1 Kings, Lords and Peoples

TIMELINE

1171	Start of Henry II's conquest of Ireland, creation of Lordship of Ireland
1263	Collapse of Norse power over Western Isles
1280s	Edward I defeats Welsh princes, establishes Principality, begins to build castles
1286	Edward I claims Scottish throne (start of wars of independence)
1314	Scots defeat English at Bannockburn
1320	Declaration of Arbroath (declaration of Scottish independence)
1357	English recognise David II as King of Scotland; end of wars of independence
1400–9	Glyn Dŵr's rebellion
1415	Agincourt
1422	Henry V succeeded by Henry VI
1452	James II murders the Earl of Douglas
1453	English driven out of France; fall of Byzantium
1469	Scots acquire Shetland from Norsemen

Introduction

The first two chapters will consider the societies and governance of England, Scotland, Ireland and Wales in about 1450. Chapter 1 will focus on the workings of power and law, with particular emphasis on kings and their more powerful subjects. Chapter 2 will consider the economy – above all the relationship between landlords and peasants – together with the lower levels of government and the functioning of communities, concluding with a discussion of 'mental worlds', above all religion and the spirit world. Both chapters emphasise diversity, which derived from ethnic and linguistic differences and the fundamental contrast between highland and lowland societies. Highland regions tended to be sparsely populated, dependent primarily on pastoral farming, with few towns and limited trade. Lowland regions focused more on arable farming, with larger villages, significant towns, and more developed manufactures and trade. In social and cultural terms the most striking contrasts were those between Celtic and what I shall very crudely describe as 'feudal' societies and governments, such as those of England and Lowland Scotland. We shall consider the development of systems of law and parliaments, which became the mechanisms through which kings could negotiate with their more powerful subjects, levy taxes and make laws. We shall also consider the ways in which 'feudalism' changed, in terms of the relationships between lord and peasant, between greater and lesser lords, and between lords and the king, concluding with a discussion of the supposedly degenerate 'bastard' feudalism found in England by the mid fifteenth century.

Ethnicity and Language

The most widespread and coherent groups of people were those of Celtic origin, ranging from Cornwall in the extreme South West of England, through Wales and Ireland to the Highlands and Islands of Scotland, with small pockets in Cumbria, in the far north-west of England, and across the 'border' in South-West Scotland. They spoke a variety of Celtic languages; Irish and Scottish Gaelic formed the largest linguistic bloc, and there were many links between Scots and Irish Gaelic families. The Celtic peoples were very conscious that they were the most ancient inhabitants of the British Isles. The Welsh referred to themselves as 'Britons', and claimed to be descended from either Brutus or the Trojans; they dismissed the English as 'Saxons' – barbarous newcomers lacking the ancient and distinguished lineage of the Welsh princes. Both Welsh and Gaelic Irish chiefs stressed their long pedigrees and claimed to derive their authority, their right to rule, in part, from their association with holy places in the landscape from which they sprang.

Although both Wales and Ireland had suffered invasions, these left relatively little lasting impression. The Romans had reached Wales, but not Ireland; the Vikings had established significant settlements in Ireland, including Dublin, but most were trading posts around the coast and the Vikings had shown little inclination to penetrate into the hills, bogs and forests of the interior. By contrast both England and Scotland underwent a series of invasions or migrations. England was invaded by the Romans, followed by a variety of Germanic and Nordic peoples, culminating in the Normans in 1066. From this mixture of linguistic influences emerged the English language, which by 1450 was spoken throughout almost all of England (apart from parts of Cornwall, plus a scattering of Welsh in the counties adjacent to Wales). However, the 'English' that was so widely spoken had many local variations and dialects, so that northerners found it difficult to make themselves understood in the South East. As for Scotland, apart from those of Celtic origin there were Norsemen in the Western and Northern Isles and parts of the West Coast, while Angles (Germanic in origin), who settled in the Lothians, brought with them a language that became Scots. This had developed in Northumbria from the seventh century and had similarities to English; in the fifteenth century Scotsmen and northern Englishmen could more or less understand one another, although there were many Scots words which were not found in English, such as 'anent' (about or concerning) and 'stent' (a tax). Despite Scotland's linguistic diversity (with Scots, Gaelic and Norse) by 1057 all the ethnic groups within Scotland (except the Norsemen) professed some sort of allegiance to the King; England had been governed as a single kingdom since well before 1066, but the coming of the Normans made French the language of the elite for centuries; it also became the language of law and government, along with Latin, which was also the language of the Church and of intellectuals throughout Europe. Legal records in England were kept in a mixture of Law French and Latin until the eighteenth century.

Celtic Societies

Although there were differences between the main Celtic societies of Wales, Gaelic Ireland and Highland Scotland, there were also strong similarities.

The Clan

Clans were not unknown in England (see Box 1.1, English Clans) but in general they were found in Celtic societies, which were formed of an agglomeration of tribal or family units, given their identity by descent from an (often mythical) common ancestor. The element of family was emphasised by their names, usually **patronymics**

(meaning 'son of'). These took the form of adding an 's' to a forename in Wales (Jones, Edwards), the use of 'O' (O'Neill, O'Donnell) in Ireland, or 'Mac' in both Ireland and Scotland: thus the Scottish Macdonalds (or Clan Donald) were related to the Macdonnells of Ulster; Irishmen of English descent referred disparagingly to the 'Os and Macs'. (The use of patronymics was not confined to Celtic societies: they were found in Nordic societies and in Russia and the Normans added 'Fitz' (*fils*, or son of), as in the great Anglo-Irish family, the Fitzgeralds.) The antiquity of the lineages of the tribes (or smaller sub-tribes or **septs**) was emphasised by their identification with ancient holy places. Chiefs were inaugurated or proclaimed at holy stones (a tradition perpetuated in Scotland by placing the Stone of Scone under the throne at the King's coronation). The chiefs of the greatest of the Irish clans, the O'Neills, were traditionally inaugurated at the Stone of Tullaghoge, Co. Tyrone, a large boulder with three slabs around it, arranged to resemble a throne. In 1602, when Hugh O'Neill, Earl of Tyrone, had been defeated and was on the run, the English military commander sought to undermine his standing among his clansmen by smashing the sacred stone. (See Figure 1.1, Tullaghoge Fort and the O'Neill Inauguration Chair, by English Cartographer Richard Bartlett, 1602, and Figure 1.2, Sketch of O'Neill Inauguration, by Richard Bartlett, 1602.)

❧ BOX 1.1: **English Clans**

Clans were found in a few areas near the Scottish border, in north Cumbria and Northumberland, notably Upper Tynedale, Redesdale and Coquetdale. In 1310 the North was repeatedly ravaged by Scottish raiders. Many inhabitants of the dales fled south with their cattle, leaving too few men to man the border. Edward III set out to repopulate the dales with 'hobilers', lightly armed horsemen, mounted on fell ponies, similar to Irish **kerne**. Many were recruited from existing families, including Milburns, Robsons and Charltons, still common Northumbrian names; they became known as the 'surnames'. As their main function was to provide armed men, they were required to divide their land between their sons. Families lived close together, migrated to summer pastures together, and defended one another. Within each surname there were several family groups, each with a 'heidsman' who stood surety for the behaviour of his followers, but might also protect them against the law. At first they supported themselves by farming – land was plentiful after the Black Death – but as the population grew and holdings were subdivided they survived by cattle **reiving**. By the sixteenth century they were seen as a lawless menace and they were suppressed when Elizabeth's government refused to protect them against the Scots.

See R. Robson, *The English Highland Clans: Tudor Responses to a Medieval Problem* (Edinburgh, 1989).

Figures 1.1 & 1.2 The chair consisted of three slabs arranged around a boulder, known as the king's stone, which was said to have been blessed by St Patrick. The pen and ink drawing of the inauguration is taken from a map of Ulster, of which one small part is occupied by the drawing, with the caption 'Tullogh oge. On this hill the Irish create their O'Neill.' In the inauguration the heads of two subaltern septs threw a shoe over the new chief's head and presented a rod of office. Mountjoy destroyed the stone in 1602. See E. FitzPatrick, 'An Tulach Tinóil: Gathering-Sites and Meeting Culture in Gaelic Lordships', *History Ireland* 9, Part 1 (2001), 23.

Figures 1.1 & 1.2 (Cont.)

An Oral Society

Many of these places derived their sacred character from pagan times and the clans traced their lineage back through the centuries, to long before the development of written records. Knowledge of the clan's lineage and triumphs was celebrated and transmitted by poets, known in Wales as **bards**. Oral tradition gave ample opportunities for invention, so genealogies could become longer and more fictitious. This happened in non-Celtic societies as well, but the pre-eminence of poets and oral transmission over scribes and written records gave greater opportunities for re-invention. Poets also played a key role in the transmission of historical knowledge and cultural values and were often lodged honourably in chiefs' houses: in Ireland there were specialist clans of poets. Apart from maintaining links with the past, it was the poets' task to praise the current chief, to celebrate his handsome appearance and his achievements – the battles he had won, the foes he had slain, and the booty he had taken. By the fifteenth century there were also written histories, but these tended to be simple 'annals' – bald chronological records of battles and other events, which could be embellished by the poets.

Succession

Celtic society was organised for war. If there was not a perpetual conflict of all against all, there was a constant need for military preparedness. The primary function of the chief was to lead his clansmen in war, so it was vital that he should be a militarily competent adult. In Anglo-Norman England the succession to the Crown and to landed estates was generally governed by **primogeniture**: the eldest son would inherit and his younger brothers had to find careers where they could. However, in certain regions and among poorer landholders the equal division of land among brothers was common. It was also the norm in Gaelic Ireland, which meant that peasant holdings were generally small. But among the great English landed families primogeniture was designed to secure an orderly succession and to keep the kingdom or the estate together in its entirety. It did not always work, for two reasons. First, the succession might be challenged by a younger brother or another male relative. Second, the eldest son might be a child at the time of inheritance or, worse still, an incapable adult. Royal minorities, in Scotland and England, were often a time of weak rule and factionalism, but loyalty to the monarchy was usually sufficient to keep the ruling royal house in possession. Celtic clans could not afford the luxury of a child or a weakling. The succession to an ailing chief could lead to bitter power struggles among the senior subordinate **chieftains**, often involving extreme brutality and treachery, made worse by the intervention of hostile clans and, occasionally, the English authorities in Dublin. With luck, the conflict would end with a successor tough and cunning enough to hold on to power, but often the conflict left a legacy of bitterness which destabilised the clan for many years. To reduce this risk, the greater clans often tried to arrange that a designated successor, or **tanist**, should be acknowledged in the old chief's lifetime. However, sometimes a challenger to the tanist came forward and the usual power struggle ensued.

In England the emphasis on primogeniture made the heir's legitimacy of paramount importance. **Canon law**, the law of the Church, laid down detailed rules and procedures about marriage, to maintain its sanctity and prevent fornication, incest or bigamy. Celtic attitudes towards marriage and legitimacy were more casual. Gaelic Ireland had not embraced the principle of clerical celibacy; as we shall see, there were not only married priests and bishops but even priestly dynasties. As Irish clans did not observe primogeniture, there was a limited incentive to ensure the legitimacy of a challenger for the chiefdom, provided that he was acknowledged by the old chief as his son, which would show that he was by blood a member of the clan. Perhaps the most striking example of this came when Conn O'Neill, the first of that clan to hold the earldom of Tyrone, acknowledged as his heir Matthew, later Baron of Dungannon, whose mother was the wife of a blacksmith called Kelly from Dundalk.

Internal Cohesion

At the heart of a clan's cohesion lay a powerful sense of family loyalty, at the level of the greater clan and its chief, and the subordinate septs and their chieftains. However, disputes often emerge in even the best-regulated families: more than a sense of shared lineage was needed to keep them together. The chief was expected to dispense hospitality. In the Western Highlands and Islands of Scotland much of clan life revolved around food. The peasants' task was to produce grain for the chief's granaries. In return the chief would provide great feasts which could last for days; in leaner times he was expected to ensure that his peasants did not starve. This illustrates the reciprocal obligations which, in theory, lay at the heart of the relationship between chief and clansman. This was obviously not a relationship between equals, and different clansmen performed different functions: the peasants' primary task was to cultivate the soil and raise cattle. Others had more specialised roles: priests, poets, lawyers and soldiers. At the heart of the relationship between chief and clansman was the provision of protection in return for service: the peasants needed to be able to grow food without molestation by other clans, but they also needed protection against the abuse of power by the more powerful members of their own clan. The lord, with the advice of his lawyers, was expected to act as an arbiter, to resolve disputes and provide recompense for wrongs suffered. (See below, under 'Law'.)

It is difficult to tell how far clan chiefs lived up to these ideals. Much of what happened within a clan left no trace in written records. In Gaelic Ireland there are signs of change over time. Before the first English conquest of Ireland in the twelfth century there seems to have been an element of election in the choice of chiefs; by the fifteenth century the clansmen were merely invited to endorse and acclaim decisions made, or fought out, elsewhere. Perhaps the most significant change was that, from the fourteenth century, Irish lords, instead of relying on their own peasants, built up mercenary armies. These consisted of **galloglass** and household **kerne** (as distinct from wood kerne, or bandits). Galloglass were originally recruited in Scotland or Scandinavia and had a fearsome reputation: foot soldiers who wore long mail coats and carried heavy swords or battle axes. Kerne were light horsemen, with small shields and no stirrups, used for cattle raiding and forcing lesser chieftains to pay tribute. The development of mercenary armies weakened the reciprocal ties between chief and clansmen. Galloglass and kerne were billeted on peasants, who were also required to pay a wide range of tributes in cattle, food and money, and provide for the chief's household, huntsmen and horses. **Freeholders**, peasants who owned their own land, could be forced to sign away some or all of it. The chief's traditional obligations towards their peasants seem to have given way to an assumption that the only justification for the peasants' existence was to enable their chief to live in the manner he expected. In 1600 Niall Garbh O'Donnell allegedly declared of his lands in Donegal 'the country … is mine … and I will use and govern it to my own

pleasure … The people, they are my subjects. I will punish, exact, cut and hang, if I see occasion, where and when soever I list.'

There is some reason to doubt whether these alleged remarks were typical of the attitudes of Irish chiefs. They were reported by an English army officer in the latter stages of the bloody Nine Years War. But there is ample evidence of Irish chiefs imposing heavy burdens on their peasantry and of Celtic chiefs everywhere plundering the peasants of others. The peasants and lesser chieftains used various tactics to protect themselves. **Fosterage** – sending children to be brought up in a family of similar or higher status – established links which could prove useful. Those misused by their own chief could seek or buy the protection of another: chieftains built up followings, or **affinities**, based on their family, household, clients and tenants. Equals entered into compacts for mutual protection. Such arrangements offered the hope of security, but often proved unstable. Nevertheless, there is ample evidence throughout the seventeenth century and beyond that the Irish peasantry maintained a loyalty to their chiefs, which was perhaps instinctive rather than rational but remained strong. In much the same way, in Wales 'barons' – poor free tenants who claimed descent from princes – retained the respect of the peasantry because of their lineage.

Imprecision

Boundaries and rights were less clearly defined in Celtic than in Anglo-Norman society. This was partly a consequence of their reliance on oral tradition rather than written records, but it went deeper. Pastoral farming often involved seasonal migration to upland pastures, returning to the valleys in the winter. Settlements were impermanent and grazing grounds were defined roughly, if at all. Lowland arable land tended to be much more clearly marked out: not only field boundaries, but the strips within the fields. The right to own or hold land was spelled out in charters and title deeds, in which boundaries were carefully described. In Celtic societies landholding depended less on right than on power. If a chief could not defend his clan's lands, it lost them and there was usually nowhere to seek redress. The contrast between Celtic and Anglo-Norman attitudes towards land is highlighted by attitudes towards surveying. Systematic surveys within Ireland began with attempts to establish English **plantations**: surveys followed conquest. Moreover, for the English surveying meant measuring and drawing plans or maps; for the Irish the value of land was 'measured' by estimating roughly how many cattle or sheep it could support.

There was a similar imprecision in the drawing of frontiers. In Lowland England the boundaries of parish, town and county were usually carefully drawn: the first major survey, comprehensive if not complete, had been Domesday Book in 1086. In the upland regions, and especially in the **Marches** (borders) of Wales and Scotland, the terrain was worse and the frontiers more approximate, varying with the balance

of military power on the ground in what were described euphemistically as the 'disputable lands'. In Ireland the well-defined boundaries of Dublin and other large towns soon gave way to poorly mapped countryside. The boundaries between English and Gaelic Ireland were constantly shifting, with continual raiding, plunder, tribute and truces on both sides.

Feudalism

Feudalism, as established in England in the eleventh century, had three main purposes – military, political and fiscal. It offered a means of enabling the king to mobilise armies; through the landowners, it helped maintain a level of law and order; and it provided both king and landowners with income. Theoretically all land belonged to the king. He granted the **tenure** of land – the right to hold it, but *not* ownership – to the great landholders (**tenants in chief**) in return for military service. They in turn granted the tenure of parcels of land to lesser landowners (mesne tenants) who became responsible for part of their lord's military service and also granted out tenure to lesser tenants. The land of all of these estates, great and small, was cultivated by peasants, most of whom were unfree (**serfs** or **villeins**). These paid rent to the lord in cash, in kind or in labour on the **demesne**, the land reserved by the lord for his own use; they would also be liable for other payments and had to grind their corn in the lord's mill. The power of lords over their tenants was reinforced by manorial courts, which a lord of the **manor** had the right to hold and which exercised jurisdiction over its inhabitants. Lords, including the king, also derived income from their tenants, partly from rent and partly from feudal '**incidents**'. These included an entry fine, or relief, when one tenant succeeded another, and also the right to the guardianship (**wardship**) if an heir succeeded when underage; he would also have the right to dispose of the heir in marriage. When a ward came of age he had to sue for **livery**, which normally cost half a year's income, in order to gain possession of his estates. In theory, the lord was acting in the heir's best interests; in practice, he often sold the rights to wardship and marriage to the heir's relatives. If a tenant in chief died without leaving an heir, or if his property was forfeited for felony or treason, his estate reverted (**escheated**) to the Crown.

Feudalism involved a pyramid of relationships, from the king at the top to the humblest serf at the bottom. In between there were relationships between greater and lesser landowners, supplemented by private agreements and indentures, but all were defined and written down and so, in theory, should have been enforceable in a court of law. Feudalism was in one sense a means of organising a society for war, but it also made for a structured, ordered society, in contrast with the informal, ill-defined relationships of Celtic societies, which often seemed to be determined by the caprices