

*'A Wall of Defence unto this Realm': William Cecil, Conformity and the Protestant State in Early Elizabethan England**

Delivering the sermon at the opening of Parliament in 1571, the bishop of London, Edwin Sandys, explained that the purpose of the assembly was to suppress the disunity in religion that had catalysed the recent rebellion of the northern earls: 'What stirs diversity of religion hath raised in nations and kingdoms, the histories are so many and so plain, and our times in such sort have told you ... Let conformity and unity in religion be provided for; and it shall be as a wall of defence unto this realm'.¹

Engaging the prophetic register of the public sermon, Sandys exhorted the assembly to bring about sweeping religious and social reform through the creation of godly laws that would persecute papists, root out sin, and rectify poverty by nurturing neighbourly charity and love. Sandys also addressed the parliamentarians in their extramural capacity as likely local governors of the realm, who would enforce the proposed legislative programme: 'When good laws are made, they must be put in execution ... This is the duty of the public ministers of the commonwealth'. One law above all would secure the 'conformity in religion' most essential to civil peace: as 'God the great King ... sent forth his officers to compel men to come in and eat of his great supper', so must the parliamentarians make laws enforcing participation in the rite of communion.² In other words, the existing statutory framework, which famously required only the attendance of the laity at the ceremonies of the Church of England, made inadequate demands on the religious observance of subjects; the 'conformity' that Sandys deemed vital to national security—the 'wall' that would defend the godly nation—should be defined by this particular sacramental test.

We might describe Sandys's idealised England as a species of 'confessional state', whose magistrates were staunch Protestant legislators, doubling in their function as the executors of godly laws, and where the religious observation necessary to legal subjecthood—Sandys's 'conformity'—compelled active participation in its central religious

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1. *The Sermons of Edwin Sandys, D.D., Successively Bishop of Worcester and London, and Archbishop of York*, ed. John Ayre, Parker Society (Cambridge, 1841), p. 49.

2. *Sermons of Edwin Sandys*, ed. Ayre, pp. 46, 51.

rite, the eucharist, which sacrament above all others had created the permanent schisms within Christendom: Protestant from Catholic, Reformed Protestant from Lutheran.

Sandys's vision was not a mere clericalist fantasy. In two remembrances on the 'perillous' condition of England written two years before, just months before the rising in the north, Sir William Cecil, the principal secretary and statesman, revealed his own conception of the ideal 'pollicy' (i.e. 'polity') to be broadly aligned with Sandys's.³ The tone of these memorials was despairing rather than exhortative: Cecil presciently defined an England on the brink of domestic rebellion and foreign invasion, the realm's internal weakness caused by excessive 'mildnes of governance and also of Lawes', archaic and inadequate military organisation, and contempt for governors engendered by endemic religious disunity: '**dyvisions of ye people in evry shyre by dislike of opinions in ye matter of relligion**'.⁴ Cecil's proposed solutions to strengthen the commonwealth—far more wide-ranging than his famed parliamentary interregnum plan—envisaged the entwined renovation of international alliances, religion, local government, the military and foreign trade. Strikingly, Cecil explained that the threat to civil order derived not only from popery or heterodox strains of Protestantism (Anabaptism and the like), but also religious indifference—mere 'coldnes in ye trew service of God', which could be witnessed in the growing body of 'derydors of relligion', even 'ye increase of numbers of irreligious and epicures'.⁵ Freedom from tyranny and popery, he wrote, is only a guaranteed in a country whose laws '[establish] constancy and conformity of true doctrine'.⁶

This article examines these conceptions of church and state, shared by Cecil and Sandys, and their application to the religious politics of the 1560s, when Queen Elizabeth, her senior clergy and the Privy Council attempted to implement the Protestant religious settlement while simultaneously securing the authority and legitimacy of the new regime. It will argue that leading Protestants, clerical and lay, frequently endorsed the vision of the 'confessional state' adumbrated by Sandys in his parliamentary sermon, viewing the security of the Protestant realm

3. 'A necessary consideration of the perilous state of this tyme' is written in the hand of Bernard Hampton, clerk of the Privy Council, who acted frequently as amanuensis for Cecil, and is heavily annotated by Cecil himself: Kew, The National Archives [hereafter TNA], SP 12/51, fos 9r–13v; a seventeenth-century copy, endorsed 7 June 1569, is SP 12/51, fos 14r–18v. The second tract, in Cecil's hand, is 'A short memoryall on the state of the realm', Hatfield House, Cecil Papers [hereafter CP], 157/2. Dating is discussed below. The most extensive discussion of the tracts is in Stephen Alford's seminal monograph, *The Early Elizabethan Polity: William Cecil and the British Succession Crisis* (Cambridge, 1998), pp. 182–208; also see N. Jones, *Governing by Virtue: Lord Burghley and the Management of Elizabethan England* (Oxford, 2015), pp. 61–2. The similarity of Sandys's and Cecil's arguments is noted in C. Russell, 'Arguments for Religious Unity in England, 1530–1650', *Journal of Ecclesiastical History*, xviii (1967), pp. 201–26, at 221.

4. TNA, SP 12/41, fo. 10v. Bold type signifies Cecil's own annotations.

5. CP, 157/2.

6. TNA, SP 12/51, fo. 10r. Italics added.

and the transformation of the religion of the magistracy as a necessary compound of elements. In other words, the creation of a Christian commonwealth was conceived as a joint enterprise of minister and magistrate, to be imposed by both civil and ecclesiastical laws. Lay and clerical authorities also shared concerns that the statutory requirements of conformity were inadequate, especially for the public officials who governed the Protestant state. These impulses to renew the magistracy with earnest rather than ‘cold’ or ‘indifferent’ Protestants were stymied by unsurpassably complex obstacles: the surviving political power of religious conservatives in government, the limitations of the judicial processes (civil and ecclesiastical) to impose the new religion and, perhaps above all, the will of the queen.

The article will focus on the response of Sir William Cecil to the threat of the Catholic church militant in the late 1560s, two years prior to the northern rebellion, when the arrival of the dethroned Mary, queen of Scots in England in May 1568 evoked the most severe crisis yet faced by the Protestant authorities.⁷ Cecil’s reaction to this emergency was to draw up extensive plans to renew the sinews of the Protestant state. His proposals, and his halting attempts to realise them through the authority of queen and Privy Council, were imaginative and holistic, and bear the imprint of the political theology articulated during the reign of Edward VI, when Cecil first held public office, and which viewed the religious conversion of the temporal servants of the realm as vital to the edification of the reformed commonwealth. They were more immediately provoked by fear that the Protestant church and state in England faced an existential crisis from entrenched enemies at home and abroad.

The final section of the article will explore the most significant and widely implemented manifestation of Cecil’s plans to tighten the religious conformity of local governors for ‘defence’ of the Protestant realm. In early November 1569, as rumours of stirs in the north reached the court, the council levied a subscription of all JPs and sheriffs, in office or retired, in every county in England and Wales. Where this enterprise has been mentioned in the secondary literature, it is almost always assumed that the council were enforcing local magistrates to take the oath of supremacy;⁸ and yet an examination of the extensive extant returns demonstrates that local magistrates were obliged to make a far more substantial commitment to Protestant ‘conformity’ than the mere

7. For the conception of this period as the ‘prelude to crisis’, see W. MacCaffrey, *The Shaping of the Elizabethan Regime: Elizabethan Politics, 1558–1572* (Oxford, 1968), pp. 247–90.

8. See, for example, Jones, *Governing by Virtue*, p. 201; K. Kesselring, *The Northern Rebellion of 1569: Faith, Politics and Protest* (Basingstoke, 2007), p. 19; MacCaffrey, *Shaping of the Elizabethan Regime*, p. 335; R.B. Manning, *Religion and Society in Elizabethan Sussex: A Study of the Enforcement of the Religious Settlement, 1558–1603* (Leicester, 1969), pp. 244, 249, 263; Exceptions include W.R. Trimble, *The Catholic Laity in Elizabethan England, 1558–1603* (Cambridge, MA, 1964), pp. 52–6; J.M. Gray, ‘“So Help Me God”: Oaths and the English Reformation’ (Stanford Univ. Ph.D. thesis, 2008), pp. 425–6.

attendance at church services required in statute law. Magistrates were compelled to make a public subscription to the Act of Uniformity and to swear to receive the sacrament with their families on the occasions stipulated in the Book of Common Prayer.⁹ In other words, a subscription was levied which compelled participation in the eucharist by public officials, exactly the doctrinal conformity advocated by Sandys in his 1571 sermon. This ingenious repurposing of the Act of Uniformity as a species of Test Act, the largest such mass initiative before the Bond of Association of 1584, demonstrates that Elizabethan ‘conformity’ was an amorphous entity, which could be variously defined and imposed by the Protestant authorities on targeted groups of subjects, and in different places and times.¹⁰ Furthermore, religious ‘conformity’ was far from being a primary concern for the clergy alone: the public subscription to the Act of Uniformity and its rites was mandated by the Privy Council, and enforced with the co-operation of the bishops in their role as county governors—an alignment of lay and clerical objectives that blurred the boundaries between ‘Church’ and ‘state’, the ‘political’ and the ‘evangelical’ in the Tudor realms.

I

Sandys’s parliamentary sermon set forth a vision of a godly English commonwealth in which rigidly enforced civil laws created synonymously obedient and godly subjects. This ideal was, of course, a chimaera. The statutory obligations required of the laity in the religious settlement of 1559, which Elizabeth notoriously refused to alter, fell strikingly short of the bishop’s standards. The upholding of papal jurisdiction, spiritual or temporal, was forbidden in the Act of Supremacy, while the Act of Uniformity required that subjects attend services of the Church of England upon pain of a 12*d* fine and/or the ‘censures of the church’, but neither law obligated the positive affirmation of adherence to Protestant doctrine, or active participation in rites. Sandys’s aspiration that subjects be compelled by statute to take the sacrament of the eucharist would have posed a far more stringent test of conscience for those potentially thousands of Catholic subjects known to contemporaries and modern scholars as ‘church papists’, who reconciled their legal requirement as the queen’s subjects to attend services of the Church of England with a passive or even disruptive attitude to the Protestant liturgy and sermon.¹¹ Yet a ‘communion bill’ introduced

9. TNA, SP 12/59 I, fo. 109r.

10. See P. Marshall and J. Morgan, ‘Clerical Conformity and the Elizabethan Settlement Revisited’, *Historical Journal*, lix (2016), pp. 1–22.

11. The seminal work is A. Walsham, *Church Papists: Catholicism, Conformity and Confessional Polemic in Early Modern England* (Woodbridge, 1999); on Elizabeth’s refusal to make communion a test of legal conformity, see pp. 12–13. Father Francis Walker observed that ‘the demand for certified proof of receiving communion according to the new rite sifted out the crypto-catholic

in the Parliament of 1571, which would have compelled reception of the eucharist as Sandys proposed, was vetoed by the queen; further such initiatives introduced at future Parliaments in 1572 and 1576 met a similar fate.¹²

And if subjecthood was legally defined against outright recusancy for the national population, the obvious mechanisms for reforming the apparatus of the state, for achieving a *magistracy* (let alone a population) of Protestants warm ‘in ye true service of God’, were similarly elusive. The ‘Supremacy of the Crown’ Act of 1563 required public officials (excluding the titled nobility) merely to take the oath of supremacy on taking up office. Famously, the following year the council required the bishops to produce fine-grained assessments of the religion of local magistrates across the realm.¹³ But at the queen’s insistence, the anticipated ‘most sharp, penal and terrible’ penalties of the 1563 Act, which stipulated that two refusals to take the oath of supremacy constituted a treasonable offence, and the procuring of mass a capital crime, were never implemented against any individual; prosecutions under its terms, which required that all cases be tried in Queen’s Bench, were inhibited by a range of procedural encumbrances and thinly enforced through the machinery of the common law courts.¹⁴ Oath-taking itself, as John Michael Gray has most recently shown, was frequently avoided.¹⁵ The periodic reception of communion, prescribed in the Book of Common Prayer and the Royal Injunctions, was a matter of ecclesiastical law, policed in the church courts, enquired after in bishops’ visitation articles, and applied by the clergy as a test of reconciliation to the church for ex-communicant recusants.¹⁶ But the reception of the eucharist, which had obvious potential as a tool both to identify and to purge local government of insufficiently zealous Protestant incumbents, was never required as a *legal* condition for participation in government under Elizabeth. The Jacobean Oath of Allegiance of 1606, which required the repudiation of papal deposing power as ‘heretical’, would intrude far more sharply on the conscience of the individual Catholic than

from his neighbours better than any other’: ‘The Implementation of the Elizabethan Statutes against Recusants, 1581–1603’ (Univ. of London Ph.D. thesis, 1961), p. 20.

12. J.E. Neale, *Elizabeth I and her Parliaments, 1558–1584* (London, 1953), pp. 192, 214–17, 348–51.

13. Mary Bateson, ed., ‘A Collection of Original Letters from the Bishops to the Privy Council, 1564’, *Camden Miscellany IX*, Camden Society, new ser., liii (1893).

14. *Proceedings in the Parliaments of Elizabeth I*, I: 1558–1581, ed. T.E. Hartley (Leicester, 1981), p. 39; L. Ward, ‘The Treason Act of 1563: A Study of the Enforcement of Anti-Catholic Legislation’, *Parliamentary History*, viii (1989), pp. 289–308; L.J. Ward, ‘The Law of Treason in the Reign of Elizabeth I, 1558–1588’ (Univ. of Cambridge Ph.D. thesis, 1985).

15. Gray, ‘So Help Me God’, ch. 10.

16. A. Hunt, ‘The Lord’s Supper in Early Modern England’, *Past and Present*, no. 161 (1998), pp. 39–83; C. Haigh, ‘Communion and Community: Exclusion from Communion in Post-Reformation England’, *Journal of Ecclesiastical History*, li (2000), pp. 721–40; A. Ryrie, *Being Protestant in Reformation Britain* (Oxford, 2013), pp. 336–42.

the Elizabethan recusancy laws.¹⁷ And yet the famous Test Acts of the Restoration period, which enforced the reception of communion as a precondition for all holders of public office, had no ostensible statutory equivalent in Elizabethan and early Stuart England.

Attempts to analyse post-Reformation England as a ‘confessional state’, as notably pursued by Michael Braddick, necessarily recognise the limitations of the model in describing both the achievements but also the ambitions of the Crown and its agents.¹⁸ In practical terms, the uniform conversion of the English commonwealth was obviously hindered by the continued attractions of variant forms of Catholic religion, emergent non-conformist puritan dissent, and the naked fact that the Crown had limited control over the appointment of the parish clergy. And within the narrower modern conception of the state as centralised public authority enacted through an order of magistracies, the ‘Protestantisation’ of civil government was also limited.¹⁹ Despite the increasing intensity of the penalties for recusancy across the reign, the legal conformity required by statute did not theoretically inhibit the lay ‘church papist’, willing to acknowledge the supremacy, from holding public office. Historians of government have emphasised that the creation of a purely Protestant ruling order in the centre as in the localities continued to be challenged by the entrenched social power of Catholic nobles and gentlemen: church papists and even recusants continued to act as counsellors and courtiers, as judges and lawyers, sheriffs and JPs.²⁰

A more controversial perspective adopted by other scholars is that the Crown did not *aspire* to create such a polity. Against the views of

17. M.C. Questier, ‘Loyalty, Religion and State Power in Early Modern England: English Romanism and the Jacobean Oath of Allegiance’, *Historical Journal*, xl (1997), pp. 311–29; S. Tutino, *Law and Conscience: Catholicism in Early Modern England, 1570–1625* (Aldershot, 2007), pp. 117–38.

18. M. Braddick, *State Formation in Early Modern England, c.1550–1700* (Cambridge, 2000), pp. 278–336. Describing the ‘three major confessions’ of Europe as Lutheranism, Calvinism and Catholicism, Ute Lotz-Heumann writes that ‘Anglicanism can be added to this list, although it may be doubted that it was a confessional church in the strict sense of the word’: Lotz-Heumann, ‘Imposing Church and Social Discipline’, in R. Po-Chia Hsia, ed., *The Cambridge History of Christianity*, VI: *Reform and Expansion, 1500–1660* (Cambridge, 2007), p. 246.

19. On the development of the conception of state, see Q. Skinner, ‘From the State of Princes to the Person of the State’, in his *Visions of Politics*, II: *Renaissance Virtues* (Cambridge, 2002), pp. 368–413; N. Dauber, *State and Commonwealth: The Theory of the State in Early Modern England* (Princeton, NJ, 2016). The major modern works on early modern state formation are Braddick, *State Formation*; S. Hindle, *The State and Social Change in Early Modern England, 1550–1640* (Basingstoke, 2000).

20. The clearest assertion of this argument is Neil Younger’s important article, ‘How Protestant was the Elizabethan Regime?’, *English Historical Review*, cxxxiii (2018), pp. 1060–92. For illuminating case-studies, see M. Questier, *Catholicism and Community in Early Modern England: Politics, Aristocratic Patronage and Religion, c.1550–1640* (Cambridge, 2006); G. Scott and P. Marshall, eds, *Catholic Gentry in English Society: The Throckmortons of Coughton from Reformation to Emancipation* (Abingdon, 2009); S.M. Cogan, ‘Catholic Gentry, Family Networks and Patronage in the East Midlands, c.1570–1630’ (Univ. of Colorado Boulder Ph.D. thesis, 2012); C. Enis, ‘The Dudleys, Sir Christopher Hatton and the Justices of Elizabethan Warwickshire’, *Midland History*, xxxix (2014), pp. 1–35.

those historians who have argued that the architects of the Protestant polity at least *conceived* of reforming the state on ideological grounds,²¹ these authors argue that the Crown had little interest in the religion of subjects beyond establishing a minimal external obedience to the supremacy, whereafter the conversion of the people might be gradually achieved by ‘adaptation’ rather than enforcement.²² The limited requirements of Elizabethan ‘conformity’ for all lay subjects, magistrates and commoners alike, famously allowed the ‘Crown’ outwardly to define its demands on religious observance as a matter of political obedience to the supreme governor or compliance with the temporal law, and *not* the forcing of conscience. A classic exposition of this position was enshrined in Lord Keeper Bacon’s speech in Star Chamber on 15 June 1570, drafted by William Cecil, denying that Elizabeth had caused ‘inquisition and examination ... of mens consciences’:

as long as they shall openly continew in the observation of hir Lawes ... Hir Maiesties meaning is not to haue any of them molested by any Inquisition or examination of their consciences in causes of Relligion, but will accept and intreat them as hir good and obedient subjects ...²³

Moments of crisis could produce extraordinary moments of collective Protestant action by the laity—the widespread endorsement of the Bond of Association to prevent the accession of the Catholic Mary Stewart is the most famous such Elizabethan example.²⁴ But some historians have identified a divergence between the evangelising mission of the church, in which the clergy aimed at creating true professing Protestants, and the requirements of the state, which were ultimately political rather than evangelical and endorsed harsher anti-Catholic legislation only reactively, when provoked by militant popery and the emergent mission of the seminary priests.²⁵ As Father John La Rocca notes, ‘An analysis of the recusancy policy established by Elizabeth between 1559 and 1574 reveals that her primary objection to the recusants

21. In his excellent study of Elizabethan military organisation, which pre-dates his *EHR* article, Neil Younger defines the regime as driven by Protestant ideology: *War and Politics in the Elizabethan Counties* (Manchester, 2014), ch. 1. Similar assumptions govern the classic county studies of Manning, *Religion and Society in Elizabethan Sussex*; D. MacCulloch, *Suffolk and the Tudors: Politics and Religion in an English County, 1500–1600* (Oxford, 1986); A. Hassell Smith, *County and Court: Government and Politics in Norfolk, 1558–1603* (Oxford, 1974).

22. N. Jones, *The English Reformation: Religion and Cultural Adaptation* (Oxford, 2002), and id., *The Birth of the Elizabethan Age: England in the 1560s* (Oxford, 1993). These assumptions underpin Alexandra Walsham’s approach to continuities between the religious culture of Catholicism and Protestantism: see, for example, her *Providence in Early Modern England* (Cambridge, 1999), and *The Reformation of the Landscape: Religion, Identity and Memory in Early Modern Britain and Ireland* (Oxford, 2011).

23. TNA, SP 12/71, fos 31r–32r; SP 12/71, fo. 33 is a draft fully in Cecil’s hand.

24. D. Cressy, ‘Binding the Nation: The Bonds of Association, 1584 and 1696’, in D.J. Guth and K.W. McKenna, eds, *Tudor Rule and Revolution: Essays for G.R. Elton from his American Friends* (Cambridge, 1982), pp. 217–34; P. Collinson, ‘The Monarchical Republic of Queen Elizabeth I’, in his *Elizabethan Essays* (London, 1994), pp. 31–57.

25. For a useful summary of this perspective, see Braddick, *State Formation*, pp. 289–91.

was not religious but political': no conformity to doctrine or belief was required of obedient subjects.²⁶ Norman Jones concurs: 'Elizabeth, and Cecil, had concluded that a state church that required conformity without defining belief would allow her to rule as God wanted her to rule'.²⁷ Summarising these types of perspective, Michael Questier, with characteristic subtlety, suggests: 'We might distinguish here between a political pressure for conformity and an evangelical pressure for true profession. Their interests might coincide from time to time, notably in moments of extreme crisis, but more normal was the tendency for the two perceptions to drift apart'.²⁸ A corollary of this perceived disaggregation of clerical and lay objectives is the assumption that attendance at communion was a bugbear peculiar to the Protestant clergy, notably the bishops. Father Francis Walker and Geoffrey Elton explained that the legislative proposals of the 1570s to bind communion and church attendance together as a requirement for legal conformity were an initiative of the bishops in Parliament rather than of the Crown or Privy Council.²⁹ 'Conformity' for Elizabeth's subjects had different meanings, then, for lay and clerical authorities, with varying objectives enshrined in the civil and the ecclesiastical law.³⁰

If these assumptions are true then we might argue that the Elizabethan reformation brought about an inversion of the confessionalisation paradigm, provoking a sharper distinction between church and state, clergy and laity, which was ironically closer to the 'two kingdoms' separation of civil and spiritual power advocated in Presbyterian ecclesiology than Richard Hooker's *Ecclesiastical Polity*. Inevitably, this notion that 'political' and 'evangelical' aims ordinarily diverged is at odds with the theoretical underpinnings of the royal supremacy and religious settlement, whose 'Zwinglian-Erastian' political theology (the useful coinage of Torrance Kirby) rested on the assumption that *cura religionis* was the pre-eminent duty of the godly prince and the cardinal purpose of all temporal authority, whether wielded by the monarch or the subjects of the Crown.³¹

Yet the notion that the civil authorities were unconcerned about the correlation between legal conformity and evangelical conversion seems undermined by the assumption made by Cecil in his private memorials that only committed Protestants—'warm' in the service of God—should act as functionaries of the state. Writing at all, of course, about a singular perspective of 'the Crown', 'the government' or 'the

26. J. La Rocca, SJ, 'Time, Death and the Next Generation: The Early Elizabethan Recusancy Policy, 1558–1574', *Albion*, xiv (1982), p. 103.

27. Jones, *Governing by Virtue*, p. 198. Emphasis added.

28. Questier, *Conversion, Politics, and Religion*, p. 166.

29. Walker, 'Implementation of the Elizabethan Statutes', p. 36; G. Elton, *The Parliaments of England, 1559–1581* (Cambridge, 1986), p. 200.

30. For a contrasting view see Marshall and Morgan, 'Clerical Conformity and the Elizabethan Settlement Revisited'.

31. T. Kirby, *The Zurich Connection and Tudor Political Theology* (Leiden, 2007), p. 4.

civil authorities' on religious policy also evokes the now clichéd danger of flattening the character of the 'high' politics of the Elizabethan period—the practical fact that the policy of 'the Crown' emerged from a tense and often conflicted dynamic between individuals and groups of counsellors, courtiers and clerics, across different institutional bodies, advising a monarch of strong and independent will.³²

This article will attempt to reconcile some of these discrepancies by viewing the religious politics of the 1560s through the eyes of William Cecil, principal secretary and the statesman who—as his detractors rightly claimed—had greater influence than any other individual under the queen over the direction of policy.³³ Because of his centrality to Elizabethan politics, Cecil's political and religious thought has been heavily analysed since his own lifetime, when Catholics denounced him as an atheist follower of Machiavelli, intent on subverting the natural social order.³⁴ The richest modern accounts of Cecil's 'creed' are those of Stephen Alford and Norman Jones. For both scholars, Cecil's humanist education at Cambridge and his much-vaunted love of Cicero were formative to his political life, as was his training in the common law, which gave him a 'scrupulous' concern for legal propriety. Both offer interpretations of Cecil as a constitutional thinker informed by a classical republican ethic of public duty: Alford sees Cecil's parliamentarianism as the more important component of his governing perspective of England as a mixed monarchy, while Jones places greater emphasis on Cecil's sense of himself as an obedient subject of the queen.³⁵

There has also been agreement among scholars that ardent religion shaped Cecil's priorities, but here assessments have been more contradictory. Alford views Cecil as both a Calvinist (soteriologically) and a more militant Protestant committed to the formation of a British protestant state, a view congruent with Brett Usher's meticulous study of Cecil's relations with the episcopacy and his support for godly bishops. Meanwhile, Jones argues that Cecil's deep personal piety and commitment to ruling 'by virtue' were yoked to a political pragmatism about enforcing the reformation: not wedded to any obvious

32. For crucial works, see S. Adams, *Leicester and the Court: Essays on Elizabethan Politics* (Manchester, 2002); Alford, *Early Elizabethan Polity*; Collinson, 'Monarchical Republic'; S. Doran, *Elizabeth I and her Circle* (Oxford, 2016); N. Mears, *Queenship and Political Discourse in the Elizabethan Realms* (Cambridge, 2005); J. Rose, ed., *The Politics of Counsel in England and Scotland, 1286–1707* (Oxford, 2017).

33. The classic studies were, of course, C. Read, *Mr Secretary Cecil and Queen Elizabeth* (London, 1955), and *Lord Burghley and Queen Elizabeth* (London, 1960); the most recent scholarly biography is S. Alford, *Burghley: William Cecil at the Court of Elizabeth I* (New Haven, CT, 2011).

34. P. Lake, *Bad Queen Bess: Libels, Secret Histories, and the Politics of Publicity in the Reign of Queen Elizabeth I* (Oxford, 2016), pt III.

35. Alford, *Early Elizabethan Polity*, pp. 1–42, 209–22 (which develops the suggestive sketch of Cecil's mentality in Collinson's seminal 'Monarchical Republic of Elizabeth I'); Jones, *Governing by Virtue*, pp. 27–43 and 189–213.

theological perspectives (predestinarian or otherwise), he was a ‘politique’ whose ‘statist’ attitude towards religion dovetailed perfectly with Elizabeth’s attitudes.³⁶ In this vein, Karl Gunther has reminded us that Cecil—along with other leading Elizabethan Protestants, including the queen and archbishop of Canterbury—were Nicodemites, who conformed under Mary, and were censured in the 1560s by their more radical brethren for that conformity during the persecution.³⁷

Furthermore, Cecil’s putative mechanisms for reforming the apparatus of government reveal him to have articulated at this moment a distinctly confessional vision of the state that is difficult to reconcile with his reputation either as a constitutional thinker with a particular veneration of institutions and the ‘scrupulous’ process of the law, or an individual satisfied with a merely ‘political’ understanding of religious conformity. In public statements authored to reflect the Crown’s (i.e. Elizabeth’s) position, Cecil could—and did—argue that public authority made no interference in matters of conscience. And yet the more private records of his early career under Elizabeth suggest that Cecil at least aspired to renovate the government of the localities through a magistracy of select subjects whose proven devotion to the Church of England guaranteed their loyalty to queen and Protestant realm. In this aspiration, he shared Sandys’s understanding that the religious complexion of the magistracy was essential for the ‘defence’ as well as the edification of the godly state.

II

On 8 March 1573, the godly divine Thomas Sampson, erstwhile dean of Christ Church, wrote to Cecil, now Lord Burghley, to recommend a tract by ‘that learned man Martyn Bucer ... *de Regno Christi*’, which had been presented to Edward VI via John Cheke in 1550, the latter then secretary and tutor to the king. Having previously enjoined Cecil to take heed of the tract, he now sent the lord treasurer a digest, which succinctly adumbrated how the ‘full kingdome of Christ in this church of England’ might be fully realised.³⁸ Cecil was, of course,

36. B. Usher, *William Cecil and Episcopacy, 1559–1577* (Abingdon, 2003), and *Lord Burghley and Episcopacy, 1577–1603* (Abingdon, 2015).

37. K. Gunther, *Reformation Unbound: Protestant Visions of Reform in England, 1525–1590* (Cambridge, 2016), pp. 97–130.

38. London, British Library [hereafter BL], Lansdowne MS 18, fo. 55r. The digest, sadly, does not survive with the letter. Four manuscript copies of Bucer’s tract, including the presentation copy to Edward (BL, Royal MS 8 B. VII), are known to have existed before its print publication in Basel in 1557; see B. Pohl and L. Tether, ‘Books Fit for a King: The Presentation Copies of Martin Bucer’s *De regno Christi* (London, British Library, Royal MS. 8 B. VII) and Johannes Sturm’s *De periodis* (Cambridge, Trinity College, II.12.21 and London, British Library, C.24.e.5)’, *Electronic British Library Journal* (2015), article 7, available at <https://www.bl.uk/ebj/2015/articles/pdf/ebjarticle72015.pdf> (accessed 17 Oct. 2023). It is unknown whether Cecil had read *De regno Christi* before Sampson’s recommendation, but, as Norman Jones notes, the work ‘electrified’ evangelical circles under Edward: Jones, *Governing by Virtue*, p. 51.

Cheke's former pupil and son-in-law by his first marriage, and had been secretary and privy councillor when the tract was presented as a New Year's gift to King Edward. Sampson could rightly assume a sympathetic audience from a man deeply acquainted with Bucer's world, and the reformer's vision of the Christian state.

If the architecture of the Elizabethan church—its legal framework, theology, liturgy, and senior personnel—was largely Edwardian, so too was its foundational political theology.³⁹ The leading academic divines of the Edwardian period, Bucer and Peter Martyr Vermigli, Regius professors of divinity at Cambridge and Oxford respectively, both viewed authority over the church as embodied in a godly union of minister and magistrate that was entirely congruent with the princely authority enshrined in the royal supremacy. This ecclesiology, which endorsed reformation through the existing institutions of state and church, was the intellectual legacy of the Elizabethan episcopate as well as many leading members of the protestant laity. Matthew Parker, Edmund Grindal, Edwin Sandys and John Whitgift were counted amongst Bucer's 'familiar' at Cambridge, as were lay colleagues and friends—Cheke, Roger Ascham (Elizabeth's tutor) and Walter Haddon, the great civil lawyer, who sat on Cranmer's committee for the revision of canon law with Cheke, Bucer and Vermigli.⁴⁰ John Jewel, author of the most comprehensive defence of the Elizabethan religious settlement, the *Apologie of the Church of England* (1562, 1564), had been Vermigli's disciple and secretary at Oxford, and Martyr's household at Zurich a refuge for Sandys, Jewel and Laurence Humphrey during the Marian persecution.⁴¹ Vermigli's *Commonplaces*, which contained a lengthy account of the duties of the Christian magistrate, was among the personal books housed in Burghley's office.⁴² As scholars have recently noted, the emphasis placed by these theologians on the divine source of all civil authority (godly or otherwise) and the illegitimacy of resisting the magistrate appointed by God may explain the

39. D. MacCulloch, *The Tudor Church Militant: Edward VI and the Protestant Reformation* (Oxford, 2000); Kirby, *Zurich Connection*, which stresses the influence of Bullinger from Zurich rather than Bucer, as well as Vermigli. Despite Bucer and Bullinger's different views on discipline, their conceptions of the civil magistrate's relationship to the church are congruent.

40. C. Hopf, *Martin Bucer and the English Reformation* (Oxford, 1946); P. Collinson, 'The Reformer and the Archbishop: Martin Bucer and an English Bucerian', in his *Godly People: Essays on English Protestantism and Puritanism* (London, 1983), pp. 19–44; M.E. VanderSchaaf, 'Archbishop Parker's Efforts Toward a Bucerian Discipline in the Church of England', *Sixteenth Century Journal*, viii, no. 1 (1977), pp. 85–103.

41. J.E. Booty, *John Jewel as Apologist of the Church of England* (Princeton, NJ, 1963); G.W. Jenkins, *John Jewel and the English National Church: The Dilemmas of an Erastian Reformer* (Aldershot, 2005).

42. T. Kirby, 'Peter Martyr Vermigli's Political Theology and the Elizabethan Church', in P. Ha and P. Collinson, eds, *The Reception of the Continental Reformation in Britain* (Oxford, 2010), pp. 83–106; Jones, *Governing by Virtue*, p. 51; Pietro Martire Vermigli, *The Common Places of the Most Famous and Renowned Divine Doctor Peter Martyr* (London, 1583), chs 13 and 14.

Nicodemism of various of their adherents under Mary: Parker, Haddon and, of course, Cecil.⁴³

Sandys's Parliamentary sermon of 1571 certainly bears the distinctive imprint of Bucer's *De Regno Christi*, his rich imagining of the ideal Christian commonwealth.⁴⁴ For Bucer, the godly prince must rule through governors who 'have a solid knowledge of religion and are on fire with zeal for it', who have the 'spiritual prudence' required to devise and enforce the laws necessary 'for the renewal and spread of the Kingdom'.⁴⁵ Sandys envisages statute as both a punitive and pedagogic species of positive law, enabling the conditions necessary for the sanctification of the population: the eradication of sin, the relief of poverty and suffering, and the fostering of charity and love. And exactly following Bucer, Sandys conceives of the civil magistrate as a godly official, custodian of both tables of the Decalogue, working in tandem with the clergy to build up this Christian commonwealth on earth:

The wisdom of God matched Moses and Aaron, two brethren; the one the minister, the other the magistrate; that, knit together in brotherly love, they might labour together with both hands for the furtherance of God's building.⁴⁶

Crucially, neither Bucer nor Sandys conceived of divinely sanctioned magisterial power as the sole province of the godly prince, but the property of *all* public officials responsible for government including, of course, Sandys's audience of parliamentarians and local rulers.

In practical senses, the mutual enterprise of Moses and Aaron was roughly realised in the process of the English reformation. Theorists of the royal supremacy under a female governor of the church repeatedly emphasised that the jurisdictional powers the civil magistrate enjoyed over the church did not extend to a sacerdotal authority.⁴⁷ And yet, of course, whatever the sex of the monarch, those jurisdictional powers claimed by the supreme governor, in tandem with the assembled estates of the realm in Parliament, included the right to establish the form of rites and sacraments through statute law. Elizabeth did nothing so bold as to recreate the office of vicegerent in spirituals, which had made the layman Thomas Cromwell Henry VIII's deputy in the supremacy and the superior of all of the clergy, but, in the absence of a Protestant

43. Susan Wabuda and John McDiarmid argue that Bucer's 'subtle influence' may help explain 'otherwise inscrutable decisions that Nicodemites made in Mary's reign': 'Introduction', in Wabuda and McDiarmid, eds, *The Cambridge Connection in Tudor England: Humanism, Reform, Rhetoric, Politics* (Leiden, 2021), p. 13. I am enormously grateful to Professor Wabuda for sending me the introduction to this important volume in advance of publication.

44. *De Regno Christi* (excepting chapters XXII–XLVI, part of Bucer's examination of marriage) is edited and translated by Wilhelm Pauck in *Melanchthon and Bucer* (London, 1969), pp. 16–394.

45. *Ibid.*, p. 268.

46. *Sermons of Edwin Sandys*, ed. Ayre, pp. 36–7.

47. J. Rose, *Godly Kingship in Restoration England: The Politics of the Royal Supremacy, 1660–1688* (Cambridge, 2011), pp. 45–53.

episcopacy in 1559, a handful of key laymen were at the vanguard of her religious settlement. The revisions of the 1552 Book of Common Prayer almost certainly followed the proposals endorsed in the famous ‘Device for the Alteration of Religion’, whereby a team of clergy and laymen of suitable ‘learning and gravity’ were advised to undertake this task.⁴⁸ And as Cyndia Clegg has recently shown, nine privy councillors (including Cecil) endorsed the prayer book printed before the Parliament of 1559 and enacted by the Act of Uniformity, the latter ‘a collaborative effort of Church and State, of learned divines and fit noblemen, of Privy Council and queen’.⁴⁹ The queen selected the bishops of her fledgling church from lists drawn up for her by William Cecil (who may also have entertained proposals by more radical Protestant laymen for the whole-scale replacement of the episcopacy with salaried superintendents, on the model of the Lutheran church order).⁵⁰ Perhaps most significantly, as Elizabeth’s Catholic foes never failed to point out, the legality of the settlement itself in English law was entirely dependent on the sanction of the laity alone. Opposed by Convocation, and all of the senior clergy in the House of Lords, the Act of Uniformity of 1559 was given passage through both Houses of Parliament with no clerical assent at all.⁵¹

Even after the settlement allowed for the ordination of Protestant clergy and the appointment of a bench of reforming bishops, the lay official—other than the queen—remained essential to the enforcement of the reformation, from the highest to the lowest levels of government of the church. As Andrew Foster perceptively writes: ‘What is noteworthy about royal proclamations after the 1530s ... is just how far the state intruded in matters of religion—exercised the royal supremacy no less’. In particular, the Privy Council (which had no clerical representatives until the appointment of Whitgift in 1586) intervened consistently in religious affairs, imposing ‘orders to bishops and archdeacons that would previously have come from within the Church hierarchy’.⁵² Cecil’s extensive correspondence with bishops confirms this relationship more informally. The principal secretary enjoyed highly cordial relations with many leading bishops, who in turn sought his direction for their diocesan responsibilities as representative of the Privy

48. S. Adams and D. Gehring, ‘Elizabeth I’s Former Tutor Reports on the Parliament of 1559: Johannes Spithovius to the Chancellor of Denmark, 27 February 1559’, *English Historical Review*, cxxviii (2013), pp. 43–7; the ‘Device’ is printed in H. Gee, *The Elizabethan Prayer-Book and Ornaments* (London, 1902), pp. 196–202.

49. C. Clegg, ‘The 1559 Books of Common Prayer and the Elizabethan Reformation’, *Journal of Ecclesiastical History*, lxxvii (2016), pp. 94–121.

50. Usher, *William Cecil and Episcopacy*, pp. 25–52.

51. N. Jones, *Faith by Statute: Parliament and the Settlement of Religion, 1559* (London, 1982), pp. 96–7; A. Gajda, ‘The Elizabethan Church and the Antiquity of Parliament’, in P.R. Cavill and A. Gajda, eds, *Writing the History of Parliament in Tudor and Early Stuart England* (Manchester, 2018), pp. 78–86.

52. A. Foster, ‘Bishops, Church and State, c.1530–1646’, in A. Milton, ed., *The Oxford History of Anglicanism, I: Reformation and Identity, c.1520–1662* (Oxford, 2015), p. 96.

Council as well as intermediary with the supreme governor herself.⁵³ Matthew Parker, dividing the labour of re-translating the Bible into English, even lamented that Cecil himself was not free to revise one of the Epistles, as ‘we account yowe a common paterne to christes blessed word & religion’.⁵⁴ While the gentry famously enjoyed widespread patronage of the parish clergy, enormously enhanced by their purchase of ex-monastic property, the Privy Council also exercised substantial powers of clerical patronage among the lesser clergy in the Crown’s own demesne lands.⁵⁵ Ecclesiastical justice maintained particularly high levels of lay participation in the first decades of Elizabeth’s reign, with civil lawyers outnumbering clerical representatives on ecclesiastical commissions until the 1580s.⁵⁶ Even religious propaganda (if not biblical translation) was written by laymen: Walter Haddon, Bucer’s friend and colleague, was commissioned to write against the great Portuguese scholar Osorius, in what have been described as the most celebrated polemical exchanges of the 1560s.⁵⁷ At the level of the parish, of course, the reformation significantly enhanced the responsibilities of churchwardens and other lay officials of the church.⁵⁸

For the relationship of clergy and laity to be a true partnership in erecting and defending the godly kingdom, it was therefore essential that officials of the state—the local magistrates—assume a godly identity. From the outset of Elizabeth’s reign, Protestants recognised both the desirability of this renewal and the formidability of the project. The ‘Device for the Alteration of Religion’, the anonymous memorandum of 1558, insisted that peace, security and religious reform were primarily dependent on rooting out those ‘of the Pope’s religion’ who occupied the major central positions on the council, in the judiciary, in the universities and in local government: ‘Every augmentation or conservation of such men in authority or reputation is an encouragement to those in their sect’.⁵⁹ This observation was certainly supported by the senior clergy: in an illuminating letter to William Cecil, written in response to the secretary’s own enquiry about the ‘hinderance of religion in this cowntree by popishe iustices’, John Scory, bishop of

53. In the midst of the plague of 1563, Matthew Parker explained to Cecil (‘one of my best willing frends’) that he lacked the authority to impose a specific day of common prayer on the province of Canterbury ‘for want of sufficient warrant from the prince or counsell’; during the Vestments Controversy in 1565–6, he implored Cecil for the aid of the council to assist him in enforcing the wearing of clerical dress: BL, Lansdowne MSS 6/62, 6/89, 9/40. The Lansdowne Manuscripts covering the 1560s (and beyond) are strewn with episcopal correspondence to Cecil of a similar nature from Cox, Grindal, Horne and Sandys.

54. TNA, SP 12/41, fo. 66r, Parker to Cecil, 26 Nov. 1566.

55. Usher, *William Cecil and Episcopacy*, p. 183.

56. R. Usher, *The Rise and Fall of the High Commission* (Oxford, 1968), pp. 345–61.

57. L.V. Ryan, ‘The Haddon–Osorio Controversy, 1563–1583’, *Church History*, xxii (1953), pp. 152–4.

58. V. Hitchman and A. Foster, ‘Introduction’, in *eid.*, eds, *Views from the Parish: Churchwardens’ Accounts, c.1500–1800* (Cambridge, 2015), pp. 8–9.

59. ‘Device’, in Gee, *Elizabethan Prayer-Book and Ornaments*, p. 202.

Hereford, related to Cecil that Catholic fasts, fish days and holidays were perpetuated in the city of Hereford on the authority of the local magistrates Mr Harvard, JP, and Mr John Scudamore of Home, both notable papists, whose local authority was a main stumbling block to the reformation of the diocese.⁶⁰

Although the pace of reformation in the 1560s has been described as moderate, the authorities' intention a slow, even osmotic conversion of the nation, it is clear that the leading Protestants on the council—in tandem with their episcopal colleagues—hoped for a much more dynamic reformation of the magistracy and laity, while simultaneously recognising the need for careful handling of local elites. In the wake of the first general ecclesiastical commissions of 1559 and 1562, handfuls of obstreperous gentry, along with objecting clergy and university scholars, were haphazardly imprisoned for speaking out against the settlement, hearing mass, or entertaining dangerous foreign Catholics.⁶¹ In 1561, the council sought nominations from the assize judges for candidates suitable to purge from the benches of the peace: extant records suggest that handfuls of men were removed.⁶² And the legal instrument that was intended to be the key to reforming the magistracy, the Supremacy Act of 1563 (which mandated the extension of the oath to the magistracy, teachers and MPs), was the achievement of lay and clerical advocates in Parliament and almost certainly emerged with the endorsement of Protestant councillors, whose original intention may have been to enact a more draconian law than the bill that emerged amended from the House of Lords. Cecil's own speech in the Commons in support of the bill no longer exists, but Lord Keeper Bacon's oration that opened the Parliament was redolent of a sermon by Bishop Sandys. Bacon lamented the lax attitude to religion of 'all officers both spirituall and temporall': 'colde, luke-warme, doubtfull or double-dealinge therein cannot but breede, nourishe and bring fourth faccions, divissions, dissentions, seditious ... to the greate daunger and perill of all the rest'.⁶³

From the inception to the end of the Elizabeth's reign, the bishops were among the Crown's chief informants in the localities as the council sought to build up a thorough and textured picture of the religion of officials across the realm. In the notorious surveys of 1564, generated in the wake of the 1563 Supremacy Act, bishops were ordered by the council to create comprehensive assessments of the religious attitudes of sheriffs, JPs and burgesses, not within the binary categories of

60. TNA, SP 12/19, fo. 45r.

61. Trimble, *Catholic Laity*, pp. 9–24; C.M. Dent, *Protestant Reformers in Elizabethan Oxford* (Oxford, 1983), pp. 17–30.

62. TNA, SP 12/17, fos 99r–101v; A. Wall, 'Religion and the Composition of the Commissions of the Peace, 1547–1640', *History*, ciii (2018), pp. 223–42, at 229; see also A. Wall, "'The Greatest Disgrace': The Making and Unmaking of JPs in Elizabethan and Jacobean England", *English Historical Review*, cxix (2004), pp. 312–32; Jones, *Governing by Virtue*, p. 90.

63. *Proceedings*, ed. Hartley, p. 81; Jones, *Faith by Statute*, pp. 172–5; see also the most recent summary by Gray, "'So Help Me God'", pp. 412–17.

conformist/recusant but on a spectrum of degrees of religious enthusiasm for the new church: 'furtherer earnest', 'favourer', 'no hinderer', 'a faint furtherer', 'neuters', 'mislikers', 'adversaries' and 'mortall and deadly ennemys to this religion'. The council also seems to have solicited the advice of the bishops on how local government and society might be further reformed. From Worcester, Sandys, who sent one of the fullest returns, unsurprisingly seized the opportunity to offer counsel. Justices of assize and of the peace must be transformed into godly agents of reformation in the counties, and given widespread inquisitorial powers to 'diligently enquire of matters of religion and effectuously punish transgressors of the same'. For such authority to be assumed by the justices, though, the civil magistracy must be thoroughly reformed: public officials must be forced to take the oath of supremacy openly in public to avoid deception, sermons must be preached at assizes, while sacramental conformity of magistrates was a necessity: 'gentillmen and Such as be in auctoritie' must also receive communion in public as proof of their genuine conversion, and 'to the good example of others'.⁶⁴

And yet the will of Protestant ministers and clergy to reform local government remained frustrated. The Act of Supremacy of 1563 did not unearth Catholic traitors *en masse*: the queen forbade any individual to be offered the oath twice, thus circumventing the condemnation of refuseniks as traitors, while the process of indictment for refusal to swear (at Queen's Bench rather than the local assizes) was cumbersome and liable to end in settlement rather than prosecution.⁶⁵ Alison Wall's meticulous scrutiny of the collected evidence proves that county benches were frequently pruned rather than thoroughly purged of obstinate Catholics in the light of the 1564 surveys, while the recusancy statutes were lightly enforced, largely in the church courts rather than at the assizes.⁶⁶

Yet further attempts at statutory reform of religion were stymied in the winter of 1566 by Elizabeth's stifling of bill 'A' of the so-called 'alphabetical bills' that would have given statutory confirmation to the Thirty-Nine Articles. Historians have speculated that this bill, which reappeared in the Parliament of 1571, may also have originally encompassed a subscription for the laity to the articles, proposals that had also been aired in the Convocation of 1563.⁶⁷ Certainly, the Spanish

64. Bateson, ed., 'Collection of Original Letters'. Sandys's advice is at pp. 1–3.

65. Ward, 'Treason Act of 1563'; Walker, 'Implementation of the Elizabethan Statutes', ch. 1.

66. Wall, 'Religion and the Composition of the Commissions of the Peace', pp. 229–30.

67. I am indebted to Professor Anthony Milton for this observation; see Neale, *Elizabeth I and her Parliaments*, pp. 165–70; P. Collinson, *The Elizabethan Puritan Movement* (London, 1967), p. 177. In the Commons Journal the bill was termed 'The Bill, with a little book printed 1562, for the sound Christian Religion' and 'The Bill of the Articles of Religion' (*Journal of the House of Commons*, I: 1547–1629 [1802], pp. 79, 80), but, more tellingly, in the Lords Journal 'An Act for Uniformity of Doctrine' (*Journal of the House of Lords*, I: 1509–1577 [1771], pp. 658–9. In the Convocation of 1563, a petition of the Lower House, signed by sixty-four members of the clergy,

ambassador believed that the 'religious alterations' being debated in the Parliament intended that 'all people of the country should profess the same opinion', to the grave detriment and fear of Catholics. Parker, leading the bishops in petitioning Elizabeth to allow the bill to be read a second time in the Upper House, testified to its latent capacity to 'establish and confirm all your Highness' subjects *in one consent and unity of doctrine*'.⁶⁸ Whatever the shadowy nature of this aborted legislative initiative, Cecil certainly regretted its demise: in a memorandum to the queen on the multiple failures of this Parliament, the secretary lamented 'ye bille of relligion stayed to ye comfort of ye adversaries'.⁶⁹

III

The need to take action against these 'adversaries' acquired more urgency in the later years of the decade, as the fortunes of Protestants across Europe were newly imperilled by militant Catholic powers. In August 1567, the duke of Alva stormed into the Netherlands, intent on suppressing Calvinist insurgency through terror. One month later, war between Catholics and Huguenots was rekindled in France, after four years of uneasy truce. In the autumn, the negotiations for a marriage between Elizabeth and Archduke Charles of Austria, which Cecil had strongly advocated since 1563 as a means of securing the English succession with a powerful defensive alliance, finally foundered over the prospective bridegroom's unyielding Catholicism.⁷⁰ On English shores, the choice between England and Rome was made far starker for church papists: the priest and catechist Laurence Vaux was dispatched to Lancashire to publicise Pius V's decree that absolution be granted only to outright recusants.⁷¹ In December 1567, rumours reached the Privy Council of a secret league of northern Catholics, perhaps 500 strong, who had sworn an oath to repudiate the communion,

had previously proposed that ordinaries be empowered to force the laity to subscribe to the articles as a means of weeding out Catholics: John Strype, *Annals of the Reformation ... During the first Twelve Years of Queen Elizabeth's Happy Reign* (4 vols, London, 1725), i, pp. 342–3. The eventual statute giving confirmation to the Thirty-Nine Articles passed in 1571 included a subscription of the clergy alone merely to the doctrinal articles. Neale viewed this as a rowing back of an original aim to impose a credal test on both clergy and laity: J. Neale, 'Parliament and the Articles of Religion of 1571', *English Historical Review*, lxxvii (1952), pp. 510–21.

68. *Calendar of Letters and State Papers Relating to English Affairs Preserved Principally in the Archives of Simancas* (4 vols, 1892–9) [hereafter *CSP Spain (Simancas)*], 1558–1567, p. 396 (28 Dec. 1566); *Correspondence of Matthew Parker*, ed. John Bruce and Thomas Thomason Perowne, Parker Society (1853), p. 293 (emphasis added).

69. TNA, SP 12/41, fo. 75r.

70. S. Doran, *Monarchy and Matrimony: The Courtships of Elizabeth I* (London, 1996), pp. 73–98.

71. *Recusancy and Conformity in Early Modern England: Manuscript and Printed Sources in Translation*, ed. G. Crosignani, T. McCoog, M. Questier and P. Holmes (Rome, 2010), pp. 60–69; TNA, SP 12/41, fo. 1r.

encouraged by rumours that the king of Spain was ready to invade the heretic kingdom.⁷²

A sense of looming crisis intensified with the events of the following year. In May 1568, the fugitive queen of Scots crossed the Solway Firth and alighted on English shores, a blight on the security of Elizabethan Protestants for the next two decades. As the Florentine banker and secret papal agent Roberto Ridolfi commenced his shadowy transnational intrigues to restore England to the Catholic faith, Francis Walsingham warned Cecil of rumours that soldiers were to be sent from Marseille to the north for 'the better exequtyon, of some conspyracye'; in December he alerted Cecil to designs of France and Spain 'for the alteratyon of religion, and the advancement of the Q. of Scotts to the crowne'.⁷³

December 1568 also witnessed Elizabeth's first major contention with Spain when, allegedly following Cecil's advice, she made the decision to seize Spanish ships taking shelter in England's ports, which were conveying Genoese loans to Flanders for the payment of Alva's troops. As a debilitating Anglo-Habsburg trade embargo ensued in the early months of 1569, tensions among her counsellors emerged over rival strategies to deal with the problem of succession and Mary Stewart: Cecil proposed that Mary be restored in Scotland, her power to be strictly limited by a Protestant regency and conciliar government; the duke of Norfolk and the earls of Leicester, Pembroke and Arundel, Lord Lumley and Sir Nicholas Throckmorton plotted for an equally controversial dynastic solution—the marriage of Mary and Norfolk.⁷⁴

In a tract written between January and August 1569, Cecil summarised the intensity of the dangers to England. 'A short memoryall' is twelve folios of closely written notes on the 'perrills ... Great many [and] Imminent' to the English state from resurgent Catholicism, international and domestic.⁷⁵ The specific purposes of the tract are obscure, although queen and council must have been its immediate intended

72. TNA, SP 12/44/56, fo. 116r, Richard Hurleston to the earl of Pembroke, 20 Dec. 1567, imploring Pembroke to forward his news to the Privy Council.

73. TNA, SP 12/48/23, fo. 50r, Walsingham to Cecil, 21 Oct. 1568; SP 12/48, fo. 165r, Walsingham to Cecil, 20 Dec. 1568.

74. The standard account of conciliar divisions, MacCaffrey, *Shaping of the Elizabethan Regime*, pp. 211–16, is based on unreliable ambassadorial reports and has been contested by Alford, *Early Elizabethan Polity*, pp. 185–9, who argues that there is insufficient evidence to prove the existence of a specifically factional plot against Cecil over political solutions to the problem of Mary Stewart. The classic critique of factional models of Elizabethan politics is S. Adams, 'Favourites and Factions at the Elizabethan Court', in id., *Leicester and the Court: Essays in Elizabethan Politics* (Manchester, 2002), pp. 46–67. On 27 May, in a letter to Sussex, though, Cecil complained of unspecified accusations made by Norfolk against him, which indicates that clear tensions between Cecil and the duke had recently arisen: BL, Cotton MS Titus B II, fo. 338r.

75. CP, 157/2. The precise dating of the 'short memoryall' is unclear. It was written after the seizure of Spanish treasure in December 1568; the most precise piece of factual evidence is a reference to the prince of Condé, who was killed at Jarnac at the end of March 1569, as still living, which would appear to place the composition of the tract in the first three months of the year. The 'Extract' is endorsed 1569, but with no specific month. Both were clearly written before news of stirrings in the North reached the Privy Council in November.

audience: Norman Jones speculates that it might be the draft of a (long) speech, but Cecil's short epitome of the tract, discussed below, is endorsed in his own hand as an 'Extract out of ye booke of ye state of ye Realme', suggesting that Cecil viewed the work as a tract rather than an oration.⁷⁶ Whatever its function, the 'short memoryall' vividly establishes the urgent need for a thoroughgoing reformation of international alliances and domestic government of church and state.⁷⁷

Cecil describes the Pope, France and Spain, ranged together in a common purpose—the 'recovery of ye Tyranny of Roome'—through all Christian realms. The 'Instrument' of their attempts will be Mary Stewart, their advantages over England a litany of weaknesses: the unsettled succession, lack of heirs, paucity of allies, unrest in Ireland, weak frontiers—and an archaic military establishment, rusted by 'long peace', 'Ignorance of martiall knowledg' and a lack of trained captains and soldiers, mariners, munitions, and treasure. Just as concerning, Cecil argued, was the condition of the 'multitud' of Elizabeth's subjects, who were latently mutinous, exhibiting 'overmuch boldnes grownen ... by her Majesties soft and remiss government'. The cardinal cause of 'dissolution of Government' is deemed to be failure of religious conversion: 'the syncere Profession of Christian Relligion is of late much decayed', while the 'aw and reverence to magistrats is vanished away'. The most urgent requirement for domestic security, then, must be that 'the lawes and ordonances for Relligion wold be erenestly executed'.

The one-folio precis of this tract, the 'Extract out of ye booke of ye state of ye Realme', adumbrates the 'Remedyes' to this inventory of perils in five general categories of reform. The first enshrines an agenda for vital diplomatic and religious policies: Elizabeth must cultivate an alliance of anti-papal princes, nobles and dignitaries across Christendom for common defence. These diplomatic strategies are listed alongside proposals for sweeping religious reform: a general visitation of all dioceses, the repression of seditious texts and 'all means used to advance Relligion in the realme'. The threat to Mary Stewart must be repulsed, and commercial ties intensified across the Baltic, with Muscovy, Hamburg and 'Estland' (i.e. Estonia). Diplomatic, commercial and religious strategies must also be joined by radical domestic reform 'Agaynst the decaye of obedience in cyvill pollycy'. Local government and the military must be completely overhauled, lawyers 'reformed and reduced to ye obedyence and executionn of ye laws', 'the booke of Justices of Peace renewed', 'The Counsellors in Wales reformed', and the military overhauled.⁷⁸ This is a programme for the holistic renewal of church and state.

76. CP, 157/8.

77. Strype asserts that the 'Short Memoryall' was sent to the duke of Norfolk, 'perhaps at the Queen's order': Strype, *Annals of the Reformation*, i, p. 580.

78. CP 157/8, 'A Memoryall of Remedyes ageynst the Conspiracy of the Pope and the two Monarches'.

Whatever political challenges he faced in the spring of 1569, by early June Cecil boasted of his high favour with the queen after a recent fall in credit, God's 'goodness' having preserved 'me from clowdes of mists whereof I trust myne honest actions ar proved to haue bene lightsom and cleare'.⁷⁹ His concern about the menacing threat to the Protestant state, though, remained undiminished. His long position paper, 'A necessary consideration of the perillous state of this tyme', was written in an identical register to the 'Short Memoryall' and, according to the date on the seventeenth-century copy, on 7 June, some months after the former tract was composed.⁸⁰ The 'Necessary consideration' prophesies that 'the Princes and States of Christendome which do will the Bishop of Roome to have such supreme authority in their Dominions ... will continew their violent proceedinges as they have begon in their owne countreys, to force all other nations in Christendome that have refused the said authority to convert and reknowledge ye same'.⁸¹ England is the likeliest target for an external assault by Catholic powers because of her 'mildness of governance and also of Lawes', which rendered her more '**subject to rebellious practises** ... than any other country is'.⁸²

Unlike the 'Short Memoryall', the 'Necessary consideration' appears to be a policy proposal, drawn up after the former tract in collaboration with Bernard Hampton, secretary and clerk of the Privy Council, who often acted as an amanuensis for Cecil. Hampton's prose is heavily worked over by Cecil, but the tract is unfinished, and it is unclear that the treatise was ever seen by royal or conciliar eyes. The memorial offers, however, a highly important insight into Cecil's political imagination: it affords a very striking solution to the problem of the country's fiscal-military weaknesses, and the unreliable religion and loyalty of local governors.

Cecil proposed that the '**defence of this hir realme**' could be achieved by 'the **spedy** force of hir owne **assured** good subiects', that is, by a coalition of loyal protestants, who could be trusted to maintain true religion, the queen's safety, and 'this **ancient english** Monarchy'. This alliance of trustworthy Protestant dignitaries would be orchestrated by the Privy Council, in consultation with selected nobles and clergy who would create 'a booke secretly made' of the Queen's most 'devoute subiects' in every shire. Those entered as loyal Protestant individuals would then be urged to take an oath, the terms of which sound very familiar to any student of Elizabethan history: they would be required:

to profess and by othe to promise to associat them selves with all estats of their degrees at all tymes and places to defend the Q. Matys most royall parson, and the commen peace of the Realme, and to conserve the

79. BL, Lansdowne MS 102, fo. 143r-v.

80. TNA, SP 12/51, fo. 14r.

81. *Ibid.*, fo. 9r.

82. *Ibid.*, fo. 10v.

exercise and continuance of christian religion as **by lawes** established in the Realme, and the ministers and professors therof, without suffering any parson **English or stranger** to the uttermost of their power, to attempt by **practise or force** any thing to the contrary ... [and thereafter to] subscribe also such an Instrument as may be devised for **this purpose in** every shire within the Realme.

This oath was to be offered at the first instance to leading loyal subjects in the counties (identified by the council in consultation with the 'booke of the subsidy') and then rolled out to subjects of lesser social status: 'inferior gentlemen, **ecclesiastical persons**, merchants, clothiers, farm[ers] and howsholders **and such lyke** who they shall probably think will allowe of this **dutyfull** cause'.⁸³

The second stage of commitment envisages an even more notable innovation. Those who were willing to subscribe to the instrument were also to promise to pledge 'such a some of money as they will redyly contribute to be payed to the hands of one principall parson of creditt within the shyre'. In other words, the devotion of loyal subjects was to be proven by 'voluntary' contributions to a nexus of regional treasuries, one located in each shire, for deployment in the event of military crisis. All relevant information—of those willing to subscribe, and to pay—would be recorded in another 'speciall secret booke' of information about loyal subjects in the counties. Finally, 'every parson that shall associate him self' should also declare how many servants, tenants, friends, horse and foot he might bring to 'this great cause'.

A final, more sinister stipulation recorded that any who *refused* 'to associat him self in **com[m]on cawse** by oth and subscription' be certified as a 'recusant in such sort as he shall refuse'. The names of these 'recusants' were to be recorded too, and the reasons for their refusal to subscribe and contribute—'lack of habillity or of good will'—to be duly inscribed, 'for thereof is the gretest difference to be made'. Meanwhile, a 'certificat' should be made of local men of wealth and honour 'to whom for dowtfull respects this motion shall not be made', presumably because their devoutness and loyalty were already in question. Cecil's memorial (and its copy) are both truncated or unfinished, with the reader left to construct their own interpretation of the prospective fate of those unwilling 'recusants'.⁸⁴

This plan to 'associate' Protestant subjects through oath to 'defend the Q. Maty most royall parson' has been described as an obvious forerunner of the Bond of Association of 1584, the subscription and oath administered to nobility and gentry, which obligated signatories to kill would-be and successful assassins who made attempts on Elizabeth's life, and usurpers (i.e. Mary Stewart) who claimed her throne.⁸⁵ But

83. TNA, SP 12/51, fos 12r–13v.

84. Ibid.

85. Allford, *Early Elizabethan Polity*, pp. 196–7.

this imagined ‘association’ of 1569 is both more expansive in its aims and more limited in its membership. The subscription following the oath envisages a carefully selected coalition of men of gentle and lesser social status, promising not merely to defend the queen’s safety but also to protect the ‘christian religion as **by lawes** established in the Realme’, and to demonstrate that fidelity through a ‘voluntary’ financial and military contribution, the latter a species of benevolence designed for loyal Protestant subjects. Recognising the ambition of the scheme, cautious implementation in the shires nearest London, in ‘Kent, Essex, **Hertfordshire or Surrey**’, is proposed before expansion of the model to the rest of the realm.

In Collinson’s conceptualisation, the political coalition devised in the 1584 Bond was a communitarian enterprise, energised by the principles of civic virtue, public duty and Protestantism, and the classical-humanist values of ‘citizenship’ which enshrined the ethos of the ruling elite. And yet the scheme devised in 1569, for all the similarity in the structure and vocabulary of its framing to that later enterprise, has a different flavour. The ‘instrument’ proposed in 1569 does not imagine its signatories as a public community of citizens defined by their possession of virtue and/or wisdom. It is also strikingly dissimilar to Sir Thomas Smith’s conception of the English commonwealth (the *Republica Anglorum*), whose ancient institutions are peopled with, and whose laws are executed by, men whose right to govern is determined by their place in the social order.⁸⁶ Rather, Cecil’s scheme envisages a highly controlled construction of a network of individuals singled out by secretive processes of information-gathering, led by a handful of selected nobles, gentlemen and clergy, and orchestrated by the Privy Council and senior clergy from a power base in London and the home counties. The metal of the subscription of signatories—their loyalty to the inseparable entity of church and queen—is tested by their willingness to sacrifice material wealth for the godly state.

The apparatus of state seems also to be imagined on stringently confessional lines: the collections of secret lists of willing subscribers and ‘recusants’ appears designed to supplement the council’s information about individuals who can be suitably trusted with public office, to prune local government of subversive elements, and to strengthen the notable deficiencies in the ‘Aw and Reverence [owed] to Magistrats’. And Cecil’s definition of patriotic subjecthood and fitness to act in the interests of the realm is related strikingly to conscience:

After these two former propositions with their particuler proof well considered by any English man indowed with knowledge to discern betwixt the truth and decept. It must nedes followe, that an inward byting

86. Sir Thomas Smith, *De Republica Anglorum*, ed. M. Dewar (Cambridge, 1982); P. Collinson, “‘De Republica Anglorum’, or, History with the Politics Put Back”, in his *Elizabethan Essays*, pp. 1–29; Dauber, *State and Commonwealth*, pp. 81–113.

care must possess his hart, how or whither these perills may be with the assistance of Gods goodness by any lawfull Counsell and action of man in this extremity prevented ... *And truly whosoever is not touched ... with this inward care to employ his witt and power, is ether not to be accompted an Englishman by birth* or ells not one that can discerne betwixt Christ and Antechrist.⁸⁷

This version of Cecil's commonwealth, then, is no Ciceronian monarchical republic or Smithian *Republica Anglorum*. But the plan to define a godly self-sacrificing Protestant magistracy is entirely compatible with the strategies endorsed for constructing the godly apparatus of state advocated in Reformed ecclesiology, and in Bucer's *De Regno Christi*, where rule by the truly converted creates a godly kingdom in the temporal world.

IV

Even before Cecil crystallised his vision for reforming the state in these private memorials, the council and senior clergy were implementing remedies to counter the perceived Catholic threat.⁸⁸ Between April and July a handful of prominent laity, including William Roper, the lawyer and son-in-law of Thomas More, accused of assisting the Louvain exiles with alms, were required to make submissions of loyalty and bonds for future good behaviour.⁸⁹ The conciliar and ecclesiastical authorities also exhibited a new watchfulness towards ambassadorial chapels: in December 1567, the Spanish ambassador reported that just under thirty English individuals had been questioned by the queen's commissioners (including Grindal, Ambrose Cave and Walter Haddon) for hearing mass at the Spanish embassy, with six briefly imprisoned for refusing to take the *ex officio* oath.⁹⁰ In April 1568 Cecil warned the Portuguese ambassador that he was to deny outsiders access to worship; a raid on the chapel followed in October, when, in breach of diplomatic immunity, the arresting constable entered the embassy and took hold of eight English Catholics worshipping at mass.⁹¹ Spurred by the news of the league of gentlemen who had forsworn the sacrament, in February 1568 a special commission was appointed, headed by the earl of Derby and

87. TNA, SP 12/51, fo. 11r. Emphasis added.

88. Trimble, *Catholic Laity*, p. 39, notes the change in the temperature of policy towards Catholics.

89. The fullest account, if of dubious exactitude, is that of the Spanish ambassador: *CSP Spain (Simancas), 1568–1579*, pp. 22 (10 April), 44 (26 June), 50 (3 July), 52 (10 July), 58 (17 July). According to Da Silva, other laity questioned included the lawyers Dr More, Dr Mitchell and Dr Windham, as well as the gentlewomen Lady Cary, the queen's cousin, and a Lady Brown, described as a 'rich merchant's wife'. Roper's submission to the Council is TNA, SP 12/47, fo. 12r, 8 July 1568.

90. *CSP Spain (Simancas), 1558–1567*, pp. 685–6 (1 Dec. 1567).

91. *CSP Spain (Simancas), 1568–1579*, pp. 25–6 (24 Apr. 1568); TNA, SP 12/48, fos 55r–57r, Grindal to Cecil, 25 Oct. 1568.

the bishop of Chester, to investigate the activities of the popish gentry in Lancashire.⁹² In the early months of 1569 the inns of court, notorious as a refuge of Catholic students, also received the sustained attention of the council, when twenty-two fellows were summoned to interrogation by an ecclesiastical commission about their religious practices. This was clearly a conciliar directive: on the obverse of the record of the interrogatories is Cecil's scrawl, explaining that malefactors were to be required to 'reconcile themselves to observe ye laws ecclesiasticall', with a certificate of conformity from the bishop of London, or face expulsion from the practice of the law.⁹³

The commissioners in Lancashire and at the Inns of Court identified religious malcontents through their recusancy and suspicion that they harboured religious priests or heard mass. But the authorities also deemed refusal to take communion according to the rites of the Church of England to be the clearest externalised sign of popery (as, indeed, it was clearly viewed by the Lancashire gentry). Of the fourteen students interrogated at the Inns of Court (eight had absented themselves), eleven insisted that they pursued a form of regular attendance at their parish or other London church, but confessed to shunning triannual reception of the eucharist.⁹⁴ In Lancashire the terms of the recognizances of the men bound over to conform consisted of the obligation to attend church, to listen to the sermon but also to 'receave the holly and blessed communion', both as an immediate symbol of their obedience and a minimum of three times *per annum* thereafter.⁹⁵ A copy of a subscription offered to unspecified JPs establishing these terms of obedience is dated to 1568, and is presumably the text used in Lancashire: the endorsement on the manuscript is in Cecil's writing.⁹⁶

In tandem with this interest in identifying Catholics through their attitude to the sacrament, some striking schemes to reform the fiscal-military weaknesses of the state were hastily evolved. The Crown (impoverished by Elizabeth's rescinding of a third of the peacetime subsidy granted in 1566 to appease Parliament over the unsettled succession) launched the first English lottery in August 1567, with the intention of raising revenue to repair England's coastal defences;⁹⁷ and Cecil took seriously the unusual project of Sir William Pelham, lieutenant general of the ordnance office, that advocated the creation of an elite

92. TNA, SP 12/46, fos 43r–44v, 3 Feb. 1568.

93. TNA, SP 12/60, fos 202r–204v. Of the twenty-two men summoned, eight absented themselves.

94. TNA, SP 12/48, fos 77r–78r, Bishop Downam of Chester's report to Cecil on the ecclesiastical commission in Lancashire. When asked, all gentlemen confessed fault 'especially in not Receyving the Communion and entertaining divers persons subscribed'. Also see SP 12/60, fos 202r–204v.

95. TNA, SP 12/48/36, fo. 77v.

96. TNA SP 12/48, fos 179r–180v.

97. D. Dean, 'Elizabeth's Lottery: Political Culture and State Formation in Early Modern England', *Journal of British Studies*, 1 (2011), pp. 587–611.

standing force of ‘harquebuziers of the crowne’ to be stationed in every township.⁹⁸ Cecil’s implementation of a version of Pelham’s proposals occurred notably in the summer of 1569, during a general muster of the militia across the shires—an action usually undertaken when the council deemed it necessary to put the country into a ‘minimum’ state of military preparedness.⁹⁹ Following the muster commission, issued under the great seal in March, the Privy Council submitted a set of separate instructions in June, requiring local commissioners to consider an additional number of articles on military organisation: most notable was the proposal for the creation of a nationwide company of harquebusiers, organised into a corporation, which would be maintained entirely at the expense of the wealthier local elites—higher-ranking officials, clergy and JPs.¹⁰⁰ The articles on military organisation were issued very shortly after the composition of the ‘Necessary memoriall’, and the schemes for both lottery and corporation of harquebusiers anticipate the essential dynamic of his proposals in that remembrance for the creation of a national network of treasuries, filled with the voluntary contributions of devout subjects. Participation in each of these schemes was also enjoined as a moral and a religious responsibility, a demonstration of allegiance to queen, commonwealth and church, with the noble end of strengthening Protestant England’s defences.¹⁰¹ Yet both projects abjectly failed. Dutifully sending back the usual muster certificates in July and August, commissioners from various counties made manifold critiques of the proposals, many of which focused on the unlawful nature of additional fiscal exactions placed on elites, especially the unsalaried JPs, on whose shoulders so many administrative burdens already rested.¹⁰²

These experimental projects to strengthen treasure and arms, devised over the spring and summer of 1569, and the musters of the same period, were an immediate response to the international incident caused by the seizure of the treasure fleet, and a more generalised sense of imminent danger to the realm. Cecil seems to have been cognizant of the schemes of Norfolk to marry Mary Stewart by mid-July, and he and the duke were on cordial terms for some months thereafter. In September, however, Leicester, who had been central to the intrigues, revealed the plans to the queen. Fearing a plot to spring Mary from captivity, Elizabeth placed the queen of Scots under the closer supervision of the earls of Shrewsbury and Huntington and Viscount Hereford on

98. Pelham’s plan is TNA, SP 12/44, fos 123r–126v, endorsed by Cecil; a copy is Huntington Library, Ellesmere MS 1689; L.B. Boynton, *The Elizabethan Militia, 1558–1638* (London, 1967), pp. 59–62.

99. Boynton, *Elizabethan Militia*, p. 14.

100. TNA, SP 12/49, fos 150r–151r; SP 15/14, fos 188r–190v, draft with Cecil’s annotations.

101. Dean, ‘Elizabeth’s Lottery’, p. 598.

102. TNA, SP 12/54, fos 66r–67v, 96r; SP 12/58, fos 97r, 113r, 141r, 172r–174r, responses of the commissioners of musters for Hertfordshire, Warwickshire, Wiltshire, Berkshire, Derbyshire, Dorset, Northamptonshire and Oxfordshire.

15 September. Norfolk, summoned to Windsor, left court without leave of the queen, withdrawing to his estate at Kenninghall, and sending a fateful warning to the northern earls to delay any rising. On 7 October, Francis Walsingham was instructed to take Roberto Ridolfi to his house for interrogation; on 8 October, the queen instructed that Norfolk, summoned again to London, be conducted to the Tower, where the earls of Arundel and Pembroke and Sir Nicholas Throckmorton were already under interrogation.¹⁰³ Meanwhile, rumours of stirs in the north reached the court: on 10 October Sussex, president of the Council of the North, wrote assuring Cecil that the ‘brute’ of ‘entended rebellyon ... is nowe at an ende’.¹⁰⁴

Cecil’s complex plans for a sworn association to protect the commonwealth were not now abandoned, but rather mutated by what—despite Sussex’s optimism—was clearly a mounting emergency. At the point of the arrest of Norfolk, the realm’s most powerful nobleman and only duke, the principal secretary immediately turned his mind to the loyalties of other local elites, magistrates and gentry. Cecil’s hand appears extensively on four lists of local dignitaries written in October 1569. The two lengthiest are names of gentry from all of the English counties, organised according to shire. Both of these are in the hands of a scribe, with Cecil’s annotations; one, which has been extensively amended by Cecil, is a working draft of a cleaner copy, but the lists of individuals are almost identical between the two documents (Cecil adding a handful of extra names to the more polished version).¹⁰⁵ The third and shortest list, entirely in Cecil’s hand, is a record of all members of the Privy Council, titled nobles, bishops and deans.¹⁰⁶ The fourth, again in a scribal hand with Cecil’s annotations, is a hybrid of the two records: it is a distinctly more select register of nobles, privy councillors and members of the gentry, with the latter’s names organised in alphabetical order.¹⁰⁷

The composition of the two longer lists of gentry arranged according to shire mimics the structure of the *libri pacis*, the manuscript books listing the justices of the peace. These documents, though, record far fewer names than one encounters in the swollen ranks of the Elizabethan benches. In Berkshire, for example, the enrolled commission for 1564 listed twenty-six JPs, all male. Cecil’s lists of 1569 encompass seven men and one woman, the latter Lady Elizabeth Hoby, the widow of the diplomat and scholar Sir Thomas Hoby and Cecil’s own sister-in-law, who did not, as far as one can gather, ever serve as a JP.¹⁰⁸ Lists are strikingly

103. CP 1327, 1328, 1334, 1338, 1352, 1354, 1358; TNA, SP 12/59, fos III, 131–v.

104. TNA, SP 15/14, fo. 246v.

105. TNA, SP 12/59, fos 90r–97v. The lists of gentry organised by county are SP 12/59, fos 95v–96r, which is a working draft of 90r–94v.

106. TNA, SP 12/59, fo. 95r.

107. TNA, SP 12/59, fo. 97r–v.

108. TNA, SP 12/59, fos 90r, 95v.

short for the counties further from London, and with fewer numbers of Protestant gentry: Cumberland, whose bench contained twenty-four men according to the enrolled commission of 1564, has just two entries on Cecil's lists, the bishop of Carlisle, and Simon Musgrave; the entry for Herefordshire just one—the bishop.¹⁰⁹ The lists for Middlesex and Essex, counties close to the court, are much longer, with eighteen and twenty-two names respectively: even then, Cecil has excluded scores of individuals who were members of the bench in 1564 (forty-five for Middlesex and forty-nine for Essex), and named numerous 'new' men, notably his own friends and clients, who were not enrolled as JPs in the earlier commission. In the list for Middlesex, Cecil's personal additions to the draft version include the names of the financier Sir Thomas Gresham, an intimate of Cecil, who was currently helping procure luxury furnishings for the principal secretary; Sir Francis Newdigate, an acquaintance of Cecil's since the days of their Edwardian service in the household of the duke of Somerset; and Bernard Hampton, Cecil's close collaborator in drafting documents and clerk of the Privy Council.¹¹⁰

A comparison of Cecil's lists with the bishops' returns of 1564 on the religious complexion of the gentry also demonstrates a strong correlation between Cecil's men (and woman) and those officials and other gentry defined as sound in religion by the episcopacy. For example, as well as listing his sister-in-law in his roll-call of Berkshire gentry, six of Cecil's eight named individuals include Sir Henry Neville, Roger Yonge, William Dunche and Griffin Curteys, all approvingly described by Bishop Jewel in 1564 as 'furtherer earnest' in religion; Thomas Stafford, another 'furtherer'; and Edmund Dockwray, whom Jewel had specifically recommended for inclusion on the commission of the peace for his Protestant zeal.¹¹¹ In Worcester (which had thirty-one JPs according to the enrolled commission of 1564), Cecil's list names only six men, all of whom were singled out as 'favourers' of sound religion according to Sandys's return, and approved by the bishop as 'Men fit to be Justices of the peace'.¹¹² It is clear that in composing these lists of gentry, Cecil was not compiling a comprehensive *liber pacis*. Rather, these lists represent perhaps the earliest extant example of Cecil's plotting-out of a 'Protestant affinity' of trusted gentry in the localities. Like his former masters the Edwardian dukes of Somerset and Norfolk, Cecil was

109. *Calendar of the Patent Rolls Preserved in the Public Record Office: Elizabeth I* [hereafter CPR], III: 1563–1566 (1960), p. 20.

110. TNA, SP 12/59, fos 96r, 91v; CPR, 1563–1566, pp. 22, 24; BL, Egerton MS 2345, fos 24r–25r.

111. TNA, SP 12/59, fos 90r, 95v; Bateson, ed., 'Collection of Original Letters', pp. 38–9. The other name on Cecil's list for Berkshire is the earl of Leicester.

112. TNA, SP 12/59, fos 95r, 96v (bishop of Worcester, Sir Thomas Russell, Sir Thomas Packington, Sir John Littleton, Miles Sandys, and John Peddar, dean of Worcester); Bateson, ed., 'Collection of Original Letters', pp. 5–7. Of the seven, five were already JPs for Worcestershire in 1562; Miles Sandys was included in the enrolled commission of 1564; John Peddar does not appear to have served as a JP: CPR, 1563–1566, p. 28.

seeking to define a web of smaller groups of loyal men and women on whom the Crown—or more obviously Cecil himself—might rely to preserve and govern the Protestant polity, especially in a political or military emergency.¹¹³

This assumption is supported by the final and shortest compilation of names of nobles, councillors and gentry. First comes a selection of twenty-one peers, the most senior of whom is the marquis of Northampton, and which excludes any suspected of dubious loyalty or sympathy for Catholicism: the duke of Norfolk, the earls of Arundel, Westmorland and Northumberland, nobles disgraced in the current and forthcoming political crisis, but also the earl of Derby and Viscount Montague, both of noted conservative leanings. There follows a list of non-titled privy councillors—Cecil and Sir Francis Knollys, Sir Ralph Sadler, Sir Walter Mildmay, Sir Thomas Smith—in other words, the knot of staunch Protestants on the council. This list is followed by another alphabetised series of names of gentlemen all extracted from Cecil's previous lists.¹¹⁴ It seems hard to escape the impression that Cecil was sketching out an incipient version of the 'booke secretly made' of 'devoute subiects' envisaged in the 'necessary memoriall'.

At the same time that he was defining a distinctively Protestant network of trusted gentry, Cecil's concern about the religious affiliation of the magistracy as a whole remained undiminished, as did his interest in the use of promises as a mechanism to bind the Protestant state. On 6 November, just ten days before queen and court were made aware of the rising of the earls of Northumberland and Westmorland in the north, the council wrote to every county in England and Wales explaining that it was 'the queens Maiesties pleasure' that all JPs and sheriffs, past and present, enact a performative test of loyalty: a subscription to the religious settlement of 1559.¹¹⁵ This highly unusual event—unique as far as I am aware in Elizabethan England—has been underplayed in the historiography of Elizabeth's religion. Where scholars have taken note of the subscription, they have assumed that officials were directed to take or renew the oath of supremacy, essentially a vow of obedience to Elizabeth's jurisdiction over the church.¹¹⁶ In the hierarchy of swearing, the subscription was not endowed with the religious obligations of an oath. And yet, Christian teaching obliged the keeping of promises, and this mechanism was a primary means through which clerical authorities enforced controversial religious policies on the clergy—most famously in the Vestments Controversy, or Whitgift's campaign

113. For the useful description of Elizabethan local patronage networks as a 'Protestant affinity', see Younger, *War and Politics*, p. 45. For the Edwardian precedent, see A. Bryson, 'Edward VI's "Speciall Men": Crown and Locality in Mid-Tudor England', *Historical Research*, lxxxii (2009), pp. 229–51.

114. TNA, SP 12/59, fo. 97r.

115. TNA, SP 12/59, fo. 106r, bishop of London and other justices of Middlesex to the Council, 18 Nov. 1569.

116. See above, n. 8.

against non-conformist clergy in 1583–4.¹¹⁷ Furthermore, the subscription offered to the laity in 1569 entailed a promise that enshrined a far more demanding test of religious conformity than swearing obedience to the supremacy. Signatories were required to:

acknowledge that it is our bounden duty to observe the contents of the act of parlement entytled as an act for the uniformitie of the common prayer and service in the church, and the due administration of the sacraments. And for observation of the same lawe, we doo hereby firmly promys that every of us, and or families will and shall repayre and resorte at all tymes convenient to our paryshe churches, or uppon reasonable impediment to other small chappells or places for the same common prayers. And there shall devoutly and duly heare and take parte of the same common prayers and all other divine service, and shall all receyve the holly sacraments from tyme to tyme, according to the tenour of the sayd act of parlement.¹¹⁸

In other words, all local magistrates, past and present, were required to participate ‘devoutly’ in all of the rites and ceremonies of the Church of England, including the reception of the sacrament, or be bound over and liable to be summoned before the Privy Council. They were required to bring families and servants to perform the same, circumventing the practice of the male householder indulging in occasional conformity while his family recused themselves from the statutory obligations of church attendance. Finally, the magistrates were enjoined to pledge to acknowledge ‘our bounden duty’ to ‘the acte for the uniformitie’—to the statute that established the form of worship in the Elizabethan church—rather than to take a vow of allegiance to the royal supremacy.

Despite its timing, this subscription was not merely a knee-jerk response or novel reaction to the unfolding rebellion in the north: the terms of the subscription offered to all JPs were exactly the same as those used in the localised campaign against Lancashire Catholics in 1568.¹¹⁹ And despite the unusually far-reaching demands of the subscription, the exercise seems to have been very successfully implemented in the counties that were not at the epicentre of the rising. Extant returns survive for twenty-six English counties, and eleven Welsh counties with returns missing from Lancashire (though the city of Chester sent in an individual return), Yorkshire and the border counties of Wales, Flint and Carnarvon.¹²⁰ The returns that were received by the council

117. The principal study of the earlier sixteenth century is J.M. Gray, *Oaths and the English Reformation* (Cambridge, 2013); his unpublished thesis, “‘So Help Me God’”, explores oaths and subscriptions under Elizabeth.

118. TNA, SP 12/59, fo. 109r, return for Middlesex. The Privy Council’s letter dispatching the subscription to the Surrey JPs can be found at Washington, D.C., Folger Shakespeare Library, MS L.b.229, fo. 6r–v; a further copy is BL, Add. MS 48018, fos 176v–177v: I am indebted to Ben Coates for these references. The returns are spread through SP 12/59 and SP/60.

119. TNA, SP 12/48, fo. 79r, endorsed 1568 in Cecil’s hand.

120. Kent sent in returns for two ‘lathes’ (subdivisions of the county) as well as a separate return for Canterbury, while the justices of Warwickshire failed to complete their return: TNA, SP 12/66, fo. 88r.

seem to have been broadly comprehensive of the hundreds of current and erstwhile officials in each shire: signings were carried out in public assemblies, organised by the bishop and/or other leading justices in each county, with alternative gatherings arranged for those absent from the first. Covering letters show that officials were scrupulous in chasing up men who failed to sign at the first gathering of JPs, claiming sickness or service outside of the county, and to explain absences and refusals.¹²¹ The JPs of East Kent explained to the council that at the two assemblies held for the purpose of subscription at Canterbury, all justices submitted ‘with redye and willing myndes’, and none refused.¹²² Although the subscription does not appear to have been imposed on urban officials, the mayor, alderman and common counsel of Canterbury wrote to inform the Privy Council that, on the advice of the serjeant-at-law William Lovelace, ‘for the avoyding of all suspycyon of papistrye ... we have all voluntarilye subscribed to the lyke Instrument’.¹²³

This ‘voluntary’ subscription, though, was not universal. Surviving records name around twenty-five men who refused to subscribe or avoided the summons for suspicious reasons, showing that the instrument threw into relief the profiles of conforming Catholics who had managed hitherto to keep a firm foothold in local government. William Roper, who had agreed to be bound to the settlement in 1568, could not promise to swear to the more specific terms defining conformity and participation in the sacrament—he was bound over for 200 marks.¹²⁴ Henry Parker, Lord Morley, ineffectively attempted to claim exemption through the privilege of noble blood, which allowed him to avoid swearing the oath of supremacy.¹²⁵ In Herefordshire, the nemeses of the beleaguered Bishop Scory were finally bested: John Scudamore and Thomas Havard, whose influence over the county Scory had deplored to Cecil in 1561 and 1564, were first arrested then bound over for refusal to subscribe.¹²⁶

The statements and declarations of those who refused subscription clearly demonstrate that they believed that the terms of the instrument touched conscience too nearly. The JPs of Hampshire explained that the Lord Chidiok Paulet’s scruples ‘concerneth onelie the receaving of the Sacraments’;¹²⁷ John Scudamore’s declaration to the council stated that his refusal to subscribe was not ‘of obstinacy but for consciens sake’.¹²⁸

121. See for example, the list of non-resident JPs of Middlesex at TNA, SP 12/59, fo. 111r. The sheriffs and JPs of Surrey and Buckinghamshire seem to have offered officials a number of opportunities to sign: SP 12/59, fo. 159r; SP 12/59, fos 169–171r.

122. TNA, SP 12/60, fo. 45r, 4 Dec. 1569.

123. TNA, SP 12/59, fos 166r, 168r, 29 Nov. 1569.

124. TNA, SP 12/59, fo. 142r, bond of William Roper.

125. TNA, SP 12/60, fo. 150r, justices of Essex to the Council, 2 Dec. 1569.

126. TNA, SP 12/60, fo. 67r, declaration of John Scudamore, 19 Dec. 1569.

127. TNA, SP 12/59, fo. 160r, justices of Hampshire to the Council, 28 Nov. 1569.

128. TNA, SP 12/60, fo. 67r, 19 Nov. 1569.

Thomas Copley complained that he could not sign for ‘fear of daunger and by offence of God and my conscience’.¹²⁹ Most illuminating was the evidence of the great Catholic lawyer Edmund Plowden, a JP for Buckinghamshire. Plowden tried at first to avoid subscription by delaying in a lawyerly fashion, pleading the need for greater leisure to peruse the statute of uniformity and Book of Common Prayer in their entirety before he could make his pledge. He next claimed that as he was in regular attendance at church services, he was not in breach of the legal requirement for conformity:

he thought no man in the realme of his profession in the comen lawe & having as moche busyness as he hathe hed in terme tyme ... had oftener or dulier come to the churche & heard divine service according to the seid booke then he hathe done ...

When finally forced to cease prevarication, Plowden concluded that, though a regular attender of church services, ‘he could not with ... conscience subscribe’ to the terms of the council’s instrument, ‘[because] *belieff* must precede his subscription’.¹³⁰ One can only imagine Plowden’s response to the claims made in the Crown’s post-rebellion propaganda—overseen, of course, by Cecil—that the queen’s subjects ‘quietly have and enjoy the fruits of our ... favour [**mildness**] lenity and grace in all causes [**be made to**] requisite, without any molestation ... by any way of examination or inquisition of their secret opinions in [**for**] their consciences, for [**in**] matters of faith ...’.¹³¹

V

The 1569 subscription to the Act of Uniformity was clearly a means of identifying and therefore muzzling church papists whose loyalty could be called into question by the civil and clerical authorities, who ‘knew the value of having people under long-term surveillance’.¹³² The events of the northern rebellion and its repression overwhelmed any concerted conciliar response to the information gathered from the county returns. None of the men who obstinately refused to subscribe in 1569 appear in the *libri pacis* for 1573–4, suggesting that they were removed from the bench or, more dramatically, in the case of Lord

129. *The Loseley Manuscripts: Manuscripts and Other Rare Documents ... from the Reign of Henry VIII to that of James I*, ed. Alfred John Kempe (London, 1836), p. 245 (Copley to Sir Henry Weston, sheriff of the County of Surrey, 12 Nov. 1569). Again, I thank Ben Coates for this reference.

130. TNA, SP 12/60, fo. 130r, return of the Berkshire justices, 22 Dec. 1659. Emphasis added.

131. *Queen Elizabeth’s Defence of her Proceedings in Church and State*, ed. W.E. Collins, Church Historical Society, lviii (1958), pp. 33, 46 (fair copy of an original Cecilian draft with Elizabeth’s annotations).

132. Walker, ‘Implementation of the Elizabethan Statutes’, p. 21.

Morley, placed themselves into voluntary exile.¹³³ Plowden, too, was provoked into outright recusancy, although his legal career continued to thrive.¹³⁴ There is no evidence, though, that those who refused to subscribe were policed by any further censures. Nevertheless, tallying magistrates' attitudes towards the reception of communion was the sort of information-gathering Cecil consistently pursued, serving his appetite for greater knowledge about local governors, and feeding his concern to identify those individuals who might be counted on to act in (his own interpretation of) the interests of the Protestant state.

When Parliament met in 1571, it must have seemed highly likely that the government's priority—uniformity and security—would be further secured in a manner anticipated by the subscription of 1569. The very first bill debated was the 'communion bill', which would have penalised failure to communicate by a fine of 100 marks (a huge increase on the 12*d* penalty for refusal to come to church).¹³⁵ The bill introduced in the Commons was drafted by Bishop Grindal, following the protocol that the clergy should author legislation concerning religion, but the statute enforcing attendance at communion was an obvious successor to the conciliar initiative of the previous summer. Yet despite the overwhelming support of the bill in both Houses it was vetoed by the queen, who insisted that it infringed her prerogative as supreme governor of the church. The key anti-Catholic statute that emerged from the turbulent 1571 Parliament focused on the reframing of treason laws in the light of the queen's excommunication by the pope. Over the coming decades, recusancy was reasserted as the statutory definition of non-conformity, while further anti-Catholic legislation aimed at driving a wedge between the laity and the priesthood. Challenges to the concept of non-conformity as a Catholic problem emerged from a leftfield source in this very Parliament too—from the godly Protestant gentlemen who introduced unofficial bills for the edification of the 'halfly-reformed' church.

And yet the subscription of 1569 demonstrates that statute was not the only means of enforcing 'conformity' of the more rigorous sort anticipated in the communion bill. As the conciliar investigation into the sacramental attendance of students at the Inns of Court or of the Lancashire gentry suggests, more stringent adherence to the rites, ceremonies and doctrines of the church of England might also be required of particular individuals, at specific moments and through processes—ecclesiastical commission and Privy Council order—that circumvented the temporal law penalising mere non-attendance at

133. Comparison of the returns of 1569 with the extant *libri pacis* for 1573–4: BL, MS Egerton, 2345, which appears to be Burghley's amended version of the *liber pacis* dated from late 1573, now TNA, SP 12/93, pt ii. For Lord Morley, see J. Carley, 'Henry Parker, Eleventh Baron Morley, 1531/2–1577', *Oxford Dictionary of National Biography*.

134. G. de Parmiter, *Edmund Plowden: An Elizabethan Recusant Lawyer* (Catholic Record Society monograph ser., 4; London, 1987), pp. 107–8.

135. Neale, *Elizabeth I and her Parliaments, 1558–1584*, p. 192; Elton, *Parliaments*, pp. 201–2.

church. Unlike statute law, or even the administration of oaths, the subscription was a flexible instrument, wielded by the council or ecclesiastical authorities in a manner as widely or narrowly focused as they wished. This deepens the insight proposed in Peter Marshall and John Morgan's important recent article, that 'conformity' itself was a nebulous concept, diversely defined and imposed on specific groups of clergy or laity at various intervals over the reign.¹³⁶

The episode also casts a curious sidelight on Elizabeth's attitude to the conformity of her subjects. It seems that the queen—who vetoed the statute compelling sacramental conformity—had endorsed the informal subscription of 1569, which mandated the reception of the eucharist by public officials. This implies that the queen herself was relatively unconcerned about forcing conscience, so long as the mechanisms for prising open windows into souls were informal, impermanent and, above all, not enshrined in statute law. This behaviour, of course, was highly characteristic of the Tudor Macavity, who never formally expressed her assent to a host of more controversial policies that she appears covertly to have endorsed: the enforcement of the Advertisements about clerical vestments in the mid-1560s, the Bond of Association, even the putative assassination of Mary Stewart.

The comprehensive subscription of local magistrates to the Act of Uniformity remained a unique exercise, but this and other associated plans and policies of council and clergy in the 1560s had an obvious legacy; they also cast considerable illumination on the religious imperatives that shaped the political thinking of the second most prominent mind in Elizabethan politics, that of William Cecil. Cecil's power, of course, was consolidated after the northern rising, recognised in his elevation to the peerage as Lord Burghley by the time of the 1571 Parliament. Cecil's ongoing concern to root out closet papists among the commission of the peace and the Inns of Court only intensified in the 1570s and 1580s, as he continued to rely on close alliances with episcopal colleagues for information about the religious temper of local society.¹³⁷ The schemes of 1569 also portend his inclination, characteristic of Edwardian practice, to establish networks of trusted officials of sound religion who could be relied on to carry out administrative tasks—a policy employed with particular intensity in the militarised polity of the later Elizabethan years.¹³⁸ The abortive sworn association imagined in 1569, of course, took on new and famous form as the Bond of Association of 1584, though shorn of the social depth Cecil envisaged in its earlier manifestation, as well as the striking earlier proposals for uniting a vow of obedience with a novel form of benevolence.

136. Marshall and Morgan, 'Clerical Conformity'.

137. Wall, 'Religion and the Composition of the Justices of the Peace', p. 231.

138. Younger, *War and Government*, pp. 45–6; Bryson, 'Edward VI's "Special Men"'.

These plans and policies also offer intriguing insights into Cecil's much-debated political vision and suggest new ways of reassessing conceptions of church and state in the Elizabethan age. On this evidence Cecil's political thinking was not defined by veneration of the constitution and common law, which could be hindrances to achieving the security he required for Protestant church and people. The social basis of political power (which included the Catholic gentry) and the Parliament, common law and legal system that Sir Thomas Smith famously defined as the architecture of the peerless English constitution, could often act as a stranglehold on the kind of policies Cecil and other Protestants wanted to implement. Indeed, Cecil's 1569 memorial on the 'state of the realm' and its necessary 'remedyes' nowhere mentions Parliament: rather, Cecil envisages the strengthening of authority flowing from Privy Council to local officials, whose qualification to govern, in Cecil's idealised world, depended on protestantism of the 'inward hart'.

If Cecil had a legal understanding of the English polity it can perhaps best be understood in terms of the correspondences between divine and positive law drawn by the theologians of Edwardian England, just as his thinking about government and administration owes much to the examples of the statesmen he served in his pre-Elizabethan career. By the 1560s, though, the spirit of optimism that celebrated the alliance of minister and magistrate in building the 'reformers' commonwealth' was thickly muffled. The searing memory of the recent Marian persecution and the current suffering of Reformed co-religionists across Europe enhanced existential fears for the embattled Protestant churches throughout Christendom; the great 1549 risings of the English commons made rulers, clerical and lay, additionally wary of the religious and economic causes of social unrest. This omnipresent emphasis on security from domestic and international foes meant that even without the brake of the royal opinion, imaginative thinking about government, administration, and the economy and royal finance, by Cecil and his Protestant peers, was always hedged by caution. As Sandys exhorted his audience of parliamentarians to legislate extensively for the edification of society and commonwealth, his sermon was also riddled with dire warnings for the godly magistrate, both prince and subject: 'if we be cold and negligent in God's cause ... then let us look for that which God threateneth here by his prophet [Samuel], Both you and your king shall perish'.¹³⁹

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139. *Sermons of Edwin Sandys*, ed. Ayre, p. 54.