

SIR THOMAS MORE AND THE PERSECUTION OF  
HERETICS.

AN HISTORICAL INQUIRY.

IT is a trite saying, the paternity of which might in all probability be traced to Machiavelli, that "a skilful advocate will never tell a lie, when suppressing the truth will answer his purpose; and if a lie must be told, he will rather, if he can, lie by insinuation than by direct assertion." It was no doubt this axiom, or one strongly analogous to it, that prompted Dean Swift to give us his deliciously quaint dissertation on "*lies*," categorically classifying them as "additory, detractory and translatory," and which unlovely congeries his inimitable wit illumines in a manner at once droll, satiric and instructive. The latent energy and full development of this axiom, which in some of its diversified and variable forms is found in the proverbial philosophy of almost every civilized nation, probably finds no wider field or extensive application than in ecclesiastico-historical writing. Here it usually becomes obtrusively conspicuous and clamorously assertive, bringing its concentrated energies in full action when it deals with the Church of God. As long as these assaults on the Church find themselves voiced in the melodramatic vaporings and falsetto shrieks of a King, Thompson, Fulton or Hittel—with a sophomoric display of erudition and a kindergarten capacity of credulity that intuitively relegate their labors from the domain of critical analysis to that of psychiatric diagnosis, leaving only a vague and confused impression on what Carlyle misanthropically designates as the "inarticulate multitude"—the "multitude" which Sir Thomas Browne, with an acrimony not wholly destitute of truth, calls "the great enemy of reason, virtue and religion"—they will usually be found abortive, reactionary and always in the end—self-defeating. When, however, they present themselves under the sponsorship of accredited, even thought-moulding literary media, the vehicle itself giving a prestige which the author could not otherwise command, then critical interest for the moment becomes aroused, and the vindication of truth becomes a solemn obligation, a sacred duty. These reflections suggest themselves in reading a recent article in one of our most conservative American reviews,<sup>1</sup> where a tabulated and chronological catalogue of hoary, obsolete

<sup>1</sup> "The Rebellion Against the Royal Supremacy," *North American Review*, November, 1899.

and exploded charges are made against the Church, while ostensibly unraveling the tangled skein of Ritualism. The article is noteworthy for several characteristics usually inseverable from conventional Protestant polemics. There is an absence of all studied rudeness and offensive arrogance, of ludicrous conceits and coarse invective—but all the same there is found a naïve ingenuousness and insidious dogmatism, which

. . . under fair pretence of friendly ends,  
Baited with reasons not unpalatable,  
Wind them into the easy-hearted man,  
And hug them into snares.

In honest polemics it is always more chivalrous to face an opponent with lowered visor in open field, than introduce the enemy into the citadel by the strategic wooden horse. To attempt a refutation of charges that sound scholarship has long since remanded to professional purveyors of anti-Catholic pabulum, the commercial value of whose merchandise is daily depreciating and becoming more unmarketable, would be about as heroic as Sir John Falstaff hacking the corpse of the dead Percy.

Among the charges which press the axiom above alluded to, to its full extent, we find a calumny affecting the name of one of the most eminent statesmen and intrepid patriots of English history: a man whose profound learning was the admiration of world-wide scholarship; whose moral splendor was the eulogy and envy of European courts; whose præëminent sanctity, before ecclesiastical beatification took the initiative, by public acclaim, blazoned the halo of sainthood on his brow; one whose inhuman execution sent a thrill of horror and consternation over the civilized world; one whose martyrdom was a fitting crown to a life consecrated to duty and justice, humanity and God. We refer to Sir Thomas More.

"Sir Thomas More," says the writer of the article in question, the Earl of Portsmouth, and it may parenthetically be stated, with apodictic lordliness, citing no authority, "Sir Thomas More, whose noble death has obliterated, if it has not largely condoned, the recollection of his acts, was especially active in this direction [suppression of heretics] . . . Men and women were taken and tried in Sir Thomas More's house at Chelsea and burned for their principles. . . . James Bainham, a gentleman of the Temple . . . [was] brought before More, who had him whipped in his presence and then taken to the Tower and racked before his eyes."<sup>2</sup>

Was Sir Thomas More a religious persecutor? Were men and women tried in his house and burned for their principles? Was James Bainham racked before his eyes in the Tower?

<sup>2</sup> *North American Review*, ut. sup., 724-725.

It is a strange and rather bewildering fact that in the light of modern historical research: the buried treasures of unpublished and unedited documents sifted and analyzed by such unimpeachable writers as Brewer, Gardiner, Freeman, Gasquet: the cumulative evidence of these researches exposing a conspiracy of falsehood formidable enough to shake one's confidence in the integrity of the whole body of historical writing: this evidence at the same time reversing the original verdict of history, and the ripened judgment and clearer vision of mankind acclaiming that reversal a providential triumph of truth and justice, the scathing indictment, attainting Sir Thomas More a bloodthirsty persecutor should again make its appearance. It has been said, with no little truth, that the posthumous vicissitudes of great men are not only of absorbing interest, but permanently fix their status in history; again, as if contradicting this very maxim—that the resuscitation of a character which the Muse of History, after trial, has sentenced to death was a task, humanly speaking, impossible. In the case of Sir Thomas More we have an instance of an historic figure, buried like another Pompeii or Herculaneum under a veritable volcanic scoria of falsehood and slander, after centuries of shame and obloquy—rising Lazarus-like from its grave at the commanding voice of posthumous history. It was the modern historian whose largeness of vision would not be distorted by political bias, obscured by sectarian rancor, daunted by human fear, who toiled and delved until he exhumed the great Chancellor in his superb proportions. Instead of discovering a deformed pigmy, he found a colossal giant. A summons issued, not like that of Henry VIII. to the enshrined bones of More's illustrious predecessor in name, office, martyrdom and sainthood, Thomas a'Becket, to undergo the mockery of a ghoulis post-mortem trial, but in this instance to announce his honorable acquittal of all the odious charges brought against him, fixed his place on the bead-roll of England's worthies. The Muse of History, discovering the imposture which made her the vehicle of the evidence of a perjured judiciary, suborned witnesses and slanderous malignants, was perhaps somewhat tardy, but all the same unswerving in her sacred mission, and with fearless deliberation expunged the record of her momentary weakness and unconscious deception by penning with consistent emphasis and irreversible finality the decree that the superstitious devotee was, after all, a fervid Christian of the sanest piety, the bloody persecutor a public functionary of the most humane impulses, the beheaded felon one of the loftiest types of moral grandeur in the annals of our race. From that mo-

ment, like Socrates, with whom More had more points of resemblance than the mere identity of martyrdom, his life, virtues and fate became the glorious inheritance of mankind.

It must be owned that among More's contemporaries there were isolated and feeble appreciations, not to allude to the Catholic tradition that revered him as "England's honor, Faith's zealous champion and Christ's constant martyr," which clearly indicated that, left to its better instincts, mankind unerringly detects true merit. But it did not tend to one's peace of mind, protection of property or security of life during the reigns of "Henry the murderer of his wives, . . . Somerset the murderer of his brother . . . and Elizabeth the murderer of her guest,"<sup>3</sup> to be effusive or demonstrative in admiration of persons or policies that did not receive the government's sanction or the royal favor. Roger Ascham, the teacher of Elizabeth and Lady Jane Grey, tells us that the Chancellor was "a man whose virtues go to raise England above all nations,"<sup>4</sup> but with a prudence born of danger, confined his admiration to the reign of Queen Mary. We know that Cochlæus voiced the sentiment of the "new learning" when he eulogizes his hero as "a man whom all praised, loved, admired for his culture, his manners, his affability, courtesy, eloquence, prudence and innocence, who, moreover, as Lord High Chancellor, as the friend of the King, served the commonwealth with distinction from his youth, who as royal ambassador acquitted himself brilliantly of all his duties, and on the threshold of old age, in his gray hairs, stood an object of universal veneration,"<sup>5</sup> but his eulogy did not find utterance in ear-shot of London Tower. The cry of sorrow and execration, "*Interfecistis, interfecistis hominem omnium Anglorum optimum,*" uttered with bated breath and choked voice, hardly reached the royal ears, with the epithalamic ballads, ditties, balls, mummeries, jouets anent his recent nuptials, drowning aught else. Erasmus, the devoted friend and admirer of his companion in letters, had committed himself to warm and eloquent tributes, so much so that he, who disowned the intrepidity which canonized martyrs, found a happier and more assured asylum far from the land that endeared itself to him by ties of happy recollections and affectionate friendships.

Thomas More was born in 1480, four years before Luther; he was martyred in 1535, when the Reformation proudly rode the topmost crest of its dark, swollen waters, formless and inconstant as the

<sup>3</sup> Macaulay's *Essays*, Vol. I., p. 199. <sup>4</sup> ". . . quo viro uno universa Anglia exteris gentibus nobilior est habita." Letter 156 Works of Roger Ascham, Vol. I., Part II., p. 118-London, 1865. <sup>5</sup> Stapleton, *Vita Thomæ Mori*, c. xxxi. 1869.

waves that surged about it. Upon the fall of Cardinal Wolsey, he was selected as Lord Chancellor, assuming office in 1529, being then in his forty-ninth year. He was presumably the first layman, and admittedly the greatest lay or clerical incumbent who ever occupied the office. The comparative estimates sometimes instituted between More and Bacon, his only formidable rival, will hardly detract from the glory of the former, but in a crucial scrutiny dim the lustre of the latter. Both were men of eminent genius. With the tread and confidence of master minds both made successful, brilliant incursions into the fields of history, philosophy, theology and jurisprudence. If we balance them in their judicial characters, which falls in our present purview, we discover that Bacon may exhibit a more perfect mastery of technical detail, a greater knowledge of precedent, a more thorough grasp of the abstract principles of English law, a more masterful familiarity with

. . . the lawless science of our laws,  
The codeless myriad of precedent,  
The wilderness of single instances ;

but these qualifications, rare as they are, were more than outweighed by More's innate juridical poise of mind, intuitive perception of the most complex legal difficulties and an illuminant clearness of decision which, if it did not always carry conviction, invariably commanded respect, even in the face of the most vehement dissent. When it comes to moral attributes the comparison becomes a glaring contrast. Not a remote insinuation of scandal ever affected the stainless integrity of More, not a mote of suspicion ever flitted over his untarnished ermine, while obsequious servility, unpardonable ingratitude, criminal malversation in office, left blotches on "the greatest, wisest and meanest of mankind" that three centuries of persistent and aggressive apologetics have not explained away, much less effaced.

If his appointment was received with popular approbation in England, where his conspicuous ability, blameless life and earnest piety was the theme of national praise, it was hailed by a perfect chorus of classic latinity and exuberant enthusiasm in Continental Europe, where his epigrammatic wit, profound scholarship and zealous advocacy of classical learning earned him the respect and applause of all cultivated minds. As Chancellor his irreproachable conduct and legal supremacy was only equaled by his methodical application and indefatigable capacity for arduous work. The legacy of accumulated work left by his predecessor was disposed of with astonishing rapidity, so that one day the docket being found empty,

a condition probably without precedent, some humorous punster celebrated the event in the clever epigram :

When More some years had Chancellor been,  
No more suits did remain ;  
The like shall never more be seen  
Till more there be again.

In entering upon his office as Lord Chancellor he "had to swear," to quote Seebohm, "by his oath of office, among other things, to carry out the laws against heresy. He became by virtue of this office the public prosecutor of heretics."<sup>6</sup>

The law against heresy as we find it in the English Statute Book<sup>7</sup> made it a capital felony. The origin and cause of this drastic legislation lies deeper than the superficial student of history supposes. It was enacted in 1401 against the Lollards and Wickliffites, who "had been," as Froude, with manifest reluctance and to the surprise of those who know his historical methods, owns, "political revolutionists as well as religious reformers, the revolt against the spiritual authority had encouraged and countenanced a revolt against the secular, and we cannot be surprised, therefore, that the institutions should have united to repress a danger which was formidable to both."<sup>8</sup> It is always well to bear in mind, especially in view of the fact that has been sedulously kept out of sight, that "when we speak of the Lollards as martyrs," to put it pithily in the words of Dean Hook, "we ought to regard them as a kind of political martyrs rather than religious; they made religion their plea in order to swell the numbers of the discontented, but their actions all tended to a revolution in the State as well as Church." Like the Reformation in the sixteenth century and the French Revolution in the eighteenth, which historical criticism pronounces cause and effect, for both had a common genesis, the Lollards "directed their first attacks upon the Church because the Church was a most vulnerable part of the constitution. But the civilians," and this almost gives the analogy the force of an identity, "the citizen people were quite as much alarmed at their proceedings as the ecclesiastical. Both Church and State regarded the principles of the Lollards as subversive of all order in things temporal as in things spiritual."<sup>9</sup> This view is further confirmed by another fact usually overlooked, and one which Canon Stubbs brings clearly to light—that an exhaustive research of the history of England during the Middle Ages can produce but three instances, up to the legislation against Lollardism, where heresy was punished.<sup>10</sup>

<sup>6</sup> "The Era of the Protestant Revolution," pp. 180-181. <sup>7</sup> 2. H. iv., c. 15. <sup>8</sup> "History of England," Vol. II., p. 33. <sup>9</sup> "Lives of the Archbishops of Canterbury," Vol. III., p. 72. <sup>10</sup> Stubbs: "Constitutional History of England," Vol. III., p. 353.

It was the identification of false doctrine with civil disorder, the association of heresy with rebellion, that made them an alarming menace to the populace, a political treason to the State, an object of condemnation to the Church. By a simple and pardonably specious process of reasoning, one that seemed imperious to the lawgiver, reassuring to the patriot and endorsed by conservative sentiment in Catholic and Protestant countries, and one that still finds a strong constituency, orthodoxy was legally defined, to quote an eminent Protestant theologian, Hagenbach, as "an obligation which man owed to the State; heresy, on the contrary, was considered a political crime."<sup>11</sup> "It was argued, to quote another Protestant authority and press the analogy closer, "that if treason and disrespect to earthly powers incurred the severest penalties, much more ought there to be inflicted on the guilty parties who, by their maintenance of false doctrine, had both imperiled souls and done despite to the majesty of heaven. . . . All sects agreed in the duty of exterminating heretics and unbelievers by the sword."<sup>12</sup> "To the sixteenth century," is the observation of one who speaks with commanding authority, Professor Gairdner, "heresy was a very serious evil . . . it was not mere wrong opinion, it was arrogance tending to a breach of the peace. Coercion of some kind seemed to be fairly called for. . . . A heretic," he continues, with striking clearness, "it should be remembered, is not only one who holds wrong opinions, we all do that more or less in the course of our life; he is one who arrogantly asserts in the face of authority that he is right when he is not competent, either in learning or in judgment, to discuss the matter. Thought was as free in the Middle Ages as it is in the present day," a demonstrable fact which is daily receiving wider recognition with thinking men; "but," he goes on, "if a fresh thinker saw any new light upon old questions he was expected to dispute the point in the schools with competent theologians, and not pour a flood of sophistries into the minds of admiring congregations, while claiming absolute irresponsibility for the position he took up."<sup>13</sup> In short, to reject the State religion was like refusing the State currency and, borrowing an illustration from St. Thomas Aquinas, establishing a mint of one's own.

Religious persecution, call it a folly, a madness or a crime, was indigenous to every soil, Christian or Pagan, Catholic or Protestant, with the one cogent, palliative plea in favor of Catholicity, that its endeavor was to preserve the integrity of Christian Unity. The effort made to father the ill-favored offspring, with all its brood of

<sup>11</sup> "History of Doctrines," Vol. I., p. 244. <sup>12</sup> Chamber's "Book of Days," Vol. II., p. 504  
<sup>13</sup> J. Gairdner in "Academy," 1891, pp. 491-492.

exaggerated monstrosities, on the Catholic Church has long since been abandoned to the recondite investigation of freshmen prize essayists, or the innocuous deliberations of the annual rustic Sabbath school convention. "Persecution among the early Protestants," writes Lecky, "was a distinct and definite doctrine, digested into elaborate treatises, indissolubly connected with a large portion of the received theology, developed by the most enlightened and farseeing theologians and enforced against the most inoffensive as against the most formidable sects. It was the doctrine of the palmiest days of Protestantism. It was taught by those who are justly esteemed its greatest leaders."<sup>14</sup> "Persecution," in the opinion of Hallam, "is the deadly original sin of the Reformed churches, that which cools every honest man's zeal for their cause, in proportion as his reading becomes more extensive."<sup>15</sup> The multiplication of sects and the dogmatism of private interpretation only aggravated matters, substituting for the one corporate authority, which was decried as the source of persecution, an infuriated host of ranting and canting sects, who in the same breath that they cursed the intolerance of Rome, inflicted the most pitiless punishment on each other. "Individuals," says Froude, "did not hesitate to ascribe to themselves the infallibility which they denied to the Church. Everybody was intolerant on principle, and was ready to cut the throat of an opponent whom his arguments failed to convince."<sup>16</sup> Probably the most truculent language on this subject we find, not in the imperial edicts of Trajan, Diocletian or Caracalla, but in the religiously preserved writings of the Saxon Reformer of Wittenberg. "If we punish thieves by the rope," fairly shouts Luther, "murderers by the sword, heretics by fire, why do we not attack with every weapon . . . the whole sink of Romish Sodoma . . . and wash our hands in its blood?"<sup>17</sup> The glosses usually adopted to explain away this savage ferocity have been abandoned by writers familiar with Luther and his language. The eminent Tübingen Professor of Theology Weizsäcker very judiciously contends that "it must not be overlooked that Luther in these fierce expressions, in the *Epit. Resp. Silv. Prier.*, and in his treatise against the Bull of Antichrist, represents his procedure against the hierarchy as a punishment for heresy, therefore a justifiable interference!"<sup>18</sup> A subject of uncommon interest to the psychologist would be the attempted solution, how far the mind that

<sup>14</sup> "History of Rationalism," Vol. II., p. 61. <sup>15</sup> "Constitutional History of England," Vol. I., p. 154. N. Y., 1886. <sup>16</sup> "Short Studies on Great Subjects," Vol. I., p. 173. <sup>17</sup> Walch, "Luther's Werke," Vol. 20, p. 223; 2203-2207 et seq. <sup>18</sup> "Göttingen Gelehrten Anzeigen," p. 845. 1881.

gave utterance to such a doctrine would have allowed the will under advantageous conditions to put it in execution! Calvin, the Moses of the Reformed churches, the reign and dominion of the Genevan predestined saints firmly established, himself in the height of his unchallenged power, enforced his doctrines with an inflexible Mohammedan rigor. For the most trivial moral derelictions the most summary penalties were dealt out. "Between 1542 and 1546," says an authority of unimpeachable character in this specific case, "no fewer than fifty-eight persons were sentenced to death and seventy-six to exile. On the 6th of March, 1545, the gaoler reported to the Council that the prisons were full and could hold no more. . . . 'Human life,' says Professor Kampschulte, 'appeared to have lost its value in New Geneva.'"<sup>19</sup> Surely no Spanish Inquisitor, painted in all the revolting hues of traditional bloodthirstiness, could approximate the Mephistophelian ingenuity of the same spiritual autocrat, when in vindicating his conduct in the Servetus murder<sup>20</sup> he not only maintains that "heretics should be put to death without mercy," but intimates a doctrine by the closest inductive reasoning—one that stands unprecedented and unparalleled in the history of civilized or even uncivilized nations—that even "those who doubted this [inflicting the death penalty on heresy] should die for their doubts."<sup>21</sup>

Nor can we claim an amelioration, much less immunity from this spirit of persecution, in studying the growth of our Republic. During the entire colonial period "we were essentially a nation of Protestants . . . and took similar [European] methods in maintaining and perpetuating our Protestantism, excluding those who dissented from it from sharing in the government and frankly adopting the policy which had prevailed in England from the time of Queen Elizabeth."<sup>22</sup> We must hang our heads in shame and sorrow when we study the Pilgrim Fathers' theocracy, when "the cruelty of their laws against freedom of conscience," says Judge Black, "and the unflinching rigor with which they were executed made Massachusetts odious throughout the world."<sup>23</sup>

Another salient point, a contributing if not essential factor in studying the question, is the extreme severity of the law and contemptuous valuation placed on the sanctity of human life during the period of history under consideration. The law encompassed the cattle and game of the nobleman with the most rigid legislation,

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<sup>19</sup> *Edinburgh Review*, January, 1870, p. 75. <sup>20</sup> *Fidelis expositio errorum M. Serveti et brevis eorundem refutatio ubi docetur jure gladii coercendos esse haereticos.* <sup>21</sup> *Ib.*, p. 78. <sup>22</sup> Stillé: "Religious Tests in Pennsylvania," p. 10. <sup>23</sup> *Essays and Speeches of James Black*, p. 193.

pitilessly enforced; it exposed human life to the most bloody penalties for the most petty transgressions. It is an axiom that no law was ever enacted without the object of its enforcement. Had all the laws of the English Statute Book, with capital punishment attached, been enforced according to their letter and intent, the population would have been decimated, the nation deluged in rivers of blood. According to Hollinshed, 72,000 persons perished during the thirty-eight years' reign of Henry VIII. (1509-1547), mostly for being "rogues and beggars," in other words, their only crime was poverty. During the reign of Queen Elizabeth (1558-1603), extending over forty-five years, 16,000 were executed.<sup>24</sup> The golden days of Christian love and fraternal helpfulness,

When good and bad were all unquestioned fed,  
When monks still practiced their dear Lord's command  
And rained their charity throughout the land,

were fast becoming nothing more than lingeringly sad memories of what was once "merrie old England." The suppression of the monasteries, sealing the beneficent channels of applied charity, threw the needy, homeless and helpless on the munificence of the government's bounty. To cope with the unexpected problem it in turn had recourse to a novel and effective altruism hitherto unknown in Christendom—one of the first and permanent fruits of the Reformation—by expunging poverty from the Christ-like virtues and placing it on the penal code, and by one blow extirpating poverty and its unfortunate victims. Even as late as the reign of George I. (1714-1727) the bloody code was still more amplified by enacting laws, inflicting the death penalty on all who were armed or disguised in any forest, park, highway, open heath, common or town; unlawful hunting, killing or stealing deer, robbing warrens, stealing or taking any fish out of any river, injuring Westminster Bridge or any other bridge.<sup>25</sup> The heresy act stood unrepealed in full force until 1677.

Such were the times, conditions and customs, contemporary motives, intentions and judgments under which More entered upon his official duties. Good sense and generous impulse would at once endeavor to wipe out the stigma cast on his name by establishing the valid claim that his violence in dealing with heretics was more an error attributable to his time than to his heart. But even this admission unduly and unjustly magnifies the rôle he played in suppressing heresy. The office involved upon him and his friends a nice and somewhat vexatious point of ethics, a perplexing tangle of casuistry. His theory of freedom of conscience was clearly for-

<sup>24</sup> *Edinburgh Review*, Vol. xix., p. 391. <sup>25</sup> 9 George I., c. 22; 12 George II., c. 29.

mulated in a work in the hands of every cultivated Englishman, read and quoted throughout the continent. His friendship with men like Erasmus and Colet no doubt only emphasized and intensified it. How could he then administer the office of an inquisitor of heretical pravity? But to bring the analogy to a closer range of vision. How can the judge, painfully cognizant of the disastrous evils of intemperance, grant a license to sell liquor? How can the judge whose conscience revolts against capital punishment inflict the death penalty? How can the judge whose soul shrinks from the sickening iniquity of the divorce procedure dissolve the bands of matrimony? Must individual predilection subordinate itself to official duty; harassing scruples yield to oath-bound obligations; subjective interpretation of the law surrender to the manifest intent of the law giver? "How was it possible for More the Statesman," asks a writer in the *Quarterly Review*, "to advocate toleration of sectaries, who sought violently to subvert the existing religion with which the civil order was so strictly united? Or for More the Magistrate to ignore the provisions of the laws he had sworn to administer for the maintenance of that religion?" He strengthens his position still further by quoting Jeremy Taylor's clinching argument that "the commonwealth is made a church; the law of the nation made a part of the religion; Christ is made King and the temporal power is His substitute. But if we say, like the people in the Gospel, '*Nolumus hunc regnare*,' then God has armed the temporal power with a sword to cut us off."<sup>25</sup>

More was an avowed advocate and fearless champion of freedom of conscience perilously in advance of his time, his path-breaking innovations, promulgating "advanced opinions," according to Hume, "which even at present would be deemed somewhat too free."<sup>27</sup> In his "Utopia," a work prototyped in Plato's "Republic," and which was not a mere philosophical romance, but contained a perfect storehouse of legislative wisdom and political maxims, he published to the world his real views, as Erasmus tells us, "to show how commonwealths might be better managed," and above all, that "he had England, which he knows thoroughly, principally in view." The mere publication of this work was an act of daring hardihood. "Only a thinker who placed conviction above even life," says a writer whose admirable study of More is unfortunately somewhat distorted, "would have dared put forth a work so bold and so well calculated to open the eyes of the people to the shallow pretense as well as criminality of the rich and powerful."<sup>26</sup> And in it we find

<sup>25</sup> *Quarterly Review*, October, 1896, pp. 361-362. <sup>27</sup> "History of England," Vol. III., p. 122 Philadelphia, 1796. <sup>26</sup> *Arena*, vol. 15, p. 118.

such a vehement advocacy of liberty of conscience that it lends more than an allusive importance to the letter of Erasmus,<sup>80</sup> in which he strongly intimates that it was neither More nor the Bishops who encouraged the proceedings against heresy, but Henry VIII. himself. Erasmus, in the confidence of the King, an intimate in the household of More a great deal of the time, was in a position to speak with knowledge and authority. What other meaning can we take from this letter, where he tells us that "he has it on good authority that the King is somewhat more severe to heresy than the bishops and the priests?"<sup>81</sup> Jortin does not convey the full import of More's ideas when he tells us that "he makes it one of their [Utopian] maxims that 'no man ought to be punished for his religion; the utmost severity practiced among them being banishment, and that not for disparaging their religion, but for inflaming the people to sedition; a law being made among them that 'every man might be of what religion he pleased.'"<sup>81</sup> More displays a deeper political sagacity, a wider human experience, a more observant legislative-farsightedness. "Therefore all this matter [religion]," are his own words, which we modernize, "he [Utopus] left undiscussed and gave to every man free liberty and choice to believe what he would." When a fanatic inveighed against the Christian religion and began "to wax so hot in his matter that he did not only prefer our religion before all others, but also did utterly despise and condemn all others, calling them profane and the followers of them wicked and devilish and the children of eternal damnation," then, after fruitless efforts to bring him to his senses and ineffectual remonstrances to silence him, he was condemned to exile "not as a despiser of religion, but as a seditious person and a raiser up of dissension among the people. To do away with all dissension King Utopus issued a decree "that it should be lawful for every man to favor and follow what religion he would, and that he might do the best he could to bring others to his opinion, so that he did it peaceably, gently, quietly and soberly, without hasty or contentious rebuking and inveighing against others. If he could not by fair and gentle speech induce them into his opinion, yet he should use no kind of violence and refrain from displeasing and seditious words. . . . And this he surely thought a very unmete and foolish thing and a point of arrogant presumption to compel all others by violence and threatenings to agree to the same that thou believest to be true. Therefore all this matter he left undiscussed and gave to every man liberty and choice to be-

<sup>80</sup> *Epist.* 426. <sup>81</sup> ". . . aliquanto minus æquum esse novis dogmatibus quam episcopis aut sacerdotibus." <sup>82</sup> Jortin: "The Life of Erasmus," Vol. I., p. 172.

lieve what he would."<sup>82</sup> "By my soul," is the solemn reiteration of the same sentiment . . . "I would all the world were all agreed to take all violence and compulsion away upon all sides, Christian and heathen, and that no man were constrained to believe but as he could by grace, wisdom and good works induced; and that he that would go to God, go in God's name, and he that will go with the Devil, the Devil go with him." Continuing about heretics, he states what Maitland, Lee, etc., have proved beyond the shadow of a doubt, that "while they forbore violence, there was little violence done them," and that "never were they, by any temporal punishment of their bodies, anything sharply handled, till they began to be violent themselves."<sup>83</sup> This in clear, unambiguous and forceful terms explains More's attitude on heresy and the punishment of heretics.

More was too much of the statesman, too deeply conversant with human nature, not to realize, to borrow an illustration, that spiritual machinery at best turns out an indifferent article, that penal laws may teach conformity, but never conviction. The "outward sign" may be demonstratively exhibited, but the "inward grace" will be found lamentably absent.

But, continues the indictment of the Earl of Portsmouth, "men and women were taken and tried in Sir Thomas More's house at Chelsea and burned for their principles." James Bainham . . . [was] brought before More, who had him whipped in his presence . . . racked before his eyes!"

A rather exhaustive study of the subject, involving no little amount of laborious reading and painstaking research, traces the More myth to two sources—John Foxe, its parent, and James Anthony Froude, its last defender. Foxe and his Puritan confederates are the polluters of history whom Maitland, in words of burning indignation, pillories for stating "with great deliberation and solemnity . . . what they knew to be false; and that the manner in which such falsehoods were avowed by those who told them and recorded by their friends and admirers is sufficient evidence that such a practice was not considered discreditable," men whom he arraigns with verified evidence "for reckless imputations of all the worst motives and the most odious vices."<sup>84</sup> The same Foxe Brewer charges with downright dishonesty and wilful tampering with documents.<sup>85</sup> The same Foxe Dr. Arnold, when professor at University College, Oxford, denounced "as a rampant bigot, and, like all of his class,

<sup>82</sup> "The Seconde Booke of Utopia," pp. 146-147. Cambridge, 1883. <sup>83</sup> A dialogue of Sir More, touching the pestilent sect of Luther and Tindal, C. IV., p. 76. London, 1530. <sup>84</sup> "Essays on Subjects Connected with the Reformation in England," pp. 2, 48. London, 1849. <sup>85</sup> "Letters and Papers, Foreign and Domestic," etc., Vol. I., p. 60.

utterly unscrupulous in assertion; the falsehoods, misrepresentations and exaggerations to which he gave circulation are endless."<sup>36</sup> The same Foxe and Wyatt, who are the Puritan myth-mongers whom Froude, in blind slavishness, follows if they buttress his theories, but on whose veracity he casts doubt and suspicion if they militate against them. It is hard to tell whether his language is apologetic or censorious when he tells us that these English Reformation oracles "were surrounded with the heat and flame of a controversy, in which public and private questions were wrapped inseparably together; and the more closely we scrutinize their narratives, the graver occasion there appears for doing so!" As for Foxe's modern protagonist, if we follow the sliding scale of the deplorable decadence and moral debasement of contemporaneous historical writing and reach the zero mark of peerless dishonesty we arrive at the name of Froude,<sup>37</sup> whose historical fictions are taken with no more seriousness by critical students than the quips of a mediæval court jester. Incidentally it may be of archaic interest that Luther<sup>38</sup> espouses the Puritan cause; but the Reformer was in that period of life when "as a controversialist"—we are quoting Canon Mozley—"he was literally and wholly without decorum, conscience, taste or fear,"<sup>39</sup> and therefore he can be charitably dismissed.

Lord Campbell, whose conduct of the Newman-Achilli trial gave an exhibition of anti-Catholic bias that shocked England, Protestant as it was, replies to the charge. "That More was present at the examination of heretics before the Council and concerned in subjecting them to confinement cannot be denied, for such was the law, which he willingly obeyed; but we ought rather to wonder at his moderation in an age when the leaders of each set thought they were bound in duty to heaven to persecute the votaries of the other."<sup>40</sup>

The case of James Bainham is worked up with unctuous rhetoric and imaginative fervor by Foxe,<sup>41</sup> and in the deft hands of Froude<sup>42</sup> becomes a climacteric episode, full of dainty thrusts, telling side

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<sup>36</sup> Quoted in *Catholic World*, Vol. XV., p. 567. <sup>37</sup> "It was a calamity to himself" is the language Augustus Jessop uses in summing up Froude's historical knight errantry: "It was a great misfortune to English historic literature, when Mr. Froude, nearly forty years ago, became possessed by that historic delusion which he has never been able to shake off, of which he is now the unhappy victim, and which, like all fanatics, he is passionately desirous to impose upon all who will listen to his pleading. More than thirty years of argument and criticism and evidence the most irresistible and convincing to all cultured intellects except his own, of new light coming from the right hand and the left, of documentary proof accumulated from the archives of almost every country in Europe, and pointing all to the same conclusions, have been wasted upon him." . . . *English Historical Review*, April, 1892, p. 360. <sup>38</sup> "Sämmtliche Werke," Vol. LXL., p. 365; LXII., p. 347. <sup>39</sup> "Essays Historical and Theological," p. 378. <sup>40</sup> "The Lives of the Lord Chancellors, etc., of England," Vol. I., p. 448. <sup>41</sup> "Book of Martyrs," Vol. IV., p. 702 et seq. <sup>42</sup> "History of England," Vol. II., 89-90.

plays, cunning suppressions and artful distortions, until the *tout-ensemble* reveals More to us as a heart-chilling, soul-paralyzing ogre. Fortunately More himself has shed some light on this charge. "Let us"—we again quote Lord Campbell—"let us hear what is said on this subject by More himself, allowed on all hands . . . to have been the most sincere, candid and truthful of men:" "Divers of them have said," is the sobbing pathos of the man whose cheerful wit did not desert him under the glistening blade of the headman's axe, "that of such as were in my house when I was Chancellor I used to examine them with torments, causing them to be bound to a tree in my garden and then piteously beaten. Except their sure keeping, I never else did cause any such thing to be done unto any of the heretics in all my life, except only twain; one was a child and a servant of mine in mine own house, whom his father, ere he came to me, had nursed up in such matters and set him to attend upon George Jay. This Jay did teach the child his ungracious heresy against the blessed sacrament of the altar, which heresy this child in my house began to teach another child. And upon that I caused a servant of mine to strip him like a child before mine household for amendment of himself and ensample of others. Another was one who, after he had fallen into these frantic heresies, soon fell into plain open frenzy, albeit he had been in Bedlam, and afterwards, by beating and correction, gathered his remembrance. Being therefore set at liberty, his old frenzies fell again into his head. Being informed of this relapse, I caused him taken by the constable and bounden to a tree in the street before the whole town, and there striped him until he waxed weary. Verily, God be thanked, I hear no harm of him now. And of all who ever came into my hand for heresy, so help me God, else had never any of them any stripe or stroke given them so much as a fillup in the forehead."<sup>43</sup> "More, if any man," says the writer in the *Quarterly*, "may be believed on his bare word,"<sup>44</sup> and this should summarily dispose of this charge.

But it may be demurred that More himself admitted, even gloried, in his severity to heretics, for did he not write his own epitaph, in which he tells us—*furibus, homicidis, hæreticisque molestus*—that he was troublesome to thieves, murderers and heretics?

"But this," in the words of Professor Gairdner, who will give our reply, "is really not very difficult to answer. Suppose that instead of a Lord Chancellor of England," he continues, with incisive

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<sup>43</sup> "Apology." C. 36, "English Works," p. 902, ac. Campbell ut. sup., pp. 447-448. <sup>44</sup> *Quarterly Review*, October, 1896, p. 362.

logic, "it were the case of a respectable gamekeeper who was compelled for one reason or other to give up his employment? Suppose that such a one were to say to a friend, 'You may write upon my tombstone that I served my master faithfully for many years to his entire satisfaction, and that all honest men about me held me in good esteem; but that I was very troublesome to thieves, murderers and, above all, to poachers?' Here you have precisely the same ascending scale that you find in the epitaph More wrote for himself; but it would not imply that even a gamekeeper considered that poaching, especially poaching from mere thoughtlessness or ignorance of the law, was quite as bad a thing as robbery or murder. It would only mean that the gamekeeper's duties brought him into direct collision with poachers, but that occasionally he had to deal with some of the most desperate characters, as indeed poaching, a wrong thing in itself, was very apt to lead on to worse things. So also Sir Thomas More"—we cannot refrain giving the quotation in its entirety—"as Chancellor had but little to do with the ordinary administration of the criminal law, but we know that he sat a Commissioner for the suppression of heresy and heretical books. And I presume that as a leading member of the Privy Council he must have heretics sometimes brought before him in the Star Chamber. In fact, Erasmus extols his clemency in that, having the power of putting men to death for heresy, he strove only to cure their mental condition and prevent the spread of the evil. For it was difficult to deny that, judged by its fruits, heresy was a very real evil in those days. . . . In England it was publishing scurrilous pamphlets full of the most shameful falsehoods and irreverence. It was no more a theological evil than Mormonism. More hated it with all his soul, and did his utmost to suppress it by means strictly humane as well as legal."<sup>45</sup>

Would not the epitaph More wrote for his father be a most apposite and truthful one of himself, when he describes him

*"Homo civilis, innocens, mitis misericors, æquus, et integer,"*

which his great grandson feelingly paraphrases "a man courteous and affable, innocent and harmless, meek and gentle, merciful and pitiful, just and uncorrupted?"<sup>46</sup>

That Gairdner stands not alone in his belief of More's complete innocence, but that he reflects the consentient opinion of modern English historians, men who have skimmed the froth and scum from history's stream and sounded and analyzed its undercurrents, is convincingly evident from the judicial pronouncement of a man

<sup>45</sup> *Academy*, 1891, p. 491. <sup>46</sup> "The Life of Sir Thomas More, Cressacre More," p. 9. London, 1838.

who, in his endeavor to trace these calumnies to their source, "has searched every contemporary document that could be found," says one of the most authoritative of English reviews, "and who is beyond the suspicion of misrepresenting facts."<sup>47</sup> This man, Paul Friedmann, examining the charges brought against More, says: "These accusations against More have been repeated by some later writers, but there is not a tittle of evidence that he was guilty of the cruelties imputed to him. Such charges conflict with all that we know of his character and his modes of thought, and to his contemporaries they were absolutely incredible. Henry gained nothing by the attempt to tarnish the fame of one whose virtues were so widely known and so cordially appreciated."<sup>48</sup>

Thus we see that under the most searching criticism and piercing scrutiny, Protestant writers alone having been laid under contribution, Sir Thomas More's innocence of the charge of persecuting heretics becomes an historical fact proved to actual demonstration. The calumnies which for centuries tried to blacken and blast his reputation will be tearlessly, even joyously, consigned to their final resting place beside the other bleached, dessicated bones in the charnel house of John Foxe's consecrated falsehoods, beyond the possibility of a transient galvanization, beyond the hope of an ephemeral resurrection.

As for More, the resistless sweep of historical truth, the avenging hand of retributive justice, the almighty power of a justifying Providence, will not only elevate him to a niche where he shall be hailed as "the glory of his age," a reluctant tribute that even Burnet pays him, enshrine his memory as one of the greatest geniuses and benefactors of his country, but lift him to the apex of the world's Immortals, where few loom over him, and viewing his social, political, judicial and spiritual virtues, still fewer dare stand beside him. For in what Englishman do we find such a prodigal combination of the most soaring human attributes as in More? "To say that Sir Thomas More was the brightest character of the age in which he lived, an age which exhibited the ferocity of uncivilized man without his simplicity, and the degeneracy of modern times without their refinement, were praise beneath his merit; to challenge the long and splendid series of English biography to produce his equal at any period might be deemed presumptuous; but if the wise and honest statesman, the acute and incorrupt magistrate, the loyal but independent subject, constitute an excellent public man; if the good

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<sup>47</sup> *Edinburgh Review*, January, 1886, p. 61. <sup>48</sup> "Anne Boleyn: A Chapter of English History," Vol. II., p. 88. London, 1884.

father, the good husband and the good master, the firm friend, the moral though witty companion, the upright neighbor, the pious Christian and the patient martyr, form a perfect private character—*ecce homo.*"<sup>49</sup>

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### "THE SACRIFICES OF MASSES."

#### THE REFORMERS AND THE CATHOLIC DOCTRINE.

"IT is often urged, and sometimes felt and granted, that there are in the Articles propositions or terms inconsistent with the Catholic faith; or, at least, when persons do not go so far as to feel the objection as of force, they are perplexed how best to reply to it, or how most simply to explain the passages on which it is made to rest."

With these words the Rev. J. H. Newman opened the famous Tract 90, which was intended both to allay the scruples about subscription to the Thirty-nine Articles then beginning to be felt by his followers, and at the same time to test how far the authorities of the Church of England were prepared to go in allowing the promulgation of the new teaching. The Tractarian leaders, like their predecessors and models—the Caroline divines—were diligent students of the ancient fathers. And like those divines, too, they had come to see that the Reformers had erred grievously in their successful attempt to root out from the English Church the very notion of an objective sacrifice, leaving nothing in its place but the offering of ourselves, our lauds and thanksgivings. The writings of the fathers had taught them to regard some external sacrifice as of the very essence of religion, of an adoring recognition by the creature of His Creator. They were ready to echo the plaint of the Catholic Dr. Scot, speaking against the reintroduction in Elizabeth's reign of the Prayer Book and the consequent abolition of the offering of Christ, "taken away by this booke, as the authors thereof do willingly acknowledge; crying owte of the offering of Christe oftener than once, notwithstanding that all the holie fathers do teach it, manifestly affirmynge Christe to be offered daylye after an unbloody manner. But if these men did understand and consider what dothe ensue and followe of this their affirmation, I thinke they wolde leave their rashness and return to the truthe again. For if it be trewe

\* "Portraits of Illustrious Personages of Great Britain." Edmund Lodge, Vol. I., p. 41. 8 vols. London, 1849-1850.