

Madeleine Tayer
Professor Linda Gregerson
English 450
11 December 2013

Rebellions, Punishment, and Justice in the Elizabethan Era

In 1569, eleven years after Queen Elizabeth I's accession to the throne, two major rebellions occurred under her reign: the Northern Rebellion in Northumberland, England, and the first Desmond Rebellion in Ireland. These were not the first or last plots to overthrow the Queen's rule, but they proved to be defining moments for Elizabeth as the Protestant Queen. Elizabeth was faced with the tasks of suppressing these rebellions, carrying out equitable means of justice and punishment, and preventing future rebellions by maintaining loyalty. Elizabeth's reaction to these two rebellions was strongly influenced by money, politics, and fear, and had direct consequences on the future stability, or lack thereof, of northern England and Ireland. Analyzing the roles of figures in this rebellion, like James Fitzmaurice FitzGerald, Mary Queen of Scots, and the Pope, helps reveal the motivations behind Elizabeth's decision-making. Literary commentary, notably Edmund Spenser's *Faerie Queene* and *A View of the Present State of Ireland*, also speaks to the Queen's judicious approach to justice, and the driving forces behind her foreign and domestic policy post-rebellion. In the wake of these two rebellions, and as a consequence of the Queen's reaction to these rebellions, Elizabeth saw relative peace and stability in the North; in Ireland, however, she was faced with a series of rebellions to come, specifically the Desmond Wars, which directly rooted from the first Desmond Rebellion.

In November 1569, Catholic rebels in Northern England raided Durham Cathedral, destroyed several Protestant objects and artifacts, and proceeded to celebrate Mass, an act of Catholic worship prohibited by the Queen (Neale 191). This rebellion was led by Charles Neville, Earl of Westmorland, and Thomas Percy, Earl of Northumberland. It was initiated in the

midst of a strong rebellious sentiment in from the North, which included a plan to declare Mary Queen of Scots the heir to the English throne, remove William Cecil as advisor and Secretary of State to the Queen, and convert the Queen herself to Catholicism (Pollen 133). Mary had already been implicated in several subversive plots, namely the murder of Lord Darnley, and was being held in captivity in Northern England. After raiding Durham Cathedral, the Earl of Northumberland marched south, attempting to restore Catholicism along the way. Meanwhile, Elizabeth gathered her army of 14,000 men to confront the Northern rebels, who were forced to retreat as far north as Scotland in December of 1569 (Pollen 136-137). Aside from the north, “the country stood firmly loyal, irrespective of religious belief” (Neale 192), severely limiting the rebels’ chance of success. Immediately following the quick defeat of the rebels, martial law was imposed in the villages in the North, and about six hundred insurgents who had not escaped to Scotland faced death by hanging.

While the driving force behind rebellion in Northern England was the Protestantism of the Queen, the first Desmond Rebellion in Munster, Ireland was provoked by the attempt to assimilate the Irish to English culture, in addition to the oppression of Catholicism. The Queen ruled about half of Ireland directly and half “via lords who acknowledged her sovereignty to varying degrees” (Morgan 296). The Queen was also reliant on the lord deputy of Ireland, whom she appointed. The heavy reliance on these lords to govern this overseas territory posed a great undertaking and risk for Elizabeth, as she transferred control to potentially unreliable men. According to Brady, English policy-makers established English rule in Ireland through political, social and cultural assimilation. However, the English misinterpreted the efficacy of using diplomacy, encouraging education, instituting English legal entities in Ireland, and establishing plantations colonized by English settlers, as a means of assimilating the Irish to English customs

and culture (Brady 88). English policy was instituted in this fashion under the false assumption that the populace of Ireland “could be made answerable to and respectful of the authority of English governance” (Brady 89). It was this presumption that engendered an environment of extreme rebellious thought in Ireland—especially on the English-colonized plantations—and that eventually led to the first Desmond Rebellion in Southern Ireland, in June 1569.

When Elizabeth replaced Sussex with Henry Sidney as governor of Ireland in 1565, Sidney established nationwide martial law in response to growing rebellious sentiment. In the Munster territory of southern Ireland, the Earl of Desmond, Gerald FitzGerald, had jurisdiction, but was “the most remote from English authority and administration” (Donnelly 133). Many members of the FitzGerald family, including the Earl himself, whose relatives had settled Ireland in the Norman conquest of Ireland in the 12th century, had since adopted Irish customs. But with the imposition of strict martial law by Sidney, Desmond’s autonomy was challenged. After the Earl was wounded in a battle in 1565 against Ormond, another earl, his cousin James Fitzmaurice FitzGerald claimed the title of Desmond’s deputy (Donnelly 133). Fitzmaurice then launched a rebellion with 4,500 men, attacked an English colony, and succeeded in taking Cork and Kilkenny, which was under Ormond’s rule. One of Fitzmaurice’s main motivations for rebellion was the English settlers’ forceful occupation of Irish lands. He was also motivated to defeat Protestantism with a Counter-Reformation of Catholicism in Ireland (Donnelly 133). According to McCabe, this radical Counter-Reformation of Catholicism was at the root of Fitzmaurice’s rebellion (McCabe 125). From the start, Fitzmaurice’s rebellion was more successful than the Northern Rebellion and had the potential to be much more detrimental to the Queen’s rule over Ireland. The threat of the Desmond Rebellion was exacerbated by the Queen’s need to rely on earldoms and lords as surrogates for her rule. Nonetheless, Sidney and the Earl of

Ormond responded quickly by mobilizing troops, attacking Fitzmaurice's allies, and forcing Fitzmaurice to retreat to mountains in Kerry. Both sides continued fighting until 1573, when most of Fitzmaurice's allies eventually surrendered to English troops, and Fitzmaurice finally surrendered, but managed to negotiate a pardon in exchange for a quick and docile end to the rebellion (Donnelly 133-134).

Both rebellions were suppressed with harsh means of punishment. Compared to the estimate of six hundred hangings in Northern England, about seven hundred rebels who had supported Fitzmaurice were hanged. The English imposed mass executions in Ireland to inspire terror in future rebels. Additionally, the Queen ordered many Gaelic customs to be outlawed, including Brehon Laws, specific Irish clothing, and private armies (Donnelly 133). This policy of eliminating such Gaelic customs was reintroduced in Spenser's *A View of The Present State of Ireland* over 20 years and several subsequent rebellions later, suggesting a flawed implementation of this policy immediately following the first Desmond Rebellion¹. In the wake of this rebellion, the Queen favored private colonies to maintain order. The Queen also initiated colonization plans for Ulster in the early 1570s, and fundamentally undermined the claims of Gaelic overlords (Brady 94). Ironically, it seems one of the principal factors that prompted the first Desmond Rebellion—the English occupation and governance over Irish territory—only proliferated and became more extreme as a consequence of the rebellion. After the Desmond Rebellion, the “most lavish increment of confiscated lands since the dissolution of the monasteries” occurred (Brady 94). This measure was highly unlikely to mitigate future rebellious sentiment, which often derived from this very idea of land confiscation.

¹ A latter portion of this paper will further delve into the significance of *A View* in relation to the aftermath of the first Desmond Rebellion.

The suppression of the Northern Rebellion was more easily and quickly attained than the rebellion in Ireland. Because the Northern Rebellion did was not as fearful a threat, the Queen was able to benefit from the rebellion politically and monetarily. In other words, the rebels in Northern England paid in money and in death (Kesselring 214). To appease her loyal Protestant constituents who demanded consequences for this rebellion, the Queen ordered a certain number of rebels from each village to die, resulting in the estimated six hundred deaths previously mentioned. According to Kesselring, “the dictates of finance and patronage became intermixed with those of justice and mercy in ways that had serious repercussions for the families of the rebels” (Kesselring 214). Because the rebellion was so quickly suppressed, Elizabeth was able to focus on ways to yield monetary and political benefits from the rebellion, as opposed to the financially draining and prolonged Desmond Rebellion, in which her only goal was ending it at all costs. The Queen spent £95,000 to suppress the Northern Rebellion (Kesselring 215). Because of this debt, Elizabeth was amenable to earning profit from the rebellion, at the expense of delivering the death penalty to all rebels. To do so, Elizabeth exploited the law and custom that forfeited the property of treasonous individuals to the monarch. The Queen had an incentive to keep some landowning rebels alive due to the system of entailments, portions of property delineated to one’s heirs. If the Queen killed the traitors, the land would automatically go to their heirs. However, if she kept them alive, their property would be forfeited to the state, by way of a loophole in the law that allowed the government to confiscate land from living traitors. England could then profit off of the land annually. To avoid legal nuisances, the Queen passed an act of attainder in 1571 “to confirm her right to rebel property” (Kesselring 222). Every step Elizabeth took to suppress and reap benefits from the Northern Rebellion appeared calculated, and demonstrated the Queen’s direct control over the situation.

These measures soon paid off in more ways than one: not only did the lands the Queen confiscated pay for the suppression itself, they were also used to incentivize future loyalty. Aside from the few pardons the Queen gave in order to profit from entailments, the Queen also pardoned surviving rebels who had no valuable estates. The Queen delivered a publication in February 1569, pardoning landless rebels who would admit their wrongdoing, swear loyalty to the Queen, and who “do earnestly repent, and [are] grievously sorry for their heinous offences past,” (England and Wales). This oath inspired future loyalty and seemed to be a gesture of mercy, which the Queen could use in the future to bolster her image as a merciful sovereign. Elizabeth also inspired loyalty among her constituents in England by giving the forfeited property away as patronage. In doing so, Elizabeth “cement[ed] the loyalty of the nobles, gentry and servants whose help [the Crown] needed in order to rule effectively” (Kesselring 224). These newly acquired lands required new lords and tenants, who were strategically chosen: often exemplary models of the Protestant faith. With most of the rebels either dead or in Scotland, and with their families suffering the consequences, the Queen used their lands against them to turn a profit, pay for the rebellion, and propagate a new environment in the North with a loyal Protestant base.

Elizabeth’s tactical response to the Northern Rebellion appeared to be a win-win: she exacted revenge by killing some, to placate her followers, and showed mercy by pardoning others, while strategically reaping the benefits of their land. Whereas the Queen was able to capitalize on the Northern Rebellion, mostly because it did not pose a long or deleterious threat, the Desmond Rebellion was a much more difficult situation to pacify and benefit from. Because the Desmond Rebellion posed a greater threat to the stability of Elizabeth’s rule in Ireland, the Queen was much more desperate to end the rebellion at all costs. The fact that it was outside the

Queen's territory likely lessened her ability to directly oversee or effectively carry out the suppression. The Queen's desperation to end the Desmond Rebellion, and the punishments she exacted in retaliation, provoked even more feelings of oppression among the Irish, as opposed to the loyalty she produced among the citizens of Northern England. Interestingly, the rebellion in the North "speeded the transition of the very power against which they fought" (Kesselring 235), decreasing the chances for future rebellion in the region. But in Ireland, an opposite effect occurred: the Queen's further imposition of English settlers on Irish land following the first Desmond Rebellion most likely intensified rebellious thought among the Irish, leading to the second Desmond Rebellion only a few years later.

Directly following the Northern Rebellion and Elizabeth's harsh treatment of the Catholic rebels, the Pope used this blatant act of condemnation against Catholicism to go through with an idea that had already been in the works for some time: excommunication. In February 1570, Pope Pius V issued a papal bull excommunicating Elizabeth, aimed at depriving the Queen of her title to the Kingdom of England, releasing her constituents from her power, and undermining the authority of her laws (Neale 195). This excommunication was an indictment against Elizabeth for committing heresy, claiming she was instigated by the devil. She was charged with compelling the people of her kingdom to "take a wicked oath against Church liberty," actions that were "redound to the contempt of the Apostolic See" (Pollen 147-148). However, there were several problems with the Bill of Excommunication, which prevented it from being effective. The excommunication was originally meant to aid the Northern rebels in their attempts to overthrow the Queen, but because Elizabeth's army so quickly suppressed the rebellion, the excommunication arrived too late, and was virtually powerless. The excommunication's inefficacy revealed the Pope's impotence in being able to exercise control over Elizabeth's

alleged heresy. Though the papal bull was had a strong and forceful tone, claiming that all who adhere to the Queen “incur the sentence of anathema, and are cut off from the unity of the Body of Christ” (Pollen 151), its tone clearly did not match its effectuality.

Another issue with the papal bull, according to Pollen, is that it omitted several key topics. Specifically, it did not speak to Elizabeth’s illegitimacy, the way in which the citizens of England must rise against her, or the role of Mary Stuart as a potential heir and replacement to the throne. Not only did the papal bull fail in the face of Elizabeth’s swift and formidable rule, it also angered leaders like Philip II, who saw this as a meaningless act that would only drive Elizabeth to further persecute the Catholics in her realm (Neale 195). Philip II predicted correctly. According to McLaren, following the papal bull, English anti-Catholicism completely changed character. Starting in 1570, a campaign was initiated in which hatred of Catholics essentially became part of the national ideology (McLaren 741). Though the Northern Rebellion and papal bull cannot be attributed as the sole causes of this national emergence of Catholic hatred, they did play a big part. The bull did succeed in informing the world that England was in direct defiance of the Catholic Church, but it did not have tangible power over the Queen. It appears Elizabeth’s reaction to the Northern Rebellion, though prompting England’s excommunication, did not do much to impede her rule; on the contrary, the Bill of Excommunication effectively highlighted Elizabeth’s power. Thus, this outside attempt to support the Catholic rebellion within England not only revealed the weakness of the Pope’s influence; it also provided Elizabeth with an opportunity to continue persecuting Catholics, in order to demonstrate her power and resolution in resisting the Pope’s authority.

Besides the excommunication, Elizabeth was also forced to deal with the problem of Mary Queen of Scots following the Northern Rebellion. Though Elizabeth succeeded in

punishing many of the rebels, or at least forcing them to retreat to Scotland, Mary remained a complex figure to deal with. After the Northern Rebellion, Mary was used as a tool of propaganda to slander the Catholics. Pamphlets were issued, contrasting Mary's treasonous and adulterous ways with Elizabeth's purity and virginity, to buttress Elizabeth's legitimacy and compose a "good queen, bad queen opposition" (McLaren 765). This rhetorical move further ingrained loyalty into Elizabeth's constituents, a savvy political maneuver that capitalized on Mary's role in the rebellion—a role that could have been detrimental to Elizabeth's stability as a ruler. To appease Spain and France and avoid international interference, Elizabeth decided it would be most diplomatically advantageous to restore Mary to her throne in Scotland.

Before Elizabeth could send Mary back to Scotland, she first had to make sure the rebels in Scotland were sufficiently suppressed. To do so, she sent an army into Scotland and attack several villages (Neale 196). This move demonstrated Elizabeth's total and merciless power, while paving the way for merciful negotiations with Mary. This contrast in Elizabeth's behavior—exerting ruthless strikes on rebels in Scotland, while employing a merciful and strategic negotiation with Mary—is representative of Elizabeth's balanced and calculated exertion of authority. That is, while demonstrating her ruthlessness and thus disincentivizing further rebellion in Scotland, she was also not blinded by the need to tread lightly when it came to Mary. However, the negotiations to restore Mary to power were interfered by Mary's blatant role in the Ridolfi plot, another scheme to replace Mary with the Queen and restore Catholicism to England. This event marked a turning point in Elizabeth's treatment of Mary, as Elizabeth realized her clemency towards Mary was threatening her life and her regime. Accordingly, Elizabeth abandoned her policy and vowed to never again let Mary have the "power to repeat

such practices against her” (Neale 203). However, in switching her policy, Elizabeth did not lose sight of maintaining her political goals.

Following the Ridolfi plot, the Parliament passed a bill to take away Mary’s title and hold her responsible under the law for any future plots against the Queen. However, Elizabeth vetoed the bill, as she was reluctant to set a legal precedent of exerting authority, maybe even the death penalty, over a foreign monarch (Neale 208). Though this move could be seen as a moment of weakness for Elizabeth, it was a strategic political goal, aimed at preserving her own power.

When the pressure to punish Mary finally became too intense for Elizabeth to bear after the St. Bartholomew’s Day Massacre, she finally conceded to sending Mary to Scotland, and trying her for her role in Lord Darnley’s murder. However, Elizabeth made sure this was private information, so that she would not be implicated in Mary’s probable execution (Neale 231).

After Mary was held captive in Scotland, Mary’s role in the Babington plot was the last straw. Mary again was implicated in a plot to kill the Queen, leading to her trial in 1586. The Parliament unanimously decided to execute Mary. Elizabeth did all she could to prevent it, but soon conceded and signed the death warrant. However, this was as much responsibility she would take in the execution of a foreign monarch. According to Neale, Elizabeth diverted the responsibility to someone else to dispatch the death warrant, so as not to be blamed for Mary’s death. Mary was executed on February 8, 1587 (Neale 289).

In Book V of Edmund Spenser’s *Faerie Queene*, Spenser speaks to the complexities of carrying out justice in the English realm when faced with subversive events like the Northern and Desmond Rebellions, and subversive figures like Mary. As abovementioned, Mary was used as an instrument of propaganda after the Northern Rebellion and the papal bull, to represent the treasonous and reprobate character of all Catholics. Spenser echoes this anti-Catholic sentiment

with the figure of Duessa as a representation of the evils of Catholicism. Specifically, the scene of Duessa's trial in Mercilla's court in Book V serves as a representation of Mary's trial and execution. In this scene, Spenser allegorizes Mary's failed attempts at displacing Elizabeth, as Duessa attempts "to depyue / Mercilla of her crowne" (*Faerie Queene* V.ix.42). Like the many mutinous plots Mary was involved in, Duessa's plot has "wicked driftes of trayterous desynes" (*Faerie Queene* V.ix.42). Duessa is found guilty and sentenced to death, signifying that "justice charged her with breach of laws" (*Faerie Queene* V.ix.44). This trial scene symbolizes justice finally being carried out, not only against Mary, but also more generally against all Catholic rebels. The diction associated with justice in Mercilla's court functions as an endorsement of Elizabeth's execution of justice towards rebels and traitors. Duessa is finally executed after deliberation, showing an orderly process by which Duessa is punished for her crimes, to portray the Queen as lawful and just. While Duessa symbolizes Mary, Mercilla similarly represents Elizabeth as the sovereign ruler. And like Elizabeth, Mercilla shows hesitation in carrying out this execution. In order to portray Elizabeth as a merciful ruler, who wanted no part in sentencing Mary to death, Spenser depicts Mercilla as a merciful, thoughtful character, who believes it is "better to reforme, then to cut off the ill" (*Faerie Queene* V.x.2). Duessa's execution is announced in an inconspicuous manner and Mercilla seems to have no direct part in the execution, just as Elizabeth maintained a private role in Mary's execution to protect herself. This reenactment of Mary's trial in the *Faerie Queene* emphasizes Elizabeth's guise of mercy as a tool to evade responsibility for Mary's death. Mary's death signified the rightful carrying out of justice, as Elizabeth finally yielded to the wishes of her councilors and Protestant constituents, just as she had in sentencing many of the Northern rebels to death. But the Queen also managed

to evade responsibility in the public eye, and even be portrayed as merciful by authors like Spenser, a shrewd political move that allowed her to continue her dominant reign over England.

Elizabeth made calculated decisions to deal with the loose ends and problems left unsolved in the aftermath of the Northern Rebellion. Namely, the excommunication from the Pope, and the subversive Mary Queen of Scots were significant threats to Elizabeth's reign. But the Queen carefully managed these threats, emerging with an ever-strong Protestant base in England. However, the problems that emerged in the aftermath of the first Desmond Rebellion were not so easily resolved. In 1579, just a few years after the Queen desperately ended the first Desmond Rebellion, Fitzmaurice returned to Munster, calling for a renewed rising against the Queen (Donnelly 133). A key factor that exacerbated subversive thought in Ireland after the first Desmond Rebellion were the cultural differences that further separated the Irish from the English. While Elizabeth dealt mainly with religious conflict in Northern England, she was dually confronted with religious and cultural divisions in Ireland. According to Brady, the Desmond Rebellions "had constituted a direct challenge to the policy of assimilation through tenurial and legal reform," which was the main form of English governing in Ireland (Brady 94). This continued policy of assimilation and oppression paved the way for the second Desmond Rebellion.

Fitzmaurice's return to Ireland marked the beginning of the second Desmond Rebellion, which would last until 1583. The Queen sent Lord Grey, accompanied by Edmund Spenser as his secretary, to execute martial law. However, Grey overreached his authority when he killed almost 1,500 people, including non-rebels (Morgan 301). The Queen soon replaced Grey with Sir John Perrot. However, the insurrection continued. Supporters of Grey, one of whom was Spenser, believed Grey's policy would have succeeded in suppressing the Irish rebellious

sentiment, had he been given the chance to complete his reform (Fowler 320). Spenser saw the Queen's decision to replace Grey as directly allowing "the people [Grey] had destined to be 'reformed subjects' ... to split back into their state of rebellion by the Queen's pity and mercy" (Fowler 320). In Spenser's view, Elizabeth had exercised too much mercy, signifying that perhaps she was unable to match the balance between mercy and control she had achieved in Northern England. But others, like the Earl of Ormond, were critical of Lord Grey's tactics. Once Grey was gone, Ormond also stepped in and completed the English campaign to end the rebellion "in a more conciliatory manner" (Morgan 303). Ormond abolished martial law in Ireland, employing a much more merciful approach to the suppression of the Irish rebels. The Munster plantation was soon established, and loyal English colonists were sent to live there to secure the region, similar to Elizabeth's policy in Northern England. However, it seemed no policy would quell rebellion in Ireland, as insurrections continued into the 1590s.

With the onset of the Nine Years' War, Spenser called for a return to Grey's terror tactics. Spenser's clearly presents his beliefs on suppressing Irish rebellion and reforming the Irish in *A View of the Present State of Ireland*, in which he specifically calls for terror tactics similar to Grey's that were used in the Desmond Rebellions. In *A View*, Spenser proposes a complete eradication of Irish culture, since the policy of assimilating the Irish with the English had failed. He recommends a revival of the outlawing of Brehon laws, which was first initiated after the first Desmond Rebellion. He also calls for scorched earth tactics to destroy the land and cause famine, which were used to suppress the Desmond Rebellions. The character Irenious calls for a "conformity of minds, to bring [the Irish and the English] to be one people" (*A View of the Present State of Ireland* 144). That is, because the Irish had a problem with the repressive nature of assimilation, the only option was to give them an ultimatum: concede your cultural practices

and give in to English authority, or die. Ultimately, this text did not have much efficacy in squashing Irish rebellion. In fact, Irish rebellion sentiment was never fully quelled in Elizabeth's reign, despite the array of tactics proposed by the Queen, her advisors and Spenser.

The first Desmond Rebellion and Northern Rebellion of 1569 were key events that threatened Queen Elizabeth's sovereignty both in and outside her state. In analyzing these rebellions and the myriad difficulties Elizabeth was faced with in the aftermath, it is difficult to see this period—which was replete with political and religious turbulence—as a part of the “golden age” in English history. Elizabeth's rule was especially weighed down by the Tudor occupancy over Ireland, which was characterized by a constant power struggle between the Irish and the English. In the first Desmond Rebellion, and the many rebellions that came before and after, Ireland appeared a hopeless territory, inimical to any English attempts to settle or suppress it. While Elizabeth's policy in Ireland may have been the Achilles' heel, so to speak, of her reign, Elizabeth demonstrated perceptiveness and perhaps even prescience in brilliantly exploiting the Northern Rebellion to gain loyalty and profit. In both rebellions, Elizabeth demonstrated both mercy and ruthlessness. But these contradictory responses to rebellion reveal that though she may have been unpredictable and was not always successful, Elizabeth constantly weighed the consequences of her decisions, and altered her behavior with the optimal outcome in mind. In this way, Elizabeth was the epitome of sagacity. According to Rapple, “brutal violence, real politics, and sincerely conceived ameliorative intentions, strategies, and plans are far from mutually exclusive” (Rapple 848). The seemingly inconsistent techniques Rapple refers to—all of which Elizabeth employed in response to rebellion—are the key to understanding her as the dynamic ruler of England's “golden age,” who combatted any form of unrest in her realm with sharp judgment, despite difficulties along the way.