

Index

- absolutism 165, 184, 221
 Aligrodo, James 65–6
 Alpers, Paul 38
 Amerindians
 see New World, inhabitants of
 Anglo-Irish settlers 130
 Old English 115, 122–5, 136–7
 New English 115–16
 Anne of Denmark 191
 Antiquarianism 175
 Antonio I of Portugal 54
 Aquinas, Thomas 12, 117
 Summa Theologiae 153
Arcadia, The
 see Sidney, Philip, Sir
 Aristotle 43, 64, 151
 Nicomachean Ethics 60, 117, 119
 The Politics 12, 60, 65
- Baker, David J. 121
 Baker, J. H. 152, 220
 Bancroft, Richard, Archbishop of Canterbury
 169
 barbarism 5, 40–41, 44, 115–20, 176–7, 181
 Barclay, John 226
 Behn, Aphra
 Oroonoko 229–30
 Bernheimer, Richard 134–5
 Bohemian crisis 191, 204–7
 Briggs, William Dinsmore 59–60
 Brink, Jean 125
 Brutus (Brute) 84, 107, 130–1, 224–5
 Buchanan, George 130
- Caesar, Augustus 162
 Caesar, Julius
 De Bello Gallico 164
 Calvin's Case
 see Coke, Edward, Sir
 Calvinism 157
- Cambridge, University of 63, 219
 Camden, William 3, 162–3
 Britannia 175, 224
 Camões, Luis de 96
 Campion, Edmund
 Two Bokes of the Histories of Ireland 62
 Canny, Nicholas 116
 Capellanus, Andreas 198–9
 Tractatus amoris et de amoris remedio 198–9;
 courts of love in the 198–9
 Casimir, John, Count Palatine of the Rhine 50,
 52–3
 Catherine de' Medici 54
 Catholic church, Roman 170
 Catholicism 169
 legal tradition of 149, 195
 Catholic league 205
 Catholics, English 157, 171–2, 207
 Caxton, William, Sir 30
Chanson de Roland 23
chansons de geste 23
 Charles I, King of England, Scots, and Ireland
 204, 228
 Eikon Basilike 225
 Charles II, King of England, Scots, and Ireland
 222, 226, 228
 Charles V, King of Spain and Holy Roman
 Emperor 21, 24, 27, 65, 69
 Charney, Geoffroi de 30
 chivalry 7, 19–36, 95–6, 102–3
 and civility 34–6
 and courtesy 33–6
 as transnational regime of justice 30–3, 40
 court of 34
 handbooks of 30–2
 Cicero 43
 Civil War, English 221–3, 228
 civilians
 see civil lawyers
 civility 34–6
 British 177–8

- civility (*cont.*)
 Roman 178–9
 Coke, Edward, Sir 10, 81, 83, 121, 123, 131, 150,
 155–6, 162, 166, 173, 218
 on ancient origins of English law 166
 on Calvin's Case 8–9, 158
 on just conquest 8–9
 on *Magna Carta* 213
 on "prerogative" courts 169–70
 on tithes 168
 on writ of *praemunire* 171
Reports 80
Third Report 82–3, 148
 Coleridge, Samuel Taylor 160
 comity 126
 conquest 188
 charitable 18, 49–51, 55–60, 64–70, 76–8, 203;
 versus traditional notion of conquest 56–9,
 67, 78–9
 from within 145–6, 168–70
 imposition of laws through 114
 justice of 8–9, 11–12, 29, 35, 203
 Norman 82, 108–9, 121, 162
 of Britain 9, 106–7, 174–5, 185–6
 of Ireland 113–25, 158, 174, 185–6
 of New World 25, 27, 35, 36, 44, 67, 113–14,
 158
 conscience 59, 151, 152–6
Corpus Iuris Civilis 8, 10, 61, 84, 114, 146, 149
 Cortés, Martín, Second Marqués del Valle de
 Oaxaca 25, 27
 Cortés, Hernán, Marqués del Valle de Oaxaca 25
 courtesy 33–6, 40, 126
 and civility 34–6
 Cowell, John, Sir 168, 183
 coyne and livery 41
 Crumley, J. Clinton 164
Cymbeline
 see Shakespeare
 d'Aubigné, Agrippa 18
 Davies, John, Sir 50, 81, 118, 121, 123, 185
*A Discoverie of the True Causes Why Ireland
 was never Entirely Subdued* 41
Irish Reports 81–2
 Doddridge, John 81
 Dominican order 2, 27, 65
dominium 64–5
 Dowden, Edward 160
 Drake, Francis, Sir 96–7
 Dudley, Robert, Earl of Leicester 62
 Egerton, Thomas, Baron Ellesmere, Lord
 Chancellor 150, 169–70
 Elizabeth, Queen of England and Ireland 1, 3,
 45, 51–4, 110, 157
 Elizabeth Stuart, Lady 191, 204, 226
 empire 18, 139, 185–6, 208–9, 217, 219–21
 see also Spanish empire
 epic 17–19
epieikia 151
 equity 10, 60, 64, 145, 147–8, 151, 153, 181–5
 of a statute 158
 Erasmus, Desiderius, of Rotterdam
Institutio principis christiani 42
 Ercilla y Zúñiga, Alonso de 18
 expansionism
 English 4–13, 221, 229
 unjust expansionism 56–9
 extraordinary powers 109
Faerie Queene, The
 see Spenser, Edmund
 Ferdinand II, King of Bohemia 204, 211
 Fernando and Isabella, the Catholic Monarchs
 21
 Finch, Henry, Sir 81
 FitzGerald, Gerald, Earl of Desmond 1
 Fitz-Ursulas, the 136–7
 foreign policy, English 47–9, 50–5, 159
 Fortescue, John, Sir 108, 154–6
De Laudibus Legum Angliae 81, 83, 162
 Foxe, John 157
 François, Duke of Anjou 52–3
 Frederick V, the Elector Palatine 191, 204–7
 gender politics 187–95
 Gentili, Alberico 2, 62–4, 94–5, 104, 115, 116–18
De jure belli libri tres 63
De legationibus libri tres 62
Hispanicae advocacionis libri duo 63
 Germany 57
 Getino, Fr. Luis G. Alonso 63
 Giles of Rome 33, 42
 Geoffrey of Monmouth 224
Historia Regum Britanniae 130–1
 Gilbert, Henry 194
 Gilbert, Rawleigh 194
 Ginés de Sepúlveda, Juan 4, 60, 68
Democrates Secundus 65
 Goodrich, Peter 198
 Greenblatt, Stephen 125
 Greene, Robert 36
Mammalia 188
 Greville, Fulke, Sir 48–9, 53
Dedication to Sir Philip Sidney 66
 Grey, Arthur, Lord, of Wilton 1–3, 113
 Grotius, Hugo 196–8, 225
De iure praedae commentarius 196–8

- Guevara, Antonio de
El relax de príncipes 43–5
 Gunpowder Plot 207
 Guy, John A. 152, 154
- Hackett, Helen 189–91
 Hadfield, Andrew 130
 Hake, Edward 81
 Hakewill, William 84, 175, 179
 Hakluyt, Richard 4
 Hamilton, A. C. 140
 Hamilton, Donna 171
 Harvey, Gabriel 185
 Hayward, John, Sir 84, 149, 183
An answer to the first part of a certaine conference concerning sucesion 174–5
 Hedley, Thomas 81
 Helgerson, Richard 96
 Henry I, King of England 162, 166
 Henry II, King of England 123
 Henry V, King of England 3
 Henry VIII, King of England and Ireland 51, 149
 Herberay, Nicholas de 23
 Herbert, Susan, Countess of Montgomery 218
 Herbert, William, Earl of Pembroke 208
 Hobbes, Thomas 225
 state of nature in the work of 196–7
 Holinshed, Raphael
Chronicles 178
 Hooker, Richard
The Laws of the Ecclesiastical Polity 64, 157
 Huizinga, Johan 29
 humanism 9, 43
- intervention
see conquest
- Iraq II
 Ireland 10, 40–1, 50–1, 85, 104, 113–25, 174
 English reform of 120
 Irish, the 1–5, 41, 49–51, 71, 113–25, 127, 136–7
 compared with Amerindians 118
ius gentium
see law of nations
- James I, King of England, Scots, and Ireland 34, 41, 109, 111, 156, 157, 161, 170, 191, 195, 208, 221, 228
 absolutism of 214
 foreign policy of 205–8, 211–12
 on Bohemian crisis 204–06
 Jardine, Lisa 125–6, 185
 Jenkinson, Anthony 108
 John of Austria, Don 53
 Johnson, Richard 98–103
- The Crown Garland of Golden Roses, Gathered out of Englands Royal Garden* 100–1
Look on me, London 99–100
The Nine Worthies of London 100–2
The Renowned History of the Seven Champions of Christendom 18, 98
Tom a Lincolne 99
- just-war doctrine 2–4, 8, 29, 33, 36, 76, 128
- justice
 feminine justice 188, 194–5, 198–202
 transnational (universal) justice 19, 32–3, 36, 40, 67–8, 94, 188, 195–6, 208–9
- Justinian I
see *Corpus Iuris Civilis*
- Lambarde, William 81, 170
 Languet, Hubert 47–8, 50, 58, 61, 69
 Las Casas, Bartolomé de 4, 44, 60, 70
Aquí se contiene una disputa o controversia 68–9
Argumentum apologiae... adversus Genesisium Sepúlveda 68, 70–1
Brevissima relación de la destruyción de las Indias 65–8
- Laud, William, Archbishop of Canterbury 221
- law
 Brehon law 116, 122
 canon (or ecclesiastical) law 10, 145, 148–9, 156, 199
 civil law 6, 10, 34, 64, 114, 145–6, 148, 152, 174–5, 180, 209; English reception of 152, 219–21
 common law 6–7, 9–11, 87, 92, 114–16, 122, 157–8, 158; common law mind/ideology 8, 80–83, 120–2, 146–9, 174, 214, 217–21
 divine law 10, 87, 153, 154–5, 209
 international law 32
 laws of love 199–202, 200–3, 209, 212–17
 laws of marriage 200–2
 law of nations (*ius gentium*) 32, 116, 121, 181
 natural law 7, 9–10, 27–9, 34, 45–6, 59, 60–4, 68, 70, 74, 114–15, 126–33, 195; as basis for prerogative courts 148–50, 152–6, 156–9; as foreign to common law 145–6, 148–50, 182–3, 219; Protestant interpretation of 157, 196–8; seventeenth-century transformations within theory of 196–8, 222, 229, 230; used to justify conquest or reform 12–13, 26–7, 115–20, 127–8, 145
 Roman law 32, 114, 148, 171, 182–4, 195, 218–21; as origin of British law 179 *see also* civil law
- law courts
 canon-law or ecclesiastical courts 7, 10, 146–9, 167–8; puritan suspicions of 149–50

- Chancery 7, 60, 146–8, 150–6, 182, 222;
 power of *subpoena* of 155
 civil-law courts 7, 147–9, 163
 common-law courts 7, 9, 150–6, 218
 Court of Common Pleas 103, 146, 151, 168
 courts of love 198–9
 High Court of Admiralty 8, 222
 jurisdictional conflict between; Chancery and
 the common-law courts 7, 105, 150, 152–6,
 163, 168–70, 218; civil-law courts and the
 common-law courts 156, 163, 218;
 ecclesiastical courts and common-law
 courts 156, 163, 167; “prerogative” courts
 and common-law courts 91, 105, 111, 150–6,
 185
 King’s Bench 146, 151, 171
 “prerogative” courts 7, 9–10, 147–9, 150
 “Roman” law courts 169–71
 Star Chamber 7, 147–9, 151, 170
 lawyers
 civil lawyers 7, 9, 10, 84, 148–9, 158, 219;
 account of legal history among 163;
 identified with royalism 221
 common lawyers 7, 9, 145–6, 152, 162–73, 219,
 221; common-law judges 166–7, 173, 182
 Lewalski, Barbara 191
 Lewis, C. S. 39
 Linton, Joan Pong 17
 Livy 43
 Llull, Ramon
 Llibre del ordre de cavayleria 30–1
 Lodge, Thomas 36–37
 A Margrite of America 188, 192
 Loftus, Adam, Archbishop of Dublin 86
 Lombard, Peter 63
 love 198
 as a governing principle 198, 209, 214–17
 courtly 198–9
 Low Countries 51–3, 66
 Lucan 18
 Lyly, John
 Euphues and his England 188

 McCabe, Richard 71
 McCoy, Richard 57
 McKeon, Michael 37–8, 40, 223–4
 Machiavelli, Niccolò 57
 his notion of *ragione di stato* 35
 Il principe 42
 Maitland, Frederick 219–21
 Major, John 12, 36
 Maley, Willy 122
 Mandeville, John, Sir 107
 Maslen, R. W. 17

 “Mirror of Princes” tradition 7, 19, 29, 33, 42–6
 Montemayor, Jorge de 36, 60
 More, Thomas, Sir 43
 Moryson, Fynes 118
 Munday, Anthony 19, 55

 nationalism 7
 Neo-scholasticism, school of
 see Spanish Scholasticism, school of
 Netherlands
 see Low Countries
 New English
 see Anglo-Irish
 New World 22, 104
 inhabitants of 4, 12, 27, 36, 65–9

 Oath of Allegiance 171–2
 Old English
 see Anglo-Irish settlers
 O’Rahilly, Alfred 3–4
Ordene de chevalerie 30–2
 Ortúñez de Calahorra, Diego
 Espejo de príncipes y cavalleros 19, 20, 24–9, 44;
 Original prologue to 24–7
 Ottoman Empire 22
 Ovid 190
 Oxford, University of 63–4

 Padua, University of 61, 64
 Paez de Ribera, Ruiz 22
 Palatinate 191, 204–7
Palmerin de Oliva 19–20, 22, 44
 Parsons, Robert 157, 171–2
 pastoral 7, 19, 29, 36–41
 Pawlisch, Hans 174
 Philip II, King of Spain 24, 53, 54, 67
 Philip III, King of Spain 204
 Pizan, Christine de 33
 Plato 43, 139
 Plessis-Mornay, Philippe Du
 Vindiciae contra tyrannos 59–61
 Pliny 26–7
 Plowden, Edmund 157–8
 Plutarch 43
 Pocock, J. G. A. 80, 146
 his common-law mind thesis criticized 80
 Portugal 53–5
 postnati 158, 172
 prerogative, royal 183–4
 primogeniture 183, 185
 Princess Cloria: Or, the Royal Romance, The 226–29
 prisoners of war 1, 3
 Protestant league 51, 57–8
 Pyott, Lazarus 19

- Quint, David 18
- ragione di stato* 35
- Raleigh, Walter, Sir 2, 45, 138–40
A Replication of a Serjeant at the Laws of England 153, 155–6
- Riche, Barnabe 2, 7, 85, 118
 his appeals to universal law 87, 88
 view of common law 87
Allarme to England 2, 85, 88
A Path-way to Military Practice 86, 88–9, 91
Greenes Newes Both from Heaven and Hell 86
His Farewell to Military Profession 89, 188, 192–3; “Of Aramantus Born a Leper” 91; “Of Fineo and Fiamma” 90, 91; “Of Gonsales and his Virtuouse Wife Agatha” 90–1; “Sappho Duke of Mantona” 91; “To the Right Courteous Gentlewomen . . .” 193; “To the Noble Soldiers . . .” 193; “Two Brethren and Their Wives” 89–90
- Roberts, Henry 92–8
Honours Conquest 96
A Most Friendly Farewell to Sir Francis Drake 96–7
Newes from the Levane Sea 96
Ovr Ladys Retorne to England accompanied with saint Frances and the good Iesus of Viana in Portugall 96, 97
Pheander the Maiden Knight 18, 45, 92; dedication to Rawleigh Gilbert 194; “To my beloved Country-men . . .” 194
- Roberts, Josephine 202
- Robinson Crusoe* 229–30
- Rodríguez de Montalvo, Garci
Amadis de Gaula 19–24, 45
Las sergas de Esplandián 22
- romance, genre of 6–11, 17–46, 138–41, 160–1, 188, 223–9
 Arthurian 23, 34
 as comprising books of courtesy 24
 as opposed to epic 17–19
 as providing a legal basis for empire 25–9, 219, 221
 chivalric 19, 21, 29
 critical attacks on the 20–1, 140
 dedications to 20–1, 188–94
 gender politics of 20, 188–95
 pastoral 36–40
 Spanish 19–29
- Rudolf II, Emperor of Holy Roman Empire 61
- St. German, Christopher 154, 158, 182
Doctor and Student 152–4
- Salisbury, John of
Policratus 42
 Savoy 205, 211–12
 Scaglione, Aldo 33
 Scholasticism 152–4
 Protestant (and Puritan) view of 61, 150
see also Spanish scholasticism, school of
 Scotland
 England’s union with 173
 Sebastian I, King of Portugal 53–4
 Selden, John 81, 196–8, 222, 225
Table Talk 197
- Seneca 43
Hippolytus 72–3
- Shakespeare, William 160
Cymbeline 7, 161–86, 190, 209; as defining imperialism through historical representation 163, 224; as incorporating the civil-law perspective on sovereignty 173, 174–5; as incorporating the common-law perspective on sovereignty 164–5; British rationales for rebellion in 161–2, 164–5, 173; compared with Wroth’s *Urania* 215–18
 First Folio 161
Henry VIII 171
The Tempest 160
- Sidney, Henry, Sir 49–50, 62
- Sidney, Philip, Sir 7, 18, 47–55, 61, 66–70, 139
Arcadia 36, 103, 189; *Old Arcadia* 48–9, 50–2, 55–60, 67–79; ideal of charitable conquest defined in 56, 67, 68, 70, 77, 78, 226–8; influence of Las Casas on 66; natural law within 70; parallels with *Hippolytus* 73; regicide within 74, 76–9; unnatural vices in 70–1, 76; *New Arcadia* 48–9, 58, 225
Defense of Poetry 191, 223
 “Discourse on Irish Affairs” 49–50
 “Letter written to Queen Elizabeth, touching her marriage with Monsieur” 52
 possible influence of Catholic natural-law doctrine on 48, 60–4, 69
 view of Spanish empire 60, 65, 66
- Smerwick 1–4
- Smith, Thomas, Sir 185
- Soto, Domingo de 62–4, 68, 153
- Spain 1–2, 3
 English perception of 145, 157
 role in Bohemian Crisis 204–7
- Spanish
 colonists 71
 conquest of New World 27, 113–14
 empire 44, 65–9
 foreign policy 47–9, 58
 scholasticism, school of 9, 25–6, 35, 60, 62, 64, 69

- Spenser, Edmund 7, 18, 50, 113–25, 185
The Faerie Queene 224–5; Book One 138; Book Two 138; Book Three 45; Book Five 126; Book Six 35, 37–40, 115, 126–141, 217–18; allusion to the Irish context within 127, 134, 136; as allegory of natural law 126, 129, 134; compared to *A View* 128, 134, 136; on courtesy 126; romance characteristics of 141; “Letter to Raleigh” 138–40
Shepherdes Calender 37, 138
A View of the Present State of Ireland 3, 113–25; date of composition of 138; on Brehon law 116; on English common law 116, 120–2; on religion 117; reform of Ireland in 120, 122; use of natural law within 115–20
- Spinola, Ambrogio di Filippo 205
- Starkey, Thomas 183
- Suarez, Francisco 157
- Theocritus 37
- Thirty Years War 222, 228
- tithes 168
- translatio imperii* 162, 185
- treason 200
- Treasure of Amadis of France, The* 23
- Treaty of Asti 211–12
- Trollope, Andrew 119
- Turks
see Ottoman Empire
- Tyler, Margaret 19
The Mirror of Princely Deeds and Knighthood 24–5, 28–9, 44
- Urania, The Countess of Montgomery’s*
see Wroth, Mary, Lady
- Vegetius
De re militari 33
- Venice 22, 61, 205, 211–12
- Vergil, Polydore, 130
- vices, so-called “unnatural” 70–1, 76
- atheism 117
- brigandry 177
- cannibalism 12, 71, 75–6, 117–18, 127, 133
- incest 71–5, 200–3
- nomadism 116–17
- sodomy 71
- Virgil
Eclogues 37, 41
- Vitoria, Francisco de 4, 8, 12–13, 25, 36, 60, 62–4, 69, 104, 148–9, 153
On Dietary Laws 27
On the American Indians 27, 64–5, 71
- Vives, Juan Luis 20
- Walsingham, Francis, Sir 1, 53–4
- Warner, William 7, 19, 37, 103–12
Albions England 106–9, 224; dedicated to Baron Henry Carey of Hunsdon 110; on the conquest of Britain as a prelude to English expansionism 106–7, 108
Continuance of Albions England 109–12; dedicated to Sir Edward Coke 110–11; on unbroken tradition of common law 110–11
Pan His Syrinx 103–6; compared to Sidney’s *Arcadia* 103
- White, R. S. 60
- William the Conqueror 109–10, 121, 162
- Wolsey, Thomas, Cardinal 146, 148, 151–2
- Worden, Blair 17, 48, 51–2
- Writ of injunction 151, 169–70
- Writ of *praemunire* 156, 167, 169–2
 used against Chancery 170
 used against ecclesiastical courts 170
 used against Roman Catholics 170–2
- Writ of prohibition 156, 167–8, 170–1
- Wroth, Mary, Lady 37, 187–8
The Countess of Montgomery’s Urania; Part One 7, 194–203, 221, 225; compromise between laws of love and marriage within 200; importance of love within 198; interpretation of natural law within 200, 209; on absolute monarchy 208; on common law 218; on English treaties with Venice and Savoy 211; on exceptional nature of Britain 209; scenes of usurpation within 203; vision of feminine justice 194; Part Two 208
- Xenophon
Cyropedia 139
- Zaneti, Cristobal 62