Jnl of Ecclesiastical History, Vol. 55, No. 2, April 2004. © 2004 Cambridge University Press
DOI: 10.1017/S0022046904009911 Printed in the United Kingdom

Why Was There So Little Government Reaction to Gunpowder Plot?

by A. W. R. E. OKINES

This article rejects the approach that treats the Gunpowder Plot as a discrete historical episode. The plot is better understood when examined in parallel with the period after November 1605; the surprising leniency shown by the Jacobean government towards English Catholics destroys the motives upon which conspiracy theories are based. This article demonstrates that Robert Cecil, earl of Salisbury, supported King James's toleration since both wished to preserve domestic stability and peace with Spain. The assassination of King Henri IV of France in 1610 did more to jeopardise toleration than did the Gunpowder Plot, despite the latter's profound impact on the English popular consciousness.

John Gerard's Victorian question, 'What was the Gunpowder Plot?' continues to be answered by some historians in terms of conspiracy and discovery.[1] By approaching Gunpowder through a study of how the government reacted to it, however, we are able to re-evaluate the events. Gunpowder appears to be so fundamental to the religious landscape of Jacobean England that the surprising lack of subsequent persecution must be explained. By examining the period after November 1605 it is clear that far from pushing for Catholic persecution the government was more interested in stability and foreign policy, both of which demanded a softer approach. Moreover James I wanted to engage the international community in religious debate and was eager not to punish peaceful Catholics for religious opinions alone. These unexpected responses by government and king destroy the motives upon which Gerard relied. Even more surprisingly, the assassination of Henri IV of France in 1610 appears more significant than Gunpowder in destabilising James's Catholic toleration.

CSP domestic = *Calendar of state papers domestic*; *CSP Venetian* = *Calendar of state papers Venetian*

I am extremely grateful to Professor Jenny Wormald who read and commented on numerous drafts and helped throughout my preparation of this article.

[1] J. Gerard, *What was the Gunpowder Plot? The traditional story tested by original evidence*, London 1897; A. Fraser, *The Gunpowder Plot: terror and faith in 1605*, London 1996, 150–8; A. Haynes, *The Gunpowder Plot: faith in rebellion*, Stroud 1994, 75–81; F. Edwards, 'Still investigating Gunpowder Plot', *Recusant History* xxi (1993), 305–46.

Gunpowder caused huge public turmoil, and while the plotters' desperate rebellion in the Midlands was failing, London buzzed with rumour and panic. The Venetian ambassador Nicolo Molin reported on 21 November that 'The King is in terror … the city is in great uncertainty', and by 22 December the situation seems to have deteriorated: 'Every day something new about the plot comes to light, and produces great wrath and suspicion … everyone is armed and ready for any event.'[2] In March 1606, long after the thirteen plotters were dead, a rumour spread through London that James had been murdered in Woking, after which the court shut its gates and doubled the guard, and the Tower of London's bridge was drawn up.[3] The horrendous reality of Gunpowder continued to grip London into the spring.

At the government level, however, the reaction was efficient and calculated in the months following the plot's discovery. While James's fear should not be understated – he briefly considered sending Prince Henry to Scotland for safety – by 23 November Molin was writing that James and the council 'think that there is no further cause for alarm, now that all the chiefs are either dead or prisoners'. Having put down the Staffordshire rising, closed off the ports and rounded up suspects, the Jacobean state machinery demonstrated its efficiency by grinding out statements from witnesses and suspects. It also satisfied the public's appetite for information by publishing the *King's book*, the government's official account of the plot. Since Gunpowder was a one-off event, and although it caused a huge fright, it posed no sustained threat.

James's measured public reaction came quickly. On 9 November 1605 he addressed parliament with a cautious but powerful speech. He told parliament that while the reason for the plot was 'meerely and only Religion' it did 'not follow That all professing that *Romish* religion were guiltie of the same [treason]'. He insisted that Catholics 'may yet remaine good and faithfull Subiects' and at a time when persecution of Catholics looked certain, he even attacked the 'crueltie of Puritanes' who did not accept that Papists could reach salvation.[4] James also argued that foreign rulers, rumoured to be connected to Gunpowder, were innocent as none would 'abase himselfe so much'. Finally he called for calm, asking for time to discover the guilty parties to prevent innocent people being punished. Here was a king clearly determined to avoid rash actions.

The government was similarly concerned that the Jesuits represented a political threat but was careful not to incite hatred against them. The delay in pursuing them – warrants for the arrest of John Gerard, Henry Garnett and Oswald Tesimond were not issued until 15 January – may indicate that the government was hoping that the priests would obey the proclamation of

[2] *CSP Venetian, 1603–7*, 293, 303.

[3] G. B. Harrison, *A Jacobean journal: being a record of those things most talked about during the years 1603–6*, London 1946, 286.

[4] *King James VI and I: political writings*, ed. J. P. Sommerville, Cambridge 1994, 150–3.

February 1604 and leave the country before they had to deal with them. The day before Garnett was executed, Dudley Carleton wrote that 'some do yet think he shall have favour, upon a petitionary letter he hath written to the king'.[5] A propaganda victory could, after all, still be won without spilling blood, and Garnett was thought to have valuable knowledge.[6] More significantly the pursuit of the Jesuits was not, as has been interpreted, an indication of the government's intention to link Gunpowder to the broader community: Garnett's interrogation was about theological matters as well as Gunpowder. Even Tesimond acknowledged that while the public made the plot into a Catholic conspiracy, James and the privy council foresaw the danger of this and blamed only those involved.[7]

If Gunpowder was welcome to (or devised by) government, we might expect an overwhelming use of propaganda. Yet the government seemed embarrassed at the propaganda possibilities that the plot released.[8] This is not immediately obvious. Edwards called it 'Salisbury's propaganda machine', and Hurstfield argued that 'the government made the maximum political capital out of the Plot' as witnessed by James's speech to parliament and the *King's book*.[9] On the contrary, James's address to parliament was an attempt to defuse the uproar against Catholics, but what of the *King's book*? Its anti-Rome polemic and branding of the plotters as 'the rarest sort of monsters' suggest a propaganda campaign, just as do Robert Cecil's attempts to portray the Catholic spy Hugh Owen in the blackest way possible.[10] Nevertheless while the *King's book* was a propaganda triumph for the government, hailing the king, Lord Monteagle and divine intervention as saviours of the realm, it was propaganda couched in political terms rather than anti-Catholic polemic.

Propaganda was used only in so far as it fulfilled a vital function. That function was not to engender anti-Catholic opinion at a public level, but rather to assist broader government policy. It informed foreign princes of the progress of the investigations, and reassured them that neither were they under suspicion nor would innocent Catholics be punished. At the same time Gunpowder was used to justify James's recusancy fines, his enforcement of conformity and his failure to convert to Catholicism. James's concerns extended beyond those of domestic and personal security, and he used the shock of Gunpowder to his own ends.

[5] M. Lee, Jr, *Dudley Carleton to John Chamberlain, 1603–1624: Jacobean letters*, New Brunswick, NJ 1972, 81.

[6] M. Nicholls, *Investigating Gunpowder Plot*, Manchester 1991, 49–51; *Letters of John Chamberlain*, ed. N. E. McClure, Philadelphia 1939, i. 222.

[7] *The Gunpowder Plot: the narrative of Oswald Tesimond, alias Greenway*, ed. F. Edwards, London 1973, 139–40.

[8] Nicholls, *Investigating Gunpowder*, 47.

[9] Edwards, 'Still investigating', 313; J. Hurstfield, *Freedom, corruption and government in Elizabethan England*, London 1973, 347.

[10] Haynes, *Gunpowder Plot*, 98; *CSP domestic, 1603–10*, 306.

In June 1606 parliament passed two acts reinforcing Elizabethan recusancy legislation.[11] They gave the king the right to seize recusant land, since the monthly £20 fine was not sufficiently punitive either to force richer Catholics to attend church or to reduce their ability to house priests. In addition an oath of allegiance was introduced that could be demanded of anyone over eighteen years who had been convicted of recusancy or had not received communion twice within the year. The nobility were exempt but could be made to swear the oath if asked by six members of the privy council.

The oath must not be seen simply as a reaction to Gunpowder, for James had broader intentions than securing the loyalty of his subjects. In response to Pope Paul V's second *breve* in August 1607 instructing Catholics not to take the oath, James anonymously wrote *Triplici nodo, triplex cuneus: or, An apologie for the oath of allegiance*, which was circulating by February 1608.[12] Following Cardinal Bellarmine's *Responsio*, James announced his authorship. He had entered the international debate, but this was no propaganda war; it was a theological debate with serious consequences.[13] To a king like James, who had an intensely international focus, this debate might be more important than a plot with no European backing, even if the latter threatened him mortally.[14] Again, James was using Gunpowder to his own ends, for he hoped to convince foreign princes that they too were being wrongly subjugated by the papacy.[15]

It is crucial to our interpretation of the government's reaction to Gunpowder to consider whether the Oath of Allegiance was a mild and reasonable request by the state to ensure Catholic loyalty at a time when this was in doubt, or whether it was an attempt to split the Catholic community. Michael Questier has asserted that the ambiguity of the oath made it a 'diabolically effective polemical cocktail'. He argues that the government's strategy was to go beyond asserting the king's temporal power, and to make it possible to interpret the oath as rejecting papal primacy. Its ambiguity would ensure not only that it split the moderate secular clergy from the more radical Jesuits, but also that it caused fissures within each group. Questier argues that the oath could not simply have been a loyalty test, for casuistical theory could allow those who swore oaths not to feel bound to them. He cites the example of Richard Lloyd who swore the Oath of Supremacy in 1590, reading 'the wordes very fast' so that it would not bind him.[16] Unlike the Oath of Supremacy, however, the Oath of Allegiance specifically ended with a confirmation that it had not been said with equivocation.

[11] 3 & 4 Jac.I. Cap.IV., 3 & 4 Jac.I. Cap.V.

[12] This will be cited hereinafter as *Apologie*.

[13] See Fraser, *Gunpowder Plot*, 283.

[14] I am grateful to Jenny Wormald for this point.

[15] W. B. Patterson, *King James VI and I and the reunion of Christendom*, Cambridge 1997, 89.

[16] M. Questier, 'Loyalty, religion and state power in early modern England: English Romanism and the Jacobean Oath of Allegiance', *HJ* xl (1997), 311–18.

Responding to those historians who argue that since the oath was not properly enforced after 1606 it was not a deliberate attempt to crush Catholicism, Questier shows that the level of enforcement has been underestimated.[17] Yet this evidence suggests that the oath only began properly to be enforced after 1610, and if the government designed the oath specifically to split the Catholic community, it would surely have implemented it much sooner. More plausibly, the government was not trying to destroy Catholicism, and the identified increase in enforcement after 1610 has a different cause.

Questier further argues that if the oath were as moderate as has been claimed, it would not have caused the divisions and violent opposition that it did.[18] He argues that had the regime's intentions been merely 'a simple separation between loyal and disloyal' subjects, this would imply 'that loyal catholics would find the oath really quite welcome'.[19] Since many loyal Catholics did not welcome the oath, Questier concludes that the government did not simply intend to root out disloyal subjects, but intended to split the Catholic community.

This argument confuses different senses of moderation, however. Questier is correct to note that the oath was not moderate, since it went beyond temporal power. To Catholics the deposing power was not simply temporal, for it rested on the pope's position at the head of the Church. However, if his subjects were to be considered loyal, James required that they reject the pope's deposing power. His belief in the divine right of kings ran contrary to the assertion that a pope might depose God's chosen monarch, which he saw as an illegitimate claim to temporal power by the pope. For this reason Questier's argument breaks down: it does not follow that a loyal Catholic would find an oath seeking to secure loyalty welcome, for it imposed a spiritual–temporal tension on the Catholic conscience.

In another sense, the oath was moderate because its formulation and James's official statements made it possible to interpret it thus. James realised that to ensure loyalty he needed his subjects to reject the doctrine of papal deposition, but that the oath was dealing with a hugely controversial issue. While the content of the oath encroached on the pope's spiritual power, James couched it purely in terms of civil obedience to make it more acceptable to Catholics. He even intervened to remove the sentence that denied the pope's power to excommunicate kings. The oath was not therefore deliberately ambiguous in order to split the Catholic community by going beyond the king's temporal power and making it possible to interpret it as rejecting papal primacy. Rather, the strategy was to frame an oath the content of which, while always likely to go too far for some Catholics, could be interpreted merely as temporal and so for many might be deemed acceptable.

[17] Ibid. 322–5. [18] Ibid. 313. [19] Ibid. 314.

For such a strategy to work James had to be seen to be asking for civil obedience, so it is useful to look at the oath through his official statements. We take these at face value not because James had no undercover agenda, but because they were supposed to make plausible an interpretation of the oath purely as a civil matter. He realised that the oath made large demands of Catholics, who had the unenviable choice of either being considered dangerous by the state or accepting that a doctrine proclaimed by the Church of Rome for centuries was false.[20] In July 1606 the English ambassador told the Venetian senate, a receptive audience in the light of the Interdict crisis of that year, that 'the new oath is directed to no other end than to the establishment and preservation of the temporal Power'.[21] In his *Apologie* James said that 'I gaue a good proofe that I intended no persecution against them for conscience cause, but onely desired to be secured of them for ciuill obedience.' While the oath itself was therefore necessarily ambiguous, James's defence of his position was not: he made it clear that the pope's interference was in a temporal matter, and asked why he was meddling 'betweene me and my Subiects, especially in matters that meerely and onely concerne ciuill obedience?'. James blamed the pope for Catholic troubles of conscience, claiming that had he raised particular concerns about the oath, the words could have been 'reformed or interpreted'. Here was a king bending over backwards to give his Catholic subjects a way out of this temporal–spiritual debate and 'to wipe off that imputation and great slander which was laid vpon the whole professours of that Religion, by the furious enterprise of these Powder-men'.[22]

The Oath of Allegiance reveals James's concern over the pope's deposing power and the threat of assassination that accompanied it. Excommunication was an important issue because an act of papal deposition meant that the monarch's subjects were no longer duty bound to offer their loyalty. This threat was very real, for both William the Silent and Henri III had been assassinated by Catholics after being excommunicated. Rumours in December 1605 that the pope was to excommunicate James might explain his treatment of Catholics, and perhaps even why in May 1608 the *King's book* was republished with all references to the pope as the AntiChrist removed.[23] In 1609 James again called the pope the AntiChrist, but only so long as he claimed the deposing power. In an intellectual climate of contrariety it represented a claim that the pope was in opposition to the rightful ruler just as the AntiChrist was opposite to

[20] Haynes, *Gunpowder Plot*, 122.

[21] *CSP Venetian, 1603–7*, 381.

[22] *King James: political writings*, 86–8, 116.

[23] J. P. Sommerville, *Politics and ideology in England, 1603–1640*, London 1986, 197; G. B. Harrison, *A second Jacobean journal: being a record of those things most talked about during the years 1607–10*, Chicago 1958, 91.

Christ.[24] James was steering a careful path, rejecting the pope's spiritual objections to the oath yet avoiding excommunication.

On a national scale the oath had more significance than simply as a tool to prevent another plot. As some concerned Protestants realised, it enabled Catholics to become legitimate members of society.[25] The oath could therefore be represented as something positive, and although the terms were tough, this was precisely why James offered an easier interpretation of it in terms of civil obedience.

By looking at the enforcement of legislation rather than at the legislation itself, it is clear that the government was not bent on destroying Catholicism in England. In March 1607 two priests sentenced to be executed were offered the oath as an alternative. One took it; the other refused and was executed.[26] In December 1610 two priests were executed at Tyburn, one because he 'put down' the bishop of London, the other because he had been banished five times. If they had sworn the oath they might have been pardoned.[27] These examples show that priests were not always treated in the way the law demanded: the proclamations of February 1604, June 1606 and June 1610 all stated that priests remaining in the country were subject to Elizabethan law (strictly death). James did not make his privy council take the oath until June 1610, and it seems that Sir George Calvert never swore the oath although it should have excluded him from office.[28]

The government either failed or did not intend to succeed in enforcing the recusancy laws; the pattern of partial application and even rejection of these laws by the state makes the latter explanation more likely. One man responsible for this policy was the exchequer clerk Sir Henry Spiller. A church papist, he ensured that the laws were not fully enforced, although this did not entirely go unnoticed by his contemporaries.[29] Questier demonstrates that the reason for poor revenue collection by the Jacobean administration was that Spiller, with backing from those in high office, won the battle (against men like John Thornborough, a bishop-commissioner in Yorkshire) over the prime purpose of recusancy law.[30] Its function was to provide steady revenue streams rather than to destroy recusancy. When Spiller was publicly criticised, the chancellor of the exchequer Sir Julius Caesar and

[24] S. Clark, 'Inversion, misrule and the meaning of witchcraft', *Past and Present* lxxxvii (May 1980), 113.

[25] M. Questier, 'The politics of religious conformity and the accession of James I', *Historical Research* lxxi (1998), 25–6; L. A. Ferrell, *Government by polemic: James I, the king's preachers, and the rhetoric of conformity, 1603–25*, Stanford 1998, 20.

[26] *CSP Venetian, 1603–7*, 479–80.

[27] Harrison, *Second Jacobean journal*, 235.

[28] *William Whiteway of Dorchester: his diary 1618 to 1635* (Dorset Record Society xii, 1991), 70.

[29] J. La Rocca, 'James I and his Catholic subjects, 1606–12: some financial implications', *Recusant History* xviii (1987), 258; Questier, 'Politics of religious conformity', 27.

[30] M. Questier, 'Sir Henry Spiller, recusancy and the efficiency of the Jacobean exchequer', *Historical Research* lxvi (1993), 256–66.

the government repeatedly closed ranks behind him, which also demonstrates that the administration was determined to use Catholic policy to serve its own agenda – revenue raising – rather than the public's.

Much leniency, however, was less visible to the public. John La Rocca's study of recusancy shows that between 1606 and 1612 there was 'an impressive rise in the number of indictments and convictions for recusancy but the annual revenue from recusants only once exceeded £10,000 – an unimpressive sum'.[31] He finds that in Middlesex in the two years 1606–7 £28,000 remained outstanding in unpaid fines, which suggests that while the government was taking an outwardly tough stance, it was not dealing Catholicism any sort of crushing blow. This was a deliberate policy rather than gross negligence. In Middlesex during 1608 goods belonging to recusants were seized, evaluated and returned, with the evaluation being recorded in the rolls. As no *debet* was entered in the Rolls it shows that the government had no intention of collecting the debt, but instead let it carry over from year to year.[32] Even E. E. Reynolds, who believed that the government was 'intent on splitting the Catholic community', admits that exchequer receipts reveal an 'ebb and flow' of persecution, rather than a sustained attack.[33] This leniency is all the more spectacular when we recall James's chronic financial problems.

In addition to leaving fines uncollected, the privy council limited the impact of recusancy laws in other ways. This is what Cecil meant when in early 1605 he said that while the property laws must be enforced, 'even here we shall go dexterously to work'.[34] The government often released convicted recusants from their fines if petitioned, or acquitted them once there was evidence of church attendance, as in the case of Elizabeth Gifford of St Andrew's, Holborn.[35] Indeed the playwright Ben Jonson became the first poet laureate in 1616 despite his previous recusancy. Other methods of softening the laws included not exacting outstanding fines of deceased recusants from their surviving family, granting the fines or seized properties to friends or relatives of an indicted recusant or even renting the property back to the recusant himself.[36] Cecil seems to have advised Sir Charles Percy to petition James for some recusant fines, although Percy refused. He did so because James's 'mind towards recusants may alter' and he would have to return the money, which suggests that even in the aftermath of Gunpowder it was plausible to think that fines could be abolished.[37]

[31] La Rocca, 'James and his Catholic subjects', 258.

[32] Idem, *Jacobean recusant rolls for Middlesex, an abstract in English*, London 1997, p. vii.

[33] E. E. Reynolds, *The Roman Catholic Church in England and Wales: a short history*, Wheathampstead 1973, 267–9.

[34] *CSP Venetian, 1603–7*, 229.

[35] *CSP domestic, 1603–10*, 461.

[36] La Rocca, 'James and his Catholic subjects', 258.

[37] M. Nicholls, 'Sir Charles Percy', *Recusant History* xviii (1987), 244.

James's financial pressures were responsible for the increase of recusancy fines in 1604. A shortage of money seems also to have had more impact than Gunpowder, for the amount of unpaid fines in Middlesex grew from £8,005 in 1605, to £15,180 in 1606, the year in which we might have expected fines to be strictest.[38] James's conflicting interests are indicated in a letter to the privy council in October 1607 when he requested that he should benefit from the fines, but that the laws should not be too severe. He asked

> that it be no longer forgotten to make my profit as well of the lands of those that are attainted for treason as of the fines of these noblemen that were fined for little better deserts (I mean with that moderation as I ever intended it and wherein ye are already sufficiently acquainted with my mind).[39]

Perhaps it is fitting, therefore, that Chelsea College, established 'for the better handling of religious controversies', was paid for by 'King's silver', an annual poll tax paid on taking of the Oath of Allegiance.[40]

Leniency towards recusants was not lost upon contemporaries. As early as November 1603 there was a report that recusancy was greater in the north than during Elizabeth's reign because the laws were implemented less strictly.[41] In April 1604, by which time priests should have departed from the kingdom, 'little is yet done against the priests or Papists; few or none have departed'.[42] In his sermon at Paul's Cross on 2 November 1606 Richard Stock, curate of All Hallows, Bread Street, called on magistrates to adhere more closely to the laws against recusants.[43] Following Lancelot Andrewes's Gunpowder sermon on 5 November 1609 there was a 'general opinion' that 'milder courses will be held with the Catholics'.[44] In May 1610 the king received three petitions against leniency towards recusants and lack of execution of laws against priests.[45] What seems clear is that James permitted strict recusancy laws, both to guarantee a source of revenue and also as a concession to Protestant concerns. At the same time to offer tolerance he limited the impact of the laws. This skilful balancing act did not go unnoticed, but James was able to point to the severe laws as proof of his calibre as a Protestant ruler. However tensions often occurred. In mid-1605 James was asked by the judges whether two priests under sentence of death 'for religious opinions' should have the laws enforced against them, which would have broken his word that blood would not be spilt over religious beliefs. He pursued a *via media* by enforcing the property laws and fining the priests, but not executing them for remaining in England.[46]

[38] La Rocca, 'James and his Catholic subjects', 257.
[39] *Letters of King James VI & I*, ed. G. P. V. Akrigg, Berkeley 1984, 292.
[40] *CSP domestic, 1603–10*, 616. [41] Harrison, *Jacobean journal*, 73. [42] Ibid. 127.
[43] M. MacLure, *The Paul's Cross sermons, 1534–1642*, Toronto 1958, 90, 227.
[44] Harrison, *Second Jacobean journal*, 157. [45] *CSP domestic, 1603–10*, 613.
[46] *CSP Venetian, 1603–7*, 243.

In contrast to Protestant complaints of lax enforcement, many Catholics bitterly complained about the rigorous application of laws. However these opinions are not in direct contradiction, for Protestant complaints concerned the leniency of central government, while Catholics tended to complain about local persecution. James received a petition in September 1604 claiming that local justices were imprisoning recusants even after they had paid their fines.[47] In October 1610 recusants in Yorkshire complained about the abuses of magistrates and agents of the privy council who were seizing more property than was permitted, and Father John Gerard wrote of 'insolences and molestations … in the searches' of Catholic houses.[48]

It is clear from examining recusancy in Herefordshire that anti-Catholic momentum came from the local level rather than from the government. In May 1605 the refusal of a parish minister to bury Alice Wellington, an excommunicate Catholic, led to the arrest of about twenty Catholics who did it themselves. The Venetian ambassador Nicolo Molin reported a separate incident where local justices of the peace tried to arrest a congregation attending mass, but the Catholics had come to church armed.[49] The privy council heard news of a rising of 1,000 Catholics in Herefordshire, and sent the earl of Worcester to put it down. On his arrival he discovered the reports to be wildly exaggerated. While geographically Worcester was probably the obvious earl to send, his selection by James is important. His Catholic leanings were widely known, and he was more likely to calm the Catholics rather than stir up trouble. He was a shrewd choice, and an unlikely one had James wished to crush the Catholic faith.

It is a valid objection that the concessions offered to Catholics by James matter little if he was isolated in opinion from his government and above all from Cecil. However, Cecil's actions towards recusants in Herefordshire hardly support a perception of him as a persecutor of Catholics. In June 1605 Robert Bennet, bishop of Hereford, wrote to Cecil requesting an ecclesiastical commission to deal with recusants, and informing him that he was searching for leaders of the riot, including the seminary priest Roger Cadwallader. He requested the commission again in March 1609, and in November Cecil was informed that Justice Williams was allowing recusants to swear a modified oath. In April 1610 Bennet once more wrote to Cecil, telling him he had apprehended Cadwallader but that recusants were swarming in Herefordshire in the absence of a commission.[50] Although Cecil finally sent Christopher Hawkes to apprehend Jesuits, Sir James Perrot indicates that Hawkes was neither sincere nor skilful in carrying out his task.[51]

[47] Nicholls, *Investigating Gunpowder*, 133.

[48] Harrison, *Second Jacobean journal*, 228; *The condition of Catholics under James I: Father Gerard's narrative of the Gunpowder Plot*, ed. J. Morris, London 1871, 35.

[49] *CSP Venetian, 1603–7*, 247.

[50] *CSP domestic, 1603–10*, 225, 500, 559, 601.

[51] *CSP domestic, 1611–18*, 123.

That it took five years to apprehend Cadwallader, and longer for Cecil to assist Bennet's private battle against recusancy (Bennet never got his commission), clearly suggests that he was deliberately obstructing Catholic persecution.

Cecil's actions over the baronetcies also run contrary to what we might expect. After his financial initiative, the Great Contract, failed in 1610, the government devised a plan to raise money by creating the rank of baronet. Not only could Catholics acquire these titles, but also many of those who did had strong recusant connections; some, including the Treshams, even had links with Gunpowder. This was no accident, for these families had been paying fines and were well known to Cecil; some, like Sir John Shelley, continued to pay fines after receiving the title. This policy was primarily to raise money, and secondly to bind the Catholic gentry to the state. It was devised by Cecil and initiated by James, who knighted and awarded a baronetcy to the departing Venetian ambassador Marc Antonio Corraro. This was important because since Corraro was both Catholic and foreign it was an indication of conciliation and that Catholics would be eligible for the title.[52] The way it was framed is also significant. The cost of the title, £1,095, was calculated to keep thirty foot soldiers in Ireland for three years, so baronets were implicitly backing the state against the Irish Catholics in Ulster and binding themselves to the Protestant nation rather than simply to the king. In this respect the title of baronet was an equivalent to the Oath of Allegiance.

Cecil is often seen as the tormentor of the Catholics, his hatred for them supposedly an 'inescapable' fact.[53] He certainly was worried about how James's accession would alter the religious landscape of England, for James was the son of a Catholic martyr, was in a different mould to his fiercely anti-Catholic predecessor and had made clear in their secret correspondence that he would not persecute the Catholics. However, it was precisely because of James's evident tolerance that Cecil did not press for persecution since he could not afford to lose James's favour. Had he wanted to, Cecil could have engineered a mass of anti-Catholic legislation in the aftermath of Gunpowder. That he controlled the Commons can be seen from Carleton's letter to Cecil's secretary in February 1606, saying that his absence from the House during debates on recusancy laws 'causes him to be reflected upon'.[54] Conversely this also suggests that he was slack, especially in ensuring strong government representation in the chamber. However, his absence was no accident, for after November 1605 Cecil realised that to be in concord with James he had to shift his ground; he chose to distance himself from anti-Catholic feeling. He remained in control of parliament since nothing except a weak motion to make 5 November a day of public thanksgiving was passed

[52] P. Croft, 'The Catholic gentry, the earl of Salisbury and the baronets of 1611', in P. Lake and M. Questier (eds), *Conformity and orthodoxy in the English Church, c. 1560–1660*, Woodbridge 2000, 262, 266–70, 274.

[53] Edwards, 'Still investigating', 309.

[54] *CSP domestic, 1603–10*, 287.

in the aftermath of the plot, and he was able to push through the crucial amendment (later Article 12) that stemmed the flow of English volunteers joining Archduke Albert in the Low Countries.[55] He exploited Gunpowder's propaganda value, using it as an excuse to contravene the 1604 peace treaty, but this was a different type of propaganda to the anti-Catholic popular agenda. Instead, it assisted his international agenda that revolved around national security rather than religion.

Lack of systematic persecution of Catholics by central government in the aftermath of Gunpowder requires explanation. First, as the centre of correspondence, the privy council could often become the victim of fear and thus over-react, as it did during the Herefordshire rising.[56] However, Gunpowder ended with the pathetic Staffordshire rising which attracted no popular support, so the danger had clearly passed once the plotters were no longer at large. Gunpowder's threat was transitory, so it is not entirely surprising that the government responded in a measured way. Second, in the immediate aftermath the privy council's interest lay in maintaining law and order: to treat all Catholics as traitors would have been counter-productive. While Cecil may have been frustrated by James's refusal to allow a complete rooting out of the Jesuits, he was politically astute enough to realise that the government's response should avoid provoking the entire Catholic community.

The government did not wish to anger Catholic foreign rulers by mistreating English Catholics. Peace with Spain, for which Cecil seems to have been pushing since 1598, had been sealed only in 1604. Cecil realised its value in enabling trade to flourish; such financial benefits were all the more significant to an impoverished crown.[57] Furthermore, if English recusants and Spain were to co-operate national security might be threatened.[58] However, the House of Commons, whose members tended to be focused on domestic concerns, unlike those international statesmen James and Cecil, continually pushed for greater persecution. In response to a petition by MPs in 1621, James said 'We must not by the hote prosecution of Our Recusants at home irritate forreine Princes of contrary Religion, and teach them the way to plague the Protestants in their Dominions.'[59] The government had nothing to gain from angering foreign powers or implicating them in the plot, and this helps to explain James's defence of foreign princes on 9 November 1605.[60]

[55] P. Croft, 'Serving the archduke: Robert Cecil's management of the parliamentary session of 1606', *Historical Research* lxiv (1991), 289.

[56] J. Walter, 'A "rising of the people"? The Oxfordshire rising of 1596', *Past and Present* cvii (May 1985), 138.

[57] P. Croft, 'Brussels and London: the archdukes, Robert Cecil and James I', in W. Thomas and L. Duerloo (eds), *Albert and Isabella, 1598–1621: essays*, Brussels 1998, 80–1.

[58] Ferrell, *Government by polemic*, 68.

[59] *King James: political writings*, 260.

[60] Nicholls, *Investigating Gunpowder*, 62.

The conspirators' links with Spain meant that the plot made Anglo-Spanish co-operation difficult: Gunpowder was unwelcome to the government rather than providing a wonderful excuse for persecution.

Furthermore, the Catholic community was as horrified by Gunpowder as the Protestants were. On 7 November Archpriest Blackwell denounced the plot as a 'detestable device' and when he swore the Oath of Allegiance he said that even if James was excommunicated, Catholics would still be bound to the crown.[61] Many Catholics were angry at Pope Paul v's failure publicly to denounce Gunpowder.[62] When in 1608 he appointed George Birkhead to the archpriesthood in Blackwell's stead, he told him to instruct Catholics not to swear the oath or to attend Protestant churches.[63] The pope's 'fiery and hot-headed' reaction to the oath compounded rather than assuaged Catholic problems.[64]

Gunpowder occurred at a time when the government was trying to embrace Catholics both abroad and at home. This policy focused on the Catholic nobility, but the process of making them legitimate members of society was delayed until 1611 and the sale of baronetcies. Although the 1606 legislation made exceptions for the nobility, Gunpowder was nevertheless a major inconvenience to James's project of uniting Christendom. One aspect of union was the political union between England and Scotland that James wanted to push through parliament. Lori Anne Ferrell has argued that James did not want Gunpowder to distract MPs from his project, and this could explain his reluctance to launch a full investigation into the plot beyond January 1606.[65]

James was an obstacle to the persecution of Catholics even after a few of their number had rejected his concessions and tried to blow him up. He refused to allow persecution 'for diversity of opinions in religion', and made efforts to calm local zealots.[66] On his behalf the privy council wrote to the bishop of Chester in October 1608 instructing him that the king did not want proceedings against recusants to stop entirely, but they should be moderate and 'only against obstinate persons'.[67]

His interest lay in ensuring obedience to his laws, which demonstrated loyalty to the crown. In March 1603 he told Henry Percy, earl of Northumberland, 'As for the Catholics, I will neither persecute any that will be quiet and give but an outward obedience to the law.'[68] Later in the year he told the archbishops and bishops that he wanted to uphold the existing laws, and that the Puritans were no less dangerous than the papists.[69] That he treated Puritans and papists alike reveals the importance of civil obedience in James's philosophy; Ferrell has developed this further

[61] Fraser, *Gunpowder Plot*, 183; Patterson, *King James VI and I*, 82.
[62] Patterson, *King James VI and I*, 80n.
[63] *CSP domestic, 1603–10*, 397.
[64] *CSP Venetian, 1603–7*, 363.
[65] Ferrell, *Government by polemic*, 72–3.
[66] *Letters of King James*, 204.
[67] *CSP domestic, 1603–10*, 463.
[68] *Letters of King James*, 207.
[69] *CSP domestic, 1603–10*, 40.

by examining the language of anti-Puritanism developing out of Gunpowder.[70]

James had offered some concessions to the Catholics while he was manoeuvring to succeed Elizabeth as monarch, and his reaction to Gunpowder was a continuation of his policy to balance Catholic and Protestant interests. The publications of his covert attempts to woo the Catholic community threatened his Protestant religious reputation. Before 1603 Sir James Lindsay had been given permission by James to go to Rome, and had returned with a letter from Pope Clement VIII supporting James's claim to the English throne, and offering further help if James gave Prince Henry a Catholic education. In early 1605 Lindsay was again in Rome with James's consent, apparently with instructions to tell Clement that James was very pleased with the letter, but that he was unwilling to raise Henry as a Catholic. However, as Molin reported, 'it seems that he has greatly exceeded his instructions', because the pope appointed a congregation of cardinals to oversee English affairs.[71] Lindsay may have been in Rome to give the pope some quiet assurances over the fate of the English Catholics; James never liked to close diplomatic doors, and was content to give the pope some vague notion that he might convert to Catholicism. Whether or not this is the case, by being so explicit Lindsay destroyed James's diplomacy with Clement for James could not afford to alienate the Protestants. Cecil was furious that 'his [Lindsay's] errand' had become public knowledge: it both ended James's diplomatic dealings with Clement, and also threatened Cecil's diplomacy with Spain, for the French ambassador suggested that Lindsay was in the pay of the Spanish.[72]

Similarly Bellarmine's *Responsio* revealed that in 1599 James sent Clement a letter requesting a Scottish cardinal, and saying that he was kindly disposed towards Catholics.[73] James realised that such a revelation 'doth as nearly touch us in reputation as any one that ever happened unto us in all our life'.[74] A few days later James Elphinstone, the king's secretary in the 1590s, confessed that he had managed to get James to sign it without realising its contents. Some contemporaries suspected – probably rightly – that Elphinstone was a scapegoat. James was clearly relieved to have cleared his name, comparing the event with his deliverance from the Gowry Conspiracy and even Gunpowder itself.[75]

It is important to remember that James's policy towards Catholics was dynamic rather than static. Many factors, such as Rome's actions, could influence Catholic policy but Gunpowder – surprisingly – was no turning-point. In March 1607 Giustinian said that the *breve* of September 1606 caused increased severity towards Catholics because it 'greatly incensed the King,

[70] Ferrell, *Government by polemic*, 64–109.
[71] *CSP Venetian, 1603–7*, 224, 235.
[72] *CSP domestic, 1603–10*, 230.
[73] Harrison, *Second Jacobean journal*, 110.
[74] *Letters of King James*, 302.
[75] Ibid. 309.

and is likely to do more harm than good'.[76] In February 1608 news of the papal bull deposing Blackwell – a deposition similar to the one James feared so much – was expected to 'breed much wrath in the King and the Council against the recusants'.[77] A month after the Elphinstone affair, John King's Gunpowder sermon of 1608 suggested that the plot was an international conspiracy, asking 'What meaneth his Majesty to deal so graciously with them [Catholics]?'.[78] At Paul's Cross Robert Tynley, archdeacon of Ely, also attacked Catholicism which 'utterly perverteth the lawful subjection of people to their Sovereignes'.[79] James immediately ordered King's court sermon, the most anti-Catholic of the reign, to be published. It is not surprising that he did so, even given his tolerance of Catholicism, for Cardinal Bellarmine had jeopardised James's balancing act by inciting Protestant anger against him.

Parliament also influenced James's treatment of Catholics. In June 1607 a petition against recusants, framed by the committee of the Commons, was presented to James. The Speaker informed the members that the king would be careful to execute the laws, but that there was no need to press the issue.[80] Clearly James was holding firm and did not wish to be pressured into further legislation. The parliamentary session of February–July 1610 was characterised by financial issues far more serious even than the profligate monarch's usual problems. While the Great Contract was being debated it was imperative that James should not lose the support of parliament. He told the Lords and Commons, no doubt to their delight, that 'Papists are waxed as proud at this time as euer they were, which makes many to think they haue some new plot in hand.'[81] Circuit judges had instructions to administer the oath even to noble households, 'for in times past there hath beene too great a conniuence, and forbearing of them'. Yet this was not an invitation to frame more severe laws but rather to 'see those Lawes may bee well executed that are in force'. Laxity towards the nobility was James's own doing, but to the audience he was addressing, criticism of it was essential. His refusal to concede too much to parliament, reserving the right 'to vse mercie, as I thinke conuenient', was a continuation of balancing Protestant and Catholic interests.[82]

Far more than Gunpowder, the assassination of Henri IV on 14 May 1610 was a significant factor in James's religious policy. The Catholic fanatic Francis Ravaillac killed Henri in Paris because he had tolerated two religions, something frighteningly true of James too. While the Great Contract generated a tense atmosphere during the parliamentary session, this news was the explosive factor. The day before James's proclamation on 2 June 'even the King employed strong language [against Catholics]' according to Corraro,

[76] *CSP Venetian, 1603–7*, 479.
[77] Harrison, *Second Jacobean journal*, 79.
[78] Ferrell, *Government by polemic*, 98–101.
[79] MacLure, *Paul's Cross sermons*, 229.
[80] Harrison, *Second Jacobean journal*, 35.
[81] *King James: political writings*, 199.
[82] Ibid. 199–200.

which suggests that this was unusual.[83] James said that previously he had 'bene so loath to shed blood in any case, that might have any relation to conscience'. Due to papists' 'evill behaviour', and now this 'lamentable' crime, he commanded that the existing laws against recusants should be fully enforced.[84] The June Proclamation was James's reaction to the terrifying news of the death of a fellow monarch and recognition of the need for strict enforcement of the laws.

Sir John Oglander described James as 'the most cowardly man that ever I knew', who wore pistol-proof quilted doublets.[85] Whether or not he wore padding, he certainly had sufficient reason to be fearful of assassination. He had survived the Gowry Conspiracy and the Gunpowder Plot; now a fellow monarch had fallen to the assassin's knife. James decided that more care should be taken over his personal protection, especially while hunting, and he returned to London 'surrounded by his body guard, a thing he has not been accustomed to do'. He ordered the houses where the royal family were staying to be searched more vigorously than usual, and such was the hysteria that several arrests were made. Queen Anne had one of her ladies in waiting dismissed because she had for a time carried a stiletto in her pocket.[86] Catholics had once again become a threat, and it became an urgent matter to secure the loyalty of each one.

Although Cecil told the Commons that Henri's murder was another reason that could be used to persuade James to be stricter in the application of recusancy laws, James needed no prompting. If anything, it was the MPs who needed reminding how shocking the news was. To them, perhaps, the murder of a king who converted to Catholicism, and who was survived by a young king and a divided, weak country, was a blessing. In any case, Cecil made the point clear by saying that Ravaillac's hand had been guided by the devil.[87] The proclamation of June 1610, calling for tighter enforcement of old laws was James's initiative driven by his fear of Catholic treason.

The proclamation was followed up by an act rendering the recusancy laws far tighter than in 1606.[88] Then, only recusants and suspected recusants could be made to swear the oath; now all subjects (including barons) could be. Furthermore, until the oath was sworn, people could not inherit or be appointed to public office. Birkhead said 'the prisons are filled againe', and JPs began to enforce the oath strictly since leniency could lead them to be called before the privy council.[89] The legislation was also enacted more rapidly, one month after Henri's death, unlike the 1606 legislation which took seven.

[83] *Stuart royal proclamations*, ed. J. F. Larkin and P. L. Hughes, Oxford 1973, i. 245–53; *CSP Venetian, 1607–10*, 501.
[84] *Stuart royal proclamations*, 246.
[85] *A royalist's notebook: the commonplace book of Sir John Oglander knight of Nunwell, 1622–5*, ed. F. Bamford, London 1936, 193.
[86] *CSP Venetian, 1607–10*, 494, 509.
[87] Harrison, *Second Jacobean journal*, 194.
[88] 7 & 8 Jac.I. Cap.VI.
[89] Questier, 'Loyalty, religion and state power', 323–4.

While it is true that investigation of Gunpowder inevitably took longer than reaction to Henri's death, given the government's otherwise striking efficiency, seven months was a long delay. The royal instructions that Richard Bancroft issued to the episcopate in July 1610 were similarly tough. The king wanted to know the exact number of recusants in each diocese. Furthermore, the appointment of the puritanical George Abbot to Canterbury shows the extent to which Henri's murder altered James's religious policy.

Harsh recusant treatment continued even after the fear had subsided, but this seems partly to have been because of James's financial needs in the wake of the failure of the Great Contract. In 1611 Lord Montague paid the king £6,000 in return for which he received a pardon for harbouring priests and refusing to swear the oath, and an assurance that it would not be tendered to him again.[90] In October 1613 the privy council informed the Lord Deputy of Ireland that the pensions of recusants should be frozen at the king's pleasure.[91] In 1614 John Chamberlain told Carleton that the Irish lawyer Talbot had been fined £10,000 for speaking against the oath.[92] Money was evidently more important than enforcement.

A study of the aftermath of Gunpowder refutes the premises on which the conspiracy theories are based. Because of the international political climate the government, and particularly Cecil, who had pushed for peace with Spain, had good reasons not to attempt to destroy Catholicism in England and indeed worked to prevent the whole community becoming scapegoats. Moreover, Cecil's reluctance to use propaganda against Catholics gave him no reason to have written the Monteagle letter. A less central debate has been over the existence of the mine that the plotters began to dig in December 1604. Following the Victorian historian Gerard, Antonia Fraser doubts its existence, explaining it as a propaganda stunt which added a 'sinister element' to the story of the plot.[93] In addition to S. R. Gardiner's powerful objections to this utterly unconvincing argument, there does not seem to be sufficient reward from propaganda to fabricate such a story.[94] Gunpowder was not a government conspiracy because it was an unwelcome event for the government.

During the decade following Gunpowder we see a dynamic anti-recusant policy employed by the government, sometimes fierce and sometimes gentle. Variations in the treatment of Catholics were not accidental. James was genuinely tolerant of differences of faith so long as he secured his subjects' loyalty. Cecil and the government, on the other hand, tended to favour

[90] *CSP domestic, 1611–18*, 51.
[91] *Acts of the privy council of England, 1613–14*, ed. H. C. Maxwell Lyte, London 1921, 224.
[92] *CSP domestic, 1611–18*, 224.
[93] Gerard, *What was Gunpowder Plot*, 85–7; Fraser, *Gunpowder Plot*, 111.
[94] S. R. Gardiner, *What Gunpowder Plot was*, London 1897, 34, 41–2, 104–5.

tolerance to the extent that it promoted stability and foreign policy. As the Protestant public, godly ministers and houses of parliament pushed for stricter recusant controls, James had to balance his treatment of Catholics. This he did by permitting strict laws, but then seeking out ways to make their application less draconian, by leaving recusancy fines uncollected or awarding them to relatives of those indicted.

It was the assassination of Henri IV in 1610 that reawakened the king's fear of Catholic fanaticism and provoked the June proclamation. The legislation passed as a result was far stricter and more forthcoming than that which resulted from Gunpowder because the stakes, especially in financial terms, were much higher in 1610 than they had been in 1605. Should it be a surprise that Henri's death generated more fear than Gunpowder? In some ways it is surprising. Gunpowder was a diabolical attempt to destroy the state, and threatened to alter radically the course of English and Scottish history.[95] However, in another sense Gunpowder's threat was less real than the threat of the assassin's knife, for it was a passing threat for which the government had been lying in wait since Monteagle brought the anonymous letter to Whitehall on 26 October. In contrast the threat of less spectacular assassination was permanent, unpredictable and ubiquitous, and Henri's murder made James acutely aware of this.

The government's actions in the aftermath of Gunpowder reveal two other interesting features of the Jacobean state. An impression emerges that, despite the clash of ideas and viewpoints, the government was ultimately level-headed and resisted panic measures: we also see an equally subtle administration working to dilute the impact of recusancy laws. The reaction by the state in the aftermath of Gunpowder must not be exaggerated. Despite the panic of the immediate months of investigation and trial, no brutal anti-Catholic measures were framed. The major legislation, embodying the Oath of Allegiance, emerged seven months after the plot and attempted to purge disloyalty and nonconformity rather than destroy the Catholic faith. It was deliberately couched in temporal terms in order to make it more acceptable to Catholics. In sum, the mixture of political pragmatism, James's interest only in the disloyal and the surprising lack of fear that the plot provoked, explain the low-key reaction to Gunpowder. The Fifth of November's place at the heart of English popular consciousness owes itself more to propaganda and polemic over the following 300 years than to the reaction of the Jacobean government.

[95] J. Wormald, 'Gunpowder, treason, and Scots', *Journal of British Studies* xxiv (1985), 142.