum sit res suapte natura indifferens: nam, multis de causis potest quis haereticorum templum ingredi, & conventibus interesse, ut facilius, validius & commodius eorum confutet errores; ex accidente tamen peccatum est, si id fiat cum aliorum offensione, aut periculo nostro, aut alieno" (Persons, *Quaestiones duae*, 13–14).

301 Gregory of Valencia, *Commentariorum Theologicorum*, Quaestio Tertia, De fidei actu externo, hoc est, de Fidei Confessione, Puncto II "An, & quomodo externa Confessio fidei, sit necessaria ad salutem," 357–58.

auditors? And why not to relate their errors to some others that by writinge may confute them.

If these cases be granted as in Ger manie theie are practized, and in England by the ould Bishoppes for a long time in queenes Elizabeths dayes, who sent sundry wise man discreete Catholicks to heare their sermons and relate unto them their errors: I say then that in manie more cases of like nature we maye rydd most Catholicks of account from the principall dangers of the law if they be not yet convicted.

There [*The case of England was falsly suggested unto these doctors at Rome: first because there is a false tale tould therein vid: that Catholicks protestation of temporall allegiance cannot be admitted and so that they must be present consequently for a profession of Religion. This suggestion is a fable: no man that protested yet was not accepted of. 2. Hence it is added that this protestation will not serve, for they will have not only the hearing of a sermone or presence [f. 350^r] at service, but kneeling, praying, communication, etc ... all which is but divinare and when they be enforced they shalbe refused.*] is also an opinion defended by sundrie learned priests in England that with protestation of allegiance onlie, a man may goe to the Protestants Churches: and there be present both at service and sermons so they do not communicate with them in their rytes and ceremonies; and performe that in fact they denied in words. This opinion albeit the Author of the booke come from Rome, with a number more of divines with subscription therunto, hould the contrarie: yet the case [f. 350^r] standing but upon opinion, albeit the contrarie be more probable, yet the preists opinion wanteth not probability, and as it seemeth with a safeconscience even in England may be practized.

The reason may be gathered even out of the booke it selfe for if there were anie urgent reason to make this act unlawfull, it were for that the goinge to Church is a distinctive signe of Catholicks from Protestants. But this reason cannot enferre the contrarie opinion not to be true for if the author of the booke from Rome and the Ratifiers of that parcell of the booke (wherin this doctrine is contained) defend that servants may goe to Church at their maisters commandement notwithstanding this signe and precept of conformitie and in so doing they neither sinne mortallie, nor much lesse deny their faith (albeit no lesse scandall wilbe taken at them, then at their maisters which goe with protestation). I say that if this opinion be wortausable [sic] than that the goinge to Church with protestation is iustificable. The reason is manifest, because the servants which are Catholiques and the hereticall servants do both the same thinge and consequentlie there is noe apert reason or cause, to shew unto the people, that the goinge of the one is stript from the distinctive signe more than the others wheras he that protesteh directlie distinguisheth his presence from the presence of others, and declareth apertlie that his is civill, and the others at most remayneth ambiguous, wither it be civill or religious, for I would gladly knowe why a servant by attendinge his maister, a learned man that commeth to confute the minister although they be silent can sever the distinctive signe from their presence, and a man that saith he commeth onlie neither to approve the protestants religion, nor to reprove the Catholicks, but onlie with his corporal presence to shew the kinge his temporall service, cannot be present but infected

with this distinctive signe. But some will object that the kinge in this hath a religious intent and therefore by the performance of his obedience to the kinge he obeyeth him religiouslie. And I putt my maister have a religious intent, and command me to to attend him at Church and I say and protest before that I will go with him to do him temporall service and not for anie religious end: it seemeth the cases are both alike.

Admitt [2. Macc. 6.]³⁰² that Eleazarus had protested that the fleshe he eate was not hoggs fleshe but other fleshe brought him for friendshipps sake and that the eatinge therof was not contrarie to gods lawes, and for that effect he would do it, onlie to satisfie the Tyrant, and to avoide so cruell a death I hope a wise man will not denie this to have beene lawfull.

Againe there is an other case not unlike unto this: commonlie divines do hould that it is unlawfull to obey anie magistrate commandinge anie thing to be done in contempt of anie lawe enacted by the Catholicke Church as for example the Church commandeth we should eate no fleshe in Lent, putt case the magistrate would inferre we to eate fleshe in detestation of the Catholicke religion. If I should protest before that I would not eate it for that end, but onlie for my healths sake, or the Church not binding me otherwise in such extremitie to abstaine from fleshe, I would eate it to remonstrate unto my Prince a temporall obedience in a matter indifferent, but in no means in approbation of the contrarie religion, or detestation of myne owne. As in a case of more moment and now apparent Vasquez³⁰³ [*Vasquez i. 2. disp: 162. c. 4.*]³⁰⁴ a learned Iesuite granteth the like. This be his words censuring a certaine argument made out of St. Paul by Gerson,³⁰⁵ Maior and Adrian.³⁰⁶ *Si esca scandalizat fratrem meum non manducabo carnem in aeternum* [I shall never eat meat again in case I am the cause of a brother's downfall] wherby they intend to prove that a Carthusian monke may not eate fleshe albeit he lay in danger of death if others would therby be scandalized. Thus then Vasquez writeth c. 5. That which the aforesaid authors said about fleshe offered upp to an Idoll to witt that it was not lawfull to eate it although there were not anie other meates to sustaine a man withall is verie absurde [f. 350^v] And [*S. Tho. 4. dist. 38.*

302 2 Macc. 6:18–31.

303 The Jesuit Gabriel Vázquez (1549–1604) published three volumes (in seven parts) of a commentary on Thomas Aquinas: *Commentariorum ac Disputationum in primam [-tertiam] Partem Sancti Thomae ...* (Alcalá, 1598–1612). In our citations we have used a later edition: *Commentariorum ac Disputationum in primam [-tertiam] Partem Sancti Thomae ...*, Editio Novissima (Lyons, 1631).

304 Vázquez, *Commentariorum*, Disput. CLXII, “An lex Carthusianorum de abstinentia ab esu carniū etiam in articulo mortis obliget,” 4: 79–81.

305 Jean Gerson (1363–1429) was a French spiritual writer and conciliarist.

306 Adrian Florensz Dedal (1459–1523) reigned as Pope Adrian VI from 9 January 1522 until his death on 14 September 1523. Students published his lecture notes from his sojourn as professor of Theology at Louvain without his knowledge or approval: *Commentarius in Liber IV Sententiarum Petri Lombardi* (Paris, 1512) and *Quaestiones Quodlibeticae* (Louvain, 1515).

q. 2. art. 4. *Antisid. lib. 3. Su. Trac. 30. q. 4. ad finem.*]³⁰⁷ the contrarie St. Thomas and Antisiodorensis³⁰⁸ teach viz: "that a man pressed with the extremitie of hunger may not onlie eate the fleshe sacrificed, but also sitt downe in the temple dedicated to Idolls, that is at the table conservated to Idolls. But to that he explaine to others his necessitie that deed of his is not evill of it selfe as St. Paul larglie sheweth 1 Cor. 8³⁰⁹; for that the fleshe cannot be polluted by the Idoll which is nothinge. Because it may be a sinne to feede upon such fleshe or to sitt in the Temple dedicated to Idolls for one of thos three causes: either in regard of scandal lest some weakelings by this example be induced to this thinge and eate fleshe with an evill conscience thinking it to be to do sacrifice to Idolls. And in this case in reagrd of the defence of a mans owne life it were no sinne with the scandall of others to eate as a lawe hath been declared. Or because by that deed a man may seeme externalie to professe the false religion of the Gods by sacrificinge unto them, for this reason is not lawfull to eate the Idolls that is the fleshe conservated to Idolls even in the extreme necessitie of hunger unless a man should sufficiente signifie his minde unto others that he did it not with intention of sacrificinge, but that he came to sustaine his life, or for the lawe of men it were a sinne etc." If then Vasquez hold it lawfull with protestation to sitt downe in the Temple of Idolls and ther eate of the sacrifices offered up unto them with protestation of necessitie of meate and that this protestation can cleere the act from externall profession of Idolatrie, questionlesse this same may be said of the like necessitie of eating the Calvinian Communion if a man be wayed with extremitie of hunger. And consequentlie if protestation can strippe such apparent actes of externall heresie and Idolatrie from their prime institution and principall application of the Magistrate and people, why not the goinge to a Protestant sermon or service, if before a man saith he doth it onlie for a temporall obedience to the Kinge?

For albeit the kinge command it for a spirituall end yet if I distinguish and with protestation cleere mayne intentions as the man pressed with hunger cleereth his I hope all wise men will hold the case alike.

Nay [*D. Tho. i. 2^a. q. 102 & Aug. in psal: 93 defend that the sacrifices of the old lawe were typpes figures, & signes of the death & sacrifice Christ. Ablata sunt*

307 The two books referred to in this citation are Thomas Aquinas, *Commentaria in Libros Sententiarum Magistri Petri Lombardi*, bk 4, dist. 38, q. 2, art. 4, and a work usually known as *Summa Aurea* by William of Auxerre (Guillaume d'Auxerre) first published in Paris in 1500. The *Summa Aurea* was one of the first *summae* published after the discovery of Aristotle's physical and metaphysical treatises. For our references, we use a later, undated edition: *Aurea doctoris acutissimi sacrique presulis domini Guillelmi Altissiodorensis in quattuor sententiarum libros perlucida explanation ... Denundatur Parisius a dicto Francisco Regnault iuxta mathurinos: sub divo Claudio sedente* (Paris, n.d.), bk 3, Tract. 30, q. 4, ff. 259^{r-v}.

308 William (Altissiodorensis or Antisiodorensis), Bishop of Auxerre (†1231), was one of the first scholastic theologians to use Aristotle.

309 1 Cor. 8:1-13.

signa promittentia quia exhibitata est veritas promissa.] [signs of promise are taken away once the promised reality has appeared.]³¹⁰ it seemeth that the Apostles could not use the ceremonies and sacrifices of the ould lawe after the promulgation of the ghospell and new testament, which was promulgated uppon with sundaye unles they used some kinde of protestation or dissimulation as St. Hierom, Adrian, St. Chrisostomus amonge,³¹¹ or some equivocation in deede for thos sacrifices being but shadowes, figures, or representations of Christs future passion, and consequentye a deniall that Christ was yet come could not be practized without profession of Judaisme and a negation of Christianitie, unless some one of thos three meanes aforesaid were annexed all which serve to this opinion. And the fact of St. Paul at Hierusalem, after the lawe was divulged there, before such Jewes as were sent to Antioche to Saint Peter (for feare of whos scandaall St. Peter withdrew himself from the Gentiles) by the counsell of St. James and the ancient Catholicks of that Cittie, I say this fact remonstrateth no lesse. Then [*Act. 7. note that they say not that the Apostle Paul taught that Moyses lawe was Idolatrous or naught, as the lawe of the gentiles was, but onlie that he taught them to depart or forget moyses lawe.*]³¹² seest (saith St. James and the Ancients) "how many thousands there are amonge the Jewes that have beleaved, and all are zelators of the lawe. But they have heard of thee that thou dost teache these Jewes that are amonge the Gentiles to depart from Moyses, saying that they ought not to circumcise their children, nor walke accordinge to this costume. What is it then? needes must the multitude assemble, for they will hear that thou art come. Do this therfore that we tell thee. There are with us 4. men that have a vowe on them. Taking thes unto thee sanctifie thy self and with them and bestowe on them that they have their heads [shaved]. And all shall knowe that the things which they heard of thee are false, but that thyself also walkest keeping the lawe. And a litle after. Then St. Paul taking the men unto him, the next day beinge purified with them entered into the temple, shewing the accomplishment of the purification, untill an oblation was offered for everie one of them."³¹³

Thes oblations were sacrifices of the ould lawe offered for the Nazarites³¹⁴ and

310 Thomas Aquinas, *Summa Theologiae*, I^a-II^{ae}, q. 102 (in part.) a, 2 ad 2; Augustine, *In Psalmum XXXIX Expositio*, c. 13 (PL 36: 442). Psalm "93" is certainly a scribal error for "39."

311 Jerome, *Epistle LXXV* ("Hieronimus ad Augustinum") (PL 33: 251-63); *Commentarius in Epistolam ad Galatas Lib. I, Cap. II*, vers. 11-13 (PL 26: 363C-65B); B. *Pauli Apostoli incipit Epistola ad Galatas*, Cap. II (PL 29: 813A-14A); Adrian VI, *Quaestiones in Quartum Sententiarum*, "De Sacramento Baptismi," q. 1, "quinto," ff. ij-v; Chrysostom, *In Cap. II Epistolam ad Galatas Commentarius*, c. 5-8 (PG 61: 640-47); *De Sacerdotio Libri VI*, bk 1, c. 9 (PG 48: 631-32).

312 Acts 7:44-45.

313 Acts 21:21.

314 Nazarites were a group of Jews especially consecrated and vowed to the service of God. They abstained from wine, allowed their hair to grow, and avoided contact with dead bodies to prevent defilement.

were figures and representations of Christs future passion as St. Augustine calleth them [*Aug. in psal.* 39.]³¹⁵ and the rest figures promising Christ to come.

Azor also an other learned Iesuite defendeth likewise that with protestation a man may goe to Church and be present at service and sermons for he saith that if the Prince be infected with heresie, and command his subjects both Catholicks and hereticks to frequent their Churches where in the publick conventicles are celebrated [f. 351^r] and sermons are had and this he commandeth under paine of losse of goodes and life. And not for a temporall end, but this goinge to Church he commandeth as a signe of religion to professe heresie and that Catholicks may be distinguished from hereticks. In this case [*Azor lib.* 8.] he avouceth it lawfull to be done with protestation of his allegeance to his prince and not to professe his religion. Wherefore the Generall of the dominicans and Lorinus who approve the former part of the booke against protestation, seeme either not to understand our case in England, or els not to have considered Azores opinion for this case sett downe by him differeth nothinge from ours.³¹⁶ And the evasion of the Author of the book sent from Rome caymeth out of his owne brame and fathereth uppon Azore, as if a little before his death being informed by an English priest of our English case, affirmed that he never intended in his booke the case of England speciallie because in England the goinge to Church was a distinctive signe. I say this evasion maketh not to the purpose for this distinctive signe Azor sett downe in his first tome in thes words: *si princeps praecipiat vel adire templa haereticorum ut eo tamquam religionis symbolo haereticam pravitatem simul profiteatur, et ut Catholici discernantur ab haereticis etc* [if the prince commands you to go to the temple of heretics so that attendance is a religious symbol that you profess the false creed of heretics, and where Catholics are marked out from heretics, etc.]:³¹⁷ with protestation this act he houldeth lawfull, the which with out protestation he defendeth unlawfull. How then could Azor denie that his doctrine concerned our case in England in regard that goinge to Church heere was a distinctive signe of religion when he asketh in generall and avouceth that notwithstandinge this distinctive signe of profession of religion the case is absolutelie lawfull? Which is as much as

315 Augustine, *In Psalmum XXXIX Expositio*, c. 13 (PL 36: 442).

316 Reference here is to Jesuit theologian Giovanni Lorini (1559-1634) and Ludovicus Ystella (†1614), Vicar General of the Dominicans, both members of the commission summoned by Persons to evaluate the issue of attendance at Protestant ceremonies. Arguments in favour and against, as well as the final, negative, response, are dated 22 December 1606 and were published as the first part of Persons's *Quaestiones duae* in 1607. A copy of this section of the pamphlet is preserved in the ARSI as "Roberti Personii, Casus de adeundis Haereticorum ecclesiis in Anglia" (ARSI, Anglia. 36/II, ff. 325^r-333^v). *Quaestiones duae* does not provide details on the arguments used by individual theologians against the practice, but the manuscript copy records them all: Lorini and Ystella both affirmed that a protestation did not justify attendance at heretical ceremonies (cf. Ginevra Crosignani, "Thomas Wright and Occasional Conformity," *AHSI* 71 [2002]: 149-55).

317 Azor, *Institutiones Morales*, bk 8, c. 27, q. 5, p. 574.

to say all Catholicks may goe to hereticks Churches where the hearing of service and service be distinctiv signs of religion marrie in England it is unlawfull to goe to protestants Churches because there the hearing of service and sermons are distinctiv signs of religion, which is verie ridicolous. As also that other point that Azor propheticallie addeth in his 3. To me that our Magistrate would not admitte this protestation, the which prophecye toughe faynal prooveth false because never anie was repelled that protested.³¹⁸ Add hereto for more perspicitie that in the hereticall magistrature of everie Country which chalengeth to him spirituall power we may consider two principalities: the one of right the other usurped, the one is Civill the other is ecclesiasticall wherefore a subiect seeinge a precept concerninge a point of Obedience wich may be exacted for either or both thos ends may and oweght to distinguisse the end from the other speciallie if he finde in the Statutes and practiz occasion to interpreth both wayes. The Iudges at the Assises and the Iustices and Commissioners in their examinations of Catholicks inculcate nothing so much as allegiance and obedience unto one prince and so make us more odeous and Traytors in the sight of the world expostulate nothing so much to recusants than disobedience. And for this effort there is a Statute concerning religion entitled an Act to retaine the queene maiesties subiects in their dud obedience³¹⁹ who therefore can be offended with recusants if they comming to Church seeme to remonstrate their Obedience by Protestation of civill allegiance excluding all spirituall Iurisdiction which reallye is a profession of religion.

There is another opinion of divers learned preists that a man may goe to a protestants solitarie sermon because they hould that the hearinge therof is no distinctiv act nor profession or Protestancie. For the Statutes commanding us to repaire to some Church or Chappell to heare prayers, preaching or such service of god as shall there be used and ministred make indeed service solely or conioyned with a sermone a distinctiv signe or an Act of Conformitie.

Marrie in no case a solitarie sermone is either commanded or accounted in

318 "Illis vero, qui tam impiis edictis, atque statutis obtemperant, favere non posset publica, quam dixi testatio: tum quod ea ut fieri deberet, a magistratu non permitteretur" (Azor, *Institutiones Morales* [Rome, 1611] Tomus 3, bk 1, c. VII, "De Iure Civili," cols. 26–27).

319 23 Eliz. I c. 1. See above Doc. 21. This act made it treason to be reconciled to the Catholic Church, or induce others to be reconciled to the See of Rome. Saying Mass was punishable by a 200 marks fine, and attendance at Mass by a 100 marks fine (the "mark" was a legal value of currency which corresponded approximately to 2/3 of a pound). Those over sixteen years of age who did not regularly attend the services of the Established Church could be assessed a monthly fine of £20. Although this statute did not expressly make conversion to Catholicism high treason, its aim was indeed the destruction of the recusant community. Informers were encouraged with a possible reward of 1/3 the value of collected fines. Recusancy could result in economic ruin. See McCooog, *The Society of Jesus in Ireland, Scotland and England, 1541–1588: "Our Way of Proceeding?"* (Leiden: New York, 1996), 150–51; Michael C. Questier, *Conversion, Politics and Religion in England, 1580–1625* (Cambridge, 1996), 103 n18, 104.

rigor of lawe either an act of conformitie or a profession of protestancie. The which may be proved by sundry reasons: first by all the Statutes which ordaine the comming to service sermons etc as an act of conformitie and as a distinctive signe wherefore as a solitarie sermone is not conionyned with service so likewise it is not an act of religion nor distinctive signe. If the hearinge of a solitary sermon were an act of conformitie a distinctive signe, than he that heard a solitarie sermon should satsisfie the Statute as he that heareth service satisfieth [f. 351^v] the same? But all the Lawyers conspire in this, that the hearing of a solitarie sermon satsisfieth not the Statute ergo.

[3.] The practize of England remonstrateth evidentlye that a solitarie sermon neither satisfieth the Statute nor reverseth anie information nor accusation for when that promoting Companions informe against Catholicks the forme of their information, and before the Iudges their Iudictments are in this order [sic] quia non accessit alicui ecclesiae et ibidem fuit tempore communis praecationis because he came not to some Church, and was there [at] the time of common prayer. And in all these informations and Iudictments no mention is made of sermons.

[4.] We may prove it by manifest reason for either onlie service is commanded precislye, or principallie, and sermons not at all, or onlie accidentallye or accessorilie (for in countrey townes and villages for the most part service is ministred without a sermon) if service onlye be ordained for profession of religion, then a sermon is impertinent, and so it seemeth by the informations against Catholicks and Iudictments. If principallie and sermons accessorilie, then a signe beinge complete or standinge intirelie of them both, if service want then a sermon is no signe no more than if Rahab had hanged out a greene Corde, or at an other windowe, or in another house the red corde which the spies sent from Iosua that scribed unto her for a signe, to be hanged at the same windowe by which she dismissed them over the wall to save her, her house, her friends, for entertayning them so kindly.³²⁰

[5.] Lett us putt case the Catholicke Church should command that all hereticks dwellinge in France for example should repaire everie sunday to Church and there for uniformitie sake of religion heare masses sermons and such service of god as should be there used or ministred, who would say that that hereticks which heard a solitarie sermon professeth the Catholicke faith? Or satsisfieth the precept? Or denied his Puritanisme?

[6.] For what end els the Statute enioyne, service, sermons etc as a signe (if directlie the lawe prescribe all) of protestancie but as it were by this complete externall act of communication with them to make manifest unto the world that they that use them are perfect protestants and intire professors of that religion wherefore he that heareth a sermon severallie from service cannot be esteemed a professor of this religion, no more than one of the elements severed from a mixed bodie apart from the mixt. And so a sermon solitarie heard may be said to be a materiall part of pro-

³²⁰ Josh. 2:1-21.

fession of Protestancie but no form all part infected with anie signe of profession of that religion.

[7.] When anie fall from the Catholicke Church and promisse the false Bishops or officers conformitie of goinge to Church, the Church wardens observe exactly if they persever soberlie and modestlye from the beginninge to the end of service so that that diligence in marking seemeth to shewe that hearing of service alone is the mark of a protestant. Some will obiect that if the hearing of a solitarie sermone be no distinctive signe because either solely service is commanded, and principallie regarded, or service and sermons being one intire signe that then if this second part be true the hearing of service alone were also no signe, for where two things are exacted for one signe if either be wantinge the signe is not complet and consequentlye no signe at all. To this obiection I answere that if this second point be true that then also the hearing of service cannot be but always accounted a profession of protestancie in regard that it goeth before and is independant of a sermon that followeth. But a solitarie sermon abstracted from service hath no such precedence nay by the Statute the hearinge of a sermon presupposeth that public prayers went before, so that if service proceeded not, a solitarie sermon hath no companion with service, and ther fore can be no partiall signe at all in such a case.

Moreover, admit they both did integrate one signe coniunction and division weither where a signe yet service being of it own nature a profession of religion, and sermons onlie disposition or preparations to religion, consequentlye sermons in extremite might be heard, but service always abhorred.

In deede I am rather of opinion that sermons are no part of profession of protestancie albeit they be conioyned with service. My reasons are [f. 352^r] for that in few places sermons are made unlesse in Citties and ther fore the lawes seeme to annex sermons casuallie or accessorilie because things contingent are not comprehended within the substance of lawes where uppon the Iudictmens ramme uppon service alone which usuallie everie sundaye is had.

Notwithstanding that solitarie sermons be no profession of Protestancie yet in regard that our people have beene uppon zeale or simplicitie, or both accustomed to accounte thos servants fallen who at their maisters commandement even to attend uppon them att Church at the time of service and sermons and for that others which either uppon protestation go to service or sermons, or thos which without protestation go to solitarie sermons, may either scandalize others or be in danger of perverting themselves (for heresie yeeldeth libertie, and libertie induceth heresie and as no case can be so much to keepe a mans soule from firminge, so no man ough to endanger his soule with sin) therefore I would have all them whom thes notes may concern to marke and observe thes considerations folowing.

[1.] First that if a man have that grace and resolution to loose goods, libertie and life rather than communicate with hereticks in anie act or shewe of religion, that that is moure perfect and that his crowne shalbe more glorious.

[2.] That servants which attend uppon their maisters, and others that go to sermons ought for the avoyding of scandall either to advertise or cause to be advertised thos

Catholicks whom they feare will be offended with that fact, upon what causes and grounds they do such things.

[3.] That they goe to Church as seldome as may be, for thes evasions ought to be reputed as medicines to prevent the bad hummors of Protestants and not as ordinarie meales to sustaine the bodie.

[4.] That in hearinge of sermons they ought to attend little or nothings unless they be learned to confute the minister, or reduce some other protestant present from his heresie.

[5.] That a man may in no case say to a protestant magistrate that he will go to Church to hear service or sermons to satisfie the lawe, but either he will not goe, or onlie to shew his temporall allegiance. For a man may not lift up a strawe to make a profession therby of the protestants religion; for a man is bound sometimes to professe his religion to witt if he be called before a magistrate and demanded of his faith. Sometimes he may conceale it, marrie he is always bounde never to denie it and consequentye never to professe a false religion for that were to denie the Catholicke.

[6.] I surcease to sett downe what good may acrowe to the Catholicke religion by this connyvance, because their may come some harme by the discoverie, but any man of iudgment which will but consider the protestants project, the penaltie of Catholicks, the number of scimaticks, the multitude of wellwillers to friends, the inundation of puritans their distast of prayers and service, they shall finde reasons younge to confirme this matter.

[7.] If we consider the practice of Germanie here they go to protestants sermons to note their errors, and the Iesuits there send sundrie of their students to heare and relate unto them the luteran lyes disgorged out of the pulpitt, to refute them afterwards. [*Greg. a Valent. defendeth this in his Catholicke Germanes 22^o. q. 3. p. 2.*]³²¹ I see not but if preists in England went to Paules Crosse everie Sunday to note the errors and lyes of our Calvinists and succintlye refute them afterwards, but this might further greatlye the Catholicks cause, and deterre hereticks from lying and cosoninge the simple people for their uncontroulment of coginge and lying is the cheefest grounde wherwith at this present they maintaine their errors.

[8.] We may add hereunto that it is not fit that anie go to hereticall sermons unless first of all they confer with their ghostlye fathers, and such especiallye as be verie discreete and learned, who are able to discern their firmnesse in faith and stabilitie in religion: and are fit to perceive if upon curiositie or affectation of sensualitie they goe to sermons to finde a shelter in protestancie to vaile their carnall libertie. [f. 352^v]

[9.] That servants nor others communicate in anie case with protestants in anie rytes or cerimonies as singinge of psalmes kneelinge when they kneele praying when they praye or in fine by usinge anie action wherby they may be said to participate with them in religion.

³²¹ Gregory of Valencia, *Commentariorum Theologicorum*, 357-58.

[10.] If St. Hierome, Origen, St. Chrisostomos, Eusebius Emissenus and Adrian the Pope [*Epist. ad Aug. Epi. xi. apud Aug. vide Greg. a Vale. 22^o. q. 3. punct. 2. Tho. Vasq. Antisi.ubi supra.*]³²² approve simulation in religion for a good end. If Azor defend with protestation a man may be present at service and sermons, if Vasquez, St. Thomas and Antisidorensis³²³ hould it lawfull in extremitie of hunger to enter into the Idolls temple and eate of the immolated sacrifices certainlie no wise man will denie it lawfull for a firm Catholick for some urgent cause to heare a Protestant sermon.

Thomas Wrightes answer to the latyn questions.

322 Augustine, *Epistle LXXV*, c. 3, 4-4.12 (PL 33: 252-53, 257). This letter was Jerome's ninth letter to him. Thus "xi" is probably a scribal error for "ix." Jerome here stresses his interpretation of Galatians 2:11-13, where Paul rebukes Peter for his sudden withdrawal from the tables of the Gentiles out of fear of offending Judaizing Christians. Contrary to Augustine, who believed that Paul had actually and rightly blamed Peter for his behaviour, Jerome interpreted the dispute as mere simulation to edify early Christians on the exclusiveness of Christ's New Law which only justified the believer. Sixteenth-century exegesis of this passage continued down diverse paths: Catholic theologians cited it to demonstrate that religious simulation was unlawful; Martin Luther used the same passage to support his argument that external rites or ceremonies were *adiaphora*, indifferent to salvation. Jerome, *Epistle LXXV* ("Hieronimus ad Augustinum") (PL 33: 251-263); Adrian VI, *Quaestiones in Quartum Sententiarum*, "De Sacramento Baptismi," q. 1, "quinto", ff. ij-v; Chrysostom, *In Cap. II Epistolam ad Galatas Commentarius*, c. 5-8 (PG 61: 640-647); *De Sacerdotio Libri VI*, bk 1, c. 9 (PG 48: 631-632).

323 Vázquez, *Commentariorum ac Disputationum*, Caput IV, II, 79-81; St Thomas Aquinas, *Commentaria in Libros Sententiarum*, bk 4, dist. 38, q. 2, art. 4; William of Auxerre, *Summa Aurea*, bk 3, tract. 30, q. 4, ff. 259^{r-v}.

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