

## The Willingness to Kill

If anyone secretly entices you—even if it is your brother, your father's son or your mother's son, or your own son or daughter, or the wife you embrace, or your most intimate friend—saying, "Let us go worship other gods," whom neither you nor your ancestors have known, any of the gods of the peoples that are around you, whether near you or far away from you, from one end of the earth to the other, you must not yield to or heed any such persons. Show them no pity or compassion and do not shield them. But you shall surely kill them; your own hand shall be first against them to execute them, and afterwards the hand of all the people. Stone them to death for trying to turn you away from the Lord your God, who brought you out of the land of Egypt, out of the house of slavery. Then all Israel shall hear and be afraid, and never again do any such wickedness.

—DEUTERONOMY 13:6–11

... nevertheless, it very often happens that two good men, both of whom have good intentions, carry out great persecutions against and contradict each other as a result of their different opinions.

—FRANÇOIS DE SALES, *INTRODUCTION TO THE DEVOUT LIFE* (1609)

When sixteenth-century Christians were executed for their religious convictions, were they persecuted or prosecuted? Those who suffered at the stake or scaffold, like the Lollards and Hussites before them, denounced such treatment as tyrannical cruelty. Many Roman Catholic and Protestant authorities, however, both ecclesiastical and secular, considered persistent Christian heterodoxy the gravest of offenses. Men and women deserved severe punishment if they resisted every effort made to correct their errors. Such action did not persecute innocent Christians—it prosecuted religious criminals.

Referring to authorities' willingness to kill, one scholar has recently written that "to the modern mind it is unthinkable that a man should burn for his religious beliefs alone."<sup>1</sup> What to the "modern mind" seems "unthinkable" is for the modern historian a challenge. Sixteenth-century authorities not only entertained this thought—they acted on it several thousand times. It is somewhat misleading, however, to say that people were executed for their "religious beliefs alone." Entirely private, personal heterodoxy would have been undetectable. "If heresy remains secretly in people's hearts," Urbanus Rhegius noted in 1536, "then it is judged by God alone."<sup>2</sup> Yet in the admoni-

tions of religious leaders and of Jesus himself—"Why do you call me 'Lord, Lord,' and not do what I tell you?" (Luke 6:46)—beliefs almost always entailed visible behavior. Grasping the truth of the Gospel meant not hiding it "under a bushel basket" (Matt. 5:15), but rather living it with others, whether in conventicles, via printed literature, or through clandestine worship. Spurning the Mass as idolatrous implied that one ought not to attend it, rejecting infant baptism that one ought not to practice it. Heterodox Christians were prosecuted not "for [their] religious beliefs alone," but for what they did or failed to do on the basis of their convictions.

### Prosecuting Religious Criminals

By the early sixteenth century judicial mechanisms for the prosecution of heresy were well established. Theologically, the most important influence on the Middle Ages was Augustine, whose attitudes on religious coercion were integrally related to his views of scripture, authority, and providence.<sup>3</sup> In the early Middle Ages, the legal precedent set by the Justinian Code had been idle. Still, the concern of churchmen about heresy persisted even when heresy seems to have been absent, as in the tenth century. A 1022 burning in Orléans was the first recorded execution for heresy in Latin Christendom in over six hundred years.<sup>4</sup> Ecclesiastical involvement began to change in the mid-twelfth century, when a relatively lenient, piecemeal approach by individual bishops yielded to a stricter, more centralized, papally driven strategy, marked by greater cooperation with secular authorities. In 1148 the Council of Rheims handed over heretics to secular authorities for burning. Thereafter, through the Fourth Lateran Council (1215) and the commissioning of papal inquisitors under Pope Gregory IX in the 1230s, measures against heretics were stiffened to counter burgeoning Cathar influence in southern France.<sup>5</sup> From the mid-thirteenth century on, with varying degrees of commitment and success, ecclesiastical and secular authorities across diverse regions combined to seek out, question, and punish heretics. Inquisitors imposed a wide range of penalties within a flexible system of punishments, depending on the nature of the offense and the response of the suspect.<sup>6</sup> Only those who refused clerical pressure to recant and be reconciled to the Church, or who relapsed after a previous abjuration, faced execution. Secular magistrates then enacted the capital punishment, most commonly by burning.

In the sixteenth century this system led to several thousand deaths. Sympathizers understood them as martyrdoms. Had there been no judicial executions, some Christians—those killed in popular violence, for example, or those who perished in prison—would probably have been recognized as martyrs, but no full-blown renaissance of martyrdom would have occurred. The

perception of persecution and the widespread celebration of martyrs presupposed the pattern of prosecution and its underlying willingness to kill. Without the latter, martyrdom would have remained the fantasy it had been for Margery Kempe, or the sixteenth-century fancy of the young Teresa of Avila and her brother in Catholic Spain, who imagined a speedy route to heaven at Moslem hands.<sup>7</sup>

Judicial executions for heterodoxy are not coextensive with the broader category of religious violence, a subject explored by Natalie Zemon Davis and Denis Crouzet for the French Wars of Religion.<sup>8</sup> Early modern religious riots and religious wars fall outside the present discussion. Nevertheless, executions coupled with general repression of Protestants helped spark war in France in 1562, just as they spurred iconoclastic revolt in the Netherlands four years later. Protestant martyrologists distinguished judicial from extrajudicial violence as well, yet they perceived an underlying continuity between them.

By design, executions for heresy almost never turned on ambiguity or doctrinal manipulation, as they had to some extent in the case of John Hus. Authorities asked specific, litmus-test questions about religious teachings and practices. If one willfully denied an article of Christian faith in response, heresy was manifest. In this sense, men and women executed for their persistence were not "made" into heretics. If Anabaptists denied the validity of infant baptism, for example, they were patently heretical according to both Catholics and Protestants. Quite different were cases in which denunciations were wielded *within* traditions against those who understood themselves as obediently orthodox, as when the faculty of theology of the University of Paris condemned the Jesuits in December 1554.<sup>9</sup> Certain interests within the sprawl of Roman Catholicism—including other religious orders—were almost sure to resent the innovative style and rapid success of the Society of Jesus. Yet an order that self-consciously vowed special obedience to the pope could not and did not self-consciously reject the teachings of Roman Catholicism. Executed Protestants and Anabaptists, by contrast, condemned the pope as the Antichrist.

In the twelfth century Gratian had codified Augustine's notion that the subjective aspect of heresy entailed *deliberate* persistence in false doctrine.<sup>10</sup> Accordingly, inquisitorial proceedings were designed to sift defiant heterodoxy, which was heresy, from mere ignorance or confusion, which was not. Thomas More, a relentless opponent of heresy, counseled gentle treatment for the inculpably wayward: "I would not they were overhastily handled, but little rigor and much mercy showed where simpleness appeared, and not high heart or malice."<sup>11</sup> John Calvin's distinction among three levels of error echoed this point: fraternal correction and encouragement were the antidote to mild superstition or ignorance.<sup>12</sup>

Heresy was both a serious and an unusual crime. Viewed as a deliberate error, it was judged amenable to correction. In contrast to crimes such as murder, theft, or arson, the offense could be undone. First-time culprits courted execution only if they were unwilling to recant. On the eve of the Reformation, suspects could admit and renounce their errors, accept penitential punishment, and return to the Church, albeit often with a stigma that could be socially damaging.<sup>13</sup> As the sixteenth century unfolded, secular authorities in England, France, and the Netherlands assumed greater control of prosecution. At times they made laws mandating automatic execution for various heretical activities. In practice, however, there persisted a willingness to release penitent heretics.

In trials for witchcraft and other crimes on the Continent, judicial torture was often necessary to secure the confessions required for "full proof."<sup>14</sup> Heresy suspects, by contrast, were rarely tortured to make them confess their errors. In Bordeaux, Languedoc, and Paris between 1540 and 1560, only between 2 and 10 percent of those examined for heresy were tortured at all. In Paris during 1535–1536 and 1545–1546, torture was used in 21 percent of homicide cases, 23 percent of robberies, and 30 percent of forgeries, but only 7 percent of heresy cases.<sup>15</sup> These figures are consistent with contemporary convictions about the nature of heresy. Torturing people to make them confess their beliefs would have undercut the idea that heresy reflected a willful choice. Furthermore, defiant persistence in heterodoxy rendered torture superfluous: suspects openly admitted what their examiners sought. When torture was employed, authorities wanted heretics to name names, to identify fellow believers, not to make their own confessions. People were killed not because they were bullied into acknowledging fictitious heresies, but because they confessed proscribed beliefs, though admittedly from a vulnerable judicial position.<sup>16</sup> Specific scriptural and social influences fostered forthright confession by the accused. Overall, however, there is little question that many more people dissembled or abjured than stood firm.<sup>17</sup>

Sixteenth-century penal codes were harsh by modern Western standards. Besides lesser punishments such as pillorying, whipping, branding, severing limbs, and confining aboard galleys, capital punishment was used against thieves, arsonists, counterfeiters, murderers, traitors, and abductors of women.<sup>18</sup> In this light Raymond Mentzer has written that "the use of the death sentence for heresy was neither singular nor extreme when compared to its application for other felonies."<sup>19</sup> The willingness to kill the heterodox can be abstracted only arbitrarily from this wider context, which is integral to the understanding of heresy prosecution. Those convicted of all capital offenses were typically put to death in public, ritualized executions meant to deter would-be criminals and to reinforce the existing authority.<sup>20</sup> In a world without professional police forces, the preservation of public order depended

partly on the effectiveness of such executions. To a large extent, stability required the widespread acceptance of legal norms and cultural values, plus more or less cooperative central and local authorities.

Except in Hussite Bohemia, repression had worked. Late medieval sects and their heretical beliefs were by no means eliminated, but they were contained and controlled. The Lollard underground endured into the sixteenth century, but without seriously challenging either the Church's power or its place in the lives of the vast majority of English men and women. Waldensian communities did likewise in Provence and the Piedmont. After three centuries of largely effective containment, the willingness to kill was firmly situated in authorities' assumptions about the exercise of power. Their pervasive social and political conservatism prompted no fundamental innovations. Why fix what was not broken? On the eve of the Reformation, nothing hinted that judicial suppression would be any less effective in the future than it had been in the past.

### The Duty of Intolerance

Justifications for the execution of heretics seem clearly to manifest ideology in the service of self-interest. Crushing dissent by killing dissenters is a less than subtle way to buttress a dominant order. Examples abound in the twentieth century. In an earlier era of expanding state power, influential men stood to consolidate their control by eliminating resistance. Conform or be killed: executions seem to express the brutal extreme of ambitions to impose social discipline and to insure obedience. Some princes and prelates perhaps opposed heresy mostly to maintain their power and prestige. Nonetheless, there are good reasons not to assume that opposition to religious heterodoxy in general was primarily the ideological glove on the fist of political self-interest.

The first contrary argument is the simplest: it is far from clear that the violent punishment of heterodoxy in the sixteenth century always served the sovereign's perceived political interests. Both Mary Tudor and Philip II, for example, kept executing heretics despite their awareness of the political cost. Had they mitigated their heresy policies, they probably would have strengthened their respective regimes. Thomas More and John Fisher tirelessly countered heresy in England in the 1520s and early 1530s. Yet in the light of their own deaths in 1535, they cannot be seen as Henry VIII's self-serving political agents. Had self-seeking ambition driven them, both would have assumed exalted positions in the king's new regime. More broadly, it is scarcely imaginable that when conscientious, implicated Catholics—including the writers who justified the executions, the rulers who made the laws, and the local magistrates who carried them out—made their sacramental confessions, they

all sought forgiveness for complicity in the mortal sin of murdering heretics. It is much more plausible to take them and their Protestant counterparts at their word: executions were not only legitimate, but obligatory. Even contemporary antagonists conceded the sincerity of mistaken authorities. When the Protestant Anthony Gilby attacked Stephen Gardiner, the Henrician bishop of Winchester, in 1548, he acknowledged the good intentions of those responsible for the execution of Protestants, but denied the rightness of their actions.<sup>21</sup>

As the examples of More, Fisher, and others show, the willingness to die for one's beliefs was not necessarily the simple opposite of the willingness to kill for them.<sup>22</sup> Both dispositions embraced central Christian notions about truth, faith, the afterlife, answerability to God, and responsibility to others. Political vulnerability dictated an openness to martyrdom, political responsibility a willingness to punish those who disparaged God's truth. Just as men and women interrogated about their faith were answerable to God, so were rulers responsible to God (and their subjects) for maintaining true religion. The issue was not suffering as opposed to meting out punishment, but rather what commitment to the truth called for in divergent circumstances.

In contrast to twentieth-century dictators, early modern princes and prelates cannot be seen as tyrannical exterminators. The gratuitous cruelty of certain officials, such as the Elizabethan Richard Topcliffe, should not be conflated with authorities' general willingness to kill unrepentant heretics. "Well may it be," wrote Thomas More in 1531, "that as we be all men and not angels, some of them may have sometime either over fervent mind or indiscreet zeal, or percase an angry and a cruel heart, by which they may offend God in the self same deed, whereof they should else greatly merit."<sup>23</sup> John Tedeschi's intensive research has revealed the Roman Inquisition's procedural scrupulosity and prosecutorial restraint.<sup>24</sup> With rare exceptions, neither ecclesiastical nor secular authorities wanted to slaughter religious deviants. They sought rather to reclaim the wayward for Catholicism, Reformed Protestantism, or Lutheranism by securing formal recantations. Had this not been so, Charles V, for example, would not have given heretics a grace period before implementing the imperial placards of 1529 and 1530. He was "not seeking," he stated, "the death of our subjects . . . nor their goods, but only the maintenance of the faith and of the statutes, ordinances, and constitutions of the holy Church and of our ordinances, and the suppression and reformation of errors, abuses, and endeavors to the contrary."<sup>25</sup>

Was this a rhetorical show, the language carefully calibrated merely to avoid the appearance of ruthlessness? Authorities' willingness to release penitent heretics suggests otherwise. In December 1521 the prior of Antwerp's Observant Augustinians, Jakob Probst, was imprisoned in Brussels on suspicion

of heresy. When pressured he publicly recanted, then was permitted to go free.<sup>26</sup> The unyielding Anabaptists imprisoned with Michael Sattler were executed, whereas the recanting majority were exiled, made to wear grey smocks with symbols of the sacraments they had impugned: a chalice and host on one side, a baptismal font on the other.<sup>27</sup> Even in Catholic Bavaria, where apparently between seventy and one hundred Anabaptists were executed between 1527 and 1530, "the persecution of Anabaptists did not simply consist in savage killing," although an April 1530 mandate technically subjected them all to capital punishment.<sup>28</sup>

Where heresy was linked to overt sedition—for example, in the German Habsburg lands after the Peasants' War, in Amsterdam following the Anabaptist militancy of 1535, and in the Low Countries after the Iconoclastic Fury of 1566—retaliation was usually severe. Otherwise authorities were not especially bent on executing heresy suspects. Only 62 (5.8 percent) of the 1,074 persons accused in Languedoc between 1511 and 1562 were killed; the Parlement of Bordeaux executed just 18 (3.8 percent) of the 477 suspects it pursued from 1541 through 1559; and even the notorious *chambre ardente* of Paris put to death only 58 (10.4 percent) of at least 557 suspects between May 1547 and March 1550.<sup>29</sup> In Cologne in June 1565, 57 Anabaptists were arrested. Of the 37 who had been (re)baptised, 34 refused to recant, but only their teacher, Michael Servaes, seems to have been executed.<sup>30</sup> Over his twenty-year career the zealous inquisitor Pieter Titelmans handled at least 1,120, and perhaps as many as 1,600, heresy cases. Just 127 (7.9 percent to 11.3 percent) ended in execution.<sup>31</sup> *Contravening* the mandatory death sentence then prescribed by imperial law, Titelmans and members of the Council of Flanders released penitent Anabaptists in the 1550s. Titelmans personally interceded with secular authorities on behalf of others.<sup>32</sup>

Far from yearning to kill heretics, members of the clergy frequently strained to save them. Often joined by civic officials or friends of the accused, they pleaded with the heterodox to abandon their beliefs and thus avoid death. The bishop of Vienna, along with other theologians, secular authorities, and even a choirmaster, repeatedly urged Caspar Tauber to recant in 1524, to no avail.<sup>33</sup> Wendelmoet Claes was questioned by The Hague's city council in November 1527. In prison over the next two days, "monks, priests, and women" as well as a cousin implored her to capitulate, again in vain.<sup>34</sup> Aided by his assistants, the Marian bishop of London, Edmund Bonner, tried fifteen times to make John Philpot see his errors, six times with Richard Woodman, and nine with Elizabeth Young.<sup>35</sup> In Ghent, twelve attempts were made with the Anabaptist Soetken van den Houde and her three female companions. From late July through their eventual execution on November 20, 1560, inquisitors, members of Ghent's four male religious orders, civic authorities,

and secular clergymen all tried and failed to make them renounce their beliefs.<sup>36</sup> What more could have been done? Should twenty attempts have been made, or a hundred? Heinrich Bullinger derided the idea that authorities should forestall indefinitely the execution of obstinate heretics in the hopes that they might eventually come round. This would imply, he argued, that no murderers, thieves, rebels, or other malefactors ought to be put to death either, giving them time to acknowledge their wrongdoing and become devout.<sup>37</sup>

Ecclesiastical and secular authorities wanted to correct the heterodox, not kill them. True, their efforts are consistent with interpretations that stress self-interest, since every repentant heretic reinforced the prevailing order. Their attempts also support readings that emphasize apologists' self-professed religious motives, such as concern for heretics' and others' souls. However, their actions undermine the view that early modern states were bent on simply annihilating any and all resistance they encountered. With respect to examinations and executions for heresy, Lionello Puppi's sweeping, Foucauldian claim of a medieval and early modern "absolute order of Power" engaged in a "constant acting out of a vendetta on innumerable nameless victims; an unbroken, interminable slaughter," is nonsense.<sup>38</sup> Both David Nicholls for Henry II's France and Susan Brigden for Marian England have recently confirmed officials' care to correct the religiously wayward. Every unrepentant, executed heretic marked a political defeat, not a victory.<sup>39</sup>

Puppi invokes—and dismisses—an incident that epitomizes the issue at hand: Pope Sixtus V was moved to tears by paintings of Catholic martyrs in Rome's San Stefano Rotondo, yet he authorized for criminals and heretics some of the same punishments depicted.<sup>40</sup> The pope's actions are not only intelligible, but fully consistent with the conviction that uniquely important events for all humanity had occurred in Christ's incarnation, life, death, and resurrection; that the saving truth therein revealed and apprehended by faith could be distinguished from damning error; that the Roman Catholic Church was the custodian of this truth; and that Christian magistrates were obliged to defend it for God's honor, others' well-being, and the common good. The heart of this position was based on the Gospels: Christ had said no one came to the Father apart from him (John 14:6), that he would build his church on Peter, against which hell's gates would not prevail (Matt. 16:18), and that he would remain always with his disciples (Matt. 28:20). As elaborated in the sixteenth century, this position intertwined biblical exegesis with arguments based on logical principles, historical precedent, pastoral concern, the threat of social disorder, and the obligations of Christian magistrates. These in turn meshed with commonplace commitments about the priority of the corporate over the individual, the soul over the body, and eternal life over earthly

existence. When Anabaptists were drowned in Zwinglian Zurich or beheaded in Lutheran Saxony, when Michael Servetus was burned in Calvin's Geneva, the arguments, *mutatis mutandis*, remained fundamentally the same,<sup>41</sup> even though the precise hermeneutical bases differed. Protestant magistrates were obliged to defend the Gospel's restored, salvific truth, rescued from its medieval Catholic perversions.

### The Trajectory of Argumentation

Johannes Eck first published his *Handbook of Commonplaces* in 1525. One of the leading Catholic controversialists of the early Reformation period, he intended it to offset Philipp Melanchthon's *Commonplaces* (1521), a concise presentation of Luther's teachings organized around biblically based, soteriological themes. Eck compiled scriptural, patristic, and other authoritative sources by topic, giving Catholic clergy a defensive tool to meet evangelical challenges. Many thousands of priests and doubtless some literate laity must have acquired it, since over one hundred editions, including vernacular translations, were published by 1576.<sup>42</sup> Eck articulated traditional arguments for execution in Chapter 27, entitled "On the Burning of Heretics."

Whether they were trained scholastically or humanistically, Eck and other proponents of execution leaned on scripture to support their arguments. The Pentateuch prescribed the killing of those among God's chosen people who blasphemed, prophesied falsely, disobeyed God's ministers, or enticed others to worship different gods. Given certain assumptions about the Old Testament in a Christian hermeneutic, the same sanctions were adapted easily enough to a Christian context.<sup>43</sup> Well versed in biblical proof texts and Augustinian commonplaces, Eck quoted from Deuteronomy in his *Handbook*:

If prophets or those who divine by dreams appear among you and promise you omens or portents, and the omens or the portents declared by them take place, and they say, "Let us follow other gods" (whom you have not known) "and let us serve them," you must not heed the words of those prophets or those who divine by dreams; for the Lord your God is testing you, to know whether you indeed love the Lord your God with all your heart and soul . . . But those prophets or those who divine by dreams shall be put to death for having spoken treason against the Lord your God . . . (Deut. 13:1-3, 5).<sup>44</sup>

When Calvin justified the execution of Servetus in 1554, he employed the verses immediately following—which are also the epigraph to this chapter—to make clear the duty of magistrates and to demonstrate the precedence of

God's honor over even the closest of human relationships.<sup>45</sup> Eck quoted Deut. 17:12, Deut. 18:20, and Lev. 24:14 as well. These verses condemn, respectively, those disobedient to appointed priests, those prophesying in the name of other gods, and blasphemers. Eck asked simply, "Why not heretics too?" and cited further the case of Elijah slaying the false prophets of Baal (1 Kings 18:40).<sup>46</sup> At a Worms colloquy in 1557, Lutheran theologians applied to Anabaptists the capital mandate against blasphemers. They claimed that it bound "not only Israel," but was "rather a natural law which binds all authorities in their rule, whether king, princes, judges, etc. For civil government should not only preserve the bodies of subjects as a shepherd preserves cattle or sheep, but should also uphold outward discipline and regulate government to God's honor, should remove and punish public idolatry and blasphemy."<sup>47</sup>

Others argued, however, against the weight of Augustine's influence, that Christ's coming had supplanted the Mosaic mandates. The parable of the wheat and the tares (Matt. 13:24-30), it was claimed, sanctioned the coexistence of the good and the wicked until Christ's second coming, lest "grain" be mistakenly uprooted with "weeds." The Old Testament laws applied to the ancient Israelites and perhaps still to latter-day Jews, but not to sixteenth-century Christians.<sup>48</sup> At least as early as Balthasar Hubmaier's *On Heretics and Those Who Burn Them* (1524), this parable figured importantly in arguments against the execution of heretics.<sup>49</sup> In contrast to the Pentateuch, the New Testament nowhere explicitly commends putting blasphemers or false believers to death. Besides the parable of the wheat and the tares, other passages seem to counsel less extreme action. Paul's letter to Titus, for example, states, "After a first and second admonition, have nothing more to do with anyone who causes divisions, since you know that such a person is perverted and sinful, being self-condemned" (Tit. 3:10-11). Presumably, ignoring such a person would preclude putting him or her to death. In the sixteenth century, such verses grounded the disciplinary practices of banning and shunning among certain Anabaptist groups. These passages had led medieval churchmen to go no further than excommunication in punishing heretics. Execution remained the preserve of secular authorities.

Medieval and early modern magistrates, however, were "secular" only in the legal and institutional sense of being nonecclesiastical. Christian teachers, pastors, and advisors helped shaped their sense of duty. When political manuals and treatises addressed the responsibilities of magistrates, they quoted not the Pentateuch, but Paul:

Let every person be subject to the governing authorities; for there is no authority except from God, and those authorities that exist have been

instituted by God. Therefore whoever resists authority resists what God has appointed, and those who resist will incur judgment . . . if you do what is wrong, you should be afraid, for the authority does not bear the sword in vain! It is the servant of God to execute wrath on the wrongdoer (Rom. 13:1–2, 4).

Rhegius cited this passage five times in his brief justification for the execution of Anabaptists.<sup>50</sup> He added two additional Pauline excerpts on law and just punishment:

Now we know that the law is good, if one uses it legitimately. This means understanding that the law is laid down not for the innocent but for the lawless and disobedient, for the godless and sinful, for the unholy and profane, for those who kill their father or mother, for murderers, fornicators, sodomites, slave traders, liars, perjurers, and *whatever else is contrary to the sound teaching that conforms to the glorious gospel of the blessed God*, which he entrusted to me (1 Tim. 1:8–11). (My emphasis.)

For the Lord's sake accept the authority of every human institution, whether of the emperor as supreme, or of governors, as sent by him to punish those who do wrong and to praise those who do right (1 Pet. 2:13–14).

These passages cleared the way for a fortiori arguments about the execution of heretics. What the Old Testament might not provide directly, the New Testament seemed to demand for the sake of judicial consistency. Heresy was a crime committed not against mere masters or even rulers, but against God.<sup>51</sup> In his imperial legal digest that was published over thirty times, Bruges jurist Josse Damhouder argued that the worst crimes were those that offended the divine majesty.<sup>52</sup> Unrepentant heretics therefore merited punishment no less severe than that applied to lesser criminals. Antoine Du Val stated the point clearly in light of the soul's priority over the body: "If it is right that thieves, murderers, and robbers are punished, is it not with greater reason that one ought to punish heretics, who steal [*desrobent*] the soul and the understanding from those whom they deceive? Is it not with good reason that a poisoner and corrupter of bodily health is punished? Then why would it not be more reasonable to punish one who deprives the soul of its well-being [*qui oste la bonne santé de l'ame*], as our Calvinists do?"<sup>53</sup> Despite their different targets, Eck, Rhegius, Calvin, Bullinger, and the lay Catholic controversialist Miles Huggarde all made the same argument.<sup>54</sup> In the early seventeenth century Benedikt Carpzov, a Lutheran jurist of Saxony, echoed this view as well—quoting (though not acknowledging) Pope Innocent III in support.<sup>55</sup>

As heresy affronted God's majesty, it twisted the truth that alone could lead

one "to the Father" (John 14:6), thereby threatening others' eternal salvation. Murderers killed bodies, but heretics killed souls. On February 26, 1526, John Fisher preached a sermon at St. Paul's in London, in conjunction with Robert Barnes's recantation and a public burning of heterodox books. He meant exactly what he said: "heresy is a perilous weed, it is the seed of the devil, the inspiration of the wicked spirits, the corruption of our hearts, the blinding of our sight, the quenching of our faith, the destruction of all good fruit, and finally the murder of our souls."<sup>56</sup> In his Good Friday sermon quoted in Chapter 2, Fisher urged the devotion to Christ's passion that nourished every human sense and faculty; here he warned against adulterating them all through the heresy that repudiated Christ. Thomas More, too, should be taken at his word when he wrote that heretical books, "when they be drunken down infect the reader and corrupt the soul unto everlasting death."<sup>57</sup> Sixteenth-century beliefs about spiritual realities should not be distorted through twentieth-century lenses. Eternal damnation was no mere symbol: it was *literally* what happened to heretics who died at odds with Christ and his mystical body, the one Church. Nor were common images like slaying the wolf for the sake of the flock, or cutting away the putrid flesh to save the body, mere metaphors. As employed by both Protestant and Catholic writers,<sup>58</sup> these images witnessed to the weakness of language as believers grasped for graphic, material analogies to express convictions about spiritual realities. Protestant preacher Hugh Latimer likened false doctrine to a consuming fire: just as "the nature of fire is to burn and consume all that which is laid in the fire," so too "the nature of false doctrine is to condemn, to bring to everlasting damnation; that is the nature of false doctrine."<sup>59</sup> Embedded in a diligent paternalism, sharpened by a sense of accountability, and strengthened by assumptions about the common good, such beliefs fostered urgent, practical concern. "My duty is to endeavor me after my poor power, to resist these heretics, the which cease not to subvert the church of Christ," Fisher told those gathered at St. Paul's. "If we shall sit still and let them in every place sow their ungracious heresies, and everywhere destroy souls, which were so dearly bought with that most precious blood of our saviour Christ Jesu, how terribly shall he lay this until our charge, when we shall be called until a reckoning for this matter!"<sup>60</sup>

Mary Tudor's chaplain and confessor, John Christoferson, wrote that Protestant preachers had "killed more souls upon one day, than all the naughty physicians in England had killed bodies in twenty years."<sup>61</sup> Because heresy was worse than murder, theft, or rape, its eradication was imperative—"such a good and holy work," according to a French ordinance from 1549.<sup>62</sup> If concerted persuasion and pressure failed to produce recantation, then conscientiousness pointed to execution as a final recourse. By foisting deadly crimi-

nals on others, banishment, although sometimes employed, was the epitome of antifraternalism. What was worse, as an imperial edict lamented in 1540, exile emboldened heretics and failed to stop the spread of heretical "errors and false doctrines . . . to the great danger, scandal, and destruction" of the sovereign's own lands and subjects.<sup>63</sup> A lack of appropriate facilities meant that long-term imprisonment was rarely a viable option. The procession to the scaffold or sight of the stake might trigger a last-minute recantation, allowing authorities to save lives. Even if the execution were still enacted, the condemned, by recanting, would avoid otherwise certain damnation. In the end and as a last resort, the public execution of criminals eliminated wrongdoers with an admonitory didacticism.

Coddling heretics expressed a misplaced mercy that placed others at risk. Against his detractors, Calvin argued that it was "more than cruel" to "spare the wolves" and expose the sheep to possible soul-murder through the "poisoning of [heretics'] false doctrines."<sup>64</sup> As Mary Tudor's bishop of London, Edmund Bonner presided over many heresy trials, more than one hundred of which ended in excommunication.<sup>65</sup> It was not contrary to but part of charity, Bonner asserted, for secular authorities to punish heretics, based on Rom. 13:3-4: "rulers are not a terror to good conduct, but to bad . . . It is the servant of God to execute wrath on the wrongdoer." The charity of sovereigns included praise and reward for the good, rebuke and punishment for the wicked. If attempted correction failed, execution was the proper course of action:

As one thief may both rob many men, and also make many thieves, and one seditious person may allure many, and annoy a whole town or country. And such evil persons, that be so great offenders of God, and the commonwealth, charity requireth to be cut off, from the body of the commonweal, lest they corrupt other good, and honest persons: like as a good surgeon cutteth away a putrified, and festered member, for the love he hath to the whole body, lest it infect other members, adjoining to it.<sup>66</sup>

Eck, Du Val, and Reginald Pole agreed: others paid the price if heretics were shown (false) clemency.<sup>67</sup> The spreading of heresy was religious reckless endangerment by spiritual serial killers. Indeed, heretics were worse than multiple murderers, because their victims lived on to harm others in turn. Small wonder, then, that Elizabethan apologist John Jewel seemed genuinely proud that Protestant rather than Catholic authorities had detected, condemned, and executed Michael Servetus and other heretics.<sup>68</sup> The danger of heresy was mitigated, however, because the heterodox were not compelled to cling to their errors—hence the strenuous efforts made to reclaim them for orthodoxy.

Every soul that Satan seduced was one lost to the hope of salvation. Heresy

called for neither negotiation nor toleration, but rather swift and severe retaliation, lest even greater damage ensue. There were contemporary success stories: Bavarian Anabaptism was all but eliminated through a concerted campaign between 1527 and 1530.<sup>69</sup> Thomas More wrote in 1531, "As for heretics rising among our self, and springing of our self, [they] be in no wise to be suffered, but to be oppressed and overwhelmed in the beginning. For by any covenant with them, Christendom can nothing win. For as many as we suffer to fall to them we lose from Christ."<sup>70</sup> Eck quoted Jerome, reminding readers how the early Church's failure to suppress Arius at once had led to a massive expansion of his heresy. Du Val ruefully applied this lesson to Luther and Calvin.<sup>71</sup> Even if some began to regret missed opportunities, the growth of heresy did not necessarily disrupt the logic of aggressive suppression. If somewhere heretics were twice as numerous as before, this might simply call for redoubled efforts to stem still greater proliferation—to oppose heresy with "all diligence possible," as the French Edict of Châteaubriand put it in 1551, "day by day, and hour by hour."<sup>72</sup> Repressive efforts were undermined only when effective prosecution proved politically and practically impossible. Between the spring of 1560 and the last-ditch Edict of Saint-Germain in January 1562, this occurred in France. So too, in April 1566, a hard-pressed Margaret of Parma agreed to moderate the treatment of heretics in the Netherlands.<sup>73</sup>

Repeatedly, the willingness to kill was not defended on the basis of authorities' abstract right to maintain established religion; it was not justified as the expression of political power per se. Only *true* religion was legitimately defensible. Indeed, without this qualification, complaints about persecution would have been groundless. Just as Augustine's dictum "not the punishment, but the cause, makes a martyr" separated true from false martyrs on the basis of doctrine across confessional divides, its mirror image distinguished lawful prosecution from unjust persecution: not the punishment, but the cause, makes a persecutor. Hence Calvin condemned the papacy's murderous tyranny as he defended the rightful punishment of Servetus and his ilk. "We have to judge the zeal one has to maintain religion as we judge the religion itself," he wrote, separating legitimate suppression grounded in the "pure Word of God" from the "frantic and unlearned" oppression of the papists.<sup>74</sup> On the Catholic side, Stanislaus Hosius, a Polish prelate and legate to the Council of Trent, sounded no different than Calvin. Of persecution, he stated that "sometime he that doth suffer it is unrighteous, and he which doth practice it is righteous . . . without doubt, the evil men have always persecuted the good, and the good have persecuted [that is, prosecuted] the evil men . . . They outrageously, these discretely: they giving place to their malicious affection, these applying themselves wholly to charity."<sup>75</sup>

In 1579 Thomas Hide, an expatriate Catholic priest, published at Louvain



his *Consolatory Epistle to the Afflicted Catholics* of England. Like Hosius, he distinguished persecution from prosecution in a discussion of true and false martyrs. Drawing on the book of Exodus, Hide noted that the Egyptian Pharaoh afflicted God's people as "a wicked persecutor, but Moses afflicted the same people for disobedience to himself and God as a good man . . . The one afflicted with tyrannical affection to oppress them, the other punished with charitable zeal, to amend them."<sup>76</sup> "Certain it is," Hide continued,

that both good and evil do sometime afflict, use the like punishments, and pretend the same cause, even the cause of religion. The difference is, both do it not in like order, with one mind, nor to one end. In the cause of religion, the good afflict the evil by censures and Church law to repress division, to eschew error, and to save verity. The evil afflict the good against law and order, to serve their intended purpose, to prefer their faction, and to maintain heresy. In the cause of religion the good afflict the evil, for disobedience and breach of justice; the evil afflict the good for keeping obedience and holding with justice. *And here in the name of justice is implied truth of doctrine, which standeth in inward belief, and outward profession.*<sup>77</sup>

Whereas Calvin had emphasized Catholic cruelty, Hide stressed Protestant subjectivism and sedition. True doctrine legitimated prosecution, indeed *made* it prosecution rather than persecution. Doctrinal dispute therefore subverted any consensus about the prosecution of heterodoxy. Yet disagreement in no way altered authorities' respective obligations to defend the truth as they saw it.

Heresy imperiled souls. Its frequent links to sedition made its suppression even more urgent. Thomas More claimed that throughout the Church's history, the prosecution of heretics had always been a response to their initial rebelliousness and violence.<sup>78</sup> This was surely overstated, yet associating heresy with the Peasants' Revolt of 1524–1525 was no polemicist's fancy. Nor was it far-fetched to link Luther to the fissiparous spread of the early evangelical movement, despite the Wittenberger's contempt for many of the movement's strands. In 1534–1535 the Anabaptist Kingdom of Münster evoked near-universal horror and cemented the association of heresy with sedition. To rulers preoccupied with stability and acutely aware of its fragility, heterodoxy signified political unrest and war. Fundamentally, the Peace of Augsburg (1555) institutionalized the view that intraterritorial religious pluralism was unworkable. The Holy Roman Empire's political diversity and "dispersed governance" made religious allegiance as prescribed by individual rulers feasible for a time.<sup>79</sup> France and England's stronger monarchies, however, precluded analogous solutions. In 1543, the Edict of Paris described heretics as

"seditious and disturbers of the peace and tranquility of our republic and subjects, and secret conspirators against the prosperity of our state, which depends chiefly and in large measure on the preservation of the integrity of the Catholic faith in our kingdom."<sup>80</sup> The Lutheran Justus Menius, writing in 1538, and the Catholic Antoine Du Val, writing in 1559, argued that combining different religious communities was a sure recipe for violence.<sup>81</sup>

Concerned about the salvation of souls and the threat of sedition, writers found indirect support for a willingness to kill in the New Testament. They leaned on Augustine's long-dominant interpretation of the parable of the wheat and the tares, which had displaced earlier Christian readings. Miles Huggarde was among the many who repeated Augustine's providential perspective in the sixteenth century. In the Church's infancy the difficulty of telling the wheat from the tares, and the absence of Christian magistrates, had rendered the lenient treatment of heretics appropriate. Yet thereafter the Church had grown so strong "that hell gates shall not prevail against it. That is to say: neither the persecution of tyrants, nor the perversity of heretics, can overthrow it. The church, I say, now being in this state, and that heretics may easily be discerned, as cockle is in harvest . . . doth by excommunication cut them off, as scripture commandeth."<sup>82</sup> Calvin invoked the same parable, noting that to refrain from punishing heretics would imply that other criminals should be left unpunished as well.<sup>83</sup> Eck, Calvin, and Bullinger noted the case of Ananias and Sapphira (Acts 5:1–11), both of whom died when Peter rebuked them. Because Jesus had driven mere moneylenders from the temple (John 2:14–16), Eck argued, he would have done far worse to heretics.<sup>84</sup> Christian *caritas* implied neither tolerance of nor infinite patience toward obstinate heretics, but a responsible, early modern tough love, enacted for the sake of others and the common good.

At the root of the willingness to kill were fiercely held convictions about Christian faith. Thomas More allowed for "variety, mutation, and change" in the Church over time. Yet to accuse the one, Catholic Church of wayward doctrines in any "substantial point of the faith," he wrote, was to label Christ a liar, for the Lord had promised to send both the Holy Spirit and himself "unto the end of the world to persevere and abide in his Church."<sup>85</sup> Christian doctrinal pluralism was not merely implausible, but contradictory: it effectively asserted that truth was both A and not-A. In a related key, Calvin ridiculed those who would permit people to read and understand the Bible as they pleased. He had only contempt for claims, like Sebastian Castellio's,<sup>86</sup> that scripture was often enigmatic "and that the truth is as though hidden in obscure clouds." Such views made of God a soteriological sadist who deliberately kept men and women unsure of the truths necessary for salvation.<sup>87</sup> The problem was not the obscurity of truth, but rather the obstinacy of those who



spurned its challenging clarity. As with More, there was simply no room for doctrinal divergence within Christianity. The very notion of tolerating deliberate heterodoxy was abhorrent. It was tantamount to letting dangerous people seduce others to damnation, sully God's honor, and subvert the social fabric—surely no victimless crime. Ultimately, the certainty of faith plus a paternalism both pastoral and political separated dutiful executions from the sin of murder.

### Laws, Institutions, and the Contingencies of Practice

Rigorous theological arguments, no matter how compelling, of themselves put no one to death. In order to pass from prescription to practice, the willingness to kill required determination, resources, and means. It was put into practice through formal institutions, by men observing established laws. Yet there was no direct link between laws and actual prosecution. Not only did early modern authorities vary in their individual conviction and temperament, but they also juggled diverse and frequently divergent priorities. Repression depended in part on states' judicial resources, rulers' own commitments, other political issues, military involvements, fiscal pressures, the perceived threat of heterodoxy, and the ever-present, overriding concern to maintain order. Charles V governed an empire that stretched from Portugal to Poland; in the early 1520s, he could not have tabled everything else to deal with the evangelical movement in Germany. Nor, once heresy had spread beyond a certain point, could the means available to any early modern regime contain it. Prosecution depended, too, on the sometimes strained cooperation between central and local authorities, the former craving greater control, the latter always keen to protect their privileges. From the 1520s, in France, the Low Countries, and England, authorities addressed multiple concerns within a framework of active lawmaking and shifting institutional relationships. The interaction of these variables shaped the basic course of the prosecution of heresy and religious treason during the era.<sup>88</sup>

In France, the sovereign's attitude toward heresy coupled with the relationship among the crown, the Parlement of Paris, and the faculty of theology of the University of Paris, was crucial.<sup>89</sup> In October 1534, Protestants papered several cities, including the capital, with broadsheets denouncing the Mass in the Affair of the Placards. Francis I's careful categories crumbled: he was much less willing to shield the reform-minded at court, or to distinguish their erudite Erasmianism from seditious heterodoxy. Afterward he still sought a political alliance with Protestant princes against Charles V, but the 1538 Truce of Nice he struck with the emperor rendered any such overtures irrelevant. Now fundamentally aligned with the Parlement and the Paris faculty of

theology, the king turned vigorously against heresy, with concrete results. Henry II's *chambre ardente* (1547–1550) and Edict of Châteaubriand (1551) did not spring from a vacuum—they extended the tough legislation and the sharp increase in executions of his father's final years.<sup>90</sup> Henry kept the pressure on until his early death in 1559, but Huguenot numbers and influence surged nonetheless. By the spring of 1560, fearing civil war, Catherine de Medici led a moderate court party that favored conciliation with the Calvinists as the lesser of two evils. Repeated attempts at compromise, however, failed to satisfy the intransigent on both sides. Between the Parisian Affair of the Rue Saint-Jacques in September 1557 and the Massacre of Vassy in March 1562, judicial proceedings against heterodoxy gave way to open warfare via mutual hostility and popular violence.

In the Low Countries, neither Charles V nor his son, Philip II, needed a watershed experience like the Affair of the Placards to persuade them of heresy's dangers.<sup>91</sup> Their committed opposition to heterodoxy seems never to have wavered. Yet for decades they faced on-and-off friction from provincial councillors and civic magistrates across the particularist provinces of the Netherlands. Beginning in the 1520s a steady stream of placards, like France's repeated censorship laws, both testified to the insufficiency of repression and dictated more stringent measures. When the political threat of heresy was manifest, as in the later 1530s after Anabaptist militancy at Münster, local authorities acted swiftly and with severity, in concert with the emperor's wishes. But when they judged that prosecution was likely to spur, not squelch, further disorder and dissent, they frequently relaxed their efforts, leaving him frustrated. Charles turned to the inquisition, which he reorganized in 1546, as a means to enforce his will in towns from Holland to Hainaut. This initiative fed tensions between inquisitors and magistrates, not softened by the spread of Reformed Protestantism and the so-called Bloody Placard of 1550. Philip II's implacable opposition to doctrinal deviance—he preferred to lose “all my states and even a hundred lives, if I had them,” rather than to become the “sovereign of heretics”—would eventually cost him the northern provinces.<sup>92</sup> Like Catherine de Medici, the regent Margaret of Parma faced a volatile situation of her own by the mid-1560s: an absentee king unwilling to compromise, persistent inquisitorial efforts, swelling numbers of aggressive heretics, and frequently uncooperative local authorities. This constellation could not last. In April 1566 a pressured Margaret told magistrates to moderate their treatment of heretics. Emboldened heretical preachers attracted thousands to open-air sermons, and by August their fervor incited a widespread burst of anti-Catholic image-smashing in the Iconoclastic Fury. This destruction would call forth the Duke of Alva and a justice far less forgiving than that of the inquisitor Pieter Titelmans.

England's prosecution of religious nonconformity followed a different pattern, one that paralleled the country's dramatic ecclesio-political swings between 1530 and 1560.<sup>93</sup> There, evangelical ideas reached a country in which anti-Lollard heresy laws had been operative for over a century. In 1521 Henry VIII put his name to a theological treatise defending the Church's seven sacraments against Luther. Yet the king's "Great Matter"—his desire to divorce Katherine of Aragon and to marry Anne Boleyn—precipitated the undoing of English obedience to the Roman Catholic Church by 1534. Fidelity to the pope was recast in purely political terms and defined as treason. With the lone exception of the Observant Franciscan John Forest, who was burned in 1538, the Roman Catholics executed in the British Isles under Henry VIII, Elizabeth I, and in smaller numbers in the seventeenth century perished as traitors, not heretics.<sup>94</sup> Save for a window of relative leniency between 1535 and 1538, however, Henry remained staunchly opposed to Protestants too, a number of whom were executed after the break with Rome. The pendulum swung dramatically in the Protestants' favor under the boy-king Edward VI (1547–1553), then no less sharply back under the Roman Catholic Mary Tudor (1553–1558), with antiheresy legislation repealed and reinstated accordingly. About three hundred heretics were burned in Mary's reign from 1555 to 1558. With Elizabeth (1558–1603), everything changed once more, as a Protestant polity was established and, by dint of longevity, gradually took hold. After 1580, amidst international tensions, it was especially Catholic missionary priests and their supporters who were executed as religious traitors. From 1585, to be a Catholic priest in England was ipso facto treason. Executions waned after the 1590s, but not until 1681, with Oliver Plunkett, was the last Catholic clergyman hanged, drawn, and quartered.

Laws remain dead letters unless acted upon, as Charles V and others knew only too well. Although monarchs might order the scrupulous observation of antiheresy laws from on high, local magistrates might not heed them. A number of variables affected actual prosecution and the enactment of punishments.<sup>95</sup> Even in countries and territories theoretically absolute in their opposition to heterodoxy, dissenters' prospects of dying for their convictions—and thus of being recognized by their fellow believers as martyrs—were far from certain.

Within a given regime, some magistrates zealously enforced the law, others did so leniently, and still others not at all. Such differences comprised perhaps the most fundamental variable in the prosecution of nonconformity. They are readily observable in both England and on the Continent in the 1550s, for example. Of the Marian heretics condemned in London's diocesan courts, at least sixty came from Essex, as opposed to only thirty from London, one from Middlesex, and one from Hertfordshire. This is scarcely attributable to Essex

having twice as many dissenters as London, or sixty times as many as Middlesex. Rather, it reflects above all the diligent pursuit of prosecution by certain justices of the peace in Essex.<sup>96</sup> By contrast, late in her reign Mary wrote to Richard Pexsall, sheriff of Hampshire, noting how "very strange" it was that a condemned heretic named Bembrigge had not yet been executed. She ordered him to get on with it.<sup>97</sup>

Magistrates could and did understand their responsibilities in specific cases differently, while sharing the same general framework of beliefs. Calvin sent his published justification of the execution of Servetus to Nicholas Zerkinden, Chancellor of Berne. Zerkinden told Calvin that only extreme mockers of religion should be punished harshly, not simple misbelievers. He noted the strong impression that the execution of an eighty-year-old Anabaptist woman and her daughter had made on him.<sup>98</sup> Apparently some French magistrates exhibited similar tendencies. The 1557 Edict of Compiègne remarked that "very often it has happened that our judges are moved out of pity by the 'holy' and malicious words of the defendants in these crimes [against religion]."<sup>99</sup> Willem Bardes, Amsterdam's bailiff, obstructed other Catholics on the town council from prosecuting Anabaptists with severity in the years after 1552. One of his daughters and a daughter-in-law were in touch with and eventually joined the *doopsgezinden*, which must in part have contributed to Bardes's actions.<sup>100</sup> By the later sixteenth century a wide gulf existed in German Lutheran territories between theological prescriptions and judicial practices: the theologians' exhortation to execute Anabaptists, issued at Worms in 1557, seems to have had no impact on magistrates who were unwilling to carry it out.<sup>101</sup>

Raymond Mentzer provides an excellent example of magistrates' disagreement about whether and how the heterodox ought to be punished.<sup>102</sup> The panel of presidial court judges in Nîmes sentenced Etienne Geynet in October 1553. Following the Edict of Châteaubriand, Jehan Robert, the *lieutenant criminel*, called for strangulation, burning, and confiscation of Geynet's possessions for the crown. Jehan du Port, an official of the diocese of Arles, concurred with the verdict but strongly objected to the death sentence. Jehan Albenas, another official, wanted an inquiry into Geynet's objections about witnesses. Yet another member of the court, Jehan Rochemaure, urged that final sentencing be stayed until through torture Geynet might reveal the names of other heretics. Instead of execution, one Richier called for an *amende honorable*, a beating, tongue piercing, perpetual banishment from the seneschalsy, and confiscation of goods and property save one-third for Geynet's children. Another official named Brueis recommended only an *amende honorable* and a fine of twenty-five livres. In the end, Geynet was sentenced to Richier's recommended punishments except for the tongue

piercing. Clearly, this was not a unanimous judicial body slavishly following the letter of the law.

In Geynet's case, authorities' disagreement and compromise had saved his life. On other occasions jurisdictional disputes meant the difference between life and death. In 1538, for example, officials in Amiens and members of the Parlement of Paris disagreed about who should try Jean de Rez. He exploited their disagreement, avoided prosecution, and charged his accusers with false testimony.<sup>103</sup>

Even when French edicts or imperial placards mandated automatic capital punishment, a door to survival remained open. Between the execution of six Anabaptists in April 1551 and seven more in July, Ghent's magistrates released three young Anabaptists. The three had at first remained steadfast but then abjured, promising to commit themselves to a Catholic life and to an examination after two years.<sup>104</sup> Even Philip II was willing to bestow royal mercy on repentant heretics, at least occasionally: on his way to England in 1557, for example, he pardoned five Anabaptists in Ghent. At about the same time, responding to requests from the Secret Council and the Council of Flanders, he sanctioned the pardon of penitent heretics, provided they were not allowed to return to (presumably heretical) family and friends.<sup>105</sup>

Authorities' willingness to spare the lives of most repentant heretics is crucial for understanding the dynamic of prosecution. It let those arrested know that they might still be released, with lesser punishments, if they showed remorse and abjured. Meanwhile inquisitors and magistrates knew that leaving a door open might save some lives—they might entice some recantations from people who otherwise would have been put to death as a matter of course.

Geopolitical factors also influenced executions for heterodoxy. John Oyer provides an example from the adjoining territories of Hesse and Electoral Saxony in central Germany.<sup>106</sup> Philipp of Hesse's men arrested the Anabaptist leader Melchior Rink along with eleven other Anabaptists in the border village of Vacha on November 11, 1531. An official in the Saxon district of Eisenach wrote to Philipp, urging him to execute Rink for his revolutionary views and blasphemy. This official also advised Johann of Saxony to pressure Philipp for Rink's death, which Johann did, telling Philipp to follow the imperial mandate of April 1529. But since Philipp, unlike some other Lutheran princes, regarded blasphemy—the public teaching of erroneous doctrine—as insufficient grounds for the execution of Anabaptists, he instead sentenced Rink to life imprisonment. Had Rink been taken by the Elector's officials, he almost certainly would have been executed. Just as disagreement among the presidial court officials in Nîmes had made Etienne Geynet a banished Protestant instead of a likely Protestant martyr, Melchior Rink's

apprehension by Hessian rather than Saxon officials led to prison rather than to probable recognition as an Anabaptist martyr.

National vicissitudes in religious polity directly and dramatically affected England's prosecution of heterodoxy. Similar shifts are discernible elsewhere on a smaller scale. For example, Duke Ulrich of Württemberg was exiled from his territory between 1528 and 1534. During these years the region came under Austrian control, and correspondingly more Anabaptists were put to death. When Ulrich returned, the executions subsided and were replaced by imprisonment or exile.<sup>107</sup> In 1529 the Protestant estates endorsed the imperial decrees against Anabaptists, reversing the previous year's fairly widespread, evangelical consensus against executing them. By 1531 Luther and Melancthon had come to favor capital punishment for Anabaptist preachers and their unrepentant followers.<sup>108</sup> In England, a considerable *de facto* latitude for Protestants changed radically with the Act of the Six Articles in 1539. In late 1584, Elizabeth banished over twenty imprisoned missionary priests who might otherwise have been executed.<sup>109</sup> Clearly, being put to death for nonconformity depended greatly on where one happened to be at a given time.

To some extent it also turned on whether one was a man or a woman. Conspicuously fewer women than men are celebrated in the Christian martyrological sources of the early modern period.<sup>110</sup> This stems partly from the tendency of authorities to treat female dissidents less severely than men. Not only were the Elizabethan laws, for example, directed above all at missionary priests, who of course were exclusively male, but women who were guilty of capital infractions were treated more leniently by Elizabethan officials. At Winchester in 1591, eight or nine young women pleaded "with open outcries and exclamations" that they merited execution alongside Catholic priest Roger Dicconson and layman Ralph Milner. Like the two men, they had heard Mass, supported a priest, and confessed their sins after the Catholic rites. The women, however, were condemned but not sentenced, whereas the men were put to death.<sup>111</sup> In tending to hold husbands responsible for their wives suspected of heterodoxy, officials apparently embraced the common assumption that women were in general less than fully accountable for their actions.<sup>112</sup> In 1551 the Council of Flanders wrote to the magistrates of Ghent urging clemency for an Anabaptist woman with three children who had forsworn her views, saying that she had been pressured into heresy by her husband.<sup>113</sup>

Social status, too, frequently influenced prosecution and punishment. In the 1520s, Francis I protected court-connected, evangelical sympathizers, but not the heterodox from humbler social and educational backgrounds. In Marian England, John Boswell, an assistant to Bonner in London, com-

plained that heretics of humbler origin were prosecuted while “arch-heretics”—presumably of higher social status—were left alone.<sup>114</sup> Magistrates in Dutch towns were less willing to carry out sentences against their social equals than against their social inferiors.<sup>115</sup> Local authorities, after all, had to keep the peace despite the religious divisions that threatened stability. Popular disruptions at public executions—which in Holland occurred in Amsterdam in 1546, Enkhuizen and Haarlem in 1557, and Rotterdam in 1558<sup>116</sup>—forced them to reevaluate the balance between the defense of orthodoxy and political obedience on the one hand and the maintenance of order on the other.

The greater the disturbances, the less likely authorities were to prosecute heretics fully. Unrest pushed them to favor secret executions over the public spectacles whose purpose the demonstrations had subverted. The growth of heretical communities made it ever more difficult to pursue policies of concerted repression. In the 1550s and 1560s, increasingly severe directives in France and the Low Countries became harder to enact: prescription grated against practice, monarchs conflicted with magistrates, and orthodox officials clashed openly with heretical communities.<sup>117</sup> At a certain point, even authorities who detested heresy with every fiber of their being could not root it out. Resistance and riots had unmasked the rulers’ absolutist pretensions in the judicial sphere. Yet the limits of state power had not been reached: in France and the Netherlands, war would broaden the means of suppression.

The contingencies of practice do not alter the fact that thousands of men and women found themselves in mortal danger for their religious convictions. Once suspects were on trial, the possible outcomes narrowed if repeated efforts to dissuade them proved fruitless. Politically sensitive magistrates and pastorally concerned clergy were far less indulgent toward defiant than deferential suspects. Principled persistence invited death. It was precisely this steadfastness that characterized the martyrs and their willingness to die.

## CHAPTER FOUR

### The Willingness to Die

For as the rain and snow come down from heaven, and do not return there until they have watered the earth, making it bring forth and sprout, giving seed to the sower and bread to the eater, so shall my word be that goes out from my mouth; it shall not return to me empty, but it shall accomplish that which I purpose, and succeed in the thing for which I sent it.

—ISAIAH 55:10–11

For now it pleases God to accomplish in me that which I have many times desired, as you well know: namely, that he grant me the grace to die for his Gospel, to the edification of his people. This he will do in the near future, delivering me from all evils and setting me in his kingdom.

—FROM PIERRE BRULLY’S FINAL LETTER TO HIS WIFE,  
FEBRUARY 18, 1546

Early modern Christian martyrs endured horrifying deaths rather than renounce their religious convictions. They had their reasons. To comprehend their sensibilities and motivations calls for a careful analysis of both their words and their deeds. The fusion of their religious beliefs and their behavior shaped paths that led to their execution. The surviving evidence for hundreds of Protestant, Anabaptist, and Roman Catholic martyrs makes this clear. Let us meet one, chosen somewhat at random from among martyrs about whom we are neither especially well nor poorly informed. Joyce Lewis was a well-to-do, married woman from Lichfield, England. Unlike some of the martyrs, she was neither highly educated nor illiterate. During Mary Tudor’s reign she became an ardent Protestant and was burned on September 10, 1557. John Foxe tells her story in four folio columns of his *Acts and Monuments*.<sup>1</sup>

At first Joyce Lewis conformed to the Marian restoration of Roman Catholicism in England. Then she learned that Laurence Saunders, an erudite Protestant theologian, had been burned as a heretic for opposing the Mass. She sought out John Glover, a committed “man of God” who was her neighbor. Glover, “perceiving both her unquiet mind, and also the desire she had to know the truth, did most diligently instruct her in the ways of the Lord.” Soon “she began to wax weary of the world thoroughly sorrowful for her sins, being inflamed with the love of God, desirous to serve him according to his word, purposing also to fly from those things the which did displease the Lord her God.” Having learned that the Mass was “evil and abominable, she