

HISTORY AND IDENTITY IN RESTORATION IRELAND, 1660-91

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DECLARATION

I declare that this thesis has not been submitted as an exercise for a degree at this or any other university and it is entirely my own work.

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A handwritten signature in black ink, appearing to read 'James Greaney', with a long horizontal flourish extending to the right.

James Greaney

29 September 2021

SUMMARY

History and Identity in Restoration Ireland, 1660-91

This thesis demonstrates how history mattered in the politics and society of seventeenth-century Ireland, how authors used the distant past in their arguments about the post-Restoration political and religious settlement of Ireland. The Restoration period in Ireland was one of tension and saw historical claims used in the attempt to settle issues of legitimacy. This thesis shows how these historical claims were repeated and contested by authors, reflecting contemporary intellectual culture and politics. This involves assessing how legitimacy stemmed from claims to tradition, provenance, rights and precedence, and how these claims construct early modern identities. Firstly, this thesis identifies a series of themes—religion, legal constitution, monarchy, and ethnic origins—as they occur in histories. Secondly, the transmission of these themes is traced in this thesis across selected histories, as different authors grappled with the history of Ireland and engaged with the ideas contained in earlier texts. This examination is primarily based on ‘deep’ histories detailing Irish history over a long period. Four key texts meet this requirement: John Lynch’s *Cambrensis Eversus* (1662), Peter Walsh’s *Prospect of the State of Ireland* (1682), Roderick O’Flaherty’s *Ogygia* (1685), and Richard Cox’s *Hibernia Anglicana* (1689-90). Other histories whose focus is more short-term or specific, such as the manuscript histories of Andrew Stewart, the narratives of Edmund Borlase and Nicholas French, and the forgeries of Robert Ware, further outline these themes. In examining these texts, this thesis contextualises their intellectual languages, why the authors engaged with these themes, and how their arguments about legitimacy shaped the contested political and religious identities of early modern Ireland.

To accomplish this examination, this thesis is divided into five substantive chapters based on the themes identified:

1. **Constitutionalism I:** The importance of the Irish parliament and its relationship with the parliament in England, including discussions of constitutionalism and legislative independence.
2. **Constitutionalism II:** The concept of conquest in histories of Ireland and whether the political constitution of Ireland could be based in conquest and remain valid.
3. **Religion I:** Appeals to the legacy of St Patrick and how authors of religious history claimed continuities between their beliefs and the early medieval patrician church.
4. **Religion II:** Discussions of liberty of conscience, loyalty to a monarch of a different faith, and religious toleration rooted in historical arguments.
5. **Monarchy and Ethnic Origins:** The relationship between royal and ethnic genealogies, how the legitimacy of the Stuart monarchy could stem from claims to a common ancestry with its subjects.

Dedicated to

Jennifer Whelan (*née Greaney*)

12 Jan. 1969 – 24 Sept. 2016

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No doctoral thesis ever comes easily to any prospective researcher and mine was born in particular adversity. Between the death of my mother in 2016 and the crisis of the

past year, one person has been there and shared in these hardships. Christine Kelley—my wife—with whom I have had many conversations about historical and literary people, places, and things—the weird and obscure—and the very purpose of academia, who has given great tips on writing and communication, and without whom I could not have done this.

Thank you, Christine.

ABBREVIATIONS AND CONVENTIONS

BL	British Library, London
Bodl.	Bodleian Library, Oxford
TCD	Trinity College Dublin
<i>DIB</i>	James McGuire and James Quinn (eds), <i>Dictionary of Irish Biography</i> (Cambridge, 2009)
<i>IHS</i>	<i>Irish Historical Studies</i>
<i>ODNB</i>	<i>Oxford Dictionary of National Biography</i> (Oxford, 2004; revised 2006)

Conventions

Dates have been left in the Old Style, but the year has been taken to begin on 1 January.

Spellings of quotations have not been modernised.

1. INTRODUCTION

Introduction: Topics & Aims

The Restoration period in Ireland is bookended by two acts passed by two very different Irish parliaments; the 1662 Act of Settlement which reinforced the earlier Cromwellian settlement in modified form and the 1689 act which repealed it. The first parliament, overwhelmingly Protestant, sought to defend the ‘Protestant interest’ while the 1689 parliament, almost entirely Catholic, sought to completely reverse this. Both relied on a particular reading of history, each seeing the events of the 1640s as a justification for their respective cases. To the parliament of the 1660s, Irish Catholics had exercised ‘sovereign authority’ and treated ‘with foreign princes and potentates’, usurping royal authority. All the while, Catholics had conspired with ‘many malignant and rebellious priests’ to extirpate Irish Protestants. The 1689 parliament, by comparison, accused Irish Protestants of returning to the ‘antimonarch[ical] principles’ of the 1640s by deposing James II in favour of William and Mary in 1688.¹ To the Irish parliament of the 1660s, Irish Protestants had been victims of an Irish Catholic conspiracy and the land settlement that it ratified was the punishment for the treason of the Catholic gentry. The 1689 parliament instead saw a puritan conspiracy that had twice deposed the rightful monarchy and unjustly robbed the Catholic gentry of their land and power. In each case, many of the same events are referred to and cast in either a positive or negative light while other events are elided entirely.

The aim of this thesis is to demonstrate that history-writing mattered in the politics and society of seventeenth-century Ireland and shaped the formation of identities. This involves assessing how legitimacy stemmed from claims to tradition, provenance, rights and precedence, and how these concepts are tied into identity in early modern Ireland. I will show how authors used history to bolster their arguments about the future political

¹ ‘An act of recognition of the just and most undoubted rights of his majesties imperial crown’ in *The Acts of James II’s Irish Parliament, 1689*, ed. John Bergin and Andrew Lyall (Dublin, 2016), p. 21.

and religious settlement of Ireland following the Restoration. The Restoration period in Ireland was one in which ‘the fabric of a post-war society’ is stretched and ultimately torn by the accession by James II.² This period of tension saw historical claims being used in the attempt to settle issues of legitimacy. This thesis will demonstrate how these historical claims were repeated and debated in antiquarian histories, reflecting the culture and politics of the day. My first objective is to identify the development of a series of themes as they occur in histories published in this period. Secondly, I will trace the transmission of the themes across selected texts, as different authors grappled with the history of Ireland and engaged with the ideas contained in earlier texts. In doing so, I will contextualise these ideas, explaining why authors engaged with these themes when and where they did, and how these themes fit into their arguments about legitimacy and notions of identity. The choice to privilege published works is based on a *prima facie* assumption that publication indicates some level of interest.³ This does not imply, however, that unpublished or manuscript histories cannot be significant or relevant to this thesis, and these will be drawn from where relevant.⁴

No work exists at present which examines the relationship between identity and the writing of history in Restoration Ireland. This thesis seeks to address this gap. My research is predicated on several works which touch on related areas. The methodological and conceptual framework of this thesis owes a debt to the Cambridge School of

² John Gibney, ‘Ireland’s Restoration Crisis’, in Tim Harris and Stephen Taylor (eds), *The Final Crisis of the Stuart Monarchy: The Revolutions of 1688-91 in their British, Atlantic and European Contexts* (Woodbridge, 2013), p. 133.

³ The Restoration period saw the growth of a popular political culture in Ireland as elsewhere in the Stuart monarchy, such as an increasing interest in and access to different forms of print literature; Ted McCormick, ‘Restoration Politics, 1660–1691’ in Jane Ohlmeyer (ed.), *The Cambridge History of Ireland, Vol. 2: 1550–1730* (Cambridge, 2018), pp 114-6; see also, Ray Gillespie, *Reading Ireland: Print, Reading, and Social Change in Early Modern Ireland* (Manchester, 2005), pp 75-100, for the growth of an Irish market for books in the late seventeenth century. As will be explained, however, this thesis bases the significance of texts on their usefulness in piecing together the political languages of Restoration Ireland, as understood through depictions of the past.

⁴ This is the case for certain, unfinished, manuscript histories such as the Earl of Anglesey’s history of Ireland and Andrew Stewart’s history of the early Irish church, both relevant to this thesis. This is also to say nothing of Geoffrey Keating’s *Foras Feasa ar Éirinn*, widely circulated and influential on Restoration writers such as Roderick O’Flaherty, in Bernadette Cunningham, *The World of Geoffrey Keating: History, Myth and Religion in Seventeenth-Century Ireland* (Dublin, 2000), pp 202-4.

Intellectual History, which has advocated for the importance of understanding claims made within a historical context as the products of that context. An important early instance of such work, relevant to the present research, is that of J.G.A Pocock. Pocock demonstrated the existence of an ‘ancient constitution’ current in early modern English legal thought and how it reflected the concerns of legal theorists which they expressed through claims made about the past.⁵

One difficulty of intellectual history is determining the actual importance or significance of ideas in history. Dissemination can be taken as demonstrative of importance: if an idea is reproduced or debated by other authors, this may be evidence of its significance or currency. This can be seen in the case of constitutionalism in Ireland, where the institutions of parliament and common law were contested by Catholic and Protestant authors. The institution of parliament remained of such importance to Catholic elites that constitutionalist arguments were never abandoned. Quentin Skinner makes the case that intellectual history should examine ‘social and political vocabularies’.⁶ Each text is not just a reflection of the values of the society that shaped it but a position made in an intellectual context; a glimpse into how ideas were transmitted, debated, and shaped. Concepts and ideas should be examined across texts and the thematic arrangement of this thesis will allow for the examination of concepts and arguments within these themes.

The themes and arguments of Restoration histories are used in this thesis to demonstrate the existence of these ‘languages’; the rhetorical contexts which permit the use and development of certain ideas and lines of reasoning. This is similar to how Colin Kidd and Matthew Neufeld have each studied histories and identified ways in which the early modern present shaped arguments about the past. For Kidd, faith conditioned early modern historians to understand ethnicity and national identities in biblical terms. The primacy of scripture compelled historians to reconcile medieval origin myths and

⁵ J.G.A. Pocock, *The Ancient Constitution and the Feudal Law: A Study of English Historical Thought in the Seventh Century* (Cambridge, 1957).

⁶ Stefan Collini, Michael Biddiss, Quentin Skinner, J.G.A. Pocock, and Bruce Kuklick, ‘What is Intellectual History?’, *History Today*, 35:10 (Oct. 1985), pp. 46-54.

increased interest in (and awareness of) peoples outside Europe with the postdiluvian, Mosaic origin story of *Genesis*.⁷ Looking specifically at early modern Britain and Ireland, Kidd attempts to reconstruct this ‘ethnic theology’ from a myriad of sources from intellectual elites. The significance of this religiously influenced language of identity is demonstrated by references to aspects of the ethnic theology outlined by Kidd across texts. Together these references build up a picture of a common language of identity, influenced by scriptural reading, which early modern authors drew upon in their work.

In contrast to Kidd’s focus on elite culture, Matthew Neufeld instead attempts to examine popular culture, specifically how the conflicts of the 1640s were remembered by the English public. Looking at printed pamphlets, histories, sermons, petitions, and memoirs between 1660 and 1714, Neufeld charts how the popular memory of the civil wars and interregnum changed over the course of the Restoration. In particular, he notes the emergence of a narrative of a puritan faction which was utilised to explain both the outbreak of conflict in the 1640s and some of the tensions of Restoration England.⁸ Neufeld points to the condemnation of ‘the puritan impulse’ as a central tenet of the accounts of the 1640s published after the Restoration. What Neufeld terms ‘sanctioned histories’, printed with government approval, reveal how the civil wars were to be understood officially: a conflict orchestrated by religious dissidents. This in turn also impacted how contemporary politics were to be understood, with the potential for a return to violence and a possible conspiracy of non-conformists seeking to precipitate it. This sense of a puritan conspiracy undermining the Stuart monarchy is a language that Neufeld has identified, one shaped by the legal preconditions for publication in early Restoration England. In this case, it is a way of thinking about the past that writers drew on to make claims about the present. Later claims about non-conforming Protestants as political

⁷ Colin Kidd, *British Identities before Nationalism: Ethnicity and Nationhood in the Atlantic World, 1600-1800* (Cambridge, 1999), pp 27-33.

⁸ Matthew Neufeld, *The Civil Wars after 1660: Public Remembering in Late Stuart England* (Woodbridge, 2013), pp 8-16.

dissidents would be predicated on this view of the recent past, which had been enshrined in acts of parliament and reproduced in published histories.

Terms & Scope: Themes in Restoration Histories

Several themes, which form the basis of the substantive chapters of this thesis, can be identified in histories published in this period. These themes cover such aspects as the institutions of government, worship, and the ethnic origins of the people of Ireland:

- Constitutionalism: as in Pocock, covering the institutions of common law, parliament, and the legal basis of English rule in Ireland.
- Religion: the legitimacy and continuity of post-Reformation Christian denominations with the Patrician faith of early medieval Ireland.
- Ethnicity: the culture and origins of the peoples of Ireland, as established through traditional, medieval genealogies or discussed in nascent terms of civilisation and manners.

These themes sometimes intersect, as in the case of faith and constitution, where a subject's liberty of conscience becomes increasingly counter-posed with the monarch's own confession. They also reflect the state of Restoration Ireland, a kingdom straining under the tensions of religious difference, of recent and continuing political turmoil, and cultural change; ultimately culminating in the Williamite Wars. This is a period of social and political contradictions, with authors seeking either to explain the origins of these contradictions or present potential resolutions in historical terms.

In studying Restoration histories, it is necessary to define what histories form the basis of the study and how they were selected. Some considerations regarding research aims must be made when selecting sources. These lead to a hierarchy of sources, of diminishing centrality to the thesis but which in turn allow for the examination of the themes outlined.

Firstly, this thesis seeks to explore how the breadth of Irish history was understood and studied in the Restoration period, and as such should not get overly mired in any one particular period at the expense of others. This is particularly relevant regarding the 1641 Rebellion and its afterlife in the Restoration period is worthy of study in itself for its lasting implications.⁹ This does not preclude discussion of the conflicts of the 1640s—where relevant to the broader themes and contexts of Irish history—but this thesis will not focus primarily on them or the resultant claims and counter-claims made in the Restoration period. Instead, this thesis will be based primarily on the themes which emerge from ‘deep’ histories detailing Irish history over a long period. Four key texts meet this requirement: John Lynch’s *Cambrensis Eversus* (1662), Peter Walsh’s *Prospect of the State of Ireland* (1682), Roderick O’Flaherty’s *Ogygia* (1685), and Richard Cox’s *Hibernia Anglicana* (1689-90). This allows the thesis to draw upon multiple themes of political and religious identity without becoming too mired in the controversies of the 1640s.

Secondly, to fully detail the themes of these deep histories, it will be necessary to use supplementary histories. These may be histories whose focus is more limited, short-term, or specific, such as the histories of Patrick Adair and Andrew Stewart, Edmund Borlase’s two published histories, Nicholas French’s histories, or the forgeries of Robert Ware. While the four key histories outlined above will feature to some degree throughout this thesis, informing the identification and exploration of the themes present in Restoration histories, additional histories will be drawn on where relevant. For example, William Domville’s ‘Disquisition’ (1660) and Thomas Sheridan’s *Discourse* (1677) cover the history of parliament and common law but are much less relevant to other themes.¹⁰

⁹ For examinations of the impacts of the 1641 Rebellion on perceptions of the past in Ireland, see Toby Barnard, ‘“Parlour entertainment in an evening”? Histories of the 1640s’ in Micheál Ó Siochrú (ed.), *Kingdom in Crisis: Ireland in the 1640s, essays in honour of Dónal Cregan* (Dublin, 2001), pp 20-43; Eamon Darcy, Annaleigh Margey and Elaine Murphy (eds), *The 1641 Depositions and the Irish Rebellion* (London, 2012); Eamon Darcy, *The Irish Rebellion of 1641 and the Wars of the Three Kingdoms* (Woodbridge, 2013); John Gibney, *The Shadow of a Year: The 1641 Rebellion in Irish History and Memory* (London, 2013).

¹⁰ Patrick Kelly places the composition of Domville’s original unpublished text in the summer of the 1660, ‘A Disquisition Touching That Great Question Whether an Act of Parliament Made in England Shall Bind the Kingdom and People of Ireland without Their Allowance and Acceptance of Such Act in the Kingdom of Ireland’ ed. Patrick Kelly, *Analecta Hibernica*, 40 (2007), pp 17-34.

When compared with the accounts of Lynch and Cox regarding the constitutional settlement of Ireland over time, these can provide elaboration of how the institutions of parliament and common law were understood. These supplementary histories allow for the themes present in the deep histories to be examined in different contexts, as ideas are mobilised in response to the needs of more short-term or specific, targeted narratives.

The four key texts which form the basis of each chapter of this thesis—*Cambrensis Eversus*, *Prospect*, *Ogygia*, and *Hibernia Anglicana*—have been selected for the breadth and scope of their accounts. Each text is substantial and covers Irish history over a long period of time, with each text—barring *Hibernia Anglicana*—considering Irish pre-medieval history to be as consequential as its history following the twelfth-century Norman invasion. These ‘deep histories’ provide fertile ground for the exploration of the themes of Irish history, as they each touch upon aspects of political legitimacy, of religion, and of the culture and society of the people of Ireland.

John Lynch, a cleric exiled in France since the early 1650s, produced *Cambrensis Eversus* as a refutation of the accounts of Ireland written by the medieval monk Giraldus Cambrensis, or Gerald of Wales.¹¹ The writings of Giraldus were in circulation on the continent and Lynch built upon the earlier refutations by Philip O’Sullivan Beare and Geoffrey Keating in writing his own disavowal of Giraldus. Lynch’s work is historiographical, comparing Gerald with other medieval sources to make judgments as to the accuracy of his accounts. Lynch reflects greatly on the process of history-writing, seeking to discredit the use of sources by Giraldus and the English writers who in turn rely upon Giraldus. His corrections to Giraldus are imbued with moral tones regarding the duty of a historian to provide a full and accurate account. Lynch asserts that errors of Giraldus were borne out of malicious intent and that they made possible some of the injustices—rhetorical or actual—which had been committed in Ireland. *Cambrensis Eversus* is particularly useful because of the multitude of topics covered by Lynch but also because of

¹¹ René D’Ambières & Éamon Ó Ciosáin, ‘John Lynch of Galway (c.1599-1677): His Career, Exile and Writing’, *Journal of the Galway Archaeological and Historical Society*, 55 (2003), pp 50-63.

the parallels that Lynch suggests between Giraldus and more recent, early modern, commentators.

Peter Walsh, a Catholic Old English priest well-connected with fellow Old English members of the Irish aristocracy such as the Duke of Ormond and Earl of Castlehaven, was already well-known as a writer and controversialist before the publication of his *Prospect*. Having engaged in a paper war in the early 1660s with the Protestant Earl of Orrery regarding the loyalties of Irish Catholics, he again defended Irish Catholics in the 1670s. His *History and Vindication of the Loyal Formulary, or Irish Remonstrance* (1675) asserted the loyalty of Irish Catholics over the previous thirty years, but also set forward a political philosophy of Catholic obedience to a Protestant monarch.¹² His history of Ireland, *Prospect*, drew heavily upon Lynch's *Cambrensis Eversus*, but also upon Keating's 1630s, Irish-language manuscript history *Foras Feasa ar Éirinn*.¹³ Like Lynch, Walsh avowedly sought to refute the arguments of earlier English writers such as Gerald of Wales, Edmund Spenser, and William Camden and relied on Keating's work to emphasise Ireland's history before the arrival of the Normans. Walsh wrote in English, unlike Lynch and Keating; encouraged by the Earl of Castlehaven to provide an accessible history.

Roderick O'Flaherty's *Ogygia* likewise emphasises the antiquity of Irish history and Irish historiographical tradition, reflecting O'Flaherty's fierce interest in Irish prehistory.¹⁴ Of mixed Gaelic Irish and Old English descent like Lynch, and acquainted with his fellow Galwegian, O'Flaherty had lost much of his inherited estate in the Cromwellian land settlement.¹⁵ Preoccupied in particular with genealogies, he sought to

¹² Jane Ohlmeyer, 'Introduction: for God, king or country?' in idem. (ed.), *Political Thought in Seventeenth-Century Ireland* (Cambridge, 2000), p. 26; Anne Creighton, 'Walsh, Peter (c. 1616-1688)', *ODNB*, available online: <https://doi.org/10.1093/ref:odnb/28616>

¹³ Cunningham, *The World of Geoffrey Keating: History*, pp 202-4.

¹⁴ O'Flaherty expressed personal disbelief, for example, that Chinese records 'beyond the [postdiluvian] restoration' could compare with Irish annals and genealogies synchronised with biblical calculations, 'Roderick O'Flaherty to William Molyneux, 15 December 1696', in *Roderick O'Flaherty's Letters to William Molyneux, Edward Lhuyd, and Samuel Molyneux, 1696-1709* ed. Richard Sharpe (Dublin, 2013), pp 194-6.

¹⁵ Vincent Morley, 'O'Flaherty, Roderick (Ó Flaithbheartaigh, Ruaidhrí)', *DIB*, available online: <http://dib.cambridge.org/viewReadPage.do?articleId=a6754>

explain the origins of the Gaelic Irish through the kind of ethnic theology described by Kidd. He placed the Irish as the descendants of Noah's son Japhet through Gomer and tied the lineage of the Stuart kings into this Noachic descent. In this way he builds upon a similar passage in Lynch's *Cambrensis Eversus*, looking to tie the Stuart monarchy into an Irish ancestry detailed in scriptural terms. In contact with fellow antiquarians such as Edward Lhuyd and William Molyneux, O'Flaherty is distinct from both Lynch and Walsh in that he was first and foremost an antiquarian. While his writing can be read for political and social connotations, *Ogygia* was a product of his interests and O'Flaherty retained a need for patronage evident in his letters to Molyneux.

While focusing on Irish history from the twelfth century onwards, *Hibernia Anglicana* does provide extraordinary depth in its relatively narrower account. Comparable texts from the period with a similar range and approach, such as Borlase's *Reduction of Ireland* (1675), do not provide as much detail. Cox, a lawyer from a wealthy Irish Protestant family and political opponent of the Earl of Tyrconnell, published the two volumes of *Hibernia Anglicana* in England during the Williamite Wars.¹⁶ This text is very different from the other three key texts listed, not only because of its author's background but also because of its approach and the selection of sources used. Condemning the approaches taken by Walsh and O'Flaherty, Cox prefers to draw from texts written by other Protestants, particularly James Ware, William Camden, and Raphael Holinshed. Where the other three key texts draw from Irish sources, sometimes through Keating, Cox usually draws his information about Gaelic Irish culture through Ware. While he does acknowledge Keating's history of Ireland prior to the coming of the Normans as substantial, Cox's history is almost entirely that of English rule in Ireland.¹⁷ Moreover, his argument is deliberately structured to be primarily an English history of Ireland, beginning

¹⁶ S.J. Connolly, 'Cox, Sir Richard, first baronet (1650-1733)', *ODNB*, available online: <https://doi.org/10.1093/ref:odnb/6527>

¹⁷ Cox had read Keating's *Foras Feasa* in translation and was evidently hostile to its assertion of an ancient and independent Irish Catholic nation, Cunningham, *The World of Geoffrey Keating*, pp 209-11; idem., 'Language, Literature and Print in Irish, 1630-1730' in Jane Ohlmeyer (ed.), *Cambridge History of Ireland: Vol. II, 1550-1730* (Cambridge, 2018), p. 439.

in full with the reign of Henry II. As a lawyer, his affinity for legal and chancery documents is evident and he provides insight into Irish history from an English perspective which the other three authors cannot provide.

When writing about histories published in the Restoration period, certain titles may be expected to appear. Key texts are notable in this period for their impact or wide dissemination, such as John Temple's *History of the Irish Rebellion* (1646) which was reprinted in 1676 but was popular throughout the period. However, as the focuses of these texts is usually far more limited in timeframe (as is the case with the histories of the 1640s) or in scope (as with Borlase's *Reduction of Ireland* or Stewart's history of Scottish Protestants in Ulster), they will not be called upon in the first instance as the basis of each chapter. This thesis is not a history of those texts whose impact is greatest, or of their publication histories, but instead comprises a survey of the mindset and intellectual languages of writing in Restoration Ireland. These texts all have their place in supplementing the four key texts already outlined, fleshing out the different themes of history in this period. Each of these texts contains potential positions regarding the Irish past and its present and to focus primarily on the most popular texts runs the risk of missing other, less known, texts which may be just as enlightening. This is the case with Stewart, for example, whose location of dissenting Protestant norms in the early Irish church provides an otherwise-absent counterpoint to more mainstream Protestant histories. That certain texts were more or less popular than others may be revealing in certain cases and will be taken into account when discussing their intellectual content where notable. Likewise, the comparisons of different editions of the same text may yield benefits but cannot be accomplished in all instances due to the limitations of time and length.

The significance of texts to this thesis is not based primarily in terms of their physical dissemination. While it is useful to look at the reproduction or popularity of certain texts over others, significance is understood here in terms of the conceptual importance of these works; the text's intellectual content as it relates to the themes of

identity discussed. A social or political vocabulary—or ‘language’—in this case presupposes that these texts are restricted in certain ways as to what concepts they can communicate or what intellectual positions the authors can take. This thesis seeks to understand texts in terms of the positions that the authors present and how these might constitute a language of identity or legitimacy. By examining the themes of identity and how they are elaborated upon, and shaped to different contexts, these patterns of thought can be examined and reveal something of how the authors understood themselves and their world. In some instances, texts may be significant—despite little evidence of dissemination—because they present a novel intellectual position or stand in opposition to texts whose impact is known to have been considerable. This is the case for the account given by Andrew Stewart, whose arguments had no discernible direct impact in the seventeenth century.¹⁸ Their accounts remain useful because they reflect an underrepresented Scottish Protestant minority in their attempts to locate their doctrines in the Irish past.¹⁹

In summary, the four key texts—histories selected for the depth and breadth of their coverage—provide the foundation of this thesis. They underline the themes which will be explored—constitutionalism and monarchy, religion, and ethnicity—and feature in each chapter. Around these four texts, additional texts will be arranged as relevant to the themes being discussed. This will largely include other published and unpublished histories, other writings from the authors, and relevant paratextual sources such as letters, pamphlets, and sermons which may future elaborate on these themes. The purpose of these themes is to provide a means of exploring the common languages of these texts in their different contexts; what kinds of concepts could be used or arguments made in certain contexts as opposed to others. In this way, how Restoration authors argued for or against the legitimacy of certain institutions may reveal something of how they saw these institutions, themselves, and their origins in the Irish past.

¹⁸ Indeed, Stewart’s unfinished account was not published until 2016.

¹⁹ Patrick Walsh, ‘Writing History: Andrew Stewart, Patrick Adair and their Narratives’, *Presbyterian History in Ireland: Two Seventeenth-Century Narratives*, ed. Robert Armstrong, Andrew R. Holmes, R. Scott Spurlock, and Patrick Walsh (Belfast, 2016), pp 29-46.

Literature Review I: State of the Literature

To provide clarity as to the conceptual framework, which is fundamentally tied to the secondary literature on identity formation and political languages, the literature review is divided into two parts. This first part examines the general state of the literature regarding Irish history, the Restoration period, and the key authors and themes already identified. The second part will focus on the theoretical and epistemological background to this thesis, namely the political sociology of national identity and the ‘Cambridge School’ of intellectual history.

As stated at the outset, this thesis seeks to fill a gap in the literature by examining identity in early modern Ireland in a manner that has not previously been undertaken. There are, however, several relevant texts which either facilitate and deepen this examination or which look at identity in Ireland in this period in other ways. For example, Ted McCormick presents a concise overview of Irish writing during the Restoration period and how it reflects the issues of that period in the *Cambridge History of Ireland*.²⁰ This work, however, is summative, befitting the stance of *Cambridge History* as reflections on the current condition of Irish historiography. It is also important to acknowledge, in particular, the substantial work that has been done by generations of historians on both history-writing and identity in early modern Ireland. Much of this has tended to focus on earlier periods, whether the Tudor conquest of Ireland, the Jacobean plantation of Ulster, or the tumultuous reign of Charles I and the Interregnum. Some authors stand out for their contributions in these areas. In more recent years, fuelled in part by work on the 1641 Depositions, historians have returned to the chaos of the 1640s. These more recent investigations have borne much fruit, but the focus of this thesis on deep history—rather than purely the memories of the 1640s—has allowed me to steer away from this area. This has been somewhat fortuitous, not just for sheer practicability, but also in allowing me to take a different tack and look at the comparatively under-studied Restoration period

²⁰ McCormick, ‘Restoration Politics’, pp 96-119.

instead. There are, of course, secondary sources relating to this period that must be acknowledged. Authors such as Bernadette Cunningham have provided case studies for understanding history-writing and identity with her work on Geoffrey Keating, which has proven especially useful for this thesis given the reliance of Restoration writers on Keating.²¹

This thesis overlaps most with the secondary publications which examine the relationship between history-writing and identity formation which reflect the interdisciplinary nature of this thesis, but which are also much broader in scope. For example, Dean Rankin's *Between Spenser and Swift* examines a broad swathe of early modern Irish literary history, including particular insights on the unique and somewhat tangential—but under-utilised—'Aphorismal Discovery'.²² Joep Leerssen's *Mere Irish and Fíor-Ghaeil* (1986) and Colin Kidd's *British Identities Before Nationalism* (1999) are further examples of this kind of publication, which are extremely useful to this thesis and tackle the question of identity. This thesis draws from these authors, and benefits greatly from their work, but the focus of this thesis on a deep reading of a selection of primary sources stands in contrast to the breadth of their respective approaches. Colin Kidd's approach exemplifies this kind of work. His attempt to examine the notion of race in early modern British and Irish thought relies on a broad, but sometimes shallow, reading of many sources. His examination of pre-modern ethnic identity is of significant epistemological interest to this thesis and so is examined in the following section, separately from the general secondary literature.

Along with Kidd, Matthew Neufeld is also of particular interest to this thesis. Neufeld's *The Civil Wars after 1660* (2013) presents an account of how the legacy of the

²¹ Cunningham, *The World of Geoffrey Keating*; it is important to recognise here, also, that Feliks Levin has recently furthered studies of Keating's writing by examining Keating's uses of the mythological Ulster Cycle, Feliks Levin, 'Representation of the tales of the Ulster Cycle in *Foras Feasa ar Éirinn*: sources and features of the retellings', *Studia Hibernica*, 44 (2018), pp 1-33; idem, 'Representation of the tales of the Ulster cycle in *Foras Feasa ar Éirinn*: organisation of discourse and contexts', *Studia Hibernica*, 46 (2020), pp 1-25.

²² Deana Rankin, *Between Spenser and Swift: English writing in seventeenth-century Ireland* (Cambridge, 2005).

civil wars remained relevant to the politics and culture of Restoration England. Despite a general attempt by the administration to move forward—aside from the pursuit of regicides—the memories and after-effects of conflict remained current for many. One crucial aspect outlined by Neufeld is an attempt by those in power to delineate a sort of official narrative, promoting works hostile to ‘puritan politics’ and censoring the publication of controversial material.²³ Notably, Toby Barnard points to this policy being enacted in Ireland, with Ormond censoring the publication of works that would enflame tensions, such as sermons calling for the commemoration of October 1641.²⁴ Here we can see some sense of the importance ascribed to controlling the historical record and using this as a means of political agenda-setting. Neufeld’s work is focused on ‘public remembering ... the process of constructing and disseminating presentation of public events’ and the exercise of control over this process can be seen to embody an attempt to set which discourses are legitimate and which are not.²⁵ One example outlined by Neufeld is the perception of a widespread Puritan conspiracy to unsettle the social order and foment further dissent. In essence, ‘puritanism’ is charged not just with inspiring the civil wars but also continuing to unsettle the Stuart kingdoms after the Restoration. Neufeld’s focus is on England but this same theme can be seen in Ireland during the early Restoration period, particularly in Patrick Adair’s account.²⁶ The unreconciled differences between Protestant sects do give way to a semblance of a united front against Catholicism but the relationship between how events are recalled and the environment in which the recollection takes place is an important one for this thesis.

²³ Neufeld, *The Civil Wars after 1660*, pp 20-21

²⁴ Toby Barnard, *Irish Protestant Ascents and Descents, 1641-1770* (Dublin, 2004), p. 118; idem, ‘The Uses of 23 1641 and Irish Protestant Celebrations’, *English Historical Review*, 106:421 (Oct. 1991), pp 892-3; see also Gibney, *The Shadow of a Year*, pp 28-9.

²⁵ Neufeld, *The Civil Wars after 1660*, pp 8-9.

²⁶ Adair recounts ‘Jesuits and Presbeterians’ being listed by Jeremy Taylor, then bishop of Down, as ‘the persons who were greatest enemies to Monarchy and most disobedient to Kings’, in ‘A True narrative of the rise and progress of the Presbyterian Government in in the north of Ireland’, in *Presbyterian History in Ireland: Two Seventeenth-Century Narratives*, ed. Robert Armstrong, Andrew R. Holmes, R. Scott Spurlock, and Patrick Walsh (Belfast, 2016), p. 239.

The importance of the past and how narratives of the past could be reshaped to fit new intellectual contexts can be seen in Blair Worden's work on Edmund Ludlow and John Toland. Examining the memoirs of the regicide Ludlow, Worden traces the evolution of this text, asserting that Ludlow's original manuscript was later rewritten by Toland, a theologically transgressive radical. Published over a decade after Ludlow's death, Worden asserts that Toland excised Ludlow's strenuously puritan convictions in favour of the Whiggish sensibilities of Toland's patrons and Toland's own deistic scepticism.²⁷ Worden identifies his hand in this through the use of favoured phrases borrowed from other writers, and the repetition of arguments and viewpoints established by Toland in pieces written under his own name. Worden establishes that Ludlow appears to be a man of his time, concerned with salvation—invoking scripture in the title of his original manuscript—and hoping that the execution of his fellow, godly, regicides would be avenged by supernatural forces. Toland's Ludlow is a man divorced from his own time and place, from his own views and the conditions which shaped them, to make a case suited for Toland.

Some authors have received particular attention from historians, with comprehensive and notable studies of John Lynch done in the last two decades. Ian Campbell is key here, having written several crucial studies of Lynch's writings. Campbell's doctoral thesis focuses on Lynch's *Alithinologia* (1664) and *Supplementum Alithinologiae* (1667), and its primary benefit to *this* thesis is in the intellectual context that Campbell gives for Lynch.²⁸ These two texts by Lynch are less relevant to this thesis as they are more explicitly intended as defences of the moderate faction of the Irish Confederates during the 1640s, against the insinuations of the hardline Richard O'Ferrall.²⁹ The key contributions of Campbell's examinations of these texts to this thesis are in his demonstration of the applicability of Cambridge School approaches and his assessment of Lynch's intellectual

²⁷ Blair Worden, *Roundhead Reputations: The English Civil Wars and the Passions of Posterity* (London, 2001), pp 110-6.

²⁸ Ian Campbell in 'Alithinologia: John Lynch and seventeenth-century Irish political thought' (PhD thesis, TCD, 2008).

²⁹ The dispute between Lynch and O'Ferrall is laid out in P.J. Corish, 'Two Contemporary Historians of the Confederation of Kilkenny: John Lynch and Richard O'Ferrall' *IHS*, 8:31 (Mar., 1953), pp 217-36.

influences and socio-political outlook, upon which Campbell has since further expanded.³⁰ Other works on Lynch further examine his intellectual and rhetorical influences, such as Nienke Tjoelker's work on Lynch's Ciceronian influences and Bernadette Cunningham's examination of Geoffrey Keating's impact on Lynch's writing.³¹ More can be gained by comparing *Cambrensis Eversus*—along with Lynch's other writings— and its themes regarding the Irish past with contemporary Restoration histories, thus placing Lynch in a new context.

Some of these works also demonstrate alternate approaches to the study of identity in early modern Ireland. In his *Aisling Ghéar* (1996), Breandán Ó Buachalla approaches his study of Stuart loyalism in seventeenth-century Ireland by looking at a multitude of primary sources, including bardic poems and popular ballads in Irish and English.³² This thesis draws on Ó Buachalla in places, particularly in the chapter on monarchy and ethnicity, but *Aisling Ghéar* demonstrates a very different and fruitful approach to understanding the development of concepts across texts, albeit one with an extraordinary scope. Where this thesis is focused on a deep reading of a selection of key texts with supplementary paratextual sources, Ó Buachalla was—by contrast—able to marshal an exceptionally broad range of material, including over 600 Irish-language songs and poems.³³ This kind of secondary examination of a broad tranche of brief sources—in some cases single stanza poems and doggerel verses—provides examples of the material which can be paratextual to deep readings of lengthy histories. In this way, the kind of work undertaken by Ó Buachalla, with its completely different source material from that which

³⁰ His further expansion of Lynch's political influences can be found in Ian Campbell, 'John Lynch and Renaissance Humanism in Stuart Ireland: Catholic Intellectuals, Protestant Noblemen, and the Irish Republica', *Éire/Ireland*, 45:3/4 (Fall/Winter, 2010), pp 27-40; idem., *Renaissance Humanism and Ethnicity Before Race: The Irish and the English in the Seventeenth Century* (Manchester, 2013).

³¹ Nienke Tjoelker, 'Irishness and literary *persona* in the debate between John Lynch and O'Ferrall', *Renæssanceforum*, 8 (2012), pp 167-92; Bernadette Cunningham, 'Representations of king, parliament, and the Irish people in Geoffrey Keating's *Foras Feasa ar Éirinn* and John Lynch's *Cambrensis Eversus* (1662)' in Jane Ohlmeyer (ed.), *Political Thought in Seventeenth-Century Ireland: Kingdom or Colony* (Cambridge, 2000), pp 131-154.

³² Breandán Ó Buachalla, *Aisling Ghéar: Na Stíobhartaigh agus an tAos Léinn* (1996, Dublin).

³³ This figure does not include the many English-language songs and poems also referenced in his text.

forms the basis of this thesis, is entirely complementary by demonstrating concepts and ideas of identity and legitimacy outside of lengthy histories.

Much of the focus of Irish historians on the interconnectedness of memory, identity, and writing about the past has been on the legacy of 1641. While this thesis is much less concerned about the 1640s than on deep history, it is worth acknowledging what has been accomplished in recent years. Two books, one by Eamon Darcy and another by John Gibney, stand out in exploring how the reception of 1641 was shaped by the circumstances of civil war and how it—in turn—would shape narratives of Irish history. Aside from examining the truthfulness of accounts to determine the pure ‘facts’ of 1641, we can contextualise these accounts and chart how they were influenced and how they in turn would influence later narratives. Darcy, in part following Ethan Shagan, places accounts of 1641 within a tradition of English Protestant ‘civility’ and its struggle against ‘Scythian’ savagery. While Shagan places the reception of 1641 accounts in England in the context of the similarly-reported excesses of the Thirty Years Wars and the broader context of Reformation and Counter-Reformation,³⁴ Darcy looks elsewhere. Darcy points to the violence of the Nine Years War in Munster as reported in ‘The Supplication of the Blood of the English’ (1598), but also reactions to Native American attacks on colonies in Virginia.³⁵ These past outrages provide a framework through which English observers might have understood the ‘event’ of the 1641 Rebellion and which then shaped their reactions. Looking at the impact of 1641 in the following decades, Darcy points to a confessional divide between a ‘Protestant’ narrative and a ‘Catholic’ narrative reacting to it, between 1647 and 1662.³⁶ The loose Protestant narrative served as a martyrology and also legitimation for both the 1652 and 1662 Acts of Settlement, while the Catholic narrative attempted to refute its accusations. Darcy chooses not to extend this analysis further into

³⁴ Ethan Shagan, ‘Constructing Discord: Ideology, Propaganda, and English Responses to the Irish Rebellion of 1641’, *Journal of British Studies*, 36:1 (Jan., 1997), pp 4-34.

³⁵ Darcy, *The Irish Rebellion of 1641*, pp 24-47.

³⁶ *Ibid.*, pp 132-67.

the Restoration period and ultimately gives the perception of a wholly reactionary 'Catholic' narrative that struggles to construct its argument.

John Gibney, however, extends his examination of the reception past the Restoration period, into the nineteenth century and the advent of what might be seen as 'rational' or non-partisan history. His focus is on the historiography of 1641, continuing the unfinished work of Walter Love and examining the relationship between 'how the Irish past was remembered ... and who was remembering it'.³⁷ Like Darcy, Gibney contextualises the accounts of 1641 and sees the continuity between the 1652 and 1662 Acts of Settlement in their reliance on these accounts for justification. He places these accounts within a pattern of reformation and counter-reformation and sees them setting the agenda of the 'Protestant interest' of the 1650s and '60s, which he defines as political anti-Catholicism.³⁸ Unlike Darcy's more limited scope, Gibney's broader period of study allows him to note that the Jacobite Wars in Ireland were portrayed by Protestants as a reprisal of 1641. However, this presents a missed opportunity as he does not note that Irish Catholics likewise used *their* narrative of Protestant violence in the 1640s to support a narrative in which 'anti-monarchical' Williamites had unlawfully deposed James, their rightful king. As with Matthew Neufeld, these works by Darcy and Gibney demonstrate not only how the past could be contested but how this contestation could be contingent on the political context in which it takes place.

The most recent significant contribution to the connection between writing about the past and identity is Nicholas Canny's *Imagining Ireland's Pasts* (2021). This is a chronological examination of the kinds of histories written between the fifteenth and the late-nineteenth centuries about Ireland's past. While intended by Canny to be something of a sequel to his *Making Ireland British* (2001), focusing on print sources instead of the earlier work's focus on manuscript sources, the scope of this new work expands well

³⁷ Gibney, *The Shadow of a Year*, pp 12-5; see also idem., 'Walter Love's "Bloody Massacre": an unfinished study in Irish cultural history, 1641–1963' in *Proceedings of the Royal Irish Academy. Section C: Archaeology, Celtic Studies, History, Linguistics, Literature*, 110C (2010), pp 217-237.

³⁸ Gibney, *The Shadow of a Year*, pp 36-7.

beyond the original early modern timeframe.³⁹ *Imagining Ireland's Pasts* and this thesis share a goal in examining the construction of identities through history-writing, however, they are distinct in terms of approach. The sixteenth century and the first half of the seventeenth are both well-served by Canny's work, yet the coverage of the Restoration period is comparatively summary. Only brief mention is made of Lynch, Walsh, and O'Flaherty, with more space devoted to an overview of the apocalyptic language developed by Protestant authors from Temple to William King, via Robert Ware. Printed works published between 1660 and 1691 receive fewer than ten pages altogether and the main focus in this section of the book is on what these histories can say about the 1640s, and 1641 in particular.⁴⁰ As such, this work is instead primarily aimed at tracing the broad arcs of Irish historiography rather than focusing on a particular period in depth. Indeed, Canny's comments on Ussher, Ware, and Temple feature in this thesis' chapters on religion and final chapter on monarchy and ethnicity.

Work has also been done by historians on the political theories current in Ireland during the seventeenth century, with some focus on the Restoration period, yet the 1640s still dominate the historiography.⁴¹ This area of historical research—and this thesis—has long been indebted to the work of Aidan Clarke. Clarke's work, while primarily focused on the earlier half of the seventeenth century, contextualises much of the political debate of

³⁹ Nicholas Canny, *Making Ireland British, 1580-1650* (Oxford, 2001); idem, *Imagining Ireland's Pasts: Early Modern Ireland through the Centuries* (Oxford, 2021), vii-viii; this latest work also represents something of an expansion of his 2018 chapter, idem, 'Afterword: Interpreting the History of Early Modern Ireland: From the Sixteenth Century to the Present', in Jane Ohlmeyer (ed.), *The Cambridge History of Ireland, Vol. 2: 1550-1730* (Cambridge, 2018), pp 638-63.

⁴⁰ Idem, *Imagining Ireland's Pasts*, pp 98-107; Cox's *Hibernia Anglicana* is mentioned in the following chapter, solely for its role in precipitating the release in 1722 of the papers of Ulick Burke, Marquess of Clanricarde, by insinuating his motivations in the negotiations with the Duke of Lorraine, in *Ibid.*, p. 127.

⁴¹ This is not necessarily a problem in and of itself as observers during the Restoration period clearly perceived themselves as living in the shadow of those difficult years; as Micheál Ó Siochrú notes, 'The slate was not wiped clean with the return of Charles II to London and many problems remained unresolved and savagely contested', in 'Rebuilding the past: The transformation of early modern Irish history', *The Seventeenth Century*, 34:3 (2018), p. 382; in certain respects, as in military and political history, breaking down rigid periodisation to look at larger trends and patterns can be beneficial, as seen with Pádraig Lenihan, *Consolidating Conquest: Ireland 1603-1727* (Harlow, 2008); Pádraig Lenihan and John Jeremiah Cronin, 'Wars of Religion, 1641-1691', in Jane Ohlmeyer (ed.), *Cambridge History of Ireland: Vol. II, 1550-1730* (Cambridge, 2018), pp 246-70.

the Restoration period.⁴² Bearing this in mind, most of the work done on the Restoration period in Ireland has been political history. These political histories are still hugely important to this thesis in setting out the political context of Restoration texts.⁴³ Work on memory and identity formation in the Restoration period has focused on the afterimages of the 1640s, as in Gibney and Darcy.⁴⁴ Danielle McCormack has notably attempted to bridge the gap by examining how the contestation of the Cromwellian land settlement during the early 1660s fuelled a war of letters. A key distinction which McCormack makes in evaluating the contestation of the Restoration settlement in Ireland is how this contest was legitimised or castigated by those participating in the struggle over land and power. Holding onto land was critical to both ‘parties’—the Protestants and Catholics of Ireland—but also retaining ‘ownership of historical record and an ability to justify the actions of one’s political grouping’.⁴⁵ Here, political identity is important to self-identification, intersecting and overlapping with confessional identity and teased out through debates and the ubiquitous pamphleteering of the day. McCormack’s examination of Protestant interest comes mostly through the works of Orrery. Her focus on the politics of interest, a recurring theme throughout Orrery’s writing, to delineate a Protestant identity is confined to the early 1660s, rarely edging past 1666. While she disagrees with Anne Creighton’s view that Catholic arguments couched in historical justifications were futile, the confines of her study also prevent her from exploring the 1689 parliament and its enactment of policies based on these same arguments.⁴⁶

⁴² This is most crucial for studies of the Old English and the constitutional arguments around Irish legislative independence borne out of a hyphenated Old English political experience, i.e.. Aidan Clarke, ‘The History of Poynings’ Law, 1615–41’, *IHS*, 18:70 (1972), pp 207-22; idem., ‘Colonial identity in early seventeenth-century Ireland’ in T.W. Moody (ed.), *Nationality and the Pursuit of National Independence: Historical Studies XI* (Belfast, 1978), pp 57-72; idem., ‘Colonial Constitutional Attitudes in Ireland, 1640-60’ *Proceedings of the Royal Irish Academy*, 90c (1990), pp. 357-75; idem., ‘Patrick Darcy and the constitutional relationship between Ireland Britain’ in Jane Ohlmeyer (ed.) *Political Thought in Seventeenth-Century Ireland: Kingdom or Colony* (Cambridge, 2000), pp 35-55.

⁴³ Coleman Dennehy’s edited collection is particularly important as an attempt to identify and answer some of the unanswered questions of this period, Coleman Dennehy (ed.) *Restoration Ireland: Always Settling and Never Settled* (Aldershot, 2008).

⁴⁴ John Gibney’s account of the Popish Plot of the late 1670s and its roots in that earlier period is also notable in this regard, *Ireland and the Popish Plot* (Basingstoke, 2009).

⁴⁵ Danielle McCormack, *The Stuart Restoration and the English in Ireland* (Woodbridge, 2016), p. 4.

⁴⁶ *Ibid.*, pp 23-4.

Histories of religion during the Restoration period in Ireland are in a stronger position, with recent works examining the relationship between the theological positions of the Church of Ireland and its political situation after the Restoration. This thesis has benefitted from the work of Alan Ford, John McCafferty, and Jack Cunningham which focuses on some of the preeminent bishops of the Protestant Church of Ireland.⁴⁷ While the bishops at the centre of these works—James Ussher and John Bramhall—died in 1656 and 1663 respectively, their programme of reformation set the course for the established church through the Restoration period. Not only this but their reputation—particularly that of Ussher—could be levied to lend legitimacy to later arguments, most notably in the case of the forger Robert Ware.⁴⁸ In terms of the political situation of the churches of Ireland, the Church of Ireland looks increasingly well-served by recent historical research. Kathryn Sawyer Vidrine looks at what Restoration meant for the Church of Ireland in terms of both doctrinal redefinition and institutional reconstruction, intersecting the politics of religion and religious practice.⁴⁹ Work has also been done on perceptions of the past among early modern Protestant Irish churchmen and the drive to shape a historical narrative for the Church of Ireland, independent of that of Rome, which could accommodate conflicting theological drives.⁵⁰ These theological conflicts within Irish

⁴⁷ Alan Ford, *James Ussher: Theology, History, and Politics in Early-Modern Ireland and English* (Oxford, 2005); idem., “‘Making Dead Men Speak’: Manipulating the memory of James Ussher”, in Mark Williams and Stephen Paul Forrest (eds), *Constructing the Past: Writing Irish History, 1600-1800* (Woodbridge, 2010), pp 49-69; idem., ‘Shaping History: James Ussher and the Church of Ireland’ in Mark Empey, Alan Ford, and Miriam Moffitt (eds) *The Church of Ireland and its Past: History, Interpretation and Identity* (Dublin, 2017), pp 19-35; John McCafferty, *The Reconstruction of the Church of Ireland: Bishop Bramhall and the Laudian Reforms* (Cambridge, 2007); Jack Cunningham, *James Ussher and John Bramhall: The Theology and Politics of Two Irish Ecclesiastics of the Seventeenth Century* (Aldershot, 2007).

⁴⁸ Diarmaid MacCulloch outlines Robert Ware’s forgeries of his father, James Ware, and Protestant authorities in the chapter ‘Forging Reformation History: A Cautionary Tale’, *All Things Made New: Writings on the Reformation* (Oxford, 2016), pp 321-58; idem., ‘Foxes, Firebrands, and Forgery: Robert Ware’s Pollution of Reformation History’, *Historical Journal*, 54:2 (June, 2011), pp 307-46; Mark Empey, ‘Creating a usable past: James and Robert Ware’, in Mark Empey, Alan Ford, and Miriam Moffitt (eds), *The Church of Ireland and its Past: History, Interpretation and Identity* (Dublin, 2017), pp 36-56.

⁴⁹ Kathryn Sawyer (Vidrine), ‘Belief in Power: Building a National Church of Ireland, 1660-1689’ (PhD thesis, University of Notre Dame, 2018); see also idem., ‘True Church, National Church, Minority Church: Episcopacy and Authority in the Restored Church of Ireland’, *Church History*, 85:2 (June 2016), pp 219-45. I am extremely grateful to Kathryn Sawyer Vidrine for sending a copy of her thesis to me.

⁵⁰ Alan Ford, ‘The Irish Historical Renaissance and the Shaping of Protestant History’, in Alan Ford and John McCafferty (eds), *The Origins of Sectarianism in Early Modern Ireland* (Cambridge, 2005), pp 127-57.

Protestantism would only grow over the course of the Restoration and so, too, grew the conflict over the past.⁵¹ Less has been written on the matter of identity and religious affiliation, with much of the work in this area focusing on the 1640s, though the work of Robert Armstrong stands out in this regard.⁵²

This thesis has also benefitted greatly from recent critical editions and translations of primary material. Key among these is Richard Sharpe's edition of Roderick O'Flaherty's correspondence, which not only provides crucial paratextual information but also contains Sharpe's exceptional biography and assessment of O'Flaherty, his work, and his social network.⁵³ Similarly, the publication of a new edition of Patrick Adair's 'Narrative' and—for the first time—Andrew Stewart's 'Short Account', coupled with critical assessments of these authors and their works, has greatly aided the discussion of religion in this thesis.⁵⁴ Likewise, Patrick Kelly has provided editions of both William Domville's 'Disquisition' regarding the legislative independence of the Irish parliament (1660) and the related *Case of Ireland's Being Bound by Acts of Parliament in England Stated* (1698).⁵⁵ Kelly's work on both of these sources demonstrates the continuity between them, with the two men not only related by marriage but Molyneux's argument is also heavily indebted to that of Domville. Kelly provides numerous instances where Molyneux's *Case* lifts directly from

⁵¹ Crawford Gribben delineates the timbre of Protestant belief in Ireland following Cromwellian settlement, presaging some of the religious disputes of the Restoration, *God's Irishmen: Theological Debates in Cromwellian Ireland* (Oxford, 2007); the growth of this divide is set out by Richard Greaves in *God's Other Children: Protestant Nonconformists and the Emergence of Denominational Churches in Ireland, 1660-1700* (Stanford, California, 1997).

⁵² Robert Armstrong, *Protestant War: The 'British' of Ireland and the Wars of the Three Kingdoms* (Manchester, 2005); idem., 'Of Stories and Sermons: Nationality and Spirituality in Presbyterian Ulster in the Later Seventeenth Century' in Robert Armstrong and Tadhg Ó hAnnracháin (eds) *Community in Early Modern Ireland* (Dublin, 2006), pp 215-32; and, drawing parallels between the churches of the early modern Celtic fringe with regard to the politics of national identity and vernacular language amid reformation and counter-reformation, 'Conclusion: Celtic Christianities in the Age of Reformations: Language, Community, Tradition and Belief', in Tadhg Ó hAnnracháin and Robert Armstrong (eds), *Christianities in the Early Modern Celtic World* (Houndmills, 2014), pp 179-95; idem., 'Establishing a Confessional Ireland, 1641-1691', in Jane Ohlmeyer (ed.), *The Cambridge History of Ireland, Vol. 2: 1550-1730* (Cambridge, 2018), pp 220-45.

⁵³ *Roderick O'Flaherty's Letters*, ed. Richard Sharpe.

⁵⁴ Patrick Adair and Andrew Stewart, *Presbyterian History in Ireland: Two Seventeenth-Century Narratives*, ed. Robert Armstrong, Andrew R. Holmes, R. Scott Spurlock, and Patrick Walsh (Belfast, 2016).

⁵⁵ Domville, 'A disquisition...', pp 16-69; William Molyneux, *The Case of Ireland's Being Bound by Acts of Parliament in England Stated*, ed. Patrick Kelly (Dublin, 2018).

Domville's 'Disquisition', providing a critical examination of how an older argument is repurposed for a new context. Another recent publication that presents a point of comparison is a critical translation of the *Poema de Hibernia*, a lengthy Neo-Latin Jacobite poem—originally composed between 1691 and 1693—which complements the work of Ó Buachalla.⁵⁶ Like *Aisling Ghéar*, the critical translation of this poem allows for additional paratextual reading of the key texts of this thesis, facilitating an examination of how certain ideas of kingship and ethnic identity were disseminated and understood.

The secondary literature also contributes greatly to establishing and delineating the themes that form the basis of the substantive chapters of this thesis. Most importantly, the theme of 'constitutionalism' emerged in works associated with the Cambridge School, notably J.G.A Pocock's *The Ancient Constitution and the Feudal Law* (1953), which is further examined by Kidd. 'Constitutionalism' can be examined to see how different groups in Ireland understood their loyalties to the Crown and to the parliament of Ireland. For example, the delegations made by Catholics to Whitehall at the dawn of the Restoration sought to reverse the Cromwellian settlement by arguing for the illegitimacy of an act legislating for Ireland being passed in England.⁵⁷ In doing so they bypassed the Irish parliament, appealing directly to the king, while still arguing from a legal, constitutionalist viewpoint.

Kidd and Pocock both see a particular strand of constitutionalism—immemorialism—pre-dominating in early modern English political thinking, a conflation of proto-ethnic Anglocentricism and political and legal conventions. For the political thinkers identified by Kidd, the laws and liberties of Englishmen were both ancient and immanent, morphing in the seventeenth century into what he terms 'Gothicism', that the immemorial legacy of personal freedom and civility enshrined in English law—and rescued from the oppositional scourge of 'Normanism'—came to be seen as a wholly Anglo-Saxon

⁵⁶ *Poema de Hibernia: a Jacobite Latin Epic on the Williamite Wars*, ed. Pádraig Lenihan and Keith Sidwell (Dublin, 2018).

⁵⁷ These survive in two copies, BL Add. MS 4781 and MSS 35850-1.

inheritance.⁵⁸ This is an expansion of Pocock's account, and in both the 'Gothic school' poses an obvious contradiction in reconciling the supposed antiquity and exceptionality of English common law with its supposed origins on the continent.⁵⁹ Pocock however devotes far more time to the subject of Sir John Davies and his impact on thinking about common law. The fact that Davies was writing in Ireland on the subject of common law versus the traditional Irish legal system is not lost on Pocock. Kidd misses the chance to elaborate on this contestation where civility, Protestantism, common law, and Englishness are contrasted against the barbarism and chaos of Irish customs and culture. The cultural significance of common law and parliamentary representation is thus set as distinctly English and the fact that Catholics in Ireland did find themselves engaging with these Protestant-dominated institutions throughout the seventeenth century is barely explored. Kidd also dismisses Catholic appeals to constitutionalism after 1641, claiming they proved a dead-end, yet the Catholic representatives in the 1660-1 Whitehall debates did return to these arguments.⁶⁰ The two chapters on perceptions of the early modern Irish constitution engage heavily with these readings of constitutionalism.

Literature Review II: Early Modern National Identity and Ethnic

The search for identity in the early modern period is not a new one but identity is yet still contentious and difficult to demonstrate with certainty. Colin Kidd presents a broad overview of 'British' identity in early modern Britain and Ireland, through the 1600s and into the long seventeenth century, in intellectual thought. Specifically, Kidd argues that this identity is best examined as either religious (or confessional identity) or as an

⁵⁸ Kidd traces this as far as the American Revolution, with American colonists effectively claiming their natural rights as English people to liberty, *British Identities Before Nationalism*, pp 267-79; this does create a situation where it is not clear from Kidd's text whether the rebellious colonists are innately free as English people or ultimately they are politically 'Englished' through the act of reclaiming their freedom from British 'Normanism'.

⁵⁹ Pocock, *The Ancient Constitution and the Feudal Law*, p. 64.

⁶⁰ Kidd, *British Identities Before Nationalism*, pp 154-5; Ian Campbell brings up defences of common law by John Lynch against other Catholic Irish writers in his *Supplementum Alithinologiae* (1667), in *Renaissance Humanism and Ethnicity Before Race*, p.41.

institutional identity, rather than along grounds of ethnicity. He argues that sociological theories of *ethnie* are insufficient to explain what he sees as the pre-eminence of confessional and political identity in the form of loyalty to a monarch, as the personal incarnation of sovereignty.

First, we must quickly examine what is meant here by 'ethnie'. Anthony D. Smith argues that, contrary to strictly modernist theories of nationality and nationalism, which link the state and nation, proto-national identity can be found in pre-modern societies. In this case, national identity is manifest in the 'sense of continuity on the part of successive generations of a given cultural unit of population'.⁶¹ What defines a person's identity is their identification with cultural artefacts, the 'myths of common ancestry, shared historical memories, and one or more common elements of culture'. These cultural elements can be political or religious in nature and are inextricably linked with a person's sense of group history.⁶² This definition of an 'ethnic community', or *ethnie*, is useful in that it allows us to think of this sense of identity being emergent and contingent on a particular, shared reading of the past at a given point in time. The danger here for historical research is in establishing the historicity of these cultural artefacts and that their reception and reproduction does demonstrate proof of a shared sense of identification with a common culture. Smith's focus on the *longue durée* affords him the ability to talk in abstract but the pursuit of forms of identification over a shorter term requires specificity and a greater focus on establishing the dissemination of these concepts.

Smith has sometimes been classified as a 'primordialist', a theorist of national identity who places the formation of nations in the past, as opposed to the predominant 'modernist' theories. Modernists place the pivotal moment of the development of nations in European modernity, with the French Revolution of 1789 as typified in the work of

⁶¹ Anthony D. Smith, *National Identity* (Oxford, 1991), p. 25.

⁶² Idem, *The Ethnic Origin of Nations* (Oxford, 1986), p. 32; idem, *Myths and Memories of the Nation* (1999), pp 12-4.

Ernest Gellner, or the creation of vernacular public spheres as in Benedict Anderson.⁶³ Smith instead sees quasi-national group identities as a recurring, emergent phenomenon in history. Smith points to religiously-inspired group identities such as the ancient Israelites, who self-consciously presented their collective sense of history through the careful selection and compilation of texts which became the *Tanakh*. Nation-states, Smith argues, might be a development of European modernity, but quasi-national ethnies, group identities borne out of collective memory, appear time and time again. This distinction between modernism and the supposed primordialism of Smith, however, both present problems and the ascription of primordialism to Smith is fundamentally flawed. Primordialism is better thought of as the claim that nations of today descend directly from those of the past, as exemplified in Johann Gottfried Herder's claims that nations each possess their own distinct languages and cultural characteristics demonstrated over time.⁶⁴ As Alexander Motyl notes, categorising Smith as a primordialist misses that his work does not seek to establish direct connections from the ethnies of the past to present nations:

*The fact that nations existed several thousand years ago does not prove the central claim of primordialism, that the nations of today can be traced back thousands of years ... There may be no connection between the Hittites who inhabited ancient Anatolia and the Turks who venerate Ataturk.*⁶⁵

⁶³ Ernest Gellner, *Nations and Nationalism* (London, 1983); Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (1983, London; revised ed. 2006); Gellner's theories in particular have been criticised for missing the early modern roots of nations, most notably by Philip Gorski in 'The Mosaic Moment: An Early Modernist Critique of Modernist Theories of Nationalism', *American Journal of Sociology*, 105:5 (Mar., 2000), pp. 1428-68; Gorski focuses on the sixteenth- and seventeenth-century Dutch Republic to argue that not only *could* recognisable 'nations' be imagined by early modern people, but political ideology also exist in service and defence of those socially constructed identities.

⁶⁴ Johann Gottfried Herder, *Treatise on the Origin of Language*, trans. Michael N. Forster (Oxford, 2002); for Herder, language is the central facet of any nation and inseparable from national character, as—to him—each language contains within in it the characteristics of its first speakers and that language thus shapes the thoughts and actions of current speakers.

⁶⁵ Alexander J. Motyl, 'Review: Imagined Communities, Rational Choosers, Invented Ethnies', *Comparative Politics*, 34:2 (2002), p. 241; Motyl's key point is that Smith's work is entirely consistent with a social constructivist, perennialist approach to theories of nations and nationalism.

That nationalisms typically draw upon primordial themes, and ethnies likewise can draw from imagined pasts, is not meant to be demonstrative of any actual connection or continuity. Essentially, acknowledging that an ethnic or national identity claims primordial origins is not itself primordialism. Smith would be better classed as a perennialist, and a distinction drawn between perennialism and primordialism, where perennialism acknowledges the emergent character of national and ethnic identities prior to modernity. Susan Reynolds—whose regnal theory Kidd relies upon—could also be considered a perennialist by this rationale. That belief in continuity, or claim to continuity, is—of course—central to the formation of an ethnie, and is at the core of this thesis. *How* did writers of Irish history lay claim to continuity with the past, and in what context? In suggesting regnalism, Kidd does also presents suggestions for the continuity and legitimacy that appear to matter most for early modern authors.

Regnalism emphasises the place of the monarch, and their own mythic genealogy, as representative of a people's descent and mythic origins. An example in an early modern English context is the medieval legend of Brutus and the British people, explaining the toponym and demonym of Britain and the British, and the use of this legend by supporters of the Welsh-descended Tudors. This same Brutus provided an ancestor for Henry VII and his successors which could supplement and legitimate their claim to unify their English and British (i.e. Welsh) subjects. The Tudors could then claim, through descent from Brutus and the ancient Britons, to represent the unity of the Welsh and English peoples in their own persons. Kidd's contention is that this 'ethnic ficticity was an important adjunct of the politics of legitimacy throughout the early modern period'.⁶⁶ This use of regnalism certainly shows promise as an approach to Irish history, given the role of genealogy in Irish histories. For example, *Lebor Gabála Éirenn* and related myths of descent from prehistoric kings were still current in seventeenth-century Irish intellectual history. John Temple provides a disparaging comment to this effect, observing that 'the Irish want not many

⁶⁶ Kidd, *British Identities Before Nationalism*, p. 288.

fabulous inventions to magnify the very first beginnings of their Nation'.⁶⁷ Catholic Irish authors returned to these traditional accounts and attempted—as best they could—to rationalise and synchronise them against other European histories and pseudo-histories (and, in some instances, those from further afield). In these traditional accounts, the deeds of monarchs are central and early modern authors do not diverge from this. If anything, they further emphasise the importance of pseudo-historical Irish monarchs. This is particularly true of Peter Walsh and Roderick O'Flaherty who both present lists and summaries of these monarchs as core elements of their texts.

Ethnicity and race are nebulous terms in any case and Kidd does provide an examination of how a historian can approach the concept of national identity before nationalism. His agreement with the modernist view of the nation as a phenomenon emergent only in modernity, toward the end of the eighteenth century, causes him to doubt that Smith's *ethnie* is appropriate. Kidd instead proposes that regnalism is more appropriate for understanding institutional identity. Reynolds offers regnalism as a description of how, in a medieval view of kingship, 'the loyalties of kingship came to coincide with the solidarities of supposed common descent and law. Kingdoms and peoples came to seem identical'.⁶⁸ Kidd's placement of importance on religion and confessional identity also skews thinking towards what he terms 'ethnic theology', the 'Scriptural exegesis of racial, national and linguistic divisions' such that it encompasses a 'branch of theology in its own right'.⁶⁹

However, while Kidd sees early modern histories focusing on 'the institution of the regnum' over 'the ethnie', it can be difficult to see where the line between the two is drawn in these histories.⁷⁰ There is something of an assumption, also, that because early modern authors are reliant on earlier narratives that they are bound by the intellectual constraints

⁶⁷ John Temple, *The Irish Rebellion: or, an history of the attempts of the Irish papist to extirpate the protestants* (London, 1646; reprinted 1679), p.1

⁶⁸ Susan Reynolds, *Kingdoms and Communities in Western Europe, 900-1300* (Oxford, 1997), p. 264.

⁶⁹ Kidd, *British Identities Before Nationalism*, p. 11.

⁷⁰ *Ibid.*, p. 288.

of their sources. There appears to be little to suggest that this is the case, rather it is apparent that these authors read and interpret their sources within their own intellectual and theoretical contexts. This is not to be uncharitable to Kidd—who is aware of this—but serves to underline the importance of remembering that history-writing is a wilful and selective process and takes place in its own context. Specifically, even if regnalism is the most appropriate description of the kind of ‘national’ feeling offered by medieval texts, the early modern readers of those texts can and did draw their own conclusions as to how these pasts constituted the presents of their imagined communities. Indeed, modernist theories of the ‘nation’ which deny even any possibility of proto-national feeling have long been criticised. As Robert Burton Pynsent notes, Liah Greenfield had previously tackled Kidd’s primary assertion against pre-modern national feeling, with Greenfield arguing instead that national feeling was constitutive of modernity and not a product of it.⁷¹ In his study of the Holy Roman Empire, Peter Wilson notes that this concept of regnal identity has been advanced to account for notions of identity in the pre-modern era, particularly as regards medieval polities such as the Empire. Wilson suggests, however, that while regnalism can be useful, it can also distort how we perceive pre-modern national identity.⁷² In the case of the Holy Roman Empire, Wilson argues that regnalism is perhaps closer to how romantic nationalists of the nineteenth century viewed the former empire than how its subjects perceived it.

As Kidd does not fully explain why exactly he finds regnalism more suitable than Smith’s *ethnie*, beyond Kidd placing monarchy as the focal point of early modern political identity and rejecting the *ethnie* as too modern, we must turn to other comparisons of *ethnie* and regnalism. In examining Norwegian national identity in the late medieval

⁷¹ Robert Burton Pynsent, ‘Czech Nationalism after Dalimil and before Huss’, in Eva Doležalová and Jaroslav Pánek (eds), *Confession and Nation in the Era of Reformations: Central Europe in Comparative Perspective* (Prague, 2011), pp 9-11; Liah Greenfield, *Nationalism: Five Roads to Modernity* (Cambridge, Massachusetts, 1992), pp 18-23; Greenfield’s focus on this point is the case of early modern England, her argument being that English national feeling was solidified by the experience of reformation and the struggle between crown and parliament.

⁷² Peter Wilson, *The Holy Roman Empire: A Thousand Years of Europe’s History* (London, 2016), pp 276-78.

period, Erik Opsahl offers a comparison of regnalism and the *ethnie*. As Opsahl clarifies, the term ‘regnal’ is preferred by Reynolds because it centres political identification with the *regnum*—the monarchy—and away from the typical, and utterly unsuitable, nation-state model of classical political sociology. As Opsahl puts it, ‘the word “national” tends to draw the observer’s attention toward modern ‘nation-states’ with modern boundaries’.⁷³ This suggests a greater degree of compatibility between the *ethnie* and the *regnum*, as Smith distinguishes between the ‘*ethnie*’ as a description of a community of cultural solidarity—a ‘proto-nation’—and the modern nation, with its territorial bounding and focus on legal and political institutions.⁷⁴ With the place of common law a known certainty and no obvious alternative to the Irish parliament, the monarch is set as the central institution of government, encouraging this turn to an alternative, ‘ethnic’ model of ‘nationalism’ drawing from shared genealogy in an attempt to legitimate the monarchy. Regnalism, as Kidd understands it, appears to involve a uniting of the institutions of monarchy, the person of the monarch, their genealogy, and the ancestry and descent of their subjects. The question here being: is Kidd’s distinction between *regnum* and *ethnie* meaningful? Smith’s attempt to reconcile his theory with that of Reynolds suggests that the *regnum* could instead be considered a category of *ethnie*, a political community that centres itself on the institution of monarchy and—in many cases—imagines a shared origin through royal genealogy.

As stated previously, this thesis will take its epistemological cue from the Cambridge School of intellectual history to chart the formation of identity across texts. This historiographical approach to the problem of understanding ideas in their proper intellectual context—paralleling historicism in literature studies—is exemplified in the

⁷³ Erik Opsahl, ‘Norwegian Identity in the Late Middle Ages, Regnal or National?’, *Frühmittelalterliche Studien*, 51 (2017), pp 3-4.

⁷⁴ This distinction, Smith admits, ‘cannot be drawn too sharply’ as nations are always a work in progress and constantly emerging and declining but the most fundamental difference is that an *ethnie* relies on a sense of kinship while a nation relies on legal and political institutions central to state-building, Anthony D. Smith, ‘When is a Nation?’, *Geopolitics*, 7:2 (2002), p. 16.

work of Quentin Skinner and J.G.A. Pocock.⁷⁵ Pocock, along with Skinner, makes the case across his writings that political thought can be understood as a series of political ‘languages’. Within each ‘language’ certain claims or statements or ‘moves’ are possible and derived from their traditions, just as in everyday language sentences which would be understood by speakers are the ones that conform to its rules. What this means for historical inquiry is that contextualising ideas and thoughts involves determining how they fit within a political language. Certain claims can be made within their specific context and others cannot. Condemning the anachronous ‘reading in[to]’ of texts, of introducing ideas not intended by the original authors, Quentin Skinner reminded historians to both take heed of the social context of the text and think of ideas as being expressed within the realm of statements plausible for the time.⁷⁶ Societies may have more than one language in which to discuss concepts in different contexts and societies may prioritise one language over another. Pocock asserts that, for example, ‘theology’ may dominate ‘an ecclesiastical society, land tenure in a feudal society’ and ‘technology in an industrial society’.⁷⁷ In examining the various themes of history-writing in Restoration Ireland we will see that while motifs and references are repeated across these themes, in many ways they also represent distinct political languages with their own rules and priorities. For example, Henry II’s conquest of Ireland poses two different, and seemingly irreconcilable, lessons for an early modern writer concerned with the history of Protestantism on one hand and the legal constitution of Ireland on the other. A ‘speech act’ gains prominence relative to its ‘language situation’, or rather a claim made by an author may anticipate a response and is itself predicated on previous claims.⁷⁸ In this way a language can be understood as an

⁷⁵ John Dunn is also cited by Charette and Skönsberg as a key ‘founder’ of this movement, Danielle Charette and Max Skönsberg ‘State of the Field: The History of Political Thought’, *History*, 105:366 (2020), p. 473; John Dunn ‘The identity of the history of ideas’, *Philosophy*, 43:164 (1968), pp. 85-104.

⁷⁶ Quentin Skinner, ‘Meaning and Understanding in the History of Ideas’, *History and Theory*, 8:1 (1969), pp 3-53.

⁷⁷ Pocock, ‘The History of Political Thought’, pp 195-6.

⁷⁸ Idem, ‘The concept of language’ in Anthony Pagden (ed.), *The Languages of Political Thought in Early Modern Europe* (Cambridge, 1987), p. 28.

ongoing discussion between different speakers, or authors of history in the case of this thesis, making assertions that may then be confirmed or challenged by others.

Pocock's point that there is a 'gap' in historical writing 'between thinking and experience' is relevant as, however much a product of their society, texts are rarely a straightforward reflection of their contexts.⁷⁹ Skinner makes the case that intellectual history ought not to focus 'on texts or unit ideas', instead it should examine the 'social and political vocabularies of given historical periods'.⁸⁰ Each text is not simply a mirror to the values of its society but a position within a debate or a glimpse into how ideas were transmitted, debated, and shaped. Concepts and ideas should be examined across texts and the thematic arrangement of thesis will allow us to trace some of the concepts and arguments within these themes as used by their authors in particular contexts. There is a tension between this treatment of ideas in texts as not 'epiphenomenal', by-products of social and economic factors as argued by Marxist historians, and the fundamentally pragmatic, contingent nature clear in some of the arguments used in Restoration histories. This thesis will examine this tension, weighing the arguments made in histories against the contexts within which authors make their arguments. By charting the development of ideas and concepts within Restoration histories of Ireland we can make claims about the relationship between these contexts, of the role of identity and the political situation, and how, why, when, and where authors articulate ideas. This notion of identity will be particularly relevant throughout the thesis in different forms; ethnic, political, and confessional identities are all central to understanding the use and development of ideas in early modern histories.

⁷⁹ Idem, 'The History of Political Thought', p. 199.

⁸⁰ Collini, et al., 'What is Intellectual History?', pp. 46-54.

Chapter Overview

This thesis contains five substantive chapters, each of which touches upon one of themes previously outlined:

Constitutionalism I: The Ancient Constitution

This chapter explores the historical origins and role of the Irish parliament. Though only two parliaments sat during the Restoration period, one at either end of the period, the institution itself was both a site of contestation and contested itself. The post-Cromwellian exclusion of Catholics from the Irish parliament allowed the Cromwellian settlement to be reinforced in part, only for both to be reversed temporarily by James II's parliament nearly thirty years later. The relationship between the English and Irish parliaments and the king's role in both was central to debates around the Irish parliament and its prerogative and in acts passed by both parliaments. History was used in both instances as justification for these arguments, with Irish Protestant and Catholic elites both seeming to assert the legislative independence of the Irish parliament when it most suited their own interests.

Constitutionalism II: Conquest

Building upon the previous chapter, this second part to the exploration of constitutionalism in Irish histories explores the notion of 'conquest' and its implications for histories of common law and parliament in Ireland. These institutions were understood to have been implanted during the Norman conquest of Ireland and secured during the sixteenth and early seventeenth centuries. This chapter examines how writers of Irish history reconciled this awareness with their identification with these institutions. In so doing, we can uncover how the notion of 'conquest' was perceived regarding Ireland's relationship with England, and how these arguments permeated into politics. The impact of natural law theory felt towards the end of the seventeenth century provides a significant point of comparison between the 'Disquisition' of Domville and Molyneux's 'Case'. Aspects

of Domville's examination of the constitutional history of Ireland are retrofitted by Molyneux, repurposed to fit an argument built around natural law.

Religion I: The Churches of Ireland

Protestant and Catholic authors sought legitimacy for the respective confessions as the rightful church of Ireland through some connection to a nostalgified Patrician church. Writers of religious history sought to justify their respective faiths' missions through connection with the early medieval church of St Patrick, essentially embodying the 'true' church of Ireland, while arguing that other sects had lost their way and become socially destabilising forces. The Catholic counter-reformation had already presented the means for Irish Catholics to present their claim to represent the true faith, its adherents besieged and deprived by 'heretics' for their continued adherence to this faith. Protestant theologians connected their faiths with the ancient church of St Patrick. They separated the connection between the actual institution of the medieval Irish church from a set of views—namely independence from Roman authority—which it was believed to have held and with which Protestants could identify.

Central to this chapter is the case of St Patrick's Purgatory, a medieval centre of pilgrimage famous across Europe which presented a locus of the doctrinal dispute between its Catholic adherents and Protestant authorities intent on proving its superstitious nature. The legitimacy of both the Purgatory, and the concept of purgatory itself, and how it might reflect the doctrines taught by St Patrick supplies ample fodder for early modern writers of Irish religious history. The repeated destruction and revival of the pilgrimage site offers a case in which seemingly purely theoretical disputes of the nature of purgatory, and who can claim to be the true successors to the Patrician church, are acted out. This dispute, beyond its post-Reformation character, was also heavily influenced by Giraldus Cambrensis. It shows the interconnection between narratives of Catholic religious falsehood and the apparent fundamental disorders of Irish society, beyond religious belief, in Protestant histories of Ireland.

Religion II: Liberty of Conscience and Loyalty

This chapter follows the development of a concept at the intersection of religious and political loyalty which came to prominence during the Restoration period. Liberty of conscience emerges throughout this period as a key point of contention across the three Stuart kingdoms. This is unsurprising given the unsettled confessional nature of the Stuart kingdoms with their diversity of Christian faiths and with the immediate legacy of the civil wars feeding religious turmoil. Despite the Declaration of Breda issued by Charles II prior to his return to England, with its promises of 'liberty to tender consciences', the actual agenda pushed during this period was religious conformity. An episcopalian church model was pushed by returning bishops, with the approval of the Restored monarchy, and non-conforming Protestants came to take the brunt of the blame for the violence of the civil wars. This chapter follows how older arguments about religious faith and political loyalty were repurposed in this new context.

Monarchy and Ethnic Origins

This final substantive chapter covers the greatest spread of intellectual territory, examining the interrelationship of Noachic genealogy and early modern theories of kingship and ethnicity, and the significance of this relationship for history and historical-sociological theories of pre-modern nationhood. The previous substantive chapters each bring something to bear in this final chapter.

This chapter examines how genealogy was used to claim or dispute the legitimacy of different groups in Ireland. 'Old Irish' writers claimed descent from the first settlers of Ireland and poured scorn upon others for lacking this connection to Ireland's past. Catholic 'Old English' writers sought to highlight their long presence in Ireland and ties to the Old Irish while yet also foregrounding their Englishness in the form of loyalty to the monarchy. Protestant writers dismissed these claims as irrelevant or invented and yet suggested alternatives, such as that early settlers had come from Britain and thus provided precedence for British settlement.

One aspect of this weight given to ancestry and connection to Ireland which is significant is the importance of royal genealogy. As detailed by Breandán Ó Buachalla in *Aisling Ghéar*, Irish authors tied the Stuarts into traditional royal genealogies, emphasising legitimacy through this continuity.⁸¹ This allowed for recognition of the Stuart dynasty as legitimate rulers through reconstructed royal lineages while leaving ambiguous the question of the English state's right to rule in Ireland. Roderick O'Flaherty's *Ogygia* in particular reflects this approach in Restoration Ireland, asserting that Ireland could not fully accept a foreign monarchy but that the Stuarts were immanently Irish.⁸²

⁸¹ Ó Buachalla, *Aisling Ghéar*.

⁸² Roderick O'Flaherty, *Ogygia: or, A chronological account of Irish events*, trans. James Hely, 3 Vols (Dublin, 1793).

2. CONSTITUTIONALISM I: THE ANCIENT CONSTITUTION

Introduction

Two political languages evident in seventeenth-century texts give some sense of a possible constitution for the kingdom of Ireland: the language of common law and a broad civic humanism. This chapter will examine the contexts of these two languages concerning early modern writing about Irish history. Unlike other chapters, this will require greater reference to writing about ‘recent’ history, particularly history writing of the 1650s which was concerned with the events of the late 1630s and 1640s. This will allow for later chapters to focus on publications from after the Restoration with this constitutional context already established. Both of these languages were open to both Catholic and Protestant writers and their usage owes to the contexts in which they were written and the backgrounds of the writers. Both languages are rooted in the educational and professional backgrounds of the writers. The language of common law, in particular, proves itself somewhat less available to history-writing given its particularly legal character. Common law arguments ran the risk of reducing the potential audience of a text in comparison to the more widely understood humanism. Centuries of humanist education and its more broadly European character made humanism both more available to writers of history and more viable, as a political language with a greater potential audience. Of course, both languages posed their own limitations as to what kinds of arguments could be constructed within them.

In examining common law arguments, it is worth discussing J.G.A. Pocock’s proposed ‘ancient constitution’; the apparent belief of early modern English writers that the constitution of England—its parliament and common law—stretched back into time immemorial.⁸³ In the minds of observers, the traditions and customs of the Anglo-Saxons had survived despite the eleventh-century Norman conquest of England, or that the

⁸³ Pocock, *The Ancient Constitution and the Feudal Law*, pp 30-2.

survival of these traditions even rendered the invasion no conquest at all.⁸⁴ This ‘ancient constitution’ theory came under criticism from Janelle Greenberg; who proposed that a medieval ‘cult’ of St Edward the Confessor placed Edward, also an Anglo-Saxon king of England, as a foundational lawgiver. With the accession of James I, the laws of Edward were extrapolated and generalised as the customs of the Anglo-Saxons as a whole. One key reason for this, according to Greenberg, was the comparison between a supposedly ‘Norman’ absolutism against ‘Saxon’ common law and the tensions between James I and Charles I and their parliaments.⁸⁵ Similar thinking can be seen with Colin Kidd, who suggested that the tension between ‘Normanism’ and Saxon ‘Gothicism’ proved a powerful political allegory and perpetuated English exceptionalism regarding their common law constitution.⁸⁶ This exceptionalism could be expected to pose something of an issue for Irish Catholics who make common law arguments, yet—as will be seen—this does not appear to be the case. Instead, as long as the Irish parliament is open to Irish Catholics then those capable of making appeals to a common law constitution do so; as long as they can claim it their right as Irish subjects of the Stuart monarchy.

The ‘doctrine of antiquity’, as Pocock put it, is key to understanding early modern English constitutionalism. To Pocock, the tendency was for early modern English legal theoreticians to see common law as the only law that England had ever known, inherited from the past as a set of customs and rights given to each Englishman as a birthright. To Pocock, these early modern Englishmen ‘read existing law into the remote past’ while also seeking to give common law an exceptional and unique status apart from other customary law systems.⁸⁷ This can be seen clearly in John Davies and in those authors who drew from his critiques of Brehon Law, in which Gaelic Irish customary law is a corrupting influence on the practice of common law in Ireland, attributed with an arbitrary or primitive

⁸⁴ Janelle Greenberg, *The Radical Face of the Ancient Constitution: St. Edward’s “Laws” in Early Modern Political Thought* (Cambridge, 2001), pp 13-15.

⁸⁵ *Ibid.*, pp 134-57.

⁸⁶ Kidd, *British Identities Before Nationalism*, pp 83-98.

⁸⁷ Pocock, *The Ancient Constitution and the Feudal Law*, pp 30-1.

character. Following Hans Pawlisch this seems to be partially a result of English observers reflecting on what would have been closer to a decentralised system of arbitration rather than an adversarial system with established institutions, and backed by a central government.⁸⁸ The lack of a “national” law’ as Pawlisch put it, compared with other early modern polities, was a product of the fractured state of late medieval Ireland. In England, the institutions of common law had the backing of an increasingly centralised state while, in Ireland, Pawlisch identifies Brehon Law as tied to the system of tanistry; only as durable as the authority of local chiefs. The English common law mind—as understood by Pocock—saw English law, as in the case of Coke, as insular and apart from any other. Early modern English jurists saw common law as a tradition apart from Roman law much less Brehon law, ‘the product of a wild and uncomprehended society’ which seemingly offered no point of comparison.⁸⁹ With this in mind, how do these two languages approach common law and Irish customary law? Does Brehon law ever feature in common law arguments several decades after its effective dismantling and, likewise, do humanist arguments signal any positive aspects which might be reclaimed? In turn, with active members of the Catholic Confederacy like Patrick Darcy and Nicholas Plunkett arguing from a common law perspective, how do humanists respond to that perspective?

The Irish Common Law Constitution

Colin Kidd’s *British Identities Before Nationalism* explores a strand of ancient constitutionalism across the three Stuart kingdoms. Typically, this ancient constitutionalism came in the form of liberties seen both as inherited and uniquely a product of English common law. As Ian Campbell puts it, this was a ‘backwards-looking mode of argument’ which emphasised the continued relevance of older legal traditions to

⁸⁸ Hans Pawlisch, *Sir John Davies and the Conquest of Ireland: A Study in Legal Imperialism* (Cambridge, 1985), p. 57.

⁸⁹ Pocock, *The Ancient Constitution and the Feudal Law*, p. 63.

contemporary situations.⁹⁰ Looking at constitutionalism in seventeenth-century Ireland, Kidd states that it proves to be an ‘ideological cul-de-sac’ for Irish Catholics.⁹¹ Kidd argues that, despite their popularity among the Catholic Old English, appeals to an ancient constitution were ultimately usurped by Protestants in Ireland. Likewise, Campell suggests that the Catholic cleric John Lynch avoids using the common law language of the ancient constitution as it was essentially closed-off without recourse to the Irish parliament.⁹² Instead, Lynch and other Catholics would appeal directly to royal authority. However, this was not entirely the case; in fact, Irish Catholics would continue to refer to an ancient constitution and Magna Charta in particular. Indeed, both Catholics and Protestants would make very similar arguments for the legislative independence of the Irish parliament during the 1640s and ‘60s, and even further beyond. While Catholic authors did appeal to the power of the crown rather than parliament or common law—as former Catholic Confederates did in their 1660 presentations to Charles II at Whitehall—the ancient constitution retained some potential. First, it is necessary to look at the 1640s—when Catholics had last held significant representation in the Irish parliament—to establish the currency of constitutionalism before its supposed decline among Catholics.

Kidd acknowledges that these arguments held currency for the Old English, who used them to reinforce their sense of Englishness through a commitment to institutions seen as English inheritances: common law and the Irish parliament. They were eager to vaunt their commitment to civility, to the king, and to the rule of law, despite their Catholic faith. Kidd makes specific reference to a speech by the Old English member of the Irish parliament Patrick Darcy in 1641 as an example of these kinds of appeals to an ancient constitution. He singles out Darcy’s avowal that ‘this Nation ought to bee governed by the Common lawes of England, & Statues of force in this kingdome’ exactly as was the case in

⁹⁰ Ian Campbell, ‘Magna Carta in Irish Political Theory, 1541-1660’ paper presented to *Law and the Idea of Liberty in Ireland: From Magna Carta to the Present*, 25 November 2016.

⁹¹ Kidd, *British Identities Before Nationalism*, pp 154-5.

⁹² Ian Campbell, ‘Aristotelian Ancient Constitution and Anti-Aristotelian Sovereignty in Stuart Ireland’, *Historical Journal*, 53:3 (Sept. 2010), p. 589.

England itself.⁹³ However, Kidd misses two key contexts: the specific political context of Darcy's argument and the broader constitutional relationship of Ireland and England. Firstly, Darcy's initial speech came at a turning point. Thomas Wentworth, the Earl of Strafford and Lord Deputy of Ireland, had recently been executed in England on a charge of treason. In an attempt to isolate Strafford from any potential allies, attempts were made in Ireland to impeach members of parliament perceived to be sympathetic. A Protestant member of the Irish Parliament, Audley Mervyn, made a speech shortly prior to Darcy's own to advocate for impeachment and employed graphic imagery to carry his point. Mervyn argues that although 'Magna Charta be so sacred for antiquity, it onely survives in the Rolls ... [it] is miserably rent and torne in the practice'.⁹⁴ The perceived injustices done to the rule of law in Ireland effect imagined, physical wounds on the body of Magna Charta, to the point that Mervyn describes it lying 'prostrate, besmeared and roaring in her owne gore'.⁹⁵ Strafford and those that associated with his administration were therefore seen as guilty of subverting the conventions of common law in Ireland.

The case for impeachment was won but ultimately came to nothing and, as John McCafferty noted, the argument 'gave rise to the question' of whether the Irish parliament was parallel or subordinate to the English parliament.⁹⁶ Coleman Dennehy observes that Strafford could be tried in England as he held his peerage in England, and could not be tried *per pares*—as a peer—in Ireland, and that the crime of treason could be committed anywhere.⁹⁷ However, the Irish parliament insisted on pursuing its own right to try the Protestant Bishop Bramhall for treason due to his involvement in Strafford's ecclesiastical policies.⁹⁸ One of the accused, Richard Bolton, and the privy council of King Charles I

⁹³ Patrick Darcy, *An argument delivered by Patricke Darcy Esquire...* (1643), p. 4.

⁹⁴ Audley Mervyn, *A Speech Made by Captaine Audley Mervyn to the Upper House of Parliament in Ireland, March 4 1640...* (1641), p. 3.

⁹⁵ *Ibid.*, pp 4-5.

⁹⁶ McCafferty, *The Reconstruction of the Church of Ireland*, p. 203.

⁹⁷ Coleman Dennehy, 'Nisi per legale iudicium parium suorum: parliament, politics, and the right to trial by peer' paper presented to *Law and the Idea of Liberty in Ireland: From Magna Carta to the Present*, 25 November 2016.

⁹⁸ McCafferty, *The Reconstruction of the Church of Ireland*, pp 213-4; *idem*, "To follow the late precedents of England": The Irish impeachment proceedings of 1641', in D.S. Greer and N.M. Dawson (eds.), *Mysteris and Solutions in Legal Irish History* (Dublin, 2001), pp 63-5.

requested precedent for the right of the Irish parliament to pursue impeachment, attempting to stall proceedings, and Darcy's speech is composed in response to this.⁹⁹ His speech presents a series of questions addressed to a committee of the Irish House of Lords as to the exact constitutional nature of the Irish parliament. As noted by Kidd, he opens with the assertion that the Kingdom of Ireland was 'governed only by the Common lawes of England, & Statutes of force in this kingdome'. Having established this, he challenges the 'unlawfull actions and proceedings of some of his Majesties Subjects & Ministers of Justice of later yeares'. He goes further, arguing that actions of the king's agents were tantamount to 'the infringing and violation of the lawes, liberties and freedome' of the subjects of Ireland.¹⁰⁰ Darcy establishes that there is an inherited and inalienable body of common law, of rights and liberties, the same in Ireland as in England, but that this does not entitle the English parliament to rule in Ireland. Darcy asks the committee 'Of what force is an Act of State, or proclamation in this kingdome, to bind the libertie, goods, possession, or inheritance of the Natives hereof, whether they ... can alter the Common Law',¹⁰¹

Kidd misses the implication of Darcy's phrase 'Statutes of force in the kingdome'. This carries the distinction that while common law is the law of both England and Ireland, the Irish parliament was bound only by the statutes it passed. The committee presented its answers to Darcy's questions, finding that while Ireland is 'governed only by the Common lawes of England and statutes of force in this kingdome', precedence established by judges in England could change the meaning of the law.¹⁰² And regarding the power of the king, he 'cannot alter the common-law, and yet Proclamations are acts of his Majesties prerogative'.¹⁰³ Darcy gave an exhaustive reply resting on three distinctions: between 'the

⁹⁹ Aidan Clarke, 'The breakdown of authority, 1640-1' in T.W. Moody, F.X Martin, and F.J. Byrne (eds), *A New History of Ireland*, Vol. III 1534-1691 (Oxford, 1976), pp 285-6; idem, 'Patrick Darcy and the constitutional relationship between Ireland and England', p. 38.

¹⁰⁰ Darcy, *An argument delivered by Patricke Darcy*, p. 4.

¹⁰¹ *Ibid.*, pp 16-7.

¹⁰² *Ibid.*, p. 19.

¹⁰³ *Ibid.*, p. 27.

law of the land' or common law, 'generall customs' or expectations outside of the law, and 'Statutes here received'.¹⁰⁴ For Darcy, the common law was the same in England and Ireland, but customs might be different from place to place, and the statutes of England and Ireland were certainly not the same. He stated that although many English statutes were already law in Ireland, many enacted alongside Poyning's Act, no statute could become law in Ireland without passing in the Irish parliament.¹⁰⁵

This distinction reappears in a 1644 'Declaration' most likely written by the Protestant Irish Royalist Richard Bolton. Bolton, one of those threatened with impeachment in 1641, reaffirmed the distinction between common law 'used beyond the memory of man', general customs, and statute laws.¹⁰⁶ Bolton made the case that as Ireland had been conquered by Henry II he was at will to implement common law and that under King John an Irish parliament had been established distinct from the English parliament. As the Irish were not represented in the English parliament, or 'therein Knights of Parliament', it could not legislate for Ireland.¹⁰⁷ The only English laws which could therefore be implemented in Ireland were, therefore, those 'declaratory of the Common Laws' such as Magna Charta. Other laws he saw as requiring confirmation by the Irish Parliament before they could come into force. However, he saw it valid to use precedence established in English courts as he did himself when citing Edward Coke's 1608 judgment in Calvin's Case. He remained steadfast in his conviction that, although Ireland and England share a monarch and a legal foundation, the statutes in force in each realm remain separate. 'For although all the People of England, Scotland, and Ireland are subjects to the King's Majesty ... each kingdom hath its own several Parliaments and several and distinct Laws: and it does not follow that the parliament of one ... should be subordinate'.¹⁰⁸ The

¹⁰⁴ *Ibid.*, p. 66.

¹⁰⁵ *Ibid.*, p. 67.

¹⁰⁶ Richard Bolton, 'A Declaration Setting Forth How, and by What Means, the Laws and Statutes of England, from Time to Time Came to Be of Force in Ireland' in *Hibernica*, ed. Walter Harris (2 Vols., Dublin, 1750) II, pp 3-4.

¹⁰⁷ Bolton, 'A Declaration', p. 2.

¹⁰⁸ *Ibid.*, p. 5.

similarity between the cases made by Darcy and Bolton prompted the eighteenth-century editor Walter Harris to question the attribution of this second case, suggesting ‘the honour of the performance’ of both belonged to Darcy.¹⁰⁹ Patrick Kelly finds that there is probably little reason to doubt Bolton’s authorship of this second case, arguing that it could only have been composed through the sources available to Bolton.¹¹⁰ That the ‘Declaration’ was most likely written by an Irish Protestant supportive of the cause of Charles I ought to emphasise that these kinds of constitutional arguments proved contingent on the immediate political situation.

Bolton’s ‘Declaration’ came at a crucial point in the Confederate Wars, more than two years into the conflict in Ireland and with Charles caught in a civil war in England. Bolton, supporting the new Lord Deputy of Ireland, James Butler the Marquess of Ormond, faced pressure from the Catholic Confederation of Kilkenny which sought repeal of Poyning’s Law. His argument against this, bolstered by his ‘Declaration’, held that the Irish parliament already possessed legislative independence from the English parliament. Patrick Darcy, now representing the Confederates, accepted his arguments to allow for a possible peace settlement between the Confederates and Royalists in Ireland.¹¹¹ The Confederates, for their own part, had been keen to state their own commitment to the ancient constitution of Ireland, to common law, and their loyalty to the king. They declared in 1642 that ‘the Common laws of England and Ireland and the said Statutes, called the great Charter, and every Clause, Branch & Article thereof ... shall be observed within this kingdome’.¹¹² Their oaths of confederacy made a similar point; that having been ‘suppressed by the Puritan Ffaction’ they stood in defence of ‘their Lives, Estates and

¹⁰⁹ Walter Harris (ed.), preface, *Hibernica*, II.

¹¹⁰ Patrick Kelly, ‘Sir Richard Bolton and the Authorship of ‘A Declaration Setting Forth How, and by What Means, the Laws and Statutes of England, from Time to Time Came to Be of Force in Ireland’, 1644’ in *IHS*, Vol. 35, No. 137 (May, 2006), pp 1-16.

¹¹¹ Micheál Ó Siochrú, ‘Catholic Confederates and the constitutional relationship between Ireland and England, 1641-1649’ in Ciaran Brady and Jane Ohlmeyer (eds.), *British Interventions in Early Modern Ireland* (Cambridge 2005), pp 219-20.

¹¹² ‘The Government Established by the Supreame Counsell of Ireland Anno 1642’, British Library Add. Ms 4781

Liberties' and the royal prerogative of Charles.¹¹³ Micheál Ó Siochrú makes the point that the banding together of the Catholic Old English and Gaelic Irish elites demonstrated an objection to the way in which Ireland had been governed, but not an objection to the actual institutions of government. If anything, they saw themselves as 'the true guardians' of the legal and political institutions of the kingdom of Ireland.¹¹⁴ Ultimately, the successful Parliamentary campaign in Ireland and the ensuing confiscation of land ensured that this claim would be denied.

In 1660, Charles II was restored as King of England, Scotland, and Ireland, ending the eleven years of interregnum which followed the execution of his father Charles I. The Irish Catholic gentry, whose land had been seized by the Cromwellian Protectorate, petitioned the king for their estates to be restored. They argued that the parliament of England had not held the right to confiscate their lands, 'that neither by the fundamental laws of Ireland, the Common law of England, nor the reason thereof ... the Acts of Parliament of England ought to bind Ireland'.¹¹⁵ Headed by the lawyer and former confederate Nicholas Plunkett, they reasoned that Cromwell's parliament 'of his own creatures' could not have legally enforced their will on the kingdom of Ireland. Under Plunkett, the Irish case returned to the constitutional argument for the legislative independence of the Irish parliament. The hope was clearly to undermine the entire legal basis for the confiscation of land from Irish Catholics by the parliament in England.

However, the rival delegation of Irish Protestants headed by Roger Boyle, recently created as the first Earl of Orrery, was not willing to get caught up in this particular argument. Instead, their response was to sidestep it and insist that—having been attainted as rebels by Charles I—the former confederates could not deny the royal prerogative of attainder. When the Catholics repeated their case, the Protestants under Orrery again argued that 'Whatever the Irish may object against a Law, made in England, to be binding

¹¹³ 'The Oaths of Confederacy and Association Performed by the Irish Papists', BL Add. Ms 4781

¹¹⁴ Micheál Ó Siochrú, *Confederate Ireland, 1642-1649: A Constitutional and Political Analysis* (1999), pp 25-6, 47-8.

¹¹⁵ 'Objections made by the Irish, against those proposalls', BL Add. Ms 4781, f. 99.

in Ireland, yet certainly they cannot deny, that the forfeiture of rebels' was a power vested in the king.¹¹⁶ Appealing to Charles II, Orrery argued that reversing the land confiscations would dispossess the Protestant soldiers and adventurers who comprised 'his Majesties greatest and firmest Interest in Ireland'.¹¹⁷ This notion of 'interest' with all of its economic connotations would proliferate throughout the Restoration period, particularly references to the 'Protestant' or 'English interest' in Ireland.¹¹⁸ In this case, Orrery ties the condition of Ireland and its chance at stability to ensuring a Protestant control of land, and consequently the parliament of Ireland.

With the Catholic gentry largely dispossessed, the first parliament called after the Restoration returned an overwhelmingly Protestant membership. Called in 1661, the Irish parliament featured a number of restored Catholic Old Irish and Old English peers in its House of Lords while its commons was entirely Protestant and dominated by Cromwellian settlers.¹¹⁹ Darcy had demonstrated that it would be necessary for an Irish parliament to give its assent to a new Act of Settlement to resolve the dispute but this did not dishearten Irish Protestants. Orrery commented to Ormond that 'we consider it our young magna charta, and by it your grace has laid an obligation upon many thousands'.¹²⁰ Optimism surrounded a new Act of Settlement, as Audley Mervyn—now Speaker of the Irish House of Commons—made clear in a 1661 speech. He imagined Charles II as a new King David unravelling the 'complicated Interest' of Ireland, binding the wounds of the kingdom. Mervyn declared that this new David's harp sounded 'Heavenly Anthems' of 'Glory to God on high, the Church settled, Peace unto Men, Your Estates and Libertties secured'.¹²¹ This

¹¹⁶ 'An Answer to the saids Expedient' BL Add. Ms 4781, f. 113; Clarke, 'Colonial Constitutional Attitudes in Ireland', pp 373-4.

¹¹⁷ 'A Reply to the Objections which were made as Answer to the above Proposals' BL Add. Ms 4781, f. 125.

¹¹⁸ McCormack, *The Stuart Restoration and the English in Ireland*, p. 20.

¹¹⁹ Francis James, *Lords of the Ascendancy: The Irish House of Lords and its Members, 1600-1800* (Dublin, 1995), pp 34-6; Jane Ohlmeyer, 'Power, Politics and Parliament in Seventeenth-Century Ireland' in Maija Jannsen (ed.) *Realities of Representation: State Building in Early Modern Europe and European America* (Basingstoke, 2007), p. 122.

¹²⁰ 'Orrery to Ormond, 18 Sept 1661', in *A collection of the state letters of the Right Honourable Roger Boyle, the first Earl of Orrery...* (London, 1742), pp 21-2.

¹²¹ Audley Mervyn, *A Speech Made by Sir Audley Mervyn his Majesties Prime Serjeant at Law in Ireland, the 11th Day of May in the House of Lords...* (Dublin, 1661), pp 5-7.

image would be reproduced later by Edmund Borlase, who credited Charles with addressing ‘the languishing State of Ireland, whose Harp had long hung on the Willows solitary and un-strung’.¹²² To both, it was royal authority which had made the preservation of the settlement possible by referring the matter back to an Irish parliament with a disproportionate Protestant majority.

However, the possibility that the court of claims established by the Act of Settlement might restore many more Catholics to their former estates caused great unease for Protestants in the Irish parliament. Mervyn presented a speech to Ormond in 1662 in which he outlined the potential disaster about to unfold, ‘We discern a Cloud ... like to over-cast the Horizon of this Kingdom’. His speech, he claimed, was made so ‘That the hard Fate and Ruine of an English Interest in this kingdom might not bear date under the best of kings of, under so vigilant a lord lieutenant, under the first (and if not prevented, like to be the last) Protestant Parliament that ever sate in this kingdom.’¹²³ Fearful that confusion would proliferate as a result of this court of claims, Mervyn declared that the ‘Act of Settlement is the Law of Laws, it is the Magna Charta Hiberniæ ... Our strength lies in this as Sampson’s in his locks’.¹²⁴ Mervyn was broadly satisfied that the Act divided Ireland into ‘nocent and innocent’ and that this ought to form the basis of future political order. His issue was that allowing Catholics to appeal the situation at the time seemed unnecessary and would be potentially dangerous to Protestant Ireland. He asked ‘Who is it, that without the Violation of Charity and Reason, can judge any or all of them innocent?’¹²⁵

Ormond had already taken an interest in the old argument surrounding the legislative independence of the Irish parliament, in anticipation of a new settlement. By July 1660, the Irish Protestant lawyer William Domville had drawn up a ‘Disquisition’ for

¹²² Edmund Borlase, *The Reduction of Ireland to the Crown of England* (London, 1675), p. 264.

¹²³ Audley Mervyn, *The speech of Sir Audley Mervyn, knight; His Majesties prime Serjeant at Law, and Speaker of the House of Commons in Ireland: Delivered to His Grace James Duke of Ormond, Lord Lieutenant of Ireland, the 13 day of February, 1662...* (Dublin, 1663), p. 3.

¹²⁴ *Ibid.*, p. 5.

¹²⁵ *Ibid.*, p. 23.

Ormond, establishing a case for Irish legislative independence. This text drew heavily on Bolton's 1644 'Declaration' which Patrick Kelly believes was also drawn up on Ormond's behalf when negotiating with the Confederates.¹²⁶ As with Bolton, Domville pictured an Ireland whose 'subjection was unto the King of England, and not unto <the> Kingdome or people of England'.¹²⁷ Domville concluded that if an English statute 'were not Received and Allowd by the Parliament of Ireland It Could not be of force there'.¹²⁸ Sharing similarities with the arguments made by Darcy and Bolton, Domville's *Disquisition*—although unpublished—would inform his son-in-law William Molyneux's own argument for legislative independence in 1698.

Based on this, Kidd's assertion that at this point the 'song' of ancient constitutionalism 'would be sung only by the Protestant nation in Ireland' would appear to be strong.¹²⁹ The Catholic Old Irish and Old English had been greatly dispossessed as a result of the wars in Ireland and now a Protestant-dominated Irish parliament sought to reinforce this, citing appeals to an ancient constitution. However, the Irish Catholic gentry had higher priorities: pursuing any available means of having their estates restored to them. Richard Talbot, an Old English aristocrat and favourite of James the Duke of York (and future James II), was sought after for his influence at court in London. Talbot would charge a commission from Catholic petitioners for him to weigh in on the activities of the court of claims behind the scenes, something Pádraig Lenihan refers to as Talbot's 'backstairs activism'.¹³⁰ Without representation in the Irish parliament to pursue their case it would hardly have been a profitable exercise to make further arguments for the independence of that parliament from the parliament of England. First they had to ensure the return of their estates.

¹²⁶ Patrick Kelly 'Introduction' in William Domville 'A disquisition touching that great question whether an act of parliament made in England shall bind the kingdom and people of Ireland without their allowance and acceptance of such act in the kingdom of Ireland', ed. Patrick Kelly, *Analecta Hibernica*, 40 (2011), p. 21.

¹²⁷ Domville, 'A disquisition...', p. 44.

¹²⁸ *Ibid.*, p. 69.

¹²⁹ Kidd, *British Identities before Nationalism*, p. 154.

¹³⁰ Pádraig Lenihan, *The Last Cavalier: Richard Talbot (1631-91)* (Dublin, 2014), p. 55.

Appeals to an ancient constitution could be and were used across the political spectrum of early modern Ireland. Catholics and Protestants alike used similar arguments surrounding Magna Charta and the origins of common law in Ireland, distinguishing between common law and statutes which were enacted by the Irish parliament. Without sizeable representation in the Irish parliament, the Catholic gentry pursued restoration of their estates; which would also restore their social status and the means to enter parliament. In 1685, Henry Hyde, the Earl of Clarendon, was appointed Lord Deputy of Ireland and in anticipation he asked his friend Lord Guilford to provide any useful political information. Guilford replied that ‘Ireland is a kingdom subordinate to England in so absolute a manner, that the King in his Parliament in England may make laws that shall be binding in Ireland. This doctrine is so hard of digestion to Irishmen, that they will not with any patience hear of it’.¹³¹ He noted that the question waiting to be asked again was ‘Whether an Act of Parliament in England can bind Ireland?’¹³²

One account, which doubted the sincerity of Catholic appeals to common law arguments—including Magna Charta in one instance—is Richard Cox’s *Hibernia Anglicana* (1689-90). A Protestant and recorder of Kinsale, Cox had fled Ireland with the appointment of the Catholic Richard Talbot, Earl of Tyrconnell, as Lord Deputy.¹³³ Coming from this legal background, Cox’s account is written primarily from a common law point of view, focusing on the Irish parliament and the legal and political history of Ireland after the invasion of Henry II. In his address to the reader in the second book of *Hibernia Anglicana*, Cox claims that Irish Catholics have only the aim of enthroning a Catholic monarch and that this had been their aim since at least the accession of James I in 1607. To counter this, Cox claims, good and steady government—in the form of active Lords Deputy—had proven successful in defeating the O’Neill earls of Tyrone and deterring

¹³¹ ‘Observations on the state of Ireland, by Lord Guilford, addressed to Lord Clarendon’ in *The correspondence of Henry Hyde, Earl of Clarendon, and his brother Laurence Hyde, Earl of Rochester...* ed. Samuel Weller Singer (2 Vols., London, 1828), II, pp 183-4.

¹³² *Ibid.*

¹³³ Connolly, ‘Cox, Sir Richard, first baronet (1650-1733)’

future rebellions.¹³⁴ This second book, focusing on seventeenth-century Ireland, was evidently more rushed than the first—‘a hasty assemblage’ of extracts and quotations according to Rankin—yet still provides clues to Cox’s own opinion.¹³⁵ He credits the Confederate assembly of 1642 with seeking religious toleration and protections for the Catholic Church in Ireland under Magna Charta. However, this toleration is then belied by the apparent reality that ‘no Exercise’ of the Protestant faith was permitted in areas where the Confederates were in control.¹³⁶ This reflects Cox’s own situation, where a Catholic Irish parliament claimed to act in defence of royal authority and religious authority. For Irish Protestants like Cox, there was fear that this was little more than a show to obscure a coming religious purge; two-faced appeals to shared, idealised constitutionalism where the reality would be very different.

In 1689, the Catholic King James II had been deposed in England in favour of his Protestant daughter Mary and her husband William, the Prince of Orange. A primarily Catholic parliament called by James in Dublin reaffirmed his right to the Stuart monarchy and condemned the coup as a revival of the ‘desperate antimonarchie principles’ of the 1640s.¹³⁷ This parliament then immediately set about making provision for James’ army and, crucially, repealing the Act of Settlement and ‘restoring the former proprietors to their ancient rights’.¹³⁸ Following this complete reversal of the Cromwellian and Restoration settlements, an act was also passed declaring that ‘Ireland is and hath been always a distinct kingdom from that of majesties realm of England, always governed by his majesty and his predecessors according to the ancient customs, laws, and statutes thereof’.¹³⁹ While ultimately defeated, the Irish parliament of 1689 demonstrated that ancient constitutionalism had never really been lost to Irish Catholics. Instead, with little recourse

¹³⁴ Richard Cox, ‘To the Reader’, *Hibernia Anglicana*, (2 vols., 1689-90), II.

¹³⁵ Rankin, *Between Spenser and Swift*, p. 270.

¹³⁶ Cox, *Hibernia Anglicana*, II, pp 123, 187.

¹³⁷ ‘An act of recognition of the just and most undoubted rights of his majesties imperial crown’ in *The Acts of James II’s Irish Parliament*, p. 3.

¹³⁸ ‘An act for repealing the acts of settlement, and explanation, resolution of the doubts, and all grants, patents and certificates pursuant to them, or any of them’ in *ibid.*, pp 21-2.

¹³⁹ ‘An act declaring that the parliaments of England cannot bind Ireland...’ in *ibid.*, p. 54.

to the Protestant-dominated Restoration parliament in Ireland, there was essentially no reason to pursue a case for its legislative independence. Once that situation was reversed they were quick to establish a defence of their newly regained land, wealth, and parliament referencing the same arguments made in the 1640s and 60s. It is worth examining this 1689 act against the 1662 act that it sought to repeal to uncover how common law arguments based in recent history could return contradictory arguments with different readings of that history.

Two Acts of the Irish Parliament

The second half of the seventeenth century in Ireland was dominated by the land seizures of the 1650s and Restoration Ireland struggled with the legacy it inherited. Those who had benefitted from the Cromwellian land settlement found themselves justifying their involvement in that regime, balancing past service to the Cromwellian protectorate against their newly re-found loyalty to the Stuart monarchy. The Catholic gentry who had lost their estates tried to capitalise on their service to Charles I and a treaty signed with his Lord Deputy, the marquess of Ormond, in 1649 only to find their claims of loyalty contested. History was mobilised in the service of claims of loyalty and allegations of conspiracy or disloyalty with each argument resting on a particular recollection of events. The 1662 Act of Settlement passed by the Restoration Irish parliament and the 1689 Act which sought to repeal it both used history to make their cases. In one, the Catholic gentry of Ireland had conspired and rebelled against lawful authority in the 1640s, seeking to remove the Protestant faith and its adherents from Ireland. In the other, Protestants in Ireland had been the ones conspiring with English puritan radicals, undermining and eventually overthrowing Charles I in 1649 and then James II in 1688. Both relied on the language of common law and a similar structure to make their cases and each demonstrates a particular reading of history to contest political and legal claims.

The Act of Settlement which ultimately passed by the Irish Parliament in 1662 confirmed much of the Cromwellian settlement and also confirmed many of those past accusations as justification. Again, the 1641 Rebellion provided justification for the past confiscation of land and the Catholic Confederation of Kilkenny was connected to this ‘unnatural insurrection’.¹⁴⁰ The arguments made in favour of keeping the old settlement in Whitehall were also brought forward. Here, the confederates were alleged to have unlawfully exercised ‘sovereign authoritie’ and treated ‘with forreign princes and potentates for their government and protection’. The Catholic gentry who had lobbied for the restoration of their confiscated estates were therefore one-and-the-same as the 1641 rebels. Furthermore, they had acted as a government unto themselves, exercising ‘the power of life and death’ and ‘treacherously’ used Charles I’s and Charles II’s ‘names in the outward forms of their proceedings’.¹⁴¹ As a later act made clear, Irish Catholics had been faithless and claimed loyalty to the monarchy all the while plotting with ‘many malignant and rebellious priests’ for its overthrow.¹⁴²

The act more euphemistically addressed the obvious incongruity of those who had previously supported the Protectorate or parliamentary cause in Ireland now claiming loyalty to the Crown. It was argued that these ‘subjects’, while Charles II was in exile, had enquired ‘into the authors, contrivers of the said rebellion and war, and ... did possess such of the popish Irish rebels of their lands’.¹⁴³ The Protestant Irish who defected had been ‘frighten[ed] ... from their loyaltie’ by the confederates, becoming ‘seduced subjects’ in the service of the unmentioned parliamentary faction. They were however quick to make clear that they were responsible for the ‘absolute victorie and conquest’ over Catholic Ireland.¹⁴⁴ The language here is strikingly similar to an act of indemnity passed by the

¹⁴⁰ ‘An Act for the better Execution of His Majesties gracious Declaration for the Settlement of his Kingdom of Ireland...’ in *Statutes Passed in the Parliaments Held in Ireland* (12 Vols., Dublin, 1794), I, p. 338.

¹⁴¹ *Ibid.*

¹⁴² ‘An Act for keeping and celebrating the Twenty-third of October, as an anniversary Thanksgiving in this Kingdom’, *Statutes Passed in the Parliaments Held in Ireland*, I, p. 610.

¹⁴³ ‘An Act for the better Execution of His Majesties gracious Declaration....’, *Statutes Passed in the Parliaments Held in Ireland*, I, p. 339.

¹⁴⁴ *Ibid.*, p. 338.

Protectorate for the forgiveness of Protestant supporters of the lords Inchiquin and Ormond. In this case, the 'English and British Protestants' who had fought in the royalist cause in Munster were 'seduced and drawn by the power of the said Lords' but had then become 'sensible'.¹⁴⁵ In both cases, Irish Protestants had been 'seduced' from their true allegiances and since returned to the fold as loyal subjects of the Protectorate and the Crown by 1654 and 1662 respectively. As subjects who were both Protestant and in possession of much of the land of Ireland, they could argue that Charles's interest there was best served by simply recognising the validity of their land claims.¹⁴⁶

The Catholic Irish gentry seized upon this contradiction of the Cromwellian settlement confirmed in a slightly modified form by parliamentarians turned Stuart loyalists at the earliest opportunity. The parliament called in 1661 lasted until 1666 and despite Ormond's efforts in the late 1670s no parliament would be called again under Charles II.¹⁴⁷ The opportunity came in 1689 when the Catholic James II called the Irish parliament to confirm his kingship, having been deposed in England. Richard Talbot 'succeeded all too well' in packing the Irish parliament for James, returning an almost exclusively Catholic representation in the commons.¹⁴⁸ This pushed the repeal of the Restoration settlement to the fore of the parliamentary agenda. J.G. Simms suggested that James managed to exert a moderating influence on the *tone* of the Act of Repeal at least.¹⁴⁹ The declaration which preceded the passage of the act in the commons remained full of vivid accusations while the act reversed the justification, as well as the purpose, of the 1662 settlement. In this version of history, the Irish Catholics of the 1640s had been the loyal subjects undeservedly attacked and dispossessed by Protestant conspirators.

¹⁴⁵ 'An Ordinance for Indempnity to the English Protestants of the Province of Munster in Ireland', in *Acts and Ordinances of the Interregnum, 1642-1660*, ed. C.H. Firth and R.S. Rait (3 Vols., London, 1911), II, p. 933.

¹⁴⁶ This is the argument advanced by Audley Mervyn.

¹⁴⁷ Eoin Kinsella, "'Dividing the bear's skin before she is taken': Irish Catholics and Land in the Late Stuart Monarchy, 1683-91' in Coleman Dennehy (ed.), *Restoration Ireland: Always Settling and Never Settled* (Aldershot, 2008), pp 163-6

¹⁴⁸ Lenihan, *Consolidating Conquest*, pp 177-8; Tim Harris, *Revolution: The Great Crisis of the British Monarchy, 1685-1720* (London, 2006), pp 437-8.

¹⁴⁹ J.G. Simms, *War and Politics in Ireland, 1649-1730*, ed. D.W. Hayton and Gerard O'Brien (London, 1986), p. 72.

This preamble which accompanied repeal through the Irish commons blamed the ‘Ambition and Avarice’ of Charles I’s lords justices in Ireland and parliamentary ‘Puritan Sectaries’ for the violence of the 1640s in Ireland. This ‘Puritan’ conspiracy was claimed to have aimed for a total ‘Extirpation’ of Catholics in Ireland. Irish Catholics were ‘frighten[ed] and compell[ed]’ therefore, ‘in despair of Protection, from their Government, to take Arms for their necessary Defence’.¹⁵⁰ This reasoning also returns to the arguments presented at Whitehall in 1660 and ’61 that the Confederates had upheld the royal prerogative against a ‘Puritan Faction’ and malicious elements of the Dublin administration.¹⁵¹ It is also similar to the 1654 indemnity in that an existential danger forces erstwhile loyalists to seemingly abandon the true cause, in this case the fear of dispossession forcing Catholics into the Confederation of Kilkenny. In contrast to 1654 and 1662, it was maintained that Catholics never truly abandoned the Crown. These ‘trusty Roman Catholick Subjects’ found themselves dispossessed despite having ‘for several years ... under the royal authority defended’ the kingdom of Ireland.¹⁵² When the anniversary of the 1660 Restoration fell during the parliamentary debates James apparently declared it would be all ‘the fitter to Restore those loyal Catholick Gentlemen... that had been kept unjustly out of their estates’.¹⁵³

The 1689 Act of Repeal converted the 1662 and 1654 narrative of an Irish rebellion into a puritan uprising which Irish Catholics attempted to repel out of both necessity and duty. It maintained that the 1662 settlement was a continuation of the earlier settlement enacted by ‘usurper Cromwell’ on behalf of soldiers and adventurers ‘who in justice could

¹⁵⁰ *An exact list of the Lords spiritual and temporal who sate in the pretended Parliament at Dublin in the kingdom of Ireland; on the 7th of May, 1689 ... Licensed November the 13th, 1689* (London, 1689), p. 14; ‘The Preamble to the Act of Repeal of the Acts of Settlement and Explanation, etc., as it passed the House of Commons’ in Thomas Davis, *The Patriot Parliament of 1689: with its statutes, votes and proceedings*, ed. Charles Gavan Duffy (London, 1893), pp 74-5.

¹⁵¹ ‘The Oaths of Confederacy and Association Performed by the Irish Papists’, BL Add. MS 4781; McCormack, *The Stuart Restoration and the English in Ireland*, pp 87-8

¹⁵² Ibid, p. 76; ‘An act for repealing the act of settlement, and explanation, resolution of the doubts, and all grants, patents and certificates pursuant to them, or any of them’ in *The Acts of James II’s Irish Parliament*, p. 21.

¹⁵³ *The journal of the proceedings of the Parliament in Ireland: With the establishment of their forces there, Licensed and entred according to order July 6, 1689* (London, 1689), pp 7-8.

not have the least pretention to the same'. This sense of a puritan conspiracy was carried into the contemporary political situation, with Catholics now demonstrating 'their loyalty to his majesty against the usurper the prince of Orange'.¹⁵⁴ This reinforced the message of the initial act of the 1689 Irish parliament confirming James as the rightful king of all three Stuart kingdoms. Here, the coronation of William in England for all three kingdoms marked a return to the 'desperate antimonarch[ical] principles' of the 1640s.¹⁵⁵ On one hand this attempted to address past suppositions of Catholic disloyalty and Protestant loyalty and on the other it also contained a return to arguments of Irish legislative independence. England could not be allowed legislate for Ireland, whether in passing the initial 1652 Act of Settlement - as argued in the Whitehall debates of 1660-1 - or deposing James.¹⁵⁶ Portraying themselves as the king's most loyal subjects, the argument was that Irish Catholics ought to have the rights of their estates and thus their parliament returned to them from the Protestant usurpers who had dethroned James and his father.

The 1662 Act of Settlement and the 1689 act which repealed it display justifications which are the complete reverse of one another despite referencing many of the same events. One portrays an Ireland which had been subjected to Catholic conspiracies and attempts to dislodge Protestantism in Ireland on the pretence of royal authority. The other accuses Protestants in England and Ireland of conspiring to overthrow the Stuart monarchy, once in the 1640s and again in 1688, both embodying a 'usurpation' of sovereign power. In both cases those putting forward these arguments depict themselves as the true defenders of royal authority and the rightful guardians of the Irish kingdom and its parliament. In both, history is used selectively and interpreted judiciously to maximise the justification of the particular objective. In the Protestant-dominated Restoration parliament, Irish Protestants create the image of a disloyal Irish Catholic

¹⁵⁴ 'An act for repealing the act of settlement...', in *The Acts of James II's Irish Parliament*, p. 21-2.

¹⁵⁵ 'An act of recognition of the just and most undoubted rights of his majesties imperial crown' in *Ibid.*, p. 3.

¹⁵⁶ 'An act declaring that the parliaments of England cannot bind Ireland...' in *Ibid.*, p. 54; J.G. Simms, *Jacobite Ireland, 1685-91* (London, 1969), pp 77-81.

faction, and in James II's 1689 parliament the reverse was true. Both followed a similar pattern in which a 'rebellion' or 'usurpation' was defined and identified with the opposing group and those who stood to benefit were cast as the true defenders of the king's interest. In both the ultimate objective is land, whether to retain estates gained previously or reclaim those which had been seized. History was also used to justify or sidestep any past incongruity which might impede this argument, such as those who fought for the Cromwellian Protectorate or the Catholic Confederation. In both cases, those making their claims to legitimacy are capable of drawing on the language of common law, using selective interpretations of the recent past to justify their arguments.

Civic Humanism on Liberty and Slavery

For most authors, those without a background or education in common law, arguments based in a language of common law—deriving and elaborating their arguments by reference to statutes or legal precedent—were not a viable option. Many still appealed to well-known examples such as Magna Charta but, for the majority of writers of Irish history in the Restoration period, a broader current of civic humanism predominated. This is not surprising considering the commonplace nature of classical education in the early modern period and the relatively widespread availability and greater accessibility of humanist texts than common law primers. In the case of early modern texts written or published by Irish authors on the continent, this may also be hardly surprising considering these works were usually produced with that continental audience in mind. However, one key impact of this reliance on civic humanist and classical texts is that this reliance shapes the kind of argument that can be made. As Ian Campbell put it, it was a 'process of using Latin and Greek to speak about the contemporary world', sometimes 'using classical concepts in one's own vernacular'.¹⁵⁷ Authors attempted to isolate or abstract the underlying principles from classical texts and shape them to fit an Irish context. With little or no recourse to the

¹⁵⁷ Campbell, *Renaissance Humanism and Ethnicity before Race*, p. 23.

specifics of common law in Ireland or England, arguments by Catholic authors are instead predominantly couched in references to natural law, Roman law, or Canon law.

Early seventeenth-century England provides precedent for the impact of classical references on political languages, one with devastating repercussions. Quentin Skinner argued that a current of civic humanism—heavily laden with Ciceronian, republican connotations—emerged during the early years of James I’s reign in England. This language of humanism contributed to an almost anti-monarchical interpretation of royal prerogative as an imposition on individual liberty. Where, traditionally, historians of Jacobean legal and political theory had focused on the common law arguments of Coke and Davies, Skinner noted that humanist arguments had been neglected. Historians were in danger of ignoring ‘a strongly contrasting thesis about fundamental liberties’ which looked at a dichotomy of citizen versus slave.¹⁵⁸ In support of the case that these arguments contributed ultimately to the violence of the English Civil Wars, Skinner turns to Thomas Hobbes:

*...it is an easy thing, for men to be deceived, by the specious name of Libertie ... we are made to receive our opinions concerning the Institution, and Rights of Common-wealths, from Aristotle, Cicero, and other men, Greeks and Romanes, that living under Popular States, derived those Rights, not from the Principles of Nature, but transcribed them into their books, out of the Practice of their own Common-wealths*¹⁵⁹

Glenn Burgess follows Skinner in support of this thesis, noting that ‘neo-Roman’ arguments formed one political language (of three such examples) which existed as an alternative voice to arguments based primarily in common law. According to Burgess, humanist arguments constructed an ideal ‘commonwealth of free subjects’ where any ‘discretionary power’ on the part of the monarch fundamentally infringed on the liberty of

¹⁵⁸ Quentin Skinner, *Visions of Politics*, (3 Vols., Cambridge, 2002) II, p. 309.

¹⁵⁹ Thomas Hobbes, *Leviathan* (London, 1651), Pt. I, Ch. 21; Skinner, *Visions of Politics*, II, p. 308.

their subjects.¹⁶⁰ For both, the radicalism of these humanist arguments is that they provided a means of circumventing the ‘accepted’ language of legal and political theory. While in some respects incompatible with arguments based in common law, humanist arguments proved adaptable enough for radical parliamentarians and would prove sufficiently adaptable to be adopted in turn by Irish Catholic authors.

An ‘Aphorismical Discovery’ and Humanist Virtue in Politics

A link between the humanist-influenced early Stuart writings can be found in the form of the anonymously-authored ‘Aphorismical Discovery of Treasonable Faction’.¹⁶¹ This manuscript, written during the 1650s, details the Confederate Wars of the 1640s and places blame for the failure of the Catholic Confederation at the hands of the Duke of Ormond. Based around a humanist conceit of introducing each chapter with a classical aphorism or adage to frame the content of that chapter, the ‘Aphorismical Discovery’ provides a link between the radical humanism of Jacobean England and the Restoration period. This link may have been not an entirely intentional one but, as Deana Rankin detailed, the unknown author not only drew his aphorisms from Robert Dallington’s *Aphorismes Civill and Militarie* (1613) but also lifted whole passages with minor editing.¹⁶² Where the author of the ‘Aphorismical Discovery’ set his work to the memory of Ulster Confederate general Eoghan Roe O’Neill—also given his Spanish style Don Eugenius—Dallington had dedicated his work initially to prince Henry Stuart, son of James I, and then to the future Charles I after Henry’s death.¹⁶³ In the ‘Aphorismical Discovery’, O’Neill is the ultimate renaissance noble: ‘in behaviour a prince, in armes Mars, in bounty Alexander, in wisdom Solomon, in faithfulness David, in learning Euclides, and

¹⁶⁰ Glenn Burgess, *British Political Thought, 1500-1660: The Politics of the Post-Reformation* (Houndmills, 2009), pp 170-3.

¹⁶¹ J.T. Gilbert makes out the author’s initials as ‘P.S.’ or ‘P.N.’ but little else is known.

¹⁶² Rankin, *Between Spenser and Swift*, pp 132-7

¹⁶³ Deana Rankin points to a manuscript draft in the Northamptonshire Record Office dedicated to Henry, *Between Spenser and Swift*, p. 133.

languages Gaolglas'.¹⁶⁴ Dallington's *Aphorismes*, perhaps somewhat more restrained, advised Charles to look to his late brother as a model of 'honour and vertue' and his father for a 'Mirroure ... of all Pietie, Wisdome, Iustice, Clemencie and all regall endowments'.¹⁶⁵ Intended to become a commonplace of political and military insight, his *Aphorismes* attempts to balance different viewpoints and contextualise them by reference to historical episodes.¹⁶⁶ Hardly a radical text pushing for the liberty of the individual but instead cautiously weighing its classical references against each other, *Aphorismes* is a muted reflection on humanist learning. Despite drawing directly from this text, the 'Aphorismical Discovery' is a very different genre of writing which uses these same classical adages and mottoes in support of its narrative and argument.

Throughout the 'Aphorismical Discovery', the author is constantly attempting to develop a narrative in which the martial valour of the author's hero O'Neill is undermined and overshadowed by the politicking and conspiracies of the Duke of Ormond and his cronies. As Deana Rankin observes, this presents a tension in which there is a need to balance the genre heroic 'fiction' with a 'documentary' account of Confederate factionalism.¹⁶⁷ However, further to this the text itself presents a relatively immediate narrative, regularly punctuated by its classical adages, seemingly objective (yet utterly partial) insights presented from the distant past. Undoubtedly this is a product of the second-hand nature of the aphorisms themselves but the author's selection provides reflection on his intellectual priorities and how he understood the purpose and actual function of the Confederation. From the very outset, though the author suggests otherwise, the outcome is foregone conclusion; not because of historical retrospection but in how he sets up two contradictory forces in O'Neill against Ormond's men. Between the hero, a

¹⁶⁴ 'An Aphorismical Discovery of Treasonable Faction', in *A Contemporary History of Affairs in Ireland from 1641 to 1652*, ed. J.T. Gilbert, (III vols. Dublin, 1879-80), I, p.8.

¹⁶⁵ Robert Dallington, 'To the High and Mightie, Charles Prince of Great Britannie. &c.', in *Aphorismes Civill and Militarie* (London, 1613).

¹⁶⁶ Patricia Patrick, 'Cultivating Prudence: Robert Dallington's "Aphorismes Civill and Militarie"', *Sixteenth Century Journal*, 43:2 (Summer 2012), pp 351-370.

¹⁶⁷ Deana Rankin points to a manuscript draft in the Northamptonshire Record Office dedicated to Henry, *Between Spenser and Swift*, p. 121.

military man laden with classical, masculine virtues, and the factionalism and duplicity of conspiratorial, self-interested ‘statists’ it is clear who represents the author’s ideal Catholic leader. From this opposition, and the interplay between the adages selected and the events to which they are meant to provide some semblance of depth, we can get some sense—however incomplete—of what embodied a virtuous social or political order to the author.

One such ‘Ormondist’, Patrick Darcy, who is regularly derided by the author, constantly denigrated, represents the very crux of this dichotomy between virtuous and unvirtuous political society. To the author of the ‘Aphorismical Discovery’, Darcy was ‘a halting barrister’ easily led by New English Protestants like John Borlase and Richard Bolton, was subject to the Protestant Ormond—‘his landlord, master and client’—and a ‘minion’ of the Earl of Clanricarde (who himself is presented as suspiciously un-Catholic).¹⁶⁸ Darcy himself was (as will be seen) a notable figure who argued from a language of common law in support of the autonomy of the Irish parliament. In this respect, Darcy represents the success of common law in Ireland, trained in the London Inns of Court and sitting in the 1640s as a Catholic member of the Irish parliament. To the author of the ‘Aphorismical Discovery’, Darcy’s arguments only suit a particular Protestant interest. In Darcy we are presented with an Irishman who is caught between several loyalties and pulled away from what is suggested ought to be his true identity, that of an Irish Catholic, and his due loyalty to an ideal Catholic Ireland. Throughout the text, aside from denigrating Darcy’s political and legal interests, the author insists that Darcy’s name itself has been misrepresented. Instead of being the Old English ‘Darcy’ the author refers to him as ‘more truly Dorchy’; almost certainly his rendition of the Irish ‘Ó Dorchaidh’.¹⁶⁹ In Darcy we are presented with a man who has seemingly turned his back on his countrymen, and his own identity, in support of Protestant ‘statists’ who first manipulate the Irish parliament and then the Confederate assembly to their own interests.

¹⁶⁸ ‘An Aphorismical Discovery of Treasonable Faction’, I, pp 11-2, 21-2, 38-40.

¹⁶⁹ He does this from his very first mention of Darcy, *ibid.*, p. 12; Dubhaltach Mac Fírbhisigh gives Darcy’s family as the ‘Uí Dorchaidhe Gaillimhe’, *The Genealogies, Tribes, and Customs of Hy-Fiachrach*, ed. John O’Donovan (Dublin, 1844), pp 46-51.

The description given of the Irish parliament by the author is not wholly negative. Instead, it fits into the image of Ireland before 1641 as a peaceful country brought low by conflict; in this case a specific image which Rankin notes comes from renaissance Italy via the *Aphorismes*. Dallington's fifteenth-century Italy, based on the Italian historian Francesco Guicciardini's *Storia d'Italia* (first published in English in 1579), was 'the most glorious & goodliest countrie in Europe, stood in fairer tearmes of happinesse and prosperitie' than since the fall of ancient Rome.¹⁷⁰ The actions of over-ambitious and prideful princes, Dallington argues, triggered a series of decades-long conflicts and ended this stability and drained Italy of its resources. The 'Aphorismical Discovery' lifts this passage wholesale, adding a variation on narrative of the violence of 1641 shattering 'the happy condition of Ireland', given by the Protestant John Temple.¹⁷¹ To its author, Ireland likewise 'stoode in fairer tearmes of hapinesse and prosperitie then ever it had done these 500 yeares paste'. However, these years of peace came at the cost of Irish liberty and Catholicism, with the country 'commaunded by forraigners and the majestie of religion ecclypsed'.¹⁷² The author mentions Poynings' Law, which required legislation in Ireland to be approved by the monarch and English Privy Council. He insists a Catholic faction in the Irish parliament was on the verge of having this act repealed and other acts 'in favour of this [Irish] nation instituted instead, but the proroguing of parliament brought this to an end. The engineers of this defeat, the author argues, were the Chief Justices Bolton, Borlase, and Gerard Lowther; all acting through Darcy in parliament.¹⁷³ This is the point at which, as argued in the dedication to Eoghan Roe O'Neill, 'the nation' became 'sensible of its slaverie in both spirituall and temporall affaires' and the 1641 Rebellion was conceived.¹⁷⁴

¹⁷⁰ Dallington, *Aphorismes Civill and Militarie*, pp 1-2; Rankin, *Between Spenser and Swift*, p. 135.

¹⁷¹ Temple, *The Irish Rebellion*, p. 15.

¹⁷² 'An Aphorismical Discovery of Treasonable Faction', I, p. 11.

¹⁷³ *Ibid.*, pp 11-2.

¹⁷⁴ *Ibid.*, p. 6.

Throughout much of its early stages, the ‘Aphorismical Discovery’ attempts to find justification for the 1641 Rebellion and the cause of Catholic confederates, making little distinction between the two. Both are, ultimately, movements whose ultimate aim ought to be (for the author, at least) in service of the interests of Irish Catholics. This leads to another tension in the text between justifications for the outbreak of violence and an unwillingness to completely abandon the basic idea of parliament as an institution. The author credits Irish Catholic clergy with the genesis of the Confederate assembly, that with ‘neither civill or martiall government’ in the absence of a parliament they called for a ‘convocation of all the prelates both secular and regular’. The Confederates, ‘sittinge assemblywise ... [resembling] a parliament’ in 1642, restated their belief in their cause; being ‘not only just and lawfull, but godly’. Like the Irish parliament, however, the Confederate assembly was undermined by a Protestant interest, in this case the Duke of Ormond whose ‘owne creatures’ were appointed to the Confederate Supreme Council. Again, Darcy is singled out, but Richard Bellings and four others ‘totally for Ormond’ are also mentioned, of the twelve total members. With his men in place, the author believed that Ormond had asserted control as the Confederates would ‘doe nothinge without passing through the channels of his pleasure’.¹⁷⁵ As the conflict continued, key royalist lords like the Earls of Clanricard and Thomond were brought into the Confederate fold by 1644. However, instead of joining ‘with the Irish (though all Irish themselves)’ they withdrew ‘privatly from his Majestie’s obededience ... unto their and Ormond’s Presbyterian partie’. These men, ‘seeminge Catholicks’, were at heart ‘Puritans or Protestants, all Irish, neither for Kinge, cuntrye, or religion’.¹⁷⁶ Despite being founded with the dual aims of protecting the Irish nation and the Catholic faith in Ireland—utterly inseparable in the ‘Aphorismical Discovery’—the head of Confederate assembly and its key allies were corrupted by Irish Protestants.

¹⁷⁵ *Ibid.*, pp 36-40.

¹⁷⁶ *Ibid.*, p. 77.

The author does definitively state whether or not the institution of the Confederate assembly, in being like a parliament, leaves itself open to this corruption. He is clear that the Confederates as a whole cannot be faulted, asking himself ‘...is all the Assembly guiltie of this connivence of treason and faction punishment?’ No, he answers, ‘the clergie, ancient Irish and fewe of the recent, are herof innocent, but weake, that nothinge to the contrarie they can acte, the faction is so predominant’.¹⁷⁷ Even the most virtuous Confederate Catholics cannot overcome Ormond’s influence. It is also worth noting that the Old English, the author’s ‘recent’ Irish and traditional inhabitants of the Irish parliament, are more susceptible to (and culpable for) this corrupting influence. As for the guilt of the assembly in general:

An ill executer of lawes, is worse in a state then a great breaker of them, not to punish an offence ... in our power, is to comitt it. There is noe greater offence unto the weale-publicke ... then a factious partakinge.

In Dallington, this aphorism referred to the centuries-long feud between the Guelphs and Ghibellines in Italy, but here refers to the failure of the Confederate assembly to spot and defeat its internal Ormondist faction.¹⁷⁸ By manipulating first the Irish parliament and then the Confederate assembly, the author believes that Protestants and their allies, ‘enemies of God, king and kingdome’ had been the hidden cause of violence. These enemies ‘of truth, justice and loyalltie’, and ‘freinds’ to ‘covenantiers, puritanizme and faction ... a poore-fewe-giddyheaded-abortive-statists’ had turned ‘a whole nation topsy torvy’.¹⁷⁹ While the concept of an assembly or parliament appears essentially worthy to the author, those who take full advantage of it through deceit and dishonesty are cowardly, indecisive ‘statists’, here associated with Protestantism. This is, of course, an attack on those who had opposed the Papal Nuncio, Gian-Battista Rinuccini, in the 1640s by querying both their

¹⁷⁷ Ibid.

¹⁷⁸ Dallington, *Aphorismes Civill and Militarie*, pp 212-13; ‘An Aphorismical Discovery of Treasonable Faction’, I, p. 76.

¹⁷⁹ ‘An Aphorismical Discovery of Treasonable Faction’, I, pp 75-6.

religious and political virtues. Both religious and political factionalism lie at the centre of Ormond's manipulations in the 'Aphorismical Discovery'.

The author of the 'Aphorismical Discovery' reuses the slur 'statists', ironically commenting on the Ormondist faction's control over the Confederate assembly and their alleged usurpation of the king's authority. 'Its greate pittty', the author laments, that 'those abortive statistes, were not sent ambassadours' to teach Louis XIV 'the way to governe France' better than Cardinals Richelieu and Mazarin. That if they had but lived elsewhere, they 'mighte shoe sedition, raise factions, raigne Caesars, and deceipher Pompeys' somewhere other than Ireland. Like Henry VIII, the Ormondists 'sought to manadge all affaires themselves, both spirituall and temporall'.¹⁸⁰ Again, 'statism', or the reason of state, and the influence of Protestantism are combined in the 'Aphorismical Discovery'. As Ian Campbell noted, the reason of state flew in the face of the established humanist norms of intertwined political and religious virtue. In the case of Cardinal Richelieu, who had advanced pro-Protestant policies in France—ultimately bringing France to war against Spain—Richelieu found himself under fire from Cornelius Jansen for his lack of virtue as a leader of a Catholic kingdom.¹⁸¹ Similarly, in first agreeing cessations of violence with Ormond and then secondly welcoming the Earl of Inchiquin—'a publicke traitor of God'—back into the king's fold in 1648, the Supreme Council had fallen short. The author asks how they could, 'beinge Catholicke and sworne Confederata for the furtherance of Catholicke religion', align with a man with Catholic blood on his hands.¹⁸² The reason of state flies in the face of the author's appeals to 'the Lawes divine and humane'. Statism, in the 'Aphorismical Discovery', is shelter for heresy and discord and a contravention of humanist, absolute virtues.

Richard O'Ferrall's 1658 report to the *Congregation de Propaganda Fide* in Rome regarding the events of the 1640s builds from a similar, deeply Catholic and humanist line

¹⁸⁰ Ibid., pp 218-19.

¹⁸¹ Ian Campbell, 'Power after Machiavelli: Richard Bellings, Reason of State and Jansenism in Seventeenth-Century Ireland', 50-1.

¹⁸² 'An Aphorismical Discovery of Treasonable Faction', I, p. 190.

of reasoning to blame the Old English for the failure of the Confederates. Censures made by Rinuccini against leading confederates in 1648 had remained controversial throughout the 1650s and O’Ferrall’s memorandum attempted to provide justification.¹⁸³ Through O’Ferrall’s report, Englishness and heresy are ‘synonymous’; the very institutions of English authority—parliament and common law—being no exceptions.¹⁸⁴ O’Ferrall stresses that there were laws in place in Ireland—‘governed by the received faith, and by civil, provincial, and pontifical law’—before the arrival of the English with Henry II, whose descendants gradually introduced their own laws.¹⁸⁵ As in the ‘Aphorismical Discovery’, the legal and political institutions of English government are as questionable as English faith. These ‘colonists’, according to O’Ferrall, usurped the authority of the medieval church and attempted to enrich themselves in the process. Likewise, the lords deputies and parliaments of Ireland ‘used to compose whatever laws pleased them with a view to depriving the Irish of learning, soldiery, honours, lands, goods, etc’.¹⁸⁶ Regarding the Catholic Confederation as a means of instituting a thoroughly Catholic government, O’Ferrall regards the supposed conspiracy of ‘politiques and heretics’ as an attempt to restore a ‘government of the heretics’ headed by Ormond.¹⁸⁷ Even more so than the ‘Aphorismical Discovery’, Catholic religious virtue is foremost in O’Ferrall’s report; all political action ought to be service of furthering a Catholic cause. The Old English appear suspicious in this regard, too deeply wedded to a constitution which is portrayed as unjust and likewise tainted by Protestant heresies.

Integral to the arguments of both O’Ferrall’s report and the ‘Aphorismical Discovery’ is a supposed weakness or predisposition on the part of the Old English which had made them more susceptible to spiritual corruption. Their institutions of

¹⁸³ P. J. Corish, ‘Two contemporary historians of the confederation of Kilkenny: John Lynch and Richard O’Ferrall’, pp 217-36; Nienke Tjoelker and Ian Campbell, ‘Transcription and Translation of London Version of Richard O’Ferrall’s Report to Propaganda Fide (1658)’, *Archivium Hibernicum*, 61 (2008), pp 7-61.

¹⁸⁴ Campbell, *Renaissance Humanism and Ethnicity before Race*, pp 107-8.

¹⁸⁵ Richard O’Ferrall, ‘To the Sacred Congregation for the Propagation of the Faith’, trans. Nienke Tjoelker and Ian Campbell, *Archivium Hibernicum*, 61 (2008), pp 10-11.

¹⁸⁶ O’Ferrall, ‘To the Sacred Congregation for the Propagation of the Faith’, pp 16-19.

¹⁸⁷ *Ibid.*, pp 30-3.

government—common law and parliament—come under suspicion too. Both texts focus on the usage of these institutions—and that of the Confederate assembly, operating in a similar fashion—to stifle Catholicism and the ambitions of the Old Irish. While never pointing to a specific alternative or calling for a move away from these institutions, it is clear that both texts portray them as innately English and too open to abuse by unprincipled agents of heresy. O’Ferrall’s attacks on the Old English, and specifically Old English clergymen, proved controversial and prompted several responses. John Lynch’s *Alithinologia* (1664) and *Supplementum Alithinologiae* (1667) sought to refute O’Ferrall’s thesis on the failings of the Old English, providing a defence of the Old English, including an emphasis on the nobility of the Duke of Ormond. Lynch, himself an Old English member of the Catholic clergy—and like O’Ferrall, in exile on the continent—had personal stake in defending that community and emphasising their collective predicament as Catholic Irishmen. Like O’Ferrall, and also the anonymous author of the ‘Aphorismical Discovery’, Lynch was writing for a continental audience and used the common language of renaissance humanism to make his case. This can also be seen in his earlier history of Ireland and refutation of Giraldus Cambrensis, likewise written—at least in part—for a continental audience growing too familiar with the medieval writings of Giraldus.

Published in 1662, *Cambrensis Eversus* provides criticism of both the writings of Giraldus Cambrensis and the survival of the Cromwellian land settlement into the Restoration. In attempting to prove the existence of medieval Irish laws and the health of the church in Ireland prior to the invasion of Henry II, in order to attack the bases of that invasion, Lynch gives a depiction of an idealised society. Bound by his humanist language, the ancient and medieval Irish society—its laws, religion, and kingship—that he depicts continuously refers back to classical and Catholic norms. From his analysis of medieval Irish customary law, heavily reliant on John Davies and Geoffrey Keating, we can piece together Lynch’s general idea of what a just legal system ought to be. His refutation of Giraldus involves disproving two general assertions made by Giraldus: firstly that the Irish were in some way deficient in their religious practices and ecclesiastical organisation and

secondly that Ireland was a lawless place in need of settlement. To disprove these assertions, Lynch provides a counter-narrative that establishes the continued strength of the early medieval Irish church and which depicts the medieval Gaelic kings and princes of Ireland as lawgivers who held themselves accountable to the law and their subordinates. Lynch's depiction of these kings, in particular, provides an ideal type of kingship, heavily informed by his own Aristotelian political 'conservatism' and humanist tendencies. Together with Lynch's attempt to prove the 'illegality' of Henry II's invasion of Ireland, to the extent to which Giraldus and the papal bulls allegedly granted to Henry provided a legal basis for invasion, we get a sense for Lynch's normative legal theory.

Regarding kingship and the law, the descriptions that Lynch gives for many early Irish kings portray a nascent legal constitution, comparable with early modern accounts of Anglo-Saxon monarchs. Lynch's kings appear to be beholden to, or part of, an imagined ancient constitution endogenous to Ireland. For example, several kings are described as having called assemblies, not just of the nobility but also members of the clergy. He describes Tairdelbach Ua Briain (1009–86) of Munster as having been a lawgiver who received the voluntary submission of his subjects, taking nothing 'by force'.¹⁸⁸ Likewise, his relative Donnchad Ua Briain (d. 1064) is praised by Lynch for being a lawgiver whose laws equalled or surpassed any since the time of St Patrick.¹⁸⁹ The latter he credits with calling an assembly of the nobility and clergy to improve the state of his kingdom, a credit he also gives to the two Ua Conchobair kings of Ireland. Both Ruaidrí (d. 1196) and his father Tairdelbach Ua Conchobair (d. 1156), two of the final Gaelic kings before Henry II's invasion, receive particular praise for their respect for the law. Notably, Lynch recounts how Tairdelbach, while king, had imprisoned Ruaidrí for an unspecified crime—releasing him only after the intervention of clergy—while Ruaidrí would likewise imprison and blind his son for rebellion. Ruaidrí's own crime had also been that of rebellion, or at least conspiracy with his brother Áed to revolt against Tairdelbach, and, interestingly, Lynch

¹⁸⁸ John Lynch, *Cambrensis Eversus*, trans. Matthew Kelly, (3 vols., Dublin, 1848-52), II, pp.44-5.

¹⁸⁹ *Ibid.*, pp 40-1.

does not mention this.¹⁹⁰ It is likely that Lynch intended to highlight the personal and political virtues of these monarchs as law-giving and law-abiding, seemingly excusing Ruaidrí's blinding of his son for the 'sin' of rebellion while avoiding Ruaidrí's own indiscretion.

These descriptions of notable Irish kings abiding by the law and calling assemblies to discuss matters of the law suggest that Lynch believed there had been some manner of a constitution or widely understood body of laws and customs in effect in early medieval Ireland. For this, he turns to two contemporary Irish sources whom he relies on for genealogical references. He names several volumes and collections of Brehon Law, in an attempt to definitively prove that—counter to the assertions of Giraldus and later historians—Ireland had been far from lawless. Lynch makes the point that for a lawless place, medieval Ireland had an unusually substantive corpus of legal judgments and adages. However, regarding his history, Lynch never makes any specific reference or draws from any of these texts. Instead, his understanding of the laws that these kings had passed themselves or through their assemblies is drawn from the annals or secondary sources; mentioning that laws had been made but not what these rulings were exactly. In some cases, Lynch is aware of specific legal provisions—for example, a requirement that hospitality is provided for guests and that poor hospitality could be punishable—but rarely provides any great depth. For Lynch and his refutation of Giraldus, it is enough that these laws existed in some form and that one sign of a good monarch involved the discussion and creation of these and new laws in noble (and clerical) assemblies.

John Lynch's *Cambrensis Eversus* offers something of a positive view of Brehon Law. He is keen—drawing on both Davies and Geoffrey Keating—to provide an account of the interactions between the two legal systems in Ireland following Henry II's invasion. He stresses the divide between areas under the control of native Irish chieftains and the English Pale. Drawing from Davies he mentions the 'Black Rent' extracted from the

¹⁹⁰ Ailbhe Mac Shamhráin, 'Ua Conchobair, Ruaidrí', *DIB*, available online: <https://doi.org/10.3318/dib.008725.v1>

Palesmen by local chiefs but unlike Davies, he provides no moral commentary or reflection on this custom. To Lynch, these chieftains operated on their own authority, their own customs and traditions recognised by English authorities in ‘pactione’, ‘formal treaties’ or agreements. The greater part of Lynch’s argument here is to establish the incomplete nature of English conquest and the failure of English monarchs to enforce their authority *over* the Gaelic Irish. Despite this, and despite offering a more neutral account of Brehon Law—based in Davies’ own, less neutral, one—Lynch’s opinions still lean more strongly in favour of common law. One aspect of this interaction between common law and Brehon Law in Ireland which both Davies and Lynch focus on is legal representation. According to both authors, with Lynch drawing from Davies, the fact that the Gaelic Irish lived ‘outside’ of common law made it more likely for them to suffer miscarriages of justice. ‘If the Irish demanded redress from an English tribunal for injuries done to them, they could have no redress unless they produced charters of freedom’, Lynch tells us. He makes this point as part of the broader argument that the ‘alien’ status given to the Gaelic Irish was responsible for much of the violence and resentment between the Irish and English, but it also reveals motivation for accepting common law. If the Irish, by virtue of having not been completely conquered, had never adopted English laws and were treated as aliens and ‘enemies’ then embracing these laws might void their alien status under English law. This is a point that ‘New English’ historians would make, as in the case of both Richard Cox and Edmund Borlase who both suggested that the differences in laws and customs were the root of much of the ‘perpetual conflict’ that Lynch describes. To Lynch, the accession of James VI of Scotland, by dint of his early medieval Irish ancestry, ended this conflict and the contrast between his descriptions of Tudor and early Jacobean attempts at spreading common law is striking.

Lynch does discuss the Irish parliament, but his understanding of the root of the problem is not grounded in the language of common or of the rights of the Irish as subjects. There is no mention of Magna Charta in *Cambrensis Eversus*, instead, the Irish are citizens of Ireland—still loyal to the Stuart monarchy—who have been reduced into subjugation by

Cromwellian settlers. In his dedication, Lynch decries the Irish parliament as having exceeded that of even the Roman governor of Sicily, Verres, ‘who substituted (for a bribe) a colonist for a native’; contrary to a law that natives should be in the majority. Lynch asks ‘would not the English fly to arms at once’ if the English parliament were composed entirely of Irish settlers. He argues that the decision of English Protestants that English Protestants should rule alone in Ireland, likely referring to the 1662 Act of Settlement, is unjust as ‘no mortal can be a judge in his own case’.¹⁹¹ He later returns to his idea of unjust sentences passed against the Irish, being unable to defend themselves, referencing Seneca’s first-century play *Medea*:

*A decision made without one side being heard
cannot be just, even if the outcome’s just.*¹⁹²

Here, Lynch is condemning the legal basis of the papal bulls supposedly granted to Henry II but it is a sentiment that he applies to Restoration Ireland, and English rule in Ireland more generally. Referencing Genesis, Lynch asks Charles to spare the innocent from the punishment of the guilty.¹⁹³ Lynch’s portrayal of Restoration Ireland is that former confederates, those who had fought for Charles and his father, were being persecuted alongside the regicides who had fought against them.

Lynch turns to Aristotle for a discussion of liberty, that ‘no citizen ... enjoys true liberty who is not eligible to civil power in his native land’.¹⁹⁴ Just as earlier English authors had lamented the intrusion of monarchical power as a challenge to their liberty as free citizens; it is the intrusion of English settlers in Ireland that limits the liberty of the Irish. Ian Campbell suggests that the exclusion of Catholics from the Irish parliament at this point effectively closes off parliamentary tradition to Lynch and his contemporaries,

¹⁹¹ Lynch, *Cambrensis Eversus*, I, pp 25-6.

¹⁹² The reference given is for Seneca’s *Hercules* but it is actually *Medea*, the title character laments the decision of King Creon to send her into exile without hearing her case; Lucius Annaeus Seneca, *The Complete Tragedies, Volume I: Medea, the Phoenician Women, Phaedra, the Trojan Women, Octavia*, ed. Shadi Bartsch (London, 2017) p. 19; Lynch, *Cambrensis Eversus*, II, pp 442-3.

¹⁹³ *Ibid.*, I, pp 38-9; ‘Wilt thou also destroy the righteous with the wicked?’, Gen., 18 (KJV).

¹⁹⁴ Lynch, *Cambrensis Eversus*, I, pp 6-7.

freeing him to focus on absolute royal power: a last hope.¹⁹⁵ However, Lynch does continue to mention lack of access to parliament as a grievance, something which fundamentally ought to be available, and his continued insistence that ancient Irish kings had held assemblies points to them as a positive good in his political opinion. Instead, Campbell's earlier point that it would have made little sense for texts directed at a continental audience to use common law arguments seems more appropriate. As he states regarding Richard O'Ferrall, he 'would not have presented to a group of Italian cardinals an argument which was fundamentally foreign to them.'¹⁹⁶ Likewise, Lynch's real audience—despite the dedication to Charles II—was a continental one; an audience recently familiar with Giraldus Cambrensis but with no readily available refutation.¹⁹⁷ Lynch had neither the means nor interest in presenting a common-law argument and, in turning to a language of civic humanism, the political theory of *Cambrensis Eversus* is shaped accordingly. While his refutation of Giraldus doubles as a defence of the rights of the monarch to shape the law—and ostensibly overturn the land settlement—the Irish parliament itself is not denigrated so much as its newly-arrived Protestant occupants.

Conclusion

Considering the totality of the success of common law among the Catholic middle class in Ireland it should be no wonder then that Irish Catholics like Patrick Darcy and Nicholas Plunkett provide little suggestion of returning to Brehon law, yet there is little sign of this even in humanist texts hostile to elements of common law. While both the anonymous author of the 'Aphorismical Discovery' and Richard O'Ferrall criticise common law and the Irish parliament as suspiciously English institutions open to corruption, they do not provide obvious alternatives. Both emphasise the virtues of the Irish clergy in the face of existential danger but neither appear to point to canon law as an appropriate legal code.

¹⁹⁵ Campbell, 'Aristotelian Ancient Constitution and Anti-Aristotelian Sovereignty in Stuart Ireland', p. 589.

¹⁹⁶ *Ibid.*, p. 580.

¹⁹⁷ D'Ambrières & Ó Ciosáin, 'John Lynch of Galway (C.1599-1677)', p. 56.

The ‘Aphorismical Discovery’ appears to present Eoghan Roe O’Neill as a lost, speculative monarch. In that narrative, O’Neill is a native, a devout Catholic, and a martial leader in stark contrast to politicking, Protestant outsiders, though the author never actually condemns the Stuarts on those lines. John Lynch’s *Cambrensis Eversus* devotes much of its history of early medieval Ireland to proving the existence and functioning of customary Irish laws under regional kings and canon law under church reformers like St Malachy. However, Lynch does not go into specific detail about most of these laws, rather he intends to refute accusations—made either by Giraldus or early modern observers—that Ireland was a lawless place in need of outside intervention. While Lynch, however, does attack common law and the Irish parliament for having been used against the Irish and against Catholicism, he does not point to any fundamental weakness or corruption in these institutions. Instead, his dedication to Charles II calls for the return of lands to those deprived under Cromwell, for their readmission to the Irish parliament, and the expulsion of Cromwellian settlers from both.

The key significance of these arguments is that they reveal just how contingent appeals to common law were on not only a background in the common law but also in the availability of those institutions. A consequence of this is the apparent lack of appeals to common law in histories written by Irish Catholics during the Restoration period. For the most part, these authors have no background in the common law or parliament and are writing during a period in which—barring 1689—only Catholic lords sat in the Irish parliament or there was no parliament at all. This gives the appearance—as in Kidd and Campbell—that constitutionalism was confined to writings by Irish Protestants. The 1689 Irish Parliament goes some way to demonstrating that, with the availability of this institution to Catholics once more, Irish Catholics could readily adopt a language of common law. This chapter has demonstrated that, once parliamentary power was within their grasp, Irish Catholics readily seized upon it and framed their arguments according to its common law traditions. However, this does mean that Irish Catholic historians during the Restoration will generally tend to avoid basing their arguments in common law

constitutionalism, with Catholic-influenced humanism being a far more familiar set of ideas. Civic humanism predominates in the writings of Catholic authors like Lynch, being far more accustomed to rhetoric inspired by classical texts, but the common law constitution remained the favoured political strategy—where possible. As will be shown in the following chapter, even Lynch had to reconcile the foreign nature of common law constitutionalism—a legal tradition introduced into Ireland as a consequence of invasion—with its adoption by the Catholic Irish.

3. CONSTITUTIONALISM II:

CONQUEST

Introduction

This chapter will explore the legacy of Henry II's twelfth-century conquest of Ireland; how writers in the Restoration period understood the significance of this event, and the concept of the conquest of Ireland, in historical terms. To do so, this chapter examines two general approaches to understanding conquest evident in the histories which reference Henry II's conquest. First, a narrative that can be termed a 'positive' understanding of conquest, not just in terms of benefit, but conquest as a foundational moment or catalyst for constructive change. The positive change in this instance is usually found in the introduction of common law, of English political-legal introductions, but also the 'reformation' of religion and society. These arguments were couched in references to prominent late Tudor and early Stuart jurists Edward Coke, Henry Spelman, and John Davies, who testified to the origins and benefits of common law. Secondly, an opposing view of conquest—and specifically Henry II's conquest—as an event with questionable moral justifications or whose impact is seen as less positive. These authors tend to emphasise Irish history prior to the conquest in opposition to those of the first, who tend toward side-lining or eliding it all together. Davies also proves foundational here, as the Catholic John Lynch uses him to deny the conquest for its incompleteness. It is a 'negative' understanding of the conquest in that it lends to attacks on some of the foundations on which Henry II's conquest, and by extension, later conquests, were justified. Relying on annalistic and hagiographical sources these authors pointed to the strength of Irish laws and faith before Henry's arrival.

Perhaps unsurprisingly, authors whose histories can be said to fall into either of these two views of the conquest of Ireland tend to be divided along confessional lines. Explorations of Henry II's conquest as a foundational moment in introducing law and order can be found in the works of Protestant New Englishmen. Key here are Edmund Borlase and Richard Cox, whose works understand Henry II's conquest through Tudor and

early Stuart efforts to rationalise and bring the Kingdom of Ireland into line politically and legally. Notable exceptions come in form of William Domville and his son-in-law William Molyneux, Irish Protestants whose defence of Irish legislative independence led them to deny the conquest. Instead, for Domville and Molyneux, the Gaelic kings of Ireland had submitted voluntarily to Henry and consented to the introduction of common law. One writer less positive about the memory of the conquest, Peter Walsh, and another outright hostile, John Lynch, were both Catholic Old Englishmen. Both looked to earlier Irish authors such as Geoffrey Keating and a tradition that instead stressed monarchical genealogy. Locating the Stuart right to rule in their medieval Scottish and Irish ancestors, these authors could then attack the justifications of the conquest without indirectly attacking or undermining the legitimacy of their sovereigns.

It important to clarify here the how the concept of conquest relates to the ancient constitution of common law evident in early modern England and Ireland. The concept of constitutionalism in early modern history, as understood in this thesis, stems from the seminal work of J.G.A Pocock. Here, constitutionalism is a phenomenon of early modern European political theory which arose from the interactions between the monarch and feudal customary law: a ‘collision between the authority of kings and local or national privileges’. Everywhere in early modern Europe, Pocock argues, the supporters of assemblies and parliaments sought to defend these institutions by demonstrating the antiquity of their legal traditions and the customs on which they were based. ‘No man granted us this liberty’, as Pocock summarises it, ‘it has been ours from beyond the memory of man’.¹⁹⁸ In demonstrating this antiquity, the aim was to prove that the law was not a gift from any monarch but instead was recognition—through charters and statutes—of pre-existing, immemorial liberties.

In England, where it seemed that only customary law in the form of common law, and not Roman law, had ever been in force, Pocock outlines how the common law acquired

¹⁹⁸ Pocock, *The Ancient Constitution and the Feudal Law*, pp 15-7.

a fiercely mythological character. From the writings of John Davies and Edward Coke he outlines a sense that common law of England is built upon untold centuries of usage and custom, an unwritten ancient constitution given all of force of written law by convention. Where statutes and acts could 'grow obsolete... custom must always be perfectly up-to-date'.¹⁹⁹ In Coke, English common law also gains a national character as he outlines how the immemorial continuity of custom and tradition stretch past the Norman conquest of 1066 and past the first Saxon kings of England.²⁰⁰ No king, much less a foreign conqueror, had given the English their laws. This interaction (or lack of interaction) between the continuity of the common law despite the disruption of the Norman conquest has consequences for a history of constitutionalism in Ireland. If English common law is a particularly English inheritance out of time immemorial, independent of the monarch, does this pose a problem for the use of common law in early modern Ireland? How could common law, an immemorial set of liberties inalienable to—and defined by the customs of—English people, be reconciled with the idea that English rule in Ireland was predicated upon Henry II's twelfth-century conquest of that island? This chapter will explore the idea of conquest, focusing on the legacy of Henry II, and its implications in Irish histories published during the Restoration period.

Conquest and the Constitution of Ireland

For two writers of the history of English rule in Ireland, Edmund Borlase and Richard Cox, Henry II's conquest of Ireland is not a pivotal moment but instead the starting point of this history. For both, English rule begins with this event; the political and legal institutions of Ireland recognisable to Restoration observers begin with Henry II. These are common law and the Irish parliament as well as the succession of monarchs and their claim to rule Ireland. Although a later development, these authors tend to include parliament as related

¹⁹⁹ Pocock, *The Ancient Constitution and the Feudal Law*, p. 34.

²⁰⁰ *Ibid.*, pp 39-41.

to this original constitutional ‘package’. Domville, Cox, and Molyneux point to Henry’s 1172 council at Lismore as a precursor—spiritually or more directly—to the later Irish parliament.²⁰¹ Crucially, however, the extent to which Henry II’s conquest was a complete or total one remained contested. For example, was his conquest complete if the majority of the population following this conquest remained outside of the rule of English law? This is the case made by John Davies in his 1613 *Discovery of the State of Ireland*, whereby the conquest was not complete until the final victory of common law over traditional Irish law. In the case of Domville and Molyneux, it was no conquest at all but voluntary submission. Both Borlase and Cox give narratives of progress, despite upsets, in bringing Ireland more fully in line with early modern English political, legal, and cultural norms: a process which started with Henry II. In both, however, there is an apparent concern about how to reconcile the Papal bulls that supposedly underpinned Henry’s invasion with early modern Protestant thinking. Both authors minimise the significance of these bulls, yet Cox does attempt to incorporate them into his narrative as demonstrative of native moral degeneracy.

Edmund Borlase was one of the Protestant ‘New English’ in Ireland, a former student of Trinity College Dublin, and a member of several committees of the Irish parliament during the 1640s.²⁰² In his writing, he presents a view of Henry II’s conquest as one necessary for the spread of common law and English customs. His 1672 history of Ireland, *The Reduction of Ireland to the Crown of England*, takes the immediate aftermath of the conquest as its starting point. The form of this history is a narrativised list of the various justiciars, lords deputy, and lords lieutenant appointed by English

²⁰¹ Domville and Molyneux point to Lismore as the moment when the assembled nobility of Ireland received common law and the *Modus Tenendi Parliamentum*—a medieval document which set out how a parliament should be summoned and arranged—from Henry II, Domville, ‘A disquisition...’, pp 44-6; Molyneux, *The Case of Ireland’s Being Bound*, pp 130-1, 139; Cox considers Lismore to have been more a synod than an assembly, but likewise points to it as the moment when common law was introduced, with the *Modus* being introduced shortly thereafter, Cox, *Hibernia Anglicana*, I, p. 25.

²⁰² Royce MacGilliarivay, ‘Edmund Borlase, Historian of the Irish Rebellion’, *Studia Hibernica*, 9 (1969), pp 86-92; Aidan Clark, ‘Borlase, Edmund (c. 1620–1682)’, *ODNB*, online: <https://doi.org/10.1093/ref:odnb/2907>

monarchs, a lens through which to approach the history of English government in Ireland. Borlase rationalises this approach through the importance of high politics and the role of a viceroy as a stand-in for a prince or sovereign in early modern society. He points to two specific types of failure evident among these governors, either ‘through their [personal] Interests’ contributing to the ‘Degenerating of the Old English into the Irish Customs’ or by hard rule ‘alienating’ the Irish.²⁰³ Throughout this history, Borlase points to the importance of these governors as personal representatives of English monarchical rule, embodying a similar role as regards the defence of common law as might be expected of the monarch in England.

Borlase’s history gives some sense of the twelfth-century conquest as being an incomplete but foundational moment, particularly regarding the use of common law and English customs. His view of a model society is one where all subjects, ‘the English as well as the Irish, the Lord as the Kern is amenable to the Law’ and can be tried accordingly.²⁰⁴ This, by his own admission, is the ideal as some Irish Catholic writers—he mentions the Jesuit Conor O’Mahony—still pointed to the common law as an imposition by foreign rulers, rulers whose claim to rule was unjust.²⁰⁵ While O’Mahony’s attacks on Henry II’s claim to rule are echoed to an extent by John Lynch, for example; Lynch does not dispute that of Henry’s Protestant, Stuart successors. What matters here is Borlase’s insistence, in response, on the right to rule of English monarchs. The mention of O’Mahony serves in part to retrench the claim stemming from Henry II’s conquest and in turn suggest that attacks on this claim might undermine that of the Stuarts. Borlase considers the Papal bulls supposedly granted to Henry II and ‘so many years possession’ as two arguments which could be advanced on behalf of English governance. Other than in this introduction, there

²⁰³ Edmund Borlase, ‘To the Reader’, *The Reduction of Ireland*.

²⁰⁴ Borlase, ‘To the Reader’, *The Reduction of Ireland*.

²⁰⁵ Borlase, ‘Introduction’, *The Reduction of Ireland*; O’Mahony’s text goes further, to advocate expelling the English and installing a Gaelic Irish monarch—advice seen as incendiary in 1647—resulting in the book’s public destruction by the Catholic Confederation, Micheál Ó Siochrú, *Confederate Ireland, 1642-49: A Constitutional and Political Analysis* (Dublin, 1999), p. 175; Borlase does note O’Mahony’s unfavourable reception, and O’Mahony’s exhortation against the Stuarts was not repeated by most Catholic writers during the period 1660-91.

is no mention of these Papal bulls or the religious justifications given by Giraldus Cambrensis. Ultimately the right of conquest ‘against a Nation meerly Pyrates, Barbarous, and Inhumane against the Laws of Nature and Nations’ is ‘a sufficient one’ for him.

This justification, for Borlase, rests on two prominent treatises on just war, Hugo Grotius’s *De Jure Belli ac Pacis* (1625) and the—more specific—opening sections of Francis Bacon’s *Considerations Touching a War with Spain* (1624). The reference to Grotius is that a fundamental and accepted purpose of war according to the law of nature, as argued by Grotius, is to repel aggression against one’s own people.²⁰⁶ Both Borlase and Grotius reference the *Book of Judges* and Jephthah’s defensive war against the Ammonites, whose attacks on Israel are portrayed as unjustified: ‘I have not sinned against thee, but thou doest me wrong to war against me’.²⁰⁷ Bacon goes into greater detail about the kind of war that Borlase appears to be referring to. For Bacon, whole ‘Nations’ may be ‘outlawed, and proscribed, by the Law of Nature, and Nations’, for their lack or ‘Nullity’ of governance or law. He gives the example of the Cilician Pirates, subdued by Rome in the first century BC, whose defeat could not be considered an unjust war against another nation just because the pirates held territory: ‘Beasts are not the less Savage because they have Dens’. Pirates, to Bacon, are an enemy of humanity ‘Whom all Nations are to prosecute’.²⁰⁸ The ultimate justification for the Anglo-Norman conquest of Ireland given here, according to Borlase, relies upon the account of the 1170 Synod of Armagh provided by Giraldus Cambrensis. In this synod, Giraldus writes, the conquest was understood by the Irish clergy as ‘judgment for the sins of the people’, specifically their enslavement of English subjects.²⁰⁹ In this way, the medieval Irish who had been conquered by Henry II were a lawless people; lacking any adherence to the conventional laws of nature as understood in early modern Europe.

²⁰⁶ Hugo Grotius, *The Rights of War and Peace*, ed. Richard Tuck (Indianapolis, 2005), I.2.2, pp 185-8.

²⁰⁷ *Book of Judges*, 11:27, KJV.

²⁰⁸ Francis Bacon, *Certain Miscellany Works OF The Right Honourable Francis Lord Verulam, Viscount St. Alban* (London, 1670), pp 43-4.

²⁰⁹ Giraldus Cambrensis, *The Historical Works of Giraldus Cambrensis*, ed. Thomas Wright (London, 1881), p. 215.

Henry II's conquest introduced English laws and customs to Ireland, as the laudatory poem composed by Zacheus Isham for Borlase's work intones:

*...from the first Rise you trace,
When she did English manners first embrace;
And her old barbarous Customs leave.*²¹⁰

In this regard, Borlase's view of Henry II's conquest is that its justification comes in its ends, the introduction of English political and legal institutions: parliament and common law. In this sense, it is also an incomplete conquest, as common law, and English customs generally, remained threatened by their Irish equivalents. This is clear in his excoriation of unnamed lords deputy who had failed to curb the 'degeneration' of the Old English, not degenerated in the sense of intermarriage with the Gaelic Irish, but in their use of Irish customs. This idea of a conquest "incomplete" for its failure to spread legal institutions is further echoed in the Catholic John Lynch's earlier *Cambrensis Eversus* (1660). Lynch notes that if the 'adoption of the invader's laws' is proof of conquest then it is clear that Ireland was never conquered until the sixteenth century. He also contends that as the Gaelic Irish had little recourse to or protection under English law—'as aliens... enemies'—until the reign of James I, they understandably had little interest in these institutions.²¹¹ Borlase is sympathetic to a point, noting the negative habit of unnamed lords deputy of 'alienating' the Irish, but ultimately he considers it the responsibility of the Irish to adopt common law. He muses, for example, on the failure of Irish 'Natives' to succeed in England while Old Englishmen attained ecclesiastic and civil offices in Ireland:

*[Englishmen] love to live where we may command, and they [the Irish] care not
to live where they must obey. Certainly the defect rests much in themselves,
having been at all times indulged on their Adresses...*²¹²

²¹⁰ Zacheus Isham, 'A Pinarique Ode', in Borlase, *The Reduction of Ireland*; while Royce MacGillivray considered Isham's relationship with Borlase 'sycophantic', this poem surely reveals something of how Isham understood, 'Edmund Borlase, Historian of the Irish Rebellion', p. 87.

²¹¹ Lynch, *Cambrensis Eversus*, I, pp 198-217.

²¹² Borlase, *The Reduction of Ireland*, p. 43.

He references 'some Acts', including one during the reign of Henry VI which barred Irishmen from acquiring civil offices or entering universities in England, but that this cannot explain the overall trend. Just as Henry II's conquest, bringing into Ireland English legal and political institutions is to be praised; the failure of the Irish to be integrated into these same institutions is to be condemned. Borlase portrays this as the Gaelic Irish setting themselves up for failure; by discarding Irish customs in favour of English ones they would surely receive the full benefit of the law. Thomas Sheridan's 1677 history of English parliamentary and legal institutions takes this point to its conclusion. 'If all the Natives were oblig'd to speak English... and allow'd equal Privileges in Trade, the same Customs and Usages', he writes, then their 'sense of being Conquer'd' might be erased.²¹³ For Borlase, Henry II's conquest is incomplete because of this disparity, only completed during the reign of James I, with the victory of common law through John Davies. Following this, Borlase writes, there existed 'one Law' in Ireland for the all the 'dutiful Subjects of our Sovereign Lord and Monarch' and the removal of all 'difference and distinction'.²¹⁴ That Sheridan still notes a 'Rancor' among the Irish subjects of Charles II suggests that this legal 'conquest' was far from a *fait accompli*.

Richard Cox was, like Borlase, one of the Protestant 'New' English, brought up in County Cork by his grandfather and, later, his uncle. A lawyer in Cork, Cox fled to England in April 1687; shortly after the Catholic Richard Talbot, Earl of Tyrconnell and favourite of James II, became Lord Deputy of Ireland.²¹⁵ While in England, Cox published his history of Ireland in two parts: *Hibernia Anglicana* (1689 and 1690). Like Borlase's *Reduction of Ireland*, Cox's history starts with Henry II's conquest. His preface justifies this starting point because Irish history and records, prior to the arrival of the Normans and the beginning of their records, were 'Fabulous'.²¹⁶ He instead relies on the historians James Ussher, the former Archbishop of Armagh, and James Ware for a narrative of early

²¹³ Thomas Sheridan, *A Discourse of the Rise and Power of Parliaments* (London, 1677), pp 145-6.

²¹⁴ Borlase, *The Reduction of Ireland*, p. 44.

²¹⁵ Connolly, 'Cox, Sir Richard, first baronet (1650-1733)'

²¹⁶ Cox, 'To the Reader', *Hibernia Anglicana*, I.

medieval Ireland. Like Borlase, Cox's account carries a sense of a conquest not yet complete but in Cox's case—publishing in the midst of the Williamite War in Ireland—there is a call for an immediate re-conquest or 'recovery'. *Hibernia Anglicana* uses history to create a narrative of progress in which Ireland has been developed and made English in its laws and customs, despite interruptions and disruption, but which could yet fall back into barbarity.

Cox dismisses the condition of Ireland prior to Henry II's conquest, contrasting Ireland before and after. He half-heartedly relays that Irish monarchs had—according to Ware—crowns 'of Gold, and Jewels, and Gold Rings' and had been a centre of religious fervour, things had fallen behind by the twelfth century. To Cox, the 'Irish did continue in their Barbarity, Poverty and Ignorance until the English Conquest' and all progress in 'Manners and Conditions' could 'be ascribed to the English Government'.²¹⁷ While Borlase touches on church reform as a justification for Henry II's invasion of Ireland his focus is ultimately on the progress of legal institutions in Ireland. Cox reaches further in his view of English involvement in Ireland and its implications for the inhabitants of that island. To Cox, English intervention is responsible not just for the spread of legal and political institutions, but economic and religious reform and the reform of the very culture of the Irish. In some respects, Cox's narrative appears to refer back to Tudor discourses of manners and civility in Ireland, in which the Tudor conquests of Ireland embody a quasi-civilising effort. In order to examine these religious and cultural strands of thought in his narrative, it is necessary to look at them individually.

Cox is keen to defend the reputation of Henry II as a religious reformer, perhaps inspired by the invectives levied against his reputation by John Lynch. For his conquest of Ireland to be understood as a campaign to restore the standards of Christian worship to that country, it would be expected that the monarch tasked with this would be a representative of those standards. This is the argument made by Lynch in *Cambrensis*

²¹⁷ Cox, 'An Apparatus: or Introductory Discourse to the History of Ireland', *Hibernia Anglicana*, I.

Eversus against Henry's conquest—amplifying Philip O'Sullivan Beare's earlier account—with Lynch using Giraldus's own statements to that end. Lynch argues that *Laudabiliter*, the papal bull supposedly bestowing the responsibility of reforming Irish faith on Henry, could not have been granted to a monarch of Henry's own alleged moral turpitude and 'impiety'. Lynch points to the murder of St Thomas of Canterbury, Henry's embassies to the antipopes Victor IV and Paschal III, and his adultery and divorce as reasons to be suspicious of the authenticity of this grant.²¹⁸ Lynch also questions the nature of the Donation of Constantine, by which it was claimed the pope held dominion of the islands of Europe, but also whether such a bestowal was not in contravention of the rights and laws of nations. To Lynch, if *Laudabiliter* were real, Adrian IV would have been guilty of depriving Irishmen of their 'patria' and 'their fortunes and their lives' in transferring sovereignty to Henry II.²¹⁹ The black reputation of Henry II and perhaps more fundamentally so, as a Protestant, the justification of his conquest on these papal bulls might be expected to have posed problems for Cox's account.

Cox instead totally dismisses the charges against Henry II's character as 'Malicious Aspersions, equally Ridiculous and False' which seek to denigrate the memory of the monarch.²²⁰ To Cox, these allegations are motivated out of jealousy and bitterness resulting out of his conquest of Ireland and that 'such silly Stuff' could not be entertained. This ties in with Cox's general condemnation of those writers who attack the 'British Interest in Ireland' and seek to deny the legitimacy of the claim of English monarchs to Ireland; authors that he dubs the 'Enemies of the Crown of England'.²²¹ He singles out O'Sullivan Beare for his '*Argumenta ad Hominem*' attacks on Henry II's character and right to rule, generalising this into a broader attack on the claim of Henry's successors to rule Ireland. Though Cox concedes the plausibility of an imperfect monarch, such imperfection would be moot as 'all Contracts, Leagues and Treaties in the World' could

²¹⁸ Lynch, *Cambrensis Eversus*, II, pp 470-9.

²¹⁹ *Ibid.*, pp 442-3.

²²⁰ Cox, *Hibernia Anglicana*, I, p. 41.

²²¹ *Ibid.*, p. 6.

then be voided 'on slight Pretences'. Despite his insistence that the papal bulls are not the primary claim of English rule, he is, in any case, led to defend their authenticity. This could seem contradictory, given Cox's own Protestantism, but *Hibernia Anglicana's* narrative of English rule presents an unbroken continuity of monarchs tasked with the institution of English norms in Ireland.

These papal bulls and their purported contents, Cox argues, are proof of the state of Ireland before Henry II's arrival: the 'Country was Barbarous, and needed Reformation'.²²² If the bulls are authentic, then the purpose of the twelfth-century conquest was not purely self-interested but motivated by a need to restore Ireland to its former religious glory. Elsewhere, Cox cites Ussher as proof of the former religious purity of early medieval Ireland since fallen into disrepair. The papal origins of Henry's grant could be expected to cause some concern, given Ussher's seminal argument that the Irish church had strayed from its original mission until the reformations of the sixteenth century.²²³ John Temple however makes a similar point in passing in the introduction to his *History of the Irish Rebellion*, seemingly overlooking the papal nature of *Laudabiliter* to focus on the spirit of the task given to Henry. As 'the power of holiness' waned in Ireland, Henry was given 'liberty to go over and subdue the Irish Nation', indicating what 'opinion was held of them'.²²⁴ In this way, Henry II's conquest of Ireland was a necessary religious exercise. This usage, compounded by Giraldus Cambrensis's testimony regarding the state of the early medieval Irish church, strengthens the general sense of a Christian people in need of salvation. The defence of the reforming character of Henry's invasion ties in with Cox's more immediate concerns about the restoration of the Protestant faith in Ireland under William and Mary.

Cox's point is wider than strictly the rescue of Protestantism in the wake of James II's Irish regime, as he petitions William and Mary for the reformation of 'that degenerate

²²² *Ibid.*, p. 7.

²²³ This can be found in James Ussher, *A discourse of the religion anciently professed by the Irish and Brittain* (London, 1631).

²²⁴ Temple, *The Irish Rebellion*, p. 4.

Nation' alongside his economic and humanitarian concerns.²²⁵ The two would appear to be paralleled: just as Henry II restored the faith and first introduced common law; William and Mary are tasked with restoring order and the Protestant faith to Ireland. This 'reformation of manners' is perhaps the best term for Cox's civilising agenda. Again, there is precedent for this to be found in Temple's *Irish Rebellion*. Before Henry II's conquest, the Irish were 'devoid of all manner of civility, governed by no civilised laws, living like beasts... without all rules, customs, or reasonable constitutions'. These absent constitutions, Temple writes, ought to have regulated for property rights and against the use of force and violence 'and all other acts of inhumanity and barbarism'.²²⁶ In conquering Ireland, Henry II lay the groundwork for an ordered society; instituting 'the Laws of England' in Ireland. It is difficult to read these passages of Temple's work outside of their context, an exhortation for intervention in Ireland in the wake of the 1641 Rebellion. Temple appears to be setting the stage for his account of 1641 as a relapse into a native barbarism and away from the order of English norms. Just as Giraldus's account of the Synod of Armagh gives retrospective justification for Henry II's invasion as the punishment of sin, Temple asks in 1646 'what are they now to expect?' Cox, experiencing—from his perspective—a return to violence of 1641 fifty years later, echoes Temple's sentiment in calling for intervention in Ireland.

Cox's understanding of the degeneracy of the Old English in Ireland aligns with the account of the governors of Ireland given by Borlase. Where Borlase points to good governance in the form of the English ancient constitution, with the governors' powers balanced against the rights of the commons, Cox points to its Irish reverse. Borlase points to certain, unnamed governors who alienated the Irish through their harshness, but Cox instead suggests that this harshness was an Irish innovation. When Old English magnates

²²⁵ Cox, 'To their Most Excellent Majesties, William and Mary', *Hibernia Anglicana*, I; Cox, 'To the Reader', *Hibernia Anglicana*, II; despite reference to Catholic Irish conspiracy with France during the reign of Charles II, Cox does not dwell on the international aspects of William III's war with France, Cox, 'An Apparatus, Or Introductory Discourse', *Hibernia Anglicana*, II; cf. Anthony Claydon, *William III and the Godly Revolution* (Cambridge, 1996), pp 139-44.

²²⁶ Temple, *The Irish Rebellion*, p. 5.

‘usurped Irish Arbitrary Power’, Cox argues, ‘the Commons (being made Vassals to their Lords, and holding their Properties but precariously) fell naturally into Licentiousness’. He points specifically to the Earls of Desmond, who despite being ‘English of Blood and... English of Birth’ married in with the Irish, and in turning on Elizabeth I effectively adopted negative Irish political norms characterised by duplicity and ‘usurpation’ of rightful authority.²²⁷ Over the course of his narrative, Cox points to the Fitzgeralds of Desmond accruing power in Ireland to their own ends. By Henry VI, Desmond was ‘exceeding Powerful, and lorded it over great part of Munster’ becoming ‘so insolent and haughty’ that he was ‘beheaded’, justifiably so in Cox’s view.²²⁸ He insists that this killing was on account of Desmond’s extorting coign and livery, a medieval Irish practice condemned by John Davies as making ‘the Lorde an absolute Tyrant’. Cox’s account of this episode appears wholly lifted from Davies’ *Discovery* and Cox likewise accepts Davies’ overall judgment of Henry II’s conquest, at least as far as its implications for the law in Ireland are concerned.²²⁹ Despite the conquest, English common law struggled for supremacy, an issue facilitated by Old English lords adopting Irish practices which suited their personal interests but conflicted with the mission of civilising Ireland.

For Temple, Borlase, and Cox; Henry II’s invasion was intended to rescue Ireland from both religious decline and lawlessness. In Temple’s account, Henry laid the groundwork for successive English monarchs to reform the laws and customs of Ireland by instituting common law and calling a council of nobles at Lismore in 1172. The council of Lismore is not referenced by either Borlase or Cox, perhaps unexpectedly so considering the use Temple makes of it in his introduction. Borlase, instead, begins his list of chief governors with the appointment of Hugh de Lacy as Lord Chief Justice in the same year.²³⁰ Here he quotes the legal historian Henry Spelman on the power of the medieval Lord Chief Justice of England, ‘*Dignitate omnes Regni Proceres, potestate omnes superabat*

²²⁷ Cox, ‘To the Reader’, *Hibernia Anglicana*, I.

²²⁸ Cox, *Hibernia Anglicana*, I, pp 156, 161, 170.

²²⁹ John Davies, *A Discovery of the State of Ireland* (London, 1613), pp 60-1.

²³⁰ Borlase, *The Reduction of Ireland*, p. 1.

Magistratus'.²³¹ It is not entirely surprising that Borlase omits this assembly as he similarly makes few references to medieval assemblies or parliaments.²³² Neither does Borlase note the Magna Charta Hiberniae given by Henry III in 1216, which—as previously discussed—became a trope in early modern Irish political thought. Instead, Borlase's history is government in the person of the chief governor and of the institution of common law in Ireland. His implicit comparison of the two Lords Chief Justice, one in England and one in Ireland and ascribed the same properties, reveals something of how he understood the ancient constitution. In both kingdoms, for Borlase, the law is the same and administered by the same *kinds* of institutions, and Henry II's conquest spread this shared common law by creating the legal institutions necessary to support it.

Borlase's references to Spelman suggest a further difference between his account of the Norman conquest of Ireland and that of Cox. Spelman was, to a degree, a critic of the reading of an English ancient constitution disrupted by the introduction of Norman tyranny. Instead, Spelman saw feudalism as a form of state policy and common law not as a convention beyond time immemorial but an ad hoc system with many clear influences and borrowings.²³³ While a large portion of Spelman's work was published posthumously, long after Borlase's publications and own death, they reveal an understanding of Norman feudal law in England 'not as simple tyranny but as fiefs' held legally.²³⁴ This is a reflection of Spelman's earlier work, which Pocock notes stressed that William the Conqueror was no conqueror; the term 'conquestus' implied to Spelman a claim manufactured rather than received.²³⁵ This reference to Spelman's work, where the Normans did not act contrary to existing Anglo-Saxon common law but instead confirmed it with alterations, provides a handy reconciliation for Borlase's account of the conquest of Ireland. If the law brought by Henry II to Ireland was indeed the common law of England, and his actions and

²³¹ Henry Spelman, *Glossarium Archaologicum* (London, 1664), p. 331.

²³² The first parliament mentioned by Borlase is the 1366 session, under Edward III, which passed the Statutes of Kilkenny, *The Reduction of Ireland*, p. 55.

²³³ Pocock, *The Ancient Constitution and the Feudal Law*, p. 4.

²³⁴ Susan Reynolds, *Fiefs and Vassals: The Medieval Evidence Reinterpreted* (Oxford, 1994), pp 342-3.

²³⁵ Pocock, *The Ancient Constitution and the Feudal Law*, p. 105.

appointments in Ireland justified by the same, then there could be no contradiction. For Borlase, instead of ‘Normanism’, Henry II brought to Ireland the very ancient constitution that his forebears were elsewhere accused of having trampled upon.

The secondary references used by Borlase explain much of his understanding the conquest, and Irish history generally. Though he does not mention Lismore, and makes few mentions of parliament (Irish or English), he does mention the 1366 parliament overseen by Lionel of Antwerp, Duke of Clarence.²³⁶ Acknowledging, by way of marginal reference, the use of John Davies’ *Discovery* in his account of the Duke of Clarence’s Irish career, Borlase proceeds to borrow his account of this parliament with little alteration.²³⁷ Borlase, like Cox, accepts Davies’ view of a conquest incomplete because of the failure of the original conquerors, the Old English, to overhaul the ‘manners’ of the kingdom of Ireland. It is also tempting to consider the possibility that, being reliant on his account, Borlase does not mention Lismore because Davies does not mention it. Davies’ account of the proceedings of Henry II’s conquest focus on him receiving the submissions of Irish lords and installing ‘chiefe Governors of the realme’, he and his successors giving law in the form of charters. In this respect, the form of his account is replicated by Borlase’s focus on these governors, giving—through his accounts of their careers—a narrative of how Davies’ ‘peece and peece’ conquest came to be.

One author, and specifically an issue raised by this author, only sparsely quoted by both Borlase and Cox is Richard Bolton, a former solicitor-general for Ireland and member of the Irish Privy Council.²³⁸ Both cite Bolton’s 1621 *Statutes of Ireland*, a commonplace of early modern Irish legal writing which collected statutes passed in Ireland between Edward II and James I’s parliament, which ended in 1615. Bolton’s dedication to the then-Lord Deputy, Oliver St John, makes clear his understanding of the origins of parliament: ‘the consideration of [the law] hath stirred up the Kings of England in all ages, sithence the

²³⁶ Borlase, *The Reduction of Ireland*, p. 55.

²³⁷ For the reference to this parliament by Davies, see *Discovery*, p. 36.

²³⁸ J.T. Gilbert and Sean Kelsey, ‘Bolton, Sir Richard (d. 1648)’, *ODNB*, online: <https://doi.org/10.1093/ref:odnb/2805>

Norman conquest, to be careful fathers'.²³⁹ It is Bolton's understanding of conquest and its implications for England and Ireland which are absent in these Restoration writings. Bolton concedes that common law does indeed embody an ancient set of customs, but parliamentary statutes and the monarchy itself are implied to be predicated on conquest. These implications are explicit in the 1644 'Declaration' attributed to Bolton.²⁴⁰ Composed amid the wars of the 1640s with an aim of offering an olive branch to the Irish Confederates, Bolton makes a case for Irish legislative independence. He grounds this on a distinction between common law 'used beyond the memory of man', general customs, and statute law.²⁴¹ He argues that as Ireland had been conquered by Henry II he was at will to introduce common law and that under King John an Irish parliament had been established distinct from the English parliament.

After the Restoration, the issue of legislative independence regarding the Irish parliament remained a thorny one, and it is not entirely surprising that neither Borlase nor Cox might have chosen to address Bolton's argument. Borlase instead chooses to rely on Bolton's dedication to St John, that English rule in Ireland provides an exemplar 'of a well Modelled and excellent Government... rational and advantagious to the Natives'.²⁴² It appears that Borlase, and Cox likewise, tacitly accepts Bolton's logic that ancient English laws and customs could indeed be implanted into Ireland by conquest while avoiding mention of his later suggestion that a conqueror could intend on legislative separation. These writers place the foundation of English rule and the introduction of English institutions in Ireland at the hands of Henry II but, unlike Bolton in the 1640s, they are unclear on the precise constitutional settlement. While this is positive so far as Henry II was considered the origin of English rule in Ireland, a view commonly held by historians

²³⁹ Richard Bolton, 'The Epistle Dedicatorie', *The Statutes of Ireland* (Dublin, 1621).

²⁴⁰ The authorship of this text has also been attributed to his contemporary Patrick Darcy, a Catholic Old English lawyer and Irish Confederate, but Patrick Kelly convincingly reasserts Bolton's authorship, 'Sir Richard Bolton and the authorship of "A declaration setting forth how, and by what means, the laws and statutes of England, from time to time came to be of force in Ireland", 1644', *IHS*, 35:137 (May 2006), pp 1-16.

²⁴¹ Bolton, 'A Declaration...', pp 3-4.

²⁴² Borlase, 'To the Reader', *The Reduction of Ireland*.

basing their narrative of Irish history on English rule, there was no sure agreement on how the kingdom of Ireland should operate.

Even within Irish Protestant political thinking, there was dissent as to the very nature of Henry's conquest and thus its ramifications for the constitution of Ireland. William Domville was tasked by the Duke of Ormond in 1660 with writing on the constitutional relationship between the Irish and English parliaments, a point in time when this relationship was heavily contested.²⁴³ For Domville, Henry II's conquest was no conquest at all. Instead, the lords temporal and spiritual of Ireland—its princes and clergy—had voluntarily submitted to Henry II and, in turn, received him and his laws.²⁴⁴ Domville's 'Disquisition' made the case that the kingdom of Ireland and its parliament had always been separate from England and that the 'subjection' of the Irish lords 'was made unto the king of England'. They had submitted to Henry and not to his 'Kingdome, or [the] people of England' or the 'Houses of Parliament in England'.²⁴⁵ Crucially, Henry gave the laws and the parliament introduced to Ireland at the request of its princes, not forced upon them by a conquering king. Domville writes that 'there were no Laws Imposed upon the People of Ireland ... but with the Consent and allowance of the People of Ireland'.²⁴⁶ For Domville, it followed that the laws and parliament of Ireland were independent of those of England as Ireland had not been forcibly annexed to England by Henry II, but had been surrendered willingly by its nobility and clergy.

William Molyneux, Domville's son-in-law, reproduces this same argument (almost verbatim in a few instances).²⁴⁷ One key innovation present, which Molyneux adds to this denial of Henry's conquest, is the further development of a point of natural law: how could

²⁴³ Domville's text draws heavily on Richard Bolton's 1644 'Declaration' which Patrick Kelly believes was also drawn up on Ormond's behalf when negotiating with the Irish Catholic Confederates and which likewise made a case for Irish legislative independence, Patrick Kelly 'Introduction' in William Domville 'A disquisition touching that great question whether an act of parliament made in England shall bind the kingdom and people of Ireland without their allowance and acceptance of such act in the kingdom of Ireland', ed. Patrick Kelly, *Analecta Hibernica*, 40 (2011), p. 21; cf. Bolton, 'A Declaration...', pp 9-45.

²⁴⁴ Clarke, 'Colonial Constitutional Attitudes in Ireland', p. 363.

²⁴⁵ Domville, 'A disquisition...', p. 44.

²⁴⁶ *Ibid.*, p. 47.

²⁴⁷ James G. O'Hara, 'Molyneux, William (1656–1698)', *ODNB*, online: <https://doi.org/10.1093/ref:odnb/18929>

conquest be used as justification for the Irish constitution? Molyneux presents an anecdote in which an armed highwayman issues commands to an unfortunate victim, with Molyneux arguing that no one would recognise orders given under duress as truly binding. In this argument, 'an Unjust Conqueror' with 'a Sword at my Throat' is little different for Molyneux. 'For the Law of Nature obliges us only by the Rules she prescribes', he writes, 'and therefore cannot oblige me by the Violation of her Rules' such as 'Extorting any thing from me by Force'.²⁴⁸ He states that 'the People of England would take it very ill to be thought a Conquered Nation' and yet both William I and Henry II claimed the title 'conqueror'.²⁴⁹ The very idea of basing the Irish constitution on force of arms is an untenable one for Molyneux. Instead, 'it is plain and manifest' to Molyneux 'that there were no Laws Imposed upon the People of Ireland ... but with the Consent and allowance of the People of Ireland'.²⁵⁰ This issue of consent is fundamentally the same as in Domville. For both Domville and Molyneux, the basic thesis is also the same. Henry's conquest was no conquest at all and so Ireland was constitutionally separate from England rather than annexed or made a puppet state. If the Irish lords had received Henry as their liege and taken the English legal system by choice then this negated the need for the conquest as a legal starting point. As in Borlase and Cox, Henry II brings common law (and, ultimately, parliament) to Ireland, but not as a conqueror.

Irish History before Henry II

Catholic writers, instead of focusing on Henry II and his legacy more directly, tended to look at Irish history prior to his involvement. If, as Protestant authors like Cox had posited, Irish history only really begins with English involvement in Ireland, then focusing on history before the conquest is a clear political move. These Catholic authors, however,

²⁴⁸ Molyneux, *The Case of Ireland's Being Bound*, pp 120-8.

²⁴⁹ *Ibid.*, p. 115; Molyneux draws from Henry Spelman's definition of 'conquestus' (a claim made and taken by force) wherein William I is titled 'Conquestor', Spelman, *Glossarium Archaologicum*, p. 145.

²⁵⁰ Molyneux, *The Case of Ireland's Being Bound*, p. 140.

tended to downplay the significance of Henry II. In the case of Peter Walsh and Roderick O'Flaherty, his arrival denotes a terminal point in their histories. Notable among these writers, most fundamentally in the case of John Lynch, are attacks on the medieval writer Giraldus Cambrensis, a contemporary of Henry II and documentarist of his invasion of Ireland. As a source particularly relied upon by English and Protestant writers of Irish history, attacking or diminishing Giraldus's authority serves to undermine both the importance of Henry II to Ireland and those later accounts which rely upon Giraldus. As best evidenced in Lynch's *Cambrensis Eversus*, Catholic writers tended towards two separate but related approaches to Irish history before Henry II's conquest. First, describing the character of Irish politics prior to the twelfth century and establishing the existence of kingship and polities with codified laws. Secondly, defending the character of Christian religion in Ireland and refuting the argument that the Irish needed reformation. Doing so attacked the notions that the Irish had been barbarous or degenerate and that Henry and his successors were law-bringers or true reformers. While Lynch was the only one to so overtly attack Henry II and his conquest of Ireland in this period, other Catholic writers implicitly did so by undermining the justifications provided for the same.

John Lynch's *Cambrensis Eversus* (1662) was intended firstly as a refutation of the accounts of Ireland given by Giraldus Cambrensis in his twelfth-century *Topographia* and *Expugnatio Hibernica*. Lynch, a Galwegian cleric in exile in France, had noted the popularity of recent publications of Giraldus on the continent and felt compelled to defend the reputation of his homeland.²⁵¹ More than this, however, his attacks on Giraldus also carry invectives against English historians who had relied upon Giraldus, whom he considered the origin of centuries of anti-Irish libels. In reference to some of Giraldus's own sources, Lynch muses that 'the river must retain the taint of the fountain from which it springs'.²⁵² Just as Giraldus had—in Lynch's estimation—relied on questionable information, those writers who relied on Giraldus were basing their work on half-truths or

²⁵¹ D'Ambrières & Ó Ciosáin, 'John Lynch of Galway (C.1599-1677)', pp 50-63.

²⁵² Lynch, *Cambrensis Eversus*, I, p. 349.

misinformation. This raises some implications for Giraldus as the narrator of Henry II's conquest of Ireland, as will be examined through Lynch. As Giraldus relates the different justifications for Henry II's conquest and Lynch attempts to dismantle these justifications, Lynch in turn seeks to undermine the bases of the 'original' English conquest of Ireland. These justifications—with their religious, legal, political, and cultural aspects—were the same reported by Tudor and early Stuart writers of history, and later again by Borlase and Cox. Lynch's critical reading of the medieval Giraldus is heavily informed by contemporary, early modern, readings of the same, to which Lynch also implicitly responds.

Lynch insists firmly that Henry II's conquest of Ireland was no conquest at all. As noted earlier, Lynch observed that—as common law failed to take hold in Ireland until the seventeenth century—the lack of adoption of 'the invader's laws' suggested an incomplete conquest at best.²⁵³ Instead, the unconquered Irish lived outside of the common law, neither subject to its control nor receiving any of its benefits or protection. The similarity between Lynch's account of common law in Ireland and that of John Davies is intentional as Lynch references Davies' *Discovery* directly. He cites Davies for his judgment that common law had only taken root in areas controlled by magnates loyal to England and yet pre-existing Irish laws often operated parallel, or even in opposition, to common law in these areas.²⁵⁴ As Ian Campbell has detailed, Lynch's account, continued in two of his other texts—*Alithinologia* (1664) and *Supplementum Alithinologiae* (1667)—also relies heavily on Davies, but differs in two major respects. Firstly, Lynch is far more favourable in his view of native Irish laws, though he still accepts the usage of common law in Ireland. Secondly, he advances a 'designation theory' of kingship, which in this case refers to an act of popular acclamation or designation which bestows sovereignty upon a monarch.²⁵⁵ Both

²⁵³ *Ibid.*, pp 198-217.

²⁵⁴ *Ibid.*, pp 198-201.

²⁵⁵ Campbell, 'Aristotelian Ancient Constitution and Anti-Aristotelian Sovereignty in Stuart Ireland', pp 588-9; this is not to say that political power originally resided in the 'people' but that they could designate an eligible ruler to govern them, J.P. Sommerville, *Royalists and Patriots: Politics and Ideology in England*,

serve to underline Lynch's view of a failed conquest; Henry II never achieved the total submission of the Irish and their adoption of English laws was achieved only by the accession and acclamation of James I as king of Ireland.

These distinctions which Campbell notes in *Alithinologia* and *Supplementum Alithinologia* are also present in *Cambrensis Eversus*, evident in Lynch's refutation of the justifications offered by Giraldus. Instead of Henry II's invasion of Ireland being a starting point for a civilising mission, teleologically culminating in the anglicisation of Ireland, the invasion is a setback for the Irish and a forebear of English barbarity. Referencing some of Giraldus's tales which purport the superstition, rudeness, and degeneracy of the Irish, Lynch instead insists that the English have proven to be the truly degenerate ones. He points to John Atherton, the Protestant bishop of Waterford and Lismore executed for buggery, and Thomas Cromwell, 'beheaded for the violation of a law made at his own suggestion', as exemplars of English hypocrisy.²⁵⁶ Lynch refers to the Tudor adventurer and poet Edmund Spenser for condemnation of the norms which would have been appropriate in Henry II's time, but which would be inappropriate by the sixteenth century. He quotes Spenser as arguing that many of the chief abuses of power in Ireland had been introduced by the English and that customs that were once common would now be considered criminal.²⁵⁷ The closest comparable passage in Spenser's *View of the Present State of Ireland* (first published posthumously in 1633) specifies that the figure of Irenaeus is referring to the Old English:

...the chiefest abuses which are now in this Realme, are growne from the English,
and some of them are now much more lawlesse and licentious then the very wilde

1603-40 (2nd Ed., London, 1999), pp. 24-9; this second point will be examined further in the chapter on kingship and genealogy.

²⁵⁶ Lynch, *Cambrensis Eversus*, II, pp 148-49; both cases carry associations of Protestant heresy and while Lynch notes that Giraldus would now be considered a Catholic, he implies—here and elsewhere—religious and moral corruption on the part of Giraldus.

²⁵⁷ *Ibid.*, pp 154-55.

*Irish so that as much care, as was then by them had to reforme the Irishe, so and much more, must now bee used to reforme them.*²⁵⁸

As printed, this passage would appear to line up neatly with the account given by Davies, arguing that the Old English had fallen into Irish customs as badly—or worse—than the Irish themselves. Lynch, however, by stripping this passage of its context changes its meaning to emphasise the failure of Henry II's invasion. Instead of reforming the laws and manners of Ireland, the invasion—being justified on faulty principles—brought violence and corruption.

Key amongst these faulty principles for Lynch is the matter of the papal bulls granted to Henry II, advocating a conquest of Ireland on his part, intending to reform the manners and faith of the Irish. Geoffrey Keating, writing in the 1630s, had accepted these bulls and the right of the papacy to bestow titles. Keating accepts that bulls had been issued by Pope Adrian IV on the proviso that Henry's invasion must be undertaken with the goal of reforming Irish faith, though Keating also insists that this would have to have been obtained by deception or misinformation.²⁵⁹ Lynch, however, questions all of these premises; that Irish faith was in need in reformation, that these bulls ever existed, or that the pope ever had the authority to grant Ireland to a foreign sovereign. These bulls, Lynch argues, could only have been forgeries if they had existed as the Irish had not been a nation without secular or religious laws. He references Jocelyn of Furness's thirteenth-century life of Saint Patrick, for mention of the 'Canons of Patrick', and early medieval legal tracts transcribed in the 1640s and 1650s by Dubhaltach Mac Fhirbisigh as proof of this claim.²⁶⁰ So, to Lynch, it was clear that the grounds that bulls were purported to have been issued on were specious at best. The Irish had not lacked for laws and so Henry II could not have

²⁵⁸ Spenser, 'A View of the State of Ireland', in *The historie of Ireland, collected by three learned authors*, ed. James Ware (Dublin, 1633); Lynch insisted that he possessed a manuscript copy of Spenser which had sections not found in the printed editions but the meaning of this passage appears quite clear.

²⁵⁹ Geoffrey Keating, *Foras Feasa ar Éirinn*, trans. Patrick Dineen (3 vols., Dublin, 1908), III, pp 350-57; Bernadette Cunningham attributes this acceptance to a reliance on Richard Stanihurst for the particulars of *Laudabiliter*, *The World of Geoffrey Keating*, p. 98.

²⁶⁰ Lynch, *Cambrensis Eversus*, II, pp 362-75.

claimed to be a potential lawgiver. As Lynch argues throughout *Cambrensis Eversus*, in response to the claims made by Giraldus, Irish faith had never needed reformation from without. His account of the life of Saint Malachy ('another Hercules') of Tuam, Lynch's diocese as archdeacon, emphasises that the Irish had proven capable of rebuilding and reforming their own faith.²⁶¹

If, as Keating and Lynch had both argued, the rationale given for the issuing of papal issues was not sound, then why were they issued at all? Lynch focuses on the reputed character of Henry II to explore this question, concluding ultimately that they must never have been issued at all. If, as had been claimed, *Laudabiliter* had been issued with the intent of reforming Irish faith and customs then surely the ruler entrusted with this task might be expected to be a paragon of virtue. As been noted earlier, Lynch—echoing O'Sullivan Beare—paints Henry II as an immoral and wicked king; both an arbitrary ruler and personally sinful, fundamentally unsuited to the appointed task. When Henry's reputation is weighed against noted Irish contemporaries of Adrian IV like Saint Lorcán Ua Tuathail, Lynch argues there is little reason to believe the view of Giraldus, reproduced by John Temple, that the Irish were seen as barbarous by the papacy. Leaving aside the suggestions made by Lynch that these bulls were all too convenient and lacked sufficient contemporary attestations to prove that they had ever existed, *Cambrensis Eversus* makes the case that they *could never* have existed. It would not be permissible, according to Lynch, under natural law or the precedents established by early Christian prophets for the Church to have ordered the reformation of a Christian people by force of arms without ever attempting reconciliation.²⁶² As the justifications offered in *Laudabiliter* and reinforced by Giraldus appeared so baseless and contrary to reality, no authorisation could ever have been granted on those grounds without it being a violation of natural law. For Lynch, to assert otherwise would be a slander against the Irish nation but also against the papacy,

²⁶¹ *Ibid.*, pp 342-53.

²⁶² *Ibid.*, pp 462-7.

that it could ever have granted leave to invade and reform—two incommensurable goals—to a corrupt monarch.

Ultimately, *Cambrensis Eversus* is a book riven with the tension between accepting the fact of Henry II's invasion of Ireland and its significance to an early modern Old English Catholic. Despite owing the arrival of his ancestors in Ireland to Henry II, to Lynch, his conquest was no conquest at all but an incomplete invasion justified on slanders and falsified claims of papal authority. The legacy of Henry II could be found in his successors and their failures to bring the Irish into the fold, alienating them and making them enemies of the English monarchy. This state of affairs is only resolved with the accession of James I, whose Irish blood—his descent from the semi-historical kings of Ireland—provides a means of reconciling the tension in attacking Henry II's right to rule while supporting that of Charles II. Lynch is clear that Henry's invasion is not the grounds on which the rule of the Stuarts rests but, referencing Grotius, the Stuarts' claim to Ireland has been confirmed by the Irish nation through their tacit consent.²⁶³ This mirrors Lynch's own attempts to reconcile his Old English identity with his Irish patriotism, a key tension in *Cambrensis Eversus*.

Two later Catholic writers would borrow heavily from Lynch, and from *Cambrensis Eversus* in particular, in their histories. Both Peter Walsh and Roderick O'Flaherty acknowledge a level of indebtedness to Lynch for his history of Irish kingship before Henry I's invasion of Ireland. In his 1682 *Prospect of the State of Ireland*, Walsh acknowledges preceding writers, among them O'Sullivan Beare, James Ware, and Keating, but singles out Lynch for particular praise. According to Walsh, Lynch had done Irish history great service in refuting both O'Ferrall's 'factious disloyal manuscript', O'Ferrall's 1658 report to *Propaganda Fide* which Lynch attacked in his *Alithinologia* (1664) and *Alithinologiae Supplementum* (1667), and the 'fictions' of Giraldus Cambrensis.²⁶⁴ He agrees with Lynch's

²⁶³ Lynch, *Cambrensis Eversus*, III, pp 68-9.

²⁶⁴ For more on the dispute between O'Ferrall and Lynch see P.J. Corish, 'Two contemporary historians of the confederation of Kilkenny', pp 217-36 and Ian Campbell, 'Alithinologia'. Key to this dispute is O'Ferrall's insinuations that Old English Catholics were fundamentally untrustworthy and responsible for

assessment that the accounts given by Giraldus, in print since 1602, provided ready ammunition for unnamed early modern writers ('such men of little reading') who 'delighted in writing ill of the ancient Irish'.²⁶⁵ It is telling but not particularly surprising that Walsh, a fellow Old Englishman, chose to rank *Alithinologia* alongside *Cambrensis Eversus* as a text which refuted slanders against peoples; the Old English in *Alithinologia* and the Gaelic Irish in *Cambrensis Eversus*.²⁶⁶ Walsh relies heavily on both Lynch and Keating for his chronology of kings prior to Henry II's conquest, a conquest which Walsh accepts as such. He insists to emphasise the 'ancient and civil' character of the early medieval Irish instead magnifies 'the honour of the English nation'. Instead of conquering the backward people described by Giraldus, Henry II had conquered a 'brave' people with their own traditional laws; a far greater achievement according to Walsh. However, he says nothing about how this could be reconciled with Lynch's case that this invasion was unjustified because of those very same attributes.

Walsh, like Lynch, emphasises a positive view of the ancient Irish past, highlighting the achievements of its saints and monarchs, the construction of abbeys and monasteries and the creation of laws by those monarchs. Like *Cambrensis Eversus*, his *Prospect* depicts an Irish society with laudable accomplishments notably absent from the accounts given by Giraldus, Borlase, and Cox. However, Walsh is somewhat less sanguine regarding the militaristic aspects of ancient Irish rulers. He acknowledges that the claim of the Milesians comes from Partholon, the 'First Invader', and his sons; their descendants—the Gaelic Irish—holding 'sole possession' until the arrival of Henry II in 1172.²⁶⁷ In the meantime, Walsh claims Irish monarchs instituted laws and assemblies reminiscent of parliaments with a division of the estates, yet also descended into bitter blood feuds. From

the defeat of the Catholic Confederates, partly for their alleged failure to fall in behind the Papal Nuncio, Gian-Battista Rinuccini: see chapter on constitutionalism.

²⁶⁵ Peter Walsh, 'The Preface to the Reader', *A Prospect of the State of Ireland* (London, 1682).

²⁶⁶ Deana Rankin notes that Walsh most likely started out with the intent of his *Prospect* providing a history of both the Gaelic Irish and Old English across two volumes, before becoming swamped by the enormity of this task, *Between Spenser and Swift*, p. 257.

²⁶⁷ Walsh, *Prospect*, pp 3-15.

‘the first foundation of the Irish monarchy in the blood of Heber’ to the death of Diarmait Mac Murchada (‘Diarmuid na Ngall’) in 1171, Walsh argues these feuds were as much a part of Irish kingship as their more virtuous accomplishments.²⁶⁸ This tapestry of bloodshed and kingship rooted in conquest would be later seized upon by Richard Cox as justification for Henry II’s conquest. Despite dismissing Walsh’s *Prospect* as ‘an ill-digested Heap of very silly Fictions’, with its history of ‘Invasions, Conquests, Changes, Monarchs, [and] Wars’ being nothing more than a simulacrum of Keating, Cox still draws a vital point from it.²⁶⁹ Directly referencing Walsh he states that ‘we never read of any other People in the World so implacably, so furiously, so eternally set upon the Destruction of one another’, in condemnation of the Gaelic Irish.²⁷⁰ Walsh’s attempt to balance the positive and negative accounts of the ancient Irish is paraphrased by Cox and turned into a justification of English conquest.

From a Gaelic Irish family based in west Galway, Roderick O’Flaherty is far less positive than Walsh, or even Lynch, regarding Henry II’s invasion. His chronology of the kings of Ireland ends with the death of Ruaidhrí Ua Conchobair in 1198, picking up with the accession of James I; when Ireland is again ruled by ‘a Scottish king’.²⁷¹ Integral to his study of Irish kingship and the genealogical conflation of the Gaelic Irish and Scots under the banner of Scotian is the lack of legitimacy afforded to Henry II and his conquest. O’Flaherty, like Walsh, credits Lynch for his refutation of Giraldus and for disproving his claims to the extent that Giraldus ought to be given no credit as a historian, and likewise any histories which rely on his writings.²⁷² However, unlike Walsh, O’Flaherty’s debt to Lynch is more spiritual rather than purely in terms of directly borrowing from his works. The two had long been in contact, as evidenced by the 1665 letter from O’Flaherty to Lynch prefacing the text of *Ogygia*, and shared an interest in Irish history before Henry II; with

²⁶⁸ *Ibid.*, pp 75-6.

²⁶⁹ Richard Cox, ‘To the Reader’, *Hibernia Anglicana*, I.

²⁷⁰ *Idem*, ‘An Apparatus: or Introductory Discourse to the History of Ireland’, *Hibernia Anglicana*, I.

²⁷¹ O’Flaherty, *Ogygia*, II, pp 338, 434.

²⁷² *Idem*, *Ogygia*, I, p. 64.

O'Flaherty attempting to reconcile annalistic and Biblical sources. Like Lynch, O'Flaherty accepts the Stuarts claim based on their genealogy, without the same tension of Old Englishness present in Lynch's work.

One argument made by Lynch, and Walsh to a lesser degree, against the completeness of Henry II's conquest is that Irish kings retained some of their statures after his invasion. To Lynch, these kings were never subjects but allies of the English kings, as suited their own interests. For example, he responds to the accusation of Irish rebelliousness with the point that a man cannot be a rebel when he fights a monarch who is not his liege.²⁷³ O'Flaherty takes this further, arguing that the very survival of Irish laws owed not just to the failure to bring the Irish into English governance, but also the active resistance of Irish kings. His view of Davies' narrative of the spread of common law is, instead of the gradual decline of Old English lords into Irish degeneracy, the reverse: the incorporation of Irish kings amenable to English rule into that way of life. The Tudor policy of 'surrender and regrant' was, to O'Flaherty, the abandonment by Irish kings of their hereditary titles and laws.²⁷⁴ Rather than being truly conquered by arms, many had submitted themselves much later to English rule.

The case of Anglo-Saxon kings, alleged by Edmund Spenser and William Camden to have conquered some parts of Ireland, provides another opportunity for O'Flaherty to demonstrate the failure of Henry II's conquest. These claims revolved generally around the figures of the seventh-century Egfrith of Northumbria and Edgar, a tenth-century King of England. Walsh had dismissed the claim that 'Egfrid' of Northumbria, or any King Edgar, had ever conquered any part of Ireland. He responded instead that there no evidence could be found for these claims in Keating, 'or any Chronicle or Book' other than Camden's *Britannia*.²⁷⁵ Lynch had argued that the Irish kings had never truly submitted

²⁷³ Lynch, *Cambrensis Eversus*, III, pp 240-3.

²⁷⁴ O'Flaherty, *Ogygia*, I, p. 53-4.

²⁷⁵ Walsh, *Prospect*, pp 22-3; William Domville, drawing from Camden and writing in 1660, argued that these invasions (making no comment on their historicity) were 'of so small a Continuance as they may seem to have been rather Discoverys than Conquests' and of no significance, in Domville, 'A disquisition...', p. 39.

or acknowledged Henry II as their liege; instead ‘their obligations to him were those of allies’. In being ‘Lords’ of Ireland and not true and undisputed kings, Lynch argues that English monarchs had not truly conquered its lands or people.²⁷⁶ It is this sense O’Flaherty translates to the story of Edgar, serving as an analogue to the case of Henry II. While Spenser’s Irenius had argued that ‘Egfrid’ brought Ireland ‘under his obedience’ and served as a forerunner to Richard de Clare—‘that last and greatest’ conqueror of Ireland—O’Flaherty disagrees.²⁷⁷ In refuting John Selden, O’Flaherty dismisses the claim that any Irish king was ever subject to Edgar or any other Anglo-Saxon monarch. Citing Ussher as further proof, O’Flaherty argues that neither Edgar nor Ecgrith ever set foot in Ireland, much less conquered Dublin or exacted tribute from the kings of Leinster.²⁷⁸ Earlier in his text, in discussing Selden and as already noted, O’Flaherty had argued that neither Henry II nor his medieval successors obtained the full submission of Irish kings, who continued to resist.²⁷⁹ With no prior claim to Ireland, provided neither Edgar nor Ecgrith had obtained the submission of Irish kings, and with his own conquest incomplete: Henry II’s claim to Ireland remained tenuous.

Conclusion

Common across the retellings of the twelfth-century Norman invasion of Ireland is the sense that it was never completed until the seventeenth century. Both Protestant and Catholic Irish historians acknowledged that in many ways—politically, legally, and culturally—English institutions of government and law had made few inroads into medieval Ireland and had even been driven back at turns. Primarily, this sense owed to a common reading of John Davies’ *Discovery*, repurposed by historians as suited the particular narratives that they were attempting to create.

²⁷⁶ Lynch, *Cambrensis Eversus*, II, pp 524-7.

²⁷⁷ Spenser, ‘A View of the State of Ireland’, pp 33-4.

²⁷⁸ O’Flaherty, *Ogygia*, I, pp 57-61.

²⁷⁹ *Ibid.*, pp 50-3.

Historians focused on the positive account of the English in Ireland and their institutions, by the nature of this narrative, had to begin in some degree with Henry II.²⁸⁰ For Edmund Borlase and Richard Cox, this narrative detailed how Henry II's invasion introduced the beginnings of those institutions and how—through the failings of the Old English—rot had slowly, but surely, taken root. To Cox, Davies also provided a warning of the dangers of allowing Irish manners to be maintained. Just as William Sheridan warned that the Irish continued to see themselves as a conquered people, the return of James II to Ireland and the outbreak of violence against Protestants stoked fears of a revival of 1641. In the case of Davies, the Old English and their decline into Irish ways provided a lesson for Cox in the need to be wary and to reform the very manners of the Irish through a final and complete re-conquest.

Catholic writers proved more ambivalent in their views of Henry II and his invasion of Ireland. While Lynch, through his refutation of Giraldus and drive to defend the reputation of the Old English, and O'Flaherty found the memory of Henry II almost entirely negative, Walsh accepts the conquest as the beginning of legitimate English rule. Lynch and O'Flaherty take Davies' argument for the incompleteness of the medieval conquest of Ireland as proof of the resistance of Irish kings and chiefs and the arbitrary nature of English rule in Ireland. The argument made by Giraldus originally and reproduced by writers like Borlase and Cox attacked the Irish past, belittling the state of Ireland prior to Henry II's arrival, in order to justify his invasion. The primary focuses of the accounts of Lynch, Walsh, and O'Flaherty on Irish history before Henry II necessitated some defence against these attacks. The genealogical connection of the Stuart monarchs to early medieval Ireland afforded them the freedom to criticise Henry II and attack the grounds of his invasion. By locating the legitimacy of the Stuart monarchy elsewhere, as

²⁸⁰ This can be seen in the Earl of Anglesey's notes for his history of Ireland, where he laconically begins his chronology with '*King Henry 2nd went into Ireland Anno 1172 with what force and what he did there*', BL Add. MS 4816, f. 4v.

shall be discussed, Lynch and O’Flaherty could attack the character of Henry II and—as they saw it—the spurious case made to justify his invasion.

A central and recurrent irony which emerges in these reflections on Henry II and his invasion of Ireland is the place of papal authority. Protestant authors found themselves attempting to grapple with a conquest predicated on *Laudabiliter*, choosing—as do Borlase and Cox—to find some way of accommodating this papal blessing into a more acceptable moral, rather than solely religious, argument. The supposedly barbaric and unsettled state of early medieval Ireland, for these Protestant authors, the breaches of natural law in allegedly pirating and enslaving the English and the decline of good religion, are justification enough. Walsh and Lynch respond to these charges, creating a picture instead of an Ireland recovering from a decline wrought by Norse invasion, a temporary setback rather than one representative of any innate flaw or prediction to violence in Gaelic Irish society. Going further than Keating, they find no reason to view *Laudabiliter* as a real document, with the Pope having neither reason nor means to grant Ireland to any foreign prince. As will be shown in the following chapters, this controversial document and its significance in Irish history is but one key historical contradiction at the heart of Catholic and Protestant retellings of the past. In the next chapter, it will be shown that accounts of St Patrick and the church he established yields further ironies as these authors argue for the continuity and legitimacy of their respective churches in light of common ecclesiastical and Patrician histories.

4. RELIGION I:

THE CHURCHES OF IRELAND

Introduction

This first chapter on religion explores how writers of religious histories in Ireland appealed to the past, particularly the legacy of St Patrick and his church, to demonstrate the historical doctrinal or institutional continuity of their respective faiths. In order to do this successfully, it is necessary to explore the incomplete nature of the Irish reformation and the consequences of this failed programme of reform for Protestants and Catholics alike. The fractured Protestant community now divided between more hardline Protestants—primarily among the Scottish settlers of Ulster—and those supportive of the restored episcopacy struggled amongst themselves to assert the legitimacy of their beliefs. While the state of Irish Protestant groups following the Restoration has received renewed attention in recent decades, these studies have typically focused on two approaches. Either they are focused on the institutional condition of the Church of Ireland and more Calvinist-leaning groups or the contestation of the immediate legacy of the 1640s and '50s. This chapter, while it must acknowledge some of the most prominent figures of the 1640s like James Ussher and Henry Jones, focuses instead on how religious histories used the more distant past in their arguments. Most consequentially, by comparing these theological arguments with Richard Cox's *Hibernia Anglicana* these chapters examine how these theological ideas and arguments based on religion could be appropriated for a more immediate, political cause. Similarly, while the Catholic authors John Lynch, Peter Walsh, and Nicholas French are well-studied, less has been written on their long-term views on religious trends. Work on these Catholic authors has likewise focused on immediate political debates within the restoration period—or even counter-reformation—and not on what their arguments reveal about broader histories of belief in Ireland. Finally, this chapter looks at the case of St Patrick's Purgatory and how the attempts by Protestant

authorities to shut this ‘national’ centre of pilgrimage represented these theological and rhetorical disputes.

Regarding religion and Irish history, it must be noted that Ireland existed in a unique position following the failure a century earlier of the late Tudor state to extend the English Reformation. As Tadhg Ó hAnnracháin observed, the displacement of ‘one colonial elite’, the Old English, for another, the Protestant ‘New English’, beginning in the late 1500s left the island with ‘a decidedly unusual religious complexion’.²⁸¹ While the majority of the population, including the descendants of its medieval settlers, remained Catholic while its new ruling class were avowedly members of the official Church of Ireland, the early 1600s had also seen an influx of Scottish Protestants into Ulster. The wars of the 1640s and the acts of settlement in 1653 and 1662 concentrated landownership in the hands of Protestants, yet uncertainty remained. In this religious milieu, members of each of these faiths sought to present intellectual justifications for their respective church’s own claims to represent the ‘true’ Irish church. The Catholic counter-reformation had already presented the means for Irish Catholics to present their claim to represent the true faith, its adherents besieged and deprived by ‘heretics’ for their continued adherence to this faith. Protestant writers separated the connection between the actual institution of the medieval Irish church from a set of views— namely doctrinal independence from Rome or institutional autonomy—which it was believed to have held and with which they could potentially identify.

Religious histories published during the Restoration period in Ireland betray some of these key issues. The uneasy and fraught political and social situation is apparent in the arguments put forward by historians seeking to make religious points. Ireland in this period was a confessional battleground and religious historians struggled to defend and strengthen the claim of their respective faiths. The shift from the universal faith of

²⁸¹ Tadhg Ó hAnnracháin, ‘A typical Anomaly? The Success of the Irish Counter-Reformation’ in Judith Devlin and Howard B. Clarke (eds), *European Encounters: Essays in Memory of Albert Lovett* (Dublin, 2003), pp. 90-1.

medieval Christianity to local, competing faiths in the preceding century had led to the need to reframe belief, and the continuity of faith, in such a way that gave it legitimacy but also allowed for further adaptation. As Robert Armstrong puts it, the ‘challenge facing the competing confessions would be not only to capture traditional forms or ideas of faith but also to build a community faith sufficiently sturdy to safeguard at least some of those values even as they were being adapted’.²⁸² Catholic and Protestant writers of Irish history each looked to Ireland’s past to stake the claims of their confessions to its present and future. The past could be used to provide legitimacy, most importantly by demonstrating continuity between the early medieval Irish church held to have been established by Saint Patrick and the authors’ own denominations. Likewise, these same authors could claim a discontinuity or break between the faiths of others and this pure Christian past and hence delegitimise their claims to embody the true Church of Ireland. This use of the past fits within a broader early modern European trend following the Reformation which sought to calm the fears of the faithful which were born from the break which the Reformation could seem to embody.

This chapter will three principal religious histories published during the Restoration period and how they reflect upon the political and social situation of Ireland. First to be assessed will be James Ware’s *De Praesulibus Hiberniae* (1665), a history of the Irish episcopacy from a Protestant point of view. This stressed institutional continuity, emphasising the continuity of ecclesiastical succession and worship, de-emphasising the break made by Protestant reformers. A Protestant historian, it will be worth locating and contextualising Ware’s work, considering Ussher’s assertion that *some* pre-Reformation bishops had been righteous men.²⁸³ As in Ussher, this might be done by demonstrating the doctrinal similarity between early medieval Irish Christianity and the Protestant Church

²⁸² Armstrong, ‘Conclusion: Celtic Christianities in the Age of Reformations’, pp. 182-3.

²⁸³ For example Ussher singles out his medieval predecessor Richard FitzRalph, archbishop of Armagh, for decrying mendicant monks ‘before the Pope himselfe’, in Ussher, *A Discourse*, p. 59; FitzRalph featured previously in John Foxe, *Acts and Monuments of Matters Most Special and Memorable...*, 4th Ed. (1583), p.395.

of Ireland. Secondly, Andrew Stewart's unfinished 'Short Account' of the Irish church, which emphasised its proto-Presbyterian character. Finally, this chapter will look at John Lynch's *Cambrensis Eversus* (1662), a broad-sweeping history that asserts Lynch's opinions over several topics. Among these topics, Lynch covers the historical origins of the Irish Catholic church, finding Giraldus Cambrensis to be the source of the errors in Protestant histories. It is clear that one purpose of these texts was to establish the legitimacy of the author's faith in its respective continuity with early medieval Christianity, and likewise the relative discontinuity seemingly apparent in other Christian faiths. These texts also demonstrate mental flexibility whereby doctrine and institution can be separated in religious history, with the authors selectively choosing which aspects of early Irish Christianity to emphasise.

The Early Irish Church in Histories before the Restoration

References to the early medieval Irish church abound in early modern religious histories. The trend was already well-established by the end of the Tudor period, as authors such as William Camden drew parallels between the faith of early medieval Irish Christians and the motivations of Protestant reformers. John Foxe's *Acts and Monuments*, more popularly known as the *Book of Martyrs*, contributed a framework by which Protestantism could be understood as a long term reaction against corruption engendered by Papal error.²⁸⁴ In this sense, Protestants were not breaking with Christianity; rather their core beliefs and practices embodied those of their early medieval forbearers which had been subsumed under alterations introduced by successive popes. This logic was applied in an Irish context by Tudor reformers such as John Bale and John Rider, and historians such as Camden.²⁸⁵ This was challenged by Catholic authors such as the Jesuit Henry Fitzsimon,

²⁸⁴ Ethan Shagan argues that the mindset exemplified by Foxe's *Book of Martyrs* also primed Protestants to be receptive to reports of unprovoked Catholic violence against innocent Protestant settlers in 1641, in 'Constructing Discord', pp. 4-34.

²⁸⁵ John Bale compares the pre-Christian 'ydolatryes of the heathen' with those of his contemporary Roman Catholics, praising such 'upholders of the Brittish church' as Saint Patrick, Gildas, and Saint

who lashed out against what he saw as the cynical abuse of Irish history by these Protestant writers.²⁸⁶ Fitzsimon argued instead that the Reformation was a complete break and that Protestants, contrary to their arguments, had severed the link between themselves and Ireland's Christian past. He attacks those of the 'Puritan profession' who lauded the accomplishments of Irish monks while belonging to the church which had dissolved monasteries.²⁸⁷ Ireland's early medieval past was contested by writers of history attempting to secure the legitimacy of their respective missions.

In this context, James Ussher published his *Discourse on the Religion Anciently Professed by the Irish and British* in 1632. This work would prove to be immensely influential, and along with Ussher's own reputation, was relied upon by Protestant writers of history throughout the Restoration period. Both James Ware and Andrew Stewart would draw from this text, each seeking different connections between their own beliefs and those of the early Irish church. Ussher's *Discourse* provided a narrative through which Irish Protestants could locate the established church in direct continuity with the early Irish church established by Patrick. Ussher defended this early medieval church in terms understandable to an early modern Protestant audience. Notably, considering the objections of Fitzsimon, he provides an explanation for how the monasticism of this church could be differentiated from those monasteries dissolved during the Reformation.²⁸⁸ He also asserted the doctrinal continuity between the two churches, arguing that some of the reforms introduced in the early modern Anglican Church of Ireland were instead returning to early medieval practices current before the introduction of Papal innovations or

Comgall (founder of Bangor Abbey), in *The Vocacyon of Johan Bale* (1553), ff. 12v-13v; Camden described 'St. Patrick's disciples' as such 'great proficientes in the Christian Religion, that ... Ireland was term'd Sanctorum Patria, i.e. the Country of Saints', William Camden, *Britannia...* (2 Vols., London, 1722), II, pp 1317-18.

²⁸⁶ For an account of Fitzsimon's debates with John Rider and Meredith Hanmer see Brian Jackson, 'The construction of argument: Henry Fitzsimon, John Rider and religious controversy in Dublin, 1599-1614' in Ciaran Brady and Jane Ohlmeyer (eds), *British Interventions in Early Modern Ireland* (Cambridge, 2005), pp 97-115.

²⁸⁷ Henry Fitzsimon, *A Catholick Confutation of M. John Riders Clayme of Antiquitie...* (Rouen, 1608).

²⁸⁸ To Ussher, early monks were 'religious in deede, and not in name only; farre from the hypocrisie, pride, idlenesse and uncleannesse' of later medieval orders, *A Discourse*, p. 57.

corruptions.²⁸⁹ In this way, Ussher's *Discourse* built upon a pre-existing trend established by earlier writers to present a single narrative that tied together these disparate threads and formed the basis of the foundation story of Anglicanism in Ireland. Writers throughout the seventeenth century turned to Ussher's work in part because of his reputation and but also because of the allure of the case he made for the legitimacy of Irish Protestantism.

One key text published during the 1640s continues some of the themes given prominence by Ussher; Sir John Temple's *History of the Irish Rebellion* (1646), which was intended to bring awareness to the violence of the 1641 Rebellion and ongoing war in Ireland. However, to accommodate an English audience, Temple provides historical context going back to antiquity. He makes the case that early medieval Ireland had been an 'Insula Sanctorum'; a sacred island so-called in 'respect' of Irish monks and clergy, their 'great learning' and 'very austere and strict' observance of the faith. This 'power of holiness' decayed over time and the people became 'so depraved and barbarous', as Temple put it, that there was a need for renewal.²⁹⁰ Temple's description of early medieval Ireland matches that of Camden's '*Sanctorum Patria*' and Ussher's insistence on the scriptural—'Propheticall, Evangelicall, and Apostolicall'—literacy of its monks, but ultimately he is more concerned with the degeneracy of faith in Ireland. Temple's goal is to draw comparisons between the sacred past of the early Irish church and the decline of faith among the Irish, as argued by Giraldus, and the violence of the 1640s.²⁹¹

The Legacy of Early Irish Church in the Restoration Episcopacy

Key to Protestant interpretations of the Irish church in the seventeenth century was James Ware, a *protégée* of Ussher.²⁹² Born into a politically connected New English family and

²⁸⁹ Ford, *James Ussher*, pp 124-5; Canny, *Imagining Ireland's Pasts*, p. 78.

²⁹⁰ Temple, *The Irish Rebellion*, p.4.

²⁹¹ He compares the 1170 Synod of Armagh and the judgment that Henry II's invasion had been punishment for the taking of slaves by Irish raiders and the 'late effusion of so much innocent English blood' which invited retribution, *ibid.*, p.5

²⁹² Empey, 'Creating a usable past', pp 38-9; Ford, 'The Irish historical renaissance and the shaping of Protestant history', p. 152.

educated at Trinity College Dublin, James Ware shared Ussher's scepticism of Laudianism without going so far as to dissent.²⁹³ Ware had solidified his reputation early with the publication in 1633 of works by the Tudor writers Edmund Campion and Meredith Hanmer first under titles *Two Histories* and *The Historie of Ireland*. Silently including Edmund Spenser's *View of the Present State of Ireland* with Campion and Hanmer as the titular *Two Histories*, Ware also displays some reservations about Spenser's manuscript by editing out some of his more vitriolic prose.²⁹⁴ Nicholas Canny observes that Ware was 'careful to avoid causing unnecessary offence', distinguishing between the Old English and Irish—whose culture and history he, like Ussher, respected—and their Catholicism.²⁹⁵ Cautioning the reader against Spenser's more extreme views and dedicating the book to the then recently-appointed Lord Deputy, Thomas Wentworth, Ware's publication came at a critical juncture. Despite Ware's cautions, the 1630s represented a 'volatile moment in Anglo-Irish affairs' and in essence may have guaranteed a readership receptive to the themes presented by Spenser.²⁹⁶ His reputation established, Ware's interest in Irish history took an ecclesiastical turn. Ware took to focusing on the claim to Protestant legitimacy which he took, following Ussher and Camden, to stem from Saint Patrick. Under Ussher's direction, Ware took first to recording the bishoprics of Cashel and Tuam in 1626, followed by the bishoprics of Dublin, Kildare, Ossory, Ferns, and Leighlin in 1628.²⁹⁷

Mark Empey comments on the 'even-handed nature of the analysis' provided by Ware, who offers no open polemics on the nature of the reformation. This might appear to offer a contrast to Ussher's quest to discover the 'historical truth of Protestantism' in the ancient churches of Ireland and Britain and medieval church reform movements. Instead,

²⁹³ MacCulloch, *All Things Made New*, p. 323; Canny describes Ware as 'very much the disciple of Ussher', *Imagining Ireland's Pasts*, p. 78; Alan Ford has reminded me that, although Ware undoubtedly shared much theological ground with Ussher, it is difficult to pinpoint Ware's own beliefs with much certainty.

²⁹⁴ Rankin, *Between Spenser and Swift*, pp 85-6; Graham Parry, 'Ware, Sir James: (1594–1666)' *ODNB*, available online: <https://doi.org/10.1093/ref:odnb/28729>

²⁹⁵ Canny, *Imagining Ireland's Pasts*, p.79.

²⁹⁶ Willy Maley, 'How Milton and Some Contemporaries Read Spenser's *View*' in Brendan Bradshaw, Andrew Hadfield, and Willy Maley (eds), *Representing Ireland: Literature and the Origins of Conflict, 1634-1660* (Cambridge, 1993), pp 191-208.

²⁹⁷ Empey, 'Creating a usable past', pp 39-40.

Ware shared both Ussher's goals of providing the continuity of the Protestant church of Ireland stretching back into antiquity and his suspicion of Catholicism. This suspicion included both Catholicism without the church, in the form of the papacy, and within, in the form of Laudian reforms.²⁹⁸ As Diarmaid MacCulloch notes, Ware's exile in England and France, in the aftermath of the civil wars, added a further suspicion of dissenting Protestants as a potentially destabilising force. Likewise, the death of Ussher in 1656 may have also removed a potentially moderating influence for Ware. Despite his suspicion of Catholicism, Ware enthusiastically drew from various translated annalistic sources throughout his career, particularly the copy of the Annals of Ulster kept in Trinity College Dublin; alongside the chancery documents, he had access to in his capacity as Auditor General of Ireland.²⁹⁹ Unlike Ussher, whose focus was on proving a doctrinal continuity, Ware makes little comment other than to simply reassert Saint Patrick's commitment to both the scripture and the institution of the episcopacy. Ware's continuity between the early modern Protestant church and the church of Patrick lies in the unbroken succession of bishops.

His episcopal history of Ireland, *De praesulibus Hiberniae commentarius* (1665), opens with the archbishopric of Armagh and its foundation by 'Saint Patrick, the Briton'.³⁰⁰ Citing Patrick's *Confessio*, which Ware had also previously published in 1656, he relays the story of Patrick's enslavement, escape, and return to Ireland in 432 as a bishop intent on converting the Irish to Christianity. He compounds this by citing the medieval Cistercian and hagiographer of Patrick, Jocelyn of Furness, to prove the primacy of Armagh among Irish dioceses.³⁰¹ This passage fulfils several roles for Ware. Firstly, and most importantly,

²⁹⁸ MacCulloch, *All Things Made New*, p. 322-3.

²⁹⁹ Aubrey Gwynn, 'John Lynch's "De Praesulibus Hiberniae"', *Studies: An Irish Quarterly Review*, 34:133 (Mar., 1945), pp 44-6.

³⁰⁰ The 1665 issue of Ware's *De praesulibus Hiberniae* will be referenced rather than Walter Harris's translated 1739 edition. Harris's edition is in many respects a different text given his additions and influences from other writers such as Geoffrey Keating and Roderick O'Flaherty, Joep Leersen, *Mere Irish and Fíor-Ghael: Studies in the Idea of Irish Nationality, its Development and Literary Expression prior to the Nineteenth Century* (Cork, 1986, repr. 1996); see also Mark Williams, "'Lacking Ware, withal": Finding Sir James Ware among the Many Incarnations of his Histories', in Jason McElligott and Eve Patten (eds), *The Perils of Print Culture: Book, Print and Publishing History in Theory and Practice* (London, 2014), pp 64-81.

³⁰¹ James Ware, *De praesulibus Hiberniae...* (1665), pp 1-2; Empey, 'Creating a usable past', p. 45.

it places Patrick as the head of the episcopal succession in Ireland, cementing him as the originator of the Irish church. Secondly, it also re-emphasised the importance of the archbishopric of Armagh, by giving it its primacy as first among the Irish sees as Patrick's own diocese, as Ussher had also done. Ussher had asserted the relative independence of Armagh until 'Gelasius' (Gilla Meic Liac mac Diarmata) received a pallium from Pope Eugenius III in 1151.³⁰² This is replicated by Ware who notes that Eugenius's legate had also arrived with pallia for the bishops of Dublin, Cashel, and Tuam.³⁰³ Ussher had made this point to contrast the opinion that only Gelasius could be reckoned the first archbishop with his view that bishops had 'exercised much greater authority before they were put to the charges of fetching Pals from Rome'.³⁰⁴

Ware continues, however, to devote little time to the matters of doctrine which had plagued Ussher. The Catholic Old Englishman John Copinger asserted in 1606 that Irish bishops had petitioned the popes Pelagius II and Gregory I for the absolution of their 'pelagian error'. Ussher's *Discourse* refutes this charge of Pelagianism and its resultant appeal to 'the Church of Rome'.³⁰⁵ To Ussher, no evidence existed for Pelagianism in Ireland and this anecdote related by Coppinger existed only to fabricate a context for papal intervention which likewise could not be substantiated.³⁰⁶ Ware's *De praesulibus* makes no mention of these accusations, confining itself strictly to the apostolic succession of the early church. For those bishops contemporaneous to the events alleged by Coppinger, Ware makes no note at all of Pelagianism or of accusations—false or otherwise—of Pelagianism or appeals to the pope. His list of bishop sticks rigorously to his source material, which likewise makes no mention of Pelagian heresy in Ireland. This had been an important issue for Ussher in the 1630s, allowing him to demonstrate the autonomy

³⁰² Ussher, *A Discourse*, p. 78.

³⁰³ Ware, *De praesulibus Hiberniae*, p. 15.

³⁰⁴ Ussher, *A Discourse*, p. 78.

³⁰⁵ John Copinger, *A Mnemosynum or Memoriall to the Afflicted Catholicikes in Ireland, 1606* (Tolosa, 1606; reperi. Merston, 1973), pp 296-7.

³⁰⁶ Ussher, *A Discourse of the Religion Anciently professed by the Irish and Brittish* (London, 1631), p. 88-92.

and resilience of the ancient Irish church, resisting both heresy and papal interference. Furthermore, by demonstrating that Pelagianism specifically had never taken hold, Ussher could assert the importance of predestination to both the ancient and early modern, ‘anti-Arminian’, Irish churches.³⁰⁷ Ware’s silence on the matter reflects the silence of his sources, the structure of his work (thoroughly devoid of such polemics), but also the changed religious situation of Restoration Ireland from the 1630s.

Mark Empey points to a ‘renewed optimism’ in James Ware’s 1665 *De praesulibus*, compared with his earlier work. His 1665 edition, more complete than Ware’s earlier works, could afford to be less polemical than preceding Protestant histories with the restoration of both Charles II and the Irish episcopacy.³⁰⁸ The 1665 Act of Uniformity passed by the Irish parliament, following the 1662 act for the same passed in England, added extra security to Ware and his more conformist co-religionists. The restoration of the episcopacy in Ireland is celebrated by Ware in the relevant entries for each of the affected bishops. For example, the mass consecration of bishops in St Patrick’s Cathedral in Dublin on the 27th of January, 1661, is celebrated in the entry for George Wilde, consecrated as Bishop of Derry, while he also celebrates the translation of John Bramhall to Armagh.³⁰⁹ No mention is made of either the English 1662 Act of Uniformity or the 1665 Irish equivalent in Ware’s text; the former would likely not have appeared relevant to Ware in discussing Irish bishops while the latter may have come too late. However, Ware’s treatment of his contemporary bishops should leave little doubt as to Ware’s own leanings. His work on the episcopacy condensed the past and present of the Irish church, drawing clear links between the two. By avoiding open polemics in his treatment of medieval bishops while hinting at the parallel significance of monarchical and episcopal restoration, Ware stakes the claim of Irish episcopalian Protestantism to the ancient Irish church and de-emphasising the importance of specific doctrines. For Ware, the continuity between the

³⁰⁷ Jack Cunningham, *James Ussher and John Bramhall*, pp 102-3; Ford, *James Ussher*, pp 154-61.

³⁰⁸ Empey, ‘Creating a usable past’, p. 47.

³⁰⁹ Ware, *De praesulibus Hiberniae*, pp 29 & 72.

two comes through the institution of apostolic succession, as duly ordained by the monarch, rather than specific doctrines.

Andrew Stewart's Ancient Irish and Scottish Church

Andrew Stewart, a Scottish-born preacher based in Antrim, provides insight into how the ancient Irish church might have been understood within the Scottish dissenting community in Ireland. A recipient of an MA from St Andrews in 1644, Stewart rose to prominence after his return to Ireland in 1652 after a period of exile in Scotland.³¹⁰ Deposed on the Restoration for his non-conformity, he unsuccessfully sought redress from the Duke of Ormond and found himself imprisoned on suspicion of involvement in Thomas Blood's abortive seizure of Dublin Castle in 1663.³¹¹ Dying in 1671, Stewart is distinct from both James Ware and John Lynch as a historian in that his history of the ancient Irish church, 'A Short Account of the Church of Christ...', was never published, or even finished, in his lifetime.³¹² Unlike both Ware and Lynch, there is little evidence that Stewart's manuscript was read within the period and, for this reason, the significance of his work must come from elsewhere. Instead, the significance of Stewart's 'Short Account' comes not from its readership or dissemination but in the supposed purpose and circumstances of his argument. Patrick Walsh compares Stewart's history with that of Ussher, noting that Stewart sought to detail the Scottish and Presbyterian character of the early church.³¹³ This contrasts with the monastic aspects which Ussher had highlighted

³¹⁰ Robert Armstrong, 'Adair, Stewart and Presbyterian Ulster', in *Presbyterian History in Ireland: Two Seventeenth-Century Narratives*, ed. Robert Armstrong, Andrew R. Holmes, R. Scott Spurlock, Patrick Walsh (Belfast, 2016), p. 31; according to Patrick Adair, Stewart was the son of another Andrew Stewart, who died in 1634 while serving as a minister in Donegore, Antrim. The younger Stewart arrived as a minister in Donaghadee, Down, by 1646, in Adair, 'A True Narrative...', pp 80 & 153.

³¹¹ Linde Lunney, 'Stewart, Andrew' in James McGuire and James Quinn (eds), *Dictionary of Irish Biography* (Cambridge, 2009), available online: dib.cambridge.org/viewReadPage.do?articleId=a8299

³¹² The first publication of his account in its entirety came did not come until 2016, in *Presbyterian History in Ireland: Two Seventeenth-Century Narratives*, ed. Robert Armstrong, Andrew R. Holmes, R. Scott Spurlock, Patrick Walsh (Belfast, 2016).

³¹³ Patrick Walsh, 'Writing History', pp 32-3.

and which had become somewhat commonplace in Irish Protestant understandings of the early church, as apparent in Temple's preface to *The Irish Rebellion*.

The significance and distinction of Stewart's unfinished 'Short Account' are in how it demonstrates an alternative Protestant history, derived from Ussher and which appeals to the Scottish dissenting community in Ireland. Relying heavily on Ussher ('whose authority may suffice to be my witness') and Meredith Hanmer for the early history of the Irish church, Stewart inserts additional information and reinterprets this history to fit a nascent Presbyterian understanding of the past.³¹⁴ He places faith in their accounts of the past, of Saint Patrick's mission in Ireland, but differs in his interpretation by stressing that the description of the supposed episcopacy established by Patrick must be treated with caution.³¹⁵ He accepts the assertion that Patrick ordained '3,000 Bishops and 5,000 ministers' but insists that the term 'bishop' fails to accurately describe these 'Ruling Elders' of the ancient Irish church. Instead, 'the vast number of them makes it suspicious' to Stewart that this account was either fantastical or these 'Bishops... were nothing but the ordinary Presbyters'.³¹⁶

Stewart acknowledges Ussher's argument for the role played by monasteries in the spread of Christianity and dissemination of learning, 'furnishing godly and learned men not only at home but to other nations'. Basing his report of early Irish monasteries on Ussher's *Discourse*, he repeats Ussher's own retelling of the remonstrance of Richard Fitzralph regarding mendicant monks 'giving over all work' in favour of begging.³¹⁷ Stewart produces this report of Ussher's history to add his own 'considerations' on the matter of the ancient Irish church. Concerning Ussher's attempt 'to propagate the name of his nation' (a nation which Stewart confesses himself 'very much devoted') he concludes that 'Ussher has transferred the doctrine of the Church of Scotland to be that of Ireland'. He

³¹⁴ Andrew Stewart, 'A Short Account of the Church of Christ as it was...', in *Presbyterian History in Ireland: Two Seventeenth-Century Narratives*, ed. Robert Armstrong, Andrew R. Holmes, R. Scott Spurlock, Patrick Walsh (Belfast, 2016), p. 292.

³¹⁵ Patrick Walsh, 'Writing History', pp 33-4.

³¹⁶ Stewart, 'A Short Account', pp 279-80.

³¹⁷ Stewart, 'A Short Account', pp 302-3.

insists that since Roman Britain had been Christianised before Ireland, it seemed more plausible that Scotland, too 'subdued' by the Romans, ought to have had prior 'benefit of the Gospels light'. Furthermore, he asks, 'If Ireland once had the advantage and so great... that all the godly learn'd saints were there, how lost they this'?³¹⁸ If Irish monasteries had been such renowned incubators of learned and dedicated monks, then how did they reach the state of monastic decline as evidenced by Fitzralph's tale in Foxe's *Book of Martyrs* and Ussher's *Discourse*? Stewart answers that Ussher had appropriated the achievements of early Scottish clergymen for Ireland along with their doctrine and inflated the legacy of Patrick's church.

Ussher had been clear in his *Discourse* that 'that the name of Scoti in those elder times... was common to the inhabitants of the greater and the lesser Scotland', applying to the Gaelic inhabitants of both Ireland and Scotland. To Ussher, no distinction could be drawn between either the inhabitants of the two countries or their doctrine in the early medieval period.³¹⁹ For Stewart, by using 'the name of the Scots... indifferently', Ussher had been able to seize upon Scottish achievements as Irish and ignore the flow back from Scotland into Ireland. He proposes it be better to consider the two to be 'good neighbours', each enriching the faith of the other. Therefore, rather than representing solely the doctrine of an ascendant early Irish church, the doctrine outlined by Ussher was instead 'a Confession of both Churches'.³²⁰ One aspect he seizes upon is the legacy of the Culdees (*Céli-Dé*, 'servants', 'clients', or 'brides of god'), a movement whose memory held great appeal for Scottish reformers.³²¹ Stewart's brief reference to the Culdees holds them up an example of a religious movement endemic to both Ireland and Scotland, but possibly originating in the latter, proving the strength of Scottish faith and deep connections between both lands.³²² By invoking the Culdees, Stewart could draw the two early medieval

³¹⁸ *Ibid.*, pp 308-10.

³¹⁹ Ussher, 'To my very much honoured friend, Sir Christopher Sibthorp...', in *A Discourse*.

³²⁰ Stewart, 'A Short Account', p. 310.

³²¹ 'Servant of God' is the translation given by William Reeves in his *The Culdees of the British Islands* (Dublin, 1864), p. 4. Patrick Walsh gives 'clients of God' instead.

³²² Stewart, 'A Short Account', p. 309.

churches together; acknowledging the connections between the two without subsuming the Scottish church within that of Ireland. In this way, he establishes doctrinal continuity for Scottish dissenters in Ireland with the Culdees as a precedent.

Stewart's history deliberately de-emphasises the importance of the bishops and the episcopacy. Unlike both Ussher and Ware, or the Catholic John Lynch, Stewart displays no interest in the matter of episcopal primacy, and places little importance in apostolic succession. This is hardly surprising, with Stewart's narrative providing inklings of a nascent Presbyterian identity. Their connection is not through a succession of bishops as Ware had outlined but instead through spiritual and doctrinal kinship to groups such as the Culdees. The Scottish biographer of John Knox presents a view of the Culdees which further explains their significance to this emerging sense of the past. The Culdees, 'commonly called by the Writers... of those dayes, *Scotorum Episcopi*', writes Buchanan, 'had no Pre-eminence or rank of Dignity above the rest'.³²³ Buchanan's Culdees appear much the same as in Stewart's 'Short Account', a proto-Presbyterian movement, native to early medieval Scotland, which uses the title of bishop without the implications of any ceremonial or hierarchical aspects. Colin Kidd describes this narrative as a 'Dalriadic' ecclesiastical identity, demonstrative of links between the early Irish and Scottish churches and drawing from the supposed doctrines of these churches without drawing from Gaelic culture.³²⁴ Stewart's 'Short Account' likewise draws from the connections between early medieval Ireland and Scotland, asserting a doctrinal similarity between their ancient churches and the Presbyterian movement emerging the later seventeenth century. His understanding of the early Irish church draws from Ussher, recasting Ussher's *Discourse* to fit a narrative in which the glories of early missionaries and churchmen are shared between Ireland and Scotland. Stewart's early bishops, appointed by Saint Patrick, are less

³²³ David Buchanan, 'Preface', in John Knox, *The Historie of the Reformation of the Church of Scotland* (Edinburgh, 1644; repri. 1731).

³²⁴ Kidd, *British Identities Before Nationalism*, pp 129-30.

like early modern prelates and closer to a nostalgic imagining of godly prelates without rank or hierarchy.

While the use of Ussher in later histories is well-known, with Ussher pointing to a more Calvinist origin for Christianity in Ireland that appealed to dissenters in Ulster, there is little examination at the use of Ussher's argument by Stewart.³²⁵ Patrick Walsh explains this as another example of Stewart being overlooked and generally ignored by later historians of Ulster Presbyterians. Stewart is something of an oddity, irrelevant to most purposes given the relative obscurity and inaccessibility of his writing.³²⁶ His 'Short Account' was composed in a particular time and place, and yet is indicative of a mindset that existed and could have developed further in the right conditions. Stewart presents an 'ecumenical' approach to sources for Protestant history which help reveal the purpose of his writing. He offers a 'subtle' corrective to episcopalian histories, presenting an alternative view of the standard Protestant source material and attempts to demonstrate how Ussher's argument leans towards Calvinism. His 'Short Account' resembles Ussher's 'Discourse' in structure and form, yet—in drawing from different secondary material—pushes its arguments towards non-conformist conclusions.

John Lynch and the Roots of English Heresy

John Lynch, the Galwegian historian, was born around 1600 and received his education at Douai in the Spanish Netherlands and Dieppe in France. From a prominent Old English family in Galway with several relatives in the Catholic hierarchy in Ireland, Lynch returned to Ireland in the 1620s and became archdeacon of Tuam under Malachy O'Queely.³²⁷ He fled Ireland after the fall of Galway in 1652, eventually settling in Brittany by 1661, where

³²⁵ Ford 'Shaping History', pp 28-30; Patrick Walsh's work on Stewart is the exception in this regard.

³²⁶ Patrick Walsh, 'Writing History', p. 32

³²⁷ Three Lynches became bishops during John Lynch's life: Andrew (Kilfenora), James (Tuam), and Walter (Clonfert), D'Ambières & Ó Ciosáin, 'John Lynch of Galway (c.1599-1677)', pp. 50-1. His relative Francis Kirwan, about whom John wrote *Pii Antistitis Icon (The Portrait of a Pious Bishop)*, also became bishop of Killala. While Lynch gives Kirwan's mother as Juliana Lynch, the relationship between the two men remains unclear, with the suggestion that Kirwan was Lynch's uncle unproven.

he spent the majority of his time. In exile, Lynch set about building upon the research he had begun while in Ireland with the oldest manuscript of his *Cambrensis Eversus* dating from 1657.³²⁸ Associated with Old English opponents of Giovanni Battista Rinuccini, Papal nuncio to the Catholic Confederation, Lynch himself became embroiled in a dispute with Richard O’Ferrall the author of *Commentarius Rinuccinianus* and a 1658 report which suggested the exclusion of Old English from serving the church. Lynch would pseudonymously publish his *Alithinologia* (1662) in response to this report, defending the actions of the Old English during the 1640s and insisting on a lack of ethnic distinction between the Old Irish and Anglo-Norman ‘Newer Irish’. The Anglo-Norman origins of the Lynchs would provoke a tension that appears in much of John Lynch’s historical writings. Lynch found himself defending, as he saw it, Irish history from a key proponent of his own ancestors and the medieval conquest which had installed them in Ireland.

In France, Lynch was confronted by histories and accounts of present-day Ireland relying upon the twelfth-century *Topographica Hibernica* and *Expugnatio Hibernica* of Giraldus Cambrensis. These had received new prominence with their inclusion in William Camden’s *Anglica, Normannica, Hibernica, Cambrica* (1602), circulated in both Latin and French.³²⁹ Composed in reaction to this, *Cambrensis Eversus* embodies a significant undertaking on the part of Lynch, based on years of prior research and encompassing a wide range of topics. As Bernadette Cunningham summarises it, Lynch provides ‘an analysis of royal power, the nature of sovereignty, the duties of subjects, the role of parliament in an Irish context, the implications of conquest, and the nature of property rights’.³³⁰ This chapter will focus on the religious aspects of *Cambrensis Eversus*, supplemented by other pieces of Lynch, particularly his life of Francis Kirwan and his *De Praesulibus Hiberniae*. Ostensibly a refutation of the works of Giraldus regarding Ireland,

³²⁸ D’Ambières & Ó Ciosáin, ‘John Lynch of Galway (c.1599-1677)’, p. 55.

³²⁹ Bernadette Cunningham, ‘Representations of king, parliament, and the Irish people in Geoffrey Keating’s *Foras Feasa ar Éirinn* and John Lynch’s *Cambrensis Eversus* (1662)’, p. 134; D’Ambières & Ó Ciosáin, ‘John Lynch of Galway (c.1599-1677)’, p. 56.

³³⁰ Cunningham, ‘Representations of king, parliament, and the Irish people in Geoffrey Keating’s *Foras Feasa ar Éirinn* and John Lynch’s *Cambrensis Eversus* (1662)’, p. 135.

in places *Cambrensis Eversus* also serves as a commentary on the religious situation of seventeenth-century Ireland. In tackling what he sees as the abuses of Irish history by Gerald, and those who draw on Gerald's writings, Lynch also uses Irish history to assert a particular view of the early Irish church against Protestant writers.

Commemorating the life of his kinsman, Francis Kirwan, the bishop of Tuam, Lynch briefly refers to another kinsman, Walter Lynch, the bishop of Clonfert. He observes that Walter Lynch's own exile parallels that of Saint Brendan the Navigator, founder of the monastery of Clonfert in the sixth century. While Brendan had been trapped at sea in a coracle for seven years, Walter Lynch had been forced to reside on the continent for twelve years, staying in Flanders and eventually Hungary before dying in 1663.³³¹ Throughout his works, John Lynch compares the sufferings of his Catholic compatriots with their earliest forbearers, drawing direct comparisons between the work done by early Christian missionaries and Irish Catholics operating despite opposition from Protestants. While Ussher, Ware, and others look to the early church in Ireland for the origins of true faith lost and then regained through reformation, Lynch sees an unbroken line of Roman Catholic prelates operating still despite the imposition of 'heresy' in Ireland. Key among his works is his *Cambrensis Eversus*, ostensibly a refutation of the works of Giraldus regarding Ireland, but which in places serves as much as a commentary on events in Ireland in the mid-seventeenth century.

Crucially important to Lynch was to address Gerald's claims regarding the state of worship in medieval Ireland. Gerald had argued for the decline of the Irish church from its heyday in the eighth century to a supposed nadir in the twelfth century, from which Henry II's conquest was to have brought it back.³³² Lynch contends throughout *Cambrensis Eversus*, that the broad scope of Gerald's thesis in his twelfth-century manuscripts, the

³³¹ Lynch, *The Portrait of a Pious Bishop*, pp 20-21; John Lynch gives Walter Lynch's date of death as 1664, other sources have this as 14 July 1663, as in Terry Clavin, 'Lynch, Walter', in *DIB*, available online: <https://www.dib.ie/biography/lynch-walter-a4960>

³³² This point had been seized upon by Sir John Temple, who compared the divine punishment of Henry II's conquest with the anticipated retribution for the 1641 Rebellion yet to come in 1646, in Temple, *The Irish Rebellion*, p.5.

Topography of Ireland and Conquest of Ireland, is entirely wrong, constructed through the wilful misuse or selective omission of information. For Lynch, the faith of the Irish people had never been in question. While Gerald could hardly think of an Irish saint of note, Lynch 'could name all the islands on the Irish coasts and mention the saints who dwelt on them, for there was hardly one of them untenanted'.³³³ His view of Gerald's scholarship was exceptionally critical. He asserted that Giraldus had abused his sources and constructed an argument rooted in ignorance and bias contrary to Lynch's own view that a 'historian should never forget that he holds the office of a good and upright judge... inaccessible to every movement of passion'.³³⁴ Lynch for his own part refers often to Ussher and Ware and their religious histories, seemingly giving them weight opposite Gerald as reliable sources of his information. His interpretations, however, diverge from theirs, as befitting an avowedly Catholic historian.

Through the lens of Lynch's criticisms, the history of the Irish church provided by Giraldus can also act as a stand-in for Protestant historians. Whereas Giraldus depicts an Irish church in decline after its early medieval apogee, Lynch sees an Irish Christianity which never went into decline. Instead, he explains Gerald's observations of the paucity of monastic and ecclesiastical activity compared with Ireland's supposed golden age as a reflection of the damage wrought by Danish raiders. As with Ussher, Lynch lauds the early medieval monasteries which claimed descent from Saint Patrick. To him, as with Ussher, they were responsible for instruction in 'the principles of a more holy life'.³³⁵ Unlike Ussher, however, he does not see any sign or symptom of decline. He makes no mention at this point of their dissolution, but Lynch later proves himself to be in the mould of Henry Fitzsimon. When dealing with the Reformation, he cites Fitzsimon for his account of the tenacity of Irish Catholicism. Fitzsimon notes that despite all of the incentives and punishment brought to bear against Catholicism over sixty years, Ireland was little closer

³³³ Lynch, *Cambrensis Eversus*, I, pp. 324-5.

³³⁴ *Ibid.*, pp. 406-7.

³³⁵ Lynch, *Cambrensis Eversus*, II, pp. 300-1.

to embracing the Protestant faith.³³⁶ As with Fitzsimon, Lynch denies the connection Protestant writers sought to establish between their faith and the faith of the early Irish church fathers. Like Giraldus, Ussher had portrayed an Irish church in disarray which Lynch denies. He seeks to refute Giraldus and tacitly denies Ussher's argument by asserting the existence of a continuous succession of active prelates.

Henry Fitzsimon, an Irish Jesuit, was arrested in 1599 and imprisoned in Dublin Castle. He used this as an opportunity to debate with notable Protestants such as Meredith Hanmer, John Rider, and a young James Ussher. Henry Jones would later describe Fitzsimon 'being there as a Bear tied to a Stake, and wanting some to bait him', challenging 'any of the Protestants to dispute with him'.³³⁷ These encounters prompted Fitzsimon to write a series of responses to his Protestant opponents and informed his 1608 publication, *A Catholick Confutation*. In this he argued that Protestant historians had plundered the history of the Irish church to their own ends. 'Out of these fountaynes Camden, Bale, and other lyke took their drawghts and together drank upp the fosad notice, of Ireland's owld dignitie'. Fitzsimon draws direct parallels between the early medieval decline of the Irish church at the hands of 'Infidels, Danes, Normans, Ostmans' and his contemporaries. To Fitzsimon, the early seventeenth-century Irish church now stood 'against hereticks' such as 'Arians, Pelagians, [and] Puritans', infected with 'both infidelitie and heresie'.³³⁸ This message was attractive for Lynch, who drew upon it to assert the unity of Irish Catholics in the face of pagans and heretics, both in the medieval past and early modern present.

Against Ussher, and others such as John Temple, who seized upon a distinction made between early medieval monastic orders and the later, degenerate and corrupt monasteries dissolved under Henry VIII, Lynch seeks to erase this distinction. He insists in *Cambrensis Eversus* that Patrick had taken a habit, demonstrating in his opinion that—despite the apparent objection of Giraldus—being a monk did not impede actively

³³⁶ Ibid., pp. 606-7.

³³⁷ Henry Jones, *A Sermon at the Funeral of James Margetson...* (London, 1679), p. 32.

³³⁸ Fitzsimon, 'To the Catholicks of Ireland...' *A Catholicke Confutation*.

engaging in the duties of a prelate. To Lynch, Irish monks had never been the idle or indolent creatures of Protestant criticism but rather were the agents of the church in the world.³³⁹ Likewise, in his commemoration of Francis Kirwan, Lynch asserts the continuity between the monasteries established by Saint Patrick and those dissolved in the sixteenth century. He insists that the Canons Regular presented an unbroken link to Patrick, as the inheritors of the monasteries established by his disciples until their expulsion from Ireland under Elizabeth I.³⁴⁰ Here he applies a broader definition of ‘Canons Regular’ than strictly the Augustinian Canons Regular active in Ireland, describing Saint Patrick himself as ‘ex ordine Canonicorum Regularum’.³⁴¹ Just as Protestant writers claimed similarities between their own doctrinal beliefs and those of early Christians, Catholics like Lynch asserted the institutional similarity and continuity between their own ecclesiastical orders and those of the early medieval church.

Lynch’s case against Giraldus leads him to draw more overt connections between Giraldus and contemporary Protestants. He argues that the rejections and omissions by Giraldus regarding Irish saints and the miracles worked by them were tantamount to heresy. He references Saint Paul’s Letter to the Hebrews, ‘Remember your prelates who have spoken the word of God to you’.³⁴² To Lynch, in diminishing the activities of Irish bishops, Giraldus had not given them their due regard, failing in his obligations not just as a historian but also as a Christian. He argues that canonisation is integral to Christian worship, that the recognition of saints by the church makes them into paragons whose examples others must follow. He further charges Giraldus with being an inspiration—the ‘germ’—behind John Wycliffe’s fourteenth-century Lollardy.³⁴³ Lynch takes the perceived misuse and misrepresentation by Giraldus of the histories of Irish saints as emblematic of

³³⁹ Lynch, *Cambrensis Eversus*, III, pp. 456-7

³⁴⁰ John Lynch, *The Portrait of a Pious Bishop*, pp 86-7.

³⁴¹ This is a belief that Lynch credits ultimately to John Copinger in Lynch, *The Portrait of a Pious Bishop*, pp 84-85; Copinger however provides an account of Saint Patrick and his disciples but makes no insinuation regarding a connection with this order, in Copinger, *A Mnemosynum*, pp 252-3.

³⁴² Heb. 13:7; Lynch, *Cambrensis Eversus*, III, pp. 482-3.

³⁴³ Lynch, *Cambrensis Eversus*, III, pp. 482-3.

Wycliffe's later attack on the veneration of saints. Ussher saw Wycliffe, the Lollards, and the Waldensians in Germany, as forerunners of the Reformation, 'apparent enclaves of godliness' who formed a medieval continuity between early Christians and early modern Protestants.³⁴⁴ To Lynch, these were communities of heretics acting against the true church rather than communities of true believers preserving the light of Christ in the face of repression. Furthermore, Lynch insinuates that Giraldus is a contributor to early modern Protestantism in Ireland and its faults.

Lynch is unequivocal in his view of the Reformation, regardless of his use of materials composed by Protestants like Ussher and Ware. He places 'the birth of the English heresy' at the feet of Henry VIII, who 'revolted from the authority of the pope'.³⁴⁵ Lynch asserts the continued loyalty to Catholicism of the Irish, citing Peter Lombard, the Catholic archbishop of Armagh, but also following the arguments of Fitzsimon. Lynch proceeds then to chart the interactions of the early Irish church and Rome, seeking to demonstrate the obedience of Irish prelates to the pope. He argues that 'in ancient times', the Irish demonstrated the same persistent loyalty to the pope, citing the consecration of St Ailbhe, the receptions of saints including Declan, Cassan, and Cillian. Lynch, however, doubts, as Keating had suggested, that this implied papal sovereignty over Ireland.³⁴⁶ Lynch has obvious reason to deny the right of the pope to grant the crown of Ireland at will or at least cast doubt on the subject, considering the bulk of his text seeks to deny the basis of the argument made by Giraldus regarding the grant made by Pope Adrian to Henry II.³⁴⁷ He focuses instead on asserting a close relationship between the early Irish church and the

³⁴⁴ Jack Cunningham, *James Ussher and John Bramhall*, pp 88-90; Ford, 'Shaping History: James Ussher and the Church of Ireland', pp 20-21; John Foxe had likewise included the career of Wycliffe 'whom the Lord... rayed vp here in England, to detect more fully and amply the poison of the Popes dectrine', in Foxe, *Acts and Monuments*, p. 448.

³⁴⁵ Lynch, *Cambrensis Eversus*, II, pp. 614-5.

³⁴⁶ *Ibid.*, pp 620-35; Keating inconclusively considers whether or not Donnchadh, the son of Brian Boru, could have had the legitimacy to donate Ireland to the pope but yet later accepts Ireland as having been within the pope's power to bestow on Henry, in Keating, *Foras Feasa ar Éirinn*, III, pp 6-7, 346-9.

³⁴⁷ While this may appear to undermine the Stuarts' claim to Ireland by objecting to Henry II's conquest, Lynch favours genealogical and political justifications for their claim—rather than one based in religion—as detailed in the final substantive chapter; Campbell, 'John Lynch and Renaissance Humanism in Stuart Ireland', pp 38-9.

bishops of Rome, simultaneously denying the accusation of ecclesiastical neglect but also denying claims of the independence of the Irish church from Rome.

Lynch describes the ‘heresy’ of English Protestantism as obscuring the light of the true, Catholic, faith in Ireland despite the attempts of the papacy to send ‘learned men’, but also men-at-arms as at Smerwick in 1580.³⁴⁸ He mentions a prophecy of Saint Jarlath which he alleges refers to Malachy O’Queely becoming the first Catholic archbishop of Tuam after the ‘darkness’ of heresy had been lifted, presumably meaning the formation of the Catholic Confederation in 1642.³⁴⁹ This fog of Protestant heresy he claims had been lifted earlier by the accession of Mary I who returned the church to its ‘former power and splendour’, though this ‘repose’ proved short-lived.³⁵⁰ His view of Queen Mary’s reign contrasts with that of Protestant writers for whom she presented the epitome of Catholic intolerance. James Ware’s list of bishops limits its comment on Mary reinstating George Dowdall in Armagh to the upheaval which saw John Bale flee Ireland and Edward Staples deprived of his see in Meath.³⁵¹ James’s son Robert however ended his account of the life of George Browne, the sixteenth-century Protestant archbishop of Dublin, by reflecting on how Mary had been ‘by Providence prevented’ from extending her persecutions. Doubtlessly taking for granted the reader’s knowledge of the Protestant martyrology established by John Foxe, Ware simply states that Mary ‘dealt severely with the Protestants in England’ but that ‘God preserved the Protestants in Ireland from persecution’.³⁵²

Whereas James Ware demonstrates a continuity of bishops from Saint Patrick to Church of Ireland bishops and Ussher sought to demonstrate doctrinal continuity, Lynch looks to the saints and church fathers as paragons of Roman Catholic faith. To Lynch, early modern Catholic prelates embody the same qualities as their Christian predecessors, both

³⁴⁸ Lynch, *Cambrensis Eversus*, II, pp. 736-7.

³⁴⁹ Lynch, *The Portrait of a Pious Bishop*, pp 74-5.

³⁵⁰ Lynch, *The Portrait of a Pious Bishop*, pp 86-7; Lynch, *Cambrensis Eversus*, II, pp 784-5.

³⁵¹ Ware, *De praesulibus Hiberniae*, p. 25.

³⁵² Robert Ware, *The Reformation of the Church of Ireland, in the Life and Death of George Browne...* (Dublin, 1681), p. 22; Foxe devotes the final three books of the 1583 edition of the *Acts and Monuments* to Protestants martyred by Mary I.

in terms of their personal faith and their actions in shoring up the church in the face of Protestantism. James Ware similarly argues that in preserving the memory of early prelates they should serve as exemplars to those of the reformed faith.³⁵³ Lynch, however, draws direct parallels between the disciples of Patrick, medieval prelates, and his own contemporaries. Just as Celsus of Armagh made Saint Malachy his successor, Lynch argues, so too had Florence Conry of Tuam appointed Francis Kirwan as his vicar general. He describes Kirwan as a ‘true imitator’ of Malachy, reforming his flock with both ‘reason’ and ‘correction’ and, like Malachy, had ministered with ‘divine assistance’.³⁵⁴ Lynch also accuses Giraldus of misrepresenting Bernard of Clairvaux’s *Life of St. Malachy*. In focusing on it as evidence of the ignorance of the Irish, he alleges that Gerald overlooked the reforming zeal and success of St Malachy in restoring the observance and understanding of the sacraments.³⁵⁵ Lynch parallels the work of Kirwan and St Malachy in restoring the church in Ireland after the damage wrought by interlopers, the Danes in the case of Malachy and Protestants for Kirwan.

John Lynch’s treatment of Giraldus reveals three key elements of Lynch’s own ecclesiastical position. In contrast to the ‘fantastical’ superstition depicted by Gerald, Lynch stresses ‘Irish Christianity’s essential orthodoxy and its constant adherence to the authority of the papacy since its very beginning’.³⁵⁶ Thirdly, he also asserts its institutional continuity. His own, unpublished, episcopal history—*De Praesulibus Hiberniae*—traces the Catholic succession, as opposed to the Protestant succession outlined by Ware’s work of the same name. Lynch places the Catholic Limerick priest Donagh O’Tighe succeeding Mary I’s archbishop of Armagh, George Dowdall, who had lived through the English ‘slip into schism’.³⁵⁷ Lynch’s view of the Catholicism in Ireland is that of an uninterrupted church, with no discontinuity of either its doctrines or ecclesiastical institutions. His

³⁵³ Ware, ‘Lectori’, in *De praesulibus Hiberniae*; Empey, ‘Creating a usable past’, p. 48.

³⁵⁴ Lynch, *The Portrait of a Pious Bishop*, pp 34-9.

³⁵⁵ Lynch, *Cambrensis Eversus*, II, pp. 340-9.

³⁵⁶ Salvador Ryan, “‘Holding up a Lamp to the Sun’”: Hiberno-Papal Relations and the Construction of Irish Orthodoxy in John Lynch’ *Cambrensis Eversus* (1662)’, *Studies in Church History*, 49 (2013), pp 168-9.

³⁵⁷ John Lynch, *De Praesulibus Hiberniae*, ed. J.F. O’Doherty (2 vols, Dublin, 1944) II, p.129.

contemporaries not only embody the qualities and beliefs of their early forbearers but occupy the same positions within the church hierarchy. To Lynch, those who would attempt to argue otherwise were had imbibed ‘poison from the viper’, Gerald, and fallen victim to his fantastic tales of superstition. Of these ‘English writers... who reject the Catholic faith’, Lynch insists that ‘not one of those who have written on Irish affairs can be taken as a faithful guide on Irish history’.³⁵⁸ *Cambrensis Eversus* presents a narrative in which not only are Gerald’s accounts factually and maliciously inaccurate, but that his malign influence extends into Protestant histories of the Irish church. Taken together with the insinuation that the views of Giraldus were an inspiration to pre-Reformation heretics, Lynch’s argument ties together early modern political, moral, and religious arguments regarding Ireland with the apparent indignities offered by Giraldus. To Lynch, Protestant accounts of a corrupt medieval Irish church are mistaken and based on the quasi-heretical opinions of Giraldus and their refutation of the medieval Irish church demonstrates Protestant discontinuity from the patrician church.

The Case of St Patrick’s Purgatory

The concept of Purgatory itself, an extra-biblical ‘third place’ between Heaven and Hell, was a key point of contention during the Reformation.³⁵⁹ In 1563, the final session of the Council of Trent reinforced Purgatory as a doctrine established in ‘the Sacred writings and the ancient traditions of the Fathers’ and accepted in previous ‘sacred councils’.³⁶⁰ Purgatory remained a key point of doctrinal conflict between Protestant and Catholic theologians following the Reformation, and appears often in works by Irish churchmen.³⁶¹

³⁵⁸ Lynch, *Cambrensis Eversus*, I, pp 102-3.

³⁵⁹ Jacques Le Goff borrows Martin Luther’s description of Purgatory as a ‘third place’, in *The Birth of Purgatory*, trans. Arthur Goldhammer (Aldershot, 1984), pp 1-14.

³⁶⁰ Council of Trent, Session XXV, I; by previous councils, they mean the Second Council of Lyons (1274) and the Council of Florence (1438-39), where the Roman insistence on the doctrine of Purgatory proved to be an impediment to the uniting of Latin and Greek Christianities, Le Goff, *The Birth of Purgatory*, pp 52, 284-86.

³⁶¹ Purgatory—along with the classic issue of indulgences—was a commonly-cited, ‘standard’ point of contention among defectors from Catholicism to the Church of England, as in the case of the Irish ex-Jesuit Andrew Sall, who ‘felt repugnance’ at such a ‘prodigious Doctrine’, *A Sermon Preached at Christ-Church in*

In this Irish context, the pilgrimage site of St Patrick's Purgatory, located in Lough Derg, in Donegal, proved a focal point of these theological disputes. The pilgrimage site was attested since the twelfth century, being the subject of the influential *Tractatus de Purgatorio Sancti Patricii*. The *Tractatus* is credited to 'H. Monachi de Salterea', an English monk typically acknowledged in early modern Irish sources as 'Henry of Saltrey'. The *Tractatus* was instrumental in both spreading awareness of the Lough Derg and perhaps proving something of an exaggeration.³⁶² Other contemporary accounts are somewhat contradictory, with Jocelyn of Furness locating it at the top of a mountain and Giraldus Cambrensis describing a series of pits rather than a cave.³⁶³ With the proliferation of the later medieval cult of St Patrick and the pilgrimage to Lough Derg, the cave described in the *Tractatus* came to be the standard and is the subject of these early modern discussions.³⁶⁴

The *Tractatus* revolves around the reported experiences of a knight named Owain, formerly in the service of King Stephen I. In short, it is a 'didactic treatise' which illustrates by the way of its narrative of descent into and return from Hell the punishments that could be meted out in Purgatory to those awaiting salvation. This narrative proved popular and was reproduced and expanded upon in editions and poems in several languages, including

Dublin before the Lord Lieutenant and Council, the Fifth Day of July, 1674 (Dublin, 1674), p. 22; Kathryn Sawyer (Viridine), 'Belief in Power', p. 166.

³⁶² Laurent Vital, secretary to Archduke Duke Ferdinand, later Emperor Ferdinand I, inquired after the Purgatory during his 1517-18 stay in Kinsale and reported his own disappointment at meeting a former pilgrim who had experienced no visions but yet Vital seems to have remained a believer: 'If one wants to learn more, one should read the legend of St Patrick, in which one could hear about the visions, which with divine permission happen to some', Laurent Vital, *Archduke Ferdinand's visit to Kinsale in Ireland, an extract from Le Premier Voyage de Charles-Quint en Espagne, de 1517 à 1518*, trans. Dorothy Convery (Cork, 2012), p. 292, CELT ed. available online: <https://celt.ucc.ie/published/T500000-001/>; see also, Hiram Morgan, 'Sunday 6 June 1518—the day the Renaissance came to Ireland', *History Ireland*, 20:3 (May/June 2012), pp 18-21.

³⁶³ J.E., 'St. Patrick's Purgatory', *Canadian Journal of Irish Studies*, 10:1 (Jun., 1984), p. 12.

³⁶⁴ On the cult of St Patrick and the rise of the related pilgrimage to Lough Derg, see Bernadette Cunningham and Ray Gillespie, "'The Most Adaptable of Saints": The Cult of St Patrick in the Seventeenth Century', *Archivium Hibernicum*, 49 (1995), pp 82-104; idem., 'The Lough Derg Pilgrimage in the Age of the Counter-Reformation', *Éire/Ireland*, 39:3/4 (Fall/Winter, 2004), pp 167-79; Fiona McNally, 'The Evolution of Pilgrimage Practice in Early Modern Ireland' (MLitt Thesis, National University of Ireland Maynooth, 2012).

Middle English.³⁶⁵ In his *Discourse*, Ussher uses Saint Patrick's Purgatory as a case study through which he examines the validity of the doctrine of Purgatory. Ussher rejects Saint Patrick's Purgatory as an example of the degeneracy rife within the Irish Church amidst its supposed Romanisation following the reforms of St Malachy. Ussher states that in 'all the elder writers of the life of S. Patrick' he had read, including Nennius's ninth-century *Historia Brittonum* and Probus's tenth-century *Vita S. Patricii*, none make mention of the Lough Derg site. He identifies Giraldus and 'Henrie the monke of Saltrey' as the first to mention the site in association with St Patrick. As far as Ussher is concerned, nothing in the 'later visions' of Malachy or Owain holds any bearing on the faith of St Patrick or doctrines of the patrician church. Seeking to draw continuity between the Protestant Church of Ireland and Saint Patrick, Ussher emphasises this discontinuity between the Patrick and the pilgrimage site named for him. Once he has established the chronological issue of attributing the site to Patrick, Ussher looks at the theological debate around Purgatory itself. Ussher turns to early churchmen such as the fifth-century Irish monk Sedulius and the iconoclast Claudius of Turin (whom Ussher again confuses with the ninth-century Irish grammarian Clement Scotus). Ussher finds no evidence in Sedulius's writing to support the doctrine of Purgatory as, quoting Sedulius, 'eyther death or life succeedeth' upon termination of a person's earthly shell.³⁶⁶

James Spottiswoode, the Protestant bishop of Clogher related to Ussher the destruction of the site in 1632. He observed that, aside from rough waves on the crossing, no disaster befell him: contrary to the expectations of local Catholics 'bewitched with their fooleries'. Spottiswoode found the Purgatory to be nothing but 'a poore beggerly hole, made with some stones, layd together with mens hands without any great Art'.³⁶⁷ Despite

³⁶⁵ Edward E. Foster, 'Sir Owain: Introduction', *Three Purgatory Poems: The Gast of Gy, Sir Owain, The Vision of Tundale*, ed. Edward E. Foster (Kalamazoo, Michigan, 2004), pp 109-19.

³⁶⁶ James Ussher, *A Discourse of the Religion Anciently professed by the Irish and Brittish* (London, 1631), p. 25; this view would be later summarised in a retort to Andrew Sall as '*where the tree falls, there it remayns*', a reference to *Ecclesiastes*, *I.S. [Ignatius Brown], The Unerring and Unerrable Church, or, An answer to a sermon preached by Mr. Andrew Sall formerly a Iesuit... (1675)*, p. 245; *Ecc.* 11:3.

³⁶⁷ 'James Spottiswoode to James Ussher, 31 October 1632', quoted in Jones, *Saint Patrick's Purgatory*, pp 132-4.

this destruction, pilgrimage to Lough Derg continued amid the troubles of the 1640s. In 1647, Henry Jones, the Church of Ireland bishop of Clogher, published his examination of Saint Patrick's Purgatory. Jones' account, reliant in part on sources directly from Ussher's library, examines the history of the site in greater detail than Ussher provided in his own *Discourse*. The purpose of Jones's text was to thoroughly prove both the historical improbability of the site having been founded by Patrick as well as emphasising the questionable theology underpinning the site. To Jones, like Ussher, Saint Patrick's Purgatory rested on twin foundations of pseudo-history and superstition and he sought to demonstrate the falsehood of each of them in turn. Jones writes that no 'credible' author, 'nor any Author at all, that for 700 yeares after S. Patrick doth write one word of this Purgatory'.³⁶⁸

The fact that pilgrims continued to travel to Lough Derg, both before and after the 1632 destruction demonstrates its continued significance for Irish Catholics. John Lynch described how Francis Kirwan undertook the pilgrimage, connecting the traditional pilgrimage with modern, continental Catholic norms.³⁶⁹ St Patrick's Purgatory is also a significant concern of Lynch's in *Cambrensis Eversus*, where he connects the narrative given by Giraldus of the pilgrimage site with later Protestant dismissals. He charges Giraldus with also having misrepresented the purpose and circumstances of the pilgrimage to Saint Patrick's Purgatory and of misrepresenting the account of Henry of Saltrey. Lynch accuses Giraldus of misrepresenting the properties associated with the island, chiefly that traditional belief held that pilgrims were absolved of all past and future sins, a charge which Lynch notes as theologically unsound. 'In other words', Lynch remarks, 'a parricide or more heinous criminal, coming out of that pit, may repeat the same crimes without any fear of the torments of hell, if he do not fall into more grievous sins'.³⁷⁰

³⁶⁸ Jones, *Saint Patrick's Purgatory*, p. 21.

³⁶⁹ Lynch, *The Portrait of a Pious Bishop*, pp 60-3; McNally, 'The Evolution of Pilgrimage Practice in Early Modern Ireland', pp 47, 59.

³⁷⁰ Lynch, *Cambrensis Eversus*, I, pp. 148-9.

Nowhere here does Lynch mention Ussher or Ware, or any other Protestant historian, but his most severe charge against Giraldus reveals the thinking which underlies Lynch's history. He denounces Gerald's 'sneer against a pilgrimage instituted by Christ himself, strongly recommended by St. Patrick, and confirmed by many miracles, the approbation of several writers, and the usage of centuries'.³⁷¹ For Lynch, traditional forms of Catholic belief mattered and Saint Patrick's Purgatory had, to him, always been a locus of Christian devotion, sanctified by holy men and reaffirmed over the passage of time. To Lynch, Giraldus's attacks on the pilgrimage to St Patrick's Purgatory are representative of his broader attacks on the Irish Church but Lynch's refutation also offers a chance for him to rehabilitate a symbol of Irish Catholicism which Protestants had attempted to eliminate. Lynch's charges against Giraldus could as easily apply then to Spottiswoode or Ussher and the iconoclastic destruction of Saint Patrick's Purgatory. Throughout his discussion of the pilgrimage, Lynch prefers to refer to the account he credits to Henry of Saltrey. Two mid-seventeenth-century accounts by Irish authors existed: the Franciscan John Colgan's *Triadas Thaumaturga* (1647) which featured a hagiography of St Patrick and Colgan's colleague Andrew MacVeigh's reworking of the same, his *Tractatulus de Purgatorio S. Patricii* (1652).³⁷² Lynch does cite the *Triadas* for secular history but never in reference to the Purgatory.³⁷³ Instead, by relying on the twelfth-century *Tractatus*, Lynch pits Giraldus against his contemporary, the monk of Saltrey.

The lack of attestation of the pilgrimage to Lough Derg before the twelfth century continued to be a problem for Protestant authors. Andrew Stewart presents a description of St Patrick's Purgatory which expands further upon Ussher and Jones, fitting it within a narrative of the corruption of the true Irish church. He believed that the Lough Derg

³⁷¹ Ibid., pp. 150-3.

³⁷² John Colgan, *Triadis thaumaturgae seu divorum Patricii, Columbae et Brigidae... acta...* (Louvain, 1647); Andrew MacVeigh, *Tractatulus de Purgatorio S. Patricii Hiberniae...* (Venice, 1652); Benignus Millett, *The Irish Franciscans, 1651-65* (Rome, 1964), p. 488; interestingly, the Irish Franciscans in Prague did not have a copy of Colgan's *Triadas* as it was apparently not of interest to them, Jan Parez and Hedvika Kucharová, *The Irish Franciscans in Prague, 1629-1786* (Prague, 2015), pp 117-8.

³⁷³ See examples in Lynch, *Cambrensis Eversus*, I, pp 414, 470, II, pp 8, 56, 174, 230.

pilgrimage was both an institution of the later Patrick the Abbot—and not St Patrick—and that it was fundamentally the continuation of pagan practice. Stewart ties together the supposed romanisation of the medieval Irish church with the hard-line Protestant belief in the pagan roots of these Roman corruptions. Jones had made a similar connection, describing St Patrick's Purgatory by reference to Vergil's cave of the Cumaean Sibyl in the Aeneid—which stood at the gate to Hades—and Stewart further emphasises this pagan connection.³⁷⁴ By tying the pilgrimage to the legendary Patrick the Abbot, Stewart can distance the site from its erstwhile namesake saint and reinforce this notion of corruption and reversion to paganism. As Stewart makes clear:

*...in this time Christianity lay as it were swallowed up of dark Superstition Error, Idolatry, Idleness and Ignorance of God in all places, so much more here in the island [Ireland] blest more always in Earthy Enjoyments ... the very scent of true Christianity and the seed sown in Patricks day seems to be almost worn out...*³⁷⁵

The corrupted Irish church, embodied by St Malachy and Patrick the Abbot, represents to Stewart a dark mirror of the true, hidden church.³⁷⁶ Instead of carrying on the Gospels and the teachings of Patrick, the Irish church instead propagated pagan practices—like the doctrine of Purgatory—in the guise of Christianity.

The judge and historian Richard Cox, not having a theological background, preferred to rely solely on established Protestant theologians like Ussher and Jones to bolster his arguments based on religion. His account of St Patrick's Purgatory draws heavily from these two Church of Ireland bishops but is shaped to fit his political narrative in which the Irish had been misled and deceived by Catholic clergy. Paraphrasing

³⁷⁴ Stewart, 'A Short Account', p. 292; this stems from an objection by Jones to Philip O'Sullivan Beare's attempts to defend the doctrine of purgatory by reference to Greek and Roman myth, Jones, *Saint Patrick's Purgatory*, p. 108.

³⁷⁵ Stewart, 'A Short Account', p. 293.

³⁷⁶ The ninth-century 'Patrick the Abbot' discussed by Stewart is possibly the eleventh-century Patrick, Bishop of Dublin, to whom Aubrey Gwynn credited the *De tribus habitaculis animae*, in *The Writings of Bishop Patrick, 1074-1084*, ed. Aubrey Gwynn (Dublin, 1955); for the opposing view regarding the authorship of the *De Tribus*, see Elizabeth Boyle, 'The Authorship and Transmission of "De tribus habitaculis animae"', *Journal of Medieval Latin*, 22 (2012), pp 49-65. Boyle suggests a connection between the *De tribus* having been traditionally attributed to Bishop Patrick, the later *Tractatus*, and the cult of St Patrick, suggesting in turn a conflation of the two Patricks.

Spottiswoode's report to Ussher, as relayed by Jones, Cox remarks that the cave was discovered to be only:

...a small Cave under Ground, where the Damps arising from the Earth, so influenced crazy Melancholy People, as to make them dream or fancy whatever they were beforehand told they should see.³⁷⁷

As far as Cox is concerned, this is only one example of fraud committed by corrupt Roman clergy among the many illustrated by Ussher in his *Discourse*. St Patrick's Purgatory matters to Cox only in so far as it is a colourful example of Catholic fraud revealed. Though he summarises Ussher's *Discourse* at length for his own purposes, Cox's argument is not religious. His *Hibernia Anglicana* presents a narrative of Irish superstition and backwardness which might only be cured by reformation. Not solely religious reformation, though Cox obviously endorses this too, but a total reformation of 'manners' more generally. As will be seen in the next chapter, these religious arguments were appropriated by Cox—and others such as Robert Ware—to fit a political context instead.

Conclusion

These three narratives demonstrate the ways in which the confessional gaps of early modern Ireland demanded new forms of legitimation. James Ussher's 1632 *Discourse* was foundational to both James Ware's *De Praesulibus* and Andrew Stewart's 'Short Account', but in very different ways. Ware avoids openly tackling matters of doctrine, instead preferring to keep to detailing the apostolic succession of the Irish episcopacy. His work fits within the paradigm established by Ussher, making no further advancement in understandings of doctrine aside from its inherent prejudice in favour of an episcopal settlement for the Church of Ireland. Stewart instead takes to Ussher's account of early Irish doctrine, supplying a rough, unfinished, synthesis of Ussher's ancient Irish church and the proto-Presbyterian early Scottish church described by David Buchanan. His

³⁷⁷ Cox, *Hibernia Anglicana*, I

synthesis de-emphasises the importance of the episcopacy treasured by both Ussher and Ware, while proposing a bilateral exchange of holy men and learning between early medieval Ireland and Scotland. Stewart's unfinished 'Short Account' presents a clear attempt to reconcile elements of Ussher's histories with that established by seventeenth-century historians like David Buchanan. Indeed, Stewart's account seizes upon the Calvinist tendencies within Ussher's writings and—in supplementing them with these Scottish perspectives—takes them to their ultimate conclusion. These two histories—those of Ware and Stewart—represent the divisions growing with the Irish Protestant community, between elite members of the 'New English' like Ware and Scottish non-conformists based in the north, among those targeted by the 1665 Act of Uniformity.

By contrast, John Lynch's 'conservative' Catholic outlook engages with Protestant histories indirectly to provide a narrative whereby the Irish—and not specifically Old Irish or Old English—Catholic church could stake its claim to continuity.³⁷⁸ Lynch tacitly accepts the continuity between 'proto-Protestant' groups like the Waldensians and Lollards and early modern reformers proposed by Ussher, branding them all heretics. Just as he asserts that his Catholic contemporaries could lay claim to being the inheritors of early churchmen like Saints Patrick and Malachy, Lynch traces a line between the errors of Giraldus and heretics like John Wycliffe. This implicit argument presents an antithesis, grounded in religious history, to the argument of Protestants like Cox—derived from Spenser and Davies—of Old English degeneracy. In response to Ware's *De Praesulibus*, Lynch began writing his own work of the same name. Both sought to claim Irish episcopal history for their respective faiths with Lynch refusing to cede that line of argument to Ware and the Protestant Church of Ireland. Instead, he insinuates that Irish Protestants were heretics deceived as to the truth of Ireland's ecclesiastical history. Both Ware and Lynch rely on

³⁷⁸ Ian Campbell describes Lynch as 'conservative' regarding his views on hierarchy, both within and without the ecclesiastic organisation of the church. Lynch prioritises a concept of 'honour-based' political action and remained sceptical of organisation from below, no doubt leaving him hostile to the kind of organisation championed by Andrew Stewart, in Campbell, 'John Lynch and Renaissance Humanism in Stuart Ireland', *Éire/Ireland*, 45:3/4, pp 28-9.

some of the same sources, with Lynch deriving many of his directly from Ussher and Ware. Despite this, he puts them to a different end, to proving the episcopal continuity of the Catholic Church in Ireland.

These three authors shape their respective historical narratives and arguments through a selective approach to the institutions and doctrines of the early Irish church. Each author could find and emphasise aspects which appealed to their own theological and personal inclinations, supporting their arguments with reference to authorities such as Ussher or Fitzsimon. As Protestants, Ware and Stewart faced the challenge—to different extents—of asserting the continuity between their respective religious communities and the ancient Irish church outlined by Ussher. Each Protestant author represents the contest over the legacy within the Irish Protestant community as much as the broader claim to the patrician church. Lynch, by contrast, takes a more reactive approach in defending the medieval Irish church from the allegations made against it. Having established the contested nature of religious histories of Ireland and the Patrician church, the following chapter will look at how such religious arguments were applied in political contexts: specifically, the question of toleration.

5. RELIGION II:

CONSCIENCE AND LOYALTY

Introduction

This chapter will examine the relationship between the monarch and their subjects as regards issues of conscience and loyalty. Liberty of conscience emerges throughout this period as a key point of contention across the three Stuart kingdoms. This is unsurprising given the unsettled confessional nature of the Stuart kingdoms with their diversity of Christian faiths and with the immediate legacy of the civil wars feeding religious turmoil. Despite the Declaration of Breda issued by Charles II prior to his return to England, with its promises of ‘liberty to tender consciences’, the actual agenda pushed during this period was religious conformity. An episcopalian church model was pushed by returning bishops, with the blessing of the Restored monarchy, and non-conforming Protestants came to take the brunt of the blame for the violence of the civil wars.³⁷⁹ To Catholics and Dissenters, this promise remained unfilled for most of this period, with authors finding historical justifications for extending toleration beyond the established church (but usually only to their own sects). Advocates of a more restricted view of this liberty could find historical justifications too, in more recent history. In England, Restoration-era histories of the civil wars which focused on royal martyrologies chronicled the suffering of royalists at the hands of dissenters during the 1640s. As Neufeld puts it, these works emphasised the ‘folly of granting liberty of conscience to radical Dissenters’, arguing against reconciling with ‘the people who had started the civil wars’.³⁸⁰ For Catholics, defenders of the status quo could draw on more traditional, established narratives of Catholic treachery, which were seemingly confirmed by the events of the Popish Plot in the 1670s and the fall from grace of James II in the late 1680s.

³⁷⁹ Neufeld, *The Civil Wars after 1660*; Tim Harris, *Restoration: Charles II and His Kingdoms, 1660-1685* (London, 2005), pp 52-3; see also the chapter on constitutionalism in which the Irish Parliament of 1688 seize upon this idea, tying William III and his supporters to Oliver Cromwell’s ‘puritan faction’.

³⁸⁰ Neufeld, pp 42-3.

The intersection of religious and political authority in the person of the monarch is a focus of this chapter, as subjects attempted to reconcile their beliefs with claims of loyalty to the Stuart monarchy. It is important, when looking at the concept of liberty of conscience to look at the role and relationship of the established Church of Ireland with the person and institution of the monarch. The state church and its position were integral to the development of liberty of conscience and the place of the monarch as head of this church formed a problem for proponents of this liberty which they—universally—attempted to resolve. This core of this problem was to demonstrate that non-conformity, belonging to any faith other than the one established in civil law and headed by the monarch, was no challenge to the temporal authority of the monarch. In turn, the deposition of James II in favour of William III is also explored through Richard Cox, who provides justification on the grounds of the unsuitability of a Catholic to rule as evidenced in historical precedent. As a result of this, issues of rebellion and disloyalty come through particularly strongly in arguments around freedom of religion and conscience.

To understand how liberty of conscience was understood in this period, we can look at some discussions of the concept and its implications in this period. Two years on from Charles's declaration issued from Breda, three non-conforming Scottish ministers based in Ulster issued a petition to the Lord Deputy, Ormond, requesting some action and clarification regarding the declaration. Patrick Adair, Andrew Stewart, and William Semple requested that Ormond satisfy their 'hope to enjoy the libertie of our consciences and to preach the Gospel under his Majesties protection'. Professing their loyalty to both the Charles and his government in Ireland, they underline their hopes with claims of having suffered 'in the face of the highest opposition ... keeping their consciences unspotted from the iniquitie and desloyalty of the tymes'. To these Scottish ministers, Charles's 'Gracious Declaration' was nothing short of an indulgence granting them

freedom to worship and proselytise.³⁸¹ The answer from Ormond, however, offered a very different understanding of the Declaration of Breda.

Ormond first answered that, indeed, there was ‘such a libertie to tender consciences’ however while this liberty was a freedom from being ‘disturbed or called in question for differences of opinion in matters of religion’ it did not offer a blanket positive freedom to assemble or preach. Ormond is clear that ‘the Church of Ireland’ will be ‘resettled in doctrine, discipline, and worship as it was in the time’ of Charles I and that non-conforming preachers will have no authority or protection. He calls this ‘a libertie contrarie to law, to assume the office of a publique preacher ... without licence from the lord Archbishop or Bishop of the dioces’. Liberty of conscience, as defined by the government in Ireland, covers a subject’s right to exercise ‘(in a quiet and peaceable manner) any pious duties in their own privat houses to their owne familie or others that may occasionally lodge in their houses’. No assembly, public or private, for the purposes of preaching is considered acceptable. All ‘insolencies, or tumultuous or unlawfull assemblies or innovation’ (that being the unapproved exercise of religious authority) are prohibited and will be ‘suppressed and reformed by all just and lawfull wayes and meanes’.³⁸² Here we are presented with two incompatible understandings of what was meant by liberty of conscience in the early 1660s: one positive and permissive and the other negative (as a freedom *from* unwarranted persecution) and restricted.

The early years of the Restoration were a time in which the re-established Churches of England and Ireland sought to strengthen their position as the state church in their respective jurisdictions. An anthem prepared by William Fuller for the consecration of bishops in St Patrick’s Cathedral on the 27th of January, 1661, illustrates the expected order of things:

³⁸¹ Bodl., MS Carte 45 f. 462r, ‘Memorial of Patrick Adair, and other Ministers of the Scottish Presbyterian Communion, in Ireland, to the Duke of Ormond’.

³⁸² Bodl., MS Carte 45 f. 462v, ‘Upon perusall of the within writing presented unto the Lord Lieutenant on the 30th of September last and subscribed by Patrick Adare, Stewart, and W Semple’.

*Scepter and rod rule still and guide our land
and those whom God anoints feare noe rude hand
may love peace plenty wayt on Crowne and Chaire
and may both share in blessings as in care*

*Angells looke downe, and Joy to see
like that above, a Monarchie,
Angells looke downe, and Joy to see
like that above, an Hierarchie.³⁸³*

With the restoration of the monarchy, the established church was restored too in England and in Ireland with the consecration of new bishops. From the point of view of churchmen like John Bramhall, the established church had shared in the sufferings of the crown during the 1640s and '50s. As the hymn opens, 'the Lord the miter hath Restor'd / which with the Crowne lay in the dust abhor'd'.³⁸⁴ The hymn appears to reference the Parable of the Sheep, with 'joy in the presence of the angels of God over one sinner that repenteth', offering the possibility of redemption for those who had previously usurped temporal and spiritual hierarchy.³⁸⁵ This redemption, of course, would be contingent on religious conformity.

By the time that James succeeded his brother as King James II, English discussions of the liberty conscience had begun to look at how different Christian sects might live under a Catholic monarch. William Petty's papers contain a series of discussions of the liberty of

³⁸³ Bodl., MS Carte 45 f. 40r, 'The Proceedings observed in order to, and in, the Consecrating of the twelve Bishops'; later printed in *Anthems to be Sung at the Celebration of Divine Service in the Cathedrall Church of the Holy and Undivided Trinity in Dublin* (Dublin, 1662), p 32; this song has been quoted in several places as representative of how the restored church intended to portray itself, its recent history and position as the earthly mirror to heavenly order, see Barra Boydell, "'Now that the Lord hath readvanc'd the crown": Richard Hosier, Durham Ms. B.1 and the early Restoration anthem repertory at the cathedrals', *Early Music*, 28:2 (2000), pp 238-252; George Southcombe and Grant Tapsell, *Restoration Politics, Religion and Culture: Britain and Ireland, 1660-1714* (Basinstoke, 2010), p. 108; Kathryn Sawyer (Vidrine), 'A "disorderly tumultuous way of serving God": prayer and order in Ireland's church and state, 1660-89', *IHS*, 42:162 (2018), p. 211.

³⁸⁴ Bodl., MS Carte 45 f. 39v.

³⁸⁵ *Luke* 15:10.

conscience and how the faith of non-conforming subjects might be reconciled with that of their monarch. Underlining Petty's political philosophy of public and private worship is the need to maintain the stability of a realm tolerant of multiple confessions through means other than religious uniformity. James Waller, Petty's brother-in-law and amanuensis, summarises Petty's writing into a set of conditions. First non-conforming subjects would have to outline clearly their beliefs and practices 'wherein they differ in doctrine or worship from the State religion' while, secondly, assuring the monarch of 'their faithfullnesse and obedience'. Thirdly the state would have to maintain 'comon peace amongst Dissenters', clearly mindful of the negative aspect of any liberty of conscience that is freedom from suppression. Fourthly and finally, any 'such Liberty of Indulgence' would have to be 'perpetuall' or 'alterable... upon cleare conditions and long warning' and so clearly defined and protected in law.³⁸⁶ Petty's papers do not present a wholesale acceptance of the idea of a general or universal liberty of conscience. One paper in the hand of Elizabeth, Lady Petty, answers 'No' to the question of 'Whether the Sovereaine may or ought to give Licence to all or any of his subjects to speake, professe & praise what they please (differently from the Lawes)'.³⁸⁷ The essence of this answer is that faith and worship should not be used to undercut the peace and stability of the state and so liberty of conscience would have to be limited, much as it had been in the 1660s. Dissenters would be obliged to hold themselves to the laws of the state as any other subjects.

Petty's consideration was borne out of a concern, primarily in England (as many of his discussions refer specifically to that kingdom), of the future of Protestant worship under a Catholic monarch. The memory of Queen Mary I of England remained in the minds of pamphlet writers, as the last time a Catholic had ruled over post-Reformation England, with all of the negative associations attached to her reign. Petty recorded the concerns and 'problems' that were 'stirred' up by these pamphleteers, noting the issues raised and some potential solutions. One question which Petty examined in the late 1680s was how to

³⁸⁶ BL, Add MS 72889 f.3r, 'Liberty of Conscience'

³⁸⁷ BL, Add MS 72889 f.5r. 'About Lyberty of Conscience Comonly so Called'

‘secure the liberty of conscience mentioned in the Kings declaration’ in such a way as to be actually meaningful (for fear it ‘may bee of no advantage at all’).³⁸⁸ Pamphleteers, Petty noted, asked whether Catholics would ‘sincerely permitt or promote’ any liberty or indulgence and whether James II would actually allow or ‘perpetuate’ it at all.³⁸⁹

Examining what the liberty of conscience would entail, Petty notes that it would require the lifting of penal laws against Catholics and the presence of standing army to keep the peace. In return, he considers the potential benefits, that by acknowledging that it would be ‘impossible to make a Unity of Religion’ it would ‘lessen the charge’ of maintaining the established church. In turn, foreign non-conformists—‘strangers’—could be encouraged to ‘plant... into America, England & Ireln d being as yet underpeopl d [sic]’. This represents continuity in Petty’s long-established belief that the settling of foreign non-conformists, notably Huguenots, could further develop industry and commerce in England and Ireland. The accession of James II and the furtherance of a liberty of conscience presents an opportunity, in Petty’s mind, to ‘produce the same effects which’ this liberty ‘hath done in Holland’.³⁹⁰ For this liberty to work in practice, and asides from the repeatedly stressed need for a standing army, Petty singles out a necessary change in how papal authority was understood by Catholic subjects. By causing a separation between state and religion, Petty believes that papal authority might be confined to ‘matters spirituall viz what concerns the souls of men after this life’.³⁹¹ By lifting the impediments and bans placed upon Catholic subjects from taking up offices under various penal laws, and the reconciliation of Catholic subjects might be possible. Implicit in this also is that the monarch’s conscience in these spiritual matters might also be separated from their temporal role. In turn, Protestant subjects might be reassured of their security and the fear of Catholic supremacy might be lessened. As will be seen, however, the events of 1688 in England, with in the deposition

³⁸⁸ BL, Add MS 72889 f.15r, ‘Problemes & words to bee expounded’.

³⁸⁹ BL Add MS 72889 f.13r, ‘Questions stirred in the sevarall Pamphlets lately sett forth...’.

³⁹⁰ Add MS 72889 f.21r, ‘The benefits of liberty of Conscience in the King of Englands dominions’.

³⁹¹ Add MS 72889 f.18r, ‘Reasons for taking away all penalties & disabilityes...’.

of James II in favour of William and Mary, and the subsequent conflict in Ireland proved otherwise.

Biblical and Early Church History in Catholic Texts

Common and integral to Catholic and Protestant histories which look at issues of conscience and religious toleration are Biblical histories and histories of the early Christian church prior to the official toleration offered by the emperor Constantine. As common heritage to all Christian sects, it is no surprise that early modern writers saw fit to draw from this period of church history. The relationship between pagan Roman emperors and their early Christian subjects provided historical precedence which was appropriated as it suited the context of the Restoration period. Catholics like John Lynch could point to the rendering of temporal obedience by Christians to a pagan emperor as an example of how temporal and spiritual obedience could be distinguished from one another. Biblical histories, such as the Babylonian Captivity, could provide examples rooted in the core of Christian faith itself of how subjects who kept their covenant with God might reconcile this faith with obedience to their liege. However, as will be seen, such Biblical lessons might also provide examples of how God punishes monarchs who suppress His chosen people (or install wicked monarchs to test the resolve of the elect).

References to early Christians particularly suited writers of Irish history from a Catholic perspective for most of this period, given the adherence of Charles II to the Church of England. John Lynch makes use of this argument, as part of a two-pronged argument that there was no disloyalty in Charles's Irish Catholic subjects owing to either their ancestry or confession. Lynch notes that the Catholicism of most of the Irish is not just an impediment to their political advancement but a fundamental challenge to their place in the Stuart monarchy. He combines this with his arguments against the '*peregrini*', the foreigners or aliens, who rule in Ireland despite their ignorance of the people there and their history. To Lynch, these foreign officials see the Catholicism of the Irish and perceive

it to be ‘an obstacle to the security of the State’, contrary to Lynch’s arguments throughout *Cambrensis Eversus* that the Irish are thoroughly loyal to the Stuarts. Lynch, influenced by Gallican and Aristotelian thought, sees no difficulty in separating the faith of a monarch. Citing Tertullian and Jerome for adages which recommend looking to past behaviour, Lynch insinuates that past oaths from Irish Catholics loyal to the Stuarts should not be forgotten.³⁹² He argues that loyalty to the monarch is at the core of Catholic faith. He claims that Catholicism inculcates ‘in the most solemn manner, allegiance to the King, love to our fellow-subjects’ and ‘fidelity to our allies’. This lies in stark contrast to the supposed ignorance and suspicion held by Protestants who fail—in Lynch’s estimation—to understand these tenets and accuse Irish Catholics of disloyalty and intrigue.

While authors on liberty of conscience do refer to the endurance of early Christians and their respect for Roman secular authorities, despite their paganism, Lynch also looks to the period of Christian rule over the Roman Empire. He notes that once Christian emperors came to power, they did not immediately compel the conversion of their pagan subjects. Instead, just as ‘Constantine the Great’ had issued an edict of toleration for his Christian subjects, the Christian emperors themselves tolerated—Lynch claims—paganism. He points to the fourth-century emperors Valentinian and Gratian and the sixth-century emperors Anastasius and Justinian as having issued or passed various edicts and laws guaranteeing toleration. Lynch turns this into call for the toleration of Charles’s Catholic subjects. Lynch asks:

*If pagans were neither prohibited to profess the worship of their false gods, nor excluded from the highest civil and military offices by the Christian Emperors, shall not the Catholic religion, so venerable by its antiquity, so wonderful in its permanence, so majestic by its universality, obtain from your Majesty even the poor favour, that its profession shall not be a crime?*³⁹³

³⁹² Lynch, *Cambrensis Eversus*, I, pp 70-1.

³⁹³ Lynch, *Cambrensis Eversus*, I, pp 72-3.

The direction of Lynch's argument is clear. Catholicism, accepting the underlying assumption of continuity with the first Christians, is fundamentally ancient and entrenched in early modern European and Irish society. If Christian monarchs could tolerate pagan heathenism among their subjects only centuries after pagan persecution of Christians, then—Lynch asks—why not another Christian faith which preaches obedience and fidelity to secular authority? His point about the 'permanence' of Catholicism would appear not to only reference the supposed continuity of Catholicism with the first Christians but also the failure of the Reformation to extirpate the Catholic faith from Ireland. Charles could either accept the loyalty of his Catholic subjects or not, but—in Lynch's view—Catholicism was not about to fade away.

Unlike those pagans, however, Lynch observes that Protestant theologians had asserted that righteous Catholics could be themselves saved according to reformed theories of faith. Not only is Catholicism 'consistent with loyalty to our King', Lynch claims, 'but, moreover, with the eternal salvation of our souls, even according to our adversaries themselves'. He cites George Abbot, Archbishop of Canterbury and Chancellor of Trinity College, Dublin, under James I and Charles I for the assertion that—within the doctrines of the Church of England—Catholicism is no obstacle to salvation.³⁹⁴ Abbot had responded to *A Quartron of Reasons of Catholic Religion* (1600) by Thomas Hill (born Edmund Hill), an English Benedictine, in his *Reasons which Doctour Hill hath Brought for the Upholding of Papistry* (1604). Abbot was refuting the allegations brought against Protestant worship by Hill, but Lynch turns part of Abbot's refutation into a defence of liberty of conscience. Abbot asserts the falsity of Catholicism in response to the first article of Hill's argument (that if Biblical prophecies are correct, then Protestantism must be false), where Hill had assumed that Catholicism is the continuity of early Christianity and the Reformation an innovation.³⁹⁵ Abbot reverses this claim, and places the pope as the antichrist—'their unholy father of Rome ... the ruines of his decaying Babylon'—ruling over

³⁹⁴ Lynch, *Cambrensis Eversus*, I, pp 73-4.

³⁹⁵ Edmund Thomas Hill, *A Quartron of Reasones of Catholike Religion* (Antwerp, 1600), pp 1-6.

‘a Church malignant’ (a play on ‘the church militans [sic]’).³⁹⁶ The greater part of his argument is understandably concerned with proving the existence of an invisible church of the saved—those who ‘did not spotte their soules with your horrible contaminations’—to provide continuity with the reformed Church of England.³⁹⁷ Yet, Lynch takes consolation from Abbot’s conciliatory note that there ‘are truely Orthodoxe and right Catholickes, who teach nothing but that, whereof they have evident warrant out of the worde of GOD’.³⁹⁸ Lynch’s argument is that if even churchmen like the Calvinist-leaning Abbot could concede that Catholics are not inherently cut-off from God, and pagans who were damned had received toleration under Christian emperors, could Catholics not be considered worthy subjects?

Finishing his dedication to Charles, Lynch returns to the standard profusion of loyalty, demonstrating his well wishes to the monarch and his prayers for Charles’s safety and for the alleviation of the condition of Irish Catholics. While these mirror descriptions of how early Christians prayed for pagan Roman emperors, Lynch appears to attach conditions. He describes how the Catholics of Ireland ‘after the manner of the ancient Church ... and of their ancestors, send up their unceasing prayers to heaven’ that God might bless Charles, his soul, his body, and all of his affairs.³⁹⁹ Lynch tempers this by essentially summarising the grievances listed earlier in his dedication, namely the damage and displacement resulting from the civil wars, the imposition of ‘foreigners’ in both the Irish parliament and on Irish estates, and the corruption and ‘tyranny’ of officials. His wish is that when these complaints are addressed, Lynch writes to Charles, ‘may God receive you into heaven, full of years and merit’.⁴⁰⁰

³⁹⁶ George Abbot, *The Reasons which Doctour Hill Hath Brought, for the Upholding of Papistry, which is Falselie Termed the Catholike Religion: Unmasked* (London, 1604), p. 9.

³⁹⁷ Abbot, *The Reasons*, p. 21. This is a point that Lynch appears to draw from when elsewhere describing John Wycliffe and the Lollards as forerunners of the Church of England, though he does not cite Abbot there.

³⁹⁸ *Ibid.*, p. 66.

³⁹⁹ Lynch, *Cambrensis Eversus*, I, pp 76-7.

⁴⁰⁰ *Ibid.*, pp 78-9.

Peter Walsh was another priest who—like Lynch—spent a significant period of time in exile and was influenced by Gallican theories, yet managed to spend much of the 1650s in England. Unlike Lynch, Walsh kept close ties with establishment figures like Ormond before and after the Restoration. While his writings share similarities with (and were influenced by) Lynch’s own, Walsh goes to great lengths to display open and sincere sentiments of loyalty to the monarch, on par with his own confession. In his dedication to Charles in his *Prospect*, Walsh frames his devotion to the monarch as comparable to his religious convictions in both strength and character. He confesses to Charles that ‘I must say to You as to God, after all I have, to my great grief, been but an unprofitable servant’.⁴⁰¹ In acknowledging Lynch’s influence on his work, Walsh praises Lynch at length for his refutation of Giraldus Cambrensis and his knowledge—and extensive presentation—of medieval Irish source materials. Notably, Walsh also chooses to head this praise with additional praise of Lynch’s refutation of Richard O’Ferrall in *Alithinologia* and his stand against the Cardinal Rinuccini’s faction during the 1640s. To Walsh, Lynch is not only a notable and authoritative writer, but a fellow ‘Irish man by birth ... by name and blood of English extraction’ and, crucially, ‘a good Patriot & Loyal Subject’.⁴⁰² He sees in Lynch not just a valuable reference but a potentially kindred spirit, capable also of maintaining loyalties to both church and crown. The attributes of English heritage and Stuart loyalty which made Lynch suspect to supporters of Rinuccini, like O’Ferrall, are repurposed as commendations by Walsh.

Walsh’s history of early Christian Ireland presents a cynical view of attempts to determine God’s favour through conflict, just as Lynch had done briefly in *Cambrensis Eversus*. Walsh demonstrates that the rapid conversion of Irish kings, in the centuries after St Patrick’s arrival, did little to ease feuds between rival kings. In one case he references a meeting between St Colum Cille and Áed, the king of the Uí Néill whom Colm Cille had to dissuade from invading Scotland. Walsh remarks that it was a ‘fatal genius’ of the Irish

⁴⁰¹ Walsh, ‘Dedication’, *Prospect*.

⁴⁰² Walsh, To the Reader, *Prospect*.

kings 'to put their controversies to the decisive judgment of the God of Hosts in Battels, without regard either of any other way of arbitration of man' or of those that would and did perish.⁴⁰³ To Walsh, such conflicts were a fundamental cause of Ireland being so vulnerable to Norse invasion in the following centuries but they also display Walsh's wariness of religious justifications for war. He describes such feuds, wrapped in whatever justifications, as 'this unhappy Unchristian genius of the Princes and Nobles for righting themselves, or deciding their quarrels whether right or wrong'.⁴⁰⁴ The purpose of these sections of the *Prospect* is to acknowledge accusations that the Irish were in some way or other a particular fractious, barbarous, or warlike people even after their Christianised. Walsh acknowledges the ubiquity of conflict in early medieval Ireland but chooses to also contextualise it within classical and Christian Europe, in which conflict was the norm. These conflicts, he finds, were ultimately driven by immoral and un-Christian motives, with Walsh continually stressing the need for arbitration instead of arms.

The failure to extend comprehensive tolerance to Catholics remained a point of contention among former Catholic Confederates along with the outcomes of the 1662 land settlement. Nicholas French rolled both grievances together in his *Narrative of the Settlement and Sale of Ireland* (1668), noting how unseemly it was that the reign of Charles II—'the most merciful prince that ever wore a Crown'—should see loyal subjects dispossessed. The mercy of a king, as presented by French, extends beyond maintaining the lives of their subjects but their liberties as well. While the focus of the text is French's argument in favour of undoing the 1662 Act of Settlement (seeing it as a continuation of the Cromwellian land settlement), he briefly inserts mention of liberty of conscience as one possible liberty owed to Charles's loyal Irish Catholic subjects. French argues that even if every Irish Catholic had been 'an obstinate Rebel from the beginning' and that none deserved any favour 'in point of Conscience, Honour, or Gratitude' surely their 'Widows and Orphans' could at least be considered. Even if every Irish Catholic had been a nocent

⁴⁰³ Walsh, *Prospect*, p. 107.

⁴⁰⁴ *Ibid.*, p. 109.

rebel, a good king—French insists—should listen to Psalm 145 in which David extolls God’s ‘tender mercies’.⁴⁰⁵ French clearly noted that the arguments which were used to justify the necessity of the 1662 Act of Settlement on the basis of a fundamental Catholic disloyalty were also used to justify not extending the provisions of the Declaration of Breda to a broader toleration.⁴⁰⁶

In his *Bleeding Iphigenia* (1675), French again asserts the loyalty of Charles II’s Irish Catholic subjects, this time in the face of allegations from Andrew Sall, a fellow Irishman and former Jesuit who had defected to the Church of England. Here, French adds more of a historical analogy to his case for Catholic loyalty to the Stuarts. He repeats his earlier assertion of Charles, ‘soe great and mercyfull a Monarck ... a King of pardons’: this time implying, rather than stating outright, the pardons offered to some regicides. However, he compares Irish Catholics to ‘innocent’ Daniel and the Israelites, freed from captivity by Cyrus yet still also punished for their faith. French writes that ‘the Counsellers and great men of the kingdome’ conspired against Daniel and the Jews ‘for professing their Religion’ and so Daniel was to be devoured by lions despite the favour of Cyrus.⁴⁰⁷ This is clearly meant to present a line of reasoning by which Charles II has been prevented, by his counsellors and ‘the craft and iniquity of States men’, from giving Catholics the toleration that he would otherwise wish for them.⁴⁰⁸ Furthermore, as Daniel was saved from the lions by his faith, French would see Catholics eventually being rewarded for their faith. Turning to the perception that a ‘puritan faction’ had instigated the civil wars, he asks—in response to the Earl of Orrery—what, if any, orthodox Catholic doctrine encourages regicide and whether the 1649 regicides had studied ‘in the School of Geneve

⁴⁰⁵ Nicholas French, *A Narrative of the Settlement and Sale of Ireland* (Louvain, 1668), pp 22-3; *Psalms* 145:9, this psalm is numbered 144 in the Vulgate; French gives ‘*misericordia*’ in place of the Vulgate’s ‘*miserationes*’, as had King James I in his 1605 speech to Parliament following the Gunpowder Plot, ‘Speech to parliament of 9 November 1605’, in *King James VI and I: Political Writings*, ed. J.P. Sommerville (Cambridge, 1995), p. 147.

⁴⁰⁶ These arguments will be discussed later in the chapter, particularly as regards Richard Cox who finds them ultimately vindicated by the actions of the Catholic James II and his followers.

⁴⁰⁷ [Nicholas French], *The Bleeding Iphigenia* (1975); *Daniel* 6; French appears to believe that the Biblical ‘Darius the Median’ is indeed meant to be the Persian emperor Cyrus and *not* a preceding monarch, referring to this figure as ‘Syrus King of Babylon’.

⁴⁰⁸ *Ibid.*

or Rome'.⁴⁰⁹ French's continual reinforcement of the point that the execution of an ordained monarch is an un-Christian act, setting up his critics as ill-equipped to lecture on the faithlessness of others, in contrast to the Confederate Catholics who he claims defended both their monarch and their faith.

Threats to the Established Church

From the point of view of the Protestant Church of Ireland, the past could also be used to demand obedience from subjects of the monarch. Three sermons from different points in this period point toward a view of sacred kingship with the monarch as both head of state and church and deserving of obedience on both matters. In each, the authors address issues of loyalty and disloyalty—namely outright rebellion—and examine the morality and justifications of disobedience. Firstly, Jeremy Taylor's sermon at the funeral of John Bramhall, Archbishop of Armagh, in 1663 reflects on the recent rebellion. Taylor, appointed Bishop of Down and Connor after the Restoration, praises Bramhall's work 'to restore the Church of Ireland' in the 1630s as having 'God's blessing and the favour of religious kings and Princes'. Taylor here gives an endorsement of the more strongly episcopalian model then pushed by Bramhall with the blessing of Charles I and Thomas Wentworth, then Lord Deputy, rather than the more puritan approach of Ussher. This period, Taylor claims, was akin to Old Testament Israel, when 'God was then King, and Moses his Lieutenant'.⁴¹⁰ Bramhall, the '*Joshuah*, the High Priest' caused 'the Articles of the Church of *England* to be accepted as the rule of publick confessions and perswasions' in Ireland. In doing so, Taylor says that this made Protestants '*populus unius labia*, of one heart, and one lip' that they 'might speake the speech of *Ashdod*, and not the language of *Canaan*'.⁴¹¹ Bramhall's tenure was to be remembered as a time of Protestant unity across the Stuart monarchy, prior to the civil wars, a time which mirrored Moses and his

⁴⁰⁹ Ibid.

⁴¹⁰ Jeremy Taylor, *A Sermon Preached in Christ-Church, Dublin* (Dublin, 1663), pp 24-5.

⁴¹¹ Taylor, *A Sermon Preached in Christ-Church*, pp 26-7.

successor Joshua. The Canaanites (at that point in Biblical history) being a people God commands Joshua to drive out of the Promised Land, and Ashdod a town allotted to the Tribe of Judah after this conquest.⁴¹² While Taylor does not expressly indicate who the Canaanites in this case may be, the recent experience of civil war could lead his audience to identify them with either—or even both—Irish Catholics and Dissenters. Both groups had been blamed for much of the violence of the previous decades and this would be in keeping the ‘official’ narrative constructed early in the Restoration period. Not only, then, had these groups subverted the political and social order, but Taylor singles out the unified Protestant religious order—built up by Bramhall—which had also been undermined.

Towards the end of the reign of Charles II, another sermon presents a view of the established Church of Ireland and its history as one overcoming unrest and subversion. John Vesey, Archbishop of Tuam, gave a sermon at Clonmel in 1683 which attacked both Catholics and non-conforming Protestants. Vesey had previously also attacked Presbyterians in a biography of Bramhall attached to the collected works of that archbishop. Vesey depicted Bramhall and Wentworth—born the same year, 1593, according to Vesey—as like ‘like Castor and Pollux’, the Dioscuri, born in the calm before the ‘storm’ of schism ‘took breath again’.⁴¹³ Bramhall, Vesey tells us, sought to ‘root out Schisme and Sacrilege the staine and dishonour of the Reformation’, meaning Dissenters, along with ‘superstition and idolatry’. Bramhall’s middle course, to make both ‘the Monarchy strong and redoubtable ... and the Protestant Religion healthy and long-liv’d’ is that which Vesey praises and endorses.⁴¹⁴ Vesey’s sermon at Clonmel revives earlier attacks

⁴¹² *Joshua*, 3:10, 15:46; ‘the speech of Ashdod’ is later mentioned in the Old Testament in reference to undesirable, ‘mixed’ marriages diluting Hebrew culture (Ashdod since occupied by the Philistines) but this does not match Taylor’s argument, *Nehemiah*, 13:24. It may be the case that Taylor was making an implied warning about the possibility of Protestantism likewise being diluted in time but there is nothing else in this text to directly support this.

⁴¹³ The comparison is interesting given that Wentworth predeceased Bramhall by two decades, while Castor was killed before being resurrected at the request of Pollux; John Vesey, ‘The Life of Primate Bramhall’, *The works of the Most Reverend Father in God, John Bramhall*, ed. John Vesey (1677); Bramhall’s *baptism* is given as the 18th of November 1594 with no indication of his birthdate, John McCafferty ‘Bramhall, John (*bap.* 1594, *d.* 1663)’, *ODNB*, available online: <https://doi.org/0.1093/ref:odnb/3237>

⁴¹⁴ Vesey, ‘The Life of Primate Bramhall’.

on Dissenters as the instigators of violence, with Vesey decrying rebellion on false pretences. He states that ‘if Rebellion be such a Sin, ‘tis not the pretences of Defending liberty and property, of Destroying Popery & Arbitrary Government that can make it not a sin’.⁴¹⁵ Even on the grounds of defeating Catholicism, Vesey insists that the established order should not be undermined or subverted as ‘every man in his station ought to contribute what he can to the Peace of the Nation’.⁴¹⁶ Referring back to the early Christians offering their goodwill and loyalty even to pagan emperors, he insists that loyalty is a key tenet of good religion with no church having ‘principles more repugnant to Rebellion, than the Church of England’.⁴¹⁷ This account, however, would seem to prove false within less than a decade as Charles II was succeeded by his openly Catholic brother James who was then deposed, in favour of William of Orange. At this point, justifications were needed to explain this change of tack after three decades of narrative-building in favour of the Stuarts against puritan conspiracy.

Sermons given by Edward Wetenhall, Bishop of Cork and Ross, before and after the defeat of James II in Ireland show how opinion could change with changing realities. Wetenhall had stayed in Ireland throughout the War of the Two Kings, having previously preached on the importance of obedience to James II, before being imprisoned by Jacobites in Cork during the conflict.⁴¹⁸ His *Hexapla Jacobaea* (1686) gives an indication of Wetenhall’s public display of loyalty to James II, in which Wetenhall presents an argument typical of the previous decades. Typical of earlier arguments, Wetenhall argues that the open toleration of different sects—‘the late days of the Liberty of Prophesying, when every one took on him the honour not only of the Priesthood, but even of Apostleship’—had led to unrest. Wetenhall refers here to the 1630s and ‘40s, when the ‘*Millenary*’ and ‘*Antinomian* Rabble of Preachers ... followed the Parliament Camp’.⁴¹⁹ His

⁴¹⁵ John Vesey, *A Sermon Preached at Clonmell* (Dublin, 1683), p. 12.

⁴¹⁶ *Ibid.*, p. 13.

⁴¹⁷ *Ibid.*, pp 21-2.

⁴¹⁸ Alexander Gordon and S.J. Connolly, ‘Wetenhall, Edward (1636–1713)’, *ODNB*, available online: <https://doi.org/10.1093/ref:odnb/29142>

⁴¹⁹ Edward Wetenhall, ‘The Preface’, *Hexapla Jacobaea: a Specimen of Loyalty* (Dublin, 1686).

first sermon published in this collection was given following the death of Charles II and the official proclamation of James II's accession, with Wetenhall ambiguously admitting that he 'fell to consider what was my duty' on hearing the news.⁴²⁰ In light of this, it is clear that he understood his duty as to 'quiet' the Protestants of Cork, reassuring them of the limits of James's power and their own obedience owed to him as king.

James, Wetenhall insists, had already 'given his Royal Word that he will govern according to the Laws established; that he will maintain our Religion and the Government of Church and State' with Wetenhall making no direct mention of James's Catholicism.⁴²¹ In turn, Wetenhall instructs his congregation to obey their king, but more importantly to obey and put their trust in God. Wetenhall tells his congregation that the faithful have 'the Quiet of Patience: For whose Will ought we to pay more deference to, than to the Will of our most faithful Protector, our sure Refuge and eternal Portion?' Wetenhall's sermon instructs Protestants to be loyal to their Catholic monarch and trust in Providence in any case. The succeeding sermon in this text, on the occasion of James's coronation, invokes St Paul's first letter to Timothy, to keep the faith.⁴²² The same epistle also sees Paul advise early Christians that supplication ought to be offered for 'kings, and for all that are in authority; that we may lead a quiet and peaceable life in all godliness and honesty'.⁴²³ Wetenhall takes another, similar quote from Paul, telling his congregation to 'Submit yourselves ... to every Ordinance of man whether it be to the king, as supreme'.⁴²⁴ He promises that James II will be no Nero, whom he claims the early Christians submitted to as emperor despite his persecutions. Unlike Nero, James II has—for Wetenhall—'again and again promised' to protect Protestants. Wetenhall instead advises Protestants to look no further than 'Scotch Covenanters, who will not so much as say God Save or God Bless the King', for 'infernal Spirits in human shape'.⁴²⁵ However, after the conflict, Wetenhall's public

⁴²⁰ Wetenhall, 'Advertisement Touching the Following Sermon', *Hexapla Jacobaea*.

⁴²¹ Wetenhall, 'A Temper for Loyal Grief and Joy', *Hexapla Jacobaea*, p. 3.

⁴²² Wetenhall, 'The Reasons and Need of Loyal Devotion', *Hexapla Jacobaea*, p. 2; 1 *Timothy* 1:18.

⁴²³ 1 *Timothy* 2:2.

⁴²⁴ Wetenhall, 'The Reasons and Need of Loyal Devotion', *Hexapla*, p. 6; 1 *Paul* 2:13.

⁴²⁵ Wetenhall, 'The Reasons and Need of Loyal Devotion', *Hexapla Jacobaea*, p. 14.

views invert as dramatically as the political order itself had. Wetenhall—after the conflict—argues for wider religious toleration, notably publishing a defence of non-Conformists. He opens with the statement that ‘There is not a greater Blemish to the Reformation than the Open Dissensions of its Professors’, meaning intolerance of fellow Protestants of different sections, preaching instead for Protestant unity but also conformity to the law.⁴²⁶

Wetenhall’s 1691 *Case of the Irish Protestants* gives what might appear to be a reversal of his earlier statements of loyalty to James II, but is in reality more a subtle shift based on his arguments of how loyalty is earned and given. Rather than being a complete reversal or contradiction, Wetenhall is seemingly aware of the potential contradiction in offering loyalty to William and Mary after having previously argued for James II. Though his preface insists that he grounds his *Case* on theology and doctrine rather than ‘Policy and Law’, these concerns are never far away.⁴²⁷ Wetenhall admits in his second article that—for Irish Protestants—‘it is even from our own Interest’ to swear allegiance to William and Mary, the practical, economic connotations of ‘interest’ surely obvious to his readers.⁴²⁸ However, much of his *Case* is indeed focussed on reconciling—in theological terms—his earlier statements with new realities. James—according to Wetenhall—had first made it ‘unlawful’ and secondly ‘impossible’, owing to the conditions of Protestants in Ireland, and thirdly were released from their oaths ‘perhaps by Law; I am sure in Reason and Equity’.⁴²⁹ In essence, Wetenhall concludes that James broke his earlier promises promise to his Protestant subjects and made them swear oaths they could not in good conscience swear, releasing them from their obligations. Wetenhall argues that James made it ‘unlawful’ for any subject to stay loyal to him, implying that James had subjected ‘the Imperial Crown and Dignity of the three Kingdoms’ to a ‘Foreign Prince or Potentate’. Here he refers to James’s Catholicism being beyond that of any pre-Reformation monarch

⁴²⁶ Edward Wetenhall, *An Earnest and Compassionate Suit for Forebearance* (London, 1691), p.1.

⁴²⁷ Edward Wetenhall, ‘Advertisement’, *The Case of the Irish Protestants* (London, 1691).

⁴²⁸ Wetenhall, *The Case of the Irish Protestants*, p. 1.

⁴²⁹ *Ibid.*, p. 4.

(insisting that no prior monarch had ever even subjected these kingdoms to the pope) and makes mention of James's dependence on French assistance.⁴³⁰

The fourth article of Wetenhall's Case neatly outlines his change of heart regarding the change in relationship between James II and his Protestant subjects. Where before the oath of allegiance had been 'lawful and wholesome enough ... even to Protestants possible to be kept' and, as Wetenhall had argued, 'also Obligatory', Wetenhall argues the situation is now too dire. He castigates Irish Catholics, who in pursuit of that 'imaginary freedom of theirs', have blindly entered into 'this Subjection' and seek to enforce it upon others. Wetenhall fears that serving James is to serve a new Nebuchadnezzar—a new 'King of Babylon'—and to bring about a servitude rivalling the Babylonian Captivity.⁴³¹ He prays that James will be saved from 'Ignorance, hardness of heart, and contempt of his Word', and quotes the Book of Samuel, wherein Samuel mourns Saul—his chosen successor as king—despite his failings.⁴³² Wetenhall's readers would no doubt have been familiar with this story, in which Samuel condemns Saul for failing to follow God's commands: 'thou hast rejected the word of the Lord' therefore 'he hath also rejected thee from being king'.⁴³³ It is tempting to read more of Samuel in Wetenhall's arguments, where 'rebellion is as the sin of witchcraft' but the rebellion is on the part of the monarch against God and true religion rather than subjects against the monarch. It is clear, however, that Wetenhall's arguments come in service of justifying changed political realities. His hoped-for pluralist peace did not come to be and it seemed clear to Wetenhall—not least after his own experiences—in 1691 that a Catholic Stuart monarch dependant on French support was unlikely to protect his Protestant subjects.

⁴³⁰ *Ibid.*, pp 3-4, 8-9.

⁴³¹ *Ibid.*, p. 7.

⁴³² *Ibid.*, p. 11; 1 *Samuel* 15:35.

⁴³³ 1 *Samuel* 15:26.

Richard Cox and Liberty of Conscience

Liberty of conscience, and particularly claims by Irish Catholics to this liberty, appear in Richard Cox's *Hibernia Anglicana*. Cox treats claims by Catholics that they seek this liberty as spurious, disingenuous propositions which mask their motives. Instead, in *Hibernia Anglicana*, Irish Catholics in particular come across as untrustworthy and fractious, given to rebellion and treachery. Liberty of conscience is only one liberty or indulgence that Cox describes, among others. Much of *Hibernia Anglicana* reflects Cox's own personal and familial experience in Ireland, having himself been forced into exile with the return of James II and his family having previously suffered in the 1640s. To Cox, arguments made by Irish Catholics for their liberty of conscience rank as innate hypocrisy given what he saw as attempts to extirpate Protestantism from Ireland—and surely, England too—at any opportunity. Cox's argument also gives justification to another aspect of *Hibernia Anglicana*, the need for a strong and devout Protestant prince who could safeguard the faith in the Stuart monarchy. William of Orange, James II's son-in-law, had been depicted in England as the saviour of Protestantism through the efforts of propagandists and *Hibernia Anglicana* repeats some aspects of those depictions, with Cox placing William as the expected saviour of reformed religion in Ireland. This section will look at these two aspects, firstly at how Catholic claims to religious toleration are described as disingenuous given a persistent intent to extirpate Protestantism and, secondly, how this intent necessitates a prince capable of finally reforming religion and manners in Ireland.

Throughout *Hibernia Anglicana*, Cox repeatedly notes the duplicity of Irish Catholic rebels, their deeds failing to match with their words, as had Henry Jones before him. Henry Jones's *Remonstrance of Divers Remarkable Passages* (1642) was intended as a summary of the suffering of Irish Protestants during the 1641 rebellion. Jones selectively used the testimony of twenty-seven eyewitnesses to construct a narrative in which 'the instigation of Popish Priests, Friers, and Jesuits' had led Irish Catholics to 'the

utter extirpation of the Reformed religion'.⁴³⁴ While there is no consensus on the ethnic dimension to Jones's tract, it is clear that Jones meant to portray the rising as both religiously-motivated and lacking justification on those same religious grounds.⁴³⁵ To Jones, the 'cruelties exercised on the persons and lives' of 'Loyall' subjects, the 'defacing of all Monuments of civility', and the profaning 'of holy places, and Religion' gave the lie to the rebels' stated motivations. Similarly, John Temple's *Irish Rebellion* describes the rebellion as the product of a conspiracy to re-establish 'the Romish Religion in all parts' and made possible by the relaxation of proscriptions on Catholicism.⁴³⁶ To Temple, it is clear from the accounts of those dispossessed and driven out of Ulster that 'free expression' of the Catholic faith entailed the total extirpation of Protestantism. These accounts of the 1641 Rebellion provide insight into how conflict justified in liberty of conscience for Catholics was understood by Cox.

Cox gives a number of examples of Irish Catholic rebels falsely—in his opinion—claiming to take arms in defence of liberty of conscience or toleration. In the case of the Earl of Desmond's sixteenth-century rebellion, Cox notes that Desmond claimed to fight for a separate kingdom of Ireland despite being 'English' (as Cox puts it) and owing his titles to England.⁴³⁷ Likewise with Hugh O'Neill's revolt of the 1590s, Cox dismisses his claim to fight for liberty of conscience for Catholics as 'none of them had ever been persecuted or disturbed about religion before that time'.⁴³⁸ And, finally, in the case of the Irish Catholic Confederate of the 1640s, Cox argues that their calls for liberty of conscience push against what Charles I could have ever done for them without imposing on his Protestant subjects in Ireland. He points to the activities of papal nuncio and Phelim O'Neill as evidence that the Confederates had perjured themselves. Regarding Phelim

⁴³⁴ Henry Jones, *A remonstrance of divers remarkeable passages concerning the church and kingdome of Ireland...* (London, 1642), p.1.

⁴³⁵ Joseph Cope, 'Fashioning victims: Dr. Henry Jones and the plight of Irish Protestants, 1642' in *Historical Research*, 74:186 (November 2001), pp 370-91.

⁴³⁶ Temple, *The Irish Rebellion*, p. 59.

⁴³⁷ Cox asks how Desmond could 'look upon the English as Usurpers, whilst he himself had no other Right', *Hibernia Anglicana*, I, pp 361-2.

⁴³⁸ *Ibid.*, p. 408.

O'Neill, Cox presents the examination of O'Neill by as proof that he had pretended to liberty of conscience but in reality sought to appropriate lands and titles of both church and state.⁴³⁹ The power of the 'popish party' of the Papal Nuncio proved to Cox that the Confederacy was a Catholic plot, pretending to religious toleration while seeking to take power and protections away from Irish Protestants.

In each case, Cox ascribes rebellion in Ireland to excessive tolerance or weakness on the part of the administration. He claims that the Earl of Desmond and Viscount Baltinglass initially justified their rebellions on the grounds of mistreatment and opposition to the cess imposed by Elizabeth I, before revealing their true motivations. Rather than being truly mistreated, Cox notes that they finally grounded their rebellion as a defence of Catholicism against a Protestant monarch.⁴⁴⁰ He claims that this was facilitated and encouraged by King Philip of Spain, acting through Catholic priests in Ireland, to counter Elizabeth's encouragement of Dutch Protestant rebels in the Spanish Netherlands.⁴⁴¹ As he writes of the Nine Years' War in Ulster, the willingness of the commissioners to treat with O'Neill was understood by the rebels as 'the effect of Weakness, and the ill condition of the English Affairs' in the region. This prompted them to seek 'unreasonable terms' from the administration, including a 'general Liberty of Conscience'.⁴⁴² 1641 fits this theme too, with Cox drawing heavily from the accounts presented by both Jones and Temple. Agreeing with both, Cox insists that the initial success of the rebellion lay with the trust placed in the Catholic Irish by Protestants. These Protestants expected no attack from those 'with whom they had lived kindly, and to whom

⁴³⁹ 'Appendix X: An Abstract of the Examination of Doctor Robert Maxwell, afterwards Bishop of Kilmore', *Hibernia Anglicana*, p. 46; the deposition of Robert Maxwell is notable as Aidan Clarke gives it as the origin of the figure of some 154,000 deaths as a result of the 1641 Rebellion, as widely publicised by the English parliament in 1643, Aidan Clarke, 'The "1641 Massacres"' in Micheál Ó Siochrú and Jane Ohlmeyer (eds), *Ireland 1641: Contexts and Reactions* (Manchester, 2013), pp 41-2; *A Declaration of the Commons Assembled in Parliament: Concerning the Rise and Progress of the Grand Rebellion in Ireland* (London, 1643), pp 9-10; Cox draws attention to the 'One hundred fifty four thousand British, Slaughter'd and Destroy'd' with a manicule, contrasting the claims to freedom of conscience for Catholics with the perceived brutal outcomes.

⁴⁴⁰ Cox, *Hibernia Anglicana*, I, pp 349, 352-3.

⁴⁴¹ *Ibid.*, p. 352.

⁴⁴² *Ibid.*, p. 408.

they had given no manner of Provocation; and so neglecting the proper Means of defending themselves, they were miserably betrayed, and perfidiously destroyed, by those they trusted'. Cox continues that it was 'esteemed a Mortal Sin amongst most of the Rebels, to relieve or protect a Heretick' and so no mercy was given.⁴⁴³ As Cox summarises Jones's *Remonstrance*: 'Rebellion was occasioned by the ancient Hatred, which Papists bear to Protestants, and by their Surfet of Freedom and Indulgence in that Kingdom'.⁴⁴⁴ In his estimation, Irish Protestants could never trust their Catholic fellow subjects as Catholicism would always take precedence and Catholics would always take advantage of any weakness or opportunity. Granting any liberty of conscience or indulgence would only be such an opportunity.

Fundamentally, Cox insinuates that Catholics cannot be truly loyal to any non-Catholic monarch. For example, he quotes Desmond's appeal to Pheagh Mac Hugh Byrne of Ranelagh, in which Desmond exhorts Byrne to a 'Defence of the Catholick Faith' against English Protestantism. Desmond claims that this defence of faith and fatherland is one which Byrne, as a Catholic and an Irishman, is 'bound by Conscience and by Nature'.⁴⁴⁵ Cox quotes a Catholic theologian, one 'Dr White', in O'Sullivan Beare's *Historiae Catholicae Iberniae* (1621), for another example of this disjuncture between Catholic subject and Protestant monarch.⁴⁴⁶ White, Cox writes, instructed the mayor of Waterford toward the end of the Nine Years' War that 'the [Catholic] Citizens of Waterford could not in Conscience obey any Prince that persecuted the Catholick Faith'.⁴⁴⁷ Cox presents this as consistent with the decrees of the Catholic universities of Salamanca and Valladolid that an 'Irish Papist' could not 'obey or assist his Protestant King' as long as O'Neill took arms in defence of his faith.⁴⁴⁸ The monarch in this case was, however, the newly ascended James

⁴⁴³ Cox, *Hibernia Anglicana*, II, p. 77.

⁴⁴⁴ *Ibid.*, p. 103.

⁴⁴⁵ Cox, *Hibernia Anglicana*, I, p. 361.

⁴⁴⁶ O'Sullivan Beare names this theologian John White (presumably a relative of the Jesuits Stephen and Thomas White, also natives of Waterford), Philip O'Sullivan Beare, *Ireland under Elizabeth: Chapters towards a History of Ireland in the Reign of Elizabeth*, ed. Matthew J. Byrne (Dublin, 1903), pp. 178-9.

⁴⁴⁷ Cox, *Hibernia Anglicana*, II, p. 6.

⁴⁴⁸ *Ibid.*, p. 3.

I rather than Elizabeth I, whom O'Neill had originally taken arms against. As Cox quotes Lord Deputy Mountjoy's response to the city of Waterford's reliance on their charter granted under King John: he would 'cut King John's Charter with King James's Sword, and ruin their City, and strew it with Salt'.⁴⁴⁹ Though Cox does not note it here, the reluctance of Catholics like White to recognise any Protestant monarch who does not grant indulgence to Catholics—even James I—should cause issue for arguments like those made by John Lynch that the Stuarts are the rightful monarchs of Ireland.

William III: Completing the Reformation

The figure of William of Orange emerges towards the end of the period in histories by Protestant as a Protestant liberator, a foreign prince who—partly by virtue of his foreignness—is positioned to represent the spectrum of Protestant faiths across the Stuart monarchy. This was made possible by William's rebranding as the archetypal Protestant monarch, as described by Tony Claydon. Claydon points to the Scottish cleric Gilbert Burnet as the originator of a royal theology which placed William as a necessary counter to the apparent, gradual re-encroachment of Catholicism into English politics under Charles II and James II. In this sense, the sixteenth-century English reformation and Protestant religious and personal, monarchical virtue needed to be restored.⁴⁵⁰ In Ireland, where the Reformation had as yet failed to succeed, we can turn to Richard Cox's *Hibernia Anglicana*, where his dedications to William and Mary present William as the hoped-for fulfilment of the Reformation in Ireland.

Burnet's December 1688 sermon given at St James's Palace in London presents a narrative in which Catholicism stood about ready to reverse the reformation begun over a century beforehand, but was prevented by the arrival of William. Catholicism, Burnet told

⁴⁴⁹ Ibid., p. 6.

⁴⁵⁰ Tony Claydon, *William III and the Godly Revolution* (Cambridge, 1996), pp 28-52, for Gilbert Burnet's justification of the invasion of William on grounds of restoring the Protestant faith and the bases of this justification in Tudor-era writings.

his audience, was the ‘Ruine both of the Protestant Religion and the publick Liberty all Europe over’ and Catholics had in the previous decades worked to do the same in England.⁴⁵¹ However, he claims, they opened ‘their ill designs so early’. To Burnet, James II had been too open in his ambitions both in terms of his religion and in the manner of his rule which Burnet compares to that of Louis XIV and his predecessors in France. Burnet refers—without specifying—to France in speaking of ‘the Impudent breach of Faith, and the unrelenting Cruelty that they had put in practice in the Neighbouring Kingdom’. A cruelty, which ‘sent us over many thousands of Witnesses, to awaken us, and to let us see what we ought to look for whensoever that bloody Religion should come to prevail among us; and of what account all Promises and Laws were to be’.⁴⁵² Whatever promises of toleration or indulgence that James II might have offered Protestants, Burnet tells us that there could be no doubt what the actual outcome would have been had William not arrived in England. This narrative would no doubt have been amenable to the case that Richard Cox was making regarding Irish Catholics. As already discussed, Cox was clear that—despite all their claims to toleration—Irish Catholics desired nothing less than the total extirpation of Protestantism in Ireland, aided by continental allies whether Spanish or French. In this regard, Cox’s argument fit neatly within the more broadly European anti-Catholicism of the Williamite cause.

Central to Burnet’s justification of William’s reign is that it was not an invasion, but instead a defence of Protestant faith from Catholic persecution. As a reformed nation, Burnet argues that English Protestants owed it to themselves and to God not ‘to forget the engagements ... of a serious and universal Reformation’.⁴⁵³ To that end, he argues, they needed a prince who could uphold the principles and virtues of reformation and not a Catholic ready to overturn the several-generations-long project. To Burnet, William did not come as a conqueror but instead as ‘a Prince who has shewed’ a ‘hatred of Persecution’

⁴⁵¹ Gilbert Burnet, *A Sermon Preached In the Chappel of St. James's, Before His Highness the Prince of Orange, the 23d of December, 1688* (London, 1689), p. 4.

⁴⁵² Burnet, *A Sermon Preached In the Chappel of St. James's*, p. 11.

⁴⁵³ *Ibid.*, p. 26.

because both 'his own side suffered in it' and 'uniform Principle which has made him not only just ... but kind' to deserving Catholics.⁴⁵⁴ In Burnet's sermon, there is a clear divide between Catholicism, which plots to overturn both reformation and parliament in favour of absolute rule and persecution, and Protestantism, which can tolerate those of other faiths who do not seek to undermine public order and virtue. To Claydon, Burnet's sermon refers back to 'the two-church model' with English Protestants 'the people of god', tested by and renewing their faith in Him, who in turn provides salvation in the form of William.⁴⁵⁵ Cox's dedications to William and Mary, in each volume of *Hibernia Anglicana*, present strikingly similar rhetoric but extend William's providential mission to completing reformation in Ireland as well as safeguarding it in England.

However, there is some difference in the genealogies of the arguments presented by Burnet and Cox. Prior to advocating for William, Burnet had already made name for himself through his *History of the Reformation*, published in 1679 and 1681. Burnet, Claydon argues, had first returned to a two-church model of religious history in this work, revitalising a mode of thought in decline in England following the violence of the civil wars.⁴⁵⁶ To Claydon and J.G.A. Pocock this rhetoric had been seen to have been mobilised to extreme ends by a puritan faction—blamed, as Neufeld argues, for the conflict in England—and fell out of favour quite noticeably. In essence, it was recognised that the identification of 'antichrist' could be too open-ended and too liable to undermine public and political order. It is apparent, however, that with the popularity of authors like Temple and Jones and with the need to present arguments in favour of maintaining the Cromwellian land settlement, such as by Orrery and Audley Mervyn, that it may not have waned as much in Ireland as in England. In Ireland, the 'official' line placed blame on Irish Catholics, who had instigated the 1641 Rebellion and 'usurped' royal authority, rather than almost entirely on a supposed cabal of extreme, non-conforming Protestants as in

⁴⁵⁴ *Ibid.*, p. 30.

⁴⁵⁵ Claydon, *William III*, pp 47-8.

⁴⁵⁶ *Ibid.*, pp 45-6.

England. While both Burnet and Cox focus on the destabilising effects of counter-reformation Catholicism, this was a line of thinking wherein Cox could draw from arguments of the 1660s as well as the '40s and earlier.

Having already looked at how *Hibernia Anglicana* builds a narrative of continual unrest driven by what Cox describes as 'differences' in nation and faith, namely unrest driven by Irish Catholics, we can turn to how Cox builds William as a possible solution in his dedications. He opens with fundamental strategic reasons—economic and political—for William to go into Ireland in force. Whatever about the centuries-long possession of Ireland, which Cox also addresses elsewhere, Ireland—he asserts—could be of great economic value but is also too politically and militarily important not to be contested. Key among these economic justifications is the wool trade, increasingly lucrative as Molyneux's own work later attests. No past English monarch, Cox claims, could countenance losing Ireland and several held it at great cost. But, besides from these material reasons, Cox's concern is for the Protestants of Ireland: it would be 'incompatible with Your Glory', he advises Williams, 'to suffer the Ruin of four hundred thousand Irish Protestants'. Leaning into the portrayal of William as the restorer of the Reformation in England, as he had been presented by Burnet, Cox commends William on a 'peculiar Talent to atchieve what all the rest of the World think Impossible'. William, Cox claims, had restored the Netherlands 'to a more Glorious Condition than ever it was in before' and had retrieved 'from Ruine two expiring Kingdoms'—England and Scotland—'that were at their last Gasp' but Ireland as of 1689 still remained to be recovered'. Doing so, he advises William, would be to 'consummate' William's 'Glory'.

The advice offered by Cox to William, when taken with the argument presented in the body of *Hibernia Anglicana*, is steeped in Cox's concern for the Protestants of Ireland (and undoubtedly also his concerns for his own estate) and particular to seventeenth-century Irish Protestant thought. It is telling that Cox's view of William's mission is of a task yet to be completed. While Burnet sought to justify an event that had already taken place, the coup which placed William and Mary as monarchs, Cox is instead providing

justifications for a pacification of Ireland not yet undertaken. While both present William as having a providential mission, their understanding of that mission is somewhat different with Cox emphasising the need to pacify Ireland and finally complete the Reformation there to prevent future violence. Cox presents this as a potential return to past golden age of religiosity and morality. He hopes that:

*...the bright Example of your Majesty's Virtue and Piety will influence that degenerate Nation to such a degree of Reformation and Religion, as will restore that Kindgdom to its ancient Appellation, and Ireland will again be called, Insula Sacra.*⁴⁵⁷

Cox's hopes are that William and Mary's 'Glorious Designs, for the Advantage of England, and the Recovery of Ireland, for the Propagation of the Protestant Religion' will succeed and that Ireland will be calmed through reformation. This section of his dedication is best understood again by reference to Temple and Jones but also James Ussher, whose history of the early Irish church underpins Cox's perceptions of Ireland's past.

Crucially, Cox presents his hoped-for reformation of Ireland not as a break with the past, but rather a return to the past. As seen in the previous chapter on religious continuity, James Ussher emphasised the similarity in doctrine between early Irish church and the early seventeenth-century Protestant Church of Ireland.⁴⁵⁸ Prior to Ussher, the Tudor historian William Camden, who described 'St. Patrick's disciples' as such 'great proficientes in the Christian Religion, that ... Ireland was term'd Sanctorum Patria, i.e. the Country of Saints'.⁴⁵⁹ Temple in turn emphasised the learning of early Irish monks and their 'very austere and strict' practices, echoing Camden and Ussher.⁴⁶⁰ All of these Protestant authors had argued in favour of the faith of these monks who had composed themselves and their worship in accordance with the scriptures. They were, to Ussher, 'religious in deede, and not in name only; farre from the hypocrisie, pride, idlenesse and uncleannesse'

⁴⁵⁷ Cox, 'To Their Most Excellent Majesties William and Mary', *Hibernia Anglicana*, I.

⁴⁵⁸ Ussher, *A Discourse*, pp 2, 4-7.

⁴⁵⁹ Camden, *Britannia*, pp 1317-18.

⁴⁶⁰ Temple, *The Irish Rebellion*, p.4.

of later medieval orders.⁴⁶¹ Asides from these, Cox also draws from the Earl of Orrery's 1662 response to Peter Walsh. Criticising claims that the Catholic Confederates were loyal to Charles I, Orrery insists that 'Irish Papists hang, as their faith in God, so their Loyalty to their Prince, on the Popes sleeve'.⁴⁶² Cox adds to this that 'in the beginning it was not so, but their Religion was pure and Orthodox', clearly drawing from Ussher's understanding of St Patrick's church.⁴⁶³

Hibernia Anglicana depicts an Ireland which, ever since the Patrician church fell into decline through a combination of superstitious Catholic innovation and Norse invasion, has needed reformation. Yet, unlike England, the sixteenth-century reformation had not taken hold. Cox describes the papal bulls, including *Laudabiliter*, which granted Henry II leave to invade Ireland as based in the belief 'that the Country was Barbarous, and needed Reformation'.⁴⁶⁴ We can see something similar in Temple's Irish Rebellion, where Temple tells us is that the Irish Church was so decayed that Ireland was no longer worthy of the title of '*Insula Sanctorum*'. Mixing together religious justifications with a wider concern for civility and social order, he writes that 'the life of the people' was 'so beastly, their manners so depraved and barbarous' that Henry II was obliged to sue the Pope for leave to intervene. Pope Adrian, Temple tells us, granted Henry 'liberty to go over and subdue the Irish nation'. This, Temple claims, was 'sufficient demonstration of the condition of that people' and—most crucially—'what opinion was held of them' by the Pope and by the princes of other Christian realms.⁴⁶⁵ Cox develops on this by attempting to explain the apparent contradiction of referring back to a papal bull. He tells us that the 'Reformation of the Irish' proposed in these bulls was 'by way of Direction and Advice'.⁴⁶⁶

⁴⁶¹ Ussher, *A Discourse*, p. 57.

⁴⁶² Roger Boyle, Earl of Orrery, *The Answer of a Person of Quality, To a Scandalous Letter...* (Dublin, 1662), p. 33

⁴⁶³ Cox, 'An Apparatus to the Reader', *Hibernia Anglicana*, I.

⁴⁶⁴ Cox, *Hibernia Anglicana*, I, p.7.

⁴⁶⁵ Temple, *The Irish Rebellion*, p.4.

⁴⁶⁶ Cox, *Hibernia Anglicana*, I, p.8.

To Cox, Henry II was instructed to go over to Ireland and reform the faith as king of Ireland, by his own example, and not simply bring Ireland under papal rule. As Cox put it:

*...the English have heartily endeavoured to Reform that People, and to bring that Noble Country into a general Practice of True Religion and Civility, and though we do not boast much of our Success hitherto, yet now that it is likely better and more effectual Methods will be used than heretofore, we do not doubt but that they will produce suitable Effects.*⁴⁶⁷

As noted, Cox owed the failure of past efforts to the differences of nation and religion between the Catholic Irish and the Protestant English, with the Irish—even prior to the English Reformation—not amenable to English law.⁴⁶⁸ The Irish are portrayed throughout *Hibernia Anglicana* as superstitious, referencing prophecies that supposedly take hold among them at various points, and so easily fall prey to manipulation.⁴⁶⁹ The declining early medieval Irish church had ‘increased in Superstition and Sloth’ and, despite the efforts of English monarchs, superstition only increased. Among the superstitions, Cox mentions the traditional pilgrimage to St Patrick’s Purgatory which he claims was revealed in 1636 to have been no more than a damp cave which ‘so influenced crazy Melancholy People, as to make them dream or fancy whatever they were beforehand told they should see’. This, Cox later explains had been a deliberate invention on the part of the Catholic clergy who used the pilgrimage to take advantage of Irish superstition. He claims that St Patrick’s Purgatory had been unmasked as a ‘notorious Cheat to the World’ and its destruction was ‘the great loss and disgrace of the Popish Clergy, who made vast Advantages of that ridiculous Sham’.⁴⁷⁰ Catholic clergy, as typical of the kind of Protestant

⁴⁶⁷ Ibid., pp 7-8.

⁴⁶⁸ He cites, for example, a 1520 letter from Henry VIII to Thomas Howard, then Earl of Surrey and Lord Deputy of Ireland, in which Henry insists that there could be no ‘Reformation Reformation in Ireland’ (meaning reformation of the political order) ‘until all the Irish are amenable to Law, and have the Benefit of it’, in Cox, *Hibernia Anglicana*, I, p. 209. This is the view endorsed later by Sir John Davies and hence by others, as noted in the chapters on constitutionalism and conquest, but, in *Hibernia Anglicana*, Cox treats this as inseparable from the ‘superstition’ of the Irish.

⁴⁶⁹ Cox, *Hibernia Anglicana*, I, p. 206, II p. 109.

⁴⁷⁰ Cox, *Hibernia Anglicana*, II, p. 54; for an account of the destruction of the purgatory, ‘James Spottiswoode to James Usher, 31 October 1632’, quoted in Henry Jones, *Saint Patrick’s Purgatory*:

and anti-Catholic argument which Cox constructs, reappear often as agents of unrest in Ireland. Cox quotes a 1629 proclamation against Catholic clergy in Ireland, explaining that it had been necessary as they had grown ‘insolent and troublesom’ despite the unofficial indulgence afforded to them.⁴⁷¹ This was eventually repaid by the 1641 Rebellion, which Cox—like Temple and Jones before him—appears to attribute to the manipulations of priests and Jesuits. For example, Cox quotes an order of both houses of Westminster which blamed the ‘Instigation of Romish Priests and Jesuits’ and an account of Phelim O’Neill’s plotting which has O’Neill pressed into action by a cabal of ‘Irish Officers and Fryers’.⁴⁷²

Conclusion

As shown, both Catholics and non-conforming Protestants understood the indulgences shown to their confessions after the Restoration to have failed to live up to the promises of the Declaration of Breda. Catholic and Dissenting authors presented themselves and their co-religionists as entirely loyal and presented toleration as a deserved gift, literally an indulgence, from the monarch to loyal subjects. Using references to Biblical history and the early Christian church, they attempted to justify further indulgences and toleration. The Biblical king David, a notable example, provides a model from which these authors attempted to draw lessons of monarchical mercy and faithfulness. On the reverse, authors who defended limited toleration (or even further restrictions) could point to cases like Saul, whose faithlessness earned God’s disfavour, as did Wetenhall. Authors who sought to maintain the position of established church in this way pointed to cases of ‘conspiracy’, whether ‘puritan’ or Catholic, in the past. Toleration, they argued, opened the way to public

Containing The Description, Originall, Progresse, and Demolition of that Superstitious Place (London, 1647), pp 132-4.

⁴⁷¹ Cox, *Hibernia Anglicana*, II, p. 53.

⁴⁷² *Ibid.*, p. 81; ‘Appendix X: An Abstract of the Examination of Doctor Robert Maxwell, afterwards Bishop of Kilmore’, *Hibernia Anglicana*, II, p. 46.

disorder, or even a complete reversal of the Reformation. They disputed the cases made by Dissenters and Catholics, pointing to past examples of rebellion.

This chapter has highlighted how the language of apocalyptic Protestantism remained in use in the Restoration period, as late as the Williamite War in Ireland, and shaped political arguments. While Cox had plenty of contemporary evidence to work with, his *Hibernia Anglicana* places Irish Jacobites as just the latest manifestation of Irish and Catholic insurrection. As Nicholas Canny puts it, ‘militant Protestants thought it important that ... what had happened in Ireland in 1641, and the inferences that could be drawn from it, should be rehearsed regularly’.⁴⁷³ With this active commemoration having failed to prevent a further outbreak of violence in 1689, Cox sees this conflict as the inevitable outcome of even the limited toleration offered in the Restoration period. Rather than toleration, he argues that only the completion of the Reformation—if not total religious uniformity—in Ireland could bring peace to that kingdom.

Irish Jacobites were well aware of the many accusations made against James II and Irish Catholics. Sometime toward the end of the war, the author of the *Poema de Hibernia* mocked Protestant fears of James’s Catholic son and the threat of his Irish followers:

And shall he lord it o’er poor us,

Polluter of our liberty, who extorts

Our slavery? No rule is harder than

*The one imposed by slaves that have been freed.*⁴⁷⁴

The accusations of tyranny presented by people like Burnet, Wetenhall, and Cox—the author appears to suggest—were instead fears that what Catholics were perceived to have endured in previous decades would be revenged on Protestants. Throughout the Restoration period, Catholic authors asserted their loyalty to the Stuart dynasty and as will be demonstrated in the following, final chapter, they found ways to ground this loyalty in terms which bridged the gap between medieval Gaelic accounts of kingship, bound by

⁴⁷³ Canny, *Imagining Ireland’s Pasts*, p. 99.

⁴⁷⁴ *Poema de Hibernia*, p. 30.

common descent, and the early modern norms of monarchy. In doing so, they also attempted to bridge the confessional divide between Protestant monarch and Catholic subject, efforts essentially rendered void by the inter-confessional character of the Williamite War in Ireland.

6. MONARCHY AND ETHNIC ORIGINS

Introduction

This chapter will examine three related facets of monarchy in Irish Restoration histories: the justifications given as legitimation of the Stuarts in Ireland, the normative descriptions of monarchy presented, and the identification of the monarch and the nation. One key practical element of the political side to these authors is the necessity of appealing to monarchical authority. Of all the themes discussed in this thesis, monarchy—along with religion—presents a great divide between literary ideal and early modern political reality. This is plain in the descriptions of the ideals of monarchy, though the authors studied here do present some critical commentaries on historical kingship. Protestant authors like John Temple and Richard Cox, heavily influenced by the thought of medieval and Tudor English authors, are significantly more critical in this regard. The actual interactions between the Stuarts and their Irish subjects are idealised, too, as—whatever their own feelings regarding the dynasty—the political contexts of mid- and late-seventeenth century Ireland precludes these authors from being too critical of the Stuarts.

As discussed in the chapters on constitutionalism and parliament, appeals to parliamentary authority gradually closed off to Irish Catholics over the course of the seventeenth century. The corollary of this situation was that the monarch instead became the focus of political appeals from Irish Catholics. Aidan Clarke noted that the Graces controversy of the 1620s and '30s demonstrate this question of 'final decision' regarding political authority in Ireland. As the Irish Parliament of this early period became increasingly hostile to the Catholic Old English interest, resort to royal authority became an increasingly attractive alternative, and eventually the only recourse for the Old English.⁴⁷⁵ This was then repeated in the 1660s, to an even greater degree with an entirely Protestant Irish Commons. After the Restoration, the Irish Parliament essentially confirmed the Cromwellian land settlement, with few exemptions and compensations for

⁴⁷⁵ Clarke, 'Patrick Darcy and the Constitutional Relationship between Ireland and Britain', p.36.

nocent Irish Catholics: restricting Catholics to appeals to the Crown. Irish Catholics were essentially required to take ‘the traditional stance of the Old English’ and were again compelled to demonstrate that their faith proved no obstacle to their monarchical loyalties.⁴⁷⁶ The case presented by former Catholic Confederates at Whitehall in the early 1660s is a prominent display of this strategy, as noted in the chapter on constitutionalism. However, the true loyalties of these former Confederates were queried by their opposition, headed by the Earl of Orrery. The narrative of Irish Catholics as fundamentally disloyal to English monarchs and unamenable to Protestant English society is crucial to Protestant histories of Ireland, such as Richard Cox’s *Hibernia Anglicana*. While the chapter on liberty of conscience explores this issue of faith in more depth, this chapter will examine instead the secular, genealogical justifications given for loyalty to the Stuarts. These justifications by Catholic authors are shaped by traditional Gaelic sources and marry early modern political thought with medieval source material in the authors’ effort to fit the Stuarts within a pseudo-historical continuity of kingship.

Catholic Irish authors such as Lynch faced the problem of reconciling their loyalty to the Protestant Stuarts with Irish antipathy towards preceding English monarchs, most notably Elizabeth I. The solution, which Lynch enthusiastically adopts, is to emphasise the Gaelic ancestry of the Stuarts and place them in the continuity of historical and pseudohistorical Irish monarchs as featured in early medieval texts, such as the *Lebor Gabála Éirenn*. This was a development of an existing line of thinking which grew out of early seventeenth-century bardic poetry, as Breandán Ó Buachalla outlines in *Aisling Ghéar*.⁴⁷⁷ The crucial point of transition between bardic and annalistic histories comes in Geoffrey Keating’s *Foras Feasa ar Éirenn*, which attempted to bring these disparate genres together into a cohesive narrative history. Lynch, Walsh, and O’Flaherty were no experts on bardic poetry and their genealogical knowledge came via Keating and the celebrated genealogist Dubhaltach Mac Fhirbisigh. It is also important to consider how this shift in

⁴⁷⁶ Clarke, ‘Patrick Darcy and the Constitutional Relationship between Ireland and Britain’, pp 53-54.

⁴⁷⁷ Ó Buachalla, *Aisling Ghéar*.

genre—from traditional, bardic poetry to written history—changes the focus from oral performance to historical argument. While both the poetic tradition detailed by Ó Buachalla and the histories written by Lynch, Walsh, and O’Flaherty are inherently political, political theory comes to the fore in the latter. This is facilitated by the nature of history as a literary genre, which in this period emphasised moral and political instruction through historical narrative. As historians, Lynch and other authors present their own monarchical ideals by highlighting the successes and failures, positives and negatives of past Irish princes.

These depictions of an ancient and noble Gaelic, Milesian ancestry also represented attempted refutations of attacks on Irish character. Medieval authors such as Giraldus and later, Tudor and Stuart authors—usually writing from an English and Protestant point of view—slandered the Gaelic, ‘mere’ (Latin *merus*, ‘unmixed’) Irish and portrayed them as lazy, superstitious, or violent. Joep Leerssen provides a summary of the kinds of descriptions given from the arrival of the Normans right into the seventeenth century which portrayed the Gaelic Irish as fundamentally unworthy of—or incapable of accepting—English rule and English institutions.⁴⁷⁸ In recounting the historical achievements of the Irish before the arrival of the Normans, authors like Lynch and Walsh were also asserting their claim to the continuity of Irish history writing in refuting these stereotypes. As will be shown towards the end of this chapter, ancestry was also be used to mark social class. The contrast between the noble ancestry of the Old English and Old Irish, into which the Stuarts are placed by Catholic authors, contrasts against the condemnations of the usurping, colonial ‘mechanical men’ which they take as representative of the New English as a whole.

One important aspect of these texts is their focus on hierarchical, aristocratic history. As Kidd notes regarding Keating, *Foras Feasa* did not advocate for the ‘wholesale rehabilitation of Gaeldom’ but instead defended the native Irish, pre-Norman, hierarchy.

⁴⁷⁸ Joep Leerssen, *Mere Irish and Fíor-Ghael*, pp 32-61.

As Kidd puts it, Keating ‘argued that foreign critics applied the wrong standard of judgement to Irish culture’ and ‘were oblivious of the refined life of the upper echelons of Gaelic society’.⁴⁷⁹ Kidd sees Keating’s argument as, in part, responding to critics like Giraldus and Spenser by arguing that their critiques are directed at the lower classes, a lower form of Irish culture, and not representative of a *true* Irish culture embodied in its nobility. This is important because it allows Keating, and those who follow him, to present the arguments that he cannot refute as unfounded as instead irrelevant to the high culture that he wishes to relate. This is particularly relevant to Lynch and Walsh’s defences of the laws and religion of the Gaelic Irish society, independent of England, and more generally relevant to discussions of genealogy found in these authors’ works, as also in O’Flaherty’s *Ogygia*. As they all frame loyalty to the Stuarts in terms of their Gaelic Irish ancestry, it follows that they focus on the elites of this pre-Norman culture. It is telling that they seek to rehabilitate the reputation of this society entirely based on its aristocracy. The Irish society that they all describe is one which was, to them, ordered and hierarchical and entirely in keeping with an early modern, Tridentine Catholic worldview.

Medieval Kingship versus Early Modern Monarchy

As with any historiographical debate, the Restoration-era historians of Ireland were drawn into the perennial debate informed by the writings of Giraldus Cambrensis and the (much more recent) work of Geoffrey Keating. Authors were keen to either prove or refute the notion that Ireland had been a lawless or leaderless place before the invasion of Henry II and the establishment of English institutions there.⁴⁸⁰ Perhaps unsurprisingly, this appears again in discussions of monarchy as Irish writers, John Lynch and Roderick O’Flaherty, sought to prove the existence of an ordered, native Irish monarchical system. As Colin Kidd put it, these two authors attempted to repudiate the charge of ‘anarchy’ by

⁴⁷⁹ Kidd, *British Identities Before Nationalism*, pp 157-8.

⁴⁸⁰ See the chapter on the concept of ‘conquest’ in Irish history.

imagining ‘an ancient Irish kingdom blessed with institutional regularity and a due subordination of ranks’.⁴⁸¹ The Irish kingdom conjured out of the early medieval material by both Lynch and O’Flaherty bears similarities to many aspects of an idealised early modern absolute monarchy. For both authors, this Irish kingdom evidences social rank, near-absolute rule in one sovereign, and the development of legal codes: notwithstanding the obvious problem of pre-Christian idolatry. As if to deflect the charge of pagan apology, both authors often prominently equivocate with references to the classical Mediterranean world and comparison with other pre-Christian realms such as the early Anglo-Saxon kingdoms.

As shown in the chapter examining how these authors treated the concept of conquest, Lynch rejects conquest as the basis of English monarchical legitimacy in Ireland. Instead, he bases the right of the Stuarts to rule Ireland on their Irish ancestry, something which supposedly sets them apart from their Tudor and Plantagenet predecessors. At the same time, however, Lynch also elides the distinction between Old Irish and Old English, suggesting that any differences in genealogy should be overlooked as the course of history had diminished these differences. As Bernadette Cunningham points out, this is something of a contradiction because, if the Milesian ancestry of the Stuarts gives them their legitimacy in Ireland, then surely the Old English—including Lynch himself—might find their position untenable. Likewise, if a distinguishing factor of ancient Irish kingship was its non-hereditary then why would Milesian ancestry matter at all for an early modern, hereditary succession?⁴⁸² Of course, for Lynch, the former could be explained by centuries of intermarriage and close social and cultural ties between the Old Irish and Old English, culminating in their common political cause during the crises of the mid-seventeenth century. The latter—the theoretical possibility of replacing the Stuarts—comes through in accusations that there had existed a will, as exemplified by the infamous case of Conor

⁴⁸¹ Kidd, *British Identities Before Nationalism*, p. 158

⁴⁸² Cunningham, ‘Representations of king, parliament, and the Irish people in Geoffrey Keating’s *Foras Feasa ar Éirinn* and John Lynch’s *Cambrensis Eversus* (1662)’, p. 152.

O'Mahony, among the Irish to bring in a suitably Catholic and Gaelic replacement. Together, the possibility that the Stuarts might fail to meet their monarchical obligations on the grounds of their nation or their confession linger, implicitly, in the background context of the arguments that Lynch and other Catholic authors make in that dynasty's defence.

While Peter Walsh followed both Keating and Lynch in stressing the importance of Irish genealogical and monarchical history, locating the Stuarts as the successors to ancient Irish kings, Walsh did not protest the 'anglicisation' of power as Keating and Lynch did. Walsh, having lived in England and been associated with the Protestant Duke of Ormond, attempted to chart a middle course between his Catholic devotion and Stuart loyalties. He was censured by the Church for his connection to Ormond and criticised for endorsing the 1661 Catholic Remonstrance which was perceived by his coreligionists—most notably Peter Talbot, Archbishop of Dublin from 1669—to deny papal authority. Walsh and Lynch present two possible answers to the question of how to reconcile loyalty to English, Protestant monarchs while asserting a Catholic, Irish identity. Both appealed to the monarch, but Walsh went further than Lynch in subscribing to the Catholic Remonstrance. His active involvement in this petition singled him out for abuse from his co-religionists, with the patronage of the Protestant Ormond providing ample ammunition for charges of having sold out the Catholic cause.⁴⁸³ It is difficult to read Walsh's histories without being cognisant of this perception (whether fair or not) of his agenda. If Lynch could be considered wary of the accusations that the Old English were liable to betray their faith for their loyalties to England and its monarchs (as Richard O'Ferrall alleged they had in the 1640s), then Walsh might seem to be an embodiment of this supposedly schizophrenic identity. Despite these criticisms of his activities and connections, Walsh's history, *A Prospect of the State of Ireland* (1682), lacks the invective element of Lynch's *Cambrensis Eversus*. Some twenty years had passed between the Remonstrance debacle

⁴⁸³ Anne Creighton, 'The Remonstrance of December 1661 and Catholic Politics in Restoration Ireland', *IHS*, 34:133 (May, 2004), pp 18-19.

and the publication of his history and Walsh gives substantial insight into his rationale with the apparent benefit of hindsight. Walsh, by his own acknowledgement, borrows substantially from Keating and from Lynch. According to Walsh, Lynch had done Irish history great service in refuting both O’Ferrall’s ‘factious disloyal manuscript’ and the ‘fictions’ of Giraldus Cambrensis. He agrees with Lynch’s assessment that the accounts given by Giraldus, in print since 1602, provided ready ammunition for unnamed early modern writers (‘such men of little reading’) who ‘delighted in writing ill of the ancient Irish’.⁴⁸⁴ It is noteworthy that Walsh ranks *Alithinologia* alongside *Cambrensis Eversus* as a recommended refutation of the slanders against the two New Irish constituencies: the Old English in *Alithinologia* and the Gaelic Irish in *Cambrensis Eversus*.⁴⁸⁵

Walsh devotes a significant portion of his *Prospect* to refuting the attempts of Protestant Scottish authors to distance themselves and their national history from Gaelic Ireland. He focuses in particular on George Buchanan’s history of Scotland (first published, in Latin, in 1582) and which—comparable to the later works on Ireland by Ussher and Andrew Stewart—had set about producing a Scottish history supportive of both a national Scottish church and Scotland’s political independence from its neighbours. One aspect which Walsh takes particular issue with is Buchanan’s attempts to—as Walsh sees it—appropriate the Milesian kings of Dál Riada (and later Scotland) into a ‘Catalogue of Pictish Kings’. The chronologies which Scottish authors like Buchanan and his predecessor Hector Boece give clash with those given by Keating and Lynch, leaving Walsh to weigh these sources. Either ‘all the ancient Irish Annals and Monuments’, including Lynch and Keating, ‘are extraordinarily false’—Walsh considers—‘or Buchanan and Hector Boethius, and all other Scottish Authors follow’d by them are extremely out ... so far out to have at least inverted the whole succession, descent, line and genealogie of their Kings’.⁴⁸⁶

⁴⁸⁴ Peter Walsh, ‘The Preface to the Reader’, *Prospect*.

⁴⁸⁵ It is interesting that this appears to mirror Walsh’s own failed ambitions of composing a sequel to his *Prospect*, focusing on the Old English, as noted by Deana Rankin, *Between Spenser and Swift*, p. 257.

⁴⁸⁶ Walsh, *A Prospect*, p. 369.

Walsh presents his debt of scholarship as part of the point of his work. His *Prospect* is written entirely in English and he tells the reader that it originated from the solicitations of the Earl of Clanricard, who had asked Walsh to write a contextualisation of the 1641 Rebellion for an English audience. He found instead that he would rather write on ancient Irish history. This was surely reluctance on his own part to engage with such a controversial topic, not least so soon after the Popish Plot crisis of the late 1670s. Walsh, however, frames this change in focus as a result of his reading, which led him to conclude that the only ancient histories known in England were classical—Greek and Roman—and biblical. He noted that Giraldus Cambrensis and William of Newburgh had created a notion, unchallenged by English historians (according to Walsh), that the Irish were barbarous and had no noteworthy history before Henry II. To this, he says that Keating and Lynch had answered and refuted this notion, but that their works were little-known in England. It is interesting that, despite being little-known in England, Walsh reads Keating in translation, in an English-language manuscript loaned to him by the Earl of Anglesey from his own library. Walsh also states that he had previously read Keating in the original Irish as a young man, indicating some level of skill in Irish and demonstrating the dissemination of *Foras Feasa* among the educated Old English.⁴⁸⁷ The references to Anglesey are important because as Deana Rankin notes, Walsh's bibliography is firmly rooted in 'the historical projects circling around Anglesey's library'.⁴⁸⁸

Richard Cox would later accuse Walsh of plagiarism for his reliance on Keating but this fusion of Irish and English sources in a defence of the ancient Irish aimed specifically at an English audience is in large part the point of Walsh's narrative.⁴⁸⁹ What is significant is how Walsh attempts to levy Keating's history and in service of his political argument.

⁴⁸⁷ Peter Walsh, 'To the King', *Prospect*.

⁴⁸⁸ Rankin, *Between Spenser and Swift*, p. 257.

⁴⁸⁹ Cox damns both Walsh and O'Flaherty with faint praise in this regard:

P. W's Prospect, which is in effect the Epitomy of Keating in English, with all the Art he could use to polish it, will never pass for more than an Utopian Atchievement. And Mr Flaherty's Ogigia must expect the same Fate, though he has shewn a great deal of Learning and Industry in methodizing the Story, and fitting a Table of Synchronism to it.

'To the reader', *Hibernia Anglicana*, l.

The synthesis of Irish and English historical material is Walsh's attempt to present an argument targeted at English-speakers unfamiliar with that Irish-language material, people whom Walsh believes (as with Lynch's continental audience) are familiar only with negative stereotypes of the Irish. There was some support for this from Irish-language writers, with Walsh well-received enough to be briefly praised in a poem by Seán Ó Gadhra on the decline of the Irish language.⁴⁹⁰ Joep Leerssen sees this as praise not necessarily for Walsh's own historiographical skill but for the efforts of writers like Walsh and O'Flaherty to record and disseminate the knowledge contained in Irish-language source materials. While Cox might read Walsh's reliance on Keating as plagiarism, Ó Gadhra's reaction suggests a view that the propagation of Keating's ideas in English was itself entirely laudable. The recording and propagation of the bardic 'golden past' in English language history, presents a continuity from bardic poetry to prose history which apparently satisfied the purposes of both Ó Gadhra and Walsh. However, Walsh's genealogy for the Stuarts is more an attempt to present these older arguments to an English audience than a concentrated effort to place the Stuarts into a framework of ancient Irish kingship, as Roderick O'Flaherty would attempt.

Despite this positive reception, Walsh is clearly more comfortable with English material on Ireland, whether in English or by English authors, than with these bardic sources. The qualities integral to the heroes of annalistic and bardic materials, sources crucial to Keating and which Walsh examines, are not qualities that appeal to Walsh. As Rankin notes, Walsh expresses great admiration for writers like Spenser and Campion, despite their supposed slanders, and 'finds it necessary to apologise for having undermined the myths of Irish barbarity'.⁴⁹¹ Where he does deal directly with older, Irish-language material, Walsh finds it necessary to equivocate for the behaviour related by these sources. Walsh is particularly ambivalent regarding the militaristic aspects of ancient Irish rulers. He acknowledges that the claim of the Milesians comes from Partholon, the

⁴⁹⁰ Leerssen, *Mere Irish and Fíor-Ghael*, p. 208.

⁴⁹¹ Rankin, *Between Spenser and Swift*, pp 258-9.

‘First Invader’, and his sons; their descendants—the Gaelic Irish—holding ‘sole possession’ until the arrival of Henry II in 1172.⁴⁹² While Walsh claims Irish monarchs instituted laws and assemblies reminiscent of parliaments with a division of the estates he observes that they also descended into bitter blood feuds. From ‘the first foundation of the Irish monarchy in the blood of Heber’ to the death of Diarmait Mac Murchada (‘Diarmuid na Ngall’, as he terms him) in 1171, Walsh argues these feuds were as much a part of Irish kingship as their more virtuous accomplishments.⁴⁹³ This tapestry of bloodshed and lawgiving, all rooted in conquest, would be later seized upon by Richard Cox as justification for Henry II’s conquest.

It is useful to compare this equivocation with how monarchy is depicted in a work by another Irish author with a radically different perspective from Lynch and Walsh. The anonymous ‘Aphorismical Discovery’, by contrast, emphasises action and valour and does not shrink away from exhortations to violence in defence of Irish Catholicism. Notably, the ‘Aphorismical Discovery’ blames the upheaval on political manoeuvring within the Confederation of Kilkenny as the actions of statist undermining a just Catholic, Irish cause headed by a virtuous man of action. The righteous zeal of ardent Irish Catholics defending their hearth and home against foreigners—justified violence—is contrasted against the underhanded scheming and politicking of statist and ‘lawyers’. Condemning the manipulations by which Henry II came to justify his invasion of Ireland, the author also notes that many of the Gaelic Irish had ‘offered’ themselves as ‘confederats and associats to the king of England’.⁴⁹⁴ To this anonym, there had been those willing to collaborate then, and now again in his lifetime. The central hero of the text, Hugh Dubh O’Neill, is a martial figure whom the author defines by his valour and experience at arms, his staunch Catholicism, and his princely pedigree. The author emphasises O’Neill’s solidly Gaelic pedigree, descended from ‘Meilds, or Miletus’ (meaning *Mil Éspáinn*) ‘from whom

⁴⁹² Walsh, *Prospect*, pp 3-15.

⁴⁹³ Walsh, *Prospect*, pp 75-6.

⁴⁹⁴ ‘An Aphorismical Discovery of Treasonable Faction’, I pt. 1, p. 3.

the Oneylls west and north are descended'.⁴⁹⁵ With O'Neill's death (implied to be poisoning by duplicitous 'allies'), his nephew Owen Roe O'Neill becomes something of a secondary protagonist imbued with many of the same qualities. This narrative succession is no doubt facilitated by the familial relationship between the two O'Neills as much as any similarity in their characters. It might be tempting to read this depiction in line with the depictions given through bardic sources of an ideal Irish kingship, complete with succession through the extended family, but like Walsh, this text draws more heavily from an early modern notion of monarchy.

The 'Aphorismical Discovery' contains many references to 'the Irish nation', which the author always appears to identify as being exclusively synonymous with the 'Old Irish'. From the first instances in the preface, where the deaths in exile of Hugh O'Neill and Rory O'Donnell brought sorrow to the peoples of both Ireland and Spain, 'the Irish' are constantly implied to be solely those connected to Gaelic Ireland. This is apparent in the author's references to Patrick Darcy, who is implied to be something of a traitor to his nation not only for being a lawyer and a statist wedded to the English monarchy, but because he hides his Gaelic surname behind a Norman one, masquerading as Old English. The foreignness of the institutions of the Kingdom of Ireland too is crucial to the thrust of the 'Aphorismical Discovery', with Phelim O'Neill's plot portrayed as an attempt to undermine the 'state of Dublin' in its 'extirpation' of both Catholicism and the 'Irish nation'.⁴⁹⁶ Indeed, the 1641 Rebellion is portrayed as a pre-emptive strike against 'two warrlicke nations the English and Scotts', who retaliated with great violence against 'the poore Irishe'.⁴⁹⁷ The 'Aphorismical Discovery' gives the expected defence that Phelim O'Neill and his comrades acted in defence of 'the king's just prerogatives'—as well as the liberties of 'a free borne nation'—but otherwise the Stuarts are oddly absent from the narrative. The few mentions of Charles I come from the 1641 rebels and the Catholic

⁴⁹⁵ *Ibid.*, p. 2.

⁴⁹⁶ *Ibid.*, p. 15.

⁴⁹⁷ *Ibid.*, pp 42-3.

Confederates claiming to act in his name or praying for his safety: the author himself has nothing to say about the dead monarch or the Stuarts. Far from being invested in the struggle against ‘the supression of his majestie's royaltie in Irelande’, the anonymous author is much more interested in valorising the martial glory of the heirs of Gaelic Ireland. This martial ethos is personified in the person of Owen Roe O’Neill, to whom the ‘Aphorismical Discovery’ is posthumously dedicated. The author laments the death of ‘Don Eugenius’, this ‘bulwarke of holy religion and Pope's Scanderbeg’, referencing the mid fifteenth-century Albanian rebel and convert to Catholicism, Gjergj Kastrioti or ‘*Iskender bey*’ (‘lord Alexander’), who fought against the Ottomans.⁴⁹⁸ Trained in ‘the onely martial academie of Christendome’, the Spanish Netherlands, O’Neill is described as having only ever fought ‘in Catholicke religious defence’ and returned to Ireland at papal instigation, with Urban VIII ‘requiringe his repaire unto Ireland’. In Ireland, O’Neill was ‘in the whole kingdome the onely stickler of both religion and nation’, undermined ‘in this his godly designe by factious and treacherous members of this same kingdome’.⁴⁹⁹

The ‘Aphorismical Discovery’ takes a stance similar in one respect to that of O’Mahony’s controversial *Disputatio Apologetica*, in that it implicitly presents the late Owen Roe O’Neill as having been a plausible candidate for a monarch of Ireland. Like O’Mahony and Richard O’Ferrall, the anonymous author of this text makes a great distinction between the Old Irish and Old English and seeks to remind the reader of the ‘foreignness’ of both the Old English and the Stuarts. Like O’Mahony’s *Disputatio*, the report of Richard O’Ferrall to Propaganda Fide (1658), and the later *Commentarius Rinuccinianus* (completed 1666), the ‘Aphorismical Discovery’ ultimately stands on the fringes of Catholic Irish intellectual thought in the 1660s. The return of the Stuarts closes any possibility of another monarch or system of government being put in place in Ireland to bring that kingdom more in line with the firmly Gaelic and Counter-Reformation

⁴⁹⁸ The comparison to Gjergj Kastrioti is additionally meaningful as the House of Kastrioti had ruled much of Albania independently in the early fifteenth century, during the Ottomon conquest of that region, providing a parallel, for an early modern Catholic reader, to the *Uí Néill* of the same period.

⁴⁹⁹ ‘An Aphorismical Discovery of Treasonable Faction’, II, p. 61.

mindsets behind those texts. While the new political reality of the Restoration leaves the pro-Stuart approach of the remaining former Confederates as the only viable approach, these other texts suggest a hardline Catholic alternative which—though unworkable in 1660—had to be addressed. It is telling that, following the Restoration of Charles II, the arguments of Lynch and Walsh reject those described in the ‘Aphorismical Discovery’, insisting upon the Irishness of Charles II and the Stuarts, much as Nicholas Plunkett and Patrick Darcy insisted upon the loyalty of the Catholic Confederates.

Acclamation and Catholic Assertions of Loyalty

Peter Walsh presents a vision of monarchy influenced by Gallican theory, developed in France to acknowledge papal religious authority without compromising obligations to the king. Gallicanism presents a separation of the expected temporal and spiritual obligations of Roman Catholics to the Church itself. This allowed French subjects to reconcile their Catholic faith with their temporal allegiance to their monarch even as he warred against fellow Catholics. To Walsh, this presents a useful approach to resolving the conflicted loyalties of the Catholic Irish, by allowing them to distinguish between temporal and spiritual obedience. Walsh is critical of the Catholic Church, noting that its involvement in temporal matters may not only cause social and political disruption but might ultimately pervert the mission of the Catholic faith. He notes that Papal Bulls have caused unchristian conflict and exposed nations to the predations of foreign powers (with Ireland possibly in his mind here), but these ‘Papal sentences’ have caused ‘treasonable Conspiracies and horrid plots’. Papal intervention in politics has, to Walsh, been an impetus to distorting the natural social hierarchy, by providing a sham justification for subjects to be disobedient and disregard their rightful place in things. The Catholic faith, he writes, has been the justification for ‘the extinction of so many illustrious Families; the desolation of so many thousand ancient Houses’. This ‘pretence of Catholick Religion’, whatever the real

motive, has allowed subjects to raise ‘an armed hand against their Prince, or his Laws’.⁵⁰⁰ Walsh is keen to emphasise that the problem is not the Catholic faith itself but its abuse as a cover for decidedly un-Catholic acts (at least, in his own estimation), the most unforgivable of which being treason.

Walsh is critical also of Irish authors whom he sees as attempting to undermine the authority of the Stuarts as Irish monarchs. In particular, he criticises Conor O’Mahony and Richard O’Ferrall for their attempts to drive a wedge between Old Irish and Old English Catholics. Walsh claims that O’Mahony, ‘in his foresaid Apologetical Disputation... sowed the seeds of a civil, cruel and perpetual War amongst the Roman-Catholick Irish Nation’.⁵⁰¹ In Walsh’s eyes, the Confederation of Kilkenny represented the political reflection of an already whole ‘Irish Nation’, that is the Catholics of Ireland united in common cause and loyalty to the Stuarts. O’Mahony, by appealing to the ‘meer’ Old Irish to reject the Stuarts and make one of their own a monarch, was—to Walsh—appealing to them to tear this fragile unity apart. Walsh states that in 1648 he gave nine sermons in St Canice’s Cathedral condemning both O’Mahony’s exhortations to crown a new, Old Irish monarch and his criticisms of the Old English. According to Walsh, O’Mahony claimed that the Stuarts’ right to Ireland came by conquest yet Walsh argues instead that the oaths taken by the Confederates in 1642 were to defend Charles I and his right to rule Ireland.

This point is a crucial one as it reflects an argument made by Lynch which claims that the 1613 Irish Parliament—to Lynch a representative assembly of the social-political elite of Ireland—and its acclamation of James I as King of Ireland. Ian Campbell argues that this theory of acclamation was pushed by Lynch as one tactic to defend against O’Ferrall’s argument that the Stuarts’ claim to Ireland came through the papal bull *Laudabiliter*.⁵⁰² Walsh diverges slightly and instead places the moment of acclamation in

⁵⁰⁰ Peter Walsh, *The History and Vindication of the Royal Formulary or Irish Remonstrance* (1674), p. iv.

⁵⁰¹ *Ibid.*, p. 738.

⁵⁰² Campbell, ‘Aristotelian Ancient Constitution and Anti-Aristotelian Sovereignty in Stuart Ireland’, p. 578; this is important as the Protestantism of the Stuarts and their Tudor predecessors would render this monarchical contract void, but also—as noted in the chapter on conquest—because Lynch could not accept such a contract based on force.

the very foundation of the Catholic Confederation of Kilkenny. This is significant as it ties the political aims of the Confederates—as Walsh sees them—and the unification of Old English and Old Irish in common cause and confession with the recognition of Charles I and his heirs as the rightful monarchs of Ireland. To Walsh, it is not just that Catholics can be loyal subjects to a Protestant monarch or that Irish subjects can be loyal to the Stuarts but that, in 1642, Irish Catholics themselves pronounced their loyalty to Charles I ‘not only’ to ‘those other Natives, but all the World’.⁵⁰³ Of course, Walsh’s restatement of the tripartite Confederate ideal of God, country, and king in the Restoration era also ties this sentiment of the 1640s to the critical issue of the Restoration land settlement. Walsh’s later attempts to place the Stuarts in a Milesian succession pales against the earlier work done by Lynch and the later work by O’Flaherty, both authors showing their greater familiarity with the source material. What matters most for Walsh is his attempt to foster Irish Catholic unity in service of the Stuarts, returning to something of the model presented by the Confederation of Kilkenny. To Lynch, Henry II never achieved the submission of the Irish and their adoption of common laws was achieved only by the accession and acclamation of James I as king of Ireland.⁵⁰⁴

Roderick O’Flaherty goes further than either Lynch or Walsh in stressing the integral nature of sovereignty as vested in a single individual, as the personal representative of these disparate peoples. In this respect, he appears closest to Kidd’s idea of regnalism. O’Flaherty follows Lynch and Walsh in justifying the rule of the Stuarts in their bloodline, and also in asserting that there was no voluntary submission or conquest of the Irish by any prior English monarch. O’Flaherty extends Lynch’s point about conquest and the monarchical contract by commenting on how providence peacefully placed the Stuarts on the thrones of the three kingdoms, where the ambitions of past would-be conquerors had failed to simultaneously and totally pacify England, Scotland, and Ireland. Referencing Jeremiah’s second prayer to God, wherein God is just and issues

⁵⁰³ Walsh, *Irish Remonstrance*, p. 739.

⁵⁰⁴ See pp 90-92 for more on Lynch’s view of the justifications of this invasion.

rewards befitting a person's conduct, O'Flaherty suggests that the Stuart monarchy is itself a providential reward granted to James II and his immediate ancestors.⁵⁰⁵ His genealogy of Irish monarchs serves to commemorate not just the Irish nation but also in turn illustrate and glorify the descent of the Stuarts, establishing a direct connection between them and Adam via the Milesians. This descent from the kings of Scotland and Ireland, O'Flaherty claims, gives the lie to Plato's assertion that every monarch is descended from slaves.⁵⁰⁶

O'Flaherty also goes further than his influences in his valorising of his imagined Milesian civilisation. Whereas Keating, Lynch, and Walsh each emphasise the cultural, political, and legal achievements that they ascribe to the ancient Irish to justify their own self-identification as Irish and the connections that they make between the Stuarts, Milesian kings, and the early modern *Éireannaigh*, O'Flaherty also stresses the importance of this continuity. The continuity between the Stuarts and the Milesians is not only worth description as equal to any other of that family's ancestries to O'Flaherty, but it also heightens their dynastic glory and gives the Stuarts precedence among all the dynasties of Europe. This also ties in with O'Flaherty's intellectual disputes with Scottish authors, with O'Flaherty giving the Milesian kingship of Ireland precedence over that of Scotland. Walsh and Keating had likewise engaged in this debate earlier but O'Flaherty takes this further and devotes a significant portion of his *Ogygia* to emphasising the supremacy of ancient Ireland over Scotland and the right to the name *Scotia*.⁵⁰⁷ However, unlike Walsh at least, O'Flaherty's stress on this continuity, and its reflection on the Stuarts, ties O'Flaherty into the bardic stress on continuity in kingship and genealogical (if not direct, father-to-son) descent. The most obvious parallel between O'Flaherty's

⁵⁰⁵ *Jeremiah* 32; likewise in this particular chapter, it should be noted, God also *punishes* according to the magnitude of the transgression.

⁵⁰⁶ The original source for this commonplace is Plato's *Theaetetus*, in which Plato gives Socrates the line 'every man has had thousands and ten thousands of progenitors, and among them have been rich and poor, kings and slaves'. Either O'Flaherty was unfamiliar with the full context or, more likely, it suited the laudatory purpose of his dedication to use an implausibly flattering paraphrase.

⁵⁰⁷ Kidd, *British Identities Before Nationalism*, pp 156-7.

depiction of the Stuarts and their depiction in bardic poetry is how he presents them as the inheritors of the Milesian succession interrupted by Henry II. As has been noted elsewhere, O'Flaherty terminates his list of the high kings of Ireland with Ruaidrí Ua Conchobar and has it resuming only with the accession of James VI of Scotland as James I. While Lynch emphasises—as will be discussed in the following section—the Stuarts' Milesian ancestry as fundamental to their legitimacy in Ireland, O'Flaherty instead makes explicit their continuity with the Milesian kings in this list. It is as if the accession of the Stuarts was the overthrow of a several-centuries-long interregnum, in line with the bardic depictions of the Stuarts as Milesian inheritors as much as with Lynch's political justifications for Stuart rule.

New English Scepticism

Irish Protestant authors found these claims and lines of reasoning to be dubious at best, questioning genealogical arguments both on their relevance and on their reliance on monastic sources. Yet, these authors still found it necessary to examine such genealogical arguments despite their supposed fiction. In the 1640s, John Temple's *Irish Rebellion* contains a historical presage to the 1641 rebellion which addresses the matter of these origins. Temple writes that the Irish do not lack for 'fabulous inventions to magnify the very first beginnings of their Nation', questioning whether really 'the Scythians, Gauls, Africans, Goths, or some other more Eastern Nation that anciently settled in Spain' were the original progenitors of the Irish.⁵⁰⁸ His purpose here is to dispose of any arguments which might drive a wedge between the British and the Irish because, as he notes in his introduction, that this distinction is one method by which alleged Catholic agents create unrest in Ireland. He does not clarify who the 'British' are in his work, giving the general impression in the *Irish Rebellion* that the British are those who are Protestant and whose recent ancestors are from England or Scotland. However, in discussing ethnic origins,

⁵⁰⁸ Temple, *The Irish Rebellion*, p. 1.

Temple appears to claim the Irish—meaning those that Keating might describe as Milesian—as themselves being descended from the ‘British’. Temple reminds us that ‘It may very well be conjectured’—based on English chronicles—‘that as Eastern parts of *Ireland*, bordering upon *England* were first planted by the old Britains’.⁵⁰⁹ Temple tells us that if we are to believe medieval records then Ireland may have been first settled by ancient Britons, who might well have been the ancestors of the Irish. As he cannot find what he calls ‘infallible Records’, Temple is keen to remind the reader that these arguments are based on little more than fables.

Richard Cox follows Temple in his view of the origins of the Irish, although he does not credit or reference Temple, rather he explicitly draws primarily from William Camden and Edmund Spenser. Cox refers to the Milesian tradition as ‘fruitful Fancies of the Irish Historians ... ridiculous Stories which they have published of the Firbolgs and Tuah-danans’.⁵¹⁰ He is generally dismissive of attempts to locate the origins of the Irish in antiquity, much as Temple had been, and yet, like Temple, Cox is convinced that a British origin is most plausible. It ‘is rational to believe’, Cox argues, ‘That England peopled Ireland, being the nearest Country to it’, a seemingly straightforward and common-sense line of reasoning. He notes that the Romans identified tribes settled in both Britain and Ireland—something which Temple also points out—and that the pre-Roman inhabitants of both islands shared cultural and religious practices. To Cox, ‘the Brigantes of Ireland are undoubtedly the Progeny of the Brigantes of England’. To bolster his argument he turns to Camden, Spenser, and also to O’Flaherty, all of these authors identifying shared a shared culture and religion between the ancient Britons and Irish. Following Spenser, Cox insists that the culture of the Gaelic Irish is entirely derivative of the ancient Britons, that their bards, dress, and ‘Custom of Gavelkind’ being ‘British in the Original’. Interestingly, he conflates ‘British’ and ‘Saxon’, stating that ‘The Irish use the Saxon Character to this Day’. Here he is referring to the continued usage of the insular uncial script—the *seanchló*—in

⁵⁰⁹ *Ibid.*, p. 2.

⁵¹⁰ Cox, ‘Introduction’, *Hibernia Anglicana*, I.

writing Irish, seemingly identifying it as an entirely British—that being ‘Saxon’—innovation and a sign of Irish cultural stagnation.

One key problem common across most previous Irish histories, which according to Cox sets his own account apart from many of his predecessors, is their reliance on the ‘lying Legends’ of ‘Monks and Fryers’. Annals and ancient records preserved and disseminated by monks had not only ‘polluted the Religion’ of Ireland but also distorted its history. Cox recognises that English authors were not free of this taint, specifically singling out Camden for his reliance on ‘faulty’ materials ‘mostly collected by the Monks’. James Ware, Cox claims, was the first author to systematically purge his history of these errors and while Spenser and Davies had produced good work, in his view, Cox argues that their writing was more summary than analytic.⁵¹¹ These notes on prior authors serve as a kind of literature review for *Hibernia Anglicana*, similar to that Walsh’s introduction to his *Prospect*, and gives Cox’s justification for his history, what he sees as his novel interpretation of Irish history. These two threads on the influence of the monasteries in medieval annals and genealogies and of an interpretative agenda in history-writing are interesting because of the suggestion that other authors are not free of this influence and do not provide a deeper analysis of Irish history.

Like Temple, Cox is concerned with the notion of ‘difference’ and how difference contributes to the problems of Irish history, the conflicts which are the primary subject of *Hibernia Anglicana*. Cox identifies three differences which are ‘the true Causes of those innumerable Fewds, Wars and Rebellions’, these being ‘Difference in Nation, Interest or Religion’. The difference ‘in Nation’ is one which Cox shares with Temple, as described earlier, and which Cox attributes to the fallible histories of bards and monks. He claims that the English are aware of their own mixed heritage ‘compounded of Britons, Danes, Saxons and Normans’ while Irish ‘Antiquaries do Assert That the Irish are a pure and ancient Nation’. Like Temple, and clearly, following Camden and Spenser, Cox reckons it

⁵¹¹ Cox, ‘To the reader’, *Hibernia Anglicana*, I.

more likely that ‘the Irish are also a mingled People of Britons, Gauls, Spaniards and Easterlings’ rather than solely Milesian. Indeed, Cox disputes the existence of Mil Éspainn and the narrative derived from the *Lebor Gabála Éirenn*, noting that his two sons Heber and Heremon would have to be literal ‘*Patres Patriae*’. ‘Who were the Aborigines or first Inhabitants of Ireland’, he ponders, ‘it were in vain to guess, for the Irish Historians are of no Credit in this Matter’.⁵¹²

Cox attempts to factor in a difference of ‘nation’ as part of his analysis, yet, despite his clear efforts to delineate between these ‘nations’ early on, Cox himself does not carry these definitions throughout the rest of *Hibernia Anglicana*. As he first puts it:

*The Difference of Nation concerned the Irish on one side, and the British on the other; for the Scots, though some of them were extracted from the Irish, yet only such as sympathized with them in Language, Manners, Customs, Religion and Interest, were accounted Irish ... and the rest who communicated with the English in those five Particulars, are reckoned ... under the Appellation of British.*⁵¹³

Instead, he often slips between meaning ‘Irish’ in a cultural sense, to meaning those of Gaelic descent, and those people who happen to inhabit Ireland, inclusive of English and Scots Protestants in Ireland. In the case of ‘British’ Cox also uses it interchangeably to mean the ancient Britons and as a general term for the whole population of English and Scots Protestants in Ireland: ‘a National Malice against the British’. Irish Protestants then, to Cox, are a British ‘nation’ in Ireland—constructed through their manners, religion, and culture—likewise descended from the ancient Britons. In this way, Cox appears to be leaving open the possibility of the Irish ‘becoming’ properly British. The role of religion particularly causes a problem for this difference as ‘This great concern has so silenced all the rest, that at this Day we know no difference of Nation but what is expressed by Papist and Protestant’, with Cox pointing to Inchiquinn and Castelhaven. The Old English fit imperfectly within the English nation in his mind, with the case of Thomas FitzGerald

⁵¹² Ibid.

⁵¹³ Ibid.

rebelling against ‘his own nation’.⁵¹⁴ Cox constantly muddies this distinction of the Old English in all of his discussions of the Catholic Confederation. The Old English emerge in his narrative as neither truly Irish nor ‘British’, distrusted being by their Old Irish allies whom he claims preferred Inchiquinn to Ormond.⁵¹⁵ If the Old English belong to the English nation that he refers to then what is this other nation that the Old English loyal to the Supreme Council—like Preston and Plunket—were fighting for? One possible answer is that, if we are to take this contradiction in earnest, then Cox might reckon the Old English sufficiently degenerate in ‘manners’ to not be ‘British’ and so theirs is a cautionary tale of acting contrary to one’s own national interest.

Cox offers a sarcastic reflection on Walsh’s introduction to his Prospect, in which Walsh had noted the Irish descent of the Stuarts, with Cox commenting:

...now, that the Royal Family of the Stuarts hath ascended the Throne, to whose Sacred Blood the Irish Nation hath contributed, whose Pedigree is founded on the Famous Irish Milesian Princes; now, that the Irish have got their own Countrey-man for their King, a King whose Ancestors and first Predecessors were of their own Blood; a Prince not only of Irish Extraction, but such a one as is of the Royal Line, and even, by the Irish Law, ought to be King of that Island...

And, so, Cox bitterly offers ‘...the Reader must not expect to hear of any more Irish Rebellions, but, on the contrary, that their peaceable and Loyal Deportment will distinguish between Rightful and Usurping Princes’.⁵¹⁶ The account of this difference in nation, as he terms it, has been so great throughout Irish that it is no less than an ‘old indelible National Antipathy’ between the Irish and English. Cox provides several examples of the Gaelic Irish being distrustful of all things perceived to be English, whether they be the laws, customs, language, or even—in one absurd instance—their ‘biscuits’. Aware of the disputes over ancestry which contributed in part to the fracturing of the

⁵¹⁴ Cox, *Hibernia Anglicana*, I, p. 361.

⁵¹⁵ Cox, *Hibernia Anglicana*, II, p. 19.

⁵¹⁶ Cox, *Hibernia Anglicana*, I, pp 1-2.

Catholic Confederation, Cox notes several instances in which the Catholic Irish side-lined their Old English coreligionists. In one case the Bishop of Clogher, Heber MacMahon, purged the Confederate Army of Ulster of its Old English officers following the death of Owen Roe O'Neill. Secondly, Cox references O'Mahony's *Disputatio* which, among its several arguments, advocated 'Not to make a Priest of English Race'. Another of its arguments rejected the right of the Stuarts to rule Ireland and urged the Confederates to select an 'indigenous' Old Irishman as monarch, which Cox notes later in *Hibernia Anglicana* was O'Mahony's 'main Design'.⁵¹⁷ Cox suggests that the Old Irish are fundamentally antithetical to all things English, continually conspiring to drive out the English and purge Ireland of English influence. If this were the case, then just as O'Mahony seeks to drive out the Stuarts the Old English have bargained with those that seek their extirpation.

Richard Cox's history gives the impression of the Irish as fundamentally disloyal, treacherous, and inimical to civility without it being enforced upon them by others. He is utterly derisive of the chronologies of kings presented by Catholic authors, in particular Peter Walsh. Cox regards the ancient kingship detailed by Walsh as a chronology of 'the most horrible Injustices, Oppressions, Extortions, Rapines, Desolations, Perfidiousness, Treasons, Rebellions, Conspiracies, Treacheries and Murders, for almost two thousand Years'. Cox argues that these kings were more warlords ruling without laws or orderly succession, claiming and holding power at the point of a sword, than true monarchs. As he puts it:

These Kings or Monarchs ... did not succeed either by Descent or Election, but by pure Force ... hereupon [Peter Walsh] is forced to confess, That never any Nation upon Earth anneered the Milesian Irish in the most Unnatural, Bloody, Everlasting, Destructive Fewds that have been heard of... so prodigiously Bloody, that as they were first founded, so they still increased and continued in Blood.

⁵¹⁷ Cox, *Hibernia Anglicana*, II, p. 198.

These kings were, in his mind, not monarchs in the early modern sense: ‘it is not to be doubted but it was governed by Kings, but they were such as the Indian Kings in Virginia’.⁵¹⁸ Among these failures is the lack of orderly succession, with Cox—following Tudor authors—decrying tanistry as a ‘barbarous Custom which (like Alexander’s Will) gave the Inheritance to the Strongest’ and gavelkind as ‘yet a more silly Custom’.⁵¹⁹ Cox gives a consistent narrative throughout *Hibernia Anglicana* of innate Irish treachery, bred by their cultural norms and nurtured by scheming Catholic agents. Irish antiquity, to Cox, demonstrates the base level of violence and anarchy that existed before the arrival of Henry II and which Cox believes continually manifests in times of crisis. If—as we have seen Cox argue in the previous chapter on conquest—Henry II arrived into Ireland in the spirit of reform, and reform the goal of successive English monarchs, but greeted with violence by the Irish then this violent behaviour must be antithetical to these reforms. Nicholas Canny argues that this line of reason represents a return to the apocalypticism of earlier Protestant writings, and a denial ‘that any civilization had ever existed in Ireland previous to the English conquests of that country’.⁵²⁰ Cox, however, does not follow Canny’s corollary that this reasoning also represents a denial ‘that any Irish people were amenable to being reformed’, instead Cox’s suggestion is that reformation also means the reform of Irish culture as well as religion.

The Pindaric ode prefacing Borlase’s *Reduction of Ireland* does not make any claim or comment on the debate outlined so far but it does make allegorical references to classical mythology as to the nature of Irish rebelliousness. Instead of tying into the discussion of Irish medieval genealogies, Isham’s poem compares the Irish rebels of the 1640s to the giants of Greek myth and their failed rebellion against the Olympians. The

⁵¹⁸ Cox, ‘To the reader’, *Hibernia Anglicana*, I.

⁵¹⁹ Ibid.; Edmund Spenser’s Eudoxus warned of tanistry that, ‘without first cutting of this dangerous custome, it seemeth hard to plant any sound ordenance, or reduce them [the Gaelic Irish] to a civill government’, in ‘A View of the State of Ireland’, in ‘A View of the State of Ireland’, p. 8; John Davies identifies these as two of the principle challenges which had had to be overcome in bringing order to the Gaelic Irish as these customs ‘made all their possessions uncertain ... by new elections and partitions’, in *A Discovery*, p. 168.

⁵²⁰ Canny, *Imagining Ireland’s Pasts*, p. 100.

rebels of 1641 rose—according to Isham—in spiteful, anarchic rage, eagerly destroying the peace and prosperity of early seventeenth-century Ireland: ‘Vipers in dreadful crowds did Stand / Which their own Mothers Bowels tore / And wallowed in her gore’.⁵²¹ However, this insurrection was crushed, with Isham singling out Borlase’s late father—the parliamentarian John Borlase—for particular praise.⁵²² ‘Thus were their Ancestors the Giants chac’t, /When Jove did on their heads his thunder cast’.⁵²³ The connection to the giants is interesting as their rebellion against the Olympians is a recurrent theme in classical literature, and is presented in early modern literature as an example of rebellion against the natural order.⁵²⁴ By making the giants the allegorical ancestors of the Irish, Isham presents rebellion against the rightful order as the heritage of the Irish and indicates—with some colour—how Irish Catholics might be seen by Borlase’s English audience.

Edmund Borlase was one of the Protestant ‘New English’ in Ireland, a former student of Trinity College Dublin, and a member of several committees of the Irish parliament during the 1640s.⁵²⁵ In his writing, he presents a view of Henry II’s conquest as one necessary for the spread of common law and English customs. His 1672 history of Ireland, *The Reduction of Ireland to the Crown of England*, takes this conquest as its starting point. The form of this history is a narrativised list of the various justiciars, lords deputy, and lords lieutenant appointed by English monarchs; a lens through which to approach the history of English government in Ireland. Borlase rationalises this approach through the importance of high politics and the role of a viceroy as representative of the monarch. He points to two specific types of failure evident among these governors, either

⁵²¹ [Zacheus Isham] ‘A Pindarique Ode’ in Borlase, *The reduction of Ireland*.

⁵²² Rankin, *Between Spenser and Swift*, p. 240; Isham makes no attempt to reconcile the elder Borlase’s parliamentarian service in Ireland with the situation of the 1670s, his aim is purely to laud Borlase’s work and family.

⁵²³ Ibid.

⁵²⁴ Indeed, the namesake of the Pindaric ode, the Greek poet Pindar, composed his *Pythian 8* on the defeat of the giants Porphyrion and Tryphon at the hands of Apollo.

⁵²⁵ MacGilliarivay, ‘Edmund Borlase, Historian of the Irish Rebellion’, pp 86-92: Clarke, ‘Borlase, Edmund (c. 1620–1682)’.

‘through their [personal] Interests’ contributing to the ‘Degenerating of the Old English into the Irish Customs’ or by hard rule ‘alienating’ the Irish.⁵²⁶ Throughout this history, Borlase points to the importance of these governors as personal representatives of English monarchical rule, embodying a similar role as regards the defence of common law as might be expected of the monarch in England.

As previously noted in the chapters on constitutionalism and conquest, Borlase is largely uninterested in covering the history of Ireland prior to Henry II. He does quickly explain why he has chosen not to investigate Ireland before the Normans in explaining why he has little regard for medieval Irish sources and those written in the Irish language. Borlase simply states that Irish chroniclers ‘participate too much’, that is they embellish and edit too freely, leaving ‘few Tracts of their Original ... but what seems fabulous and vain’. Most accounts of Irish history, Borlase laments, were delivered ‘to Posterity by no better then [sic] Bards’.⁵²⁷ This short passage presages Cox’s later and slightly more extensive attack on medieval and bardic accounts of Irish history. Similarly, Borlase’s response to the arguments surrounding the descent of the Irish from the Milesians is much shorter than that given by Cox or even Temple. Following comments on the controversy around O’Mahony’s *Disputatio*, Borlase notes that ‘the Natives ... conceive themselves descended from a Progeny much injured’ by English law. This could not be further from the truth according to Borlase, who simply insists that Ireland was first inhabited by ‘Britains’ with the Scythians ‘and other Easterlings falling in afterwards’.⁵²⁸ The implication by Borlase is that if conquest is not enough of a reason then the descent of the Irish from the ancient Britons could be an argument for British kings having prior title to Ireland.⁵²⁹

⁵²⁶ Edmund Borlase, ‘To the Reader’, *The reduction of Ireland*.

⁵²⁷ Borlase, ‘Introduction’, *The reduction of Ireland*.

⁵²⁸ *Ibid.*

⁵²⁹ This is something which Lynch found himself arguing against, as the story of one ‘Gurguntius’ was used as possible precedent for British kings having dominion over Ireland, Lynch, *Cambrensis Eversus*, III, pp 2-11.

Borlase's curt dismissal of the accounts of ethnic origins and the medieval and bardic sources which present these genealogical accounts is, in large part, a reflection of the nature of his *Reduction of Ireland*. This text is fundamentally concerned with presenting a chronological history of the institutional role of the Lord Deputy of Ireland from the first such lieutenant appointed by Henry II, Hugh de Lacy as Lord Justice of Ireland.⁵³⁰ The scope provides little obvious potential for digression towards genealogical matters but Borlase provides some comments which reflect on 'ethnic' difference. Borlase's *Reduction* reflects the trope common to English literature around Ireland which portrays the kingdom and its inhabitants as inclined towards disruption and rebellion. He notes, for example, the irony of Ireland being (relatively) peaceful during the reign of Edward VI, that 'it may seem strange that among all the horrible Hurries in England, Ireland was then almost quiet'.⁵³¹ He attributed this to either the suppression of rebellions in previous years, to the affairs of England attracting those who 'otherwise would have disquieted affairs' in Ireland, or to the strength of Anthony St Leger and Edward Bellingham as Lords Deputy and Francis Bryan and William Brabazon as Lords Justice.

A rare example of a work by a Protestant author which presents the genealogical argument for the Stuarts in a favourable light is Thomas Sheridan's history of the English parliament (1677). His *Discourse* is primarily influenced by ancient constitutionalism, locating the English parliament and common law as entities that have organically evolved from the different legal and political traditions—ancient British, Roman, Saxon, and Danish—which historically influenced England.⁵³² He later touches on Ireland and repeats the kind of royalism-from-ancestry argument given by Lynch and Walsh. According to

⁵³⁰ Similarly, Borlase's later history of the 1641 rebellion does not dwell at all on genealogy or ancient ethnic distinctions. Borlase's only reference to the Irish prior to Henry II is to disagree with the view, stemming from Giraldus Cambrensis, that rebellion is innate to the Irish, which Borlase sees instead as owing to a lack of unified political and legal order prior to 1603 and the malignant influence of Catholicism, in Edmund Borlase, *The History of the Execrable Irish Rebellion...* (London, 1680), p. 14.

⁵³¹ Borlase, *The reduction of Ireland*, p. 113

⁵³² Interestingly, Sheridan raises doubt about the 'scatter'd *Memoires of Monks*' which comprise the bulk of source material for the early history of English political and legal institutions yet acknowledges that 'they are the best guides we have', *A Discourse on the Rise and Power of Parliaments*, p. 12.

Sheridan, 'the Irish, of whom there are few pure families left' claim 'some pretence to the Kings Favour, as he is lineally descended from *Fergutius*, second Son of the then Reigning King of Ireland, and first of Scotland'. Sheridan, however, coyly distances himself from the argument itself, saying that he 'had it from an Irish Gentleman in France'. This Irish informant tells Sheridan that his 'Countrey-men were so pleased, that they were at govern'd by a King descended from their own Blood royal' that they would give the Stuarts 'the Allegiance due from natural born Subjects, not from a Conquer'd People'.⁵³³ Sheridan's phrasing here belies his own Old Irish origins and almost-certain personal familiarity with these arguments, allowing him to distance himself from his Irish 'Country-men'.⁵³⁴ It is still telling that he finds this genealogical context important in understanding the perception of the monarch in Ireland and that he places this argument in the mouth of an anonymous, presumably exiled Irish Catholic.

Conclusion

One aspect of genealogy in these texts which features time and time again is that of class and social status and its relationship to a person's descent. Very often early modern writers use a person's familial history to explain that person's virtues (or lack thereof), with a common, implicit assumption that noble descent breeds noble individuals. Ian Campbell's work on John Lynch illustrates the kind of 'classism' at play in these texts, with Lynch emphasising the Duke of Ormond's pedigree as indicative of upstanding moral character. While the identification of the Old English of early modern Ireland, as members of a nascent New Irish 'nation' is relatively clear, certain Old English figures occupy a liminal position in texts of this period. Old English notables who are also Protestant present cases where the disjuncture between their ancestry and their confession (but also

⁵³³ dem., pp 144-45.

⁵³⁴ Sheridan's family were Gaelic Irish converts to the Church of Ireland and both of his brothers joined the clergy, Thomas himself graduated from Trinity College Dublin and was a probable associate of both William Petty and the Duke of Ormond before the publication of his *Discourse*, John Miller, 'Thomas Sheridan (1646-1712) and His "Narrative"', *IHS*, 20:78 (1976), pp 106-108.

their politics) lead to their identification being contested by others. This is particularly notable in the case of James Butler, Duke of Ormond, whose famous Hiberno-Norman pedigree—and many notable, contemporaneous Catholic relatives—ran up against his Protestant faith and the course of his political activities throughout the Restoration. Nicholas French, in attacking Ormond and the Earl of Orrery, seized on the ‘national’ identifications of both. He notes that Orrery styles himself ‘an Englishman ... and likewise the Duke of Ormond’ as English too. French notes that while Ormond was born in England, though ‘his Forefathers have all of them beene borne in Ireland about four hundred and sixty years’. He muses that if Ormond had been born in Ireland he might have acted to overturn the Cromwellian settlement. Regarding Orrery by contrast, whose father the first Earl of Cork had come over from England, French could seemingly care little: ‘be what you will, English or Irish’.⁵³⁵

French, of course, does have more to say regarding Orrery’s ancestry. French has little regard for the Boyle family, noting the comparatively humble origins of Richard Boyle, Orrery’s father, and sarcastically remarks that ‘wee are all the Children of Adam’. In French’s eyes, Orrery’s fortunes—like those of his father—came at the expense of ‘a whole Nation, wherein are soe many antient and noble Familyes’. When Orrery writes about the attempted extirpation of the Protestants of Ireland by Catholic rebels in the 1640s, French sees it as rank hypocrisy given how the Boyles rose in prominence: ‘a great and an unwary Impertinency for guilty and contaminated men to reproach the Innocent’. According to French, the Boyles represent the fundamental hypocrisy of the New English, a class of parvenus who have overthrown the Old English and Old Irish elite and project their own crimes on those whom French sees as the true dispossessed. French’s seemingly apathetic imperative to Orrery to ‘be what you will’ is less an invitation for Orrery to consider his nation but more an invitation for reflection on the morality of his position and his attacks

⁵³⁵ [Nicholas French], *The Bleeding Iphigenia* (1675).

on Irish Catholics. As French says regarding his attacks on Orrery, ‘I have but done my duty, in strycking him that stryck’s my Country’.⁵³⁶

The indignity of the Irish landowning classes being dispossessed, in French’s account, comes not just from the injustice of being dispossessed based on falsehoods and despite loyalty to the Stuarts, but also because of who has benefitted from that dispossession. As French puts it, ‘It is indeed a most wonderful conveniency’ for ‘Statesmen’ like Orrery ‘to dispossess the Ancient Proprietor who Fought for the King, and give his Estate to a Fanatick Souldier who Fought for Cromwel’.⁵³⁷ French ties the king’s interest to the ‘Native’ landed gentry of Ireland, asking why royal authority ‘might not be preserved in Ireland for 500 years to come’ just ‘as well as it had for 500 years past, without Extirpating the Natives’. French asks what sense there is in trusting newcomers of low birth and questionable religious and political leanings—who have already fought against monarchy—while dispossessing those families that have already proved themselves?⁵³⁸ Unlike Lynch and Walsh, however, French makes no reference to the Milesian origins of the Stuarts, instead—for French—the loyalty of Irish Catholics is fundamentally linked to their faith. As Catholics, French argues, they can countenance no rebellion against their rightful liege. What makes the Stuarts the rightful monarchs of Ireland, however, is not entirely clear in French’s account.

Colin Kidd points out that the ancient Milesian past imagined by Catholic authors—particularly Walsh—is a sort of ‘polyethnic hybrid’ with successive waves of arrivals each contesting the island and ultimately being assimilated.⁵³⁹ Certainly, this is the depiction given of the prehistoric Irish past by Lynch and Walsh, but Kidd understates the contingent nature of this appeal to ancient precedent. Kidd portrays this as a mentality that became more and more current in Restoration Irish intellectual writings as the Old English found themselves cut off from their Englishness. Kidd presents a gradual rift within the hybrid

⁵³⁶ Ibid.

⁵³⁷ French, *A Narrative of the Earl of Clarendon’s Settlement and Sale of Ireland*, p.13.

⁵³⁸ Ibid., pp 16-17.

⁵³⁹ Kidd, *British Identities Before Nationalism*, pp 152-53.

identity of the Old English as their lack of access to the institutions through which they had held and used political and legal authority—particularly the Irish parliament—provided incentive to turn towards a Milesian past.⁵⁴⁰ However, as we have already seen in the chapters on constitutionalism this was not the case. Appeals to parliamentary authority and legislative independence for the Irish parliament existed concurrently with the construction of a New Irish identity out of the shared experience of dispossession and framed by reference to the precedence of mythological waves of invasion and assimilation (political contingency of these appeals). The best example of this is Lynch's *Cambrensis Eversus*, in which Lynch decries the capture of the Irish parliament by Cromwellians while also presenting a shared descent for the Catholic Irish. Kidd's view of this is that 'the Old English would shed their dual Anglo-Irish identity for an alternative hybrid, a Milesian *mythistoire*'.⁵⁴¹

Old English authors Walsh and Lynch are notably silent on their own Norman roots. Yet, in Walsh's case, it must be borne in mind that his *Prospect* was originally intended to be the first of two volumes, each looking at the two constituent nations of the New Irish individually.⁵⁴² The first part, which became the *Prospect*, is—as has been covered—largely a summary in English of Keating's *Foras Feasa* and Lynch's *Cambrensis Eversus* and defends the Old Irish as a noble people with a history worth writing.⁵⁴³ The second part, never written and only hypothesised by Walsh, would have focused on the Old English and their history and, so, would presumably have covered much of the same terrain as Borlase's *Reduction of the Crown of Ireland* and Cox's *Hibernia Anglicana*. It seems a reach to presume that Walsh's history reflects purely a shared 'mythistoire' when the author acknowledges it to be only one half of an unwritten whole. Walsh's New Irish 'nation', when based on his *Vindication* and his *Prospect*, is one whose most recent and

⁵⁴⁰ *Ibid.*, p. 154.

⁵⁴¹ *Ibid.*, p. 155.

⁵⁴² Rankin, *Between Spenser and Swift*, p. 257.

⁵⁴³ Walsh is however leier of the violence of the pre-Norman Irish past than Lynch, though he does accept this as typical of those times rather than an exceptional brutality particular to the Gaelic Irish.

most distant histories are recorded, but not the intermediate span of four to five centuries. It is unfortunate that an author like Walsh, who conspicuously acknowledges his own status as an Old Englishman attempting to reconcile his hybrid political identity, did not write his intended history of the ‘English Irish’.

The overwhelming interest these authors hold in the events of the 1640s and the lasting consequences of these events in Ireland unsurprisingly tilts their texts towards continued reflection on recent history, even when looking toward the distant past. What this means for understanding descent and ‘ethnicity’ in this period is that—particularly for Irish Catholics—the brief and unstable political unity of the Catholic Confederation presents something of an enduring model for ‘New Irish’ identity. The political undertones to this are obvious and yet must be remembered as the oaths of the Confederates and their claims of loyalty to the Stuarts prove to be of paramount importance in the Restoration period. By identifying with the Confederates, Irish authors attempt to distance themselves from claims of rebellion and set themselves in opposition to those they see as former Cromwellians, like the Earl of Orrery. Peter Walsh for example is at pains to point out that the Confederates rejected Conor O’Mahony’s exhortations to find an ‘Irish’ monarch to replace Charles I, and Walsh later endorses the view that the Stuarts are of Milesian descent.⁵⁴⁴ This process of identification also involves a level of reframing and rehabilitation, seizing the memory of the Confederates to suit the combination of Catholicism and Stuart loyalism integral to this ‘New Irish’ identity. Both John Lynch and Walsh distance Richard O’Ferrall from the Catholic Confederates while rejecting O’Ferrall’s criticisms of the Old English as fundamentally lacking as Catholics. Both O’Mahony and O’Ferrall are essentially portrayed as cranks operating at the fringes of their respective religious orders, and so their views are depicted as entirely unrepresentative of the broader mainstream of mid-seventeenth century Irish opinion.

⁵⁴⁴ Walsh identifies O’Mahony, along with O’Ferrall, as one of two authors of certain ‘wicked books’, and reports that the *Disputatio* was publicly burnt by order of the Confederate Supreme Council, *The Irish Remonstrance*, pp 707, 739.

Kidd is too quick to throw out the concept of the *ethnie*, as the acknowledged focus on monarchy and the descent of the Stuarts in texts by Irish Catholics is not a product of the worldview of the medieval texts that they draw from. Instead, it is an active political strategy, an attempt to co-opt and shape these earlier genealogies to fit political arguments made in a time of tension and crises. Their argument is not that of medieval bards and annalists but early modern people caught between their potentially conflicting loyalties and national identities. Their mentality is close to the ethnic nationalism laid out by Smith, with its emphasis on genealogy and lineage. The four points of Smith's 'ethnic model', with its emphasis on myths of descent, on vernacular culture and of 'nativist' history—both reproduced in this case in print for new, non-Irish audiences—and 'commitment to "the people"' appears to match the kinds of arguments made by Lynch, Walsh, and O'Flaherty.⁵⁴⁵ While they each locate the Stuarts within a Milesian, they are, in truth, focussed on asserting and defending a 'New Irish' nation, one of shared faith, of common cause, and intertwined ancestry. To this, they append the Stuarts in a demonstration of loyalty, independent of hostile political institutions in Dublin and London. In turn, Cox, inspired by John Temple and Giraldus Cambrensis, seeks to dismantle the foundations of this identity, attacking the credibility of their sources and emphasising the duplicitous hostility of the Irish to English institutions of civility and religion in the established Church of Ireland, common law, parliamentary authority, and against English monarchs themselves. In this respect, the divide between these two arguments comes close to a clash between ethnic and civic models, between a New Irish 'nationalism' of shared origins and motivations and a New English 'nationalism' of laws and codes, order and civility, to which the Irish are resistant. It must be asked, however, that if the Irish parliament were so not closed off to Catholics after the Restoration, would the arguments of Patrick Darcy—which sought to make English common law amenable to Irish customs—have had more currency?

⁵⁴⁵ Anthony D. Smith, 'When is a Nation?', p.7; this fourth point, with its reference to 'popular mobilisation', could be accommodated if we take the view that Lynch et al. would see the place of the dispossessed elite of Ireland as to lead the people of Ireland, being 'of' that people, unlike the New English.

It is ultimately clear that the turn by these Catholic authors to the monarch and the emphasis on shared ancestry is a product of their sense of dispossession and political vulnerability in the Restoration period.

7. CONCLUSION

This thesis is the first study to examine in depth how authors in the Restoration period in Ireland could read into the past and draw—often from the very same events and sources—different conclusions which reflect their political, religious, and intellectual contexts. It should be asked—as of any historical research into identities and political and religious theory—how do we know that our sources believed what they argued? There is, unfortunately, no easy answer, but this thesis has demonstrated amazing intellectual flexibility on the part of these early modern authors. They are active participants in the process of remembering through their approaches to past events and responses to earlier material. The selection of sources by these authors and the arguments that they present are revealing as to their preoccupations and concerns. They can be exceptionally pragmatic about the kinds of arguments that they offer, however, and this flexibility has been all-too-overlooked. While Kidd argues that appeals to parliament were ‘closed off’ to Irish Catholics following the Restoration, this proves only temporary and—in the meantime—they adapt. Catholic authors—on the back foot after hopes for their cause were dashed by the 1662 Land Settlement—focus their appeals to the monarch. They protest their loyalty directly to Charles II in the face of accusations of treason, couching their loyalty to the Stuarts in historical arguments about conscience and toleration, the rights of subjects stemming from Magna Charta, and shared Milesian descent. Once Irish Catholics find themselves in the position to do so—once in control of the Irish parliament under James II—they reframe the accusations which were once levied against them as reflections of Protestant usurpation. Protestant authors, by contrast, present a narrative of persistent disloyalty, feigned obsequiousness, and wilful dissimulation on the part of Irish Catholics in their seeming refusal to conform in both religion and manners.

This thesis has also demonstrated that Anthony D. Smith’s *ethnie* is a useful approach for conceptualising the competing, proto-national groups of late seventeenth-century Ireland. While the term ‘identity’ is not used by these authors, nor do they usually

describe themselves in any such clear-cut way, we can observe the construction of identities through the arguments they construct around the past in response to the present. As the ‘New Irish’ found themselves bound together in common cause following the disasters of the mid-century, the historical conflict between the Gaelic Irish and Old English was reinterpreted in light of this new situation. Peter Walsh’s famous ‘twins of Rebecca’, the two ‘Nations’—like Jacob and Esau ‘struggling in the Womb perpetually’—is reimagined as centuries of mutual assimilation.⁵⁴⁶ Lynch and Walsh—two Old Englishmen—have cause to promote this Irish unity in the face of recrimination from fringe authors like Conor O’Mahony, Richard O’Ferrall, and the author of the ‘Aphorismical Discovery’ and they set about it with determination. The Gaelic Irish past, the deep antiquity of the Milesians and the Lebor Gabála Éirenn, becomes the shared inheritance of the Catholic Irish in *Cambrensis Eversus* and *Prospect*, bound up after many centuries of contact and intermarriage. They defend the Gaelic Irish and their pre-Norman culture, politics, and religion in order to lay claim to it as part of their own history. This thesis has examined how they attempted to reconcile any apparent contradictions in these claims. The accusation—stemming from Spenser and Davies and perpetuated by Cox—that the Old English had become degenerate by their closeness to the Gaelic Irish is instead turned by Lynch and Walsh into a source of pride. To Lynch and Walsh, the ancient Irish were no more barbarous or deficient in religion than any other pre-Christian people and the patrician church had been saved by St Malachy rather than utterly ruined and corrupted. In uniting Gaelic Irish and Old English, Lynch, Walsh, and Roderick O’Flaherty are able to select the aspects of their common heritage which suit their purposes. Each of these authors repurposes arguments from earlier authors—such as Geoffrey Keating, Dubhaltach Mac Fhirbisigh, and Philip O’Sullivan Beare—recontextualising their material into a new, Restoration-era context.

⁵⁴⁶ Walsh, *Prospect*, p. 5.

Richard Cox and Edmund Borlase likewise draw heavily from earlier authors, with Cox, in particular, appropriating the theological arguments of eminent Church of Ireland clerics like James Ussher and Henry Jones in the service of a political narrative. Cox addresses Irish genealogical history just as John Temple had done briefly in his *Irish Rebellion* and—like Temple—Cox is clearly addressing these arguments in bad faith. To Protestant authors like Cox, Borlase, and Temple, Irish claims of loyalty to the Stuarts are irrelevant at best, and entirely disingenuous at worst. Following the line of reasoning established by Spenser and Davies—and Giraldus Cambrensis before them—Borlase and Cox reproduce the narrative of Gaelic Irish barbarity and Old English degeneracy. The influence of the Protestant theologians, however, presents an interesting complexity to this narrative. As Cox insinuates in his dedications to William of Orange, he envisages a reformation of manners—of civility as well as religion—may be possible for Ireland. Just as a ‘New Irish’ identity emerges from the 1640s, the legacy of that same decade reframes the deep past of Ireland for English and Scottish Protestants. Even in avoiding the quagmire of 1641, the Confederate Wars, and the Cromwellian invasion of Ireland, this thesis has demonstrated that Richard Cox could only see his contemporary situation as yet another in a long-running series of outrages committed by Catholics in Ireland. Just as Borlase’s history of the Lords Deputy of Ireland reinforces the perceived need for effective government in Ireland, Cox suggests that, through total and comprehensive reformation, Ireland might yet again be pacified and finally converted. The differences he sees between the ‘British’ and Irish he concludes are—in essence—contrarian acts of defiance, emboldened—as Ussher, Jones, and other Protestant observers had concluded—by hostile Catholic agents. Stewart’s ‘Short Account’, however, demonstrates that it was also possible for a non-conformist narrative to use some of these same sources in defence of those dissenting Protestants likewise tarred with the brush of disloyalty.

By examining the Tudor and early Stuart sources that these authors drew from, as well as those sources written in the wake of the Williamite War in Ireland, this thesis has shown how these arguments have developed and adapted over the course of the

seventeenth century. This focus on deep histories, supplemented by paratextual sources which make use of similar arguments and rhetoric, has allowed us to assess how the past—both recent and distant—was shaped in service of the intellectual, political, and religious, and arguments of the Restoration period in Ireland. One recurring outcome of this assessment is a clear pattern of ironies and seeming contradictions borne out of the contingent nature of the arguments made by these authors. The very intellectual flexibility that these authors must occasionally utilise can lead them into adopting positions and rhetorical strategies which at times appear contrary to their interests or detrimental to the coherence of their arguments. This pattern is most apparent in Catholic authors discussing the bases of English rule in papal grants and Protestant authors intent on pursuing a Patrician origin for their church. Yet, this thesis also demonstrates that there is often some strategy at play—some purpose—and some level of awareness on the part of the authors, if unacknowledged by them.

From this intellectual milieu, this process of reshaping and readoption of older arguments into new contexts best exemplified by Molyneux's reworking of Domville's earlier text, we can trace certain foundations of later Irish political thought. Some avenues proved immediate dead ends, such as Stewart's unfinished attempt to shape a Patrician origin for Ulster-Scots Protestantism in the manner of Ussher's work. Others, such as the appeals by Catholic authors to the Gaelic origins of the Stuarts become wedded to the Jacobite cause and politically fraught but enduring—if potentially losing something of their avowed religious pluralism with the defeat of James II. The truest survivors are ultimately the constitutionalist arguments, which—through Molyneux and the institution of the Irish Parliament—find further development in the politics of eighteenth-century Ireland. It is a further—and somewhat fitting—irony that the kinds of arguments used by the Catholic Confederates Patrick Darcy and Nicholas Plunkett and invoked again by the Jacobite 1689 Parliament should be reused and reshaped by the Anglo-Irish benefactors of Cromwellian and Williamite settlements. Just as the Old English tendency toward parliament and common law brought in some of the Gaelic Irish during the seventeenth

century, and—by the eighteenth century—legislative independence became a solidly cross-confessional political platform.

Limitations and Directions for Future Research

There are two primary limitations to this thesis, both of which relate to tracing the spread of these ideas beyond the works selected. While this thesis stands as is and has answered the questions set out, further work on these two areas would greatly enrich the work undertaken here. Firstly, there is the fundamental issue of dissemination. What life did the ideas and concepts discussed in the themes outlined in this thesis have outside the works of Lynch, Walsh, O’Flaherty, Cox, and other writers of ‘deep’ history? As this thesis has necessarily focused on the arguments contained within these texts, selected for the significance of these arguments as representative of the use of deep history in constructing identities, less space has been given here to dissemination and reception. The focus, as stated, has been primarily on the rhetorical strategies and arguments used by the authors in reading and reshaping the past for their present contingencies. Unfortunately, the intermittent closure and restricted access to relevant libraries and archives owing to the Covid-19 pandemic during the final year and a half of this thesis made undertaking any additional archival work in this regard significantly more difficult.⁵⁴⁷

Secondly—and related to the aforementioned issue of dissemination and reception—while history-writing is the most obvious genre which focuses on the past, other forms and modes of writing and narrative story-telling can and do feature the past strongly. As mentioned in the literature review, poetry was a flourishing genre in early modern Ireland and among the Gaelic Irish in particular, despite the decline of the established Gaelic literary tradition. Here we should expect to find further signs of the past being used to comment upon the present. In particular, the poetry of Dáibhí Ó Bruadair

⁵⁴⁷ One manuscript source which I had hoped to access in person is BL Add MS 72883, ff 4-7, a letter from Katherine Jones, Lady Ranelagh, to William Petty, with her comments on Petty’s draft response to Nicholas French’s *Narrative of the Settlement and Sale of Ireland*.

carries across many of the themes outlined but constraints of time and structure necessitated that—despite work undertaken in this regard—this poet’s corpus be left out of this thesis.⁵⁴⁸ Similarly, deeper engagement with the recently translated Neo-Latin epic *Poema de Hibernia* demonstrates the use of the past in constructing the present and can be expected to further the themes outlined in this thesis. English-language poetry, too, was no less a feature of early modern Irish writing, as Andrew Carpenter has demonstrated.⁵⁴⁹ This is an area which this thesis would otherwise have drawn from in greater depth and engaged further with the literature on poetic forms in Restoration Ireland but for time constraints.

This thesis has also opened up further avenues for historical research, some of which are emergent from the problems faced in researching Irish and British intellectual history and some of which could further test the hypothesis of contingent political identities by locating them in new contexts. Firstly, while work has been done on the social connections of aristocratic circles, much has yet to be done on the direct personal connections within the intellectual elite of early modern Ireland as these connections tend to be tangential to studies of individual authors and their works.⁵⁵⁰ There is no single work that identifies the social networks at the heart of Restoration-era intellectual thought despite—or, perhaps, because of—it is clear that these authors are often only one or two steps removed from each other. Merely stating, however, that these authors are familiar with each other would rapidly prove to be a trivial exercise. A work that examines these

⁵⁴⁸ Dáibhidh Ó Bruadair, *Duanairé Dáibhidh Ó Bruadair*, ed. John Mac Erlean, 3 Vols. (Dublin, 1908-17); further work on Irish poetry would also necessitate deeper engagement with the work of Breandán Ó Buachalla and Vincent Morley, e.g. 'Views of the past in Irish vernacular literature, 1650-1850', in Tim Blanning and Hagen Schulze (eds), *Unity and Diversity in European Culture c.1800* (Oxford, 2006), pp 174-98, in which Morley examines the influence of Keating on the poet Seán Ó Conaill and his 'Tuireamh na hÉireann' (c.1650s), and the later reception of that poem including, among others, Seán Ó Gadhra.

⁵⁴⁹ *Verse in English from Tudor and Stuart Ireland*, ed. Andrew Carpenter (Cork, 2003); one work worth further analysis is the puritan Faithful Teate's 1658 devotional poem, *Ter Tria*, ed. Angelina Lynch (Dublin, 2007).

⁵⁵⁰ See Jane Ohlmeyer, *Making Ireland English: the Irish Aristocracy in the Seventeenth Century* (London, 2012); Naomi McAreavey, 'Female alliances in Cromwellian Ireland: the social and political network of Elizabeth Butler, marchioness of Ormonde', *IHS*, 45:167 (May, 2021), pp 22-42; a notable exception is Ray Gillespie, *Reading Ireland: Print, Reading, and Social Change in Early Modern Ireland* (Manchester, 2005), which identifies personal connections as an important factor in the spread of printed material.

social networks would need to establish its significance in evaluating how information and ideas travelled between contacts and what kinds of social ties mattered in this regard, and it is possible that not enough primary material survives for this to be done.

Secondly, and more promisingly, this thesis opens the door to examining how these ideas drawn from the Irish past develop in contexts outside of Ireland. The involvement of Irish Catholics—particularly those from an elite Old English background—in the early British empire in the Caribbean, Americas, and India leaves open the question as to whether the concepts and ideas outlined in this thesis were transmitted by them to British colonies. English Tangier, for example, boasted a significant population of both Catholic and Protestant Irish officers and soldiers among both its garrison and governors, such that it caused concern back in England.⁵⁵¹ Significant numbers of Irish also migrated to the colonies in the Americas and Caribbean during the latter half of the seventeenth century, with Irish merchant families establishing themselves overseas.⁵⁵² India, too, evidences the spread of the Irish into the new English colonial world, their surnames—both Gaelic Irish and Old English, difference subsumed within this colonial project—are found among the garrison of ‘English’ Bombay.⁵⁵³ The spread of the Irish into the English Atlantic and Indian colonial world offers opportunities to further examine the tension between the Irish as colonised and colonisers. For example, the Irish experience of empire outside Ireland could test the humanist concept of ‘slaves’—those deprived of their rightful political liberties—against the emerging practice of chattel slavery defined on racial lines, in which many Irish figures were complicit. Furthermore, did the development of concepts like liberty of conscience and the stereotypically English ancient constitutionalism planted

⁵⁵¹ Tristan Stein, ‘Tangier in the Restoration Empire’, *Historical Journal*, 54:4 (2011), pp 985-1011; the second Earl of Inchiquin served as lieutenant-governor, as did the Catholic Thomas Dongan, second Earl of Limerick, ‘the rise of Catholic governors and Irish soldiers brought the most visible indication that Tangier existed in a dangerously separate jurisdiction’, Gabriel Glickman, ‘Empire, “Popery,” and the Fall of English Tangier, 1662-1684’, *Journal of Modern History*, 87:2 (June, 2015), pp 265-66; the latter was also related to the Talbots and would later serve as governor of New York, being deposed in 1688 as a Catholic follower of James II.

⁵⁵² Jane Ohlmeyer, ‘Introduction: Ireland in the Early Modern World’, in idem (ed.), *The Cambridge History of Ireland, Vol. 2: 1550–1730* (Cambridge, 2018), pp 14-15.

⁵⁵³ Idem, ‘Eastward Enterprises: Colonial Ireland, Colonial India’, *Past & Present*, 240:1 (Aug., 2018), p. 85.

outside of England in Irish histories shape similar ideas and concepts in the writings of later colonists about their own colonial experiences? ⁵⁵⁴

⁵⁵⁴ To this end, I am thinking in part of Pennsylvania and the Calverts' Catholic colony of Maryland. The writings of proprietor William Penn did not reveal anything relevant to this thesis regarding a connection between his experience in Ireland as member and patron of a religious minority—the Quakers—and his views on conscience and toleration but it is a path I intend to investigate further.

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