IRISH HISTORICAL STUDIES

Factions, feuds and noble power in the lordship of Ireland, *c*. 1356–1496

On 17 September 1496 Gerald, eighth earl of Kildare (the 'Great Earl'), landed at Howth, County Dublin, after a lengthy and troubled voyage from England. One of the earl's fellow travellers gave thanks to God for his safe arrival.[1] If Kildare did likewise, his gratitude probably sprang less from his delivery from the natural elements than from his survival of a hostile political climate at court. Since the battle of Bosworth in 1485 not one but two Yorkist pretenders had found support in Ireland. The first of them — Lambert Simnel — was crowned in May 1487 as 'King Edward VI' in Christ Church cathedral, Dublin, after which a parliament was held in his name. Kildare was chief governor of Ireland during both conspiracies. More recently he had faced allegations of treason during the expedition of Sir Edward Poynings (1494–5).[2] Despite this dubious record of loyalty to the newly established Tudor dynasty, on 6 August 1496 Henry VII appointed the Great Earl lord deputy of Ireland.

The appointment was a sign of the king's trust, but it was a trust qualified by the fear that at Kildare's return Ireland would sink once again into a mire of factional strife. For the past four decades the Geraldine earls of Kildare and the Butler earls of Ormond had coexisted in a rancorous relationship.[3] The Butlers had been the dominant, though not unchallenged, resident English nobles in Ireland since the mid-fourteenth century, and they refused to give way gracefully to the power that the earls of Kildare had exercised since the 1450s. As recently

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[1] Agnes Conway, *Henry VII's relations with Scotland and Ireland, 1485–1498 …* (Cambridge, 1932), p. 232.

[2] For the career of the eighth earl of Kildare see Donough Bryan, *Gerald FitzGerald, the Great Earl of Kildare (1456–1513)* (Dublin, 1933); *Oxford D.N.B*. For Henry VII's relations with Ireland see Conway, *Hen. VII, Scot. & Ire*.; G. O. Sayles, 'The vindication of the earl of Kildare from treason, 1496' in *I.H.S*., vii, no. 25 (Mar. 1950), pp 39–47; S. G. Ellis, 'Henry VII and Ireland, 1491–1496' in J. F. Lydon (ed.), *England and Ireland in the later middle ages: essays in honour of Jocelyn Otway-Ruthven* (Dublin, 1981), pp 237–54.

[3] A letter of 23 Jan. 1454 to Richard, duke of York, describes the Butler–Geraldine conflict over the Kildare inheritance, particularly the manors of Maynooth and Rathmore, County Kildare: '… a variance had betwix therle of Wiltesshire lieutenant of this said lande and Thomas fitz Morice of the Geraldynes for the title of the maners of Maynoth and Rathmore in the Counte of Kildare, hath caused more destruccionne in the said Counte of Kildare and liberte of Mith within shorte tyme now late passed, and dayly doth, then was done by Irish ennemys and English rebelles of long tyme befor' (Sir Henry Ellis, *Original letters illustrative of English history …* (11 vols, London, 1824–46), 2nd ser., i, 118). For comment see S. G. Ellis, *Tudor frontiers and noble power: the making of the British state* (Oxford, 1995), pp 111–12.

as 1492–3 there had been skirmishes on the streets of Dublin, and Geraldine adherents had killed a former mayor of the city on Oxmantown Green.[4] Kildare's reappointment in 1496 was, therefore, made provisional on the cessation of the Geraldine–Butler feud. A peace pact drawn up between the two parties begins by describing the 'grete and haynoux discord discencion and variaunce that have be betwix thies [two] noble blodes of the land of Ireland called Botellers and Geraldynes'. Both parties were ordered to 'frely forgeve … alle maner of Rancore, malices, slaunders, evill willes, discordes, discencions, robbories, brennynges, Iniuries, mayms, manslaughters' and all manner of offences perpetrated by their enemies. Rather than revenging themselves for past wrongs, the two earls promised to be 'loving, amyable, frendly and concordable'.[5]

If the intention behind this verbose pact was to bring a permanent end to the strife between the houses of Ormond and Kildare, it was a resounding failure. Their rivalry persisted well into the next century. But the year 1496, standing on the border between the periods that are labelled, perhaps unhelpfully, 'medieval' and 'modern', provides a useful date to pause and take stock of that yawning lacuna in Irish historiography — the late middle ages. The Geraldine–Butler antagonism is merely the most notorious episode in an extended series of conflicts between the English residents of Ireland. This seemingly endemic disorder has not endeared the later medieval colony to historians. The few who have ventured into the period have been markedly unsympathetic to the actors in these conflicts, bemoaning the decline of royal power that promised impartial justice and attributing the nobility's feuding to the entrenchment of local lordship. It is possible to see things otherwise. A wider perspective has proved highly instructive for specialists studying other aspects of Irish history. Robin Frame, for the period up to and beyond the watershed of 1361,[6] and Steven Ellis from the late Yorkist era,[7] have emphasised the resilience of English government and the potential of local lordship to provide stability amid the challenges of the marcher environment of Ireland. Unfortunately, despite occasional prompting,[8]

[4] Conway, *Hen. VII, Scot. & Ire.*, p. 55. A report of 1533 to Thomas Cromwell states that the eighth earl of Kildare had 'kyllid them of Dublin, upon Oxmantowne Greene' (*S.P. Hen. VIII*, ii, pt 3, p. 175). See also 'The annals of Dudley Loftus: Marsh's Library MS. 211 (Z4.2.7)', ed. N. B. White, in *Anal. Hib.*, no. 10 (1941), p. 233: 'About this time James Earl of Ormond with a great hoste of Irishmen and [*sic*] incamped in Thomas Court wood whence began the series of great mischiefes which happened between the House of Ormond and the Earle of Kildare who lyeth buried in Christ Church.'

[5] Quoted in Conway, *Hen. VII, Scot. & Ire.*, pp 226–9 (punctuation added).

[6] See esp. Robin Frame, *English lordship in Ireland, 1318–1361* (Oxford, 1982); idem, *Ireland and Britain, 1170–1450* (London, 1998), pp 171–220; idem, *The political development of the British Isles, 1100–1400* (Oxford, 1990).

[7] S. G. Ellis, *Reform and revival: English government in Ireland, 1470–1534* (Woodbridge, 1986); idem, 'Crown, community and government in the English territories, 1450–1575' in *History*, lxxi (1986), pp 187–204; idem, *The Pale and the far north: government and society in two early Tudor borderlands* (Galway, 1988); idem, *Tudor frontiers*.

[8] See, for example, Frame, *Eng. lordship*, 'Conclusions: past and future' (esp. pp 333–9), which can be read as an agenda for the late medieval period; Rees Davies, 'In praise of British history' in idem (ed.), *The British Isles: comparisons, contrasts and connections, 1100–1500* (Edinburgh, 1988), p. 19.

much of the writing on Ireland in the intermediary period springs from an older historiographical tradition. The purpose of the present article is twofold: first, to trace this intellectual legacy 'in its origins and development'; and second, to suggest that the intensive rehabilitation of the nobility that has been undertaken by scholars of Britain and the wider Plantagenet dominions over the past sixty years urges a reconsideration of the experience of late medieval Ireland, where the emphasis that has been placed on disorder has been to the cost of other themes. The extent to which the resident nobility was considered a buttress of royal power; the sophistication of political culture in the colony; and the mechanisms for defusing disputes, such as arbitration, compensation and marriage alliances — these are some aspects of colonial society that have been neglected.

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'All this Lond is severed,' remarked Archbishop Swayne of Armagh with alarm in 1428.[9] Taken as a sweeping comment on English Ireland in the later middle ages, his statement has merit. It captures the prevalence of conflict. The strife between the colony's greatest nobles was replicated among lords of the second rank, such as the Courcys, Barretts and Barrys of Cork,[10] or the Lower and Upper MacWilliam Burkes of Connacht.[11] Feuds were carried on between families, but were prosecuted with equal ferocity within families. The succession to the earldom of Desmond was, for instance, forcefully disputed on a number of occasions in the fifteenth century,[12] while relations within the extended Geraldine network in Munster had long been fraught.[13] The Butler family likewise suffered from internal disorder, and in the mid-fifteenth century it is reported that its cadet branches had 'entred into suche a wrongfull inordynate pride and malicious diuision and rancour betwene themselfs that they fell suddenly out of their good obedience to be murderers and mansleers of either other'.[14] If the cross-section of the lordship's social hierarchy involved is impressive, so too is the geographical distribution. In areas at some remove from the centre of royal government, where

[9] *The register of John Swayne, archbishop of Armagh and primate of Ireland, 1418–1439*, ed. D. A. Chart (Belfast, 1935), p. 111.

[10] *Rot. pat. Hib.*, p. 69. This feud from the year 1358 was by no means exceptional: see K. W. Nicholls, 'The development of lordship in County Cork' in Patrick O'Flanagan and Cornelius G. Buttimer (eds), *Cork: history and society* (Dublin, 1993), p. 170.

[11] Kenneth Nicholls, *Gaelic and gaelicised Ireland in the middle ages* (2nd ed., Dublin, 2003), pp 170–77.

[12] A. J. Otway-Ruthven, *A history of medieval Ireland* (2nd ed., Dublin, 1980), pp 352–3, 404; Anthony M. McCormack, *The earldom of Desmond, 1463–1583: the decline and crisis of a feudal lordship* (Dublin, 2005), pp 61–2. For factions in Desmond in the early sixteenth century see idem, 'Internecine warfare and the decline of the house of Desmond, *c*. 1510 – *c*. 1541' in *I.H.S.*, xxx, no. 120 (Nov. 1997), pp 497–512.

[13] K. W. Nicholls, 'The FitzMaurices of Kerry' in *Kerry Arch. Soc. Jn.*, iii (1970), pp 33–7.

[14] *Ormond deeds, 1509–47*, p. 210. On the infighting of the cadet Butlers see C. A. Empey and Katharine Simms, 'The ordinances of the White Earl and the problem of coign in the later middle ages' in *R.I.A. Proc.*, lxxv (1975), sect. C, pp 165–7; C. A. Empey, 'The manor of Carrick-on-Suir in the middle ages' in *Butler Soc. Jn.*, ii (1982), pp 211–12.

great lineages proliferated, landless idlemen were a notorious source of
disorder.[15] Yet the hazards did not necessarily diminish with closeness to Dublin,
which witnessed its own share of discord,[16] while the population of nearby Meath
— neither dominated by magnates nor encumbered with lineages — was well
versed in the pastimes of a wrangling gentry, such as petty sieges, forcible entry,
abduction and extortion.[17] Permeating, amplifying and occasionally
retrospectively justifying many of these disputes were cultural tensions between
the English 'by birth' and the English 'by blood', a distinction that became
increasingly defined during this period.[18]

   Such variegation makes all general comment perilous. Each individual quarrel
can be seen as the sum of plural disputes, most of whose details are tantalisingly
denied to us. Yet it is still possible to detect some broad patterns. If we arbitrarily
designate the century and a half before 1496 as the 'late middle ages', then at
least three distinct waves of upheaval involving the comital houses of Ireland can
be discerned within this period. Between the 1340s and the early fifteenth
century, discordant relations between the earls of Desmond and Ormond
gradually escalated into a series of depredations that resulted in high-profile
casualties on both sides.[19] In the first half of the fifteenth century James, fourth
earl of Ormond (the 'White Earl'), was engaged in another protracted struggle,
this time with the Talbot family, co-heirs to the lordship of Wexford and later
earls of Shrewsbury and Waterford.[20] Three years after the White Earl died in

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[15] For typical complaints see *Proc. king's council, Ire., 1392–3*, pp 264–5; Edmund
Curtis and R. B. McDowell (eds), *Irish historical documents, 1172–1922* (London, 1943),
p. 69; *Proc. privy council, 1410–22*, p. 49. For analyses of these lineages see Ciaran
Parker, 'Paterfamilias and *parentela*: the le Poer lineage in fourteenth-century Waterford'
in *R.I.A. Proc.*, xcv (1995), sect. C, pp 93–117; Christopher Maginn, 'English marcher
lineages in south Dublin in the late middle ages' in *I.H.S.*, xxxiv, no. 134 (Nov. 2004),
pp 113–36; Frame, *Eng. lordship*, pp 27–38; idem, *Ire. & Brit.*, pp 205–7.

[16] As a sample, see episodes from 1378, 1434 and 1493: G. O. Sayles (ed.), *Documents
on the affairs of Ireland before the king's council* (Dublin, 1979), no. 257; *Cal. pat. rolls,
1377–81*, p. 271; *Cal. close rolls, 1377–81*, pp 171–2, 225; *Chartul. St Mary's, Dublin*, ii,
292.

[17] For example, see *Cal. pat. rolls, 1391–6*, pp 138, 520; *Cal. close rolls, 1389–92*, p. 463.

[18] On the identity of the colonists see esp. James Lydon, 'The middle nation' in idem
(ed.), *The English in medieval Ireland …* (Dublin, 1984), pp 1–26; S. G. Ellis, 'Nationalist
historiography and the English and Gaelic worlds in the late middle ages' in Ciaran Brady
(ed.), *Interpreting Irish history: the debate on historical revisionism, 1938–1994* (Dublin,
1994), pp 161–80; Katharine Simms, 'Bards and barons: the Anglo-Irish aristocracy and
the native culture' in Robert Bartlett and Angus Mackay (eds), *Medieval frontier societies*
(Oxford, 1989), pp 177–97; Frame, *Ire. & Brit.*, pp 131–50; James Lydon, 'Nation and
race in medieval Ireland' in Simon Forde, Lesley Johnson and A. V. Murray (eds),
Concepts of national identity in the middle ages (Leeds, 1995), pp 103–24; Thorlac
Turville-Petre, *England the nation: language, literature, and national identity, 1290–1340*
(Oxford, 1996), pp 155–75; Robin Frame, 'Exporting state and nation: being English in
medieval Ireland' in Len Scales and Oliver Zimmer (eds), *Power and the nation in
European history* (Cambridge, 2005), pp 143–65.

[19] See Peter Crooks, '"Hobbes", "dogs" and politics in the Ireland of Lionel of Antwerp,
c. 1361–6' in *Haskins Soc. Jn.*, xvi (2005), pp 117–48.

[20] The most detailed study of the Talbot–Ormond conflict is E. A. E. Matthew, 'The
governing of the Lancastrian lordship of Ireland in the time of James Butler, fourth earl of
Ormond, *c*. 1420–1452' (Ph.D. thesis, University of Durham, 1994); but see also Margaret

1452 a third major bout of faction fighting hit Ireland. As the 'Wars of the Roses' began in England, Butler and Geraldine factions across the Irish Sea came to reflect, albeit imperfectly, the competing dynasties of Lancaster and York.[21] These disputes were not trivial. They penetrated the collective memory of the colonists, whether in manorial records and local petitions,[22] or the battle rolls of bardic poems composed for marcher lords. A late fifteenth-century elegy records how Philip Hackett deflected an attack on the town of Fethard, County Tipperary, launched by the earl of Desmond, possibly in 1462:

> Philip's fame was noised abroad when the Earl was before Fethard;
> He stopped at the ford of the town and gave way to none.[23]

Clearly the lordship of Ireland in the later middle ages was a disturbed land. Why this was so is problematic, but hardly a new question. Stock answers had already been supplied by the earliest historian of the English in Ireland, Gerald de Barri (Gerald of Wales), who deplored the fact that the vices of the Gaelic Irish — which, importantly for this discussion, included treachery and a lust for vengeance — 'contaminated' the invaders of Ireland.[24] Many early modern observers adopted this conceit of the Gaelic lifestyle as a contagion that spread

Griffith, 'The Talbot–Ormond struggle for control of the Anglo-Irish government, 1414–47' in *I.H.S.*, ii, no. 8 (Sept. 1941), pp 376–97; H. G. Richardson and G. O. Sayles, *The Irish parliament in the middle ages* (2nd ed., Philadelphia, 1964), pp 170–73, 200–02; R. A. Griffiths, *The reign of Henry VI: the exercise of royal authority, 1422–1461* (Stroud, 1998), pp 162–7, 411–19; Simms, 'Bards and barons', pp 183–7.

[21] S. G. Ellis, *Ireland in the age of the Tudors, 1447–1603: English expansion and the end of Gaelic rule* (Harlow, 1998), pp 51–97; idem, *Tudor frontiers*, esp. pp 107–45. See also Edmund Curtis, 'Richard, duke of York, as viceroy of Ireland, 1447–1460 …' in *R.S.A.I. Jn.*, lxii (1932), pp 158–86; J. L. Gillespie, 'Richard, duke of York, as king's lieutenant in Ireland: the white rose a-blooming' in *The Ricardian*, v (1980), pp 194–201; Vincent Gorman, 'Richard, duke of York, and the development of an Irish faction' in *R.I.A. Proc.*, lxxxv (1985), sect. C, pp 169–79; T. B. Pugh, 'Richard Plantagenet (1411–60), duke of York, as the king's lieutenant in France and Ireland' in J. G. Rowe (ed.), *Aspects of late medieval government and society: essays presented to J. R. Lander* (Toronto, 1986), pp 107–41; P. A. Johnson, *Duke Richard of York, 1411–1460* (Oxford, 1988), pp 51–77, 194–201; Herbert Wood, 'Two chief governors in Ireland at the same time' in *R.S.A.I. Jn.*, lviii (1928), pp 156–7; Art Cosgrove, 'Parliament and the Anglo-Irish community: the declaration of 1460' in idem and J. I. McGuire (eds), *Parliament and community: Historical Studies XIV* (Belfast, 1983), pp 25–41; Art Cosgrove, 'The execution of the earl of Desmond, 1468' in *Kerry Arch. Soc. Jn.*, viii (1975), pp 11–27.

[22] See references to lands lying waste after being ravaged by the 'army of the earl of Desmond' in *Ormond deeds, 1350–1413*, no. 316. The dating of the document is uncertain, but it probably refers to the events of 1344–5, for which see Dermot F. Gleeson, 'The Annals of Nenagh' in *Anal. Hib.*, no. 12 (1943), p. 160; Frame, *Eng. lordship*, pp 272–4. See also 'Complaint of the Gentlemen, Inheritors, and Freeholders of the County of Tipperary to Henry VIII [1542]', which catalogues outbreaks of disorder dating back to the reign of Henry VI (*Ormond deeds, 1509–47*, no. 267).

[23] Anne O'Sullivan and Pádraig Ó Riain (eds), *Poems on marcher lords from a sixteenth-century Tipperary manuscript* (London, 1987), pp 78–9, 117. There is another possible reference to the Desmond–Ormond conflict in an elegy for James Purcell (ibid., pp 40–41, 107).

[24] Gerald of Wales, *The history and topography of Ireland*, ed. J. J. O'Meara (Penguin ed., Harmondsworth, 1982), pp 108–9.

among the colonists,[25] notably Sir John Davies, who identified factionalism as one of his 'true causes why Ireland was never entirely subdued'. For Davies, the kernel of the problem was the great autonomy exercised by the English nobles in Ireland, which — as he put it — 'begate Pride; and Pride begat Contention among themselvs, which broght forth divers mischiefs, that did not only disable the English to finish the Conquest of all Ireland, but did endaunger the losse of what was already gained'.[26] Worse, the English nobles of Ireland increasingly adopted the manners and customs of the Gaelic Irish in the centuries after the invasion. These lords 'loving the Irish tyranny', to quote Davies again, cast off the laws of England.[27] The passage of centuries had scarcely advanced Gerald's analysis; nor was this coincidence, since early modern writers shared a wish to justify the drastic measures required to introduce English government to Ireland.[28]

The argument from factionalism, then, can lay claim to a long pedigree, and survived as an important theme in a broad spectrum of twentieth-century literature. Typically, blame has been apportioned to a weak central government and 'overmighty' lords. As the central administration became weaker, turbulent magnates arrogated power to themselves and indulged in private war to further territorial pretensions. This 'relapse of politics into mere faction' acted, in the words of one historian, as 'an agency in the breakdown of medieval Anglo-

[25] Edmund Campion discusses the 'faccions of the nobilitye in Ireland' in his *Two bokes of the histories of Ireland*, ed. A. F. Vossen (Assen, 1963), p. 110. Richard Stanihurst writes of Irish influence as a 'canker' that 'bred rebellion, [which] raked thereto warres, and so consequently the vtter decay and desolation of that worthy countrey' (*Holinshed's Irish chronicle: the historie of Ireland from the first inhabitation thereof, unto the yeare 1509. Collected by Raphaell Holinshed, & continued till the yeare 1547 by Richarde Stanyhurst*, ed. Liam Miller and Eileen Power (Dublin, 1979), pp 14, 16). Lord Chancellor Gerrard likewise talks of newcomers being poisoned with 'Irishe infeccion' (Charles McNeill (ed.), 'Lord Chancellor Gerrard's notes of his report on Ireland with extracts from original Irish records exhibited by him before the Privy Council in England, 1577–8' in *Anal. Hib.*, no. 2 (1931), p. 97). Edmund Spenser deals with the Geraldine–Butler antagonism in a section on how the original colonists became 'much more lawlesse and licentious then the very wilde Irish'; the two families became 'adversaries and corrivales one against the other' and, on account of the 'greatnes of their late conquests and seignories they grew insolent, and bent both that regall authority, and also their private powers, one against another, to the utter subversion of themselves, and strengthening of the Irish againe' (*A view of the state of Ireland …*, ed. Andrew Hadfield and Willy Maley (Oxford, 1997), p. 67).

[26] Sir John Davies, *A discoverie of the true causes why Ireland was never entirely subdued, nor brought under obedience to the crowne of England, untill the beginning of his Maiesties happie raigne* (London, 1612), p. 150.

[27] Ibid., p. 151.

[28] See Nicholas Canny's comment that 'English sixteenth-century descriptions of Irish customs leading to the conclusion that the Irish (by which sometimes was meant the Gaelic Irish and sometimes the entire population) were beasts in the shape of men were offered as legitimations for drastic actions already under way or in prospect and cannot therefore be considered *causes* of those actions' (original emphasis) ('Revising the revisionist' in *I.H.S.*, xxx, no. 118 (Nov. 1996), p. 250). For the influence of Gerald de Barri on early modern writers see John Gillingham, *The English in the twelfth century: imperialism, national identity and political values* (Woodbridge, 2000), esp. pp 145–50;

Ireland'.[29] Not that 'Anglo-Ireland' was necessarily marked out for particular opprobrium. Some historians who laboured on Irish material pointed out defensively that the 'embitterment of faction' in Ireland merely reflected 'all the evils which existed for other reasons in England at the same period'.[30] This whiff of Whiggery is redolent of Stubbs, who portrayed the fifteenth century in England as 'a worn-out helpless age, that calls for pity without sympathy, and yet balances weariness with something like regrets'.[31] If the constitutional framework was that of Stubbs, it was another historian, Charles Plummer, who in 1885 distilled the interpretation into a convenient and evocative term: 'bastard feudalism'.[32]

In various incarnations, this construct — which, in its rudiments, denotes a social bond between lord and man based on money payments rather than land tenure — has been integral to over a century of debate on late medieval society. Of course, the discussion has long since progressed beyond the original, explicitly negative, connotation intended by Plummer. Instrumental was the work of K. B. McFarlane, whose seminal article of 1944 seeking to legitimise 'bastard feudalism' was one stage in a thorough rehabilitation of the medieval nobility.[33] McFarlane dispatched the idea of '"overmighty subjects", [who were] if not factious then feeble' with the sardonic comment: 'How fortunate that they killed each other off in the Wars of the Roses and that the Tudors decapitated the survivors!'[34] Rather, he considered that the conflicts between crown and nobility were 'almost always the fault of the king; which is as much as to say that it depended how often the hereditary succession brought those unfit to rule to the throne'.[35] In the succeeding half-century the study of late medieval England, in particular the role of the nobility, has been refined. The chronology of 'bastard feudalism' has been pushed ever further backwards and it has been shown to have

Hiram Morgan, 'Giraldus Cambrensis and the Tudor conquest of Ireland' in idem (ed.), *Political ideology in Ireland, 1541–1641* (Dublin, 1999), pp 22–44.

[29] Griffith, 'Talbot–Ormond struggle', pp 376, 390.

[30] Otway-Ruthven, *Med. Ire.*, p. 376. Margaret Griffith also notes the 'parallelism which can often be observed between English and Anglo-Irish history' and comments sadly on the destruction of English 'constitutional machinery' in Ireland ('Talbot–Ormond struggle', p. 376).

[31] William Stubbs, *The constitutional history of England in its origins and development* (3rd ed., 3 vols, Oxford, 1883–4), iii, 637. Note also his comment that the 'All that was good and great in [medieval life] was languishing even to death … The sun of the Plantagenets went down in clouds and thick darkness; the coming of the Tudors gave as yet no promise of light; it was "as the morning spread upon the mountains", darkest before dawn' (ibid., p. 631).

[32] Sir John Fortescue, *The governance of England*, ed. Charles Plummer (London, 1885), pp 15–16.

[33] The key essay is K. B. McFarlane, 'Bastard feudalism' in *I.H.R. Bull.*, xx (1943–5), pp 161–80, but all his writings were and are influential. They were published posthumously in three main collections: *Lancastrian kings and Lollard knights* (Oxford, 1972); *The nobility of later medieval England* (Oxford, 1973); *England in the fifteenth century: collected essays* (London, 1981). The literature sparked by McFarlane is vast and has generated much debate. The most recent survey is Michael Hicks, *Bastard feudalism* (London, 1995).

[34] McFarlane, *Nobility of later med. Eng.*, p. 3.

[35] Ibid., p. 120.

coexisted happily with 'feudal' lordship;[36] attention has shifted from noble affinities to the gentry and county communities;[37] and there have recently been calls for a return to a constitutional approach or to studies of the 'politics of government'.[38] But in fundamental respects, notably the depiction of the nobility as an essential partner in the governance of the realm, McFarlane's achievement has endured.[39]

To a remarkable extent, large tracts of late medieval Irish history have remained isolated from these developments. This was partly due to chance. The formidable scholars who in the mid-twentieth century interested themselves in the history of medieval Ireland were precisely those most resistant to McFarlane's reappraisals.[40] True, their focus was not the Stubbsian 'constitution' so much as administrative and institutional history. Richardson and Sayles, whose herculean researches provided such a wealth of insights into the colony's institutions, were determined iconoclasts of the cult of Stubbs.[41] Even so, they shared his centralist presuppositions (which — to borrow the words of Rees Davies — were 'all the stronger for being unspoken and unexamined'),[42] and attributed the 'spirit of strife' in fifteenth-century Ireland to the '*mal du siècle* that afflicted so many lands and so many great men'.[43] Another influence was Helen M. Cam. When Cam paid an 'historical revisit' to Stubbs after seventy years, she was impressed by his 'vital and magnificent achievement',[44] and herself described the social order of the later middle ages as 'parasitic … and far removed indeed from the atmosphere of responsibility, loyalty and faith which

[36] S. L. Waugh, 'Tenure to contract: lordship and clientage in thirteenth-century England' in *E.H.R.*, ci (1986), pp 811–39; P. R. Coss, 'Bastard feudalism revised' in *Past & Present*, no. 125 (1989), pp 27–64; David Carpenter, P. R. Coss and David Crouch, 'Debate: Bastard feudalism revised', ibid., no. 131 (1991), pp 165–203; David Crouch, 'From Stenton to McFarlane: models of societies of the twelfth and thirteenth centuries' in *R. Hist. Soc. Trans.*, 6th ser., v (1995), pp 179–200.

[37] G. L. Harriss, 'Introduction' in McFarlane, *Eng. in 15th cent.*, pp xxvi–xxvii; Colin Richmond, 'After McFarlane' in *History*, lxviii (1983), pp 46–60; J. R. Maddicott, 'The county community and the making of public opinion in fourteenth-century England' in *R. Hist. Soc. Trans.*, 5th ser., xxviii (1978), pp 27–43.

[38] The phrase is that of G. L. Harriss, 'The dimensions of politics' in R. H. Britnell and A. J. Pollard (eds), *The McFarlane legacy: studies in late medieval politics and society* (Stroud, 1995), p. 10. See also Edward Powell, *Kingship, law and society: criminal justice in the reign of Henry V* (Oxford, 1989), pp 1–20; idem, 'After "After McFarlane": the poverty of patronage and the case for constitutional history' in D. J. Clayton, R. G. Davies and Peter McNiven (eds), *Trade, devotion and governance: papers in later medieval history* (Stroud, 1994), pp 1–16; Christine Carpenter, 'Political and constitutional history: before and after McFarlane' in Britnell & Pollard (eds), *McFarlane legacy*, pp 175–206.

[39] McFarlane, *Nobility of later med. Eng.*, p. 120; Harriss in McFarlane, *Eng. in 15th cent.*, pp xxiii–xxiv.

[40] Michael Hicks, *Richard III and his rivals: magnates and their motives in the Wars of the Roses* (London, 1991), p. 6.

[41] See their extended critique, H. G. Richardson and G. O. Sayles, *The governance of mediaeval England from the Conquest to Magna Carta* (Edinburgh, 1963), pp v–vii, 1–21.

[42] R. R. Davies, 'Frontier arrangements in fragmented societies' in Bartlett & Mackay (eds), *Med. frontier societies*, p. 100.

[43] Richardson & Sayles, *Ir. parl. in the middle ages*, pp 162, 171; idem, 'Irish revenue, 1278–1384' in *R.I.A. Proc.*, lxii (1961–2), sect. C, pp 96–9.

[44] H. M. Cam, 'Stubbs seventy years after' in *Cambridge Hist. Jn.*, ix (1948), p. 145.

had characterised the relationship of lord and vassal in the earlier middle ages'.[45] It was Cam who supervised the early research of the doyenne of Irish medievalists, Jocelyn Otway-Ruthven, at Cambridge.[46] This piece of academic genealogy helps to explain Otway-Ruthven's rather unsympathetic treatment of the late middle ages in Ireland. A chapter of her *magnum opus* (which remains indispensable for the period 1361–1496) is entitled 'Lancastrian Ireland: the growth of faction'.[47]

Of course, we must not indulge in caricature: both before and after McFarlane the stress in Irish historiography has been placed elsewhere. The writings of Edmund Curtis, for instance, speak glowingly in terms of 'aristocratic home rule' and the Anglo-Irish 'patriot party'.[48] Yet Curtis's apprenticeship in the rigorous school of constitutional history at Oxford occasionally betrays him, as when he bewails 'the evils of rampant feudalism' that threatened 'good government and prosperity to the people'.[49] James Lydon embodies a similar ambivalence.[50] Although he notes that 'the growth of lordship did not mean a degeneration into anarchy', he has reiterated that '"bastard feudalism" … was a menace to the rule of law'[51] and writes disapprovingly of 'the power of the independent feudatories and their complete disregard for a feudal code of behaviour that now clearly belonged to a dying world … The growth of faction … [was] symptomatic of the

[45] Eadem, 'The decline and fall of English feudalism' in *History*, xxv (1940), p. 225.

[46] Frame, *Ire. & Brit.*, p. 5. Otway-Ruthven expresses her thanks to Cam in the foreword to her first book, *The king's secretary and the signet office in the fifteenth century* (Cambridge, 1939), and many years later contributed to her former teacher's festschrift: A. J. Otway-Ruthven, 'The mediaeval Irish chancery' in *Album Helen Maud Cam* (2 vols, Louvain & Paris, 1961), ii, 119–38. That the exchange of views was mutual is clear from Cam's acknowledgement of academic debts to Otway-Ruthven: H. M. Cam, *Law-finders and law-makers in medieval England: collected studies in legal and constitutional history* (London, 1962), pp 22, 54. Some correspondence between the two survives in the research library of the Centre for Medieval History, Trinity College Dublin.

[47] Otway-Ruthven, *Med. Ire.*, pp 339–76. Her view on fifteenth-century factions is expressed best at p. 376.

[48] See, for example, Edmund Curtis, *A history of medieval Ireland* (2nd ed., London, 1938), pp 215–17, 288–9, 295–6, 309, 322; idem, *History of Ireland* (new ed., London, 2002), pp 95–6, 115–16, 122–3, 127–37; Conway, *Hen. VII, Scot. & Ire.*, pp 132–3.

[49] Curtis, 'Richard, duke of York', p. 184. Curtis elsewhere described how 'Edward III had … striven to rescue Anglo-Ireland from the baronage' in Conway, *Hen. VII, Scot. & Ire.*, p. 132. For one strikingly Stubbsian interpretation see Curtis on the *Modus tenendi parliamentum* as the basis for 'Lancastrian constitutionalism' (*Med. Ire.*, p. 292); cf. Stubbs, *Constitutional hist.*, iii, 5–6.

[50] In the 1950s Lydon was a pupil of J. G. Edwards, who produced a cautious but ultimately laudatory pamphlet on Stubbs in 1952: *William Stubbs* (London, 1952). Edwards's influence is evident, for example, in Lydon's interest in the *plena potestas* of the commons in the Irish parliament: see J. G. Edwards, 'The *plena potestas* of English parliamentary representatives' in E. B. Fryde and Edward Miller (eds), *Historical studies of the English parliament* (Cambridge, 1970), pp 136–49; J. F. Lydon, 'William of Windsor and the Irish parliament' in *E.H.R.*, lxxx (1965), pp 260–61; idem, *Law and disorder in thirteenth-century Ireland: the Dublin parliament of 1297* (Dublin, 1997), pp 132–3.

[51] James Lydon, *The lordship of Ireland in the middle ages* (2nd ed., Dublin, 2003), pp 179, 130; see also idem, *Ireland in the later middle ages* (Dublin, 1973), pp 48–56, 134–40. Lydon traces the 'breakdown in the rule of law' back to the late thirteenth century

general malaise of that age, of the growth of lawlessness and the government's inability to cope adequately.'[52]

If Curtis, Otway-Ruthven and Lydon were the opinion-formers in the Irish historiography, more recent writers have followed their lead. There is a grudging acceptance that the cash-starved administration found it expedient to '[bow] to realities' and delegate power to the colony's nobility, who could, '*faute de mieux*', provide some stability in the localities.[53] But the positive potential of such arrangements was undermined by the 'evils inherent in the development of lordship'; entrusting the colonial nobility with office led to a 'dangerous reliance upon personal interests in government'.[54] The nobles were 'not entirely reliable [and] pursued their own internecine quarrels and private wars'.[55] J. A. Watt probably spoke for many historians when he wrote that in the late fourteenth century the 'colonial government entered a particularly drab phase of its history, with a dreary succession of ineffectual heads … [who] were as unable to ward off the hostile Gaelic Irish as to suppress Anglo-Irish marauding and the debilitating feuds among the magnates, of which that between Ormond and Desmond is the most scandalous'.[56] By the mid-fifteenth century the situation seemingly had further deteriorated, and 'unruly' lords posed a 'serious threat to domestic order, and English rule itself'.[57] Indeed, 'the substantial obstacles in Ireland to practical control from Westminster and the king's court threatened to convert such magnate dominance into something worse than lawlessness — tyranny'.[58] It is

in *Law & disorder*, p. 17 (cf. Cam, *Law-finders & law-makers*, pp 11–21). For an unambiguous statement of Lydon's Plummerian view of 'bastard feudalism' as demonstrative of the 'self-interest' of 'the greatest of the magnates' and tending to create 'factions [that were] a permanent threat to the peace' see *New hist. Ire.*, ii, 185.

[52] Lydon, *Lordship*, pp 132–3.

[53] A. F. O'Brien, 'Politics, economy and society: the development of Cork and the Irish south-coast region, *c*. 1170 to *c*. 1583' in O'Flanagan & Buttimer (eds), *Cork*, pp 117, 136. See also idem, 'The territorial ambitions of Maurice fitz Thomas, first earl of Desmond, with particular reference to the barony and manor of Inchiquin, Co. Cork' in *R.I.A. Proc.*, lxxxii (1982), sect. C, pp 59–88, esp. pp 85–6; idem, 'Medieval Youghal: the development of an Irish seaport trading town, *c*. 1200 to *c*. 1500' in *Peritia*, v (1986), p. 361, where the author talks of the early fourteenth century as a 'time of transition from royal to seigneurial power' in which the magnates 'struggled to wrest power from the royal government and to impose their will on those beneath them in their own regions'.

[54] Dorothy Johnston, 'The interim years: Richard II and Ireland, 1395–1399' in Lydon (ed.), *Eng. & Ire.*, pp 183–4. Johnston speaks in terms of 'internecine' rivalries and identifies 'divisions within Anglo-Ireland' as one of the 'dominant forces in the fifteenth-century lordship, [which] continued to accelerate the decay of royal authority in Ireland' (ibid., pp 183, 190–91).

[55] J. A. Tuck, 'Anglo-Irish relations, 1382–1393' in *R.I.A. Proc.*, lxix (1970), sect. C, p. 17.

[56] *New. hist. Ire.*, ii, 390–91; see also ibid., p. 374. For a similar interpretation see Art Cosgrove, *Late medieval Ireland, 1370–1541* (Dublin, 1981), pp 16–17, 43–4.

[57] Griffiths, *Reign of Hen. VI*, p. 163.

[58] Ibid., p. 412. Griffiths also refers to the White Earl of Ormond as a 'self-willed magnate of violent disposition' and a practitioner of 'brazen authoritarianism' (ibid., pp 413–14.) Such statements are belied by the efforts of the White Earl, and earlier his father, to restrict and regulate billeting and purveyance: see Empey & Simms, 'Ordinances of the White Earl', pp 185–6; Paul MacCotter and Kenneth Nicholls (eds), *The pipe roll of Cloyne* … (Midleton, 1996), pp 130–35.

scarcely surprising, given the currency of such views in standard works, to find early modernists depicting 'lordship' in late medieval Ireland as a dubious legacy and emphasising its antediluvian character with the epithets 'feudal' or 'bastard feudal', often employed interchangeably and in a pejorative sense.[59]

It must be conceded that contemporary documentation can be readily mobilised to establish the existence of these tyrannous and fissiparous magnates. One example, from 1399, must suffice: 'McMurghe [the king of Leinster] is at open war, and he is now gone to Dessemond to aid the Earl of Dessemond to destroy the Earl of Ormond, if they can; and afterwards to return, with all the power that they can get from the parts of Munster, to destroy the country.'[60] Yet the evidence, however damning, gives rise to many questions, not least whether we are the 'conceptual prisoners'[61] of our sources. From the late fourteenth century the reassuring sequence of important administrative records — for instance, the memoranda rolls and audited accounts of the Irish exchequer — falters, while grievance-laden petitions, ministerial reports, parliamentary and conciliar proceedings and personal correspondence survive in greater quantities, providing an all-too-convenient repository for lurid descriptions of governmental disarray and magnate 'tyranny'. Yet there is no provable correlation between the volume of complaint and the level of disruption; vocal disapproval may indeed indicate higher expectations of public order.[62] Moreover, the basic assumption that royal justice was a force for order cries out for interrogation. On the contrary, Michael Clanchy has suggested that arguably 'royal power contributed to disorder and

[59] Note, for instance, the titles of two recent books: David Edwards, *The Ormond lordship in County Kilkenny, 1515–1642: the rise and fall of Butler feudal power* (Dublin, 2003); Anthony M. McCormack, *The earldom of Desmond, 1463–1583: the decline and crisis of a feudal lordship* (Dublin, 2005). See also Brendan Bradshaw, *The Irish constitutional revolution of the sixteenth century* (Cambridge, 1979), pp 3–31; Vincent P. Carey, *Surviving the Tudors: the 'wizard' earl of Kildare and English rule in Ireland, 1537–1586* (Dublin, 2002), chs 1, 3; Ciaran Brady, *The chief governors: the rise and fall of reform government in Tudor Ireland, 1536–1588* (Cambridge, 1994), pp 169–208. For a recent critique of the interpretation of 'bastard feudalism' among early modernists see Fiona Fitzsimons, 'Cardinal Wolsey, the native affinities, and the failure of reform in Henrician Ireland' in David Edwards (ed.), *Regions and rulers in Ireland, 1100–1650: essays for Kenneth Nicholls* (Dublin, 2004), pp 80–92.

[60] *Proc. king's council, Ire., 1392–3*, p. 262; Curtis & McDowell (eds), *Ir. hist. docs*, p. 68. Another much-quoted example is the denunciation of the earls of Ormond and Desmond in 1380 by Bishop Richard Wye of Cloyne, for which see *Ormond deeds, 1350–1413*, no. 245.

[61] The phrase is adapted from Frame, *Eng. lordship*, p. x.

[62] Hicks, *Ric. III & his rivals*, p. 14. For the difficulties of interpreting administrative and legal sources see R. F. Hunnisett, 'The reliability of inquisitions as historical evidence' in D. A. Bullough and R. L. Storey (eds), *The study of medieval records: essays in honour of Kathleen Major* (Oxford, 1981), pp 206–35; James Buchanan Given, *Society and homicide in thirteenth-century England* (Stanford, Calif., 1977), pp 4–32; Michael Clanchy, 'A medieval realist: interpreting the rules at Barnwell priory, Cambridge' in E. M. M. Attwooll (ed.), *Perspectives in jurisprudence* (Glasgow, 1977), pp 176–94; Anthony Musson, *Public order and law enforcement: the local administration of criminal justice, 1294–1350* (Woodbridge, 1996), pp 208–22; Christine Carpenter, 'Law, justice and landowners in late medieval England' in *Law & History Review*, i (1983), pp 226–7.

that the judicial authority of the crown was a public nuisance'.[63] This may explain why it is so unconvincing to relate inversely the potency of the central administration to the intensity of private war. In the 1290s, with royal power at its zenith, Ireland witnessed factional disturbances, and, in the first surviving parliamentary records of 1297, the colonial community remonstrated about the level of disorder.[64]

The baby to be snatched from the outrush of Stubbsian bathwater is the fact that the colony's experience was not unique. Attributing factions and feuds in Ireland to the problem of 'degeneracy' can become almost reflexive,[65] so it is salutary to be reminded that the colony was not the only territory in the condominium of Plantagenet lands where feuds were common. In Gascony the authorities struggled with the nobility's claim to be entitled to wage private warfare, and the prolonged feud between the houses of Foix and Armagnac is reminiscent of the Geraldine–Butler conflict in Ireland.[66] Within Britain too vendetta was very much alive. Across Scotland the bloodfeud survived with royal support long into the early modern period,[67] while in Wales private war was a commonplace, protected in the law of the march and owing much to both the native Welsh bloodfeud, or *galanas*, and feudal notions of justice, among them 'one of the best-known features of continental feudalism, the eventual resort to private warfare for the settlement of disputes'.[68]

England likewise suffered from disorder. The problem seems to have been particularly acute in the first half of the fourteenth century, when outlaws were reportedly terrorising the countryside, notably Derbyshire and Leicestershire, and were employed by respectable landholders and churchmen to carry out their more sordid business. The members of such gangs fled their natural habitats on being declared criminals and banded together because survival outside the law was better assured in groups than alone.[69] It was a similar process in Ireland that lay

[63] Michael Clanchy, 'Law, government, and society in medieval England' in *History*, lv (1974), p. 78. See also idem, 'Law and love in the middle ages' in J. A. Bossy (ed.), *Disputes and settlements: law and human relations in the west* (Cambridge, 1983), pp 47–67.

[64] *Stat. Ire., John–Hen. V*, pp 194–213.

[65] Seán Duffy, 'The problem of degeneracy' in Lydon (ed.), *Law & disorder*, pp 87–8.

[66] M. G. A. Vale, *English Gascony, 1399–1453: a study of war, government and politics during the later stages of the Hundred Years' War* (Oxford, 1970), pp 170–202; idem, *The origins of the Hundred Years War: the Angevin legacy, 1250–1340* (Oxford, 1996), pp 112–39; James Given, 'Factional politics in a medieval society: a case study from fourteenth-century Foix' in *Jn. Med. Hist.*, xiv (1988), pp 233–50.

[67] Jenny Wormald, 'The blood feud in early modern Scotland' in Bossy (ed.), *Disputes & settlements*, pp 101–44; K. M. Brown, *Bloodfeud in Scotland, 1573–1625: violence, justice and politics in an early modern society* (Edinburgh, 1986). Wormald's emphasis on the limitation of violence in the feud is modified in Steven Boardman, 'Politics and the feud in late mediaeval Scotland' (Ph.D. thesis, University of St Andrews, 1989).

[68] R. R. Davies, 'The survival of the bloodfeud in medieval Wales' in *History*, liv (1969), pp 338–57; idem, 'The law of the march' in *Welsh Hist. Rev.*, v (1970), p. 15. See also A. J. Otway-Ruthven, 'The constitutional position of the great lordships of south Wales' in *R. Hist. Soc. Trans.*, 5th ser., viii (1958), pp 15–17. On the vendetta see Marc Bloch, *Feudal society*, trans. L. A. Manyon (London, 1961), pp 125–30.

[69] E. L. G. Stones, 'The Folvilles of Ashby-Folville, Leicestershire, and their associates in crime, 1326–1347' in *R. Hist. Soc. Trans.*, 5th ser., vii (1957), pp 117–36; J. G. Bellamy, 'The Coterel Gang: an anatomy of a band of fourteenth-century criminals' in *E.H.R.*, lxxix

behind the banding together of English felons of Ireland and native Irish 'enemies' who lived by plundering the colonists.[70] Indeed, the connexion between the two was sometimes even more direct. In 1373 one John Power of Ireland, a clerk, was known to be operating in Gloucestershire with a band of English criminals described as 'common thieves and murderers and armed riders in the land of peace'.[71] It is also important to recall that feuds were not uncommon between English magnates[72] and that, from the Appellant crisis of 1387–8 to the Wars of the Roses, England was periodically embroiled in armed conflict.[73] This was in spite of the fact that nobles in England, unlike their counterparts elsewhere, could not claim the right to resort to private arms to resolve their conflicts. Although Paul Hyams has demonstrated that the feud — which had been an important feature of Anglo-Saxon society — suffered a slower and more painful death in post-Conquest England than had previously been assumed, it remains true that the knell was sounded by the expansion of royal justice and a burgeoning common law.[74]

II

The lordship of Ireland, as we are often reminded, was born amid these developments.[75] Consequently, no one in Ireland could assert a traditional right to prosecute feuds, a *droit de guerre*. Nonetheless, private war was a reality. Notwithstanding repeated attempts to suppress it,[76] march law, in an Irish idiom,

(1964), pp 698–717; idem, *Crime and public order in England in the later middle ages* (London, 1973), pp 69–88; B. A. Hanawalt, 'Fur-collar crime: the pattern of crime among the fourteenth century English nobility' in *Jn. Soc. Hist.*, viii (1975), pp 1–17; eadem, *Crime and conflict in English communities, 1300–1348* (London, 1979). For a reassessment see Musson, *Public order & law enforcement*, pp 264–9.

[70] H. G. Richardson and G. O. Sayles, *Parliaments and councils of medieval Ireland*, i (Dublin, 1947), p. 21.

[71] *Cal. pat. rolls, 1370–74*, p. 378. For another case see ibid., *1399–1401*, p. 478.

[72] R. A. Griffiths, 'Local rivalries and national politics: the Percies, the Nevilles, and the duke of Exeter, 1452–55' in *Speculum*, xliii (1968), pp 589–632; Robin Jeffs, 'The Poynings–Percy dispute: an example of the interplay of open strife and legal action in the fifteenth century' in *I.H.R. Bull.*, xxxiv (1961), pp 148–64; J. R. Lander, 'Marriage and politics in the fifteenth century: the Nevilles and the Wydevilles', ibid., xxxvi (1963), pp 119–52.

[73] Nigel Saul, *Richard II* (New Haven, 1997), pp 148–204, 366–434; John Gillingham, *The Wars of the Roses: peace and conflict in fifteenth-century England* (London, 1981); Christine Carpenter, *The Wars of the Roses: politics and the constitution in England,* c. *1437–1509* (Cambridge, 1997).

[74] P. R. Hyams, *Rancor and reconciliation in medieval England* (Ithaca, N.Y., 2003); Frederick Pollock and F. W. Maitland, *A history of English law before the time of Edward I* (2 vols, Cambridge, 1895), i, 31–2, 46; ii, 574–5; R. W. Kaeuper, *War, justice and public order: England and France in the later middle ages* (Oxford, 1988), pp 260–67.

[75] A. J. Otway-Ruthven, 'Knight service in Ireland' in *R.S.A.I. Jn.*, lxxxix (1959), pp 13–15; G. J. Hand, *English law in Ireland, 1290–1324* (Cambridge, 1967), pp 1–5; Paul Brand, 'Ireland and the literature of the early common law' in idem, *The making of the common law* (London, 1992), pp 445–63; Robin Frame, *Colonial Ireland, 1169–1370* (Dublin, 1981), pp 94–5; idem, *Ire. & Brit.*, pp 134–5.

[76] For example, *Stat. Ire. John–Hen.V*, pp 388–91, 434–7.

was woven into the social fabric of the colony. It seems unlikely that combatants pondered long over whether the origins of their extra-legal actions lay in the remnants of feudal custom or were borrowings from Gaelic neighbours. March law was not codified and probably served as an umbrella term for many types of action outside the common law.[77] What is certain is that recourse to self-help was one of its tenets. In 1351 an ordinance stipulated that 'if strife [should] arise between English and English, being of the peace, neither of them [should] make distraint or take pledge or distress upon the other, nor take vengeance against the other' but instead they should follow common-law procedures. Such 'distresses' are described a few years later as being 'according to the law of the march'.[78]

If Ireland's experience of private conflict bears general comparison to that of other lands, then it seems sensible to consider in an Irish context the more balanced approach to the late medieval nobility that has been adopted by scholars elsewhere. Any such exercise has its pitfalls, primarily a tendency to homogenise highly disparate circumstances. The peculiarities of Irish terrain, familiar as they are, should not be forgotten. Modulations in the intensity of English settlement, political fragmentation, a deeply institutionalised ethnic divide, the habitual absenteeism of the king, and the lack of an alternative focus for colonial loyalties: each of these individual ingredients has its counterpart elsewhere; but combined, their flavour is quite distinctly that of colonial Ireland. A second, and more fundamental, problem is presented by the concept of 'bastard feudalism'. It would be rash to encumber Irish historiography with another abstraction at precisely the moment when scholars elsewhere are removing their 'feudal' and 'bastard feudal' spectacles.[79] It may be better to abandon the qualifiers and speak merely of 'lordship' (*dominium*), a subtle and versatile term that has been proposed as a solution to more than one terminological difficulty.[80] Yet if 'bastard

[77] For the 'commerce' between Gaelic law and English common law, which led to a 'hybrid law, with, probably, strong regional variations', see Gearóid Mac Niocaill, 'The interaction of the laws' in Lydon (ed.), *English in med. Ire*., pp 109, 117. The law of the march was far more precisely formulated on the Anglo-Scottish border: see Henry Summerson, 'The early development of the laws of the Anglo-Scottish marches, 1249–1448' in W. M. Gordon and T. D. Fergus (eds), *Legal history in the making …* (London, 1991), 29–42; W. W. Scott, 'The march laws reconsidered' in Alexander Grant and Keith Stringer (eds), *Medieval Scotland: crown, lordship and community …* (Edinburgh, 1993), pp 114–30; Ellis, *Tudor frontiers*, pp 37–9.

[78] *Stat. Ire., John–Hen.V*, pp 388–91. The second quotation is from another prohibition, with a detailed description of the custom of the march, made in 1360 (H. J. Lawlor (ed.), 'Calendar of the *Liber Ruber* of the diocese of Ossory' in *R.I.A. Proc*., xxvii (1907–9), sect. C, p. 184); for the original Latin see McNeill (ed.), 'Lord Chancellor Gerrard's notes', pp 266–8.

[79] For the debate on the utility of the term 'feudalism' see E. A. R. Brown, 'The tyranny of a construct: feudalism and historians of medieval Europe' in *Amer. Hist. Rev.*, lxxix (1974), pp 1063–88; Susan Reynolds, *Fiefs and vassals: the medieval evidence reinterpreted* (Oxford, 1994), from which the 'spectacles' metaphor is borrowed (pp 11–12). J. M. W. Bean provides a similar service for the term 'bastard feudalism' in *From lord to patron: lordship in late medieval England* (Manchester, 1989), pp 1–9. Colin Richmond has pronounced that 'bastard feudalism is dead' ('An English mafia?' in *Nottingham Medieval Studies*, xxxvi (1992), p. 240).

[80] Bean, *From lord to patron*, esp. pp 234–5; R. R. Davies, 'The medieval state: the tyranny of a concept?' in *Jn. Hist. Sociology*, xvi (2003), pp 293–6. See also Davies's

feudalism' has the potential to act as a conceptual nuisance, it can still serve as a signpost directing us towards studies of the diplomatics and mechanics of noble power outside Ireland. These matters deserve comprehensive treatment in their own right, but even a brisk review should demonstrate their relevance to the exercise of 'lordship' within the colony, albeit at the cost of dwelling initially on two of the 'bastard feudal' symptoms that once made scholars so suspicious of aristocratic power: noble affinities organised, in part, on the basis of written contracts; and livery and maintenance.

Despite laws stipulating that only the king or his representative could wage war in the lordship of Ireland,[81] it seems that most lords operating on Irish marches maintained a private retinue that could be absorbed into the forces of nobles higher up the aristocratic ladder, creating ever larger confederacies. The most important focuses of such military support were the three earls of Desmond, Ormond and Kildare, who, in turn, occasionally entered the service of the senior (though, from 1333, seldom resident) member of the aristocratic élite, the earl of Ulster. Written agreements survive stipulating the mutual obligations of lords and their retainers, whether English or Gaelic.[82] The earliest extant examples date from the late thirteenth century,[83] and from the fourteenth century indentures of retinue, the classic feature of 'bastard feudalism', survive to shed light on the military arrangements of each of the Irish earls.[84] The service due to them could be onerous. In an indenture of retinue from 1356 Oliver Howell promised to serve the second earl of Ormond for life throughout Ireland in both peace and war with his own retinue — which included four men-at-arms with fully armoured

[81] *Stat. Ire., John–Hen. V*, pp 442–3.

[82] Of the sparse comments made by Irish historians on the subject of 'bastard feudalism', several have come from Gaelic specialists: F. J. Byrne, '*Senchas*: the nature of Gaelic historical tradition' in J. G. Barry (ed.), *Historical Studies IX* (Belfast, 1974), p. 140; Katharine Simms, *From kings to warlords: the changing political structure of Gaelic Ireland in the later middle ages* (Woodbridge, 1987), pp 113, 147–9. Although Gaelic Ireland found it extremely difficult to adapt to 'feudalism' as introduced by the English invasion from the 1160s, Gaelic lordship was not incompatible with 'bastard feudal' networks.

[83] *Red Bk Kildare*, nos 11–12, 14–15.

[84] *Ormond deeds, 1350–1413*, nos 33, 35–7, 39, 46, 126, 205 (i), 219, 247, 323 (ii), 347; ibid., *1413–1509*, nos 8, 38, 140, 177, 320; *Red Bk Kildare*, nos 76, 139, 165–9; K. W. Nicholls, 'Abstracts of Mandeville deeds' in *Anal. Hib.*, no. 32 (1985), pp 18–19; G. A. Holmes, *The estates of the higher nobility in fourteenth-century England* (Cambridge, 1957), pp 129–30; *Cal. pat. rolls, 1401–5*, p. 229. The study of such documents in a 'British' context has been greatly facilitated by the publication of superior editions of life indentures of Irish provenance, with full cross-references to the original sources, in Michael Jones and Simon Walker (eds), 'Private indentures for life service in peace and war, 1278–1476' in *Camden Misc. XXXII* (Camden 5th ser., iii, 1994), nos 10, 12, 43–5, 68, 90, 129. For discussions of some of these documents see Frame, *Ire. & Brit.*, pp 201–2, 292–7; *New hist Ire.*, ii, 325–9; Ciaran Parker, 'The politics and society of County Waterford in the thirteenth and fourteenth centuries' (Ph.D. thesis, Trinity College Dublin, 1992), pp 188–238. For the indenture of retinue in England see A. E. Prince, 'The

*extensive discussion of 'lordship' in idem, *Lordship and society in the march of Wales, 1282–1400* (Oxford, 1978), esp. pp 65–6. For the term's appeal in relation to Ireland see idem, 'Lordship or colony?' in Lydon (ed.), *English in med. Ire.*, pp 142–9. I am indebted to Professor Robin Frame for advice on this point.*

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horses, twelve hobelars[85] and forty footmen known as kern[86] — in return for the lump sum of one hundred marks of silver.[87] As elsewhere, the number of surviving indentures is far from overwhelming, and they can only have been one — and not the most common — element of lordship.[88] Besides those who were formally retained, the earls clearly commanded the support of large networks of 'frendes allyes servantes adherentes and party takers'[89] that bear comparison to the affinities of English and Scottish magnates.[90] Through these clients, they held sway over enormous territories that far exceeded their own landholdings. The first earl of Desmond, for example, had an enormous private army, known as the 'rout of MacThomas', that reputedly terrorised much of the south-west in the first half of the fourteenth century. It was a formidable network, and doubtless remaining aloof from it would have been both difficult and perilous.[91] By the 1480s a government report on the size of Desmond's army stated that he had at his disposal 400 horsemen, eight battalions of galloglas warriors, one battalion of crossbowmen and gunners and some 3,000 kern.[92]

These disparate confederacies were consolidated by the distribution of livery. The wearing of heraldic insignia can be traced back to the earliest English invaders of Ireland,[93] and in an agreement of 1289 between John fitz Thomas, the future first earl of Kildare, and Peter son of James Bermingham, the latter promised to wear fitz Thomas's robes or livery.[94] The anonymity conferred by the uniform, together with the security naturally found in numbers, often caused

indenture system under Edward III' in J. G. Edwards, V. H. Galbraith and E. F. Jacob (eds), *Historical essays in honour of James Tait* (Manchester, 1933), pp 283–97; Bean, *From lord to patron*, *passim*; Jones & Walker (eds), 'Private indentures', pp 9–33. For similar arrangements in Scotland see Jenny Wormald, *Lords and men in Scotland: bonds of manrent, 1442–1603* (Edinburgh, 1985).

[85] J. F. Lydon, 'The hobelar: an Irish contribution to mediaeval warfare' in *Ir. Sword*, ii (1954–6), pp 12–16.

[86] Simms, *Kings to warlords*, p. 172.

[87] Jones & Walker (eds), 'Private indentures', no. 43; *Ormond deeds, 1350–1413*, no. 33. The provision of a lump sum was unusual in England, but common in the surviving indentures from Ireland: see Jones and Walker (eds), 'Private indentures', p. 24.

[88] See ibid., pp 12–13; Wormald, *Lords & men*, pp 86–7, 91–9.

[89] Conway, *Hen. VII, Scot. & Ire.*, p. 226.

[90] Cf. the language of Scottish bonds of manrent that refer to 'kin freindis allya parttakaris tennentis servandis and dependaris' (Wormald, *Lords & men*, p. 90). For studies of English and Scottish affinities see, e.g., Christine Carpenter, 'The Beauchamp affinity: a study of bastard feudalism at work' in *E.H.R.*, xcv (1980), pp 514–32; Simon Walker, *The Lancastrian affinity, 1361–99* (Oxford, 1990); Michael Brown, *The Black Douglases: war and lordship in late medieval Scotland, 1300–1455* (East Linton, 1998).

[91] For Desmond's clients see Frame, *Ire. & Brit.*, pp 198–9; Nicholls, 'Development of lordship', pp 189–90; K. A. Waters, 'The earls of Desmond in the fourteenth century' (Ph.D. thesis, University of Durham, 2004), ch. 5.

[92] L. Price (ed.), 'Armed forces of the Irish chiefs in the early sixteenth century' in *R.S.A.I. Jn.*, lxii (1932), p. 203. For the re-dating of this document to the 1480s see *New hist. Ire.*, iii, 32; K. W. Nicholls, 'Anglo-French Ireland and after' in *Peritia*, i (1982), p. 394. On the private military arrangements of the eighth earl of Kildare, which also included galloglas and kern, see Ellis, *Tudor frontiers*, pp 128–31.

[93] Giraldus Cambrensis, *Expugnatio Hibernica: the conquest of Ireland*, ed. A. B. Scott and F. X. Martin (Dublin, 1978), pp 168–9, 174–5.

[94] *Red Bk Kildare*, no. 11.

liveried bands to feel, with some reason, that they could act with impunity. During a parliament held at Dublin in 1324 there was an altercation between Arnold le Poer and his enemy Bishop Richard Ledrede of Ossory. Le Poer, accompanied by a band of men wearing his livery, entered the hall where the earls, barons and other magnates were assembled and confronted the bishop with certain articles for discussion.[95] Le Poer's liveried followers may have been intended to intimidate the bishop. If so, the effect was by no means unique. This was a principal criticism of livery in England from the 1390s,[96] and repeated attempts were made by statute to restrict its distribution.[97] It was not until the arrival of Poynings in 1494 that an attempt to proscribe livery was specifically formulated for Ireland.[98] Yet even before this, English statutes (as was not uncommon) seem to have taken practical effect in the colony. In 1490 Henry VII pardoned Kildare 'all infringements of statutes against badges and livery of cloths and caps and retinues'.[99] No doubt livery contributed to the fierce partisanship that led to a ban in 1494 on war-cries in Ireland. It seems that it was the habit of the Geraldine and Butler factions in the late fifteenth century to use war-cries — for instance 'Butler abú!' ('Butler to victory!') — in the course of 'great variances, malices, and debates between divers lords and gentlemen and their retainers'. All such war-cries were therefore abolished, and it was hoped to bring some semblance of unity to the people by insisting that in future they should only invoke St George or the king.[100]

If we turn to the illicit functioning of society — the corruption that has recently been reaffirmed by one historian as the 'heart of bastard feudalism'[101] — the Irish

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[95] Richardson & Sayles, *Ir. parl. in middle ages*, p. 72; Thomas Wright (ed.), *A contemporary narrative of the proceedings against Dame Alice Kyteler* (Camden Soc., London, 1843), pp 16–20. The narrative in fact only refers to one man, William Outlaw, as being dressed in le Poer's livery (*de robis suis habens in comitiva*), but when le Poer left the hall after an abusive exchange with the bishop, he took 'his knights and the aforesaid William with him', so obviously his band of supporters extended beyond one man. For the feud between le Poer and the bishop of Ossory see Frame, *Eng. lordship*, pp 170–72.

[96] The English provision of 1390 states that 'grievous complaint and great Clamour hath been made … of great and outrageous Oppressions and Maintenances made to the Damage of Us and of our People … whereof many are the more encouraged and bold in their Maintenance and evil Deeds aforesaid, because that they be of the Retinue of Lords and others of our said Realm, with Fees, Robes, and other Liveries called Liveries of Company' (*Stat. of realm*, ii, 74–5). Victorian historians joined the chorus of denunciation. 'Liveries', wrote Stubbs, 'became the badges of the great factions of the court, and the uniform, so to speak, in which the wars of the fifteenth century were fought' (Stubbs, *Constitutional hist.*, iii, 552).

[97] For acts in England concerning liveries see *Stat. of realm*, ii, 3, 74–5, 84, 93, 155–6, 240–41, 426–9. For a discussion of some of the measures against livery see Bean, *From lord to patron*, pp 200–30; Nigel Saul, 'The Commons and the abolition of badges' in *Parliamentary History*, ix (1990), pp 302–15; Michael Hicks, 'The 1468 statute of livery' in *Historical Research*, lxiv (1991), pp 15–28.

[98] Conway, *Hen. VII, Scot. & Ire.*, pp 121–2; *Stat. Ire., Hen. VII & VIII*, p. 92; *Stat. Ire.*, i, 45–6.

[99] *Cal. pat. rolls, 1485–94*, p. 316.

[100] Conway, *Hen. VII, Scot. & Ire.*, pp 128–9; *Stat. Ire., Hen. VII & VIII*, p. 94; *Stat. Ire.*, i, 55.

[101] P. R. Coss in Carpenter, Coss & Crouch, 'Debate: Bastard feudalism revised', p.193.

evidence is even more abundant. Livery's partner in crime, maintenance, besides having the general meaning of providing for a retainer and protecting him in his disputes, can also refer to supporting a party in litigation illegally. Maintenance, together with two of its subsets, champerty (supporting a suit in return for a share of the profits) and embracery (unduly influencing a jury), were common grievances in this period, and the many attempts to monitor the English judicial system were mirrored in the lordship of Ireland.[102] In the mid-fourteenth century it was said to be impossible to obtain justice because magnates had the lawyers of Ireland in their pockets.[103] The whole issue was tackled head on in the Statute of Kilkenny (1366), chapter VII of which addresses the 'conspiracies, confederacies, champerties, maintainers of suits, false swearers, receivers of damages in suits, [whereby] the liege commons of the said land in pursuit of their rights are much disturbed, aggrieved and disherited'. Those guilty of such abuses were to be punished by fines, so that others 'may be deterred from doing or maintaining so horrible a thing … contrary to law'.[104] This statute did not eradicate the problem, but neither was it merely a parchment law. Large numbers of people sought pardons for these offences.[105] A recurring difficulty was that of extracting accurate information from the juries empanelled in areas dominated by one or other of the great lords. In a dispute that lasted from the late 1360s into the 1370s over the manor of Rathkeale, County Limerick, situated in Desmond territory, the administration specifically stipulated that the facts of the case were to be verified 'by the oath of men who are not allied by kinship to any of the said parties, or to the earl or countess of Dessemund'.[106] It was an effort to avoid embracery. Yet more insidious were charges from the mid-fifteenth century that the White Earl of Ormond gained the Irish parliament's support by making 'Irisshe men and gromes and pages of his housolde knyghtes of the shire'.[107]

III

'Lordship' in the late medieval colony, as it emerges from this brief description, is conspicuously akin to that of 'bastard feudal' societies, both in form (for instance the indentures of retinue) and in content (the bestowal of livery and the corruption of justice). Rather than vindicating the colonial nobility, this discussion seems to have confirmed the worst fears of the 'centralist' school. If

[102] On maintenance and corruption of justice in England see *Stat. of realm*, i, 256, 264, 304–5; ii, 3, 134, 589.

[103] Sayles (ed.), *Docs on affairs of Ire.*, no. 212.

[104] *Stat. Ire., John–Hen. V*, pp 438–41. The related issue of barrators is tackled ibid., pp 458–61.

[105] This can be judged from the brief glimpse we have of the business of the Irish council in 1392–3: *Proc. king's council, Ire., 1392–3*, nos 51, 57, 64, 71, 76, 79, 106, 123, 125, 128, 135, 146, 179, 211.

[106] *Cal. pat. rolls, 1367–70*, pp 60, 198–9; *Cal. close rolls, 1369–74*, pp 231, 411; ibid., *1374–77*, pp 145–6. The lands were held by the English Mautravers family, whose interest in this Irish manor was revived in the 1350s and 1360s (Frame, *Eng. lordship*, pp 61–2).

[107] *Proc. king's council, Ire., 1392–3*, pp 274, 278; *Stat. Ire., Hen. VI*, p. 51; *Proc. privy council, 1436–43*, pp 318–19.

this is not due to the 'overmightiness' of the magnates, is it attributable to the fact
that the king was mostly 'absent and hence permanently "under-mighty"'?[108]
This suggestion cannot be lightly dismissed. Even in England, a number of
historians have reaffirmed the high level of disorder caused, among other things,
by the delegation of peacekeeping functions to self-interested magnates.[109] Yet
the debate on this interpretation — which one historian has wryly dubbed
'bastard McFarlanism'[110] — is vigorous. Gerald Harriss has recently emphasised
the consensual aspect of English government, reminding us that 'any late
medieval government, however developed its central administration, was limited
by local particularism … [and] had to rely on local élites who exercised and often
appropriated its authority'.[111] Other scholars concur. Each lord had his own
'country',[112] and, although the crown's resources were formidable, they 'were not
sufficient to maintain royal authority without a basis of trust between sovereign
and subject'.[113] What is true for relatively centralised England can be extended *a
fortiori* to the regionalised Scottish kingdom. In recent studies of Scottish history,
what has been called the 'thud-and-blunder approach'[114] to crown–magnate
relations has in large part been superseded. Inspired by McFarlane, two scholars
in particular, Jenny Wormald and Alexander Grant, have demonstrated the
success of delegation to the magnates, who are portrayed as willing partners in

[108] Frame, *Eng. lordship*, p. 46.

[109] Including, significantly, one who turned his attention to Ireland, R. A. Griffiths. His
comments on 'Lawlessness and (aristocratic) violence' in *Reign of Hen. VI*, pp 128–53,
562–609, provide an interpretative context for his harsh views on Ireland. See also
Bellamy, *Crime & public order in Eng.*, pp 199–202; idem, *Bastard feudalism and the law*
(London, 1989); R. W. Kaeuper, 'Law and order in fourteenth-century England: the
evidence of special commissions of oyer and terminer' in *Speculum*, liv (1979), pp
734–84; J. R. Maddicott, 'Edward I and the lessons of baronial reform: local government,
1258–80' in P. R. Coss and S. D. Lloyd (eds), *Thirteenth-century England I* (Woodbridge,
1986), pp 1–30; Coss, 'Bastard feudalism revised'; idem in Carpenter, Coss & Crouch,
'Debate: Bastard feudalism revised'.

[110] Carpenter, 'Political & constitutional history', p. 191. See also eadem, *Wars of the
Roses*, pp 4–26, where she talks of the confusion caused by 'rejecting McFarlane's ideas
… in the name of McFarlane' (p. 23).

[111] G. L. Harriss, 'Political society and the growth of government in late medieval
England' in *Past & Present*, no. 138 (1993), p. 32.

[112] Chris Given-Wilson, *The English nobility in the late middle ages: the fourteenth-
century political community* (London, 1987), p. 160.

[113] Maurice Keen, *England in the later middle ages* (2nd ed., London, 2003), p. 239. The
point is elaborated in J. B. Gillingham, 'Crisis or continuity? The structure of royal
authority in England, 1369–1422' in Reinhard Schneider (ed.), *Das Spätmittelalterliche
Königtum im Europäischen Vergleich* (Sigmaringen, 1987), pp 78–80. For other critiques
of the 'centralist' position and its emphasis on local disorder see Clanchy, 'Law,
government, & society', pp 73–8; Powell, *Kingship, law & society*, pp 19–20, 87–91;
Hicks, *Ric. III & his rivals*, pp 16–7; Davies, 'Med. state', pp 289–90; Musson, *Public
order & law enforcement*, pp 226–34; Richard Gorski, *The fourteenth-century sheriff:
English local administration in the late middle ages* (Woodbridge, 2003), pp 160–61;
Anthony Musson and W. M. Ormrod, *The evolution of English justice: law, politics and
society in the fourteenth century* (London, 1999), pp 68–74.

[114] The phrase is used in J. M. Brown, review of Ranald Nicholson, *Scotland: the later
middle ages* in *E.H.R.*, xcii (1977), p. 599.

the governance of the realm.[115] Even allowing for recent caveats about this 'new orthodoxy',[116] the rehabilitation of the Scottish nobility remains a signal achievement.

The Scottish parallel is particularly pertinent to Ireland, where kinship bonds were also vibrant and noble power was exercised across equally impressive geographical expanses. Robin Frame has concluded that the striking feature of the latter part of Edward III's reign in Ireland was the king's success at working with the grain of colonial society.[117] Of course, not every subsequent monarch was so deft, and there is ample evidence of suspicion and conflict characterising the relationship between crown and nobility in Ireland.[118] But the evidence also points in the contrary direction. Throughout the period nobles of all ranks were called on to perform a range of roles, from offices of local and regional significance, such as commissions of the peace,[119] to the chief governorship. The White Earl of Ormond, for instance, notwithstanding the cries of his detractors, repeatedly served as chief governor (including three times with the illustrious title of lieutenant), often with minimal financial support from England, across nearly half a century from 1407 to 1452. Moreover, despite ministerial complaint about the loss to the exchequer caused by the alienation of regalities, there was

[115] Like their Irish counterparts, the Scottish nobles were previously 'very much neglected by other historians' and were the 'victims of a strong prejudice in favour of the Crown' (K. J. Stringer (ed.), *Essays on the nobility of medieval Scotland* (Edinburgh, 1985), p. xiii; the second quotation is taken by Stringer from McFarlane, *Nobility of later med. Eng.*, p. 3). For important attempts to reverse that trend see J. M. Brown, 'The exercise of power' in eadem (ed.), *Scottish society in the fifteenth century* (London, 1977), pp 33–65; Jenny Wormald [*née* Brown], 'Taming the magnates?' in Stringer (ed.), op. cit., pp 270–80; eadem, *Lords & men in Scot.*; Alexander Grant, 'Earls and earldoms in late medieval Scotland (*c.* 1310–1460)' in John Bossy and Peter Jupp (eds), *Essays presented to Michael Roberts …* (Belfast, 1976), pp 24–40; idem, 'The development of the Scottish peerage' in *Scot. Hist. Rev.*, lvii (1978), pp 1–27; idem, 'Crown and nobility in late medieval Britain' in R. A. Mason (ed.), *Scotland and England, 1286–1815* (Edinburgh, 1987), pp 34–59.

[116] Michael Brown, 'Scotland tamed? Kings and magnates in late medieval Scotland: a review of recent work' in *Innes Review*, xlv (1994), pp 120–46; Steve Boardman and Michael Lynch, 'The state of late medieval and early modern Scottish history' in David Ditchburn and Terry Brotherstone (eds), *Freedom and authority: Scotland* c. *1050–* c. *1650 …* (East Linton, 2000), pp 44–59.

[117] Frame, *Eng. lordship*, pp 325–6. For this theme in England see Mark Ormrod, 'Edward III and the recovery of royal authority in England, 1340–60' in *History*, lxxii (1987), pp 4–19; idem, *The reign of Edward III: crown and political society in England, 1327–1377* (New Haven, 1990), pp 56–60, 102–5, 197–203; James Bothwell, 'Edward III and the "new nobility": largesse and limitation in fourteenth-century England' in *E.H.R.*, cxii (1997), pp 1111–40; idem, *Edward III and the English peerage: royal patronage, social mobility and political control in fourteenth-century England* (Woodbridge, 2004), pp 154–60.

[118] Note, for example, Richard II's reprimand to the third earl of Desmond (Johnston, 'Interim years', p. 183). For the English context see Alastair Dunn, *The politics of magnate power in England and Wales, 1389–1413* (Oxford, 2003).

[119] Frame, *Ire. & Brit.*, pp 301–17; idem, 'Commissions of the peace in Ireland, 1302–1461' in *Anal. Hib.*, no. 35 (1992), pp 1–43.

no general attack on liberty jurisdiction in the period.[120] Richard II, for one, indulged in 'a new wave of liberty creation',[121] granting the ill-fated earl of Oxford, Robert de Vere, palatine jurisdiction over the whole of Ireland in 1385–6, and engaged in another round during his Irish expedition of 1394–5.[122] Admittedly, these short-lived creations were for Richard's favourites; but the resident nobility was also bolstered. Successive earls of Ormond had their authority nurtured by the king. In 1372 Edward III confirmed the liberty of Tipperary to the heirs of the second earl of Ormond,[123] and in 1392 the government facilitated the Butlers' purchase of the Despenser purparty of Kilkenny.[124] Royal confidence was given public expression through the ceremony of knighthood. James, third earl of Ormond, caught the eye of the Westminster chronicler when he 'received the belt of knighthood' from Richard II in the Westminster parliament of November 1385.[125] His grandson, James, the fifth earl, was likewise dubbed by Henry VI in 1426. Shrewd marriage policies gave him entry into English county society, and in 1449 he was granted the earldom of Wiltshire. The advent of the Yorkist dynasty stalled the family's remarkable advance; but ironically, the earl's execution in 1461 was bloody proof of the Butlers' hitherto extraordinary success.

If the intimacy of the Butlers' relationship with England was unusual, the benefits accruing from royal support were not. The basis of the much-vaunted Kildare ascendancy was laid by Henry VI about 1454, when he rescued the earldom of Kildare from oblivion by recognising Thomas fitz Maurice, grand-nephew of the fifth earl, as seventh earl. A century earlier Edward III saved the earldom of Desmond from a similar fate, after Maurice, the second earl, drowned in the Irish Sea, leaving as heir an idiot brother. The Geraldine inheritance was transferred to his younger brother, Gerald, whose career as third earl of Desmond provided a focus for English lordship in the south-west during four very challenging decades. The bond between Munster and court may have been weaker in the fifteenth century, but it was resilient enough to enable Thomas, eighth earl of Desmond, to re-emerge as chief governor after the Geraldines defeated the Butlers at Piltown in 1462. Against this background, the assault on noble interests in 1468 by the chief governor, John Tiptoft, earl of Worcester — resulting in the attainder of Kildare and the execution of Desmond — appears as

[120] S. G. Ellis, 'The destruction of the liberties: some further evidence' in *I.H.R. Bull.*, liv (1981), pp 150–61.

[121] The phrase is that of Otway-Ruthven in reference to the creations of the early fourteenth century (*Med. Ire.*, p. 174).

[122] *Proc. king's council, Ire., 1392–3*, pp 265–6; Curtis & McDowell (eds), *Ir. hist. docs*, p. 69.

[123] *Cal. pat. rolls, 1494–1509*, p. 26; *Ormond deeds, 1413–1509*, no. 348.

[124] *Ormond deeds, 1350–1413*, no. 297 (vi–vii). See C. A. Empey, 'The Butler lordship' in *Butler Soc. Jn.*, iii (1970–71), p. 180; idem, 'County Kilkenny in the Anglo-Norman period' in William Nolan and Kevin Whelan (eds), *Kilkenny: history and society* (Dublin, 1990), pp 87–9.

[125] *Westminster Chron.*, pp 140–41. The third earl of Ormond's involvement in this event seems to have gone unremarked by historians of Ireland, although it is noted by J. L. Gillespie, 'Richard II's knights: chivalry and patronage' in *Jn. Med. Hist.*, xiii (1987), pp 148–50; idem, 'Richard II: chivalry and kingship' in idem (ed.), *The age of Richard II* (Stroud, 1997), pp 126–7.

an appalling miscalculation.[126] Richard III was later to state as much, when he attempted to woo James, ninth earl of Desmond, by recalling the 'manyfold notable service and kyndnesse' of his father, who had been 'extorciously slayne and murdred'.[127]

What was irksome to the king was not the power that nobles exercised, but abuse of it. Private armies were not condemned, so long as they were restricted to frontier zones and prevented from exacting money and food in the more settled areas of the colony.[128] Lords operating in these areas could distribute livery so long as they provided the government with the names of their retainers.[129] Nor, indeed, did magnate 'abuses' differ appreciably from the practices of many royal appointees. The hysteria aroused by the 'rout' of the first earl of Desmond is echoed in the charges levelled against the controversial chief governor, Sir William Windsor, whose retinue was described by the Irish Commons as a '*grant route*'.[130] Windsor's chief governorship also provides the clearest example of an attempt to manipulate the outcome of parliamentary elections.[131] Clearly 'overmightiness' was in the eye of the beholder. The core fact is that an absence of lords, and therefore of lordship, was a far more likely to lead to crisis than 'overweening' aristocratic power. A Gaelic annalist acknowledged this fact when he remarked laconically upon the death of the third earl of Ormond in 1405 that 'the Galls were very powerless after that'.[132]

IV

This background is vital to an understanding of the issue of factionalism in Ireland, because it exposes as both antique and a fraud the familiar portrait of an

[126] *Stat. Ire., 1–12 Edw. IV*, pp 464–7; Cosgrove, 'Execution of the earl of Desmond, 1468', pp 11–27. In terms of his mishandling of colonial sensibilities, Tiptoft bears comparison to the fourteenth-century chief governor, Sir Ralph Ufford: see Robin Frame, 'The justiciarship of Ralph Ufford: warfare and politics in fourteenth-century Ireland' in *Studia Hib.*, xiii (1973), pp 7–47.

[127] James Gairdner (ed.), *Letters and papers illustrative of the reigns of Richard III and Henry VII* (2 vols, London, 1861–3), i, 68.

[128] *Stat. Ire., John–Hen. V*, pp 202–3, 376–9, 446–9. See Frame, *Ire. & Brit.*, pp 235–6.

[129] Conway, *Hen. VII, Scot. & Ire.*, pp 121–2, 124; *Stat. Ire., Hen. VII & VIII*, pp 92–3; *Stat. Ire.*, i, 46, 49.

[130] *Fourteenth century studies by M. V. Clarke*, ed. L. S. Sutherland and May McKisack (Oxford, 1937), p. 186. *Rute* or *route* was a French or Anglo-Norman word derived from the Latin *rupta* (broken), referring to a company or division. It soon came to have a negative connotation, and in the English statutes of the period it refers to armed confederacies or bands of criminals. During the Hundred Years War companies of freelance soldiers, known as *routiers*, were a source of considerable disorder. The Irish word *rúta* was borrowed from the francophone invaders of Ireland.

[131] Sir Joseph Ayloffe, *Calendar of the ancient charters … To which are added memoranda concerning the affairs of Ireland, extracted from the Tower records* (London, 1772), pp 453–5.

[132] *Misc. Ir. Annals*, pp 174–5. See also the 'crisis of lordship' in the aftermath of the deaths of the White Earl of Ormond in 1452 and John Talbot, earl of Shrewsbury and Waterford, in 1453 (Ellis, *Ire. in age of Tudors*, pp 56–8). For the phrase 'crisis of lordship' see Davies, 'Lordship or colony?', p. 149.

enervated central authority unable to restrain the excesses of the magnates. Vibrancy, rather than frailty, is often the conspicuous characteristic of the tissue connecting 'court' and 'country', and it was by capitalising on these connexions that fortunes were advanced. Of course, there were conflicts, which had local causes. Land is an obvious example. It was the confiscation of the White Earl of Ormond's estates in 1417 by the then lieutenant, John Talbot, that inaugurated several decades of strife between the two.[133] The jurisdictional privileges of the magnates were also jealously guarded: Earl James II of Ormond struggled during the 1350s to exercise his palatine rights as lord of Tipperary over the manors of Kilfeakle, Kilsheelan and the town of Clonmel, which had been purchased by the first earl of Desmond.[134] If territorial and judicial lordship were two common sources of dispute, lordship over men was another. In the litany of accusations against Talbot sent to court by the White Earl of Ormond in 1422, the grievances of the extended Butler affinity predominate, including Ormond's kinsmen, knights and esquires, his chaplain, a councillor and the constable of Knocktopher castle, as well as the bondsmen, tenants, burgesses and religious foundations under his protection. Honour, prestige and chivalric sensibilities might also be offended.[135] When, for example, the White Earl was accused of being too 'aged, unwiledie and unlustie' to hold office, he countered the charges with an offer to defend himself against his detractors personally in battle.[136] But if private considerations sparked conflict, the best means of promoting one's interests was to utilise the apparatus of central government.

Competition for high office was intense, as is clear from the many surviving petitions and counter-petitions that trumpet the virtues of one party and decry the excesses of another, all with the hope of shaking the king's confidence, showing up rivals as unfit for office, and hopefully winning commissions.[137] What tangible advantages then, beyond honour and prestige, were bestowed by the office of chief governor? For one thing, it provided the incumbent with an enormous extension of his normal seigneurial power and jurisdiction, the physical expression of which was control of the king's castles and ordnance. Against enemies, that authority could be wielded punitively, and many documents report

[133] Empey & Simms, 'Ordinances of the White Earl', p. 164; Otway-Ruthven, *Med. Ire.*, p. 355. Empey transcribes the relevant record in 'The Butler lordship in Ireland, 1185–1515' (Ph.D. thesis, Trinity College Dublin, 1970), app. V, no. 2, p. xxxii. On the importance of land as a cause of dispute in England see Carpenter, 'Law, justice & landowners', pp 205–37; Bellamy, *Bastard feudalism*, pp 8, 34–56.

[134] *Ormond deeds, 1350–1413*, no. 8; ibid., *1413–1509*, no. 348; *Cal. close rolls, 1349–54*, p. 319; ibid., *1354–60*, pp 7–8; *Cal. pat. rolls, 1354–8*, p. 328.

[135] See Hicks, *Ric. III & his rivals*, pp 48–54.

[136] The accusation is found in *Stat. Ire., Hen. VI*, p. 51; *Proc. king's council, Ire., 1392–3*, pp 274, 281; *Proc. privy council, 1436–43*, p. 318. Ormond is reported to have offered to defend himself '*per manum suam propriam*' (*Proc. king's council, Ire., 1392–3*, app. VI, p. 284).

[137] See, for example, *Stat. Ire., John–Hen. V*, pp 562–85; Griffith, 'Talbot–Ormond struggle', apps I–III, pp 392–7; *Rot. pat. Hib.*, pp 247–8; *Proc. privy council, 1410–22*, pp 43–52; ibid., *1436–43*, pp 317–34; *Stat. Ire., Hen. VI*, pp 10–25, 50–53; *Proc. king's council, Ire., 1392–3*, pp 273–313; *Ormond deeds, 1413–1509*, no. 159; *Stat. Ire., 1–12 Edw. IV*, p. 181; Gairdner (ed.), *Letters & papers*, i, 377–9; and complaints cited in Ellis, *Reform & revival*, pp 33–4.

that complainants voiced their grievances only with trepidation.[138] Rivals faced punitive amercements and troublesome judicial inquiries; their lands might be subjected to purveyance, their debts and accounts to embarrassing scrutiny, and payments of arrears due to them might be endlessly deferred. If the power inherent in the office could inspire dread, for friends, family and well-wishers it could also be turned to constructive use. An impressive repertory of patronage lay at the chief governor's disposal. Lands, cash sums, wardships, marriages, letters of protection, appointments in the central and local administration, and ecclesiastical benefices: all were distributed to satiate the demands of followers and bolster local influence.

These machinations are keenly associated with the 'Talbot–Ormond struggle' of the mid-fifteenth century, and may seem a stark contrast to the later fourteenth century, when historians have emphasised the nobility's anxiety to avoid official duties.[139] Certainly the chief governorship was onerous.[140] Yet we should not exaggerate its ill effects. High office was always a privilege and a predicament: the art lay in ensuring that the burdens never outweighed the perquisites.[141] Moreover, many of the more 'dismaying' features associated with the fifteenth-century polity were visible well before 1400. Even when the colony's magnates were not scrambling for office, factionalism found expression in the lordship's politics, often in the form of courting the favour of the latest appointee to the chief governorship. The second earl of Ormond's proximity to Edward III's son, Lionel of Antwerp, for instance, enabled him to promote his private concerns to the detriment of the Geraldines of Munster.[142] Not every chief governor was willing to become a pawn in the power struggles of the resident nobility, but such men had to be wary since the colony had well-tried means of destroying the reputations of the intractable. Two centuries before Tudor administrators were discovering that the response of the Irish nobility to their reform initiatives was dictated not by inborn distrust of royal government, but by what Ciaran Brady calls the 'complex and delicate calculus of faction',[143] many a minister in late medieval Ireland had learned to his cost that colonial attitudes were dictated in large part by political alignments. Grievance-laden delegations, often purporting to speak with the authority of the Irish parliament, were a familiar sight at Westminster from at least the mid-fourteenth century. The formulaic complaints

[138] See, e.g., Clarke, *Fourteenth century studies*, p. 206; *Proc. king's council, Ire., 1392–3*, pp 275–6, 285–6; *Proc. privy council, 1436–43*, p. 328.

[139] Otway-Ruthven, *Med. Ire.*, pp 313, 315; Lydon, *Lordship*, pp 164–5, 167.

[140] In 1379 James, second earl of Ormond, who had held office since 1376, travelled to court to demand his own dismissal and he later showed reluctance in accepting the burden again (*Cal. pat. rolls, 1377–81*, p. 385; Richardson & Sayles, *Parl. & councils med. Ire.*, i, 117–18). His son, the third earl, likewise expressed dismay at being appointed justiciar in 1392 (*Proc. king's council, Ire., 1392–3*, pp xvi–xvii).

[141] During the chief governorship of James, third earl of Ormond, 1392–4, an array of Butler supporters was treated favourably (*Proc. king's council, Ire., 1392–3*, nos 4, 6, 13, 15, 18–20, 22–3, 28–9, 32–4, 37, 47, 63, 66, 70, 81, 100, 123, 127, 136, 146, 176, 180, 183, 185, 188, 199, 205).

[142] Crooks, ' "Hobbes", "dogs" & politics'.

[143] Brady, *Chief governors*, p. 176; the whole of ch. 5 is essential reading.

often barely disguised a political agenda.[144] As a result, officials became acutely sensitive to the hazards of their office and sought to have all imputations made at court returned to the Irish chancery for investigation, so that false accusers could be punished as 'a warning to others to abstain from such things'.[145] Cannier still were those who pre-empted their detractors by securing promises that allegations would be dealt with by the king personally.[146]

   This atmosphere of vigorous politicking was underpinned by an awareness of the mores of English political life. Documents such as Magna Carta and the *Modus tenendi parliamentum* were used as sticks to beat more than one chief governor between the mid-fourteenth and mid-fifteenth centuries.[147] In 1420, to inaugurate his first lieutenancy of Ireland, the White Earl of Ormond commissioned a translation of the pseudo-Aristotelian tract, *Secreta secretorum*.[148] The translator, James Yonge, drew extensively on William Langland, whose works had found an audience in Ireland since at least the 1390s and were being copied and illustrated in the colony in the early fifteenth century.[149] Yonge's edition, entitled *The governaunce of prynces*, is dedicated to 'Iamys de Botillere, Erle of Ormonde, lieutenaunt of oure lege lorde, kynge henry the fyfte in Irland'.[150] Grand words indeed, but not mere affectation. If constitutional sensitivities coincided conveniently with private objectives, this was hardly an Irish phenomenon.[151] It seems excessively negative to interpret the nobility's involvement in the administration as 'magnate dominance' leading to the 'crown's paralysis in Ireland'.[152] Rather, it demonstrates the ongoing relevance of English institutions. Even the most dramatic rejections of metropolitan authority — the famous parliamentary declaration of 1460 and the

[144] *Cal. close rolls, 1385–9*, p. 49; Rymer, *Foedera* (The Hague, 1739–45 ed.), iii, 196. The most detailed collection of such grievances is in Clarke, *Fourteenth century studies*, pp 184–241.

[145] *Stat. Ire., John–Hen. V*, pp 413–14; *Stat. of realm*, i, 360–61; see also *Cal. close rolls, 1349–54*, p. 462; ibid., *1392–6*, pp 227–8; Sayles (ed.), *Docs on affairs of Ire.*, no. 267; *Rot. pat. Hib.*, pp 247–8.

[146] See Sayles (ed.), *Docs on affairs of Ire.*, no. 243; Dorothy Johnston, 'Chief governors and treasurers in the reign of Richard II' in T. B. Barry, Robin Frame and Katharine Simms (eds), *Colony and frontier in medieval Ireland: essays presented to J. F. Lydon* (London, 1995), p. 104.

[147] *Stat. Ire., John–Hen. V*, pp 344–5, 360–61, 416; *Stat. of realm*, i, 362. Nicholas Pronay and John Taylor (eds), *Parliamentary texts of the later middle ages* (Oxford, 1980), pp 115–52; A. J. Otway-Ruthven (ed.), 'The background to the arrest of Sir Christopher Preston in 1418' in *Anal. Hib.*, no. 29 (1980), pp 73–94.

[148] Robert Steele (ed.), *Three prose versions of the* Secreta secretorum (London, 1898), pp 119–248.

[149] Kathryn Kerby-Fulton and Steven Justice, 'Langlandian reading circles and the civil service in London and Dublin, 1380–1427' in *New Medieval Literatures*, i (1997), pp 59–83.

[150] Steele (ed.), *Three prose versions of the* Secreta secretorum, p. 121.

[151] The stock charge of 'accroaching royal power' is a case in point. Compare the Appellants' charges against Robert de Vere, duke of Ireland, in 1388 with the Talbot party's complaints against their rivals in 1428: *Rot. parl.*, iii, 236; *Westminster Chron.*, pp 240–43; *Knighton's Chronicle, 1337–96*, ed. G. H. Martin (Oxford, 1995), pp 258–63; *Rot. pat. Hib.*, p. 248.

[152] Griffiths, *Reign of Hen. VI*, pp 416–17.

crowning of 'Edward VI' in 1487 as king (not lord) of Ireland — occurred precisely because of the entanglement of Ireland in English politics, and are indicative of a highly articulate and self-confident political culture in the colony.

There is a danger of protesting too much on this point and nurturing a 'counter-legend', perhaps one in which the colony's nobility become toothless politicos.[153] They could also be bellicose. Statistical analysis might 'prove' that Ireland was no worse than England in that regard. The battle of Piltown in 1462 brings to a grand total of one the number of pitched battles in the lordship in the fifteenth century. Such comparisons are, however, likely to founder on the fact that conflicts in Ireland, as in Scotland, were highly localised and therefore less likely to be revealed in the records.[154] More tellingly, Ireland bristled with petty fortifications, and warfare usually followed an inconclusive pattern of raids, sieges and ransoming[155] of a kind that was alien to most of England, where strongpoints were few and pitched battles could be decisive. What is significant is that in neither case was violence 'pathological'; rather, it was 'normal and inevitable as people struggled to secure their objectives'.[156] Even the fiercest rivalries had limitations, and avenues towards composition were rarely totally blocked.

Recent work on private peacemaking in Britain should dispel any assumption that arbitration — common as it was in Gaelic Ireland[157] — was a deviation from English norms or signified a breakdown in the 'rule of law'. Arbitration was popular because it was swifter, less expensive, and usually more likely to provide a satisfactory outcome than adversarial litigation.[158] To facilitate the process of settlement, standing arrangements might be drawn up for the election of panels of negotiators.[159] Venues for mediation seem to have been selected carefully. During the 1380s repeated arbitrations were held at Clonmel between the Munster Geraldines and the Butlers.[160] Clonmel was a Geraldine town lying within the Butler liberty of Tipperary and was therefore relatively neutral ground.

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[153] Gillingham, *Wars of the Roses*, p. 14; see also Michael Hicks, 'Bastard feudalism, overmighty subjects and idols of the multitude during the Wars of the Roses' in *History*, lxxxv (2000), pp 386–403.

[154] See Brown, 'Scotland tamed?', p. 127; Grant, 'Crown and nobility', pp 34–59.

[155] See, for example, *Chartul. St Mary's, Dublin*, ii, 396–7; *Jacobi Grace, Kilkenniensis, Annales Hiberniae*, ed. Richard Butler (Dublin, 1842), pp 154–5.

[156] Simon Roberts, 'The study of dispute: anthropological perspectives' in Bossy (ed.), *Disputes & settlements*, p. 4.

[157] Nicholls, *Gaelic & gaelicised Ire*. (2nd ed.), pp 57–9.

[158] See esp. Edward Powell, 'Arbitration and the law in England in the late middle ages' in *R. Hist. Soc. Trans.*, 5th ser., xxxiii (1983), pp 49–67; J. T. Rosenthal, 'Feuds and private peace-making: a fifteenth-century example' in *Nottingham Medieval Studies*, xiv (1969), pp 84–90; Carole Rawcliffe, 'The great lord as peacekeeper: arbitration by English noblemen and their councils in the later middle ages' in J. A. Guy and H. G. Beale (eds), *Law and social change in British history* … (London, 1984), pp 34–54; eadem, 'Parliament and the settlement of disputes by arbitration in the later middle ages' in *Parliamentary History*, ix (1990), pp 316–42; Ian Rowney, 'Arbitration in gentry disputes of the later middle ages' in *History*, lxvii (1982), pp 367–76.

[159] *Ormond deeds, 1350–1413*, no. 34; Matthew, 'Governing of Lancastrian Ire.', pp 584–7.

[160] *Rot. pat. Hib.*, pp 108, 122.

Its employment in this respect is reminiscent of the 'days of the march' held to compose quarrels on the boundaries of lordships in the march of Wales.[161] Sometimes the restoration of peace required royal intervention; but often the peacemakers were resident nobles. Their power was more immediate than that of the king, and the threat of physical coercion could encourage antagonists to lay aside their 'ill-will … [and] establish good accord'.[162] According to the earl of Desmond, writing in 1491, only the personal presence of the Great Earl of Kildare could prevent 'mortale werre and grete scheding of Cristyn blode' with the Burkes of Clanricard, 'for we ben bound and sworn to abide his rule and jugement in this wariens aforsaid'.[163] Spiritual lords wielded weapons of a different type, but their ability to compel adherence to a settlement with threats of 'suspension, excommunication, and interdict'[164] should not be lightly discounted.[165] The disputants might be further bound by the drawing up of a document, often in the form of an indenture, the terms of which both parties swore to observe before witnesses and sometimes upon holy relics or a 'Masse boke'.[166]

Despite attempts to prevent a breakdown of consensus, not every arbitration could boast lasting results.[167] One way of increasing the likelihood of settlement was to fuse the combatants' bloodlines with a marriage settlement.[168] A papal dispensation of 1447 expressed the high hope that one such union, between the earls of Desmond and the lords of Kerry, would allay the 'great wars … whence slaughter, burnings of towns and castles, depopulation, etc. have been perpetrated and are perpetrated daily, so that there seems to be no hope of peace'.[169] Of course, marriages were motivated by many considerations, and where the impulse was political or strategic rather than palliative, they had the potential to disrupt. The fourth earl of Ormond's marriage in 1432 to the daughter of the ailing fifth earl of Kildare was a personal coup in that, despite an entail of 1397, it brought him control of the Kildare inheritance by right of his wife; however, a side-effect was the hostility it aroused among the Geraldines of Kildare which

[161] Davies, *Lordship & society*, pp 245–6.

[162] *Ormond deeds, 1350–1413*, no. 133.

[163] Gairdner (ed.), *Letters & papers*, i, 382. The letter may not have been entirely ingenuous: for its context see Ellis, *Ire. in age of Tudors*, p. 87.

[164] Nicholls, 'FitzMaurices of Kerry', p. 42.

[165] See R. R. Davies's comment that it 'simply will not do to dismiss the power of the Pope as depending on moral authority and influence. After all, the threat of the hereafter is potentially the most potent form of coercive control!' ('Medieval state', p. 291).

[166] See, for example, *Ormond deeds, 1350–1413*, nos 34, 61, 265; ibid., *1413–1509*, nos 51, 88, 316, 319; Nicholls, 'FitzMaurices of Kerry', pp 38–42; MacCotter & Nicholls (eds), *Pipe roll of Cloyne*, pp 134–7; Conway, *Hen. VII, Scot. & Ire.*, pp 226–9.

[167] A point stressed by M. D. Myers, 'The failure of conflict resolution and the limits of arbitration in King's Lynn, 1405–1416' in Douglas Biggs, S. D. Michalove and A. Compton Reeves (eds), *Traditions and transformations in medieval England* (Leiden, 2002), pp 81–107.

[168] The issue is explored in a recent study by Anthony McCormack, 'Sleeping with the enemy: intermarriage between the Butlers of Ormond and the Fitzgeralds of Desmond' in *Butler Soc. Jn.*, iv (2003), pp 466–77.

[169] *Cal. papal registers, 1447–55*, p. 359.

was to last for over a century.[170] Even when the desire to bring harmony to discordant relations was genuine, matrimonial bliss — in a wider sense — was difficult to achieve, not least because of the unforeseen ramifications of any union. The Talbot–Ormond acrimony was brought to an end about 1444 when the White Earl's daughter, Elizabeth, was married to Talbot's heir and namesake, Sir John.[171] Unfortunately Ormond had a previous arrangement dating from 1429 with the earl of Desmond, whereby the children of the two earls were betrothed to each other.[172] Marriageable personnel were a coveted and finite resource, and it may have been the denial to the Geraldines of a spouse that brought an end to several decades of *détente* and sparked Desmond's raid deep into Butler territory in 1444.[173]

Notwithstanding their inadequacies, these forms of dispute resolution spun a web of affiliations that was far more complex than can be comprehended by adjectives such as 'hostile' and 'antagonistic'. The paradox of the 'peace in the feud'[174] has become relatively familiar, owing to the enthusiasm with which historians studying diverse regions and periods have embraced the ideas of sociologists and anthropologists studying feuding societies.[175] Such theories may soon begin to lead the facts if they are not treated gingerly; but lessons from anthropology can help us appreciate the intricacy of social networks. As Max Gluckman put it, 'people who are friends on one basis are enemies on another [wherein] lies social cohesion, rooted in the conflicts between men's different allegiances'.[176] The best means of entry to this complex world is to examine one particular case. By a nuptial settlement of 1359, the daughter of Earl James II of Ormond was wedded to Gerald, third earl of Desmond.[177] Consequently, when James III Butler succeeded his father as earl in 1382, the man with whom he found himself repeatedly at odds was, in fact, his brother-in-law. Matters became further entangled by the notorious liaison of Earl James III with his niece, Katherine, daughter of the third earl of Desmond. By 1402 Katherine had borne her uncle four sons.[178] Three of them were graced with traditional Butler names

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[170] *Ormond deeds, 1413–1509*, no. 101; *Cal. papal registers, 1427–47*, pp 442–3; *Red Bk Kildare*, no. 158.

[171] The date of the wedding is uncertain. It was certainly before 8 June 1445, and Richardson and Sayles suggest that it may have been taken place by 21 June 1444 (*Ir. parl. in middle ages*, p. 202).

[172] *Ormond deeds, 1413–1509*, no. 88.

[173] 'The annals of Ireland, from the year 1443–1468, translated from the Irish by Dudley Firbisse … for Sir James Ware, in … 1666', ed. John O'Donovan in *Miscellany of the Irish Archaeological Society* (Dublin, 1846), p. 205. For this explanation of the Desmond raid see Matthew, 'Governing of Lancastrian Ire.', pp 361–2.

[174] The classic article is Max Gluckman, 'The peace in the feud' in *Past & Present*, no. 8 (1955), pp 1–14.

[175] J. M. Wallace-Hadrill was one of the first historians to apply these ideas: see 'The bloodfeud of the Franks' in idem, *The long-haired kings* (Toronto, 1982), pp 121–47. Since this numerous historians have undertaken studies of feuds and dispute settlement.

[176] Gluckman, 'Peace in the feud', p. 2.

[177] *Cal. close rolls, 1354–60*, p. 576; *Cal. pat. rolls, 1358–61*, p. 246; Rymer, *Foedera* (The Hague, 1739–45 ed.), iii, 183. For an earlier, ultimately abortive, attempt to bring the two families together in matrimony see *Cal. pat. rolls, 1354–8*, p. 412.

[178] The four sons are named in an entail of 2 Aug. 1402 (*Ormond deeds, 1350–1413*, no. 368). In 1399 Ormond attempted to obtain a papal dispensation to marry Katherine (ibid.,

— James, Edmund and Theobald — but the other son was named Gerald, commemorating innumerable Geraldine forebears stretching back to Gerald of Windsor. As one family connexion was being forged, another was broken. In 1392 the Gaelic annals report that the 'countess of Desmond … a bountiful and truly hospitable woman, died after the victory of Penance'. As the annalist noted, she was the 'daughter of the [second] earl of Ormond'.[179] Perhaps this loss inclined the third earl of Ormond to sympathise with his Geraldine relatives. It was early in 1393 that Ormond expressed some affection for his sister's progeny, calling the future fourth earl of Desmond, 'notre treschere et tresame neveu Johan de Dessemond'.[180]

Such diplomatic courtesies may, of course, be little more than a veneer, thinly disguising a contempt bred on a diet of long familiarity. Yet they also serve to show how intertwined, even incestuous, the two families were, and the resultant 'conflicts of loyalties'[181] could propel antagonists towards peace. In the 1380s the discords between the Geraldines and Butlers had been composed, however transiently, at the arbitration table.[182] When the conflict broke out again in the 1390s, it was markedly more intense. In 1396 Thomas Butler, Earl James III's brother, was slain at Waterford by the Geraldines. Faced with reprisals from Ormond, the third earl of Desmond agreed to pay some eight hundred marks in compensation.[183] Later, during Richard II's expedition to Ireland of 1399, Ormond reputedly encouraged the king's men to expel the Geraldines from Dungarvan castle. John, fourth earl of Desmond, retaliated with an attack on the Butler stronghold of Cahir. Uncle and nephew, Ormond and Desmond, came to terms and made peace. By mischance, Desmond was drowned in the river Suir near Ardfinnan while returning from the settlement.[184] Violence may seem to dominate this social intercourse, but in fact many classic features of a private conflict leading to conciliation are on display. Border tension, murder and reprisals are counterpoised by marriage alliances, arbitration, peace treaties and compensation.

V

This cursory overview of so broad a theme has, in many ways, been more an exercise in unfolding ignorance than supplying answers. Nor does the year 1496

no. 344). The eldest of these children had been born *c*. 1384, before Ormond's marriage to Anne Welles (T. B. Butler, 'The seneschals of Tipperary' in *Ir. Geneal*., ii (1943–55), p. 368; *Ormond deeds, 1350–1413*, no. 387 (i)).

[179] *A.F.M*., iv, 724–5; *Ann. Conn*., pp 364–5; *Ann. Clon*., p. 315. For the third earl of Desmond's lament on the death of Eleanor Butler see Gearóid Mac Niocaill (ed.), 'Duanaire Ghearóid Iarla' in *Studia Hib*., iii (1963), pp 40–41.

[180] *Proc. king's council, Ire., 1392–3*, no. 122. For other grants to the Desmond Geraldines see ibid., nos 109, 113, 133.

[181] Gluckman, 'Peace in the feud', p. 10.

[182] *Rot. pat. Hib*., pp 121, 122, 137.

[183] K. W. Nicholls (ed.), 'Late medieval Irish annals: two fragments' in *Peritia*, ii (1983), p. 90.

[184] Ibid., pp 90–92; *A.F.M*., iv, 760–61, 766–7; *A.U*., iii, 42–3; *Ann. Clon*., p. 320. Nicholls proves that the date of his drowning was 11 October 1399 ('Late medieval Ir. annals', pp 88–9).

mark an end to the story. Despite the impetus towards peace, so long as two powers remained in physical proximity, rubbing each other up the wrong way so to speak, friction was certain to arise. Yet if the antagonisms endured, so did the factors limiting violence and pushing conflict into more political arenas, the Irish parliament or the English court to name but two. That conclusion may seem unsatisfactory, but it reflects the uncertainty surrounding many attempts at dispute resolution. Recognition of this precarious balance should be a starting-point for any study of noble power in late medieval Ireland, for it is in the nuances and incongruities that the fascination of the topic lies. Richard Stanihurst made the point well in one of his most famous tales about the escapades of the great earl of Kildare. The year was 1492, the setting, Dublin.[185] Sir James of Ormond, deputy to the earl of Ormond in Ireland, fearing that his life was threatened by a mob of Kildare supporters, took refuge from the Dublin rabble in the chapter house of St Patrick's cathedral. The Great Earl himself followed him there and guaranteed his safety if he came out. A hole was cut in the chapter house door so that the two men might shake hands as an assurance of Kildare's goodwill. Sir James understandably suspected treachery and refused to pass his hand through the chink in the door in case it was hacked off by a Geraldine zealot. So it was that Kildare, literally, chanced his arm. To use Stanihurst's words: 'Kildare stretcht in his hand to him, and so the dore was opened, they both embraced, the storme appeased, and all their quarrels for that presente, rather *discontinued* than ended.'[186]

PETER CROOKS
Department of History, Trinity College Dublin

[185] Bryan conjectures that the episode took place between 1 December 1491 and 11 July 1492 (*Great Earl of Kildare*, pp 157–9). He disputes Conway's chronology in *Hen. VII, Scot. and Ire.*, p. 55.

[186] Richard Stanihurst in *Holinshed's Irish chronicle*, p. 323 (emphasis added); Bryan, *Great Earl of Kildare*, p. 161. Bryan misprints the year of Sir James of Ormond's death as 1479 instead of 1497.