'LES ENGLEYS NÉES EN IRLANDE': THE ENGLISH POLITICAL IDENTITY IN MEDIEVAL IRELAND

by Robin Frame

READ I MAY 1992

BY the fourteenth century the descendants of those who had gone from Britain to Ireland in the late twelfth and early thirteenth centuries had come to call themselves 'the English of Ireland' or 'the English born in Ireland'. Or, to be more accurate, they did so when faced by Englishmen from England: within Ireland they described themselves simply as 'the English'. From the 1340s onwards a series of disputes with agents of the king formed a context in which they collectively stressed their Englishness. By the fifteenth century this identity was from time to time problematical, both for those who claimed it and for the metropolis. Historians who work on the late medieval and early modern periods have found it equally so, and have argued about the attitudes and nationality of the settler élite. While fourteenth-century evidence has been called upon in these debates, there has been little serious consideration of the first two centuries of the lordship of Ireland.[1] In what senses were those who went to Ireland during the founding period 'English'? Why does the emphasis upon being English appear to have intensified among their successors as time went by? What does the self-proclaimed Englishness of the fourteenth century signify? How far do the complexities and tensions associated with it foreshadow the better-known difficulties of later periods? These are the matters I wish to explore.

One way of approaching them is through that most familiar of all documents emanating from the medieval lordship of Ireland, the Statutes of Kilkenny. They were enacted in 1366 in a parliament held by Edward III's lieutenant of Ireland, his son Lionel of Antwerp, duke of Clarence and earl of Ulster. Their preamble runs:

---

[1] See S. G. Ellis, 'Nationalist historiography and the English and Gaelic worlds in the late middle ages', *IHS*, XXXV (1986–7), 3, 12–13; B. Bradshaw, 'Nationalism and historical scholarship in modern Ireland', *ibid.*, XXVI (1988–9), 329–32; A. Cosgrove, 'The writing of Irish medieval history', *ibid.*, XXVII (1990–1), 104–6; S. G. Ellis, 'Representations of the past in Ireland: whose past and whose present?', *ibid.*, 299–301. I am indebted to Dr Paul Brand and Dr C. W. Brooks for reading this paper in draft and making valuable comments and criticisms.

> Whereas at the conquest of the land of Ireland and for a long time afterwards the English of that land used the English tongue, manner of riding and dress,*and were governed and ruled ... by English law ... ; now many English of that land, forsaking the English speech, outward appearance, manner of riding, laws and customs, live and conduct themselves according to the customs, appearance and tongue of the Irish enemies, and have also entered into many marriages and alliances between themselves and those Irish enemies; through which that land, its liege people, the English tongue, the allegiance owed to our lord the king, and the English laws there are subordinated and diminished, and the Irish enemies are exalted and raised up, contrary to right.[2]

These sonorous phrases embody the perceptions of those who shaped them, and also, we must presume, of those who assented to them. Behind them lie not merely Lionel and his English circle but also the communities of the settled heartlands of eastern and southern Ireland, whose knights and burgesses attended the parliament, and in addition the magnates and higher clergy. The Statutes echo in important respects documents drawn up six years earlier, during the administration of the second earl of Ormond, whose lands and career lay mostly within Ireland.[3]

The preamble directs our attention to the past as well as to the present. The public identity of the English of Ireland had acquired a historical aspect, as they sought to explain to others, and perhaps to themselves, who they were, and how they had come to be where they were. In a sense it matters little whether their history strikes us as historical; it was real to them, and served its purpose. But let us pose the bald question, fact or fiction? In some ways their image of the past was undoubtedly skewed. Among the newcomers of the twelfth century, French, Welsh and possibly Flemish were spoken, alongside English.[4] We might prefer to describe their horsemanship and dress as west European rather than as specifically English. And the implication that alliances and marriages with the Irish were a recent and deplorable phenomenon is richly ironic. The formation of such ties had been central to the penetration of Ireland by the first invaders: Strongbow (d.1176) married Aoife, daughter of the king of Leinster, and succeeded

[2] *Statutes and Ordinances and Acts of the Parliament of Ireland, King John to Henry V*, ed. H. F. Berry (Dublin, 1907), 430–1.

[3] C. McNeill (ed.), 'Lord Chancellor Gerrard's notes of his report on Ireland', *Analecta Hibernica*, II (1931), 266–8; *Parliaments and Councils of Mediaeval Ireland*, ed. H. G. Richardson and G. O. Sayles (Dublin, Irish MSS Commission, 1947), 19–22.

[4] A. Bliss and J. Long, 'Literature in Norman French and English', in *Medieval Ireland, 1169–1534*, ed. A. Cosgrove (Oxford, 1987), 708–15.

him; Hugh de Lacy (d.1186), granted Meath by Henry II, wed a daughter of the king of Connacht, his neighbour across the Shannon; William de Burgh (d.1205), a *curialis* who gained lands in Munster, embedded himself in regional politics by marrying a daughter of the king of Thomond.[5]

At a crucial point, however, fourteenth-century perceptions match those of modern historians. When the Statutes say that the settlers were governed by English law and custom they come close to the literal truth. Writs inaugurating key actions of the Common Law were made available in Ireland in 1204. When King John visited the lordship in 1210 he promulgated a charter making English law in general current there.[6] Such deliberate steps only gave formality to something that was implicit from the moment Henry II set foot in Ireland and began to grant lands to members of his circle, and privileges to Irish towns, through charters couched in conventional terms upon which he or a successor might be called to adjudicate. Moreover the grantees of the early period included lords who kept property in England and had in some cases served as sheriffs and even judges there; indeed almost anybody of standing who got Irish land had experience of the royal courts as a litigant or juror.[7] Those who went to Ireland may have been polyglot, but they were the people of the king of England, and some ingredients of an English political-legal identity were present in the lordship from the start. This identity was to bind the disparate newcomers (including Welsh and even Scots)[8] together, and to mark them off from the Irish, whose law left few traces in the legal system of the emerging polity.[9]

Such facts highlight the gulf that separates the conquest of Ireland from the conquest of England one hundred years before. King William was at pains to present himself as the Confessor's heir. He used the title *Rex Anglorum*; what he inherited included the rights of the Old English monarch, along with the laws and customs of the kingdom and its considerable administrative structure. A generation later, in his coronation charter of 1100, Henry I confirmed the still-dynamic 'law

[5] M. T. Flanagan, *Irish Society, Anglo-Norman Settlers, Angevin Kingship: Interactions in Ireland in the Late Twelfth Century* (Oxford, 1989), chs. 3, 4, and p. 264; G. H. Orpen, *Ireland under the Normans 1169–1333*, 4 vols. (Oxford, 1911–20), II. 148.

[6] G. J. Hand, *English Law in Ireland, 1290–1324* (Cambridge, 1967), 2; P. Brand, 'Ireland and the literature of the early Common Law', *Irish Jurist*, XVI (1981), 95–6.

[7] See Brand, 96–9, and R. Frame, *The Political Development of the British Isles, 1100–1400* (Oxford, 1990), 85–7.

[8] R. Frame, 'The immediate effect and interpretation of the 1331 ordinance *Una et eadem lex*', *Irish Jurist*, VII (1972), 109–14; G. W. S. Barrow, *The Anglo-Norman Era in Scottish History* (Oxford, 1980), 119.

[9] For the exceptions, see Hand, 172–3, 193–8, 201–4.

of Edward'.[10] Ireland was different. Henry II did not step into the shoes of a native predecessor; while existing tribute districts may have shaped local lordships, there was little at central level to be inherited. What is more, he intervened in Ireland against a background of disquiet about Irish morals and Church order that had long been voiced, with the encouragement of Irish reforming clergy, by Canterbury and Rome. Although his motive for crossing the sea was primarily to control and exploit an occupation that lords from south Wales had begun without him, he took the opportunity to patronise a reforming synod at Cashel. When Pope Alexander III congratulated him on his work, he used well-worn rhetoric—calling the Irish 'a people uncivilised and undisciplined', who 'wander through the steeps of vice', and dwelling on their habit of mutual slaughter and odious marriage customs.[11] The laws of such folk were scarcely to be preserved, let alone emulated.

If the rationales of the conquests were different, one explanation must be the lapse of time between 1066 and 1171. By the latter date the Church distinguished more sharply between acceptable and unacceptable customs and there was a growing tendency to view peoples who lay outside the political and cultural mainstream as inferior.[12] It is true that even in 1066 Irish custom might have struck a Norman observer as odder than its Anglo-Saxon counterpart, which shared the Germanic and Carolingian inheritance with northern France. Yet after the Conquest Anglo-Norman and Celtic legal systems seem to have had less difficulty in accommodating to each other in the Welsh marches than was to be the case in Ireland a century later. When the Normans came to England they brought with them their assumptions about social relations, but not a self-conscious, written body of custom that King William could have imposed on England had the notion crossed his mind. The occupation of Ireland, by contrast, coincided with the decades when the law of the king's court was crystallising and royal jurisdiction expanding dramatically. Ireland was settled, under the monarch's eye, in the age of *Glanvill*, of Magna Carta, and of *Bracton*. It is hard to imagine the Crown at any earlier time promoting the wholesale transfer of law from England to Ireland. Nor was the

[10] F. Liebermann, *Die Gesetze der Angelsachsen*, 3 vols. (Halle, 1903–16), I. 522; G. Garnett, ' "Franci et Angli": The legal distinctions between peoples after the Conquest', *Anglo-Norman Studies*, VIII (1986), 109–37.

[11] *Pontificia Hibernica. Medieval Papal Chancery Documents concerning Ireland, 640–1261*, ed. M. P. Sheehy (Dublin, 1962), I, no. 6; cf. nos. 2, 4, 5, 7, and *The Letters of Lanfranc, Archbishop of Canterbury*, ed. H. Clover and M. Gibson (Oxford, 1979), nos. 9, 10. See M. Richter, 'The first century of Anglo-Irish relations', *History*, LIX (1974), 195–210.

[12] See R. R. Davies, 'Buchedd a moes y Cymry [The manners and morals of the Welsh]', *Welsh Hist. Rev.*, XII (1984), 174–8; R. Bartlett, *Gerald of Wales, 1146–1223* (Oxford, 1982), esp. 29–45, 167–71.

law merely royal or common; while its content might owe little to the Anglo-Saxon past, it was regarded as English. Around 1188 *Glanvill* set out to explain *leges Anglicanas*. At almost the same moment Gerald of Wales saw the Irish church as being brought into line, not just with the universal Church, but with *ecclesia Anglicana*. When in 1216–17 the council of Henry III extended Magna Carta to Ireland, it spoke of giving the king's people there 'the same liberties as have been granted to the king's subjects of England'.[13]

Since the law was English, so in an important sense were those who used it[14]; a form of Englishness was inherent in the lordship more or less from the beginning, together with an inclination to look askance at Irish custom. But to say this is to set a crucial question aside. Was English law from the start reserved to the settlers? Did Englishness in the legal sense coincide with Englishness (or at least non-Irishness) in an ethnic sense? The evidence for the earlier thirteenth century is thin, but it suggests that the position was not so clear-cut. There are a fair number of instances of people apparently of Irish origin using the courts or serving as jurors.[15] A traditional explanation of their legal competence supposes that many specific grants of English status (of a type familiar from the time of Edward I onwards) were issued to Irishmen almost from the beginning of the lordship's history, but that these have not come down to us.[16] This seems unlikely, not least because in the 1170s the Common Law itself was only starting to achieve definition. It is significant that in Edward's reign the descendants of the Norse of Waterford claimed that Henry II himself had granted them English law, when all Henry's charter actually gave them was a general royal protection.[17] Kenneth Nicholls's suggestion, that originally distinctions were governed less by origin than by status and tenure,

[13] *The Treatise on the Laws and Customs of the Realm of England commonly called Glanvill*, ed. G. D. G. Hall (London, 1965), 2; *Expugnatio Hibernica*, ed. A. B. Scott and F. X. Martin (Dublin, 1978), 98, 142; T. Rymer, *Foedera* (Record Commission, 1816–69), I. 145; *Patent Rolls, 1216–25*, 31. On the significance of the late twelfth century, see P. Brand, ' "Multis vigiliis excogitatam et inventam": Henry II and the creation of English Common Law', *Haskins Society Journal*, II (1990), 197–222.

[14] On the role of the Common Law in fostering a sense of shared Englishness, see R. C. van Caenegem, *The Birth of the English Common Law* (Cambridge, 1973), ch. 4; on the general link between law and identity, S. Reynolds, *Kingdoms and Communities in Western Europe 900–1300* (Oxford, 1984), 43–4, 250, 256–61, and R. R. Davies, 'Law and national identity in medieval Wales', in *Welsh Society and Nationhood*, ed. R. R. Davies *et al.* (Cardiff, 1984), 51–69. John Gillingham has recently argued for a self-conscious and aggressive English identity even in the later twelfth century ('The beginnings of English imperialism', *Journal of Historical Sociology*, V (1992), 392–409).

[15] K. W. Nicholls, 'Anglo-French Ireland and after', *Peritia*, I (1982), 375.

[16] A. J. Otway-Ruthven, 'The native Irish and English law in medieval Ireland', *IHS*, VII (1950–1), 5–7. For the later position, see *ibid.*, 11–16; Hand, 198–205.

[17] Brand, 'Ireland and the Common Law', n. 17 and p. 103.

and that if Irishmen were accepted as holding land freely (as they sometimes were) they could use the courts, has much to commend it.[18]

Such acceptance may, however, have been rare: there are scarcely any examples of Irish laymen witnessing baronial charters.[19] A memory of the separation of the few sheep from the many goats may be preserved in a petition in 1253 of two Leinstermen that, since they and their ancestors had always been on the side of the English, they should not now be prevented from selling their lands *licet Hibernienses sint*.[20] Their need to approach Henry III on the matter hints at the development of a chillier climate of even greater selectivity. As royal government grew, justice became more centralised, and—we might add—national stereotyping was more deeply engrained, Irish origins were becoming enough on their own to create a presumption that the courts should be closed to a plaintiff. The clearer boundary between free and unfree that the rise of the Common Law created in England was being drawn in Ireland chiefly between newcomer and native.[21]

Yet even if the lines of ethnic demarcation were not so firmly institutionalised in the first decades of the lordship's history as they were to become later, there is no doubt that as early as John's reign law could serve as a denominator of nationality. At Dover in September 1215 the following letters passed the great seal: 'the King to his justiciar of Ireland. Know that we have granted, and we will, that the bearer of these present letters, Domnall Conell, shall henceforth have English law and liberty [*habeat decetero legem et libertatem Anglicanam*]'.[22] This neglected document seems to be the first surviving example of an explicit grant of English law. Though terse, it has the main features familiar in the many such letters that survive from the later middle ages.[23] Already English legal status, as distinct from royal protection or

[18] Nicholls, 371–6.

[19] R. Bartlett, 'Colonial aristocracies in the high middle ages', in *Medieval Frontier Societies*, ed. R. Bartlett and A. MacKay (Oxford, 1989), 27–9.

[20] *Close Rolls, 1251–3*, 458–9. In the later middle ages it was thought that the five main provincial dynasties ('Five Bloods') had been granted English law early in the lordship's history. The basis of the story remains elusive (Otway-Ruthven, 'Native Irish', 6; Hand, 205–6). The petitioners of 1253 may have been from a branch of the MacMurroughs of Leinster, one of the five (*Calendar of Documents relating to Ireland, 1252–84*, ed. H. S. Sweetman (1877), no. 1873).

[21] P. R. Hyams, *King, Lords and Peasants in Medieval England* (Oxford, 1980), esp. 221–68.

[22] *Rotuli Litterarum Patentium, 1201–16*, ed. T. D. Hardy (Record Commission, 1835), 155. The identity of the recipient is not known. He was possibly an envoy from the archbishop of Cashel or from the king of Connacht who received charters in Sept. (*Rotuli Chartarum, 1199–1216*, ed. T. D. Hardy (Record Commission, 1837), 219).

[23] See B. Murphy, 'The status of the native Irish after 1331', *Irish Jurist*, II (1967), 122–6. Its survival adds weight to the claim of Walter O'Toole, a member of a former ruling family in Kildare, in 1299 that he possessed a charter of 1208–9 in which William Marshal as lord of Leinster granted English law to his great-grandfather (*Calendar of Justiciary Rolls,*

a recognised tenure, could be encapsulated on parchment and awarded to an individual, just as English law was deliberately extended to the lordship of Ireland itself.

The appearance of such distinctions at this time is not without parallels. Division along ethnic lines is visible in the Church: 1217 saw the first of what was to be a series of attempts to exclude Irishmen from high ecclesiastical office.[24] John's reign also affords the earliest instances of royal documents that employ as defining categories English law, as against Welsh law and the law of the March.[25] Since the Common Law developed in England and Ireland at virtually the same time, it may be suggested that in Ireland too it helped to build a sense of national identity among those who had access to it. There sprang from English law a world of courts, offices, rights and duties that nurtured, and then preserved, the idea of being English. For those within the fold of English law and institutions there was an expectation of security of tenure and of royal justice; for those outside, or not unambiguously inside, these things could not be taken for granted, as the native dynasties of Connacht and Thomond, among others, were to find to their cost during the thirteenth century.[26]

Between John's reign and that of Edward III we pass from a scene where the Englishness of the settlers, in the legal and political sense, was achieving definition, to one where it was being stridently asserted and defended. This seeming intensification of the English identity can appear at odds with the assumption—naive no doubt but curiously hard to set aside—that the longer a settler population spends in its new place, the more it will be identified with it and absorbed by it. Yet the reinforcement over time of a political consciousness rooted in association with the metropolis is not unfamiliar; nor need it be irreconcilable with involvement in the politics and culture of the host society.[27]

Ireland, ed. J. Mills *et al.* (3 vols., Dublin, 1905–56), I. 271. Nicholls (375–6) has speculated that the charter was merely a grant of land in fee, from which Walter drew conclusions appropriate to his own time.

[24] *Patent Rolls, 1216–25*, 22, 23. In 1215 a grant of Penkridge, Staffs., to the archbishop of Dublin and his successors had been subject to the condition 'qui non fuerint Hibernienses' (*Rot. Chart.*, 218).

[25] Davies, 'Law', 52–9, at 58.

[26] J. F. Lydon, 'Lordship and Crown: Llywelyn of Wales and O'Connor of Connacht', in *The British Isles 1100–1500: Comparisons, Contrasts and Connections*, ed. R. R. Davies (Edinburgh, 1988), 53–9. The question of the legal status of the Irish has recently been set in a wider context in R. Bartlett, *The Making of Europe: Conquest, Colonization and Cultural Change 950–1350* (Harmondsworth, 1993) ch. 8 at pp. 214–20.

[27] Cf. Jack P. Greene, 'Political mimesis: a consideration of the historical and cultural roots of legislative behavior in the British colonies in the eighteenth century', *American Hist. Rev.*, LXXV (1969), 337–60; G. Morgan, *The Hegemony of the Law: Richmond County, Virginia 1692–1776* (New York and London, 1989). I am indebted to Dr D. J. Ratcliffe for drawing my attention to the north American parallels.

I wish to pick out three things—there are certainly others—that are likely to have sharpened the settlers' sense of being English during the century and a half between Magna Carta and the Statutes of Kilkenny. One is the degree to which royal government grew, affecting Ireland more extensively, regularly and densely. There is room only for the simplest of measures.[28] In 1215 there was a justiciar of Ireland, whose seal originated royal writs, a treasurer and chamberlain of the exchequer; they were soon joined by an escheator and two justices in eyre. By the early fourteenth century there were also a chancellor who kept the king's seal for Ireland; two judges attached to the court of the justiciar (now roughly equivalent to the King's Bench); three or four judges in the Dublin court of common pleas; and two or three barons, a chancellor and two chamberlains in the exchequer. These high officials had, of course, their clerks and other underlings. The spread of government at local level is perhaps more significant. In 1215 there were only three royal sheriffs in Ireland, operating from the king's towns of Dublin, Waterford with Cork, and Limerick; most of the country lay within great baronial liberties or the remains of Irish kingdoms. By 1300 the network of shires had expanded and become much more closely textured. There were eleven sheriffs, nine of them in the provinces of Leinster, Meath and Munster. Except for Ulster, which was awkward of access, the liberties were on a smaller scale and more firmly pinned within the embrace of royal government. Under and beside the sheriff were other agents of the king's authority: serjeants, sub-serjeants, coroners, and increasingly keepers (later justices) of the peace, together with judges of assize and *oyer et terminer*.[29] We may doubt whether all this meant that Ireland was more firmly held by the English than in 1240, when the Marshals still lorded it over Leinster and the Lacys over Meath. But Crown administration was no empty shell; the interaction, despite the disturbed state of Ireland, between the centre and the localities is not to be underestimated. In the third quarter of the fourteenth century revenues came in from Munster as well as Leinster. The court of the justiciar continued to hold sessions from Drogheda to Cork and Limerick. Great councils and parliaments met frequently, attracting attendance from most of the lordship.[30]

[28] See H. G. Richardson and G. O. Sayles, *The Administration of Ireland, 1172–1377* (Dublin, Irish MSS Commission, 1963), 14–48, 92–191.

[29] A.J. Otway-Ruthven, 'Anglo-Irish shire government in the thirteenth century', *IHS*, V (1946–7), 1–28; R. Frame, 'The judicial powers of the medieval Irish keepers of the peace', *Irish Jurist*, II (1967), 308–26.

[30] R. Frame, *English Lordship in Ireland 1318–1361* (Oxford, 1982), 82–3; P. Connolly, 'The financing of English expeditions to Ireland, 1361–76', in *England and Ireland in the Later Middle Ages*, ed. J. F. Lydon (Dublin, 1981), 109; *eadem*, 'Pleas held before the chief governors of Ireland, 1308–76', *Irish Jurist*, XVIII (1983), 129–31; H. G. Richardson and G. O. Sayles, *The Irish Parliament in the Middle Ages* (2nd ed. Philadelphia, 1964), 339–43.

As government and hence English institutions reached out, segments of society fed upon them. By the fourteenth century an establishment was well rooted.[31] Some offices in central government might be the preserve of newcomers from England, especially the royal clerks who manned the exchequer.[32] But there was scope for locals too, above all in the law. As Paul Brand has recently shown, the period 1250–1350 saw the emergence of a legal profession. Serjeants and attorneys, mostly recruited from settler families of eastern Ireland, served in the courts; serjeants could aspire to become judges, though not, because of appointees from England, by any means to a monopoly of the judiciary.[33] Recent incomers, such as the Prestons and Shriggelys who arrived from north-west England during the fourteenth century, might stay and dig themselves into landed and office-holding society.[34] At local level a vastly greater number of families found themselves involved. In 1375 145 men were appointed to collect subsidies granted in the seven counties and liberties of south Leinster and Munster; and in 1382 fifty-eight keepers of the peace were named in Meath and its sub-divisions.[35]

Many influences played upon the English; those moulding the minor country lord in Wexford or Limerick, who might take his turn as sheriff or keeper of the peace, differed from those that shaped the landholder in Louth or Meath, who had connections in Dublin, and aspired to a place in central as well as local government. But they had much in common besides office-holding. Both had titles to lands and rights that ultimately flowed from the Crown and might have to be upheld in the courts. They also consorted together in parliaments and councils and shared the experience of petitioning ministers, framing appeals to the king himself, and debating and apportioning taxation. As in the eighteenth century, the fact that in many parts of Ireland the lesser nobility were thinly spread may have given parliaments and great councils a special importance as a political and social meeting-place.[36]

If one result of the development of royal government was to nurture a larger, more self-consciously English, political establishment in the

[31] Cf. Greene, 344.

[32] Frame, *English Lordship*, 91–4.

[33] P. Brand, 'The early history of the legal profession of the lordship of Ireland', in *Brehons, Serjeants and Attorneys: Studies in the History of the Irish Legal Profession*, ed. D. Hogan and W. N. Osborough (Dublin, 1991), 27–36.

[34] *Calendar of the Gormanston Register*, ed. J. Mills and M.J. McEnery (Dublin, Royal Society of Antiquaries of Ireland, 1916), iv–xi; M.J. Bennett, *Community, Class and Careerism: Cheshire and Lancashire Society in the Age of Sir Gawain and the Green Knight* (Cambridge, 1983), 200; *A Roll of the Proceedings of the King's Council in Ireland, 1392–3*, ed. J. Graves (Rolls Ser. LXIX, 1877), 99–103. See now B. Smith, 'A county community in early fourteenth-century Ireland: the case of Louth', *EHR*, CVIII (1993), 561–88.

[35] *Parliaments and Councils*, 56–62; R. Frame, 'Commissions of the peace in Ireland, 1302–1461', *Analecta Hibernica*, XXXV (1992), 24–5.

[36] O. MacDonagh, *States of Mind: A Study of Anglo-Irish Conflict, 1780–1980* (1983), 16–17.

lordship, another was to draw a firmer line between the English and the Irish. Irishmen participated, but only in certain roles. The second earl of Kildare (d.1328) no doubt valued the Vincent O'Briens of the day, who looked after his horses.[37] Members of the Gaelic aristocracy might have careers as captains in royal and magnate service, as Hugh O'Toole of the Dublin mountains did in the 1350s.[38] But unless they had been granted English law, they were excluded from public office both in counties and liberties, as they were of course from central government. In this respect Ireland was a less friendly place for native leaders than was Wales. The Welsh elites continued to manage the commote, a native administrative unit which the English incorporated in a way that has no exact equivalent in Ireland. Welshmen might also aspire to be under-sheriffs and now and then even sheriffs.[39] There were no native Irish sheriffs, seneschals of liberties, serjeants, coroners, or keepers of the peace. It may also be that, just as the growth of the central courts clarified the rules about who was or was not law-worthy (to the disadvantage of the Irish), so the proliferation of county courts multiplied the points of exclusion at local level. It has been said of eighteenth-century Virginia that such courts formed 'a public forum where men and women ... were read out of the local community whose boundaries were drawn ever more narrowly during the course of the colonial period'.[40] Where Irish lords did have some claim to English tenure, as in the case of the thirteenth-century O'Briens of Thomond, suit at the county court seemed more a threat than the privilege, or mere nuisance, it might have been to an Englishman.[41] The growth of government sharpened national distinctions, magnifying the advantages the English possessed and the Irish were denied.

My second point is that this was happening at a time when the lordship of Ireland, which had on the whole been expanding down to the mid-thirteenth century, was in physical retreat. Irish legislation and other royal records of the fourteenth century betray a deep feeling of vulnerability, as the core areas of the lordship, now often referred to as the 'land of peace', were organised for defence.[42] Admittedly the

[37] *The Red Book of the Earls of Kildare*, ed. G. Mac Niocaill (Dublin, Irish MSS Commission, 1964), 104.

[38] R. Frame, 'English officials and Irish chiefs in the fourteenth century', *EHR*, XC (1975), 771–6.

[39] R. R. Davies, *Conquest, Coexistence and Change: Wales 1063–1415* (Oxford, 1987), 365, 415–17, 451–2.

[40] Morgan, v.

[41] *Close Rolls, 1251–3*, 496. In 1353, after serving the Crown in war, Cormac MacCarthy and his heirs were granted lands at a nominal rent on condition of future good behaviour and suit at the county of Cork (National Library of Ireland, MS 761, pp. 210–11). Cf. the impact of suit at county courts in Wales (Davies, *Conquest*, 380–1).

[42] R. Frame, 'War and peace in the medieval lordship of Ireland', in *The English in Medieval Ireland*, ed. J. F. Lydon (Dublin, 1984), 126–40.

English world still had a certain drawing power. Reform-minded native bishops whose dioceses lay partly within the settled regions were hostile to Irish custom; several, attending parliament by virtue of their office, assented to the Statutes of Kilkenny. More mundanely, Nicholas Mac Mael rosa, archbishop of Armagh from 1272 to 1303, brought with him into the English areas a bevy of relatives, several of whom got grants of English status, or married into the settler gentry, or both.[43] By the late fourteenth century, however, such possibilities were fading, as the beleaguered English lordship was defined and defended ever more closely; there were no native Irish primates after 1346.

In such conditions the gap between those within and beyond the legal and political frontier was emphasized. It came into clear focus on the frequent occasions when paying for defence was at issue. The lordship had no lack of fiscally-active assemblies. Its broken borders, reflecting the distribution of upland, woodland and bog, meant that communities met in county, liberty, and borough courts in order to raise money to meet local threats. At a higher level, urgency and problems of communication saw taxation granted in swiftly-summoned regional great councils. On top of that, taxes for the defence of the whole lordship became more common in parliaments from the 1340s onwards.[44] As the English assembled, and were taxed, they defined themselves against the foe whose existence justified the financial pain.

Of course there were complications. The threat often included rebel English who had crossed the political frontier; taxes could be used to hire the services of a native chief or mercenary captain; a friendly Irishman might even attend discussions of local defence, as Muiris MacMurrough, a descendant of the kings of Leinster, did at Wexford in 1312.[45] But overwhelmingly the image presented is of division along ethnic lines, as the English gathered, in the setting of their own institutions, to arrange their protection against the Irish. The language of English solidarity pervaded such occasions—though in practice solidarity might be shown as much in characteristic forms of squabbling as in common action. The writ calling a parliament to Cashel in 1371 is not untypical: the meeting was needed because the land of Ireland 'had ... suffered untold damage through the hostile incursions of [the

---

[43] J. A. Watt, *The Church and the Two Nations in Medieval Ireland* (Cambridge, 1970), 210–11; D. Maciomhair, 'Primate Mac Maoilíosa and County Louth', *Seanchas Ardmhacha*, VI (1971), 90–3; K. Simms, 'The brehons of later medieval Ireland', in *Brehons, Serjeants and Attorneys*, 54, 67–8.

[44] Richardson and Sayles, *Parliament*, 111–18; R. Frame, 'Military service in the lordship of Ireland, 1290–1360: institutions and society on the Anglo-Gaelic frontier', in *Medieval Frontier Societies*, 111–14; *Liber Primus Kilkenniensis*, ed. C. McNeill (Dublin, Irish MSS Commission, 1931), 49–50.

[45] *Cal. Just. Rolls*, II. 215–16; PRO Dublin, Just. Rolls, K.B.1/1, m.40d.

king's] Irish enemies and rebels'. Not surprisingly, the petitions of the English and the royal records present the Irish in negative terms and menacing postures.[46]

The only significant annals to survive from a local English milieu are those of the Franciscan John Clyn (d.1349), who wrote at Kilkenny. Their main interest may be in showing the complexity of relations in a mixed and turbulent region. Clyn portrays the Irish as splintered and competitive, and the English as equally riven by conflict. He makes no bones about showing cross-national alliances, or presenting some Irish lords as less wicked than others, or condemning the extended English kins of the uplands and woods whom he saw as agents of disorder. Even so, throughout his narrative the national labels are remorselessly affixed. In 1348 the *English* of Kilkenny ride in support of one candidate for the O'More chieftaincy; the *English* of Kildare come out for his rival.[47] (No doubt some of those involved were present in their county courts in the 1350s, when subsidies were granted to maintain troops against the O'Mores.[48]) In Clyn the English attract approving epithets that are the reverse of those applied to the Irish by the official documents—'the loyal English', 'the peaceful English', 'the peace-loving English'.[49] Though some were neither loyal nor peaceful, these were qualities that they, unlike the Irish, were expected to display. Practical ties with the Irish and a measure of acculturation did not stop the strengthening of a feeling of embattled Englishness among those who lived in the encircled heartlands of the lordship. The effect was similar, though drawn out longer, to that of the Glyn Dŵr rising in Wales, which fuelled the self-consciousness and exclusiveness of English communities there.[50] It has something in common with the strengthening of the British strand in the brittle self-image of Ulster Protestants during the traumatic decade 1968–78.[51]

My third point is that the reinforcement of an English identity did not take place in a vacuum. The lordship's elites were attached to England, not just by administrative links but by ties of patronage and service, and in some cases of marriage and landholding.[52] In England royal government was well able to tease practical consequences from,

[46] *Parliaments and Councils*, 38. On the terminology, see J. Lydon, 'The middle nation', in *The English in Medieval Ireland*, 19–20.

[47] *The Annals of Ireland by Friar John Clyn*, ed. R. Butler (Dublin, 1849), 37.

[48] *Rotulorum Patentium et Clausorum Cancellariae Hiberniae Calendarium*, ed. E. Tresham (Dublin, Irish Record Commission, 1828), 74 nos. 64–5, 75 nos. 92–3.

[49] *Clyn*, 17, 27, 32, 33.

[50] Davies, *Conquest*, 443, 456–9. On the Englishness of local societies in Wales and Ireland, see *idem*, 'In praise of British history', in *The British Isles*, 14.

[51] S. Wichert, *Northern Ireland since 1945* (1991), 215.

[52] Frame, *English Lordship*, 5–123.

and to exploit, national identity. At the time when the exclusion of the Irish from the courts was becoming clearer, Edward I was setting up an English administration in north Wales and giving much of Welsh law short shrift.[53] In Ireland too change was in the air. The king, encouraged by some native bishops, toyed with the idea of selling English legal status to the Irish at large; the plan foundered, probably on the opposition of the settler magnates. In 1331 Edward III did command that Irish who were personally free should have English law without needing to buy charters, but his ordinance seems to have passed quickly into oblivion.[54] Both episodes reveal the central assumption, that there was a straight choice; the boundary between the English and native worlds could not be blurred; the Irish must be outside or inside. In 1297 any English who wore the *cúlán*, the Irish warrior hairstyle, had been threatened by the Dublin parliament with the loss of their English status. When in 1333 Dermot O'Dwyer, a Gaelic lord from the south-west, was granted the king's peace and English law, he 'had the hair of his *cúlán* cut in order to hold English law'.[55] To be inside meant remaining or becoming English.

As well as being quick to employ national categories, England was infected with a ready xenophobia, partly thanks to the Scottish and French wars and the accompanying syringe of royal propaganda. It was to a metropolis where ideas of loyalty and of Englishness were closely intertwined that the inhabitants of the lordship of Ireland began to look for help in the mid-fourteenth century. At this point the English of Ireland found added to the other pressures upon them the need to catch the attention of, and prove acceptable to, a preoccupied and possibly sceptical superior authority; they had constantly to establish their patriotic credentials. One of the most quoted passages in the Latin annals kept in Dublin concerns the arrival in 1361 of Lionel of Antwerp with an army paid for by Edward III. The settlers had begged for a governor of standing, backed by troops. The annalist described the problems attendant on its arrival; his words merit close attention. Over-confident, Lionel declared that he needed no local help, and set off to fight the Irish of the hills and glens south of Dublin. To the annalist's ill-concealed glee, he lost many men and was forced to seek assistance. He then 'brought the whole people [*totum populum*], of England and of Ireland, together, and made good headway, engaging in many wars on

[53] Davies, *Conquest*, 367–70; L. B. Smith, 'The Statute of Wales, 1284', *Welsh Hist. Rev.*, X (1980), 127–54.

[54] A. J. Otway-Ruthven, 'The request of the native Irish for English law, 1277–80', *IHS*, VI (1949–50), 261–70; A. Gwynn, 'Edward I and the proposed purchase of English law for the Irish', these *Transactions*, 5th ser., X (1960), 111–27; Murphy, 120–3; Frame, '1331 Ordinance', 109–14.

[55] *Statutes, Ireland*, 210–11; *Parliaments and Councils*, 17.

all sides against the Irish, with the help of God and of the people of Ireland'. To the annalist the English of England and of Ireland formed sub-divisions of a single *populus*. The 'people of Ireland' [*populus Hibernie*] were, of course, not the Irish; they were the English of Ireland.[56]

The need of the settlers to confirm their Englishness arose at two levels, reflecting the two-stage relationship with the Crown typical of the colonial, or distant provincial, situation. The incident involving Lionel shows that an insensitive governor with a retinue from England might provoke tensions, not least over patronage and office. As in the Tudor period, the desire for help from England was accompanied by a fear of being marginalised by it.[57] Already in the 1340s the Dublin annalist had dipped his pen in gall when describing the rule of Lionel's step-father, Ralph Ufford, who, with his circle from England, had set his face against the 'indigeni', the residents.[58] Such episodes were given added dignity when described in the language of national identity. When in 1357 Edward III was about to send a new administration to the lordship, he drew up ordinances, based on petitions from Ireland, which included the following:

> although both the English born in Ireland and those born in England and dwelling in Ireland are true English, and live under our lordship and government and use the same laws, rights and customs, never-theless various dissensions and maintenances, by reason of origin, have arisen between those born in Ireland and those born in England.[59]

Such disputes were forbidden, but that did not stop their reappearance in 1361. The Statutes of Kilkenny returned to the matter, elaborating upon the 1357 ordinance.[60] There were to be no fine shadings; if the main aim of the Statutes was to erect a wall, broken only by official crossing-points, between the English and the Irish, a second purpose was to uproot the fence that mutual jealousies were threatening to build between the settlers and those who sailed from England to their rescue.

[56] *Chartularies of St Mary's Abbey, Dublin*, ed. J. T. Gilbert (Rolls Ser. LXXX, 1884–6), II. 395. J. G. A. Pocock characterised such groups at a later period as 'subnations': 'British History: A plea for a new subject', *Journal of Modern History*, XLVII (1975), 609–10.

[57] K. S. Bottigheimer, 'Kingdom and colony: Ireland in the westward enterprise', in *The Westward Enterprise: English Activities in Ireland, the Atlantic and America 1480–1650*, ed. K. R. Andrews *et al.* (Liverpool, 1978), 46–50.

[58] *Chart. St Mary's*, II. 385; Frame, *English Lordship*, 265–6.

[59] *Statutes of the Realm*, I. 363. 'Racione nationis' is rendered as 'by reason of nationality' in *Statutes, Ireland*, 417–8; Lydon ('Middle nation', 11) prefers 'by reason of race'.

[60] *Statutes, Ireland*, 436–7.

As well as waving their Englishness in the face of unsympathetic ministers, the English of the lordship sought to reach behind them and deal with the king directly. At such times they paraded their loyalty and nationality. In 1341–2 a spectacular piece of mismanagement, in which royal grants since 1307 were to be revoked and ministers born in Ireland ejected from office, provoked a parliamentary assembly to send Edward III a long list of criticisms of his representatives. It included the declaration that:

> whereas various people of your allegiance, as of Scotland, Gascony and Wales often in time past have levied war against their liege lord, at all times your English liege people of Ireland have behaved themselves well and loyally ... holding your said land for your ancestors and yourself both against the Scots and against the Irish, your enemies.[61]

The claim was self-serving but it was not untrue. The reference to the Scots was particularly near the mark: between 1296 and the 1330s the resources of the lordship had been repeatedly mobilised for the Anglo-Scottish war, and Ireland had suffered partial occupation and extensive raids by Edward Bruce during the years after Bannockburn.[62] In seeking royal favour and protection against the Irish, the settlers could point to a record of involvement in a common English enterprise. The identity they claimed cannot be dismissed as contrived or shallow. Professions of Englishness were anchored in a past that was, like all pasts, partly invented, and also in a tangible present—in law, institutions, liberties, property, offices, and in a living tissue of political and military relationships.

What is to be made of it all? If we look for ambiguity, in the sense of admitted doubts about identity itself, we shall be disappointed. There is no trace of the way of thinking that led some Gaelic lords, petitioning the Pope in 1317, to say that the English of Ireland called themselves a 'middle nation', in between the Irish of Ireland and the English of England. The term may well have been a fabrication to allow a play on words: the settlers were, the Irish went on, 'a people, not of middling but of extreme perfidy'.[63] Yet it is hard to believe that the English of Ireland in their unbuttoned moments did not reflect along such lines. Some knew their Gerald of Wales; Gerald had meditated on the paradoxes that afflict those who settle in a new country; he has Maurice

[61] *Ibid.*, 342; Frame, *English Lordship*, 242–60.

[62] J. F. Lydon, in *Medieval Ireland 1169–1534*, 195–204. Cf. Linda Colley's stress on the role of the wars of 1689–1815 in generating an over-arching British identity: 'Britishness and otherness: an argument', *Journal of British Studies*, XXXI (1992), 309–29.

[63] *Scotichronicon by Walter Bower*, ed. D. E. R. Watt *et al.*, VI (Aberdeen, 1991), 392–3; comment by J. R. S. Phillips at 473–4.

fitz Gerald (in 1170!) voice the famous grumble 'we are English to the Irish, and Irish to the English'.[64] In the areas of life that I have been exploring, however, ambiguity was not an option. On the public stage one was English or nothing; earls, barons, knights, bourgeois and rural gentry had every incentive to confine brooding about identity to places where the metropolis could not eavesdrop upon them.[65]

But if radical ambiguities were absent or masked, distinctiveness was not. Even within the legal and political arena, spread before us in formulaic official documents, it is not enough, as Art Cosgrove has remarked, to view the settlers merely as 'geographically displaced English'.[66] They were indeed English—they had no other word for it— but English in their own ways. They had a particular past which shaped their perception of the present; aware of Gerald and of papal documents of the twelfth century, they could view themselves as having been placed in Ireland to bring civility to a barbarous people; *Laudabiliter*, which was quoted more than once in the early fourteenth century, had become a founding charter.[67] They had taken over St Patrick, patron of the cathedral built by Archbishops John Comyn and Henry of London, who had come to the see of Dublin from the circles of Henry II and John. That see was set, according to a petition of 1350, in 'the principal and chief city of Ireland ... where the royal seat of the king ... has been placed from ancient times'.[68] The history of the *populus Hibernie* was a distinct sub-plot to the history of the English.

Legally and constitutionally too, the English of Ireland were English after their fashion. In the thirteenth century, alongside statements that Ireland used English law, are references to 'the customs of the land of Ireland' and evidence that law on the two sides of the Irish Sea was not identical. It has been rightly said that for the most part such customs 'had ... little to do with the Gaelic world or with the special problems of conquest; they were merely older or local variations of

---

[64] *Expugnatio Hibernica*, 80–1; R. Flower, 'Manuscripts of Irish interest in the British Museum', *Analecta Hibernica*, II (1931), 314–17.

[65] Other contexts and evidence afford different views: Lydon, 'Middle nation', 15–17; K. Simms, 'Bards and barons', in *Medieval Frontier Societies*, 177–97; J. R. S. Phillips, 'The Remonstrance revisited: England and Ireland in the early fourteenth century', in *Men, Women and War*, ed. T. B. Fraser and K. Jeffery (Dublin, 1993), 13–16.

[66] 'Writing of Irish medieval history', 110.

[67] J. A. Watt, '*Laudabiliter* in medieval diplomacy and propaganda', *Irish Ecclesiastical Record*, 5th ser. LXXXVII (1957), 420–32; *idem*, 'Negotiations between Edward II and John XXII concerning Ireland', *IHS*, X (1956–7), 1–20; *Documents on the Affairs of Ireland before the King's Council*, ed. G. O. Sayles (Dublin, Irish MSS Commission, 1979), no. 136; *idem*, 'The legal proceedings against the first earl of Desmond', *Analecta Hibernica*. XXIII (1966), 20. On historical consciousness, see Lydon, 'Middle nation', 23, 25; R. Frame, 'England and Ireland, 1171–1399', in *England and her Neighbours 1066–1453*, ed. M. Jones and M. Vale (London, 1989), 152–3.

[68] *Documents on Ireland*, 194.

English custom brought to Ireland by the early colonists'.[69] This does not make them insignificant. To a lord in Ireland, the ability to claim, as he mostly could not in England, the wardship and marriage of his tenants by socage was an advantage worth defending. More important, the mere existence of differences gave concreteness to the idea of a custom that belonged specifically to the English of the lordship.

This notion was enlarged by the way that legislation made in England was handled. English statutes were not regarded as having force in Ireland unless they were formally sent there for publication. In the late thirteenth and fourteenth centuries this was not invariably done at once or even at all, leading a new justiciar in 1328 to advise the English council to send over recent legislation *en bloc*.[70] More than almost any other, this topic tempts us to read history backwards. In the mid-fifteenth century the application of English statutes to Ireland was to become contentious; by the seventeenth, it was the subject of a polemical literature to do with the status of the Irish parliament and of Ireland itself.[71] Such controversies should not be idly projected back to a time when practical clarity may have been the chief concern. Yet it has recently been suggested that as early as 1279 the fact that legislation was being enacted in parliaments in Ireland may have led the Crown to ask itself whether it was any longer fitting simply to order English statutes to be observed there.[72] On the other side of the sea in 1320 a parliament at Dublin, presided over by Roger Mortimer, confirmed some English statutes and agreed that:

> the other statutes made by the king and his council be read and examined before the king's council [of Ireland] between this and the next parliament and there published, and that points that are suitable for the people and the land of Ireland be from thenceforth confirmed and held, saving always the good customs and usages of the land.[73]

We may hesitate to reduce the matter to one merely of bureaucratic tidiness. By 1423 the chancellor and treasurer of Ireland could declare that English statutes were of no force unless they had been formally

---

[69] Hand, 172–86; quotation at 177.

[70] J. F. Baldwin, *The King's Council in England during the Middle Ages* (Oxford, 1913), 475.

[71] A. Cosgrove, 'Parliament and the Anglo-Irish community: the declaration of 1460', in *Parliament and Community: Historical Studies XIV*, ed. A. Cosgrove and J. I. McGuire (Belfast, 1983), 25–30.

[72] P. A. Brand, 'King, church and property: the enforcement of restrictions on alienation in mortmain in the lordship of Ireland in the later middle ages', *Peritia*, III (1984), 483–7, 500.

[73] *Statutes, Ireland*, 280–3.

transmitted to Ireland *and* published in the Irish parliament.[74] This was a selective reading of the recent past.[75] But it reminds us that the lordship was a land whose customs, while English in essence, were distinct, and might at moments be shielded by regnal institutions of a sort that the provinces of England lacked.

There is a further point that should not be overlooked. From the late 1270s onwards there survives much legislation peculiar to Ireland, promulgated in local parliaments and great councils. Legal historians have not shown much interest in this material, which was primarily practical and mostly took English legal principles for granted.[76] Typically, it dealt with matters such as military preparedness, local truce-making, trafficking with the Irish, or the duty of aristocratic heads of kins to hand felonious dependents over to the courts. Behind everything lay the Irish whose law, with its distresses in the form of cattle-raids and its provision for compensation by kin-groups, was seen as contagious and little better than the 'mutual slaughter' referred to by the Pope two centuries before. The Statutes of Kilkenny gathered up such ordinances, and went further by presenting an image of an English world under cultural as well as military siege; its defence was to involve the subjecting of contacts of all sorts, from marriage and the fostering of children to the movements of minstrels, to official monitoring.[77]

Law in Ireland, while it embodied an English identity and served as a vehicle for its preservation, also, as in colonial America, reflected the particularity of the local experience.[78] The two faces of the English of Ireland are neatly juxtaposed when in the early fifteenth century keepers of the peace were charged to observe and enforce the Statute of Winchester, and the Statutes of Kilkenny. At the same period the Statutes of Kilkenny were confirmed in parliament, along with the liberties of the Church, and on at least one occasion in the same breath as Magna Carta.[79]

By the mid-fourteenth century key elements of a differentiated form

[74] PRO Dublin, Calendar of Memoranda Rolls, R.C.8/39, 158–91, at 188, 190–1. The case turned upon statutes of 1 and 2 Hen. IV concerning petitions for royal grants (*Statutes of the Realm*, II. 113, 120–1).

[75] Some writs sending legislation to Ireland imply that nothing was needed save a royal order to have it enrolled and proclaimed (*Statutes, Ireland*, 296–305, 492–9, 528–59); others hint at publication in parliament or, as in 1320, selection according to perceived relevance (230–1, 506–7).

[76] Though see G.J. Hand, 'The forgotten statutes of Kilkenny: a brief survey', *Irish Jurist*, I (1966), 299–312.

[77] *Statutes, Ireland*, 194–213, 258–77, 280–91, 306–9, 374–97, 430–69.

[78] Cf. Warren M. Billings, 'The transfer of English law to Virginia, 1606–50', in *The Westward Enterprise*, 228; Morgan, esp. 2–5.

[79] *Rot. Pat.*, 209 no. 192, 221 no. 110; National Library of Ireland, Harris Collectanea, MS 4, fo. 223d; *Statutes, Ireland*, 504–7, 520–1.

of English political identity existed in Ireland. They included a sense
of history, linked with a sense of place; a distinctive variant of English
law and custom; facsimiles of English royal institutions, including
parliament, that could at times be used for purposes other than those
intended by the king or his ministers; and a clutch of preoccupations
(from dealings with an omnipresent native population to relations with
a far-away ruler) that amounted to a unique political agenda. Indeed
the Anglo-Irish relationship already betrays several of the frictions
regarded as characteristic of the early modern multiple state.[80] Moments
of stress, when province and metropolis were out of step politically,
had given birth to a terminology through which the identity particular
to the English domiciled in Ireland could be articulated. Its appearance
is no small matter. Just as the fourteenth century was influenced by
twelfth-century documents and histories, so the sixteenth century copied
and paraphrased the Dublin annals, with their references to disputes
between the English born in Ireland and the English born in England.[81]
As Steven Ellis has said, the Tudor period in Ireland 'built on the
political vocabulary of an earlier age'.[82]

In emphasising these characteristics I do not for a moment mean to
suggest that the English of Ireland were neatly distinguishable from the
English of England, or that they formed a community with a steady
self-awareness and consistent attitudes. Like all such constructs, the
settler identity has a way of evaporating once exposed to the deeds of
real people in specific situations. A glance at the confrontation of 1341–
2, where that identity seems first to have been coherently expressed,
quickly disturbs any grand assumptions. The messengers chosen to
convey to Edward III the anger his subjects in Ireland felt against his
agents were the new, English-born Prior of the Hospitallers in Ireland,
and the heir of a recent justiciar of Ireland, whose origins lay in
Pembrokeshire and who still held lands in Wales and kept up a position
at court. The ministers who feared they might be ousted, and lurked
beneath the phrase 'the English born in Ireland', included some whose
ties with the lordship were recent.[83] As in later disputes, the quarrel
may have been more between yesterday's men, whatever their origins,

[80] M. Perceval-Maxwell, 'Ireland and the monarchy in the early Stuart multiple
kingdom', *Historical Journal*, XXXIV (1991), 279–95; J. H. Elliott, 'A Europe of composite
monarchies', *Past and Present*, CXXXVII (1992), 48–71; Frame, *Political Development*, 179–
87, 197.
[81] E.g. *Jacobi Grace Kilkenniensis Annales Hiberniae*, ed. R. Butler (Dublin, 1842), 132–5,
150–3; *Calendar of Carew MSS. Book of Howth*, ed. J. S. Brewer and W. Bullen (London,
1871), 162, 168; *Holinshed's Irish Chronicle 1577*, ed. L. Miller and E. Power (Dublin, 1978),
226, 230–1.
[82] 'Nationalist historiography', 12.
[83] Frame, *English Lordship*, 105–6, 246–7, 253.

and tomorrow's, than between clean-cut national sub-groups.[84]

The link between the sections of the Dublin establishment who felt threatened with removal from office and the wider settler elite is also problematical. The Dublin annals stress that the movement against royal officials included both 'the magnates of the land' and the 'mayors of the royal cities', and imply that the earl of Desmond was associated with it.[85] The emphasis on unanimity suggests that it was uncommon; it arose because the circumstances—a threatened assault on property rights, including those of the Hospital, going back more than thirty years—were themselves unprecedented. It embraced people who usually had more to separate than to unite them, and whose conduct was rarely dominated by a sense of shared Englishness. During the 1330s and 1340s juries from Limerick and other towns and counties repeatedly indicted Desmond of oppression and of treasonable collusion with the Irish.[86] It is true that the nobles of the lordship may now and then be found acting as spokesmen for the English of Ireland—as when the earl of Ormond helped to procure Lionel of Antwerp's rescue expedition in 1360–1.[87] But their value in this role (or in their function as border magnates) sprang from the very width of their ties, which might take in English aristocratic society just as they did the native Irish world: when Ormond visited one of his Surrey manors in 1358, with him were his mother, Eleanor de Bohun, a grand-daughter of King Edward I, and also Edmund O'Kennedy, a native Irish lord from north Tipperary whom he was holding in honourable captivity.[88]

Upon inspection categories blur, solidarities fragment, horizons contract within local or sectional bounds, or expand far beyond the habitat of the English of Ireland. This is no more than we should expect; it does not render the words and ideas present in the sources insignificant. In thirteenth-century England nationality was employed to interpret political events, most notably by Matthew Paris in his descriptions of the resentment the barons of England felt against the 'foreigners' who were prominent at the court of Henry III. In fact political alignments can be shown to have been much more complex than Matthew allows: in 1258 one alien group was destroyed by an alliance between some barons of England and members of another alien group, and strong cultural and familial ties continued to bind the upper classes of England

[84] Connolly, 'Financing of expeditions', 108; D. Johnston, 'The interim years: Richard II and Ireland, 1395–1399', in *England and Ireland*, 184–8.

[85] *Chart. St Mary's*, II. 383.

[86] Sayles, 'Legal proceedings', 5–46.

[87] Frame, *English Lordship*, 319–22.

[88] *Calendar of Ormond Deeds, 1350–1413*, ed. E. Curtis (Dublin, Irish MSS Commission, 1934), no. 46.

and France together.[89] Yet it matters that such terms and explanatory patterns made sense to the writer and to the audience he envisaged. We should not deny to medieval men the complex layers of identity and the ability to live with inconsistencies that we take for granted in ourselves.[90]

Even in the 1340s the shrill tones in which the settlers asserted their Englishness disguised an anxiety that marks them off from their complacent metropolitan cousins.[91] In the fifteenth century, when the Crown's commitment to Ireland shrank disturbingly,[92] their unease may have seemed well founded. They protested, for instance, about attempts to exclude them from the inns of court; and in 1440 a hard struggle was needed to persuade the English government to remove them from the schedule of those taxed as aliens—a nice irony since the Dublin government was still granting charters of English law and liberty to native Irishmen.[93] Yet it would be rash to jump to the conclusion that the behaviour of individuals and groups can be *explained* by reference to 'Anglo-Irish attitudes' or a 'colonial mentality' cooked up from selected ingredients by the historian. The existence of a distinctive, and increasingly problematical, 'consciousness' cannot be disregarded; but it needs to be viewed in the light of the evidence of the practical complications and contradictions of 'being'. We are faced on the one hand by overlapping outlooks and ties, among which the sense of being English in Ireland was but one; and on the other by what J. H. Hexter has called 'intractible [sic] men, and angular and resistant events'.[94] The real interest lies in the interplay between them—in its awkward incongruities, but also in the transient, yet revealing, moments of apparent symmetry.

[89] M. T. Clanchy, *England and its Rulers 1066–1272* (1983), 140–1, 185, 241–62; D. A. Carpenter, 'What happened in 1258?', in *War and Government in the Middle Ages*, ed. J. Gillingham and J. C. Holt (Woodbridge, 1984), 109–17; H. Ridgeway, 'King Henry III and the "Aliens", 1236–1272', *Thirteenth Century England*, II (1988), 81–92; M. Vale, *The Angevin Legacy and the Hundred Years War 1250–1340* (Oxford, 1990), ch. 2.

[90] Cf. Reynolds, 330–1; Colley, 314–5.

[91] Cf. M. Zuckerman, 'The fabrication of identity in early America', *William and Mary Quarterly*, XXXIV (1977), 200.

[92] E. Matthew, 'The financing of the lordship of Ireland under Henry V and Henry VI', in *Property and Politics: Essays on Later Medieval England*, ed. A. J. Pollard (Gloucester, 1984), 107–8.

[93] *Statutes, Ireland*, 574–5; Cosgrove, 'Parliament', 34; Murphy, 125.

[94] *On Historians* (1979), 242.