

RECUSANCY

Catholic Resistance to the Church of England

By Philip T. Crotty

‘Recusancy’ is from the Latin word ‘recusare’, to refuse. It was the term used exclusively for Catholics who refused to recognize the English Monarch as Supreme Head (Henry VIII), or Supreme Governor (Elizabeth I) of the Church of England, or to attend mandatory Anglican services. Protestants refusing the same mandate became known as ‘Non-Conformists’ or ‘Dissenters’ (from the Church of England), really the same thing but the names were always differentiated. There were also compromising Catholics, known as ‘Church Papists,’ who didn’t really subscribe to Anglicanism but went to church to avoid fines, confiscation of property, and other disabilities, while hoping for a Catholic restoration. This was acceptable to Elizabeth I who chose “not to look into men’s souls” but insisted on outward conformity and ecclesiastical uniformity. It is possible that Shakespeare was from a recusant family and was a Church Papist, according to the speculations of certain recent scholars (e.g. Beauregard, Milward, Ian Wilson, Richard Wilson). Pope St. Pius V (ca. 1570) forbade this compromising practice and it gradually died out as it became increasingly clear that a Catholic restoration was improbable and the pressures for total conformity became more and more intense.

It is important to recognize that there was significant Catholic resistance to the imposition of Anglicanism from the beginning. Under Henry VIII (reigned 1509-47), there were the individual martyrs, e.g. Thomas More, John Fisher, the Carthusian monks, the Brigittine Richard Reynolds (the most learned monk of his time), two men of Walsingham (including the Sub-Prior) who protested the despoiling of the famous shrine. But there was also the Pilgrimage of Grace, a march on London from York under the banner of Christ’s Five Wounds, betrayed by the deceit and treachery of the Earl Marshall, the Duke of Norfolk, sent by Henry to defeat it. The boy

King Edward VI (reigned until age 16, 1547-53) faced the Rising of the West by Cornishmen who described the new English liturgy as ‘a Christmas game’ since they couldn’t comprehend it.

There was also significant resistance by non-Anglican Protestants as well. Elizabeth (reigned 1558-1603) found the Puritans, whom she detested, especially strong in Parliament and in particular areas of the country, notably East Anglia. They wanted to ‘purify’ the Church of England from any remaining Catholic elements. Then there were the Presbyterians who planned to substitute presbyters for bishops; the Brownites who were the early version of Congregationalists, and the Unitarians who denied the Trinity. The Queen took seriously the comment by one of her courtiers, “Your Majesty, no Bishop, no King”. While suppressing the Mass and Divine Office the Queen reinforced the old organizational structure of the Church, including bishops, priests and deacons, a structure which is in place to this very day. She also re-imposed the Book of Common Prayer’s liturgy along with the largely Protestant 39 Articles of Religion.

Elizabeth’s successor James I (reigned 1602-25) was a Scot who was also James VI of Scotland (reigned 1567-1625). He tried to impose Anglicanism on Scotland but his successor Charles I (reigned 1625-49) conceded Presbyterianism to the Scots in his (unsuccessful) effort to save his crown. He was beheaded by the Puritans in 1649. Puritanism was ascendant under Cromwell until the Restoration of Charles II (reigned 1660-85) when a weakened Anglicanism was restored.

Wales never adopted Anglicanism but, rather, a form of Calvinism later modified by Wesleyan Methodism. Of course, Ireland remained tenaciously Catholic despite the defection of most of the aristocracy to protect their lands and titles. The Catholic Hierarchy never totally died out although at one point there was only one (jailed) Bishop left. Ireland suffered under the same Penal Laws as England, but the stiff resistance of the Irish people often made for a sporadic and half-hearted enforcement of the Laws.

So the emphasis of Anglicanism was, understandably, in England. And the greatest threat to its dominance was perceived to be Catholicism since Dissenters and Non-Conformists were at

least Protestants and virulently anti-Catholic. While Dissenters also suffered civil and other disabilities—as late as 1868 the Jew Disraeli could not have become Prime Minister if he and his family had not become Anglican—they never suffered the extreme penalties, including torture and painful death, accorded the recusants.

In the end the relentless and vigorous anti-Catholic campaign was mostly successful. By 1760 Catholics were estimated to number only 60,000 out of a population of some 15 million in Britain, leading Edmund Burke to question why such stringent Penal Laws were necessary for such a defeated and paltry minority. Even in 1829, the year of Catholic Emancipation, Catholics numbered only 500,000, with Irish and French émigrés accounting for most of the increase since 1760.

The late 1500s were crucial to the Anglican victory, especially Elizabeth's reign of terror against Catholics. Penalties against recusancy began somewhat modestly in a sort of carrot and stick approach as the Government hoped to persuade as many Catholics as possible to conform without resorting to drastic measures. At first the fine for non-attendance at the Anglican service was a shilling per Sunday per family member. A craftsman, earning typically a shilling per day, could not long meet the fines. By 1585 the fines had jumped to 20 pounds (400 shillings), moving up to 40 pounds and then to 60 pounds for continued recusancy which only the very wealthy could meet. One woman in Oxfordshire, Avice Lee, held out for 20 years before finally conforming to save her lands. Not attending church could also mean excommunication which often entailed confiscation of land holdings.

As Jesuits and seminary priests began flowing into England the Government essentially panicked. Penalties were stiffened. Pursuivants were appointed under the notorious Topcliffe who had special permission to torture priests in his own home. A priest coming into England faced death—hanging, drawing, quartering—for being a priest. A layman faced hanging for aiding a priest. In lieu of hanging, St. Margaret Clitheroe of York was pressed to death since she refused to plead in order to save family and friends from having to testify against her. Civil offices, schoolmastering, and taking an

Oxford degree required the swearing of the Oath of Supremacy. Loss of land meant that the only work open to a recusant was agricultural laborer.

Recusants used various approaches to avoid or soften penalties. Sometimes a Magistrate would not enforce church attendance until the fourth straight failure to attend; and sometimes the head of a Catholic family would attend occasionally to protect his family. The Belson family of Oxfordshire would move across into Buckinghamshire where they also owned land every two weeks to avoid the four-weeks rule. Later the Senior Belson conveyed his lands to relatives and children to make himself technically property-less. His son Thomas, now Blessed and martyred for aiding a priest, completed all requirements for an Oxford degree except the Oath of Supremacy which he wouldn't take so he didn't get his degree, but he did get the education. Local officials, themselves friends and neighbors of recusants, were often reluctant to enforce the full requirements of the Law and were also wary of reducing a long-time neighbor to penury which would make the community and its Poor Laws burdened by the care of the now property-less. Some recusants took refuge in obscure places, often in the woods, so that Newman could recall in his youth (early 1800s) a known Catholic coming and going quietly and unobtrusively, a sort of mysterious stranger in the neighborhood, and this was after many of the penalties for recusancy had been lifted. Great aristocratic families were also affected so that the recently deceased (Dec. 2006) premier Baron of England, Lord Mowbray, Segrave and Stourton, could recall how his family lost all its property by the late 1600s and could not sit in the House of Lords until Catholic Emancipation in 1829.

Over the years the recusancy laws were gradually lifted, but the details of their repeal show how pervasive was once their impact. In a series of Acts Parliament:

(1) in 1778 enabled Catholics who took a prescribed oath legally to inherit and purchase land; The clergy could no longer be prosecuted at the charge of common informers; the penalty of lifetime imprisonment for keeping a school was removed.

(2) in 1791 those who took the oath were free from prosecution

for saying or hearing Mass, for being clergy or religious, or for exercising their religion; Catholic schools were made legal; the legal and military professions were opened to Catholics, but they could not be officers, Judges, or king's counsel.

(3) in 1793 Irish Catholics were admitted to the franchise, bar, Army, Navy, and universities.

(4) in 1829, under the prodding of the Duke of Wellington who feared rebellion in Ireland and with the most begrudging consent of all sectors of society, the Roman Catholic Relief Act admitted English Catholics once more as members of the State, with most disabilities done away with and most public offices opened to Catholics, and they could vote at elections and sit in Parliament. Catholics were still barred from offices of Regent, Lord Chancellor of Great Britain or Ireland, Lord Lieutenant of Ireland, and Commander-in-Chief of the armed forces. Catholic soldiers and sailors still had to attend Protestant church parade, and members of Religious orders had to register themselves. It took a special Act of Parliament to appoint the Catholic Earl of Arundell as Lord Lieutenant of Ireland just before the establishment of the Irish Free State in 1921.

Most of these remaining restrictions have ended with the passing years, but even to-day a Catholic or anyone marrying a Catholic cannot ascend the English Throne. Theoretically a Moslem could do so, however far-fetched it might seem right now.

Thus the recusancy period for Catholics lasted some 400 years. It was a period of great trial, often great heroism, usually some degree of suffering for all concerned. Great Saints came out of it and these make it all worthwhile.

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