

Ireland in the reign of Henry VIII:
the making of Tudor political theology,
1515-47

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Part II: Convulsions

Chapter 5:
‘True’ Christian crown subject-hood after the royal supremacy
and Act of Kingly Title

It was not long after Henry VIII’s break with Rome that the Henrician doctrine of obedience began to inflect the ‘office-based’ parameters of allegiance, service, and subject-hood in Ireland. As we saw in chapter one, obedience in Tudor political theology served a similar function to faith in Lutheran theology: it was the precondition for salvation. With the royal supremacy, the ‘realm’ became ‘church-like’, obedience and faith were conflated, obedience to God was equivocated with obedience to the king, and Christ’s salvific prerogative was ambivalently assimilated to the crown’s sovereignty. This same doctrine of obedience, as we shall now see, also underpinned the terms of Tudor service, subject-hood, and crown submission in Ireland.

The ‘office of true obedience’ became the precondition for ‘true subject-hood’ in several ways, all of which centred on a revitalised concern with ‘truth’ as a newly contested site of divine and civil order. The result was manifold, and all dimensions present distinctly Tudor and Irish iterations of Christendom-wide phenomena in the age of Reformation. If the final decade of Henry VIII’s reign witnessed the ever-more salient presence of distinctly Reformation hues in the terms of service and in the dynamics of rivalry and conflict in the Pale and beyond,¹ the discourse of ‘reform’ itself underwent important changes. The 1530s witnessed a change in the century-old ‘rhetoric of reform’: no longer exclusively targeting the English population of the colony, a new conciliatory element was introduced that also integrated the Irish within its fold.² Yet a further shift beholden to a distinctly Reformation political theology of ‘truth’ occurred between 1536 and 1543, one that galvanised anew the older, ‘office-based’ problem of the possible disjuncture between inner conviction and outward expression within the post-Reformation terms of order and subject-hood as a potent threat to Tudor sovereignty. If in England, the ‘trumpeting of inner faith over outward works became a badge of the new [Henrician] orthodoxy’,³ in Ireland, it became an indicator of the progress the king’s new Irish subjects had made in becoming ‘true’ and

¹ See chapters 6-9.

² Christopher Maginn and Steven G. Ellis, *The Tudor discovery of Ireland* (Dublin, 2015).

³ Lucy Wooding, *Rethinking Catholicism in Reformation England* (Oxford, 2000), p. 82.

‘civil’. Henrician obedience re-intensified older concerns with heartfelt commitment to the crown as the guarantor of the truth and trustworthiness of the subject’s service.

This chapter explores the combined weight of both post-royal supremacy theocracy and the concentration of *imperium* in the constitutional settlement of 1541 in Ireland by focusing on the political theologies of Tudor Christian serviceable subject-hood. Beginning with the new Tudor Christian crown subject formally inaugurated in Archbishop of Dublin, George Browne’s ‘Beads’ (1538) and ‘Articles of religion’ (1538), the discussion then traces the impact of the royal supremacy on Anglo-Irish order and discourse as the administration enforced the Reformation. It then analyses the dissimulatory fount of Tudor political theology after 1536 and the new contours and depths of ‘civility’, conformity, and obedience it gave way to in the 1540s as these became increasingly indexed to ‘honesty’ and gradations of ‘perfection’. The chapter ends by showing how these gradations of perfection became quasi-salvific signs of the fulfilment of the process of becoming truly ‘civil’ and obedient, that, as we saw in chapter three, lay at the heart of the discourse of ‘civility’, but which in the final decade of Henry VIII’s reign – and despite the royal supremacy formally leaving the *potestas ordinis* of the clergy beyond its reach – was galvanised and re-oriented anew into a sacramental fount of governmental order and power predicated upon the ‘new life’ English-Irish and Irish lords entered upon submitting to the crown.

5.1: Archbishop George Browne and the ‘true Christian’, 1538

If the royal supremacy in theory made all into renewed testaments of God’s will and truth in the world, it was two years after the parliamentary statute that at the hands of Archbishop of Dublin, George Browne, it became a *de iure* model for the truth of Christian crown subject-hood and service in Ireland. Lamenting the limits on his jurisdiction as chief ecclesiastical agent of the king’s cause, Browne requested in January 1538 that Cromwell, ‘for the good love and mind that you bear unto the mere and sincere doctrine of God’s Word, and also unto the advancement and setting forward of our Most excellent Prince’s right title’, grant him special powers, like he had over all parishes in England, to execute his office properly so that his ‘faithful heart and diligent service’ could pay dividends.⁴ Browne then devised the ‘Form of the Beads’ as a model

⁴ *SP Henry VIII*, ii, p. 540.

for divine service in the lordship. But they were also more: it implied a vision of spiritual-civil order and hierarchy through which God's word and the king's just title were disseminated and rightfully recognised. Although historians see Browne's injunctions as a doctrinally 'conservative' statement,⁵ such a characterisation obscures the radical transformation of Christian crown subject-hood they embodied, a transformation that harnessed, at the thresholds of 'orthodox' and 'evangelical' theology, the terms of spiritual and civil order of the royal supremacy into the projected basis of Christian governance at the pulpit and in the parish. If the archbishop's 1538 injunctions against the clergy amounted to what James Murray called a 'handbook for Henry VIII's new model Irish clergy',⁶ both it and the 'Beads' – more ambitiously – blurred the spiritual and the temporal into the single, dutiful purpose of promoting the king's cause by generalising service to the figure it simultaneously conjured: the 'true Christian crown subject'.

The 'Beads' stipulated that not only should every 'true Christian subject of this land' 'acknowledge and obediently recognize' the royal supremacy; they should also 'speak, publish, teach their children and servants the same, and show unto them' how the 'Bishop of Rome hath heretofore usurped not only upon God, but also upon our Prince'.⁷ Although the injunctions' ambiguous language when it came to the doctrine of justification will be examined in section 5.6, consider now the affinities between Luther's doctrine of the priesthood of all believers and the politico-theological dynamics at work here, even if Browne by no means expounded the doctrine itself. According to Luther, while not all had the authority nor calling to preach, all Christians were still priests in their unmediated relationship to God: as he wrote in *On the freedom of a Christian* (1520), 'all of us who believe in Christ are priests and kings in Christ', although such a power was but a 'spiritual dominion'.⁸ The archbishop's position represented a variation on this theme – except here, a Christian identity unfolded within the spiritual-civil folds of the Crown, with Christ *and* King as mediators of its own and God's majesty. Now tasked with promulgating the king's title and making known the

⁵ Brendan Bradshaw, 'George Browne, first Reformation archbishop of Dublin, 1536-1554', in *JEH*, 21, 4 (1970), p. 313; Steven G. Ellis, *Tudor Ireland: crown, community, and the conflict of cultures, 1470-1603* (3rd edition, Harlow, 1992), p. 196; Henry A. Jefferies, 'The early Tudor Reformations in the Irish Pale', in *JEH*, 52, 1 (2001), pp 51-2; Jefferies, *The Irish church and the Tudor Reformations* (Dublin, 2010), p. 80.

⁶ James Murray, *Enforcing the English Reformation in Ireland: clerical resistance and political conflict in the diocese of Dublin, 1534-1590* (Cambridge, 2009), p. 107.

⁷ *SP Henry VIII*, ii, p. 564.

⁸ *LW 31*, pp 354-5.

pope's usurpation, 'true Christians' were turned into quasi-preachers and sheriffs without the name. The subject promulgated as a 'preacher' the 'truth' of the royal supremacy, although not with the sacramental power of the priest nor his right to publicly minister, but as conduits for God's truth in the world in obedience to royal laws. As a 'sheriff', the subject promulgated the new 'civil' law itself to all, although without any coercive power of enforcement. The terms of promoting the true Word of God now corresponded to the terms of true service performed by the faithful crown subject; in promoting the 'king's cause', they were vectors of spiritual and temporal power as the royal supremacy and Henrician obedience defined them. 'True Christians' were to pray for 'all the temporality' – living and the departed – and for the clergy who preached the word of God 'purely and sincerely'.⁹ Christians were now mediators not only of God's grace, as they had always been as members of the mystical body of Christ, but of God's word as defined by the new theocratic dispensation.

Browne's injunctions of early 1538 – drawn up at the king's command to 'reform' clerical abuses and in effect until October 1538, when Cromwell issues his second set of clerical injunctions – performed a similar move, although here the priority was on securing the conformity of the clergy in Ireland.¹⁰ First, the lawful capacity to enforce conformity and obedience in spiritual and civil matters was a joint civil-ecclesiastical enterprise under the king's law.¹¹ Second, the 'faith and love' one bore to God was identified with the royal supremacy and act of succession; it was something testified to on oath 'before the council' and connected with episcopal instructions to be read out to parishioners every Sunday and holy days.¹² Dissent from the word of God was, just like in the 'Beads', indistinguishable from transgressing the laws of the realm – a mirror-image, indeed, of how under the uncertainly spiritual-civil status of Henrician kingship and obedience, the power of enforcement and correction wielded by crown officers could be both 'spiritual' and 'worldly' as a power of instruction and the sword. Although silent on doctrinal matters, the thrust of the Articles are clear and point to a political-theological formation of Christian moral living that outlasted the

⁹ *SP Henry VIII*, ii, p. 565.

¹⁰ Murray, *Enforcing the English Reformation in Ireland*, pp 104-6. As Murray observes, the Act against the bishop of Rome had firmly 'placed the onus on Browne to meet his clergy head on, and to attempt by the formal procedures of episcopal visitation to win them over to his way of thinking'. James Murray, 'Ecclesiastical justice and the enforcement of the reformation: the case of Archbishop Browne and the clergy of Dublin', in Alan Ford et al (eds), *As by law established: the Church of Ireland since the Reformation* (Dublin, 1995), p. 40; Jefferies, *The Irish church and the Tudor Reformation*, pp. 80-1.

¹¹ J. Payne Collier (ed.), *The Egerton papers* (London, 1840), p. 10.

¹² *Egerton papers*, pp 8-9.

injunctions' relatively brief life as a guide for policy: the redefinition of clerical service and subject-hood at the newly inaugurated spiritual-temporal thresholds of obedience was the epitome of the office of the 'true Christian crown subject', this new vector through which divine and princely truth was disseminated and became a bond linking all in one body.

A clear indication of this spiritual-civil entanglement's import in Ireland is the shift that occurred in moral-governmental discourse along the lines noted by Richard Rex in England, whereby, on account of the development of a Scripturally-based theocratic kingship, the epithet 'word of God' – which was hitherto reserved for preaching – and that of the more general 'divine law' were conflated into the 'true word of God'.¹³ Consider the slight alteration crown officer Thomas Agard made to the generic signature in his letter to Cromwell on 31 December 1537: 'But the Blessed Trinity have your good Lordship in His merciful tuition, and send us here once, that the heads here may favourably and charitably set forward the true Word of God, with true justice, and the sword with discretion, and without covetous, or privy extortion'.¹⁴ It was not only clerics who were to 'set forward the true Word of God' but 'the heads' of the lordship more generally, and they were to do so through a combination of true justice, coercion and discretion for the benefit of all. We find here a pristine expression of the 'reforming' 'true Christian crown servant', as leader, performing their service for God and king.

5.2: Enforcing the Reformation, 1537-9

The royal supremacy quickly left its mark on the requirements of conciliar service and counsel, and while its impact could be discerned earlier, the royal mission of 1537-8, in part sent to Ireland to remove remaining obstacles to the passing of the Reformation legislation and to erode loyalty to the pope,¹⁵ certainly galvanised developments. As Henry VIII put it in instructions to the commissioners in June, it was 'like a good Prince' that he possessed 'such great zeal and desire to the reformation' of Ireland 'and the bringing of his people thereof to the knowledge of God, and to an honest civil

¹³ Richard Rex, 'The crisis of obedience: God's Word and Henry's Reformation'. *HJ*, 39, 4 (1996), pp 863-894. Wooding has also noted that 'Verbum Dei was at the root of all his religious formulations'. Wooding, *Rethinking English Catholicism*, p. 51.

¹⁴ *SP Henry VIII*, ii, p. 533.

¹⁵ Jefferies, 'The early Tudor Reformation in the Irish Pale', p. 49; Murray, *Enforcing the English Reformation in Ireland*, pp 128-9.

manner of living'. Just like the terms of Christian subject-hood promulgated by Browne's 'Beads' a year later, Tudor Christian crown subjects were (re)integrated into new folds of government of self and other: the king's subjects, through the enquiring activities of the commissioners tasked with searching 'the opinions of all men of wisdom and reputation' to devise the best means of 'reforming' the land, became responsible and involved in their own good governance and safeguard for their common weal, while the commissioners themselves were to 'frankly open and declare both their minds and their commission' whenever they observed any impropriety.¹⁶ Here, the delegation of royal majesty and the new terms of Christian subject-hood and service were all triangulated in an act of direct royal intervention that had counsel and frank speech at its heart. And if honesty, of course, was itself the very substance of the gospel, the commonwealth and 'quietation of this the King's Highness's dominion' was intimately linked with the 'sincerity of the Gospel'.¹⁷

The impact of the royal supremacy was felt elsewhere, too. The administration, of course, had sought to get the Irish to adhere to God's law long before the sixteenth century; it was also identified as a dire area of concern in 1515.¹⁸ But after Ormond's indenture of 1534 and especially 1538, when, intersecting with the commissioners' work, it was explicitly recommended that the lord deputy bind all Irishmen to 'the setting forth of the true word of God, abolishing of the bishop of Rome's authority and extinguishing of idolatry', the imperative was repeatedly referred to as the 'true word of God' and meant specifically recognizing royal-supremacy kingship.¹⁹ In 1538-9, Browne and other councillors trekked across the Pale and lordship, making their way to the towns of Galway, Limerick, Kilkenny, Ross, Wexford, and Waterford, eventually entering the earldom of Desmond, wherein the oath of supremacy was administered to the spirituality and temporality of the towns to further solidify the bonds tying the crown, the Dublin administration, and the urban centres, these sites from which 'civility' would be fostered.²⁰

¹⁶ *SP Henry VIII*, ii, pp 455, 462-3.

¹⁷ *SP Henry VIII*, iii, pp 185-6.

¹⁸ *SP Henry VIII*, ii, p. 15.

¹⁹ T.N.A., SP 60/7, f. 165r.

²⁰ *SP Henry VIII*, iii, p. 59. For Galway and the bishops of Munster, see *SP Henry VIII*, iii, p. 61; *SP Henry VIII*, iii, p. 115; *SP Henry VIII*, iii, pp 116-8. On proposals to have marcher Englishry and others send their children there to learn the English tongue and manners, see chapter 3, section 3.4. On oaths, see chapter 9.

If enforcing the reformation entailed preaching its terms, progress in preaching the word of God was slow and officials frequently complained about the lack of preachers and how attached the Irish were to the pope. While historians have long identified the lack of preachers as a major cause of the Reformation's failure in Ireland,²¹ its full political-theological implications and stakes in relation to sovereignty have not been fully explored. The royal supremacy turned the pulpit itself into a renewed site of struggle in which the very terms of sovereignty and subject-hood at the thresholds of 'world' and 'spirit' were contested. If sermons were as much about the salvation of souls as they were about dissolving older bonds of allegiance and creating new ones,²² they were a crucial site for disseminating the Reformation spiritual-civil terms of order, sovereignty, and Christian subject-hood.

For spiritual men in particular, duty, office, and subject-hood congealed at the threshold of God and king, preaching, and service. It was an important duty: in July 1537, Henry VIII was informed of the lacklustre manner in which his two principle spiritual agents in the Pale, bishop of Meath, Edward Staples, and Archbishop Browne, performed, first, their 'duty to God' in 'preaching the pure word of God', and second, their duty to the king in advancing 'our affairs', for which both were severely rebuked.²³ All the same, as crown officers tasked with advancing the king's cause and the Word of God, they participated in the royal supremacy's (re)sacralization of civil power and overhaul of a spiritual-ecclesiastical jurisdiction, harnessing and enacting the shifting boundaries between 'world' and 'spirit' as their very status and delimitations became new sites of struggles for sovereignty.

In January 1539, Cromwell was advertised of the progress in setting forth of the Word of God, promoting the royal supremacy, and extinguishing idolatry and the pope's 'usurped authority': while on circuit across the lordship, Browne preached in Kilkenny to 'a very good audience, publishing the King's said injunctions [Cromwell's second injunctions from October 1538], and the king's translation of the Pater Noster,

²¹ See for instance R. D. Edwards, *Church and state in Tudor Ireland: a history of the penal laws against Irish Catholics, 1534-1603* (Dublin, 1935), and one of the most recent proponent of the thesis, Jefferies, *The Irish church and the Tudor Reformation*; Jefferies, 'Why the Reformation failed in Ireland', in *IHS*, 40, 158 (2016), pp 151-170.

²² Raymond Gillespie makes the point for the later sixteenth and seventeenth centuries that 'the sermon was a powerful emotional experience that served to dissolve one set of social bonds and create new ones'. Raymond Gillespie, 'Preaching the Reformation in early modern Ireland', in Peter McCullough, Hugh Adlington, Emma Rhatigan (eds), *The Oxford handbook of the early modern sermon* (Oxford, 2011), p. 293.

²³ T.N.A., SP 60/4 f. 186; *SP Henry VIII*, ii, p. 465.

Ave Maria, the Articles of Faith, and Ten Commandments in English’ and commanding the bishop and other prelates to do the same throughout their jurisdiction. The archbishop also preached at Ross and Wexford.²⁴ By February 16, and having finally been granted the vicegerential commission in ecclesiastical causes – which now included the suppression of images and the dissolution of monasteries, which until then had been slow and sporadic – he had clamoured for the previous year,²⁵ Browne vouched to commit himself to further ‘reform’: he intended, ‘God willing’, to travel the country where English was understood, and appointed Richard Nangle, bishop of Clonfert, as suffragan in Irish-speaking areas, for he was ‘not only well learned, but also a right honest man, and undoubtedly will set forth as well the Word of God, as our Princes causes, in the Irish tongue, to the discharge, I trust, of my conscience’.²⁶

The task, however, was not without its difficulties. At stake in the resistance to the king’s bishops’ preaching was the very spiritual-civil and juridical entanglement that defined the contours of Christian order and sovereignty, be it related to Christ’s vicars on earth, the sanctity of Christ’s ministers, or the status of the Mass. While the Franciscans were the best equipped preachers in Ireland, with sermons figuring at the heart of their spiritual mission and zeal,²⁷ Browne, however, complained that all – especially the Observants – ‘preach after the old sort and fashion’ whenever they can ‘until the right Christians were wary of them’ ‘and undo all the work I have done’.²⁸ It was no wonder that – and in typical Henrician emphasis on scripture – Browne sought to censor all friars’ sermons that were not consonant with ‘Holy Scripture and Catholic Doctrine’.²⁹ Agard, too, in 1538, alleged that it was hard for anyone to speak ‘against the abuses of the false and crafty bloodsuckers, the Observants’, except the archbishop of Dublin, who preached the Word of God and due obedience to the king, and a few others, including Butler, the master of the rolls, and the treasurer. None other among the spirituality or temporality, he lamented, would listen, for it was the temporal lawyers, he

²⁴ *SP Henry VIII*, iii, pp 111-2.

²⁵ On the commission and the suppression of images, see chapter 8, section 8.3. On the dissolution campaign, see Brendan Bradshaw, *The dissolution of the monasteries in the reign of Henry VIII* (Cambridge, 1974), esp. 77, 81-3, 110; Jefferies, *The Tudor Church and the Irish Reformation*, 77-8; Mary Ann Lyons, *Church and Society in Country Kildare, c. 1470-1547* (Dublin, 2000), chap. 3.

²⁶ *SP Henry VIII*, iii, pp 122-4. On the difficulties Nangle incurred in securing his episcopal seat, see chapter 9, section 9.4.

²⁷ Colmán N. Ó Clabaigh, ‘Preaching in late medieval Ireland: the Franciscan contribution’, in Alan J. Fletcher and Raymond Gillespie (eds), *Irish preaching, 700–1700* (Dublin, 2001), pp 81-93; Gillespie, ‘Preaching the Reformation in early modern Ireland’, pp 288-9.

²⁸ *SP Henry VIII*, ii, p. 539.

²⁹ *Egerton papers*, p. 9.

claimed, who ruled all.³⁰ Within the next year, other sermons by a Grey friar from Waterford and Franciscan friars from Donegal and elsewhere caught the regime's attention. As one Galway merchant confessed:

The friars and priests of all the Irishry...do preach daily, that every man ought, for the salvation of his soul, fight and make war against Our Sovereign Lord the King's Majesty and his true subjects; and if any of them ... die in the quarrel, his soul ... shall go to Heaven, as the soul of Saint Peter, Paul, and others, which suffered death and martyrdom for God's sake. And forasmuch as I did travers somewhat of such words, I was cast out of church, and from their masses, during a certain time of days, for an heretic; and I was greatly afraid.³¹

Later, in early May, Patrick Humphrey, the prebendary of St Patrick's Cathedral, interrupted the reading of the beads Browne had devised by singing mass. Of the twenty-eight clerics attached to the cathedral, Browne bemoaned there were only three who could be considered learned enough, and scarcely one of them, he bemoaned, favoured God's Word.³²

Tudor political theology, however, was an elastic beast, its languages and tenets possessing a plurality of meanings and possible applications which could turn against even the most zealous promoters of Tudor order. That same year, a 'battle of the pulpits' broke out between Browne and Staples – and the struggle revolved around the content of 'the Word of God'.³³ Browne first accused Staples of preaching against him and the royal supremacy while promoting the pope's pardons, hanging them on the door of the church of Kilmainham on Palm Sunday, and of calling him a heretic and a beggar.³⁴ Such names were highly freighted. The paradigmatic figure of the illegitimate beggar was not only the 'undeserving poor' but also the friar. Even a loyalist like Browne, who never shied away from decrying 'papistical' activity in the land, could be

³⁰ *SP Henry VIII*, ii, pp 569-70.

³¹ *SP Henry VIII*, iii, p. 141. See also *SP Henry VIII*, ii, p. 562.

³² *SP Henry VIII*, iii, pp 6-7.

³³ Not everyone, though, saw it this way: as Brabazon wrote, for instance: 'Sermons have been made by Brown and Staple, who have set forward the Word of God; but after their preaching, the one hath taunted the other with a little collation'. *SP Henry VIII*, iii, p. 5.

³⁴ *SP Henry VIII*, ii, pp 540-41; *SP Henry VIII*, iii, pp 1-3; B.L., Cotton MS Titan B XI, f. 431b (*SP Henry VIII*, iii, p. 66).

alleged as one of ‘the greatest papists that can be’. For his part, Staples complained of Browne’s jurisdictional pretensions, lamenting that he ‘now boosteth himself to rule all the clergy under’ the king so that ‘every honest man’ was ‘weary of him’.³⁵ Staples’ accusations of Browne’s misconduct then took a leaf from wider European polemics: the ‘evangelical’ rejection of the sacrificial Mass. It was common hearsay, Staples alleged, that Browne ‘abhors the Mass’.³⁶

5.3: The Butler affinity and ‘true’ Christian crown subject-hood, 1536-46

A particularly fruitful area of study for evaluating the Reformation’s impact on the rhetorics of rule, order, and subject-hood is undoubtedly the Butler affinity, and particularly Piers Ruadh and his son, Lord James. The Butler affinity encapsulated in their rhetorical self-representations many of the post-Reformation threads of true crown subject-hood – from being purveyors of God’s word and the king’s theocratic title, to battling the forces of papistry, dissimulation, and idolatry as humble and poor servants labouring in a godly and princely cause to the benefit of the king’s honour and his subject’s common weal.

The Reformation first formally entered Ireland via an indenture between the crown and Piers Butler, the earl of Ossory. On 31 May 1534, it declared the king’s ‘singular confidence and trust’ in the earl ‘to continue his true, faithful, and liege subjects, as any other of his nobles and peers within his realm of England, in all and every thing, as appertain to their duties of allegiance of an English subject’.³⁷

Confirming him in his governance of his territories and their inhabitants under king and lord deputy, the king discharged the earl of such ‘a room’ ‘like a most noble and virtuous prince’ committed to ‘the augmentation’ of God’s honour ‘in reducing the people to Christian manners’.

While Henry VIII had long conceived of the reduction of Ireland to obedience and ‘civility’ to amount to the cultivation of knowledge of God, the formula acquired a distinctly post-Reformation hue. The indenture elevated prior condemnations of the pope to a whole new height, identifying his provisions and ‘usurped’ jurisdiction as the

³⁵ L.P.L., Carew MS 602, f. 131 (*SP Henry VIII*, iii, p. 29).

³⁶ T.N.A., SP 60/6, f. 139v. It was perhaps no surprise that Browne was accused of Lutheran sympathies; he was, after all, recently married, and St Leger and the archbishop devoted much energy in the 1540s to hiding that fact. Murray, *Enforcing the English Reformation*, pp 141-58.

³⁷ *SP Henry VIII*, ii, p. 194.

principal cause of the ‘desolation, division, ruin, and decay’ of Ireland. Churches and monasteries lay in ruin, for the pope had commonly appointed unlearned, vile, and vicious men of war who illegitimately expelled the rightful incumbent ‘by force of secular power ‘to the effect of alienating and spoiling the lands’ English kings had given to the ‘augmentation of God’s divine service’, causing great wars and other ‘detestable things’ that any good Christian would abhor. All this was ‘to the high displeasure of God [and] the violation of his laws’. To ‘assist’ Lord Deputy William Skeffington whom the king – ‘like a most virtuous and most Christian prince’ desiring above all to eliminate what was ‘contrary to the laws of God, or be occasion to his people to fall from charity or Christian manners’ – ‘willed’ to resist the pope, the earl of Ossory promised that he, his son, heirs, and adherents would with all their power extinguish the bishop of Rome’s usurped jurisdiction under their rule, and cooperate with and induce others to do the same. If the political theology of royal supremacy attributed a new cause to the disorders of the land, it was against this new diagnosis as a novel site of contestation that the terms of true service and subject-hood could now be defined and encouraged in others.³⁸

A year after its promulgation in the Irish parliament, and spurred by the rivalry with Lord Deputy Leonard Grey, the Reformation began reeling its effects within the Butler affinity. By June, Lord James told his client in London that if the book ‘which it put in by six cardinals in Rome against the abuse of the church or congregation of Rome, be put in print there, I pray you send me one of them’.³⁹ In 1537, Butler’s chaplain, William Stacboll, leveraged, in his bid to obtain the deanery of Cashel, which the current incumbent held by papal bulls, the – self-declared – fact that he was the first to promote the king’s title and work towards the extinction of the pope’s authority in the land.⁴⁰ By March 1538, Butler client and crown official, Robert Cowley and another Butler servant, James White, who praised his master for spreading the true Word of God, ‘perused’ with the commissioners the Ormond lordship and ‘taxed and made extent of the value of the 20th part, and the first fruit of all benefices in the said counties’.⁴¹ In two other tracts from that year, Cowley specifically invoked pastoral metaphors and obligations, first, when he commented on the ‘knowledge given to the Irishmen’ to resist others who obstruct those who ‘knoweth almighty God’ and which

³⁸ See chapters 6-9 for a fuller discussion of these issues.

³⁹ *SP Henry VIII*, iii, p. 35.

⁴⁰ T.N.A., SP 60/7, f. 154r.

⁴¹ *SP Henry VIII*, ii, p. 562.

‘give them light to sever the chaff from the clean corn and the infected...sheep from true sheep’, and second, when he addressed ecclesiastical appointments, opining that only honest personages should have bishoprics so ‘as not only to truly and diligently set forth the true word of God but also to stir and provoke their flocks to know their duties’ and obey their king ‘as supreme head of the church on earth’.⁴²

One letter from 1538 is particularly significant. Writing to the king in late March, Lord James informed him that the commissioners had in consultation with him, his father, and others of the privy council devised ‘rules and orders’ for the ‘planting’ of his ‘laws and good civility’ in Ireland ‘to the increase of your majesty’s honour and profit and the common weal of your grace’s subjects’.⁴³ The post-supremacy languages of Henrician kingship, ‘true religion’, and the doctrine of obedience were clear: England was a ‘lantern to all other good Christian Princes to ensue the same’ and to see ‘fraudulent traditions, and detestable abusions of the papistical sect and pharaosical sort’ (see discussion of dissimulation below, section 5.4). Meanwhile, Butler, as ‘one professed of Christian religion’, proclaimed it his ‘bounden duty to Christ, and under Him to Your Majesty’ to set forth ‘true doctrine’, which would lead all to the ‘infallible light of truth’. The terms of ‘true faith’ and service now merged; service coincided with performance for Christ and under him the king, for there was ‘nothing more necessary to induce the people to good civility, than sincerely and truly to set forth the Word of God to the people here’.

The ‘office-based’ parameters of ‘true’ Christian crown subject-hood were, then, recalibrated: duty, service, allegiance, obedience, and ‘civility’ were now all modulated in accordance with the Reformation valences of the ‘true word of God’. If the ‘reformation of this poor land, under God and the King’s Highness’ was the king’s ‘most godly and princely purpose, as Lord James had it,⁴⁴ at the heart of this lay one’s truth or ‘true heart’ as a newly ‘politicised’ index of divine and civil order. Again, this was true of both the pre- and post-royal supremacy political-theological climates.⁴⁵ Yet a key difference after the break with Rome lay in the new meaning such terms as ‘truth’, ‘God’s laws’, conformity, obedience, and so forth, acquired. It also meant that not only the terms of service, but those of transgression within a viceregal order, too, were rooted in notably different arrangements between God, prince, and law. The point

⁴² L.P.L., Carew MS 602, f. 151; T.N.A., SP 60/7, f. 134r.

⁴³ T.N.A., SP 60/6, f. 76r (*SP Henry VIII*, ii, pp 563-4).

⁴⁴ *SP Henry VIII*, iii, p. 167.

⁴⁵ See chapter 4.

will be explored more fully in chapter six. For now, consider how it is noteworthy that Lord James spoke in 1538 of the king's subjects being 'damnified' by Grey's conduct.⁴⁶ Although perhaps a generic allusion to ruination and misfortune, by the mid-1540s, the language of damnation and hell had become embroiled in Reformation controversies. In 1545, Lord James was informed that John Arthur, a Limerick burgess, allegedly lashed out at Maurice Daniel, the bearer of the king's livery, calling him a 'man damned' after he confessed believing 'as the holy church taught but not in the pope'. It was an outrageous statement, Arthur bellowed, one for which 'thou goest straight to Hell'. 'God save the king', was Daniel's alleged reply.⁴⁷ Soon after, Butler client, William Wise, lambasted the 'idolatrous' practises of the earl of Desmond, Sir Thomas Butler, and the 'poor people' who 'entered an obsequie for the soul of Lord Power'. 'The poor people are like to sing *requiescant in pace*', he told St Leger, 'but I leave them to the furies of hell'.⁴⁸

5.4: A new political theology of 'truth' I: the problem of dissimulation, 1535-41

A concern over 'truth', idolatry, and God's laws, the view that the true Word of God underpinned 'good civility' – all illuminate the changing contours of the political theology of 'truth' and 'falsity' in the local, factional, and interpolity intrigue and strife that prevailed after the break with Rome. Crown officials grew evermore weary of the possibility of feigned obedience or conformity in a particularly volatile time of rebellion and contested papal and Tudor sovereignties, with significant consequences for the languages of order and subject-hood. We enter, here, the domain of dissimulation.

Dissimulation concerned the modalities of 'truth-telling' in its ever-dangerous proximity to the sin of lying. The problem of how inner and outer 'self' related to truth in encounters with divine, ecclesiastical, and civil authority had a (Christian) history stretching back to the Church Fathers and most recently finding renewed expression in exhortations to adhere inwardly to Christ over mere external observance of ceremonies and precepts that were hallmarks of the fifteenth-century *devotia moderna* and other movements that, by the first decades of the sixteenth century, were promoted by

⁴⁶ *SP Henry VIII*, iii, pp 94-5.

⁴⁷ T.N.A., SP 60/11, f. 122r; T.N.A., SP 60/11, f. 123r.

⁴⁸ T.N.A., SP 60/12, f. 7r.

humanists, the orthodox, evangelicals, and Protestants alike.⁴⁹ All in their different ways condemned any outward discharge of Christian duties that were insufficiently accompanied by inward conviction, which entailed whatever they conceived the proper ordering of the heart, will, and conscience under God and temporal authority to be. By the Reformations, as many struggled before the law, their conscience, and God to square competing obligations of obedience to God and temporal ruler while adhering to the Christian precept that one must never lie or conceal their faith, dissimulation became a hotly contested strategy of evasion: if some asserted that ‘honest’ dissimulation, through strategies of equivocation and mental reservation, could circumvent God’s injunction against all lying, others emphatically denied that dissemblers were anything other than damnable liars.⁵⁰

Although the legitimacy of such strategies would become a serious issue of deliberation in England and Ireland, I want to focus here not on how strategies of evasion were justified by those who practised or supported them, but on a related problem: how Tudor commentators who loathed the alleged dissimulation of others turned it into a marker of a disordered ‘self’. As a problem of individual ordering under God and prince that entangled law and moral governance, dissimulation was fundamentally a problem of sovereignty – or more precisely, of the determinations of state formation within a crucible of Anglo-Irish encounter and embattled Tudor and papal sovereignties.⁵¹

Dissimulation’s capaciousness as a theological-moral problem of the highest order was clear, the language of untruth manifold: in just one letter from 1536, for instance, ‘makers of bate’, ‘liars’, ‘manifold inventions and seditious’, ‘bearer of tales’,

⁴⁹ Margo Todd, *Humanism and the puritan social order* (Cambridge, 1987); Wooding, *Rethinking Catholicism in Reformation England*, chaps. 1-2.

⁵⁰ On dissimulation, see Pevz Zagorin, *Ways of lying: dissimulation, persecution, and conformity in early modern Europe* (Harvard, 1990); Susan Wabuda, ‘Equivocation and recantation during the English Reformation: the subtle shadows of Dr Edward Crome’, in *JEH*, 44, 2 (1993), pp 224-42; Stuart Clark, *Vanities of the eye: vision in early modern European culture* (Oxford, 2007); Jon R. Snyder, *Dissimulation and the culture of secrecy in early modern Europe* (Berkeley, 2009); Jonathan Michael Gray, *Oaths and the English Reformation* (Cambridge, 2012), chap. 6; Stefania Tutino, *Shadows of doubt: language and truth in post-Reformation Catholic culture* (Oxford, 2014), chap. 1; Tutino, ‘Between Nicodemism and ‘honest’ dissimulation: the Society of Jesus in England’, in *Historical Research*, 79, 206 (2006), pp 534-53; Karl Gunther, *Reformation unbound: Protestant visions of reform in England, 1525-1590* (Cambridge, 2014), chap. 3; Miriam Eliav-Feldon and Tamar Herzog (eds), *Dissimulation and deceit in early modern Europe* (New York, 2015).

⁵¹ For a fuller discussion of this dimension of dissimulation, see chapter 9, section 9.5, and the conclusion to this study. Snyder’s argument that dissimulatory practises in the seventeenth century were an optimal site for state-building and the emergence of new forms of governance are also illuminating in this regard. Snyder, *Dissimulation and the culture of secrecy*, passim, esp. pp 9-10.

and ‘false and slanderous matters’ were all condemned and discussed.⁵² Of course, accusations of dissimulation in the king’s lordship of Ireland were not always doctrinally charged and nor were they entirely a product of the Reformation.⁵³ All the same, after the Kildare Rebellion and Reformation, the truth of one’s *persona-in-office* became embroiled in the internal divisions plaguing the administration, injecting the continuously changing dynamics of faction with a newfound volatility. In this environment of heightened fears of foreign intervention and internal instability, dissimulation acquired a new weight.

In his letter of rebuke to the Irish councillors in late 1537, Cromwell deployed a veritable litany of dissimulatory abuses. The king, he noted, marvelled that Brian O’Connor could with his deceitful submission and wily words ‘so invegall and blind’ the administration ‘to give any credence, or in any ways trust such a traitor, or believe that he would be true to His Majesty, that so traitorously used himself often times afore against His Grace, breaking and violating the faith and truth of allegiance’. Cromwell ordered the commissioners to use their office to ‘declare unto [the lord deputy] his inconsiderate and neglectful oversight, to suffer himself to be thus beguiled and trapped by the deceitful submission, painted words, and promises of so arrant a rebel’. Hopefully, by ‘mean of your good admonition and warning, on His Majesty’s behalf’, Grey and the other councillors would in the future be ‘better advised’ on ‘how to deal and observe, with a straighter order and keeping, personages of such disposition’.⁵⁴ What is especially noteworthy in Cromwell’s charge is that not only was this a mark of O’Connor’s disordered state; the stakes were far higher because Grey and the councillors’ perceived inability to see through the Irish lords craftiness was also an indictment on *their* character. If a transgressive state of disorder reached such abominable levels, the demands of lofty truth followed suit, so that one’s ‘truth’ was intimately tied to one’s capacity to discern sincerity from cunning. Grey apparently learned the lesson, for two years later he informed Cromwell that there was ‘no ranker traitor inwardly in his heart’ ‘which would appear, if his power might be correspondent unto his malicious and forward mind towards’ the king than O’Connor, ‘what so ever

⁵² *S.P. Henry VIII*, ii, p. 336.

⁵³ For pre-Reformation episodes, both from 1528, see Robert Cowley’s condemnation of Thomas Bath’s ‘feigned’ book about the reformation of the Ireland and the Dublin council’s letter of warning to Cardinal Thomas Wolsey: *S.P. Henry VIII*, ii, p. 142; *S.P. Henry VIII*, ii, p. 138.

⁵⁴ *SP Henry VIII*, ii, p. 520.

he sayeth untowardly’ – and Cromwell, he counselled, should not heed advice to the contrary.⁵⁵

Nowhere perhaps was the relation between dissimulation, factional intrigue, and one’s moral ordering more clearly expressed than when in early 1540 Grey, declaring he would ‘fulfill the office and duty of an honest man’, once again defended himself to Cromwell against allegations of misconduct: ‘I am right well assured, that is not living, that can spot my coat with any manner of unfeigness of dissimulation towards you, but my word, writing, and deed hath been correspondent to the sincerity of my poor heart’.⁵⁶ Invocations of another’s dissembling ways – or the ‘cloaked dissimulations’, that ‘old practise of the Geraldines’ Browne alleged filled Grey’s letters to Cromwell and the king – too, became a weapon wielded within the halls of the Irish administration as councillors and officers bemoaned the transgressions and moral failures of their fellow crown agents.⁵⁷

Yet if diplomatic duplicity, moreover, was a universal cause of concern across Christendom, with the English themselves being frequent targets of others’ opprobrium – the Spanish, for instance, were weary of English diplomatic dissimulation while Francis I in 1546 cautioned the ‘Protestant nations’ not to uncritically trust the words of Englishmen⁵⁸ – and if the English and Palesmen lambasted Irish and English-Irish dissimulated declarations of allegiance and ‘feigned’ or ‘coloured’ overtures to the crown that merely masked ulterior motives,⁵⁹ crown officials nevertheless embraced dissimulation as both necessary to appease the temper of the ‘wilful appetite’ of a superior officer, and as a strategy of rule necessitating that the regime ‘dissembled for peace’ either to win the confidence of the Irish lords whose obedience they wished to secure or to buy their time till they were in a better position to strike a fatal blow.⁶⁰ Although an apparent display of hypocrisy, such appeals testify to the ‘casuistry’ of ‘office’, which directly confronted the obligations and limits of office by justifying all

⁵⁵ *SP Henry VIII*, iii, p. 144.

⁵⁶ *S.P. Henry VIII*, iii, p. 194.

⁵⁷ *SP Henry VIII*, iii, pp 208-9; *SP Henry VIII*, ii, p. 397; *SP Henry VIII*, iii, p. 558; *SP Henry VIII*, iii, p. 34.

⁵⁸ For Francis I’s letter, see T.N.A., SP 1/213, f. 53. For Spanish criticisms of English dissimulation, see, for instance, *CSPS, 1536-38*, no. 29; *CSPS, 1542-3*, no. 48.

⁵⁹ *SP Henry VIII*, ii, p. 299; *SP Henry VIII*, iii, p. 83; *SP Henry VIII*, iii, p. 105; *SP Henry VIII*, iii, pp 125-6; *SP Henry VIII*, iii, p. 203.

⁶⁰ T.N.A. SP 60/7, f. 102r; *S.P. Henry VIII*, ii, p. 418.

conduct by appealing to what was permitted and proscribed,⁶¹ so that, here dissimulation was permissible and, indeed, required, in the pursuit of ‘reform’, unity, and order. Meanwhile, in the wake of the abortive ‘Exeter Conspiracy’ in England in 1538 to replace Henry VIII with Henry Courtenay, 1st Marquess of Exeter, and as Dublin Castle grew concerned over confirmed connections between the ‘Young Gerald’ – the son of the late Thomas Fitzgerald and future eleventh earl of Kildare – Ulster lords, and Scots, not to mention rumoured plans of an impending invasion of Ireland from the north led by either the French king, the emperor, or both,⁶² dissimulation became entangled in the post-Kildare Rebellion and post-Reformation contours of interpolity intrigue as the linchpin of a quite spectacular plan to foil anti-Tudor conspiracies. Proposed by an anonymous crown servant, the plan wove the threads of feigned *disobedience*, rebellious conduct, and deception to link up with traitorous papists such as Conn Bacach O’Neill, Manus O’Donnell, O’Brien, James fitz John Fitzgerald, 13th earl of Desmond *de facto*, in an effort to counter the machinations of Cardinal Reginald Pole, that ‘unofficial coordinator of anti-Tudor activities’.⁶³

In other instances, though, and more significantly, straightforwardly theological language entered the fray, and its focus was on hypocrisy and idolatry. Thomas Alen in late-1538, for instance, inveighed against the ‘masters of our law’ as ‘such papists, hypocrites, and worshippers of idols’ for – with the alleged help of Grey – securing the release of a bishop and friar imprisoned in Dublin Castle for ‘high and notorious offences against the King’s Majesty’. Worst of all, Alen saw no remedy to the situation: after all, Grey himself, in ‘an ostentatious display of devotion’, had heard ‘three or four masses’ while ‘devoutly kneeling’ before the ‘Idol of Trim’ (Our Lady’s statue at Trim, County Meath) – which had surely helped secure the release of the bishop and friar.⁶⁴ Earlier that year, Lord James’s designation of ‘Romish’ religion as ‘pharaosical’ was of a piece with contemporaneous assaults in England and Ireland on all forms of ‘idolatry’. White also complained that the ‘sundry sects’ that have ‘trained’ and brought people away from knowledge of God and that have encouraged an ‘evil

⁶¹ Conal Condren, *Argument and authority in early modern England: the presupposition of oaths and offices* (Oxford, 2006), pp 7, 180-1, 247-8.

⁶² T.N.A. SP 60/7, f. 163r.

⁶³ T.N.A SP 60/6, ff 139rv; William Palmer, *The problem of Ireland in Tudor foreign policy, 1485-1603* (Woodbridge, 1994), p. 49; Mary Ann Lyons, *Franco-Irish relations, 1500-1610: politics, migration, and trade* (Woodbridge, 2003), pp 22-76.

⁶⁴ *SP Henry VIII*, ii, p. 103; Jefferies, ‘The early Tudor Reformation in the Irish Pale’, pp 53-4.

and erroneous opinion’ of the king and those under him who ‘be the setters forth of the true Word of God’ had two main features: ‘pharaosical ceremonies and hypocrisy’.⁶⁵

The phrase is important, bringing closer together the ‘dissidents’ against whom it was deployed with those other perennial ‘enemies of Christ’: Jews and infidels, taken as practitioners of ritual and custom beholden only to reason and devoid of true, spiritual interiority – but with a Reformation twist.⁶⁶ Considering that the term ‘pharaosical’ referred to the Pharisees, a Jewish sect committed to strict adherence to Mosaic Law, it is in this light that, say, the English evangelical, John Frith charged in 1533 that the English had become as ‘superstitious’ as the Jews in their beliefs on when to hold Sabbath.⁶⁷ As for the ‘Turk’, in Henrician Ireland, as we noted in chapter three, Christian unity as imagined against the foil of ‘the Turk’ became a wedge weaponised by aristocratic rivals in the context of Wolsey and the king’s efforts to undermine Kildare power in Ireland. If the ‘Turk’ could fill the arsenal of arguments for or against schism and of representations of heresy, and if Christian commentators frequently associated ‘superficial’ Christians, Ottomans, and Jews, thinking their conversion to Christianity would free them from their bondage to ‘outward ceremony’, it was no accident that these terms entered the fray of Tudor political theology in Ireland even before the break with Rome, when the spectre of the Turk haunted European imaginaries. As Archbishop John Kite of Armagh put it to Wolsey in May 1514, ‘The king is as much bound to reform this land as to maintain the good order and justice of England, more bound to subdue them than Jews and Saracens, for religion and Christ’s faith, obedience to the church...for lack of the temporal sword, is scant’.⁶⁸

All the same, by the 1520s in England, ‘the infidel Turk’ was not only a foil against which Christian unity was imagined, but more importantly a vector through which that unity was called for in the face of the Lutheran ‘heresy’.⁶⁹ If ‘the Turk’ and ‘the Jew’ were generally perceived as lacking true, spiritual interiority in grace, it was the more emphatic official insistence, as we shall see below in sections 5.5 and 5.6, on the Irishry’s sincere ‘inward conversion’ in their becoming ‘English crown subjects’

⁶⁵ *SP Henry VIII*, ii, p. 562.

⁶⁶ On the Jews, see Erasmus, *A book called in Latin Enchiridion militis Christiani, and in English The manual of the Christian knight: replenished with most wholesome precepts* (London, 1905), p. 162. On the ‘Turk’, see J. Rastell, *A new booke of purgatory* [1528], ed. Albert J. Geritz (New York and Kondon, 1985).

⁶⁷ Gunther, *Reformation unbound*, p. 2.

⁶⁸ T.N.A., SP 60/1, f. 4r.

⁶⁹ Matthew Dimmock, *New Turkes: dramatizing Islam and the Ottomans in early modern England* (Aldershot, 2005), pp 34-5.

that perhaps throws into clearest relief the post-Reformation theological dimensions of this discourse. For now, however, note two other revealing ‘episodes’. We have already encountered the first – Edward Walshe’s *The office and duty in fighting for our country* (1545), that exemplar of a distinctly English-Irish, post-Reformation Henrician *vita activa* that made much of how better one’s Christian duty to their country must be than the admittedly ‘magnanimous’ ‘Turk’.⁷⁰ The second involved Manus O’Donnell’s intrigue with Pope Paul III. Indeed, the most salient evidence of Ireland’s integration within this post-Reformation Mediterranean and North Atlantic entanglement the Ulster lord’s use of the centuries-old – although fairly new in England – Christian designation for Muslims in Iberia and North Africa – ‘Moors’ – to describe the English and how the pope envisioned the island’s place in his plans against enemies of the faith.⁷¹ O’Donnell allegedly declared that, were the pope to lend a supporting hand to conquer Ireland, he would ‘cause to be delivered unto his holiness’ hands as many moors of the land of England’ that the ransom itself would be sufficient to pay for the enterprise. In response to O’Donnell’s plan, Pope Paul III endeavoured to rally ‘all Christian kings’ – especially the emperor and the French and Scottish kings – to ‘aid these good Christian people of Ireland’ in a joint enterprise against the ‘Antichrist of England’ and for the ‘conquest of Barbary’.⁷² To set the English in their place, in other words, Ireland and Barbary figured as the two targets of a papally-led enterprise against the enemies of the faith: the ‘moors’ of England under a tyrannical Antichrist who defiled the order of the Holy See and the ‘infidels’ of Barbary.

More central to Henrician political theology in Ireland, however, was the entanglement of dissimulation with the language of evil and invocations of devils. In mid-1539, Grey expressed concern that ‘misorders’ in the realm that have been ‘so colourably handled’ were a ‘great hindrance of the common weal’. ‘For in my judgement’, he wrote, ‘I think verily, that there is no more falsehood in all the devils of Hell, then doth remain in them [the culprits of such ‘misorders’]’.⁷³ Indeed, the cognate terms of dissimulation – cloaked, feigned, painted, coloured, counterfeit, hypocrite – that we have thus far encountered were part and parcel of the language evangelicals used to demonise the clerical establishment and monks in England, especially in the

⁷⁰ See Interlude.

⁷¹ The term ‘Moor’ was also occasionally – and ambiguously – used in place of ‘Turk’ to describe Muslims from the Ottoman empire. W. Mark Omrod, Bart Lambert, and Jonathan Mackman, *Immigrant England, 1300-1550* (Manchester, 2019), p. 192.

⁷² T.N.A., SP 1/128, ff 67v-68r.

⁷³ Italics my own. *SP Henry VIII*, iii, p. 144.

1540s.⁷⁴ If to English evangelicals – and primarily those in exile – ‘popish devilry’ was simultaneously powerful and utterly fallible, an idolatrous fount of delusion that, as the false church incarnate and the abode of the worldly and the flesh, had no objective reality but whose strength lay in the power of its illusory grip over people’s ‘papistical’ imaginations,⁷⁵ for certain decisively non-evangelical commentators in Ireland, popish deceit and devilry were similarly the dissimulatory fount of all disorder.

The friars in Ireland acquired a pride of place on the Tudor mantle of ‘papistical wretches’ and ‘devils’. As we shall see in chapter eight, the friars in Tudor political-theological discourse became the crucible of an expansive web of traitorous bonds of allegiance, both exemplifying and further galvanising the polarities of ‘truth’ and ‘falsity’, ‘true subject’ and ‘traitor’. For now, consider the dissimulatory and ‘idolatrous’ dimensions of this entanglement. As Browne bemoaned in 1538, the country was filled with the ‘adversaries of God’, these people who ‘feign themselves outwardly to be the maintainers of the Gospel’ yet ‘it is not inwardly conserved in their hearts...that I pray God dissimulation may once be rooted out; which I fear will be very hard to do’.⁷⁶ If the future bishop of Ossory, the English evangelical John Bale, later thundered against the ‘feigned holiness’ of the regular orders, and just as papistical priests had themselves through deception, delusion, and lies become, according to English evangelicals, part of the idolatry they preached to their flock as objects of devotion and worship,⁷⁷ for Browne, similarly, the ‘feigned holiness’ of the friars was so widespread that the ‘people’s devotion’ was ‘clean withdrawn from them’. Just like devils drew Christians away from Christ, the friars daily ‘bring the peoples minds to their own lure again, that they might be once again esteemed like young Gods, which God forbid should’.⁷⁸ Agard echoed this when he expressed woeful outrage that the blood of Christ was clean blotted out of all men’s hearts, ‘what with that monster, the bishop of Rome, and his adherents, in especially the false and crafty bloodsuckers, the Observants, as they will be called most holiest, so that their remains more virtue in one of their coats and knotted girdles, then ever was in Christ, and his Passion’.⁷⁹

⁷⁴ Catharine Davies, *A religion of the Word: the defence of the reformation in the reign of Edward VI* (Manchester and New York, 2002), chap. 1.

⁷⁵ Davies, *A religion of the Word*, pp 21, 41, 46-51.

⁷⁶ *SP Henry VIII*, iii, p. 35.

⁷⁷ Davies, *Religion of the word*, pp 20, 42-44.

⁷⁸ *SP Henry VIII*, iii, pp 103-4.

⁷⁹ *SP Henry VIII*, ii, p. 569.

Cowley similarly complained that bishoprics in Ireland were too poor to sustain any honest man so that only ‘Irish papistical wretches’ inhabited them. Again just like devils, these were clerics who ‘not only delight in Irish conditions, living by raven and cloaked extortions but allure and excite others to the same by their pernicious example’.⁸⁰ Even more devastating was Henry VIII’s letter to the English-Irish lord, Ulick MacWilliam Burke in the spring of 1541, in which the king boldly declared that he and his ancestors’ ‘vile and savage kind of life’ was tantamount not only to rebelling against one’s duties of allegiance, but to persisting in ‘devilish blindness’.⁸¹ The judge, Thomas Cusack, soon after extolled primogeniture as the means of forcing bastard sons to marry rather than tarry for their father’s lands, which would result in the Irish, being ‘caused to marry and to live according to the laws of God’, no longer living ‘diabolically without marriage’.⁸²

Fears of lying and the doubt and mistrust it bred were powerful enough to inflect the wording of parliamentary statutes in 1536-7, in effect enshrining anti-dissimulation sentiment and the rhetoric of demonization in statutory law. Oath-taking in relation to the acts of succession, the royal supremacy, and marriage and fosterage between the English and Irish all required their takers to pronounce the oath’s words unfeigned, without colour or guile – and the punishment for violating the law, here, was treason.⁸³ While the act of absentees, moreover, sought to redress a situation that had allowed the ‘wild Irish’ to encroach upon the king’s lands, which were held under the king’s name but ‘under pretense and colour’, for the king’s laws were not obeyed,⁸⁴ another act justified abrogating the peculiarly Irish parliamentary tradition of having clerical proctors sit in parliament as that which could bring to light their ‘devilish abuses and usurped authority and jurisdiction of the bishop of Rome’ so that ‘some good and godly reformation there might be had and provided’.⁸⁵

Browne’s aforementioned ‘Beads’ and injunctions, too, gave such language a new, official sanction. If, according to the ‘Beads’, all Christians were to pray for the clergy who preached the word of God ‘purely and sincerely’,⁸⁶ the ‘Articles’ declared

⁸⁰ T.N.A., SP 60/7, f. 134r.

⁸¹ *SP Henry VIII*, iii, p. 301.

⁸² *SP Henry VIII*, iii, p. 326.

⁸³ See chapter 7, section 7.2, and chapter 9, section 9.2. For the 1541 oath, see Patent roll, Chancery, Ireland, 32 & 33 Henry VIII., m, 15, dorso Nr 24. Printed in Thomas Gogarty (eds), ‘Documents concerning Primate Dowdall’, *Archivium Hibernicum*, 1 (1912), pp 248-276.

⁸⁴ *Stat. roll. Iri. Parl.*, pp 166-8.

⁸⁵ *Stat. roll. Iri. Parl.*, p. 213.

⁸⁶ *SP Henry VIII*, ii, p. 565.

that all abbots, priors, deans, collegians, prebendaries, or masters of hospitals ‘shall preach and teach the word of God merely, sincerely and purely, without colour or painting, according to the true meaning and intent of the text’. Clerics, moreover, should be learned men so that the obedience they owed their prince may be ‘clearly perceived accordingly, without all colour and fraud’, by the king’s council.⁸⁷ The language of ‘unfeigned’ observation of commands or of ‘unfeigned ‘love’ also inflected crown-subject communication.⁸⁸

Thus, as concern for papistry, ‘idolatry’, and ‘devilry’ grew, a greater awareness that the Irish and some of the king’s servants were not quite as obedient or conformable as they should be had grown more acute. Concerns over whose ‘truth’ – and therefore allegiance, obedience, and service – was reliable and, conversely, who betrayed a certain craftiness and cunning dominated Tudor consciousness. The interiority of all had become a re-problematised problem of governmental order and sovereignty.

5.5: A new political theology of ‘truth’ II: scales of perfection, 1540-6

Historians generally agree that the progress of the Reformation in the 1540s was slight: either it was forestalled by ‘political’ considerations or its doctrinal or liturgical dimensions were side-lined as the jurisdictional and institutional overhauls of the late 1530s continued and were prioritised under St Leger’s programme of joint civil-ecclesiastical ‘reform’, so that, in response to the post-1539 so-called ‘conservative’ turn in England, it took the shape of a ‘distinctly conservative Reformation’.⁸⁹ Yet, St Leger’s deputyship saw important political-theological innovations. And if Brendan Bradshaw, more recently, long ago suggested that the novelty of the 1540s lay in the new ‘liberal strategy’ associated with St Leger – an emphasis on conciliation through persuasion and education⁹⁰ – the crux lies not in the spurious distinction between a

⁸⁷ *Egerton papers*, p. 8.

⁸⁸ See for instance the king’s ordinances for Galway in 1536 and Alen’s declarations to Henry VIII in 1537: L.P.L., Carew MS 611, ff 42-44 (*SP Henry VIII*, ii, pp 309-11); *SP Henry VIII*, ii, p. 373.

⁸⁹ Bradshaw, ‘George Browne’, p. 314; Bradshaw, *The Irish constitutional revolution of the sixteenth century* (London, 1979), pp 245-51; Ellis, *Tudor Ireland*, p. 202; Murray, *Enforcing the English Reformation in Ireland*, pp 136-49, 188 quote about the ‘distinctly conservative Reformation’ on p. 136; Jefferies, ‘The early Tudor Reformation in the Irish Pale’, pp 55, 58; Jefferies, *The Irish church and the Tudor reformations*, pp 82, 85-7; Brendan Scott, *Religion and Reformation in the Tudor diocese of Meath* (Dublin, 2006), p. 45; Mary Ann Lyons, ‘The onset of religious change, 1470-1550’, in Brendan Smith (ed.), *The Cambridge history of Ireland, vol. 1, 600-1550* (Cambridge, 2018), pp 517-20.

⁹⁰ Bradshaw, *Irish constitutional revolution*, pp 155-9, 248-9; Bradshaw, ‘Sword, word and strategy in the Reformation in Ireland’, in *HJ*, 21, 3 (1978), pp 478-96.

‘coercive 1530s’ and a ‘conciliatory 1540s’ but in the ongoing impact of the post-Reformation political theology of ‘truth’, although Bradshaw was correct on one point: the new emphasis on securing the inward ‘conversion’ of the Irish.

It was Henry VIII, Surrey, and Robert Cowley in 1520 and 1526 who first spoke concretely about the necessity of a well-disposed Irish will and love toward the crown.⁹¹ That space of interiority, however, would in the next two decades widen considerably. As the terms of the royal supremacy combined with those of the Act of Kingly Title and began to evermore inflect the languages of rule and order, Tudor attitudes towards the Irish changed: the imperative of ‘civility’, ‘obedience’, and ‘conformity’ acquired a spectrum of qualitative difference that was itself the manifesting of the manoeuvring space and casuistical scope of ‘office’. Two of the pivotal qualifiers that emerged were that of ‘honesty’ and ‘perfection’ as alibies to and ends of ‘reform’.

If appeals to honesty as a desirable quality of serviceable subject-hood were by no means a novelty of the Reformations, they dramatically increased between 1538 and 1546, whether in the form of invocations of men’s ‘truth, faith, and honesty’, their ‘honest heart’ or ‘honest communication’, in supplicatory and deferential appeals to one’s ‘poor honesty’, or even the ‘honest proceedings’ that underpinned efforts to reduce the land to ‘civility’ and obedience. It inflected, too, declarations to bring the Irish to ‘an honest kind of living’, commendation of their ‘honest service’, as well as recommendations to populate Leinster with men of ‘honest substance’ and that appropriated religious houses ‘should be sold to men of honesty, and good disposition to civility’ so they could remain ‘in civil manner and living’.⁹² Even English-Irish and Irish lords themselves in 1541 allegedly spoke of how ‘the king’s majesty should literally grant them their lands upon honest conditions’.⁹³ From all directions, then, the chorus was the same and it was oft repeated: it was honest men who should rule, counsel, or in any office or capacity serve the king in times of peace or war, and, having ‘experience to govern and defend a country’, it was they who should be appointed to the garrisons in the marches.⁹⁴ And honesty, of course, was a matter of God as much as of princely governance, as Patrick Barnwell, chief of the king’s bench, made clear when he spoke of master of the exchequer, William Brabazon’s ‘demeanour, truth, and

⁹¹ B.L., Lansdowne MS 159/2, f. 7. For Henry VIII and Surrey, see chapter 3, section 3.3.

⁹² *SP Henry VIII*, iii, p. 145; *SP Henry VIII*, iii, p. 165; *SP Henry VIII*, iii, p. 190; *SP Henry VIII*, iii, p. 295; *SP Henry VIII*, iii, p. 454; *SP Henry VIII*, iii, p. 45; *SP Henry VIII*, iii, p. 99; *SP Henry VIII*, iii, p. 324; *SP Henry VIII*, iii, p. 501.

⁹³ T.N.A., SP 60/10, f. 102v.

⁹⁴ *SP Henry VIII*, iii, p. 86. On counselling, see chapter 4, section 4.3, and chapter 6, section 6.3.

honesty towards God, and the King's Highness' which pleased God, or when St Leger affirmed the 'so frank a heart to spend that God' and the king had given Brabazon.⁹⁵ If in mid-1545 the English Privy Council was informed that O'Connor Faly had kept an 'honest peace', Cusack the following year assuredly declared that, 'thanks be to God', it was to the comfort of his 'faithful heart' that the land was 'never by our remembrance' in such 'honest obedience'.⁹⁶

The imperative of 'conformity' similarly followed suit. Master of the rolls, John Alen, first applied the distinction of 'honesty' to the imperative when, in 1538, he declared that no chancellor before him had brought the council 'into a more honest conformity and trade' than he had.⁹⁷ But it was after 1541 that appeals to 'honest conformity' abounded and became entangled in the metaphysics of becoming. In February 1541, St Leger wrote of the negotiations with Murrough O'Brien, the soon-to-be earl of Thomond, to Henry VIII, stressing the conditional nature of any agreement between them which could collapse if 'he did not come to honest conformity'. The lord deputy linked this new state of becoming with an appeal to the benefits of 'honest persuasion' as a strategy of rule, claiming that 'I perceive them to be men of such nature, that they will much sooner be brought to honest conformity by small gifts, honest persuasions, and nothing taking of them, then by great rigour'.⁹⁸ Shortly after, expressing his doubts that O'Neill would ever come to an 'honest conformity', St Leger considered it wise to apply the same tactics of 'honest persuasion' to bring the Ulster lord to conformity that had so effectively been deployed in Leinster, which was 'now in good towardness of civility'.⁹⁹ As they had concluded earlier, seeing no 'honest conformity' in him, the administration would 'proceed to his correction' if he did not make due like others and approach the lord deputy like they had.¹⁰⁰ The administration handled O'Donnell in much the same way: they could only continue in their proceedings with him, they reported in September, if he agreed to 'frame himself to honest conformity and obedience'.¹⁰¹

If men were in the process of becoming obedient and conformable, they and the land were in a 'towardness of civility': 'civility', in other words, had not yet been

⁹⁵ *SP Henry VIII*, ii, p. 571; *SP Henry VIII*, iii, p. 485.

⁹⁶ *SP Henry VIII*, iii, p. 519; T.N.A., SP 60/12, f. 95r (*SP Henry VIII*, iii, p. 563).

⁹⁷ *SP Henry VIII*, ii, p. 216.

⁹⁸ *SP Henry VIII*, iii, pp 288, 290.

⁹⁹ Italics my own. *SP Henry VIII*, iii, p. 308.

¹⁰⁰ T.N.A., SP 60/10, f. 102r. See also *SP Henry VIII*, iii, p. 450.

¹⁰¹ *SP Henry VIII*, iii, p. 314.

achieved but the region was now disposed to it. The Henrician doctrine of obedience now merged with – and consequently modified – the discourse of ‘civility’. We arrive at the new shape the metaphysics of becoming at the heart of Tudor ‘civility’ acquired after 1541, although there were important precursors. As early as 1521, Surrey remarked that Cormack Oge and McCarthy Reagh needed crown favour to ‘further them’ in their obedience and ensure they remained in a conformable state.¹⁰² Then, in 1537, the king emphasized in his instructions to the commissioners that as ‘a good Prince’, he had ‘such a great zeal and desire to the reformation of that land, and *the bringing* of his people thereof to the knowledge of God, and to an honest civil manner of living’.¹⁰³ A year later, St Leger and the council counseled the king that all that was needed to ‘reform’ Leinster was ‘some sad and discrete person to remain among them’ and enforce the law, ‘till they, which have so long lived without law, may, *by little and little*, be brought to knowledge of the benefit of obedience and law’.¹⁰⁴ In 1539, the Irish administration, informing Cromwell of their progress in Munster and Connacht in promulgating the royal supremacy, declared that ‘there been so many evil in these parts, or at least few or none given to seek knowledge and civility, that we be glad to see one of the contrary sort, and be no less ready *to encourage and set forth such one in his good doings*’.¹⁰⁵ Most strikingly, one of the entries in Grey’s ‘breviate of peaces with Irish rebels’, stipulated that a certain Edmund Duff had ‘put in pledges for the peaces and restitutions and is *becoming* the king’s subject’.¹⁰⁶

By 1541, however, the combined weight of faction, the Kildare Rebellion, the Reformation, and the Act of Kingly Title, had transformed the process of ‘reform’, and with it, re-signified ‘towardness’ as an explicit category of ‘civility’ that responded to the anxieties generated by the ongoing destabilisation of ‘truth’ and resulting concerns over insincerity and untrustworthiness. To be ‘toward’ was a question of willing and charitable cooperation, of being disposed in good-will to the terms of order; conversely, to smack of ‘untowardness’ was to possess a ‘forward’ and ‘cruel mind and proud stomach’ or to be riddled with ‘frivolous, false, and feigned excuses not consonant’

¹⁰² *SP Henry VIII*, ii, p.

¹⁰³ Italics mine. *SP Henry VIII*, ii, p. 463.

¹⁰⁴ Italics mine. *SP Henry VIII*, ii, p. 502 (He reiterates the point on p. 504, with reference to the marchers); *SP Henry VIII*, iii, p. 269.

¹⁰⁵ *SP Henry VIII*, iii, p. 111.

¹⁰⁶ Italics mine, quoted passage from manuscript, in *CSPI*, no. 494.1.

with one's allegiance.¹⁰⁷ Yet, as 'reform' in the 1540s became more sensitive to ever-finer qualifications of being truly well-ordered, what we witness is not only a more sophisticated appreciation of how the 'reformation of Ireland' as a piece-meal and regionally-based process was to be done and on what kind of military and institutional bases it should be pursued.¹⁰⁸ It was in the language of 'towardness' that the process of 'becoming-civil' was given renewed and repeated expression. Irish conformity and 'civil living' were thereafter increasingly described as something they 'now begin to enter', or as something they had a 'towardness' of, could be 'trained' into and as quickly 'relapse' from, or as the basis of Tudor 'reformist' hopes.¹⁰⁹ 'Reform' required time: as St Leger argued in 1546 against his detractors, while the Irish may only be 'very little further obeyed' since it was, after all, difficult to make 'wild men' who know no law obey a king in such short time, they were nevertheless in better obedience now than they had been for one hundred years.¹¹⁰ Even the English council began deploying the same language, counselling Henry VIII in September 1541 on the best means to reduce the land 'toward a civility'.¹¹¹

When one was in towardness of 'civility', conformity, or obedience, they were 'being built' towards a new state or condition: a state or progress of 'good towardness', indeed, was precisely how officials described the building of castles and garrisons.¹¹² Revealing, too, is the analogous language of 'growth'. In mid-1540, the king instructed St Leger to discretely 'use and animate' O'Donnell 'to the continuance of his duty, as he may grow to be a good subject from henceforth'. Two years later, Henry VIII, acknowledging that Desmond had 'shown himself to be so honest, lowly, and humble towards us here that we have great hope he will prove a man of great honour, truth, and good service', commanded the counsel to help him so that his country 'grow to a like civility and obedience'.¹¹³

¹⁰⁷ Quote is from Thomas Bath's description of Alen's 'untowardness' in the autumn of 1539, *SP Henry VIII*, iii, pp 157-60. See also Browne on the insincere 'towardness' of the friars in 1538, *SP Henry VIII*, iii, p. 7. On Desmond and Mac Shane, see *SP Henry VIII*, iii, pp 116-7.

¹⁰⁸ David Heffernan, *Debating Tudor policy in sixteenth-century Ireland* 'reform' treatises and political discourse (2018), chap. 1.

¹⁰⁹ Such as, for instance, when Donogue O'Brien was described in 1541 as a 'man of such sobriety and towardness' that there was great hope that he and those under him would 'continue in their obedience to Your Majesty'. *SP Henry VIII*, iii, p. 398. For the first two quotes, see *SP Henry VIII*, iii, p. 317.

¹¹⁰ *SP Henry VIII*, iii, p. 570.

¹¹¹ T.N.A., SP 60/10, f. 127r.

¹¹² The administration in 1546, for instance, granted a license to Philip Roth for some wheat and malt in Kinsale on the condition that he build a castle in the county of Cork. 'The castle or pile is in a good towardness and goeth very well forward', they informed the English Council. T.N.A., SP 60/11, f. 95r.

¹¹³ *SP Henry VIII*, iii, p. 231; *SP Henry VIII*, iii, p. 396.

It was here that a quality of ‘perfection’, of ‘perfect’ obedience, conformity, or ‘civility’, became a new hallmark of Tudor political-theological order. If the language of ‘perfection’ pervaded the Henrician formulations of faith,¹¹⁴ that it came to embed the discourse of ‘reform’ in Ireland testifies, indeed, to the fluidity of ‘church’ and ‘state’. Henry VIII himself was the first to deploy such rhetoric between 1535-40 as a specific quality of rule and order and as an ambition of ‘reform’ the (‘perfect establishment’ of the Irish ‘in a certain order’),¹¹⁵ although it took the constitutional elevation of Ireland from a lordship to a kingdom for such a language to pervade moral-governmental discourse – and it was efforts to promulgate the royal supremacy across the island against urgent danger posed by the Geraldine League and Irish intrigue with anti-Tudor actors in Scotland, France, Rome, and Spain from 1538 that preconditioned its generalisation.¹¹⁶ By 1541, the joint civil-ecclesiastical missions of the late 1530s were extended as the regime sought to get Irish lords within Leinster and beyond to submit to Henry’s theocratic polity. Of course, not all submissions stipulated obligations to renounce the pope. If Brian MacGiollpadraig’s submission in November 1537 stipulated that he was to abolish and extirpate the usurped power of the Bishop of Rome,¹¹⁷ Turlough O’Toole’s submission just a month later as well as O’Neill’s the following year included no such requirements,¹¹⁸ while many others conducted in 1538 around the Pale marches focused more on military obligations and resources.¹¹⁹

Nevertheless, a discernible shift occurred by 1541. The Act of Kingly Title expanded the scope for promoting the royal supremacy, with Irish lords such as Murrough O’Connor, O’More, O’Byrne, O’Toole, and Kavanagh formally recognising

¹¹⁴ The formularies consistently referred to ‘perfect reconciliation’ or ‘perfect renovation in Christ’, ‘perfect penance’, ‘perfect justification’, ‘perfect charity’, ‘perfect faith’, or subjects ‘in their soul and bodies’ being established in ‘perfect quietness’. See for instance Charles Lloyd (ed.), *Formularies of faith, put forth by authority during the reign of Henry VIII* (London, 1825), pp 8, 12, 23-4, 36, 73, 94, 209.

¹¹⁵ L.P.L., Carew MS 611, f. 27 (*SP Henry VIII*, ii, p. 403); *SP Henry VIII*, ii, pp 424, 426; *SP Henry VIII*, ii, p. 453; *SP Henry VIII*, iii, p. 247-8. This complements George Bernard’s contention that Henry VIII’s person, preferences and interventions were decisive in the unfolding of the English Reformation. George Bernard, *The king’s reformation: Henry VIII and the remaking of the English Church* (New Haven and London, 2005).

¹¹⁶ As Bradshaw has noted, too, it ‘was through the conciliatory policy of the 1540s that royal ecclesiastical supremacy was systematically applied to the Irish Church beyond the obedient colony’. Bradshaw, *Irish constitutional revolution*, p. 245.

¹¹⁷ ‘Et ulterius idem Barnardus potestatem Episcopi Romani, in terra predicta a diu usurpatam, pro posse suo, totaliter abolebit et extirpabit, prout ceteri Barones ae ligei dicti Domini Regis, in predicta terra Hibernie, abolent et extirpant, seu aboleri et extirpari tenentur’. *SP Henry VIII*, ii, p. 515.

¹¹⁸ *SP Henry VIII*, ii, pp. 522-23; *SP Henry VIII*, ii, p. 334.

¹¹⁹ See for instance, *L&P*, xiii (i), nos. 1283, 1381.

the English king's sovereignty in civil and ecclesiastical affairs.¹²⁰ Then, between 1542 and 1543, a flurry of submissions and indentures bound lords to a sovereign that was now king of their jurisdictions and of whom they were now more often than in the 1530s explicitly obligated to be crown subjects or 'true Englishmen'.¹²¹ Greater concern, too, after 1542 was given to ensuring that the articles of Reformation – including sworn declarations to renounce the pope – were observed beyond the Pale through a series of 'articles of reformation', indentures, and crown submissions.¹²² Such newly re-oriented horizons of Anglo-Irish encounter also meant that the Reformation languages of rule, order, and sovereignty also entered the ambit of Gaelic moral-governmental discourse – or so St Leger wanted his king to think. According to the lord deputy, in 1541, MacWilliam Burke, a man 'much desirous to come to a civil order', wished to communicate with the king.¹²³ Then, in O'Brien's requests to the king in 1543, he stipulated that 'the laws of England may be executed in Thomond, and the naughty laws and customs of that country may be clearly put away forever'.¹²⁴ Shortly after, although St Leger 'mistrusted [O'Donnell's] conformity', he nevertheless vouched for the Ulster lord, declaring him to be a 'sober man, and one that in his words much desireth civil order' who has 'faithfully promised' to visit the king in person at the beginning of the following year.¹²⁵

If for Lord James Butler in 1538, the dissemination and internalisation of the true Word of God was required in order to cultivate 'good civility', by the early 1540s, it was *perfect* 'civility' that linked with the perceived need of spreading the true Word of God – and this required the presence of preachers. Although in the 1540s the regime mounted no preaching campaign as it had in the late-1530s,¹²⁶ the language through which renewed calls for preachers and preaching was made is significant. In his report

¹²⁰ Colm Lennon, *Sixteenth-century Ireland: the incomplete conquest* (2nd edition, Dublin, 2005), p. 156.

¹²¹ *SP Henry VIII*, iii, pp 286-7; *SP Henry VIII*, iii, p. 361; *SP Henry VIII*, iii, p. 383; *SP Henry VIII*, iii, pp 429-30; *Cal. of Carew MSS*, nos. 153, 154, 159, 160, 163, 164, 167, 168, 171.

¹²² *SP Henry VIII*, iii, p. 286. For an indenture between the Dublin administration and Lord Barry McCarthy More, McCarthy Reigh, O'Sullivan Beare, O'Callaghan, and many others in 1542, see *SP Henry VIII*, iii, p. 423. The contemporaneous ordinances and provisions for the 'reformation' of Munster made all injunctions related to extinguishing the bishop of Rome's jurisdiction central tenets of that province's 'reform'. *Cal. of Carew MSS*, no. 153. For the Magennis, Maguire, and Bernard O'Rourke see *Cal. of Carew MSS*, nos. 154, 164, 171. For the indenture from July 1543 between O'Neill and O'Donnell in which they and all the captains of Ulster swore to renounce the pope's authority and jurisdiction, see *SP Henry VIII*, iii, pp 478-81.

¹²³ *SP Henry VIII*, iii, pp 289-90.

¹²⁴ *SP Henry VIII*, iii, p. 463.

¹²⁵ *SP Henry VIII*, iii, p. 478.

¹²⁶ Bradshaw, *Irish constitutional revolution*, p. 250; Scott, *Religion and Reformation in the Tudor diocese of Meath*, pp 44-5.

from September 1541 on how the Irish could be brought to ‘perfect civility’ and better obedience and conformity, Cusack acknowledged that none of his recommendations would have good effect because the Irish lacked knowledge of both the king and God’s laws. Rarely, he declared, did any preaching of the Word of God take place among them and ‘in diverse places little or no christening used’. He recommended, accordingly, that every bishop should be made to preach in their dioceses at certain times of the year: if he could not, someone to preach in his place should be found. And to best ensure success, this strategy should be enacted by Parliament and commissions should be appointed quarterly ‘to hear and determine causes among them, by mean whereof they shall know God, and the King’s Majesty’.¹²⁷ In July 1542, Henry VIII remitted the debt Browne owed the late Lord Rocheford, for it would allow the archbishop to better ‘apply his charge and office, and provide that there may be some good preachers, to instruct and teach the people their duties to God and Us’. His deputy and council, indeed, should ‘have a special regard’ to this point ‘as you may provide that they may learn by good and catholic teaching, and the ministration of justice, to know God’s laws and ours together; *which shall daily more and more* frame and confirm them in honest living and due obedience, to their own benefits, and the universal good of the country’.¹²⁸ Three months later, John Travers, the marshal of the king’s ordnance, also complained that while the king had exhausted infinite treasure for the reformation of the kingdom, it had yet to be brought to ‘perfect civility’: since the island’s inhabitants ‘are, for the more part, brought to a towardness of conformity and obedience, it shall be right necessary, for the establishing of the same, to set forth the order here after ensuing’. Paralleling Browne’s clerical injunctions from four years prior,¹²⁹ and complementing St Leger’s recommendation to send ‘into Ireland some well learned Irishman, brought up in the Universities of Oxford and Cambridge, not being infected with the poison of the Bishop of Rome’ ‘to preach the Word of God’, Travers then elucidated the task of inculcating God’s Word: since the ‘inhabitants of this realm’ had so long been ‘ignorant of the true doctrine of Christ’ due to a lack of preaching, which caused them to ‘neglect due obedience to God and the King’, Browne, Staples, ‘and such others as favoereth the Gospel’ should ‘instruct the ‘Irish Bishops of

¹²⁷ *SP Henry VIII*, iii, p. 330.

¹²⁸ Italics mine. *SP Henry VIII*, iii, pp 396-7.

¹²⁹ *Egerton papers*, pp 9-10.

this realm' to 'relinquish and renounce all popish or papistical doctrine, and to set forth *sincerely*, within each of their diocese, the true Word of God'.¹³⁰

Noteworthy, too, is how the changing contours of the discourse of 'reform' reflected the greater 'conciliarisation' and militarisation of 'reform' government, their respective languages and rhetorical policy expressions becoming ever-more entwined. By the 1540s, it was no longer just 'pain' as a praiseworthy quality of especially martial service that was foregrounded,¹³¹ but its honest quality. The same officials who fervently discussed how best to reduce the land to a 'perfect' 'civility', conformity, or obedience, were also praising the 'honest service' of martial men charged with the task of 'reform'.¹³² For Travers, bringing those that were in a 'towardness of conformity and obedience' to 'perfect civility' required a new institutional platform and a new joint civil-ecclesiastical initiative: the king should appoint two councils in the realm, one in the West, the other in the North, led by the earls of Ormond and Desmond, archbishop of Cashel, Edmund Butler, O'Neill, O'Donnell, and other nobles from the region, respectively.¹³³ The same confluence of the language of 'towardness' and martial 'reform' underpinned another tract the Dublin administration penned around this time: the land, while 'not yet come to such firm perfection, as other civil countries be, that always have been under civil governance', was 'at this present in such ... towardness to be reduced to one monarchy'. Yet a 'politique reformation' – here directly contrasted to 'conquest' – of the 'residue' of disobedient Irishmen would only keep that part of Leinster in quiet for a time, for the Irish would soon 'revert to their old naughtiness' unless 'the subjection of all good order commences in other remote parts' as well.¹³⁴ Two years later, it was Alen who – as an alternative to St Leger's programme – proposed his own scheme that mixed the language of 'towardness' with martial solutions. To truly assess the progress of the king's cause, it 'would be seen in what reformation and obedience Irishmen be, and what jurisdiction and profit the king hath

¹³⁰ T.N.A., SP 60/10, f. 295r. For St Leger's recommendation, see *SP Henry VIII*, iii, p. 463.

¹³¹ See for instance *SP Henry VIII*, ii, p. 41; *SP Henry VIII*, ii, p. 186; *SP Henry VIII*, ii, p. 307; *SP Henry VIII*, iii, p. 173. The council considered Grey himself, upon his arrival in Ireland, to be as 'active, toward, and painful a gentleman, as ever we see here in the King's service'. *SP Henry VIII*, ii, p. 322. The rupture, of course, was not total: Henry Skerret, of the king's retinue in Ireland, for instance, was identified in March 1545 as having served the king 'in his martial affairs as a common soldier very painfully'. T.N.A., SP 60/12, f. 11r.

¹³² See for instance the council's 1542 description of the soldier Nicholas Bagenal, a 'recent servant of the crown', as having done 'very honest and painful service' *SP Henry VIII*, iii, p. 439. See also St Leger and the council's praises of Travers: T.N.A., SP 60/11, f. 103r; *SP Henry VIII*, iii, p. 445; T.N.A., SP 60/11, f. 149r; T.N.A., SP 60/11, f. 151

¹³³ *SP Henry VIII*, iii, pp 431.

¹³⁴ T.N.A., SP 60/11, ff 112Br-113r.

among them, and what provision is made to bridle them from their old rebellion'. The – by then – lord chancellor perceived no 'likelihood of continuance of conformity' for Irish obedience was bound only to last a generation unless Irish lords and captains were 'contended that the king should have a fortress garrisoned with a captain and company in every of their countries to see good laws and order executed there'; otherwise, their successors would have 'neither tasted of the king's bountifulness' nor felt his punishment 'as these have done' and will therefore 'have less regard than these men have'.¹³⁵ If not implemented, the galloglass would continue to 'dwell in the countries, and using tongue and habit Irish' would 'be great examples and inducers of Irish manners'.¹³⁶

There was at least one precedent to the perceived need of maintaining a military presence among the Irish. In August 1541, Henry VIII commended his administration for their 'discrete training of the Irishmen to their due obedience, whereby they shall learn to know Almighty God, and grow into wealth and civility' so that they would not 'revolt to their former beastliness'.¹³⁷ St Leger and the council responded on a slightly apprehensive note:

considering the conformity of the Irishmen which begin to submit them selves after such sort as hath not been seen it might please his highness having respect to the continuance thereof to continue a power here till they may be somewhat trained and feel the commodity of a civil life, lest that before they be fully established they would relapse and peradventure not be brought again without great charge and difficulty to the conformity and trade wherein they now begin to enter.¹³⁸

The king agreed to implement 'what force you should think meet to be yet kept there, for the sure stay of the same, and the advancement of the commenced civility of subjects of the Irishry'.¹³⁹ Alen's 1546 proposal, then, radicalised this earlier initiative in

¹³⁵ Alen here was reiterating his concerns from four years prior, when he recommended that that O'Neill and O'Connor's fragile obedience be safeguarded by having the best of their hostages serve as yearly renewed pledges as surety to maintain them in good servitude. *SP Henry VIII*, iii, p. 392.

¹³⁶ T.N.A., SP 60/12, ff 155r, 157rv-158rv; *SP Henry VIII*, iii, p. 564.

¹³⁷ *SP Henry VIII*, iii, pp 331, 333.

¹³⁸ T.N.A., SP 60/10, ff 113rv.

¹³⁹ *SP Henry VIII*, iii, p. 336.

what amounted to nothing short of a programme of perpetual education through exposure to English order on the basis of indefinite martial surveillance and correction.¹⁴⁰

There are several important themes to note in such tracts. First, the language of ‘towardness’ not only became the lens through which the condition and progress of individual subjects was evaluated: a testament to the movement of the language within the parameters the ‘Crown’, it also underwent a process of corporatisation itself, coming to constitute the unitary *imperium*-inflected prism through which the reformation of the kingdom as a whole was understood. It was no longer simply an individual or a vague designation of the land that was in ‘towardness’ of perfection or ‘civility’. It was the kingdom itself that was being ‘built’ towards perfection, the goal now being its ‘reform’ to one ‘monarchy’. St Leger and the council had said as much in 1542, when they thanked God and the king that ‘this Realm is in better towardness than it hath been for many years’.¹⁴¹ Around this time, too, ‘reformation’ itself subtly morphed around a corporatized *imperium*. The term ‘politique’ no longer generically described order or a strategy for achieving order (‘politique persuasion’). It now described ‘reformation’ as such. Similarly, ‘reformation’ no longer simply connoted a process, but was now a state of being (‘...to see in what reformation and obedience Irishmen be...’), one closely correlated with another state, that of ‘rebellion’, which was a state out of which only certain measures would ‘bridle’ the Irish.

Indeed, when evaluating the trustworthiness of Irishmen and their ‘becoming civil’ and obedient based on their outward conformity, the regime displayed an oscillating ambivalence. As noted above, in June 1542, Dublin Castle acknowledged that given his past transgressions, O’Neill could not be fully trusted. But his current honest demeanour was well worth taking seriously, for it was on the basis of judging the ‘likelihood’ of his ‘outward appearance’ that his ‘honest conformity’ was to be trusted.¹⁴² Two months later, the administration reiterated that they would ‘not, without further trial and profit of his conformity presume overlargely to write in his behalf’ but that meanwhile the king should nevertheless satisfy O’Neill’s long-held expectation to

¹⁴⁰ Gerald Power notes how the viewing of the marchers as models for Irish lords to emulate marked a departure in ‘reform’ thought. Gerald Power, *A European frontier elite: the nobility of the English Pale in Tudor Ireland, 1496-1566* (Hanover, 2012), p. 107.

¹⁴¹ *SP Henry VIII*, iii, p. 405.

¹⁴² *SP Henry VIII*, iii, p. 386.

be pardoned.¹⁴³ They also counselled the king that ‘percase he desireth other land or the rule of Irishmen which be at your grace’s peace, we refer that to your gracious pleasure till you see further proof of him’ for they thought it ‘not best’ to grant ‘any such thing to him as yet’. At the same time, O’Neill’s willingness to resort to the king in person despite rumours of an imminent Scottish invasion in the North revealed that perhaps his conformity and loyalty were no longer mere outward show.¹⁴⁴ Henry VIII afterwards expressed he would be satisfied with O’Neill’s submission only if he showed himself ‘conformable to do his duties according to our laws’, adding that he had only agreed to grant him a title of honour and lands if the council afterwards advertised him of his ‘obedience and good proceedings’.¹⁴⁵ Even the articles he submitted to as earl of Tyrone noted how he, his heirs, and allies shall be obedient to the king’s laws, writ, and commandment, or else be brought ‘to justice’.¹⁴⁶

Another ambivalence stemmed from a tendency intrinsic to the discourse of ‘civility’ itself: the equivocation of ‘Englishness’ and ‘Irishness’. When defending his success in subduing the Irish against his detractors (particularly Alen), suddenly St Leger did not harshly condemn Irish ‘savagery’ or ‘vileness’: ‘I know not wherein [the Irish] have greatly broken [their pacts]: but perchance, if Englishmen being there were well examined, they all keep not their promises’. In doubling-down on the premise that ‘reform’ was a rocky process St Leger leveraged the shortcomings of English conduct to stress that it was not the eventual fruits of ‘civility’ and obedience but the precondition of Irish ‘towardness’ that mattered.¹⁴⁷

In other words, if ‘perfect civility’s’ elevated political-theological status after the royal supremacy and Act of Kingly Title entailed its renewed primacy as the precondition for true subject-hood, it remained conditional. As St Leger explained to Henry VIII in 1542:

For although the Kavanaghs, O’Byrnes, and O’Tooles, with the other septs of Leinster, keep good peace with your subjects, yet they be far from a perfect civility. [...] And till that [Leinster] be reformed, there can be no sure estate of your English pale here, as I would wish to be.

¹⁴³ *SP Henry VIII*, iii, p. 404.

¹⁴⁴ *SP Henry VIII*, iii, p. 203; T.N.A., SP 60/10, f. 260r.

¹⁴⁵ *SP Henry VIII*, iii, p. 394.

¹⁴⁶ B.L., Cotton MS Titan B XI, f. 380b.

¹⁴⁷ *SP Henry VIII*, iii, p. 570.

This is the rod, wherewith these Irishmen always have beaten your subjects, to win time to serve their purpose. And assured I am, that what so ever grant Your Majesty make to any of them of name or lands, if your pleasure be, when time opportune will serve for the same, they will not so *sincerely* keep their conditions, but Your Majesty shall have just causes enough to re-seize the same again into your own hands.¹⁴⁸

The granting ‘of name or lands’ contained the threat of further violence, for any slip from sincerity justified the forfeiture of any claim to ‘true crown subject-hood’ and its rewards. Instructing the council in July 1542 on how to reduce O’Brien and Kavanagh’s lands to a ‘perfect civility’, Henry VIII wrote that if one were to ‘withdraw from his duty’, the king’s forces would be extended ‘to exterminate him, and his adherents, for ever’ and his country would be ‘committed’ with Englishmen ‘or others’ who would keep it and remaining former owners to answer to ‘our laws’.¹⁴⁹ If such new terms of Anglo-Irish encounter spelled the evermore emphatic emphasis on the ‘becoming perfectly civil’ of all crown subjects, it was no accident that the 1540s witnessed a resurgence of condemnations of its opposite: Irish ‘savagery’, a development spearheaded by no other than the king and St Leger himself.¹⁵⁰ Annihilation and ‘integrative reform’ remained the two sides of Tudor rule and sovereignty.

5.6: The sacrament of power: the ‘new life’ of ‘true’ crown subject-hood, 1541-6

Thus, Irish ‘untrustworthiness’ now found a more fine-tuned anchor in a new constitutional and political-theological dispensation that reconfigured the modalities of conformity, obedience, and ‘civility’. The submission of Irish and English-Irish lords was now assessed in light of their ‘sincerity’ and ‘honesty’: an ‘honest submission’ was something heralded as a trusted sign of the good to come which tempered the ‘fickle and inconstant’ nature of Irishmen.¹⁵¹ For becoming a ‘true Christian crown subject’ required a willing heart; ‘perfect civility’ was now the essential alibi of an inner

¹⁴⁸ Italics mine. *SP Henry VIII*, iii, pp 377-8.

¹⁴⁹ *SP Henry VIII*, iii, pp 396-7. On the colonial policy of displacement, see chapter 3, section 3.4.

¹⁵⁰ See chapter 3, section 3.4, for post-1541 examples of the king, St Leger, and others referring to the ‘savage nature’ or ‘beastliness’ of the Irish.

¹⁵¹ See for instance, *SP Henry VIII*, iii, p. 236.

transformation and commitment. If Henrician obedience was already soteriological, ‘civility’ was now similarly an indispensable salvific element of Tudor order and sovereignty.

Yet, if at the heart of the paradigm of ‘towardness’, there lay new parameters of ‘true Christian crown subject-hood’ that were internally divided according to gradations of perfection and imperatives of honesty and sincerity, such language, however, was not without its theological precursors and contemporary counterparts in models of Christian living, some as old as the twelfth century.¹⁵² More importantly, just as the royal supremacy conflated ‘faith’ and ‘obedience’ in a hodgepodge of doctrines, and just as a sinning Christian had to answer to the king as well as to God, the terms of crown submissions in Ireland, too, and the ‘true Christian crown subject’ it produced, similarly paralleled, if not directly operationalised, an array of ‘orthodox’, ‘reformist’, and ‘orthodox’ doctrinal orientations that made the king into a Christ-like redeemer. At stake were the terms of righteous living under God and prince, in all his sacral and sacramental glory. What emerged in full relief in the 1540s, then, were the overtly salvific yet doctrinally nebulous dimensions of Tudor kingship, subject-hood, and the discourse of ‘reform’. If submitting to the crown became structurally akin to being ‘born again’, or the rapturous entrance into a new salvific horizon of life, what gave this its substance within the gradations of ‘perfection’ of ‘civility’, conformity, and obedience was the distinctly Reformation ‘new kind of living’ that operationalised the sacraments of baptism and penance, and the theologies of will, evil, the heart, charity, justification, and love.

Much like being ‘newly regenerated, and made the very children of God’ through baptism,¹⁵³ crown submissions in Ireland in the 1540s were increasingly framed as a total departure from a past condition of disobedient ‘incivility’ into a ‘new life’ – and the dynamics roughly accorded with how non-infant baptism was discussed in the Henrician formularies of faith. The *Bishop’s Book* stipulated that those who had the use of reason but who were never baptised could ‘obtain the grace and remission of all their sins, if they shall come thereunto not only perfectly and truly repentant and contrite of all their sins before committed, but also perfectly and constantly confessing and

¹⁵² It resembled, for instance, the twelfth-century four-part scheme of Christian perfection first outlined by Bernard of Clairveaux, who articulated a hierarchy of Christian living structured around the faithful’s relationship to themselves and to God, and the degree to which such relations were rooted in a self-effacing love for God. Steven Ozment, *The age of reform, 1250-1550: an intellectual and religious history of late medieval and reformation Europe* (New Haven and London, 1980), pp 88-9.

¹⁵³ *Formularies of Faith*, p. xviii.

believing all the articles of our faith'.¹⁵⁴ Consider two illustrative cases involving the earl of Desmond (1540) and O'Neill (1542). Desmond's submission to Henry VIII was worded in the following way: 'I do here not only solemnly vow and profess, taking God and all his saint to witness, that my full purpose and mind is, during my life' to remain obedient on being accepted as the king's true servant and subject, '*without remembrance of old offences by me, or my antecessors*, committed against his highness, or any of his noble progenitors...'.¹⁵⁵ It was not just the king who, in pardoning a wayward subject, forgot the latter's abuses and offences, but the subject himself, implying an inner transformation. The same rings true for O'Neill in 1542. As the Dublin administration informed the English Privy Council, the great Ulster lord only showed 'an outward appearance of loyalty and conformity' but that, by visiting the king in person, he 'shall be imprinted in his heart for ever, he shall be *renewed to another kind of living*'.¹⁵⁶

Yet the passage just cited from the *Bishop's Book* gestures toward another dimension of 'becoming-civil' – with important consequences for Henrician kingship and its equivocation of God, king, and priest: the sacrament of penance. The formulary outlined the three parts of the 'sacrament of perfect penance': contrition, confession, and the 'amendment of the former life, or the new obedient reconciliation unto the laws and will of God' – in other words, 'exterior acts and works of charity' as God commanded. Contrition itself was divided into two inseparable parts. The first part consisted in the penitent acknowledging the 'filthiness and abomination' of their sin – which was knowledge brought by God – and the feeling in their conscience that God was displeased, considering they possessed no merits that could satisfy God. The second part was a 'certain faith, trust, and confidence of the mercy and goodness of God', whereby the penitent must have 'hope and faith' that God forgave and justified, and that they would be a part of God's elect children by 'the only merits of the blood and passion of our Saviour Jesu Christ'. Finally, the 'amendment of the former life' consisted in works of charity.¹⁵⁷

It is striking how penance thus defined mirrored the terms of crown submission and the 'becoming-civil' of the Irish under the tutelage of the God-like king. It was the king's laws that must make the 'penitent' crown subject – the Irish lord – recognise the

¹⁵⁴ *Formularies of Faith*, p. 94.

¹⁵⁵ Italics mine. *SP Henry VIII*, iii, p. 287.

¹⁵⁶ Italics mine. *SP Henry VIII*, iii, pp 416-7.

¹⁵⁷ *Formularies of faith*, pp 96-7.

error of his ways, it was the king's mercy that the 'penitent' crown subject must have faith in, and it was the king's commandments that the newly obedient and reconciled Irish were required to adhere to in 'exterior acts'. And if through penance, penitents 'deserve mission or mitigation of the present pains and afflictions, which we sustain here in this world',¹⁵⁸ the Irish, it was similarly argued, were to benefit materially and spiritually from submitting to the crown. Of course, the analogy is not perfect: for the Irish as 'penitent' meekly coming to the crown, the 'fruits' of his penance were not prayer, fasting, almsgiving, and the like, but revolved – especially after 1541 – around the Anglicisation of one's territories, the renunciation of papal authority, foregoing alliances with the Irish, manuring one's lands, respecting the king's roads, and so forth.¹⁵⁹

There is, however, some overlap, as the 'good works' of penitence – charity – reveals. Charity, after all, was not simply a 'good work' in a narrow devotional sense. It was a staple of moral-governmental discourse, figuring, for instance, in James Yonge's fifteenth-century princely conduct manual, as we saw in chapter one, or as a requirement of the Irish, who, as Henry put it in 1521, needed to 'reconcile themselves by virtuous admonitions, reasonable offers, and charitable exhortations'.¹⁶⁰ It was also essential to good government as a matter of 'politique persuasion' (a 'charitable order' approved by the Gospels, as Henry VIII put it in 1520),¹⁶¹ justice, and, conscience. As a beleaguered Alen wrote to the king in 1546:

by malice things be enforced and conceived in the worst sense, in generality, contrary to all conscience and reason; and for as much as it is abominable to make a man odious by indirect means ... I beseech your Honours to pardon me to refell the principles of adversary, which, against all charity, diviseth my utter undoing.¹⁶²

There is overlap, moreover, between the fruits of the Irish lord's penance and the specific theological obligation that the penitent make restitution and satisfaction with the neighbour he wronged – in other words, the crown. Just as one was to be welcomed

¹⁵⁸ *Formularies of faith.*, p. 99.

¹⁵⁹ See for instance MacWilliam and MacGillipadraig's articles of submission: T.N.A., SP 60/11, f. 44r and *SP Henry VIII*, iii, pp 291-2.

¹⁶⁰ *SP Henry VIII*, ii, p. 59.

¹⁶¹ *SP Henry VIII*, ii, p. 59.

¹⁶² *SP Henry VIII*, iii, p. 573.

back into God's grace when 'by true and unfeigned penance' they applied their 'whole mind, purpose, and endeavour, to amend [their] naughty life, and to observe his commandments',¹⁶³ the Irish, too, were required, both inwardly and outwardly, without duplicity, to relinquish their 'naughty' life, customs, and laws.¹⁶⁴ After all, 'the evil company and intelligence with those naughty and vile persons' was enough to make one grow overly prideful and jeopardise any 'right good inclination' they may currently have been in, as Henry VIII feared with Desmond in late-1540.¹⁶⁵ The state of being repentant, then, mattered, and gathered the post-Reformation theology of 'truth' within the folds of royal clemency: Lady Eleanor O'Donnell, in a revealing phrase, pled in 1545 to receive the king's mercy 'in the honour of God' and by virtue of an 'incorrupt heart' and 'unfeigned repentance'.¹⁶⁶

If the monarch, acquired the stature of Christ-God, the foremost minister of the sacraments as the substantive source of their efficacy, this structure of kingship was refracted through the other parts of penance: confession and absolution. Consider the written submissions of O'Neill in September 1542 and those of MacWilliam Burke and MacGilliopadraig in 1543, in which all 'confess[ed] and knowledge[ed] before your most excellent majesty that by ignorance and for lack of knowledge of my most bounden duty of allegiance I have most grievously offended your majesty'.¹⁶⁷ Of course, the term 'confess' had somewhat of a generic quality. But there is certainly more at play than mere 'report' or 'declaration', something that speaks to the transference of forms across spiritual and temporal domains in which the confessional came to serve as a model for safeguarding 'truth' in civil government. 'Confessions',

¹⁶³ *Formularies of faith*, p. 33. See also, the Sixth Article on p. 45, which states: 'When one calls upon Christ 'in right faith and hope, with full intent and purpose to amend return from my naughty life...'. Only then, does God send down the Holy Spirit to 'dwell within my heart, there to rule, to govern, and to sanctify me with all my thoughts and deeds, and to comfort and strength me with all spiritual gifts necessary to the attaining of everlasting life'.

¹⁶⁴ The term 'naughty', that same term used in the formularies of faith, was in fact used on numerous occasions in government correspondence by crown officials, English-Irish lords, and on at least one occasion, even an Irish lord, to describe the living of the Irish, their customs and laws, their proceedings, or the conduct and counsel of traitors, whether Irish or English-Irish – and perform the terms of their submission without duplicity, with 'an obedient will' as exemplified in their continuing 'perfect' or 'honest' conformity or 'civility'. For examples of crown officers' use of 'naughty', see Cowley referring to the 'naughty seditious counsels of the Geraldine's sect' (*SP Henry VIII*, iii, p. 14), Browne calling MacWilliam Burke a 'naughty traitorous person' (*SP Henry VIII*, iii, pp 122-4), Henry VIII describing the 'evil company and intelligence with those naughty and vile persons' (*SP Henry VIII*, iii, p. 248), Alen reporting on O'Neill's 'naughty proceedings' (*SP Henry VIII*, iii, p. 391), and O'Brien requesting that 'the laws of England may be executed in Thomond, and the naughty laws and customs of that country may be clearly put away forever' (*SP Henry VIII*, iii, p. 463).

¹⁶⁵ *SP Henry VIII*, iii, p. 248.

¹⁶⁶ *SP Henry VIII*, iii, p. 516.

¹⁶⁷ T.N.A., SP 60/10, f. 271r; T.N.A., SP 60/11, f. 39r; T.N.A., SP 60/11, f. 41r.

after all, were common forms of testimony provided by a deponent upon being examined by crown officials or reporting to the same as loyal subjects performing their duties.¹⁶⁸ If Henry VIII remained steadfastly committed to confession as a special power of a sacramental priesthood, in Ireland especially, where the task of ‘reform’ now required *making* ‘perfectly civil’ legal subjects, either compelling Irish lords – whose status as subject or enemy was anything but determined – to recognise prior submissions to the crown,¹⁶⁹ or ‘reforming’ those whom had lost sight of their ‘truth’, confessing one’s past disobedience to the monarch became the temporal counterpart to confessing one’s sins to a priest; after humbly beseeching the king for mercy and forgiveness, the reward was the reception of one’s ‘name, estate, title, land, and living’ by an act of royal clemency.

One such ‘confession’ from mid-1540 is particularly striking for how it brought many of the themes and stages of penance together, from signs of contrition for having offended God and king, to promises of future heartfelt and transparently open conformity and proper living as a true subject. Manus O’Donnell confessed to having ‘unkindly offended God Almighty’ and the king. He then beseeched the king to receive his pardon,

bending myself, by his presents, that from henceforth I shall not only live in due and faithful obedience as his true and most humble subject, but also shall resort, as soon as I commitly may, to His Majesty, and plainly and apertly confess and declare my submission accordingly; and, in like manner, show the very truth of all such things, as shall inquireth of me, as much and as far as my knowledge shall extend, without concealingly advisedly any part thereof, bona fede, as God shall help me.¹⁷⁰

If the confessing and contrite subject was the penitent, the king was the priest under God – and what naturally followed from confession, if all preconditions of penance were meant, was absolution. And just as the penitent must, in the words of the *Bishop’s*

¹⁶⁸ See, for instance, the Confession of Connor More O’Connor (*SP Henry VIII*, iii, pp 139-40), and the confession of Cahir O’Connor (T.N.A., SP 60/7, ff 108rv), the Confession of Viscount Gormanston, John Darcy and William Bermingham concerning Gray’s journey in Munster, Thomond and Connacht (T.N.A., SP 60/7, ff 113r-119v).

¹⁶⁹ On the ambiguities of such categories, see chapter 3, esp. sections 3.3 and 3.4.

¹⁷⁰ *SP Henry VIII*, iii, p. 217.

Book, ‘give no less faith and credence to the same words of absolution, so pronounced by the ministers of the church, than they would give unto the very words and voice of God himself’,¹⁷¹ the newly submitted Irish or English-Irish lord or captain, now within the folds of God’s law, must trust in the king’s protection and promise. All this bore the mark of the unequivocally Catholic doctrine of the sacramental priesthood – and there was a bureaucratic and juridical dimension to this, too: the notarised submission of an Irish or English-Irish lord, receiving the official seal in the Exchequer, an institutional act that brought the Tudor legal apparatus in close proximity to a quasi-sacramental power.

Crown officials more generally, in fact, bore an uncanny resemblance to priests. Since it was they who, as we saw above, ultimately determined when an Irishman was truly conformable or obedient, these men also fulfilled something akin to the bishop’s role in the sacrament of confirmation. As the *Bishop’s Book* put it, those touched by the bishop after baptism,

receive such gifts of the Holy Ghost, as whereby they should not only be so corroborated and established in the gifts and graces before received in baptism, that they not lightly fall again from the same, but should constantly retain them, and persevere therein, and should also be made strong and hardy ... and to resist and fight against their ghostly enemies, the world, the devil, and the flesh ... but also that they should attain increase and abundance of the other virtues and graces of the Holy Ghost.¹⁷²

Priests were not to stop executing their office until all their flock had ‘come unto a perfect state and full age therein, that is to say, until they were so established and confirmed in the same, that they could no more afterward be wavered therein, and be led or carried like children into any contrary doctrine or opinion, by the craft and subtil persuasion of the false pastors and teachers’ – like the friars – ‘which go about by craft to bring them into erroneous opinion’.¹⁷³ In this light, the proposed institutionalisation of (military) surveillance discussed above should be seen as the political-theological

¹⁷¹ *Formularies of faith*, p. 98.

¹⁷² *Formularies of faith*, pp 95-6.

¹⁷³ *Formularies of faith*, p. 103.

radicalisation of this principle to its extreme – or, the worldly counterpart to the sacrament of confirmation.

In order to grasp the full contours of the political theology of ‘civility’ and the new gradations of perfection it opened, however, we must broach how, in Ireland, and within the folds of divine and princely governance, divine grace and the human will were understood to cooperate in the ‘process’ of ‘becoming civil’. The debate waged in Christendom since the 1520s over the role of the human will in grace, faith, and salvation in this regard helps illuminate the stakes and dimensions of Tudor crown subject-hood and service. Erasmus and Luther’s disagreement, as expressed in their *On free will* (1524) and *On the bondage of the will* (1525), respectively – the former a piece Henry VIII highly approved of¹⁷⁴ – is a useful place to start. For Luther, and in typical Augustinian dualistic fashion, sin was the property of the rational soul, and the will, being a faculty of the natural person, and therefore ontologically distinct from grace and its operations, could do nothing but sin and err. Submitting to God – the precondition for which was to be terrified by God’s law – was not an act of the will – which was a slave to the law – but of the Spirit itself.¹⁷⁵ For Erasmus, by contrast, Luther’s position deterministically assimilated all human action to God’s providence. It was by an act of the will, Erasmus held, that Christians became receptive to God’s grace; because humans were endowed with free will, they could embrace God’s gift or reject it.¹⁷⁶

If a will oriented towards God was a fixture of the ‘office’ of being a Christian, the Irish, however, were largely denied free will not in absolute terms, but in their ‘becoming’ amenable to Tudor rule. And providence, here, was key. According to Alen, God needed to ‘convert the minds’ of the crown’s enemies in order that all danger to the colony be thwarted, while for Cowley, the English Pale was largely so enamoured with the Geraldines that ‘they covet more to see a Geraldine to reign and triumph, then to see God come among them’.¹⁷⁷ In May 1542, St Leger reported to the king that ‘I think there is no man alive that ever saw O’Neill so tractable, as he is now’ – but it was ‘thank be to God and Your Majesty, by whose power he brought to the same’.¹⁷⁸ St.

¹⁷⁴ John Schofield, *Philip Melancthon and the English Reformation* (Ashgate, 2005), p. 34; George Bernard, *The king’s reformation: Henry VIII and the remaking of the English Church* (New Haven and London, 2005), p. 239.

¹⁷⁵ LW 33, esp. pp 102-60, 246-92. See also Michael S. Whiting, *Luther in English: the influence of his theology of Law and Gospel on early English evangelicals (1525-35)* (Eugene, 2010), chaps. 2 and 3.

¹⁷⁶ Ernst F. Winter (ed.), *Erasmus-Luther: discourse on free will* (New York, 1973), p. 30.

¹⁷⁷ SP Henry VIII, iii, p. 148.

¹⁷⁸ SP Henry VIII, iii, p. 384.

Leger and the Irish council made the point even more unequivocally two months later when reporting on the state of border relations with Irish lords in the midlands: ‘And seeing that now, thanks be to God and Your Majesty, we be at a good point with O’Brien, O’Neill, O’Connor, O’Reilly, and O’More, which been the greatest heads of the Irishry, next to your English Pale, we trust in God so to train those Kavanaghs, *as they shall neither will nor choose, but come to such order, as shall stand with your high pleasure to appoint unto them*’.¹⁷⁹ Reconciliation with powerful Irish lords and their becoming obedient, in other words, was the work of God and king only.

The Irish here were not disposed of a will that entwined with the operations of grace: the Tudor crown, its agents, and God were the cause reducing O’Brien, O’Neill, O’Connor, and others to obedience. If crown officials themselves beseeched God to give them the grace required to fulfill their duties as crown servants,¹⁸⁰ the stakes for the Irish were different: the will of the Irish was allegedly corrupt, unbridled and licentious, bent towards lawlessness and disorder (see chapter three). The balance, in other words, tipped and the modalities of divine and human agency at play in their redemption and ‘salvation’ as dutiful, obedience, and conformable crown subjects had a more pronounced nominalism that placed the will beyond the domain of the subject’s action and entirely within the more transcendent folds of God’s sovereign providence and the king’s majesty. It was by virtue of their grace that the Irish fulfilled the Aristotelian-Augustinian metaphysics of becoming, the divinely ordained *telos* of nature, becoming a ‘true Christian crown subject’.

This had a decisively – although distorted – Lutheran *sola fide* flavour. Although Henrician formularies were adept at deploying Lutheran theological language within ultimately non *sola-fide* frameworks,¹⁸¹ the truly Lutheran position on justification in Henrician political theology emerged in its fullest relief in Tudor attitudes towards the Irish. The acute emphasis on the necessity of radical renewal and God’s saving grace, of course, was not only a Reformation development, but was deeply rooted in English humanist and reformist thought, one which became central to both ‘orthodox’ and ‘evangelical’ positions in the 1530s and 1540s, positions both

¹⁷⁹ Emphasis mine. *SP Henry VIII*, iii, pp 399-400.

¹⁸⁰ *SP Henry VIII*, iii, p. 290.

¹⁸¹ Wooding, *Rethinking English Catholicism*, pp 94-104, esp. 94 and 98; Bernard, *The king’s reformation*; Alec Ryrie, *The gospel and Henry VIII: evangelicals in the early English Reformation* (Cambridge, 2002), chaps. 1 and 2, pp 134-45; McEntegart, *Henry VIII, the League of Schmalkalden, and the English Reformation*, esp. p. 53

rooted in an Augustinian emphasis on the depravity of man.¹⁸² When combined, however, with the combined weight of the Henrician doctrine of obedience, the Reformation political theology of ‘truth’, and the discourse of ‘civility’, a Lutheran orientation appeared in Ireland in new garb.¹⁸³

Yet, from 1541 onward, there was something new to this arrangement that, growing out of the Reformation, the increased anxieties over dissimulation, and the attendant emphasis on inner disposition and ‘truth’, re-arranged the relation between God, king, and subject around new configurations of grace and will. To fully understand these, we must consider the relation between sin, evil, and the heart, ‘orthodox’ and ‘evangelical’ perspectives on the doctrine of justification, and notions of spiritual love as the bond between God, king, and subject.

The perceived inadequacy of ‘Irish living’, requiring as it did renewal into ‘another kind of living’ insofar as it fell short of the standards set forth by God and reason,¹⁸⁴ dovetailed with the very terms used in state formularies to describe a flawed Christian life of sin, evil, and wickedness. As written in the *Bishop’s Book*, for instance, the Tenth Commandment ‘doth bind us to enforce and endeavour ourselves thereunto by continual resisting and fighting against...corruption, concupiscence, and evil desires. Forasmuch as they be the very root and spring from whence doth flow and grow all evil deeds and vicious living; as Christ saith in the Gospel, from the heart springeth all evil thoughts...’. For the ‘root of all evil’, the explanation continued, ‘is cupidity, or unlawful desire of goods in this world’.¹⁸⁵ Corruption and evil desires – not to mention ‘unlawful desire of goods in this world’, which presents a striking analogy to claims that the Irish had long usurped the dominion and prerogative of the crown – was precisely what Whitehall and Dublin frequently identified as the ills plaguing Irish living, which, as we saw in chapter three, was governed by a heart shackled by unbridled appetite and lust for power.

¹⁸² Wooding, *Rethinking English Catholicism*, chap. 2, pp 92-109, 160.

¹⁸³ According to Wooding, the Henrician position on justification was not a ‘watered-down version of the Lutheran doctrine’ but a ‘a separate understanding of the importance of faith which incorporated the value of good works even whilst stressing the necessity of radical renewal and rebirth’ – after all, an ‘appreciation of the saving power of faith, the power of divine grace, and a denial of the intrinsic merit of good works, became entrenched within [English] Catholic thought’. Wooding, *Rethinking English Catholicism*, pp 94, 99. While true, this does not fully capture the ambivalence and ambiguity of Henrician theology on the doctrine of justification – and even less so in their contorted appearance in Ireland.

¹⁸⁴ See chapter 3, section 3.3.

¹⁸⁵ *Formularies of faith*, p. 171.

The heart, as the ‘chief ground of our religion’, the *Bishop’s Book* stated, was the site of natural reason and judgement, both of which, having been corrupted by original sin, required the grace of God to be ‘lightened, purified, and made to know’ God’s will.¹⁸⁶ Yet, the will was also the source of man’s sin. The situation of the ‘uncivil’ who were not yet quite crown subjects, then, was analogous to that of the Christian more generally; for by their will they could maintain their life in the path of God or could just as easily stray from God’s light. The solution? That one’s interiority – heart, mind, will – in its humility and self-effacement correspond with their ‘corporal acts’; this is what would finally overcome what Henry VIII had referred to as MacWilliam Burke’s alleged ‘vile and savage kind of living’ and ‘devilish blindness’.¹⁸⁷ By 1543, the language of dissimulation had entered the regime’s formularies of faiths and linked explicitly with penance: as the *King’s Book* noted, ‘he that saith that he is sorry for his offences committed against the high majesty of God, and yet still continueth or intendeth to continue in the same, is no penitent person, but a dissembler, or rather a derider in penance’.¹⁸⁸ Thus, just as the Holy Spirit illuminated and directed ‘reason and judgement, and charity’,¹⁸⁹ it was the will of God and king that set the stage for the will and contrition of English-Irish and Irish lords that made-up the ‘process’ of the ‘becoming civil’ of those who, through prior ‘contrition’ saw the error of their ways and were now willing to submit to the crown. Once God and the crown had made one ‘tractable’, it was up to them to follow through with the ‘fruits of penance’ and become something other than a mere dissembler.

Such, ultimately, was the novelty of the 1540s: the addition of a new step after the process by which God and king had brought the recalcitrant lord to submission, one that operationalised not only the grace of God and king as before, but also the will of those submitting, a will that now most requisitely needed to accord with one’s entire inward disposition. And it was in this terrain, that another doctrinal element entered the fold as the ‘master key’ to the entire edifice of ‘becoming-civil’: the doctrine of justification.

The Lenten sermons on justification given by Stephen Gardiner and the evangelical, Robert Barnes, at St. Paul’s Cross, London, in 1540, bring into focus the

¹⁸⁶ *Formularies of faith*, p. 24.

¹⁸⁷ On this theme, see chapter 4, section 4.1. It was important, indeed, that the word of mouth be conjoined with ‘the same word’ of the heart, as the explanation for the Pater Noster put it. *Formularies of faith*, pp 180-2.

¹⁸⁸ *Formularies of faith*, p. 257.

¹⁸⁹ *Formularies of faith*, pp 24, 365, 35.

terms of ‘true Christian crown subject-hood’ discussed here.¹⁹⁰ According to Gardiner, faith could not alone justify because, while the bishop of Winchester conceded that God’s forgiveness was a gift, Christians could not receive it until they themselves forgave their neighbour. Accordingly, while faith was essential to justification, without forgiving one’s neighbour, the ‘condition’ of each Christian’s salvation remained unfulfilled as ‘faith’ needed to be perfected through charity. Barnes, however, like other evangelicals, elaborated the doctrine of justification in explicit rejection of the scholastic notion of *fides formata* – the sense that good works were the harvest of faith working through hope and charity: Lutheran justification was a matter of faith alone in the promise of God that allowed for adherence to God’s commands and the Christian forgiveness of others.¹⁹¹ What we see in Browne’s aforementioned ‘Beads’ – and somewhat in line with the *Bishop’s Book* – is something in between: a vague formulation that could be interpreted either way. According to the archbishop, Christ ‘requireth nothing of us, when we have offended him, but that we should repent and forsake our sins, and believe steadfastly that He is Christ, the Son of the Living God, and that He died for our sins...and that through Him, and by Him, and by none other, we shall have remission of our sins, *a pena et culpa*, according to His promise made to us in many and diverse places of Scripture’.¹⁹²

Yet, as we saw in chapter one, the will was also bound by that other staple of Christian theology that bespoke the corporate spiritual-civil unity that, in tandem with the doctrines of obedience and *adiaphora*, held it together: the moral and governing principle of love. Love for Erasmus bound prince and subject in a spiritual relationship that had Christ as its model of virtue, and for this, a willing, inwardly sanctioned obedience was the glue, for those subjects who unwillingly submitted through fear alone could not be said to be ‘had’ by the king.¹⁹³ ‘Love’ as a centre of gravity and unifier was also a driving principle in Henry VII’s counsellor, Edmund Dudley’s *The tree of the commonwealth* (1510). For Dudley, the commonwealth with the king as its

¹⁹⁰ On the controversy between Gardiner and Barnes, see Bernard, *The king’s reformation*, pp 571-8; Schofield, *Melanchthon and the English Reformation*, p. 140.

¹⁹¹ *LW* 35, pp 10-22.

¹⁹² *SP Henry VIII*, ii, p. 565. For R. D. Edwards, ‘It is declared [in the Beads] that all that is necessary to salvation is contrition and faith’. Edwards, *Church and state in Tudor Ireland*, p. 50. Bradshaw takes issue with this. According to him, Browne’s inclusion of the necessity of forsaking one’s sins means that, in following the *Bishop’s Book*, he did not espouse a fully Lutheran position on justification. Bradshaw, ‘George Browne’, p. 313, no. 3. Both, I think, are incorrect, and fail to grasp the ambivalent phrasing of the formula itself of the Henrician doctrinal settlement more generally.

¹⁹³ Erasmus, *Institutio Principis Christiani*, ed. Lester K. Born (New York, 1973), p. 180.

Head under Christ was a similarly corporate body rooted in God, where without the love of God – the main pivot of which were good works – the tree of the commonwealth could not exist.¹⁹⁴ Similarly, for the humanist Thomas Starkey, there could be no ‘civil order’ or ‘politique rule’ without the love that knit all together ‘as members of one body’, forming a ‘charitable unity’ that was the end ‘of all precepts and laws’.¹⁹⁵ This was effectively the unity the administration laboured to enact in their journeys in 1538-9 and again after 1541, a unity created by ‘true Christians’ as Browne had defined them, coming together and forming a new body, ‘unfeignedly’ sworn anew to their king’, promulgators of the Word of God for all, held together by prayer for the living and the dead.

With the *King’s Book’s*, the doctrine of free will and of faith joined with charity was unequivocally asserted: ‘men may not think, that we be justified by faith, as it is a several virtue, separated from hope and charity, fear of God and repentance, but by it is meant Faith, neither only ne alone, but with the foresaid virtues coupled together’.¹⁹⁶ Such a faith was ‘lively’, working as it did ‘in man a ready submission of his will to God’s will’.¹⁹⁷ As a ‘power of reason’, the will, by itself unable to ‘perform spiritual and heavenly things’, allowed for the capacity to receive God’s grace when it was offered, to understand God’s commandments, and to ‘freely consent and obey unto them’. Free will, in other words, was the power ‘to obey or disobey’.¹⁹⁸

We have come full circle, then, returning to the sacrament of baptism, now in the *King’s Book* explicitly linked with justification just as the logic came to govern the terms of crown submission and subject-hood in Ireland. Thus, the formulary noted: ‘And joining thereunto a full purpose to amend their life, and to commit sin no more, but to serve God all their life after, they must then receive the sacrament of baptism’.¹⁹⁹ With the operations of free will directly corresponding to the progressive ‘increase in grace’ – and the terms of ‘becoming civil’ explored in section 5.5 above – Christians could become ‘a worker by his free consent and obedience to the same, in the attaining of his own justification’ so that, by God’s grace, they shall ‘come to the perfect end’

¹⁹⁴ D. M. Brodie (ed.), *The tree of commonwealth: a treatise written by Edmund Dudley* (Cambridge, 1948), esp. pp 28, 32-3.

¹⁹⁵ Thomas Mayer (ed.), *Thomas Starkey: Dialogue between Pole and Lupset* (London, 1989), p. 37; Thomas Starkey, *An exhortation unto the people* (1536), f. 12.

¹⁹⁶ *Formularies of faith*, p. 223.

¹⁹⁷ *Formularies of faith*, p. 222.

¹⁹⁸ *Formularies of faith*, pp 259-60.

¹⁹⁹ *Formularies of faith*, pp 365-6.

that ‘God hath ordained’.²⁰⁰ While they remained in the ‘state of justification’, they ‘hath power, by God’s grace dwelling in him, to do such works as by acceptance of God through Christ be counted works of righteousness, and do serve for the preservation and increase of his farther justification’. ‘For if we should not’, the formulary continued, ‘after that we have professed Christ, apply our will to work well, according to our said profession, then should we fall from the grace of God and the estate of righteousness and justification which we were once set in, and become again the servants of sin’.²⁰¹ Justification, moreover, and crucially, was divided into two: the first justification entailed ‘our coming into God’s house’, ‘at which coming we be received and admitted to be of the flock and family of our Saviour Christ, and to be professed and sworn to be the servants of God, and to be soldiers under Christ, to fight against our enemies, the devil, the world, and the flesh’. The second arose out of penance, through which one re-entered their ‘former estate of justification’ if they strayed from God.²⁰²

At this point, an evangelical emphasis on *sola fide* coincided with the scholastic, Catholic, and Erasmian *fides formata* in the post-1541 terms Irish submissions to the crown outlined above, so that, with justification and the imperative of Christian love as the bond uniting God, sovereign, and Christian together, the doctrinal contortions of Henrician obedience and crown subject-hood that harnessed grace, the will, and good works appeared in clearest relief. Thus, just as justification was both first sealed by baptism upon one’s becoming a ‘child of God’ and subsequently by a progressive endeavour toward Christian righteousness and perfection, a newly submitted or recognised crown subject entered the salvific fold of God’s law through their obedience to Henry VIII and, in quasi-*sola fide* fashion, by the workings of God and king alone.²⁰³ Having been first turned towards ‘truth’ (Tudor obedience and ‘civility’) by God and king, they could now do good. But since, as we examined above, they were not yet ‘perfectly civil’ but only ‘in towardness’ thereof, they were not yet ‘justified’, or ‘true Christian crown subjects’, so that their continued ‘penance’ as the combined work of faith and charity now also designated a process of progressive righteous perfection after the first entry into a ‘new king of living’ – the ‘first’ justification – by virtue of obedient

²⁰⁰ *Formularies of faith*, pp 361-2, 365.

²⁰¹ *Formularies of faith*, p. 373.

²⁰² *Formularies of faith*, p. 366.

²⁰³ Although in practise spiritual power was not the sole efficient cause for so was English law and coercion, or, in other words, the power of the sword.

submission to the crown as Head of both church and realm. For this, after sufficient proof of inward transformation through continued adherence to the terms of English order – the ‘second’ justification, by which they avoided falling back into sin, evil, or their ‘former beastliness’ – they would finally receive the king or his officers seal of approval as a final act of confirmation or absolution. In this sense, the gradations of perfection of Tudor political theology resembled Erasmus’s four-fold model of grace. For Erasmus, an imperfect ‘exciting or operative’ grace kindled a desire. A second ‘efficient’ or ‘cooperative’ grace encouraged what was thus started, while a third and final grace led to the ultimate goal.²⁰⁴ While more schematically articulated than anything encountered in Tudor moral-governmental discourse, the structure is uncannily similar: the first stirrings of grace created the desire among Irish lords to willingly submit; the second, the ‘efficient’ or ‘cooperative grace’, encouraged the ‘towardness’ to ‘civility’, conformity, and obedience thus begun through the continuous application of their will; and third, a final grace led to their being recognised as ‘perfect’ crown subjects. Their condition – and that of the English of Ireland who had ‘forgotten’ their ‘Englishness’ – resembled, moreover, the question debated among evangelicals: was the promise of faith a settled, fully perfect justification, or one that progressed towards righteous perfection?²⁰⁵ In other words, while *sola fide* theology rejected the gradations of Christian living by which some Christians grew more secure in their justification and salvation, it could reintroduce such gradations *after* the sovereign saving act of grace through faith. If the ground and substance of that ‘faith’ was salvific obedience, the Reformation terms of crown subject-hood in Ireland secured the will of the obedient suffused with love, or inward conviction, as the bond that held the body politic together, positioning the king as the care-taker of his subjects’ bodies and souls. By harnessing an economy of good works in the terms of law and service, the royal supremacy turned the Christian will into a lackey of the royal will. This was nothing short of the substance of absolutism in embryonic form.

What all this meant, of course, was that Tudor sovereignty in Ireland now depended on the inner disposition of the Irish – a troubling affair, indeed. Some, indeed, expressed concern over the crown’s new relationship with the Irish in the same language of ‘interiority’ that bespoke doubts over the ‘truth’ of Irish ‘conversions’. In a petition to Henry VIII from 1543, the gentry of Tipperary and Kilkenny beseeched the

²⁰⁴ Erasmus-Luther: *discourse on free will*, p. 30.

²⁰⁵ Whiting, *Luther in English*, pp 57-60.

king ‘to have such eye and respect to your ... approved subjects as the only submission of others newly reconciled without further proof of their heart and service be not the mean to elevate them in power and strength’, for ‘peril might grow to your Majesty’s faithful subjects’.²⁰⁶ Another commentator grasped the inherent problem, and it was no surprise that it was the one most emphatically expounding the need to maintain the Irish under permanent surveillance. In June 1542, Alen opined that all the ‘naughty proceedings’ he had been privy to left him with no reason to trust O’Neill. Accordingly, he advised the crown ‘to accept this last submission of O’Neill, *for your purpose, and not for his*: so as, while he is quiet, Your Highness may frame your causes elsewhere more perfectly, and with less troubles and charges’. Going against the grain, Alen sought to safeguard the integrity of Tudor rule not by hedging it on the inward conversion of Irish lords, but on practical considerations of ‘reform’.²⁰⁷ The lord chancellor here severed Tudor sovereignty from any dependence on the inner state of its new ‘subjects of the Irishry’. And the consequences were steep: by 1546, since both God and men doubted that the Irish would be in order by their own power, a new conquest, Alen opined, was necessary.²⁰⁸

That dissidents in the country were occasionally referred to as devils (section 5.4) is revealing in this regard: devils were precisely over what Christ and the Holy Spirit laboured to triumph and conquer in all Christian hearts.²⁰⁹ But the Irish were for the most part never fully ‘redeemed’, never fully ‘clearly and perfectly rid’ of what the Ten Articles of 1536 referred to as the ‘power and malice of the wicked’.²¹⁰ They remained in a state of limbo, with an uncertain fate, their ultimate salvation as English crown subjects who saw the light of God’s Word in Henry VIII’s majesty, frail and always ready to collapse by the lingering possibility that they would relapse to their ‘old beastliness’. If the foundation of Tudor rule was already shaky before 1541, destabilised as it was by the fragility of ‘Englishness’, it was all the more so once Ireland became a kingdom and English sovereignty now depended *constitutionally* on this most unreliable of elements: the becoming ‘civil’ of the Irish.

²⁰⁶ Cited in Christopher Maginn, ‘Continuity and change: 1470-1550’, in Brendan Smith (ed.), *The Cambridge history of Ireland, vol. 1, 600-1550* (Cambridge, 2018), pp 326-7.

²⁰⁷ Emphasis mine. *SP Henry VIII*, iii, p. 392.

²⁰⁸ T.N.A., SP 60/11, f. 157r.

²⁰⁹ *Formularies of faith*, p. 35.

²¹⁰ *Formularies of faith*, p. 47.

5.7: Conclusion

With a newly revitalised doctrine of obedience inflecting the terms of order, service, and Christian crown subject-hood in Ireland, an environment already convulsed by rebellion and factional strife was further bedevilled by a new political theology of ‘truth’ that galvanised emergent divisions and conflicts within the administration and beyond. As Henrician obedience became a newly spiritual-civil and salvific category of unity around which all ‘true Christian subjects’ gathered into a single body, counsel and the pulpit became newly charged vectors for spiritual-civil sovereignty. The king’s anti-papalist views on the ultimate causes of disorder in the land, along with the new horizons of Anglo-Irish encounter and exchange engendered by both the mounting threat of foreign intrigue and invasion and the concomitant intensification of crown ambitions and interventions in Ireland, propelled the new Tudor languages of order and service across new permutations in *imperium*, precipitating the more concerted transference of the language of Christian crown subject-hood from the English of Ireland to the king’s new subjects, the ‘mere Irish’, now drawn to become ‘true English subjects’. The older idea of ‘reform-as-process’ was transferred first onto the Irish and then onto the kingdom, a process that amounted to the re-modulation of the metaphysics of becoming within the two-fold vectors of *imperium*: the royal supremacy and the Act of Kingly Title. Although operationalizing the metaphysics of becoming and the internally-divided figures of Tudor political theology, it was a development with two immediate roots: the Reformation’s revitalisation of ‘truth’ and ‘honesty’ and the shock the constitutional integration of the Irish and their attendant transformation into crown subjects wrecked on an already fragile Tudor order in Ireland. The resulting fine-tuned gradations of perfection according to which degrees of ‘civility’, conformity, and obedience and the status of one’s ‘truth’ were defined and tethered to being in ‘towardness’ of ‘reform’, emerged alongside the nascent militarisation of Tudor rule and sovereignty in Ireland.

In this light, the problem of dissimulation as a new volatile element in Tudor political-theological discourse in the latter half of the 1530s provides the crucial context to understanding the new political theology of ‘civility’ during the deputyship of St Leger. Tudor ‘civility’ and rule in Ireland thus depended on arrangements between inner-self and outward expression first, through the prism of dissimulation, and second, through the sacramental and doctrinal edifice of crown submission and true, perfect

Christian crown subject-hood. The discourse of dissimulation ‘captured’, in England and Ireland, a range of different kinds of dissidence, be it that of the papist, traitor, or idolater, in all their devilish cunning and sin, their ‘pharisaical’ ways and lack of heartfelt commitment bring them into ever-closer proximity with those other perennial enemies of Christ: the Jew and the ‘Turk’. That a concern with the sincerity of outward obedience, ‘civility’, and conformity increased after the royal supremacy must be seen against general efforts across Christendom to define ‘true worship’ – especially the role of faith and good works in salvation. At the heart of such debates lay the problem of how one’s inner disposition related to their outward behaviour. What was more pronounced in Ireland, however, was the discourse’s entanglement with that of ‘civility’. Dissimulation, in other words, was a discourse of colonization: the space between interiority and exteriority was a space for the consolidation of English monarchical and colonial rule.

Within such horizons of (dis)order, the theologically-fluid quagmire of the Henrician Reformation constituted the ‘ground’ from which the gradations of ‘perfection’ within the terms of Christian crown subject-hood and service were harvested to full effect as a political-theological variant of wildly disparate theological positions. The creation of English subjects in Ireland operationalised a metaphysics of becoming and the scholastic dictum of *fides formata* at the juncture of ‘orthodox’, humanist, and ‘evangelical’ spiritual and doctrinal currents, all of which had one common emphasis: inner commitment and renewal as the only true alibi to one’s new-fangled ‘perfect’ ‘civility’ and conformity. The result was the formation of quasi-sacramental structures of kingship, order, and power that governed Anglo-Irish relations and the terms of submission. If any decisively Lutheran theology is to be found in Henrician political theology, it was in the attitude exhibited to the Irish in the first step on their path towards ‘becoming-civil’.

Such political-theological significations, of course, most certainly do not constitute the definitive *meaning* of crown submissions; there was, after all, a world of power and culture beyond a strictly Tudor purview, and overtures to the crown were often strategic, beholden as much to Gaelic and English-Irish power struggles and alliances than to Tudor coercion and advances. Nevertheless, the Reformation languages of political-theological order constituted a plural site of Anglo-Irish encounter, meaning, and engagement. The Reformation by no means introduced ‘Irish interiority’ into the folds of English discourse, but it certainly galvanised it anew in the

post-1541 metaphysics of becoming in its new-fangled intersection with a revitalised discourse of ‘civility’. St Leger’s programme of ‘surrender and regrant’ was a constitutional enshrinement of the newly revitalised metaphysics of becoming that transformed Irish dissidents into ‘perfect’ English subjects. It was no accident that use of this language peaked between 1541-3. Such was the deeper depth of the ‘constitutional revolution’: the Irish subjects’ acquiring of a heartfelt will on new terms and their becoming cooperative in novel ways in the workings of a grace imparted by both God and prince through submission to the crown and within a quasi-sacramental governmental edifice that triangulated baptism, penance, justification, and love. For the souls of those not yet perfectly ‘civil’ hung in the balance. Yet from the moment it entered the stage, the ‘constitutional revolution’ was already being short-circuited; Tudor sovereignty depended on it.

If the problem of governing Ireland was now accentuated by an emergent post-Reformation political theology of ‘truth’, such a development, however, also created a climate of suspicion and mistrust that convulsed the terms of viceregal and monarchical rule and order. The situation was complicated, too, by the fact that Ireland remained a dominion with a perennially absent king, represented by a lord deputy whose power, authority, and (in)dependence from other power brokers in the realm were problems that plagued Irish and English governments for the entire century. The problem, in other words, was the centre of gravity around which contested visions of sovereignty, order, and the common weal coalesced: the ‘overmighty subject’, which fatefully brought to a breaking point the pulls of the fragmentation and centralisation of power. Such is the topic of the next chapter.

Chapter 6:

The rhetorics of monarchical and viceroyal order: the proliferation of sovereigns, faction, and the disordered ruler, 1515-47

In the early modern world, power and authority were delegated in accordance with disparate structures of command and law that reflected the juridically plural nature of monarchical and imperial polities. The Kingdom of France was divided into twelve governorships, the ‘administration over which’, Perry Anderson notes, ‘was entrusted to royal princes or leading nobles, who legally exercised a wide range of regalian rights down to the end of the century and factually could act as autonomous potentates well into the next’.¹ The Portuguese had military outposts in Africa manned by appointed commanders, while some of the Spanish overseas territories were governed from Iberia by continental viceroys whose jurisdictions extended to the ‘New World’.² The English, too, governed their ‘borderlands’ in a similar fashion, with governors or lord lieutenants in Wales and the North, Calais, and Ireland.³ Of course, the differences between the different ‘borderlands’ were as important as the commonalities. All the same, Ireland, as a problem of porous and poorly defined, not to mention, contested jurisdictions of office, church, lordships, and crown territories with subjects of different legal statuses and relations to the norms of God and Nature allied with different princely and spiritual power brokers to great significance on an ‘international’ scene, had a bit of all these other Tudor ‘borderlands’, combining Cromwell’s Anglocentric vision of government across the Tudor dominions, the establishment of regular garrisons, the ambiguities and anxieties over ‘civility’ of the North and Welsh Marches with the ‘excess of competing jurisdictions’, and explosive mixture of local and ‘international’ dynamics of Reformation characteristic of Calais, this ‘flash-point of Henrician politics’, as Felicity Heal put it.⁴

¹ Perry Anderson, *Lineages of the absolutist state* (Verso, 1974), p. 88.

² Sanjay Subrahmanyam, ‘Holding the world in balance: the connected histories of the overseas Iberian empires, 1500-1640’, in *American Historical Review* (2007), p. 1364.

³ The foremost and developed advocacy of the position that Ireland was a Tudor ‘border problem’ remains the body of Steven Ellis’ scholarship. See in particular, Steven Ellis, *Reform and revival: English government in Ireland, 1470-1534* (London, 1986); *Tudor frontiers and noble power: The making of the British state* (Oxford, 1995); with Christopher Maginn, *The Making of the British Isles: the state of Britain and Ireland, 1450-1660* (Routledge, 2007).

⁴ Felicity Heal, *The Reformation in Britain and Ireland* (Cambridge, 2003), p. 128. See also Diarmaid MacCulloch, *Thomas Cromwell: a life* (London, 2018), pp 404-5; Brendan Bradshaw, *The Irish constitutional revolution of the sixteenth century* (Cambridge, 1979), pp 119-20, 142-3.

Reconsidering the role of violence and the place of the Elizabethan Irish polity within a larger Tudor state, Brendan Kane has fruitfully proposed that Ireland was a colony *within* the Tudor state, one treated as requiring emergency measures.⁵ The roots of such an understanding and treatment of Ireland, indeed, go back to at least Henry VIII's reign. Master Treasurer William Brabazon defended himself in April 1537 against the charge that he acted beyond the law on the grounds that one must occasionally act at their own discretion in a rude country such as Ireland.⁶ Then, writing to Thomas Howard, the Duke of Norfolk, in the early 1540s, the archbishop of Dublin and prior of Kilmainham both feared the precarious danger they faced and lamented that the transference of ordnance could only be granted by parliament. Significantly, the spiritual men appealed to the king's prerogative to circumvent this barrier: 'Do our grace knoweth that Almighty god grant that our sovereign lord may provide brief remedy or else this poor Englishry is like to have such ruin that will not be repaired in any man's days living'.⁷ Two series of triangulations were at work in both examples: office, discretionary power, and 'civility' for Brabazon, and God, prerogative power, and the ordinary power of parliament for the churchmen, and in both cases, all three were triangulated in a plea that treated Ireland as a place requiring exceptional measures.

The following chapter explores the modalities of exceptional and ordinary power in relation to the office of lord deputy and the political theology of monarchical and viceregal rule in Henrician Ireland. Against the mires of competing jurisdictions and Reformation in a 'British' and Christendom-wide context, the office of the lord deputy was a lightning rod of tensions across the century between the island's lordly, institutional, and communal power brokers.⁸ For Irish lords and captains, it was also both an impediment to their rule as well as an option for strategic alliances with the

⁵ Brendan Kane, 'Ordinary violence? Ireland as emergency in the Tudor state', in *History* (2014), pp 444-467.

⁶ *L&P*, xii (i), no. 1027.

⁷ L.P.L., Carew MS 602, f. 81v.

⁸ Ciaran Brady, *The chief governors: the rise and fall of reform government in Tudor Ireland, 1536-1588* (New York, 1994); Brady, '“Conservative” subversives: the community of the Pale and the Dublin administration, 1556-1586', in P.J. Corish (ed.), *Radicals, rebels and establishments: Historical Studies XV* (Belfast, 1995); Brady, 'From policy to power: the evolution of Tudor reform strategies in sixteenth-century Ireland', in Brian Mac Curata (ed.), *Reshaping Ireland, 1550-1700: colonization and its consequences. Essays presented to Nicholas Canny* (Dublin, 2011), pp 20-42; Rory Rapple, *Martial power and Elizabethan political culture: Military men in England and Ireland, 1558-1594* (Cambridge, 2009); Valerie McGowan-Doyle, *The Book of Howth: The Elizabethan re-conquest of Ireland and the Old English* (Cork, 2011); Gerald Power, *A European frontier elite: the nobility of the English Pale in Tudor Ireland, 1496-1566* (Hannover, 2012); Mark A. Hutchinson, *Calvinism, reform, and the absolutist state in Elizabethan Ireland* (Routledge, 2015).

crown government.⁹ Numerous scholars have also noted the peculiarities of delegated power and its effects in Elizabeth's reign, during which many – in a climate congenial to the reception and exploitation of a Bodinian-style sovereignty where, as Rory Rapple so evocatively put it, government was a 'many-headed monarchical government' – could claim the royal prerogative and exercise its majesty in the name of the crown, occasionally forcing debates over the nature of monarchical government and sovereignty into the open as the 'proliferation of sovereigns' grew out of control.¹⁰ In all such Elizabethan cases, the point of fiery contention often revolved around the question of delegated power: how and under what specific circumstances was the royal prerogative channelled through institutions, hierarchies, and persons, especially the lord deputy, who, consequently, was often accused of royal pretensions. Historians, however, have occluded earlier, Henrician precursors or iterations of the dynamics that would later reach a breaking point in the twilight of the Tudor dynasty. If the office of chief governor had long, in the words of Peter Crooks, 'provided the incumbent with an enormous extension of his normal seigneurial power and jurisdiction',¹¹ and if, as Vincent Carey puts it, by the 1560s, as the office became the object of fierce competition, the 'governor's every action... minutely assessed, criticized and impeded by his factional opponents',¹² what tensions emerged in Henry VIII's reign?

⁹ David Edwards, 'Collaboration without anglicization: the Mac Giollapadraig lordship and Tudor reform', in Patrick J. Duffy, David Edwards and Elizabeth FitzPatrick (eds), *Gaelic Ireland, c.1250–c.1650: land, lordship and settlement* (Dublin, 2001), pp 77–97; Christopher Maginn, 'Civilizing' Gaelic Leinster. *The extension of Tudor rule in the O'Byrne and O'Toole lordships* (Dublin, 2005).

¹⁰ The phrase is an adaptation of Rapple's usage, according to which sovereigns 'proliferated' in Elizabethan Ireland and in English seafaring expeditions in the Atlantic. Rapple, *Martial power and Elizabethan political culture*, pp. 307-8; Hutchinson, *Calvinism, reform, and the absolutist state in Elizabethan Ireland*. David Edwards, 'Ideology and experience: Spenser's View and martial law in Ireland', in Hiram Morgan (ed.), *Political ideology in Ireland, 1541-1641* (Dublin, 1999), pp 127-157; Ciaran Brady, 'Coming into the weigh-house: Elizabeth I and the government of Ireland', in Brendan and Valerie McGowan-Doyle (eds), *Elizabeth I and Ireland* (Cambridge, 2014), pp. 113-141; Brady, 'The attainder of Shane O'Neill, Sir Henry Sidney and the problems of Tudor state-building in Ireland', in Ciaran Brady and Jane Ohlmeyer (eds), *British interventions in early modern Ireland* (2005), pp 28-48; Brady, *Chief governors*.

¹¹ The 'physical expression of which', Crooks continues, 'was control of the king's castles and ordnance. Against enemies, that authority could be wielded punitively, and many documents report that complainants voiced their grievances only with trepidation. 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 repertoire of patronage lay at the chief governor's disposal'. Peter Crooks, 'Factions, feuds and noble power in the Lordship of Ireland, c. 1356-1496', in *IHS*, 35, 140 (2007), pp 447-8.

¹² Vincent Carey, *Surviving the Tudors: the 'wizard' earl of Kildare and English rule in Ireland, 1537-1586* (Dublin, 2002), p. 120.

The period from 1470 to the 1530s was marked by the ascendancy of what became the lordship's most powerful aristocratic house, the earls of Kildare. Historians have interpreted Kildare hegemony during these decades in various ways. Either a sign of crown failure for being unable to upend the strength of an 'overmighty subject', or, seen within a wider Tudor orbit, an instance of the aristocratic delegation that was a necessary function of royal government in the border regions of the North of England, Wales, Calais, and Ireland, where the crown's successful and opportunistic deployment of the best option at its disposal marked a *revival* of crown government predicated upon aristocratic delegation that, although carrying the risk of undermining crown power, nevertheless allowed the interests of both the crown and the earls of Kildare to align.¹³

Although not all historians agree on whether the problem of governing Ireland was the barrier erected by the power of 'overmighty subjects', in a sense all these interpretations are partially correct: both crown failure and crown-magnate cooperation, after all, were available prescriptions even at the time. What is missing, though, is a more acute appreciation of the underlying principle that could account for how these perspectives could both readily be adopted. Magnate power on the so-called borderlands, as both a conduit for and impediment to royal power, was, in other words, Janus-faced. To fully explain this, we must assess the turmoil in Ireland that integrally involved the office of lord deputy as a contested site of power, authority, and 'reform' against the structures of delegation and mediation of divine and princely *potestas* and *imperium* as these bolstered and challenged the terms of Tudor political theology, subject-hood, and service.

In many ways, the story this chapter sets to tell is one captured by specific passages included in the Lutheran and Tyndalian Fifth Commandment to obey all superiors and the Sixth Commandment not to kill, both as outlined in the *Bishop's Book* (1537): if the biblical commandment to obey 'parents' also included all civil and spiritual superiors, it was 'in the very law of nature, that every member shall employ himself to preserve and defend the head', but it was also imperative that no subject draw their sword unless commanded by the prince or when summoned to defend the

¹³ For a useful overview of the historiography of the earls of Kildare for the period 1470s-1530s, see Carey, *Surviving the Tudors*, pp 16-24. See also Christopher Maginn, 'Continuity and change: 1470-1550', in Brendan Smith (ed.), *The Cambridge history of Ireland, vol. 1, 600-1550* (Cambridge, 2018), pp. 300-28; Maginn, 'Gaelic Ireland's English frontiers in the late Middle Ages', in *Proceedings of the Royal Irish Academy. Section C: Archaeology, Celtic Studies, History, Linguistics, Literature*, 110C (2010), pp. 173-190.

realm.¹⁴ Together, these were nothing short of a theory on prerogative power and its delegation, yet one which engendered the further equivocation between the prince and other ‘heads’ beyond that produced between God and king by the Henrician doctrine of obedience.

Thus, a decade of instability and magnate rivalry had, by the 1530s and 1540s, generated much discussion over what constituted well-ordered monarchical rule aligned with the common weal and as mediated by a viceroial governor. If the ‘reformation of Ireland’ entailed appointing sheriffs, wardens, constables, justices, and priests in baronies, counties, shires, and parishes; if it was promulgated by royal writ, command, and parliamentary statute, ordered by the deputy and council, and implemented by officers and royal commissioners; and if the ‘reformation of Ireland’ entailed the re-organisation of sovereignty, government, and power around the crown and a ‘king’s party’ – then, in its entanglement with the distinctly Reformation political theology of ‘truth’ and theocratic doctrine of obedience that emerged in the wake of the Kildare Rebellion and the royal supremacy, the ‘reform’ of Ireland also hinged on defining and instituting the proper modalities and structures of delegated power. In such an environment, debates over what monarchical and vice-royal order should look like came to dominate the concerns of crown government, providing ammunition in factional rivalries as well as a contested scope for charges of ‘lawful’ deployments or ‘unlawful’ usurpations of the royal prerogative – instances, in other words, where *imperium* could be both grounded in and exercised by non-princely, new-fangled Heads of the Christian common weal. What occurred was nothing short of a distinctly Henrician modality of the ‘proliferation’ of sovereigns.

The potential for ‘proliferating’ sovereigns lay within the structures of delegation and mediation that bound all within the Head and Body of the Crown. As Peter Crooks notes, ‘Ireland was a stage on which English kingship could give voice to full-throated rhetorical excess’, and the office of governor, as the key site of royal power which ‘strained’ the framework of contractarian ideas whereby rule was a matter of both Head and Body. The paradoxical pulls of regality and subject-hood intrinsic to the office of governor, indeed, ran deep: Dublin clerk and Ormond client, James Yonge’s ‘mirror of princes’ tract in the 1430s dedicated to his master, the ‘White’ earl of Ormond, the *Secreta secretorum*, cultivated the image of the deputy as a good

¹⁴ Charles Lloyd (ed.), *Formularies of faith, put forth by authority during the reign of Henry VIII* (London, 1825), pp 154, 158-9.

governor among other governors such as kings and emperors. Even the oath the governor took was modelled on that taken by kings at their coronation. If, however, by the fifteenth century, ‘it was a rhetoric that only served within certain contexts’, whereby the ‘smack of “regal” lordship was primarily for the native Irish; the cossetting of “political” lordship was a privilege claimed for themselves by the English of Ireland’,¹⁵ by the reign of Henry VIII, even that distinction had collapsed, and it owed much to the combined impact of ongoing magnate rivalry, the Reformation, and the Kildare Rebellion in convulsing the parameters of monarchical and viceregal order. The royal supremacy in particular, moreover, had the effect of not only displacing spiritual power from the pope into the sole hands of the king and of energising existing Heads – or ‘making’ new ones, like with Browne’s turning of Christians into quasi-priests and sheriffs – with the task of spreading the true Word of God, but of then also displacing spiritual power to other – spiritual and civil – officers through royal discretionary acts of delegation. If, as we shall see in chapter eight, the Reformation were partially about returning Christ’s prerogative to himself alone and depriving those – popes, priests, saints, and the king himself, according to many – who had illegitimately usurped it, it also, in an important sense, proliferated such prerogative powers. The friars, Archbishop Browne charged in 1538, daily ‘bring the peoples minds to their own lure again, that they might be once against esteemed like young Gods, which God forbid should’.¹⁶ Yet even Browne himself could find himself in the wrong. On 31 July 1537, after reports that he declared himself to be lord over all the clergy reached back to Whitehall, Henry VIII severely reprimanded the archbishop for his arrogance in delighting in ‘We’ and ‘Us’ when addressing others and for ‘in your dream comparing yourself see near to a prince in honour and estimation’.¹⁷ In encountering the uncertain scope of his office and mission in the mires of *imperium*’s delegation, Browne was chastised for airing the pretensions of the sovereign.

John Morrill has suggested that the ‘problem for the Irish political nation in this period was thus not that they had a king with two bodies; it was that they had a king with no bodies’.¹⁸ While true, this leaves unexplained the peculiarly Irish dynamics of the king’s two bodies. For conditions in Ireland compelled the incessant breaking apart

¹⁵ Peter Crooks, ‘The structure of politics in theory and practise, 1210-1541’, in Brendan Smith (ed.), *The Cambridge history of Ireland, vol. 1, 600-1550* (Cambridge, 2018), pp 451, 454-7.

¹⁶ *SP Henry VIII*, iii, pp 103-4.

¹⁷ *SP Henry VIII*, ii, p. 465.

¹⁸ John Morrill, ‘The fashioning of Britain’, in Steven G. Ellis and Sarah Barber (eds), *Conquest and union: fashioning a British state, 1485-1725* (New York, 1996), pp 15-6.

of the ‘Crown’s’ composite parts – or two bodies – and the transcendent and immanent dimensions of political-theological order. If in chapter four we explored the dynamics of service and counsel intrinsic to an office-based universe as instituted by God’s providential government of the world, in this chapter we explore the breaking down of this dispensation’s ordinary functioning at the fiery points of rupture where the latent undercurrents of supreme power erupted to the surface. Through such channels of order and authority, prerogative power in numerous guises became a rhetorical resource for understanding the ills plaguing Ireland and condemning the transgressions of office of rivals. It also became a mobile power itself, canvassed both ‘lawfully’ and ‘unlawfully’ by men acting for as well as against the crown.

6.1: Law and the proliferation of sovereigns, 1515-1534

On 23 May 1520, Sir Thomas Howard, the earl of Surrey, reached the shores of Ireland as the lordship’s new lord lieutenant. A military man, Surrey’s career and reputation was made in France a decade earlier during Henry VIII’s continental campaigns, where he quickly became one of the king’s favourite generals. It was not long, however, before Surrey grew disillusioned with the power and resources at his disposal to successfully implement his sovereign’s wishes in Ireland.

Writing to Wolsey on 6 September 1520, Surrey recounted an episode of theft which he felt powerless to redress due to the restrictions of his office.¹⁹ Since John Wallop’s departure from Ireland, eighteen soldiers conspired to steal a boat and be ‘rovers’ along the coasts of England. But Surrey got wind of their plan and apprehended them for examination. Avoiding transgressing his royal patent by consulting lawyers who told him that since ‘they have done no act, but only promised to do, the common law will not suffer them to die therefore’, Surrey expressed frustration with the perceived straight-jacket that was his office: ‘For, if I should make a proclamation, upon pain of death, as it shall be needful many times to do, I have none authority to put any of them to death, that shall break the same’. More particularly, he longed to have the same authority he had had as Lord High Admiral or that the Marquis of Dorset possessed in 1513 on his expedition to Spain as general of the army; the move, indeed, strained the boundaries of the deputyship not only by introducing the vexing problem of

¹⁹ *SP Henry VIII*, ii, p. 43.

prerogative power, but, more significantly, as we shall see in the next chapter, by resorting to maritime and martial examples as models to be emulated. Henry VIII acceded to Surrey's wishes a month later, granting him a commission to execute the 'Royal authority against criminous persons'.²⁰ Almost a year later, Surrey's requests doubled-down and expanded this initial 'proliferation' of sovereigns. Informing his sovereign that Richard Pepper of Calais robbed and spoiled two Bretons ships, and landed in Cork, the lord lieutenant then asked the king if Pepper should be put to death and that, if so, whether the king should send him a commission for he did not have the authority 'to put to death all rovers of the sea'. Accordingly, he beseeched Henry VIII to add Patrick Birmingham, chief justice of the King's Bench, Richard Delahide, chief justice of the common place, and James Cantwell, Arthur Maginn, and Cormok McRorick, bachelors of law, to the commission.²¹

Meanwhile, his suspicion of the earl of Kildare grew. As he recounted to Wolsey, Kildare had allegedly exhorted Donogh to make war upon the English only when an English lord deputy not well-disposed to him entered his lands.²² For Kildare, the office of lord deputy was allegedly to be respected only when he was its holder. Who, then, was the effective ruler of Ireland? Thus, echoing earlier Palesmen's complaints against Kildare, Surrey, seeing rebellion everywhere, came to believe Kildare lay at the roots of many of Ireland's problems.²³ Yet what he understood as rebellion and what Kildare conversely understood as a conspiracy devised against him by the lord lieutenant was a structural effect of contradictory royal policy after Surrey's governorship and the internal fracturing of English and Irish lordships in Ireland.²⁴ Such

²⁰ *SP Henry VIII*, ii, pp 55-6.

²¹ *SP Henry VIII*, ii, pp 76-7. I will return to the topic of the sea and jurisdiction in the next chapter when exploring its significance as a site of treasonable conduct. For now, suffice it to say that the forms this problem took in Ireland are suggestive of the peculiarity of the Irish situation and the tensions inhering in the office of lord deputy.

²² *SP Henry VIII*, ii, pp 44-5. On Palesmen's attitudes toward Kildare, see Maginn and Ellis, *The Tudor discovery of Ireland*, pp 137-42; Colm Lennon, *Sixteenth-century Ireland: the incomplete conquest* (2nd edition, Dublin, 2005), pp 80-1.

²³ See the 'State of Ireland' (*SP Henry VIII*, ii, p. 15) and William Darcy's report (1519) (L.P.L., Carew MS 635, f. 188). See also Lennon, *Sixteenth-century Ireland*, p. 80; Bradshaw, *The Irish constitutional revolution*, p. 52.

²⁴ Quotes in Steven G. Ellis, Steven G. Ellis, *Ireland in the age of the Tudors, 1447-1603: English expansion and the end of Gaelic rule* (Dublin, 1998), pp 119, 125-6. See also Maginn and Ellis, *The Tudor discovery of Ireland*, p. 151; David Edwards, 'The escalation of violence in sixteenth-century Ireland', in David Edwards et al (eds), *Age of atrocity: violence and political conflict in early modern Ireland* (Dublin, 2007), pp 48-53; Art Cosgrove, *Late medieval Ireland, 1370-1541* (Dublin, 1981), pp 111-2.

were the conditions, as we shall see, that gravely amplified the tensions at the heart of the office of lord deputy

For now, consider the wider planes of law and power across the island that many perceived to be major symptoms and exemplars of disorder and usurped majesty: the problem of ‘overmighty subjects’ and the dynamics of ‘proliferating sovereigns’ in the highly fragmented worlds of Gaelic and Gaelicized Ireland, where power waltzed simultaneously to the rhythms of centralisation and decentralisation. One may object that, since the Roman-style *imperium* that underpinned certain Tudor claims to sovereignty and which convulsed or animated the imperatives of Tudor political theology differed substantially, as we noted in chapter four, from the warrior ethos and decentralised structures of non-unitary sovereignty consisting of high kingships, overlordship, and lesser lordly power prevalent in Gaelic and Gaelicized Ireland, the notion of ‘proliferating sovereigns’ is inappropriate outside the terms of unitary sovereignty.²⁵ The term, however, retains its usefulness for describing real or perceived forms of either ‘imperial rule’, the usurpation of the royal prerogative, or the transgressions of law and office in Ireland, where changing practises, as we shall see, idiosyncratically followed trends in England and the Continent and moved closer to corporate forms of *imperium*.

The Gaelic lordship – *oireacht* or *pobal* – was the defining feature of Irish government – and here, too, quasi-‘imperial’ forms of rule over a lordship’s inhabitants prevailed.²⁶ In 1505, the annalistic obituary for Aodh Ruadh O’Dhomhnaill, or Hugh O’Donnell, even claimed that ‘it were fitting to name him the Augustus of the whole north-west of Europe’ – a clear invocation of Roman imperial imagery, the same with which the *Annals of Ulster* had also commemorated Brian Borúma in 1014.²⁷ Equally significant was the ‘State of Ireland’s’ (1515) characterisation of the rule and jurisdiction of Irish ‘chiefs’, who, obeying no other temporal ruler than he who was

²⁵ On the limitations of English frameworks of law and sovereignty, see chapter 4, section. 4.1, footnote no. 36.

²⁶ Duffy, Edwards, and FitzPatrick, ‘Introduction: Recovering Gaelic Ireland, c. 1250-c.1650’, p. 39; Katharine Simms, *From kings to warlords: the changing political structure of Gaelic Ireland in the later middle ages* (Woodbridge, 1987), p. 73; Kenneth W. Nicholls, *Gaelic and Gaelicized Ireland in the middle ages* (Dublin, 1972), chap. 2, esp. pp 24-6, 34-43; Nicholas Canny, *Elizabethan conquest of Ireland: a pattern established, 1565-1576* (Sussex, 1976), pp 11-3.

²⁷ Bernadette Cunningham and Raymond Gillespie, ‘The UiDhomhnaill and their books in early-sixteenth Ireland’, in Sean Duffy (ed.), *Princes, prelates, and poets in medieval Ireland. Essays in honour of Katharine Simms* (Dublin, 2013), p. 497.

strongest, were described as having ‘imperial jurisdiction within his room’.²⁸ Such rhetoric was later echoed between 1537 and 1546, when master of the rolls and then lord chancellor, John Alen, along with Lord Deputy Anthony St Leger, spoke of the complexity of subduing Ireland on account of the ‘several monarchies’ that reigned in the land, referring to the Irish as having ‘another kingdom and sect of themselves’, or, as with the O’Neills, as having ‘usurped to call themselves princes of Ulster as adversaries to your regally and monarchy’ or as exercising ‘all kingly jurisdiction in Ulster’.²⁹ In 1539, in the wake of the ‘Geraldine League’s’ overtures to continental powers in the midst of heated interpolity strife between a beleaguered England and other European powers, Pope Paul III even styled Con Bacach O’Neill ‘our noble king of our realm of Ireland’.³⁰

By the fifteenth and sixteenth centuries, land rights within certain Gaelic lordships, too, were becoming more dependent on the will of the lords, with the effect that freeholders were increasingly viewed as tenants-in-chief who became subjected to evermore burdensome tributes and exactions. The accretions of power by overlords simultaneously counteracted and facilitated such arrangements – a development no doubt galvanised by the growing network of retainers among both Gaelic and English-Irish circles. As the more powerful and ambitious English-Irish and Irish lords ‘aspired to paramountcy’, their administrations grew more complex and bureaucratic yet nevertheless continued to be directed towards fostering and securing military and coerced overlordship.³¹ More powerful lords could emerge as ‘centralising sovereigns’ within these territorially uneven, fragmented, and plural socio-jurisdictional folds.

Seen in this light, invocations of Gaelic lordly ‘imperial’ prowess are perhaps unsurprising if we consider that Roman (civil) law had for centuries made significant inroads in Gaelic Ireland. If Brehon law was itself influenced in the process, nor had Gaelicized regions been spared: in Kilkenny, for instance, where the king’s writ ran, Brehon law was used among the county’s inhabitants, with the common law resorted to only by townsfolk, whereas in Galway, by the sixteenth century, if Brehon law was common, Roman civil law had largely replaced English common law. Innovations in Gaelic lordly justice, indeed, perhaps owed something to the continuing influence of

²⁸ *SP Henry VIII*, ii, p. 1.

²⁹ *SP Henry VIII*, ii, p. 487; *SP Henry VIII*, iii, p. 343; T.N.A., SP 60/10, f. 260r; T.N.A., SP 60/11, f. 155r.

³⁰ Maginn, ‘Continuity and change: 1470-1550’, p. 328.

³¹ Simms, *From kings to warlords*; Lennon, *Sixteenth-century Ireland*, pp 53-6.

Roman law. While capital punishment did not exist under Irish law, many lords could punish ‘malefactors’ with death at their will; indeed, a number of offenses in numerous *oireacht* had been singled out as deserving death.³² In such an environment, the phenomenon of ‘proliferating sovereigns’, moreover, was never too far. As Kenneth Nicholls observes, ‘According to the ancient law, a person whose clan had renounced responsibility for his acts for a formal and public process became an outlaw who could be legally put to death by anyone whom he injured, and it is probable that this rule, or a modification of it, was still in force in late medieval times’.³³ At play here was not the lawful delegation *per se*, but the lawful imparting of the power to kill within the familial, corporate, and mediatory parameters of Gaelic rule and justice.

Consider the case of the power and forms of justice wielded by the earls of Kildare, which, while not entirely unique among Gaelic and English-Irish lords, reached unmatched proportions. Mixing Gaelic- and English-style military, fiscal, and tenurial across his immense estates,³⁴ by the turn of the sixteenth century, the earls exercised rule and justice in ways similar to continental princes, where, departing from a compensatory system of status-bound proportional reparations, the breaking of laws was tantamount to an offence against the king as the embodied fount of all justice in the land, offenses for which he meted out horrifyingly violent punishments.³⁵ Indeed, it was perhaps with the earls of Kildare and in the Renaissance-tinted ‘cult of Kildare nobility’,³⁶ that the twin poles of centralisation and fragmentation in relation to princely power and its ‘usurpation’ reached a fevered pitch. If Kildare was able to assume an unmatched protective role over provincial Gaelic kings because of their perception of

³² Nicholls, *Gaelic and Gaelicized Ireland*, pp 50, 54-5, 60-1; Simms, *From kings to warlords*, p. 91.

³³ Nicholls, *Gaelic and Gaelicized Ireland*, p. 60.

³⁴ On the earls of Kildare’s governing and military practises at the thresholds of Gaelic and English worlds, see Carey, *Surviving the Tudors*, pp 34-9.

³⁵ On forms of ‘public’ justice in Ireland increasingly resembling earlier developments on the Continent whereby a Christian-style interventionist mode of ruling that had marked transformations in ‘high medieval’ kingship and justice, see Nicholls, *Gaelic and Gaelicized Ireland*, pp 61, 63-4; Simms, *From kings to warlords*, pp 89-90. On Kildare’s justice and punishments, see for instance *AC*, p. 657; *AU*, pp 558-9.

³⁶ With the castle of Maynooth figuring as an aristocratic centre of gravity through which the earls cultivated links with the Irish and English-Irish lords of the island, particularly significant, here, were the Renaissance trappings of the Kildare household and their ornate self-representations through portraits, their library and manner of rule, as relatives of the Florentine Gherardini. The ‘cult of Kildare nobility’, which, since the early sixteenth century at least, animated the reputation of the Irish Geraldines far beyond Ireland, surely informed their self-image as refined rulers, governors, and warrior aristocrats. Colm Lennon, ‘The Fitzgeralds of Kildare and the building of a dynastic image’, 1500-1630’, in William Nolan and Thomas McGrath (eds), *Kildare, history and society: interdisciplinary essays on the history of an Irish county* (Dublin, 2006), pp 196, 198-9.

him as overlord,³⁷ the ‘Kildare ascendancy’ marked, as Katherine Simms has argued, the culmination of a ‘long-drawn process of development from overlordship to centralised government’ that, for the second time since the Norman Invasion had halted the centralisation of Irish ‘politics’, the fall of the aristocratic house in 1536 similarly ‘aborted before unity was achieved’.³⁸

The conditions of power, authority, and law in the marches were also key to the wavering pulls of centralisation and decentralisation, and here, too, ‘sovereigns’ proliferated. March law, as Peter Crooks notes, while never codified in Ireland, was ‘woven into the social fabric of the colony’ and ‘probably served as an umbrella term for many types of action outside the common law’.³⁹ Yet, such a situation also existed to differing degrees at large in the colony. The practise of ‘coign and livery’ illustrates well the dynamics and tensions at work. Although originally a distinctly Gaelic practise, ‘coign and livery’ later became a confluence of Gaelic and Norman forms of military-social organisation that, by the end of the fifteenth century, was increasingly common to both Gaelic and English-Irish lordships across the island, used by not only the great earls but also the lesser lords, landowners, and gentry – and as the ‘fundamental base of the Gaelic system of authority’, its exactions were increasing. Ironically, Wolsey’s efforts to elevate Butler power and undermine the Kildare affinity helped foster the practise’s increased use across the Pale and the Kildare lordship,⁴⁰ although the Geraldines were certainly not the only magnates to incur the ire of others. In 1537-8, as the royal commissioners toured the Ormond lordship, the verdict was supremely unflattering to the aristocratic lineage; while they usually had the support of the Kilkenny gentry, abuses in power, egregious impositions and compelled labour, and obstruction of law, did not go un-condemned.⁴¹ One Butler allegedly even daily had serjeants in his country that compelled ‘people at their own will and not at law and

³⁷ Lennon, *Sixteenth-century Ireland*, p. 76.

³⁸ Simms, *From kings to warlords*, pp 15-6, 20.

³⁹ Crooks, ‘Factions, feuds and noble power in the Lordship of Ireland’, pp 437-8.

⁴⁰ Carey, *Surviving the Tudors*, pp 79, 81, 83, 87; Nicholls, *Gaelic and Gaelicized Ireland*, pp 38-9. All the same, if the earls of Kildare bore a large part of the brunt of anti-coign and livery sentiment, their wealth and power nevertheless mitigated against its excesses under their jurisdiction, so that, as Laurence McCorristine has noted, they ‘were certainly less arbitrary and indiscriminate in using coign and livery than their Anglo-Irish counterparts’. Laurence McCorristine, *The revolt of Silken Thomas: a challenge to Henry VIII* (Dublin, 1987), p. 26.

⁴¹ T.N.A., SP 60/5 ff 79-110b. See also George Paulet’s report, L.P.L., Carew MS 611, ff 133-5. On local support for the dynasty within the Ormond lordship, see David Edwards, *The Ormond lordship in County Kilkenny, 1515-1642: the rise and fall of Butler feudal power* (Dublin, 2003), pp 53-8, 75, 171.

justice'.⁴² Chief Justice Thomas Luttrell similarly charged that in Munster, Connaught, and Ulster, 'there is but a feigned obeisance to our Prince, no laws used, but such as the rulers thereof orderith after their own sensual appetites'.⁴³ Criticisms of near-generalised use of 'coign and livery', indeed, were common by the mid-1530s.⁴⁴ Revealingly, it was the full force of sovereign power that could be appealed to in order to brunt this 'lawless' affair, with calls to have marchers stand their ground against the Irish 'upon pain of death'.⁴⁵ The conduct of soldiers brought in to wage the crown's wars also exacerbated the situation and, again, the supreme violence of the law was heralded as a deterrent. As one report 'for the winning of Leinster' suggested, no soldier was to 'haunt Dublin, nor Waterford' and all were to 'upon pain of death, continue in the place where he shall be appointed'.⁴⁶ Even the royal commissioners' mission to Ireland in mid-1537 was partially justified due to 'how far things have been there out of frame and order...by the negligence, usurpation, and encroachment of such persons, officers, and ministers' that the king trusted 'and taken for his good subjects' but who instead were 'driven by 'private and singular advantages, than to the public weal of the land'.⁴⁷ From this perspective, the entire island had decayed to the condition of the marches.

Bridging the martial, moral-rhetorical, and legal worlds of crown, colonial, and Irish government, rule, and order, both the earls of Kildare *and* Ossory, then, behaved in similar ways as they pulled into the fray expansive networks of lordly retainers among Irish and English-Irish lords and marcher captains organised under ambiguously 'English' and 'Irish' structures of overlordship, administration, and law. Such arrangements were altered with profound consequences following the departure of the earls of Ormond to England in the 1460s and the later rise of a relatively minor figure, Piers Ruadh Butler of Pottlerath, the future earl of Ossory from 1528 and of Ormond from 1538, who, from 1515, broke gradually from Kildare tutelage and amassed his own network of military retainers among Irish lineages and English-Irish gentry and marchers to counteract Kildare power.⁴⁸ Piers, however, was not without help from high

⁴² B.L., Add. MS 4763, f. 442.

⁴³ *SP Henry VIII*, ii, p. 502.

⁴⁴ T.N.A., SP 60/5 f. 24; B.L., Add. MS 48017, ff 164a-65b (*SP Henry VIII*, ii, p. 477-80); *SP Henry VIII*, ii, p. 191.

⁴⁵ B.L., Lansdowne MS 159/2, f. 3.

⁴⁶ *SP Henry VIII*, iii, p. 417.

⁴⁷ *SP Henry VIII*, ii, p. 453.

⁴⁸ Edwards, *The Ormond lordship*, chap. 2, pp 143-73.

places: Wolsey was set on undermining Kildare's power and saw Piers as the prime candidate to implement his policy of re-orienting Irish councillors' loyalty away from the magnates and towards the crown, curbing magnate power, and manipulating native affinities to create a loyal network of Ormond retainers to counterbalance Kildare's 'disloyal' following; all this owed much to their English courtly connections and the strategic position of their lordship within Ireland (which provided the crown with essential access to the south of the island).⁴⁹ In the 1510s, moreover, ministers in England feared Ireland continued to pose a threat to England's security as a potential 'backdoor' from which the Scots and the French could intervene. With Piers' powerbase of Kilkenny long being viewed as a 'Second Pale', the time had come to reassert crown control over the country through Piers's affinity. The re-calibrated Geraldine-Butler feud that resulted became the defining feature of the lordship's politics for the next decade, its severity demanding Whitehall's attention as both Kildare and Piers Ruadh unleashed a storm of allegations and counter-allegations of misgovernment and unprovoked aggression against each other.⁵⁰ Henry VIII's new strategy and intervention, then, altered the balance of power in Ireland, with Piers receiving extensive royal protection to flout English law by imposing coign and livery contrary to terms agreed upon by royal commission and with the gentry of Kilkenny; he was even encouraged in 1526 to conquer the lands of neighbouring Irishry. Crucially, as Butler power grew, Kildare's fortunes declined.⁵¹

Thus, Kildare's style of rule as much as Piers' throughout the 1520s, when he began governing like Kildare did as lord deputy, marked an instance of 'proliferating sovereigns'. Of course, 'sovereigns proliferated' against and through established hierarchies. The Ormond lordship is a case in point. Tensely interacting with local 'brokers', namely lesser lords, gentry, and urban elites, the Butlers asserted control over their estates in different ways; in the north and east of the estate, lands were directly

⁴⁹ 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 78-121. For Wolsey's involvement in Irish affairs, see also David B. Quinn, 'Henry VIII and Ireland, 1509-34', in *IHS*, 12, 48 (1961), pp 318-44; Maginn and Ellis, *The Tudor discovery of Ireland*, pp 142-55. That Gonzalo Fernandez in 1529 informed his master, Charles V, that the earl of Desmond considered Wolsey his 'greatest enemy' is a testament to how the cardinal's interference in the lordship was perceived. *L&P*, iv (iii), no. 5501.

⁵⁰ Maginn and Ellis, *The Tudor discovery of Ireland*, p. 152.

⁵¹ Maginn and Ellis, *The Tudor discovery of Ireland*, pp 145-6, 154, 157. On the fortunes of Piers Ruadh and Kildare between 1524 and 1528, during which the deputyship was held by both at separate times and new strategies of joint-rule between the houses were devised, see Ellis, 'Tudor policy and the Kildare Ascendancy', p. 241; Ellis, *Tudor frontiers*, pp 184-9; Edwards, *Ormond lordship*, pp 152-6; McCorristine, *The revolt of Silken Thomas*, pp 45-6.

owned by the dynasty, whereas in the southern uplands and the midlands, the Butlers either delegated authority to or cooperated with prominent landowners. The gentry, moreover, were not mere passive recipients of Butler power, but were actively involved in setting the terms of their relationship with their aristocratic overlords, such as in 1526, when the gentry devised the terms of ‘coign and livery’ they were willing to agree to.⁵² The earls, in other words, were simultaneously a source of and, in tandem with the gentry, lords, and townsmen they cooperated with, a barrier against, the forms of prerogative or usurped power they occasionally wielded.

All the same, although Piers was certainly not immune to criticism,⁵³ before 1534, much more prominent was the rhetoric against Kildare, who, despite being weakened by Wolsey and Ossory’s actions, mounted his own justifications of his style of rule and use of ‘extra-judicial methods to quell disorder’. As Colm Lennon put it, according to Kildare, the ‘only alternative to a “new conquest” was to permit the Irish aristocracy, with Kildare at its head, to have a free hand in keeping peace and pursuing malefactors’.⁵⁴ Piers Ruadh manifestly disagreed and he expressed his grievances in a manner that continued to resonate to great effect thereafter: the problem was that Kildare behaved as a king to whom ‘disordered’ or ‘corrupted’ crown subjects gave the ‘natural duty of their allegiance’.⁵⁵

6.2: The earl of Kildare and the convulsions of office, 1533-7

Although Wolsey’s fall in 1529 theoretically benefited Kildare, critics of Kildare or magnate rule more generally had an ‘especially receptive outlet’ for their grievances in Thomas Cromwell, who, from 1533, continued his former master’s designs and began his efforts to dismantle Geraldine power.⁵⁶ In this light, a series of reports from 1533 to 1539 provide a window into the tensions between corporate and personal rule in monarchical and viceregal order, and the forms of delegation, mediation, and

⁵² Edwards, *The Ormond lordship*, pp 17-79, 155-6.

⁵³ The commissioner Master Paulet reported in 1537, for instance, that many ‘prayeth daily to God that the Butlers may never be their head vicerulers in this country’ while others in the Dublin administration remained unconvinced that, in the words of Edwards, ‘the continuance of Butler hegemony in southern Ireland, along the lines sanctioned in the crown’s treaty of May 1534, was still a necessary evil’. L.P.L., Carew MS 602, f. 133; Edwards, *The Ormond lordship*, pp 163-4.

⁵⁴ Lennon, *Sixteenth-century Ireland*, p. 100.

⁵⁵ *SP Henry VIII*, ii, p. 143.

⁵⁶ Maginn and Ellis, *The Tudor discovery of Ireland*, p. 159; Lennon, *Sixteenth-century Ireland*, p. 105. On the links between the fall of Wolsey, Kildare, and the cardinal’s enemies at the English court, see McCorristine, *The revolt of Silken Thomas*, p. 44.

abstraction of majesty and authority at work therein – or, in other words, the contours of the fiction of the ‘Crown’.

To begin, John Alen complained that the king was at the behest of the lord deputy rather than the other way around, adding that royal power could never be consolidated without first curbing magnate power, which represented a usurpation of the royal prerogative.⁵⁷ According to the king’s solicitor in London, Walter Cowley, put it – and in the same register of dissimulation explored in chapter five – Irish-born lord deputies shaped that authority ‘as a cloak or habit to cover [their] cruel persecutions’ to ruin all other noblemen in the land and eliminate all possibilities that all his actions being ‘so absolute shadowed with that authority’ be ‘repugned at’. The result: whether Kildare was in or out of office, and out of falsely placed allegiance or fear, subjects omitted ‘well nigh their whole duty’ to the king and made ‘resistance violently’ against the king’s deputies.⁵⁸ Such criticism reached its apotheosis when years later, Walter’s father, Robert, alleged that Kildare had bounded himself to Irishmen with no mention of the king’s name in order to exclude the king from all his possessions, inheritance, rents, obedience, and jurisdiction in the land.⁵⁹ The earl, in other words, as one ‘reformer’ noted, held the crown’s potential resources hostage: since the Irish captains were at Kildare’s commandment, the tribute and service that went to the earl rather than the king was simultaneously the source of Kildare’s strength and the root of the king’s subjects misery,⁶⁰ although the lords in question saw it otherwise.⁶¹

Similarly, the structures of delegation and mediation were explicitly identified as disordered: the authors of one report bemoaned aristocratic dominions as obstacles to effective royal rule and governance, either depriving the crown and its representatives in Ireland of their capacity to command subjects, or turning away once loyal office-holders, such as sheriffs, from their obedience to the king, since they now obeyed, answered, and served Kildare ‘as obedient as any subject in England do your Grace, which service ought to be yielded to Your Grace, and to none of your subjects, but at your will and pleasure’. The report further portrayed Kildare as an illegitimate royal figure: if one orator in 1533 condemned the earl’s partiality when meeting out justice for compelling crown subjects to put their rights in suspense, law, it was now lamented,

⁵⁷ *SP Henry VIII*, ii, p. 176.

⁵⁸ *SP Henry VIII*, ii, pp 167-8.

⁵⁹ L.P.L., Carew MS 602, f. 150.

⁶⁰ *SP Henry VIII*, ii, p. 187.

⁶¹ On how the office of governor enhanced Kildare’s power and Gaelic perceptions of his governorship, see McCorristine, *The revolt of Silken Thomas*, pp 28-32.

was exercised in the name of the earl and under his seal, and he pardoned all sorts of felons on the basis of unlawful claims to liberty jurisdiction within his earldom, a jurisdiction, the author alleged, the king had not granted him.⁶² As David Sutton put it to the commissioners in 1537, and echoing the language of Roman-style *imperium*, any ‘commandment and exclamation that he caused to be made was taken for a Law’.⁶³ Three further reports and Cromwell’s *Ordinances for the government of Ireland* soon after collectively singled out matters requiring urgent attention: the ordering of the earls, the undermining of magnate power, and the need to abolish Kildare’s liberty; the necessity of viceroial and conciliar appointment of, first, constables to the marches (who should be under the deputy’s commandment), and second, commissioners to oversee these constables and all other border captains and to punish transgressors; and, finally, the parameters of good, English order within the Pale, the marches, and colonial territories, for which the appointment of English-born governors was required.⁶⁴ One of the solutions proposed in 1533-4 was to deprive the lord deputy of the authority ‘within his patent, to make judges, the Master of the Rolls, the Serjeant of your laws, neither your Attorney’, who should have their offices from the king in order to properly counsel him ‘for your profit and common weal’ without fearing the ire of the governor.⁶⁵ The stakes were clear: the ordering of the realm around the proper hierarchy where the lord deputy, governing in the name of the king, was clearly limited by the powers exclusively invested in the crown.

All such calls were getting at one fundamental problem that was symptomatic of the tensions in the composite parts of the ‘Crown’, or between the corporate and personal dimensions of Tudor rule, a problem that was further compounded by the king’s perennial absence in Ireland: Kildare was seen to behave like a tyrant who improperly wielded the power invested in his *persona-in-office*. Yet his ‘person’ remained internally split between the office of which he was an incumbent and the mighty magnate whose power base was, while independent of the office of lord deputy, necessary to its functioning. In order to minimise the lord deputy’s fall into tyranny, the move involved displacing this division embodied by Kildare from ‘inside’ the

⁶² *SP Henry VIII*, ii, p. 178; *SP Henry VIII*, ii, pp 183, 185-6.

⁶³ T.N.A., SP 60/5, f. 23.

⁶⁴ *SP Henry VIII*, ii, p. 210; T.N.A., SP 60/2, ff 29rv; B.L., Add. MS 48017, ff 161ab; *SP Henry VIII*, ii, pp 164-5. See also Cowley’s report from 1539, in which he calls for the abolition of the earl of Desmond’s liberty: *SP Henry VIII*, iii, pp 146-7.

⁶⁵ *SP Henry VIII*, ii, p. 191. Cromwell recommended the same in his *Ordinances*: *SP Henry VIII*, ii, p. 210.

parameters of the office of lord deputy to its ‘outside’ by uncoupling the figure of ‘the magnate’ from that of ‘the lord deputy’ so the latter could rise above non-royal networks of influence and power.⁶⁶ William Darcy expressed the problem axiomatically in 1515, when he blamed the conflation of the seigneurial ‘office’ of ‘earl’ with the office of lord deputy for the decay of the king’s subjects, for the earls used ‘coign and livery’ in their capacity as lord deputies ‘at their pleasure’.⁶⁷ This was precisely what appointing the ten-year old duke of Richmond as lord lieutenant in 1529 was meant to resolve. The duke’s appointment was followed by William Skeffington’s arrival in August as a special commissioner who would work to introduce ‘the bureaucratic and administrative structures which prevailed in the Welsh marches and the north of England’, thereby depersonalising government and replacing the personal rule of the lord deputy with a ‘crown bureaucracy presided over by an absent lord lieutenant’.⁶⁸ The strategy failed, but the problem it addressed remained. The office of governor required abstraction from the networks that bound tenurial, military, and other relations in the lordships of Ireland. This was exactly what favouring English-born governors was meant to achieve.⁶⁹

Efforts to delimit the lord deputy’s power were also undertaken by defining the parameters according to and circumstances within which governors could go ‘against’ the law, and the main angle of attack was to address the problem of ‘coign and livery’. Of course, such attempts to ‘rein in’ and properly circumscribe sovereign power were not without precedent. In his ‘Ordinances and provisions for Ireland’ (1519), Darcy recommended that no deputy ‘send private seal letter missive nor commandment to any of the king’s judges in letting of the king’s laws to proceed’. He also proposed that, ‘if there come any such commandment to them that’, they were to ‘disavow the same and to proceed in the matter before them commended according the law’, he also proposed that statutes should not be broken ‘except it be for a better intent and that only by the advice of the lords and king’s council’, thereby making conciliar advice that which regularised prerogative power within the purview of ordered power, or law.⁷⁰ Between 1515 and 1537, identifications of ‘coign and livery’ as an egregious symptom or cause

⁶⁶ This was, of course, part of the general process of creating a ‘king’s party’ in Ireland.

⁶⁷ L.P.L., Carew MS 635, f. 188b.

⁶⁸ McCorristine, *The revolt of Silken Thomas*, p. 43.

⁶⁹ As we saw in chapter four, the George Paulet made the point explicit: L.P.L., Carew MS 602, f. 135.

⁷⁰ HHA Cecil Papers MS 144, f. 15v (printed in Maginn and Ellis, *The Tudor discovery of Ireland*, pp 99-109). Maginn and Ellis have suggested the tract was written by the Pale gentleman and reformer, Sir William Darcy. For a discussion of the tract, see pp 59-61.

of (an often specifically designated ‘Irish’) disorder and instability accorded with efforts to extract the office of lord deputy from its entanglement in the Butler-Geraldine feud.⁷¹ Such efforts, however, ran against decades-old accommodations to the exigences of rule. If the practise was officially outlawed in 1366, and if a series of statutes across the fifteenth century condemned it, Thomas Fitzgerald, the 8th earl of Desmond, while lord deputy, adopted ‘coign and livery’ in the 1460s, after which it was generalised under the eighth earl of Kildare in the 1480s. A loose but highly tense normalisation of the practise followed. First, ‘coign and livery’ was legalised in the marches in 1488 by parliamentary statute. Second, the Kildare liberty – which received official recognition in 1515 – could, from a Geraldine perspective, itself legitimise its use. Third, the practise was *de facto* tolerated if its demands were not too steep and its use remained properly regulated. Henry VIII himself had in 1524 – and clearly within the permutations of office explored in chapter four – allowed Kildare to resort to it while on official business as lord deputy, but not as a mere crown subject,⁷² while the duke of Norfolk highlighted in May 1528 that ‘coign and livery’ was crucial to the earl of Ossory’s defence capacities,⁷³ and therefore, by implication, buttressed Tudor sovereignty. The Pale and colonial enclaves existed in a seemingly perpetual state of war, and ‘coign and livery’ served as an essential defensive purpose. Although by no means for everyone,⁷⁴ such patterns entered the fray of ‘reformist’ discourse in 1534 and 1537, when commentators began redefining the practise as an extraordinary measure to be resorted to in moderation only at the command of the lord deputy, in exceptional times of need only, and only in Dublin and the marches.⁷⁵

A tension, then, remained lodged in the depths of ‘reformist’ sensibilities. The general thrust of all such proposals was nothing short of an ‘imperialization’ of power analogous to changes unfolding in England.⁷⁶ Yet centralisation and decentralisation were not contradictory movements. The Pale reformers’ prescriptions, therefore, could

⁷¹ *SP Henry VIII*, ii, pp 113-14; *SP Henry VIII*, ii, p. 191.

⁷² Carey, *Surviving the Tudors*, pp 83-4. On the 8th earl of Desmond’s tenure in office and the use of coign and livery, see Anthony M. McCormack, *The earldom of Desmond, 1463-1583: the decline and crisis of a feudal lordship* (Dublin, 2005), pp 58-60, esp. p. 59.

⁷³ T.N.A., 60/1, ff 117r-118v.

⁷⁴ Chief Justice Thomas Luttrell in 1537, for instance, persisted in identifying ‘coign and livery’ as the main cause of the decay of the land. *SP Henry VIII*, ii, p. 502.

⁷⁵ B.L., Cotton MS Titus B XI, f. 367; *SP Henry VIII*, ii, pp 209-13; *SP Henry VIII*, ii, p. 452; *SP Henry VIII*, ii, pp 502-3, 505; L.P.L., MS 602, ff 162-3, ‘Devices fore the Ordering of the Kavanaghs, the Byrnes, Tooles and ‘Omayles’ for such lands as they shall have within the county of Carlow...’ (1537) (printed in David Heffernan, (ed.), *‘Reform’ treatises on Tudor Ireland* (Dublin, 2016), p. 5).

⁷⁶ For a different – and I think, complementary – perspective on relations between the crown, the Irish government, and the Pale nobility in wider European context, see Power, *A European frontier elite*.

hardly remedy the problem. For calls to centralise the structures and hierarchies of power and command around the governor, council, and crown left the ambiguities and tensions inherent in the office of the lord deputy and the power he wielded unresolved – a problem that was especially pronounced in the volte-face treatment of ‘coign and livery’. Reiterating the point he made in 1533 that all lord deputies should be English-born, Alen added in 1537 that all those ‘having great power in any part of this land, shall have some other grave person their joined with him...so that divided authority shall cause division of men’s favours’.⁷⁷ The concentration and centralizing of power, in other words, paradoxically proliferated sources of authority and favour, and such were the sinews through which an ‘abstracted’ ‘king’s party’ was to be forged.

6.3: The problem of war and peace, 1520-40

Focusing on how and by whom war could be declared is equally illuminating of other dimensions of the problem of discretionary power and its containment. In mainland English thought, declarations of war had become the prerogative of the king alone, a move whose flipside was crown efforts to abolish so-called ‘private’ aristocratic warfare.⁷⁸ A clear hierarchy of devolved power was at work, from God, to Prince, to the crown’s representatives. In Ireland, if the lord deputy was a key arbiter,⁷⁹ it was also a conciliar matter of circumscribing viceregal power. According to Darcy in 1519, the lord deputy was not to ‘make war upon no man but by assent of the king’s council and by the assent of every of the four shires’ while, similarly, no man of the four shires was to make war upon the Irish but by the advice of the council.⁸⁰ Cromwell and Grey reiterated such concerns with lord deputies and borderers unilaterally declaring war and peace.⁸¹ Such structures of delegated power and command, moreover, bridged ‘English’ and ‘Irish’ worlds. In 1528, Dublin Castle informed the king and Wolsey that Manus O’Donnell had been given permission to make war against O’Neill in the event that the

⁷⁷ *SP Henry VIII*, ii, pp 480-1.

⁷⁸ Although the complex histories of feuds disrupt any simple assertion of ‘state monopolies of violence’. See, for, instance, Stuart Carroll, ‘The peace in the feud in sixteenth- and seventeenth-century France’, in *P&P*, 178 (2003), pp 74-115.

⁷⁹ See William Brabazon’s letter to Cromwell from April 1537, for instance: *L&P*, xii (i), no. 1027.

⁸⁰ HHA Cecil Papers MS 144, f. 15v. (printed in Maginn and Ellis, *The Tudor discovery of Ireland*, pp 99-109). Maginn and Ellis have suggested the tract was written by the Pale gentleman and reformer, Sir William Darcy. For a discussion of the tract, see pp 59-61.

⁸¹ *SP Henry VIII*, ii, p. 207; B.L., Add MS 48017, ff 164a-5b (*SP Henry VIII*, ii, pp. 477-80).

latter ‘attempt[ed] any hurt to the King’s subjects’.⁸² In a series of indentures in 1520, 1535, and 1540, war also served as an index of promised service caught in oath-bound obligations involving the lord deputy, an English-Irish magnate, and several Irish lords, whereby the latter swore to wage war on any involved who broke their oath.⁸³ For the Gaels and many of the Gaelicized English-Irish, by contrast, if raids could legitimately be conducted if a lesser lord had not paid his ‘black rents’ (the payment required of a lesser captain by an overlord) or to assert dominance over rivals, war and peace could be declared at the whim of any lord, however great or small.⁸⁴

And yet, in line with the ‘Continentalisation’ of Gaelic lordly power discussed above, the division was not so stark. In the June 1539 agreement between Manus O’Donnell and Tadhg O’Conor Sligo which secured Sligo Castle for the former, it was declared that ‘Tadhg shall not make peace or war on any person within the territory or without, ecclesiastic or lay, but by O Domhnaill’s permission, and he shall be at war with every person with whom O Domhnaill shall tell him to be at war’.⁸⁵ Besides, in practise, anyway, ‘Gaelic’ and ‘English’ practises of war and peace overlapped and followed global patterns. As Lauren Benton shows, the possibility of betrayal, violence, and retribution were embedded in the terms of peace-making across the globe, centred as these were on practices of truces, tribute-collection, and raiding that departed from normative or canonical rules.⁸⁶ One entry in the annals for the year 1525 illustrates the confluence of such Tudor and Irish ‘cultures of war’. As the annalists related, O’Donnell and O’Neill attended ‘the great council’ ‘to meet the Justiciar [lord deputy] in the presence of most nobles of the Galls and Gaels’. After much ‘investigation’ and ‘argument’ between them, ‘the attempt to make peace between them failed and they returned to their homes, being still at liberty to make war on one another’.⁸⁷ For the Irish, while there was no overarching ‘theory’ of unitary sovereignty grounded in God

⁸² *SP Henry VIII*, ii, 146.

⁸³ *SP Henry VIII*, ii, p. 36; *L&P*, no. 1112; *SP Henry VIII*, ii, p. 205. See chapter 9.

⁸⁴ The ‘State of Ireland’ (1515) makes clear that this formed part of what its author perceived as the ‘imperial jurisdiction’ of the Irish and English-Irish lordships. *SP Henry VIII*, ii, p. On warfare in Gaelic Ireland, see David B. Quinn and Kenneth W. Nicholls, ‘Ireland in 1534’, in T.W. Moody et al. (ed.), *A new history of Ireland, iii, early modern Ireland, 1534-1691* (Oxford, 1976), pp 31-3; Katherine Simms, ‘Gaelic warfare in the middle ages’, in Thomas Bartlett and Keith Jeffery (eds), *A military history of Ireland* (Cambridge, 1996), pp 107-15.

⁸⁵ The agreement is printed and translated in Maura Carney, ‘Agreement between Ó Domhnaill and Tadhg Ó Conchobhair concerning Sligo Castle (23 June 1539)’, *IHS* 3, 11 (1943), quote on p. 290.

⁸⁶ Lauren Benton, ‘The legal logic of wars of conquest: truces and betrayal in the early modern world’, in *Duke Journal of Comparative and International Law*, 28 (2018), pp 425-48. See also Lauren Benton and Adam Clulow, ‘Empires and protection: making interpolity law in the early modern world’, in *Journal of Global History*, 12, (2017), pp 74-92.

⁸⁷ *AC*, pp 655, 657.

and devolving to its highest earthly representative through which the capacity to make peace and declare war was made, truces and peaces, whether made by Irish lords, crown officials, or English-Irish magnates, were nevertheless hardly ever final: they were often either in tension with or outright antithetical to, first, other truces and alliances; second, momentary or strategic interludes that carried the threat of further violence if the terms of the truce were broken; third, moments of respite, during which forces and resources were gathered or the belligerents involved could rest, and after which hostilities were again renewed at a more propitious time; or, finally, altogether ignored when it was to one's advantage to do so.⁸⁸ The same principle held at the level of international diplomacy and war- and peace-making.⁸⁹

Matters of leadership in times of war, moreover, was a complicated affair with potentially grave consequences.⁹⁰ In December 1534, after a series of defeats at the hands of Offaly and his supporters, Alen suggested to Cromwell that the commanders of the army should not be plucked from among the Privy Councillors, for, as commanders themselves, they may choose not to follow any order. Instead, it was far better that they be 'commanded, than commanders'.⁹¹ Alen's point gets to the heart of the matter: under what circumstances could commanders be commanded? A related problem concurrently emerged. Cowley suggested at the English court that the Butlers lead a general military expedition to reduce all Geraldine sympathisers, a move which would have considerably weakened and subordinated Leonard Grey's power and position as head of the royal army in Ireland.⁹² It was a grave augur of things to come. For although Cowley's recommendation was not heeded, it highlighted how delegated power at the king's command was anything but a stable and settled affair, carrying the capacity to upset the hierarchies of command that were supposed to secure the proper functioning of monarchical and viceregal rule in Ireland.

⁸⁸ See, for instance, *SP Henry VIII*, ii, pp 259-56; *SP Henry VIII*, ii, p. 447; *SP Henry VIII*, iii, p. 13; *SP Henry VIII*, iii, pp. 23-4; *SP Henry VIII*, iii, p. 41; *SP Henry VIII*, iii, p. 83; *SP Henry VIII*, iii, p. 100; *SP Henry VIII*, iii, p. 218; *SP Henry VIII*, iii, p. 256; *SP Henry VIII*, iii, p. 392.

⁸⁹ The state papers, foreign and domestic, for Henry VIII's reign, make this abundantly clear.

⁹⁰ It also necessitated important temporary measures: in his instructions to the commissioners in March 1538, Lord Chancellor Master Wriothesly foregrounded the martial qualities of viceregal rule in Ireland in his suggestion that, since one of the greatest qualities of a governor of Ireland was activity and experience in war, a chieftain must be appointed to defend the country during the lord deputy's absence. *L&P*, xiii (i), no. 641.

⁹¹ *SP Henry VIII*, ii, p. 224.

⁹² Edwards, *The Ormond lordship*, p. 165; Brady, *The chief governors*, p. 17.

6.4: The disordered ruler: Leonard Grey, faction, and moral governance, 1535-40

As sovereigns proliferated in the reign of Henry VIII, as the office of the lord deputy became a lightning rod of controversy over the parameters of monarchical and viceroial rule, order, and power, and as the problem of war and peace continued to plague the ambitions of ‘reform’, it is difficult to overestimate the impact of the Kildare Rebellion. With the fall of the house of the Kildare, a crucial stabilising node in the power dynamics of rule and order in Ireland was removed and, when combined with greater crown intervention in the lordship and the now exclusive appointment of English-born governors, the balance of power was disrupted and faction as a bridge between English and Irish courtly worlds became all the more volatile. Such developments dovetailed with the changing contours of ‘reform’ and Anglo-Irish alliance since the mid-1520s, when the duke of Norfolk, following his return to England, became a connective node linking the Pale ‘reformers’ and the English court. Most of those who maintained a link with Norfolk eventually incurred the disfavour of Kildare yet without aligning themselves with the Butlers either, although Howard himself was by the 1530s decisively in the Ormond camp. Instead, the Palesmen were driven by dual concerns over their well-being and that of the commonweal. Combined with the fact that Kildare’s efforts in the 1520s to entrench himself in the Pale alienated Palesmen, providing the crown with local allies in its efforts to reassert its control over Dublin Castle that produced a third ‘interest group’ potentially unaligned with either the Kildare or Butler affinities yet willing to exploit the feud to pursue their agenda of ‘reform’,⁹³ the implications for Irish governance, faction, and power as the harvest-ground for the convulsions of the 1530s were profound. For it effectively allowed ‘reform’ to be extracted from native noble networks of power, allowing for the tides to turn against any lordly collaborator perceived to no longer benefit the ‘king’s cause’. Within this environment, the lord deputy was now potentially vulnerable on two fronts: since power was no longer rooted in Irish affinities, the governor became more dependent on the vagaries of court rivalries and dynamics, while disaffected subjects now had direct recourse to the crown to air their grievances, including those against the governor.⁹⁴ The first English-born lord deputy to feel these burdens was Leonard Grey.

⁹³ Bradshaw, *The Irish constitutional revolution*, pp 76, 79-90.

⁹⁴ Carey, *Surviving the Tudors*, pp 98-9.

A belligerent man sent to Ireland to quell the rebellion, Grey was made marshal of the king's army in 1535, after which the king appointed him lord deputy in 1536 in unenviable circumstances.⁹⁵ Grey tirelessly roamed the country, received the submissions of numerous Irish and marcher lords and captains, and led what were often brutal military campaigns to extend royal authority from Offaly to Athlone and Galway, and from Munster to Armagh and Dungannon, imposing burdensome exactions and tributes and incurring the ire and distrust of Irish lords across the island.⁹⁶

Historians, however, have paid insufficient attention to the rhetorical battles over proper order, rule, and service Grey engaged in throughout his four-year deputyship. To grapple with such questions is to directly confront the changing horizons of moral governance in late Henrician Ireland. We have already encountered some of those that concern us here in chapter four: Grey's 'office-based' appeals to, on the one hand, the moral distinction he posited between dishonesty outside of office and honesty within office, and, on the other, his efforts as lord deputy to portray himself as the archetypal, impartial vicegerent and royal subject above the fray of dissent, vice, and corruption. As the self-portraying indifferent royal servant above besmirching those with whom he disagreed, he deployed a rhetorical strategy that aimed to offset a potentially spiralling situation of generalised suspicion wherein all such petty differences could become spectacular exemplars of disunity, non-conformity, and an impediment to the king's cause. Grey, as we shall now see, proved quite the astute observer of shifts in power dynamics precipitated by the Kildare Rebellion and Reformation.⁹⁷

Before continuing, however, note that similar matrices of intrigue and suspicion had on some level long prevailed in Ireland. According to Peter Crooks, an 'atmosphere of vigorous politicking' in which officials wanted imputations against them made at court to be readily investigated and false accusers reprimanded as 'a warning to others to abstain from such things' was at times a salient feature of 'late-medieval' colonial power struggles in Ireland.⁹⁸ What emerged in Ireland in the 1530s, moreover, was of a

⁹⁵ Ellis, *Ireland in the age of the Tudors*, p. 148.

⁹⁶ Most historians concur over Grey's belligerent disposition, although some are more sympathetic than others: see Bradshaw, *The Irish constitutional revolution*, pp 176-7, 207; Brady, *The chief governors*, pp 19-26; John Patrick Montaña, *The roots of English colonialism in Ireland* (Cambridge, 2011), pp 96-8; Power, *A European frontier elite*, pp 76-97.

⁹⁷ Ciaran Brady and Christopher Maginn have made a similar point, but with regards Anglo-Irish colonial relations and politics. Brady, *The chief governors*, pp 19-26; Maginn, 'Civilizing' *Gaelic Leinster*, pp 41-62.

⁹⁸ Crooks, 'Factions, feuds and noble power in the Lordship of Ireland', pp 448-9.

piece with similar developments across the Irish Sea and English Channel: beyond Tudor tendencies to attribute all disorders to papist conspiracy, intrigue was at the heart of diplomatic life and dynastic affairs across Christendom, while a see-saw of accusations and self-defences were certainly not foreign to English life in the towns, parishes, and lordly households and courts of the realm, especially in the 1530s.⁹⁹ Henry VIII himself, after all, too, was a man prone to suspicion, the mistrust of others, and to seeing treason everywhere.¹⁰⁰ It was not, then, a uniquely Irish story, but a regional variation on ubiquitous concerns over security. The crucial difference by the 1530s, however, was the cumulative effect of growing crown intervention, the discernible formation of a novel ‘constitutional’ dispensation inflected by ‘imperial’ claims to sovereignty, and the combined ramifications of magnate rivalry, aristocratic revolt, and Reformation. These – and to great consequence – galvanised already highly charged relations between the lordship’s most powerful magnates, the lord deputy and administration, and the crown, not to mention, the modalities of ‘truth’ as an index of ‘true’ crown subject-hood and service, specifically the degree to which inward disposition aligned with outward expression.¹⁰¹

Thus, by the 1530s, that a frenzy of suspicion and accusations could take over the Irish administration was a real possibility – the practical consequence, indeed, of the Henrician doctrine of salvific obedience in the fallout of the recent revolt. In April 1536, Grey, along with councillors Brabazon, Alen, and George Aylmer warned Cromwell that while the land would never see another Thomas Fitzgerald, their enemies would still take any opportunity to undo the commendable work recently achieved. ‘Neither do we speak this’, they claimed, however, ‘to the intent that the King should be more charged, but that devices should proceed not so precisely, but as they may be followed: for, peradventure, when things be forced by the King’s expressed commandment, men dare not speak directly against them, though they perceive the consequence not to be all sure’.¹⁰² The stakes were nothing short of the very existence of crown service in Ireland. Seeking to reassure Cromwell while warning him of the dangers that lay ahead, Patrick Barnewall, the master of the king’s bench, noted in May

⁹⁹ Ethan Shagan, *Popular politics in the English Reformation* (Cambridge, 2003). On the rhetoric of popish conspiracy in the 1530s and 1540s in England, see Catharine Davies, *A religion of the Word: the defence of the reformation in the reign of Edward VI* (Manchester and New York, 2002), pp 34-7.

¹⁰⁰ G.R. Elton, *Policy and police: the enforcement of the Reformation in the age of Thomas Cromwell* (Cambridge, 1972), pp 79, 422.

¹⁰¹ On this latter theme, see chapter 5, sections 5.3 and 5.4.

¹⁰² *SP Henry VIII*, ii, p. 434.

1539 that although Brabazon was accused of impropriety, ‘Unless he have offended God in setting forward the King’s causes, whether it were right or wrong, I reckon in the exercise of his office (if it come in trial) there will be no other fault found. And if he, through any false accusation, should be hindered, it will discourage and fear many a poor man to do the King’s Highness’s service’.¹⁰³ With the ‘truth’ of one’s subject-hood and service rendered increasingly precarious by the combined weight of the post-Reformation political theology of ‘truth’ (chapter five) and a polarised climate of suspicion and intrigue, the need to buttress one’s ‘true heart, desire, and mind’ and to extinguish all doubt concerning misconduct became all the more urgent.

Aggrieved as they were by the demanding exigencies of a stifling environment, and beseeching the king for reprieve and greater discretion, the councillors may have had a point. In February 1537, Henry VIII expressed his displeasure with his Irish administration by explicitly endorsing – and giving axiomatic expression to – the stifling surveillance they had intimated at. After reminding them of their duties, the king expressed his ‘marvel’ that they had yet to suppress the monasteries as part of the reduction of the land to ‘a perfect civility’:

so let every man, whom We there put in trust, be assured, that if We shall find he hath against our expectation, directly or indirectly, divided or practised the let, hinderance, or impeachment of this our purpose for any respect, whereunto We will not fail to have a special eye, We shall so look upon him, what degree soever he be of, for the same, as other shall, by his example, beware how they shall misuse their Prince and Sovereign Lord, and transgress his most dread commandment: and, on the other side, We shall so consider every man after his merits, that shall serve Us well and truly, that others shall have the courage therein to follow your steps and example.¹⁰⁴

Expressed in these lines is nothing short of a ‘mode’ of government by reward and punishment, an outgrowth of the Henrician doctrine of obedience and risk already acknowledged by Grey – except the king located it explicitly in his sovereign command and gaze. What constituted a direct or indirect hindrance to ‘the advancement of the

¹⁰³ *SP Henry VIII*, iii, p. 210.

¹⁰⁴ *SP Henry VIII*, ii, pp 422, 425-6.

good of that country' is unclear, and it made possible the kind of concerns that all grudges and differences could become the wellspring for accusations of transgressions and faulty service. Even before the king's intervention, it was a problem that apparently only an appeal to God's omniscience could resolve: as Grey himself lamented to Cromwell in late 1536, 'I suppose it is predestinate to this country to bring forth sedition, invention, lies, and such other naughty fruits, and also that no man shall ever have thanks for service done here' for the land broke honest men whom by 'evil report you be now displeased' with; in such a despairing climate, he would rather that his and other men's conduct and doings were written to the chief secretary 'as truly, as God knoweth them'.¹⁰⁵ These were not only sources of misconduct that impeded the king's cause in Ireland; it was, in Henry VIII's words, a 'misuse' of the sovereign and 'transgression of his most dread commandment'.

Such surveillance and social disciplining – a minor feature of Erasmus' *Institutio principis christiani* (1516) and a veritable hallmark of More's *Utopia* (1516) – should be seen as both an intensification and re-orientation of Christian pastoral moral governance.¹⁰⁶ The God-like power of punishment and reward on the basis of good and evil works was, then, in the realm of kingly governance, the temporal counterpart to the spiritual – and Catholic – economy of good works in the domain of salvation, and as such, marked an intensification of the political theology that would find untrammelled expression in the post-1541 terms of crown submission, subject-hood, and service.¹⁰⁷ With Henry's proposition in 1537, such a mode of government in Ireland congealed around the strict terms of moral surveillance in a severe climate of suspicion. God's all-seeing eye had become the crown's ubiquitous watchfulness, God's salvific grace or condemnation becoming the crown's rewards and punishments.

Henry VIII's move was not without consequence. Four months later, the councillors themselves wrote to Cromwell through the same political-theological register:

¹⁰⁵ *SP Henry VIII*, ii, pp 388-9.

¹⁰⁶ Erasmus encouraged the imposition of 'a restraint upon [the prince's ministers] in their assent by means of warnings and threats and also to use rewards to urge them to discharge their offices honourably'. 'The laws should then not only provide punishments for the transgressors', he continued, 'but also by means of rewards stimulate good conduct in the service of the state'. Lester K. Born (ed.), *Institutio principis christiani* (New York, 1973), p 194, 223. On More, see Todd, *Christian humanism and puritan social order*, p. 32; James Simpson, *Reform and cultural revolution: 1350-1547* (Oxford, 2004), pp 233-8; On urban moral/pastoral governance, see Shannon McSheffrey, *Marriage, sex, and civic culture in late-medieval London* (Philadelphia, 2006).

¹⁰⁷ See chapters 1 and 5.

that like it is our charge, having, under His Majesty, the moderation and governance of a common weal, to punish and suppress malefactors, so we account it our duty to declare and advance the good acquittal and faithful proceedings of others: whereby the actors thereof may be so accepted for the same, as they may be encouraged to persevere therein; and others, by the example thereof, induced to the semblable.¹⁰⁸

Cowley afterwards suggested that ‘farms, grants, and leases now be made to such as faithfully hath served the king; and the contrary sect extirped from the benefit thereof’ – and just like Henry VIII supposed, Cowley also thought government by reward and punishment would set an example by giving ‘courage to the faithful in their good doings, so will it be mean to procure the inobedient to like obedience, and a perpetual discourage to the offenders’, with the added effect of quelling the fears of the many who believed the king intended ‘such a manner of reformation, as neither to try nor esteem the obedient, nor the inobedient, but to put them together in hodgpot’.¹⁰⁹ In another report, Cowley reverted to a similar political-theological register of implied sovereign surveillance, invoking God’s omniscience and providence: the administration must put ‘to pain, cost, disdain, malignance, and danger of life the malefactors, wherefore would God that any and proceedings and conditions might be tried out and any man to be known in his own kind’.¹¹⁰ God’s providence was operable as a government of one’s inner most depths, so that all malefactors may ‘be known in his own kind’ by the divine. The confessional, in other words, years before the sacramental entanglements of kingship, power, and crown submissions explored in chapter five were clear, had entered the purview of ‘reform’ government in Ireland.

Several months later, this mode of government found new policy expression. John Alen recommended that ‘it is meet that there be commissioners appointed by the King’s deputy and council, every quarter ones, to muster every barony, to see and inquire how the said captains and constables do their duties, and to punish the

¹⁰⁸ *SP Henry VIII*, ii, p. 442.

¹⁰⁹ *SP Henry VIII*, ii, pp 447, 449.

¹¹⁰ L.P.L., Carew MS 602, ff 150v-151r.

offenders, as they shall see cause'.¹¹¹ Government by reward and punishment had, under Alen's pen, given way to institutionalised surveillance. It was a development, too, that, as we shall see below, persisted well into the 1540s. Of course, there was nothing novel about a regime keeping an eye on those it deemed unreliable. But the peculiar instantiations of such dynamics of governance and power, here, are important to heed. For Tudor crown subject-hood was a fragile thing, beset by the political theology of difference, the metaphysics of becoming, and the precarity of 'truth' in the post-Reformation world. It required, accordingly, a bulwark of support, one particularly that directly appealed to the royal prerogative: as the council put it in 1544, since the king's clemency was 'necessary for encouraging of those that serve we must declare their good behaviour to your highness'.¹¹²

At the same time, the royal commissioners sent in late summer 1537 to remove obstacles to the passing of the Reformation bills, restore order within the realm and administration, and survey monastic lands were similarly commanded to enlist all the king's ministers and subjects into the fulfilment of their mission, the *raison d'être* of which, in Henry VIII's words, was partly for the 'defence of his good subjects there, and to the fear, terror, and punishment of His Graces rebels'.¹¹³ The flip-side to an intensified concern over 'truth' and the regime of surveillance it promoted, in other words, was terror; its relations to Tudor rule will be explored in chapter seven. The royal commission, indeed, grew out of the situation first diagnosed by Grey and further galvanized by Henry. It was also a development whose roots dated back at least to the aforementioned formation of a distinct 'reformist' 'faction' within the Pale: if establishing more direct control over the Dublin administration entailed the establishment of direct links between the Irish localities and London centred on Cromwell's servants, the arrival of the commissioners radicalised this, turning intermittent crown intervention in Ireland that had itself been galvanised by the turning of Surrey's mission in Ireland into a 'giant information-gathering exercise' into 'regular direction and surveillance'.¹¹⁴ Cromwell's December instructions to the commissioners perfectly capture how these dynamics intersected with the ramifications of Offaly's revolt: since the king believed that Offaly's revolt could not have transpired without the

¹¹¹ *SP Henry VIII*, ii, p. 483.

¹¹² T.N.A., SP 60/11, f. 103r.

¹¹³ *SP Henry VIII*, ii, pp 453-4.

¹¹⁴ Bradshaw, *The Irish constitutional revolution*, pp 142, 144-5. On Surrey's mission as an 'information-gathering exercise on behalf of the Henrician regime', see Ellis and Maginn, *The Tudor discovery of Ireland*, pp 146-7; Ellis, *Tudor frontiers*, p 185; Ellis, *Ireland in the age of the Tudors*, pp 118-9.

help of others, it was necessary for them to enquire further ‘so that by good ensearchment and inquisition, the truth may be known, and *the dispositions of men’s hearts there disclosed and opened*, to the intent of His Majesty’.¹¹⁵

In this environment, Grey’s enemies sought to discredit and remove him from office. If Kildare’s enemies had realised that the ‘rhetoric of reform’ ‘might be employed to undermine the earl in the near term’,¹¹⁶ the factionalism of the late 1530s similarly resulted in the weaponization of ‘commonwealth talk’, including ideas concerning the ‘constitution’ of the well-ordered realm and the virtuous disposition and obligations of the good ruler and subject. Alen was an especially comprehensive commentator in this regard. His 1537 ‘book’ to the commissioners outlined a vision of order and how lord deputies as the head of the commonweal in their capacity as highest representatives of the ‘majesty and authority’ of the prince should conduct themselves.¹¹⁷ Alen declared that ‘Though my lord Deputy that now is be a noble man and a good gentleman, yet peradventure, if truth might say truth, men say, there would be noted more abuses in him than in most of the residue of the King’s officers’. Expressing an age-old commonplace of moral governmental thought, for Alen, a disordered head fostered generalized disorder, although his commentary comes with a peculiar Irish twist, for he affirmed the trope by invoking the specific face disorder took in Ireland: the rampant decentralisation of power and concomitant jurisdictional fragmentation. Because the land was vexed by ‘several monarchies’, its order all the more ‘depended upon the discretion of governors’, each of whom was ‘the head of this common weal, under the King’s Majesty, is His Highness’s Deputy for the time being, which representeth the majesty and authority of the head, the Prince’ and without whom ‘no order or law can be perpetual’. The lord deputy, as a central node of the ‘Crown’ in Ireland, was a receptacle of princely and corporate order for the centralisation of sovereignty; a dire responsibility. It was because the ‘heads’ of the common weal were the example of evil that ‘coign and livery’ was introduced, transgressions of the law went unpunished, corruption reigned, and rebellions were provoked. Conflict, or at least its possibility, would in such circumstances be ever-present. The prime offence, in other words, was singularly located in the deficient Head of the commonwealth: if others of the Body ‘hath done evil’ their corruption was an effect of that of their governor, for

¹¹⁵ Emphasis added. *SP Henry VIII*, ii, p. 520.

¹¹⁶ Maginn and Ellis, *The Tudor discovery of Ireland*, p. 159.

¹¹⁷ *SP Henry VIII*, ii, pp 486-501.

deficiently ordered ‘were either the Deputy’s servants, or adhered unto him, or else by his corruption they did the same, or at least they corrected not others, because the like offences was in themselves’.¹¹⁸ For Alen, and just like the commonplace Christian adage according to which a corrupt tree could only bear rotten fruit, chaos bred chaos, and if the heart of a common weal was already half-rotten because its Head was evil and corrupt, to allow the rot to fester elsewhere would only aggravate the problem, which remained, along with its solution, ‘chiefly and principally to the charge of the Deputy’.¹¹⁹

Grey would not have disagreed, but he saw his office in light of its limitations, which he initially expressed primarily through his (in)capacity to exercise mercy. Indeed, just as mercy and the pardon became the exclusive prerogative of the king in Wales between 1536 and 1543,¹²⁰ the regime in Ireland had long – unsuccessfully – sought to rein in the lord deputy’s power to pardon malefactors.¹²¹ Thus, similarly to Surrey years before, Grey expressed his own lamentations in 1536 regarding the limitations of the office of governor that again bespoke the structural tensions inherent in the office itself. Prior lord deputies, according to Grey, could grant pardons to all sorts of offences, except ‘treason to the King’s Person’. Now, Grey decried he was but a ‘stranger’, for his letters patent were hallow and he was unable to intervene concretely in matters of law, order, and punishment without the king or Cromwell’s express commandment ‘by secret writing’. Whenever a warrant signed by the Chancellor for the ‘sealing of [a] pardon, granting livery, or any other thing from the King’ came into his hands through the Treasurer, Grey dared not contravene the warrant, ‘lest it should be said I would hinder the King’. In a revealing phrase, Grey complained that ‘I have the name of a Deputy and Governor only’.¹²²

¹¹⁸ *SP Henry VIII*, ii, pp 487-8.

¹¹⁹ *SP Henry VIII*, ii, p. 491.

¹²⁰ Krista Kesselring, *Mercy and authority in the Tudor state* (Cambridge, 2003), p. 13. Clearly, with Ormond’s alleged claim to legally proffer pardons and with the evidence that his palatinate court (at least before the 1540s) even dealt with trials of treason, practises abrogated in England and Wales – where, pardons were explicitly identified as exclusive prerogative of the king, and where trials for treason had become institutionalised under the auspices of royal power in new ways – persisted in Ireland. On trials of treason in Ormond’s palatinate court, see Edwards, *The Ormond lordship*, p. 69. In England, from the 1530s onward, assize justices incorporated the commissioners for treason trials into the regular functioning of their courts; hitherto, the justices had only received these in exceptional circumstances. A.S. Bevan, ‘The Henrician assises and the enforcement of the Reformation’, in R. Eales and D. Sullivan (eds), *The political context of law* (London, 1987), pp 61-76, cited in Kesselring, *Mercy and authority in the Tudor state*, p. 10.

¹²¹ See for instance episodes from 1524 and 1532 involving Kildare and Lord Deputy Skeffington, respectively: *SP Henry VIII*, ii, p. 116; T.N.A., SP 60/1, f. 151.

¹²² *SP Henry VIII*, ii, pp 382-3.

It was not the only instance, however, where Grey spoke of being a deputy in nothing but name, nor were pardons the only flashpoint. The other episode in question, from his letter to Henry VIII on 31 October 1536, outlined his vision of what a viceroial monarchical order should look like, and is worth considering in detail.¹²³ The crux of the letter is Grey's justification of why he should be granted greater – especially 'discretionary' – powers. He set the stage by magnifying the problem at hand, suggesting that the land needed a 'further reformation' than has ever been known. The lord deputy then recommended dismissing 500 to 600 men from the army, while the remainder were to be chosen by him, claiming that unless he had exclusive power to choose this 'residue', he would never have them at his disposal. Previous deputies, he continued, had the following privileges: the letting of the king's lands, selling of liveries and wardships, and the granting of pardons except for treason, licences, and placards. All profited from these and gained influence. Yet he himself had none of these privileges, so that neither for respect or fear of the law nor favour have people occasion to serve him, 'So as I have but the name only of your deputy'. The deputy's assent, he claimed, '*supplying your grace's own place*' should be necessary in everything in order to extend his influence, so that all would hold him in 'estimation and dread for his favour and authority'. Having the same authority as other deputies have had, the 'service and obedience of your subjects' was bound to grow. Revealingly, he ended his plea claiming it was necessary for a deputy to use 'liberality beyond his ordinary charges'. If, for Alen, order in the land depended crucially on the governor as head of the commonweal, for Grey, it was discretion as a power beyond one's legitimately defined authority that was crux of order.

Grey's detractors did not agree with his assessment, although it should be noted that not everyone endorsed the charge that he ruled 'of his own swing'.¹²⁴ Grey, too, was not the first English-born lord deputy to be accused of acting independently of the council: Lord Deputy Skeffington had been charged with the same in 1532.¹²⁵ Nevertheless, the charge now took on additional weight as a far more serious emblem of disorder. Much of the vitriol against him came from the Ormond camp – particularly from Robert Cowley, Piers Ruadh, and, Lord James – and the criticism was complementary to that advanced by Alen. For the Butlers and other enemies of Grey,

¹²³ T.N.A., SP 60/3, ff 167r-168v.

¹²⁴ *SP Henry VIII*, ii, p. 322.

¹²⁵ T.N.A., SP 60/1, f. 151.

the lord deputy's tyrannical conduct reflected his disordered state and impropriety as governor under the crown. Their letters, along with Grey's defences and own allegations, in other words, provide veritable snapshots into the rhetorical and policy ideals of Christian moral (dis)order.

Critics of the lord deputy condemned his abuses of power as 'contrary to the duty of a true subject', in Cowley's words.¹²⁶ The marcher captain Anthony Colley complained to Cromwell in February 1536 that if Grey persisted in using his commission as he had, neither he nor any other captain should be loved by their companies. 'I Trust the king will send a deputy who is able to rule', Colley forewarned, 'lest any should' 'think themselves checkmate with the Deputy in authority'.¹²⁷ Two years later, Lord James charged that the 'governor' 'threatens every man in the land after such a tyrannous sort'.¹²⁸ A proper ruler, moreover, heeded the counsel of the right people and not that of 'evil doers', an attribute of rulership that Grey, according to many, fell wildly short of, privileging as he did the 'naughty seditious counsels of the Geraldine sect' and 'declining from the good counsel of the King's Privy Councillors', to the strengthening of the king's enemies.¹²⁹ In the 'articles' against Grey that followed, its authors noted that he had neither the trust nor the faith of any in the land; if this were not 'reformed', it made him fit to be ruled rather than to rule.¹³⁰

If – and as an apparent augur of things to come – even when Grey was still only marshal of the king's army, Anthony Colly had accused him of poorer conduct towards Lord Deputy, Skeffington than even the late earl of Kildare,¹³¹ at the very beginning of his deputyship, Grey defended himself against the possible charge that he undertook journeys without any counsel from the administration; the treasurer could not 'with his truth and honesty' say that he did not take his advice.¹³² Yet this hardly stayed the coming tide. According to Cowley in 1538, the king's deputy should 'be a grace, discrete, politic man working not with heady rage but by advice of sage expert personages and to have pointed to him such counsellors as have always promised and tried them selves faithful and true to the king's majesty having fervent desire to see the

¹²⁶ *SP Henry VIII*, iii, pp 12-3.

¹²⁷ *Cal. of Carew MSS*, no. 73.

¹²⁸ *SP Henry VIII*, iii, p. 34.

¹²⁹ *SP Henry VIII*, iii, p. 14; *SP Henry VIII*, iii, p. 21; T.N.A., SP 60/7, f. 55r; *SP Henry VIII*, iii, p. 56; *SP Henry VIII*, iii, p. 80; *SP Henry VIII*, iii, p. 210.

¹³⁰ *SP Henry VIII*, iii, p. 42.

¹³¹ L.P.L Carew MS 602, ff 98r-99r.

¹³² *SP Henry VIII*, ii, p. 386.

land reduced to the king's obeisance and civility'.¹³³ Cowley's statement was nothing short of the axiomatic triangulation of governor, counsellor, and 'truth' as the reflection and safeguard of obedience and 'civility'.

Soon after, Ormond condemned the lord deputy, whose Geraldine sympathies, association with traitors, and treacherous conduct wreaked havoc and weakened the trustworthiness of the king's word. A desire to do service to the crown, here, was a point of contact between the king and all the lords of Ireland, whether English or Gaelic; Grey, according to Ormond, jeopardized the promise of conformable order that service to the crown inaugurated and represented, and mistreated its loyal servants. He invaded the otherwise loyal and obedient earl's lands, conspired against him, treated him contrary to both the king's pleasure and to the terms of his indenture with the king, harshly treated Butler's 'well-disposed' Irish allies with contempt or imprisonment, and rejected their overtures, including that of the likes of O'More and the 'great captain', Maguire, who both performed good service for the crown.¹³⁴ Indeed, he was accused of attacking Brian O'Connor and his brother, Cahir Roe, contrary to the safe-conduct granted by the council and commissioners, of causing several lords to wage war with their kin, and of frequently journeying into Irish territory without the council's advice, spoiling the lands of those 'under the King's obeisance, and his Grace's trust and protection'. Further, he dissuaded well-disposed men who were now 'well willing to do the King's Highness good service, which will be great comfort to the King's Irish enemies', allegedly allowing the king and his subjects' 'mortal enemies' such as Cahir McArte Kavanagh to escape after finally being captured, with his neglect and conduct instead burdening the crown's subjects with 'cess' – the council, for instance, discharged O'Byrne of any obligation toward the galloglass and imposed it on other subjects to redress a wrong committed him by Grey – and strengthening the king's enemies, especially O'Neill.¹³⁵ Even the aforementioned Cahir Roe, who served the king against his own brother, fled from Grey, fearing he would be hanged.¹³⁶ Alen and Brabazon similarly attributed the troubles stirred by O'Connor, MacMurrough, and the

¹³³ T.N.A., SP 60/7, f. 134.

¹³⁴ *SP Henry VIII*, iii, pp 20-3.

¹³⁵ *SP Henry VIII*, iii, p. 46; *SP Henry VIII*, iii, pp 22-3; *SP Henry VIII*, iii, pp 41-2.

¹³⁶ *SP Henry VIII*, iii, p. 38; *SP Henry VIII*, iii, p. 32.

O'Tooles in mid-1540 to Grey's failings.¹³⁷ In doing all this, he was 'not regarding the honour of his room, nor his honesty'.¹³⁸

Thus, with Grey, the Geraldines, and their 'evil counsel' on the side of disorder, and the king's 'High Councillors', their 'sad and discrete' counsel, and Ormond, Cowley, and all other 'true crown subjects', on the side of order, Grey appeared as the linchpin of a lordship in disarray due to his wanton alignment with the enemies of Tudor rule, especially the 'Geraldine and papistical sect'. Such were the polarised terms, as we shall see in chapter eight, in which his offences were presented by 1540. For now, however, note that, if 'counsel' was an expression of a rightly ordered *persona-in-office*, it was also the kryptonite of an 'office-based' order as a matrix for competing, transregional planes of allegiances, loyalties, and contrasting visions of the true and untrue, order and disordered, Christian crown subject. Thus, in the eyes of crown loyalists and particularly Grey's detractor in Ireland, 'evil counsel' was a traitorous centre of gravity that exemplified outlawed and disobedient bonds of allegiance centred on the pope and the king's enemies, whereas 'right' counsel represented and enacted the properly ordered ruler, subject, and commonweal of Tudor order. The 'Crown', in other words, found its composite parts split between two sovereigns: the earthly head of the spiritual body of Christ was now, in Ireland and England, divided between pope and king, becoming the 'site' for embattled papal, Irish, and Tudor sovereignties within which the terms of Christian service and subject-hood were now mediated by rival understandings of true Christian order. In Ireland, however, the split operated on a threefold axis, so that the Reformation instilled a wedge not only between God, pope, and prince, but in a four-fould arrangement that also included the lord deputy. Consider Lord Butler's self-defence to Cromwell in 1538. Defending his 'truth' and service in the tense climate of factional strife, Lord Butler sought to re-assure Cromwell of his loyalty: 'I pray God, I never live that day, that your lordship shall be deceived in the trust that you have conceived of me', for 'I trust, and am well assured that I have so consonant to Almighty God's laws, that my sovereign lord the king's, used my self in obedience to the high authority committed by His Excellent Majesty to my said lord deputy, that I never offended him otherwise, than in advertising and declaring to your good lordship', 'according my most bounden duty', 'where the king's subjects here were damnified by the misdemeanor of him towards them, contrary

¹³⁷ *SP Henry VIII*, iii, pp 201-2; *SP Henry VIII*, iii, pp 202-3.

¹³⁸ *SP Henry VIII*, iii, p. 39.

to the high trust that he hath been put it. And in this and all other my proceedings for them, I trust that God's law and the King's will bear me'.¹³⁹

Yet, owing to the moral malleability of 'office', counsel, just as much as 'subject-hood' and duty, were sites within which the poles of good and its transgressions could be re-designated to new targets. The language of counsel, service, and commonweal could, accordingly, be leveraged by the man who bore the greater part of the burden of its moral condemnation: Grey himself. In mid-1538, Grey, deploying a veritable cornucopia of moral-governmental tropes, accused Ormond and his sons of not truly performing their service; of renegeing on their duties; of refusing to hand over pledges to the lord deputy 'for the true performance of the said peaces so concluded by the lord deputy and council'; of being a traitor for refusing to make war against the traitor O'Connor; and of upholding O'Connor's strength and supporting him while he was a thorn in the side of the regime and on the run as a traitor.¹⁴⁰ A little more than a year later, Grey accused Alen of traitorously operating in Limerick without his advice, to which the councillors' countered that, 'though it appertaineth to some of our offices to do such things without him, yet the same was done by his advice, and the common assent of us all'. The lord deputy, the councillors implored, must be plainer to the Chancellor than others, for the latter is the president of the council and is at diverse times 'the mouth of us all'.¹⁴¹ Counsel once again linked with 'office-talk' and the question of viceregal and conciliar order: here, the councillors defined, first, the council as a hierarchy of offices, and, second, their individual, collective, and 'official' relation to that of the office and person of lord deputy through the obligation of counsel. Soon after this episode, Grey commanded Thomas Bath 'upon his life and allegiance' to declare to Cromwell the causes of the dissension within the council – a sure 'cause of the decay of the common wealth' – which Grey sought to 'reform'. By abusing his authority as head of the chancery and holder of the great seal, (by then) Lord Chancellor Alen undermined the lord deputy's authority. Many, he alleged, reported that the lord chancellor's commandment was more feared and given greater weight than the lord deputy's, 'to the ill example of the King's subjects'.¹⁴² The chancellor, in other words, usurped the authority of the lord deputy, becoming quasi-sovereign in his own right and overturning the proper hierarchy of command of a well-ordered commonweal.

¹³⁹ *SP Henry VIII*, iii, pp 94-5.

¹⁴⁰ *SP Henry VIII*, iii, pp 74-86.

¹⁴¹ *SP Henry VIII*, iii, pp 119-21.

¹⁴² *SP Henry VIII*, iii, pp 157-61.

It is significant in this regard that the Irish council's order between Grey, Ormond, and Lord James Butler earlier in 1538 included an important caveat: the earl and Lord James promised 'on their honours, faiths, and duties, to obediently serve the king', 'as other noble men of the King's subjects of this land shall or ought to do, and also to obey the said Lord Deputy *in all lawful things*, as to his high room and their duties doth appertain'.¹⁴³ The phrase is revealing, for it was also used against kings all across Europe; declarations to obey the ruler 'in all lawful things' was precisely how English churchmen and others uneasy with the royal supremacy justified taking the oath of succession or supremacy in the 1530s, by qualifying their obedience to the king with the added words 'as Christ' or 'as the laws of God' permit.¹⁴⁴ Similar to what Henry VIII could be accused of, then, it was the unlawful 'absolute power' of the lord deputy in Ireland that was a cause of concern. Just like Henry's imperial claims had altered his attitude towards the Irish and his Irish lordship, that delegated power and an office's jurisdiction, channelling that same Roman-style *imperium*, were pushed beyond their legal confines was in some cases a direct result of a 'reformist' ethos and expansionist government that made – or aspired to – new inroads into 'Gaelic' Ireland. Thus, against his coercive journeys to extend royal power and revenues across Ireland, Grey's detractors did not shy away from resourcefully condemning Grey's 'own absolute power'.¹⁴⁵

It was that same year, that the ultimate emblem of the disordered ruler reached its apotheosis: Lord James's declaration that 'My Lord Deputy is the Earl of Kildare newly born again'.¹⁴⁶ Although a ploy of faction, and not without precedent – even when he was still only marshal of the king's army, Grey had been accused of poorer conduct towards Skeffington than even the late earl of Kildare¹⁴⁷ – it also effectively marked the 'becoming-Irish' of the English lord deputy, with all of the connotations of misrule, disorderliness, and disobedience this entailed, a process mirrored in the 'becoming Irish' of the lordship and the English-Irish.¹⁴⁸ Prior arrangements of power from the 1510s onward were a precondition for both the manner in which Grey exercised his rule and the predicament he found himself in as a result, and they had, in a

¹⁴³ Emphasis added. *SP Henry VIII*, iii, p. 81.

¹⁴⁴ Daniel Eppley, *Defending royal supremacy and discerning God's will in Tudor England* (Aldershot, 2007).

¹⁴⁵ *SP Henry VIII*, iii, p. 79.

¹⁴⁶ *SP Henry VIII*, iii, p. 32.

¹⁴⁷ T.N.A., SP 60/1, f. 151. L.P.L Carew MS 602, ff 98r-99r.

¹⁴⁸ See chapter 3.

very real sense, made him the earl of Kildare: the arrangement, first instituted by the eighth earl of Kildare, comprised, in Christopher Maginn's words, a 'two-tiered suzerain-vassal arrangement between a recognized O'Byrne or O'Toole chief, a strong magnate like Kildare and the king' that continued to figure as 'a successful method of governance' following the destruction of Kildare power when Grey took Kildare's place in the arrangement.¹⁴⁹ And just as the Pale peerage had ceased to benefit from Kildare rule, Grey, too, continued the trend: he had, as Edward Power put it, reduced 'the conciliar role of the Pale Peers, humiliated them while in the field, and made them scapegoats for his government's failings'.¹⁵⁰ By mid-1540, Grey was removed from his post and replaced by Anthony St Leger.

6.5: James Butler, Anthony St Leger, and the 'overmighty' ruler, 1540-7

As lord deputy, St Leger faced similar challenges as his predecessor had – but he succeeded where his predecessor had failed: keenly aware of the dangers of overly relying on the magnates, St Leger used the office of governor as the foundation for, as Ciaran Brady put it, 'constructing a new form of political alignment in Irish politics which would transcend the factional structures of previous decades and fashion from among the ranks of Geraldine and Butler clients a new association which would have as its head neither a magnate nor a viceroy, but the king of Ireland'.¹⁵¹ Yet a key dimension of the continuity between the governorships of Grey and St Leger remains only implicit in Brady's account, namely, the permutations in office and moral governance of the period. The Act of Kingly Title, after all, while neatly expressing the tension between Head and Body that pervaded the languages of governance in Ireland, did not resolve them.¹⁵² Although Grey was certainly more hostile towards the Pale nobility than St Leger, who promoted a more conciliar model of government that, in line with Alen and Cowley's views, touted cooperation between Dublin and the Palesmen,¹⁵³ such an arrangement was also marred by the same, recurring tension at the heart of Irish government. According to Brady, St Leger's programme rested on an

¹⁴⁹ Maginn, '*Civilizing*' *Gaelic Leinster*, chapter 1, pp 42, 61-2.

¹⁵⁰ Power, *A European frontier elite*, pp 74-6, quote on p. 76.

¹⁵¹ Brady, *The chief governors*, pp 29-31, 41-4.

¹⁵² Crooks, 'The structure of politics in theory and practise, 1210-1541', p. 467.

¹⁵³ For a recent interpretation that re-asserts 'traditional' views of Grey as being more belligerent and insensitive to local interests and St Leger as being more accommodating and conciliatory, see Power, *A European frontier elite*, pp 76-112.

‘exalted view of the Irish office’ of viceroy, one that saw the governor as ‘endowed with the same authority to preserve the new Irish kingdom as the monarch himself defended the kingdom of England’.¹⁵⁴ And although St Leger sought to distance the ‘king’s party’ from the Geraldines or the Butlers, he, too, was subject to the same criticism his less fortunate predecessor had encountered: that he and his associates, particularly Brabazon, whom their enemies alleged promoted their own advancement to the detriment of crown and commonweal, exceeded the limits of their office and acted against the king’s benefit.¹⁵⁵ Permutations in the moral-governmental horizons of the office of lord deputy as a lightning rod of contested monarchical and viceregal order continued into the 1540s, as did the fateful climate of suspicion of all against all, and it was again partially the vagaries of faction that propelled *imperium*-inflected commentaries on the transgressions of order to the surface. The same clash between two ‘overmighty’ subjects that had characterised Kildare and Piers’s feud and the Butlers and Grey’s rivalry was by the 1540s one between Lord James and St Leger – and it unearthed the same chimera: Ormond and St Leger’s princely pretensions.

Prior to the 1540s, criticism of the Butlers was comparatively less consequential and could not rise above the contingencies that contributed to curbing it.¹⁵⁶ It took a new program of government – St Leger’s ‘surrender and regrant’ – in the 1540s, the earl of Ormond’s frustration with how it was being implemented against his interests, and St. Leger’s machinations against the dynasty, for the tables to turn on Ormond like they had against Kildare.¹⁵⁷ By the mid-1540s, as Ormond pursued his agenda and enlisted Alen, Walter Cowley, and others in his ‘conspiracy’, it was the earl himself, eliciting the suspicion of the crown and its supporters, who recommended keeping them under watch,¹⁵⁸ that saw his privileged perch eroded.

¹⁵⁴ Brady, *The chief governors*, p. 44.

¹⁵⁵ Brady, *The chief governors*, pp 31-40.

¹⁵⁶ It was limited to Kildare, Grey, and their supporters, a few ‘reformist’ Palesmen who blamed the earls for past and present troubles, and councillors who feared a repeat of the Kildare hegemony. *SP Henry VIII*, ii, pp. 120-3; *SP Henry VIII*, ii, p. 186. For Palesmen’s criticism, see Darcy’s tract (L.P.L., Carew MS 635, ff 188ab) and Finglas’s ‘Breviat’ (B.L., Add. MS 48017, f. 175; B.L., Lansdowne MS 255, ff 203-204b). See also Edwards, *The Ormond lordship*, p. 163.

¹⁵⁷ On James Butler’s relations with St. Leger and the latter’s conspiracy against the earl and its consequence, see Edwards, *The Ormond lordship*, pp 168-73; Brady, *The chief governors*, pp 41-4.

¹⁵⁸ Lord of Upper Ossory’s warned to Lord Deputy St Leger in 1544 that a meeting between the earl of Ormond and captains O’More and O’Carroll – both of whom were through their wives sworn to Ormond – ‘should be watched, as the said captains, like their fathers, are easily stirred against the English, especially at the suggestion of so great a man as the earl’. *CSPI*, no. 672.1 (*SP Henry VIII*, iii, p. 511). The baron of Upper Ossory also warned St Leger of ‘secret business’ and ‘secret leagues’ between Ormond’s ambassadors and neighbouring Irish lords, about which he should remain vigilant. *CSPI*, no. 673 (*SP Henry VIII*, iii, pp 510-1).

In the first half of 1545, St Leger twice complained of Ormond's conduct. Although cautious in how he discussed Ormond ('such a man, as, afore God, I cannot but love, seeing the honourable qualities I see in him'), he began by invoking the atmosphere of fear and mistrust that reigned: 'I see no man, having learning, that will plainly speak in such case, but poor Sir Thomas Cusack. I would to God, others would not malign against him for his so doing'. Given 'how dangerous a thing it is to write in such things', St Leger then 'desired' John Goldsmith, clerk of the council, to be called over to England to accurately inform 'how things go here' and 'so shall I both be discharged of my duty, and also out of mistrust that I should be any inventor of matters for malice or evil will'. St Leger then charged that Ormond 'claimeth there to all have all manner of jurisdiction (save treasure trove, rape, burning, and counterfeiting of money) by these words, "*regalitatem, et omnia alia res*"', and thereby to give pardon for all offences, save those four; and showeth a grant of the same by king Edward the III' as proof of his liberty jurisdiction'. He then bemoaned how 'he would not have Leinster reformed, unless it were done by himself; and then would he convert a great part to himself'.¹⁵⁹ If St Leger was soon after lamenting his own isolation as lord deputy, by the following year, Archbishop Browne joined the chorus: 'Most gracious Prince, here reigneth insatiable ambition, here reigneth continual coign and livery, called extortion. [...] The said earl is more like a prince, than a subject; more like a governor, than an obedient servant. What toy he hath in his head, I know not; I pray God, it may turn to Your majesty's honour'.¹⁶⁰

Meanwhile, allegations of misrule against St Leger, too, gathered steam. As early as August 1541, Robert Cowley declared that the king 'would marvel to know the juggling in Ireland the Deputy, chancellor, bishop of Dublin, chief justice and vicetreasurer, every of them seek their own profit and pluck fleeces from your highness, making their hands, thinking all wone ware'. And Cowley invoked the spectre of the earl of Kildare to make his point about having his service obstructed: 'This practice in Ireland against me was the caste of the earl of Kildare to seek and devise ways by tyranny to confound' any who would accuse him 'to make all others afraid to do or say any thing against him' so that he might do or say whatever he wished without fearing the consequences.¹⁶¹ Just like Grey, St Leger and Brabazon appeared as Kildare-

¹⁵⁹ *SP Henry VIII*, iii, pp 508-10.

¹⁶⁰ *SP Henry VIII*, iii, p. 513; *SP Henry VIII*, iii, p. 557.

¹⁶¹ T.N.A., SP 60/10, f. 106.

incarnate, the same embodiment of tyrannical, unbridled behaviour against the king and his true subjects. It was no accident, then, that by October, Cowley openly proposed the eventual abolition of the office of lord deputy. Reflecting on what Ireland could be by considering what he perceived Wales already was, Cowley opined that the latter was a well-governed dominion of the crown because it was not only one person but many from each shire and jurisdiction who ruled in the king's name.¹⁶² The centripetal dynamics of viceregal government, in other words, were a nuisance and should be avoided; indeed, they would no longer even be necessary once Ireland was subdued. In 1542, Cowley then sailed to England without St. Leger's permission and wrote to the king questioning the deputy's loyalty. The king, however, who had warned St. Leger to beware of Butler power in 1540, now lambasted Cowley as 'a man seditious, and full of contention and disobedience, which is to be abhorred in any man, but chiefly in a Counsellor'.¹⁶³

Although this early challenge of the new lord deputy ended with Cowley's disgrace and dismissal from office, by 1545, just when the tenor of charges against Ormond took a violent turn, the tides were similarly reversed for St Leger. Again, Grey's deputyship had set the pattern: St Leger was described as actively pushing against those 'that do work in truth', with Ormond's allies, O'More and the Baron of Upper Ossory, feeling mistreated at the hands of the lord deputy for loving and associating with the earl.¹⁶⁴ And just like Cowley, Butler, and others in the 1530s, had sought to tarnish Grey by criticising who he was affiliated with, the king's solicitor, Walter Cowley, informed the English Privy Council that all 'those both English and Irish' that 'did hang at the king's sleeve, only had [meagre] favour at my lord deputy's hands', for St Leger advanced 'only those which were the king's enemies before',¹⁶⁵ while others lost no opportunity to draw Henry VIII's and the English council's attention to the untowardness and duplicity of the lord deputy's brother, Robert St Leger.¹⁶⁶ And it was again John Alen who provided the most extensive moral-governmental commentary on the matter, when, in 1546, he proposed to lay bare the 'state of the universal realm' of Ireland.

¹⁶² *SP Henry VIII*, iii, p. 347.

¹⁶³ *SP Henry VIII*, iii, pp. 369-70.

¹⁶⁴ *SP Henry VIII*, iii, p. 579; *SP Henry VIII*, iii, p. 538; *SP Henry VIII*, iii, p. 551.

¹⁶⁵ T.N.A., SP 60/12, f. 122v.

¹⁶⁶ T.N.A., SP 60/11, f. 146r; T.N.A., SP 60/12, f. 64v; T.N.A., SP 60/12, f. 78r.

Although Alen's outline of the decayed state of the land served only obliquely as an indictment of St Leger's failure,¹⁶⁷ and although the suspicion and surveillance that emerged during Grey's deputyship remained, the terms of the criticism had partially shifted. It was no longer only a question of extricating the office of governor from native networks of influence and power and of ensuring the vicegerent received counsel from the properly ordered and appointed. Paralleling his proposal to erect garrisons in Irish countries as a form of permanent surveillance and education,¹⁶⁸ what was now required at the heart of crown government in Ireland was an institutionalised system of checks-and-balances in the form of a permanent council of six that would by their 'privy counsel' direct the English-born lord deputy whose term in office was to be limited to three years (as opposed to St Leger's alleged recommendation to have the office 'descend' upon the nobility from 'year to year').¹⁶⁹ A concern with the proliferation of sovereigns, too, animated Alen's report, and here Tudor commentary linked up with the conditions of order and power prevalent in Ulster. The king, the lord chancellor charged, had in fact given O'Neill greater jurisdiction than he had before. For prior to his elevation to the peerage, only two Irish lords were 'of his peace', but now, all the Irishmen of Ulster, who were 'upon the king's peace' were now 'alonely lotted to Tyrone', so that he 'exerciseth all kingly jurisdiction in Ulster'. Even the galloglass, whose presence posed a constant threat to Tudor rule, would 'make lord whom they least right or wrong'. Yet, just like in the 1530s, circumstances in Ireland necessitated the measured regulation of exceptional measures – except this time, Alen was concerned less with 'coign and livery' than with the regulated retention of galloglass under the revitalised conciliar framework of viceregal governance he was proposing.¹⁷⁰

In two others reports, Alen singled out the deputy explicitly: it was St Leger's efforts to rein in all power that contributed to empowering the king's 'ancient enemies'.¹⁷¹ The political theology of 'truth' and the paramount concern over dissimulation that had grown since the mid-1530s then found untrammelled in a quasi-'becoming-Irish' of sorts of St Leger himself expression as Alen vitriolically

¹⁶⁷ He somewhat unfaithfully repeated throughout that his intention was not to criticise any man's actions. T.N.A., SP 60/12, ff 154r-158v.

¹⁶⁸ See chapter 5, section 5.5.

¹⁶⁹ T.N.A., SP 60/12, f. 157v.

¹⁷⁰ T.N.A., SP 60/12, ff 155rv, 157v-158r.

¹⁷¹ *SP Henry VIII*, iii, p. 546.

condemned the lord deputy, even leveraging the sovereign power over life to make his point about what was best for order and ‘reform’:

All Ireland do know that the Deputy is the most dissembler, and most craftiest man, that ever came among them. And seeing that by craft and falsehood he seeth the land nigh cast away, he would torn his fault upon others that do work with truth. It were better than he, and all such false doers in Ireland, were hanged, rather than the King should follow their craft. And unless the King’s Grace in haste do send wise indifferent men of authority thither, his land is cast away through the false guiding of the Deputy and his brother. God save the King, and to send grace that His Highness may know the truth, how Ireland is; and that it is no doubt, but His Grace will have the Realm reformed shortly.¹⁷²

Alen continued: the king’s ‘ancient enemies’ grew ‘stronger than they were, his subjects feebler, and His Grace’s profit nothing augmented’, for all revenues were siphoned to maintain the deputy’s estate. Appealing to the same trope of nominal rule Grey had eight years before, but in relation to the crown rather than to the governor, he charged that St Leger wanted ‘His Grace to be *Rex nomine tantum*, and his Deputy both to consume all, and weed out his expert servants, and to have none other but such as will be obsequious only to him, in all his doings which is the next way to keep the King from knowledge’.¹⁷³

St Leger responded to the ‘conspiracy’ against him, and his dexterous rhetorical acrobatics were of a high calibre and well attuned to the terms of vicerojal order. If the deputy’s strategy partially consisted of emphasising that everyone who laid such charges against were him were far from blameless themselves,¹⁷⁴ he also countered his enemies allegations by portraying himself as the very opposite of what they accused him of being: against charges of dissimulation and of working against truth, he emphasised his impeccable, impartial service and unpartisan willingness to uncover the

¹⁷² *SP Henry VIII*, iii, p. 539.

¹⁷³ *SP Henry VIII*, iii, p. 565.

¹⁷⁴ Brady, *The chief governors*, pp. 41-4.

truth.¹⁷⁵ To Alen's overriding charge that the country was less obedient than it had been, he responded by emphasising how 'reform' required time and that the 'becoming civil' and obedient of the Irish was a process. What mattered was the mere fact that the Irish, who were unprecedentedly weak, recognised the authority of the king and were working towards becoming truly obedient and 'civil' crown subjects.¹⁷⁶ To bolster his point, St Leger tactfully resorted to invoking the king's prerogative and alleviating himself from all responsibility of the outcomes of his 'reformist' pursuits by poising – and thereby disarming Alen's charge – as one who was in no position to control the king: 'And if the king's majesty had to some of them, of his Kingly benevolence, given the jurisdiction within their countries, it becometh not me to control him'.¹⁷⁷

6.6: Conclusion

The question of how power was delegated and mediated was the crux around which a slew of interrelated moral-governmental problems of divine and civil order congealed. Against structural and contingent changes in English-Irish and Irish lordships, growing crown intervention, the renewed Butler-Geraldine feud, and the fallout of aristocratic rebellion and Reformation, the office of lord deputy became a lightning-rod of moral-constitutional contestation. The stakes involved the proper qualities and conduct of a viceroy within a monarchical regime in which the sovereign was perennially absent, and the proper scope of the office of governor for order to be upheld and 'reform' implemented. An oppressive climate of generalised suspicion and mistrust emerged, creating the frantic conditions for accusations of misconduct to spread and a political-theological model of government by reward, punishment, and surveillance with clear affinities with Catholic 'good works' soteriology, including the sacramental structures of the confession, to rear its face.

In the convulsions of order, power, and governance that reigned, then, the poles of transcendence and immanence were plural: differentially invested in God, king, and viceroy, and mediated by crown servants and commissioners, it was through these corridors and plural conditions of law, lordship, and power in 'English' and 'Irish' Ireland that 'sovereigns proliferated'. If from an Erasmian, Christian humanist

¹⁷⁵ See *SP Henry VIII*, iii, p. 546 and *SP Henry VIII*, iii, p. 558.

¹⁷⁶ On this theme, see chapter 5.

¹⁷⁷ *SP Henry VIII*, iii, pp 569, 571-3.

perspective, conditions in Ireland had descended into tyranny – ‘Under a cruel tyrant’, Erasmus noted, no one either dared or wished rise up against him, and ‘everyone brings accusations and false witness’¹⁷⁸ – in Ireland, however, there was no single tyrant, but many potentially tyrannical ‘usurpers’.

The plural structures of immanence and transcendence at work in the office of lord deputy, then, were analogous to that of kingship albeit operating on a different level of mediation and delegated power but within an overlapping ambit of networks – and both were crucial components of the political-theological fiction of ‘the Crown’ as the crucible in which the parameters of true order, service, and subject-hood between conflicting obligations of allegiance to competing spiritual and civil sovereigns unfolded. Kings themselves were occasionally described as viceregents or lieutenants of God, as when Bishop of Winchester, Stephen Gardiner wrote in *De vera obedientia* that in order to ‘exercise ourselves godly and thankworthily’, God put men in positions of authority as God’s ‘viceregents’, whom we should obey ‘with no less fruit for God’s sake than we should do it...immediately unto God him self’.¹⁷⁹ It was no accident, then, that a disordered lord deputy carried soteriological implications, where, as we observed in chapter two, Henrician commentators in Ireland were acutely aware of the dangers the continued vicegerential deployment of ‘coign and livery’ posed to his soul, not to mention the dangers the disorders in the land posed to every Christian’s soul. The structures of delegation, the bonds that triangulated God, sovereign, and subject, and the obedience that held them all together in soteriological relations, were clear.

Within these political-theological folds, then, it was not only the terms of viceroial order that became weaponised in new ways, but that highest transgression of political-theological order: treason. The result: the emergence of a new legal and moral-governmental culture of treason. While the factional efforts to remove Grey from office failed, and while historians generally recognise either his overly ‘regal-like’ conception of the office of governor, his rapprochement with the Geraldines as a strategy for consolidating crown rule in Ireland, and Ormond’s conspiratorial machinations with Norfolk and St. Leger in England against him which intersected with efforts to topple Cromwell, as the decisive factors in Grey’s indictment for treason,¹⁸⁰ it was the mutual

¹⁷⁸ *Institutio principis christiani*, pp 157, 165.

¹⁷⁹ Pierre Janelle (ed. and trans.), *Obedience in church and state: three political tracts by Stephen Gardiner* (Cambridge, 1930), pp 89, 97.

¹⁸⁰ Bradshaw, *The Irish constitutional revolution*, pp 179-85; Brady, *The chief governors*, pp 22-5; Lennon, *Sixteenth-century Ireland*, pp 152-3; Ellis, *Ireland in the age of the Tudors*, pp 148-9; Maginn

constitution of, on the one hand, the changing terms of power and governance in the lordship and, on the other, the Henrician economy of treason it helped shape and sustain, that served as an incubator in which a case against him could be made, with a lasting significance that far exceeded both the immediate span of his term in office and his ignominious death in June 1541.

Chapter 7:

The Henrician economy of treason I: War, law, and sovereign power, 1518-46

Moving beyond matters of strict legal definition and court procedure,¹ in the political theology of treason as a moral-governmental discourse and horizon of power, we uncover some of the deepest structures of Henrician order, governance, and sovereignty. Partially an effect of what Lacey Baldwin Smith has described as the ‘paranoid cultural mould which conditioned society to imagine and therefore to find the enemy behind every friendly face’,² treason, in the words of David Loades, abounded in England in ‘the inflated language of faction’.³ What, however, did this look like in Ireland? To understand the vagaries of treason as a legal and political-theological category and resource in Henrician Ireland, we must broach how Anglo-Irish affairs and the consolidation of Tudor power was not only a land affair, but also one of the seas, which became an important venue for pressing concerns over treasonous activity. Before the heyday of empire, before the high Age of Piracy and the negotiation of landed and oceanic legal regimes in the formation of a recognisably ‘modern’ international order, the sea, in however parochial a manner, was becoming anew a problem of Tudor sovereignty.⁴ In contradistinction to Indian Ocean landed rulers, for whom the sea, coasts, and littorals, were a source of income rather than areas over which claims to sovereignty were made, European polities had by the sixteenth century put in place an array of institutional procedures and infrastructure that, however nebulously, incorporated the seas through various iterations of maritime law into the jurisdictional purview of monarchs as loci of sovereignty.⁵ England, for instance, had

¹ Treason has yet to figure as a central topic of analysis in histories of Henrician Ireland – and the only study has focused not on the moral-governmental discourse of treason but on matters of definition and policy execution: Steven Ellis’ article on the rule of law in the 1530s, which I engage with below. Ruth Canning’s recent work on the Old English and the Nine Years’ War has treated the changing discourse of treason in the 1590s. See Ruth A. Canning, *The old English in early modern Ireland: The Palesmen and the Nine Years’ War, 1594-1603* (Woodbridge, 2019), chap. 3. For studies revolved around legal processes and matters of definition in Henrician England, G. R. Elton, *Policy and police: the enforcement of the Reformation in the age of Thomas Cromwell* (Cambridge, 1972), chaps. 6 and 7; John Bellamy, *The Tudor law of treason* (Routledge, 1979).

² Lacey Baldwin Smith, *Treason in Tudor England: politics and paranoia* (Pennsylvania, 1986), p. 190.

³ David Loades, *Intrigue and treason: the Tudor court, 1547-1558* (Edinburgh, 2004), p. viii.

⁴ See Lauren Benton, *A search for sovereignty: law and geography in European empires, 1400-1900* (Cambridge, 2009).

⁵ Benton, *A search for sovereignty*, p. 145; Lakshmi Subramanian, ‘Of pirates and potentates: maritime jurisdiction and the construction of piracy in the Indian Ocean’, in *The UTS Review* 6, (2) (2000), pp 15-23; Sanjay Subrahmanyam, ‘Of Imarat and Tijirat: Asian merchants and state power in the Western Indian Ocean, 1400-1750’, in *Comparative Studies in Society and History*, 37, 4 (1995), pp 750-80;

an admiralty system and maritime courts, and ‘passports’ were required documents for merchants and others across Europe, the North and East Atlantic, and the Mediterranean; the State Papers, indeed, are replete with references to the passports crown officials were required to have to travel to and from England and Ireland.⁶ If how law and sovereign power were delegated constituted an acute problem of imperial rule,⁷ passports in Ireland, and the question of their being lawfully granted by properly sanctioned authorities, were entangled in the problem of ‘proliferating sovereigns’.⁸

As the Portuguese were making their way into the Indian Ocean and beginning to stake their own claims to maritime sovereignty in part through their system of *cartaz*, and as Iberian powers travelled the coasts of West Africa and the ‘New World’, following and furthering the itineraries of well-established trade outposts,⁹ the English were pursuing similar avenues in Ireland. Of course, these four arenas – Indian Ocean, ‘New World’, Africa, and Ireland – were by no means congruous areas of exchange with identical differentials and dynamics of power between all actors involved. Nor did they occupy the same place within European imaginaries, governance, legal regimes, and commercial practises. But the near contemporaneousness of such developments is significant if we consider the importance new relationships between law, sea, movement, and power would acquire over subsequent centuries. Treason, here, played an important role and re-assessing its changing place in political-theological discourse, order, and power in Ireland as an *island* object of governmental power allows us to rethink the place of Tudor order and Ireland within larger, global, histories of empire, law, sovereignty, and power.¹⁰

Lauren Benton, ‘Legal spaces of empire: piracy and the origins of ocean regionalism’, in *Society for Comparative Study of Society and History* (2005), pp 700-724.

⁶ See for instance *SP Henry VIII*, ii, pp 290-1; *SP Henry VIII*, ii, p. 295; *SP Henry VIII*, iii, p. 104; *SP Henry VIII*, iii, p. 189; *SP Henry VIII*, iii, p. 202; T.N.A., SP 60/9, f. 27v.

⁷ Benton, *A search for sovereignty*.

⁸ Consider, for instance, when Henry VIII complained to Lord Deputy William Skeffington during Offaly’s revolt that captains distributed passports without being authorized, a situation he responded to by appointing Lord Leonard Grey as marshal of the army to ensure that these were lawfully granted. *SP Henry VIII*, ii, pp 290-1. On the problem of delegation and sovereignty in the jurisdictionally plural folds of empire, see Benton, *A search for sovereignty*.

⁹ Subrahmaniam called the *cartaz* ‘a binding insignia of maritime sovereignty’. Subrahmaniam, ‘Of pirates and potentates’, pp 16, 22; Sanjay Subrahmanyam, ‘Holding the world in balance: the connected histories of the overseas Iberian empires, 1500-1640’, *American Historical Review* (2007), pp 1359-1385.

¹⁰ Alan Orr has studied how the expansion of law and treason in early modern England was in part a function of British imperialism in Ireland, devoting an entire chapter to a seventeenth-century case study involving Connor Lord Maguire, Second Baron of Enniskillen. As far as the reign of Henry VIII is concerned, however, his suggestion does not go beyond briefly noting the impact of the Act of Kingly Title. Alan Orr, *Treason and the state: law, politics, and ideology in the English civil war* (Cambridge, 2002), pp 16-7. For a recent study that links Ireland, Atlantic piracy, and maritime global empires in the

Against an increasingly interventionist and expansionist crown struggling with aristocratic rivalry, the Kildare Revolt, and the Reformation as flashpoints of moral-governmental convulsions and potential interpolity order and rivalry, the sea – in particular the Irish sea, the waters of the North Atlantic, and Irish ports as sites of ‘piracy’ and felonious treasonable conduct – became a new object of governmental thought and power. Through such horizons and embedded in the web of spiritual-civil modalities of embattled Tudor, papal, and Irish sovereignties, the Henrician economy of treason took shape – and treason came to define and unsettle the parameters of ‘true Christian crown subject-hood and service’. The following examination of treason proceeds in two chapters. If the second chapter explores the status of treason in the polarisation of Tudor political theology, the current chapter follows the trajectories of accusations and charges of treason as these intersected with Tudor ‘reform’ and legal discourse to demonstrate how, against the Henrician doctrine of obedience and through the growing scope of treason, crown subject-hood was redefined in the interstices of law and ‘civility’, the demands and dangers of war, the dynamics of sovereign power and mercy, and the practical exigencies of government.

7.1: War, treason, and the seas, 1518-46

Jurisdictional claims over and governmental overreach into the seas around Ireland was not a Tudor novelty. In the fifteenth and sixteenth centuries, as Colin Breen put it, the ‘sea and maritime zone’ accommodated ‘four essential facets of the maritime cultural landscape – settlement, communication, exploitation and defence’.¹¹ Despite common horizons, however, the relations between land, sea, and lordship, authority, and power differed in Gaelic and English colonial areas. In the southern and eastern coastlines of the colony, there developed in the sixteenth century – and from much older practises subsequently altered in the fifteenth century – a ‘structured socio-economic and political coastal bureaucracy’ controlled by the crown and its agents that was ‘based on a hierarchical port structure incorporating both the hinterland and foreland of each individual port’. In Gaelic Ireland, by contrast, while maritime Irish lords often had their own fleets – a major ingredient, for instance, in O’Donnell power, prestige, and

early seventeenth century, see Connie Kelleher, *The alliance of pirates: Ireland and Atlantic piracy in the early seventeenth century* (Cork, 2020).

¹¹ Colin Breen, ‘The maritime cultural landscape in medieval Gaelic Ireland’, in Patrick J. Duffy, David Edwards, and Elizabeth FitzPatrick (eds), *Gaelic Ireland, c.1250-c.1650* (Dublin, 2001), pp 18-9.

overlordship in Ulster and across the island over the course of the late middle ages and into the sixteenth century – control, which was manifest in the levying of fees on foreign ships carrying victuals, ‘essentially involved the monitoring and organisation of outside activities within the territorial jurisdiction of the Gaelic lord, for a monetary or staple return’.¹² In this sense, arrangements prevalent in Gaelic Ireland resembled Indian Ocean coastal polities more than they did certain European ones.

All the same, it is within such overlapping horizons of maritime governance and sovereignty that we can explore the changing scope of Tudor power over waterways and in their especially crucial intersections with the discourse of treason – and the forms this problem took are suggestive of the peculiarity of the Irish situation. In 1520, Lord Lieutenant Surrey conceived of his office as if it was that of the high admiralty – or at least, as giving him conditional access to its powers under command of the king.¹³ In other words, whereas land and sea were explicitly separated in England between the offices of king and high admiral, even if the latter was a subset of royal *imperium* by being appointed directly by the crown, in Ireland, jurisdiction over land and sea, Surrey proposed, should fall within the orbit of a single office, that of the lord deputy. It demonstrates, too, the threat Ireland posed to Tudor sovereignty, for it provided a ‘land of refuge that English pirates’ resorted to, which in turn could jeopardise anti-piratical measures as well as trade agreements between England, France, and the Habsburgs while persisting as a thorn in the side of Irish government.¹⁴

Controlling the navigation of ships was a major concern, and by the 1520s, such efforts were extending anti-piratical measures of the late-fifteenth century.¹⁵ In 1521, Henry VIII informed Surrey that he would advise all foreign princes, confederates, and allies that all ships leaving ports within their domains were to arrive in the ‘havens under our obeisance’.¹⁶ It was not, however, very effective: just two years later, the earl of Kildare warned the king that the town of Carrickfergus was trading with the ‘king’s

¹² Breen, ‘The maritime cultural landscape in medieval Gaelic Ireland’, pp 19-24; Simon Egan, ‘By land and by sea: the role of the maritime sphere in the expansion of O’Donnell power c. 1380-1500’, in *Journal of the North Atlantic, Special Edition*, 12 (2019), pp 16-31.

¹³ *SP Henry VIII*, ii, pp 55-6.

¹⁴ Henry VIII and Francis I agreed to a set of ordinances in 1518 and to a treaty in 1525 to clamp down on ‘pirates’ in the waters separating their two kingdoms: B.L., Add. MS 36898 and B.L., Add. MS 48044 ff 86a-92b.

¹⁵ Such as when in 1496, the crown and administration sought to protect the lordship against pirates. Christopher Maginn and Steven G. Ellis, *The Tudor discovery of Ireland* (Dublin, 2015), p. 130.

¹⁶ *SP Henry VIII*, ii, p. 56.

enemies', the Scots and Bretons.¹⁷ Indeed, officials in Henry VIII's reign time and again warned of the dangers of the Scots and especially Breton merchants who had access to ports and coasts denied to crown authorities. They were presumably made aware, too, of the treaty of 1523 between Francis I and the earl of Desmond, in which it was agreed the earl was to wage war against the king; the French king then promised to conquer the land to 'the proper use and benefit' of the earl, having the choice between the ports of Kinsale, Cork, and Youghal 'to secure his ships' and to put the duke of Norfolk on the throne of England. Moreover, if the earl's subjects and servants were to refuse to pay him the rents and duties he was anciently accustomed to, the French king 'was to fund him...ships to be appointed, to be at his command, until his said subjects or tenants, were reduced to their former obedience'.¹⁸ Three years later, Robert Cowley was concerned with the same thing: the subjects of the emperor, and French and Portuguese kings, he disclaimed, landed with their ships of merchandise in Irish ports, and did business with the Irish, resulting in the king losing his customs. More alarmingly, the Irish also received ordnance and gun powder. The king, Cowley counselled, should write to the French and Portuguese kings to publicize the interdict against their subjects from landing in ports other than in Dublin, Drogheda, Waterford, Ross, Youghal, Cork, Kinsale, Limerick, and Galway.¹⁹ In a curious twist, traitorous intrigue with foreign princes could even achieve Tudor goals but only at the cost its own sovereignty in Ireland: on 12 September 1529, while negotiating an agreement with Charles V, James Fitzgerald, earl of Desmond, assured the emperor that should assistance against Henry VIII be granted to him, he would, 'with God's favour', 'drive off [the emperor's enemies] the French from all the Irish ports'.²⁰

The sea and ports could also become sites of 'reform' to achieve similar ends. Patrick Finglas proposed in the 1530s that even if the king did not intend a general reformation, it was nevertheless 'meritorious to his highness' that he 'reform' Leinster, for one on side of the rebels there was County Kildare, on the other, Counties Kilkenny and Wexford, and on yet another, the sea.²¹ As another report on the state of Ireland put it, the reformation would never succeed unless that part of Leinster 'by the sea coast,

¹⁷ *SP Henry VIII*, ii, p. 100.

¹⁸ B.L., Cotton MS Titus B XI, ff 352a-352b.

¹⁹ B.L., Lansdowne MS 159/2, f. 3.

²⁰ *CSPS, 1529-1530*, vol. iv, pt. 1.

²¹ B.L., Lansdowne MS 255/39, f. 204b.

between Dublin and Waterford, next adjoining to England' be 'groundly reformed'.²² In October 1541, Cowley intimated at how English sovereignty and order encompassed both trade and the proper use of land. The galloglass, who currently lived like idle soldiers, would, he proposed, be brought to forsake their soldierly ways and be put to labour either tilling the lands, in the 'mines of the earth', or fishing, which was then dominated by 'aliens' – the Spanish, French, Bretons, Flemmings, Portuguese, and Scots – to 'their great profits'.²³

The Irish administration and the crown repeatedly sought to rein in the traitorous and felonious activities of English 'pirates' in the Irish Sea and North Atlantic, as well as both the movement of peoples between Scotland and Ulster and, after 1534, that of Lord Offaly's accomplices in rebellion. Indeed, the war in 1534-5 became an opportunity for the regime to extend its authority over the sea and coasts, and traitors, as vessels for non-Tudor allegiance and sovereignty, were at the center of the drama. Distinguishing between petty and high treason at sea remained a problem with related tensions between the discourse of treason and that of piracy, or whether a 'pirate' was a 'traitor', throughout emergently global imperial corridors as well as in England, even after the statute of 1535 and its amendment in 1536 addressed the issue by incorporating all serious offences committed on ships within the purview of treason.²⁴ Such ambiguities in Ireland were in the 1530s at least briefly resolved by the Kildare Rebellion. In November 1534, Skeffington encountered a certain 'Brode', a pirate, and put he and his nine mariners in jail, for their role in the rebellion.²⁵ Roughly a month later, John Alen informed Cromwell that Edward Fitzgerald had been taken, and that he, next to James Delahide, was 'the chief captain in this traiterie'.²⁶ Three months later, Brode – whom Alen referred to as the 'traitor's admiral' – and one Purcell, 'a great captain under this traitor', 'were arraigned in the king's bench, and attainted of high treason, and adjudged to be hanged drawn and quartered, and had execution accordingly'.²⁷

In order to more effectively quell, if not prevent, such potential sources of disorder and dissent, the regime, especially from the mid-1530s onward, paid increasing attention to which ports and havens were in whose control, and sought the means to

²² T.N.A., SP 60/11, f. 112v.

²³ *SP Henry VIII*, iii, p. 347.

²⁴ Benton, *A search for sovereignty*, p. 66, and footnote no. 85.

²⁵ *SP Henry VIII*, ii, pp 205-6.

²⁶ *SP Henry VIII*, ii, pp 225-6.

²⁷ *SP Henry VIII*, ii, p. 228.

gradually incorporate at least some of them within their orbit of influence. After the rebellion, when ‘traitors’ were still on the run, then, the pursuit continued, from Drogheda to Galway, and involved intercepting of Spanish ships harbouring traitors.²⁸ It was no surprise, then, that the commons in 1536 condemned Offaly and his supporters’ ‘false’ and ‘traitorous’ ways, referring specifically to their keeping ships at sea and telling the lord deputy and others they should not land in Ireland.²⁹ All this, too, could take distinctly post-Reformation hues: Manus O’Donnell’s request in 1537 that pope Paul III send him galleys, ships, and pinnaces of Biscay in Spain, as well as artillery and power, and had them land in a certain port, where the Ulster lord and his men would join the invading army and begin the conquest of Ireland, is a case in point.³⁰

By then, treason intersected directly with the discourse of ‘reform’: proposals for ‘the oppressing and subduing of the evil traitors and rebels’ in parts of Ireland had been submitted to Cromwell in January 1536, proposals which specifically addressed the problem of the governance of towns, ports, and havens and the need to keep watch for any invasions ‘by sea or land’.³¹ Four years later, Lord Deputy Leonard Grey and the council hoped Cromwell would convince the king to send an army ‘by sea and land for the general reformation and winning of this land to his grace’s subjection and obeisance and the utter confusion and extirpation of the said traitors’.³²

In the 1540s, concern over enemy sea-faring activities changed in the midst of new ‘international’ circumstances and reached a near fever-pitch. Lord Deputy Anthony St Leger and the council recommended in 1540 that ships of war be set upon the coasts of Scotland to prevent Scots from coming into Ireland – a concern later reiterated by the marshal of the king’s ordnance in Ireland, John Travers, in 1543.³³ Between April 1543 and May 1544, in the midst of England’s war with France, St. Leger, the Irish council, and the king repeatedly discussed maritime security and defence in light of threats from ‘outward enemies’, Henry VIII having advised his councillors to pay especial attention to the port towns and havens of the entire realm; the Dublin administration followed through with specific prescriptions involving the selling of ammunitions and ordnances to Irishmen and ‘other foreign persons’, and the identification of ‘Scot’s gallies’ and

²⁸ *SP Henry VIII*, ii, pp 316-7.

²⁹ B.L., Lansdowne MS 159/6, ff 34b, 37.

³⁰ T.N.A., SP 1/128, f. 67r.

³¹ T.N.A., SP 60/3, f. 4.

³² T.N.A., SP 60/9, f. 27r.

³³ *SP Henry VIII*, iii, p. 178.

other ships that ‘commonly lie about the north of this land’, not to mention the havens and ports the Bretons and the French regularly resorted to. For the latter, St Leger recommended sending a few vessels with ordinance into some of these havens ‘to search and see whom they shall find there’.³⁴ The problem persisted: Breton merchants robbed Walter Peppard, a farmer of the late house of St Mary beside Dublin, at sea, for which the Dublin administration petitioned Henry VIII to write to Francois I to redress such wrongs committed by his subjects.³⁵ Several months later, St. Leger again warned Henry that French ships had landed in Cork and were selling Spanish goods they had commandeered. Yet the terms by which ports could be accessed in times of peace and war were unclear, for the Frenchmen’s actions were at this point lawful: Cork had the ‘privilege of Your Highness’ to allow these ships entry into the port, ‘although it were in time of open war’. This begs the question of whether treaty arrangements governing trade between the French and the English were at stake. All the same, there were Bretons and Frenchmen in diverse coasts across the realm, ‘that do some hurt upon the sea’. And for that, once again, crown officials’ uncertainty by virtue of their patent regarding how to deal with the problems at hand became an issue – a problem particularly compounded by the fact that the English navy stationed at Lambay island could ‘not advance to do none enterprise upon the other frontiers of this your Realm’.³⁶ By 1545-6, the trouble primarily revolved around the activities of the ‘Young Gerald’ and his protectors in France and Scotland, which led the regime to take note of the ships it had at its disposal and how they could be used to combat the king’s enemies; at one point, after French and Scottish ships attacked Kinsale, the English, to obstruct French and Scottish designs, allied with Mary Queen of Scots’ northern opponent, Domnhaill Dubh, or MacDonald, Lord of the Isles of Scotland – who sought to revive the lordship of the Isles since its formal extinction in the 1490s – once the northern lord had landed in ‘his grace’s town of Knockfergus’.³⁷ St Leger and the council, indeed, identified

³⁴ *SP Henry VIII*, iii, p. 442; *SP Henry VIII*, iii, p. 432; T.N.A., SP 60/11, f. 53r; *SP Henry VIII*, iii, pp 443, 445.

³⁵ T.N.A., SP 60/11, f. 105r.

³⁶ *SP Henry VIII*, iii, pp 465-6.

³⁷ T.N.A., SP 60/12, f. 35r; T.N.A., SP 60/12, f. 37r; T.N.A., SP 60/12, f. 40r; *SP Henry VIII*, iii, p. 529. See also *SP Henry VIII*, iii, pp 501-2; *SP Henry VIII*, iii, p. 504; *SP Henry VIII*, iii p. 506; T.N.A., SP 60/12, f. 31r. For Gerald’s intrigue with the French and the prospect of French and Scottish invasions in the 1540s, see Mary Ann Lyons, *Franco-Irish relations, 1500-1610: politics, migration, and trade* (Woodbridge, 2003), pp 31-76; Vincent Carey, *Surviving the Tudors: the ‘wizard’ earl of Kildare and English rule in Ireland, 1537-1586* (Dublin, 2002), pp 46-53. See also chapter 9 below.

Knockfergus as a particularly strategic location with a serviceable citizenry ready to ‘annoy the Scotts’.³⁸

It had been in 1544, however, that the fundamental issue was expressed: if in March, the Dublin administration again warned Whitehall of persisting Breton nuisance, by April, the lord justice and council wrote to St Leger regarding pirates and Bretons along the coasts of Ireland: ‘And surely, if there be not some defence upon these seas, the Bretons will be lords between Brittany and Scotland’.³⁹ Tudor concerns over control of the seas as an issue of sovereignty could not have been put more clearly.

7.2: Legislation, faction, and war: the expanding scope of treason, 1531-9

With the regime paying close attention to the seas, coasts, and havens of Ireland, these became pivotal nodes in treason’s entanglements with the exigencies of order. Definitions of treason were accordingly transformed and expanded. Although the medieval theological roots of this process will be explored in chapter eight, for now, note that, intersecting with the newfangled governmentalization of the sea, ports, and havens, the immediate roots of treason’s growing purview were the crown’s imperial pretensions and ‘Great Matter’.

Between 1531 and 1537, treason in England and Ireland was redefined as crown and parliament adapted to the ramifications of the break with Rome and attendant interpolity re-alignments in Christendom. The resulting Henrician treason legislation was harsh and contemporaries recognised it as such: they were repealed in 1547 and 1552, ‘with contemporaries returning to the statute of 1352’ since they held their severity ‘entrapped people’.⁴⁰ Its severity owed much to innovations of the Edwardian Act of 1352, which, although narrowing and clarifying the scope of treason, nevertheless introduced a new consequential clause that led to its interpretive scope subsequently expanding anew within the registers of during the upheavals of the fifteenth century masculine-gendered corridors of authority and honour, and with important consequences for both treason’s entanglement with new-fangled forms of ‘corporate’ or abstract authority and rule, and, consequently, for how words were seen to harm the person of the king: ‘imagining and compassing the king’s death’ was now a

³⁸ T.N.A., SP 60/12, f. 46r.

³⁹ *SP Henry VIII*, iii, p. 492; T.N.A., SP 60/11, f. 123r.

⁴⁰ John Bellamy, *The Tudor law of treason* (Routledge, 1979), p. 37; G. R. Elton, *Policy and police: the enforcement of the Reformation in the age of Thomas Cromwell* (Cambridge, 1972), chap. 5.

reasonable offence, with the result that treason as a problem to be unearthed and eliminated flared evermore in times of acute crisis, in both England and Ireland.⁴¹

As the struggle against Rome deepened, Henry VIII grew dissatisfied with procedures that were overly reliant on judges who could not be trusted to agree with his definition of treason. The initiative to amend the treason law in England began in 1530-1 with drafts composed by Cromwell and Lord Chancellor Audley,⁴² and culminated in the Act of Treason of November 1534, after which series of acts in the next three years clarified its definition anew by introducing new treasonable offences (most but not all of which had medieval precedents) to undercut the lawyers' power of interpretation and better equip the king against any who obstructed the now more heavily pronounced anti-papalist bases of his authority and power.⁴³ If early in 1534, the first Act of Succession stated that slandering the king, his queen Anne Boleyn, his title, and his heirs with any act 'by print, writing, or deed' now constituted high treason, whereas mere words unaccompanied by any exterior act or deed were defined as misprision of treason, with the Act of Treason, mere spoken or written words expressing a desire to cause the king bodily harm or labelling him a heretic, schismatic, infidel, tyrant, or a usurper of the crown, were high treason; the same was reiterated in the second Act of Succession of 1537 between Henry VIII and Jane Seymour.⁴⁴ It was surely, too, with the ongoing rebellion of Thomas Fitzgerald, Lord Offaly, in mind, as Steven G. Ellis suggests, that the medieval clause reiterated in the 1531 draft – that the levying of war against the king was treason – was retained in the English Act of 1534.⁴⁵

⁴¹ E. Amanda McVitty, *Treason and masculinity in medieval England: gender, law, and political culture* (Woodbridge, 2020). In 1484 and 1496, the earl of Desmond and John de Burgh, respectively, swore allegiance to the king, declaring to side with their sovereign in all disputes involving his enemies and that in no way contrary to their 'natural duty of allegiance' could they 'support, bear, or aid, in any behalf from henceforth, any his or theirs rebels, traitors or enemies'. Moreover, both were to inform the deputy or any other councillor of all treasonous designs against the king (or, as stipulated in de Burgh's oath, his heirs). *L&P Richard III – Henry VII*, i, pp 68-69; *L&P Richard III – Henry VII*, ii, p. 326.

⁴² We should note in passing that the significance of the early drafts of 1530-31 exceeds G.R. Elton's assessment, according to whom certain articles were dropped because they either only 'tinkered with' pre-existing laws or proved impractical or unenforceable. The abandoned clause prescribing a reward to informers on matters of treason – which Elton himself noted 'virtually invited false accusations' – in fact anticipated the dynamics of power and governance that, as we saw in chapter six, would emerge in Ireland later in the decade when treason became a volatile centre of gravity around which service, truth, and crown subject-hood became the play-things of factional rivalry and diverse visions of 'reform'. Elton, *Policy and police*, pp 271-4, quote on p. 272.

⁴³ Bellamy, *The Tudor law of treason*, pp 9-11; Bellamy, *The law of treason in England in the later middle ages* (Cambridge, 1970), chap. 5; Elton, *Policy and police*, p. 274-6, 278-80. For a useful discussion of the constitutional and legal uses of the 1352 Act in the early modern period, see Orr, *Treason and the state*, chap. 1.

⁴⁴ *Statutes of the realm*, vol. 3, 28 Hen. VIII, c. 7 [Eng.]; Elton, *Policy and police*, pp 277-8, 86-7.

⁴⁵ Steven G. Ellis, 'Henry VIII, rebellion, and the rule of law', in *HJ*, 24, 3 (1981), p. 522.

A similar expansion of treason occurred in Ireland, where parliament promulgated an Act of Slander in 1537 that reiterated many of the offences outlined in the Act of Treason, and where statutes addressing a range of constitutional-legal and cultural issues similarly broadened treason's orbit. If the parliament of 1496 made it treason to incite the Irish against the lord deputy, if William Darcy's 'Ordinances and provisions for this land of Ireland' (1515) specifically identified coign and livery as a cause of the colony's decay and proposed that parliament declare the practise to be high treason, afterwards, in the parliament of 1521, arson was added to the list of treasonable offences.⁴⁶ The two Acts of Succession were passed in 1536-7, outlining the same treasonable offences and promising the same punishments as in England.⁴⁷ Clearly-defined, statutory parameters for the lawful promotion of the king's supremacy were also instituted in 1537 with the 'Act against the Bishop of Rome's power' in the guise of a new oath that could be administered to any of the king's subjects, the refusal of which was high treason.⁴⁸ And as Archbishop Browne made clear in his own declarations of his commitments and duty, one's conscience, oath, and allegiance were imbricated in the disclosure and stamping out of treason.⁴⁹

It was also between 1534 and 1537 that a most decisive development took place in Ireland: the firm and explicit identification of the disordered ruler with treason, especially Kildare as lord deputy. In a lengthy 'reform' tract from 1534, its authors laid much of the blame for the destruction of Ireland on the 'treason, rebellion, extortion, and willful war of your foresaid Earls [Desmond, Ossory, and Kildare], and other English lords'.⁵⁰ Two years later, when smoothing over persisting kinks with the attainder of Kildare, the Irish government made a significant move: the Act of Attainder of 1536 retroactively declared the earl of Kildare attainted for high treason from 8 July 1528.⁵¹ The strategy in the attainder was twofold: to link Kildare's 'false' and 'traitorous' activities with Desmond, who had 'falsely and traitorously' sought aid from

⁴⁶ Christopher Maginn, 'Continuity and change: 1470-1550', in Brendan Smith (ed.), *The Cambridge history of Ireland, vol. 1, 600-1550* (Cambridge, 2018), p. 314; HHA Cecil Papers, MS 144, fo. 15v. (The 'Ordinances and provisions for this land of Ireland', printed in Maginn and Ellis, *The Tudor discovery of Ireland*, pp. 93); Richard Bagwell, *Ireland under the Tudors, with a succinct account of the earlier history* (3 vols., London, 1885), i, p. 137.

⁴⁷ *Stat. roll. Irish. Parl.*, p. 203.

⁴⁸ James Murray, *Enforcing the English Reformation in Ireland: clerical resistance and political conflict in the diocese of Dublin, 1534-1590* (Cambridge, 2009), pp 101-13.

⁴⁹ See Archbishop of Dublin, George Browne's letter from January 1538: *S.P. Henry VIII*, ii, pp 540-1.

⁵⁰ *SP Henry VIII*, ii, p. 186.

⁵¹ The first draft of which was written in 1534 and altered the following year. See Ellis for a discussion of the evolution of the Act of Attainder, Ellis, 'Henry VIII, rebellion, and the rule of law', pp 516-22.

Francis I and the emperor to dispossess Henry and his heirs from their right to Ireland; and to make Kildare into the traitorous architect of his son, Lord Offaly's own traitorous enterprise against the crown. 'Abominable treason', 'traitorous conspiracies and offences', 'traitorous purpose', the 'false disloyal traitor' – such were the terms that peppered the attainder and its prior drafts to describe the assailants.⁵² The retroactive move, as we shall see below in section 7.5 below, and the attempt to impute Offaly's treasons to his father – 'quite apart from the fact', as Ellis notes, 'that Fitzgerald had resigned office before any overt act of treason had been committed'⁵³ – were inauspicious signs of the political-theological turmoil to come.

In the wake of such developments, the spectre of treason hovered in the air – and guilt-by-association was its name. This had immediate counterparts in both the curse against Offaly from 1534 – which damned anyone who affiliated with or harboured the assailants who had murdered the archbishop of Dublin, John Alen – and in the 'Act for marrying with Irishmen' (1537), which legislated treason into law under the purview of not only the violation of unfeigned bonds of marriage between 'English' and 'Irish' and the denizenship of the latter, but also within the ambit of association with those would-be traitors who abrogated statutory law; to associate in any way with a traitor was to become a traitor oneself.⁵⁴ Of course, the proscription of all affiliations with the king's rebels, enemies, and traitors was not a Tudor novelty, let alone something introduced by the Kildare rebellion. Yet the peculiar Henrician terms of treason by association were entangled in the Reformation, the fallout of Kildare's rebellion, and the convulsions of faction.

By 1535, the English administration was very concerned with identifying all of Offaly's supporters and connections with the Scots, French, papacy, and the emperor, with Cromwell in particular bent on discovering the scope of opposition to the king's religious legislation, intending to ask the traitorous 'tenth earl' who within Ireland had called Henry VIII a heretic.⁵⁵ The lord chancellor, John Travers, who was known to have written a tract against the royal supremacy, was executed in 1535 for his traitorous support of the revolt yet his spectre lived on: two years later, some had tried unsuccessfully to secure the resignation of Geoffrey Fyche, the dean of St Patrick's,

⁵² B.L., Lansdowne MS 159/6, ff 32-9. Wolsey's interrogation of Kildare while at court in 1529 regarding his cousin, the earl of Desmond's treasonous talks with Francis I perhaps set the stage, if only in providing a first instance in which Kildare was linked to treasonous conduct. *L&P*, iv (iii), no. 5501.

⁵³ Ellis, 'Henry VIII, rebellion, and the rule of law', p. 522.

⁵⁴ *Stat. roll. Irish. Parl.*, pp 217-20.

⁵⁵ T.N.A., SP 60/2, f. 159.

and Thomas Hassard, the prior of Christ Church, who, ‘as custodians of the see of Dublin’s spiritual jurisdiction during the Kildare revolt, as James Murray put it, ‘were deemed to have lent an unacceptably sympathetic ear to the treasonous promptings of Travers’.⁵⁶ If as early as January 1536, at least one set of proposals recommended that a parliament be called and a special inquisition set up to enquire into all who had supported and aided Offaly and his accomplices in any way,⁵⁷ even years after the revolt had been crushed, Tudor authorities were still trying to identify all in England and Ireland who had been in any way associated with Offaly or his father, either through epistolary exchanges and the offering of counsel, or, conversely, commending those who helped ‘discovering and searching out of many treasons and conspiracies there’.⁵⁸ In his protracted case against the late earl of Kildare from the second half of the 1530s, Butler client, Robert Cowley, even directly referred to the Act of Attainder and pursued the same strategy of roping the traitorous James fitz John Fitzgerald, 13th earl of Desmond *de facto*, into the fold.⁵⁹

While Kildare’s reputation as a traitor was cemented, and efforts to identify traitorous participants in the rebellion continued, faction entered the fray, and Lord Deputy Grey felt the brunt of its assault. As early as March 1536, Thomas Agard informed Cromwell that Grey had ‘taken into his service’ the brother of Parson Walsh, the man who had gone to the imperial court in Spain as the ambassador of ‘the traitor’ Thomas Fitzgerald, ‘Parson Tuite, one of the traitor’s counsellors, and James Gernon, the traitor’s purse bearer and one of the secret council with Thomas Fitsgerald’.⁶⁰ According to Lord Butler, moreover, the justice told him that Grey followed no counsel but that of ‘the traitors Gerald MacGerald, John Field, Gernon [‘Garland’] and their accomplices’.⁶¹ The lord deputy and his servants even aided Conn Bacach O’Neill, invading the Gaelic lord’s adversaries’ territories – a move made worse by the fact that the traitor Gerald Fitzgerald was in O’Neill’s country and was followed within a month

⁵⁶ Murray, *Enforcing the English Reformation in Ireland*, p. 89. On John Traver, see R. D. Edwards, ‘Venerable John Travers and the rebellion of Silken Thomas’, in *Studies: An Irish Quarterly Review*, 23, 92 (1934), pp 687-99.

⁵⁷ T.N.A. SP 60/3, f. 5.

⁵⁸ T.N.A. SP 60/11, f. 101; L.P.L., Carew MS 602, ff 137r-140v. During Lord Deputy Grey’s journey into Munster, Thomond, and Connacht, James Harrold and Bartholomew Stitch were ‘impeached for feigned treason and committed to gaol there’, although it is not known for what crime. T.N.A. SP 60/7, f. 14r.

⁵⁹ L.P.L., Carew MS 602, ff 150r-151v.

⁶⁰ T.N.A., SP 60/3, f. 42r.

⁶¹ T.N.A., SP 60/7, ff 145r-147v.

by the other traitor James Delahide and ‘and all that rabble’.⁶² Indeed, as we saw in the previous chapter, Grey’s detractors were quick to home in on any association Grey upheld with declared traitors and argued that his disorderly ways sullied the dignity and integrity of the crown and deterred men from lending the king their service. Grey’s machinations were also the means by which Brian O’Connor, the traitor and ‘scourge of the English Pale’ who was allegedly the deputy’s ‘right-hand man’ ‘re-adopted and recovered the possession of his country’.⁶³ By October 1539, Grey was allegedly not only heeding the counsel of the Geraldines; he was also entrusting men indicted of treason. The sheer folly of Grey’s lunacy was so great that even the Irish, Ossory claimed, ‘marvel why the King’s Majesty putteth such a man in so high trust’.⁶⁴

Treason, then, acquired one of the valences that would shortly make it a veritable arbiter of a new order. One’s conduct during the ‘traitorous enterprise’ of Lord Offaly had become a yardstick against which to measure their truth, service, and obedience – or in the case of the abbot of St Mary, who, fearing imminent suppression at a time when the regime preparing for the dissolution of the monasteries, pegged the very survival of his religious order on the claim that he and his fellow monks were ‘but stewards and purveyors to other men’s uses’ who had aided Dublin during Offaly’s ‘traitorous enterprise’.⁶⁵ Such terms of serviceable subject-hood were, of course, defined cross-culturally; the point will be explored further in the next chapter. For now, one example suffices: the ‘prince of Thomond’, Conor O’Brien’s justifications for his interactions with the traitor Thomas Fitzgerald in October 1535 bear witness to the economy of treason’s transcultural dimensions and the role of Offaly’s rebellion therein. Writing to Henry VIII, he explained that although he had never sent for him, he could not, once he had arrived, ‘refuse [Thomas] meat and drink, for it hath been of old custom among Irish men to give meat and drink, and such little goods as we have’. He ensured the king that he never aided Thomas against the king’s subjects and that it had not been his idea to send James Delahide to the emperor; indeed, had he returned, he affirmed he would have taken or banished him to the utmost of his power.⁶⁶ O’Connor, in other words, appealed to Gaelic honour to determine the parameters of treason and

⁶² *SP Henry VIII*, iii, p. 13.

⁶³ *SP Henry VIII*, iii, p. 38; *SP Henry VIII*, iii, p. 32.

⁶⁴ *SP Henry VIII*, iii, p. 153.

⁶⁵ *SP Henry VIII*, iii, pp 142-3. See also *SP Henry VIII*, iii, p. 32; T.N.A., SP 60/3, f. 198rv; *SP Henry VIII*, ii, p. 250.

⁶⁶ *SP Henry VIII*, ii, p. 287.

service and to place himself, or his *persona* as a serviceable crown subject, on both the side of Gaelic respectability as well as Tudor order.

By 1537, treason had become an omnipresent spectre. As accusations of treason were markedly on the rise in the prevailing climate of suspicion and surveillance, the figure at the center of it all was none other than Grey. It was alleged by Cowley and the earl of Ossory that Grey frequently defamed the Butlers and others (such as the baron of Delvin) as traitors.⁶⁷ Thomas Agard also added to the chorus in July 1538, claiming there was ‘much inventing’ against Ormond and his son, Lord James: Grey never spoke of them without adding ‘those traitors’ or ‘false traitors’ ‘which is grievous to be heard unless it can be proved’ – a difficult task, in his opinion, as difficult as turning ‘the course of the sun’.⁶⁸ In the ‘Articles of the enormities and abuses of the lord Leonard Grey’ drafted in June 1538, Grey was accused of having called those men traitors who, while accompanying the lord deputy on one of his hostings against O’Byrne, refused to cross the river with him simply from fear of drowning.⁶⁹ The councillors Brabazon, Aylmer, and Alen reiterated the point to Cromwell two months later when they informed him that, while trying to establish ‘an order’ between them, Grey and the Butlers presented books, the former accusing the latter of being traitors for their activities with the traitor O’Connor.⁷⁰ The lord deputy also allegedly called anyone who did not follow him on his journeys a traitor.⁷¹ If Grey’s suspicion of his suspected enemies seemingly reached paranoid heights, it was perhaps not entirely unfounded, however: there was after all a concerted campaign against him spearheaded by the earl of Ossory, his supporters, and several councillors, a campaign enlisting several Irish lords who aired their own grievances about the lord deputy.⁷² Occasionally, too, Grey’s accusations were, by any definition of the law, correct: he had, in mid-1538 called Ormond a traitor for refusing to make war against O’Connor, and, even more egregiously, for upholding O’Connor’s strength and supporting him while he was on the run as a traitor.⁷³ All the same, if Grey was aware of both the unity of the anti-Grey faction as well as the dynamics of power taking shape at this time and its potential for

⁶⁷ *SP Henry VIII*, iii, p. 22; *SP Henry VIII*, iii, p. 34.

⁶⁸ T.N.A., SP 60/7, f. 55v.

⁶⁹ *SP Henry VIII*, iii, p. 37.

⁷⁰ *SP Henry VIII*, iii, p. 82.

⁷¹ *SP Henry VIII*, iii, p. 94.

⁷² See chapter 4.

⁷³ *SP Henry VIII*, iii, pp 74-86.

spiralling out of control (see chapter six),⁷⁴ he nevertheless, if his detractors are to be believed, helped foster such an environment by deploying the language of treason evermore fervently.

Grey's apparent tendency to call anyone who defied him a traitor was a symptom of the modalities of delegated, prerogative power in colonial Ireland which galvanised the potentialities of treason by association. In June 1538, for instance, Grey's conduct was seriously questioned by the councillors Aylmer and Alen, who expressed their 'marvel' at the then royal commissioner Anthony St. Leger that the lord deputy would parley with James, earl of Desmond *de facto*, without knowing the king's pleasure as to how to proceed on the matter, especially given the earl showed neither 'visage or semblance of conformity' and 'would be no better than a rebel and an open traitor' if he had 'the King's Majesty dissenting'.⁷⁵

With wanton power always threatening to break out of its fragile confines, treason as an apex of transgression acquired a new polemical and rhetorical weight. Before 1540, Ossory never directly called Grey a traitor in his correspondence. The closest anyone ever came to officially calling Grey a traitor was Cowley when he informed Cromwell that Grey frequently defamed the Butlers as traitors, an accusation that will soon be answered, at which point 'the treason will be found, where it hath been always'.⁷⁶ Yet, with the congealing of the figure of Kildare with Grey as the paragon of the tyrannical and disordered ruler at James Butler's hand, that Kildare had been explicitly branded a traitor in 1536 is significant: it cast a shadow on all subsequent intimations of Grey's treasonable conduct; a spectre of treason, unnamed, but pervasive, hovering around Grey until Cromwell's downfall and the Geraldine League led the lord deputy to be harangued as a traitor, the putative head of the 'Geraldine and papistical traitorous sect'.⁷⁷

It took until 1546, for another lord deputy – St Leger – to fall prey to the monster of treason created in the 1530s. Once the tides began to turn against him (see chapter six), the once-popular lord deputy fell foul of a similar conspiracy that had

⁷⁴ Gerald Power notes, too, how, the unity of unity of the anti-Grey faction not lost on him, 'his future actions as lord deputy attest to his willingness to conciliate factions rather than coerc[e] them'. Gerald Power, *A European frontier elite: The nobility of the English Pale in Tudor Ireland, 1496-1566* (Hannover, 2011), p. 98.

⁷⁵ *SP Henry VIII*, iii, p. 47.

⁷⁶ *SP Henry VIII*, iii, p. 34.

⁷⁷ On the role of treason in the polarisation of Tudor order in Ireland around neatly delineated 'true' servants and all other dissidents, see chapter 8.

ruined his predecessor, and the spectre of treason again reared its head. Being ‘here painted with the name of a 1000 times traitor’, St Leger bemoaned in 1546, ‘it is not possible for me to serve, as my duty is to do’.⁷⁸ Shortly after, Alen ran the point home: answering against charges of misdemeanor and divisiveness levied against him by St Leger, he declared that as ‘soon as either they grow to be traitors to the King, or to use themselves to the deceit of the King, or subversion of his Realm, I could no longer bear with them’.⁷⁹

Indeed, many of the forms the economy of treason took during Grey’s deputyship persisted under St Leger. When Rory O’More, captain of Laois, lamented to the council in 1544 that St Leger had deceitfully handled him and his brother, allowing O’Connor to consolidate his territorial hold at O’More’s expense, how he opened his letter is revealing. Just like all sorts of men had done between 1536 and 1539, O’More, too, appealed to his and his father’s conduct during Offaly’s revolt to shore up their credentials: his father, Connell, was a model ‘true subject’: he submitted to the crown in the middle of the Geraldine rebellion, utterly forsook the rebels, assisted Skeffington, battled against the earls of Desmond and Thomond before they submitted, and refused, in stark contrast to St Leger’s egregious conduct, all of O’Connor’s overtures to wage war against the king and did the most damage to him. Rory also drew attention to how his troubles were caused by traitors, appealing to the terms of ‘civility’ along the way – and St Leger, again, did not come off well. His brother, Kedagh, assisted the lord deputy and council in the town of Roth, and accompanied with horses ‘having his male and English apparel behind one of his yeomen’ and, ‘being in God’s peace and your Majesty’s’, shortly afterwards journeyed to Killenure, in Co. Carlow. There, however, he was assaulted by one Donal MacCahir, ‘who was an open robber of your grace’s true subjects which he and diverse other malefactors really without any resistance murdered wilfully and traitorously’ Kedagh. What was worse was that this same Donal was ‘before and after received and victualled in your grace’s manor of Carlow’. After finding two ‘of the said traitors and murderers’ at Nass ‘your highness’s deputy put them at large without the assent of any of your majesty’s counsel’.⁸⁰ Not only did Rory illuminate St Leger’s questionable conduct towards true subjects like himself; he also

⁷⁸ *SP Henry VIII*, iii, p. 546.

⁷⁹ *SP Henry VIII*, iii, p. 573.

⁸⁰ T.N.A., SP 60/11, f. 145r.

sought to drag the lord deputy through the mud by drawing attention to his brother Robert's association with 'thieves, traitors, outlaws, and felons'.⁸¹

Just like St Leger was accused of the same kind of behaviour and associations unbefitting a true crown subject, let alone governor, he, too, moreover, just like Grey, also ostensibly dished out his own accusations of treason. St Leger's alleged plan to deal with any potential Ormond-coup was severe. According to Walter Cowley, a man named McEgowyn recounted to Ormond, his master, a purported exchange between O'Connor, the lord deputy, and his interpreter, and disclosed damning words St Leger allegedly said to O'Connor: the 'haughty, proud gentleman the earl of Ormond accuseth me for thy sake, but if thou will repair unto England thou shalt see pair of fat necks stricken off with many unto others like words which matter earl of Ormond did tell unto me'.⁸² Treason was not named, but beheading, of course, was one of its punishments. And the rhetorical and 'real' eruptions of sovereign power over life and death, therefore, were never far from the mix.

7.3: Treason and sovereign power: war and the spectacle of terror, 1534-9

War in Ireland embroiled the Pale within ever-wider arenas of power and conflict across the island. That the Pale was destabilized in the decades before 1534 was of a piece with the general instability from the 1510s onward that plagued the interlocking coterie of English-Irish and Irish lordships, an instability catalysed by the 'reformist' pangs of an interventionist crown government bent on buttressing Butler power, two initiatives that were instrumental in precipitating aggression and fervent resistance from the Gaelic midlands.⁸³

Brian O'Connor, the 'scourge of the English Pale' and a particularly troublesome lord for the colonial and crown authorities who infuriated the Irish government for most of the late-1530s, was one such lord whose embroilments with the expansionist and 'reformist' Tudor state left an indelible mark on the post-1534 developments in power and governance. A series of episodes between 1535 and 1537 involving O'Connor is illustrative of how the discourse of 'treason' could become

⁸¹ T.N.A., SP 60/11, f. 146r. For more on suspicions of Robert St Leger's impropriety, see TNA SP 60/12, f. 64v and T.N.A., SP 60/12, f. 78r.

⁸² T.N.A., SP 60/12, f. 126v.

⁸³ David Edwards, 'The escalation of violence in sixteenth-century Ireland', in David Edwards et al (eds), *Age of atrocity: violence and political conflict in early modern Ireland* (Dublin, 2007), pp 48-53; Maginn and Ellis, *The Tudor discovery of Ireland*, p. 151; Maginn, 'Civilizing' Gaelic Leinster, p. 42.

enmeshed with the latent undercurrent of supreme power that always threatened to break out. Thus, in 1535, Lord Deputy Skeffington marched into O'Connor's country to subdue the lord. In what would prove a short-lived settlement, Skeffington managed to get both O'Connor and the 'traitor' Thomas FitzGerald to submit to the crown, and Skeffington and the council crafted separate reports of the lord deputy's expedition and its results for the king. Both reports, while in agreement over basic details, represented the crown submissions, the methods by which they were attained, and how O'Connor's continued obedience was to be secured, in subtly different ways.

According to Skeffington, O'Connor,

perceiving that there no way else, but his utter destruction and banishment, came in and yielded himself unto me ... and offered to put in his pledges into my hands, to abide and perform the saying of four indifferent persons, in all thing, to the contentation and accomplishment of Your Grace's pleasure. And also the said traitor, Thomas FitzGerald, with diverse others his complices there being with him (considering that he could not be succoured further by the said O'Connor, and that his and strength was by policy allured from him) hath, in like manner, submitted and yielded himself to Your Highness's mercy and pity, without condition, either of pardon, life, lands, or goods, but only submitting him self to Your Grace; so that his desire is, now that is brought to uttermost extremity, to be conducted to Your Highness by the Lord Leonard Grey.⁸⁴

The way forward was to corner the traitors until they had absolutely no way out. Being brought thus to an 'uttermost extremity' and submitting themselves completely to the king's pity and mercy without any pardon being a precondition of the submission itself, they would desire to 'be conducted'. This is a snapshot of absolute power. In the case of O'Connor, FitzGerald, and the other traitors mentioned by Skeffington, they needed to be broken, to be left entirely at the mercy of the king, to be deprived of all other outlets for their treasonous and disordered ways, in order to then be 're-ordered' in accordance with and to the accomplishment of the king's pleasure with any sort of surety of their

⁸⁴ *SP Henry VIII*, ii, pp 273-4.

continued obedience. In other words, to ensure the trustworthiness of one's word, one had to be made entirely vulnerable to sovereign power.

Then, according to the council's letter to the king, dated three days later, O'Connor and FitzGerald were

offered to common with the Lord Leonard, me, James Butler, and me, your Chief Justice. And after communication betwixt them, the said O'Connor delivered hostages for redress of his offences, according as certain persons shall order. And the said Thomas Fitz Gerald, by such means and policies was used ... finally confessing his abominable offences toward Your Highness, yielded himself into the hands of the said Lord Leonard, and me, the said James Butler; to be ordered concerning his life, and otherwise, as should please Your Highness. According whereunto, the said Lord Leonard repaireth, at this season, to Your Majesty, for that purpose, bringing with him the same Thomas; beseeching Your Highness, most humbly, that according the comfort of our words spoken to the same Thomas to allure him to yield, you would be merciful to said Thomas, especially, concerning his life.⁸⁵

The letter, too presented the same snapshot of a rebel left completely at the mercy of the king— but with the added motion that sovereign power was counseled and humbly directed, with persuasion figuring as a central strategy in getting Fitzgerald to submit. At stake, in other words, was the possibility – although not the promise – of mercy with regards the traitor's life as part of the words of comfort used to get one to yield. It was nothing short of a window, in other words, into the practical function of the composite parts of the 'Crown' and the operationalisation of majesty and sovereign power therein.

After Offaly's revolt, if terror could become a form of exemplary punishment for the 'wild Englishmen' and 'mere Irish' who deigned relapse from their duty of allegiance (see chapters five), punishing treason, too, could become an exemplar of terror to dissuade others from non-conformity and disobedience. In his plan to establish order in Ireland, Robert Cowley informed Cromwell that such 'as war within the heart

⁸⁵ *SP Henry VIII*, ii, p. 275.

of the English Pale and wilfully did confederate with the traitor, that extremity of the King's common laws be executed against them; whereby they shall not all only have their desert, and the King also entitled to their large possessions, but shall be terror and example forever hereafter to commit like rebellion'.⁸⁶ Brabazon similarly thought all traitors who participated in the rebellion, far from being pardoned, should punitively be made example of to 'Ireland forever'.⁸⁷ In 1536, when Grey was marshal of the army, he threatened to kill every 'man woman and child' if the rebels did not answer his messengers and deliver the castle of Maynooth to the king's men.⁸⁸ Then, upon entering the castle, Grey immediately put all except a few of O'Brien's gentlemen to death; the gentlemen were brought to Dublin and executed as 'traitors attainted of high treason'. 'The dread and example', as Grey put it, 'whereof we trust shall be a mean, that few garrisons in Munster shall be kept against the King's Deputy'.⁸⁹ The lord deputy even hanged a friar in his habit in Waterford on the dubiously thin authority of his prerogative power, and in a liberty jurisdiction, no less, and was 'so to remain upon the gallows', as Archbishop Browne put it, 'for a mirror to all other his brethren to live truly'.⁹⁰ The power over life and death, it seems, was never too far: 'The Saxons', stated an entry in the *Annals of Loch Ce* for 1540, 'wherever they established their power throughout Erinn, were expelling the remainder of these orders [of Saint Francis and the Observants]; and they destroyed, especially, the monastery of Muinechan; and the guardian of the place, together with several of the friars, was beheaded by them'.⁹¹

Operationalising the metaphysics of becoming and its attendant ambiguities of 'nature' (see chapter three), the traitor could acquire near-soteriological significance as the unredeemable crown subject. In April 1536, Walter Cowley had the following to say about John of Desmond:

There can no good subject be of such presumption, as to make declaration unabashed, of the corrupt poisoned stomach, the disloyal proceedings, the crafty inobedient devises, neither of the rank treason bred and so glued to him, that the fear of God, dread, neither

⁸⁶ *SP Henry VIII*, ii, pp 322-23.

⁸⁷ *SP Henry VIII*, ii, p. 225.

⁸⁸ On the implications of such a threat for the trajectories of violence in sixteenth-century Ireland, see Edwards, 'The escalation of violence in sixteenth-century Ireland', pp 34-78.

⁸⁹ *SP Henry VIII*, ii, pp. 361-2.

⁹⁰ *SP Henry VIII*, iii, p. 114.

⁹¹ *ALC*, p. 321.

love of his Sovereign liege Lord, danger and peril of losses, can not dissolve or dissuade the same from his person, being so unnaturally congealed and gathered in him. And none other remedy or medicine can profit, help, nor cure the same, but very extremity, till such time as he be overthrown in his turn.⁹²

In August 1537, Grey and the council had advised the king never to grant O'Connor 'his desire; for we think he shall never find him true, longer than opportunity may serve him to the contrary'. An unregenerate traitor, he could never be trusted, for he would only be 'true' as long as no opportunity presented itself for him to revert to his traitorous ways.⁹³ Yet, it was four months later that 'treason' and sovereign power reached their culminative apex of sovereign violence – and again with near soteriological consequences. Cromwell advised Grey that O'Connor 'may be hanged, upon the terrible example of all such traitors' and lightly admonished the lord deputy for having given O'Connor so much leeway to commit his 'mischief', a choice that Cromwell remarks was 'neither wisdom nor good precedent'. 'Redub it, my Lord', Cromwell wrote, 'in the just punishment of his traitorous carcass, and let his treason be a warning to you, and to all that shall have to do for the King's Majesty there, never to trust traitor after, but to use them, without tract, after their demerits'.⁹⁴ The traitor had morphed into the singularly unredeemable crown subject, lost to both the crown's mercy and trust, and immune to persuasion: such was the fatal culmination, under the auspices of Henrician obedience, of the mode of government by reward and punishment explored in the previous chapter when it congealed with treason.

The Henrician economy of treason, moreover, far exceeded the island's geographical bounds – and once again, the threat of the full violence of the law was present. In April 1540, Henry VIII himself had to advise Grey and William Brereton – now lord justice in Grey's absence, who had been recalled to England – on how to handle misbehaving soldiers. Soldiers from England stationed in the marches, the king wrote, misbehaved themselves both in words and in deeds towards 'our good and loving subjects of that country' by calling them traitors or in violently stealing their commodities and goods. The king ordered his officers to issue a proclamation

⁹² *SP Henry VIII*, ii, p. 312.

⁹³ *SP Henry VIII*, ii, pp. 468-9.

⁹⁴ B.L., Add MS 4819, f. 4 (*SP Henry VIII*, ii, p. 522).

commanding on the pain of death that no man shall, in speech or action, go against any of the king's 'good subjects' born in Ireland. Brereton was to advise the council of Ireland that the proclamation be observed, with Henry VIII, again delegating his prerogative, allowing Brereton to punish all offenders at his discretion.⁹⁵ That armies looted in times of war was by no means unique to Ireland or to this period.⁹⁶ Yet, that soldiers *from England* resorted to the language of treason is indicative of the social and transregional scope the economy of treason taking shape in Ireland had. If nothing else, these further demonstrate the depth of the political theologies of law and treason in a post-royal supremacy Tudor landscape, not to mention the 'colonial' or at the very least, *different* status Ireland and its inhabitants seemed to have as a 'barbarous' land where things and people were different.

There is one other case, however, that revealed the punishing terror of a supreme power that foreclosed the possibility of redemption, but this time, with a preemptive twist. A tragic case from 1535 showcases some of the entangled webs in which treason, treachery, sovereign power, and political theology were mingled, throwing into relief the simultaneous Janus-faced nature and capaciousness of 'treason' as a political-theological category.

According to the *Annals of Ulster*, it was Offaly's 'trusted constable' who 'sold and betrayed' Maynooth to 'the Saxons'.⁹⁷ When the English entered the town, Skeffington questioned the constable who had betrayed his lord and asked what Offaly had done to him to deserve being betrayed. 'And he said that he never did anything in the world that was displeasing to him'. Skeffington was not pleased with the man's actions: as the annalists recounted, 'it was reproached to him that he did much injury to Foreigners along with the son of the Earl and the Saxons said it were fitter for him to do treachery on themselves, who gave nothing to him, than to do treachery on the son of the Earl, who gave much to him'. The constable, in other words, was reprimanded for having acted dishonourably – and unfortunately for him, it was a dishonourable act of treachery that did not accord with other, 'commendable' and oft recommended forms of Tudor deception when dealing with the Irish, but one which in this instance Skeffington decided compromised the tenets of Tudor order. The constable was 'to be put to death, on the plea that he would do more of that misdeed upon them, or on someone else'.

⁹⁵ *SP Henry VIII*, iii, p. 195.

⁹⁶ Frank Tallet, *War and society in early modern Europe* (London, 1992), chap. 5.

⁹⁷ *AU*, pp 601, 603.

Although treason is not named, the annalists described a traitor's death ('And four quarters were made of him'). The constable found himself in an impossible situation, his actions having incurred the condemnation of both crown officials and Irish alike. The annalists distinguished between licit and illicit treachery – or that which aligned with God's will and that which did not – and the crux was whether the one betrayed was a good and honourable man. In doing so, the terms of divine justice they invoked also accorded with those of the English who gave the man who betrayed the traitor Offaly, and gave possession of his city to the king's 'true subjects', a traitor's death on account that his loyalty could not be trusted. By betraying the traitor Offaly, the constable had behaved how a 'true crown subject' should by renouncing his own past treasonable conduct. Yet this past treason, in a curious twist, doubled-down on his betrayal of the arch-traitor, Offaly, to produce the ultimate liminal figure at the thresholds of the rebel, traitor, and 'true' subject, a man cast out of God's order and deserving of death for the very possibility that he may at some point betray the crown.

7.4: Power, circumstance, and the rule of law: the case of pardons, 1534-9

If the Henrician economy of treason was omnipresent, a spectre hovering about and ready to rear its face, it was nevertheless not totalising. While uttering words against the king's title or calling him a heretic was treason, and while there is evidence that the uttering of such slanderous words were reported to the administration,⁹⁸ the regime was not always able to punish such transgressions, and sometimes seemed to have turned a blind eye.⁹⁹ Definitions of treason did not escape the malleability of the moral parameters of 'office' as an elastic barometer of truth, order, and their transgressions. At times, other considerations intervened in the fray, and besides, appealing to treason was a strategy of considerable breadth.

Consider, for instance, how treason became entangled in urban-crown negotiations as an element in urban strategies to re-affirm corporate privileges and concurrent crown efforts to consolidate its rule and security. In 1539, the mayor,

⁹⁸ See William Wise's letter, for instance, in which he recounts the heinous words spoken by the burgesses of Kilkenny that the king was damned and going 'straight to hell'. The king's bearer, Maurice Daniel, the man who relayed this information back to Wise, noted that he could not 'of his bounden duty of allegiance conceal such heinous words'. T.N.A., SP 60/11, f. 123r; T.N.A., SP 60/11, f. 122r.

⁹⁹ This is what as St Leger's unpunished declarations in 1541 that the king's father had 'but a very slender title to the crown' and, as a result, had been advised to 'take the realm by conquest' would seem to indicate. T.N.A., SP 60/10, f. 106; T.N.A., SP 60/10, f. 108.

bailiffs, and commons of Limerick appealed to Cromwell to, first, have the ‘proitorious’ (traitorous) proceedings of former mayor, Edmund Sexton, examined so he could be attainted, and second, to ‘have their charters confirmed with a special clause that they may buy and sell with the said Irishmen at all times’ like in the past. They also requested to ‘have the king’s grant upon the house called the Holy Cross in Limerick’, which Sexton ‘by his crafty means surmising to have high service to the king’s highness’ instead used ‘contrarily to fortify the king’s rebels’.¹⁰⁰ As the Irish council also confirmed, they could not perform the king good service if they let the man continue to put the city in confusion.¹⁰¹

As a strategy of rule, treason was not altogether above the practical realities of power, war, and order. In the heat of Offaly’s revolt, Alen informed Cromwell that Edward Fitzgerald, son and heir to Sir John Fitzgerald, and brother to the traitor John Burnell, was in prison. The council, however, dared not arraign him for treason ‘touching the king’s person’, until the king or Cromwell commanded it, ‘for he is nigh kin to certain of the captains, which openly keep the said Burnell in their companies, daily waiting upon them’.¹⁰² The council’s fears and predicament effectively split treason internally along ordered and absolute power. While the royal pardon was excluded from the lord deputy’s powers and required a special commission to be delegated and integrated within his executive purview – such as when in 1535 Lord Deputy Skeffington was given a temporary commission to pardon certain high traitors excluding the ringleaders – execution for treason could take place in several courts, including the king’s bench, parliament, and certain palatinate jurisdictions, like the earl of Shrewsbury’s, and fell within the lord deputy’s and council’s legal powers.¹⁰³ Yet, when the council condemned a man for high treason, the supreme violence of law – juridical execution – was meted out as part of the law’s regular functioning; when the situation was more prickly, however, and the council’s authority in the name of the king ran up against the realities of power and influence that were unpropitious to the regular institutional and official operations of rule, order, and law, these latter were suspended, and the king or his secretary as sovereign were required to make the supreme decision.

Similar concerns arising out of the social ramifications and dimensions of enforcing treason laws engendered crafty – and legally suspect – manoeuvring among

¹⁰⁰ T.N.A., SP 60/8, f. 33r.

¹⁰¹ T.N.A., SP 60/8, f. 31r.

¹⁰² *SP Henry VIII*, ii, pp 228-9.

¹⁰³ Ellis, ‘Henry VIII, rebellion, and the rule of law’, pp 514, 516.

those who drafted the Act of Attainder (1536). The 1534 draft, which the crown government in England swiftly cobbled together in response to the outbreak of rebellion in the lordship, included an unprecedented clause that unnamed persons (accomplices) would be attained and that, if applied, would have committed the crown to prosecuting junior branches of the Geraldines. To circumvent the problem, the 1536 attainder, as noted earlier, retroactively declared the ninth earl attainted of high treason since 8 July 1528 and deprived his son, Lord Offaly, from the title of tenth earl that the 1534 act had given him.¹⁰⁴ Treason, in other words, had a malleable target.

At the same time, pardons complicate this picture. We observed in the last chapter how the granting of pardons as a discretionary power became embroiled in the moral-governmental rhetorical battles that revolved around the problems of order, disorder, and the paramount role of the office and person of lord deputy therein. They also, however, became an element in the Henrician economy of treason as the Kildare revolt brought to the fore debates over the benefits or harm of discretionary mercy. As Krista Kesselring has shown, mercy was central to the exercise of royal sovereignty, the negotiation of power between crown and subjects, and the expanding horizons of the state and state governance; the same prevailed in Ireland.¹⁰⁵ Mercy in Ireland, though, was problematized primarily on three fronts, or areas of contestation: first, and as just noted, the scope of the office of governor; second, as tools of negotiation, authority, and submission between the crown and any dissident; and third, in its relation to treason and the rule of law.

The use of the royal prerogative in pardons and the application of the letter of the law were very much dependent on local exigencies, namely, securing the cooperation and loyalty of the local community and cautiously avoiding the further alienation of subjects, marchers, and Irish lords. The crown's desire to pass its Reformation legislation in 1536-7 also elicited greater diligence to ensure parliamentary cooperation and attenuate potential resistance as much as possible. In the words of Ellis, 'the exercise of the royal prerogative of pardon had been determined, not by the wishes of the king, but by the growing realization among ministers and Henry himself that anything more than the execution of ringleaders would alienate the local community thereby making government in the normal manner impossible'. If approximately seventy-five men were executed for their role in the Kildare Revolt – a far more lenient

¹⁰⁴ Ellis, 'Henry VIII, rebellion, and the rule of law', pp 516-22.

¹⁰⁵ Krista Kesselring, *Mercy and authority in the Tudor state* (Cambridge, 2003).

punishment than the king initially had hoped for – it was because the king’s desire for vengeance confronted the exigencies of governance and, particularly, the need to ‘retain local support for his parliamentary programme’.¹⁰⁶

The rule of law, however, was not simply a counterpoint to the king’s ‘despotic’ use of his prerogative, as Ellis implies in his efforts to demonstrate the practical restraints on Henry VIII’s executive power in a wider Tudor context. Mercy and terror were two sides of the same coin as functionally correlate terms of royal power and might, and later sixteenth-century efforts to rein in royal executive action by requiring it to be sanctioned by parliament did not fundamentally alter this arrangement: the royal prerogative had not been entirely brought within their legal and constitutional folds and the crown’s prerogative right of pardon in particular remained wholly unchallenged.¹⁰⁷ The law, moreover, was also a weapon wielded by Henry to ‘bully his subjects’.¹⁰⁸ It is more accurate, then, to suggest that the rule of law unfolded *between* the triangulated poles of the royal pardon, the ordered execution of the law, and local exigencies; only then can we truly capture the ever-present conceptual and practical tension between ordered and prerogative princely power under God within the moral-governmental fiction of the ‘Crown’.

So, pardons. Indeed, they were very common.¹⁰⁹ First, general pardons often accompanied princely coronations, as occurred in Ireland in 1509, and again, in 1541, when, upon declaring the king’s new title in June, all prisoners jailed for debt were to be pardoned and released.¹¹⁰ Second, measures were also taken to soften the full force of the law when circumstances dictated this was the safest or more rewarding course of action – especially when the Dublin administration was in a position of vulnerability. In a report on the pacification of Ireland from early 1536, it was recommended that the king show mercy to most and execute only the chief offenders.¹¹¹ In separate letters to Cromwell and the king in early June 1536, Grey and the council beseeched the king to send a commission authorizing the lord deputy at his discretion to pardon and fine according to the degree of their offences all inhabitants of ‘these 4 shires’ who, on account of their compelled complicity with the ‘rebel and traitor’ Thomas Fitzgerald,

¹⁰⁶ Ellis, ‘Henry VIII, rebellion, and the rule of law’, pp 526-31, quote on p. 530.

¹⁰⁷ Kesselring, *Mercy and authority in the Tudor state*, p. 4; Bellamy, *The Tudor law of treason*, p. 230.

¹⁰⁸ Christopher W. Brooks, *Law, politics, and society in early modern England* (Cambridge, 2008), p. 45.

¹⁰⁹ Ellis, ‘Henry VIII, rebellion, and the rule of law’, p. 531.

¹¹⁰ T.N.A., SP 60/10, f. 102r.

¹¹¹ T.N.A., SP 60/2, ff 4r-5v. The date of January 1536 is suggested by Maginn and Ellis in *The Tudor discovery of Ireland*, p. 170.

were all ‘being indicted for high treason’, for they remained ‘in such fear, as by occasion thereof we be in doubt to trust their aides or succours, especially of the bastard Geraldines, and other marchers’. A concern for inhabiting the land should take precedent over commitments to apply the full rigour of the law.¹¹² Brabazon then suggested in September 1536 that, owing to widespread killing, burning, and the devastations of the plague, Catherlough would be uninhabitable if the laws were strictly enforced. To prevent any Irish-English alliances as a result of the general chaos, he proposed that a commission should be sent to grant pardons to those involved in the late rebellion, for fearing their lives, these men were driven to ‘combine with the Irish’.¹¹³ In April 1537, the lord deputy and council similarly advised Henry VIII that a principle barrier to the augmentation of the king’s revenues and the efficient inhabitation and manuring of Co. Kildare was, considering their complicity with the late traitors, the county’s inhabitants’ constant fear for their lives, especially since the execution of the Geraldines. Treason, in other words, hovered in the air not only as a newly expanded category of Tudor political theological government, but as a perennial haunter of the county’s inhabitants, who, becoming unsettled, roamed the country and neglected their lands – becoming, in effect, would-be ‘vagrants’ who refused to ‘inhabit and manure their lands’ as ‘civilised’ men did: a reflection, just like the predominant English view of Gaelic Ireland, of a disordered commonweal.¹¹⁴ As part of an effort to make the Henrician Reformation settlement more amenable and to secure the compliance of Palesmen,¹¹⁵ a general pardon was proclaimed on 31 July 1537 to ‘relieve the agony’ of the minds of those ‘lately seduced into rebellion by Thomas Fitzgerald’ and ‘in the hope that they will never again consent to any such detestable crime’.¹¹⁶

Of course, pardons were a weapon in the Tudor ‘reformist’ arsenal, even if their effectiveness was brought into question. As Kesselring notes, pardons in England were transactional: a display of royal power that also constituted an exchange between the crown and another party, one that was usually dependent on ‘a willingness [on the part of those seeking mercy] to affect repentance and submission’.¹¹⁷ This was true in Ireland as well, with the added difference that pardons intersected with the discourse of ‘civility’ and the constitutional peculiarities of the Irish dominion, whereby the legal

¹¹² T.N.A., SP 60/3, ff 57r-58v.

¹¹³ *L&P*, xi, no. 521.

¹¹⁴ For the letter from April 1537 and quotes, see *SP Henry VIII*, ii, pp 429-30.

¹¹⁵ Henry A. Jefferies, ‘The early Tudor Reformations in the Irish Pale’, in *JEH*, 52, 1 (2001), p. 50.

¹¹⁶ *Patent and close rolls*, no. 102, p. 35.

¹¹⁷ Kesselring, *Mercy and authority in the Tudor state*, pp 21-2, chaps. 4 and 6.

status of crown subject-hood of those seeking a royal pardon was not always clear. Pardons, polity formation, and the problem of trust-worthiness, in other words, were all linked to treason, the problem of ‘civility’, and the political-theologies of crown submission that we explored in chapters three and five – and this was especially so in times of rebellion, war, and international intrigue.

Into the 1540s and beyond, either the promise of pardons to rope disobedient subjects, rebels, and traitors back into the folds of order were offered or promised by the lord deputy and council or Whitehall, were sought by dissidents after they had, from a Tudor perspective, forgotten their duties of allegiance or caused disorder, or, from their own perspective, were appealed to in a supplicatory fashion when they became an asset in local and regional power struggles.¹¹⁸ They could also be used as a tactic to undermine transregional alliances and connections that threatened Tudor sovereignty, such as when Alen suggested in November 1538 that pardons be offered to O’Neill and O’Donnell in order to break any burgeoning alliance between them and the Scots.¹¹⁹ Indeed, as we saw in chapter five and will explore further in chapter eight, pardons had a much-contested spiritual-ecclesiastical dimension after the royal supremacy, one whose jurisdictional horizons, in revolving around the claims and counter claims to sovereignty of Henry VIII and Rome, extended far beyond Ireland, and revolved around calls to delegate the king and Cromwell’s authority in spiritual matters to counter ‘Rome-running’ and appeals to papal pardons. Not only, moreover, were truces or ‘peaces’ and oaths with Irishmen lamented as useless without hostages on account of Irish fickleness, untrustworthiness, and an eye set constantly towards self-advantage and aggrandizement. Pardons, too, were lambasted on at least analogous terms for either allowing the repeated offender to stay the course in his disorderly ways or for encouraging social inferiors of forsaking their duty-bound and official obligations and obedience. Pardons, indeed, as pivotal political-theological nodes linking rule and order, law and ‘reform’, and treason, were linked to the discourse of ‘civility’. For their offer by the administration or their requested procurement by English-Irish and Irish ‘dissidents’ operated within the spaces of subject-hood beholden to a moral-ontology of office which delimited proper from improper being and conduct and through which the

¹¹⁸ See for instance T.N.A., SP 60/1 f. 70r; T.N.A., 60/1, f. 111v; *SP Henry VIII*, ii, p. 160; *SP Henry VIII*, ii, p. 350; *SP Henry VIII*, ii, pp 468-9; *SP Henry VIII*, iii, p. 204; *SP Henry VIII*, iii, p. 217; *SP Henry VIII*, iii, pp 418-20; *SP Henry VIII*, iii, p. 439. For a case study of the O’Rourkes in Elizabethan Ireland, for instance, see Christopher Maginn, “‘Surrender and regrant’ in the historiography of sixteenth-century Ireland”, in *The Sixteenth Century Journal*, 38, 4 (2007), p. 968.

¹¹⁹ T.N.A., SP 60/7, f. 163v.

terms of Tudor order, service, and crown subject-hood, were determined. Pardons, then, as a strategy or resource of power for both the Tudor and the Irish embroiled in the promissory terms of future service and ‘true’ subject-hood, brought the polarities of ‘English’ and ‘Irish’ into clear relief just as it confounded them. The common assumption, after all, was that truces, peaces, and pardons were not always effective in making the ‘uncivil’ become ‘civil’. The challenges that pardons posed in Ireland, then, suggest that pardons were more than a two-way dialogue between rulers and rebels; they were either an object of deliberation among crown officers regarding how best to reduce Ireland to obedient ‘civility’, or an object of uncertain expectation and anxiety among crown subjects who, fearing being condemned as accomplices in Kildare’s rebellion and, therefore, fearing for their lives, remained evasive and, ironically, the very wayward subjects that were emblems of disorder.

Treason, then, was directly entangled in the promissory terms of service that pardons put into play. Sometimes, it was to indicate their failure: in such cases the ineffectiveness of pardons could be leveraged by the regime to shore up one’s traitorous disposition, as with the attainder of the earl of Kildare, which declared that, despite ‘his grace of mercy and pity remitted and pardoned the said earl of Kildare his traitorous conspiracies and offences’, he nevertheless ‘falsely and traitorously made insurrection against’ the king and his lord deputy.¹²⁰ Other times, it remained an open-ended question. The case of the aforementioned Robert Reily, an old servant of Kildare’s detained on suspicion of treason, is but one example of how pardons and the king’s mercy provided a hope of redemption for potential traitors amidst appeals to ‘civility’ and changing circumstances: Reily defected from O’Brien’s country, where he was hiding, and voluntarily surrendered himself to Dublin Castle because he ‘liked not the manners of the country there and thought it good to come into England and subject himself to the mercy of the king’s highness’.¹²¹ In another instance, St Leger had informed Cromwell in March 1538 that Sir James of Desmond promised to submit to the crown and to persuade the ‘young brarrard’ to do the same. James’s secretary then promised the council that if ‘Brarrard’ would not submit himself to ‘the king’s mercy upon his most gracious pardon’ ‘that he will cause his master [James] to proceed against him as against the king’s traitors to the best of his power’.¹²² Several months

¹²⁰ B.L., Lansdowne MS 159/7, f. 36.

¹²¹ L.P.L., Carew MS 602, f. 140v.

¹²² L.P.L., Carew MS 602, f. 107.

later, Alen recommended that pardons and letters should be sent to O'Neill – who at least one commentator in 1535 branded a traitor – and O'Donnell who sought the king's mercy. It was surely a good precedent, Alen opined, that the Irish desired the king's pardon.¹²³ A testament to the changing horizons of Tudor political theology in the post-1541 modalities of Anglo-Irish encounter and integration, by late 1542, O'Neill, now earl of Tyrone, was now participating in this Tudor 'politics of mercy', requesting that Nicholas Bagenal, a 'recent servant of the crown' who had murdered one of the king's subjects, be pardoned on account of the 'very honest and painful service' he had since done. The councillors agreed.¹²⁴

Second, while a more ambivalent attitude was occasionally expressed, such as when Grey and Brabazon informed Cromwell that they find little constancy among the Irish, although whether it was because they feared not being pardoned, they knew not,¹²⁵ calls for greater punishment in accordance with the law, too, figured prominently – and here pardons could appear as impediments to order rather than its safeguard. A concern with the counterproductive effects of pardons was marked among officials: one book on the state of Ireland from 1533 or 1534 unequivocally condemned pardons and protections as that which allowed Kildare and his ancestors to accrue so much power.¹²⁶ Another set of instructions to the king from February 1534 stated that 'till great men suffer for their offences, your subjects within your English Pale shall never live in quietness, nor stand sure of their goods and lives, as it is daily seen; and therefore let your Deputy have in commandment for to do justice upon great thieves and malefactors, and spare your pardons'.¹²⁷ Two months later, Richard Delahide noted that 'Great men are pardoned for their offences, while poor wretches not having land, goods or friends suffer the extremities of justice'. Until both 'great men will have execution as well as poor wretches', the king's subjects in the English Pale shall 'never live in quiet'.¹²⁸ By the end of 1534, indeed, councillors and others frequently counseled the king or Cromwell not to pardon Kildare, Offaly or his supporters, with Alen in

¹²³ L.P.L., Carew MS 611, f. 31; T.N.A., SP 60/7, f. 163v.

¹²⁴ *SP Henry VIII*, iii, p. 439.

¹²⁵ *L&P*, xii (i), no. 894.

¹²⁶ T.N.A., SP 60/6, ff 116r-122v.

¹²⁷ *SP Henry VIII*, ii, p. 192.

¹²⁸ T.N.A., SP 60/2, ff 29rv.

particular suggesting a general proclamation should be made to that effect, if only to deter others from joining the rebellion.¹²⁹

How the two poles of the rule of law were put into play occasionally depended not on a matter of deciding between punishment and pardon, but on timing. The Duke of Norfolk, for instance, while opining that pardoning Lord Offaly served as a terrible example, nevertheless advised to stay their execution so as to not compromise Lords Butler and Grey's word – both of whom had said Fitzgerald's life would be spared – and avoid fissuring all trust between the crown and Irish lords in a manner that would force the administration to commit to the general conquest of Ireland.¹³⁰ The Dublin administration was well aware of the fundamental ambiguity of the pardon, the expectation of which had a dual affect: either choosing to associate with the traitor Fitzgerald or withholding their service from him, since many were aware that pardons had spared the earl's life in the past.¹³¹

7.5: *Imperium*, 'civility', and the retroactive power of treason, 1540-2

Despite these ambiguities, though, one thing remains clear: it was no coincidence that Irish 'disobedience', in the wake of the Act of Kingly Title and the new constitutional concentrations of *imperium* it marked, unequivocally acquired the status of treason around this time, when, the term 'traitorous' became a post-fact designation that re-signified past Irish transgressions through the prism of post-1541 Tudor *imperium* and moral subject-hood.

There was a recent precedent to this. For the retroactive power of treason was in an important sense not only a useful juridical strategy as it had been in the Act of Attainder of 1536; it quickly became in a broader Tudor context the mirror-image of the *historical* claims to sovereignty undergirding the royal supremacy itself. It was in 1538, after all, and in the wake of a concerted campaign to search out and punish supporters of the pope in England and Ireland, that Cromwell suggested that St. Thomas Beckett, the twelfth-century archbishop of Canterbury martyred in the battle between king and

¹²⁹ T.N.A., SP 60/2, ff 81r-82v; *SP Henry VIII*, ii, p. 222; *SP Henry VIII*, ii, p. 241; *SP Henry VIII*, ii, p. 225.

¹³⁰ Ellis, 'Henry VIII, rebellion, and the rule of law', p. 523.

¹³¹ *SP Henry VIII*, ii, p. 237.

pope, should be denounced as a traitor.¹³² If Henry's decision to break from Rome amounted to efforts to reclaim an usurped English sovereignty, then the similarly historical projection of treason onto past figures who were emblematic of papal law and power was but the logical outcome of an imperial sovereignty canvassing both civil and ecclesiastical polity. The Act of Kingly Title doubled down on these dynamics. Soon after the Irish parliament had recognised and declared Henry's new title, St. Leger and the Irish council made the following recommendation to their sovereign:

We think it specially good (unless Your Majesty would make a general conquest) that Your Highness liberally grant them their lands upon honest conditions, whereby Your Majesty shall not only enforce your right, which hitherto they would not recognize, so as if they estesoons transgress, it can not be denied but Your Majesty may justly use them, as to such offenders shall appertain; but also, if they should all *relapse to their old traitorous manner* (as peradevtnure all will not), Your Highness were in no worse case, but better than you were heretofore.¹³³

Then, in his letter to Dublin Castle on 23 September 1541, Henry VIII repeatedly referred to the usurping Irish who have 'long been traitors and rebels' to the crown.¹³⁴

This was not, of course, without genealogical precedent, for, as we noted above, O'Neill and O'Connor were branded as traitors in 1535 and 1536, respectively.¹³⁵ Yet, if by 1541 these changes had a long time been in the making, the Act of Kingly Title catalysed in a new constitutional focal point the ongoing transformation of the language of treason in its application to the Irish, a language that now became embroiled in the very terms of 'honest submission' central to the programme of 'surrender and regrant' (see chapter five). A year later, treason was still read into the past, again becoming a retrospective lens through which to evaluate the past conduct of specific men – except the target now was not the strategic legal manoeuvring to attain an English-Irish

¹³² Brooks, *Law, politics, and society in early modern England*, p. 48; Peter Marshall, *Religious identities in Henry VIII's England* (Aldershot, 2006), p. 143.

¹³³ Italics my own. *SP Henry VIII*, iii, p. 309.

¹³⁴ *SP Henry III*, iii, pp 330-6.

¹³⁵ See also a letter to Norfolk in which Francis Harbart described how the traitor Cahir O'Connor 'most falsely and most traitorously disobeyed' the lord deputy and 'like a traitor' did 'leave the service of our most sovereign lord the king's highness'. T.N.A., SP 60/6, f. 15r.

magnate, but a casual comment about an Irish lord's disposition. In 1542, St Leger and the Irish council informed the king that O'Donnell sent a letter to the lord deputy, answering that 'he would not appear, nor yet conform himself to any order; obstinately affirming that he will put in no hostage for any security of the peace; but sayeth he will observe the same, till he heareth from Your Majesty'. He 'in the meantime ceaseth not to annoy Your Majesty's adherents; expecting nothing by such delays, but to win time and opportunity to accomplish his *traitorous purpose and intent after his old fashion*'.¹³⁶

Of course, the constitutional anomalies intrinsic to having Irish transgressions designated as 'traitorous' were not without counterparts in England itself. When two Spanish priests – and therefore, 'aliens' by English law – in 1541 entered England with the intention of persuading the heads of the country back into the folds of truth and were apprehended by the authorities, they were called 'like a traitorous wretch' or 'like an errand traitor'. Thomas Cranmer, archbishop of Canterbury, even threatened one of them, Pedro Ladron, the more obstinately papalist of them who believed his coming to England was a matter of divine providence, with full punishment under the law of treason.¹³⁷ All the same, if we consider such moves in Ireland alongside, first, observations and fears that the 'English' were 'becoming Irish' (chapter three), second, the process by which Grey 'became Irish' as the earl of Kildare 'born again' (chapter six), and third, Grey becoming the perceived leader of the 'Geraldine and papistical traitorous sect' (chapter eight), this was the moment when the discourse of treason unequivocally coincided with the discourse of 'civility', the 'uncivil' becoming the 'traitor'.

7.6: Conclusion

A dangerous weapon of invective, treason sank its teeth everywhere, thriving in a climate saturated by the dual poisons of suspicion and ambition. Against these, the sea as a site of hostile, piratical, and treasonable activity by the English, Irish, Scots, Bretons, and French became a renewed object of governmental thought and policy, undulatingly entering the orbit of Tudor statist power according to the vagaries of spiritual-civil reformation across Christendom, England, and its neighbours. As the

¹³⁶ Italics mine. *SP Henry VIII*, iii, p. 314.

¹³⁷ Marshall, *Religious identities in Henry VIII's England*, pp 103-4.

tensions between ‘ordered’ and ‘absolute’ law and power bubbled to the surface in the entwined webs of the governorship and treason, ‘reform’ and war, and law and pardons, the belligerent dimensions of Tudor ‘reform’ erupted, and the promise of violence swelled.

What, then, of Ireland’s place in the global histories of empire, treason, and maritime sovereignty? Lauren Benton has emphasised the importance of treason as an ambiguous strategy of empire: ‘Like political actors at home, Europeans in empire were drawing creatively on an element of European law that was both widely recognised and open to interpretation. Treason was part of an available legal repertoire. It was also a legal concept linked closely to the extension of royal authority. Not surprisingly, treason tended to surface in remote parts of empire, including and perhaps especially in upriver regions, where lines of political authority blurred, imagined fortunes and sovereign claims were at stake, and legions of new vassals exhibited uncertain political loyalties’.¹³⁸ The parallels with conditions in Ireland under Henry VIII are clear. Within this broader discussion of treason as an imperial strategy and capacious legal resource that both reflected and responded to the ambiguous legal regimes and status of subjects, vassals, and colonised peoples in larger imperial jurisdictions, Benton notes how in Ireland, ‘extending English sovereignty without even a visit to the realm by an English monarch before 1689 depended on arguments that the king’s majesty, power, and authority spread throughout his realms’.¹³⁹ As this chapter has demonstrated, more significant were the specific conditions of law, power, and governance in Ireland as simultaneously a fragmented land of Irish and English lordships connected to Continental powers in diverse ways, and a problem of English government, security, and sovereignty at a time of aristocratic dissent, ‘international intrigue’, and Reformation. In this environment, it was in the designation of Irish ‘disobedience’ as traitorous after 1541 that the parallels between the problems of allegiance, sovereignty, and law in Ireland and the ambivalent deployments of treason in juridically amorphous and uncertain territories and enclaves of empire were most acute.

Treason in Ireland was, in other words, intractably related to the latter’s position as an island and English ‘imperial’ ‘problem of government’ in the early Reformations, and such a framing, indeed, allows us to better grasp the ambiguities of early English imperial power, at ‘home’ and ‘abroad’. For the Tudor discourse of treason drew on

¹³⁸ Benton, *A search for sovereignty*, pp 67-8.

¹³⁹ Benton, *A search for sovereignty*, p. 64.

older English and Irish traditions and events while developing both similarly and differentially in Ireland and England, which, of course, was also an island concerned with inland invasions spearheaded by the French, Spanish, or Rome. Perhaps most importantly, by foregrounding a different genealogical ‘route’ for the formation of English empire via the discourse of treason vis-à-vis Ireland,¹⁴⁰ and by explicitly exploring these issues against the broader problem of global imperial rule in the early modern world, it also further contextualises Ireland’s anomalous constitutional status as at once a lordship, a colony, and after 1541, a kingdom.

As an island that was increasingly seen to pose a threat to Tudor sovereignty, the vagaries of Tudor ‘reform’ and the consolidation of crown authority across land and sea, ports and havens, constituted, in their intersections with the expanding scope of treason in all its ambiguities and deployments, the highly charged environment where accusations of misconduct were ubiquitous, the rhetoric of office, rulership, and subject-hood were weaponised, and the fundamental structures of monarchical and colonial sovereignty and order were re-problematized. It was in this volatile quagmire of interconnected convulsions that the stakes of ‘reform’ and survival were recharged. In its wake, and in an early, island-bound reflection of what would in the future become a cornerstone of global imperial ‘negotiations’ of law and sovereignty, a new ‘political theology of treason emerged. The rule of law remained elastic, beholden to the exigencies of circumstance and to the whim of different Tudor officials whose attitudes towards mercy, pardons, and punishment differed dramatically. But treason nevertheless became an arbiter in the negotiation of Christian crown subject-hood, in the determination of who was a true subject and who was not, and under what circumstances and how they were to be branded so.

Of course, the delineation of ‘true crown subjects’ from their dissident counterparts occurred, not only within the folds of treason, but in the forum of spiritual-civil entanglements of ‘English’ and ‘Irish’ worlds. It was the political-theological fault-lines engendered by the local, regional, and transregional horizons of life and governance prevailing in Ireland as its place within Christendom’s convulsed interpolity order that dramatically redefined, against an index of treason, the terms of Tudor allegiance, obedience, and service. Coalescing with the ramifications of magnate

¹⁴⁰ For alternative accounts of the origins of English imperial ideology, see David Armitage, *The ideological origins of the British empire* (Cambridge, 2000); John Patrick Montaña, *The roots of English colonialism in Ireland* (Cambridge and New York, 2011).

rivalry, Reformation, and the Kildare revolt, the result was the polarisation of Tudor political theology and its imperatives around ever-more rigid polarities delineating the papist, Geraldine, rebel, and traitor from the true, obedient, Christian subject.

Chapter 8:

The Henrician economy of treason II: spiritual and civil (dis)order and the polarisation of Tudor political theology

While the polarisation of the Elizabethan years is a well-attested development among historians of Tudor Ireland,¹ Henrician polarisation has received little if any attention. As we noted in chapter five when discussing the problem of dissimulation, treason coalesced with the stark delineation of ‘true subject’ from dissidents and ‘devilish’ figures and conduct of all kinds – and it did so within the broader parameters of the political theology of difference and Anglo-Irish encounter. Although the connection between treason and dissimulation on both sides of the Irish Sea was clear, the shape it acquired in England and Ireland differed.² There, the bogeymen of Henrician order in England’s westerly neighbour entered the fray: the friars and the Geraldines. As the archbishop of Dublin, George Browne, reported to Thomas Cromwell, the country had never been in such disorder as it was currently, despite what Lord Deputy Leonard Grey had said: indeed, the latter’s letters probably contained nothing else but ‘cloaked dissimulation’, that ‘very old practise of the Geraldines’,³ which, by 1540, was a catch-all designation for ‘papistical traitors’, the worst of which were those dissembling devils, the friars.

How, then, and against the expanding scope of treason explored in chapter seven and the anxieties generated over growing concerns with the possible gap between inner conviction and outward conduct examined in chapter five, did the friars, Lord Deputy Grey, and the Geraldines become rhetorical playthings of a polarising Tudor political theology? Historians have long noted the instrumental role of the friars in securing the Catholicism of the faithful and obstructing the regime’s effort to enforce the royal

¹ See the Conclusion to this study for references to and engagement with this literature.

² William Tyndale, for instance, charged that ‘Their [the papistical clerical establishment] treason is so secret that the world cannot perceive it. They dissimule [conceal what is] those things which they are only cause of, and simule [feign what is not] discord among themselves when they are most agreed’. Henry Walter (ed.), *Doctrinal treatises and introductions to different portions of the Holy Scriptures* (2 vols., Cambridge, 1848), i, pp 340-1. Similarly, in the *Bishop’s Book* of 1537, we read that the pope obtained – usurped – most of his power ‘by marvellous subtility and craft, and especially by colluding with great kings and princes; sometime training them into his devotion by pretence and colour of holiness and sanctimony, and sometime constraining them by force and tyranny’. Charles Lloyd (ed.), *Formularies of faith, put forth by authority during the reign of Henry VIII* (London, 1825), p. 117.

³ *SP Henry VIII*, iii, pp 208-9.

supremacy and alter the doctrinal and devotional fabrics of life across the island.⁴ Aside from passing references to their early resistance to Henry VIII's policies, however, their precise place in the *languages* of Tudor order, rule, and legitimacy has not been sufficiently appreciated. Nor, conversely, have historians appraised the 'figure' of the 'Geraldine' as a distinctly post-Reformation political-theological and moral-governmental emblem of (dis)order between embattled Tudor, Irish, and papal sovereignties.⁵ A re-evaluation of their roles and discursive status can, accordingly, cast the history of the Reformations in England and Ireland and their shared political-theological fulcrums of order, contestation, and power in a decisively new light, one that attests to distinctly Henrician dynamics of polarisation.

Historians have teased out the binary world-view of Henrician and Edwardian evangelicals, divided as it was between the stark polarities of true and false religion and churches, light and darkness, Christ and Antichrist, truth and delusion, spirit and flesh.⁶ If such theological polarisation involved re-arranging 'world' and 'spirit' along nascently confessional lines, however, these were not the only axes along which their status and boundaries could be reconceived. Alongside dislocations in governance and the weaponization of rhetorics of (dis)order and factional strife, the possibility of sharpening definitions of conformity in stark contrast to its now vividly visible opposite, treason, was in Ireland one of the effects of Offaly's revolt in tandem with the Henrician doctrine of obedience and efforts to enforce the Reformation, and it mirrored Ireland's changing place in Christendom's dynastic, imperial, and Reformation interpolity order. The decisive effect in the final decade of Henry VIII's reign was that what was once diffusedly only gestured at culminated in a series of inter-related polarities of Tudor political-theological order, polarities that crystallised in their binary opposition. Henrician political-theological polemics on the friars and the Geraldines, then, created the paradigmatic kernels of a more robustly delineated, emergently

⁴ R. D. Edwards, *Church and state in Tudor Ireland: a history of the penal laws against Irish Catholics, 1534-1603* (Dublin, 1935); Brendan Bradshaw, 'The Reformation in the cities: Cork, Limerick and Galway, 1534-1603', in John Bradley (ed.), *Settlement and society in medieval Ireland: studies presented to Francis Xavier Martin, O.S.A* (Kilkenny, 1988), pp 445-76; Bradshaw, 'The English Reformation and identity formation in Ireland and Wales', in Brendan Bradshaw and Peter Roberts (eds), *British consciousness and identity: the making of Britain, 1533-1707* (Cambridge 1998), pp. 43-111; Henry A. Jefferies, *The church and the Tudor reformations in Ireland* (Dublin and Oregon, 2010).

⁵ For the most recent assessment of the Geraldines, see Peter Crooks and Sean Duffy (eds), *The Geraldines and medieval Ireland: the making of a myth* (Dublin, 2016).

⁶ Catharine Davies, *A religion of the Word: the defence of the reformation in the reign of Edward VI* (Manchester and New York, 2002), chap. 1; Karl Gunther, *Reformation unbound: Protestant visions of reform in England, 1525-1590* (Cambridge, 2014), chap. 2.

confessional battleground that would only fully emerge in subsequent decades. It was a political-theological dispensation at the centre of which lay the friars, the Geraldines, and Lord Deputy Grey, a man with many faces at the thresholds of ‘English’ and ‘Irish’ spiritual and civil worlds: the iconoclast and direct representative of the crown in Ireland, the heretical defamer of all that was holy, and the imputed leader of ‘papists’ and the Geraldines – a man, in short, whose ‘papistical’ and ‘heretical’ spectres both bridged and divided ‘Irish’ and ‘English’ worlds.

Indeed, bridging the worlds of ‘Gaelic’ and ‘English’ Ireland were zones of common or analogously translatable horizons of thought, life, and practise that accommodated both difference, sameness, and the potential for further convergence as well as widening of divergence.⁷ Contact between similar, shared, but never quite the same life-worlds meant that how power was channelled, harnessed, or delegated was a problem common to all who inhabited Ireland. It also meant that the channels by which sovereigns proliferated and the Henrician economy of treason polarised Tudor political theology had diverse roots, from the quasi-conflation of treason and heresy over the previous century, to pre- and post-Reformation worlds of prophecy and the spiritual-civil and ecclesiastical worlds of English and Gaelic Ireland. The activities and discursive status of the ‘friars’ and ‘Geraldines’ in Tudor political theology, then, played off other important ‘contexts’ of polarisation – namely, the transregional culture of prophecy, the problem of spiritual, ecclesiastical, and civil jurisdiction and warfare, and disputed the political theologies of holiness. All proved instrumental in redefining the imperatives of Tudor rule and order. Through such entangled spiritual and civil worlds not only the seeds of polarisation, but its expression, found place.

8.1: Treason and heresy, 1400-1530

To understand treason’s newfound political-theological status in Ireland in the 1530s and 1540s, we must first set it against deeper developments rooted in fifteenth-century

⁷ Brendan Kane, *The politics of honour in Britain and Ireland, 1541-1641* (Cambridge, 2009); idem, ‘From Irish Eineach to British honor? Noble honor and high politics in Early Modern Ireland, 1500-1650’, in *History Compass*, 7, 2 (2009), pp 414-30; idem, ‘Making the Irish European: Gaelic honor politics and its continental contexts’, in *Renaissance Quarterly*, 61 (2008), pp 1139–66. See also David Edwards, ‘Collaboration without Anglicization: the MacGiollapadraig lordship and Tudor reform’, in Patrick J. Duffy, David Edwards and Elizabeth FitzPatrick (eds), *Gaelic Ireland, c.1250–c.1650: Land, Lordship and Settlement* (Dublin, 2001), pp 77–97; Sparky Booker, *Cultural exchange and identity in late medieval Ireland: the English and the Irish of the four obedient shires* (Cambridge, 2018).

struggles against heresy in England. Parliament first legislated against heresy with *De haeretico comburendo* (1401), which explicitly identified parliamentary intervention in the doctrinal affairs of the church as the outcome of episcopal supplication to have parliament remedy the spiritual power's diocesan limitations.⁸ The 1401 Act was followed in 1414 with an 'Act for the suppression of heresy' which formally made heresy a violation of English common law and a treasonable offence.⁹ Common law jurists were now to assist the church in eliminating heresy. While 'treason' and 'heresy' were, in the 1414 Act, brought into closer proximity, they nevertheless constituted offences of a different order, one against king and the other against God,¹⁰ although it was not long before even that distinction disappeared: as Ian Forrest remarks, in late medieval England, 'Heresy's relationship to treason lay in their both being based on harm done to the "majesty" of authority', so that, as 'treason against God', heresy was also a 'slander to the church'.¹¹

While *De haeretico comburendo* was repealed in 1533, the act of 1414 was re-affirmed to further limit the authority of the episcopacy against a crown working out new kinds of spiritual authority and power. By this point, and just as the charge of *praemunire* – adhering to a foreign jurisdiction to the detriment of the king's majesty – became a treasonable offence,¹² the conflation of heresy and treason had become embroiled in early Reformation polemics in England. In *A supplication of souls* (1529), Thomas More likened those he disparaged as 'Lutherans' to the heretical precursors in the reign of Henry V, whom had, after living in secrecy, finally openly assembled and conspired to destroy the king, the nobles, and the realm, to which Henry, 'that good Catholic king', defied their 'traitorous malice' and hanged and burned them for 'their traitorous heresies'.¹³ The work in question was a defence of purgatory and the Roman church against its most recent detractor in England, Simon Fish, whose *A supplication of beggars* (1528) More derided as a 'heinous treason to God and the world disclosed and declared by us'.¹⁴ In the same year, in *The obedience of a Christian man*, Tyndale

⁸ 2 Hen. IV, c. 15 [Eng.]

⁹ 2 Hen. V St. 1, c. 7 [Eng].

¹⁰ As the Act stipulates, 'heretics to God, enemies to the crown, and traitors to the kingdom', those who remain obstinate in their heresy or who relapse after being pardoned 'should first be hanged for treason against the king, and then burned for heresy against God'.

¹¹ Ian Forrest, *The detection of heresy in late medieval England* (Oxford, 2005), p. 151.

¹² Alan Orr, *Treason and the state: law, politics, and ideology in the English civil war* (Cambridge, 2002), pp 21-2.

¹³ Frank Manley (ed.), *The complete works of St. Thomas More* (vol. vii, Yale, 1990), p. 143.

¹⁴ More, *A supplication of souls*, p. 113.

indexed treason not to heresy but to antichrist and their primary embodiments: the pope and the prelacy. Yet it offended not simply the ruler or God, but everyone and the whole world: ‘Traitors they are to all creatures’, Tyndale wrote.¹⁵ They respected neither God’s word or laws, nor those of the king, and sought to retain their devilish power over the people with their ‘conspiration and secret treason against the whole world’.¹⁶ The *Bishop’s Book* of 1537 similarly adopted such language: all who came Christ with a disjointed heart and mouth, ‘commit so high offence and treason to God, that there can be no greater’, for they came to him as Judas, the ‘traitor’ and ‘deadly enemy’.¹⁷ Finally, Richard Smith, in two short tracts from 1540, spoke of being a ‘traitor to his prince, and to God an heretic’ although he conflated the two in the specific transgression of loving none but ‘papists’, which he deemed treason to both God and king.¹⁸

By the reign of Henry VIII, then, treason now compassed God and king, heresy and obedience, and as such, possessed both temporal and spiritual, and civil and ecclesiastical, dimensions. Although charges of heresy by crown officers in Henrician Ireland were few and far between,¹⁹ the salient point here is the renewed ‘spiritualisation’ of treason. Such was the incubating ground in which the polarisation of Tudor political theology found a most propitious catalytic soil – and having near pride of place in this edifice, was prophecy.

8.2: Prophecy and *imperium*, 1515-1539

A site of Christian sovereignty and temporality, prophecy wove together the threads of historical imaginary, power, and expectation. If treason was an effect and manifestation of the dynamics of prophecy and contested *imperium* before and after the Reformation, the world of prophecy throws into relief the sea-shift in the terms of order, sovereignty, and subject-hood that took place in the midst of the polarisation of Tudor political theology, not to mention the existence of a wider ‘British’ and Irish culture of prophecy,

¹⁵ *Doctrinal treatises*, p. 235.

¹⁶ This also appears to be an early iteration of the discourse of priest-craft. *Doctrinal treatises*, pp 243, 281.

¹⁷ *Formularies of faith*, pp 134, 181.

¹⁸ Richard Smith, *A little treatise against seditious persons* (London, 1540), sig. Ai; Richard Smith, *A treatise declaring the despite of a secret seditious person that dareth not show him self* (London, 1540), sig. Ai.

¹⁹ See chapter 5, section 5.3.

containing both loyalist and treasonous valances, that foreground the fundamentally unstable and uncertain locus of Irish sovereignty.

Tales of messianic figures returning to establish a form of ‘universal’ rule over Ireland and ‘Britain’ were prominent in this period, as were the broader expectations common to Christendom of the triumph of Christ or the Universal Monarch – or Last Emperor – at the End of Days, that these channelled.²⁰ In this context, Ireland was a crucial fixture in the prophetic edifice of Henrician sovereignty. Yet, if historians have extensively discussed how understandings of history and the passage of time inflected English and English-Irish governmental thinking about Ireland,²¹ historians of Henrician Ireland have woefully neglected prophecy – an unfortunate neglect, considering ‘Henry’s interests in the French throne, in the conquest of Ireland, and ultimately in crusading’, as Tim Thornton has observed, ‘sprang from his belief in prophecy and his own destiny’.²²

Our story begins with a source much familiar to historians, although the intriguing passages spelled out here has received very little if any attention. In the final paragraph of the ‘State of Ireland’ (1515), the anonymous author appealed to prophecy to signal not only the necessity of bringing the Englishry to order as a prelude to subduing the island as a whole, but also the providential, even messianic, prefiguration of the English conquest of Ireland. The author’s eyes were set on a ‘pan-British’ sovereignty, where the fates of Ireland, Scotland, and England were tied and where English claims over Ireland corresponded with similar claims over Scotland: subduing the Irish and English of Ireland was seen as the best means of dissuading nobles in England from rebelling as well as of finally subjecting the Scots to the English crown.²³ Yet the geographical scope was far broader, and here the full force of messianic *imperium* came through. As the author wrote, Pander

²⁰ On a study of these themes that covers the thirteenth to the seventeenth centuries, see the section ‘Antichrist and Last World Emperor’ in Marjorie Reeves, *The influence of prophecy in the later middle ages: a study of Joachimism* (Oxford, 1969), pp 295-392.

²¹ On the historical thought underpinning English-Irish colonial consciousness, see Christopher Maginn and Steven G. Ellis, *The Tudor discovery of Ireland* (Dublin, 2015), p. 121; Ciaran Brady and James Murray, ‘Sir Henry Sidney and the Reformation in Ireland’, in Elizabethanne Boran and C. Gribben (eds), *Enforcing Reformation in Ireland and Scotland, 1550-1700* (Aldershot, 2006), pp 14-39; James Murray, *Enforcing the English Reformation in Ireland: Clerical resistance and political conflict in the diocese of Dublin, 1534-1590* (Cambridge and New York, 2009), pp 36-7, 80; Valerie McGowan-Doyle, *The Book of Howth: the Elizabethan re-Conquest of Ireland and the Old English* (Cork, 2011); Nicholas Canny, ‘Identity formation in Ireland: the emergence of the Anglo-Irish’, in Nicholas Canny and Anthony Pagden (eds), *Colonial identity in the Atlantic world, 1500-1800* (Princeton, 1989), pp 159-212.

²² Tim Thornton, *Prophecy, politics, and the people in early modern England* (Woodbridge, 2006), p. 17.

²³ *SP Henry VIII*, ii, p. 28

sayeth plainly, that the prophecy is, that the King of England shall put this land in such order, that all the wars of the land, whereof groweth all the vices of the same, shall cease for ever; and after that, God shall give such grace and fortune to the same King, that he shall, with the army of England and of Ireland, subdue the realm of France to his obeisance for ever, and shall rescue the Greeks, and recover the great city of Constantinople, and shall vanquish the Turkes, and win the Holy Cross, and the Holy Land, and shall die Emperor of Rome, and eternal bliss shall be his end.²⁴

The authors' appeal was of a piece with the Tudor culture of prophecy he was embedded in, which, by the 1520s and 1530s, was being partially re-signified as the regime laboured to synthesise older prophecies into, as Alistair Fox put it, 'one grand design having contemporary national and international relevance'. What emerged, just like in the 'State', was an identification of Henry VIII with the 'young king' that, by conquering Rome, would 'secure a universal peace and conduct a crusade to the Holy Land' to vanquish the Turk.²⁵ It was also believed – and again, just as in 'the State' – that the man destined to be the world's Last Emperor would first reclaim control of Britain and Ireland and then proceed with the successful conquest of France.²⁶ Thus, the Pale 'reformer' broached the reformation of Ireland within a prophetic, providential, even Eurasian, framework that appealed to old and new spiritual-political currents of messianic kingship or Universal Monarchy that pervaded the early modern world.²⁷ For these currents animated a diverse array of millenarian and imperial 'politics of religion' from the Safavid world of Shah Tahmasb, the Ottoman world of Suleiman the Magnificent, to the Habsburg one of Charles V.²⁸ Under the author's pen, these currents

²⁴ *SP Henry VIII*, ii, pp 30-1.

²⁵ Alistair Fox and John Guy, *Reassessing the Henrician age: humanism, politics and reform, 1500-1550* (Oxford, 1986), pp 81-92.

²⁶ Thornton, *Prophecy, politics, and the people in early modern England*, p. 17.

²⁷ Sanjay Subrahmanyam, 'Connected Histories: Notes Towards a Reconfiguration of Early Modern Eurasia', *Modern Asian Studies*, 31, 3 (1997), pp. 735-63

²⁸ If Suleiman the Magnificent claimed the mantle of Universal Monarch in the Ottoman world, in sixteenth-century Christendom, it was Spain that, in the words of Anthony Pagden, 'seemed to be bent upon fulfilling the final prophetic translation *imperii* of the Book of Daniel'. Anthony Pagden, *Lords of all the world: ideologies of empire in Spain, France, and England, 1500-1800* (Yale, 1996), p. 42; Kathryn Babayan, *Mystics, monarchs, and messiahs: cultural landscapes of early modern Iran* (Cambridge, Mass., 2002), pp. 295-308. See also Frances A. Yates, *Astraea: the imperial theme in the*

were embodied in the person of the King of England, who would become Emperor of the World and vanquish the great enemies of the faith. The land of Ireland, once ordered by the prophetic king who fulfilled God's design, would become 'none other but a very Paradise'.²⁹ From the birth-pangs of Anglo-Irish 'reform', Ireland was already cast in broad geographical and prophetic context, its 'reform' by England's messianic king coinciding with that same king's providential defeat of contemporary Christendom's paramount enemy of the faith: 'the Turk'.

If Ireland was integrated within an expansive landscape of prophecy, it was in the late 1520s that treason intersected with the world of prophecy. On 28 April 1529, ambassador Gonzalo Fernandez reported to his master Charles V on his meeting with James Fitzgerald, the 10th earl of Desmond who, in his discontent with Tudor rule, had appealed to the emperor for aid. According to Fernandez, the earl stated that the Emperor 'was placed in the world to prevent one prince from injuring another' and Desmond thus 'desired to consult how he might do his Majesty service in these countries' against the king of England, the lord deputy, Piers Butler, and the king's cities in Ireland 'and began to tell me about his lineage, and the enmity his ancestors had born to England, and the cause of it'. Desmond relayed to Fernandez the old prophecy, 'believed by the English and contained in their old chronicles', that an earl of Desmond would conquer England. Desmond considered this the reason why his grandfather, Thomas Fitzgerald, 8th earl of Desmond, had been beheaded despite no crime having been 'alleged against him'.³⁰

Several years later, it was the Pale 'reformer' Patrick Finglas who invoked prophecy, this time of Irish provenance, in his 'A breviat for the getting of Ireland and the decay of the same' (1534-5). 'Saints', he wrote,

that is to say, saint Patrick, saint Columba, saint Braghan, and saint
Molyne which many hundredth years ago made prophecy that
Englishmen should have conquered Ireland, said that the said

sixteenth century (London and Boston, 1975) and John M. Headley, *Church, empire and world: the quest for universal order* (Ashgate, 1997), pp 15-33.

²⁹ *SP Henry VIII*, ii, p. 31.

³⁰ *L&P*, iv (iii), no. 5501. Fitzgerald had in fact been attainted for treason for allying with Irish rebels. Anthony M. McCormack, *The earldom of Desmond, 1463-1583: the decline and crisis of a feudal lordship* (Dublin, 2005), p. 60. Perhaps this also relates to another prophecy in England foretelling the advent of a bastard from the west who would unite Britain, 'hold a grand parliament, unite his foes, and die in the holy land'. Fox and Guy, *Reassessing the Henrician age*, p. 82.

Englishmen should keep the land in prosperity as long as they should keep their own laws and as soon as they should leave their own law and fall to Irish order, then they should decay, the experience whereof is proved true. Therefore whensoever our sovereign lord shall extend the reformation of Ireland he must reduce the lords and gentlemen of this land which be of English nation to due obedience of his grace's laws which is very hard to do unless the king with an army repress Irishmen upon the borders to tribute in a good conformity.³¹

That Finglas considered it compelling to include an ancient Irish prophecy diagnosing the conditions for the English colony's decay in a proposal to convince the king of the need to proceed with the reformation of Ireland is revealing of the solemn weight he believed it carried in swaying the king; his father, after all, had harnessed his Welsh and British ancestry to cast himself as the fulfiller of a prophetic mission to quell the 'savagery' of the 'Saxons' and restore order.³²

Prophecies threatening the stability and sovereignty of the Tudor dynasty, and which involved not only Scotland, Wales, England, and Ireland, but also France and the Holy Roman Empire, had enormous appeal in the 1530s; they were, accordingly, a source of major concern for Henry VIII and Thomas Cromwell, who devoted much energy to investigating and suppressing all cases of prophesying. We enter, here, into the nascently 'British' Reformation world of prophecy, whose iterations now intersected directly with the changing contours of treason and which threatened not only Tudor sovereignty but the burgeoning Reformation. Rumours spread of imperial (signified by the Eagle coming to claim the Tudor throne) and Franco-Scottish invasions, especially in the late 1530s, just as rumours that Henry was dead, that further taxes would be levied, and more religious houses suppressed, abounded.³³ A vicar from Middlesex, John Hale, loathed Henry as 'the most curelest, capital heretic, defacer, and traitor under foot of Christ and of his church' who deserved death. More seriously, he predicted that the Welsh 'will join and take part with the Irish, and so invade our realm' – a prospect he welcomed, for he added that if they did, 'they shall have aid and

³¹ T.N.A., SP 60/2, ff 17r-26v.

³² Thornton, *Prophecy, politics, and the people in early modern England*, pp 15, 18-22; G. R. Elton, *Policy and police: the enforcement of the Reformation in the age of Thomas Cromwell* (Cambridge, 1972), pp 49-62.

³³ Elton, *Policy and police*, chap. 2, p. 61; Sharon L. Jansen, *Political protest and prophecy under Henry VIII* (Woodbridge, 1991), pp 1-2.

strength enough in England, for this is truth, three parts of England is against the King'.³⁴ Several years earlier, in 1531, and two years before the affair involving the 'Holy Maiden of Kent' who prophesied Henry's death if he continued his current policies, the Welsh rebel Rhys ap Gryffydd was executed for treason following his rebellion, one of the motivations for which, he claimed, was the prophecy that the Scottish King, James V, 'with the red hand [Ulster?] and the ravens' would conquer England.³⁵ Indeed, as Peter Marshall observes, his cousin, James ap Gruffydd's activities and exile, not to mention the hopes and anxieties they provoked among both supporters and opponents of the Tudor regime, were 'integral to the strategic thinking of both opponents and supporters of the Tudor regime, and was also inextricably linked to the circumstances of Ireland and Scotland'.³⁶

Ireland was then central to not only how Tudor sovereignty was imagined, but, as a potential threat to its integrity, also to how it would be imposed and secured. In the wake of the Kildare rebellion in 1534-5, the Pilgrimage of Grace in 1536-7, and the 'Geraldine League's' military campaigns and intrigue with the Scottish king, the Habsburg emperor, and Rome in 1539-40, prophecies from Ireland were a potential source of danger and instability for the crown across its dominions.³⁷ In the articles ministered to commissioners and councillors in March 1538 concerning commissioner George Paulet's alleged slander against Cromwell, the eighth article pertained to another bird auguring troubled times to come for the crown. This time, however, it was not the imperial eagle nor the aristocratic raven, but the pelican, this symbol of Christ who gave life to its offspring by feeding them its own blood: Cromwell sent a Welshman to St. Patrick's Purgatory to investigate a prophecy that a pelican should come out of Ireland into England and do marvellous things'.³⁸ A year later, vice-treasurer William Brabazon informed Cromwell that he kept secret a prophecy brought in from the north of England by the bishop of Meath, Edward Staples' chaplain, on account of its potentially fiery content, hostile as it was to both the chief secretary and

³⁴ Peter Marshall, *Heretics and believers: the English Reformations* (Yale, 2018), p. 213.

³⁵ Thornton, *Prophecy, politics, and the people in early modern England*, pp 22-3.

³⁶ Peter Marshall, "'The Greatest Man in Wales": James ap Gruffydd ap Hywel and the international opposition to Henry VIII', *The Sixteenth Century Journal*, 39, 3 (2008), p. 704.

³⁷ Mary Anne Lyons, *Franco-Irish relations, 1500-1610: politics, migration, and trade* (Suffolk and New York, 2003), p. 39. For a recent account of the Pilgrimage of Grace, see Ethan Shagan, *Popular politics and the English Reformation* (Cambridge, 2003), chap. 3.

³⁸ *SP Henry VIII*, ii, p. 554; T.N.A., SP 60/6, f. 46.

the king. With the regime already troubled by the threat posed by the ‘Geraldine League’, Brabazon thought it wise not to take the risk.³⁹

Around the same time, there was talk in England of two other prophecies involving Ireland. The first, investigated by Cromwell, involved the young prince Edward, whom the prophecy foretold would succeed his father but be a great murderer who would conquer Ireland, beginning with sending two armies of ten thousand men into the lands of O’Brien and O’Donnell.⁴⁰ The second, which identified 1534 as the beginning of the end of the days, was an adaptation of the fourteenth-century prophecies of John of Bassigny.⁴¹ God was to wreak havoc on all Christians: Turks were to invade Christendom, dissension between the crowns of Castile and Aragon would flare, Rome would be sacked, no ‘man shall keep his faith truly and justly but rather one man deceive another traitorously and maliciously and the commonweal shall be laid down’. Then, ‘Irishmen and Scottishmen shall invade Great Britain [Grett Bretten] and much destroy and waste, in the help of whom shall come a young king or a young man which hath be long captive the which shall recover the crown of the lily and shall bear rule through the world and he shall be rooted and grounded and he shall destroy the children of Brute [the English]’.⁴² It is not clear whether the prophesied Universal Ruler would emerge from among the Irish or Scots, but, the threats from the North and the West, as far as England’s fate in the millenarian dispensation was concerned, were clear: before the period of peace following God’s choice of a new pope and Emperor and leading up to the coming of Antichrist, England would be devastated and the main offenders were the Irish and the Scots.

Indeed, Brabazon had good reason to fear the potential power of wanton prophecy and its consequences for English rule in Ireland. As the prophecy involving the pelican noted above highlights, not only English Ireland, but Gaelic Ireland, too, had its repertoire of messianic expectations, providing a wedge within a common ‘Anglo-Irish’ political-theological and cultural milieu for differences to reach a breaking point. First, the martial and ruling lives of powerful Irishmen were partially understood as emulative of Christ as warrior-king against evil. Gaelic poets, for instance, had fifteen terms to discuss the Day of Judgement, each pertaining to a

³⁹ *SP Henry VIII*, iii, pp 131-2.

⁴⁰ Elton, *Policy and police*, p. 62.

⁴¹ Jansen, *Political protest and prophecy under Henry VIII*, pp 131-4.

⁴² Bodleian Library, MS Rawlinson C 813, ff 90v-94v (printed in Jansen, *Political protest and prophecy*, pp 135-140).

different aspect of the process; the End of Days, indeed, was extensively treated in the surviving bardic poetry, and was tied to Irish liturgical and devotional life centred on the *arma Christi* which, evincing a correspondence between millenarian triumphs over evil, or the devil, and Gaelic warrior culture, envisioned Christ as a warrior-king.⁴³ The topic of Christ-soldier fighting the devil retained its popularity in bardic poetry into the sixteenth century,⁴⁴ and also persisted in the annalistic tradition, with clear proximity to the power vagaries of Irish elites: references to Irish notables and warriors dying ‘after triumphing over the world and the devil’ or ‘demon’ abound in Henry VIII’s reign.⁴⁵

One entry from the *Annals of Connacht* is especially revealing of the political-theological culture of millenarian rulership among the Gaels. At the centre of prophetic expectations was the great Ulster lord Hugh Duff O’Donnell, father of Manus O’Donnell. Upon his death in 1537, the annalists eulogised him in messianic terms by linking him to the ‘national’ redeemer, Aed Engach, or Aedh the Valiant, ‘the prophesied avenger of the wrongs of Ireland’ who would claim sovereignty over the entire island.⁴⁶ The prophecy originated with Cerchan and Colum Cille, the very saint O’Donnell claimed genealogical descent from, and was revived in the early sixteenth century as O’Donnell power resurged, becoming central to their self-image throughout the following two centuries.⁴⁷ Yet, in a fascinating eschatological turn, since it so happened that he was *not* that figure – and, analogous to Finglas’ take on the decay of the colony, but in reverse, for according to the annals, it was the weakness of the Gaels, their descent into dishonesty and untrustworthiness, that was to blame for the colony’s decline and O’Donnell’s consequent alliance with the English king – the Aed Engach would only arrive at the End of Days. If not a claim to Universal Monarchy per se but one of Gaelic high kingship in its alignment with the prophetic return of a Christ-like figure and the messianic fulfillment of Creation at the end of the world, Hugh

⁴³ Salvador Ryan, ‘The *arma Christi* in medieval and early modern Ireland’, in Lisa H. Cooper and Andrea Denny-Brown (eds), *The arma Christi in medieval and early modern material culture, with a critical edition of “O Vernicle”* (Ashgate, 2014), pp 260-1.

⁴⁴ Ryan, ‘The *arma Christi* in medieval and early modern Ireland’, p. 259. The Elizabethan bardic poet Diarmuid O Cobhthaigh attributed great importance to the piercing of Christ with the lance, marking as it did for him the occasion of Christ’s assumption of power and kingship. As Ryan notes, ‘Just as newly-inaugurated Gaelic chieftains would routinely do, Christ follows his crowning on the cross with a celebratory creach or raid on enemy territory, which is represented in the Passion sequence by the harrowing of Hell’. Ryan, ‘The *arma Christi* in medieval and early modern Ireland’, pp. 259-60.

⁴⁵ See for instance *ALC*, p. 291; *AC*, pp 689, 731.

⁴⁶ *ALC*, p. 253; *AC*, pp 703-705.

⁴⁷ Bernadette Cunningham and Raymond Gillespie, ‘The UiDhomhnaill and their books in early-sixteenth Ireland’, Sean Duffy (ed.), *Princes, prelates, and poets in medieval Ireland. Essays in honour of Katharine Simms* (Dublin, 2013), p. 493.

O'Donnell's prior, annalistic designation as the 'Augustus of Northern Europe' (see chapter six) certainly linked him with such claims and titles, if only in potential, and from an English perspective, this could only ever amount to a usurpation of the royal title.⁴⁸

8.3: Civil and ecclesiastical hierarchies of command and the political theology of holiness, 1500-39

The question prophecy ultimately raised was simple: to whom did the sovereignty of Ireland belong and what, precisely, its civil and spiritual status? An urgent question that the Reformation further galvanised and destabilised, we must now investigate another of its dimensions as it laid the groundwork for the contorted horizons of Christian spiritual and civil strife and order within which treason, Grey, the Geraldines, and the friars were to be triangulated in the post Reformation and Kildare Rebellion climate of embattled Tudor, Irish, and papal sovereignties: the structures of delegation and mediation in civil and ecclesiastical hierarchies of command and their intersections with the 'political theology of holiness' at the threshold of English and Irish worlds.

The issue of legatine jurisdiction and, later with Cromwell, the authority of the office of viceregent in ecclesiastical causes, illustrates well the important changes to the entangled web of royal, papal, and local jurisdictions – not to mention, the spiritual and temporal horizons in which moral subjects of allegiance were constituted – wrought or catalysed by the royal supremacy. Before the Reformation, when from the late 1510s the papal legate Cardinal Thomas Wolsey had taken a sustained interest in his king's Irish lordship as part of his larger 'concerns for justice and reform',⁴⁹ either steps were taken to exploit the cardinal's legatine powers in the service of 'reform' or the incongruity between papal, legatine, and royal jurisdictions was thought to impede upon the distribution of justice in the Pale. One 'device' from early 1520 recommended that Wolsey should by the authority of his legatine jurisdiction appoint commissioners to Ireland and gather all clerics and spiritual persons before him and announce the king's intentions to 'reform' the land. All clergy, prelates, and friars, moreover, were to be sworn to reveal anything they heard or encountered that was prejudicial to the king, his

⁴⁸ *ALC*, vol. i, p. 253, note no. 1, p. 252

⁴⁹ Diarmaid MacCulloch, *Thomas Cromwell: a life* (London, 2018), pp 73-4.

deputy, or the kings 'true liege people'.⁵⁰ Years later, Wolsey's legatine powers were again appealed to, albeit in different circumstances. In 1529, John Alen wrote to Wolsey, complaining that the archbishop of Dublin was only able to enforce the Legate's will through his temporal power of punishment as the king's chancellor. To overcome the impasse, he requested that Wolsey send a copy of his Bulls confirming his legatine powers. Revealingly, Alen also sought to deploy the papal legate's spiritual powers of correction as a discretionary or exceptional power to maintain royal primacy in ecclesiastical appointments and safeguard the English character of the lordship by adapting to local circumstances Wolsey's dispensations for marriage with the Irish which would in turn avoid 'the contempt of holy canons' and, consequently, minimize appeals to Rome.⁵¹

One other case is also noteworthy for highlighting how, before the break with Rome, spiritual and civil jurisdictions, and Wolsey's legatine-ministerial power, provided a fulcrum in which alibis against the 'truth' of subject-hood were forged in the furnace of faction, feud, and strife. In 1528, Robert Cowley complained to Wolsey that the archbishop of Cashel, James Butler, the earl of Ossory's son, 'with his spiritual power', sowed dissent and trouble in the lands of Ossory so that the earl and his son, Lord James, could not 'do the king service against the earl of Desmond [whom the archbishop abetted], or yet defend himself'. The archbishop and his chaplain, in other words, ransacked the realm's jurisdictions and proper hierarchies of command: he proceeded without the cardinal's assent and knowledge, and transgressed the king's commandments, to the detriment of the king's true subjects' service.⁵²

If in the wake of the 'King's Great Matter' and eventual break with Rome, propositions that aimed, say, to minimise appeals to the pope, resembled what came before, a sea-change in sovereignty had nevertheless taken place. In the summer of 1536, Cowley proposed that Cromwell substitute 'some able person in Ireland to exercise your Lordship's high authority and faculties, or some part thereof' 'to whom the suitors of Ireland might resort for expedition of their impetrations'. The lord deputy and council, moreover, 'may have injunctions principally to prosecute all provisors going to Rome, and papists, with extreme punishment'.⁵³ These kinds of injunctions and such authority against *papists* were essentially that with which

⁵⁰ T.N.A., SP 60/1 ff 70r-73v.

⁵¹ *SP Henry VIII*, ii, pp 103-4.

⁵² *SP Henry VIII*, ii, p. 141.

⁵³ *SP Henry VIII*, ii, p. 36.

Archbishop George Browne saw himself invested in 1536-7 – a consequence of his claiming an almost plenary power of enforcement and punishment, for which, as we saw in chapter six, the king had severely rebuked him – and in 1538-9. Indeed, the royal supremacy had the effect of displacing spiritual power and jurisdiction in ecclesiastical matters not only from the pope into the sole hands of the king, but also through royal discretionary acts of delegation by which both could now be wielded by crown agents, spiritual and civil. Browne, disillusioned with the limits of his regular diocesan jurisdiction with its narrow visitations and clerical injunctions, appealed to Cromwell as vicegerent in spiritual matters in 1538 to, first, establish an office of Vicar-General or a Master of the Faculties in Ireland whose incumbent could by special commission bypass the quagmire of local ecclesiastical jurisdictions, and second, delegate authority over all ecclesiastical persons to the treasurer, the chief justice, and the master of the rolls, for he believed it an effective way to compel those beneath him to execute their offices. It was an effort to counter ‘papistical activity’ and the jurisdictional structures of delegated authority that were outlawed in Ireland since 1536: the Irish network of friars and those of the pope that spanned Ireland, Scotland, England, France, Rome, and the Habsburg territories. A commission charged with suppressing religious houses and destroying images was finally established on 3 February 1539 on Cromwell’s authority as vicegerent in matters spiritual, and it was to be headed by Browne, Alen, and the master treasurer, William Brabazon, who were to serve as his deputy vicegerents in all ecclesiastical causes.⁵⁴

The activities of the commissioners will be examined below. Consider, now, how, meanwhile, clerics and laity continued to appeal to the pope for special powers, whereas the pope continued to exercise his spiritual supremacy and grant special commissions. After murdering Archbishop of Dublin, John Alen in 1534, Lord Offaly, who had just renounced his allegiance to the king and declared it the pope and Habsburg, appealed to the pope for absolution.⁵⁵ Then, in the late 1530s, an Irish canon arrived in Rome to advertise Pope Paul III on events in Ireland. In response, the pope issued general indulgences and pardons to maintain Irish attachment to the Holy See,

⁵⁴ *SP Henry VIII*, ii, p. 540; *SP Henry VIII*, iii, p. 5; *SP Henry VIII*, iii, p. 104; Murray, *Enforcing the English Reformation in Ireland*, pp 106, 121-3; idem, ‘Ecclesiastical justice and the enforcement of the reformation: the case of Archbishop Browne and the clergy of Dublin’, in Alan Ford et al (eds), *As by law established: the Church of Ireland since the Reformation* (Dublin, 1995), p. 44. For the status of ‘Rome running’ as a new strategy in struggles for sovereignty in Ireland post-royal supremacy, see chapter 9, section 9.5.

⁵⁵ *L&P*, no. 746; *Cal. of Carew MSS*, no. 84.

much to the frustration of Archbishop Browne. Soon after, in a letter to the pope from 31 December 1538, Rory O'Donnell, the bishop of Derry, painted a vivid portrait of English tyranny in Ireland. Since they had nearly subdued 'the whole of Ireland to their wicked laws', the bishop requested the authority to reconcile and absolve schismatics and to replace unsuitable clergy with better candidates.⁵⁶ Then, several years later, as the first Jesuit mission to Ireland was afoot, the pope delegated 'full powers' to the Jesuits, Paschasius Brouet and Alphonsus Salmeron, to 'confer many indulgences and other privileges on the Catholic faithful in Ireland'.⁵⁷

As far as civil-ecclesiastical structures of delegation, mediation, and command are concerned, however, we should consider the dynamics of similitude and difference that both bridged and divided 'Gaelic' and 'English' worlds. For the modalities according to which the divine, the holy, and the profane were properly embodied and channelled, enacted and wielded, are important: not only the distribution and use of the king or the pope's prerogative, but excommunication, the curse, the saintly and divine miracle, and the bardic satire, were all forms of human and ordained 'exceptional' power constituting not simply actions against and beyond positive law per se, but manifestations of the holy, spiritual, or 'supernatural' in the general, natural course of God's providential order. According to Samantha Meigs, after all, 'the poet in particular was seen as having a power akin to that of saints'.⁵⁸ These bespeak the need to expand the orbit of what Raymond Gillespie has fruitfully called the 'brokers' or 'guardians' of the sacred – the saints and priests – beyond the socio-religious domains of life and thought historians typically distinguish them from – the 'political' – and to consider them as dynamic spiritual-civil pivots of order and power that could simultaneously uphold and fragment Tudor political theology and sovereignty.⁵⁹ For, if not quite custodians of the sacred in the same way as priests and saints, we can certainly add not only the human agents of saintly and divine justice, these vessels of 'supernatural' power who mete out justice by 'right of God', but also poets and their curses, these persons Kenneth Nicholls has called 'sacred personage[s], almost a priest or a

⁵⁶ *L&P*, xiii, ii, no. 1164.

⁵⁷ Aubrey Gwynn, *The medieval province of Armagh, 1470-1540* (Dundalk, 1946), pp 232-3, 249.

⁵⁸ Samantha Meigs, *The Reformations in Ireland: tradition and confessionality, 1400-1690* (New York, 1997), chaps. 1 and 2, quote on p. 8.

⁵⁹ Raymond Gillespie, 'Traditional religion in sixteenth-century Ireland', in Tadhg O hAnnrachain and Robert Armstrong (eds), *Christianities in the early modern Celtic world* (Dublin, 2014), pp 29-41, p. 31. See also idem, *A devoted people: popular religion in early modern Ireland* (Oxford, 1997), pp 67-71, 87-8, 116.

magician' whose curses 'could injure and kill those against whom they were directed'⁶⁰ and jeopardise their fates in the afterlife, to this portrait of the landscape of 'exceptional' and ordinary power in Ireland.

The church in Gaelic and English Ireland may have largely operated independently from each other, nevertheless, shared jurisdictional claims, in some areas a similar socio-institutional make-up, and the presence of both English and Irish clerics within the Pale,⁶¹ reveal shared political-theological and soteriological plains. Bards, for instance, as custodians of a 'supernatural power' akin to priests, were, much to the chagrin of crown and some Pale 'reformers', employed in the service of many English-Irish lords, their praise and satires coveted and feared as much as by Irish lords.⁶² There was, too, of course, the papal and episcopal threat of excommunication common to both 'Gaelic' and 'English' that barred Christians from receiving the sacraments, severely limiting who they could interact with, harming their souls, and damaging the Christian community and church as the mystical body of Christ, until they repented. Indeed, curses were at least on one occasion part of the Tudor 'reformist' arsenal, if only in rhetoric which never materialised as concrete policy: as part of Wolsey's anonymously proposed 'reformist' initiative in 1520, the commissary sent to Ireland on the cardinal's behalf was to 'before all the said clergy and friars to establish and enact that all men moving war against the king's grace or his deputy be accursed, and thereupon to fulminate the censures of cursing after the most fearful and terrible manner'.⁶³

Yet, while ecclesiastical government in 'Irish' and 'English' Ireland followed a diocesan and parochial model, and while devotional and liturgical life across the island was not isolated from wider developments in England and the Continent,⁶⁴ their imbrication in the fabric of civil and lay life in Pale institutions and community nevertheless differed from Gaeldom. The Pale clerical hierarchy had come to enshrine the 'ecclesiastical conventionality' it shared with England and Europe 'as a symbolic element within the English ethos of the local community'.⁶⁵ If law, blessedness, and

⁶⁰ K. W. Nicholls, *Gaelic and Gaelicized Ireland in the middle ages* (Dublin, 1972), pp 93-4.

⁶¹ See the chapter 9, section 9. 5, for a detailed examination of this legal pluralism.

⁶² Booker, *Cultural exchange and identity in late medieval Ireland*, chap. 5.

⁶³ T.N.A., SP 60/1, f. 73v.

⁶⁴ Ryan, 'The *arma Christi* in medieval and early modern Ireland'; Murray, *Enforcing the English Reformation in Ireland*, chap. 1; Mary Ann Lyons, 'The onset of religious change, 1470-1550', in Brendan Smith (ed.), *The Cambridge history of Ireland, vol. 1, 600-1550* (Cambridge, 2018), pp 500, 506-10.

⁶⁵ Murray, *Enforcing the English Reformation in Ireland*, chap. 1, esp. pp 37-8. See also Booker, *Cultural exchange and identity in late medieval Ireland*, chap. 3; Jefferies, *The Irish church and the Tudor*

iniquity operated in bodies and space within the rubric of God's providence for both Irish and English (see chapter two), in the Pale and the towns in particular, such operations were mediated by an ecclesiastical hierarchy of command that was, contrary to its imbrication in the kinship networks and structures expressive of an Irish Christian and warrior 'code of ethics' or the lordly-ecclesiastical entanglements of the English-Irish lordships, more distinct as a separate ecclesiastical domain.

The curse is a good example of a 'spiritual-civil' phenomenon that both bridged and divided 'English' and 'Irish' worlds. For instance, while the Irish annalists approved of the curse pronounced on Offaly in November 1534 (see chapter two), they did so on very different terms than the regime, one that highlights the survival of ancient forms of sacral kingship and the clear 'office-based' terms of sacral rulership.⁶⁶ In 1534, the *Annals of Ulster* recorded how 'the son of the Earl' was pleased when he heard news of the kidnapping of John Alen, archbishop of Dublin, who had been put through 'excessive hardships': 'he made not rest, or stay, until he reached the place where the bishop was and he put on his people to do a prodigious, unprecedented, unmerciful deed, through which were destroyed fruit and crops and sea-product, peace and seasons and fair weather at that time'.⁶⁷ Indeed, the curse on Lord Offaly offers a key to unravelling these spiritual-civil threads and making sense of their role in polarising Ireland, for it was indexed to competing allegiances in the game of contested jurisdictional and salvific dispensations centred on two claimants to spiritual rule, Henry VIII and the pope, as we shall see below. For now, note that if the Tudors cursed rebel traitors who murdered holy churchmen, the English-Irish and Irish adherents of said traitors offered the mirror-image of such spiritual-civil power-inflected condemnations: a portent sign of things to come, Cowley wrote to Cromwell in June 1534 to inform the master secretary that he was 'very credibly informed, the said Earls son, brethren, kinsmen, and adherents do make their avaunt and boast, that they be of the Popes sect and band, and him will they serve against the King, and all his partakers saying further, that the King is accursed, and as many as take his part, and shall be openly accursed'.⁶⁸

Reformations, pp 26-46; Jefferies, *Priests and prelates of Armagh*, chaps. 1-2; Brendan Scott, *Religion and Reformation in the Tudor diocese of Meath* (Dublin, 2006), pp 28-31, chap. 3.

⁶⁶ On sacral kingship in Ireland, see Bart Jaski, *Early Irish kingship and succession* (Dublin, 2000), chap. 2.

⁶⁷ *AU*, pp 595, 597.

⁶⁸ *SP Henry VIII*, ii, p. 198.

If Gaelic lordly culture had clear, if somewhat attenuated, providential, Christ-like, and messianic dimensions, it was not only God and priests, however, but also saints and the bards who were in many ways the glue that held the socio-spiritual fabric of warrior, learned, and devotional life together. Samantha Meigs wonderfully illustrates how what appears to be the contradictory pulls of sacrilege and piety in Gaelic warrior culture – say, the destruction and defilement of church buildings and clerics alongside both Christian piety and a profound reverence for the friars – was an expression, rather, of the ‘tightly interwoven code of ethics based on kinship duties and strongly influenced by both the Christian and warrior traditions’ that bound the ecclesiastical and secular spheres together. The *Annals of Ulster*, the *Annals of Connacht*, and the *Annals of Loch Cé* amply testify to how the world of rulership and war, and piety and devotion, was a world filled with the presence of God, saints, and bards intervening to safeguard justice, punish the treacherous and dishonourable, and reward piety, learning and its cultivation, and the promotion of hospitality and ‘humanity’ with reputation or entry into the kingdom of God.⁶⁹ What triggered saintly intervention, moreover, and similarly to the imperatives of elite Gaelic society, was ‘usually a violation of sanctuary or a slight to the saint’s honour’. Bardic, brehon, and monastic sources attest to the ‘idea of miraculous intervention upholding the enforcement of justice through a form of moral coercion’ by which saints, priests, and bards leveraged their blessings, curses, praises, and satires against secular men to receive what they felt they were owed – and this transcended any boundary between ‘English’ and ‘Irish’ Ireland. In 1530, for instance, a group of clerics who thought they had been denied justice, conducted a fast against Niall Conallach O’Neill who then appealed to Archbishop of Armagh, George Cromer – then a councilman of the king’s – to resolve the issue. It was not, however, a universally successful method of moral coercion: when the coarbs – ‘successors’ or representatives of a patron saint who, accordingly, held a special spiritual prestige or status – of Lough Derg fasted against an O’Neill in 1536, two of their kinsmen were slain when the latter retaliated by raiding their land. The poet, moreover, as Nicholls notes, enjoyed ‘the status of immunity equal to, if not exceeding, that of the church’. Their curse was analogous to the church’s power to excommunicate, and both, indeed, were ‘invoked against the violators of treaties’ as a form of *slanuigheacht*, or surety of protection, as they were, for instance,

⁶⁹ Meigs, *The Reformations in Ireland*, chaps. 1 and 2, quote on p. 43.

between Manus O'Donnell and Tadhg O'Connor Sligo in 1539.⁷⁰ In their agreement, not only were rhymers to satirise O'Connor Sligo at O'Donnell's command; the archbishop of Tuam, Art O'Friel, as part of the surety, also pledged that 'any person who shall side with him, shall not have masses, communions, confession, baptism, burial in a consecrated burial-ground, sanctuary of monastery or church, if he violate anything that is contained herein, and the archbishop and every church that is under his jurisdiction shall be obliged to carry out (a sentence of) excommunication of the cross against Tadhg and every person who shall side with him, as often as O Domhnaill shall demand it of them'.⁷¹ Particularly noteworthy, here, is the fact that all discretion was in the hands O'Donnell, who could decide at will when the agreement was broken and when satisfaction was adequately performed.

Alongside the curse, the status of clerics and their contribution to 'worldly' affairs, too, encapsulates well the tensions of similitude and difference at play. Consider the following entry in the *Annals of Connacht*. In 1525, the bishop of Killaloe, Toirrdelbach son of Mathgamain O Brian, was eulogised as 'the Gael who got and spent most worldly wealth of all who were living in his time, died'. He was 'a man full of bounty and humanity', 'a man who upheld his rights at home and abroad, without incurring ill-will or in spite of it; a man who often collected a great army for the destruction of his enemies, so that there was no son of a Gael anywhere near him, either on his own estate or on another's, who did not take his pay and enter his service'.⁷² The annalists, here, eulogised a 'worldly cleric' precisely because of the impressive reach of his power and the sheer number of those who served him. Some Irishmen, indeed, such as William O'Farrell of Ardagh (1480-1516) and Richard Barret of Killala (1513-44), even combined episcopal offices with that of chief of their name; it was no wonder, then, that while clerics continued to threaten those who violated the church's immunities with excommunication, by the sixteenth century, such claims did not carry the force they had before.⁷³ When assessed alongside Cowley's complaint to Wolsey in 1528 discussed above, where Archbishop James Butler was seen as transgressing the

⁷⁰ Meigs, *The Reformations in Ireland*, pp 34-5; Nicholls, *Gaelic and Gaelicized Ireland*, pp 57-9, 94, 127-8.

⁷¹ Maura Carney, 'Agreement between Ó Domhnaill and Tadhg Ó Conchobhair concerning Sligo Castle (23 June 1539)', *IHS*, 3, 11 (1943), p. 291.

⁷² *AC*, p. 657.

⁷³ On clerical involvement in or subjection to war and violence, see Nicholls, *Gaelic and Gaelicized Ireland*, pp 113-7; Lyons, 'The onset of religious change, 1470-1550', pp 501-5.

scope of his spiritual power in ways akin to conditions in Gaelic Ireland, this annalistic portrayal appears as a worldly usurpation and transgression *par excellence*.

And yet the Tudor regime, too, was concerned with the contributions of the spirituality in times of war and for general hostings, although they certainly did not promote the idea of warrior clerics. In what was surely emblematic of the impact of anti-ecclesiastical rhetoric and policies from England over the past several years, the *Ordinances for the government of Ireland* (May 1534) justified the contribution of ‘spiritual persons’ to marcher campaigns of defence against ‘Irish rebels’ on the basis of ‘all reason, conscience, and equity’, especially since they did not endanger their bodies and lives as the temporality did since they themselves were not combatants. Both the *Ordinances* and, later, the instructions to Lord Deputy William Skeffington from November 1534 that accompanied Ossory’s indenture to the crown, then itemised what the specific contributions of the spirituality to hostings for ‘the common regard of the country’ should be, contributions which were dependent on each cleric’s position within the clerical hierarchy.⁷⁴ Curiously, however, what in England comprised an outgrowth of anticlericalism fused with the king’s assault on papal jurisdiction, also appeared in Ireland as an undue bridging of ‘Gaelic’ and ‘English’ worlds that further enshrined what many a colonial cleric within the Pale would have perceived to be the insufficient separation between laity and clerics in ‘English’ and ‘Gaelic’ Ireland.⁷⁵

Within this socio-cultural and political-theological entanglement, another element, however, entered the fray. If after 1534 concern for the ‘true word of God’ and, from 1538, idolatry grew,⁷⁶ crucial to the providential and ‘office’ horizons of Tudor Christian subject-hood were the transformations of ‘holiness’ in the early Reformation. ‘Holiness’ could be profaned in numerous ways. A space of sanctuary, a sacred site – such as a well, pilgrimage destination, or church – or a spiritual person or office could be defiled, and sacred objects could be misused or destroyed. Conversely, something profane, whether a person, a space, or an object, could be falsely elevated to the status of the divine or sacral. All such instances marked transgressions of the laws and providence of God. The age-old condemnation of bards acquired a new post-supremacy political-theological status, while fears over the prophesying of the destruction of England at the hand of an Irishman could certainly enter the armament of

⁷⁴ *SP Henry VIII*, ii, pp 212-3; B.L., Cotton MS Titan B XI, ff 365b-366a.

⁷⁵ On such perceptions and criticism, see Murray, *Enforcing the English Reformation in Ireland*, chap. 1.

⁷⁶ See chapter 5, esp. sections 5.3-5.

Tudor attitudes towards its western neighbour, becoming a new ingredient inflecting the familiar castigations of Irish lordly culture. Irish messianic aspirations, however localised or muted they may have been, could certainly prove an even greater threat. The knot-like, transregional spiritual-temporal juncture of overlapping and competing attitudes among Gaels, English-Irish, and English towards practises of sacralisation and profanation created explosive points of contestation between the Tudor administration and others in Ireland. For violations of the holy involved perceived abominable transgression or the sacrilegious unsettling of the proper structures of divine or civil delegated and discretionary power in embodied transgressions of the laws of God.

The Henrician formularies of faith denied the reality of saintly intervention or intercession in the salvific process outside Christ or as agents of divine wrath and miraculous power, for Christ was the sole mediator between Christian and God. Saints could only be honoured as God's elect who already 'reign in glory with Christ', and who could be prayed to for their charity and as intercessors in Christ who 'pray for us and with us' and whose lives served as devout inspiration and objects of pious remembrance; such was the 'correct' bridge between divinity and materiality as it prescribed proper, salvific and devotional relations between God and Christian.⁷⁷ To worship images, and to set them up as idols to bow to, the *Bishop's Book* asserted, was what after all the Jews and the Heathens allegedly did.⁷⁸ To some, moreover, specific Irish sites had become evangelical emblems of spiritual disorder: William Tyndale, in 1528, for instance, compared praying to God to be saved through the merits of saints to a man who lost his wit in St Patrick's Purgatory.⁷⁹ This and the formularies' views could not be more different than how saints were represented in, say, Manus O'Donnell's *Beatha Colaim Chille* ('Life of Colum Cille'), completed in 1532: here, St Patrick and Colum Cille appeared as Christ-like figures, either as he who would judge the Irish at the end of times (St. Patrick), as the saint for whom no one other than Christ 'had as many prophecies and predictions made about him before his birth' or as he who performed similar miracles to Christ himself.⁸⁰ To reject such forms of saintliness and

⁷⁷ The sprinkling of holy water, for instance, was the remembrance of baptism, the blood of Christ was the remembrance of our redemption upon the cross, the holy bread the remembrance of Christ's mystical body, the bearing of candles on Candlemass, a remembrance of Christ as the spiritual light, and so forth. *Formularies of faith*, pp 14-5, 147; *The King's Book, or the necessary doctrine and erudition for any Christian man, 1543*, ed. T.A. Lacey (London, 1932), pp 25, 37-8. On the material basis of devotion and faith in Ireland more generally, see Lyons, 'The onset of religious change, 1470-1550', pp 506-9, 511-3.

⁷⁸ *Formularies of faith*, p. 137.

⁷⁹ *Doctrinal treatises*, p. 290.

⁸⁰ Brian Lacey (ed.), *Beatha Colaim Chille* (Dublin, 1998), pp 19, 29-30, 38-40.

the bards, these men Tudor legislation in Ireland repeatedly outlawed, was in a very important sense an act of profanation that ‘robbed’ the ‘spiritual’ – indeed, sovereign-like – power of ‘supernatural’ agents the regime believed were illegitimate upholders of a sacrilegious order that, among other things, usurped the power of Christ.

Meanwhile, that other fateful bane of Tudor sovereignty entered the fray: the friars. As emblematic impediments to the ‘true’ ordering of the world and key agents in the transregionally expansive, legally plural and contested landscape of the post-royal supremacy world, they were central to the radical polarisation of the 1530s. Organized across Europe into regional sectors and provinces, and into intricate hierarchies of command through which their spiritual life and pastoral duties unfolded, the Observant movement had since the fifteenth century made major inroads particularly in Gaelic Ireland while the Conventuals at least were influential within the spheres of English jurisdiction and authority; both were targeted by crown officials as a nuisance and impediment to royal power.⁸¹ Held in supremely high regard by Gaelic lords, they were occasionally brokers for peace, their houses used to reach agreements and reconcile Irish lords, and were key agents in the post-Reformation and Geraldine intrigue linking Ulster, Scotland, and the Continent; they, along with other secular priests and other regular orders, were key nodes, for instance, in O’Donnell’s diplomatic intrigues with the pope against the crown.⁸² Indeed, as vociferous opponents, as we have seen, of Henry VIII’s policies who did much to thwart Tudor efforts to implement them, their activities in Ireland were intensified by the Reformation in England as early as 1534: months prior to Offaly’s rebellion, the provincial of the Franciscan order made his way to Ireland to ‘brew there all he could for the preservation of the Holy See’.⁸³ The problem was aggravated by unintended consequences of the dissolution campaign, for not all the religious whose houses were dissolved between 1537 and 1541, moreover,

⁸¹ On the role and impact of the Franciscan orders in Ireland since the fifteenth century, see Colman N.O Clabaigh, *The Franciscans in Ireland, 1400-1534: from reform to reformation* (Dublin, 2002).

⁸² Brendan Bradshaw, ‘Manus ‘the magnificent’’: O’Donnell as renaissance prince’, in Art Cosgrave and D. McCartney (ed.), *Studies in Irish history, presented to R. Dudley Edwards* (Dublin, 1979), pp 18-21, 30-3; F. X. Martin, ‘Confusion abounding: Bernard O’Higgin, O.S.A, Bishop of Elphin, 1542-1561’, in Art Cosgrave and D. McCartney (eds), *Studies in Irish history, presented to R. Dudley Edwards* (Dublin, 1979), pp. ; On Manus O’Donnell, the pope, and other’s activities against the crown in the late 1530s, see Gwynn, *The medieval province of Armagh*, pp 223-53.

⁸³ Micheál Ó Siochrú, ‘Foreign Involvement in the Revolt of Silken Thomas, 1534-5’, in *Proceedings of the Royal Irish Academy. Section C: Archaeology, Celtic Studies, History, Linguistics, Literature* 96C, 2 (1996), pp 49-66.

entered the secular clerical world as the regime intended; many continued their pastoral and devotional activities as ‘disestablished’ regulars in their localities.⁸⁴

By 1538, their presence had reached intolerable heights, their status morphed into quasi-sovereign figures and severe impediments to the ‘true’ ordering of the world: ‘Where they rule’, Browne notified Cromwell, ‘God and king cannot justly reign’.⁸⁵ In the wake of the ongoing – yet until 1539, slow and sporadic – campaign to dissolve monasteries,⁸⁶ Browne, again complaining to Cromwell about their being obstacles to spiritual ‘reform’ and the king’s cause, informed the master secretary in early November that having been denied passports to travel to England to beseech the king to maintain their monastery, they now lived ‘without hope of further succour, expect now daily to bring the peoples minds to their own lure again, that they might be once against esteemed like young Gods, which God forbid should’. In this strand of Henrician Tudor political-theological imaginary, the friars were becoming fixed as antitheses of the ‘true’ royal servant, described as virtual devils with God-like pretensions, luring men away from Christ and from knowledge of both God and duty to prince – and Grey, of course, as an ominous sign of what was to come, was called out as a prime abettor and accomplice.⁸⁷ As Alen wrote to Cromwell on 5 April 1538, the blood of Christ is clean blotted out of all men’s hearts, ‘what with that monster, the bishop of Rome, and his adherents, in especially the false and crafty bloodsuckers, the Observants, as they will be called most holiest, so that their remains more virtue in one of their coats and knotted girdles, then ever was in Christ, and his Passion’.⁸⁸ It did not help that, by the end of the year, the lord deputy was not only shielding Observant Friars in Galway from Browne and others,⁸⁹ but had also, as we noted in chapter five, and just before securing the release of a bishop and friar imprisoned in Dublin Castle for ‘high and notorious offences against the King’s Majesty’, ostentatiously knelt before the ‘Idol of Trim’ while hearing ‘three or four masses’. The fraught entanglement of devotion, ‘idolatry’,

⁸⁴ Scott, *Religion and Reformation in the Tudor diocese of Meath*, p. 111; Jefferies, *Priests and prelates of Armagh*, pp 139-40.

⁸⁵ *SP Henry VIII*, iii, p. 7.

⁸⁶ On the dissolution campaign, see Brenan Bradshaw, *The dissolution of the monasteries in the reign of Henry VIII* (Cambridge, 1974), esp. pp 77, 81-3, 110; Jefferies, *The Tudor church and the Irish Reformation*, pp 77-8; Mary Ann Lyons, *Church and society in country Kildare, c. 1470-1547* (Dublin, 2000), chap. 3.

⁸⁷ *SP Henry VIII*, iii, pp 103-4.

⁸⁸ *SP Henry VIII*, ii, pp 569-70.

⁸⁹ Murray, *Enforcing the English Reformation*, p. 109.

and ‘reform’ with the friction that resulted from mounting anti-Grey sentiment in the factional rivalries that plagued the Dublin administration could not be in clearer relief.

Common cultural-theological horizons with adaptable and moveable discursive parts that bridged England and Ireland, and which traversed confessional orientations, were at work here, and treason was a central element in its folds. William Tyndale had already linked treason and confession (‘The bishops, with the pope’, he wrote in 1528, ‘have a certain conspiracy and secret treason against the whole world: and by confession know they what kings and emperors think’),⁹⁰ and these were precisely the terms of Browne’s vitriol against the friars in 1538: as he warned, ‘you may perceive their towardness and yet great men in these parts may evil spare them, for their auricular confession; for they may be bold to utter unto them treason and other. If they lacked them, I suppose they should lack much boldness to do evil’.⁹¹ The issue at hand, however, was not a mere matter of jurisdiction; the solution to the crown’s predicament required tearing apart the socio-theological fabric of which the friars and treasonous confessional activity were the glue. If for the likes of Thomas More, a man deeply hostile to the royal supremacy, it was the heretic who, as the embodiment of unruliness and blasphemy, required elimination for civil order and the church to survive,⁹² for Browne the ‘reformer’, it was the papistical friar, the Geraldines, and their purported leader, Leonard Grey, who posed an existential threat to Tudor sovereignty in Ireland.

At such spiritual-civil crossroads, such, then, was the essence of the conflict: disagreements over how materiality related to sacrality, disputes over spiritual and civil jurisdiction, and their mutual enfolding into the more general problem of ‘reform’ and sovereignty in Ireland. Here, Archbishop Browne and others’ condemnation of Grey’s ‘papistical’ ways (see below) aligned with the annalists’ lamentations, albeit from a different register of spiritual-civil sovereignty and attendant understanding of holiness: for the Tudor ‘reformers’, Grey violated the word of God by abetting the devilish friars and upholding ‘papists’ and papal jurisdiction, which was not only idolatrous, but treasonable in its upholding of papal power. To the Gaels and English-Irish who loathed the king’s Reformation, however, it was the reverence properly due to a holy man. The annalists, indeed, made much of Browne, Agard, and Brabazon’s iconoclastic campaigns of 1539-40, which, despite not heading the vicegerential commission in

⁹⁰ *Doctrinal treatises*, p. 281.

⁹¹ *SP Henry VIII*, iii, p. 7.

⁹² *The complete works of Thomas More*, pp 167-8.

ecclesiastical causes, they nevertheless identified Grey as spearheading; they were, indeed, concerned with his violations of the holy and saintly.⁹³ By precipitating the wrathful vengeance of God and the saints whose holy resting places and relics were being violated, such campaigns, pursued as they were by ‘heretics’ (an accusation the likes of O’Neill, O’Donnell, James of Desmond, ‘and all their partakers’ allegedly wielded against the English and the king in particular, who they deemed ‘the most heretic and worst man in the world’),⁹⁴ became sites of divine and saintly retributive justice against the English culprits for their evil ways, and for these actions, the annalists noted, they incurred papal excommunication.⁹⁵ For the annalists, the friars, and others, then, Grey violated the holy fabric of socio-devotional life by destroying relics, defiling holy sites, and closing monasteries; as we saw in chapter five, a Grey Friar in Waterford preached against the king’s proclaimed ‘authority to break or put down churches, and make them profane places’ ‘or else Saint is a liar’.⁹⁶ Revealingly, according to the *Annals of Connacht*, Grey was executed not only for fraternising with “the rebel, Thomas Fits Gerald”, for allowing his followers to maraud, and for not granting impartial justice to litigants, but also for desecrating a church.⁹⁷

8.4: The polarisation of Tudor political-theological order, 1535-46

Thus, by the mid-1530s, the terms of Tudor political-theological discourse began to reflect the changed local and ‘international’ circumstances and the Reformation political theology of ‘truth’ – and Offaly’s own actions in 1534, of course, were a precondition for this. If the rhetoric of the Henrician Reformation itself provided ample discursive fodder, it was also Fitzgerald and his adherents alleged ‘boasting’ of being of the pope’s ‘sect and band’ that, along with his missions to Rome to, first, obtain papal absolution for the murder of Archbishop Alen, second, prove that Ireland was held by England on papal permission, and finally, to convince the pope to declare all crown subjects’ bonds of allegiance forfeited by virtue of the heretical king’s actions, provided

⁹³ On the campaigns, see *SP Henry VIII*, ii, pp 569-70; *SP Henry VIII*, iii, 110; *SP Henry VIII*, iii, p. 111. On the iconoclastic campaigns, see Jefferies, *The Irish church and the Tudor Reformations*, p. 81 ; Murray, *Enforcing the English Reformation in Ireland*, pp. 121-3; Brendan Scott, *Religion and Reformation in the Tudor diocese of Meath* (Dublin, 2006), p. 43; MacCulloch, *Thomas Cromwell*, pp 480-1.

⁹⁴ *SP Henry VIII*, iii, p. 140.

⁹⁵ *ALC*, pp 315, 317, 325; *AC*, pp 709, 711; *AU*, p. 625; *AFM*, pp 1445, 1447, 1449.

⁹⁶ *SP Henry VIII*, ii, p. 562.

⁹⁷ *AC*, pp 716-17.

decisively local groundwork for the lineaments of a polarised vocabulary.⁹⁸ In a climate of widespread clerical opposition to Henry VIII's policies, by May 1535, the reigning chaos unequivocally empowered dissidents and traitors to the detriment of the king's true subjects, or at least, so the priest Roger Beverley ('Beveralye') informed Cromwell: priests linked up with traitors and outlaws and those 'who intend truly to God and the king can have nothing'.⁹⁹ As events in England and Ireland between 1537-40 – iconoclastic campaigns, the Exeter Conspiracy and the Pilgrimage of Grace,¹⁰⁰ and the ongoing threat of invasion, papal intrigue, the activities of the Geraldine League, and on-going factional in-fighting in Ireland – catalysed the already entrenched fault-lines of factional and political-theological division, Browne, Aylmer, and Brabazon's activities as new commissioners wielding vicegerential powers in ecclesiastical causes (see section 8.3 above) only further worsened the situation. Zealous in their suppressing activities, they incurred the ire of Grey and unleashed a flurry of protests from other councillors, a rift made larger by the mounting activities of the 'Geraldine League', the now focalised point of opposition that embodied the spectre of papalist revolt against the crown. As Diarmaid MacCulloch put it, the Geraldines in Ireland could at this point be 'painted as the Irish equivalent of Poles and Courtenays'.¹⁰¹

How, however, did this come about, and how did it relate to the changing tenets of Tudor order? The polarisation of Tudor order and the role of treason therein were first evident at the end of 1534, at the height of Offaly's rebellion. Henry VIII wrote to the mayor and citizens and Waterford, giving them his 'most hearty thanks' for resisting, 'like true faithful subjects; the 'malicious enterprises of those false traitors and rebels Thomas Fitzgerald and his accomplices'.¹⁰² But it took a few years for the polarities to become fixed and more ubiquitous in government discourse. Against the spiritual-civil entanglements of prophecy, ecclesiastical and lordly order, and disputed forms of holiness just examined, the dynastic, spiritual, and imperial conflicts of Christendom that England and Ireland were roped in explosively harnessed transregional matrices of power, order, and intrigue, all of which profoundly shaped how treason convulsed and polarised the terms of Tudor political theology. The result was nothing short of the emergence in Tudor discourse of a discrete set of near

⁹⁸ *SP Henry VIII*, ii, p. 198.

⁹⁹ T.N.A., SP 60/2, f. 113r.

¹⁰⁰ For the Exeter Conspiracy, see chapter 5, section 5.4. For the Pilgrimage of Grace, see Ethan H. Shagan, *Popular politics in the English Reformation* (Cambridge, 2003), chap. 3.

¹⁰¹ MacCulloch, *Thomas Cromwell*, pp 480-2.

¹⁰² T.N.A., SP 60/2, f. 52r.

corporatized unities or collectivities: on the one hand, the ‘traitorous and papistical sect’ of the Geraldine, and on the other, ‘true Christian crown subjects’.

A good place to start is the imperative of ‘conformity’. Alongside the polarisation of proper rulership, ‘true’ service, and subject-hood precipitated by the Butler-Geraldine feud, the Kildare revolt, and the Reformation, the imperative of ‘conformity’ also evinced important shifts in this period as it saw its contours warped by changing regimes of governance, power, and law. If, as we saw in chapter five, ‘conformity’ became internally split in the late 1530s and especially at the hand of Lord Deputy St. Leger in the 1540s along gradations of perfection, it also came to acquire a more definitive corporate status. From a panoply of references to subjects being reduced to conformity, or being made or making themselves ‘conformable to the king’s laws’, whether through submissions, indenture, upon promises and the giving of pledges, or on oath,¹⁰³ we get in mid-1535 instructions to Robert’s son, Walter Cowley, and the council on behalf of the earl of Ossory that state: ‘We caused the gentlemen and inhabitants of the county of Wexford to take one part, and to be of one conformity for the annoying of the Cahir McArt, and other the king’s rebels’.¹⁰⁴ The formulation was akin to councillors Gerald Aylmer and John Alen’s confirmation to Cromwell that they received his letter enjoining Aylmer and the treasurer to ‘join in one conformity to serve our sovereign lord’,¹⁰⁵ and it resembled Robert’s proposal from a year later to have the marchers band in one train, order, and conformity, so that every of them shall aid and assist the other’ in resisting the Irish.¹⁰⁶ The latter’s only difference was the explicit reference to mutual defence (see chapter nine). A perfect example of the transmutations of *imperium*, by 1535, certain invocations of conformity evinced a shift away from a solely individual imperative concerned with a single subject’s alignment with Tudor order to designating a collective state of unity.

Such a logic was not a total novelty in the 1530s, having Irish precursors in the 1490s and 1510s.¹⁰⁷ It resembled, too, the Roman law of corporations, so influential had

¹⁰³ For examples of the ‘earlier’ form of ‘conformity’, before or after 1535, see *SP Henry VIII*, ii, pp. 53; *SP Henry VIII*, ii, p. 57; *SP Henry VIII*, ii, p. 60; *SP Henry VIII*, ii, p. 71; *SP Henry VIII*, ii, p. 48; *SP Henry VIII*, ii, p. 165; *SP Henry VIII*, ii, p. 171; *SP Henry VIII*, ii, p. 197; *SP Henry VIII*, ii, p. 223; *SP Henry VIII*, ii, p. 241; *SP Henry VIII*, ii, p. 242; T.N.A., SP 60/6 f.73.

¹⁰⁴ *SP Henry VIII*, ii, p. 253.

¹⁰⁵ *SP Henry VIII*, ii, p. 296.

¹⁰⁶ *SP Henry VIII*, ii, pp 324, 328.

¹⁰⁷ Calls for ‘one accord and unity’ or for ‘unity for the weal of your self and of the country’ among the Powers, a marcher lineage, had also been made in the 1490s, while the ‘Ordinances and provisions of Ireland’ of 1519 recommended that marchers be bound by ‘great bands of recognisance to observe the

it been in giving shape over the preceding centuries to the corporate perpetuity of church temporalities, to the realm and crown as corporate unity, and to conciliar governmental thinking.¹⁰⁸ Both notions of urban citizenship, and their oath-bound and constitutionally-prescribed bonds of fellowship and solidarity between the community of equals that was the franchise,¹⁰⁹ on the one hand, as well as Christian bonds of love and charity that through dutiful submission to God bound all in one unity in the church and Christ, on the other, too, are sure precedents.

Yet by 1535 such forms of unity were inflected by the polarizing effects of the Henrician doctrine of obedience and the post-Kildare Revolt climate of suspicion discussed in the previous chapter.¹¹⁰ With these and the newly crystalized economy of treason in mind, iterations of conformity-as-unity could also be displaced to prefigure new, *imperium*-inflected conceptions of relations that delimited neatly distinguished collectivities. The earl of Ossory in early 1536 insisted to Cromwell that the O'Tooles, O'Byrnes, and Kavanaghs in Leinster required 'general reformation' – otherwise, he feared, the rest of the land was likely never to be reformed, for the disturbances and rebellion they and their followers cause prevent the king's subjects from joining 'together in one conformity'.¹¹¹ The king's subjects being 'together in one conformity' constituted a unity that was but one of an implied set of polarities between the conformable subjects and non-conformable subjects/rebels. At the end of June 1536, Cowley opined that the winning of the 'the castles, holds, and cattle of the Kavanaghs and O'Briens' and the 'desolation' of the land 'of Irishry' was the precondition for linking 'in one power together all the Englishry in Leinster and Munster'.¹¹² The unity of Englishmen implied another unity, but this time an absence: the literal absence of

king's laws and to keep their allegiance truly. See *L&P Richard III – Henry VII*, I, pp. 76-77; HHA Cecil Papers, MS 144, f. 15v (printed in Maginn and Ellis, *The Tudor discovery of Ireland*, pp 99-109).

¹⁰⁸ Ernst H. Kantorowicz, *The king's two bodies: a study in medieval political theology* (Princeton, 1957); Brian Tierney, *Religion, law and the growth of constitutional thought 1150-1650* (Cambridge, 1982).

¹⁰⁹ Christian D. Liddy, *Contesting the city: the politics of citizenship in English towns, 1250-1530* (Oxford, 2017), chap. 2.

¹¹⁰ Indeed, it was part of the language of the royal supremacy itself, which, after all, was enacted for 'the conservation of peace, unity, and tranquility of this land of Ireland'. The same point was reiterated in 'The ten articles of religion' (1536), whose purpose was to quell diversity of opinions, to 'eschew not only the dangers of souls, but also the outward unquietness which by occasion of the said diversity in opinions (if remedy were not provided) might perchance have ensued', to establish a 'most charitable unity and loving concord'. *Formularies of faith* pp .

¹¹¹ *SP Henry VIII*, ii, p. 298. On the programme of regional conquest, see Bradshaw, *The Irish constitutional revolution of the sixteenth century*, pp 45-8; David Heffernan, *Debating Tudor policy in sixteenth-century Ireland: 'reform' treatises and political discourse* (Manchester, 2018), pp. chaps. 1-2.

¹¹² *SP Henry VIII*, ii, p. 332-3.

Irish inhabitants from the land.¹¹³ Cowley reiterated the point a year later when he proposed his plan for ‘general reformation’: the marches were to be secured by enlisting the temporary help of the McMorrow’s and Kavanagh’s, after which, ‘the whole Englishry may assemble [in] one power’ and the ‘general reformation’ would be achieved.¹¹⁴ It was of a piece with these developments, in their intersection with the government by reward and punishment described in chapter six and his evolving thought on the exile of the Irish described in chapter three, that Cowley could propose to alter the Kildare commissioners’ instructions by proposing that ‘farms, grants, and leases now be made to such as faithfully hath served the king; and the contrary sect extirped from the benefit thereof’.¹¹⁵ Ossory, moreover, also later informed Thomas Wriothesley that ‘His Highness’s rebels, which are now combined together, and of great multitude of one conformity, to invade and destroy the poor Englishry of this land on every side: whose traitors and malicious intents, God willing, shall take small effect.’ But ‘the will of God’ and the ‘force of the King’s Majesty’s power’ will ensure, with both policy and force, that their plans falter.¹¹⁶ In early 1537, significantly, the binary polarity was enlarged and projected across a wider transregional plane by Lord Deputy Grey in his report to Henry VIII, in which he lamented the sad state of affairs in Ireland: the opposition was not between obedient subjects and rebels, nor even the Englishry and the Irishry of Ireland, but between England and Ireland itself as the two poles of order and chaos, the first, filled with English farmers who manured their lands in a state of ‘one conformity’ and in a unity of obedience under one monarch, the other, marred by the decline of ‘English blood’ and the consequent growth of ‘Irish blood’, conspicuously not.¹¹⁷

It was, of course, not the first time the ‘Irish’ and the ‘English’ had been counterpoised in such an absolute fashion nor was Cowley’s call the first occasion where the removal of all Irish from the Pale was canvassed.¹¹⁸ But the discourse had discernibly changed under new conditions of greater crown intervention, intensified ‘reformist’ initiatives and ambitions, and embattled papal and Tudor sovereignties. The

¹¹³ Recall how in chapter 3 we saw that Cowley was an advocate of brutal tactics of starvation and displacement. *SP Henry VIII*, ii, pp 329-30.

¹¹⁴ *SP Henry VIII*, ii, p. 451.

¹¹⁵ *SP Henry VIII*, ii, p. 447.

¹¹⁶ *SP Henry VIII*, ii, p. 158.

¹¹⁷ *SP Henry VIII*, ii, p. 338.

¹¹⁸ As we noted in chapter 3, Cowley himself, in a move that linked him with fifteen-century desires and initiatives, had proposed ridding Leinster of all Irish in 1526. B.L., Lansdowne MS 159/2, f. 10. There were, too, of course, much older precedents to such claims.

Reformation and Offaly's revolt, in other words, sharpened definitions of conformity in stark contrast to its now vividly visible opposite, treason, therefore refashioned what conformity entailed in an environment of war and rebellion where the battle lines between loyalty and treason were firmly and urgently drawn. Yet another example of the 'office-based' terms of subject-hood as the space within which its 'truth' and transgressions were determined, the fluidity of these terms, and the possibilities of their differentiated association, were key to what would later emerge. For 'treason' could slip into a space of definition consisting of concentric circles whose movements constituted the shifting horizons of power and governance through which the terms and contours of Tudor order, 'true' Christianity, and 'true' subject-hood acquired their substance. As we saw in chapters three, four, and six, there were three dimensions to such dynamics. The 'truth' of one's service and subject-hood was a focal point of uncertainty that needed constant demonstrative (re)affirmation. As such, and since 'truth' itself was internally divided along the terms of both 'civility' and the metaphysics of becoming, and the exigencies of crown service and viceroial rule, which could require 'exceptional measures' or special considerations that attenuated the transgressions of powerful loyal subjects, it was a pivotal marker for distinguishing the 'true' subject from the imperfectly so or the rebel or enemy. In the matrix of these three ever-moving discursive poles, the discourse of treason could consolidate the figure of the 'true Christian and crown subject' against its opposite.

Grey, and as an 'overmighty subject' and auspicious target of opprobrium, was at the centre of the controversy. As James Butler wrote to Cowley in mid-1538, 'More than I, or any other true Christian man, durst speak against the Bishop of Rome's usurped authority, if we were there; of whose sect he is chief and principally in this land'.¹¹⁹ The implied polarities soon became the obedient crown subjects versus 'papists' and the 'Geraldines'. By 1538, Cowley charged that Grey's abuses 'subdue the King's true subjects' and 'extoll and erect the Geraldine sect' whose members had, if not categorically become, were nevertheless spoken of in the same register as, 'papists' (he 'atollrates the papists favourably') and 'traitors' (the 'the Geraldines, and their sect, with other the King's rebels and traitors').¹²⁰ In his assessment of 'Geraldine' activities, Alen reiterated the king and Cromwell's 1534 diagnosis of the principal

¹¹⁹ *SP Henry VIII*, iii, p. 34. On clerical opposition, see Steven G. Ellis, "The Kildare Rebellion and the early Henrician Reformation", in *HJ*, 19, 4 (1976), pp 807-830; Murray, *Enforcing the English Reformation in Ireland*, pp 88-90.

¹²⁰ *SP Henry VIII*, iii, p. 50.

cause of the disorder in Ireland, adding a Scottish twist: ‘the Bishop of Rome is the only author of this their detestable purpose, and the King of Scots a special comforter and abetter’ of James fitz John Fitzgerald, the 12th earl of Desmond *de facto*, Con O’Neill, and Manus O’Donnell’s efforts to ‘exclude the king from all his regality within this land’.¹²¹ Concurrently, the ‘Geraldine heart’ was now counterpoised to the ‘true heart’ of the true crown subject, the former an obstacle to the king’s cause and ‘reform’, the latter the implied agent thereof. As Cowley warned in his report of 1537-8, so ‘long as any of the Geraldine heart be authority or in the king’s council’, the king’s affairs shall never proceed to good effect nor the demises studied for the subduing of Irishmen’.¹²² Although also an effort to bolster their reformist credentials in alignment with the directions then pursued in England, the council’s journey into Munster in 1538 to administer the oath of supremacy was also a concrete, instantiation of such anti-Grey, anti-papist, and anti-Geraldine rhetoric on the part of the lord deputy’s opponents, a ‘deliberate attempt’, as James Murray put it, ‘to undermine the credibility of what they regarded as his pro-Geraldine, and papistically inclined, governmental strategy’.¹²³ Yet even when it was a matter of defending Grey’s ‘honesty and truth’, the polarised terms of ‘truth’ around ‘Geraldine’ and ‘true’ and ‘honest’ subject-hood remained: for Thomas Agard in April, except for the few men who owed their hearts to the Geraldines and are ‘brand at the hearts with a ‘G’ for the same’, people in Ireland commended the lord deputy, for there had never been a man of his degree in these lands.¹²⁴ Four months later, Thomas Alen, when writing of Ireland being in good peace and quiet owing to the circumspection and policy of the master treasurer, chief justice, and master of the rolls since their coming to Ireland, struck a similar note: ‘But I pray God, all we, that been the king’s true subjects (neither of the Geraldine band, nor papists), may witness the good success there of in time coming’.¹²⁵

It was no accident, then, that a ‘corporate’ unitary logic came to pervade Tudor characterisations of the ‘Geraldine League’ in 1539-40, and that treason played a central role therein. The activities of the ‘Geraldine League’ noted above were part and parcel of what Vincent Carey has called ‘the cult of Kildare’, which ‘provided a ready

¹²¹ *SP Henry VIII*, iii, pp 136-7.

¹²² L.P.L., Carew MS 602, f. 151.

¹²³ Murray, *Enforcing the English Reformation in Ireland*, pp 117-120, quote on p. 120.

¹²⁴ *SP Henry VIII*, ii, pp 567-8.

¹²⁵ *SP Henry VIII*, iii, pp 68-9.

focus for the sophisticated machinations' of O'Neill and O'Donnell.¹²⁶ Acquiring prestige and pull at the juncture of English-Irish, Gaelic, and broader European reverence for nobility, there crystalized in the 'young Fitzgerald' a counter-focus for struggles for sovereignty that not only linked alternative bonds of allegiance in papal spiritual supremacy with Scottish and other intrigue, but was also of a piece with the polarisation of Tudor political theology, the two being two faces of the same process. The point will be explored in more detail in the following chapter. For now, note that if the lord deputy and council wrote to Henry VIII in 1540 that the detestable traitours, the 'young Gerald', O'Neill, O'Donnell, James fitz John Fitzgerald, O'Brien, O'Connor, and O'Molloy, 'with their secte and confederates' persist and continue in their tyrannical ways to destroy the king's true and faithful subjects, that they erected and glorified the bishop of Rome's usurped primacy and commonly reported their efforts to get the French king, the Emperor, and other foreign princes involved,¹²⁷ they would shortly thereafter inform Cromwell that, being in a 'perfect charitable concord and unity', they would to the utmost of their powers 'punish and annoy the disloyal, tyrannous, traitors, James of Desmond, O'Neill, O'Donnell, and their adherents' who 'be but vile persons in habit and manners yet they be of such force in several parts'.¹²⁸

By the 1540s, the island's regional and transregional spiritual-civil entanglements unravelled and re-aligned to produce a new political-theological web in Ireland. If evangelicals in England – and particularly those in exile in the late 1530s and 1540s – saw the workings of devilish and papist conspiracy everywhere,¹²⁹ the centres of gravity for such machinations in Ireland were the 'Geraldines' and friars as the link between treason, rebellion, and conspiracy.¹³⁰ After years of Browne, Cowley, and others complaining about local loyalty to the pope, after the king, Cromwell, and others' formal identification of the pope as the root cause of all disorder in the land, and after the regime's concerted effort to neutralize Ireland as a potential haven for subversive intrigue with foreign powers, transregional alliances between Irish, Scottish, and Continental powers crystalized into traitorous emblems of the machinations of both Grey and the pope. Thus, as the Geraldines became a 'sect', its members called traitors

¹²⁶ Carey, *Surviving the Tudors*, p. 48.

¹²⁷ *SP Henry VIII*, iii, p. 175.

¹²⁸ TNA SP 60/9, f. 27r.

¹²⁹ Davies, *A religion of the Word*, 34-7; Alec Ryrie, *The gospel and Henry VIII: evangelicals in the early English Reformation* (Cambridge, 2003), chaps. 3 and 4.

¹³⁰ T.N.A., SP 60/11, fo. 112B; T.N.A., SP 60/11, fo. 101.

and ‘rank papists’,¹³¹ with both Grey and the pope identified as their leaders, and if it was Browne’s statement on dissimulation with which we opened the chapter that brought into clearest focus the link between the friars, Grey, and the Geraldines, it was the authors of a document mounting a case against Grey for treason in late 1540 who gave the polarised terms of obedience and their attendant associations their axiomatic expression. The report charged that the lord deputy had left the king’s artillery in Galway, whose ports were more readily accessible by ‘the Bishop of Rome or Spaniards’ than they were by the king, ‘as a report was, that Cardinal Pole, with an army should have landed about that time, being the beginning of the summer after the insurrection of the north of England’.¹³² Not only a question of eliminating the traitors,¹³³ the stakes were nothing short of the ‘total destruction of the king’s subjects and dominion’, and Grey, as the disordered ruler par excellence identified as the sole culprit and cause of insurrections ‘against the King and his subjects’, was now in the eyes of his detractors, indisputably a disordered, tyrannical, and traitorous leader of the ‘Geraldine and papistical traitorous sect’.¹³⁴

8.5: The ‘trial of this country’, 1546

Although the rhetoric of papistical-Geraldine disobedience as the emblematic counterpart to ‘true Christian crown subject-hood’ petered out throughout St Leger’s realm, they persisted to a certain degree: as we saw in chapters five through seven, faction did not die with the arrival of St Leger as deputy, and as late as 1546, Rory O’More, the captain of Laois, could still define the ‘truth’ and ‘honesty’ of his and his family’s service, obedience, and subject-hood in light of their pedigree since the Kildare Rebellion against the regime’s enemies as enthusiastic, wilful supporters of crown government. It persisted, too, within the horizons of doctrinal contestation spawned by the Henrician Reformation: Butler and his agents continued to report any ill-words against the royal supremacy, recounting conversations related to whether or not men and women believed in the Holy Church and whether or not that meant, to them, if they believed in the pope. Yet while dissimulation, ‘civility’, and conformity – and the new

¹³¹ *SP Henry VIII*, iii, p. 256.

¹³² *SP Henry VIII*, iii, pp 248-9, 251.

¹³³ Cowley had just a little earlier identified the means by which the traitors among the Geraldines could be eliminated once and for all. *SP Henry VIII*, iii, pp 145, 147.

¹³⁴ *SP Henry VIII*, iii, p. 256.

Reformation political theology of ‘truth’ they were funnelled through – during St Leger’s deputyship evinced their own modalities of polarisation around an intensified concern with the honest and dishonest, the ‘civil’ and the ‘savage’, the finer gradations betwixt them, however, belied the kinds of stark, distinctly Reformation terms of Tudor political-theological polarisation from 1535-1540. A space for conciliation, for an unbinding of the ‘papist-Geraldine’ paradigm of traitorous disobedience within a new constitutional dispensation, then, (re)-opened up – and this opening leads us back to the muddled terrain of spiritual-civil entanglement from which stark polarities of order, sovereignty, and subject-hood emerged in the first place. For the polarisation of ‘true’ subject-hood and ‘false’ rebel-hood was always a contingent affair, beholden not only to faction, but to the very tenets of Tudor rule and the strategies of its imposition and consolidation.

All the same, a single episode from 1546 captures the dynamics and forms of late-Henrician political theology. After the fallout of the Butler-led coup against St Leger, and months before he died under suspicious circumstances,¹³⁵ James Butler, earl of Ormond, was again the brunt of a revealing attack, this time from ecclesiastical quarters: Archbishop Browne. If Browne reiterated the litany of accusations against Ormond then being peddled, revolving as these did around his regal airs and pretension, he not only added cultural impropriety to the mix, but conceptualised the conditions of service, obedience, and duty in Ireland in a manner that effectively marked the culmination of the Henrician economy of treason.

Browne informed the king of the dire state of the Irish kingdom and the recent conflict between St Leger and Ormond, on whom the archbishop squarely laid the blame:

Most gracious Prince, here reigneth insatiable ambition, here reigneth continual coign and livery, called extortion. [...] The said earl [of Ormond] is more like a prince, than a subject; more like a governor, than an obedient servant. What toy he hath in his head, I know not; I pray God, it may turn to Your majesty’s honour; for even, at his departure, he will, ye, and commanded, the Council, my Lord Deputy

¹³⁵ David Edwards, ‘Malice afterthought? The death of the ninth earl of Ormond, 1546’, in *Butler Society Journal*, 3 (1987), pp 30-41; David Edwards, ‘Further comments on the strange death of the ninth earl of Ormond’, in *Butler Society Journal*, 4 (1997), pp 58-64.

being present, that we should not advertise Your Grace, nor your council, of the state of this land, notwithstanding the said lord Deputy required us to the contrary. [...] I beseech God to preserve Your Grace, and to save all your English subjects *from the trial of this country* [emphasis my own]. [...] For although the said Earl de repair to Your Majesty's council, in English apparel, with some yeomen, yet there is more Irish order, more Irish rule, and more stealth now, in the sand lands of late given him, than was before great while; ye, and as men say, in the Geraldine times.¹³⁶

In an enormously suggestive rhetorical move that effectively displaced the conflation of Kildare and Grey onto a whole period, a window of time was temporally differentiated and designated with the tarnished name of 'Geraldine', that paragon of papist disorder and treason, that Browne here brought into close albeit tense proximity with the 'Irish order' and 'Irish rule' he alleged prevailed in Ormond's newly acquired territories contrary to all appearances. If Henrician political theology polarised time along pre- and post-royal supremacy axes of darkness and light, there also engendered in Ireland a distinctly Irish polarisation of time along pre- and post-Geraldine times. And just like papal darkness continuously threatened the light of Christ Henry VIII had brought into his dominions by renouncing papal supremacy, the spectre of the 'papistical and traitorous' Geraldine continued to haunt Tudor sovereignty and order.

In a remarkable, culminative synthesis, the archbishop elliptically channelled the discourse of 'civility', relied upon God's ultimate sovereignty, and conveyed in the form of a despaired lament the horizons of power, law, and governance that had emerged in the last decade. 'Englishness' and prayers to God became the only object and promise of a now redemptive obedience and loyalty. By 1546, in other words, the overarching poles of Tudor political theology remained 'English order' as it aligned with God's will and favour, and 'Irish order' as encapsulated by transgressions of office and usurpations of royal power characteristic of 'Geraldines times'. If treason was not named, the polarised terms it helped create pervaded Browne's complaints. At the very least, we catch a glimpse of the expanded discursive scope of law of which the economy of treason had been a significant instantiation and effect. If for Grey, Ireland

¹³⁶ *SP Henry VIII*, iii, p. 557.

was a land that was ‘predestinate’ to ‘bring forth sedition, invention, lies, and such other naughty fruits’ (chapter five); if for St Leger, the duration of his deputyship had been hell (chapter three); and if for Walter Cowley, his time in Ireland had been a divine punishment (interlude), life and service among the king’s English subjects in Ireland, this land plagued by faction, intrigue, and struggles for power between ‘true’ and ‘false’ subjects, had for Browne become a trial.¹³⁷

8.6: Conclusion

In the latter decades of Henry VIII’s reign, treason travelled the streams of power and governance as these were convulsed by a combination of currents. On the one hand, it was indissociable from endemic lordly violence in Ireland, England’s wars on the island and the Continent, and eruptions of dynastic, imperial, and spiritual wars across Christendom. On the other, it cogently intersected with and was further animated by the newly contested boundaries and statuses of the spiritual and temporal domains that, first, found expression in the transregional world of prophecy which spurred competing visions of Christian history and sovereignty in Ireland and beyond; and second, that were becoming a volatile source of conflicts over jurisdiction and struggles between competing conceptions of holiness and Christian life. The polarisation of the universe of office, and the ‘inward’ and ‘outward’ terms of rule and obedience, service and counsel, and ‘civility’ and proper conduct, also coalesced with the Henrician economy of treason, an economy that also rode the waves of ‘proliferating sovereigns’ and the flashes of barely contained eruptions of sovereign might. With the conflation of treason and heresy, and the ‘theologisation’ of treason as an offence towards both king and God, how divine majesty was embodied in the creatures of God’s creation, and how forms of exceptional spiritual, ‘magical’, and civil power were distributed across disparate yet interconnected socio-cultural horizons, constituted the harvest-ground for the ingredients of ‘true crown subject-hood and service’ to coalesce with the Henrician economy of treason and the restructurations in power and governance it intersected with and galvanised. Such were the spiritual, civil, and socio-cultural corridors and domains in which the Henrician economy of treason’s fluctuations were instrumental in

¹³⁷ For Cowley and St Leger, see T.N.A., SP 60/12, f. 120r and *SP Henry VIII*, iii, p. 573.

radicalising the terms of order and strife and in precipitating political-theological polarisation.

Although a mere effect of deeper restructurings of the spiritual and temporal horizons of power and governance that far exceeded the parameters of the office of lord deputy, Leonard Grey's congealing into the figure of Kildare and the new leader of the 'Geraldine sect' – and therefore the inverse image of orderly Tudor rule – was the event, the discursive point of singularity, if you will, that harnessed into a single figurehead an array of processes that had their immediate origins in events from the 1510s onward, and which coalesced in a galvanic way with the ramifications of aristocratic revolt and the royal supremacy. If the friars were a key matrix in the political-theological entanglement of 'Irish', 'English', and Continental worlds, and if through family connections, alliances, and intrigue, the 'Geraldines' similarly bridged English-Irish, Irish, and continental worlds, their respective associations – both real and imagined – with Grey also present a curious case of the common cultural horizons between Ireland and England that Brendan Kane has so effectively highlighted,¹³⁸ as a nexus simultaneously at the centre of both the post-supremacy polarisation of struggles for sovereignty and Tudor political theology, and pre-1541 shared planes of theological-cultural co-existence. The 'becoming-Irish' of sorts of the papistical-traitor Grey, from a Tudor perspective, and the 'becoming-heretic' of Grey from a Gaelic perspective allows us to see Grey as a point of singularity through which 'Gaelic' and 'English' worlds coincided. While law became a revitalised, volatile fount for determining the tenets of God's order on earth, through war – and beyond the theological question of its justness – treason and its scope fluctuated. In the interplay between law and order, violence and peace, lay the custodians and bearers of holiness and sacrilege, the sacred and the profane. Grey may not have been the only point of contact between these worlds; a contingency among others, he was all the same one of the most visible windows into the plural corridors by which Tudor order was ultimately polarised.

Yet there was another crucial ingredient to this political-theological entanglement, one that similarly harnessed 'Irish' and 'English' worlds, the pre- and

¹³⁸ Brendan Kane, *The politics of honour in Britain and Ireland, 1541-1641* (Cambridge, 2009); idem, 'From Irish Eneach to British honor? Noble honor and high politics in Early Modern Ireland, 1500-1650', in *History Compass*, 7, 2 (2009), pp 414-30; idem, 'Making the Irish European: Gaelic honor politics and its continental contexts', in *Renaissance Quarterly*, 61 (2008), pp 1139-66. See also David Edwards, 'Collaboration without Anglicization: the MacGiollapadraig lordship and Tudor reform', in Patrick J. Duffy, David Edwards and Elizabeth FitzPatrick (eds), *Gaelic Ireland, c.1250-c.1650: Land, Lordship and Settlement* (Dublin, 2001), pp 77-97.

post-Reformation and Act of Kingly Title horizons of office and order, and the terms of dissimulation, holiness, and ‘civility’ into another plane of embattled sovereignties: oaths, or what Conal Condren has called the ‘quintessence of office in action’. If in the late 1530s, and invoking clear unitary contrasts, Ossory reported having heard that the McSweeneys of Kavanagh assembled together and, ‘debating how to annoy the Englishry of this land’, were fully sworn and knit together to take one part to make invasions’, and that, ‘otherwise of the Irishry’, too, were ‘knit in likewise together’, it was, too, partially in the context of Browne’s efforts to tender the oath to the friars as well as their refusal to take it, that they were repeatedly denounced as ‘obstinate and sturdy papists’.¹³⁹ What role, then, did oaths play in the dynamics of Tudor political theology, order, and pre-and post-supremacy interpolity order and struggles for sovereignty in Ireland? how did they become horizons in which the ‘truth’ of Christian crown subject-hood and service was contested anew? Such is the topic of the final chapter.

¹³⁹ B.L., Add MS 4819, f. 8; *SP Henry VIII*, ii, p. 539; *SP Henry VIII*, iii, pp 8-9.

Chapter 9:

Oaths, sovereignty, and interpolity order, 1520-47

Beyond the legal canon and codified law lay practices of peace, war, and conquest that governed ‘interpolity law’ across regimes of legal and political pluralism in early modern Eurasian and Atlantic worlds.¹ Ireland, too, figured in such global patterns. If raiding, tribute-collection, and truces were a regular feature of Gaelic and English-Irish elite relations and negotiations of power, lord deputies in Ireland tirelessly travelled the country, making indentures, and taking pledges, submissions, and promises of peace as the regime sought to ‘reform’ or reduce Ireland to obedient ‘civility’.² They conducted raids and burned crops in the lands of ‘obstinate’ Irish or English-Irish, or with so-called ‘politique persuasions’ negotiated settlements over which nevertheless hovered the ever-present threat of violence. Integral to such settlements and the expansion of crown authority and power in Ireland was tendering and taking of oaths.

Oaths had been a staple of English government for centuries. Office holders swore oaths upon assuming their office, as did jurors or deponents when examined by commissioners or judges, while oaths of citizenship and of office were central to urban politics. Oaths of fealty had also long been used to bind persons of unequal social status to their mutual obligations and had since the fourteenth century been tendered to test the loyalty of subjects.³ In Gaelic and Gaelicized Ireland, too, oaths were prominent in the sacral and profane dynamics of lordly power struggles.⁴ Yet, using oaths to compel

¹ Lauren Benton, ‘The legal logic of wars of conquest: truces and betrayal in the early modern world’, in *Duke Journal of Comparative and International Law*, 28 (2018), pp 425-48. See also Lauren Benton and Adam Clulow, ‘Empires and protection: making interpolity law in the early modern world’, in *Journal of Global History*, 12 (2017), pp 74–92.

² Perhaps this was related to the ‘peace in the feud’, and to the terms of peace-making in both factional strife and codes of honour that discontinued conflict rather than achieve its definitive end. On feuds, faction, arbitration, and violence in Ireland, see Peter Crooks, ‘Factions, feuds and noble power in the Lordship of Ireland, c. 1356-1496’, in *IHS*, 35, 140 (2007), pp 425-54. For a portion of the submissions and pledges taken and indentures made by Grey, for example, in 1536-7, see his own ‘breviat’, calendared in *CSPI*, nos. 494.1, 494.2

³ David Martin Jones, *Conscience and allegiance in seventeenth century England: the political significance of oaths and engagements* (Rochester, 1999), chap. 1; Edward Vallance, *Revolutionary England and the national covenant: state oaths, Protestantism, and the political nation, 1553-1682* (Rochester, 2005), p. 20; Christian D. Liddy, *Contesting the city: the politics of citizenship in English towns, 1250-1530* (Oxford, 2017), chap. 2. For an example of Henry VII’s novel use of the oath of fealty, see Gordon McKelvie, ‘Henry VII’s letter to Carlisle in 1498: his concerns about retaining in a border fortress’, in *Northern History*, 54, 2 (2017), pp 149-66.

⁴ *AU*, p. 589. There are countless references to oaths taken and broken among Irish, Normans, English, and Welsh as well as the terms of the bonds they prescribed in Giraldus Cambrensis’ *Expugnatio Hibernica*. See, for example, Giraldus Cambrensis, *Expugnatio Hibernica, the conquest of Ireland*, ed. and trans. A. B. Scott and F. X. Martin (Dublin, 1978), pp 33, 37, 41, 51, 69, 85, 93, 95, 113, 163, 167. On

conformity was a Tudor innovation.⁵ If oaths invoked God as a witness and seal to postlapsarian human speech and action, and if oath-taking was a performative enactment of allegiance wrapped up not in competing ideologies but in political-moral forms of life,⁶ oaths were politico-theological and juridical ‘instruments’ through which God, human, and ‘truth’ were brought into relation with the imperatives of Tudor order.

Correspondence between Dublin and Whitehall contains countless references to ‘true and faithful’ service and obedience promised on oath according to one’s ‘natural duties of allegiance’. What these signified, however, changed as the crown and its officials laboured to impose English law and order in Ireland within conditions of power, governance, authority. Historians of England have explored how oaths were central to early modern social discourse, ‘religion’, and state formation, becoming the vectors through which the Reformation was not only enforced, but its theology and reception were worked out.⁷ While conditions in Ireland were different than in England, foregrounding oaths as vectors of ‘state-formation’ and order can yield new ways of thinking about order and power, government and theology. Indeed, political-theological abstractions of corporate, impersonal order and power (as evidenced by the ‘corporatisation’ of the commonweal after 1537 discussed in chapter two and the office-based abstractions of power explored in chapters four and six) certainly intersected with the general dynamics of the ‘Crown’ and ‘state-building’ in Ireland. As Ernst Kantorowicz has shown, oaths were key to the processes by which from the thirteenth century onward, the earthly state consolidated itself as an institutionalised, abstract, and impersonal fiction; ‘vassalitic’ oaths of fealty, when ‘ecclesiastified’, became oaths not to a person but to both the papacy as an institution and to the episcopal office, after which it ‘returned in a new guise to the secular state as an oath of office urging the king as well as his officers to protect an impersonal institution which “never dies”, the

oath-taking in Gaelic Ireland between the twelfth and sixteenth centuries, see Katherine Simms, *From kings to warlords: the changing political structure of Gaelic Ireland in the later middle ages* (Woodbridge, 1987), pp 56, 68-70, 99, 106.

⁵ Perez Zagorin, *Ways of lying: Dissimulation, persecution, and conformity in early modern Europe* (Harvard, 1990), pp 224-5; Jones, *Conscience and allegiance*, chapters 1 and 2.

⁶ In the words of Edward Vallance, in ‘a postlapsarian world oaths were seen as the only means of assuring truthfulness in human affairs’. Vallance, *Revolutionary England and the national covenant*, p. 19. See also Jones, *Conscience and allegiance*, intro.

⁷ Jones, *Conscience and allegiance*; Vallance, *Revolutionary England and the national covenant*; John Walter, *Covenanting citizens: the protestation oath and popular political culture in the English revolution* (Oxford, 2016); Condren, *Argument and authority*; Stefania Tutino, *Law and conscience: Catholicism in early modern England, 1570-1625* (Aldershot, 2007). On oaths being a primary vector through which Reformation theology was worked out, see Jonathan Michael Gray, *Oaths and the English Reformation* (Oxford, 2012); Gray, ‘Conscience and the word of God: Religious arguments against the *ex officio* oath’, in *JEH*, 64, 3 (2013), pp 494-512.

Crown'.⁸ Oaths in Ireland, too, had long been central to the corporatisation of community and the contractarian bonds of mutual obligation between ruler and ruled that followed suit.⁹ As indices of truth, oaths, then, played a significant role in the formation and contestation of 'true Christian crown subject-hood and service' by foregrounding new kinds of 'vertical' and 'horizontal' relations between God, sovereign, and subject through which divine, princely, and indeed papal majesty were embodied and the 'Crown' and commonweal were bound. Yet if oaths constituted the simultaneously local and transregional matrices of 'truth' through which, at the crossroads of conflicting bonds of allegiance and service, competing jurisdictions and unstable polities were enacted, the conditions of 'political' and legal pluralism in Ireland galvanised practises of deception, intrigue, and dissimulation into Janus-faced spiritual-civil landscapes of law, allegiance, and service, creating the conditions in which Christian forms of life both upheld and subverted the terms of Christian order and sovereignty.

9.1: Oaths, diplomacy, and interpolity order, 1520-43

If consolidating Tudor power meant taking pledges and submissions, making indentures and agreements of peace with troublesome men, and erecting the lord deputy and council as arbiters of disputes between rebellious lords that ordered all causes between 'dissidents' and breakers of the king's peace,¹⁰ very often such agreements involved taking oaths.¹¹ English-Irish and Gaelic lords and captains were often made to swear an oath by Tudor officials to recognize the king as their sovereign, to accept the lord deputy or other's arbitration, to serve the crown, to keep the peace, and with growing

⁸ Ernst Kantorowicz, *The king's two bodies: a study in medieval political theology* (Princeton, 1957), pp 347-54.

⁹ Peter Crooks, 'The structure of politics in theory and practise, 1210-1541', in Brendan Smith (ed.), *The Cambridge history of Ireland, vol. 1, 600-1550* (Cambridge, 2018), pp 454-6.

¹⁰ *SP Henry VIII*, ii, p. 57. See Crooks, 'Factions, feuds and noble power in the Lordship of Ireland, c. 1356-1496', especially pp 441-2.

¹¹ Sir John Stille, for example, twice in 1521 alludes to Irish lords making promises to the regime 'by oaths or otherwise'. *SP Henry VIII*, ii, p. 81; *SP Henry VIII*, ii, p. 85. Indentures and agreements throughout the 1520s, 1530s, and 1540s, were sometimes secured by seals and signatures, or simply by promises and pledges, and did not always explicitly mention being taken on oath – which, of course, does not preclude them having been tendered and taken all the same.

frequency from 1533 onward, to ensure the safe and unhindered passage of the king's 'true and faithful' subjects in their lands.¹²

A few episodes between 1520 and 1536 stand out for the specific associations they prescribed. Writing to the king in late July 1520, Lord Lieutenant Thomas Howard, the earl of Surrey, recounted how peace was made with O'Connell, who was now 'sworn to Your Grace'. Yet, the promise O'Connell was now in theory bound to also integrated him within a great web of promised service between the earl of Ormond, the lord lieutenant and crown, and three other Gaelic lords, namely O'Carroll, Cormack Oge, and McMourrough, who had all sworn that if O'Connell 'do not as he is sworn to do, they all shall make war upon him'.¹³ Similarly, the indenture between Lord Deputy William Skeffington and Con Bacach O'Neill from 26 July 1535 stipulated that 'Lord O'Neill and Lord Maguire, Niall Conallach O'Neill, Niall Mor O'Neill and Giola Easpaig MacDonald took a corporal oath, upon the Holy Gospels, to observe all the articles of these indentures' and that if any of them failed to do so, 'then all the others will be against him with the lord deputy, for his correction, from that time unto the time each one will be reformed'.¹⁴ William Brereton and other councillors appealed to this arrangement five years later when concluding a peace with O'Neill, who promised to abide by the terms of the indentures made 'between sir William Skeffington and himself' and 'by his oath, to keep peace truly' and to cause those he ruled 'to do like manner'.¹⁵

There were European counterparts to these arrangements: such bonds of sworn mutual aid resembled, for instance, Wolsey's peace initiative of 1518, the treaty of perpetual peace, or as it was formally known, the Treaty of London, which was sworn to by all the great powers of Europe and a coterie of lesser powers, binding all signatories to warn aggressors of their violations of the peace and to make war by land and sea against them if they persisted in their hostilities.¹⁶ There were no Irish or English-Irish signatories. The difference in the Irish cases above was that the

¹² See for instance: *SP Henry VIII*, ii, pp 46-7; *SP Henry VIII*, ii, p. 81; *SP Henry VIII*, ii, p. 85; *SP Henry VIII*, ii, p. 121; *SP Henry VIII*, ii, p. 129; *SP Henry VIII*, ii, p. 170; *SP Henry VIII*, ii, p. 254; *SP Henry VIII*, ii, p. 266; *SP Henry VIII*, ii, p. 282; *SP Henry VIII*, iii, 286-7; *Cal. Carew MSS*, nos. 61, 76, 80; *Patent and close rolls*, no. 109, p. 81. For indentures (excluding those made with the earls of Ossory and Kildare, which will be discussed below) made without any explicit mention of oaths but binding adherents to similar articles, see, for instance, *Cal. Carew MSS*, nos. 34, 56, 72, 77, 79. For fifteenth-century examples, see *L&P Richard III – Henry VII*, i, pp. 68-69; *L&P Richard III – Henry VII*, ii, p. 326.

¹³ *SP Henry VIII*, ii, p. 36.

¹⁴ *L&P*, no. 1112.

¹⁵ *SP Henry VIII*, ii, p. 205

¹⁶ J.J. Scarisbrick, *Henry VIII* (Berkeley and Los Angeles, 1968), pp 71-2.

horizontal' obligation of defence to assist participants against those who broke the promise that accompanied such oaths – a common feature of Gaelic aristocratic and martial culture¹⁷ – was part of a 'vertical' bond between sovereign and subject. It had, therefore, something of the dynamics of urban oaths of citizenship, sworn by all who were granted access to the franchise as freemen, for such oaths, as 'oaths of mutual-aid' between a community of equals, also included declarations of obedience to the town or city's highest civic office-holders.¹⁸ Harnessing, European, English and Gaelic politico-cultural horizons, oath-taking in Ireland enacted, however unstably, the changing Tudor polity in Ireland.

'Horizontal' bonds, moreover, were secured among the highest earthly sovereigns in Europe whose dynastic power struggles were from the 1520s becoming inflected by the problem of Ottoman expansion and burgeoning spiritual division across Christendom. The consequences for Irish affairs and the island's place in interpolity order and relations of the time were significant. For, contrary to Henry VII's declared intentions in 1494 to the French king, Louis XII, that he would put Ireland – and especially the 'Irlandais sauvages' – into order,¹⁹ by the early 1520s, oath-taking was in fact *the* central arbiter of Ireland's position in English foreign policy, while other Christian powers seemingly recognised – or at least paid lip-service to the idea that – Ireland was part of Henry VIII's legitimate orbit of 'imperial' rule. If the Kildare Rebellion of 1534-5 drew 'international' attention, thrust 'the Irish question into the mainstream of European politics', and made the defence of the Catholic faith a cause justifying foreign intervention on the island,²⁰ and if a 'network of overlapping contacts connecting Ulster, Scotland, and France' between the mid-1520s and the 1540s convulsed the balance of power in the 'British Isles' and shaped Whitehall and Dublin's strategies of defence and governance in Ireland,²¹ then already in 1520-2, Henry's treaties and oaths to other Christian princes partially prefigured Ireland's place within

¹⁷ See for instance the *AU*, pp 526-7, 589.

¹⁸ Liddy, *Contesting the city*, chap. 2, quote on p. 29.

¹⁹ Christopher Maginn, 'Continuity and change: 1470-1550', in Brendan Smith (ed.), *The Cambridge history of Ireland, vol. 1, 600-1550* (Cambridge, 2018), p. 312.

²⁰ Laurence McCorristine, *The revolt of Silken Thomas: a challenge to Henry VIII* (Dublin, 1987), p. 18; Micheál Ó Siochrú, 'Foreign involvement in the revolt of Silken Thomas, 1534-5', in *Proceedings of the Royal Irish Academy. Section C: Archaeology, Celtic Studies, History, Linguistics, Literature*, 96C, 2 (1996), pp 49-66. See also William Palmer, *The problem of Ireland in Tudor foreign policy*, pp 44-48, 53; Steven G. Ellis, 'The Kildare Rebellion and the Early Henrician Reformation', in *HJ*, 19, 4 (1976), pp 807-830.

²¹ Mary Ann Lyons, *Franco-Irish relations, 1500-1610: politics, migration, and trade* (Woodbridge, 2003), pp 22-76, quote on p. 76.

Christian interpolity order. At the mercy of Henry's honour, beholden as it was to his sworn commitments to the French King and Holy Roman Emperor, lay Ireland.

As far as Henry VIII was concerned, Ireland was a liability for Tudor policy on the Continent. The 'manifold quarrels between the Emperor and the French king' – which were likely to erupt in mutual invasions that he was oath-bound to defend – took priority over Irish affairs; Henry, after all, took seriously the role of European arbiter that the Treaty of London cast him in.²² Surrey's – according to Henry, disproportionate and unrealistic – demands in 1520 for money and men to counter the threat from both Irish rebels and Scots under the earl of Argyll's command, then, could not be met. Moreover, the 'destitution' the crown would suffer by funding Surrey's campaign would 'redound to the diminishing of his noble fame and estimation, throughout all Christendom', for in his obligations to Francis I and Charles V, his honour 'greatly dependith'.²³ Two years later, the situation was re-formalised: the Treaty of Windsor between Henry VIII and the emperor included the obligation whereby 'the contracting princes' were to assist each other in the event that 'either of them should be engaged in recovering his property from others withhold it from him, as, for instance, if the king of England should undertake to conquer Scotland or reduce Ireland into his obedience'.²⁴ Then, by 1528, Ireland had become a bargaining chip in the power-plays of the Christian princes of Europe. In a dispute between Francis I and Charles V over Milan and Flanders, which Henry VIII adjudicated, the French king agreed to abandon claims of suzerainty over Flanders if Henry consented to, as Edward Halls recounted, 'release his Seigniority or superiority of Wales, Ireland, or Cornewall'.²⁵

Oaths cementing 'horizontal bonds' continued to pull Ireland into interpolity relations well into the 1540s, when Charles V, Henry VIII, and their respective ambassadors laboured to renew ties of amity and promises of mutual aid. After setbacks and major disagreements, negotiations between the two princes culminated in the 1543 'treaty of friendship, intelligence, and confederation' which bound Henry VIII by oath to defend the emperor in the event of any invasions or injuries done to his dominions, particularly by the French king and the Ottomans, who since 1536 were bound as allies

²² For a discussion of the treaty and the wider European context, see Scarisbrick, *Henry VIII*, chap. 4.

²³ *SP Henry VIII*, ii, pp 65-70.

²⁴ *L&P*, iii (ii), no. 2333.

²⁵ *Hall's Chronicle: containing the history of England during the reign of Henry the Fourth, and the succeeding monarchs, to the end of the reign of Henry the Eighth* (London, 1809), p. 743.

by formal treaty, much to the outrage of many across Latin Christendom.²⁶ Indeed, if the alliance between the French and the Ottomans reconfigured dynastic and city-state alliances and struggles for power across Europe and the Mediterranean, bolstering the French and certain allied princes against the empire,²⁷ it also arguably made all the more urgent the necessity, in Charles's mind, of an imperial-English alliance. Charles V, after all, appealed to Henry VIII's duty, honour, and obligation as a Christian prince to secure his assistance in the pursuit of both his own dynastic and familial interests in the Holy Roman Empire and against the French and the Turks, which he, as the prophesied Universal Monarch he recognized himself as in the wake of both Ottoman aggression and his own colonial endeavours in the 'New World', considered of paramount importance to the very survival of the Christian commonweal.²⁸

While Ireland was roped into Henry's war against France in 1544 as a result of the Tudor monarch's efforts to secure his fledgling colony in Boulogne from Francis I's attempts to recover what he believed was rightfully his,²⁹ the possibility that prior oath-bound engagements between Henry VIII and Charles V to defend both their respective dynastic rights and each other against invasion of their dominions was to embroil Ireland in Continental affairs existed in 1543 on account of the aforementioned treaty of friendship between Henry VIII and Charles V. As early as July, Henry VIII, who had fulfilled his promises to provide aid against 'the Turk' and assistance in the Low Countries, had also been ready to accompany his imperial ally in the invasion of the French frontier had it not been, he claimed, for delays in receiving the emperor's plans. He then expressed his willingness to join in the enterprise only if it was likely to succeed, although he did declare his commitment to hinder the French by sea.³⁰ Ireland did not become formally involved at this point, but months before the imperial ambassador to England, Eustace Chapuys, had informed his master of Henry's intentions, Lord Deputy St Leger, hearing rumours of war with France and Scotland and

²⁶ *CSPS, 1542-3*, vol. vi, pt. 2, no. 170.

²⁷ Christine Isom-Verhaaren, *Allies with the Infidels: the Ottoman and French alliance in the sixteenth century* (London, 2011).

²⁸ John M. Headley, *Church, empire and world: the quest for universal order* (Ashgate, 1997), pp 28-9; Carina L. Johnson, *Cultural hierarchy in sixteenth-century Europe: the Ottomans and Mexicans* (Cambridge, 2011), chap. 2.

²⁹ Lyons, *Franco-Irish relations, 1500-1610*, pp 60-1, 64; Steven G. Ellis, *Ireland in the age of the Tudors, 1447-1603: English expansion and the end of Gaelic rule* (Dublin, 1998), p. 156. As Neil Murphy argues, while 'Thomas Howard put forward proposals for the conquest and settlement of Ireland in 1522, the Tudor monarch first put this policy into practice in France in the 1540s'. Neil Murphy, 'Violence, colonization, and Henry VIII's conquest of France, 1544-46', in *P&P*, 233 (2016), pp 13-51, quote on p. 49.

³⁰ *CSPS, 1542-3*, vol. vi, pt. 2, nos. 182, 183.

of the admiral Sir John Arundell's activities on the coast, was already proposing to relay the king's Irish subjects over to the continent to aid in the war.³¹ The possibility of Irish involvement on the Continent, however, would also have been a direct result of Henry VIII's oath-bound obligation to Charles V and his sister, the Queen of Hungary, whose lands were by 1543 under coordinated assault of Francis I and Suleiman 'the Magnificent'.

Of course, it was not always English, oath-bound obligations to continental princes that wrestled Ireland into continental affairs. In 1523, James Fitzgerald, earl of Desmond – allegedly backed by Kildare himself³² – made a treaty with Francis I, who sought to use the disaffected English-Irish earl, the Scottish duke of Albany, and Richard de la Pole – what Mary Ann Lyons referred to as Francis I's designs for a 'three-pronged attack on England via Ireland, France, and Scotland' – to weaken Henry VIII and secure military victory. The earl offered the French king his allegiance and dominion in request for aid against the English crown and on the condition that his privileges and title would be safeguarded, while Francis I sought his aid to have the Duke of Norfolk replace Henry VIII on the throne.³³ The alliance soon came to an end, however, on account of Francis' military entanglements in his own realm and in Milan, the French defeat at Pavia against imperial forces in 1525, and the peace treaty with England the following year. Nevertheless, the English-Irish earl again sought to strengthen his dynastic security by turning to Emperor Charles V in 1528-9. Negotiations culminated in the Treaty of Dingle (April 1529) which formalized an agreement between an emperor pursuing the North Atlantic dimension of his global imperial ambitions and an English-Irish earl who, in offering his service and dominion to the emperor in return for his support against Henry VIII, transferred his sworn allegiance to a foreign prince on account of the latter having through unjust rule forfeited his lawful claim to Ireland.³⁴

³¹ *SP Henry VIII*, iii, p. 443.

³² Robert Cowley would later allege that 'between them' Kildare and Desmond sent Anthony Daly to the French to 'make open war' against the crown and win over all the subjects of Ireland to the 'obeisance' of the French king. L.P.L., Carew MS 602, f. 150.

³³ B.L., Cotton MS Titus B XI, ff 352-352b; Lyon, *Franco-Irish relations, 1500-1610*, pp. 27-34, quote on p. 32.

³⁴ *L&P*, iii, no. 5619; *L&P*, iii, no. 5620; *L&P*, iv (ii), no. 4878; *L&P*, iv (iii), no. 5501; *L&P*, iv (iii), no. 5322. The treaty also extended rights of citizenships to the Irish in Habsburg land. Declan Downey, 'Irish-European integration: the legacy of Charles V', in Howard Clarke and Judith Devlin (eds), *European encounters: essays in memory of Albert Lovett* (Dublin, 2003), pp. 102-3; Christopher Maginn, 'Whose island? Sovereignty in late medieval and early modern Ireland', in *Eire-Ireland*, 44, 3 (2009), p. 238.

Habsburg and French interests in Irish affairs continued throughout Henry VIII's reign and beyond,³⁵ with serious consequences for the dynamics of oath-taking in Ireland. The case of the 'young Gerald', or eleventh earl of Kildare, between 1538-1544 is especially noteworthy in this regard. Gerald's continental exile in the 1540s had a 'catalytic impact' on English policy in Ireland for the fears of domestic upheaval and foreign invasion the young earl's activities in France, Brussels, and Rome engendered in Dublin and Whitehall.³⁶ More than that, Gerald's activities and person demonstrate how oaths and quests for supremacy across the legally plural landscapes they intersected with produced potent sites of struggles for sovereignty in Ireland on an expansive interpolity scale.

The administration was kept well abreast of Gerald's whereabouts, and from late 1538 onward expressed concern over confirmed connections between Gerald, Ulster lords, and Scots, not to mention rumoured plans about an impending invasion of Ireland from the north led by either the French king, the emperor, or both.³⁷ Lord Chancellor John Alen then reported in mid-1539 that daily the likes of James fitz John Fitzgerald, the 13th earl of Desmond *de facto*, Conn Bacach O'Neill, and Manus O'Donnell, whom he considered lacqueys of the pope conspiring to extirpate English royal power in the land, sent messengers to Rome through Scotland, the latest of which, was Rory O'Donnell, bishop of Derry. Indeed, a year earlier, Cardinal Reginald Pole – the 'unofficial coordinator of anti-Tudor activities'³⁸ – had left Rome to muster support from all the 'Catholic' powers of Western Europe against Henry VIII, while Cardinal David Beaton had been dispatched from Rome to his native Scotland to secure James V's aid against the English king. They formed a 'pan-Catholic alliance' spearheaded by Pole that the 'Geraldine League' sought, by intensifying their relations with the Scottish king, to link their struggle with.³⁹ Through his informers, Alen caught wind of the breadth of such intrigue, fearing their invasion and the potentially disastrous results it, the country's purported Geraldine disposition, and the activities of those under the sway of the pope's 'laws and errors' could have in Ireland. Gerald was the crux: 'As long as the young traitor, Gerald, and his company, be abroad, we shall never be in security

³⁵ Aside from other efforts to link up with disaffected English-Irish and Irish lords, Eustace Chapuys, the Emperor's ambassador in England, even commented on Desmond's submission to the crown in 1541 in his letters to the Queen of Hungary. *Cal. of Carew MSS*, no. 157.

³⁶ Lyons, *Franco-Irish relations, 1500-1610*, pp 35-7.

³⁷ T.N.A., SP 60/7, f. 163r.

³⁸ Palmer, *The problem of Ireland*, p. 49.

³⁹ Lyons, *Franco-Irish relations, 1500-1610*, p. 39.

here'.⁴⁰ Crucially, the associations that spanned Ulster and Munster between a coterie of Irish lords were all, as commentators in 1538 and 1539 were keen to note, oath-bound.⁴¹

Two years later, the Tudor agent Thomas Barnaby recounted his time spent in Rouen in a letter to Henry VIII and discussed the young Fitzgerald's whereabouts as well as his own interactions with a Breton man who was initially unwilling to divulge too much information to an agent of the Tudor crown. Barnaby sought to reassure the man that once in the king's hands, Fitzgerald would not be harmed, although the Breton man remained doubtful: he asked Barnaby how he would be delivered,

for he swore upon his bodily oath, that, next God, he loved the child above all men, wishing in God that the King's Majesty knew his virtuous and gentle conditions that was in him; the which in so talking of him the man wept earnestly, and besought God that some good way might be found, whereby he might come into his Prince's favour; and further swore upon his bodily oath, that if I went about to get his pardon, he would yield himself to reason to do anything that I would require him unto.

Fitzgerald's most trusted confidant, the priest Robert Walsh, had told the Breton man that both he, the boy's schoolmaster, and Fitzgerald himself, intended to go to Cardinal Pole in Rome, and that, given how the crown had dealt with Offaly and his family in 1535, he would not trust Henry's pardons unless the English king promised both the French king and the emperor that he would observe it.⁴² The Breton man's oath was, here, tethered to a proposed and promissory interpolity arrangement between sovereigns; and upon his oath and that arrangement, rested the momentary fate of English sovereign claims over Fitzgerald.

Gerald was thus a potent site of struggles for sovereignty. The earl, while technically a subject of the crown, had through the 'Geraldine League' been the focal-point of the temporary reconciliation and cooperation of O'Neill and O'Donnell, treasonous intrigue with Rome, the Scots and the Emperor (to whom the league had both offered at different moments to transfer the sovereignty of Ireland), and diplomacy

⁴⁰ *SP Henry VIII*, iii, pp. 136-7.

⁴¹ *L&P*, xiii (i), no. 410; T.N.A., SP 60/7, f. 108rv; B.L., Add MS 4819, f. 8; *SP Henry VIII*, iii, p. 44; *SP Henry VIII*, iii, p. 145.

⁴² *SP Henry VIII*, iii, pp 280-3.

as potential leverage against the crown.⁴³ To make matters worse, the earl and his escorts' intrigue were early on recognized by all involved as having potentially corrosive effects on already-shaky English, French, and Habsburg relations. Highlighting evermore England's weakness on the 'international' scene between 1538 and 1541 was the recently allied Francis I and Charles V's unwillingness to arrest the earl in order to harness the affair for their own diplomatic concerns, all the while labouring to attenuate suspicions of supporting his 'cause'.⁴⁴ Along with his 'Geraldine' escorts, the priests and declared traitors Thomas Leverous and Robert Walsh, Thomas journeyed on a ship sent out by O'Donnell from Donegal to Brittany in May 1540, where they were hospitably received by the likes of the already-famous explorer Jacques Cartier and the wealthy and well-connected Jean de Laval de Montmorency, sieur de Chateaubriand. Bartholomew Warner reported to the English ambassador to France, John Wallop, that while in St. Malo he styled himself the king of Ireland and claimed Henry VIII had disinherited him from his right (a claim likely invented by the *malouins* themselves). Gerald and his entourage then proceeded to the French royal court and later to Brussels, where Charles V granted him a pension and the right to stay at the episcopal palace in Liège. They then journeyed to meet Cardinal Pole in Rome in late 1541, at which point he received papal protection. While Henry VIII's fears of Pole's plans to orchestrate a pan-Catholic alliance against England were abetted with the collapse of the cardinal's designs, other threats soon emerged in the form of French war-time propaganda: after the outbreak of the Anglo-French war in 1543, the Irish council warned Henry VIII in May 1544 of the young Gerald's activities in Nantes, where a navy appointed by Francis I was ready to 'set the said Gerald, with an army' into Ireland.⁴⁵

All these developments, when combined with Grey's oath-bound commitment in 1539 to Henry VIII to capture the young Gerald his nephew (who was his nephew by his marriage to Kildare's sister), the oath-bound associations that spanned large swathes

⁴³ Maginn, 'Whose island?', p. 238. On the 'Geraldine League's' formation, the temporary reconciliation of O'Donnell and O'Neill that it marked, and its uses of Thomas Fitzgerald, see Brendan Bradshaw, 'Manus 'the magnificent': O'Donnell as renaissance prince', in Art Cosgrave and D. McCartney (ed.), *Studies in Irish history, presented to R. Dudley Edwards* (Dublin, 1979), pp 30-3. On the League more generally, see Bradshaw, *The Irish constitutional revolution*, pp. 174-85; Ellis, *Ireland in the age of the Tudors*, pp 148-9; Ciaran Brady, *The chief governors: the rise and fall of reform government in Tudor Ireland, 1536-1588* (New York, 1994), pp 16-23; Colm Lennon, *Sixteenth-century Ireland: the incomplete conquest* (2nd edition, Dublin, 2005), pp 143, 151.

⁴⁴ Lyons, *Franco-Irish relations, 1500-1610*, pp 37, 48.

⁴⁵ *SP Henry VIII*, iii, pp 211-13; *SP Henry VIII*, iii, p. 501; Lyons, *Franco-Irish relations, 1500-1610*, pp 27, 35-76. See also St Leger and the council's reports from September 1542, T.N.A., SP 60/11, f. 260r.

of Ireland in 1538-9, and the Breton's oath-bound proposal to conditionally surrender the earl, highlight how the 'young Gerald', duplicitously and expediently thrust around French to Habsburg jurisdictions, was over time the evolving site or object of earthly and divine power and of expansive and contested civil and ecclesiastical jurisdictional entanglements and claims. All gathered competing visions of subject-hood, obedience, and Christianity in oath-inflected struggles for sovereignty in Ireland and beyond.

9.2: Rebellion, militarization, and the royal commissioners: the expanding scope of oaths and the changing terms of association, 1534-47

The Reformation had been key to establishing many of the oath-bound conflicts over sovereignty that Fitzgerald was involved in. By 1533 the 'King's Great Matter' was diplomatically isolating England in Europe (see chapter one). England's growing isolation also raised the stakes of any Irish intrigue with continental and other powers: not only had Charles V in 1530 expressed to the earl of Desmond his dismay over Henry VIII's defiance and beguilement 'by evil persuasions' that were leading him to divorce his niece, Catherine of Aragon, and deprive her of her sovereignty over Ireland; English officials in London and elsewhere, too, grew alarmed when Desmond renewed contact with Charles V in 1533-4.⁴⁶

Perhaps, then, we should see the earl of Ossory's 1534 indenture with the king and Cromwell's *Ordinances for the Government of Ireland*, which it was meant to support – and which historians have viewed as the Lord Privy Seal's programme of 'reform' – partially as a response to the challenges posed by England's growing isolation.⁴⁷ The argument advanced in both – that the 'Bishop of Rome's machinations' were the cause of all disorder in the lordship – was apparently confirmed when Lord Offaly, upon hearing rumours of the murder of his father, the earl of Kildare, in England, 'surrendered his oath and delivered his sword to the king's council', after which he revolted and declared his allegiance to both pope and emperor on the basis that the king and the English were heretics who had digressed from the Catholic faith and their allegiance to Rome. In a bid to secure papal support, Offaly sent lay and

⁴⁶ *Cal. of Carew MSS*, no. 33; *L&P*, iii, no. 5619; *L&P*, iii, no. 5620; *L&P*, vii, no. 957.

⁴⁷ Brendan Bradshaw, 'Cromwellian reform and the origins of the Kildare rebellion, 1533-4', in *Transactions of the Royal Historical Society*, 5th series 27 (1977), pp 84-6; Steven G. Ellis, 'Thomas Cromwell and Ireland, 1532-1540', in *HJ* 23, 3 (1980), pp 502-3; Lennon, *Sixteenth-century Ireland*, pp 106-7; Christopher Maginn and Steven G. Ellis, *The Tudor discovery of Ireland* (Dublin, 2015), pp 164-5.

clerical servants to Rome and the emperor with documents proving that English kings held Ireland from the pope, expressing their astonishment ‘at his Holiness’s negligence in permitting so many souls to perish, and not concluding the process against so wicked a King by declaring him deprived of his kingdom, and his subjects absolved from their obedience and oath of fidelity, since he persecutes the Catholics, favours heretics, exacts an oath from everyone not to obey the Holy See, and allows no one to pray to God for the Pope’.⁴⁸

The proliferation of oaths that followed continued and modified the Continental, English-Irish, and Gaelic practices of solidifying sworn bonds of mutual defence and formed Anglo-Irish variants of a wider European phenomenon catalyzed by the revolutionary and violent flares of Reformation,⁴⁹ paralleling the Tudor regime’s own strategies of consolidating and enforcing its rule in England and Ireland.

To begin, two kinds of oaths were deployed by Lord Offaly during his rebellion. First, he allegedly bound Irish captains and men of the Pale on oath to himself and to the pope and emperor against Henry.⁵⁰ Second, on 21 July 1534, Thomas Finglas, son of Chief Justice Patrick Finglas, informed Cromwell that Offaly had caused Murrough O’Connor ‘to be sworn one great oath, to help him against all men; and each of them [was] sworn to the other, to be as two brethren together’ for life.⁵¹ The first oath was of the ‘vertical’ variety; the second prescribed ‘horizontal’ bonds and obligations.

Through a web of oaths, Offaly and an Irish lord were bound together to the mutual performance of his cause just as he was also binding the inhabitants of the Pale to the pope and emperor. This created, through indirect association, a decentred set of relations between men that made him the loose centrepiece or vector for alternative bonds of allegiance, service, and obligation. Such levels were triangulated by the common focus of allegiance in the figures of the pope and the emperor that was, through oaths, erecting an entirely new, if highly unstable and – as it would turn out –

⁴⁸ *SP Henry VIII*, ii, pp. 221-2; *L&P*, no. 746; L.P.L., Carew MS 602, f. 139.

⁴⁹ Henry A. Jefferies has suggested that Offaly’s use of oaths marked ‘an interesting adaptation of the crown’s imposition of oaths in England’. Henry A. Jefferies, *The early Tudor Reformations in the Irish Pale*, in *JEH* 52, 1 (2001), pp 44-5. As for wider European variants, German ‘peasants’ during the ‘Peasant’s War’ in the mid-1520s, for instance, or the ‘pilgrims’ of the Pilgrimage of Grace of 1536 in England, too, tendered oaths among each other and those whose support they coerced or enlisted. See Martin Luther, ‘Against the robbing and murdering hordes’ (1525), in *LW* 27, pp 49-50; Gray, *Oaths and the English Reformation*.

⁵⁰ B.L., Lansdowne MS 159, ff 34ab, 37; L.P.L., Carew MS 602, f. 139; *Stat. roll. Irish. Parl.*, p. 151; Ó Siochrú, ‘Foreign involvement in the revolt of Silken Thomas, 1534-5’, p. 57; Ellis, ‘The Kildare Rebellion and the early Henrician Reformation’, p. 813. Most sources, however, only refer to the oath he made men swear to him.

⁵¹ *SP Henry VIII*, ii, p. 200.

ephemeral, polity in Ireland. Indeed, Offaly's two-tiered, oath-bound polity arrangement between himself, inhabitants of the Pale, and the pope and emperor in 1534 can be seen as a re-orientation of the 'two-tiered suzerain-vassal arrangement' first instituted by his grandfather, the ninth earl of Kildare, in the 1510s between him and O'Byrne and O'Toole, and which Lord Deputy Grey eventually came to occupy.⁵² It was, too, an arrangement that Offaly allegedly tried to entice the earl of Ossory into joining, without success. According to Ossory, the traitor Offaly proposed that if the he were to withdraw his support from the king, Thomas would partition Ireland between the two and accept the earl as his father; Ossory refused, declaring his unconditional loyalty to the king, even if his lands and castle were wasted and he were left prostrate.⁵³ Yet unlike his grandfather and father, Offaly was not acting as a royal office-holder, however autonomous his predecessors may have been, but as an aristocratic vassal who had explicitly rejected Tudor sovereignty in Ireland and bound himself and others on oath to foreign powers. Centuries-old jurisdictional tensions over clerical appointments and suits in England and Ireland had long infused obedience and service to popes and kings with contested transregional dimensions.⁵⁴ Offaly's revolt, however, 're-internationalized' the terms of order within the conditions spawned by the Reformation in England and made possible by magnate intrigue and prior Habsburg efforts to secure an imperial client in the North Atlantic.

Cromwell's *Ordinance* of 1534, too, canvassed a novel use of oaths. For the most part, all its articles were the stock and trade of indentures between the crown and lord deputies dating back to at least 1524. It resembled, too, the 'Ordinances and Provisions for Ireland' penned for Surrey in 1519 and some of the articles contained in two ordinances from 1493 and 1499.⁵⁵ Cromwell's recommendation to elect the best of name in every march to be captain of their respective marches and to have them all

⁵² Christopher Maginn, 'Civilizing' *Gaelic Leinster. The extension of Tudor rule in the O'Byrne and O'Toole lordships* (Dublin, 2005), chap. 1, pp 42, 61-2.

⁵³ *SP Henry VIII*, ii, p. 250.

⁵⁴ John Watt, *The church and the two nations in medieval Ireland* (Cambridge, 1970); Aubrey Gwynn, S.J., 'Anglo-Irish church life, 14th and 15th centuries', in Patrick Corish (ed.), *A history of Irish Catholicism*, vol. ii (Dublin, 1968); Gwynn, *The medieval province of Armagh* (Dundalk, 1946).

⁵⁵ Steven Ellis long ago argued that, aside from a single article on the authority of the pope, the only novelty of the *Ordinance* was the few 'regulations about the obligation to serve in general hostings', but he did not elaborate on the point. Ellis, 'Thomas Cromwell and Ireland, 1532-1540', p. 503. The novel use of oaths similarly went by unremarked in Quinn's and Bradshaw's articles: Bradshaw, 'Cromwellian reform and the origins of the Kildare rebellion, 1533-4'; D. B. Quinn, 'Henry VIII and Ireland, 1509-34', in *HIS*, 12, 48 (1961), pp 318-44. See also HHA Cecil Papers, MS 144, f. 15v. (The 'Ordinances and provisions for this land of Ireland', printed in Maginn and Ellis, *The Tudor discovery of Ireland*, pp. 99-109).

sworn to the king, however, while continuing the decades-old efforts to consolidate the power of the crown within its dominions (see chapter three), also redefined the terms of service and oath-taking within the new parameters of an centralizing, interventionist, and martial regime that was leading an all-out assault on papal sovereignty.⁵⁶

A similar practise was in fact imposed on the Irish shortly after. In October, the day after Skeffington besieged and retrieved Dungarvan Castle for the crown, he made the captains of the castle swear in a nearby church to the First Act of Succession between the king and Queen Anne (Henry VIII had explicitly instructed the lord deputy ‘to lead a campaign against the pope’).⁵⁷ Paralleling the comprehensive and concerted administration of the oath of succession by commission across England a year earlier, but on a much smaller scale, Skeffington then directed commissioners to tender the oath throughout all of county Kildare.⁵⁸ Soon after, as part of the administration’s efforts to retrieve the riches and apparels of state held by the late earl of Kildare, the ‘arbitration and concord’ between Grey and O’Connor in January 1536 stipulated that not only was the Irish lord to take an oath on the Eucharist and the staff of Jesus to confess all goods and war instruments of the late earl’s received by his sister and Offaly; he was to compel all those under his rule to take such an oath as well.⁵⁹ Meanwhile, one proposal for the pacification of Ireland went further: it recommended sending the king’s letters to towns and ports armed with commissions to swear all inhabitants to Henry VIII’s succession and to mind for their defence against enemies.⁶⁰

Of course, the extension of such ‘vertical oaths’ to a wider orbit of inhabitants to ensure their allegiance, and the proposed anglicization of the colony on oath, and the entanglement of oaths and suspicions of treason, had long in some way been features of colonial power.⁶¹ Such, then, were the sinews of power through which efforts were

⁵⁶ *SP Henry VIII*, ii, p. 211.

⁵⁷ Ellis, ‘The Kildare Rebellion and the early Henrician Reformation’, p. 810.

⁵⁸ *SP Henry VIII*, ii, p. 289. On the crown’s campaign to tender the oath of succession across the realm of England, see G.R. Elton, *Policy and police: the enforcement of the Reformation in the age of Thomas Cromwell* (Cambridge, 1972), pp 222-6.

⁵⁹ *Cal. of Carew MSS*, no. 71.

⁶⁰ T.N.A., SP 60/3, f. 4r. The date of January 1536 is suggested in Maginn and Ellis, *The Tudor discovery of Ireland*, p. 170.

⁶¹ See also the 1524 indenture between the earl of Kildare and Henry VIII upon the former’s appointment to the office of lord deputy, which stipulated that the earl was to ensure that the king’s subjects in the four shires wear English clothes, speak the English tongue, and have their upper beards shaven upon punishments to be ‘assigned by the deputy and council’. *SP Henry VIII*, ii, p. 117. As early as the late-twelfth century, Giraldus Cambrensis noted that in order to seize control of Limerick and then all of Ireland, Raymond Hervey ‘put the whole army under oath’ to procure and distribute spoils among themselves and their leader. Cambrensis, *Expugnatio Hibernica*, p. 159. More than two and a half centuries later, the parliamentary acts of 1465 stipulated that all the Irish within the colony were to swear

made to build and secure the colonial polity in Ireland and abroad, as the terrifyingly harsh conditions under which oaths were deployed in Boulogne in 1544 during the king's colonisation campaign makes clear.⁶² Although Henry VII sent Sir Richard Edgecombe to tender an oath of allegiance to the crown to no less than several dozen men,⁶³ the terms of service implied in state-oaths by the 1530s, not to mention both the nature and power of the polity tendering such oaths and the interpolity order through which they were contested, were different, however. If reminiscent of but moving beyond the late-fifteenth-century practice of binding English-Irish magnates to the crown by indenture, ordinance, and oath to maintain the peace,⁶⁴ and if more radical in potential than the practice of having Irish lords swear to the king in times of war or rebellion,⁶⁵ Cromwell, the anonymous proposal, and Skeffington's activities constituted – even if just rhetorically – an instance of oath-bound colonial and marcher militarization of loyal crown service. Oaths not only became locally enforced instruments for safeguarding the proper terms and bonds of allegiance and obedience either to or against the crown and for or against foreign princes, such as with the Remonstrance of 1317. Their use grew more concerted as the centralizing thrusts of a Tudor regime that had formally renounced papal power intensified. They were, in other words, entangled in efforts to locate Ireland in its proper place within a distinctly early-Reformation interpolity order. Simultaneously an intensification of as well as departure from earlier practices, an oath-bound counter-polity to that centred on Offaly, the emperor, and pope in 1534-35 was binding anew God, sovereign, and subjects together in times of war and on the early-Reformation terms of the Act of Succession.

allegiance to the crown and adopt English names, language, and clothing. It was, as Sparky Booker notes, an 'attempt to resolve the uncertain place of the established, peaceful Irish of the colony, who were so numerous, but to whose full assimilation colonial society was resistant'. Booker, *Cultural exchange and identity in late medieval Ireland*, p. 62.

⁶² Departing from convention and claiming the land by right of conquest rather than as the king of France, Henry VIII spearheaded a brutal policy of colonial appropriation in Boulogne to rid the land of its French inhabitants and replace them with English settlers, laws, and government. Oaths were key to his success: as Neil Murphy put it, 'all those who failed to take an oath of loyalty to him (the vast majority of the population) forfeited their lives and property'. Murphy, 'Violence, colonization, and Henry VIII's conquest of France, 1544-46', p. 45. It should be noted, too, that Irish kerne were part of the king's forces in Boulogne, with at least one company remaining in the garrison thereafter. See Lyons, *Franco-Irish relations, 1500-1610*, p. 64. On the Irish kerne enlisted in Henry's wars more generally, see D. G. White, 'Henry VIII's Irish kerne in France and Scotland, 1544-5', in *Irish Sword*, iii (1957-8), pp 213-24.

⁶³ B.L., Cotton MS Titus B XI, ff 337-340b.

⁶⁴ Ellis, 'Thomas Cromwell and Ireland, 1532-1540', p. 504. For examples from 1486 and 1493, respectively, see *L&P Richard III – Henry VII*, i, pp. 68-9; *L&P Richard III – Henry VII*, ii, p. 326.

⁶⁵ *SP Henry VIII*, ii, p. 254; *SP Henry VIII*, ii, p. 266.

Around this time, the terms of association between sovereign and subject underwent an important shift, when the ‘horizontal’ and ‘vertical’ associations canvassed differentially by Offaly, Cromwell, and Skeffington fused to produce a triangulated sovereign bond *between* subjects that was directly concerned with obedient ‘civility’ and conformity in the marches. In his plan of 1536 for the establishment of order in Ireland, Robert Cowley proposed to ‘join and link together all the same subjects [of the marches] in one train, order, and conformity, so that every of them shall aid and assist the other’ in resisting the Irish.⁶⁶ If in Offaly’s case, the practise of ‘horizontal’ oath-taking between lords to safeguard mutual promises of defence and security that was common in Ireland and Europe combined with the imposition of an ‘vertical’ oath of fealty to pope and emperor on the inhabitants of the Pale, with him acting as an informal facilitator of all associations, and if Cromwell suggested a simple ‘vertical’ bond on oath between marchers and their sovereign, then with Cowley such ‘horizontal’ bonds reflected a combination of the terms of association inhering all Offaly’s and Cromwell’s proposed oaths as a means to bind all marchers to each other in the mutual, self-supporting defence of the ‘laws of God, and this his realm’. For in Cowley’s recommendation, vertical bonds acquired a horizontal dimension that emphasized the relationships *between* marcher subjects, making law, obedience, and allegiance not simply vectors governing subjects’ conduct to each other by virtue of the vertical relationship binding them to their king, but arbiters that explicitly identified mutual bonds between subjects. Bonds of association had gone from prescribing a binary ‘vertical’ relation between sovereign and subject, or ‘horizontal’ relation of defence between relative equals, to a tertiary ‘vertical-horizontal’ relation that triangulated the duty of a subject to both sovereign and loyal neighbour, and which conjured a neatly delineated collectivity: the mutually-assisting loyal subjects comprising ‘one train, order, and conformity’. Paralleling the terms of spiritual and civil subject-hood and unity rooted in charity, grace, and majesty redefined by the Henrician doctrine of obedience (see chapters one and five), crown subjects became vessels for the sovereign power that kept the integrated, corporate common weal well-ordered.

Between 1537 and 1547, royal commissioners did much to enlist through oaths the subjects of the realm within the princely governmental purview of analogously tertiary bonds of association rooted in *imperium*. Consider, first, the royal

⁶⁶ *SP Henry VIII*, ii, pp 324, 328.

commissioners' journey in Ireland from July 1537 to April 1538. All the king's subjects, although not formally bound to each other, were now integrated into the collective governance of the realm, taking responsibility for the 'reforming' mission lead by the commissioners, the lord deputy, and the council.⁶⁷ And, as we saw in previous chapters, effective royal government required putting 'truth' into play: the royal subject's inner truth was called upon in faithful performance of true obedience and service. Thus, the commissioners were instructed to order at least two among the chancellor, the high treasurer, the chief justice, and the master of the rolls to monthly muster the deputy and the treasurer's men, who would be charged on their oath and upon their duties of allegiance to answer to the commissioners as to whether their retinues were needlessly large and expensive and whether they attempted to acquire the king's money fraudulently.⁶⁸ They also deployed the age-old juror's oath but integrated it within new 'reformist' horizons of policy, governance, and power. So, David Sutton composed a book at the commandment of the royal commissioners, 'which had me sworn to tell the truth' on all matters of order in Kildare and Carlow.⁶⁹ The commissioners also collected oath-bound testimony from jurors, gentlemen, and the commons across the lordship, tallying a list of transgressions of royal law, past and present, by nobles and their clients, and anything that directly and tangentially touched upon the king's lands, revenues, laws, and authority was broached, with possible solutions offered in counsel.⁷⁰ Then, in July 1542, commissioners were sent to Ireland to examine the allegations against Vice-Treasurer William Brabazon by the late Leonard Grey and contained within a book delivered to them by Cowley: the commissioners called all the king's councillors, 'commanding them, by their obeisance and allegiance' to disclose all they knew, thought, and heard about the matter.⁷¹ By March 1547, a similar initiative – led by newly appointed commissioners Richard Rede, the keeper of the great seal, Justice Thomas Luttrell, and Patrick Barnewall, the king's attorney, and again 'upon the oaths of the honest and lawful men' – was pursued in Dublin to inquire into all matters related to the exchequer.⁷²

⁶⁷ *SP Henry VIII*, ii, p. 462.

⁶⁸ *SP Henry VIII*, ii, p. 460.

⁶⁹ T.N.A., SP 60/5 f. 22b.

⁷⁰ T.N.A., SP 60/5 ff 79-110b.

⁷¹ *SP Henry VIII*, iii, p. 401. Although the commissioners said nothing about securing their statements on oath per se, that they were sworn to the truth upon their examination is, if not implied, then highly likely given how all other such procedures were usually undertaken.

⁷² Although outside the immediate scope of this study, between 1547 and 1553, moreover, Chief Justice Gerald Aylmer, and fellow justices and commissioners were 'assigned to enquire by oath of good and

The unconditional, royal proscription of all covenants, alliances, or indentures for peace with Irishmen without the express authorization of the lord deputy and royal council was central to oath-taking in Henrician Ireland and was reiterated on several occasions between 1524 and 1541.⁷³ Such efforts to proscribe all associations between the English and Irish, to bind English-Irish lords to the king on oath to stay ‘true’, and to have them forego the crown’s enemies, rebels, or traitors were as old as the colony itself. Yet from the 1530s onward, oath-bound injunctions were again explicitly if not conditioned by, then inflected with, the ramifications of the Kildare revolt, the Henrician doctrine of obedience, the post-Reformation political theology of ‘truth’, and were linked to the Henrician economy of treason. The ‘Act for marrying with Irishmen’ (1537) acknowledged failed past efforts to enforce legislation against marrying Irish men and women, and therefore took a different route. Specifically, it obliged any ‘true and obedient subject’ who married a person of ‘Irish blood’ shall ‘without fraud or covine at the time of the said marriage or fostering’ have ‘a true and unfeigned intent and meaning that the party so made denizen with whom he or they intend so to marry or foster will during his natural life be faithful, true, and obedient to the king’s highness, his heirs, and successors’. If a person made denizen violated their oath, those who associated with them were to immediately cease all contact under pain of death after being advertised of the proclamation; if not, they, along with the person made denizen who violated their oath, would be adjudged high traitors.⁷⁴ The moral parameters of ‘office’ were, again, clear: if treason was simultaneously the wedge that bound and separated ‘Irish’ from ‘the king’s true obedient subjects’ – for the lawful mixing of ‘Irish blood’ and ‘English blood’ had as its reverse treason, both sides revolving around obedience and hedged in by the category of denizen – it was oaths, the moral *personae* who took them, and the violation of the former and transgression of the latter that cemented the arrangement. From 1536, moreover, Gaelic lords and captains who

lawful men’ of the country of Tipperary, the earl of Ormond’s lands, ‘of all and singular treasurers, felonies, murders, homicides, trespasses and all other offences’. Edmund Curtis (ed.), *Ormond Deeds*, vol. v, 1547-84 (London, 1938), no. 1.

⁷³ *SP Henry VIII*, ii, p. 116 (this is an indenture from 1524 between the earl of Kildare, then lord deputy, and Henry VIII, in which the king advised the earl was not to make any ‘band or assurance with any Irish man’ that ‘shall be prejudicial’ to the king, his heirs, deputies, and subjects of Ireland, ‘for the time being’ Of course, the earl then was also the lord deputy, which imparted to him powers other lords did not have. But the command nevertheless reflected the crown and council’s concerns over the earl of Kildare’s propensity to, as an earl, use the office to accrue and maintain a great affinity and base of power. See chapter 5). *SP Henry VIII*, ii, p. 164; *SP Henry VIII*, ii, p. 190; *SP Henry VIII*, ii, p. 195; T.N.A., SP 60/10, f. 132v; *SP Henry III*, iii, 332.

⁷⁴ *Stat. roll. Irish. Parl.*, p. 218. On the Henrician economy of treason, see chapters 7 and 8.

submitted to the crown or its representatives were made to avoid adhering to any ‘Irishmen’ or the kings ‘enemies, traitors, and rebels’, and were on oath made – as O’More, O’Doyne, and some of O’Connor’s adherents in 1540 – ‘to relinquish all their old confederates, and to serve Your Highness’.⁷⁵

The identification of the Irish practise of gossiped as a source of instability is revealing in this regard. A ‘form of fraternal association between a lord and a client’, Fiona Fitzsimons contends that, for the regime, ‘the problem of gossiped in early modern Ireland was that it raised the demands of personal lordship over and above the subject’s loyalty to the crown and its servants’.⁷⁶ Fitzsimons identified five different forms of gossiped, the most important for our purposes being the alliance by ‘voluntary oaths to conclude a specific agreement or covenant’.⁷⁷ Combined with the fact that tracts like the ‘State of Ireland’ (1515) and Cowley’s ‘A discourse of the cause of the evil state of Ireland’ (1526) considered the power of Irish affinities to be a major cause of instability in the land,⁷⁸ and that the 1520s and 1530s witnessed the continuation of age-old practises of proscribing any form of association with the Irish, if this did not amount to an explicit outlawing of Irish oaths, it certainly rendered deeply suspicious any oath-bound agreement not involving the crown, making concerns over oaths link up with the intensification of surveillance from the late 1530s onward.⁷⁹ That bonds of association between the king and Irish lords had already long complicated sovereign-subject-enemy relations only complicated matters further; the latter, after all, could be charged with treason for breaching their agreements.⁸⁰ It is surely revealing, then, that Dublin Castle in 1537 equated defeating the Irish with obstructing their oaths: while it was ‘one of the best times for the destruction of Irishmen, that is to say, to put them from sowing of their oaths’, the council admitted it could not continue against them, so they were forced to ‘dissemble for peace’.⁸¹

⁷⁵ See for instance *Cal. of Carew MSS*, nos. 71, 72, 74; *Patent and close rolls*, no. 109, p. 81; *Patent and close rolls*, no. 2, p. 85; *Patent and close rolls*, no. 6, p. 87. For O’Neill’s articles of submission in 1542, see B.L., Cotton MS Titus B XI, f. 380b; *SP Henry VIII*, iii, p. 242.

⁷⁶ Fiona Fitzsimons, ‘Fosterage and gossiped in late medieval Ireland: some new evidence’, in Patrick J. Duffy, David Edwards, and Elizabeth FitzPatrick (eds), *Gaelic Ireland, c.1250-c.1650* (Dublin, 2001), pp 139-43, quote on p. 143.

⁷⁷ Fitzsimons, ‘Fosterage and gossiped in late medieval Ireland’, pp 143-4.

⁷⁸ Fitzsimons, ‘Fosterage and gossiped in late medieval Ireland’, p. 141. *SP Henry VIII*, ii, pp 1-31; B.L., Lansdowne MS 159/2, ff 2-12.

⁷⁹ On this theme, see chapter 3, section 3.4, and chapter 5, section 5.5.

⁸⁰ Crooks, ‘The structure of politics in theory and practise, 1210-1541’, p. 465.

⁸¹ *SP Henry VIII*, ii, p. 418.

The entanglement of dissimulation and oaths will be explored in the final section below. For now, note that attachment to prior associations and ways of life often exemplified a dire lack of ‘civility’ – for which the regime tendered oaths as part of its ‘civilising’ initiatives to ‘order’ the imperfectly obedient and ‘civil’.⁸² The link between oaths and ‘civility’, however, ran much deeper and was broadly generalized, since any office-holder tasked with promoting the common law, preaching in English, or enforcing laws or injunctions prejudicial to Irish people and customs, including the recently renewed ‘Act for the English order, habit, and tongue’ in 1537, was bound by oath of office – or in the case of Irish lords submitting to the crown, especially after 1541, oath of allegiance – to anglicize Ireland.

9.3: The royal supremacy and Act of Kingly Title, 1536-46

Although both the swearing of local landowners and JPS to the crown in England as well as Cromwell’s failed efforts in 1534 to have the ‘the most assured and most substantial of all gentlemen within every shire of this realm to be sworn of the King’s Council’ to ‘explore and ensearch’ all those who promoted the pope’s authority resembled similar tactics proposed or implemented in Ireland,⁸³ it took the Irish parliament in 1537 to legislate clearly-defined parameters for the lawful promotion of the king’s supremacy: a new oath that could be – although it rarely was – administered to any of the king’s subjects of majority age, the refusal of which constituted high treason.⁸⁴ Harnessing the evolution of the entanglement of oaths and treason in England since 1531, the oath attending the ‘Act against the Bishop of Rome’s power’ provided a legal instrument for a joint spiritual-civil effort led by Archbishop George Browne of Dublin within a determinately local framework of power and law for subjects to

⁸² Consider, for instance, Cowley’s proposal in 1533 that his master, the earl of Ossory, be ‘bound and sworn to endeavour’ to cause all within his dominion to conform to ‘the English order, habit, and manner, and to expel and put away the Irish rule, habit, and manner’, adding that Irish-speakers should be relocated to towns to learn English and English manners. Clearly, ‘social engineering’ efforts did not require the ‘planting’ of English or Welsh settlers in Ireland. *SP Henry VIII*, ii, p. 170.

⁸³ Brooks, *Law, politics, and society in early modern England*, p. 43; On Ireland, see *L&P*, xii (ii), no. 837.1; *L&P*, xii (ii), no. 837.2; *L&P*, xii (ii), no. 859; *L&P*, xii (ii), no. 859.2; *L&P*, xii (ii), no. 859.3; *L&P*, xii (ii), no. 898.1-11. For Cromwell, see John Guy, *Tudor England* (Oxford, 1988), p. 167.

⁸⁴ Corporal oaths accompanied the acts of succession passed in the parliaments of 1536 and 1537, first dealing with the king’s union with Queen Anne and the second relating to that with Queen Jane, although these said nothing on the king’s new power over the church.

explicitly reject papal jurisdiction and endorse the royal supremacy.⁸⁵ As Browne and other councillors journeyed across the southern and western parts of the English colony in 1538-9 to administer the oath of supremacy to the spirituality and temporality of the towns (see chapter five), at that point, conformity, the royal supremacy, oaths, and the Word of God, were all interlaced in new dynamics of *imperium*, the aim being the securing of the regime's new terms of allegiance and obedience to the total exclusion of any ungodly overtures to foreign or hostile powers.

As the edifices of Tudor order and sovereignty in Ireland underwent important changes, oaths acquired a new political-theological status. Penned at the king's commandment and following the visitation of his diocese in late 1537, Browne's injunctions against the clergy in 1538 – as a crucial element in defining the 'true Christian subject' (see chapter five) – also displayed the same emphasis on oaths as an instrument to bind clerics to the new theocratic dispensation: one's allegiance was something testified on oath, to be 'declared before the council', and connected with episcopal instructions to be read out to parishioners every Sunday and holy days.⁸⁶ This entanglement of oaths, preaching, and delegated civil and spiritual power resembled the device from 1520 which recommended that Cardinal Wolsey, using his legatine power and jurisdiction, should call a provincial council of all provincials of the four fraternal orders in Ireland as well as the ruler of the Observants, whom he would then command to call all their priors and wardens to appear before the commissary and to take an oath declaring they would preach to all Irishmen according to what instructions given to them by the Dublin administration outlined.⁸⁷ The major differences between the two, however, were twofold: the different modalities by which spiritual and civil power was delegated and invested given the new royal supremacy dispensation, and the fact that Browne's injunctions were not the basis for an exclusively ecclesiastical 'reform' initiative but a joint overhaul of obedience and allegiance of the island's clerics and laity. Other changes, too, took root: if by 1538 oaths were for official crown business were no longer sworn on relics – a sure consequence of Henry VIII's iconoclastic campaign – they now entered the folds of a new economy tethered not only to a post-royal supremacy dispensation, but one which reflected the reconfigurations of the terms

⁸⁵ James Murray, *Enforcing the English Reformation in Ireland: clerical resistance and political conflict in the diocese of Dublin, 1534-1590* (Cambridge, 2009), pp 101-13; Lennon, *Sixteenth-century Ireland*, p. 135; J.G. Bellamy, *The Tudor law of treason: an introduction* (Cambridge, 1979), pp 24-36

⁸⁶ *Egerton papers*, pp. 8-9.

⁸⁷ T.N.A., SP 60/1 ff 70r-73v. See also chapter 8, section 8.3.

of spiritual and temporal sovereignty and agency that the destruction of relics such as the *Baculum Christi* represented.⁸⁸

As we saw in chapter six, the newly intensified forms of government by reward and punishment that emerged in the final years of the 1530s convulsed the terms of monarchical and viceregal order so that maintaining order also meant allowing the ‘truth’ of a dispute to come to light for disorder to be swiftly remedied and warnings or punishments distributed accordingly. For this, oaths were integral, and they could be deployed between councillors, crown subjects, or both to ensure good service, heal rifts, and compelling subjects in the magnate estates to behave as they ‘ought’.⁸⁹ In addition, once integrated into the ‘politics’ of the office of lord deputy, oaths became a revitalised, central node in the changing horizons of power, governance, and life in which contestations over ‘truth’ were embedded. Thus, ‘horizontal’ relations between crown subjects, moreover, became oath-bound or were elliptically affected by oaths at the very heart of Tudor power in Ireland: the Dublin administration. By the mid-to-late 1530s, oaths were deployed to reveal the truth that would help restore the unity of, or proper ‘horizontal’ relations between, councillors, triangulating duties of allegiance, obedience, and service to the king into an Henrician *vita activa* sealed by natural duties of allegiance and an oath of office. So, what did this look like before and after the royal supremacy?

By the 1520s and early 1530s, oaths were linked to the Dublin administration, the office of the lord deputy, subjects (especially magnate), whether Palesmen or Gaels who had submitted to the crown,⁹⁰ and, on at least one occasion at least, royal commissioners sent to hear the complaints of both Kildare and Ormond’s parties (‘with the deposition of their witnesses, and have devised the following articles and agreements, which the said parties promise upon their oaths to perform’).⁹¹ If the ambition in the 1520s and into the early 1530s was to curb faction and consolidate the ‘king’s party’ around a governor whose office was abstracted from his person and his networks of power and influence to become a vessel for a re-institutionalization and greater centralization of crown power, oaths were used to testify to the duty of high officers or magnates, such as when several high and minor lay and clerical officers were in mid-1532 ‘examined upon their said oaths’ to testify not only to the earl of Kildare’s

⁸⁸ See chapters 2 and 8. For an example from 1529 of swearing on relics, see T.N.A., SP 60/1, f. 139r.

⁸⁹ *SP Henry VIII*, ii, p. 35; *SP Henry VIII*, ii, pp 241-42; *SP Henry VIII*, iii, pp 286-7.

⁹⁰ *SP Henry VIII*, ii, p. 121.

⁹¹ *Cal. of Carew MSS*, no. 23.

good- or ill-will towards Lord Deputy Skeffington, but to testify to the ‘benefit or profit’ that ‘shall ensue to the land of Ireland’ with Skeffington as governor.⁹²

The Kildare Rebellion, however, helped alter the political theology of oaths by linking them to the post-rebellion imperative to define ‘true subject-hood and service’ against one’s conduct during the revolt. A certain waterman named John Garret, for instance, when suspected in 1536 of treasonous participation in Offaly’s rebellion, insisted to Cromwell that he had never ‘spoken of [or] thought hurt to the king’. He also affirmed never to have spoken to Thomas ‘nor never will with none such offenders as he is unto the king’s noble grace’. He then appealed to his oath of office to prove his ‘truth’: he was sworn to the king’s father before him and now to the king’s grace himself.⁹³ By 1537, when a more volatile, distinctly post-Reformation climate prevailed in the halls of power,⁹⁴ oaths became increasingly leveraged as a witness to their ‘truth’. To act against one’s oath of allegiance was to betray one’s ‘truth’ and fidelity as these were defined within the parameter of the ‘office’ of not only ‘true Christian’, but, as we saw in chapter four, that of ‘Englishness’ and its transgression into ‘Irishness’.⁹⁵ Canvassed within the increasingly volatile and polarizing climate of power, suspicion, and treason that prevailed after 1536, oaths, then, became ‘instruments’ of rivalry, their deployment paradoxically a symptom of the very division within the administration – in both its ecclesiastical and lay dimensions – that they were meant to mend. First, oath-bound testimonial could serve as instruments of clerical rivalry marked by distinctly post royal-supremacy terms of allegiance, obedience, and service, becoming not only wedges for internal division within the Pale, but instances in which oath-taking became entangled in the ‘politics’ of preaching. Consider the dispute in 1538 between the Archbishop Browne and the bishop of Meath, Edward Staples.⁹⁶ The former suggested having witnesses testify on oath to whether the latter had in his sermon on Palm Sunday upheld the pope’s authority, touched upon the king’s supremacy, and called him a heretic, while Staples proposed that witnesses testify to the sermon’s content on oath.⁹⁷ Second, in the still-heated rivalry between the Butlers and Lord Deputy Grey, the earl of Ormond wrote to his servants, Robert and Walter Cowley, in July 1538, stating that, ‘As I am a true man, he [Grey] have no cause to complain against me, or any of mine,

⁹² T.N.A., SP 60/1, ff 150r-151v.

⁹³ T.N.A., SP 60/3, ff 198rv.

⁹⁴ See chapters 5-7.

⁹⁵ See chapter 4, section 4.2, on this issue.

⁹⁶ On the post-Reformation politics of preaching, see chapter 5, sections 5.2 and 5.5.

⁹⁷ B.L., Cotton MS Titus B XI, f. 431 (*SP Henry VIII*, iii, p. 66).

that I know'. Indeed, many others could attest on oath to his truth, which was directly contrasted with the lord deputy's dubious activities among the Irish: 'I am informed by certain credible persons that will depose the same upon any oath, that my Lord Deputy hath procured part of the Kavanagh's to lay siege to the castle of Ferns'.⁹⁸

Grey, too, mounted a case against his rival in the summer of 1538, the examinations and confessions for which were presumably all taken on oath.⁹⁹ The council also proposed tendering an oath to Grey, the earl of Ormond, and his son, Lord James Butler, in 1538 so that they would 'solemnly' swear to agree to a solution devised by the chief justice and master of the rolls, that 'the same Lords, according their bounden duties, had friendly and lovingly joined themselves together in one conformity, to serve their Sovereign as should have appertained'.¹⁰⁰ Later, in February 1539, the council defended Alen against Grey's accusations, informing Cromwell that Alen, on the specific charge of treason against him, swore upon the Holy Evangelist and his faith and honesty to defend his innocence.¹⁰¹ Then, when under heat from all quarters of the Irish government for his transgressions of office, his perceived Geraldine associations, and his intentions regarding the young Gerald (at the time under the custody of O'Neill), Grey repeatedly invoked his oath of fealty in his correspondence with Whitehall to prove his loyalty, the truth of his motivations, and his promotion of the king's cause.¹⁰²

Similarly, when in May 1542 Lord Deputy St Leger was accused of securing deals with Irish lords across the kingdom to accrue power for himself, he swore to God in order to seal the truth of his true intentions.¹⁰³ The consequences of being accused of desiring power for oneself after the Grey debacle (the depositions against whom in November 1540 were all taken on oath) were high, indeed.¹⁰⁴ St Leger also defended himself against the accusation that the articles he sent to Cowley were sent out of revenge: they were, he insisted, sent out of an interest for the truth. Not only his own

⁹⁸ *SP Henry VIII*, iii, pp 48-9.

⁹⁹ *CSPI*, nos. 428.1, 428.2.

¹⁰⁰ *SP Henry VIII*, iii, p. 81.

¹⁰¹ Grey had accused the Chancellor of operating in Limerick without his advice, to which the councillors' response to Cromwell was that, although not beyond the reach of their offices to have done so, they nevertheless acted on his and the council's 'common assent'. *SP Henry VIII*, iii, pp 119-21.

¹⁰² *SP Henry VIII*, iii, p. 127; *SP Henry VIII*, iii, p. 156.

¹⁰³ *SP Henry VIII*, iii, pp. 378-9.

¹⁰⁴ T.N.A., SP 60/9, f. 172. Gerald Power notes how the unity of the anti-Grey faction was not lost on him, and that 'his future actions as lord deputy attest to his willingness to conciliate factions rather than coerc[e] them'. Gerald Power, *A European frontier elite: the nobility of the English Pale in Tudor Ireland, 1496-1566* (Hannover, 2012), p. 98.

invocation of God (he took ‘God to record’), but the truth certified by the oath-bound depositions of others, was meant to testify to both the absence of any malicious intent and to the pursuit of what any good and obedient crown servant acting on ‘his faith and allegiance’ would search to find: truth.¹⁰⁵

Just as with the terms of ‘true Christian crown subject-hood and service’, the Act of Kingly Title (1541) then doubled down on the forces unleashed by the royal supremacy. Although Alen was the first to link the new constitutional dispensation to oaths, recommending in 1537 that *all* inhabitants of the realm should be sworn to due obedience or the royal supremacy ‘by commission in every country’ and that all Irish captains should be compelled, ‘by their oaths as writings, to recognise the same’,¹⁰⁶ St Leger’s oath of office immediately made clear the post-Reformation and post-1541 weight of the rhetoric of Christian duty and ‘reform’. In July 1541, St Leger swore in Christ’s Church before the chancellor and the council to faithfully ‘maintain and defend the laws of God and the Christian faith, to observe the usage, rights, ceremonies, and liberties of Holy Church, give faithful counsel for the King’s people, and keep the King’s counsel’.¹⁰⁷ The 1541 oath of supremacy tendered to bishops, too, expressly nullified all prior oaths to any authority, domestic or foreign, that contravened the king’s title, heirs, and royal supremacy.¹⁰⁸ Such oaths focused the post-1536 terms of true Christian service and life into a central, constitutional feature of English sovereignty in the new kingdom of Ireland: the cultivation and safeguarding of the knowledge of the laws of God and the prince.

As we saw in chapter five, if with the acts of 1541 and 1542, the scope for promoting the royal supremacy was expanded, and if conforming to all articles of the Henrician Reformation settlement did not figure in every crown submission after 1536, let alone 1541, oaths remained pivotal to the process.¹⁰⁹ More importantly, the Act of Kingly Title reconfigured the relationship between oaths, the royal supremacy, and contested politics and jurisdictions between king and pope primarily by providing an

¹⁰⁵ *SP Henry VIII*, iii, pp 380.

¹⁰⁶ *SP Henry VIII*, ii, p. 480.

¹⁰⁷ *Patent and close rolls*, no. 2, p. 66.

¹⁰⁸ Patent roll, Chancery, Ireland, 32 & 33 Henry VIII., m, 15, dorso Nr 24. Printed in Thomas Gogarty (ed.), ‘Documents concerning Primate Dowdall’, *Arch. Hib.*, 1 (1912), pp 248-276, on pp 257-8.

¹⁰⁹ While submissions and indentures do not always explicitly mention being undertaken on oath, that most were sealed on oath is suggested by a miscellaneous list of records in the state papers and which Stephen Ellis and James Murray date to the latter period of Henry’s reign: among the list of records is included, a *forma iuramenti*, or the form of an oath on continuing fidelity to be taken by the Irish. Other items include ‘articles to be ministered to the earl of Desmond and the oath he is to take for his allegiance’ and ‘the oath of the earl of Kildare unto certain articles’. T.N.A., SP 60/12, ff 131rv.

expanded scope for submitting to and recognising the new Henrician terms of allegiance that indeed did not always depend on oaths¹¹⁰ but which emulated their political-theological operations in bringing ‘truth’, God, prince, and subject into correlated relation with each other. *For the very act of submitting to the crown in Ireland constituted an alternative to taking the oath of supremacy.* The point has been insufficiently appreciated by historians who insist that, due to its poor implementation, the impact of the oath of supremacy within the island remained limited. It suggests, too, that the role oaths played in Ireland differed in important ways from the admittedly more expansive initiative undertaken in England under Cromwell in the mid-1530s. In the king’s Irish dominion, enforcing the supremacy meant not only altering the pre-existing terms of allegiance which defined arrangements between God, king, and crown subject; it meant *creating* English subjects and accompanying bonds through a political-theological entanglement that gathered disparate doctrinal strands. It was, in other words, a process the Act of Kingly Title and St Leger’s programme of ‘surrender and regrant’, in harnessing sacramental forms of power (see chapter five), fully realised rather than inaugurated.

This is where the covenantal theology discussed in chapter one as a crucial element to the royal-supremacy inflected modalities of unity under king and God are crucial. Covenantal theology provided a model for the terms of oath-bound crown service in Ireland. If Lutherans and Calvinists were ‘twice-born’ Christians (through baptism, and then once conscience was released from bondage to the Law),¹¹¹ then all in England and Ireland who swore to the royal supremacy, too, were so, but in a different sense: once through baptism, and again as ‘true’ Christian crown subjects. The royal supremacy, through oaths or otherwise, made ‘being born again’ under obedience to the king the renewal of a ‘covenant’ of sorts between ‘imperial’ crown and subject. It was in effect the inaugural moment of official recognition of a subject’s status as a ‘true’ Christian crown subject, so that the spaces of governmental thought, policy, and action effectively constituted a theological site for the practical elaboration of – possibly oath-bound – covenantal and sacramental terms of association and life.

¹¹⁰ Some, indeed, seemed to have substituted the seals of the parties involved. For example, see William Burke’s submission in 1543: T.N.A., SP 60/11, f. 39r.

¹¹¹ George H. Williams and Angel M. Mergal, ‘Introduction’, in George H. Williams and Angel M. Mergal (ed.), *Spiritual and Anabaptist writers, the library of Christian classics* (1957) (paperback reissue, Louisville and London, 2006), p. 33.

By 1543, such terms of life had the potential of being generalised if not throughout Ireland, then at least throughout the ‘untamed’ North. It is surely significant that in 1543, the administration proposed that O’Donnell, O’Neill, and all the other captains in Ulster should swear upon the Holy Evangelist to allow the archbishop of Armagh and Primate of all Ireland and other ecclesiastics to exercise their jurisdictions free of all exactions.¹¹²

9.4: Oaths, dissimulation, and the Janus-faced nature of Tudor order

Of course, the imperatives of Tudor rule and governance were multi-sided phenomena with different meanings; the act of swearing oaths, making promises, and giving pledges to crown representatives in Ireland by the Irish were not unequivocally a promise of submission to English rule on English terms that, on account of alleged Irish untrustworthiness and fickleness, was simply broken thereafter. Gaelic or English-Irish peace-making with the regime was a strategy of pursuing rivalries through other means and securing interests that were not solely those of the crown.¹¹³ Crown submissions, the making of indentures, or the taking of oaths of fealty also meant the incorporation of Irish and English-Irish lords into plural structures of governance and tribute-collection; these, or the tenets of political-theological order and the polities constructed through them, could thus be ‘used’ – as they were and would continue to be across the Eurasian and Atlantic worlds – by smaller, less powerful polities to navigate the fault-lines of conquest, submission, and tribute-collection to preserve their semi-autonomy against more powerful brokers or conquerors.¹¹⁴

Even after the royal supremacy and Act of Kingly Title, English-Irish and Gaelic lords continued to appeal to the tenets of Tudor political-theological order in their own power struggles. A certain ‘Remund, otherwise Jenico Savage’ – of the

¹¹² ‘Et ulterius ordinatum est, quod tam ipse Dominus Comes, quam Dominus O Donell, et ceteri inferiores capitanei in Ultonia, libere permittant Præmetem totius Hibernie, Episcopos, et alias personas ecclesiasticas, exercere non solum iurisdictiones suas in territoriis suis, quam habere patrimonialia sua ecclesiastica libera et exonerate ab omnibus exactionibus et bonagiis, usurpatamque primatiam et iurisdictionem Romani Pontificis nunquam admittent, sed perpetuo recusabunt pro viribus suis. [...] Et pro observatione huius articuli dieti Dominus Comes et Dominus O’Donnell, tempore presentium confectionis, tactis Sacrosanctis Dei Evangeliiis, solemne prestiterunt iuramentum’. *SP Henry VIII*, iii, p. 481.

¹¹³ See for instance O’Carroll and Surrey in 1520 (*SP Henry VIII*, ii, p. 36); Kildare as the lord deputy, and O’Neill and O’Donnell in 1524 (*ALC*, p. 247); and Teig O’Byrne and Grey in 1536 (Maginn, ‘Civilizing’ *Gaelic Leinster*, pp 47-8).

¹¹⁴ Benton, ‘The legal logic of wars of conquest’, p. 439.

foremost English marcher family – made a treaty with Grey on 31 May 1538, and became the ‘Chief Captain of his nation’, upon taking his oath of fealty to the king.¹¹⁵ Two other treaties from September and November 1538 with Fearganainm Roe O’Byrne and Charles O’Molloy, respectively, included a promise of crown protection: the first, ‘against all men, as well English as Irish’ if O’Byrne accompanied the lord deputy on his hostings and paid a rent to the king, and the second, ‘against all men in all reasonable causes’ if, in accordance with his oath of allegiance, he supported the deputy against the Irish and ‘particularly the traitor’ O’Connor.¹¹⁶ Three years later, in October 1541, Manus O’Donnell, his men and galloglass, and others such as O’Reilly, O’Maghor, and O’Hanlon, met with the councillors and the king’s army, all of whom solemnly swore upon the Gospels ‘to do their uttermost in Your Highness’s service against the said O’Neill’ and to never be at peace either with the Ulster lord or any other rebellious Gaelic lord without the consent of the council.¹¹⁷ From a Tudor perspective, their submissions on oath represented a further consolidation of crown rule that opened the terrain to anglicization and the imposition of common law. For the Irishmen involved, however, the Tudors were now joined with Gaelic lords threatened by O’Neill’s ambitions and activities in the region. O’Donnell, after all, before, concurrently, and thereafter pursued his own intrigue and alliances with the Scots, Rome, and the French all the while promising St Leger that he wished to see his land be reformed to a ‘civil order’ and that he would both attend parliament and visit the king.¹¹⁸

As the case of O’Brien, who was made earl of Thomond in 1541, would show, the results could differ dramatically. This is a good example of how fluctuations in power begotten from interactions between unitary, overlapping, and plural jurisdictions could coalesce into amalgamations of diverse strands of Tudor and Irish order and identity.¹¹⁹ Although Tudor commentators frequently warned that Irishmen defiled their oaths as soon as the opportunity for advantage arose, when and how oaths were made and broken was not merely an issue of trustworthiness and faith, but a question of power and individual disposition. That some of those who submitted – Gaelic and

¹¹⁵ *Patent and close rolls*, no. 70, p. 45.

¹¹⁶ *Patent and close rolls*, no. 71, p. 46; *Patent and close rolls*, no. 80, pp 47-8.

¹¹⁷ *SP Henry VIII*, iii, p. 337.

¹¹⁸ *SP Henry VIII*, iii, p. 478; *SP Henry VIII*, iii, p. 504; *SP Henry VIII*, iii, p. 506; *SP Henry VIII*, iii, p. 515.

¹¹⁹ For a study of the earl of Thomond, see Bernadette Cunningham, *Clanricard and Thomond, 1540-1640: provincial politics and society transformed* (Dublin, 2012).

English-Irish alike – benefited from the Dublin and London administrations more than others was a function of what those the oaths were tendered to stood to benefit from an alliance with the crown, and the wider power struggles that their own influence, status, and power were in many ways at the mercy of. Recall how Whitehall’s favourable albeit cautious perception of Piers Ruadh as a loyal and true crown servant – which itself owed much to the earl’s own self-representation and to Wolsey’s orchestrated efforts to dismantle Kildare power – successfully encouraged, for a while at least, a certain toleration his own machinations in Munster and the Pale.¹²⁰

Indeed, Ormond’s circle perfectly illustrates the Janus-faced nature of Tudor order. What is especially illuminating is that within the interstices of such Janus-faced service, we can discern the multi-vocal portrait of power, alliances, and rule at the thresholds of ‘English’ and ‘Gaelic’ Ireland that drew together many of the strands of Tudor political theology – in particular, treason, intrigue, and oaths. Piers Ruadh and Lord James’ cooperation with the administration and the commissioners, their ability to align with the crown against aristocratic rivals, and their strong identification with anti-papal rhetoric inflected a set of structural issues inhering in the colonial peculiarities of viceregal government in Ireland with a personalised flare that allowed them and their servants – especially Cowley – to operate for a time in a dualistic fashion: as the supremely loyal and true Christian crown subject, the perfection against which all other dissidents, traitors, or papists were defined; and as the cunning navigators of the fault lines of diverse worlds of rule, law, and order. Yet the ‘voices from below’ that the commissioners of 1537-8 drew to the surface served as a counterpoint to the image the Butlers curated for themselves. Thus, a certain Thomas, testified that he departed on 22 November 1537 to O’Carroll – whom he claimed was under the earl of Ossory’s command and that he would obey none other – ‘do service to the king against the traitor O’Connor’. At the same time, Ossory was concerned with his son and Richard Butler’s sojourn in England, especially since they had apparently been told not to ‘depart England unto such time as the earl had delivered the traitor to the lord deputy’. It is then that the earl of Ossory, in the abbey of the Grey Friars, ‘swore upon the Holy Evangelist’ that if the Lord James and Richard Butler remained ‘in England for ever

¹²⁰ On the Butler’s masterful rhetorical self-presentations, see chapters 4, section 4.3 and 5, section 5.3. 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 78-121; Maginn, ‘Civilizing’ *Gaelic Leinster*, pp 28, 34-53; Ellis, ‘Tudor policy and the Kildare ascendancy’, p. 241; David Edwards, *The Ormond lordship in county Kilkenny, 1515-1642: the rise and fall of Butler feudal power* (Dublin, 2003), pp 154-6.

that he would not deliver the said traitor O'Connor unto the hands of the lord deputy, there being present the Lady Ossory, O'Carroll, the warden of the house', 'one of O'Connor's chaplains', and others.¹²¹ Indeed, while Ossory himself had informed the commissioners in March that the MacMurroughs and Kavanaghs had recently assembled against the Englishry and were united and sworn 'to make invasions and to gebarde an exile' and that 'O'Connor with manifold others of the Irishry', too, were 'knit in likewise together', Cahir O'Connor had confessed to Grey and Thomas Sutton that Ossory's captains were, in fact, with Cahir's brother, Brian, to help him against the king.¹²² O'Connor himself claimed that Ossory had on oath promised him free access to and from his country.¹²³

It was not only the dextrous Butlers or the Irish, however, who liberally interpreted their promises or broke them altogether. Nor was it a recent problem: measures were taken in the fourteenth century colony to ensure the truthfulness of oath-takers as a means to alleviate factional strife.¹²⁴ While oaths cemented bonds of allegiance with the crown for Irish lords who were for whatever reason keen on maintaining their loyal obedience, they could also be deceptively wielded by the administration. One episode involving Rory O'More, Captain of Laois, illustrates the dynamic well. In the second half of 1544, O'More wrote to Henry VIII, recounting how when O'Connor sought to persuade him to join forces with him, he 'refused and performed [his] duty and oath to your highness'. Yet, trouble soon came his way in the form of Tudor deception. St. Leger had written to him to make war upon O'Connor, which he did. But the lord deputy never kept his promise to assist him against the Irish lord. When O'More complained to St. Leger, however, the lord deputy 'so persuade the matter to me and did swear upon a mass book' that if he submitted into his hands 'to be justified against his brother Patrick', St. Leger would help him. Both he and Patrick submitted accordingly, and in compliance with his oath-bound promise surrendered to the lord deputy. As soon as O'More and his brother were in the hands of St. Leger, however, O'Connor immediately built a castle and bridge upon his lands and terrorized O'More's servants and tenants. The council condemned the lord deputy's partiality for

¹²¹ B.L., Add MS 4819, ff 6-7.

¹²² *L&P*, xiii (i), no. 410; T.N.A., SP 60/7, f. 108r.

¹²³ 'Tertius articulus quod quando prefatus Bernardus recessit a conspectu Comitis Desmonie et Mauri O'Brien et Donati O'Brien, accessit ad Monasterium de Ogtherlayn, et ibi ad eum comparuit Comes Ormonie, et sibi sacramentaliter juravit, quod nunquam eum alicui caperet, et quod haberet liberum ingressum et regressum ad suam patriam, et de sua patria'. *SP Henry VIII*, iii, p. 90.

¹²⁴ Crooks, 'Factions, feuds and noble power in the Lordship of Ireland, c. 1356-1496', pp 441-2.

not intervening, but he continued to detain O'More until O'Connor had completed his business.¹²⁵

Clearly, dissimulation and oath-taking were thoroughly entwined both in actual practise and as an object of reprehension and fear among crown officials. Indeed, the damnable link between the two as that which jeopardised faith, souls, and, consciences was not lost on certain commentators, such as Martin Luther and the radical English evangelical, Thomas Becon. From their perspective, the Reformation theocratic Tudor polity itself was, in its peculiar use of oaths, nothing short of an ungodly fount for all sorts of un-Christian dissimulatory practises that damned the souls of those bound to it.¹²⁶ Such a potential dissonance between the rhetoric of truth crown officials espoused and their actual behaviour, moreover, was also implied and recognized, as we saw in chapter five, in the heightened sensibility to both honesty and the perils of dissimulation that gradually took hold in the late-1530s and 1540s. Yet even here, and even if Irish and English-Irish 'untrustworthiness' acquired newly charged valences, the proximity of oaths and dissimulation was not necessarily a matter of incongruity between 'truth' and 'falsity', or 'honesty' and dishonesty': in its deepest depths, dissimulation held the two in balance as functionally and logically consistent perspectives or strategies that both reinforced and destabilised 'English'/'Irish' difference. That dissimulation in Ireland was fundamentally a discourse of colonial rule accentuated the 'Janus-face' character of Tudor sovereignty and order in Ireland, especially after the royal supremacy. The entanglement of Irish oaths and Tudor dissimulation in the dynamics of 'reform' and Anglo-Irish encounter, in other words, captured the systemic hypocrisy of English chauvinism that was also its functional logic. If the discourse of 'civility' was always itself 'Janus-face', functionally both conceding and denying Irish conformity, sincerity, and even in some cases 'civility' (see chapter three), the 'politics' of oath-taking was another opening through which the oppositional pulls of Tudor order broke through to the surface.

¹²⁵ T.N.A., SP 60/11, ff 145r-146r.

¹²⁶ Harro Hopfl (ed.), *Luther and Calvin: on secular authority* (Cambridge, 1991), p. 21. For Becon, oaths violated the spirit and cast Christians into the hands of Satan, the world, and the flesh, imperilling the souls and consciences of all. Christians could not escape the wrath of God and the condemnation of their conscience unless they forsook the practice of swearing altogether and abandoned themselves to divine grace. The 'sign and earnest token that God hath forgiven thee thy sin' was 'a mind void, of dissimulation, privy displeasure, envy, malice, ill will and wrath'. Thomas Becon, *The solace of the soul against the bitter storms of sickness and death* (London, 1548).

It was not that God, truth, and honesty as the proper domain of ‘religion’, then, conflicted with the ‘secular’ pursuit of power or with the pragmatic pursuit of one’s ‘interests’. Oaths did not bestow a political-theological veneer upon an otherwise ‘secular’ realm of action, engagement, and interest; they were the political-theological instruments through which such activities harnessed the contested political theologies of truth, honesty, and lying. This was true in Gaelic Ireland, as well, where treachery was a serious transgression and oaths to God and saints as surety not a negligible affair: treacherous oath-breaking, raids, or murders were frequently condemned in the annals, while vengeance in these instances was a duty that safeguarded order and fulfilled a guarantor’s oath.¹²⁷ O’Donnell and Tadhg O’Conor Sligo’s treaty of 1539 is particularly telling, especially since it corralled ‘secular’ and ‘spiritual’ invocations of surety while stressing that one’s very salvation was at stake. Thus, in their agreement, God was directly invoked as ‘oath and security’: ‘And Tadhg invoked Almighty God in His divinity and in His humanity as oath and security that everything contained herein should be fulfilled; and he challenged God to inflict vengeance on his body in life, and not to have mercy on his soul at the point of death, if he should not fulfil this for O Domhnaill and his heirs after him’.¹²⁸ That God, oaths, and truth weighed heavily on the rhetoric and enactment of order, authority, and power, and in the negotiation and imposition of allegiance, obedience, and rule, then, speaks to how spaces of governance and law tied to the fluctuating orbits of Tudor centralization in a fragmented land of shifting Gaelic and English-Irish lordships and increasingly ‘international’ horizons of contested allegiance and service, were forged through a divine order with God at its beginning and end, an order which itself was subject to change as divine, human, and saintly agencies and spaces in the world were re-arranged in the volatile and contested arenas of Reformation-era spiritual-political governance, law, and polity formation.

That oaths were occasionally ineffective was precisely because they were not administered in a vacuum; they contended with other bonds of allegiance and obedience – not to mention the terms of their transgression – often cemented by oaths, vows, or honour. On 22 August 1536, the council of Ireland wrote to Cromwell about how the ‘pretended’ earl of Desmond (Sir John Fitzgerald) delivered ‘diverse sureties to be

¹²⁷ Simms, *From kings to warlords*, p. 106. See also *AFM*, M1524.21; *AC*, pp. 683, 685; *AU*, p. 526-7, 601, 603, 617; *ALC*, p. 283.

¹²⁸ The agreement is reproduced and translated in Maura Carney (ed.), ‘Agreement between Ó Domhnaill and Tadhg Ó Conchobhair concerning Sligo Castle (23 June 1539)’, in *IHS* 3, 11 (1943), pp 282-96, quotes on pp. 290-1.

bound for his obedience and duty to the King, as to abide and perform the order of the said Deputy, and other of the council, about the right of the earldom'. Nevertheless, 'pondering his oath, which he made to O'Brien (as he is a person esteemed greatly to regard his promise)', they confronted an obstacle, for the oath prohibited both Desmond and O'Brien from making an agreement or peace with the council without each other's assent.¹²⁹ The Irish council, in other words, was despite itself admitting to its weakness by empowering 'rebel' oaths – and, crucially, the promises that underpinned them, despite being made by ostensibly 'untrustworthy' men. By acknowledging the power of Irish oaths, a power whose source lay precisely in 'truth' as the requisite condition for adhering to their binding obligation, they were in effect acknowledging the very 'truth' the regime consistently denied those who made them.

The clerical world of spiritual allegiances to God, pope, and king was similarly an 'office-based' fulcrum of competing bonds cemented by oaths. For instance, Primate George Cromer, who was archbishop of Armagh, supported Offaly's rebellion early on, showcasing that his papal oath possibly carried more weight than the two he presumably swore to the king, first as bishop in the lordship and then, after July 1532, as chancellor of Ireland.¹³⁰ Conversely, these two latter oaths, since they presumably included standard declarations to obey the crown and uphold the dignity and responsibilities of the office, need not necessarily have contradicted his support for a Catholic cause against an heretical king who contravened God's law and betrayed his 'other body', the crown and commonweal; such was the casuistical dimension of office at work, by which the king was deemed to have transgressed the parameters of his office.¹³¹ Archbishop Browne himself later encountered a recalcitrant clerical hierarchy whose loyalties were clearly elsewhere than with the king as head of the church. In early January 1538, the archbishop complained to Cromwell that despite having been made a 'spiritual officer' under the king over all the clergy, he could 'neither by gentle exhortation, evangelical instruction, neither by oaths of them solemnly taken, not yet by threats of sharp correction' 'persuade or induce' anyone to recognize the 'just title of Our most illustrious Prince'.¹³² His own oath and conscience then entered the fray: 'I cannot in my conscience, considering mine oath and allegiance let such enormities

¹²⁹ *SP Henry VIII*, ii, p. 363.

¹³⁰ On Cromer's involvement in the rebellion, see Henry A. Jefferies, *Priests and prelates of Armagh in the age of Reformations, 1518-1558* (Dublin, 1997), pp 134-6.

¹³¹ For an essential discussion of oaths, casuistry, and 'resistance', see Condren, *Argument and authority in early modern England*, section 3.

¹³² *SP Henry VIII*, ii, p. 539.

[including such ‘traitorous a fact’ as the continued acceptance of papal pardons] escape, but just make relation, that the King’s Majesty may have sure knowledge how unfaithful a sort he hath in this land; and namely, the Spirituality, which seduces the rest’.¹³³ Two months later, Browne again confronted recalcitrant clergy: the prebendary of St. Patrick’s Cathedral, Patrick Humphrey (recall that he obstructed the parish priest’s reading of the ‘Beads’; see chapter five): ‘Then I considered this man, first how that he did himself stick to swear unto the king, and also moved other the same; seeing him also contemning mine articles, devised for the furtherance of God’s Word, and the advancement of our Sovereign’s title of Supremacy, bring of my chief church, promoted also within the city so near to me.’¹³⁴

The royal supremacy also altered the age-old practise of ‘Rome-running’, reconfiguring it into a strategy giving ‘papists’ power over the king – especially so between 1539-42, when, capitalising on opportunities afforded by the activities of the Geraldine League, Rome and disaffected Irish clergy established more frequent and sustained contact as popes grew bolder in their investiture interventions, venturing into areas of effective royal control, even sponsoring the first Jesuit mission to Ireland.¹³⁵ In July 1538, Robert Cowley lamented that the ‘papistical sect’ had spread across the land ‘by default of atollarence’ and because when the king grants a bishopric to one, another resorts to Rome to purchase a provision and expulses the king’s appointee from the see. Such ‘Rome running’ was worse than it ever had been, ‘so that there be now lately 5 bishops in Ireland by the Bishop of Rome’s authority, besides abbots and priors.’¹³⁶ Even if all of Cowley’s information may not have been strictly true – he was, after all, seeking to undermine Grey – what he described certainly did take place on occasion (see below).¹³⁷ The problem, indeed, was compounded by the regime itself, whose *modus operandi* – if not quite the ‘atollarence’ bemoaned by Cowley – facilitated the continued prevalence of episcopal oaths of allegiance to the pope over those which ostensibly bound bishops to the king as spiritual sovereign.¹³⁸ Henry VIII himself, aside

¹³³ *SP Henry VIII*, ii, pp 540-1.

¹³⁴ *SP Henry VIII*, iii, pp 6-7.

¹³⁵ Gwynn, *The medieval province of Armagh*, pp 223-47, 248-53; Frederick M. Jones, ‘The counter-reformation’, in Patrick Corish (ed.), *A history of Irish Catholicism, vol. iii* (Dublin and Melbourne, 1967), pp 2-5; Brendan Bradshaw, *The Irish constitutional revolution of the sixteenth century* (Cambridge, 1979), p. 247.

¹³⁶ *SP Henry VIII*, iii, pp 50-1.

¹³⁷ Gwynn, *The medieval province of Armagh*, p. 237.

¹³⁸ Edwards has made the point that the regime’s tepid enforcement of the Reformation provided a ‘theoretical foundation [for future consolidation of Tudor power/Reformation] through bishops who still

from a handful of original appointees, often simply gave royal assent to prior Irish lords' recommendations and papal selections upon submitting their papal bulls – and nor were these all systematically required to swear to the supremacy; some were simply pardoned upon relinquishing their papal bulls, while others were made to take the pre-Reformation oath of fidelity.¹³⁹ It certainly did not help, too, that the king did not always follow through with appointing his candidates to vacant sees, nor that Grey, who thought the implementation of the ecclesiastical program clashed with the reduction of the land to obedience, was accused in 1539 of ignoring royal appointees and of favouring indifferent or hostile priests and friars.¹⁴⁰

Consider the following illustrations of the tensions and dynamics that could emerge. Richard Culoke, a Dublin merchant, wrote to Master Treasurer William Brabazon in early November informing him that the king's ecclesiastical appointee to the see of Clonfert – the first royal nomination after George Browne the previous year, and the first against a papal rival – was being undermined. Richard Nangle, provincial of the Augustinians in Ireland, had been promoted to the episcopal office by Henry VIII, and was consecrated in 1536.¹⁴¹ Yet Roland de Burgo, who obtained a provision to the see from the pope, arrived and repelled Nangle, whom 'dared not go abroad' given de Burgo's endorsement from Rome. Eventually, however, De Burgo submitted to the king and took the oath of supremacy and received royal assent in 1541 after surrendering his papal bulls.¹⁴² While papal provisions were by no means always successful, they could clearly take precedent over royal ones when local conditions were advantageous – Roland, after all, was approved by the crown because, as a kinsman of the Clanrickard Burkes, he had strong local backing that the royal appointee simply did not have; the same occurred in the see of Raphoe, where, owing to the strength of the O'Gallagher's Bishop Edmund O'Gallagher successfully contested the

remained in communion with Rome'. Robert Dudley Edwards, *Church and state in Tudor Ireland: a history of the penal laws against Irish Catholics, 1534-1603* (Dublin, 1935), p. 95. See also Samantha Meigs, *The Reformations in Ireland: tradition and confessionalism, 1400-1690* (New York, 1997), p. 92.

¹³⁹ Edwards, *Church and state in Tudor Ireland*, pp 95, 103-4.

¹⁴⁰ Aubrey Gwynn notes two instances, from 1536, involving the sees of Dromore, Ardfert and Aghadoc, in Omagh and Kerry, respectively, where Henry VIII did not recognise Pope Paul III's appointments but then 'made no appointment of his own'. Gwynn, *The medieval province of Armagh*, p. 235. See also *SP Henry VIII*, iii, pp 122-4; Murray, *Enforcing the English Reformation in Ireland*, pp 109-11; Jefferies, *The Irish church and the Tudor Reformations*, pp 84-5.

¹⁴¹ Although Aubrey Gwynn suggests that the king may have been ignorant at this point that the see had already been filled by Pope Paul III. Gwynn, *The medieval province of Armagh*, pp 236-7.

¹⁴² *SP Henry VIII*, ii, p. 516; L.P.L., Carew MS 602, f. 67; *Patent and close rolls*, no. 29, p. 27; *Patent and close rolls*, no. 5, p. 82; *Irish fiants*, vol. 1, 263 (292), p. 31.

claims of Cornelius O’Cahan.¹⁴³ The reverse, too, was true: Bernard O’Higgins, Nangle’s successor as Augustinian provincial, was appointed bishop of Elphin in 1542 by the pope but, finding himself unsupported by the local nobility upon his arrival in Ireland, exiled himself to the continent until the early 1550s.¹⁴⁴ More to the point, though, in cases such as Roland’s, the royal assent and his submission amounted to a confirmation of not only the papal will and provision, but of local Irish interests. On occasion, moreover, such uneasy forms of jurisdictional overlap involved the reshuffling of papal appointees within royal ecclesiastical jurisdictions. Pope Paul III, for instance, appointed Patrick MacMahon to the see of Ardagh in 1541, but he failed to take his seat from the king’s bishop, Richard O’Farrell. Nevertheless, Primate George Dowdall – who had replaced Cromer as archbishop of Armagh and Primate of all Ireland in 1543 – made MacMahon his suffragan in May 1544, and collated him to the vicarage of Aghaloo in Tyrone and to another benefice within Armagh, while the king himself ordered that MacMahon was to be appointed to the next bishopric to fall vacant.¹⁴⁵

Declared allegiance, however, was not always what it seemed. Consider, once again, the case of Primate Cromer, who initially supported the Kildare Rebellion, but was soon after the target of papal opprobrium for his subsequent, heretical recognition of Henry VIII’s spiritual headship of the church.¹⁴⁶ It was the summer activities of two papal appointees in 1539 – the Archbishop of Tuam, Art O’Friel and the dean of Derry and future archbishop of Raphoe, Edmund O’Gallagher, both of whom had been involved in two supremely significant agreements, namely the reconciling of O’Neill and O’Donnell and then the aforementioned treaty between O’Donnell and Taidh og O’Conor over the highly contested Sligo Castle – that set the stage for Pope Paul III’s sentence against Primate Cromer on 23 July. Although the sentence formally deprived the archbishop of primatial and episcopal jurisdiction until his return to orthodoxy was sufficiently proven, Cromer, while never formally – as far as is known – taking the oath of supremacy, took no heed of the papal censure and continued to exercise his episcopal

¹⁴³ Bradshaw, *Irish constitutional revolution*, p. 248; Gwynn, *The medieval province of Armagh*, pp 204, 237, 246.

¹⁴⁴ F.X. Martin, ‘Confusion abounding: Bernard O’Higgin, O.S.A, Bishop of Elphin, 1542-1561’, in Art Cosgrave and D. McCartney (eds), *Studies in Irish history, presented to R. Dudley Edwards* (Dublin, 1979), p. 39.

¹⁴⁵ Gwynn, *The medieval province of Armagh*, pp 267-8.

¹⁴⁶ The following paragraph relies on Gwynn, *The medieval province of Armagh*, Part IV, esp. pp 230-2, 242-5, 255, 262-3.

duties in Armagh until his death in 1543, having officially recognised the king's new title in a letter in 1541. His absentee replacement administrator, the Scotsman Robert Wauchop's efforts to corral support for the Holy See from Rome through two Jesuit papal nuncios in Derry proved ineffective, as Primate Cromer remained recognised as the archbishop of Armagh and Primate of all Ireland – and that, by some of the very people who had written to the pope in 1539 decrying his heretical commitment to the English King. His primatial successor, George Dowdall, certainly took the oath upon his consecration, a consecration that was possibly attended by all eight bishops – ‘in whose fidelity’ Henry VIII confided – officially authorised to consecrate new Primate of All Ireland: Bishop Staples, Cornelius O’Cahan of Raphoe, Eugene McGuinness of Down and Connor, Edmund Nugent of Kilmore, Hugh O’Carolan of Clogher, Florence Kirwan of Clonmacnois, Richard O’Farrell of Ardagh, Thady Reynolds, the papal nominee for the see of Kildare whom the King recognised as a suffragan of Archbishop Browne once he had delivered his papal bulls, and, Rory O’Donnell of Derry, the man who had done so much between 1539-42 to coordinate the Geraldine League’s activities with the Scottish King and Rome. Aubrey Gwynn suggests that it was impossible that any of them ‘could have been present at this consecration without incurring the formal guilt of schism from the Holy See’.¹⁴⁷ While true, there was still another possibility: dissimulation.

Although, most English-Irish who took the oath of supremacy, did so out of a profound (colonial) sense of loyalty to the English crown rather than out of a principled rejection of papal jurisdiction,¹⁴⁸ it is possible, too, that tactics resorted to in England at the same time – the dissimulatory practises of equivocation and mental reservation, where the oath-taker, upon swearing, either cunningly and loquaciously circumvented definite declarations or pronounced certain words internally that qualified the text of the oath – were also used by officers and bishops in Ireland upon swearing to the king’s new title.¹⁴⁹ The oaths accompanying the acts of succession, the royal supremacy, and the act on marriage and fosterage between the English and Irish, after all, required their takers to pronounce the oath’s words ‘unfeigned’, and without ‘colour’ or ‘guile’. Since unlawful oaths were generally considered to be non-binding, it is possible, moreover, that for some taking the oath of supremacy would have elicited no scruples of

¹⁴⁷ Gwynn, *The medieval province of Armagh*, p. 263.

¹⁴⁸ Brendan Bradshaw, ‘The Opposition to the ecclesiastical legislation in the Irish Reformation parliament’, in *IHS*, 16, 63 (1969), p. 303.

¹⁴⁹ Gray, *Oaths and the English Reformation*, pp 47, 81.

conscience.¹⁵⁰ It is certainly revealing, after all, that although the cathedral and monastic chapters of the diocese of Dublin swore to the supremacy in 1537 – even while its prebendary, the aforementioned Patrick Humphrey, implored his fellow canons not to – resistance to Archbishop Browne’s programme was soon manifest, and it took two forms: the refusal to preach in support of the settlement and the refusal of certain religious orders such as Knights Hospitallers of Kilmainham and the Observant Friars of Dublin to allow Browne to enter their jurisdictions.¹⁵¹

All the same, even if bishops in Ireland did not equivocate – it is impossible to know – the point remains: oaths were a political-theological instrument through which royal and papal jurisdiction were negotiated not only *de jure*, but also, *de facto*, or at least, a plural, uncertain amalgamation of the two in their entanglements with local structures of law and power. If in one sense, the ‘state’ remained too weak to enforce its claims over most parish churches,¹⁵² in another, the situation re-oriented prior lordly-ecclesiastical arrangements: livings and benefices in Gaelic Ireland – many of which had been appropriated by religious houses, were under lay patronage, or were controlled by coarb and erenagh families – often lay outside strict episcopal control. For while bishops did enquire into why a benefice fell vacant, who had the right of presentation, and whether candidates were suitable for appointment, such powers only applied to parish benefices and not those served by a stipendiary curate, which meant that unbeneficed priests promoted by other local power brokers often took charge over the pastoral care of souls even before they received formal episcopal approval to do so.¹⁵³ The new legal pluralism also, if not re-orienting than at least paralleled some of the jurisdictional quibbles that had long characterised secular-regular relations.¹⁵⁴ As discussed in chapter eight, the Observants and other religious orders, moreover, organized across Europe into regional sectors and provinces, greatly contributed to this legal pluralism across the island and in the dynamics of intrigue linking Ireland,

¹⁵⁰ Alec Ryrie, *The gospel and Henry VIII* (Cambridge, 2003) pp. 77-8.

¹⁵¹ Murray, *Enforcing the Reformation*, pp 105, 110-12.

¹⁵² Raymond Gillespie, ‘Preaching the Reformation in early modern Ireland’, in Peter McCullough et al. (eds), *The Oxford handbook of the early modern sermon* (Oxford, 2011), p. 291.

¹⁵³ Henry A. Jefferies, *The Irish church and the Tudor Reformations* (Dublin, 2010), pp 26-46; Jefferies, *Priests and prelates of Armagh*; Brendan Scott, *Religion and Reformation in the Tudor diocese of Meath* (Dublin, 2006), pp 28-31, chap. 3.

¹⁵⁴ Such disputes, indeed, continued and intensified in the seventeenth century as the Tridentine Church in Ireland consolidated itself institutionally and enforced a stricter diocesan structure that moved away from what had by the second half of the sixteenth century become the necessary ad hoc arrangements centered on Franciscan and Jesuit activity, and vicar-apostolic appointments rather than episcopal ones. Meigs, *The Reformations in Ireland*, pp 92-7, 99-104.

Scotland, and Rome. In other words, the patchy post-Reformation settlements galvanized ambiguities within what had always been transregional and plural legal landscapes encompassing both local dynastic and familial interests as well as royal and papal power: now the boundaries between *de jure* and *de facto* became muddled on the terms of the royal supremacy in areas of varying degrees of royal control where papal jurisdiction, while formally outlawed, could still be construed by its purveyors as being quite alive and well.

So, while dissimulation, as we saw in chapters five and eight, was part of the Reformation terms of Christian crown subject hood and order, and hence, the polarisation of Tudor political theology, it was also entangled in the very dynamics that were both cause and symptom of another related phenomenon: the making and contesting of polities and counter-polities through oaths and a ‘political theology of secrecy’ that was both overlapping with yet – in so far as they continued older Anglo-Irish practises – distinct from the Reformation ‘political theology of truth’. The patchy jurisdictional situation that resulted was in no small part abetted by the unprecedented flurry of – often oath-bound – indentures between Grey and Irish lords¹⁵⁵ and by Browne’s efforts in 1538-9 to tender the oath of supremacy across the Pale and lordship. As far as these involved the simultaneous erecting and subversion of papal, Irish, and Tudor sovereignties and polities, we confront a similar situation to that which was taking place in 1534-5, when Offaly and Skeffington were tendering oaths to create bonds of allegiance to different sovereigns. The scope of resistance to Henry VIII’s Reformation revealed by Offaly’s revolt, the support he enlisted among many clerics,¹⁵⁶ Skeffington’s efforts to bind not only Irish lords but their retainers, and the activities of clerics, friars, and laity between 1537-43 negotiating the terms of allegiance and ‘reform’ in a post-Reformation world all speak to the social depth that characterised the jurisdictional patches, polities, and attendant bonds of allegiance and service then emerging in Ireland. When all these are assessed together, oaths appear as integral nodes in the multi-vocal and juridically-plural spiritual and civil arrangements that simultaneously bound and divided ‘Gaelic’ and ‘English’ Ireland in worlds of contested allegiance, obedience, and service.

¹⁵⁵ Referring to Grey’s activities in 1536 in particular, Maginn and Ellis have called them a ‘set of political and military expectations unknown in Tudor times’. Maginn and Ellis, *The Tudor discovery of Ireland*, p. 173.

¹⁵⁶ Ellis, ‘The Kildare Rebellion’, pp 815-6; Jefferies, *The Irish church and the Tudor reformation*, p. 74; Jefferies, ‘The early Tudor Reformation in Irish Pale’, pp 45-6.

9.5: Conclusion

Oaths figured crucially in the local and transregional struggles for sovereignty in Ireland during Henry VIII's reign. Harnessing and adapting older practices, Tudor officials, lords, and crown subjects deployed oaths and re-oriented the terms of association between God, prince, and crown subject in and against the changing horizons of political-theological power of an expansionist Tudor state. While discussion of oaths in Ireland and England in the first half of the sixteenth century had yet to both clearly articulate a casuistry that, as David Martin Jones has observed, 'serviced an evolving understanding of the state oath as the moral and legal cement of an incorporated body politic' or give full expression to the determinations and modalities of moral character that would emerge especially in the seventeenth century as a consequence of state reliance on oaths that destabilised the relations between allegiance and conscience,¹⁵⁷ we can nevertheless discern, even if only in nascent form, the structural workings of analogous forms of power that paralleled or prefigured those in which oaths would later figure so centrally. Oaths in Henrician Ireland were caught up in the formation of the true life of service, subject-hood, and faith in Christ and all were key indices of a political-theological nexus through which moral and legal subjects were performed and contested through mediatory horizons of divine, princely, and papal majesty.

The political theology of oaths, then, was a pivotal 'instrument' of the spiritual-civil fulcrum within which a distinctly post-Reformation Henrician Christianity in Ireland was forged. For oaths, in their entanglements with the permutations of *imperium*, threw into relief and galvanised the 'office' based delineations of allegiance, obedience, 'civility', and 'Englishness' – or, in short, 'true Christian crown subject-hood and service'. From vertical and horizontal bonds between sovereigns and subjects to the elaboration of new associations based in their interstices, to an intensification of the deployment of oaths within the halls of Irish government as newly volatile arbiters of truth, to their covenantal and baptismal dimensions and how crown submissions replicated the political-theological structures of renewal and 'truth' that oaths focalised, to their entanglements with dissimulations and their position as focal points at the crossroads of contested Tudor, Irish, and papal sovereignties, oaths transfigured pre-

¹⁵⁷ Jones, *Conscience and allegiance*, p. 99.

existing jurisdictional and power arrangements within the new terms of Reformation local, regional, and interpolity order, simultaneously consolidating and subverting Tudor power in Ireland.

Thus, while the lordship and then the kingdom of Ireland certainly formed part of a wider Tudor state, and while it is true, too, that, in Steven Ellis' words, 'the Irishry of western Scotland may be seen as an extension of the Irishry of Ireland',¹⁵⁸ other 'polities' and jurisdictions were taking shape in Ireland in the 1530s and 1540s – and these had oaths and their attendant bonds of allegiance at their heart. For it is through the factional rivalries and the ambitions of 'reform' government that roped the administration into the wider networks of lordship and power across the island, and the tendering of oaths that followed, that jurisdiction and polity were *enacted* and *contested*. Ireland was a disputed amalgamation of not only Irish and English-Irish lordships but of larger princely and papal polities with shifting, uneven and plural, transregional jurisdictions. As an important instrument through which the terms and obligations of order and service were forged, oaths were political-theological vectors that played pivotal role in the formation, contestation, and un-making of such regionally diverse, jurisdictionally plural landscapes of power.

¹⁵⁸ Steven G. Ellis, *Tudor frontiers and noble power: the making of the British state* (Oxford, 1995), p. 256; Ellis, 'The collapse of the Gaelic world, 1450-1650', in *IHS*, 31, 124 (1999), p. 453.

Chapter 10:

Conclusion: Reframing the sixteenth century: order, law, and the political theology of the Tudor state

Tudor political theology had a set of imperatives – allegiance, obedience, ‘civility’, conformity, duty, honour, and service – that embodied specific arrangements between God, prince, and subject. As a constellation of ideal standards through which order, governance, and power were convulsed and transformed, they were the crux of volatile struggles to define and assert the bases of ‘true’ Christian order and sovereignty as the regime sought to ‘reduce’ Ireland to ‘civility’, conformity, and obedience. Accordingly, it is the framework of political theology that, by recasting sovereignty as a problem of how divine, princely, and papal majesty were delegated to and mediated and wielded by clerics and laity within the spiritual and civil domains of Christian life, foregrounds anew how service to the Tudor crown and conformity to English monarchical order and law in Ireland both overlapped with and were contested by other alliances and forms of service centred on rival spiritual and civil sovereigns – namely, the pope, the Habsburg emperor, Irish lords, and the French and Scottish kings. In such volatile yet porous terrains of spiritual-civil power and law, and anchored in a distinctly Henrician Christianity that idiosyncratically harnessed Europe’s theological landscapes, a new conception of ‘true Christian crown subject-hood and service’ appeared, one that was enacted and appropriated, consolidated and subverted, in the interstices of diverse paradigms of (dis)order across ‘Gaelic’ and ‘English’ worlds.

To begin, the terms of Tudor crown subject-hood, service, and submission, the latter of which, emulating the structure of the oath as that which put God, prince, and Christian into relations of truth, unfolded at the uncertainly spiritual and temporal hodgepodge of the ‘evangelically’-inflected Catholic doctrinal, soteriological, and eschatological planes of the post-royal supremacy theocratic dispensation. It was a dispensation, too, that, while dependent on new correlations between, on the one hand, the sacraments of baptism and penitence, and, on the other, the theologies of covenant and *adiaphora*, hinged on the Henrician doctrine of obedience as the new centre of gravity for *imperium*. With sovereignty ever-more localised in a realm that was increasingly ‘church-like’, which in effect precipitated the distinctly Reformation-inflected transference of political-theological forms across civil and ecclesiastical domains, all threads of Tudor political theology were gathered into theocratic *imperium*

as a structuring pivot around which the ‘spiritual’ and the ‘temporal’ were delineated, and relations between God, prince, and Christian were re-arranged. Together, these redefined the terms of Christian crown subject-hood and service and expanded the spiritual-civil reach of royal power. In other words, if in Trinitarian theology, God, as Being, was simultaneously a transcendent and immanent presupposition of all order and creaturely life, such modalities of transcendence and immanence were reproduced in the fiction of the ‘Crown’ whose spiritual-civil contours Henrician theocratic kingship re-signified – and not least in the peculiarities of viceregal order in Ireland, where the Head and Body were an extension not only of the crown’s corporate perpetuity, but also of the lord deputy’s tense status as both governor and subject, even if only in a mediated way as delegated representative of the crown. The ‘Crown’, too, and within the folds of providence, provided a moral framework for the determinations of crown subject-hood and service, which were themselves indexed to the political theology of ‘office’. Prescribing the overlapping yet differentiated moral parameters of ‘truth’, rule, allegiance, and conduct, ‘office’ constituted the horizons of ‘civility’ and joint sacral and human earthly praxis as these operated in a Henrician *vita activa* under God, a Christian life of serviceable subject-hood anchored in the soul, conscience, and reason as bridges to the firmaments of the divine. Convulsed as it became by the post-Reformation terms of theocratic sovereignty, the universe of ‘office’ was the battleground in which Tudor political theology and ‘true Christian crown subject-hood and service’ were forged.

In the wake of the Kildare Rebellion, and as the regime enforced the Reformation, crown officials came to obsess over the ‘truth’ and ‘sincerity’ of crown subjects, their service, and their submissions to the crown as Head of both church and realm. In such a climate, the Aristotelian-Augustinian onto-theology of becoming that channelled divine and natural law, shaped the Tudor political theology of ‘civility’, and inflected the divided ‘Irish’ and ‘English’ moral subjects it produced, and which bridged Spanish discussions of ‘New World savages’ and Anglo-Irish appeals to the ‘infidel Turk’ as a foil against which disobedience and disorderly lordships and ‘selves’ insufficient in their Christianity were appraised, was revitalised. By the latter half of the 1530s, the political theology of difference that defined ‘Irish’ and ‘English’ nature differently linked to the post-Reformation political theology of ‘truth’. It was no coincidence, then, that the period 1535-47 saw repeated charges of dissimulation – the practise of minimally disclosing one’s true intentions – against the Irish and English-

Irish by hostile observers, with the practise itself becoming a renewed index of a post-Reformation political theology of truth and holiness. Gradations of perfection by which the regime's agents distinguished between different states of obedience, conformity, and 'civility' consequently crystalized in Tudor political-theological discourse, turning the age-old moral concern with how one's inner thoughts aligned with their outward conduct into a distinctly Tudor and Reformation problem of colonial order. If the language of 'new living' had roots in medieval moral theology as well as counterparts in contemporary Henrician, evangelical, and Protestant theologies of justification and sanctification, and if it was coterminous with the gradations of 'civility', conformity, and obedience tethered to a standard of 'perfection', it was also part of – oath-bound or otherwise – submissions to crown government as the moment of rupture for a 'new life'. This marked the re-orientation of the metaphysics of becoming within the Henrician doctrine of obedience and a newly transformed discourse of 'reform' within the theocratic folds of the Tudor 'church-like' realm, so that by 1541, power itself acquired sacramental hues, either in the baptismal and penitential terms of crown subject-hood and submission, in the 'sacramentalisation' of the 'nation' and its equivocation with a church, or the quasi-sacramental office of the king whose promise of mercy and deliverance had become Christ's promise of salvation. The consequences, however, were steep. For in the partial pegging of Tudor sovereignty to the inner disposition of the Irish lies the aporia of the Tudor 'constitutional revolution' in Ireland.

Meanwhile, the new political theology of truth was gradually felt in the debates over what 'true' monarchical and vice-royal order should look like that raged from 1533 onward, while the demands of Henrician obedience after the Kildare Rebellion and during ongoing factional strife, 'international' intrigue, and fears of invasion in England and Ireland, catalysed into a new form of moral governance characterised by generalised suspicion and mistrust. In its wake, there emerged a revitalised form of 'government by reward and punishment', whereby the demands of rewarding good service and punishing transgression led to explicit enunciations of the prince's sovereign gaze that mimicked God's omniscience and – in another instance of the 'sacramentalisation' of power – the unveiling of one's 'truth' in the confessional. As the practise of counsel, this linchpin of service and order, consequently became the crux of alternative allegiances between Tudor and papal sovereignties, and as the threat of foreign intrigue and invasion persisted and the rhetoric of princely rule was weaponised in ongoing factional rivalries, charges of treason proliferated in Ireland, a land whose

ports, havens, and seas were becoming ever-more concentrated foci of Tudor governmental power and sovereignty against ‘pirates’ and ‘traitors’. ‘Sovereigns’ ‘proliferated’ in such volatile environments as the perceived usurpation of princely *imperium* and prerogative within Gaelic and colonial Ireland acquired new valences and the channels of delegated and mediated divine and princely majesty were convulsed.

In and through these developments, the status of ‘the sacred’ became violently contested, infusing the quest for ‘reform’ with the imperative to parse ‘true religion’ from ‘idolatry’. Against transregional eschatological and prophetic imaginaries, and ‘Anglo-Irish’ spiritual-civil entanglements in which holiness was redefined and Tudor sovereignty was asserted and destabilised, Tudor political theology became polarised into new ‘corporate unities’ around the rigidly delineated poles of good and evil, so that the ‘true Christian crown subject’ emerged in stark opposition to the new bane of Tudor sovereignty: the devilish, idolatrous, Geraldine, papistical traitor.

Yet Tudor sovereignty in Ireland was not a stable edifice but a fractured hydra whose seeds simultaneously sowed both its solidity and the ever-present possibility of its dissolution. If within the terms of Tudor political theology, ‘Irishness’ disrupted the universality and coherence of ‘Englishness’, it was neither entirely external to ‘Englishness’ nor subsumed within it to oblivion: ways of ‘being Irish’ were enacted within the folds of a conquering ‘Englishness’ without lending themselves to a reproduction of the latter or a betrayal of the former; the spectre of ‘incivility’, in other words, persisted. This was the core of Tudor sovereignty in Ireland that also reflected its ambiguous ‘identity’, forged as it was within the mires of ‘Anglo-Irish’ encounter and, after 1541, dependent as it was on the inner disposition of the Irish in their ‘becoming-English’. The malleability of ‘office’, too, as a ‘site’ in which the terms of order, in response to the exigencies of ‘reforming’ Ireland, could be paradoxically transgressed, threatened the stability of Tudor sovereignty. In addition, from 1535 onward, and intersecting with both the convulsions of viceroyal rule and order, oaths both became revitalised sites of embattled Tudor, papal, and Irish sovereignties and galvanised the problem of dissimulation; both oaths and dissimulation, indeed, were at the heart of alternative bonds of allegiance that simultaneously bound and divided *de jure*, *de facto*, and outlawed jurisdictions centred on Scotland, France, Spain, and Rome. Tudor political theology, then, was perennially Janus-faced, simultaneously fixed and mutable within the folds of Anglo-Irish encounter and interpolity order.

In the end, the ‘true’ Christian life was constituted by an array of trajectories and expressed through different outlets – and at the root of all, lay the Henrician doctrine of obedience, this salvific ‘good work’ that allowed one entry into the folds of divine and princely order, effectuating the equivocation of Christ, priest, and king along the way. Through all such political-theological forms, the mark of the Reformation was present, the impact of the royal supremacy palpable, and it is in this entanglement that the Irish ‘constitutional revolution’ and the displacements of *imperium* it precipitated, finds its abode.

I: ‘Religion’, ‘politics’, and the ‘secular’ in Tudor Ireland

We can now finally answer the question raised at the beginning of this study: what were ‘politics’, the ‘secular’, ‘religion’ in Tudor Ireland?

As that which denotes a sphere of conflict, intrigue, and power relations, the term ‘political’ is certainly – if cautiously – appropriate. As an ostensibly ‘secular’ domain, however, it becomes anachronistic. Before the Peace of Augsburg of 1555, when it gradually became a term of abuse signaling a moral violation, ‘politique’ was a positive imperative of order and action not of the ‘political’ nor of the ‘secular’ but of *moral governance* and policy under prince and God. The ‘political’ as we know it did not exist, and while not everything fell within the purview of the ‘spiritual’, the ‘civil’ or ‘worldly’ was indexed to God’s government of the world in a manner that the category of the ‘secular’ can only ever inadequately capture.

The Henrician imperatives of order and their entanglements in the spiritual, imperial, and dynastic strife of the early Reformation, however, did produce a new category of ‘religion’. As Peter Marshall observes, ‘religion’ ‘emerged from the convulsions of the sixteenth century in a state of fragmented, almost schizophrenic reinvention’. It could be what he called the ‘sectarian ideology of self-selecting membership groups’ or the ‘matter of inner conscience, private and protected’.⁸²⁸ It could also imply, if not quite reverent sincerity, than at least solemn and rigorous adherence to the dictates of authority or simply as either vigorous and honest internal

⁸²⁸ Peter Marshall, *Heretics and believers: a history of the English Reformation* (New Haven and London, 2017), pp xvi-xvii.

examination of the rules or tenets of divine truth in devotion and ceremony.⁸²⁹ Finally, after the royal supremacy, being ‘professed of the Christian religion’ meant adherence to the Word of God in obedience to the king.⁸³⁰ Of course, while ‘sincerity’ mattered for sixteenth-century folk, the point here, though, is that it cannot be essentially linked with a ‘secular’ domain of thought, motivation, or interaction. ‘Religion’ was entangled in a slew of obligations intrinsic to being Christian. And while we can certainly home in on the specificity of ‘faith’ as a matter of doctrine, devotion, and ceremonies, we must be specific about *how* the phenomena that our category of ‘religion’ designates were internally differentiated yet interrelated. It is within the interstices, fault-lines, and shifts of the ever-revolving roll-house of imperatives of Tudor political theology and order that we must locate the ‘identity’ and transformations of ‘religion’ as a ‘site’ from which to know, experience, and be in the world.

The problem, then, is to specify what ‘religion’ was, what ‘the world’ – or *saeculum* – was, and how they were entangled yet could be differentiated. Tudor efforts to diagnose the ills of Irish and English-Irish society certainly suggest a re-arranging of the ‘spiritual’ and the ‘worldly’ within the domains of human existence, so that it becomes appropriate to speak of a ‘secular’ space of thought in the sense of commentary on *in-this-world* affairs and phenomena. The most radical gesture in this regard was Grey’s rhetorical moves that opened a morally neutral space outside of ‘office’ (chapter four); by further transcendentalizing God, it drove a greater wedge between the *saeculum* and the divine. Aside from this one exception, however, as Raymond Gillespie notes, Christ and the devil remained the dominant forces in the world and the presumption of God’s existence meant that ‘transgressions or misfortunes could be explained by the power of God’.⁸³¹

We arrive, here, at another secularist trope: the ‘unitary self’. There was no unitary site of subjectivity that canvassed the will, knowledge, desires, and passions.

⁸²⁹ The ‘Articles of religion’ of 1536 stipulated that all ‘ought and must most reverently and religiously observe and keep the selfsame words, according to the very same form and manner of speaking, as the articles of our faith be already conceived and expressed in the said creeds’ without ‘altering’ or ‘varying’ the meaning, while the *Bishop’s Book* of 1537 noted, first, that when presented with the blood and body of Christ, ‘every man ought first to prove and examine himself, and religiously to try and search his own conscience, before he shall receive the same’, and second, how God endeavoured to ‘save me, and to reduce me again by penance unto the right way of his laws and his religion, and so thereby to prove me, and to exercise me in patience and other virtues, and also to signify unto me the great care, and fatherly love, and goodness, which be beareth towards me’. Chalres Lloyd (ed.), *Formularies of faith, put forth by authority during the reign of Henry VIII* (London, 1825), pp 6, 11, 32.

⁸³⁰ *SP Henry VIII*, ii, pp 563-4.

⁸³¹ Raymond Gillespie, *A devoted people: popular religion in early modern Ireland* (Oxford, 1997), pp 10, 29, 65.

God, the devil, and Fallen Man were the motors of action, inflecting the faculties of soul, intellect, and will, which was equally subject to the poles of God's providence as the place of free human action relative to the working-out of God's design in the world. What was human was frail, the source of transgression either of the moral parameters of office or of God's commandments, because of the tarnish of sin after the Fall. There was, of course, some good in man: a 'divine spark' that made possible the willing embrace of a grace that came from without; this, after all, was the Christian doctrine of free will.⁸³² But that will in and of itself was almost worthless and blind, hardly capable of doing good if not helped along by the grace of God. Divided between the pastoral government of God, prince, and priest, 'it' was also traversed by the imperatives of Tudor political theology as these were operationalised in the 'office-based' parameters of 'truth' as an index of divine and civil order. The 'self' as a locus of life, thought, and agency, in other words, was constituted differentially within the disparate trajectories of the imperatives of Tudor political theology tethered to the providential-ontological continuum that linked God and Creation.

The tendency, therefore, among historians to focus on the point when 'religion' became a *truly* decisive element in Irish affairs has obscured both how 'religion' had always been integral to Tudor rule and order as well as how its epistemological, ontological, and experiential status in the world of government was periodically transformed. Far from simply either becoming 'reformed' at some point between the late 1540s and the early 1560s or transitioning from a 'survivalist' to a 'confessionalised' mode sometime between 1550 and 1590,⁸³³ 'religion', as a fertile site for the articulation of divine and human agencies, law, and power, was transformed

⁸³² See chapters 4, section 4.1, and 5, sections 5.5 and 5.6.

⁸³³ Brendan Bradshaw, 'The English Reformation and identity formation in Ireland and Wales', in Brendan Bradshaw and Peter Roberts (eds), *British consciousness and identity: the making of Britain, 1533-1707* (Cambridge 1998), pp. 43-111; Bradshaw, 'The Reformation in the cities: Cork, Limerick and Galway, 1534-1603', in John Bradley (ed.), *Settlement and society in medieval Ireland: studies presented to Francis Xavier Martin, O.S.A.* (Kilkenny, 1988), pp 445-76; Bradshaw, 'The Edwardian Reformation in Ireland, 1547-53', in *Archivium Hibernicum*, 34 (1977), pp 83-99; Nicholas Canny, *From Reformation to Restoration: Ireland, 1534-1660* (Dublin, 1987); Canny, 'Why the Reformation failed in Ireland: *une question mal posée*', in *JEH*, 30, 4 (1979), pp 423-450; Steven G. Ellis, *Tudor Ireland: crown, community, and the conflict of cultures, 1470-1603* (London and New York, 1985); Ellis, 'Tudor state formation and the shaping of the British Isles', in Steven G. Ellis and Sarah Barber (eds), *Conquest and union: fashioning a British state, 1485-1725* (New York, 1996), p. 23; Ute Lotz-Heumann, 'Confessionalization in Ireland: periodization and character, 1534-1649', in Alan Ford and John McCafferty (eds), *The origins of sectarianism in early modern Ireland* (Cambridge, 2005); James Murray, *Enforcing the English reformation in Ireland: clerical resistance and political conflict in the diocese of Dublin, 1534-1590* (Cambridge, 2009); Henry A. Jefferies, *The Irish church and the Tudor reformations* (Dublin and Oregon, 2010).

evenly throughout the sixteenth century. It intertwined with and relayed through the theoretical and practical exigencies of ‘reform’, conquest, and government in Ireland, and reflected Ireland’s integration and peculiar place within North Atlantic, Continental, and Mediterranean worlds. It is here that ‘religion’ came to occupy an altered discursive space of power and governance, becoming a distinctly Anglo-Irish variant of post-Reformation Henrician Christianity.

II: Tudor Ireland: law, treason, and ‘civility’

How, then, can Henrician political theology illuminate new chronologies of ‘reform’, conquest, law, and power in sixteenth-century Ireland? If historians have identified a handful of Henrician patterns or forms of violence, military rule, conquest, and ‘religious reform’ that set the stage for or were later taken up in Elizabeth’s reign,⁸³⁴ I propose a complementary narrative that further recasts the relationship between Henrician and Elizabethan Ireland.

As we saw in chapters seven and eight, there emerged in the 1530s and 1540s an economy of treason in ‘Anglo-Irish’ political-theological culture that proved decisive as the limit of a recurring, adaptable fount through which the terms of ‘reform’, conquest, and sovereignty, not to mention the political theology of difference, were funnelled; it was a limit that, making visible distinct regimes of power and the unstable polarities of Tudor political-theological order, threw into relief the permutations of *imperium* in Ireland in its corporate, ordinary, and absolute guises. Within this juridical dispensation, the limit categories of Tudor political theology – the sovereign prerogative, the figure of the ‘enemy’, and its cognate terms ‘rebel’ and ‘traitor’ – came into full relief, revealing the fault-lines of order and disorder with decisive effect for the sixteenth-century chronologies of ‘reform’, conquest, and law in Tudor Ireland. For there was an amorphous, discontinuous political-theological thread that ran through the general convulsions in power, sovereignty, and law in the Tudor dominions. If Henry VIII’s reign can be defined as a period when the specific cultural boundaries that in the final

⁸³⁴ Brendan Bradshaw, ‘Nationalism and historical scholarship in modern Ireland’, in *IHS*, 26, 104 (1989), pp 338-9; 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 78-121; David Heffernan, *Debating Tudor policy in sixteenth-century Ireland: ‘reform’ treatises and political discourse* (Manchester, 2018); David Edwards, ‘The escalation of violence in sixteenth-century Ireland’, in Edwards, David et al. (eds), *Age of Atrocity: violence and political conflict in early modern Ireland* (Dublin, 2007).

decades of Tudor rule became more stringently solidified and polarized were still in a state of comparative flux and fluidity such a definition remains partial.⁸³⁵ The Henrician period evinced its own specific modalities of polarization around other legal and political-theological markers rooted in the dynamics of early Tudor expansion and ‘reform’ that prefigured Elizabethan developments. For continuities and ruptures between the two reigns hinged on the structural and effectual affinities between the revolving set of moving parts that in some form can be traced back to the reign of Henry VIII – namely, the fluttering dynamics of the matrix linking violence, treason, ‘civility’, and prerogative power and *imperium* in the contestations over the nature of monarchical sovereignty and delegation that reconfigured ‘true’ allegiance, obedience, and subject-hood. James Murray is certainly correct to point out that, when it came to enforcing the Reformation in Ireland, the Elizabethans confronted the same problems and obstacles as Archbishop George Browne in the 1530s and reached the same conclusion he did: that ‘successful enforcement of the reformation would depend entirely upon the Supreme Governor exercising her judicial authority directly in the local church. It was this, rather than abstract philosophical concerns, which lay at the heart of their preference for coercive methods of religious control under the aegis of the High Commission’.⁸³⁶ While the practical exigencies and obstacles of ‘reform’ that Murray highlights were undoubtedly important, the attitudes they were entangled in nevertheless had a deeper ontological core and consistency. We touch, here, on the peculiarities of Ireland’s status as a land – among others – treated as an ‘emergency’ and the specific dynamics the ‘proliferation of sovereigns’ took in this environment.

Echoing the curse cast on Thomas Fitzgerald and all who aided or associated with him in 1534-5 and aligning with those who in 1537-8 thought it imprudent to declare a general pardon absolving all of any involvement in the recent rebellion,⁸³⁷ the declaration of war against O’Connor Faly in February 1557 captures how what would follow from the 1560s channelled Henrician developments and can serve as a snapshot of the threads I seek to lay bare: ‘Conscious that no Irish lord could hope to maintain a functioning private army without billeting troops on the populace’, David Edwards

⁸³⁵ As Christopher Maginn notes, that which would have ‘met the requirements’ for English subject-hood in the 1540s were simply no longer sufficient after the 1560s. Christopher Maginn, *‘Civilizing’ Gaelic Leinster. The extension of Tudor rule in the O’Byrne and O’Toole lordships* (Dublin, 2005), p. 195.

⁸³⁶ James Murray, ‘Ecclesiastical justice and the enforcement of the reformation: the case of Archbishop Browne and the clergy of Dublin’, in Alan Ford et al. (eds), *As by law established: the Church of Ireland since the Reformation* (Dublin, 1995), p. 51.

⁸³⁷ See chapter 7, section 7.4.

writes, ‘the government effectively declared war on ordinary subjects of whatever enemy lord it happened to be fighting by identifying all “aiders and maintainers” of his army as abettors of treason – traitors in their own right’.⁸³⁸ Short of any direct causal relationship, in other words, the terms of service, their entanglements with the changing character of treason after the Kildare Revolt and the birth pangs of Reformation, and the expansion of the constitutional and political-theological web of Tudor rule and subjecthood following the Act of Kingly Title congealed with – and if not facilitated then at least represented the conditions of possibility for – the changing character of government violence from the 1550s onward.

As David Edwards and Brendan Kane have noted, Tudor state violence against the most vulnerable and ‘deviant’ – whether the ‘semi-nomadic’ ‘uncivil’ Irish or the ‘masterless men’ and vagrants – was not altogether dissimilar in England and Ireland.⁸³⁹ The rhetoric of order, justice, and violence against traitors, rebels, and the disobedient, not to mention the tension between due legal process, local circumstances and exigences of order, and the discretionary zeal of officers, lords, and the king that unleashed the full sovereign violence of the law or raised the spectre of absolutist power, too, were similar in both Tudor dominions, even in the 1530s.⁸⁴⁰ Yet Edwards notes important differences that emerged in Ireland as early as the 1530s and especially from the 1550s, when the crown’s pressing concern with security unleashed the more brutal potential of ‘Anglicization’ and when the unprecedented transformation of martial law, from the reactive measure of old to a new ‘pre-emptive one’, led to ‘crown representatives’ assuming ‘arbitrary authority over life and death in most areas of the island’.⁸⁴¹ If a shift from ‘the older common-law learning of the legal inns’ toward ‘a greater emphasis on contrasting arguments and to the authoritative dicta of the judges’

⁸³⁸ Edwards, ‘The escalation of violence in sixteenth-century Ireland’, p. 74.

⁸³⁹ Brendan Kane, ‘Ordinary violence? Ireland as emergency in the Tudor state’, in *History*, 99, 336 (2014), pp 446-58; ‘Elizabeth on rebellion in Ireland and England: semper eadem?’, in Valerie McGowan Doyle and Brendan Kane (eds), *Elizabeth I and Ireland* (Cambridge, 2014), pp 261-85; Edwards, ‘The escalation of violence in sixteenth-century Ireland’, p. 74.

⁸⁴⁰ The duke of Norfolk, for instance, sought to circumvent the county palatinate jurisdiction when suppressing the Pilgrimage of Grace by proceeding with martial law and taking the indictments against the rebels as evidence. In the end, however, he failed; the rebels’ offences were committed prior to the warrant that made him the king’s lord lieutenant, which meant he could not deploy martial law against them. G.R. Elton, *Policy and police: the enforcement of the Reformation in the age of Thomas Cromwell* (Cambridge, 1972), p. 298.

⁸⁴¹ David Edwards, ‘Ideology and experience: Spenser’s View and martial law in Ireland’, in Hiram Morgan (ed.), *Political ideology in Ireland, 1541-1641* (Dublin, 1999), pp 127-157; David Edwards, ‘Tudor Ireland: Anglicization, mass killing, and security’, in Cathie Carmichael and Richard C. Maguire (eds), *The Routledge history of genocide* (London and New York, 2015), pp 23-37.

occurred in England,⁸⁴² it was martial law commissions that proliferated in Ireland. Nevertheless, such preventative uses of discretionary powers were not without precedent in the spiritual domain: the English common law jurist Christopher St Germain had in the 1530s complained that popes had ‘not only monopolized the power of absolving from sin, but have expanded it to claim new powers not granted by Christ to Peter or anyone else, particularly the power to absolve in advance from future sins’.⁸⁴³ A similar kind of justice was also an Erasmian ideal of the virtuous, ‘watchful prince’, who should not only ensure the punishment of all offenders but should also preempt all actions which deserved punishment.⁸⁴⁴ Although different to that claimed by martial law commissioners, such understandings of preventative justice were a theoretical precursor to the expansive transformation of delegated prerogative power under the Elizabethan martial regime.

While martial law in Henry VIII’s reign was by no means the lightning rod of order, sovereignty, and the delegation of the royal prerogative – and therefore the arena par excellence of the ‘proliferation of sovereigns’ – it would become under Elizabeth and the early Stuarts, the debates the problem have recently provoked among historians is nevertheless worth thinking through here, if only for its fruitfulness in pondering the nature of colonial power in Ireland and beyond. The discussion has revolved around the degree to which the use of martial law in Ireland differed from its use either in England or the Scottish border and, therefore, the extent to which we can attribute its peculiarities in the crown’s Irish dominion to cultural difference, or what David Edwards called English ‘cultural imperialism’ in Ireland.⁸⁴⁵

⁸⁴² Christopher W. Brooks, *Law, politics, and society in early modern England* (Cambridge, 2008), p. 64.

⁸⁴³ Daniel Eppley, *Defending royal supremacy and discerning God’s will in Tudor England* (Aldershot, 2007), p. 109.

⁸⁴⁴ As Erasmus put it, ‘The better physician is the one who prevents and wards off disease, not the one that cures the disease with drugs once it is contracted’. Lester K. Born (ed.), *Institutio Principis Christiani* (New York, 1973), p. 224.

⁸⁴⁵ David Edwards, ‘Out of the blue? Provincial unrest in Ireland before 1641’, in Michael O Siochru and Jane Ohlmeyer (eds), *Ireland 1641: contexts and reactions* (Manchester, 2013), pp 95-114; Edwards, ‘Two fools and a martial law commissioner: cultural conflict at the Limerick assize of 1606’, in David Edwards (ed.), *Regions and rulers, 1100-1650. Essays for Kenneth Nicholls* (Dublin, 2004), pp 237-62; Aran McArdle, ‘Necessarie to keepe order in Ireland’: martial law and the 1641 rebellion’, in Coleman Dennehy (ed.), *Law and revolution in seventeenth-century Ireland* (Dublin, 2020), pp. 47-64; McArdle, ‘Power and authority: a comparative study of martial law in early Stuart Ireland, 1603-41’ (unpublished PhD thesis, TCD, 2014). Stephen Carroll has recently taken issue with this perspective. According to Carroll, similar practises were used across the Atlantic Archipelago, where each kingdom saw the use of animalistic language to describe the lower orders, vagrants, and rebels; it was ‘social differentiation’ – or status-based prejudices – along with concerns for the security of the state that, he contends, best explain the peace-time resort to martial law in Ireland and its continuation after 1628 when it had been outlawed in England. Stephen Carroll, ‘Competing authorities: the clash of martial and common law in early

Such disagreement as to the place of ‘cultural difference’ in English thinking, policy, and conduct in Ireland foregrounds the need to rethink the specificity of ‘colonial’ and ‘non-colonial’ power beyond the question of whether Tudor policy and thought on Ireland can be understood as a colonial one if similar efforts to rein the island into the jurisdictional and constitutional folds of a consolidating and expanding central government can be seen across the Atlantic Archipelagos. We confront, here, the nature of colonial power itself as a force-field that contorts any neat delineation between ‘centre’ and ‘periphery’. Less a spectrum across which colonial forms progressively shed their coloniality until they became ‘metropolitan’ – or simply, non-colonial – than a kaleidoscope of mutually overlapping and incessantly differentiating attitudes and practises, ‘colonialism’ in Ireland, as a matrix of order and power, was simultaneously specifically located and spectrally generalised. It manifested along a threefold axis: through policies of settlement and population displacement and the ensuing problems of order, security, and cultural difference; as an ethos and set of processes in which dislocations in identity and sovereignty as well as contortions in law and justice characterised the paradoxes and tensions of colonial rule and power; and, most importantly for our purposes here, as a phantom. While colonialism obviously cannot be the sole prism through which the histories of Ireland are narrated and grasped, we should nevertheless canvas a more expansive understanding of colonial power and be wary of – ultimately futile – efforts to evermore finely distinguish between the ‘colonial’ and the ‘non-colonial’. For just like the vanishing presence of the enemy in Tudor political theology, the ‘colonial’ was – and continues to be – the ever-present haunter in the dark, a contorted power that insinuates itself into the contours of life, law, and government in ways that far exceed the more ‘conventional’ forms of self-evidently colonial policy and *mentalité*. Any instances of colonial attitudes or forms of rule in Ireland – a land that historians have rightly suggested was treated as a kingdom, a colony, and an English dependency and borderland – could in fact

seventeenth-century Ireland’, in Coleman Dennehy (ed.), *Law and revolution in seventeenth-century Ireland* (Dublin, 2020), pp 22-46, esp. 30-1. Yet, if ‘Martial law owed its expansion to the royal prerogative, with precedents from each kingdom feeding in to the other’ (p. 33), as Carroll rightly observes, is it not possible, then, that more fervent and sustained encounters with the Irish over the course of the sixteenth century had come to shape English views of the poor within England itself? After all, as Aran McArdle observes, ‘An inquiry into state-sanctioned violence, such as the use of martial law outside moments of rebellion, reveals an omnipresence of brutality and repression in Irish society which demonstrate how ideological and cultural lessons were reinforced in times of peace’. McArdle, ‘Necessarye to keepe order in Ireland’, p. 48. And the ‘ideological and cultural lessons’ – namely, that Ireland was a land where emergency measures reigned supreme, a land filled with recalcitrantly ‘uncivil’ people and stubborn Catholics – ran deep, indeed.

eventually come to inflect, resemble, or overlap with the exercise of power and justice, the forms of violence and law, and the naturalised social and cultural hierarchies embedded in understandings of the tenets of rule and order in areas where the designation ‘colonial’ appears to be self-evidently inappropriate for describing prevailing dynamics of order and power. Europe itself, after all, as Robert Bartlett demonstrates, was over centuries forged by successive waves of ‘internal’ and ‘external’ consolidation, expansion, and conquest, while monarchies were, in the words of David Armitage, ‘compounded by the same means that empires were acquired: by conquest, annexation, inheritance and secession’.⁸⁴⁶

The conditions for the line between explicitly colonial enterprises and the more general ambitions of law and order within any jurisdiction or polity to be blurred, in other words, had long been set. And what we are confronted with in Ireland is a matter of *intensification* of a colonial power that already shadowed Christian order elsewhere. It is not, then, solely the mere existence in Ireland of, say, dislocated structures of delegated power through the royal prerogative that could be wielded by mere officers who exercised a terroristic ‘justice’ in its name that warrant seeing the workings of colonial processes on the island; England, after all, was not altogether spared such campaigns throughout the sixteenth and seventeenth centuries,⁸⁴⁷ while the imperatives of ‘civility’, the rhetoric of difference, and the general problem of hybridity, ‘difficult middles’, and borderlands was pervasive throughout Europe and elsewhere. Rather, it is the specific form these took, transformed as they were by the exigencies of rule in a land often treated as an emergency requiring exceptional measures. Along the way, they were intensified in their entanglements with other imperatives of rule, such as the task of ‘civilizing’, whose language – animalistic and otherwise – in and of itself, of course, was not unique to Ireland, but which again acquired a peculiar weight, form, and salience in the cumulative strain of events and mounting violence. If Ireland was at various points a lordship, a colony, and after 1541, a kingdom, this must be understood not solely as Ireland’s anomalous position within ‘British’, Continental, and Atlantic spheres of influence, but also more specifically as the island’s unique position as a site which galvanized and localized some of the salient features of coloniality as an ordering

⁸⁴⁶ Robert Bartlett, *The making of Europe: conquest, colonization, and cultural change, 930-1350* (New York, 1994); David Armitage, *The ideological origins of the British Empire* (Cambridge, 2000), p. 23.

⁸⁴⁷ See, for instance, Carroll, ‘Competing authorities’; Kane, ‘Ordinary violence?’.

dispensation in a world of heightened governmentalization of power and increasingly expansive encounters between ‘Europeans’ and the world beyond.

Consider, then, the problems of violence, law, and ‘civility’ in this light. First, of all the manifestations of ‘exceptional power’ or the state of exception this study has explored, the one that was perhaps most consequential in Ireland was that at the heart of the metaphysics that underlay Tudor ‘civility’. Historians have long distinguished those that considered the Irish capable of being ‘reformed’ through their integration into the orbit of the common law from those who viewed the Irish as inherently immune to the ‘civilizing’ effects of law. The latter, historians have shown, only emerged late in Elizabeth’s reign, and although how it emerged or what its ‘ideological’ substance was, is by no means agreed upon, all agree on the outcome: the emergence of a clear logic of total, zero-sum war and annihilation against the ‘unregenerate Irish’.⁸⁴⁸ Yet the kernels of the ‘zero-sum’ politics usually associated with Elizabeth’s reign were also visible in the mires of Henrician polarisation. It had long, indeed, been present in Christian theology, insofar as the survival of the church to some depended on the annihilation of its enemies, a position that found revitalised expression in the Reformations.⁸⁴⁹ All the same, it may even have been expressed most forcefully by the Irish – or at least, transposed onto them; Robert Cowley in 1539 did impute to Desmond, O’Neill, and O’Donnell a dire sense of zero-sum urgency in their ‘traitorous conspired treason’ against Henry VIII, for he was, the ‘traitors’ claimed, a ‘heretic against the Faith’ who

⁸⁴⁸ To some, the period either saw the exigencies of governing Ireland eventually give way under the weight of its own contradictions and tensions to a logic of total, zero-sum war and annihilation, or it was it specifically the impact of Spanish colonial tactics in the ‘New World’ and the Protestant and Catholic Reformations that, coalescing with the ramifications of conquest and growing New English monopolisation of government affairs in Ireland, that were responsible in precipitating the descent into such radically hostile attitudes towards Ireland’s inhabitants. For the first position, see Ciaran Brady, *The chief governors: the rise and fall of reform government in Tudor Ireland, 1536-1588* (New York, 1994); Brady, “‘Conservative’ subversives: the community of the Pale and the Dublin administration, 1556-1586”, in P. J. Corish (ed.), *Radicals, rebels and establishments: Historical Studies XV* (Belfast, 1995); Brady, ‘From policy to power: the evolution of Tudor reform strategies in sixteenth-century Ireland’, in Brian Mac Cuarta (ed.), *Reshaping Ireland, 1550-1700: colonization and its consequences. Essays presented to Nicholas Canny* (Dublin, 2011), pp 20-42. For a perspective that emphasises New English domination of office and the Reformations, see Steven G. Ellis, *Tudor Ireland: crown, community and the conflict of cultures, 1470-1603* (Dublin, 1985); Ellis, *Ireland in the age of the Tudors, 1447-1603: English expansion and the end of Gaelic rule* (London, 1998). In their different ways, Brady and Valerie McGowan-Doyle push back against this view. See Brady, *Chief governors*; McGowan-Doyle, *The Book of Howth: the Elizabethan re-conquest of Ireland and the Old English* (Cork, 2011). On the influence of Spanish colonial tactics and violence, see Nicholas Canny, *Elizabethan conquest of Ireland: a pattern established, 1565-1576* (Hassock, 1976), chap. 6.

⁸⁴⁹ This was a development more immediately rooted, perhaps, in thirteenth- and fourteenth-century transformations in demonology, magic, and witchcraft that coincided with the church’s struggle against heresy. See Norman Cohn, *Europe’s inner demons: the demonization of Christians in medieval Christendom* (2nd edition, Chicago, 2001).

‘hath no right or title to this land, but usurpation, and that will *have all, or lose all*’.⁸⁵⁰ We are some measure away from the radical Elizabethan perspective. Still, iterations of this theme, rather than requiring either the structural breakdown of ‘reform’ government or the abrasive turn toward full conquest to appear – although that was certainly its Elizabethan precondition⁸⁵¹ – were instead indexed to Tudor political-theological order as such, galvanized into different discursive registers across the century, and re-oriented into new policy directions in response to historical contingencies.

John Patrick Montaña has pointed out that ‘well before the 1570s the elimination of the cultural roots of Irish barbarity was a well-established tactic in the Tudor efforts to introduce civility’.⁸⁵² It is the ontology operationalised by the political theology of ‘civility’, however, that illuminates deeper continuities, and it is within the paradigm of delegation and mediation of divine and princely majesty that this ontology highlights the malleability of princely prerogative powers as a form of ‘exceptional’ power, with important consequences for the history of martial law in Ireland and for our understanding of the phenomena of ‘proliferating sovereigns’ therein.⁸⁵³ The ‘Irish’ and the ‘English-Irish’ in need of ‘reform’, as we observed in chapter three, were ‘imperfect’ beings ambiguously occupying a position between the plural poles of ‘civil’ and ‘uncivil’, capable of being civil yet in need of either being conditioned into or re-habituated in English manners and laws. In this spectrum lay all possible attitudes towards the Irish as targets of ‘reform’ and all possible strategies to ‘rescue’ them from their purported ‘incivility’. What emerged after the 1550s, then, when the Irish, ruled by martial law or massacred in cold blood as ‘war-time casualties’ or as surrendered prisoners,⁸⁵⁴ was an order of law not only coinciding with the metaphysics of ‘civility’

⁸⁵⁰ Emphasis mine. *SP Henry VIII*, iii, p. 147.

⁸⁵¹ This is Ciaran Brady’s argument. See Brady, *The chief governors*; Brady, ‘From policy to power’, pp. 20-42; Brady, ‘Coming into the weigh-house: Elizabeth I and the government of Ireland’, in Brendan and Valerie McGowan-Doyle (eds), *Elizabeth I and Ireland* (Cambridge, 2014), pp 113-41.

⁸⁵² John Patrick Montaña, *The roots of English colonialism in Ireland* (Cambridge, 2011), p. 281.

⁸⁵³ My interpretation, here, then differs from that advanced by John Collins in his otherwise excellent work on martial law in England and Ireland. Martial law, he contends, was not an ‘exceptional’ power beyond the law, but thoroughly a law as one of the king’s laws. He is, of course, technically correct. But Collins misunderstands the ‘state of exception’ and its relation to law – especially within the context of Christian theology and God’s government of the world – and does not do justice to its fundamental malleability as a prerogative of the king. John M. Collins, *Martial law and English laws, c.1500-c. 1700* (Cambridge, 2016), p. 10.

⁸⁵⁴ Edwards, ‘The escalation of violence in sixteenth-century Ireland’; Vincent Carey, ‘Atrocity and history: Grey, Spenser and the slaughter at Smerwick (1580)’, in David Edwards et. al. (eds), *Age of atrocity: violence and political conflict in early modern Ireland* (Dublin, 2007), pp 79-94; David Heffernan, *Debating Tudor policy in sixteenth-century Ireland: ‘reform’ treatises and political discourse* (Manchester, 2018).

as it existed under Henry VIII but which in fact marked the radicalisation of this ontological dispensation and its normalisation through punitive strategies of rule, war, and conquest.

That these became the targets of frequent criticism from the Old English community in particular hardly changes the dynamics at work – although, lamentations that the English were becoming the very barbarity they sought to extinguish do echo Erasmus’s reflections in 1516 that by attacking the Turks, ‘it may more readily happen that we degenerate into Turks than that they become Christians through our efforts’.⁸⁵⁵ All the same, the salient feature of power operable, here, was the spectral quality of the sovereign embedded in the political theology of difference, whereby ‘Englishness’ stood as ‘sovereign’ vis-à-vis ‘Irishness’, the former realising itself through the internal suppression – or inclusive exclusion – of the latter. If the twin poles of God and Satan, the one ‘the epitome of office, the other as its abuse’ presupposed the ‘office-based’ terms of all social discourse,⁸⁵⁶ the ‘office’ of ‘Englishness’ and its abuse in ‘Irishness’ mapped onto such divisions,⁸⁵⁷ so that the former served as a spectral sovereign in the image of God to the latter, which, given the anomalous status of its ‘nature’ as both participating in *humanitas* yet a sign of unredeemable ‘savagery’, could incarnate Satan as the cunning deviation from all good rule. Under the specific circumstances of the Elizabethan years, ‘Englishness’, in other words, doubled-down on the constitutive suppression of its ‘proximate Other’ that, governed by the metaphysics of becoming, marked the originary violence at the heart of Tudor rule and sovereignty in Ireland.

By the 1560s, a protracted and dynamic web linking ideas of order, obedience, the ordered subject and service, and their violation in treasonous conduct, could produce frightening results. Consider, for instance, Elizabeth’s instructions to Sir Henry Sidney in 1566 to focus his attention on the O’Mores, O’Connors, and their supporters, whereby, as Edwards put it, ‘In a chilling turn of phrase she stated that he must insure the royal forces stopped at nothing “to cleanse” Laois and Offaly of all dissidents and “disordered persons” whatsoever’. The Elizabethan clerk, Edmund Tremayne, recommended seven years later to reduce the ‘inhumanity and beastliness’ of Gaelic lords with, if necessary, extreme force ‘to make all the Irishry in Ireland [live] in terror’.

⁸⁵⁵ On such criticism, see Heffernan, *Debating Tudor policy in sixteenth-century Ireland*, chap. 6. *Institutio Principis Christiani*, p. 256.

⁸⁵⁶ Conal Condren, *Argument and authority in early modern England: the presupposition of oaths and offices* (Cambridge, 2006), pp 136, 217-23.

⁸⁵⁷ See chapter 4, section 4.2.

Consider, too, Thomas Churchyard's 1579 account of Humphrey Gilbert's violent foray in Ireland, where the delegation of prerogative might beyond the reems of the lord deputy coalesced with the use of terror as a means of submitting an unregenerate population, and the staunch Calvinist Sir William Russell's condemnation in 1581 of all 'Irish habits and customs' as 'devilish and abominable before God'. Combined with condemnations of Irish 'beastliness' and their customs,⁸⁵⁸ such examples cumulatively amounted to a tightening and re-orientation of views expressed in the 1530s-40s that correlated Irish 'incivility', viceroyal abuses of power, and the use of terror against unredeemable and un-persuadable traitors. It marked, too, the proposed institutionalisation not only surveillance as a means of colonial instruction in the ways of 'civility' as was proposed in the 1540s,⁸⁵⁹ but of terror as a permanent mode of government. The overcoming of the Devil and the assumption of 'godly living' this entailed, whatever it meant in its specifics, may have been common to both English and Irish worlds (chapter eight), but it was inflected radically differently within the terms of English 'civility', so that, in effect, Tudor strategies of terror partially emulated the events that would transpire upon the Second Coming of Christ. Although Christ first appeared in abject misery and poverty, once he returned, he would – in the words of the *Bishop's Book* – to 'the inestimable comfort and rejoyce of the good, and to the extreme terror and confusion of the wicked' be in 'the high and almighty power, glory, and majesty of his kingdom' and he 'shall judge all the world, quick and dead... according to truth and justice', and without mercy.⁸⁶⁰ Within the sacramental fount of Henrician kingship, tudor order similarly took on such eschatological dimensions in presenting itself as glory and majesty to the newly 'civil' Irish and as terror, judge, and punisher for the unregenerately disobedient, although it was only later in the century that the full implications of such an eschatology – 'everlasting punishment and damnation' as an earthly condition – were realised, finding its literary apogee in Edmund Spenser's terrifying proposals.⁸⁶¹ It was, then, in the spiritual-civil Henrician economy of treason and the outbursts of rhetorical and physical violence against 'subjects' and 'enemies' it

⁸⁵⁸ Edwards, 'Tudor Ireland: Anglicization, mass killing, and security', pp 28, 30, 76; On Churchyard, see Mark A. Hutchinson, *Calvinism, reform, and the absolutist state in Elizabethan Ireland* (Routledge, 2015), pp 59-60.

⁸⁵⁹ See chapter 5, section 5.5.

⁸⁶⁰ *Formularies of faith*, pp 46-7.

⁸⁶¹ On Spenser, see Edwards, 'Ideology and experience'; Nicholas Canny, *Making Ireland British* (Oxford, 2001), chap. 1.

produced that the horrifying possibilities fully realised under Elizabeth and James VI and I found their more immediate albeit loose precedent.

By the Nine Years' War, the discourse of 'civility' and its entanglement with treason had again morphed, and such alterations again marked the reorientation of the 'office'-based terms of true subject-hood and the related discourses of conformity and obedience that in the 1530s and 1540s spawned a growing space of manoeuvrability in the discourse of crown subject-hood. As Ruth A. Canning has shown, the Englishman Captain Thomas Lee, in his *The discovery and recovery of Ireland with the author's apology* (1596), 'delineated various gradations of Irish traitors under the headings "open traitors" and "secret traitors"'. If the former were visible, involved as they were in open resistance against the crown, much more dangerous were the 'secret traitors', those who, as Lee put it, 'seem to be subjects yet do covertly succour, maintain, and relieve the open Traitors'.⁸⁶² Just as Tudor officials from the late 1530s distinguished between degrees of 'civility', conformity, and obedience, frequently affirming that the appearance of such was not to be trusted, in the 1590s, under generalised conditions of war wherein, in Canning's words, 'the very notion of "secret traitors" meant that no Irishmen was immune to charges of treason', we encounter the imperatives of Tudor political theology coming together and 'fulfilling' the discourse of treason in a generalised state of exception, where the invisible 'enemy', the traitor, and the crown subject were one.

Consider, too, how gradations of perfection within conformity, 'civility', and obedience that spoke to an evermore finely tuned gap between inward conviction and outward show, had other logical affinities with Elizabethan political-theological phenomena. Paralleling and anticipating developments in England, the two-tiered process of sanctification and justification in the becoming 'civil' of the Irish that was a post-1541 staple of Henrician kingship and crown subject-hood and submission,⁸⁶³ resembled the later sixteenth- and seventeenth-century process of evangelical conversion and sanctification which commentators in England explicitly described as 'a form of ongoing penitential cycle in the lives of the godly'.⁸⁶⁴ It was also perfectly captured in the theological ideas that grew out of the new-fangled centrality the

⁸⁶² Ruth A. Canning, *The old English in early modern Ireland: the Palesmen and the Nine Years' War, 1594-1603* (Woodbridge, 2019), pp 68-9.

⁸⁶³ See chapter 5, section 5.6.

⁸⁶⁴ Jonathan Willis, *The Reformation of the Decalogue: religious identity and the Ten Commandments in England, c. 1485-1625* (Cambridge, 2017), p. 12, chap. 5.

Decalogue acquired in English life and thought, where ideas of divine kingship, law, order, and salvation were increasingly reflected in and shaped by the Ten Commandments.⁸⁶⁵ The Decalogue, indeed, serve as a useful guide to making sense of the twists and turns of Tudor political theology in Ireland. For in Ireland, we see in how explanatory passages on God's moral laws in the Henrician formularies of faith in fact expressed the spiritual and worldly terms of obedience and a Christian's 'duty and office' towards God, prince, and neighbour, illustrated their relevance for understanding the proper modalities of prerogative power and its delegation in the context of viceregal order and its contestation, and revealed how their redefinition of sin, repentance, justification, faith, charity, and sanctification – all of which served, to 'damn the reprobate' and engender 'feelings of repentance' within the regenerate now driven 'towards faith in Christ as the only true means of redemption' – also bore an uncanny resemblance to the post-1541 contours of Henrician theocracy and crown subject-hood in Ireland, particularly the thorny problem of the 'becoming-civil' of the Irish and the faith they must have in God and their Christ-like king.⁸⁶⁶ If, moreover, Elizabethan efforts to separate ecclesiological conformity from 'inner' faith – efforts that were already present in Henrician England, and which became particular focal points of 'reform' and (dis)order in Ireland once the Act of Uniformity was promulgated in 1560 and when controversies over recusancy erupted two decades later⁸⁶⁷ – in fact marked a reversal of the Henrician 'constitutional revolution' which pegged Tudor sovereignty on the inner disposition of the Irish, the latter was nevertheless present in the repurposed moral-governmental space of the Elizabethan absolutist state. That from 1536 and especially 1541, conformity, obedience, and 'civility' were not merely about such 'externals' as the taking of name and land upon certain conditions, but about one's sincere and willing submission to the king's order, grace, and mercy, showcases that the parameters of 'perfect obedience' were already beginning to change under Henry VIII decades before the godly conscience blessed by God's grace emerged in the 1570s and 1580s as the standard for 'true obedience' and 'true conformity' in Ireland.⁸⁶⁸ Similarly,

⁸⁶⁵ Willis, *The Reformation of the Decalogue*, p. 6, passim.

⁸⁶⁶ See chapter 4, section 4.1, and chapter 5, section 5.6. For the quotes, see Willis, *The Reformation of the Decalogue*, p. 12, chap. 4.

⁸⁶⁷ Ethan Shagan, 'Confronting compromise: the schism and its legacy in mid-Tudor England', in Ethan Shagan (ed.), *Catholics and the 'Protestant nation': religious politics and identity in early modern England* (Manchester and New York, 2005), p. 52.

⁸⁶⁸ On this development, see Hutchinson, *Calvinism, reform, and the absolutist state in Elizabethan Ireland*.

the Elizabethan association of confession with treason was already made not only by William Tyndale in England, but, as we saw in chapter eight, by Archbishop Browne in Ireland, as well.⁸⁶⁹

The regime's use of oaths, too, which both accompanied Henrician militarisation and intersected with, if not directly engendered, new forms of association among and between the crown, lord deputy, the English, and the Irish, also recasts the history of English monarchical republican thought. The terms of 'vertical' and 'horizontal' association canvassed by Lord Offaly, Thomas Cromwell, and Cowley should be seen, along with their counterpart in urban civic culture⁸⁷⁰ as resembling or prefiguring those triangulating sovereign and subjects in subsequent Acts of Uniformity in Ireland and England, not to mention the Elizabethan Bond of Association of 1584. An alternative, political-theological genealogy of monarchical republican thought in England and Ireland appears, here, one that stresses not the otherwise important imperative of 'self-government' but the sovereign terms of association in their intersections with conformity and obedience,⁸⁷¹ making visible a dynamic political-theological culture of association across the Tudor dominions. With this in mind, too, we should perhaps view the covenantal terms of – oath-bound or otherwise – associations in Henrician Ireland as precursors of the more fully developed covenantal theologies and associations that were so central to political-theological contestations across Scotland, England, and Ireland in the seventeenth and eighteenth centuries.⁸⁷²

Relatedly, we should consider how, in the political-theological abstractions and corporate unities and associations that emerged between 1533 and 1547, there lay the expanding orbit of the 'king's party' and princely power – not only the new corporate

⁸⁶⁹ Lucy Underwood, 'Persuading the queen's majesty's subjects from their allegiance: treason, reconciliation and confessional identity in Elizabethan England', in *Historical Research*, 89, 244 (2016), pp 246-67.

⁸⁷⁰ As Christian Liddy has shown, civic oaths operationalized the ever-conflicting poles of urban citizenship, or the vertical associations and hierarchy between office-holders and citizens and the horizontal bonds of fellowship and solidarity of the franchise. Christian D. Liddy, *Contesting the city: the politics of citizenship in English towns, 1250-1530* (Oxford, 2017).

⁸⁷¹ Markku Peltonen, *Classical humanism and republicanism in English political thought, 1570-1640* (Cambridge, 1995); Vincent Carey, 'The Irish face of Machiavelli: Richard Beacon's *Solon his follie* (1594) and republican ideology in the conquest of Ireland', in Hiram Morgan (ed), *Political ideology in sixteenth-century Ireland* (Dublin, 1999), pp 83-109; Patrick Collinson, 'The monarchical republic of Queen Elizabeth I', *Elizabethan essays* (London and Rio Grande, 1994), pp 31-58; John F. McDiarmid (ed.), *The monarchical republic of early modern England. Essays in response to Patrick Collinson* (Aldershot, 2007).

⁸⁷² Edward Vallance, *Revolutionary England and the national covenant: state oaths, Protestantism, and the political nation, 1553-1682* (Rochester, 2005); John Walter, *Covenanting citizens: the protestation oath and popular political culture in the English revolution* (Oxford, 2016).

designation of ‘conformity’ from 1535, or the transformation of the ‘common weal’ after 1537 into a corporate abstraction encompassing both king and subjects, or the new status ‘reformation’ acquired in 1546 as a condition of being oriented towards the reduction of Ireland to ‘one obedience and monarchy’, but especially those moves the anti-Kildare commentators performed in the first half of the 1530s when they emphasised the need to extract the office of governor from local power-bases so that the dignity and authority of the office itself would become a magnet for everyone’s due allegiance and obedience. All participated in the same processes from which what Mark Hutchinson has called the language of the Elizabethan ‘absolutist’ state emerged, this abstracted institutional locus of authority, legitimacy, and authority that forced a cleavage between the ‘state’ from the ‘political community’. And nowhere was the precedent to the absolutist separation of inner life from outward obedience clearer than in John Alen’s move in 1542 to peg Tudor sovereignty not on the inward disposition of Irishmen, but on their institutionalised surveillance.⁸⁷³

It was in 1566, however, in Sir Henry Sidney’s *A Brief declaration of certain principal articles of religion*, that the post-Reformation political-theological status of the office of lord deputy reached its apotheosis.⁸⁷⁴ The Henrician doctrine of obedience as the defining feature of ‘faith’ ran through this formulary, evincing – in similar ways to Archbishop Browne’s ‘Beads’ and ‘Articles of Religion’ – both the Henrician modalities of mediation of divine and princely majesty within the ‘Crown’, the blurred spiritual-civil terms of service and office-holding these canvased, and the monarchical tendencies latent in the office of lord deputy. Sidney exhorted ‘all men to the obedience of God’s law and to the works of faith’, which included ‘obedience to the rulers and superior powers, with such like works and godliness of life commanded by God in his word’.⁸⁷⁵ Not only did Sidney’s struggle to assert monarchical *imperium* through what he believed was the scope of his viceroial power mark the continuing pulls and tensions of the office that Henrician governors faced earlier in the century. More importantly, the fact that Sidney unprecedentedly not only made claims to the royal supremacy in his capacity as viceroy but also sought to enforce such claims through new institutional embodiments of spiritual-ecclesiastical delegated authority – the Ecclesiastical High

⁸⁷³ See chapter 5, section 5.5.

⁸⁷⁴ It remains an underappreciated document. For a most recent treatment, see Ciaran Brady and James Murphy, ‘Sir Henry Sidney and the Reformation in Ireland’, in Elizabethanne Boran and C. Gribben (eds), *Enforcing Reformation in Ireland and Scotland, 1550-1700* (Aldershot, 2006), pp 14-39.

⁸⁷⁵ B. O. Cuiv (ed.), *Aibidil Gaoidheilge & Caiticiosma: Seaan O Cearnaigh’s Irish Primer of Religio* (Dublin, 1994), p. 188.

Commission, first established in 1566, and renewed in 1577 – marked the formalisation *in the office of lord deputy* of the powers Browne saw himself invested with on his arrival to Ireland, not to mention those of the vicegerential commission of 1539-40 or those Cromwell wielded as Vicegerent in Matters Ecclesiastical, which, as Diarmaid MacCulloch has suggested, marked a ‘revival’ of Wolsey’s pre-Reformation legatine prerogative.⁸⁷⁶ The *Brief*, in other words, revealed the inner core of viceregal power in Ireland. Subject to the spiritual supremacy of temporal monarchs, ‘faith’ was now tethered to the person of Sidney to whom ‘all Christian men, but especially to the ministers and the Pastors of the Church’ must ‘give a reason of their faith when they shall be there unto required’ – for ‘I for my part now appointed your Parson, Vicar, or Curate, having before me eyes the fear of GOD, and the testimony of my conscience, doo acknowledge for my self, and require you to assent to the same’.⁸⁷⁷ And only in ‘heartily and obediently’ receiving God’s Word as outlined in the articles, could all over whom Sidney had ‘cure’ be ‘together in unity of spirit, faith, and charity’ and at length be joined to the Kingdom of God and Christ the Saviour.⁸⁷⁸ Sidney, in other words, as lord deputy and just like his queen, had become a minister with the cure of souls.

Ultimately, a specific kind of state power was emerging in England and Ireland, one foundationally beholden to the post-Reformation political theologies of obedience and treason and one which would in different forms have a long pedigree well beyond the twilight of Tudor rule.⁸⁷⁹ As the new focal point of the laws of God and the realm, Henrician obedience found its mirror-image in the similarly elevated political-theological status imparted to treason – and herein lay the roots of the Elizabethan distinction between ‘religion’ and the ‘civil’ domain, a distinction that, during the heyday of anti-Catholic campaigns against priests, found axiomatic expression in the Protestant jurist, Thomas Norton’s *The execution of justice* (1583). In arguing that openly adhering to the pope was an act of civil rather than religious disobedience, to be

⁸⁷⁶ Diarmaid MacCulloch, *Thomas Cromwell: a life* (London, 2018), pp 55-64, esp. p. 64.

⁸⁷⁷ *Aibidil Gaoidheilge*. p. 186.

⁸⁷⁸ *Aibidil Gaoidheilge*, pp 188-9.

⁸⁷⁹ As Aran McCardle wrote with reference to the early Stuart period and particularly the early 1640s, ‘As a cornerstone of coercion, this system of summary justice [through martial law] underpinned plantation and justified rule over conquered subjects through the claims of royal prerogative and legal flexibility. This was the painful reality of early modern state formation’. McCardle, ‘Necessarye to keepe order in Ireland’, p. 64. For a study of the links between treason and state formation for a later period that considers interconnections between England and Ireland, see Alan Orr, *Treason and the state: law, politics, and ideology in the English civil war* (Cambridge, 2002).

punished as treason rather than heresy,⁸⁸⁰ Norton's pamphlet brought full-circle the ambiguities introduced by the royal supremacy, although it did so within a remarkably similar confessional register to its Henrician counterpart explored in chapter one: it was 'public' Catholicism that was demoted from the status of 'religion', profaned and reduced to a mere 'civil' transgression. All the same, the pamphlet and the concurrent persecution of priests marks for us the apotheosis of the genealogy traced here and in which the discourse of treason congealed with the ramifications of the royal supremacy. The genealogy linking Henrician obedience, treason, and the 'Crown', while suggestive of the sixteenth-century trajectories of order, law, and government just outlined, then, also recasts the histories of the state and secular governance.

III: Toward a political-theological genealogy of secularism and the 'state'

Focusing on the imperatives of Tudor political theology brings into relief faces of royal or 'state' power that were felt differently. For the 'state' evinced differing degrees of intrusion, mediation, and impact on the lives of all. And what historians have illustrated for England – their emphases on the state as a 'net effect' predicated upon its use by people and how power was legitimated, a 'reservoir of authority' and 'series of institutions' that people could tap into in the pursuit of different aims, and a bridge linking ecclesiastical and civil realms in which governance, rooted in a panoply of authorities ('crown, church, magnate, locality, and household') was exercised from 'multiplicity of directions' – applies to Ireland as well.⁸⁸¹ Such were the crossroads at which the 'state' appeared as a 'net effect' and a 'way of governing'.⁸⁸² What, then, was the Tudor state in Ireland?

⁸⁸⁰ Thomas Norton, *The execution of justice in England for maintenance of publique and Christian peace, against certain stirrers of sedition, and adherents to the traitors and enemies of the Realm, without persecution of them for questions of Religion, as is falsely reported and published by the fautors and fosterers of their treasons* (London, 1583).

⁸⁸¹ Michael J. Braddick, *State formation in early modern England, c. 1550-1700* (Cambridge, 2000), pp 11-47, 96; Steve Hindle, *The state and social change in early modern England, c. 1550-1640* (London, 2000); Krista Kesselring, *Mercy and authority in the Tudor state* (Cambridge, 2003), p. 15; Ethan Shagan, *Popular politics in the English Reformation* (Cambridge, 2002), p. 22; Shannon McSheffrey, *Seeking sanctuary: crime, mercy, and politics in English courts, 1400-1550* (Oxford, 2017), pp 161-2.

⁸⁸² As Foucault asks: 'What if the state were nothing more than a way of governing? [...] What if all these relations of power that gradually take shape on the basis of multiple and very diverse processes which gradually coagulate and form an effect...were precisely the basis on which the state was constituted?' The 'fragile and obsessive' thing called the state, organized by a governmentalized society, Foucault suggests, 'is only an episode in government, and it is not government that is an instrument of the state'. Michel Foucault, *Security, territory, population: lectures at the Collège de France, 1977-1978* (2004), Michel Senellart, ed. Graham Burchell, trans. (New York, 2007), p. 248.

Historians have identified regionally distinct processes of centralisation, integration, and assimilation across the Archipelagic kingdoms that together comprised the ‘fashioning of Britain’ in its plural states or polities, a set of processes, of course, that were entwined in the growing ‘supervisory power’ and intervention of the ‘English core over the other cores’, as John Morrill put it, although the overarching aim was for the most part less the establishment of a unitary British state than an abiding concern, in the words of Hiram Morgan, ‘to keep foreign powers out of the British periphery’.⁸⁸³ I want here, however, to focus less on the admittedly important networks of institutions, personnel, and influence that were central to the formation of the ‘multinational Tudor state’ than I do on the ‘languages of the state’ and their concrete instantiation in the terms of order, crown subject-hood, and service.⁸⁸⁴ Historians have underappreciated the degree to which a barometer for understanding the ambitions and scope of royal power is not merely the crown’s practical capacity to enforce its will or English law, or even its military strength, its institutional expansion, or the mere formation of a ‘king’s party’. For the fluctuating parameters of ‘serviceable subject-hood’ in the king’s cause as the ‘vehicle’ for the delegation and mediation of divine and princely majesty within the moral horizons of the Crown were themselves indices of royal or ‘state’ power and avenues for their consolidation. The ‘Crown’ as a political-theological fiction of divinely ordained princely rule and sovereignty rallied the faces of *imperium* and the diverse forms of personal, legal, and institutional power into a common albeit highly contested, elastic, and volatile crucible of Christian governance through which sacral and civil forms of majesty were embodied in lives of Christian service. As an ‘effect’ and mode of government, the lineaments and substance of ‘state power’ ebbed and flowed in the lives of embodied majesty under God and Prince as an ‘economical’ power of ordering shot through by the undulating vagaries and bursts of divine and

⁸⁸³ John Morrill, ‘The fashioning of Britain’, in Steven G. Ellis and Sarah Barber (eds), *Conquest and union: fashioning a British state, 1485-1725* (New York, 1996), pp 21-3; Morrill, ‘The British problem, c. 1534-1707’, in Brendan Bradshaw and John Morrill (eds), *The British problem, c. 1534-1707: state formation in the Atlantic archipelago* (London, 1996), pp ; Hiram Morgan, ‘British policies before the British state’, in Brendan Bradshaw and John Morrill (eds), *The British problem, c. 1534-1707: state formation in the Atlantic archipelago* (London, 1996), p. 66. See also Steven G. Ellis, ‘Tudor state formation and the shaping of the British Isles’, in Steven G. Ellis and Sarah Barber (eds), *Conquest and union: fashioning a British state, 1485-1725* (New York, 1996), pp 40-63.

⁸⁸⁴ Steven G. Ellis, *Defending English ground: war and peace in Meath and Northumberland, 1460-1542* (Oxford, 2015), chap. 1; Christopher Maginn, *William Cecil, Ireland, and the Tudor state* (Cambridge, 2012), esp. pp 7-12, 224-5. One of the more stimulating discussions of the Cromwellian state in Ireland remains Brendan Bradshaw, *The Irish constitutional revolution of the sixteenth century* (Cambridge, 1977), pp 139-63.

princely ordinary and prerogative power.⁸⁸⁵ The Tudor state, in other words, was a providentialist fount of governmentalizing order through and against whose horizons, in the entanglements of interpolity intrigue and the furnaces of colonial difference and power, Christian lives of obedience and service beckoned.

We can go further, still, and uncover something more nebulous yet deeply rooted in Christian political-theological imaginaries, something of the Tudor state as well as something which projects onto the ‘modern secular state’. The sketch that follows is not meant to funnel the histories of sixteenth-century Ireland into a teleology of secularism and the modern state, retroactively and anachronistically if not imputing the existence of, then privileging the search for, the modern secular state.⁸⁸⁶ The task rather is to narrow in on a ‘spectral historical formation’ by which I mean a set of disparate ideals, assumptions, performances, and their cumulative effects as they structured the horizons of moral governance, law, and political-theological power. Gleaning this ‘spectral formation’ allows us to trace new genealogies of Tudor ‘statist’ order and power that simultaneously reframe the histories of the modern secular state.

According to Marx, the modern secular state turned ‘religion’ into one of its presuppositions. By constituting ‘politics’ through an exclusion of ‘religion’ that nevertheless maintains the latter’s Christian dualism (the ‘letter of the Gospel’ and the ‘spirit of the Gospel’), the state asserts its transcendence over all and allows the now privatized ‘religious and theological consciousness’ to see itself as all the ‘more religious and the more theological because it is apparently without political significance, without worldly aims’. For Marx, the Christian Modern State was impossible, for a ‘state which makes the Gospel speak in the language of politics – that is, in another language than that of the Holy Ghost – commits sacrilege’. Nevertheless, the state’s final form was the ‘consummation of the Christian state [that] acknowledges itself as a state and disregards the religion of its members’.⁸⁸⁷ In other words, the modern state is simultaneously the fulfillment and overcoming of the Christian

⁸⁸⁵ For a most recent treatment of the concept of *oikonomia*, or ‘economy’, in early modern England, see Peter Remiens, *The concept of nature in early modern English literature* (Cambridge, 2019), pp 13-29 and chap. 1.

⁸⁸⁶ John Coffey and Alistair Chapman warn against this tendency in certain strands of intellectual history. See John Coffey and Alistair Chapman, ‘Introduction: intellectual history and the return of religion’, in Alistair Chapman, John Coffey, and Brad S. Gregory (eds), *Seeing things their way: intellectual history and the return of religion* (Notre Dame, 2009), pp 1-23.

⁸⁸⁷ Karl Marx, ‘On the Jewish question’ (1844).

theocratic state – or the becoming-God in the Hegelian sense of the state as a transcendent condition of possibility for all other domains of life.⁸⁸⁸

The assumption that the modern state and politics are impossible within a Christian purview informs the most recent – and formidably thoughtful – reflection on the relations between theology and civil government in Ireland. In *Calvinism, reform, and the absolutist state in Elizabethan Ireland*, Mark Hutchinson tracts the emergence of a ‘language of the state’ that had both (Protestant) ‘absolutist’ and (Catholic) ‘mixed-polity’ iterations. From the 1570s-80s attempts to construct an external and institutional definition of obedience involved redefining ‘relationships in the absence of unity of conscience’ and setting out a ‘more secular definition of authority’. But this ‘state’ was not yet ‘modern’, for ‘the ability of the state to make available a space that would provide for diversity of action and behaviour (freedom in a more modern sense) remains severely limited as long as some form of a Christian world view dominates’.⁸⁸⁹

Hutchinson’s account, however, remains marred by the secularist logic of ‘medieval/modern periodization’.⁸⁹⁰ For Hutchinson, the ‘modern state’ is conceptually dislodged from a Christianity in a rather different way than Marx, for whom the modern State, while overcoming the Christian theocratic state, still channelled its dualistic theology. Yet, as Ulrike Strasser observes, the formation of the modern state is not ‘a

⁸⁸⁸ As Hegel put it, ‘The State is the Divine Idea as it exists on Earth’. As the objective union of Freedom – which is the essence of Universal History – and the means of its fulfilment through human passion and subjective will transcending itself to ‘return’ to its Idea in its autonomy and independence, the ‘state is the actually existing, realized moral life. For it is the Unity of the universal, essential Will, with that of the individual; and this is “Morality”’. G.W.F. Hegel, *The philosophy of history*, trans. J. Sibree (1956) (New York, 2nd edition, 2004), pp 23-54, quotes on pp 38-9, 52. Hannah Arendt, too, has some insightful commentary on the matter in her study of the American and French Revolutions, *On revolution* (London, 1963), chap. 5. As she writes with regards the need for an Absolute as the ‘fountainhead of justice’ and law and the ‘need for a divine principle, a transcendent sanction in the political realm’, the French Revolution in particular inherited the tensions of the absolutist past: ‘The claim of absolute kingship to rest on divine rights had construed secular rulership in the image of a god who is both omnipotent and legislator of the universe, that is, in the image of the God whose Will is Law’ (pp 183-6). For the American Revolution, whose actors, she claims, had avoided the pitfalls of insisting on grounding law in a transcendent source, be it the nation or the people, it was the Constitution itself as an act of foundation that constituted the source of law, a law sanctioned by the people as the source of authority. The Constitution, accordingly, became a sacred document, something worshipped; specifically, it embodied the spirit of Roman *auctoritas*, which triangulated authority, tradition, and religion, in an act of foundation that is simultaneously a fount for perpetual union and growth (pp 197-205). Although Arendt does not make the leap, I suggest that the Constitution amounted to the sacred rupture of Divine Being in the world, so that the world becomes the stage for the perpetual becoming of the American nation. On the ambiguous status and place of the ‘sacred’ in modern law and state order, see Austin Sarat, Lawrence Douglas, and Martha M. Umphrey (eds), *The law and the sacred* (Stanford, 2006).

⁸⁸⁹ Hutchinson, *Calvinism, reform, and the absolutist state in Elizabethan Ireland*, esp. pp 12-4, 52-4, 104-8, 110, 117, 154-5.

⁸⁹⁰ For a critique of ‘medieval/modern’ periodization from a political-theological perspective as a structural logic complicit with Eurocentric secularism and colonialism, see Kathleen Davis, *Periodization and sovereignty: how ideas of feudalism and secularism govern the politics of time* (Pennsylvania, 2012).

story of how the secular state triumphed over religion, but how the state appropriated desirable elements of the latter, defined them as components of its prerogative and proper sphere of influence, and pushed out undesirable religious influences into a new created sphere of individual morality and privacy’, ‘making invisible religion’s precise contribution to the formation of its own power’.⁸⁹¹ With this in mind, thinking with Tudor political theology provides a fresh perspective on the Tudor state and helps root new genealogies of a secular statist dispensation firmly in Ireland.

To reconsider the modalities of the spiritual and the temporal in their entanglements with the forces of ‘state formation’, I want to consider monastic and ascetic spiritual practises as these eventually inhered in the spaces of governmentalized ‘state’ power. To do so, it is worth revisiting Max Weber’s – often-cited but usually caricaturized – *The Protestant ethic and the spirit of capitalism*, which deals with the problem of ‘worldliness’ in the Reformations. Weber studied the peculiar kind of ‘worldly asceticism’ that the Reformations unleashed, an asceticism that made ascetic (monastic) practices the basis of existence and activity in the world as a vocation and calling.⁸⁹² The Reformations, in this regard, built on established currents and theologies, and it is surely significant that after 1543 especially, the new life of Henrician obedience was seen as a calling.⁸⁹³ Moreover, if cloistered forms of Catholic female spiritual piety and discipline were central to seventeenth-century Bavarian state formation and the masculine gendering of modern politics,⁸⁹⁴ consider, too, some of the distinctly Henrician ‘precursors’ to such monastic-state entanglements, where monastic obedience (silently) re-appeared in the terms of princely order in England and Ireland.

⁸⁹¹ ‘A particular notion of religion’, she suggests, ‘was produced simultaneously with a particular notion of politics’. Ulrike Strasser, *State of virginity: gender, religion, and politics in an early modern Catholic state* (Ann Arbor, 2004), pp 7, 173.

⁸⁹² Max Weber, *The Protestant ethic and the spirit of capitalism* (1905), trans., Talcott Parsons (New York, 2003), esp. pp 79-183. See also Karl Löwith, *Meaning in history: the theological implications of the philosophy of history* (Chicago, 1949), pp 191-207. Margo Todd has also looked at the spiritualisation of the household and the secularisation of the monastic or clerical religious calling in relation to the humanist ethic of ‘hard work, discipline, and productivity for the common weal’. Margo Todd, *Christian humanism and the puritan social order* (Cambridge, 1987), chaps. 4 and 5, quote on p. 127.

⁸⁹³ See chapters 1, 5, and 9.

⁸⁹⁴ As Strasser notes, the state deployed female virginity to ‘constitute a depoliticized conception of privacy and domesticity against which notions of the political could be defined as an essentially male sphere’. Strasser, *State of virginity*, passim, quote on p. 23; Strasser, ‘Embodying the middle ages, advancing modernity: religious women in sixteenth- and seventeenth-century Europe and beyond’, in Charles H. Parker and Jerry H. Bentley (eds), *Between the middle ages and modernity: individual and community in the early modern world* (New York, 2007), esp. pp 243-7.

If monastic obedience informed post-Reformation Henrician obedience, which it conflated with ‘faith’, as Richard Rex observes,⁸⁹⁵ an organising principle of order and rule akin to that which governed cloistered spiritual forms of life also informed Thomas More’s *Utopia* (1516), a proper perspective on which could highlight the monastic forms of order that emerged in Henry VIII’s reign. According to John Guy, it ‘was less the counsel of state and people which guaranteed the public good than a rule of which mitigated the human element and thereby reduced the risks of evil and corruption. The values and institutions of *Utopia* by themselves defined the path to virtue’.⁸⁹⁶ What made More’s ‘rule’ analogous to a monastic rule is the implied principle of absolute submission which defined a life that coincided without remainder with its form.⁸⁹⁷ The conflation of life and a rule in *Utopia*, in other words, marked the governing principle of the well-ordered polity and its inhabitants.

So, just as the regime dissolved monastic property and tore away the fabrics of the monastic way of life,⁸⁹⁸ the royal supremacy also structurally turned the ‘Crown’ as a spiritual-civil polity and Henry VIII’s dominions into quasi-monasteries, the Head of the spiritual-civil polity into an abbot, crown subjects who swore allegiance to the king and supported the royal supremacy into ‘monks, and their lives into one governed by a Rule – except that this time the Rule was contained in parliamentary acts and formularies of faith and hinged on the equivocation of obedience to God and king, and ‘faith’ and ‘obedience’. Gardiner, for instance, spoke of the ‘rule of obedience’ set forth by St. Paul, which was obedience to ‘bodily masters’ for the sake of God, who was ‘author and rewarder’ of such ‘just obedient service’.⁸⁹⁹ If true obedience was tantamount to a rule, service was the rule’s content. All this not only captures the substance of the Henrician ‘state’, but also the theological depths of modern state governance and secular ontologies. For such conditions suggest that the modern state as

⁸⁹⁵ Richard Rex, ‘The crisis of obedience: God’s Word and Henry’s Reformation’, *HJ*, 39, 4 (1996), pp 863-894. See also chapter 1, section 1.2.

⁸⁹⁶ John Guy, ‘The rhetoric of counsel in early modern England’, in Dale Hoak (ed.), *Tudor political culture* (Cambridge, 1995), p. 309.

⁸⁹⁷ On the relationship between life and rule in monastic discipline, see Giorgio Agamben, *The highest poverty: monastic rules and form-of-life* [2011], trans., Adam Kotsko (Stanford, 2013), esp. section 1, ‘Rule and life’.

⁸⁹⁸ The most comprehensive study of the dissolution campaigns in Ireland remains Brendan Bradshaw, *The dissolution of the religious orders in Ireland under Henry VIII* (Cambridge, 1974). See also Mary Ann Lyons, *Church and society in County Kildare, c.1470-1547* (Dublin, 2000), chap. 3.

⁸⁹⁹ Emphasis mine. Pierre Janelle (ed.), *Obedience in church and state: three political tracts by Stephen Gardiner* (Cambridge, 1930), p. 81.

a transcendent authority demanding total allegiance – a hallmark of secularism⁹⁰⁰ – was a spectral possibility of the Henrician theocratic state.

There are a few different phenomena to consider. First, the sixteenth-century state also had something of the ontological and worldly quality of its ‘modern secular’ successor – and here, the medieval and Reformation ‘sacralisation’ of earthly power is of paramount importance for understanding the spiritual-worldly valences of Tudor order and subject-hood. If the royal supremacy constituted a renewed claim of royal *imperium* over the church, a centuries-old set of interrelated processes had transformed the ontological status of the ‘spiritual’ and the ‘temporal’ – and especially significant, here, was the high medieval inversion of the *corpus mysticum Christi* and the *corpus verum Christi*. According to Ernst Kantorowicz, while the *corpus verum* was confined to the altar, increasingly representing a spiritual bond between kin and neighbours rather than embodying the Church as the community of the faithful in Christ, the *corpus mysticum*, while retaining its prior connection to liturgy and the Eucharist, acquired a corporate identity and ‘placed the Church as a body politic, or as a political and legal organism, on a level with the secular bodies politic which were then beginning to assert themselves as self-sufficient entities’.⁹⁰¹ For the ‘secularization’ of the church was paralleled by the ‘sacralisation’ of the body politic, which, slowly shedding its subordination to the *telos* of the eternal Kingdom of God, began to acquire the perpetuity and permanence hitherto reserved to the Church as the body of Christ. According to Paolo Prodi, though, it was the early modern papacy that underwent the most important spiritualisation of earthly polity and power. Papal temporal sovereignty, he notes, was ‘defended not merely as something secondary or necessary to defend the Church’s freedom, but for itself as a new kind of power in which the State, on the basis of Christian ideology, takes care of all mankind’ with an unprecedentedly novel ‘fullness of participation’.⁹⁰²

⁹⁰⁰ Talal Asad, *Formations of the secular: Christianity, Islam, modernity* (Stanford, 2003), p. 8; Dipesh Chakrabarty, *Provincializing Europe: post-colonial thought and historical difference* (Princeton, 2008), p. 16; Saba Mahmood, *Religious difference in a secular age: a minority report* (Princeton, 2015).

⁹⁰¹ Ernst Kantorowicz, *The king’s two bodies: a study in medieval political theology* (Princeton, 1957). On the theologies of the *corpus verum Christi* and the *corpus mysticum Christi*, see Henri de Lubac, *Corpus mysticum: l’Eucharistie et l’église au moyen âge* [1944] (Paris, 2009). On the privatization of the mass and the social ramifications of its sole identification with the altar, see John Bossy, ‘The Mass as a social institution, 1200-1700’, in *P&P*, 100 (1983), pp 29-61.

⁹⁰² Paolo Prodi, *The papal prince: one body and two souls: the papal monarchy in early modern Europe* [1982], trans., Susan Haskins (Cambridge, 1987), p. 13.

If Kanorowicz's observation describes the corporate perpetuity of the Tudor 'Crown', the dynamic at work in the papal state illustrated by Prodi can be said to have operated, if on different terms – the pope was, after all and unlike the English monarch, a priest who wielded the *potestas ordinis* of the clerical hierarchy – in the Tudor state as well, the only jurisdiction in Europe where the prince assumed spiritual jurisdiction over the church. The quasi-monastic forms of Tudor rule, sovereignty, and crown subject-hood linked not only to the political-theological abstractions and corporate unities noted above, but also with the intensified deployment of oaths in the 1530s-1540s and the 'polities' and 'counter-polities' rooted in competing bonds of allegiance they erected. Even into the eighteenth century, commentators were frequently well aware of the profound significance of oaths as a vector for an 'alternative government' or a "subaltern" state' in Ireland,⁹⁰³ to say nothing of the profound rifts caused by the oath of allegiance to King George III in 1721-2 that ultimately led to civil war at the inception of the Irish Free State. Through oaths, then, we catch a glimpse of the non-linear trajectories of 'state formation', where moral-governmental and onto-theological horizons opened in an earlier period later become fragmented and dispersed across new historical fulcrums of life.

Second, and as we noted in chapter one, Henrician Catholic responses to the royal supremacy ranged from it being a spiritual irrelevancy, a minor inconvenience, or a grave theological transgression.⁹⁰⁴ What this shows is not only the slippery status of the 'spiritual', however, but that the possibility existed for separating a 'place' of spiritual indifference from the properly spiritual, and that this distinction was made within the ambit of theological interpretation – just like Grey's opening of a morally neutral space outside office was itself an 'office-based' move. We enter, here, the domain of *adiaphora*, in which there lay not only a matrix for the extension of royal or 'state' power, but also a genealogical precursor to the later secularist distinction between two self-enclosed entities: the 'church' and the 'state', the 'secular' and the 'religious'. Just as with Sidney's *A brief declaration* noted above, and continuing a process begun by the Henrician formularies of faith in England and Ireland that paralleled Continental developments 'faith' was becoming a matter of atomized, enunciated beliefs declared to legally established statist power. The shift marks an

⁹⁰³ Ian McBride, *Eighteenth-Century Ireland: the isle of slaves* (Dublin, 2009), pp 337-9. On Henrician political theology and oaths, see chapter 9.

⁹⁰⁴ Ethan Shagan, *Popular politics in the English Reformation* (Cambridge, 2002), chap. 1, esp. p. 31; Shagan, 'Confronting compromise', pp 51-3.

important epistemological transformation in the historical substance of ‘faith’ that brought it closer to what would later become the familiar secular designation of ‘religion’ as individual and private ‘belief’.⁹⁰⁵ The Tudor dispensation was still, of course, far removed from this arrangement, as our discussion of Norton’s pamphlet and the fact that in the late 1530s, it became possible to be either executed as a traitor for adhering to the pope or as a heretic for promoting Protestant doctrines, make clear.⁹⁰⁶ Nevertheless, these all mark an important intervention in the histories of how ‘religion’ and ‘politics’ eventually came to denote distinct domains of life and thought.

The *coup de grâce* of this theological genealogy of secularism and the state, however, lies elsewhere. As recent work emphasizes, the Tudors left themselves open to lawful criticism and resistance on precisely the terms in which they established their own legitimacy and sovereignty: God’s Word.⁹⁰⁷ Yet while God’s Word remained up for grabs and while the crown ruled *under* God, if obedience to king was no longer always distinguishable from obedience to God, the distance separating God and king was similarly unclear, as Luther and others worryingly pointed out. In such a case, the Tudor state could become a transcendent God-like entity to which crown subjects owed their total obedience. It is significant in this regard that Gardiner himself defended the royal supremacy on the basis of safeguarding the unity of the Christian subject and ensuring it was not divided between two masters, God and King; under the papal dispensation, according to the bishop, a realm of Christian subject-hood was severed from one of merely civil subject-hood, an abominable situation that the royal supremacy remedied by suturing the jurisdictional-theological division between ‘spiritual’ and ‘civil’ within the purview of the Crown, thereby protecting the Christian identity of the crown subject.⁹⁰⁸ By tying the fact of one’s Christian faith to the law in such a way, Gardiner ensured that Henrician obedience singularly harmonised both into a quasi-transcendent relationship of rule and submission rooted in *imperium*. If as we saw in chapter one, the royal supremacy was a governing doctrine of order that correlated Head and Body as the poles of two *corpora mystica* – the earthly kingdom and the church – whose boundaries had been, in their very depths, profoundly destabilised, where by the Christian was only properly Christian by virtue of having

⁹⁰⁵ For a general discussion of the historicity of ‘belief’, see Ethan Shagan, *The birth of modern belief: faith and judgement from the middle ages to the enlightenment* (Princeton, 2018).

⁹⁰⁶ Brooks, *Law, politics, and society in early modern England*, p. 48.

⁹⁰⁷ Eppley, *Defending royal supremacy*; Jonathan Michael Gray, ‘Conscience and the Word of God: religious arguments against the *ex officio* oath’, in *JEH*, 64, 3 (2013), pp 494-512.

⁹⁰⁸ *Obedience in church and state*, pp 93-7.

submitted to royal power, such poles were held together by a principle of obedience that mimicked the *unmediated* relation between God and Christian, so that the governmentalized subject produced by Tudor state power could thus be whole in the theocratic state's approximate replication of the private relationship between God and Christian. And if this was the case in all Tudor dominions, the political-theological potentiality of this arrangement was in its clearest relief in Ireland, a land where 'civility' joined with both oaths and crown submissions in the process of becoming perfect English crown subjects and eschewing in its totality not only a prior life of doctrinal error but of holistic 'uncivil' living and the forgetting of one's 'natural duty of allegiance' to inaugurate a 'new life' of obedience.

Thus, if modern ideas of sovereignty, the state, and the nation owe great debts to pre-modern forms of sacral rulership and the divine, if this new ground of sovereignty, with the 'people' as its locus, configured the totality of the citizenry as the members of a now reconstituted sovereign,⁹⁰⁹ it is in the theocratic doctrine of the royal supremacy that the kernels of this particular conflation of transcendence and immanence in the body politic initially found a profoundly consequential – if only in *potentia* – expression. Since the poles of transcendence and immanence were already enfolded into each other within the terms of God's government of the world, the further equivocation between God and king under Henry VIII set the stage for the newly reconstituted conflation of the two that was the onto-theological condition of possibility of a future secularist and statist dispensation of sovereignty: the 'becoming sovereign' of the citizen.⁹¹⁰ Ultimately, though, it remains the case that, in the sixteenth century, sovereignty ebbed and flowed across morally and juridically diverse canvasses of life and thought upon which the ontologically singular 'sovereign human' attending 'political secularism' had no bearing. The possibility of such transcendent allegiance was constantly hedged in by the theological and juridical depth of civil and ecclesiastical law, the 'Crown', and their attendant horizons of moral governance and rivalry. Besides, as historians have pointed out, the 'state' in this period was not a fully abstracted entity but was still tethered to the person of the king, however much the

⁹⁰⁹ Giorgio Agamben, *Homo sacer: sovereign power and bare life* (1995), trans., Daniel Heller-Roazen, (Stanford, 1998), chap. 5, esp. p. 101; Arendt, *On revolution*, chap. 5; Eric L. Santner, *The royal remains: the people's two bodies and the endgames of sovereignty* (Chicago, 2011).

⁹¹⁰ Of course, the fact that the *Vindiciae contra tyrannos*, a Huguenot tract entitled composed in the throes of the French Wars of Religion, argued that it was not the king but the people that formed a perpetual corporate body, is but one of many indications that the doctrine of royal supremacy was far from this reversal's only precondition. Orr, *Treason and the state*, p. 4.

resulting polity – the ‘Crown – was defined in terms of the corporate dimensions of the kingly office. The polity in the sixteenth century, in other words, was an estate the king maintained rather than an independent, abstract locus of order, authority, and legitimacy it was the king’s duty to safeguard.⁹¹¹ We are not dealing here with teleological narratives of the rise of the ‘modern state’ or the ‘modern self’, but with fragments, spectres, shadows, ghastly lineaments that bind and sever past and present. From the perspective of the theological genealogy of secularism outlined here, the holistic ‘self’ of Tudor governmentality was a spectral subject, non-sovereign and non-articulated, a spectre that Tudor political theology inaugurated and which we can only glimpse from a historical present that captures its theocratic past as both its condition of possibility and its shadowy contemporary, a still lively tune from past lifeworlds that bellows and reverberates within the halls of itself.

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Thus, we end our story where it began: with political theology as a framework for understanding some of the lifeworlds of governance in Henrician Ireland beyond the anachronistic terms of a post-Enlightenment, Eurocentric, secularist historical condition – yet lifeworlds that recast the latter histories around the political-theological contours of our present as its precondition and the lot we must contend with as we study the past. At the heart of it all, of past and present regimes of order, governance, and power and the genealogies that bind them, lies the theocratic doctrine of the royal supremacy. In the end, if there is one thing I hope to have successfully showed, it is that, although ecclesiastical ‘reform’ was stunted and changes in the doctrinal and devotional life of most of the island’s inhabitants were slow if non-existent, the Reformation mattered from the moment it ‘occurred’. The terms of rule, order, and power in Tudor Ireland cannot be fully understood without a proper perspective on the royal supremacy and its ramifications. Tudor rule in Ireland, the ‘reform’ and conquest of Ireland, Tudor law and sovereignty in Ireland, even faith and the moral horizons of life – none would have been what they were without the royal supremacy.

⁹¹¹ Quentin Skinner, ‘The state’, in Terence Ball et al (eds), *Political innovation and conceptual change* (Cambridge, 1989), pp 90-131; Orr, *Treason and the state*, chap. 2, esp. pp 31-2.

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