



Review [Untitled] of The Irish Constitutional Revolution of the Sixteenth Century by Brendan Bradshaw

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Author(s)	Ellis, Steven G.
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Reviews and Short Notices

THE IRISH CONSTITUTIONAL REVOLUTION OF THE SIXTEENTH CENTURY. By Brendan Bradshaw. Pp x, 303. Cambridge: Cambridge University Press. 1979. £16.00.

Twenty years ago, Professor G. R. Elton dismissed Ireland in his study of *The Tudor constitution* (Cambridge, 1960) with the note that the country 'hardly comes within the confines of constitutional history' (p.33, n. 3). It is indicative of the advances recently made towards a new synthesis on Tudor Ireland that one of his students can now argue that the period witnessed a revolution in the constitutional status of the lordship. Dr Brendan Bradshaw suggests that the combination of a local reform movement in the Pale and major towns with a London-based one centred on Thomas Cromwell created the conditions in which a significant revival of crown government occurred in the 1530s throughout Anglo-Ireland. This revival was closely supervised by Cromwell but, after his execution, local reformers under a new deputy, Sir Anthony St. Leger, devised a more ambitious plan. This aimed to solve the crown's Irish problem by extending English law and forms of landholding throughout Gaelic Ireland by conciliatory methods while, concurrently, the constitutional revolution was completed by the erection of the lordship into a kingdom. It was the self-interested efforts of English adventurers to undo this work after Henry VIII's death which, Dr Bradshaw argues, transformed earlier separatist ideas among the colonists into an Anglo-Irish nationalist ideology.

Undoubtedly, this book constitutes in many respects a major advance in our understanding of Tudor Ireland: it adds a new dimension to the subject and substantially revises previous orthodoxy. Nevertheless, it also contains important weaknesses. Constitutional change there certainly was, but the reader is left uncertain as to whether in practice this amounted to a revolution. Arguably, Dr Bradshaw has rather demonstrated a revolution in constitutional ideas within an Anglo-Irish reform movement. The work is based on a careful examination of the surviving state papers but it ignores transcripts of administrative rolls and records in Ireland and is therefore more effective concerning contemporary views about the weaknesses of crown government than how it functioned in practice. More understandably, in view of the paucity of research on the period, some of the supposed changes of the 1530s are in fact postdated from the late medieval period and, at times, the revival of crown government hangs on an exaggeration of its previous decrepitude. The style is generally lucid, sometimes provocative, although the occasional failure to refer to work being criticised (of which there is much) hampers the reader in assessing the book's originality (e.g. pp 215, 217, 273).

The book opens with a convincing summary of the medieval legacy to Henrician Ireland in which Dr Bradshaw succeeds in the difficult task of reconciling a description of relations between *Gaeil* and *Gaill* with an account of those between crown and colonists. There follows a discussion of the emergence of an Anglo-Irish reform movement, largely in response to a growing crisis in the lordship (pp 15, 19, 31, 35), but soon influenced by humanism and the idea of the commonwealth. The lordship's

decline is however assumed rather than argued, and the novelty of the movement c. 1510-30 is certainly exaggerated. For example, the Irish parliament's address to Edward IV in 1474 (printed in Donough Bryan, *The Great Earl of Kildare* (Dublin, 1983, pp 18-22) urged, preparatory to a general conquest, a particular reformation by means of colonisation, despite Dr Bradshaw's claim that this strategy 'lay dormant throughout the late medieval period' (p. 45). Conquest was also considerably more than an 'optional extra' (p. 56). Moreover, a more detailed examination of surviving evidence would probably show that support for reform was both more widespread and ambiguous than is suggested; and officials are sometimes categorised somewhat rigidly as Geraldines, Butlers or reformers primarily according to later evidence of their subsequent conduct. For example, the careers of the pioneering reformer, Sir William Darcy, and the 'pro-Butler' official, Robert Cowley (pp 37, 110) appear very similar. Darcy served as sheriff of Meath (1496, 1500), receiver-general (1501), undertreasurer (1505), and councillor to the Great Earl, despite Dr Bradshaw's remark that his relations with Kildare were 'always uneasy' (p. 37, cf. pp 35, 40-41); whereas Cowley had been customer of Dublin (1505) before becoming councillor. In 1513, the ninth earl dismissed both from office and as his councillors, not after Darcy's criticism of Kildare's government (probably supported by Cowley) before the English council in 1515 (p. 77), a fact which makes the criticism look like an attempt at revenge. Cowley was appointed clerk of the council under Surrey, whereas Darcy eventually received the lesser office of customer of Drogheda (1521), probably with Ormond's support. Darcy was Ormond's under-treasurer in 1523, but Kildare dismissed him in 1524 in favour of another reformer, Lord Trimletiston (pp 79-80), so circumventing Ormond's appointment as treasurer (p. 68). Finally, both Trimletiston ('ever a Geraldyn') and Darcy were implicated in the Kildare rebellion.¹

After an important chapter in which certain hitherto unnoticed aspects of Surrey's lieutenancy and changing alliances among Gaelic and Anglo-Irish lords are studied, there follows a lengthy discussion of the aims and significance of Cromwell's Irish policy. This demonstrates convincingly the extent to which it was shaped by Cromwell's grasp of similar problems in other outlying regions of the Tudor state. It includes topics discussed by Dr Bradshaw elsewhere, but it is useful to have these set in a wider context and in fact they appear to include slight revisions (e.g., cf. p. 103 with *R.Hist. Soc. Trans.*, 5th ser., xxvii (1977), p. 87). I have, however, suggested elsewhere that the novelty, far-sighted planning, and achievements of Cromwell's policy are somewhat exaggerated ('Thomas Cromwell and Ireland, 1532-40' in *Hist. Jn.*, xxiii (1980), pp 497-519) and it would be superfluous to labour these points here. Dr Bradshaw breaks new ground, however, in claiming that Cromwell's policy also caused the supersession of the existing, medieval constitutional status of the lordship (p. 139). His case seems to rest on Cromwell's close supervision of the lordship in the 1530s in contrast with the decades both before and after. Undoubtedly, Cromwell's strategy of unitary sovereignty meant that policy was increasingly made in London and the importance of the Dublin administration was correspondingly reduced, but this did not of itself alter the lordship's formal constitutional status. It reflected rather different styles of government. The statement that 'for the first time correspondence between the two administrations became a regular feature of government' (p. 141) is in any case an exaggeration.

The medieval relationship between lordship and kingdom is outlined in Richardson and Sayles, *Ir. parl. in middle ages*, ch. 16: the lordship's institutions were ultimately

¹Memoranda rolls, 15 Henry VII m. 13 (P.R.O.I., RC 8/43, p. 179), 20 Henry VII m. (ibid., Ferguson repertory, iv, 59), 15 Henry VIII mm 5, 20d (B.L., Add., MS 4791, ff 199v, 200v; P.R.O.I., Ferguson coll., iv, f. 88), 16 Henry VIII m. 4 (B.L., Add. MS 4791, f. 199v); B.L., Royal MS 18C. XIV, f. 57v; N.L.I., MS 761, p. 327; *Rot. pat. Hib.*, p. 272b, no. 6; *Cal. Carew MSS, 1515-74*, no. 60, *Bk of Howth*, pp 192-3; P.R.O. E. 101/248/21; *S.P. Hen. VIII*, ii, 64, 117, 245, 269, iii, 64.

dependent on those in England even though, in practice, they enjoyed a measure of autonomy. Thus the English parliament, council, king's bench, exchequer and the royal seals there all at times dealt with Irish business. Dr Bradshaw ignores these topics, and the evidence he cites of Cromwell's interference in the *minutiae* of Irish administration, though worth having, is beside the point. No doubt Cromwell did conceive its functions in terms of regional councils elsewhere, but, unlike the council in the north, the Irish government was clearly more than merely 'a regional extension of the English one' (p. 143). And King's Bench in Ireland remained competent to review matters arising in the liberty of Wexford: it was in fact the threat of such interventions which caused anxiety about the 'learned men of Dublin', notwithstanding Cromwell's desire to deal with Wexford matters directly (pp 143-4). The demonstration, against the received interpretation, of the reasons for the suspension of Poynings' Law in 1536 is more to the point (pp 146-54), but this was after all only a suspension. Finally, the meaning of Lord Chancellor Audley's statement concerning the constitutional relationship between England and Ireland (p. 162) was little different from the Irish parliament's assertion in 1474 that 'the realme of England is bound to the defense of his land of Irland by resoun that it [Ireland] ys oon of the membres of his moost noble corone' (Bryan, op. cit., p. 22). Certainly, the Irish statute of 1460 to which Dr Bradshaw refers (pp 29, 161) implied a different relationship, but circumstances surrounding its enactment were exceptional and it was soon disregarded.

In fact, the survival in general of the medieval constitutional arrangements explains the amendment of bills aimed at subordinating the new Irish Church more closely to Canterbury and the English chancery (pp 168-9). These implied a fundamental change in the constitutional relationship between lordship and kingdom, by which English institutions should act for Ireland in the first instance, and were amended to allow the Dublin administration to act alternatively. And the bill to restore parity between sterling and the Irish currency was rejected on economic grounds (p. 169). It may be that constitutionally Cromwell envisaged incorporating the lordship more closely into the kingdom, but this is all the evidence proves.

In the 1540s, some constitutional change certainly occurred, and here Dr Bradshaw is slightly more convincing. Surrender and regrant was of course no more than 'well begun' (p. 221), and there is again no discussion of the instruments by which the dependency of the medieval lordship had been maintained, but the implications of the act for the kingly title are fully outlined, and the reformers clearly had in mind the abolition of the medieval distinction between English subjects and Irish enemies. Nevertheless, the survival of Poynings' Law and the continued use of the English seals for Ireland do not accord with Dr Bradshaw's claim that the Dublin administration became 'the executive of a sovereign crown government' (p. 253). And he also acknowledges the survival of legal impediments to social intercourse between English and Irish (pp 265-6, 280-81). These were certainly enforced under Edward VI, and proceedings sometimes refer to 'inimici Hibernici'.² Thereafter, the argument that the erection of the lordship into a kingdom stimulated the development of a new Anglo-Irish nationalist ideology in opposition to the later, New-English programme for the reduction of Ireland is very plausible and adds considerably to our understanding of the emergence of an Old English élite.

Printing errors are few (e.g., pp 27, 76, 88, 250), but the following inaccuracies should be corrected. Until Henry VIII's reign, the normal distinction was between 'Irish enemies' and 'English rebels', not 'Irish rebels' (p. 14), and Henry's use of the latter term may be significant. Sir John Stile was so far from being 'a treasury expert' (p. 78), that he lacked legal training or knowledge of the *cursus scaccarii* (*S.P. Hen. VIII, ii*, 95. For his reputation as English ambassador in Spain, see Garrett Mattingly, *Renaissance diplomacy* (London, 1955), p. 152). The dates of Skeffington's first

²E.g. Memoranda rolls. 1-2 Edward VI m. 159, 3 Edward VI mm 26, 27, 28, 29, 31, 5 Edward VI m. 6 Edward VI m. 17 (P.R.O.I., Ferguson coll., v. ff 90, 97-7v, 138, 168).

deputyship were 1530-32, and of his second 1534-5 (pp 99, 130). The judges of the central courts did not normally hold quarter sessions, and this is not what the *Ordinances* required (p. 101). After 1534, it is stated, 'the role of chancery as a court of equity jurisdiction was normalised' (p. 102), and in the 1540s occurred 'the reconstitution of chancery's equity jurisdiction' (p. 253); these changes are nowhere explained, and the real developments had in fact occurred rather earlier (e.g. *Cal. pat. rolls, 1494-1509*, pp 7, 15; P.R.O., E. 101/248/21). Maynooth Castle fell in March, not July, 1535 (p. 173). The O'Tooles had been ousted from the manor of Powerscourt by 1500 at the latest (p. 202); Memoranda roll, 15 Henry VII m. 21 (P.R.O.I., RC 8/43, p. 201). John Travers had in fact held the licence to the Bann fishery since 1534 (p. 220; P.R.O., S.P. 65/1/2). The statute of 1478 restricting parliamentary sessions to Dublin and Drogheda was, if enforced, modified in 1479, and parliaments had since been held at Trim, Naas, Castledermot and Limerick (p. 240. Cf. Richardson & Sayles, *op. cit.*, p. 265).

Overall, the book's contribution in charting developments in the political ideas of the Gaelic and Anglo-Irish is persuasive. There is a commendable attempt to use Irish bardic poetry to understand the ideology of late medieval Gaelic lords (pp 21-8), and a plausible argument tracing the origins of a new ideology of Gaelic nationalism to the Geraldine League (pp 177-84). It is much less reliable, however, concerning constitutional change. Dr Bradshaw has succeeded in focussing attention on a neglected aspect of Tudor Ireland: subject to further research, however, it appears that constitutional change lagged too far behind ideas to speak of a constitutional revolution.

STEVEN G. ELLIS
*University College,
Galway.*

THE TWILIGHT LORDS: THE EPIC STRUGGLE OF THE LAST FEUDAL LORDS OF IRELAND AGAINST THE ENGLAND OF ELIZABETH I. By Richard Berleth. Pp 316. London: Allen Lane. 1979. £7.50.

'Popular' histories of Ireland have rarely been treated kindly by professional Irish historians and American scholars who attempt to make a contribution to Irish historical studies have often, usually quite understandably, been treated even less kindly. *The twilight lords*, a self-professed 'popular' history written by an American with a doctorate in renaissance studies, seems then to contain all the right ingredients for a highly critical review in a journal devoted to research in Irish history. Yet, there are several reasons why the book is worthy of serious consideration by students of early modern Ireland.

It should be said at the outset that the book, which is concerned with the conflicts which occurred between the last 'great feudal barons' of Munster (with a chapter on Hugh O'Neill) and the Elizabethan government in Ireland, is not a success as a 'popular' history. Much of the book is taken up with rather tedious accounts of military encounters and it becomes increasingly difficult to remember which particular conflict is being described: one Irish war sounding much like another. Yet, Dr Berleth, although relying entirely on printed sources, does manage to convey an impression of the misery and squalor which confronted Elizabethan forces trying to cope with the guerilla war tactics of native Irish soldiers. The horrors of the Irish countryside, for soldiers used to more sophisticated warfare on the continent, are often over-looked by more professional accounts of the same period. As Dr Berleth indicates, the rain, the mud, the bogs, the labyrinthine hills reduced many notable Elizabethan commanders to despair and defeat, several of them contracting the curiously catching disease of Irish fever.