

Did Mary, Queen of Scots Deserve to be Executed?

The execution of Mary, Queen of Scots happened on February 8, 1587 and was one of the most defining moments of the Tudor age. Very few events in Europe during the sixteenth century have generated such lasting controversy or provoked such polarised interpretations. Mary Stuart's death was not merely a matter of justice, but a collision of religion, power, law and politics. To contemporaries it represented an act of state security and divine necessity. To others, it was political murder sanctioned by expediency. In the centuries since, historians have continued to debate whether Mary truly "deserved" execution.

The contemporary perspective of Elizabeth's government, regarded Mary's execution as lawful, necessary and divinely justified. Elizabeth's advisers, especially Sir William Cecil (Lord Burghley) and Sir Francis Walsingham, perceived her as a dynastic and ideological threat. As a Catholic with legitimate Tudor blood, Mary was the natural alternative to Elizabeth, whom the Pope had excommunicated in 1570. To English Catholics, she embodies the hope of restoring the Catholic monarchy, to Elizabeth's government, she personified threat and civil war. From the moment the Babington Plot was uncovered in 1586, Elizabeth's ministers believed they had irrefutable evidence of Mary's guilt. Sir Francis Walsingham's intricate network of spies intercepted ciphered letters between Mary and the conspirator Anthony Babington. The letters appeared to show Mary endorsing a plan to assassinate Elizabeth and restore the Catholic faith in England. Walsingham's decipherer, Thomas Phelippes, famously added the marginal note "The Queen of Scots' answer to Babington's letter – plainly approving the design against Her Majesty's person." This annotation sealed Mary's fate. To Walsingham and Burghley, Mary's consent to regicide nullified her status as sovereign and made her a traitor under English Law. The bond of Association of 1584, signed by hundreds of nobles and even by Mary herself, bound its adherents to avert or pre-empt any plot against the Queen. In their eyes, Mary's approval to Babington's scheme invoked that oath and legitimised her execution.

The Privy Council argues that the act of correspondence itself, offering encouragement or reward for Elizabeth's assassination, constituted high treason under the Act for the Queen's Safety (1585). The legal reasoning was reinforced by the religious and political rhetoric of the period. Protestant England viewed itself as a "New Israel" beset by papal conspiracies and foreign threats. Mary's Catholic identity transformed her into both a theological enemy and a political rival. In speeches to Parliament, Burghley described her as "a serpent," whilst Walsingham called her "a canker in the state." These metaphors of infection and betrayal emphasize the perceived divine duty to purge sin and treason. For contemporaries steeped in providential thinking, executing Mary was not vengeance but purification.

Yet even within Elizabeth's council, there was unease. Elizabeth herself hesitated for months before signing the death warrant for Mary. She was aware that executing an anointed monarch was unprecedented and could set a very dangerous example. Her hesitation was both moral and political, morally she feared divine judgment, politically she knew the execution would provoke outrage across Catholic Europe, especially from France and Spain. According to court records and letters preserved by Lord Burghley, Elizabeth told her secretary Davison that "she could not put to death the bird that sought shelter in her nest." Nonetheless, Parliament and her ministers pressed relentlessly. Mary had become the focus of numerous conspiracies to overthrow Elizabeth, including the Ridolfi (1571), Throckmorton (1583) and Babington (1586) plots. Each of these strengthened the conviction among Elizabeth's council that so long as Mary lived, England could never be secure. They insisted

that sparing Mary would invite further plots and risks Elizabeth's assassination. In the end, Elizabeth signed the warrant but later claimed that Davison had sent it to Fotheringhay without her explicit order, an act of convenient denial that reveals the tension between moral science and political necessity.

Assessing the validity of this contemporary perspective requires acknowledging both its context and its bias. The fear of Catholic insurrection was genuine. England in the 1580s faced internal divisions, economic strain and the looming menace of Spain. Mary's existence was a magnet for conspiracy. In this sense, Elizabeth's counselors were justified in perceiving her as dangerous. However, their case rested on intercepted evidence controlled entirely by Walsingham's agents. Historians such as Antonia Fraser and John Guy have demonstrated that the lagged cipher letters were translation, not originals and may have been edited to strengthen the prosecution. The government insistence that the trial proceed "with or without" Mary present, also undermined claims of due process. Thus, while the Elizabethan state's perspective was historically credible in its logic of survival, it lacked impartiality. It was less a pursuit of justice than an exercise of power disguised as law.

A second, modern Protestant legal interpretation, emerging from twentieth century historiography, argues that Mary's execution was legally defensible and politically inevitable, though ethically troubling. This view, advanced by historians such as Alison Weir, David Loades and Geoffrey Elton, contextualises Elizabeth's decisions within Tudor Realpolitik. In their analysis, monarchy in the sixteenth century was not constrained by the notions of due process or human rights familiar today, it was governed by the imperatives of security and divine order. To allow a rival claimant implicated in treasonous correspondence to live would have been political suicide. From this standpoint, Mary's trial, though irregular, was consistent with the norms of Tudor justice. Weir observes that Elizabeth's ministers acted under extraordinary pressure "The existence of the Queen of Scots was a continuing menace to the peace of the realm, her death, though lamentable, was the only remedy." Loades similarly notes that "to the Elizabeth mind, the safety of the sovereign and the safety of the state were one and the same time." The Protestant-legal school thus interprets Mary's execution as a tragic but rational act of governance, an assertion of lawful sovereignty in a time of existential threat.

Support for this view can be found in the legal documentation of the trial itself. The commission at Fotheringhay comprised forty peers and judges, who unanimously found Mary guilty. The procedures, though biased, followed statutory form: the indictment was read, the evidence presented, and a sentence pronounced under the authority of Parliament. From the perspective of constitutional evolution, the trial demonstrated the capacity of English law to adjudicate even cases involving royalty - a milestone in the development of parliamentary sovereignty. In this sense, Elizabeth's government may have believed it was upholding the rule of law rather than subverting it. But contemporary analysts who take this view also recognize the event's overwhelming moral complexity. As historian John Guy argues, "Mary was condemned not as a proven murderer but as a potential one." The tension in this logic is neatly summed up in that Protestant legalist proposition; legality in Tudor England equated to political expediency. The law was a means of survival, not a neutral arbiter. The acceptability of this interpretation also depends on whether one believed that the safety of the realm warranted a twisting of justice. For many historians the answer is yes. But only according to sixteenth century logic.

The third perspective, a contemporary Catholic and revisionist view, disputes both the Elizabethan and Protestant-legal narratives with Mary as a religiously persecuted figure and political pawn. Revisionist historians, including Michael Lynch, Elizabeth Tunstall and Alexander Wilkinson stress the moral injustice of her trial and the lack of proper procedural

justification for it. They say the execution of Mary was not an act of law, but a cold blooded getting rid of a political nuisance.

From their perspective, the case against her was shaky. The ciphered letters which comprised the backbone of the prosecution were translations made by Walsingham's clerks, and no originals have been preserved. Mary was not allowed to access or authenticate any of these documents. Legal counsel, the right to call witnesses and an opportunity to plead her case before Elizabeth were denied to her. These procedural irregularities make the verdict dubious by any measure, including Tudor justice. Furthermore, Mary was a foreign sovereign so should not have been prosecutable under English law. In subjecting her to trial Elizabeth's council implicitly repudiated the principle of monarchical equality that underpinned European diplomacy.

Mary's death was seen as martyrdom by her Catholic contemporaries. In France and Spain pamphlets and ballads described her as a saintly sufferer. A Jesuit chronicler called her "the Phoenix of Scotland, burned in the ashes of English heresy." This account was retained also in subsequent historiography, especially in the nineteenth century when romantic authors transformed Mary into a tragic heroine betrayed by political machinations. Although contemporary revisionists steer clear of the hagiography, they continue to support the fundamental contention that her conviction was a mockery and execution undeserved.

The case for a revisionist interpretation is also strengthened by looking more closely at the political situation in 1586 and 1587. Elizabeth's ministers knew that to execute a monarch was to establish an ominous precedent applicable to all sovereigns. Indeed, when James VI of Scotland complained about his mother's death, Elizabeth maintained that she had not ordered it. The orchestrated dance of blame — accusing Secretary Davison of issuing the warrant without consent — indicates Elizabeth knew it to be questionably legal. Additionally, Mary's death gave ammunition to Catholic Europe, creating anti-English feeling and encouraging Philip II to send the Spanish Armada in 1588. Long-range, then, the implementation did nothing to protect England and only further inflamed religious war.

But the revisionist version has its own biases as well. By placing such prominence on Mary as a victim, it can obscure her agency and political miscalculations. Mary's communications with foreign powers, her previous marriage to Lord Darnley and subsequent wedding to the Earl of Bothwell (whom much of Scotland accused of murdering Darnley) had already made her reputation a cause for concern. She was not some innocent bystander in the politics of her time. But the revisionist school's moral indictment still holds: A trial lacking fairness or transparency cannot yield a deserved execution.

The Elizabethan state interpreted her death as lawful self-defence; the Protestant-legal school as an unfortunate but necessary assertion of sovereignty; and the Catholic-revisionist tradition as a wicked execution inspired by fear and bigotry. Each contains elements of truth. It's also historically the case that Elizabeth's government did actually face real threats. Whether the latter was complete or not, the Babington Plot was genuine. But the government's tampering with evidence and procedure delegitimizes the moral rightness of the result.

When we judge the truth value of an historical claim, we must examine what evidence and for what reasons a claim is made. The earliest Elizabethan view, being by far the most contemporary, is also the least trustworthy. It was formed through propaganda and the politics of survival. Ministers such as Burghley and Walsingham had an interest in demonstrating Mary's guilt, for to fail to do so would reveal the weakness of England. The Protestant-legal version, at a greater distance, may fall to the risk of anachronism in rationalising Tudor repression as necessary. Revisionist accounts, on the other hand, have had the benefit of hindsight and access to a fuller basket of sources. It acknowledges the

political manipulation without sometimes quite sounding the depths of the real threat Mary represented.

Of the three perspectives, the Catholic revisionist interpretation is the most convincing. It finds that although Mary's existence was a real political threat the form she was arraigned on is a deliberate misuse of legal procedure for political ends. The evidence was fixed, her defence refused, and her sovereignty invaded. The evidence against her, as surmised by Walsingham's agents, was never proved by Mary herself, and this insufficient method made her unable to answer in her own defence—even though the English law of that era guaranteed such that kind of right to all. Moreover, Elizabeth's later disavowal of responsibility and reluctance to sanction public defense of the act suggest her awareness that it was morally and legally problematic. Historians like John Guy and Antonia Fraser have pointed out that the Babington letters emerged from a selective interpretation, designed to produce a guilty verdict. Therefore, Mary's trial was not justice but her expediency. The Protestant and Elizabethan perspectives justify her death with the name of necessity, but necessity cannot wipe out an absence of justice. Here the revisionist argument is at its strongest: the execution of Mary was politically understandable, but neither legally nor morally correct.

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