
A Church Without Bishops: Governance of the English Catholic Mission, 1594–1685

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The Catholic community in early modern England was not only a persecuted minority but full of factions, each playing off the other, expressing themselves in a war of words, and even, on occasion, canvassing for support in the very establishment that was trying to eliminate them. To a large extent, these tensions were focused around the vexed question of what sort of ecclesiastical government should fill the vacuum left by the Reformation and the extinction of the Marian hierarchy. Various canonical solutions were tried: rule by archpriest, vicar apostolic and chapter of secular clergy. Each of these resulted in ongoing disagreements between secular and regular clergy, between those who viewed the English Catholic community as being in continuity with the pre-Reformation Church and those who thought circumstances required something new and creative. Added to this was a complex web of canonical jurisdictions, often without clear definition, and Rome's reluctance to act decisively and offend the Elizabethan or Stuart regime. This article, originally delivered as the Lyndwood Lecture, outlines the key personalities and events and examines the central issues that were at stake in this 'church without bishops'.

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The title of this article might be easily misunderstood: 'a church without bishops' is not a radical blueprint for the Church of the twenty-first century. Rather, we will be reflecting on a problem facing English Catholics at the end of the sixteenth century and during much of the seventeenth. The question was this: when an episcopal hierarchy becomes extinct and outlawed, what sort of ecclesiastical governance fills the vacuum? How did it work?

I am very much aware that I am not a canon lawyer and I write very much as an archivist and historian. In fact, this article has made me realise how little work seems to have been done on the history of Catholic canon law in England, especially after the Reformation, and that a study of this period raises many questions for which the answers are not immediately accessible.

A DIVIDED COMMUNITY

Let us go back in time, then, to the end of the reign of Elizabeth. Normally Catholics associate this period with the heroism of the martyrs – an age of

ingenious hiding holes, secret Masses and horrific martyrdoms; a bloody struggle between good and evil, with its clearly defined cast of heroes (the Jesuit martyr St Edmund Campion, for example) and villains (the priest-catcher Richard Topcliffe). But this is only part of the story.

The Catholic community was full of factions, each playing off the other, expressing themselves in a war of words, and even, on occasion, canvassing for support in the very establishment that was trying to eliminate them. As the great Catholic historian Philip Hughes put it, 'To go through the story of these quarrels, in which personal animosities play so large a part, is a dreary business, and difficult, too.'¹ This was the age not just of the confessor priests and martyrs but of Appellants and Blackloists, of endless appeals to Rome and endless strife between seculars and regulars (most especially the Jesuits). Surprisingly, it is a story that is largely forgotten today, washed over by popular history and hagiography. Writing exactly a hundred years ago, the Jesuit John Hungerford Pollen could write that 'everyone acquainted with the history of our Church in England has heard of the Appellant Priests'.² I am not sure the same could be said today.

THE DEMISE OF THE MARIAN HIERARCHY

At the accession of Elizabeth I, only one bishop took the Oath of Supremacy.³ The other 15 bishops, though recognising the new queen, refused to attend her coronation; within a year five of them were dead and the remaining ten either imprisoned or exiled. The last to die on English soil was Thomas Watson, Bishop of Lincoln, in September 1584. The following year the Marian hierarchy was finally extinguished when the elderly bishop of St Asaph, Thomas Goldwell, died in Rome. During his exile, Goldwell had joined the Theatines (one of the new congregations founded during the Catholic Reformation), worked closely with St Charles Borromeo and became the only English bishop to be present at the Council of Trent.

Although Watson and Goldwell were still, on paper, the remnants of the old Catholic hierarchy, there was little they could effectively do in governing the Church. And so, in the meantime, various short-term measures were put into effect. Pope St Pius V appointed two English priests as 'apostolic delegates' – Nicholas Sander and Thomas Harding – with power to absolve from heresy and schism.⁴ William Allen, the founder of the English Colleges at Douay and Rome, was likewise able to give faculties to the priests leaving his seminaries

1 P Hughes, *Rome and the Counter Reformation in England* (London, 1942), p 287.

2 J Pollen, *The Institution of the Archpriest Blackwell* (London, 1916), p 1.

3 Anthony Kitchin, Bishop of Llandaff (previously Abbot of Eynesham).

4 G Phillips, *The Extinction of the Ancient Hierarchy* (St Louis, MO, 1905), p 274.

for the English mission. In 1580 he had petitioned the pope for an English bishop, and Rome considered sending Goldwell, who very wisely refused on account of his age: 'I cannot but marvel', he told the pope, 'how it is that, after God had given your Holiness grace, as it were, to plant anew and support the Catholic faith in that kingdom, you make so many difficulties about creating three or four titular Bishops to preserve and propagate it.'⁵

In 1581 Allen was appointed Prefect of the English Mission, a title which had little canonical power. Indeed, it seems that his authority was largely a personal one, based on the respect that a whole generation of priests had for his name, and bolstered in 1587 by his creation as a cardinal. According to one priest, John Bennett, 'His authority with English priests was always so great that words, admonitions, and letters of his, were held for something sacred, and his commands were most willingly obeyed.'⁶ He was the centre of unity, referred to by one writer as 'our Moses', and, in Pollen's words, he was 'the intermediary for almost all faculties, but he governs from abroad, in a sort of paternal, happy-family way'.⁷ In a sense, his great charisma obscured the weaknesses in the English ecclesiastical structure.

Despite Allen's personal authority, Bennett thought that each secular priest was still essentially 'his own leader and law'.⁸ This was clearly not ideal, especially given the inexperience of many of the seminary priests – 'beardless youths of twenty-four' who had left the safety of seminary and found themselves working alone in a highly dangerous environment.⁹ It is no wonder that some preferred to place themselves under the clear but flexible structure of the Society of Jesus, which sent its first mission to England in 1580. Under the leadership of Henry Garnet (Superior, 1586–1605), 'many secular priests appear to have functioned in effect as part of a Jesuit-run network'.¹⁰ Unfortunately, their attempts to create some order were often rejected by opponents as demonstrating their 'lust for domination' and aroused much jealousy. But, despite their small numbers – in 1598 there were only 14 Jesuits present in the country – their charisma seemed ideally suited to England and helped restore some order. Indeed, soon after the arrival of their mission in 1580, they had organised the so-called 'Synod of Southwark' to settle various points of controversy, regarding such things as observances of fasts and participation in non-Catholic services. They were also given faculties (which seem to have been extended eventually to seculars) for absolving and reconciling heretics.

5 Hughes, *Rome and the Counter Reformation in England*, p 293.

6 J Stanfield, 'The archpriest controversy' in *Miscellanea*, Publications of the Catholic Record Society 22 (London, 1921), pp 132–186 at p 140.

7 Pollen, *Institution of the Archpriest Blackwell*, p 2.

8 Stanfield, 'Archpriest controversy', p 141.

9 L Pastor, *The History of the Popes*, trans R Kerr, vol XXIV (London, 1933), p 21.

10 A Pritchard, *Catholic Loyatism in Elizabethan England* (Chapel Hill, NC, 1979), p 75.

THE VACUUM LEFT BY ALLEN

Allen's death in 1594 created yet another vacuum, filled very quickly and publicly by the tensions within the Catholic community. There were 'stirs' at the English College in Rome, and at Wisbech Castle, where there were many priest prisoners. In themselves these troubles seemed trivial but they were crucial in dividing the clergy into factions and showing the need for a strong system of church government. This, sadly, was not forthcoming.

There were several proposals for moving ahead. One obvious candidate to replace Allen was Owen Lewis, who had worked closely with him and had risen to become Bishop of Cassano, but he himself died shortly afterwards. Another towering personality, the Jesuit Robert Persons, ruled himself out as being too divisive. Some seculars suggested an 'association' or fraternity, based in London and Lancashire, headed by a priest known as 'the Father' and a group of assistants who were elected annually and had the power to distribute funds, call meetings and settle disputes.

In 1597 Persons proposed the appointment of two bishops, one to reside on English soil, uniting the Catholic community and sending accurate reports to Rome, and the other to live overseas, where he could exercise external jurisdiction and keep an eye on those intending to enter the mission. However, Pope Clement VIII hesitated, fearing that such an appointment would intensify the persecution of Catholics and anger the Elizabethan regime. Moreover, Rome was well aware of the divisions among the clergy and the danger of causing scandal should a new bishop's authority be rejected.

THE ARCHPRIEST CONTROVERSY

The interregnum lasted four years. At last, in 1598, it was decided to institute an archpriest for the secular clergy: George Blackwell, who would have 'unlimited power to restrain or revoke their sacerdotal faculties, to remove them from place to place, to prescribe rules for their governance and to suspend or deprive them, if they prove refractory'.¹¹ It was a vote for sacerdotal rather than episcopal government. The plan was full of problems. Archpriests had existed before, of course, as leaders of the local clergy (rather like a modern dean) and attached to certain prominent churches (as they still are in Rome), but never had an archpriest been given such a prominent role with quasi-episcopal authority. Blackwell was seen as a peacemaker but was superior only of the secular clergy and was supposed, by terms of the brief of his appointment, to consult with the Jesuit superior on matters of importance (though not vice versa). He was therefore viewed as a puppet of the Jesuits. As one of his opponents,

¹¹ M Tierney, *Dodd's Church History* (New York, 1971), vol III, p 48, n 1.

William Watson, put it, 'In future the Catholics would be dependent upon Blackwell, Blackwell on Garnet [the Jesuit Superior], Garnet on Persons [the influential English Jesuit in Rome], and Persons on the devil.'¹² Indeed, it was widely thought that the Jesuits has campaigned in Rome for the appointment of an archpriest as opposed to a bishop-in-ordinary. According to Bennett, this was due to a variety of factors:

whether because they were unwilling to see their almost settled dominion over the clergy fall to pieces, or because they would not bear their authority over the people be obscured by the splendour of the episcopacy, or whether they would not suffer the distribution of the alms to be taken from them or at least an account of its distribution required.¹³

The secular clergy felt increasingly marginalised, especially since the English College in Rome was under the direction of the Society and the recently appointed President of Douai, Thomas Worthington (President 1599–1615), was sympathetic to the Jesuits. There were objections, too, that the English clergy had not been consulted, that the brief of appointment was signed only by the nuncio in Brussels and not the pope (making it merely an informal arrangement), and that no provision was made for the sacrament of Confirmation.

A vocal group of seculars appealed to Rome over Blackwell's authority; known as the 'Appellants', they were led by the likes of Christopher Bagshaw, Thomas Bluet, John Colleton, John Mush and William Watson. Two priests were sent to Rome, William Bishop (who will make another appearance in our narrative) and Robert Charnock, but were quickly placed under house arrest at the English College and brought before the cardinal protector. One historian writes that 'the appeal was conducted with staggering political naiveté. Bishop and Charnock may have been effective missionary priests, but they seem to have been babes in the woods in the world of Roman officialdom' and no match for the experienced Persons.¹⁴ They were dealt with harshly and banished from the Eternal City, one to Paris, the other to Lorraine, while the pope issued a brief confirming Blackwell's authority (6 April 1599).

That might have been the end of the story had Blackwell not accused the Appellant priests of being in schism and requiring absolution from him. This gave new life to the cause, with the Appellants seeking the opinion of the University of Paris,¹⁵ Blackwell issuing various suspensions and many strongly worded treatises being produced, with such titles as *A Manifestation of the Great*

12 Pastor, *History of the Popes*, vol XXIV, p 24.

13 Stanfield, 'Archpriest controversy', p 141.

14 Pritchard, *Catholic Loyatism*, p 123.

15 The decision came in May 1600: the Appellants were not schismatic.

Folly and Bad Spirit, of Certain in England which Call Themselves Secular Priests (1602). One Appellant, Thomas Bluet, even approached Bishop Bancroft of London and the Elizabethan government, asking for support and freedom of movement. He argued that the Jesuits were extremists and closely allied to Spain: at a time when Elizabeth's successor was being openly discussed, Persons and others hoped that the Spanish infanta would accede to the throne. Surely Catholics and Protestants could happily co-exist in England once the troublesome Jesuits were expelled and the remaining Catholics made some oath of allegiance? The authorities were only too happy to make the most of the divisions among the Catholic community; Bluet was even given lodgings at Bancroft's palace at Fulham.

Eventually, in 1602, Rome confirmed the appointment of the archpriest but forbade him to exceed his powers or to take counsel with the Jesuits, and openly criticised his intransigence. It was a victory, in many ways, for the Appellant cause and led to a segregation between the secular and regular clergy; the missions of the Jesuits, Benedictines and other orders remained self-contained. The Appellants returned to that golden rule expressed so clearly by their canonist Humphrey Ely in 1603: '*Regularia Regularibus*, let religious men deal in matters appertaining to religion and the cloister, and leave *Secularia Secularibus*.'¹⁶

A further complication arose when an oath of allegiance was introduced in the aftermath of the gunpowder plot.¹⁷ Catholics were asked to sign or else risk their property and freedom. The oath was condemned by the pope but was eventually taken by Blackwell after he was apprehended and taken to Lambeth Palace for questioning. Although the Appellants had been in favour of an oath of allegiance a few years previously, they now condemned the archpriest for his actions and Blackwell was deposed on 1 February 1608. Blackwell failed to please anybody: St Robert Bellarmine criticised his subscription to the oath since it denied the 'Primacy of the Apostolic See', including the pope's deposing power; the Stuart regime, meanwhile, thought that Blackwell had so qualified the meaning of the oath that he was kept imprisoned in the Clink for the rest of his life (he died on 25 January 1612).

The next two archpriests, George Birkhead (1608–1614) and William Harrison (1615–1621), devoted most of their energies to petitioning Rome for an English bishop. According to Bennett,

for almost the whole of the six years in which as Archpriest he [Harrison] presided over the clergy, not a month nor a day passed in which by himself and his assistants he did not complain of the inconvenience of this jurisdiction and supplicated for it to be changed into ordinary.¹⁸

¹⁶ A Meyer, *England and the Catholic Church under Queen Elizabeth* (London, 1916), p 416.

¹⁷ Act for the Better Discovery and Repressing of Popish Recusants 1606.

¹⁸ Stanfield, 'Archpriest controversy', p 145.

‘Ultimately’, the archpriest wrote to Cardinal Borghese in 1613, ‘the only and sole remedy is the episcopacy.’¹⁹

VICAR APOSTOLIC OF ENGLAND

Twenty-one months after the death of William Harrison in 1623, a bishop was at last appointed; rather appropriately named William Bishop, he would be titular Bishop of Chalcedon and Vicar Apostolic of England and Scotland (though the Scottish clergy very quickly complained and gained independence). He was granted ‘all and singular those faculties which ordinaries possess’ but, as vicar apostolic, did not have ordinary jurisdiction.²⁰ This did not prevent Bishop and his successor from claiming it.

Bishop Bishop, if we may call him that, died after only eight months but in that short time made decisive changes to the English Catholic Mission. He divided his territory into areas, coming under vicars general, archdeacons and rural deans. He also set up a Chapter of 24 canons, it seems with the encouragement of the Bishop of Arras. One historian has observed that ‘recusant history in the seventeenth century is largely the history of a single institution: the Chapter’.²¹ It was designed not only to assist the bishop but to address one of the crucial problems of the previous decades: ‘we have but one Bishop’, wrote Thomas Rant. ‘If God should call him, then were all Episcopal Jurisdiction lost in our country, unless there be Dean or Chapter to conserve it.’²² The Chapter would thus ensure continuity and a secure process of succession when a bishop died.

Unfortunately, William Bishop died before his Chapter could be canonically confirmed by the Holy See, and this would cause much trouble for the English Church in subsequent years. Rome was alarmed by the Chapter. The men appointed to it were largely against the Jesuits and believed strongly in the independent rights of the English Catholic Church. Moreover, it was understandable that Bishop should want to establish order in a situation of ecclesiastical chaos but vicars apostolic did not normally have chapters. Ludwig von Pastor, the papal historian, criticised him for imagining that ‘he could do all that lay within the sphere of Bishops living amid the ordered conditions of the Continent’.²³

19 Tierney, *Dodd’s Church History*, vol V, p 158.

20 J Sergeant, *An Account of the Chapter Erected by William, Titular Bishop of Chalcedon, and Ordinary of England and Scotland* (London, 1853), p 32.

21 R Bradley SJ, ‘Blacklo and the Counter-Reformation: an inquiry into the strange death of Catholic England’ in C Carter (ed), *From the Renaissance to the Counter-Reformation: essays in Honour of Garrett Mattingley* (London, 1966), pp 348–370 at p 349.

22 *A List of the Members of the Old English Chapter* (np, 1979), p 1.

23 Pastor, *History of the Popes*, vol XXIV, p 304.

The secular clergy might have seemed to have been victorious in their struggle for the episcopacy. However, during the episcopate of the second vicar apostolic, Richard Smith, troubles between the seculars and the regulars re-emerged. According to the historian John Bossy, Smith was ‘a doctrinaire hierocrat, who had no doubts of his position as “spiritual father and pastor” of all English Catholics and took a broad view of what the term “spiritual” covered’.²⁴ He was undoubtedly imprudent. He attempted to extend his authority and to rigorously apply the canons of Trent to England. He tried to centralise the Church’s finances, so that alms were distributed to clergy by an archdeacon, and to set up a tribunal to prove wills, watch over pious foundations and supervise sacramental questions. A much debated question was whether a priest could hear the confessions of the laity unless he had received the bishop’s approbation. Smith understandably encountered a great deal of opposition, especially from regulars who claimed *Regularia regularibus*, and from Catholic nobles and gentry, who liked to think that they controlled the clergy they paid for. There was also much lay anxiety about the validity of past confessions.

Years of debate followed, in which both sides made accusations against the other and recorded any sleights received. Supporters of Smith argued that the lack of respect that the regulars seemed to have for episcopal authority was even present in the English Jesuit schools on the continent. In May 1626 Benjamin Norton claimed that at Saint-Omer the different classes of pupil were given different names: ‘emperors’, ‘senators’ and so on. So far, so good. But what was the name for the bottom class, made up of those who were less bright, ‘the veryest ass of every class’? You’ve probably guessed it: ‘bishops’. Norton told his Jesuit correspondent that it was regrettable ‘you should begin to call your veriest fool a bishop just about the time that we begin to have a bishop’.²⁵

Pope Urban VIII finally issued the brief *Britannia* in 1631, decreeing that regulars did not need approbation before hearing confessions but that they did need faculties from the bishop for celebrating the sacraments of baptism, matrimony and extreme unction. Smith was reminded by the Congregation of the Inquisition that ‘he only enjoyed the restricted faculties which the Pope delegated to him as his representative’; he was, after all, merely the Ordinary of Chalcedon.²⁶ This was the crux of the matter, for Smith and his supporters (including many members of the Chapter) asserted that ‘his right to rule the Church in England was less a matter of papal delegation than a matter of ordinary jurisdiction inherent in his episcopal office’.²⁷

24 J Bossy, *The English Catholic Community 1570–1850* (London, 1979), p 54.

25 J Pollen (ed), *Unpublished Documents Relating to the English Martyrs*, Catholic Record Society Record Series 5 (London, 1908), pp 396–397.

26 Pastor, *History of the Popes*, vol XXIV, p 305.

27 Bradley, ‘Blacklo and the Counter-Reformation’, p 357.

RULE BY CHAPTER

After seeking shelter in the French Embassy, Smith retired to France in 1631: it is not clear why, though it seems that his position, at least for the moment, had become untenable; perhaps he also hoped for Rome to change its mind. In France he enjoyed the patronage of his old pupil Cardinal Richelieu; he was given the Abbey of Chelles *in commendam* and founded a convent of English Augustinian Canonesses in Paris, to which he effectively acted as chaplain. Up until his death in 1655, he remained England's only Catholic bishop and made recommendations for appointing new bishops, though these fell on deaf ears. His agent, Peter Fitton, put it well:

The clerical body is by no means homogeneous. The vast majority of the priests are seculars. The regulars are taken from no fewer than ten different orders, each one independent of all other authority in England. The lack of some single general directing authority is evident. In this multitude of equally important chiefs, none of whom owes any consideration to the rest, lies the real cause of all the troubles and factions . . . The whole fabric of Catholicism in England is threatened with utter ruin for the lack of bishops to restore and repair ecclesiastical discipline.²⁸

The Chapter set up by William Bishop filled the vacuum left by Bishop Smith, even though it was never officially approved. In the absence of a bishop, it was (in the words of one historian) tolerated by the Holy See as

a *de facto* body responsible for providing some measure of ecclesiastical order in England. It maintained an agent in Rome, and was consulted as to suitable candidates for appointment as bishop, it provided secular priests with faculties for administering the sacraments and drew up rules for their observance while on the English mission, and in 1662 it authorised the dispensation for the marriage of Charles II and Catherine of Braganza.²⁹

This last dispensation had been requested by Ludovic Stuart (Lord Aubigny), who was Chief Almoner to the Queen, and granted by the Dean of the Chapter, Humphrey Ellis.³⁰ This was later seen by the Chapter as clear proof of its validity; John Sergeant wrote that, had the marriage resulted in an heir,

28 Hughes, *Rome and the Counter Reformation in England*, pp 409–425.

29 J Williams, *Catholic Recusancy in Wiltshire 1660–1791*, Catholic Record Society Monograph Series 1 (London, 1968), pp 95–96.

30 Sergeant, *Account of the Chapter*, p 89.

then those daring to attack the Chapter would be 'drawn upon a hurdle, and his writings committed to the flames by the hands of the common hangman'.³¹

The Chapter continued to appeal for an English bishop, especially after Smith's death. In 1655 Laurence Plantin went to Rome to make this request. Alexander VII promised him one within a year and seemed happy that the Chapter could govern until that time. However, nothing happened. Two years later the Chapter nominated six candidates for a mitre; again there was silence from Rome.

The Chapter was partly at fault in this. It was divided between two groups: one might be described as 'seculars of the old school', while the other took a more radical approach. These were known as the 'Blackloists', named after one of their number, Thomas White (known as 'Blacklo'). He has been described as 'the one first class intellect produced by the English secular clergy during the seventeenth century'.³² He was a friend of the philosopher Thomas Hobbes and tried to accommodate Catholicism with some of the latest intellectual fashions. He and his followers were critical of the pope's universal claims and doctrines regarding purgatory, and proposed a sort of English Gallicanism.

In the late 1640s Blacklo and others formed a sort of 'committee of correspondence' known as 'Blacklo's Cabal', which suggested establishing an episcopal hierarchy fully under the control of the Chapter. The hierarchy would be chosen by the Chapter, consecrated in France and, though in communion with the pope, would follow the Gallican model employed across the Channel. There was a hope that the English regime would be on side and that toleration would be granted in return for an oath of allegiance. Parallels have been made between the Blackloist vision for the Church and Cromwell's vision of an English Republic: republican in distancing itself from Rome and presbyterian in being effectively controlled by the Chapter of Secular Clergy. But this agenda weakened at the Restoration. Blacklo died in 1676 and was buried in the old St Martin-in-the-Fields, close to the pulpit.

Rome, as ever, moved slowly, afraid of aggravating the delicate English situation and causing schism. Propaganda actually sent representatives to England in 1662, 1669 and 1670 to report on the situation. In 1670 there was an attempt to appoint Philip Howard as bishop, with the title of Helenopolis. The nuncio in Brussels visited England and met with the Chapter, suggesting that Rome would approve of the Chapter if the papacy could appoint some of its members. The Chapter showed reluctance and Clement IX issued a decree *Non confirmatur capitulum Anglicanum*.

The Chapter was still not recognised by Rome but it continued to regulate ecclesiastical affairs until 1685. In 1684, for example, 'It was resolved, that the

³¹ *Ibid*, p 90.

³² T Birrell, 'English Catholics without a bishop 1655–72', (1958) 4:4 *Recusant History* 142–178 at 162.

northern Catholics, on the other side of the Trent, may take some liberty of eating eggs on Fridays as is exercised in other parts of England; which dispensation is to be extended to those on the other side of [the] Ribble.' Furthermore, the assembly decided that 'It is unlawful for Catholics, first married by a priest, to be remarried by a parson, or to take a certificate from him that they were married by him.'³³ Such decisions helped restore some order to this church without bishops but it must be admitted that the divisions within the Chapter contributed to the delay in appointing a new English bishop. According to Tom Birrell, Chaptermen were 'out of touch with reality if they thought their repeated insistence on an Ordinary would be accepted'; moreover, they held fast to their own status and agenda.³⁴ The Chapter remained 'a source of contention and strife' throughout the period and ultimately had no part in the appointment of one of its long-standing members, John Leyburn, as Vicar Apostolic of England in 1685, after the accession of the Catholic James II. There would now be a stable line of vicars apostolic until the hierarchy of diocesan bishops was 'restored' in 1850. The Chapter had to find a new role.

Before his consecration, Leyburn had to swear that he would not officially recognise the Chapter, never acknowledging its spiritual jurisdiction or approving its acts. It was all a canonical mess, for had not Rome, despite refusing to officially recognise the Chapter, allowed it to govern the English Church *sede vacante*? If Leyburn had to consider its acts null and void, what of the many faculties and dispensations it had granted, including those for a royal wedding? Nevertheless, on 2 December 1685 the Chapter passed a resolution that its jurisdiction 'shall be deemed to cease during the exercise of Bishop Leyburn's authority, unless we perceive such an opposition raised against our authority as shall manifestly tend to its destruction'.³⁵ The bishop, for his part, cleverly appointed the dean as his vicar general and promised to act 'abstractedly to the Chapter' (whatever that meant). The Chapter continued to meet and many of the vicars apostolic were drawn from its membership. Eventually, after the restoration of the hierarchy, new rules were drawn up and in 1862 the Old Chapter officially became the 'Old Brotherhood of the English Secular Clergy'. It survives to this day and, at the end of the lunch held at each Consult, a snuffbox is still passed round which is said to have once belonged to Cardinal Pole, the last Catholic Archbishop of Canterbury.

CONCLUSION

The period we have quickly surveyed is full of contradictions. The Council of Trent based the Catholic renewal around the figure of the reforming bishop,

33 Sergeant, *Account of the Chapter*, p 98.

34 Birrell, 'English Catholics without a bishop', p 168.

35 Sergeant, *Account of the Chapter*, p 109.

and so it seems strange that Rome was so slow to appoint a bishop for England and to try different canonical solutions. Surely strong episcopal direction could unite the clergy and provide the clear leadership needed in these dark times? However, there was an understandable fear that the appointment of an English bishop would anger the government and increase persecution. Added to this were the ongoing tensions between seculars and regulars, rivalry between different factions in Rome, lack of any proper understanding in the Eternal City of the English situation, and the Holy See's preference to wait until complex situations worked themselves out.

The situation in England was complex, with a bewildering web of jurisdiction at work. The pope held ultimate jurisdiction, of course, but there was also the Cardinal Protector of England, the Holy Office and (after its foundation in 1622) Propaganda, and the nuncios in Brussels and then Paris, who had oversight of England, as well as the various religious superiors. On the ground, things were less than ideal. To a large extent, priests wandered as they pleased, looked for their own work and tried to find the most agreeable patron. It was the laity who could hire and fire, and complaints were often made that chaplains became lax in their direction in order to keep the favour of their patrons. Months, if not years, could go by without a priest meeting one of his brethren. With little ecclesiastical structure, and with no tribunals or bishop's offices, priests sometimes claimed wider powers than they had in such matters as dispensations from matrimonial impediments or from fasting. There is evidence that Catholics sometimes resorted to taking their nullity and separation cases to the Anglican church courts; or they simply took matters into their own hands. A report from the 1630s mentioned this as a cause of scandal and recorded a saying among Protestant Englishmen: Catholics can marry as often as they please and dissolve any marriage already contracted.³⁶

English Catholics, as we have seen, were working out their place in the aftermath of the Reformation. On one side, there were those of the old school – the 'episcopal' view, we might call it – represented by many of the secular clergy, who saw themselves in continuity with the pre-Reformation Church – a Church understood in terms of bishops and dioceses, and fully in line with the Council of Trent. They argued for a bishop with ordinary jurisdiction (not with delegated powers) because this was the will of Christ Himself, it belonged to the divine law, and the pope was bound to maintain the succession of bishops and restore the hierarchy. Linked to this was a staunch defence of the rights and relative independence of each local church. This was the view of the Appellants, of William Bishop and Richard Smith, and of many of the Chaptermen (who still

36 Hughes, *Rome and the Counter Reformation in England*, p 423.

express this continuity with the past as they pass round Cardinal Pole's snuffbox).

On the other side, there were those who recognised that the old order had gone and who tried to create something new. They admitted that episcopal government was the norm but argued that the pope, as head of the universal Church, could temporarily dispense with bishops and make special provisions for exceptional times. This was reflected by the supporters of the archpriest, the Blackloists and the vision of the Jesuits, who, like other religious orders, enjoyed privileges granted them by the Holy See and were happy to live without bishops. This position has been called 'papalist' as opposed to 'episcopal', and it must be said that Rome was happy to deal with archpriests and vicars apostolic because they were easier to control. It would have been much harder to depose Blackwell in 1608 had he been a bishop with ordinary jurisdiction.

One could say that the experience of English Catholics reflected broader debates about the nature of authority and governance in the Church, and about the authority of the papacy in relation to local churches (still very much alive today). These were all highlighted by the destruction of canonical structures at the Reformation. Echoes of these debates could also be found within the Church of England. There were calls to replace episcopal with presbyterian government; many thought that Anglican bishops were unscriptural and rather too 'popish'. Many of the Elizabethan bishops seemed uncomfortable with their episcopal status and openly had puritan sympathies. The last years of Elizabeth's reign saw an episcopal counter-attack, led by the likes of Richard Bancroft, who believed episcopacy to be of divine law and sanction (hence his sympathy for the Appellants). This increasingly became Anglican orthodoxy but it remained an issue, as seen in the 'Bishops' Wars' in Scotland of 1639–1640.

'A church without bishops': for some it seemed to be directly against the law of Christ; for others it was the recognition that English Catholics were going through a time of transition and moving towards a brave new world. For everyone it was something of a mess.